

**CONSTITUTION OF KENYA REVIEW COMMISSION**

**(CKRC)**

**Verbatim Report Of**

**DISSEMINATION OF REPORT AND DRAFT BILL, GATANGA  
CONSTITUENCY, HELD AT KIRWARA DO'S OFFICE COMMUNITY  
HALL**

**ON**

**11<sup>TH</sup> OCTOBER, 2002**

**DISSEMINATION OF REPORT AND DRAFT BILL GATANGA CONSTITUENCY, KIRWARA DO'S  
OFFICE COMMUNITY HALL, 11-10-2002**

**Commissioner Present:**

Prof. Wanjiku Kabira

**Secretariat in attendance:**

George Wachira – Assistant Programme Officer  
Josephine Ndungu – Verbatim Recorder  
Stephen Wanyoike – District Coordinator

The meeting started at 11.10 am with a word of prayer by the District Coordinator, Mr. Wanyoike.

**District Coordinator:** Rekei ndimugethie, ngwiciria riu tondu Commissioner nioka nitwambiririe nigetha mathaa tumahike ningi kwahota guthii uguo kuure kaba onaria mekuingira mangikora haria tukinyitie niwega. Nigetha twambiririe noturie mundu umewe atutongorie na mahoya manini nigetha turie Ngai atutongorie giikaroini giki. Kwaga nohoe arinie.

**Maombi**

Mwathani Ngai nitwakuhooya, nitwaguchokeria ngatho niundu wagutukinyia giikaroini giki, nitwahoya uikare naithui nigetha miario iria tukwaria ututethie ituike ya gutuguna muno kuringana na turageria guthondeka katiba njeru ya bururi uyu, tui katiba iio niyo igutuiga na njira iria yagiriire. Mwathani ikara naithui nautethie aria maroka moke na ningi tuteithiririe andu aria maroima Nairobi, matuhe ndeto iria ciagiriire nigetha tugunike nicio. Twakuhooya uguo niundu wa Mwathani Jesu Kristo. Amen.

**District Coordinator:** Haritwa njitaguo Wanyoike ninii District Coordinator, ngoraguo ndi Thika, na ningumuchokeria ngatho ni guka. Riu giikaro ini giki itanamba ku-introduce andu aria mokite, giikaro giki giukitwo kuringana na miario twaritie hindi

twokite kuheana views, nimukuririkana Commissioners ni mokite kuria Gatanga Catholic Mission, na ningi ni machokire magiuka Kirwara Secondary School, ciikaro igiri, na thiini wa ciikaro icio cieri Commissioners, nimamu-promisire makimwira nimagoka mariikia gukagua views icio cianyu ciothe, na ciandu aria angi thiini wa bururi wa Kenya, nimagoka ringi nigetha mamwire nimaruta wira, mamwonererie. Na gitumi kiria gatumire guthii uguo ni tondu nigukoretwo na commissions nyingi ciikiritwo bururi-ini uyu na ciarika mawira macio citichokaga gucokeria wananchi miario iria makoragwo mariitie. Na nikiu umuthi, nitakurikia kirikaniro kiuu nigetha mamuoni uria mageritie gwika. Na togikaro giki giiki, Commissioners aya moite Nairobi na ningumu-introduce kurio kuma Monday mari Juja, makiaria na andu a Juja, Tuesday magithii Gatundu South – Gatundu Market, na muthenya ucio ungi turari Gatundu North kuria Mang’u, na umuthi turi guku Gatanga. Na kuma kiumia giki kirorete marorete bande ya Murang’a na Kirinyaga na tokuu gwika, Ma-commissioners mothe magayanite gutiri handu matarathie thiini wa bururi wothe ihinda-ini riri. Omuthenya thiini wa ciumia igiri nimegukoruo maki meet na wananchi nigetha mamonie draft ino menayo namarikia kumonia Wananchi maheo kahinda machokie machokio maria mekwenda guchokia. Angikorou hekaundu marona tikeha magwete, kuongererwo, magwete, kana hangikorwo hena committee megwika meke, ningetha gugicoka guithio Constitutional Conference iria igakorwo iyamwisho wa uhoro uyu, makorwo makimenya uria draft iroiga na nigetha magithi kujadiliana na debate madebate makimenyaga wananchi maroiga atia.

Uguo feel free giikaroini giki kugweta maundu maria muguiciria omundu nguiciria ena draft ya copy ino. Draft ino nio ihana ta timetable area maraririria, no hena right ya kuongera maundu maria muguiciria no mongererwo, kana kuruta maria mugwiciria no matrutwo na ndeto icio nicio cigathii kwaririo National Conference.

Now, itanathii mbere reke njambe ndimu-introduce gwi Commissioners, na andu aria mokite nao nigetha tuambiririe rugendo ruitu rwa uria turenda gwika. Umuthi twina Commissioner Prof. Wanjiku Kabira, uria ukoretwo ee Commissioners aria twamwirite ni 29, na nio makoretwo magithi nambere na Constitution Review bururi uyu wothe na niegukorwo naithui umuthi. Nake muthuri ucio wibande iyo ni George Wachira, na niwe egukorwa agitethiria Commissioner, giikaro-ini giki. Nake mama ucio etaguo Josphine Ndung’u, niumwe wa aria megutethiria ku-recodi uria turoiga. Na giikaro giki tukwaria na Gikuyu, Githungu uria ukiugwa noahote ku-explain wega na Githweri nigetha tuigwithanie. Prof. Wanjiku Kabira noaigwe Gikuyu no ahote guchokia na Gikuyu no muigwe mwi free oruga iria mundu ekuigwa.

Prof. Wanjiku Kabira nieguthii through Draft Constitution iria turinayo aheane overview kana summary na nieguchoka amuhe chance mu-react kana muchokie uria mukuenda, kana muongerere, na nitukumuria kahinda kau gakinya mundu akegweta ritwa, nigetha tu-recodi. Tutirarecodi tondu hena thina kana kii, tureka uguo tondu niuraigua kwina andu maroiga constitution ino ni alien, ni foreign, ti wananchi a Kenya mararia na nitui wega miario iria tukoretwo tukiaria kuma hindiiria twambiririe, ni irecodagwo, ningetha mundu angienda kumenya kana ni wananchi moigaga no aheo record. Uguo mutigakorwo mwigirite undu kana uriku.

Now, itanahe mweke Prof. Wanjiku Kabira, Commissioner uria ukwaria umuthi, rekei nyambe njuge atiriri, thiini wa giikaro

giki turi nakio giaguthondeka Katiba ino ya Kenya giukitwo tondu uyu ni wira wa mwananchi. Na ndinagikeno tondu ona akorwo andu menamihang'o ya kuhanda, nimurenda kuigwa uhoro uria urathii nambere na Katiba. Ino ni Katiba ya wananchi oharia hothe turi bururi uyu wa Kenya. Na ngwiciria history niguthondekwa bururi wa Kenya tondu ino niyo igukorwo Constitution ya mbere guthondekwo ni mwananchi wa Kenya. Uguo tu-feel proud gukorwo undu uria ukuingirio haha Ngai ateithia niguu tuigwite niguu turenda. Na ngiciria nimuthomete mukona, na ni mukwirwo uria wikiritwo haha ni uria wikiritwo ni mwananchi hatiri undu ona umwe Commissioners marehete uhoro umatarie. Urehetwo ni uria mwananchi ogire.

No riri, ino ni Draft, na kiugo draft aotauria muui, kiuugite ni kindu gitanambiriria gutuika kia mwisho andu maigwe uria hahana. Mangienda kuongerara mongerere, no giikaro kiria gikamwitwa document ya mwisho ni giikaro kiiria twamwirite hindiyo ingi National Constitutional Conference iria igakorwo Nairobi, na giikaro kiiu gigakorwo na ma-delegates moimite bururi uyu ya Kenya, ma-delegate kuma 622 there about – niyo magakorwo megikaroini kiuu.

Na group cia andu aria magathii already niimenyekete, na muno muno group icio igukorwo otauria twamwirite hindi iria ingi na hindi iria turari na civic education, group ciandu 222 cigukorwo ci andu a Parliament aria already mekuo tondu nio makajadiliana uhoro ucio. Acio angi magakoro moimite kwi makanitha, women groups, civil society na NGOs nimagakorwa na group yao ho. Group iria ingi igakorwo ii political parties ni ikaheo chance ithure mundu umwe umwe. Finally, he group iria ikoretwo ithuritwo nigetha ii-represent district o district. Na group icio twerirwo tuthure andu atatu atatu, tariu Thika ni twathurire andu atatu, Murang'a magathura atatu, Kiambu atatu, uguo nihagakorwo hari andu 70 he district cia Kenya, nigugakorwo na delegates 210, aria magakorwo moimite he wananchi. No acio tiguthuro ni ku-electwo tondu nitwahetwo watho uria tukuma-elect, na ma-electagwo ni councillors, makaheo chance ma-elect mundu wothe ukenda gukorwo ee Constitutional Conference iyo, maheane maritwa mao moke mathurwo. Na kwa munyaka thiini wa Thika District turi na andu atatu ni twathurite andu eri arume, na umwe ni mutumia na no Councillor.

Andu acio ningwicciaragia nimegukorwo mehaha umuthi ningetha ndimwonanie hario, no eri matiukite ho, no hari umwe wi haha, na nigwenda ku-muintroduce kuri we, na tugithianga uguo niekuhota kumwariria nigetha amwire nake majadiliano maria magathii kurepresent ithui turi andu a Thika District. Uguo ni kuga hangikorwo hari undu muhiu kana wa bata mundu akenda ukorwo ukidiscuss o delegates icio no ciirwo, through my office or directly, nigetha nio magathii gutwara ndeto ciitu iria turinacio. However, mundu uri nondu uria ukwenda gukorwo ukiheanwo, nikio turarecodi nigetha... and by the way thiini wa giikaro ini kiu Commissioners ni magakorwo uguo ona ta Wanjiku Kabira, niagakorwo ho, uguo ona mwiario iria turaria niakorwo akimiheana thiini wa Constitutional Conference ona gutuika Commissioners matigakorwa na chance ya ku-vote ta andu acio angi.

Delegate ucio umwe tuthurite, ni muthuri ti Gitu wa Kahengeri, na muthuri ucio ta athuri acio ahau mbere ni mamui muno tondu ni muthuri ukoretwo akiruiria politics cia Kenya, no niekugia na kahinda ga kumuariria twathianga giikaro giki. Riu na miario iyo ninguhe Commissioner Prof. Wanjiku Kabira, chance amuthii through this Draft Constitution. Thankyou very much.

**Com. Wanjiku Kabira:** Muriega? Nguiciria nitungiahe Hon. Gitu chance amugeithie amwire a little uria meguthii gwika National Conference njoke tuthii na mbere.

**Hon. Gitu:** Muriega inyuothe? Nii njitagwo Gitu wa Kahengeri, thiini wa bururi uyu nii mwene riria ndari munyinyi anake amwe nguona haha, ni ndaingirire wira wa kuraira bururi uyu, na nginya umuthi ndi wa miaka mirongo mugwanja nditigite. Kiria giatumire twike uguo niundu wa mathina maria twonire maya na maya. Inyui andu a Kirwara, aria mataoi, mwauma haha no mathii morie na nimekwirwo ati mbara ya mbere, andu kurathwo ni Kirwara, haha hanyu aria matoi nimekumenya. Na kiria giatumaga gwikwo uguo ni tondu nimaigwite nimakinyitwo handu na nimekwenda gwitethia. Ucio ndikwenda gukiria hau tondu nijui mwacoka mucii nimukuria na ni murirwo

Uria ngwenda kuuga ni riri tuukite haha niundu wa constitution, iria twathurire andu mathii magathondeke. Na tugitwa guku gwitu Constituency tuheane uhoro, na tukiheana uhoro. Na riu mokite umuthi nigetha matwire uhoro uria mwatuheire twathirie tukiuthondeka uu na uu na uu. Na nii ni thomete ibuku riri, na ni ndikitie gwitikia ati uhoro uria twaheaniri na korwo tutiaheanire tungiheana, wi haha. No nikuri thu cia bururi uyu toria mkoloni ari thu ya bururi uyu, utendaga kuona ciana cia bururi uyu igithoma, utendaga kuona ciana cia bururi uyu magitonga, nikio atuhuraga hindi iyo. 50 years ago. Mundu uria uthinagia uria ungi, tomuhaka akorwo emundu mweru, mutune kana muiru, onauria muiru ta ikara, no akunyarire we, na anyarire mwana waku uria muciare onauria utari muciare, magokaga magakora thiina watigirwo ni aria mathinirio.

Tugikiuga nituguthondeka katiba njeru nigetha wambere tutigirie niyagira twi Gatanga, twi Gatundu North, na Gatundu South, na Baringo na Nyanza, hatiri mundu utarakenio ni thirikari iria ithiini ya bururi ucio. Riu nii ngaioaga atiriri ningwenda kuariria Commissioner ndimwire, onakworwo guku tikuo gwitu ri, constituency yakwa ri, ningwenda kuga ciugo cikuuma guku Constituency ya Gatanga ri, kuria kwambiririe kuma haro iyo yakoboriri bururi uyu ri, no gutuikie wega muno tondu okorwo kuri monument, ingiakwo handu na mbia cia bururi uyu ri, handu hamwe ha mbere, ni Kirwara. Na nigutige kugio naitheru uhoro-ini ya bururi tondu uria gwekikire gutiri mundu utoi, na thiini wa thirikari ya Ngeretha thiini wa achieves ciao nimoi bururi uyu niwaruirwo nigetha ugie na wiyathi. Mundu ungi nake ukiri guku agikigia akienda kuonania tutiri undu gwekirwo, ni wa maheni.

Riu nii ngoiga atiri, niwega tunyite, Commission baru na njira ciothe. Wambere tuuge Commission ino kuringana na uguo ikite, nitwa mi-pongeza. Na tungiona ikiuragwo no tuikie moko maitu iguru tuge ndikae kuragwo. Tondu onayagerio kuhitwo uria irahitwo umuthi ni aria methiinie wa power, nii ta Gitu wa Kahengeri njitikitie uguo twaugire, niguo gukahana. Tondu ndarikuo hindiria twoigire ni tukwenda wiyathi witu nituhatikirwo muno, na tutiatige kuga uguo nginya muthenya uria twathire kiharo kia Uhuru park kwa nirira ati bururi wa Kenya ureathwo ni andu akuo; onayo Katiba ino twambiririe kuruta wira, hakuhi mwaka mugima urathii guthira, no muhaka igakorwo ni iraruta wira bururi uyu, nigetha ciana ciitu iria iriho na iria iguka igakenio niyo. Onahau naho ndikwenda guthii nambere muno naho.

Ngucoka njuge atiriri, nii nindarathurirwo. Ndirathurirwo ni councillors a Thika District. Na nii ngiona ri, ndirathurirwo ni andu a Thika District tondu councillors aciori, niunyui mwamatwarire kanju-ini. Riu magicokete makoiga Gitu wa Kahengeri athii kundu gugwitwo National Constitutional Conference, ngakiona njiritwo uguo ni andu a Thika District. Hindiria ngathii mucemano ucio ri, nii ni ngoretwo kuuo Prof. agitariria andu Thika, Juja Constituency, ningoretwo ho Gatundu South, Gatundu North, na umuthii ndi Gatanga. Ni undu uguo thiini wakwa gutiri kaundu karoigwo ni andu a Thika District kegie Katiba ino, itegukorwo nako.

Niturathii kundu kumwe andu makoiga andu ni maragurwo mathii mucemano taucio, ni uhoro wama, ucio nduri na ngaja tondu twanona andu matumitwo andu ni andu, na magathii makamendia kuo, o makoima na kiria maneo, acio mekumatumite makamatiga uguo utheri. No nii, ngwenda kumuhakikishia haha ndutite wira uyu 52 years, na wira uria muingi ngoretwo ni wagutumwo, toguo riu mundumite kwa National Constitutional Conference. Na kuria itacokirie uhoro ndiagire gucokia tondu ni ndahakirwo, niundu uguo nani hindiria nguthii thiini wa Constitutional Conference ngumwirira haha ati nguthii na ngoro imwi iria ndutite wira wa burui uyu nayo, miaka mirongo itano na iri.

Mundu ahota kuria ugutuga urutaga wira uriku. Nii Gitu wa Kahengeri, hatiri handu hamwe harutagwo wira ni mundu, ahethwo ni muuingi, itarutirie wira. Ndikiambiririe wira sub-location yakwa ya Kiamwangi ri, ngacoka ngathii location yakwa ya Kiganjo ri, uguthurwo-ri, ngacoka ngathii Gatundu Division ngathurwo assembly ri, ngagicoka ngatwarwo Bunge ni andu-ri, hatikiri giti kimwe iheanagwo ni andu tiga iria iheanagwo ni Moi, kuri andu aria akwenda amirage magetika. Icio ndiri ndona. No kiria kiragwo ni andu a bururi we niwe twatwara haha, hatiri kiria itonete. Niundu woguo ndiwamiaka mirongo mugwanja ndingituika niho nguthukiria wira wakwa. Ningwenda ingikua ruciu, hagoka mundu oimite Gatanga oige nindoi muthuri ucio, na ndinaura ati ndetikagira kurekia uria atumitwo ni andu. Ni undu wauguwa miario iria mukwaria haha kuongerera Professor uria wi haha mumenye ningumioya, na ningathii nayo, na nigacoka. Nindakena. (*clapping*)

**Com. Wanjiku Kabira:** Ni thengiu muno Hon.Gitu. Nguiciria uria ngwika riu tondu ninjui omundu ena draft ino uria ngwika ni first of all ndimuhe brief ya uria andu maheanire maoni by province. And than njoke ndore issues imwe iria uhoro wacio waheanirwo ni andu makiria. Na nitugukirora ngatheti ini ino. Ona ndarikia ninduguria Wachira, a report uria mwoigire, riria twokite constituency nigetha muone uria mwoigire niunyititwo ni katiba ino njeru. Riu thutha ucio no tukiurie ciuria. Na gwiciriagia tondu ni thaa ithano na nuthu uguo, no tuge no twihe mathaa matatu angikorwo ni okey nainyui, no angikorwo tutarikitie no twihe a little more.

Although mutiri na karatathi gaka ndinako, ngwendaga kumuiria uria andu ma –respondire Kenya iyothe. Andu aria aingi marikia ma-participatire in the constitutional review, na maheanire maoni maingi makiria, maroka ta pages 8,287 ni Rift Valley, no ningi Rift Valley nimui ni bururi munene gukira Central Province. Rift Valley ina District kindu 29 na Central Province ina District 11. Unatugithii kuoya maoni Rift Valley twakarire mweri mugima tugicover constituency ciothe. I think they are 49 constituencies,

so kuu nikuo maundu maingi makiria moimite, Rift Valley igacokererwo over 80 thousand pages, igacokererwa ni North Eastern Province, andu ta 4,700 niyo maheanire views North Eastern.

Nakuo nimui North Eastern gutiri andu angi – the population is very small na nikundu kumwe gwathire gu-collectwo views na ndege. Iriu mugathii mukaigwa haha riu aria angi magathi makaigwo Thika town, aria angi makaigwo Gatundu South, kana Gatundu North riu magocoka magapikuo. The idea ni tondu North Eastern ni bururi munene muno ngiciria ni over 70% of Kenya's mass land nani desert. Kuogwo nayo population ni scattered. Ungira andu tariu a Kirwara mathii the next town, tondu togukoruo town iyo ingi ii Nyeri, kwoguo ndungimera mathii na maguru. Kuoguo nimagiire na opportunity makiria ona yandu a Central Province niundu wa gukorwo areas nyingi ni difficult guthii. No nimatuheire maoni mao wega muno.

Macokeririo ni Western Province, 4, 600, na tiandu ni document iria turi nayo, ungirora pages, ta ngiri 35 riu ukoima page one nginya 8 thousand iyo yothe ni information ya Rift Valley ugacoka ukoima hau ugathii North Eastern kinya page 13 thousand ugakinya North Eastern, wauma hau ugathii Western ugakora kinya 18thousand ni Western Province, kwoguo Western Province niyo ikiri number ithatu. Twauma hau tugathii Nyanza nao mena pages ta 4 thousand pages, na after that tugathii Central Province riu number ithano, with 4,200 pages, na kuma hau tugathii Eastern Province tugakora mena 3, 400 pages, after that tugathii Nairobi Province with 1, 419 roughly 1,500 pages.

We found that as we were going through this that the Coast Province was left out by mistake so I don't know matuheire maoni in what manner. Ni tuhetwo maoni ni Kenyans aria mari abroad, by email nacio icio ciroka pages 180. Others have sent direct submissions makandika na makapost kana makarehe, nacio icio turi na kindu pages 2,000, na nitunganitie views kuma prisons aria mari njera views ciao ciroka pages magana matatu. Na ningi ni tuoete views kuma universities, pages ta 200 – 186 pages. Uguo ngwiciria nitugeretie gu-capture andu angi muno muno bururi na views iria ciheanitwo ni kindu close to 35,000 – submissions 35,000.

No riu onagutuika icio nicio turi nacio ri, submission imwe ciakoragwo iki-represent andu angi itariu ukareherwo report ya andu magana meri no ni mundu umwe warehe, kuogwo hau arandikwo tari mundu umwe, but in party ni andu magana meri, na icio nicio ciarehirwo ni makanitha, Justice and Peace – the Catholic Church, NCCK, the group of Protestant Churches na makanitha maria mangi onao ni marehete, political parties tariu NAC nimatuheire submission yao na iratarwo ni one submission, na KANU ni matuheire submission yao, iratarwo tari one party. Kwoguo there are hundreds and millions of Kenyans who have actually, aria marehete submissions to the Commission.

Ni turona ariwega kwaria uhoro ucio tondu andu aria maroiga ni views cia Kenyans nituramera no moke Commission, na tariu akorwo mundu niekwenda guthii pages ngiri mirongo itatu, na ithano – 35,000 pages no oke athii through. Na akorwo niereciria andu a Gatanga matia-representire, no oke one. Mundu wotha wa submit re ni andikagwo ritwa na akandikwo constituency, na mathaa maria anenanire views, na kuria aneaniri the views, na Commissioners aria mari kuo hindi io views icio ciheanirwo. Kwoguo turi na documentation nyingi muno muno ya maoni mandu a Kenya. Na ngwiciria iyo igukorwo ii subject

ya andu a history na andu aria marena guthoma bururi miaka miingi. They have a lot of information na ona Constitution ya thira ni igithii to the National Achieves; nigetha miaka mirongo itano igithira kana igana andu no magathii ku-find out constitution iyo yandikirwo atia and whether the information was correct.

Ndina karatathi kangu haha kararia uhoro wa kiria andu mari na bata muno makiria. In other words, ni subject iriku andu maririe muno makiria? Na subject ya mbere iria andu maririe muno ni Parliament, kana itagwo Legislature. Niyo ugithii document iria turi nayo ugukora ati pages 3,700 iraria uhoro wa parliament. Na kaingi andu maragia uhoro wa Parliament tondu nimendaga maundu maingi maria mekaguo ni President matwarirwo parliament. Tondu ni mari very focused kweheria powers cia President, mamitware Parliament kana kundu kungi niundu woria monete ati hinya ucio munene wa President niutumite bururi wage guthii na mbere. Angi ni maragia uhoro wa uria Mbunge athurwo handu ha guikara miaka itano, makoiga ati angi mathurwo machokaga kuri andu magitia miti ringi. Kwoguo nimendaga right of recall, mete Mbunge ucio acoke mucii mathure Mbunge ungi.

Ningi andu ni marakaritio muno ni mushara wa parliamentarians, makoiga mbeba icio marehe half a million, niyo maretuera, natio maratwara uhoro ucio parliament na makautua na maka implement tondu makiri othirikarini. Kwoguo makoiga matikwenda Wabunge merihage mishara. Ningi nimuogaga angi matiri offices in the constituency kwoguo unaungimwenda ndungimuona in the constituency. Kwoguo andu angi ni maririe muno uhoro wa bunge, na uria twikite uria andu angi mendaga noguo tucoketie in the document na ngwiciria mungirora haria parliament iri page 13 at the bottom column ya kana mwisho biu. So the information is on page 14. Na uria twikite ni kwaria uhoro wa role ya parliament ngwiciria ni murona hau turaria parliament iagirirwo ni gwika atia na nitumihete powers nyingi muno gukira iria irari nacio. Powers imwe cirari kwa President turaciruta tuwatwara Parliament. Kuogwo mungirora hau nimukuona cirari na President in the current constitution, tucitwarite kwa Parliament. Nimurona the role of Parliament tarora J at the bottom – approving declaration of emergency and war. Wira uria President aragirirwo ni gukorwo akiruta tugacokia Parliament nigetha tweherie power from the individual.

Look at E again, scrutinizing and overseeing actions of the National Government nigetha thirikari itigage gwika maundu iike na gutiri mundu ararora. Kwoguo ona appointments nyingi nituroiga ninginya parliament iapprove taguthura PS, Chair of the Electoral Commission, Chair of the Public Service Commission, ciothe positions icio no nginya ithurwo ni parliament. I think you have seen the approval of appointments by parliament. Nituheanite appointments nyingi muno, you can see them ni nyingi muno riu turachokia parliament. Na appointment ici nyingi cirathuragwo ni President no andu ni macomplainire muno powers cia President. So we have taken the power to the parliament.

Na uhoro wa kuapprove expenditure ya Parliament. Uria kuhana umuthi ni ati, Parliament ndi ammendaga budget and they don't participate in the preparation of the National budget. Riria mbeba iragayo thirikari ikoragwo ikiruta wira na Minister of Finance. Na nikio mwonaga okaga na gathanduku kahinge. So it is like a secret uria planning arenda. Na riu the argument is angikorwo mbeba ici iroima kwi tax payers, na iracoka kuri andu ri, na parliament niyo mathurirwo ni andu ri, then they should



have a say on how the money should be distributed. Kwoguo nituingiririe uhoro wa parliament kurora uhoro wa expenditure and ku-amend.

Next page is composition and Members of Parliament na Parliament tumihete chambers igiri no ni Kenyans mendaga uguo, that we should have two chambers. Andu amwe mendaga tribe iripresentwa. In Central Province some people talked about house of tribes, but what has happened ni ati tugite the current Parliament is the main policy making body. Nayo the upper house iyo tuprovidite for, iretwe National Council irare-present district, the 70 districts, na wira wa nyumba iyo the most important thing, ni ku-protect uria powers iragananio, tondu andu aingi ni maroiga the central government niyo ira deal na mathibitari, mathukuru, employment, and many times people at the district level have no power. Local authorities matihotaga kungania rent, matihotaga ku-manage anything. So what we have done, nikuruta power kuri Central Govt.tukarehe to the District Councils na riu tukoiga National Council - the most important job ni ku-protect what we are calling devolution of power. Tondu riu powers ni ciatwarwo district, national govt. ndingihota gwika uria urekaga tariu ku-decide akorwo ni ku-dissolve local authorities ya kuna ika-dissolve, kana ni-kudecide ku-raise town na, ika-raise, so that we have taken away that power, from the central government, to the national council to protect the district councils.

Now, qualifications of members: nitweragwo ni andu angi ati no muhaka MPs matuikie graduates, na aria angi makoiga ai MPs matuikie a form 4 so what we have provided for ni matuikie a form 4 tondu kuringana na uria andu angi maragia, all over the country, nimoigaga kuringana na uria andu githomo marathomithio andu marohiga na no maraiya. Makoiga some of the most important Ministers and so on, makoretwe maki-grab migunda and so on, na makoiga ati utongoria to githomo, kuri mathomaga na matiri ugi wa muciarire na matiri utongoria and so on. So majority of the people decided that it would be better that we stay at form 4 no ukorwo uhutukite form 4. So those are the qualifications no ni twongereire other qualifications na nituroiga ati MP no nginya angithii through Commission tureta Ethics and Integrity Commission to make sure that person is not corrupt aka declare wealth yake, na annual declaration of wealth ni getha tugerie gu-curb corruption.

Nituraria uhoro wa representation ya atumia in parliament tondu ni atumia aingi maririe uhoro ucio, na tukoiga one third of Parliament should be women, no nituramenyete onatwauka 1/3 of the parliament should be women it can't happen in the coming Parliament tondu no nginya gukorwo na watho how that number will be – ii kuingira atia 1/3 representation.

Now we have provided the right of recall. Mungirora page 15, column yakeri – recall of a Member of Parliament na nituroiga ati mundu wothe uria waremwo ni wira, 30% registered voters, no moige acokio mucie, na tukoiga 30% manguiria, Electoral Commission iguthii iconfirm machoke ma declare the position na guthurio mundu ungi. The rest of that section is details ya uria Parliament aimbiririe ku-run, no aiyo ni area ikoritwo igithinia andu aingi muno, na uria tupropose te maybe we can talk about it when I am through with the summaries.

Area iria ingi ikoretwo ii very important ni the President or the Executive. Andu aingi ni ma-submit ati we must reduce the powers of the President, the President no muhaka akorwo atari above the law, makoiga ati the Presidents age must be reduced,

makoiga ati akorwo na 2-terms, married na maundu tamacio uguo, and we have a lot of submissions on that, and I want you to look at the Executive, now sorry... before we move to the Executive, look at page 16 second column nimukuona handu handikitwo emolments of Members of Parliament. Hau naho nitugite ati that Members of Parliament shall be paid mushara na allowances, iria ikudeterminenwo ni Salaries and Remuneration Commission. So onatwamahe power ya guthura aria angi turacoka turamatunya power, yakuga niyo mari-determine kiria mekwiriha. So the salaries irathii kwi commission, iria iri-determinaga President akurihou kii, Vice President, Members of Parliament, and other senior officials. Na tukoiga ati Member of Parliament should not hold any office of profit or engage in activities likely to compromise the members, office that mundu a stick to that particular job akorwo niarenda gutwika Member wa Parliament.

Let us go to the Executive on page 19, na hau niho tugite ati turi na authority of the president, the second column, na below there nituronania petty functions of the President na nimukuona ni nyingi nitumuhete maundu maingi tondu ni turoiga ni arihinguraga official opening of Parliament, he shall address the special gatherings – column three at the top, na akahingura special meetings cia Parliament, na angienda no aririe Parliament at any time, na tukoiga no a dissolve the parliament only in circumstances contemplated in article 142. Now, 142 a page iyo ingi page 18, can you see the dissolution of parliament? The term of the national council is 5 years, at any time Kenya is at war, both houses may from time to time by the resolution supported by not less than 65% all the members of each house extend their respective terms for not more than 6 months, at a time. The life of each house parliament shall not be extended under clause 3 by more than 12 months. End of tape 1A..Cont. B..

