

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS,

NAIVASHA CONSTITUENCY,

HELD AT

GILGIL TELECOM INDUSTRIES HALL

ON

Tuesday, 16th July 2002

**CONSTITUENCY PUBLIC HEARINGS, NAIVASHA CONSTITUENCY HELD AT GILGIL TELECOM
INDUSTRIES HALL
ON TUESDAY, 16th JULY 2002**

Present

Com. Githu Muigai
Com. Bishop Bernard Njoroge
Com. Ibrahim Lethome

Secretariat In attendance

Joash Aminga - Program officer
Ambani Osogo - Assistant program officer
Alice Thuo - Verbatim recorder

The meeting was called to order at 9.50 a.m. with Com. Bishop Bernard Njoroge on chair.

Com. Bishop Njoroge: Hamjambo nyote. Karibuni sana. Ingawaje mnahitaji kutukaribisha kwa sababu hapa ndio kwenu, sisi ndio wageni. Sasa nafikiri kwa sababu watu wamekuja, mtu mmoja atuongoze kwa maombi na tukimaliza maombi nitawaambia vile tutaendelea. Sijui nimeona mchungaji hapa. Mchungaji njoo utuombe. Anaweza kutuombea kwa Kimasai.

Tufunge macho tuombe.

Maombi (in kimasai) (inaudible)

Com. Bishop Njoroge: Jina langu naitwa Commissioner Bishop Njoroge na nina wenzangu ambao ningependa wajitambulisha halafu nitawaambia vile tutaendelea.

Ibrahim Lethome: Jina langu ni Ibrahim Lethome. Hamjambo.

Com. Muigai: Hamjambo wananchi wa Gilgil, jina langu ni Githu Muigai.

Com. Bishop Njoroge: Pia tuna wafanyikazi wengine wa Tume. Nitamuita Program Officer kutujulisha wao.

Joash Aminga: Habari zenu. Kwa majina naitwa Joash Aminga, program officer. Wenzangu ni Alice Thuo, ambaye atakuwa akinasa sauti zenu na kuna mwingine atakuwa anachukua mandishi ambaye anaitwa Ambani Osogo.

Com. Bishop Njoroge: Kuna members hapa wa 3C's au members wa kamati ambayo imekuwa ikihusika na mambo haya katika eneo hili, wakisimama tu tuwajue na wajitaje tafadhali. Ndugu unaweza kujitaja ili watu wakujue.

Joseph Ole Kishau: Hamjamboni. Mimi naitwa Joseph Ole Kishau na mimi niko katika committee ya tarafa ya Naivasha ambayo inaendelea hapa ya Katiba. Kwa hivyo mimi ni mmoja wa wanakamati tukiongozwa na mkuu wetu Paul Kirui.

Com. Bishop Njoroge: Sasa nataka kuwaambia vile tutaendelea. Kila mtu atapewa dakika tano kutoa maoni yake na uko huru kutoa maoni yoyote kwa sababu kikao hiki ni huru. Hakuna mtu anaweza kukufuata kwa yale uliyosema katika Tume hii. Sheria ambayo imesimamia shughuli hi inafanya shughuli hii ikuwe huru na yale yote mwananchi atasema itakuwa ni huru na hakuna mtu anaweza kukufuata kwa yale uliyoyasema. Kwa hivyo ujisikie ukiwa huru.

Lakini pia tunahitaji kuwaambia kwamba hatupendi watu kutaja majina ya watu kwa njia isiyofaa. Kwa hivyo tutatumia uhuru wetu kwa njia ambayo haitamdhuru mtu yeyote. Sawa sawa? Kila mtu atapewa dakika tano. Atapewa dakika tano, ukiwa na memorandum, huwezi kusoma memorandum yote. Kwa sababu gani? Kwa sababu hizi memorandum zikienda huko Nairobi katika ofisi yetu, tuna watu ambao wanafanya kazi masaa ishirini na nne na kazi yao ni kungoja hizi memorandum, na kuweza kuchukua yale yaliyoko ndani na kuweka mahali inayofaa.

Kwa hivyo mtu akiwa na memorandum, tafadhalini usisome, tunataka u-highlight. Unasikia? Highlight. Ikiwa ni jambo fulani, pendekeza, sema tuna shida ya afya, kwa hivyo ninapendekeza kwamba tuwe na free health care. Sawa sawa? Usituambie mambo mengi kwa sababu Commissioners hao wako hapa ni Wakenya na tunajua shida zetu. Kwa hivyo kwenda tu kwa mapendekezo. Wacha niseme pia ukitwambia habari ya shida haitaingia katika recommendation. Kitu ambayo itaingia katika recommendation ni yale mapendekezo. Sawa sawa? So, please don't waste your time. Just go to the point straight away. If it is Presidency, say I recommend this. If ni muundo wa Serikali, sema mimi na-recommend hivi. Si tumekubaliana?

Haya basi, mtu atakuja aketi pale na ataanza kuzungumza. Akishakumaliza pale, atakuja hapa, kuna kile kitabu kile nyeusi. Atajiandikisha hapo. Hiyo ni historia yetu ya miaka mingi ijayo. Kwa hivyo tutaanza sasa na nitaita Ayub Njuguna Mwaura. Aje akae pale na apeeane maoni yake. Hayuko? Andrew Muiruri? Njoo. Ikiwa huna memorandum, unaweza kuzungumza kwa mafikira. Karibu.

Andrew Muiruri: Hamjambo. Mimi naitwa Andrew Muiruri, niko na maoni kidogo ninayo ya kusema. Ya kwanza ni

Presidency. Wakati wa elections, naonelea kuwe na elections mara mbili. Moja ya President na kutoka hapo tuende muda kidogo kama miezi sita ndio tuchague Mayors and Councillors.

Ya pili ni President asiwe MP. Awe ni mtu tu wa kawaida. Ya tatu, MPs wawe wakichaguliwa two thirds. Akimaliza tu term anaenda retire. Inigne ni Local Government, iwe abolished. Tuwe tu na town councils headed by the Mayor. Inigne ni Provincial Administration iwe changed, iwe ikiongozwa na Senators. Hawa Senators wawe wakichaguliwa kutoka kwa retired MPs ndio democracy iwe ikifanya kazi kila mahali. Pahali kama North Eastern ni kubwa na inatakikana igawanywe mara mbili. Nasema hilo jina la North Eastern liondolewe, lipewe jina lingine la kiasili.

Halafu Rift Valley nayo iwe mara mbili kwa sababu nayo ni kubwa sana. Constituencies ziwe zikigawiwa funds ile inatoshana. Ziwe na equal status. Constituency kama hii ya Naivasha imekuwa nyuma sana na maendeleo. Tungetaka iinuliwe kwa upande wa barabara, kwa upande wa mahospitali na mambo kama maji ya watu binafsi. Kwa sababu hapa ni arid area hatuna maji.

Ya mwisho ni mambo ya squatters. Hili jina la squatters halinifurahishi hata kidogo. Kwa sababu tuko Kenya yetu hii nzuri na mashamba ni mingi, rasilimali ni nyingi. Hakuna haja ya tuwe na squatters hapa. Kila mtu awe akijisikia yeye ni landlord.

Lingine nilikuwa nimesahau kidogo, kungekuwa na Commission ya industries zetu katika Kenya ambazo zime-collapse. Na hapo ndio mahali pa watu kuandikwa kazi. Tumekuwa na watu wengi bila kazi kwa sababu ya industries zimeporomoka zote. Tuwe na Commission ya ku-probe hayo maneno. Asante sana.

Com. Lethome: Umependekeza Mkoa wa N. Eastern upewe majina ya kiasili. Kama ungefikiria jina lolote basi ungetupatia. Pendekeza.

Andrew Muiruri: Iondolewe iitwe kama Ijara ama Isiolo Province. Something like that.

Com. Bishop Njoroge: Thank you very much. Kwenda pale ujiandikishe. Tupate Mwangi Nyaga. Asante kwa sababu umeenda kwa points, na umetuanzisha vizuri. Mwangi Nyaga.

Mwangi Nyaga: Concerning the Review Commission of our Constitution, I will just deal with three points: The President powers should be curtailed. As you look at the current Constitution, the current President has a lot of powers. For instance, he has the powers to appoint members of Cabinet and to fire at will. So, I was saying that in our current Constitution, the Presidential powers should be curtailed in a way that may be for members of the cabinet, they should be appointed by a select committee and they should not be fired at will. Before may be a Cabinet Minister is fired, he should be given a chance to appeal and defend his case before the select committee.

The next one is Civic Education: We are saying that we are reviewing our Constitution but majority of us Kenyans especially the people in the rural areas do not even know what is a Constitution. So even if you tell them to give views as to what should be reviewed, in the first instance they don't know what is a Constitution and they do not know what is contained in that Constitution. So civic education should be included and should be a right of each and every citizen in this country. For that, when we are saying that we are reviewing the Constitution, they know what is contained in the Constitution and what should be reviewed. So, that Constitution should detail the wishes of many Kenyans.

Then the next one is concerning the Electoral Commission: If we look at the current Constitution, I think the Electoral Commission should be an independent body such that it is independent of the Government of the day. For instance, if you look at the current Electoral Commission, it is somehow controlled by the Government that is currently ruling this country. So, in our new Constitution, we should at least have an Electoral Commission that is independent of any party in this country. So, those are my views.

Com. Bishop Njoroge: Thank you very much Mr. Nyaga. Is there any question Commissioners? Tunaendelea vizuri. Tupate Gordon Omondi. Sawa. Asante, umepeana memorandum? Karanja Njuguna. George Gitau? Ayub Njuguna yuko hapa?

George Gitau: Thank you Mr. Chairman. I would propose that the new Constitution should trim the powers of the President. The second one, issuing of ID's and registration of electoral cards should be continuous until the elections.

Com. Bishop Njoroge: Tukumbushane tufunge simu zetu. Hata mimi yangu imelia na nimesema sorry. Lakini tufunge tafadhali. Ni ya nani hiyo inalia hivyo?

George Gitau: The second one I want to propose that the issuing of ID's and registering of Electoral cards should be continuous and run simultaneously.

The third one: Presidential elections should be held separately from Parliamentary and Civic elections. This is to avoid this method of rigging elections. ‘

Fourth one: Constituency boundaries should be determined by population.

Fifth one: In order for the Members of Parliament to be active, a two-thirds vote should be impeded. If a Member of Parliament is inactive, we should impeach him. I would propose that the new Constitution should fix a date for swearing in a President to avoid rigging in.

The other one, I propose that the new Constitution should let the Cabinet be replaced by secretariat on merit to let in the work

of independence or provincial.

I would also propose that counting of votes should be done at the place of voting. I would also propose that appointment of public officers should be vetted by Parliament.

Lastly, I propose that the new Constitution should include civic education to Secondary schools. Thank you very much.

Com. Bishop Njoroge: Thank you very much George. Njoo hapa ujiandikishe. Joseph Kariuki? Na atafuatwa na James Gichuki.

Joseph Kariuki: Thank you very much Mr. Chairman, my name is Joseph Kariuki and I have the following proposals to make regarding the Review Commission. I propose that the new Constitution should trim and firmly check the powers of the President. I propose that the new Constitution should abolish the existing Provincial Administration that acts as a parallel Government and instead establish Local Administration that will be manned by the elected officials.

I also propose that Presidential elections should be held separately from Parliamentary and Civic. Cabinet Ministers should not be Members of Parliament and they should be appointed by Parliament on merit. Issue of ID cards should go con-currently with the issue of voting cards because they are equal rights to every Kenyan.

Primary education should be free in Kenya. Security of tenure should be introduced so as to guarantee civil servants of their contracts. Constituency boundaries should be determined by population to avoid under-representation. The Electoral Commission should be elected by Parliament. That a certain percentage of national revenue collected within a particular region should be used for the benefits of that particular region. Such as the building infrastructure, telecommunication e.t.c.

I will also propose that civic education should be compulsory at Primary and Secondary schools. I propose too that sex education should also be compulsory at Primary and Secondary school. I also propose that there should be an equitable distribution of land in Kenya with at least a maximum of fifty acres per person. Thank you.

Com. Bishop Njoroge: Thank you very much for those very brief but very clear points. Can you come here and register. Can we have James Gichuki? Thank you very much for doing very well. Karibu James.

James Gichuki: Thank you Mr. Chairman, my first proposal is that the new Constitution should establish an independent Electoral Commission with adequate powers to override, control and manage elections.

Secondly, the new Constitution should make the provision for independent parties to contest elections.

Thirdly, the new Constitution shall declare that Kenya will always remain a multi-party State with provision for State core funding for all political parties.

Fourth, the date of General Elections, should be established under the new Constitution and should be in the third week of November of the fifty year after the five years of General Election.

Lastly, any future Review and amendment of the new Constitution will require procedures involving participation by ordinary citizens and all drafting and ratifying stages with special majority needed to ratify or change before any amendment is put through.

Com. Bishop Njoroge: Thank you very much James for those views. John Kamau. You are James Gichuki? John Kamau.

John Kamau: Good morning, I have got the following as my proposals for the new Constitution.

1. That the new Constitution should establish a new Electoral Commission that is independent, politically neutral and enjoy the confidence of all political parties and people of Kenya.
2. The new Constitution should expressly provide for the rights of all taxpaying citizens, do developments and benefits without discrimination on the basis of political views, gender, ethnicity, age, race, religion or local connections.
3. Referendum to be provided for whenever an important national matter requires to be resolved or guided.
4. The right of every Kenyan information to be acknowledged for information derived should be one that is scenario.
5. The new Constitution should be translated into local languages and be provided free of charge to every citizen upon issuance of an ID.
6. The office of the ombudsman to be established so as to protect the citizens from abuse of office and corruption. Thank you.

Com. Bishop Njoroge: Ayub Njuguna. Please can you do like the rest? Go to the point you are proposing.

Ayub Njuguna: Asante sana kwa kunipea hii nafasi. Yale ningesema yangu ni kwanza, Katiba ambaye ilikuwako wakati kabla ya hii inaendelea, I propose hiyo iendelee na ipunguzwe ambayo inakuja. Kwa sababu wakati wa IPPG, tulikuwa tumepitisha ya kwamba, the current Government, wakati wao ulikuwa ni two thirds, miaka mitano, miezi mitano. Na wakati huu tunapanga

mambo ya Katiba ambayo ni mpya, inaweza kuongewa mambo yake na mambo ingine ikosekane au isahaulike.

Com. Bishop Njoroge: You have made that point. Go to the next one.

Ayub Njuguna: Kuhusu mambo ya elimu, mambo ya elimu nina proposal ya ku-reverse the current syllabus with the old syllabus (7-4-2-3).

Ningeonelea ya kwamba mambo ya elimu...

Com. Bishop Njoroge: There was 7-4-2-3.

Com. Lethome: You want us to revert to that?

Ayub Njuguna: Kwa sababu siku hizi 8-4-4...

Com. Bishop Njoroge: Don't give us sababu. We want recommendations.

Ayub Njuguna: Ningetaka pia Serikali iangalie mambo ya makaa. $\frac{3}{4}$ of the whole population in Kenya wanatumia makaa ambayo tunapata kutoka kwa ma-forest. Na kwa wakati huu, mambo ya makaa imekuwa shida na watu wote hawawezi kuwa wakipata nafasi ya kupata kazi. Hilo ni jambo ambalo tungetaka pia liwe associated na Serikali.

Haya mambo ya Provincial Administration: Mimi ningeonelea mambo ya Provincial Administration, except the DC and the PC, and DO, kiwango ya Senior Chief, Chief awe akichaguliwa na wananchi kwa sababu wananchi ndio wanajua who is best and who is not good in that community.

Kuhusu mambo ya ardhi: Kenya mzima utaona mahali kwingine kuna mchanga mwingi sana mahali. Hata hapa tuko, next tuko na mchango inaitwa Marura estate and Delamere estate. Kulingana na vile tumesoma tunaona ya kwamba Delamere alikuja hapa hata kabla ya akina *guka* hajazaliwa.

Mashamba ambayo iko na lease ya one hundred years iwe distributed kwa watu wa Kenya kwa sababu wengi hawana mashamba. Kuhusu mambo ya Title Deeds, kama mtu amepewa Title Deeds, kama mtu amepewa Title Deeds na Serikali, hiyo ni kitu ambacho kinakuwa respected. Kwa sababu saa ingine unaweza kuwa na Title Deed ya shamba lako, plot yako, na saa ingine unakuta imekuwa grabbed. Umenyang'anywa na watu wengine kwa sababu huna uwezo wa kwenda kortini. Kuna njia zingine unanyang'anywa shamba lako na njia ya udanganyifu kwa sababu sisi watu wa chini we have a problem. Title Deed iwe respected.

Kuhusu mambo ya security: Ningeonelea mambo ya polisi, polisi waongezwe mishahara kwa sababu hapo ndio kiwango cha ukora na udanganyifu. Polisi wakipewa mishahara kubwa, mambo ya ukora hata saa ingine itakosekana. Kwa sababu tunaona kulingana na vile tulikuwa tumesikia ama tulisoma kwa gazeti. Mshahara wa senior police yule mkubwa ni elfu tano. That is so small.

Mambo ya wafanyikazi: Wafanyikazi siku hizi wanaandikwa kulingana na vile watu wanajuana kwa maofisi. Wafanyikazi wawe wakiitwa interviews. Kwa sababu tunaona mahali mtu akiajiriwa ofisi, hata hajui vile ofisi inakuwa run.

Com. Bishop Njoroge: Be employed on merit.

Ayub Njuguna: Yes. Kuhusu mambo ya President. Kiongozi ambaye atakuwapo katika hii Katiba inatengenezwa, awe ni mtu ako na elimu ambayo ni ya hali ya juu kutoka University. Awe ako na degree ya economics. Nchi yetu imeanguka kwa sababu ya hali kama hii.

Com. Bishop Njoroge: La mwisho.

Ayub Njuguna: Mambo ya majimbo. Kuhusu mambo ya nchi yetu, mambo ya majimbo mimi naona hawezi kuwa kwa sababu majimbo inafaa a very big continent like America and India, hao ndio wako na mambo ya Majimbo. It is a very big continent. Nchi yetu ni ndogo sana kwa mambo ya Majimbo. Majimbo haiwezi saidia katika nchi yetu. Inaweza kuwa ukabila ndio umezidi zaidi. Kwa sababu huwezi kuvuka kwenda another State to another State. Utakuwa ukisema hapo ni kwetu.

Ayub Njuguna: The last one, mambo ya political parties. Kuhusu mambo ya vyama. Zimekuwa registered upto almost the number of tribes. Ninge-propose vyama viwe reduced to three. Thank you.

Com. Bishop Njoroge: Commissioners kuna mtu ana swali? Thank you so much. Nataka ku-acknowledge the presence of the District Officer of Gilgil ambaye amekuja na ningempatia nafasi kidogo aweze kutukaribisha rasmi na baadaye tutaendelea. Bwana D.O. Where is the D.O? Okey.

D.O: Commissioners, I want to welcome you here to Gilgil. I just want to tell you to feel free to give your contributions. Feel free to give your views. I will be living shortly but I will join you later in the day. Thank you.

Com. Bishop Njoroge: Thank you very much Bwana D.O. We appreciate your presence and also what we have so far experienced, you people have been helping the process by announcing to the people that we are coming and we do appreciate. Daniel Ole Sayo. Gabriel Njagi? David Njoroge. Karibu David. Ni wewe? Asante. Richard Gitau? Karibu utupatie points. I

think you people really understand what is required because you go to the point and we appreciate. Karibu Richard Gitau.

Richard Gitau: Asante sana. Ya kwanza nilikuwa na nafasi wakati mwingine nikaangalia Katiba yetu lakini sikuona kichwa. It had no title. Sasa ningependekeza pawe na kichwa that is the title of our Constitution.

Second point, although ilizungumzwa na mwingine, nami ningependa tu kusisitiza ya kwamba Bunge letu lingepewa uwezo wa kuteua wafanyikazi wa Serikali kama Ambassadors, Commissioners na wengine badala ya kuwa wakiteuliwa na Rais ama mahali pengine.

Pointi ya tatu, Uchaguzi wetu ufanywe baada ya miaka mitano na ningependekeza katika Katiba yetu kuwe na tarehe maalum ambayo kila mwananchi anajua mwaka wa tano, tarehe fulani kutakuwa na Uchaguzi wa Bunge letu.

Ya nne ni pointi ya hali ya viungo vya Serikali. Viungo vyetu vya Serikali, hiyo ni Bunge, Mahakama na vile vile Central Government wapewe uwezo wao wenyewe badala ya kuwa zinaingiliwa na mtu mwingine kama President ama mwingine yeyote. Wawe free kufanya kazi vile inavyowahusu.

Pointi ingine ambayo imezungumzwa ni hali ya elimu ya Katiba, vile vile nilikuwa napendekeza kuwe na elimu, wananchi wafundishwe hali ya Katiba kwa sababu hii tuliyoko nayo vile vile hatuelewi vile ilivyo, kwa hivyo tuwe na elimu ya kutosha kwa kila mwananchi.

Pointi ya sita ni kuhusu, Makamu wa Rais, badala ya kuwa akiteuliwa na President, ningependekeza awe akichaguliwa na wananchi kama vile Wabunge wanavyochaguliwa.

Pointi ya mwisho Bwana Mwenyekiti nikupendekeza ya kwamba, kuhesabu kwa kura za constituencies ziwe zikifanyika katika Constituency headquarter badala ya Provincial Headquarter. Bwana Mwenyekiti ni hayo tu.

Com. Bishop Njoroge: Thank you very much for those good suggestions. Can you register there with the program officer? Samson Atingo. Afuatwe na Mathew Sawe Chola.

Samson Atingo: Asante kwa nafasi hii ya kutoa maoni yangu. First of all, I would suggest...my name is Samson Atingo and I am glad to be here. My first suggestion is that medical services should be free and I suggest that a body like N.H.I.F should cater even for unemployed people. So, it should be funded actually by the Government also. Apart from the (inaudible) that employ people. So, that it covers everybody even those unemployed ones.

Number two is that land should be set aside by the Government to cater for destitute children so that the responsibility is not left

to NGO's alone. Because these have made problems in our country. I suggest that the Local Government should be given powers to use whatever they collect in their respective localities.

Number three is that Presidential powers should be trimmed. This is to remove (inaudible).

Number four is that Government Ministers should be professionals in their respective Ministries. For example, Ministry of Health should be headed by a medical doctor or something like that.

Number five is that the age limit of the President should be very clear to avoid the scenario we have Presidency.

Com. Bishop Njoroge: What is the age you suggest?

I suggest may be the lower limit should be thirty-five years as it is now and the upper limit should be made sixty five years. The other point is that amendment to the Constitution should originate from the people. As from grass root to upper level. That will may be necessitate a body set in every Constituency to be receiving views from the public and Members of Parliament should liaise with those formed bodies.

The other point is that (inaudible) should be reduced with the (inaudible) requirement, it is presently at fifty years for somebody to benefit. We should lower that age or we may say once somebody is out of employment, he can be paid his or her dues.

Com. Bishop Njoroge: One minute to go.

Samson Atingo: The last one is, the outcome of any Commission set up to probe may be any issue should be made public because it is usually public sponsored. Thank you.

Com. Lethome: A clarification. You are suggesting that any amendment of the Constitution should originate from the people but who effects the amendments? Is it the Parliament.

It is the Parliament. Then the people should present their views at constituency level where the Member of Parliament form that Constituency will collect those suggestions or grievances and take to Parliament for debate.

Com. Bishop Njoroge: Thank you very much Samson. Can we have Mathew Sawe Chumba? Please highlight your memorandum.

Mathew Chumba: Mr. Commissioner Sir, we have not forgotten that one of you left us yesterday, as a member at Gilgil, I

want to extend our sincere sympathy to your Commission and the family. In 1797 when Benjamin Franklin was asked....

Com. Bishop Njoroge: Can you mention your name?

Mathew Chumba: When Benjamin Franklin was asked in 1797, what have you written in the Constitution, he said 'a Republic if you can keep it.' He said a Republic if you can keep. That means the Constitution you are going to make, please write it in such a way that those people who hold the Bible and Koran to defend that Constitution are bound to (inaudible).

Number two, in your preamble in the Constitution, the Constitution should set aside a nation united diversity. A nation that creates its own wealth, a disciplined nation, a nation that shuns handouts and a nation that is created to start afresh. Change of the Constitution should be done through a referendum not Parliament.

War: Who declares war in this country? It is not clarified in any law. It is spoilt and it is a very important subject.

Political parties: Once a new Government has been elected, the question of belonging to this or that party should cease and we should concentrate on national issues. They should die until a new election is coming. Being an MP is a part-time and it should not be pensioned. MPs should be educated enough, not just a question of language.

Com. Lethome: What do you suggest as the level of education?

Mathew Chumba: A minimum of high school education. Ex-prisoners convicts are MPs. If somebody has been convicted, he should not represent anybody. Another one is that the bench at the back – poor people. Right at this moment sometimes do not get justice. I propose that whoever is in a Magistrate Court or a High Court, assessors verdict should be final to avoid any corruptions.

I also want to propose that independent candidates should be evoked. I don't have to go to any party to stand for elections. Then, again, the President should be given a tenure of office. So that is my conclusion, Mr. Chairman Sir, I have a lot of respect to your Commission and I hope we will remember you in future as Alexander Hamiton of Kenya. Thank you.

Com. Bishop Njoroge: One question. I have a question before you go. You said who should declare war?

Mathew Chumba: A President is Commander-in-Chief. I am talking as an experienced military officer. A Commander-in-Chief has a national security advisor or something of the sort and he has a lot of people working for him who will look, strategize, analyze, use all elements of national security before you declare war. We had a problem with Somali in Kenya in 1989, I am telling you we saw our military running around like chicken. So, that should be clarified. Even now we

have a problem, we don't know who is going to declare war.

Com. Bishop Njoroge: Thank you very much. Asante sana Mzee kwa sababu maoni yako ni mazuri na ya kuweka nchi hii katika hali ya kuendelea. Si ni kweli? Thank you very much. Can we have Rev. Solomon Ng'ang'a na atafuatwa na John Karanja Gakunyu. Yuko? Pointi pointi kama...

Rev. Solomon Ng'ang'a: Bwana Mwenyekiti na wana-Commission na wazee wa kazi hamjambo. Nina sehemu mbili tu ambazo ningependa kupendekeza. Ya kwanza ni Serikali za mitaa, Local Government. Kuna shida ambayo unakuta kuna Serikali za Majimbo, Provincial Administration. Mimi ningependekeza Serikali au utawala wa Provincial ufutwe kabisa. Ufutwe kabisa. Ili utawala tunaouchagua Councillors na Ma-Chairmen wapewe uwezo wa kuendeleza sehemu zao. Maana kumekuwa na mabishano makubwa sana katika tawala hizo mbili.

Jambo la pili, usalama wa nchi kwa jumla, tunao watu ambao katika maendeleo, katika elimu wana tofauti tofauti mbali mbali. Wengine wetu ni wachungaji. Kuna wengine sasa kama Kenya iko huru atakwambia Kenya haijapata uhuru. Sio makosa yao. Kwa hivyo mimi ningependekeza kwa Commission hii, tuwe na usalama unaolindwa na Upper House, Senate ambayo kila Senator atashughulikia district au wilaya yake kuona usalama na hali ya maisha ya watu imelindwa. Ni hayo tu Mwenyekiti.

Com. Bishop Njoroge: Asante sana Mchungaji kwa hayo maneno muhimu. Kuna swali.

Com. Muigai: Ningependa Reverend kukuuliza kama tukiwa na Senate ya kila District, kama kutakuwa wajumbe wabunge?

Rev. Solomon Ng'ang'a: Ningependekeza tuwe na Upper House elected Senators.

Com. Muigai: Currently with a Lower House?

Rev. Solomon Ng'ang'a: Yes.

Com. Muigai: Thank you very much.

Com. Bishop Njoroge: Tumpate John Karanja.

John Karanja: Hamjamboni Wakenya. In my recommendations, I have at least five or six views.

1. I would recommend all constituencies to have at least the same number of electorates.
2. Electoral Commission should be elected by the Parliament.

3. The Constitution should indicate how the Vice President should be elected and not nominated.
4. It should indicate and define the Vice-President roles.
5. The Constitution should indicate how the elections should have its timetable.
6. It should have our National Anthem.
7. Last, the twenty five percent of the Constitution should be abolished. Thank you.

Com. Bishop Njoroge: For those who have just come, the people in front of you are Commissioner Ibrahim Lethome, Commissioner Bishop Bernard Njoroge and Commissioner Dr. Githu Muiga. Kwa sababu kuna wengine wameingia saa hii. Joseph Gichure? Tafadhali tupatie mapendekezo.

John Karanja: Thank you Chairman, the proposes I have here are recommendations from some few people and I am going to read them as they are. On the side of Administration, in the new Constitution, the entire Provincial Administration should be abolished or scrapped and replaced with a democratic institution that is directly elected by the people.

Presidency: That the new Constitution must enshrine the principle of separation of powers among the various arms of branches of Government and force limitation of powers. As such, the Executive powers must be trimmed and shaped.

Education: That there should be free compulsory primary education. To scrap 8-4-4 system of education and replace it with 8-4-2-3.

Last that the new Constitution should nullify Titles to illegally acquired land and (inaudible) land public ownership. Prohibit land circulation, set maximum limit of land ownership to e.g. Sixty thousand acres on large-scale farms, taxable, more than that should be acquired by the Government and given to the landless. That there should be no interference whatsoever from any quarter.

Natural Resources: Political patronage should not interfere with our natural resources.

Local Government: That the new Constitution should protect inhabitants of informal settlement from State or Local Government harassment while expressly recognizing and protecting rights of residency, users and occupation of such areas. Further ablated prohibition of allocation or privatization of public land in current use or occupation should be imposed unless or until suitable alternatives are found.

Parliament: That the Constitution should create mechanism for Parliament and the people of Kenya to sanction policies and conditionality described by the donors in order to ensure that the objective interests of Kenyans are not compromised.

We recommend that there should be a clear and appropriate separation of powers between the Executive, Legislature and

Judicial branches of Government. These powers should be limited. There should be appropriate checks and balances to ensure good management, transparency and accountability.

Political Parties: That the political parties should not be more than three and be funded by the Government. That appointment to the Public offices should be vetted by Parliament. That the new Constitution must acknowledge and protect the rights of our people to freedom of movement and residency in any part of the Republic and ownership of property.

