

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

Verbatim Report Of

**DISSEMINATION OF REPORT AND DRAFT BILL, MARAGUA
CONSTITUENCY, HELD AT SABASABA CATHOLIC HALL**

15th October 2002

**DISSEMINATION OF REPORT & DRAFT BILL, MARAGUA CONSTITUENCY, HELD AT SABASABA
CATHOLIC HALL ON TUESDAY 15TH OCT. 2002**

Present:

Com. Prof. Wanjiku Kabira -Chairlady

Secretariat in Attendance:

George Wachira - Ass. Programme Officer
Josephine Ndung'u - Verbatim Recorder
Eliud Mwangi Kariuki - District Cordinator
Simon Gathii - National Conference Delegate

The meeting started at 11.05 a.m. with a word of prayer by Father Ng'ang'a

Cordinator Kariuki: Andu othe nimakurio maingire. Andu aria mari njaa ingirai riu nigetha twabiririe musemanio witu. (wale wako nje wanaulizwa waingie ili tuanze mkutano wetu). Na iti ici cia mbere aria maroka moke maikare mbere. Aria maroka nomaikare hau thutha. Kana haha mbere nigetha tuhote kwaraniria hamwe. Na aria maroka moke haha mbere "Uka mbere please" "Uka mbere" nigetha tuhote kwaraniria. Na aria mari member wa committee. Committee members aria makinyite nao moke haha mbere. Tigai guikara kuu thutha muke haha mbere. Ukai mbere. Andu acio angi ukai mbere. Iti ici itiri andu. Tigai guikara kuu thutha. Ikarai haha mbere.

Ngwiciria riu nonjoe kahida gaka njurie Father Ng'ang'a atuhingurire mucemani uyu na mahoya. Inyue muri kuria thutha ikaria haha mbere ningetha mwaririo wega.

Father Ng'ang'a: Commissioners, professor Wanjiku na ageni aitu aria turi nao umuthi, athuri na atumia muriega inyuothe!

(Turiega) Nindoya kamweka gaka mbere kumwira muigwe muri mucii, muthenya uyu mwega waguka kugeitha na njira ya kuigwa migambo itu. Reke tunyitanire turie Ngai aturathimire muthenya uyu tugea na kiambiriria kiega na kirikio kiega.

Na ritwa ria ithe na ria mwana na ria roho mutheru. Baba witu uri iguru, ritwa riaku ririuguo, wega waku uroka, ota uria ukwenda wikwo guku thii, turia wikago kui iguru. Utuhe umuthi irio ciagutuigana na utuohere mehia maitu, toria ithui tuohagira ariamatwihitie. Ndugaturware mahitithiani no utuhonokie uruini. Mwathani Ngai turi na ngatho muthenya uyu utuhete. Tugukuria tukihariria niundu wa kuheana na kuruta maoni maria twaritie haria kabere, tukuhoa umuthi utigitire na ututongorie na utuhe uhotani, o hamwe na aria maratutongoria umuthi. Ukoro hamwe na ithui. Ona aria marehariria guka umatongoria nigetha tunyitanire na niguo tugie na Katiba ya gututeithia na gutugitira na guturuiria na gututuria uhotanini. Uguo twahoya thiini wa Kristo mwathani witu. Amen.

Cordinator Kariuki : Nindoya kamweke gaka ndimugeithi. Mureiga! (turiega) Nindakena ngiona uria mukite muri aingi na mugekira ribbon iyo ya yellow. Ribbon iyo ira -mean gukurwo munyitaniire hamwe na Commission ino ya kugarura katiba iria nguru. Nikuonania muri na regard nayo. Nimukuriu muthii na mbere gwikira ribbon iyo nginya kahinda karia Commission igukirikia wira. Otherwise iyo ni kiga solidarity na muri hamwe na commission ino irathi na mbere kugeria guthondeka kana kugarura Katiba.

Riu kahinda gaka ningugatumira na ningumucokeria ngatho ni undu wa guka kwa uingi na joke jike introduction na andu aria mari haha mbere, na ari makoragwo marugamiririe Constituency ino thiini wa Maragua Constituency. Na aria mari kuo ningumoria marugame na makuhiririe haha thii-ini.

Ucio etagwo Mrs. Jane Ndungu. Ni wa guku na ni member wa committee. Thank you. Na uria ungi urugamite hau itagwo Antony Njuguna nake ni member wa committee. Ucio ungi nake etagwo Mohammed Juma Mungai nake ni member wa committee. Ni tukoragwo na chairman wa committee Rev. Muthamia no umuthi ndagukorwo kuo tondu ni committed maunduini mangi very important ma kanitha. Kuogwuo oiga tuthie na mbere hamwe na inyue. Nii nanie jitagwo Eliud Kariuki na ninie District Cordinator kurora maundu maya ma Constitution. Na ofisi ya katiba ya district ikoragwo Maragua haria hakuhi na building ya Union. Ungiuka kuo hindi ciothe no ukore mabuku maya ma katiiba. No uthome na utaririo uhoro wothe ungienda ukonaini na maundu maya ma kugarura matiiba.

Riu haha mbere turi na aria mokite gututhomithia. Mbere ya kumumenyithania na Commissioner ni ngwamba kumumenyithania na delegate uria ukoretwo acagurirwo arugamirire Maragua District thiini wa kياما kiria kinene ka Nation kiria kiretwo National Constitution Delegates Conference. Kiama kiu giacemanitia mweri ikumi na inyanya uyu wa October na nikiyo gigathie guthoma draft iria ya ndikitwo gacuje gwa gacuje gikiuga haha ni hena, kana haha ti hega. Nigetha hagekirwo right. Haria hatari hega hacejio handikwo una na una. Kana ikoiga hacejio completely. Kiama kiu nikiyo gigeke approval ya maundu mothe maria marahitukio na Commission. Na mundu urua wathurirwo na kura ya guchagurwo. Thutha wa kuria andu metikiri kumucagura nginya wira ucio wake ugikirwo councillors. Uria rwacaguriirwo ni Dr. Simon Gichuru. Ari haha Ningumuria amugeithi.

Dr. Simon Gichuru : Thank you. Muriega inyuothe. Nie ritwa nimwero jitagwo Dr. Simon Gathii Gachomo Gichuru. Aingi mutiua ritwa ria Gachomo. Agwitu muno matie, no mungirora ngatheti-ini ya umuthii ndi umwe wa aria mathurirwo turi atatu na muthuri ungi wa Kandara former MP wa Kandara itagwo Gichuru Gathenge. Na mutumia wa haha Muthithi witagwo Wambui wa Mburu. Acio nio mathurirwo turi atatu. Guthii through the Constitution at the National Delegates Conference. Tuthii through the Constitution kuringana na uria yadikitwo ihinda ini riri na uria mugacoka mwongerere umuthi, tumithondeke wega ati riu katiiba iyo tukirikia, yahitukio niyo ikambiriria gutumirwo thiini wa Kenya. Kuogwo ni wira muritu twahirwo no ni wira nie mwenyewe ndaiguire ndeda tondu ngathii gutwara meciria na wendi wa mwiingi wa Kenya, na muno mwiingi wa Maragua District. Ndi-kwario, muno. Nijue ninguheo nafasi ingi ringi nongacokia ciuria mugacokia. Niia nongumuria ingi na dimuhe answers.

Co-ordinator Kariuki : Thank you very much. Acio nio atatu. Kuoguo thutha wa Commission wira notukwenda umuthii notukwenda gutwara mbere. Riu uyu niwe delegate witu uria ungithii naguo. Otherwise mungikihe wira ucio Maragua may be I can communicate. No riu nimwakimeny uyu ni umwe, uciongi ni mutumia wa haria Muthithi witagwo Mary Mburu.

Riu rekei ndimumenyithanie na mwarimu uria ugututhomithia uroho wa katiiba uria yandikitwo, urua iinguire riria iinguire riria ari guku views ciaiguiwo cia guku nociandikitwo haha. Na kuma hau thi-ini wa Kenya yothe. Summary iria mekire. Ena report iyo. Nituguthomithio. Nake ni Com. Prof. Wanjiku Kabira. Welcome.

Prof. Wanjiku Kabira : Ni ndakena muno niguka umuthi. Na itanambiriria ningu introduce andu aria ndoka nao. On my right ni Wachira. Wachira ni Advocate kwa Ndungu Njoroge and Kwach Advocate. Na niekudeitha guthomithia umuthi (muriega) Ucio ni Josphine Ndungu. Nake Josphine ni Verbatim Recorder. Uria tureka ni turarecord maundu mothe maria tukwaria nigetha tukandike report na maundu maria tukuona nitwagirirwo guecejia in the New Constitution, tukorwo turi namo nigetha tuhote kunina maundu mothe tukiandika report. (Muriega. Tukenete niguka Saba Saba). Okey niwega muno. Riu ngwiciria nitwathira.

Briefly, uhoro wa Katiiba ino njeru, recommendations iria tuheanite, kuringana na uria mwaritie na urua kwaritio mbururu-ini wothe, nikwathodekirwo brief, general representation ni nguria Wachira aturirikanie uria mwikite riria Commission yari guku. Gwiciria ni Commissioner ungi wari guku, Bishop Njoroge maybe, tukiaria uria wari guku. Aturirikanie uria mwekire hindi iyo nigetha tuona kana hena connection between urua mwekire at Constituency level na uria Katiiba ugite. Therefore muone kana some of the issues iria you recommended ni itikitwo into Consideration. Thutha ucio nitukuria ciuria kana you make any comments. Ningucokia iria tukuhota na recommendations iria mukuheana nitugutwara. Na ciuria iria ciagirirwo ni gucukio ni delegate uria ura represent National Conference, nake niakugeria gucokia. Hangikoro kuri maundu mukuigwa ni mukwenda kumwira nigetha atware to the National Conference nitugukorwo na that opportunity ya kumwira maundu macio.

Ngwiciria ngwa mbiriria kuga ati history ya Constitution na at least andu a murang'a nitui nimui muno tondu nimukoretwo muki participate na njira nyingi particularly in the democratisation process kuma 1991. Katiiba njeru ya mbiririe gwitio 1991. Kuonguo nituroiga ati ona gutuaka niithua tu nyitiriire murigo ucio nigetha ukinye mwisho nigukoretwo na andu aingi muno muno iraria makoretwo magi fight for this particular draft. Na nitue kuma 1992, during the multi party elections, andu nimajiriri gwitia katiiba njeru kuma hidi iria (.inaudible) yaheririo. Nimui kuma hindi iyo tribes iria ikoretwo for the plea for the new Constitution. Andu aingi ni ta Matiba na MP iria ingi aria ma participated to bring this Constitution to where it is now. Kuoguo nituroiga ati although we are the Commission that is collecting the views now, you will find that maundu maingi Kenya ni ma agree ati when you look at the new draft Constitution. Na ma agree ati tondu nimakoretwo makiaria ndeto icio for a particular period. Kuoguo nikio urona marioga katiiba irarehwo na ihenya. It is not true (.inaudible). Aria mara enlight to the struggle for the national community nio maroiga no, we need to give it another five years or we need to give it more time.

We think that ino ni struggle reward for many years that Kenyans wanted to come to a logical conclusion by going to the elections with a new Constitution. So I intend to give you some general comments and in addition why I want to give you some general comments ni tondu hindu iyo twathiaga in a new Constitution na hindi iyo twari guku nimweririo ati tura collect views tucoke tuthia tutware those views to come up with a draft Constitution. Tucoke tumucokerie the draft Constitution, nigetha muconfirm ati uria katiba iyo yugite niguo mwendaga na kuria hihi mukuigwa tiguu mwendaga nikugeria ku-explain ideas icio ciomire ku akorwo itumire this Constituency. Tondu turaria uhuro wa maoni ma andu so as to address the Constituency. Kuogwuo tugugicoka twarie uguo twarikanira. Ningwenda kumwira turi na pages iria turinacio ni ngiri mirongo itatu na ithano. In other words tungirora wahingura report iria turi nayo ni ya ngiri mirongo itatu na ithano, (pages 35,000). Na riu pages iciori, ningumuiria uria I represent ati 5 provinces. Rift Valley, they cover 8,257 pages. Out of the 33 Rift Valley nio maheanite maoni maingi gukira anybody else. In other words nigukoretwo na andu aingi muno maki-participate no ningi ni mwagirirwo kuririkana ati Rift Valley province has about 47 Constituencies not forgetting other parts of the country.

Igacokererwo ni North Eastern Province with more than 4,714 pages. But again North Eastern Province nitondu North Eastern forms more than two thirds ya mbururi wa Kenya. Makoretwo me sparsely populated. Kwougwo no muhaka tungiathire o town o town. Hakuhi tutown tuothe nigetha turikie. Now after that ni Western Province with 4,600 pages, worth 4,615. Ikarumirirwo ni Nyanza Province with 4,530 pages. After which we have Central Province with 4,275 pages. And then we have Eastern Province with 3,419 and then we go Nairobi province with 1,453. I think Coast Province was forgotten. I do not have the statistics for Coast Province.

Kuogwuo nimukuona ati nitukoretwo tukiongania maoni ma prisoners (andu ari me jera) na turi na views uria muogite. Na universities nituritie. Na nitukoretwo na directors mission kamuria cirehwo Commission. Andu makarehe kana magoka makoria mathikiririo, na aria mari out of the country magatutumira maoni mao na E-mail. Ona riu uguo andu aingi ma Kenya maria mari Canada, USA, Britian, acio othe ni maratuma maoni mao to the Commission. Uria turenda kuga ni atiriri, andu nima participate muno to make the Constitution. Ni maheanite maoni mao na an attempt even professor Ghai said that

nikuthondeketwo katiiba nyingi muno, but this is the highest level of participation iria onete. Na andu ni ma participate frely without any coercion. Now having said that ni kio urona ni wega andu othe makamenya ati uria wotho turoiga ona agreement iria tura come to aria turacokanairiria meciria to what we come to. Ni maoni ma andu othe mbururi-ini, nigetha umurie undu. Undu ucio will be reflected in the Constitution. Tonduni ni twa represent in Constituency imwe ni ithue iko represent something different.

Now ningwenda kumwira maundu maria andu aingi maririe uhoro wamo. In other words, what were the key issues? Key issues iria andu maririe uhoro wacio in the Constitution, and the most popular issue yari ya uhoro wa Parliament. Uhoro wa andu a bunge na uhoro wa bunge yotho. Na andu aingi nimoigite ati tariu akorwo ni Parliamentarians matigacoke kwihe michara. Na recommendation ino yari mbururi-ini wotho na nituheatite a Salary Remuneration Committee. Tugathondeka commission ya michara ningetha andu matigakorwo nio marituagira michara magathondeka watho na magacoka makauhitukia. Uguo we have dealt with that issue.

Andu aingi nimaigaga ati nomende kuheo a right of recall. Meaning ati angikorwo MP after two years ndarahota kuruta wira, andu nimagirirwo kumubuta wira, na methe mundu ungi akarute wira ucio. We have provided a provision for that in the Constitution. Ati mundu angikorwo dararuta wira 30% of the voters in the Constituency ni ma sign memorandum, then the Electoral Commission niyangirirwo kuheo a kind of enquiry na ithondeke githurano kingi akorwo mundu niaremetwo ni wira.

Another issue yari very important among the MP's ni level of education. Andu aingi nimoigaga ati MP aitu nimagirirwo gukorwo me well educated, nigetha mahote kwariria issues. Ni andu aingi ma recommended degree. Aingi magathondeka O' level with a pass and I think we settled with O'level for members of parliament. Ni gitumi ni ati argument cia andu aingi ni moigaga ati ona andu aria mama giteire muno aingi niathomu. Ningi magacoka makoiga ati utongoria is more than just education itself. But there were very good recommendatins that they will represent them also urging that mundu uria agirirwo atwaro Parliament niagirirwo akorwo e mutongoria. Ena leadership qualities. Niangirirwo gukorwo atari corrupt at all.

The other thing we have done ni ati kuga andu aria marathie Parliaent, nimarithiaga through a leadership code. Na turi na Leadership Cop iyo in the Constitution. Iria iroiga no muhaka makorwo people of integrity. No muhaka ma declare their wealth. Na gwiciria iria nimurathomire ngatheti ya Uganda ikiuga ati (I think that was the headline) mundu a declare wealth yake, na ya ciana ciake below 18 years nigetha andu mahote to curb corruption. No wa rega ku declare your wealth first of all, you can loose your job, but you can also be investigated and be taken to court. So turi na leadership code iyo. Na leadership code iyo iraria in the New Constitution, iria ironania atongoria magirirwo ni gukorwo mahana atia. Andu aingi nimanegenaga muno uhoro wa poor leadership from members of parliament.

The other thing about parliament, apart from the members themselves. Andu nimoigaga Parliament ndire na enough power. Nimamiheyaga opportunities cia ku appoint the Constitutional Officers na andu angi. Na what we have done nimoigaga powers

nyingi irutwo kuri President itwaro kuri Parliament. Na Constitution niironania ati nitikite uguo tukaruta powers nyingi kwa President tugacitara kwa Parliament. So iyo yari na andu aingi muno maragia uhoro wayo. And Kenyans we have agreed all over the country.

Nimoigaga ati Ministers matiagirirwo gukorwo members of parliament. Magirirwo ni kuturwo kuma na njaa, nigetha tugeria kugia na professionalism. Makoiga ministers ma appoint because they are from the ruling party, kana because they are personal friends and so on. So we have suggested that Ministers, the cabinet come from outside. So in that area, the issues of Parliament and the members of parliament, Kenyans were agreed on most of the things and we have put them in the new Constitution.

The other issue iria andu maririe muno uhoro wayo ni uhoro wa the President. Ndigwiciria kuri kundu twathire in the whole of Kenya to teriro ati to reduce the powers of the President. Almost everybody who spoke ambagiriria na kuga that the powers of the President should be reduced. So what we have done ni ku-reduce powers cia President but also gwikire those powers in the new Constitution. Gwikira maundu ta mangi very important like what is his role in Parliament. No tuti-recommend ceremonial President. 99% of Kenyans who spoke did not want a ceremonial president. Marenda President ugukorwo ari Executive, but atari na so much powers ingituma a create problems, kana atueke dictator. So ni moiga nimekwenda powers ciake to be reduced. Na ni tu-reduce ate according to the new draft.

Nimoigaga President ndagakorwo na Constituency. Constituency ikorwo e Kenya. That is what we have done, so that the president will not stand at the Constituency level. We regard a President as a president and Kenya be his or her Constituency. Kenyans nimoigaga nimekwenda age limit ya President. We have put it to 70 years. Kenyans nimoigaga except for the current Transitional Commission. Nimoigaga on the elections. Akorwo ni e ku-hold with the new Constitution kugie na Transitional Commission tondu changes cannot come immediately. People themselves needed psychological orientation. Kwoguo ta uhoro wa age, na uhoro wa githomo things will apply when we come to the next election. Nigetha people can see. Tondu tariu ungikorwo urari councillor kana MP, na durari wa Form 4 between the five years, you can go to school given that you are disqualified. Nigetha mundu ukarugama the other one akorwo oi niwikite form 4. If you want a degree for the President, which is what we have said, you can do the parrarel degree programme, then you will have it by the next election. There is a period of about 5 years nigetha andu matuike oriented.

About the age, I do not know what we can do, but in Uganda the constituents take the documents. Akorwo niuroiga wi 70 (.....inaudible) for the next year. So uhoro wa President the other thing andu matendaga ni ati the President should not be head of public universities, he should not get involved in dairy activities for Government, he should not interfere with what is going on. Tariu athi akiheaga andu miguda. Kana kwabiriria dispensary even when there is no money. Then the directive become wrong. What we did nikuga ati tu-separate the day to day running ya thirikari with the functions of the President. Tondu turoiga the President must also be a symbol of national unity. Kana whether in opposition or in Government, the

president must stand above the day to day management of the Government. Na andu ni ma-recommend the position of a Prime Minister and they have recommended everywhere in this country. The Prime Minister to be able to run and manage. Like to become a Managing Director, where we have the chairman of the firm who is the President. So ni tu-recommend the position of a Prime Minister. Andu aingi nimoigaga ati the President must also have a running mate. Nigetha tugakoragwo turi assured that we will always have a Vice President. That we do not have a situation of what we are like today. Without a Vice President. Although the old Constitution says that if anything happens to the president, the Vice President will take over. So riu tondu the current Constitution has allowed the Head of State niwe eguthura the Vice President, we had been kept over an year at the beginning of this term without a Vice President and now we are ending the term again without a Vice President. So we are saying that those vaccums are not good for the country. This is because if anything happens we would have a crisis and therefore we felt that position ya President ikoragwo na running mate to avoid some of these things happening.