.... Parliament uumuthi no ami dissolve nani akiugite ndaroiga niekumi-dissolve aroiga nitugukorwo na githurano mwishoni wa mwaka uyu. Kwoguo riu gutiri mundu ungimugiria tondu ni President. No kuringana riu na new constitution, ndari na powers cia ku-dissolve parliament. Tondu parliament ingi-prolong kana ii-dissolve by 2/3 of majority of parliament no ii extend angikorwo kwi bara. The article below itangikorwo ii-extended tondu kwi na haro, parliament no muhaka ithii into full term inini miaka ina. But as at present the president ena powers cia ku-dissolve parliament at any one time. So he doesn't have the power in the new constitution.

Okey, now we were looking at the Executive and the state functions, I think we have just talked on the number of powers, ningi nituramuhe cabinet, ena Prime Minister, with the two deputy Prime Ministers, na nituroiga niwe ukumathura, but no muhaka Prime Minister acceptwo ni Parliament by the majority of the members of the parliament. Angiaga kuacceptwo ni majority of Members of Parliament na within 30 days akorwo ndarona mundu, ugutwika Prime Minister, then that house will be dissolved.

Kwoguo riu ndarathura ewika tondu nomuhaka acceptwo ni acio angi. Ningi nituraiga with the consent of the cabinet no appoint commission of enquiry, no a-sign instrument of consensus on international obligations, na with the consultations with the cabinet and the national defense council, the President may declare a state of emergency subject to article 71, another article. In other words, ndangi declare war, without consultations with the state council and the state council has very many people.

Now, the other thing nituraiga ati President niagirirwo ni ku-sign at the look of Legislative functions of the President no asign the

bills ciguka parliament. So, although people are saying that the people are saying that the president is ceremonial it is not true. It is just that some of the powers iria arari nacio tene nitwaritwo parliament, ingi igatwarwo into other organs like Judiciary, and so on. So he doesn't have the powers iria arakoragwo nacio ni reduced. But he is not a ceremonial President. Na gitumi kiria kiratumire tutige President ee ceremonial niundu wa experiences iria ingi tukoretwo nacio in some parts of the Africa. Like the President of Rwanda and so on, where if you are a ceremonial president, na tutiri na history ta ya Britain, where Queen is ceremonial Head of State, no ndari na problem tondu ino ni history they have had for a period of more than 300 years. So but he has some powers he is still an executive president with certain powers. Na kiria gitumite twikire powers ciake in the constitution is to make sure that there is no confusion, and that he can actually be challenged angi-step to the other side athii akaperform functions cia Minister or anybody else.

Now, the qualifications of a President, ungirora page 20 we have the second section, we have retained uhoro wa age ya 35, ni turoiga no muhaka akorwo e wa high moral integrity and impeacheable character. He is also going to go through Ethics and Integrity Commission to confirm this. Kwoguo angikorwo atari na this character because this is a Constitutional obligation angithii against this character, then no eherio. Now, nitwaritie uhoro wa elections of the President now ungirora the next page, the same page but the 4<sup>th</sup> column, protection of the President in respect of legal proceedings – nituroiga ati President no atwarwo igotini for civil cases. Tariu angikutunya mugunda no atwarwo igotiini na turi na procedure ya uria angitwarwo igotiini no turoiga you can limit nigetha President wira wake ndagakorwo no guithiaga igotiini and also to make sure nake nia a protectowo hindiria a perform functions ndagatwarwo igotiini when he is performing his own duties. But he cannot be above the law. Na ni turaria uhoro wa impeachment on the other page of the president and so on.

Now, andu aingi nimoigire ati the President must have a running mate and we have it here that the president should have a running mate, na nituraria uhoro wa mishara yake, mishara wa President na Vice President on the same page, salaries allowances of the President and Vice President na toroiga mishara wake na wa Vice President ii determined na Salaries and Remuneration Committee.

Now we have the cabinet there, nitwaritie uhoro wa Prime Minister hakuhi all Kenyans wanted a Prime Minister, and on page 22 we are talking about the appointment of the Prime Minister, na tukoiga within 7 days of summoning of national assembly, or whenever necessary to fill in the vacancy in the office of Prime Minister, the President shall propose to the Speaker of National Assembly, the appointment as Prime Minister of

(a) the leader of majority of political party or coalition of parties represented in the National Assembly and we are also saying that this particular Prime Minister must be accepted by Parliament, and we have given provisions what are his duties and so on.

And then the fourth line there we have salaries and allowances, we are also saying ndiui kana nimorona hau? Onahau turoiga mishara yao irihagwo ni salaies and allowance committee, then Permanent Secretaries, niukuona page io ingi ino ni Executive, toroiga marithuragwo through Parliament or all senior positions irithuragwo through parliament. and you will notice that we have

not said anything about the Provincial Administration, tondu ni abolished constitution iroiga the Provincial Administration will cease to be and we are not the ones who are saying it, it is the Kenyans. Niyo moigire ati Provincial Administration meherio which has happened.

Now, riu hau tukwaragia uhoro wa thirikari, ningwiciria turore the Structure of the Govt. which includes the President, the Prime Minister and so on. I want us turore through the electoral system tondu andu aingi nimaririe muno uhoro wa githurano makoiga githurano nikiagirirwo ni gukorwo ki free and fair, andu amwe ni maragia uhoro wa constituencies – that some of the constituencies cina andu ngiri magana matatu na aria angi mena constituency ina andu ngiri mugwanja na that representation is not good na makanegenya uhoro wa voting, rigging and so on. So, we have made provision in this constitution na uria turekire nikuga ati Parliament ikorwo na iti ici 210 – for 210 constituencies, no turoiga parliament ikorwo na andu magana matatu, representatives aicio 210 constituencies, nangi mirongo kenda, through what we call mixed labour proportional representation. Now andu aindi maroiga ati iti ici mirongo kenda ati ni nomination, , it is not correct. What will happen ni ati, ukivote, iratathi riria uravotera rigakorwo na... let me say Wanyoike niwe urenda kuvotirwa guku, so ukuvote Wanyoike, but on the next line, niugukora ciana tariu akorwo ni political parties, let's say NAC now tondu ni kiana kwimwe and KANU. Kiana gia KANU na NAC kana Rainbow which ever it is nimegukora mekirite list ya andu aria, marenda mathuruo kiana ini kiao maroiga after 210, andu aya niyo turenda makorwo kiana ini giki riu megukorwo mena andu mirongo kenda, kugwo ugithura kiana gwa KANU kana NAC ugithura kuringana na uria wona ribbon ya andu acio ihana. Akorwo ni andu mathurite andu ogi na mwena wa economy kana ni andu ogi githomoini, kana ni andu mangipromote good business in the country, they will have a list of those people nariu andu acio niyo megutuma uthure kiana kiu. Kwoguo riu kiana giguthurwo niundu wa andu aria me list so it is like lobbying but using the names of the people aria meguthurwo to sell your party.

So what will happen ni ati andu aria magakorwo na miti miingi, miti ino mirongo kenda igacoka ii-distributwo kuringana na ciana iria ihotanite proportionately. Kwoguo aria magakorwo na andu aingi Parliament nio magakorwo na akorwo na 30% in parliament, you will get 30% of the people on that day. Kwoguo akorwo 30% ni andu ikumi, ni andu 30 out of 90, the names of number one upto thirty niyo magathii parliament together with the 180. Ni mwa understand? Na turoiga riu andu aya mirongo kenda ri, list iyo igukorw iki-alternate men and women, na machoke ma make sure ni ma take into consideration, youth, people with disability, na akorwo wi handu ta Thika andu ti kabira imwe, mwikire people who are representatives of ethnic communities. Ni getha riu tugerie kuona ati people who are marginalised ni ma-representwo, and ethnic communities in some areas they are represented so that parliament ikorwo ii better represented than the current parliament. Kwoguo andu atimaranominatwo, the person who is saying that andu aya 90 ni kunominate mara nominate, that is misleading Kenyans.

It is a process ihuthagirwo mabururi maingi even South Africa na kundu kuingi, na the idea ni ku-make sure parliament ni ira-represent andu othe na ningi ciana ni ciagia na hinya wa gu-sell the idea. Kwoguo riu ugithura tondu niurona riu akorwo ni NAC yoka into power, ina andu irarehe ya ku-make difference bururini, akorwo ni KANU ina andu irarehe aku-make difference bururini. So that is how elections are going to be conducted under the new constitution.

We are also saying Political parties, ni ciaririrwo muno we are also saying that the political parties, see whether you can get political parties in your document, Section 87 this is page 12 and 13 turoiga ciama ni very important for civic education, na mungirora hau nomuone ni twaritie uhoro wa uria ciama cirikaga handu ha gueterera githurano column 4 page 12 handikitwo roles and functions of political parties. Hau nituroiga mukamobolize political opinion on matters of national interest and also foster national values and outlook. Tukauga makarehe together opinion and resources of people, with similar views, we are saying that they will do civic education, they can mediate between civil society, so we are saying that political parties angikorwo ni tu ku-improve our quality, then we need political parties tondu nihotaga kuruta wira ongi gweterera hindi ya githurano nigetha magakoragwo me active.

Na nigetha kuhanike uguori, we have proposed, no tiguu andu moigire, political funds, the next page 13 nimurona hau handikitwo political party funds, na turoiga ma-fundwo ni thirikari no riu marifundagwo kuringana na number of people they are taking to parliament. infact this is the only area aria tu-proposesite that they should get 0.3% ya national budget which is like 600 million Kenya shillings. Natukoiga nacio igayanio kuringana na political parties na uria itwarite andu parliament. Ningi nituroiga ati angikorwo political party ndiri ya support nginya councillor ri, may be for 2 election na agathii through riu iyo no ii-declare yo dead. And there are many political parties that are registered which do not have even offices and so on, but for them to be powerful and to be able to promote democracy, we are proposing that the fund be there na nimekweherio kuma kuria marigistergwo ni Registrar of Societies, to the Electoral Commission, so that the Electoral Commission will take responsibility.

Ni turaria uhoro wa supervision of political parties also by the Electoral Commission so that nomuhaka ma accountwo ni maheo public funds to the govt. and so on.

I will take two more important issues, all of them are important and I want to go to the judiciary – comes later after the Executive. Uhoro wa Judiciary it is on page 23, na Kenyans aingi muno nimanegenire muno uhoro wa Judiciary, makoiga the Judges are corrupt, makoiga igoti ritiramateithia na gwikundu twathiaga tukerwo ati tweherie igoti na mawakiri andu machoke kuria mari tene. Tondu wathii wanyita mundu ati niaraiyaga, ukamutwara borithi, either akarekio ni borithi kana atwarwo igotini nja agakorwo ena lawyer, nake Judge akahakwo so eventually unaumunyitite na uii niwe uyu na ukamutwara, you still lose.

Andu makanegeni uhoro wa migunda guatura ati migunda ituragwo iciragirwo miaka mirongo iri kana itatu na machira gutura ma post-phonagwo ni undu wa judiciary gukorwo me in-competent and corrupt. Na ngwiciria nimukiugwite ngui iria ikoretwo iikuo niundu wa recommendations iria iheanitwo tondu proposals iria iheanitwo in the constitution ni cia kugeria gu-clean Judiciary nanikio andu maroigaga iti Judges ma-retire at the age of 65, nariu tondu Judges have a tenure of office uguo riu ni ku-break uku-break contract. Kwoguo uria tura-suggest ni ati Judges acio kwanja aria corrupt, maheo early retirement tondu constitution nayo ndingi-implementwo angikorwo judges matirahota kuruta wira.

So the Judiciary is a very important arm nariu yenyewe angikoruo ndirahota kumanage the constitution no turute wira wa bure nikiu riu suggestions cirari ati, first of all maheo opportunity, option ya ku-retire, na maheyo package mundu ainuke. Akorwo ndekwenda ku-retire, then athie through what we are calling the leadership code, and I want you to see the leadership code, at the end of this document the 5<sup>th</sup> schedule page 44, it is a leadership code ya andu aria other megukoruo magitungoria. Ni President kana ni Vice President kana ni Judge, kana ni constitutional officers kana ni Permanent Secretaries; tondu kwanja nimaratuika nimagiriire ku-declare wealth yao na ya ciana ciao iria below the age of 18 tondu kuu nikuo indo ihithaguo uka-register na mwana wa miaka ikumi kana wa miaka 11. So they can go through the leadership code iyo, wona ma declare ni Ethics and Integrity Commission, ma declare yo matiri na problem ya corruption, then they can continue. No riu angikoruo ndukwenda gukorwo wi subjected to this code, riu no uki-decide gugithii na niukurihuo all the benefits.

People are also saying that tu-reduce age ya retirement ya Judges, tondu ma-retire at the age of 74, and we propose that they retire at the age of 65, and they are very much opposed to that. Igotinii ni tu-establish the Supreme Court no mwone page 23, turi na Supreme Court, na iria ingi turatwariri to the supreme level is the Kadhi's court – igoti ria ithiramu. Ningi nitucinjitie uhoro wa appointment of judges on the next page, page 24 na turoiga riu Judges matigage ku-appointwa ni Head of State – nimurona haria twandikite appointment of Judges, na tukoiga ati when there is a vacancy in the office of Chief Justice the most senior Judge be the Supreme of court, by reference to the date of appointment he shall be appointed the Chief Justice. Riu nigetha mundu agatigaga kurutwo ukuria arutwo nigetha a rewardwo, judges ma ka appointwo kuringana na seniority yao kwoguo ni harikoragwo na opportunity ya ku-feel that the promotion will be fair. Tondu angikorwo you have been rising the ladder then it is possible that you can be an effective Chief Justice.

Now, the next one we are saying that when there is a vacancy in the office of the President or the Court of Appeal, the most senior Judge in the Court of Appeal by reference to the date of appointment shall be the President of the Court of Appeal. We don't have to go looking anywhere nu ugutuika Judge. Na riu mundu uria ugutuika Judge no nginya angibehave wega so that when the opportunity arises there can be fair appointment.

The next one tukoiga the other Judges, number 4, of the superior court of record and the Chief Kadhi shall be appointed by the President acting in accordance to the advice of the Judicial Service Commission and with the approval of the National Council. Kwoguo riu the power has been taken away from the President, to appoint the Judges. Kwoguo riu Judicial Service Commission ika-recommend Judge, ritwa riake rigatwarwo kwi National Council, wona ma approve then the President can now appoint. But he cannot appoint on his own, nomuhaka recommendations cume kuma Judicial Service Commission, through the National Council to the President.

Now one of the problems twinacio ni qualifications cia Judges. Like it has been said many times in the papers, many of them are not qualified and we are saying that they must be qualified to become Judges, and we retain the tenure of the office of Judges but we reduce their age. Ok?



Now I want to check on the local govt. and local govt. by the way does not appear in the constitution. What appears in the constitution is now what we are calling District Councils. And I think that appears under devolution which is on the next page, page 26 Andu aingi ni moigaga ati akorwo local authorities citirii na powers, kana councillors tiathomu, councillors are also corrupt makoiga they are not allowed to collect revenue, they do not provide services and so on, they were very many complaints about the local govt. kugeria gustifle the local authority so what was suggested was that we devolve power to the district. In other words, turute power from the Central Govt. tondu nayo Central Govt. ina too much power we devolve the power to the district, and you will find that on page 26 we have some general principles of devolving power. So you can look at those principles first, of it ni ku-make andu makorwo magi-control the resources within the district, makorwo maki-manage their own affairs but also makorwo maki-participate more in local governance. And you will find that twina levels of government at the top of page 26 column ya kana, where we are talking about the village government.

Nitwaherio maundu maingi muno all over the country uhoro wa wazee wa vijiji, the village elders, na tukirwo ati athuri acio nio makoretwo makiruta wira muingi muno ichagini but they are not recognized na wira muingi uria chifu moigaga mekaga urutagwo ni – but of course chifu na sub-chiefs ni meherete according to these new constitution gutiri sub-chief, chief, na DO na DC na PC they have been removed by this document notikweherio ni what they say, which is in the constitutional provision, may be I should draw your attention to that section we have suggested that the PCs, the Provincial Administration, when this constitution comes into place because they are employees of government. They report to the Public Service Commission and then the Public Service Commission re-deploys the staff. Because they are coming from – githi matitumagwo ringi ni DO ni Ministry ya Agriculture, Ministry ya Water, so what we are saying is that the Public Service Commission will deploy them. But let me go back to page 26 uhoro wa levels of government, hau tukwaragia uhoro wa village govts. na tukoiga ati ni gugukorwo na thirikari o gichagi between 6 and 10. Na riu acio niyo mari-monitor ga na megukorwo – it is a constitutional organ, it is a very important organ but details about how elections are going to be done do not appear in this document. Hena uhoro wa watho uria uguthondekwa riu wakuonania uria marithuragwo thirikari iyo ikorwo na youth na atumia riu na athuri and the village igukorwo ii sub-location. Sub-location will constitute the village.

Then tukoiga ni tugukorwo na locational councils, na ikumakwo ni the number of sub-locations which are the village councils, othe magatuma andu eri to the locational council. Na locational council na village council magukorwo maki-implement policies – development related policies, but they will also deal with issues to do with security, community policing, employment within the area, recommendations and so on.

Then we have the District Council and we are saying that power is actually being devolve to the district level. And the district level mungirora hau on the same column toroiga the district government igukorwo na the legislative authority of the district is vested in the district council. District council is like the local council what we have now – the councillors within that district niyo marithondekaga mawatho. It is like a parliament within the district – parliament within the district. Then nitugite hau ati District

council consist of members, directly elected by the registered voters of the district. The district council shall consist of not less than 20 or more than 30 members. Na tukoiga ati the District Administrator is the Executive authority of the District. Na uyu nake aguthurwo directly by the people. Kwoguo riu the District Administrator ni egukorwo na cabinet from the council. So we have the council and we have the District Administrator. Riu uria ugukorwo niwe uri-implementa ga policies iria cia thondekwo ni the council itself. Ta uria riu thirikari ii implementaga policies iria cia thondekwo ni parliament. Uguo niguo gugukorwo kuhana at the District level.

Then we are talking about the provincial govt. Now, the provincial govt. uria turoiga ni ati nayo niigukorwo iki-make laws. No riu mawatho ma province marikoragwo me related only to tariu akorwo ni maundu maria ma provincial schools ndingituika owned by the District. Like I know Mang'u High School is a National School and it is within Central Province, no sorry that may be a bit different. Let's think about Ng'andu Girls which is a Provincial school. Now that provincial school ndingituika riu ni yatuika owned by is it Nyeri District? Ndingituika riu ni ya Nyeri District. Uguo riu the provincial govt. will only be able to deal with those provincial assets and not to interfere with the District and it is mainly a coordinating body, so we are saying that we are going to have a we have powers of the district and may be if you look at schedule 7 which is at the end page 46 and this is very important because nirakwira uria district councils mariikaga na implementation of development plans, national development plans. Ni murona list 2 district govt. list, page 46 sorry column ya mbere na nituroiga ni mariunganagia magoti, nimari-deal ga na uhoro wa githomo, nursery, primary and secondary education. But not universities. Nayo B tukoiga ni maridealaga na health and medical services, health centres, dispensaries, clinics and promotion of primary health care niguo marikaga, water services provision and maintenance of water supply in liason with the ministry responsible, uhoro wa bara bara, namaka-deal na markets na the trading centres. Na nituroiga ati nimegukorwo na activities cia district planning, statistics cia district, nimari-identify aga projects cia district cia agriculture na migunda, land surveying, physical planning, trade within the district, trade licenses ni maricheanaga, cooperative development, ni mari-dealaga na labour matters and so on. So you can see there is a whole list ya uria district councils mariikaga.

So you can see that hinya uria uratwaraga centre ya thirikari niutwaritwo district na ungirora column iyo ya mbere ni turaria uhoro wa thirikari nene irikaga atia. Na nitwandikite uhoro wa defense and security nio mari-deal ga na army, international relations, uhoro wa maundu mananja, uhoro wa telecommunications, thimu and so on, natural resources tariu akorwo ni forests, mining and so on, national elections ci dealagwo nacio ni national govt., formulation of national policies and development plans na uhoro wa currency, na uhoro wa managing the currency, uhoro wa magoti, prisons na uhoro wa kuheana citizenship na immigration na uhoro wa disaster management. **End of 1B... cont..**

**Tape 2A...** uhoro wa administration and management of research and institutions. Kwoguo mukirro uguo ni mukuona ati a lot of the power iria irari na thirikari nene ni cieheretio powers icio igatwarwo district nayo province igateithia in the coordination. And some of these things cia recommend-two ni local authorities - the association of local government authority, the structure. Infact I am made to understand ati tariu provincial council is already in place they are already meeting at the provincial level.



Hariundu ungi umwe ngwaria then I give you a chance to ask questions uhoro wa basic needs. Andu aingi ni maririe muno uhoro wa problems with health facilities, na uhoro wa problems na irio, gukorowo ati 60% of Kenyans are very poor, generally uhoro wa poverty mundu akaremwo ni kurihira ciana cukuru, andu makaremwo ni kugura ndawa niundu wa gutuika expensive, dispensary igatuika ona nurses matituire kuo in many parts of this country niugukora buildings ciakirwo tene no gutituraga thibitari they have been moved out tondu gutiri facilities, na what we have done I want you to look at the bill of rights page 6 mureore page 9 na riu nihoturoiga ati column ya keru ukaria uhoro wa social security everybody should have social security, every person has a right to health including the right of health care services including reproductive health care, uhoro wa education, free and compulsory education, uhoro wa housing, uhoro wa food, water, sanitation and environment. So uria twikite ni kumake an obligation to the government to fulfill the needs of the Kenyans, and from there what we have is that we have a commission on basic needs uria urihotaga ku-make sure that the government ni ya heana mbeca cia kumake sure that andu ni mara-meet these needs. Na commission iyo iretwo –a commission on Human Rights and Administration of Justice na nigukorwo na branches at every district. So that particular office will be get statistics cia andu aria matarahoto ku-meet these needs and compel the govt. because it is a constitutional right in order to make sure that Kenyans get what they ask for.

Now, ungiro uhoro wa Bill of Rights ni twaritie uhoro wa atumia ni andu angu maririe uhoro wa marginalisation of women na nitukiaritie uhoro wao hau. The next page 7, niukuona turi na provisions nyingi muno cia ciana problems iria ciiritwo cia ciana – right to be looked after the child has a right to education and so on. Ni twaritie uhoro wa family, the right to form a family and so on and be able to look after it. Ni twaritie uhoro wa children with special needs, tariu the girls who are orphans, ciana cia ndigwa, ciana iria walemavu – disabilities, refugee children tondu tariu guku kuri na ciana nyingi muno refugee ta ciakuma Somalia na Sudan and even the street children we have talked about them.

On the same page, page7, I know this one has been coming up many times; freedom of religion and belief and opinion, na andu angu ni matwiriti ati tu forbid devil worship but what happens is we have not talked about it, tondu when people tell you to forbid, uge ati ni wa forbid devil worship nobody is able to say who they are or where they are or how they worship. Wahota gwikira provision within the constitution, depending na thirikari iria irikuo ihuthire, guka-curtail freedom ya andu aria angu. Iriu mundu uria uthia Kesha agirio io itwo ni devil worship kana tiguu? So what we have done is just to leave it out although ni ya recommend-two.

Ngwicaria what I was trying to do is to go through some of the sections of the draft na ninjui ni mugukorwo na ciuria nyingi kwoguo iria citacoketia ningucokia tukiaria. No before turie ciuria ngiciria njurie Wachira, Wachira is a Lawyer with Ndung'u and Kwach Advocates atu brief hanini uria mwoigire riria twari guku, ningetha muone kana uria mwoigire ni reflected na uria nda present in the new constitution. Thankyou.

**Wachira:** Muriega ringi? Guku kwanyu twari na thiku igiri iria twaheanaga maoni maitu muthenya ya kana wa March na 23<sup>rd</sup>

April o mwaka-ini uyu kuria Gatanga Catholic Hall. Andu mirongo itano na inana ni maheanire maoni mao, 42 mari arume 12 mari atumia. Ni mwatuheire memorandum kana nyamu iria mundu atumirite kabuku karia gatune igiri, aria maririe matekuheana kindu mari mirongo itatu na anana, aria mandikire kama makiheana views ciao mari andu atano, na aria mandikire memoranda ma makiaria mari atano. Angi makiheana memorandam na kabuku karia gatune na aria maririe tu na makiandika maoni mao mari andu ana.

Nguthoma kuringana na mutaratara uria twabangite wa kabuku kau kuringana na uria maheanire maoni tuge ta Preamble iria I constitution ini ino ni mukurora. Ni mworagia Constitution ii-recognize maundu maria ithui tukoragwo andu a Kenya tukiririria, the Kenyans aspirations. Constitution ino njeru ni ikoretwo igiconsider ikiandika uhoro ucio. Ni muoritie andu a Kenya ikorwo ikionania turi andu very supreme gutiri mundu ungi ungiuka guturia ithui nithui turiugaga uria tukwenda thiini wa preamble ya constitution, na iyo ni tweekirire in the new draft of the constitution.

Ni mworitie ati gukorwo na doctrine ya separation of powers cia thirikari iria tukoragwo nayo, inyui muhana andu a guku Gatanga, na nitwekirire thiini wa Constitution. Ningi ni mworitie constitution ino turathondeka gutiri watho ungi ungiakorwo wi iguru wa io ugo mworitie constitution ikorwo ii very supreme or the most supreme law na iio ni yonanitio thiini ya the new draft. Ni muoritie ati constitution ino turakorwo nayo tutingimicenjia kana parliament ndingicenjia uria ingienda iri ika nayo draft ino turandikire irandikirwo kuringana na mutaratara kuri nyamu itangicinjio ni parliament ika. Ta Bill of Rights ndingicinjio ni parliament ii ika no nginya tugacoka kuri inyui niyo tureta referendum. Kwoguo the new constitution niretekira ati mbere ya tucinjie constitution akorwo ni Bill of Rights tukamba tukamuria na inyui ni inyui muriyugaga niki tugucenjia na mwetikira tukamucenjia. Uguo ni turamikire hinya makiria gucenjia uria mundu angiciria ti ta iio ingi uria parliament mangiciaria no maikare thi na 65% majority macenjje constitution.

Citizenship ni mworitie ati mwana wothe uciaritwo Kenya akorwo agituika ni citizen wa bururi uyu witu. Iyo niturekirire thiini wa constitution. Na mukoria ati in the Defence and national security, role ya jeshi kana aria makoragwo magitunyitirira security ya bururi ikorwo iki definwo thiini wa constitution iyo ni njikire. Na mukoria ati President witu akorwo niwe munene wa bururi ati that is the Head of State, na akorwo e Commander in Chief wa Armed Forces. Io ni twikirite in the new constitution.

Nimworitie thiini wa Structures and Systems of Govt ati gukorwo na Prime Minister, two deputies na President na kuringana na mwakirwo ni Professor icio nacio ni ciikiritwo na mukoria ati Prime Minister akorwo omite kiama kiria kiri na andu angi makiria that is the Prime Minister should be elected by the majority party ioyo ni twikirite in the new draft.

Thiini wa Bunge kana Legislature, nimworitie ati parliament ikorwo niyo ira approve kana iretikira andu aria mathuritwo meta Ministers kana Public civil servants na permanent secretaries iyo nayo ni twikirite thiini ya new constitution. Na mukoria atiriri MP nao matigakorwo mena hinya wa gwithondekagira mishara gukorwo na commission kana andu angi marithondekaga mishara ya MP, no ti MP o enyewe maricenjagia mishara yao. Iyo ni ikiritwo thiini wa the new draft constitution. Na mukoria

ati uhoro wa nominations iria cirakoragwo cii thiini wa bunge ati president niwe uri nominataga andu aria egwiciria akamanominate Bunge, ucio weherio kuringana na uria Professor amwira ni ureheririo. Ugo ciama icio mirongo kenda irikoragwo igithio bunge ni nominations otherwise ni ciama ciirikoragwo cikicindira kuringana na uria andu mekwenda magathura kiama na kiama gikahota gukorwo gikiheo ciama kuringana na uria cihana.

Ni muritie Parliament ikorwo niyo irithondekaga calender yao, na ioyo nayo ni ikiritwo thiini wa constitution; na mukoria o inyui enyewe ati mbunge wanyu angikorwo ndararuta wira kuringana na uria murenda mugakorwo mukihota kumwita na mukamuruta wira wake. Io ni turekirire, in the new draft. Na mukoria atiriri member wa parliament uria urithuragwo agakorwo at least athomete ta kinya form 4. Iyo ni ikiritwo thiini wa new constitution. Na mukoria ningi Bunge cikorwo ciiri igiri nani ciragikirirwo.

Thiini wa Executive ni mworitie powers cia President cinyihio – icio ciho ni twikirite thiini wa new constitution, na mukoria machief na assistant na aria provincial administration ta ma DO, ithui enyewe tandu a Gatanga kana Kenya niithui turithuragira. Icio ni twikirite in the new constitution. Mukoiga ati Prime Minister akorwo ariwe munene wa Thirikari that is the Head of Government, iyo nayo ni twikirite. Ningi ni mworitie President angikorwo ndarathana bururi uyu kuringana na uria kwagiriire gukorwo na power ya parliament ya impeachment kana ya kumuruta, iyo nayo ni ikiritwo thiini wa new constitution.

Ni muroritie aria mariruagirira u-president makoragwo mena githomo kia degree nayo mbado no twikirite, na mukoria President ndagakorwo e above the law. Uguo onake no atwarwo igotini, na Professor uria amwira president angikorwo na mutaratara uria utagirirwo no atarwo igotini.

Mukoria magoti maitu makorwo me very independent kana matigakorwo me mundu uria urimeraga, uria megwika niyo the new constitution ii-recognizete na ikoiga magoti ti mundu urimeraga. Ni mwaigwa thiini wa appointments ti president urigaga tondu ni twathomaga nawe kana ni tuwaine nawe ninguguthura utuikie Judge. Uguo majudge riu marithuragwo kuringana na mutaratara uria wagiriire andu qualified andu very competent.