That, the new Constitution should guarantee all adult and unfettered right to a passport and national ID. Those are the proposals which we recommend.

Last but not least, ningetaka kusema kidogo mambo ya polisi. Kama mwenzangu alivyosema, tungependa waongezwe mishahara ndio mambo ya corruption iwe hakuna.

Com. Bishop Njoroge: Sawa hiyo tumepata.

Na uniform yao iwe changed to another beautiful colour either white kwa sababu ile wanafaa siku hizi, hata policeman akiingia katika Church, watoto wataona kama as if he is coming to arrest somebody in the church. Kwa vile hiyo uniform imekuwa sasa inaonekana ni kama ya watu ambao wanashikana tu.

Com. Bishop Njoroge: Thank you very much Gichure.

Clapping from the audience.

Com. Bishop Njoroge: Bwana Gichure, tafadhali kuja ujiandikishe. Tupate Francis Kiruri, akifuatwa na Gideon Gaturu. Okey. Sawa. Karibu.

Francis Kiruri: Thank you Chairman na Commissioners wako na wananchi wote hamjambo. Yangu Bwana Chairman.

Com. Bishop Njoroge: Sema jina lako.

Francis Kiruri: Naitwa Francis Kiruri. Yangu ningeanza, pengine uniruhusu nikuulize swali. Umekubali? Swali langu, kutoka wakati hii Constitution iliandikwa, imerekebishwa kidogo kidogo mpaka sasa ama imerekebishwe siku ngapi?

Com. Bishop Njoroge: Mara thelathini na tisa.

Francis Kiruri: Mara thelathini na tisa. Thank you. Sasa ngoja niingie pahali yangu sasa. Ningependa hii Katiba isiwe inarekebishwa kila wakati bila wananchi kujua. Hilo ni jambo moja. Jambo la pili, ningependa dawa yeyote ya Serikali ikiwezekana iwekwe mhuli kwa sababu tumekuwa na ukora. Mtu anafungua hospitali, anauuzia private hospital. Iwekwe mhuli, hata ikiwa ni tablets.

Jambo la pili ningezungumzia habari ya documents. Mimi ningependekeza mwananchi ambaye yuko na kipande, Serikali ichukue hatua ya kumpatia document ya Katiba awe akijua ni kitu gani kinafanyika katika nchi hii.

Jambo lingine ni habari ya Members of Parliament. Kuna Wabunge wengine wanashughulika na watu wao yaani voters, about 80,000 na ukienda kwa Mbunge mwingine anashughulikia watu mia mbili. Hapo ningependa hao watu ambao wako na 80,000 waongezewe Wabunge.

Jambo lingine ningependekeza ni habari ya kusema. Tuwe na freedom katika Kenya ya kusema. Sasa nikija hapa nikitaka kuuliza tuseme Commissioner swali, naambiwa wewe wacha. Tuwe na freedom ya kuongea.

Jambo lingine ni habari ya Wanakenya, wananchi wasiwekewe vikwazo ya kwenda ng'ambo. Wapewe haraka haraka kwa sababu anaweza kutuletea jambo lingine kutoka ng'ambo. Lakini mtu wa kutoka ng'ambo iwe very tight.

Jambo lingine ni habari ya maji. Mimi ningependekeza Serikali yetu ama hii Katiba yetu iangalie habari ya maji kwa sababu maji ni uhai. Ukiendelea hapa katika nchi yetu, unakuta watu wengine wanatumia maji ovyo ovyo, Serikali inatoza pesa nyingi kwa maji na hapo ndipo wangepata pesa ya kujisaidia kama hayo maji yangeangaliwa kwa njia mzuri. Hast maji machafu ni mazuri, inafanya kazi.

Jambo lingine ningezungumzia habari ya traditional dancers. Hii iangaliwe kabisa kwa Katiba kwa sababu nyimbo wakati watu wa zamani walikuwa wakiimba, walikuwa wakitupatia mawaidha. Lakini siku hizi ni disco. Disco haitufundishi tabia mzuri. Kwa hivyo tradition irekebishwe kabisa kabisa.

Jambo lingine ningezungumzia ni habari ya retired officers kama mimi na wengine. Retired officers wawekewe sheria hata ikiwa ni badge wawe wakiweka hapa. Akiingia kwa ofisi, anaingia very freely hata pengine anapewa heshima anaingia mara ya kwanza. Ukienda kwa nchi zingine, mtu anaandikwa hapa, anapewa badge 'senior citizen.' Anaingia mara moja lakini hapa Kenya, pengine ulikuwa DC, PC, ukitaka kuingia kwa ofisi unaambiwa, 'wewe Mzee ngoja huko nje.' Sasa hiyo irekebishwe.

Ya kumalizia ningeliza Commission hii, wakati wa kumaliza kazi, itupatie document tuwe tukiangalia ni kitu gani tulikuwa tukisema. Asante sana Bwana Chairman.

Com. Bishop Njoroge: Ningetaka kusema hapo kwa sababu huyu Mzee amesema hivyo. Sijui kama mnajua mwisho wa mwezi huu tunamaliza kazi hii ya kuchukua maoni. Tutamalizia na Western Province na tutaketi chini sasa tuandike report za kila constituency na sasa pia inaendelea hata sasa. Halafu tuandike report ya national. Halafu tuje na Draft Bill, tukishafanya hivyo, tutaleta hizo ripoti zote pamoja na Draft Bill muone kama yale yameandikwa ni yale mliosema. Kwa hivyo hakuna mahali itapotelea na baadaye ndio tutakuwa na ile inaitwa National Conference.

National Conference itakuwa na Wabunge wote, mtu mmoja kutoka kwa political party. Itakuwa na watu wa makanisa na civil society watu mia moja thelathini na tisa na itakuwa pia na watu watatu kutoka kwa kila district. Wote watakuwa watu mia sita karibu na hamsini na watakuja wapewe hizo documents, ndio watakuja na Katiba waseme hiyo ndio Katiba ya Kenya. Kwa hivyo hakuna mahali itapotelea na ukisikia Commission ikisema kuwa tunataka kufuata hatua, ni ili kwamba tukimalizia, iwe ni vile watu walivyosema. Sawa sawa? Kwa hivyo Mzee usiwe na mashaka. Tupate G.N. Kariuki, akifuatwa na Dickson Macharia. Dickson Macharia? Aje basi. Jina lake ni nani? Umejiandikisha? Unaitwa nani? Karibu hapa.

Bernard Wainaina: Asante sana.

Com. Bishop Njoroge: Anza kwa jina ili iingie katika record.

Bernard Wainaina: Jina naitwa Bernard Wainaina. Maoni yangu ni kuhusu kazi. Kutoka wakati wa uhuru, sheria za ardhi zimekuwa hazijaangaliwa vizuri. Sababu tuseme wengi wetu sisi Wanakenya, hatujakuwa na mashamba vile tunatakiwa. Hasa tuseme hatuna mashamba.

Com. Bishop Njoroge: Can you recommend?

Bernard Wainaina: Sasa na-recommend iwe sheria mtu asiwe akipata zaidi ya acre elfu moja. Ya pili, mimi na-recommend, Chief awe akiwa-elected na wananchi pamoja na kamati yake. Halafu sasa, Wabunge wamekuwa wakinyanyasa watu sana hasa wakati wa kuzunguka, wanazunguka pahali walipatiwa kura sana. Sasa hawazunguki pahali pengine ambapo hawapata kura, sasa ningehimiza tu iwe sheria wawe wakizunguka, kila pahali wawe na timetable yao ya kuzunguka kila ward. Halafu Presidential powers ziwe limited. Kama Police Commissioner awe akiwa appointed by the Parliament na Mkuu wa Jeshi na Judicial officers. President asiwe na powers zile ambazo atakuwa akinyanyasa wananchi nazo. Kwa hivyo ziwe trimmed.

Pointi ingine nataka kutoa, kwa sababu Kenya imekuwa na ukabila sana, Parliament ichague kamati ambayo itakuwa ikipigana na mtu yeyote ambaye atakuwa akileta ukabila katika nchi yetu. Sheria iwe, huyo mtu awe-dealt with.

Halafu sasa ni mambo ya irrigation. Serikali tungeomba sana katika Katiba mpya ijaribu sana maanake tuko na resources nyingi sana za irrigation, Serikali itusaidie mpaka tuweze kufanya irrigation vile tunataka maanake tuko na ziwa mingi. Kama tuko na L.

Naivasha, L. Victoria, na tuko na mito mikubwa kama vile Tana River, Athi River, sas uwe tukitumia hiyo maji isiwe ikipoteya bure. Tusiwe tuki-import chakula nje. Asante sana. Sina nyingine.

Com. Bishop Njoroge: Asante sana Bwana Wainaina. Tafadhali njoo ujiandikishe pale. James Chola. James Macharia. Akifuatwa na Justus Kigen. Points.

James Macharia: Hamjambo nyote. Yangu ni pendekezo tu kulingana na vile ningenelea ingekuwa vizuri. Yangu inahusu MPs na Councillors. Tumekuwa na wengine ambao wamekuwa ni wapotovu sana. Mtu akishachaguliwa anakuwa ni mtu ambaye haonekani tena. Na wengine wamekuwa tena ni very loose. Mimi ningependekeza kuwe na sheria ambayo inakubali wananchi ambao waliwachagua wawe wanaweza kuwaondoa wakati wanakuwa nuisance.

Ya pili ningependekeza kunapopatikana hizi ofisi za public, kunazo public offices kama hawa Chairmen wa Parastatal. Kuna wengine wamekuwa wakipewa viti viwili. Unasikia mmoja ni Chairman huku, mwingine ni Chairman huku na mwingine huku. Iwe ni one person, one office.

Lingine ni hii Constitution ambayo inatengezwa, iwe distributed yaani katika public tunaweza kupata copy mtu akitaka. Kama itapatikana kutoka kwa ofisi zenu, kama ni kwa Government printers, iwe ni kitu accessible tunaweza kuipata vizuri.

Electoral Commission, ningeliza isiwe partisan katika upande wowote. Ya mwisho, nikuweka umuhimu kama vile ilivyo, hii two five-year terms for President should remain the same. Isije ika-change waongeze ama wafanyie kitu ingine. Ikae tu vile. Thank you.

Com. Bishop Njoroge: Thank you very much. Bwana Macharia njoo ujiandikishe. Justus Kigen, atafuatwa na Wilson Kirui. Wilson Kirui yuko?

Justus Kigen: The Review Commissioners, my contribution and wishes are towards the bursary towards the bursary for Secondary school students.

Com. Bishop Njoroge: Can you mention your name?

Justus Kigen: My name is Justus Kigen. My contribution and wishes are towards the bursary for Secondary school students. It could be better if a committee could be formed from each location which will include church leaders and administration, such that the selection of students to benefit could be done in a more dignified manner. We shall help may be a class eight pupil from a poor family to go for further Secondary school studies. Also, forms shall be introduced such that a written report including occupation of the parents, the number of schooling pupils from a family will be at some point contributing to the division of the

bursary fund.

Lastly, it will be good if the Government would introduce constituency offices where Parliamentarians shall be meeting their constituents. An office to be introduced in a Constituency Headquarter so that the contact of the Parliamentarians and the constituents shall be easier.

The following point I shall make as a major point, I will not give explanation. Government to introduce Polytechnics basing on Primary education as minimum qualification.

Government to form a committee to review the use of funds of Local Government. Each Province should elect a Member of Parliament to lead the Province or rather to supervise the Province. Appointment of the Vice President be disqualified. That is the Vice President should not be appointed at all. Government also to create residential areas in several places for its residents instead of providing land to some people. Thank you.

Com. Bishop Njoroge: Thank you very much Bwana Justus, utajiandikisha hapo. Kirui? Na Robert Kamau Ngugi yuko? Samuel Kimani? Robert Kamau Ngugi yuko? Huyu ni Ngugi kutoka 28 Gilgil. Ni wewe? Sio wewe. Wewe keti kidogo. Bwana Kirui? Tuendeleo.

Wilson Kirui: My names are Wilson Kirui and I have my proposals. First, I propose that the powers of the President be trimmed. Secondly, all Presidential candidates must have their running mates. That is we should elect the Vice President directly and not to be appointed by the President.

Another point is on election of Members of Parliament, we have seen that a Member of Parliament goes to a party, seeks for nomination, he fails it. He goes to another party. He fails. He goes to the third one, in that one he is nominated and he goes to Parliament. That person is not a leader at all. So, we should have a law that prohibits people from defecting from one party to the other.

Candidates seeking for elections to Local Authority must have minimum education of form four with at least Division III. Mayors of municipalities should be elected directly by the people and to serve for a period of five years. We should also have a fixed date of elections to avoid the incumbent President using it as a surprise weapon to win elections.

The Constitution should also allow for independent candidates to vie for elections. That is Parliamentary and Local Authority. On appointment of Chief Executive officers, all appointments of Chief Executive officers to various bodies, organizations and Parastatals in the country, must be vetted by Parliament and only names of short listed candidates to be presented to the President to pick on one of them to serve for a period of four years, which is renewable on expiry.

All Permanent Secretaries to the various Government Ministries should be appointed to the respective posts based on professionalism. I don't know whether you will allow me to give an example?

Com. Bishop Njoroge: No. Go on.

Wilson Kirui: Parliament should also vet the appointments. On Government Parastatals, we should have an external Auditor to audit all Government Parastatals to curb mis-use of office and funds. The Government should have a maximum of sixteen ministries.

Lastly, on education: In order to eliminate confusion created by (inaudible), students admitted to public Universities, should have their names published in the local daily. An instruction on when and where to collect the admission letters be stated. That is all I have. Thank you.

Com. Bishop Njoroge: Thank you very much. Can you give your memorandum because we are going to work on it. Can we have Samuel Kimani? Register yourself. Samuel Kimani yuko wapi? Hayuko. Robinson Kuruget? Hayuko. Joseph Maina Gathundu. Wewe unaitwa nani? Okey.

Joseph Maina: Thank you very much Mr. Chairman, my proposals are here although some of them have been presented but I would like to present also. The sitting President or the sitting Government should protect the right of ownership in this country. The Title Deed and any other document issued by the Government should be given protection by the same Government to avoid any inconvenience. The Government should protect this document and the boundaries just like the way it does to the boundaries of this country. There should be no (inaudible) ownership in this country to avoid any confrontations of the communities in the country.

Judicial harassment: The Constitution should protect Kenyans from the Judicial harassment whereby you will find an innocent person being thrown into prison remand just because of very petty issues. The President of this nation should not hold the election date as his weapon. The President of the country should be vetted by a select committee to ascertain his conduct.

Presidential trips: The Presidential entourage should have a purpose to avoid mis-use of public funds.

The sitting Government should have an obligation to support all registered parties. I think those are enough Mr. Chairman because others have been presented.

Com.Lethome: A clarification Mr. Joseph. You said that the Government should be under an obligation to support or register political parties? Don't you think that will encourage more political parties mushrooming? Because if I know that I will be

funded by the Government, what stops me from bringing together my family and forming another political party.

Joseph Maina: My point was, Mr. Commissioner that all these political parties should be limited. We should have at least eight political parties. So that...is it clear?

Com. Bishop Njoroge: Thank you. Is Fredrick Kagai Gichuru here? You are Fredrick. You have just come. Unaweza kuzungumza lugha gani?

Fredrick Kagai Gichuru: Ningeweza kuzungumza Kiswahili. Hii Kizungu sijui inasema namna gani.

Com. Bishop Njoroge: Wacheni niwaambieni hivi, yale maoni ambayo mnazungumza ni kwa ajili yetu. Sawasawa? Sio kwa ajili yenu. Kwa hivyo akiweza kuzungumza na Kiswahili au Kiingereza, ana haki ya kufanya nini? Hivyo. Kwa sababu sisi ndio tunataka maoni. Lakini ukiwa mwanasiasa na ungetaka wasikie vile unasema, ile upate kura lakini maoni ni kwetu. Haya zungumza Kiswahili.

Fredrick Kagai Gichuru: Enyewe mimi ni mwanasiasa. Lakini naweza kutoa maoni ya kwamba.

Com. Lethome: Jina?

Fredrick Kagai Gichuru: Fredrick Kagai Gichuru. Ya kwanza ningetaka kusema ya kwamba Rais anayekuja, tuwe na Rais anayesoma vizuri. Awe na degrees kadha. Kwanzia hata mbili na kuendelea. Yaani anaweza kuwa na mbili au tatu. Degrees. Kwanza ya economy ndio inaweza kutusaidia sisi. Ya economy iwe pale kwanza maanake ndio anaweza kutulinda vizuri tupate kushiba.

Ya pili, tungetaka kama Mawaziri, wakati wanachaguliwa achaguliwe kulingana na masomo yake vile alisoma. Kama alisomea degree ya Health, asije akapewe kazi ya ukulima. Na yeye alisomea udaktari. Hapa kwetu unaweza kuona mtu anarushwa kwa ukulima na ni daktari. Hayo ni matatizo. Nikiongeza hapo kwa mfano kama County Councils zile tuko nazo, wapewe uwezo. County Council wapewe uwezo wale wako katika Mkoa huu kwa mfano kama Gilgil. Wawe na uwezo wa kuendesha town yao. Wenyeji hapa. Isiwe ni kutoka nje. Wenyeji hapa, wawe wanapewa uwezo wa kuendesha kazi yao kuliko kutoka nje.

Ningependa wakati wa kupiga kura, kura ziwe zinahesabiwa pale pale kwenye kituo cha kupigia kura. Badala ya kusafirisha masanduku hapa na pale. Ikiwezekana iwe inahesabiwa pale pale. Tuwe na siku ya Uchaguzi, kila baada ya miaka mitano Rais akimaliza kipindi chake na isiwe ya kuongezwa ongezwa na Wabunge pale wenyewe vile wanataka kuongeza. Katiba iheshimiwe. Kipindi cha miaka tano ikiisha, tungependa kuwe na Uchaguzi na date itajwe. Kama ikiwa nikuanzia December, tutaje ni siku fulani ndio itakuwa. Wananchi wa Kenya wajue siku fulani December tunakuanga na Uchaguzi. Baada ya miaka

mitano. Ikifika kipindi cha miaka kumi, asiongezwe na asijaribu kusongesha songesha.

Laughter from the audience.

Fredrick Kagai Gichuru: Nafikiri ni hayo tu mwenyekiti asante.

Com. Lethome: Kuna kitu kidogo ningependa ufafanue. Umesema muda wa Bunge usiwe ni wa kuongezwa ongezwa. Unajua Katiba ile tuliyoko nayo hivi sasa inasema, kuna sababu moja tu ambayo inaweza kutukubalia tuongeze, ikiwa Kenya iko katika vita. Sasa katika hii mpya, ungependa tuwe na sababu ambayo inaweza kutukubali tuongeze ama.....

Kunaweza kuwa na sababu ya kutosha kama ya vita kama hiyo. Maanake kukiwa na vita hamuwezi kuchaguana. Lakini kama hakuna vita, tunaweza kuchaguana.

Com. Lethome: What about nomination of MPs?

Fredrick Kagai Gichuru: Review? Hii sasa inayokuja now and then, lazima nayo iangaliwe tusije.....unakuja kwa mfano Kenya iko na mitego mingi inataka kunasa watu. Kwa hivyo hatujui ni kitu gani kinaendelea.

Com. Bishop Njoroge: Njoo hapa ujiandikishe. Kweli kuna mitego. Henry Ndung'u yuko wapi? Paul Waweru? Maina Wahome. Akifuatwa na Bidan Mwaura. Observer? Ian Mwangi, ndio utamfuata.

Maina Wahome: Chairman, Review Team, Members of Gilgil, hamjambo. I have some points that I would like to present. Kitu cha kwanza ni education. Masomo irudishwe vile ilikuwa zamani. Nikiwa hapo hapo, Mwalimu apewe heshima inayomfaa. Sisi vile tulivyo hapa, Mwalimu ndio ametuwezesha, hata vile umeshika kalamu ni Mwalimu. Mwalimu apewe mshahara unaomtosha. Ndio hizi shule za academy ambazo zinafunguliwa na wale wako na pesa, ziweze kufungwa.

Kitu cha pili ni medical. Serikali itibu watu kulingana na vile inavyoandika. Kama hapa sasa watu wa Gilgil tumechoka na kuona uchi ya mtu mzima kabisa juu ya hii hospitali hii tuliyo nayo hapa. Hospitali itunzwe kama hao watu tuko nao hapa, vichwa zao hapana mzuri na watunzwe kabisa.

Com. Lethome: Wako wapi?

Maina Wahome: Kwa hospitali iliyo hapa. Hospitali kama hao watu ambao ni wagonjwa. Serikali iwawekee fence, kama inaweza kuwekea jela, hata hao watu wetu wawekewe fence inayowafaa.

Kitu cha tatu, ni uchumi wa Kenya umeenda juu sana na watu wengi tunaona wanakunywa pombe, Serikali iwatengenezee pombe ile halali wataweza kukunywa.

Com. Bishop Njoroge: Uchumi umeenda juu?

Maina Wahome: Umeenda juu sana.

Laughter from the audience.

Maina Wahome: Okey. Sawa sawa. Umeenda chini na mwananchi wa kawaida kuna wengine ambao kama wale wanakunywa kumi kumi unasikia wanakufa. Watengenezewe pombe ile inayowafaa na hiyo pombe wasiwe wanakamatwa na polisi kama ile inauzwa Naivasha, wanauziwa hapa, wakikutwa wakikunywa, wanakamatwa wanapelekwa polisi. Pombe kama hiyo ifungwe na Serikali iwatengenezee ile pombe inawafaa.

Ya tatu, yule mtu ata-fuel tribal clashes, atayesikika aki-fuel tribal clashes afungwe maisha ama ahukumiwe kulingana na vile sheria itaundwa.

Ya tatu, ni kwa military, hii political ranks ile inasemekana from Lieutenant, Colonel and above, hawa watu ni political ranks. The political ranks in military to be abolished. Pia nikiwa hpao tu kwa jeshi, jeshi iandike Magistrates, waandikie Magistrates wa kusikiza kesi za wanajeshi sio mtu mmoja Commander. Waandike Magistrates kama vile wanaandika Lawyers wakusikiza hayo matatizo yao. Terms and conditions of servicemen to be reviewed na wote wapewe pesa ya nyumba. Unakuta wengine ni mtu anakaa kwa cube. Pia nyumba za polisi zitengenezwe. Their welfare to be looked at ndio hata sisi wenyewe tuweze kukaa na njia inayofaa.

Recruitment in Government organizations kama polisi, jeshi, iwe ikifanywa kama Serikali inataka watu hamsini, kwa District iwe inachukuliwa mtu mmoja mmoja. Sio unakuta district moja ndio inashikilia katika upande wa Serikali. Tribal lines in Government offices iangaliwe kabisa. Watu wawe wakichanganywa changanywa. Ni hayo tu Mwenyekiti.

Com. Bishop Njoroge: Asante sana. Ian Mwangi, tafadhali. Kila mtu akizungumza anaenda pale anajiandikisha. P.N. Walien. Utamfuata.

Ian Mwangi: My first recommendation is on the new Constitution to allow the public servants and teachers who resign to contest for electoral posts, be re-instated unconditionally if they fail to capture the seat.

On health, I would recommend the new Constitution to vigorously look into the activities of NGOs dealing the H.I.V. Aids

epidemic and the street children issues. Because most of the NGOs are now soliciting funds from donors to enrich themselves.

On the freedom of worship, I would also recommend the new Constitution to seriously investigate religion and cults that are registered to avoid what we have in our country today. On pensions for the aged, it is my recommendation that the new Constitution establishes homes for the elderly people in the rural areas to cater for their medical, food and clothing. Thank you.

Com. Muigai: Can you just explain to me why a civil servant would need to resign? Say I am a school teacher and I want to be a Councillor, why should I resign from teaching.

Ian Mwangi: You resign from teaching because the two cannot go together but then thereafter we have teachers and we have public servants who are also politicians.

Com. Muigai: If I am elected as a Councillor, I should resign so that I can go and serve in the council. Let us say I am the doctor in this hospital, but I want to go and stand in Nakuru as Mayor and I go there and loose, why shouldn't I come back to my job.

Ian Mwangi: That is what I am recommending.

Com. Muigai: So, that is what you are saying. But, there is another category of people; if you are a Permanent Secretary in the Office of the President, should you stand for elections before stepping down from that job? So we should make that distinction. Thank you.

Com. Bishop Njoroge: Thank you very much. Kuja ujiandikishe. A. K. Malwa. J.K. Kigen.

P.N. Walien: My name is P.N. Walien. I am not going to talk about the working of the Government which people are talking here. My proposal is about the Presidency because we have more leaders than the voters here. I propose that there should be collective Presidency in the country. I hope it is clear to you. You know collective, suppose we have one President for seven years, you will have seven Presidents, every year one President takes the chairmanship of the Presidency.

Com. Lethome: Should be rotational?

P.N. Walien: Yes. Should be by rotation and after serving one year he should quit, the next one sits. Because everybody wants to become the President. Let there be collective Presidency by rotation. The second thing about the Legislature, I will answer to this because the country is very poor economically. Some people made it very poor. So, there should be only a single chamber of the Parliament. Meaning uni-cameral system not bio-cameral system which has been proposed by some of the

people. Members of Parliament should be limited because if all the Resources go to the Members of the Parliament, we will actually have nothing left for the people and the people will be hungry on the roads.

The third proposal is on the Judiciary. I am not quoting a particular Judge or some person, over the Judiciary as a whole. The Judicial system is very corrupt. Why is it corrupt? Because there is no system of appointments. Anybody can be the Judge, anybody can be... there is no training for them. Any politician who is a Judicial officer or is a Lawyer can be promoted even overnight. He can be promoted to become a Judge.

It is my proposal that Judges should be of high integrity and character. They should be highly educated but more so the Lawyers they don't want to be called Judges because the salaries of the Judges is lower than the income they earn in the companies. So, there should be proper emoluments according to the needs, according to the security and the tenure should be longer. So that they should not be... you know there are so many politicians friends to the Judges. One day somebody gunshot a Judge to change the judgment (inaudible). Tomorrow there is no Judge, he will die if he doesn't change the judgment. So, there should be proper security of the Judges, of the tenure, life, medical, all these securities should be given to them.

I don't want to speak about the repeal laws that these people are talking. They confuse between Government and the Constitution. But, I want to give you a simple example, there is one proposal that was given by one of the businessmen who has just left. About the Civil Constitution and Criminal Law and about the qualifications to become the Member of Parliament. I tell you, there should not be educational qualifications attached to any political office. I think I am more educated but I am seeing the people are very intelligent here. They are giving very good proposals. Even if they have not gone to the school, the businessman has not gone to the school but he is intelligent. So, there should not be any educational qualifications attached to Councillors, attached to the Members of the Parliament and attached to the Presidency also. I give you a simple example, how many graduates are in the bureaucracy? All are graduates. But what are they doing? You give them money, they will do your job. Then why are you attaching the qualifications to the Councillors and Members of Parliament and others? How many graduates are sitting in the secretariat? And what are they doing? You show them *masai moja* and they start dancing. So, about the Electoral, it should be the duty of the Government and then we take the people who are decent, who are educated and when they come to the Electorate, it is their duties, we should not have the whole of...many people here talk about the pensioners, there should be shambas, there should be health. This is the duty of those people who are there; it is not the duty of you people to listen. You should listen about the principles of the Constitution and one thing I want to add about the Civil Constitution and Criminal Law, you know it is part of the Judiciary that there should be fixed times to settle the case. Today if I have filed a suite within six months, a decision has to become. After five days, the file should go to the courts. After next hearing, second hearing, the case must be decided. People die here and the cases (inaudible).

One more I want to give you, I had forgotten is about the Executive, that this system should be two thirds in the country. The country is very small. People talk about (inaudible), people talk about taxations. I suggest that there should be only two thirds

system and this Provincial Administration is the most corrupt institution in the country. If an order comes from the highest command, PC will interfere with the Local Administration. From the Local Councillor, he will go to the DC, who will direct to the Chief.

Com. Lethome: What do you recommend about this system?

P.N. Walien: I recommend that this system should be scrapped kabisa. There should be two systems only, National and the Local.

Com. Bishop Njoroge: Thank you very much.

P.N. Walien: If there is any question I will answer it.

Com. Bishop Njoroge: No question.

Com. Lethome: You suggested rightly that Judicial officials should be people of integrity and good morals. But, who appoints them. You did not tell us who will appoint Judicial officers?

P.N. Walien: Judicial officers will be appointed through Judicial Government (inaudible) should be made.

Com. Lethome: And who appoints them first. Is it the Judicial Service Commission?

P.N. Walien: Judicial public service should be funded by the Government. This you are making, the Constitution is (inaudible) of the Government, Legislature and the Judiciary and it is the duty of our lawmakers. If a lawmaker is bad, he should be prohibited to go there. That lawmaker cannot go to the Parliament. If the people are bad, the Parliament is bad, he will make a bad law, he should not go to the Parliament.

Com. Bishop Njoroge: Thank you very much. Can you register there? Gabriel Kamau? Observer. George K. Mureithi? Boniface Thuo. Charles Kironga?

Boniface Thuo: Asante Bwana Mwenyekiti na Ma-Commissioners na participants, I have thirteen points to make. My name is Boniface Thuo. Ya kwanza nataka kuongea mambo ya uchaguzi wa Rais. Pendekezo langu ni kwamba, Rais achaguliwe directly na wananchi na asiwe wa chama chochote. Achaguliwe kama kanisa vile tunachagua viongozi wa kanisa. Sababu ni kwamba, kama Rais atachaguliwa wa chama fulani, akichukua hicho kiti, atahakikisha na atatumia mbinu zote kumaliza wale Ma-Chairmen wengine wa vyama vingine.

Wadhifa wa Waziri Mkuu, ningependekeza asiwe appointed na President. Waziri Mkuu achaguliwe straight kutoka grassroot. Achaguliwe na wananchi na awe wa chama. Huyu anaweza kuwa wa chama chochote cha kisiasa. Aunde na asimamie vizuri Serikali bila kusulutishwa na yule atakuwa juu yake.

