

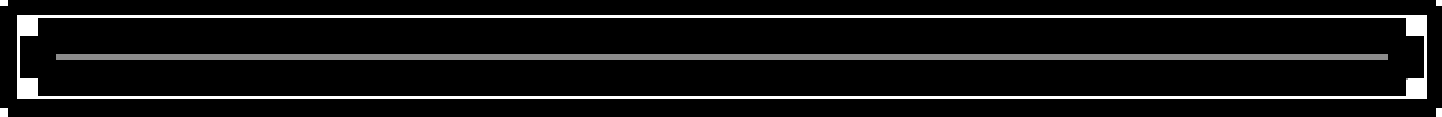


CKRC

VERBATIM REPORT OF

**CONSTITUENCY PUBLIC HEARINGS, NDARAGWA
CONSTITUENCY, HELD AT PCEA CHURCH**

ON



7TH APRIL, 2002

April, 2002

Present:

Com. Ibrahim Lethome
Com. A. Isaak Hassan

Secretariat

Mr. Jeremiah Nyegenye - Programme Officer
Regina Obara - Verbatim Reporter
Mr. Gikonyo - District Co-ordinator

Church Elder: Niwega rekei tucokie ngatho na njira ya mahoya, ondagika igiri. Rekei tuhoe. (prayer in Kikuyu) Niwega Ngai witu wa Matuini Mutugi na Muigua tha. Mwathani, nitui ati tiga nyumba yakirwo niwe, mwaki arutaga wira wa tuhu, onatiga itura rirangiirwe niwe Mwathani Ngai, Mwathani, murangiri arutaga wira wa tuhu. Wira uria turathii kuruta uhaneine na mwako, nanitungienda uthii hamwe naituhi, nigetha tuhote gwaka natuhote gukinyukaniria undu umwe. Twagwitia kiathi kiega na muthiire mwega twacoka twagucokeria ngatho niundu wa gukinyia ageni aitu acio tuguetereire, na ningi muthiire witu wothe ugithii nambeere Mwathani Ngai ukorwo uri mokoini maku. Nitwahoya natwetikia othiini wa riitwa ria Mwathani Jesu Kristo, nitwakuhoaya, Amen.

Com Lethome: Habari zenu?

Congregation: Mzuri.

Com. Lethome: Najua hii ni siku ambayo mumetamani sana, na ningetaka kuwashukuru kwa kuingia siku ya leo. Leo tuna wageni kutoka kwa Comission, na ni vizuri niwape nafasi waseme hawa ni wakina nani na wameingia hapa nanma gani, kwa hivyo ningeanza na Commissioner ambaye ako karibu na mimi, Commissioner welcome.

Com. Ibrahim Lethome: Thank you. Watu wa Ndaragwa Muri ega? Kwanza kabisa tunaomba msamaha. Manjua ilikuwa imetangazwa tutafika hapa saa mbili. Simlikuwa mantungoja kunazia saa mbili? Kwa hivyo tunaomba msamaha kwa sababu sikupenda kwetu hata sisi tunaan vibaya sana kuwaweka watu wanangojea kunazia asubuhi na ninajua muna shuguli zenu lakini sio kupenda kwetu. Kwanza tumerudi jana usiku kutoka kwenye provinces. Kama mini na huyu Commissioner mwenzangu, tulikuwa North Eastern Province. Hata hizo gari muanona, saa hizi ndio tunatumana zikatengenezwe miguu hatuna hata spare wheel , ama nini, tumefanya haraka ili tufike hapa. Na wengine wetu kama mimi, hata nilikuwa nimepangwa niende Kirinyaga. Huyu Commissioner alikua aje na Commissioners wegine wawili ambao sasa hivi tunavyozungumza wako Migori. Ndio wako safarini kwenda Nairobi ndio waweze kuja hapa. Kesho ndio wataweza kuja hapa. Kwa hivyo tulikuwa na matatizo mengi na pia tulikuwa na matatizo ya gari ndio sababu tumefika kwakuchelewa. Kwa hivyo tunaomba msamaha. Twamuhoya

muturekere.

Mimi jina langu naitwa Com. Ibrahim Lethome ni Commissioner wa Tume ya marekebisho ya Katiba, na mwenzangu aliye nadamana na mimi ni, Com. Ahmed Isaak Hassan, sisi wote wawili ni mawakili Nairobi lakini kwa sasa tunafanya kazi ya marekebisho ya Katiba Halafu tuko na Programme Officer ambaye tumekuja naye hapa, Jeremia Nyegenye ndiye huyo, na namaofisa wengine kutoka katika ofisi yetu Nairobi, na mmoja kati yao ni interpretor wa Sign Language kwa sababu tunasema hata watu wale ambao hawazungumzi wanzungumza kwa ishara ni wakenya pia ama wao sio wakenya pai? Kwa hivyo tumekuja pia na sign interpretor ili aweze kutusaidia ikiwa kutakuwa na mtu kama huyo. Na pia tuna bwana District Coordinantor ametuwekea mtu ambaye atatutafsiria tunajua watu wa hapa wengi wazungumza lugha ya Kikuyu na tunataka nafasi hii tutumie kuji-express na kujieleza vile unavyo taka na tuna jua kila mmoja wetu ana jua hata kama mtu amesoma, ile lugha ambayo unaweza kujieleza nayo vizuri sana wakati mwinigine ni lugha ya mama. Ama sivyo? Kwa hivyo mtu asione haya kuwa hawezi kuzungumza Kingereza ama Kiswahili, zungumza lugha yako ya Kikuyu tuko na interpreters hapa wata-interpret.

Na sitaki kupoteza wakati sana kwa sababu nusu ya siku karibu imeisha na tunataka kila mmoja apate nafasi ya kuzungumza. Nitatoa nafasi kwa mtu kuzungumza kufuatia ile list ambayo imechukuliwa (Mr Gikonyo I believe you have a list) so we shall go by that list. Tutafuata hiyo list na mtu ataitwa hapa mbele, njina lake, ataeleza, atasema maoni yake bila kuogopa chochote, sema vile unavyotaka, unataka Kenya iendeshwe vipi katika Katiba mpya, na tutakupatia muda wa dakika kumi. Ukiwa hauna memorandum ambayo utatupatia. Lakini ukiwa na memorandum, tutaku patia dakika tano, dakika tano hiyo niyakutuelezea tu kufafanua yale ambayo umeyaandika kwenye memorandum. Ikifika dakika tisa, ukisikia ninagongagonga meza, nakwambia wind up sasa, kwa sababu watu ni wengi na kila mmoja anataka nafasi ya kuzungumza. Halafu baada ya wewe kutoa maoni yako, pengine Com. wakitaka, wanaweza kukuuliza maswasli mawili au matatu, kutaka ufafanuzi, ili uweze ku-elaborate zaidi yale maoni yako ambao umetoa. Kwa hivyo tutaelekea kwa taratibu hiyo. Kisha ukishamaliza kuna hii register hapa, ambayo ni official record na mujue this is going to be a historical record for us, for this Country. Itakaa kwenye kumbukumbu mpaka miaka mia moja ikipita, tutakuwa tukisoma ndani yake mtu fulani alikuja katika kikao hiki saa fulani na akatoa maoni yake. Kwa hivyo utakuja hapa na utasign kwenye hii register yetu halafu bada ya hapo utakaa.

Na hii ni public hearing kwa hivyo mtu atakuja hapa azungumze watu wote wakisikia. Na bila kupoteza wakati nanfikiri bwana Gikonyo tutaanza moja kwa moja. Sasa ile list ambayo tuko nayo sijui iko wapi? Na kitu kimoja manjua hata mpira watu wakienda uwajani sikuna ground rules? Si kuna sheria inafuatwa? Sasa nataka tuseme ground rule moja na tuiguane, ndirenda tuiguane unajua kila mmoja ako na maoni yake? Na mtu anaweza kuja hapa atoe maoni ambayo aikupendezi, sasa ile rule antaka tukubaliane ni kwamba hiyo ni maoni yake, tueshimu maoni yake. Nitwaiguana hau? Kila moja aeshimiwe maoni yake no heckling, wacha aseme vile anafanya, hata kama ni upuzi kwako pengine kwake sio upuzi. Tunataka kila mtu atoe maoni yake vile anataka. No heckling, no shouting down, we respect each other's opinions. Tumekubaliana? Haya asanteni na tunaweza kuanza.

Speaker: We have a Secretary who is listing down the names.

Com. Lethome: Mtaandikisha bwana Gikonyo ata-organize don't, worry. So, can we begin with Mr. Ngatia Kamunge please? Mtaandikisha Bwana Gikonyo ata-organize, you will register do not worry. Kuna mtu yeyote anamjua mtu yeyote hua haskii anahitaji sign language? Kuna mtu uanjua hawezi kusikia saa hizi, Kuna bubu hapa? Hakunae. Tuendeleo. So can we begin, tunaaza na mzee Ngatia Kamunge, Ngatia majina yako halafu uanze kuzungumza. Uge uria ukuoana, Riitwa riaku, nawambiririe kwaria.

Mr. Ngatia Kamunge: Li ni Ngatia Kamunge ngwenda kuga atiriri, thiini wa bururi uyu witu mundu uthukitie ni mundu witagwo cibu. Na gitumi ni giki, kuma 1928 riria aigirwo ni muthungu ta ndaranja iria iringagirwo ni mitokaya

Speaker: Okey, Okey, Okey. Uga ringi nitugutaura.

Mr. Ngatia Kamunge: Cibu akorwo atari ho Katiba njeru.

Translator: Ngatia, cokera ringi nigetha hote gutaura.

Mr. Ngatia Kamunge: Cibu Katiba njeru akorwoatari ho.

Translator: He states that he would like the activities of a Chief to be removed in the new Constitution

Commissioner: and the office of the chief should be abolished?

Translator: yah, sure

Mr. Ngatia Kamunge: Tondu kuma 1928 ri, niwe wathukirie. Migunda yagayo ri, makiambiria kwendia migunda thiini wa rithabu (okey).

Translator: He says that from 1928 the Chiefs interfered with land activities and then they started selling the land any how.

Mr. Ngatia Kamunge: Tondu uguo ndari raia ateithagia, ateithagia o itonga.

Translator: and that the chief does not help the Common person but he helps and assists the rich people

Mr. Ngatia Kamunge: Tondu tariu migunda kuria yarutwo ri, mathiaga makagaya migunda makagaira itonga ikaigwo iri stock

Translator: and that wherever there is land allocation they keep that one as their stock and they give pieces of land to the rich people.

Mr. Ngatia Kamunge: Nayo thirikari ri, riria yagiire na migunda kuuma Somali ikiiga migunda iyo kuria andu acio mairiigaga indo ciao makiuma Somali, na migunda iyo yothe nimiendie ikirugamirirwo ni macibu. Na andu acio makaheo matire

Translator: And that the Government has kept those pieces of land under the care of Chiefs and the Chiefs are selling the pieces of land.

Mr. Ngatia Kamunge: Uguo migunda iheanitwo ni thirikari yambe irigirio Title ichio itigathii na mbere.

Translator: And the Title Deeds should be kept by the Government so that the Chiefs do not have to keep the Titles or have the responsibility of those pieces of land. The Government should suspend issuance of Title Deeds.

Mr. Ngatia Kamunge: Riu uguo ri, ngwenda kuga angikorwo thirikari nikuruta wira yambe irigirio Title icio itigathii na mbere onginya gwikwo uchunguzi tondu andu acio nio mahetwo migunda iyo na makaheo Title. Kuma Isiolo mairo ikumi na ithano migunda iyo gutiri itangiuga haria uri na iraturaga irugamagirirwo ni bendera.

Translator: He is talking about the land from Isiolo as he says that those pieces of land have been under the white settlers care, and now he would like the authority to be with the Government.

Mr. Ngatia Kamunge: Tariu guku ni iigirwo itonga kuria gwitagwo Silent area.

Translator: That there are pieces of land at Silent area and he think that the pieces of land have been kept or reserved purposely because of the rich people and the people who are well known.

Mr. Ngatia Kamunge: Uguo maundu macio mothe cibi akoragwo atongoirie tondu mundu aheo mugunda Nairobi, anengagirwo marua agoka gwikirirwo sign ni cibi, ati mugunda ucio niwakiri wake.

Translator: That he thinks that all those pieces of land are kept there, and when people buy them from Nairobi they bring the letters to the Chiefs who also sign against the name of the person who is the allottee.

Mr. Ngatia Kamunge: Riu uria ungi thiini wa forest niirangiirwo ni thirikari igathukio ni itonga. Tumenye niki gitumite forests ithii na mbere guthukio irangiirwo ni thirikari.

Translator: Okey he also states that the affairs concerning the forest, the government has turned a blind eye against those lands, the forest because the rich people are destroying the forest in presence of the Government of the day

Mr. Ngatia Kamunge: Migunda tariu thirikari yo nyene nikuri migunda iigitwo; riria twaruiire wiyathi andu makigaira migunda iyo. Ndiri kindu ituteithagia nakio tondu ituraga oro uguo, ati niwatuikire wa mundu na tweheragia bendera nigetha migunda iyo ituteithie. Aorwo ni ng'ombe, akorwo ni mburi, igakorwo igituteithia

Translator: He states...

Com. Lethome: Atiriri muthee, Wina ndagika ikumi no uhoro wa migunda ri, niurikirie. Aria undu ungi riu.

Translator: Wina undu ungi tiga undu wa migunda?

Mr. Ngatia Kamunge: Riu ndiri nondu ungi .

Com. Hassan: If the Chief's office is to be abolished, would you suggest that they be elected directly by the people or what is your opinion?

Translator: Okey Asante sana. A question. Niukurio kiuria kinini ni muthamaki uria. Hihi okorwo wbfici iyo ya cifu no ikuhingwori, ungienda hihi magithuragwo ni andu kana ungienda hihi mekwe atia?

Mr. Ngatia Kamunge Ona 1937 nikwahitukirio tuthurage macibu, natukagira mundu uria tukwenda na nitwagirire muthigari wa Administration Police kwa District Commissioner.

Translator: He would like the post, a chief to be elected by the people themselves rather than to appoint.

Mr. Ngatia Kamunge: Na riu kugiragwo mundu ukwendwo oke athukie tondu we niarugamiriire thirikari no niguthukia areka atia?

Com. Lethome: Kiuria ni riri, no wende tucoke na thutha cibi akorwo agithurwo uria mwathuranaga tene handu ha guthurwo ni thirikari, kumuma thutha?

Mr. Ngatia Kamunge Ii tumume thutha.

Translator: That the people may line up after the person they want to be the chief.

Mr. Ngatia Kamunge: Nigetha athukia tukoiga ainuke.

Translator: So that when he spoils things, he can be demoted by the people themselves.

Com. Lethome: Tunataka pia kufanya balance saa hii ni akina mama na wazee, we want to be gender sensitive kwa hivyo mtu wa pili tunamwita Jane M. Mithamo. Uko na written memorandum?

Francis Mwangi: Kwa jina ninaitwa Francis Mwangi Ndwiga niko na memorandum hapa ambayo nita-hand over although nitaendelea very briefly na mambo ambayo mimi ningetaka iwekwe katika Katiba.

- Kwanza nimewashukuru wananchi wa Kenya kwa vile wameonelea ni vizuri tuilizwe maswali sisi wenyewe tukiwa ambao tuna kuwa governed kwa sababu serikali na mwananchi ni contract ambayo tumeweka na ni lazima serikali

ituongoze vile sisi tungetaka.

- So, jambo la kwanza, ningetaka kuongea juu ya presidency. In my opinion, ninaonamambo mengi wana-revolve around the President. Kwa hivyo ninaonelea ni yakua our President ni lazima awe mtu ambaye ni mtu ako na mambo ambayo nita-list hapa ambayo ninaona inatakikana kama President.
- For one, nimesema ni lazima awe morally upright. Hiyo nikusema record zake ni lazima tuzijue kutoka mwanzo, pengine wakati wa shule.
- Ni lazima awe corrupt free. Hatutaki tusikie kuwa mwaka wa 1992 ama 97 ama mwaka wa ninetee sixty something, alikuwa involved na corruption. Ningetaka asiwe mtu ambaye ana ukabila. In other words, in my suggestion ningesema asiwe kwa chama chochote, awe above parties
- Ni lazima awe mtu ambaye ako na mke, a married man.
- He should also be religious. Hiyo nikusema anafuata Bibilia au Koran, so that akisoma pale atuongoze vile hivyo vitabu vinasema.
- Elimu yake ninaonelea ni lazima awe mtu ambayo amesoma so that mambo ambayo ianbadilika, katika nchi hii ataweza ku-cope nayo. And for that matter nime-suggest awe ako na degree ya kwanza au its iquivalent kutoka kwa chuo ambacho kinajulikana
- Umri: mimi nimeonelea kuwa Rais awe na umri wa kati ya miaka thelathini na tano hadi sabini.
- 25%: hii Clause ambayo imesema ni lazima awe na 25% kutoka kwa Provinces, mimi nimeonelea, tukiongea kuhusu provinces tunaongea juu ya area. We are not talking about people. Kwa hivyo kama tumantaka kuongoza wananchi, we have to think of population. For that matter ninasema, in addition to the 25%, ni lazima aweze ku-garner over 50% of the Kenyan population. Irrespective kama watatoka Anirobi, Kisumu ama Mombasa. Failure to that, ni lazima kuwe na rerun kwa election, for the first two candidates. Vile, vile nimeongea juu ya Vice-President. Nimeonelea yakua Vice-President awe na conditions kama zile za Rais na wakati wa kura, awe ni wa chama kimoja na President, in other words, awe running mate, so that kusikuwe an contradiction wakati wa kuchaguwana an awe amechaguliwa na wananchi

- Electoral boundaries: Kwa maoni yangu nimeonelea the boundaries that we have they more or less defined tribal boundaries. Kwa sababu utaona zimepitia hata mipaka ya district na district nyingi tumeonelea kwanza zile zimetengenezwa hivi majuzi, zina ukabila. Mimi ningeonelea, constituency boundaries ziwe redefined so that zitakuwa zinatransverse makabila mbali mbali. For instance, nikiwa niko Laikipia West, I would wish nione imeshika wakikuyu wa Laikipia na samburu wale wengine wako pande ile so that hatutaongea juu ya district fulani ya kabila fulani.
- A sitting MP or other a candidate vying for na MP: Kulingana na maoni yangu, nimeona wabunge wengi wametu-let down kwa sababu ya masomo yao. For that matter, nimeonelea mbunge ni lazima awe na a minimum of “O” level of education with at least division II ama C minimum. In addition to that, ni lazima awe na training fulani at Diploma level ama Degree level.
- Councillors: nimeonelea kuwa Councillor ni lazima awe amehitimu mtihani wa darasa la nne with a division III or D+, na awe morally right, corruption free, na awe ame-declare his wealth so that we know ametoa hiyo mali yake wapi, hatutaki a sceanrio whereby anakuja anatupatia pesa, ambazo alituibia ili tumrundishe.
- Constitutionl change in Parliament: Kwa maoni yangu nimeonelea yakuwa, although we talk about the two third majority kuchange Constitution, nimeona hii imetumika vibaya kwa sababu chama kiancho tawala kikiweza ku-garner enough two thirds in a way that pengine kianongeza wabunge wake na wengine kimenunua, it is very easy to change the Constitution in Parliament. Mimi ninaonelea hivi, kama Constitution ita change iwe, after this one, ni lazima tuwe na 90% of the sitting MPs wame endorse na sio lazima wawe wakati wa voting huko ndani, one can vote even when in another country, mradi tu ame-endorse hapo and we have 90%.
- Appointment of Ministers, Parastatal Heads, Police Chiefs, Military Chiefs, Permanent Secretaries, Governor of the Central Bank, Auditor General, Attorney General, Anti corruption Chief and Chief Justice; Mimi nimeonelea hawa watu, kwa vile wamekuwa wakichaguliwa an President, they serve the wishes of the President instead of the wanannchi. Kwa hivyo ninaona, ikiwa hawa watu watachaguliwa na President, ningeonelea wapelekwe Parliament wawe vetted huko so that tutaangalia record zao former records akiwa amekuwa mentioned somewhere with corruption, embezzling of public funds, negligence of duty, tuna mukataa.
- Now we come to the district focus: hapa ninaonelea hii district focus, although tunasema ndio ianleta maendeleo, imeleta corruption. Kwa hivyo ninaonelea hii ifanywe uchunguzi zaidi so that hizi pesa za serikali ambazo zianpotelea huko, ziwache kupotea. Kwa hivyo the sitting MPs nimesema wapewe more powers kwa DDC.

