

CONSTITUTION OF KENYA REVIEW COMMISSION

CKRC

Verbatim Report Of

KANDARA CONSTITUENCY PUBLIC HEARINGS

HELD AT AIPCA CHURCH, GAKARARA

ON

TUESDAY, APRIL 23RD 2002.

**CONSTITUENCY PUBLIC HEARINGS, KANDARA CONSTITUENCY HELD AT AIPCA CHURCH
GAKARAKA ON TUESDAY 23RD APRIL 2002**

Present:

Com. Charles Maranga
Com. Nancy Baraza
Com. Isaac Lenaola

Secretariat in Attendance:

Maimuna Mwindau - Programme Officer
Partrick Chege - Assistant Programme Officer
Vivian Muli - Verbatim Recorder
Eunice Kasisi - Sign Language Interpreter

Meeting was called to order at 9.50 a.m. with Com. Maranga in the chair.

Com. Maranga: Ningetaka kuwakaribisha nyinyi nyote katika hiki kikao cha Katiba ama kikao cha Tume ya kurekebisha Katiba na tungeomba mmoja wenyu atuombe ili tuanze mkutano wa leo. Please one person to pray for us.

Speaker: Nataka kuanza na maombi; na tuombe. Tuna shukrani nyingi Mungu Baba kwa wakati huu, kwa kutupa nafasi siku ya leo. Ni ahsante kwa kutupa uhai, ni Ahsante kwa kutupa hata nafasi ya kuja katika kikao hiki hili tutoe mawazo yetu katika Katiba ile Mungu Baba sisi wananchi wa Kenya Tumekubaliana tutaitengeneza. Ni ahsante hata kwa serikali yetu kutukubalia na kutupa nafasi ili tutoe mawazo yetu kama wananchi wa Kenya.

Sisi wananchi wa Kandara tuna shukurani nyingi Mungu Baba kwa kuona ya kwamba uko pamoja na sisi na tunaomba uanze na sisi. Ni ahsante hata kuwaleta hawa wageni wetu Commissioners. Tunashukuru mungu baba tukijua ya kwamba hata wale wengine hawajafika utawaleta, ili watoe mawazo yao, watoe maoni yao na tunajua ya kwamba ukianza na sisi utamaliza na sisi.

Tunajua ya kwamba hakuna wakati umeulizwa na wananchi, umeulizwa na watu wako jambo lolote ukawaachilia. Sisi tunajua

ya kwamba hutatuwachilia sisi lakini utaendelea kutupa mawazo mazuri wakati mzuri na wakati wote tutakuwa hapa tutatoa shukrani nyingi zetu kwako Mungu Baba Twaomba tukijua ya kwamba wewe upo pamoja na sisi, sasa na hata milele. Amen

Com. Maranga: Ahsante kwa maombi. Sasa ningetaka kuwakaribisha katika hiki kikao cha Tume ya kurekebisha Katiba na kabla hatujaanza kabisa mimi ningetaka niwajulishe ni akina nani wako hapa. Kwanza kabisa nataka kumjulisha Commissioner Nancy Baraza, wacha awasalimie.

Com. Baraza: Hamjambo? Habari zenu?

Com. Maranga: Ahsante huyo ni Commissioner Nancy Baraza vile vile niko na Commissioner mwingine ambaye anaitwa Isaac Lenaola.

Com. Lenaola: Hamjambo wananchi wa Kandara.

Com. Maranga: Vile vile niko na wale ambao wanatoka kwa National Secretariat ama upande wa Tume ya kurekebisha Katiba na tunaye Programme Officer hayuko hapa anaitwa Maimuna, tunaye Eunice, Eunice simama huyu anahusika na wale watu ambao hawasikii na ni mmoja wapo wa wale ambao watakuwa wanatafsiri. Huyu vile vile ambaye anasimama anaitwa Vivian naye ndiye anausika na hizi vyombo vya kunasa sauti, na tunaye Charles Njenga huyu ni assistant Programme officer. Sasa ningemuita bwana Kariuki ili aweze kutujulisha wenzake wale ambao ni constituency committee members, kuna wowote hapa? Ok, wajulishe.

Kariuki: Ahsante sana. Let me take this opportunity to welcome all of to this venue to give you our views on the change of the Constitution. I also wish to welcome the Commissioners and to thank them for having come all of them the three of them as they are required to be here. That means they are very ready to hear from you, I would also like to say briefly that for toilet facilities, the toilet at this corner behind the building will be used by the people at the front here.

For those of you are seated the facilities to be used are there in front of this building. Some of the committee members who are here with me are the chairmen, you may stand up, Arch deacon John Kimani. Then we have Mr. John Kivochi and then we have Mrs Josephine Mbugua, then there at the back doing the registration we have the lady seated there Judith Wambui and the man standing up reading is Solomon Karuri. The other members are on the way they will join us including mheshimiwa Joshua Toro who is also a member of the committee.

Thank you very much.

Com. Maranga: Sasa wacha tuseme hiki ndicho kikao cha kurekebisha Katiba, hiki ni kikao rasmi na yeyote ambaye ana

swala lolote ni lazima aulize wana Tume. Kwa hivyo hiki sasa ni kikao cha Tume ya kurekebisha Katiba. Na sisi Kama wana Tume tunayo masharti madogo ambayo tuanaambia wananchi. La kwanza kabisa unakubaliwa kuongea katika lugha yoyote. Unaweza ukaongea Katika lugha ya kimombo, lugha ya Kiswahili ama Kikuyu. La pili, kila mtu ana haki ya kuongea mbele ya Tume ya kurekebisha Katiba na sisi tutawapa dakika tano.

Kama wewe uko na memorandum utafanya summary ya memorandum yako. Kama huna memorandum na unataka kutoa maoni kwa kuzungumza, vile vile ni dakika tano. Kwa hivyo wakati unakuja mbele ya wana Tume ujue una dakika tano na usingoje mimi ni kukatize because ikiwa dakika tano zimeisha namna hii basi mambo yako yanaisha hata kama ulikuwa umewacha points zile za muhimu. Kwa hivyo uanzie points zako za muhimu na uweke kwa ufupi. Sisi kama wana Tume tunaelewa yale ambayo unataka kuyazungumzia.

Na kuna vile vile wengine ambao wanataka kupeana memorandum hawataki kuongea. Basi naye vile vile kuna kitabu hapa ambacho unaweza kujiandikisha ili uweze kuwacha memorandum yako. Na wakati unaongea ukisha keti hapa ni vizuri ujitambulisha jina lako, majina yako kamili na utuambie wewe ni nani ili tuweze tukafanya recording ya hiyo jina kwa sababu hizi reports zitakuwa permanent records za Katiba ya Kenya. Kwa hivyo nafikiri hayo ndio masharti madogo na wakati mtu yeyote anaongea, hakuna mwingine anakubaliwa kuongea. Unasikiza tu maoni ya mtu hata kama huyataki wewe kuja taja yako hapa. Tunaelewana, tunaelewana kila mtu? Hebu nione kwa mikono kama tunaelewana. Basi hiyo ndio Katiba yetu ya leo dakika tano na mtu akija hapo anajitambulisha na hakuna mwingine anapigia mwingine kelele. Five minutes hata uwe na memorandum ndefu namna gani, una - summarize in five minutes kwa sababu tunataka kuwapa watu wengi kabisa nafasi watoe maoni yao.

Na huko mahali mnaona mwana dada anakaa huko tutafuata hiyo list vile unafanya registration, hiyo ndio list mimi nitafuata hapa. Huwezi ukatuma kijikaratasi hapa ati wewe unataka kuongea mbele ya wengine. Tunafuata hiyo laini, tunaelewana? Basi kama hujafanya registration, urudi huko you register. Saa hii ni saa nne kamili na mimi pengine nipate ile list yetu. Charles, can I have the list from the other side? Unaweza kuita mtu wa kwanza kabisa? Na wale ambao ni watu wasiojiweza, watueleze kama wako. Kwa mfano watu ambao hawasikii yaani viziwi tunaweza tukaelezwa ili huyu awe amefanya kutafsiri. Na hii mic yako siyo nzuri.

Com. Maranga: Madam, can you put numbers? Badala ya kuweka vile iko blank, weka numbers one to whatever. Lakini mimi nimeona hapa wa kwanza kabisa anaitwa Councillor S. N. Mbugu, Councillor Mbugu tafadhali uje ukae hapo ujitambulisha uanze kutoa maoni yako. Una dakika tano.

Samuel Mbugu: Jina langu kamili ni Councillor Samuel Ndung'u Mbugu. Point ya kwanza ningetaka kuzungumzia habari ya misitu, Forest. Na kwa vile ninataka niende haraka nimalize points zangu, ningelitaka hali ya misitu kuwe na sheria ambayo itawapa wakenya kupanda miti kwa wingi. Kama mjuavyo miti mingi ambaye sisi wenyewe Tumepanda katika division yetu imezidi ile ambayo imepandwa kule misituni. Na kwa hivyo kama wakenya watapanda miti hivyo kama hapa, hatuna haja na

misitu tena maana yake imekuwa ni sehemu ya watu kujitajirisha kule misituni.

Sehemu nyingi zimekatwa na wengi sasa wanatumia kwa kuuza. Kwa hivyo sasa kama wa - Kenya wataombwa kupanda miti katika kila eka moja, miti karibu mia tatu hatuna haja na forest tena. La pili ni hali ya elimu, hali ya elimu tungeilitaka elimu, mimi ni maoni yangu ya kwamba elimu irudi vile ilikuwa. Elimu iwe ikianza nursery school iende mpaka standard 7 na tuwe miaka mbili junior secondary na miaka mbili secondary school na miaka mbili iende kwa university.

Hali ya uchaguzi, mimi napendekeza ya kwamba Electoral Commission, Electoral Commission iwe ikichaguliwa na bunge badala ya kuchaguliwa na watu wachache.

Hali ya kuajiri, mimi nataka kupendekeza ya kwamba, kuajiri kwa watu kuwe kukifanywa kuliangana na mikoa zile ziko. Pesa za nchi napendekeza ya kwamba pesa zote ambazo zinakusanywa kama kodi ya nchi ziwe zikipatiwa kila sehemu ya bunge, ziwe zikigawanywa badala ya kuwekwa katika central bank na kugawia watu wachache. Ziwe zikigawiwa katika kila sehemu ya bunge.

Kuhusu majimbo hali ya majimbo nataka kupendekeza ya kwamba iondolewe na isiwekwe katika Katiba ya Kenya maana yake hali ya majimbo ndio imeleta taabu na ililetwa kwa njia ya kichini chini, na wale ambao walikuwa waoga wakifikiri ya kwamba huenda wakikuyu wakawa ni watu watukutu. Kwa vile walikuwa wamepata taabu wakati wa kupigania uhuru, huenda wakawamaliza wakipata mamlaka.

Majimbo yakikubaliwa sasa itaonekana ya kwamba wakenya hawataachana na ukabila, wataendelea na majimbo. Majimbo yaliletwa na Micheal na Havelock, na wazungu wengine wachache ambao walikuwa wanaogopa wakikuyu ndiposa wakachukua bwana Ronald Ngala katika mkutano Lancaster house na wakatengeneza majimbo juu ya uoga. Kwa hivyo mimi napendekeza ya kwamba kwa vile ni wazungu wachache ambao walikuwa wanataka Katiba yetu iharibike, tusiwe na majimbo.

Habari ya vyama vya kisiasa, nataka kupendekeza ya kwamba vyama vya siasa view vikitoa pesa kutoka kwa Consolidated fund na bank vyama vyote visiwe vikibaguliwa vyote ambavyo vimeandikishwa viwe vikipatiwa fedha kutoka kwa consolidated fund.

Hali ya hospitali, napendekeza ya kwa kwamba kila sehemu ya bunge kuwe na hospitali moja kubwa. Hali ya vipande, napendekeza kwamba uchaguzi uwe ukifanywa kwa vipande maanake vipande vimekuwa vikichelewa na watu wengine wamenyimwa card ya kupiga kura. Hali ya kina mama, hali ya kina mama napendekeza ya kwamba kuwe na tofauti kama wale wameolewa na wale hawajaolewa na mimi ningetaka kufafanua kidogo na - Okay Ahsante. Mkuu wa sheria napendekeza pia awe.

Com. Baraza: Hali ya kina mama ulisema nini?

Samuel Mbugu: Nimekatizwa kidogo ndio naenda haraka. Hali ya kina mama napendekeza ya kwamba wale ambao watakuwa wakipatiwa mamlaka ya hali ya juu wawe ni wale wameolewa. Na wawe na tabia nzuri, wale wanaishi na mabwana zao sawa sawa.

Com. Baraza: Weka microphone mbele uongee hatusikii

Samuel Mbugu: Nasema wale ambao watakuwa wakiteuliwa katika mamlaka, wawe ni wale wameolewa na wale wana tabia nzuri na wanaishi vizuri na bwana zao. Hali ya mkuu wa sheria, napendekeza ya kwamba mkuu wa sheria awe akichaguliwa na bunge ama Tume ambayo itachanguza hali yake na asiwe anachaguliwa na mtu binafsi. Hali ya police na AP, napendekeza ya kwamba kuwe kukifanyiwa mabadiliko kuhusu police and AP na hilo jeshi liunganishwe pamoja.

Com. Maranga: Okay thank you

Samuel Mbugu: Ahsante

Com. Maranga: Kaa kidogo kaa huko, Hii miki sijui namna gani. Nani mwenye hii? I think there is a problem. I don't know why it is not working. Sasa ningemuomba Com. Nancy Baraza kama ana swala kwa Councillor huyu.

Com. Baraza: Councillor wewe unasema wale mama ambao watahika vyeo vikubwa wawe na good manners, hiyo tutajua namna gani kama mtu ako na good manners au bad manners na hiyo good manners and bad manners haitakiwi kwa wanaume ambao wanashikilia vyeo?

Samuel Mbugu: Katika bible, tukirudia katika bible inasema hivyo. Mimi nafuata vile bible inasema. Wanawake wawe wakiwatii mabwana zao na ndio mimi napendekeza ya kwamba wawe wakiwatii na wale hawawatii si waaminifu.

Com. Maranga: Ngoja, keti tuu, Com. Lenaola?

Com. Lenaola: Ahsante Councillor. Mambo ya mkuu wa sheria umesema ya kwamba akuwe appointed na kikundi gani cha watu? Kwa maana sikuelewa ni kikundi ama ni tribunal ama ni bunge ama ni nani.

Samuel Mbugu: Nilisema bunge ama kuwe na Tume ama kuwe na Commission ambayo itakuwa ikichunguza uwezo wa Attorney General.

Com. Maranga: Ahsante, sasa unaweza ku-sign kitabu chetu, uende ukajiandikishe na itiwachie hiyo memorandum hapo mbele kwa sababu hiyo ndiyo itakuwa record yetu rasmi. Kwa hivyo jiandikishe. Wa pili tunamuita Mr. Njoroge Mbugua. Kaa

hapo mzee wangu uko na dakika tano. Na wewe kama una memorandum, summarize the main points.

Njoroge Mbugua: Jina langu ni Njoroge Mbugua. Mimi niko na points I have 8 points starting with the President.

The President should be 45 years and above. Today his powers should be reduced

He should be not be above the law. Should serve two terms of five years each. Should retain the Commander in Chief of Armed Forces portfolio.

Article two, Vice- President: Vice- President should be running mate of President during election. That is, both of them should be elected directly by the people of this country.

Absence of President, the Vice President takes all the Presidential responsibilities.

Thirdly Judiciary. The Judiciary should be independent. Judicial service Commission should appoint all judges.

Chief Justice to be appointed by the President and vetted by the Parliament.

Local government: All county council, town council chairmen and the mayors should be elected by the public. A certificate of good conduct for these seats will be mandatory. Such certificate should be signed by the higher spiritual authorities of the contestant in consultation with the area electorate, for example the bishop or authorized priest chief kadhi or authorized Muslim clergy etc.

Location chief and the sub-chief: Both chief and sub-chief should be elected by the public. Each one of them should produce a certificate of good conduct, a prerequisite for nomination from the local elders.

Land reforms: The new Constitution should give land reforms a center stage. That is, land ownership should be streamlined where by the new Constitution will give land grabbing in our forest natural resources and public land zero tolerance.

Pensioners: Pension Act should be reviewed and entrenched in the Constitution and to reflect the following;

- (a) A widow or widower continues, to enjoy the spouse's monthly pension after the later dies.
- (b) The five-year rule whereby the widow is allowed to continue earning her late husband's salary effected to his wife who then happens to be the pensioner.

(c) In the event of a salary review for the government servant the retired people should automatically be included.

(d) Education free education for all under 18 years including street children should be clearly reflected in the new Constitution.

Com. Maranga: Thank you very much. Thank you. Let me now ask Com. Nancy Baraza if she has any clarification? No. Com. Lenaola? No. Thank you very much mzee I have no clarification for you. Register yourself and hand over your memorandum and you will be given a minor number. Thank your very much. The next person is Isaac Waweru, Isaac Waweru? You give us your main points and please if you have a memorandum you will hand it over. Give us the main highlights of your presentation. Thank you, now you can proceed starting with your name.

Isaac Waweru: My name is Isaac Waweru Karanja I am the National chairman of Kenya Association of Retired Officers. We have presented a memorandum at Kencom house at national level but this are now my views as an individual person and I am only going to highlight a few things that were not highlighted in the first memorandum concerning the Constitution that we would like to have. Kenya is just about to degenerate into clarism because of the many parties that have been registered and therefore as an individual, I would like to ask the Constitution of Kenya Review Commission to think of including these sentiments in the new Constitution that Kenya becomes a purely partyless state.

Partyless because if we are allowed to continue that way Constitutionally, we will in one of these days have parties even in families, you hear these is a 'Njiiru party' a 'Gashieko party', 'Wambui party' and this will have no meaning in the future Kenyan political landscape.

The presidency, this should be beyond party politics, beyond constituencies and should be elected by the entire population of Kenya. He should have no constituency and no party. The same should have a running mate who automatically becomes the Vice-President.

This would be the President who will serve as an Executive President in the Central Government, who will also appoint the Executive people, that is the judges and all the other, parastatals who should be vetted by Parliament, all of whom should be vetted by Parliament. Members of Parliament should be appointed as at constituency levels and should also not be elected through parties but purely on policy basis. They should only share their policies to the people and then get elected. Parliament will be charged with the legislation and also vetting the civil servants who will be appointed by the President. The Central Government would devolve its power to the local government.

Local government will start from the grassroots and like it was sometime back, we will have Councillors appointed at sub-locational level, who, together when they come at the location will form a locational council. The location will elect a

Councillor who when they come together at division level in the divisional will form the divisional committee which will be chaired by the elected member of Parliament of that constituency.

The Councillors will then form the district council, which will be chaired by a chairman who will be elected directly by the people in that district. The same will happen to the mayors and chairmen of town councils. They will be elected by the people but not the Councillors because this brings about corruption. Thank you very much.

Com. Maranga: Isaac Waweru, Com. Nancy Baraza, and Com. Lenaola. Thank you now you register with us. Thank you very much. Ahsante, and you leave us with your memorandum. The next person is Peter Njoroge, Peter Njoroge?

Peter Njoroge: Majina yangu ni Peter Njoroge Kung'u from Kigua. Presenting my recommendations from Kigua Catholic Church.

Peter Njoroge: Sauti? My name is Peter Njoroge Kungu from Kigua Catholic Church and these are my recommendations:

1. A Commission to be formed to select and promote heads of departments government departments and Parastatals.
2. Ministers should be neutral and not from the ruling party. Ministers, PS and heads of department must be professionals.
3. Age limit for the President be 35 to 65 years.
4. A Commission be formed to look into the remunerations and other allowances for MPs.
5. Provincial administration at locational level that is sub-chief and chief be elected by the public.
6. Chairmen to the county council, be elected by the public.
7. A Commission to be put up to select the chairman and treasurer to the local council.
8. Councillors be of at least 'O' level standard and above.
9. Assistant chiefs and chiefs be of 'O' level standard and above.
10. The President to have a bachelor degree and above.
11. Judge and Chief Justice should be elected by the Commission and the President should still appoint the Attorney General. Chief Justice Attorney General and Auditor General tenure of office Bill to be respected.
12. The President should not be above the law. The Vice-President be elected by the public.
13. Abolition of local brews, abolish pombe haramu.
14. All elected leaders should be married people.
15. One man, one job.
16. Women to have equal rights to properties.
17. The immigration laws; to award equal opportunities to men and women. Parliament should be full time, but not

two days.

18. Freedom of worshipping God.

Com. Maranga: Thank you Peter, thank you. Peter, I don't know whether there are any points of clarification, Com. Nancy Baraza?

Com. Baraza: Mr Njoroge, you say under Provincial Administration, you want chiefs and sub-chiefs to be elected directly by the people. What views do you have on the PCs and DCs, do we retain them? You were silent on that one.

Peter Njoroge: I have no viewson PCs and DCs. They should remain that way.