Mukoria local govt. ikorwo ii delinked na thirikari ya local govt kana thirikari kuringana na uria mwona. Na Professor ni a mwira riu kurikoragwo na district councils niithui turikoragwo tumathurite, na ithui niithui turikoragwo tumahete power cia guturugamirira thiini wa local govt. Ni mworitie in the electoral system na process miti twaikia ikoragwo igitarwo kuria twaikiria iyo ni turekirire in the new constitution, na mukoria nigetha githurano gikorwo ki very fair na kiama ikorwo ii ya secret ballot nayo mbando no twikirite thiini wa new constitution.

Mukoria ati President ndarirugama ewika halafu athii kuria agathura mundu uria ekwenda atuike vice president na akamufuta riria eciria ithui turimuthuraga tondu kuringana nuu ekwenda marugamanie nake that is a running mate. Constitution ino njeru President arirumaga na vice president wake tugakorwo niithui tumathurite ithueri na tugagikira thiini wa new constitution.

Mukoiga voters registration uguo twandikithagio miti ati gukorwo na kihinda kina kia kwiandikithia kuoya miti, gugacoka mona ni twoya miti miingi magatugiria, ino yugite ati voters registration irikoragwo I a continuous process; uguo twathurana rita riri twacoka ningi no turioyaga.

Mukoiga Basic Rights tukorwo tukiheo free medical care na mukoria death penalty ii-abolishwo. Uguo mundu thiku ici ndungioherwo kuragwo inyui andu a Gatanga na andu a Kenya ni mworirie uguo ningi ni twa mikirire in the new constitution; so death penalty has been abolished. Na mukoria gukorwo na githomo gia tuhu kia primary na new constitution ni twikirite uguo. Mukoria constitution itu-guarantee security bururi witu uria wi insecure. The new constitution has guaranteed all Kenyans security mwarora draft iyo tumunengerete ni mukuona the new constitution has guranteed all Kenyans security.

Rights of vulnerable groups – andu aria makoragwo matekwihota constitution ni irorete uhoro wao ika out-law discrimination andu aria makoragwo meta cionje kana matekwihota wega ni makoraga madiscriminatwo ni andu aria maikaranagia nao na aciari ao ningi constitution ni ira abolish that discrimination. Na ikoria andu acio makorwo ma ki-protectwo, ningi makirorwo na njira iria yagiriire. Uguo takuria marigeragira, njira na nyumba iria mariingagira nyumba cikorwo cigiakwo kuringana na uria andu aria mathiaga na wheel chair no mahote gukorwo magikinya kuo. Ona ciana cia ndigwa na street children aria makoragwo magitwo chokora onaya new constitution na ikoria onao mahote gukorwo magithii cukuru.

Thiini wa migunda na property iria tukoragwo na cio ni muriitie andu othe atumia na athuri na airitu mahote gukorwo na opportunity cia ku-inherit on equal basis ni andu a Gatanga na andu a Kenya aingi niguu moririe ningi ni twikirite uguo.

On cultural ethnic and regional diversity ni mworitie kuabolishwo-ban ya traditional liquour, na maundu ta female circumcision, na maundu maria makoragwo mari biased against some people.

On management and use of natural resources ni muroritie parliament ikorwo niyo iri na hinya wa gu-control expenditure ya thirikari, uguo ti president kana mundu uriikaraga aga-control expenditure ya thirikari. Iyo ni twikirite thiini ya new constitution na tukoria andu aria mariiyaga mbecha cia bururi na aria marikaga kindu gitagwo embezzelment constitution njeru ni yugite they will be prosecuted, na ni mwirirwo kuri na nyamu iretwo Ethics and Integrity Commission ni irikoragwo ikiona maundu ta macio thiini wa new constitution.

Mukoria ofisi ya controller na Auditor General igukurwo ihana atia? Constitution njeru iugite, na niguu mworitie guku it should be independent and have a security of tenure. That again has been put in the new constitution. Mukoiga ati treasury kana andu aria makoragwo marugamiriire mbecha cia bururi makorwo me independent na very accountable with the population of the Kenyan public nayo constitution njeru ni ikirite. Mugacoka mukoria ati gukorwo na a code of conduct for all public employees.

There is a new code of conduct for all public employees and that is why we have an ethics committee.

On environmental and natural resources mugakorwo mukiuria ati constitution njeru ikorwo iki protect, kana ku-make sure forests ciitu ni ira protectwo na njira iria yagiriire Na mukoria andu aria maikaraga hakuhi na natural resources kana ta indo iria ta wild animals hakuhi nao magakorwo nio ambere ku-benefit, the new constitution has taken recognition on the same and provided for.

On international relations mukoria thirikari ikoragwo iki-provide proper guidelines cia polling policy tiguikara thi hindi imwe tondu ni maraiguaine na bururi fulani magakorwo maki-make policies mateku-involve the public. On constitutional commission constitution, toguo mwerwo ni kurikoragwo na wafici ya ku-protect human rights, ningi ni mworetie inyui andu a guku Gatanga gukorwo na ofisi ya ombudsman. An ombudsman Professor ni ekumwira it's the people's protector in the new constitution. People's protector ni mundu wa kurugamirira andu na njira iria yagiriire thiini wa maundu ma corruption na ki. So there is an office of Ombudsman na iritagwo people's protector.

Mukoria President akiuma gugakorwo na proper handing over process, na toria tukuigwa kungikorwo kwi na vacancy ya new president aomite Speaker wa National Assembly akorwo aki-act for some period ahana ta president. Tariu akorwo ni hingi ya githurano tiriria kurathuranwo mundu uria urathurwo bado niwe President. Uguo no a hote ku-influence maundu. National Speaker of the National Assembly, will act as the President during the transition period. Basically uguo niguu mwogute andu a Gatanga na aria maheanire maoni nimegutwira kana macio ni maundu maria mwakorirwo mukiuga.

Ino report ni yanyu uguo tukumitiga uguku, District Coordinator ni ekumwira uria mungimiona na mundu anginda ku-make copies no mwarie nake, you can always look at this. Ni turi na ma-report maria mothe twa maheire nyamu ciothe ni mwaigua ni cira recordwa haha na everybody who has spoken na mundu uria wothe uheanite report ciao ciothe turi nacio, this is a small draft ya uria wote mwoigire tugaci-compile tuka-make one single report. Thengiu makiria.

**Com. Wanjiku Kabira:** Thankyou very much Wachira. We would ask for your comments or questions then we can respond but I will hand over the floor to the District Coordinator.

**District Coordinator:** Utoguo mwaigua Commissioner ekugite na Wachira oiga document ino turathoma ni document itu infact maundu maria mothe mekiritwo thiini wa Draft Constitution ni maria moimite kuri ithui wananchi na nikipio turaiga ino niyo constitution iria ina difference iria nene muno tondu nimui constitution iria turahuthira thiku ici ti wananchi mamithondekete, ya thondeketwo kundu kungi niandu angi. Nanikipio tuagire nitukugia na chance, inyui mume na idea nigetha undu uria tukureherwo haha tutikanoigeni kureherwo twareheirwo. Uguo ni munyaka muno tuhetwo chance tugwete kana tuge uria tungienda gukorwo turi na wiyathi; na nikipio ngiwciaria mwamithoma ni document nene muno. Mwamithoma kuma article one kinya two hundrend something, yothe muno irariria uhoro wa andu a Kenya meyathe na constitution yao wenyewe.

Now, riuri, rekei tu-have an opportunity mu-react uria Commissioner auga, na ningi otoguo ndimuirire our delegate uria ugathi Constitutional Conference ehaha no ekuigwa nake, na point icio ni ikuoyo nigetha Commissioner ni agakorwo kuo na Mr. Gitu ni magakihota kuheana point icio; but undu uria important ni ati within the next two weeks turi na right kana mundu angikorwo ndari na chance kahinda gaka, angikorwo amithomete na njira njega kana one hena point njega itigitwo noiende kuongerara; still there is an opportunity tondu ni turongainia points icio ofisi citu Murang'a District Cooperative Union 2<sup>nd</sup> floor, nikuo wafichi ciitu iri cia Thika na nituratwara headquarters nigetha muoe mutanambiria guithi muchemanio ucio wa National Constitutional Conference. So in short ino ni draft, you feel free, muheane comments, kana kiuria na Commissioner ni egucokia.

Now, rekei suggest mundu uria ukuenda kuheana anything oe guoko naiguru nigetha tuoya ningumuhe number nigetha mwarie auigwe tandu atano uguo nigetha agacokia rimwe na tukwambiriria muthuri ucio number one, unyite niwe number one, number two, no. 3, Mama uyu niwe no.4, no. 5, no.6, no.7, no, 8, 9, 10, twambe turugame hau. (interjection)

**Com. Wanjiku:** There are only two more get for them, 11 and 12.

**District Coordinator:** Mundu nioe number yake nitwambiririe na number one, egwete reitwa no.1?

**Samuel Munyua Njuguna:** Njitagwo Samuel Munyua wa Njuguna. Nii nindiramithomete nyamu ino tondu ni ndamionire, thiini wa gathetini na ngwiciria na hindi iyo mwari guku no ndandikite kindu na mwinakio, hau no he tu point twiri kana tutatu ingienda kwaria uhoro uyu. Mbere ni uhoro wa National days ii article 13, ni nguona ta tugutharia history ya bururi uyu witu tondu muroigire, mukuenda o national day ya Madaraka day, na Jamhuri, na Katiba day. Athuri aria riria maruagira wiyathi, na bururi uyu ni wekirirwo emergency mweri mirongoiri, thiku ta iyo igutigwo niki? Ndikwenda itwo Kenyatta Day, ingi propose either itwo heroes day, kana founders day, kana fighters day, no ndigatigwo. Iyo ni sacrifice nene muno twekire na kurega kumikira katiba ini ino, nitugute history ya bururi uyu witu.

Kaundu karia kangu ingienda kugweta ni uhoro wa fair representation. Io angikorwo ni igukorwo injega ri, ni ngwiciria ni twagirirwo gutaura hanina nini uria turenda kuga na fair representation. Tondu riri, no one iregister andu ngiri kenda, Embakasi iregister andu 153,000 - ni fair representation iyo? Harorwo wega na hekirwo, tondu riri, nitwonete tugiathwo bururi uyu ni andu matari na bata naitui; na kiria megwita fair representation ni kiria gikumenda kirama-fit o enyewe nikio megwikira hau. Angikorwo ni turarora andu ri, onakorwo no tukurora geography na ki naki na uria maraihaniririe ri, gutiri mundu uthiaga kuariria nyamu, athiaga kuariria andu; hau ni harorwo muno muno muno. Tondu ni nguigwira Mwenje tha tondu constituency iyo yake ni nene muno, na yagirirwo gukorwo ina tuingaingi kuruga hau.

Kaundu karia kangu ingienda kugweta onaakorwo ni twaugite haha ri, ni uhoro wa National Council. Wiyathi tukiheo 1963 ni kwari kindu takiu na niyonirwo ndi ngiruta wira na tondu history ni ciacokagirari, twakimicokera niki? Ningi ni turore uchumi witu wa Kenya, ikuoneka taikuria mbeba nyingi sawa sawa. Nii ingiuga iyo angikorwo maoni makwa na mandu angi no moige uguo, kaba tutigane nayo tukorwo twi na nyumba imwe peke yake.

Karia kangi ingienda kugweta, ni uhoro wa andu guthura andu mirongo kenda kuringana na ciana. Tondū no turigicokera constituency tu-demarcate ringi ri, nigetha tukigie na fair representation ta iyo mwikirite hau ri, riria turimicokera ri, turicokera hihi tugie na andu igana rimwe akorwo ni tugwika ati, naya angi mirongo kenda ugathii wone riu nyumba inori, ya National Assembly ri, iguthii ikuhiririe andu magana mana, iyo ni nene muno. Niundu ucio ingiuga andu aya 90, handu ha mathurwo na ciana uguo marathurwo na cio ri, constituency icokerwo na ni iku-accommodate andu acio mekuoneka, mathurwo ni andu.

Kandu karia kangii ngeanda kuuga na niko ka muthia ni uhoro wa cabinet. Katiba iroiga ino njeru, draft ino, ati Ministers na Assitant Ministers, mathuragwo andu matari a Bunge, ngwiciria ni mwaita andu aya matari parliamentarians. Mundu wothe akienda guthurwo, ambition yake ikoragwo either atuike Minister kana akarikia na gutuika President. Riu mwamwira ndagathurwo akuage kabendera-ri, aya angi makiri nja onakorwo no mari-approve ni National Assembly ri, ni gugukorwo kuri na nditi nyingi tondū turioyaga mundu utoigite niarenda kindu toria riu tunyitiirwo mundu guoko orurio bururi mugima ati eke uria egwika. Nigetha tutige hau ri, andu ni marekwo mathurwo. Mathurwo na kura cia andu ri niarekwo atuike Minister, hindi iyo nionania niendete andu. Thirikari ya uteti ungikigiria mundu atuike muteti ugire mundu ungi, chief executive uria utari muteti-ri, ndigwiciria ni sawa sawa. Io niyo miti iria ndironete and thankyou very much. (clapping)

**District Coordinator:** Thankyou very much na Commissioner ni egucokia hau. Ni tuthie number two nigetha aithi akio point aciambiririe ororimwe.

**John Ng'ang'a:** Thankyou very much. Nii njitagu John Ng'ang'a wa Njoroge na kiria ngwendara kwaria uhoro wa kio no kaundu kanini ndona thiini wa citizenship. Tukona atiriri ati mundu uria ugakorwo e citizen constitution ino ona ya mbiriria wira, ni agakorwo ena right ya citizenship niguu ndona onagukurwo ndathii through kahinda kanini. Riu hau ngoria atiriri na hau niho tungienda Professor ututhondekere hau nigetha tuigwi twaiganira wega; ikunguika Athungu constitution ikorwo ikanjia wira ruciu moke kuimia giki Kenya Athungu ngiri magana meri ri, na ciana igio oguku magakorwo mari o citizenship githi ucio ti gukia uhoro ucio wa gukorwo ithui twi thiini wa Kenya moke na ihenya nigetha matuike a Kenya? (interjection inaudible) By birth yes. No.5 yes, acquisition of citizenship, ii ndiraria uhoro wa hau riu (interjection: inaudible) ii tathoma hau riu (somebody reading) hau ni tungienda hau hafafanuo wega nigetha haikare he kindu clear tutikanone mundu ugutuma na kuria nja oke atuiye right ciitu kundu guku. Ok. Fine.

Ningucoka comment handu hanini ha andu aya turathura parliamentarians, ni nguiguite twerwo ni Professor, kuri kundu kwoimite woni ati mundu ucio angika uru ni agirirwo gwito ni andu aria mamuthurite na mathure mundu ungi nigetha tutikanagie na kindu gitagwo ngucanio. Na ngucanio iria igia for example, twa thura member of parliament na nikwonekete uguo ni kwonekete andu angi instead ya kurumirira watho uria uroiga ati ni murugamirire, ati kuri na borithi Kenya, niyo magirirwo kuona ati uria marena ati ni gwekwo ri, marathii makeandikira andu ao. For example we have got andu amwe mena iria metaga jeshi la mzee, kuri na andu angi metagwo kam-jeshi, kuri na andu angi metagwo kiria kingi ni mui inyuothe ni muciguaga. Now, mundu ta ucio angigatuika uru muthenya umwe, niagoka thiini wa constituency yake ahote kuandika at least kana acarie



mbeba na andike ona anake  $\frac{3}{4}$  ya andu aria mari kundu kuu niki gikugiria tuthie mbara?

Tondu riu andu aria mekuo marena mundu one kauru athengio, haria ena thigari ciake ri, ni kuambiriria mbara thiini wa constituency. Riu handu hau, ri ni tungienda hathie hangongererwo ati kana ni atia kana ni atia eka uu no uu na uu; tondu ta riu ri mundu wa parliament agirirwo ni gukorwo na jeshi yake niki angikorwo nietikitie thiini wa Kenya kuri na police kuri na kiria kiingi, agirirwo gukorwo na jeshi yake niundu wa kii? Kwoguo tuundu tuuo nitwo nguonete na niki ndaigua ndi na interest ya kuaria uhoro wa cio. Ni njuu kuri maundu moimite kundu kungi na andu angi na he thiini wa draft constitution no notwende maundu mau mahinyirio ati member wa parliament eka uu na eka uu na eka uu niagirirwo gukorwo atari thiini wa parliament any more. Thankyou very much.

**District Coordinator:** Thankyou very much. Nituthie number 3.

**Charles Kimani:** Niwega niundu wa kamweke gaka nanie ndona nie ingienda kwaria (interjection) Njitaguo Charles Kimani wa Ngugi, na guku nokuo gwitu Kirwara sub-location. Ingienda kwaria uhoro wigie human rights. Anyway ndihotete guthie draft ino wega ndakihota gukorwo ni handu hau itakinyirire ngagithoma ngaigwa uria haroiga. Ingienda kwaria uhoro wigie athiini aitu a bururi Ni turi na athini angi makiritie kiwango kia uthini atio we a survivor-ga niundu wa Ngai kwenda. Ngoria atiriri, constitution iyo itu ri no ikorwo hii I-consider-te andu acio?

Giakeri, nitugiaga na disasters kana ta clashes thiini wa bururi, andu acio makoragwo mena disasters ta icio ri, hihi constitution itu iugite atia? Tungirora thiini wa mabururi maria mathiite na mbere muno, andu acio ni maconsider-gwo ni constitution. Riu onathui no twende constitution ona ati tuundu ta tuu onao magerie gukonder maundu ta macio. Thankyou.

**District Coordinator:** Thankyou very much Ngugi, No. 4 aoima uu?

**Miriam Wanjiru Mbogo:** Neana haria, kiria giki muthome, nigetha mumenye ndirenda guthomithia githomo kiriku. Ndutige kuiga thi nduthome umenye kiria ndiramuthomia. Ambirira riria riiru. Nii kiria ndirenda kwaria ni riri, tondu riu minute iyo mwandikite hau ni ya githungu na ndingihota guthoma. Ndirenda kwaria uhoro wa minoga iria twanogire ya bururi niundu wa kuingata Muthungu tondu twaheagwo thiku ithathatu shilingi igiri. Umuthi uyu ri shilingi icio igiri ungiheo ri, ona girathi ya chai no ugiheo nayo mukawani? Ndungiciona na niki twaingatire Muthungu na twetagwo mburari nugu, mburari nyani niguu twetagwo ni Muthungu, ii andu airu, nyauthi mbrari kiria nugu nyani githi ni nugu? Basi niguu twetagwo. Na niki giatumire tuhote kurua na muthungu hindio tutiari na indo cia mbara tutiari na kindu kingi, tugakiuria atiriri, ihinda ini riri tondu ni rirathuranwo ri, na ni kuri na andu amwe makiruire mbara hii makiri na mugambo mangihota kwaria ri, nimumoragia nigetha mukamonia kuringana na thina uria mariire? Tondu ti andu aingi metikagira moime mucii tondu moigaga acio tondu maria ona matituheagari, a ndiguthii kuu mari nii, ii magakirakara. Na tondu muri ciana ciitu nii ni kumutara ndira mutara, ndingikihota kuandika minute hau tondu ndi guthoma, nengera acio angi mathome mone. Ndungiamurie hau ukire raini na haha utari na passbook iyo. Na twaugire



tukuingata Muthungu guku kinya na nitukwiruta uhoro wa gutwarithia ngari tondu gutiri mutumia wa mundu muiuru ungiatwarithirie ngari gutiri ungiatwarire ngari. No hindi iyo tugikuga tuthii ithamiro, ndaikarire miaka itano, twari na Ngina wa Kenyatta, na Rebecca Njagi uria wa haria Kairii na Christina Wangari, onaninii ndimwandikithitie ritwa riria ri Thika – Christina Garden, ni murionaga? Haya, ndahetwo giti maluum tondu ndari mutongoria wa KANU Thika, ngikieho giti maalum gwa Kanju, riu niguo ndaoririe mundu uria wakuire watungataga Thika ungiandikwo kiwanja kiu gigithondekwo, niguo ndakigire Christina Wangari.

Riu tondu turiokuo ri na tutithiriteri, na ndungihota kuruta wira ta umuthi ngari iyo wina yo haha ni iguthii itari petrol? Ingikorwo itari petrol yathii? Naithui kuma miaka iyo twaingirire kiama ini kiu ri, gutiri murui wa mbara uririkanagwo, akerwo ati aheo giki na turiri twa heo giki; tondu iria ciari kuo ri, ona cierirwo tondu thirikari ya Kenya tondu ndiri kindu ri, ciambe itungatire thirikari ya Kenya, nigetha thuthaini ri magakiheo. Kina umuthi tutiri twaheo. Tukuraga uguo, na tanie ndaingirie kiama-ini giki mwaka wa mirongo ina na igiri, Kenyatta ona ndahikitie Ngina. Agigatuika ati ni eguthiganwo ni mutumia wake uria mukuuri nigetha amute ri Wahu ri, getha acoke ahikie Ngina ri, nii ndari o kiama ini giki. Riu niundu wa uguo ri, nii njukite ta kumutuma ta ndumiriri arui a mbara ni tuthirire, na twerirwo tugathira tutarite indo ici. Njukire kumutuma kiama muge andungata cia bururi uyu, eeh ona gakhirathi ga chai watinda utanyuite? (laughter) Wagitura uguo ona gathani na tuiro kamuchere ndungiheo? Rui niundu wa uguo, nii ngumutigira hau ta ciana ciakwa, na ndi cuwe wanyu, hau muranyona ona mwona nugamite uguo, ni kuirumiriria. Ndina miaka 85, ndaciarirwo mwaka wa ikumi na inyanya muririkane muchara witu mutune (clapping).

**Washington Gitau:** Nii njitagu Washington Gitau wa Wamanji na hehandu Professor itanaigua wega uria ugwetire. Haria ugire ati miti itaragirwo kwa andu ri, hau ndinamenya ni atia tondu ona hindiria tuikitie itaragirwo guku gwitu ri, hau ndina menya ni atia ugire.

Handu haria hangi nguragia, ni tahau hagwetwo ni mutumia, hindi iria ndona constitution ta ino muthondekete ri, ndinona handu mwaritie hii mundu uria watongoretie mbara guku Kenya, no akiheo kanyamu ta kau ga kuonagwo, arui mbara matinaririkanwo handu. Riu ni ingumuria naho hau mumenye ni atia kungikwo ta gwakwo momument ya mundu ucio ugwitwo Kimathi, magakiririkanwo ni andu aria magoka thuthaini. Ni hau nii ngendaga kuuga tu.

**District Coordinator:** No. 6?

**Gabriel Mbugua:** Gabriel Mbugua. Nii undu uria ingiuga ni atiriri, kuringana na constitution uguo twathomerwo ni Professor, ndinaigua iri njuru gucenjia mubango uyu kuingiria uyu; wira urarutagwo ni andu aya riu ningi no urutwo ni andu aya angi a muthemba uyu ungi. Tiuru, no ni hekwenda hakorwo hena mubango mweka, wa ati aya tondu ni matuika matikuruta mubango uyu urirutagwo ni aya ri, marirutaga na njira ihana atia nigetha wira ucio ugathii na njira njega na ugatheithia mundu wote wi Kenya kuringana na wira uria mundu andikirwo?

Riu ningi hari undu ungi nii inguga, kuongerera andu riu ta acio mekugwetitwo kuu mbunge nii ndirona hari uru, no ni hekwendeka marongererwo na njira ya muthemba uriku tondu no maingihe kana manyihe, kwoguo ni hekwendeka mufango mwega wa mushara wao na wira uria marirutaga urirehaga umithio wa muthemba uriku nigetha magakihota kurihwo mushara na magakihata guteithia andu aria mararutira wira.

Isitoshe, kuri undu ungi ingenda kuuga wa kurikia, Constitution ino kuringana na uguo ikiandikitwo kuringana na uguo twataririo ni Professor, no nyende kumenya riu tondu Bunge ierekeire guthii kubunjwo kana constitution iyo ni gukorwo ingirite nigetha tondu tariu uguo wirani tondu President arakoragwo e wira ona Bunge ya bunjwo niwe orakoragwo arugamiriire thirikari. Riu ngukiendaga kuigwa kana ino ikuo kana hibi nigakorwo ingiritio ino njeru nigetha mubango ucio wehere tondu ni kuingiraga mahitia maingi muno, ni tondu ona mbecha iria ciri Kenya ta uria muthuri uyu ekugite handu ha kumikuswo kaba kuandika andu, nigetha wira ucio urutwo na njira njega na andu acio magiteithike. Ouguo tu.

**District Coordinator:** No. 7? (discussions in the background) **End of 2 A.**

**Side 2B.**

**Joshua Kiarie:** .... Ndithomete yothe kwoguo akorwo ni nduria kiuria ki haha ndirathomete nuthu yayo. Handu hamwe ngwenda kuria Professor atataririe ni uhoro wa kuihuria iti 90. Handu hau tutinagukirwo wega uria cikuihurio no twende kumenya makiria.

Haria hangi ataririe ni uhoro wa supervision ya political parties by Election Commission. Commission ya Election, akorwo ndirahitia, members ni ta mathuritwo ni political parties, na akorwo no o mekugorwo mathuritwo ni political parties, na commission iyo ikorwo noyo igu-supervise political parties, ni hekugia na pingamizi tondu mathuritwo ni political parties, na macoke akorwo niyo mekumasupervise, ndikuona ta handikorwo he fair muno. No akorirwo commission iyo ndithuritwo ni member a political parties.

Haria hangi ndirenda kugweta ni District council na provincial councils kana commission ni kurorete mishara ya andu acio; gutigakorwo kuri na uhinyiriria wa uchumi kuriha kanju icio. Point iria ingi ndirenda kugweta ni upper house, na parliament kwahota guthii kugie na ngucanio, niundu wa gutuika hibi na unene tutikiui no kumane na njira ta io. Nii ndikuona kuri na bata wa upper house, tondu ene mekuongerera ngarama ya bururi makiria. Upper house ina andu igana, parliament andu magana matatu, hau niwona andu magana mana – almost. Hau ngona kaba gukorwo na parliament na iti icio mirongo kenda cikurehetwo kuri raia tairia 210. No Professor ni egutariria hau uria agwetire ati mekuheo political parties kuringana na kura iria maikirie.

Point ya kurikia ni cabinet ya andu 15 mathuruo kuma na nja ya parliament angikorwo parliament na upper house cina andu

hakuhi magana mana ri, tucoke tuke tucarie andu angi na nja moke matonyio parliament iyo ri, represetnatives megucuthiria hakuhi 500 na ngarama ni nene muno. I suggest cabinet ithurwo kuri parliament iyo iriho ii-extended, tondu ikuongererwo ikorwo ii magana meri almost hakuhi magana matatu.

Suggestion ingi ni ya number ya iti icio 15, nigukura turakura na iti ni kuongererwo cirongererwo cia upper house na 15 ni number nini muno, angikorwo bururi ni uguthii na mbere. Nga suggest maximum ya 20 seats; ikorwo ci cia ministers no ikorwo irutitwo kuma kuri Parliament. Nii ni ndarikia. Thankyou.

**District Coordinator:** Thankyou, ni tuthie number 8.

**Douglas Kinya:** Ritwa riakwa njitagwo Douglas Kinya na undu wa mbere uria ingienda kuga, niindiretikania na uguo Commissioner moiga wigie Katiba ino. Katiba ino ti njega na ino Katiba ni ya Prof. Ghai. Gitumi ni giki, owambere, ni tungiambire guthomithio undu wigie Katiba, uria ino nguru uria ithiete iugite. Kwoguo macio ni mahitia mamwe, tondu mahinda maria twari kuria Gatanga, tungiambire tuthomerwo Katiba iyo, tuthomithio nigetha wananchi magicoka kuruta maoni mao.

Undu wa keru, gwatuika ino irutitwo ni mwananchi wa Kenya, nii ndingitikania na uguo, tondu haha record ya Gatanga tiga niaundu 50 na Gatanga iyothe Division ina andu makiria ya 110,000. Angikorwo ni andu 50 marutite maoni mao ri, nii ndingitikania na uguo ona ndikinyite quarter ona ndikinyite ki.

Undu wa keru, ta uguo ndoiga uhoro wa Prime Minister, gutiri hindi angituika ni athurwo ni Parliament, achoke akorwo ena power gukira President uria uthuritwo ni raiya. Uguo tukaregana naguo.

Undu ungi, ni andu aya 90, angikorwo katiba irenda gukiria uchumi ri, niki giatuma Katiba ino ya Professor Ghai yongerere andu aingi makiria ya uria... kwoguo ni ta kuonania ati, bado mwananchi wa kawaida egukorwo emuhinyiririku tondu aruti a wira ni makiingiha muno Ngoiga atiriri, andu aya 90, ni ma-nominate ouria Katiba iria nguru iranominataga uhoro wa 12 kana ringi 15.

Undu uria ungi, uhoro wa waziri – Ministers gutiri hindi angikorwo ariumaga nja ya Parliament. Reke Minister athurwo kuma kuri raia akaruta wira na hinya thiini wa Constituency yake, agikinya thiini wa parliament angikorwo na kura nyingi ri, ni atuo Minister. Tondu uguo kuga ati Minister ariumaga njaa ya parliament, kwoguo ona campaign ya mjumbe niyaumithia mwananchi wa kawaida gukorwo ati ndari na power ndari na say. Tondu wee niarikoragwo ikimenya ati ona ndathurwo ndiri na giti ndirathii kuraira kuria thiini wa parliament.

Undu uria ungi ni uhoro wa ma-chief. Chief ndikuona uria thirikari ingikorwo ati thiini wa matura gutari na sub-chief. Korwo sub-chief no a korwo kuo, no akorwo agithurwo after 5 years, iyo no okey. No sub-chief ndagatuike ati athurwo ni thirikari

nginya gukua gwake, uguo ni twarega handu ini hakwa. Reke Chief na Sub Chief mathuragwo after 5 years. Nii ngukinyia hau tondu kuri na andu aingi marena kuaria.