Juu ya mahakama: Bwana Mwenyekiti ni pendekezo langu, mahakama iwe huru. Hata kama tunasema mahakama ni huru, kwa maoni yangu hatuna uhuru wowote kwa mahakama kwa wakati huu. Kwa sababu tumeona watu wengi ambao wameenda jela bila kufanya kosa lolote. Na wasiwe civil servants. Mahakama wasiwe kwa payroll ya Serikali. Kwa mambo ya uteuzi wa Ma-Judges...

Com. Bishop Njoroge: Wawe wakilipwa na nani?

Boniface Thuo: Pawe na Tume. Ningependekeza uteuzi wa Ma-Judge ufanywe na Bunge badala ya Rais.

Ya nne ni Tume ya Uchaguzi, Tume ya Uchaguzi. Tume ya Uchaguzi Bwana Mwenyekiti iwe huru na wawe wakipata uhamisho. Kwa mfano Bwana Mwenyekiti tuna hawa District Coordinators, Election Coordinators, tangu wakati walichaguliwa wamekuwa permanent na wamekuwa ma-millionaire kwa sababu atakuwa pale kwa district kwa miaka yote. All years. Ni pendekezo langu wawe wakipewa uhamisho.

Com. Bishop Njoroge: Kwa nini wawe wakihamishwa?

Boniface Thuo: Kwa sababu ya corruption Bwana Commissioner. Ma-Commissioners wa Tume ya Uchaguzi ningependekeza pia wao wachaguliwe na Bunge. Kura zihesabiwe katika kituo kilichopigiwa kura na pawe na mfuatilio Bwana Mwenyekiti kwa sababu kama kura zitahesabiwa hapa na zingine zihesabiwe Nakuru, ile ofisi ambayo itatangaza uchaguzi matokeo ni moja tu itakuwa Nairobi. So, ile ofisi ya Nairobi inaweza tangaza the wrong persons. Inaweza tangaza yule mtu ambaye amekuwa na kura chache kabisa. Na tumeona Bwana Mwenyekiti wakati wa mlolongo.

Com. Bishop Njoroge: You know you have made your point, please don't explain. There are so many people who want to talk.

Ya tano, Bwana Mwenyekiti mwananchi wa kawaida apewe haki ya makao. Kwa mfano hapa Gilgil Bwana Mwenyekiti....

Com. Bishop Njoroge: Tunataka upendekeze. Tunajua kila mahali hakuna makao, unapendekeza mwananchi apewe nini? Makao. Si hata mimi ni Mkenya, si ninajua shida. Kwenda kwa pointi nyingine.

Napendekeza mashamba makubwa yakatwe na yapewe wananchi wa kawaida ambao hawana hata nusu acre.

Com. Lethome: Hizo kubwa ni gani?

Boniface Thuo: Zimetuzunguka hapa Bwana Commissioner.

Com. Lethome: Are you suggesting a ceiling?

Boniface Thuo: Asipitisha one thousand. Ya sita ningependekeza tuwe na mahakama ya Katiba. Ningependekeza tuwe na Constitutional court. Bwana Commissioner wengine wetu tumejua Katiba mwaka huu. Niko na uhakika hata kwa hii nyumba ni watu wengi hawajaona Katiba ya Kenya. Tuwe na mahakama ya Katiba ndio kama hutatosheka na uamuzi wa mahakama kuu, kuna mahali ya kwenda kupeleka malalamishi yako.

Com. Lethome: Tukisema juu ya korti hizi, tuseme watu ambao hawana makao, because probably everybody will go to that court. So una-recommend kuwa kila Mkenya aone Katiba na aijue Katiba. Because not everybody will go to court.

Boniface Thuo: Katiba iandikwe kwa lugha ambayo itaeleweka na isiuzwe, wananchi wasiuziwe, wananchi wapewe bure na Serikali.

Ya saba, Bwana Mwenyekiti nataka kuongea mambo ya forests ya misitu. Misitu yetu imeisha kwa sababu wananchi hawahusishwi kabisa katika ile kulinda zile mazingira. So, ni maoni yangu kwamba community ambao wamezunguka misitu, wahusishwe katika uchungaji wa uhifadhi wa mazingira.

Watu ambao wanachaguliwa ma-retired brigadiers kuchunga mambo ya misitu, ningependekeza Bwana Mwenyekiti badala ya kuwatoa nyumbani na tuna watu wamesoma, kama hiyo ma-brigadiers wanajua mambo ya misitu, wachaguliwe ma-brigadiers ambao wako kazini kwa wakati ule.

Mambo ya Title Deeds ni ya nane Bwana Mwenyekiti. Irahisishwe kidogo kwa sababu watu wengi hawana Title Deed kama area ambayo ninatoka Bwana Mwenyekiti, huu ni mwaka wa thelathini na nne na hatuna deni ya Serikali na hatujapata Title Deed. Kwa hivyo ule ungumu wa kupata Title Deeds, ifanyiwe simpler kidogo.

Nataka niongee mambo ya Ma-Chiefs Bwana Mwenyekiti. Ningependekeza machifu wachaguliwe na wananchi kutoka locality na wapewe chama. Wakubaliwe wawe na chama cha kuwatetea, kama union. Kwa sababu Bwana Mwenyekiti....

Com. Bishop Njoroge: No, sitaki sababu. Tunajua kazi ya Chief si ni kutetea watu wake. Sasa unataka ku....kwenda kwa

pointi ingine.

Ningependa kusema kuna pesa za celebrations, wakati wa sherehe za kitaifa. Ziwe catered na budget. Ziwe budgeted. Sio kusema tu machifu ni corrupt na wako na mpango wa kuchukua pesa ambao wameamrisha na wakubwa wao. So, nasema kama kuna pesa za celebrations, ziwe budgeted katika budget. Wasitoe kwa wananchi.

Ya mwisho, Bwana Mwenyekiti, madaktari na ma-clinical officers, wasiruhusiwe kuwa na private hospitals na clinics. Mambo ya vitambulisho Bwana Mwenyekiti viruhusiwe vipeanwe kutoka sub-location. Kwa sababu mambo ya vitambulisho imekuwa ni mzigo. Imekuwa hata ngumu kuliko passport kupata kitambulisho Bwana Mwenyekiti.

Com. Bishop Njoroge: Thank you very much Boniface. Kuna swali moja.

Com. Muigai: Hili swala la mashamba umesema mashamba yakiwa makubwa sana kama acres elfu moja, yakatwe ndio wananchi wapatiwe mashamba. Hiyo nimeelewa. Umesemaje..

Boniface Thuo: Nimesema kuna mashamba, kuna mashamba kama wengine hapa wako na elfu sitini au themanini. Na mwingine hapa hata hana quarter hata mahali pa kuzikwa. Nilikuwa napendekeza wale ambao wana acres zaidi ya elfu themanini, wabakishiwe elfu moja. Halafu hao wengine wapate nafasi.

Com. Muigai: Unajua ndio unasema, mimi nilikuwa nakuuliza swali. Umesikia vile mashamba kule Zimbabwe yamechukuliwa, yakagawanywa yakapatiwa watu. Sasa wenye kukuza mahindi, kule ambayo watu wanakula kule na ngano na chakula zingine, ikawa mashamba ni madogo sana sasa hata hayatoshi chakula ya kutosha. Wewe unafikiria kuna sheria tunaweza kutengeneza ndio wale wasio na mashamba wawe na mashamba lakini wale wana mashamba makubwa na wanayafanyia kazi ya mahindi ya maharagwe na vinginevyo waendeleo kufanya hivyo.

Boniface Thuo: Mimi Bwana Commissioner, kwa maoni yangu ni kwamba kama sheria za ardhi hazitaangaliwa vizuri, mimi nitaunga Zimbabwe mkono.

Com. Muigai: Mimi nakuuliza, naelewa kila mtu hapa anaelewa sisi Wanakenya ni lazima tuangalie watu wasio na mashamba. Hiyo ni moja na sisi Wanakenya tunataka kula mahindi na mahindi haitoki kwa quarter plot, inatoka kwa shamba kubwa. Mimi nakuuliza hapo katikati tunaweza kupata sheria katikati itakayolinda wasio na shamba na ilinde wale watu ambao wana mashamba lakini wanayatumia vizuri? Hiyo hujaelewa.

Boniface Thuo: Nimeelewa. Sheria lazima iwekwe Bwana Commissioner na ukweli ni kwamba zile pesa ambazo zinatolewa na hizi large-scale farms zifuatiliwe kwa sababu hata ile kodi wanalipa, kwa wakati huu zinaishia mifuko ya watu wengine sio

Serikali.

Com. Bishop Njoroge: Umekubali na ukaleta tena jambo lingine. Karibu ujiandikishe hapa. Tupate Paul Bett. Bett yuko? Karibu. Bett atafuatwa na Nicholas Wanjihia.

Paul Bett: Bwana Chairman, Commissioners na wajumbe wenzangu hamjambo. Mimi naitwa Paul Bett na yangu ni kuhusu wajumbe. First is on poor attendance of Parliamentary sessions by MPs. I feel that these people do not do their duties according to our expectations. Because out of two hundred MPs, at times you find that the Parliament has less than thirty MPs. That one, I am not happy about that.

Com. Lethome: What do you recommend?

Paul Bett: I am giving recommendation after that. So, huwa unachukiza sana mpaka inafika mahali tunaona ni mbaya sana.

Com. Bishop Njoroge: Bett, let me explain this to you. Commissioner Dr. Muigai, Commissioner Bishop Njoroge, Commissioner Lethome ni wa Kenya. Tunajua Wabunge hawaendi kwa nini...kwa Bunge. Kwa hivyo sisi sio wageni. Kwa hivyo tuambie jawabu ya shida gani? Si vizuri kukaa kwa shida, tunataka tupate nini? Solution ya shida hiyo. Because there are so many people who want to talk.

Paul Bett: So, proposal is this, those MPs who make technical appearance in Parliament, they should get technical pay slips. Pay them the time they are there only. If it is two minutes, pay them two minutes.

Second proposal, I wish that we are given live coverage by either K.B.C., Nation or other sources of media. A reported speech is not enough.

Third proposal, we can also be given a report for the performance of MPs which should include an attendance register. Attendance register.

Another problem also on MPs, we have these MPs who are silent or dormant for that matter. Since he was elected in 1997, he has never talked anything in Parliament. Kufanya kazi ni kuwa mahali pa kazi na utende ile kazi uliagizwa kufanya. Ukienda huko na unyamaze, hakuna kazi unafanya. Hakuna tofauti na kuwa nyumbani. Proposal, voters be empowered to dismiss MPs as they employ them through voting. Even during life of Parliament.

On salaries of MPs: As of now, MPs are the only employees in Kenya and perhaps in the whole world who have the mandate to increase their salaries at will. I have never come across such a group of people actually. They can dare wake up one day and

say, I want my salary to be this.

Com. Bishop Njoroge: Recommendation?

Paul Bett: My recommendation, to curb that one. My recommendation is that a method be designed through which a voter can decide what an MP should earn, as in public opinion can decide what an MP should earn. Thank you.

Com. Bishop Njoroge: Thank you. That's very good. Nicholas Wanjihia. Joseph Muthee. Nimeita Nicholas Wanjihia. Ouma Manasseh? Tafadhali kila mtu anajua jina lake. Ikiwa sio hiyo imetajwa, tafadhali keti chini tu. Nicholas na Daniel si ni majina tofauti. Tupate Joseph Muthee.

Joseph Muthee: Mr. Chairman, the Commissioners, members of public, ladies and gentlemen. My first recommendation is the issuance of..... my name is Joseph Muthee. I am representing Gilgil Community and I am not a politician. I am just but a simple Christian. Issuance of IDs and passports to foreigners. This issue should stop because we have so many foreigners with IDs and passports while Kenyans get difficulties and pay so much to get a passport or an ID.

Foreigners should be investigated whether they are holding two nationalities or two passports because we have met so many of them at the airport with Kenyan passports and we know they are foreigners. Some of them do not even know Kiswahili. Stateland should be protected. The President has no mandate to issue a piece of forest to any community or any officer for working in the offices as acquisition of anything. Our forest have been issued to some groups or some officers issued by the President.

State land has been issued to some communities. Recommendations, they should be returned back. MPs salaries should be decided by the public who elect them.

Com. Bishop Njoroge: Who should decide their salaries?

Joseph Muthee: In a Commission like this. Presidential coverage should be decided by the Parliament. Coverage in the media. Not to waste so much time on the President, where he went to church, where he went to small meet the people tour. While we have so many things that should be covered and which should help the community or the public.

Appointments of Directors of Parastatals should be decided by the Parliament but not the President. Tribal work should not be used in public. It has been used to buy politicians, to seek sympathy and get people confused. We should not use the word tribal in public.

Com. Lethome: Just a minute. Is it the word itself you have a problem with that is the word tribal?

Joseph Muthee: Yes, because before President Moi came to power, we know of no tribal, we knew we are all Kenyans. We started hearing about tribal just a few years ago.

Minerals in Kenya: Tuko na madini mengi sana ambazo tumesikia ziko lakini zimefunikwa. Hatujui ni kwa nini. Zinatakiwa kuchimbuliwa kama petrol na kadhalika.

Last point, we should have a national unity Government. Taxes, we are the highly taxed country in Africa. Yes and consolidated. Unapata mtu wa V.A.T amekuja kwako, tunapata mtu wa Council anakuja kwako, tunapata mwingine anakuja kwako. You end up paying almost a hundred percent ya zile bidhaa unauza.

Com. Lethome: Kuhusu mambo ya madini, umesema tu zimefunikwa funikwa na hujui ni kwa nini.

Joseph Muthee: Hatujaelezwani kwa nini.

Com. Lethome: Unaweza ku-recommend nini?

Joseph Muthee: Tuna-recommend ya kwamba ikiwa ziko na zimeelezwa ziko, zichumbuliwe tuweze kuzitumia.

Com. Lethome: Be exploited.

Joseph Muthee: Yes.

Com. Bishop Njoroge: Asante sana. Njoo ujiandikishe pale. Josephat Kimani. Peter Muturi. Ngari Kamau? Wapi Ngari, umesahau karatasi? Atafuatwa na Patrick. Nani anaweza kutafsiri.

Ngari Kamau Maxmo: Nitaongea kwa Kiswahili. Maoni kuhusu Katiba, Maxmo Kamau Ngari. Kuhusu kustarehe wakati mwananchi wa kawaida au tuseme maskini, afanyeje? Kwa nini pombe ya kienyeji na ni ya jadi huitwa pombe haramu na ya Kizungu ni kama dawa ya matajiri?

Com. Muigai: Pendekeza?

Ngari Kamau Maxmo: Hali maskini hana chochote cha kujivunia jasho lake. Ili hali tajiri hujifurahisha na pombe ya bei ya juu. Maskini akajifungie kwa nyumba, basi maskini wakubaliwe pombe ya babu zao kama *busaa* na *muratina*, hizi zote. Yoyote

kutoka jadi basi ndio watu wakaingilia pombe kama ya chang'aa na zingine ambazo hazielewi.

Polisi: Askari yeyote siku hizi ana uwezo wa kukushika na kuweka yeyote asiye na makosa na kumingiza kwa cell na hali haachiliwi mpaka umhonge. Hafikishwi kwa mkuu wake kwa station bali huingizwa kwa cell bila hata mkuu kuelewa sababu yake. Hupelekwa kortini na kushtakiwa na makosa ya uwongo. Hapo nimemaliza.

Sasa tunaingilia upande wa ziwa Victoria. Ziwa Victoria tuna mali mingi sana hapa Kenya. Tuseme petrol imetoka Mombasa mpaka Uganda. Haya maji ya ziwa Victoria ina uwezo hapa kwetu, kama hapa Shangalawe. Tuseme kutoka hapa mpaka Rift Valley karibu nusu ni Shangalawe. Hayo maji hayawezi kupigwa na pump na ingiizwe hapa na isaidie kulima katika mashamba makubwa makubwa. Na tuwe matajiri zaidi. Kwa nini tunakwenda kule kwa Wa-arabu. Sasa watuuzia stima, sisi tuwauzie maji.

Com. Bishop Njoroge: Thank you very much. Jiandikishe hapo. Patrick Wamute.

Patrick W. Wamute: Thank you Commissioners, first I would like to congratulate you for the work you are doing. I think you are doing a good job. My name is Patrick Wamute. First point we need to have a very clear separation of powers between the Executive and the Judiciary. This goes to the extent that we cannot have the Chief Justice or Judges being appointed by the Executive. So, we need to have a Parliamentary committee electing the people in the Judiciary.

Second point is on the Bill of Rights: All Kenyans irrespective of their tribal, sex or education background, should be guaranteed security on speedy trials in the courts. Arrests without warrants and inhuman or degrading treatment by the State. All Kenyans should therefore, be guaranteed their individual rights. The Basic Human Rights. The Prison's Act need to be amended to make it acceptable.....be sent to jail but to community service whereby they can work for the community rather than being sent to jail for petty offences.

My third point is on the establishment of an ombudsman committee and they should be to assist the public seek for any necessary assistance if they feel that justice has not been given.

Fourthly, the State should provide free legal representation for individuals who cannot afford to hire lawyers to represent them. This can be done, my suggestion is that all lawyers, before they are licensed to practice immediately they graduate, they should at least have a one year community service. During which they can provide free legal service. At least one case per month.

Well as it is, the ones who are in courts or people who are out, we have seen there are quite a lot of unprofessional people. You find even a police prosecutor is not really even a legal....doesnot have a proper legal background. So, it should be people who are just about to graduate to become lawyers or even after they are commissioned to become lawyers, they should serve

at least one year community service. This is in addition to their other passes.

My last point is the issue of youth and gender issues. We need to increase the participation of women and the running of the Government. The National Youth Service should be reviewed and the employed youths should be able to join the National Youth Service and get trained by the Government in order to be able to provide community service before they can move on to (inaudible). Thank you.

Com. Lethome: You have just mentioned something as a by way about the legal officers being prosecuted if they are not legally trained. Do we retain them or what should we do?

We should have even the lowest being employed as police prosecutors.

Com. Lethome: A prosecutor should be a profession?

Patrick W. Wamute: A professional lawyer.

Com. Muigai: You are in favour of a public defender system, where any citizen who cannot afford a lawyer should go to a public defender's office and pick a lawyer who the Government has paid and use him for his service?

Patrick W. Wamute: For his service.

Com. Muigai: Thank you.

Com. Bishop Njoroge: Can we have R.J. Wamute?

R.J. Wamute: Commissioners, my point lies on.....

Com. Lethome: Your name?

R. J. Wamute: R.J. Wamute. My points start on the Executive. The present President spends so much money on many vehicles traveling on one way and at times, when going overseas, he carries joy riders. I remember one day he had taken some people like Kamaru to Japan.

Com. Lethome: The Musician?

R.J. Wamute: Yes and some University students.

Com. Muigai: What do you propose?

R.J. Wamute: That must stop forthwith. Again, on the Executive, the appointments of Commissioner of Police, the appointments of the Judges and Governors of the Central Bank should be done by Parliament. The other thing is that our currency should be given the owner that is the founder of the nation, as some countries keep their currencies in that order. Again, there are some times when people are forced to put the President's pictures in their business premises. This should be left open, if you want to hand or you don't want, you should be free without any interference from the administration.

Another thing is the question of, we have got so many form four leavers and other University leavers without employment. We should ask the Ministry of Labour to ensure there is a budgeted amount of money to be giving these people some allowances monthly so that they can remain good citizens. Otherwise, this will create a lot of insecurity.

On the question of politicians like MPs, all our MPs should be given Government offices in the constituencies and a secretary and a body guard so that we can see them whenever we want them within the constituency.

All MPs and other people holding public offices, even Councillors and such, should be legally married.

Laughter from the audience.

Com. Muigai: You have made your point. Carry on.

R.J. Wamute: Finally, we should have a federal system of administration hence to de-centralize the governance by Provinces and then have a Central Government to take care of security, education and health. Thank you very much Mr. Chairman and Commissioners.

Com. Muigai: You are in favour Mr. Wamute of a leadership code which sets out standards that a public officer must observe at all times. Which may or may not include being married. You respect the right of a Catholic priest not to be married.

R.J. Wamute: That is his shauri. But a politician is our worker, he should be legally married.

Com. Bishop Njoroge: Let me also tell you please, don't talk because once you talk it goes to the tape and our people will have difficulties. Kwa hivyo tusifanye makelele ili maneno isipotee tafadhilini. Ni Commissioners tu wana ruhusa ya kuuliza maswali. Moses Gitonga?

Moses Gitonga: Thank you Bwana Commissioner, my names are Moses Gitonga and we have got confidence in what the Commission is doing here and all over the country. Kwanza kabisa Bwana Commissioner Chairman, ningependa nijue.....

Com. Bishop Njoroge: Let me ask you. Were we with you in Naivasha?

Moses Gitonga: I was not presenting.

Com. Bishop Njoroge: You presented yesterday.

Moses Gitonga: I was reading someone's representation.

Com. Bishop Njoroge: Who is that?

Moses Gitonga: A Brigadier Wandaiga your honour.

Com. Bishop Njoroge: We did not write Brigadier.

Moses Gitonga: You wrote Brigadier Wandaiga. He asked me to read for him.

Com. Bishop Njoroge: Okey fine.

Moses Gitonga: Bwana Commissioner I was on the question, wakati unazungumzia mambo ya Katiba haswa, what is Katiba? I am asking the Commission.

Com. Bishop Njoroge: We came here to receive the views but we didn't come for civic education. We will come again. So, can you give us your views?

Moses Gitonga: Exactly. Commissioners we have had a Constitution for the last forty years, maswali ni haya: Has that Constitution served the Kenyans well and if it has, why do we need to change it? These are my opinions Bwana Commissioner. Katiba ambayo tumekuwa nayo kwa miaka forty, tumeiona ikiendesha nchi yetu vizuri, improving the economy in this nation and everything. The same Constitution tumeiona ikiharibu uchumi wa nchi, raia wakawa maskini. The question ambayo tunauliza sasa; Is it the Constitution that is bad or is it the leadership? Or why do we need to change? Bwana Commissioner, the solution ile kitu inatatiza nchi hii is the same Constitution sababu hii Katiba haikuandikwa na wananchi wa Kenya. It was written by a few Kenyans. It was an adopted Constitution. So what do we recommend? We recommend Bwana Commissioner that what

you are doing now, taking the views of the people be respected and ikifika wakati wa kuandikwa isipelekwe kwa Bunge. Kwa sababu hatuna imani na Bunge, Wabunge ambao tulio nao wakati huu.

One, they are self-centered, wanajiongeza mishahara, they exempt themselves from paying duty and the like. So, what we are saying after all the stages ambazo Bwana Commissioner umeelezea hapa, the Kenyans wapatiwe nafasi waseme 'this is what we want a referendum.' Bwana Commissioner we would also like the politicians in this country to de-politicize this Commission. Bwana Commissioner ukiuliza Wanakenya, wengi they are confused. Sababu wanaambiwa lazima kuwe na Katiba twende kwa Uchaguzi. My feeling Bwana Commissioner is that the Commission should be given enough time, waandike Katiba. Kwa sababu hatuandiki Katiba sababu ya viongozi walioko kwa viti sasa. We are writing for the future generation. Kwa hivyo ndio nasema let us de-politicize this Constitution committee.

Pia we have had occasions Bwana Chairman, whereby one of the Commissioners, Professor Ghai gives his opinion na kutuambia anapendekeza mambo ya mtu kama Prime Minister. We believe and we trust and pray that your work is to receive the opinion of the members of the public. Then proceed on with whatever procedure you have to but not to advise the Kenyans on what your feelings are. Ninaposema hii ni kwa sababu, you are professionals on what you are doing and Kenyans have been made to believe that they need a few Vice Presidents, a Prime Minister, a Deputy Prime Minister and the like. We are saying that we do not need an extra post. That is not going to be of any benefit to the Kenyans. Kwa sababu every other post itakuwa na ghalama yake and we cannot afford to be overtaxed anymore.

Com. Bishop Njoroge: Sir, I will give you one more minute. Already you have spent seven minutes.

Moses Gitonga: Thanks and you have taken half of my minute with all due respect Bwana Commissioner. Thank you Bwana Chairman.

Com. Bishop Njoroge: I have to keep time.

Moses Gitonga: Nimeandika mambo mingi imegusaguswa hapa na what has been mentioned I am not going to mention and even though my handwriting is not the best, I will give what I have here for reference. However, ningependa kusema ya kwamba, shida ya nchi hii is on the Presidency because he has been given too much powers. I would like there to be a separation of powers. Kama ni mkubwa wa Jeshi, wa Judiciary, all those people should be vetted by the Parliament and the short list be given to the Head of State to appoint. We have a situation whereby even the Chief, even the D.C. is appointed by the President of the nation which is wrong.

Finally, Bwana Commissioner, pahali ambapo watu wanatoa tax, there should be services. Kenya as a nation is heavily taxed and we are getting no services. Nikimalizia, sio kama....

Com. Muigai: So what do you propose on taxation?

Moses Gitonga: On taxation, we want equivalent services to the Kenyans, twatoa pesa, barabara ndio hizo. Watu pesa zao zachukuliwa, zikienda kwa N.S.S.F, malipo hakuna. We want equal representation or equal services for what we have given your honour. So, Bwana Commissioner with those few remarks, I say thanks and wish you God's blessings.

Com. Bishop Njoroge: Let me assure you that we have taken your opinion that our duty as Commissioners is to receive but not to tell you what needs to be in the Constitution. Thank you. Tupate Dominic Mbugua. Afuatiwe na Rev. Father John Njenga. Yuko?

Dominic Mbugua: Thank you Chairman, the Commissioners and my fellow colleagues. My first point is on education. As far as education is concerned, I would propose that all Kenyan children should be given equal opportunities in learning.

The second proposal is on recruitment to higher education. This one I would propose that, instead of recruiting members to the Higher Institutions according to the quarter system should be according to the academic performances.

The other one is about the retired officers. To a higher extent, we have seen that so many people who have retired have not been given their dues in time. So my proposal was, an organization should be made such that even before the retire, all their dues should be organized and given at the time of retirement to avoid corruption.

The other one is that we have a problem with the street children. The Government should look into ways and means of rehabilitating the street children so that we can avoid all the inconveniences caused by the street children.

The other one is the question of tribalism. We have heard MPs and other dignitaries talking or speaking openly publicly about tribalism. It was my opinion that a law should be enforced to stop anybody especially the highly ranked people from speaking about tribalism publicly and this one may lead to stop tribalism going on.

The other one is about the politicians. To a higher extent we have experienced politicians tarnishing other people's names, other politicians and it has led us to be very much confused. It was my proposal that a law should be enforced that one should market himself other than tarnishing other people's personalities.

Lastly, about our economy, it was my proposal that the Government should look into income generating activities and promote agricultural activities by; restoring all the industries that have collapsed. Like the K.C.C., K.M.C., Abraham Bacon Factory and try as much as possible to impose more tax to any imports of anything that we have in our own country. Thank your very much.

Com. Bishop Njoroge: Thank you, you have very good points. On point form and we appreciated. Thank you very much. Chief Ian Ngugi. Very soon I am going to give those students time to speak so that they can go back to school. Kawaida tunafanya hivyo kila mahali, tunaenda tunawapatia walimu na watu ambao ni disabled na akina mama wajawazito ili waweze kurudi kusoma. Sawasawa? Who is saying it is not fair? Let me tell you this, in giving views, there is no democracy here. What I am saying is what has to be followed. Because the students must go back to learn. If you don't feel that as an important aspect, then anybody can convince you in any way. Si ni kweli? Hakuna mtu anaweza ku-convince. Kwa sababu walimu ni lazima walimu warudi wakafundishe na watoto waende wakasome. Tupate, nina shida ya akina mama. Sijui ni kwa nini hawataki kuzungumza. Bernard Momanyi. Bernard Momanyi yuko? Joseph Kairu? Karibu. Amechelewa. Tafadhali.

Joseph Kairu Mbugua: Jina langu ni Joseph Kairu Mbugua na maoni yangu nitalalia zaidi kuhusu security ya wananchi kutoka kwa Serikali. Kwa maana kama vile tumeona hapo mbeleni, vita vya kikabila na kadhalika. Hii ilionyesha udhaifu wa namna ya kipekee kutoka kwa Serikali yetu. Na kwa hivyo Serikali ambayo tutaendelea kuwa nayo, Katiba ikichorwa iandike na kwa mfano nitasema mimi ninawakilisha organization ya clash victims ambao waliweza kuumia nyakati hizo za hiyo vita ambayo Serikali haikuweza kusimamia. Katiba ihimize ni lazima Serikali i-compensate clash victims wote na ipange re-settlement program kwa wale victims ambao bado hata mpaka wa leo, kurudi kwa mashamba yao.

Kuhusu Commission ambayo ilikuwa inachunguza haya madhambi na document hiyo tena kwenda kulaliwa, Katiba ihimize majibu ya Commission yoyote kwa sababu tumezoea kuona Ma-Commission ikiundwa na matokeo kutupwa sijui katika takataka ya wapi. Ni aibu nchi kama hii yetu, tukiwa na Serikali, tuna mfano wa Serikali kama America victims wao kupigwa na bomu, na wanachukua hatua ya haraka na wana-compensate. Na wana-compensate hata wananchi wa Kenya walioadhirika. Lakini Serikali yetu ambayo sasa twasema ni yetu, inashindwa hata kuangalia victims Bwana Commissioner.

Nitarudi kwa upande wa Rais mwenyewe, asiwe na mamlaka kupita sheria. Sheria iwe ndio iko juu, hatutaki Rais ambaye atakuwa above the law. Kwa sababu anapokuwa above the law, hata akunyang'anye bibi yako, inakuwa hivyo, huwezi kumshtaki.

Com. Bishop Njoroge: Endelea.

Kwa upande wa Bunge ama tuseme Mawaziri. Waziri yeyote atakayetajwa katika hali ya ufisadi na wizi wa mali ya raia, asionekane tena katika hali ya mamlaka ya Waziri, afutwe na ashtakiwe. Hii nchi imekuwa maskini, imerudishwa nyuma kwa sababu ya hawa watu, sijui kama wao pia wako above the law. Unasikia ameiba mali ya wananchi na bado yeye anaendelea kuwa Waziri katika Serikali. Bwana Commissioner asante sana kwa hayo machache.

