

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

(Pilot)

VERBATIM REPORT OF

LIMURU CONSTITUENCY PUBLIC HEARINGS

LIMURU CONFERENCE CENTRE

ON

MARCH 01, 2002.

LIMURU CONSTITUENCY PUBLIC HEARINGS, HELD AT LIMURU CONFERENCE CENTRE ON 1ST
MARCH 2002.
(PILOT)

Commissioners Present:

Com. Nancy Baraza

Chairperson

Com. Prof. Okoth Oendo
Com. Prof. Wanjiku Kabira
Com. Dr. Mohammed Swazuri
Com. Pastor Ayonga

Secretariat Staff In Attendance:

Treza Apondi	-	Programme Officer
Patricia Mbugua	-	Assistant Programme Officer
Jacqueline Nyumoo	-	Verbatim Recorder
David Muturi	-	Sign Language Interpreter
Ngige wa Kariuki	-	District Coordinator .

The meeting was called to order by the district coordinator at 10.30 a.m.

Mr. Ngige Kariuki: My name is Ngige Kariuki and I am the district co-ordinator of Kiambu. My office is in Kiambu at Kikinga House. I have told you that so that anyone wishing to come in that office will find books which concern the Constitution. You can come and read from there since there is room for study. I will ask the committee members who are here to come closer for I am about to introduce them. I will give this chance to chairman of the Limuru Constituency Constitutional Committee so that he will introduce you to his committee.

Wakati huu nitamuuliza mwenyekiti wa kamati ya Limuru Constituency Constitutional Committee, ili awajulishe wanachama wa kamati hiyo ambayo imeshughulikia mambo haya. Imejaribu hata ingawa hatukuwa na wakati wa kutosha lakini nimejaribu kuwaeleza watu mambo ya Katiba na pia kuwajulisha ya kwamba kuna huu mkutano. Ndiyo kamati iliyokaa pale nyuma na mwenyekiti wao Mr. Mwaura ambaye yuko hapa nyuma yangu na atawajulisha kwa wanakamati.

Mr. Mwaura: Asante sana Bwana district coordinator kwa kunialika. Nafikiri nitaongea kwa lugha ile ambayo inaeleweka kwa wote kwanza ili tuwe pamoja. I greet all of you this morning. Thank you so much. I want to inform you about the committee which has been mentioned of Limuru Constituency Constitutional Committee. Bwana Commissioners tunataka kuwakaribisha na tunafurahi sana kwa kuchagua kuja hapa kwa hii constituency. There are many who were elected so that they may look unto this matter and work hand in hand with you and I will ask them to stand.

He is called Dr. Kariuki (and come closer please, we are introducing you so that if you are at your home and you would like to ask something you may ask one of them if he/she is near you). This one is from here in Kabuku and he represents this area. This other one called Susan Wanjiku Mbugua and she is a business lady in Limuru. And this other one, is called Leah Waithera Njihia and she is also a business lady in Limuru. This other one is called Dr. Kariuki and he's been a lecturer in the university for some time, but now he is a businessman and he tells me that he has a committee called Agwa and we will ask him one time to tell us what they do in the committee. That is Teacher Kenneth Njuguna Mbugua. He is a retired teacher who has taught for many years and is famous because he works with a lot of people in various areas. That one is councillor Diver and he is a

councillor in Limuru and he is famous. There are other two, who are not present here are Essen Mwaura who has not yet arrived and you know him because he was our MP in the recent past and Githumbi wa Thande (that is Ismael Kagunyi Thande) who is also our member and has not yet arrived but he is on the way. All these people have not been elected to be elders No! They are your servants to listen to what you want and to tell you what they have been told to inform you concerning the Constitution. This issue of the Constitution of Kenya is a great issue.

If I use Kikuyu, I would say that it is the mother of all laws. And so these people have been elected as ordinary people sio wakubwa. These are people living within you, wanakaa na nyinyi huko mnakaa, ili mkitaka kuwaona mkitaka kufanya conversation yoyote mnaweza. So don't see them as elders but they are our servants. So honourable Commissioners I want to say that tumefurahi sana kwa vile mmekuja. Hawa watu hatujakuwa na muda wa kutosha kuwajulisha hali ya hii mambo tunafanya leo kwa sababu wengi ukiwaambia Katibahata hawajaona hiyo kitabu.

Hawajui, hawajasoma wajue sections zote; eti hii ndiyo mbaya, hii ndio nzuri lakini wako na maoni yao na sitaki kusema lolote kuhusu hiyo lakini tutawaomba (nataka kuwaomba kwa sababu sijui kama nitapewa na muda niwaombe) mje mara nyingine tuwe tumepata muda wa kutosha wa kuwajulisha hii Katibani nini, na ni nini ambayo tunataka kuona. Wao waweze kutoa maoni yao. Mkifanya hivyo mkiwa watu wa constituency hii tutafurahi sana. I am pleased because I have seen that church elders are also present. We have Bishop Njenga; thank you very much Bishop for attending our meeting. We have other men leaders. Thank you very much businessmen and all the others because of coming. And it is not wasting your time for you to come as we want to make things better. We have other elders and thank you very much.

So what I would ask you is that when you start giving your views, do not be intimidated because we are leaders. Sisi ni watumishi wenu. Msilogope lolote. Don't be afraid of anything or think that this venue is for leaders and high-class people who are supposed to talk. Tell us without fear because this is your place and we are at our home. As I finish my speech, I want to thank Mr. Kamau the leader of this place. He is the manager of this place and he can help us if we had a problem and he can tell us what to do if something happens. We are happy with him for giving us this venue. What we would ask you, as we are here, is that you send your security staff in the gate and tell them this venue is for the multitude and they should allow even a small boy in, so that he may not think that it is a venue for grown ups only. If you do that, we would be very glad. Asante sana and we will get to know about those other things. Thank you.

Mr. Ngige: Asante Bwana Mwaura chairman wa Constituency Constitutional Committee ya Limuru. Kwanza kabisa hebu niwaeleze ya kwamba kuna chumba kidogo pale, cha kujisaidia pande ya kina mama na pande ya kina baba imeonyeshwa vizuri. Ukiwa na haja kule chumba iko nyuma ya hii hema. Ya pili, ili tuweze kuendelea vizuri, ningewaeleza kwamba kuna zile simu ndogo za mfukoni, kama hii ni nzuri twazipenda sana, lakini wakati mwingine zinakuwa zinaleta madharau kidogo. Kwa wakati huu ningewasihi tufunge. Tumekubaliana?

Tufunge ili tuweze kuendelea vizuri. Kwa sababu itaandika ile nambari ambaye atakupigia sasa wakati umefunga itajiandika pale na hatimaye unaweza kumpigia, lakini kwa sasa tujaribu tufunge ili tuendelee vizuri. I will inform you in kikuyu the way we are going to carry out our activities as per the programme. You have registered your name as you have come in for the ones who will present. We will follow that procedure and when I call out your name just come where I am standing at this microphone. And if you have a written memorandum you highlight your points and when you finish, leave your memorandum on that desk, and before you do that you will wait for some time for clarifications from the Commissioners.

If you don't have a written memorandum you will stand here and present your views verbally and wait for clarifications from the Commissioners and go to that desk and sign that you have presented your views. Have you understood? So as we start I will just call out your names and we will follow the order as per registration. Sorry for I had forgotten that the Commissioners are our guests and we have not known them yet and this time I will give the chairperson of the Commissioners' group to introduce them to us.

Prof. Okoth Ogendo: Thank you very much Bwana coordinator I want to formally constitute this meeting of the Constitution of Kenya review Commission meeting in Limuru constituency. I have just said that I am formally constituting the meeting of the Constitution of Kenya Review Commission in Limuru. By constituting the meeting of the Commission, you are fully protected by the law, which has established this Commission. You are free to give any views that you want to, about the Constitution and you will not be held for it. With me are four other Commissioners. To my extreme right is Com. Mohammed Swazuri.

Dr. Swazuri: Muri ega?

Prof. Ogendo: And next to him is Com. Pastor Ayonga.

Pastor Ayonga: Muri ega inyuotho?

Prof. Ogendo: Immediate to my left is Com. Nancy Baraza.

Com. Baraza: Uhoro Wanyu?

Prof. Ogendo: And Com. Prof. Wanjiku Kabira.

Com. Kabira: Muri ega?

Prof. Ogendo: And my name is Prof. Okoth Ogendo. We will start our business without any further ado. And the proceedings for today will be conducted by Com. Baraza.

Com. Baraza: Thank you professor. I think we have a few rules. I hope those of you who want to present your views have registered at that desk there. So every presenter will be given five minutes in those minutes you have to be as focused as possible on your issues. And after you have presented your views you remain standing. Commissioners may want to ask you a few points for clarifications on your views. When we are through with you, you will go to this desk to register your name there and present your memorandum. And those of you presenting memoranda, we request that you do not read through the entire memorandum: you highlight. I will call upon the first presenter, that is Samwel Waweru.

Mr. Waweru: In the first case we would like to have a preamble in the new Constitution that will expound on the aspirations of the Constitution to Kenyans and their welfare. And that preamble should also encapsulate whose mind it has been conceived from. My recommendations are as follows starting from the Executive. We would like some descriptions to be put in the Constitution of a valid government. That a valid government should be caring and fair to its citizens.

Any government that reaches some of those qualities should be assumed to be unconstitutionally to be unable to rule. That any person to qualify for the seat of presidency must at least gain 50% of the total votes cast. That the President should not be above the law. That the positions of senior civil servants should be advertised and be won by the best people on merit. That the Attorney General be elected by Parliament at least by 2/3 of the majority of the Parliament. He should not be appointed by President. He should only be answerable to the Parliament and not to the President.

Then I go to the Legislature and some of the changes we would like to see in the Legislature are in cognizant that Parliament as having a responsibility of scrutinizing expenditure of public funds in all the branches of government we would like particularly from the Judiciary more ex-officio members are in Parliament besides the speaker and the Attorney General. By this I would like particularly for the Chief Justice to be an ex-officio of the government and the Electoral Commission chairman be also an ex-officio Member of Parliament. This is because we have been having particularly rigged, elections we don't know whom the MPs can question. We don't know maybe particularly the misappropriation of funds by the Electoral Commission who can the Member of Parliament can question and also maybe the embezzlement of funds in the Judiciary. Whom do MPs ask in Parliament and yet maybe the Judiciary and the Constitutional office is autonomous and the AG cannot answer on the affairs pertaining the Judiciary economy?

Then we would like the business committee of the house to set agenda for Parliament not to be dominated by members of cabinet that means members of the Executive that means the Vice President is the leader of government business should not chairing this. And then we would not like the MPs to allocate themselves the power of adding themselves emoluments. We would like a permanent salary Commission. We would like a provision in the Constitution to on how we can deal with our MPs when they go into slumber, when they become dormant and when they no longer become useful to the people.

I think the best suggestion is recalling him through a court process. What else I would like in the Constitution is the provision of an egalitarian society. Then I will go to the Judiciary very fast. I would not like the Chief Justice to ...

Interjection:

Com. Baraza: Now, don't translate. We can understand English. Now, what you do, don't go into stories. You recommend to us this is what I want. That is how you use your five minutes.

Mr. Waweru: I will precisely do so. Then I will go to the Judiciary and I would not like the Chief Justice to be appointed by the President. I would like the Chief Justice to be elected by fellow judges at the Court of Appeal. Then we would not like the judges of the high court to be appointed by the President. We would like their positions to be advertised and be won by the competent lawyers on merit. Then we would like a provision in the Constitution providing for an egalitarian society. We don't want capitalism. We want the ideological provision that Kenya will follow be stipulated in the Constitution. We would like welfare to cater for unemployed people like me. People who have graduated and are rotting here and we don't have anybody to care for us.

We would like the government to be Constitutionally compelled to facilitate our prompt employment upon graduation. And then we go about land. We don't want people owning huge chunks of land while others don't have land. Thank you.

Com. Baraza: Are you through?

Mr. Waweru: Well, you have told me that my time is over.

Com. Baraza: Yes, you have taken more than you had been allocated. Finish on land and then I stop there. Just finish your point on land.

Mr. Waweru: We would like that land ownership not to be absolute. It should be limited and these people should own at least 100 acres.

Com. Baraza: Thank you very much Mr. Waweru. Probably the Commissioners want to seek clarifications from you.

Prof. Ogendo: Mr. Waweru. I have heard you say that the President should not be above the law and what it really means is that the President should be exposed to judicial proceedings would you consider it appropriate that there should be some protection for the holders of that office against litigations while still in office?

Mr. Waweru: Well I think to say that the President should be below the law and that means that he should not commit a crime in the office and then that we should not sue him. I think we should be allowed to sue the President.

Com. Baraza: Thank you. Any other clarifications? I think you should go there and register your name. Thank you very much. I now move on to the second presenter that is Bishop Rev. Peter Njenga.

Bishop Njenga: Honourable Commissioners, listeners ladies and gentlemen this is a presentation by the Peace and Justice committee of the Anglican Diocese of Mt. Kenya South. The Diocese of Mt. Kenya South comprises the whole district of Kiambu, a chunk of Dagoretti location in Nairobi and about three quarters of the Ngong division of Kajiado district. This document is prepared by justice committee of the Anglican Diocese of Mt. Kenya South and it is our hope that it should be of great deal to those involved in this review.

In our preamble we the citizens of our Republic of Kenya would like to see the governance process that is in place because in the recent past Kenya has been so badly governed and we would like to see that there is a government that is in place which caters for the welfare of its citizens and we feel that for that to happen there must be an agreement between the ruled and the rulers. I will just highlight a few points myself and because I have got a document I will present it later so I will only touch on a few points, which I would want to elaborate.

Therefore, in the Constitution there must be a contract between us the governed and those that are the rulers. And in view of that we are aware that the government is established to serve mankind in the fine pursuits of this prosperity, security, happiness and dignity of humanity. We know that sustainability of democracy requires constant vigilance by the people to ensure the growth of civil society and institutional of that good governance and therefore we see that as the cardinal point in the Constitution which must get us to sign a contract between the two parties. Then the Republic of Kenya, we see and we would like to see a Kenya that is a sovereign and a democratic Republic. National sovereignty which belongs to the citizens of the Republic of Kenya both individually and collectively which should be exercised by them only through their lawful elected representative.

This Constitution must be the Constitution of the Republic of Kenya and which shall have force of law throughout Kenya. It should be the supreme law of the land and if any other is inconsistent with it that law shall be in null and void. The fourth point is on citizenship. We believe that anybody born in Kenya or elsewhere to at least one Kenyan parent shall be a Kenyan by right. The criteria for non-Kenyans to become citizens we see that we would like to recommend that a person shall be eligible to be as a foresaid a citizen of Kenya when that person one, has attained the age of 21 years which we have removed from 18 years deliberately because at 21 you have already made your choices and therefore that choice can be respected and those that have not been residents in Kenya for a period of not less than of seven continuous years preceeding their application under that section.

And then thirdly, one that satisfies the immigration board that they are of good conduct. And then fourthly, one that satisfies the immigration department or board that they intend to leave in Kenya after such time and fifthly, anyone legally married to a Kenyan citizen according to the Kenyan marriage laws. And the protection of the fundamental rights and the freedom of individuals here we have essentially considered matters that are similar to the past Constitution except the following rights are added to it. One the right on environment which we have called the environmental rights, and the academic freedom and the freedom of media, after the welfare actions. The Commission on gender equality. Economic social and welfare rights, children's rights, duties of the state and the enforcement throughout human rights Commission. We hear take an exception and we want to see where things like when we talk about the environment the national resources must never be left to the government because to the government of the day you can have the lee way to manipulate whatever you want and you can buy favours using the national resources if you are corrupt which we have seen in our recent past.

Before we say that power should be moved to the state which is distinct from the government of the day. Then on the presidency we would like to see a ceremonial and not an Executive President who is elected directly by the public. And we recommend 65% of votes but without a constituency. He/she must be a family person and age limit should be between 45 and 70 years of age.

Education- we recommend first degree in the university. As Christians we would like to see a Christian religion governing our country. Then on the powers of the head of state and combined with the commander in chief of the armed forces we say the powers enshrined or even given to him are ceremonial opening of Parliament, signing bills passed by the Parliament, to welcome state visitors and receive and send ambassadors and must be in office based in Nairobi.

And then, the term in office- maximum two terms of five years each and the two terms must be mandatory and the term must be fixed with specific dates of elections on the vice presidency we see that the terms must be the same as those of the President. He/she must act in case of death or terminal sickness etc for only 90 days and then can contest for the highest seat of the nation. Then on the government structure. There must be a Judiciary and that Judiciary must be independent headed by a Chief Justice and in the case of appointment of the Chief Justice three people to be nominated by Parliament and forwarded to the senate.

The senate to vet and approve one who will be appointed. The President to sign the appointment contract, and the judicial Commission also should be vetted by the Parliament and to be answerable to Parliament and senate. And then the high court judges and magistrates all along across the board must be appointed by the Commission headed by the Chief Justice as its chairman. So the Executive which is the second role that must be headed by a Prime Minister who should also have a deputy Prime Minister and then the chief permanent secretary is to be in-charge of all ministries. There must be, or we recommend there be, 15 cabinet ministers only 15 deputy ministers, 15 ministries based on the population divided by two; that means every two million people and then 15 permanent secretaries for there is no reason of overloading the country resources and reaping

them rather than going to the benefits of individuals by creating 40 ministries and 90 assistant ministers which do not have the purpose and on top you have about 40 permanent secretaries.

Then the senate must have 16 senators, the eight regions based on the current provinces and must be two from each. The Legislature, we have said that this, must be governed by the district distributed population of 80,000, sparsely populated areas and 100,000 only. We have said the term in office of those are specified above President, Vice President five years, senators eight years: so that they can cater for the welfare of the nation. Legislators should have five years, the regional assembly five years, local authority four years (because we must allow them if they lose to contest). The type of governance must be regional and Local Government must have the authority (and we have put the administrative structure of the government and then the regional assembly) according to the functions, which they will have. The Local Government and the district level local authorities must have a clerk, local schools local health centers and clinics and local roads. Local administration and development strategies must be under the Local Government, and, finally on elections, we say that the President and the Vice President must be elected and it must be done on one day only. Others must be done any other day.

The election of the senators, the Legislature the regional assembly and the local authorities, can be done in any other day other than the day of election of the President and Vice President. The election day for all elections should be specified in the Constitution and the President shall attain 65% of total votes. The others will have to win through a simple majority. Thank you madam chairperson.

Com. Baraza: Thank you very much bishop I think he has made a good presentation give him a clap. Probably there is a Commissioner who would seek clarification. Com. Ayonga.

Pastor Ayonga: Bwana Bishop I want to thank you for your presentation na ambavyo what you have given is a highlight I don't know in your paper whether you mentioned anything regarding the freedom of worship.

Bishop Njenga: We have mentioned that, honorable Commissioner and it should be a part of the rights that are given in the Constitution.

Pastor Ayonga: Thank you.

Prof. Ogendo: Among your qualifications of the person who should hold the high office of the President you said that person should be a family man and I keep thinking to myself does that person lose the office if the spouse dies or gets divorced, and I haven't finished, and I keep wondering one of my favourite leaders in history was archbishop vacarius. Are we going to say that all catholic priests may never rule this country? What really are we getting at.

How does being a family man partake to give good leadership. That is question number one. The other one is the degree factor I can understand an argument that says we need somebody who is educated and literate. But why a degree? And I am thinking of John Major of England, a fairly successful Prime Minister he never had a degree. The British never complained. What exactly are we referring to. Are we simply putting better qualifications for the sake of it or is there a deeper reason for this.

Bishop Njenga: Honorable Commissioner, in answer to your first question, we anticipate that the normal procedures will be followed. And obviously, there must be some exceptions. If you have been widowed and within the social structure you choose to remain single we consider you to be a family person, but should you decide to remarry, then we consider that that is that is allowed in the marriage law Act, but then, to say that you will be jumping from one person to another we really feel that you have not taken the interest of the country. Secondly, honorable Commissioner, there is also the exception in terms of education. We do know there are some very very good people and then they may never have had the paper qualification but we will leave that open, so that there can be a lee-way but what we are saying is that there is no need to create educational institutions of higher learning while you are producing masses of people to educate Kenyans.

If I understand everything about education you train people to argue. If you train people to argue and to govern and to manage then you must never come at the top and show by action that you are not considering that other /. It must be a cardinal point in the Constitution.

Com. Baraza: Now, bishop I have got one question for you also. One of the your qualification is that the President should have to be a christian. And if the muslims want there own what shall we do about it?

Bishop Njenga: Madam chairperson, this is where we have to come out with the ethics of the day. We know that there are some countries that have chosen to be Islamic governed countries and we have accepted that. This is not to say that the Christians do not leave there. Go to Pakistan, they do live there although they are persecuted. It depends on the inherent person, who occupies that position. We are saying that we are Christians by about 80% and if we accept the statistics of the day that 80% of the total population of Kenyans are Christians then you cannot deny that big majority the right to govern.

Com. Kabira: Bishop, thank you very much for a very interesting presentation and I wanted you to elaborate a little more on the regional government. The level at which we should have a regional government and whether the regional government will collect taxes and what would be their roles and responsibilities in relation to the Central Government.

Bishop Njenga: We have dealt with that madam Commissioner, and we have talked about the finances and we have said that this will be distributed. The regional government will have the regional assembly and the Central Government will take 20% of our taxation. The regional assembly will take 30% and the Local Government which carries the heaviest shoulder, the heaviest responsibility must we have to accept madam wanjiku, that you cannot have taxation without representation so 50% goes to the local authority and the rest is divided.

Com. Baraza: Thank you very much Bishop that was very comprehensive. You may register and give your memorandum here. Thank you very much. The third presenter is Rosemary Wangari. Rosemary Wangari I will give you exactly five minutes.

Wangari: Nii ngwaria na ruthiomi rwa gikuyu. Agenda iria twi nacio ni cia atumia. Hindi iria mutumia ariki kuhika.

Translator: Ataongea na kikuyu na agenda ambazo ako nazo zinahusu wamama.

Wangari: Mutumia hindi iria ariki kuhika,

Translator: Wakati mama ameolewa,

Wangari: nitakwenda athuri marikie kumenya ati hindi iria twarikia kuhika tutwikaga kindu kimwe,

Translator: ningetaka wazee wafahamu ya kwamba mama anapoolewa sisi ni kitu kimoja.

Wangari: na hindi iyo na mugucoka mwambiririe kuthukuma indo cianyu,

Translator: na wakati huo ni wakati mzuri muanze kutafuta mali yenyu na mali mmetafuta pamoja.

Wangari: Hangiuka wa keeri,

Translator: Kukiingia bibi wa pili,

Wangari: indo iria muguthukuma na mutumia ucio wa keeri mwandikwa nake,

Translator: na bibi huyo wa pili ambaye ameingia pia na yeye aandikishwe.

Wangari: nake mwana wa muiritu na wa kahii.

Translator: naye mtoto wa msichana au mvulana,

Wangari: ithui ta atumia niturikitie kuona maagirirwo ni kugaya equally.

Translator: sisi tumeona ya kwamba wanastahili kurithi sawa sawa.

Wangari: kugatigaga kugia tofauti ya mwana wa kahii na wa kairitu.

Translator: kusiwe na tofauti kati ya mtoto msichana na mvulana.

Wangari: mwenaini wegie kanju.

Translator: kuhusu council,

Wangari: nitukwenda tugathuuragirwo atumia, tukagiaga na atumia,

Translator: ningetaka pia tuwe na wanawake,

Wangari: tugakuragwo twi nuthu kwa nuthu nigetha atumia magatuciiragirira onao.

Translator: tuwe na usawa wamama na wazee ili na wamama pia wawe wanazungumzia mahitaji yetu.

Wangari: okorwo ni thiini wa bunge,

Translator: ikiwa ni katika parliament,amesema kuwe na asilimia hamsini inayowakilisha wamama katika Serikali ndogo.

Wangari: okorwo ni thiini wa bunge,

Translator: ikiwa ni katika bunge,

Wangari: twina mabunge magana meeri ma twendi four.

Translator: tuna wabunge mia mbili, ishirini na nne,

Wangari: tugakoragwo na atumia mirongo mugwanja thiini wa bunge.

Translator: ningependa wanawake wawe sabini katika bunge.

Wangari: mwenaini wegie campaign,

Translator: na wakati wa campaign,

Wangari: nitukwenda atumia marugamagirirwo muno,

Translator: ningetaka wanawake wawe wanasimamiwa vizuri,

Wangari: tondu nikipo maregaga kurugama thiini wa campaign,

Translator: kwa sababu wanakataa kusimama wakati wa campaign

Wangari: niundu wa irumi iria ikoragwo cii kuo,

Translator: kwa sababu ya matusi,

Wangari: na nikipo meetigiraga kuruugama tondu wa gwigigira athuri niundu wa kumaruma.

Translator: kwa hivyo wanakuwa na uoga kwa sababu ya wazee.

Wangari: kwoguo nitungienda hagio watho wa kurugamirira atumia,

Translator: kwa hivyo tungetaka kuwe na sheria ya kusimamia wamama.

Wangari: mwenaini wegie githomo,

Translator: kwa upande wa elimu,

Wangari: nitungihoya aarimu aria marathii retire,

Translator: waalimu ambao wanaenda retire,

Wangari: kuringana na uria kuhana,

Translator: kulingana na hali ilivyo,

Wangari: thirikari iitikire mathii retire tukaheo aarimu angi,

Translator: wakati wameenda retire tuwe tunapatiwa waalimu wengine,

Wangari: tondu aciari meena thiina undu wegie kuriha aarimu, ageni.

Translator: kwa sababu wazazi wana matatizo ya kulipa waalimu wengine.

Wangari: okorwo ni mwenaini wegie kwa land board,

Translator: wakati wa mambo ya mashamba,

Wangari: nitungihoya kugie na atumia nuthu na arume nuthu.

Translator: pia, tungeomba kuwe na wawakilishi wamama nusu kwa nusu.

Wangari: tondu migunda yathi kwendio, atumia aingi matikoragwo makimenya uria kurathii na mbere, no korwo kwina atumia no mahote kutuciiragiriara.

Translator: na wakati mwingi mashamba yanapouzwa wanawake hawaelewi ni kitu gani kinachoendelea.

Wangari: haya, he na thiina ungi ugiite thiini wa guku gwitu mwenaini wegie raping.

Translator: kuna mambo mengine ya rape ambayo imetokea katika jamii yetu hapa.

Wangari: nitungihoya okorwo ni ta mwenaini wegie forithi ta Tigoni police station,

Translator: tungeomba ikiwa ni kama police station ya Tigoni,

Wangari: tukaheagwo muthigari wa mutumia uria urikoragwo akirumbuiya, ti guthiaga kwira mundurume hihi muiiritu wakwa arahanire, kana kaana gakwa karekire.

Translator: kuwe kuna nafasi ya polisi ambaye ni mwanamke ambaye angeelewa mambo haya ambaye angeelewa mambo haya ambayo tunaeleza.

Wangari: nigetha mutumia ucio niegu-consider uhoro wa mwana ucio na nigetha mundu ucio wikite raping agakinyukirio ikinya.