Com. Lenaola: Bwana Njoroge on the cabinet you are saying that they should not be from the ruling party. Are you saying that we pick them from outside Parliament or pick them outside parties or where do we get this cabinet from?

Peter Njoroge: Outside Parliament

Com. Maranga: Mr. Njoroge, I have no question for you. Now you can register with us and you hand over your memorandum. There is a lady next to you and you go and register in our official register. Now, the next presenter is Micheal Kimani Micheal Kimani. Yes, you have five minutes sir, summarize your main points and you will hand over the memorandum to us. Thank you and you start with your name.

Michael Kimani: My name is Michael Kimani I have come to represent Githunguri Catholic church. First the recommendations: The Presidential powers to be reduced, he should be ceremonial thus he should not be above law.

1. The Executive should be given powers to rule the country
2. Judiciary should be independent There should be a government of national unity, all parties should be included in the cabinet.
3. There should be Parliamentary sessions calendar in the country.
4. Provincial administration should organize for seminars for public as to honour the national flag
5. Ministers associated with corruption should be interdicted immediately, arrested and to court of all pending judgment on the mistake made.
6. Ministers should be appointed in accordance to professionalism e.g education he should be highly educated. Might be with doctorate degree.
7. President should be aged between 35 and 70 years with clean education performance record preferably with a political science degree. He/she should be married and have a tangible family.

8. (a) There should be a salary remuneration Commission to review and revise salary for all public servants. MPs and minister's salaries included. (b) Labour laws should be revised thus technicians should be paid well. (c) Workers' rights should be respected he/she should not be threatened with sacking.
9. Recommended salaries should be paid to the workers.
10. Nominated MPs seats should be given to disadvantaged people who were not elected during the general election.
11. The registration of voters exercise should be continuous and incorporated in the office of the registration of people.

Com. Maranga: Thank you. Now, I want to ask Com. Nancy Baraza if she has any clarification. None. Com. Lenaola, none. I have no clarification for you please hand over your memorandum and register officially. Thank you very much. The next presenter is Peter Muthee. Peter Muthee you have five minutes sir and give us your main points and your memorandum later on. Thank you. Give us the highlights of your memorandum.

Peter Muthee: Maritwa makwa ni Peter Muthee.

Translator: My name is Peter Muthee.

Peter Muthee: Uhoro-ini wa president.

Translator: On the presidency:

Peter Muthee: Muthamaki wa bururi.

Translator: The President of the country.

Peter Muthee: Agiriirwo gukurwo e muthamaki wa bururi na atakuanitie maundu ta ma mutongoria wa mbutu ya ita.

Translator: Should not be the Commander in Chief of the Armed Forces.

Peter Muthee: Muthamaki kana Rais athuragwo ari wiki, atekunyitithanio na ithurano iria ingi cia Bunge kana Councillor.

Translator: The Presidential election should be done separately and not jointly with Parliamentary and civic elections.

Peter Muthee: President ndagakorwo ari wa kياما ona kiriku.

Translator: The President should not belong to any party.

Peter Muthee: Muthamaki wa bururi ndagakorwo ari na hinya wa gucinjia Gatiba ya bururi.

Translator: The President should not have the power to amend the Constitution of the country.

Peter Muthee: Vice President.

Translator: Vice president.

Peter Muthee: Agiriirwo ni guthurwo ni Abunge.

Translator: Should be elected by the Members of Parliament.

Peter Muthee: Munene wa mawatho agiriirwo ni guthurwo ni Abunge.

Translator: Attorney General should be elected by the Members of Parliament.

Peter Muthee: Aruti a wira wa thirikari magiriirwwo gukorwo mari thi ya ruhonge mwanya ruhetwo hinya ni Abunge uria magiriirwo ni kuruta wira wao.

Translator: Civil servants should have their own department which is empowered by an Act of Parliament on how it should be run.

Peter Muthee: Kinya karani wa Bunge agiriirwo ni guthurwo ni Bunge.

Translator: The clerk to the National Assembly should be elected by the Members of Parliament.

Peter Muthee: Ona turani twa honge cia thirikari - ministries – twagiriirwo ni guthurwo ni Bunge.

Translator: Even Permanent secretaries should also be elected by Members of Parliament.

Peter Muthee: Honge cia githomo:

Translator: On education:

Peter Muthee: Vice-Chancellors a university magiriirwo nigutongorio ni ruhonge rwa university ruthondeketwo ni ruhonge rwa githomo.

Translator: Vice-Chancellors of public universities should be under a department in the Ministry of Education dealing with universities.

Peter Muthee: Chancellor wa universities agiriirwo ni guthurwo ni Parliament na riiwa riake rinengerwo kamiti ya maunde ma university thiini wa Ministry ya githomo.

Translator: The chancellor of the university should be elected by Parliament and the name submitted by a committee composed by the ministry of education.

Peter Muthee: Andu a Bunge;

Translator: Members of Parliament;

Peter Muthee: Muthurwo guthii Bunge wa rugongo runa akorwo ni aikaranitie na andu a rugongo ruu miaka itanyihire iiri.

Translator: Any member of Parliament should be elected by the constituents if only he has stayed in that constituency for not less than two years.

Peter Muthee: Ruhonge rwa wathani;

Translator: Provincial administration;

Peter Muthee: PC ndagiriirwo gukorwo ari ho.

Translator: We should not have a Provincial Commissioner.

Peter Muthee: DC nio magiriirwo gukorwo magikua maundu mothe ma district.

Translator: Instead, District Commissioners should be in charge of their districts,

Peter Muthee: Magiteithagio ni ma DO.

Translator: Assisted by district officers.

Peter Muthee: Chiefs matiagiriirwo gukorwo mari ho, aria magiriirwo ni gukorwo ho ni mahendimeni.

Translator: Locational chiefs should not be there. The assistant chiefs are the ones who should be there.

Peter Muthee: Andu aria mateithagiriria sub chiefs matura-ini nimagiriirwo gukurwo makiheo irihi ni thirikari.

Translator: Village elders should be considered by the government for payment and employment.

Peter Muthee: Uhoro wa mundu kunyitwo ni undu wa ihitia ona ririku, ndakanae kuherithio atatwaritwo igotiini.

Translator: Once a person has been arrested, he should not be tortured or punished until he has been taken to court.

Peter Muthee: Macira ma igai ria indo thutha wa gikuu kia mundu mabataire kuhurwo report thiini wa division niundu mahinda maya ngarama niirakorwo ii nditu muno gutwara machira macio magotiini manene na magakua gatina karaihu.

Translator: Succession after death; those cases should not go beyond the divisional level because these days the expense is very heavy taking those cases to high court and they take very long time to be over.

Peter Muthee: Uhoyi wa ngoma, gutira handu hagiirwo gwikirio uhoi wa ngoma thiini wa Gatiba na niwagiirwo kuhuranwo naguo muno, ota uria tuhuranaga na murimu wa mukingo. Gutiri muhoi ngoma wagiirwo ni kuheo giti kia utongoria ona hanini.

Translator: There should be no devil worship and any person in leadership who is known to be engaged in devil worshipping should not be given that kind of work position. Devil worship should be resisted the way HIV/AIDS is resisted.

Com. Maranga: Ngoja akae hapo, any point of clarification? Chukua zote, they are all there. Com. Nancy Baraza any point of clarification?

Com. Baraza: Yes. Mr Muthee, how do we identify devil worshippers, who are devil worshippers and how do we identify them?

Peter Muthee: Nomamenyeke ni undu wa mitugo yao, ona nikuri na migathi mekiraga.

Translator: They can be identified by their behaviours and use of the signs, which have already been known. Like they put special necklaces.

Com. Maranga: Bwana Muthee umesema ya kwamba tusikuwe na ma-chief lakini tuwe na assistant chief, sasa location itakua ikiongozwa na nani?

Peter Muthee: Macibu matigakorwo kuo, no wira wao urutwo ni kanjura magateiithiriro ni anyinyi a macibu.

Translator: There should be no chiefs. Instead we should have Councillor assisted by the assistant chiefs.

Com. Lenaola: Hebu sasa tumuite Michael Mwangi. Michael Mwangi?

Mwangi: Mine is verbal. My names are Michael Mwangi Kamau, chairman Githingiru Primary School.

Michael Mwangi: My names are Michael Mwangi Kamau chairman Githingiru Primary School, denomination, Catholic Church. Nitaongea Kiswahili ili kila mtu aweze kuelewa. Mapendekezo yangu ni kama yafuatayo.

Ningependekeza mfumo wa kwanza ule wa zamani wa elimu uendelee na kusiwe na kubadilishwa badilishwa kwa mfumo wa elimu. Na kama kutakuwa na mabadiliko, yafanywe kupitia Bunge.

Pendekezo lingine ni kwamba ningependekeza ile PTA kwa upande wa shule za sekondari ipewe nguvu badala ya ile board inachaguliwa. Zile board zinakuweco board ya PTA ipewe mamlaka ya kuongoza shule hizo.

Pia ningependekeza kuwe na permanent bursary ya serikali kwa watoto maskini na wale watachaguliwa kwa committee za shule wawe legible wawe ni watu wamefika kiwango cha form four and above.

Sasa nikitoka upande wa elimu naingia upande wa Judiciary, upande wa sheria. Ningependekeza majaji wawe wakiandikwa na Public Service Commission badala ya kuwa appointed by the President. Mkuu wa sheria awe akichaguliwa na law society of

Kenya ikishirikiana na Judicial Commission of Kenya. Mtu akistakiwa na apelekwe rumande na baadaye apatikane hana makosa, awe akilipwa na serikali.

Kwa upande wa dhuluma ya kina mama kama vile rape, mama akidhulumiwa awe akilipwa na serikali. Awe compensated by the government after the rapist kuwa ni mtu amekuwa jailed. Kwa upande wa provincial administration mimi ningependekeza wawe wakichaguliwa na wananchi kuanzia sub-chief mpaka DC naye DC awe akichaguliwa na wale wamechaguliwa kutoka sub-location, location na district level.

Kwa upande wa industry za taifa, utajiri wa nchi ningependekeza kuwe na sheria kali za kulinda viwanda vya hapa nchini, protection of local industries.

Upande wa health, National Aids programme iondolewe katika ofisi ya Rais na ofisi ya Rais isiwe ikihusika na mambo ya health yaani afya. Mambo yote ya health iwe yanashughulikiwa na ministry of health.

Kwa upande wa kina mama, gender equality, ningependekeza wanawake wawe wakitengewa viti vya bunge na kwa town council ili sauti yao iwe ikisikika.

Kuhusiana na zile three arms za serikali, Judiciary, Legislature and the Executive, ningependekeza zitenganishwe na Executive isiwe na mamlaka juu ya Legislature ama Judiciary kwa njia yeyote ile.

Section 265 local government Act; ningependekeza mwenye kiti wa council au mayor awe na mamlaka kamili badala ya town clerk.

Kwa upande wa Electoral Commission, ningependekeza, waunde a situation where-by watu wote wa hali zote, maskini na matajiri, wawe na nafasi ya kugombea viti ili isiwe kuwa bunge letu lina represent wale wenye uwezo pekee. Na bribery ipigwe marufuku kabisa katika uchaguzi. Nitakomea hapo.

Com. Maranga: Thank you bwana Michael Mwangi.

Com. Baraza: On the gender equality, do you have the number of seats to be reserved; do you have a percentage, which one?

Michael Mwangi: On my side I can propose half, 105 seats in Parliament because we have 210.

Com. Lenaola: Half of the Parliamentary seats, half of the Councillors.

Michael Mwangi: Yes, half of Judiciary pia katika Bunge.

Com. Maranga: Ningetaka kuwaomba wananchi wa Kandara kuwa wale ambao wako na memorandum na wanataka waziweke kwa Commission ama kwa Tume na hamtaki kuongea, tafadhalini kuna mama hapo huyu mama mnaona anaweka kitenge na yule ambaye anakaa karibu na mic unaweza kuenda huko pole pole ufanye registration na memorandum yako iweze kupatiwa number, kama hutaki kuongea na unataka kuwacha memorandum ili uweze kuondoka.

Vile vile nataka kuwajulisha wale watu wote ambao wanataka kuongea, maybe wengine ambao wameingia hapa na hawajafanya registration huko, sisi tunatambua majina yale yameingia kwa hii form ya Commission ndio tunakuita ndio uweze kuongea. Kwa hivyo yule mwana dada wetu ama yule mama ambaye amevaa nguo ya green hapo ndipo unaweza kufanya registration kama unataka kuongea. Na kama hutaki kuongea, vile vile unaweza kufanya registration useme hutaki kuongea unataka kusikiza. Na hiyo vile vile inakubalika, sio lazima uzungumze. Kwa hivyo, hiyo ndiyo nilikuwa nataka kuwajulisha. Mwingine sasa ni Councillor Mutungu. Councillor Mutungu? Thank you very much, fanya registration kwa upande huu na utupatie memorandum yako. Councillor Mutungu you have five minutes sir, summarize the main points. Mutungu naona Councillor Mutungu, ni wewe ? Na uanze kwa majina yako.

Onesmus Mutungu: Majina yangu kamili ni Onesmus Mutungu I am Councillor of Kandara County Council.

Onesmus Mutungu: Kandara county council.

Com. Maranga: Jina please.

Onesmus Mutungu: Onesmus Mutungu.

Com. Maranga: Haya endelea, una dakika tano

Onesmus Mutungu: The President should be at least 50 years and above. In case of the death of the President or the dissolution of the Parliament the Chief Justice should take over the government up to the time that the new Parliament is inaugurated. The President should not have overall authority of controlling the Parliament that is, its calendar, dissolution of Parliament and the like.

There should be an authority to carry out this function of running the Parliament. There should be an authority to be elected by the Parliament to run the Parliament law. The President should not have the authority of appointing high court judges and Attorney General. The function should be performed by Parliament today. There should be (inaudible) from the law society in that appointment, their views should be considered.

In our universities the President should not be the chancellor of the public universities, he should not even have the power to appoint Vice- chancellor of the university. University council or a relevant body should do the same function, should appoint the Chancellors and the Vice chancellors.

Attorney General should not be a Member of Parliament, he should not. It cannot be the case. There should be appointed a ministry, as it was sometime back to carry out these functions in Parliament.

Com. Baraza: To do what?

Onesmus Mutungu: There should be appointed a ministry, as it was sometime back, to carry out the functions of the Attorney General in Parliament. There should not be appointment or nomination of Members of Parliament and Councillors.

Com. Lenaola: No nomination?

Onesmus Mutungu: There should be no nomination because they serve the purpose of the nominating bodies instead of serving the nation. In this case of a Councillor...

Com. Maranga: Now can you speak louder? Continue

Onesmus Mutungu: Councillor's allowances should be paid from the treasury.

Com. Maranga: Pardon?

Onesmus Mutungu: Councillors allowances should be paid from the treasury. The selection or the university intake should continue jointly as it is done today. Universities should not select students on their own, separately and the calendars of the university and the like should be done jointly as it is today.

Com. Maranga: Sasa, I think the machine is powerful only that they don't know how to use it. Now mimi ningependa tu wananchi wa Kandara muwe kimya wakati wenzetu wanatoa maoni na kama hamuelewi ama hamuskii yale ambayo wananena pengine mnaweza kuweka mikono juu. Mimi kama chairman niwe nikiwambia waongee kwa sauti. Na vile vile ningependa kusema ya kuwa akina mama mnakubaliwa kutoa maoni na sijaona yeyote hapa. Kwa hivyo mfanye registration ili na nyinyi muwe na wakati wa kutoa maoni. Na ningependa tu kuwaelezea ya kuwa naona mheshimiwa amefika tutampa muda ili aweze kuongea lakini na yeye vile vile ni mwanchi wa Kenya. Ahsante mheshimiwa, karibu.

Na kitu kingine kabisa, ningetaka kuelezea, mnaweza kuongea kwa lugha yeyote, Kikuyu, Kiswahili ama kizungu. Kwa hivyo

musije mukaogopa nitaongea kwa Tume namna gani. Utaongea ile lugha ambayo unaelewa na ile lugha ambayo unafikiria utaeleza maoni yako vizuri. Lakini bora tu umejiandikisha huku, tunaielewana? Na mimi ningewaomba tu muwe mnapatia watu wakati waongee musije mukaongea sana. Inakuwa taabu sana. Kwa hivyo hayo ndio maoni. Sasa wacha niulize Com. Nancy Baraza kama ana swala kwa bwana Onesmus Mutungu. Hana Com. Lenaola analo na mimi pia ninalo.

Com. Lenaola: Councillor umesema kwamba President awe 50 years and above, hakuna limit ya juu – ceiling ama mpaka miaka mia mbili?

Onesmus Mutungu: Not beyond 80 years.

Com. Maranga: Swali langu bwana Councillor ni hivi umesema President asichague chancellor au Vice chancellor wa universities lakini vile vile unasema university council iwe ndio ina-appoint chancellor and Vice chancellor. Je, ni nani anayetakiwa ku -appoint university council?

Onesmus Mutungu: Universtiy council.

Com. Maranga: Nani anatakiwa kuchagua university council. Who should appoint the university council?

Com. Maranga: Thank you very much. Hiyo pengine tutafikiria lakini ahsante sana enda hapo uweze ukajiandiki sha na uwache memorandum yako hapo. Na sasa tumuite David Wanjaka. David basi karibu mzee na una dakika tano kutoa maoni yako muhimu. David?

David Wanjaka: Jina langu kwanza ni...

Com. Maranga: Ongea kwa sauti ndio wale wasikie.

David Wanjaka: Sauti kubwa kushinda hiyo.

Com. Maranga: Hivyo ni vizuri.

David Wanjaka: Haya, mimi nitaongea kubwa kushinda hiyo.

Com. Maranga: Ahsante.

David Ndegwa: My name is David Wanjaka Ndegwa, from Ithiru location Thakarara sub-location na mimi ni mkulima.

The highest and the biggest honour that can be bestowed on the founder of this nation, that is His Excellency the late President Jomo Kenyatta, is having his portrait on all the currency of Kenya from today or from the time this Constitution starts working until Jesus comes back.

The minimum wage; it will be noted that in many of our employers in this country have been exploiting the labour from the poor employees and it is understood very clearly and especially at this time, that most of our people are living below the poverty line. That means they live below one dollar and in that case there should be in our Constitution minimum wage that would be keeping our people alive because some of them are dying of hunger wherever they are, because it is not implemented the way it should. Provincial Administration should be abolished fourth with and we get the local authorities, which are properly organized to run this country.

And finally, the Vice Chancellors of our universities should be entirely responsible for awarding degrees just in the same way as they carry out educating of our youths. Otherwise, the President should not be involved in awarding degrees only.

Com. Maranga: Ahsante mzee David Ndegwa, lakini utaketi hapo pengine Commissioners wana maswala kwako. Kwa hivyo subiri kidogo Com. Nancy Baraza? Com. Lenaola?

Com. Lenaola: Ahsante sana mzee Ndegwa. Umesema ya kwamba we must have a minimum wage. What is your figure do you have any figure in mind, one dollar, two dollars?

David Ndegwa: Well as for now, I have not thought of any figure but what worries me most is the question of a minimum wage that can make one live. For instance, if I may give an example for that matter, you will find that there are those people who are earning 100 shillings a day and that person is having four children to feed together with the wife. Just imagine how this people live.

Com. Maranga: Kabla sijaita mwingine pengine ningependa kama mheshimiwa Joshua Toro ana jambo la kuwambia wananchi wa Kandara. May be tumia hiyo mic, use that one.

Hon Joshua Toro: Thank you Com. Maranga and Com. Baraza. Now may I take this opportunity to welcome you to Kandara and feel free and I am sure the people of Kandara will give views that would be of benefit to the Commissioners. Ahsante sana.

Com. Maranga: Ahsante mheshimiwa, mimi hapa niko na maombi. Tunataka kumuita Councillor Silas Ruru Mwaura, chairman Maragwa county council, nakupa dakika tano utoe maoni yako. Please.

Silas Ruru: Thank you very much Bwana Chairman. My names are Councillor Silas Ruru Mwaura I am the chairman of Maragwa county council. Bwana chairman I will start by thanking you or welcoming you and your team to our district, Maragwa district and particularly Kandara constituency. This is a very important day for the people of Kandara constituency because they will be able to give their views. We are happy you were able to allocate two days in every constituency in our district although the two days bwana chairman are not enough. If you have more time, you can allocate us another day. However, let me give the following views and recommendations:

Powers of the President ama nguvu ya ofisi ya Rais. Bwana chairman ningependekeza ya kwamba Rais wa jamhuri asiwe juu ya Katiba, awe kama mwananchi wa kawaida. Hata yeye akifanya makosa anaweza kuchukuliwa hatua. Zile nguvu ambazo amepewa na sheria za ku-appoint Vice-President, ministers, assistant ministers, PS, judges, parastatal heads, police Commissioner, Attorney General, chairman of the Electoral Commission among others, Bwana chairman mapendekezo yetu ni kwamba kuwe na kamati...