**District Coordinator:** Number 9?

**Francis Chege Kabiru:** Nii njitagwo Francis Chege wa Kabiru na guku nikuo gwitu. Nindaigua uria muthuri uria athoma, na maundu maria ndarutite maoni kuria nindamaigua meho; no he maundu mamwe matari ho na ndiu ni ki kigirie kuandika uguo na niguo gwa thiire. Ndoigire atiriri, Bunge ya bunjwa ni ya bunjwo, kana ni Minister achokie federa wafici ya Permanent Secretary. Rais ndagathii ikulu athii gwake mucii. Riu Bunge na watho wa Kenya utigirwo Attorney General tondu niwe mushauri wa thirikari. Ni egutethania na munene wa majeshi tondu nake ni mugitiri wa kiria. No haha ndaigua uhoro wa Speaker, Speaker ni wa Assembly na hau ndinaigua hari ha thome.

Wakeri he handu ndoigire, mbeca ici turi nacio ona Professor, ungibara mbeca iria iri guku riu ino ni kibao, ndoigire mbica citikanacoke kuhurwo ciringini. Akorwo ni second President andikwo second President of the republic of Kenya. Na crown giki giikarirwo ni mbeca ri, gikorwo nikio kiri iguru no riu mbeca nicio ciikarire crown. Kwoguo mungibara gukuri

**Francis Chege Kabiru:** Nii njitagwo Francis Chege wa Kabiru na guku nikuo gwitu. Nindaigua uria muthuri uria athoma na maundu maria ndarutite maoni kuria nindamaigua meho no he maundu mamwe matari ho na ndiu ni ki kigirie kuandika uguo na niguo gwa thiire. Ngoigire atiriri, Bunge ya funjwa ni ya funjwo, kana ni Minister achokie federa wafici ya Permanent Secretary. Rais ndagathii ikuru athii gwake mucii. Riu Bunge na watho wa Kenya utigirwo Attorney General tondu niwe musauri wa thirikari. Ni egutethania na munene wa majeshi tondu nake ni mugitiri wa kiria. No haha ndaigua uhoro wa Speaker, Speaker ni wa Assembly na hau ndinaigua hari ha thome.

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ndateigitha bururi? Judge akirore mena aya metagwo mawakiri.

Ngicoka ndiuga atiriri, nituraheo degree na diploma na kiria kingi riu nii wa Kabiru, ndiwastandard 3, mwagithura ni ndarugama haha Gatanga, haha Kirwara ni hoke hakiheanwo degree, riu nguthii uguo haha jirikirwo ngubia na njitwo professor, na ni kindu itari nguheage degree wee uri professor? Macio ndiuga meherio. Ngicoka ngiuga atiriri, na athuri mutigatheke guku gwitu ri, kuri indo ciatagwo intoxicated liquour na ni kuma utamaduni gutiri handu ciahurirwo marufuku na gutiri handu twari mucemano, nyamu icio ri ciahurirwo marubuku nu? Indo icio cia tene iria tureka sherehe na ki iciokio riu ndinaigua handu hau mwagweta. Ndinaigua mwageta. Nindaiugwa maundu makwa macio matatu mutinagweta no hemamwe ndaigwa ni mwagweta maria ndarie haria community.

Ndakimuria atiriri angikorwo ni maoni ma muingi murenda ri, nii onangiaria uhoro wa intoxicated liquor ri ona aya no moye moko naiguru. Akiri indo ciitu cia utamaduni, ciahurirwo marubuku nu? Na gutiri sheria iri hau. Riu ndakimuria atiriri, andu aya mukite guku nindakena niundu wa maundu mamwe maria ndaririe meho, na mangi ndaigwa.

Handu haha hangi ri, twambiriria kugira katiba Ruraya ri, a Mboya na aria angi ri, kwa heanirwo parliament igiri, ingi yetagwo senate na lower house Na ciothe ri, Senate itangihitukia uhoro tondu niyo anene matingihitukia. Parliament ikwenda gukorwo iri parliament o imwe no iwe ingi ni ki maroka gwika na ningarari marekira aya na aya. Bururi uyu witu ti mutongu wakugia na maundu macio manene toria riu gukiri na senate kuria America guku gwitu tutikuenda ciugo icio. Nii ninii ndiroiga ndi nyiki na maoni makwa maundu macio matiganirio timega. Thankyou very much.

**District Coordinator:** Number 10?

**Muriuki:** My name is Muriuki from Gatanga. Kindu kiria ndirenda karia uhoro wakio haha ni education. Hindi iria twari kuria Gatanga ni kwa presentirwo ni andu angi mari groups uhoro wa education, of which ndinaigwa he handu uingiriire na ndararo haha thiini wa draft ino it seems as if it is too shallow; tondu uria ironeka ndispell te undu wa curriculam ona gutuika iyo ichoragwo ni ene. Tondu ungimirora uria ugite, yauga uhoro wa university tondu ni ndirona haria kianda, ndigwetete education system iria ingitumirwo tondu riri, na korwo kwa hoteka no ikorwo amended ati education itabulatwo wega uria gagiriirwo ni gukorwo ihana tondu iyo ni issue ikoretwo I very sensitive in Kenya, na ikariria general members. Ati githomo giki turarumirira system iriku tondu eduction system in Kenya ni icenjetio maita maingi muno kinya gukariga the reason why curriculam iguikara igacinjio tondu kuma 1963 ni nguona ta icinjio maita matatu. Tondu ni hoka nyamu iria iretwe NPA yacoka yoka new mathematics naki igacinjio muno kinya ikoneka tairaga any meaning. Yatwarwo thiini wa parliament andu makaria uhoro wa 8-4-4 gugakorwo gutiri na the actual education system iria irumagirirwo thiini wa Kenya. Na ndoigite ta twoiga ituike very well spelt out in the constitution. Ati githomo giitu gukorwo kihana 1, 2, 3, na nigukoretwo tondu riu ino ndamirora yari manifesto ya political party education for all na noguo riu haha ironeka yandikitwo.

Riu ninguria commissioners, Professor kungihoteka nyamu ino ya education, irorwo iri more diversified tondu turakinyire uhoro wa quota system na quota system; ya kinya andu aria mangiteithia bururi uyu witu tondu ithui turi akuru riu, magakorwo niyo maratuika left out thiini wa community na niyo mangihota guteithia. Gugatuika mundu wa naharia haria quota system niyo ikuruta wira. Now, I appeal to the Commission to look and to put it in the constitution, the modalities of how the education system will be. Tondu ino ikuo nikinyite igaturigithia ni atia nayo ikorwo uria turaigaga uhoro wa Katiba ukuhota kwirangira yo nyene – a constitution that will have to protect itself, so education should be put almost like the Katiba ati education system yagirirwo ni guikara ihinda riigana atia irumirirwo iyo and the modalities. Thankyou.

**District Coordinator:** No. 11?

**Paul Ng'ang'a:** Njitagwo Paul Ng'ang'a kuma Gatura na nii ndirenda kwaria uhoro wa maofica ma thirikari kana members of parliament kana President, aria maragia maheni. For example taria hindi ya campaign ni matupromisega indo nyingi muno riu ukoigwa ati mundu ara promise niegwikira bara bara rami ino, nitukumurehera mai, maundu ta macio maingi; of which andu ni maramenya macio no maheni. So angikorwo hena watho wakuga ati mundu wothe urenda guthurwo ta President kana Member of Parliament maundu maria mothe ara-promise andu gukorwo ati within term irea eguthurwo ri, ni egukorwo ahingitie maundu macio. Akorwo ni ta bara bara, mai, thitima, kurihira andu githomo- bursary funds na indo ta icio, akorwo ati maundu mau ni ahingia mothe. For example member of parliament no gukorwo kuri na angi muno mwena wa Gatanga, uria ungi wa kuria kungi promising the same thing. No kwage kuhoteka kihinda kiu giothe ihinda rimwe. But at least tundu tuu tumwe apromise andu a Gatanga ri, at least half of them ni a hingia, no gutuika ni aga kuhingia maundu macio, next time ndakanaetirio kurugama. The same thing happens to the president, no apromise andu maundu maingi no akinya ho age kuhingia maundu macio. Uguo riu andu mamathurire acoke guthii kuhuthira wafici io uria gutaariire.

Undu ucio undi ni ucio wa traditional liquour. Ngwiciria ni hagiririo ni gukorwo na watho ati kuri macohi maria metikirio andu manyuaage apart from ino ya KBL. Njohi ici ingi ta mungari, chang'aa, kumi kumi, kari kari, hamwe na karubu watho uge kuri njohi magirirwo ni gwitiria. Akorwo ni chang'aa ni ku-ban ikibanwo biu akorwo ni karubu getikirio kunyuo, no akorwo chang'aa ni gwitirio kunyuo ibaruo kana ni fit for human consumption. Ya itikirio ati ti njuru inyuo.

Undu ucio ungi ni watho uyu turathondeka ithui utuika witu wa Kenya, na tutigetikirie andu anakuu njaa moke matuthukirie watho matuteithie matuire ni uyu no uu. Nii ndiu kana Prof. Ghai ni Mukenya but if he is not a Kenyan citizen ri, undu wambere angiambare erwo atige gututeithiriria hangicagurirwo mundu wa Kenya hasa, uyi mathina na maundu ma Kenya. So next time if he is a Kenyan citizen na akorwo ni egwitikirio athii na mbere na U-commissioner well and good, no angikorwo ti Kenyan citizen ndakanetikirio hakorwo he Commissioner wa Kenyan citizen. Niuguo niwega.

**District Coordinator:** No. 12.

**James Kinuthia:** My names are James Kinuthia kuma Rwegetha, na the first thing is kiuria ndiroria gikonie devolution of powers; and I am framing it this way. What has guaranteed the constitution the energy to offer special attention to women?

Undu wa keru in Chapter 5 article 35 the draft clearly states that man and woman are equal then in most of the articles deflecting powers and leadership in our country as specified by this draft women are given special offer. I doubt what interest is that of women.

Number 3 is about national days, I think Katiba will come and we shall change it as time allows us or the events. We should not have Katiba day. We should have heroes day because they are the foundation of what we are making today.

The other issue is about citizenship. It is clearly stated in our draft that if you acquire citizenship through marriage and then you divorce, that citizenship is not lost. So it means you can acquire that for the sake of marriage, and then you retain it after you divorce. This is opening for loopholes and the draft should cater for that.

The other issue is about long serving servants like the MPs. There are some people who have contributed very much in our country and I give just an example like Mr. Paul Ngei who has served the Kenyan Parliament for so many years; and yet he went home like an old dying dog. Which is not good. There are other people like Martin Shikuku who have lasted in the parliament for too long but they went home just naked. They should be catered for by the constitution. Some other people like Gitu Kahengeri is here, who have served for too long and yet they went home with nothing.

The other issue is about cash crop commodities we have them and they are not reflected in our draft and if they are reflected, how have they been perpetuated to assist the one down there who do not know about the auctioning of coffee or tea or the other kind? How is the person being helped? If there is nothing that is catering for that commodity, then I think the constitution is not guaranteeing what the person has requested for, or has contributed for.

The other issue is about – it is my opinion that no nominated MP should become a Minister, because the struggle for leadership will be very less and minimal and even services rendered by them like the way Kamotho was nominated, I just quote an example.

The other one is preservation of our culture and customs. If it is reflected it should be of the strongest value because we cannot live without culture and custom; because we cannot be gotten from a mango tree or palm. We are basically from our culture and customs and they are more important than the draft we are making.

On retire, if a public service person like whatever Moi has done in our country he should not go home with that package because we are suffering because of his poor leadership in the public office. Whoever has a bad image in our country should



not go home with a package.

The last one is about all government services, like ID cards, birth certificates and other services that are rendered to the wananchi, they should be free of charge. They should not be charged otherwise the tax we give to the government should be reciprocated through this services. And in that we will reflect a true Kenya, a true living person in his land. Thankyou.

**District Coordinator:** Thankyou very much. No. 13?

**David Chege:** Njitagwo David Chege wa Njuguna. Ni ndirasupport uria Katiba ino idraftitwo, ona gutuika kuri na andu mara mi oppose, kundu takuma Judiciary ni mara mi oppose, na ringi guku nogukorwo kuri na andu matumitwo niyo moke makararie uria ihuana; na niko ungirora tutihiananie tai ici twikirite haha and you KANU a against power icoke kuri ithui, na nogukorwo nikio hihhi amwe matumitwo moke mathukie uhoro uyu. Tuge ati ni tura-support uhoro uyu, na draft ni njega no hakiri na tumaundu tumwe tuigana ona. Ni turona ati maundu mamwe ni meheritio marari ho ta death penalty na gukagia na insecurity muno thiini wa bururi na tutikihetwo alternative ya death penalty, wakiuragana ndugutuirwo gukua ugwika atia? Akorwo iho ndigithomete.

Ucio ungi ni uhoro wa devolution of powers kwina location government na village itaririo hau thiini wa chapter 10, no tutihetwo qualifications cia andu acio aria meguthurwo ninguria cikorwo ciiho. Ucio ungi thiini wa Bill of rights, thiini wa chapter 5 35 ni iraria ati uhoro wa atumia; women have the right of equal treatment with men including the right of equal opportunity, in political, economic and social activities. Makaheo right tuiganainie nao, no riu ugacoka ukona draft ino ni ra contradict mwena ungi tondu gwikundu iraria thiini wa Parliament maheo iti cia 1/3; na haha ni iragurantee ati mena opportunity ciganaine naitui. Tuthiaga kirathi kimwi tugathoma, Professor agatuika Professor na tuthomaga mabuku mamwe. Twathii haria githurano guthurana mundu endagia policy ciake, na policy cia mundu nicio iqualify aga guthurwo. Uguo atumia matige kuheo special attention tondu thiini wa draft ino no irakimera ni tuiganaine.

Okorwo ni uhoro wa ciana turerwo muthuri na mutumia mena equal right, kana mena equal obligation ya guteithia mwana ku-provide for the kid. Mbere nindironaga tariu tungi-divorce na mutumia wakwa ni ngutuirwo ni igoti gutuika ati njirwo ndihage kindu gitagwo maintenance. Riu no nyende gu-clarify irwo haha kana hihhi uhoro ucio ni kwehera weherete, uguo ona twa-divorce na mutumia wakwa no tutireka uguo niguthii na mbere na kumaintain mwana ucio. Uguo njuge ati niturasupport draft ino, na ni njega na andu a magoti matige kunegenana ona nimekwo wega maheo option ya retirement. Magirirwo mathii through code of conduct na mundu a qualify acoke wiraini. Thankyou.

**Mrs. Gichura:** Niwega, njitaguo Mrs. Gichura na nyumite Como. Muthenya wa umuthii nii ni ngugathiria draft ino, tondu wananchi wenyewe hindi iria gwetanirwo guthondekwo constitutional review na Katiba ino, ni makoretwo magitwo kundu na kundu na maundu maya tura repoterwo thiini wa draft maingi mammo niyo mandikite. Taguku gwitu Gatanga 4th of March riria



twetitwo kuria kwa mubia nii ndari kuu ngiripoti uhoro wa women a Gatanga. Kwoguo nii no njugire ni njega tondu ni maundu maria twandikite o tiga atiriri ni kuri tu ammendment tukuenda gwiko.

Nii ngiaria handu ha draft uhoro wa irio, food na health, uhoro ucio ni u-minimizitwo muno, tondu ni wega Katiba iitu imenyagirire muno kiria kiriagwo thiini wa bururi na kiria andu maririaga gitekumathukia, giteguthuikia uu kana uu. Kwoguo kuringana na draft it is very minimal. Kwoguo ni hagirirwo harorwo ringi uhoro wa irio na uhoro wa health tondu handikitwo tuundu tunini muno uhoro wa health.

Undu uria ungi uhoro wa children, nii nindirenda Katiba ino iraria uhoro wa registration of birth tondu turi na street children nyingi muno, na ona thiku ici andu ni marorania ciana ici ni ciau? Have they really been registered tondu ni turakiriga haha handikitwo uhoro wa children there is a slight contradiction ya ati aciari muthuri na mutumia matuikie responsible na ciana ciao. Gugakiriga ciana ici cia street ini nu wa maciarite? Kwoguo tukarigwo hindi ya registration, kana ni maregistergwo kana matiuo kuria moimite. Uguo ni wega registration ya ciana irorwo wega na ciana cimenyeke ni ni ciau.

Undu ucio ungi, niwega tukiaria uhoro wa gukirira ciana icio ci street ini tumenye turagathiriria gucicatera cia street ini niki, kai citangithia kwa ene cio nigetha matuikie responsible, ona akorwo ni uthini wananchi othe makitire ciana ici cikwao where they belong. Tondu twaria uhoro wa citizenship, tutiramba kumenya hasa ciana ici ni ciau. Kwoguo ona ringi ni irituika citizens, na ringi ciamure bururi ungi ta Sudan, igiuka guku igituika street children, na riu ni turaria uhoro wa uria ciriteithagio. Kwoguo ni wega tumenye ciri street ini atia, na akorwo ni citizen cia guku cikiregistwo nigetha tuhote gucitethia.

Undu uria ungi women makireport problems ciao riria twari Gatanga, hari maundu mamwe women maripotire, na matiri thiini wa Katiba, although the big part of it ii thiini wa Katiba, ta uhoro wa uria men matuikite irresponsible na kurera ciana iria maciarite. Women ni ma resquestaga ati women makue the whole responsibility ya kurera ciana na nigetha ciana onacio ci feel ni ciau. Kwoguo ioyo ndikiritwo uhoro wa Katiba na no twende ikirwo.

Halafu uhoro wa liquors, hari andu aingi maria uhoro wa liquors, ni twareportete ati nicio itumite andu angi matige gutuika responsible na micii yao. Katiba yothe hatiri handu uhoro ucio waritio. Kwa uguo ri uhoro wa liquors icio ri, niwagirirwo umwenywo ni getha men matuikie responsible na their families because they are the head of their families, na Katiba ndi aritie uhoro ucio.

Undu uria ungi, ni the consumer rights, kwandikitwo uhoro wa consumer rights what of the distributors rights, tondu riu kuri indo tungireherwo kuria matukaini ona mitu ino turugaga ona ki tiati beer noyo ingikorwo iri njuru, ni indo nyingi muno ingikorwo ciri njuru. What is the distributors right? Katiba niyagirie ohau yandikite uhoro wa consumers rights yandike uhoro wa distributors rights, tondu andu amwe moigaga mena licence. Kindu mwahota kwaria uhoro wa kio gituikie ni licensed no consumer ri, ndoi kuria license iyo ya gerire na tondu bururi witu ni uiyure corruption may be it passed through kiundu kiu gia

corruption na mundu ucio akiheo license ya kuendia kindu kiu, kwoguo kindu kiu ni kiguragwo na riu mundu uyu ageria kurega hagoka disagreement. Kwoguo ri, ni handikwo consumers rights, and the distributors rights.

Undu uria ungi he mundu waririe uhoro wa githomo, na ni twawaritie Gatanga about the quarter system, uria ciana citu cioyagwo macukuru it is very important Katiba yarie uhoro wa githomo wega, na icokere uguo ya ndikite yarie point ini ciothe uhoro wa kuoya ciana cukuru, quota system twaugaga tutiui meaning yayo. Uhoro wa system ya githomo wario wega tondu turoiga Katiba ino tutirimithondekaga omuthenya. Na riu uhoro wa githomo ni utuikite very sensitive in our country na nigwo twihokete tondu onariu tukiuga andu aria marithuraguo ona akorwo turaria uhoro wa MPs na ki turaria makorwo mari ogi. Ma angikiuhiga atia na system itu ya githomo ni thukithanie? Kwoguo uhoro wa education ni ucokerwo waandikwo wega kana wongerwo hari ucio mwandike nigetha tuigwi turi satisfied na uhoro ucio. Na nigetha Katiba ibathi mundu wothe. Nii ngukinyia hau. Asante.

**District Coordinator:** Rekei tu agree tondu ciuria icio ni nyingi commissioner ambe a react to them tucoke tuheane chance.

**Com. Wanjiku:** May be reke nyambe njuge atiriri, you know constitution is like a road map, ni kindu gia gutuonia bara bara iria tukugerera. Riu kwoguo constitution ndi hota gutwira potholes iria ciothe tugukora on that road, kana ni ha muti uguire. Kana ni mwena uriku utugutitwo na uria ungi ti mutugute. Kwoguo may we need to realise ati maundu maria mothe twaririe matingikorwo mari in the constitution. Kwoguo kuri maundu maingi mari ina another report, report iyo turi nayo na niya kindu ta page magana manana; na niiguka to the documentation centre, he ka-report kanini karia twa launch-ire mbere, we left our copies in the other stations ira but there is a big report ya pages magana manana, ni maronania maundu maria mothe andu maririe no matikiri in the constitution.

Reporti ini iyo ni iraria uhoro wa thirikari na riu tukarecommend kuri thirikari uhoro wa the education system, na uhoro wa the quota system, na uria andu marendu kwehera kuma 8-4-4 because it is true andu aingi ni moigire tume 8-4-4 tucoke kwi 7-4-2-3, tucoke kuri that particular system. Na ngwicaria uhoro ucio wothe ni mwandike na tukandika recommendations to the govt. No system tondu ni icinjagia muno tutingikira in the constitution, otherwise turicinjagia constitution in every 5 year, na githomo no muhaka githiage gigicinjagia depending kana ithui ni twatuika industrilized. Tariu turi na alot of focus on agriculture, but may be 2025 riria turoiga ni tugakorwo turi an industrilized society may be that time githomo gi ka focus more on industrilization. Kwoguo details cia githomo na curriculam citingikorwo ciri in the constitution niki itaroneka ho.

The same thing with food and health. Uria twikite in the constitution ni kuga ati everybody ndagirirwo ni guthii toro ahutie. Kana ni ngima na nyeni aria, kana ni nyama aria na muchere, food at least athii toro atahutie. Na niguo turoiga 60% of Kenyans mena thina muingi na niaingi mathiaga toro mahutie. Kuri andu aingi marakua ni AIDS na matiri na drugs, while in other countries ni maraikara miaka mirongo iri na miaka mirongo itatu. At least wakorwo wagituikire wi wamiaka ikumi na inana no ukarera mwana waku kinya mwana waku akarikia cukuru na akambiriria to protect herself or himself ona ugigacoka gwitwo. No riu turoiga atiriri andu acio marakua tondu gutiri na drugs thirikari no muhaka itake responsibility na kumake sure ati drugs

ta icio ni cioneka. But the details again – recommendations cia health ni nyingi muno. Gwikundu tweragwo tutharie dispensary iyo, tondu yakirwo gutiri nurse uri woka kuo, gutiri dawa ciri ciakinya kuu, kwoguo ni ta mockery na mamiakire na harambee thirikari igicoka ikiaga dawa nurse oka anina mwaka umwe agetha wira kundu kungi. So maundu tamacio mamwe ni meguka in the report.

Now, registration of births (ciuria ici ciothe ni cia Mrs. Gichure) nayo ni very important no draft iroiga ati mwana wothe wa miaka below 8 angikorwo ee street ini ekuasumwo ni Kenyan citizen kana mwana ucio ni Musomalia, Muganda, tondu mwana ucio angikorwo ndoi kuria nyina kana ithe ari ri, na ningi orire kuma Somalia ri, ukumucokia umucokie ku? So the constitution assumes by the time this constitution comes into place, mwana wothe utoio ni waku, ni below miaka inana egutuika Kenyan citizen out of humanitarian grounds mwana ucio egugithia ku? Ndungimutwara Uganda tondu ti Muganda na ndungimutwara Tanzania, tuka assume ni Kenyan citizens.

But I think you have a very important point ati uhoro wa registration of birth; ni possible ona ciana icio ciothe they are not registered anywhere, tondu andu aingi maciarirwo micii, gutiri thibitari mathire na matiri birth certificate. The unfortunate thing is street children – riu kuri na street families, mwana athire street ewa miaka inana akinina miaka 12 ena mwana, nake mwana ucio wake riu ena mwana riu mena family ya street. Na riu nyina na mwari na gacukuru kao gutiri wina birth certificate. So they are actually not registered anywhere. But we are saying that these is very important. One of the things we are saying is that village governments ni magirirwo ni gukorwo maki register ciana. Tondu mwana angiciarwo nyumba iyo muriganitie nayo niukumenya, na riu andu aria megukorwo mari village govt. ni megukorwo makiruta wira ucio nigetha at least tukoragwo na proper documentation.

Now, men's responsibility – ngwiciria nitugite uhoro wa men and women na hena muthuri ungi ukwaritie the same, men and women should take responsibility ya ciana. Na by the way onatariu uhoro wa atumia na athuri, I know tariu turi Western Kenya kuri athuri moigaga ati, some of the reasons kiria gitumaga akorwo ni mutumia atige ku-inherit kuma kuri muthuriwe, ni tondu muthuri ucio athomithirio ni family, family ikiendia mugunda riu ikimutuma thukuru acoka ahikania riu akua nake mutumia ucio akoya indo ciothe no emuoyo ni athomithagia brothers ciake, kana sister ciake kana akaroro nyina na ithe. Riu tugakiuga atiriri both men and women no kinya mangitake responsibility akorwo ni mutumia ta ucio ndangiuga akorwo ni a inheriti kuma kuri muthuriwe nake brothers cia muthuriwe ndangimathomithia na sisters ake ndangimatethia, na nyina na ithe ngimateithia. Uguo Katiba nirageria kuga ati uria uri na position ya gutethia, kana ni muthuri kana ni mutumia niagirirwo ni guteithia.

Now uhoro wa njohi, I know it is in the report. I know kundu ta Busia gutiri handu twathiaga na handu ta ikumi kana mirongoiri moige tu-legalize brew, ati andu ni marekwo manyue nginya maine rwimbo mateguthinio ni mundu. (murmurings) So katiba ndingi legalize, na ndinguga uci-legalize tondu some of these brews nocio iraturaga. Githi andu matuiragitwo at least, Nairobi, industrial area ni kumi kumi na area ino na angi magatuika atumumu. Riu kuga tu legalize liquor in a blanket, ni kuuga mwenda kwiuraga mwiuragei. Surely Katiba cannot be so irresponsible ndungi legalize uge uria irikorwo kuo nyuai tu, ni takwira ciana

ati ni ta kwira ciana ni ndatiga mwaki mwenda gwicina mwicine. So recommendation will be in the report.

Na taria what has happened in Uganda, he njohi itagwo waragi, ni ta chang'aa, no uria thirikari iugaga ni ati we no uthondeke chang'aa no ndungiendia, ugutwarira breweries, igatestwo, ukenderia acio, nao acio riu menderia aya angi at a cheaper price. Riu hau ni hegukorwo na control, tondu ngungiciara uhoro wa health ya andu ucoke umere meyurage na kiria marathondeka, so ngwiciria nikio murona it is not in the constitution.

Consumer rights, consumers ni very vulnerable, tondu taria ni turona kwihindi irio irarehagwo supermarkets, ciri expired, iyo niyo right iria turecira uhoro wayo, iku-protect andu, ona drugs by the way ona andu ni mendagirio ciri expired kwoguo ni takwenderia andu mirimu but we are saying that thirikari niyagirirwo kumake sure that those consumers... ndui distributors by the way no udistribute guku na kundu kungi ta Thika uka-distribute, but the consumers meguthii nduka-ini iria watiga indo, na ringi ni indo njuru, na matiri na any other alternative and they can be destroyed, but I think the issue of distributors rights is not issue that was considered may be it is something that can be raised.

Now David Chege, now, death penalty ni tweheretie tokoiga iti mundu ohohwo maisha, nikuga ati tutiri na right ya gu-take away the life of somebody, no tikuga ati uria uroragana ena right ya gu-take the life of the other person. But what we have done ni kuga atiriri, tumi-substitutete na life sentence ohwo maisha na turoiga ati riu prisons ciambe gwitwo correctional services. Nigetha prisons citigage gwito, onagutuika turoiga ni njera, twehere kuma kuri iria colonial attitude ya gwitaga andu mabuthu na ringi ni tui andu aria angi mari njera even upto today nitui kuri andu aingi mari njera for political reasons kana tiguu? Kana ringi tondu ni magire wakiri kana ni kaundu kanini mundu ohirwo tondu niaya nguku, na a lot of this people.... By the way there are people who even I remember my uncle ohetwo somebody aforgete signature yake makaruta mbeba bengi, na ohetwo Kamiti na I remember muru wa nyina akinjira atiriri, mamagwo ndironire aikare kuu ari tondu riu niatwaragwo thibitari because he had a problem with diabetes – niatwaragwo thibitari na ni aheagwo irio cia kuigana, tondu kuria ari aikaraga kwari na thina muingi muno. (laughter) So prisons itige gutuika ta andu matuika inhuman na nituhetwo submissions nyingi muno ni andu, ati ona mundu akorwo ee njera, atreatwa like a human being, gugatuika correctional services and we have put them in the constitution uhoro wa ku-improve prisons and so on, na andu mathii kuo magekaga ati ta indo imwe makaga mundu akaheo skills nigetha akorwo wohetwo miaka itatu wa releaswa ugatuika a useful member.

But also kuri maundu maingi muno ma prisons, I am talking about prisons tondu kuri maundu maingi muno ma prisons. Taria uguo ingi-imagine mundu uria watuikite niwe warathire Pinto arakorwo njera miaka 35 years, mundu wari 21 aroima riu ee muthuri mukuuru wa 56 or so arathii kwambiriria life ha? Na gutina prove –o ati ari guilty, that is the other thing. So what do you do angikorwo mundu atuire njera, naithui ni muui ni andu aingi makoragwo njera by the way, ringi ni ku-framwo na mundu agathii agatura njera miaka ikumi agacoka akoima gutiri issues of compensation, so we are saying those things should be taken into consideration.

Now, the Bill of Rights – ni Chege, niukugaga uhoro wa women representation and 1/3 representation, and I am glad to hear Mrs. Gichira akiuga ati turi na about 500 something pages ci presentatwo on the rights of women and affirmative action – 517 pages. Uguthii ugathoma from all over the country. Atumia makagweta toguo ndaigwa mutumia uyu agweta Rebecca uria waruaga hindi ya Mau Mau menao, atumia onao nimakoragwo ma contributate to the history no riuri society ndi-recognizite atumia acio. Na I am sure mutumia ucio onakorwo no iakare haha amuire wira uria atumia marutire hindi ya independence na uria Mumbi Central Association yekaga, na uria aingi ao mathiaga gutwara irio mutitu during freedom struggle but also today wira uria atumia marutaga in the agricultural sector. 80% of the production ikoragwo ikirutwo wira ni atumia. So basically we are responding to messages kuma kuri atumia all over the country and you know ino ni battle ikoretwo irikuo I am sure ni mwonete miaka miingi I think that is why we have that.