Translator: kwa sababu huyu mama ataelewa shida zetu badala ya mwanamume ambaye haelewi hayo mambo.

Wangari: still, kwina undu ungi tukwenda ugie watho, mwenaini wegie arume.

Translator: tunataka sheria ingine kuhusu wanaume,

Wangari: atumia nio me mathina niki ndiraria uhoro wa mathina ma atumia wegie ciana.

Translator: nazungumza juu ya wanawake kwa sababu wao ndio wako na matatizo ya watoto.

Wangari: arume nimatuikite na sorry mundekere.

Translator: na Munisamehe wazee,

Wangari: arume ni matuikite a kukoragwo makinyita arume aria angi, ciana cia arume,

Translator: wanaume wana tabia ya kushika watoto wavulana.

Wangari: nitungihoya arume ta acio makinyukirio ikinya o undu umwe na arume aria maranyita twana twa tuiritu.

Translator: tungeomba wazee wa aina hiyo wawe wanashikwa na kuchukuliwa hatua.

Wangari: kwogwo twanjiriria from grassroots

Translator: kwa hivyo tukianza chini.

Wangari: atumia makorwo meekiritwo kunduini kuothe magakoragwo mee nuthu kwa nuthu.

Translator: wanawake wawe wamehusishwa katika kila ngazi.

Wangari: na nigetha bururi witu naguo ucoke kwagirira.

Translator: ili nayo nchi yetu iendelee kuwa nzuri.

Com. Baraza: Thank you very much Rosemary and your presentation is very very clear. Our next presenter is Anna Njeri Martin. Anna I will give you exactly five minutes and focus on your points so that you may save your time.

Njeri: Honourable Commissioners, mimi ningeenda kuzungumza kuhusu habari ya wabunge. Mbunge tuliyemchagua kwa mfano kama ni hapa kwetu Limuru awe akikaa katika Limuru ndipo tukiwa na haja naye tuwe tukimwona bila kusafiri kwenda kumtafuta. Na awe mkaaji wa Limuru asiyetoka upande mwingine. Hata ikiwezekana awe mzaliwa wa Limuru, anayejulikana na wakaaji wa Limuru. Na tunaomba huyo tuliyemchagua, awe akisikiliza Maoni ya wale ambao anawasimamia. Habari ya

watoto wasiojiweza wapewe haki zao za masomo kama watoto wengine na katika kila division wawe wakijengewa boarding schools and zisiwe na stairs tena wapewe haki ya kazi bila kubaguliwa. Yangu ni hayo.

Com. Baraza: Niwega muno Rosemary. Are there any questions for Anna. Rosemary stuck my head. Our next presenter is Rev. Oigo Edward Otieno.

Rev. Otieno: The views I am about to present come from St. Paul's United Theological College. A college that is sponsored by the Anglican church of Kenya, the Presbyterian church of East Africa, the Methodist Church of Kenya, NCKK and a host of other African instituted churches. The views are mainly from the students' community. The first one, we would like to have a ceremonial President with the Prime Minister taking charge of the day to day running of the country. Second, we would like that the new Constitution guarantees, that Kenya remains a secular state irrespective of whichever form of government the new Constitution will come up with Kenya should be a secular state.

There should be provision that any other source of law should be secondary to the overall Constitution. Third, it is our proposal that mayors be directly elected by the people and that as proved of their cognitive competence, they be holders of at least one university degree. Last, we would like the new Constitution to make provision, that in the event of a man being unable to provide for his family, there should be legal provision compelling the world to take care of the children.

Com. Baraza: Thank you Rev. any questions to the good Rev? Thank you very much and register there. The next presenter is Jane Njambi. Jane I give you exactly five minutes.

Njambi: Nii ndirenda kwaria uhoro wa ciana,

Translator: nataka kuzungumza kuhusu watoto,

Njambi: Ni tondu uhoro bururi uyu wa kenya athiini nio aingi,

Translator: kwa sababu katika nchi hii maskini ndio wengi.

Njambi: na nitwagaga mbeba cia githomo,

Translator: na sisi hatupati pesa za kulipa karo,

Njambi: na kenya githomo kiiragwo ni kia tuhu,

Translator: na kenya inasemekana elimu ni ya bure.

Njambi: na tuguraga mabuku mbeba nyingi muno,

Translator: na tunanunua vitabu pesa nyingi,

Njambi: ginya ma kuandikira, nginya ma guthoma.

Translator: hata exercise books,

Njambi: kwogwo tugakorwo na thiina muingi muno,

Translator: kwa hivyo tunakuwa na matatizo mengi sana.

Njambi: kenya mwarimu aheo retire tutirareherwo mwarimu ungi,

Translator: mwalimu akienda retire hatupati mwingine.

Njambi: tukeerwo aciari turihe mwarimu ucio.

Translator: Tunaambiwa tulipe mwalimu mwingine

Njambi: na ithui atumia aria tutari na athuri ciana ciitu ikaaga githomo,

Translator: na kama sisi wajane watoto wetu wanakosa elimu.

Njambi: ni tondu tutiri na mbeca.

Translator: kwa sababu hatuna pesa.

Njambi: undu uria ungi ingienda kwaria o wa githomo,

Translator: jambo lingine kuhusu elimu,

Njambi: ni githomo kia high,

Translator: ni kuhusu high school

Njambi: ni tondu ringi mwana wa muthini niarahituka,

Translator: mtoto wa maskini anapata grade nzuri.

Njambi: na mbeca iria ireetio kuria sukuru turetio o undu umwe.

Translator: na fees ambayo inaitishwa ni sawa na ya yule tajiri.

Njambi: na tutiri nacio,

Translator: na sisi hatuna pesa.

Njambi: wathii kuhoya bursary,

Translator: ukienda kuomba bursary,

Njambi: ukaheyo tufesa ona tutangiguteithia.

Translator: unapewa pesa ambazo haziwezi kukusaidia hata kidogo.

Njambi: kwoguo mwana ucio akaaga sukuru.

Translator: kwa hivyo yule mtoto anakosa elimu.

Njambi: tungihoya ithui athiini tuteithio uhoro wa githomo.

Translator: sisi maskini tungeomba tusaidiwe kwa upande wa elimu.

Njambi: ni tondu ciana ciitu nocio ikoragwo na thiina thiini wa bururi,

Translator: kwa sababu watoto wetu ndio tu huwa na matatizo.

Njambi: tondu mwana ucio aaga githomo.

Translator: kwa sababu yule mtoto akikosa elimu,

Njambi: na nduri na mugunda wa kumwira akarime,

Translator: agaikaraga o uguo gicagiini.

Njambi: hindi iria ningi kwagia na thiina gicagi,

Translator: wakati kunatokea matatizo katika kijiji,

Njambi: mwana ucio akaigirirwo niwe muici.

Translator: yule mtoto anawekelewa anaitwa mwizi,

Njambi: tondu ni mwana wa muthiini.

Translator: kwa sababu ni mtoto wa maskini.

Njambi: kwoguo tungiuria ithui athiini turorwo muno ni thirikari,

Translator: kwa hivyo sisi maskini tungeomba ya kwamba masilahi yetu iangaliwe vizuri.

Njambi: na twikirirwo ta aari watho nigetha tuteithagio.

Translator: na jambo hilo liwe kama ni sheria.

Njambi: ni tondu ona ciana ciitu ciathi kirathi no iragithoma na ikoogiha.

Translator: kwa sababu hata watoto wetu wanapoingia darasani pia wanasoma na wanakuwa na elimu.

Njambi: no tukaaga mbeba

Translator: lakini tunakosa pesa.

Njambi: undu uria ungi ingienda kwaria,

Translator: jambo lingine,

Njambi: twikirirwo taari watho thiini wa thirikari,

Translator: jambo lingine tungeomba liwe kama sheria,

Njambi: ni mwana wa muiritu na wa mwanake,

Translator: ni mvulana au msichana,

Njambi: maheagwo rights ciao thiini wa aciari aria mamaciarite.

Translator: wawe na haki sawa.

Njambi: ni tondu airitu mahana ta kindu kitari vata

Translator: kwa sababu mara nyingi wasichana wanaachwa tu kama kitu ambacho hakina faida.

Njambi: na nikio riu nio aingi thiini wa bururi.

Translator: na ndio sababu ndio wengi kushinda wavulana.

Njambi: makwa moima macio tu.

Translator: nimemaliza hapo.

Com. Baraza: Niwega muno Njambi. Are there Commissioners who want clarifications from Njambi? Atiriri Njambi, niwega muno, ukwenda githomo gikorwo kia fure. Thirikari ithomethie ciana fure?

Mrs. Njambi: Ini ni tondu tutiri na mbeba ithui athini. Yes, because we the poor don't have money.

Com. Baraza: Okey, nenda hapo uandike. The next presenter is Gideon Ithacha.

Mr. Gideon: Honourable Commissioners, ladies and gentlemen, I am presenting a memorandum on behalf of the PCEA, AIC Biblioni Joint Church. Nitaenda kwa kiswahili na nieleze kwa kifupi mambo ambayo kanisa zetu mbili za biblioni zimefikiria kuiambia Commission siku ya leo, katika mkutano wao walioufanya siku ya Jumapili. Mapendekezo ambayo tunayo ni habari ya kuchaguliwa kwa President nasema kuwa nchi yetu tungetaka katika Katibaiongozwe na President na Vice President ambao watachaguliwa moja kwa moja. Hatutaki post ya Prime Minister. Tungelitaka serikali ya Central Government wala sio ya Majimbo.

President awe ndio chief Executive, yaani kiongozi wa nchi na ambaye atachaguliwa akiwa na umri wa kati ya miaka thelathini na mitano na sabini na mitano awe na cheti cha degree na awe ni mtu ambaye record yake ni nzuri na hajahusika na mambo ya corruption yaani ufasidi. President akichaguliwa, anaweza kuchaguliwa two terms ya miaka mitano kila moja. Akichaguliwa, aeleze hali ya mali yake, utajiri wake, wacha binafsi na kwa mke wake, yaani yule immediate family. Asiwe juu ya sheria. Anaweza kupelekwa kotini akifanya makosa. Anaweza kujadiliwa na bunge na kuondolewa akionekana hali yake na tabia zake hazifai.

Asiwe ambaye anawakilisha constituency yoyote katika Kenya. Vice President naye awe ni mtu ambaye ana degree pia na awe kazi yake (baada ya kuchaguliwa) inaelezwa ni kazi gani. Appointments zile ambazo President anaweza akachagua maministers, Attorney General, Auditor General, Governor wa central bank lakini bunge ina haki ya kukataa kati ya hao ikionekana kuwa hafai. Councillors nao wakichaguliwa wa bunge awe ni mtu ambaye amefikisha elimu ya darasa la std. 8. Parastatal heads kazi ya kuwachagua parastatal heads iwe ni ya Parliament wala sio ya ofisi ya rais.

Mambo ya local authorities kumekuwa na local authorities ambazo zimekuwa upgraded na wananchi wenyewe hawaulizwi tungelitaka mambo hayo yakifanyika yaku-upgrade one local authority to a higher status, wananchi kuwe na Commissionwaulizwe (inaudible) katika mambo ya budget tungelipenda Katibaifanywe ili setting ya priority ambazo zinatakiwa kufanywa ianzie vijijini. Serikali mipango ifanywe, elimu iwe ya bure from standard one to secondary level. Mambo ya hospitali tungelitaka afya ya umma iwe ni free. Serikali ifanye jambo lolote lakini I-provide free medical services kwa mtu yeyote.

Watu wengine kwa sababu ya umaskini na matajiri wanaweza kwenda hospitali za juu zinazolipwa pesa, watu wetu wanakufa kwa sababu hawana pesa. Katika mambo ya agriculture, nchi yetu ni agricultural country na tuna-propose katika Katiba20% ya national budget iwekwe katika mambo ya wakulima kwa maana watu wetu wanategemea mambo ya ukulima. Mambo ya taxes za input iondolewe lakini output ipatikane kutoka hapo. Tungelipenda mambo kama yale ya guarantee minimum return ya kulinda wakulima wetu irudishwe. Tungelipenda public universities mambo ya kuchagua chancellors iwe ni kazi ya universities wala sio Executive.

Nikimalizia hapo nasema kuwa sheria iangaliwe kwa kila mtu wala hakuna mtu yeyote awe juu ya sheria. Kitu kingine naweza kusema ni kwamba, sasa after this ni kwamba mambo ya Civic Education, hapo kuna forms tumepewa zinasema juu ya radio

watu wetu siku hizi tumekuwa tumechanganyikiwa. Radio, T.V kwa hivyo tungeliomba hawa macoordinator ambao tumewaona hapa, hatujawaona tena tumewaona hapa waje katika makanisa yetu wanaweza kutengeneza maseminars tukaelimishwa juu ya Katibakwa maana hata sasa hata ile ambayo iko hatuijui. Kwa hivyo tungelipenda hawa macoordinator waje mpaka vijijini watuelimishwa juu ya Constitution maana hata kama hii kama hatungelijua labda wengi wetu hatungeliweza kuja.

Com. Baraza: Niwega muno Mr. Gideon. Hiyo mambo ya civic itakuja. Usife moyo. Are there any questions? Com. Swazuri.

Dr. Swazuri: Asante sana mzee Gideon. Kwanza umeomba tuwe na Executive President lakini hizo powers zake zote umeziona. Sasa huyu atakuwa Executive namna gani. Mimi naona unataka awe ceremonial maanake hata power ya ku-appoint vice chancellor pia umeiona, power ya ku-appoint mtu yeyote umeiona kazi zote umezitoa kwake. Huoni kwamba wewe unataka awe ceremonial?

Pastor Ayonga: Umeshasema juu ya 20% budget for wakulima lakini hukutwambia hiyo 20% ingelikuwa inafanyiwa nini na nini ili isaidie huyo mkulima.

Mr. Gideon: Mambo ya 20% ya budget. Katika budget zote ni kwamba ina-cover area kubwa maana ina-cover hata ile nimesema juu ya (inaudible) kwa mambo ya agriculture itakuwa hata ina-compensate. Badala ya kumvunja moyo mkulima hata ikiwa yeye mwenyewe hangeliweza kuendelea na kununua fertilizer na vitu vingine katika ile 20% ita-cover mambo kama hayo na kurudisha hata na agricultural officers ambao walikuwa wanafanya kazi katika field siku hizi hawako. Kwa hivyo ni ile 20% ndio kuwe labda hao watu wamekataa kwa sababu hakuna pesa. Kwa hiyo tungetaka kuguarantee hiyo (inaudible) na ku-extend mambo ya field extension kufundisha watu wetu habari ya ukulima.

Com. Baraza: “Thengyu” muno Mr. Gideon. Andika riitwa riaku haria. I want to recognize the presence of the MP for Limuru who has just joined us, honourable George Nyanja. Come and salimia the people I will give you two minutes and if you want to present I will give you another opportunity. You don’t want your MP to greet you?

Audience: (murmuring) we don’t want!

Com. Baraza: No, no I will tell you why. Mheshimiwa salimia watu for one minute.

Hon. Nyanja: Madam Chairperson, I wish to thank you very much for giving me this opportunity first of all to explain where I have been. There are two functions that have been held right now at Limuru conference center. All opposition MPs of Parliament and their parties are meeting on the other side, and I am a member of the opposition. Madam chair, I also want to say that I want to welcome this particular session of the Constitutional review that you have found it fit to come to Limuru in the

first week of your task. You have called here to explain myself because the members here are very keen and that is why you have called them to give their own views.

I think in our deliberations, the President, members of Parliament, civic leaders are very important and that is why we are here. Of course I was not elected by 100% and the few small mouths you hear on the other side. I was elected by over 20,000 so compared to the small voices that you hear that is a small number. Madam chairperson, I want to tell the Limuru people that this is a very important session for us the Limuru people and I want to thank you dearly because we want to contribute in the making of our own Constitution. Because, the first one which has governed us since independence was from the colonial government and now we want ours: home-made.

Madam chairperson, I must admit, that people are concentrating on the top. The President the Vice President, the Prime Minister but people have forgotten those upper seats will take care of themselves. The majority of Kenyans we are only 222 members of Parliament, but about 30 million Kenyans are in the villages in the rural areas and I am happy that you have come to a rural constituency. I have not heard anybody talk about the chiefs, the assistant chiefs and so on and so forth, extension workers in the farms and the marketing of our produce. Let us think about the President and the Executive and the whatever. That will be taken care of in its own right.

But I want to hear with you madam chairperson and the other Commissioners we at the grassroots what are our problems? Can we get our produce to the market? Are we governed by the Executive the way we want, are they colonial relics where we even don't know who elected them. So I will contribute in my own right as a Member of Parliament and as the area MP but I just wanted to say hallo to them they are most welcome, their views will be taken care of, we have been going round although I feel that it is very unfortunatate that enough Civic Education has not taken route.

Otherwise Limuru people are very informed. This particular ground should have been full but the sample from the people gathered here I can say even the people of the cross led by Bishop Peter Njenga and the other religions. So this is a good meeting, I can see also some civic leaders and I want to welcome you with a very warm heart with open hands be ready to hear very (inaudible) coming from Limuru. When you see all opposition meeting in Limuru there is something. Remember in the 60s during Jaramogi Oginga Odinga

Com. Baraza: You have a half a second Mheshimiwa.

Hon. Nyanja: Thank you very much. So mine, because I will contribute that is why I have come we had the other function of the opposition in Parliament led by Kibaki and so forth but whatever will unite us this is our country. Let us give views such that we represent national views although Limuru is agricultural but very near the city but yet there are problems that we found right in the (inaudible) so I welcome you once again and for me to have said something and exactly to say where I was. Thank you

madam chairperson.

Com. Baraza: Before I call Mary Waruguru Githinji I wish to caution you Kenyans. We are making the Constitution and the reason is not just to produce a document. The exercise is much bigger than that. We are hoping that as we go through this exercise as Kenyans be searching our hearts to see if we are developing values along the road as we go through the exercise. And one of our values, we want to develop is the value of respect for one another. If your MP hasn't delivered you know what to do with him and at what time. We want people to respect one another. This idea of shouting at people, of tearing people down it doesn't serve you well. He is your MP, you don't have the right of recall yet but the elections are coming so we want that to grow as a value. That value of respect for one another and I hope you adhere to that. I am calling Mary Waruguru Githinji. Mary wina dagika ithano.

Waruguru: Riitwa riakwa ni Mary Waruguru wa Githinji.

Translator: Jina langu ni Mary Waruguru Githinji.

Waruguru: kutoka biblionni na nimekuja kuongea ile mambo ya kenya. Nii ngwaria na gikuyu ndi mugikuyu. Ndiui githweri.

Translator: Nitaongea kwa kikuyu.

Waruguru: nii kiugo giakwa,

Translator: neno langu,

Waruguru: ciugo ciakwa ni igiri.

Translator: nina maneno mawili.

Waruguru: kiugo kia mbere,

Translator: La kwanza,

Waruguru: ni ugoro wa parliament,

Translator: ni mambo ya kuhusu bunge,

Waruguru: ya gatatu ni kia aarimu,

Translator: waalimu,

Waruguru: ya kana gia shamba,

Translator: na mashamba.

Waruguru: ni tondu mugikuyu,

Translator: kwa sababu mkikuyu,

Waruguru: wira wake ni wa mugunda,

Translator: kazi yake ni ukulima.

Waruguru: na andu acio maathire, andu amwe magiitahira migunda,

Translator: watu wengine walienda wakanyakua mashamba,

Waruguru: magikorwo na acre, kuuma mundu wina acre magana mugwanja,

Translator: na wengine wako na hekari mia saba,

Waruguru: angi ngiri inyanya,

Translator: wengine elfu nane,

Waruguru: no ungi e nyumba ya gukombora,

Translator: na wengine wanakaa nyumba za kukodisha,

Waruguru: na mundu ucio ndari ruraya e kenya,

Translator: na huyo mtu hayuko Ulaya ako kenya,

Waruguru: na andu a Katiba inyui mutureheire uhoro uyu ni inyui mwagiriirwo ni guikia maitho na kabere,

Translator: na nyinyi watu wa Katiba mnatakiwa kuangalia mbele,

Waruguru: muone thiina uria wi kenya,

Translator: muone ule umaskini uko kenya.

Waruguru: tondu thiini wa bunge,

Translator: kwa sababu Katika bunge

Waruguru: mwaarimu niwe uthomithagia ciana,

Translator: mwalimu ndiye anafundisha watoto,

Waruguru: ikahota kuguteithia gwaku mucii,

Translator: ili waweze kukusaidia nyumbani,

Waruguru: tondu mwana umwe e bengi, uria ungi ni dagitari,

Translator: kwa sababu mtoto mmoja ako bank, mwingine ni daktari.

Waruguru: na andu acio angi,

Translator: na hao wengine,

Waruguru: mathiire bunge,

Translator: wameenda bunge,

Waruguru: magithii gwitahira,

Translator: wakaenda kujinyakulia,

Waruguru: no mwaarimu,

Translator: lakini mwalimu,

Waruguru: atuuraga athiaga na ifuri,

Translator: yeye anatembea na miavuli,

Waruguru: tondu ndari aheo mushaara wa kuhota kugura pajero,

Translator: kwa sababu hajapata mshahara wa kumwezesha kununua pajero,

Waruguru: iria ingihota kumukinyia kuria arathii,

Translator: ile ambayo inaweza kumfikisha mahali ambapo anaenda,

Waruguru: kwoguo niturona kenya nihinyiririe arutani muno makiria,

Translator: kwa hivyo tumeona waalimu wamefinywa sana,

Waruguru: na nio marateithia aciari,

Translator: ambao wanasaidia wazazi,

Waruguru: tondu mwana ucio riria e veterinary na akooya tigiti ukahota kuhuthira.

Translator: kwa sababu anapopata kazi atakusaidia.

Waruguru: no mundu wa funge athiire gwiteithia,

Translator: lakini mbunge alienda kujisaidia,

Waruguru: tondu mwana wake ndaingatagwo sukuru,

Translator: kwa sababu mtoto wake hafukuzwi shule,

Waruguru: no mwana wa muthini atuuraga mucii,

Translator: lakini mtoto wa maskini anaishi nyumbani.

Waruguru: tondu ndari kiratu,

Translator: kwa sababu hana viatu,

Waruguru: ndari muondo,

Translator: hana mfuko,

Waruguru: ndari ibuku,

Translator: hana vitabu,

Waruguru: agithii thukuru akeerwo athii,

Translator: anaambiwa aende nyumbani,

Waruguru: mwana ucio akanina mieri iri mucii,

Translator: anakaa miezi miwili nyumbani,

Waruguru: no ni thiina wa aciari ake,

Translator: lakini kwa sababu ya umaskini wa wazazi.

Waruguru: no korwo ni hakoragwo na watho,

Translator: lakini kama kungekuwa na sheria,

Waruguru: mwana ucio ndangiikara mucii,

Translator: huyu mtoto hangekaa nyumbani.

Waruguru: uguo ona wihathi uria twetirie,

Translator: kwa hivyo hata uhuru ambao tuliotaka,

Waruguru: tuonire ta kutuhinyiriria watuhinyiriirie,

Translator: tuliona kama uhuru ulifika ili kutunyanyasa,
Waruguru: no thirikari itiratuteithia,
Translator: na Serikali hatuaidia,
Waruguru: nii kiuria kiria ingiuria,
Translator: swali ni hili,
Waruguru: ni andu a Katiba,
Translator: ni watu wa Katiba
Waruguru: marugamirire wira wa atumia,
Translator: waangalie mambo ya wanawake,
Waruguru: tondu ona atumia, muticayagira atumia,
Translator: kwa sababu hamshughuliki na mambo ya wanawake,
Waruguru: tondu atumia ona moiga meena ikundi,
Translator: kwa sababu hata wanawake mkisema wawe na vikundi,
Waruguru: muukaga mukahura uhoru ucio ukahuurwo ni itonga,
Translator: nyinyi mnafika tu na
Waruguru: tondu athiini maticayagira,
Translator: na kuwafinyilia maskini chini.
Waruguru: uguo ni tungihoya,
Translator: kwa hivyo tungeomba,
Waruguru: mucoke ona ithui tugie na afunge aitu mwana wa atumia,
Translator: hata sisi wanawake tupate wabunge wetu,
Waruguru: na no twende mawakiri,
Translator: na tungependa pia mawakili,
Waruguru: ma amwe na athiini,
Translator: watu ambao wamesimamia maskini,
Waruguru: tondu mwana ucio angienda guthii kuria university,
Translator: kwa sababu huyo mtoto akitaka kwenda chuo kikuu,
Waruguru: no uthiire kuri MP ta uyu,
Translator: unaenda kwa mbunge kama huyu,
Waruguru: aguciirire tondu niohikaine.
Translator: akutetee kwani anajulikana.
Waruguru: no muthiini ndaiguagwo,
Translator: Lakini maskini hasikiki,
Waruguru: mwana wake atuuraga mucii,

Translator: mtoto wake ako nyumbani,

Waruguru: na niwe uhitukite sukuru,

Translator: na yeye ndiye amepita mtihani,

Waruguru: kwoguo ni ihoya ingihoya,

Translator: kwa hivyo ningeomba,

Waruguru: tugie na wakiri,

Translator: ya kwamba tuwe na wakili,

Waruguru: Katiba ituhe mawakiri ma guciiragira athiini,

Translator: Katiba itupatie mawakili wa kutetea maskini.

Waruguru: na akoragwo he na atumia na athuri a guciririra ciana cia guthii kuuria community.

Translator: na kuwe na wanawake na wanaume wa ambao wanaweza kuzungumza kwa niaba ya watoto maskini.

Waruguru: okorwo ningi ni ruraya ningi ciana ingithii,

Translator: ikiwa ni hawa watoto wakienda ng'ambo,

Waruguru: mwana wa muthiini niaragio muno,

Translator: mtoto wa maskini anasumbuliwa,

Waruguru: okorwo ni kuuria kwa visa na permit,

Translator: kama ni kule kwa visa na permit,

Waruguru: ciana cia athiini ni irahinyiririka muno, ona mwana ucio agaikara muno atari athii.

Translator: watoto wa maskini wanafinyiliwa sana na wanakaa sana bila kuenda ng'ambo.

Waruguru: no wa gitonga ona kiumia kimwe niaranina na agathii.

Translator: lakini wa tajiri hata wiki moja anaenda.

Waruguru: na waku aranina miaka iiri ona atari athii ruraya,

Translator: na wa maskini anakaa kama miaka miwili kabla ya kwenda Ulaya.

Waruguru: na niwe uhitukite sukuru.

Translator: na yeye ndiye amepita shule.

Waruguru: kwoguo ni ingiuga,

Translator: kwa hivyo ningesema,

Waruguru: uhoro wa aarimu munyite muno, tondu niguu utumaga mundu athii ruraya na acoke akinye guku, mawira mothe ni ma mwarimu, tondu ona MP athomithitio no mwaarimu.

Translator: mambo ya waalimu wafikiriwe sana.

Waruguru: kwoguo wira wa aarimu muwicirie muno,

Translator: kwa hivyo jambo la waalimu lifikiriwe zaidi.