Com Maranga: Tafadhali mpe wakati wake wa kutoa maoni. Muwe kimya.

Silas Ruru: Thank you chairman, mapendekezo yangu ni kwamba kuwe na kamati ambayo itaundwa na bunge ya watu wasiozidi watu saba ambao watakuwa waki-recruit, wakiangalia ni watu gani wanaweza kuwa Attorney General, ni mtu gani anaweza kuwa PS, ni mtu gani anaweza kuwa head of Armed Forces. Ile nyingine bwana chairman ni prerogative of mercy. Bwana chairman, tungelipenda hata ikiwa hii kamati iko katika sheria, tungependa hii kamati iongezwe mtu mmoja kutoka kwa human rights, human rights kuwe na watu kama wa tano.

Ikiwa mtu amekosea na Rais anataka kumsikilia huruma lazima kuwe na kamati ambayo inajulikana. Na wale watu wanasimamia human rights na watu wa kanisa pia wawe represented. Lile lingine bwana chairman ni kuhusu nomination of Members of Parliament and local authorities. Bwana chairman ningependekeza ya kwamba hawa nominated MPs na nominated Councillors wawe wanakuwa nominated na bunge na pia wanakuwa nominated na council.

Wakati council ina constitute ndio nominated Councillors na wao wanachaguliwa kulingana na specialities zao. Na vile vile hata kwa bunge, isiwe ni parties ama ni Rais ama ni nani anachagua.

Kuhusu elimu ya Rais wa jamhuri, tumependekeza ya kwamba lazima Rais awe amehitimu, amefika university. Awe ni graduate. Ya pili, lazima awe na certificate of good health. Anaangaliwa na daktari wakati wa kuchaguliwa anaonekana afya yake ni nzuri na pia hata katika bongo, akili zake ni sawa.

Kuhusu powers za President katika bunge, bwana chairman Tumependekeza ya kwamba President anyimwe nguvu zile ambazo yeye ndiye akitaka ku-prolong Bunge, akitaka ku-dissolve Parliament, ana-dissolve wakati wake.

Na ile nyingine bwana chairman Tumependekeza ya kwamba siku ya uchaguzi iwe inatengwa mwaka mzima before the actual date you have- you set a date one year before. Katika bunge bwana chairman, utaniongezea dakika mbili au tatu tafadhali.

Com. Maranga. Kama ni nrefu highlight the main points Kama Tume, tutaisome hiyo memorandum yako yote.

Silas Ruru: Basi nitaenda kwa haraka bwana chairman kwa sababu tumependekeza ya kwamba bunge inyimwe nguvu wabunge wanyimwe nguvu ya kujiongezea mishahara. Kuwe na kamati ambayo ndio itashugulikia mishahara ya wabunge. Na kamati nimependekeza ya kwamba iwe na wabunge wawili wa zamani, kuwe na secretary general wa Cotu, kuwe na secretary general wa Knut, kuwe na chairman of the other representatives kutoka kwa ministry of finance. Hao wana kamati ndio wanakaa chini wanatengeza marupurupu na mishahara ya wabunge. Kwa sasa President tungelipenda awe analipwa Kshs. 700,000 per month, Vice-President, Kshs.500,000, waziri Kshs.400,000, assistant minister Kshs.300,000, Member of Parliament Kshs.200,000 na iwe hizo ziko pamoja na allowances.

Ya mwisho kwa hiyo column hakuna mbunge ama mtu, mwananchi wa Kenya anatakiwa kuwa duty free. Duty free kila mtu awe analipa kodi, kwa maana wale hawalipi kodi ni wale wakubwa ambao wanafinya wananchi wa kawaida bwana.....

Silas Ruru: Chairman kuna local authorities, education and agriculture. Thank you very much.

Com. Maranga: Kwa hivyo sasa kitu nitasema uende hapo kwa yule madam hufanye registration. Oh, ngoja kwanza keti hapo pengine Commissioners Wako na maswali kwako, keti hapo. Sasa ningempa Com. Nancy Baraza, any points of clarification? No, Com. Lenaola?

Com. Lenaola: Bwana chairman umesema ya kwamba kwa ile committee ya prerogative of mercy kuwe na watu kutoka human rights. Ungetaka hawa wachaguliwe na nani, hii committee ichaguliwe na nani?

Silas Ruru: Organizations za human rights. If they are five, they should be asked to produce one and the churches can be asked to produce one too.

Com. Maranga: Tena ninakushukuru. Uweke sahihi kitabu chetu rasmi na uweze kutupatia hiyo memorandum, sisi kama Tume ama wana Tume tutasoma hiyo memorandum. Thank you very much and God bless you. Now, the next person to present is Joseph K. Nga'ng'a, Joseph K. Ng'ang'a. Thank you very much, so you don't want to represent? Thank you very much. Then can I have Dr. Ignatius Wanaliola. Now you have five minutes, you only give us the highlights.

Ignatius Wanaliola: Haya mambo ya Constitution Bwana chairman, wakati yanarekebishwa, it must be done not by 65% but

by 100% of Parliament aims. Mia moja kwa mia moja na pia lazima wananchi waulizwe maoni yao kabla ya kugeuza Consitution.

Number ya pili Bwana chairman, ile system iko ya kuajiri Provincial Commissioners na district Commissioners ni mbaya. Tunapendekeza wananchi wawe wanachagua District Commissioner, Provincial Commissioner hata chief halafu kesho yake, hawa wapewe mamlaka na legal protection na wapewe Constitutional empowerment to arrest the same wananchi who will have elected them.

Ya tatu, kama mbunge ameshindwa na kazi, he should be recalled by the Constituents.

Tunasema ya kwamba nikichaguliwa kama mbunge nikae miaka miwili nionekane sina kazi ya kufanya. I have said that 50% of all voters can recall their Member of Parliament and kuna mtindo wa wabunge mtu akienda bunge anasema watu wa Kandara ama wherever, Wakikuyu wamenituma na ni maoni yake binafsi. MPs must seek their constituents' opinion and must not act out of conscience or conviction. Ile anafikiria anasema ni sisi tumesema. Hapana awe anatuuliza kabla ya kusema ni sisi kutuwekelea makosa tusivofanyaa.

Nimesema mambo mengi President wa Republic ya Kenya sio lazima awe mbunge, he must not be an MP. Tumeona President wawili na kazi yao kwa constituency zao haikuwa kazi nzuri. Bwana chairman tuko na vitu kama kahawa, majani chai, chakula, vitu kama horticultural produce, these must be guaranteed with a minimum return by the government because our country depends on their export. Yaani mkulima wa kahawa akilima atumia elfu kumi lazima na soko iwe mbaya lazima serikali imulipe hiyo elfu kumi. By guaranting minimum return, we shall encourage our farmers. Nimesema wakulima wa kahawa, majani chai na mahindi, wawe wanalipwa zile pesa watakuwa wametumia. Either kahawa imeuzwa ama haijauzwa, iwe ni jukumu la serikali kulipa minimum return.

Environment and natural resources: Kumefika wakati watu wengine wanalipwa kwa sababu ya wanyama wa porini na watu wengine hawalipwi kwa sababu ya maji. Tuseme region kama hii tunapea Nairobi na Thika na kila mahali maji. This water must be considered as a natural resorce and must be paid for by everybody who uses the water na hizo pesa zirudi mahali hayo maji yametoka.

Iwe considered kama natural resource. We should not discriminate maji na vile vitu vingine. A natural resorce, must be a natural resource, ile imepatikana kwa kupewa na Mungu. Na hayo maji pendekezo letu ni kwamba tuwe na district natural resources committee, ama authorities wale watajua tutawauzia pesa ngapi. Tuwe hayo maji tutauza na tutauza pesa ngapi, ni sisi tuta decide. Lazima tuwe na natural resources authorities.

Mwisho kabisa, sio mwisho kwa sababu umenikimbiza. Lakini bwana chairman, iko international treaties kama zile za World

Trade Organization (WTO) watu kama the commonwealth of nations. Hawa watu wanaenda ulaya wanatenga ama wanasema tutanunua kahawa kwa bei fulani na serikali yetu inaitikia tu. Tumekataa hiyo. We are saying that we must decide the prices of all our produce.

International treaties and conventions are not necessarily suitable to the Kenyan content. To date, certain treaties that work against our economy are enforced by external authorities like WTO and the Commonwealth of Nations.

Ignatius Wanaliola: Thank you very much Mr. Chairman.

Com. Baraza: On international treaties we are part of the global world Are you suggesting that we do not consider the international treaties at all or we develop a mechanism of bringing them home to see how relevant they are to us? That is one question. The other one is on natural resources. You say that some income should be retained by the source. If water is coming from Kandara or if a place produces coffee, I think I am seeing it that way, do you have a percentage of that revenue that we should retain to the source?

Ignatius Wanaliola: 60% of this – the total income from the resource, 60% of the cost of water must come back to the source of that water, that is one.

Number two about the international treaties. Tumeona kama madawa, Tumeona kama kahawa yetu, tunatumiwa kutoka nje. Bei za madawa zao wanatengeneza kutoka kule na sisi kahawa yetu bei pia wanatengeneza ndio tunakataa. We are saying that if there is an international treaty, Parliament must study each treaty and each case on its own merit and counter-sign the international treaty. It must be counter signed or endorsed by our Parliament and by our people.

Com. Maranga: Thank you.

Com. Lenaola: Mr Marome, first question. When you say that 50% of the voters can recall their MP what is the mechanism for recall? And the second is that you say MPs must seek opinions of the Constituents before they declare certain issues in Parliament. What again is the mechanism for consultation with the Constituents?

Ignatius Wanaliola: Ikiwa ni mbunge hafanyi kazi na kuwe watu wameona hivyo lazima ajione kama muajiriwa ni kuandikwa ameandikwa, he has been employed by our people and if this people want to recall him all we shall do is have, the constituents making an application and if 50% of the registered voters want a by-election it must be allowed.

Com. Lenaola: Application taken to Parliament or court?

Ignatius Wanaliola: To Parliament.

Com. Maranga: Thank you Doctor.

Com. Lenaola: There was a second question.

Ignatius Wanaliola: What was that?

Ignatius Wanaliola: The second question was...

Com. Lenaola: How does he consult?

Ignatius Wanaliola: Wabunge lazima wawe na group of elders kwa kila location. Lazima mbunge wa Kandara awe na group of elders Uthuiu awe na group of elders kwa location yote. Awe na group of elders Kagondoine na kila mahali hili wakati anasema kule bunge ati watu wa Kandara walisema, lazima hawa watu wa Kandara na group of elders wawe wamemtuma sio akili zake aseme ati ni watu wa Kandara.

Com. Maranga: Thank you very much Bwana Wanaliola. Now you can sign our official register and please hand over your memorandum to the Commission. Thank you very much. Now, you can step down from that point. Now let me take this opportunity nimuite Mrs Alice Wahome and please I am going to give you five minutes to summarize your presentation. Alice Wahome?

Alice Wahome: Thank you chairman for the projection and for giving me the permission. Yes, the Commissioners all of you I would like to take this opportunity to congratulate you for the work that you are doing. I think it is working now. I will start with the Executive use. My names are Alice Muthoni Wahome from Kandara constituency; I am a practicing advocate in Nairobi as well. I would start with the Executive. I have a written memorandum, which I will leave with you Commissioners.

The highlights of my memorandum, starting with the Executive. I would like to state that the doctrine of separation of powers in this country has not been upheld. In that I mean that the Judiciary, the Executive, that is the office of the President and the Legislature. The country has not seen a specific separation in the execution of those duties. We must ensure that the Constitution uphold that principle.

The President needs to qualify for the office that he will hold under the constitution I am proposing a minimum university degree for the President of the republic. I am also proposing that the President should be between ages 40 and 70 years maximum, I am also proposing that he should hold office for two terms of 5 years each. Term mbili za miaka tano, hakuna kuongezea katika

Katiba.

I am also proposing that the President must garner 50% of the votes during the election by the public 50% of votes cast not 20% like we have seen before and should he not achieve that a re-run should be provided for under the constitution and the elections should either way be complete within three months, miezi tatu kabisa, including the re-run elections.

Functions of the President; I am proposing that we should have the office of the Prime Minister and also the office of the Executive President. The Prime Minister should be unanswerable to members of Parliament within the Legislature.

I would also propose that the President, because he is the Executive, should be an ex-official member of Parliament but with no rights to vote.

The rights of the vulnerable groups under the vulnerable groups; I have the women, girl child, boy child, watoto wa kiume na wa kike, pia persons with disability, pastoralist community and opposition parties.

I want to link opposition parties as a vulnerable group after election because distribution of resources have tended to be denied to people who have elected opposition parties. So they become a vulnerable group under the Constitution. Within that I am proposing that affirmative action for women be guaranteed under the Constitution. Kiasi cha minimum of 30% ingawa akina mama wa Kenya wanahitaji kufikia kiwango cha 50% but we need the Constitution to guarantee 30% so that we can cure the historical imbalance.

Parliament: The Legislature should at least have a minimum of form 4 secondary school certificates and should run for the usual period of five years it's acceptable the with option for re-election kwa sababu hiyo ni kazi ya wananchi. Wakisema aende miaka tano ni sawa, miaka kumi ni sawa.

The Parliament should have a Speaker who, because of the technicalities of the Parliament, my proposal is that the speaker should be an advocate of the high court of Kenya for purposes of understanding the rule. But within that, I am also proposing that the Parliamentary Commission should employ its own Parliamentary council so that we do not have Parliament using the Attorney General of the republic who at many times, has tended to be compromised by the government of the day. Therefore, Parliament should have its own Parliamentary council.

The Judiciary: I am proposing that we create a supreme court of Kenya in this country. We have the highest court as a court of appeal. The country has reached a situation where it has lost faith in the Judiciary. Therefore I am proposing that the Chief Justice can be removed by the Parliament because this is a Constitutional office and such holder of the Chief of Justice office should be a judge with ten years of working experience.

Citizenship: Thank you chairman, but I am trying, to be very brief. The citizenship in this country we have seen section 90 has discriminated against women. It is time that women should have an equal right to pass our citizenship rights to a child borne by any Kenyan person, be it a man or a woman. So we need to rectify that under the Constitution.

Public finance the office of the auditor general is ranked in my memorandum as one of the offices which is a Constitutional office and it should be secured by tenure of office removable only through Parliamentary committee, without the President having powers to hire and sack at will. Absolute powers must be removed from the President in respect of Constitutional office and I have listed many of them from judges to Attorney General, central bank of Kenya governor, chief of general staff and you will go through all of them in my memorandum.

Agriculture: I want to finalize with agriculture. Give me two minutes please, I beg. Agriculture, I am proposing that farmers in this country should have Constitutional protection so that agriculture is not misused by way of dumping of goods from outside the country. We must protect agriculture, we must secure the minister to have legal provisions under the Constitution where he can create laws to cater for dumping to protect, promote and facilitate marketing by way of removing middle men or brokers in the normal language that we use.

Land rights: Squatters and landless must be settled by the government and all that land should be held by the government with a 99 year lease so that the government can acquire the land of course with the conditions of compensation. *Ikichukua mashamba ya watu*, compensation must be given.

Inheritance right: Women have no inheritance right in this country, *wamenyimwa hiyo kwa kisheria* Constitution section 82 must be deleted so that the contradiction and discrimination of women can be done away with. Thank you Commissioners and my written memorandum is here I am grateful for having been given me the opportunity.

Com. Maranga: You may be seated. If there is any point of clarification, I want to ask Com. Nancy Baraza.

Com. Nancy Baraza: Thank you very much Mrs Wahome. On land presently you know that we have several laws governing land. I want you to tell me if you are happy with that set-up or if we were to centralize title were you recommending it goes to government or we the people or to the state? I think there is quite a bit of confusion that is troubling Kenyans.

Alice Wahome: We should have a unified system of land tenure but the government should have the - state should have the title with the rights to allocate 99 years to either individual groups, community group or persons who are legally entitled to the land so that we need one qualified form of land Kenya.

Com. Lenaola: Thank you Mrs Wahome. My first question has been taken by Nancy. My second question regards the Speaker. You said the Chief Justice must have ten years experience as a judge. What about the Speaker what, age, what experience as a lawyer should he/she have.

Alice Wahome: Experience as a lawyer at least 15 years practicing as an advocate but not as a judge.

Com. Maranga: Thank you I have no question for you expect to say thank you very much now you can hand over your memorandum and please register officially and hand over that memorandum. Thank you very much. The next speaker is Mr..... No I don't think he is a Mr..... He is Eva John Kibochi Maina. You are there?

Maina Kibochi: I am Evangelist John Kibochi Maina.

Com. Maranga: Because you said Eva, I was wondering. You have five minutes sir.

Maina Kibochi: My name is Evangelist John Kibochi Maina from PCEA. I am giving my own views.

One is about land: I am proposing that all uncultivated land in this country should be given to those who have no land. All uncultivated land should be given to landless people and nobody should have more than 50 acres of land.

Two is about the single mothers. We should have a law, which protects the interests of the single mothers. That I say or I am suggesting that the affiliation act should be reviewed.

The other one is about the women who cohabit with their husbands and after their husbands are dead, they are harrassed by the parents to the husbands. Those women should be protected.

Another one is about the civil servant officers. When these people are involved in accidents or they die, they should be compensated immediately before any legal proceedings are taken to the court I am suggesting they should be paid or their first of kin should be paid in less than a month.

The other one is about the farmers: Farmers should be given freedom and this is about diary farming. Dairy farmers are supposed or can be allowed to sell their products anywhere in Kenya without the interference of the dairy board.

A law should be created to see to it that anybody can be allowed to marry in our country but homosexuals should not be allowed. That means there should be no marriage between a man and a man or a woman and a woman. At the moment, we should have a good law, which clearly states or governs property should be well, there should be a how property should be

divided, after a divorce case has been filed.

About the HIV/AIDS any person intending to marry there should be a law to be followed to see to it that or those who are intending to marry go for tests and a certificate from a doctor be provided to the person who is officiating the marriage. A person who intentionally infects another with Aids should be prosecuted.

Finally before anybody is elected to be a chairperson of any society in Kenya he/she must be a person with good reputation and must have property that can be attached to compensate if he or she incurs losses to that society. That is all.

Com. Maranga: Thank you Evangelist John Kibochi Maina. Now I want to request the Commissioners if they have any point of clarification.

Com. Baraza: Evangelist Kibochi, thank you very much. You say homosexuals should not be allowed to marry? Have they been marrying? Have we been having situations of men marrying men in this country or what is the problem? Is it bothering the people of Kandara? Or what is happening?

John Maina: Its because sometimes in this country, we hear things from other countries and we bring here in our country and I am proposing that we should not actually have anything in Kenya like that. So it is a matter of concern that we should not have anything like that happening in Kenya.

Com. Maranga: I have no questions evangelist, now you can register and give your memorandum to the national secretariat of the Commission. The next speaker is Ndembu Njoroge. Five minutes sir, give your main points and then you can hand over the memorandum.

Ndembu Njoroge: The name I have mentioned is.

Com. Maranga: (inaudible) We are recording.

Ndembu Njoroge: Okay my names are Ndembu Njoroge and here I present a summary of my views.

We need to have a preamble in our Constitution, which in a nutshell should state who and what we are and live for.

The presidency; the President should have minimum education of secondary level, should have a minimum of 40 years, should not have any criminal records, should be a family man, and should not be protected from any legal proceedings during office.

The President should be elected by all eligible voters while the Vice President should be elected from among the Parliamentarians by the Parliamentarians.. The duties of the Vice-President and the President should be clarified and well defined. The ministries that we have should all be created by the Parliament without additions, which they do not endorse.

Constitutional offices likewise should be created by the Parliament and should be available for people who apply after they have been advertised so that we can get the best from within our midst. These officers should as well be fired if they do not deliver and this can only be done by the Constitutional courts. The Parliament should see to it that any legislation that they have passed have been effected to the letter and should this not be done, the officers responsible should explain why and if no suitable explanation has been given, these officers should be fired.

The Judiciary: We have had several offices; the Attorney General and this office of the Attorney General should not be the same as the office of the solicitor general. In other words, we should be having two offices of the Attorney General and the solicitor general where the Attorney General advises the government and then the prosecutor becomes the solicitor general and the raia need to send their complaints to the office of the ombudsman.

The President should also not have the prerogative of mercy and at the same time, the Chief Justice should see to it that any punishment given by his officers the magistrates and the like, has been done and he should follow it.

The people's rights, its my submission that people's rights should be protected and this should also include the universally accepted rights and when we have these universal rights we should also be cautious that we only accept those that are for the society's well being.

Our citizens should have the right to education, the right to security, the right to full stomachs and they should have some rights to shelter. It is my submission that it is the responsibility of the government to give all these.

