

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

**CONSTITUENCY PUBLIC HEARINGS, OTHAYA CONSTITUENCY,
HELD AT OTHAYA CATHOLIC HALL**

ON

17TH APRIL, 2002

**CONSTITUENCY PUBLIC HEARING, OTHAYA CONSTITUENCY, HELD AT
OTHAYA CATHOLIC HALL ON 17TH MARCH, 2002 AT OTHAYA.**

Present:-

1. Com. Pastor. Zablon Ayonga
2. Mr. Patrick Lumumba

Secretariat in Attendance

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| 1. Charles Oyaya | - | Programme Officer |
| 2. Daniel K'Onyango | - | Assistant Programme Officer |
| 3. Susan Mutile | - | Verbatim Recorder |
| 4. Christine Moraa | - | Sign Language Interpreter |

The meeting started at 9.00 a.m with Mr. Patrick Lumumba in chair.

John Kibe: I am just calling the people, those ones who have come will tell you, okey, naomba mtusaidie ili tuanze kikao hiki na kabla hatujawajulisha, kwanza naomba Father Mbugwa aanze na Maombi, Father Mbugwa.

Susan Mutile: And you should say your name.

Father Mbugwa: Katika jina la Baba, la Mwana na Roho Mtakatifu, amina, mwenyezi mungu tunakushukuru kwa mkutano wa

leo, tunakuomba uwe nasi tunapojihandaa kwa mkutano ili tuwe na maneno ya kusema, Naomba haya katika njina la Baba, la Mwana na Roho mtakatifu, amina.

Mr. Patrick Lumumba: Hiki ni kikao cha mbili kwa marekebisha ya Katiba kwa minajili ya kukusanya maoni ya wananchi, katika harakati za kurekebisha Katiba. Kabla hatujaanza kirasmi, nitawauliza wanachama wa kamati wa sehemu ya uwakilishi Bungeni wa Othaya ambao wako hapa wajijulisha kwa kikao hiki kabla hatujaanza mkutano. Kwa hivi bwana co-ordinator utatuelekeza na wote watajijulisha kabla hatujaanza. Asante.

Johnson Mugo : Asante sana bwana Lumumba, nitawaita wanakamati tafadhali mfike hapa mbele, na kabla hawajafanya hivyo, mimi nataka kujijulisha, mimi ndiye Co-ordinator wa CKRC hapa Nyeri na jina langu ni Johnson Mugo, naona bwana Wambugu, mahali popote ako aje na Father Maina, na kitambo aje, ningependa Mrs Mwangi, ajijulisha, tafadhali.

Mrs Janet Muthoni Mwangi. Asante sana bwana co-ordinator, asante sana Patrick Lumumba kwa kufika katika Othaya, tuko na furaha kuu kwa kuwaalika katika hiki kikao, mimi kwa majina naitwa Janet Muthoni Mwangi. Nampenda Yesu kwasababu alinipenda hata akatoka mbinguni akaja duniani kwa ajili yangu, kwa hivyo nami nimesema nitajitolea kutoa ushuhuda kwa ajili yake, mahali popote nitakuwa, na asubuhi ya leo furaha yangu nikuona sisi tumekuwa wa kwanza katika hii programme kama mlivyoona kwa magazeti ya kwamba kutoka 17th watakuwa wakiendelea mbele na ni asante sana kwa vile mumefika, mjisikie muko kwenyu, msikie mko uhuru na mtoe maoni yenu. Asante.

Hamjambo wote, mimi ni Easter Waluse kutoka Karima, I am one on the Committee members in Othaya Constituency, you are all welcome to bring your views, Asante.

Good morning, I welcome all of you, my name is David Gichuru Wambugu, and I am one of the members of the Constitutional Committee in these division of Othaya.

Asante, tutaungana na wanakamati wengine kama vile watakavyo kuja, mweny kiti ameniambia, atakuja kama saa nne.

Mr. Patrick Lumumba: Asanteni sana, mkutano wetu wa leo mvua imenyeshwa, itatutatiza kidogo kwa hivyo nitawauliza wale mbao nimetembea nao, wao wajijulisha haraka haraka kabla hatujaanza.

Good morning everyone, my names are Charles Oyaya, I work at the Constitution Review Commission of Kenya in Research and Drafting department as a Programme Officer Research, thank you very much

Good morning, my names are Susan Mutile , I work with the Constitutional Review to record what they have said. Thank you,

Good morning, I am Elizabeth Wambui interpreter for the desk.

Asanteni sana, kikao hiki kitaongozwa nami, jina langu Patrick Lumumba, mimi ndiye katibu wa tume ya kurekebisha Katiba, namuona mwenzangu Pastor Zablon Ayonga ambaye nitakuwa naye katika kikao hiki hivi sasa anawasili, lakini bila kupoteza wakati nitawaita na jinzi tutakavyo iendesha kikao hiki.

Watu ambao wana kumbukumbu au memorandums, kuna watu ambao wanataka kuwakilisha memorandum bila kusema chochote, kuna wale ambao wanataka kuisitiza maneno machache na kuna wale ambao wanatoa maoni yao bila ya kumbukumbu, nyote tutawapa dakika tano kwa minajili ya kufanya hivyo na tunawasii kutii sheria hiyo ili tuwese kuwashughulikia wale wote ombao watapata fursa hii leo, na bila kupoteza, wakati, nitamuuliza Commissioner Pastor Ayonga ambaye amewasili hivi sasa na ambaye atakuwa mwenye kiti wa kikao hiki ajijulishe na tuanze bila kupoteza wakati.

Asanteni, Pastor.

Com. Pastor Zablon Ayonga: Hamjambo, tunamshukuru Mungu kwa maana ameleta mvua na mvua ni baraka, ingawa tumenyeshewa lazima tufurahie mvua kwamba ni baraka kubwa ya Mungu, mimi ni Commissioner Pastor Ayonga na nimeona Othaya Ambayo ni very beautiful, nimetembea barabara nyingine, nimepotea tena nikarudi Nyeri, tena nikaenda kutokea Muguruini, kwa hivyo jameni si kwamba nimechelewa, nilikuja mapema na nilifikiri nitawatangulia hapa, kwa hivyo tunaaza kikao.

Mr. Patrick Lumumba: Tutaanza na Filgona Wairimu Gathigi, yuko hapa tayari Filgona ? Filgona, kama Filgona hayuko, tutamuita Teresia Wambui Karuri, Teresia , yuko Teresia? Uko Tayari? Teresia Wambui uko tayari? Teresia atawasilisha kumbukumbu bila ya kusema chochote, asante sana, Margaret Wambui, Margaret, kama Margaret ayupo, Pauline Wakiuru Kihoro, kama Pauline hayuko, Nancy Njeri, Nancy, Nancy pia atawasilisha bila kusema chochote, asante sana Nancy, Mary Wanjiru Gitindi, kama hayupo tutaendelea na wale ambao wako tayari. Gerald Mathenge, Gerald anakuja polepole, Thank you, pia anawasilisha kumbukumbu bila kusema chochote, asante Gerald, asante sana, kwa hivyo tutamuelekeza kwenye meza ya kuwasilisha kumbukumbu, Gerald, John Matheru Kahoyi, awe tayari,

John M. Kahoyi: Asante sana kwa kunialika. Niwega muno niundu wa kuheo kamweke gaka, eeh maoni makwa nii ndii John Matheru wa Kahoi, mahana ta uu:

Translator: Maoni yangu mimi kama John M. Kahoyi ni kama yafuatayo:

John M. Kahoyi: Wambere ndirenda kuuga ati Judge munene thiini wa igoti ria Kenya niwe Chief Justice athuragwa ni Bunge.

Translator: I would like to recommend that the Chief Justice of Kenya, should be elected by Parliament.

John M. Kahoyi: Wakeri, mawaciri thiini wa wabici ya President mathuragwo ni Bunge.

Translator: I would further recommend that the Cabinet Ministers be appointed by Parliament.

John M. Kahoyi: Wa gatatu, mwalimu munene niwe Councillor wa University niwe wagiriirwo ni gukorwo akiheana degrees na diplomas thiini wa mauniversity maitu ma Kenya.

Translator: I would like to recommend that the Vice Councillor in the Universities should be awarding degrees and diplomas in the Universities.

John M. Kahoyi: Wa kana, mwandiki munene niwe Permanent Secretary, thiini wa wabici ya President athuragwo ni Bunge.

Translator: Further I would like to recommend that Permanent Secretaries should be appointed through Parliament.

John M. Kahoyi: Wa gatano, aruti mawira a thirikari nio Civil Servants makaheagwo o mundu, wira umwe atekuheo mawira meri kuringana na uria wagi wa mawira wagite, na matua gucenjio matigekagwa reshuffle mundu ataninite miaka itano.

Translator: I would also like to recommend that there should be a policy of one person one job because there is scarcity of jobs. Further, I would like to recommend that one should not be transferred before a period of five years.

John M. Kahoyi: Wa gatandatu, thirikari irore uria wiyathi wa kuhoya Ngai niyo "Freedom of Worship" tondu andu amwe, thiini wa bururi ni marahoya ngoma kana shaitani. Nangi makagiria ciana ithii cukuru na mathibitari, makiraga andu ati Jesu niaroka ta mweri 28/02 iria muroigite kahinda kangi.

Translator: I would recommend that there should be controlled freedom of Worship because we have devil worship in Kenya and we also have some cults that have teaching that are telling people not to take children to school, not to go to hospitals or even promising that Jesus is coming for instance on February 28th. This has very adverse effects on our population.

John M. Kaoyi: Wa mugwaja mihitwo ya igotini, yagirirwo ni guchenjio tondu andu amwe anene na angi anini, mehitaga na maheni. Ngona ni wega, Gatiba iria irathondekwo yarika, andu mehitithagio na ibuku ria Gatiba njeru iria iguka. No ti uhoro

wa kwihitaga na Biblia ya Ngai makahenania.

Translator: I would like us to review the oath particularly in court because most people give false witness while they have used the Bible. I would like people to be using the new Constitution, when they give oaths.

John M. Kahoyi: Ya kanana, katiba njeru yarikia guthondekwo, ni Shaboo na thiomi ciothe ikuiguika, ni nduriri ciothe cia Kenya. Na ikoragwo, ikiigwo mawabicini mothe ma muingi. No ndigatuike irikonekaga o thiini wa Government printers.

Translator: I want to recommend that when we write our new Constitution, should be translated in all Kenyan languages. It should be made available in all public places, contraly to what we have now where you can only get it from the Government printers

John M. Kahoyi: Yakeenda iroiga uu, agai a kigina gia thirikari, yaani Treasury magiriirwo guthuragwo ni Bunge.

Translator: Further I would like to recommend that officers of the Treasury, should be nominated through Parliament.

John M. Kahoyi: Ya ikumi, na niyo ngurikia nayo, iroiga atiriri thirikari irore uhoro wa ugai wa migunda. Andu amwe mari na maiika maingi muno. taika magana meri, angi ngiri imwe, na thiini wa bururi uyu ona aria maruire wiyathi, matiri migunda na angi ni ma squatters.

Translator. Finally, I would like to comment on land ownership, land policy. We would like it to be reviewed because there are people with very many acres of land, while as the majority of our population is landless. I would also like to comment on people particularly the freedom fighters, now who are landless and destitute. This should be reviewed. We also have squatters in Kenya because there is no land for them and yet we have plenty of land.

Thank you. Thank you ni undu wa kuheo kamweke ga kuheana maoni makwa nii, John M. Kahoyi.

Mr. Patrick Lumumba: Thank you so much. Asanti sana Bwana Kahoyi kwa maoni yako ambayo yametiririka ipasavyo yatatiliwa maanani pamoja na maoni ya wa Kenya wenzako. Asante Sana. Ikiwa Pastor Ayonga ana maswali atakuuliza na kama hamna basi asante na urudi na mvune chai vizuri. Asante

Com. Pastor Zablon Ayonga: Akuna jambo lolote ambalo ningekuuliza maneno yako yote umesema sawasasa na kwa hivyo tungojee wengine pia.

Asante sana , Mbwana Francis Maina Wamathaa.

Translator: Aliku Francis Maina or Maina Wamathaa.

Mr. Patrick Lumumba: Yuko Bwana Francis Maina. Kama amepeana tayari, then Francis Wahome, Bwana Francis Wahome, karibu utupe maoni yako. Asante sana Patrick amechukua njia ya kutoa kumbumbu bila kusema chochote, asante sana na mungu akubariki. Sasa John Mbai, kama Father yuko tayari? Karibu Father.

Father John Mbai: Honourable Commissioner, thesis the presentation of Karima Catholic Parish that is combined by others but I am advised to present the same. A peace of advice before I come to these presentation to you the Commissioners, because we have been give a lot a bout the division of the Commission, I would pray that one of us from asking the church, the church has as always lived with sin of the division, since the time of Christ, we have already prayed for unity, but prayers for unity has united us against that sin of division and it has helped us being in the church to cover our wounds and not to open them in public. Division will always be there but they are not healthy when they come to us.

To my presentation about the preamble, the preamble of the Constitution must be placed and possess the following ideals that will capture the spirit the whole Constitution.

- The struggle for independence was aimed at personal freedom and land ownership, and therefore, agriculture which is multiple to our economy must be given favorable social conditions of growth, the Mukulima must be assisted. That man working now in the coffee plantation or tea plantation, must be helped. Kenya must remain a unversed and with visible democratic field, when the freedom of individual citizens is protected. We want Kenyan to remain, we in Karima want guidance, we want Kenya to remain a unitary Nation. . We do not want anything that is going to divide Kenya.
- The people of Kenya make the Constitution and that no law, authority or individual is the above the people. The people of Kenya therefore are sovereign. God must be recognized as our creator and supreme law giver and peace of Kenyans must be safe guarded.
- On the Democratic principles: we have to say the following:- the Constitution should respect and protect the rights to life of an individual from conception to natural death. We insist from conception to natural death, and therefore the following are the offences against life, murder, genocide as experienced in Molo, abortion, euthanasia, mutilation, physical and mental torture, sub-human living conditions, arbitrary imprisonment, deportation, slavery and critical degrading conditions, are some offences against human rights.
- All Kenyans are equal and entitled to the same, civil, political economic, social, cultural and developmental rights. And here we insist, all are subject to the law must abide to it, and we insist all, when we say all we mean, exactly all must be subject to the law of the land. The individual enjoys liberty to speech, press and assembly, however these freedom is not absolute it must respect the civic rights of others. People are free to write whatever they want in the

papers, to say also when to assemble but not interference of other basic rights.

Constitutional supremacy: Parliament should amend only some parts of the Constitution and not the 65 %current majority, but 75%, we have noted the Karima population, the powers of Parliament however, to amend the following areas is limited, as subject to a memorandum, that is all the views we mentioned about the preamble, about citizenship, to avoid a situation where Parliament can block somebody from contesting, parliament would think of locking out somebody, the law pertaining to land and property right, Presidential powers and basic human rights.

I don't have much to say about citizenship, only that, the following have rights of a citizen:- own land and property any where, that is from Kisumu, Mombasa, Turkana a right to live peacefully, not only the rights to life but also to live peacefully anywhere in Kenya, freedom to move and do business anywhere in Kenya, to be issued with an I.D and a passport, presently the procedure for getting a passport is as if it is only meant for the rich who want to travel abroad and anywhere else. All Kenyans must have this right, the right to register as voter, to vote and the right to be elected. They have rights to free basic education and medical care, freedom to have dual citizenship and freedom to carry the following as a mark of identification, either the I.D card, the passport, a driving license, a birth certificate or a baptismal card.

On matters of defence and national security: We wish to see the following, that the President who remains the commander in chief of the armed forces in order to declare war, we propose a security council constituted by the Parliament and comprising of the President, members of the Parliament and service commanders, to make the necessary decisions.

About the political parties, we wish to highlight the following: That the founding of political should be held in the following conditions.

- (i) No duplication of manifestos
- (ii) Have at least 500,000 thousand registered voters
- (iii) Interim of officials to provide a working budget.
- (iv) The founding person or persons must fill documentary evidence from a recognized bank and ownership of Kenya shillings 50,000,000 and above. These will limit anybody coming up to form a party and later selling it.
- (v) Political parties should be made to obey legally their manifesto's because it acts as the basis of contract with the electorate. The form and structure of Government that we proposed is a Parliamentary form of Government headed by a Prime minister.
- (vi) There shall be a President elected by the people of Kenya who will be head of state, the President will be elected directly with a 51% majority vote and will have a Vice President as a running mate. The Prime Minister will be appointed by the Parliament. The prime minister will appoint Ministers and other senior Government officers.
- (vii) The system of Government should be unitary a central Government, we do not want federal or Majimbo

Government. There will be a head of Government department from divisional level to national level, that is somebody to be in charge of the department of Land, water, education, agriculture and with that we propose to do away with provincial administration except for the Chiefs and sub-Chiefs whom we propose we take in for the sake of security at the location and sub-location level. We however propose village elders to be appointed by local communities to supplement the duties of the assistant chiefs and chiefs.

- (viii) The power of the executive we propose the following: The Constitution must provide for the approval by the Parliament of major executive appointees. The prime minister elected by the Parliament will be the head of the executive, and should have a minimum of 35 year and a maximum of 70 years, we are talking here of age, the level of education because money does not give education, we propose a degree level from recognized university and should be of good conduct, and if he does not deliver then, members of Parliament should impeach him. We propose a public service commission that will be answerable to the Parliament and a code of ethics should be available to all public office bearers. We want a code of ethics.
- (ix) About the Judiciary we propose the following: The duty of the judicial service commission appointed by the Parliament, minimum qualifications should be holders of Bachelors degree in Law and must have attended Kenya school of Law, the retirement age however should be 70 years, but the judicial commission is at liberty to allow any officer to continue according to his expertise and ability to give service.

About the local Government, we propose the following; Mayor and council chairmen should be elected directly for a two year term renewable, the chief Government officers should be answerable to the councillors, minimum education for councilor's should be form four with a minimum grade of C and have good grades in languages, that is Kiswahili and English., they should be of good moral ethics, character and the electorate should have the right to recall the councillor. If the councillor does not do anything to benefit the community, then we propose somebody facilitates a collection of signatures 1,000 presented to the electoral commission and if the case is won, then we should have a chance to elect another councillor, we propose the councillors should obey the rules of their sponsoring parties, they should not be interfered with by the minister of local Government.

About the Electoral systems. I wish to read the following, we should have a representative electoral system that allows more than one member of Parliament to be elected where there are large numbers of constituents to be represented. Let me clarify here, that we are talking of the vote power and a geographical power, I mean, we find a constituency like Othaya may be having 40,000 registered voters, the voting power of our MP in Parliament is equal to an MP representing 5,000 people, we want a system that is going to represent the population region and not the land, if anything election is not by the land but by the people, these must come out very clearly from us, the simple majority rule as basis of winning an election should be scrapped, simple majority is very misleading. A Candidate to win the elections has to gather over 61% votes cast, let the candidates once elected should only paid after the expiry of their term of office. We do not want people deserting in the middle, the rule of 25% representation in atleast five provinces for Presidential elections, should be done

away with, it is the population that is being represented not the land as we said. Therefore we insist 51% majority, if they come from Luo Nyanza it is okay, if they come from central Kenya that is the population and it is that population that contributes in other areas. Therefore we wish to do away with 25%.

Seats should be reserved for physically handicapped or disadvantaged groups, and here we mean those who are physically handicapped and therefore we say the issue women, no widowed women, normal women no, but if they are handicapped if they are disadvantaged and we sympathise with them in the name of registering. The current geographical system should be retained but taking into account the population voter registration ratio.

Civic Parliamentary and Presidential elections should be carried within a span of three days, a day for each candidate, because we find our own grandies are being confused, they do not know who is the Councillor, they do not know who is the MP, and who is the President. We propose a separation on the election days. Election process should be purely simplified by the following.

- Adding addition of polling stations and personnel to man the stations,
- Use of transparent ballot boxes
- Counting of votes in individual polling stations
- Giving priority of voting first to the old, handicapped and expectant mothers
- No limiting of election expenditure for candidates, but buying of votes should not be allowed it is criminal.

The Constitution should specify the election day, we propose that let us have nationally a day that we know our election, for example, will be on 3rd June, so we know after five years, then 3rd of June we have elections. We do not want the election day to be a secret weapon against anybody or from anybody.

The elections should be conducted through a secret ballot, in transparent ballot boxes and empassies made against the following:

Vote by rigging and buying in polling stations, illiterate people should be guided properly on candidates and their symbols, registration of voters should be continuous.

The Commissioners should have a security their tenure. We are considering of there positions because they are Kenyans and live in Kenya, and they also think like Kenyan's, we want their tenure to be secure, however it should be for two terms of five years each.

The Basic life for Kenyans, we emphasis for security; death penalty should be abolished, Government should provide security

for all Kenyans. Prisoners should be dealt with according to the law without harassment and Government should use all means at its disposal to eradicate corruption held there. Hence there should be free treatment for all Kenyans in all Government hospitals and dispensaries without cost sharing, cost sharing has become for us another way of Toa Kitu Kikubwa. Harmful illicit brews and drugs should be eradicated, kumi kumi, we do not know next year if it is kumi tano, but these things should be done away.

Doctors and nurses should be given enough remuneration and allowances, herbal medicines should be licensed after being tested in the Government laboratory or any other authorized body.

The Constitution should ensure that all Kenyans have access to sufficient and clean water.

On education I wish to emphasise the following: Adequate salaries should be given to teachers and should not to be allowed to operate their own private schools. The sponsors are likely to recruit vital power over the election/ appointment of school chairman, board of Governors and school committee, I think more less I have mentioned everything and thank you the Commissioners for listening to me.

Mr. Patrick Lumumba: I want to thank you Father for that detailed memorandum that you have given to us and I am sure we are going to submit that. And let me say these, for those of you who might have memorandums like the Father, I think if you want to highlight your memorandum, don't read word by word because as I see the number increasing we would like to see that everyone of you who came he or she has a chance to say something, so please make yourself free so that we can hear as from many people as possible, thank you so much. Thank you father, may we have Gachie Kitari. Bwana Gachie Kitari yupo? Bwana Gachie tayari amewasilisha kumbukumbu. Asante. Daniel Gagu, Daniel yupo? Kama ayuko, Afred Kingori, Bwana kingori yupo? Bwana Kingori ametumia njia ya kuwasilisha kumbukumbu bila kusema, asante sana, Bwana Samwel Wanjoi, Bwana Wanjoi Samwel yupo nasi hivi leo? kama Samweli hayupo, Simon Mungongi, Simon Mungongi are you were here? bwana Mngongi pia ametumia njia ya mkato kuwasilisha kumbukumbu bila ya kusema, asante sana, bwana Philip Ngatuma,

Com. Pastor Zablon Ayonga: Please don't go, please come back, you have't signed,

Mr. Patrick Lumumba: Bwana Ngatuma yuko? Utazungumza mzee? basi bwana Ngaruma pia ametumia njia ya mkato, S. Maitho, Segnat, naona kwamba anatoka Karima Catholic Church, Asante sana, Michael Githua, bwana Githua Michael, asante sana, Basilas Ndirangu, asante sana bwana Basilas, karibu.

Mr. Basilas Ndirangu: Mine is a presentation on environment and natural resources, natural recourses include water, forests, wildlife and others should, be protected from human activities. The new Constitution should ensure that there is protection of water catchment areas, forests and plain land should have strict laws protecting them, tree should be increased in this country by

millions and the trees, should be known by their type and numbers otherwise they will be wiped out by the desert. To protect our natural resources, Kenya should not be used as a dumping point by other countries.

Imported sub standard goods, we have the example of batteries that are imported, and therefore there should be rules controlling such importation. There should be no importation of goods that we produce locally, the quality and other factors are the same. We have an example of eggs from South Africa, sugar from other countries that are our neighbours have been imported at the expense of our local producers. There should be a way of disposing waste, some of the goods we produce or import cause a lot of harm to our environment and we know that. We have knowledge from our Universities and Industries on how we can dispose them. There should be rules and guidance on disposal of products that we don't need. Last but not least, trade relation with Comesa countries should be guided at clear rules and should not be applied to the expense of Kenya.

Mr. Patrick Lumumba: Kwa mkhtasari tu bwana Basila amezungumza kuhusu kulinda mazingira na maji yetu ya asili na uhusiano wa biashara baina yetu na nchi za nje. Asante sana bwana Basilas, maoni yako yamenaswa na pia kuandikwa moja kwa moja, asante sana. Baadaya kumsikiza bwana Basilas, tutarudi katika ile orodha ya kina mama, Margaret Wambui. amerudi sasa? Margaret yuko? Margaret yuaja, karibu Margaret. Inaonekana, Margaret amechukua njia ya mkato ya kuwasilisha kumbukumbu bila kuzungumza. Pauline Watero Gihoro amerudi sasa? Pauline atazungumza nasi, karibu Pauline. Unaweza kutumia lugha ya Kikuyu, Kiswahili au Kingereza.

Pauline Watero: My name is Pauline Watero, from Karima, will talk about the rights of Children: Basic rights, rights of the children to know both parents and the right to be maintained by both. On my side I should say there should be a relation law to safeguard the children because like myself, I am a single parent and my children are supposed to know their father, men should be responsible for their children. Female and male should have equal rights over their parents irrespective of gender.

Mr. Patrick Lumumba: Hayo tuu?

Pauline Watero: Yes.

Mr. Patrick Lumumba: Asante sana Pauline amezungumzia husiano sawa. Watoto wakike na wakiume washughulikiwe sawa na pia amesema wakina baba ambao wanazaa nje ya ndoa wawe na chugumu la kuwashughulikia watoto wao, asanteni.

Mr. Patrick Lumumba: Baada ya Pauline, kuna Mary Wanjiru Gitindi, karibu Mary.

Mary Gitindi: I want to emphasize on land and property rights: Although we are saying that every Kenyan citizen should acquire a piece of land, there are some people who have got a very big portion yet there is poverty in the country, that land should be divided and given to those people who are landless to utilize it.

Com. Pastor Zablon Ayonga: A moment please let me ask you please to be quite when somebody is presenting her or his views, so that we can give that person a chance to record properly.

Mary Gitindi: So I am saying that the unutilized land should be given to the landless because they are idle throughout their life and have manpower which can be used on the land which can generate source of income to our country.

Secondly, I would like to add that, the women should be given the right of ownership whenever, if the husband dies before them, they have to take care of the children, although the children are given more attention than their mothers, the title deeds are given to the children and the woman is left landless to an extent of not having a grave yard as if the woman has no rights to the country, so the woman should be the owner of the title deed through her lifetime incases where the husband dies. Thank you.

Mr. Patrick Lumumba: Asante sana , amezungumzia watu tuwe na kiwango cha umilikaji wa ardhi na pia watu wanawake pia wawe na haki ya kumiliki aridhi ikiwa mabwana wao watafariki. Asante sana mama kwa maoni hayo ambayo yatashughulikiwa. Asante. Daniel Gagu tayari amewasilisha maoni? Kama Daniel amemaliza, sasa tutamuita Naftali Nderutu Theuri, bwana Naftali, ametumia njia ya kumbukumbu bila kusema, bwana Laurence Gidinda, pia anawasilisha kumbukumbu, asante sana, William Ndirangu, inaonekana pia ameandika, atawasilisha kumbukumbu, Richard Paul Ngei, pia njia ni ile ya mkato ameitumia, John Gagia Nguruna , mzee John pia hayuko, John anataka kutilia mkazo maneno machache katika kumbukumbu yake.

John Gagia Nguruna: Thank you very much the Commissioner, I would like to highlight a few points, on one arm of the Government and this is the Executive. The Constitution must provide for the approval of Parliament for major executive appointments.. The cabinet will be composed of the Prime Minister, Cabinet Ministers , the Attorney general, the Secretary to the Cabinet and the Prime Minister be the head the Executive. The Prime Minister has to be a Kenyan citizen by birth and should have a minimum of 35 years, and a maximum of 70 years, and therefore, should have education of a degree level from a recognized university and he should be of good conduct. The Constitution must limit the term office to a term of five years, renewable once although, it does not favour members of the Parliament. Public service commissioners but they should be answerable to the Parliament, and a code of ethics should be available to all public office bearers. And that is all I have. Thank you so much.

Mr. Patrick Lumumba: Thanks very much Mzee. John Gathia kwa maoni hayo ambayo umewasilisha kuhusu kitengo cha urahisi na ana pendekeza tuwe na Waziri Mkuu ambaye kimo cha chini cha miaka 35 na kimo cha juu sabini. Asante.

Namuomba bwana Gabriel Gisanye Nderitu aje na kuwasilisha maoni yake au kumbukumbu, asante sana, ametumia njia ya

kumbukumbu, bwana Philip Givanga Ngatia, pia ametumai njia ya kumbukumbu, asante sana, Alfred King'ori, atazungumuza na kutilia mkazo maneno machache. Karibu,

Alfred King'ori: Thank you Commissioners and dear members, my names are Alfred Kingori, I come from Karima, I would like to highlight on the succession and transfer of power. In the past we have had no clear cut in terms of succession and transfer of power and is my humble opinion that we should have something in place to cater for the succession and transfer of power in our new Constitution. During the elections the Speaker of the National Assembly should be in charge as the President, we had a gap, you find somebody is the President and also at the same time he is also campaigning, that gives him an overall advantage over other Presidential candidates.

The results of the election should be declared after seven days. Meaning that there will be an allowance for the remote areas to forward their resources accordingly. Our past experience has shown that, somebody is declared as the President while the results of other areas have not been forwarded. The incoming President should be sworn in within 24 hours after the announcement of the results. The Chief Justice should swear the incoming President and in the new Constitution we should have a provision for the former President, we should cater for his personal security, should happen when he retires, not for the sins that he has committed but generally he should be given security, he should have the access of free movement, but it does not mean that he can not be prosecuted, to be a President does not automatically qualify him to be above the law, so if he did something contrarily to the Constitution, there is no reason as to why he should not be prosecuted.

Finally, we should have a programme for the elections. We know that lifespan of Parliament takes five years but we should have a date specified in our Constitution, in other countries like America, they have a specific date indicating when they should go for the election, and that is known to everybody. In our case, we don't know even when they are going to hold the election even this year, we are caught unaware due to lack of this information. So in our new Constitution I think it is important that we include the date in our programme. Thank you very much for listening to me.

Com. Pator Zablun Ayonga: If I had you correctly you said that during election the incumbent incoming President has advantage over other candidates,

Mr. Alfred King'ori: Correct

Com. Pastor Zablun Ayonga: Now, you did not tell us what you would like to see done, you see that is the kind of view we want to hear from you, I thought we can't have a country without somebody ruling.

Mr. Alfred King'ori: Thank you, I said from the beginning that the speaker of the National Assembly should seat in during elections

Com. Pastor Zablon Ayonga: Thank you.

Mr. Alfred King'ori: Thank you too.