Com. Bishop Njoroge: Thank you very much but let me tell you this, the Commission Act, the (inaudible) are governed by an

Act called an Act of Enquiry. Which gives the President the right to form aili ajue kitu anataka kufanya nini? Kujua. Akijua ni haki yake kusema au kutosema kwa sababu sheria inamruhusu. Kwa hivyo kitu tunganisema ni kwamba kusiwe na Commission of Enquiries lakini kuwe na Commission ambayowhich will make public whatever it has discovered. Sawasawa? Kwa sababu sheria ni sheria na ikimpatia mtu haki, huwezi kumnyima nini? Hiyo. Heri kuondoa nini? Hiyo sheria. Asante. Tupate Bernard Momanyi. Halafu atafuatwa na Philip Chacha. Philip Chacha yuko? Halafu tutakuja kwa students.

Bernard Momanyi: Thank you Bwana Commissioner. Yangu ni machache. It will touch on education. I want to present the following views as far as education in this country is concerned. First of all, one of the recommendations that I have here to make is establishment of a solid education system which should be national and caters for international requirements. By that one, I mean we should not have a system of education which does not prepare the nationals of this country well for the job market nationally.

Com. Bishop Njoroge: Which is the system that you recommend?

Bernard Momanyi: The system, which I recommend is the 7-4-3-3 system. Again, we have witnessed a lot of imbalance in education system. Where education matters are linked to political environment of the day. So, the recommendation is that education matters should be de-linked from political manipulation. Then, in education also, the resources of this country which all of us labour to bring on board, there should be equitable distribution of Government grants. Which should be managed by Education Commission whose representation should be brought and take care of stakeholders. With that I mean the church, the educationist, everybody should be represented in that Education Commission. Then, I want to talk about the quarter system. Though it is working well, I hereby suggest that it should continue but there should be ways of actually accommodating marginalized areas at national level.

When we come to Colleges and Universities, my recommendation is that the Colleges and Universities should be independent and should be formed by Acts of Parliament. Then the criteria for admission to these Universities and Colleges should be transparent and approved by the Education Commission. Each College and University should be regulated. We have seen a lot of Colleges and Universities coming up because we are in a century where information is really vital for any economic development. So, there should be a regulator which should be established and which should be independent. The recommendation for establishing this regulator should be that each College or University should offer quality education and this quality education should be independent with our national aspirations. Because we have seen Kenyans not being admitted in other higher learning.

My final point is to thank you and all the views that we are giving, you collate them and when you come back, we should actually see the exact recommendations as we have given.

Com. Bishop Njoroge: Philip Chacha.

Philip Chacha: I am Philip Chacha. Commissioners, Chairman na wananchi wenzangu hamjambo. Yangu mengi yamesemwa lakini nitarudia kidogo. Yangu Bwana Chairman, ningefurahia lengo la mwananchi, kama tungepata Serikali ambayo haina ufisadi, tungekaa na nchi nzuri. Tuwe na elimu kwa kila mtoto, kila mwananchi, hata awe ni maskini, awe watoto wake wameenda shule. Tuwe na usalama, kila mmoja wetu awe akishughulikiwa kwa sababu unakuta mwingine ni maskini, hawezi, na ng'ombe yake imeibiwa, Serikali ikienda kwake, inatakikana tena uhongane ili usaidiwe.

Tuwe na hospitali ambayo inasaidia kila mwananchi wowote ambaye ni maskini na tajiri (inaudible). Mawasiliano iwe ikiwekewa mwananchi kwa sababu pahali kwingine hatuna barabara na hatuna njia yeyote ya kusaidiwa. Sana sana akiwa President amechukua Serikali ambayo ni ya chama fulani, vyama vingine wale hawakumpigia kura, hawapati mawasiliano yeyote. Hawasaidiwi na njia yeyote. Serikali inapanga budget na kila kitu.

Tuwe na maji kwa watu wote kwa vile watu wengine hatuna maji, tunaishi na tunasema tuko Kenya lakini wengine hata maji hatuna. Na huo ukulima wetu tunalima wote tungefurahia Serikali ijayo tuwe Soko huru. Vyombo vya habari viwe huru. Visiwe vikibagua hawa watu ni kabila fulani, ama ni wa chama fulani hawawezi tumia hivyo vyombo. Na ningefurahia kama tungekuwa na hati za kumiliki shamba.

Kwa sababu shamba nyingi wengine wengi hawana shamba. Kuna shamba zingine, hii nafikiri ni kitu moja ningeongea juu yake tungesaidiana juu ya mashamba haya ambayo tuko nayo, wengine wao wamekufa juu ya ukimwi. Sasa haya mashamba mingi na watoto wengi wamebaki huku na hata kulipa loan hiyo hawezi. Tungefurahia Serikali vitu kama hii iangalie. Iwe itaundwa kamati ya kuangalia vitu kama hawa wengine hawajiwezi. Na hawa watoto wameachwa kama yatima, wawe wakishughulikiwa, wapelekwe shule na Serikali isaidie ili tuwache kuwa na chokora wengi.

Yangu ya mwisho ningesema, Chief achaguliwe na wananchi. Asante.

Com. Bishop Njoroge: Can we have Ms. Dorris Wairimu?

Dorris Wairimu: My names are Ms. Dorris Wairimu and I am representing the staff of Utumishi Academy Gilgil. Our first recommendation is that, after the Presidential elections, if the President doesn't get over 50% vote, there should be runoff for the best two. Instead of taking the one with the highest votes and he could only have garnered about 20%.

Our next recommendation is that the MPs should not be allowed to award themselves hefty salaries. There should be a body outside Parliament, which discusses their salaries and not themselves. Then, taxes are too high compared to the cost of living and most of us are unable to live at least fairly. So, the taxes should be looked into and reduced if possible. Then representation

in Parliament should be equal. In other words, we have too many Members of Parliament and we need to reduce the number. That one can only be done if a Member of Parliament is given the same number of people to represent in Parliament like any other and our recommendation was that each MP should represent fifty thousand people.

Then, the President should not be the Chancellor of public Universities. This is because the Vice Chancellor is not able to function autonomously because he is answerable to the Chancellor who is the President. So, according to our view, the President should not be the Chancellor of public Universities. It should be left to the Senate to recommend and then the High Commission for Education to appoint a qualified Chancellor.

Our next recommendation is that the Parliament should vet top civil servants to avoid handshaking of people who do not qualify and people who have to thank a certain team. According to us, the Parliament should vet these people so that they can perform according to the expectations of everybody and not the person who has appointed them.

Our next one is on Local Authority: Our Local Authority has failed to perform in garbage collection and water supply. According to our observation, may be there is too much mismanagement. If they cannot deliver, we suggest that the Local Authorities be privatized. Then, we as teachers we observe that the Government has not been honest in its promises to the teachers and we recommend that in future, there should be honouring of what the Government has said it will do. In Gilgil, we teachers feel that it is an area under hardship conditions, may be it should also be looked into among other hardship areas.

Thank you.

Com. Bishop Njoroge: Thank you very much Dorris. Can you come Dorris and register here? Can we have Melvin Chiboli Melvin tafadhali? Tell us your names, your age and your class.

Melvin Chiboli: Thank you. My names are Melvin Chiboli, I am from Utumishi academy. I am eighteen years and in form four. To get to the point, mine is specifically about education. First of all, you find that there are less Universities. At least we are recommending that let's say from one University, we have Affiliate Universities like let's say Nairobi, you find like Strathmore be encamped to the J.K.U.A.T. or Jomo Kenyatta University. Because you find that many people pass but they cannot proceed because the spaces are less. We have found that the mean grades have been heightened to B. Which is supposed to be C+. So you find that there are many people who are not going on with their learning.

The second thing, also Universities should be equally distributed in all the Provinces. You find that let's say in Coast Province, they are only in Rift Valley and let's say Nairobi.

The other one was about the Children's Parliament. We were asking that the Government should not have any say in dismissing or building up the Children's Parliament. It should be done by the children themselves with the help of the Government just

guide lining it. Again, it should be equally represented from all the Provinces. To move out of education, we are also asking if the constituents themselves should have the mandate of passing a vote of no confidence to the MPs. Instead of leaving the MPs to do it which we have never seen.

You find that this let's say a constituency, the MP is not doing his work and he must remain for five years. So, we were asking if the constituents should have a say to pass a vote of no confidence to its MP. Again the other one was, free and compulsory education for children upto Standard four. You find that many homeless children let's say street children cannot learn because education is not free for them. Also, the system of education should be changed that is to meet the requirements of the current world. You see that we only go by the books and things like computer came, so many schools don't have these facilities which we are less fortunate to have. I think that is all I had.

Com. Bishop Njoroge: Thank you. Njoo hapa ujiandikishe. Duncan Githinji? Harrison Waweru? Paul Kamore? James Waka. Utamfuata huyu.

Harrison Waweru: Shukrani. Pendekezo langu ni ya kwamba, Rais na Mawaziri wasiwe Wabunge. Rais achaguliwe kutokana kati ya wengi ambao wamekuwa wakipigania kiti pamoja. Kukitokea namba moja na mbili, warudishane uwanjani ili tuweze kupata mmoja ambaye atakuwe akiakilisha nchi. Ardhi isimilikiwe na mtu binafsi. Zaidi ya ekari elfu mbili. Sehemu zingine za ardhi ambazo zilipiganiwa kutoka kwa mkoloni, ziachiwe umma. Kwa upande wa utawala ningependekeza Bunge, Mahakama na Urais vitenganishwe lakini ziwe zikitegemeana. Watumishi wa Serikali wasiruhusiwe kufanya biashara.

Elimu iwe ni bure kuanzia Primary hadi chuo kikuu. Serikali moja, sio Serikali ya Majimbo. Matibabu katika Kenya yawe ya bure. Upande mwingine ningependekeza sheru isiwe na mtu wa kubagua. Wengine wanaambiwa wanakuwa wanapendelewa na sheria na wengine ambao hawatembelewi. Waliopora mali ya nchi ningependekeza wasiruhusiwe tena kuwa watumishi wa umma na pesa ambazo wamepora kutoka kwa raia, Katiba iwalazimishe kurudisha. Katika nchi kuwe na Mahakama ya wazee. Uthamini wa vyama uondolewe pale, aliyepatiwa tikiti na chama, asiyajibika vilivyo. Bunge aondolewe tu pale, sitini na tano ya wapiga kura ambao walimchagua wanaona kwanza hawakilishi vilivyo. Kura ziwe zikihesabiwa mahali zilipigiwa. Kwa upande wa rushwa ningependekeza, iwe ni kosa la jinai katika nchi. Ningependekeza kuwe na mashamba ya Serikali ambayo yatakuwa yakichunjwa na Serikali ili kusiwe na upungufu wa (inaudible) katika nchi.

Uhuru wa kuabudu uheshimiwe kwa kila dini. Mali asili ilindwe kikatiba. Ardhi ya asili isihusike katika kile kifungu ambacho nilisema cha acre hamsini. Ardhi ya asili iwe vile ilivyokuwa kabla ya kupata uhuru. Mali iliyoibwa kwa Serikali irudishwe na wezi washitakiwe. Zile pesa wengine wanahamisha kupeleka nchi za ng'ambo zirudishwe virudishiwe umma. Ningependekeza walimu wakuu wa shule wasiwe makarani wa kuandikia wanakamati. Mwalimu awe ni Mwalimu tu, asihusike na kamati ya shule.

Madaktari wawe wakiajibika kufanya kazi zao. Wasiwe na ma-clinics zingine kule na kule na dawa wanachukua wanapelekwa kule. Katiba ikataze hiyo kabisa. Ma-Councillor wasiruhusiwe kumiliki mali ya Council wakati wanapohudumu.

Mwisho ningependekeza ndoa zihalalishwe Kikatiba na kuwe na uhuru wa kutengana iwapo kumetokea hali ya kutosikilizana. Ni hayo tu.

Com. Bishop Njoroge: Asante sana. Utakuja ujiandikishe pale. James A. Waka. What we need is just highlight points. Five minutes.

James A. Waka: Thank you. My name is James Waka. I am a resident of Gilgil and at the same time a businessman. These are my points, the Commissioners:

Political parties: We have too many in Kenya, this should be restricted to the maximum of five political parties because some of the political parties are just for commercial purposes and some are of ethnic grouping.

Two, the Members of Parliament are not on permanent and pensionable jobs. It is a contract, therefore, they should not decide over their salaries and other benefits.

Three, our country Kenya has been eaten up with a lot of corruption and looting of public funds. Looting of the Government resources. This should be punishable and taken into consideration as treason.

Four, the President should not be above the law and the President can be tried in any law courts or the highest law courts of the land. In case, the President has mis-used his office or has deliberately shown evils like corruptions, nepotism and so on.

Five, Local Government, in Kenya we have seen a lot of corruption, land grabbing, mis-appropriation of public funds, taking even the land for political....

Com. Bishop Njoroge: Give proposals.

May I propose that, if that continues the Review Commission should recommend the Local Government to be scrapped and probably be replaced by a Provincial Administration. Whereby the Provincial Head or Administrator is elected by the public or the voters.

Six, Public Service Commission. With the Public Service Commission, it has already a lot of nepotism, tribalism and then many Kenyans end up without employment. May I say, the Review Commission address on this particular issue very strongly. That

any Public Service Commission found of such evils be removed from his employment.

Number seven, nomination members of Parliament and nomination members of the Local Authority. This should be restricted to one term of the office. That is five years of the office for life.

Number eight, all board members of the departments may be educational boards, roads board and so forth. The people or the personnel manning those particular boards should be elected and not nominated.

Last, I had many but the fact that time is running out, I am giving my last recommendation. Which is number ten. Unitary Government has seemed to have failed Kenyans. More than twenty years during the colonial rule. Forty years during these particular years. May I recommend that we have the structure of Government which is very serious on development matters. A President with a Deputy President. Government with a Prime Minister who is in charge of day to day running of the Government and the Government which is free without evils like greed, corruption or bribery, nepotism, mis-use of powers and looting of the public funds. Eight other Vice Presidents be elected by voters in each and every Province to be incharge of the development lines on each and every Province. Thank you.

Com. Bishop Njoroge: Thank you very much. James K. Thuita? Mzee utajiandikisha pale.

James K.Thuita: Commissioners and observers. My name is James K. Thuita. Ya kwanza ningeeonea kuhusu kazi, especially kazi kama ya jeshi, nurses, teachers, tumekuja kuona kwamba hizo ni kazi ambazo zinapatikana na walio na pesa na wale wako kwa ma-towns. Wale wako mashambani wamesomesha watoto wao hawana nafasi ya kupata zile pesa.

Com. Bishop Njoroge: Kwa hivyo unapendekeza nini?

James K.Thuita: Recommendation ningeeona in every sub-location ama location kuwe kunachukuliwa wale watu wanatakikana wapewe kazi. On the other hand, mambo ya prisoners. Kama mtu sio mhalifu vile na amefungwa more than two years and above, awe akipata nafasi ya kutembelewa na bibi yake. Ili marriages zizivunjike. Prisoners rights.

Number three, tuongee mambo ya farmers. Serikali ilinde ukulima. Tumeona uchumi wetu umeharibika sana. Ilindwe sana especially watu wa farming waangaliwe.

Number four tuingie mambo ya President. Wakati Bunge limevunjwa kama President Moi, awe anapewa gari yake asitumie gari za Serikali ama any administration. Awe raia wa kawaida. Before amerudishwa katika kazi. On profession, I am a tailor. Haki kati ya wale nafanyia kazi. Ningeeonea sana. For instance, niko na mtu, ameenda amegonjeka and for three months hajaonekana. Zile rights za kukuja kusema nina haki yake niko nayo. Na mimi nasema wakati umepita. Kuwe na sheria

inasimamia my clients, mteja na mimi.

Ya mwisho ningeonea kuhusu church, freedom of worship. Hii uhuru wamepewa wengi wamekuwa si freedom. Katika area yetu wengi wanapiga duru sana usiku. Hata kuingia huwezi. Huwezi elewa wizi uko pande gani juu church imekuwa nayo, imekuwa na a lot of disturbance. Ni mzuri church tunaipenda na ni yetu. Lakini at least kuwe na limit.

Ya mwisho tuongee kuhusu Attorney General. Awe ni mtu wa kuchaguliwa. Asiwe ni mtu appointed. Second, education i-remain kama zamani. Thank you.

Com. Bishop Njoroge: That is 7-4-2-3. Haya tumpate Joseph Ole Lishinga, anasimamia wale wengine. Karibu Joseph.

Joseph Ole Leshinga: Ashe along.

Translator: Basi asante sana.

Joseph Ole Leshinga: Chairman Commissioner

Translator: Ma-Chairmen na Commissioners,

Joseph Ole Lishinga: Ore embae ai e dukuya,

Translator: Swali lake la kwanza.

Joseph Ole Lishinga: Kore enkarna naa kaaji Joseph ole Leshinga

Translator: Jina langu ni Joseph Ole Leshinga.

Joseph Ole Lishinga: Ore empae ai e dukuya,

Translator: Swali langu la kwanza,

Joseph Ole Lishinga: Naa peishoruni ena katiba etaata serkali oo ngutot.

Translator: Kwa wakati huu Serikali ile tunataka kwa Katiba wakati huu tunataka Serikali ya Majimbo.

Joseph Ole Lishinga: Enkaraki ore tena kop nikitii e Kenya nera nkabilani naatii artam aare.

Translator: Kwa sababu makabila yetu ya Kenya ni makabila arobaini na mbili.

Joseph Ole Lishinga: Naa ore kuna abilani kutiti nemitum aikata erishata teneguluni orasi amu ore tena kena naji keeta iltunganak ukabila,

Translator: Tunaona ya kwamba ikiwa kama ni wakati wa Uchaguzi wa Rais, hizi makabila ndogo ndogo hakuna nafasi ya kupata Urais.

Joseph Ole Lishinga: Neaku pee eishoruni taata tena rishata ina serkali e majimbo.

Translator: Kwa hivyo kwa wakati huu yeye anataka Serikali ya Majimbo.

Joseph Ole Lishinga: Ore enkae eare,

Translator: Swali lake la pili,

Joseph Ole Lishinga: Naa enapa sheria musana naitasheiki iljambai,.

Translator: Ile sheria ya kwanza ya first registration ya Title Deeds itupiliwe mbali,

Joseph Ole Lishinga: Pee egili ina sheria nenangari amu kearita ninje iyiook kira Ilmaasai.

Translator: Hiyo sheria ifutiliwe mbali kwa sababu ilikuwa kitu cha ukoloni.

Joseph Ole Lishinga: Ore namba uni,

Translator: Namba ya tatu,

Joseph Ole Lishinga: Naa land board.

Translator: Land Control Boards,

Joseph Ole Lishinga: Ena naitasheiki oldioi (DO) iljambai metimiri neaku oljamba leitu enyorra iltunganak metimira oltungani

neimie oldioi teneishori ropiani.

Translator: Ile kamati ya kukaa huko kwa ofisi ya D.O., hawa wakupitisha mashamba kuuzwa, hiyo hatutaki kabisa.

Joseph Ole Lishinga: Pee eitasheiki loopeny iljambai lenye.

Translator: Isimamiwe na wenyewe. Wale watu wa klasi ya chini huko.

Joseph Ole Lishinga: Ore namba onguan,

Translator: Namba nne, Kenya imejitangazia imenyakua uhuru.

Joseph Ole Lishinga: Naa kulo shambai apa kitejo ore taata nikijo kiata uhuru,

Translator: Lakini jamii zingine zingali hazijapigania uhuru zingali zinatarajia uhuru utapatikana.

Joseph Ole Lishinga: Kake tenikidol iyiook kira Imaasai nikidol anaa emikiata uhuru.

Translator: Kwa sababu kutoka Naivasha mpaka Nakuru.

Joseph Ole Lishinga: Amu ore teininteru kutoka Naivasha mpaka Nakuru,

Translator: Ni shamba ya watu wawili tu ndio iko.

Joseph Ole Lishinga: Naa iljambai loo iltunganak waare ake oti.

Joseph Ole Lishinga: Naa tinidung lelo shambai aatua nikimpungi, nikingori, neibungi ngishu, neikenori.

Translator: Hayo mashamba hata ng'ombe yako ama mtu kukanyanga anapigwa risasi ama saa ingine anafungiwa kama hapa Delamere.

Joseph Ole Lishinga: Kiata ngishu nikinosa olkesi olari musima.

Translator: Tuko na ng'ombe tumefanya kesi mwaka mzima.

Joseph Ole Lishinga: Etomito iltunganak tenkaraki netijinga apa oljamba.

Translator: Watu wakiwa wamezuia ng'ombe kwa sababu zilikuwa zimeingia shamba lao.

Joseph Ole Lishinga: Paa tiaji kiata uhuru aa enkop ang kiimita naa ninye eimita ngishua ang neibungi iyiook?

Translator: Kwa hivyo uhuru bado haujafika kwa sababu ungali bado unazuiliwa.

Joseph Ole Lishinga: Ore enkae bae ene,

Translator: Swali lake la tano,

Joseph Ole Lishinga: Naa National Parks

Translator: Hizi national parks ama sehemu hizi za wanyama.

Joseph Ole Lishinga: Ore iyiook kira Ilmaasai kiboitare iyiook inguesi.

Translator: Sisi jamii ya Wamasai tunaishi na wanyama.

Joseph Ole Lishinga: Nikitii nena Parks.

Translator: Na tunaishi karibu na ma-parks hizo.

Joseph Ole Lishinga: Naa tenejing ngishu ang Park neibungi iyiook.

Translator: Na ng'ombe kuingia tu kwa waya ya national park,

Joseph Ole Lishinga: Naa tenepuku nena nguesin nenyanya iljambai lang.

Translator: Na hao wanyama nao kutoka kuja sehemu ya reserve,

Joseph Ole Lishinga: Naa tenepuku nena nguesi, near ilturo lang,

Translator: Na hao wanyama wanaingia kwa makao yale yao,

Joseph Ole Lishinga: Naa tenepuku nena nguesin neaki ngishu ang emueyian.

Translator: Na hao wanyama wanaleta kupe nazo kupe zinaambukiza ng'ombe ugonjwa.

Joseph Ole Lishinga: Near iltunganak nemetta entoki nalakitae.

Translator: Na inaua watu na hakuna kitu mtu analipwa.

Joseph Ole Lishinga: Eitodolu ajo hasara egira ayaaki ninje iyiook nena nguesin etii nkuapi ang.

Translator: Kwa hivyo wanyama inaonekana wanaletea sisi hasara.

Joseph Ole Lishinga: Neaku ai kiyieu nelaki iltunganak lang tenenya nena nguesin,

Translator: Wale watu wetu wanauawa na hawa wanyama ama mwananchi yeyote wa Kenya akiuliwa na mnyama,

Joseph Ole Lishinga: Nelaki sii ilturor teneat oo iljambai tenenya

Translator: Na alipwe zaidi ya milioni tano badala ya elfu thelathini.

Joseph Ole Lishinga: Ore 70% enena ropiani, nepuo ina shoto oo Ilmaasai pee eisumieki nena kera amu ina kop etii nena nguesin.

Translator: Na communities za area hizo national parks ziko, walipwe seventy percent.

Joseph Ole Lishinga: Ore sii taata anaa taata nene wuejitin niko forest,

Translator: Forests,

Joseph Ole Lishinga: Keyieu sii ninje neingori iyiook kira iltunganak loo ngishu.

Translator: Tunataka nao upande wa wafugaji wa ng'ombe iangaliwe.

Joseph Ole Lishinga: Metaa ore te nkata o lameyiu neishori iyiook nena forest meinosa ngishu.

Translator: Kwa wakati wa Kiangazi, sisi turuhusiwe kufuga ng'ombe katika forests. ‘

Joseph Ole Lishinga: Ore enkae bae ai e mwisho,

Translator: Swali lake la mwisho,

Joseph Ole Lishinga: Naa taata esiai taata anaa esiai e Kanisa.

Translator: Mambo ya kanisa.

Joseph Ole Lishinga: Ayieu naomonu paa ore tenakibelegenyata ena katiba e taata,

Translator: Anataka kama marekebisho ya Katiba iko sasa,

Joseph Ole Lishinga: Pee eishori Kanisa engolon, naitasheikinye naaji emoruua.

Translator: Kanisa ipewe nguvu kabisa iwe inasimamia usalama katika area zote kwenye kanisa iko.

Joseph Ole Lishinga: Tenkaraki pee ingor ajo ore kulo tunganak ooji ilmukurani naa atua iyiook etii,

Translator: Kwa sababu tunaona wakora wako ndani yetu.

Joseph Ole Lishinga: Naa ore kila emoruua keyiolo iltunganak oltungani torono.

Translator: Na kila sehemu ama kila villager anajua watu wake sawasawa.

Joseph Ole Lishinga: Nemeyiolo sikarini, nemeyiolo kotini.

Translator: Na askari haijui na korti haijui.

Joseph Ole Lishinga: Naa ore kulo tunganak le kanisa naa kedup aatayiolo ninje neaku teneot ilo tungani neirusuni ilo tungani mewai kabisa nemeeta board.

Translator: Basi wazee wa kanisa waki-point mtu ya kwamba yeye ni mwizi katika area hii yetu, ichukuliwe maanani na

afungwe miaka mingi.

Joseph Ole Lishinga: Tenkaraki kidol ilo tungani aajo, lelo tunganak oomiti iyiook kipuo dukuya.

Translator: Kwa sababu hizo groups za wezi ndio wanatusumbua sisi wote.

Joseph Ole Lishinga: Amu atua naa iyiook etii naa keitayu ropiani aihongisho.

Translator: Na wako ndani yetu na polisi hawawezi kuwashika.

Joseph Ole Lishinga: Nee meeta enaiko pee eihonka irpayiani le Kanisa.

Translator: Na hawezi omba wazee wa kanisa,

Joseph Ole Lishinga: Naa ina kata ake kintau iltunganak torok ti atua moruuak.

Translator: Ndio hiyo tutamaliza wezi ndani ya location ama village.

Joseph Ole Lishinga: Naitabaiki ine wueji,

Translator: Na amesema asante sana, amefikisha hapo.

Joseph Ole Lishinga: Natejo sii pee irinyokini iltunganak iljambai lenye.

Translator: Na watu warudishiwe sehemu zao.

Com. Bishop Njoroge: Asante sana kwa hayo maoni. Paul Njamba?

Paul Njamba Karanja: Kwa majina ni Paul Njamba Karanja. Maoni yangu ni kama yafuatayo:

Kuapishwa kwa watumishi wa Serikali: Jambo hili nafikiri hata ndio maneno ya kugeuza Katiba ipatikane, ni kwa vile watumishi wa Serikali hawazingatii, na hawazingatii kwa kutojua, wanazingatia kwa kupuuzua. Kwa hivyo mapendekezo yangu naona jambo hili la kuaapisha na kitabu kitakatifu cha Biblia ambacho hawakiheshimu, maana wengine ni makafiri, wengine ni waomba sanamu, wengine ni wa kanisa la devil worshippers. Kanisa ipewe uhuru wa kuendesha Serikali na Serikali ibaki ikiwa Serikali. Kwa hivyo iapishe na jinsi wanavyopendekeza wenyewe. Kwa maoni yangu mwenyewe...

Com. Bishop Njoroge: Unasema hivi, watu wasiapishwe tena na Biblia. Kwenda kwa pointi ingine.

Paul Njamba Karanja: Waapishwe na ishara ya adhabu ambayo kwangu mini mwenyewe naona ni pingu.

Ya pili, uteuzi wa watumishi wa Serikali, kama vile wanajeshi, askari wa utawala na askari yeyote yule ambaye ni mlinda usalama. Hii ina maana kuwa, maofisa wanaochukua ama maofisa ambao wako Serikalini, viongozi wa wanajeshi na wengineo. Sisi raia tunawalaumu kuwa ni kama hawazingatii kazi yao. Maanake katika Serikali tunapata D.O. wanatumia bunduki zao na askari kwenda kupeana hizo bunduki kwa wezi wenzao. Kile kitu kiko, kwa maoni yangu mwenyewe ni kabla ya vijana kuteuliwa, kufikishwa kwa ule uteuzi, kwanza wateuliwe katika ofisi ya Chief ambaye ndiye anawaelewa. Anajua wakora, lakini sio kutumia pesa au kuangalia masura kama wakati wa mkoloni.

Ya tatu, sheria itakayolinda vyama vya kisiasa na pia iwe italinda mwananchi wa kawaida. Kwa mfano, mtu asitoke kwa chama hiki na kwa muda wa mwaka huo huo, aende tena aunde chama kingine. Jambo hilo ndilo linaleta mambo ya clashes katika taifa letu. Mbunge pia akihama chama, asipigane Ubunge kwa miaka mitano.

Vyeti vya ndoa: Vyeti vya ndoa kwa maoni yangu mimi naona viwe vikitolewa baada ya miaka mitatu. Hii italinda njia ya kuvunja ndoa ovyo ovyo. Au ndoa za kusahihishiwa na mtu. Kwa hivyo mtu atakuwa akipewa cheti cha ndoa baada ya miaka mitatu kwa hivyo atajua kuna jambo fulani litakalofanyika baada ya miaka mitatu. Atalinda ndoa yake.

Com. Bishop Njoroge: Uko karibu kumaliza?

Paul Njamba Karanja: Ndio. Uhuru wa teknolojia uwe uko. Hiyo sitaelezea sana.

Ya sita, Serikali kuchukua maoni ya wananchi mara tu baada ya janga la kitaifa kutokea. Serikali ichambue kisha waichapishe kwa gazeti la kitaifa na redio za kitaifa. Hiyo ni maoni ya wananchi kupokelewa baada ya janga la kitifa kutokea.

Ukahaba uhalamishwe katika taifa letu.

Com. Bishop Njoroge: Hiyo ni kusema nini?

Paul Njamba Karanja: Ukahaba uwe ni marufuku kabisa katika taifa. Jambo hili pia limeharibu taifa kabisa na hata taifa letu tukufu kukosewa heshima mpaka nchi za kigeni. Ukahaba huu ndio umeleta janga la kitaifa ambao ni ukimwi. Pia ukahaba ndio uti wa mgongo wa maovu, kama vile mipango ya jambazi na pia uvujanji wa ndoa na kuweka kiwango cha elimu kuwa cha chini.

Com. Bishop Njoroge: Hiyo tumepata. Ungetaka hao wafanye nini iliwaweze kuishi maisha yao?

Paul Njamba Karanja: Makahaba. Ndio tunatafuta kazi kwa Serikali.