Uguo nitwandikite maundu maingi muno ma President na uhoro wa prime minister na tuka define powers cia Prime Minister. Na tu ka-recommend as you said, that the Prime Minister Should have two deputies who should be managing the government. We have also suggested that wira wa President wikirwo in the Constitution. Nigetha atige kuheyagwo mawira ma andu aria angi.

Uhoro uria ungi waritio muno ni uhoro wa Local Government and Local Authorities. Na Local Government nayo andu aingi nimoigaga local government ndituragia powers. There was a time councillors maikaraga makaheyana bursery to the children in the odd areas. And everybody in the village would know ni ariku mahetwo bursery. That does not happen any more. We have problems with the Local Government niundu wa gukorwo ati matiri powers ona cia kwadika andu. Andu madikagwo ni thirikari. So they are not accountable to those people. So we have reduced the Local Government to such a level ati they have no powers. They are not doing very much. They are not responsible even for the policies that they make, because the Ministry of Local Government is making all those policies. Nao councils themselves. On andu aria mangihota ku have impact on the council, they do not apply for those jobs. Kundu kuingi andu nimoigiru at ona councillors aingi imaminaga mieri itatadu matari mariwho. Na tondu matirarihwo you become useless in the sense that nogukorwo na micemanio no ndungithie because of lack of money. So what we suggested ni ati, we would like power to be devolved (.....inaudible) riu ta town councils and so on. To ofise twingi tutari na powers. Tutiri na resources na tutiri na any capacity ya even to maintain themselves.

What we suggested is that we should revolved power to the district. The district become a district council. The district council is going to have a lot of power. Very much power. Nigetha andu machokerio wathani to the district. Andu mahote kungania taxes at the district council na makahota kuhuthira those taxes na kuriha arimu at that level, kuriha police at that level, ku-employ nurses and all other staff.

Then we have what we call a District Service Commission. District Service Commission ihote ku-deal na michara ya andu aria othe employed ni council.

We are suggesting that only a certain percentage of the taxes iria me gu-collect irithiaga kuri Central Government. Na to ka-reduce powers cia Central Government. Tukoiga Central Government yagirirwo gukorwo incharge of the Defence, Army. And they are also incharge of the people who have military pullouts. You can see page 46 – Powers of the National and Executive Government. We think that there will be the National Defence and Security. Uciu ni wira wa thirikari nene. International relations. Riu urua mara-relate na mathirikari ma na nja ucio ni wira wa thirikari nene. Uhoro wa communication riu ta telephone and so on ni wa thirikari nene. National resources iyo ni ya thirikari nene. Natonal elections. Nio mari organise aga githurano. Formulation of National policies. Formulating all national policies. Like where do we want to be in Kenya in the year 2025? We want to be an industrialised nation. So they will formulate the policy with the assistance of the district, and the implementation of those policies igukurwo e at the district level. They are responsible for development training. Training the people like from the various districts in the field of development.

They are also the central currency tondu tutithodekaga mbeba citu at the district level. They are incharge of that. Uhoro wa magoti. Uhoro wa prison. Uhoro wa citizenshi. Ku-determine nu ukuheo citizenship na nu utekuheo. They are in charge of immigration. Incharge of National Public Service. They are also going to control and manage the disaster and epidemics like AIDS or any other kind of disaster. They are in charge of statistics. Tariu kumenya what is our population as a nation? So if you look at that niukuona like what we have done with the President tokoya powers nyinyi tugatwara parliament, we have also removed a lot of functions from the Central Government tugatwara to the district. Mungirora hau kiandu nimukuona district government lease.

District Government lease niironania ati implementation of development policies igukurwo at the District level. Na toroiga ati local taxes at the district igukurwo igi-collect taxes within the district ota uguo ngugite. Na nimegukurwo responsible for education services at the Nursery, Primary and Secondary education but the Universities remain at the national level, because not every district has a university. So as to make sure that students from each district onao nimekugia access to the university. District niigukurwo iri responsible to medical and health services, na health centres dispensaries, clinics and also promotion of health care. Nimegukurwo me responsible for water services. Nimegukurwo responsible for road services, market and trading and so on. You can see aria mari na gathiti upto to the next page maundu maigi macoketio upto the district.

Now the question is, District Council icio ri, how are they going to manage themselves? And how are they going to get the resources? And I want to say that the issues on how the Districts are going to work are still being worked out to debate at the National Conference. But the principles for them are set out. It is clear that mbeba iria tuhothagira at the centre, a lot of the money spent at the centre, if it was spent at the district level, we would grow faster, and people can participate better. And people will be able to manage the resources at that level. Therefore, what we are saying in terms of the district that we are going to also have Locational Council. Locational council igukurwo iri na two representatives from each village. Na nitura suggested ati defination ya village, ikorwo iri sub-location. So each sub-location becomes a village. Thirikari ya gicagi kiu

igokorwo na andu ta ikumi uguo. And one of these people should be women . There should also be youths in the village council. Na tura suggest ati every council ikorwo ni guthurwo ithuritwo. Acio nio marimenyaga sub-location. What are the priority programmes? Problems iria menacio at the sub-location level ni iriku. Nao magathura two representatives to the Locational Council.

Locational Councils which we are calling Locational Government nio nao iri put requests ciothe to the village council, nigetha cikirwo into the District plan. And then Locational Council and District council nio mari-implement policies cia the district council. Na nituronia ati, na ni twerirwo ni andu aingi ati akworo ni villagers elders kaingi nio marutaga wira muinge in many of the remote areas of this country. They wanted the village elders to be paid. They wanted the village elders to be educated, to get training and so on. And they even wanted the village elders, ma replace machiefs na sub-chiefs. Because they said that the village elders are their choice, but the chiefs and sub-chiefs are not their choice. So that is how we dealt with that issue ya Local Authority by strengthening the District Council.

Andu aingi nimoigaga ati in the district council we needed direct elections of the mayor. What we have done is to say, district council has two arms. Toria twa limit na thirikari na ina Parliament. Parliament is the law making body. Nayo thirikari niyo ira meet the cabinet itself. Niyo ira implement the programme together na thirikari. So what we are saying here is that the council will have a chair person. Na nio mari-make mawatho ma district iyo. But then we have a District Administrator.

District Administrator niguthurwo arithuragwo directly, like the way we elect the President. The District Administrator niwe ugukorwo with the Cabinet at the District level. Na niwe u ku-hire andu aria marimenyaga wira within the district. Nigetha andu makorwo na say and we have been talking about the distribution of services, such as employment to the locational levels and so on. Therefore there will be two arms. The implementing arm in the council and the policy making body at the council. And the councillors are supposed to be policy makers. I know we have proposed that the council be paid from the consolidated fund. Although that is what people are recommending. At the same time we have issues cia ku-deal na devolution of power. (.....inaudible) Icio devolution ni irarutirwo wira.

The other issue andu aingi mariro uhoro wayo ni judiciary. Uhoro wa magoti. Andu aingi moigaga ati first of all guthii igotini ni very expensive. Kuri kundu tweragwo ati wathie igotini urathie ugakora uria uguthitangite na urua araguthitanga, niarahota kwandika wakiri, nawe ndurahota kwandika wakiri. Kwoguo wathie ugakirwo. Riu makoiga justice is for the rich. Tondy ona noweyye tondu wina wakiri ukuhota kuriha. Wakiri agathia agakwariria ugatuka released. Na uria ukweiyete kuma kuri we. Akworo ndoima na wakiri akarugwo. They were saying that the judiciary is very corrupt. Andu aingi nimanegenaga makoiga machira maingi nimateyagwo tondu judge nimahakwo. Andu aingi nimoigaga rimwe cases ituraga igotini miaka mirongo iri. Tariu akorwo ni cira wa mugunda, ugatura uciraga. Ugakua. Murugua agatura aciraga, agakua. Nake your grand-son or grand-daughter agakinyithia ciira ucio. Because of corruption and incompetence of the judiciary the system of justice will not be done. Gugatuika this is an shortfall of the judiciary.

The recommendations we have ni ati most of the judges either they retire voluntarily. That is what we have recommended tondu the judiciary is very important. Tondu ona twakorwo na new Constitution, na judiciary. Uhoro wa magoti nduthodeketwo, that Constitution ndingihota kuruta wira wega. That is why it is very important to clean the judiciary. Kuguo uria tu-recommend ni ati akworo judge aria mari kuo. Ona aingi they are not qualified, including the chief justice. So either they retire. Na othe ma-ritire mongerorwo miaka ingi itano, aria othe marutite wira miaka ingi atano or mainuke makarute wira ungi, nigetha kwadikwo new judges. Kana akworo matikwenda ku-retire gwikwo investigations and be subjected to leadership code. Othe ma-declare their wealth, na ya ciana ciake. Na tondu kuri na accumulation ya machira. Machira macio matwaro to the Attorney General nigetha akorwo no

Na too aika, Kenya ngima merwo uhoro wao. Tariu Kenyans aingi nimoigire Provincial Administration there are not doing any work. And we have removed them. But what we have done ti kumeheria, nikuga macoke gwa Public Service Commission makaheo wira ungi because Provincial Administration are abolished. Wira wa PC, DC, chief na sub-chief na DO. But we are saying that if it is assisting, either the District Council can hire them if they want or the Public Service Commission can employ them because most of them anyway come from the various ministries. However, their positions do not exist anymore in the new Constitution. So uhoro wa judges ni twaria.

The other thing ni uhoro wa political parties. Political parties nacio nitwerirwo almost all over the country. Ati political parties andu magie na ithatu. No andu moiga magie na ithatu ri, tondu Bill of Rights ni iroiga mundu ni free to form a political party. Ndungiheyana ringi na guoko kumwe ocoke utunyane na guoko kuo kungi. So what we have done nigetha tu-discourage political parties (na andu aingi nimoigaga masupport ni thirikari). Nitugite ati political parties will be funded from the consolidated fund. Natukoiga ati political parties iheyo I think it is 0.3% of the National budget. Na 0.3% of the national budget ni kindu ta 600 million. The idea ya kuga political parties be funded nigetha it will come a time itiga form ni mundu, as an individual. Riu kiu gigatuika kiama giake. (.....inaudible) we do not hear of political parties, nginya when the elections are coming or when we start the elections. We have even told our political parties, tariu tu-educate the people. Let them say their policy. Turoiga political parties are symbols of democracy. Na tutirenda tuheria vehicles iria ingi promote democracy. Ithuothe nitue what happened hindi ya one party state. One country and the government are one and everybody else becomes a victim. What we have suggested therefore is that political parties to be funded. Na nitugite ningi ati atumia do not participate muno na ciamaini, na wiraini wa ciama. That political parties iria irihotaga gutwara atumia aingi parliament iriheyagwo mbeba nyingi gukira iria itari na atumia. Nigetha nao mahote ku-encourage participation of women. So political parties ninge nitugite ati niciagirirwo ni kuma registration haria iri-register gwo. Tondu registration of political parties ikoragwo iri hamwe na uria arithie ku-register kiosks or a small NGO, noho political parties ira register. Uria tu suggest ni ati political parties itwike registered by the Electoral Commission. Tondu Electoral Commission nayo niyo ira deal ya wira ucio wa ithurano which is a major pre-occupation for the political parties. No there is going to be an independent Electoral Commission. The other thing tugite ni ati hangikorwo kiama no githii through two elections, na matihote ona gutoria one candidate that will be the basis for its

de-registration. Tondū ndikiri na wira. (.....inaudible) That one can be de-registered. In that bill tu gu-promote political parties activities on the grounds, nigetha tuhote gu-guard democracy. Without political parties we can get into the problems of protecting democracy. So it is important that we encourage them.

The other major issue ni uhoro wa basic needs. Andu aingi muno nimaririe uhoro wa thina. The poverty in the country. Na nima tondu even the Government statistics iroiga ati 60% of Kenyans live below the poverty line. Possibly they live below the poverty line kuongwo ona matingihota kurihira ciana school fees. Matingihota kugia na basic health facilities. Even food, in many parts of the country and so on. What we can just say is that we are starving. This is also a request from many organisations, that we expand. The Bill of Rights sets an example on basic needs. Kwoguo turoiga basic needs tariu irio na githomo, na health, employment na security, na housing, ikorwo cira mandatory that thirikari iria itangihota ku-meet basic needs cia mbururi uyu, then we can declare a vote of no confidence in that government. So tondu tikuthina turi athini. Ni ku-mismanage resources. So that uria turoiga ni ati thirikari no muhaka icaria njira cia ku-make sure that those basic needs of Kenyans are met. And we have a Commission for Basic Needs. A commission where people can actually report and the matter can be taken to Parliament. Angikorwo andu matiragia na basic health services. Na matiragia whatever of those basic needs. We are saying that it will be a basis for declaring a vote of no confidence thiniie wa thirikari angikorwo we continue to degenerate. So (.....inaudible) 50% of people living below the poverty line. Between 50% to 60 %. By the look of things it looks like if the trend does not change, all of us will be living below the poverty line except the 10% will be living below the poverty line.

Ni twari na issues cia the right of vulnerable groups. The rights of vulnerable groups nani represented by people with disabilities- walemavu. Na atumia aingi ni ma present eti. Then men also presented. Our presentations were held by the people in Kenya mundu akinyia miaka 55 atuke ni a retire wimugudaini na nduri na mundu wa kugurora na family yaku ndingihota igukurora. Although you have contributed for many years in building of this country, nobody cares after that age. So we are saying that we have provisions for the elderly in the New Constitution. Na turi na provisions cia people with disabilities (Walemavu). We have also provisions for children, including the children with disabilities. And we are saying that compulsory free basic education for all children issues iria ingi ikoretwo no ni uhoro wa property.

Uhoro wa migunda ni twaritie haha. Na uhoro wa migunda nitunge a lot of the things toruoga they need affect a longer time. And we do not know what discussions will be there at the National Conference. Tondū migunda it will not just change. Tariu mwena wa Taita Taveta District, andu aingi are squatters. You have taringi a division is owned ni andu eeri for very many years. Andu eeri tu. Kundu ta Coast Province, majority of the people are squatters. Migunda iyo yoirwo tene na ndiri nginya title deeds. Ina andu mena (.....inaudible). Now akorwo nita Central Province kuri andu aingi aria meheririo migundaini white highlands, magi-pushed koru . Na aria matwarirwo villages during emergency and whoever did not get back to the original land. In the Rift Valley, we have a similar problem. Na ningi kwajiriria Rift Valley we also have problems cia those people divided again and mara claim. Akorwo ni Trans-nzoia maga-claim part of Uasin Gishu District. Kura andu angi matarendra

ngwikara kumwe. Korwo ni ta Mt. Elgon ugukora Gabor moigaga kuu ni kwao. Kwoguo (.....inaudible) macoko kwao mehere. Of course it will not be possible to move them. Even other areas of Rift Valley like Maasai land and so forth or among the Kipsigis. Aria migunda yao yoirwo ni athungu. Like the coffee estate in Kericho for instance yoetwo kuma kuri andu aria mami owe it. Riu ikioyo ni athungu. Nao athungu acio makiambiriria companies. So now andu aria mari original owners nomedaga migunda iyo bado. So what we have done ni tu sort out provision ya kurihwo but we have also an independent Constitutional Commission to look into the issues cia migunda.

Issues iria ingi iria andu maririre uhoro wacio ni management and use of Natural Resources. Na nitwaririe uhoro wa cio. Ni twaririe uhoro wa international relations. Nanitwariririe uhoro wa succession and transfer of Power. Why it is important gukorwo gutari na (.....inaudible) hena thuku jiganu cia andu kuhota gu-challenge that election. So that andu no mahote guthii igotini if we have a problem, or if we are not satisfied with with the election.

Nitwaritei uhoro wa customary law and other issues. Uhoro wa customary laws, kuri andu aingi moigaga ati ma promote undwire wao. Nanitwaritie uhoro ucio tukoiga ati ni important gukorwo tugi promote unduire wa everybody. That the traditions and customs cia andu niciagiirire to be promoted because we need them. We need to know where we come from and to be able to know where we are going tondu kuri andu aingi who challenged those traditions. Tariu kuri atumia aingi maririe uhoro wa airitu kugairwo migunda as a policy. Of course there are other people who were talking about female circumcision. Others inheritance of women especially the Luos and the Luyias and all wife inheritance and so non. I think what we have done is talk about promoting what we saw is not inflicting on the rights of other people including of course of rights of women.

Nitwaririe uhoro wa supremacy of the Constitution. That the Constitution is supreme and andu aingi nimogaga ati, the new Constitution niagirirwo ni gucejio kuria ino ya tene icejetio. Na tuga suggest ati there are some areas itagirirwo ni gucejio without a referendum. One of these areas itagirirwo ni gucejio ni (..... inaudible) of power. That no Parliament should be able to change the (.....inaudible) and that can only be done through a referendum. Tondu what happened in 1963, because parliament was able to make changes they were able to make changes maki dissolve regional government. The same parliament accumulated powers (.....inaudible). The Executive accumulated power through use of the Parliament itself. Nituroiga Bill of rights ndiagirirwo ni gucejio without a referendum.

Nituroiga devolved power (devolution) should not be changed and a few other things which are put in the new Constitution.

Ngwiciria there are many things which we have talked about and maby urua gwika ninguria Wachira a take another five minutes guturirikania urua twoigite riria twari guku and then we shall welcome questions or comments. Thank you.

George Wachira : Muriega (turiega) . Ino niyo report ya maundu maria mothe mwaheanire maria twandikire na report iria tukoragwo tuki-record na kameme. Guku twari na thiku igiri cia guthikiririe. Twari na muthenya wa kana March, na muthenya wa 24th April kuria kanithaini wa Catholic Saba Saba na Saba Saba Education Hall. Thuku icio cieri. Twathikiririe andu igana ria mirongo iri na mugwnja. Acio nio matuherie maoni mao. Mirongo itadatu na umwe mari arume. Mirongo iri na ithatu mari

atumia. Mirongo ina na unwe matiokire na mari arume kana mari atumia. Kuguo tutia report (.....inaudible)

In form of presentations matuheirie memorandum ta mirongo iria na igiri. Aria mahuthagira karamu karia gatune kari na qualities kana mutaratara wa urua andu mangiacokirie ciuru, uhoro wa preamble, kiumo gia Constitution. Andu 22 nio mathomire kabuku kau na magituhe maoni na kindu kiandikitwo gitagwo memorandum. Hari angi nandikire maoni mao kuringana o uria mundu angiciria ringi karatathi kanini mari andu 18. Na hari angi maririe na magituhe maundu maria madikite mari 33. Na hari maria maririe ouguo na tuki record na tukiandika. Mari andu 45.

Nguthoma kuringana na mutaratara urua kabuku kau konanitie na kuringana na maundu maria twamwirite no mucokie.

In terms of preamble, nimworite ati preamble yambiririe na these words “ We the people of Kenya”. Na gwiciria uguo niguu preamble ajirire, andu guku Saba Saba. Niguu mworirie na niguu twandikire.

Nimworite the Constittion yandikwo na language mundu wothe anginyita. Hii ta Constitution yandikitwo ati maritwa matiari (.....inaudible). Maritwa ma mawakiri mutiendaga makorwo magikirwo thiini wa Constitution. Nomwone nitweheretia. Ona mundu atathomete watho no ahote guthoma the new Constitution.

Nimworite preamble ikorwo iki express the sovereignty of all Kenyans. Na ugo nigwo twikite. Na mukoria preamble ikorwo iki express the vision and aspirations of all Kenyans. Uguo noguo twikite.

Nimworitie in directive principles of state policy. Gutigakorwo na discrimination thi-ini wa bururi. Andu othe makorwo ni maiganaine. Atumia, athuri ona ciana. Watho kana Constitution kana uria andu marikoragwo makiroro gutiri mundu uri iguru wa uria ungi. So no one should be discriminated in terms of sex or race. Kana tondu ni kioje. Kana undu ta usio.

Ningi nimworitie gukorwo na separation of state powers which should be independent. Icio nitwikirite thii-ini wa the new Constitution.

On Constitutional Supremacy, mworitie Constitution iyo turathodeka ikorwo niyo watho uria munene muno. Gutira watho iri iguru wa uyu. So the new Constitution is the supreme law. Uguo niguu mworitie na niguu twandikite.

Ningi nimworitie ati Constitution ndigakorwo iki amend wo kana gucejio uria tugwiciria. Ni a bunge kana mundu ungi uria akwenda gucejia. Togakorwo na a public referendum. Uguo Proffessor amwira in some issues we need a public Referendum gucejia constitution ta Bill of rights kana devolution of power.

Nimworite Constitution igikira ikorwo social, economic and political rights. Icio nitwikirite thiini wa new Constitution.