Okay, a minute. We have had taxation and its my submission that taxation should be the means used to get all the finances that we need for running this country and all accounting officers should not be allowed to hold harambees where they use part of these money and any officer who misuse the same should be taken to court, made to pay, and not only pay should be imprisoned without the option of a fine and I also submit that public officers should only be given offices out of their will and after they have taken the offices let us not intimidate them. They should be protected and not intimidated into leaving these officers.

Lastly on land, we have had tracts of land that have not been in use and it is my submission that this land should not be lying idle. Therefore, any land owned by anybody and it is not under cultivation should be taxed. There should also be a limit to how much land an individual should own and this is to be taken as land that is not excessive and should the government want this

land it should be given at the market rate.

Com. Maranga: Thank you Mr. Njoroge. I think we want to congratulate you for your submission thank you very much and I want to ask whether the Commissioners have any point of clarification.

Com. Baraza: Mr. Njoroge thank you. On the issue of public revenue I you're your views on whether we want to recognize harambee as a formal source of public revenue over and above the normal taxation that we have. I want your views on that. Now I have another question, you said that a President should be elected by all eligible voters, are you saying he should garner 100% votes? What is your suggestion? This is very very crucial.

Ndembu Njoroge: On taxation it is my feeling that the harambee spirit has been misused and we have had harambee collections that do not even go to the causes that we are contributing the money for. Therefore I feel it is time that we stop harambee as a form of Raising taxes. On the presidency, my submission was the President should be elected by all eligible voters. By this I was saying, when we are electing the President, unlike the Vice-President who will be elected from the Parliament it is a position that will be sort from all electorate disregarding how many and this, it is my submission, should go to as high as 50% of the people who have participated in the election.

Com. Lenaola: Thank you Bwana Njoroge. On the preamble, do you have any thoughts in two sentences as to what should go into the preamble? Two, the prerogative of mercy, if we remove it from the President, to whom shall we give it to or do we remove it totally from the constitution?

Ndembu Njoroge: The prerogative of mercy I was of the opinion that it should be given to a Commission, made up of people who are qualified to look at the judicial implication of any of the errant people.

Com. Lenaola: And preamble, in two sentences, what should we have in the preamble?

Ndembu Njoroge: Well, this is not something that I had given but it is my submission, just as we have our national anthem, so should we also consolidate our views on that and just come up with something which would give us the final decision.

Com. Maranga: Mr. Njoroge, I want to thank you very much and now you can step down and please go and register officially and hand over your memorandum to us. Thank you very much. The next speaker is John Kiboro, John Kiboro you have five minutes. I can see you have a memorandum please summarize the main points.

Com. Maranga: Can you start by giving your name?

John Kiboro: My names are John Kiboro Njuguna I am going to make this presentation on behalf of the Catholic Church the wing called Catholic Justice and Peace Commission Ruchu parish.

First is the preamble it should state that the will of the people is supreme and that if the Constitution must be changed, the public must be consulted through a public referendum.

Then the other issue that should be considered is that the Constitution must be obeyed at all times because one problem we have with our laws is that they are not obeyed. So the Constitution must insist that they must be obeyed.

The principle of one-man one job should be there in the introduction and the separation of powers at all times. That all the laws that will be made must retain the separation of powers between the Judiciary, Parliament and the Executive.

The other one is on offices that need special consideration that is for example the judges. I propose that the law society of Kenya should propose the names and should be vetted by Parliament and then managed by the Judicial Service Commission. That there should be security of tenure and then there should be professional qualification for all people who are appointed in the Judiciary. I also submit that the AG should not play both roles of the prosecutor and government legal advisor, they should be separated. I also propose that the Judiciary should be allowed to inspect police stations and prisons and where possible, we should also have councils of elders who are able to arbitrate at the village level.

The other one is that the President should be elected by direct votes and should not belong to any party. Ministers should be elected outside Parliament like is done in countries like America and their professional qualifications considered. The President should have a running mate and when there is a running mate this might also bring in the idea of gender because the President can be a man and the other one a woman.

We propose that the ceiling for the President should be 70 years and it should start as the law is today be at the age of 35 years. We also propose that there should be free education for primary school and one can become an MP or a Councillor at the age of 21 years. We also propose that idle land should be taxed and that Provincial Administration should be scrapped up to district level and the job be done by the elected Councillors.

We also propose that there be a Prime Minister elected by Parliamentary majority who run the government's day-to-day business. The President to be a ceremonial head and a symbol of national unity. The President should be elected by a majority of 50% and above votes and 25% in five provinces as it is.

We also propose that cost sharing in hospital be scrapped and all employees of the government except the Judiciary but including the MPs be under the Public Service Commission and we propose that we have 12 ministers. The following officers

should be proposed by the various professional bodies and vetted by Parliament; Judicial officers, Auditor General, Commissioners, Electoral Commission, Public Service Commission, parastatal heads, Permanent Secretaries. We propose that Parliament and councillorship should be a full time engagement and since a it would be contract for five years there should be no pension for them and the Presidential consent for bills should be automatic.

We also propose that incase of a problem with the council like we have with our town council in Kandara, the views from the public should be taken and forwarded to Parliament whereby by two-thirds of majority a council can be dissolved. We also say that Parliament should approve all government expenditure and the law should committ the judicial officers and the prosecutors that they must commit those people to prosecution if they are implicated by Parliament. We propose that the education qualification for President should be diploma and above for Councillor and MPs should be form 4.

They should also state their wealth and source. They should also be Kenyan citizens of sound mind; they should be affiliated to a religion. We don't mind which religion. There should be independent candidate. On the Electoral Commission, we propose that nomination of member be for the marginalize groups although the names will be forwarded by political parties in term of their Parliamentary strength.

On issues of harambees, we are saying the harambees should be limited and a certain period may be the last one year during campaigns there should be no harambees and finally bwana Commissioner I wanted to say that the ballot boxes should be transparent and they should be- the counting should be at the polling station.

On issues of land we also support that it should be taxed. We propose the plots allocation committee to include the chairman, mayor, clerk, surveyor, and physical planner, a representative of the general public, MP, Councillor and religious leaders within the area. When allocation has to be done it has to be displayed for 60 days for the public to give their consent.

On agriculture which we can not miss here it is important that the Constitution should recommit the government to set aside a reserve fund to stabilize coffee prices and other cash crops and the farmer should be assured of a minimum guaranteed return and he should deal directly with the buyers at the internet level.

On transition finally please let there be clear cut issues on how transition should be carried out and we urge you the Commissioners, please, as the Catholic Church and as we agreed as Ufungamano that you finish up this issues by the time the Parliament is supposed to be dissolved that is around February. And that is the position of the church and it must be by that time.

Thank you very much.

Com. Maranga: Thank you very much. May be I start with your last question, that the Commission must finish by February.

As we know we have an Act of Parliament, we are following the law and nobody is capable of directing us as to when we are finishing, but we will finish in good time. Thank you.

Com. Baraza: Does your memorandum have a clear proposal on how to manage the transition or you have just recommended?

John Kiboro: We said that there should be a transitional government made up of about 20 people and we are proposing somebody like the AG, the Chief Justice and this transition must be headed by the chairman of Electoral Commission. We are also saying that the winning President must assume office automatically, he does not have to wait to be sworn in.

Com. Maranga: Com. Lenaola has no point of clarification. I think your proposal is very clear. Thank you very much, congratulation Sign our official register and we will take your sentiments seriously.

Thank you very much.

Now the next person is Mr. Joseph Kariuku also from the Catholic Church. Okay, I think the presentation has been made. The next is Mwangi Karanja presented. James Muriuki, he has given his memorandum thank you very much. Joseph Kamau, you have given your memorandum, thank you, Benedict Wairegi, thank you.

Benedict Wairegi: My names are Benedict Wairegi from Kangare parish and this is what the parish collected. We agreed that we Kenyans would like to be united and we need to have a democratic type of nation.

We started with the Executive: The President should have a minimum university degree level of education. He should not have power to nominate ministers but the final decision on this should be determined by the Parliament and all the Presidential appointees should be vetted by Parliament. President should not be an elected Member of Parliament from any constituency. If he has to be President, he has to forfeit the seat of the MP from the constituency and give it to somebody else. President can be of either gender. President should serve a maximum of 2 to 5 years terms. Presidential assent to an ill shall not be delayed, as it is when it is read for the third time.

Retirement, the civil service policy should be one man and one job. If the President dies while in office, the Speaker of the National Assembly should take over and prepare for the election. A coalition government of all the parties that participated in the election should be formed. Parliament to have power to set up Commissions to investigate matters of national interest. A President should not declare any war without the Parliamentary approval and the Vice-President should be running mate of the President and should therefore be directly elected by the people. On the Parliament, Kenya shall be a multiparty, should be a multiparty country with a maximum of at least 3 or 5 parties.

Elections should be by use of transparent boxes ballots should be counted immediately at the polling stations. For one to participate in the election, he/she should have the driving licence, national ID, birth certificate or passport. A voter should be free to vote while President for staying in any part of the country. However Parliament any and civic election will require one to go to the constituency where one will register. Presidential, Parliamentary and civic election should be conducted separately, on different dates.

To be verified elected a Presidential candidate must have more than 50% of the total votes cast during the election. All those seeking senior public offices should first declare their wealth. Nominated member to present the aged minority or disabled should remain and be nominated by the special interest groups. They must have the qualities of an MP. If a person stands to be elected and fails to go through he or she should not be eligible for nomination to Parliament. The order of election should be Parliamentary, civic and lastly, Presidential elections.

We have the Judiciary: The Judiciary should be completely independent of the Executive and Parliament. A council of elders be nominated by the local people should be established to deal with civil cases in the village, that is those who are the elders in the local areas. The land cases should be concluded within two years. A widow shall inherit the property of her husband and not to hold it in trust for the children. The law society of Kenya to nominate the Chief Justice who would then be vetted and appointed by the Parliament.

We have the environment: The forest department should always allow the neighbouring community to benefit from it by growing crops, carrying out cultivation and taking care of cultivation nature and continued planting of trees. Idle land should be given to squatters after a acquisition by the government. Then we have the human rights. We have written them down and I think when you go through them, you will see what we have written.

Thank you very much.

Com. Maranga: Thank you Wairegi thank you very much. Now I ask my fellow colleagues if there are any points of clarification. Com. Lenaola? None, thank you very much. Benedict sign up our official register and hand over your memorandum.

The next speaker is Janerose Nduta, Janerose karibu. Uanze na majina yako mama ndio uanze kuongea.

Janerose Nduta: My names are Janerose Nduta Thuo and I think I am going to speak in Kikuyu.

Com. Maranga: Sawa, we need an interpreter, Co-ordinator Kariuki?

Janerose Nduta: Ritwa ni Janerose Nduta.

Translator: My name is Jane Nduta Thuo.

Janerose Nduta: Janerose.

Translator: Janerose Nduta Thuo.

Janerose Nduta: Wendo wakwa ni ati VAT yeherio.

Translator: I am proposing that VAT that should be abolished.

Janerose Nduta: Hari arume manyitaga twana tunini.

Translator: Men are raping children.

Janerose Nduta: Arume aya magiriirwo gutwarwo igoti-ini na gwakorwo na uira ati nimanyitite twana tunini, matuirwo gikuu.

Translator: These men who rape should be taken to court and if found guilty, they should be sentenced for murder.

Janerose Nduta: Na dagitari ndakarekwo aheane woni wa maheni arikia kumathima.

Translator: The doctor should not be allowed to give false information on the outcome of the findings after the examination on the person who was raped.

Janerose Nduta: Undo ucio ungi indo ni irongererwo bei maita maingi na woni wakwa ni ati Budget igekagwo rimwe, nanirio June, tugatigaga kugia na ingi gatagati.

Translator: Prices of goods are being increased now and then mainly because of many budgets, I am proposing that the budget should be read only once and that is June. We should not have others in between.

Janerose Nduta: Undu uria ungi ingiuga he mundu tuiguaga ni Judge agatuo Chief Justice, na ingiuria ati mundu ucio athuragwo ni Law Society of Kenya, na maritwa magakorwo mari matatu, LSK magathura umwe kuma hau.

Translator: The Chief Justice should be proposed by the Law Society of Kenya and there should be three proposals.

Janerose Nduta: Maritwa macio magacoka magatwarwo thiini wa Parliament, hau magachagura uria ugukorwo agiriire gukira aria angi othe.

Translator: Then Parliament should select one among the three names. Parliament should elect or select the best among the three proposals.

Janerose Nduta: Undu uria ungi ingiuria ni undu uyu twitaga urimi ta wa mbembe; andu aria marimaga mathii guciendia

ikaguragwo ni thirikari na magakombithio andu aya makarihagwo cash.

Translator: On farming especially of maize the government should buy all the maize and pay cash and not buy on credit.

Janerose Nduta: Undu ungi kahua nikaiigwo; kaiagwo niki? Kahua kagiriire kwendio matinga-ini ma kahua, hatari na agents, na arimi makarihwo cash.

Translator: Even on coffee the payment should be on cash basis and there should be no agent. The marketing of coffee should be done at the factory level.

Janerose Nduta: Ndiri na undu ungi.

Translator: That is all.

Com. Maranga: Ahsante mama Janerose Nduta, maoni yako tumeyasikia lakini wacha niulize wenzangu kama wana maswali kwako. Com. Nancy Baraza, hana swali, Com. Lenaola, hana swali. Inaonekana maoni yako yamesikika vizuri, ahsante na uende uweke sahihi huko na halafu uweke jina lako, hiyo ni mzuri. Yule ambaye anayefuata ni Biddan Mwangi, Biddan K. Mwangi. Biddan unaanza na majina yako na useme yale ya muhimu halafu memorandum unatupatia.

Biddan Mwangi: My names are Biddan Kiroji Mwangi, and I got my memorandum here with me. Okay the first thing, our Constitution must have a preamble and it should have the following:

1. It should have vision, wishes and the aspirations of the Kenyan people.
2. The supremacy of the people that is no law or authority including the Constitution itself is above the people.
3. It should state that all the powers of the government are straight from the sovereign will of the people of Kenya.
4. The structure of the government: Three arms of the government should be independent of each other. We start with the Parliament. All the powers of the government should lie with the Parliament.

We should also use the old system where there was a Lower house and Upper house. The President must be above party politics. In our case we need a President and a Prime Minister. The President should be the focus of national unity and the Prime Minister should be the head of the government.

The roles of the Parliament; must vet and approve all Executive appointments must have powers to summon ministers and other public officers. Must have powers to impeach the President. Must have powers to creat and dissolve ministries and their ministers.

Because time is limited let me go to the Executive and straight I go to the qualifications of the President.

He or she must be a Kenyan citizen by birth.

He must at least have reached form four 'O' level certificate.

Must be of sound mind. He or she must produce a medical history.

Must be economically stable.

Must be of 40 years up to 70 years.

Must declare his wealth.

Must have no criminal records.

Qualifications of a Prime Minister:

He must be a Kenyan citizen by birth.

Have at least a degree.

Be of sound mind.

Have medical history investigated.

Economically stable.

Must be 35 to 65 years.

Declare his wealth and have no criminal records.

Member of Parliament should be 21 years old up to 65 years.

Must be a person of high integrity and God fearing.

Then we go to Judiciary: Judiciary must be independent. Then the Constitution should guarantee an independent and impartial Judiciary. Appointment of Chief Justice, judges of appeal and any other judges should be approved by the Parliament. There should be a Parliamentary judicial committee to vet appointment and determine some of the service. There should be established a Constitutional court and a supreme court. Magistrate should be appointed by an independent Judicial Service Commission.

Nomination of Kadhi for Muslim community before appointment. Then on land, the Constitution must provide a room for free hold of the idle land that we have in our country. If not the land should be leased.

Electoral Commission: It should be very independent.

Com. Maranga: Now, you will have to wind up now, your time is over and you give us your memorandum. (inaudible)

Com. Nancy Baraza: Mr. Mwangi one clarification from you. You are recommending a bicameral house of the Senate and the Lower house. Tell me who the tenants will be. Who will be tenants of the Senate and the tenants of the Lower house?

Biddan Mwangi: The Lower house should be with the MPs and the Upper house district representatives.

Com. Lenaola: Biddan, you said that the preamble should have a vision, the wishes and the aspirations of Kenyans. If possible, tell me in one sentence what you consider the vision of Kenya.

Biddan Mwangi: May be economically; Economic empowerment, integrity and sustainability.

Com. Maranga: Thank you Biddan. Thank you and congratulation please sign up our official register and hand over your memorandum to us. Now the next presenter is Margaret Nga'ng'a. Margaret Nga'ng'a. Thank you welcome your five-minute, use your memorandum and please hand it over to us. Give us the main points in five minutes.

Margaret Ng'an'ga: My name is Margaret Ng'an'ga I am presenting on behalf of Maendeleo ya Wanawake. I am starting off with the preamble. We need a preamble in our Constitution interpreting, protecting and promoting all the people of Kenya, women, men and children. The review process should ensure principle of equality of men and women. There should be no form of discrimination against anyone on the basis of gender, sex, pregnancy, marital status, culture, language, birth, ethnic or social origin, race, disability, age, religion, belief etc.

Citizenship: Automatic citizenship for all children inside and outside Kenya by a Kenyan citizen should be granted automatically. Spouses of Kenyan citizens regardless of gender should be entitled to Kenyan citizenship should they wish to get it. Women, like men, should be accorded or based on their foreign husbands to become Kenyan citizens. In a marriage both parents should have equal rights over the children offsprings of the same marriage and parentage.

Public utility: This should be designed to be conducive to the disabled and elderly. Utilities like rains, vehicles, telephone booths, and storey house should be well designed for the disadvantaged.

Good governance: Transparency and accountability, democratic systems of good governance should be applicable in public governance. Women are the majority and they are under represented in leadership positions whether elective, assigned, nominated or administrative powers structures. Population census should be the guideline in formation of governing policy. The Constitution should therefore ensure the principle of gender equality or equity. The appointments should be fifty to fifty balance, if possible.

Women are the majority of voters in elections but few of them can withstand the dirty language administered to them by their male counter parts. So, there should be clear prescribed and easily enforced rules to make these elections fair and free to dignify our country. Anybody violating should be prosecuted and qualified to contest any post.

The girl child education: Girls lag behind in education because there are unequal practices allowed to thrive their inferior status. These are cultural, traditional practices, forced labour, forced marriage and early marriage of the girl. So, the Constitution should enforce a compulsory and mandatory education for all primary children, boys and girls respectively. Funds should be set aside to achieve this goal. Alongside, female genital mutilation should be prohibited in Kenya.

Land property ownership, succession and inheritance rights; In most Kenyan communities land is inherited by men and women are the labourers and the producers in decent farming. So the Constitution should clearly address the ownership and custody of property control, access and management and an element of joint ownership. The right of women in this field should be recognized.

Environment and natural resources: Women should be regarded as custodians of environment and beneficiaries of the country's resources. Women are labourers and farmers and are in contact with nature every minute. So, all bodies managing the environment and natural resources must have women representation so that they can be represented in the decision-making bodies.

Lastly but not the least, I am on the basic rights. That every Kenyan citizen should be entitled to security, health care, water, shelter, education, food and life. There should be a policy for insurance for the disadvantaged and elderly and low earning class. That is all I had for the Maendeleo ya Wanawake. Thank you.

Com. Maranga: Thank you for finishing in time and keeping good time. Now, let me ask my fellow colleagues if there are any issues to clarify.

Com. Nancy Baraza: Mrs Ng'ang'a, on environment apart from you suggesting equality of gender or parity of gender, tell me what mechanism you want to recommend in the new Constitution for management of the environment.

Mrs Ng'ang'a: I would suggest that the resources coming from, let's say like the Ndakaine dam where by there is a dam that supplies water to Nairobi. The resources should be shared amongst that community of that particular area because those people do not benefit from that water. Yaani nataka kusema ya kwamba, zile pesa zinatoka kutoka pahali ziwe zinatumiwa hata by that community around that area.

Com. Baraza: Do you want as a Kenyan as Mrs Ng'an'ga an individual to be given power to protect the environment?

Mrs. Ng'an'ga: No.

Com. Maranga: Okay, thank. Maybe you can issue your memorandum, it will be a bit clearer. Thank you very much and

please register with us and hand over your memorandum to our secretariat. Now, let me announce that those people with disability especially the deaf, we have an interpreter. So if there is any kind of person or any persons like that, then let us know then we can start doing the interpretation immediately. Then I would also like to announce that people with disabilities you should come forward and air your views, I have not seen any. Then I now want to proceed and call upon Evan Chege, Evan Chege? Good, you have five minutes to give us your views.

Evan Chege: Gatwiga?

Com. Maranga: Evan Chege, five minutes.

Evan Chege: My name is Evan Chege. I will propose that to ensure fairness everybody should pay tax and there should be nobody who should be allowed to trade or have a salary which is taxable but duty free.

Then, nobody should hold a political office if one is convicted of corrupt deals and MPs should be people of high moral integrity. That is, they should not be involved in corrupt deals or ripping off the economy. They should also announce their wealth to the public. Those people who are involved in corrupt deals should not be given amnesty they should be prosecuted and be forced to pay whatever ripped. I also propose that the government should be a small one, like for example now we have 27 ministers. They should be reduced at least to a manageable number like 16.