Com. Bishop Njoroge: Thank you very much. You have very original ideas, hatujaambiwa na mtu mwingine. Francis Kanyi. Okey.

Francis Kanyi: Thank you Chairman, the other Commissioners and my colleagues here. Kwanza ningetaka kusema pole kwa mwenzenu ambaye pia ni mwenzetu, kutuacha Bwana Ombaka pole sana. Yangu ingawa yamesemwa, nitasema kwa ufupi. First, even if you can be able to do that, this evening. Can you first underline that phrase, President to be above the law. Hiyo iwe imefutwa kabisa. Because this one, has made the President to appear like a God to the politicians and some of them have adapted calling the person as 'mtukufu' na ikawa ni kama dini. Karibu kumuabudu na ni makosa.

Ya pili, the President must be thirty five years and above lakini hatujajua ni wakati gani anafaa kutoka kulingana na Katiba. Ikiwa unafanya kazi katika kiwanda fulani, kufika jioni, you will be a suspect in the same factory. So, if you overstay in a place, I think you loose the relevance. Napendekeza...

Com. Bishop Njoroge: Can you just give us mapendekezo please?

President to be thirty-five years and above and on attaining sixty nine years, when he is celebrating sixty nine years, he should leave office even if he is the incumbent President. Even if he is the serving one he should retire at that age. There should be two terms for a President, who should be qualified at least one at a degree level. That is somebody who is knowlegable and able to manage the affairs of a country like Kenya. Kenya must stop having tribes in their identity cards or anywhere as an identification factor. We should have a tribe as Kenyans. Then the other tribes should remain the way people are and we respect one another. Those are just languages, geographical languages, we have a tribe Kenya. Parliament to appoint senior Government employees like Permanent Secretaries and Parastatal Heads. Mayors, Vice President to be elected as well. One man, one job. We have an employment problem but we have a person with about ten jobs. How can we solve this unemployment problem?

Com. Muigai: Usiongeze chumvi. Mwalimu usiongeze chumvi. Umesema one man, one job, tumeelewa sote ni kusema nini.

Francis Kanyi: Education for all. Na ihakikishwe watoto ambao hawawezi kupata nafasi ya elimu ni jukumu la Serikali kuwaelimisha kwa sababu mzazi wake pia hajiwezi na jukumu la Serikali ni kutumikia wananchi wake.

Mwisho ikiwa Serikali inaajibika katika nchi, inafaa kuangalia sehemu zote. Sehemu kama inawakilishwa na Mbunge wa

upinzani au wa chama kinachotawala. Itakuwa ni makosa, kuacha sehemu ambayo inawakilishwa na Mbunge wa upinzani kwa sababu ni mpinzani. Lazima yote iwe equally attended. Kiongozi wa nchi aweza kushtakiwa ikiwa kuna evidence ya negligence.

Thank you.

Com. Muigai: Thank you very much. Chief Kariuki yuko? Hayuko. Simon Murimi. Afuatwe na Charles Mureithi. Charles Mureithi yuko? Kuja hapa mbele Mzee. Silas Wahome. Uko. Karibia hapa na Wilfred Kadagwala. Mketi hapa mbele ndio tuonane. Endelea Mzee.

Simon Murimi: Thank you Chairman, Commissioners and attendants. My name is S.M. Murimi and I am a businessman in this area. I would like to recommend to this Commission that land ownership should be respected and protected by the Government. I have in mind cases of land clashes or collisions by; we have these people who are nomadic grazers and they take their cattle to every place. In that they clash with the owners or the locals of that area. So, I would recommend that a way should be found so that when we have famine and we don't have rains, these people should reduce their animals or take them to K.M.C. Even if K.M.C has grounded, it should be rehabilitated.

Elections should be held after every five years regularly and preferably it should be held sometime from 1st to 20th of December. That the present five-year term limit for the Head of State should remain so. But then age should not be a factor to bur somebody from continuing as Head of State. When one has not reached the limit of two terms, he can still continue.

The other point is, that Local Authorities should be established to give services to the locals but not to be supported by locals without service. That land owned by Local Authorities should not be given without the authority of the Local Authority or the local leadership.

There are cases where we have especially let's say like Gilgil or elsewhere, we have people coming from Nairobi, giving out land without the knowledge of the local people or the Local Authority or the local leadership.

That employment to Government departments like Armed Force, Police Force and others should be based at least on proportion to population. We have cases where we have some tribes like El-moro having employed people in the Army may be upto a thousand and when we come to a big tribe like Baluhya, we have only one hundred. So, I think I was trying to say. That's all.

Com. Muigai: I want to ask you one question relating to land. You say when local land is being allocated, the local people must be involved. I want to ask you a question about the office of the Mayor. The people who do the allocations are the officers, town clerks, treasurer, engineer and so on. But they are sent to.....

Second question would you like the Chief officers to be appointed by the Ministry or hired from the grassroots.

Simon Murimi: I beg your pardon. The second question is?

Com. Muigai: The Chief Officers, the town clerks, the treasurer, they are appointed from Nairobi and then sent to Naivasha. You understand my question? Would you like them to be hired directly by the Councillors themselves and the Mayor or would you like them to come from Nairobi.

Simon Murimi: The first question, I would recommend that the Local Authority hires such officers directly from whatever quarter. There was the first one may be I have forgotten.

The first one was about the Mayor, you know the Mayor is elected by Councillors for two years? We have received some recommendations that the Mayor should be elected directly by wananchi. I wanted to hear your views on that.

Simon Murimi: My recommendation is, Mayors should continue being elected by the Councillors because otherwise we will need to have another post for that seat. Because they are supposed to come from the other Councillors.

Com. Bishop Njoroge: Thank you very much. Can you come and register? Paul Ole Lapio.

Paul Ole Rapio: Ashe oleng Bwana Commissioner.

Translator: Asante sana Commissioners.

Paul Ole Lapio: Ore too nkarna ainei naa kaaji Paul ole Rapio

Translator: Kwa majina anaitwa Paul Ole Lapio.

Paul Ole Lapio: Ore embae ai e dukuya naimaki tene wueji,

Translator: Ile kitu cha kwanza nataka kuzungumza kwa wakati huu.

Paul Ole Lapio: Naa kaisho Enkai enashe ninye taata kietuo iyiook ene wueji neimakinieki esiai e katiba.

Translator: Narudishia Mungu shukrani kwa kutupatia nafasi ya kuja kuwa pamoja.

Paul Ole Lapio: Amu ore apa katiba apa natulusoyie naitoroki te Kenya to laarin artam.

Translator: Kwa sababu ile Katiba iliyokuwako ile iliyokuwa imepita miaka arobaini baada ya kutungwa,

Paul Ole Lapio: Naa eikuti apa Ilmaasai oleng otii, ooshomo ene wuei.

Translator: Raia wote wa Kenya walikuwa wachache sana wale walioshiriki.

Paul Ole Lapio: Neaku ore embae naimaki tene,

Translator: Kile kitu anazungumzia,

Paul Ole Lapio: Naa e siai orkuak lang,

Translator: Ni mambo ya culture.

Paul Ole Lapio: Etii iltunganak longira iatumia orkuak lang oleng.

Translator: Hatutaki watu wengine watuige kwa mfano culture ya Wamasai.

Paul Ole Lapio: Amu kegira apuo aamor iyiook taata aitumia vibaya.

Translator: Anasema wale wengine wanatumia vibaya.

Paul Ole Lapio: Neaku kayieu taata neimieki tena katiba,

Translator: Kwa hivyo nataka kwa Katiba hii mpya.

Paul Ole Lapio: Nepiki sheria metaa ore engae abila pookin neitumia orkuak lenye.

Translator: Kila Mkenya atumie mila yake.

Paul Ole Lapio: Amu etii iltunganak loo loreren oogira oleng aitumia orkuak aaponu aifaidika te ilo kuak.

Translator: Kwa sababu makabila mengine yanataka kuharibu mambo ya wengine.

Paul Ole Lapio: Ninepu oltungani eishora entoki torono oleng namor iyiook.

Translator: Kwa sababu wengine huchonga watu wakiwa uchi.

Paul Ole Lapio: Nikidol ajo mee entoki sidai ina oleng.

Translator: Na tunaona hiyo si mzuri.

Paul Ole Lapio: Ore enkae e are,

Translator: Kile kitu cha pili,

Paul Ole Lapio: Naa esiai oo ngiri.

Translator: Ni mambo ya nyama.

Paul Ole Lapio: Ore oshi iyiook Ilmaasai naa ngiri, entoki naji enkiteng gintegemea.

Translator: Anasema sisi tunategemea nyama,

Paul Ole Lapio: Naa ore enkata naimakini esiai anaa budget te bunge,

Translator: Na wakati tunakuwa na siku ya kusoma budget,

Paul Ole Lapio: Nemeimakini aikata esiai oo ngiri.

Translator: Mambo ya nyama haizungumzwi,

Paul Ole Lapio: Eimakini kulie tokitin kake kegirori nena.

Translator: Na vitu vingine vinapandishwa, na vingine vinateremshwa na nyama haipandishwi na ni pesa mingi sana.

Paul Ole Lapio: Naa ore tenakata pee kimpang pookin tene wueji,

Translator: Sisi wote kama tunatoka kwa hii nyumba,

Paul Ole Lapio: Nining oltungani ejoki oltungani le butchery tudungokoki enkiringo nepir.

Translator: Sisi wote tunakimbia kwa butchery kutafuta nyama choma ile tayari na ile ingine inapimwa.

Paul Ole Lapio: Neaku kayieu neinguraa katiba ina siai,

Translator: Kwa hivyo Katiba iweke ya kwamba, ng'ombe ama wafugaji wote watafutiwe nafasi katika nchi.

Paul Ole Lapio: Pee etum sii ninje ngiri aanoto bei.

Translator: Nyama iwekwe katika budget ya nchi.

Paul Ole Lapio: Neaku nena nainei.

Translator: Na yake ni hayo.

Com. Bishop Njoroge: I think that is sensible. Charles Mureithi. Akifuatwa na Silas Wahome.

Charles Mureithi Kagiri: Majina yangu ni Charles Mureithi Kagiri na yangu itakuwa na machache sana. Ya kwanza ile ningeonelea kwa sababu wakati tuko hapa, tungetaka tuelewe kile kinachotakikana na Katiba na unatakiwa ueleze kile kitaandikwa pale ili kesho ikienda iwe ni Katiba inazungumziwa na inawekwa kukulinda na njia yeyote umesema. Yangu ya kwanza vile nimeonelea ya maana sana, ni nyinyi Wana-Commissioners, ningetaka muandike kuwe na skuli kwanzia kwa wakati Serikali tunayoenda kupata wakati huu. Hiyo skuli iwe ni ya kufundisha mwananchi wa kawaida vile anaweza kuishi nchi yake. Kwa sababu sisi tunaishi nchi yetu kama wanyama wa msituni. Kwa sababu, yeyote akiwa ni kiongozi, akiwa ni polisi, akiwa ni mtu wa aina gani, bora tu awe ameajiriwa mahali, akienda akute mwananchi wa kawaida ambaye hata hajasoma, haelewi ni nini, anamtunikisha. Kwa sababu ni mjinga. Kwa hivyo ningewauliza muandike Serikali itakayokuja iwe na skuli ya kufundisha mwananchi Katiba ya kuishi nchi yake.

Ya pili, President atakayekuja sababu ninaelewa kupata President mpya, wakati unaowadia. Awe ni chairman wa Bunge. Ikiwa kuna shida yeyote ya nchi, aite Wabunge na Ma-Ministers waje awaeleze, kuna shida hii. Waongee waongee, wakipitisha Wabunge wote, wapitisha. Yeye awe ni Chairman wa kueleza vile wameelewana. Lakini sio kuweka nchi mfuko wake kama kitambaa ya makamasi. Hiyo ni ya pili.

Upande mwingine, tunaolewa ya kwamba, katika nchi yetu, hakuna mtu yeyote ana uwezo wa kusema kitu ama kuendesha kazi yake. Hata ukiwa ulisomeshwa na baba yako, hata ukiwa ulipata degree kumi, hizo zote degrees zako ni za bure. Kwa hivyo ningepuliza Ma-Commissioners waandike, yeyote atakaye ajiriwa na ana masomo ya kulingana na kazi ameajiriwa, akubaliwe aendeshe kazi yake kihari. Iwe ni Katiba. Eti huyu mtu ataendesha kazi yake vile ajiriwa kulingana na masomo yake. Lakin sio tu akianza kidogo, simu inakuja, degree yake yote anaweka kwa cupboard. Tunakataa hiyo.

Hivyo ni kusema, kwa upande wa defence, kuna defence. Kama sasa unaweza kusikia kuna mtu ambaye amesoma ameenda ng'ambo na hayo yote yamefanywa na wazazi wake. Wametumia muda mwingi, hata kuenda bila viatu, hata kwenda bila nini, kufundisha mtoto ajitegemee ya kwanza. Mtoto wangu akisoma na akiwa na vyeo kama hivi vyote, mwishowe mimi nitakula na kijiko. Alikuwa akikula na mkono, akifikiria akifundisha mtoto na nini, atakula na kijiko. Baada ya kufanya hayo yote anakuja kuchukua jembe kuchimba mtaro. Na ni masomo yake. Kwa hivyo mwananchi wa kawaida yeyote aliye katika Kenya, mahali ako, awe akifikiriwa. Mtoto amesoma kama miaka hapo mbeleni, tulikuwa tukiambia.

Com. Bishop Njoroge: Pointi yako ni kuwa waliosoma wapate kazi.

Charles Mureithi Kagiri: Kupata kazi.

Com. Bishop Njoroge: Enda pointi ingine.

Charles Mureithi Kagiri: Ya pili, kuajiri Ma-Ministers, sio tu kutafuta Minister, mtu anachimba huku msituni, unakuja unampatia Minister. Na mahali hapo kuna watu wamesoma. Wanaweza kuendesha kazi, wanaweza kuendesha nchi kwa kila njia. Mtu mwingine kama mtu mwingine anachimba huko kwa mtaro, anachimba huko kwa mtaro, anapima mtama anachimba. Panda mbogo, anafanya nini. Ukimwambia umpatie book ya Agriculture atajua ni kitu gani unampatia?

Com. Bishop Njoroge: Kwa hivyo kila Minister apewe kazi?

Apewe kazi kulingana na masomo yale amesoma. Kwa sababu kuna Ministries na hizo Ministries yote, na watoto wamesoma na wako na masomo haya. Wapewe kazi kulingana na hivyo.

Ingingine yangu, Mbunge akiwa na shida ama akufe, President hana ruhusa ya ku-nominate Mbunge aende Bunge. Ameenda kufanya nini? Na hali sisi tuko na sisi tunawachagua waweze kulinda Constitution yake. Wewe una-nominate Mbunge, anaenda kutuakilisha nini? Unaweza ku-nominate Mbunge hata bubu na haoni wale wanaongea katika Bunge. Tunataka arudishwe mpaka kwa sisi. Tumchagua aende directly Bunge, tukiwa tunamchagua. Ili akikosea anarudi kwetu.

Com. Bishop Njoroge: Nataka kusahihisha. Wabubu, kuna wabubu wao. Sawasawa? Kwa hivyo kila mtu ana haki ya kusimamiwa na hakuna mtu hana haki kwenda Bunge hata kama hajui kusoma au haoni. Sawasawa? Inginge, ya mwisho.

Kwa hivyo...nilikuwa nikisema Mbunge akiwa na shida ama kuwe kiti yake imeachwa wazi, itangazwe, ifanyiwe uchaguzi ili akienda Bunge awe ni sisi tunamchagua.

Inginge sasa ambayo ningesema, huku katika Kenya yetu tuna shida na ingetakiwa Katiba iundwe na kuwe na kamati ziko katika locations, division, district, kuwe na command imeundwa na Serikali ili kamati hiyo, kukiwa kuna shida, yeyote ya chama, wanaanzia pale grassroot kwa kufikiria hiyo kesi. Badala ya mtu kwenda kukumwambia, 'wewe tutaonana.' Sababu anaelewa ofisi ataenda, wewe ukiingia huko utafukuzwa. Ndio anakuambia mtaonana. Kwa hivyo Wazee wa location, division hawatakuambia tutaonaona. Watafikisha hiyo kesi na ile barua wataandika itachukuliwa vyema na suluhisho itapatikana. Yangu imekwisha.

Com. Bishop Njoroge: Asante sana. Njoo ujiandikishe hapa. Silas Wahome. Yuko hapa?

Silas Wahome: Jina ni Silas Wahome. Pendekezo langu la kwanza ni kuhusu hali ya uhuru wa kuabudu. Pendekezo langu ni kwamba katika mashule, watoto wetu wawe wanasoma kuanzia jumatatu mpaka siku ya ijumaa. Lakini zaidi kuna wengine ambao wanaweza kusoma siku za weekend. Hivi kwamba kuna watoto wengine ambao hawapati nafasi ya kuweza kuabudu Mungu kwa vile mitihani ni nyingi ama masomo mengine yamewekwa katika siku za weekend. Ingekuwa tutaweza kuwa na uhuru wa kuabudu, pia na watoto waweze kupatiwa uhuru wa kuweza kuabudu hata siku ambazo wanafaa kuweza kuabudu.

Ya pili ni kuhusu hali ya kulinda mali ya umma. Ikiwa ni ushuru ambao unaotzwa katika upande wa wafanyakazi yaani kodi ambazo zinatozwa wana-biashara ziingie tu katika sehemu zinazohitajika. Hivyo kwamba zisichukuliwe na vote nyingine. Kama ni upande wa County Council wamepewa ushuru wa kukusanya takataka ama vitu vingine, iingie pahali ambapo panastahili lakini isiingie katika vote nyingine.

Pia katika jambo lingine ni ya kwamba, kumekuwa na utumiaji wa pesa wakati wa kuhesabu watu. Iwe kwamba Chief aweze kuwa anajua watu wake. Hivi kwamba hata kama kuna mtoto ambaye anazaliwa, ni vizuri kwamba Chief aweze kuwa anajua hivi kwamba hakutakuwa na utumiaji mwingi wa fedha za Serikali. Ya kwamba kuna watu ambao wametumwa kwa ajili ya kuhesabu watu. Chief apatiwe jukumu ya kujua watu wa location yake. Na pia katika hapo, Chifu achaguliwe ambaye anajua kusoma na wananchi ambao wanamfahamu. Si Chief ambaye hajui kusoma kwa hivyo hataweza kujua hesabu ya kujua watu wake wako namna gani.

Ya mwisho ni kuhusu hali ya abiria wanaobebwa na magari kwa sababu sisi sote tunabebwa na magari ambao wale ambao wamepata magari wanatubeba. Hiyo ningesema ya kwamba, kuwe na sheria ya kusimamia abiria. Ya kwamba wengine

wanabebwa zaidi ya kiwango ya gari ambayo imewekwa. Kwa hivyo kuwe na hali ya kulinda abiria wanaosafiri. Ikiwa kuna wale ambao wamebebwa zaidi, ni vizuri hata hizo magari kuweza kuondolewa katika orodha ya uchukuzi.

Com. Bishop Njoroge: Wilfred?

Wilfred Kandawala: Asante Commissioners na wasikilizaji. Kwanza ningependa kuongea kwa upande wa elimu. Ningependa Serikali irudishe system ya zamani ya 7-4-2-3. Kwa sababu wakati huo wanafunzi hawakuwa na mzigo mkubwa vile wako nayo. Wakifika Form three, mwanafunzi alikuwa ana-specialize science. Halafu kuchukua career yake ilikuwa rahisi. Lakini saa hivi, wanabeba subjects kumi. Siku hizi hata akienda polytechnic, hata akifanya mtihani akipita, huandikwa kazi, ndio anaanza kuharibu kazi. Halafu tunarudi kulaumu Serikali.

Com. Bishop Njoroge: Can you recommend?

Wilfred Kandawala: Kwa hivyo, hiyo iwe. Tena Serikali ningetaka introduce mtihani wa zamani wa (inaudible) kwa wale yatima na chokora. Kwa maana hao wanahitaji ghalama nyingi na ni wengi sana wanataka usaidizi lakini hawana pesa. Kufikia form two, watapata certificate ndio wajiunge na wengine.

Administration: Upande wa Administration, Sub-Chief awe anachaguliwa na raia na villagers and the Chief by elders not the Government.

Employment: Any interview of the Government should be done in division headquarters, not districts to equalize Kenyans.

Second, any Government office should not have a majority from one tribe or one race. Asante.

Com. Lethome: Councillor karibu.

Councillor Mary Oluoch: Commissioners na watu wa Gilgil, karibuni sana Gilgil. Mimi yangu, kwa ajili ile ningeeonea, nimeona watu wengi wameonea na sijasikia mtu akiongea juu ya akina mama.

Com. Lethome: Ongea sasa.

Councillor Mary Oluoch: Akina mama tuko na shida kwa ajili sisi ni watu wanaume wanatupiga, tunachomwa na hakuna pahali tunaongea.

Com. Lethome: Wanaume ama waume?

Councillor Mary Oluoch: Waume.

Com.Lethome: Mabwana? Wajua ukisema wanaume bado huko barabarani kuna wanaume wanapita. Kwa hivyo kuna waume na mabwana.

Councillor Mary Oluoch: Sasa tunataka Katiba wakati huu iangalie maneno ya akina mama.

Com. Lethome: Ungependekeza nini kuhusu mwanamume anayepiga mwanamke?

Councillor Mary Oluoch: Ashtakiwe na afungwe.

Com. Lethome: Na wamama wanaoumiza waume wao?

Councillor Mary Oluoch: Hata wao washitakiwe na wafungwe. Kwa ajili wote wako sawa.

Ya pili, President wa Republic of Kenya, inatakikana tumchague from the grassroot na wananchi wote. Hata wakati huu wakati tunaenda kwa elections. Chama yeyote ambayo inataka kusimamisha President, inatakikana arudishe kwa grassroot kwa wananchi. Ndio ajue huyu ni mzuri ama ni mbaya. Instead ya kwenda kuchaguliwa na watu ishirini huko kwa Bunge. Kama itapatikana kiti cha Prime Minister, vile vile achaguliwe na Wananchi kutoka grassroot kama President.

Ya nne, land: Wanaume wanatisha wamama kwa land. Tunataka haki yetu, kama umeolewa na bwana amefanya na wewe arusi na anajua wewe ni bibi yake. Tugawane equally. Kama ni Title Deed, tuandike jina ya bwana na mama. Kwa ajili wakati bwana atakufa hatutakuwa na shida ya kuzunguka kusema, ooh niende Coast nirudishe mali ya bwana yangu.

Com. Lethome: Tafadhalini tuwe na mkutano mmoja. Tuna-interfere na recording na wamama (inaudible)

Councillor Mary Oluoch: Hayo maneno ya land unasikia?

Com. Lethome: Kwa hivyo Title Deed iandikwe jina ya mke na mume. Na wakiwa zaidi ya mke mmoja?

Councillor Mary Oluoch: Hata yeye agawiwe share yake.Wazee. Yuko Mzee mmoja aliongea hapa juu ya ukimwi na tunajua wazee ndio wanaleta huu ugonjwa wa ukimwi. Wazee ambao wako na pesa. Kwa hivyo watoto wetu wachanga kama tumetuma shule, wazee wananyemelea hao watoto, wanabeba watoto, wanawapatia pesa, wanawapatia ukimwi wasichana. Sasa kurudi wakati wa holiday, wasichana wanaenda kukutana na vijana wenzao wanapatiwa ukimwi. Sasa mimi naomba, wazee ma-sugar daddy ambao wanaenda kuchukua watoto wa watu kwa shule, akipatikana ashitakiwe na ahukumiwe. Kwa

ajili hawa ndio wameleta shida kwa nchi yetu.

Com. Lethome: Councillor unajua kuna sugar mummy?

Councillor Mary Oluoch: Hata sugar mummy. Wako sugar mummy. Wakipatikana na watoto wenzake. Kwa ajili hata mama amejua ako na ugonjwa na ako na pesa. Na yule mtoto fulani anatoka kwa family maskini. Yeye ananunua yule mtoto na pesa na anampatia ugonjwa. So, hata mama akipatikana, ashitakiwe na ahukumiwe.

MPs ambao wameongeza mishahara yao huko Parliament na hapa chini pahali wametoka, vijana wako na shida ya kazi. Hizo mishahara iwe reviewed. Tujenge nayo ma-factories, vijana wetu wapate kazi. Instead ya kuongeza MPs, pesa turudishiwe hizo pesa tujenge nayo ma-factories in our constituencies ndio vijana wapate kazi.

Haya maneno ya masomo ya MPs na Councillors. Hii ni kazi ya raia kwa ajili yule mtu ambaye raia ameona ni mzuri ku-represent wao, ndio wamchague. For example, mtu kama Kariuki Chatora. Alikuwa ni mtu hajui kuandika jina lake lakini alileta maendeleo makubwa sana Naivasha constituency. Unaweza kuwa na masomo, lakini kuingia hapo kwa Councillor ama Bunge, uweke mbwa kali kwa mlango.

Com. Lethome: Kwa hivyo masomo sio lazima?

Councillor Mary Oluoch: Masomo sio lazima ni mtu. Wakenya tulipata uhuru na tunatakikana tukae na uhuru katika nchi yetu. By now, vile mwingine aliongea hapa kutoka Naivasha mpaka Nakuru, iko shamba mbili tu na ni ya Wazungu. Na Waafrika wetu kuingia huko ni kanyanga na tulipata uhuru. Sheria itolewe ya kulinda sisi watu wa Kenya. Hata kama tumeingia kwa shamba ya Mzungu, tutoe hiyo section ya kushtaki watu wetu wa Kenya.

Division: Ningeomba kama haya maneno ya kuandika watu kwa kazi, national youth, jeshi, polisi irudishwe kwa division. Kwa ajili kama amepelekwa kwa district, iko ma-divisions zingine ananyanyaswa. Unaweza kupata watu wa jeshi wanaandikwa Nakuru district, wanaenda location moja ndio anaandikwa na ma-location zingine anakuwa void. Sasa kama kuna watu wanaandikwa kwa Serikali na district fulani inasemekana kunaandikwa watu ishirini ama watu thelathini. Kila D.O. apatiwe kiwango ya kila division ambayo ana-represent. Hayo ndio maoni nimeomba upande wa kuandika kazi.

Com. Lethome: Ya mwisho.

Councillor Mary Oluoch: Sasa ya mwisho tunataka election ya mwaka huu ufanywe chini ya Katiba mpya. Kwa ajili kama utafanywa kwa chini ya Katiba mpya ndio haya maoni yetu tunatoa, ataingia. Na kama uchaguzi utafanywa kwa ile ya zamani, haya maoni tumetoa yatakuwa ya bure na Serikali imetumia pesa kuzunguka Kenya mzima kutafuta haya maoni.

Ya mwisho kabisa, President awekwe wa life. Kwa ajili. Wacha tu niseme.

Laughter from the audience.

Audience: Ni maoni yake.

Com. Lethome: Hayo ni maoni ya Councillor. Endelea.

Councillor Mary Oluoch: Kwa ajili by now hata vile mmeona Kenya vile iko na wakati wa President ambaye yuko saa hii umeisha. Na hata saa hii, kama watu wa Kenya naangalia, hakuna mtu saa hii tumekamata anaweza kuongoza Kenya. So, tunaomba kama haya maneno yanaweza kupitishwa, President wa Kenya awe kwa life.

Com. Lethome: Na umri wa President wa chini ungependekeza uwe miaka ngapi?

Councillor Mary Oluoch: Yeye unajua anaweza kuwa hata mtu wa eighty lakini uko na bongo ya ku-advise watu. Lakini by now, awe not more than seventy years. Chini kabisa awe sixty-nine ya mwisho. Kama ni juu kabisa awe sixty-nine.

Com. Lethome: Asante sana. Esther Wanjiku? Mwalimu jina lako liko hapa?

Doris Wairimu: Niliongea kama Mwalimu lakini sasa nasikia kuongea kama mama.

Com. Lethome: Unataka kuongea kama mama, tutakupea nafasi. Kwa sababu nimeona uko na objection kali.

Esther Wanjiru Wanyoike: Jina langu ni Esther Wanjiru Wanyoike na mimi ni mfanyi biashara katika location ya Karunga. Asante Bwana Mwenyekiti na wananchi wenzangu. Langu mimi, maoni yangu ni wakati wa Uchaguzi wa Katiba tunaoelekea, Prime Minister achaguliwe na wananchi. Sio kuwekwa na Rais. Rais naye awe mwanamume na makamu wake awe mama. Kwa sababu nyumba isio na mama haiwezi kudumu. Hilo ni la pili.

Ya tatu, Mawaziri tungependa tukipewa watano, watatu wawe wamama ndio tuweze kuendesha maendeleo.

Com. Lethome: Watatu wamama, wawili wanaume?

Esther Wanjiru Wanyoike: Wanaume. Wakati wa uchaguzi wa Ma-Councillor, tungependa Ma-Councillors wakichaguliwa na wakose kufanya kazi hata na MP, Mbunge, tunamfuta na tunachagua mwingine. Hata kabla miaka haijafika mitano. Kwa

sababu wengine wanachaguliwa, kazi yake ni kwenda kuchukua mishahara, hashughuliki na location aliyochaguliwa wala Constituency aliyochaguliwa. Kazi yake ni kuchukua mshahara.

Lingine tungependa (inaudible) vile ufisadi umeenda sana, tungependa iwekwe, mtu hata akiwa ni nani, pande ya ufisadi na ameandikwa na Serikali na amekosa. Pengine ameiba. Ameenda ameiba kama vile madawa yameibwa juzi Kenyatta hospital, anatolewa kwa choo anapelekwa jikoni. Napendekeza afutwe kazi ndio awe funzo kwa wengine.

La tano, ninaomba pande ya polisi, tunachagua jina ya polisi lakini mshahara wanaopewa ni kidogo, tungeomba Katiba iweke polisi waongezwe mishahara kwa sababu wanafanya kazi nyingi kuliko wanajeshi. Kwa sababu popote tulipo, katika nchi hii kukiwa na fujo yeyote tunatumia polisi na hawana mshahara wa kutosha. Katiba ya sasa inaweza kuweka wapewe mshahara kwa sababu wanapewa kidogo kuliko jeshi na wanafanya kazi.