On citizenship, mwaritie mundu wothe uciarirwo Kenya akorwo ni citizen wa mbururi uyu witu. Iyo nitwikirite thiini wa constitution. Na mukoria gukorwo na dual citizenship. Ati no ukorwo ringi mundu wa Kenya. Na riu andu aria mari na ciana cio murimo. Nicithiaga ruraya igatuika citizens cia mambururi macio. Na watho uria urari ho mbere ni ati wathii woya citizen ya

mbururi ungi, ugatunyo citizenship ya Kenya. Ningi anake aria marihukia airitu kuma na nja, magatuika a Kenya. Nikurakorwo na problem nyingi muno, aria maraheo citizenship. Inyue ninyue muigire twikire thiini wa Constitution dual citizenship. Nanitukire thiini wa new Constitution.

Nimworite ciana cika iria cingi adopt-no ni andu a Kenya. Tariu kuri andu matakoragwo na ciana na no mende ku adopt ciana cia muthemba ungi. Kana ciana cia kundu kungi. Nacio cieho citizenship ya mbururu uyu. Na uguo nuturekirire thiini wa new Constitution.

Mukoria mundu wothe ungi korwo na mwana whether ni mutumia kana ni muthuri na ndari na mutumia, mwana ucio onake akorwo akiheo citizenship wa mbururi uyu.

On Defence and National Security nimworite parliament ikoragwo na hinya wa ku approve maundu ma defence nato president wiki uri make resolutions na maundu maria mothe ekwenda thiini wa jeshi itu kana army, security. Iyo nitwikirite in the new Constitution.

Nimworite political parties cikorwo ciri na national outlook. Kona political parties citigakorwo based on tribal groupings, itari na mubango. Nikurikoragwo na mutaratara uria ciana cirikoragwo ikirumirira. Na niguo mwaigwa kiana kingikorwo gutiri kindu kirongerera nikirikoragwo gikieherio thutha wa miaka iganono.

Ningi nimworitie cikoragwo na Development agenda, kana Development focus na nitwikirite thiini wa the new constitution na mukoria ciana ciothe ikoragwo iki fundo-wo ni thirikari. Ni mwariria ni Professor that is in the new constitution.

Structures and systems of government. Mworirie nimukweda gukoragwo na President, Prime Minister na Vice President. Uguo niturekerire in the new Constitution. Na mukoria that the Prime Minister should be the leader of the majority of parliament. Agakoragwo aki appoint andu arai mena ciana nyingi thiini wa Parliament, niwe urikoragwo aki appoint wo ahana ta Prime Minister. Noguio turandikire thiini wa new Constitution.

Mukoria the system of government should be unitary. We have put it in the new Constitution. On parliament i.e the Legislature nimworite gukorwo na separation of power, cia Executive and Legislature. Ati legislature, executive na judiciary (three arms of government) ikorwo cii independent of each other. Ti ati kuri mundu wiraga rubonge rumwe rwa thirikari uria tugwika. But each is very independent from the other.

Mukoria parliament ikorwo na hinya wa ku eliminate the President. Akorwo President ndaratwatha urua kwagiririe. Andu aria twathurire mahana ta MP no mathie kuu na makorwo makimwira you are no longer the President. So they pass a vote of no confidence. Akorwo akiruto.

Nimworitie ministers na prime ministers na permanent secretaries makorwo ma kia appoint on merit. Ti ati ni kiheo mundu arikoragwo akiheo kuma thirikari no akoragwo ari qualified. Tia ati ni (.....inaudible). Na mukoria andu aria marikoragwo Parliament tio mariugaga muchara uria ma kwenda. There should be an independent commission to determine salaries of the

MP's. Iyo niturikirire in the new constitution.

Mukoria inyui ari twathura ma M.P tukorwo na hinya wa kwira andu aria twathuria akworo matirarutha wira na njiria iria yagiririe macoke mucii. That is the power of recalling MP/s nitwikirite in the new Constitution.

Mukoria MP elections na presidential elections ikorwo separate. To ci hold on different dates. Na nogwo turikirire. On the Executive, mukoiga President akworo aki declare his weath. Uguo nago tugite thiini wa enactment in the new Constitution. The president and the civil servants nimarikworagwo maki declare utonga wao na wa ciana ciao.

The president dagakorwo ari above the law. Noatwaro igotini agacirithio. This is also in the new constitution. Mukoiga tu limit the power of the President. Na nogo turigikire. Tukanyihia mahinya ma President, na tuga keep specific functions cia President. So is no longer the chancellor of public universities na maundu ma kuheyanaga migunda kana kuga wendie indo iria ingi na niwedetie. There are no longer powers of the President.

Mukoiga Vice President, nake ougu mwirirwo ni proffessor niithue turimuthuraga tondu President arithuraga the running mate. Uria arikoragwo ari Vice President angioya gati. So we will have the Vice President turamenya nuu na turamenya gutiri mundu angimuruta kuringana na urua ekwenda.

Ni mworitie provincial administration tu mi abolish. Mutiendaga ma chiefs na assistant chiefs kana aria tuguthura niithue tumathurite and we have been told they are District Councils. Icio nacio turikoragwo nacio. Acio marikoragwo marugamiriire nithue turikoragwo tumathurite.

On the Judiciary nimwaugite magoti makoragwo mari very independent from the executive. Ti president urimathuraga uria ekwenda na akamera uria marituaga maciira. They will now be a very independent organ of the Government. Uguo nitwekirire thiini wa Constitution na nigo mwoigire guku. Mukoria security ya Kenya ya all charges kana members of the judiciary. Na uguo nogo turagikire. Mukurwo na a judicial Service System, iria irikoragwo ikima appoint. Iria irikoragwo iri independent na ikorwo iri ya Constitution. Irikoragwo ikiruta wiri na Parliament thiiniwa maundu ma approvals na nogo turandikire thiini wa new Constitution.

Nimworite uhoro wa local government. Tukorwo ni ithue turithuraga mayor na ma chairmen. Na ta uguo mwaigwa, local government now will become a district council. Na ni ithue turikoragwo tuthurite andu acio. Ithue enyewe ti ati nio marithuraga. Na tukamah a lot of powr ati mundu wa kawaida riu ari na hinya wa ku effect decisions kana policies iria irikoragwo igithondekwo thiini wa local government or the district Council.

Mukoiga on the Electoral Systems and Pcess mukorwo na electoral commission iria iri independent na supreme. Nio irikoragwo ti ati ni President kana mundu urua urathana umithurite, kana marikoragwo mari independent uria githurano

gikoragwo. Ikoragwo iri na Independent Commission ikiritwo in the new Constitution.

Mukoria mukorwo na proper rules cia section ya Parliamentary Constituency. Constituencies irikoragwo igithondekwo depending on the Constitution, na maundu maria mekitwo thiini wa the new Constitution.

Ningi ni nimuroritie githurano gikoragwo kiri free and fair, and by secret ballot. Uguo niguu turikirire thiini wa new Constitution.

Na ningi mukoria nigetha wiici wa kura uthire, gukorwo na transparent ballot boxes. Nigetha andu marikia guikia kura notwone kiria tukia kuu thiini. No timanyamu maria mairu tutakuona niike twikia. So the new Constitution has done that.

Namukoria miti nayo kuria tuikagia miti akorwo ni guku Saba Saba twikirie kuu nokuo miti iritaragirwo. No ti ati miti twikiria haha iricokaga gutworo Thika, Maragua ona kana Murang'a. Turikagiria guku na hwaini ucio tukamenya twikia miti igana una, na nu wacinda area ino.

Nimworite uhoro wa nomination of MP's Uria President ariikaraga aka nominate MP's. Kwoguo gutirikoragwo guki nominate.

Uria Professor akumutaragiria ati ico itiri andu marikithia nomination. Ti nomination. No political party kuringana na hinya wayo. Uria andu ma ciendete, na uria andu maheyanite kura ciao niguu marikoragwo maki earn. They will be earning their seats and not nomination.

Nimuroritie registration of voters ikoragwo continous. Kuandikithia miti ti ati ni kahinda kiigana una turiheyagwo. Andu macoke mona andu nimariyandikithia aingi muno guku Saba Saba makamuhingiriria, irikoragwo o hindi yothe.

On basic rights nimworitie Constitution ikorwo iki determine/protect all our rights. Noguo niguu Constitution ikite. Mukoiga there should be no discrimination na gukorwo na freedom of workship, mukoria gukorwo na freedom of expression na movement. No uthii kuria uguthii. No warie uria ukwenda angikorwo ndura interfere na rights cia mundu ucio ungi twikirite in the new constitution. Mukoiga gukorwo na Security, free primary education. Na notu mwiriire thiini wa new Constitution.

Nimuroritie the rights of vulnerable groups (andu aria matehotaga) kana ni cionje. Nimworite onao makoragwo to be recognised in a special way in the new Constitution. Uguo noguo turikire. Like the disabled, public facilities kana mawafici ma thirikari. Aria marikoragwo magithii wiira ini if you are using a wheel chair, you access. Akorwo nita njiria iria marigeragira, it should be user friendly. Undu mangihota kuhitukira na njira iria yagiririe. No ti uhoro wa discrimination tondu matiehotete kana mena woje wa kind furani.

Nomworitie gukorwo na gender equality. Gutigakorwo niturionagira atumia kana airitu aria twendete. So there should be gender equality. All of us were created equal and so. The Constitution has recognised that one.

On Land and property rights, nimworite mundu wothe wa Kenya akorwo ari na mbecha cia kugura mugunda o haria angienda thiini wa mbururi uyu witu. Akorwo akigurira and she has a right and free hand to acquire that land. Ni turekirie iyo in the New

Constitution.

Na nimukoria nao atumia makorwo mari na rights cia ku inherit property, na kuheo hinya kwigurira migunda. Makorwo na right to owe property. Mukoiga gukorwo na equal access ya land ya atumia na athuri. Iyo nirikirwo in the new Constitution.

On cultural ethnic and regional diversity, nimworite tukorwo tugitikirio tuki respect our cultural values. Maundu maria ma culture tukorago twitikiririe, kana tukona ni ma mbata, tukorwo tukimetikira. The Constitution has given the freedom to practice them. It should be recognised na tukami respect but on the condition that it should not be against justice and morality. Ndigakoragwo ni ira thukia andu aria angi. Kana rights cia mundu urua ungi, kana maundu maria tuonaga matiagiririe. Uguo ugoro wa FGM should be abolished.

Na ningi thiini wa management and use of natural resources. Indo iria tukoragwo tuonite thiini wa mbururi uyu witu wa Kenya. Ta mai, njui na mititu na kiyiothe, na minerals ciothe cingoinaka mbururi uyu tondu ithuothe turi andu a Kenya, turikoragwo na equitable use ya equal distribution ya resources icio. Mbeka iria turihaga tax ciathie kwa public iiritumagwirwo guthodeka bara bara, njira cia andu aria mathurirwo mabaturwo, kana iaria mari utongoriaini. NO cirihuthagirwo turi ithuothe, tondu ithie turi andu a Kenya ithuothe na indo icio ciothe ni citu.

So aria marikoragwo manyititwo ni undu wa corruption, hena ethnic and integrity commission. Na niyo ikoragwo iki make sure andu othe corrupt makorwo ni civil servants na nima hold public office (.....inaudible) President arituikaga his powers have been reduced. Ndariugaga we niukwohewo tondu uru murata wake.

Civil servants riu marikoragwo maki appoint on merit. Ti ati uri na kii kana kii. Kana niwahuthire kiama kiria kirakurwo na mbeka nyingi ni uki appoint. Ni civil Service. Kana ni institution but it will be appointed on merit, na qualifications iria urinacio.

Mukoria ni undu wa accountability gukorwo na an independent auditor general, uria urikoragwo ari independent na aka (.....inaudible) Kenyans. Gutiri mundu urikoragwo akimuinaina tondu niaretigira andu aria mamuthurite.

Mukoria gukorwo na proper education system ya ku enhance quality ya education. Arimu nimiragwirwo a Teachers Service Commission in the new constitution. Ati appointment yayo na aria mamirugamiririe niaria mathuretwe ni atongoria a mbururi uyu. But the Teachers Service Commission now will be a Constitutional office. Na tondu commission irumiriire maundu maria constitution iroiga, it will be very independent. Iri make policy iria ciagiriire. Cia arutani, ciana citu na githomo ni gikwagira.

On environment and natural resources. Mimworite ithui tukorwo turi na hinya wa (.....inaudible) all natural resources na environment njira tukworo tukimihe na mukoria communities kuria andu maraikara makorwo makiheo first preference ya kuhuthia indo ta icio. Andu aguku Thika kana Maragua aria makoragwo na dam itwaraga mai mbururi-ini. Inyue ni inyue a

mbere mukaheo

Cordinator Kariuki : Nimwote Constitution ikorwo ikirora ma NGO's na kanithi. Ati cikorwo na hinya, na Commission ya ku-make education better. Nanindamira nigukurwo na Constitutional office ya Teachers Service Commission.

Mukoria gukorwo na Constitutional Commission, nikurikoragwo na Commission ya Constitution na irikoragwo ithondeketwo ni Commissioner a tano, a ku make sure implementation ya Constitution iyo twatodeka, irathii na mbere uria yagiriire.

Transitional and transfer of power. Mworite Chief Justice akorwo niwe urirugamagirira president mbere ya athurwo. Na andu aingi moria uhoro wa chief justice muigire mariendaga Spaker of the National Assembly rather. Niwe arikoragwo arugamirire thirikari mbere ya githurano. Ti ati mundu uria urathurwo nake moarenda guthurwo, niwe urugamirire giti-ini hindi iyo. Speaker of the National Assembly will be in term during that period ari president kana ago (.....inaudible)

Nimwaritie wmen rights that women should be allowed to inherit their husband's properly with no discrimination (.....inaudible) in the report. It is a report made up of 128 pages. Na nirikoragwo na district Co-ordinator wanyu, na mundu angienda kumithoma kana oe copy it is very acceptable. Thank you very much.

Com. Wanjiku Kabira : Thank you very much Wachira. Ngwiciria riu, we will receive comments and questions. The answers we will be able to give you, we will give you. The ones we will not be able to answer, let the delegate answer. Haha twina braille, just in case kuri andu aria matonaga. Aria mangienda kumenya uria tugite uhoro wa disability, nitugutiga the braille report na District Co-ordinator. Kuogwo no maheo the information methomere. Nitwaheyana information many people with disabilities. Acio ri momathome like everybody else no tariu aria atumumu nimagirirwo nigukurwo na copy. Munduno athome from the District Co-ordinator's office nitugutiga document nake. Do we have any comments?

Eliud Mwangi : Andu aria makwenda kuria ciuria kana ku-make any comments. Any questions or any observations or comments? Pur up your hand. We shall take the first ten, and you will speak from the front, so that you can be recorded. Okey. Number one, Okey the first five, number one is there. Number two, number 3, number 4, number 5. Mundu amenye number yake nigetha twamwita agoka. Okey number one. You begin by saying your name and then you note down the position you just (.....inaudible). Thank you.

Councillor Kamindo : Asante sana. Mimi njina yangu ni Councillor Kamindo kutoka Maragwa town council and an aspiring candidate for Maragua Constituency. Kiuria giakwa kiria nguragia kana point yakwa ni uu. Ni ndakena muno niundu wa presentation iyo na ndi in agreement na maundu maingi marie meritwo hau. No haria kiuria kimwe ngwendaga kuria. Nindaigwa Nidienigwa ta riu nii ndathurwo ni mwingi wa Maragua Constituency. Nimwataririe mwone ndiraruta wira. Andu 30% nomekire ma-signature mao na manyinukie, nigetha marehe mundu ungi. Ndoria atiriri, tondu uteti nduri kindu twitaga job

description rii,efficiency yakwa ri, how can it be quantified? Tondun dirona atiriri, tarui tongikorwo turugamite andu candidate ta anana, already nii ona ndikueta 30%. Githi tigwo andu aitu! (mmm) Andu anya muthuritwo nao mangicokanirira nimekuhota kuona 30% na makuinukie. Ngwendaga kumenya atiriri, muingi quantify andu atia? Quorum anguthii atia? Igu-quantify atia? Or that is to say percentage ya each politician igi-quantify ati, nigetha mundu ainuke? Tondun dirona hena (.....inaudible) iyo ya likelihood.

Tena kindu gigwito Civic Education nayo nonginya ikirwo in our Constitution. Tondun kwahota gukurwo quantification yakwa ni (.....inaudible). Ikworwo iri one of the qualifications. Ucio ni mwico wa kiuria giakwa.

George Wachira : Thank you. That was a good question. Okey. Number two. Nigucokia after we get the five questions.

D.K. Mwangi : Thank you. Njitagwo D.K. Mwangi. Ninii (.....inaudible) Hari undu umwe utatagwetotwo ndawano uri oho. Ungigweta uhoro wa national days, hakagweto ni irikoragwo cia public holiday. Nicio June (Madaraka day) na 12th December (Jamhuri Day) na Moi day muthenya ningi wa Constitution. Ngoria atiriri, Kenya niyonire wiyathi na hinya muno. Kwari maundu maingi monekire hindi iyo. Na he muthenya umwe urikanagwo utagwo Kenyatta Day. Nouchia nduririkana Kenyatta tondun direciragia hihi weheretio nigetha Moi day ikiherio, nayo Kenyatta Day ikieherio. Maritwa macio meherio. No Kenyatta day ngona ni muthenya ukoragwo tukiririkana jamba iria cia ruiire wiyathi. Ngoria weheririo niki? Na ngacoka ngoiga atiriri, ona ni ucejio (.....inaudible) no igitwo Freedom days. Tondun ni muthenya wa jamba. Thank you.

George Wachira : Thank you very much. Number 3.

Joseph Marugu : Thank you very much. Niye njitagwo Councillor Joseph Marugu. Ni kiuria no kimwe ndirenda kuria. Nitwaigwa views cia different people in society, no ndirenda kuria atiriri, kuringana na Constitution iria turathodekari, twena thina muno ni undu wa ciana ici nini. Aria maretwo street boys onakorwo ni ciana citu. Thiini wa Constitution ri, angikorwo thirikari nirahota ku-manage uhoro wa criminals, (.....inaudible) ciana ici citu ri, na ni ciana citu tukahuthira thuthaini ri, aria magukworwo councillors ta ithu ri, niatia hihi thirikari ireciria uhoro wa ciana ici street boys tondun infact they will be many in future. Niatia thirikari ireciria thiini wa Constitution. Uria mangihota kunyita ciana ici. Mamenye cirikaraga atia. Mamenye (.....inaudible) maga kurumirira. No ati thirikari niata ireciria kuringana na Constitution. Niatia thirikari iciretia kuringa the new Constitution? Tondun twathie uguo, in future thirikari nigukworwo na thiini muingi ni undu wa ciana icio. Thank you.

George Wachira : Thank you! Number 4.

Irungu Mwangi : Jitagwo Irungu wa Mwangi. Ngwendaga kuria ciuria ingiri. Constitution iria irari ho ni iroigite mukwenda (.....inaudible). Why don't you (.....inaudible).

Niirigite mukugia na Ministers 15. Tradition iria ya guthura ministers excess magekiragwo office of the President, angi Assistant Ministers. Tukorwo turi na ikumi na atano a kuruta wira, na angi 20 magwikaraga ofisi magitawo ta ministers (.....inaudible). Undu ucio niukwenda mubango.

Undu ungi ngwendaga kuria ni ati, nimwoiga President witu akorwo ari (.....inaudible) Nu arithuraga Councillors a Universities? Thank you.

George Wachira : Thank you! Okey number 5.

Francis Muhanga : Thank you very much. Njitagwo Francis Muhanga. Ndina ciuria igiri. Na gwiciria ikonie elections. Thiini wa draft Constitution ni hari na provision ya National Council ona Parliament ino ya 210 . No twende guthererio the role kana importance ya National Council na nikii kingigiria tokworo twina parliament itari na house igiri.

Uria ungi ni wa elections cikonie District Councils na village councils. Elections ciao irikoragwo rii, na ni a marikorawo concerned na uhoro ucio.

Nawa mwico rii, ni hari undu ungingiria national elections iria twerekeiri kahinda-ini gaka cikwo under the new Constitution? Thank you very much

Con. Wanjiku Kabira : Okey. Thank you very much. Icio ciothe niugucokerio. Okey. Maybe we will quickly go through these questions nigetha muhe andu angi kahinda ga kuria.