- Corruption: on the issue of corruption, nimeonelea hii ndio ian-haribu nchi. An the reason as to why ni kwa sababu watu ambao wamewekwa hapo, ni watu ambao wanaenda ku-serve interest za wale waliwaweka hapo. In my opinion, nimeona tuweke the right people, at the same time, we establish laws ambazo zitapatia severe punishment to those involved in corruption deals. For instance, nimeona hakuna haja mtu ama watu waanpotea na 68 billion equivalent to 2000 per (nime-divide an population ya 30 000) person na waanenda scoot- free. Whereas a person ambaye amemunyaganya mtu mia moja, is hanged. Mimi naona hawa watu wana-commit economic crimes wapatiwe the same sentences na huyu mtu ambaye ameiba pesa kidogo.
- Na anti-corruption authority: nimeonelea kuwe na anti-corruption authority ambayo itakuwa with some security of tenure so that itakuwa ifuata kila mtu including the President himself, akiwa pengine amefanya makosa.
- Education: Mimi nimeona ya kwamba kumekuwa na bias in education vacancies in this country. For instance utakuta ,when we talk about quota system, some areas zimekuwa zikipata a lot of favour because of these quota system. Mimi nimeonelea tuwe tunatumia merit peke yake. In the issue of 8-4-4 ama 7-3-2, hiyo ijadiliwe upya tukiangalia tools zile available, ratioanl selection, na hata the industrial demand na resources zile tuko anzo ziangaliwe upya.
- Agriculture: nimeona agriculture pengine ndio back borne ya uchumi wetu kwa hivyo tuiangalie upya. Tuone ya kuwa implements ambazo mtu anatumia kwa agriculture they are not over taxed. Kama vile mama moja alikuwa hapa ningeona hakuna haja yakuwa nina-produce a sack of maize an Kshs600.00 ama Kshs1000.00 whereas inanunuliwa an Kshs300.00 that should be looked upon kwa sababu sasa ita-destroy agriculture in the country in favour of importation of goods. In this case, nimesema hii mambo ya East African Comission, I mean this, hii maneno hii tunashikana East Africa, inagaliwe upya kwa sababu it may not work in favour of this country. Kwa sababu taxes ambazo zianfanyika hapa kwetu, they are not the same with those others not unless zimekuwa standardized, something is going to go wrong. Ya! I am winding up.
- Revenue collection: hiyo yote iangaliwe upya so that we avoid mambo ya kupoteza ...
- Okey, the other issue ambayo ningetaka kusema kabla hatujamaliza ni security mimi ningetaka kila mwananchi awe amepewa enough security so that aweze ku-generate economy kulingana na vile angeweza. Kwa hivyo ninasema polisi iwe trained upya na employment kwa polisi iwe is by merit sio ati mahali wewe umetoka ama we ni anni.

- With that nina maliza na gender ninasema wawake waangaliwe upya . Kama ni education ya watoto wasichana iwe the same na ya vijana lakini ninakataa hii maneno ya affirmative action kwa sababu ningetaka kuwe na fair competition. Mwanamke akiwa anaweza ku-compete na mwanaume, wacha apatiwe. Lakini hii mambo yakusema tuwagawie seats fulani unless from the interested groups, hizo tunaweza reserve-ia lakini hizi zingine elected, wacha wa compete equally. Thank you very much.

Com. Lethome: Tutauliza huyu mama ambaye anaitwa Dorcas.....

Dorcas: Nii ndi mkulima wa andu aria anini.

Translator: I am a small scale farmer.

Dorcas: Na nii ndi kagombe gakwa karia ndiithagia.

Translator: And I have a small cow that I rear.

Dorcas: Karia gakwa ndakama gutiri handu ndwaraga nokunyua kana ngahe nyau.

Translator: I do not have a market for the little milk that I get.

Dorcas: Kundu kuria ngwendia karia kau kuri umwe-ri, ndirendia shilingi ithano.

Translator: Because we sell our milk at five shillings, that milk cannot help you.

Dorcas: Ndathii kugura mbembe ya kuhanda ndienderio ngiri na magana matatu.

Translator: The planting seeds cost Kshs1300.

Dorcas: No ciakwa ndagetha ikonia-ri hindi io ni shilingi magana matatu.

Translator: The maize that I harvest one bag costs only 300 shillings.

Dorcas: Kwoguo na ningi nyendetie ngonja ithatu-ri, itingihota kugura muhuko mugima wa mbembe cia kuhanda.

Translator: Even if I sell three bags of the maize, I cannot be able to purchase that small packet of maize seeds.

Dorcas: Nonyende kuria kana hihi no tuteithio uhoroini uciuo.

Translator: I would like to ask whether we can be assisted as far as the market of our produce is concerned.

Dorcas: Ningi tucokerio KFA nigetha igituendagirie mathogora mega.

Translator: In other words, whether the KFA can be revived so that our price can be controlled.

Dorcas: No riu gwatuikire ati riu biashara ikiri ya irio ciaku ugatwara gutiri thogora.

Translator: Some people's produce is bought at a better price than others.

Dorcas: Hari o undu angi.

Translator: There is something else.

Dorcas: Nitwathomithirie ciana ciitu.

Translator: We have educated our children.

Dorcas: Tukihinyiriria muno.

Translator: We were heavily strained in order to educate them.

Dorcas: Na mwana ucio ndari wira.

Translator: That educated child has no job.

Dorcas: Nio mararimia mavuti guku.

Translator: They are the ones who are working as casual labourers.

Dorcas: Kwoguo no nyende kuria kana no mateithio na mwenaini ucio wa kuona wira? Na gwakwo ibanda nyingi makione gwa kurimia.

Translator: I would like to ask whether they can have job opportunities especially to open many industries so that they can get employment.

Dorcas: Haha hangio umuthi, na hihi mundu gitonga oragwo, gutuikaga mwana ucio wa muthini niwe uiyite.

Translator: If there is a kind of theft around here, a rich man probably is killed, the child of that poor person will be convicted.

Dorcas: Mwana ucio akahuruo, wa mwanake agathukangio, airitu magekwa maundu manene moru, mwana ucio ona akiuma hau ndangihota kwiikira kaundu, na tiwe uiyite.

Translator: That son is beaten, and he is probably hurt and the girls are ruined and that child coming from that area of torture cannot be able to support himself/herself and he/she was not be guilty.

Dorcas: Ingienda kuuria ati kana nokuhotekeke muici atuirio anyitwo.

Translator: I would like to say that proper investigations should be done before somebody is convicted.

Dorcias: Akorwo ni njohi niyaihurire maturaini; cibi niathecire kiara inyuo biu, anethiira.

Translator: And I say that that local beer is being prepared and the chiefs have permitted this one.

Dorcias: Ciana citu na athuri maturaga njohini

Translator: Our children and our husbands always are there taking that kind of liquor.

Dorcias: na ndawaini cia kurebia.

Translator: And in drugs.

Dorcias: Na nonyende kuga njohi ya mutu ihingwo na akorwo njohi no ikunyuo-ri, njohi niicokio mbaaini.

Translator: I would like to say that this local beer should be abolished and then left to be sold in the bars.

Dorcias: Handu haha hangiuragwo Njogu,

Translator: If an Elephant is killed around here,

Dorcias: Commissioner oimaga Nairobi

Translator: the Commissioner concerned with those animals can come from Nairobi.

Dorcias: No hangiuragwo mundu ucio ndari kiene

Translator: But if somebody is killed, nobody is going to bother about him.

Dorcias: Kwoguo uhoro ucio wa andu aitu ucunguthwe tutige kuragirwo andu ni nyamu.

Translator: We would like measures to be taken so as to prevent our people from being killed by animals like that.

Dorcias: Na maundu makwa makinyite hau.

Translator: That is all what I wanted to say.

Com. Lethome: Kuna mzee anaitwa Adalt Njeru

Adalt Njeru Gathiimu: Majina yangu ni Adalt Njeru Gathiimu, nina mambo mawili au matatu ambayo ni ya Katiba ningetaka ibadilishwe ama iangaliwe na serikali yetu ama serikali itakayo tawala.

- Na mambo hayo, ya kwanza ni kuhusu waliopigania uhuru wa nchi yetu ama waliowekwa magerezani na waingereza wakawekwa detention. Yaani wote walikuwa wakipigania nchi yetu ama waliwekwa detention kwa ajili

ya kupigania nchi yetu wakati ulipofika wakugawa mashamba, walisahaulika tafadhali. Wao, ama watoto wao, wa wale ambao walikuwa detention, walisahaulika, hawakupewa chochote wao ndio masikini wa mwisho wakati huu. Wanashindwa hata na kusomesha watoto wao. Kwa hivyo Katiba ambayo tunaitegeneza wakati huu, ningauliza kama ikiwezekana, wanaweza patiwa chochote ambacho walipigania.

- Nina jambo lingine kuhusu mawakili ambao wanadai pesa za watu ambao wamepatikana na ajali. Ajali ya barabarani, saa zingine ama wengine wamepatikana na ajali za aina ya kunaguka na ndege ama kitu kingine chochote. Yaani, kuna mawakili ambao wanajileta kuja kuwatafuta ambao wamepatikana na hiyo ajali. Iwapo mwenye kupatikana na ajali hakufa, wale mawakili wanakuja, wanamungoja huyo mtu kwenda kudai zile pesa kutoka kwa insurance ambao itamulipa. Kwa hivyo, taabu inatokea hapa kwa wale mawakili. Wanakwenda wanamuletea yule mtu makaratasi, anajaza saa zingine hakusoma sana na anafanywa kujaza makaratasi mengine yakusema ya kwamba wao wanakwenda kudai pesa kwa ajili ya huyo mhusika. Na wanadai, wanalipwa wanazitumia zile pesa kwa njia zao. Yaani, wanaanza kulipa mtu aliye husika na hiyo ajali, kwa pesa. Saa zingine alikuwa kiwete, wanaanza kumulipa huyu mtu kwa pesa kidogo kidogo Kama alilipwa shilingi elfu mia saba, wanaanza kumulipa shilingi elfu ishirini, elfu nne, elfu tano, namna hiyo, wanaharibu ile pesa, ambayo ingemusaidia muhusika.
- Kwa hivyo, hapo nauliza kama inaweza kubadilishwa hiyo Katiba ya kudai hiyo pesa ibadilishwe iwe ya kwamba, yaani muhusika, wakili anaye dai ile pesa hawezi kulipwah hizo pesa kama muhusika hayuko. Wawe wakilipwa kama muhusika yuko. Ili muhusika awe akisema wakiri alinidai pesa fulani yaani wale wenye insurance wanapolipa wanatoa cheque mbili, ya wakiri na mwenye kupatikana na hiyo ajali. Hii ni wizi ambao umepatikana na hao mawakili ama mateso ambayo imeletwa na hawa mawakili, iwe ikikwisha kwa huyo mtu aliyehusika na hiyo ajali.
- Jambo ya tatu ni kwamba, ni kuhusu mahakama: tunaona watu wetu wanateswa sana na mawakili huko kotini kwa ajili ya kutojua uwezo wao katika mahakama, na kwa hivyo, kile ambacho ningauliza Katiba yetu itengeneze ni ya kwamba, katika mahakama, ama yawe mahakama kuu, wale ambao ni ma-judges ili wasije wakatumiwa na wale wakubwa walio wachagua, wawe wakichaguliwa na Bunge. Tena mahakama madogo ama mahakama dogo wawe wakitumia lugha ya Kiswahili ili raiya wa kawaida asiye elewa kingleza awe akisaidika ama awe na uwezo wakujitetea mahakamani, ili lugha ambayo iantumiwa an mawakili na ma-judges katika mahakama, isije ikampotosha mwenye kushtakiwa asijitetea.
- Jambo la nane ni ya kwamba, juzi nilishangaa kusikia upande wa Nyeri kulikuwa na mtu ambaye alishtakiwa kwa maana alikuwa na msichana alikaa naye kwa mda wa miaka tatu, na yeye baadaye akamutupa. Hapo nikashangaa huyo kijana ama mzee alishtakiwa alipe elfu hamsini ama kifungo cha miezi kumi jela. Hapo nikashangaa,

nikajiuliza, wanawake walitengeneza Katiba yao na sisi wanaumeje? Ni lini Katiba itatengenezwa kuhusu wale wanawake ambao wanakaa na vijana wetu? unaweza kumpata mwanamke ni wa miaka arubaini au hamsini amechukua kijana wa miaka ishirini anakwenda kukaa nayeye. Kwa hivyo Katiba ilitengenezwa ya wanawake vile wanaweza kulindwa lakini kijana, hakupatikana na Katiba ambayo inaweza kumulinda yule kijana wa miaka ishirini anaye ndakwa na yule mwanamke wa miaka hamsini, ili awe akilipwa kwa kupotezewa wakati wake wa kuoa.

Com. Lethome: Kwa maoni yako ungetaka ifanywe aje?

Njeru Githiimu: Ningetaka wale wanawake wawe hata nao wawe wakitozwa hiyo shilingi elfu hamsini hama kifungo cha miaka kumi jela. Kwa maana, alipoteza wakati wa yule kijana. Kwa hivyo nimemaliza.

Com. Lethome: Okey sasa nimeambiwa pia tuna vijana katika huu mchanganyiko, nitaanza na kijana mmoja hapa, Samwel Thiari, Samuel Thiari;

Samwel Thiari: My names are Samwel Thiari, and I will start on issues of

- Preamble; I really do not see why all the fuss about the preamble, in our present Constitution. It is a comparison of the preamble of countries; Constitutions that we are wrongly inclined to think that our Constitution's preamble is inadequate. There is a question on the focus. Whereas our preamble focuses on the nation Kenya, others, depending on the national aspirations, have different focuses. Not unless we want to copy from others, as we are all doing, there is nothing wrong in placing the emphasis on the nation. Kenya is a sovereign state, that one is a wonderful opening of the treaty. It places rightly, the nation above the individuals. Everywhere in the world, the more strong a nation is as an identity, the more it will be able to safeguard the rights of the individual. Placing the individual before the state is placing the cart before the horse. Only those states which have strong institutions can afford the luxury of such extravagant preambles placing man before mankind.
- Secondly, the issue of the Legislature, that is the Parliament: In Kenya, Parliament is supreme. Now, if Parliament is supreme, the occupants of the sitting Parliament must be people of integrity. However, in a formal democracy any person can end up in Parliament. If you do not check the kind of people going to Parliament, then the powers of the Parliament needs to be checked. If parliament can literally implement anything into law, then there are dangers of emergency of parliamentary tyranny. The recent hefty pay rises and hikes in allowances have met a public outcry and is a case of Parliamentary dictatorship. If the parliament can award itself excess powers and mind you, these are just a bunch of individuals against the wishes of people, mechanisms must be put in place to check the powers of the Legislature.

- Next, is on the issue of Presidential powers. Given the relative political immaturity for the masses in the most developing countries, it is imperative that the institution of the presidency must be a powerful one. I will state an example here, but for Stalin of the former Soviet Union, Russia would not have sprung from a developed to a superpower within a span of less than three decades. It is only in countries with a politically conscious and mature masses that we can afford a ceremonial President. Infact, I do suggest that the President should wield such diverse powers to an extent that such a person can be able to exert his will for the betterment of the economy and the well being of the people. The only danger here is, when such a benevolent dictator changes cause for the worse the damage can be of unimagianble magnitude.
- On the Political Parties: The political parties in Kenya are diametrically tribal, and in some cases these ones are just to pave way for the government to be formed from a cross section of those in parliament than a coalition parties. This will ensure that only competent people end up in Parliament and in civic bodies as opposed to what is happening now, where those people with allegiance to tribal chiefs are heading the parties end up in Councils and in Parliament.
- Lastly on issues of citizenship: there are some urguements that are those Kenyans who are born of a male Kenyan outside the country, are automatically Kenyan Citizen. Now, although we have so many issues about gender equality and the like, there are some dangers here, say if a Kenyan Woman is say married to a German or an American, we really do not know what can happen if we say all ladies or women going abroad bring back their offsprings as automatic Kenyan Citizens. This one must be checked but it has to be balanced and that one, we can leave it to the people to see whether this idea of ladies, after they go abroad, they come with the children from American, German or other nationality then automatically they become Kenyan citizens. Here I believe that in all cases be it men or women, their citizenship should not be automatic, it must vetted by our bodies.
- On entrenching the value systems in the Constitution, this one is not, does not have anything to do with the writing of these things in the Constitution rather with what we Kenyans want to do. No matter what we write down in our Constitution, so long as we do not have will to implement it in to something practical, it cannot help. Infact, I am the conviction that our present Constitution is not badly off. Only that, we do not have that kind of a will to implement what we have presently. But all the same, it will be good if these things are done and done in the good way.
- On the affarmative action, we are being advised by some people that we allow about seventy ladies in Parliament and we set aside some positions for ladies. But in a democracy, that one is a little bit self defeating. We have lady lawyers, ladies educationists and these women and everywhere. So if they cannot compete with a men on a level

playing ground, then we are defeating the same same tenets of democracy.

- For the natural resources, we have man competing with or rather exploiting the natural resources and this one has led to destruction of forests. This must be addressed in our new Constitution. That in which cases must we kind of pave way for settlement of people in a forest? We had cases in Karura and elsewhere, where catchment areas were destroyed and usually, this one was done by those well placed in the Government. If a forest must pave way or rather a natural kind of a catchment area must pave way for a settlement, it must do so according to the needs of those ones around. But we have cases when our forests are being annexed here it is done by those Arabs from out there. Let us have a situation where the locals, depending on the need, are allowed to exploit the natural resources neighbouring them and this one is done according to the needs of that society. Otherwise, asante

Com. Lethome: Is that a memorandum? Would you like to hand it over to the Commission?

Samwel Thiari: No, it is just a handout or something.

Com Lethome Would you like to hand it over to the Commission?

Samwel Thiari: No

Com. Lethome: Then I have one question for you. Nitakuuliza kwa Kiswahili, mambo ya uraiya. If sasa ileKatiba tuko nayo inasema hivi, Kamau akioa msichana kutoka Uganda - keti tu - Kamau kutoka hapa Ndaragwa akioa msichana kutoka Uganda, huyo msichana automatically anaweza kuwa Mkenya, lakini wanjiru akiolewa an huyo Mganda, sasa huyo mganda hawezi kupewa citizenship na Wanjiru. Sijui ungependa kusema nini hapa. Yaani mwanaume anaweza kupatia mkewake ambaye ni foreigner citizenship, lakini mwanamke mkenya awezi kumpatia mme wake foreigner citizenship. Sijui hapo ungesema nini?

Samwel Thiari: Nimekuwa na nafasi ndogo ya kutembelea nchi za nje kama vile Uganda, Tanzania, Anmimbia, Mozambique, na zinginezo, an ni vile tu sisi tunachukulia uraiya kwa juu juu sana lakini ukitoka pale inje unaona una dhurumiwa on the basis of your nationality. And even those countries they do not just hand over, hawapeani tu uraiya hivi hivi. Without considering gender, whether it is the woman or the man who is being married or marrying to Uganda in both cases, it should not be automatic as such.

Com Lethome: Sasa tunawaalika akina mama , kuna mama moja hapa Lucy W. Ngugi. Lucy W. Ngugi, Uko na memorandum?

Lucy Ngugi: Ndio.

Com. Lethome: In that case vile utafanya, una dakika tano u-samarize tu halafu uta-hand over here. Kwa majina, eleza majina yako.

Lucy Waithira Ngugi: Majina yangu ni Lucy Waithira Ngugi; na kwanza mini na-represent Ndaragwa Women Constituency na tuna resolutions tu-limake, tukiwa wanawake wa Central Province, na tukasema kuna mambo mengi ambayo tume ongea juu yake kutoka kwa presidency, tukasema kama ni President, hatutaki awe member of Parliament wa Constituency. Tunataka awe President wa kila mahali, na Vice-President naye achaguliwe na watu. President hatutaki awe wa chama chochote tunataka awe neutral.

Hii affirmative action tunaongea juu, yake ya wanawake, ya wanawake kuwa bunge one third, si favour tunauliza, tunauliza wale wanawake ambao wanaweza ambao wangetaka. Tuna jua hii affirmative action ata kwa mashule na nini imekuwako kwa muda mrefu.

Vile,vile, juu ya hii mambo ya nyumbani, domestic violence, hiyo tumekataa na tungetaka ishughulikiwe vizuri kwa Katiba yetu. Kwa hivyo, sisi wanawake wa Ndaragwa Constituency, tunataka tuchukue hiyo report resolution yetu ya Central Province na tu-adopt.

Vile,vile sisi wanawake wa Ndaragwa, Constituency wote, tuko na another resolution na memorandum ambayo tumefanya. Tumeongea juu ya citizenship kama vile yule alikuwa mbele alisema. Ikiwa ni the father of the child, vile anafanyiwa kama mama akiwa anatoka huko ng'ambo na mtoto wake, anaambiwa ati huyo mtoto sio citizen wa Kenya. Tungetaka hata mama awe na right ya kuwa watoto wake wanaweza kupatia citizenship na, kwa sababu ya huyo mama . Na watoto wawe na automatic citizenship.

Na basic rights ziwe kwa akina mama zote. Hata Legal rights na hizi Human Rights zote ziwe kwa akina mama, kama vile inakuwa kwa our men counterparts. Vile tunauliza ni gender sensitivity tufanye kazi na wanaume hatuulizi favour lakini tunataka zile groups marginalized groups kama disabled na wanawake, iangaliwe vizuri kwa Constitution yetu. Hii habari ya affiliation nayo tunataka irundi, ilikuwa imeondolewa mahali na tunataka irudi, ili wale wanaume wanaopeana wanawake mimba, hata wao wawe responsible kwa kulea hao watoto. Hiyo nayo tuna mambo mengi ambayo tumeongea na hii tena tunataka kui-adopt kama memorandum yetu ya wanawake wote wa Ndaragwa Constituency.

Vile Vile tulikuwa tumeungana wanawake wa Kireita Location, na vile vile tukasema mambo, tuwe na courts, za family courts na zije hata kwa district levels ili ziwe ziki-cater for domestic violence, inheritance, marriage and divorce.

Na hapo tukasema kwa mambo ya land, wanawake wawe na equal rights. Kwa hivyo hata Title Deeds za mashamba na mashamba yote, ni vizuri ziwe an majina ya husband and wife hata ikiwa ni Title Deed hata ikiwa ni land ownership. Na wanawake vile vile, wawe wakikubaliwa kupata mashamba.