Waruguru: na uhoro wa migunda muwicirie muno, tondu ithui tuhanaga ta ari mundu athiite kuhoya uriri kwene, ta utari na gwa gukoma, ta utari na ha kurima.

Translator: mambo ya mashamba pia yaangaliwe kwa maana ni kama mtu ameenda kuomba mahali pa kulala kwa sababu

hana mahali pa kulima.

Waruguru: na uguo kenya ni mwagirirwo ni kurugamirira uhoro wa athiini, tondu niguu uhinyinyiirie kenya.

Translator: maskini washughulikiwe.

Com. Baraza: umemaliza Mary?

Waruguru: Asante.

Com. Baraza: Niwega muno. May I have microphone.

Prof. Kabira: You have said that some people have got large pieces of land like 700 acres. I want to ask you, how much piece of land should a person own?

Mrs. Githinji: He should have 100 acres and the rest should be owned by the government.

Com. Baraza: Ni thengyu muno thii andika riitwa riaku haria. Our next presenter is Kuria J.J and I will give you exactly five minutes.

Mr. Kuria: Asante Bwana mwenyekiti. Maoni nitakayoyatoa hapa leo ni maoni ya kundi lijulikanalo kama Kiambu people's forum ambayo kazi yake si ya kisiasa, bali kazi yake ni ya kueneza Civic Education kwa district nzima na imefanya hivyo, imejaribu kuwaelimisha wananchi wetu mambo mengi kuhusiana na Katibaambayo imetuleta hapa leo na mambo mengine yanayohusiana na utawala wa nchi hii. Maoni yao, jambo la kwanza ni kupinga kuchukuliwa kwa maoni haya tunayoyatoa hapa na kamati yako Bwana mwenyekiti. Sababu ya kupinga hiyo ni kwamba kuundwa kwa kamati yako kumetokana na msingi wa kikoloni.

Nasema hivyo kwa sababu Katibaambayo tuliyonayo sasa iliyoundwa mwaka wa 1962 iliundwa na wakoloni kwa sababu hiyo tunasema hata wewe Bwana mwenyekiti na kamati yako mko katika ule msingi wa kikoloni na mpaka tutakapoweza kutumia njia ingine ya kuchagua kamati kama hii yako pale tuelekeapo sasa itakuwa ni kazi bure, tutazidi kuendelea kuwa watumwa wa mwingereza ambaye aliunda hii katiba. Jambo la pili, uwezo uliopatiwa kamati yako CKRC ni mwingi sana. Kwa sababu umepewa uwezo wa ku-recommend extension ya Parliament. Tumepewa pia uwezo wa ku-recommend minimum reforms. WanaKenya hawahitaji mambo ya minimum. After 40 years tukitawaliwa na Katibaambayo ni mbovu.

Mnaanza tena kutuambia tuingilie mambo ya minimum reforms eti ili tuingie kwa uchaguzi, ili tukafanye hivi. Mnatupotosha pamoja na kamati yako Bwana mwenyekiti. Twaomba kama ni Constitution iwe imetenganishwa kabisa na uchaguzi utakaofuata. Ili wewe na wale wengine muweze kututengenezea Constitution. mtuundie Constitution ambayo haina uhusiano

kamwe na utawala wa malkia wa uingereza kama vile tunaona tunaendelea sasa. La mwisho ni vile education ama mafundisho ya kuelimisha watu wetu, hasa ni kwa nini tunataka tuunde Katibampya. Nafasi ile imechukuliwa ni mbaya sana. Ningetaka kukuuliza Bwana mwenyekiti kama kuna uwezekano wa wewe kumpeleka mtoto wako shuleni mwaka huu na next year umletee exam papers za std. Eight kama umemweka mwaka huu kidato cha kwanza.

The time given for Civic Education ama ya ku-educate Kenyans wawe na ujuzi kwa nini tunahitaji Katibampya na Katibamzuri, ni muda mchache sana. Hii ndio sababu chama cha Kiambu people's forum kinapiga marufuku kabisa kukusanya mawazo na views za wananchi mpaka wakati kila mwananchi atapatiwa nafasi nzuri ya kujua ni kwa nini tunahitaji Katiba mpya, Katiba nzuri, na awe anajua ile iliyopita ilikuwa inasemaje na hii tunayotaka itakuwa namna gani. Mpaka wakati huo iwe hivyo Bwana mwenyekiti ni maoni yangu kwamba hatuna haja ya kuja hapa mbele zako kutoa maoni yetu. Kwa hayo machache naomba nimalizie hapo. Asante sana Bwana mwenyekiti.

Com. Baraza: Thank you Mr. Kuria you want me to tell these people to go away? Alright you go and register there. Our next presenter Mr. Is Dennis Nyaga and if you feel you are not ready to make presentation then don't come. We have come here because we believe there are people who want to make their views. If you are in a position to present your views, come forward and present your views. If you are not well prepared to present views you don't have to come. Nobody is forcing you. So Dennis Nyaga are you ready to give your views? I don't see him. Is there Cecilia Wanjiku Joshua? Cecilia nindakuhe dagika ithano.

Wanjiku: Niguo ngwika. Nii njitagwo Cecilia Wanjiku kana nyina wa Jose na njikaraga Tigoni.nii Maundu maria ndirenda kwaria, ndirenda kwaria uhoro wa wira.

Translator: maoni yangu ni kuhusu kazi.

Wanjiku: tondu ninyonete andu aria turutaga wira ta kuuria macani-ini.

Translator: nimeona wale ambao tunafanya kazi pamoja kama kule vituo vya chai,

Wanjiku: mundu angifutwo wira ndonaga gwa guthii,

Translator: mtu akifutwa kazi haoni mahali pa kwenda.

Wanjiku: na mundu ageria guthii ona akorwo ni kwa kanju kuhoya handu angiikara akaaga.

Translator: akienda kutafuta mahali pa kukaa hata kwa council hapati.

Wanjiku: kindu kiria ndirenda kuuga athini mena thiina muno,

Translator: maskini wana matatizo mengine sana.

Wanjiku: tondu ona ciana cia athini nicio itarathoma.

Translator: kwa sababu watoto ambao hawaendi shule ni wa maskini.

Wanjiku: niundu mundu ageria gucaria gwa guikara akaaga.

Translator: Mtu akijaribu kupata mahali pa kukaa hapati.

Wanjiku: ithui twi na thiina tondu ona ta haria njikaraga hakuhi na gwa kanju nyumba icio itiri andu, andu maheo retire ati ni aruti a wira mundu athii aritindaga akierera tondu ndari na gwa guikara.

Translator: umaskini wetu ni mwingi kwa sababu hata baada ya retire hapati mahali pa kukaa.

Wanjiku: tukoona ona hindi ingi tungiheo handu matinirio ha guthika athiini, andu magoka makeehoera kafuri icio.

Translator: watu wengine wanakuja na wananyakua hata kaburi.

Wanjiku: riu tukoona twina thina muno muno.

Translator: Kwa hivyo tumeona tuna umaskini mwingi sana,

Wanjiku: niundu ona gwa guthikana nitwagite.

Translator: kwa sababu hata kaburi hatuna.

Wanjiku: niundu ona gwa guikara tukaaga, githomo tukaaga, ona mbecha tutiri.

Translator: hakuna elimu hakuna makao.

Wanjiku: ndiuma na maingi no kuuga guugaga korwo twahota, athiini turorwo.

Translator: nilikuwa naomba ikiwezekana, maskini tuangaliwe.

Wanjiku: ndiuma na maingi.

Translator: ni hayo tu.

Com. Baraza: Thengyu muno. Is there any question for Cecilia? Andika riitwa riaku haria. Our next presenter is Jane Muthoni Njoroge. Okey tutamgonja tuite mwingine. She is running. After Jane Muthoni, Mary Wanja Githaiga you prepare yourself. Urho ho? Nguheire dagika ithano.

Muthoni: Riitwa riakwa njitagwo Jane Muthoni wa Njoroge na ninyeenda Jesu.

Translator: Nampenda Yesu.

Muthoni: Nii ndoka haha kwaria uhoro wa mititu,

Translator: nimefika hapa kuzungumza juu ya misitu,

Muthoni: tondu forethiti (forest) nicio ciatuteithagia riria twari,

Translator: kwa sababu tulikuwa tunapata msaada kutoka misitu,

Muthoni: no kuuma riria andu maingatirwo maforesti-ini,

Translator: lakini watu walipofukuzwa kutoka misitu,

Muthoni: niguu kwagiire ng'aragu thiini wa kenya,

Translator: njaa ndio iliingia,

Muthoni: tondu mititu io riu itemengagwo no mwienderi,

Translator: kwa sababu anayetaka kwenda kuingia kwa msitu, ndiye anaingia.

Muthoni: na hindi iyo andu aria maari kuo,

Translator: na wakati ule,

Muthoni: mutito watemagwo,

Translator: walikuwa wanakatwa miti,

Muthoni: halafu ukaheo andu makarimaga,

Translator: halafu watu wanakatiwa wanalima,

Muthoni: na nigetha maruta irio makahanda miti,

Translator: ili wakipewa chakula, wanapanda miti.

Muthoni: matunyagwo migunda io ni miti gukura.

Translator: walikuwa wananyang'anywa mashamba yale kwa sababu ya miti kukuwa.

Muthoni: na riu nio giatumire bururi uyu witu wa kenya ugie ng'aragu nene muno,

Translator: Na sasa njaa yetu imetokana na kule kumalizika kwa msitu.

Muthoni: tondu miti niyo yatumaga ona mbura ingihe.

Translator: kwa sababu hata mvua ilikuwa inaongezeka kwa sababu ya miti.

Muthoni: na riu miti io riu itemetwe igathira,

Translator: sasa hakuna miti,

Muthoni: na tondu andu nimaingatirwo kuo,

Translator: na kwa sababu watu pia walifukuzwa,

Muthoni: riu gutiri mundu uhandaga miti no gutigitwo baraganya.

Translator: sasa hakuna mtu ambaye anapanda hata miti

Muthoni: nio murona bururi uyu wa kenya,

Translator: inakuwa jangwa na ndio sababu kenya yetu,

Muthoni: kukagia na thiina wa irio,

Translator: kumekuwa na shida ya chakula,

Muthoni: gukagia na athini aingi,

Translator: kunakuwa na maskini wengi,

Muthoni: tondu andu acio matiaheagwo mugunda forest biu,

Translator: kwa sababu hawa watu hawakuwa wanapatiwa kabisa,

Muthoni: nimehagwo kwa muda,

Translator: walikuwa wanapatiwa kwa muda

Muthoni: nigetha waarima,

Translator: ili baada ya kulima,

Muthoni: miti ikahandwo,

Translator: miti inapandwa,

Muthoni: yakura,

Translator: ikikua,

Muthoni: riu halafu ningi ugacenjerio haangi.

Translator: baada ya hapo unabadilishiwa mahali pengine,

Muthoni: nao aria matari kuu forest,

Translator: na wale ambao hawako kwa forest au kwa misitu,

Muthoni: makoona irio,

Translator: walikuwa wanapata chakula,

Muthoni: tondu irio icio,

Translator: kwa sababu chakula kile,

Muthoni: ciateithagia muthini,

Translator: ilikuwa inasaidia maskini,

Muthoni: na igateithia uria mutongu,

Translator: na ikasaidia tajiri

Muthoni: tondu riu irio icio ciatwarwo ndunyu,

Translator: kwa sababu chakula kile kikipelekwa sokoni,

Muthoni: itiacaguragirwo mwenderio,

Translator: hakuna kuchagua mwenye kununua.

Muthoni: na riu uguo,

Translator: kwa hivyo,

Muthoni: nikio muroona mathina maingi

Translator: ndio sababu mnaona umaskini,

Muthoni: ona mundu uria ungi niangiona giti gia president,

Translator: hata yule ambaye angepatiwa kiti cha president,

Muthoni: noagie na uritu,

Translator: atakuwa na ugumu,

Muthoni: kungikorwo Katiba io ndigucenjio.

Translator: ikiwa hiyo Katiba haitabadilishwa.

Muthoni: nigetha andu acio macokio mutitu.

Translator: ili wale watu warudishwe kule msituni.

Muthoni: nigetha maarima,

Translator: ili wakilima,

Muthoni: makahunia Nairobi,

Translator: wawe wanashibisha Nairobi,

Muthoni: makahunia Nakuru,

Translator: Nakuru,

Muthoni: makahunia mombatha,

Translator: Mombasa,

Muthoni: na riu andu acio gutingigia ona andu a kuurura aingi matari na thiina.

Translator: hakungekuwa na watu au wazururaji,

Muthoni: tondu andu acio magurira irio thokoini,

Translator: kwa sababu hao watu wakinunua chakula katika soko,

Muthoni: meeguthii mundu aige Njiraini,

Translator: wataenda waweke barabarani,

Muthoni: na riu uria utaima na irio niagura.

Translator: na yule ambaye hakuwa na chakula atapata.

Muthoni: ingiuria mucenjia wa Katiba,

Translator: ningeomba mwenye kushughulikia Katiba,

Muthoni: andu macokio mitituini,

Translator: watu warudishwe misituni,

Muthoni: o ta tene riria twarimaga.

Translator: kama zamani.

Muthoni: tondu riu ta nii ndereirwo mutituini.

Translator: kama mimi nimelelewa kule msituni.

Muthoni: kuria gwetagwo bad forest.

Translator: bad forest.

Muthoni: na riu kundu kuu,

Translator: na kule,

Muthoni: na kuria gwitagwo laikipia,

Translator: na laikipia pia,

Muthoni: kundu kuu kungicokio andu marime,

Translator: kama watu watapatiwa nafasi ya kulima tena,

Muthoni: gutiri thiina ungioneka,

Translator: hakuna umaskini ambao unaweza kupatikana.

Muthoni: tondu gutiri kindu kingi kiuru,

Translator: kwa sababu hakuna jambo mbaya,

Muthoni: na nikio muroona andu magitemengwo utuku,

Translator: na ndio unaona watu wanakatakatwa usiku,

Muthoni: ni ng'aragu.

Translator: ni kwa sababu ya njaa.

Muthoni: tondu ingiuka mukawaini ngore uratinia idathi,

Translator: kwa sababu nikija hotelini nikute unakatakata andazi

Muthoni: na niuraria,

Translator: na unakula,

Muthoni: uneane ngiri imwe,

Translator: upeane elfu moja,

Muthoni: ucokie muhuko,

Translator: urudishe kwa mfuko,

Muthoni: na ndatinda na ndariite hutii,

Translator: na nimeshinda mchana wote bila kula,

Muthoni: na ndatinda Ndaire muthenya ucio ungi,

Translator: na nina njaa siku ingine,

Muthoni: hatiri nganja

Translator: bila shaka,

Muthoni: murata wakwa

Translator: rafiki yangu,

Muthoni: ona okorwo ni nguui nigwihoa maitho,

Translator: hata kama nakufahamu nitajifunika macho,

Muthoni: na ningugutemenga,

Translator: na nitakukatakata,

Muthoni: tugayane ngiri io.

Translator: ili tugawanye hiyo elfu moja,

Muthoni: tondu wa ng'aragu.

Translator: kwa sababu ya njaa.

Muthoni: rekei tucokie bururi witu,

Translator: hebu wacha turudishe nchi yetu,

Muthoni: uria gwatarii tene,

Translator: vile kulivyokuwa hapo awali.

Muthoni: nigetha bururi witu uthire ng'aragu,

Translator: ili nchi yetu iishe njaa.

Muthoni: ndaninira hau.

Translator: Nimemaliza hapo.

Com. Baraza: Umemaliza. Thank you very much. Any questions for her? Umeongea vizuri. Asante na andika jina langu hapo.

The next person was Mary Wanja Githaiga. Mary, Nguheire dagika ithano peke yake.

Mrs. Githaiga: Habari zenu.

Wanja: nii ndooka kwaririria uhoro wa migunda.

Translator: Mimi nimekuja kuzungumza juu ya mashamba.

Wanja: ndirenda kuuga bururi uyu witu wiina athiini aingi.

Translator: Nchi hii yetu ina maskini wengi.

Wanja: na nigukinyite handu gukagia andu nginya matari na ha guikara.

Translator: na imefikia kiwango ya kuwa kuna watu, hawana hata mahali pa kukaa.

Wanja: na riria wihathi waruagirirwo,

Translator: Na wakati tulipokuwa tunapigania uhuru

Wanja: na athungu aria maikariire bururi uyu magitunywo ma-acre maria mari namo.

Translator: na wakoloni wakanyang'anywa mashamba.

Wanja: mahanire ta marikuo tondu ni kuri, mahanire aria nimathii,gukigia angi aria airu.

Translator: Hakukuwa na mabadiliko kwa sababu kuna wengine weusi ambao walikalia mashamba yale.

Wanja: Ni tondu riria mundu ari na acre ngiri inyanya,

Translator: Kwa sababu wakati mtu yuko na acre elfu nane,

Wanja: na kwina mundu ungi thiini wa kenya utari nginya ha kurara,

Translator: na kuna mwingine hana hata mahali ya kulala.

Wanja: ngiaria uguo example ndiraria nani,

Translator: Ninazungumza nikiwa mfano.

Wanja: baaba witu aaragirio ndege iri iguru akaheana uhoro wake.

Translator: Baba yangu walikuwa wanazungumza juu yake ndege ikiwa juu

Wanja: tondu nio maruiriire bururi uyu,

Translator: kwa sababu ndio walipigania uhuru

Wanja: na umuthi uyu ndiri ha guikara

Translator: na leo mimi sina mahali pa kukaa

Wanja: na ciana ciakwa,

Translator: na watoto wangu.

Wanja: njikaraga farafara,

Translator: Mimi nakaa barabarani

Wanja: na nio maruiriire bururi uyu,

Translator: na ndio walipigania uhuru

Wanja: na bururi uyu kwina mukenya wina acre nyingi nyingi,

Translator: na katika nchi hii kuna mKenya aliye na acre nyingi za shamba.

Wanja: murakiuga athiini maumite ku thiini wa kenya.

Translator: Sasa mnasema maskini wanatoka wapi?

Wanja: na migunda io minene uguo imwe ndirimagwo,

Translator: Na hayo mashamba mengine hayalimwi.

Wanja: uguthii ukoona ni nyamu cia githaka ciikaraga kuo,

Translator: Unaona ni wanyama wanatawala katika shamba lile.

Wanja: ukoona aakenya o eene nio maagiriire kuiguanira tha.

Translator: wakenya wenyewe ndio wanastahili kuoneana na huruma.

Wanja: na handu ha kuiguira mundu uria ungi tha,

Translator: Na badala ya kuonea mwingine huruma

Wanja: mureta ciana aici,

Translator: mnaita watoto wetu wezi,

Wanja: ni tondu mwana ucio niagire gia kuria,

Translator: kwa sababu yule mtoto amekosa chakula,

Wanja: na handu raithi aria mahinyiriirio ni bururi uyu,

Translator: na wale wamefinyika zaidi

Wanja: ni aria maruiriire wihathi nigetha andu a kenya makeatha

Translator: ni wale walipigania uhuru ili waKenya wajitawale.

Wanja: na nio macokire gwikora mari thiinaini mukiru,

Translator: lakini hao walijikuta wakiwa katika ule ufukara,

Wanja: niundu andu aria maari na hinya mbere ona o mahotire kuoya ma-acre macio maingi,

Translator: Wale walikuwa na uwezo ndio walinyakua yale mashamba makubwa.

Wanja: okorwo tiguu munginjiira marutire mbeba ku cia kugura migunda io minene uguo,

Translator: Kama sio hivyo walitoa wapi pesa za kununua mashamba yale?

Wanja: na matirimaga,

Translator: na hao watu hawalimi,

Wanja: nii ingihoya korwo watho wahitukio mweru,

Translator: Mimi ningeomba kama kungekuwa na sheria mpya,

Wanja: kwage mundu unghitukia acre acre igana rimwe,

Translator: kusiwe na mtu ambaye ana zaidi ya hekari mia moja.

Wanja: angikorwo ni acio riu makiri mbere, maiguire aria angi tha,

Translator: Wale ambao wako mbele waonee wengine huruma,

Wanja: meenderie thirikari migunda iria ingi,

Translator: waachie serikali zile mashamba mengine.

Wanja: no matigwo na mundu acre igana,

Translator: Lakini waachwe na hekari mia moja,

Wanja: nigetha muthini oone ona ka-quarter ga gwaka,

Translator: ili maskini apate angalau mahali pa kujenga.

Wanja: nii ndiri na maingi.

Translator: sina mengi.

Com. Baraza: Thengyu muno. Any question for her?

Mrs. Githaiga: I am ready.

Com. Baraza: Wamesema umeongea vizuri. Tumesikia malilio yako tutaibeba twende nayo Nairobi. Andika riitwa riaku haria. The next one is Mburu Waiganjo.

Mr. Mburu: Jina langu ni Mburu Waiganjo. Mimi sijakuja kutoa maoni lakini nimekuja hapa kutoa sababu za kutotoa maoni kwa hii Commission. Mwanzo kabisa sitaki kuchangia kujenga jitu ambalo litatembea na miguu ya mbu. Maana ya hiyo ni nini? Hii Commission haiko entrenched kwenye ile Constitution ya awali ama ile Act ambayo ime-establish hii Commission haijakuwa entrenched kule bunge ingawa tuna maprofesa na wabunge hapa Katibayetu inaweza vunjwa dakika yoyote. Kuna tofauti gani ya hii Commission na zile ambazo zimekuwa zikichukua maoni na kuja kubadilisha.

Com. Baraza: Hatujavunjwa bado sasa kile utafanya leo kama hatujavunjwa tupatie maoni. Na kama huna maoni utapatia nafasi mtu mwingine.

Mr. Mburu: Hiyo madam Commissioner hiyo ni maoni yangu na sidhani hutanipa wakati wa kunisikiza, utakuwa ni kama yule mkoloni ambaye alinipa Katiba bila kunisikiza. Na wewe ni mtu mweusi. Sababu ya pili ya kutotoa maoni yangu, ni kwamba Civic Education, time ama wakati ambao mmewapa watu mafunzo ya kujua Katibayao umekuwa mfupi sana. Mlifanya induction workshop kule Kiambu tarehe ishirini na moja January ndio mlikuwa kule na mkaanza forums ama committee zenyu zianze kazi.

Mwezi mmoja tu hata ndio mnasikia hata wanjiku ambaye mnasema Katibayetu ni ya wanjiku, wanjiku hajajua anakuja kusema nini hapa. Anasema mambo ya shida nyingi nyingi kwa hivyo ndio sitasema zangu kwa vile hata wanjiku hatazielewa. Ya tatu nitaongea mambo ya wealth ama utajiri. Utajiri uko nikichukua kumbukumbu zilizoko kwenye mazingira, inaeleweka kwamba asilimia ishirini ya watu wa Kenya wana 3.5 ama asilimia tatu peke yake ya utajiri wa Kenya, ilhali asilimia ishirini ina utajiri 62 ama sitini na mbili ya utajiri wote. Hao ndio tena tuko nao ambao wana-control ama wanaendelea hii process. Maskini wamekuwa hawana mali na hapa hatuna maskini anayewakilisha. Mimi nitatoa views kwa hawa wako hapa.

Nani ananiwakilisha kama maskini mwenzangu. Wanalipwa pesa za juu, twende kwa ile ya chini kabisa ile ya constituency Constitutional forum ambazo tunazo. Tuna wabunge, tuna macouncillor, nani ananiwakilisha mimi mwenye ana shida kama mimi sana akiwa ni mtu ambaye hana kazi, nikiwa maskini mbona hamkuchukua mtu mmoja maskini ama unemployed graduate awe

kwenye hizo forum, ama mtu mmoja mchunaji wa majani chai awe kwenye hizo forum. Mimi ninaona ni kama tunaendelesha ule ukoloni. Kwanza kabisa hata tulipoanza hapa hata makamishina wetu wanaongea kizungu wanatafsiriwa na nyinyi mnaongelehwa kikuyu. Kwa hivyo kama vile mkoloni alikuwa anasikiza lugha yako kule anaendelesha upande mwingine hakuna tofauti. Nasikia hata ninapotaka kutoa maoni yasiyowapendekeza ama wasiyoyapenda hawataki wao wana nia yao. Haya nimemaliza. Swali.

Com. Baraza: Asante sana. Iko maswali kwa Mr. Waiganjo? Hakuna. Umeeleza vizuri, tumeelewa you can register your name there. The next person is George Nyagah. The next person is councillor Peter Mwangi. Okey, I understand that Mrs. Beth Njoki Muhia will present views on behalf of George Nyagah. Okey, go ahead Beth.

Mrs. Beth: Kiambu care of community organization, dear honourable Commissioner and the district coordinator and committee. They present their memorandum on schools, cost sharing, programmes and street children for the benefit of women and children. We appreciate the government for having introduced cost sharing in primary and secondary schools and colleges. Some parents never benefited from those programmes because the development funds they doubt about the way funds are used for few schools if their budgets to the parents without transparency and accountability.

The cost of school equipment should be lowered because of poverty. Introduction of school feeding programmes through world food programmes for Kiambu was not considered as a programme area. As poverty is rising we ask Commissioners to endorse it in the real Constitution through the ministry of education. Vacation training in schools should be introduced to give knowledge to the students for those who cannot afford to go to the secondary schools they can benefit to be self sustainable. Income generating programmes should be stressed in school curriculum to avoid many harambee for the parents are overburdened by the social economic situation.

Rehabilitation for street children programme should be in each school, so that they can be good children in future, so that we can reduce alcoholism and drug abuse. Special charges for orphans in schools for they are very many these days. Disability programmes in few selected schools in kiambu district because their rights are not fully considered although the government has tried. Thank you.

Com. Baraza: Thank you very much Beth. Any question for her? You take your memorandum there. Now, don't fear about what you come to present, if your problems are the problems the mamas are talking about don't assume. So don't fear what Mburu said that you don't know what you are saying, you know what you are saying. Come and talk what is in your heart. The next person is Njuguna Materetu.

Mr. Njuguna: Asante sana Commissioners nimewashukuru sana na jina langu ni Njuguna Materetu. Asante sana kwa kukubali kuja hapa kwetu Limuru na kuchukua views zetu. Kile nilikuwa napenda kuongea kidogo, honourable Commissioners, ni vizuri

kutaja kuangalia Katiba yetu ya mbele kabla hatujaanza kuona ni kwa nini tunaitengeneza. Ni vizuri kukumbuka ya kwamba Katibayetu kama vile mama mmoja ameongea hapa ilienda kutengenezewa London wakati uhuru ulikuwa unakaribia kuja. Hiyo tunaewa kabisa kabisa. Ilipelekwa kule na mkoloni akaitengeneza kwa lugha yake. kwa hivyo hiyo Katibandiyo tunasema si yetu ni ya mkoloni kwa sababu ilikuwa inatengenezwa kulinda mali ile alikuwa ametuuzia hapa kwetu na hata wa sasa hiyo Katibainaendelea kutuibia mali yetu na kwa sababu sasa tunaibadilisha mimi nataka kuongea sana juu ya lugha honourable Commissioners kwa sababu kama iliundiwa kule London na lugha ya mkoloni hata sasa ninaona tunaendelea kuiunda kwa lugha ya mkoloni kwa nini. Ningependekeza ya kwamba tuiunde kwa lugha kwanza ya kiswahili pili kwa lugha zetu sisi sote makabila yale yako Kenya kwa sababu nimeona yaani wanaKenya wale wa kawaida kama mimi na hawa wengine hawajaona hata hicho kitabu cha Katibahata siku moja.