Mr. Patrick Lumuba: Asante sana Alfred amezungumzia mambo ya uridhi wa mamlaka na amezungumzia njizi ya kushughulikia uchaguzi na jinsi ya kushughulikia mambo yanayo husika na afisi ya Rais mstaafu. Asante sana Alfred, tutamuita kuwasilisha maoni yake Father David Kariuki, tunamuomba kwa unyenyekefu aje, father Kariuki yuko? au tayari ameshughulikiwa, kama hayupo Father Kariuki, Almanus Mugwimi, Mzee karibu kutoa maoni. Mzee Palmanus

Mzee Palmanus Mwangi: Thank you, mine is very short, Good Government: so to have an effective Government those holding various positions in the Government should be appointed or promoted according to their merits. Example, most of the Government departments are run down by non-qualified personnel, appointed due to Kitu Kidogo, tribalism, where one comes from geographically or any other relationships.

Such departments are KCC, Kenya Army, Kenya Navy, Kenya Air force, MTC, and Teachers College KTTC and others, sharing of a national cake. The value for having a President who does not own a constituency of his own is that, he will make sure, that he ends any conflicts that can bring differences between his citizens, by enabling the citizens to build understanding of what attitudes and behavior are acceptable to all citizen, by respecting the rights of a fellow citizen, and dealing faithfully with each other. Also of sharing resources without favour. Let our future Constitution make sure that the big tribes must respect the existing small tribes like El Moro.

Judiciary: A way of appointing the judges should be revised, because if it is the top people, if the Government appoints the judge they take control of Judiciary, and if there is chance to be taken to the court the judgment shall be in there favour. Judiciary should also be separated from central Government and be independent.

The President: The President as the head of state to the Government should not have a constituency of his own. This big man, let him be elected by the people of Kenya; he should be somebody with a recognized degree, may be a BA or above. Even his deputy should be elected by the people but not to be appointed by an individual. Let our future Constitution of Kenya show the salary and the allowances that the President and his deputy to get. It should also tell us whether they should pay tax or not.

The work of the President: Let the Constitution define the work of the country's vice President. Ministers should be appointed by the National Assembly by virtue of their merit. The Government should be created by and be subject to the will of the people.

Civic Code: We need a civic code which will be final authority in all disputes between local Government and national Government involving the Constitution and a treaty made if they so wish.

National Assembly: The National Assembly shall assemble at least twice in every three months and such a meeting shall be decided by the Speaker. The National Assembly may determine the law of its proceedings and punish its members for disorderly conduct; with concurrence of a two thirds majority can expel a member, but not to retain him upto five years after he has done a bad thing. Thank you.

Mr. Patrick Lumumba: Asante sana, Mzee, amezungumzia mambo ya kuteuliwa kwa watu ambao wana ujuzi wa kazi, afisi ya rais, mahakama kuu, na Bunge na amependekeza, na mapendekezo yako hayo yatashughulikiwa. Pia amependekeza Rais asiwe mwakilishi wa sehemu ya Bunge na makamu wake pia achaguliwe moja kwa moja. Asante sana, mzee. Thank you.

Kama kuna mtu ambaye anahitaji lugha ya ishara au sign language, tuna mtu ambaye ana uzoefu na ujuzi wa lugha ya ishara, kwa hivyo ukijua mtu ambaye ana ugumu wa kusikia, basi mtueleze mara moja ili tutumie lugha ya ishara. Asante sana.

Baada ya kumsikiza Mzee tunamuomba Samwel Kibira Githaiga naye akiwa hapa aje na atoe maoni yake, Samwel Kibira Githaiga. Samwel ndiye huyo yuaja ama hayuko hivi leo? Labda Samwel ameondoka kidogo. Father David Kariuki kama umekuja, Father David Kariuki. Kama Father hayupo, David Hinga Wamwai, David Hinga. Mzee, karibu, kutoka Gitundu sublocation; atazungumza bila kumbukumbu.

David Hinga Wamwai: Mbere ningucokia ngatho ni undu wa andu acio mokite kuoya mawoni maitu

Translator: Kwanza natoa shukurani kwasababu ya wana Commissioner ambao wamekuja hapa leo kuchukua maoni yetu.

David Hinga Wamwai: Nii maundu maria ngwaria ndikwaria maundu maingi.

Translator: Sitazungumza mengi, nitatoa machache.

David Hinga Wamwai: Nguga atiriri, hingo yakinya ya githurano, kana legico yakinya kubunjwo, riria andu marikia kibindi kiao, President kana Rais ndagakoragwo ari na bendera hindi iyo twarikia.

Translator: Kwanza ningependa kupendekeza kwamba wakati uchaguzi ufikapo, ama wakati Bunge linapo vunjwa, Rais asiwe na mamlaka ya kusimamia mambo,

David Hinga Wamwai: Kana ona undu uriki ndagakoragwo ari naguo, agakoragwo athiiti kuhoya miti ta andu aria angi.

Translator: au asihusike na jambo lolote, awe na jukumu tu la kuomba kura kama wengine.

Davis Hinga Wamwai: Undu uria ungi, mundu onakorwo ari mwega atia, agaikaraga ibindi igiri tu cia miaka itano, itano.

Translator: Lingine ni kwamba, hata mtu akiwa mwema jinsi gani awe akiudumu kwa vipindi viwili peke yake.

David Hinga Wamwai: undu uria ungi niati, riria turi guku gwitu thiini wa reserve, kana thiini wa micii, tutigage kugirio micemano, tumecemano twagwitu micii, twagucokaniriria andu.

Translator: Lingine ni kwamba, tuwe na uhuru wa kukutana wakati tuko katika vijiji vyetu tusiwe tukikatazwa kukutana wakati tunapo hitaji.

David Hinga Wamwai: Nii ndiri na maingi no macio.

Translator: Hayo ndiyo maoni yangu.

Mr. Patrick Lumumba: Asante sana Mzee, swali moja umesema wakati we uchaguzi Rais asiwe na mamlaka ni nani atakuwa ameshika usukani wakati huo.

David Hinga Wamwai: Speaker kana Attorney General.

Translator : Anapendekeza Speaker wa Assembly ama Attorney General.

Mr. Patrick Lumumba: Asante sana mzee kwa maoni hayo ambayo tumesikia yatashughulikiwa ipasavyo . Mungu akubariki, asante.

Baada ya kusikiza mzee namuomba Steven Muchiri Gacheru wa Gatungi Catholic Church, akiwa hapa naye aje. Steven ametumia Njia ya kumbukumbu au memorandum, bwana John Gatete, John Gatete yuko? John uko? Kama John hayuko, namuomba Kimwatu, maandishi ni magumu, mzee karibu, nimeyapata majina yako sawasawa Kimwatu kutoka Gitundu. Mzee karibu,

Mzee Kimwatu Kanyungu: Nii ngwaria na gikuyu, niwega muno niundu wa guka guthikiriria mawoni maitu.

Translator: Kwanza nawashukuru kwa kuja kusikiza maoni yetu. Asante sana.

Mzee Kimwatu Kanyungu: Na kwoguari, ndiri na maundu maingi, ngwaria omaundu manini

Translator: Yangu ni machache tuu,

Mzee Kimwatu Kanyungu: Maundu makwa mahana ta uu.

Translator: na ni haya,

Mzee Kimwatu Kanyungu: ni atiriri, maundu maria tungienda muno-ri, niundu wigie urimi wothe witagwo kigacha. Kahawa, majani, ng'ombe nirio iria, pyrethrum, na indo iria ingi ciothe ikorwo iri mokoini ciehirio kuria ciari kuri ukoloni, mawatho macio mari maruru muno.

Translator: Kwanza ningependa mshughulikie sheria ambazo zinahusu kilimo, kilimo cha kahawa, majani chai, ngombe za maziwa na kadhalika, bado tunasheria zingine ambazo ni za kikoloni ambazo ningependa zishughulikiwe.

Mzee Kimwatu Kanyungu: uria ungi ni atiriri, twina kieha muno ithui niundu athuri aya mari ohaha guthikiriria uhoro witu, nariu ni macoka tukona atiri gwathiitwo kuria ruraya gukigia ngarari okinya gatiba ingi igituka.

Translator Kanyungu: Mimi ningependa kueleza kwamba nina uzuni kidogo kwasababu hawa ma-Commissioners walikuwa hapahapa kusikiliza maoni yetu, na sasa wamerudi tena , na sasa ombi langu ni kwamba pengine mambo yatakuwa kama yale ya Lancaster house ambapo walienda na maombo hayakuwa shwari.

Mzee Kimwatu Kanyungu: undu kundu kuu kwari na ngarari nyingi muno, mubeberu na ciama iria ciari ho inya iri na hinya.

Translator: Kwasababu nakumbuka kule Lancaster kulikuwa na ubishi mwingi sana kati ya mubeberu na vyama vya vinne ambavyo vilikuwa na nguvu.

Mzee Kimwatu Kanyungu: kwoguri, riria twaiguire tume igukuri, twaiguire wega muno, nigetha tumenye uria bururi witu uguikara.

Translator: Na mimi nigependa kusema ya kwamba tuliposikia ya kwamba maoni yatatolewa na wananchi na sio wabunge peke yao, tulishukuru sana, kwasababu tungependa kushiriki katika kuunda katiba mpya.

Mzee Kimwatu Kanyungu: kwoguri, uguo twaigwire wegari, mathii ona mbere uria maugite mweri wa kenda mweri inya marikie re.

Translator Kanyungu: Na kwa hivyo mimi ningependa kusema kwamba tulisikia vizuri na sasa tunawaomba na vile mulisema mutamaliza kwa wakati wa kipindi cha October nne, nawaomba tafadhali mumalizie hapo.

Mzee Kimwatu Kanyungu: Asante sana.

Com. Pastor Ayonga: Mzee kabla hujatoka hapo, umesema tushughulikie mambo ya kilimo, mambo ya kahawa na vitu vingine, lakini, mzee, hukutuambia tushughulike tuweke sheria ya namna gani, wewe unataka sheria ya namna gani? Unajua leo tunataka maoni yako, hatutaki wewe kutupa maswali au kutuambia kwenda kufanya kazi fulani, tunataka utupe maoni ambayo tutaweka kwa sheria, ili kahawa yako isisumbuke.

Mzee Kimwatu Kanyungu: Nindaigua. Atiriri, tukwenda mawoni ene wira ucio wa urimi na kii giothe makaheo uhoti.

Translator: Tungependa wakulima, wakati sheria inaundwa kuhusu ukulima, wawe wakihusishwa na kuulizwa wanataka nini.

Mzee Kimwatu Kanyungu: Na magitirwo ni thirikari.

Translator: Na pia walindwe na serikali. Asante.

Mr. Patrick Lumumba: Asante sana, mzee, mzee Kimwatu amemaliza. Sasa namuuliza bwana John Kameru, kutoka Mumwe, John kutoka Mumwe yuko? John, karibu.

John Kameru: Thank you, Commissioners

Com. Zablou Ayonga: Tunaomba utulivu kidogo ili tumsikize Bwana John barabara, tafadhali.

John Kameru: I have a memorandum but I will not be able to read all of it, because it has more details, but I have some few points to highlight.

One, the title of the nation that is the Republic of Kenya should be replaced with the Republic of the People of Kenya. I will skip others but let me highlight on the elections of the President .

For one to be declared as the President of this nation, at least he or she must have 51 % of the total votes casted in the entire country, to ensure maximum devotion for the welfare of the entire country, the President needs not to represent his constituency in the Parliament, since he might be tempted to initiate developmental projects in his area of presentation forsaking other regions.

Elections of Prime Minister: Our country need to have a prime minister who is to be elected by the public to assist in making the Government procedures. And the President to be sued if found guilty. The court is a supreme body that promotes moral uprightness in the society. The court should be above every individual regardless of his or her social status and the relevant penalty of the offence committed administered.

Judges to be elected by Parliamentarians: since the Parliament is the law making body ,the judges being elected by the Parliament this will mean that, they have been given their posts by chief law making body. These will save them from being subject to the direction or control of the President who appointed them.

Chief and assistant chief to be elected by the members of their areas of jurisdiction, Chiefs and their assistants work very closely with their own people and share their daily life together, due to the fact that they are very close to their people, the surrounding community need to be given a chance to appoint their leaders in form of elections according to their rights since they may understand the conduct and leadership quality easily than any other person away from the community.

Enormous powers of the local Government to be abolished. The local Government has been given maximum authority, which even the ruling Government it self cannot administer. The local Government provides services of inferior quality but it is expert in collecting taxes, which sometimes are not genuine, the process of collecting taxes is a threat to the whole community. The local Government therefore needs to be limited by the law and its areas and methods of collecting taxes to be known by every public member. Thank you Commissioner. Others I will present them. Thank you.

Mr. Patrick Lumumba: Asante sana, Kameru amezungumzia mambo chungu nzima, kuhusu kuchaguliwa kwa naibu wa Chief na Chief, mahakama na waziri mkuu, na pia amezungumzia Rais kutokuwa mwakilishi wa Bunge, na serikali za wilaya, asante sana kwa maoni hayo, tutaisoma kumbukumbu yako. Asante. Bwana John Gichuki kutoka Mumwe, Gichuki yuko? Kama hayuko, Sammy Nderitu kutoka Mumwe, kama hayupo, mama Virginia yuko? Karibu mama, asante sana mama, kama mama anawasilisha kumbukumbu, namuona John Mwita anakumbukumbu, Michael Nderitu, pia ana kumbukumbu?

Unaomba kutilia kitu mkazo au utawasilisha tu? Michael anaomba kusesitiza sehemu Fulani. Karibu Michael.

Michael Nderitu: Thank you, I just want to highlight about the following:

First, to have a change in the system of the Government, as we know the Executive arm of the Government its main function is to implement law, but it has been found that, In Kenya these is not so, because members of the executive are appointed by the President instead of those whom they are serving, therefore I would propose that the head of the executive should not choose them but instead this should be done by the relevant Commissioners.

The Legislature: The legislature should work without the influence of the Executive, therefore, since the MP's are the people's representative, what they pass in the Parliament should be made a law with or without the President's accent. Legislature is the one which should share the public finance rather than being shared only by the minister of Finance under the influence of the Executive.

Public Service: Public service workers should not be appointed by the Executive, but instead they should be appointed by the relevant Commission so as to create employment opportunities, all those who have retired in the Government sector should not be re-employed again whatsoever.

The arrangement of the Constitution: Since the current Constitution has so many weak points, I would propose that the next Constitution should be arranged in a way that, before going direct to the first chapter, there should be an introduction and synopsis after the last chapter. The arrangement of the chapters should also follow a certain sequence. Being that, the most crucial chapter should come before the others, for instance, you can't know who drew you before you know what you are writing, by these I mean, the first four chapters, should come after the fifth chapter.

There is also a problem with the language and therefore propose that after the Constitution is finally drafted it is supposed to be interpreted in all the languages of Kenya, so that by the time it will be accessed by the citizen, it will be in a position to be understood.

Finally, some chapters in our Constitution, are left hanging, and this calls for amendment every now and then, for example

chapter 11, which talks about transition, it does not elaborate the steps or guidelines to follow. Therefore all chapters should be dealt with to the end for better understanding. Thank you.

Mr. Patrick Lumumba: Machael, asante, amezungumzia mambo tofauti tofauti moja wapo ikiwa mpangilio wa katiba, anasema mambo yenye uzito yawe ya kwanza, lugha iwe ni iliyorahisishwa na iwe ni katika lugha zote za kimama za taifa, na pia amezungumzia njinsi ya kushughulikia mambo ya fedha na anasisitiza uhuru wa Bunge na kuwa na tume za kuteua wafanya kazi wa uma. Asante sana Mungu akubariki.

Namuomba Felista Muthoni, akiwa hapa amesema anawasilisha kumbukumbu, labda tayari ashafanya hivyo, kama hayuko, Julius Kiundu, naye pia anasema atawasilisha kumbukumbu. Raphael Ngoronge kutoka Gitundu, yuko? Ana kumbukumbu lakini atalia mkazo mambo machache. Asante

Raphael Ngoronge: Asante, yangu ni mengi lakini nitasema tu the points which are important. The chapters should be as follows, the chapter of the Constitution should be as follows, the first chapter should be that of the public, and it should state that, the people of Kenya should have the ultimate power to do this and that it should also state that, because there was struggle for independence, we were not given but there was struggle. The second chapters should be that of citizenship because after recognizing Kenya, we want to know who are in Kenya therefore citizenship should be the second chapter.

The third chapter should be that of protection of fundamental human rights and individual freedom, these rights and freedom should be protected but not be violated as to the current Constitution by police brutality.

The fourth chapter should be the Parliament, the following weakness should be corrected, currently Parliament is practically a place of no power and the following should be done, it should be independent from the executive, that is Presidential control, it should control its own calendar and budget and also the registration of voters, it should elect the Electoral Commission to reduce rigging of elections. MP's should elect members of Parliamentary Committees who should be answerable to the MP's but not the President. MP's should be given means to rule in the Government instead of having a double system of Government. The provincial administration should be scrubbed off since it brings confusion. We have noted that the elected body is bigger than the appointed body.

Parliament should be involved in foreign affairs, loans, war, peace, military and signing of treaties. It should be give law in scrutinising the security forces especially the intelligent services so as to protect people's Political, Economical and Social life.

Another weakness of Parliament is elecctoral inequality, the difference between the largest and the smallest constituency's population should not exceed 25%, incase of protection of minority groups, the new Constitution should provide a second house, where people can be represented regardless of the population size. MP's should declare their wealth, their salaries

should be reduced and be controlled and decided for by the electorate to stop them from going to Parliament for personal interest as per current Parliament.

Requirements or qualifications should be higher, a degree and above and after every three years voted for to ensure that they serve the electorate effectively. MP's should work for at least five days in a week and not three days. They should not be out of office for more than three weeks.

The structure of the Executive or Presidency. The President should not control the Parliament and any Government appointment by him should be vetted by President, that is the Public service, Judiciary, Cabinet and Ambassadors.

President should have more than 50% of the total of votes casted. He should not have power to deter or remove security of tenure to top civil servant officials. E.g., the Chief Justice or the Attorney General, these will help to stop manipulation and intimidation of civil servants. He/She should not use double system of Government.

Judiciary arm of Government should be independent from the Executive and Parliament and its appointments should be vetted by Parliament if they are done by the executive..

Finance: The Government should ensure services are equally distributed to all Kenyans regardless of who you are and where you are. The Government should prosecute the economic offender accordingly. People should be involved in increase or decrease of some commodities especially consummable goods and goods that are produced locally.

Public Service: Appointments of public servants should be based on merits and top public servants should be vetted by Parliament. There should be no servant who is being paid high salaries while others are paid little salaries such that they are always in the streets demonstrating.

Land: There should be no lease on land that one has a title deed, the land that is on 99 years lease should be considered, that is the lease should be reduced to ninety years. It's shocking to hear that people who are not Kenyans own big land while Kenyans are landless and squatters. There should be a law restricting ownership of land, showing the estimates on which one should not exceed. Land under county council should not be heavily taxed or those on the 99 years lease are not taxed.

Cash Crops: Farmers should be left alone to sell their products to willing buyers without interference by the Government. The Government should block the dumping of commodities from other countries e.g., sugar and eggs.

National Flag: National flag should be respected and not confused with that of KANU party, the Government should have a national flag different from that of KANU. During national holidays business people should raise the national flag but not the

KANU one.

Youth: Youth should be considered by creating job for them, there should be free guidance and counselling to rehabilitate them from immoral behavior.

General: There should be no concurrent appointments, one person one job.

Civic Education: Civic education should be continuous since we are of different ages, the young generation also need to be educated about Civic education. The new Constitution should be available to all citizens above 18 years of age because it is governing us all. It should not be hidden. Thank you.

Mr. Patrick Lumumba: Asante sana Raphael amezungumzia mambo mengi kwa utaratibu mzuri mno, amepangilia, amezungumzia kitengo cha urais, mambo ya fedha, ardhi, bendera, utawala kwa jumla na kumbukumbu auliyonayo iwasilishe itashughulikiwa, jambo ambalo amelizungumzia, ambalo labda tungeomba kidogo aeleze umesama tuwe na vyumba viwili katika Bunge, chumba cha chini cha wakilishi na chumba cha pili. Labda ungefafanua kidogo.

Raphael Ngoronge: I think that the difference between the largest and the smallest constituency should not exceed 25%, if taken that way, you will see that some of the minority groups will not be represented, for example if we go to a place like Turkana or Ijara constituency, the population is small, those people will not be catered for thus we say the difference between the largest and the smallest constituency should not exceed 25%, therefore we need another house where people will be represented regardless of the population, where by we can have a Youth representative, maybe five people from every district, Church and NGO members and that way.

Mr. Patrick Lumumba: Asante sana, huyo alikuwa ni Raphael Ngorongo kutoka Gitundu, sasa namualika Godfrey Kanyongo kutoka Chinga. Yuko bwana Godfrey? Alisema atawasilisha kumbukumbu. Labda tayari amefanya hivyo. John Mwangi kutoka Othaya, John yuko? Kama hayuko, Daniel Litho, mzee Daniel? Karibu mzee.

Mzee Daniel Litho: Asante sana Commissioner, mimi naitwa Daniel Litho, kutoka hapa Othaya, yale mambo yenye nilikuwa nataka ya zungumziwe ni zile law za county council. County council, kama vile tulivyo sasa, kuna malipo tunalipa kwa county council, iko float rate na kuna ingine inaitwa lease, hivi vitu vinatutaliza watu ambao hatuelewi Plot Rate na Lease, tofauti yake ni nini? Na hii mambo yote yanahusiana na lands. Kwa hivyo nilikuwa nawauliza, ingetufaa sisi, hizi vitu ziunganishwe, itolewe sheria moja by local Government, iwe inaeleza kwasababu hatuelewi vile mambo haya yako.

Ardhi ambayo imeandikishwa na mtu: Mtu amepewa title deed na baadaye analetewa karatasi ya kuambiwa ati alipe rate, kama ile title yake, hatuelewi nguvu ya title deed ni nini, kwa sababu title deed imempa mtu freedom kwa ardhi yake. Na sasa

serikali ya county council inakuja inasema kuna lease, sasa hiyo inatutuzia. Hiyo ni point yangu ya pili.

Point ya tatu inahusu Wanaume na Wanawake ambao wameoana: Kawaida tumezoea kuona wakati mtu amekufa, mabibi wengine kutoka nje, ambao walikuwa marafiki ya yule aliyekufa, wanaleta matatizo mengi, watu wanakaa hospitalini bila kuzikwa, kwasababu ya kupigania mwili, sasa kifungo hicho kinatatiza wananchi, kwasababu hatuwezi kuelewa tofauti ya rafiki mwanamke na tofauti ya mwanamume wakati wa uridhi. Sasa yangu mimi nawauliza sheria za uridhi, zitengenezwe, ziwe na right moja, mwanamke akitaka kurithi mwanaume, kuwe na sheria za kutosha, kama vile tumezoea. Kuna sheria zetu za kinyeji katika kila kabila za Kenya nzima, inayo sema kwamba mtu ameolewa mkubaliano yamefikwa hiyo ni certificate moja, kuna certificate ingine, iko katika kanisa inayo toa kibali cha kuonyesha wale ambao wameolewa, kuna ingine kutoka kwa DC, vile vile inaonyesha, lakini hii ya kutengenezwa inapelekwa kortini, mpaka bibi na watoto wanaachwa bila shamba, shamba linakwenda kwa mwanamke ambaye hajaonekana na jamii.

Ya nne, inahusu wanaume na wanawake wote kwa jumla, sisi tunaendelea kuzeeka, hata vijana tunao sasa vile vile watazeeka, kunaitajika kuwekwe kiwango, hata wakati wa ukoloni kulikwa na viwango, mtu akifika kiwango fulani, anaacha kutozwa kodi, sasa wakati huu hata mtu wa miaka sitini, sabini, themanini hata mia moja anaendelea kutoa kodi inaitwa income tax, na hawezi kupewa mali, income tax ya mtu aliyezeeka na bado alilipa akiwa kijana, mimi nauliza Commissioner, kama inawezekana hii kodi iondolewe kwa wazee. Wengine tumepewa certificate ya ku-retire na bado tunafuatwa. Nilikuwa nina uliza Commission iweke sheria kwa wazee kupewa nafasi ya kupumzika. Asante Commissioner, yangu ni hayo tu.

Mr. Patrick Lumumba: Asante mzee amezungumzia mambo ya ushuru, kurithi, ardhi na hali ya sheria za kitamaduni, asante sana utawasilisha kumbukumbu ili ishughulikiwe wakati wa kuandika report. Huyo alikuwa ni Mzee Daniel Litho kutoka hapa Othaya. Sasa namuomba bwana Herman Ohaga kutoka hapa Othaya naye aje azungumze. Mzee Karibu.

Herman Ohaga: Yangu ni machache pia kwanza ningetaka kusema Constitution ambayo mnaishughulikia iangaliwe kabisa na iwe ni Constitution ya kuunganisha wa kenya wote mahali walipo. Isiwe ni Katiba ya kutenganisha wakenya.

Pili, Katiba irekebishwe iseme kuwa hakuna mtu anayefaa kuwa juu ya sheria

Civil servants watenganishwe na siasa, na si kama ilivyo kwa wakati huu, ruling party itenganishwe na serekali ili watu waone tofauti. Wafanya kazi wa serikali ambao wamepatika na ufisadi, wakiiba mali ya uma. (interjection)

Com. Zablun Ayonga: Tafadhalini tumpe mzee Ohaga fursa ya kusikizwa vyema.

Herman Ohaga: Asipewe nafasi ya kufanya kazi katika serekali mara ya pili. Kama vile ilivyo sasa, mtu akikosa leo hapa, anaambiwa nenda mahali fulani ukaajiriwe, separation of power iwe imelinganishwa kabisa. Kila upande uwe independent.

Sheria ya ku-control vote iwekwe kwasababu hii ndiyo imekuwa ufasidi mkubwa na imeumeharibu nchi hii yetu.

Com. Pastor Zablon Ayonga: Ngoja mzee, nataka kuwauliza nyinyi nyote wananchi, mtu anapo ongea kama sasa huyu mzee napoongea, kuna machine hapa ambayo inachukua sauti yake, na sauti zikiwa nyingi, hapa katika chumba, maneno yake yanaenda yakachafuliwa na hizo sauti, kwa hivyo, kama pengine unataka kuongea na mwenzako, toka nje muongee, lakini hapa tunanasa maneno yanayosemwa, hebu tutoe heshima hio. Endelea mzee.

Herman Ohaga: Katika katiba mpya, kuwe na provision ya Coalition Government. Kama serekali, au mkubwa wa nchi ametangaza kuwe na public probe, kuchunguza mambo ambayo yanayahusu wananchi, matokeo ya probe hiyo iwe public kwa wananchi wote. Constituency ambazo tuko nazo sasa, kuna zile ambazo zina watu wachache, zingine wengi zaidi, na ningesema constituency ziwe na same populations irrespective of area, the population of the people should be the same. Asanteni.

Mr. Patrick Lumumba: Asante, mzee amezungumzia maneno mengi kuhusu vyama, uchaguzi, sehemu za uwakilishi Bungeni na yote yamenaswa na asante sana kwa maoni hayo. Namuomba bwana John Kibe wa hapa Othaya kama yuko aje. Ana kumbukumbu lakini atasisitiza maneno machache.

John Kibe: First, the chapters of the Constitution should be restructured, the first chapter should have the preamble, then citizenship, be followed by protection of fundamental rights and freedom of individuals. The fourth chapter Parliament and the Executive, the fifth Judiciary, Finance, Public service, Attorney General and Judges. On the preamble, we the people of Kenya having struggled for our independence, have made this Constitution to help us run the country's affairs of all Kenyan's and the Kenyan's should have the final authority.

Mr. Patrick Lumumba: John, we recommend that if you have it there you just highlight, you don't have to read.

John Kibe: Citizenship. Anybody born in Kenya by a Kenyan regardless of where they were born is a Kenyan citizen.

On the protection of fundamental rights and freedom of individuals: We should have human rights commission to ensure that the fundamental rights and freedom of individuals are not abused. The Commission should ensure that the individual who abuses the rights of the citizen such as rights to life, protection from inhuman treatment, freedom of movement, should be prosecution in the court of law.

Parliament: The President should be directly elected by the citizens, the vice President should be appointed by the President but should be vetted by the Parliament. The President should not control Parliament's budget and the decision of orders. The Electoral commission should be appointed by the Parliament, which also decides its budget. The Parliamentary committee scrutinize the use of public finance by the President, after they complete their work, their decision should be implemented even

without the consent of the President.

The Executive: The President be directly elected/voted by people. Only ministers, Cabinet Ministers and Permanent Secretaries should be appointed by the President but by the Parliament. The principle legal advisor of the Government who is the AG should be appointed by the Parliament. Nobody should have the prerogative of abundance if convicted of offences.

The Judiciary: We should have a supreme court which should be strengthened by the Constitution and allowed to exercise its judicial power in the court. The Judiciary appointments should be restricted to rip off independence by the Executives and ensure Parliamentary approval for senior Judicial appointments.

The Bill of Rights: The Kenya Bill of Rights should be Parliamentary restricted to safeguard the basic human rights in order to:

- Making it easier to enforce, by removing exceptions, the profit of exception should be left to the court only when several rights start revolving
- It should include procedures for enclosing the bill of rights in enacting the Constitution.
- It should also include guidelines for interpreting the bill of rights and should also include Economic, Cultural and Social rights, e.g., equal education opportunity.

Finance: After the auditor general scrutinizes the audit, the Government revenue and expenditure, the economic offenders should be prosecuted in the court of law. Cost sharing should be abolished

Civic Education; civic education should be a continuous process, and after new Constitution is written, it should be made available to the citizens. Thank you.

Mr. Patrick Lumumba: Asante Bwana Kibe, amezungumzia vitu vingi akasema elimu ya urayia iwe ni elimu ya kuendelea, uteuzi katitka mahakama, wajuzi washughulikiwe na mambo ya uraia, haki za binadamu pia zitiliwe maanani. Asante sana bwana kibe. Namuomba bwana Robinson Kanyi, yuko Robinson, kama yuko aje, ni wa hapa Othaya, karibu.

Robinson Kanyi: Mimi ninaitwa Robinson Kanyi, naenda kuongea juu ya masomo, vile masomo inaendelea, mtihani watu hufanya kazi nyingi na wengine hawafaidiki, masomo inapo endelea, watu wawe wanawekwa kwenye viwango, kuwe na mitihani mingi, kama ilivyokuwa zamani, mtihani kuanzia standard four na kupewa certificate, wengine waliendelea mpaka standard eight na kufanya mtihani, wengine mpaka form four kuliko watoto wote kuendelea mpaka standard eight na wengine hawana pesa za kuendelea. Hata wale wanao fika form four hawana pesa ya kuendelea na university, hata wanapomaliza pre-university, wanakosa kazi. Inatakikana tuwe na muelekeo ili watu wanapo maliza masomo wawe wanaweza kupata kazi.