I also propose that the government should provide subsidies to farmers. That is for example coffee farmers, should have permanent price for their coffee. Whether the coffee prices were high or low and there should be no illegal or unnecessary reduction from coffee or farm products.

I also propose that political parties should be reduced to those with Parliamentary seats and people should not be allowed to form political parties carelessly.

We should also not have the VAT; the value added tax because Kenyans are the most heavily taxed people in the world and value added tax should be abolished.

I also say that the Electoral Commission should plan in advance the general election date after every five year. Like for example now Electoral Commission, the chairman does not know the date of the general election and that is very bad. The Electoral Commissioners should also be appointed by the Public Service Commissioner in a competitive manner. That is they should apply and be interviewed for the job. They should not be appointed by the President or anybody.

I will also say that all forest and water catchments areas should never be tampered with. Like for example now we have

massive excision and felling of trees of our country, which is very bad. It will affect our environment and changes and drought in the country and they should never be allocated to persons or even to groups, whoever they are or wherever they come from.

The President should not have powers to reject what has been passed by the Parliament. That is he should not have the veto powers to over turn what the Parliament has said or has passed which affect the running of the Parliament. The Parliament should also have power to impeach the President if he or she misbehaves. That is all.

Com. Maranga: Thank you Chege, any points of clarification?

Com. Baraza: Thank you Chege, anything for the youth? You have nothing for the youth.

Com. Maranga: Com. Lenaola? Okay I think Com. Nancy Baraza asked whether you have any issues about the youth.

Evan Chege: I think the government should consider providing free university education like it used to be.

Com. Maranga: Thank you very much, now you register with us and hand over the memorandum. Thank you very much. The next person is Samuel Ng'ethe. Samuel, Samuel ndio huyo? Ndio wewe Samuel Ng'eth, you come. Samuel K. Ng'ethe. You are going to have five minutes and let me also announce that this sitting ama kikao hiki cha Tume ya kurekebisha Katiba tutakihairisha ikifika saa saba na nusu. Kwa hivyo tunaka hadi saa saba na nusu hili turudi saa nane na dakika kumi na tano. Kwa hivyo tunaendelea hadi saa saba na nusu. Kwa hivyo, we proceed with Samuel Ng'ethe, five minutes.

Alex Ngethe: My names are Alex Ng'ethe. Alex Stanley Ng'ethe.

Com. Maranga: No, I was calling Samuel K. Ngethe, but is okay. Now, Alex Stanley Ng'ethe.

Alex Ng'ethe: Well, my views are just short and brief and the views that I want to give are just agricultural and political views. I will start with agricultural views. As you know Commissioners, agriculture is the backbone of the economy of this country. I would say our farming should be very well protected in our Consitution, especially coffee and tea industry. To feel well protected we would like to have a fund set aside that would be paying the farmers incase of calamites and disasters during the economic hardships. That is one of my own proposals.

The second proposal, so as to have a very meaningful liberalisation in coffee and tea industry, we would like to have a direct market to avoid the middlemen. By that I mean, a farmer to be allowed to sell his produce to the buyer of his own choice especially through the Internet. That is all I had in agriculture.

Let me come to political scene. I would suggest we scrap the whole of Provincial Administration and Chief Acts. Instead of

having chiefs and sub-chiefs we have locals and these locals I am suggesting Councillors to take over the line of sub-chiefs and chiefs. On the line of DCs and PCs to be taken over by the mayors. Also I would suggest that the Presidential appointees and nominees to be discussed in Parliament so as we can have good leadership. I am saying this, the Presidential appointee and nominees to be discussed in Parliament.

In the line of ministries, I would suggest in the ministry of education, the government to give each and every Kenyan child free education right from primary level to university level. Also in health ministry I suggest the ministry to give free medical care and service and scrap the cost sharing in those two ministries of health and education. Let me have. That is all.

Com. Maranga: Thank you very much Mr. Alex Stanley Ng'ethe. Now Com. Lenaola? Thank you very much there no questions, I have no questions for you. Please register and hand over your memorandum. Thank you. Do we have Samuel Ng'ethe? Samuel, not there. Then the next one is Kamau Muchua.

Kamau Muchua: Muchua.

Com. Maranga: Muchua. Okay you are the next.

Kamau Muchua: My name is Kamau Muchua.

Translator: My views are as follows:

Kamau Muchua: Maoni makwa nita uu, Wabunge makoragwo na miaka 40 iria minyinyi na 75 iria miingi.

Translator: Amekuwa na confusion kidogo, anasema Member of Parliament should be of a minimum of 40 years and a maximum of 75 years.

Kamau Muchua: Ngacoka hau ngoiga atiriri Rais wa buriri agithurwo agakorwo na miaka kuma 75 kinya 85.

Translator: Another proposal he has is that the President should be 75 years to 85 years.

Kamau Muchua: Uguo ni woni wakwa.

Com. Maranga: Hayo ni maoni yake.

Kamau Muchua: Wira wa Rais ni kuoya watho wa aruti wira othe wa thirikari Kenya.

Translator: It is the responsibility of the President to look after all the civil servants in Kenya.

Kamau Muchua: Ndagiriruo ni guthura aruti wira a thirikari, magiriirwo guthurwo ni Bunge.

Translator: The President should not appoint civil servants, they should be appointed by Parliament.

Kamau Muchua: Mundu wothe wi Kenya agiriirwo gukorwo thi ya watho.

Translator: Everybody should be under the law.

Kamau Muchua: Rais ndagiriirwo ni githura Judge munene, agiriirwo guthurwo Bunge.

Translator: The President should not appoint the Chief Justice, the Chief Justice should be appointed by Parliament.

Kamau Muchua: Councillor agiriirwo ni guthurwo ena maika 35.

Translator: Councillors should be 35 years of age and above.

Kamau Muchua: Na akorwo na githomo kia Form 4.

Translator: They should also have form four level of education.

Kamau Muchua: Handu ha Asst. Chief hakurwo hakirutwo wira ni Councillor.

Translator: The Councillor should do the work of the assistant chief.

Kamau Muchua: Area ya Councillor agiriirwo ni gukorwo na andu ta ana kana atano akumuteithia.

Translator: In the area of the Councillor, there should be about four men or four people to advice the Councillor.

Kamau Muchua: Andu acio magakorwo makirora aruti wira a thirikari ta aarimu, andu abetinari andu ta acio a migunda.

Translator: The four together with the Councillor, should be able to supervise government workers like teachers, veterinary officers and agricultural assistants.

Kamau Muchua: Na andu acio macemanagie o mweri riita rimwe na Mbunge wa area negetha makamuhe mathina na mawoni mao, nigetha nake agatwara Bunge.

Translator: Those four people together with the Councillor should be meeting once in a month with the Member of Parliament of the area so that MP hear what their problems are in that place.

Kamau Muchua: Ndini ciothe ikiheo Licence ya ndini thiini wa Kenya, Bunge igakorwo itikirite.

Translator: Religion: Any kind of Religion to be licenced and the matter must be passed in Parliament.

Kamau Muchua: Kuri andu mena ndini ingi, ta Agikuyu, handu ha gutinda magithinio maoni mao matwarwo bunge ni getha kumenywo kana maundu ma ndini icio ingi nima ma.

Translator: There are other people with other denominations of worship. Instead of being harassed, their views should be taken to Parliament so that they establish whether issues of other religions are true or not. Thank you.

Com. Maranga: Thank you, Mr. Kamau. Kaa kidogo wacha tujue kama kuna maswali. Kuna moja kutoka kwa Com. Nancy Baraza.

Com. Baraza: Mr. Muchua, thank you. You said that a Councillor should have a council of four men to advise him in an area. There should be no women in that council of advisors – there are no women?

Kamau Muchua: Gukuringana andu a itura riu uria mekwenda.

Translator: It depends on the wishes of people of that area.

Com. Lenaola: Just a follow up question. Who then appoints the four advisors, is it the people of the area, if they are elected, are they appointed? The four advisors.

Kamau Muchua: Maguthurwo ni andu aa itura riu.

Translator: They will be elected by the people of that area.

Com. Lenaola: Secondly, the Councillor, he is 35 years. What is the ceiling for his age?

Kamau Muchua: Nginya miaka 65.

Translator: Up to 65 years.

Com. Maranga: Ahsante Bwana Kamau, tafadhali atuwekee sahihi kwa kitabu chetu rasmi na atupatie memorandum. Ahsante sana. Sasa ningemuita Agnes Waithera. Agnes Waithera? Agnes hayuko. Then we have Peter Kamau Gitau. Peter Kamau? Five minutes and give us the important points.

Peter Kamau Gitau: My name is Peter Kamau Gitau. P.O Box 97, Kandara. I have got a memorandum, which will start by basic rights. Protection of human dignity:

1. The dignity of man inviolable. To protect and respect it should be the duty of all public authorities.
2. The Kenyan people will uphold human rights as in inviolable as basis of every community's peace and justice in the states.
3. The following basic rights shall be directly enforceable to law:
 - (i) The Legislature, Executive and the Judiciary as directly enforceable law.
 - (ii) Personal freedom: Everybody has the right to self fulfillment in so far in so far as they do not violate the rights of others or offend against the Constitutional order or morality.
 - (iii) Everybody has the right to life and physical integrity. Personal freedom should not be inviolable, should be

pursuant to law.

- (iv) Equality before the law: All people are equal before the law. Men and women have equal rights. The state shall seek equal treatment of men and women regarding their capability, education and experience. Nobody will be favoured because of sex, birth, race and language, national or social origin, faith or political opinion.
- (v) Nobody may be discriminated against on account of his disability.
- (vi) Freedom of faith: Freedom of faith and conscience as well as freedom of creed, religious or ideological shall not be violated. The undeserved practice of (inaudible) shall be guaranteed. Nobody may be forced against his or her conscience into military service involving armed combat. Details should be the subject of the law of the land.
- (vii) Freedom of expression: Everybody has right to express in writing orally and obtain information from generally accessible sources without hinderance.
- (viii) Freedom of the press and freedom of reporting through individual media shall be granted. There shall not be censorship. These rights are subject to the limitation embodied in the provision of general registration a provision for the protection of the young persons and the citizen's rights to personal respect.
- (ix) The memorandum is very long but I will leave it here to be checked because I am not conversant in law.

Com. Maranga: Please sit down just incase there are any points of clarification. Com. Nancy Baraza? No question, Com. Lenaola? Neither do I have any question for you. Please sign up our official register and hand over your memorandum. Thank you very much Mr. Peter Kamau Gitau. The next person is Jeremiah Muturi. Jeremiah Muturi? Jeremiah not present. The next person is Samuel Kariuki. Okay, you have five minutes sir. Una dakika tano ili utuelezee maoni yako.

Samuel Kariuki: Njitagwo Samuel Kariuki Njuguna.

Translator: My name is Samuel Kariuki Njuguna.

Samuel Kariuki: Na gwitu ni location ino.

Translator: From this location.

Samuel Kariuki: Mawoni makwa hari mundu ugwitwo President ni maya.

Translator: My views on the Presidency:

Samuel Kariuki: Mundu ucio agiriirwo nigukorwo ari iguru ria watho.

Translator: The President should be above law.

Samuel Kariuki: Tondu kahinda kangi wira ura uracario, uracario na githomo na githomo kingiaga, ithe wa mundu ucio akue,

turigitindaga tu cira, President magicirithania haria, kuhakana ndoro. Kwa uguo President agiriirwo gukorwo e iguru watho.

Translator: Most of the times when people are looking for jobs, they are looking for jobs according to their level of education and when we don't have education and that person's father dies, we will be having cases the President having cases. So the President is supposed to be above the law.

Samuel Kariuki: Bururi wina mitugo yaguo. Rurira rwa Gikuyu ruri na mitugo--

Translator: The country has its own traditions. The Kikuyu clan has their own traditions.

Com. Maranga: Tafadhali mukae kimya patieni mzee wakati. Mpatie wakati atoe maoni yake.

Samuel Kariuki: Undu uria ungi ni mitugo irumirirwo ya andu a bururi uyu. Gutari rutara na mitugo, tutingihota guthii na mbere.

Translator: The other thing is cultural traditions of this country should be followed. Without clan or traditions we cannot be able to go forward.

Samuel Kariuki: Tariu turatinda tukiuga kura, na ciana ciitagwo chokora,

Translator: We are saying votes and children are called "chokora".

Samuel Kariuki: Na hau kabere bururi wa Gikuyu gutirari chokora.

Translator: Before in the tradition of the Kikuyu there was no "chokora".

Samuel Kariuki: Tondū kiria gitumite ciana ici cioneke, ni kuri mihitwa iria ihitithagio mwanake na muiritu makihikania, mari mbere ya athuri na maciara kaana magakarora, tondu mwanake niehitithitio etikire muiritu ucio.

Translator: The reason why these children "chokora" are there is because there are vows young men and young women when marrying before the elders were supposed to make. When they get a child they look after the child because the man had vowed and agreed to marry the girl.

Samuel Kariuki: Undu uria ungi nikuri na undu uratwika ati ona airitu makagairwo indo.

Translator: The next thing is succession by girls.

Samuel Kariuki: Thiini wa rurira rua Gikuyu mundu wa kugaya mugunda mbere ni muiritu.

Translator: Among the Kikuyus on inheritance, the first person to get some inheritance is the girl.

Com. Maranga: Please give him time to give his views. Tafadhalini ninawaomba kama mkubaliani kelele. Wewe sikiliza kisha utatoa maoni yako.

Translator: Traditionally, the girl would inherit as follows:

Samuel Kariuki: Muiritu agayaga na njira ino, arehwo ni mwanake tondu thiini wa Gikiyu gutira mwanake wa Gikuyu wari mugunda; muiritu arehwo mucii ni mwanake, ithe wa mwanake akamuhe mugunda.

Translator: The way the girl was getting some inheritance traditionally was when young man marries, the girl who would be married would first be given land by the father-in-law and in that way, the girl will be the first person to inherit something. Young men were not given land.

Samuel Kariuki: Nake muiritu uria njiarite nake atwarwo kuria atwarwo, niwe waheagwo mugunda.

Translator: Then if I have a daughter, my daughter would also get land where she gets married.

Samuel Kariuki: Kwa uguo gutiri mundu ungikorwo na magai guku na kuria, gutira mundu wari na magai meri.

Translator: So, the custom provided that nobody would inherit in two places. The inheritance would only come from one source.

Samuel Kariuki: Undu ungi ni biashara.

Translator: On farm produce.

Com. Maranga: Tafadhalini mkae kimya. Huu ni mkutano wa Tume kwa hivyo mpatieni heshima tafadhalini watu wa Kandara.

Samuel Kariuki: Biashara thiini wa urimi, biashara ya bururi, yothe yagiriirwo ni kurugamirirwo ni thirikari kibururi.

Translator: On farm produce such as livestock or coffee or anything from the farm, the government should take charge on marketing.

Samuel Kariuki: Ni thengio.

Translator: Okay ahsante sana.

Com. Baraza: Niwega muno bwana Njuguna. Atiriri ciana cia street twoe mbari ciao. Ciana cia street twoe mbari ciao?

Translator: Thank you very much Mr. Njuguna. Tell me the street children, should we take their clan?

Samuel Kariuki: Ciana cia chokora iria ciikuo ciagiriwo guthomithio ni thirikari nigetha uchokora uthire niguo tucoke uria mikiini mwanake ahirana ihu akehitithio na mitugo ya rurira ruu nigetha muiritu ucio amwoe amutue muka.

Translator: The government should educate the street children all of them and every community should educate its men such

that children who are fathered by those men should be taken care of by those men.

Com. Maranga: Thank you very much. Mzee nani huyu? Anaitwa Kariuki. Thank you very much. Sasa afanye registration hapo. Anayefuata anaitwa Daniel Mutua.

Daniel Mutua: Ahsante, nime-submit.

Com. Maranga: You have submitted. Thank you very much. The next one is Francis Mburu? Hayuko. Francis, umepeana ama unataka kutoa maoni? Haya, kuja basi. Francis, unanza kwa majina yako kamili halafu unatoa maoni yako kwa dakika tano.

Francis Mburu: Ritwa riakwa ni Francis Mburu Njiraini. Moani makwa nita uu?

Translator: My name is Francis Mburu Njiraini. My views are:

Francis Mburu: Rais athuragwo ni andu no tiguthurwo ni mikoa.

Translator: The President be elected by the people and not by province as it is currently.

Francis Mburu: Rais we mwene ndangiriirwo ni gukorwo e munene wa mawatho mothe tiga maria etikiritio.

Translator: The President should not be the one who is the overall in all the laws, he should only be taking care of a few of the laws which are spelling out his duties.

Francis Mburu: Urimi witu ndwagiriirwo nikuingirirwo ni mundu utari wakuo ona hanini.

Translator: Farming should not be interfered with especially by people who are not farmers.

Francis Mburu: Mubunge ndagiriirwo nikuheo mbecha ta icio – K.Shs. 500,000/-, agiriirwo him kuheo K.Shs 50,000/-.

Translator: Members of Parliament should not be earning the salary they are earning now of about K.Shs. 500,000=/. They should earn about K.Shs. 50,000/=.

Francis Mburu: M-Councillor agiriirwo ni kuheo K.Shs. 70,000/= tondu niwe urutaga wira maturaini.

Translator: The Councillor should earn Shs. 70,000/= because he is the person who does a lot of work at the local level.

Francis Mburu: Mwarimu agiriirwo ni kuheo mbia ta K.Shs. 500,000/= tondu niwe nyina wa buriri.

Translator: A teacher should earn as much as K.Shs. 500,000/= because the teacher is the father and mother of all the children in the country.

Francis Mburu: Dagitari agiriirwo ni kuheo K.Shs. 400,000/=.

Translator: The doctor should earn K.Shs. 400,000/=.

Francis Mburu: Mugeni o wothe ndagiriirwo nikuheo power ya kugura mugunda Kenya.

Translator: No foreigner should be allowed to buy any land in Kenya.

Francis Mburu: Muborithi ndagiriirwo nikunyita mundu mukia ta ngui, agiriirwo ni kumuhe gitio ta mundu.

Translator: The policemen should not mistreat those people whom they arrest, because they mistreat them like dogs these days.

Francis Mburu: Hatiri rutha mundu wa Kenya gukurwo na acres gukira 20.

Translator: In Kenya nobody should be allowed to have more than 20 acres.

Francis Mburu: Hatiri rutha mwarimu gukorwo ena biashara ya matatu kana o biashara iriku.

Translator: Teachers should not have any other business, such as matatu business or any other.

Francis Mburu: Dagitari onake ndagiriirwo nigukorwo na biashara ona iriku.

Translator: Even doctors, they should not have any other business other than their jobs.

Francis Mburu: Migunda iria irari nyamu chia githaka yagiriruo kuoyo ni thirikari iheo andu marime.

Translator: All land that is gazzeted as national parks should be given to the landless in order for them to farm.

Francis Mburu: Mubunge o wothe na Councillor agiriirwo ni kugerio ni aria maramuhe kura.

Translator: The Member of Parliament or Councillor should be subjected to an interview by the local residents or the residents of that constituency who voted for him/her. Thank you.

Com. Maranga: Ahsante, ahsante mzee Francis Mburu. Sasa ningeliza Mwenzangu Com. Nancy Baraza kama ana swali lolote kwako.

Com. Baraza: Thank you Mr. Mburu. That interview you want to subject the MPs and Councillors to, what is it to establish?

Francis Mburu: Agiriirwo kuheo kigeranio, ere aria maramuthura uria akumekira mangimuthura.

Translator: The MP or the Councillor should tell the people or should be interviewed by the people on what he is going to do for them. Not like these days where the Councillor or MP says I will do this and this and he does not do it.

Com. Maranga: Thank you. Com. Lenaola? Mimi sina swali mzee Francis Mburu, thank you very much. Ahsante sana kwa

maoni yako na tafadhali tuwekee sahihi kwa kitabu chetu rasmi ama register ya Commission na utupe hiyo memorandum yako. Tumeshukuru sana. Basi kwa niaba ya Tume mimi nataka kushukuru watu wa Kandara, sasa Wana tume tunataka tuwe na mapumziko ya dakika kama thelathini hivi. Tutarudi hapa saa nane na robo ili wale ambao wamejiandikisha muwe tayari kabisa. Kwanza kabisa ambaye tutaanzia ataitwa reverend S. M. Murigu, kwa hivyo uwe tayari sana kutoa maoni yako. Kwa hivyo nawaomba ahsanteni na tafadhali mrudi saa nane na robo.

Speaker: (*Kikuyu dialect*)

Com. Maranga: This machine is not working. Kwa hivyo mimi ningewaomba kabisa wale ambao hawajajiandikisha wajiandikishe na kama kuna watu ambao wako na memorandum mnaweze kuleta memorandum, mjiandikishe ili muache memorandum.