Ya sita siwezi kusema kwa sababu Councillor amesema hiyo, tulikuwa tunasema kuhusu wamama. Tunaona shida sana, niweke hiyo huku, wakati wazee wameaga ama mimi kuaga. Kwenda kushtaki kifo, inakuwa shida kwa sababu pahali pengine hakuna pesa. Watu wengine Mzee akiaga wa familia yao, anakuja kusema sijaolewa. Ninachunguzwa na watoto wangu, ninabaki bila. Sasa tunauliza, tukiolewa, mali yoyote tutakayotafuta na huyo bwana iwekwe kwa Katiba tuwe tukiandikwa pamoja. Na hiyo farakano ya boma itaisha nao chokora hawatakuwako kwa sababu hatutachunguzwa tena.

Pande ya biashara ni la saba. Upande wa biashara wakati K.C.C. ilikuwa ikifanya kazi, kuleta sukari na kila kitu, kulikuwa kuzuri sana. Tungependa Katiba iweke umuhimu wa haya mambo yarudishwe kwa K.C.C., ndio biashara ifufuke. Kwa sababu wakati huo tulikuwa tukichukua sukari hapo, hatakuwa tukikuliwa vile tunakuliwa na wezi. Tunakaa kama wahamiaji kwa sababu tukienda tunanyonywa na tungependa turudishiwe kazi zetu, biashara zetu kwa K.C.C. Na pande ya Cereal Board, wakati tulikuwa tukivuna mahindi, tulikuwa tukivuna na kuuzia cereal board. Serikali iweke kwa Katiba, cereal board ipewe pesa, itununuliwe chakula ili tukiisha tunarudi kwenda kuchukua huko kwa stores zetu.

Hilo lingine ni pande ya pombe: Vilabu vile vilikuwa vya pombe ya unga ya busaa, vilikuwa nzuri sana. Kwa sababu muda umeenda, watoto wetu waliharibika macho hapa pande ya... Ni Longonot? Mai mahiu. Watoto wetu waliharibika macho kwa sababu ya pombe waliokunywa. Lakini tangu vilabu viondolewe, watu wengi wamepata shida.

Com. Lethome: Unapendekeza nini?

Ninapendekeza vilabu vya pombe ya unga busaa virudishwe ili chang'aa ikose nguvu. Na hivi vilabu vimewekwa juzi ya medusa, sijui na nini na nini, inakorogwa na madawa hapa Naivasha, iondoke. Turudishiwe klabu. Kwa sababu watu mpaka walewe vile wanataka.

Com. Lethome: Ni gani hiyo?

Esther Wanjiru Wanyoike: Ya Medusa. Ni ingine inapikwa hapa Naivasha, inawekwa madawa. Ni kama chang'aa tu. Kwa sababu pombe ya medusa iko bei kali, wengine wanataka kukunywa lakini hawana pesa.

Com. Lethome: Ni lazima ifunguliwe?

Esther Wanjiru Wanyoike: Sasa kwa sababu wanataka kukunywa. Kama mimi nimeokoka hata nikipewa sitakunywa. Yule ana tamaa. Badala ya kupoteza watu macho, tuwe na vipofu wengi. Afadhali wakunywe ile wanataka.

Ya mwisho ningependa hii Katiba iweke mambo hii muhimu, uchuguzi tunaoleleka kufanya, yale mambo tumefanya siku ya leo, iwekwe muhimu ndio tukichaguana tujue tunachagua kitu itatusaidia kesho. Nikimaliza ninasema asante. Mungu awabariki.

Com. Lethome: Gerald Mburu. Mwalimu njoo utoe maoni yako, halafu ufuatwe na Susan Wangui. Utamfuata huyu.

Dorris Wairimu: Nashukuru kwa kupata nafasi ya pili, ningetaka kuongea tena kidogo kuhusu wamama. Jina langu ni Dorris Wairimu. Jambo la kwanza ningepomba katika marekebisho ya Katiba ni kuhusu kuachana katika ndoa. Hii huwa kwa sababu inachukua muda mrefu sana kuachana katika ndoa kama kuna matatizo na wakati huo watoto wanaumia. Ningepomba kwamba kama mume na mke wameona kwamba wameshindwa kukaa pamoja, wawe wanapewa nafasi hiyo ya kuweza kutengana na hali ya watoto inachukuliwa maanani. Watoto waangaliwe vile watakavyoishi.

Jambo la pili ni kuhusu mume akifa sana sana kwa sababu tunaona kwamba waume wakifa, wamama wanateseka sana. Wengine wanajitokeza kando na kando alikuwa mume wangu na kweli wanadhibitisha maana watoto wako na hata wakifanyiwa testing inakuwa proved kwamba watoto hao walikuwa wa yule mume. Sasa iwe kwamba mume aweze kutambulika kwamba ana wake wangapi, wakati ule angali hai. Ili kwamba kuwe na uelewano badala ya mivurutano mingi wakati ule ambao hayuko.

Com. Lethome: Sheria imulazimishe?

Sheria imulazimishe kutambulisha ana wake wangapi na watoto wangapi huko nje. Si wakati ule anakufa ndio wengine wanajitokeza na hawajulikani, hakuna mtu aliwajua lakini wanaweza kudhibitisha, wanapeleka watoto testing. Na wanakuwa proved kwamba walikuwa wa yule mume. Sasa inakuwa shida sana.

Jambo lingine ni kuhusu wamama wa siasa. Tunapata shida sana wamama wakijitokeza kuwa wanasiasa, inakuwa kwamba wanachunguzwa, maneno mengi yao yanasemwa. Wakiwa labda ni wamama ambao hawakuweza kukaa katika ndoa kwa ajili ya mume kufa ama labda hawakuweza kukaa katika ndoa, unakuta kwamba wanatusiwa sana. Wanaitwa Malaya, sasa Malaya

sikuwa nimeelewa ni nini hasa. Kwa sababu mama yeyote kama anaweza kuongoza, apewe nafasi hiyo ya kuweza kuongoza.

Com. Lethome: Kwa hivyo asichunguzwe maisha yake ya kibinafsi?

Esther Wanjiru Wanyoike: Asichunguzwe maisha ya kibinafsi kwa sababu ile haitachangia katika kuendeleza taifa. Ikiwa mama amejitokeza na ana uwezo, apewe nafasi.

Jambo lingine ni kuhusu kuchaguliwa kwa wamama katika top positions za Serikali. Ukikuta kama Mawaziri, wamama ni wachache sana, top civil servants, wamama pia ni wachache sana.

Kuna mama alipendekeza hapa, ratio iwe wanaume wawili, wanawake watatu? Wewe unapendekeza nini?

Mimi ninapendekeza kwa sababu wamama ni wengi, kwa wanaume wawili, wanawake wanakuwa watatu. Kwa sababu wanawake pia ni wengi. Na pia ningependa kupendekeza hivi, nchi ya Kenya ni nchi ya wamama na wazee, na tukienda katika President na Vice President tunakuta kwamba wote wawili ni wanaume. Mimi napendekeza hivi, President akiwa mwanamume, Vice President anakuwa mwanamke. Na mwanamke akiwa President, Vice President anakuwa mume. Hivyo tutakuwa na usawa kidogo maana hata tukiangalia katika institutions zingine mahali ambapo kuna wanaume na wanawake, top positions zile mbili, zinagawiwa hivyo. Ndio kwamba mmoja anaweza kuangalia hali ya wengine hivyo. Asante.

Com. Lethome: Asante sana. Njoo ujiandikishe.

Susan Kamau: Asante Chairman na Commissioners wenzako na wananchi wa Gilgil. Yangu ya kwanza, nilikuwa naomba Katiba mpya ambayo inaandikwa, iandikwe kwa lugha zote arobaini na mbili za Kenya. Ili ya kwamba pengine mtu yeyote pengine amehukumiwa na amepelekwa kortini, hajui ameshtakiwa na shtaka gani. Anaweza kusoma na kujua ameshtakiwa na kosa fulani na hivyo

Kwa hivyo sheria zote za nchi ziandikwe katika lugha zote. Ndio mtu akishtakiwa anajua ya kwamba kweli nimeshtakiwa na ni kwa sababu ya hii na hii. Pia ziwe available kama ni kwa bookshops mtu anaweza kununua. Ama ziwe ni za kupeanwa bure. In case mtu anapofanya jambo ambalo ni makosa, awe akijua ya kwamba anafanya makosa na iko katika sheria.

Ya pili nilikuwa nataka kuzungumzia habari ya Wabunge. Kenya yetu imekuwa ya vyama vingi na Wabunge wengi wamekuwa wakuaibisha vyama vyao wakati wanachaguliwa na raia. The whole day, mtu ameshinda amepiga mlolongo halafu siku mbili, tatu, au mwezi mmoja, miwili tena anageuka anakuwa mtu wa kuaibisha chama chake. Nilikuwa naona ya kwamba Mbunge kama huyo anapoibisha chama chake, achukuliwe hatua ama asiruhusiwe kwenda kwa chama kingine. Ame-defect kutoka kwa ile chama ambayo raia wote walimpa kura, kwa hivyo asiruhusiwe kwenda kwa chama kingine.

Ya tatu ni elimu, elimu kweli imekuwa ni ya shida, unakuta tuna watoto kama hawa wa 8-4-4 , inakuwa ni mzigo sana kwa watoto na pia kuweza kusoma masomo inakuwa ni shida. Kuna wazazi wengine ambao, they are not well up.

Com. Lethome: Pendekezo lako ni gani?

Susan Kamau: Pendekezo langu ni ya kwamba Serikali igharamie hayo masomo. Hata pengine watasimamia Primary Education, akifika Secondary mtu anaweza pengine kufikiria jambo lingine.

Susan Kamau: Lingine ni mipaka (boundaries), sasa kama area hii yetu ya Naivasha Constituency, tunaona ni kubwa sana, kutoka Mai Mahiu, mpaka huko Kiambogo. Mimi ningelikuwa na ombi la kwamba tungepewa Wabunge wawili ama watatu, ili huyu Mbunge kwa sababu huenda akawa na kazi mingi, hawezi kwenda round. Hiyo miaka tano, unakuta inaisha kabla hajafanya kazi kwa watu wengine ama hajawatembelea. Wawe na chance ya kuweza kuwaona watu wao.

Com. Lethome: Constituency igawanywe kulingana na wingi wa watu ama ni ukubwa wake?

Susan Kamau: Wingi wa watu. Kwa sababu ya wingi wa watu. Nne, nilikuwa naomba kama KBC ambacho ni kituo chetu cha taifa, kingelikuwa na kipindi maalum cha kuonyesha vile Bunge inaendelea kama vile kunakuwa na kipindi pengine cha Rais anapoenda shughuli pahali fulani unaona hiyo.----ambacho ni kituo chetu cha taifa, kingelikuwa na kipindi maalum cha kuonyesha vile Bunge inaendelea kama vile kunakuwa na kipindi pengine cha Rais anapoenda shughuli pahali fulani unaona inaoneshwa kabisa. Kungekuwa na kipindi maalum cha kuonyesha vile Wabunge wako katika Bunge, vile wanafanya kazi. Kama alienda kulala hapo, tutamwona akisinzia. Kama alienda ku-contribute tunaona ana-contribute. Kwa hivyo mimi nilikuwa naonelea ni vizuri kama Katiba inaweza kuruhusu ama..... ni pendekezo langu kama kunaweza kuwa na kipindi kama hichi ambacho kinafanya mwananchi wa kawaida, anaona yule Mbunge ambaye alimchagua anafanya nini. Kitu kama hicho.

Ya mwisho nilikuwa nataka tu kutaja kama vile wamama wamesema. Ni vizuri tungeliomba hata sisi tupewe nafasi. Kwa sababu ya (inaudible) kusema kweli tunaona wamama unakuta wamama wawili watatu, wanaolewa na bwana mmoja. Ni kwa sababu ni wengi. Kwa hivyo kama watasimama katika viti ama katika vyeo katika makazi, wawe wakiwa-promoted. Wasiwe wakifinywe sana. Unakuta saa zingine mtu ameandikwa juzi juzi, amekuwa secretary ama amekuwa assistant. Kwa muda mrefu na badala yeye a-promotiwe unakuta mwingine ameingia na amepitishwa kwa hiyo hali. Kwa hivyo yangu ilikuwa ni hayo tu na ni asante.

Com. Lethome: Zacharia Ngugi.

Zacharia Ngugi Kiarie: The Chairman, Commissioners and the public, I salute and I hereby propose the following.

Com.Lethome: Your name?

Zacharia Ngugi Kiarie: Zachariah Ngugi Kiarie. Presidential powers should be trimmed and instead re-instate the abolition force of amendment 1964 of Prime Minister. Also, I propose the amendment of Number 38 of 1964 which abolished the Commission of Regional Government and Regional Assembly and force for a co-alition Government or Government of national unity. Amendment Number 16 of 1964 which states that any parliamentarian who is in prison for six months has to vacate his seat. I propose that the period should be extended to one year and the MP must be accountable to his constituency. If twenty five percent of the constituency says it in writing for his resignation, the Speaker should declare the post vacant. Both amendments of 1965 should be amended to automatically penalize political prostitution from one party to another by sitting MPs by the Speaker declaring the post vacant. Creation of the post of Chief Secretary which was abolished in 1986, to re-instate the security of tenure to the Attorney General and Auditor General. I propose also amendment to the twenty five percent required votes cast at least for each Province. I propose that the Head of State should at least be elected by simple majority.

I propose also for the interim Constitution that will guarantee for national unity or transition Government that will supervise any future Constitution making process. Also, I propose for interests of communities living within the wildlife areas be secured through compensation. Also, land issue should be seriously covered and all sub-divided land issued with Title Deeds. The House or the Parliament should debate in a language that is understood by all majority of Kenyans e.g. Kiswahili, as it happens in our neighbouring country Tanzania. This debate should be covered life by the Government owned media or KBC. I propose to seek to proposal universal. All pre-universal bridge that leaders are born. Kiswahili and English should be the only qualifications for elected leaders. This I mean elected leaders. Electoral boundaries should be made per number of electorates and we should have elections with the current Constitution. I also for education for all, water and security. I also propose for formation of Ministry of Youth and women affairs. In the past, women and youths have been marginalized.

Lastly, I propose for empowerment to the Constitution, not individuals or institutions to create a practical democracy. For the past, the current Constitution has been made (inaudible). Thank you.

Com. Lethome: Thank you Zachariah. Robert Kinyua?

Robert Kinyua: The Chairman, the Commissioners, mine is very brief and I will go straight to the points. The first is that the Local Authority.

Com. Lethome: We want your name to be recorded.

Robert Kinyua: Robert Kinyua. On the Local Authority, I propose that they should be empowered. Not the Clerk to be more powerful than the Councillors. We have found that the Councillors are just mere rubberstamping agents. So, we need the Council to be more powerful and in that proposal I would also say that the Provincial Administration is just a duplication of the duties that have been done by the D.C. So we do not need the Provincial Administration. So, to bring the services closer to the people, let's empower the Local Council.

Then, also on the Constitution, I would like to point this to the Commissioners that most of the Kenyans don't have trust with our current Parliament. So, we are fearing that even if they take the Draft Constitution to the Parliament, I don't think these people are going to agree. So, my proposal was this, that the views that we are giving here, should be brought back and then we endorse them, the right views. So, we don't want the MPs, we don't have trust in them.

On the Presidency, that one has already been pointed, we should not have a President who is above the law. He should face justice like any other person in this country. He should be taken to the courts and if found guilty, he should serve the jail term after the expiry of his term.

On elections, we need the fifty percent rule to be enacted so that we can have a popular President in this country. Not where we are having a tribal President and that is where the fear is coming in. So, should we put the fifty percent, I think we are going to have a popular President.

Then on employment, I feel and I propose that in any employment, merit should be the first criteria that should be used. We should use the academic qualifications or the skills and experience. This I think the Ministry of Labour should be very serious and should put this thing. So, you find that people have not been employed according to the qualifications. So, we don't want to say that we are going to have a quarter et al from any Nyanza or any other place. Let people be employed on their qualifications and I think everybody will be satisfied.

Also, on the Ministry of Labour, I think there is a lot of exploitation in this country as far as employment is concerned. People have not been given the right salaries, there are people who are exploiting the others. So, the Ministry of Labour should come up with standard salaries, wages and allowances that should be given to a certain person in a certain category of a job.

On the police force, we know how our police behave and I think this one has to do with the training that they undergo which is not adequate. So, my proposal is that the police force, all the policemen and policewomen should be trained for at least three years and they should also be trained on the law and also on public human relations. S

On the issue of the Constitution, it should be written in a simple and understandable language that should be comprehended by all the classes of people in Kenya. I also propose that it should be written in the local languages. It should be easily available and

accessible to all the citizens. I also propose that the Constitution should be taught all the way from Primary school to the University so that we are going to instill patriotism in our kids from the beginning and they should also understand their rights. Because we have been oppressed by the Government that has been there because we don't understand our rights. So, I think the Ministry of Education should put the Constitution as one of the subjects that should be taught in the schools.

Then, on patriotism and also heroism, in Kenya we don't recognize our heroes and that is a mistake. So, we don't have role models that we can copy. So, I think also that should also be put in the syllabus in our learning institutions.

Then on the MPs, that one has already be stated. I think our MPs have betrayed us so much so we should come up with a system where we are going to cut down on this trail. So, I suggest that there should be a body and there should be offices in every constituency where all the constituents can go and log a complain. So, if we feel that an MP is not performing or is not delivering, I think there should be a Secretary in every constituency. If we feel that the MP is not performing, we can go and sign and if a half of the constituents signs that, that MP is not performing, then we should declare that seat vacant. Thank you.

Com. Lethome: Umesema kuwa Wakenya wamekosa imani na Wabunge walioko. Kwa hivyo hamuwezi kuamini haya maoni ambao mnatoa wapelekewe wao wapitisha. Kitu kimoja ambacho ningependa kila Mkenya ajue ni kuwa, sheria haiwezi kuwa sheria mpaka ipitie kwa Bunge. Kwa hivyo hakuna vile tutaweza kuipitisha sisi iwe ni sheria. Lakini pia, huo uoga ambao uko nao hata wale ambao walitengeneza hizi sheria, zipelekwe Bunge ili zipitisha, Tume ya marekebisho ya Katiba walikuwa na huo uoga. Us Kenyans we don't trust each other anymore. Kwa sababu Commissions ni nyingi zimefanya kazi lakini matokeo yake hayaonekani. So what happens is that hiyo sheria ambayo ilipeleka hii Commission imesema, baada ya wananchi kutoa maoni yao, Commission itatengeneza report. Huo sio mwisho. Ili wananchi wahakikishe kuwa yale maoni waliyoyatoa, yameandikwa kwenye hiyo ripoti. Sheria imetulazimisha irudishwe kwa wananchi tena kwa muda wa miezi miwili. Na unasikia ile controversy ambayo iko inasemekana kuwa by September, draft itakuwa tayari. Hiyo ni draft ile ambayo itakuwa inarudishiwa wananchi tena. Itakuwa inabakisha stage zingine mbili.

Stage ya kwanza ni wananchi warudishiwe waangalie for two months. Wa-peruse. Kama ni constituency kama hii, waangalie, je yale maoni ambayo mlitoa, yaliandikwa ama hayakuandikwa. Kama kuna maoni ambayo mtaona hayakuandikwa, then you can raise a complain iweze kuandikwa kama maoni. Baada ya hapo, tutaingia stage ingine ambayo itawekwa kama a check and balance. Kuwa kutakuwa watu wangapi kutoka kila district. Kutakuwa mtumishi mmoja kutoka kila organization ambayo ni registered like women organizations, group organizations, farmers organizations na zinginezo. MPs wote watakuwa huko kwenye conference ambayo itachukua muda wa miezi miwili. Inaitwa National Constitutional Conference. Gongamano la kitaifa kuhusu Katiba. Sababu ya hiyo Conference ambayo itaendelea kwa muda wa miezi miwili, ambayo itahudhuriwa na zaidi ya watu mia sita. Kwa sababu ukiangalia MPs peke yao ni two hundred and twenty two. Both nominated and elected. Kwa sababu nominated ni kumi na wawili, elected ni mia mbili ni kumi.

Halafu ongeza Commissioners wote twenty nine. Halafu ongeza three people per district. Zile districts ambazo tunatambua sasa ni sabini na nne. Multiply by three. Kwa hivyo tutapata watu karibu mia mbili. Wakae mahali pamoja, wjadiliane hiyo ripoti sasa. For two months. Ile ambayo itapitishwa kwenye Conference, itawekwa kwenye ripoti. Ile ambayo wananchi hawatakubaliana. Kwa mfano the issue of majimboism, hiyo ni issue moja ambayo lazima watu wawe hawatakubaliana. Kwa sababu kuna Wakenya ambao hawataki kusikia kitu kingine wanataka Majimbo. Kuna wengine hawataki kusikia habari ya Majimbo, wanataka Serikali ya umoja wa kitaifa. Sasa, the issue will not be resolved in the Conference. Haiwezi kutatuliwa kwenye Conference.

Itarudishiwa wananchi tena through a referendum. It will be resolved through a referendum. Kwa hivyo kuna stages mbili ama tatu ambazo wananchi wamepeva ku-vet Parliament. Sasa mwisho kabisa baada ya referendum, ripoti itachapishwa tena ipelekwe Bunge. Ndio hapo tutapata jawabu ambalo watu wengi wanajiuliza. 'Je tukifanya kazi yote halafu tupeleke ripoti Bunge halafu Wabunge wakatae kupitisha, what shall we do?' That is a question that we should be asking ourselves. Kwa sababu tutamaliza kazi tuwapelekee, suppose they reject it ama wabadilishe hiyo Katiba. Sasa hawa watakuwa hawana haki ya kubadirisha chochote. Na morally hawataweza kukataa kwa sababu watakuwa kwenye Conference na sisi kwa muda wa miezi miwili. Whatever we shall pass in the Conference, it will be passed Nafikiri ukiangalia hata hivi sasa kwenye 3C's committee. Ile committee ambayo iko katika kila constituency, utakuta Mbunge wenu amewekwa pia ndio utaona Mbunge pia yuko katika hiyo committee.

Hiyo yote ni kuhusisha, so that the MPs can know right from the beginning from this stage MP yuko, katika hiyo stage ya Conference atakuwako, katika stage ya referendum atakuwako. Ikiletwa Bunge it will just be a formality. Labda wawe sijui ni watu ambao hawana morals ndio waweze kukataa. Lakini Parliament there is no way they can skip, hiyo ya kupeleka Parliament ipitishwe. It will not be law. Unless tubadirishe Kenya kabisa iwe hakuna Bunge tena. Lakini kwa sababu Bunge iko, sheria haiwezi kuwa sheria mpaka ipitishwe na Bunge. Lakini kuna hizo stages that imewekwa ipitie. Tumeelewana?

Robert Kinyua: I think you have explained that point and we hope that you are going to succeed.

Com. Lethome: Yes. We need a lot of prayers. Mama zamu ni yako. Halafu Henry Kimani. Henry yuko? Utamfuata mama. Mama njoo.

Serah Njoki: Mimi sijui Kiswahili.

Com. Lethome: Hakuna shida. Tutapata mtu wa kutafsiri. Who is going to translate? I can do it myself, but it is not right.

Serah Njoki: Nii ninii ndaikara haha nduraga na thina.

Translator: Yeye ndiye amekaa hapa na ameishi kwa shida.

Serah Njoki: Ni ninii mwana uciariirwo thiiini wa forest.

Translator: Alizaliwa huko forest.

Serah Njoki: Ona aciari akwa nokuo maturaga marutaga wira wa forest I njeru.

Translator: Na wazazi wake pia.

Serah Njoki: Na igicoka igituika ya kuhandwo miti.

Translator: Wakaambiwa waende, ipandwe miti.

Serah Njoki: Tukiambiriria kurimira miti hamwe na aciari akwa.

Translator: Wakaanza kulimia hiyo miti iliyopandwa.

Com. Lethome: Translate hivi, tukaanza kulimia hiyo miti.

Translator: Tukaanza kulimia hiyo miti.

Serah Njoki: Negakura.

Translator: Na ikakua.

Serah Njoki: Na thiiini wa gukura tukahe thirikari faida.

Translator: Na wakati iliendelea kukua, walipatia Serikali faida. Wakati tulilimia tulipatia Serikali faida.

Serah Njoki: Na magatuirira kuu nikuo mashamba maitu mari.

Translator: Na wakatuambia mashamba yetu ndio hayo.

Serah Njoki: Na tugacoka tukaheo ngombe,

Translator: Tulipatiwa ng'ombe,

Serah Njoki: Na tukaheo mahua thiini wa forest.

Translator: Na tukapatiwa maua katika forest.

Serah Njoki: Na mahinda maria ndaikarite uguo.

Translator: Na wakati tulikaa hivyo,

Serah Njoki: Nituaruturirwo forest,

Translator: Tukafukuzwe baadaye.

Serah Njoki: Ng'ombe igicoka igithii oro uguo tuhu.

Translator: Tukanyang'anywa ng'ombe.

Serah Njoki: Na manyumba tugicinirwo.

Translator: Nyumba zetu zikachomwa,

Serah Njoki: Na tukirekio barabara.

Translator: Tuko kwa barabara.

Serah Njoki: Tutiri migunda.

Translator: Hatuna mashamba.

Serah Njoki: Tutiakorirwo tuharirie uhoro wa migunda.

Translator: Hatukuwa tumejitayarisha mambo ya mashamba.

Serah Njoki: Tondu thirikari yatuiraga kuu nikuo kwina migunda itu.

Translator: Kwa sababu ilituambia hayo ndio mashamba yetu.

Com. Lethome: Riu ungienda atia?

Serah Njoki: Riu uria tungienda,

Translator: Vile tungetaka,

Serah Njoki: Turenda mwi thirikari,

Translator: Nyinyi kama Serikali,

Serah Njoki: Murogote andu a ma-forest,

Translator: Mtuokote sisi watu wa ma-forest,

Serah Njoki: Angi nimakuire,

Translator: Wengine walikufa,

Serah Njoki: Ni ciana matigire ciererage na guku,

Translator: Ni watoto waliachwa,

Serah Njoki: Magikomaga barabara,

Translator: Wakilala huko barabarani.

Serah Njoki: Wathii Kiambu matiramenya ninaku,

Translator: Wakati walienda Kiambu hawakujua ni wapi,

Serah Njoki: Maroiga kwao ni forest.

Translator: Tunaambiwa ni forest.

Serah Njoki: Riu mwi thirikari mukiririkane ciana icio cia athuri acio maturaga marutaga wira,

Translator: Nyinyi kama Serikali mkumbuke hawa watoto,

Serah Njoki: Na atumia acio maturaga mahoyaga ciikaro,

Translator: Na hao wamama wanaomba makao,

Serah Njoki: Mumacaririe migunda,

Translator: Muwatafute mashamba,

Serah Njoki: Iria mwaniriire,

Translator: Ile mliwaambilia,

Serah Njoki: Tondu tuturaga o twetereire,

Translator: Kwa sababu tunangojea tu.

Serah Njoki: Noguo ngugaga tu.

Translator: Ni hivyo tu nilikuwa nasema.

Henry Kimani: Asante sana Bwana Chairman na Commissioners wenzako, wananchi wa Gilgil kwa jumla. Mengi yamesemwa ambayo nilikuwa nime-note lakini nitasema ambayo hayajasemwa ingawaje nitawarudia mengine. Pendekezo langu la kwanza ilikuwa ni zile constituencies ambazo ni kubwa sana, zigawe mara mbili ama mara tatu, kama hii yetu ya Naivasha ama ya Nakuru East, ni kubwa sana maana ina voters ninety thousand, ingekuwa vizuri kama ingegawa mara tatu ama nne ili wananchi wawe properly represented.

Katika hii nchi yetu ya Kenya, tuna makabila arobaini na mawili. Haya makabila wakati tunaingia kwa kisiasa, hayatusaidii hata kidogo. Ningeuliza Serikali ambayo itakuja ama ile iko, kama itawezekana vyama vya kisiasa katika nchi ya Kenya, viwe vyama viwili kama nchi ambazo zimeendelea za kule ng'ambo. Ufisadi nao umerudisha hii nchi yetu ya Kenya mbali sana. Ufisadi ndio umemaliza economy ya hii nchi. Ningeuliza ile Serikali ambayo itaingia baada ya Uchaguzi ujao, iangalie jambo hili la ufisadi sana. Iwekee maanani ili economy yetu iendelee kuwa nzuri.

Harambees: Katika nchi yetu tumekuwa na mipango ya harambees, ningeuliza ama ningependekeza hii mipango ya harambee iondolewe kabisa, iwe abolished. Maana kama ni Ministry ama kama ni kila department fulani ya Ministry itumie pesa ambayo imepangiwa na Serikali na imepewa na Serikali kughalamia miradi yake kuliko kutegemea mifuko ya wananchi.

Road maintenance: Wakati Serikali inapea maintenance ya barabara umuhimu, iangalie kwanza barabara za rural. Iachane na barabara za urban. Iwekee kabisa barabara za rural, maana hii nchi yetu ya Kenya ni nchi agricultural na mavuno yanatoka mashambani kwa hivyo iache kuangalia sana upande wa urban areas kwa upande wa barabara. Iangalie upande wa rural areas kwa maana huko ndio mavuno yetu inatoka.

Consumer protection: Wananchi wa Kenya zamani tulikuwa na consumer protection ile ilikuwa inaangalia watu ambao wananunua vitu kwa maduka. Wakati huu sisi ambao tunanunua vitu kwa maduka ama kwa ma-factory, hakuna consumer board ambayo inatu-protect kuhusu prices. Kwa hivyo sisi tunaumia sana kwa maana wenye mabiashara wanaweka bei zao kulingana na vile wanataka. Hatuna board moja ambayo inatuangalia kuhusu protection ya consumer prices. Kwa hivyo ile Serikali inakuja ningependekeza iturudishie hilo board la Consumer protection, wawe wakituangalia kuhusu mambo ya kununua bidhaa na kuuza bidhaa zetu.