Gender: Tunaona vile watu wanasema equality itakuwapo, tukiona hali ya equality, tunaona msichana hawesi kuolewa na mwanamume bila mwanamume kumpenda, na akiolewa ni lazima afate maneno ya mwanaume, msichana anaweza kuwa na wanaume watano ambao anawadanganya, na baadaye anakuja na watoto kutoka kwa hao wanaume watatu, na hiyo haiwezi kuwa ni nyumba.

Local Government: Vile kazi inavyofanywa, hawafanyi vile inatakikana, watu wana aribu mali ya uma, wanaitumia ni kama yao, serikali iangalie kazi anayofanya ili tuwe na serikali timamu.

Administration: Watu wa administration wanaingiliana na Raia mpaka kazi imearibika, kwa hivyo kazi inatakikana iangaliwa barabara, tunaona tofauti. Tunaona kwa wakati huu kazi haifanyiki kwa vile watu wameungana wamekuwa kitu kimoja na hakuna watu wanaojali masilahi ya nchi ila tumbo zao. Kwa hivyo kwa tume, inatakikana tuwe na sheria ya kupatia sisi nguvu ya kufanya kazi. Sina mengi. Thank you.

Mr. Patrick Lumumba: Asante sana Robinson amezungumzia elimu, mambo ya gender na serikali za wilaya, asante sana Robinson. Namuita sasa Wairimu Cherenica kutoka Karima Parish.

Wairimu Cherenica: Mine is on land and property, the title deed to bear the names of both spouses, but here I expect the new Constitution to consider one man one wife.

Education: On the side of education, the quarter system should be completely abolished, we have been affected by the system. I would also like to commend on health, the illicit brews should be abolished, they have affected our husbands and later we are left widows, even school children too, they are left as orphans thus drop from school

Mr. Patrick Lumumba: Wairimu amezungumzia mume moja bibi moja na akazungumza mambo ya uridhi na afya. Asante sana Wairimu kwa maoni hayo. Nawaita Gangumo Catholic Church, wanawasilisha kumbukumbu, namwita Paul Gichie Kinyua, wa Karima PCEA youth.....mzee Mathew Muchiri, karibu.

Mzee. Muchiri Mathew: Thank very much Commissioners, the Constitution is the supreme law that establishes and regulates the decisions of the Government, e.g., the Legislature, Executive and Judiciary. The ones that needs to make arms are the offices of the Attorney General, Auditor general and the electoral Commission. The Constitution creates all these offices and assigns them basic duties and powers. It should look on how the Constitution will enable us on how to elect our leader fairly, then give them power of leaders so that they are called through the votes. That is those who are in these offices should be elected fairly so that they can do the work which will help the community. The Constitution should help us to eliminate poor roads, Hospitals, Lack of water and handling cash groups. Like here we have Coffee, Pyrethrum and Tea, the Constitution should look into how these things are produced and at the same time how they are marketed.

The Constitution should also eliminate poverty, insecurity thus like in most places are not safe to walk during late hours e.g. Othaya town you can't walk during late hours due to lack of security. If we look at our Constitution, a good Constitution should start with we the people of Kenya, but our Constitution starts with Kenya is a sovereign state and any sovereign republic that means, the President, the permanent secretary, are sovereign and can do what they want, therefore the Constitution should be changed to accommodate all Kenyans to their development.

Arms of the Government: We have three arms of Government, Parliament, a good Constitution makes sure that the arms of the Government are independent from each other, it makes each arm to do its job better. If the courts are independent, the Parliaments are independent; they will do a good job. A good Constitution must provide checks and balances between the three arms of the Government, in order to create a stable Government. E.g., the Parliament should have committee and they include:

- Parliament committee, which should appoint senior officials in the Parliament,
- A public service Parliamentary committee which should employ senior officers
- Estimate Committee, to scrutinize annual budget and proposals
- Parliament intelligent committee, to scrutinize and confirm senior appointments to the intelligences and over see their budget.
- Parliament foreign affairs committee, to scrutinize conduct of foreign affairs and business.
- The speaker to dissolve the Parliament instead of the President.
- There should be two Parliament chambers, one should be representing constituencies like Othaya, another to represent administrative region and special interest groups, that is, the regions should be a member of like what it was law house and upper house. Each district to have a member who will represent in the upper house from any district.

The Judiciary is referred to as custodian of justice, the Chief Justice, Registrar of the high court and the Court Principals should work independently, without the control of the office of the President. Court should intent judicial power, a supreme court is accorded the final authority in any dispute involving Constitutional matters irrespective of who is involved in the dispute. Appointment of Judges should be approved by the Parliament, when the Judicial Commission appoints Judges, they should be taken to the Parliament for approval.

Executive: All appointments should be ratified by the Parliament such as the, the Cabinet, the Judges, Police chief, Head of civil service, members of the electoral commission and Central Bank Governor, all these should be appointed by the relevant bodies and be approved by the Parliament.

There should be Prime Minister who should be elected, and the Vice President who will be appointed by the President and

should also be approved by the Parliament.

There are youth polytechnics which belong to the Ministry of Technical Training. These polytechnics produce good village artisans, juakali artisan, the youth polytechnic instructors should be employed by the Government as civil servants. To be employed in the same term as teachers in Kenya polytechnic and College of Technology. The terms of service of these instructors need to be looked by this Constitution.

Finally Kenya currency, we had the first President Jomo Kenyatta who appeared in our Kenya shillings and all other paper money currency, then we got President Moi who also appears in our currencies, we should have only one head of the Government like Jomo Kenyatta appearing in all our currencies. But not the President who will be elected at the end of each year to be in our currency and also the other one. Therefore like in America we have George Washington who did well in the United States in America and he appears in its currency, so we should not have every President to appear in our currencies. Thank you very much.

Mr. Patrick Lumumba: Asante sana, Mzee amezungumzia akimalizia na fedha za kitaifa, isiwe kichwa cha kila rais kinatumiwa katika fedha, pia amezungumzia tuwe na vyumba viwili vya Bunge, moja ikiwa ni sehemu za uwakilishi Bungeni na chumba cha pili kiwe ni cha uwakishi na sehemu za utawala na watu wenye masilahi tofauti tofauti, umasikini na vitu vingi ambavyo amevandika na kiviorodhesha kwenye kumbukumbu vyote hivyo vinashughulikiwa ipasavyo. Asante sana Mzee Mathew Mushiri. Sasa namuomba Gideon Nguche, wa hapa Othaya naye aje awasilishe maoni yake, bwana Gideon, karibu, Gideon ameandika kwa kumbukumbu labda tayari ashaleta kumbukumbu, naye pia David Nguche yuko au amewasilisha kumbukumbu jinsi alivyo andika? kama amewasilisha, Sammy Minaye wa Othaya, anwani 22, Sammy yuko? Gideon Nguche, karibu?

Gideon Nguche: Nimeshukuru commission, what I would like to say is, number one is

- The President should at least be a person of education of degree level
- Other politicians, MP's, Councillors and Chairmen of parastals organizations should at least be form four graduates.
- Any person holding any positions and messes with such a position like agricultural organizations, coffee, pyrethrum, milk and other industries should be punished and made to pay, that should be put in the law, as we see today, somebody messes up and goes away with it, being transferred to another organization and messing it again, we have seen these on several occasions.
- The President as we have seen for the two Governments, should not be everywhere, he should only hold one position as a President and to advice the Government but not more. We have seen the two Governments, Kenyatta's and President Moi's Governments that we have District Commissioners, District Officers, and Chief everywhere they are of the same tribe and other organizations. These should be discouraged by our Constitutions that should form a policy making body where all decisions should be made. And these should be shared equally.

Education: We have seen many failures and these come by mismanagement of money, there is no good relationship between the Government officers and the students, parents and teachers, because there is nobody to supervise there well.

On Land output: Our Government today dismantled everything, factories like milk factories, coffee, tea closing down due to poor management. Every coin coming in to the factory is dispatched to other areas for example we can see the Managing director or the Chairman goes with a salary of Kshs: 200,000 while this farmer does not get anything, this is very discouraging. Example like Coffee is getting finished and we have no money in circulation in the area of concern.

Irregularities during Elections: You find powerful people in Government offices will always win the elections, the irregularities should be stopped and the President going for an election should not be holding the Presidential office, to you Commissioner.

Commissioner: Commissioners should not be given more time so that they can earn from the commission because we are eager to have a Government which will have a new Constitution and well formed.

Health: We have seen people dying near the surgeon theater due to lack of management, as we had seen in education, corruption in Kenya is just too high because you can't get any services in any Government office. We are bitter about these. I had not finished but will just present that.

Mr. Patrick Lumuba: Asante sana Mzee Gideon amezungumzia mambo mengi, mambo ya afya, uchaguzi, ufiadini, ukabila nasi pia ametuambia tujaribu kuchapa kazi kwa haraka iwezekanavyo na tuwaidi kuchapa kazi ipasavyo. Asante sana bwana Gideon kwa maoni hayo. Na sasa ninamualika bwana Sammy Minaye kwanza, Sammy Minaye? Inaonekana mzee Sammy anawasilisha kumbukumbu, Johanna Murage, Murage Johanna tafadhali? Kama hayuko, John Macharia, memorandum? Benedict Karienywa wa S.L.P 120 Othaya, yuko Benedict? karibu. Atatumia lugha ya Kikuyu na kutafusiriwa kwa lugha ya Kiwashili.

Benedict Karienywa: Asante sana

Translator: Mimi ni Benedict Karienywa na nitaongea juu ya shida za wakulima.

Benedict Karienywa: Tonduni turi arimi a kahua, turi arimi a macani, na turi arimi a indo iria ingi ta Ng'ombe na mburi.

Translator: Tukiwa wakulima wa kahawa, majani na pia wafugaji wa ngombe na mbuzi

Benedict Karienywa: Ni tuhinyiririkaga muno tondu twarima kahua, tutionaga mbeba na andu aingi matuhinyagiriria matunguhage na ithui tuhinjage.

Translator: Sisi tunapata matatizo mengi sana tukiwa wakulima kwa sababu baadaya kazi zote za kulima, hatupati mapato

yoyote hasa pesa. Kuna watu wengine ambao wanaofaidi kwa jasho letu ambao utawakuta wamenona na sisi tunakonda.

Mr. Benedict Karienyia: Undu uria ungi, twiragwo nitukureherwo indo, cia kurutithia mawira migunda-ini, na tuticionaga, no tukaringagwo mbeba o uguo na tutiri na faida.

Translator: Jambo lingine ni kwamba, wakati mwingi tunaaidiwa ya kwamba tutapatiwa usaidizi ili tuweze kutekeleza kazi zetu za kilimo lakini hatupati. Ila tunakatwa pesa lakini hatupati faida ya hizo pesa.

Mr. Benedict Karienyia: Undu uria ungi, ni andu aria matari handu mangiona wira, mawira marikuo, tutingiandikwo ona kana ciana iria tuthomithitie, cionerwo mawira, na gutigwo guikara u uguo na cii na githomo kinene.

Translator: Jambo lingine ni juu ya ukosefu wa kazi na watoto wetu hawapati kazi. Ingawaje wamesoma na wengi wao hawana mbele wala nyuma.

Mr. Benedict Karienyia: Undu uria ungi nigukoragwo micii-ini, thirikari ni iroka, igakorwo ona tha ithatu ti nginyu, thaa igiri andu makanyitwo na makahingirwo haria. Na wathii haria no magana matano, ngiri, na angi matiri.

Translator: Jambo lingine ni kwamba sisi tukiwa wananchi tunanyanyaswa, unakuta tunashikwa na polisi saa mbili ya usiku hata kama saa tatu haijafika kisha ukipelekwa kotini unapigwa faini ya shilling mia tano au elfu moja ambayo huna. Tufanye nini?

Mr. Benedict Karienyia: Asante sana.

Mr. Patrick Lumumba: Asante sana amezungumzia kilimo, ujira na hayo yote ni mambo ya kikatiba na hata mahakama na asante bwana Beneddict. Asante. Tunamuliza John Wanyiri, John Wanyiri yuko? wa S.L.P 73 Othaya, kama hayuko, ameandika memorandum labda amewasilisha, Martin Murunga was S.L.P. 635 Othaya, Martin Yuko?

Martin Murunga: Asante sana ma-commissioner na watu walioko hapa, yangu nitazungumza na nafikiri yatarekodiwa vizuri, swala langu ni kuusu hii nayoitwa Co-operative Act, ndiyo ninaone inaleta matatizo sana kwa wakulima huku, Kenya ni nchi ya wakulima na kila bidii yote za Kenya inatokana na wakulima, kwa hivyo vikwazo au rules ziwe kali sana kwa watu wanaocheza na pesa ya wakulima, ufisadi wote uchunguzwe zaidi, watu huchukua pesa za wakulima na hawarudishi. Asante.

Mr. Patrick Lumuba: Asante Martin amezungumzia mambo ya kilimo na fedha, baadaya hapo nitamualika Meshack Giroga Thuku.

Meshack Giroga Thuku: Mimi ni Meshack Giroga Thuku, mimi ni mwana harakati wa DP. Kabla sijatoa maoni yangu, ningependa kuwaomba ma-commissioner, ya kwamba ninamaoni mara mbili, kulingana na yale tumekuwa tukisema kwa vyombo vya habari, tumekuwa tukishtuka, tunaona tutatoa maoni yetu, halafu tukose kuwa na katiba, kwa hivyo mkindiruhusu, nitatoa maoni ya marekebisho ya katiba and then I will have a few comments to make.

There should be no person who has been a President for at least two five years term who should be eligible to campaign for the presidency when the new Constitution start working. Every aspirant for the presidency should have running mate. The Presidential aspirant should not contest for a Parliamentary seat but any one of them who attains 10% of total votes cast country wide, should, but looses to capture the presidency, should qualify to be a member of Parliament. The person to become a the President have a 50% of the votes casted countywide, if no candidate manages 50% their should be a runoff where the person who attains the simple majority becomes the President.

If the office of the President becomes vacant by reason of his death or resignation, or by impeachment, an election for a President should be held within 90 days following that occurrence. While the office of the President remains vacant as I have said, the functions of that office should be exercised by the speaker of the national assembly who shall automatically be there from contesting the presidency seat and ensuring election

There should be a hybrid growth system of Government where by there should be a Prime Minister and two deputies, and one of the two deputies should be a woman. The minimum age for a Presidential contestant should be 35 years of age, we should have a Government of national unity.

Parliament should be the supreme decision making organ in our country, it should regulate itself and hence it should have its own calendar. The Government should be impeachable by a simple majority of the Parliament. Granted that the current system of whereby we have elections at the end of the year, the Speaker of the National Assembly should summon the House on the first Tuesday of February after an Election while the House should stand to be dissolved at end of November five years after it first held its first seating. There should be free primary education. All the forest areas that have been destroyed should be allocated the surrounding community for reforestation after which a proper way to manage our natural resources must be put in place by the Government. The Provincial Administration should be abolished. Finally, there should be a true and reconciliation Commission which should deal with the following:

- Past Human Right Abuses
- Past Tribal Clashes
- Past Political Assassinations etc.

This Commission should comprise of Religious Leaders and other people of integrity from the various relevant sectors in our Community. Those are my views.

Now I will just briefly outline the point I wanted to make please. Calling on the CKRC to keep on track. It is with profound shock and sadness that most Kenyans are watching the current goings-on in your Commission. The incendiary comments

attributed to some Commissioners and which are directed to its Chairman are alarming to say the least. To most of us, Prof. Ghai appears to be tolerant. for the unforgivable sin of piling dust . It is very possible to have a new Constitution by December. Let every Commissioner know that this is what we Kenyans want and so majority of us Kenyans are solidly behind Prof. Ghai on this point. The Chairman has just explained how it is possible to achieve these. So the million dollar question is, why does some of Commissioners want to sabotage the process that we as a country have invested so much in, it must be accepted as the Chairman himself has pointed out that among a group of people like the Commissioner of Kenya Review Commission, there are bound to be different opinions, but as we have again slightly observed, those differences should be solved within the Commission meetings, instead of taking them to the media an action that shall be greatly amplified and painted negatively. It does not help when someone does not know the formula of doing something and instead of asking the one who knows how it can be done, he starts that insisting it can't be done.

To these Commissioners who are opposed to the Chairman of Constitution of Kenyan Review Commission, let them know that the majority of us Kenyan are solidly behind him and with all due respect those who cannot be able to work with him should do the honourable things, which is to resign. Otherwise, the best thing is for all the Commissioners to solve their difference in amicable manner during the Commission's meetings so that the public content in the Commission is not eroded.

In the meantime, the chairman has said that it is possible to have a new Constitution by December this year, and so may it be, thank you very much.

Mr. Patrick Lumumba: Thank you very much for those comments you will submit both documents, thank you very much for your kind remarks, you can rest assured that as the Secretary I will communicate this to the Commissioners and I hope they will need your humble request. Bwana Meshack amezungumzia maneno mengi kuhusu elimu, misitu, afisi tofauti tofauti na yote yuko kwenye kumbukumbu tunamshukuru mno. Asante sana Meshack. Sasa nitamuuliza John Maina Warui aje azungumze nasi.

John Maina Warui: I am John Maina Warui and these are my points: A winning President must gain atleast 50% of the votes casted in a general election beside 25% in votes casted in atleast in five provinces. A runoff will follow if there is no clear winner. This will involve the top two candidates.

The number of ministries should be stated in the Constitution, in my view, Kenya should not have more than 15 Ministries, with one minister and one deputy Minister in each Ministry. Professionals with good Management skills and proven leadership qualities who are not MP's should also be considered while Ministers are being appointed.

Parliament should be involved in the national budget formulation, in every financial year, a Parliamentary select committee should seat down with Government expert to formulate a budget that will address the needs of the people, the process should not be

done secretly.

Entire provincial administration should be scrapped because, it serves no useful purpose. Their roles should be taken over by enhanced local authorities and by public managers who should not work for his own benefit, but is directed to work financing Essentials, Social and Economic requirements.

Constitution should create an independent commission that will review salaries and terms of our MPs after major consultation with various stake holders, this will prevent the kind of greed we are seeing with the current groups of selfish MP's.

An independent Electoral Commission with Parliament authority should see to a redrawing of the constituency boundaries, population size, infrastructure and the economic productivity of an area should be the determining factors while drawing Constituency boundaries.

And last, Parliament should have its own calendar, this calendar should stipulate when Parliament should adjourn, dissolve, prolong and when to open for new sessions. It should not be left to the wing of an individual. It should only be answerable to the people. Thank you.

Pastor Zablon Ayonga: Thank you very much, asante sana, bwana Wairui amezungumzia vitu vingi, na akapendekeza jambo ambalo mtu hajapendekeza yaani wizara ziwekwe, idadi za wizara ziwe katika Katiba, tusiwe na wizara zinazo zidi kumi na tano, na pia tume teule itakayo shughulikia mishahara ya waBunge na maafisa wengine na mambo ya fedha za serikali, Bunge ihusishwe wala, isiwe ni jambo ambalo linashughulikiwa kisiri na maafisa wa serikali, asante sana, Namwita Mathew Kiago, wa anwani 464, Othaya, Mathew yuko? Karibu,

Mathew Kiago: Thank you very much the Commissioners, my name is Mathew Kiago , first of all before I present my memorandum, I would like to talk in the field of agriculture, the new Constitution should ensure that the peasant farmers have incentive prices, access to market, access to quality feeds, fertilizers and other inputs, access to good extension services as well as guarantee promptly and fair payment for their products.

Water: The new Constitution should dedicate itself to extend the present programmes through NGO's to building boreholes, tanks etc. so as to have water for human being and livestock consumption in the arid and semiarid areas. We have many rivers in our country to cater for these needs.

Education: The new Constitution should work out a formula to have even the poor children attain education, as this can be utilized in the production of manpower which our economy demands. And for these few remarks I represent my memorandum. Thank you very much.

Mr. Patrick Lumumba: Yake yanaeleweka , maji , elimu na kilimo. Asante sana. John Wahome tayari ameandika kumbukumbu, Wahome unakaribishwa.

Mr. John Wahome: Asante sana, yangu ni machache sana, mimi ningetaka siku hii ya leo Mungu aibariki kwasababu wale waliopigania uhuru wakisikia katiba inatengenezwa watafurahi sana. Mimi ningetaka Bunge iwe ndiyo inawakilisha wanachi kwa jumla, kwasababu wanatoka katika kila pembe ya nchi, kwa hivyo wapewe mamlaka zaidi.

Ya pili ni judgement, mahakama ipewe uwezo zaidi na isiwe ikiingililiwa. Hali ya Rais na Prime Minister wawe wakiwa ni kama watumushi wengine, kuongoza mjadala kama vile ilivyo jadiliwa Bungeni na mahakama iwe ikiongoza sheria.

Mimi ni mkulima ningetaka katiba hii ya leo iwe ikishughulikia mkulima zaidi. Mazao yake kama ni kahawa, pyrethrum, maziwa na mengine yote, awe akishirikishwa, awe akijue mnunuzi ni huyu, ametoa pesa fulani, kwasababu vitu vingine vinauzwa bei ghali sana kama dawa, fertilizer na mkulima hapati chochote, kwa hivyo ninaonelea mkulima awe akiongoza ukulima wake, Na kwa hayo machache mimi nitawachia hapo.

Mr. Patrick Lumumba: Asante sana bwana Wahome unaeleweka barabara kwa hivyo sitarudia yale umeyasema. Na muomba Waigwa Muchiri wa Karima aje kama yuko hapa, Muchiri Karibu.

Mr. Wahome Muchiri: Asante sana maCommissioner, yangu nitajaribu ku-highlight

- One, the Constitution should extensively provide mechanism of land ownership and sale
- The Constitution should regulate agricultural activities and harmonise all regulations which impart on agriculture and those that were inherited from the colonial Government discarded.
- The Constitution should provide for a form of economic model, for example the one that was give out by the national alliance for change.
- The Constitution also address and regulate education, in this regard, education should be free for all
- The Constitution should also regulate health services.
- The Constitution should de-link Parliamentary and civic election from the Presidential elections to avoid a mix up in the elections.
- The Constitution should also regulate the armed forces seeing how they are formed, by who, when are foreign force allowed on our soil , on what terms and on who's agreement.
- The Provincial Administration should be abolished because it is colonial constituion, It should also regulate foreign debts and in this case Parliament should be involved.

- The Constitution should regulate mineral exploitation Constitution and that executive should not grant many concessions.

The Executive: We should have a Unitary Government and an Executive President. The President should serve a two five year term, he should not be an MP or should not run as a member of Parliament. All appointments that he makes including Cabinet Ministers, Judges, Police Chiefs etc should be passed by a relevant Parliamentary committee. Parliament should be empowered to impeach the President.

The Constitution should have a Constitutional balance, that is an interpretation provision is needed stating precisely when and how the Government shall be handed over after elections or incase the President is unable to carry out his duties. In this regard, I propose may be the speaker of the national assembly to stand in when this happens.

The creation of an independent supreme court with the final authority of all judicial proceedings question including powers to scrutinize those made by Parliament and administration divisions made by the President to make sure that they are Constitutional.

The Legislature: The most important standing orders and the Parliamentary committees should be put on the Constitution so as be entrenched. In order to include minority affairs, on upper chamber of Parliament should be created to work a long side the lower chamber and the lower chamber should be based on constituencies of equal proportion sides while upper chambers or the upper house should be elected on geographical constituencies e.g districts or provinces. With each district having one or two representatives irrespective of population and size. The Parliamentary service commission should be given more operation independence to recruit, discipline and manage Parliamentary staff.

A Parliamentary support and research service department should be created and a secretarial crue set aside for MPs for research. Parliament should control its own calendar without interference from the Executive. The Executive should be made accountable through creation of a house of ex-committee with disciplinary powers, a register of member interests so that we can know when our MP's are directors of some companies.

Parliament intelligent committee to scrutinize operations and budget of intelligent bodies should be put in a Constitution. Parliamentary foreign affairs committee to scrutinize foreign affairs and issues to which Kenya is a signatory.

To fill the gaps in our law an impact should be added to the constituion to regulate conduct of all foreign affairs and treaty making.

The Legislature: All Judicial powers should be rested in the supreme courts, appointments of all Judges and Magistrates should be restructured to create independence from the Executive by including the law society of Kenya representation to the Judicial Service Commission and requiring Parliamentary approval for senior Judicial appointments.

General: The Government should be committed by the Constitution to support financially any innovative projects of any citizen. The plight of the youth should be entrenched in the Constitution, that is particularly youth budget year. The employment opportunities there in should be quoted. Voter registration should be a continuous exercise as is Civic Education, Independent skills should be remembered.

President should be elected by the majority votes and the Presidential should have a running mate. And in case, there is no clear winner, there should be a run off between the top two leading candidates. To summarize, all Presidential appointments should enjoy the security of tenure and all MP's should have five days work schedule, just like any other employee, just like a teacher who goes to school from Monday to Friday, so should be our MP's, City mayors should be elected by the people and they should also be empowered to do their duties without interference from the Executive. Thank You.

Mr. Patrick Lumumba: Asante bwana Muchiri amezungumzia vitu vingi kuhusu vitendo vya urais mahakama serikali za wilaya na amezungumzia mambo kuhusu vita na mikasa na wananchi kutoka nchi za nje, mambo ya kuhusu vijana, hivi vyote tunavinasa na asante sana bwana Muchiri wa hapa Karima sasa namualika Maina, Maina wa Karima kama upo tafadhali Maina jina lako la pili alijaandikwa barabara kwa hivyo uenda sijalitamka ipasavyo, Maina kama hayuko jina lake mliandike barabara inavyotakikana mlirekebishe ili lisomeke inavyofaa. Peter Mwangi, wa Gaturi, Peter Mwangi yuko? kama Peter hayuko namwalika John Maina, tayari ashapeana, Paul Muchiri wa Karima youth? Francis Mwangi kutoka chama Cha DP.

Francis Mwangi: Thank you Commissioner, I have three points to stress, the first one is over our Local authority. Cap. 265 to be amended, laggage in town councils and municipal councils should be scrapped.

Presidential powers should be trimmed e.g President should not be chancellor of the university if need be he should be a patron. Commission to be formed by the Parliament to vete all those who will lead/head state corporations.

Women affairs should be reviewed, eg Citizenship, when one marries in America or any other country and happens to divorce she should not be termed as a refugee but should be a citizen of the original country e.g Kenya.

Judiciary: Judges should be appointed by the commissioned formed by the Parliament but not the President. Chief Justice should also be appointed by the Commission appointed by the Parliament, and not the President and should be a competent and qualified person. Magistrates should have Jurors in court to avoid corruption therein. Prosecutors should be qualified

persons with knowledge of law. Commission should be provided. (interjection)

Com. Pastor Zablon Ayonga : Be patient, and I want to welcome each one of you, I am sure you have eaten something or you have taken in fresh air or drunk water. Now we want to go in a much faster way than we did in the morning because time is against us, you are farmers you left your cattle somewhere and you do not want to go find that they did not drink water and whatever, and I am going to manage, time like this and I am requesting you to cooperate. Nataka zote tukubaliane na tufanye pamoja. Njia ya kufanya pamoja ni kukubaliana kwamba hivyo ndivyo tutafanya. Bila ya yeyote kufikiria mimi sikupewa nafasi hivi au vile. Na kitu ambacho tutafanya ni kwamba, nitawapa kila mmoja dakika mbili. Kwa mfano, kama una memorandum kama hii, nataka tu utuambie maneno mawili matatu makubwa yaliyomo hapa, afterall, sisi tuna time ya kwenda kusoma hii. Na tutaenda kutoa maneno yako hapa yaingizwe katika record yetu. Kwa hivyo kutusomea kila neno hapa na wengine hawatafuata. Twambie tu kwamba memorandum yangu ina maneno haya na haya na ikiwa kuna jambo moja ambalo mtu hajasema, na unataka kuliweka nguvu ilo liweke mkazo lakini ujue una dakika mbili. Na ninyi wale ambao mna kuja kutoa maneno yenu verbally, ambayo unajisemea tu hukuandika tafadhali tupe maneno makubwa makubwa unayofikiria. Kama ni jambo ambalo mwingine amelisema kutoka asubuhi, mwingine akalirudia, tafadhali tusiendeele na mambo ya namna hiyo. Yale ambayo yamesemwa, yamesemwa na yako katika record yetu hapa, kwa hivyo tutaanza kuwaita na pengine nitamuuliza bwana katibu hapa ataita majina matano mara moja, ili ujue Fulani akimaliza, niwewe, uwe karibu, usiwe unanza kutafutwa.

Sasa kuna mmoja jina nimesahau hapa William Gachuni Ndirangu, uliitwa asubuhi na hukuwepo, njoo upresent memorandum yako, dakika mbili tu.

Wiliam Gachuni Ndirangu: Asante sana bwana Commissioner, yangu itakuwa machache, kwanza kwa jina ni Wiliam Gachuni Ndirangu, na niko na memorandum ambayo nitawapatia, lakini, kwa ufupi, ningetaka tuongee mambo kuhusiana na watoto, hapa katika nchi yetu, tuko na watoto ambao tunawaita chokora, na ukienda kwa majirani wetu, kama vile Uganda tunaona huko hakuna machokora na ni kwa sababu gani, ni kwa sababu sisi tumepuuza African Culture, African Values nilazima turudie pale tukaze tuweke mikazo katika African Culture zetu. Mtoto lazima awe na baba na mama. Lazima hiyo iwe kwa katiba yakwamba mtoto ako na haki ya kujua wazazi wake.

Ile nyingine ningetaka ni ya uridhi. Uridhi umekuwa jambo ngumu sana hapa Kenya. Kwasababu unakuta iko mamiloni ya pesa ambazo ziko na public trustee na kufikia watu wenye kurithi hiyo mali inakuwa ngumu sana. The right of orphans and widows should be respected. Hiyo lazima iwe kwa katiba sababu inachukua miaka kumi, miaka ishirini kabla mjane ama an orphaned child ku benefit kutokana na hiyo. Ile ingine ni mambo ya mashamba.....

Mr. Irungu: Also Presidential budget must be separated from other ministries. Anybody who wishes to stand for Presidential election must declare his property, wealth, and health and how he acquired them before presenting his candidature. He must also produce a certified copies of clearance from Commissioner of income tax. President must have no power to dissolve

Parliament or call an election. During election the incumbent President must hand over his duties to the speaker of National Assembly. All Presidential appointments must be approved by the National Assembly. If the President breaches the Constitution or commit any other serious crimes he stands impeachable by Parliament.

President must not represent any constituency in the National Assembly. If the President is defeated in the election after serving one term, he cannot hold a public office any more. As a Prime Minister, similarly, the same will apply after a completion of his two terms. The Constitution should give a grace period of one month after election for those who would like to challenge the election of the President. Also it should not allow the elected President to take hold of the office during that month.