Na wale wenye kusikiza mtazidi kukaa tu msikize. Kwa hivyo ningetaka kuanza na yule wa kwanza kabisa ambaye tulimuambia tutaanze na yeye ambaye anaitwa Reverend S. M. Murigu. Reverend Murigu hayuko. The next ni Isaac Thuo. Isaac Thuo ako? Hayuko. Haya wewe mzee kuja uongee, unaitwa nani? Joseph K. Muniu. Okay. Utasema majina yako kamili halafu uweze ukaanza na nina kupa dakika tano.

Joseph Muniu: Haya nitajaribu kuenda haraka.

Com. Maranga: Hapana ni dakika tano mzee wangu.

Joseph Muniu: Lakini ujue wakati mwingine masikio yangu yanaweza kukosa kusikia sawa sawa. Social Hall. Sasa nimeanza tafadhali.

Com. Maranga: Anza na majina yako.

Joseph Muniu: Jina langu ni Joseph Keige Muniu. Sijui kama hii inaongea ama...

Com. Maranga: Inaongea.

Joseph Muniu: Ya kwanza vile ninavyofikiria Constitution of Kenya Review Commission inaweza kutusaidia ni social hall kwanza. We want a Constitution which will provide for every town in Kenya to have a social hall which will enable people to be meeting to discuss their affairs and where they can invite their Councillors or Member of Parliament or the government officers to hear their problems.

Power of invention: If a person has got the power of invention, they should be protected by the state or by the government.

Mosque or temple: It is very dangerous for a section of people like Indians to have their own mosque or temple which no one is allowed to go in and no one is able to read their writings and that is the source of high order of bribery and corruption in Kenya of today and of future generation if that cannot be corrected soon.

Oath: If a person is being elected into a high post as Councillor or member of Parliament or any other which needs one to take an oath, he should be taken to where he will represent and swear the oath of their actual origin, because to swear the oath of foreign origin has made our people to partake of bribery and be corrupt people because they do not fear the foreign origin oath of which he/she has sworn in.

Na nikiwa kwingine sikuongea vizuri naweza kuulizwa ni nyoroshe.

Marriage: Whether statutory marriage or customary marriage, we need homes with discipline because charity begins at home. We do not want a home, which will be having laws like for Shylock in 'The Merchant of Venice'. Ukiniuliza hapo nitaeleza. Huyu Shylock walikuwa wanaandikiana agreement na mfanyi biashara mwingine na wakati mmoja vile walivyo andikiana ati huyu aliyekopa pesa atoe kilo moja ya nyama.

Basi wakati ulipofika wa kulipa, ile biashara yake haikua imeendelea vizuri. Kwa hivyo walishtakiana kotini. Jaji aliyekuwa akisikiza ile kesi aliuliza Mr. Shylock awe na huruma ya kibinadamu. Yeye mwenyewe hakuwa na hiyo huruma. Akaulizwa na koti tena tafadhali uwe na huruma ya kibinadamu. Yeye hakusikia. Haya jaji akakalia kiti sawa sawa akamuuliza, sasa kuwa tayari utoe kilo moja ya nyama. Akaambiwa, 'Haya uko tayari, toa kilo moja ya nyama na isipite na isikose kufika na tena pasitokee tone moja la damu.

Aah yeye Shylock hakuwa sasa na uwezo wa kukata nyama maana akikata lazima kuwe na ile itabaki ama itakua zaidi na damu itamwagika na katika agreement haikua imeandikwa hivyo. Kwa hivyo tusiwe watu kama Shylock, tuwe na huruma ya moyo wa binadamu.

Com. Maranga: Zimebaki dakika mbili.

Joseph Muniu: Haya nitakimbiza. Because there will come these words, 'I can make it without you,' while it is known that no one, man or woman, can make ends meet alone.

Inheritance: On the side of married women inheritance should follow the cultural values of their origin in order to keep discipline in the home and keep peace, in order to prevent cursing and death from where the woman had come from before marriage. This should be considered if the couple had a child and they had considered to be wife and husband before then.

Subdivision of land: The sub-division of land where the land is agricultural to be stopped completely. If the land is less than 10 acres, if this cannot be stopped we shall be begging for food from elsewhere because our farming will not produce enough food to feed our population and we do not want the farming of subsistence as was done by the colonial government to Africans.

Democracy: We need through democracy of secret balloting without rigging as it used to be but not that of dictatorship as that had been done at Kasarani on 18th March Mwaka huu, by few power brokers who went somewhere else and wrote a list of names and came to read the names followed by acclamation. That is to make the other people suffer from inferiority complex and that is very bad as the people needed to have freedom of mind and the freedom of choice.

Sex: There should be law on sex to prevent influential people in power going about with younger girls and other people's wives, such as headmistresses of schools or any other position of work.

Poverty, illiteracy and diseases: We want a government which can strongly fight with these three enemies of life, poverty, illiteracy and disease, not a government of people who are only thinking of themselves, whom we can compare with robbers...

Joseph Muniu: With sweet words but opposite action. Actions speak louder than words.

Com. Maranga: Thank you very much.

Joseph Muniu: So may continue? I am only remaining with three points. May I finish them? One more. Power of government we want a Constitution which separates the power of Executive, Judiciary and Parliament. We want the power of Executive to be strict not to be the winner takes it all and we do not want the President to be above the law of the land. We want the President to be in office for two terms of five years each. That is if he happens to succeed in the second election for the second term.

Com. Maranga: Thank you very much.

Com. Baraza: Mzee Muniu swali, the land issue you said there should be no sub-division below 10 acres of agricultural land and that is a very good point you are making. But so how will people live? You know why we are having so many sub-division is because people are giving to children for building houses. Are you suggesting a style of housing to take care of that?

My other question is on oath. You say people respect traditional oaths better than the foreign oath. Now are you saying that in some cases we could have our own African judicial system in the villages where the oath can be respected? Petty thieves in the village, can they be dealt with?

Joseph Muniu: What I mean there, and first you have asked me the first question. Land should not be sub-divided because that is the mentality we are having now. You know there is so much land somewhere else, which is very big and is not utilized. So we need a government, which will build factories. So that we send some of people to work into the factories then we leave a big part to be cultivated by able people who can manage to produce good food for our people. That is what I want.

Second oath: I mean if you are elected to a big post and you are representing a certain place, before you take this national oath of foreign books, you need to be taken back. If you are a Kikuyu, Mkamba, Jalu or from western province, you will be taken there to be given the oath of origin, because they do not fear these foreign oaths. To be given the traditional oath then you come, if the government wants to administer another oath, we don't mind but first you get the real oath from your original place. That is what I mean.

Com. Maranga: Thank you bwana Muniu. Uende ukatujazie kitabu chetu rasmi uweke sahihi na utuachie hiyo memorandum yako. Thank you very much. Now, the next is George Ngugi. George Ngugi, is not present. We have the next is Charles Kamau. Next is Maina Laban. Okay. Then the next is Francis Kihara. Francis, okay its your turn. Dakika tano.

Francis Kihara: My name is Francis Kihara Muhea from Ithiru. Here are my views. I would suggest that the primary education should be free. The primary education should be free and secondary education for the poor bright children should be free. Freedom of worship should be scrapped. Concerning land, nobody should own more than 20 acres while others are squatters.

Concerning work, nobody should have two posts within the government. The retired people should not be elected as Councillors or MPs. No person should be allowed to own a private clinic especially doctors or nurses while still in civil service. Concerning women, each and every female should wear properly and that jail sentences should be reduced for rapist who rape those who wear mini-skirts.

The salaries of the MP should be reduced by 40% and given to teachers because they are very important within our society. Concerning youth, the government should allocate funds for the youth groups during the annual budget. Concerning politics, the Presidential power should be reduced and hence we have the ceremonial President and the Prime Minister who is concerned with forming the government.

Mayor and the chairman of the local authority should be elected directly by the people. There should be a body appointing Judiciary officers and judges. The Vice-President should be directly elected by the people but not the President. The election of the President should be separated from that of Mp and Councillors. That is all.

Com. Maranga: Thank you. Com. Baraza, any point of clarification. None thank you very much. You sign up and give us that

memorandum and sign the official register. The next one is John Kinyanjui. John Kinyanjui or you have already given? Thank you very much. The next person is Evanson Chege, Evanson, Evanson Chege? He is not there. Lydia wambui? Alright the next one is Stanley Karanja? Stanley? Kuja, unataka kuongea mzee. Ehh kuja tu *oka tu oka*. Majina yako.

Stanley Karanja: Njitagwo Stanley Karanja Gathumbe.

Translator: I am Stanley Karanja Gathumbe.

Stanley Karanja: Na gwitu ni guku Kandara.

Translator: I come from Kandara.

Stanley Karanja: Ningukena muno.

Translator: I am very happy.

Stanley Karanja: Niundu turaria uhuro wa Katiba.

Translator: Because now we are talking about Constitution.

Stanley Karanja: Ndituhitagiria no nitukuga kiria gitumaga twage gukena.

Translator: It is not bad but well say why we are not happy.

Stanley Karanja: Ni undu.

Translator: Because.

Stanley Karanja: Twina President.

Translator: We have a President.

Stanley Karanja: Twina DC.

Translator: We have a DC.

Stanley Karanja: Twina PC.

Translator: We have PC.

Stanley Karanja: Twina DO.

Translator: And we have a DO.

Stanley Karanja: Twina Chiefs.

Translator: We have chiefs.

Stanley Karanja: Nama Headmen.

Translator: and still we have headmen.

Stanley Karanja: Gutira undu witu matwiraga, matitwiraga thirikari niya raia.

Translator: When they meet they don't tell us that the government belongs to us.

Stanley Karanja: Othe aria me thirikarini.

Translator: All of them are in the government.

Stanley Karanja: Na Raiya gutira undu ona uriku wikagwa ingiuga.

Translator: We, we are not heard whatever we say.

Stanley Karanja: Niki.

Translator: Why?

Stanley Karanja: Tondue othe matwiraga thirikari ni ya raia, o gachunji o gacunhi.

Translator: All of them tell us that the Government belongs to us.

Stanley Karanja: Ona Abunge aria tuthurite othe matwiraga ati thirikari niya raia.

Translator: Even the MPs tell us that the government belongs to us.

Stanley Karanja: Na niki kigiragia tuwiigie ithui raiya?

Translator;: Why we say?

Stanley Karanja: Mangikuroo ni moi uguo matigitikire kuma umuthi

Translator: If they know that why don't they accept it as from today?

Stanley Karanja: Kurumirira mawoni ma raiya.

Translator: that they should obey the views of the Kenyans.

Stanley Karanja: Niundu gutiri mundu munene gukira raiya

Translator: because there is nobody who is above the Kenyan

Stanley Karanja: Tondue raiya niyo thirikari

Translator: because we, we are the government

Stanley Karanja: Na ithuothe matwirnga thirikari ni ya raiya

Translator: All of them tell us that the government belong to us.

Stanley Karanja: Maregaga gutuigwa niki mahingie uria raiya ikuga?

Translator: Why don't they hear us and do as we require?

Stanley Karanja: Magiriirwo ni gutharia thirikari mathagwo ni raiya uria ikuga.

Translator: They should change and the government be guided by the Kenyans.

Stanley Karanja: Uria thirikari ikwenda

Translator: What the government wants

Stanley Karanja: ikuragwo i rungu ya raiya.

Translator: It should be under the Kenyans.

Stanley Karanja: Tonde ndi toro nditururagia kaundu gwa kaundu kamwe ga thirikari kuma o kiambiriria kinya muthia.

Translator: When I am asleep I talk about the government from the beginning to the end.

Stanley Karanja: Othe matwiraga thirikari niya raiya

Translator: They tell us that the government belongs to us.

Stanley Karanja: Nimakindire katiba io ituike niyo iriathanaga Kenya.

Translator: They should make sure that the Constitution guides the Kenyans. That is all.

Com. Maranga: Thank you mzee, maoni yako yamechukuliwa. Mwambie, 'thank you very much' lakini ngoja asubiri. Mwambie thank you very much, aende afanye registration aweke sahihi in our official register, ajue ati ametoa maoni kwa Katiba mpya, kwa kurekebisha Katiba. Ahsante. Thank you very much. The next is Daniel Njoroge. Daniel? Good, you have five minute. Majina kamili.

Daniel Njoroge: I am Daniel Njoroge Kinyua and I want to air out my views as pertaining Constitution. First all Presidential appointees including ministers and their assistant minister, the AG, Permanent Secretaries, ambassadors, high Commissioners and judges should be approved by Parliament.

Number 2, the President's power to create ministries, public offices, districts and provinces should be made subject to Parliamentary approval. The President's power to dismiss civil servant at will be scrapped and the dismissal and disciplining of

civil servant should be left to the Public Service Commission.

The President's power to dissolve Parliament before its term should be scrapped and Parliament should have a fixed term and develop its own calendar. It should be possible to impeach the President. That is he should be tried by Parliament and if found guilty forced out of office. The present Executive presidency should be scrapped and replaced with a Prime Minister. That is, the President to be directly elected by the people and would become a non-partisan or rather, a father of the nation with no party connection.

The President would have ceremonial powers like receiving foreign dignitaries, awarding honours and presiding over the state opening of Parliament. The Prime Minister who would exercise Executive powers would be the leader of the party with a majority. He should be open to criticism in Parliament as the leader of the government. Registration of voters should be a continuous process and the electoral register should be computerized.

All political parties should have equal and fair access to the public mass media to promote their electoral campaigns. Constituency boundaries should be re-drawn to ensure equal representation as per population. Presently, some densely populated areas are represented in Parliament by one person just like an area with a third of the population and this one should be left to the Electoral Commission.

A referendum clause should be inserted in the new Constitution. That is, a process in which citizens are asked to vote for or against an important issue. I think I have completed.

Com. Maranga: Thank you very much for finishing in good time any point of clarification? Com. Nancy Baraza? Com. Lenaola?. Thank you. You sign up our official register and please hand over your memorandum. Thank you very much. The next one is Francis Kariuki Chege. Okay. You have five minutes.

Francis Kairuki: My name is Francis Kariuki Chege and I come from Ithiru location of Kandara. My presentation are: That the President- or I start with the office of the President and take the President as number one in the country.

He should be elected and be between the age of 35 to 75 years.

He should be given a few old men like the private Councillors, infact I am suggesting 12 of them and 8 should come from the provinces and then 4 should be voted in by the Parliamentor should be elected by Parliament. They will be having the job of advising the President his. They will be able to co-ordinate the office of the President and Parliament.

The President should be fully conversant with the security of the state. That is, all Kenyans should feel secure whenever

they are, he should be very, very powerful to quell any problem that are affecting the Kenyans. The Kenyans should feel free, be it in Coast province, in Eastern or any part of the country.

I also say that those bodies elected by Parliament that is for example the ones that counter check the government officers like the PIC, that is Public Investment Committee and PAC should be empowered to even prosecute a minister or a government officer in the court of law, not necessarily going through the AG. Well, we have seen many cases and they are even ten years old in courts and nothing has been happening. Infact justice delayed is justice denied. So, that one is like that. If actually we can empower the bodies governing Parliament, Kenyans will actually enjoy their life in their own country.

When we come to education, education should be free right away from standard one upto university and health likewise. This are actually some of the things that were laid upon in 1963 when we were getting independence and it shows or seems as if we are going back and backwards

When we go to agriculture, farmers should be encouraged to produce their crops and sell them directly to the users. By doing that, farmers will be taken care of , they will be knowing what is happening in the whole world and they would also like to grow their own crops. They would actually be prepared to compete the world market with other people worldwide.

So, at the same time there should be a levy given to the farmers for general sustenance to cater for those very bad seasons whereby we have no coffee, we have no maize, we have such things. So, the farmers should be taken care of.

Now, when we come to the provincia administration. The provincial administration should be actually harmonized to work with the elected Members of Parliament and even the Councillors. By that I mean what is happening at Kandara, across there, our Mp should always be knowing and even the Councillor himself. The Councillor being very, very close to the people and that will make the work of the police such as eliminating criminals even easier I think that is all.

Com. Maranga: Thank you very much. Francis Kariuki Chege, any point of clarification?

Com. Baraza: Mr. Chege, you said that a President should be given a few old men from the provinces to advice him. You don't need women advising the President?.

Francis Kariuki: I am very sorry. What I am saying, the private Councillors should include women. Just for the sake of gender. You know they can advice the President, infact presenting in UK, some Councillors some are actually women. The British Constitution allows it.

Com. Lenaolo: A follow up question. You said the President be given 8 members from the provinces, who gives him? Are they elected, are they selected?

Francis Kariuki: These people must be elected by the people, themselves and the four because I talked of 12, the eight should come from the provinces. That is one, from each of the 8 provinces. Then the four should be elected by the Parliament itself.

Com. Maranga: Thank you Mr. Francis Kariuki Chege. I have no questions for you. So thank you very much and register with us in official register and we will take your views seriously. Thank you. The next presenter is Peter Kibe Peter Kibe? Yes.

Peter Kibe: (Kikuyu dialect).

Com. Maranga: Peter, utanza kwa kusema majina yako kwanza ndio uanze kuongea.

Peter Kibe: Njitagwo Kibe Peter Karanja, kuma Ithiru, Kiiri sub-location.

Translator: I am Peter Kibe Karanja from Ithiru location, Kiiri sub-location.

Peter Kibe: Mbere ni gucokeria ngatho Commission ino yukite gutwira uhoro uyu wa Katiba na nigetha onao mamenye maoni maitu.

Translator: First is to thank the Commission for coming here to tell us about the Constitution because this is the time whereby they will know what we say here.

Peter Kibe: Wambere ninduragwo ni kibungo giki kiugaga above the law, niundu munene ni Ngai.

Translator: First of all I am very bitter about this word above the law because it is only God who is above the law.

Peter Kibe: Wakeri.

Translator: Secondly,

Peter Kibe: Munene aneneha niatuikaga ta wakurugamirira wira wothe thiini wa Kenya.

Translator: The President is the one who is leading in everything in Kenya.

Peter kibe: Okorwoo ni mandagitari, agakorwo ni munene wa mandagitari.

Translator: In the case of doctors he is the head of the doctors.

Peter Kibe: Kwi degree niwe uraheana.

Translator: He is the one who is awarding degrees.

Peter Kibe: Na degree iria araheana ndathomeire.

Translator: And yet he doesn't have one.

Peter Kibe: Twathii uhoru wa githomo.

Translator: When we talk about education.

Peter Kibe: Nikuri kindu gitagwo orphans kana ciana cia ndigwa.

Translator: We have orphans.

Peter Kibe: Nacio ciagiriirwo ni guteithagio ni thirikari.

Translator: And they should be helped by the government.

Peter Kibe: Thiini wa thukuru.

Translator: In schools.

Peter Kibe: Kana githomo oo giothe.

Translator: And through all education.

Peter Kibe: No riu cukuru ici ciatuikire cia itonga.

Translator: Now they are run by the rich people.

Peter Kibe: Na riu nikio urona chokora ciurite Nairobi.

Translator: That is why you see a lot of chokoras in Nairobi.

Peter Kibe: Na twoka kwi ma Councillors.

Translator: When we come to the Councillors.

Peter Kibe: Mehitire mbere ya muingi.

Translator: Waliapa mbele ya watu wengi,

Peter Kibe: Nimegutumikira raiya.

Translator: That they are going to serve wananchi.

Peter Kibe: Maundu maria moiga ni megwika, mekaga o ihinda rimwe.

Translator: What they said they will do, they do it only once.

Peter Kibe: Akorwo niwehitiire raiya na niwathurwo, okorwo ndukuruta wira wega, ukabutwo gugathurwo mundu ungi.

Translator: If you are not going to help the people who elected you, they should recall you back.

Peter Kibe: Uguo ni iguru wa Councillor kana MP.

Translator: I said that is for Councillors and the Members of Parliament.

Peter Kibe: Twacoka twoka thiini wa administration kana police.

Translator: Then to the administration or the police:

Peter Kibe: Mararuta wira uria matadikiirwo.

Translator: They are doing what they are not supposed to do.

Peter Kibe: Nii niwangobire mbeca.

Translator: I get money from you.

Peter Kibe: Na wanangera na guoko.

Translator: And you give me by your hand.

Peter Kibe: Njoke ndege gukuriha.

Translator: Then I refuse to pay back.

Peter Kibe: Nani kwaga.

Translation: Due to lack of it.

Peter Kibe: Ugaathitanga gwi police, ngaahigirwo.

Translation: You go and report me to the police station and I am arrested.

Peter Kibe: Gugatuika ndina ihitia ni undu wakwaga gukuriha na nikwaga.

Translator: Therefore, it is assumed that I have done wrong because of not paying you and it is due to lack of money.

Peter Kibe: Na undu ucio wagiriirwo kurorwo kimucii.

Translator: That should be solved between the lender and the borrower.

Peter Kibe: Tugathii kwi Judiciary.

Translator: Then we go to the Judiciary.

Peter Kibe: Mundu utari mbeca.