Employment iwe strictly under merit, na tena, kwa sababu tunataka wanawake wengi waje kwa leadership, tunasema an tunakataa kabisa na tunataka hiyo iwe kwa Constitution that there should be no verbal violence during campaigns. Kwa sababu hata hao wanawake wana rights za socialization. Wawe na right yao na privacy yao. Kwa sababu wanatukanwa sana na wanaume, ili wa-shy off na waondokee, hiyo tunakataa.

Tena tunasema maternity services ni national issue kwa hivyo, tungetaka hata hizo ziwe na cost sharing na Government. Na sema also, wanawake wawe na equal rights in law hata ikiwa ni ile ya prostitution. Kwa sababu kuna wawili kwa prostituion, lazima kuwe na wawili na hatuoni ni kwa nini ni mwanamke tu anayepelekewa mahakamani.

Kwa hivyo, Chiefs tunasema kwa sababu ya vile wanatusumbua sana, tungetaka wawe wakichaguliwa na watu, wachaguliwe hata wao. Na wakichaguliwa, wawe na good morals na laws zao zijulikane vizuri na wale watu. Na kuwe na women groups and even men groups, the development groups, should be funded by the Government, to be given grants. I will also give this one as the memorandum for Kiraita Location. I think that's all.

Com. Hassan: Nimepata habari kwamba kuna watu wengine wana memorandum, na wangetaka kuhand over, na waende shughuli zingine. Munaweza kufanya hivyo lakini, lazima iingie kwenye register yetu na una using. Unakuja hapa unamuona yule karani yuko pale utasign, atapokea hiyo memorandum yako. Twataka hii memorandum yako kwa sababu tunataka hiwe ni record ambayo inakubalika. Tafadhali, iwe na signature yako na address yako. Sio kwa sababu ya chochote kile (inaudible). Pia wale ambao hawana, ikiwa saa hizi haziko tayari, unaweza kutengeneza pia umpatie coordiantor au mtume kwa ofisi.

Com. Hassan: Leo sio mwisho wa kuchukua maoni. Hii mambo ya kuchukua maoni itaendelea, an kwa sababu tumekuja hapa leo, an turudi jioni, musifikirie kwamba, sasa imeisha hapa Ndaragwa Constituency. Kazi ya kuchukua maoni ianendele, kama mtu hakuwa tayari leo, kama bado anaandika, aendele an kunadika, ikiwa tayari ampatie coordiantor mwenye yuko hapa ama atume Nairobi.

Com. Lethome: Sasa kuna swali moja mama hapa kuhusu citizenship, umesema hapa very cleary uantaka mama mkenya aweze ku-confer kumpatia mtoto wake ambaye amezaa an mtu wa nje citizenship. Lakini kuna kitu kimoja ningependa tu unifafanulie. Je, ungependa pia wamama wa Kenya aweze kumpatia mume wake ambaye ni foreigner citizenship? Umetaja watoto tu peke yake

Lucy Waithira Ngugi: Ndio, hata mume, ikiwa ameolewa na mume wa nchi nyingine, we would also, tungetaka hata yeye

amupatie mume wake citizenship, yah.

Com. Lethome: Tunaendelea. Wale ambao wako na memorandum taratibu ni unapitaia hapa umuone karani umpatie. Sasa tunaendelea kuna mzee hapa anaitwa Joseph Ndumia? Joseph Ndumia

Joseph Ndumia: Honourable Commissioners, this morning, I was not satisfied to see Commissioners being to be transported in a GK vehicle. In fact, it will bring a bad impression that the whole process belongs to the Government. Why isn't it CKRC? instead of GK? My observation; I have a memorandum so I will just give you highlights of my memorandum here, first point is that:-

- In our Constitution we should inscribe the voting days of the general elections. Let it be in our Constitution that we know when we are going to vote. It should not be somebody having powers to use this as the secret weapon.
- We are so much concerned about the police brutality, Our police force, the GSU, the City Council police askaris don't have mercy on our citizens. Can we have a Constitution which gives an umbrella to every single living person now that we have loopholes in our Constitution and laws that when you take the same people the the court of law they go home scoot free?
- Actually, I do not see the need to having GSU in our Constitution, because they seem to be serving an individual.
- The poverty issue in our country has really gone to a far and deeper part of every human being here. My view is, if we have to alleviate the poverty line, in our country we must consider the city dwellers especially those who dwell in slums and carton shanties in Anirobi. Why cant this be a project sponsored by the Government and let it be in the Constitution now that today it is not in the Constitution?
- Also we want to have a Constitution whereby the citizen has the right to sue the Government when the mandate of the Government has failed. Now it is not there. So to alleviate the level of poverty in our country, we must be looking for grants and loaning facilities. Let there be an institution to cater for this. Also to this line, we have the farmers they are still saililng in the poverty line, can the Constitution do something to the farmers by having the mandate of creating selling and buying marketing centers, exporting facilities. Let there not be any person from the government having a lisencc to import Commodities which are so much available in our country. As we have the sugar, as we have the coffee, as we have the tea as we have the maize and lastly the milk.
- Also Commissioners I heard people talking about the destruction of our forests, its only that this one is not contained in the Constitution. I am supposing we had the checks and the balances that let there be a forest Comission with the power to protect, to plant but not having the power to demarcate or excise the portions of the forests. Now we have every sleeping person, tomorrow goes to the forest and coming with all what he wants, freely. That is bad.
- Lastly but not completely last, dear Commissioners, lets reComend that all our Kenyan laws should be updated .

An example, we are talking about the rapings, the trespasses, the vagrant bills, laws in our free society. It is when we have laws which are very lax, our laws don't have real, real, real punishment. For example, when a person rapes and is only imprisoned for only 3 months or having an option of a fine, why do we have laws with options of fines and imprisonment? This is when we have given a judge an access to corruption. Yes, if it is imprisonment, let it be imprisonment, if fines, heavy fines. Yes.

- And lastly this is the land issue, it is good that in our Constitution today, and tomorrow when we write it because this one is people driven, we must have a targeted acreage to act as a ceiling. Supposing in our Constitution we say that nobody should have more than 100 acres? Supposing this one is in our Constitution, then we shall not have any person having 2000 acres because the ceiling is 100. In the same Constitution let's say the least of the land acreage, if it is 1 acre, let there be not any further subdivisions, because at the end of the day, we shall end up being in big villages. Yes
- And lastly, the Presidents and Councillors, the DCS, the Dos, the Chiefs and Sub- Chiefs should not have the power to give land as an offer. They should not have that power. The authority to give out land as a reward, let the land belong to the people. Let there not be any Land Commission or land Commissioner in Kenya, that title is dangerous. Thank you and this is my memorandum

Com Hassan. Give it out there. We have no questions for you but I think we have to explain to you why we are driving in GK vehicles.

If you look at the Act, the law under which we operate, it states that the Commission is going to be operating for 24 months from October last year but one to October this year. It says that after the Commission completes its work, all assets of the Commission will go back to the government. That is, the vehicles, computers in the office, furniture everything. All assets of the Commission will go back to the Government. (Interjection, Inaudible) So ninasema, kwanza ulifahamu kwanza swali lile lake aliuliza? Ee, umefahamu lile swali aliuliza ambalo ninajibu sasa? Okey sawa. Sasa nasema kuwa ile sheria ambayo tunafanya kazi naye inasema kwamba Commission, ama kama hii Commission ambayo imeundwa, itakuwa ikifanya kazi miezi ishirini an nne. Kutoka Oktoba tarehe nne 2000 mpaka Oktoba tarehe nne mwaka huu. An inasema ikimaliza kazi yake, ile asset yake yote ya Commission kwa sababu Commission, saa zile inafanya kazi, inanunua magari, ikanunua furniture, ikanunua computers, itanunua vitu vingi sana. Lakini sheria inasema tukimaliza kazi hiyo, vitu vyote ambavyo mulikua mkitumia vitarudi kwa serikali, It shall go back to the Government. Kwa hivyo saa zile Commission imenunua magari, inaonekana ni afadhari kwa sababu itarudi kwa serikali afadhali ikuje kwa jina la GK. Kwa sababu ukiweka kwa private number plate, baada ya Commission kumaliza kazi yake, itabidi tena irudi kwa GK kwa sababu itarudi kwa serikali. Sijui kama munafahamu. Asante.

Com. Lethome: Nafikiri tutaendelea na kutoa maoni ya wananchi. Sasa tutaenda kwa mama, kuna mama hapa ambaye tulikuwa tumeruka jina yake, Lucy M. Mwangi, **Lucy M. Mwangi**. Yuko Mama huyo? Kama hayuko tutaendelea na mama mwingine, Florence Wambui, yuko Florence, hayuko? Tutarudi kwa wazee, tupate mzee mmoja hapa Francis Kibwika. Francis Kibwika.

Speaker: Usipoteze wakati kwa kupeana story nyingi, enda tu kwenye point. Tuseme kwa kitu fulani, maoni yangu ni kadhaa, kwa kitu fulani maoni yangu ni kadhaa, ndio utapata faida hizo dakika zako kumi. Unajua ukianza kuleta story nyingi utapata hasara ya hizo dakika kumi. Kwa hivyo kwenda kwa point ndiyo utapata faida. Uko na memorandum mzee ama ni mazungumzo tu?

Joseph Kimani Gikebe: I am a retired civil servant - by Choice. The independent Constitution of Kenya, an unadulterated as it was, although it was the type of Constitution that satisfied the whims of our former colonialists, professed free education, medicine through war against diseases and poverty eradication among the citizens. The new Constitution must be seen to guarantee these once cherished dreams. The Government used to facilitate education and procurement of drugs from the taxpayers money. Now, what happened to the taxpayer's money so that now the cost-sharing monster was to become the necessary evil that it is shamefully is?

Surely, the new Constitution can guarantee a meal on the table for every citizen. Or how do you fight poverty on an empty belly? Examples of breeding poverty are many. Not the list of which, is the irresponsible manner in which the government has allowed wanton infiltration of farm produce from outside this country, eg, milk, maize, sugar, which the country can produce, all in the name of free market. This importation lowers the prices so that our local producers are miserably demoralized. The fruit of their labour cannot in effect, satisfy the demands of life. The new Constitution must guarantee the security of local business enterprises.

The rule of law: Accused persons must be regarded as innocent until proven guilty. Contrary to the situation in this country where accused persons are regarded as guilty, until proven innocent. This explains the mistreatment of accused persons in remand prisons and police cells, awaiting conviction or acquittal in their trial, where compensation for such mistreatment or torture is unheard of, in practice in this country. Complains for such compensations are channelled through a lengthy procedure that is a headache bureaucratic red tape and victims prefer to leave things the way they are rather than pursue such procedures in futility. I suggest the villains should be left to carry their own cross while the government processes damages with reasonable speed.

Politics: The new Constitution should allow for both party as well as independent politics. One must not be compelled to join a political party in order to seek a parliamentary or civic election. Let the politicians choose even to be independent of any political party affiliation. The new Constitution must not allow for a President who is above the law. The post of Comander in

Chief of the Armed Forces must be delinked from the presidency, and all the powers to appoint judges of the high court, the three arms of the Government, that is the Executive; the Judiciary and the Legislature must be independent.

The economic trend should be revisited in order to phase out donor funding reliance. We have in this country big time economists.

After general election, the number two person in a Presidential race should automatically become the Vice-President. Otherwise, provision can be made for the electorate to elect the Vice President. Ballot boxes in an election should be transparent, this will discourage rigging where conventional ballot boxes which are black in colour are suspected of containing rigged papers in constituencies where rigging claims thrive.

The provincial administration should be effected through elected persons according to my views. People should feel that they are being administered by their own representatives. The people should have the power to recall representatives whom they feel are not living up to their promised word, to seek fresh mandate from the electorate.

I have mentioned something about free education. It is my view that education should be free in this country. If there is any headache that is bedeviling Kenyans at the present moment, it is the cost of education. Well, we may be aware that education is paid for in developed nations like the United States, but the economic status of the US is very high, very high. Ours, has got a very low ebb, so we cannot compare ourselves with the US and say okay, they are paying for their education and so we must. So the new Constitution must address this issue very seriously. I don't know, you will sell all your cows, you can even sell your land which is ten acres or more. But you will not be able educate your children through university education, even if you have everything that you have. Commissioners, ladies and gentlemen, I don't want to take a lot of time talking. I have a memorandum here, I was not able to prepare it in printed form but at least, it can be read.

Hand it over to the officer and sign off. Tutamupatia mama mwingine nafasi, Mary Wanjiku, Mary Wanjiku yuko?

Mary Wanjiku: In this review process, I would like a few points to be looked in to. My name is Mary Wanjiku.

- So, I have the point of education, education in our country has actually deteriorated even in quality. You take your child to a public school, and you are not satisfied with education there and so you are forced to go to a private school even if you cannot really afford. So I would want this issue of public school education to be looked into. So that every person can take his/her child there. And I also want to say that, these children in public school some of them are unfortunate and they are from poor parents. I would want the government to assist them, the ones who have done successfully in their exams. You know, they should not pass their exams and they start digging or fetching water, they should be let to continue with their education. Being assisted by the Government or a form, there

should be a form, even a bursary form should be automatic so that we may have these intelligent children going on with their education.

- I was also saying that, when we come to the point of security, the set security of our country should be looked into because we look at the point of our lives. Our lives are not really protected, you go there you here somebody has been shot dead, three people, four people, and the case goes like that. You know, you are not satisfied, you are not happy. We would want the Government which will really follow things up fast enough and the security be ensured. And there is the security of our property. Some of the less unfortunate people are losing their property in unclear way and actually they cannot follow it up because they don't have money or they don't know the way out and so you see a person's land will just go like that may be with a prominent person, and you will have nothing to do.
- I also want to talk about the job security. This is a place, this the time we are suffering from abrupt sacking you have no notice, you have been retrenched, I think it will be polite to be given a notice, you will be sacked at this time so that you can plan, plan for the time you are going to stay in employment. I think that will be fairer.
- There is also this issue of marketing. You know, marketing in our country, you grow maize, you cannot sell it. It is so useless in your house, it cannot even take somebody to a school. You try the milk, dairy farming you cannot market this milk, you try to sell it even at the cheapest price and actually nobody wants it. So you are left with it there not helping you. You try poultry farming, surely, you are left with your eggs there because they have already been imported. So, actually you find there is nothing much you can do, you are there working hard, but actually not achieving much.
- I would want to talk about public institutions. These include hospitals, the public institutions, schools, the welfare of the staff, the employees should be looked into. By this, I want to say that if they are well paid, this teacher will concentrate in his work and the output will be so good and will be a lot. But today, we have this teacher, he/she is a teacher and at the same time, he has a shop so his time is divided, he cannot really fully concentrate because he has this, he has a shop, he is still farming, I would want that to be put into consideration.
- And also the other people serving public institution, most of them are doing so many things at the same time. And hence they cannot concentrate, even the services they are supposed to give they cannot fully, maybe they went there being exhausted they are so tired, the output is so low. But it is because of the little money they are getting.
- Point No. 5 is about corruption. Corruption should be really eliminated especially in public institutions, because this

is a place where you, you go and you need automatic service because these people are Civil Servants, they are paid so they are supposed to serve you fully and with no, with nothing we are not supposed to give anything. So, I would want in this review nini, corruption should be dealt with and infact the officers found guilty of corruption should really be dealt with because there is no reason for doing it.

- Also point No 6 is status of living of us the citizens. You see we have the rich people in our county and we also have very poor people in this country. So I was feeling this gap should not be so much. Something should be done at least to uplift the very people who are living below the poverty line.
- And the last thing is about our leaders. I was feeling that the ones who are leading us should be people with stable marital status and of course somebody God fearing. As a leader, he is supposed to lead us and should be learned, minimum of O' level, and should also be accountable for his/her deeds and with that, I think there will be some sort of satisfaction.

Speaker: Thank you very much: Mr Ndungu , namwita Fred Ndung'u

Fred Ndung'u: Kwa jina naitwa Ndungu wa Mwangi. Kwa maoni yangu mimi nakuja hapa juu ya kubadilisha Katiba, an kubadilisha Katiba kwa maoni yangu, kulingana an vile iko, wakati huu, kichwa ndicho kile kinaandamana an mambo yote. Kwa hivyo, mimi nitaanza kwa urais.

Rais anatakiwa awe an miaka thelathini na tano hadi 55 . Yaani, mtu ana nguvu ya kufanya kazi. Kutoka hapo awe ameo, awe an bibi. Kutoka hapo awe zile powers tukoanzo zimepatiwa Rais, ni kubwa zaidi mpaka imefika manjua kiwango watu wanasema power corrupt. Kwa hivyo mkimpa mtu nguvu mingi ndio atakuwa corrupt. Kwa hivyo, sio kupenda kwake, lakini Katiba inamufanya awe corrupt. Kwa hivyo, President zile powers ako nazo, yule atakuja au hata yule kama Katiba itabandilishwa, hatutaki tuwe ati an hybrid, tunataka upresident, upresidency, urais kama vile Kenya iko. Lakini zile powers ako anzo, ziwe trimmed. Kwanza isiwe ati huyu mtu ni Commander, huja-ingia kwa jeshi lakini wewe ni Commander in Chief of the Armed Forces. Wewe tena, wewe ndiwe uanchagua Chief Justice , Wewe ndio Chancellor mkuu, wewe ndio uanchagua yaani tuseme kila kitu katika nchi hii, wewe ndio unachagua. Sasa kama wewe uanchagua, kwa hivyo mimi nikikuchagua, utakuwa wewe utakuwa unafanya kazi juu yangu. Lakini si juu ya wananchi na serikali wale tumechagua ni contract tumewapa ya kutuongoza. Na sasa imefika kiwango, ni sisi ndio wanatuongoza lakini sio kwa ile njia sisi tunataka. Sasa hiyo uongozi inakuwa uongozi mbaya. Sasa hiyo uongozi unafika ni mbaya. President, ile madaraka yake, kwanza iondolewe. Madaraka hiyo ingine iwekwe kwa bunge juu tunachagua akina MPs, ili wawe wana nguvu ya kufanya nini, ya kutengeneza sheria. Lakini imefika kiwango President amekuwa above the law. Hiyo ianfikia ni kama tumeenda sasa kwa Mungu mwingine. Kutoka Mungu tunakuja kwa President. Kutoka President sasa mambo mengine yanafuata namna hiyo. Na

sasa hiyo, hatutaki. Kama Katiba inawezekana, hatutaki. President apatiwe nguvu ya kuchagua lakini akichagua, sio watu wote. Awe anachagua watu nayo bunge inampatia nguvu ati huyu mtu amekubali.. amekubalika.

Kitu kingine, ni hii corruption, Corruption haikunazia chini, tukirudi kwa miaka ingine, corruption wakati huu imeanzia juu. An sasa juu imeanzia juu, ndio uankuta hata hapa ukisemekana ati DO amekupatia shamba hapa, ati kwenda mbele ametumia jian la President ati umepewa shamba, hakuna mtu anakuuliza juu ni ofisi gani ingine utaenda? Hii mambo ya kusema ati tuwe an Prime Minister, kwa maoni yangu haitakikani. Nchi hii ni maskini, sasa tukianza kutengeneza viti tuseme kuna Prime Minister, kuna Rais hao wote watakuwa wakitaka nini..? Wakitaka pesa na pesa hata ya wageni wale wanakuja hazitoshi. Kwa hivyo, pesa sio zile tunasikia wanalipwa, pesa ni mingi juu kuna wageni, kuna nini an matumishi ya nini ya hawa watu wote watakuwa wakiingia. Sasa, ninaona hakuna haja ya kuweka nini, tuna-takiwa tuwe an Rais lakini Rais awe madaraka yake ni nini.. ni ndogo. Sio kama vile iko. Awe naye kuna watu wale atakuwa akifanya kitu, Bunge iko an nguvu ya kumuuliza an ndio kuna nini, ukitaka hata kununua watu huwezi kununua bunge nzima watu mia mbili an kitu hata kama uan pesa kiasi gani, uwezi nunua? Kwa hivyo, ndio ianfika watu kama ni kumi an mbili hata uanona Yesu alikuwa an wafuasi kumi an ngapi? Kumi an mbili juu sasa kama hawa watu, hawezi kuja ati uwape kitu.

Kitu kingine kwangu, corruption pahali imefika, iantakiwa mtu akishikwa ako corrupt awe nani au nani, kuwe an anti corruption ile itakuwa independent. Haitakuwa answerable to the President, hitakuwa answerable.. iwe answerable to the Parliament . Ikiwa answerable to the Parliament, ili nayo Parliament kama itakuta wewe uko corrupt, ianpatia Judiciary. Kitu kingine Judiciary nayo iwe totally independent, sio President apewe nguvu ya kwenda kuchagua ati yule anataka, saa hizi akifikiria ati Ndung'u, sasa mini nikitolewa hapa niwe kama chief justice kwa hivyo nitakuwa ninafanya vile huyo amenichagua anata.. vile anataka. Na kutoka hapo ndio mimi anuliza kama kunawezekana tuwe an koti ya human rights hapa katika Kenya. Tuweke koti ya haki za kibindamu ili hata kama ukiteswa ukiwa jela unapahali unaweza kwenda kushtaki niliteswa namna hii, na hiyo koti iwe totally independent and iondolewe kwa hii koti nyingine ya kawaida hizi tuko nazo. Hiyo iwe ni ya haki za kibindamu internationally.