Tena ninapendekeza, ikiwezekana hii Katibayetu hata wanafunzi wetu wawe wanafunzwa kwa sababu hawajui hata kidogo. Hawaielewi kamwe. Sasa kile ninaogopa sana Commissioners ni kwa sababu vile mkoloni aliitengeneza wakati alikuwa anaondoka hata sasa inaonekana inaundwa ingine wakati hii serikali inaondoka ndio wawachie jukumu lao vile wametuharibia mambo wawachie wengine waendele kutuharibia vile wametuharibia kwa miaka arobaini. Kwa hivyo woga wangu ni kwamba hatutaki Katibaiundwe na watu wale wametuharibia nchi na waendele kutuharibia. Kwa hivyo ikiwezekana honourable Commissioners tungetaka Katibaiwe ni ya wananchi na tumeenda muda mrefu na tukishindwa kila mahali kila mara mpaka mwishowe Katiba imeundwa na bunge na ndio sasa nyinyi na tumekuja hapa kuwaambia maoni yetu.

Mimi sitasema ya kwamba sitatoa maoni yangu lakini ningependekeza lugha kwa sababu hata wengine wenu nimeona hawaelewi hata lugha ya kiswahili. Kile kingine Bwana mwenyekiti ningependa kutaja kidogo ni kuhusu mashamba. Inaonekana Katibayetu ya sasa ni kama haijui kamwe mambo kuhusu mashamba ya wanaKenya hata kidogo. Ndio unaona hata kama tuna mashamba wengine hawana mashamba, kile kikubwa sana, haja mashamba ni kulisha wananchi wetu. Na sasa haya mashamba yanaendelea kugawanywa, kukatwakatwa bila serikali kujua kitu kwa hivyo kama sisi tulikuwa tunafunza ngano pale mbeleni, kama tulikuwa tunafunza mambo kama ng'ombe ya maziwa sasa hayo mashamba yamekatwakatwa mpaka yamekuwa mere plots za kuishi lakini kutoa mazao ya kutulisha hatutapata hata kidogo.

Ndio unaona tunakwenda hata Saudi Arabia kununua ngano, kununua nini kwa sababu tumeshindwa kujua mashamba yetu yatatusaidia namna gani. Ya pili Bwana mwenyekiti ningependa kutaja kidogo ni kuhusu masomo. Tulikuwa tumeahidiwa tukipata uhuru wetu wa bendera kwa sababu uhuru wetu kamili hatujapata tuliahidiwa tutamaliziwa ujinga, umaskini na njaa lakini tumeendelea kuwa na wajinga wengi sana hata ingawa wana madegree, ninashangaa sana nikisikia ndio wanatakikana kuongoza. Ujinga umeendelea kuwa kati yetu zaidi zaidi kwa sababu yale masomo tunapata kwa mashule yetu ni masomo ya kutufanya ujinga. Hatujajua nchi yetu inakaa namna gani na ni kwa nini tumeendelea kutawaliwa na mkoloni baada ya miaka arobaini ya uhuru.

Kwa sababu masomo yale tunapata katika shule zetu si masomo ya kutuonyesha nchi yetu inakaa namna gani. Kwa hivyo

Bwana mwenyekiti ningependekeza sana watoto waendapo shule wafunzwe nchi yao inakaa namna gani. Historia ya nchi yao hawajui hata kidogo. Hawajui mkoloni alikuja namna gani alipoondoka aliondoka namna gani. Na ndio unaona tunaendelea kuongea lugha yake katika shule. Hatujapenda kujifunza lugha zetu ndio tujiondoe kabisa kabisa kutoka minyororo ya ukoloni. Ya pili kile ningependelea kupendekeza kwenu, mambo ya kupewa kitambulisho ililetwa na mkoloni mwaka wa 1920 na sasa tangu mkoloni aondoke ni miaka mingi sana. Ningependekeza sana hii mambo ya vitambulisho tuondolewe tuwe na kitu kinaitwa birth certificate kwa sababu hata nchi zingine zile ziko karibu na sisi sana hapa hawana vitambulisho na kitambulisho ni kitu cha ukoloni kwa hivyo katika Katibampya ningependekeza kusiwe na kitu kinaitwa kitambulisho kwa sababu mkoloni aliileta akiwa na mambo yake lakini sasa inatakikana kama kabisa tunataka uhuru kamili tuondolewe kitu kinaitwa kitambulisho hata ndicho kinatumiwa na polisi kutugandamiza. Nyinyi hamuwezi jua lakini wale wako hapa ukiwauliza kama polisi ni marafiki zao watakwambia ni watu aina gani. Na kwa sababu sitaki kupoteza wakati asante sana Commissioners.

Com. Baraza: Are there questions for him?

Dr. Swazuri: Kwanza ninataka ku-clarify maneno kidogo wananchi wajue kwamba sisi mnaotuona hapa Commissioners sote ni waKenya tulizaliwa Kenya. Tunaelewa lugha ya kiswahili, tunaelewa lugha ya kikuyu, tunaelewa lugha zote na yule ambaye haelewi anasaidiwa na wenzake. Kwa hivyo usifikiri tukisema chairman akianza kueleza kwa kiingereza haelewi kiswahili. Mtuelewe hivyo. Na hata sisi msituone hivi tunatoka vijijini kama nyinyi. Tumezaliwa vijijini na tunatoka na tunatoka huko. Na wengine hata leo tunaishi vijijini. Kwa hivyo msituelewe kwamba tuko watu above in the ivory tower. Sisi ni wananchi kama nyinyi. Pili tumejua kwamba Katibaya sasa imeandikwa kwa lugha ya kiingereza lakini katika sheria hizi tumeambiwa tuangalie tuandike Katiba ya sasa kwa lugha ya kiswahili na ikiwezekana ikiwa fedha ziko tutafsiri kwa lugha zote sisi waKenya. Hilo mlijue tutalifanya.

Mr. Materetu: Hilo ni swali kweli?

Dr. Swazuri: Hapana ni clarification naeleza lakini kuna swala hapa.

Prof. Kabira: Materetu, reke nguurie na gikuyu tondu niwaaria weega muno uhoro wa languages. Uria ngwenda gukuria ni atiriri, kana ura-recommend gwi commission tuthomage lugha ciitu ciothe kana ni gikuyu na kijaluo na kibaLuhya, nigetha tugikorwo turi na muthingi. Kana ureenda tutue akorwo ni githweeri gituike nikio official language kana turithomithagia through media ya githweeri.

Mr. Materetu: Nii ingiona tuhuthire lugha ya githweeri tondu twina kio. No lugha ya muthungu tondu atureheire akienda gutunina hakiri iria twari nacio, tugerie kuhurana nayo tondu kwi mabururi meeheretie githungu na mageekuria na utamaduni wao niundu wa lugha ciao. Gutiri hindi ungiuga niureekuria uhuthirite ruthiomi rwa mundu ungi na utwire ni ureekuria. Ucio nituramenya niguo tureeta ukoloni mambo leo.

Prof. Kabira: ucookere na githungu uguo woiga.

Mr. Materetu: Kile mini nilikuwa ninaelezea nikitaka kusema juu ya watu kujijua mambo ya nchi yao. Tanzania haiko mbali na sisi. Iko karibu na sisi sana lakini mkoloni alipoondoka kule walikataa lugha ya kikoloni wakaendeleza lugha yao na wameendelea mbele sana.

Ukienda Tanzania siku ya leo wizi na uongo mwingi na ufiada kule kwao hakuna. Hawajui kitu kama hicho. Wakikutana yule mtu atatoka corner ile ya Tanzania na yule atatoka ile corner ingine wanaitana ndugu mtanzania. Lakini hapa kwetu ile kasumba ya ukoloni bado tunayo, tukitumia lugha mkoloni. Ukimwambia mkikuyu aite mturkana ndugu yake, ndugu yangu nakwambia hata kubali. Kwa hivyo ninauliza kama tuna haja na utamaduni wetu tuanzia kwa lugha tukiendelea mbele.

Com. Baraza: Give your memorandum there and register. The next person is Paul Mburu.

Mr. Mburu: Jina ni Paul Mburu Mthumbi mimi ni mfanyi biashara ya transport. Ningetaka kuzungumzia kuhusu bima ya insurance. Mimi ni bus operator. Sisi huwa na bima kusudi gari yako isitembee bila insurance na ukitumia bila insurance ni offence ya traffic. Unashtakiwa. Lakini honourable Commission tumeshindwa ni sheria gani iliundwa wakati wa sheria ya kwanza. Maanake tukiweka bima zetu tumewahi kusikia bima karibu tatu na Kenya National Insurance wame-wind up yaani wame-collapse. Waki-collapse ile madeni ambaye magari yetu ilikuwa imefanya ilikuwa imefanya accident inaua watu na walikuwa bado kulipa sheria inageuzwa inaambiwa mtu binafsi mwenye gari alipe hiyo deni.

Bwana Commissioner, tumeshindwa ingekuwaje tumeweka bima na tumelipa premium imemalizika. Gari imefanya accident badala ya insurance kulipa, wame-wind up. Sheria inarudi kwako wewe mwenyewe ulipe hiyo madeni na tumeanza kulipa hayo madeni kutoka kwa company ya / ambayo ili- wind up, Kenya National Assurance. Hiyo ni sheria gani? Tungetaka sheria irekebishwe, kwa sababu wenye bima wanaokota pesa kwa sisi wakipata pesa ya kutosha wanasema, company ime-wind up. Wanakwenda na zile pesa zote halafu sisi wananchi tunabakia na madeni. Na isitoshe, kama Kenya National Insurance, ni serikali yetu tukufu na hawa ndio wawe katika mstari ya ku-wind up. Mali yetu inachukuliwa bure na bado Kenya national insurance tunajua wana ma-building mangapi katika Nairobi na mnazona mpaka leo.

Ningewauliza mwingilie hiyo sheria mjue ni sheria gani ambayo inaturuhusu sisi wenyewe kuweka bima baada ya insurance ku-wind up kuambiwa tulipe ili muibadilisha. Yangu ya pili, kuna hawa traffic tuko nao barabarani kuna sheria moja ambayo wako nazo hata wakati mlikuwa mnakuja ni bahati mzuri kama mngikutana na hao akusimamishe maanake hiyo ndio kazi yake angeangalia hiyo gari yako, aangalie road licence, aangalie miguu, aangalie kila kitu lakini baada ya hiyo ana sheria moja ambaye anaweza tumia na akupeleke ndani. I suspect that this vehicle is road unworthy. Gari ambayo ulikuwa unatembea nayo, iko na barua na kila kitu askari amesema it is road unworthy.

Kwa hivyo atakupeleka katika polisi ikafanyiwe caravat au inspection. Sasa, ikifanyiwa inspection ikose makosa unaambiwa uende maanake gari haina makosa. Amekatiza safari zako, mahali ulikuwa unakwenda na wewe huna njia yoyote unaweza kushtaki yeye, maanake ametumia sheria ambayo imempa ruhusa ku-suspect hiyo gani.

Com. Baraza: Kwa hivyo una maoni gani?

Mr. Mburu: Ningetaka mwingilie section hiyo muone iko namna gani ili tuibadilishe. Thank you.

Com. Baraza: Thank you very much Mr. Muthumbi. Are there any questions for him? Kinyari Munyua Wangai. Nguheire dagika ithano.

Kinyari: Nii ndiui githweeri, ngwaria gikuyu,

Translator: Nitaongea kikuyu.

Kinyari: nii ni nii mwaigua ndetwo Kinyari wa Munjua wa Wangari,

Translator: naitwa Kinyari wa Munjua,

Kinyari: commissioners,

Translator: Commissioners,

Kinyari: athuuri na atumia,

Translator: mabibi na mabwana

Kinyari: nii ndi umwe wa aria maruagirira bururi uyu,

Translator: mimi ni mmoja wa waliopigania uhuru.

Kinyari: na ningugwa kieha,

Translator: Nasikitika sana,

Kinyari: umuthi ndi mukimbizi bururi wakwa,

Translator: leo mimi ni mkimbizi katika nchi yangu.

Kinyari: ndari kuria eno thubukia,

Translator: Nilikuwa Subukia

Kinyari: na ningwenda kwira commissioner gwikirwo watho korwo gutiri,

Translator: na nataka niseme kuwekwe sheria ikiwa hakuna.

Kinyari: angikorwo gutiri waatho,

Translator: ikiwa hakuna sheria,

Kinyari: gwikirwo waatho,

Translator: kuwekwa sheria,

Kinyari: angikorwo riria mundu athii gutuura handu,

Translator: Ikiwa wakati mtu anaenda kuishi mahali

Kinyari: ni kuri cibi kuo,

Translator: kuna chief,

Kinyari: ni kuri headmen,

Translator: kuna assistant chief

Kinyari: eeherio handu hao.

Translator: aondolewe mahali pale.

Kinyari: tondu riu ndwikite mukimbizi bururi wakwa,

Translator: Kwani mimi nimekuwa mkimbizi katika nchi yangu

Kinyari: thutha wa gutuura handu miaka mirongo iiri,

Translator: baada ya kuishi mahali miaka ishirini

Kinyari: na nyeendeirio mugunda,

Translator: na nimeuziwa shamba lile

Kinyari: na thutha ucio ngeerwo mugunda nduri na kihoto,

Translator: na wakati ule nikiambiwa ya kwamba hakuna haki ya kuishi hapa.

Kinyari: na mugunda ucio niureheirwo surveyor,

Translator: Na nimeleta surveyor

Kinyari: mugunda ucio ugathimwo

Translator: na wamepima shamba lile

Kinyari: na ti nii murehu surveyor mugundaini ucio,

Translator: na sio mimi nimemleta

Kinyari: ni thirikari,

Translator: ni serikali.

Kinyari: ngakiura atiriri,

Translator: Swali ni hili,

Kinyari: ookite guthima mugunda wa uu?

Translator: alikuja kupima shamba la nani?

Kinyari: tondu oiga mugunda ni forest.

Translator: kwa sababu amesema shamba ni msitu.

Kinyari: uria ungi wa keeri,

Translator: Jambo la pili,

Kinyari: ni uhoro wa ciana ici icokete gwitwo chokoraa,

Translator: ni kuhusu hawa watoto wa mitaani.

Kinyari: gwikirwo waatho,

Translator: Kuwe na sheria

Kinyari: ni kuri mundu witagwo mayor kuu town, mathiiaga,

Translator: kuna mtu anajulikana kama mayor

Kinyari: akorwo gutiri waatho,

Translator: na ikiwa hakuna sheria

Kinyari: na nikuri thigari

Translator: na kuna askari,

Kinyari: guthondekwo mucii,

Translator: kujengwe makao

Kinyari: mwana uria ungirega watho wa ithe kana nyina,

Translator: yule ambaye amesai wazazi wake

Kinyari: ariikia guthii bururi ituuraini riu,

Translator: baada ya kufika katika town ile,

Kinyari: gwikirwo waatho akanyitwo ihindaini riu atonya.

Translator: kuwe na sheria ya kumkamata yule mtoto

Kinyari: nigetha ciana icio icokete gutwika tuhu

Translator: ili watoto wale wamekuwa wakirandaranda

Kinyari: na imwe no ituike cia gutungata bururi uyu,

Translator: na wengine, wanaweza kuwa watu wa maana katika nchi hii

Kinyari: matige gucoka gutwika tuhu,

Translator: wasiwe bure kama vile tunavyoona.

Kinyari: maakirwo handu,

Translator: Wajengewe makao,

Kinyari: gwikirwo waatho thirikari yaake mucii,

Translator: kuwe na sheria serikali ijenge makao

Kinyari: nigetha uhoro ucio wa ciana gutwikaga tuhu,

Translator: ili jambo lile la watoto kurandaranda

Kinyari: utige gukorwo ho,

Translator: lisiwepo.

Kinyari: nii no uguo ngugaga ndiri na mangi,

Translator: Hayo ndio maoni yangu.

Com. Baraza: Thank you very much and go and sign your name there. The next person is Rahab Njoki Wanene.

Mrs. Wanene: Thank you honourable Commissioners ladies and gentlemen. Yale mambo nataka kuongea ni yangu binafsi lakini inahusu akina mama zaidi. Ningetaka kuwauliza honourable Commissioners wakitengeneza ile Constitution, ile ambayo itatengenezwa iwe ikiangalia mambo ya familia. Kama ikiwa ni property ya family ziwe zikiandikwa kwa majina mawili. Ikiwa ni

shamba, ikiwa ni chochote whatever property there is, iwe registered kwa majina yote mawili ya bibi na Bwana lakini isiandikwe Mr. And Mrs. Kwa maana anaweza kuchukua bibi mwingine na awe ni Mrs. Yake tu. Kwa hivyo iwe ikiandikwa majina ya yule bibi wako naye majina in full.

Hii ni kama title deed na vile vitu ingine wako nayo ili maBwana kama sifa hakuna shida mingi ya kurithi hiyo mali kwa maana jina lako already is in that title. Tena, ningependa kuuliza wakati wanatengeneza hii Commissionwaweke sheria ili ikiwa ni watoto wa kiume, na watoto wa kike wawe wakirithi mali ya wazazi wao equally kwa maana mzazi akizaa mtoto kama ni msichana, kama ni mwanaume wote ni watoto wako. Hata ikiwa msichana anaweza olewa anaweza olewa mahali hakuna mali na hivi anaweza kuwa maskini and yet ni mtoto wako. Kwa hivyo wakirithi mali warithi mali ya wazazi wao equally.

Tena ningetaka kuuliza the next Constitution iwe wanawake wawe represented na wawe waki-participate in all decision making bodies. Kama land board, mashamba yanageuza wakati wamama wako nyumbani, wanatengeneza wakati mwingine ma-DO na wale wanatengeneza mikutano wanaita special board, wakiingia kwa hizo special board, kwa watu wawili ama watatu mashamba yanauzwa bila wamama kujua, kwa hivyo tungependa kama hiyo wanasema ni special board hiyo iwe scrapped kabisa na katika hizo board zote, decision making bodies wanawake wawe represented at least tuwe na 1/3 ya kila board kama hizo. Councils, land tribunals hizo zote wanawake wawe wakiwakilishwa na 1/3. Kama Parliament yetu vile imeshasemwa tuko na 224 members and we have got only 9 women in that Parliament.

Kwa hivyo tunataka tuwe represented properly at least 1/3. Tena wakati wa campaign kama mlivyoambiwa na mama mwingine, wanawake wangependa kuingia kwa campaign. Wangetaka kuingia kwa hii mambo yote lakini there is a lot of harrassment. They go as far as even you know, sometimes it is shameful what men can do. They even take knickers, suruali ya wanawake wanachafua halafu wanasema huyu mama alifanya alifanya. Hiyo mambo serikali tuko nayo, hiyo mambo iachwe. Kama mtu anataka kusimama aachwe asimame. Hiyo mambo mabaya machafu machafu yaachwe.

Kitu kingine ningependa kuuliza next Constitution ni kuangalia mambo ya education. Zamani wakati tulikuwa tukisoma na ni zamani sana education was not free. Tulikuwa tunalipa kama shilingi mbili, mimi nilianza na sumni na tulikuwa tunasoma vizuri sana wakati huo na wazazi wetu hawakulipa hiyo pesa mingi. Kila kitu kilikuwa kinapatianwa shule. Vitabu, karibu kila kitu isipokuwa wazazi ndio walijenga mashule. Siku hizi wazazi; it is too much, hata siwezi kusema ni nini. Serikali inasema kuko na free education lakini hakuna free hata kidogo.

Vitabu ni kununua, waalimu unalipa for special tuition, mambo imekuwa mabaya sana kwa education na tungependa kwa maana wamama ndio zaidi wanaendelea hii mambo ya education wazee wengine wamekoma. Wanawake ndio wanaangalia mambo mingi ya nyumbani. Sorry to say. Kwa hivyo, tungeuliza serikali ione ya kwamba education is free for all na tena tuko na watu kama huyu mtu unaona hapa. He is doing something, sijui kama mnaona. And you don't understand. Kama watoto wakifundishwa hii sign language shule, hata ikiwa ni lesson moja kwa wiki hata wale ndugu zetu tuko nao nyumbani ambao they

are deaf and dumb tutakuwa tukielewana.

Kuna mtu anakuja kununua maji kwangu anaongea vizuri, naona ako na roho mzuri lakini hatuelewani kwa maana sijui hata kidogo sign language. Kama sign language ingeongezwa kwa shule hata ikiwa ni one lesson per week nafikiri tutakuwa tukielewana na mandugu zetu ambao ni deaf and dumb. Sasa kitu ingine ningetaka hii Constitution iangalie ni hii mambo ya agriculture. Hapa Limuru we have got very good land and many people are farmers lakini unaweza lima; you can harvest a lot of potatoes at one time harvest a lot of and fruits, harvest a lot things at one time; and then they get rotten because there is not market.

Hiyo mambo ya market, kama serikali ikiwa ina-control market of our produce, I think it will be advantageous for everyone of us. Our milk, potatoes, fruits hiyo mambo yote kama serikali ikitengeneza prices kama nchi zile ambazo zimeendelea, so that sometimes they don't go very high or low. The prices to be recommended by the government. I don't know whether I am clear or not. Natural resources, also, kama misitu yetu, zamani tulikuwa tunapata mapato mengi kama vile mama mwingine alisema. Forests were well managed. I don't know whether it is our Executive which has fallen short of standards because we are not having nurseries, as we used to have in the old days. We are not planting trees. You know everything is in a mess. Sasa ningeliza ile Constitution ambayo itatengenezwa kila mtu awe anafanya kazi yake properly. The Legislature, Judiciary and the Executive. Mambo yote iende vile inahitajika kwa maana our standards have gone very low.

Finally, our environment has become so dirty. There are these polythene papers everywhere. Our environment has become very dirty. Kama ng'ombe wakila hii polythene papers wanakufa. Kama hizi polythene papers zikienda kwa mashamba roots are not able to go down mimea inakufa. Sasa hiyo mambo serikali I-ban hata ikiwezekana Constitution iondoe hii mambo ya hiyo makaratasi, turudishiwe ile makaratasi ambayo inaweza ikaoza. Hiyo ambayo haozi it is harming our country. And finally, hii mambo ya utajiri. Watu wachache ni matajiri na wengine are very poor. The gap between the rich and the poor is so big that if you don't take care as a country we are going to have something like the Chinese revolution wakati wale poor walipiga matajiri.

Kwa hivyo hiyo mambo ya utajiri wa nchi nayo iangaliwe. Tuache hii mambo ya grabbing everything kwa maana matajiri ndio wame-grab kila kitu. Infact I have finished. Thank you very much.

Prof. Ogendo: I have two questions for you. The first one is the question of family property. It is a very important matter but it is one, which many Constitutions have not been able to solve. In Uganda they tried to deal with extension of family properties they have done and they are still quarreling about it, and the problem is how to define that. What should we describe as family property in the law or in the Constitution? Is it everything that is acquired during marriage, is it everything that is acquired jointly by the spouses, does my property become family property when I get married. Does your property become family property when you are divorced? How should we define it? And I am asking this question because we will have to deal with it. I can

guarantee you that we are going to accept that question but we must know how to define it.

My second question we have had a lot of people telling us that the government has failed. We don't have roads; markets are not in existence and so on. Shouldn't we try something else by saying let the government get out of the economy. Instead of saying make the government decision when the government has failed to be efficient. Shouldn't we say in the Constitution that there are certain things that the government should not do because if we try to do it it never does it properly. I want you to help me think about those things.

Com. Baraza: Okey, thank you Rahab. Iko swali lingine?

Dr. Swazuri: Sijui hata hili au utajibu ama utaenda kufikiria. Hata mimi ninakubaliana na wewe msichana na mvulana ni lazima waridhi kwa family. Sasa, na tumesema kwamba pia bibi lazima arithi kwa Bwana yake. sasa inaonekana huyu msichana wangu ataniridhi kwangu na kule anakooolewa na Bwanake pia nako atarithi. Sasa yeye amerithi mara mbili na kijana wangu amerithi yangu peke yake mara moja. Je, huo ni usawa?

Mrs. Rahab: Atarithi kutoka kwa bibi yake.

Com. Baraza: Thank you very much Rahab. The next presenter is Dr. Peter Kariuki.

Dr. Kariuki: Honourable Commissioners and my fellow wananchi good morning. A lot of views that have been deliberated this morning honourable Commissioners it indicates that Civic Education has not actually been given as well as we hoped to have given, and I hope that there will be time to be able to give Civic Education. I hope I will recognize that some of the views that I intended to give have been covered but for the sake of your statistics I just want to go over them quickly.

I hope we can have a secular country where there is freedom of worship, but that there is no freedom to worship the devil. And that, we shall have a bicameral Parliamentary system, a President and a Prime Minister and that some form of welfare state, can be guaranteed in the Constitution and that some form of guaranteed minimum returns in our agriculture can be guaranteed in the Constitution, and because I spent a lot of time trying to group small and medium scale entrepreneurs to exports to America and the programme which is called the African African growth and opportunity Act.

Allow me, honourable Commissioners to explain a little bit, the difficulties we experience to see whether, in the next dispensation of a Constitution we can incorporate some safeguards. When we want to export fresh produce to America, we cannot. It is very difficult. America is a liberalized economy. It is one, that is said to be free and that anybody can go to the market there, but when you want to export mangos to America, the united states department of Agriculture through an arm that is called (inaudible) will not allow Kenyan mangoes before they are able to be satisfied that the debts that are unique to Kenya

are not dangerous to America and that can take years and this is one way of safeguarding their agriculture.

So when we liberalize, and what to belong to the global village, we allow every form of agricultural importation into this country to come, with very little control it is very necessary honourable Commissioners to have controlled globalisation. It would be an economic crime for sugar to be imported into this country if mumias sugar has stopped enough to go round this country and that it would be an economic crime to import wheat when our land the 8,000 acres that have been referred to here are still lying furrow. Wouldn't it be possible for the 20% that has been discussed here to go into this production, making sure that there is some minimum guarantee return to the farmer.

In South Africa, anybody who wishes to do agriculture not necessarily on their land is unable to do some system to be able to grow wheat, corn and anything that is needed in that country. And when it is grown it is purchased by some co-operative so that South Africa is self-sufficient on food. Why wouldn't it be possible and the Constitution will guarantee us, to be able to be self sufficient in food and in land utilization and that there will be per capita representation so that when Limuru has got 200,000 people we don't have one MP together with another constituency in all this country and that there is per capita representation in Parliament and that there will be the right of members of Parliament. At any stage, in the life of Parliament. Honourable Commissioners ni hayo tu.

Com. Baraza: Thank you so much Dr. Kariuki. Any question for Dr. Kariuki? I think you have been clear. Oh there is a question.