The legislature: The Parliament must approve all international agreements financial and military commitments. Any declaration at all without approval by the Parliament will be invalid. All MPs must declare their wealth property as well as their interest. The speaker must have a register of member's interests.

The Parliament: The disparity in representation and as such there should be two houses the lower and the upper. The Constitution should empower the Parliament to call any ministers, or officers etc who perform contrary to the expectations of Kenya.

The Local Authority: The local authority must be empowered by abolishing provincial administration. Mayors and chairman to be elected by the public. Their duties to be elected by councilors. Clerks to be recruited by the Local Authority and be answerable to them. Any land plot for allocation must be first be first be advised in the local government. Approval obtained from the ministry of Local Government as well as from Parliament. Allocation of votes to be done through secret ballot. Balloting to be supervised by the electoral Commission officials. Security in the Local Authority areas should be the responsibility of the area OCPD and he must be held accountable if the situation worsens.

The Judiciary: There should be a supreme court. Appointment of the judicial officers must be approved by the Parliament.

Lastly, Public commissions. Many Commissions have been formed in this country yet their findings have not been made public i.e. a commission formed to establish the causes of tribal clashes in 1992 this Commission spend a lot of money from public funds, it is imperative, therefore, findings are to be made public as soon as they complete their work, one month is enough to announce their work.

Mr. Patrick Lumumba: Asante sana bwana Irungu kwa mapendezo hayo kuhusu afisi ya Rais, tume teule na mapendekezo yao, mambo kuhuzu vyumba viwili vya Bunge na vitu hivi vyote tumevinasa ipasavyo. Asante Irungu, sasa nitamuuliza Benjamin Maina Gichuki kama hayuko, amesema ya kuwa ameaandika kumbukumbu labda tayari amewasilisha. Elijah Mwai, nakuomba uje.

Elijah Mwai: Naanza kwa kuwashukuru sana nyinyi maCommissioner mliofika hapa kusikiliza maoni ya watu wa Othaya. Jambo la kwanza langu ni juu ya kilimo, kutoka miaka ya zamani tulifahamishwa ya kwamba Kenya is primary an agricultural Country. Hizi zingine ni views, habari ya kusema industries na nini, hazitatusaidia sana, watu wilioko katika Kenya kwa wakati huu. Kwa hivyo, ningetaka serikali, au tungetaka serikali, itie maanani mambo ya wakulima na wapate jasho yao kwa kuchukua sehemu kubwa ya profit zinazotoka katika mashamba, kwa mziwa, kahawa, chai na kwa kila kitu kingine. Kwa miaka iliyopita, vitu hivyo vilikuwa vikiwafaidi wakulima hasa kahawa, imeendesha nchi hii kwa mda wa miaka mingi sana, lakini siku moja, au wakati fulani, mambo hayo ya ukulima yalingizwa ulaghai, huo ulaghai umeua watu wa Kenya, ndio maana kwa sasa tumeshindwa kulipa school fees, tumeshindwa kufanya mambo mengine ya maendeleo kwasababu ukora umeingia huko.

Jambo la pili ningependa kusema ni habari ya administration, Kenya inapaswa kugawanywa katika sehemu zinazolingana, equal sizes, districts zilizo na ukubwa sawasawa kulingana na wingi wa watu katika District hiyo. Maendeleo yote yatoke kwa district, badala ya kuwa na district zingine ni kubwa zaidi au province zingine kama Rift valley ni kuubwa, inapaswa kugawanywa katika sehemu ilingane na ukubwa hizi zingine, na hizo provinces ziwe ni sehemu za Kenya sio kwa watu fulani wakifanya hivi na vile kila nchi yote ya Kenya iwe ya wananchi wote.

Jambo lingine ni habari ya presentation, kuna waBunge ambao wanasimamia watu kama miatano, wengine elfu kumi, constituency zote ziwe na population inayolingana, ili, representation ya kila mtu iwe sawa.

Masomo: Watoto wengi sana siku hizi hawaendi shule kwa sababu ya umasikini ulio na wananchi, na pale mbeleni wakati wa uhuru, kitu cha kwanza kilikuwa kufukuza ujinga, serikali wakati huo ilifanya mipango mbayo tulikuwa na matumaini ya kwamba ikifikia mwaka wa ishirini na mbili, kila mtoto atakuwa akienda shule, lakini kwa kiasi fulani, mambo yalibadilika, badala ya watoto kwenda sasa wanaondoka ni wachache sana wanaoweza kwenda shule na wale wanaoenda shule ni wachache sana wanaopata masomo kwa njia inayofaa kwasababu pengine walimu hawalipwi sasa na darasa ni kubwa sasa kuliko kiasi kile mwalimu anzaweza kufanya kazi.

Jambo lingine ni habari ya Electoral Commission: Electoral Commission illioko kwa sasa inaonekana kama inatumikia watu binafsi, kile sisi tungetaka kuuliza ni Electoral Commission inayo tumikia nchi, habari ya kuchukua vipande iwe ya kila wakati, ya kuandikisha wapiga kura iwe vivile.

Jambo Langu la mwisho ni kwa nyinyi ma-Commissioner, majuzi tuliona kama mnataka tuvunjike moyo, tulikuwa tume-invest juu yenu, lakini kwa sasa, kwa mambo yanayoendelea katika magazeti na nini, inaonekana kama kuna maCommissioner wanaotumikia watu fulani, hata hatusahau ya kwamba kuna wakati kulikuwa na mapishano juu ya wengine ambao walienda usiku mahali fulani. Vitendo vya namna hiyo, vinaonyesha ya kwamba wanao interest za watu fulani badala ya nchi, kwa hivyo tungetaka mkirudi makwenu, mkae, muwaambie wale wanaosema maneno ambayo yanawavunja moyo wananchi waondoke au

wafanye kazi pamoja na Ghai. Thank you.

Mr. Patrick Lumumba: Nataka nikuhakikishie Mzee kwamba kazi ambayo mlitupa ya kutengeneza katiba itatimilika. Hakuna kurudi nyuma, kwa hivyo msife moyo , najua tumefika mahali pengine ambapo watu wanasema, mbona hata tusumbuke tukiwapa maoni, maoni haya yetu kweli yatawekwa maanani na Katiba? Such questions have been raised, na ninasema zimekuwa-raised kwa usawa na si kwamba mnakosea ku-raise such, hata mimi ningejuliza hivyo, lakini kwa maana nimo ndani na tumo ndani, let me assure you kwamba Commission inaendelea na katiba itatoka, when time comes. Benjamin, nafikiri umeniita, sijakuita lakini uenda nitakuita, huyu ni DC Maina, Benjamin Maina, ulikuwa umeitwa kitambo na ulikuwa umeondoka karibu sasa uko karibu. Kile ambacho nitapendekeza kwa kuwa tuko wengi, ukiona ya kuwa mtu amesema yale ambayo ulikuwa unanuiia kuyasema, basi labda huenda ukafikiria ukasema tayari yangu yame shughulikiwa halafu uiandike kwa karatasi, yatashughulikiwa. Benjamin.

Benjamin Maina Gichuki: Thank you very much Commissioners, my name is Benjamin Maina Gichuki and I can only highlight some points.

One is retirees. From those who have retired from Government employment or parastatal bodies are mostly neglected Kenya citizen, they should be provided with health facilities, housing facilities, retirement benefits and pensions. They should have their salaries or allowances increased with line with their current colleagues, for instances, if those on retire were doctors they should get their increases whenever doctors salaries are increased.

Natural resources: Equal share of natural resources for all Kenyans, free trade or 'soko uhuru, Kenyans should be protected from coffee, tea, sugar and other natural resources exploiters who pay very little to the farmers and others who flood the markets with cheap commodities, this discourages farmers.

Constitution should compel the Government to pay farmers for their crops at better prices, if need be buy and store farmers yields until prices recover.

Political Parties: Political parties should symbolise democracy in their elections but not rigging. Number of political parties should be minimized to void few people or clan based parties. Any party that fails to get 500,000 members or supporters should be de-registered. Today Kenyans have been able to minimize some casual practices of some unbecoming customs. For example FGM, female genital mutilation.

Constitutions should be out law any body or any group that tries to revive such customs and habits.

Constitution should be above senates differences and should unify all Kenyans. All custom traditions and customs that

promote equality and fairness among the Kenyans should be entrenched in the Constitution, e.g. dowry and customary marriage, etc.

Constitution should recognize Kiswahili and English languages.

Corruption: Corruption is deep rooted in some sections of Kenyan society, it must be fought with all sincerity by all citizens. Fought by special agents who are free from political interference. Fought by law courts for example a life sentence for a convicted corrupt person, or a capital punishment if the corrupt act caused death. Briber, bribe gifts givers must be punished by imprisonment, nepotism, political protection, Confrondeliasm should be forbidden by the Constitution. Jobs should be give purely on merits. Harambee donations are indirectly bribes to the voters and constitution should discourage it.

Government should pay for the development fully, besides civil and political human rights, the Constitution should include social and economic rights such as, education, health, housing employment, business, inheritance of land and so on. Both men and women should have rights to contribute equally to the Kenyan society. The body to oversee the fulfillment of human rights must be set up by the Constitution.

Cost sharing: Cost sharing over burdens tax payers, the person who pays tax is the someone who pay part of cost sharing so the Government should pay the total costs of hospital treatment.

Constitution should provide for Parliamentary committee to scrutinize and confirm appointments at national level, e.g. , Judiciary, Public service and Audit general.

The Parliament should establish its rules and timetable, Constitution should ensure that an MP has power and not to be controlled by provincial administration. Mayors or Councillors should have powers over town clerks. That all the constituencies should have nearly equal number of voters. If there is a difference, it must not be more than 20%.

The Executive: The fact that the President has power to higher and fire makes him very powerful, the Constitution should reduce the power surrounding the President, give some to Parliament and Judiciary, abolish Provincial Administration in favour of elected mayors and Councillors. President should serve for only two terms of five years each. He should appoint a leader to government business to represent him in the Parliament might be a minister or a Vice President. He should have a running mate, who will be the vice President, Judiciary, Judges of the High court, Magistrates and other senior officers of the Government should be given security of tenure to be able to work independently. Thank you very much.

Mr. Patrick Lumumba: Asante sana umezungumzia vitengo vyote vya serikali, mahakama, Bunge na hata kitengo cha urais, asante sana utawasilisha kumbukumbu yako ili iandikwe, nitasisitiza tena kwa kuwa tuko wengi, ikiwa una kumbukumbu, kuna

njia mbili ya kujishughulikia, kwanza unaweza ukaiwasilisha hapa bila kusema chochote, ukitaka kusesitiza maneno fulani, au vitu fulani, utachukua dakika zisizo zidi tano na vile vile ukiwa unamaoni ambayo hukuyaandika tunakupendekezea kama yanawiana na yale tayari yamepeanwa, basi huenda ukafikiria uyawache au uandike kwenye karatasi, asanteni. Nitauliza bwana DC Machira wa hapahapa Othaya, anwani 149, kama hayuko, nitamuuliza bwana Jonnah Theuri, Jonnah Theuri yuko? Ukiitwa Itika ilitujue uko, tusikupite tafadhali, Jonnah karibu.

Jonnah Theuri: Kwa majina yangu ni Jonnah Theuri Nderitu, mimi ningetaka kuzungumzia juu ya watoto. Ningetaka kuwe na sheria ambayo inasimamia watoto. Tuseme kwamfano, mtoto akizaliwa nje ya doa. jukumu la kulea huyo mtoto liwe ni la hawa watu wawili kwasababu watoto wanataabika sana, mtoto anazaliwa, mwanaume anaachia mwanamke kulea uyo mtoto naye mwanamke anashindwa anaenda anamtupa huko town ndipo tunazindi kupata watoto wengi ambao wanarandaranda.

Pili, ningetaka kuwe na kikosi maalum cha kusimamia watoto kama vile tuko na kikosi cha anti-cattle theft unit tuwe na kikosi cha anti abuse child unit ambacho kitakuwa kikisimamia watoto.

Mr. Patrick Lumumba: Bado unaendelea?

Jonnah Theuri: Hiyo imetoshia.

Com. Pastor Zablon Ayonga: Wacha nikuulize, umesema watoto kuzaliwa nje ya ndoa, mambo yao yaangaliwe, ungelipenda tufanye nini?

Jonnah Theuri: Ningependa.....(Interjection)

Com. Pastor Zablon Ayonga: Hiyo ndiyo inamaana kubwa sana. Wewe tuambie kile ambacho unataka kiwekwe kifanye kazi kwa maana huyo mtoto amezaliwa na wazazi wawili. Moja ameruka ameenda huko na huyo mwingine alieyewachiwa mtoto akaenda akamtupa huko. Hao watu wafanyiwe nini?

Jonnah Theuri: Ningetaka hao watu kama mtoto amezaliwa sheria iwe mwanaume huyo na mwanamke huyo jukumu la kulea huyo mtoto, sheria iwe ikiwapatia wamlee wao wawili.

Mr. Patrick Lumumba: Asante. John Mwiru labda maandishi yako labda aitanikubalia nitamke sawasawa jina lako la pili, John Mwiri anwani yako ni 248 Othaya, Labda hiyo itakuelekeza kama uko John uko? Kama John hayuko, Joseph Ngatia wa anwani 12 hapa hapa Othaya, inaonekana hayuko. Uko tafadhali? Joseph Ngatia yuko? karibu.

Joseph Ngatia: I am called Joseph Ngatia. My points are as follows:-

- The President should take five years in the power
- The power of the President should be reduced by 50%
- The farmers in this country should be helped by the Government eg. tea sector, coffee sector etc.
- When the Parliament resumes, people should be given opportunity to watch on the Television what was going on.
- All Ministries should be managed properly
- The youth polytechnic should be given a good ministry which should be able to improve it.
- The Government should look into the jua kali sector. All people should be provided with security in this country
- We should use this Constitution when we come to this year's general elections.

Mr. Patrick Lumumba: Thank you very much, amezungumzia rais audumu kwa mda gani, kilimo, ambacho ni utu wa mgongo wa taifa, amezungumzia mambo ya jinsi ya kushughulikia masilai ya uma na vikao vya Bunge na hivyo vyote atawasilisha kitu ambacho alikiandika ukiwakilishe pale kiandikwe. Wale ambao wako katika vikundi, najua kuna watu ambao wako katika vikundi, mkiwa na memorandum au kumbukumbu moja, basi mmoja wenu atatosha kuwasilisha kumbukumbu.

Dunson Wahome: I think most of what I had proposed to present has been said, but I am going to highlight on a few, the first one is on:-

Presidency: I had proposed that the President should be elected directly by all able voters in the country and Presidential elections should be held separately from the others, that is the Civics and Parliamentary seats, before elections a Presidential candidate should be required to declare his or her wealth, should not vie for a Parliamentary seat, that is not necessarily be a member of Parliament.

I had proposed that the Constitution should be reviewed in such a way to try as much as possible to create a level playing ground during Presidential campaign, that is e.g. KBC, the Kenya Broadcasting Co-operation, uses most of its time to blackmail opposition Presidential candidates. Enough security should be given to Presidential candidates, now I disagree with the extension of the President Parliament just because of the Constitution review. For a person to be declared a Presidential winner, he or she should gather more than 50% of the votes casted in addition to acquiring 25% of votes casted in at least five provinces. In case of failing that, the first two should go for a runoff. Once elected, the President should not be above the law, should serve for at least two term of five years each. The Presidential appointees should first be presented in the Parliament and then forwarded to the President for official appointment.

Parliament: The Parliament should represent the nation in all aspects.

- Regionally
- Professionals
- Others like farmers, businessmen etc.
- Gender, men and women

Parliamentary candidates should be elected directly by able voters, should declare his or her wealth, all candidates should be given a level playing grounds.

Nominated members of Parliament: To improve the quality of policy making and representation in the Parliament, I would propose that the members of the nominated MP, should be increased for the current twelve to thirty six and be distributed as the following:-

- Twelve to be distributed in to proportion of the representation from political parties, they should give priority to disadvantaged members of the society, that is e.g. women and disabled members of society
- Twelve to be distributed among some important professional groups of the society, e.g. Doctors, Teachers, Lawyers etc.
- Other important groups of the society, e.g., farmers, businessmen, religious groups etc.

Political Parties: I would propose that the number of political parties to be either reduced to a maximum of three at the introduction of independent candidates, or more conditions should be put into place during registration to avoid emergency of such political parties with tribal interests.

For the budget: Analysis of the budget should be done, budget proposal by all political parties and then drafting should come from the proposals. I think I have finished.

Com. Pastor Zablon Ayonga: Now wananchi nataka kuwakumbusha from time to time kwa maana kuna wengine ambao wameingia wapya, na pengine hawako pamoja nasi kufatana na yale ambao tungependa kufanya, ninapo angalia saa yangu inaniambia imebaki dakika saba iwe saa saba. Something like that. Na-ninapo angalia wengi wa watu waliomo, na hata ninaanza kushindwa unless mpo hapa kwa vikundi vikundi ambavyo kila kikundi ni mtu mmoja anataka kuzungumza. Lakini kama ni nyote kila mmoja wenu anataka asema neno, lazima tubadilisha mwenendo wetu wa kusema ili tumpatie kila mtu nafasi asema, na njia moja ya kubadilisha hiyo, ni kwamba unapokuja jinsi ambavyo katibu alisema, kama kuna maneno ambayo unayotaka kusema fulani ameyasema, ni heri usingeyarudia, kwa maana tayari yamekwisha semwa na yako recorded. Na kama una memorandum tafadhali usichukue mda mrefu hapa kwa kusoma ile memorandum kwa maana tayari, inapochukuliwa maandishi, tunawale ambao wanaenda kuyachukua yale maandishi na kuya-record pia. Kwa hivyo ili tuweze kufanya vizuri na kila mmoja wetu apate nafasi, heri tuwe brief and to the point. Au mnaonaje?

Wanachi: Ni sawa.

Com. Pastor Zablou Ayonga: Mimi ninalipenda kila mmoja ambaye amefika asirudi bila ya kufanya kitu, lakini usifanye kitu ambacho hakiko, pia for the sake of doing something. Kwa hivyo tukikuita kama una memorandum, tafadhali toa, kama kuna kitu kinacho kusukuma sana katika kwa hiyo memorandum uliyo nayo kwamba you would like to highlight that particular point, highlight it without reading. Kwa maana wewe mwenyewe ulichokiandika. Basi tuendelea. In a half an hours time, tutakuja kubreak briefly, kwa lugha yetu huko kwetu tunasema kutoka nje kutema mate. Maana yake may be you can go for a cup of tea, you my go eat a snack, you my stretch yourself and then we resume. Tuendelea katibu.

Mr. Patrick Lumumba: Naona kuna Dominic Kihoro, Alfred Kingori, Daniel Linaous Ndegwa wote kutoka Karima location, sijue mko katika kikundi kimoja? Kama mko katika kikundi, mtasubiri mtaitwa tayari tuko na majina yenu, tutaenda kwa Emma Wachiuri, okey, that is who? Dominic Kihoro.

Dominic Kihoro: I have got a memorandum here, my name is Dominic Kihoro Kabugu, I have got a memorandum but I have one or two points to stress. One is regarding the Constitution, well I would prefer there are some sections, very vital sections of the Constitution which should be translated into our language which is Kiswahili so that most of the population can understand it for example Agriculture, Land tenure, Education, Local Government, Human Rights. Such sections should be translated to Kiswahili so that many of the population should understand.

The other point is currency, Our currency should be like the mode of U.S.A, and for us the currency should only bear the image of the founding father of our nation.

The other one is about constituency . This should be determined by the number of people who are in that area Thank you very much dear Commissioner.

Com. Pastor Zablou Ayonga: Mr. Kihoro katika translation ya Constitution, Constitution ambayo tunayo fikiria itakayo toka itaandikwa in very simple language, sikama hii Constitution ya zamani ambayo hata ukisoma hata ma-lawyer wenzangu kama huyu, saa zingine anakuna kichwa ili aweze kutafuta meaning and the interpretation thereof. Ambayo itaandikwa itaandikwa kama ni kwa kingereza, itakuwa in very simple English. Halafu itawekwa kwa kiswashili. Hizo lugha mbili zinafikiriwa. Ili sote tuwezekuwa na ile Constitution na itakua kijitabu kidogo ambacho you can put in your pocket. Na mtu akianza kukusumbua huko nje unamwambia which section of the Constitution ambayo imekupatia hizo nguvu ya kunifanyia ABCD.

Mr. Patrick Lumumba: Tumalize na hawa wenzetu wa kutoka Karima, Alfred Kingori Kamweru kama uko, tafadhali, Alfred Kingori? Ndio mzee, karibu mzee

Alfred Kingori Kamweru: Nii ni njaritie no ni kuri kiugo ndigitie nanikio ndirenda kuuga. Andu a tuli ona tuliaingi,

Translator: Nimesema mengi lakini kuna jambo fulani nilisau ndio limenileta hapa

Alfred Kingori Kamweru: Tuliandu kenda na tumite ndaini ya mutumia na muthuri

Translator: Katika familia yetu tuko watu tisa na tumetoka kwa tumbo ya mwanamke na mwanaume kwa hivyo sisi zote tumetoka kwa Adam na Eve, ndio nimekuja kusema maneno haya

Alfred Kingori Kamweru: Kwoguo twakirerwo ni twakinyaganire natukigarurwo migambo uyu akiaria gaikamba, uyu akiaaria kimiru, natukigia na mihiriga. Gikuyu akigia na mihiriga kenda naakigia na ithaka ciake. Uguo ari na ithaka ciaka niarekwe ecirire atige mwiriga niucire niguu mwene ithaka. No nitutige gwetherwa wakiri.

Translator: Anasema yakua baada ya kuumbwa tulitoka mahali mbali mbali kama tuko makabila. Ndio maana anasema kama sisi wakikuyu ama kabila hizi zingine, shamba yetu yaachwe huru, tuache kuachwa ati tuna kila mara tunaenda kotini kutetea hizo shamba zetu ziwe zetu na ziwe zetu sisi zote.

Wazee ndio wenye kukataa maneno sawa sawa kama judge. Mashamba yawachiliwe wenyewe. Nindaigania.

Mr. Patrick Lumumba: Inaeweleweka barabara kile anachokisema mzee kwa hivyo amna haja kurudia. Kufuatilia wenzetu wa Karima location Daniel Limo Segwa, kwa muktasari.

Daniel Lima Segwa: Thank you very much Commissioners, I have just one point or two points to emphasise, Our Constitution guarantees the freedom of worship. This Constitution should define how these or places of worship, we have replaced places where certain churches denominations and sects are turning shops, business premises, residential areas and even streets as places of worship. Where by they are infringing on the rights of the individual. So I proposes the Constitution should define where actually people should be praying the almighty God not everywhere.

On land ownership: The Constitution should put a sealing on land ownership, we have places where people are owning large tracks of land, while many of our people have none, I propose that one thousand acres should be the maximum number of acres of land that one individual should own, any land above these should be acquired by the Government for distribution to the needy. And with those few remark, thank you very much.

Mr. Patrick Lumumba: Asante sana amezungumzia ardhi, anasema mtu awe na kiwango cha juu cha umilikaji na iwe ni hekari elfu moja, vile vile amesema mahali pa kuomba Mungu vitengwe kwa kuwa hivi sasa ukiviangalia kuna watu utaona

mahali pa kusali pako katika sehemu za biashara na vitu kama hivyo. Asante sana Daniel. Sasa namuuliza Emma Wachiri aje na azungumze nasi, Emma yuko? Kama hayupo Emma namuuliza Michael Kilasi au Kivaki? Ni Kibaki haikuandikwa vizuri sasa nimesahihisha inasoma barabara. Kibaki

Michael Kibaki: Asante sana, kwa jina mimi naitwa Michael Kibaki, kuna sehemu nina maoni mbalimbali lakini kuna yale ambayo nitasisitiza.

Ya kwanza: Mkenya yoyote akiwa na miaka kumi na nane lazima ajiandishe kuwa mpiga kura na vilevile wakati wa elections apige kura.

President apigiwe kura kwa kutawala kwa 50% and above. Rais atangaze utajiri wake na tawale miula miwili. Rais awe anaoa, awe na bibi, awe na miaka 35 na zaidi, na asiwe anahusika na wizi.

- MP achaguliwe kulingana na wengi wa watu, wa voters.
- Kenya iwe na Prime Minister, na iwe na makamu wa rais.
- Ministers wawe kumi na nane au ishirini na mmoja.

Education: Serikali igharamie masoma kuanzia nursery to chuo kikuu. Ministry ya Agriculture ihusike na mashamba kwasababu mashamba ndiyo watu wanapata chakula. Waangalie habari ya mahindi., wheat, coffee, pamba, mpunga, miwa, maziwa ya ngombe , nyama na korosho, hata serikali iwe inahusika na bei, ili wakulima wasiwe wanaanza kulima halafu mwishowe wana- kata roho kwasababu malipo ni mbaya, na wakikataa kulima, basi sisi tutaumia. Korti iwe huru na iteuliwe na Bunge. Kamati ya uchaguzi iwe huru na chini ya Bunge. Jeshi vile vile iteuliwe na iwe chini ya Bunge. Kamati ya kuchunguza mali ya serikali vile inavyotumika iwe huru na iwe katitika Bunge. Watu ambao wanahusika na wizi wa mali ya serikali au pesa au udongo au nyumba za serikali wawekwe kotini na walipe.

Hospital services ziwe huru bila malipo hasa kwa ukimwi. Serikali ikome kupeana mashamba katika misitu, na hali ya kuaribu misitu ikome na wazidi kupanda mti.

Wananchi wawe na uhuru wa kuridhi mali popote ndani ya Kenya. Vyama vya utetezi viangaliwe vizuri, viwe na kiwango cha wafuazi wao ili tusiwe na vyama vingine ambavyo ni ndogo sana na vile wanachotaka ni wakati wa elections waende kwa vyama vingine wapewe pesa.

Dini zikaguliwe vizuri kabla hazijaandikishwa, kwasababu kuna dini zingine zinakataza kutumia dawa, kupeleka ngombe katika

kidimbwi na hiyo ni kuaribu community yetu katika Kenya.

Chokora, serikali ichunguze wazazi wao na wale ambao wanashida serikali ibebe hilo jukumu.

Rais akifa, akifanya kazi anamikono miwili, asichanganye kazi na siasa, tusema kama ni national day, hakuna ruhusa rais kwenda kufanya au kusema mambo au hali ya chama chake hiyo ninational day sababu sisi wote tuko katika vyama vyingi tunaenda huko., awe na siku yake ya kufanya kazi ya chama chake.

Wanawake watengewe viti ishirini katika Bunge. Maji ya lake Victoria na Tana River, serikali ichukue jugkmu la irrigation, ili tupate chakula.

Rais awe na elimu ya chuo kikuu. Mjumbe awe na elimu ya diploma na zaidi, councillor wawe wa form four na zaidi. Bunge iweke tarehe ya kumaliza wakati wake na vile vile iweke tarehe ya uchaguzi.

Raia wa Kenya wale walio na uwezo wakubaliwe kuwa na broadcasting na waeleze maoni yao.

Na nikimaliza, niko na point mbili tu, nimesema pesa ya serikali tungetaka picha yake iwekwe ile ya mzee yule wa kwanza, kama America wanavyofanya, vile vile tungetaka Kenya nzima tuwe na kamati special na iwe ya kudumu ya kuangalia mambo yote ya kenya, asante.

Com. Pastor Zablon Ayonga: Asante kwa kutuambia hayo, kuna jambo moja ulilosema ambalo sijue wengine walilisikia aje, ulisema Rais awe na bibi nadhani ulisahau pia inawezekana kuwa na Rais mwanamke, yeye hukusema awe na nini? Na tena sijui kama unatuambia hukusema pia kwamba kama rais bibi amekufa, au bwana amekufa, anaondelewa kazi? Kama yuko kazini kwa maana kifo hakichagui mtu, huyo ni mzee kwamaana ana watoto?

Michael Kibaki: Asante

Mr. Patrick Lumumba: Jambo moja ambalo amelizungumzia ambalo halikutajwa kabisa ni ya kuwa jambo la kupiga kura liwe ni jambo la lazima, hilo ni jambo hakuna mtu amelitaja kwa hivyo mlifikirie na nyinyi, nitamuita Grace Kamunya, Grace? Kama Grace hayuko, James Kaire, James yuko, karibu, kama una memorandum utachagua uiwasilishe au usisistize maneno machache tu.

James Kaire: I should have the chance to highlight.

Mr. Patrick Lumumba: Please go a head.

James Ngigi Kaire: I am representing the old mau mau patrons association of Kenya, two I am an ex-detainee. I would like to have highlight to the Commission that we have got a Sheria Cap No. 913 of 1950 amended in 1970, page one of the National society act, ukingalia sana utaona mzungu anayeitwa Mr Howard, nitasoma machache aliyo yaandika ya kwamba, I declare here, the society common known as mau mau to be society dangerous to the good Government of Republic of Kenya, sasa tunauliza, tungali 1950 upto now?

Ya pili, kuna confusion about land, ukiangalia map, MHA, Ministry of Home Affairs file number 40 and number 11 of 1970 all Kenyan who were detained who were front fighters, their land was confiscated. If you refer to the file which was released by the British in 1953, you will read our own names there. In case you want to have a copy Commission, I have declared my name here I was among the people whose land was confiscated. You will see the copy while you read my amendment or my memorandum.

Ya tatu, ni hali ya elimu. Tuwe na review, au tunasema tuwe na review ya 8-4-4 tu return to UK ambapo tulikuwa tunafanya mtihani wa form six.

Ya nne ningetaka kidogo ku-highlight about Jury ya wazee. Tunataka tujue about Judges in Kenya wawe trained people or trained wazee in high court matters.

Ile ingine naweza zungumza kidogo ni training of foreigners in Kenya. Tuko hatarini. Tunaletewa majeshi kutoka ng'ambo kuja training kufanya practice katika North Eastern Province or, parts of the Turkana, Samburu, na wanawacha ma-bom, baadaye watoto wetu wanayachezea kama mpira na inapasuka. Hawa watoto wetu ni wa nani? ni wa British au ni wa America?

Nilikua nauliza Commissioners kama inaweza kufanywa an urgent matter, ipelekwe Bunge wapewe training katika nchi zao.

Ya tano, mzee ningetaka ku-highlight kidogo tu hali ya our colleagues who were murdered in brutal activities in Hola. They got 11 detainees who were killed by the British in 1956 and no Compensation was done up to now. Na ilikuwa under Mr. T and T Sulvan alikuwa mzungu wa prison siku hiyo.

Twauliza compensation itakuwaje. Na hawa wazazi na watoto wao walikua na British ilikubali kuwa watu waliuwawa kama wanyama. I was in that camp that time. Niko na ushaidi wa kutosha ata nikiitwa kotini.