Councillor Kamindo – Uraria on what grounds can we recall the MP’S. Kuringana na uria andu moigaga, moigaga M.P. mathuragwo. Maheo giti magathie na magacoka o magitia giti ringi. Angikworo ati andu ona matie how to get to you, that is a reason for you to be recalled. Angi nimaroiga ati their own M.P’s matira ofisi in their own constituencies. Na makoiga ofisi mundu andikitwo na Constituency niyo station yaku ya kuritara wira rii, you do not have an office, then you will not be there. Na andu matiriukaga waku mucii, gukurehera matatizo mao. Makoiga that is another ground. Ni aingi maroiga ati gukoragwo na problems nyingi within the Constituency na MP donekaga anywhere. Mabagiriria just two months before the elections niguu mabagiriria kurehe mimberethi ya mai (.....inaudible) kana ukareherwo gitingi kia thitima. Igacoka igatigwo hau. So they know what they are talking about. Na kuria andu angi maroiga ati issues ciao cia Constituency, matira maigwa MP wao aritie uhoro wacio and yet niagirirwo gu keep parliament informed ati gwitu kuri na insecurity, and something need to be done. Sukuru onakorwo ni ciana itoreka wega na nitukwenda kumenya kana ni arimu turaga kana ni arimu turaheo matari trained and so on. Kwi MP na gwiciria ni harandikitwo uhoro wa participation ya MPS in Parliament. Gugwekwo survey no uri waria in Parliament for the last five years? Oige ritwa. Na kuri marandikire na list ni ari rutirwo. Ya kuonania ati on matiri moria kuria, matiri maria uhoro wa Constituency yao. Maturaga ku tu mathiyaga na ningi (.....inaudible). Riu gwiciria andu maroiga ati nimarenda ku recall their MP’s, they are very clear on the responsibility. Na nitui ni kundu kwingi guthondeketwo tondu MP uria wathira Parliament does not talk. Kuguo nikio mario. The process ya kurita MPs acio, it is not easy. That we know there

are very many problems. Very many signatures. No riu nitoroiga angikorwo andu ni committed na mone it is true mundu uyu niagirirwo ni kwehereo, 30% of the voters makwandika signatures cio. Ti wira muhutho na nikwonania ati nitondu ni tura take into consideration ati the fact that mundu noajie (.....inaudible) but I think toroiga ati it is very clear nimekuheyana grounds. Na grounds icio ni igu confirm ni Electoral Commission. So those MP'S can be called back.

Now on civic education nitwaritie uhoro wa a Commission on Human Rights and Administrative Justice. Within that Commission nituroiga kura na people's protectors (ombudsman) uria many Kenyans moigaga tokorwo na obutsman na nituroiga ati the roles of all those commissions, kana ni obutsman, kana ni gender commission, kana ni commission on disabilities, kana ni commission on children, kana ni commission on salaries and remunerations. All of them, one of their major roles niguthomithia andu. And to make sure that civic education is carried out. Nigetha andu makamenya their rights and they can also be able to demand their rights.

Mr. Mwangi, I recognised the national day. There is a provision I checked yesterday, tondu nitwagirirwo nikuga Parliament should enact law ya kuga if they want to reduce the number of national days. However the one on freedom day or Kenyatta Day, a lot of people maroiga ikirwo in the Constitution. So we are taking that as an issue that we are going to recommend on the National Conference. That is the freedom of struggle day be on Kenyatta Day.

Joseph Marugu! Okey . Uhoro wa street boys nitwaritie uhoro wacio under the children na tukoiga ati street children nimeku need protection ya thirikari, and also protection of the family. No uria differences cia that protection igukorwo iriho, it is not in the Constitution. Tondu turoiga ati constitution ni map ya gutuonia kuria turenda guthii, na map iyo ndingitwonia where there are pot holes. Ni mwena uria tuguthie and so on. So a road map is a general direction. That is what the Constitution is. No uhoro wa details kuringana na recommendations cia andu, maroiga tariu nimagirirwo to be registered. Tondu street children angi makinyagia miaka 30. There are not street children any more. They have created families. Agakinyia miaka 30 na ndari ona I.D. Onakorwo ni mutumia ucio wake maikarite street nake ndari I.D. Na ciana cio itiri birth certificates. So we have to take that it is going to be easier to deal also na problem of street children wona twa devolve power, tondu on registration ya births and deaths niguka to the District Council. So it will be easier for that to be done. That is going to appear in the other report not in the Constitution.

Irungu niekuritie uhoro wa why we have not said Government (.....inaudible) and resolve them. It is not necessary within the Constitution. Let me draw your attention to Section 192 B, which say that such number of judges not being partnership as may be prescribed by an act of Parliament. The (.....inaudible) not less than 50. First of all we know that we are also talking about having justice come close to the people. And we want as much as possible, andu nimirakorwo make get access to judges all over the country. But the provision ni ari explain what we have suggested.

Uhoro wa appointment ya ministers ucio nitwarite uhoro wayo. Ministers ku appoint from outside Parliament. But we have a

process yaku appoint. There are going to be a department for ministers. Like let us say we want a minister for education, a minister for health. And then to indicate the qualifications that follow. You know those ministers we are looking for. Na marithoma ciothe and be tabled in Parliament. Nayo parliament I scrutinize the right ministers. Ministers nimegocoka ma vet ni Ethics and Intergrity Commission. Tondū all the senior positions will be vetted by Ethics and Intergrity Commission including position ya Police Commissioner. Iyo nayo twikirite in the new Constitution. Again tondū we had very many problems reported uhoro wa police. Andu makoiga ati police matima protect ga makoragwo makienda ku harass andu. Police magakunyita utuki ringi ati tondū ni urathiururuka. Corruption with the traffic police. Corruption at the police station and so on. So there are very very many problems. Na andu ku arrest in a dignified manner. Akorwo ni muthuri akanyita mutumia aka mukururia. Ukona mutuma ucio arakururio ni police. Not even the way they have been killing people, they have not been trained. Handu ha gu shoot mundu kuguri nigetha atige kura. They shoot to kill. They have been very many complains about the police.

One of the proposals that we made ni ati we probably need to have a Constitutional office for the Police Commissioner. Aka appoint miaka ikumi, nigetha nake akorwo ndari na watu wake. Ndekubutwo any day. Akorwo ari accountable to the public, not through the person who has appointed him. So we have also suggested a Police Commission Service to protect and ensure akorwo ni polithi, it becomes a dignified job. That they are paid better and do take their jobs probably much more seriously. Tondū a lot of complaints ciari ati polithi onao mari na thina ta andu aria angi. Tondū ndugira muthini a protect aria mari nacio nowe mwenyewe ndari.

Infact in many places tweririo ati mathia kunyita andu johini kana makoiga gwaku nikurugagwo changaa no maraceria changaa even under the bed. Kana between the mattress tondū nimoe kuu nikuo mbeca cigagwo. Such that they are looking for changaa and they are also looking what is under the mattresses. So we have suggested ati police force should not be police force any more but should be police service. So that there are serving people not using force against the people. We have suggested that we need to recruit, we need to have them paid better, so that we can get away from corruption particularly from the roads and also in the police cells. All those including the vice chancellor will not be appointed by the President. The vice chancellors of the university will be like every public office where positions are advertised. We can actually apply for the job because jobs are going to be vetted by parliament. The appointment by the President is the ceremonial part of the activities of the President. Which is to sign what has been agreed upon by parliament.

Francis niukuritie uhoro wa the national council. Why we have two houses. Of course twina two houses tondū nigue andu ma recommed. That is one. The other one is that the 1963 Constitution had regional government. And it also has very strong local authorities. Nariu what happened is that the national assembly (parliament) used their powers to remove all the other regional bodies. Iki dissolve regional government na igicoka iki emaculate the local authorities. So one of the main functions of the National Council igukorwo iri ku guard devolution of power. To make sure that we do not have a time any more where power through parliament can be taken away from the people. Because that is what had happened. Power cannot be taken away from the people and in essence that is why we said the vetting is for the house that the people are recommending we should have. Tukworo an unprotected devolution. So that the lower house cannot at any one time guikara thii moige we are

going to remove the district council, the village council and so on. That is one of the reasons. Again another cheque and balance for the lower house. The election of the District Council plus the village council. Gwiciria ningugite (though not in detail) that area ino ya devolution ni ara require a lot of details. And although nitugite ati the elections for the locational council. That the district council will be composed of ten people and from those ten we will be electing two to go to participate in the locational council meeting. However we are also saying that the councillors who actually form the main body of the council, are going to be elected according to the wards of each of the councils. And we are going to go through similar elections like what we have through political parties and so on. But we have also introduced independent candidates to the council. You can start as an independent candidate to the council. You do not have to go through political parties. But we have encourage political parties since they are organs of democracy. The distance of the elections are still going to be worked out and there is going to be a law that explains how those particular elections are going to be handled.

What is going to happen (this is the last question) if the Parliament is dissolved? What guarantee do we have. I do not think we have any guarantee. Tondu Constitution ino turi nayo nihete the president the power to dissolve parliament any day. He can do it today or he can do it tomorrow. If that happens, then the process of the Constitution making would have to be put on hold tondu National Constitutional Conference one third of the members are parliamentarians. So the only way one can prevent the dissolution of parliament is to amend the current Constitution. You know it gives the power to the President to dissolve Parliament, and anything properly that would be done would be handled within the field of Parliament. However, basically, if the Parliament was dissolved at present, the National Constitutional Conference, which begins next week, would be affected by it. Just a minute. Let us have your delegate respond some of the questions.

Simon Gathii : Thank you very much. Undu uria gwogerera no munyinyi. Na gwogerera maundu maria waria makonainie na kiuria kiria gikuritia ni councillor Kamingo. Uhoro ukonie quantifications. How do you quantify? How do we say, ati mundu uyu mu mbunge ndaturutiere wira? Although we have a living example. I don't want to comment on that one, but I would like to say you as an aspirant, you are going making promises to people. And I am one of them. I am going making promises to people. I have to make sure uria ndirera andu ni undu nguhota gwika thiini wa mwaka wa mbere na wa keru. Wa gatatu ungikinya itekite undu ri, then I should be given matching orders. Can atia? (mmmmm) Tondu hatiri mbata wa guthii mbunge So haha nitwagiriwo kuga in the Constitution, time element frame, ati thutha wa miaka iri na nuthu rii, angikworo mundu ucio ndari undu ekiti rii, aheo matching orders. Ii tondu ndakiri undu ekiiri andu. No ningi ti mundu akirwo atiriri, wee niratwirire ningumutwara heaven aa na ndutwarite mundu wa mbere rii, nani kiumia kia mbere waingira bunge we ndutwikiire undu. Aca, andu no muhaka hau makirore. Kana niatia andu aitu? (mmm) Thank you. Okey.

Com. Wanjiku Kabira : Thank you.

George Wachira : Nitukuoya ingi ithano. One, two, three, four, five, six. Number one.

Rev. Nyangi : Njitagwo Nyangi wa Mungai. Ninguria ati riri District Service Commission nio iriroraga (.....inaudible) Ngoria atiriri tondu already Kenyans (.....inaudible) mwana agiciarwo uguo (.....inaudible)

Margaret Njoki Ngugi : Jitagwo Margaret Njoki wa Ngugi na nii ndina ciuria igiri na iyo ingi ni comment. Kia mbere ndireda kuria tondu nitwero Presidential candidate akirugama akoragwo ari na degree, ndirenda kuria kana iyo ni ari include degree iria ciheya nagwo nguku Kenya.

Number igiri ndirenda kugweta uhoro wa bill of rights. Haria twoiga ati mundu wa Kenya ari na right yaku worship in any kind of religion. Na hau ninguonete preamble ini ati God bless Kenya, which tells you that Kenya is a God fearing Nation. And therefore I would I like to understand how we are going to protect our Nation from devil worship.

Iyu ingi ni comment ya gatatu. Ndirenda kuga ati (.....inaudible) agikirwo representative acio meritwo hau Constitution ini those other members, umwe wao agakoragwo ari mwarimu, preferable mwarimu uri kirathi, githega akahota ku explain the country the problems and everything that is experienced inside the classroom. Thank you.

Kibarabara : Njitagwo Kibarabara. Ndi mwarimu. Nii nonyende kuria uhoro wa TSC. Tondu taria umuthi twi haha arimu matiri wira. Nimagometa na kiugo ni undu wa muchara. TSC, is it going to have the Teachers Service Council, to review their salaries? Or who is going to sit down and organise the terms and conditions of the teachers. This is because right now if had it not been for the head of the state (I am sorry to mention), we could be back to school. Ni tondu recommendation iria ikiritwo ni TSC ni चाहितुकिरे, no ciakinyirira ati niku implement (.....inaudible). Tondu that is wrong ati gutiri undu unghika atoigate. Like now on Friday it was to be announced. No tondu ti Ministry yake gwiciria niko turi njaa. Ciana na ithue aciria, na arutani, nituramaka muno ni undu wa thirikari. Niturenda Constitution aria irahutia mwana, ikahutia muciaru. Nitukwenda Commission atuire uria kurithiaga. Tondu I did not hear any mention of the union. Iria irirugamagira arutani. Iria irikoragwo iri representative in the remuneration committee. Uturwe uria kurithiaga, nigetha tumenya anakworo ni dagitari matigacoke kugia na mugomo. Tondu taria mugomo uria turinaguo riu this is the 23rd day. Nani ari affect our education system in Kenya. Ona riu turi na guoya muno uria ciana igweka igeranio tondu there are not prepared. Can you explain properly and tell us how the teachers and the nurses, those in the commission, where will they be getting the money without any interference from the President. Thank you.

Wilson Njuguna : Njitagwo Wilson wa Njuguna. Mbere ningienda tucokerie Commission ngatho, niundu wa maundu maria mathondekete, tondu ciuria iria mwamoritie haha nimweiguira. Niguo mugikuyu oigaga. Nimacoketia uria twendaga. Uguo ninguria Commissioner agiithi kuri ariangi athi omiririe ati tumanyitite mbaru muno, na nitwiguite wega muno ni undu wa report yanyu, na haria hagitigarite nimunguthodeka.

We are very very grateful. Nanitukenete muno. Ona niwaigwa uria mwanake uria. Ngithe ndwaigwa uria oiga wee! Kwoguo we are very grateful. Thank you.

Kiuria giakwa kiri thiini wa Act 6. Uhoro wiingie andu aria akuru. Haha ona aria thiini meho merekeire ngukura. Kuri na amwe

aitu aria akuru gutukira. Kwoguo twerekeire gukorwo turi akuru ithuothe. Kuria ngiki kiigia andu aria akuru, kiigie ngukorwo gutari na discrimination. Kana umbagusi (Ni number 6 C) wa andu aria akuru wa njora iriku kana o iriku. Haha nitworite muno andu aria makoretwo marutite wira kwa thirikari ona kuria kungi. Especially retirees a thirikari. Riria andu aria angi mekwongererwo michara, andu aria me kwa government, andu aya retirees, tondu nio makorweto marutite wira magakuria mbururi ucio rii, uyu twendete muno rii, ori nomage kuriganira. Kana ndirona handu heritwo ati michara ikiogerewo ri, nimariongagirirwo. Ninguria Commission I-put that into consideration.

Kuria kiria kingi Act 57 nagui kiuma ni undu wigie ugima wa mwiri. Ni Bill of Rights. Health ya mundu, na thiini wa mbururi witu nitwioneira ciana citu, anake aitu magithii kura. Na amwe nginya ngukua nimakuite, niundu wa kindu gitagwo karikari na chagaa. Na johi iria ingi ciatagwo kumi kumi. Na thiini wa Constituency ino, Commissioner ni kumwe gukoretwo andu amwe aitu makueti niundu wa kuminyua. Ndirenda kuria atiriri, tondu ni ugima wa mwiri ri, andu aya iaturi manyua karikari kana kumi kumi ri, health yao ri, kana right yao ri, iha? Nimagitiritwo? Katiiba nikugitira andu aria marehaga machohi macio ma karikari? Na kumi kumi icio magirio gucoka kurehe. Na in that connection nogwitikirio andu matumire traditional beer? Iria yao manyuaga tene, handu ha kunyua karikari icii? Metikirio manyuaga njohi ciao. I hope professor nimukurora hau. Thank you.

Kagiri Mburu : Jina langu ni Kagiri. Thank you very much madam Chairlady, commissioner, ladies and gentlemen. Mine is a very brief comment. Sio swari nitaureza. Jina langu ni Mburu kutoka kimiriri I represent the independent generation here. Naona wengi wenu ni wazee, and I want to register my disappointment in the way things have been handled in this country. Kwa kivupi I do not know how many of us and I am really going to request you by a show of hands. Ni wangapi wetu waimesha wahi kuona katiiba ya zamani? Please lift up your hand kama imesha wai ona kitu kinaitwa katiiba ya nchi yetu tukufu ya Kenya. Thank you very much. There are less than 50%. Sasa munaongea habari ya katiiba mpya. I think katiiba mpya ni hii. Nunakubariana na mimi? Ni draft. I know this is the draft of the new Constitution. Sorry let me finish and then you will respond. Thank you very much. This is the draft report. Let me have my copy. Ire tuko nayo, let me borrow from our representative. This is the copy of the draft of our new Constitution representation na iko na lugha yoyote ile unaweza kutumia. Munakubaliana na mimi? Hii ndio sheria itakayo ongoa Kenya. I am very surprised. Nataka kumwambia hivi, katiiba ya nchi yetu tukufu ya Kenya is very very much detailed. We need time we young people. Kama nyinyi wazee hamuhitaji wakati, sisi vijana tutahitaji wakati wa kutosha kujua katiiba ya leo na katiiba ya sasa. Therefore my request goes to the Commissioner all the way from here to the head office, tafadhali let us de-link the process of the Constitution making from the general election. That is number one. Whether there will be election this year or not, it does not matter as far as the Constitution is concerned. Na mimi nasema hivyo kwa heshima. Tuwe na wakati wa kutosha kuunda katiiba ambayo zote tutakuwa tunahusika na tunaielewa. Sio katiiba ambayo lawyers, wanaelewa, na wananchi watukufu wa Kirimiri, hawaelewi. Sio katiiba ambayo itasomwa kwa kizungu, wazungu wanaelewa. Wakikuyu na wakamba na makabila 49 ya Kenya hawaelewi. Thank you very much.

Boniface Murigi: Asante sana commissioner na wenzangu. Njina yangu naitwa Boniface murigi. Ndina igikeno muthenya wa umuthi niundu wa gukorwo turaria uhoro wa katiba.

Boniface Murigi : Hindi riri riotha mukite guthondeka Commission rii, no mbeba cia mwingi irahuthika rii, mbece icio ikoragwo igitarirwo uu? Kuria giakwa gia keru ni ati, andu nguku mari njaa, niundu wa thirikari Merirwo mathondeke Commission. Nao aciari nimahuthire meca cia kuma secondary school nginya primary school na nursery. Na nimarihite mbeba cia irio. Mbeba cia aciari rii, ikurihwo nuu? Now, nitwaigua wega Electoral Commission ikorwo iki-register ciama. Now turi na mundu uretwe Moi na kiana gia KANU. Watho niuwitikiritie Chairman ta Moi atukie (.....inaudible) chairman wa kiana na hena President. Niwega.

George Wachira : Muroria atiri, mutige kunegeni muno tondu haha hari na andu mara tape. Na mwanegeni inegene nirigu tape. Okey reke orie.

Com. Wanjiku Kabira : Thank you. Let us continue.

Jane Ndungu : Wa mbere commissioner ningucokia ngatho ni tondu wa wira mwega murutite. Na riria uguthomaga ninguthiaga through the memorandum tondu ngwikarite haha, na nguthiaga ngikiraga tick. Kwoguo ndina maundu matatu kana mana. Ingikorwo itanaigwa wega mungiriririe na angikwori hihi ni tuundu tunini ingiuria (.....inaudible) I would like views on retirees. Niundu kuri mundu uma haha na a refer. Nania nonda refer. Na thina umwe nani twa address thiini wa memorandum itu. Niati mundu a retire thirikari imuheyaga tumarua twega (Thank you for the services rendered). Uhoro ucio uthiragira hau Commission na ugacoka ukanina miaka iri kana itatu utari waheo retirement benefits ciaku. Na riu ugatuka mundu helpless, nitondu uri na ciana. Kuri ungi ari na ciana cia ciana ciake na niwe uciiraga. Nariu ndari na kindu. Hau ndinaigwa ta hari addressed. Na kaudu kangi gakonainie na retirees. Nitwarite uhoro wa decentralisation of power. Tukonaga thina tondu akorwo ni TSC mundu aroiga a-retire Garissa agoka kwa TSC gu follow documents ciake. Ugatura kuu ohoyaga toro. Wathie kwariria andu a TSC marendi toa kitu kidogo. Nyamu yaku ikona kuu igathi kwa kwa treasury; toa kitu kidogo. Andu andu kuria matwire magwetereire umatwarire cheque. Ugacoka ukainuka uguo thutha wa kunina matuku maingi. Geciria District headquarters kuria DO iri noahote to sort out maundu macio mothe, tondu niwe umenyaga mwarimu utirige wira. Niwe umenyaga mwarimu atararuta wira, na ti TSC ithiaga kumenya. Kuogwo maundu macio mothe noma sort out hau.

Kaundu karia kangi twarite uhoro wa mass media. Uria itumagirwo ni government na ithuo we na nia turi tax payers. Na kwajia campaign, ukona mass media niraruta uhoro wa campaign niundu wa government, na mundu uyu ungi niariganiiri. Hau ndinaigwa mwa address.