Prof. Kabira: Mr. Kariuki you should explain a little bit what you mean by bicameral system of government.

Dr. Kariuki: What I meant by that is that there will be an upper house and a lower house in Parliament. That the lower be elected the way we elected the current Parliament and that the senate or the upper house will be regional representation.

Com. Baraza: I think you have answered well sign out your name there. Mr. Simon Ng'ang'a.

Mr. Ng'ang'a: Commissioners and dear listeners. My name is Simon Ng'ang'a from P.C.E.A Ndeiya Parish and we have our views here and I will read through them as fast as I can provided I get enough time.

Com. Baraza: You have a memorandum.

Mr. Ng'ang'a: I have a memorandum actually.

Com. Baraza: You don't have to read the whole of it, you just highlight.

Mr. Ng'ang'a: Thank you very much. First is the Constitutional supremacy. This should be the supreme law of the land and a new Constitution. It should control the people and the government and no one should be above this law. It should be the people's defender. On defence of our country and security the defence of this country should be the responsibility of the President subject to some Constitutional provisions. The President should be the commander in chief of the armed forces with exclusive powers to declare war vested on Parliament. Whereas court martials should be used to discipline the armed forces.

Extra ordinary powers in emergency situations such as war, national disaster Executive breakdown or public order should be provided for in the Constitution and vested into Parliament. Political parties should be given the freedom to involve and vet the best parties. Parties should operate like corporations which are customer oriented. There should be no limit to the number of political parties that can be registered. All political parties, that have more than 10 MPs in Parliament in any elections should be funded by public funds and the number of MPs, to encourage growth.

The structure of the government of Kenya should remain a unitary state with an Executive President with power involved lower to the levels of the Local Government at district level. The Legislature a court of morals should be included for all Parliamentary candidates. Qualifications for MPs should be A levels or its equivalent and be professions in English and Swahili. Appointments for permanent secretaries judges at the high court and parastatal chiefs should be done by the President and vetted by Parliament. Being a member of Parliament should remain a part time job for the time being. Parliament should must come in is on calendar and the President should have no powers to control or dissolve Parliament. The powers by the President and the qualification part by Parliament should remain as in the current Constitution where MPs don't perform to the expectations people should have a right to recall their MPs by petitions signed by 30% of the voters in their constituency.

All MPs should act on the basis of the conscience and the convictions plus instructions from their constituency. We should continue with the current multi-party system in the Legislature and one party in the Executive with one chamber Parliament. Parliament should be independent and should have powers to remove the Executive through a vote of no confidence and they think it is necessary. The Executive should be a member of Parliament with his system of two five year terms each. The Constitution should provide for the removal of a President for misconduct in office.

The Constitution should also provide for the removal of a President for misconduct in office. The Constitution should also provide for a strong presidency. Powers to the permanent secretaries, judges of the high court and parastatal chiefs should go to Parliament. The provincial administration should be scrapped and their duties given to the local authorities or the police. The Judiciary we need a supreme court added to the present structure of the Judiciary the Electoral System. The Electoral System should be more representative than the one we have in Kenya with a simple majority being the rule for winning.

Candidates who fail to be nominated by their parties should not seek nomination from other parties. And MPs defecting, should

seek that mandate from their electorate. The 25% representation of at least five provinces should be scrapped. And no seat should be reserved for any group. Constituency and wards should be demarcated according to the will of the people and Civic Education should continue to be a continuous exercise. The election expenditure, should have a limit and they should be controlled by an independent Electoral Commission. The Constitution should specify elections date. Presidential elections should be direct like it is now.

When you come to the elections of this year, we would like to see these elections conducted with transparent ballot boxes and votes counted at the polling stations where all agents are present and results handed to the returning officer who will tally the results from other polling stations to declare the winner. International and local election observers should be hired to observe the election at all stages to guarantee a clear and fair election. The Electoral Commission chairman and vice chairman should be appointed by government and all Commissioners should have a security of tenure.

The Electoral Commission should be funded through the consolidated bank. On Local Government it should be meant to be the / of government with mayors and chairman elected directly by the people on five years term. The Central Government should devolve power to the local authority, which should be independent from the Central Government. Minimum education, for councillors and mayors should be the O level or its equivalent. He must be a proficient in English and also it should be a requirement and morals that should be put in place. The local authorities should determine the remuneration of the councillors. The President and the Local Government ministers should have no powers to dissolve local authority. The decision must come from the people.

Com. Baraza: One minute.

Mr. Ng'ang'a: My! I will go as fast as I can. I will jump a few and I will have to go to land and property rights. Land being the basic economic development in Kenya ownership should not be restricted. That they should have as much land as they can. The last question at the moment is a very very big question and it should be allowed a lot of public debate before a consensus is arrived at. And probably I would like to conclude because the review process of the Constitution this time around now should not be tied to the coming elections but we should be given time to evolve on its on cost. The life of Parliament should not be extended and the Constitution of Kenya review Commission should not allow time for this Civic Education to be taught to enable people to address issues adequately and making of judgements. Thank you very much.

Pastor Ayonga: Mr. Ng'ang'a you said that if your MP does not perform you would recall them. What mechanism would you put in place to recall an MP who would be found not performing. How much time would you require and expect results, that after so much time and what you expected has not come about then you would recall your MP. But first give us the mechanism that you would use because a constituency belongs to very many people. How would Ng'ang'a do that?

Mr. Ng'ang'a: (Inaudible) we have petitions signed by at least 30% of the people who sent him to Parliament. If they are signed and he goes out the time limit here is not ellipses we don't consider time because he could be a failure right from the start. He could not go to Parliament and we see either way he is not performing well and we should be able to recall.

Pastor Ayonga: Even after one week? Then you must have time limit. What is the minimum time

Mr. Ng'ang'a: May be one year. Which is time too long.

Prof. Ogendo: I don't want to comment from the recall question it can always be used to sabotage the work of the MP. You go campaigning for the MP to be recalled and that happened in Ghana when Nkrumah introduced it. But the question I want to ask you is about the power to declare war. You said that Parliament should have the exclusive power to declare war, but that is not a legislative matter that is an Executive matter and if the other country is threatening your country where are you going to have the time to sermon Parliament for it to declare war. Isn't this a matter that should be left exclusively to the Executive. And do you know of any country, where Parliament have been exclusive power to declare war.

Mr. Ng'ang'a: I don't think so, but the Parliament should have to be recalled today you will not need a lot of time to recall Parliament to face an issue of national security or interest and infact if war, is declared today on Kenya by another country in the evening, he should be back in Parliament to tell you what to do. Find them and decide something and they are the people who should say either this country goes to war or it doesn't. so the power should not be left to the Executive like I am thinking it should be left to Parliament to decide.

Com. Baraza: Okey Mr. Ng'ang'a thank you. The next presenter is

Prof. Kabira: Mr. Ng'ang'a you said there should be no seats reserved for any group. In Parliament, no affirmative action. I am just wondering how do you ensure that the other groups who are advantaged in different ways, for example, people with disabilities, women and so on how would you think that they will be able to compete on equal footing with able and disabled men and women and those who have had the advantage of culture, economic etc.

Mr. Ng'ang'a: I think if we have a government that is leading this country and will not mean much to this country. The leadership that we will have will take care of the people down there because generally those people who are disadvantaged they can also do better there and I am thinking what I am looking at here is the competition. If you want to have a country that grows fast enough we have to allow competition at all levels. Women today have equal rights to the boys. They can excel as much as a boy. When we debated during our school days women debated on an equal footing at an equal level. They would win; they would loose. Today I think the same should prevail. That if a lady wants to go to Parliament let her fight it out. Let her prove that she can do it, and let us elect her on her own merit but don't reserve her a seat. Thank you.

Com. Baraza: The next presenter is Fr. Joseph Bwire.

Fr. Joseph: To the Constitution Review Commission from the Limuru Binary Catholic Clergy. The Limuru Binary comprises of 12 parishes from Riruta up to Uplands. The first point, is the if you look at our current Constitution it does not include the citizens in its introduction because it was for sure borrowed not imposed. Its lack of a preamble is just proof that. The new Constitution should have a good introduction and also a good conclusion. Examples can be seen in Constitutions of e.g South Africa, Philippines and the other countries, which always begin with after consulting our people, this is what we have come up with.

Number two, this right must be absolute. Abortion therefore and euthanasia should never be legalized. Suggestions are made that we do away with the death penalty. God alone is both the origin and the destiny of life. Separation of powers. Each of the three arms of the government must not control the other excessively. The current Constitution provides for interference and control both the Legislature and the Judiciary by the Executive.

Reduction of presidential powers - our Constitution must be supreme. It must be respected in such a way that no one as it has been said is above the law including the President. Appointment of ministers- The Parliament should have at least a say in this. It must approve a certain individual to a certain particular ministerial posts. In the reason behind the creation of the Prime Ministerial post is to sit in particular individuals as it seems now we don't need it.

However, if it is meant to serve the people Kenya it is very much in order. Creation of new ministries should be approved by the Legislature. All major appointments also must be approved by the same. Worship- the meaning of freedom of worship should come out clearly as what should be worshipped. We all know that we are supposed to worship one God the almighty. Each denomination must respect the others. For example, loud speakers are unnecessary should be dealt with in the law. You may have few people worshipping they are only three but then they have the loudest speakers you can possibly have.

Chiefs should make investigations, before registering the new sects. Any new group of worshippers in need of registration should have a specified minimum number of members, preferably five thousand members.

Hiring and firing - The procedure of hiring and firing should be official. Examples of the opposite of this have been seen. Like the firing of the honourable Kipkalia Kones over the radio and the others. Our Constitution should be gender sensitive. It therefore should include women, the marginalized, the disabled and the pastoralists communities. This I will not elaborate there may be somebody else who will do that on my behalf.

The Constitution should provide for impeachment after an election or appointment as has been said by quite a few. The

Constitution should also provide a well defined Parliamentary calendar so that each prolonging or dissolution becomes automatic. Resources- The Constitution should produce for equal distribution for both national and natural resources. No area should be neglected due to political party affiliation.

Education – the education point is that we should provide free primary education for all. This should put into consideration the revenues to subsidise primary education. Appointment of managers or head teachers of learning institutions should consider respective of those very institutions. The President should not be the chancellor of the public universities. Each university must have its own according to the order of merit.

Fundamental rights and freedoms – right of movements, political stress on fundamental rights like that of movement should have the culprits held responsible. We all remember when former minister honourable Peter Abega of Kondo and the late Bishop Alexander Muge, the latter was to keep off from the western province and you all know what happened thereafter. I am not trying to blame anybody but that can be misconstrued.

Freedom of association and assembly- Family gathering e.g mourning or wedding celebrations do not need permits from the chiefs. Sometimes the chief gets into your compound when you are five or six only to realize just a funeral committee. Arbitrary search: upon getting into private houses, Police should identify themselves first and then introduce their mission. If they are to conduct a search they must have a search warrant. Inhuman treatment the police force should be trained so to use skills like psychology, interrogations of suspects, not for example, other inhuman treatment, like unarushwa kwa siafu ukiwa uchi na kadhalika. Thank you.

Com. Baraza: Thank you very much Fr. Joseph you stay there for questions.

Pastor Ayonga: Fr. Joseph you said something about the freedom of worship and you put it this way freedom of worship must be made clear. I am wondering what is ambiguous about this freedom of worship and would you like to expand this to make it a little bit clear. What would you like to be put in the new Constitution to make this freedom of worship clear?

Fr. Joseph: As I said, it does not say who or what should be worshipped. And I put it clearly if one is not worshipping one true God, and somebody said it and put it differently we have no place for the devil. Thankyou.

Prof. Kabira: I have two questions for you father, and thank you for your presentation. The question is regarding the investigation in which you say the chiefs should do. How will the chief do it apart from the number making sure that they are 5,000. the other has to do with affirmative action. You said that the constitution should ensure equal rights for all including women and children and it should also ensure equal rights for all including women and children and it should also ensure equal representation of women and other marginalized groups. Do you mean that they should have equal representation in parliament

or what?

Com. Baraza: Then to follow up on that there is a new sect where I come it has consumed Lugari, Bungoma around there and has more than 5,000 members. I don't know what you would say about that.

Fr. Joseph: Thank you honourable Wanjiku Kabira for doing exactly what I was looking forward to. I actually meant that. Secondly, I did not only intend to put forward what it necessary is numerical importance. The chief or the local administration; authorities around to follow the same procedures that they do in any criminal investigations, if not only in terms of numbers but if they really know their job, and I think they also have to do it on merit, then they will be able to follow the proper procedure.

Com. Baraza: Thank you father. You sign out your name there. E.M Ngundi.

Mr. Ngundi: Honourable Commissioners, my name is Ngundi George and I am making a personal presentation. Presentation of memorandum affecting the Constitution. The Constitution must be gender sensitive. There must be he/she because when we look at the Constitution there is no she there must be he and she, unless I am here to be advised. Powers of the President to be reduced and any appointment of cabinet ministers etc be subject to strictly members of Parliament. Number two, the President must be under the law and the three sections of Constitution be independent that is Executive, Judiciary and Legislature.

The President must swear to protect the people and the Constitution because in that part of the Constitution, we are the people who have brought him in. But I don't think we are protected because swears to adhere to the Constitution. There must be Constitution and the people. President must be answerable to the people and also the people we have appointed, the members of Parliament, if he/she has failed we can vote him out that is a vote of no confidence. The members of Parliament must also be scrutinized and be within what is already in the Constitution but I only want to add a small point on education. They must be at least form four, and they passed not failures. Morally upright and the reliable.

Human rights are not reflected in our Constitution e.g there is a very high degree of inhumanity in prisons. Harassing of human beings, I give an example of down here in Mombasa. I don't want to dwell on it but you have already seen it in the papers anybody can be anywhere as a Kenyan irrespective of ones birth place. That is a fact, that has to be endorsed there. Police needs to be trained on human rights and be able to handle people.

Street children- needs to be taken care of by the government. Developed to what used to be approved schools and now it should be schools for developing children not to be approved schools. We just add something extra against the approved schools. Second, freedom association in true sense. No permit should be raised up by the father who was here. There should be no permit for meetings e.g social gathering etc. Electoral Commission should give facility for continous registration as there are deaths, births and the graduation 18 years. Today infact next year somebody was 17 will be 18. Our Constitution and the

Electoral Commission will not allow that person to be registered. The third issue to be looked into seriously and land grabbing to be stopped immediately. Double title allocations and many others.

Care of natural resources, forests and also the selling of land must be there whereby anybody with over a hundred acres and should be left with 20 and 80 acres are distributed to the landless. The landless to be helped and our people should not leave in elastic make shifts, villages to be created by government and have services e.g water, hospitals, schools, electricity and good roads. On education qualified people should be employed after advertisement of posts, and a good interview done without favour.

The last and the final point, the freedom of worship needs to be checked well. Here I meant the new churches, which are coming up, they need to be scrutinized and that in the Constitution if it has not dealt with seriousness (and that is why you are sure that there is devil worshipping and you have not heard what the Commission has already up to now and I doubt highly by the time we go to elections). I hope they will try. That is the least I can offer you. Thank you very much for listening to me.

Com. Baraza: Thank you very much Mr. Ngundi. Does any Commissioner want any clarification? I think your presentation has been very clear please submit your memorandum there. Violet Wanjiru.

Wanjiru: Nii ngwaria na gikuyu,

Translator: nitaongea na kikuyu,

Wanjiru: na ngwaria uhoro wa atumia tondu nio mahana ta mahinyiriirio muno,

Translator: na nitaongea juu ya wanawake kwa sababu ndio waliofinyiliwa sana.

Wanjiru: na niwega muno niundu wa kiama giki,

Translator: asante sana kwa vile mmeingia.

Wanjiru: na niki ngwenda kwaria nigetha mathondeka mawatho mahinyiririe watho ucio, **Translator:** Nataka kusema ili wakitengeneza sheria waangalie jambo hilo.

Wanjiru: tondu tumenyithio ni watho uriku wikuo wa ati mutumia arikia kuhikio ni muthuuri wake,

Translator: Tunataka kujua sheria ambayo inasema mwanamke akiolewa,

Wanjiru: muthuuri wake akua mutumia ucio agatuika wa kuingatwo na ciana ciake,

Translator: Bwanake akifa anafukuzwa na watoto wake.

Wanjiru: kana hii he handu hakoragwo heranitwo ati ingigakua, ukainuka kwanyu.

Translator: Ningetaka kujua kama kuna mahali panasema nikifa mke wangu atafukuzwa.

Wanjiru: tondu riu ona niki mathiina maingihite muno,

Translator: Na ndio sababu matatizo yameingia

Wanjiru: tondu riria mutumia ucio aikara kwa muthuuri wake miaka ta mirongo iiri,

Translator: kwa sababu anapokaa kwa Bwanake miaka kama ishirini

Wanjiru: na meena ciana,

Translator: na wana watoto

Wanjiru: na muthuuri ucio anyitwo ni accident na agikua, na njira iria yothe agikua nayo,

Translator: yule mzee akipata ajali na akikufa,

Wanjiru: mutumia ucio agooka akarutururwo na agatunywo indo ciake,

Translator: mama ananyang'anywa vitu

Wanjiru: makoimio nja na ciana ciake,

Translator: na anafukuzwa yeye na watoto wake.

Wanjiru: mutumia ucio agacokia meeciria make thutha muno,

Translator: Huyu mama anafikiria sana

Wanjiru: akarigwo kana eeguthii gucaria nyumba ya gukombora,

Translator: anashindwa kama atakodisha nyumba

Wanjiru: kana ni ciana eeguthii gucariria gia kuria,

Translator: au ni watoto ataenda kutafutia chakula,

Wanjiru: kana ni ciana eeguthomithia,

Translator: ama ni watoto ataelimisha.

Wanjiru: ndari wira,

Translator: Hana kazi

Wanjiru: mutumia ucio agakoragwo riu ona eegwika maundu mangi ona mangituma arware.

Translator: na inabidi afanye mambo ambayo yatafanya awe mgonjwa

Wanjiru: na ndangihota guthoomithia ciana icio,

Translator: na hata hana uwezo wa kusomesha watoto wake,

Wanjiru: riu niingiira commissioners,

Translator: Kwa hivyo ningewaomba

Wanjiru: magithondeka mawatho,

Translator: wanapotayarisha sheria

Wanjiru: magitire atumia muno tondu kwina mathina maingi muno na undu ucio niguo riu mutindo wi kuo ihinda riri.

Translator: kuwe na njia ya kuwasaidia wamama ambao wanapata matatizo kama haya.

Wanjiru: nii ndiri na undu ungi,

Translator: Sina jambo lingine

Wanjiru: no mucuthiririe hau muno,

Translator: lakini muangalie sana hayo mambo

Wanjiru: tondu nikio mathiina maingihite.

Translator: kwa sababu hii ni njia moja ya kuleta matatizo mengi.

Com. Baraza: Niwega muno. Hatuna maswali kwako andika ritwa riaku haria. The next person is Samwel Kamau. Mr. Kamau hayuko. Mr. Zachary Michuki Njoroge. Nguheire dagika ithano peke yake.

Mr. Njoroge: Habari zenu Commissioners, and I think this is the wrong venue for this meeting because it is catering for only Tigoni, which has a small population, Kabuku also of small population but if this meeting was at Limuru it would have catered for Ngarariga, Kamirithu and Ndeiya. So the person who brought this venue here perhaps he was very unfair to us people of Limuru. Now, I am going to talk about,

Com. Baraza: Usife moyo Mr. Michuki, hii ni ya kwanza tu. Tutarudi Limuru na turudi mara mbili sasa hiyo ni maoni mazuri ndio tunaenda sasa kuangalia hatutaki kuacha mtu yeyote.

Mr. Njoroge: Thank you very much maanake huko ndio wanjiku wako wengi sana. Now I will start with the Presidential elections. Our President should be a person who is courageous, a person who is going to be elected by at least 50% of the population of Kenya. Why do I say the current Constitution does not elaborate the majority presidency? Infact the last two governments, ya 1992 na 1997 has been a minority government. On going to the Presidential powers, where he is getting his cabinets, his cabinets must be made of strong people who are appointed to the jobs they are being given. Why do I say that? You will find an architect being the minister for agriculture.

The relationship between agriculture and architecture I don't see it. Also the powers of the President should be reduced whereby he does not go and sleep this minute and tomorrow he has already taxed you. Infact, this is the only country where we have heard a minister sacked through a news media. Perhaps that should be put in our Constitution. Well, we are the wanjikus and we always hear about our place. So we think that it is important that we are educated on such things. The other one is the election of an MP. The Constitution should tell us and should define an MP of a constituency should be a person who is leaving in that constituency. A person who is having property in that constituency so that when he is catering for his property he will cater for the wanjiku who is around him. If for example an MP here is leaving here in Limuru his cars would be damaged like our cars so he would be telling the government to cater for our roads. While I don't oppose having one thousand or ten thousand acres of land, I would insist that this Commission put it in our Constitution that, that land must be productive. It is needless to have a title deed of one thousand acres that are not productive, and we have several millions of people who are landless. Let us go to the wealth. It is not bad to be rich if your wealth is not ill gotten. If it is ill gotten then something must be done about it.

It is needless to have thirty million shillings in a bank account for one year, that means you don't need that money while 20,000 people in your village are starving. Something must be done in our Constitution. The Constitution should go to the length of trying not to overlap amendment in the law. I give an example. It is mandatory to have a road licence for a car. A pajero like these ones they have a road licence and insurance for that matter. I think it caters for the road but there is a smaller car a 1200

a datsun you need a road licence, you need insurance, you need a TLB you need a sticker. I hope it is not in the Constitution if it is then some of these things must be looked into. I will stop there.

Com. Baraza: Thank you very much. Any questions for him? Your presentation was very clear just go and sign there. Our next presenter is J.K Munyaka. Na msife moyo. Don't feel disappointed. We shall reach every Kenyan. This one we came here for a purpose, we shall go back to Nairobi we evaluate but we shall reach everyone everywhere but for those who are prepared give us your views.

Mr. Munyaka: Jina langu ni Joseph Kimani Munyaka na mimi ndiye chairman wa chama cha DP hapa Limuru. Zile views napeana hapa ni zangu. Now, I will first read a small memo that I had written here. I will read very quickly although I will do highlighting. One, about the President. The Presidential powers should be trimmed and a President should not be above the law. The winning Presidential candidate should have 21% majority voters. The 25% voters requirement in 5 provinces should be scrapped. A government of national unity should be provided for in the Constitution. The Vice President should be elected by the public just like the President so that he is not at the mercy of the President. the powers and the limitations of the two offices should be clearly spelt out in the Constitution to avoid conflicts or confusion,.

In the event of the President's death or incapacitation, resignation or removal from office the Vice President should take over and finish that term. He would be eligible to vie for the subsequent Presidential election. A system to remove the President from office and the modality should be clearly spelt out in the Constitution. All Presidential appointees should be vetted by Parliament. By-elections should occur only on the death, incapacitation, resignation or removal of an MP and not after defection from one party to another during the term of Parliament. If any MP wants to defect to another party he should wait until the next general elections. The date of general elections should be fixed by the Constitution.

Education- After 40 years of independence it is a big shame that we don't have free education. The Constitution should guarantee free education for primary and secondary for all young children of Kenya. On medical services, they should be free and the Constitution should guarantee medical services on being free. The Constitution itself should be a subject in primary schools. The other thing is that the people who want to seek Electoral positions, should be clean people, they should not be people who have stolen public property.

They should be scrutinized (because you will find people they have stolen and have grabbed forests, research station), before becoming leaders. So, those people should be barred by the Constitution not to be given an opportunity to stand for any elective post. As far as educational level is concerned somebody said here that somebody should not just say form four he should be somebody who has reached form four and passed the exams and not somebody who is a failure like mwahima. So ladies and gentlemen, I think I will give my presentation and before I go I could say iko wanawake, wazee ambao hawana mashamba yoyote. Wanakaa kwa mabarabara baada ya miaka arobaini ya uhuru. Hawa watu waonekane ni wa akina nani.

Wale wako na mashamba kubwa ikatwe halafu ipatiwe hawa na Constitution ione kila mtu ana right ya shamba. Asante sana.

Thank you.

Com. Baraza: Thank you very much Mr. Munyaka, you stay there for questions.

Prof. Ogendo: A very small question. You talked about free education, would you also recommend compulsory education.

Mr. Munyaka: Yes I would do that. Compulsory education for both primary and secondary.

Dr. Swazuri: You have also recommended that the Vice President should be elected by the people and then he should be able to take over automatically until the end of the term. Isn't that encouraging Vice President to engineer the removal of the President because you know he will be there automatically throughout. In other words when we are having two Presidents one acting and the other waiting.

Mr. Munyaka: There I can correct this because they can take over presidency and then die automatically but the point is the Vice President had been elected directly by the people. So I think I should not withdraw the other area. And so he should take over.

Com. Baraza: Thank you very much Mr. Munyaka. You submit your paper there. I did tell you that we want to be good people who respect leadership, we respect each other and we have good systems of agreeing or disagreeing if you feel your MP has not delivered, then there is a right to remove him. Isn't it? But for as long as he is our MP we respect him. That is part of the new culture that we want to develop. And with those few remarks I am calling Honourable Nyanja to present his views.

Hon. Nyanja: Thank you madam chair, honourable Commissioners, I think those who did not want me there were few and they are gone they were hungry. Madam chair, I don't have a written memorandum, one, it is because the issues are major and they cover not only Limuru but the entire nation. As I said about the President the Prime Minister the Vice President and things like that, it has been handled right behind us at Limuru conference center, however, I want to enjoin myself with those who propose that the President be Executive. May be, one day I hope to be President. I want the President to be accountable but above all, he must be evictable, if he commits a crime he should be removed, he should be charged in a court of law and if proved guilty and dismissed from the office and serve his due term.

I have something for the provincial administration madam chair, and our dear honourable Commissioners, right now what we find is that the PC and the DC and DO s are irrelevant because their position is taken care of by the permanent secretary, but the government must have its own grassroots. I want to recognize the work done by the chief and the sub-chiefs. What I suggest dear Commissioners, is that these people must be elected by the people. They have to be elected by the people to

know that they are answerable to the people but once they are appointed from above, madam chair, I want to tell you, not far from where we are sitted there is chang'aa and illicit brew being sold and people in this constituency are dying in great numbers. The provincial administration have the knowledge and I think they collect money every Friday, but if the chiefs and sub-chiefs were elected by the people they would take care of their interests and that kind of thing would be kind of part of this leaf.

I want to say something about the children's bill now, which is taking effect from today. Madam chair I belong to the health, labour, housing and social welfare committee, and this committee was instrumental; it did a lot of research, it was sent to Mombasa and I have the knowledge that now from today: all the children are entitled to free education and the government is obligated, as per the law from today we are not asking for favour. The government is obligated, to see to it that all Kenyan children go to school free. Kenya is a signatory of the Geneva convention, the African chapter and there every child from Japan, Germany and the developed world; all children (and a definition of a child is from the date of birth up to 18 and apparently if that age concides with our O levels that is the form four) we should have their education free up to form four.