Tuko na makampuni mengine katika hii nchi yetu ya Kenya ambayo ningeuliza Serikali iangalie sana kuhusu hizi companies. Companies kama ya Kenya Power and Lightning, hii company, ningeuliza Serikali iwe ndani ya hii company maana hii company imenyanyasa wananchi sana. Serikali iwe ndani ya hii kampuni ya Kenya Power and Lightning maana hawa watu wa Power wamekuwa wanyanyasi kabisa, wanatuuzia transformer na transformer ni mali yao, na baadaye wanarudi kutuuzia moto. Kwa hivyo Serikali iingie katika hii company. Iangalie sana kuhusu hii company. Imenyanyasa wananchi wa Kenya, hata tukijaribu ku-market bidhaa zetu katika hizi COMESA tumeshindwa. South Africa wanauza vizuri na nchi zingine za Africa wanauza bidhaa zao vizuri lakini Wakenya tumeshindwa kwa sababu ya hizi companies. Kwa hivyo Serikali iangalie sana.

Ningependekeza Serikali iwe ndani ya hii company ya Kenya Powe and Lighting na wengineo ambao wanakaa kama hii company.

Local Authorities: Local Authorities pia wamekosa kutupatia services za kutosha. Local Authorities ningesema ama ningependekeza, kama hawatapea wananchi, kama hawatakuwa wanatoa services ambazo zinafaa, sisi wananchi pia

tukubaliwe tusiwe tunawalipa rate. No services no rate. Tukae hivyo.

Kwa upande wa makanisa tena ningeliza Serikali ambayo itakuja ama Serikali ambayo iko, ichunguze sana ingawaje walipeana freedom of worship katika Kenya, makanisa yamekuwa mengi sana. Wajaribu kupunguza makanisa maana mengine sio makanisa ni cults. Wachunguze zile ambazo ni cults, zitolewe kabisa. Kanisa ambayo itakuwa ikiendelea katika Kenya, iwe ni Kanisa imechunguzwa na Serikali na zile bodies ambazo zinafaa. Ili waweze kuhudumia wananchi. Maana zingine si makanisa ni cults. Nafikiri sikuwa ni mengi, yale nilikuwa nimeandika, mengi yamesemwa na haina budi kurudia. Asante sana Bwana Chairman.

Com. Lethome: James Kariuki.

James Kariuki: Mr. Chairman, I have several things that I want to propose. Number one is on the side of the disability. Disability cannot cause us all to go through the shelters of luxuries like the rich and the wealthy classes. I would propose that MPs nominated, Councillors...

Com. Lethome: Mention your name because we are recording.

James Kariuki: James Mwangi Kariuki. Disability cannot cause us all to go through the shelters of luxuries like the rich and the wealthy classes. So, I propose that any nomination either to the Councillor or to a Parliamentary seat, be reserved for disabled persons. There is another area that is the Judicial area that I would like to propose. When you think or we talk about our rights, that is the right of individuals, we normally we do not have at least a time limit for any Magistrate or Judges. In any case, either be it civil or criminal. So they tend to put somebody almost for a long period of time before his case is heard. Time limit for Judges and Magistrates to dispense off cases.

On the side of commerce, I think here we have a big and wide gap between the poor and the rich. Mainly, we as a nation, we are just like the trees. Our roots is the family, the trunk is the system of our Government. Our branches are our industries and may be our fruits, our exports. I would propose a fair competition on the side of commerce. Because once a product or somebody may be able to start up a small business, somebody somewhere, stronger than himself would come in. So, the right of very small entrepreneurs be endorsed. Another area is where Parliament and the Executive and the Judiciary, there must be something in between the three Arms. May be an office of Ombudsman to make out checks and balances. I think I am over.

Com.Lethome: Are you talking of separation of powers?

James Kariuki: Yes. Separation of power.

Com. Lethome: (inaudible) or a Chief, where do you go to complain?

James Kariuki: Whoever you go to complain to, either the O.C.S. in charge of that police,

Com. Lethome: Who is also a police officer?

James Kariuki: Who is also a police officer. You will be harassed and I don't think you will have anywhere to go.

Com. Lethome: What do you recommend now, you want us to continue like that when you are harassed by so and so.

James Kariuki: No, there must be something....that is where I propose a counter, a system better than the complaints Commission. Yes.

Com. Lethome: Thank you, hand over your memorandum. Francis Gicheha? Stephen Wainaina. Joseph Wambugu. Followed by David Ng'ang'a. Hayuko? Patrick Kariuki. Then you can follow him. Your name?

Joseph Wambugu: My name is Joseph Wambugu. Thank you Commissioners and the listeners. My first point is, ni ya kutoka kwa Chiefs. Chiefs wawe wakichaguliwa na raia wa kutoka vijiji wanavyokaa na wamezaliwa huko.

Ya pili ni offenders from the courts, kama mtu may be amehukumiwa, amepelekwa remand bila kuwa-proved eti ana makosa, anaenda kwa remand, anaumia. Mwishowe, anapatikana hakuwa na hatia. Anakuwa freed. Ningependekeza kama ni Serikali iwe iki-compensate huyo mtu. Huyo mtu amekuwa ameumia, maisha yake amedhulumiwa.

Ya tatu, ni katika Serikali ambayo itakuwako. Kama ni Ministry, tuwe na two Ministers. One from the ruling party and another Minister from the opposition so that kama kuna mambo watakuwa wanajadiliana, isiwe ni mambo yake kibinafsi.

Kwa Ministry moja tuwe na Ministers wawili?

Tuwe na Ministers wawili. Mmoja wa opposition na mmoja wa the ruling party of the day.

Ya tatu ni wakati wa Uchaguzi. Hii Commission ya Uchaguzi iwe very independent. Isiwe inaingiliwa na watu, kuambiwa tutafanya hivi, tutaendelea hivi, ndio kama ni mambo yake inafanya kulingana na vile wao wenyewe wameteuliwa wafanye. Na intimidations, tusiwe sisi raia, sisi ndio wenye Katiba na sisi ndio wenye kukuwa ruled. Tusiwe tuna-intimidatiwa na Serikali iliyoko wakati wa Uchaguzi.

Ya tano, Kenyans wawe ni watu wametoshana. Tusiwe kuna kabila hii ambayo inakuwa favoured, ingine haiko na favour from the Government. For example, you can go to a certain town, uone raia amebeba may be silaha kama rungu, simis na hakuna sheria.....sheria iliyoko inakuwa ni kama ya huyo mtu. Na ukiendelea kwingine, unaona mtu kabila fulani ingine akibeba kitu kama hiyo anakuwa arrested. For example you can go to a town and find a Masai with a rungu, with a simi, sasa unataka wote wakubaliwe ama wote wakatazwe. Wote wakatazwe kubeba silaha kwa raia.

Ya mwisho ni powers of the President. The powers of the President to be trimmed totally. Isiwe President akisema eti, mtaenda hivi, ndio tutaenda. Twende nyuma, tutaenda nyuma. Sisi ndio tumemuajiri na sisi ndio tunafaa kumwambia tutaenda hivi. Sio yeye kutuambia twende hivi. That's all.

Com. Lethome: Asante sana. Tumpate Simon Gathagu. Halafu baada yako Robert Kamau Ngugi. Start with your name.

Simon Gathagu Kananga: Chairman and the other Commissioners, my names are Simon Gathagu Kananga aspiring candidate for Kasarani Constituency in Nairobi. Though this is my home area and that is why I would like to participate in giving the following proposals.

One, I find it very wrong for us Kenyans to have gone through since we gained our independence and today we are still or we have people who are still talking about tribalism. Tribalism, I propose, it should be a thing of the past and a law should be put in place to curb it, in a way that even thinking about it or talking about it is a crime.

The other thing that I would also like to propose, concerns our immigration Act. It is true or clear that we are suffering today because of the many Asians who enter into this country as if it is a State or rather it is not protected at all. This is where the problem is coming in. When we allow these immigrants or these Asians to come here, for example our brother Nigerians, who are known to be very corrupt. Who will even adore corruption. When they come to this country, because there are no proper laws, you find that they will come and start squandering money here and make our country or our people suffer because they were allowed in without proper vetting.

Com. Lethome: What do you recommend regarding the Immigration Act?

Simon Gathagu Kananga: I recommend that immigration laws should be put, or they should be very strict to curb this problem. I also recommend or propose that education as it has been said before by others, should be made compulsory to all and moreso from primary school from class one to class eight.

Agricultural laws should also be looked onto because we have also made our people suffer when damping of products is done in the country because of certain individuals who want to get rich and leave the farmer who has the right of being in his own

home suffering without anywhere to put or to sell his products. So, this also I propose should be looked onto because it is a very important Act as far as our development is concerned.

Law should be put in place or it must be reviewed to the extent that we shall protect our local industries at all cost without any compromise. So, I propose that things like dumping of mitumbas to come and kill our cotton industry and leaving our people here suffering without jobs should be dealt with. We should look correctly at the people who have a vision for this country. I also propose so that each and every Kenyan can know his or her own right, law be taught at O' levels in our schools.

On the side of security, no country can develop without proper security system in place, I would therefore recommend the following: That, our principle which is actually engaged with the local or the home security should be properly looked onto. They should be looked onto by proposing the following: should be properly educated.

Com. Lethome: To what level of education?

Simon Gathagu Kananga: That is O level. Their salaries be reviewed so that they can enjoy working for their own country. Anybody in the force found embarrassing or rather practicing corruption be dismissed. Be dismissed immediately.

I also feel privileged to propose this, that in Kenya now we have undergone a lot of problems, we may not or rather it would be a good idea that if we start it all over again, I would like or propose that a Constitution be there that will cater for amnesty. I would like to talk about, I would like to put it in simple language, tusahau yaliyopita, tugange yajao. Kwa maana haitasaidia mtu yeyote kuanza kukimbizana badala ya kujenga taifa. Kwa hivyo yale maovu yote wengi wamefanya, mimi ningeomba isahaulike na tuendelee na kujenga nchi yetu. So that any Government is in power or any Government that will take over, will not waste any Kenyans resources trying to open the wound that has already healed.

I also genuinely propose that the Head of State, current Head of State and the future Heads of State should be given a proper package and protection. That is if he will have led us well, he should be considered for a proper package, a protection and also that honour. In this case I am noting that our country has never been involved in any civil war.

Com. Lethome: So, you are recommending that there should be a retirement package for the President which should be given for whatever you have done.

Simon Gathagu: Exactly.

Com. Lethome: One more minute. Are you through?

I am almost through. Finally, I also propose that a committee be put in place to reconcile the tribal clashes victims from Rift Valley and other areas which we know this happened or they were made by people who wanted to gain or rather to win. Who had some selfish motives. So that these Kenyans can live in peace once and forever, it is important thatThank you.

Com Lethome: Thank you very much and good luck in your candidature. Tupate Robert, halafu afuatwe na Duncan Njoroge. Duncan Njoroge yuko? Utamfuata. Na Joseph Njoroge Gichuki. Gichuki? Yuko. Robert. Start with your name.

Robert Kamau Ngugi: The first issue I have here is on taxation and I think succession is very important as far as any Government or any State is concerned. Not only succession even when we go to other elections. When we go to any elections, we should have people who hold the power of the President.

Com. Lethome: So, the President should not go to elections as a President?

Robert Kamau Ngugi: We should have somebody who will take care of.....

Com. Lethome: Who is that person? Propose.

Robert Kamau Ngugi: I am proposing that the Parliament should appoint seven Judges to take over the power of the President and should return that power after twenty one days from the date of elections.

Then we have the pre-colonial treaties like the Masai and the Mazrui, I think these treaties should not be honored because they create conflicts with the present occupiers of the land. Population density should be the criteria of creating constituencies and on this point I would propose, if we have three hundred constituencies, we should divide them with the number of electorates and then we demarcate that. May be when we go to the next general election.

Then we have the issue of twenty percent or the requirement of twenty five percent of the voters in five Provinces should be abolished. I am proposing that we should increase nominated MPs from twelve to sixty. Each Province should have two nominated MPs. Then, the voting age for the one who wants to vie for the Presidency should be reduced from thirty five years to twenty four years.

Com. Lethome: And the Maximum?

Robert Kamau Ngugi: Maximum we can have seventy years. MPs should be the chairmen of development committees. I think at present we have the D.C. Then I would propose a Unitary Government. Last but not least, I would propose Basic Human Rights. One of the Basic Human Rights that should be added to the President is the right to earn a living and indeed I

would propose, instead of adding MPs huge salaries, five hundred thousand, then we should look for a way on how, may be the people who are not earning anything should have some wages. I was proposing one thousand two hundred per person.

Com. Lethome: That is what you recommend from the Government?

Robert Kamau Ngugi: No, no. Indeed, all business should be registered and everybody who earns a living in one way or the other should be registered so that we have those people who have nothing to do. Thank you.

Com. Lethome: Thank you Robert. Duncan mfuata na Njoroge uwe tayari.

Duncan Njoroge: Chairman, Commissioners. Nataka kuongea maneno ya kipande. Ukabila umeenezwa sana na kila wakati tunaimba ukabila shauri ya kipande, ID. ID ningetaka iandikwe bila kusema wewe ni kabila gani. Kwa sababu tukienda kwa ofisi wewe unajulikana ni kabila gani unaandikwa. Mwingine anawachiliwa. Kwa hivyo ikiwa kipande imeandikwa Kenyan kwa sababu ni mwananchi wa Kenya.

Com. Lethome: Unajua Mzee kipande haijaandikwa tribe ni form. Ile form inajazwa ndio iko na tribe lakini kipande yenyewe haijaandikwa tribe yako. Haijaandikwa tribe, ni form. Kwa hivyo form isiandikwe kabila?

Duncan Njoroge: Isiandikwe kabila, iandikwe jina la mtu tu na ni Kenyan. Ile ingine kazi, mtu asiwe na kazi mbili. Awe na kazi moja na aandikwe kulingana na qualifications za education yao.

Com. Muigai: Ngoja kidogo hapo Mzee, ni kazi ya binafsi au ni ya Serikali?

Duncan Njoroge: Ya Serikali. Kwa ofisi za Serikali.

Com. Muigai: Lakini mwananchi anaweza kufungua butchery na kufungua duka, hiyo hakuna shida.

Duncan Njoroge: Hata hiyo iwe limited. Kwa sababu tunalia kazi, watu wanalia kazi.

Com. Muigai: Kwa hivyo mtu yuko na butchery.....

Duncan Njoroge: Akiwa na moja, labda awe na mbili, lakini sio tatu, sio kumi. Mtu akiwa amejiriwa katika kazi ya Serikali ama ya public aharibu hiyo kazi au kuiba, ile mali amechukua ionekane amepelika wapi. Badala ya kufutwa anapelekwa transfer ama anafanyiwa kitu kingine.

Com. Lethome: Unapendekeza akipatikana afanywe nini?

Duncan Njoroge: Ashitakiwe na arudishe ile mali. Ama Serikali ichukue ile mali. Kazi ya polisi, polisi wanaenda kuchukuliwa bila kujua background ya yule mtu anachukuliwa. Ikiwa ni wakati wa kuwachukua hawa vijana kwa kazi ya polisi, Chief aulizwe kutoka area yake, kama anataka watu wawili, watu watatu. Chief anajua hao watu na tabia zao. Kwa sababu ikiwa mtu atakwenda kuchukuliwa na personality ile ako nayo wakati huo, huko nyumbani yeye ndiye huhangaisha watu usiku. Chief hatakuwa pale. Achukuliwe kulingana na recommendation ya Chief. Naye Chief mwenyewe awe amechaguliwa na watu kwa sababu watu wa area hiyo ndio watajua huyu mtu anafaa kutuongoza na ndiye ataleta wale watu watakuwa wakiendelea na kazi hata kwa Serikali kutoka area ile.

President asiongezewe muda wa zaidi ya vipindi viwili. Awe na vipindi viwili, awe mdogo ama mzee lakini isipite vipindi viwili. Tunaongea maneno ya President peke yake na Wabunge. Hata akipendwa namna gani, asiende zaidi ya vipindi vitatu. Kama ameenda viwili, ya tatu atakuwa amekalimisha ile kazi alikuwa anafikiria kufanya kama yeye ni Mbunge.

Ofisi za Serikali: Ningependekeza viwekwe masanduku, kila kitu nikiona iko makosa, naandika naweka hapo. Na itengenezewe wale watu, development board katika area. Wale watakuwa wakifungua hizo sanduku na kujua weaknesses za officer yeyote katika ofisi za Serikali.

Kuna hao watoto wa street children wanaitwa chokora. Wa leo ni watoto lakini kesho ni watu wazima. Hao watoto lazima wafikiriwe vile Serikali itafanya na hao watoto. Kwa sababu mtoto huyu akiachiliwa na awe mtu mzima, ile area ako hajui discipline ni nini, hajui nini. Ndio wanarudi kusumbua watu. Serikali ichukue hawa watoto wasionekane. Yule mtoto asikose wazazi wake, Serikali iwapeleke shule na wapatiwe primary education ili hata akiwa mtu mzima apelekwe hizi village polytechnics. Huyu mtu akitoka hapo hatashughulika na vita ama hatakuwa idle. Atakuwa na kitu cha kufanya.

Com. Lethome: Pointi nyingine.

Duncan Njoroge: Hiyo imetosha. Nimemaliza asante.

Com. Lethome: Asante sana. Njoroge Gichuki? Afuatwe na Peterson Kamau. Yuko? Atafuatwa na Jeremiah Muiruri? Peter Koilel. Paul Kamau. Joseph Mburu.

Njoroge Gichuki: Bwana Mwenyekiti wa kamati na wanakamati wa Tume na Wakenya wenzangu, yangu ni machache. Majina yangu ni Joseph Njoroge Gichuki na mapendekezo yangu ya kwanza, mimi ningependekeza tuwe na Serikali ya umoja wa kitaifa na wala sio Serikali ya Majimbo.

La pili, Bunge ama Serikali yetu ichaguliwe na wananchi kwa muda wa miaka mitano bali kusiwe na njia yeyote ambayo Bunge hili litajichagua lenyewe kama vile walivyokuwa wametarajia kufanya. Yaani pasiweko na nafasi ya Bunge kujichagua wenyewe.

Com.Lethome: Please Mzee, fafana kidogo.

Yaani kama vile Wabunge walikuwa wamependekeza Bunge lijiongezee muda bila kuchaguliwa. Kazi ya kuchagua iwe ya wananchi ama Wakenya. Bali si Bunge ikakaa kwa sababu kumepatikana jambo lolote ijichague. Isipokuwa tu kuwe na vita pengine.

Ya tatu, mali asili kama vile misitu ilindwe kisheria na isitolewe kwa watu binafsi. Kuwekwe sheria ambayo italinda mali asili ya Kenya kama vile misitu na isitolewe kwa njia yeyote ile kwa watu binafsi ama mtu binafsi.

Ya nne, nominated MPs na Councillors wachaguliwe kwa kipindi kimoja yaani wawe nominated kwa kipindi kimmoja kwa maisha ya mtu. Aki-nominatiwa kipindi hiki, baada ya miaka mitano tena, amekosa kufaulu, a-nominatiwe tena. Pia asiwe alikuwa amesimama uchaguzi akapoteza. Ningependekiza, isiwe ni yule alikuwa amesimama kwa Uchaguzi wananchi wakamkataa halafu pengine chama chake kionelee anafaa. Kama alikataliwa na wananchi, basi asiwe nominated. Kwa sababu ni kama kuwaudhi wale waliomkataa.

Ya tano, haki ya walio wachache ilindwe kisheria kwa kila eneo. Hapo ni kumaanisha ya kwamba, haki ya wachache hatuwezi tukaichukua, pengine nitumie mfano ya Wandorobo. Ya kwamba Wandorobo ni wachache ama Wa-elmoro ni wachache katika nchi. Lakini unaweza kwenda ukute, katika eneo fulani, Wandorobo ni wengi, kuna wachache katika eneo hilo.

Com. Lethome: Pendekeza.

Njoroge Gichuki: Kwa hivyo ningependekiza haki ya wachache ilindwe kisheria na Serikali.

Com. Lethome: Ya mwisho sasa.

Njoroge Gichuki: Ya mwisho, mashamba ya agriculture, research na mengine ilindwe pia kisheria. Na mwisho kabisa, adhabu ya kifo iondolewe katika sheria za Kenya. Asante.

Com. Muigai: Kidogo tu swali moja tafadhali. Kuna adhabu ingine isio ya kifo na ni ya kuchapa watu viboko. Hiyo ungeoneleaje? Watu wazima, wazee kama wewe na mimi, wanachapwa viboko jela?

Njoroge Gichuki: Corporal punishment ndio nimeonelea iondolewe kwa sababu kwa maoni yangu naona kama mtu akiuawa,

yule ametoa sheria....

Com. Muigai: Hiyo ni capital. Mimi nakuuliza corporal. Corporal ni viboko. Unaonaje juu ya viboko?

Njoroge Gichuki: Hata hiyo kwa maoni yangu ningei-term kama adhabu ya kifo. Kwa sababu haitakikani. Asante.

Com. Lethome: Joseph Ole Marui. Sasa kwa vile watu nawaita hapa na hawako, mtu yeyote ambaye sijamuita hapa na hajamzungumza. Ngoja tu, tutafuata utaratibu. Wajua hii kazi tumefanya miezi mitatu mfululizo, tumepata experience, tunaweza kufanya kama tumefunga macho. Hebu kujeni hapa hivi, wale wote wamejiandikisha na sijawaita. Wale wamezungumza wakae nyuma. Patrick nilimuita hakuwako. I called you, you were not here. Sasa tunaanza na wewe Patrick, halafu na huyu mama, halafu tukienda hivi. Kila mmoja atazungumza. Patrick halafu mama. Anza kwa majina. Na nikupendekeza tu.

Patrick Maina Kariuki: Jina langu ni Patrick Maina Kariuki, mkaaji wa hapa Gilgil. Chairman na Commissioners, pointi yangu ni kuhusu Uchaguzi. Mimi ningechangia na ningependelea, Uchaguzi usimamiwe na kikundi ambacho kimeteuliwa kutoka kwa makanisa na kutokana na wastaafu bali na vyama ama Serikali. Tena, Uchaguzi ufanyike mwaka huu bila kuunganishwa na Katiba kwa sababu Katiba ambayo inatengenezwa, Katiba hiyo ndio Kenya yetu kwa wakati ujao na hata kwa vizazi ambavyo tunatazamia, kwa hivyo isiunganishwe na Uchaguzi, eti ya kwamba ifanyike baada ya Katiba. Yaani baada ya Katiba kutengenezwa inaweza kufanywa haraka haraka na saa ingine Katiba ikose kusimamia hata watoto wetu, kwa hivyo Uchaguzi uendelee kama kawaida mwaka huu na Katiba iendelee mpaka wakati wa kumalizika kwa sababu hiyo ndio tutaitazamia.

Ninataka kuongea habari ya masomo. Shule zetu ambazo tuko nazo zimekuwa hivi karibuni ama siku zilizopita ya kwamba watoto wasichapwe na walimu na mimi naona ya kwamba walimu ni kama wazazi katika mashule. Pasipo kuadhibu watoto, watoto wamekuwa wakaidi hata hawezi kuwasikiliza walimu wao. Mimi ningependekeza viboko virudishwe kama zamani.

Com. Muigai: Vimerudishwa.

Laughter from the audience.

Wachapwe. Jambo lingine nataka kuongea habari ya traffic ama walinzi wa barabarani. Tumepata ma-accidents mengi sana barabarani. Tumepata magari malaghai katika mabarabara na tuna walinzi katika barabara na road blocks. Mimi napendekeza hivi, inaonekana walinzi walioko barabarani hawatimizi wajibu wao vizuri. Ingewezekana kama Katiba ikitengenezwa hata afadhali ipewe military police ambao wanachunga magari ya jeshi. Kwa sababu magari za jeshi mara nyingi hazifanyi makosa. Na kwa sasa, tukiwa barabarani pande zote hata pande za Lodwar, kila upande. Tunakuta traffic akiwa barabarani, kama hapewi pesa kwa mkono, inapelekwa nyuma ya gurudumu.

Com. Lethome: Nyinyi ndio mnawapatia?

Patrick Maina Kariuki: Ndio tunawapatia na inawekwa nyuma ya gari ama isitoshe inaangushwa chini. Kwa hivyo ingewezekana ipewe military. Na military inawezekana labda watafanya kazi nzuri na hayo mambo ya magari ipelekwe hata kama ni court. Tena mtu wa gari akishtakiwa, unakuta kama polisi hatapata rushwa, ikifika kule kwa Judge, ile karatasi inaenda inapasuliwa na mahakama ama kwenye kituo cha polisi. Kwa hivyo hiyo kesi haitaenda mbele. Kwa hivyo hiyo kesi ya magari, hata afadhali ipelekwe kwa jeshi.

Lingine nimefikiria limechangiwa na mwingine, lilikuwa ni habari ya silaha. Unaona watu wengi wanabeba silaha na wanasema kabila zingine ni kama watu wajinga hawajui kubeba silaha. Lakini sheria iwe ni kwa wote. Wote waache kubeba silaha na kama mtu atabeba silaha, achukuliwe hatua ambayo inastahili. Hata kama ni kuhukumiwa ahukumiwe na asibebe silaha yeyote ile.

Com. Lethome: Sijui unasema nini kuhusu mila za watu. Katiba ifanye nini kuhusu mila za watu. Ziheshimiwe au zisiheshimiwe?

Patrick Maina Kariuki: Nasema ya kwamba mila ziheshimiwe lakini sio kubeba silaha.

Com. Lethome: Na ikiwa kuna mila ambayo inasema mwanamume hawezi kutembea bila rungu.

Patrick Maina Kariuki: Sasa tuko katika Kenya, hatuko katika kabila.

Com. Lethome: Kwa hivyo ni kwa watu wote, hakuna kubeba rungu watu wote.

Patrick Maina Kariuki: Wote waachane na rungu.

Com. Lethome: Mpaka President?

Patrick Maina Kariuki: Hata President mwenyewe. Sina lingine.

Com. Lethome: Mama.

Deborah Wachanga: Majina yangu ni Deborah Wachanga. Commissioners na wajumbe wa Electoral committee na members nimewasalamia.

Com. Lethome: Although hatuhusiani na mambo ya elections ni Constitution.

Deborah Wachanga: Mimi yangu ya kwanza ni ya wanawake. Siku hizi wanaume wanatupa mabibi zao na akimtupa, pengine anamtupa na watoto. Akitupwa na watoto, anaambiwa aende. Mimi ningependekeza, ikiwa mwanamume wanaachana na bibi, ile mali iko kwa huo mji wao, iwe ikigawanywa mara mbili na watoto wawe wakigawanywa hivyo hivyo.

Com. Lethome: Watoto wagawanywe mara mbili?

Deborah Wachanga: Wagawanywe. Mama aende na nusu na baba aende na nusu. Na mali igawanywe.

Com. Lethome: Na wakiwa na mtoto mmoja ama watatu?

Deborah Wachanga: Huyo anaenda na mama kwa sababu Mzee hajui kuchunga.

Com. Lethome: Endelea.

Deborah Wachanga: Hiyo ingine ni ya wasichana. Vijana wanaweka wasichana wengi sana mimba na hawaulizwi. Nataka sasa wawe wakichukuliwa hatua. Ikiwa ni kufungwa, anafungwa kwa sababu ataacha hiyo tabia. Wawe wakifungwa kutoka miaka saba.

Com. Lethome: Wajua kitendo cha mimba, kinahitaji watoto hao wawili. Sasa huyu mmoja ndio amefungwa, na huyu mwingine achukuliwe hatua gani?

Deborah Wachanga: Mwanamke si unajua ataachiwa kazi ya kuchunga huyo mtoto. Kwa hivyo hakutarajia.

Com. Lethome: Lakini alishiriki katika kitendo hicho ama hakushiriki?

Deborah Wachanga: Si mwanamume ndio anakuanga na hicho kitendo, kwa hivyo mwanamume achukuliwe hatua.

Laughter from the audience.

Com. Lethome: Endelea.

Deborah Wachanga: Pombe: Mambo ya pombe ndio nilikuwa nasema, pombe yote imalizwe ibaki hii ya brewery peke yake. Pombe hizi zingine zote zikwishe. Ibaki ya brewery kwa sababu hiyo inaangaliangwa. Kwa sababu hizi zingine ndio zinaua watu. Hata chang'aa, hata busaa, hata mung'are, yote ikwishe, ibaki ya Kenya Brewery peke yake. Wazee wengine wanakataza

mabibi zao waingie kwa ma-group ya akina mama. Sasa ninataka wanaume wakubalie mabibi zao wawe kwa ma-groups za akina mama.

Constituency hii yetu ya Naivasha ni kubwa, ningependelea ipasuliwe mara mbili, iwe Gilgil na Naivasha. Siku hizi tuko na shida ya mapolisi, ukiwa na shida uende ushitaki kwa polisi, hawezi akakuandikia shida yako kabla hujatoa pesa umpee. Hata kama pengine kuna mtu amekataa na pesa zako kama shilingi elfu moja. Naye ili aende aitishe, anakuitisha elfu moja, sasa unaona shida imeingia. Hata hiyo elfu moja tena akiletewa, anakwambia ukuje leo ama kesho. Ukija anasema haijafika na ikikuja anasema 'hukukuja siku ile nilikwambia.'

Com.Lethome: Unapendekeza nini ingawa, kuna kazi ya polisi na ya jeshi. Sijui unapendekeza nini?

Kuwe na raia wale watakuwa wakiangalia polisi kwa sababu wako na mashinda. Wawe wakichaguliwa na watu, wanaenda police station, wanaona vile wanafanya. Tunaambiwa Kenya tuko na uhuru wa kuabudu lakini huo uhuru wa kuabudu umezidi. Sasa, mimi ningependekeza ya kwamba ile kanisa ambayo haijakuwa registered kwa Attorney General, yote ikwishe, ibaki ile registered. Yangu ni hayo tu.

Com. Lethome: Asante sana Mama. Sasa tunaanza kufuata mlolongo wetu. Dakika tatu, tatu, kila mmoja azungumze. Anza kwa majina yako.

Bernard Mutava: I am Bernard Mutava, I have got several proposals to make to the Commission. First is on education, that is we should scrap the 8-4-4 system and come up with the 7-4-2-3 system and also pertaining the education, we should have the Higher Education Loan Board. The Higher Education Loan Board should give provision for Polytechnics because currently it touches on the Universities alone. So, the Polytechnics should be considered as well.

Another proposal pertains the Judiciary: We should have a fair and transparent Judiciary. Currently, in Kenya people believe that, why hire a Lawyer, while you can buy a Judge. The Judiciary should be made fair and transparent. By this I mean that whatever has been said by the Judiciary should be subject to review and the A.G. should also not be final when it comes to Judiciary. He should be subject to questioning whenever he passes.