Hiyo kitu kingine ni hali ya labour laws katika Kenya hii. Ukijua zile corrupt zile mbovu kabisa ni mambo ya labour laws zile ziko katika sheria za wafanyi kazi ndio zile sheria ziko mbaya kabisa kabisa. Sasa unakuta ati Minister ndio ako an nguvu ati kama kuna strike, yeye hajui ni nini inaendelea, hajui kama umeteswa, umefanywa nini, halafu unakuta ati anasema umpatie siku ishirini an moja ati ili kuwe na strike. Sasa hiyo hakuna siku minister atasema ati iko legal strike hata iwe nini! Kwa hivyo, labour laws nazo, zinatakiwa zikalike chini sio wakati huu. Wakati huu tunatakiwa tuchange zile laws zianfanya tuwe an free and fair election. Juu sasa, tunafanya hivyo kusema ati wakati utafika ati tena turudi huko ati kutengeneza nini. Ile kichwa hata gari tukitaka kuondoa tunaanzia kichwa na engine, hii mambo ingine nje kwa hivyo, kama tunataka mambo yetu yawe sawa na ifike wakati, sisi kama hii hali ya nini, ya administration act, yatakuwa yamewekwe laini yanyoroke kabisa. Hiyo ndiyo itafanya hii mambo mengine yanyoroke. Juu hata hawa watu wanasema ati maziwa, maziwa wanapeleka Nyara, sasa Nyara na corruption bado iko. Hakuna kitu inafanya juu kama sasa, kuna wizi. Hata wafanye nini, wataenda wapi? Kwa hivyo, tunazo

administration Act, zitengenezwe ipelekane an watu vile wanatakikana an sio sisi vile tunataka. We are lay men kwa sheria lakini kuna watu, tuseme kama mawakili, nini, kwanza hawa ndio wangekaa chini, wa-drop sheria zile wanaona zinaweza peleka nchi kwa njia ile iantakikana halafu sisi nyumae, tuletewe, tusomeshwe, tuelezwe iko anman hii, mumekubali tufanye kura ya maoni, mumekubali hiyo sheria au hamuyakubali? Lakini sasa kuja kwa wananchi wanaona ni vizuri wakisema namna hii. Tulikuwa hata na Saitoti Review Commission. Commission mingi, mingi, mingi katika Kenya hii an mwishowe hakuna kitu zinaleta. Sasa hata hii yenu, sio kulaumu, unafika wakati ati kuna mvutano, sasa hata mwishowe--

Com. Lethome: Sasa fanya hivi ee (*Kicheko*), tupe maoni.

Fred Ndung'u: Lakini ni kusema. Ni maoni hata kama ni mbaya, museme ni mbaya hata nikienda.(Kicheko Kingi) Sasa nikimaliza, sasa nimalizie mambo mengine ya kibiashara. Vile tuko wakati huunaukuta tuna EA Comunity, tunasikia zingine ati zianletwa. Lakini unakuta inawekwa sheria hailingani na kama vile sisi tunafanya kazi kama wakulima tuseme, unakuta kama muko na maziwa pande hii, inatoka ingine South Africa, unakuta ati inauzwa bei rahisi kuliko yetu. Kwa hivyo vile tungeuliza ni kujalibu ku-stabilize hali ya vitu vya mifugo, vya ukulima viwekwe moja kama tutakuwa tuko in the same umbrella ya kisheria ya kuuza masoko yetu, iwe kama kitu ianuzwa shilingi kumi, katika South Africa , hata hapa tuwe tunauza shilingi kumi. Juu sasa hiyo ni mbaya ukute tunauza shilingi ishirini an huko inauzwa shilingi moja kwa hivyo sisi, sisi ndio tutaendelea kuwa maski.. masikini. Kwa hivyo, mimi nimewachia hapo. Isipokuwa sio kupenda ati nimemaliza, nitakuja wakati mwingine.

Commissioner: Ikiwa mtu ana maoni na hajamaliza, unaweza kuandika maoni yako na upeane pale leo, mpaka mwezi wa sita ama wa saba maoni bado itakuwa inachukuliwa. Kwa hivyo Ndung'u hii sio mwisho, unaweza kutoa maoni yako baadaye, hakuna shida. Haya tupate mama Veronica W. Kimondo, Veronica?

Veronica W. Kimondo: My names are Veronica Wanjiku Kimondo kutoka Ndaragwa Constituency. We women of Ndaragwa Constituency want the following points to be addressed by the Constitutioanl Review Process to the Governemnt

- Let there be a women's bill of rights
- Let there be a marriage bill which was there back in 1976
- Let there be perfect KCC boards and mostly women to be considered in those boards.
- Let there be pyrethrum Boards in our areas. We want the maintenance of cattle dips, maize and milk of marketing.
- Women want to be equal to their husbands in their lands ownership and other properties
- We want to be given back the law of affiliation bill
- We want women to be involved in every government, decisions; teachers, nurses, and business people.
- Single identification in the identity cards issuance.

- Let there be no delay of identity cards issuance mostly during the election period like this one and let it be continuous.
- Let there be family courts in every district
- Let there be law to wipe out magendo kitu kidogo
- Let there be disabled rights.
- We want the Constitution review to say that the President should be under the law and especially when there are elections he should not be the President at that time.
- We want our husbands' identification cards to be written our names whether he has got ten wives, let that appear in that ID card.
- We want to inherit property from our parents because we are not the ones who said we want to be born women and also our husbands.
- We want our Government to cater for the children from primary to secondary level because we are highly taxed
- We want the government to be asking us women whether we want our husbands to go abroad as they do when women go abroad. They must ask our husbands whether we want it or not, but when the husbands are going, we are not asked. So they sell our shambas and we are left without any.
- We want our children when they are coming from abroad to be treated equally without considering their sex because women are harassed.
- We want our chief to be elected by people, likewise the land board members and we want equal representation of both men and women. If they are 20 members, we want 10 women and 10 men, not one third.
- We should use the postal offices and the bank when voting to avoid the long queuing which we end up with the old and the sick not voting.
- Let there be an arrangement for those who are abroad, jailed or in hospitals for them to vote.
- Let there be no retrenchment before 55 years and retirement of 85 years

Inaudible interjection:

Commissioner: Those are her views. Hayo ni maoni yake.

Veronica W. Kimondo:

- The Constitution should create seats for women in parliament and in the council and not by nomination but by election.

- Let there be no tribalism in our country
- Let there be enough support in law against road accidents
- In basic needs, we need equality in economic governance. Eg, men do not have the economy at heart and they have personal consumption such as alcohol, cigarettes and drugs. I mean men say that their alcohol and cigarettes are their basic rights and they do not help with anything in the home.
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Com. Lethome: What are you suggesting?

Mary Wanjiku: They should be banned

Com. Lethome: Are you fearing, say it loudly

Mary Wanjiku: They should be banned

- We want to address the Constitution that women should be considered in decision making.

Now, I am through.

Com. Lethome: Umesema wakati wa uchaguzi, Rais asiwe Rais, asiingie kwenye uchaguzi akiwa Rais, una-suggest wakati huo, nchi iwe ikiongozwa na nani kwa huo muda? Iwe ikiongozwa an nani?

Veronica: Attorney General. Thank you.

Com. Lethome: Sasa tutamualika mheshimiwa azungumze kidogo.

Hon Thirikwa Kamau, MP Ndaragwa Constituency: Thank you Mr Chairman for giving me this opportunity to contribute to this debate. My name is Hon. Thirikwa Kamau, MP Ndaragwa Constituency. Mr. Chairman I would first of all wish to say the following :-

- That in the process of writing this Constitution, we need to know, that we are writing a Constitution that will take us into the future. And therefore, it is important that we do not write this Constitution with anything in mind or any person in mind. What I mean, is that we need to write this Constitution so that it becomes the supreme law of this land for generations to come. Mr. Chairman, if you look at our current Constitution which is a document containing 97/98 pages, if you compare this document with other international Constitutional document you would honestly find that there is a big anomaly in our Constitution. What I am trying to propose is that we should have a clear Constitution that really defines itself and it is totally different from legislating. So the Constitution should clearly be

the supreme law of the land and it should clearly be different from the ordinary laws that are done in Parliament. So Mr. Speaker, in that aspect, first of all, I would wish, you know we are going to write this Constitution for the people of the republic of Kenya and therefore, it is important that in this Constitution we are going to write, it is important that we define that we have a country that is an independent country and therefore the sovereignty of the people, should actually be written in that Constitution. So that we become a sovereign state such that we have the right of our country and nobody else other than what we may agree between us and other friendly countries, we should have the right to do as we wish in our country because it is our country.

- Having said that Mr. Speaker, Mr Chairman sorry, we also need to define who becomes a citizen of the Republic of Kenya. Because the Republic of Kenya can not be a land for everybody. We should clearly say that if this country is ours, who then is a citizen of that country and Mr Speaker I am proposing that (Interjection (Inaudible) ...Mr Chairman, Mr Commissioner, I am suggesting that first of all, Kenyans who were born in Kenya must be citizens by right. And not by registration, such that if you are born in the Republic of Kenya you become a citizen of the Republic of Kenya, by right. But that should not mean that anybody born in Kenya by parents who actually came to visit Kenya becomes a citizen. So we should clearly define if you are born of parents who are Kenyans, then you become a citizen by right, not by registration. Mr. Chairman, we are also suggesting that Kenyans should be allowed due citizenship such that you can be a citizen of another country and you are still a citizen of this Republic of Kenya. A case in point is where you find many people in America, are for example citizens of America and they are citizens of another country. So Kenyans should not be an exception we should allow people to go far and wide. If laws of a particular countries allow people to be registered as citizens of those countries, then if a Kenyan happens to be registered as a citizen in any other country, that should not deny him the citizenship of this country and that really underlines the fact that once you are born in Kenya you become a citizen by right not by registration.
- Mr. Chairman, we are also saying that having been born in Kenya and having attained an age of 18 years, 18 because, at 18 years you are able to know for yourself, any Kenyan citizen who has attained the age of 18 must be a voter by right. Must be a voter by right, and Mr. Commissioner I would wish you to know that being the member of Parliament, I need to possibly sometimes to say why I am saying this. Mr. Commissioner, you know right now we have many people in the Republic of Kenya who are not going to participate in the next general election yet they have attained the age of 18. So what we are saying is that, once, immediately one becomes 18 years, you become a voter by right and you really do not need to seek any registration. The registration should only be---- what really I am saying is, it does not mean that automatically you become a Voter even if you are not in the voters' register. The voters register must be maintained but any person who can prove that he is 18 years, must vote. Meaning that if I am not issued with ID card, I can have a right to vote, because I have attained the age 18.

- Mr. Chairman, we are also proposing kitu ambacho unaweza kuita haki ya mwananchi wa Kenya, which is the bill of rights. The Constitution should be clear and to the point as regards the bill of rights in Kenya. Under the current situation Mr. Chairman, utapata mwananchi wa Kenya ambaye hana haki. Katiba yetu ambayo tuko nayo sasa haijasema kinaganaga haki ya mwananchi ni gani. An haki kama hizo moja yazo ni kwamba wakati wewe ni mwananchi wa Kenya na Kenya ni nchi yako na huna mahali ya kujenga, huna mahali pa kulima, huna mahali pa kufanya mambo kama hayo na wale wengine ambao nyinyi ni wananchi pamoja nao wako na zaidi ya wale watakayo. Kwa hivyo, what we are proposing is that Kenyans must have a right, a right of ownership so that you feel that you are part of the Republic of Kenya. I mean if you are a squatter for example, in your own country when others have more than they need, and I am not particularly saying that people should be equal. No! this should clearly be interpreted properly. I have not said that this country must be divided equally amongst Kenyans, what I am saying is that other. Kenyans have more than they need. If you go to the country side utakuta mashamba mengine ambayo hakuna mtu anakaa huko na ni shamba ya mtu fulani. So, what we are saying is that Kenyans must have a right of more particularly being able to feed themselves and so on.
- Two: A Kenyan must have a right to education. A right to education. Basic education that is- that is to say, ikiwa umezaliwa mwananchi wa Kenya, na umefika miaka ya kwenda shule, serikali iliyoko wakati huo lazima ihakikishe umeenda shule. Hata kama wazazi wako hawawezi kukupeleka shule. Kwa sababu that is the only way you can be able to live in this world. Kama huna elimu hata kidogo utakuwa mtu wakutumiwa an wale wengine an ili wewe ukikaa katika nchi ya Kenya kama watu wengine, education must be a right and should be included in the bill of rights. Hiyo the bill of right should cover many things- freedom of expression, freedom of movement, freedom of whatever. So those freedoms must be clearly be outlined in the Constitution, the bill of right must clearly be properly stipulated in the Constitution.
- Kile kitu kingine bwana Commissioner tungetaka kusema ni kwamba wanawake, women should have some rights. Na tunasema hivi kwa sababu kuna mtu alisema, sitaki kusema hiyo lakini tunasema hivi kwa sababu katika mila za kiafrika, mwanamke amekua mtu wakuachwa nyuma kila wakati. Na kwa sababu mila za kiafrika zimeendesha mwanamke wa kiafrika mpaka mahali tunapofika, tunasema tuwe an haki za wanawakwa ili wanawake hawa tuwe ze kuwaonyasha vile vile hata wao wanahaki zao. We are not trying to separate men and women and this should be clearly understood and be said in the Constitution. What we are saying is women have been oppressed for a very long time. They have not had a voice and in view of the fact that they have been in that position which has become a tradition, it has become a culture, to break that culture let us recognize rights of women so that they can start participating in nation building. If we do not do that, they will always remain oppressed. We need to give them some room to start feeling that they belong to this nation.

- Bwana Commissioner kuna, katika nchi hii yetu ya Kenya, hatujafanikiwa kuwa twatoshana sisi sote. Ukichukua sehemu kama North Eastern province for example, ukichukua sehemu kama the other part of Kenya that is the Turkana and so on, the furthest part of the Rift Valley, na kwingineko, Kenya haitoshani. Je, tutafanya nini? Sisi tunasema, kuwe an mpango, a special mpango, so that if these people from these regions more particularly the arid regions, if they are going to form part of Kenya, we need to make sure that we go together with them. And therefore what we are proposing ni kwamba, katika ile utajiri wa serikali, serikali ione namna, katika utajiri wake, wakusaidia sehemu kama hizi. Kama North Eastern Province, an mahali kwingineko. Kuwe an kiwango fulani cha utajiri wa serikali ambayo itawekwa ili kuimarisha sehemu kama hiyo. Ndio watu hao wawe wakiona hata wao ni watu wa nchi ya Kenya . Lakini vile ilivyo sasa, ukiangalia for example in Central Province, part of Rift Valley, na kwingineko, wananchi hapa pengine wanaweza kujimudu. Je, tutasema tuna nchi ya Kenya ambayo imeeda mpaka North Eastern Province? Je watu ya North Eastern Province wataweza kujilisha? Na kama hawatajilisha basi tutasema nini? Kwa hivyo lazima serikali itenge sehemu fulani ya utajiri wake ili kwendesha sehemu kama hizo na ili ziendelee kuwa kama sehemu zingine.

Imewekwa katika mkono ya mtu moja, in actual sense Kenya has become a one man show so that if you sleep today and you decide on what should happen tomorrow, it happens. We want to say that we own this country equally and wale watu ambao tumewachagua, tumewachagua kwa sababu tungetaka watuendeshe kwa njia fulani na kwa hivyo kile kitu tuna propose in kwamba, lazima kuwe an mpangilio wa uendeshaji wa serikali kwasasa hivi ukiangalia kama the President of the Republic of Kenya, ako an nguvu ambazo zimekuwa mingi mno. Na kwa hivyo tunasema what we call the devolution of power, the devolution of power such that tutoe nguvu zingine kwa serikali ya huko juu, tuilete hapa katika mitaa ili watu katika hapa mitaa wawe wakichaguana wao wenyewe. Lakini vile vile ni lazima bwana Commissioner tuseme hatuwezi kusema tukae vile tulivyo kama tutakwenda njia hio kwa sababu ukiangalia sasa, if we have to have devolution of power, ukiangalia kama local authorities zile zingine tuko nazo, zingine ni kidogo mno. Ingingine ilitengenezwa tu kusudi mtu apate kiti. An kwa hivyo ikawekwa sehemu fulani an mtu akapata kiti .

Na kwa hivyo hiyo kitu haiwezi kuendesha namna hiyo, tunasema tuangalie upya mipaka. More particularly mipaka ya local authorities, na sisi tuna propose kwamba, katika nchi zingine kama America, kuna kitu ambao wanaita counties. Yaani ni sehemu moja ambayo imewekwa sehemu kubwa ambayo inaweza kujilisha kimali na kitajiri kwa sababu sehemu ikifanywa kidogo mno haiwezi kuji-mudu na kwa hivyo tungetaka sehemu ambayo tumepanga na tukajua kwamba utajiri wake unaweza kuendesha sehemu kama hiyo. Hiyo ndio sababu moja twasema, wacha nguvu ziwache kuwa sehemu moja. Ziwekwe kwa wananchi ili wananchi wakiwa hapa waseme an hiyo sisi ndiyo twa-sema badala ya kuwa an provincial administration for example. Tuachane an chief, tuachane an DO, tuachane an DC, tuachane an watu hawa wote, tuitele nguvu kwa wananchi hawa ili wananchi hawa wachague nani wanataka awaendeshee mambo ya sehemu kama hii.

Bwana Commissioner leo and I am sorry to say, ukienda any office of the Sub-chief, is the office of the President, the DO is the

officer of the President, the DC is the Office of the President and the Provincial Commissioner and so on. Meaning hiyo ni ofisi moja tu inatawala nchi kwa sababu Rais anasema akiwa juu, dakika hiyo hiyo ameweka systems ambayo information ina flow wakati huo huo, amesema Nairobi, imefika Ndaragwa leo, leo. Kwa hivyo twasema nguvu hizo zimezidi mno. Let us have hwa wazee wachaguwe watu hapa, waseme wataendesha mambo hapa anman gani. Na hapo hapo, ikiwa sehemu kama hii inatoa utajiri fulani, lazima kuwe an uelewano kati ya sisi an serikali kubwa. Ni utajiri gani utabaki hapa? Kwa sababu kama ilivyo sasa, mwananchi wa kenya analipa kodi inawekwa katika account ya serikali. Mahali hiyo pesa huenda mwananchi huyu hana uwezo. Na yeye ndiye alifanya kazi usiku an mchana akalipa serikali kodi. Kodi hiyo imetolewa hapa imepelekwa kwingineko. Sisi twasema, wacha tuwe an utajiri mwingine ambao utabaki katika sehemu kama hiyo ambao twasema. What I mean is that there must be, not exactly equitable distribution of wealth, but the wealth must be distributed proportionally. There must be a certain percentage that must remain within countries so that countries can be able to run themselves.

Kile kitu kingine bwana Commissioner ni kwamba, tungetaka kuoan mpangilio wa serikali fulani. Serikali tuliyonayo sasa ni serikali ambayo President wa nchi ndio mkuu wa serikali. Na sisi tunasema , Kama President wa nchi ndio ataendelea kuwa mkuu wa serikali, mambo mengine mengi hatayajua. Kama vile tulivyo sasa, President haendi bunge, kwa hivyo wakati mambo mengi ya nchi inajadiliwa, hajui na kwa hivyo yeye ni kupelekewa maneno anapelekewa. Iisemwa namna hii, tungetaka kuwa an mpangilio wa serikali ambao tutakuwa an President na tuwe na Prime Minister. Yaani waziri mkuu ambaye ata- kuwa akienda bunge kila wakati kusikiza wajumbe wanasema nini na ili wao, yeye na President wake, wawe wakitengeneza jawabu la mambo ambayo yatapelekwa katika bunge kwa ufanisi zaidi. Lakini vile,ilivyo sasa, President ni mtu wakuambiwa, hajui. Vile,vile, twasema, nguvu yakutengeneza serikali haiwezi kuendelea kuachiwa President and my own personal opinion is that, certain provisions of this Constitution must always be subjected to a referendum. Certain provisions, more particularly the provision of the powers of the President, the structure of government, any- time we need to change the powers of the President and anytime we need to change the structure of the Government, any change of that kind must be brought to the people. Kwa sababu haitakuwa na maana bwana Commissioner, watu hawa wanasema wanataka serikali ya haina fulani, halafu tumekwenda Bunge, kwa sababu section 47 of the Constitution, sehemu ya arubaini an saba ya Constitution imepatia nguvu bunge kubadilisha Katiba. That section is dangerous to the running of the country. Kwa sababu hii, ukiangalia document hii ambayo tuko nayo hapa ya Kenya Constitution, iko hivi kwa sababu kila wakati President ametaka sheria ibadilishwe hapa, ameweza? Kwa sababu ukiwa na wajumbe wengi bunge, wewe uanwaita an wanabadilisha sheria inakwenda vile unataka. Kwa hivyo tunasema, sehemu zingine za Constitution haziwezi kubadilishiwa bunge. Lakini vile,vile ni lazima tukubaliane kwamba bunge haiwezi kuwa rubber stamp. Haiwezi kuwa kitu bure. Ni lazima bunge iwe na nguvu zake. So what I am saying is that the powers of the President can never be changed in Parliament by altering the Constitution.