However, the committee found it fit, to start with the primary school level where we have the majority of children and because you cannot go to high school before you clear the primary, we said it will have to be progressive. If the economy of a nation was not in the ICU, it was supposed to be free up to form four, so we recommended in record time in Parliament, that that particular section will be looked into as the economy progressively improves, which means should in the next two, three years when we have a new government, and the economy is good. This will be up to form two, or say, form fours and form three to lessen the burden of those poor parents.

I remember, when we went to school, form five and form six, during the first government of this Republic, led by the able President, Mzee Jomo Kenyatta, we got education free. Both the A levels and in the university. Today, it is too expensive for a poor child, (a girl from a poor family) to go to a local university that is impossible today. If that was the case, Nyanja would not have seen the university lecture hall. So, I am talking with some sentimental attachment to these.

Land grabbing- Madam chair and our distinguished Commissioners, land grabbing is a colonial relic. I was introduced by the colonial masters to govern this country for over 50 years. It is stated in the current Constitution that they initial title deed however you get it will never be questioned. The original title deed that is why you have the people the rights of Lord Delamere to mention but a few, getting as much land as they could get because the queen used to tell them you ride the horse from the morning up to the furthest point when the sun sets and that is the distance of your land.

That is how they acquired land, and that is now colonial, and that must be changed, because that is how forests has been exercised and people have thousands and thousands of acres as you have had from the wanjikus of this world.

Pertaining to the general elections, this are being the current Constitutional reviewed exercise. Kenyans you know very well that

the opposition the number for the opposition votes was more in 1992 and 1997, and I tell you now, the way the opposition is also divided, because all opposition parties are not here in Limuru thus we should not go to a general election with the current Constitution. That is why it was found fit to have this exercise being a noble exercise to take place so as to go to elections with a new Constitution.

I know perhaps, that it will not be possible for you dear Commissioners, to finish this noble exercise, for one nation within the stipulated time, I would like to go to elections tomorrow because I know that I am very popular in Limuru. However, it is possible for us to go to elections with a new Constitution. It possible (even if you burn the candle both ends dear Commissioners) I know what is involved. You can see the number of people here and the degree of contribution from the wanjikus of this world. It is so inadequate because in the first place we must have been taught what is enshrined in the current Constitution, so that we can now see, kumbe ni hapa na hapa, because my mother right at Ndeiya can only tell you, if she came here, wewe badilisha Katibapahali Moi anaiba kura.

And this is what we want Kenyans to know. The current government will come back to power, especially if the opposition is unable to unite, and if Muite has said: my colleagues it is not possible for the opposition to unite to remove the current regime from governance. So what are we going to have? Until we have a new Constitution which will perhaps give the city of Nairobi about 20 or 24 MPs central province about 48 or 50 MPs which means any part that is popular because it is on the population basis not the well connected political districts that is the only way we are going to remove or change the government. However, the opposition has very good chances because the KANU government is also united.

Com. Baraza: Hon. Nyanja I am going to restrict your contribution on our new Constitution, and I will not allow my venue to be turned to a political rally.

Hon. Nyanja: Madam chair, it is only because there is the word general elections. I want to confine myself into that because general election has been mentioned: we are doing all this exercise, so that we go to the general elections. Madam chair thank you very much because you have protected me in the past and I don't want to enjoy that privilege because I enjoyed that.

Com. Baraza: I am a very fair person and you restrict yourself with Constitution.

Hon. Nyanja: Thank you madam chair. Now, something to do with the Civic Education, we must emphasize again and again that I appreciate your coming here, because what we have here is better than nothing. What we have here even what we are telling you, we feel it is not good enough but we can make it better, especially if you intensify and you get money, because I know there are people who are committed to this and there are people who are very ready to learn. I also want to mention quickly something that has been mentioned about the freedom of worship. The colonial masters most of them were freemansions they worshipped the devil and that is why they are allowed the devil.

They say the freedom of worship. I want to agree with all Kenyans: It must be stipulated in the Constitution that the worship of the devil must be banned, and anybody conducting and worshipping the devil (because I believe that this is a Christian and God fearing nation, if we want to be blessed and that is why we are in this position it is because the devil has a place even in our governance should be punished. People can worship the devil and we know they are doing it how can you be a friend of God? Those who are with us either you are with God or without Him. So the other point, is the legal tender.

Madam chair and distinguished Commissioners, this question of the presidency and so forth, people fight so that we have their portraits to be in those notes all over. Otherwise if powers were distributed. Specifically, the mayor the assistant chief each is doing his part the extension officer, that teacher, priest, councillor all these are big positions, but when somebody knows that I can order the governor of central bank to print money without any cost, and my portrait will be all over, and in all offices, that's is why this city is so coveted, that everybody wants to go there, and that is why the opposition is about to unite. About the harambees, I want to mention about the harambees, the people have had the intention of our forefathers; the Kenyattas, the Gichurus of this world. The intentions were good but that has been corrupted, such that to get services. This encourages corruption in our governance.

We want the Constitution to provide for money to be voted in Parliament, and I am saying that as MP money to go to the constituency where all these requirements for the harambee somebody was somewhere and got an accident and he is not a councillor or an MP. So that there is money to pay for these bills unexpected emergency cases and so he should not be the burden of the Member of Parliament. Members of Parliament are Legislatures. They have major things to do in Parliament. Councillors have things to do at the grassroots level, but when you make them behave like the MP, dishing money hardout, there engages a misconception that the role of the MP or councillor is to dish out money. Thank you ladies and gentlemen.

Com. Baraza: Thank you Hon. Nyanja. Do the Commissioners want some clarifications from you.

Prof. Ogendo: Hon. Nyanja I want to ask you a question on something you have not addressed. What should we recommend as a Commission about political parties. MPs are to be elected on one ticket or one political parties but spend all their lives and their operations as members of that political party.

Hon. Nyanja: That is a very good question and I have this to say. MPs who don't remain loyal and faithful to the party that they sought membership must, go back to the electorate. It was there before during the time of Tom Mboya but now you can see like I belong to a party and this is not politics, it is according to that Commissioners' question. Limuru people elected me on that ticket, I am not even listed, I don't have a voice in that party. Shem Ochuodho doesn't have a voice, now they are talking

about a merger.

The people should be subjected to making judgement because the electorate should be the final judge. If any member misbehaves, you can see because I respect that dear Commissioner, much as I don't like what the merger association. I have not criticized it because I don't want to misbehave. I was elected on that ticket, my people know very well and they are the final judges. They will say you behaved very well, you never betrayed us, you remain, you are left out in this appointments yet to me it will matter in this exercise and the final judge electorate.

Com. Baraza: I have a question for you. You talked on education you want the government to fund education and make it free and compulsory. As Africans we had some communal sense of responsibility to each other and as a Commission we have a mandate to go back and explore what was good in our sense as Africans and I believe where I come from, as in every Kenyan community, we had some sense of communal responsibility. Supposing the government (I am not here to defend or talk on behalf of the government but I am just asking) supposing they say they don't have money, then we revive our communal responsibility and say hon. Nyanja, Nancy Baraza we can contribute towards education of the very poor people, do you think we will be doing something good?

Hon. Nyanja: Madam chair, I want to respect that, but now you shouldn't look at it from just our territorial boundaries. We have told you, that I am a member of the committee that looks at this bill and it is the bill that took the shortest time as a matter of fact the leader of government professor George Saitoti the Vice President just commended it because we had done a lot of research. Now, our government is a signatory to the Geneva convention on the rights of a child and also the African charter where education must be free and compulsory. It has to go by that because the government to a certain extent is responsible for the poverty levels of our people.

We are poorer madam chair, than when we got independence. Why? That is the question; the underlying question. They must lie on the bed they have prepared. However there are some certain relics which we say the school should stop should not touch. If a school wants a swimming pool, a bus, those are the responsibilities of the parents. If they want to employ the chairman if they needed some teachers because no more training teachers exercise is going on, that one, the parents must come in with their MPs and other leaders yet there is still social and local responsibility because who is the government? You are the government. They say people have a government they deserve yet people must be educated and provided with the Civic Education. This government is there because you have brought is to be there. Yet, you are responsible because now they have what you call voter registration but very few people are registering.

They don't know that the weapon they have to remove, and put the one they want is that vote. I think more Civic Education is to be done to our people. What do I do? Madam chair that is what I had about education the social responsibility within our culture that is very important. If you allow me now that you have asked that important question. Also within our society the

woman must be recognized. She has a right to exist like the male child. About the inheritance the bill is the children bill and all children should inherit equally.

If madam chair if are conducting us very well, we are not looking we didn't have you we say let us this time not have the gentlemen let us have a woman. You are able, and that is what happens for your child, to go to Alliance or your son to go to Mang'u they sit for the same examination. Much as we want to encourage our women to take position of leadership, let us highlight their contribution and say: contribution, from the word go that is when we will get Beth Mugo, Martha Karua, Nancy Baraza they are there because they deserve to be there and Wanjiku Kabira. Thank you.

Prof. Kabira: I have two questions you said that when we have a Constitution where we shall have 24 MPs in Nairobi, 48 in the central province I wanted you to discuss that issue a little more. How are we going to have those MPs? Now, the other one on affiliation Act which I know was not taken on board by the children's bill, would you consider it for the new Constitution.

Hon. Nyanja: Let me start with the affiliation bill. When it was brought we met the FIDA representative and their lawyer and we said that can be taken care of. It is only that it will be abused. It was abused, it was there before and I think, Charles Njonjo when he was the Attorney General it was brought but then it was found that girls will go with sugar daddies and then they will say it is a younger person or something like that. Because of that abuse, that is why the girls lost. Otherwise, it is a very good thing. You be responsible for your actions, or for what you do. I think that is why it was defeated.

Now, madam chair I think the way we left it (because we tackled it after it was brought before us by the very ready and able ladies). Is that there will be a court and there will one judge and I think she is very learned and very good I don't have to mention her name here. What we shall do, there will be a court and judgement will be made on its on merit. Even the DNA, and something like that, such that it is the abuse and the right of a man, you can hear some people here don't want the MP to talk, yet when he is given to come he tells you that they should contribute. It is a democratic process, it is MP representing people.

So I am in Parliament representing about 120,000 people. I have my colleagues there who are representing less than 5,000 and we have equal rights in terms of voting. Same allowance. Some of them are ministers where I am a backbencher and my people cannot be attended. That is (what if we had equal taxation) there is no representation without taxation we have heavily populated in the cities. In central province in western and other areas. But we are not equally represented. That is what I said let the population bring the criteria. It is not political connection that I will give you a district whether you have people or not and you have constituencies. Whether you have 2,000 voters and another one has 200,000 voters that is the point.

Com. Baraza: Thank you very much mheshimiwa. Hasn't he spoken well?

Prof. Ogendo: Very well.

Com. Baraza: Now, I will tell you that I go to Kampala once in a while you know Uganda from my home is a walking distance so once in a while I go there and they went through the process that we are going through, but you know, Ugandans were more traumatized than we have been. You know what has happened to them. But you can hear me. You know their history, you know the way they went through that very terrible dictatorship under Obote, then what they went through under the arms of Iddi Amin, I think we haven't seen a 1/20 of trauma that Ugandans have seen but they went through this process and they have come out as very good people.

You know you just cant see Ugandans just talking, or abusing each other. They are very respectable to each other. They have developed very good values. A Ugandan cannot step on you and just pass. They will excuse themselves and apologize. Now, we don't have it here what has happened to us. I know we are poor but I don't think that we are the poorest in this world. We still have something to eat, we still can maintain our dignity. I am doing Civic Education. We are going through this process, but can we develop some values where we respect each other, I respect you as a man you respect me as a woman; I respect you as a leader and we know how we challenge our leaders if they don't perform and you know all those kind of things and you know what to do.

It is not a mechanical thing that we are doing it is something that we want, to help us come out as new Kenyans. Even as we own that Constitution we also have benefited in terms of personal growth as Kenyans. That is why I am insisting, that your MP and other leaders; let us have respect for them. And that way I think we will have done a good job as Constitution makers. You get my point. And once we do that you will discover that we are very good people nobody like Nassir will come and run us down because of respecting each other. But we cant talk of Nassir mistreating people in the coast when here we are traumatizing each other. Can we start from ourselves? We start by growing up and developing a sense of respect and love.

We still have 15 people to present; can we break off for lunch or you want us to finish? We continue? You are sure we cannot finish ten people. I am calling peter Peter and now I am giving you three minutes. One other thing we want to develop is how we can resolve issues by consensus. So is this the consensus that we get three minutes. Peter where are you?

Peter: Wa mbere ngwaria na commissioners,

Translator: Jambo la kwanza,

Peter: ndimeere maundu meeri matatu,

Translator: nataka kuwaambia mambo mawili au matatu.

Peter: wa mbeere ndimoorie kana meena wihathi wa kuruta hivi wira uria mararuta, kana **Translator:** Nataka kuwauliza kama wako na uhuru wa kufanya kazi ambayo wanafanya.

Peter: kana hivi meekuruta wira ta commission iria ingi tukoretwo twi nacio.

Translator: au watafanya kazi kama commission zingine.

Peter: njooke ndimoorie atiriri, ni tondu nitukuhiriirie githuurano ri, kiri akuhi gutangathwo ri, me nama nituguthuurana na Katiba Njeru kana meegwika atia hihi nigetha tukorwo na Katiba.

Translator: Nataka pia kuwauliza kama watafanya nini ili wahakikishe tutafanya uchaguzi mwingine na Katiba mpya.

Peter: njooke nyingire maunduini maria ndi namo nigetha hiuhie,

Translator: Jambo la kwanza lingine,

Peter: nyingirire uhoro wa local administrators, macibu na ma-headmen,

Translator: nataka kuingia juu ya machief na maheadmen,

Peter: nituroonaga macibu na maheadmen ta uguo gukwaritio ni andu aingi,

Translator: tumeona kama tulivyosikia

Peter: mafati ni gukorwo magithuurwo ni raia,

Translator: wanastahili kuwa wamechaguliwa na raia

Peter: ni tondu mawira maria marakorwo magiturutira ihinda riu matiraagira.

Translator: kwa sababu kazi ambazo wanafanya tunaona hazistahili.

Peter: ukoono mundu niathuurirwo ni cibi na ni headmen na haria aikarite ni ho mung'ari ureenderio.

Translator: Unaona mtu ni chief au ni headmen na mahali anakaa wanauza kumikumi.

Peter: na tugetikirio tumathuurage na tukamaheaga ihinda ta makanjura kana MP.

Translator: Kwa hivyo, tukubaliwe tuwachague

Peter: mundu akaheo ihindi ria miaka iiri aaga kuruta wira akeeherio gukarewo ungi,

Translator: tungekuwa na nafasi ya kuwapatia muda wa miaka miwili asipofanya kazi anatolewa. Peter: watho ucio nituroona ta utaagiriire muno.

Translator: Tunaona sheria kama ile haijafaa sana.

Peter: undu ucio ungi naguo ngwenda tuingire uhoro wa civic education,

Translator: Jambo lingine, ni ile Civic Education.

Peter: nituroona civic education ta riu marafatie ni guka guturuta mbere matanooka guku.

Translator: Tunaona kama hawa watu wangestahili kufika hapa na kutufundisha kabla ya kufika leo.

Peter: no riu mookite mataturutite ona gutuika maratwira ni meeguka kuturuta.

Translator: Lakini wameingia kabla ya kutufundisha ingawa wanasema watakuja.

Peter: civic education ni turoona yambagiririe masukuru ta primary nigetha mwana agikura akorwo niaramenya ni watho uriku uramwatha.

Translator: Tunaona Civic Education ianze kwa mashule kabla ya kufika hapa

Peter: nigetha agikura akamenya ni watho uriku uramwatha,

Translator: ili yule mtoto anapoendelea kukua ajue ni sheria gani ambayo inamtawala.

Peter: nyingire unduini ucio ungi,

Translator: nataka kuingia kwa jambo lingine,

Peter: uhoro wa andu aria turaathura makanjura na ma-MP ona president.

Translator: Watu ambao tunachagua.

Peter: ni turi na thiina umwe twi naguo,

Translator: Tuna shida moja ya watu wa kawaida.

Peter: turathuura kanjura utari wa ituura riria tumuite,

Translator: Tunachagua mtu ambaye si mwenzetu

Peter: tugathuura kanjura uumite ituura ringi agooka gutwika kanjura guku gwitu.

Translator: na ambaye hakai mahali tunakaa

Peter: agakorwo atari na thiina na ithui na agakorwo ateguturumbuyia.

Translator: hashughuliki na matatizo yetu kwa sababu hazifahamu.

Peter: nituroona kwagiriire gwikiruo waatho, kanjura athuuragwo ituuraini riria oimite.

Translator: Kungekuwa na sheria ya kuchagua councillor ambaye ametoka mahali pake.

Peter: Njuko gitiini kia member of parliament MP.

Translator: Niingie kwa mbunge pia

Peter: na nigetha njuko ndimanyitithanie na kanjura,

Translator: ili niwashikamanishe na councillor.

Peter: mubunge wothe turithuuraga, kugie na watho ati mubunge ucio arikoragwo na wabisi ituura riria athuuritwo.

Translator: Mbunge yeyote awe na ofisi katika mahali anapowakilisha.

Peter: no ti tugathuuraga MP tugathii kumwetha Nairobi na ni MP wa guku Limuru.

Translator: Lakini si MP ambaye anakaa Nairobi.

Peter: meekirirwo waatho ti mundu athuurwo kuria athuurwo, akorwo na wabisi kuu.

Translator: Iwe ni sheria ya kwamba mahali anachaguliwa awe na ofisi pale.

Peter: akorwo ni kanjura nake agathuurwo na akorwo na wabisi kuu.

Translator: Kama councillor ni vile vile.

Peter: tucooke twitikirio kuma-sermon, kumeetaga kana twarie na athuri a kumeetaga hindi iria meeka maundu maria mataagiriire.

Translator: Na tuwe tuna uhuru wa kuwaita wakati ambapo wanatukosea.

Peter: akorwo ni kanjura niatuhitirie akagia na andu ta atano meekumuikaria makamwira haha nduneeke wega.

Translator: Kuwe na watu ambao wanaweza kukaa chini na councillor kumwambia alivyofanya. **Peter:** maratwikira maundu mataagiriire na makaaga mundu ungimooria,

Translator: Kwa sababu mara nyingi wanatukosea na hakuna mtu anawauliza

Peter: ni tondu mundu ucio atuikite muheo wa mucaara no mucaara aragiira wa maundu maria areeka.

Translator: kwa sababu yeye amekuwa mtu wa mshahara.

Peter: tuthii handu hangi,

Translator: tuingie kwa jambo lingine,

Peter: twerekeire guthondeka thirikari ingi,

Translator: Tunaelekea kutengeneza serikali ingine

Peter: na thirikari iria iri ho ni undu muui akorwo ni migunda ya thirikari riu gutiri,

Translator: na serikali ambayo iko mnafahamu ya kwamba hakuna mashamba ya serikali.

Peter: marahuthira kiugo mareeta grabbing.

Translator: Wanatumia neno grabbing.

Peter: ni ma migunda I-grabitwo igathira,

Translator: Ni kweli yote yamenyakuliwa yakaisha

Peter: na thirikari iria twihariirie guthondeka,

Translator: na serikali ambayo tuko tayari kutengeneza kuunda.

Peter: migunda io tukamiika atia nigetha icokere thirikari io irooka.Sasa tutafanya nini ili tunyakue yale mashamba tena?

Peter: kai gutangigia na watho ati thirikari ino iguuka itie migunda iria I-grabitwo

Translator: Kwa nini tusiwe na sheria ya kusema ile serikali itakuja itanyakua yale mashamba tena.

Peter: tondu gutiri wira irarutirwo.

Translator: kwa sababu hakuna kazi inafanya.

Peter: kugie na watho ugucokia migunda io.

Translator: Kuwe na sheria ya kurudisha mashamba ambayo yamenyakuliwa.

Peter: njooke njuke uhoro wa aruti a wira,

Translator: wafanyi kazi,

Peter: makiria ta guku gwitu Limuru masambaini,

Translator: Kama huku kwetu mashambani

Peter: ni kuri andu mararuta wira,

Translator: kuna watu ambao wanafanya kazi

Peter: kana njuge ukombo nduri waathira thiini wa bururi witu,

Translator: utumwa haujaisha katika nchi yetu.

Peter: ni tondu mundu araandikwo masanini, akaheo siringi mirongo mugwanja, mirongo inana.

Translator: kwa sababu mtu anaandikwa mashambani anapatiwa mshahara wa shilingi sabini. **Peter:** arakorwo siringi ici mirongo inana araheo,

Translator: zile pesa shilingi thamanini anapewa.

Peter: araheo igakorwo aracitumira muthenya ucio ona agakombera cia muthenya uyu ungi.

Translator: Inaonekana ule mshahara wa shilingi themanini siku moja tu unaisha.

Peter: ukoona musara uyu araheo ndumwagiriire.

Translator: Inaonekana ule mshahara haufai.

Peter: kugie na ikundi,

Translator: Kuwe na vikundi

Peter: irumagirire misaara ya aria mararuta wira.

Translator: ya watu ambao watafuata kuona mshahara ni namna gani.

Peter: nigetha ndikie ri,

Translator: Ili nimalize,

Peter: ni uhoro wa ugitiri wa mundu wa kawaida,

Translator: ni jinsi ya kushughulikia mwananchi wa kawaida.

Peter: kugie na watho wa uria mundu wa kawaida arigitagirwo.

Translator: Kuwe na sheria ya vile huyo mtu anaweza kutunzwa.

Peter: ti ugithii na farafara thaa igiri ugacemania na muthigari agakunyita na agaguikia landrover.

Translator: Si ukienda na barabara saa mbili za usiku unakutana na polisi.

Peter: ni kugie na waatho ati wacemania na muthigari uyu niarihotaga gukwa-address, agakwira nii ndi muthigari,

Translator: Kuwe na sheria ambayo yule polisi awe anajitambulisha

Peter: na ndakunyitira mahitia maya.

Translator: na nimekushika kwa sababu ya makosa haya.

Peter: riu niukuhota guthii gwitetera, riu uracemania naake thaa igiri agaguikia land rover agacoka akathii agagute post.

Translator: Hakuna sheria siku hizi unakutana na Land Rover pale wanakushika.

Peter: Nimemaliza.

Com. Baraza: Niwaria wega muno. The next person is George Mirie.

Mr. Mirie: Kwanza, ningetaka kuchukua nafasi hii kuwashukuru kina mama nimewasikia wakitoa maoni yao hapa. Nimefurahi sana na nimejua katika wengi wametoka hapa kwetu Limuru kama Madam Kabira, amesikia hawa akina mama wanazungumza maneno haya kutoka kwa roho zao na ninajua Commissioners wamechukua hayo maneno. Inginge ni kuwashukuru kwa vile mmeanza kazi yenu hapa na nina furaha kuu. Kwa kuwa miaka ya ile tisini na saba January tulikuwa hapa na tulikuwa tukipigania ndio Commissionhii iwe. Nafurahi sana kusimama hapa katika Limuru kuwakaribisha nyinyi.

I have two or four serious issues perhaps that have not been addressed. But it is a question of language. Materetu is worried that kuandika Katiba in English is ukoloni mamboleo. It could be that because of language. Prof. Ogendo when he was young probably he could be have been a DO in Limuru. And when my mother comes in the office she says Munene and then he says wewe zungumza lugha ya kazi. Wewe ndio uzungumze lugha ya kazi ama ni huyu mama. Kenya is made of these languages and kikuyu is a national language and it should be entrenched in the Constitution. Luos the same thing.

Everything it shows we should have those as our national language. It is not a question of the Constitution only. I must come to a contentious issue that has been addressed by many people. This is election: there are many issues that have come in elections. One, the Presidential elections has been a concern for everybody. Even those who are unborn. We know that we have a President who have no popular board. Prof. Yash Ghai said one of these concerns in the area he has visited is that some of the

MPs are very very unpopular and you have witnessed one here.

What I wish to say here is we need to have the Constitutionalism in our election that these elect the President must be elected by popular vote of 51 on top of what you people say 25% in the regional provinces. Now the other thing, is what has been eroded by a few people. We must be fair. The MP must qualify to be a member of that constituency on account he has a property or whatever. Indeed even developed democracies like America, you have to be a senator and you have to be a resident of the state that elects you into that senate. So one of the conditions that must be entrenched in the Constitution is that the MP must be a resident of that place.

Number two, it is the question of what we are calling the first for the post. It is the elections that you people are all familiar with. That is when we have five candidates in Limuru when Nyanja gets the popular 20,000 votes he said he got. Then the one that has been divided Kimani Munyaka and Nginyo and everybody who is the looser. The answer if you don't know is that the Limuru people are the losers but we must now be able to be clear in our Constitution that the MP must be elected by the greatest majority of those votes. Now, I don't want to dwell on that I want to come on the issue that you people have also been in Nairobi that is devolution of power.

I have listened to this, there is issue that you call Majimbo, the greatest devolution of power is to create statistics councils and that the chairman of those district councils be elected directly from their districts and the popularly elected. That means that they have the majority vote that puts them into those charts. Though we have 70 district zones and we can create these present members of the district offices and we now then can create the second chamber from it. In other words, we don't need another second chamber we need those chairmen to constitute themselves. When they are not in their district, they are sitting in the second chamber. And then there must be a provision (inaudible) they can be able to steal a registration programme how the Parliament and this second chamber can be harmonized in the process.

Now the question that also has been eroded seriously it is the (inaudible) that has been put in place by these regime, and I am sorry Commissioners. The question that five thousand electors can elect an MP and he become a cabinet minister while Adolf Muchiri in Mathare is elected by 120,000 people, he seats miserably at the back bench and he has no say. We must correct this and the challenge before this Commission is to correct this process. We must say in the population and what is the minimum? I suggest that the minimum be fifty thousand voters. And then the maximum and we have a yardstick to measure, then we can say we have an equal representation. Now, the final point on the election, there has been loaded situation that the popular first for the post can be replaced by what is called proportional representation.

I want to caution the Commission here that I have known my mother who was qualified by 1957 election process and all that. This people in Kenya have never tested the proportional representation. So what you need is to develop the majority voting system so that we have equal representation by the number of people that we have. Now, I want to bring into attention one

other question. And madam Baraza, by the time you are going home you pass near Wanjiku Kabira's home where she was born. When I was growing up all the leaders like the lady here was the ruling. And you must take note of this and I know Prof. Here also enjoys the tusker.

Now, the tusker always comes from Ruaraka and now the source of Ruaraka and Ruiru and all the other rivers that you see down there come from the region of Rari forest now what you should know it is the plundering of the forests that has been put in place. It has to put in place. The environmental concern that the lady there was also bringing. It is not only the polythene paper. We must learn, Professor here will remember one man told me in Sweden at one time there was a government that was put in place and one of the responsibility is to say that every citizen has to plan that.

At least that is the most crucial thing because the lady who is not very highly educated was arguing extolling you to believe the food security is dividing. Thankyou very much I know you are worried that I will continue again. But I am very happy and I wish to welcome you again and I wish to say that I am developing this is just a highlight of a paper that I will probably be putting over to you. But I am very happy and I was bearing this sun because I didn't want you to go home and say we have shared and we have instructed with you elsewhere and when you came to Limuru I was there. Thankyou very much.