Haria hangi nitwarite uhoro wa security. Na niwega tondu niugwetire uhoro wa security waiga ati, it should be accorded to everybody, kuma iguri guthii thii. No nitwagwetete uhoro wa judicial camp. Ndinaiga uhoro uciu ta hii wagweto. Tondu kuri jesho na mzee, kuri tariban, kuri mungiki na ingi nyinji. Turiu icio ciothe mundu angithii na jira no araigwa guoya. Security nu uku uphold. Na icio twirwo kana nikweherio, nigetha mundu akaigwaga ari free.

Turi o hau, nitwa address ete issue ya sale of property tondu niyo ithukitie maundu muno. Ati tariu ingiuga madam Commissioner wikirite nguo ndune, na ithuothe tukoiga ii ti itheru ni ndune na ti ndune. Na ucio ugatuika watho. Nariu mundu arugama. Akahakwo maguta, akahagwo maguta natiguo atarie. Ngeciria ta generation ingi irenda kuingira na new Constitution, tukorwo turi andu akuga ma na ma. Na akorwo uhoro ni maheni ni maheni. No tutige kuhakwo maguta nigetha undu utukwe watho na nigetha u favour andu amwe.

Haria hangi, nitwarite uhoro wa anti corruption chapter. Na ninguririka thiini wa memorandum twuigite ati mundu wothe aiyeti mbeba cia thirikari. Whether ni migunda egairie, ithaka icio icokerio thirikari nigetha thirikari kuri na andu aingi muno matari na migunda, na mundu no aheo. Mundu aiyete mbeba cia thirikari tuigite icokio na interest, tondu ni imuthondeire maundu maingi muno. Uguo nitwoigite. Riu hau niho hatuikaga ati mundu uria waiyeti 1987 no mariganiri. No aya angi maiyeti thutha uyu ri, matwarwo igotini.

Nindirariwo kana hiki commissioner hau nimarorire na ngwiciria niugutwira uhoro ucio.

Nitwoigite ati national projects should be created in the parliament. Na tariu akorwo ni project imwe bunge yathii recess, tukaigwa kundu kuri na project ta Turkwell na Eldoret airport, na maundu maria mangi. Ugacoka ukona ta Turkwell project itwarirwo turiini tutigaraga na kuri na river Nyando na iria ingi na ikuwaga andu na mai macio ngeciria no matumirwo thiini wa mbururi wothe. Iyo tondu ndinigwa ya adress. Uhoro wa children niwa address no ningi ningwedaga kuigwa wega tondu child abuse iri kuo nani nene muno. Nigetha onayo hiki niramenyeka uria uguikara. Ona uhoro wa street children. Ucio reke ndigane nanguo no ningwenda kuiga personally uhoro wa child abuse. Urua mwagwetire na uria ungitwika handled. Thank you.

Com. Wanjiku Kabira : Thank you very much. That was generally a number of points. I will go back to the beginning and I will be very fast, so that we can give an opportunity to other people. Reke nyambe thii hari Rev. Nyangi. Ukuritie District Council ikuruta mbeba kuu cia arimu na mathibitari kuu. Uria ngugite ni atiriri, uhoro wa devolution we are still working on the details. Nituritie some economists na other people like managers. People who have worked with the local authorities. Nigetha tukorwo twina document ila table micemanioni iria turathie. So that by the time we reach the National Conference tukorwo tukimenya each district nikuhota gu collect tax igana una. Uguo thirikari itangi interfere mbeba icio nikuhota kuruta wiri wiguna ona. Nigetha tucoke tumenye nayo Central Government igu support ki thuthaini. Ngwiciria details icio tuti work out noni irathondekwo. Nani very important gukorwo turi na structure tukimenya ati nikuhota gwitithia. Nigetha akorwo ni kuriha arimu marihwo na mbece icio (.....inaudible).

The other thing ni ati takorwo uguo nit uguo wachira oigire, akorwo nita mai maria moimaga nguku magathii Nairobi (na Murang'a gutire na miberethi) Akorwo nita mai macio kuma kanju na Murang'a district ya Nairobi nikugura iriguraga mai macio. Nigetha akorwo moimaga 2 million per year, tua agree ati akorwo ni 75% iritigagwo Muranga na 25% igathie to the National Government. A big percentage igacoka Murang'a. Maybe that point is not a vey important resource but I am just giving an example. The same thing happens akorwo ni kahawa gakiendo ni thirikari. Na igoti ria kahawa rigathie to be National Government. Turoiga igoti ria kahawa rigoka kuri arimi a kahawa. So we should be able to get resources cia ku develop

districts cio nyene. So we should be able to get resources ciaku develop districts cio nyene.

How will the village council and locational council be elected? Kiu no Rev. Nyangi ukuritie and again I had suggested that District councils, we are aware ni wards iko represent andu. Nacio locational council nituroiga ati ni representatives megutumwo from the sub locations na nigukorwo iri village council. Nio meguthura aria meguthii to the Locational Council. No guthura aya mari village council ona difference yaku hold elections ndiri worked out. But they will be ready for debate at the National Conference.

Margaret niekuritie uhoro wa degree for the President. Kana ordinary degrees are acceptable. The answer is no. Constitution yugite a degree from a recognised university. Not an ordinary degree. So it should be a proper degree.

Provision for devil worship. I know ni andu aingi muturitie especially from Central Province and parts of Eastern Province. Nia andu aingi matwirage we should set freedom of worship, except through the worship of the devil. Tutinekire except part of it. Gitumi ngiaturege gwikira “except the devil worship” ni ati ithue nitue devil worship should not be worshiped then we should be able to explain what does that worship look like? How will somebody know that this is worship and that is devil worship? Nariu wahota gwikira thiini wa Constitution uthirwo ku undermine andu aria angi. Tondu kuri andu makuga ati akorwo u worship utuku, you are worshiping the devil. Angi makoiga akorwo niutengeraga in the house utuku, makoiga you are worshiping the devil. Andu angi makoiga (gwiciria kwari rira mundu uria woragire statues in Nairobi) so ndukwenda ngwikira in the Constitution kindu kingihuthirwo ni mundu ungi to frustrate other people, unless it is very clear. Uge uria worship devil ahana uu. No tiguthoma ibuku-ini. Na mundu ucio nake uige I worship the devil. Although kwari na Commission of enquiry into the worship of the devil, particularly in schools and so on, report iyo tutiri two miigua. Kuoguo tutiue what it bounds, kana nomahote ku define what it is. So that was the reason why the provision is not expressed. Ota uria twoigire 7th day Adventist, mendaga tuge Saturday ni muthenya waku worship. Some things you cannot do with the Constitution. Otherwise andu nimekuga Monday ikorwo niyo muthenya wa worship. Nao ithiramu moiga Friday. Ciothe niciagwetirwo no tukuaga gutiri undu tungika. No ciothe ni different types of worship. Kuri maundu mamwe katiiba itararia. Constitution ni ya gutwonia the general direction. Kuria turenda guthii. Just the general direction. These are details ciaguki into the law that are going to be written. Twakorwo na general direction, the fact that it is telling us where we are going, map iyo icoke ihuthirwo gutuonia in details tugukinya atia kuria turenda guthii. Tukahota guikaria ati riu tukiiguanaga na turi na thayo tungithii kuria turathie. How are we going to do that? Those details iguka mawathoini.

Among the members of the TSC (this was still Margaret) niekuritie makorwo no umwe aka represent teachers. I think that is a very good recommendation. We can indicate a recommendation that we will make. Nigetha ngakoragwo ndiri aware of the problems that are happening in the schools.

Okay Kibarabara uroiga what is the function ya Teachers Service Commission. Nitwandikite in the Constitution tukoiga ati Teachers Service Commission will have a chairman and six other members one of whom should be a practising teacher. We

are saying that the functions are in consultation with the Public Service Commission to recruit and employ registered teachers, to assign teachers employed by the public commission and to advise the commission the service they need in public schools. To promote and transfer any such teacher. To terminate the employment of any such teachers and to do anything which is indicated or conducive in the exercise of its power. The Commission shall give under review the standards of education. Niukuritie uhoro wa githomo uria kirathii thii. Teachers Service Commission should be able to give, and review the salaries of the teachers. Training and fitness to teach appropriate, to persons entering the teachers service, and the supply of teachers, and to send advise to the government, on matters relating to the teaching profession. Therefore it will be a very powerful Teachers Service Commission. They are other provisions cia kuga nomakorwo mari independent. Yagirirwo kurihagwo from a consolidated fund and how the appointment should be done in order to make sure that it is an independent Commission. For the current Teachers Service Commission, there is a Constitutional office. By the way, the appointment will also be vetted by Parliament. So it will not be a Teachers Service Commission that is going to be identified and appointed by the government. So nimegukorwo mari na all powers. Even to make decisions and recommendations about the salary. And their reports are going to go to Parliament. So that Parliament can have a direct link with the Teachers Service Commission. So it should be a better commission under the new Constitution.

Uhoro wa union. What we have done nitugite in the new draft, people have a right to form unions at all. We have just provided for it under the unions. That is what people have asked.

Now Wilson, uhoro wa retirees nimwiritwo in many cases. Again uria turageria gwika ni ku make Public Service Commission. To improve on the Public Service Commission. Tondy Public Service Commission is responsible for all these things we are talking about. That is arimu na pensions ciao and so on. Now in consultations again with the Salaries and Remuneration Commission. But I would also like to say that kuri maundu maingi marakorwo matari in the Constitution. Na maundu macio marithiaga report iria twandikite ya kindu ta pages 800. And those recommendations are going to be picked by the various commissions. Because at present, everything is not going to be in the Constitution.

Traditional brew like karikari na kumi kumi. How are we protecting the people from this brew? Of course uhoro wa brew niugwikirwo in that big report and the recommendation. But I want to say that problem iria tukoretwo turi nayo ni andu makiuga we legalise in the Constitution brew. Angikorwo njohi iyo niyo iroraga andu ri, how do we legalise it? Tondy ona ungienda kwiita titinguga uri na right ya kwiita? It is not something we can put in the Constitution uhoro wa ku legalise brew. That is what many people are saying. But we will put that in our recommendation. There are ways of dealing with the brew. Tariu ingiuga uria andu mekaga ni ati you are allowed to drink changaa. Wona wathondeka changaa, ukenderia another bar. Nio meku make sure that it does not have any chemicals that are harmful kuri andu. So you can take changaa but you cannot defend it. Tondy ringi ukona Kenya Bureau of Standards, akorwo niguthii o gicagi o gicagi. Iki make sure o mundu wothe uragura chagaa kana kumi kumi, nikii mararuga. Imwe irarugirwo migundu kuu marima-ini. Kana ingi rui-ini ihithitwo. So it may not be possible to know kana kumi kumi iyo iri na chemicals or not. Probably what is a good example, ni uria tungi control some of

these drinks. Tondu ringi nimuroiga ati taria Busia district aingi moigaga ithie tureretwo na traditional brew. Nio andu aitu medirie. Magitutwara cukuru and so one. So it is one source of our income that is the traditional brew. So they want it legalised. But at the same time, noirathukia miiri yao. It is killing people. And therefore this is much more of a policy than a Constitutional issue. We are saying in terms of protecting them. The only way we can protect them is to make sure that akorwo brew icio ni iranyuo, there is also a way of managing the same.

Kagiri you wanted to know the process of the election. Reke njuge Katiiba ino turi ndirathondekirwo riu. For the last ten years, Kenyan nimakoretwo magithondeka this katiba. Isn't it? Agreement icio ciothe tukoretwo tukiuga ati Kenyans ni matiganire na the powers of the president, , tihindi marambirire kwaria uhoro wacio. It is an old debate. Ni debate aritio ni andu kuma North Eastern, nginya Coast Province, Western Province, Nyanza, Upper Hill, Lower Hill, Central, Nairobi, Eastern province upto Moyale and Lodwar. Everywhere. Kenyans are speaking in one voice. It is amazing that maundu maingi ungiathire, you do not know the different between when you are in Central Province, when you are in Nairobi and when you are in Nyanza. Let me say that ni andu aingi marutite wira uyu. Angi magakua in the process. You all recall Saba Saba. You all recall abouts the efforts from 1992, riria Section 2A yacenjirio. Kana tiguu? So it is not a new thing uraririu riu. Ni undu mukuru. Na niko agreement igukorwo iri familiar in this document. Ati andu makoiga we must reduce the powers of the president. Nginya twana tukaina the same song. Ona muthuri mukuru, ona wari mukuru ten years ago onake naroiga the same. So it is a process ikoretwo igithii on for a long time. Taria uhoro wa parliament ati andu nimarenda the right of recall because of the experience. Andu makoretwo magithomithio. Na magathomitho ni experience as well. You know dictatorship in this country. Riria andu marioga ati we want a new Constitution other than in the elections , there are saying we have been on this job for so long. Mieri ingi iri tuge tu hold elections in February kana March ri the different is not big, particularly now that we have the draft. Ndigwiciria ati nigutengeria turatengeria. That one forget. Ta riria twari na Kenya (.....inaudible) I am sure andu aingi nima note. Katiba drawn five years ago. Ithondeketwo ni 40 MP, civil societies, organisations matukaneta na politicians. So the efforts have been going on for 10 years. We have reached the climax. Mubira urageria gu-kick-wo into the goal. Riu mubira urageria kuhurwo, kicking into the goal. Riu ukerwo ambotige mubiria ucio wambe weterere, twambe twike undu ungi. That is the position that this is something andu makoretwo magi push for quite a long time. Now we are almost at the end. Nitugu complete. But let me also say ati what had happened in the past. Countries like Zambia. Hindi ya Kaundu, mari na complains ya gucejia Constitution. And then what happened during that time Chiluba who was the immediate President of Zambia. Who was also talking about the change of the Constitution. Riria a get into power, oririe katiiba iyo nikii. Ni thina uriku irariri? Niariganirwo ati katiiba iyo yari na thiini. I think Kenyans do not want to risk going into another five years, without a new constitution. And then Kenyans are also getting tired of commissions that never reach their logical conclusion. And get the report and complete the exercise.

I think basically that is the reason why Kenyans are pushing and saying let us better complete this exercise. We are almost at the end. It is only two or three months. And then we can have the elections. Basically I think that is the reason.

Now Murigi you asked some questions. Niukuragia who is going to cater for all this cost. You are the one who is going to

cater for them. This is because like today you see tungitara mathaa mothe maria twatumira unyuothe mwe guku. This is a cost in this country and the more we postpone the Constitution, the more expensive it is going to be. Isn't it? So we are saying that kuri point imwe tutaragweta. I know we have talked about the 4.5 billion on the present and so far what has been remaining is 1.5 which is about one third of what the commission asked for. But we are saying I think it can complete the process since we are almost at the end of this process. No turoiga atiriri, that is not the actual cost. Ni actual cost tondu riu ungitaru andu aya mothe mari nguku. And we are not talking only of the ones who are here. Ira turari Gatanga. Tomorrow we are going to be elsewhere. All the commissioners. At least there are 35 districts like this one which we are going all over the country. Utare andu acio othe aria marathii mucemaniao in 35 for a period of 20 days. Wiurie how expensive that is. Now the delegates aria mokire, ni mokire na matatu nimarihira na megucoka na matatu, And also the emotional part of it. Na andu aria makueti. Matakariwho ni mundu. The cost is much more, na andu ni marendu kuona what are the cost cia wira ucio. So I know the Kenyans are paying for them.

Now who will pay for the parents money? Ciana itiri cukuru. Na arimu now matiru cukuru, and we are saying that it is something we cannot resolve. I think it is a cost for the parents. It is a cost we are paying because of our own management of resources. Mbururi uyu ri I (.....inaudible) people say that we have enough for all our needs. No tutiri na njiganu ciagu satisfy greed ya andu. And actually that is the issue. Tariu nitue ati kuri arimu amwe marihagwo ngiri ithano per month na aritu angu marihagwo 900,000. So how do you justify that? Na athiaga akagura mugate 22 shillings like everybody else. Hatiri handu mwarimu athiaga akenderio mugate ciringi igiri, na uria ungi cirigi 22. So how do we justify ati that mundu umwe nokarihwo ngiri ithano na uria ungi akarigwo ngiri magana kenda? So how do we justify? So the report is still at you. Niuria kurathia in the districts. Ni policies citu. Ni value iria to give to work. Ati ona judge noakarhwo magana kenda and the vice chancellor aheyagwo ngiri mirongo itadatu. Ukeyuria atiriri, na arabudithirio ni arimu aria ma manage ni the same vice chancellor. How do you give Professor Kiamba of the University of Nairobi, ngiri mirongo itadatu? Ucoke uhe judge ngiri magana kenda na acoke atuike corrupt? Atuike no araheyo ingi. So it is the way we manage our own resources. Akorwo nitura manage resources citu wega ri, arimu nimagiagite mucara? Mucara ucio wa judgenourihe arimu division yothe. Wa mundu umwe. Nikio ndiroga ati thini uria turi nague onakorwo ni arimu kana ni parent, it is because of the way we have managed our own resources. What the Constitution is doing is trying to make it difficult gutuika corrupt. Nio turerwo uhoro wa code of conduct. Gu separate powers nigetha gutikoragwo ati uria ara decide decide salaries igukorwo ihana atia. Agatuika ndangi decide ari wika. Kana ni president, kana ni parliament ndingi decide iri ika, kana ni judiciary. So that we have many cheques and balances. And we are talking about people participating in decision making. So that is what we are trying to do. I think we will talk about how this Constitution is going to promote for instance transparency. Remove corruption in society, better distribution of resources and better leadership qualities. That is what we are trying to create in the new Constitution.

Murigi niukurite uhoro wa President na leadership. What we are suggesting ati ni ati once you become the president, you do not become the chairman of a party. Not just the chair. Any Executive position ya kiana. President ndagakorwo ariho. Nigetha tugeria gu separate a little the state and the policy organs. Tondu tariu ugu ringi you will never make a decision

between the party and the government. Because the party is also supposed to be a policy making organ. We do not constitute these policies with an organ. (.....inaudible) that distinction. Tutige kuga uhoro wa (.....inaudible)

Jane, uhoro wa retirees nindacokia. Na uhoro wa management of teachers salaries I think I have responded by talking about the Teachers Service Commission. Uhoro wa media. Turi na provision ya independence of the media under the Bill of Rights. Uhoro wa (.....). Acio nao nitwarite uhoro wao under the National Defence saying that nobody has a right to have a private army. Gwiciria nitwaritie uhoro ucio under Defence and National Security.

Land grabbing. There is a Commission tureta Human Rights and Administrative Justice under traditional provision. And one of the duties nimagirirwo guceka crimes that have been committed. There have been many crimes. Tariu ungithii kundu ta North Eastern Province, where during the shift fracas for them the problem is not the police, the problem is the army. Because crimes have been committed in North Eastern you imagine more than any other part of this country. And they are saying that they need compensation. Those people and in fact if we go by the law, they need to be prosecuted for those crimes. Riu andu aria mari leadership in government who have done nothing, we are asking them to go back to the ethnic tribal crushes in the Rift Valley and in Kwale. Identify the cause of war and they should be prosecuted. And people should be compensation. We are talking about it. And land grabbing will be another issue we are going to go to. Some of these people you have to wait for the investigations and we have to put this into a certain body to continue with the investigations and prosecutions.

National projects gwiciria what we suggested ni ati. We talked about national projects tariu Turkwell and other projects. Some of them have become quite relevant. Again it is because mundu at the Central Government aka decide nikwangirirwo gukorwo na project kuna. Aka divert national resources. And because they are not answerable to anybody. You quote millions and millions. Ringi ikarega kurihika. You know what has been happening with contracts and so on. You know the 10%. Again this goes to corruption na kwaga gu control ni parliament. The government is not controlled by Parliament, has also been a major issue.

Protection of the tribe. We have actually put many provisions on the protection of the tribe. And we called for the Bill of Rights, the one which was passed by parliament the last session they had. I think we have covered quite a number of these issues, na iria itaroneka covered in the constitution, they are actually covered in the report that I said. We have a detailed report for about 800 pages. And that particular report, niyo irahayana recommendations of some of the details that do not appear in the Constitution.

..... : thiini wa mbururi uyu. Nani wa kura, niwatiganirio. Ona ndumenyekaga thutha ucio nani wa contributire thiini wa gukuria mbururi (.....inaudible). Ngoria iguru ria hau current constitution rii, ikahota ku monitor andu aya atia? Naita kiwango kiigana atia mundu angikorwo akimenyeka kia miaka iria agirirwo niguteithio? Thank you very much.

Cordinator Kariuki : Number two. Ugi ritwa riaku ocoke uria kiuri.