It is not a memorandum this one, so what I am saying is, finally, okey I will try to wind up and much more quickly. Much more quickly, I will do it much more quickly, Much more quickly. Tunasema kuna --- tunasema tuwe na President ambaye atakuwa an executive powers but the executive powers must be shared with him. Vile, vile tunasema yule atakaye kuwa Vice-President, asiwe Vice President kwa sababu President wa Nchi ya Kenya anataka Vice-President. We need tuwe na Vice-President

ambaye atakuwa running mate wa President. Na hakuna wakati wowote President anaweza kumuondoa vice wake . Kwa hivyo, President akishachagua running mate wake, na amekuwa Vice-President wake, lazima akae akiwa Vice-President wake, ili kusiwe na vacuum wakati either kuna succession either by limitation of term of Parliament kwa sababu tunasema lazima President aende two terms of five years. Lakini, ili kusiwe an vacuum, twasema namna hii, Vice -President ambaye atachaguliwa an President, awe President akifa, Vice- President wake aendeshe nchi mpaka siku zitakapofika za uchaguzi.

Kile kitu kingine twasema ni kuhusu the Judiciary, mambo ya wanasheria. Mpango uliopo sasa bwana Commissioner ni kwamba, President mwenyewe an yeye ni mwana siasa hata akiwa ana executive powers, powers amezitumia vibaya. Kwa sababu, kama ni the Chief Justice, yeye ndiye amechagua an kama umeshachaguliwa na mtu basi unahaki ya kumuhudumia. Na kwa hivyo twasema, Judiciary lazima kuwe na mpango tofauti ya kuweka nani atakuwa Chief Justice ama nani atakuwa Judge Mkuu, ama mambo kama hayo. Hizo appointment zote za Chief Justice an all Constitutioanl offices ziwe subjected to an approval by parliament but not by one person.

Vile, Vile twasema Kama Kenya itaendelea kuwa nchi ya vyama vingi vya kisiasa, manaake hakuna haja ya kunadika Katiba hii, haja kubwa ni ya kisiasa. Because the Constitution is a more political document that any other thing. Sisi tunasema kwamba , political parties be funded by the Government, funding of political parties. Kwa sasa hivi chama ambacho kishatawala kutumia utajiri wa nchi, ili kuiwezesha, hata kama ni kushinda uchaguzi. Kwa hivyo twasema , badala chama kinachotawala kutumia utajiri wa nchi lazima serikali ilioko kwa wakati huo ikubali na tuiandike katika Katiba kwamba, serikali itakubali the funding of political parties. Pili, kama tumeshakubali Kenya ni nchi ya vyama vingi, hatuwezi kuendelea kuulizwa ati lazima tuende kwa registrar general kumuuliza andikishe chama. Kwa sababu bwana Commissioner, ikiwa tumeshakubaliana Kenya ni nchi ya vyama vingi, kwa nini mtu fulani awe na nguvu ya kunikataza kuandikisha chama kama mimi antaka. Kwa hivyo twasema uandikishaji wa vyama vya siasa uwe ni haki ya mtu ambaye anataka kunazilisha chama lakini si iwe ati lazima apitishwe njia zingine an chama ikataliwe.

Mambo ya utajiri wa nchi, nimesema an nimesema kwamba ni lazima utajiri wa nchi uhudumie kila mwanakenya. Na hiyo lazima iwe kwa Katiba. Hatuwezi kuendelea kulipa kodi serikali ambayo haituhudumii na tumeendelea kuwa maskini. Tungetaka tukifanya kazi na tukilipa serikali kodi, kodi hiyo tuone ikifanya kazi hapo.

Finally bwana Commissioner, baada ya kusema hayo yote, kuweka serikali nzuri. Nikuwa an uchaguzi mzuri. Katiba ya Kenya iliyoko sasa, inasema kwamba watu fulani ndio wanachagua Commission ya uchaguzi. Sisi twasema the Electroral Commission must be independent. And it must be seen to be independent. And to put up that Electroral Commission, there must be an agreement between all political parties in putting up that Electroral Commission. So that, that Electoral Commission can be answerable to the people of the Republic of Kenya, other than the seanrio now where the Electroral Commission is answerable to the Executive. So, we need to have the Electroral Commission to have the independence an tukichagua Electroral Commission, katika Katiba hii tuiandike, hakuna mtu anaweza kuwaondoa, bila majadilio katika bunge an majadilio

hayo lazima yaungwe mkono na two third majority in parliament. Kwa sababu kama ilivyo sasa, mtu akisema mtu fulani aende nyumbani, anaweza kwenda nyumbani, na tena niseme kitu moja which is very very important to me.

The Constitution that we are writing now must be the Constitution that we are going to use in the next general election. I am saying this because in 1992, the President of the Republic of Kenya was sworn in on the second day of vote counting. In 1997, the President of the Republic of Kenya was sworn in either on the second or third day of vote counting. Mr. Chairman, we must come up with a system where, whereby having gone through an election process, all the votes must be tallied, there must be an agreement that these are your votes and these are my votes, before a winner is sworn in. The current situation now is, sisi tunaendelea kupiga kura Ndaragwa tunaendelea kuhesabu, kura Ndaragwa na mtu tayari ameapa na tayari yuko kwa ofisi. Kwa hivyo tuna propose kitu kimoja, ya kwamba baada ya uchaguzi kwisha, lazima kuwe na clear period of time ya kuhesabu kura hizo. Na kuelewanwa ni nani ameshinda. Otherwise if we did not do it today, I have an opinion that it will be useless, going into an election, in the next general election without a proper Constitution in place. Because we are going to loose. Kwa sababu in Kenya today, the man who declares whether we have won an election or not is the returning officer such that if the returning officer declares you the winner, you are the winner whether you lost or not until you prove otherwise in a petition. What we we are saying is that, let us have an independent Electoral Commission, lazima kuwe na uelewano na nguvu ya kusema nani ameshinda haiwezi kuwa automatic na mtu ambaye anaitwa returning officer. We must have a system whereby we agree on the votes. Nitasema moja ya mwisho tu on and in fact what I will be doing is to emphasise on that one point. Mimi ni mjumbe leo na katiba hii nimesema imetukubalia kule bunge under section 47, imetukubalia kubadilisha sheria hii. Lakiini maoni yangu kama Thirikwa Kamau ninasema kwamba, wale ambao twaenda bunge, si lazima kamili tuwe na tuna roho ya wakenya katika roho zetu. Kwa hivyo ningetaka kuona ya kwamba katika ubadilishaji wa sheria katika bunge, sehemu ya President, sehemu ya nguvu ya, more particularly the President. Kama tumekubaliana President ata serve two terms, let that provision in that Constitution be changed in parliament. Nakama lazima ibadilishwe, wacha watu wakuje kwa hawa watu waulize munataka tubadilisha President awe sasa akikaa fifteen years or 20 years? Watu wawe ndio watakaosema. Kwa sababu haiwezi kuwa na maana kusema tunataka President awe an nguvu hii halafu sisi tunakwenda bunge, wengine wetu tunapelekwa kando, halafu tunabadilisha sheria, halafu tunasema mtu aendele. Hata wengine juzi wamesema President awe akiendelea maisha. Ukisikia mtu akisema President aeendelea maisha, na nguvu hii ya Katiba iendeleo kuwa katika Katiba hii yetu, basi Kenyans might be taken for a ride. Kenyans might one day wake up to find that parliament has been dissolved, another parliament has been formed and this section 9 particularly has been changed and the President runs for more than two terms. Kwa hivyo that provision, that provision must always be taken back to the people for referendum.

Com: (Bishop Njoroge) Umesema hautatupatia hiyo memorandum, is that the one given by NAC? Sasa umesema political parties ziwe funded an serikali, na umesema kwa vile tumekubaliana tuwe na vyama vingi, mtu asizuiwe, tusiwe na vetting ya vyama kwa registrar, iwe ni haki ya kila mtu kunadikisha chama chake. Sasa swali ni hili, tunajua tabia ya wakenya, mimi nikisikia kuwa political parties zitakuwa funded, ni kitu gani kitanizua sasa mimi ku form party yangu, halafu tuna over tax wananchi na parties nyingi kwa sababu kuna pesa. Should there be a criteria of deciding which party is to be funded and which

one not to be funded? In your opinion, just shed some light on that one.

Hon. Thirikwa: Hilo ni nzuri, unajua hatuwezi kusema ati mtu akiadikisha chama na bibi yake, ati awe atakuwa funded na serikali. Sisi twasema namna hii ikiwa ni chama cha kisiasa, ni lazima kiwe an wajumbe, na ni lazima kiwe na kiasi fulani cha wajumbe Katika bunge. Lakini si kusema kwamba sababu chama chako kimeandikishwa na ni yako na bibi yako, ati wewe unataka serikali ikupe pesa fulani. Hapana. Twasema kama ni chama, kiwe ni chama kina wajumbe katika bunge, na vile vile kiwe ni chama ambacho kina wajumbe fulani bunge. Na hiyo inaweza kukubaliwa huko bunge ni wangapi kwa sababu mimi sitaki kusema ni wangapi. Lakini kwa maoni yangu ni lazima ukiwa una chama katika bunge kiwe kiko na wanachama wasiopungua kumi. Nakama uko na chama ambacho kiko na mwanachama mmoja peke yake na wewe uwe ati unataka utajiri wa nchi upewe kiwango chake, hiyo haiwezekani.

Com. Lethome: Asante sana, I would like to call a very young person now. Wilson Kanuha, Wilson Kanuha, tafadhali .

Wilson Kanuha: Well, I am wilson Kanuha, I said I am Wilson Kanuha and these are the areas that I feelneed to be considered.

Com: Lethome: Nyamazeni tafadhali tumusikize atoe maoni yake.

Wilson Kanuha: Well, the first issue is on Electoral Commission. I think we should have an independent and impartial Electoral Commission. Currently, according to the Constitution, Section 41, has provided that the members to the Commission are supposed to be appointed by the President. While we understand that the President represents a certain political party so that's an irony to public because how can a certain political party be given the mandate whereas we are exempting other political parties? So I was suggesting that we need to have a Committee a specific Committee which is supposed to appoint the Commissioners and I had a list of nini members whom I was thinking they were, they can form this Committee. One of them is the Chief Justice, Attorney General, another of appeal judges, high court judges, speaker of the National Assembly and the head of the Civil Service. That Committee, rather than the President who is the leader of a certain political party.

The next point is about police: It is well understood that in.. during the elections, we usually have the police who are monitoring their polling stations who are supposed to keep peace and order, when , the Police Commissioner himself is an appointee of the President. I was suggesting that we should have a special police unit that is supposed to be involved in election not the regular police. Infact, the regular police are well understood that they have been involved in areas in such things like rigging of elections. So we need an independent police unit, specifically for election.

And issue concerning the Judiciary. The appointment of Chief Justice, other judges, that should not be mandated to the

President alone. Infact on the same issue I was suggesting we should have a certain Committee the Parliament should select a select Committee, whose members should be qualified advocates. Advocates that are qualified, to form that select Committee from the Parliament. The Committee should also entail members of the law society of Kenya and the AG. Well, the President should continue appointing judicial service Commission, The duty of the Commission should be to appoint magistrates, Senior Counsellor, public prosecutors and other judicial officers, but not the high ranking judges as chief justice and court of appeal judges.

AGs office: The AG himself should be appointed by a certain Committee. Currently, the AG that we have is acting as an instrument of a certain political party. So he should be selected by a Committee whose members are members of the law society of Kenya.

Well, I also had another issue on Police Commissioner and his deputy. As I said, concerning things like election, the Police Commissioner is an appointee of the President, but the Police Commissioner should be appointed by the Public Service Commission. There is this power, we know the power of the President that is, summoning prolongation of parliament and dissolution of parliament. The President should obtain consent of the speaker, leader of government business and the official leader of the opposition.

Any bill that is presented before parliament, bill concerning members of parliament on privileges immunities and salary and allowances, they should have consent from the President himself. Things to do with MPs, an MP should be a graduate at least to have a 1st degree qualification, so that he can be able to discuss debates and be able to follow things that are taking place there. Also, an MP should be deducted 20% of his salary and that money should cater for the area that he is representing. We have seen, most MPs, infact they only just appear during campaign time. Therefore, the 20%, and this should also apply to the councillors, the 20% should cater for development and helping the needy children in that area.

Now, concerning the President, his powers of constituting and abolishing offices should be abolished completely. The President should not be an MP because the President is supposed to be a public figure not representing a certain particular place but the whole country in general.

In our Constitution, we need to introduce the office of ombudsman, where people can take their views, these people can come and listen to people's opinion and such.

Concerning the Vice – President, the Vice President should be elected as it pertains to the President. Kwa hivyo jinsi ambavyo President anachaguliwa, naye Vice-President awe anachaguliwa vile vile. Kwa leo without prejudice to what I have said concerning the Vice-President, automatically after election, the official leader of opposition party should automatically take the position of the Vice-President. Either of the two now.

Ministers: We need qualified ministers in specific ministries not an instance where we have a retrenchee or somebody who has retired from the Armed Forces, you are posted in the Ministry of Health. We need people who are qualified in certain fields if it is ministry of Health, you have those qualifications. Now concerning foreign laws, Infact I am not of the opinion that Kenya is an independent country because we are still bound by the same foreign laws that the British country imposed on our country. So, I am suggesting that Kenya should not be, our courts should not be run under control of the foreign laws. We should have our laws as supreme. Concerning customary law, I was suggesting customary laws should be recognized in our country. Infact it should be documented, the important parts of the customary laws, should be documented.

Well, concerning the issue that a bill has to pass through parliament and several stages and then have the Presidential assent. I was suggesting that there should be no Presidential assent so after the last stretch, the bill, after being published in the Kenya Gazette it should automatically become law without having the Presidential assent. Well, I only had that, unless you have questions.

Speaker: Kuna mtu mmoja hapa: Ana represent People with disability. Maurice ni jian lako? Maurice Chege, Maurice Chege utupatie hayo maoni yako,

Maurice Chege Mwaniki: I am Maurice Chege Mwaniki, and I am the Chairman of Ndaragwa Disabled group. This time after which we have talked about the Constitution, we need to respect our country Kenya. One of the sad elements of our nation today is that majority of the Kenyans have lost faith in the Constitution and almost feel as if it is useless weak and remotely related to their day to day activities. So it is important to address the above issues to help people appreciate the necessity and applications of the Constitution and control all the organs of the government. The following are some of the highlighted issues on the need to know the Constitution, its' understanding, need, working and lasting Constitution .

Owning the Constitution; all impressive Constitutions should originate from the people and this includes people from all walks of life including the disabled, women and children etc.

General principle of inspiration: inspiring the Constitution, the problem of power, vision and many others. The Kenya Constitution is related to the position of Kenyans with disability. Likewise, a fundamental rise and freedom with a view to determine how far they go towards empowering and equalization of opportunities for people with disability. If at all they protect persons with disability against discrimination;

- 1 The rights of persons with disabilities is not high on the political agenda. Indeed they are not fully represented at all, in the parliament and in the local government. The rights of persons with disability are not in the front line of the national development agenda and even in their own property such as Rehema building. This concept of persons

with disability has people equal with others and create awareness to the society that disability is not inability. Discrimination against individuals with disabilities persists in such critical areas as employment, housing, public accomodation, education, transportation, Communication, recreation, institutions, health service and access to public service. To take part and be equal to others, every one in the society should get the same service, help and information. Every one should be able to take part in the society, every one should be equal and have some opportunity in life. Persons with disability should have the right to live where they please. They should receive the support they need and the support that is given to every one else. Every one should be able to go to school, receive medical care, get social assistance and help in finding work. The same obligations as the others and bear the same responsibilities as others. The goal is a society for everyone.

- 2 Knowledge: The Government, should tell every one about persons with disability and their rights. The Government should tell every one about persons with disability need and what can be done to help them. Information about disability; the government should spread information about different disabilities and their causes and have the same right and obligations as others, in newspapers, radio, Television stations and should talk about persons with disability in a way that describes them as ordianally people.
- 3 Medical Care: The government should promise persons with disability that they will get proper medicine and care so that they will be able continue to live as they do or even better.
- 4 Training and rehabilitation: The government should make sure that persons with disability get the training they need so that they can live life as freely and as independent as possible. Group for persons with disability know a lot about disability. So the Government should listen to them when they develop training programmes.
- 5 Support and services: Persons with disability should get the support and service they need to be able to live an independent life.
- 6 Environment information and Communication: Persons with disability should be able to move around and to get out. They should be able to get information on what is going on and also Communicate with others.

Com Lethoe: Mwangi

Mwangi: Hellow,

Com Lethome:Ulisema utatupatia memorandum?

Com. Lethome: Basi fanya haraka, haraka. Fanya summary ya points zako.

- 7 Street and houses: The Government should make sure that the streets, houses, trains and buses can be able to be used by everyone. Those who build houses, roads in town must get to know different disabilities before they begin to build to suit everyone. The Government should make sure that disabled persons should have work after they are trained.
- 8 Ordinary work places: the government should make easy for persons with disability to get work at ordinary places. The Government should give money- loan and lower taxes to people with disability
- 9 Security: the government should give security to the properties of persons with disabilities, the government should make sure the persons with disability get enough money if they are paid too little.
- 10 Economic and policy: the Government should include security issues when making budget and planning the economy. The government should try to offer loans and lower taxes and contributions to persons with disability giving the opportunity to live like others. A special funds for persons for people with disability may be necessary.

Com Lethome: Ume- sign hiyo memorandum yako? After signing uandike address yakoI think I will be more strict now with time. Kwa sababu nataka tu- accomodate as many people as possible in the remaining time.

Tupate mzee SPR Nderitu, hayuko tunaendelea, Justus Ndungu Wambugu? Ametoka? Okey, James Kagiri, uko na memorandum ama utazungumza? Uko na memorandum Ndugu Kagiri, Uko na memorandum ama utazungumza?

Kagiri: Nitazungumza. My name is James Kagiri: I want to give three recommendations but before that I would like to make some observations. This is about the insecurity that is in the rural areas , which is becoming a bit too much. Also if you look at the way our land is allocated around, you will find that we have so many parcels of land. You may see a family with lets say 5 acres and then that parcel of land, in the course of time ones it is demarcated among the sons and daughters, it becomes so small. You go to places like Nyeri, where these people are really having it rough, where even the plot to put up a house is inadequate. I am seeing a situation where in the new government, we should see to it that poverty is eliminated in this country. My proposal for that will involve land policies. Here, I may sound like I am going to give very revolutionary views.

First, I am proposing that most of the land in the rural areas would be better put into use if it was nationalized. By this I mean, people who are there, should be made to move away from those land, and then they are adequately compensated. Then what I

propose is that, it makes no sense having so many people scattered all over the county where they do not have the basic human needs. People in the country side are languishing in poverty in security as I said lack of shelter, as well as food. So, if these people were to come to the urban areas, if, they were to be moved from the rural areas, then there should be a policy where there will be urbanized centers along the highways or the tarmacked roads. Because, you look at people next to the tarmac roads people at the tarmac roads or highways normally have a tendency of even putting up Commercial plots. The reasons is because those are the places where they can get the social facilities more easily. So, if for example in a place like here all the way to Nyahuru, the people who are scattered many kilometers were concentrated in a place like here and the land which is here is nationalized the everybody is put here, and then after that they have already been compensated, so they will not complain they come here they they will be given plot, the government will arrange to have facilities like education, schools will be here. And it will not be a matter of walking many kilometers nor will there be shortages in some places, people cannot, there not children, there are no facilities there so when the people are concentrated in urban centers along the tarmac then we should be able to see them living better standards of life. They will be health facilities nearby, there will also schools nearby, security will not be a problem any more, electricity which is another important facility it will be opened to nearly everyone.

And then we shall all have our standard of life. What do I mean? The people who stay there will do Commercial activities. There will be the normal Commercial activities in any Commercial center. Industries and all that. There will be jobs to these people. Also the funds which have been surrendered to the government can latter on be leased to individuals who are able to do actually mechanized agriculture where they will even employ people then we shall find our output say for wheat, maize ranching, and daily farming. There will therefore be cooperatives where these people can sell their produce and remember in those cooperatives, there will still be jobs for the people who are moving from the urban to those centers and then to work in the rural area, and also there will also be plenty of food because the Government could come up with a policy whereby they could have national stores or national cereals like there are and in that case Kenyans could go and buy basic requirement from there and in that way you find that nearly every one is likely to have a very high standard of life. With that view I also propose that presently you find there is a lot of corruption, infact open corruption. That takes place on our roads . I wish that money that is paid to the policeman was being paid to the Government's kitty. By this I would propose that traffic law should be adjusted such that offences that are Comitted by the drivers on the road are not fined heavily. For example if you have a flat tyre, there should a certain fine that one should pay. And that fine should be infact paid for there on the spot. So we should see a situation whereby our policemen now carry receipt, official government receipts. So, if you had a broken mirror okey, you get a receipt and you go and repair. That money goes to the Government. But now presently, if you have a broken mirror, you have to pay a lot of money and people prefer to pay the corruption I mean to the police. I think that money should go back to the Government fund and that our Government will be rich. So, Mr Chirman I think I will beg to stop there with those three views and proposals. Thank you.