Com. Baraza: Just like he said when you go home you can prepare a memorandum. So don't think just because he spoke here, you cannot speak again you can write a memorandum and bring it to us. We are on Kencom House or you can call us and give us that memorandum. Is that clear to you? If there are issues you now think that about, we will come back but you can still do a memorandum and come back. Peter Mwaniki and you take two minutes.

Mr. Mwaniki: Mimi nitazungumza juu ya wafanya kazi. Wafanya kazi huchanga pesa zinaenda kwa NSSF. Na inasemekana ni za kuwasaidia watakapoacha kazi wakiwa wazee. Pesa zile zinafanya kazi zingine kama za kujenga mahali pengine. Ningeuliza sheria ikiundwa pesa hizo vile huwa zikionekana, faida ambayo hupatikana kutokana na pesa zile ambazo wafanyi kazi hutoa ziwe zinamsaidia hata baada ya kutoka kazi. Isiwe tu alisaidiwa na zile ameweka. Jambo lingine ni kuhusu utajiri tuko nao nchini.

Ni mwingi sana. Ningeuliza Constitution ikitengenezwa utajiri wa nchi uendelee kuhifadhiwa ili kusiwe wananchi wanatoa pesa wanapeleka kwa nchi zingine. Na yeyote ambaye atafanya hivyo kuwe na sheria ya kumwadhibu. Jambo lingine ni kuhusu mashamba ya nchi. Kusiwe na ugawanyaji kwani tukiwa tunataka kuendeleza serikali hatungepata nafasi kwani hilo shamba limenyakuliwa. Kukiunda Katiba kuwe na sheria mashamba ihifadhiwe. Sina mengi.

Com. Baraza: Is there any question for him? The next person Dennis. James Ndogo, Martha Ochieng'.

Mr. Ndogo: Thank you very much. Today we have eight (inaudible) and tomorrow we might have something else. So when

we are talking about the (inaudible) to be form four leavers we need to amend the Constitution further. Maybe we say should be there some jobs which may need (inaudible) but there are others like a President may be literate so he will produce his papers and testimonials so that we see how literate he is. The provincial administration should be done away with. The current government has used it to hit citizens very hard. In the next Constitution maybe the (inaudible) what should be placed in the party. An ordinary wanjiku knows that the provincial administration is her major source of frustration today.

After the Constitution is made there are some people who talk about amnesty. Politicians and government officials have committed economic and political crimes with the new Constitution and the same people who committed them still leaving immediately after they leave the office may be liable to prosecution because that is what Kenyans want. A poor Kenyan knows that the Constitution has been used to grab his land so as soon as the grabber is out of the office he should be prosecuted and if this Constitution will not be used to prosecute the same people there will be need for a new Constitution after this.

There will be need even if this Commission is expanded today we will not be surprised but later on we will enact the law in Parliament and re-write a new Constitution. Nobody should be above the law. The ceremonial President people are talking about must be given duties. People even get scared when they hear people talk about ceremonial. I don't think taxpayers would want their money to be used to pay somebody ceremonial. The civil servants should declare their wealth before they take offices and immediately they leave offices. As per the Constitution there should not be detention without trial. Civic Education should be entrenched in the Constitution and it should be some continuous process and there should be a mechanism through which Civic Education is conducted and we should enforce adult education because right now people talk about some (inaudible) and we children the Commissioners did not write because they know they are covered somewhere else.

Even right now, the wanjikus here you ask them if they have even seen the cover of the Constitution. have you seen the cover of the Constitution? if the Commissioners carried one you show them they will be happy. But if a foreigner comes to me and asks me to direct him to where he can see our Constitution I wouldn't know whether it is the high court, the Parliament, if it is some lawyer's office because I am not educated. Air waves should be liberalized so that communication which we have right now people here and people in Nairobi can say that they are a bit well drafted but the wanjikus elsewhere don't even know the processes some very sensitive things that they should know because the only (inaudible) we has been very happy trying to cheat Kenyans so that the government can further its atrocities and that is why we are talking to them and I am happy we can have this forum today and we can have an MP around and when Kenya was not a one party state I could have been arrested right after this. Thank you very much.

Pastor Ayonga: Mr. Keith I want to inform you that even if someone may not be writing, we have a recording machine and every word that we have said is recording and it is historical. There has been nothing that has been taken care of. So that is entered in the recording. Even what you have said to me just now has gone to the recording machine. It has not been entrenched in the new Constitution that (inaudible).

Dr. Swazuri: You are proposing that those economic and political crimes should be (inaudible)

Mr. Keith: Right now, we are writing a new Constitution but we have the people who committed those crimes today in the new Constitution. The people who will be taking over power, in the new Constitution, must be liable to prosecution when they abuse office and that is why I am saying (inaudible)

Dr. Swazuri: So are you trying to suggest that we should get / of those who have should not (inaudible).

Prof. Kabira: I wanted to add on to what Pastor Ayonga has said, there is a lady also who is writing verbatim, word for word as well as recording and we are taking the highlights but the question you want to say that the provincial administration from the PC down to the sub chiefs are you going to replace them with anything or how do you manage that?

Mr. Keith: The administration should be managed by the chiefs and the assistance to some extent starting from the DO, DC, PC they do nothing. If there is something better they do is to earn for doing nothing.

Prof. Kabira: So there is no gap. So they can just go.

Mr. Keith: Even the mayors and the rest what are they doing.

Com. Baraza: Irene Wanjiku.

Mrs. Irene Wanjiku: Yangu ni machache na nitaongea mambo ya akina mama na nitaongea mambo ile honourable Nyanja amesema mambo ya affiliation. Our dear Commissioners, madam na Com. Wanjiku Kabira and the others. Tunajua hapa mambo ya affiliation ndio imeleta taabu sana ya hii street children kwa sababu mwanamume akizaa na mwanamke anamtenga na siku ile kulikuwa na affiliation hatukuwa na mambo nyingi sana ya street children naomba Commissioners mkitengeneza law mwangalie hapo na mambo ya affiliation, kufa na kupona. Akina mama kwa sababu tunajua watoto (akina mama ni sisi tunapatiwa huo mzigo) na ukienda countries zingine tunaona kama America hata ukizaa watoto watano utawasomesha mpaka wawe watu wazima. Kwa hivyo hiyo mkipanga Constitution hiyo mjue tutapigana iwe ni law kwa sababu wanaume ndio wanaletea watoto wetu watoto.

Inginge naona ni akina mama tunaomba equality na hiyo nitaomba Kenyan women ingawa tunaomba equality sisi hatutaki tupewe kiti. Kile tunataka ni akina mama wasimame wapatiwe votes kama mwanamume. Kwa hivyo hatutaki tutasimama kwa sababu mnasema equality na ikiwa mimi ninataka kuwa DO hakuna favour nitapewa nipatiwe DO ni lazima niwe nimesoma niwe na hiyo kiti. Kwa hivyo akina mama kutoka turkana na kutoka huko mpaka wa Tanzania tuwe tusimame iwe ni law tutasimama.

Hatutaki kupatiwa viti just fuaah hapana! Tunataka tuwe na self-confidence. Si ndio akina mama? Hata ukipatiwa kiti upatiwe kiti ukiwa nyumbani kweli hiyo hakuna kitu tunafanya ikiwa tunataka tuwe equal.

Na ndio unaona wanaume wanatuona tuko chini kwa sababu we don't have self confidence kwa hivyo hata hiyo tuwe madam chair iwe ni Constitution tuwe tunasimama eti we are proud of you tukimwona hapo lakini ingine Commissioners mmesimama hapo mnaona Civic Education inatakikana sana. Kwa sababu, hata nikiunga mkono kijana huyu amesema kuna mtu hata hajui ni Constitution gani inabadilishwa au ni gani. Watu hawajui ni pande gani inafinyiliwa na ni pande gani atasimama kwa hivyo hata watu surely they don't know kwa sababu watu bado Civic Education inatakikana sana kwa sababu hata mimi ile Constitution ile law najua ni ya chief Act, hiyo mimi ninajua na sijui mnataka iwe vipi yaani it is going to be changed to what.

So Civic Education inatakikana sana na infact madam chair umeona kwa sababu hata tunachanganyikiwa. Kwa hivyo ningomba Civic Education tusomeshwe hii Constitution ni gani, watu wanaambiwa ni nini tunatakiwa tu-change kwa sababu ni kitu gani surely even people don't know madam.

Com. Baraza: Do you have any other submission you want to make or you want to wait for Civic Education? Itakuja.

Mrs. Wanjiku: Unajua ni vizuri niwaambie. Na hiyo ingine nitakuja ku-present nitaandika.

Com. Baraza: Jane Kioi. Ameenda. Joseph Njoroge. Njoroge nguheire dakiga igiri.

Mr. Njoroge: Asante sana mwenyekiti na wanaCommissioners wengine na wananchi mimi niko hapa nataka kutoa maoni yangu kuhusu hii urekebishaji wa katiba. Kwanza mimi ningetaka kusema ya kwamba uwezo wa rais upunguzwe na asiwe juu ya sheria. Sheria ifuatwe na watu wote na upande wa wananchi ni vizuri kuwe na heshima kwa wote, wazazi watoto na wafanyi kazi. Ningetaka kutoa maoni yangu ya kwamba serikali isimamie elimu ya watoto wote kuanzia darasa la kwanza yaani kuanzia kule masomo ya msingi hadi ya high school.

Vile vile watoto wote wapewe nafasi ya kusoma. Hasa wale ambao ni walemavu wasisahauliwe. Vilevile ningetaka kusema kuwa serikali iunde njia ya kuona ya kwamba nchi yetu imejitosheleza kwa upande wa chakula. Habari ya mashamba mimi ningonelea ya kwamba mashamba yote ambayo hata kama ni ya watu binafsi yawekewe kile tunaita, yaani kuwe na amri ya kwamba hayo mashamba ikiwa yanalimwa au ikiwa hayalimwi kuwa kuna kodi na kuwe na kodi kubwa kwa wale ambao wana mashamba makubwa na hakuna mimea na hakuna kitu ambacho ama shughuli ambazo zinaendeshwa huku za kusaidia nchi yetu.

Ningetaka pia Katibayetu iongeze ya kwamba mali ya nchi ningetaka wananchi wote wafikiriwe yaani kuwe na njia ya kusawazisha. Kusiwe na majatiri wengi na maskini. Watu wote wafikiriwe. Upande wa hospitali serikali ipatie wananchi

matibabu ya bure kama vile walivyotuahidi wakati nchi yetu ilijinyakulia uhuru mwaka huo wa sitini na tatu asanteni.

Com. Baraza: Asante na nenda u-sign hapo. Andika ritwa riaku haria. James nginyo kinyua. Urio ho. Unaona mimi ni mKenya mzuri. nani anaweza kuongea kiluhya na mimi mnaona naongea kikuyu.

Mr. Nginyo: Bwana mwenyekiti, Commissioners wote ambao mko hapa na wananchi ambao wamefika hapa leo tunashukuru kwa sababu tulikuwa tukitarajia mtuletee mkutano kama huu. Jambo ambalo ningetaka kusema, nchi hii yetu inategemea kilimo. Kenya hatuna mafuta, hatuna dhahabu, diamond na jambo lingine lolote ambalo tunategemea na inaonekana ni makosa sana kwa wale viongozi ambao wako mbele ingawa hayati mzee Jomo Kenyatta alisema turudi mashambani na ikawa ni vizuri kwa sababu tulijitegemea kwa upande wa chakula. Kwa sababu yeye mwenyewe alisema hatutakula ile mahindi ya manjano na akasema wakati tulikula mahindi ya manjano 1966 kwenda hapo chini akasema huo ndio mwisho wakati tulikula ya mwisho na tukajitegemea kwa upande huo wa chakula. Inaonekana tumerudia kula hayo mahindi ya manjano baadaye sasa wakati huu. Mimi ningeuliza Commissioners ambao mmekuja hapa kukusanya maoni ya watu wa Limuru jambo ambalo ningependa tuweke mkazo na iwekwe katika sheria ni habari ya ministry ya agriculture iwe ministry ambayo ndio itapewa uwezo na ndio itakuwa na nguvu na ndio itakuwa mama na baba ya ministry zingine kwa sababu hatuna tegemeo lingine ijapokuwa kilimo na kwa mfano sasa imeharibiwa na tunaona kama ikiendelea namna hii nchi hii itakuwa jangwa na hatutapata chakula na hatutapata mvua kwa sababu wameanzia upande wa misitu. Wamemaliza yote na Bwana mwenyekiti kuondoa msitu mungu aliumba dunia na akasema kuwe na watu, kuwe mwangaza na kuwe na miti.

Miti ambayo mungu alisema kuwe na miti huku mlima Kenya watu wamefyeka na kufyeka hii miti ni kama mimi nifue nguo zangu zote niweke hapa nitembee uchi. Hiyo ndio kitu sasa inaonekana Kenya. Kwa hivyo mimi ninasema ikiwa mtaweza kuweka sheria kama mna uwezo na mnajukumu, muweke sheria wale ambao wamefanya hii mambo wale wamechafua kufanya misitu yetu serikali ijayo iwaweke ndani miaka ishirini na wasifunguliwe mpaka miaka ishirini iishe ili tuweze kupanda miti mingine kwa sababu hakuna kitu mbaya kama kuweka mtu uchi kuweka nchi hii kuwa uchi inaonekana ni uchi. Mimi nilikuwa na proposal na niliona kama tungeweka ministry of agriculture iwe ndio iko mbele ya ministry zingine tuna mito na tuna maji.

Tunajua kama ni (inaudible) watu wameingilia kuanza kulima maua wanatuongeza ziwa, wanatuongeza na sasa itaenda iishe. Sheria iwekwe watu wanalima pahali kama hiyo ni kosa. Hiyo ikataliwe kabisa na kuwe na sheria hawawezi kulima tena. Maji kama hayo ya Naivasha, tuna stima ambayo inatoka Ol karia inatoka na nguvu zenyewe kutoka chini. Hii stima inaweza kutumiwa ipige hiyo maji iende juu ya mlima Longonot ama kijabe. Pale pale kwa depth halafu hii maji yote itembe kama ni upande wa chini ifanye irrigation. Kama hii ni maji ya lake Victoria inaenda pande ya Sudan inaenda mpaka Red Sea, inaenda bure watu wanaweza kuweka hapa Timboroa wanaweza kuweka depth. Ile maji ipigwe iende pale juu halafu ile maji haina depth itengenezwe stima, ipige stima ipige ile maji, maji ije hapa juu hiyo maji itumike kwa Kenya nzima bila shida ingine yoyote.

Itoke stima hiyo maji yenyewe na itoke maji ambayo tunaweza kutumia kwa upande wa agriculture. Tunaenda kutafuta petroli kwa upande wa middle East. Kwa nini sisi hatuwezi kutoa chakula eti kwa sababu kule ni jangwa hawalimi. Tuwapelekee chakula tubadilishane na mafuta. Na hiyo ni kitu inawezekana, na Mungu alipatia sisi nchi ambayo ni yenye rotuba. Nafikiri ni kitu kama 15% kwa jamhuri ya Kenya ambayo hatuwezi kulima. Hii ingine yote tunaweza kutumia kwa mambo ya kulima kwa sababu yote iko na rotuba. Kwa hivyo mimi nasema kama ikiwezekana hii mambo iwekwe maanani tuone hakuna ministry ingine tunaweza kutegemea zingine zinaweza kuja tu kwa kujileta kwa sababu ya mambo haya na mengine.

Jambo lingine ambalo ningetaka kusema ni uwezo, mtu ambaye tunaweza kuchagua akiwa rais wa nchi hii, iwe ni mtu ambaye ana elimu ya university. Pia awe ni mtu ambaye ako na bibi na watoto pale nyumbani kwake. Na ikiwa anaweza kufanya divorce aondoke kwa hiyo kiti ama aoe bibi mwingine. Kwa sababu wakati tuna mabibi nyumbani ukiwa kiongozi ikiwa macho yamechafuka anakwambia toa kitambaa panguzi macho, ikiwa tai imekaa upande nini kama kuna amani nyumbani anakwambia hiyo tai weak sawasawa. Ikiwa umefanya jambo mbaya kuchafua wengine na kuwaambia watu wanaona vile unafanya si mbaya kwa hivyo mama akiwa nyumbani ukiwa na bibi ni kitu ya muhimu kabisa kwa hivyo ningependekeza mtu ambaye angekuwa kiongozi asiwe mtu ambaye hana bibi pale kwake nyumbani.

Jambo lingine ni hii shilingi ya Kenya. Shilingi ya Kenya kutoka sasa muweke hapo katika sheria hakuna mtu mwingine ambaye anaweza kuwa na ruhusa ya kuweka picha yake katika shilingi ya Kenya kwa sababu hii ni mali yetu si mali ya mtu. Na ukiona mtu ambaye ni kiongozi wa nchi kama President asiwe na ruhusa ya kuingilia board ya governor ile ya pesa. Iwe tu hii pesa itatoka haina picha ya mtu yeyote itawekwa picha ya alama zingine za nchi kwa hivyo ionekane ni kitu yetu sisi wenyewe. Kwa mfano shilingi kama hii ambayo ni ya siku hizi mnaona kirauni iko chini shilingi iko juu. Yaani tunatawaliwa na shilingi sio kirauni. Na hiyo ni interference, ukiangalia ya zamani shilingi iko juu na ni kubwa.

Sasa shilingi iko juu kirauni iko chini na ya zamani kirauni iko juu shilingi, iko chini na ni kubwa. Kwa hivyo tunaona hiyo ni interference ya kisiasa na tunaona hii si vizuri kwa hivyo tunaongozwa na shilingi sio kirauni kinatuongoza. Asanteni sana.

Com. Baraza: Thank you any questions for him. Thank you very much. Kairu Ngure. Dakika mbili.

Ngure: Ni nii ndetwo Kairu Ngure na ngwaria na gikuyu,

Translator: Naitwa Kairu Ngure na nitaongea kwa kikuyu.

Ngure: ndina maundu meeri,

Translator: Nina mambo mawili.

Ngure: wa mbere,

Translator: La kwanza,

Ngure: he waatho tweekirirwo guku ii,

Translator: kuna sheria ambayo tuliwekewa huku

Ngure: na niyo iiyuritie waganu guku,

Translator: inaingiza mambo mengi mabaya.

Ngure: kwi watho wookire ati ingihutia mutumia wakwa twahitania kana ngimwatha ri,

Translator: Kuna sheria ambayo imeingia ikisema tukikosea bibi yangu nikimtawala

Ngure: ningutwarwo igotini,

Translator: nitapelekwa kotini.

Ngure: ndagutha mwana wakwa na nikumwatha ndiramwatha ri,

Translator: Nikipiga mtoto wangu na nikumshauri

Ngure: ningutwarwo igotini,

Translator: nitapelekwa kotini.

Ngure: ingiuria atiriri,

Translator: Nauliza

Ngure: riu tondu nii ningutwarwo igotini tondu nindeeka uguo ri,

Translator: ikiwa mimi nitapelekwa kotini,

Ngure: we nake anjihia mwana wa mutumia ri,

Translator: wao wakinikosea

Ngure: nii ngumatwara igoti ririku?

Translator: mimi nitawapeleka koti gani?

Ngure: kana mucii ukiri wao,

Translator: ama hii nyumba ni yao.

Ngure: riu nii ningwenda uhoro ucio weherio

Translator: Ningetaka jambo hilo liondolewe

Ngure: no ndikuuga mutumia ahuurwo uragwo,

Translator: lakini sisemi mwanamke achapwe auawe

Ngure: ona mwana ndikwenda ahuurwo ooragwo,

Translator: na hata mtoto

Ngure: no ningwenda agie na mutugo.

Translator: lakini nataka awe na nidhamu.

Ngure: kwoguo nii ingiuria Katiba ithondekwo rii,

Translator: Kwa hivyo ningeuliza

Ngure: uhoro ucio ri,

Translator: jambo lile

Ngure: ukorwo ho,

Translator: liwepo

Ngure: tondu ithui athuuri ri,

Translator: kwa sababu sisi wazee

Ngure: nio atongoria mucii,

Translator: ndio viongozi wa familia

Ngure: na ni ithui tuonaga mathiina ma mucii,

Translator: na sisi ndio tunaielewa matatizo ya nyumbani.

Ngure: angikorwo ndikugutha mutumia njurage ri no muhaka anjathikire,

Translator: Ikiwa sitaua ni lazima anitii

Ngure: ona mwana.

Translator: hata mtoto.

Ngure: riu okorwo gutingikihoteka uguo ri,

Translator: Na kama haitawezekana

Ngure: nake muthuuri akiheo ruutha,

Translator: hivyo naye mzee apewe ruhusa

Ngure: mutumia amuhitiria ri,

Translator: mama akimkosea

Ngure: okorwo ndekumuohera one igoti ria kumtwara,

Translator: atampeleka wapi

Ngure: ona mwana

Translator: hata mtoto.

Ngure: uria ungi nguuga uu,

Translator: Jambo lingine

Ngure: riu nguuka mwenaini wa uteti,

Translator: ni upande wa siasa.

Ngure: nguuga atiriri,

Translator: Nasema hivi

Ngure: uhoti uria uhetwo president ri,

Translator: uwezo wa President

Ngure: niukirite njano.

Translator: umepita kiasi

Ngure: nikwenda uthihanyihio,

Translator: upunguzwe kidogo

Ngure: kana gwikwo uguo,

Translator: ama

Ngure: president mbeere ya atanatua ciira

Translator: kabla yeye kukata kauli

Ngure: na autangathe utuike watho ri,

Translator: na atangaze jambo lile liwe sheria

Ngure: akorwo na athuuri a kurora watho.

Translator: awe na wazee wakuomba mawaidha.

Ngure: niundu wa uguo tondu mundu umwe ri,

Translator: Kwa sababu mtu mmoja

Ngure: niahitagia,

Translator: anakosea

Ngure: kwoguo ndagatuike niwe uriugaga,

Translator: asiwe yeye ndiye kila kitu

Ngure: na oiga gugatwika,

Translator: na akisema ni hivyo hivyo.

Ngure: kwoguo riu nii hau ninguona watho ucio niukirite uria warikuo,

Translator: sheria hiyo naona ya kwamba ingerekebishwa kidogo.

Ngure: nindarikiria hau.

Translator: Nimemaliza.

Prof. Kabira: Thank you very much for your presentation and I have two questions for you. In the past if a wife was stubborn was she to be beaten?

Mr. Ngure: She was beaten.

Com. Baraza: Ni waria wega muno lakini niko na swali. Muthuri arema ahuragwo nuu?

Mr. Ngure: Mama hutuma watu wa ukoo.

Com. Baraza: Sawa sawa nenda hapo u-sign? Nduta.

Miss Nduta: Thank you the chairperson and Commissioners, I have several things I am representing a group. First of all as a student I would like to see the education Act entrenched in the Constitution stating that the curriculum be taught every year especially tertiary education, that is in colleges and universities consisted with what the market requires so as to prevent our graduates from becoming jobless after graduation. The second thing I think for me section 34, is discriminative to blind people I feel, most educated blind people can read English or Kiswahili in Braille form.

Another thing according to my understanding section 33 of the Constitution states that 12 members are appointed to the

national assembly by the President other than those elected in the national assembly. I think the chief Executive should appoint this people in consultation in Parliament, and I think that these people should be professionals specializing in different fields for example in matters of gender, law or medicine. They should have experience in their fields and most important represent those people in the society Such as marginalized, for example, the disabled, women, children, the youth, the girl child and people who live in the arid and semi arid region.

My other issue, is that I think the Electoral Commission should be created by an Act of Parliament and not nearly appointed by the President, so that it does not manipulate and it also guarantees autonomy and independence from the Executive. And my last issue is that section 58 says that the President has the power so control Parliament or maybe close it whenever he wants I think this should be abolished, section 58 and 59. I think Parliament should come up with its own mechanism of when it should end session. Thank you very much.

Com. Baraza: Can we have James Karanja Mbutia.

Mr. Karanja: Thank you Commissioners ladies and gentlemen. One point I want to stress is about Civic Education. I feel it is most wanting it should come before what we are doing now. We should have been taught to the grassroots, used the churches, schools so that we can reach every individual so that they can know that what we are talking about it is not just for politicians but it is a right for them and that is why you find that we are not so many here. The other point is that we should have the power to remove those elected including the President, the councillors if they don't perform so that they feel responsible like they do in India.

The third point is that the three arms of the government should be independent and we should have them working independently we should reduce the powers of the President and have a Commission to be employing civil servants and be running other bodies like these ones. It should also educate wananchi to the Constitution so that houses of people are not demolished like the kiosks are being demolished and they have paid plot rent and nobody talks about it and somebody is allowed an MP goes to demolish the poor people's homes and kiosks and nobody is bothered.

It is very sad if we are in a free country. The other point is that we should reduce the salaries for the MPs. They have given themselves a very big salary. During the time when teachers, nurses and police are walking bare-footed and nobody considers those. You hear there is no money for teachers or the nurses and there is money for the MPs. Who passes this money for themselves. That should be a Commission to pass or to talk about Parliament and know when they should raise their salary so that the wananchi don't get it rough.

The other point is that instead of (inaudible) people we should improve the management and have a government body for planning future jobs for our country Kenya, and have one man one job. Also it is very common for youth to be arrested and

when they are arrested and taken to court they are told that they were found drunk and disorderly at the middle of the night, they accept it although they did not do that simply because if they don't they will be sent for 14 days in the cell which should not be there. They should be bonded if they are found guilty then they go to case in the court.

The last point I would say is on agriculture. We used to have a lot of food when those farmers who have been given money by the government and then by the end of the harvest the reduction of what they have spent was deducted and they were given the profit. This makes the country have a lot of food, especially which and the last one our government should be very much concerned on our health. Like now we have AIDS. It should be the concern of the government to see that there is age reduction by having doctors and the mitishamba working together to reduce these diseases. Even in the olden days we used to take the drugs from mitishamba and they used to work very well. Thank you for your listening.

Com. Baraza: Thank you very much. Are there any questions? I think you have presented very well go and sign there. Now I want to announce that there are evaluation forms when you fill them you leave them there at that desk. Now we have a few presenters remaining and I think we need a slight break. There is Eliud Gitau, Peter Njogu, Nancy Wambugu, George Ngugi Muigai, George Miano, Edward Mungai and Jacinta Muchageru. We shall have a small break and then come back finish with you. We don't want to collapse and then mess the work.

Mr. Miano: Honourable Commissioners, I wish to oppose those people who are saying that Kenya cannot have a Ceremonial President and an Executive Prime Minister because it depends on the system of government because in a Parliamentary system of government, the government has to be accountable for Parliament now in our system where the President is the chief and the real Executive there cannot be accountability because the President has certain priviledges and immunities which make him above Parliament. I also propose that there be a Prime Ministerial system of government accountable to Parliament. I also want to say that in a Parliamentary system of government the head of state is ceremonial but retains some recidual powers so Kenyans will not be paying him for nothing. Because they check the powers of the Prime Minister and other ministers. Secondly, I propose and I wish to enjoin myself with those people who are calling for a federal system of government or devolution of power and the abolition of the provincial administration. The provincial administration has to observe the powers of the local authorities. In Nairobi we see Cyrus Maina instead of the mayor closing down illegal bars it is the PC who is closing the bars and yet the mayor is the one who has the people's mandate.