Ya sita, ni yale mashamba tulinyanganywa mashamba, ninakwambia tunacopy katika memorandum na utaona jina langu lingali hapo. Mashamba tulionyanganywa hata leo hatukurudishiwa mashamba. Na kuna wengine wako na hekari elfu mbili, mia tatu, mia tano hata thelathini za heka na manalaumu Zimbabwe. What about Kenya? Where are we facing now, hiyo ni swali

utalijibu baadaye.

Ya saba, nilikuwa nauliza kamati mkirudi what we have said now kama mtatuletea a short list of our memorandum at Othaya. Tuwe tukiwakumbuka jinsi tulivyosema leo. This is my request, mkienda mtengeneze Constitution of the whole of our country tuletewe copy kama hamsini au mia moja. Tutakuwa tukijidai tulisema hii na tulisema hii na ilitengenezwa na Commissioners. Sitaki kusema mengi nataka kusema hayo machache yale mengine yako kwenye memorandum yangu, asante sana.

Pastor Zablon Ayonga: Asante sana nitakuhakikishia ya kwamba baada ya kuandika report yetu tunahitajika kisheria kusambaza ili muingalie kwa siku sitini kabla hatujaenda katika kikao cha taifa. Kwa hivyo mtapata nakala za vitu vyote ambavyo mnazungumzia na ambazo tutaziandika katika report yetu. Asante sana mzee, na yale ambayo ulisema tutayashughulikia. Sasa huyo alikuwa ni bwana James Gitare na sasa namuita Alfred Kingori, Alfred Kingori wa anwani nambari 313 Othaya yuko, bwana Kingori? Charles Murungu, Charles yuko au tayari ameenda kujipatia mlo? Gerald Mwangi, wa nwani 72 Othaya, kama hayuko George Gikuri pia wa anwani sitini hapa hapa Othaya, kama George hayuko, kuna Paul Wachira anawakilisha kikundi anwani yao ni 12531 Othaya. Paul Wachira?

Pastor Zablon Ayonga: Kwa sasa nadhani tutafikia hapo kwa kikao chetu cha asubuhi, jinsi nilivyo waambia nataka tutoke kwa mda mfupi, about a half an hour then we see you here at two o'clock ndipo tuendelee, sasa tunaweza ku-break for a half an hour. Thank you.

The Land issues: Unakuta mtu ako na shamba kama hapa Othaya. Na anashtakiwa Nairobi au Mombasa kuhusiana na shamba ambalo liko hapa ili asiweze kufika huko Mombasa na land yake iende. So land issues should be respected na lazima irudie hapo kwa clan, clan members.

Na ile ingine nilikuwa nayo kidogo ni Presidential elections, lazima hiyo iwe 50% and above na incase of wakikosa kufikia kuwe na run-off. Ile ingine ni immigration. There is this law concerning immigration. Katika Kenya huru hakuna nafasi ya kuwa mtu ni immigrant. Hiyo lazima iwe scrapped kwa sababu tunasema mtu ni immigrant kama pengine ameenda nje ya mipaka yetu.

Na the last one, lazima tuwe na government of national unity, na ile ingine kumalizia kabisa ni equal representation in Parliament. Unakuta kama hapa Othaya, tungekuwa na MPs kama wane kwa sababu sehemu zingine tuko na MP ambaye anasimamia watu kama elfu tano. Hapa tuko na about over 30,000 people na hiyo lazima tuwe na, yaani MP hasimamii pahali, au sehemu, anasimamia watu. Na kama ni kusimamia watu, watu 30,000 sio kama watu elfu tano. Asanteni.

Mathew Waithiru: I thank you all the commissioners, mine is on the Chief and the Sub-chief and I am saying that the chief and sub-chief should be elected the way the councilors are elected. Otherwise the more they stay in their offices, they do

become dictators and therefore in order to curb that, we should only be electing them the way we do elect others. Again, they should be given a limited time for five years. In case they would like to go for a second term they can do so. Another thing is on the traffic policemen whereby they are planted all over the country. They should not be done like that. Nairobi, Mombasa and Kisumu, they should be put there, but in other areas they should not be there, they should be checking on the cars. Those are not worthy and those without licenses at a particular time of their own whereby they are going to set a time when they are going to go on the road get those cars and other times they should not be there from January to December. Again those people who are serving jail terms the prisoners should not be mistreated. The cells should be clean. Those caught drinking they should not be put in cells for more than two days.

Another thing is on the ministry. Any minister who is heading a ministry, should be qualified on that ministry. Not somebody who had qualified on the Ministry of Education or B.Ed (Bachelor of Education) and now is put to head the Ministry of Health. He knows nothing about the Ministry of Health. So in case you qualify to be a minister, or you qualified as a B.Ed, you should head the Ministry of Education not the Ministry of Health. Another thing is the Electoral Commission should be elected by the Parliament. Currently this is not so. Lastly the system of education. 8-4-4 should be abolished and the old system to be brought back.

Thank you.

Pastor Zablon Ayonga: Asante sana Mathew. Justine Mugweru, Mugweru Justine hayuko ? John Mwangi Mugo, Mathew Ndirangu, Kama Mathew hayuko Joseph Mbogo Mwenyere, Mary Ndegwa.(dakika mbili tu mama)

Mary Ndegwa: Okay I will read mine from what I have written.

- 1 Equal opportunities in education and employment to be accorded to all.
- 2 In case of senior employee say for example permanent secretaries, D.Cs and D.Os , there is a great bias against women in all spheres. There is a great bias against women and we are not short of qualified women in all spheres. Even in church we still find this disparities.
- 3 The government should be an example of provision of equal employment opportunities for women and men equally.
- 4 Primary school education should be completely free and compulsory in the absence of this and in view of current economic hardships, many parents give educational preferences to their male children.
- 5 Domestic violence against women and rape cases should be criminalized and women should be encouraged and educated to report such incidences to relevant authorities.
- 6 Women genital mutilation should be made an offence.
- 7 Equal inheritance rights should be accorded to all children regardless of their sex or marital status. Women should be educated as they are ignorant of their inheritance rights.
- 8 Hawkers should be catered for by the new constitution to avert harassment by the town city council for it is one the way

our children are earning a living as they are less fortunate.

- 9 Local brews have really contributed poverty in homes of men who are involved despite of their hardworking of their wives. So we are requesting this one to be criminalized.
- 10 Government hospitals should uplift standards of services, cleanliness and especially maternity wards. We are also, women are also advocating for gender equality should be fifty fifty. It is the view of us women that the Vice President should be elected by people as we do to the President.
- 11 Ministers should be appointed by their professions e.g. Minister for Finance should be qualified in Economics, Minister for Agriculture should be qualified in Agriculture. That is all from women of Total Self Help Group and were represented by Mary Ndegwa.

Patrick Lumumba: Daniel Mwangi Karuga, akifuatwa na Daniel Mugaku. Daniel Mwangi Karuga na atafuatwa Daniel Mugaku wa Karima.

Daniel Mwangi Karuga: Mimi ni Daniel Mwangi Karuga kutoka Sigome na yangu ni machache sana. Mambo yale ambayo niko nayo ni mambo matano tu. Naongea juu ya Sub-chiefs. Masub-chief, maoni ya watu inaona kama wawe kama Councilors, elected by the people. Ya tatu, ni ile mambo ya human rights. Human rights tunaona kweli hapa Kenya tunayo mambo mengi sababu human rights hazifwatwi kama vile ziko. Hayo mambo yarekebishwe kabisa kwa sababu tunaona mambo mengi sana. Ile ingine ni ya MPs. MPs should be elected by watu kama councilors. President naye awe na kazi moja tu, kama President peke yake. Sio awe ati ni MP na ni President. Tunaona mambo mingi sana sababu maoni yangu ni “one man one job”. Yangu ni hayo tu nimetaja hakuna mambo mingi. Asante sana.

Patrick Lumumba: Namuomba Daniel Mugaku kama yuko , kama hayuko Alice Gathoni Mugo, Gathoni hayuko, Raphael Nderitu, Nderitu Raphael, kama hayuko kuna mwezangu hapa ameanika jina lake kwa njia ya kutatanisha kwa hivyo anwani yake ni 640 Othaya. Anaitwa Mugathe. Labda nitaitamka sasa Mugathe yuko anwani yako 640 Othaya? Kimondo King’ori yuko?

Kimondo King’ori: Shida yangu nitaongea juu ya citizenship na Local Government kidogo. Mambo ya citizenship nasema, all people born in Kenya of parents who are both Kenyan citizens. All children born outside Kenya of parents who are both Kenyan citizens. All children born of one Kenya parent regardless of parent gender so that Kenyan citizens regardless of gender must be entitled to automatic citizenship even when they are citizens of their own country.

Local Government: Mayors be elected directly by the people. The term of service for the mayors be increased from the current two year term to five year term. The Constitution should empower the electorate to recall their councilors, this should be done through collection of at least five hand signatures of the electorate who register their dissatisfaction of the performance of the councilors.

Patrick Lumumba. Asante sana Bwana Kimondo, Namwita Stephen Kibira, Stephen Kibira yuko? Kama hayuko Benard Muruthi, Muruthi Benard, John Mwangi anwani nambari arobaini Othaya, John Mwangi, John ameshughulikiwa, Amman Wachira, Wachira Amman anwani hiyo hiyo, inaonekana wako katika kikundi, Gicheru Mwiga. Munga? Gicheru Muga? Okay asante sasa jina yako nimeandika sawa sawa Gicheru Munga. Munga? Na wameandika hapa Muga kama kwamba wewe ni mjaluo?

Munga: Haya ni kusahau.

Patrick Lumumba: Gicheru Munga.

Munga: Gicheru Munga.

Patrick Lumumba: Nimepata sahihi, karibu.

Gicheru Munga: Muriega iyothe, kiugo kiria kwaaria mundu athikiririe na matu make, tuko pamoja kiugo kiria ndirenda kuuga, wiyathi woka guku ukire na nguona tari 1963,

Translator: Lile neno ninataka kusema wakati tulipata uhuru ilikuwa back 1963.

G. Munga: Na kuma wiyathi woka ndikugeria makinya mawiyathi ngona kiria gikirite nia athini maingihite gukira riria tutari na wiyathi.

Translator: Na tangu tulipata uhuru nimeangalia ama nimefuata nyayo nikaona kwamba wakati huo kabla tupata uhuru tulikuwa masikini kidogo kuliko wakati huyu tuko na uhuru.

G. Munga: Ngicoka kurora mundu urutite wira wa thirikari miaka iria yagirire egocoka agoka agaikara mucii eterereire mbia na ndaraciona no eragwo niurigira angaya kuriyo ni mwiri.

Translator: Anaendelea na kusema kwamba wale watu wame-retire kwa kazi za serikari, zile pesa zao za pension hawapati wanakaa tu nyumbani walingojewa kufa, Kabla hawajapata hizo pesa.

G. Munga: Ngona hau korwo no hamenywo mundu ucio akiheyo ritaya aneng'erwo ciringi yake iria arutiere wira ainuke agakome nayo mucii.

Translator: Kwa hivyo maoni yake ni kwamba wale watu waki-retire wapatiwe pension yao yote ndiyo mtu akienda nyumbani ajue vile atakavyojipanga na hizo pesa.

G. Munga: Na nginina tundu riu nikunina ndiranina kungikorwo gatiba ino niyo horo horwo “wama, wama”, “control pricing nature study composition” ikorwo niyama imenyeya bururi uyu uri na thina wa ciana iria tuthomithitie tugathomithia igathii form four, ikoima form four igathii university atiriu iri micii gutariungira ithe niwarutire wira itondu ndari handu araruta wira.

Translator: Anaendelea kusema ya kwamba kama hii Katiba itakuwa ikifanya kazi ichunge sana sana, kwamba watu wengine kama sisi vijana tumesomeshwa, wazazi wamejitaabisha pesa zile kidogo wako nazo wakatusomesha na mbali tunaendelea kukaa nyumbani kama hatuna kazi. Kwa hivyo ichunge hiyo hoja ya kazi sana.

G. Munga: Ngirikia tundu riu nikurikia kurikia no njuge kiugo kiri muoyo tundu ndirecira kirimuoyo kia kungirwo kuri gatiba irenda kumenya uria bururi uhana inyite kuri Othayo location, kuri Othaya location, ti division, inyite othaya location ,yone athamaki makinyite anna a Othaya location, amahiga location, yonne athamaki manginyite anna a tinga location, kuma uro hau aria marimenyaga uthini wandu uria wiitura riu ura ukare.

Translator: Anaendelea na kusema ya kwamba kama hii Katiba inaweza kushughulikia kama Othaya Division, kila location tuwe na viongozi wanne ambao watakuwa wakichunga umaskini usiendele zaidi katika hizo locations.

Pastor Zablon Ayonga: Asante sana:

Munga: Ora hai nie nde Gaceru Munga komunya nekorario Katiba ndiyona thiinia wa marua ndumiro makauga Gaceru araugire oo.

Clapping.

Translator: Anaendelea na kusema ya kwamba atajua yeye Gacheru Munga ame-participate akipata ile list ikiwa na jina lake hapo, kutoka kwa Commission.

Laughter

Patrick Lumumba: Tunaomba James Kamotho kama yuko anwani 891. Na anayemfuata atakuwa ni Paul Ngunjiri wa anwani 82 Othaya. Akifuatwa na Peter Macharia wa anwani 84. dakika mbili mbili jinsi mlivyoelezwa na father.

James Kamotho: Shukrani sana kwa Commission hii, mimi nitaongea kwa lugha ya kiswahili ambao ni lugha inayoeleweka na kila mtu. Kwanza, tunaishukuru serikali kwa kufunga pombe za kumi kumi ambazo zilikuwa kweli zimeangamiza wazee na kubomoa manyumba. Jambo lile lingine ninataka kusema kwa vile mda ni mfupi ni jambo ambalo halitiliwi maanani sana, hata wakati huu ambapo watoto wetu wanazidi kuangamizwa na maradhi hatari ya ukimwi. Jambo lenyewe ni jambo kuhusu wanawake. Mavazi yanayovaliwa na wanawake siku hizi, ni jambo ambalo hatuwezi kulipuuza huku tukijua kwamba ugonjwa wa ukimwi ni ugojwa hatari. Jambo hilo la kwanza nitaonyesha and pia nitaonyesha picha kwa haraka. (interruption: “endelea kusema ukitoa). Picha zile zitaweza kuonesha mavazi ambao ninaongea juu yake, ili kila mmoja aweze kujionea, ninaongea juu ya mambo gani.

Interjection: (Pastor Ayonga:) Haya basi imetosha, endelea

Kamotho: “waonyeshe vizuri ili waweze kuona”.

Interjection: (Pastor Ayonga) Inaweza kutolewa nje pia tukimaliza

Background: Laughter

Kamotho: Mwanamume akiona uchi wa mwanamke kusema kweli kimaumbile lazima atamani kufanya mapenzi. Kwa hivyo Katiba hii mimi ningesema iangalie jambo hilo mavazi haya yaweze kurekebishwa wanawake watolewe amri kuhusu mavazi yasiyo na aibu.

Pia kuna picha zingine ambazo zinauzwa barabarani, picha ambazo kusema kweli mwaafrika kama ni mtu amejiheshimu ni picha za aibu, ningependa pia muonyeshwe picha hizi zikiwa ni picha za wanawake wakiwa uchi kabisa..

Interjection: (Pastor Ayonga) Ngoja Kidogo kama ni za aibu wewe unajua ni za aibu. Ni kwa nini kweli uzilete kwa baba yangu na mama yangu au uzilete kwa watoto wangu ambao niko nao hapa pamoja. (clapping) Ningalipenda wewe utuambie umeshademonstrate hizo za kwanza na kama zinauzwa barabarani tumeziona, wewe tuambie ungetaka ifanywe nini Katiba?

Kamotho: Shukrani. Mimi ningependa Katiba ambayo inatengenezwa, picha hizo zipigwe marufuku. Zipigwe marufuku katika kuuzwa barabarani hapa katika nchi ya Kenya. La mwisho ninasema lingine ni kuhusu sinema ambazo zinaonyeshwa. Sinema hizo ziko kila pahali. Cinema za video, cinema hizo ikifika masaa ya jioni na saa ingine hata masaa ya mchana, zinaonyesha video mbaya za watu wakifanya mapenzi wakiwa uchi, tungeuliza Katiba hii cinema hizo pia ziangaliwe zipigwe marufuku na zirekebishwe na kanda hizo zingine zipigwe marufuku kabisa.

Thank you very much.

Patrick Lumumba: Huyu amekuwa ni bwana James Kamotho. Paul Ngunjiri. Karibu Mzee Paul na anayefuata i Paul Macharia.

Paul Ngunjiri: Asante sana

Patrick Lumumba: Na kumfuata atakuwa ni Peter Macharia, Peter Macharia uwe karibu kuwasilisha maoni.

Ngunjiri: Majina yangu ni Paul Ngunjiri kutoka mariga. Yangu naona kwa Division, kama mtu ni mbunge akichaguliwa achaguliwe na watu kama elfu ishirini. Hiyo elfu ishirini inamwezesha kusimamia kama yeye ni Parliament na sisi hatuna na haja ya milage ama msitu mrefu, hatuna haja naye, tuna haja na watu. Kwa hivyo, hiyo elfu ishirini ndio inatosha kumchagua mbunge kwa sababu kuna mahali kwingine kwenye watu wengi kabisa hata elfu na maelfu na inawakilishwa na mbunge mmoja.

Number two: Serikali yetu wakati wa kuchukua uhuru, wale walikuwa wamekalia hiyo mashamba ni wazungu na walilipwa kitu kidogo, e.g. mbuzi ama ng'ombe lakini sio mashamba. Ndivyo na wakati huo mashamba hayakunyakuliwa na raia wa kawaida yalinyakuliwa na matajiri. Sasa tunasema hayo mashamba yarudishiwe wananchi kwa sababu hiyo ilitetewa wa Kenya.

Number three: Utaona kama mtu ametoka nchi nyingine, section ya nchi ingine na aone bahati kuwa mbunge wa Kenya. Akipewa cheo ya Parliament, asipite kutoka kwa Rais asikaribie namba tano. Asikaribie namba tano kutoka kwa Rais. Rais awe kutoka juu. Haya, ingine ni wale watu wa mashamba madogo. Mashamba yetu kuna makesi nyingi, makesi kwa macommission. Hayo yarudishwe kwa family, kwa family ya watu hao kwa sababu kupelekwa kwa mawakili, wakili anataka pesa tu na hajui mchanga uko wapi. Familia yake hajui ni gani na anakata tu kesi bila familia hiyo kupata, chochote wananyanganywa--- (inaudible) (interjection)

Interjection: Asante sana mzee. Hiyo karatasi yako mzee tafadhali toa kule na uandikishwe. Ukumbuke pia mawakili in watoto wetu. (laughter). Tusije

Patrick Lumumba: Peter Macharia kama yuko..

Paul Macharia: I am not Peter Macharia, he has given me that opportunity. I Have been here since morning. I have a few issues, I will say them very first.

Number one about retirement: We know that as far as leadership or usefulness of a human being is concerned, there comes a time when we all have to retire because we grow old. So what I am proposing is that judges and judiciary, there are many young lawyers who are energetic. The concept of judges retiring at 74 should be removed. They should all retire like everybody else at 55 years so that there is no blockage of the upward mobility of the young energetic lawyers. In the same way I am saying in Parliament, the position of the head of state as well as the members of Parliament ought not go beyond 70 years because otherwise the public is left wondering as to the serenity of the people who are supposed to be leading us. So I propose that we should not have people in power as for the professional not beyond 55 years, for the politicians not beyond 70 years.

The next one is about foreigners into our country. We must not allow foreigners to reap the resources of our nation. For instance, look at banking sector. We have banks in this country which are collecting money from the public e.g. the Central Bank of Kenya, they are paid huge amount of interests which they repatriate back to their own countries. We are saying if we must allow “investors” to come in our country, they must demonstrate that they have come here to develop the economy by, before being allowed to open a second branch for instance in one province, they must at least demonstrate that they have opened a second branch in another province or at least they have opened branches in all the provinces of Kenya because as it is now we have a lot of Kenyans who are unbanked and they are not able to find somewhere, they can put their money and yet

foreigners are making a lot of money out of our land.

The next one, is about retrenchment. Unless a company can demonstrate that it will not do well if it doesn't retrench people, retrenchment ought not to be allowed in our country if there is no other benefits that are going to accrue out of the retrenchment, otherwise retrenchment because it is pensionable, shouldn't be allowed, it goes against the welfare of our nation. The Constitution of Kenya ought to guarantee a certain marathon in the economic development of our country and such marathon should be used to measure the effectiveness of a President and his leadership. For instance, we should have specific time frame in a marathon in making use of a 70 percent of the arid and semi-arid areas of Kenya. For instance, we should be developing North Eastern and Eastern provinces of Kenya by putting water there and the government of the day must demonstrate may be in 6 years time, that they have been able to do certain things like putting water in North Eastern and Eastern Kenya.

The next one is the land use. We have reached a point whereby land is only being used for the purpose of putting up houses. It is not economically viable, is not helping our nation, and I am advocating a situation whereby land should be reconsolidated such as if it is agricultural land, it should not be less than 10 acres because any parts that are less than 10 acres are not going to be useful to the nation. I ask if we don't draw a Constitution that guarantees the minimum land acreage we are going to reach a point whereby we all have houses in the whole country and we are going to go out with bowls to beg for food because we have not thought about it, we haven't planned for it.

Education and the budgetary allocation. As it were now we are complaining that education is taking great proportion of the country's budget. I am not sure but I think something like 48%. I believe that education ought not be an end in itself, education ought to be a means to an end and that means to an end we need to sit down, the Constitution is to provide for a situation whereby the nation is thinking strategically to the extent that we gauge our 50 years man-power needs, so that when we vote in Parliament for money to be utilized in education, that education ought to incur those costs for the purpose of achieving the strategic aims of the government.

Patrick Lumumba: Thank you very much. Emilio Okingori, afternoon wako pamoja, Francis Gathengwa, Ngugi Kagecha, au mko pamoja. Naona Ngugi Kagecha, Ibrahim Wachira Kanyi, Ibrahim Wachira...

Ibraim Wachira: Thank you very much honorable Commissioners. I will take very a short time because most of the things that I had put in my memorandum have been said by my predecessors but I have two points to highlight which they have not mentioned and this is about the defection by either the MPs. Once they have been like councilor, once they have been elected, they have tendencies in the middle of term, deciding on their own without consultation with their electorate to defect from the party which sponsored them to another one. That actually necessitating the need for a by-election. These elections are becoming very expensive to the nation at the expense of tax payers cost and surely there should be a condition or a clause barring this tendencies of councilors and MPs defecting in the middle of their term to cause some by-election and this also

causes some we are fearing some of them get some inducement to defect from one party to the other one and this is a form of corruption we would think. So I am proposing that a clause should be entrenched in the Constitution to bar this defection in the midst of a term. If one is not satisfied with the party which elected him as an MP or as a councilor, he should stay in until he ends his term to avoid this tendency.

The other thing I should mention in passing is registration of voters that has been mentioned. I wanted only to emphasize that it should be a continuous exercise so that it doesn't only come around the year of election. That means as people attain the voters registration age, they get automatically registered.

The other thing I haven't heard being mentioned is about the Commission of a Constitutional court which should be dealing specifically with matters concerning constitution so I am proposing that there should be a court formed by the constitution to deal specifically with issues concerning constitutions and they decide party disputes or disagreement constitutional and am proposing they compose between 3 to 5 judges of the high court of appeal and something like that and also finally, the limitation of the ministry, it should not be left at the will and chances of one individual to decide that they would be so many ministries they should be entrenched in the constitution that the government can only have so many ministries as allowed by the constitution and finally constitutional appointment and senior offices, those who are appointed should be vetted by the Parliament so that they can be allowed to work.

Patrick Lumumba: Thank you, thank you so much. Could you please leave your memorandum and sign. Evanson Kajioda Mukunya, halafu atafuatiwa na Charles Gichimu.

Evanson Kajioda Mukunya: My name is Evanson Kajioda Mukunya from Maiga and I am representing a group of people known as Mau Mau in Othaya Division. And those are the proposals presented to the Constitution Review Commission.

These above mentioned members would like the following to be put in the Commission's first recommendation.

- To remove Cap 108 from the constitution which prescribes KPA, Mau Mau and many others
- To remove President powers as above the law
- To remove street children (chokora) from the streets and trace down their parents and hand them over to them or take them to children home as a country for proper care.
- Wananchi to be allowed to be lined up for their assistance chief and chief instead being elected by the District Commissioner. The chief should not be retiring at the age 55 as for the older person becomes the wisdom gained. To scrub Cap 18 of the Constitution which limits a farmer from selling all her products and furthermore to choose for themselves a buyer of their choice.
- To scrub the present Presidential election of 25% from each and every province be 50% from the total cast vote in

the countrywide.

- To have to have a holiday marked in our calendars for those who struggled for this country to be independent that Mau Mau and remove some holidays which are not important to many of us. Those who should be remembered are Field Marshal Dedan Kimathi, Gen Mathenge and many others.
- To let our current national flag a three colour flag instead of the present four. That is the main colours should be black red and green. To remove all types of leases from our land to place from 33years , 30 year, 99 years lease which is given to the natives who don't possess any land in Kenya. We as Mau Mau members would like to be awarded the following as our historic sites. According to Kenya Gazette of 9th March 2001, it awarded us sometime in 1950 in Kenya Gazette pages 597 namely Mau Mau Parliament in Aberdare ranches Mau Mau Headquarters in Aberdare that is Kiriaine. Mathaine where the colonial fighters and the Mau Mau sat down for reconciliation, the detainees in Aberdare where Mau Mau Warriors lost their lives laid there and more than 6,000 troops entered the forest.
- Donyoro in Kigali areas of Mahiya Location. To remove the present created districts and retain the previous 42. To follow the first Kanu Manifesto, which states that primary schools should be free, free medical treatment in all government hospitals. Not put Kenya a Majimbo state as quoted by many politicians. The members would be very grateful if their works were used to build commemorative monuments for their heroes.
- To rectify the national ID where the word tribe is put, that is Kikuyu or Luo or any other tribe in Kenya that should be omitted and instead put as Kenyans only. With our current currencies, it should not keep on being changed. So we would like to have only one currency with one portrait for example like the one we have in USA or United Kingdom with the first founders image, that is Mzee Jomo Kenyatta.

Thank you Commissioner.

Patrick Lumumba: Thank you Mzee, if you could hand in your memorandum and sign. John Mwangi anwani arobaini, John Mwangi Gathumwa-

John Mwangi: Nimeshukuru tume la urekebishaji wa Katiba kwa kututembelea Othaya, na hasa hasa ningetaja kidogo tu kwa sababu yote ambayo nilikuwa natarajia kutaja, yametajwa lakini kuna kidogo tu ambao ningequote halafu baadaye tungehitaji tume la Katiba tusiwe tukisoma gazetini wakiwa na kelele hapa na pale. Prof. Ghai anasema hivi, na mwingine anasema vile tunataka wafanye kazi kwa pamoja na ili Katiba ibadilishwe sawa sawa na ili tuwe na imani na wao.

Kuna jambo lingine la pili, kuna ile livestock development. Kuna hii we have Minister for Livestock, kuna Minister for Agriculture, kuna Minister for Social Services, kusema ukweli kama Othaya kama ni pahali pengine hakuna kitu kama Livestock development katika Othaya division. Ukihitaji ng'ombe yako ipate mbegu, unaenda kwa private doctor ambao wanatugharimu pesa nyingi na hivyo watu wamerudia hali ya kupeleka ng'ombe zao kwa dume na inazorotesha hali ya ufugaji wa ngo'mbe.

Hali ya vijana social services wakati wanajiandaa kucheza mpira unakuta hakuna wizara ya Social Services. Vijana wenyewe wanajiandaa wanatengeneza tume yao na hivyo mambo ya vijana inaendelea kuzoroteka. Kuna mambo ya N.S.S.F. wakati wa zamani ama Katiba iliyokuwa ya zamani ilikuwa inasema mtu akiajiriwa permanent pahali ama akiajiriwa kazi ya kibarua, anapaswa kufanya kazi miezi tatu halafu anaajiriwa permanent. Akiajiriwa permanent pesa zake zitakuwa zikipelekwa kwa NSSF. Siku hizi mambo ya kuajiriwa permanent ni kama imeisha watu wanaendelea kufanya kazi kama kibarua mwaka nenda, miaka rudi na hapo utapata ya kwamba NSSF ambayo inapea serikali pesa nyingi inaendelea kuangamia na baadaye kidogo itaangamia kabisa.

Jambo lile lingine nilikuwa nataka kusema ni na litakuwa la mwisho. Wakati tunakuwa na project. Kuna project na kuna sheria ambao inapitishwa ya kwamba project kama hii inafanyiwa katika Othaya division. First priorities au wafanyikazi wa mkono wanafaa kutoka katika sehemu hizo. Siku hizi si kama zile unakuta ya kwamba hata wengine hawajui watu walijajiriwa wapi, unakuta ya kwamba watu wanaendelea kufanya kazi , people coming from Mombasa to work at Othaya, people coming from Kisumu coming to work at Othaya. Na kwa hivyo vijana wetu wamejiingiza katika hali ya ukora na sio kwa sababu ingine yeyote, ni kwa sababu ya kukosa kazi.

Jambo la mwisho ambalo ningetaka kulitaja wakati kama watu wamepewa project kama hii ya kutengenezwa barabara na ni vizuri chief and sub-chiefs and MPs wapewe priorities na hili wapeane maoni kuhusu barabara yao maana pahali pengine inahitaji kitu kama bumps mahali watoto wanapitia na hapo watu wanashangaa ni nini watafanya juu the person concerned is coming from Nairobi hajui barabara itawekwa wapi bump hajui barabara itawekwa wapi bus stage na kwa hivyo wananchi wetu wamekuwa na shida. Na kwa hayo machache, ningeshukuru Katiba ya marekebisho na yote ambayo tutasema tunaomba Mungu yakamilike yasiwe kama Katiba ama tume zingine ambazo zimetengenezwa na mwishowe hatuoni matunda yake. Asanteni.

Patrick Lumumba: Thank you. Tomothy Ndirai. Kama Timothy hayuko, kuna Joseph Mwangi, anwani 80 Othaya. Joseph. (inaudible) Okay asante sana. Richard Nderitu, Nderitu Richard wa anwani 40. Ah thank you. Daniel Ndugire, Daniel Ndugire atafuatwa na Joseph Migwi.