I think what we have been saying is that tariu atumia ri, niundu wa nature ya siasa itu, itariu uhoro wa violence, you saw what happened in Kakamega the other day and that is just the beginning. Githurano gitiri kirambiria we are still at the nomination level na ni murona how violent the elections are going to be, with that kind of violence the women are kept out of politics. Tondū mutumia aigwa uhoro wa mbara niu uria atumia mareretwo ri kuigua guoya tiundu munene, no arume mareretwo ati ungikorwo niurathii handu mbaraini we niwe mundurume na akorwo ndurathii mbara-ini ukurio kai wi mundu muka (laughter) riu ni ugukora young people in the streets makifight but you will not find women. Tondū mutumia ta uyu angugwa kuri haro kiuria kia mbere ni ati ciana ciakwa ciiha? Kana ciana ciakwa cia muiritu wakwa iria ndigire mucii ciiha? Kwoguo ndangitengera kuria haro iri, igutengera kuria ciana iri.

Na turaoiga atiriri, society omundu ari kiheo giake kana ni mutumia, kana ni muthuri na turaoiga ati experience cia atumia na cia athuri, experiences cia anake na cia airitu ciothe niigututeithia tugie na bururi mwega gukira uria ukoragwo uri. Tariu maita maingi ungirora arume aria mahuranaga ngundi parliament, tutiri twaigua ati aa Beth Mugo ni maruite, na Ngilu, no niuraigua Mwenje ni arumire mundu kiande (laughter) now turehage difference atumia they are more peaceful in most of the cases. Kwoguo riu ona parliament taio ri, ina athuri na atumia ona maki-debate maundu nimekurehe meciria na experiences different nguiciria nikiu tukirehete atumia in this new constitution.

But I aslo agree with you uhoro wa equal responsibility. Ati akorwo turi na mwana tondū ni ma ringi atumia ni makoragwo magiciiria ati akorwo wina mushara tondū society iyugite muthuri niwe u-provide-ga nawe ukaga gu-take responsibility tariu ya kuriha school fees, kana ona ya kugura mugunda kana ukanengera muthuri agure mugunda, tondū society iugite ati mugunda uragurwo ni muthuri. No turoiga atiriri, everyone should be able to participate but also take responsibility.

Nguiciria ni ndacokia kiuria kia why women... but I want to talk about National days and I don't want to defend uhoro wa heroes day. Uhoro wa heroes day ngwiciria ni urehetwo ni a few other people, and all I can say is that this is a report I am going to take back to the commission, to say that people are saying that we must have the heroes day/freedom fighters day, whatever it is called. I think it is an important observation, ngwiciria hari na mistake twaria uhoro wa Madaraka day riria

twanyitire wiyathi, Madaraka day na Jamhuri day that heroes day was taken into consideration. But I think that I am convinced uria andu maroiga, that heroes day iroiga ati turirikane aria makinyitite this nation. Turirikane aria makuire, na aria ma sufferire niundu wa wiyathi. Ngwiciria iyo that I will take back as a recommendation we need to take up.

Now, the issue ya citizenship na divorce kuga ati akorwo ni muhikanitie any man or woman angihikia foreigner you become a citizen, but then you retain your citizenship after divorce. Iyo ni iku-debatwo thiini wa national conference, kana ni three years kana ni five years or whatever it is, ni ikudebatwo during the national conference.

Now, long serving MPs na pensions, I think that is a good recommendation although it may not appear in the constitution it may appear in the report and the recommendation tondu ni ma what happened ngwiciria ni the other parliament ya decide-ire on pensions but they left out MPs who were there before. So what would be necessary niguki-revise watho ucio wa authorisire pensions cia the current members of parliament and take into consideration uhoro wa MPs aya angi.

Now, nominated MPs in the new constitution are not there; there are no nominated MPs they have been removed. Issues cia culture and customs and promotion we have that under the bill of rights, uhoro wa ku-promote culture, na ino ni very important ya na nituroiga ati na village govt. for instance, part of their responsibilities ni gukorwo district councils, village govts. and the locational government, is to promote culture na tokoiga ati promotion of languages tariu akorwo ni andu makaria Gikuyu ciana imenye Gikuyu igathomithio std one, uguo ni turoiga ni very important. Tondu to muhaka Gikuyu as a language yure nigetha tutuike national. It is not important. Ni turoiga ati turi na utonga muingi between the various communities wa culture iria ingituma tukorwo turi atongu in terms of culture and if we promote them the culture and customs.

Na ningi ni kuri maundu maingi muno mabata ma customs twagirirwo ni ku-retain, ta riu issues related to support for extended families, the respect for the living and the dead maundu ta mangi ni twagirirwo ni ku-retain. I think that one is taken into consideration under the bill of rights, no angikorwo ni mukuenda tu expand that is a very important area we can expand it. Tondu I know there was a suggestion ati ona tugerie ku-protect places of worship. I understand tariu Mt. Kenya kuri kundu andu mathiaga kuhoya and people are arguing that we should protect those places of worship.

Uhoro wa Thirikari na taxes that was still James. One of the things turageria gwika ni ati thirikari ya collect taxes ni magirirwo ni gutuika accountable to the people na nikio turoiga ati thirikari ndiriunganagia taxes ciothe. Ni heguorwo na difference between the central govt, although wira ucio wothe ti murute wa separation of taxes. Central govt iga-collect taxes imwe nayo district authorities iga-collect taxes imwe nigetha nacio district councils ikahota kurutira andu wira.

But also we are saying parliament the lower house igakorwo iki-monitor mbecha iria (kai mama wathii na ndigucokerie kiuria?) turoiga ati thirikari igatuikaga accountable tondu ni ma-collect taxes magatiga gutuika ati noo maroiga ati mbecha ici niguo ikugayanio tuga-strengthen the parliamentary committee on the budget, nigetha makarora budget na priority ni mbecha ciigana

ciraheo bara, ni mbeba ciigana ciraheo githomo, ni mbeba cigana ciraheanwo in agriculture and so on. Ma ka help thirikari in priorities. At the moment parliament ndiri undu yugaga uhoro wa distribution of budget. Uria mekaga no guthoma. They can make recommendations but the government is not obliged to change anything.

Na ngwiciria riu ni muronire tariu Thursday thirikari ikuga ati Ministries ii-reduce some of their money nigetha arimo marihwo. So we are saying parliament ni yagirirwo gukorwo iri strong enough to say, tondu murongania mbeba kuma kuri andu uu niguo turenda igayanio. Tondu tariu tuheanaga 28% ithiaga gwa security – 28% of the national budget. Na tutiri mbara-ini, tutiri andu kwoguo tutiri andu turafeed on the borders tutira fuel jet igithi mbaraini kundu kuingi kwoguo no wiyurie 28% of the budget igithii kuri security. While in agriculture ira get only 5% na nituroiga agriculture niyo backbone ya bururi. So we are saying that the parliament must be able to deal with the budget and be able to make recommendations and also maki-prepare for the budget, parliament igakorwo ina input yao to make sure that the taxes are properly used.

Now, Paul Ng'ang'a you were talking about the false promises by the MPs. There is a gentleman who talked about Prof. Ghai may be I would have responded to you. What we have done in the bill ni kuheana right of recall. Mundu amake false promises na miaka iri ni ya thira, na itatu na kwanja akorwo arugamite in an opposition ticket, na ndanaform government so obviously there is no way you are going to fulfil. Either magagiuka magaki explain to the constituents, ati matira control the money, ino and therefore he may not be able to fulfil those promises, but if he is not delivering we have put the right of recall. Na tukoiga ati voters 30% of the voters if they sign a document the Electoral Commission iguka na ii-declare githurano nigetha akieherio.

Now you talked about the traditional liquor - oh niwe ukuritie uhoro wa Prof. Ghai. Now, from what I know Prof. Ghai was born in Ruiru that is where his parents comes from, and that is where he was brought up. Infact he went to university in Nairobi Univesity and then Dar es Salaam. But may be for the last number of years he has been teaching, like Ngugi wa Thiong'o and other people Micere Mugo and other people who are outside this country he has been teaching abroad. But because he is an international scholar and he is an international expert on law, thirikari niyo ya mwitire oke atuike chair of the commission. Infact I understand the Attorney General went to the university of Wisconsin in America where he was teaching atg the time, na akimu-recruit from that Univesity nigetha oke atongorie the Commission. So infact he gets very offended when he thinks that he is a foreigner oigaga ni Mugikuyu aciarirwo Ruiru. He has actually also been visiting a lot of places agithikagiriria Kenyans giving their views.

Muriuki on education, na ngoiga ati there is a lot of information on education, na a lot of this information no cio ciahetwo the Koech committee. You remember the Koech commission, another commission on education, and I think with the new constitution the recommendations being made are that the Koech recommendations should be implemented, and I know a lot of issues uria a raise te uhoro wa curriculam kuma kuri 8-4-4 kinya tu a different kind of system, have been recommended also by the Koech commission. But those now remain as policies although they have not been disseminated, but the reports are very similar to what Kenyans said and they remain policy recommendations to the government which appear in the reports.



Francis Chege – ukuragia uhoro wa bunge when it is dissolved what happens. According to the new constitution, iroiga ati there will never be at one time a vacuum. Kwoguo lower house irithiaga 5 years, ino ingi 4 years so elections are at different times. There other thing is that taria lower house githurano kirikagwo 45 days before end of that parliament so that they hand over properly to the new people who have been elected to make sure that there is no vacuum at any one time. Nigetha andu matikarigagwo what happens now like in the situation we are in now, if parliament is dissolved from now the questions that the Kenyans were asking is who is incharge now? So that is the way we have dealt with it.

Now, currency I want to suggest that may be we should have dealt with it I am going to take that as a report for I know I heard of it many times, but it is not in constitution and I think it was not discussed as a policy issue. So as I said ino ni consultation ya keru, we are coming to tell you what you told us and what we have recommended, so if new issues come us or issues that need to be taken on board. We are going to write this particular report, na nigetha tu recommend the national constitutional conference and so that the issues can be picked up during the national constitutional conference. I know they have said there should be no photographs of the president on the currency and so forth.

Now the President being the one giving degrees that one we have removed. Mungirora haria tukugite powers of the President, we have made sure that those powers are documented so that we know the functions of the President according to the constitution so that we don't have to have so many other things iria riu irekwo. Taria gutuika the head of all public universities, it really doesn't make much sense but we have removed them.

Now traditional liquor we have talked about. There is no need of two houses – let me put it also this way that this was also a recommendation from Kenyans about the two houses and one of the things twa debate aga ni ati, what will be the difference between the two houses what can we do to make sure there is no conflict between the 2 houses, na hatiri na duplication of efforts between the two houses; and that one the debate is still going on. But there was somebody who talked about the first constitution – the 1st constitution was actually a majimbo constitution but within two years majimbo had been removed. Now the question is, angikorwo devolving power to the district is an important issue to Kenyans the question we ask – how can we protect devolution? How can we protect the way we have devolved power to... what happened with the first constitution, is that you dissolve the regional govts, and then concentrated power at the centre. Na nitui ati changes ciothe cia constitution the 39 changes, most of them were to concentrate power in the executive and that brought most of the powers we have heard with the current constitution.

So one of the major functions of the upper house was to safeguard devolution. Tondu tendency ya andu kuoya powers is very strong, if the lower house decides to ammend the constitution, and by the way we have also said ati matingieheria powers icio ciathii kuri districts without a referendum. So they cannot do it without asking the Kenyans do you agree we dissolve the district councils and so on? But let me also say that we are still preparing some of the details, kwanja riu the cost of the house,



how expensive is it going to be. But I also want to say this, if we manage our resources properly ti mbeba twagaga ni ku-misuse tu miuse-aga. Nikio tariu mwalimu no akaheo 4,500, nake Judge akaheo ngiri magana kenda. You can see that Judge umwe no arihe arimu a guku othe with one months salary. The whole division na mushara wa mweri umwe na gutiri mwana wake ukwaga thukuru, kana arimwo ni kuriha rent, and so on. So it is just the distribution of those resources.

Nitui ati andu amwe ni squatters whether Coastal Province, Rift Valley or even Central na angi mena acre ngiri ikumi. By the way I think we are among the very top in terms of the gap between the rich and the poor. So it is not that we don't read... Charity Ngilu says 'we have enough resources but not enough for our greed' aria akoroku niyo makoretwo magiathana na niyo magi-concentrate all the resources around themselves. So Kenyans turi athini niuria tu, distributaga those resources an niuria ture-govern, noria tura manage our own resources. That is why we have very poor people but also extremely rich people. And I think it is good ... no ndiroiga ati that is the reason for having the upper house, but I think that the other thing we are trying to do is to find out what would be the cost of the current government. And may be what we should be asking ourselves niati, how can we make sure we eradicate corruption, how can we make sure ati andu matira misuse resources, how can we make sure that we manage the resources carefully?

One of the things twikite in this constitution, igukorwo na economic council. That economic council of about 21 people; a council of experts aria mari-advice-aga thirikari and some of them will come from the business community on how to improve economy ya bururi.

Now, I want to go to Douglas is he here or he has gone? You are there? Douglas I know you said categorically that this constitution is not good. But I want to tell you there might be a few places where it is good but I will concentrate on the areas which you said are bad. Ngi assume icio ingi ugire ni njega no icio uroiga ti njega ngicokie cio. You are saying that you have an important point – the Prime Minister should not be more powerful than the President. You are saying that the President is elected by the people, and the Prime Minister is a nominee and therefore he cannot have so many powers no ungirora what the constitution is saying, the President, symbol does not mean is ceremonial. Kenyans were saying turenda mutongoria wa bururi twamurora uguo tukona Kenya, tukona mundu utangi-make undu muru u-happen, tukona mundu concerned with us, tukona mundu tungita if we have a problem, tukona mundu tungi look up to if there is a disaster. Now that has a very different function of the President as a symbol of the unity of the nation, as a symbol of the power of the nation, as a symbol of the collective will of the nation.

When you talk about the Prime Minister, Prime Minister is somebody managing the government and I think that we have said that the Prime Minister's job is like a promoted Permanent Secretary, becoming a manager of the government and there are certain things he can do and we are also saying Prime Minister ucio no muhaka acceptwo ni Parliament. But that is an area where it will be discussed more in the National Conference, nigetha tumake sure ati gutiri na conflict nigetha to make sure that the Prime Minister can never have so much power, ati no make President ceremonial. So those are very important, although

we have put it in the constitution we still need to work out the details to make sure that you know that those two powers do not compete among themselves, that is an area we need to work out in details much more.

The 90 seats should not be there, I explained ndiu kana ni ugukite. These 90 seats are not nomination and I hope we can understand ati uria ndirageria kuuga ati political parties, if you can remember uria kwari kuru when we had one party system. Aria mari agima hindi iyo, I know you remember when you had no where to go. Ona ukiaria ukamba kwihugura ona wi mukawani ikirora niu ucio urathikiriria. Ugakoragwo waku mucii ukeragwo ni uroigire undu na nduri na gwaguthii, hindio thirikari na parliament na kiamia they are one isn't it? But since 1991 since the multi party system, there are many things that would not have happened if we did not have a multi-party state.

One of the things that the constitution thought that it was necessary to do is to make sure that we have these checks and balances, that we never get a time when we have one party any more, although some people were saying kaba tucoke kiamia kimwi. That you are promoting parties so that they become vehicles for democracy, nigetha igacheck on each other. Even the competition itself is healthy. Tariu NAC is feeling accountable to the people, so is KANU so that is the kind of party we are looking for this is what we want to do for this nation, tukwenda guika una na guika una. If it was one party there is no competition they don't have to feel accountable.

So the 90 seats, is to make sure that the party is being rewarded because of the number of voters, that have given them votes. I hope we understand. Like if we put the opposition votes together in 1997 (interruption) Ngugaga atiriri, kuma 1997 ri korwo ni watukanirie votes cia opposition na utukanie votes cia KANU, nimungionire ati cia opposition ngwiciria ciari nyingi... **End of 3A cont...** ciama icio ri matuike represented ni mekuona andu akumarugamirira nacio mirongo itatu ingiathire kuri KANU. Uguo gukuringana na kiamia ri kiaheo kura cigana ni andu. Nitwaunderstand hau? Uguo ni ya kugeria ku balance tondu iria tukoretwo nayo itagwo majoritarian type of ruling ino ya one constituency one vote. Na argument ni ati when you don't have the mixed member proportional representation, votes nyingi ni ciuraga. Tondu tariu aria ma-votire opposiion, I mean in terms of uria watonya na uria wa loose, andu acio makoragwo matigitwo ta matari na andu. No riu ona twatukania ino ya majoratrian na ino ingi ya kuhe votes to the party gwi kiamia kiria kiri na votes nyingi ni tukugeria ku balance representation. Gitu, no explain may be a little more na gikuyu?

**Hon. Gitu:** Aroiga atiriri, tugithii elections ri, tuguthii ku-elect members of parliament oruia tuthuraga. Ni tuge taguku kuri mundu urenda ku-electwo na kiamia gia KANU na uria ungi na kiamia kia DP na kia NAC, kana uria ungi na kia Ford People, makorwo mari andu atatu. Mutigugithura mundu uria mukwenda? Now, at the same time ni hegukorwo na list ya political parties, iria iri thiini wa that constituency, ni tuge ta KANU, Rainbow alliance, NAC and so forth. Warikia kuoya mundu waku wa Gatanga ri, ucoke ohau ni ukuvote the party irio urenda. Now, makoiga atiri, thiini wa votes icio ikioyo ri, mundu uria ukugia na vote nyingi ni atuika Member of Parliament, no ni megucoka makarora ni party iriku yuma na vote nyingi thiini wa Gatanga iria igukorwo na nyingi na iria igukorwo na whatever.

Nituge thiini wa Gatanga, iria iri number imwe niyo yoya vote nyingi niyo ikuheyo percentage ya aria 90, akorwo yuma na 30% niyo ikuheo 30% ya andu acio 90 iriu ciatukanio ciothe thiini wa bururi, nguiciria handu hau niho haratuika very difficult. Ati hari na column igiri ya member of parliament na column ya party. Riu uguo urithuraga Member of Parliament na ritwa riake, ugacoka ugatonya ho ni party iria we urenda ugagi tick. Ougwo tugithii tugi-tick-aga okundu ri ciatarwo bururi wothe ni gukoneka ni bururi uriku wina andu angi gukira aria angi, na percentage iyo niyo igacoka igayaniyo andu aria 90.

**Com. Wanjiku:** The names? Riu ni twakiuga ni Wanyoike urarugama ino ni NAC, kiama kiu ni gikurwo kiri na andu mirongo kenda, number one upto 90 na giki kingi nakio, lets say KANU igukorwo ina list ya andu mirongo kenda, Ford People's coalition nayo igukorwo na andu list yao. Kwoguo riuri we uguthura kiama kiria ukwenda kuringana na maritwa maria urona. Maritwa mau ni ma gu-sell kiama. Kwoguo uguthura kiama kuringana na maritwa maria urona urenda gukorwo ikirehe kuri parliament. Which means riu nacio ciama ni iku-force-wo ku-make their parties attractive by the kind of names they are choosing nigetha mekirwo riu that list.

I will go back to 1997 njuge atiriri although ndiraririkana Moi ari na ki does anybody remember? Ok ari na 30% - then let's say KANU had 30% which means out of the 90 KANU ingiari na iti 30. Then let me say that DP had 20% so they would have 20% of those seats, but then distributing those seats between now DP, NDP, Ford Kenya and so on, then the 60 seats would have gone to opposition. Then you can see parliament would have been different in terms of presentation niundu wa proportional representation.

**Hon. Gitu:** In short Professor aroiga korwo hihi hindiio niyo turari na constitution iyo njeru ri, 1997, iti icio 90, 60 cingiari cia opposition tondu vote ciao ciari 60%. In short parliament magiikara thii uguo, tariu already parliament majority mangikorwo mari opposition tondu ni ma score a big number, nituraiguithania? (audience: Yes)

**Joshua Karanja:** Nii kiuria giakwa ni atiriri, korwo no mwandike constitution iyo murenda kuandika ri, kai tutangihitukia atiriri, President agathurwo muthenya wake, MP muthenya wake, na Councillor muthenya wake? (discussions in the background)

**Com. Wanjiku:** By the way uguo Joshua oiga by the way ni twaritie uhoro ucio ni kuri andu angi maogite tu-separate elections, na ngwiciria ni tu-separate-te; only I think I can look for it when I am through na tukoiga presidential elections ya take place ta umuthi iria ingi igatake place - one in August the other one in September nguiciria ni tu-separate-te. Thankyou very much.

Akorwo ni twaiguana the meaning of that one (interjection: inaudible) ndirikitie ngwambaga gucokeria Douglas tondu oima na ciuria nyingi, ni ukuritie uhoro wa Ministers whether they should not be from outside. One of the things ni andu angi moigire ati

Ministers marutwo nja handu hagukorwo in Parliament. Again argument ya andu aria ma-representaga uhoro ucio maoigaga atiriri, tukoretwo ona problem ya ku-manage policies cia ministries. Akorwo ni mundu wa P1 teacher agathii agatwarwo Ministry of Health. What is going on within that ministry ona we mwene ndoi na gukagia na conflict ya the other thing ni ati ministers nao magatuikaga andu mara-reward either kabira makarewardwo ta Minister kana, andu angi maka reward-wo for different things by being given the Ministerial positions. Na argument ya ndu aria ma-suggestaga uguo ni atiriri is to make the Ministers professional nigetha mahote ku-implement policies cia thirikari na nigetha mundu akorwo atari na constituency na akorwo atari na kundu – itariu mundu atuo Minister wa Information ugatwara telephone kwanyu, watwarwo Ministry wa Rural.. whatever it is, kana watuo Minister wa Land ukahe andu migunda akwanyu – we try to make these people professional and independent na matigakorwa mari na constituency, gutigakorwo kuri na andu maroiga ati tondu riu ni kwagia na Minister ri, riu ni tuku-benefit, nigetha mahote gu-serve everybody. That was the general argument and this was a recommendation from Kenyans.

Now, sub-chief almost all over the country nitweragwo akorwo muri na chief no a thurwo no riu akorwo kuri na sub-chief mweka ndegugithurwo in the local govt., village committee, akorwo kuri na sub-chief mweka niuguthurwo ni that committee kana akorwo hena Chief mweka ni egugithurwo in the locational ... so they are not out, only that andu riu ni meku make choices kana ni mekwenda makorwo ma kimatha kana matikwenda makorwo makimatha. But there was a general suggestion that the Provincial Administration as a whole yagirirwo ni kweherio.

Joshua ni ukwaritie uhoro wa ministers acio onawe (Interjection)

**Hon. Gitu:** Ngwendaga kuongerera handu hamwe hau Professor oiga, ni nguririkana turi Gatundu South, athuri a Gatundu South ni manegenire muno makoiga ona moragia Commissioners, makoiga na makagweta ritwa specifically, niki kingituma Dr. Godana Minister for Agriculture, makoigaga mundu wa na guku rugongo andu marati mona kahuwa na maitho niwe ura-run industry yao ya coffee? Makoiga ati mathina maria menamo onake we mwenyewe ona kahuwa akoneire guku. Maka argue iyo ni mistake imwe nene muno Minister ku-run Ministry ya Agriculture, na ndari na concern nayo. Riu uria Professor arenda kuuga ri, point iyo ni point gwiciria wananchi twagirirwo ni ku-understand muno no kinya mu-separate between a politician – mundu utonyete hau tondu ni a politician, na mundu urehetwo hau tondu ni professional angi-run economy yanyu kuringana na ari na training na management ya economy. Na nikuraheanwo example kundu ta America, ma Ministers, kana ma-Secretaries aria ma-run aga the govt, matikoragwo makiuma thiini wa politics, mathuragwo kuma na njaa nigetha akorwo ni Ministry ya Agriculture aneo, arami-run kuringa na uria agri. ihana. Akorwo ni Ministry ya Education a neo, arami-run kuringana na uhoro wa githomo ni oi.

Now, basically uria turenda kuuga andu acio akorwo ni ikumi na atano ri na turi na MPs ta 300, actually ona ti andu angi ona mangiuma nja. Tondu ona mistake iria ikoragwo ho nene makiria, ni uria githungu kiugaga dangling the carrot. President ari dangle the carrot akoiga wee no nguhe ministry, nigetha utindage umurumirire ucoketie moko na thutha ndungihota ku-run

ministry na njira iria yagirire, tondu he gati wetereire. Riu aya marihuraga politics cio uria mendaga kuhura, no mutige andu aria mari-run ministries mari andu professionals, andu qualified na ni hegukorwo na system iria marithuragwo nayo tondu no kinya parliament nayo ikametikiria. Really uguo nigu point iyo ihana na actually ndaririkana tondu ni ndari Gatundu South, Kiganjo Polytechnic. Athuri amwe manegenaga makoiga Godana niwe uthukitie Ministry itu, tondu ona ndaramenya ni kii araria. Tondu ona moigaga kuma guciarwo gwake ndari ona kahuwa na niwe minister! (interjection:question)

**Councillor:** Hau hari undu ingiuria tondu wambere uria haronania ri, ndikwamba kwaria ngwaria thutha on the same issue, nitwagirirwo kwamba kuriganirwo ni mauru maria mundu uria wiho ekite. Tondu taria ungirora nyamu ino, nita ira-respond kuringana na uria Moi arekite atia... twagirirwo kubanga bururi na njira ingi na Katiba ndigakorwo iri ya mundu. Na njira ino imwe: ndungithii Bw. Wanyoike uge ati MP niacagurwo guku, niwe waheo idhini aka-represent andu acio Bunge, ucoke uthii umugirire mundu ungi nakuu nja. Hatiagiriire tondu riu uria draft ironania ni atiriri, MP akorwo ari policy maker, na at the same time nowe implementor. Hatiagiriire. Nii taria kuria njaguritwo tondu ndi councillor ri, nii ndiri policy maker no clerk na treasurer, acio niyo implementor. Nii ndathii ndoiga thoko ya Kirwara ni ndigenda iirigwo, ni wira wao na engineer guka guthima itingi na thisingi iria ciagirirwo ni gwika atia? Kwoguo haha no kinya ha separatwo o wira wa mundu wega wega, turiganirwo ni Moi- Moi ni arigithitie andu a Kenya – and I am very sorry to say that. Kwoguo tungithondeka Katiba tutekuona Moi handu ngwiciria bururi witu no wagire. The MP acagurwo – macaguragwo andu qualified, na kundu kuu Bunge andu aria marikuo, we have Doctors, Lawyers, gutiri mundu gutari, no niundu wawe mwenyewe gukorwo uguo Bw. Wanyoike uroiga ati ni arakwira nifuate Kesho ni tateuwa wewe. Twambe turiganirwo ni maundu mau tuthondeke bururi witu wega MP ni aheo kiria. Tondu onanii unginjira atiri ni ndacagurwo kuria gwa Kanju, no ucoke ungirire ningi mundu ungi nakuu nja ri, ndirikoragwo ndi answerable kuri andu aya na njira iriku? Nii nithii njuge akorwo nda cagurwo ndi MP wa Gatanga bara bara between Thika and Gatura ninderenda itamakwo, ucio ni wira wa Engineer na PS, no anga tugikorirwoni turikoragwo na Ministry itakiri na Permanent Secretary. Tondu Permanent Secretary niwe wagirirwo gukorwo ari professional, no ti politician. Ona politician no kugirwo mundu utari muthomu nathii akoiga ithima cia gwakwa nindirenda cienjwo andu agwakwa manyue mai. Ucio ni wira wa ma-engineer na kundu guku kuri na ndu athomu muno. Tutige ku-mix ki, wira ni bururi witu turathondeka twambe tweherie Moi. Moi what he has done to Kenyans ahurite hakiri cia mundu wothe ati mundu wothe tondu wa thiina agurumuka onaga Moi ona togukorwo kuri mundu uthitukaga aririkana ringi ruciu egukira na ndakona ki, Kei tuthondeke andu acio matiagiriire. Hari nii it is my view matiagiriire. (clapping)

**Com. Wanjiku Kabira:** Thankyou very much Councillor. Riu debate iyo niguthii National Constitutional Conference ya the appointment of Ministers. A lot of the MPs themselves are against it, because they are being denied the opportunities also gutuika ministers. Riu tikuga ati onao ati matiri na interest, but I want to say one thing, there are many things we were told by Kenyans as you have said riu ngwiciria ona uhoro wa Moi, to make him a ceremonial President which given the experiences ya mabururi maria mangi ri in our region ri, we shouldn't make the President a ceremonial President; that is why we have given some powers. So I agree with you we should not make the constitution with just Moi in mind. And by the way Godana is not just the only one, when we had ministers from our region, from the central region, nao marehaga taria akorwo ni Kenya Meat

Commission, ikarehwo Nairobi handu ha gutuarwo kuria ng'ombe iri. So sometimes some knowledge is important if you are a minister but you are right in the sense that we need to be very clear where the policy maker should be. Whether the policy maker should be within the parliament or the ministry itself because ministers are policy makers not the implementors like the Permanent Secretaries. But that discussion is going to continue in the National Constitutional Conference.

Now, Joshua said that 15 ministries are too few, therefore, he would want to increase them. I think uria mundu agirirwo ni kwiuriria ni which ones are the key Ministries and so on. But also ungi-imagine the number, I think we have 45 Ministers and Assistant Ministers I think they are about 60 – they are very many and they are also a big burden. Tariu Office of the President ri, why do we have so many Assistant Ministers and I think they are 4 Ministers what are they doing?

So may be as we re-structure the govt. tondu tura move towards making the government smaller, we talked about lessening the govt. the expanding participation ya andu so that the govt. becomes the manager rather than the implementor. But again that is going to be debated more in the National Conference.

I think the need for the upper house I talked about it a little and I am also saying that this is also another debate in the National Conference. The only thing I wanted to add haha ni ati like I said the costing of the government ni irekwo and by the time we start the National Conference the costing will be made clear. How much are we paying now, na difference ingikorwo iri iriku. Considering also that matiri na power kuma Katiba ini ya ku-raise their own salaries.