Kabuthi Nyanjui :Mureiga inyuothe. Ngwenda kuria riria njukite haha nii, njukite ni ngikeno muno. Tondū guca andu aria akuri mari ho, hatiri andu mangigomanite haha. Na ndiri ndiraigwa ya mundu uria mukuru watumire wiyathi uke Kenya. Uria mwikirite katiba yake. Niundu wa kuringana na uguo ri, murariria o inyui no mutingjaririria andu aria akuru, nigetha gatagati-ini maheo kiheo kao. Marutaga wira uriku hindi iyo? Ndiri na kingi gwenda kumuria no kiu.

Cordinator Kariuki: Ucio etagwo Kabuthi Nyanjui. Okay number three. Uria twahee namba ithatu nioke.

Stanley Njaramba : Asante sana kwa kunipa hii nafasi. Naitwa Stanley Njaramba Muchoki. Nauliza swari kuhusu hii draft chapter 5. Number 66. Naona inaongea kitu kama kuhusi “every person has a right not to obey unlaw instructions” Na sijui how far does this one go? (Stanley njaramba Muchoki). Sasa madam commissioner ningetaka unifahamishe how far this one goes. Whether it covers the military and the police forces. This is because that is where, especially in the police forces, mtu yeyeto ambaye ashawahi kutimika hapo anaweza kukueleza, the line between disipline and favour is very thin. Kwa hivyo sometimes watu wale wanafanya kazi kwa hizo vikozi hurazimika to obey those illgal or unlawful instructions. Ndio sababu wakati mwingine unapata mukutano mahari hakuna kitu kinacho tendeka kati ya wananchi na all of a sudden you find the anti riot squad coming there and dispersing people. Sio ati hao watu sio binadamu ama hawajui, but they have children at home to feed. Na yeye anajua instructions ni illgal. Na sasa akikataa, that is lack of disipline. You are sacked. Na uko na watoto wanatarajia elimu na kura. Na right now kuna wengi ambaye maybe they are suffering at their homes. Children are out of school because they disobeyed such orders to harass wananchi. Sasa na mimi ningetaka kujua what the Commission has done to ensure that Bill of rights covers even the military and the police forces. Na imefanyi nini kupatia hakikisho kwa wale wanafanya kazi katika hizo vikozi kuwa even if I disobey this one, I will not loose my benefits. My children will still go to school and feed. That one is very important hata wale warijaribu kuwa kwa upande wa wananchi ku disobey such orders, today there are languishing at home in poverty. And their children are out of school. Sometimes una anza ku regret afadhali ningetandika wale watu vile nilikuwa nimeelezwa. Thank you very much.

Humphrey Kamande : Ha maritwa makwa njitagwo Humphrey Kamande kuma Gakure location. Kiuri giakwa kihana ta uu. Twanona mahinda mamwe bunge ikifujwo na miaka ina. Na hindi iria ingi ifujagwo na miaka itano. Ndirenda kuria niki gitumaga turege kukorwo turi na parliament calender ya kumenyaga hindi iria twambiriria mbunge, na ikafujirwo ha nigetha ugakoragwo utari ndumaini. Tondū ta riuri, ni twero haha ni Commissioner ati no afunje bunge any time. Ona riu no ume haha jaa ukore niafunjire. Nokorwo uri na calender ya kumenyaga hindi iria bunge yaingirirwo na ikafujwo hindi na. Nimurikoragwo mutwaranite nayo uria kwagiriire.

Kiuria kiria kingi nderenda kuria ni ati. Onakorwo nitwirirwo ati public service commission niyo iriandikaga andu a thirikari mundu uyu witagwo Auditor General nake nitwagirirwo kuheo procedure yake ya guthurwo. Tondū niwe urikaga mathambu ma mbururi. Onakorwo kuri na wicii niwe ui kuthiaga atia.

Kuria gia gatatu turi na andu moragagwo guku. Ukaigwa mundu niaroragirwo ati ni mucii kana ni suspect. Suspect ucio nigetha amenyeke ni mwici rii, amenyekeiri ku na ndatwaritwo igotini? Thank you very much.

Gabriel Mwaura : Maritwa makwa njitagwo Gabriel Mwaura. Na ndi wa Makuyu. Ciuria ciakwa no igiri tu ndiri na ciuria nyingi. Ndirenda kuria atiriri, kahinda kangu turari hori, mbiacara irari huru. Na riuri nijigite wira. Ni nie ndirendia wholesale, na nonia ndirendia retail. Mundu uyu woka kwiiga kawira hari nii ri, ndedia retail na nyendie wholesale ri, ndari kindu arona. Nitwarite no ndinaigwa undu mutwirire njehere hau.

Hindi iria andu maruwagira wiyathi ri, maruaga makienda ithaka. Twina githaka kimwe kinene muno gitagwo kakuzi. Kinene muno. Na tuiiguaga ni lease kiaheyaniirwo miaka mirongo kenda na kenda. Tutuue kana iri yathira. Miaka iyo mirongo kenda na kenda ri. Na tondu andu aitu mari ona thina ri. Nanomarathinika ni ithaka ri, kai itangi bujwo andu aitu magairwo. Nanicio twedaga ithaka icio.

Gatatu turathomithia ciana ugatiwo utheri. Agathoma agathoma na uria ungi niamumite thutha. Agakinya akorwo in form IV haria waremerwo. Agoka agakoma mucii. Ndari kindu. Ndari haria arithii. Wee nduri. Nourathomithia aria angu. Kai thirikari itari kaundu ingiciria? Ciana icio ciarikia thukuru igathiaga bengi ikaruta nari ciringi magana matano tu! Magateithio ni thirikari tondu makiri a thirikari. Andu meragwo nia thirikari othe. Ona ciana icio githi to cia thirikari. Onagakorwo gatari wira ri, geterere ni getha thirikari iturwo ihote kuhe mundu ucio wira tondu ti waku na tiwe aguthii guthukumira. Ndakinyia hau.

Karanja Mungai: Thank you madam Commissioner and other facilitators. My names are Karanja Mungai from Kirimiri. Na ndiri na ciuri nyingi. No nini. Haria hawe nguigwaga ngienda guthererio hanini, kana ngienda kuongerera wani wakwa ni undu ukonie haha turathura President. President ri aronekana ta riu kuringana na draft ino, uria mara suggest tugie na Prime Minister. Prime Minister niwe urikoragwo ari wa thirikari. Tondu President ahwana ta ari ceremonial. Mahinya maingi kuringana na hindi iyo ingi nitwendaga President ehererio nigetha tutikanatwo in dictatorship. Riu ri, mundu uyu ugutwe Prime Minister ri, aronekana a very important. Tondu hii nogukinye andu mathurane na kibahati. Nimaingia ona uguo ngania niwe wagirirwo gutuika Prime Minister. Nania haria muno ngwendaga ku participate, ni hari akuheo hinya na kanyamu gaka gakwa kari muhuko getagwo kura. Uguo na njira nguhi ni ngugaga atiriri, korwo nokuhotekane Commissioners mugeria kuruthiriria uria tukuhota nguthura Prime Minister. Prime Minister athurwo directly ni andu nigetha nii ngamenyaga uria answerable, uria manager wa thirikari, Cabinet ni report kuriwe agakorwo nii nini ndimwikirite hau. Na acoke oho agietherwo njira iria ingihota kumwe heria. Ona teheretio ni acio angu. Either parilament kana President. Tohote ona ithui kuga nitwarega.

Uguo ri ngikinyukia hau hangi ningwendaga kugweti undu ukonainie na appointment ya ministers. Nii ngwendaga kuga atiriri, andu aria aingi nimarenda kuga ati a appoint onakorwo ti muthure. Ni ningwenda undu umwe. Angikorwo ni muthukumi ungi turenda ari na qualifications, ni ma apply kwa Public Service magateithania na permanent secretary thiini wa Ministry. Uguu ni ingiuga atiri, nioke nguku kuri andu. Ahoe kura, athurwo ta MP. Acoke akinya kuria tondu iyo ni njira imwe ya kumenya mundu

uyu ni patriotic. Nia thithinira giti kiu giake. No ti akinya haria aria mara mu appoint, no aria moyaine uria moyaine. Uguo ri, mundu tocio ndekwenda nguka na nguku kuria andu, tondu ndarirutaga wira wake na kio tondu we ara serve master uria arakimu appoint. Uguo ningwendaga ithui turi mwingi. Tuheo hinya ucio. Waguka andu acio tumathure ta AP's nigetha makorwo ati nima thirikari iyo ni itu.

Undu uria ungi ngwendaga kuongerera o hau uguo ni haria hakonie mundu wetagwo Vice President. Hau uguo ni ndinaregana na Commissioners urua aroiga akorwo ari running mate wa President. Hau nidetikira tondu gutiri hindi tugakoragwo turi na vacuum. Na gwiciria vacuum ino ri, kana uria akoretwo aki appoint vice president, akaguithia akoya uria, akoya uria. Njira iyo inwe aroyo uguo tondu uguo noguo ningi mangicoka makinye handu. Angikorwo tutirathura Prime Minister, tutirathura Minister aguthie kamwena na njira ingi. Tondu ona tikuga Constitution ino turathia kweheria ti njuru yothe ki- wholesale. Ithukite kundu kumwe na kumwe. Na ithukite na njira ya mundu a korwo akimenya biu ndararumirira Constitution oneyo nguru to the latter, areka gigwake. Tondu powers iria akigirirwo niciramuhotithia gukorwo agika maundu macio. Riu hau noho nguhianaya ta gwenda kugweta uguo. Undu uria ungi ni Constitution itu no nyende muno ikorwo ikiaria undu wa gender balance. Constitution itu ikorwo nira protect gender balance. Undu uria ungi wa gender balance gwendaga kuga atiri, Constitution itu ndiga treat atumia ta ari inferior. Na njira nguhi igakoragwo ati kuri kundu kumwe kurendeka atumia matuikie marithiaga ma-hand pick-itwo tondu nii ndirecira atiriri Constitution itu turathie nayo ni undu wa ruciu. Na ruciu ni atiriri, mundu uria urenda constitution ya umuthi ari na kioneki gia Kenya ya ruciu iria angikenda. Na Kenya ya rucia iria ningi ndingikenda ri, ingienda Kenya ciana irathoma. Andu othe magathoma nginya level iria mundu angienda. Magakorwo thibitari iri kuo. Gugakorwo maundu mothe maria mari na uhinyiririku wa umuthi, na economy njega. Uguo ri gwakinya hau ri gutira mbata wa kuonaga riu hindi iyo. Gutigakorwo na mbata wa Constitution iroiga andu ma hand pick-wo. Tondu mundu informed, ndangikorwo ari inferior. Mundu muthomu, economy njega, gutire mundu inferior.

Uguo na njira iyo, riu ngirikia, reke njuke haha hangi ha nominated MP's. Ngarigwa atiriri, makoragwo mari-serve u? Na bata wao ni uriku? Nie ngona tukorwo na elected MP's na gutigakorwo na nomination. Tondu nominated notauria tukwendaga kugweta kuoya Minister haria na kuu nja, atari muthure ni andu. Uguo ndagika ya muico ri, magakorwo aya nominated ni sychofants a uria wama-nominated no matiri hindi makoragwo magitu serve ithui. Makoragwo mari o garama hari ithui. Na macio manini ri, nogucokia ngatho hari commissioners, nginya haria mukinyitie wira. Nima nii nidiretikania na inyui ati uhoro wa Constitution, ni people driven. The will ya andu irathie ihingite. Na nie no nyende na kuria itura ria gwitu ritagwo Kirimiri the aspiring candidate wa giti ya council. Na no nyenge atiriri Constitution ino njeru irute wira na ihenya muno, tondu kiheo kiria andu akwa makaheo marikia kujikiria kura ri ni matarirwo kura cia Karanja wa Mungai ioge ngemi ituraini o riu mamenye wira wao nima ruta. No ti kura ikuo uria ituraga ikuwito igatwaro kundu kungi. Tuninage thuku ta ithatu o moragia Karanja niahotanire. Itwaro o muthenya ucio hau uguo. Tondu ingitarirwo hau itingina muthenya uro ucio. Na uhoro wa rigging niwathira na macio manini thank you.

Ngaka riu ningi ni gakwa personally. Ni ndi murimu. Ngwendaga kugweta atiriri thiini wa uguo nie nimagari, ningoretwo na

Coalition or Rainbow Coalition whichever it is. So you will pick the candidate uria urenda. There will be another column iroiga NARC, KANU, FORD PEOPLE, Coalition. So you tick the party of your choice. Riu wona githurano giathira for them to send their party, nimegukorwo makiuga if you elect us, our party is going to have the following people. So that elections aa that particular party iku depend on the strength of the kind of people you vote your line up. So at the end of it, what will happen ni ati, kiama kiria kiri na vote nyingi, it will have 50% of the votes. Iti ici na ici will take 50% of those seats. Akorwo uri na 20% of the votes, you get 20% of those seats. So we do not have nomination in the traditional thing. Ati this candidate is going to be nominated in Parliament. This is a way yaku-make sure andu aria othe mathurana the parties are better represented in Parliament by combining direct elections and proportional representation. Uyu ti undu new by the way. This is the (.....inaudible) it is the (.....inaudible) model and there are many other countries that use this system, including countries like South Africa. Maybe we need to study more that system ya elections. If you count what various opposition groups got in the last general elections, it would mean that they would have gotten 60% of the seats and KANU would have got 30% of the seats. Depending on the number of people aria ma vote for those opposition parties. So we are saying the current system has a lot of wastage of votes. Nigetha tutige kuwaste votes, we have that system combined with proportional representation, of the parties themselves.

The other thing about gender balance from Gabriel Mwaura also. By the way gutiri atumia marowo from anywhere in this particular case. We are also saying that women are to be able to work with political parties to be able to appear in that particular list. On the question of affirmative action. Ku make sure women nimara participate in the political process is actually just the sensible thing to do. Again I want to say taria uhoro wa affirmative action in Tanzania wambiririe more than 25 years ago with Nyerere. They have actually been getting 15% women representation until this year when they changed their Constitution to make it 20%. In Uganda, they have been doing the same. Let me say that when you think about corruption, when you think about about the way we are performing in Kenya, we are actually the top. Tutongoretio tu ni Nigeria, and then we follow. I forgot who is number two, and then we are number three. Therefore as a system, we are doing very very badly. Uganda has used the same policy. Eritria has used the same policy. South Africa and all other African countries are using the same policy. I therefore think it is important for us to recognise which way we are moving. Mr. Mwaura ndirikitie gucokia ciuria ciaku. Mr. Mwaura I am answering your questions. Nijue niukuritie kiuri kiu kia atumia naniwe woria kiuria gia proper representation. I was trying to respond to your questions. I am very sorry Karanja. You raised the issue on the appointment of Ministers. Let me say this. The discussion about the ministers is going on. I know that many members of parliament are unhappy with nomination of ministers from outside parliament.

The argument is the same that you need to have ministers who have been elected. The reason, if I may give example why we proposed getting the ministers from outside, is actually a demonstration from Kenyans. Because they are the ones who recommended that they are very unhappy with the way the ministers have been performing. They have been saying that ta riu ugatwarwo utueke Minister wa Education (and I think that issue was also raised by Mrs. Mburu) . Ugatuake Minister wa Education but actually your training is in agriculture. So you cannot help to develop policies that have a vision (policy ingihota kuono mbere) or you are somebody who knows nothing about the agriculture, and you are the Minister for Agriculture. And

you know what has been happening; or you are the Minister for Agriculture but you do not know anything about pastoralist communities. So handu ha gutwara Kenya Meat Commission to Garissa, ukamirehe Athi River. Again this is because you do not understand. Therefore, basically this is what Kenyans were looking for, to have Ministers who have a certain professionalism although Ministers are also supposed to be quite able. So I think that debate is going on and probably we might end up with some balance between maybe some ministers coming from outside and others coming from inside. But I know that debate is going on.

Let me talk about the Prime Minister. You had said that Prime Minister has a lot of power. But those powers are implementation powers. We are talking about implementation of the government policy. Nariu ri, it is not possible I think to talk about electing the prime minister. By the way the prime minister has also to be accepted by parliament. Na prime minister ningi no a recall, angikorwo ndarahota ku manage government. If you elect the Prime Minister, it will necessitate elections, every time you have a minister who cannot perform. However, the minister does not have to have the mandate of the people. The minister needs the mandate of the Executive and Parliament itself. Tonde, the minister is not a policy maker. The minister is only a policy maker when he is acting as an MP. By the way, (not the minister), the Prime Minister is an MP. As an MP therefore, ari na opportunity yagu contribute to the development of the policy. But when it comes to implementation, then he does not have to have the mandate of the people. He only needs to have the mandate of the person who has appointed him and the parliament that has sanctioned him, and you know that the prime minister can be removed but not as easily as the ministers can.

Now you had also raised the issue of nominated MP's which we have just talked about. I think now I can release you because I have responded to your questions. On gender balance, on ministers, on prime minister and also on the nominated MP's. Thank you very much and sorry for delaying you.

Gabriel Mwaura. Uhuro wa muguda na 99 years lease. We have suggested that lease yathira ya miaka 99 that the land needs to revert back. Akorwo kwaja ni foreigner. Akorwo mundu ni foreigner, the land needs to be reverted back to the state. Na Section ya land, gwiciria nituheyanite uhoro ucio. Now, aria matari na mawira, gwiciria nitwikirite employment as one of the basic needs of a Kenyan. No uhoro wa mawira nituroiga ati with the new Constitution, we should be able to improve the economy of this country, and we should be able to generate jobs may be a little more.

Humphrey Kamande ngwiciria issue iria uku igwetere on parliament calender nitumi-address-ete in the new Constitution. Turoiga Parliament no muhaka igie na calender. Lower house ithie miaka itano and upper house ithie miaka ina. And the parliament will have no power to dissolve parliament. Ngwiciria ni deal na kiuria kiu. Auditor General nayo we have tried to strengthen the auditor general's office. Uria twikite niku break the Auditor General's office into two so that we have another office for the controller of the national budget.

Uhoro wa suspect nitu-address-ete under the Bill of Rights. Where we have in details talked about the rights of the

individual. We have dealt with it.

Stanley Njaramba – That was a very interesting question. Question ya, should we obey unlawful orders? Kana turaria uhoro wa army, kana uhoro wa polithi. Nanitwa discuss muno uhoro ucio. We said that if we are talking about uhoro wa andu to live according to their own conscience, then they should be prepared to loose jobs for these unlawful order. However, we are saying now you loose the job but you have a Constitutional right and because you have a Constitutional right ungi take army to court, then they will have to give you back your jobs or compensate you for that. You know there are many things that are done in the obeying of unlawful order. And we are saying that your conscience must be above those particular orders. This one is extended to the police and also to the army. So you have a Constitutional right and you can decide not to obey unlawful orders and because some of these things that are happening in this country and in many parts of the country, I think we need to recognise that there are many orders that are given, that are wrong. Okey! It extends to the police and to the army.

Mzee Kabathi niwe ukwaragia uhoro wa freedom fighters. Nani turoiga freedom fighters nimarigariere. So I am going to explain that under Human Rights and Administrative Justice. That we have the right by law to call for investigations and compensation. And we have indicated that. Nomuhaka hakorwo ha uria ura claim. Like now the freedom fighters group can go to Human Rights and Administrative Justice. Nama complain about what has happened and compensation should be sort. So we have agreed to that.

Mrs. Mburu gwiciria ni ndaria uhoro wa reshuffle in the cabinet . Ni ndaria uhoro ucio. The other issue you have raised ni uhoro wa pension and uhoro wa how to treat the elder people. We have suggested that there is a provision for the elderly and we have a section which talks about Pensions and Public Wealth Commission. So I think those areas will be able to deal with the issue.

Com. Wanjiku Kabira : I am going to ask the delegates again your delegate will call you.

Dr. Gathii : Thank you. Ngwiciria ona tukinyuaga soda. No tukuhiririe na tuthikiririe uria twerwo, tondu ta riu hari maundu magwetwo ni proffessor no niundu wa movement na inegene riria riuma kuo, hari andu matananyita. And they were both very important. Ndikumacokera, no kuongerera nguongerera tumaundu tunyinyi haria acio mario.

Hari mundu uririe uhoro wa wholesale na retail. Ihoto ciaku ni cia ma. Issue iyo niya state. Nani issue ithiu ta amwe tukoretwo kwa Ministry of Commerce and Industry, tugeretia ku address tondu mundu niahotaga kwira andu ni wholesaler na retailer. But watho niugite wi retailer, ndukendie wholesale. Wakorwo wi wholesaler, ndukendie retail. But then hagoka undu ungi. O hau wathoini ri, ndukugiritie we manufacturer ugie na kambuni yaku iria (.....inaudible) mundu rume kana mutumia ii wholesale indu iria urendia. Mungikora kambuni ta Farmers Choice, ni manufacturer but they have brought a distributor called Flamingo but it is still Farmers Choice. So maundu mamwe nimagiaga hinya kurigiriria ona kwaririra even at the locational level.