Translator: Somebody who doesn't have money.

Peter Kibe: Anyitithitio ni mundu ucio wina mbeca.

Translator: Anashtakiwa na yule ambaye ana pesa.

Peter Kibe: Na niwe wi nama, ucio muthini.

Translator: Na yeye ndiye ako na ukweli yule fukara.

Peter Kibe: Akahakanirwo ni ucio wina mbeca, akuhingirwo ni getha u-ma ure.

Translator: Anafungwa ili ukweli upotee.

Peter Kibe: Twoka he migunda.

Translator: Then we come to land.

Peter Kibe: Mundu mwenyewe maciaraniirwo na muru wa nyina.

Translator: Somebody is your brother.

Peter Kibe: Kana muciaranirwo muri ana.

Translator: Or maybe you are four brothers.

Peter Kibe: Aciari anyu nimakua.

Translator: Your parents pass away.

Peter Kibe: Umwe naikwenda gutunya aya angi tondu ena mbeca.

Translator: One of them wants to get the whole share because he is rich and he has money.

Peter Kibe: Na agakorwo niakuiguo ona akorwo ni igotini niundu wa ihaki.

Translator: And when he goes to the court, he bribes and things go wrong.

Peter Kibe: Kwa uguo human rights niikwenda ciikirwo hinya.

Translator: Therefore human rights should be reinforced.

Peter Kibe: Tuguka urimi-ini.

Translator: Then we come to the farming.

Peter Kibe: Indo ciitu okorwo ni kahua kana macani.

Translator: If it is coffee or tea.

Peter Kibe: Niciikirwo fixed price.

Translator: They should have fixed prices.

Peter Kibe: Nigetha ciathii thokoini arimi magakorwo moi faida na makamenya nimacokerio kiria marahuthirite.

Translator: So that the farmers may know that they get what they used to produce the crop.

Peter Kibe: Indo cioka kuma ruraya na cii Kenya, cia Kenya ciambe ciendio.

Translator: Produce from outside the country should not be sold in the country while we still have the same kind of crops.

Ccom. Maranga: Wewe mzee, mwambie akae hapo pengine kuna swali. Wacha aweke sahihi. Thank you very much. The next one is George Chege, George Chege?. Wewe tafuta kiti ukae hapo.

George Chege: Nii njitagwo George Chege Karanja. Kuna Gasheri Catholic Church, Pioneer Group.

Translator: I am George Chege Karanja, from Gasheri Catholic Church, pioneer group.

George Chege: Maoni makwa ni maya.

Translator: My views are that.

George Chege: Micara ino yaheirwo MPs na Ministers yagiriirwo nikwaririo inyahanyihe by 50%.

Translator: The MPs salaries should be discussed and reduced by 50% that is number one.

George Chege: Constitution igicejio thiini wa Kenya muingi wa Kenya uragio, no ti bunge icenjagie Gatiba ii iki.

Translator: Changing the Consitution of Kenya, it should be discussed by the public and not the Parliament alone.

George Chege: Judiciary ndiagiriirwo ni gukorwo ii rungu rwa President. Yagiriirwo gukorwo ii ika.

Translator: The Judiciary should not be under the powers of the president but it should be independent on its own.

George Chege: Judiciary irekwo wira wayo ndukagarurwo ni anene kana munene wa bururi.

Translator: Judiciary should be independent and its work should not be overturned by leaders or the President of the country.

George Chege: President wa bururi ndagiriirwo ni gukorwo ariwe munene wa ma University

Translator: The President should not be the chancellor of all the Universities.

George Chege: President uria ungithurwo ndagiriirwo gukorwo thii wa miaka 40 na ndagiriirwo ni kuhitukia miaka 70.

Translator: The elected President should not be less than 40 years and should not be more than 70 years.

George Chege: Riria tuguthurana miti yagiriirwo ni gutarwo thiini wa polling station no ndiagiriirwo ni gu-transfer kundu kungi.

Translator: Counting of votes should be done in the polling station, but should not be transferred somewhere else.

George Chege: Andu oothe aria mariiyaga indo cia muingi kana utonga wa muingi niguthitangwo igotini macokie kana mohwo.

Translator: Those people who steal public funds should be taken to court.

George Chege: Dagitari wothe mwandike ni thirikari, ndagiriirwo nigukorwo na kiliniki yake kana chemist ya kwendia dawa.

Translator: No government doctor should be allowed to operate his or her own clinic or chemist.

George Chege: Electoral Commission yagiriirwo gukorwo ii independent na ndiagiriirwo ni gukorwo irathurwo ni mundu ona uriku.

Translator: Electoral Commission should not be under anybody but should be independent.

George Chege: Parties ciothe cii thiini wa Kenya ciagiriirwo kuheo privilege ciganaine.

Translator: All political parties should be given equal programme airing privilege in broadcasting and television.

George Chege: President ndagiriirwo gukorwo niwe uthuraga parastatal heads.

Translator: The President should not be the one appointing the parastatal heads.

George Chege: President ndagiriirwo gukorwo iguru wa watho.

Translator: The President should not be above the law.

George Chege: President ku-declare winner igoti ritahitukitie niathurwo wega.

Translator: The President should not be declared a winner before the court proves so.

Com. Maranga: Do you have any clarification? Com. Nancy Baraza? Com. Isaac Lenaola? Thank you very much. You can now sign ahsante sana kwa maoni yako, weka sahihi kitabu chetu halafu utupatie hiyo memorandum yako. Thank you very much. The next person to speak is Francis Kinyanjui. He is not in. Next is, Hon. Joshua Toro, Member of Parliament? Does he

want to speak? I don't know, he is not there. Then we have Mwangi Kamau? He is not there. Then we have Benson Njehia okay karibu.

Benson Njehia: (kikuyu dialect).

Com. Maranga: Let me announce that, wacha niwakumbushe tu wale ambao wako na memorandum na wanataka kupeana kwa Tume ya kurekebisha Katiba. Tafadhalini sana kuna yule madam. Madam unaitwa nani? Mnaona yule? Mnaweza mkaleta hizo memorandum huko halafu you register. Kwa hivyo, sio lazima uongee kama una memorandum. Unaweza kutupatia, endelea na kuonga.

Benson Njehia: Njitagwo Benson Njehia.

Translator: My names are Benson Njehia.

Benson Njehia: Na gwitwo ni Kandara Rocho Location.

Translator: I come from Kandara, Rocho location.

Benson Njehia: Mung'aria sub-location.

Translator: Mung'aria sub-location.

Benson Njehia: Nii ndiri undu ngwaria muingi.

Translator: I am not going to talk much.

Benson Njehia: Uthamaki niwaritio muno ngiguaga.

Translation: A lot has been spoken concerning the leadership.

Benson Njehia: Kindu kiria ngwenda kumurirania kana kugweta.

Translation: What I want to say.

Benson Njehia: Thina uria uturite buriri uyu.

Translator: The problem we have in this country.

Benson Njehia: Nikuma 1963.

Translator: It is from 1963.

Benson Njehia: Niundu watho wa 210 nduri warutwo.

Translator: Because the law of 210 was not abolished.

Benson Njehia: Kuogwo indo cia murimi, nikiyo cithiaga na hinya ni mundu wothe urenda.

Translator: So, what belongs to the farmer is therefore taken by force by whoever wants it.

Benson Njehia: Kuogwo murimi ndonaga kindu. Ndigukira hau.

Translator: So the farmer does not get anything. I will not go beyond there.

Com. Maranga: Ahsante mzee Benson. (inaudible).

Com. Baraza: Mr Njehia hii 210 ni nini, 210?

Benson Njehia: Watho wa hinya.

Translator: The rule of power, the rule of taking by force.

Com. Maranga: Tumesikia maoni yenu ahsante.

Speaker: Nancy, its robbery with violence. Its section 210 of penal code.

Com. Maranga: So, hiyo tumeelewa na hiyo tumejua ni sehemu moja ya sheria Cap 210, section 210 penal code. Thank you very much. Ahsante mzee, sasa utaenda uweke kidole hapo kwa vitabu vyetu rasmi ati umetoa maoni mbele ya Tume ya kurekebisha Katiba na ninakushukuru wewe. Mwingine ambaye tunataka aongee in Jacob Mwangi. Jacob Mwangi hayuko. Grace Mwaura? Grace, Grace Mwaura? Hayuko, tunazidi kwenda mbele. Tupate Reverend Faris Mungai. Hayuko, we have Kamau Kariru, karibu. Una dakika tano kutoa maoni yako mzee, jitambulisho majina yako kamili. Unaongea kwa lugha gani? English? Okay.

Kamau Kariru: My name is Kamau Kariru from Ithiru, Kandara. I should simply state that I prefer the Presidential powers to be curtailed. I would also would prefer to say police powers should also curtail.

Land: I can simply recommend that a man or whoever has got more than 20 acres, he should have those 20 acres but not 100, 1000 of acres while others do not have any piece of land.

Education: Although we are aware that our children are getting free education in the primary schools, we can also extend it to secondary schools.

Medical facilities: It should be applicable as free of charge to everybody in Kenya.

Local authorities: There is no point for local authorities to have big powers for controlling wananchi. Those rules or regulations regarding the local authorities should be curtailed.

Marketing of our produce from our shambas, let says coffee. Although a good number of us are aware that the government has already abolished coffee marketing board, we should ask the current government not to allow those brokers to come back again and there should be a law to curtail them. We would also recommend that we farmers of coffee should be allowed to be selling our produce in our factories. Not to take coffee from here to the big market. Let whoever wants to get coffee come to us and we negotiate about the price. Let him take all this trouble to transport the berries from the factory to his destination. I think that is what I had.

Com. Maranga: Thank you very much Kamau Kariru. Kuna mtu yeyote ana swali? Com. Nancy Baraza?

Com. Baraza: Thank you Mr. Kariru. Land, apart from the ceiling, who should have access to land, should men and women have access to land?

Kamau Kariru: Both are allowed to have access of the land.

Com. Maranga: Thank you Mr. Kariru, nakuomba tu uweke sahihi kitabu chetu rasmi, official register of the Commission, ati umetoa maoni mbele ya Tume. Ahsante nashukuru. The next is Gitau Patrick. Gitau Patrick, you have five minutes.

Patrick Gitau: My names are Patrick Gitau. Patrick Ndirangu Gitau, I am here just to make an observation and first to thank you for allowing us to come closer to what we call a Kenya Constitution. Some of us have been born when the consitutiton was there, and we have never had a chance even to know what the Constitution is.

Thank you for bringing it closer to us, we feel that now we are part of the country. What we have been told severally that we are the leaders of tomorrow we can see the fruits now. I want to take this opportunity to thank each one of you Mr. Chairman, especially Miss Nancy Baraza. I have always seen her in the papers and on the news and I have never seen her. I know what work she has been doing in fighting even to get where we are in the Consitutiton. But my worry or my observation is this, why should we hear you guys fighting there and we have put all our trust into your hands?

We have put all ourselves into your hands and we have seen now there is a light at the end of the tunnel, through your Commission. I don't see why there should be hurdles, as it is my view that whether your chairman is in the wrong or whatever, it should not get into us because it is paining our ears when we hear that you are fighting and you are trying to say no to your Commission, to your chairman

When he came there, he came there because he had a purpose. I am

a

Christian and I believe everything has God's way of bringing things there. Thank you. Don't wait, Com. Nancy Baraza, with all due respect you have done a lot to get to where we are. We believe in most of you the Commissioners that are here you have necessitated us coming here and we want you to uplift and maintain that integrity that you have build. Don't throw us to the dogs because without you the Commission, we are surely going to the dogs.

My other observation is in education. I am a teacher by profession and I am worried about the education standards here. We have talked about the girl child and we have talked about the children, the chokoras and whatever. Why, as a nation or a country, should we wait for donors from or overseas or NGOs to come into our aid? Look at the case of the chokoras and whatever, as Kenyans we have waited for so long we have been talking about, we have gone to barazas, we have gone over to the radios, we have gone to meetingsa and yet we are waiting for the donors to come from overseas to come and organize a school and start uplifting it whereas we have a government which has a reserve fund. Like the ones we say that there is a disaster fund. Why can't we consider our chokora menace as a disaster and then it is taken up by everybody, just like we have acted on other issues and then we can curtail it before it mushrooms and becomes something that is out of our control, please take that.

When I talk about the girl child and here I know Com. Baraza is very much into that. The girl child has just become a statistic. We come to school, we go to schools and we collect statistics, how many girls have dropped out of these schools, we are told ten, they are written in the book. It is taken to the ministry of education, but no feed back has come to ask these girls dropped out of school, why did they drop? Where did they go?

Where are they today? We know that when you have educate a woman you have educated a whole nation and this menace of chokoras and this problem that we have here, its because of this. There is no follow-up, we are just statistics, we take things as statistics.

Like now the Kandara people, the ordinary man according law, to interpret it the way the law interpretes an ordinary man, an ordinary person is not even aware of what is going on. Some of them if you hear them in the social places, they are saying this is a waste of time. Why have they lost trust in whatever the government is trying to make, even if it is for their own health? Because trust has gone low between us and all the other people.

The other thing is that. Thank you because the time has run out and I appreciate the work you are doing, do it up to the end and please don't let us know when you fight in the house. Even parents do not allow the children to know when they fight. Don't let us know just do it and I believe come Thursday when you sitting to come a decision, you will give us a decision that will give us hope to live and move on with our lives.

Com. Maranga: Thank you Mr. Gitau for your sentiments. Let me assure, the people of Maragwa, particularly Kandara that the Commission is intact. If we have any difference of opinion it is for the good of the country and let me assure you that we are people of high integrity as you have indicated and we are going to deliver a new Constitution using the views of Kenyans. So, you should not worry about decisions pending before the Commission, we have no business making any comments about that. Thank you very much.

Com. Nancy Baraza: To add to what you have said Mr. Chairman, I think I want to assure the people of Kandara and from your numbers we know that you want a new Constitution and I want to assure you that we want to give you a new Constitution. So when you hear of these things, what we have been arguing about are issues and we have the welfare of the people of Kenya in our hearts. You get it? So we are not arguing and this thing of fighting, I think even if the press is here I think I want to tell you, you people give Kenya a raw deal.

Yesterday we had an 8-hour meeting and at no stage was there anything that you read in the papers today, especially in the Standard Newspaper. I was so shocked when I went out and watched KTN and I have seen it in the Standard Newspaper and I have said I am not spending my sh.25,000 buying newspapers again.

Com. Lenaola: Its just rumours. The truth is where we are now, are we not in Kandara taking views?

Audience: You are.

Com. Lenaola: That is our work, we were appointed Commissioners to come and listen to Kenya and we are now here to do what? Listen to Kenyans. So what you hear from the press is a lot to basically sell their papers and make money from papers but we are working, are we not?.

Thank you.

Com. Maranga: I want once again to re-assure the people of Kandara that this is a very serious Commission, we are going to deliver but we are going only to deliver if you give us the correct views and you are giving us the correct views and we are happy about that. Thank you very much. You can now step down. Register and proceed. Now the next speaker is Mr. James Kariuki Ngugi. You have five minutes sir.

James Kariuki: Thank you very much the Commissioners. I am James Kariuki Ngugi. I will start with the preamble. I will say the Constitution being the fundamental law of the land and one that is guided by the spirit of righteousness, should address itself to values that Kenyans should and must uphold in order to guarantee a proper development of a democratic and just society.

These are values like truth, justice, honesty, freedom with responsibility, hard work, respect for human rights and property, etc. This is in response to some cultural values in some communities that are in contradiction with the national good. So I think in our preamble we should address those values because we know there are some values that are upheld by some communities in this country that are in total contradiction to what is the national good. So, that preamble should address itself to those values.

Then leadership: Leaders in our country must be made to account for their wealth and that of their spouses. We should also be made aware of the in education background and also, we should know how morally upright they are. This is paramount because we have been getting leaders who are very far below Kenyans' expectations and we want leaders that we can trust, leaders of integrity elected into public office.

The presidency: I would suggest that the President or the person who wins the presidency should garner more than 50% of the overall Presidential votes cast in the election and if none of the candidate gets more than 50%, then there should be a re-run after about 30 days of the announcement of the results .All Presidential appointments must be approved by a simple majority in Parliament and if any appointee is rejected, then the President will be compelled by law to appoint another to take up his place.

The President should not also be a chancellor of all public universities instead renowned scholars, the likes of Prof. Ali Mazurui etc in various disciplines should be considered by the university senates themselves. The President should also not be the sole trustee of public land. This power should be vested in a body that is formed by members of the public representing various professions like architects, engineers, lawyers, valuers, educationist, surveyors, and environmentalist etc. and which shall be answerable to a committee of Parliament alone and not the President.

The President should not form a cabinet of more than 18 ministries and which must be permanently enshrined in the Constitution. The President should also not have more than one deputy minister in each ministry, in order to creat efficiency and save on public funds. The President should not also prolong Parliament. That work should be left to the Parliamentary Service Commission to set up its own Parliamentary calendar.

I would also sugget that the provincial administration should be abolished since it colonial and it has out lived its usefulness. If the President wants to get any information from the grass roots, then he can use the national intelligence service for that purpose.

Then elections: I would suggest that the Electoral Commission should be a body of men and women of utmost integrity, of unquestionable charcter and will also enjoy security of tenure of and they should be answerable to Parliament and not the President. The Electoral Commission should also be vested with powers of controlling the whole electoral process from the beginning to the very end. They should be incharge of security, civic education, licensing of public gatherings during campaign period, prosecution of wrong doers and announcement of results. All electoral boundaries for constituencies should as much as

possible consider even population distribution as the main criteria.

The results of every polling station should be announced on the spot in every polling station and not in a central place. The Electoral Commission should provide all Presidential candidates with enough cars, security etc and all parties should get equal airtime on national TV and radio and no candidate should use government resources.

Political parties must have a reasonable representation in Parliament and which should be funded by the ex-chequer on a proportionate basis. The Constitution should also be translated into various Kenyan languages. There is no point of writing a Constitution that no Kenyan understands but it is only in English. So, that Constitution should be translated into Kiswahili, kijaluo, Kikuyu, all the Kenyan languages, so that it is distributed in the whole country for people to read.

The Kenyan education curriculum should include legal studies and Constitutional law and this would help create awareness in legal matters and help in a maturing of truly democratic culture in our society. We also need a proportional representation. Thank you. Basic education should go up to form four. Land should not be allowed to be idle and Councillors should possess not less than form four education.

Then any public servant, who is proved in a court of law to have stolen, plundered, looted, or grossly misappropriated public finances should have his property confiscated and sold to recover lost money. In addition he should be treated as an economic saboteur and jailed for not less than 20 years and preferably jailed for life. These are people who have impoverished our country. He should also be barred from holding public office for good. This is referring to people who are corrupt in this country. Thank you very much.

Com. Maranga: Thank you James Ngugi. Now, I will ask my fellow colleagues if there are any points of clarification.

Com. Baraza: Thank you Mr. Ngugi. You said basic education should be up to form four, meaning free or compulsory or what do you mean?

James Ngugi: Compulsory education should go up to form four, presently is up to standard 8. That is what I meant.

Com. Maranga: Thank you very much I have no question for you as the chair. I now request you to step down and be able to register officially and hand over your memorandum to the Commission. Thank you very much. The next speaker would be A.K Mwaura. A.K Mwaura? Thank you. You have five minutes.

Archangel Mwaura: My names are Archangel Kironjo Mwaura. I only want to talk about four issues. Issue number 1 is the three organs of the government. These organs of the government appear as if they are not well co-ordinated by the government.

For example when we come to how they are paid salaries the Legislature has a Parliamentary Service Commission which sits down one afternoon and decides that they increase their salaries to whatever amount they wish and they pay themselves the following day.

The Judiciary is the same. People working in Judiciary are highly paid, they are paid far much more than those in the Executive, and they are all serving the government. You have the Parliamentary Service Commission, you have the Judicial Service Commission, you have Public Service Commission.

The two, the Parliamentary one and the judicial one should be scrapped off and we only have one, Public Service Commission which serves the three organs, because as it is now, there is a lot of disparity and the people in Executive or the workers in the Executive feel highly demoralized, because those working in the two other organs, the Legislature and the Judiciary are highly paid including our MPs and everybody is complaining about it.

We need a harmonized Public Service Commission to run the three organs and if there are to be salary reviews, the government should elect a committee to review not a the Commission. We don't need the three Commissions. Every government organ should not have a Commission to run its affairs.

The other one is about the environment: The environment of this country is not taken care of properly. There should be an issue in the Constitution, which says that every land should be planted with trees and, in hilly lands people should make contours or build terraces and this must be in our Constitution and everybody should know that. We should plant trees in all the land, reasonable number of trees in every land. If you have an acre you plant at least ten trees. From there on as many as you wish and this should be there in the Constitution to preserve our environment and also make tenaces and the contours.