Com Lethome: Can I have Mr Ndungu Njogu, Ndung'u Njogu, kutoka hapo antaka kumuita Joseph youth Ndungu Njogu katika wazee,

Ndungu Njogu: Mimi nitazungumza lugha ya mama. Njitagwo Ndungu Njogu(My names are Ndung'u Njogu.) Nii undu uria nguga(What I want to say) Ngwenda kwaria niundu wa andua ria mruire wiyathi uyu(I want to talk about people who fought for our freedom in this country)Andu aciao ni mathinirio mkiuragwo, magituo cionje, an magithukirio indo ciao, oangutunywo magitunywo indo ciao.(those people were killed, they were tortured they lost a lot of wealth and then a lot of things went wrong because of that kind of exercise) An thutha woguo wiathi warikia kwoneka matiacokire kurumbuyanio ano.(And after the attainment of uhuru, nobody bothered to see whether they were to have a kind of wealfare or a kind of thanks giving to them) Ona ciana ciao itiahotire guthoma(even their children were uanble to continue with education because they were no where to be found and had a lot of problems) On a riu itiri handu ikoragwo ciikarite tiga cio cithiangua nginya uikarwo.(And even now, for lack of foundation, they have continued to stay with problems and they are very poor)Kwoguo bururi yuyu ndwahotire kurumburania an gwita mabururi maria mangi mekagwo niundu wa andu aria marikitie guthian(Comparing this antion and the others whereby people were given something for whatever they had done, this country ignored all that exercise and it became a futile kind of exercise all together) Uguo niingienda undu ucio ukorwo uri ho andu acio makorwo makirumburano . (I would like the welfare of those people to be looked into and for consideration of what they did)

Wa keru, wiyathi ugutio, kwerrwo twetagia hindi iyowari kuo. Gwetagio wihathi an ithaka(Okey, we were demanding, the freedom and the land at that time, that was the objective of fighting for uhuru.)Wihathi warikia kwoneka, andu acio metagia kana tuge andu aria other mari bururi wa Kenya aingi mturaga icagi nginya umuthi(Those people who struggled for uhuru are still within the villages where they are landless) N ithaka irikuo iria ciaturagwo ni athungu nginya umuthi cekaraga nyamu(And even further, than that, there were pieces of land whereby they were like that and today, only animals dwel within those farms or those pieces of land) Na kuri andu aingi maikaraga ithaka, mundu ari an githaka kia ecre ngiri mirongo(Other people own thousands and thousands of acres within this country and they do not do anything there) An andu aingi maikarite (While very people are poor beyond endurance and they still reside in the villages) Ugu ni ingienda undu ucio thirikari iria igukorwo kuo irumburanie (It is my view that the government which will be in power should consider the issue of those people who were called mau mau and they fought for the freedom in this country .

Wa gatatu, ni igoti riria twitagio ni County council niundu wa tumigunda turia twiantuo.

(The third thing is about the rates demanded by the county councils because of the land that we have.)gutiri Biashara tuhuragira tumigunda tuu(We do not have any business which we do in those pieces of land) An county council ndiriundu itwikagira thiini wa kuu migundaini.(On the other hand, the county council does not do anything to show that they exist or they are helping the people who are there.)Uguo ithui tutiui gitumi kiria gitumaga (Therefore we do not see why we should give the rates to the County Council.)

Undu Uria undi nii niingienda nyamu ino yekerirwo guku igwitwo soko huru ikorwo ikieherio.(I would also like the soko uhuru to be removed within the system,) Nigetha indo iria tukuragia guku tutige kureherwo indo kuma nanja an twian indo icio

tukuragia guku(so as to avoid the importation which is taking place now, for that lowers the price of the locally produced crops)

Undu uria ingienda, ni mashira ma migunda matigegucoka gutwarwo igotini maciragwo toria maciragwo tene.(I would also recommend that the cases concerning land should not be taken to court but they should be taken back to the elders so that they can be able to give the solution,) Tundu nio moi uhoro wa migunda.(because they are the ones who are able to know about the land). Ningi undu uria ungi ingienda, nigithurano giki kiroka, githuranwo an Constitution iria ya mbere angikorwo ino irathondekwo riu ndigukorwo irikite.(I would also like to recommend that the forth coming election should be conducted under the old Constitution if this one will not be ready for that kind of exercise.)

Ningi undu uria ungi angikorwo macibu nimeguthii an mbere gukorwo kuo, makorwo magithurirwa ni andu o ene(And if the existence of chiefs is going to be there, I recommend that they should be elected by people, the citizens).

Ningi githomo, nonyende kuma standard I nginya 8, githomo gikorwo ciana icio itungatirwo ni thirikari.(It is my also my ipinion that the education system from standard one to standard 8 should be free and free indeed, so that the government can take the task of educting those children, in order that they may be at least educated.) Ngwiciria ngutigira hau(That is all I wanted to say.)

Com Lethome:Gakui Chege, ten minutes-

Gakui Chege: Thank you, Hon Commissioners, I am indeed very grateful for having been given this opportunity to address you on the rewriting of the Constitution, My names are Gachui Chege, I am an advocate of the High Court of Kenya, practising in Nakuru and this happens to be my Constituency. I am very happy to be before you today and contribute towards the process of Constitution making or the review of the Constitution, of this republic. I am sorry that your Commission has had a lot problems since the time you were appointed or since the time you were given the job of reviewing the Constitution. I hope that the confidence which may have been lost by reason of the politicking that has been going on is not going to outweigh the benefits of rewriting the Constitution of this country.

When I look at the Constitution of the Republic of Kenya today, you will note that the Constitution does not have a preamble. It is my submission that this is a very grave omission in our Constitution. The Constitution, being the supreme law of the land, ought of necessity have a preamble in which the history of this country should be reflected. The aspirations of the people of Kenya should also be reflected in the preamble to the Constitution. I have had occasion to look at the Constitution of a country like South Africa. It has a very good preamble. It talks about the history, the apartheid, it talks about so many other things and the process under which the country has evolved. I would want to think that our Constitution should have something to do with freedom struggle like the old man has just said. It should have the aspirations, what at independence did the country intend to achieve? How much have we achieved through successful government? And I think that , that is the essence of a preamble.

Secondly, if I go through the Constitution, I would want to think about the Executive. The presidency in particular, has a very serious problem. Because in our Constitution, the President is not indicated as being qualified by reason of soundness of mind. The Constitution must provide specifically, that a President must be a person of sound mind. Because very soon, we might have an insane person at the helm of leadership.

Thirdly, I would also wish to think that President must have at least 51 % of the total registered or total votes cast in an election. At least 51% to make the President a popular person. Unlike in the present situation, where the President must only gather 25% in five provinces. That creates a very dangerous situation where we might have a minority President.

The other issue is about the President, he/she should not be an MP. Because an MP actually is meant to cater only for the interests of the Constituency. We should have a President who does not have any particular Constituency to represent. The President should not have any criminal record, our Constitution does not say that. A criminal can be at the helm of this country. He should not have a criminal record, and finally this issue of Presidential immunity although necessary, should be couched in such terms in the Constitution as to make it incapable of being abused. Because currently what we have is that, we have a President who is above the law. Yet the Presidency is a creation of the Constitution. So, we should, the President should actually be punishable or impeachable for economic, social, political, or other crimes that he may commit in his office. I remember about the tribal clashes. Somebody should be answerable for some of these things.

The other issue is about the cabinet. Members of the Cabinet should be vetted by Parliament. We do not want a situation like the one that we have today whereby some members of the Cabinet are people who have committed very great economic crimes. And yet they are still Parliamentarians. That is a situation that is very dangerous.

The other issue is the power of Constituting and abolishing offices, Constitutional offices. That power should be given to Parliament instead of to the Presidency. That is the power of establishing the office of the AG, the Auditor and Controller General, and all the other Constitutional officers. Then I would also wish to support the earlier speakers who said that the office of the ombudsman should be introduced in our Constitution. The ombudsman man is where people should take their public complaints. As matters stand now, the only place you can complain about wrongs committed by the Government is the Office of the AG. And of course, the AG has performed very poorly. And that is all the more why we should have the office of the ombudsman. And that holder of that office should be having security of tenure and must be appointed by parliament by majority vote.

The power to take over prosecution and also to enter nolle prosequere' by the AG should also be abolished. Because here is a situation whereby somebody is charged with having committed an economic crime and the AG comes and takes over the case and enters a nolle prosequere or alternatively takes over the case and terminates the proceedings. I think that is a very dangerous

situation and it is a most unfair provision of the law.

If I go to the judicature, the Chief Justice and the judges of the High Court should not be appointed by the President. He must be appointed by the Parliament through recommendation of the Judicial Service Commission, other than the President, because the President cannot obviously have all the powers that he has been having. There is also need in my observation, to have a Supreme court in Kenya. The Supreme Court will cater for a situation where if the court of appeal makes a mistake in its judgment like we have had so many conflicting decisions the Supreme Court is going to write that kind of a situation.

The Issue of finances, the government finances, I am of the view that there should be a mechanism of enforcing the recommendations of the Auditor and Controller General in our Constitution. What we have in section 105 of the Constitution is a hollow provision and that the Auditor General is going to make a report on how government has been expended. It has not said, supposing money has been misused, what happens. There should be provision on enforcement of those reports.

The other one is about the Public Service. Members of the Public Service Commission should be appointed by Parliament and not by the President. That is my recommendation. And the Attorney General, as I have said, as well as the Auditor and Controller General, ought to be appointed by Parliament other than a sitting President.

The other important aspects of the Constitution which in my view should be looked at is that the Constitution should provide for a referendum. It should also provide that Kenya is a Unitary State. It does not say what sort of a country we have. I am also of the view that it should provide for creation of a government of national unity, like there is in South Africa. It should also ensure that appointment to technical and professional positions in Kenya should require the appointee to possess the necessary prerequisite professional knowledge. Because we do not want a situation where say the minister of health is a person who is not trained in anything to do with health, or the PS in health is not a person who is qualified in health, or the PS in charge of Transport and Communication is not in himself an engineer. How else do we expect the performance of the Government to improve unless such a thing is entrenched in our Constitution.

I am also of the view that foreign registrations which are actually applied statutes should be enacted as primary laws of this country. The statutes of general application because Kenya is no longer a colony of Britain and we should not have laws which are taken from Britain to come and be used in our present situation.

There is the other issue of the requirement for consent of the AG to file relate action. It is not necessary if you are trying to enforce a public right, we are saying that the power of the AG to give leave to file a relate action should be abolished. A Kenyan citizen aggrieved by the decision say, of the government to apportion a large share of Mount Kenya forest or the forest in the Republic of Kenya, should be able to go to court without permission by the AG and present that kind of an abuse. Parliament again, should, for easy election to take place, there should be continuous registration of voters. This process should

also be merged with the process of registration of persons. So that once a person is registered as a Kenyan you are issued with an ID card. The ID card should be used for dual purposes so that at the end of the day, any person attaining the age of 18 will automatically become a voter. I think, that is what Mheshimiwa meant.

And the powers of summoning, prolongation and dissolution of Parliament should not be vested in Presidency, but instead should be exercised by the Speaker of the National Assembly, and in liaison with the members of the National Assembly.

And I was also of the view that we should have the people, these people that elect their member of Parliament, should be mandated to recall their members of Parliament. There should be a vote of no confidence against a non performing members of Parliament either at the election, or in Parliament . I think that the Constitution should provide that.

And the parliamentarians must not conduct business in which their personal interest is being discussed. There should instead be a tribunal which is independent of the Parliament, to cater for the welfare of the Parliamentarians. And thank you very much, I wish to submit my memorandum to that effect.

Com Lethome: Umezungumzia habari ya Parliamentarian Service Commission, ihusike pamoja na Parliament katika kuchagua Judges and the Chief Justice, but may be you could clarify on the composition of the Judicial Service Commission itself, and who appoints the members of the Judicial Commission. What do you suggest?

Gakui Chege: Yes, the members of the Judicial Service Commission should be appointed by Parliament. The composition, in my view, should be a few members of Parliament , the Chief Justice, the Attorney General, a few judges and the representatives of the Law Society of Kenya. Thank you very much.

Com Lethome: Tupate mama sasa, Grace Njogu, Grace Njogu, hayuko, haya tumpate Mzee Joseph Kimondo,

Joseph Kimondo: Eh kweli, Eh ndirenda kuga, ni Joseph Kimondo. Thiini wa Kenya twian party igiri uiria ciiformete (In Kenya, we have two parties as...) na na imwe itagwo corruption (one is corruption) neriangi ni innocent. (And one is innocent.) an innocent niwe crimino gi sheria (And innocent is the crimianl in law). Na mundu uria corrupt niwe kindu honest (And the corrupt person becomes or emerges to be the innocent) no cio niguo thina uria twinaguo muthenya wo muchi (and that is the most serious problem that we are having in Kenya today) ndirenda kuga atiriri, (I want to say) nii ndiri mugi, (I am not clever,) tondu ndikithomete muno (am not highly learned,) no ni ndimugi na mathina maria ndiratungana namo(but I have been highlighted by the problems I have suffered.) ndirenda guthondeka keany ihane toria nii hana(I want to make Kenya to look the way I am.) tondu nii ndi muthuri (I am an old man) wina mutumia umwe (with one wife) na ciana, cia airitu, (and with girl children) na ciana cia anake,(and sons) an ninii light yao, (and I am their torch or light) uguo ninii President wao (Effectively, I am their President) no ndiri na ninii gatiba(and I am not both the Constitution and the President) ni tondu nituikaraga nao, (for

we stay with them, ngamathikiri (I listen to them) nigetha hote gutua cira na kihoto(so that I can be able to make an impartial judgement) kwoguo ndirenda Kenya (I want Kenya ,) Rais uria uroka, (the incoming President,) tiwe Katiba.(should not be the Constitution) gatiba ikorwo ni gatiba, (we should have the Constitution) na Rais akorwo ni Rais (and the President. We divorce the two.) ndiragweta atiriri, (I am saying,) maundu maria mekikite thiini wa Kenya, (all the things that have happened in Kenya) ni mega, (are good) todu nitumenyete corruption nuu (because we have known who the corrupt are) na mundu uria muthingu nuu (and who the innocent are) kwoguo tutingihota guthondeka gatiba umuthi. (So we cannot make the Constitution today) tutari na maundu macio (without having the two) ndirenda kuga atiriri twaga gwika gatiba niundu wa future (I want to say, if we don't make Constitution for the future,) twike niundu wa individual (we do make because of one person,) gutigatiba turathondeka (we will not be making the Constitution.) tondu tuguthondeka nigetha ifafe (We shall make a Constitution to favour a person) no ihinyiririe mundu uria ungi (and on other hand, may be it will oppress the other) ndirenda kugweta atiriri, andu aya metitwo corruption. (A person called corruption,) ni party (is a party) nanio mathiite an indo ciothe (and has gone with all the laws) no gutire sheria cia kumanyita(and there is no law to deal with them). Uguo ri, onandathondeka Katiba muthenya wo munthi nio ndira favour (So, even if I make a Constitution today, I will be favouring them) no ni njiritwe ninjuka thondeke gatiba iria ikufavour(and we have been Commissioned to make it) ngakiona atiriri nogutwike njukite kumaback (so it is apparent maybe I am backing those people) I tondu nio mari an ngombe,(because they have the cows,)maploti ni mao, nio mari na, (they have the plots.....)

Com Bishop Njoroge: Let me interrupt. You have identified the problems.

What are your suggestions?

Interpreter: Ikoguo uge riu uria ungienda

Joseph Kimondo: Uria ingienda ri, ni balance (I would there to be a balance) andu aya mathiite munori, an aria mari thi munori (The rich and and the poor) ekwe balance (to be balanced in a way) nigetha gutikanatwike ta Israel an wapalestines (so we don't have a situation like the one in Israel and Palestine) tondu Israel, nio marahura apalestian. (Because Israel are oppressing he Palestininas) tondu mean hinya(because they are stronger) ano aya make.....(and the rest are ...) uguo Kenya ithondekete Katiba(so you make a Constitution) iraviva mwene umwe,(favouring one side,) gugatwika andu mikora, (we shall have thugs) na meke damage nene. (and they do bad things to the country) uguo ndiramina atiriri, (I want to say,) Katiba iria nguthondeka muthenya womuthiri, ibalance(the new Constitution should be balanced) mundu uria innocent akorwo ni innocent (and the innocent should be innocent) an corruption akorwo ni corruption (and corrupt should be corrupt) nigetha anyitwe ni watho (so that the law deals with them effectively) iyo niyo gatiba iria ndirenda iria ihana ta gwakwa mucii tondu ni nii President gwakwa, no ndithiaga ngidestroyerga caina ciakwa kuria irathondeka maundu ngathii destroy itondu uria ndiroan today kuria andu acio innocent amikarite nikuo maradestroy rwa maundu maria mareka. Uguo ri, ingihoya muthenya womuthi itonga an athini ma balance. (The poor and the rich, the gap should be bridged.)

Com. Bishop Njoroge: Tuingie kwa vijana sasa: Paul S. Macharia,

Paul S. Macharia: Thank you very much Mr. Chairman for giving me this opportunity. But first of all, I want to launch a complaint to the Commission. Yes, My names are Paul Maina Macharia, I am a representative of the Catholic Justice and Peace Commission Kanyagia Parish. Catholic, Justice and Peace Commission Kanyagia parish. My complain is:- I feel that the people at grass root have not been , have not properly undergone the civic education and I feel that the Commission, this sitting should have been put at the location level to ensure that the people down there, wale wazee ambao hawawezi kufika hapa wamepata muda. Wale ambao pengine hajimudu, pengine kimaisha, kuna watu ambao kwa mfano kule sehumu ya chini hawana hata uwezo wa kufika hapa waweze kupata nafasi ya kuleta maoni yao. Hiyo ni complaint kwenu.

These are the recommendations of the Kanyagia Catholic Parish, na tukiwa pamoja wakati tukikutana, mwaka jana, ee tarehe kumi an mbili mwezi wa kumi na moja. Tuliangalia mambo ya Katiba tukaona ya kwamba, Katiba ya nchi, ama katika Katiba ya nchi ya Kenya, umuhimu wa wananchi wa Kenya, the supremacy of the people of Kenya is not looked into. So, we recommended that the people of Kenya be recognized by the Constitution, that they are the supreme, they should be over any law in the country. The Constitution should come after the people and then we recomended that after the supremacy of the people has been ensured, we recommended that the Constitution, the supremacy of the Constitution of Kenya should also be ensured and we came up with a recommendation that any time there is an amendment in the Constitution or there is a major change that is required in the Constitution, a referndum should be held where by, the 51% of the total number of voters should offer a yes vote and on top of that , two third majority vote in Parliament should follow, So, that, that amendment is enacted or is put in force.

We also recommended in order to enforce the Constitution, to make sure that the Constitution is properly enforced, it is good to translate the Constitution in all the languages that are spoken in Kenya and then after that, if it is written in English, it should be written a in simpler language that is understood by all people. It should also be disseminated in the mass media and in all institutions of learning.

Defending the Constitution: To ensure that the Constitution is defended by all Kenyans, it is good and it is perfect to educate Kenyans on the importance of the Constitution through civic education. Every Kenyan should have a right to sue any matter pertaining to the Constitution at a court of law where by he feels that his right or the right of another citizen has been aggrieved.

We also dealt with putting the Constitution in force. After the Constitution is enacted and it is put ,the new Constitution is established, a government of national unity should be established followed by a transitioanl period of 5 years. This period should be made to put the new Constitution in force gradually. Within this period, the truth and the reconciliation Commission should be established to assess the past economic and political criminals.

They will be given time, enough time for amnesty to repent and if they fail to come out and offer voluntary repentance, later, after the amnesty period is over, they should be prosecuted, they should be prosecuted like it was in South Africa whereby a truth and reconciliation Commission was formed. Our situation should be like that.

We offered other recommendations, and they include; That the country be divided into 41 districts, and 9 provinces. This is putting in mind that among the 9 province, Rift valley is a very big province and the administration of the province is not good. Therefore, it is good to subdivide the Rift Valley into two, so that the people at the far end, Lodwar, and the far end at the north and the far end at the south, they will have the administrative policies brought closer to them.

We recommended that the Rift Valley be divided into North Rift and South Rift. The North Rift headquarters to be in Eldoret town, and the South Rift to be in Nakuru Town. In the new Constitution, we also recommend that we have, we introduce the office of the governor in the place of the PC, and these governors to be elected by the people every five years. These governors should be answerable to the people rather than the case where we have the PC who is answerable to the President. These governors to be elected every 5 years and they should not exceed a duration of 10 years. And in the place of District Commissioners, we elevate the office of the chief, and the chief occupies the office of the District Commissioner. These chiefs should be elected by the people so that he is answerable to the people. He should be the bridge between the governor and the people. From the people, the chief and then the governor. Then in these area, we recommended that the chiefs of various districts be meeting with the governor to ensure that those regions, the provinces, the resources within the provinces are managed in co-operation with the Local Government. They articulate or they sit down and ensure that the resources that are there, are well distributed within that region.

We also recommend that Kenya should remain as a unitary state, headed by the President. He should be elected by all Kenyans above the age of 18 every five years to serve a maximum of 2 terms and this two terms must be consecutive.

The issue of citizenship; We looked into this issue and we saw that it is good that we have a situation whereby, all Kenyans born by either or both parents who are Kenyans citizens should be by right, automatic Kenyan citizens. All other categories of citizens of people should apply for the citizenship. The Constitution should provide for an institution to take care of the Kenyan citizenship affairs. This institution should be transparent and independent in its dealings. The dual citizenship should be allowed for the citizens of this country who are working outside this country. Every Kenyan citizen should enjoy his/her rights even when they are out of this country. They should be given a chance to vote if they so wish in our embassies in the foreign countries. Okey

There is an issue I would like to highlight so much, this is the issue of land. The issue of land: Every Kenyan should have a right to own land anywhere within the republic of Kenya. There should be a maximum acreage of land under the title of one Kenyan.

This is up to 250 acres only. All portions combined. By this I mean, he could have 5 acres in Kwale then one and ninety at

other places all portions combined under one title, should not exceed 250. The ownership of this land should go together with the maximum utilization of this land. It should be utilized. If this person is not able to utilize that land, he should be ordered by the law to rent or to give this land to people who are able to utilize that land.