Daniel Ndugire: Majina yangu ni Daniel Ndugire kutoka hapa Iriani. Mimi ningeliza waangalizi wa kamati hii, mimi hata sikuandika pahali, yako kwa kichwa yangu. Kwanza nitaanza na mashamba ya hapa yale yako hapa. Mashamba yale yako hapa yawe yakiachiwa mlango yaani mlango wa watu hao. Wasije kupelekwe hapa kwa D.O. Kuwe mlango ndio unatufunza hali ya mashamba haya.

Ya pili, ni mashamba hired. Mashamba yale hired, kuwe na Katiba. Watu wengine wamechukuwa ardhi yote. Kuna wengine wako na elfu na maelfu na wengine hapa ni maskini. Na mashamba haya ndio yalipiganiwa na watu wa nchi hii na walikuwa wakisema mashamba na -----(interjection). Na kwa hayo niseme Katiba hii ichunguze kuwe na kiwango cha mashamba haya.

Sababu taabu hapa ni farakano haitakwisha kwa sababu ukienda huko kama ningewauliza nyinyi, siku moja mtembee muko na magari. Ukiingia huko island ile ilipiganiwa na watu wa nchi hii, ni swara tu ambayo peke yao wanatembea huko. Wale ambao walikuwa na nguvu ndio walinyakua hiyo ardhi, wakaacha wale walipigania nchi hii, na wale watoto wao wako na shida hata Katiba hii tukiambia umaskini utakwisha, utakwisha lini? Na tukichagua mtu anakwenda kunyakua ardhi yote. Tuwe na Katiba ati kila mtu apatiwe kampani au agwanye mashamba hayo iwe ni yetu hata kama ni heka hamsini ama mia moja. Hii mashamba ni serikali imenunua ikalipa wazungu.

Ya tatu, nikusema hali ya Local Government: Local Government isije ikaingililia mambo ya mashamba ya hapa, kwasababu mashamba ya hapa hata kama mtu amepanda kahawa kuna rent anakatwa, anakwenda kuambiwa kuna koti nyingine, hii local government iondoke kwa mashamba haya kabisa, iwe mashamba yanaangaliwa na MP mwenyewe, na MP akishaangalia hayo mashamba, kama niko na kazi ninafanyia huko ya biashara, nikiitishwa licence ni sawa. Lakini kuambiwa uko na heka mbili, utatoa shilingi elfu kumi, nitatoa wapi, kwa hivyo ningeliza nyinyi muangalie hiyo sana. Eti council, hata tukiwa tunawachagua waondoke kwa hayo mashamba, tunapata taabu sana.

Patrick Lumumba: Joseph, Migwi, kama Josheph hayuko, kuna Maina Waigwa, Godfrey Muchiri, Muchiri Godfrey, Peter Mathenge, Mathenge peter wa awani nambari 2994, Joseph Kiragu, Kiragu Joseph wa anwani 365 Othaya, Michael Gichuki, Gichuki Michael wa Anwani arobaini, hiyo ilikuwa ni kikundi, Lucy Wanjiku Macharia anwani 825 Othaya. Karibu na baadaye Kanyi Maina, badaaye atamfuata Kanyi Maina wa anwani 71 Othaya. Dakika mbili mama. Asante.

Lucy Wanjiku Macharia: I would like to thank you Commissioners to have this chance to read the points I have. Many of them have been read but there are some points which I would like to add to education. Education, I would like to ask Commissioners considering primary education they should make primary education free education. This is a basic human right.

We also should review about the basic of the human being. Many schools are public schools, others are private schools. Private schools are denying poor people and disabled people educate to their children in those schools because they cannot afford to take them there. The private schools have adequate facilities unlike the public schools due to the level of poverty in our country so most parents cannot afford to take their children to these private schools thus denying their bright children chances of going to universities irrespective of being clever and having other skills. Education should be considered during free time and tuition. Present schools deny us to give this children freedom to discover their talents naturally. Some can be discovered without them learning from the teachers but because during lunch time and breaktime they are all taken for tuition and during holidays they are as well taken for the tuition, this denies the children time to learn naturally and they need to have their natural talents which they can use in future and help the country as well.

Home science, Home science is now denied to the children who are in primary schools. We start motherhood when the children are born and start doing activities when they are in standard four, five, they don't learn how to be future mothers. If

they don't learn home science, they will not have that chance to be good future mothers at home. Am unable to read properly because I don't have spectacles so excuse me. Let me go through the points

Interjection (Patrick Lumumba): Silence please.

Kanyi Maina excuse me and I will read the points for her. Point Number four: Children should be given an opportunity to choose their favourite subjects to help them develop their talents for future benefits e.g. craft and home science .

Number five – To prepare girls to be responsible future mothers home science should be taught in primary school as a compulsory subject.

Lucy Wanjiku Macharia: Well done, I would like the Constitution to think about this poor families and disabled children. When they are taken to the private schools they don't have enough money to educate them upto to standard 8 or to form four. This has well denied them to go to university . This is because when children are given chances of learning like those who are having rich parents who have got money, they go to national schools. National schools as well they have facilities of all things they can educate them to further their education. So when we are thinking about the free education and disabled and poor people just think the future leaders and the people to build the future nation can come from the poor families and disabled families. Thank you very much.

Kanyi Maina: Mimi naitwa Kanyi Maina, yangu ni moja tu. (interjection: inaudible). Kama vile tunataka kupunguza muhula wa Rais wa jamhuri, ningetaka pia muhula wa MPs uwe maximum 3 terms, kwa miaka tano.

Patrick Lumumba: Thank you. Kingori, hiyo sauti imepasa sana, kama hayuko King'ori, namuomba Kihara Macharia, Kahara Macharia, kama hayuko Philip Kiongo wa anwani 483, Dancan Nindo wa anwani 555, kama hayuko Njugiri Gathima, Dancan Wahome, Wahome Dancan wa Rukira alikuwa na kumbukumbu, Peter Ruthi, Ruthi Peter, utafuatiliwa na Cecilia Thongori.

Peter Ruthi: Huyu ni Peter Ruthi: Bwana Commissioners na watoa maoni wenzangu. Yangu ni kidogo, pengine itatusaidia. Haya ni mambo ya Constitution ambaye ni mwongozo wa mwananchi wa kawaida. Ni jambo la kweli ya kwamba hata serikali iliundwa kwa sababu ya mwananchi aongoze sawa sawa. Lakini wa sasa hata ingawa tulipata uhuru sheria ilikuwa ya mkoloni. Sasa ni yetu na ni bahati. Jambo la ajabu mwananchi mwenzangu nilimchagua akaniwakilishe lakini ananiumiza. Sasa hata ingawa tunatengeneza Constitution, ichukiliwe jambo ya maana sana ya kuwa mwananchi wa kawaida kwa constituency apatiwe elimu ya human rights office au ile tunaita civic education sababu watu wa councils wameshindwa kufundisha mwananchi ajue sheria ni nini na itamsaidia aje na yeye rights zake ziko wapi. Ndio hata hii Constitution iwe ya maana kwa mwananchi wa kawaida.

Jambo la pili ni utajiri wa nchi. Utajiri wa nchi wa mwananchi na mwananchi amekanyagiwa chini kabisa. Iwe sheria ikiwako hata awe ni mwana bunge au ni President au ni council au ni kiongozi gani amechaguliwa na wananchi ili kusimamia rights za mwananchi, ikiwa amea abuse his office aondolewe mara moja.

Elimu: elimu ni utajiri wa nchi isipokuwa imezoroteshwa na hawa hawa tuliowachagua. Ingekuwa inafaa kufundisha mwananchi mpaka kidato cha form four. Ili tumuondoe kutokana na elimu ya gumbaro. Sasa amekuja kujua ambayo anaweza kujitafusiria, sheria na mambo ya nchi yake. Kwa hivyo serikali isimamie free education up to form four.

Ya tatu ni habari ya health: ukienda hospitali tunazijenga na harambee. Tunafanya kila kitu na harambee na tukienda huko unaambia cost sharing. Cost sharing, unacost share na nani? Na mimi ndio nilijenga hospitali nikatoa vifaa vyote, kodi nikatoa sababu ya dawa na kulipa mshahara ya daktari, hiyo ikamezwa na daktari anagoma, mimi naitwa cost sharing. Ni wengi wameaga dunia hii sababu ya uongozi mbaya. Sababu ya kutofuata sheria ya kusimamia the common man. Na hii inaonyesha ya kwamba ikiendelea hivyo yule ambaye nilichagua atanyakua mali aende zake, awache nchi itoweke, turudi kwa ukoloni tena.

Sheria ya shamba: ukiangalia title deed inaandikwa lease 99 years na mali ya baba. Kwa mfano mimi naitwa Ruthi, hata nikifa hiyo itakuwa hivyo hivyo because it is my sir name, naye shamba nilitoa kwa baba naye alitoa kwa babu, sasa nirithi kwa nani? Public land: council amechukuwa asimamie on behalf ya public na unasikia akichukuwa tu, usukani pale kwa office ya council, shamba imekuwa yake, public land imekuwa yake na mfano niseme Othaya. Tuko na factories ya chai. Ukienda unakuta iligawanywa na K.T.D.A na wale directors a few tulichagua, iko na title sasa kama yetu ya Iriaini iko na three titles hati ni ya KTDA. Tunarudi kuuziwa. Hii shamba iliuzwa na council ni MP au ni nani aliuza na ni mali ya public?

Interjection: asante sana

Ruthi: Nimekuja upande wa parastatals. Parastatals zimefilisika zote na ndizo kianzilisho cha employment. zilikuwa zimeandika watu, KCC, Kenya Tea, yote namna hiyo, zote zimemalizwa na hao hao. Ingekuwa ya kwamba sheria ya common man ile yote walinyakua warudishie wenyewe ambao ni wananchi watukufu. Ya kumalizia kabisa--- mi

Speaker: Imeshindwa kumaliza au nikumalizie?

Ruthi: Asante sana

Patrick Lumumba: umekumbuka?

Com. Pastor Ayonga: Thank you so much. Tafadhali ninawaomba ninapokwaambia time imekwisha ni kwa maana nataka naye mwingine apate nafasi aseme kitu. Kwa hivyo tafadhali tujaribu kupatana na kuelewana. Sifanyi kwa ubaya, ninafanya kwa uzuri wenu nyinyi wote.

Patrick Lumumba: Cecilia, Cecilia yuko? Kama hayuko Paul Nderitu Ndirangu, kama nderitu ameandika alikuwa na memorandum, Lawrence Mwangi anwani 402, Lawrence Mwangi, John Gichuki wa anwani 53. Kama hayuko James Theuri Muhoro anwani 17 Othaya. Charles Wawere, Charles na baadaye James Maina Nderitu. Charles Waweru kisha James Maina Nderitu. Dakika ni mbili kama kawaida.

Charles Waweru: Na kwa majina mimi ni Charles Waweru na ningependa kutoa maoni yangu.. Mimi kama mwananchi wa Kenya ningependa Katiba mpya igeuze mtindo unaoendelea wakati wa campaign. Katiba tulionayo kwa wakati huu, wagombeaji wa viti vya ubunge na udiwani inawaruhusu kutumia magari na pesa za serikali na mali yote. Ningependa Katiba mpya iwakataze kufunya hivyo, wawe wakitumia mali zao wenyewe.

Ya pili masikini na matajiri wasawazishwe kisheria. Kwa mfano utamwona tajiri akidharau mahakama kwa kutoudhuria kesi yake. Tajiri huyo huitwa mahakamani kama anabembelezwa lakini masikini hutolewa kibali cha kumshika mara moja na kumficha mahakamani haraka iwezekanavyo.

Ya tatu katika mpya iwalinde kina baba na mama, wazee waliopigania uhuru wetu wa Kenya kwa sababu Katiba ya sasa haiwashugulikii hata kidogo. Watu hawa ndio maskini wa mwisho na bila hata mashamba. Katiba mpya ishughulikie kamati zote hapa Kenya zikiteuliwa kusiwe na nguvu zingine inatoka kando za kusema vile watatekeleza wajibu wao kwa mfano kamati hii kushughulikia Katiba mpya hapa Kenya. Prof. Ghai sio mwisho. Kuna wengine wenye nguvu zaidi na Katiba mpya iwapunguzie hizo nguvu.

Patrick Lumumba: Asante sana. James Maina Nderitu, James Maina yuko?

James Nderitu: Kwa Majina yangu naitwa James Maina Nderitu, na maoni ningetaka kutoa tu machache kuhusu malipo na mapato ya serikali wananchi wawe wakijulishwa na vile ambavyo yanatumika. Na jambo lingine ni hawa watoto mayatima na hawa watu walemavu wawe wakipata marupurupu kutoka kwa serikali. Ni ya hayo tu machache.

Pastor Ayonga: Asante asante kuwa na mambo machache (----- umefanyaje) Tungependa mambo mafupi mafupi saa inakwenda naona saa hapa imekuwa mbaya mno.

Patrick Lumumba: Mwiko John Thuku, Mwiko John, Samuel Gichimu, Gichimu Samuel, Johnson Muriuki, Muriuki Johnson, Paul jina lako umeandika kwa aisomeki kwa hivyo nitakusomea anwani 820 Othaya. Paul jina la pili halisomeki anwani yako

ni 820 Othaya. Na kuna jina nambari 138 halisomeki kabisa. John Maina, wa Othaya 85 anwani. Reuben, Reuben anwani yako ni hamsini Othaya. Kama Reuben hayuko namwita Tomothy Gecheru. Mzee Timothy Gicheru wa anwani 777 location.

Interjection (Pastor Ayonga): Tafadhali tafadhali nakuomba sana mzee. Tafadhali tumekosea kuita jina lako. Basi tusamehe.

Patrick Lumumba: Basi tutamwita Samuel Maina wa Karima Location wa anwani 754. Samuel Maina. Kama Samuel hayuko Japheth Muthoka, Japhet Muthoka wa veterinary department, amewakilisha memorandum. Elijah Gitahi, Gitahi Elijah wa Mumwe anwani 82 Othaya akifuatiwa na Emilio Nderitu. Elijah Gitahi tafadhali. Jina.

Elijah Gitahi: Mimi ni Elijah Gitahi mwoko, nampenda yesu kwa kuniokoa.

Pastor Ayonga: Asante sana kama alikuokoa. Amen.

Elijah Gitahi: Nimeandika machache kwa hapa na nataka kusoma kwa lugha ya Kikuyu. *Ndirenda kwaria na Gikuyu, maundu maria nyandikite, nyandikite na Gikuyu na njugite uhoro wigii kindu kigii cukuru, iri ya secondary kana primary, ngenda kuuga ati cukuru cia private ibatii kweherio tutigirwo cia thirikari.*

Translator: Amesema ataongea na Kikuyu na point ya kwamba anataka shule za private ziondolewe kabisa katika serikali ama nchi.

Elijah Gitahi: *Niundu wa uici wa dawa cia thibitari. Ona cio thibitari cia private cieherio itigwo cia thirikari.*

Translator: Pia anaendelea kusema hospitali private ziondolewe zianzishwe zile za serikali ili kurekebisha wizi wa hizo madawa kwa hospitali za serikali.

Elijah Gitahi: *Niundu wa mwihubire wa andu aa nja. Ndirenda kuuga ati andu aa nja aria mehumbaga ta arume, makehuba mugutho kana mubuto kana nguo ikuonania njaga onao matiagiriirwo ni kwihumba ta arume.*

Translator: Anaendelea kusema wanawake wasiwe wakivalia kama wanaume ama mavazi ingine ya kukosa adhabu.

Elijah Gitahi: *Niundu wa kindu gitagwo igoti, ndirenda kuuga ati riheo kindu gitagwo hinya nigetha rigicira ritwiciragie na njira ya kihoto, ritekuingirirwo ni mundu oo na uriku.*

Translator: Anaendelea kusema korti ipewe nguvu ili wakati inafanya kesi isiingiliwe na nani ama jambo lolote lile.

Elijah Gitahi: *Kaundu karia kangu ndirenda kuuga ni ati, nikuri na andu makuragia kindu gitagwo bangi na angu mendagia kindu gitagwo dawa cia kurevia, andu acio tondu nio mathukitie ciana ciitu ndirenda kuuga ati manyitwo makohwo maisha.*

Pastor Ayonga: Ningalipenda tafadhali afanywe summary ya yale anayosema kwa maana akija kusoma neno kwa neno itachukua more time and particularly when you are translating you settling the time.

Translator: Ningependa kusema habari ya watu ambao wanakuza bangi na wale wengine ambao wanauza madawa ya kulevia, ningependekeza wawe wakichukuliwa hatua kali na mahakama zetu.

Elijah Gitahi: *Andu aria nao metagwo itharia onacio ndirenda kuuga cianyitwo ikohwo.*

Translator: Na wanaozini pia ningependa wawe wakichukuliwa hatua na mahakama zetu.

Elijah Gitahi: *Undu uria ungi guthondekwo kindu gitagwo thirikari ihana oo teno ya kuria gwitagwo America na thirikari iri na waziri mkuu.*

Translator: Ningependekeza serikali ambayo muundo wake ni kama yule wa America ambayo inaongozwa na waziri mkuu.

Elijah Gitahi: *Redio, kameme na TV iheo kindu gitagwo wiyathi cionanagie ciana ciothe cia ngwataniro, cia mung' ethaniro.*

Translator: Pia napendekeza kuhusu vyombo vya habari viwe vinatangaza mambo ya opposition na vile vile ya chama kinachotawala.

Elijah Gitahi: *Arimi nao magitirwo hari kindu gitagwo urimi wao, niundu wa uici uria ugiaga kuo na kuoguo andu acio mabatii kuohwo aria mangithukia kindu gitagwo ngwataniro ya arimi.*

Translator: Pia napendekeza kuhusu wakulima walindwe sawa sawa kutokana na wizi na wale ambao wanaiba mali ya wakulima wachukuliwe hatua.

Elijah Gitahi: *Kwina kindu kiria gitagwo mai ma miberethi. Tafadhali ni moja tu.*

Pastor Ayonga: Lakini sema bila ya kusoma.

Elijah Gitahi: Kwina kindu kiria gitagwo mai maria mokagira miberethi-ini na mai macio tuturaga turihaga na yaani ni mai ma Ngai niguu ndirenda kuuga, mai macio tikuga tigukirihio. Manina miaka ta ikumi tugatiga kurihio ni thirikari.

Translator: Anapendekeza ya kwamba kwa sababu maji ni Mungu watu wakilipa kama miaka kumi basi wawe wakikunywa bila malipo.

Com. Ayonga: Thank you and thank you, lakini hebu nikusahihishe kidogo. America haina waziri mkuu. Kwa hivyo hiyo ni civic education ninayokupa. Tena mahakama watu wanapozini na kushtakiwa wanaadhibiwa. Licha ya lingine kitu ulitakata kutuambia kwamba adhabu inayotolewa sasa ingeongezwa iwe namna fulani. Lakini nimekupa tu civic education. There is no Prime Minister in U.S. Wao wana Rais. Asante kwa maoni yako na toa karatasi yako huko.

Patrick Lumumba: Asante sana, Elijah, Emilio Nderitu, Emilio, na atakayemfuata ni Mwangi Rithi. Emilio kisha Mwangi Rithi, kisha Peter Maina.

Emilio: Commissioners, ladies and gentlemen. I have written a few points and I will forward it to the Commission but I will only read one or two that is in connection with agriculture. This country is an agricultural country and as such the government should be more serious or concerned with cash crop farmers, with the view of removing middlemen so that the farmer gets maximum benefits from his produce and especially most farmers in Kenya are poor, for in other developed countries, the case is different it is quite different. The other point is pension. Government pensioners in this country fail to get rich because of peanut pension they receive. It is therefore, we would therefore like the Commission or pensions to be of such that they will be reviewed regularly alongside those currently been awarded.

The other point I would like to mention is the government. Government utilities or land that is forests, building, land should not be disposed off by a few people as we have this case here. Views or opinions of those concerned the majority and the affected areas should be considered. That is all.

Patrick Lumumba: Mwangi, Peter Maina anwani hakutupa. Joseph Githinji wa anwani 313 Othaya. Githinji Josheph, kisha Wahome Marithia atamfuata anwani 69 Othaya.

Joseph Githinji: Asante sana Commissioners, yangu yale nimeandika hapo nitayasoma tu. Sitaki kufafanua sana maana nyinyi wenyewe mtakwenda kuifafanua, sina wakati kufafanua lakini ningeweza.

1. Ninasema sheria iwe na nguvu kuliko mtu yeyote
2. Wakulima wasimamiwe na sheria ya kuwalinda.

3. Kenya iwe na vyama viwili ama tatu na nazisizidi hapo maana vyama vingi ni kuzidisha ukabila.
4. Chief na sub-chief wawe wakichaguliwa kwa kura.
5. Kesi ya mashamba iwe mikononi mwa wazee wa kijiji kwa maana wenyewe ndio wanajua chanzo.
6. Makamu wa Rais awe akichaguliwa na wabunge kwa maana anawakilisha watu walio wengi lakini sio Rais.
7. Kipindi cha Rais kiwe cha miaka kumi mwisho.
8. Serikali ya mitaa iwe katika sheria ya Katiba kama zingine
9. Kufunga bunge ama kufungua iwe katika jukumu ya wabunge.
10. Uchaguzi mkubwa ukifika, uwe mikononi mwa Attorney General wala sio katika wale wenye kutaka kuchaguliwa.
11. Safari ya Rais iwe ikichunguzwa sana na wabunge maana inaweza kuwa ni safari yake lakini sio safari ya kitaifa.
12. Uhuru wa kuabudu, ni haki ya mwanadamu. Iwe katika sheria lakini iwe ikichunguzwa sana watu wengine wasije kuingililia yale yasiyo ya kuomba Mungu.

Patrick Lumumba: Asante sana Mzee. Bwana Wahome Marithi, Wahome, Kuhure Kaunga, mzee wa kutoka Othaya anwani ni 82. (?) Kahure sio Kuhure wameandika vibaya. Hao vijana wameandika vibaya na tumesahihisha.

Kahure Kahungu: Jina langu ni Kahure Kahungu na ni asante sana kwa tume hii kuja hapa Othaya kutueleza na tuwaeleze maneno yetu. Tunastaajabu sana na habari kama kuna mkutano wa internal government mwezi wa sita tarehe moja. Utakisikia President anakwenda pale juu ya kiwanja anasema, Kanu Kanu, na wale watoto wako primary na wale tunazaa leo na wale tulizaa jana hawana chama na yeye anasema Kanu, President awe anachaguliwa mtu kutoka nje. Mtu qualified kutoka nje asiyechaguliwa na chama, asiyechaguliwa na chama chochote. Awe anachaguliwa kutoka nje, iwe ni Parliament itakaa chini kuchagua President, iwe ni sisi kama vile mnakuja nyinyi sasa kutuwakilisha. Mtuwakilishe tutafute ni nani anafaa kuwa President sababu ni mzee wa chama.

Interjection: (speaker) unaposema nje, unamaanisha nini mzee?

Kahungu: Hapana nje ya Kenya. Iwe ni mtu kama nominated anatoka wapi. Kama President anachagua nominees, si anatoa kwa watu?

Laughter

Iwe namna hiyo kuwe na yule ni Prime Minister hata kama anakwenda kwa mkutano aseme Kanu, sisi neno hili ni la chama chake anawakilisha. Lakini President mwenye kuzaa watoto kama mimi nasema mimi ni mtoto fulani mimi mtoto hawa wengine ni wa chooni? Katiba iandike namna hiyo na programme namna hiyo. Judge, I say awe kama vile mimi nasema achaguliwe na Parliament, wote hata upinzani lakini sioku-nominate watu wa chama fulani, hapana. Hayo ni yangu, nasema hivyo. Hawa watu wanahakikisha kuwa mtoto anazaliwa na mzee karibu anakwisha. President awe mtu wa miaka sitini na kuendelea. Sio kutuletea kijana na si kusema--(**laughter from audience**) sitini atawale mara mbili. Anakuwa miaka sabini huyo ni alright ari

na mutirima (bibi). Lakini Prime Minister awe miaka arobaini na tano, miaka thelathini, (mheshimieni ?) huyo ni wa chama. Kwa hiyo memorandum yangu ni hiyo lakini ningewauliza kitu moja, mbona nyinyi mkifika hapa na nyinyi ni committee na kutengeneza dunia hii, Kenya yetu hii? Mbona hamkufikiria kupitia hospitali ya General hospital ya Nyeri muone vile mimi nalala nikiwa mgonjwa. Uone choo ya hapo, na hapa unakwenda na mtu wa kusafisha kama mimi ni mgonjwa totally kabisa, nitapewa chakula na nani? Maji tunanunua unakwenda na bucket ya kukusafishia mgonjwa, hii ni serikali ya nyayo.

Laughter

Patrick Lumumba: Asante sana mzee kwa maoni hayo mazito. Asante sana kabla hatujamuuliza bwana Paul Kimathi Ndegwa, afuatwe na Daniel Ndwiga.

Paul Kimathi: (Kikuyu dialect – translated)

Paul Kimathi: Ndabutira ikara hau utafute.

Translator: Na ndugakiraihie ndeto.

Paul Kimathi: Ndikuraihia, ndikuraihia, nditharirwo miti.

Paul Kimathi: Nimuraigua, muti wakwa wa mbere ri. Ritwa riakwa ni Steve Paul Kimathi wa Ndegwa. Na kiria ngwenda kugweta kimwe ni atiriri, hindi iria Kenyatta anengerirwo wiyathi, oigire uhuru na wira na thithino.

Translator: Ngoja kidogo. Tulipatiwa mwito wa uhuru na kazi na hayati Mzee Jomo Kenyatta baada ya Uhuru.

Paul Kimathi: Na riu tondu ni twarutire wira ri agituhe kahawa tukihanda na kahawa kau ri tukirwo tucagurire andu tugicagura twacagura ri aria twaneengera wira ukorwo ni muthuri ta uria twamurora tukona ni muthuri ukurangira indo cia arimi aa Othaya ri tugoka tukiuga ni we.

Translator: Tulipohimizwa kufanya kilimo tulipanda kahawa na tukajiunga katika Co-operative na kasha tukachagua viongozi tukiwaangalia tukaona wanaweza kazi na tukawapatia kazi.

Paul Kimathi: Twamunengera Ooko akiuga niwega muno Othaya nake akiuga inyui nimukungurana mutianengera indo, ngoima kuu ndi mutongu. Agathii akaria indo cia muingi aria indo ndagacoka kwirwo undu tugukienda Katiba ogorwo ni.

Translator: Wale ambao tunawapatia jukumu la uongozi wanakuja pesa za wakulima na wanajigamba ya kwanza sasa ni

wakati wao wakujitajirisha. Lakini baada ya hayo yote hakuna hatua yoyote ambao wanachukuliwa.

Paul Kimathi: Tukwenda Katiba tondu ni njeru igitii kugarurwo ri watho uyu ukugweta haha ri nituteithio nago atiriri mundu aria indo cia arimi niatige kwirwo niarugamio wira, arutwo angorwo ni Katiba ikuunyita watho ucio ikire hinya, ikire mukazo mundu ucio indo cia arimi arihe no ti arugamio ni ciarihika.

Translator: Ninahimiza ya kwamba katika Katiba mpya mtu akitumia mali au akivunja pesa ya wanashirika isiwe tu ati anasimamishwa kazi, lakini pia lazima ashurutishwe kulipa.

Paul Kimathi: Uhoro ucio wikirwo Katiba-ini na wikirwo mukazo, uria ungi ri ni kindi giki gigwitwo githomo. Githomo ti kia primary, ti kiriku ona secondary. Watwara mwana primary mabuku, watwara secondary mabuku, kai Kenyatta riria ari kuo mabuku moimaga ku?

Translator: Jambo lingine ambalo ningependa kuzungumzia ni juu ya elimu, tunaona ya kwamba gharama ya kufundisha watoto ni kali mno, iwe primary iwe secondary na mimi najiuliza mbona wakati wa Kenyatta gharama hiyo ya vitabu na nini, vitabu vilikuwa vikitoka wapi?

Paul Kimathi: Riu tondu tuthomithitie ciana na ikarikia “A” level tukaitwara college ikarikia, mundu urikitie “A” level riria yahingirwo ri na agacoka agathii college akarikia ri na riu ndindaga ngwirwo ni aria matuthomithagia atiri tutirorehwo hau andu aya tukumahira ku?

Translator: Jambo ambalo limetusumbua sana ni kwamba hata baadaya ya kufundisha watoto wetu wanafanya “O” level hata wanapata degree hawana kazi bado wanatufuata wakituuliza kazi iko wapi? Sasa nauliza si tuangaliliwe hilo jambo ndio watoto wetu wapate kazi.

Paul Kimathi: Maundu ndiri na maingi maundu macio nimekirwo Katiba-ini.

Translator: Hayo ndio mambo ambayo ningependa yawekwe katika Katiba.

Paul Kimathi: Niwega muno.

Translator: Asante sana.

Translator: Unataka kumuuliza swali? Uria haria utananyita.

Patrick Lumumba: Asante sana mzee kwa hayo yote uliyosema na yataangaliwa. Nawashukuru by the way tunavyoendelea lakini pia lazima niwakumbushe nina majina kama arobaini ya watu ambao hawajasema kitu na yako hapa. Kwa hivyo unapokuja hapa ndugu yangu au dada yangu, nakuomba kufanya dakika mbili. Kwa maana unapojua nikisema kuna watu namba kama hiyo, ukipiga mara kila dakika, unapata dakika themanini na themanini ni saa moja dakika ishirini na mnaona usiku ndio huu na ng'ombe yako utaenda upate mtu ameenda nayo na hiyo kuanza makesi kukimbizana, mbuzi hajatolewa kule pia inakuwa mambo. Kama mambo ni yale ambayo wengine wameshayasema, sasa unapoyarudia, unaongeza nini? Kweli mnaona kuna point hapo? Tafadhali kama una memorandum twaambie what is in the memorandum na pitisha. Kama una neno lililo mzigo kwako, liseme tu straight forward. Kwa hivyo tafadhali avoid also translation kwa maana that also takes time. Thank you so much. Bwana David, kama hayuko, Gitonga John, John Gitonga, Simeon Murithi wa anwani 73, Paul Gichuru labda haikwandika vizuri sana anwani yako ni 771 Othaya, Samuel Maina anwani 16, Maina Samuel. Atafuatwa moja kwa moja na James Munenu Kiha anwani 16.

Samuel Maina: Yangu si mengi sana sababu nimeyaandika na kwa hiyo nitataja tu mambo machache. Ya kwanza, maoni yangu ni kwamba katika nchi ya Kenya hatutaki serikali ya majimbo. Kwa hivyo sababu nchi yetu ni changa sana kwa hivyo tukiingia kwa majimbo, itatuletea mambo ya ukabila na katika nchi yetu hatutaki ukabila.