Now, supervision ya political parties – Joshua – you are right the Electoral Commission ino turi nayo tiyo turaria uhoro wayo, and I ama glad the councillor reminded us about this, tondu ringi tukihe powers to the Electoral Commission twageragia kwiririrania ati we are not talking about the Electoral Commission made by the Kivuitu but we are thinking about the Elections Commission njeru and you know there are 22 Commissioners, this is also very expensive so we have reduced them to 8. There are 8 Commissioners, they are going to be independent, they are going to go through Ethics and Integrity Committee nigetha ma vetwo in the same way the other people megukorwo maki-vett-wo (interjection: inaudible)

Turi na appointments cia commissioners which I think they are in page 34, where we have – sorry I have seen something missing in the appointment of the commission, but let's check under the electoral process which comes earlier, article 83 so can you see page 84 – establishment of the commission, - sorry I think there is something missing the appointment of the commission is not there and it is under the general provision, there is something missing and we will rectify. But most of the commissioners are only appointed by the President after approval by parliament itself. So that some of the Commissioners who are dealing under the Public Service or Judicial Service or Electoral Commission, the names are proposed to parliament, the parliament approves and then gives to the Parliament, the President signs. But I will check again. But it is supposed to be an independent Commission, both 8 Commissioners and they are not appointed by the President. The appointment in this particular case is ceremonial but they are actually approved by parliament. So it should be a much better Commission than



what we have at present. So supervision meaning just to make sure political party ni ira-participate in the elections na ni marathomithia kuringana na uria twaririe mbere na ni marathurira funds properly and they can recommend and they can infact de-register a political party angikorwo ni irathii against the rules iria twaritie uhoro wacio.

District councils uhoro wa cost ngwiciria ni ndaria uhoro wa cio and I have also talked about upper house and the lower house. So will go to Gabriel Mbugua – ekwaragia uhoro wa iti ici 90 na ningwaritie uhoro wa cio and then kiuria kiria kingi ukuritie ni when the Parliament is dissolved what happens? Ngwiciria ni njoketie kiuria kiu ngiuga ati the new constitution is saying first of all ni ira stagger elections that is one, that is presidential elections are different from others but it also says elections icio no muhaka irike 45 days before the end of the other parliament nigetha hatigakorwo na vacuum at any one time na upper house na lower house will be having election different years not the same year so that there is no vacuum at any one time.

Washington – compensation of freedom fighters more or less – where is Washington? Ni ukuritie kana ni twariganirwo uhoro wa freedom fighters ona Mama Miriam Wanjiru ni ekuritie uhoro ucio. Uria twikite ni kuga Commission ino iretwo ya Human Rights wona Katiba yoka in place, ma-investigate crimes icio ciothe na maundu maria mahappen –ite we have not put any deadline na ma-make recommendations uhoro wa compensation kana andu ni megu-compensatwo and so on. Na iyo ni ira include although iroiga uhoro wa crimes, igacoka ikoiga uhoro wa tribal clashes but we agreed at various stations we should also add in the struggle for freedom as one of those elements tondu ti obvious. But ino ni Commission freedom fighters can go to for this investigation.

Na niukuritie uhoro wa counting of votes, uria watho uroiga ni ati the new constitution, na uhoro ucio by the way wahota kuhappen in the new constitution, ni ati haria waikiria muti polling station, niho miti iritaragirwo na andu makerwo iuma igana ohau polling station ini. Igatarwo andu makerwo ng’ania anyita miti iigana ona na uria ungi anyita miti igana ona na iga-confirmwo andu aria marugamiriire the candidates maga-confirm hau hau. Na ngwiciria watho ucio ni uthiete parliament.

Mama Miriam ekwaragia uhoro, wa ekwaragia uhoro wa struggle ya independence na ngwiciria ni ngwaragia uhoro ucio hanini ngwiciria ni ma tutiagirirwo ni kuriganirwo kuria tumite, tutiagirwo ni kuriganirwo ni aria makuire na aria maruirire wiyathi uyu na aria matigirwo magithina na ciana ciao magithina. Na nigu ndoiga ati hari commission imwe turoiga, ni twagirirwo ni gwika investigations na ni tukuongerera uhoro wa freedom fighters, tondu ndiugite specifically kana ni freedom fighters ikirite rights cia tene maundu maria moru mekikite bururini na igacoka ikaria uhoro wa clashes cia ta haro iria yari Rift Valley na naguku Kwale na kundu kuingi. (interjection: question: inaudible)

**Miriam:** Nii ndiho ri, ningucoka ngworote we tondu nyukua na thoguo ni akuire no nii ningoiga mwana uyu ni wa mundu uria warutaga wira ng’ania, no riu ndagikorwo ndiri ho ri, ukaririkanwo nu? Uyu ungi wa riika riaku ri, niakahota gutariria oige uyu ari wa ng’ania kana ng’ania? No ingigikorwo ndirihori, ndigukiuga uyu ni wa mundu watungataga nake, ndigigukure raini ya thogwo na nyukua aria marikirie gukiuragwo? Riu niundu wa uguo nigu turagituma tuge tukinengerwo haki itu. Itondu tariu



uraruta wira ri, githi wa retire ndukiheagwo mushara, ithui twaki-retire tukiuma uguo? (laughter)

**Com. Wanjiku:** Ngwiciria ni ndaigwa na uhoro ucio ni tugukiandika. (interjection)

**Speaker:** I have noted ni murutite Kenyatta Day which I believe ni significant day kuri freedom fighters. Ona akorwo ni igucenjio from Kenyatta day to another day, I believe andu aria maruirire wiyathi it can be a day of remembrance to keep iyo as a public holiday.

**Com. Wanjiku:** The freedom fighters day ucio ni tu-consider-te na ndoiga ati I will bring the information. Reke ningi njuge atiriri, by the way tikweheria tweheritie (interjection)

**Miriam:** Kenyatta ni miri, na muti uria uri na honge nyingi iguru na nathi miri ni minini na ndumaga, no ungikura miri iyo niguo ungika atia? Uguo Kenyatta ni miri. Ni murona Kicrown iria haria, ruri ruu rumwe rugite bururi uyu wa andu airu ni green Ngai ni atwendete. Rugacoka rui rutune ni thakame iria twaitire, na ruo ruu rungi urona ruiru nikuga Africa – andu airu, na ruo ruu rungi ruiru ni twathamia Kenya ya tuika White.

**Com. Wanjiku:** Green, na ruiru na rutune ni ndiraiguite no rweru ndiraiguite ni rwa guthambia (Miriam: inaudible) laughter.....

**Miriam:** Ni Daudi uria waitirirwo maguta akiringa Goliathu na ihiga akigwa.

**Com. Wanjiku:** Ok ni thengiu muno, Miriam, niukuritie atiriri kana ni twaragia na na aria marikuo kabere aria maruirire wiyathi. Ngwendaga gucokia atiri ni tukoretwo na mucemano wa andu aria mathiire kwariria Katiba hindi yawiyathi andu ta Jeremiah Nyaga, na Shikuku na Ngei, Ngei ndiamuonire, Robert Matano na freedom fighters onao ni mokite kuheana recommendations ciao kuri commission na tukaria nao. Kwoguo ni maheanite uhoro na nikio ndiroiga ati riria turoiga uhoro wa freedom Struggle, by the way Kenyatta tikweherio eheririo Katiba ini – it was not there. Ni twaritie ati parliament no ithondeke watho wa ku-identity thiku ingi icia national day. Kwoguo ni twikirite in the constitution tikuga ati nieheretio. No tariu andu angi maroiga ati twikire freedom day in the constitution nigetha ndikana eherio ni mundu itondu ici ingi no weherie na wikire.

Tariu Moi atwirire last year ati Moi day ndigucoka gucelebrate-o uria ii celebrata-gwo and therefore yesterday it was a quiet day. No ingikorwo in the constitution ikeragwo that is an independent day na iricelebratagwo in this way riu ndingicoka kweherio. So I think it is a good idea uria andu maroiga twikire freedom struggle, na ni-irecommendtwo ni andu aingi in the constitution. Icio ingi parliament can make a law ya kuga which are the others, na andu ma-decide kweheria magakieheria no iria iri katiba ini itingieherio easily. (interjection)

**Miriam:** Nao andu acio megukari na amwe ni mokite niundu wa kuingira kiama-ini. No nikuri ungi utoigire (inaudible) na niokite ho no tondu ni akiukanine ri, thigi ndeguguika? Riu agiuka oige ni ng'ania na ni ndikimuguaga ri, githi ndugukimuamukira? Na aria moigire (inaudible) gukiri mundu wa gutwariria?

**Com. Wanjiku:** Riu ni turekera mundu wa kumwariria.

**Miriamu:** Riu ndirakiuga turirikanagwo (inaudible) tondu ndiguaga tukigwetwo ithui. (inaudible)

**Com. Wanjiku:** Riu ni tugutwara uhoro ucio wothe, thengiu muno. Charles Kimani Ngugi niekwaragia uhoro wa athini na uhoro wa athini na uria ngwenda kuuga ni ati constitution ino in yaritie uhoro wa athini – uhoro wa equitable distribution ya resources, ni iraria uhoro wa ku-make basic needs, free education and so on ni ira-take into that consideration.

Uhoro wa disaster ngwiciria uria tugite ni ati the President would be able to declare a state of emergency niundu wa disaster teria twari nayo 1997, kana famine kana kindu ta kiu uguo, ni tugite uguo no ndigwiciria hena details njiganu kwoguo iyo ni area tungirora ringi.

Now, John Njoroge, citizenship article 19 on citizenship, ngwiciria uria article iyo iroiga tondu ni ndimithomire earlier ati mwana wothe uguciarwo ni a Kenyan citizen, kana ni mutumia kana ni mundurume is a Kenyan. Kwoguo andu acio ngiri managa meri mangiuka Athungu maciarire guku ri, they cannot be citizens just before independence ri, they cannot become citizens tondu Athungu acio ri, they will still be foreigners ona mangiuka when the constitution is in place or just before. Kwoguo acio matingituika a Kenya according to that article.

Now, jeshi la mzee, talibans and the others. Nitugite in the constitution ati gutiri mundu uri na right ya guthondeka army yake itondu as you say kuri andu aria mara-support different groups na niturona chaos iria irakorwo I-on andu maki-assoicatwo with certain groups, kana turaria uhoro wa talibans, mungiki – we are saying that nobody has a right ya kugia na army yake. There is only one army which should be properly formed so that jeshi la mzee or anybody citiagirirwo ni gukorwo ciri kuo.

Now, Samuel Njoroge, niwaria uhoro wa heroes day na iyo ni ndoiga ni tugwika ati – we will look at it. Fair representation ngwiciria ni ndaria uhoro wa the 90 seats na uhoro wa national council, I talked about it ni turageria gwika costing ya national council ngwiciria ningu-explain-ite. The 90 members on the party list ngwiciria ni ndaria uhoro ucio and the ministers outside parliament. Riu ni tukuheana an opportunity ya another group then we finish.

**District Coordinator:** Rekei tuoe another group nigetha Commissioner aigue ciuria natugerie riu gutuika very specific tondu (interjection)

**Com. Wanjiku:** Ndinagucokeria ciothe? Ok comment for a minute.

**Speaker:** Ok, niwega muno ni kuhe thabari ya Keri. Mbere ningiamba gucokeria Commissioners acio othe mara-deal na constitution ino itu ngatho, niundu wa wirutiri wanyu mutari na guoya ona hanini. Na ngiaria uguo ningienda kumwira atiriri,inyui ona mutirutite wira, nikuri studio ituthomithitie muno makiria itaguo kayu ka muingi kuma thaa igiri kinya thaa ithatu kaingi kinya thaa ithatu hau uguo aingi ni tukoragwo tugithikiria constitution uria irathi na mbere na turi na ugi muingi muno makiria.

Ngaria uhoro wa parliament iyo iratugia muno ri, ciuria icio ni ciuritie nyingi muno na cigacokio thiini wa radio. Umuthi MP uria turacagurari, arakorwo e master kana ari munene na niwe uracoka kuandika andu aria angu othe. Niwe urandika President, Judges, Macommissioners acio othe muraigua kuringana na constitution ino uria iroiga. Ngiongerea hau ri, Prof. Ghai ithui tutimui ona tutiu kuria aciarirwo no hari uria wamuthurire na umuthi niwe uroiga atiriri, he is not a Kenyan, amuthuraga atari Kenyan? We know he is a Kenyan tondu ni a muthurire na akiona ni mundu mwagiriru wagukorwo agitongoria Commission iyo.

Constitution ino itu, ni ndimithiite thiinie wa radio na ngacoka nga mithoma thiini wa gatheti ino na niturona ni ma ithui ni ituteithitie muno ni tondu corruption iria ikoretwo iithini wa bururi, ni minimized na njira nene muno thiini wa constitution ino. Kwoguo nii kindu kiria ingimuria ni tugerie gu-support commssion ino marikie wira wao. Ni ndaigwa andu angu maroiga atiriri, ati matiaheirwo civic education. Nii ndiriumwe ngoretwo ngithii civic education na hau kabere no riri wakihota gutwara ng'ombe rui na uminyitirire inyue mai? Aca. Niwamitwara rui ikanyue mai, inyue mai. Uguo nii ri, ndanyita andu acio mbaru na ndoiga atiriri ona ithui turi thutha wanyu handu hothe.

**District Coordinator:** Thankyou very much. Rekei tuthii group iyo ingi tondu mathaa no marathii (interjection)

**Speaker:** Ndina point ngwendete kugweta ndikugwetete, ni civil servants na parastatal staff ni mugwetete haha angikorwo ni mukwenda iti cia parliament mundu a resign kuria andikitwo wira, na angiaga ku-resign nomination ikwo aingire giti hindi iyo niguo angicoka ku-resign thutha ini. Tukoiga ati hau ni hekugia na loophole tondu angikorwo no oke na anominatwo na athii githurano ata-resign inte.....

**Com. Wanjiku:** Turoiga ati civil servants kana heads of parastatals they take leave, uku-resign wathurwo akorwo utanathurwo ucoke wira. (discussions) Ngwiciria hau hena mistake tondu wa riri uria toroiga ni ati riri tariu district councils ri, ni mukuenda andu strong, kana tiguu? Na watho uroigaga atiriri... tariu nii thomithagia university ya Nairobi ingienda kurugama guku Gatanga, no muhaka resign na hatiri guarantee ingi apply ringi ni ngucoka. Now, the law is saying no I can take leave, thii nga campaign wona ndathurwo riu no ngiresign officially, and you get the benefits of what ever the time you have served. Nigetha tu encourage andu aria marutaga wira nao matware their experiences into the political arena. Kwoguo turoiga no uka-resign later, nii ingiaga guthurwo ri, ngucoka kirathi ngathomithie.

**District Coordinator:** Rekei tuoe the other group na please mu-understand handu ha ciuria ciurito ringi mutigacoke ringi round na mathaa ni marathii na ngwiciria tuoya round ino niguo tugu-conclude. No.1, Cllr. Njuguna, No.2, no. 3, no.4, no.5., no.6, no. 7, omundu niaramenya number ciake ritwa na very brief.

**Cllr. Njuguna:** Ha maritwa njitagwo Cllr. Njuguna na ward iria representatite ni Gatanga. Wambere ngwambia na gucokeria Commission ngatho ni wira uria irutite, na ni wira mweka, na nii no njuge ni thiite draft ino na ngona maundu maria meho, ni maundu maria andu a Kenya mendaga. Na akorwo kuri na ihinda iritu muno, no muhaka tungithii na mbere tondu gutiri kiega kiumaga hega.

Ngwanjiria na uria nyamu ino ihana tondu Madam Commissioner ukite ringi na nindirona no muguka thabari ingi, tondu ya korwo iri final draft, ya adapt –o ni parliament, no muhaka mugacoka guthomithia ndu mumere Katiba yanyu ni ki.. ino niyo riu murikoragwo mwinayo. Kwoguo ngianjiria nguga atiriri, twanjiririe na haria iguru uguo kuratuika ati President ni ceremonial, ti ceremonial, kuri na powers athiate atigiirwo haha na haha. Na uria nii ndimionete haria kuratuika kuri haria president arakorwo ahana ta angi-worship-wo, akaaetherio mahinya mau mothe magacokio Bunge. Ati ona noeke undu na ucoke ucoke ku?

No hehandu nii ndiroiga, tungirora bururi witu uria uhana, tutiagirwo ku-burden the citizen a bururi uyu na ku-form so many other bodies. Nii in my view tutiagirwo ni gukorwo na National council or the upper house na the lower house. Twagirwo gukorwo na nyumba iyo imwe na mahinya mau mathiite magayanitio, tondu riria twathii twagia na nyumba igiri, andu acio mekuu no mishara na economy ni turona uria ihana. Na Katiba ino maundu maria ingarorire, ni ku-reduce costs cia andu a Kenya niguo mahote kuheo services, tondu finally mundu uri na guku gichagi kindu kiria endaga ni services.

Wakeri njuge kuri na clause iho, ya kuga ati andu no ma recall their MP. Nyamu ino no njugire hau hena biaseness, tondu wa riri MP tariu tutiagirire kurora as per the current situation, tondu tungithondeka Katiba ino, turorete na maundu uria mahana umuthi, nii ninguona after 10 – 15 years, Kenya tugicoka guthondeka ingi na gitumi ni giki. MP ndagiriirwo kuheo mandate akerwo ati ni aremwo ni kurutira andu wira, tondu angikorwo ni gugutuika uguo, ni murango ungi wa hingurwo wa ku-loot indo cia bururi wa Kenya. Tondue angikorwo ni arikiendagwo eke harambee ri, ekage kina ri, wira ucio ari urutaga na njira iriku? It is the system of the governance niyo yagiriire gukorwo iki deliver services but not an MP or a councillor. Kwoguo ngoiga atiriri, MP niathii a represent andu ake, unless niagithii atuike ni aguruka, na biu athii athimwo oneke ni muguruki, hindio noguo angithii etwo ni kii, ni andu ake. Mundu ndagirirwo ni kuheo mandate acoke akirwo muramuhe hinya na muena uyu no mwena uyu ungi ni mumuohete na mukanda mukamuruta na nda. Uguo hau ngoiga tu my view ndiagirwo ni gwika ati.

Ngjaria na njira nguhi he issue guku bururi uyu ikoragwo ina thina muno. Na ndarora thiini wa draft ino, ndinona tera miaddress biu, issue ya tiiri. Tondue ungirora andu aingi a Kenya, matiri kuria mangiaka na niukuona akorwo ni ta family, kwa ngerekano ta muthuri uria wi haria ringi ena ihii inya, mugunda uria enaguo ni acre ithano, ucoke uthii niugukora mundu ungi uri na acre ta ngiri ithatu na mugunda ucio ndurimagu. Kwoguo haha tukarora either akorwo commission yaheirwo maoni ni raia,

mwenanaini wa land policy ndina address fairly. Tondū kuu nokuo na thina wa bururi uyu ukoima mwenana ini wi tiri. Na kungithii uguo, ona akorwo ndigakorwo ndi thii –ino no muigwe Kenya kuri na revolution ta France, tondu andu matingituika ati mariikaraga Kiandutu, aria-angi Korogocho, mundu ona angikua ndoikaine kuria angithikuo.

Haha hena handu hangi ha devolved power, handu haha ni ndirathomire na ndirarigwo uria haramaan. Tondū ndirona onakorwo hinya ucio ni urutitwo na kuria iguru ukarehwo to the District Council, provincial council, my view tutiagirire gukorwo na provincial council tondu ndikuona ni yaki. Tondū tariu ungirora gutikoragwo na Nyeri County Council, Provincial county council no Nyeri district county council. Woka Thika the same. Kwoguo kiu no gikorirwo ni gi-shell kiagwo hau na nikirikoragwo kina andu mararihwo mbecha icio ni cieherio.

Wekeri ngiuga haha ni ndirona ati ino local government or the district council ithii ii-suspend-o as per the current situation, ni ndirona ta kweherio ireheririo hanini, ira abandon –o no iracoka mwena uyu ungi iraimwo hinya njira ino imwe. Kuringana na uria Cap. 265 ihana, uria Kanju yothe ya approve is subject to Ministers approval. Riu ni ndirona ireherio kuri Minister, to the President. Hau ona he handu nyonete ndiu nu kuratuika ati, district council no suspendwo from duties, . Hihii nu ungimisuuspend? Is it the parliament, the President or who?

Turi ohau ha local government, the district council, hehandu tungienda kumenya, niturona kuri mawira maingi marutitwo muno from the central government magacokio kuri guku district council, na tondu iragituika no isuspendwo no muhaka thiiini wa constitution iyonanie utonga wa bururi urigayanagio atia ni thirikari nene, ni igoti ririku na ririku, District council yagirirwo ni kuoya. Tondū ta riu nii ndiri member wa council ya Thika twanona na nitui uria twikagwo, na haha Professor no nyende unjokerie. Mwathie mwahitukia undu kuria, nomutire muhurite mark time ta Minister. Tondū kuratuika ni law irihitukagio ni District Council na provincial council it is subject to whose approval? Kana uria mathii maikara thii mahitukia it is final? Hau nitukuenda niundu wa guthura kuhurana na Bunge, ni tukwenda hakorwo he very clear,tondu uria undu ungi ingienda kuuga, tikuga ati ona Katiba njeru yoka andu aria maricagurwo ni araika, they are also human beings, na he haro ikoragwo iho ya any councillor na MP. Tondū hindi ciothe MP ona mundu uyu no assume his seat kwoguo gutiri ona hindi imwe kungituika ati ni Bunge iri approve ni irikinyaga maundu maingi na kwa ngerekano watho ugaga Caps 265 coffee and taxes ciagirirwo ni ku limitwo ni gwa kanju. These days President aheanire decree... kwoguo unamungitucokeria President ucio onauria uroka tutiu uria ahana, ni wendi wa Ngai atuhe mundu mwega.

Kwoguo hau ni hekwenda tondu bururi uyu tutiagirirwo ni kufanga kuringana na uria uhana guke maundu magayanitio magayanitio. Wakeri haria nii inguiga hega, ni uria raia ihetwo hinya, tondu kungikorwo kuri nyamu imwe iraguire iopressor andu ni Provincial Administration line nginya ithui ateti, ati ni Ngai mwega ati ngithii gwika baratha ndithiaga gwitia chifu marua. No angikorwo ni muingi urichaguraga mundu, niwega muno, na hau hatiagirire gucenjia hagiiriire guthii na mbere. Kwoguo nii ngiuka kurikiria cabinet ino kuratuika ati Prime Minister no athii amiappoint kuma na nja or whoever. Riu kiria turacora thiiini wa Bunge, ni vote of no confidence now and then. Tondū wona Prime Minister aga guthii kuiguithania na MPs, na ndiroiga andu aria marathii Bunge be it who or who, ni andu taituhi. Ni wona gwakinya mushara wao manyitanaga othe ona ndungiugwa kuri na division ya KANU kana opposition. Makoiga kau ni kahituke. Kwoguo mariugaga uguo niguo oiga, ruciu thii umicore

draft, thii ucore Bill vote of no confidence. Kwoguo kiria tungithondeka thiini wa Bunge, ni vote of no confidence now and then na tuthondeke na njira ingi ati ona uyu Prime Minister no a blackmail ni Members of Parliament. Kwoguo kiria tungienda no acio macagurwo ni andu Kenya gucaguragwo ni andu ogi, cabinet ni irutwo kuri andu ariku? Niguu makoragwo mari answerable to the people.

Tondu for example, no ukorwo niwe Professor ucaguritwo Gatanga guku as an MP, na nii by good luck thii ndicagurwo ni Minister ta wa health ndiriukaga kuhaica njukwaa kuga mwacagurire mundu uhana atia? Thibitari ino ni mukureherwo ki? Kwoguo ona guku nja kuri raia Katiba no ithii ithondeke haro ingi unnecessary. Na tondu ni bururi turathondeka ri, ke tuthondeke nyamu itari na biaseness ni suffering iria andu a Kenya makoretwo mena yo.

Wekeri haha ha gender, nii ninguga atiriri thiini wa Katiba ninguuga nindironire akorwo ni ta District council Bunge no kinya ingikorwo na ascertain fraction, ndirona tari a third they must be women. Ingithii tariu na magiriire gu-contest uria arume macontestaga ri, marege gucagurwo ri, ta kanju ya Thika ri, a third ni irendeka kuo ri, kwage atumia ri, kuri thiaga na mbere atia? Ni kanju iyo ika-dissolve ringi kinya Kanju iyo atumia magacagurwo kana? Itondu haha ndakiona mwikirite shallow which is mandatory, tondu no gugituikire hingo ciothe Kenya no icagurano icagurano kinya Bunge kinya ku. Kwoguo hau hagirirwo ni gukorwo he free moke na niguu he mundu umwe ukugite magirirwo ni guka ma compete. No twathie twikirite tu – clause tungi ta tutu, ni tugutuma bururi witu ucoke na ki, na thutha tondu now and then turikoragwo tugika atia..

He handu hangi it was my recommendation, kuringana na bururi witu it is an agricultural country, kwoguo akorwo nyumu teno ya Ministry ya Agriculture kuri nyamu turendaga ikorwo irikuo constitutionally, agriculture, health, education. Tondu nyamu ici cithiaga ukaigwa ni ciagayano ni vocational training, what what tutikuenda creation of such. Ningi ona Katiba ni ingoiga atiri tondu ni andu a Kenya maroiga nani twiui, twagirirwo ni gukorwo turi na ministry cigana? Tondu no gugithii Prime Minister akiona haha ni nguguthoo nja akamwira ni nguguthondekera gaku haria, we don't want such things. Tondu nyamu icio cithiaga nyingi nicio icokaga gutuma andu a Kenya makorwo mari na thiina.

Kuri maundu maingi turakimenya ni meguka thiini wa laws and Acts matagirirwo ni gukorwo mari thiini wa constitution, nongaikara thi kiuria ni atiriri, Madam, I do whole heartedly support the draft, but nikuratuika no tuthii nayo to the new elections. Tungithii nayo icagurano ici njeru, nikuri acts na laws cia relevant bodies niigukorwo ciri prepared? Tondu nii ni ndirona hari na wira munene muno na riri ni ituika inene muno, Professor, tondu ta riu kungituika wira uria DC ararutaga ni mundu wa gucagurwo waneo, andu a Kenya no muhaka mangikorwo mathomithitio, ningi ndirona tandu acio mekirirwo the level of education. I do not expect mundu uria ura handle nyamu cio ciothe ci delegatirwo local government akorwo ni mundu utoi kwandika na thiini wa Kanju niuguthii na ni ndironire Mwakiringu akiuga ta na guku gwake Voi, no eri makinyite std 8. Kwoguo kuri maundu mangi tukwenda tuikare thii angikorwo acts, na noinyui mungiteithiria Bunge tondu niinyui mwari on the ground gucora Acts na Laws tondu nao wamatwarira marithiaga magakinya. Na ndiroigia we are all Kenyans na niundu wa uria nii njariatwo na nderetwo nii haria ndokire kuhigira, nii nguriire under Moi's era, that means me from childhood nii ngoretwo ndi mundu biased na tikwenda gwakwa niuria nderetwo ni system iria nii nderetwo. Kwoguo nii kiria ingimuria ninyamu ino ni

njega muno, notutikae gwika maundu ma naihenya tu mess na maisha ma andu a Kenya.

Kwoguo ona miario iyo minini uthii wire ma commissioner mau mangi hakwa ni ngenetio ni draft no ingibangwo wega ni andu a Kenya, an atongoria aria turi itini, turi na wendi ni nyamu njega na nio ingitethia andu a Kenya. Asante sana.

**District Coordinator:** Thankyou very much Cllr. Njuguna. Now, reke tuthii number 2. Your name please.

**Paul Mutaha:** Paul Mutaha Muhuri. Nii uria ngwendaga kwaria ni undu wa Mugunda no tondu Mr. Njuguna niaria uhoro ucio wa ithaka ri, na migunda ri, ndigutinda kiongerera ringi. Kiria ingiuga ni ngucokeria commission ino ngatho muno, tondu mungithii uguo muthiite na mwikite, na uria mureka ni bururi wothe uratua kwoguo mundu akiuga ni tumundu ni bururi wothe wikite uguo kwenda okumwira muthii na mbere. Na ithui twihaha tugeria kunyihia niundu wa mathaa. Thankyou.

**District Coordinator:** No. 3?

**Simon Mwaura:** Ritwa ni Simon Mwaura wa Mungai Haha reke nyambe njokerie Tume ngatho, ni irutite wira mwega, no ningi handu haha ri, he handu hamwe ndirona. Influence ya andu aria marena guthurwo, akana andu aria makoragwo manyitirire mbali mbali, no mahote kurehe influence guku kugiriria hanini maundu ma tume kana Katiba ino turi nayo ithii na mbere, tondu haria he mwario waririo no ndigukimugweta ritwa ndaigwa ioga Katiba ni ya Ghai, na tumaundu tungi. Ndararo wega hau ri, maoni makwa ndagia na wasi wasi andu acio matigakorwo ni mahotete kuhaka... tariau haha akorwo mukuoya maundu maria turi namo, ma andu aria turi haha na makorwo mahotete kurehe andu idadi iigana ona ya kuregana na uhoro uyu.

No.1 number ya atumia aria marerwo ma nominatwo number ino 90, number ino, aria marerwo 30% niyo mekuma haria ri, ni hau ni ndirona hari tondu andikorwo ena right ya gu, contest ta mundu murume ri, na no athurirwo ta mundu murume- ri, na idadi yao ni aingi ri, guku bururi ini, itaguku Gatanga kungituika mutumia ni a hota, Gatundu ni a hota, aingi ni mahota thiini wa bururi ri, na haria mara nominatwo 90 30% maratuika ni atumia ri, kungigithii atia? Hagiriire ni aheo right ciothe no matikaheo special ya gutuika 30% irikoragwo iri yao.

Handu hangi ni President akoragwo miaka itari more than 70yrs. Nii haha ndirona hindiria mundu akoragwo e wise muno na gutua macira na maundu maingi ri, ta kinya miaka 75. Angikorwo akiritie miaka 75 ndaga-contest, no angikorwo e thii wa 75 no a contest, no angikorwo akiritie ndagacontest.