Then issue ingi iyoka ni ino ikonainie na land grabbing. Kana issue ya mugunda ugatuika githaka giki kiaheirwo 99 years. Surely tungigweta ta Kakuzi ino iri haha tuiguaga thirikari irihagwo 50 cts per acre ni undu wa lease iyo. Surely ndui ni muthungu athondekire ta muthungu uria wa ruaga. Nikwagiriirwo kurorwo hau muno Na personally nijiguaga ndiri bitter tondu 99 years cingithira, hatiri gitumi mugunda ucio ucokerio muthungu. Wagirirwo kugairwo andu aria matari migunda a Maragua. That should be the right thing. Nakorwo tiuguo, factory icio (.....inaudible) no aria marikua Africans (.....inaudible) iheyo squatters.

Issue ya land grabbing. Land grabbing is a very complex issue, na ino muno nituge niyo itumite ona corruption ikorwo irikuo thiini wa Kenya. Tondu waneneha na muno I would say, (political) mundu gi- siasa na githirikarini, ukaheyo gift ni mundu ungi. Niguu migunda ya mwingi kana cieya ciandu ta Kakuzi kana cia kuria kungi ugakigairwo niguu ukirio utige kinegena. Again tondu kuri na watho ugite indu icio nigacokerwo ri, tiga gutinda mukimaka. Thutha wa miaka iri kana itatu icio mariaga ciene nimagacokia na aria matunyanite nimagatunywo. Kugwo mutikagie na wasiwasi. Nauria agutunyite ri, akimenye no agagucokeria.

Hari undu ungi ugwetirwo wa corruption. Corruption ya kundu gwa thirikari. Andu aingi meciragia atiriri, corruption kwa thirikari no mundu uria utaraga ithabu, karani akaiya mbeba agekira na haha drawer- ini. Hwaini akainuka atutiri muhuko. Andu ni marore na njira nyingi. Corruption ciukaga na njiri nyingi. Kuri ofisi mundu akoragwo, you are in a position of an office. The government has entrusted you with even collecting the taxes. And other than collecting the taxes for the government for the public to use, we mwenyewe uka organise na aria magirirwo ni gutinio igoti riu magakuhe kindu, nawe ugatinio kagoti kanini. Handu ha mbeci icio cithie kuri mwingi igathie muhuko waku. Na iria ingi igathie na muhindi kana mundu ungi. Na gwiciria imwe ni living examples twinacio guku presently.

School leavers. School leavers in other countries but not African countries (maybe a few African countries) School leavers na aria matari wira nimaheyago tumbeca twa kumaiga mathie na mbere na maica mao. No riu ri guku mangirutirwo mbeba ku? Na iria ciothe cirokena akorwo ni iria ciitagwo customs duty, handu ha ciuke kuri thirikari irathie mihuko-ini ya andu. School leaver ikuheyo mbeba naki? Hatapata kitu? Nanikio kaingi ngjariria youth nindiramera atiriri, they should think. The youth tondu nio mari affected and there are the majority in our republic. Infact youth ni kindu 75%. I am talking of mundu wa 18 to 35 years. Ni group nene muno. Na nio iri na thina muno. Tariu ndirerire angi kahinda kangi ndiramera atiriri, the youth are among the poorest people in Maragua. Some went about saying how angimenya atia? Let me tell you one thing among our district Muranga is the poorest in Central Province and Maragua is number two. Riu turi haha tuna number two. Nanimwirire statically mwerwo atiriri, 65% of Kenyans are leaving below poverty line. 65% of Kenyans mationaga cirigni mirongo mugwaja. No guku gwitu Maragua ni 72% aria matonaga ciringi mirongo mugwanja muthenya umwe. Mundu umwe umwe.

Mundu niundu wa unemployment na fighting of poverty. I remember sometimes back either here or somewhere else ngi suggest kugui na Ministry of Poverty Reduction. Tondu poverty is affecting the majority of Kenyans. 70% ya population.

And it is a big number that really requires being looked at honestly. Thank you very much.

Com. Wanjiku Kabira : Thank you very much. There is something else ngwendaga gu share. Just a little on elderly people. Tariu elderly people kana ni retired civil servants. Kana ni andu akuru na makoregwo mari self employed kana mari farmers which is also self employment. Tariu South Africa nimari watho which emanates from their own constitution tariu provision ino turi nayo. Watho wao ugite ati mundu wothe akinyia, I think it is 65 years ni ari entitled to pension. kana niwandikitwo ni thirikari, kana niwandikitwo ni parastatal. Kana nduri wandikwo ni anybody utiire wayandikaga. Na urua mekaga ni ati the pension ya andu acio akuru while you are between 65 na maka mirongi inana, you get a cheque every month. Nigetha utige ngukorwo ati you are too dependent on other people. Tondugutiri mundu wendaga gutura aheyagwo. Kana tigwo? No ukenda ngukorwo ati akorwo ni urenda guthii kunyua cia haria mukawaini uri na mbecha ciaku ndukuga he. By the way nikiogitumaga ona atumia moige nimekwenda kugia na property. Ni getha mundu atige gutura oigaga he. Na riu uria mekaga ni ati riu wakinyia miaka 80, depending on individuals. Akorwo niukinyire handu urariganirwo kana wanengerwo mbecha icio nduracimenya and so on, mari ha homes. Tariu akorwo ni gicagi gugakorwo na kundu athuri na atumia aria akuru meguthie na makaria lunch. Nakorwo ni exercise andu marena gwika, mageka. And part of that pension igathie micii iyo. Kwoguo turoiga tariu andu aria akuru. Over 65 years in this country there are about three million. It would not be too difficult for the government to maintain andu ta acio. What the Constitution is saying is that ni ku-give provision iroiga ati the state is responsible for looking after them together with the families, but we also talking about families nacio iria iri na problems ciacio. So the state must take responsibility. Niguo turoiga ati all we need it watho wagutuma provision ta iyo be implemented ni thirikari. And then we are also saying that thirikari niyagirirwo gukorwo iri na policy free of corruption, professionally managed where people participate in decision making. And then we will be able to get resources cia guteithia andu acio.

Gwiciria nitukuoya the other set of questions. So I will go to this side. Ndirewo turiti turoya mwena uyu. Let us begin here.

Gwiciria tuthie tuhinyitie ariguo nigetha turikie.

Tumenye uria tukirikia. We begin with this side, one, two, three, four, five. Natutigucoka mwena ucio riu. Okay. Can we begin with one ?

Peter Gitumu : Madam commissioner and the other officers, thank you very much. Mine are only two questions. One. It is confusing on the life span of the commission. The chairman of the commission Professor Ghai said it would complete its work by 12th December. Then after that who will look into the implementation of the Constitution? You talked about the village councils, local councils and the like. Who will see them through?

The other one is on the Bill of Rights. We have the right to health facilities, but you find in our societies, there is a sect that does not go to hospital. While the government affords facilities for health, some sects do not use them. What is the provision for this.

The other one is on gender. Women and education. I remember I attended one session when we were giving views and there was one lady who gave the view that those who impregnate school children should be put into custody, or should be jailed. I did not hear that in your report. And it is very important because traditionally, when our girls became pregnant, they find it as if that is the end of the road, while the men walk scot free.

The other point is that we have seen and appreciated the work done by the commission, by coming up with such a good people driven constitution. After all is said and done, and our today's government says no, and dissolve the parliament, and calls for elections. What will happen? So that is all.

Thank you.

Patrick Kuria : Commissioner ni wega nigukurwo hamwe na inyue. Maritwo makwa ni Patrick Kuria, na nyumate Maragua. Questions ciakw ni igiri.

Imwe gwiciria tuge nota kumwira mugeria guthondeka. Ya mbere ni uhoro wa Prime Minister. Kuringana na draft ino ya Constitution, ironania Prime Minister agacagurwo ni President. Nii ngiona meciriani makwa, no nyone ucio ndakahota gututumikira wega. Nga suggest korwo bunge niicagure ni nyarikaia gucagurwo. Ocoke i.e elect Prime Minister. Tond u bunge iyo ni ithie tumiheta mandate. Kuoguo tutikauga hindi ona imwe ati tithue twamucagurire.

Uria ungi nagu (question ya ker) ni uhoro wa education. Thiini wa githomo nimwaritie uhoro wa primary education. Ati ciana ithome free. No hau ni ndirona takuo muriganirwo haria aciari manyitagwiro mbiu. Ciana icio ciakrikia guthie nakuu mbere. My views kana suggestion yakwa nii nojuge education kumagia primary nginya secondary ona university, nani getha tugie na andu mari na githomo kiega. Aria marihotaga gucagurwo ni mwingi iyu. Tond u ciana icio ciarega guthoma ni kwonania o aria marigithuragwo ni aria marikoragwo moimite kuri itonga. Uguo ningwendaga tunyitanire hamwe, na tumenye ona itonga na andu athii tukorwo turi murainiini umwe Thank you.

Mwangi Kariuki : Third!

Dishon Gathome : Muriega inyue othe! Nia kiuri giakwa kiria ndirenda kuria ni giki. Jitagwo Dishon Gathome kuma Maragua. Thiini wa Constitution ino irikitie guthio nayo na mbere na kuhaririu ri, ni njega. No ningi ninguria atiriri yo nyene ni ithondekeirwo mumbango wa kwaga gugathukio ni uria akarugamirira riria agutuika munene? Ningi hari handu hario na ningi ni ngucopkera hanini.

Kiuria giakwa gia ker, kwini mihothi ithiaga guku ikiragwo niya gwetha ciana iria njugi. Na ciana icio njugi ri niguthurwo ithuragwo. No ticio ciethuraga kuma cukuru-ini kiringana na wira wa mundu. No kwiragwo atiri mwana uria mugi, oneka nieguthomithio. No njira iria ngwona njega yagiririe ya guthura ciana ri, ni ciana ciothe ikorwo ni irahao uhoti wa guthoma, nigetha cihote kuoneka kio kiao oene gutekwiro atiri ciana icio nicio njugi. Tond u thiini wa uteti-ini wa Kenya ri, mwana mugi noathurwo kuringana na wendi wakwa. Na atwaro kuria eaguthii guthoma, No ndana-chagurwo kuma kuria grassroot.

Acokaga guchagurwo akinya standard eight, nigetha atueke niarathie githomo kia iguru. No kuma primary gutiri mwana uchaguragwo akamenyeka nimugi. Uguo nojurie akorwo no kuhoteke Constitution itu ikorwo na mumbango wa kwambiriria gwetha ugi wa ciana kuma kuria grass root nginyagia kuria rugongo. Nani wegi niundu wa guthikiriria.

Ngigi Ndungu : Njitagwo Ngigi wa Ndungu na gukunikuo gwitu Saba Saba. Na wega muno niundu wa Commissioner wa Katiba Kiuria gwiakwa njiguire handu hagweto uhoro ucia wa mawakiri. Thiini wa mawakiri mundu urimbeca na utari. Uria utari na mbeca niegutunywo ni uria ari nacio. Kiuria giakwa kiuma atiriri, kuri na andu mangithurwo moke mariririe uhoro ucio guku mbere ya guthii igotini? Kiuri giakwa kiuma kiu.

Paul Wairegi : Habari zenu nyote. Mini nasalimia mama mjoja yuko pale. Naona anaitwa Commissioner, candidate wenu. Gathii Gichuru na mwezake pale. Mimi naitwa Paul Mbawa Wairegi kutoka Maragua. Yangu ni machache. Mini nimfanyi kazi kama ndereva wa matatu. Swari yangu au maoni yangu ni kuhusu hii ukubwa ilipatiwa hawa watu wanaitwa makanga. Mimi nimenunua gari mwenzangu wewe umenunua gari yako ya milion moja. Leo oma kesho umepatia mtoto wako leo. Mtoto wako anafanya kazi nahyo ngari mwenzi moja, au miezi miwili. Halafu munakosana na baba yake. Maanake akiingia katika ile kazi (sitaki ku challenge) anaanza kupatiwa madawa ya kulevia. Mtoto unamufukuza kwenye ile ngari. Mtoto kuanzia hapo, ana kuwa ni ugojwa mkubwa sana. Maanake hataki kurundi nyumbani tena. Anakaa katika wale makanga. Na wakishilikiana na kawa wengine wanasema kesho tutagoma. Mzee mwenzangu wewe umekosea nini ndio kesho isienda kazini, na wewe uko na nauli yako. Commissioner, swari yangu ya kwanza ni hiyo.

Swari yangu ya pili. Ugonjwa unaletwa na nini? Tangu nikae pale chini wenzangu, sijaskia mkiongea juu ya magonjwa ya ukimwi. Magonjwa ya ukimwi inaletwa kutoka na hiyo kasoro, maanake hawa watoto wetu. Mimi ni mzazi. Wewe ni mzazi. Nanikio gitumi kia turagia na problems cia cian citu gukorwo ciana mirimu. Cikagia na stress, mwana wa miaka ikumi na kenda, twenty, twenty five years. Commissioner agakorwo niagia na stress ya murimu wa pressure. Niuhoru ndirarikia.

Nitugiuke uhoro wa MP's. Aria maratwitia kura. Dr. Gathii na aria angi maretia kura guku maragua gwitu. Rekei tumukanie mutigatuhenie. Miaka iyo iri twarikanira kana iyo katiba njeru irenda kuga, wona mwaingira bunge, Wona mwaga gutuhingiria, ithue nitukumuikia nja. Thank you very much Commissioner.

Com. Wanjiku Kabira : Ngugeria guthoma na ihenya nigetha tuthie ku group iyo ingi. Na ngwambiriria na Peter. After December, who will go on with the Constitution? Ngwiciria Constitution ndiku affect tuo. Nitu propose te hakorwo na Constitution Committee ya andu atano aria mekurumirira uhoro ucio. Professor Ghai aroiga no turikie by December 12th, na twarikie the only thing iria yatigirira ni gwikwo by December 15th ni uhoro wa electoral law, (retain) wa githurano. Tondw watho wa githurano unghitukia, nituge as soon as the katiba is passed (riu December), watho ucio unghitukia riu tukorwo na githurano uguo ara suggest either the end of February, kana mweri wa itatu. Maundu macio mangi mothe nime kwambiriria to take place. Tondw katiba iyo nyene ni ironania procedures. Na turi kindu tureta Transitional Provision. Iria ciri mwicoini wa

katiba iyo, na icio ni ironania tariu akorwo ni Judiciary tugwika atia? Judiciary nii guthie na mbere, Judicial Service Commission. Nituroiga Judicial Service Commission niguthii na mbere ku-implement maundu maria mangi. So maundu mothe meku implement-uo in stages. No tariu akorwo ni githurano gia council, it will happen simlutenously with the parliamentary elections and the national council. Nori-turoiga ati nitu propose-ite Constitutional Commission ya andu ta atano uguo aria meku oversee the implemntation.

Now niukuritie uhoro wa andu aria matathiaga thibitari. Kiu kiuria reke njuge ndiui uria ngucokia tondu ni ndiramanya tutiaririirie uhoro wa andu acio. Tondu hena na problem ati nituroiga you are free. Wina freedom of worship, and then we are also saying that we have religions itetikiritie andu guthie thibitari. I do not know mekagwo atia riria marega guthiie thibitari? Audience :(inaudible)

Com. Wanjiku Kabira : Ndira mean atiriri mekagwo atia? Ngwiciria no guo megwikwo tondu nduri allowed kwiuraga. Is that alright? No iyo uma na important issue na ndigwiciria nitwamiariririe.

Aria mahiraga ihu ciana cia thukuru. Twiritu twa thukuru, ni tugite haha first of all, ati the mother and the father of that child. Kana riu ni kairitu kau kana mwanake ucio kana muthuri ucio, no muhaka ma take responsibility ya mwana ucio. Which means tariu akorwo ni anake mundu agaciara twana na iiritu kana muthuri. No akamatiga, the law does not allow. The Constitution is saying No. It is not allowed. Nakorwo muiritu ucio ari thukuru na mwanake ucio ari thukuru then nyina wa muiiritu na wa mwanake, na ithe wa muiritu na ithe wa mwanake marere mwana ucio. Namamurihire thukuru nginua riria akarikia. Kwoguo akoro they are not married but the parents of the child. Kana mwana ucio gukorwo ari streets. Kana niumuhikitia muiitu ucio kana ndumuhikitie, responsibility ni ya kurera mwana ucio no muhaka ikoro under muthuri ucio, na mutumia ucio. Ona mutumia ucio angihika acoke a insist mwana ucio aretwo ni ithi mumuciari (biological father) no muhaka arihe school fees and so on. Uguo niguo katiba yugite. Nigetha andu mahote gu take responsibility for their actions.

Atumia aingi by the way nimoritie Affiliation Act icokio. Watho wa Affiliation Act ucokio. Noguo katiba iroiga affiliation act ni njega tondu iroiga ithe na nyina wa mwana, tondu gutira mwana ukaga thiino atari na ithe na nyina, no muhaka ma-take responsibility ya mwana ucio.

Now Peter niukuritie Parliament ingi dissove tungika atia. Ngwiciria ningwaritie uhoro ucio hanini ngoiga Parliament ingi dissolve at present, okay there are many things that can happen. One, andu nomakuge magithii na mbere, you know to go ahead with the Constitutional Conference. Noriu watho utari mucejje no muhaka tukorwona MP's. The current Members of Parliament. Two things can happen. Either no I-postpone until after the elections, or people can dedide they are going to go ahead with the National Conference. So those are the two possible ways.

Mr. Kuria niukwaritie uhoro wa Prime Minister. Ningwaritie hindi riria andu mekwaragia hanini na ngoiga ati Prime Minister ara

manage thirikari. Na Prime Minister ni choice ya president with the approval of parliament. Ona gutuika ndangibutwo easily, eventually Prime Minister nitakwandiko ikwandikwo ni thirikari, tondu ara implement policies cia thirikari. So he does not need to be elected by the rest of the Kenyans. Tondu no muhaka tu understand ati turakorwo na multi party system. Na kiama kiria kia hota ni kio kiraka thirikari. Kiu nikio kina authority ya guthura Prime Minister na ku make sure prime Minister nia accept ni parliament. Parliament by the way nomarege Prime Minister akorwo matiramwenda. Na president niahetwo three options. Ageria maita matatu nginya a make sure niathura Prime Minister ura accept ni Parliament. Na parliament ingirega Prime Minister ucio, Parliament wil be dissolved. Uguo nikuga nimaremwo nigu form thirikari. And you have to go to elections nigetha gucerio thirikari ingi. Kwoguo tutingi elect Prime Minister tondu prime ministers ni one of the ways of confirming ati thirikari no ingie na Legitimacy. Na ina andu mangihota ku implement policy cia mbururi. Na angiregwo maita matatu, parliament to be dissolved. Riu andu macoke back to the people nigetha methe party ingi ingihota gu-form thirikari

Kuria niukuritie uhoro wa free primary education. Na gwiciria uria tugite in the Constitution tumitite basic educatin. Na according to the Koech report (Koech report iria ya education) yugite basic education is actually free, from pre-primary upto to secondary school. And I think that is what we have recommended.

Mr. Dishon ukuritie how shall we protect the Constitution. Again it is a very important question. Nani tukugite ati tura make Constitutional amendments very difficult. Nani turoiga ati tariu uguo devolution na Bill of rights and a number of other sections, and the Structural of Government, turoiga itiagirirwo nigucejio without a referendum which means Kenyans no muhaka morie kana provisions icio niigucejio, and the others we have retained 65%.