Jambo lingine ambalo ningesema ni ya kwamba katika nchi yetu tungependa uhuru wa kuabudu kwa sababu nchi yoyote ambayo haina serikali ikiwa na uhuru wa kuabudu, itakuwa watu hawana uhuru huo na kwa hivyo si vizuri. Pia ningependa nchi yetu iwe na uhuru wa kutoa maoni. Uhuru wa kutoa maoni ningependa nchi yetu iwe na uhuru huo. Pia ningependa nchi yetu iwe uhuru wa kuungana pamoja sababu serikali ikiingilia uhuru wa kukusanyika pamoja pia itakuwa si vizuri.

Jambo lingine ningependa kuongeza hapo ni serikali isiwe na ardhi ya kilimo sababu kama sasa inaingilia mambo ya kulima na iwe inalima na wakulima wako ambao wako na mashamba na wakulima, sasa serikali itakuwa haitosheki kwa sababu wakulima wako na wanatozwa kodi, kwa sababu – kwa hivyo serikali si vizuri iingilie kilimo. Iachie wakulima walime na ichukuwe kodi na pia isitoe kodi ya juu sana. Sasa kwa vile nimeyaandika hayo sitasoma mambo mengi sana. Asanteni.

Patrick Lumumba: Asante kwa hayo mafupi ambaye ametoa, muwe as brief as he has been. James Munene Kihara, anwani 16, John Maina Kamau wa anwani hiyo hiyo, inaonekana wanakumbukumbu moja, kuna John mwingine wa anwani hiyo hiyo, Silas Wachira, Silas Wachira na baadaye Silas atafuatwa na Duncan Wachira.

Silas Wachira: Asanteni yangu ni machache kwa sababu mengi yao yametajwa na wengine. Yale nitakayoguzia ni kuhusu ni Land Board Control. Ningeomba kwenye Katiba mpya wale watakayehusika, yaani watayekuwa wanashughulikia hiyo Land Board Control, wawe wanachaguliwa na wananchi kwa sababu kuna mambo mengine yanayofanyika hapo unakuta kuna harambee zingine zimeitishwa huko. Na kama amechaguliwa na wananchi, yaani ametoka tuseme kwa location, wawe wanachagua mtu moja. Ukimchagua akienda kukuitisha pesa ya inayohusiana na hiyo harambee, kipindi kijacho hautamchagua

na huyo atakuwa anajua mambo ya shamba ya kila location.

Ya pili ni kutokana na ukulima. Unakuta wakulima mtu analima kwa mfano kahawa. Ukilima kahawa inakuja inachukuliwa inaenda. Baada ya kuuzwa, unakuja kuambiwa haikutoa chochote. Kahawa umepeleka na hakuna kitu utaenda kudai huko. Ingefaa kwenye Katiba mpya wakulima waelezewe mazao yenu kama itanunuliwa kwa bei ya juu au ya chini lazima utafikiwa na kiwango fulani cha pesa.

Ingingine ni kuhusu hii mambo ya elimu. Elimu unakuta familia hawana uwezo ya kuelimisha mtoto. Akienda shuleni kila siku unasikia amerudi nyumbani, amerudi nyumbani na hapo inaanza mambo ya chokora. Kwa hivyo serikali ningeomba itoe elimu ya bure. Hosipitali, ukienda kwa hosipitali upewe huduma ya bure. Ni aibu kuona mtu ni mkenya na nchi iko na uhuru na akienda hosipitalini unaambiwa kuna pesa utatoa na pesa hauna. Itakubidi urudi nyumbani uende ukafe. Kwa hivyo ningeomba kwenye Katiba mpya wapeane huduma ya bure kwa hosipitali na kwa elimu na ni hayo tu.

Patrick Lumumba: Asante sana, asante sana(inaudible) ukifanya. Asante. Mrs Duncan Wachira, ameandika Mrs kwa makosa kwa hivyo ni mzee. Wameandika kwa makosa mzee. Duncan Wachira kisha ni Wilson Nguru, Wilson Nguru atamfuata baadaye. Mzee dakika mbili tu. Mzee dakika mbili tu

Duncan Wachira: Commissioners hapa zamani, tulikuwa tunatawaliwa na wangereza wazungu wa mwaka wa 1939 kulitokea vita ya pili. Na biashara yote ilikuwa ikifanyiwa ni wazungu na wazungu ndio walienda Nairobi, Government, Road kila kitu. Vita ilipoingia wazungu walienda wote, kwa vita. Sasa mhindi akaachiwa biashara. Alipoachiwa biashara mzungu aliporudi hakuenda kwa biashara, alipewa mashamba. Sasa wakagawiwa mashamba wazungu wale walitoka kwa vita. Sasa wakati tulitaka uhuru tukaenda kwa Lancaster House. Tulipoenda Lancaster House, eh mzungu sasa tukatengenezwa Katiba. Hiyo Katiba muzungu akasahau mambo ya biashara sababu ilikuwa imepita kama miaka ishirini sasa. Sababu kama 1939 mpaka 1950 ni miaka ishirini alisahau. Sasa ile Katiba tulipewa ni ya political. Political constitution. Sasa mambo ya biashara ikawachwa nyuma. Sasa tukaendelea hii Katiba haisadii sisi hata kidogo. Ndio mnaona sasa mnakuja kurudia Katiba ingine sababu hii ni political tu ni mambo ya biashara ni mambo ya utetezi. Sasa tulipotoka kwa Lancaster House tukaambiwa tuchague wajumbe. Tumekaa na wajumbe mia na themanini, a hundred and eighty members kwa miaka arobaini. Hawakufanya kitu chochote ndio sasa tunaitwa tukuje tufanye kazi ile wangepanya eh, sababu na wao walikuja wakafuata mfano ya ile Katiba ya politic. Sasa wanaendelea na politics nayo mambo ya biashara imeachiwa mhindi. Ni miaka sitini sasa kutoka muindi arudi kwao. Sasa iko na miaka sitini. Sasa sisi bado kuingililia biashara. Sasa sisi kufanya competition na hawa inakuwa ni ngumu sana. Inatakiwa kama vile wazungu walikuwa na mambo ya European only, tupewe mabiashara za waafrika wenyewe. Kama vile sisi tunafanya kazi ya chai na kahawa, tunapata foreign exchange. Foreign exchange iwe ni yetu. Mhindi sasa anatoka kwao anakuja Kenya kusimamia bei ya kahawa na chai. Sasa tunataka foreign exchange ikuwe sasa ni mali yetu kwa sababu inakuwa ni kama kutengeneza kitu wakati sisi tunatengeneza foreign exchange ya kuja kutuchoma. Akinunua kitu mia moja huko anakuja hapa anauzia sisi elfu moja. Sasa tunataka mhindi awache foreign exchange ikuwe ni ya waafrika peke yao kwa

sababu mtoto ya mhindi bado kuchuna majani. Sasa aondoke kwa hiyo. Sasa iko mambo ingine ya biashara kama mahindi, eh, hii ni kama iko gari ya moshi, inakwenda kwa reli, maili fulani, inakwenda kwa mchanga kwa barabara maili fulani. Sasa tunafanya kazi ya mahindi tunalima mahindi. Ikifika kiwango fulani, mhindi ndiye anataka auze, ikifika kiwango fulani sasa mwaafrika utakula ugali eh, hii mambo ya biashara ya namna hiyo mhindi aondoke kabisa. Biashara iwe ya watu weusi kwa sababu sasa sisi tuko na miaka sitini kwa biashara. Mhindi yuko na cash crop, yuko na kila kitu kwa hivyo mimi siwezi nika-compete na yeye. Kweli kwa hiyo sasa--

Interjection (Pastor Ayonga): Asante

Kwa hivyo sasa aondoke kwa biashara zetu wala sisi hatutaki alete chochote hapa kwetu.

Interjection (Pastor Ayonga): Asante

Wacha sisi tuele kitu sisi wenyewe.

Pastor Zablon Ayonga: Asante mzee, maneno yote ambayo umesema angalia hapa. Mzee niangalie kidogo, upande huu. Maneno yote ambayo umesema yameingia kwenye hiki chombo. Yote kabisa, hakuna iliyobaki, na kama mhindi anasikia, awachane na hiyo biashara. Awachane nayo kabisa.

Interjection: Clapping

Pastor Zablon Ayonga: Okay (laugh) hapo tulikuwa na mzee Duncan Wachira. Wilson Nguru, wa CCF alikuwa na memorandum, Gerald Ndagwaga, akifuatiwa na Karanja Ngumu. Dakika mbili Gerald. Wewe ni mtu wa kukatiza kwa mkhutasari tu.

Gerald Ndagwaga: Haya asante sana, yangu yalikuwa mengi lakini yashasemwa, lakini nitatilia mkazo kwa jambo moja ama mbili. Ah kuna mtu alisema na mimi nishasema pia, kwa maoni yangu wale wazee baba zetu waliopigania uhuru, Katiba iliyokuweco haikuwajali kamwe kabisa. Hasa baba yangu hatuna shamba, hatuna nini, tuko tu hivyo na Katiba mpya tungetaka ijaribu kubadilisha hayo maneno na hawa wazee wakumbukwe. Kuna mambo ya kilimo. Kilimo hakuna mtu anasikia kuiacha nyuma vile ukiona kilimo kikidhoofika ndio unaona wazee wanajiingiza katika ile hali ya kunywa pombe ile rahisi rahisi, na hiyo kunywa pombe rahisi hivyo, wanatumbukia katika sasa vifo vingi sasa katika Kenya yetu tunapata kuna familia nyingi sana ambazo hakuna wazee. Na ndio ningesema kilimo ikiwa namba moja na ndio hapo natilia mkazo hakuna mtu anasikia kuacha kilimo nyuma, tungepata nafasi ya kupata kitu kidogo katika mfuko na tukunywe ile pombe halisi na inayotakiwa. Sasa kuna kitu ingine kinaitwa mtu mmoja tunataka awe na kazi moja. Hasa kwangu mimi kazi yangu ni ya kichwa. Mke wangu kazi yake ni ya shingo na siwezi kuwa shingo na saa hiyo niko kichwa. Sasa hapo mnajua nini ninasema, hapo tutilie mkazo katika Katiba ya leo.

Ufisadi, mtu akishikwa kwa ufisadi isiwe ku -- ku -- punishment yake isiwe ati ni kutolewa wizara hii anapelekwa hii ingine. Ati sasa hapo tuna eh tumepata nini, hiyo siyo namna ya kuadhibu hao watu. Ya mwisho, na sio ya mwisho kuna ingine hapa Assistant Chief, hasa mimi sijasoma. Sijasoma sana, siwezi kuongea kiingereza hapa. Lakini nikipewa kile kinaitwa tuseme nipewe location moja naweza weza kuitawala kabisa na sina elimu. Kwa hivyo ningesema Assistant Chief kusiwe kuna kile kiwango kinatakiwa ati awe ana elimu hii. Ukiwa na standard seven na watu wa kwenu wanaona wewe unatosha kuwatawala ama kuweka watu wawe na maendeleo isiwe ati ni kikwazo ni uwe na elimu ya form four ya nini? Kichwa changu kiko na mengi sana ya kupeleka watu mbele. Sasa hapo eh

Interjection: laughter

Gerald: Kusiwe ati kinachokuzuia kupata hiyo kazi ni elimu. Elimu tuko nayo ya kuzaliwa. Haya ya mwisho kuna ile mambo ya jela. Tungetaka kuwe na maximum limit ya watu kuteswa. Utapata mtu ameingia jela, ameteswa kiasi ya kwamba hatazaa tena. Hiyo naye tungetaka kuwe na maximum limits --

Interjection: Clapping

Gerald: ya vile watakuwa wakiteswa katika jela. Ya mwisho Bwana (?)

Interjection : Mwanzo ulisema mwisho (laughter from audience)

Gerald: (laugh)

Interjection: ngoja, ngoja naona huna mwisho

Gerald: Ingingine moja ni hili: Ugawaji wa mashamba, ugawaji wa mashamba ukienda kwa mzee kama huyu anakwaambia sasa mimi niko na watoto wangu, niko na wasichana na vijana lakini nikienda kwa baba yangu ananiambia hakuna la kupewa shamba bila kungojea mtoto ingine yake tulizaa, mimi nilipopata mtoto akazaa mtoto nitangojea huyo ili nipewe shamba. Hii naye ndio hapo umeshika kuwe na utaratibu ule wewe kijana ukija kupewa shamba usingoje yule wa mwisho kitinda mimba ili upate mali yako. Ya mwisho ni hili Katiba tunayoiunda tusiunde tukiwa na haraka ati tunaka iwe na inagoza uchaguzi ujao. Tusiwe na haraka, tuwe na utaratibu kwa sababu kile ninaona itatawala Kenya yetu miaka mia tatu.

Asante.

Clapping

Pastor Ayonga: Ulikuwa na kitu umeandika

Gerald: Hakuna kitu nimeandika ni hayo tu

Pastor Ayonga: eh asante mimi naona utakuwa chief na Mungu akusaidie.

Laughter

Patrick Lumumba: sasa namwita Bwana Karanja Ngumu, Stephen Kariuki, kama hayuko Stephen, Mathew Gitonga Newton, Mather Gitonga, Gitonga yuko? Kama hayuko Mathews, Adrew Nderitu, Andrew Nderitu halafu atafuatwa na Ayub Sumbi. Huyu ni Andrew Nderitu Nderitu tupe tu summary ya memorandum yako.

Adrew Nderitu: Okay okay I will use the limit, and I will talk about elections. When it comes about elections we would like the Presidential elections be de-linked from the Parliamentary and civic elections. The Parliamentary and civic election be held first and then after 21 days we have Presidential elections and now the winner of Presidential elections should have 51% of votes. When it comes to the land policies, we know that in Kenya some people own huge tracts whereas the majority of Kenyans have very little remaining. So we would like the new Constitution to set that certain individuals should have a maximum lets say two thousand acres and not more than that. And we should propose the establishment of the corruption court which should handle all the cases which have been investigated by the KACA – Kenya Anti- Corruption Authority, the police or the Parliamentary watchdogs, the CID or PAP. Now the parastatal heads should be appointed on merit and according to the track of their of record. When it comes to voting we would like the Constitution to provide for the transparency ballot boxes. We don't want the black ballot boxes where you don't know what is inside the ballot box. We want transparent ballot boxes. Also the papers should be printed by an independent body, and all the political parties should be represented there. I think the others

Interjection (Patrick Lumumba): Asante.

Andrew: I think the others have been presented by the others

Patrick Lumumba: I think nimekushukuru na utoe hiyo memorandum kule. Ayub, Ayub yuko? Baada ya Ayub kutakuwa na Gabriel Mwangi wa anwani 82 hapa Othaya.

Ayub: Asante sana Bwana Commissioner. Mimi nilikuwa nikitoa maoni siku ile inengine lakini nitaongeza kitu kimoja nilisahau na nilisahau hii upande wa wanawake. Si mzuri kupandisha mwanamke mamlaka ya juu sana, tunaona ma-P.C. wakiwa wanawake. Hio sio desturi hata ukiingilia katika Bibilia, utaona wanawake wako chini ya wanaume. Hata ukienda katika korani ya muslims, wanawake wako chini ya wanaume. Vile naonelea ni hivi: Kama P.C. ni mwanaume, mwanamke awe ni naibu. Kila pahali awe naibu kwa sababu wanawake wako na mahitaji mengi. Siku ya mahitaji, sijui nitaona P.C gani. Ni hayo tu.

Pastor Zablon Ayonga: Asante asante lakini unajua ukishampa mtu kiwango cha naibu, the next one ni kuwa mwenyewe. Gabriel Mwangi, Gabriel, kisha tuwe na Geoffrey Kigotho Gakuru. Baada ya Gabriel tuwe Geoffrey Kigotho Gakuru.

Interjection (Pastor Ayonga):endelea

Gabriel Mwangi: Eh mambo ile mimi nataka kusema kwanza nitaongea na Kikuyu kwa sababu ---

Interjection (Pastor Ayonga): (inaudible) nasikia umeanza kwa Kiswahili endelea nikitafuta mtu wa kutafsiri.

Gabriel: Hebu basi eh --

Interjection (Pastor Ayonga): wewe unaendelea vizuri sana. Endelea ukifika pahali pa gumu mimi nitaingilia, nitatafsiri kwa kizungu kwao.

Gabriel: Basi nataka kusema habari ya askari police kwa sababu wakati mwingine tunaona wanakamata watu wasio na hatia kwa sababu wanasemekana ni walevi wakachukuwa watu walevi na wasio walevi na watu hao kwa sababu watapelekwa kotini kesho sasa watu wengine wasio walevi wanapelekwa kotini, sasa ukifika huko kotini watu wakaonelea ni vizuri kusema alikuwa mlevi kwa sababu alikosa kusema mambo kama hayo atapotea siku nyingi kwa sababu yeye atapelekwa kwa cell kama wiki mbili, sasa hayo mambo ningomba Katiba hii ya wakati huu irekebishe kama kunawezekana.

Interjection: (Pastor Ayonga) Umesema vizuri sana sana

Gabriel: Sasa tuende kwa watu wale wanashikwa na Moi'nge (mob). Watu wale wanashika mwizi na kama mwizi ako na hatia, or hana evidence, ni kwa sababu gani mwizi anafika nyumbani mbele ya mimi na ni mimi nilikuwa nampeleka kwa police. Hiyo Katiba ijaribu kurekebisha kwa sababu ya kumaliza wezi katika vijiji.

Hebu niende kwa land owners or those of who have ama watu wa mashamba makubwa. Ningeonelea hapo hao watu wauzie wenzao mashamba ili watu wale wengine waweze kuwa na mashamba kwa sababu most of us have no place to build kwa sababu nikiona huo wakati baada ya independence, kunaonekana kama kulikuwa na watu wa huo wakati na huo wakati ni watu wale walikuwa na pesa walionunua mashamba, sasa kwa sababu mashamba yamemalizika itakuwa namna gani? Na watu wanazaliwa lakini hakuna kuongezeka kwa mashamba. Ile ingine eh--also I would like the government to look into selling of shambas because in the process we are being cheated, kwa sababu mimi nikiona pahali panafunguliwa mimi sijui kama wao ni wakora. Mimi ninaingia nalipa bila ya kujua. Kwa hivyo, serikali iingilie pale kwa sababu tumemalizwa na hao watu bila kupewa mashamba.

Pastor: Asante sana

Gabriel: Uchaguzi tena uwe unasimamiwa na watu wengine badala ya wale ambao ni wakubwa na ambao bado wana vyeo, itakuwa ni kama wao wanaingililia uchaguzi.

Patrick Lumumba: Asante, tunakushuru, na toa memorandum yako na kama nilikuwa (?) Na sasa yule ambaye atakayemfuata ni Geoffrey. Baada ya Geoffrey, Kigotho Gakuru, Mary Wanjiku Mwangi, Mary yuko? (?) na kumbumbu, Paul Mureithi, Paul, Paul ndiye yuaja? Dakika mbili, kisha atafuatwa na Charles Waithara.

Paul Mureithi: Asante sana Bwana ya Commissioners, mimi yangu ni moja tu na ni kuhusu makaratasi ya uchaguzi. Eh nilikuwa naomba kama pengine kungekuwa na marekebisho ya Katiba haya makaratasi ya uchaguzi badala ya kuchapishwa yakiwa na majina tu ya wale ambao wanataka viti, kuwe na kitu kama passport size photographs ambazo zitakuwa zinaitishwa za wale ambao wanataka kugombea hivyo viti, picha zao zinaandamana pamoja na majina yao kwa maana tuna watu wengi sana eligible to vote lakini they don't know how to vote. Wanajua ndio kunawekwa X lakini X hawajui maana yake. Wengi wanaintepete X in kama kucouncil. Sasa unataka kuchagua huyu, hutaki huyu humtaki ndio unamwekea X ukisema au ukidhani hutaki, hautamchagua.sasa nikafikiria pengine kwa sababu taabu kama hiyo tuna wazee wengi sana ambao pengine pia hawajasoma, tukawa na makaratasi hayo ya ballot papers yatoke na picha za wale ambao wanagombea viti, macouncilors mpaka kwa President, inaeza kuwa ni jambo mzuri. Ningeuliza pengine muangalie hilo jambo.

Asanteni.

Patrick Lumumba: Asante sana, huyo ni Paul, Charles waithara, Charles, kama Charles hayuko Linus Mwea, Mwea Linus kama hayuko Kariuki Kamonyi, mzee kariuki Kamonyi, dakika mbili mzee kwa mkhutasari tu. Kisha atafuatwa na David Theuri.

Kariuki Kamonyi: Asanta Commissioners. Mimi sina mengi maana mengi yamekwisha semwa. La kwanza langu ni kwamba Rais wa Kenya ana kazi nyingi. Ingefaa serikali iwe na waziri mkuu. La pili bunge iwe inatunga sheria na sheria iwe na uwezo kusiwe na mtu mwingine atakayekuwa juu ya sheria. Ya tatu ni kwamba vyama vingi vinaletwa ukabila. Inapofaa ni kwamba vyama vikiwa vingi viwe ni vitatu na huyo kiongozi atawe kujulikana. Sina mengine ni hayo.

Patrick Lumumba: Asante sana mzee, sasa namuona tunamuomba Bwana David Theuri, David, kisha baada ya David tuwe na Amani Wagaki.

David Theuri: Asante sana. Kwangu, mimi nataka kuomba kuwa mheshimiwa Bwana Mwai Kibaki ndiye awe akiangalia Kenya yetu na pia hata hapa Othaya aambie ma-Chief, sub-chief wawe macho sana kwa mipaka ya mashamba.

Asante sana, sina mengi na pia mimi ningesema hapa tulipo hatuogopi yeyote tunataka imani na upendo kwa sababu siasa mbaya ni maisha mbaya.

Patrick Lumumba: Ndio. Okay asante sana David Amani Wagaki, kama Amani hayuko Charles Mwangi Anwani 317, kama Charles hayuko Ann Faith Nditu, Ann Faith, sasa Ann Faith, kama hakuna Ann Faith kuna wale ambao wana kumbu kumbu, Joseph Kaguthia, Joseph Kaguthia ameleta memorandum tayari. Joseph Wambugu pia ameleta memorandum, Muturi Mwaniki, Wilson King'ori Kimunyi ameleta memorandum, Ibrahim Mwangi Mwaniki pia tayari ashaleta memorandum, hauna memorandum hapo?

Ibrahim Mwaniki:(inaudible) sketch.

Pastor Ayonga: Hiyo sketch ndio tunahitaji. Asante.

Ibrahim Mwaniki: Asante sana Commissioners sababu ya kutupa wakati huu ili tutoboe yote yaliyo katika bongo zetu. Hapa ningetaka kuongea juu ya retired President sababu sasa tunamwona mbele yetu. Tunamtarajia dakika yoyote kutoka leo. Yangu ni kusema kwamba hakuna haja ----- (inaudible) this Constitution doing to see that man will not participate or involve himself in any political party as soon after retirement. Jambo lingine ambalo ningetaka kuwaambia Bwana Commissioners ni posts za Assistant Chiefs na Chiefs wenyewe. Hawa – their posts should be transferable like any other government servants sababu mulisoma na mtu mmoja, na agemate na chief. Kutoka utoto mpaka mzeeke anakujua hata kwa ubaya.

Laughter

Na wakati wa kuchaguliwa kwao wawe wakifanyiwa elections by voters. Lakini si kichini-chini hivi na kusema hati kuna ma-interviews huko kwa D.C na na elsewhere. Jambo lingine ma-Commissioner ni Permanent Secretary. Permanent Secretary ni mtu wa mhimu sana, he is very important person in the government. This man should be retained in that ministry throughout but not just to taking him a ministry or transferring him to other departments because of some irregularities. Kuna mambo mengine angefanyiwa, kama amefanya makosa, afanyiwe kotini lakini si just be taken to another department, he have just to repeat same mistakes. Tena waweza kuwa watu very productive wakiwa hapo na wakiwa hapo sababu watakuwa na uchuzi mwingi sana. Rais or bwana President this time we shall have a new one, kazi yake iwe ni kufikiria vile atakavyofanya na Prime Minister only, in polital posts but not involving himself with other departments. P.S, I mean to another ministry or what. He must confine himself with all this political rights.

Jambo lingine ni Bank Governor. Kama huko kwa Central Bank of Kenya. Huyu Governor ought to be appointed by the head of the Public Service Commission, lakini sio President kila wakati.

Jambo lingine, it is said, and it is believed because it is true that the agriculture is the backbone of this country, but it isn't in some cases because right from the grassroot agriculturalist or this people do not actually attend to their farmers and whatever they make as a monthly report, these are only ----- (?) report. Farmers you do know them, they do not help them and that is why farmers are not productive.

Kitu kingine ni hiki, savings made from coffee or other produce from the farm. Let me just come to coffee because I belong to that. This savings received by the Coffee Board of Kenya should be taken or sent directly to the factory. We know where we can actually repair, there are some roads roads are not easily visible (interjection)

Interjection: Mzee dakika zako zilikwisha kitambo na nimekungojea tu unihurumie.

Mwaniki: Alr -- eh

Pastor Zablon Ayonga: nilikuwa nangojea tu uone kwamba zimepita.

Mwaniki: Alright, niko karibu sasa kumaliza.

Pastor Ayonga: Hiyo utatupa? (mh?) Si hiyo utatupa memorandum?

Mwaniki: Lakini hii Bwana commissioner nilimwaambia ni sketch tu.

Pastor Ayonga: Ni sketch lakini tunao wataalamu.

Mwaniki: Lawyers, should not be relied upon too much especially, as far as compensation is concerned to their client. Pension. Pensioners are very important people and therefore actually they need or it is good for them to be getting annual increament right like in other civil servants in the civil service. Na wakati ambapo watu wameongezwa pesa kama vile waalimu au watu wengine, na wao waongezwe kwa sababu ni hali tu inafanya increament ifanywe. Village elders, hawa watu ni watu very important na kweli wakifanya kesi zao zinakuwa nzuri kushinda za headmen na chief na za D.O.

Interjection: (Patrick Lumumba) Thank you, thank you, thank you

Mwaniki: na kwa hivyo sisi, (interjection)

Patrick Lumumba: Thank you, thank you,

Mwaniki: they ought to be actually even (interjection)(inaudible)

Patrick Lumumba: Please submit your sketch memorandum and we will fill it with flesh. Huyu alikuwa ni Wilson, Ibrahim Mwangi Mwaniki, Paul Ngatia King'ori, Paul Ngatia, Julius Kivisho Macharia, Julius. Baada ya Julius tutakuwa na Paul Rosario Mwaniki. Julius Kivisho Macharia kisha Paul Rosario Mwaniki.

Julius Kivisho: Asante sana ma-commissioners na watu wengine ambao wanasikiza views za watu. Yangu ni machache tu. Mimi ningetaka kwangu madaraka ya Rais ipunguzwe, awe chini ya sheria na watu wakifanya corruption, wawe wakifuatwa sababu wakifanya corruption wanapewa transfer kwa pahali pengine halafu kwenda kuweka account na watoto wao na mabibi yao, na hiyo pesa ifuatwe mpaka vitu vyote viuzwe walipe pesa za wananchi. Hiyo inatosha.

Patrick Lumumba: Thank you, thank you. Asante huyo alikuwa ni Julius Kivisho Macharia sasa namuomba Paul Rosario Mwaniki aje. Paul Rosario Mwaniki, huyo ndio mzee Paul. Baada ya mzee Rosemary Nderitu awe tayari. Karibu mzee.

Paul Rosario: Asante. Mimi nitazungumza kwa kiswahili halafu kama nikishindwa kidogo nitazungumza kingereza na pia kwa kueleza eleza, nitazungumza Kikuyu.

Pastor Ayonga: Lakini ni dakika mbili.

Rosario: Kabisa. Yangu, si maneno mageni haya ambayo naleta, ni mambo ambao nimejaribu na nimeshukuru sana kuna record kwamba yaani nainaongea yataweza kuwafikia wengi wale ambao wamefika na ni asante sana. Maana mimi nimeandika (?) kupelekea serikali mambo haya na kutaka pia kuonana na mkuu wa nchi hii yaani President. Lakini tokea tupate uhuru mimi sijapata kumuona mzee. Kenyatta alikuwa sikungoea na yeye. Moi akaingia hata sasa sijafikiria niwaikuonana naye. Hayo matatizo. Lakini basi hayo nitayasema kwa kifupi kifupi mnajua mtu hawezi kuongea yote hapa kwa dakika zile tulizonazo hapa.

Pastor Ayonga: dakika moja

Rosario: Sisi tulipopata uhuru tuliambiwa kwamba kuna maadui watatu. Ndio tunapata uhuru tuweze kuyamaliza haya. Tulipoenda Lanchaster House tukazungumzia hayo na ikawa ndiyo. Maadui watatu wanafahamika sana, lakini haikuelezwa sawa sawa kwa sababu hali mimi nafikiri kwamba watu wetu waafrika wanatoa maneno mdomoni mwa watu wengine halafu wanakuja kuyaongea. Basi, tukaambiwa maadui hawa mmoja wao ni ujinga. Wa pili ni umaskini na wa tatu ni magonjwa. (laugh). Sasa tangu tulipopata uhuru magonjwa jamani, mumeona vile yanavyozidi kuendelea. Umaskini sasa kilio ni umaskini. Basi ni kitu gani kinaleta haya? Basi mimi ninavyosema haya, umaskini na magonjwa yanaletwa na Mungu na nikusema naeza kutaja wale ambao ni watakatifu ambao wanasema na watakatifu wakisha kusema kitu ninajua kwamba ni cha ukweli umaskini na magonjwa yanaletwa na Mungu. Yanatoka kutoka kwa mkono wa Mungu lakini ujinga hautoki kwa Mungu. Ujinga unatoka kwa shetani. Na kama nchi hii ukizurura utaona majina yote ya wakristo. fulani fulani (?), Peter fulani, Paul fulani Paul anajaa, wengi sana ambao wanaitwa Paul Paul. Lakini ukiangalia kama wale wanozingatia vile kristo alivyosema, unakuta ni wachache sana hata hawaelewi maana ya kuwa na ukristo ni nini. Mimi hapa nasisitiza kutaja kitu kimoja ambacho kristo mwenyewe alisema na nimekuwa nikisema. Alisema kwamba jitakazeni, muwe watakatifu yaani kama vile Mungu, kama Baba yenu aliye mbinguni alivyomtakatifu. Na niwaambia jamani hapo ndipo tumepotea.

Pastor Ayonga: (speaker) Lakini hebu niingie kidogo katikati mzee. Tumekuja hapa kuchukua maoni ya kuweka kwa Katiba. Sasa kwa haya meneno matatu: ugonjwa, umaskini na ujinga, unataka tuweke nini kwa hii Katiba mpya?

Rosario: haya sasa ---

Pastor Ayonga: hilo ndilo jambo limetuleta hapa.

Rosario: Sasa mimi nataka kuwe jambo moja. Kuwekwe nafasi ya mtu akitaka kumuona President, anaweza kumuona. Yaani kuwe na njia mbili, two way traffic.