I also propose that instead of county council chairmen we have elected (inaudible) who will be in charge of security and instead of the DC having power over the local administration, I think it would be better if the sharing, or the one who had the Executive power over the police. I have observed that chiefs, do things on the ground that are beyond the powers that they are given in the chief's authority Act. I think instead of chiefs they should have locational magistrates. Magistrates at the locational level because even as I speak there are very few magistrates in Kenya, I think they would help clear the backlog of cases.

And also there are some people who are calling for the removal of the President's powers, to dissolve Parliament. I think it will depend on the system we choose whether it is Presidential or Parliamentary. We don't want a government which has no power to dissolve Parliament in a Parliamentary system because the MPs could at any time dissolve Parliament, I could at any time host the government if we adopt a Parliamentary system of government that the President must retain the powers to dissolve Parliament. Of course he does not act to his discretion. He is advised by the Prime Minister when to dissolve Parliament. I think that is all.

Com. Baraza: Thank you Mr. Miano any clarification. I have a question for you. You said you support federal system of government. You know there are many types of federal systems of government. Which one do you have in mind?

Mr. Miano: I think we should have a governor appointed by the Central Government and a chief minister elected by the provincial assembly.

Com. Baraza: Can we have Edward Mungai.

Mr. Miano: Thank you lady chairman and the rest of wananchi. Mine are very few and very simple because I am also simple. One is about marriage - Here comes a woman, who divorces a man and goes somewhere and becomes so rich and dies. Why cant the man have the right to go and inherit the former wife's property and if a man dies when the woman is away why cant she come back and inherit the deceased? Second about pension Act let say, for example, I am a pensioner if I die today my wife will benefit with my pension for five years. If my wife dies today I wont enjoy her pension. There are others. They are pensionable if now a woman dies her husband does not benefit with the womans pension. About Traffic Act, this is supposed to be supervised by the insurance because they are the main insurers of the vehicle or anything on the road and not the police.

Wewe huwezi kununua ng'ombe halafu upatie mtu mwingine akuchungie na hajui bei yake. hii police ya traffic ingekuwa private imeandikwa na watu wa insurance wale wanajua the bitterness ya kuwekea gari insurance. Hiyo ingine ni habari ya prostitution. Mimi naona mtu anashtakiwa kwa robbery and that is the matter of life and death inakuwa prosecuted by the police officer. Why is he not prosecuted by the state counsel? Hapo hapo. Kwa nini mtoto tuseme sasa mimi nina mtoto amefanya makosa amekosekana nyumbani mimi nakuja nachukuliwa nawekwa polisi eti ndio mtoto akija kuniangalia awekwe mimi niachiliwe. Hiyo inatendeka. Swali ni hili hata ile mtoto iko ndani ya mama (ask any doctor kama iko atanieleza) they don't share the same blood na mama.

Mtoto iko na blood yake na mama, yake. Hata akiwa kwa tumbo. Kwa nini mimi nihukumiwe kosa ambalo sikufanya, mimi ni baba nimeenda kuangalia mtoto ambaye ako kwa polisi na sikutaka mtoto wangu akose halafu mimi nawekwa ndani. Nilisoma katika kitabu moja ya Mungu inasema eti afadhali watu mia moja waende bila kuhukumiwa kuliko mtu mmoja ahukumiwe kwa kosa ambalo hakufanya. 150 offenders to go unpunished and less than one person to be punished for a crime he did not do.

Hiyo ingine ni habari ya MPs. Ikiwa mayor atachaguliwa bila kufika form four, kwa nini tunachagua ma-MP bila kuwa wamefika university ama kuwa na degree kwa hivyo tunaencourage watoto wetu wasisome. Nasema hata Mungai hakwenda university alipata mali na alichaguliwa.

Nitatafuta mali, nitaanza kupiga watu risasi. We discourage our children kutoenda skuli kwa maana anajua akipata mali hata apate in any crooked way atachaguliwa. Hiyo ingine kama ni MP ikiwa ame-grab kitu ya public, land anything na kuwe katika sehemu amesimama kuna watu tatu ama kumi wanaweza ku-swear eti affidavit barred ku-contest. Ikiwa kuna watu watatu wasimame mimi najua hii shamba, hii duka, hii motokaa ilikuwa namna hii na wa-swear affidavit na court of law awe barred kusimama. Afadhali tuwe na councillors sio ile councillors tuna-elect badala ya chief, tuwe na social worker badala DO, tuwe na district attorney badala ya DC. Yangu ni hayo na asanteni.

Com. Baraza: Thank you very much. Any questions for him? You register there and sign out. Jacinta.

Jacinta: Habari zenu. Mimi nataka kusema kuhusu chief, DO ama headman. Yale mambo ambayo yanazungumzia mambo ya jamii nataka kusema hayashughulikiwi. Kwa hivyo mimi nasema hata DC unaenda kule kote na usaidiwi. Unaelekea pale mpaka kwa MP mwenyewe, na sasa yule hahusiki na mambo ya kesi kwa hivyo nataka kusema jambo lile liwekwe katika katiba. Mambo ya mashamba ya familia inazungumziwa na watu wa nyumbani. Wakishindwa watu wale wawe wanapewa barua wajisaidie. Kwa hivyo nasema mimi kama sasa Limuru hapa kuna watu wengi wananijua. DO hashughuliki hata kidogo, hata chief na headmen, hata PC aliniambia hana power nataka kuambia chama hichi ambacho kiko hapa kijue ni watu gani watahughulika, na watu gani watahusika na matatizo ya watu kama hawa kwa sababu kama mimi shida nilizo nazo, sitaki kusema nimemwachia Mungu lakini nataka kusema tusaidiwe na kwa sababu mbunge wetu yuko hapa nataka aniingize bunge, mimi nipeane matatizo yangu yote. Sina mengi.

Com. Baraza: Peterson Oyaya.

Mr. Peterson: The Commissioners and all the participants of this particular session. Much has been said in terms of reducing Presidential powers. I will not repeat what has been said but maybe I will give my suggestion as to how to go about reducing the Presidential powers. They know they are enormous and they have been time after time defeated here so the first proposal that I propose to the new Constitution is that all Presidential appointees should be approved by the Parliament.

Secondly, Presidential powers to create, ministries, public offices, districts and provinces should be made subject to Parliamentary approval. Powers to create public offices district offices, should be made subject to Parliamentary approval. The other one, is Attorney General security of tenure should be enhanced. The Attorney General should be at least two terms and no one in between should come in between and dismiss him at will. Alternatively we can create a post of public prosecutor who will be in-charge of prosecuting people and Attorney General to remain a political appointee. The President powers to dismiss

civil servants at will, should be scrapped in case dismissal and disciplining civil servants should be done by public service Commission.

Presidential powers to dissolve Parliament before the term should be also scrapped. Parliament should have a fixed term and a calendar of its events. It should be possible to impeach the President especially on grounds of corruption and abuse of human rights. And lastly, the Constitution should allow formation of a coalition government where members of other parties other than the one which won the election are invited in the government. That is as much as the reduction of Presidential powers are concerned. On issues of Electoral reforms. Or Electoral Commission I think that there is a weakness and we propose that creation of an impartial and independent Electoral Commission. We know the President's Electoral Commission is partisan since its members are chosen by the President who as a party leader is interested in outcome of the election.

We therefore propose that the Commission be appointed through the process involving all parties taking place in the election. In drawing the constituency boundaries to ensure that representation of a population some places which are sparsely populated are represented as much as other places which are highly or densely populated. Registration of voters and computerization of Electoral register this is where we have the major problem. I am proposing (now that registration is going on but a lot of youth don't have the ID and without the ID they cannot get the vote and by the end of the registration session which is around sometimes in March a good number of them will not have the ID and at the same time will not have the voters card) that besides the ID card we should have other documents for identification. Someone should be identified through let's say driving licence and other material of identification.

Increasing the power of Commission. Electoral Commission should have powers, the number weight change of aspect of election process including issues of national identity card and control of security aspect of election. That way the Commission will enhance or will make sure we have a free and fair election. Lastly, I would like to mention something that should be Constitutional as far as the Constitutional of Kenya review Commission is concerned. I would propose it be put in the Constitution the funds of the Commission, how much each Commissioner is getting, how much should be given to the district coordinators, how much should be reimbursed to the Civic Education providers and at the end of the day how much should be given to wanjiku in terms of time.

And that is why the Commissioners I can tell you confidently you will not find a lot of people here because that common man there is interested in making something during the day and therefore the issue of funds has really hindered this process of Constitution review. The Civic Education providers are getting very little in terms of reimbursement. Wanjiku is getting nothing at all. Commissioners are getting almost the whole budget of the process. Surely, I think the idea is to get the message from the wanjiku there but not from the Commissioners because they already know it. Last but not least, I would like to have it in the Constitution that the work the Commission is doing will be implemented. There are so many Commissions which have been formed and the work has been shelved all through.

Let it be heard from the Constitution that this work which we are doing this very day that will be implemented. Otherwise it will be a waste of time, energy and money staying here without the implementation of the new Constitution.

Com. Baraza: Thank you very much. Are there any clarifications?

Dr. Swazuri: You have proposed that the AG should serve two terms of how many years whether he is appointed by Parliament or a political appointee.

Mr. Peterson: This is a political appointee and he will be appointed once the election has been done. I propose that he will be given just like the way we would like the President to be going for two terms. He appoints the AG and he goes for two terms-ten years. That is what I would propose.

Com. Baraza: Thank you very much. Hand over your memorandum. Alexander Karanu.

Mr. Karanu: Honourable Commissioners, the MP councillors na washiriki wengine hamjamboni. Point zangu ni chache sana kwa vile nimejaribu kutafuta maoni kidogo kutoka kwa communities around hasa hapa Limuru. Nahusika sana kwa upande wa mashamba, shamba imekuwa ni shida sana katika nchi yetu na vile serikali huwa inasema kunayo private land. Sijui au sina maoni kuhusu hii private land katika Katibavile inamaanisha, vile saa zingine unaweza kupitia kama railway station ni area moja ambayo iko na shamba kubwa sana katika hii dunia na ukipita tu unaambiwa ume-trespass unakuwa prosecuted katika court of the law.

Ningeomba hii Commission iangalie kuhusu prosecution ya trespass. You cannot trespass in your own land and in your own country. Tumezaliwa hapa na haifai kusemekana ume-trespass again haifai tena isemekane eti kunaye protected land. Na kama kunayo hiyo protected land ime-reserviwa na serikali Commissioniangalie ndio pengine wale wako maskini wafaidike na hiyo shamba. Katika hali ya shamba tu, kiswahili saa zingine kidogo vile mlisema Katibaandikwe na kiswahili. Citizens kushtakiwa na trespass Commissioners hiyo mnaweza kuangalia katika sheria yetu ya Kenya. Then ya pili ni child welfare, tunao watoto wameshindwa hata kama tumelemewa tuko na umaskini kuna watoto ambao wanaandikwa kwa companies tunasikia companies zimekuwa privatized eti serikali inauza hiyo kampuni na wenye wananunua hiyo company baada ya ku-corrupt zinanunuliwa na matajiri, wale matajiri wanakuja wanaajiri sisi vile tuko na shida halafu wanatumia sisi na watoto wetu katika hizo mashamba.

Imekuwa ni shida sana na especially firms pahali kunazo firms. Privatization- ningeomba hii Commissioniangalie kwa sababu wanaweza wanaweza kuinua company hizo. Press media, huwa haihusiki na community vile hawataki kusikia views sasa hata mmefanya mzuri sana hapa, saa hii mimi naongea na hii kitu na sijawahi kuongea nayo. Hii microphone. Kwa hivyo media saa

zingine Internet, radio, televisheni. Saa zingine mnakuja mnamtembea hapa badala ya kutuonyesha cinema zingine hazifai. Kwa hivyo manufaa ya masomo kama hiyo sasa.

Kama hiyo sasa tulikuwa tunasema questionnaire tunaona iko na Civic Education either through the radio, the television ipewe nafasi kubwa ya kuelimisha raia hasa katika district levels, AIDS is a national disaster in our country na inasumbua nchi hii yetu kabisa na ulimwengu mzima and at the same time population umeona vile imeangusha watu wengi sana through the AIDS, this is not a crime lakini kuna watu ambao wamekuwa na utafiti na wakapata madawa lakini serikali, imewazuia, dawa ya kienyeji ama pengine mtu, amefanya research amepata dawa lakini there is no way unaweza kutumia hiyo methods zako katika Kenya hii ama pia kuhusisha hiyo dawa ifikie pengine KEMRI isemekane itatumika.

Police harrasment- Wanakuuliza umetoka wapi ni kama iko hatia, ni kama hujui pahali ulikuwa, unafanya kazi wapi, ni kama it is a crime kutokuwa kazini ama pengine uko kazi umekataa kwenda kwa kazi unasikia umepelekwa katika prison ama unaenda kushtakiwa. It is your right unaweza kutembea kwa sababu uko na uhuru wa kutembea mahali popote katika Kenya hii. Kwa hivyo sioni, kwa nini anakuuliza unafanya wapi kazi, wapi kitambulisho. Ni hayo tu asante.

Com. Baraza: Thank you very much. Do we have any clarifications?

Mr. Kavecha: Thank you. I will try to be as fast as possible. Thank you very much for the opportunity that you have given me. Now, if you go back to 1963 when we acquired our independence we had some motives. And they were to fight against disease, illiteracy and poverty. So, after 40 years of independence I think we should have made a step ahead and we should be fighting other things other than education and disease. But because of the problems that we have now, I would request the Commission to make education free for all from primary school to the university.

Disease is also another objective and is one of the most expensive items we have in the country and we should request the Commission to look to it make sure that medical services are free to all. So revise these too. Regarding poverty I would request the Commission to look into the way in which we can make our products competitive in the world market. By so doing we should reduce the cost of production especially in this case I would like the Commission to look into the sector of power and lighting, have it completely overhauled so that the cost of electricity can be cheaper which in the end will reduce the cost of production and make our products competitive in the world market.

Parastatals should also be encouraged by the government and not to be sold to private businessmen because these are the ones that create employment and they are the ones which also reduce prices. I would ask the government to increase the parastatals, in order that price control will also be effective in essential commodities.

Distribution of the manufacturers should be given to the local African businessmen instead of being given to African businessmen

and especially the local one, Let the distribution be given to Limuru citizens, so that they can benefit from that, and that can reduce the poverty we have today. Maximum prices should also be controlled or encouraged in essential commodities and the government where it is necessary should be ready to subsidise. Those meant to have stolen money or assets from the government or public institutions should be followed for recovery and no time limit should be set for this. The government should also look for funds from the worldbank, or any other institution which would be given to our young graduates after the completion of their say courses if they do not get employment straight and they have say, some viable ID yet which can make them grow. Let the government be ready to give them some money at reasonable interest so that they can grow and increase employment in the country.

The government should control the bank interest. Earlier on we have learnt that the government had a say in the bank interest and since 1992 when it relaxed that. You know the problems that we have today and it is only the banks unfortunately, which are making super profit while the other companies are going under and the others are doing very badly. Judiciary should be independent and in this case let no political appointment be allowed. The other thing, is about the law. Nobody should be above the law, especially now we talk about the Executive, this condition came from the Executive, we were told to do this by, that is wrong. Nobody should be above the law and that is why we have it there.

The other thing is about corruption. Corruption, you know we are ranked fourth in the world which is a big shame to every citizen in the country, and I would request the Commission to look into it and make sure that corrupt institutions such as the mainly the police, the law courts, the land registry and such other institutions where you must leave money in order that you can receive services are punished. I feel it is time we had an independent body taken to take care of corruption and this should not be the police because I don't see how a policeman can investigate other policeman. I don't know how but I have been told that if I am wronged by a policeman I report and I go to report to the police. Of course I would be putting myself in trouble there should be another independent body, which one should report to other than the police and we thank those people who had already thought about KACA because it was doing a good job. And finally, I would like to thank you for this opportunity to present my views. Thank you very much.

Com. Baraza: Thank you Mr. Kavecha. Are there any questions for him? Now we have a young gentleman here Kelvin Kariuki. Go to the microphone.

Mr. Kariuki: Good afternoon. My point is I want children represented in Parliament by their fellow children.

Pastor Ayonga: Thank you. If I may ask you how old are you Kariuki?

Mr. Kariuki: I am nine.

Com. Baraza: Thank you very much Kelvin we will take care of that.

Mr. Njoroge: Asante sana kwa sababu ya nafasi hii. I also want to contribute something that I feel strongly as a leader that is very much lacking in our society. I have many times my names are pastor Tony Njoroge. I have people talking of qualifications of an MP, councillors and all that but I wonder whether we have the qualities. Who is a leader, with my little knowledge I know that a leader is somebody who has a vision for his people and who can help or who should help his people to realize their goal. I have watched and I have realized even as we talk about wanjiku many times when it comes to the time of elections, no matter whether from the councillor to the MP level we all go looking for our MP to receive or to get a handout. I would prefer to see a situation whereby if I am going to select or to elect a leader we should sit down first of all and tell me where are you leading me? Because right now I feel that I don't want to be given handouts. I don't want you to give me a fish.

I would like you to teach me how to fish so that all the time when I feel I am hungry I can go there and fish. When a child is born it cries wamama mnajua mtoto akizaliwa analia. Kulia si neno that means immediately after that what follows anafundishwa hiki ni chakula, huyu ni baba, huyu ni mama. I have realized many times and maybe that is why we don't have people here, they don't know, and they don't know that they don't know, that there is something that is existing and the few people who have the knowledge, the few people, who know and they know that they know, they have taken advantage of the ignorance of the poor of the desperate of the hopelessness of the hopeless Kenyans and that is why even today I want to believe even when it was lunch time some people wanted to go so I wonder whether in the Constitution I don't know whether there is a kind of an explanation who is a leader.

Is it somebody with a degree, is it a professor because right now I believe even in our government and whatever we are talking about all these people are there, yet we are suffering the way we are suffering and leaders should give us hope. I believe today (and forgive me dear Commissioners if one of these evangelists just a simple pastor a std. Eight and we know them) let me quote; If Pastor Muiro was coming here or Ev. Wairimu or Obonyo from Nairobi, if they were coming here in this field up to there would be filled because they will give us hope.

It doesn't matter whether it is for one week or for two weeks yet the people around here; this community has a lot of people. Lakini maswali ni haya nitasaidika na nini nikienda pale nikachomeka na jua na haya mambo yote watazungumza hakuna kitu. I have read about the cowboys the akipeleka ng'ombe uwanjani na hakuna nyasi kuna cowboy mmoja ambaye anatangulia mbele, anatoa sauti ambayo ina-promise hope ng'ombe wanafuata kwa kusikia huo mlio. Hata ile iko dhaifu kabisa inajitia nguvu inafuata ikikaribia nyumbani again mlio mwingine unatoka wa ku-promise something in the house, ya kwamba hata kama kule jangwani hakuna chochote there is something here. Right now I am looking around and I am wondering.

The opposition wako pande hii just like where we were. Nasoma gazetti kila siku najiuliza swali. Nataka kusikia sauti ambayo inianahidi kitu. Nikienda niliwaona juzi kwa TV hata Muite alitajwa hapa, wanaonyesha hopelessness, desperation anasema it

cannot work then I looked at him and I said now why are you there to tell us it cannot work. Why cant you people sit down and just agree, sacrifice, so my proposal is; a leader should be somebody who has a vision for his people and who has the ability to lead his people to realize those goals and it should be measured. Maybe, after one year or two years people can come together and ask our MP tuliagana utatupeleka kwa nyasi pale sasa tunaona hata hatufikii chochote. Jameni where are we going. Otherwise right now I know we have a Constitution but I have never had even somebody standing and saying we are here and we are going somewhere there.

Kwetu ni Ngecha, na kuna mashimo ya maji ambazo for a long time I have always longed to hear somebody saying we are going to do like this but what I hear even right now I don't hear any promise, any voice that is promising or is giving us any hope so I would like to say this document is good. Let it be a compass that will help the pilot who is the MP a direction of where we are going and before I elect you I would like you to tell me we are here and we are going to Europe or we are going somewhere. Otherwise telling me that you have a degree or a what and I don't know even how to (inaudible) it is not helping me. Something that can empower the common man. Thank you.

Com. Baraza: Thank you very much pastor. Go and sign out there. I think we have come to the end of our submission and I will hand over to the chairman of this group.

Prof. Ogendo: Thank you very much ladies and gentlemen, those of you who have stayed with us up to the end. I now want to formerly dissolve this meeting but before I dont so could I ask one of the pastors leaders to pray.

Pastor Njoroge: Mungu wetu wewe uishiye milele uliyeona ya kwamba tunastahili kuwa hai siku leo, tunakushukuru kwa sababu ya kwamba unafahamu kila mmoja wetu ambaye yuko hapa. Tangu asubuhi tumezungumzia juu ya matatizo ya kijamii, kibinafsi, mambo ya serikali na mambo haya yote mwenyezi Mungu tunakushukuru kwa sababu unayaona na unayaelewa. Kitabu chako chasema ya kwamba ikiwa nyumba itajengwa kutokana na hekima na ufahamu na ujuzi. Mambo haya yote ambayo tumezungumza mwenyezi Mungu kwa sababu unayaona. Twakuomba ya kwamba kama vile ulivyoona vile wana wa Israeli walivyokuwa wakihangaika, walipokuwa misri na Mungu wetu ukainua Musa ambaye hata hakuwa Prime Minister katika nyumba hiyo ambaye hata hakuwa na degree yoyote, ambaye hakuwa na kitu chochote lakini alikuwa na mzigo. Wakati huu mwenyezi Mungu tunakushukuru kwa sababu ya serikali iliyoko, tunafahamu ya kwamba si kazi rahisi mwenyezi Mungu hata kwa rahisi wetu. Tunafahamu ya kwamba mara nyingi amesema yeye ni dereva lakini mara nyingi amebeba wakora ambao mwenyezi Mungu wakifanya makosa kila wakati anawekelewa. Tungekuomba ya kwamba wakati huu tunapohaingika jangwani tukitafuta hapa na pale hata wenzetu ambao wako mlango mwingine, hapa nyuma mwenyezi Mungu sote twakuomba mwenyezi Mungu sote twakuomba ya kwamba usikie kilio chetu uwe tumaini letu tungekuomba ya kwamba uwe mwangaza wetu.

Wewe umesema ya kwamba wewe ndiye njia na wewe ndiwe ukweli na mwenyezi Mungu tukikufuata mambo yatakuwa

sawasawa. Hata wakati huu mwenyezi Mungu tumekusanya mambo mengi na mawazo mengi yamejazwa kwa makaratasi na Mungu wetu yataendelea kujazwa pale. Twakuomba ya kwamba wale ambao watakaa chini na kuyatatua uwapatie hekima mwenyezi Mungu ili wawe na lengo, ili wawe na mzigo mwenyezi Mungu wa kuona kilio cha waKenya, watoto ambao hawana school fees. Wengine vijana ambao hawana kazi hawa watu mwenyezi Mungu twafahamu ya kwamba yale yote tumezungumza ni kuzungumza tu lakini yanaweza tu kutekelezwa kwa sababu ya nguvu zako na hekima zako. Ndio sababu wakati huu tunakushukuru kwa sababu ya amani ambayo umetupatia zaidi ya hayo tunakushukuru kwa sababu ya Commissioners ambao walijitolea wakashinda hapa mchana mzima, jana walikuwa Lari walikuwa na watu wengi.

Asante sana kwa sababu hawakufa moyo kwa sababu ya uchache wa watu ambao wako hapa. Twakuomba ya kwamba uzidi kuwabariki ili mwenyezi Mungu hata kesho mahali watakapoenda tunafahamu sisi ndio ulipanga tuwe hapa kwa sababu mwenyezi Mungu tunafahamu ya kwamba wale ambao walifika hapa ni kwa sababu ya mizigo ambayo wamebeba. Tumekuomba ya kwamba kila mmoja mahali atarudi tusingalie upande tu ambao tumeanguka, tusingalie tu mahali tumeshindwa mwenyezi Mungu. Kuna nafasi tukiwa uhai, tukiwa na nguvu mwenyezi Mungu tunafahamu ya kwamba kuna kitu mbele. Wakati huu hata wengine ambao hawako karibu tungekuomba ya kwamba utupe umoja, utupe upendo, utupe amani mwenyezi Mungu ili mwishowe tuweze kusema ya kwamba ushindi umetokana kwako.

Ikiwa kuna mambo tumezungumza hapa mwenyezi Mungu kurushiana maneno ambayo hayafai kila mmoja wetu tungekuomba ya kwamba utusamehe ili tutoke hapa mwenyezi Mungu na roho moja ya upendo, na furaha na tumaini. Tusiende tukisema hakuna kitu tumefanya. Mwenyezi Mungu tupate hiyo tumaini lako kwa sababu tunafahamu ya kwamba katika hekima ya binadamu, mwenyezi Mungu haiwezi kufika popote na ndio sababu tukizungumza mara nyingi tunakufa moyo. Tupatie nguvu ili mwenyezi Mungu hata tutakapofikia uchaguzi ujao, mwenyezi Mungu tuweze kusimama na kusema sio Moi sio mwingine lakini wewe ndio kimbilio letu.

Asante kwa kila kitu na tutakapokutana tena mwenyezi Mungu uzidi kutulinda kwa sababu tunafahamu ya kwamba nguvu zote za kutekeleza mambo haya yote yatatokana kwako. Hata viongozi ambao utatupatia yawe tu ni maneno tumesema hapa na pale tupatie Musa, Yoshua ambao mwenyezi Mungu watatuelekeza mahali pale ambapo mwenyezi Mungu atatuelekeza mahali pale ambapo mwenyezi Mungu tunaweza pata maziwa na asali kama vile ulivyowafikisha caanan kwa sababu tunafahamu hata sisi mmoja wetu, hata huyo mtoto ambaye amefika hapa mwenyezi Mungu twakuomba umbariki. Amekuja hapa kwa sababu ya kuwa na jukumu ya watoto ya kwamba hata yeye angetaka awe na mwakilishi.

Wote kilio ni kimoja mwenyezi Mungu maisha mazuri kwa sababu tunafahamu ya kwamba wewe ni chanzo cha kila kitu. Uliposema wewe ndiye njia tunafahamu hata wakati huu tunajaribu kupenya ili tujue njia ni wapi turudishe katika njia yako kwa sababu wewe ndiye kila kitu. Asante kwa sababu ya wale ambao walikuja na magari, wote mwenyezi Mungu uwarudishe mahali kwao wale ambao wametoka karibu mwenyezi Mungu sote pamoja utuunganishe na uwe dereva wetu utulinde mpaka tutakapokutana tena. Kwa sababu twaomba haya kwa jina la Yesu Kristo aliye Bwana na mkombozi wetu. Amina.