Uhoro wa gwetha ugi wa ciana kuma primary. Ngwiciria uria twikaga at present tariu ciana iria irathomo primary school the best candidate in this district. Akorwo ni muiritu nituge athiaga Alliance. Kwoguo ugi wa ciana ni uracario kuma primary school. Eguthia Alliance, kama athie Loreto Limuru. Kana the next best athie Ngandu secondary school. The next best maybe athie (which is the other provincial school in Nyeri). Mukoima National, Provincial then come to the district. Na gwiciria uria twikite ni ati those schools are for girls. Akorwo ni the best boy in the district aguthie Mangu. Kana athie Alliance Boys, maybe Starehe kana athie (which is the other boy's school?) na Lenana and so on. Kwoguo ningwiciria ta riu school icio ni iratwira the best children. But you see ona tukiugaga best, we cannot forget ati ugi wa mwana niku depend kana ari na arimuega, kana ahetwo untrained teachers. Kana arathomera nja. Kana arathoma ari muhutu, tondu wakorwo uri muhutu tha ithano igikinya niuracunga. Kana akorwo ni mwiritu akorwo niararugaga akiunaga ngu. Akirutaga wira ungi. Which means akomire thaa ithano cia utuku. Na hihi akoma tha thita tondu niacokire gwika home work kogwo ari toro. The children are not on a level playing field. Isth't it? Kuri mathukuru mangi mahetwo arimu better. Kura mathukuru mangi ciana ni iria wega gukira iria ingi. Kuri na thukuru ingi where they have all the opportunities. Mena laborotary. Kuri angi matarika kigerio tondu matire na laboratory. Kuri angi mareka domestic science, na maturaga matuma maratathi. Matiri mona ngora because the parents are not able to buy. Therefore although nituroiga uhoro waku receive ciana icio, until our school iri na level playing field, nigetha mwana

wothe agakorwo ari na mwarimu mweka. Agakorwo ni muhutu agithii cukuru. Agakorwo ari na mabuku. Matira share ibuku rimwe mari ana kana atano. Ena ibuku riake arathoma. Maundu macio mothe nimo matumaga ona ugua wa mwana umire. Nanitwuone uguo tondu quarter system for many years now. Iria yugaga tariu akorwo ni kana koimite North Eastern Province no gathie Alliance na 350 points. No hii ni kana kari Nairobi geguthia na over 600 points. Maybe 640 nigetha woyo Alliance. Na akorwo ni these other parts of Central province ukona mwana uria uroya Alliance niekuowo with 580 points. However, you find that by the time they finish form IV ona uria wari na 350, there are at the same level. Tondu ucio nake wari na 350, ringi ari na 350 tondu ndari na arimu. Kana ndariaga tondi ari in a boarding school where he is staying. Kana ndari ma mabuku and so on. Therefore, a level playing field niakwendeka nigetha tuhote ku build na gutuma ugi wa ciana citu wonekane from the time they are in Primary school. Nigetha tukahota ku invest on those children as well.

Mr. Ngige akuragia uhoro wa legal aid. Kana andu aria mangienda guthii kwa wakiria na nduri na mbecha kana uhoro ucio noucirirwo micii utagutwaro igothine nigetha u reduce mbecha. Na uguo niguu toriuga. tariu village government niagirire niguteithia. Ati andu mangikorwo marariu uhoro wa titles Kana andu mangikorwo mariria uria ku-happen-ete in the village. Maundu maingi maka resolve at the level. And only when it is necessary should it be taken to the locational government. And I think we have somebody called public defender. Wafisi ya public defender. Mundu uria andu mangihota guthii kuri we angikirwo matingihota ku afford legal services. Ungikorwo uri na thina na ndungihota ku afford wakiri. Na twina wakiri maingi andu anini ta aria ona mangiheyana free services. Ku defend andu and so on. That the people's defender. Turi na people's defender and People's Protector. People's Protector ni Obudsman. People's Defender niwe ara deal na legal aid particularly for the poor.

Paul nake niekuritie uhoro wa makanga na uhoro wa ukimwi. Reke njuge again maundu macio nimaku deal-wo by bringing the government closer to the people. Nigetha andu makahotaga gucira. Nikio turaria uhoro wa Village Government. Maundu macio mothe maku-deal-wo at that level. Nigetha makahota guthuthurano. Ati akorwo kuri mundu ara incite anake aya anini. Magatuika riu nimarathie kinyua kumi kumi. Kana nimaranyua muthogoto kana ni drugs kana ni atia those village governments should be able to deal with those village problems. Nigetha tukamenya what needs to be done. Nanituroiga onakorwo ni uhoro wa community policing. Nigetha andu noakorwo ni problems mehandu uguo community policing is also going to be official. Urua kuhana riu ni ati uhoro wa community policing andu meciragia we wakorwo na mbecha niukiandikira watchman. Nao ari matari na mbecha magikihuragwo utuku ni mikora tondu nao matingihota kwiandikira watchman. We are saying that maundu maya magatuika formalised nigetha ma deal deal-wo namo in village government.

Gwiciria nguoya ciura kuma kuri ngurubu ino na ino. Tocoke turikie na ino neno. So you will be number one, number two, number three in green, number four with the red hat, then number five mundu ucio uri hau thutha. Hari mundu mwena uyu. Number six. Okay riu turikie acio atadatu. Tocoke tuoye mwena uyu turikie. We can go ahead with the number one.

James Irungu : Ritwa riakwa ni James wa Irungu na ciuria ciakwa irathie ta uu. Nitwaririe uhoro wa andu. Twaria uhoro wa arimu uria marithodekagirwo micara. Hindi iria ndathomaga nii although ndiu kana kuu kungi noguo. Hari hindi twathomaga turi lower primary. Na mwarimu uria wa tuthomithagia okaga maita maingi agaikara hau. Lower primary maita maingi

matiyagayanaga subject ati uria mwarimu athomithagia o subject o subject. Athomithagia akorwo ni standard three agathomithia subject ciothe. Riu maita maingi niokaga na mabuku agatuhe homework, agatinda hau akomete ari toro. Nginya ona nda menya ciana ikirua kuuna ndamenyaga ona atia. Riu ninguragia atiriri, nogukorwo problem ino ndiri ya thira. Na noukorwo niyo cause ya failure ya ciana citu. Kiria kiratuma makorwo magika igerio ciao uru makiria. Riu niko nguragia atiriri, arimu aria matararuta wira uria kwagirire ri kuringana na uria wira wagirirwo kurutwo ri. Mathia haria staff room nimathiaga mundu akoya mabuku make na agathie kirathi. Na headmaster tondu onake kaingi niakoragwo na subject akathii, no ndanathii kirathi kiria amenya kana mwalimu nimiraruta wira wao uria kwagiririe. Riu kigukoretwo na arimu mari na laziness thiini wa thukuru. Arimu aya ri hari ikinya ringioywo ria acio matararuta wira uria wagirire?

Undu wa keru ni uhoro ukonie. Itanoima hau for example tuge ndi mwarimu, na ndi mwarimu wa Sabasaba School, na tondu ndi mwarimu wa Saba Saba, mwana wakwa ndwarite private school. That means guku nindirona guku gutire na githomo kirathomwo kuo nanikio kiratuma nii ndware mwana wakwa private school, tondu kuu nikuo kuri na education njega. Tondu riu nguku turi, kana kuu ndirathomithia arimu aria mari kuu nindiramenya matiraruta wira uria kwagiriire. Nio riu nguragia why is this happening? Mwarimu gutwaraga mwana private nawe ari kuu thukuru iyo na ndangiuka na mwana wake athomithio acoke mainuke nake.

The next question, ni uhoro ucio wa ciana. Ciana hari hindi kwarutirwo watho (ndiu kana ni munene waigire Kana nuu?) itigacoke kuhurwo. Ciana ri mahinda maria ndathomaga kana hindi iria ndirathomaga ri, nindi ronaga ni kwari kwega tugiko maundu mamwe, tondu niwetigagire kwihia. Tondu niuramenya hari na punishment ukuheo. No tariu ungikirwo urehia na uramenya mami wanyu aguka nani aguku defend we, riu gutiri undu utangika. Riu gugakorwo kuri na maundu maingi marathie na mbere thiini wa macukuru. Ciana wa mbere maka ignore arimu ao. Magatua mwarimu tita kindu. Gutiri undu atangimwira. No hindi itu hindi iria turathomaga nituronaga ati mwarimu, uramuheyaga respect yake ta mwarimu. Na ndungitikira kwiga undu uramenya ati mwarimu no ari kihe punishment ni undu wa ucio. Riu nikio ndiraiga unakorwo ti kuhurwo, makorwo mwana niariheyago ihera rira wee mwene angihota kuruta. No tigukira mwana wa one akue mai mutungi. No! Ihera ria mwana riheo no uria ahana, na kirathi kiria ari no urua ahana we mwene.

Riu undu ucioungi ngwendaga kuria ni uhoro wa migunda. Migunda ri, ni kuri mundu thiini wa Kenya ino uri ha 1000 acres. Na kuru mundu aikaraga haha town ya Saba Saba akoborete nyumba ari hau. Nanoende kurima. No ndari na gwa kurima, ringi githaka kiu kiri ta hau ari. Na ndangihota guthii kurima kuu tondu wa watho. Ni trespass. Ukwamba uthitagwo niundu wa kwamba kuhituka, tondu icio ni indo ciake. Riu ngoria atiriri, migunda ino ithaka icio ri kana nokuge na undu, kana ugaruruku wa ati ungikorwo wee uri na mugunda ika igana rimwe. Na mugundu ucio we ndurahota kuurima. Kana mundu ungi no athie arime kurigiririo watho wee nouthie urime mugunda ucio. Ona akorwo no wake gutiri na thina no u benefit ni undu wa kuhurana na mathina maria mari bururi uyu. Riu ngoria kana no gukurwo kuri na change ya undu ucio.

Uhoro ucionge niwa thibitari. Kuri na private hospitals nani kuri na chemist cia dawa. Nikuri na thibitari icio cia thirikari. Ngoria atiriri, thirikari nira claim gutiri na dawa. Na dawa ici ira claim gutiri nacio. Uguthii uthodekwo na wiru dawa ici ndakwira ugire

ha ngania. Na dawa icio urerwo ugire ha ngania ri. niharonania nikuri kamuthako gakoragwo gagithii na mbere nigetha amenya dawa icio ciri handu hau. Tondū otherwise ndungimenya ha ngania niugukora dawa icio, angikorwo hatiri na undu ukorwago ugithie na mbere.

Secondly angikorwo mundu uria uigite chemist niahota kuona dawa ri, na thirikari niyo iri na guoko kuraihu gukira mundu uria ri, how comes, na ati ndawa gutiri? Riu nituroria akorwo watho noucejio. Gukorwo kuri na free medical services. ugakoragwo ona wathie thibitari, niukuheyo dawa orokuo ciaku uinuke.

Undu ucionugi (urorio kana nikio kia mwico). Nikurikia ndirarikia. Andu aya marwarite mukingo. Onakorwo niwacokia kiuria kiu ningwendaga utwire wega uhoro wa mundu ucio tondu ndangihota kuruta wira maritu, tondu angiruta wira muritu, nogua matuka make magukuhiriria. Mirire ya mundu ucio. No akorwo akienda kuria wega no ndari na hinya wagwika undu ucio. Kana hari ikinya ringikioyo niundu wa andu acio nigetha nao makorwo nimaretindika na mwena ucio kamwira matuko mao magikuhiririe. Thank you.

Simon Gathii : Na mundu athikiririe wega kiuria kiria kiorio nigetha gwakinyia hindi yaku ndugacokere. Number two utige gutariria muno uria kiuria direct.

Matheri Ng'ang'a : Kiuri giakwa kiria ndirenda kuria ni ngiki. Ha maritwa makwa njitagwo Matheri Ng'ang'a. Tariu Commission iri kuo ya uria ciana cire mucie. Ringi kuri na mbeca nyingi muno iratumika niundu wa gutwika ringi matiratumira mbeca icio. Ndirenda kuria atiriri, kana no kuhoteke tondu mwana ringi niathiaga akarihirwo mbeca. Ringi ni tuition, ringi ni thukuru. Kana ringi ni undu muna. Na ringi arihirwo ri, ringi ni private kana ni handu haria hangi. No ringi akorwo ni muiritu akagia nda. Na ringi ni January. Akaingatwo. Ringi niarhiriwo mbeca cia mwaka mugima. Ngwendaga kuria atiriri, kana hili mbeca icio ingi atatumirite kuri undu ungi happen agatinio commission nini, icio ingi agacokerio. Kana ithe wa mwana ucio agacokerio.

Undu wa keru naguo ngoria atiriri. Ringi nikuri na ciana cia streets. Undu ucio niwaritio no ngugaga atiriri, nigukoragwo ringi andu mahikanitie magaikara ta miaka iganona. Ringi nie nihikanitie tugaikara na mutumia wakwa ta miaka itano kana itadatu, halafu ringi ngacoka ngamute. Ringi ciana icio ni undu wa kumute ri, igathie ikona thina. Nguria atiriri, tondu ringi andu mari na marriage certificate ringi ciana icio ni considered ri. Case igatworo igotine na maga consider ri. Akorwo no kuheo miaka, ringi tuikarite na mutumia wakwa miaka itano ri. Gutuike ringi mundu uri na miaka itano ri, wealth iyo ndinayo, ona ndingiingata mutumia ucio. Kana kuri undu kungithie ciana icio igairwo wealth iyo ndinayo na wealth iria mutumia wakwa ari nayo. No ndagatuike ringi mutumia aguthii na ciana wika. Tondū ringi tutire na marriage certificate. Hatiri kindu gia kuonana ati harari na uhiki. Riu ngoria kana nokuheyano miaka kana ringi kahinda. Kana ringi ciana iria turinacio ikarorwo ikoneka akorwo ciana icio ni citu. Riu hakorwo hari na undu ungi happen ati ciana icio itukurira, no ringi nitukugayanio ciana icio, kana wealth iria ndinayo niikugayanio ciana icio itetithike.

Uciongi ngwendaga kuga ni atiriri, kuringana na Constitution ino yandikitwo riu ri, nikuri na maundu maingi meegie ithue na thirikari. Ringi ni undu wa condition ya thirikari iria iriho. Ngoria atiriri, kumwe nguragia delegate uria turi nake. Hindi iria gugathio conference, akorwo no matige meciria ma mundu tondu mundu no mundu ri, na maundu maingi twaritie ni undu wa thirikari iria iriho ri. Kana taria arimu magomete ri, twabe tweheria maundu macio. Notariu ni undu wa maundu maingi ma future. Ringi akorwo nita urimi. Uria thirikari ingihe andu mbegu. Akorwo ni tauria ringi uhoro wa wnedi urithiaga na mbere. No tutikae gwiciria kwaria uhoro wa thirikari ino iri ho. No twiciria maundu mangi beyond that, tondu macio nimo mari meciriani ma andu. Uhoro wakwa uma ucio.

Dr. Gathii : Constitution iria irari ho mbere ndira take into consideration issues to do with the family. The new Constitution under section 38 ni araheyani provisions cia family ika recognise family as a unit and a very important unit, that is very important to this country. That is section 38. No ona Constitution itaritie uhuro ucio ouria tukumwirite, the Constitution is just a forum. I mean just a flame work. Ndiaragia mawatho maria mothe makoretwo tukimbatara. And that means we have very many laws. More than five hundred acts of parliament. Nao macio nimawatho mothe maria makoragwo maki govern andu every day. Like we had the local government act. Taria uhoro ucio wa marriage, there is a marriage act and there is law succession act iria ikoretwo iki govern maundu ma succession na property. This Constitution under section 38:4 ikoiga “parties for marriage are entitled to equal rights in the marriage, during the marriage under the dissolutions”. Uguo hindi iria muhikanitie na mundu. Hindi iria muhikanitie ona mungitigana you have equal rights. Ciana ni cianyu inyweri. Indo iria mwethete ri, ni cianyu inyweri. No riu akuritie atiriri hari andu makoragwo mahikanitie na matiri na certificate ya marriage. The Constitution again recognises that ti mohiki mothe maheyanagwo certificate. For example it also recognises parliament noiheyane watho. No itue watho under Section 8: 5A ikoiga that the Constitution shall also recognise marriages that are also concluded under any tradition or systems of religion, personal or family law. Uguo niirakorwo igitikira nikuri mauhiki mangi matathiagwo kanitha. Kana mugathie kwa DC kana megeka atia. Na uno gutuika Constitution kana gutiri watho ugite ati mungikorwo muikaranitie na mundu na mutiikite uhiki traditionally. Kana mutihikanitie kuringana na kanitha ri, inyue nainyue maundu manyu mahana atia? Igoti kana watho recognises andu mangikorwo maikaranitie ihinda inene ati nimahikanitie. We ordinarily call it the presumption of marriage in law. Presumption of marriage ni riria igoti rio rienye wee through its own discretion ikahota guthikiriria andu eri. Igathikiriria muthuru, igathikiriria mutumia. Igacoka igathikiriria witnesses. Igathikiriria ciana ikoiga there is something we need. Requirement that the marriage should have been substantive and qualitative. Substantive nikuga ati nimuikarite kahinda kaigana una. Ta miaka itatu, miaka ina kana itano. Kuringana na period iria igoti ikwona ni reasonable. Igacoke ikona there are issues or its quality. Uhiki ucio wanyu tuguikara murikaraga uguo gutari undu mubangite. Ringi nimugurite property but the main qualitative considerationit gives ni ciana. Angikorwo nimugite ciana ri, then there are issues. Its qualitative. So if its qualitative nani substantive igoti nirugaga we can

Mukugayani kuringana na uria igoti rikuona kwagiriire. Uguo mundu ucio uma na worry ati kuri hindi mugutigana na mutumia ugathie na ciana. But again it is very necessary that you formalise marriages. Thank you.

Com. Wanjiku Kabira : Thank you muno Mr. Wachira. I will take this opportunity ngimucokeria ngatho na ni undu wa participation ya andu the whole day. And then ndimu promise ati we have picked some issues iria mwaritie umuthi and in our report, we will make those recommendations. And I know that riri tuguthie National Constitution Conference na irabiriria next week, gwiciria aria mathomire Standard newspaper umuthi nimonire list ya delegates ngwatia aria mara represent the district. Report iyo nigukorwo iki highlight maundu maria andu mararia uhoro wamo. Na uria marena mone improvement. Tonduturoiga ati this is the first time turandika Katiba as a nation. Tonduhindi iyo ingi twandikirew ni representative. Nanikio tuogire ati wona tuka tu collect views. We prepare a draft. Cukoke tumucokeria. Na inyui mu make comments. We prepare these comments so that we see the issues kana areas iria twaria uhoro wacio. Ta ucio wa aritu a wira and so on. Nigetha issues icio I discuss by the National Constitution Conference so that we come up with the new Constitution. Andu acio 600 aria tukuaritie uhoro wao mwona ma discuss nama agree na maundu macio. Kwaugo ningwenda kumucomeria ngatho muno nani tungucokeria father wa parish ni father Nganga ni undu wa gutuke opportunity ino. It has been a very beautiful session the whole day na ninjui nimunogete no ngwiciria mukarigwo na katiba njeru. Thank you very much.

Dr. Githii : Thank you very much. Nii no kumucokeria ngatho muno andu aria mokire a Maragua ni undu wa guka nguthikiriria aria angi manyu mekuga. Nani mwathikiriria na uria wothe muoiga niwekirwo record. Na uria ungi mutanoikga. Angikorwo kuri mundu watigia undu kana agocika ague riciria ringi na kuu, nii nondeherwo information iyo tondu ndi umwe wa aria magathie kumurugamiriria kuria tureta Lanchester house ya Kenya. Nano ikinya rienga hari ithui, tondu onanie nuguo nguthie ngihigaga tondu wa gucemia na a bunge wothe a Kenya na andu aria angi matumitwo from every district. Andu atatu atatu. Na ngona hari nii ni mweke mweka wa gwika mazoezi maguthi bunge. Thank you.

George Wachira : Hakwa ni ngatho ingienda kumucokeria unyue othe ni undu wa guka kwanyu na mugetikira guikara na gutumira mathaa manyu maingi kuma o kiroko nginya thaa ici. Na ningi nimwakiruta maoni maingi muno na mworia ciuria nyingi muno. Kwa uguo ni ngatho ngumucokeria muno. Ni undu wa andu aria mangienda kugia na gatheti te ino iri na draft bill. Ngatheti icio irarutitwo nini. No ni igukorwo cie nyingi na ningukurwo nacio kuria Maragua haria hadikitwo documentation centre ya Constitution of Kenya Review Commission Maragua office. Hau niho igukurwo cireho na kwoguo nindiriheyaga andu aria meguka. Ningi nitugukorwo tukimbiriria guthomithia Civic Education for 30 days kuma riu na icio nicio turikoragwo nacio. Kwoguo ungiona kahinda ga kuoya kamwe kuo niturithomithagia makanithaini, na tugathomithia kuria kurikoragwo na andu ta baraza cia chiefs and also tuona kahinda kwahoteka nituguthii nginya schools nigetha tumathomithie uria draft ihana. Kuogwo hari na opportunity cia gukorwo na a copy kana kugia na githomo kingi. Mundu angikorwo na any view akwenda kuneana. Ungikorwo ndukunengera delegate uyu turi nake wa district, no uneane hau Maragua. Nano ndikimitware Nairobi gwa Commission nigetha matanarikia ngikaro kiu kia National Constitution Conference nao maoni macio maku makorwo makirumirira namo. Kwoguo tutikirikitie kuu Maragua ona nindirecira tondu andu matiukaga muno. No riu nimambiriria gukoka. Hari kiugo twandikite documentation centre. Na kiu nikio kigiragia andu maingire ofisi iyo. Kuogwo nindirecra gugicenjia nyandike Library. Nigetha mundu wothe akona ni handu ha gwitie na akaingiraga kira saa. Riu ningwenda gucokeria ngatho delegate witu nake ni undu wa guka guthikiriria maoni manyu nigetha agithie kurua agakorwago na uria district ya