Pastor Ayonga: Ya kwamba kuwe njia ya kumuona President.

Rosario: Yaani sasa hiyo moja ni kwa kutoka kwa President, halafu inateremka inakuja kwa raia. Wanapata vile President anaeleza. Hii tu ndio moja ambaye anafanya kazi. Lakini ya kutoka kwa raia kuenda kwa President, hii inavunjika kabisa.

Pastor Zablon Ayonga: Thank you.

Rosario: Ukitaka kumuona President, mimi nimejaribu hiyo yote tangu tapate uhuru, sijawai kumuona.

Laughter

Pastor Zablon Ayonga: Thank you, thank you mzee. Thank you, thank you.

Rosario: Basi hiyo ni moja na lile lingine kama zile za -----(?) yaani sijui niseme nini maanake hii ni kweli.

Pastor Zablon Ayonga: Okay, okay mzee, bwana mzee Rosario asante sana. Asante sana.

Rosario: Sasa masaa yanayoyoma,

Patrick Lumumba: Yameyoyoma Rosemary Nderitu kama yuko, Rosemary, Joseph Mwangi wa anwani 161 hapa hapa Othaya kama yuko, kama hayuko kuna Joseph Ranja ACK Othaya. Zenebo, Joseph Ranja wa Othaya, Jane Wango' mbe wa anwani 66 hapa hapa Othaya. Kama hayuko Janet Muthoni ametupa memorandum tayari. Janet Muthoni, Janet yuaja. Okay Janet yuaja tayari. Tutampa fursa Janet

Interjection: ----- (inaudible)

Janet: Nani? Kuna mtu ningependa anisaidie kusoma maoni yangu.

Interjection: Yuko wapi? Haya.

Pastor Ayonga: Jane Wang'mbe, baadaye Janet Muthoni Mwangi. Haraka haraka, dakika mbili jane. Tafadhali

.....(inaudible)

Jane Wango'mbe: Anisaidie kusoma, niko na points (inaudible). Jina yangu ni Jane Wanjiru Wang'ombe

Jane Wang'ombe: Haya nitamsaidia kusoma haya maneno. Katika ukulima --- Ukulima wa? Ukulima wa kahawa.

Jane Wang'ombe: Katika ukulima wa kahawa na kiwanda cha kusaga kahawa, ili wale watu hawana kazi wapate kuajiriwa. Kahawa ikiuzwa ikiwa imesagwa, itakuwa na bei mzuri na ya juu. Mkulima atasaidika na pesa ya kodi itapatikana tena hiyo kahawa inunuliwe hapa ili iokoe gharama.

Interjection: (Pastor Ayonga): Jane, just a moment, ningalipenda summary. Si kutusomea hiyo, tunataka huyo mama aseme ni nini alichobeba katika hiyo karatasi. Akwaambie hayo yaliyo ndani hapo ndio utuambie hayo.

Background: ----- (inaudible)

Pastor Ayonga: msim-confuse tafadhali.

Jane: Katika ukulima wa kahawa na---

Pasto Zablon Ayonga: aa hatujaelewana. Mama nataka--- wacha asikie ninavyoongea na yeye. Mama ataelewa. Naona you are confusing her. Kitu nasema hayo maneno ambao umechukua katika memorandum yako hiyo, tuambie ni nini umeandika hapo. Maneno makubwa tu kwamba kama ni mambo ya kahawa, kama ni hii na hivi ndivyo umetaka au hivyo kikundi kilicho kutuma kinavyotaka. Unaweza kusema kwa Kikuyu, yeye atwaambie kwa kiswhaili.

Jane: Mimi, mimi nataka kuendelea na kuwambia watu habari ya kahawa. Kahawa mumesema mengi ati kahawa imekosa kupata pesa ya kutosha. Kitu kile mimi nataka kuongea, nataka kuwaeleza kama wakulima wa kahawa wanataka kufaidika na kahawa, wanaweza kufikiria vile wanaweza kuwa na kibanda cha kusaga kahawa ili wale watu ambao hawana kazi wapate kujidumu, wapate kuajiriwa. Halafu hii kahawa ikiuzwa imesagwa itakuwa na bei mzuri na ya juu. Mkulima atafaidika na pesa ya kodi itakayopatikana. Tena hiyo kahawa inunuliwe hapa. Si ipelekwe mbali kama tunajaribu kupeleka KPCU halafu watafanya auction, halafu itapelekwa ng'ambo. Iuziwe hapa hapa mahali imesagiwa kwa kibanda. Halafu watu wale wanataka kununua kahawa hata wakiwa ni wa wapi, watakuja hapa. Wataandia wakulima siku ile watakuja kununua kahawa. Tena kahawa itayarishwe grade 1 grade 2 grade 3, grade 4. Hiyo grade italeta pesa. Grade 1 iko na pesa nyingi. 2, pesa kidogo. 3, ifuatane namna hiyo. Halafu hiyo grade 4 ni ya bei ya rahisi. Hiyo kahawa ikiuzwa namna hiyo italeta pesa. Tena mkulima, --- usafirishaji wa kahawa uwe ule usioleta hasara kubwa, hiyo itarudi kwa mkulima. Tena wafanyi kazi, vijana wale hawana kazi, wasichana hata wakina mama wale wanaweza kufanya kazi kwa factory, watakuwa wakifaidika. Factory hiyo inaweza kuwa na watu wengi wa hapa hapa. Si wa mbali. Tukapate wafanyi kazi kutoka hapa. Vijana wetu watakuwa wakifaidika na hiyo pesa itarudi hapa hapa ya kusaidia watu. Vijana wengi tunaona wengi wao wanakosa kazi na kama wakati mwingine tukienda kama kotini tunaona vijana wengi wanashikwa, kwa uwizi. Wizi utakuwa kidogo. Wezi watakuwa wachache. Wakora

watakuwa wachache.

Interjection: (Pastor Ayonga) mama dakika zako zimekwisha

Jane: Sasa kitu ingine mimi nataka kusema ni pesa ile inapeanwa ya budget tunahesabiwaje mahali kama tukijenga viwanda hivyo vya kusagia kahawa. Pesa ile ya standard ile inapewana kwa kahawa iendelee na kujenga hicho kiwanda cha kahawa.

Pastor Ayonga: Thank you.

Jane: Tunajulishwa hizo pesa zilikuwa pesa ngapi halafu tujue zimesaidia kazi gani.

Pastor Ayonga: Thank you, thank you.

Jane: kama uuzaji wa kahawa utaendelea pia mkulima atajua iliuzwa namna gani. Si kuwaambiwa ati kahawa ilikosa kupata pesa, tuchague watu wale watakuwa wakituwakilisha, watu wazuri, watu waaminifu, wale watakuwa wakitusaidia.

Pastor Ayonga: I thank you. It is enough mama kama wengine wote wametii, na tena kuchagua watu wazuri kwa kahawa, Katiba haiwezi kuchagua.

Jane: tuchague watu wale ambao watatufaidi, na pesa tutakuwa tukipata za kutosha.

Pastor Ayonga: Thank you.

Interjection: (Jane). Tena tuko na watu wenye wanaweza kazi kwa kiwanda hicho, wale wanajua kazi ya processing ni wengi hapa. Hakuna haja wakilipa---

Pastor Ayonga: Okay, Thank you na peleka karatasi zako. (noise from the audience) . Dakika mbili Janet, halafu Joseph Kimani Kariuki, baada ya Janet.

Janet: Othaya Karo Women Report. In the coming Constitution, women rights should be properly addressed. I am Janet Muthoni Mwangi. Politically women should have equal representation in Parliament, in Local Government, judiciary and political parties, Land Board D.B and so on. If the President is a man, then the Vice President should be a woman or vice versa. The state should establish such courts where marital or domestic violence and women cases should be addressed. Political lives for women should be between 30 and 70 years. Education level for elected or nominated women should be well calculated so long as a woman can communicate well or vice versa. Economically, women should be financially empowered like credit facilities given to them and loan facilities without asking for a man to come and sign for them. Socially in marriage children born out of wedlock should be supported by both parents. Inter-tribal marriages should be allowed. Every child has a right to inherit the parents property. Widows should inherit the husband's property without harassment. Marriage should be properly conducted and respected whether it is customary, church or civil marriages. Divorce and separation, equal sharing of estate. If husband is working, he should continue in supporting the children and until the child is eighteen years of age. Divorced and widowed women should be allowed to be married and bring forth a family. Marriage is not a necessity, and unmarried mothers, ladies should be socially accepted.

Adoption of children should be legalized. Children adopted should be properly brought, and accepted in the family. Now, civic education and secondary education partition and training should compulsory for eligible children. The state to enforce girls and school dropouts to complete their education, causes de-production in God's gifts. Therefore, women should not be termed as disadvantaged or ineffective. The state or Constitution should protect women citizenship once born a Kenyan always a Kenyan. The state should be outrule forms of FGM, domestic violence, rape, child abuse and so on. Lastly, maternity leave should be increased from three months to five months and leave days be included in the pension scheme. In our National Anthem, since we got independence nowhere have ever thanked God, only asking, asking, asking. So either in first verse or last verse, we should give thanks to God for giving us freedom.

Thank you.

Clapping.

Pastor Zablon Ayonga: Thank you mama. You have said something that nobody has ever said that God is not thanked in our national anthem and I am sure when I go back home tonight I am going to check that national anthem and see whether man is not thankful to God who gives all good gifts. Now next Joseph Kimani Kariuki, James Gakuru, Job Mwiga, Job, Peter Muna, Julia Maina, Julia Maina baadaye Magdaline Mukundi. I am sure you will agree with us that you take up your two minutes if not less but please don't insist going over the time because you are disadvantaging others. Please go ahead.

Julia Maina: Praise be to God that we have Commissioners and we are patriots of Kenya. I am Julia Main. I have got some points which I am going read in English. Please listen. Women should have equal rights of citizenship just like men in all areas of nation building. Incase of death if this people were married, incase death of a spouse, the living spouse should know where to burry the other partner. Incase of seperation the wive should inherit half of the property that is if there is a divorce or a permanent separation. Then the living spouse should inherit all that belongs to the dead spouse. I have got another point. The Parliament, the judiciary and executives should be completely separated. The Parliament should choose the ministers according to individual abilities so as to manage the ministries that are laid out in the Kenyan government. The Parliament should be making laws, not any other person that is not through the KBC, not through the media, not through the TV but the Parliament should make laws. Then the disabled should be represented in Parliament along those who are able because it is not their will that they were born disabled. The President should not have a constituency. He should be elected by 51% of the Kenyan population. Then nobody in Kenya should be above the law because we have the same rights of citizenship. Since we fought for land, during the independence days, we should have equal land in Kenya men and women, the maximum piece of land be 200 acres. We should not have squatters in Kenya, some people are building on roads. Then after this government that we are going to have the elections at the end of the year, a coalition government should be formed by all political parties. There should be free primary education, free treatment in hospitals and good roads. Then policemen who are being trained on

the roads, should be remaining in the offices, in fact they don't help us, they don't check the matatus, they only go there to be bribed to get the supplements, T.K.K (toa kitu kidogo) for themselves but they don't help us. That is why they are so many accidents because in fact they don't observe the vehicles. They don't help us.

The last one is that, I understand that this is a Christian center we have been in a Christian country and I don't know where we or what we should say but devil worship should be banned in Kenya. in fact we Christians are very astonished because Jesus said that in honour of his name every knee shall bow and every tongue shall proclaim that Jesus is Lord the God of God the Father. How come that the devil is given a chance to carry the blood of our husbands, our wives, our children and innocent citizens because they are coming to the road in this vehicles so as to take our blood. I am disappointed. Therefore it should be banned completely. The Commission which was being led by the President show that there is devil worshipping Kenya and it is going on. Therefore it should be banned completely and completely and forever in Kenya Amen.

Clapping

Patrick Lumumba: Thank you. Asante Julia, Magdaline Mukundi, kama Magdaline hayuko, Jeffeso Kariuki, Jeffeso yuko? Kama hayuko ametuwasilisha memorandum. Councilor Simeon Maina, Councilor hayuko, amewasilisha memorandum? Tafadhali. Councilor baada ya Councilor, tutakuwa na Kibera A.J.

Japheth Kariuki: Kitu cha kwanza kile kimenileta hapa, ni kutoa maoni yangu na maoni yangu iko namna hii. Ya kwanza ni vile tunaona kuwa nation yetu haiendelei kwa vile ambavyo sisi tunaona ni sawa sawa. Kwanza ukosefu wa kazi ule umetupate watu ya hapa na si hapa ni Kenya nzima. Ni makosa ya serikali kwa kuwa hawana Engineers wa kutosha. Hawafanyi engineering ya kutosha. Hasa kama idara za maji zikifanywa kwa bidii sana, hii itatuletea sisi kupata kazi

La pili, ni vile ambavyo watoto wanakosa kwenda shule kwa ukosefu wa pesa kwa sababu ya uendelezaji mbaya wa serikali. Kwa nini? Kwa sababu, katika idara hizi za skuli, kila wakati ninaambiwa toa pesa, toa pesa, toa nini, toa nini, hakuna pesa skuli hakuna nini hii kwa sababu serikali haiangalii haya maskuli kwa njia ile ambao inatakiwa. Upande wa pili, ni watoto wale wanamaliza skuli. Watoto hawa wakishamaliza yaani katika form four, ikiwa wako na division C+ na C constant, hata training hapa hawapati ya waalimu na hawawezi kwenda katika college kwa sababu ukienda huko, unasikia mtoto, unaambiwa leta shilling elfu arobaini. Leta hizi hata ikiwa ni upande wa daktari, leta shilling elfu arobaini. Tutatoa wapi hizi pesa? Kwa hivyo hiyo ni njia moja ambayo serikali haiangalii na wakati yaani maoffisa wale ambao wanachagua watu wa training, ndio wanakosa kwa sababu wakituitisha hizi pesa, hatupati hata ya kuendeleza hawa watoto mbele. Unatoa hiyo elfu arobaini, sasa utatoa wapi ingine ya kumuendeleza mbele. Hii tunataka iangaliwe vizuri sana.

Asante.

Patrick Lumumba: Thank you, thank you. Huyo alikuwa ni mzee Jeffeso Kariuki, Councilor Simeon Maina. Ametoa memorandum kwa jinsi ilivyoandika. Kibera A.J kutoka idara ya elimu pia ametoa memorandum. Charles Wanjohi King'ri, pia ametoa memorandum. Kuhora Kiruga au Kirugo pia amesema ana memorandum utaiwasilisha baada ya kusisitiza machache. Bwana Kirugo.

Kirugo: Nizungumze kwa Kiswahili ingawa nimeandika kwa Kikuyu

Patrick Lumumba: Asante:

Kirugo: Nataka kusema hawa sub-chief hata Chief hata D.O wanastahili kuchaguliwa kwa miaka mitano kwa sababu wataweza kututumikia kwa vizuri, kwa kasoro tunayo. Hiyo ni ya kwanza.

Ya pili vitu vinavyolimwa tuseme kama kahawa, chai hata maziwa. Vitu hivi vina pesa nyingi, lakini havitufikii. Wanaozichukua kwenda kuviuza, ndio wenye pesa. Ninataka kusema pesa, zile zilizo nyingi zitufikie sisi wakulima. Hiyo ni ya pili.

Ya tatu, uwezo wa Rais unakuwa mwingi kiasi kwamba hata huwezi kumshtaki. Uwezo wake uwe chini kiasi kwamba anaweza kushtakiwa akishikwa na kasoro fulani. Hiyo ni ya tatu.

Ya nne, watu, kwa kawaida hapa Kenya, watu huwa na njaa, na hawa watu pia hulima sana na hulima sawa sawa. Ufikapo mwisho wa mwaka kuwe jua, watu hawana chakula, inaenda wapi? Nataka sema serikali inunue mahindi wakati mahindi imekuwa nyingi, na iwekwe mpaka wakati njaa itakuja watu wapate chakula. Hiyo ni ya nne.

Ya tano, hii masomo ya primary. Sijui mambo yalikuwa aje. Tulikuwa na elimu ya primary mwanzoni bure na sasa ni ya pesa. Kwa hii Katiba mpya, hii sheria iwekwe watoto wasomeshwe bure kutoka primary peke yake---mimi nasema primary peke yake. Ya sita, eneo ni ukulima na wakati analima chakula, ni tofauti kidogo na kile nilichokuwa nikisema. Mkulima hufikiwa na kitu kichache sana. Hata hapa ninataka sema sababu hii ni mkulima na ndio yeye amelima hii kitu, ikawaje kilipokwenda mbele? Kikawa mkulima afikiwe na kitu kidogo na yeye ndio mkulima. Sasa nataka hii Katiba mpya, hili pesa iliyo nyingi na imelimwa na mkulima ameshikilia nafasi nyingi. Awe akipewa nafasi ya ile pesa nyingi. Ni hayo tu nilikuwa nayo Commissioner.

Patrick Lumumba: Asante sana na huyo alikuwa Bwana Kohora, Kehora Kerugo wa Othaya. John Karweni, John tayari ashapeana, Joseph Wachira, Peter Nyokabi, amepena kumbukumbu, Kariuki Joel Mburu, amepena memorandum, Njogu M.K. tayari umeandika memorandum au unataka kusisitiza jambo Fulani? Umwakilisha memorandum? Basi. Au ukitaka kusema jambo kwa dikika mbili, fursa ni yako. Amua haraka haraka. Kabla bado unatafakari Paul Thuku. Paul pia ameleta, Paul wa anwani 6420 hapa Othaya, yuko Paul? Njoo haku kama unataka kusisitiza jambo Fulani, jukumu ni lako dakika wajuavyo ni mbili siyo?

Paul Thuku: So I have written it in English and (?) need of translation will be halt, I will just it direct. So this are the suggestions that I have as per Constitutional review. The first one is bribery in the law courts which must be one of the most serious offence in Kenya. This is because bribing a judge is just like bribing God which is quite impossible, so that one should be noted when reviewing the Constitution.

The second one is that judges should be given a standard salary, just like any other employee in Kenya. The big salaries that judges receive is to make them fear expedition that are made by senior government officials. In this case, they collaborate with the government in making sub-standard judgement and hence the common mwananchi continues suffering.

The third point is that most of the Kenya judges and magistrate should be retrenched because corruption is already in their blood stream and hence replaced by new ones, will work without fearing individuals and immediately after Constitution Review, that is what should happen if possible.

The fourth one is that the President should not have any power to appoint any Judge or Magistrate. Since he may have very little knowledge about law or Constitution, therefore judges should be appointed by the Law Society of Kenya since that is the body that know more about law and Costitution. But this one can only be possible after the person to become a judge undergo rigorous interview by the Law Society of Kenya.

The second issue is concerning Parliament. The following are the suggestions that I can make concerning the qualifications of a member of Parliament. The first qualifications is that one must be a graduate because the language which is normally used in Parliament is either kiswahili or English but not Kikuyu, Luo or Luhya. So that one must be the minimum qualification. The second one is that one must have a good track record of good conduct. Example, a person must be disqualified if at any time he or she used to lead a ministry which has corrupt or any corruption within the office. If any person competing as a member as a Parliament is found using money, that is materials during campaign to attract people, he is supposed to be disqualified and jailed immediately, because once you take this money to a poor person, a person who is hungry, he will just sell his vote and therefore he has not decided whether you qualified to become a leader. Due to poor economy which has been created by the Parliament of Kenya, most Kenyans exist below poverty lines. The greedy members of Parliament take this poverty as a golden opportunity to buy votes which in turn bring inflation and hence the economy of Kenya continues deteriorating. It is therefore important to make this law and enforce it to start working immediately.

Pastor Ayonga: A minute please your time is up

Thuku: A moment, I am summarizing

Pastor Ayonga: Summarize the last one.

Thuku: Okay. The other one is concerning the corruption in various ministries. The first suggestion is that those dead ministries like ministry of health, because it is already dead, education is already dead, agriculture and many others must be revived/renovated and strict laws should be set to protect them because especially in agriculture, we normally call agriculture the heart of Kenya. We don't have any other source of income in Kenya. The second one is education should be offered freely especially primary school education because it is currently a basic need as per modern world.

The third one is artificial insemination should be provided and cattle dip be renovated to improve our cattle breed. The fourth one is that roads must be made such that farmers are totally protected from the greedy people who exploit farmers.

Pastor Ayonga: Thank you, Thank you, Thank you. Samuel Mwangi, Samuel Mwangi amewakilisha kumbukumbu na wa mwisho kabisa Mutahi Kimani. Mutahi Kimani wa Anwani 166 hapa jijini Othaya. Mutahi yuko? Yuko? Ndio mzee? Njoo.

Mutahi Kimani: Nii uria kwenda ndi murimi wa kahua na ndi muthuri mukururu.

Pastor Ayonga: mzee ongea na kiswahili

Kimani: Kiswahili mimi hapana jua.

Pastor Ayonga: unanijibu na nini?

Audience: laughter

Kimani: Hata kusoma hapana jua

Pastor Ayonga: eh--

Kimani: Hata kusoma hapana jua. Mimi ni mzee

Pastor Ayonga: Endelea mzee na Kikuyu, huyu atatafsiri

Laughter

Kimani: Nii njitagwo Mutahi wa Kimaru, na ndi muthuri mukururu. Thina uria munene kahua karari kega nakuu tumite, no kinyagia miaka ta ina riu mithiru ri, twarima kahua kau tutionaga mbeba, na kahua nitutuute,

Translator: Jina langu ni Mutahi Kimaru, na mimi ni mkulima wa kahawa, ningependa kuwajulisha maCommissioner ya kwamba tumekuwa tukilima kahawa na kwa mda mrefu sasa, hatupati pesa za kahawa ingawa tumefanya kazi ngumu sana.

Kimani: Niundu uciori, tugakiuria atiriri, unagutuika kahua no karendwori, taithui ni tukwenda ri, na ciana igikuraga ona angikorwo ndi mukururu ndiri mwana andu akwa mari na mwana-ri, ciana irithomaga naki?

Translator: Sasa swali ni hili. Mimi hata ingawa ni mzee, niko na wajukuu na wanataka kusoma, sasa watakuwa wakisoma na nini?

Kimani: Ni undu uciori, tumenyererwo mbeba cia kahua, nigetha tuhote guthondeka tondu mbeba ciakiaga onatukiendaga guthondekari, turikiremwo ni guthondeka gakiure,

Translator: Ombi langu ni kwamba, tuangaliwe, ndio tupate pesa za kahawa ili tuweze kuendeleza hiyo kilimo cha kahawa kwa sababu hiyo kahawa itakuja kupotea.

Kimani: Nayo thirikari iria tondu riu niturathie gugithurana-ri, thirikari iria iguka-ri, ndikinyite urimi ucio wa kahua una indo ingi to kahua iria mundu arikorwo akirima, nigetha cioma mbeba iteithie mundu uria urarima, na iteithie thirikari?

Translator: Ombi langu la mwisho, ni kwamba ile serikali mpya ambayo tutapata, iwalinde wakulima wa kahawa na wakulima wa vitu vingine ndio tuweze kustawisha uchumi wetu na tuweze kupata mapato.

Kimani: Ni ndarikia

Translator: Nimemaliza asante.

Pastor Zablon Ayonga: Asante mzee, asante kwa maoni yako. Sasa wacha na mimi nisimame. Kabla sijamuita yule chairman wa mobilization, Mr Isaac Mukunya wa hapa, ningependa kusema kwa niaba ya Commissioner mwenzangu hapa, Bwana Lumumba nami mwenyewe, kwamba we have had a very beautiful day. Siku yetu ya kwanza ya kuchukua maoni, na imekuwa hapa Othaya. Othaya is going to be a historical place for us kwa maana ndio siku ya kwanza, officially, kuchukua maoni na nimeona jinsi watu wamekuja kutoka asubuhi, nyumba inajaa na ndipo inatoweka pole pole kama mawingu, tena inaenda ikaja, tena ikajaa, mumekuwa mkienda namna hiyo na mumekuwa wavulimilivu the whole day, the long day. Tunashukuru kwa maoni ambayo mumetoa. Maoni ambayo yameguza maisha ya binadamu na ambayo yamemuguza kila Mkenya. Musidhani kwamba shida mlizomo nazo hapa Othaya, kwamba ziko pahale pengine, you are not an exception. Mnaposema vingine, hata mimi najisikia na hiyo ndiyo inavyo fanyika kwetu. Na huyu Bwana Lumumba akisikia na hawa wenzangu, kila mtu anajisikia kwamba that is something. And as I said to begin with kwamba every view that has been given, ambaye mtu amesimama hapa, akaketi hapa na akaongea, machine zetu zote zimechukua maneno haya na asante kwa kutusikiliza vizuri, mumekuwa watulivu, mumekuwa watu wazuri na mumekuwa watu wazima, si watoto, ni wazee na wamama wazee, na wale wa miaka ya kadiri na vijana na kila mmoja wenu ametoa maoni yake. Sasa, yule ambaye ni mwenyeji wetu, nataka mwenyeji wetu aje hapa ili--- unataka utumie hiyo? Sawa lakini ukija hapa kuna ubaya gani, wewe hutaki wa kwenu wakuangalie?

Peter Macharia: ----- (inaudible)

Pastor Ayonga: nini?

Peter Macharia: ----- (inaudible)

Pastor Ayonga: Ana shida?

Background: Amekaa amejandikisha tayari?

Pastor Ayonga: Ni jina ambalo alitwa lakini hakuwemo? Kuja badala yetu kuharibu time, why don't you come and say what you want to say? Kwa maana we go according to the list. Endelea.

Peter Macharia: Mine is quite very little just because many have been said by the others-- jina ni Peter Macharia Mwangi and as I said many have been said by others but I want to stress one or two. Just as I read from papers and the like, I hear about 52% of Kenyans, they live below poverty line. I was wondering or I was thinking whether we can have a Constitution for the rich and for the poor so that may be as I see when somebody grabs or steals millions of money, the present Constitution defends him than as he can steal. When somebody steals a goat, the court can listen or act quickly to a chicken thief than somebody who steals millions of money from Kenyans. Well you will answer me later on whether Kenyans, we can have Kenya for the poor, and Kenya for the rich. The final one, I need to stress on farmers. Kenyan farmers, whether they can have a union like teachers here may be like Ng'ang'a staging for salary, I would like to say whether farmers can have a union which can speak to the government, who can present their grievances to the government rather than selling their produce and finally getting nothing in return.

Thank you Commissioners.

Pastor Zablon Ayonga: Nakushukuru, ila nataka niseme kitu kimoja kabla hujaenda, nacho ni kwamba Constitution ambayo tunafanya ni ya watu wote wanakenya. Hakuna ya matajiri na maskini. We are all equal before God and we are all equal before the law. So all of you are very important, all of us are very important. Thank you so much.

Isaac K. Mukunya: Commissioner Mr Lumumba the Commission Secretary na wale ambaye hawanijui, majina yangu naitwa Isaac K. Mukunya, na mimi ndiye nimekuwa na honour ya kuwa chairman wa committee ya Othaya Constituency Committee. Kitu cha kwanza, ni kuwashukuru zaidi kwa patience yenu na kutosikiliza na mukawa very very patient na hicho ni kitu kizuri. Kile kingine, ni kwamba nyinyi mumeshapewa maoni mengi sana. You have heard the relevance, you have heard the irrelevant, and I believe that because you have got the proper brains to sort out the relevant from irrelevant, to distil the good to all probably has got meaning We are happy that you have heard that all the people want a strong Kenya. We want a Kenya that it is a strong nation, and we also want a Constitution that will have proper Constitutional principles to build sole occupations and also a Kenya that would be guided by proper and good governance. That is what we have all heard.

The other thing is that we know that the process is not yet complete. This could be only the starting point, we the people of Othaya here, we are still prepared to assist in the making of Constitution with the other people. The only problem we have is that we don't necessary have the proper tools for the civic education and we still require to be assisted in that regard. I am making that appeal to you Mr. secretary because as the AIE holder you are one who has the division together with the

chairman. We take our willingness to continue to assist the Constitution making. So I am very happy that I have got a very good team which has assisted us and the other committee members as we should hope a better Constitution at this time. So with this very few remarks, thank you very much.

Thank you very much members.

Isaac K. Mukunya: Nani anaweza kutumaliza na a word of prayer?

Pastor Zablon Ayonga: Tutasimame. Mungu Baba yetu uliye juu mbinguni, tunakushukuru kwamba tulipoanza mkutano huu wakati wa asubuhi, tulijiweka mikononi mwako. Umetutunza, umetubariki. Kumenyesha mvua yako ambayo imenyeshwa kwa mimea yetu Othaya, ili tuweze kupata chakula na pia iweze kutuongezea kile ambacho tunaweza kuuza na kupata pesa ya kujisaidia nayo. Mungu tunakushukuru kwa hawa wote ambao walikuja hapa leo, wamejitolea, wameacha kazi zao, na wamekuja hapa wametoa mawazo yao, na maoni yao, jinsi ambavyo kama tungeweza Kenya yetu hii ingeweza kuwa pahali pazuri ambako mtu angesema ni pahali pazuri pa kukaa. Naomba kwamba hii kazi tulionayo ya kutengeneza Katiba, hebu kwanza twaangalie Katiba yako uliyompa Musa huko katika mlima wa Sinai ambayo imeshika kila jambo na tukikuamini tutapata hekima ya kutengeneza Katiba yetu hapa kwa maana tutampenda mwenzetu kama jinsi tunavyojipenda, Bwana hakutakuwa shida yoyote kwa kutengeneza hii Katiba. Tunajua kuna miiba njiani, tunajua kuna mashimo njiani, lakini tunaomba kwamba kwa uwezo wako, utusaidie kwamba hii Commission isije ikawa kama Commission zingine, lakini iwe Commission ambayo kweli itaweka katika mikononi mwa wanaKenya. Bariki watu wetu wa hapa Othaya na Nyeri kwa jumla na hii province kwa jumla na provinces zote za Kenya, hili wanakenya wote wanaposhughulika pamoja nasi, kwa kutengeneza Katiba hii, mwishoni tuweze kushukuru jina lako na kusema Mungu ametusaidia na tumekuwa na Katiba ambayo tunaiita yetu, ambaye tumejirekebishia ambaye itamfaa kila mmoja wetu hapa Kenya. sasa hapa tunapotengana kila mmoja kwenda njia mbali mbali, tunaomba tukienda nyumbani kwetu, kila mmoja aende salama. Na wale wanaobaki hapa mjini, na wale wanaenda vijiji mwao hapa, Mungu uende pamoja nao. Mpaka wakati mwingine utupatie nafasi ingine ya kuonana. Tumeweka maisha yetu mikononi mwako na mapenzi yako yatendeke, kwani twaomba kwa jina la Yesu ambaye ni Bwana wetu. Amen.

Kwaheri ya kuonana na Mungu awabariki nyote.

Meeting ended at 6.00 p.m.