3. Uhoro wa President hindiria athurwo kana Prime Minster ri, nihakoragwo na President agoka kundu ta guku na akeranira kindu kana akaiga kaundu, ugacoka ukaigwa kuma ikulu kana kuma thirikari nene ukaigwa ati undu ucio ndugihota kuonekana. Kai hatangikirwo watho ri, ati angikarugama handu na eranire kindu kina ri, utuike undu ucio ungicioka kuma kuri thirikari ati ndungihanika athitangirwo undu ucio – kuhenia bururi. Na hau ni hari President na Prime Minister eri angikarugama handu eranire kindu kana oige undu, ucoke undu ucio uriumana na thutha gutuika undu ucio ndunahanika, no acokie kiria kiu.

Na ho hendau nyonire page 27 he handu nyonire haroiga uhoro wa District govt. no hengathiti ndonete ya uria kura cioetwo na



ngiona ati thiini wa district ni ta ciina division ta imwe kana cina nini biu na mostly na guku ruguru. Cigakorwo ciina constituency nini muno ta imwe kana igiri na riria kuri na kundu kuri na nyingi. Riu haha district govt. ya coka ya tuika ni uguo ri, na riu constituency ni imwe hau ri, hau hagathii atia?

Haha hangi naho 90 seats acio marerwo ni akunominatwo ni ega muno tondu tariu guku division ciothe ci Kenya ri, mundu witu no a contest, na arikiya gu-contest thiini wa githurano ri, uria ukuhota ahote na ngiri ikumi no uria ugucindwo akorwo na ngiri kenda. Thiini wa constituency nyingi ingithii uguo ri, niwona hari andu marikoragwo matarathii no ni marakorwo na kura nyingi muno no magakorwo matirathii thiini. Kwoguo kura icio ri, cingikorwo ni cikuvote kiama fulani ni megukorwo na say, naniwega muno. Kwoguo 90% ya abunge aya 90 ni wega muno niundu wa wira ucio.

Naho haha uhoro wa Katiba naho kuratuika ati Ghai niaraoigire ati Katiba no irike, no niundu wa maundu maya mothe ndirona ri, nii maoni makwa ni atiriri, kai tutangicenjia katiba maundu maria turathii ma President, ithurano na kii na kii Katiba ino yote A to Z igacenjio thutha wa githurano?

Na cio ici ingiri, geographical boundaries ri, ninguiguite mundu umwe akiuga ati no ciithii ikiongerekaga. Maoni makwa ni atiriri, 210 ici tukoragwo nacio ri, ci-remain cio no geographical boundaries igakorwo niyo iricinjagia. Tondu tariu tungiuga Mathare mundu angiuga akoragwo na ngiri 80 voters, na guku mwena wa shiftas gukoragwo na ukaigwa ni ta ngiri igiri. Riu kungituika ati okwagia na reason sehemu iyo igaturanio ri, no hakarehe thiina. Tondu tariu sehemu imwe cia Nairobi, ta Kayole ni hindi iragia na andu na noigie andu within miaka itano akorwo andu mathongete na kuu na makaingiha muno. Kwoguo riu hangikorwo ati ni hekugia na division ingi ri, ni iguthii ikigiaga na guchenjia muno kuu gatagati-ini. Kwoguo nii nguga geographical boundaries ciinjagie ciiri cio no number ino ya 210 igaikara ari oyo. Kwoguo kuria ci nini ri, cinyitithanio na ingi na kuria iri nene ni kurengarengwo ikurengarengwo.

Naho haha ha ma Ministers gukorwo moimite nja wa parliament, niwega ha ngikorwo ati no oime either, akorwo ari mbunge, kana akorwo e nja. Tondu ta riu andu aria mararegana na uhoro uyu ri, ni andu aria othe mangikorwo ni marathurwo bunge hindi ino no muhaka mangikorwo makirega, tondu ni arenda akinya kuria agathii agatuike Minister. Nonii ngona atiriri, handu haha ha Maministers agikorwo tariu mbunge wa guku no tumuthure ona athii kunina miaka ino ina, ena bata muno agathurwo hindi ingi. Kwoguo angigatuika Minister wa Agriculture, ndiguiciria ni akaria uhoro wa athamaki, na ndakaria uhoro wa baba, tondu bata wake munene muno ni akahota guthurwo hindi ingi. Kwoguo no arie uhoro wa kahuwa, undu ucio niguu aheaga priority yake. Kwoguo no mathuragwo na kuu mwanya mwanya, kana either okuu bunge iyo, kana oharia Prime Minister angiona ni hega hakuruta mundu ucio.

Number ino nayo 15 nindirona ni number njega, ya Ministers 15, uhoro wa Judiciary naguo ni mwega muno. Naho haha uhoro wa President na running mate, onayo ni njega muno nigukorwo andu ni marikoragwo makimenya makamu wa rais uria arikorwo ho, na Prime Minister, ok niuguo.

**District Coordinator:** Thankyou very much. No. 4 oima uu?

**Joseph Ndirangu:** Thankyou. Nii nindacokia ngatho muthenya wa umuthi (interjection: your name) Njitagwo Joseph Ndirangu kana Ndirangu Mukundi niundu wa gukorwo turi guku thiini wa umuthi, na angikorwo undu ucio ni uhoro wa ma, ni ugukorwo ukiruta wira, wira uyu ni ndona ni mwega makiria, kuringana na uria twaritie ndari Gatanga, no handu ndona hatanaruta wira, ni haha ndagwetaga thiina uria wi bururi uyu na umanite na maturaini maya meragwo ati ni arimi a kahuwa meguku reserve. Toria andu anaguku ruguru meragwo ni ahandi a sukari, na mahuwa, no ndaikia ritho guku ri, ngona, niundu mbara ya gwitia wiyathi uyu yari Central, niyo yakuite Meru, Embu, na Gikuyu. Uguo ona tungiweta makiria ri, ona nduriri ici ingi turi nacio ri, itiamenyaga kana Muthungu ni akarikia uhuru, niagaturekereria. Tondū ona amwe mahuraga ciana akimugutha niugekira gikobo uhure Mugikuyu? Uguo niukuga undu ucio wikirwo manani muno makiria itina ini riri ria Katiba ino njeru.

Nindagwetete migunda iria iguku, iraguo yari ya central area, yaikaraga Muthungu, migunda iyo itige gwitwo migunda gwitwo githaka kiria kiari na Athungu nigetha Katiba ino njeru ingiuka, itonyie uhoro wigie o mundu wothe ona aria matri mbara ini, na aria meguku central ni gwikirwo shares ona angikorwo shares igwikirwo shilingi igana. No herwo mundu uria uthiaga na ndege, na uria uthiaga na meri, kuirwo gutiri ugakirio shares ikumi na thogora wa shilingi igana. Nigetha ciana iria riu turamunyira kahuwa ri, migunda ini ino ri, na irio gutiri-ri, mone ati mwana ucio ni muiritu timuhiku, ni mwanake, ekuu, othe maramunya kahuwa kau makerwo munya handa kahuwa kau. Riuu ni undu ucio ri, matunda ma uhuru makoima ku? Andikorwo matunda mau megukorwo mari ma mundu umwe?

Hari ithaka iria Muthungu atahandite kahuwa na kanju ya Murang'a tariu guku ngigweta gwitw yacokire igithii ikihakwo migunda iyo ikiongererwo kahuwa tiga muti uria wa handitwo ni Muthungu. Ni undu uguo migunda iyo yatuikite kundu guothe gutari kahuwa nigwa kanju kunerwo andu ari meguku magairwo acre marime na mariithie mburi. Gutiahanire uguo tondū andu aria manyitire thirikari ino ri, nita bull iria ciari S. Africa iria cianyita auria makamaingata. Riu nii ngenda kuuga atiriri, nayo Katiba ino turi nayo, imurehete haha na tugoka haha tondū cierirwo ni ciagire, riu gukirwo seminar iria irikuo ni iria ciandu aria maroiga maroiga Katiba ino ndigathii nambere ti njega. Na riu ingikorwo mbara yumanite nakuu makiri na seminar na meguka tugatukana nao thiini wa akorwo mwoka guku. Tariu haha turari na M.P. area ino na mundu ugwitwo wa Kairu na mundu ugwitwo Ndichu haha Thika. Na riu hindiria turenda gwaka Katiba ri, nigetha tuone ni tuguthethukari, makahikio ni KANU, (laughter) Riu marikio kuhikio ni KANU na mona hatiri njuguma iria marahura ri, matirahura ya bururi kuruiria ciana iria iguku, marahura mbara ya kuga ni matangike magikuaga nigetha tuthii tugikuaga. Riu handu hau ni horu muno tondū nimuguthii mukiona riu turi baraza ino riu mukona mundu uria uranyita Katiba iyo mbaru ri, eho na wakuhura ri, eho, na ucio wa kuhura anyitaninte na uria urari muhikie ni thirikari, agacoka ahikio, agakigia na youth na atongoria ake na onaarega guka agatuma seminar wee uthii ukarie una, nawe wakinyirirwo hana warie. Na tondū iratathi riri ria rutirwo mweri igiri ri, athondekete seminar nyingi cia guka guthukia arumaniriere na mawakiri maria marathitite Ghai.(clapping)

Na riu nii ningwenda kuga atiri, ni wira munene muno mukuruta, hagitacoka kubumburwo ni kii kirathii nambere. No riri uhoro wa uma nduri hindi ugatigika na andu acio mekwenda guthukia no mekuruga iguru moneke tari kingara kiri iguru matangiendeka kuri andu. Riu ni undu ucio ri, tutingihota kuruta wira harari thiini wa Mheshimiwa rais wa guku niagwetete ati gikundi gia

kuhoya ngoma makanitha maya makuhoya ngoma maroima naku, nagikiria mbia cia bururi iria ingiathomithirie mundu kana ithondeke njira ta ino agicoka riria report yekirwo, aigua murigo umire hau akiuga ndukanirirwo. Muingi uria wetereire ri wateithirie naki? Riu ona ino arenda kumibunja na wega wayo uhurirwo iguru tondu ndari na bata na andu aria mari bururi uyu. Nao andu aya maragurwo ni waheshimiwa aria turathurite na ciamo na makagurwo magacoka magaturehera hiti ingi igaikio ng' ondu ini, riu tutikamenya kana ino ni hiti kana ni ng' ondu, riu twathii uguo niguthukia marathukia. Manyite majudge maria moige Katiba ithengio. Ni turamienda iturutire wira. Nii hau ni ndatiga uguo. (clapping)

**James Mwangi:** Bw. Commissioners, ritwa riakwa ni James Mwangi kuma Como. Nii kiuria giakwa na nita comment. Wambere ni tui Commissioners ni murutite wira munene muno, kuma riria mwathurirwo na ni muthiite thabari nyingi no ningi no twende kuigwa from you Professor, kana Commission ino igutumira mbeba ciitu cia thirikari ta tax payers, icoke commission wira wayo utuikie wa bure? Uguo no twende utuiguithie, tondu ni turona ni irahurwo, na ni tukwenda utuire kana ni tugwika nayo elections, December kana tuguika elections next year mweri ini ya March? Kwoguo tondu ni mwonanaga na President ri mutwire uria mwiranaga mwathii gwake.

Uria ungi ni uhoro wa equality tariu ni ndona thiini wa constitution ino muugite cia male na female, uhoro wa gender sensitisation ni mwaritie muno na ngona ati ni mutake uhoro wa women into consideration. Na ngwiciria niundu wa Prof. gukorwo uri hau mwacemania na uria undi ti Ghai, mugakorwo ni muraingiria atumia muno tondu muugite handu hothe 1/3, 1/3.. ngakiuria atiriri, angikorwo mundu ndeguthurwo toria Councillor, ekuritie na 1/3 ndinakinya, what shall we do nigetha makinye 1/3 nginya ya andu aya mandikana makorwo e women, angikorwo matigukorwo me 1/3 what do we do? Clause iyo murekira 1/3 ndikuona yagiriire thiini wa your constitution review.

Iria ingi ni uhoro wa constitution ri, constitution is a supreme law of the land, na ingirega kurorwo wega all other laws, will not prevail. Ngakiuga atiriri ni kwenda irorwo na makini na ya ndikwo wega nigetha tutigacoke laws ici ingi act na laws citikanage gu-challenge constitution in future. Kwoguo ni nguonaga ututheririe wega nigetha sitting iria mukoretwo muri na President na your Chairman commission irute wira review ino, icoke ii-damp wo tauria commission iria ingi thiini wa bururi uyu irutitwo igacoka ika-damp-wo kwoguo no utuhakikishire uria mucirite nigetha resources cia burui uyu wothe, a lot of billions we have spent with big cars, and we don't want a wastage of tax payers. Thankyou very much.

**District Coordinator:** Thankyou very much Mr. Mwangi riu tuthia no.6.

**Gathungu:** Ha ritwa riakwa njitagwo Gathungu, kuma Kigio na riria nguroraga iratathi riri ria Katiba, ni ndona maundu maingi ni mahutitio, na Professor wagitwira kuri na maratathi mangi mukiandikite mutekirite haha no... **End of 4A cont. B ..** ngirora ngona bururi wa Kenya ni bururi wa agriculture, tutiri bahati tugakorwo na maguta na thahabu na indo iria ingi, na riria maoni marathiaga makirutagwo, ni turendaga maundu mothe makorwo menaingiru; riu ni takuga ni nyonete katiba ya bururi ta Egypt na Uganda na riria ndamirorie mwenaini wa agriculture, ni ndonire murimi wa Kenya haria hothe aruma ni mugitire muno ni thirikari na ni nene muno ni ithondeketwo ina unene muingi muno na murimi wothe wa Kenya akagitirwo ni thirikari. Na riria

agitiritwo ni thirikari handu hau hakoneka maundu maingi, irio cia kurio na cia kwendio. Na kundu ta Egypt ukona uhoro wigie urimi kwina Minister puposely wa marketing nigetha indo ici cia murimi ikonwo ni irathii na njira iria yagiriire.

Professor tondu ndikiu maratathi mau mangi mena hau mukiandikite hihi ni mukiingiritie maundu maya ri, tutirorerwo maundu ma urimi. Akorwo ni murimi wa ng'ombe arorerwo ng'ombe ciake na cietherwo market na nja na iria ikugurwo igurwo Kenya, akorwo ni ihua taguo, akorwo ni thamaki taguo, nigetha naguo bururi utonge, mawira moneke na thina uthire?

**District Coordinator:** No.7?

**Dr. Anthony Wanyoike:** Nii njitatwo Dr. Anthony Wanyoike na gwitu ni guku Gatanga. Reke nyambe njokerie Commissioners ngatho tondu nii nithiite through constitution, na ngwiciria maundu maingi maria mari Constitution ini ni maundu mega, na andu aingi ni njui ni marasupport constitution. He maundu ngwendete ku raise no tondu ni maraiswo muno ni andu no gu touch ngu touch, nigetha tutigate mahinda maingi muno.

Wambere no njuge it is very unfortunate, ati constitution ino turamika hindi ya ithurano. Ni tondu korwo gutiri na ithurano, political stalemate iria ikuo thiini wa constitution, ndingiri ho. Nii ni njui andu amwe politicians ona iria maroneka magi-support constitution ati tuthii elections na constitution aria njeru, interest yao ni tondu constitution ino njeru ni iheanite structure ya government na ika-divide wira na amwe ni iti icio marena. Igakiheana Prime Minister, na deputy Prime Minister na andu aria angi. No nyende Commissioners tondu ni marutite wira munene muno wa guthii all over the republic kungania maundu maria andu marena matigatuike ni mekuattach uhoro wa elections cia 2002 na uhoro wa constitution. No tu-make a big-mistake to spend ite a lot of time na andu aingi magoka kuheana maoni mao na nimetikanitie nao tungiuga ati tu ku-move o ni politicians uhoro wa elections na twahota kuhitia. Ningi 6 months or 7 months after the elections ningi andu other macoke kuuga haha ni twahitirie.

Having said that, hari undu wa territories, ugai wa district ngwendaga kuuga, no nyende Constitution Commission ithondeke very clear rules cia uria district ikugayo, tondu ni tui every other time the present President arathiiaga akoiga hau ni ndathondeka district, na hau ni athondeka district na district ici imwe ona citiri ciagia na ofici. So in territory background iria muheanite make it very clear considerations iria irihuthagirwo nigetha district igayo.

Uhoro wa atumia gukorwo mena a third of the vote, elected and appointed seats, ona tutekubingana naguo, na aria acio angi ni maria uguo na tutigocekera muno, sometimes it will be impossible. Tondu andu aya akorwo ni democracy turahuthira mundurume akarugama na mutumia akarugama on elected post it will be very very hard ku meet that, no uria imbalance iyo ya gender ingihota guteithio ni in the appointments but in the elections it will be very very difficult. Na niigukorwo iri contradictory twetereire 70 members of parliament makorwo mari women tukorwo turi 30 riu tugwika ati? To tugiciokirie ithurano hindi ingi? And we don't have the funds to do that. Uguo tungithia na constitution aigute ati a 1/3 of the elected members of parliament will be women we will have a lot of problems.

Page no.6, niwega muno niundu wa ku-remove the death penalty no nii ni ngu-propose ii-replace-wo na life imprisonment niundu wa uria ukora uingihite na criminal activities ikaingiha Kenya.

Now, on party registration, ni wega tondu ni tui freedom of association ni very important akorwo ni tukwenda ku build democracy, na niwega gucinjia na kuuga Electoral Commission irutage wira ucio no ndathoma constitution nutiugite mundu ucio chairman wa Electoral Commission agirirwo ni kuhe andu aria marena ku-register political party either a go ahead or not a go-ahead with how many days. Tondu ni tui ukora uria ukoretwo Kenya ni wenda ku-register kindu ona akorwo gitira supportwo politically gigatura kuo gikeragwo nyamu yaku no irarorwo ukanina mwaka mugima. So to make it clear, nigetha andu magigatumbuke na freedom of association na ngu-expect andu aria ma-register aga group guku, it takes them a lot of time. Kwoguo akorwo ni tugucenjia kuma gwi system ya Mbago, system iria ingi tuguthia ikorwo ii very clear ati mundu uyu ni agirirwo ni kuheana answer either within 30 days or 60 days.

Now nomination ya 90 Members of Parliament, tugicaguraga 210, my opinion is that those are too many. Already ni mui turi na burden nene muno ya kuriha 210 members of parliament mushara. Tungi nominate andu 90, tukorwo na a house of 300, na kuringana na uria structure ya thirikari mu-propose ite thiini wa thirikari turahinyiriria mundu uria wothe uri Kenya tondu andu acio othe turimarihaga na igoti riria turihaga. Kwoguo it is very important, no turore a lower number of nominated members, no tukorwo na very fair representation no guthii to 90 I think it is a bit too high.

Uhoru wa cabinet ngwiciria ni wario, na ndigucokera muno onanii nyuma na opinion ati cabinet magirirwo ni gucagurwo from Members of Parliament, tondu andu acio niyo mathuritwo ni andu. Andu acio niyo mahetwo power na mandate ni andu marena ku develop democracy, ni mathurwo kuma hau. Uria twagirirwo ni gwika ni kumake very clear ati mundu uria ugathurwo cabinet Minister agirirwo ni gu-qualify with these credentials. No tutigakorwo na mundu agithurwo Cabinet Minister ona no gukorwo ndangihota ona ku-make swahili speech, kana ku-present any technical data even to the donors. Kwoguo cabinet ni icagurwo from people who have been elected from the cabinet, no makorwo magi-set -rwo criteria ya uria magirirwo ni gucagurwo.

Political party, na uhoru wa President gukorwo ari either chairman na vice chairman wa political party. Ngwiciria ni njuu na councillor ni ekugite hindi ciothe ungitua guthondeka undu ati ni kuhura urahura mundu a certain person riria mundu ucio ariehera niguu mahitia maricoka moneke. Nii ndingiona hari any problem, tondu we are trying to develop a multi-party democracy, turi na ciama na ciama ici nicio political organs ciitu. Gutiri thiina on my opinion president gukorwo ari na wafici thiini wa political party. Tondu one, political party niyo ira sponsor the candidate, na ni hinya muno tondu ni mui leadership hierachy are everywhere ni hinya muno kuuga ati hari mundu ungi ugukorwo atari within the system kana ni chairman kana ni treasurer kana ni uu, akiheo appointment kana nomination ya gutuika President. Kwoguo nii ndingugua hena thiina gukorwo politician kana mundu uria ugathurwo President akorwo ari Chairman. Kiria hihi tungika hihi ni upon election, no agi-cease gutuika Chairman, no gutiri hindi mungicoka kuuga Vice Chairman, Chairman na uu acio tondu aready mari na post matingikorwo me President. No korwo matuike nominated, matuike President tuge after you have been nominated and after you have been elected as

President riu no u cease gutuika Chairman wa political party.

He clause imwe ndirathomire na nonyende mutuike very clear – muugite ati no athurwo from the coalition of political parties. I would like you to clarify here, coalition ino ri iguka at what level? Iguka before the elections kana iguka after the elections and people have gone to the parliament. it has to be very clear tondu mumenye politicians is a power game. Andu no mone political party iria yaheo mandate ni andu ina iti only may be 10 above the other people imangigithii parliament that same day na andu acio maraherio mandate ni andu aya na presidential candidate wao ena mandate as per the present constitution or the new constitution. Mangithii platform ini moige umuthi ni twaform political coalition, now do they qualify to get the Prime Minister's job? So we have to be very clear here, to raria uhoro wa coalition at what level, coalition I form mwitwo mbere ya tuthii elections kana coalition ya form after the elections. Please make it very clear.

Ngwiciria uhoro wa resource allocation, although ni mu devolve ite system na ni very important although as the Professor said, ni muguthii kurora uhoro wa costing tondu iyo nayo ni irari a big concern yakwa, ati structure is very good we want representation from the grassroot. Turenda gu-strengthen andu aria meguku tondu niyo marimaga indo, no thina uria ungiuka ni angikorwo andu acio matikuhota gu sustain andu aya machagura because that will be a big problem. Akorwo andu a Gatanga ni mathura andu ikumi na matingihota ku ma sustain, I wonder uria Waria na kuria kungi mekuhota gu-sustain. Lets look at the structure again, it is good tukorwo na representation at the local level na system ya thirikari ikorwo ii more to the local level no structure ya cost, that can be a big problem. So in the resource allocation nii no propose although ni ndironete ni murendete kurehe that one up, it is very important to make it clear ati akorwo andu a Gatanga ni mara produce this amount of coffee, na kahuwa gaka ka earn mbecha ici ni magirirwo oo enyewe kuheo a certain percentage. Andu ni ma motivate- wo kuringana na uria marahota ku produce. Tondu taria ri akorwo ni bara bara ici ciitu cia guku ri, ni tutuikaga very bitter angikorwo andu aguku niyo mararima kahuwa na macani no gugatuika ati macani maya matingihota guthii kigandaini, kahawa gaka gatingihota guthii kigandaini, and yet we are the producers, we produce we make money. This money has to come back here. No nginya andu mone nigetha matuikie motivated na kurima machani na kurima kahawa, no nginya maheo resources icio ona akorwo ni 15% merwo 15% iricokagio Gatanga mukahota gwika maundu maria muri namo as a priority. No hatiri bata kuoya mbecha cia Gatanga tucitware Wajir tugake bara cia rami na gutiri ngari ciakuo. Let us address that in the constitution tondu thina uria turi nanguo muingi ni ucio.

Now on land ownership, ngwiciria ni section 51 – can you check 51 tondu hari handu ngwendaga ku-propose addition tondu wa andu gutuika ati mathii na guku Rift Valley magura migunda na mbecha ciao ningi magacoka magatuika ti migunda iyo yao ni megutunywo. We should make it clear in the constitution section 51 mukiaria uhoro wa ownership ya property, it is important to add that any Kenyan has a right to own land anywhere in Kenya. Gutiri mundu wagiririo ni kugirio property anywhere. With those few remarks reke njokerie Commissioners ngatho, niwega muno, ni njui unfortunately mutinahota kuhe andu constitution na Githweri na andu aingi ni mui Kenya mangihota guthoma Githweri, aria marathomire Githungu ngwiciria they are very happy, no ni ndironete Prof. Ghai akiuga at least kworuo andu ni maheo Katiba na Githweri andu ingi no mahote gu-contribute nigetha to make a go forward. Thankyou very much. (clapping)

**Com. Wanjiku:** Thankyou very much. Ngwiciria the last statement you made ya Githweri ri, the Katiba is being translated and may be by the end of next week andu ni megukorwo mena copies cia Githweri. Already ni translated into Kiswahili kwoguo ni gukorwo iki distributwo.

Land ownership, ngucaragia provision ya ownership of property somewhere na iroiga every Kenyan has a right to own land anywhere, that provision is there may be you can look for it there, ngwiciria ni tugite uguo under the Bill of Rights although the one you read is under the Bill of Right but ni tugite uguo. We will check.

Now uhoro wa retaining percentage uguo ngwiciria that is actually the spirit of devolution, turoiga riu tondu ni tura calculate uria igu cost but we are going to say akorwo ni profit aria ira makwo ni the district council that a lot of people have actually said may be 75% should be retained by the District and 25% should go to the Central Govt. kwoguo iyo ni ira workwo out. Nigetha as you say matingi collect riu mbecha cia kahuwa mathii magathondeke Bungoma kana wherever and then andu matigwo mari na thina. The idea is to make the district also be able to compete nigetha mundu akona e district ino ya Thika ati ni ya manage so well, gutiri mwana utari thukuru, kuri na health facilities, andu matiri na problems na kuria mekuendia indo icaio, kahuwa ni karendio wega and so on nigetha ona mwenda ku work na Murang'a you can work together. Ngwiciria that is going to be looked into.

Naguo uhoro uyu wa iti ici mirongo kenda ngwiciira ni ngwaritie uhoro wacio ugo ndicitige for the time being na uhoro wa cabinet ministers kuma na nja ngwiciria ni tukwaritie uhoro wa cio na tukoiga maundu mamwe riu megutigirwo National Constitution Conference, no ningi kuringana na views iria turareherwo ni andu onaitui ni turandika report. Tariu uhoro wa migunda na riu ino niyo thiku yakwa ya gatano gukorwo within Central Province, uhoro wa migunda ni urarehwo muno maita maingi na andu matiraigwa me happy na information iria ithiini wa Katiba. Ni maraigwa migunda ndi deal ritwo nayo biu na he muthuri ungi waririe uhoro ucio na muthuri uyu ni aria uhoro ucio wa migunda. Kuri na migunda iria grabbed, kuri na angi mari na acre ngiri ikumi na aria angi matiri issue iyo ona gukorwo itigirwo land commission, andu aingi ni maraigwa matiri satisfied na uhoro ucio. Na infact ni tuararirie na Prof. Ghai na aranjira nake kundu kwiri athiite nieritwo the same thing. Kwoguo iyo ni issue tuku-revise na itwarirwo National Conference.

Now death penalty, you are right tugite ni yeherio na tuti indicate ati to be replaced by life sentence although spirit niyo irari uguo ati iri-replace wo ni life sentence, ni tukuneed gutuika clear. Now time frame for the registration of political parties is true we need to take that into consideration.

Rules for the division of the district, uria twikite Katiba ini ino njeru ni ku gazette district ici uria itari tondu riria ngwicira ni Michuki wa twariti AG parliament, gwatukire ati those districts are properly constituted. Na it is assumed ona ciekirwo in the constitution there cannot be creation of other districts – that iti gu-create ingi. But may be as you say there is no need to assume



we should be specific.

Now issue ino ya 1/3 women ni njariie uhoro wayo. No ningi no nyende kuga ati uhoro uyu wa one third women representation ni ukoretwo ukiario. Ninjui nimui uhoro wa motion ya rehetwo ni Phoebe Asiyo 1997, na ukidiscusswo parliament, hindi iyo ikitwo nja ni parliamentarians. Beth Mugo akirehe motion iyo ringi 1998 ukihitukio ni parliament. Mahitukia motion iyo no gwatuika uria ya ndikitwo ri, Katiba ndi ngia cinjirio no muhaka ingiarehire another motion tondu wa uria motion iyo ya thomagu, Katiba ndi ngiacinjirwo. Riria motion iyo ira table ringi last year 2001, parliament niyo ya tumire motion iyo kuri Prof. Ghai nigetha commission ia advice parliament on how to implement policy iyo nyene mahitukitie. Kwoguo ina history nene. But ni ndira understand uria andu maroiga ati tondu tugite 1/3 must be women what happens if we do not have 1/3? Na turi na transition provision in fact it is in the section itself ati parliament ni iguthondeka mawatho. One of the things iria turona ni guteithiria ni nitugite atiriri ciama ciothe hindi ya githurano ma nominate atumia, na nima uguo muroiga no turie atiriri meha atumia na ni turenda ku manominate. No atumia matithomithitio enough nigetha mahote kwi offer mathii makarugame. So ni something ira need kurutirwo wira muingi. We know that in the first parliament kwanza ino lower house it will not be possible to get 1/3 na nikiyo parliament ihetwo miaka itatu nigetha ii-promote participation within political parties, na iencourage political parties guthura 1/3 na makorwo me prepared in the next parliament. But as it is now we know that the first parliament tutingikorwo na 1/3 na nikiyo tugite, there is a provision, at the back, within 3 years and also it is with the text that we need to have a law iria ira work out details uria guku happen. That is the advice that the commission was asked to give to parliament mahitukia motion iyo yarikuo. So iyo niyo history ya that provision.

Now uhoro wa – ni very important guku turoiga uhoro wa ku-delink constitution na elections, but let me say this, that the constitution making has been going on for a very long time. Andu manjirie kwaria uhoro wa gucunjia Katiba 1991 and infact agreement ino murona iri gatheti ini mukona mukoiga ii uguo ni twoigire niuria kugitwo bururi ini uyu wothe, na tariu tiga ni just a few sections, tariu guku we are very concerned about the issue of land. They may not be concerned on the same issues North Eastern so we will need to look at it because this is an agricultural province probably ona Rift Valley no guo maroiga, I don't know. But I know in Eastern Province I have talked to some Commissioners aria mari mwena ini wa Ikamba, Embu na Meru nao ni mara raise uhoro wa migunda u-address wo to improve on that particular provision.