In conclusion, it is our hope that our recommendation will be enjoined with the rest of the views of other Kenyans to enable our country to have a sound Constitution that will ensure that justice is always done for the well-being of Kenyan people now and for many generations to come. God bless Kenya, God bless the people of the Republic of Kenya. Thank you very much.

Com Lethome: Please hand over the memorandum to the Commission. Joseph Mbuthia, Hayuko, Nicholas Kariuki, John B. Wathuo,

Okey ten minutes

John B. Wathuo: I have a memorandum to present so, I will take very few minutes. My name is John B. Wathuo, I am representing Gatariga Self Help Water Project, Faida Dairy Farming, Self Help Group, and Wirore Self Help Group. I will make very few comments because I have this document and my memorandum is 10 pages. So I cannot go through all of it.

The first thing I would like to talk about is the preamble in the Constitution. In our current Constitution, this one is not there. This is where there is a problem in our Constitution, it does not give us the direction.

The other thing I would like to talk about is the presidency and because many people have talked about it, I will talk on retirement. The retiring President should enjoy the retirement benefit. If he opts to continue with bad politics, then he should forfeit all the benefits.

The other thing is about the government power sharing, powers of the government should be shared by the President and the Prime minister so that we maintain the balance. Our government should consist of 15 permanent ministries, I say permanent. There should not be any changes once the technocrat or those who are qualified discuss on the ministries, then there should not be any change. The number should be between 15 and 18. If I can recall back in 1964, I was only 14 years, we had 16 ministries and still I can be able to recall how they operated. Who headed what and who was what. But today it is very difficult you cannot even know, you can not even be able to mention about 5 ministers because they are so many changes.

The other thing I would like to talk about is, wananchi should be given power to recall their MPs or councillors in case they are non-performing. Another issue I would also want to talk about is the political parties. We have so many problems when the elections are in progress, or when people are preparing to go for elections because there are so many defections. The defections should take place at least 6 months before elections and we should reduce the number of political parties from the

number we have today. I don't know how many we have but it should be around 40, reduced to about 7 political parties. And for a party to be considered as a party, it must have over seven elected MPs.

Another thing I would like to comment on the head of the government, when the parliament or the government is dissolved. If we have a President, and a prime minister, and the President has his deputy, I would propose here that the vice-President takes over as the head of the government so that, if he commits any political offence, he can be taken to court. Now, I won't like a situation where by the Attorney General or the Chief Justice or the speaker, takes over the government, because these will be interested parties when we come to petitions.

Another thing, I would like to mention here that the retiring government, that is the Prime Minister and his ministers, when Parliament is dissolved, they should surrender all government properties and they should use their own resources for their campaign. And this should also be the same with the President.

And lastly, I would like to talk about the, at the end of the Constitution there should be a clause talking about the Constitution. That is, because the Constitution belongs to people and it is the agreement between the governed and the governing, the people should have the power to recall the Constitution if they feel that the present Constitution is oppressing them. I have come to the end of my presentation. Thank you.

Com Lethome: Michael Mwangi, Joseph Gicheru, Raphael Muriuki, Raphael?

Raphael Muriuki: I am glad Commissioners to be given this chance. I say it because I have been waiting. My name is Raphael Muturi Muriuki. I start by thanking you Commissioners because of taking all your time to be with us here, and I am only doing it so because without your presence today, our exercise and meeting today would be of no value. My points are written in short. So, what I am only going to do is to read. I have summarized so that it is not going to be a nuisance. Can you allow me to get my glasses?

- (i) Point number one reads this way; The new Constitution, unlike the old one should respect such human rights as freedom of expression, assembly, movement, freedom of press all termed as political human rights. Others are economic rights for example food, shelter, medical care and education. Also such social rights such as the following: exercising one's custom, religion, language and so many others, should be properly addressed in the new Constitution.
- (ii). Point number two, the new Constitution should restrict excessive greed for power and wealth.
- (iii). It should treat all the people equally

- (iv). It should enable people to choose and remove leaders freely from power when they behave as if they are above the law.
- (v). The new Constitution should make sure that the Legislature, and the Executive and the judiciary are independent from each other to enable each arm to do its work better and to enable people to use each of the arms of the government as a weapon against the other two whenever the basic human rights are attacked. This way, a stable prosperous country would be created.
- (vi) In the new Constitution, the President should not be the sole controller of the Parliament. He dissolves the Parliament at his will, controls the budget and registration of voters and appoints members of Electoral Commission, and decides their budget. These responsibilities should be carried on by the Parliamentary Committee alone.
- (vii) Kenya's Parliament should not be a victim of double system of government whereby MPs and Councillors who are directly elected by people are denied a meaningful role in the administration of the country. And instead, the country is administered by appointed PCs, DCs, DPs, Chiefs, Sub-Chiefs and elders who are answerable to the President alone.
- (viii) Parliament should be given the mandate of making foreign policies, ratifying international treaties and protocols, by the country and not the President alone as it was laid in the old Constitution.
- (ix) In the New Constitution, parliament should be given powers of scrutinizing the security forces and intelligence services so that our country should not be entirely under the mercies of the President who alone can use or misuse the country's forces for his own interest.
- (x) Institutions such as Public Service Commission and the Auditor General should be allowed to operate independently without the influence of the Presidency or other institutions.
- (xi) To amend any part of the Constitution by a 65 % majority vote is not democratic for such a change should be done through the referendum method.
- (xii) The New Constitution should provide rules safeguarding farmers from being exploited by the state.
- (xiii) Forest should be protected, for lack of rain, and disappearance of wild animals are anticipated in the near future.
- (xiv) Marginalized groups such as disabled, orphans, street children and women should be catered for in the new

Com Lethome: Can we have: Francis Kimani, Francis Kimani, Samwel Kiboi, Emilio Mboya, Peter Gikonyo, David Maina, David Maina, David Wainaina,

David Wainaina: My anmes are David Wainaina, and these are my review, recomendations.

- Kenya should be a unitary government , and not federal government. In my view, we do not need majimbo. The reason for this is because some people will think along ethnic lines – tribal. Their concept of majimbo is that the Kikuyus will remain in Central Province and that other tribes will remain in their jimbos . This one will disunite the country and therefore we do not need it. For proper unity of the country, a nationhood creation, we should have a unitary government.
- The other items have been mentioned by other speakers although I will mention them. That is free education, free medical care and adequate drugs in the hospitals. At present, the hospitals that we have do not have drugs. So, there should be no cost sharing in paying for the little drugs that are in the hospitals. This is because the mwananchi has already paid tax and the tax that is in the hospital, is the one he/ she is going to cost-share, to add some more tax.
- The other item concern the political parties. The political parties themselves should be democratic. What we know of late is that no political party has been able to elect its officials democratically. There has been a lot failure in this aspect. Whatever they are showing us in their grass root election and so on, may be that is what they are going to do when they form the government. So, a party that is going to form the government should itself be democratic, have its officials elected democratically and possibly, I would suggest the they employ the electoral Commission so that they can organize the election. That is, the electoral Commission to organize party elections.
- The Judiciary arm of the government should be independent of the Executive. We have the Executive appointing the judges and so on. My recommendation is that, the Judiciary, the officials of the Judiciary that is the Judges and high Court judges should be elected by a Commission. This Commission will recomend or look through the CVs of some Judges, look at their past records, and short list may be five or so officials, to be presented to the President to chose three or so. That is those, who will be short listed so that the President can be given to choose if it is the Attorney General, to chose one out of three that have been short listed.
- The other item of late is that the police force has been using excessive force and have been harassing the wananchi.

The mwananchi should be treated with dignity that befits him. Sometimes they mishandle the man, the person. The person is dehumanized. Placed in a place, that is dehumanising, although he is not guilty, the way he is handled is always to make him/her suffer. He has already suffered so much before, even before he is proven guilty. You know he is a suspect, he is mishandled and he suffers that so much and I don't know how we can get a redress for that one. Some previous speakers have talked of an ombudsman's office where these people can go to complain to that they have been harassed by the police.

- Our Government should be able to protect our industries. Our industries have not been protected properly. We have had some industries in the country now collapsing, because the government has not been able to protect them.. I have in mind the sugar industries, I have in mind other industries in cities they have collapsed. We have some in Thika and so on, they have collapsed because the government does not protect them. By protection I mean, if you have to liberalize the market, if we have to import sugar from elsewhere, the sugar should be taxed highly before it comes in so that its price can be equal to our tea, to our sugar. That is, if sugar costs in South Africa or elsewhere, is 30 shillings per kilo, the government should take 20 shillings in tax so that it is now equivalent to our sugar that we produce in our industries. That way our industries will be maintained.
- The powers of the Parliament. It is my view that the parliament should be supreme, should be the one making the major decisions in our country. By this I mean, they will have maybe some Commissions in parliament, small Commissions that we will decide on major issues. By major issues I mean, sometimes the country entering into treaties, getting loans from elsewhere, those loans are picked, by maybe an individual, we are left with those big loans that we keep on paying and may be they were decided by just one person or two. So, Parliament should know when we are taking a loan, and when the loan taken, they should observe the implementation of that project that was going to be funded by that loan, until that project is over and not the Parliamentary siji hii wanaita investment Committee to investigate something that is already dead. That is, they are doing postmortems on something that is already dead. So, they should actually monitor, they should monitor, the implementation of those projects that we have borrowed money for and not wait until the money has been misappropriated, or some white elephant has been put in place.
- The Constitution of Kenya that we are trying to make today should not be changed by Parliament. Not even by the 90 % majority. I insist that the Constitution of Kenya that we are going to make today, should be changed by the people themselves and not the Parliament. By this, I have in mind that if a party wins a majority vote, I mean majority members of parliament, takes over may 90% or 95%, if we place 90% of the parliamentarians, that party can be able to change the Constitution by itself if it has very many members of parliament.

- Land ownership: it has been mentioned before, and we should put a ceiling on land ownership but also we should also look at the utility. If somebody owns 2000 acres of land under proper use, that should remain. But if he owns over 2000 acres of land and is not used, he should surrender that land to the landless and these landless should be asked to pay by installment. May be the Government buys that land, and subdivides to the land less and these landless will pay the small loan to buy their own land. I am not saying that the people who own big pieces of land should be actually taken by force. No, it will be bought by the government and the land be subdivided so that those people who occupy that land will actually be paying slowly. In the end, they will pay up for that land.
- Now, the farmers. Come to the farming Community, the government and the Constitution that we are going to make, our Kenya being an agricultural country, should protect the farmers by actually providing the markets for their produce. The input for the farmers should be subsidized by the government. The input for the farmers; in order to eradicate poverty, we should have the input such as the fertilizers, seeds and so on, should be subsidized by the government so that the farmer can be able to produce more. We have heard something like that is happening in other countries and the Government should be able to subsidize the seeds. At the moment, honestly, we have 10 kg of seeds, maize seeds, costing over 1200 while the whole sack of maize of 90 kilos costs 400. It is completely incomparable. 1200 shillings for a 10 kg of seed and may be 400 shillings for 90 kg of maize the produce. The farmer is kind of oppressed and the government should find ways of helping him in order to poverty that was my last point incidentally. Thank you very much.

Com Lethome Joseph M. Mwangi, submit your documents to the programme officer

Joseph N. Mwangi: Mr. Chairman, of Kenya Constitution Review, My name is Joseph Nderitu Mwangi. Yale ambayo nitakayo sema hapa bwana Chairman, kwanza ni regionism, hiyo, hatutaki majimbo katika Kenya, because Kenya is one. So, we want Kenya to be one, we don't want to divide it.

Tena ya pili, katika nchi yetu tunaabishwa na akina mama. Wanavaa nguo fupi. Hiyo tunataka iwekwe kwa Katiba, iwe nguo ndefu sio nguo ndogo, nguo ndefu.

Second, tunataka freedom fighters walio-pigania nchi hii wawekwe kwa Katiba na wakumbukwe. Hii inaonekana vibaya sana kama vile Mandela alikuwa hapa aliuliza mke wa Dedan Kimathi, hakuonyeshwa. Then, we want our public intelligence in Kenya to be protected.

Sasa lile lingine nataka kusema hapa ni, mtu akiwa na free hold Title deed, of the land, asiitishwe rate an mtu yeyote. Or absolute ownership. Then, tunataka mashamba yawe vested to Commissioner of lands and not county council because the

country council demands rate na sisi tuna freehold title deed. Kile kingine ni ku- respect shamba la mtu. The land is man's home, he was born on it. Tunataka hiyo iheshimiwe.

Secondly, ile ingine, ni hii ya Presidential candidate. Hii tunaona ndio inasumbua wananchi, na nitaendelea kuisoma ile point hapa, mbele ya Commission hii ya Review Mr. Chairman, ile inatusumbua sana. Tribunal which consists of not less than five persons who are qualified medical practitioners in Kenya . The tribunal enquiries into the matter and reports to the Chief Justice giving its opinion as to whether the President is, by reason of physical or mental fitness, unable to discharge the function of the office of the President. Then send an appropriate certificate to the Speaker of the National Assembly. Hiyo nayo Mr. Chairman, mtu kama akiwa hasikii vizuri halafu anaendelea kututawala, hiyo ni njia mbaya, we don't want it. Then, the President, as the head of state and Comander in chief of the armed forces has wide powers. The main ones are as follows:-

One, to prolong and dissolve parliament at any time. Hiyo tunaikataa. Huo uwezo wa President wa kufanya namna hivyo, tunakataa.

The appointment of the Vice-President, hiyo nayo ni mbaya katika nchi hii. Then, the appointment and dismissal of the ministers and assistant ministers, hizo powers zote, hizo tena ni mbaya. We don't want it. The appointment of the Chief Justice and the judges are appointed by the President acting in accordance with the advice of Judicial Service Commissioner. Hiyo nayo ichukuliwe.

The exercise of the giving awards, the awards of honour example order of the burning spear, an hiyo hiyo tu, ni white powers.

Kile Kingine hatutaki kabisa, no crimianl proceeding can be instituted or continued against the President while he holds the office, or against any person while he is exercising the function of the Office of the President. Hiyo tena, inaonekana ni mbaya kwa sababu anaweza kufanya chochote atakavyo.

No civil proceedings can be instituted or continued against the President while he holds the office or against any person while he is exercising the function of the Office of the President where provision is made limiting the time within which proceedings of any description may be brought against any person, any period during which a person holds, or exercises the function of the office of the President is not taken into account. Hiyo tena, ikiwa hata wale watu wako katika office ya President, hawawezi kufanywa kitu, tena hiyo ni mbaya. Sababu mali ya nchi hii inachukuliwa na watu kama hao.

Sasa hayo ndio maoni Mr. Chairman na hayo ndio yanasumbua Kenya. Kama hii ingefanywa marekebisho, Kenya ingekuwa nchi nzuri.

Na lile lingine ni Land Association. Now Mr Chairman, sina mengine kwa sababu naona, kama ni mashamba na land rates,

kama vile nimeshasema, hiyo nataka iangaliwe sana. Kwa sababu katika Kenya, tunajua kuna watu wengi sana landless, without any land. Na hii mashamba yote watu wale walinunua mashamba wanaifanya iwe ni kama kitu cha biashara kwao. Kufanya biashara hiyo ni mbaya Mr Chairman. Sasa yangu imekwisha. Thank you very much.

Com Lethome: Kama kuna memorandum upeane pale.

Joseph Mwangi: Sina memorandum

Com. Lethome:Johnstone, John, John Peter Washiuri, Oh sorry, kama Kanyi yuko, ni wakati wa kanyi. Watu wanajua wakati unazidi kuyoyoma, kwa hivyo tuendele.

Charles Kanyi: My Name is Charles Kanyi, I am a resident of this constituency

Com. Lethome: Do you have a memorandum?

Charles Kanyi: I just want to summarize. The areas I would like to talk on; sovereign, that should be looked into where the Constitution is emphasizing on the state and leaving the right of the ordinary person.

Delinking of the presidency from the other arms of the government.

On Constitutionl amendments, currently, it's 65%. I understand sometime back, it was 80%. It should be subject to 75%. When it comes to amendments, previously we have seen, a lot of money being dished out to MPs and this should be outlawed and be made a criminal offence.

Citizenship has been talked about, we should remove all discriminatory policies in the process.

Penal Code; This has been talked about, serving summons, people have been arrested with or without warrant, they should be given opportunity, by giving sermons. Sermons should provide the time for appearing in court. Amendment had been there for appearance from 48 hours to 14 days. This should be reversed to 48 days, to remove the suffering of the suspect in the remand places. In serious cases, seven days if investigation is not complete, it should be provided. Replace torture and summary execution with humane practices to treat suspects and prosecute violators who are the police and investigators. Free bond should be given apart from serious cases.

Public financial management, should maintain finance status quo, where parliament approves the budget but after money has been voted, there must be monitoring and control mechanisms. Where there has been misappropriation, respective officer

should be charged. It has not been the case. We have seen PSC reports, have been recommending action, but no prosecution.

What about allocation of natural resources? This should be based on population and not political patronage. I have in mind here, opposition zones, Central Province and other areas. We are not given money. If it is given, it is business. Then we formulate policies to guard against political exploitation of our natural resources.

Political parties and other administrative offices, those ones should be held by people free of criminal offences. There should be a moral code of conduct. Violence during campaigns that should be outlawed. Politicians should be subject to public scrutiny and automatically lose their office when they fail the test. Close all loop holes for corruption and disqualify perpetrators who enrich themselves like the present members of Parliament, earning 400,000 shillings, they are also grabbing public land and property, and high corruption. At least those loop holes should be closed by provisions in the Constitution.

Governance: devolution of government functions to local government. Treat the Treasury to formulate financial policies for enforcement by local government and other institutions. Which means, just as somebody suggested, revenue collected in Nyahururu or Nyandarua, it should be ploughed back to Nyandarua. And not being victimized because we are in the opposition.

Delays and bureaucracy by provincial administration; this happens when tendering procedures are there. If they did not supervise you when they were collecting the revenue, why should they supervise you during expenditure. These provincial administrations should be out so that the institutions are given mandate to manage their resources according to the wishes of the people, so that then, you delink the provincial administration from any function in the district, you formulate policies to respond to emergencies like national disasters, I think we are not prepared. What about institutionised corruption? Formulate policies to control, prevent and prosecute those people who take part in corruption. I have in mind here, police, traffic police, they are collecting money, 200 shillings every day from a matatu, where does that money go? I think it is starting from the top.

Parliamentary constituencies; representation should be subject to population. Then in nomination, both in local government and Parliament, currently if you calculate, it is about 5% representation, 12 MPs, nominated. To remove the anomaly, divide that one upwards and then, you will not have the ruling party in power corrupting other people. Women should be 30% of those nominated of the 20%. Youth 10%, marginalized groups 10%, professional bodies 10%, employers the same, workers 10% and the disadvantaged groups 10%.

Qualifications of MPs and councillors; previously they were doing English proficiency test. Qualifications should be Kenya school certificate.

Land tenure; as people have talked, the practice with the law boards, nowadays land boards, what I have experienced myself,

don't ask me where, it is once you put the forms forward, 1000 shillings. No receipt. When it comes to the transfer, it is 2000 Shillings that is 3000 shillings, where does that money go? You are not given any receipt. I think land boards should be like government institutions, let them be funded by the government to remove that corruption.

Inheritance and ownership of any land; you should consult the stake holder either private or public. I am winding up, I am winding up.

Public service and private sector we are witnessing labour problems because the private sector has got its own regulations, the Public Services Commission has got its own regulations. Qualifications of jobs are so much, so that it is a big gap of salaries and benefits. What should be done is, guidelines should be given, so that any proficiency or any development progression should be on province and merit. Not just patroange.

Poverty reduction, is there, retrenchment is adding poverty and not reducing, because we should have labour relations which govern reduction of the civil service and private sector. So, we need to revise policy guidelines for employment.

Grants; they should go directly to the beneficiaries instead of going through the provincial administration, DO's and whatever. Why don't we accept modalities which are Community friendly.

I am talking about programmes like rural enterprise fund programme. That was in 1971/74, that money went into the pockets of people. It did not reach the common man. Dumping of imported food stuffs, chemicals and fertilizer; this has affected agricultural production. We should formulate policies to control imports on similar products. We have also seen collapsed economic sectors, or institutions. We have no policies to guard against that. We have seen coffee, tea. We have banks, people have gone out of the country with that money, and it is money from our depositors. We should have legislative provisions where those people should be able to reclaim that money. I hear we are reorganizing KCC, this my small observation, it does not improve the situation. It is the same people, the same leaders, unless we do something then we are heading nowhere.

What about equity and Human Rights? I think this one, we just need to formulate policies against discriminantive practices and a redress of violations.

Nationalism and patriotism. Yes sir,

Com. Lethome: Kwa sababu uko an memorandum, tafadhali maliza.

Thank you, I just wanted to mention one thing that we have lost public morality and that is why we are having problems all over

in the country. You cannot change me, or I cannot change you, if yourself you are not changed. So if we can learn from the Bible, this country can be a very beautiful country where we are going to live very peacefully. For Commissioners, I think you are doing a very good job. Please, there is somebody in the Bible, Moses and Joshua, they faced very tough tasks, and you should imitate them. As professionals, I think you have got all the blessings and God Bless you.

Com. Lethome: Thank you very much. Can we now have, Peter Wachiuri, Peter Wachiuri? Wachiuri, dakika tano tafadhali.