Then another one is on the tourism sector. One thing you know that the already obsolete Constitution did not provide for the tourism sector as much as it should be. For example, the tourists are highly taxed in Kenya as compared to some other aspects in the country. Also, something like the (inaudible) should be scrapped out and this I mean that fair prices should be given to tourists as well as the normal Kenyans. For example we have had cases of tourists complaining about being highly charged and also there should be a Constitution governing their security as well. Cases of may be the tourists being mis-handled and mis-treated in Kenya should be addressed by the current Constitution.

Also, the State organs should be bureaucratically merited and by this I mean that we should elect the right people to occupy the right offices. It is very unfair to come up with a person who learned about agriculture to man the Financial Ministry, so they should merit those offices as they deserve. This will also reduce the Presidential nomination powers. Because the President currently can nominate anyone to rule any organ of the State, which is not fair.

Lastly, I would like a particular Section of the current Constitution and that is Chapter 208 of the Kenya current Constitution, it deploys that the law of the Act that currently exists, it doesn't give provision for Student's Act. I don't know whether I am clear when I speak of Chapter 208 in the current Kenya Constitution. It should be reviewed and also provide for the Student's Act.

Secondly, the mileage rate that stipulate today that is eighty cents per mile should be updated as well because that one is not realistic and also the allowances thereby addressed to, the (inaudible) should as well be reviewed. I think those are my views.

Com. Lethome: Next.

Harrison Waweru Ng'ang'a: Mimi kwa majina naitwa Harrison Waweru Ng'ang'a na mimi Chairman wa Katiba nitatoa maoni yangu kuhusu hawa watu wanaitwa wachungaji wa kuhamahama. Hawa wachungaji wa kuhamahama, saa ingine wanaenda wanadhuru wale ambao wanakuta. Kwa sababu wakati wanatoka kikao chake, anaenda, anakwenda kukaa katika kikao cha mtu mwingine. Na wakati anaenda huko, anaenda kuishi kwa shamba ya mtu yule amemkuta hapo.

Com. Lethome: Sasa unapendekeza nini?

Ningependekeza huyo, awe akipewa kama ni mtu huyo wa kuchunga, akimaliza wiki mbili anaondoka anarudi mahali alitoka.

Tena ya pili, kuna mambo mengine inatendeka katika nchi hii yetu. Mtu anakuja anakamatwa na akikamatwa kufikishwa huko kwa polisi, unakuta mwingine anawekwa rumadi siku kumi. Mwingine anawekwa hata kama aliua, anaenda kuwekwa miaka tatu.

Com. Lethome: Unapendekeza nini?

Napendekeza mtu yule atazidi, awekwe rumadi kwa muda wa wiki tatu. Kesi yake iamuliwe aondoke aende. Kama ni kufungwa afungwe. Tena katika area kama hii tunakaa, kila mahali iko hospitali kubwa iwe na mortuary. Kwa sababu watu wanakufa na mpaka umtoe mtu hapa umpeleke Nakuru, na utamrudisha Gilgil. Kila mahali iko hospitali na iko town, iwe na mortuary ya kuweza kuhudumia wale watu wanakaa pale. Asante Bwana Mwenyekiti.

Com. Lethome: Next.

Bwana Commissioners, Chairman wa Commission, kwa majina yangu naitwa David Mutegi na ninagombea kiti cha Nakuru na maoni yangu ni kama yafuatavyo. Ya kwanza, ningependekeza ya kwamba katika every constituency registered voters wawe not more than fifty thousand. Na pia ningelitaka kwamba President anayesimama na kuchaguliwa, tusiongee mambo ya twenty five percent but we talk about fifty percent. Yaani awe na nusu ya watu ambao wamempigia kura. Isiwe inamaanisha ya kwamba lazima apewe kutoka Provinces.

Pia katika maoni yangu ningelipendekeza hivi Bwana Commissioners, ya kwamba sheria, President asiwe above the law na pia muda wa Parliament uwe katika mikono ya wananchi wa Kenya wote kujua tarehe za uchaguzi. Na wakati wamechaguana wajue the next election itakuwa wakati gani. Isiwe ya kwamba hayo ni mamlaka ya President, kuzungusha Bunge ama kuivunja wakati anapotaka.

Pia, Bwana Commissioners ningewauliza, mali ya wananchi ama mali ya mtu binafsi iheshimiwe na sheria I-guarantee. Lakini sio vile mambo inavyofanywa kwa sasa kama ya kwamba, inakuwa, sheria zinavunjwa na watu wengine wakivunjiwa sheria sio kama sheria imevunjwa.

Bwana Commissioners pia ningelitaka kusema mambo ya ardhi. Sheria za nchi hii kuhusu ardhi zimekuwa sheria za kutaabisha sana na hasa zimeweza kufanya wananchi wengi kupoteza mashamba yao na hata kuumia katika mikono ya walaghai hasa katika zile zilikuwa kama land buying companies. Ambapo wale waliokuwa kama ndio Ma-Directors, walitumia mamlaka yao na wakaharibu kila kitu. Kwa hivyo ningelitaka iwe hivi, kwanzia sasa iwe kama ni haya yote mambo, yachunguzwe kutoka sehemu moja, kama ni ile ya division kama Gilgil, pawe na mtu ambaye anaweza kuwa answerable na iweze kufuatwa hivyo. Kwa sababu kesi hizo zikiingia kortini zinachukua hata miaka nenda rudi bila...

Ningeuliza pia vile mambo inaendelea ya registration of voters, isiwe ni kitu ambayo inafanywa kwa siku moja ambapo inaachwa tena katikati mpaka tena iwe itaambiwa ni siku gani. Iwe ni kitu ya kuendelea kwa sababu kuna watu wengi wanapata vipande kama leo, na kesho watatakiwa wapige kura. Kwa hivyo ningelitaka vipande na kura zinaenda pamoja.

Bwana Commissioners pia ningelitaka kuuliza kitu moja, sheria zetu pia kwa upande wa akina mama ningelipenda kupendekeza kitu kimoja. Kumekuwa na shida kubwa hasa za rape cases ambapo wengine wanashika wengine kwa nguvu na mambo kama hayo. Mimi ningeuliza mtu yeyote anayehusika na mambo kama haya, sio kuchukuliwa tu hatua rahisi, iwe hata kama itafika mahali awe ni kuwekwa ndani maisha. Iwe ni hivyo. Ama hatua kali zaidi ya hiyo kwa sababu hicho ni kitu kinaendelea na wengine wanafanya hivyo wakiwa na maradhi kama ukimwi na vitu kama hivo. Kuna kitu kingine pia ningetaka kusema, mambo ya Jua Kali Bwana Commissioner ambayo inahusu mambo ya nchi yetu kwa sababu ya ukosefu wa kazi.

Ukosefu wa kazi na Jua Kali, Serikali ingestahili zaidi kulinda Jua Kali zetu ambazo zinaamka na especially viwanda vidogo vidogo ambavyo ndio ilikuwa mwongozo wa Serikali ilipoanzisha Ministries kama vile Science and Technology. Ikaanzisha Wizara kama ya Biashara ndogo ndogo na vitu kama hivyo, lakini imekuwa ya kwamba haikufuatwa kwa sababu utakuta vitu vingi vinatoka kutoka nje baada ya liberazation. Tung-liberalize vile vitu hatuna lakini vile vitu tunavyo hapa kwetu, tuone vile tunaweza kuendeleza viwanda vyetu ndio vijana wetu wapate kazi.

Com. Bishop Njoroge: One minute.

Mahakama kuu ningelipenda iwe hivi, kukisha kuwa na mahakama inasikiza kesi hata kama ni mahakama kuu, kwa sababu kesi unaweza kukuta mahakama ndogo imekubali, sheria imevunjwa. Kwenda high court imekubali lakini ikifika katika ile court of appeal, inasemekana haikutumika vizuri. Sasa ningelitaka hivi, baada ya hivo iwe, badala ya kuitupa hiyo kesi, inarudishwa kwanza, ichunguzwe upya ili ionekane kwa sababu watu wengi wanapoteza mali zao kwa sababu ya zile corruptions zinapitia huko juu. Kwa hayo, sina mengine ya kusema.

Councillor Mureithi Mutahi: Bwana Commissioner mimi naitwa Councillor Mureithi Mutahi kutoka Karuga location hapa katika division hii ya Gilgil. Sina mengi kwa sababu mengi yamesemwa lakini ningegusia tu kwamba, katika Katiba mpya Machifu wanastahili kuondoka na kuwa-replaced with an elected leader.

Ya pili ni mambo ya harambees, zimekuwa highly abused na katika Katiba mpya ningeluliza zitupiliwe mbali kabisa na kama kuna high hospital bills, kunazo zinakujanga high hospital bills they should be discovered by the Central Government from the public treasury.

Mambo ya extension ya Bunge inastahili kufanyika kulingana na Katiba ya sasa wakati nchi iko na vita. Lakini katika Katiba mpya ninguliza iwe extended. Even when the country is undergoing constitutional review like now. Kwa hivyo hata sasa tukienda na hiyo iwe-extended hakuna shida.

Mambo ya Presidential powers zitarudia, yamesemwa mingi sana. Mambo ya Councils, Councillors do not control County Councils, huwa controlled by the Kanu Government through its chief officer. So, hawa Chief officers waondolewe na iwe shared by Councillors. Councillors wa-control Councils.

Ile ingine ni mambo ya vyama. Visiwe vyama zaidi ya vitatu. National resources, people should own land, only the land they can utilize. But not like now, from Naivasha to Nakuru it's one person. Mambo ya hanging iwe abolished, iwe life sentence. Iwe religions na cults. Haya makanisa yote yamekuwa ya kibiashara, kutengenezwe Ministry of Religious affairs. Ikatwe kidogo, kukuwa mingi mingi ya kibiashara.

Lingine ningengeza ni haya mambo ya Ardhi Houses all over the country, have become so corrupt. Mambo ya mashamba iwe handled ama any kind of land should be handled by the County Council.

The final point ni mambo ya nominations ya MPs na Councillors. Nomination while in political parties. Hiyo, tukae na elected leader. An elected MP or an elected Councillor. Nomination ya members to the Parliament and Councils ni mambo ya kupoteza pesa za Serikali kwa hivyo tukae na the elected ones. Asante.

David Mburu: Wanachama, Chairman na wanakamati. Ninaitwa David Mburu. Ningetakia vyama vya siasa viwe tatu. Chief achaguliwe na watu. Itakuwa kitu ya manufaaa. Mayor pia achaguliwe na watu. Kuhusu pombe mimi ningependelea pombe kama busaa iwe free. Kwa sababu kuna wazee wako huko nyumbani na wanataka kukunywa, hawawezi kuja kwa bar akunywe bar. Kwanzia saa nane mpaka saa kumi na mbili, mnafunga. Kuhusu Uchaguzi, mimi ningependelea Uchaguzi ufanywe mwaka huu lakini Katiba iendelee kurekebishwa. Ni hayo tu.

Julius Gichira: Kwa majina naitwa Julius Gichira. Yangu, yale ningesema yamesemwa yote lakini nitarudia hata mengine. Maana kama kuna ingine nikiwa siko.

Com. Bishop Njoroge: Mzee, sasa unapoteza wakati wako.

Julius Gichira: Napoteza wakati. Sasa ningesema kuhusu mashamba. Mashamba kubwa kubwa, yote yalilaliwa na Wazungu. Na Mkenya wa kawaida na sheria ziko, hata yeye angepunguziwa kidogo wananchi kadha wa-squeeze kwa hili shamba lake. Kama Delamere kutoka Nakuru mpaka Naivasha ni yeye. Na hilo shamba hakununua ni shamba alinyang'anya watu hapa. Ni unyakuzi huo, kunyakua. Hata haya mashamba, tunasema makubwa, makubwa, madogo, na hatupati. Habari ya mashamba iangaliwe. Mashamba makubwa makubwa.

Tena nintaongea jambo la pili kuhusu kazi. Kazi kuajiriwa, inakuwa kama ni kabila moja ndio inakuwa ndio majority kwa kazi. Kama mkubwa yuko hapo kazi. Hata kama kazi ya jeshi na imeandikwa kila mahali. Unasikia mtu anatoka Rift Valley, anabebwa na gari usiku kwa maana anajulikana...

Com. Bishop Njoroge: Can you recommend?

Anaenda kuandikiwa tuseme Mombasa kwa maana huko ndio kuko na recruitment. Kwa hivyo sasa hiyo iangaliwe kama kuna watu wa kuwafuata nyuma. Wakujua kama walifanya vizuri. Wasifanye vile walifanya Nakuru wakakuja kuita watu majina na wananchi walikuja. Huo upande wa kazi kuandikwa imeenda tofauti tofauti.

Inginge nakuja sasa upande wa shule ama masomo. Naonelea Standard Seven ile ya zamani irudishwe badala ya Standard eight.

Na masomo vile inasemekana iwe ni free from Form one to Form four. Maana hata hii Primary (inaudible). Hiyo nayo hapo imechangia. Masomo iwe free kama itawezekana kwa Katiba mpya.

Jambo lingine natilia mkazo hata huyu alikuwa hapa ameongea na hata mimi nitaongea. Kuna pombe: Wakati kulikuwako na pombe ya busaa, hata yule mtu hana nguvu angeweza kununua busaa yake ama anunuliwe na mtu mwingine kwa maana ilikuwa ni bei rahisi. Hata mama akipika busaa, mtoto wake hawezi kufukuzwa shule, pesa atapata hapo nyumbani. Kwa hivyo iwe free to the whole country. Sio vile ilisemekana ifungue. Tuwachiliwe, yule ataweza apike. Na tena kama vile tunazidi kugundua madawa ya miti ni dawa, tangu hata kabla Mzungu kuja hapa tulikuwa tunatumia miti ya misutini na tunaponya magonjwa.

Com. Bishop Njoroge: Kwa hivyo una-recommend miti ni dawa?

Lakini sasa tunasikia kuna district moja inafungwa sijui ni sheria gani hiyo. District moja inafungwa, district ingine iko na miti ni dawa na inasaidia wananchi. Hiyo ningeonelea miti iendeleo ni dawa na pombe ya busaa. Kuongea mambo ya employment, iwe equal. Hiyo nimeongea na nafikiri hakuna shida nafikiri umeelewa.

Com. Bishop Njoroge: Pointi ya mwisho.

Tunakuja kwa sheria ingine, hii sheria ya wizi wa ng'ombe hii 278, ya penal code. Hiyo irekebishwe kwa maana yule mtu anaiba ng'ombe yako na anachinja huyo anafungwa miaka kidogo na yule anakamatwa na ng'ombe red handed na ng'ombe ile haijakufa, huyo ndio anagongwa miaka saba. Sasa unaona hapo, hii sheria ilichukuliwa namna gani. Hiyo 278 ingerekebishwa. Hata yule ameua ng'ombe ndio angefungwa ninety. Hiyo sheria naona hapo iko tofauti.

Kuna ingine nitachangia hapo. Kama unaona vile Zimbabwe nini na nini, isije ikaingie hiyo ya mashamba ya Wazungu, tuangaliwe na hiyo ni kukuambia urekebishe hapo. Sasa hii tumebaki na hii yetu Title Deed. Kama mimi kwetu ni Meru. 1968 ndio mashamba ilipimwa. 1967-1968, mpaka wa leo hatujapata Title Deeds na mtu alipasuliwa yake. Hiyo sheria

Com. Bishop Njoroge: Can you give recommendation? Title Deeds zipeanwe?

Title Deeds, mashamba ikimaliza ipeanwe. Waache kutueka.

Com. Bishop Njoroge: Can you give us your last point please? Pointi ya mwisho.

Pointi ya mwisho ni kuhusu pesa ambazo zinakatwa na Serikali, kodi ya mapato. Hii kodi ya mapato pia tunapeana na pesa haturudishiwi, inatumiza. Na tena hii ya Hospitali. Hii ya Hospitali yaani N.H.I.F. haijangu kitu. Kwa hivyo nilionelea hapo tunafinywa sasa. N.S.S.F. pia. Ikiwa ni kiwango kama mtu amefikisha hata kufikisha miaka hamsini hiyo, wanasema

tupunguziwe. Naona umeniharakisha, I had more to say. Lakini

Com. Bishop Njoroge: No. You have utilized your time, we are going to read the memorandum. Kwa hivyo mupatie mtu mwingine chance.

Fredrick Gachemi: Bwana Chairman, Commissioners na listeners. Jina langu ni Fredrick Gatiba Gachemi. Na ni na haya ya kuchangia. Ya kwanza nasema habari ya Kenyan labour. The Kenya Government has not seen the way to remunerate the labour according to the productivity and this is ranging from private sector to civil service. So, there should be a remuneration measure. Let me also visit the issue of Kenya Gazette (inaudible) order. This order, that the Government do issue, once it is issued it is always below the level on the ground. So, the Government does not do a realistic remuneration. If you check the order on the ground today, it does not appear anywhere factually. If anything that the Government should do, should become a model example if not the best.

Another one, Kenya Domestic Productivity that is E.D.P. If the country's labour force is economically empowered, the taxable people will automatically increase, hence more Government revenue collection. When you visit the issue of employers and employees, this is on private sector now. The Government has made rules, it grips over the employer. Because on the ground workers are crying. Because labour cases are taking years to arrive to a solution. The other point, by luck the employers have gone ahead in saying that, 'your Government is in my pocket.' What do I imply about this? All of them are under my shoes. So, this brings the worker to a zero or any other frustration. So, what the Government should do is to emphasize the rule of law. Nobody should be above the law. This situation makes it harder for workers union to harmonize the labour private sector.

On the civil service, the Government has it in his hands. So, it should harmonize it accordingly. On the issue of Kenya's economy. Taking it from the ground, there should be a creation of centralized revenue collection. There should be a board.

The other point is creation of enterprising environment. That is associations should be encouraged, mobility of entrepreneurs and law guiding those particular factors. Low taxation should be given to create more taxable entrepreneurs.

On Agriculture, you will find that it is actually crowded, so farm inputs should be given the least tax or zero tax. Tax collection should be harmonized so that the revenue collection is done otherwise, the business world has brought the Government to its throat.

On Presidency, he should not be above the law and let there be a Governance that is conducive to allow good delivery. Judiciary, it should be free from any quarter. It should be independent. On Public services, there should be the right person for the right position as it is in private sector. When we come to Parliamentarians, they should be lead through a regulatory board. Asante.

Com. Bishop Njoroge: Thank you very much. Those were good points.

Harrison Ngaratia: Jina langu ni Harrison Ngaratia. Yangu ni machache, ni kuhusu uongozi, pande moja nasema kwamba, mtu akichaguliwa kuwa, yaani the President anataka kutengeneza Serikali, Cabinet Ministers lazima wawe vetted. Isiwe the other way. Awe vetted thoroughly. Pointi hiyo ni kwamba elections, wasikubaliwe kuwa nominated. Hiyo ni kusukuma wengine viti. Kwa sababu umemshinda na anasema eti umenishinda. Tayari umekuwa nominated. Kwa hivyo, a loser asikubaliwe kuwa nominated.

Upande mwingine, jamii: Jamii, kuna watu ambao wanashikisha wasichana wetu mimba. Na ningependa hao watu waajibike. Akipimwa na daktari aonekana ya kwamba yeye ndiye amemshikisha msichana mimba yule. Awajibike mpaka miaka kumi na nane. Na iwe inaangaliwa, sio aajibike tu kwa maandishi. Lazima iwe anaangaliwa anatumza huyo mtoto. Upande mwingine tumekuwa na ugonjwa wa ukimwi kwa wingi sana hapa na ni jambo ambalo hatuwezi ficha. Imekuwa aibu sana kuona wasichana wetu wazuri wanafaa nguo za kubana zaidi. Na hiyo hakika hata kama wewe ni mwanamume, ni kweli kabisa inachangia mambo hayo ya rape. Inachangia. Kwa hivyo nguo ziwe za kiheshima. Lazima kuwe na nguo za kiheshima.

My last point is town planning, I am a masion*, najenga hapa Gilgil, hapa Gilgil kwa mfano, hakuna hata park ya kupumzika. Nikikwambia uende upumzike, hakuna. Watu wame-grab hata barabara zimeisha zote. Ningependa Serikali ambayo inakuja ijaribu kuweka in order ili angalao mtu akisikia amechoka anaweza kupumzika kwa miti. Hapa hatuna. Thank you.

Simon Waititu: My name is Simon Waititu or Sudai, and I would like to present my views....to give my pillar of concern not only to me but to my fellow citizens, especially a matter of religion and public schools. Rule of unconstitutional practise of reciting prayer a non-denominational prayer in public schools should be banned. It should also be forbidden, religious tongues, religious instructions in public school buildings. Because our country is so diverse with so many religions of different backgrounds. I also understand that we have freedom of religion. So, we can expect the same authority which has established such a law at the same time to sideline or promote one religion and at the same time dis-regard others.

Also, I propose that there should be a clause which should rest upon on awareness of the historic fact that Governmentally established religions and religious perpetuations be covered in Act. I would like also to talk about freedom of speech and (inaudible). A perennial problem of civil liberty is that of reconciling freedom of speech unutterably with the authority of State, to protect and preserve public peace and order and tend to administer and enforce the same (inaudible) with individuals who sometimes try to emphasize their constitutional rights. May be addressing of topics which they feel, there is no way they can put it. So, I think the Government should clearly explain or put it into law, to what extent can we say that people should not be free to address or assemble together in a gathering. And what makes it a crime? Because as you can see.....

Com. Bishop Njoroge: Since, you have explained. Just make your recommendation.

So, I would like to recommend that the Government should rule out laws that are very clear on the matter. Freedom of expression absolutely. Another thing is about obscenity and freedom of expression. We see in our country we are getting obscenity and freedom of expression. Everytime we are seeing a lot of phonographic material being provided through literature and audio visual. Recommendation is that the Government should come up with clear laws or a (inaudible) which is sensitive to our traditional morals so that we can avert the polluting of our youths mind through such literature and importation of such materials. I would also like to talk about internal security, the Government has the right to check movements which they think are dangerous to the society but at the same time, there should be clear and fair judgment about guilt of association. How can we say a person is guilt of association and may be in case of (inaudible), he was just answering orders from a superior. So, I propose that kama hii sheria ya treason iwe abolished na all citizens wapewe equal laws ambazo zinangalia jambo hilo.

Shida ingine inahusu Land and Agricultural policy, Serikali iwe na sheria ambazo zinaonyesha juu ya haki ya watu kumiliki land in our country and also agricultural policies which are sensitive to our rights. Hivi kwamba, Serikali inapaswa ku-provide not only the land but even the insensitives to develop that land.

Com. Bishop Njoroge: Final point.

The final point ni kwamba, social services na institutions ambazo ni already established ziwe overhauledand re-structured ili ziwe responsive na sensitive to mahitaji ya Kenyan citizens, workers and children's welfare. Kama N.S.S.F, ijali watu wote dis-regarding where they are in Kenya. Whether mtu ako Turkana and he doesn't work. He is a Kenyan citizen. Ana-deserve income, ana-deserve medical care, na watoto wake, hata education. Na hizi institutions zinapaswa kuwa pyramid ili ziweze ku-address such issues.

Com. Bishop Njoroge: Thank you very much.

Seleiyo Ole Ndemeru: Asante Bwana Commissioner. Kwa majina ninaitwa Seleiyo Ole Ndemeru na mchango wangu wa kwanza ni kuhusu Uchaguzi. Tunataka tufanye uchaguzi bila Katiba ya sasa. Tufanye Uchaguzi kwa Katiba tuliyo nayo sasa, mwaka huu.

Ya pili, nachangia mambo ya kitambulisho. Kama sisi wakaaji wa hapa Gilgil. Sana sana jamii ya Wamasai wapate kitambulisho. Sijui Serikali ilitoa sheria gani ya kukataza watu kama sisi Wamasai wa Narok huko. Tuseme hata Rift Valley, hatupati vitambulisho. Kama vile tunaishi hapa, tuko watu wengi ambao hawana vitambulisho na hata kura hatujapata kwa sababu ya vitambulisho. Ningetaka hiyo iangaliwe kama ni sheria, hiyo sheria irudishwe kama zamani, tupate kitambulisho ili

vijana wetu waweze kupiga kura. Kwa sababu kama sasa tuko zaidi ya watu mia mbili, wako hapa Gilgil au mia tatu, hawana vitambulisho na hawezi kupiga kura. Tunataka hiyo iangaliwe sana.

Ya tatu, ni mambo ya mila. Mambo ya mila iheshimiwe. Kama sisi ni watu wa kuhamahama. Na kama wakati wa kiangazi tunahama hama, watu watambue ni kazi tunafanya. Hizo ng'ombe tunahamisha hamisha namna hiyo ni mali ya Kenya, watu wote wa Kenya wanatumia hiyo mali na watambuliwe. Kama sasa wakati wa kiangazi tupewe nafasi kila mahali. Isiwe shamba, mtu hajafence, ng'ombe iende hapo, itembee ikule nyasi na irudi kwao. Hiyo nataka itambuliwe.

Ya nne, tunasumbuliwa sana na mambo ya kanyanga. Kama Wazungu wako hapa. Yuko mmoja anaitwa Marura na mwingine anaitwa Delamere. Hawa Wazungu walinyakua mashamba, hawajanunua, ni kunyakua wamenyakua na tunataka watambue sisi ni wananchi wa Kenya. Kama mtu hajanunua hili shamba amenyakua, tunataka huyo mtu atumbue sisi ni wakaaji wa Kenya, atupatie nafasi, tupitie hilo shamba lake. Kama ni maji tunaenda kutafuta tupate maji, na atambue sisi ni Wanakenya. Kwa sababu anashika sisi anatupeleka kortini na tunatoa fine.

Ya tano, ni kuhusu mambo ya ulevi. Kama mtu amepatikana usiku na polisi. Anashikwa anapelekwa, anawekwa cell. Kesho anapelekwa kortini. Hiyo mimi ningesema namna hii, hawa polisi wanapata mtu ameelewa, hajafanya makosa, aeke fine na kesho aachiliwe aende nyumbani. Kwa sababu hakuna makosa amefanya. Awachiliwe na kesho yake aende nyumbani.

Jambo lingine langu la mwisho ni hili, ningetaka kama akina mama. Mamlaka ya akina mama isipite ya mzee. Mamlaka ya akina mama iwe tu, mama yuko chini ya mzee. Sisi ni Waafrika hatuwezi kuiga mambo ya Wazungu. Akina mama wawe chini yetu na Mzee juu. Na Mzee juu. Hilo ndilo jambo langu la mwisho.

Com. Bishop Njoroge: Points points. Taja jina lako.

Danson Maina: Mimi naitwa Danson Maina, mkaaji wa hapa Gilgil na mimi ni mtu wa biashara. Ningependa Katiba ile tunaendelea kurekebisha, ya kwanza yangu ningenelea ni Presidential powers. Hiyo ndio imeleta watu wanajiita godfathers. Anasema mimi nimeongea huko juu. Ningependa hiyo iondolewe, President asiwe na powers, powers ziwe kwa Bunge.

Ya pili, ningetaka Ma-Judges wa Kenya ambao wanakata kesi, wawe appointed kutoka kwa Parliament. Parliament inaketi ina-appoint Ma-Judges ambao ni wale qualified.

Ya tatu, Attorney General awe akipata powers kutoka Parliament. Kama ni kesi ya mtu au ni mambo ya kisheria itoke kwa Bunge.

Ya nne, ningependa Ma-Chiefs na manaibu wao wawe wakichaguliwa na wananchi wenyewe. Kwa sababu wananchi

wenyewe ndio wanajua huyu ni nani na huyu ni nani.

Ya tano, kikosi cha polisi kimekuwa na utovu wa nidhamu kwa wananchi wenyewe. Tunataka the new Government, Serikali itusaidie kama kuna askari ambao hawajahitimu kutoka kwa training. Kwa sababu kuna wengine wako wanafanya kazi na hawajahitimu. Warudishwe ndio wawe wakijua sheria ni nini. Akishika mwananchi anajua ku-handle mwananchi hata kama anampeleka cell, awe akijua ni kesi gani. Mambo ya kupiga mtu akiwa kwa cell, hiyo Serikali iangalie sana kwa sababu watu wengine wameumia zaidi wakiingia kwa cell.

Ingingine ni upande wa security. Mimi binafsi nikiwa hapa nina uchungu, ningependa Serikali ichukue jukumu la kupigana na wakora. Kwa sababu mimi nimehama kwangu shambani, nimekaa kwa town na nimehama kwa sababu ya kupigwa na wakora. Hiyo security hatuna na kama tuko na Serikali, security inaweza kosa kwa sababu gani?

Ya mwisho, ningependa tena mtu aki-defect, mambo ya defection, mtu akichaguliwa kwa chama fulani na anataka tena kuhamia chama kingine. Sisi wananchi tumeumia kwa sababu hizo pesa zimetumika kuenda kufanya uchaguzi mwingine, zimetoka kwa kodi ile tumetoa kwa mifuko yetu. Kwa hivyo sisi tumehangaika na hizi kodi zinazoongezwa kila mara. Kwa hivyo kama hakuna defection, Serikali haingetumia kiasi kubwa ya pesa. Kwa hivyo tungependa mtu aki-defect anakaa miaka mitano mpaka tuchaguane tena. Lakini tumekubali, kama mtu akifa, wananchi wanatakiwa wa hiyo area....

Com. Bishop Njoroge: Unasema mtu aki-defect, asikubaliwe kusimama kwa miaka mitano?

Danson Maina: Kwa miaka mitano.

Com. Bishop Njoroge: Saa hiyo ofisi ikae hivyo na hicho kiti....

Danson Maina: Na hicho kiti kikae hivyo. Lakini akikufa, wananchi wapatiwe hiyo nini.

Com. Bishop Njoroge: Njoo hapa Mzee ujiandikishe.

Peter G. Muya: Commissioners, I also have something to say. My views, one is on Chiefs. My name is Peter G. Muya. The first one is Chiefs and Assistant Chiefs. They should be transferable like any other officer as it was before. We have K.W.S. Today, you find that animals are more respected than human beings. If a human being kills an animal, he can be jailed for so many years. If an animal kills a human being that is nothing. Therefore, we want to say that the compensation that was there which was about thirty thousand should be increased to about half a million. If a person is killed by an animal. That includes, crops destruction by wild animals.