No riu andu ni makoretwo makiria uhoro wa change more than 10 years, so this is like concluding a discussion ikoretwo igithii on for a very long time. Although we are saying that we have to separate from the politicians, politics is about how are we going to elect our people, how are we going to govern ourselves, what kind of a president do we have and so on. Constitution making is a political process. Andu ni mekwenda kunegotiate, and that is why andu amwe marena the new election tondu hena seats cia gu-share. What is the problem angikorwo andu no ma share na makorwo na kabira ihamwe na mahote guthii na mbere na mathe bururi wega?

You know they don't want to say ati constitution must be this year no ndi ngi-separatwo from elections. If you know in 1997

it was the same 1991 then we had IPPG somebody suggested today tukorwo na minimum reforms, even if you want to go the next election with minimum reforms, those minimum reforms are actually the major reforms. Tonduriri ni uhoro wa elections – electoral laws na nicio umuthi twariria 210, the 1/3 women representation and so on. so those elections are actually major reforms.

So may be what we are saying as a commission and I think someone else asked the same thing, uria Ghai akoretwo akiuga ni atiriri ndaroiga parliament ii-extendwo, aroiga constitution ino turi nayo riu ri, no ithii na mbere kiambiriria kia mweri we tatu. Akoiga riu tondu consultation cia andu na uhoro wa National Constitutional Conference iria igukurwo ikimbiriria mweri 28 akorwo parliament itari dissolved, irike mweri wa ikumi na umwe, mweri 28 hakorwo hena thiku ingi mugwanja cia Attorney General ku – prepare kuheana Katiba kwi Parliament nigetha nayo parliament imi approve. So notukworwo na Katiba by Jamhuri day. Now, kuma hindi iyo ri, parliament no ii dissolve – it will not be extended and according to this after the parliament is dissolved uku-need thiku mirongo ina na ithano. Kwoguo ona in fact no tugie na election by the end of February, gutiri parliament ii-extend-two. You have not extended anything. We are still operating even within the old constitution. (interjection inaudible)

By the way the President ona term yake yathira mweri ithatu, the President remains the President until the next President according to the current constitution; so there is no vacuum. So when people are saying that Ghai is asking for the extension of Parliament, it is not correct. Within the current constitution, no tu have elections ciri February with a new constitution and what we are saying is that maundu maya mothe turariari, gutiri maundu meru niuria andu maturaga menda miaka miingi, ni hindi maragicokanirirwo after the consultation. I think that is what we are saying.

Now, the other thing is if parliament is dissolved next week then we cannot have the National Constitutional Conference, tondu tutiri na MPs na MPs mara form one third ya National Conference. So what would happen is that the commission would have to wait until next year and then depending on who comes into power. They can also decide may be we didn't need a constitution after all. So I think it is just postponing the discussion. So reke tuge preference ya commission ni ati is not to have the parliament dissolved so that we can have the new constitution by Jamhuri day. Then have the elections on schedule and you will not have extended anybody's term. I think that is what we have suggested but the current constitution gives the President powers ya ku dissolve the parliament. So it is not in our power. Uguo riu angi-decide ku-dissolve next week there is nothing we can do except to wait until the new parliament comes then agree to pick on the issue.

There is somebody ugire tondu ni tugithiaga kwa President riu tumwire uria turikaniire. But I think uria ndiramuirira riu it is what is in the public domain ya we went there before we started just to say now we are ready, we have been sworn in we are starting the process when we decided to collect the views (interjection)

**Speaker:** Ni kuuga ngugaga 1/3 ya atumia ti njuri muti uhandagwo ugathii ukurite.

**Com. Wanjiku:** Iyo 1/3 tikuga ati atumia megutura mari 1/3, there is a theory behind one third, ati when they are very few atumia ni very few aria angi mationaga ta mangithii ho tariu turi 33% by the way we are among the lowest in the world. Tariu Uganda na Tanzania, S. Africa, Botswana all these areas onao ni gwikira mekirete the same affirmative action. Tanzania put there almost the time of Nyerere 30 years ago. Niithui turi thutha makiria ya mabururi maria mangi mothe. (interjection)

**Speaker:** ..... (inaudible) and we support that entirely, problem iria iho ni how are you going to make it work, mu put ite in the constitution and the constitution is the supreme law. Uria twagirirwo ni gwitikanaria, gutiri mundu uroiga 1/3 ni aingi, infact ona tungiona 50% it is better, we know the importance of the women getting into the system. No ona tariu ungirora haha ri, how many ladies do we have? Now my question is, twekira 1/3 in the constitution of the elected, infact we can even try to balance the gender by putting a high figure, for appointed but elected will cause a problem. You know what will happen if then tutinona atumia acio ri, 1/3 and it is in the constitution then anybody can take that to court as well.

**Com. Wanjiku:** Yes that is why it is in the constitution. Tondu riri, you see what happens, by the way mabururi maya mangi mothe ri mekirite in the constitution. Last year hindi iria twathuraga andu aguthii East African Assembly, in the parliament maki agree ni 1/3, riria mathii magicarii andu aria mekwoya, niui ni andu kenda, gugituika uyu eku represent Baluyia, uyu aku represent the (inaudible) uyu aku represent andu a Coast, and so on, riria matarire makiona atiriri na atumia mati representaga anybody, any tribe, so makiona no mathire macinjje watho nigetha matume atumia aigana eri, na parliament yari njihuru nigetha macinjje watho, nigetha matikadrop one man mekire mutumia. So at least korwo yari in the constitution they would have made them 65% to change that. It is very easy riu to change ordinary laws, angikorwo andu matiri committed to a process. That is why it is there but we are also saying that parliament ni gwika ati, it is not difficult by the way andu mari committed because tungi agree nigugukorwo na nominations cia andu 1/3 by political parties, that is one of the propositions we are making. Ningi nituroiga ati kuringana na andu ari tukurehe parliament ri, iyo ni ikudetermine how much support you are getting from your political party. Riu nigetha nayo political parties mambiririe ku – get benefits cia ku-promote women's participation. Ungithoma ndiu kana na standard ya umuthi, atumia a KANU ni mekunegenete muno tondu tariu ni kuretutwo mucemanio wa nominating bodies, cia NAC na Ford People's coalition na icio ingi na KANU na moima na marua ma KANU iki invitwo to that particular meeting. Riu mekunegenaga makoiga KANU onandinoka kwira atumia kana mena bata ma-apply they did not attend the meeting according to that. So we are saying that people have not been given money, nigetha mahote ku-mobilise andu ri, na akorwo ni uhotete ku-mobilize atumia angi magathii parliament you get more money you will find political parties ni iku increase participation ya atumia. So but I see your point, I think what you are saying is that the law to be able to make that possible but that is also going to be for further debate. But I think the idea is to force the political parties and other people to make sure that the law is implemented. (interjection)

**Miriamu:** Uhoro wa athamaki ni uhoro wa nature, uria mwitaga na Githungu nature, uhoro wa muciarire. Kuri mundu uciaritwo e muthamaki, kuri ungi uciaritwo e njamba yetagwo ni Gikuyu njamba gikara, ati we tiga aruire ndari undu ungi oi. Na

riu wee tondu ni ukuigwa aki huyuka ri, ukumwita oki, omundu no ahota gukorwo ona angikara hau ndangihota gutongoria andu amakinyie kuria marathia tondu we wira wake ni wa...

Na uguo uguo uraigwa andu matiroka kwirwo uhoro ucio mucii ri, ati kumenyithio ati ni kuragia undu na guku ri, tariu ugutuona haha turi amwe ri, ke njuge tanie, tuguthia ndunyu, na niangi muno mahitukite magithii ndunyu, matinaingira, nonii ndaigwa ni kurokwo ndaingira. Ni mwaigua uhoro wa mundu muthamaki muciarire tiundu umwe na na wira wa gutumwo? Riu nikio gitumaga andu meke uu, nawe ungiagia ukari na uhoro ta uyu, wa bururi we mwene niwe uraia tondu wakimenyeka ni andu a murimo uriari, na murimo uria ungi ri, kwanyu mugakiinukia ki? Riu ni waiya bururi waku na niwaiya itura riaku niundu wauguo nikio gituma mwone uhoro uyu wi thutha muno. Tondu korwo andu othe ni matamburaga ati ti wa mundu uhoro uyu ni wa muingi niungithiaga na mbere na nikungiri athamaki. Ungienda gucuthiria na guku gwitagwo community taira haha ni tungirokire no wone gutiukaga andu, na kiria kigiragia guke andu ni tondu andu angu ni ukuona niathire mahuti, reke aria mathiaga makaheo mbia mathii mageke atia, kinya tuke haha kuri mbia tuhetwo? Reke aria mathiaga kuheo mbia makaheo mbia ni mbia magiraga, riu andu magatira tondu wa gitumi kiu, tondu oo moi o kuheo no matiu gukuria. Riu niundu wa uguo ri, mwathii moigwa uhoro ta uyu, mundu ariki kumenya ni atige kuhitha uria ungi ni amwire, tondu ona warega kumwira wee nduri kindu ukuinukia na nduri inukia magari meri ukuinukia igai riri – rimwe. No wera ucio ungi ri, ukuinukia igai riake nawe uinukie riaku riu uguo ri, mucii wanyu ni wakigaya, kana itura rianyu ri ni riakigaya. Nii ngumwira inyui mwirutire, muthii na wega na Ngai amurathime na muthure tondu tariu ithu andu akuru tutingithurana turi andu tungimenya, mugerie muno mucarie Daudi, muthure ngumwira oringi uria wathuritwo amuru wa nyina metitwo na makiregwo agitwo ge kahii ke ruru, agigiuka agiitirio maguta agigithurao ariwe muthure Daudi, nigetha bururi uyu muhote guthii naki... na mundu athurwo mutika muire na mutikarie uhoro wake, tondu muri eri atatu mungikiaria nimuguthura muri atatu? Uria uguthurwo tuthurirwo Daudi, nii ngumutigira hau. **End of tape 4.**

## Tape 5

**Com. Wanjiku:** Na githi mutiagicokerio? Thengiu. Now, uhoro wa agriculture, Gathungu, ni tukwaritie ringi na ni nda accept ati although ni twaritie uhoro wa agriculture muno in the policies may be we need to think about it in the constitution. So I want to accept that. Ni turerirwo the same Gatundu North and South. I think it should be there though it has been in the policy but we will think about it.

Joseph Ndirangu uhoro wa Migunda ni twaria na ndoiga we will pick on it and ngwiciria ni tu ku need ku-improve the section ya uhoro wa migunda. Uhoro wa ku fight constitution ni ngucokera ringi hau uria tugire, - constitution is a political process, kwoguo amwe no kinya magakorwo maki fight some issues depending on their interest and we are ready to listen to those who are even fighting it na mundu uria oiga ri we will see whether there is merit na uria oiga, na akorwo ni issues iria cia rehwo cia korwo ciri common then we still bring them to the National Conference.

Now, James Mwangi ukuragia kana wira uyu wothe uguthii to the waste. Reke njuge ndigwiciria ni ukurira thi, and let us hope ndu kurira thi, and as I said ona kungithio elections under the old constitution, uguo the President aroiga, we can still pick it up after the elections. Kwoguo let us hope that Kenyans will not allow uririthi.

Gender equality ngwiciria ni twaria uhoro ucio, na reviewing uhoro wa mawatho, ngwiciria mawatho mothe ni meku-review no riu between now and the next elections, the most important laws ni laws cia elections, kwoguo what we thought is akorwo ni tu ku-have Katiba by December that parliament itana break ii approve mawatho maria related na elections. Na ingi approve mawatho macio you need just a few days to debate the laws like on elections akorwo Katiba ni agree ite on. Then macio mangi no ma debatwo ni parliament ona yahingura macoka. Kwoguo mawatho maria megukorwo mari na bata muno muno Katiba ingi approve wo ni mawatho maria related to election and then mau mangi no magike ati.

Then their provisions, transitional provision, uria ciugaga ni ati tondu we are not at war, kwoguo bururi uguthii na mbere uria uguthii but by the time the parliament comes back ikaheo ringi mwaka umwe waku review mawatho maitu. No maria mangikorwo mari na bata muno muno before the parliament breaks ni mawatho ma elections.

Now the last one Simon ni ndaria uhoro wa atumia, Simon eho? Niathire, niwe ukurehete 30% na acio angi macoke mathurwo ri, riu parliament ya kihana atia riu yakihana ta ino tondu turi na arume 201 and 9 women. Then it shouldn't look too bad imangigithurwo at the constituency level, but it cannot happen tondu tukoretwo turi na tradition nene muno uguo uyu mutumia oiga. Tariu atumia acio meguthia kiria ndunyu, aria angi magathii gutua mahuti, ona mawira maria andu marutaga ni matumaga maremwo ni ku participate na politics kana tiguu? Tondu angikorwo uguthiaga ndunyu ri, na niukuite mwana na nduriuka na mwana haha ri, na uria ungi ni ararugira ciana, ukona policy itu ni itumaga ringi atumia makorwo mateku-participate. Nikio turoiga ringi nime ku-need ku encourage-wo muno gukira the men.

Ni ugu suggestate President akorwo ena 75 years. I think kurari na debate about this 75 rather than 70, it will be discussed at the constitutional conference. Ni ekuragia uhoro wa district angikorwo ciri na just one constituency, a district is a district kana ina constituency imwe kana ndiri, but what we are saying is establishment cia district icio, tu district tumwe they will be very small. Tariu kwanja as you said Western Province, there are some districts like Mt. Elgon which is one constituency I think or even others like Yala although the land mass is very big. No ni tura facilitate dialogue between the districts angikorwo no mende guthondeka policies me hamwe riu district iria iriganitie tariu tuge Juja na Kiambu na Murang'a, if they want to form a coalition of district there is no problem with it. So it is allowed.

We wanted minimum reforms and we wanted to say that is another view people are talking about but we prefer to have the elections under the new constitution and the rest we agreed 15 ministers and so on. But I wanted to suggest that we give Gitu just two minutes just to say a few words in case hena maundu itana pick makwaririo at the National conference and you may want to emphasis and after that we close.

**Anthony Wanyoike:** Section 54 that is on page 8 that is on property ... that is where I was proposing we add anywhere in the Republic of Kenya.

**Com. Wanjiku:** Yes, it should have been and I thought it is written

**Hon Gitu:** Aria hii tutoima nao mbere tukiambiriria ni njagirirwo ni kumumenyithia njitagwo Gitu wa Kahengeri, na Gitu wa Kahengeri niwe urathurirwo ni Thika Distict nigetha agakorwo ari umwe wa aria magathii thiini wa National Constitutional Conference. Kiria gitumite njuke haha ni kiu kiumbe, tondu nii gwisu ni Juja na nindutite maoni makwa kuu Juja. No riu hindiria ndirathurirwo ni council ya Thika niyo Gatanga, na Juja na Gatundu South, na Gatundu North. Niundu wogwo ndikiri mundu uguthii kwaria uria andu a Gatanga, na Juja na Gatundu North na South moigite.

Hindiria tukire haha na twaikara thi, nigikeno giakwa muno muno makiria. Na nii ndiri mugeni ona hanini uhoro ini uyu tondu nii ndiratuire parliament ngiaririria andu a Juja. Ona tiga uguo wiki, wira uria urutikite bururi uyu wothe uria ugwetirwo ni mutumia uyu ngoretwo ndiguo thiini. Niundu wa uguo hindi iria constitutional draft iroimire, na ndiratuika ni ndathurwo ni Thika District, hatiri mucemanio ndirite. Na uria wothe kuroigwo haku ni uria wothe onani ingiukira njuge. Niundu wa uguo kuma hindiria tuikarire thi, ingigweta ta maundu meri mamwe maria magwetetwo, ona akorwo macio mangi mothe meho kuringana na uguo Professor acokia.

Undu umwe ni uhoro wa Heroes day. Andu amwe ni mendaga kuhinga maitho makionania ta bururi uyu utari kundu wa caririo. Amwe makona ta twaciarirwo tugiuka tugiikara kuo na nikuo tuturaga kuma hindi iyo. No nyende kumwira amwe anyu hindi iria twari na Muthungu, twari na thina muingi muno. Ndikiri na ihinda ria kumuganira wothe, no ndinakahinda ga kumwira inyui guku kwanyu no munyite uhoro kuma kuri andu amwe, mamwire uria gwekikire haha hanyu Kirwara. Na nikio ngugite ruciini ngoiga akorwo hena monument ingithondekwo ni undu wa uhoro ucio, handu hamwe ha mbere ha gwikwo uguo ni Kirwara. Ucio wa Heroes day ngakiuga ni umwe nyitite na hinya muno tondu ni tukwenda ciana iria igaciarwo, tiga iria iri ho, iria igaciarwo igoka ikorere uhoro ucio ati ni gwikwo wekirwo ni andu a bururi uyu.

Uria ungi naguo ni uhoro wa mundu ugwitwo freedom fighters uria ugwetirwo ni mutumia uyu. Hindi imwe twaragia mundu akaigua ta angiririo ni uhoro ucio. Tondu twerutiire na hinya wothe, mundu akoiga nii gukua kana gutura ni undu umwe; na ni twathiire tukirua, na tikurua kwa miario uguo mukuona andu makiaria, ni kurua kwa andu kurutwo muoyo. Tweekaga uguo ni undu wa bururi uyu witu. Riu ona ta twerorera kiharo twathii kiharo kia mubira, ona hindiiria tukuona TV tukona mubira uyu uracethwo Germany, uracethwo kuria kungi gutiri spectators magiragwo makerwo ukai muoye gikombe. Gikombe kineagwo andu aria moima mubira ini. Ona kumwe tugakiona manyitwo uria uingiririe ngoru akanyitwo akahimbirio akerwo ni wikire uhoro munene muno thiini wa march iyo.

Ithui tutiahimbirio, no ni turi gikeno tondu kiria twari kuruiria ni giokire na nikio riu inyui muraria na mutiriaga kindu kinene inyui. Hari aria twarehe wiyathi, maregete makiugaga hatiri kindu mukona, turai mutitu, turai njera na mutiri kanyamu mukona. Twarehe ri, makiuga reke turie matunda ma wiyathi. Kuma hindi iyo marariire matunda ma wiyathi, mariaria matunda ma

wiyathi, umuthi inyui muciaritwo na muri ho, mararia wiyathi ucio twarehire wiyathi guo mwene, makienda mutikana yukiririe.

Riu ngakiuga atiriri, ndikwenda kugana muno ri, tondu no njui ni tunogete ri, no no tucemanie hindi ingi na tugie na ng'ano. No riu tukuga atiriri, points iria mwarehe haha umuthi ri, ni ndacigua, na ndathii thiini wa mundu ugwitwo National Constitutional Conference, ni ngageria uria wothe ingihota, kuhingia maria turoiga haha, maria turoiga mundu ugwitwo Gatundu South, Gatundu North, na kuria gwitu Juja tondu hatikiri ona undu ona umwe itakoretwo ngiugua uria mukuga. Na ndari okuo ona hindiria twatwaraga ria mbere, ndari oho. Riu tukite kwirwo maya nimo mwoigire, na uu niguo twikite, onaguo ndari oho.

No ningwenda gutiga kindu kimwe hari inyui. Muroria kiuria hari Commissioner, mukamuria hibi Bunge ya hota ku-dissolve wo mbere ya Katiba ino turaigua injega uguo? Ngwenda kuuga atiriri, Commissioner arutite wira wake wothe ugathira. Agoka tukamuhe uria tungienda, agathii agatumira ugi wao, magekira uria twerirwo ni andu ati ungithii uu no utuike mwega na niguo riu turathii haha tukamera, haha ni ha ngirirwo una haha ni ha ngierirwo una.

Hinya wake ri, uhoro ini ucio ugathirira hau, wao ugathirira hau, maturehera draft ino. Riu kiuria kiria kiri haha mbere na niwega muno gikiurio ni inyui na nii ri, ati tondu ni Katiba njega na ni turona ta ingituruta njera ini ri, parliament ingi-dissolve ri uhoro uyu ni wora kweli? Mukario ni thina ucio. Nanii ngoiga atiriri, giai na courage, mu take courage as your precious possession na mwagia na iyo gutiri kindu gigakwama, na mutikae gwiciria hena mundu uciaritwo arathitwo ni ugo. Andu othe makoragwo maciaritwo guku thii mahana ta aria angi. Niundu ucio akorwo Katiba iyo niyo twendete na tuigwite irutirwo wira mwega, no muhaka ikaruta wira bururi uyu, kana andu ni mekurega amwe no muhaka ikaruta wira thiini wa bururi uyu. Na ikaruta wira niundu wa inyui kwiyumiriria na kwaga kuona ta muthirite. Hatiri guthira.

Rekei ndimuhe rugano rumwe runini. Nii muthenya umwe ni ndahingirwo thiini wa makambi maria mahinganagirwo. Ndahingirwo Athi River, ngihingirwo Lodwar, ngihinirwo Lamu, ngihingirwo Thiba, na ngicoka kuhingirwo kuria gwitu gwetagwo Gatundu Hiton Camp. Na muthenya uria ndoimire Lodwar, ngithii mundu ugwitwo Lamu twacemanirie na baba mundu ugitwo station ya Manyani, Voi. Agikio ngari ini iria ndari ikumbi, na tondu kwa bahati njega ni ndathuritwo ni andu kuu Lodwar ngatuika camp leader wa migwate, ninii ndaigitwo murango ini. Hindiria muthuri akirio na mathanduku make ari baba akingora murango ini, ni nii ndamunyitire uguo na ihenya. Ndingiahotire kwaria ni ndaririre tugiikuruka tugithii tukihingagirwo thiini wa Fort Jesus, ruciini tene tukirutwo na mitungi miingi ya irio tugithii tugikirwo meri yetago Rosalind itari ngunike iguru yari muharati ta nyumba ta ino.

Twakinya iria gatagati tukiaga kuona miti kana nyeki, na 1945 hindi iria andu mathiite mbara, ni gwatuikite ni mathiite na magaitwo iria ini. Tukirana ithui ngwiciria riu ihinda riitu ni ria thira. Tugukirehwo iria ini ri, na riu tutiri handu turona ri, sharks ikumia mutwe igakinya hau ukona ta ikuruta mwutwe iku pick ithii nawe kuu thi. Baba anjirire atiriri, tiga kumaka, na hindi iyo aranjira ndinyiki tondu andu acio angi othe ni ta thaa mugwanja cia muthenya. Mariire mboco na ngima matuika andu aruaru, gutahika makomeire matahiko thiini wa meri. Nii na baba tutiatatikire tondu tutiarire na tutiarite niundu wa kieha. Tondu riu



mwana na ithe makiri haha, hii shark ingigikia mutwe yoye mwana ri, hii ithe akuigwa atia? Githi ti uhoro munene? Akinjirire atiriri, ndukae kumaka tondu nii ni ndari mbara ya 1918, na ithui nithui twakuagira Athungu mirigo tutiari na micinga, tukirua na Germany Tanzania, na ithui twageraga kuu gatagati kurahuranwo tondu mirigo ni ithui tukuire Athungu, na nitwathire kinya Mwadui. Mwadui ni kundu gwitagwo Shinyanga mwisho wa Tanzania, na riri, ni twacokire. Niundu wa uguo ona rugendo ruru naruo ri, ni tugacoka. Na nitwacokire tondu ni Gitu wa Kahengeri uraria haha Gatanga umuthi. (laughter/clapping)

Riu kiria giatuma ndute karugano kau ri, niundu mwahota gukua ngoro mwaigua uria kurerwo na muona uria kurekwo Hii muuge mundu uyu niagiire hinya utakareka tugokira, hii hindi imwe twambirie gwiciria rekei tu submit twitikie uguo aroiga. Tigai gugetikia. Gutiri mwanangikana dictator kana oppressor wa muthemba, to muhaka uhatiririo ni Muthungu, to muhaka uhatirio ni Muhindi ona mundu muiiru, muiuru ta ikara no atume ciana ciaku ciume cukuru, no atume urare utari irio, no atume itura riaku riage bara.

Ni undu uguo uria twendaga ni hindi iria twagia na document ta ino, tukoiga ino uguo twaiugwa niyo tugatiga yatha bururi uyu. Iria ikuga atiriri, ndari na hinya toria riu umuthi kiria gitumite tugwe thii muno na ninjiguire mundu umwe agweta uhoro wa education haha ni muthuri uria. Riu wona ni kii tuthomaga, mundu ena hinya ati akiuma Nairobi State House ekuma omitwo ni ngari magana meri cia mercedez benz. Agacoka administration iria mundu umwe oigire haha ati headmen egugithi tuikare atia, agacoka ciana cia bururi uyu ikarutwo thukuru ikerwo ithii bara, thii bara mukone President ekuonwo kii? Umai mukone President. Muthenya ucio mwana agate period iria ingitumire agatuike a Professor, iria ingitumire agatuike a doctor ikora na tuterirwo uguo for 24 years. Akorwo mukiri prepared gu-continue na that kind of life its upon you tondu document ni thondeke na riu ni kurua na njira ciothe iria tungihota ituike niyo igutuatha thii wa bururi uyu witu.

Maundu macio mangi ma andu kwiikira thumbi ri, tiganai namo inyui rorai uhoro wa Katiba tondu Katiba niyo ikugiria mundu ucio ruciu ndakanoimwo ni mitakaya managa meri thutha. Niyo ikugiria hatikanagie mundu ugutonya cukuru teno oige ciana ciume ikerorere mundu, anga ni thiiire muno (clapping) No ndigwiciria ni uru ona hanini tondu hindi iria andu mekwaria ni mahotaga kuhigithania.

Andu amwe mahota guikara magiciragia... ni kwari mutumia umwe ii, ke Professor nguikaria hanini ndagika igiri, ni kwari mutumia wetagwo Waruguru, na aikaraga itura riaikaragwo ni andu anga ta Gatanga. Na itura riu Waruguru aikaraga ni riari hiti yetagwo hiti iri ruhara. Na muthenya umwe andu aitura riu ni moimire makiuga tutiguturia hiti iriaga ciana citu mucia. Magikiungana othe magikiuga na ikaraga kihinga ini kiria. Niyathire ikiumbuthurwo. Igikihanyukio. Hiti no iri ihenya nayo, andu magikimiuma thutha, niagithire igikora Waruguru emugunda, Waruguru arimaga mikengeria mugunda wake. Hiti igiuka ikira Waruguru nii ningwenda uhithe haha tondu ni ndengeritio ngahuma, na warikia kuhitha haha nii ningucoka nguoe ngutware mutito uria uthii ukoine ngu nyingi, tondu atumia ni moiyo ni mendete ngu cia kuruga (laughter)

Na hindi iyo igwika uguo Waruguru akometie mwana wake haria, akioire mikengeria akiigirira hiti andu magigiuka matengerete

na matimu. Makimuria ni mwona hiti iria iri ruhara iriaga ciana ihitukiire haha akigu iii... ndikimione na ndiuge? Andu magikihituka, magigithi makiuga tondu ii hinya ri, ni tuhitire ya thii muno. Hindiria ya umbukire mikengeria ini ikira Waruguru ihenya riria ndengeretio ni andu acio ni hutite (laughter) na riu unjitikirie ndie kanyamu karia ukometie haria. Kana gagika atia? Riu we no mbu oigire akiuga undire mwana agikirwo ona tiga mwana, ona wee ri onake agika atia? Riu ona inyui mungiona hiti iri ruhara, mureke yehere itura ii ...(clapping)

Uria ngukienda kuuga ni ati uria mwanduma tondu ni ta kunduma mukundumana ndiri naguo na ni ngageria haria ingihota. (clapping)

**District Coordinator:** Thankyou very much, rekei tu agree riu tuhinge mucemanio uyu ni twatinda haha na ni twakena muno. Wambere mutikaigwe kieha ona hanini, he mundu ukugaga andu angi ni mathire mutikaigwe kieha ona hanini gukorwo mutiri aingi. Ouguo Gitu wa Kahengeri oiga, actually ithui turi haha gutiri undu tutangika Gatanga turi na wendo, na ndiri na hope ati inyui oharia mundu wothe oimire, ni eguthii gutwara message kana ndumiriri iria turi nayo umuthi, na nikio muthuri ucio agweta ati turi na Katiba njeru na katiba iyo niyo igututethia bururi uyu. Mama uyu niogire ati ithui tuthii tukiheanaga ndeto. Uria utanahota guka, niaheo kaba igue ici cikumagira uyu ungi na ni twakena muno niundu wanyu kwiumiriria guka, gute mathaa manyu kuri na kabura karenda kuura nahii mungithiite mawira ini manyu, na ni twakena muno ni undu wanyu na ni tu ku hope Ngai ni egututeithia tugie na Katiba njeru.

Hindi iria muthuri ucio ugwitwoGitu wa Kahengeri arathurirwo mena acio angi atatu marathurirwo ni turamenyire Thika ina njamba iguthii gwika debating, na ni tuku hope uguo atwira that's exactly what they are going to do. Nayo message iria yote mwaheana na points iria mwa raise, Madam Commissioner niagakorwo ari umwe wa aria magakorwo mari conference iyo; na nimeguthii mategutonya conference iyo mathugunde miario iria yote iraheanwo, niamwirire arari Juja, arathii Gatundu South, arathii Gatundu North na umuthi oima guku. Monday akambiriria guthii Murang'a na ngwiciria Maragua acoke arikirie na Kirinyaga District. Na ma-commissioners aria angi nao mathiite makigayanagio ouguo, kinya within those three weeks thiini wa constituency ciothe cia Kenya mathii round. Macoke maikare thi, mathii through maundu mau twamahee matanathii conference iria turi nayo.

Uguo turi na hope ona ingikorwo ni ikufail tiaya megutufail ithia ona tiaya delegates ona tiithui ithui turi haha nonga andu angi no tutirimetikiria meke uguo. So thankyou very much. Ngwiciria riu tukuhoya mundu umwe atuhioithie turikie nigetha tuhinge giikaro giiki.

### **Prayer:**

**Muriuki:** Niwega Mwathani Ithe Ngai witu tondu ni tukuririe kiambiria kiega na kirikiro kiega, na Mwathani ni watuonia maundu maria mari mbere iitu, na uria twagirirwo ni gukorwo tugiciria ona njira njega. Ningi ugatuhe ona athuri akuru