Wachiuri: I'll be brief because time is over. Mimi nitaweza ongea kwa Kikikuyu kwa sababu, lugha yangu sana ni kikuyu. Mimi naitwa Peter Wachiuri, mimi ni mkulima. (I am Peter wachiuri and I am a farmer.) Haya ile taabu iko kwanza kana mathina maria marikuo, nimaotongoria wa na guku thi kuma Headmen, Chief na DO. Kuma hau ugoka hari macouncilor (Okey repeat again) (The problems that we are having come from the DO Chief and even the sub-chief) tondu kaundu gaku kangihitan uthii kuri headmen, niagukaninira hau an nduri handu ungithii tondu agucoka ere cibi no undu uciu ugatwika hari muraiya ni watuhu. (Whenever, you get a problem and then you try to approach the subchief, your problems will not be solved because you will also go to the chief and then narate the problems and then you will not get a solution for that one). Kwoguo nigukwendekana ithui raiya tuheo mweke wa guthuraga andu acio niguo mundu ucio ndagakoragwo agitia ati we ni mwandike an karamu ndari kundu angithii. (I want now to recomend that those administrative people to be elected by people themselves so as to avoid that kind of pride, that they are employed by the government and they have nothing to do with us.)

Undu ungi wa keru ni: mwenaini wa kurima, niturarima an irio icio citu ikariwo ni nyamu. Na nyamu ino igakorwo niyo ianheshima iria nene hari thirikari gukira mundu

(Now, the other thing is that we are trying to cultivate and plant our crops but they are destroyed by wild animals, and those animals have been privileged more than the human beings by the government). Riu na mukulima ucio kiria ehokete ati nikio giguthiomithia mwana, nimumera ucio na niguo urariirwo. Mwana ucio wake akaga guthoma onake agakorwo enangaragu. Onaukora mwingi ukaingira. (The children of the farmers might not continue with their education because whatever they were relying on were the crops, and they have been destroyed and those children will stay without that education or basic need) handu angi ni haha ha macouoncelor kugaga ati nomathurirwe mean githomo kinene. Hari ungi ni wa std 8 no wira wake ni mwega an ni muthure ni mwingi no agacoka hi niaguterwo ankuria tondu ndakinyite form 4. (As far as education is concerned, connected with councillors who are elected, I say it is not important because some people have gone up to standard 8 and they are more knowledgeable than those who have gone to other status because of the common knowledge that somebody might have.) Kwoguo hau nao nitukwendo ithui raiya tuteithiririyo tondu no twende mundu wa wira wake na kio giake no tugateerwo niundu wa githomo. (Also as far as education is concerned it is becoming a barrier for those people who might be well equipped with knowledge and now they are put off because of education, we would like to state that the eduction should not very much be observed if somebody is illiterate) ngwiciria ndiguthii muno ngurengera hau tondu ni marie ni andu aingi an okaundu okaundu nikari (I want to stop there because many people have gone through this programme and they have said other points)

Com. Lethome: Wachira Kariuki, Wachira, Samwel Chege Waititu, Chege Waititu,

Samwel Chege Waititu: Jina langu ni Samwel Chege Waititu. Mimi ni mkulima. Ningependa kama kungewezekana, wakati wa kubadilisha Katiba, tukatiwe Kodi maanake kuna mambo mengi sana tume-cost share an serikali, kwa hspitali, an mambo mengine.

Jambo lingine ningetaka kutaja hapa, ni habari ya mito an misitu. Watu wamewacha kulima mpaka ndani ya maji. Ningependa wakati Katiba iantengenezwa, hiyo Katiba iwekwe nguvu zaidi.

Nina mambo mengine tena inanihusu sana. Kwa misituni, kwa mstuni miti ianendelea kukatwa sana kwa chemi chemi ya maji. Hiyo Katiba ningependa iwekwe nguvu sana kama kuna uwezekano. Singelikuwa an mambo mengi, isipokuwa hayo tu.

Com. Lethome: Amos..., Amos, Peter K. Warugongo, Warugongo

Peter K. Warugongo: Jina langu ni Peter K. Warugongo, kutoka hapa Kanyaria Location, Kanyaria Sublocation. Bwana Chairman, nina mengi lakini siwezi kuyataja na mimi nafurahi kwa sababu nimekuwa hapa na nimesikia yale mengi yamekwisha zungumzwa na kwa hivyo nikaonelea sio mzuri kuyarudia. Mimi nina furaha kwa sababu yale nilikua nikifikiria, many people have got it and they have expressed their wish. Na kwa hivyo mimi niko pamoja na wao. Hapa yangu ni sheria ya, or sorry, Na nitaenda haraka sana.

Katika mali yetu ya Kenya, serikali ile imekuwako imetumia mali ya umma kama mali ya mtu binafsi. Na hiyo inaonesha aibu, na tunasikia ubaya sana wale tumeyaona mambo haya kama miaka arubaini tukiwa tuna tumikia serikali. Na hiyo, kama loan ya serikali inatumiwa kwa ubaya, mtu anaweza kwenda huko, anauliza pesa, anapewa ovyo. I am not sure, lakini ikiwa iko, kuwe na sheria ya kuonyesha mali ya umma kama hizi pesa za central bank ni ya umma peke yake sio ya mtu binafsi ati yeye anaweza pewa, aende akafnaye chochote. Kuna sheria ya zamani na kuna sheria ile tutatunga tutunge iwe firm na tuwe na watu honest.

Katika land Commission, hii ni lazima iwe an watu wale wanatumikia wanainchi. Wakiwa an roho ya kusaidia kila mtu sio mtu moja, not one person to make him rich by having more than 20 plots 30, 50, 100 plots. Na tena anauza kwa hivyo hata akiwa anachukua hiyo, national development cannot be carried out properly. Kwa sababu yeye anafunga watu wale wana uwezo na wale hawawezi kuja kwa ukora kama huo. Kama hii serikali zamani, tulikuwa na watu wa group kama customary law ya jama.

Jama means elders. Wawe walikuwa wanaongoza. Na walikuwa elders kutoka kila mahali, kila mahali, wanakuja pamoja wanakata kauli wakisikilizana, halafu wanarudishia watu wao. Wakati huo hakuna kupigana kwa siasa isiyo na njia. Na kama for example, during colonial time, we had all the Senior Chief Officers, Senior Chiefs na Paramount Chiefs walikuwa wanaitwa na governor, wanakuwa na mkutano wao wanaulizwa, wanaulizwa, wanaulizwa, wanasema halafu mambo ingewachiwa, wawe

executing officers they are able to decide what the people want. Na hakukua na mapigano.

Hii forest sasa iliwachwa kwa sababu ya maji, sababu ya miti, tupate mvua an ile chemi chemi iendele. Sasa inakatwa yote, hakuna mtu anafikiria kesho kutakuwa - je , sasa hakuna kuni, hatuna maji, a desert has been created kwa sababu ya upepo kuchukua rotuba yote ya nchi. Ni lazima tuwe an watu wakuchunga misitu yetu naa misitu yetu isipeanwe. Tuwe an sheria kama hiyo. Na ikipeanwa kuwe an Commission, proper Commission ile imechaguliwa ya kenya nzima ya kujua, is it necessary to allocate that piece of land to that individual or a group of people? Hapa hatuna maji, katika nchi yetu na maji yamejaa. Tuko na lake Victoria, tuko na Naivasha, tuko na lake Rudolf, tuko na ingine na tuko na fallow land. Mvua inanyesha, na hayo maji yanapotoka. Kuwe na sheria ya kutengeneza dams, ilikuzuia hii drought. Tuwe na hayo maji juu italeta maji, mvua, watu watafanya national irrigation kutoka kwa hayo maji, na kila mtu atakuwa na chakula kwa sababu iko na mchanga sio sand. Na hata kukiwezekana, hii maneno ya Nile, ya Lake Victoria imalizwe. Tuwe na maji, yapigwe yaje Kericho yateremke mpaka Kitui, ili hawa watu wapate irrigation an tutapata chakula ya kutosha nchi hii yetu.

Tunakula chakula, tunatumia fertilizer nyingi zaidi, ya kuharibu mchanga yetu. Kwa nini hatuna sheria? Tuko na ngombe wengi, tuko na miti mingi, tuwe an mbolea ya natural manure, katika nchi hii yetu. Iangaliwe hiyo, tusije tukaletewa mambo mengine ya kutumaliza kama haya maji yanaletwa ati ni vitamini sijui ni nini, na hii inawekwa chemicals tu. Watu wanayanywa na pesa zote zinakwenda mpaka India na zile zingine zinakwenda nchi zingine sisi tunaachwa bila kitu chochote.

Juu ya kulima, tumelima mahindi, tumekuza ng'ombe wa maziwa, halafu there are special people importing milk powder, importing sugar, importing cotton, importing rice, halafu hii yetu yote tunalima inapotea, inamalizwa na weavils. Kwa hivyo, we are being flooded by commodities available here in Kenya and we do absolutely nothing. Tunafanya kazi ya bure, hakuna kitu tunafanya. Na viongozi wetu wako wapi? Na wamekwisha someshwa, they are economists. They know each and every thing and they are allowing all these dirty games and our money is being drained to other countries.

Com Lethome: We are coming to the end and I would like to give one more person a chance

Peter Warugongo : Okey, nitamaliza, haya, yako mambo au iko hii habari ya hospital insurance fund. Hapo ni mahali panaweza saidia umaskini ule uko hapa. Watu watoe pesa hizo ziende hapo ziwe nyingi, zisije zikapewa watu. Ifanye na serikali, halafu hospitali zinaweza chukua pesa hapo, kila mtu atakuwa akilala hospitali bila kulipa pesa nyingi

Com Lethome: Uko na memorandum hapo?

Peter Wangongo: Na jambo lingine la NSSF. Hawa watu wahudumiwe, pesa hizo zinaenda bure. Hiyo national social

security fund, iwe ianendeshwa juu, na hao watu wapewe pension badala ya kupewa pesa ya miezi, apewe ten thousand shilling halafu anawachwa, atakuwa bure. Haya, niweke sahihi, lakini sina lingine lakini ningependa kuendelea

Com Lethome: Tutaendelea na mtu wa mwisho kuongea. Jina lako

Paul Wachira Muchiri: Asante bwana mwenyekiti. Nataka kutaja, mimi ni Paul Wachira Muchiri. Nataka kutaja mbio mbio, mambo ambayo nataka yawe katika Katiba yetu mpya. Kwanza kabisa antaka kusema kwamba ningepedelea Katiba tunayo itengeneza iwe ni mali yetu wakenya.

Com Lethome: Chemata Catholic Church kesho, mkutano wa pili.

Wachira: Katiba iwe ni mali yetu kama wananchi wa Kenya na isiwe ni makala ama kitabu cha kufichwa, sijui kutolea tu mahakamani wakati mtu ana kesi. Kwa hivyo, ningependelea ikiwezekana, kila mwana nchi ambaye ametimiza miaka kumi na minane apate makala haya ya Katiba.

Tena ningependelea Katiba yenyewe ieleze kinaga ubaga mambo ama matazamio ya wa Kenya an ili Katiba yenyewe iweze kutuelekeza sisi kama wakenya kutengeneza nchi yetu. Katiba itupatie uzalendo na vile vile, tujione kama watu wa kenya kwa sababa mimi naweza kusema kwamba ni Katiba. Kwa sababu sasa tabu yetu ni serikali mbaya. Na ni kwa sababu ya Katiba mbaya ndio maana Katiba imewapatia nafasi viongozi wabaya kupenya katika serikali na kwa hivyo ningependelea Katiba yenyewe imalize haya mambo mabaya yanayo fanywa na viongozi..

Tena Katiba yenyewe isiwe inaweza kubadilishwa na kiongozi ama mtu binafsi, hata bunge yenyewe isiweze kubadilisha Katiba. Katiba iweze kubadilishwa na watu wenyewe, wananchi wa Kenya wenyewe. Vile vile, kama Katiba itabadilishwa, mimi ningependelea watu wote, wa kenya wote wahusishwe kwa kutengeneza kongamano la kitaifa yaani referendum. Na juu ya mwanchi wa Kenya, mimi ningependelea ya kwamba kila mtoto ambaye anazaliwa Kenya awe ni mwananchi na vile vile kama mtu amemuoa mkenya awe ni mwanamke ama mwanamme, apewe nafasi ya kuwa mkenya. Kama itawezekana, kwa sababu nchi zingine zinaruhusu mwananchi kuwa mzalendo katika ile nchi vile vile wakenya wapewe nafasi ya kuwa wazalendo ama wananchi katika nchi zingine ili pia tuweze kupata rasilimali katika nchi zingine.

Kuhusu military na para military, mimi ningesema President asiwe na uwezo ama yeye mwenyewe asiwe na uwezo wa kitawala, kusema kila kitu, juu ya majeshi yetu. Ninaoan haifai. Na vile vile, juu ya vyama vya kisiasa, naona kwamba vyama vya kisiasa ambavyo vina wabunge, ni vizuri vipewe nafasi ya kushiriki katika uongozi nchini. Kwa hayo nataka kusema vyama vishirikishwe katika serikali ya national unity an vyama vyenyewe vipewe kazi lakini mimi sioni vyema kupatia vyama vya kisiasa pesa ambazo ni zaserikali. Mimi sipendelei hiyo.

Kuhusu serikali na kazi yake, ninaona kwamba ni vizuri tuchukue muundo wa mbunge ambao utakuwa na Rais, an vile vile Waziri Mkuu, ili Rais asiwe na mamlaka ama nguvu zaidi kupita kiasi. Lakini wakati huo huo tuchukue muundo wa serikari wa national unity tushirikishe pia vyama vingine ambavyo havikupata viti vingi ama kushinda uchaguzi. Pia kuhusu bunge, nataka kusema kwamba, mimi naonelea vyema kila sehemu ya uakilishi bungeni iwe an watu sawa. Kama ni Ndaragwa , kuwe na watu elfu tatu, elfu tatu, K ipipiri elfu tatu, Nyahururu, elfu tatu. Kila mbunge bungeni awakilishe watu ama idadi sawa, tusiwe na mbunge ambaye anawakilisha watu elfu mia moja na mwingine watu elfu moja. Sioni ikiwa vyema. Vile vile bunge isikubaliwe kusema kila kitu ama kutoa mambo yote ya uongozi, bunge kuwe na njia za kuona kwamba bunge haipitishi ama haiongozi watu vibaya, na vile vile wabunge na watu wote watakao shiriki katika bunge wawe ni watu ambao wametazamwa an kuonwa kwamba wanatabia nzuri. Integrity.

Na vile vile, Katiba hii ambayo tunaitengeneza sasa, ninaomba kwamba kama haitawezekana, kama nyinyi wenyewe hamutaweza kumaliza hii Katiba kufikia December kama munavyosema, mimi naona ni vizuri tusikubali bunge ya sasa iendelee kupitisha kipindi ambacho kimeruhusiwa. Bunge ivunjwe, tuwe an uchaguzi, tupate viongozi wengine. Na nyinyi kazi yenu msiishirikishe ama kuishikanisha na uchaguzi. Uchaguzi si kitu, Katiba yetu ni muhimu zaidi kuliko uchaguzi an tunataka tuone uchaguzi ukifanyika baada ya miaka mitano, sio kusema kwamba tutapatia bunge kipindi hiki ili tuweze kumaliza Katiba. Mimi ningeomba shughuli zenu za kubadilisha Katiba zitenganishwe na bunge ya sasa.

Na vile vile ningeomba kwamba Rais asiwe na uwezo wa kuvunja bunge bila kushirikisha watu wengine, ama viongozi wengine. Bunge yenyewe pia, isiweze kumaliza uwezo wa hii Tume ya kutengeneza ama kubadilisha Katiba.

Kuhusu judiciary, majaji wasiwe wakichaguliwa ama wakipewa kazi na Rais. Kutengewe kamati ambayo itakuwa ikipatia hawa watu kazi. Kuhusu serikali zetu ndogo ndogo, local government, ninaonelea kwamba tuwe tukiwachagua sisi wenyewe ma-councillor, na vile vile mayor na hawa watu wawe viongozi halisi. Kwa sababu sasa tunaona kwamba kuna viongozi ama maofisa, executive officers katika hizi councils. Wao ndio wanaongoza kwa sababu hao ndio walio na uwezo. Nina sema kwamba, hawa watu, uwezo wao ama nguvu zao ziko Kanu. Na councillor na mayor, ili waweze kushirikiana vizuri katika uongozi.

Na ninasema haya kuhusu electoral system ninataka kurudia tena, tuwe na proportional representation na vile vile, mtu ambaye atashida, mimi bado nashikilia kwamba ashinde kwa idadi kubwa 50%, simple majority. Lakini kusiwe na nafasi ya uchaguzi wa mlolongo, iwe ni vyama vya kisiasa ama serikali. Ipitishwe kwamba hakuna mambo kama mlolongo, iwe ni secret ballot na sanduku lenyewe liwe lianonekana vizuri. Vile vile nataka kusema kwamba, kama chama cha kisiasa kitapita upande wa serikali, hata mbunge mwenyewe let them resign and seek re-election, warudi tena kwa wananchi waliowachagua, lakini si kusema chama chetu kimejiunga an serikali. Hapana ni kudanganya raiya.

Vile vile nataka kusema Rais awe amechaguliwa na watu wengi zaidi 50% or above kwa sababu tukiwa an kiongozi ambaye

hajachaguliwa na watu wengi, Serikali haitakuwa na nguvu. Nataka kusema kwamba, kama tukimchagua Rais na ionekane skwamba hakupata kura za watu wengi zaidi, nasema uchaguzi urudiwe na wale wawili wa kwanza, winner na runner up, ili tupate kiongozi ambaye amechaguliwa na watu wengi serikalini. Uchaguzi uwe na siku yake katika Katiba hii yetu mpya. Na vile vile, mtu ambaye ataruhusiwa kumchaguwa mbunge ama Rais awe ni mtu ambaye amepata kitambulisho na apewe kura wakati huo huo, akipata kitambulisho vile vile, apate kura kusiwe na mtu mwenye kitambulisho, lakini hana kura. Kwa hayo machache nataka kumaliza kwa kusema kila mwananchi apewe nafasi ya kupata angalau kipande kidogo cha ardhi. Kwa sababu itakuwa ni kazi bure wazee wetu walifanya kupigania uhuru kisha hatuna makazi. Vile vile, nataka kusema kwamba mikataba ya kitaifa na International laws itazamwe vizuri. Mikataba ambayo sisi wenyewe hatukuweka sahihi kama wananchi wa Kenya kwa sababu iliwekwa na wale wakoloni, hiyo isitambuliwe. Kwa sababu sasa tunaoan kuna wale waliotia sahihi wakasema hatuwezi kutumia maji ya mto Nile, maji ya lake Victoria, ni vibaya mimi antendekeza hiyo mikataba yote ya wakoloni na serikali ya ueingereze tulio-pewa sisi itupiliwe mbali kabisa. Asanteni.

Com Lethome: Tunawashukuru wananchi wote wa Ndaragwa ambao wamefika hapa leo an tunarudia tena kuomba msamaha an ndio mumeona tangu tulipokalia hivi viti, tumekataa kuamka kabisa ili tujaribu ku compensate ule wakati ambao ulipotea. Na kama nilivyo sema, tuna nafasi nyingine kesho kama alivyo tangaza Commissioner mwenzangu. Katika kila constituency tunakaa siku mbili, na pia tunasema kikao hiki sio mwisho wa kutoa maoni. Bando una nafasi zaidi ya kutoa maoni yako. Kwa sababu kuna district coordinator na kuna kamati katika kila constituency una weza kupitisha maoni yako kupitia kwa wao, au directly, unaweza kutuma kwa Commison. Kwa hivyo, bado kuna nafasi. Unajua hata tungekaa hata saa sita za usiku, badu kuna watu wangebaki. Kwa hivyo tunaomba msamaha kwa hayo . Tuna washukuru nyote kwa utulivu wenu vile mumevumilia tangu wakati huu wote mpaka wakati huu. Ni kwa sababu kazi ya kutengeneza Katiba ni kazi muhimu an tunasema hakuna kitu kizuri ambacho kinapatikana kwa urahisi. Na tunasema pia mtaka cha mvunguni, sharti afanye nini, ainame. Kwa hivyo ni nchi ya siku za usoni tunaunda hivi sasa.

Tunashukuru wale wote ambao wameupanga mkutano huu, tunamshukuru Chief wetu ambaye amekaa na sisi wakati huu wote, japo yuko kimya lakini yuko hapa kuhakikisha mambo yote yanaenda vizuri na wale wote ambao wamehusika. Kwa hayo machache tungependa kama vile tulivyo anza kwa maombi, tunamuomba mzee pia atufungie kwa maombi, wengine wetu tunasafiri, mpaka kesho, tuweze kukutana.

Kuna mzee moja wa kanisa hapa kwa jina David Githauri na kwa niaba yenu ingefaa atuendeshe kwa maombi.

David Githauru, Church Elder: Sasa Mwenyenzi Mungu, tunakushukuru kwa wakati huu kwa vile umekuwa nasi tangu tulipoingia katika jengo hili. Kazi ambayo iko mbele yetu ni kazi muhimu sana katika nchi yetu na ni asante maana umetupa nafasi hii, hata nimesikia mwenyekiti wa Commission hii akisema watakuwa na kikao kingine katika constituency yetu hii ya Ndaragwa. Bwana tunakuomba mambo hii yote, yasiwe ni kusema tu lakini yachunguzwe vizuri na hatimaye tutoke na Katiba ambayo itujumuisha sisi sote. Bwana tunakushukuru kwa vile hata uliwapa wananchi wa Kenya kuomba nafasi hii na pia