The other one is about alliviation of poverty: The government talks every day about alliviation of poverty and I wonder how poverty can be eradicated if the present resources the country has are not being properly utilized. For example, we have a lot of livestock in this country, particularly in most arable districts like in Central, Nyanza, Western and many parts of the Eastern provnice. The government has privatized AI services and people are paying dearly to unseminate their cows. You cannot expect an ordinary farmer to produce sh.500 to have his cow or animal serviced. The government should take up the AI services as it used to be before. Even the treatment of animals, the government should employ doctors. They are very many from our local universities. Those people should be employed by the government to treat our animals and to give AI service.

Fellows graduating from animal health training colleges, I mean institutes like Kabete and Doba should be employed by the government to serve the public, because that service is very important, because you cannot expect to alleviate poverty if you are not taking care of the resource and livestock is a very great resource in this country.

The treatment of animal is also very expensive. When it was being done by the government, it was very cheap. The other one is about cattle dips. There are a lot of idle cattle dips in this country. If you go to districts like Kitui, Meru, Isiolo, Mandera name it. Even in Central province here, there are so many. They are all white elephants and animals are dying because the local farmers or livestock keepers cannot buy chemicals for those cattle dips. So, the government should take over the running of the cattle dips, because those cattle dips were built by the government and the local people themselves. Even donors contributed a lot of money and all those are now idle and animals are dying. That is something that should be there in the Constitution that there is no way the government should talk about the alleviation of poverty if it is not helping people.

The last one is about the running of primary schools and secondary schools. School committee members in primary schools, should be literate people who have reached atleast standard 8 and passed or above, because that is the only way they can help the headmasters and teachers to run the schools.

Com. Maranga: Your time is up.

Archangel Mwaura: The last one, its on the same. The last one is on the BOGs, they should be people who have gone to school, who have passed form four with at least D+ or previously, division 3. Anybody below that should not be a member of the BOG. Thank you.

Com. Maranga: Thank you very much Mr. Mwaura. Any observation, any clarification from Com. Lenaola? Thank you very much. Now you can register with us officially and hand over your memorandum. The next presenter is Councillors Francis Kamani. Kamami, okay that is your other name?

Francis Kamami: Thank you Commissioners. My names are Councillor Francis Kamami, the only elected Kanu Councillor in the district. The following are my views towards the Constitution Commission:

1. No one should be above the law in our Constitution. The Presidentials power be limited.
2. The President must not have a constituency to represent. He is the President of the Nation and he should represent all the constituencies.
3. The President should be elected by the majority votes, and that is from 65% but not 25% from each of the five provinces.
4. The county council chairmen and mayors must be elected by people directly.
5. All members of the Parliament, all mayors, all council chairmen and all council finance chairmen to be meeting together and plan for national development for the five years.
6. The salaries for the Mp and that for civic leaders be paid by the Central Government and be agreed by the Parliament.
7. Our laws of land must come from the book of God, that is bible, who is the creator of this nation.

8. For land disputes, the clan to take the responsibility but not the court of law.
9. Judiciary in my view, Commissioners, must be very independent and controlled by a team of 16 judges appointed by the Parliament and one among them to be elected by them in the place of Chief Justice. The second winner in the Presidential race, be the country's Vice President and one quarter of the cabinet ministers be from his own party.
10. The industries in our nation where the products or goods from the raw materials;

Appointed minister with two assistant must be appointed by the Parliament to over see the abandoned and stalled factories, to start operations where younger people of the country will be employed.

The government must give fund to make all those factories in the country to be operational. No importation of commodities, if they are products from our nation e.g, sugar, rice, wheat, maize, meat, eggs and fruits. They must not be imported unless there is need and discussed by the Parliament and no individual will be allowed to import but only the government.

The national park land: Half of it must be irrigated to make use of water in Lake Victoria and the Parliament will appoint a minister and two assistants for that department. This department must be of communism system where everyone who attains 21 years and is not employed will get salary from the sales of the product.

Our national universities will be having 1/3 of the students to study agriculture to work on that project.

The Kenya representatives to other countries, ambassadors should be from all 8 provinces and with equal numbers. All elections in our political parties must be conducted through secret ballot from grass- roots to national level. Thank you for the time you have given me to give my views.

Com. Maranga: Thank you very much and congratulation for keeping time, you are a politician but you have kept it well. Now, maybe I want to ask my colleagues, Com. Lenaola, any clarification?

Com. Lenaola: None.

Com. Maranga: Com. Nancy Baraza?

Com. Baraza: You don't approve of acclamation? You don't approve of acclamation of Kasarani? That is just a joke. Now you did say that 16 judges be appointed to man the courts or what was that point you made?

Francis Kamami: I said if possible two from each province and they be appointed by the Parliament where among this 16 one of them be appointed to be the Chief Justice.

Com. Baraza: I want to understand you want that to be the Judicial Service Commission or you want the 16, judges to man the courts?

Francis Kamami: The Judiciary.

Com. Baraza: To be the overseer of the Judiciary?

Francis Kamami: Exactly

Com. Baraza: But we have other judges in other courts?

Francis Kamami: Yes, sure.

Com. Maranga: Thank you very much. Kamami. Thank you very much, now you can sign our official register and you hand over your memorandum. Now the next speaker is Alice Muthoni Wahome. She has spoken.

Then we now have J. Njoroge Wandaka. Do we have Wandaka here? Ni wewe? Wewe unaitwa nani? Okay wewe kaa, kuja sasa uongee. Rose nani?

Rose Njambi: Nii njitagwo Rose Njambi

Translator: Mimi ninaitwa Rose Njambi Kuria.

Rose Njambi: Uhuro uria ndirenda kwaria niwa President.

Translator: What I wanted to talk is about the President.

Rose Njambi: Ndagiriirwo ni gukorwo na uthamaki mwingi.

Translator: He should not have a lot of power.

Rose Njambi: Kuhingura na kuhinga Bunge kwagiriirwo ni kwario Bunge.

Translator: Opening and closing of Parliament should be discussed in the Parliament.

Rose Njambi: Vice President agathurwo ni Bunge.

Translator: Vice President should be elected by the Parliament.

Rose Njambi: Ona Ministers.

Translator: And even ministers.

Rose Njambi: Judiciary na Kiama gia guthura mawatho na Attorney General magathurwo ni Bunge.

Translator: Judiciary, Electoral Commission and Attorney General should also be elected in Parliament.

Rose Njambi: Gugakorwo na mutumia wa kurugamirira

Translator: There should be a woman representative everywhere.

Rose Njambi: President akoru ni mudurume, Vice akoro ni mutumia.

Translator: If a President is a male his Vice should be a woman.

Rose Njambi: Atumia metikirio guikara Bunge.

Translator: Women should be allowed to be in Parliament.

Rose Njambi: Unakorwo ni kumana na guthurwo.

Translator: Even if it is through appointing.

Rose Njambi: Magiriirwo ni guthurwo mutumia umwe oo district.

Translator: They should be appointed one woman in every district.

Rose Njambi: Mundu umwe, wira umwe.

Translator: One man, one job.

Rose Njambi: Andu magiriirwo ni guthurwo ona matari a kiama ona kiriku.

Translator: People should be elected even without a political party.

Rose Njambi: Mundurume na mutumia magiriirwo ni kwandikithia maritwa mao meri indo ini ciao.

Translator: A man and his wife should have both names registered for their properties,

Rose Njambi: Tondu atumia ni magiaga na mathina maingi.

Translator: Because women get a lot of problem, when their husbands die.

Rose Njambi: Andu aa Kenya magiriirwo ni kuheo kahinda mawira-ini okorwo nimathomeire na mena uhoti.

Translator: Kenyan should be given the first priority in employment if they are capable.

Rose Njambi: Ukorwo muthuri na mutumia nimahikanitie kana mahikie mundu wa nja ya Kenya.

Translator: If a man or a woman is married or marries somebody outside the country, he should be declared a citizen.

Rose Njambi: Njohi iria njuru ininwo.

Translator: Bad beer should be abolished.

Rose Njambi: Chang'aa ininwo bururi wothe.

Translator: Illicit brew should be abolished throughout the country.

Rose Njambi: Uhoro wa migunda.

Translator: About the land.

Com. Maranga: Haya basi patieni mama nafasi aongee.

Rose Njambi: Macira ma migunda matiagiriirwo ni guikara muno magotini.

Translator: Land cases should not stay for long in the court.

Rose Njambi: Tonde aingi maikaraga ona maika 30.

Translator: Because some stay for even 30 years.

Rose Njambi: Mutumia na muthuri matigana, makarora ciana mari eri tondu ciana ni ciao me eri.

Translator: A child belongs to both parents and when they divorce, they should cater for the children both of them.

Rose Njambi: Public Land Board igakoragwo na council na ikorwo hamwe na mubunge wa kuo, clerk wa council, Physical planner, surveyor, DO, Chief na Councillor wa itura na athuri aa itura.

Translator: Public land board should include the full council, which will include the MP of the area, chairman of the council, clerk to the council, physical planner, surveyor, DO, chief, Councillor of the area and the elders of the area.

Rose Njambi: Atumia matari ahiku maheo migunda ota arume

Translator: Unmarried ladies should be given land just like the men.

Com. Maranga: Tafadhalini mkae kimya, hayo ni maoni ya mama.

Rose Njambi: Atumia makiuma nja ya bururi metagio marua ma athuri ao, ona arume marutage marua ma atumia aao.

Translator: When a woman is going outside the country, she is required to produce a letter from her husband. Therefore when a man is going outside, he should also be required to produce a letter from his wife. Ahsante.

Com. Maranga: Ahsante sana mama pengine utaulizwa maswali. Any clarification? Thank you very much Rose. Mama Rose nani Kuria? Sasa tuwekee sahihi kwa kitabu chetu rasmi. Now the next speaker is Mrs. Mary Gakuno. Mary, is Mary Gakuno present? Hayuko. Then we have Mr. S. K. Gitogu? You have five minutes.

Samuel Gitogu: My name is Samuel Kiragi Gitogu from Kandara Hararia location. Now, briefly I want to say, election of the Members of the Parliament and the Councillors. These Councillors and the Members of the Parliament should be elected simultaneously and then the President elected later on but not later than 2 weeks.

Civil servants in Kenya should not be allowed to carry out businesses. Instead they should be provided with good environment, good salaries and not to be allowed to compete with the people they are serving. All the political appointments should be done by the Parliament and should not be left to the President alone. When I say political appointment, you know how far they reach.

Local authorities: Should be given more powers so that they can perform duties up to at least district level. Mayors should be elected by the Councillors themselves. It is high time we removed provincial administration in this country.

Parliament any terms: Parliamentary any term should not exceed its time and the President should not have power to prolong the Parliament. The arms of the government should be separated and given power. The presidential winner in any election should have not less than 51% of the cast votes. Free education and medical services should be provided without charging anything and the question of cost sharing should be removed totally.

The area represented by a Member of Parliament should have not more than 30,000 people.

Now, in case of trade or business, manufacturers should not be allowed to distribute and specifically if they are foreigners. Distribution should be left to Kenyans. Land ceiling or land policy should be considered so that in arable areas specifically, no one should have more than 20 acres.

Political parties at least it is not fair to have too many political parties in a country like Kenya, but I would say at least three political parties would be quite enough. A President should not be above the law. Mayors and Councillors should be at least educated up to form four and he should have a C stand if possible.

The term of the President and the Members of the Parliament should end at the same time instead of Parliament going home and leaving the President and cabinet doing in the power.

Com. Maranga: Thank you very much. You will hand over your memorandum later on but before that, let me ask my fellow

colleagues if they have questions for you. Com. Lenaola? No.

Com. Baraza: Mr Gitogu, you said the President and MPs should go home together. Who would be looking after that transition when they are going home together? Who would you suggest should be incharge?

Samuel Gitogu: We should have a provision which will empower the Speaker of the Parliament to oversee the government for that short time or the Attorney General.

Com. Maranga: Thank you very much Mr. Gitogu now you can register with us, I have no further questions for you. You can now step down and please register officially and hand over your memorandum. Now the person I want to call is Mr. Evanson Chege. Okay you have five minutes.

Evanson Chege: Thank you. Thank you Commissioners. My names are Evanson Chege and unfortunately, I have not carried along a written memo. I am going to give my own oral presentation and my views Commissioners are as follows:

I will touch on the education: My view Commissioners is that the government of Kenya is failing in its own obligation to provide the Kenyans what it had pledged even earlier through what they call this...what do we call it? They had promised even before the independence that education would be free.

Com. Baraza: Sessional paper No 10 of 1966

Evanson Chege: As much as you know Commissioners that most of the people from the rural, they are not very conversant with the changes in the government. It is very paining that the education standard in this country is going down, because of the exorbitant school fees, which many families are not able to pay. My view is that they should come up with a law where that education must free right from the nursery schools up to university.

My point number two is that of agriculture. As much as you know, the government is always crying that the rural immigration is taking an alarming proportion. They should come up with a law where they should create more jobs in rural areas so that they may cut the rural immigration of the school leavers.

Something else which is now giving me a lot of concern is that of corruption. Corruption has become a cancer in this Republic of Kenya despite the government's effort to curb it. It is also unfortunate that it is taking its root even right to the civil servant and even the Parliamentarians. We have experienced cases whereby even Members of the Parliament and the cabinet ministers are committing offences and they are going scot free whereas an ordinary Kenyan, if he commits a crime, for example of stealing a hen, he/she goes for seven years hard with labor, and so on. We should have a law, which does not discriminate

wrong doers, between the ordinary person and those people in the big offices.

Something else is on the traffic. Our traffic police, Commissioners its only the other day it was in the newspapers, they have given this country a very bad reputation. They may be forgiven for reasons because, the same government employing the police is giving them a peanuts. There should be a law whereby security reinforcement must be well taken care of. We should not only blame them, but we should come up with a law where they should be very well compensated and at the same time be given a deterrent sentence in case of committing any offence, because as law enforcers, they should set a very good example in our own country.

Last and not the least, is this case of the media houses. The media houses have been turned into a political weapon. What do I mean by that? We have experienced in this Republic that some companies which want to start media house, either electronic or print, are going through a lot of hardships through the political interference Again, media houses are also very much discouraged by this hefty fines coming from libel and defamatory cases from the journalist.

I have never heard of an a very ordinary person been given a deterrent penalty of either libel or defamatory from a reporting media house either electronic or otherwise. But these big fishes are using their positions to get this money to to cripple that media houses. Mine Commissioners, last and not least, let me thank you very much. I know, that you are taking a lot of time and need a lot of patience. Lastly and hopefully, we are not trying to interfere with your schedule, but we hope we do elections with a new Constitutiton.

Thank you very much.

Com. Maranga: Thank you Mr. Chege and now I call upon my colleagues if there are any points of clarification. Com. Nancy Baraza? None. Com. Lenaola? None. I have no questions for you please register with us officially and then we will be able to proceed. Thank you. Now, the next speaker is Mary Nguiri. Mary Nguiri, ametoka. Then the next one is Richard Kamande Mbao. Okay thank you.

Richard Kamande: The President should not be above the law. He should also not be the chancellor of the universities.

The chancellor of the university should be appointed by the university senate. Schools education syllabus should not be changed at whims of those in power. They should be consistent. The school syllabus should be consistent and should not be changed by those in power at their whims.

The three arms of the government should be independent.

The elected leaders, that are the President, the President should have a minimum education of a university degree.

The Councillor should have a minimum education level of secondary education.

The chiefs and the assistant chiefs should also have secondary education.

The President should only be elected for a maximum of two terms of five years each and he should be between the age of 35 years and 75 year.

The currency of the country should bear the portrait of the founding father.

The public school, primary schools and secondary should all fall under the district education board. This is because the issue of sponsors is activating sectionalism and regionalism and at the same time, they are using the school's funds, which is scarce.

Voter registration should be a continuous exercise at every locational level.

All constituencies should have an average number of voters rather than having some which have advanced limits.

60% of tax collected in any area should be retained for the development of the area in question. The other 40% should be given to the Central Government to fund the other budget.

No individual should own more than 50 acres of land. The issue of landless people should be solved by allocating the underutilized and the idle land.

Public health centres should be maintained and the issue of cost sharing should be scrubbed.

Primary school education should be free and compulsory for all.

Farmers should be guaranteed of minimum return on cost of production of their products.

Voting shall be by secret ballot and the ballot boxes should all be transparent.

A Chief Justice and the Attorney General shall be nominated by the Law Society of Kenya and approved the Parliament. The same should apply to the other professions like the Auditor General.

One man, one job policy should be maintained.

Only the worship of the true God should be maintained.

Trade cartels should be checked. That is, a manufacturer having to be a wholesaler operating a wholesale business and at the same time operating little businesses should be criminalized.

The assenting of bills passed by parliament should be automatic after going through the normal three readings.

Com. Lenaola: You talked about the minimum level of education for Councillors, the President and chiefs, what about the MP?

Richard Kamande: The MP should also have a minimum education of 'O' level.

Com. Lenaola: You talked about average number in every constituency, what figure do you have in mind? 30,000? 5,000? 1000? Or you don't have any figure?

Richard Kamande: I don't have any figure but should be as per the population.

Com. Maranga: Thank you Mr. Richard Kamande, now you can sign our official register and hand over your memorandum. Thank you very much. The next speaker is John Njau Karanja . John Njau Karanja? Then we have the next one John Chege. John Chege? Okay, come and give your comments. Five minutes.

John Chege: Mr. Chairman, Honorable Commissioners, ladies and gentlemen and our Honorable Member of Parliament who was with us. I think I handed over my memorandum in the morning, but I still have two or three points to make.

Com. Maranga: Can you then please try to be brief?

John Chege: Mr. Chairmans we felt that we have enough land to cater for our Kenya citizens but we have problem with the lease agreement. So we call upon the government to lift or abolish the lease agreement. The other point Mr. Chairman, the next government since we are going to have a new Constitution, we should change our Kenya currency not to have an individual picture. So that one should be catered for so that we cannot complain that we have money naming so and so.

The next point Mr.chairman, our youth. Because I have been here and nobody talked about the youth. We have so many millions of Kenyan youths, some of them are learned upto university level, others upto form four, but they are jobless. So we request the new Constitution to cater for the youth, to integrate them into small aided businesses by the next government. Because when they are aided the small amount of money, may be they will be able to improve their lives, because some of them are suffering.

Mr. Chairman, we call upon the education system to be 7 years in primary school and 4 years in secondary school, 2 years in high school and 4 years in university. So it will be 7:4:2:4 and to scrap the current system of 8:4:4.

Utilization of our natural resource; Mr. Chairman, we have Ndakaine dam. It caters for people from Gatanga and Kandara. It is our resource we but don't use it. It is being used by other people from Nairobi only. So, they should think of those people surrounding the resource. So, we request that the natural resource to assist or to help those people who are its neighbours.

So Mr. Chairman the final one is on women. That is, I request the next Constitution to cater for women to be part of inheritance to the properties and if it is not so, if the wife is not there, probably she might die before the man, the next of kin should appear as a son or a girl. I might not have sons but girls, but I should put the next of kin. So Mr. Chairman, the final one is for the President.

Com. Maranga: No, thank you. Your time is up, I think you have to stop there.

John Chege: Okay Mr. Chairman.

Com. Maranga: Thank you very much, please give us your memorandum. Thank you. Now I want to ask the Commissioners if there is any point of clarification.

Com. Lenaola: You said that in the currency, we should not have the picture of an individual. Do you have any thoughts as to what should go into the currency?

John Chege: Mr. Chairman for that currency I would prefer may be the present government or a Commission to be formed to look into that. To formulate a currency similar to that of United States or Britain.

Com. Maranga: Okay, thank you very much, now Chege you can register in our official register. Thank you very much and give us your memorandum. The next person is Erastus M. Ndingathi. Erastus? Erastus is not there. The next one is Francis Muraya Karani Francis Muraya Karani? He is not there. The next is Charles Kamiru. Okay, thank you. Five minutes.

Charles Kamiru: Thank you Mr. Chairman. My name is Charles Kamiru Gituri from Kandara, Ithiru location. My first proposal is on the presidency. The next President should be 40 years old but not more than 70 years. His background should be investigated properly. His educational qualification should not be below university level. He should not be above the law. His powers should be reduced. In other words we should have a ceremonial President. We should have a Prime Minister in our next government. He should be elected by parliament and he should not be less than 35 years old and maybe not more than 70 years. His background also should be investigated. In other words, he should have a certificate of good conduct from whoever who matters.

Government: The issue of majimbo or majimboism should not be given any place in our new Constitution. Local authority should be independent, as long as it follows the laid down procedures and regulations.

Separations of powers: The three arms of the government; legislature, and Judiciary and Executive should be separated. There is a lot of overlapping of the powers there between, those three arms of the government.

On gender: Women should be given equal opportunities as long as they fulfill the required qualifications.

About land: The ownership and the distribution of land; The ownership of land first of all, between say a husband and wife, this being a very important area, the land should be owned by both the husband and wife. What I am trying to say is that, if there is a title deed, it should bear the both names, the names of the husband and the wife. Land distribution in Kenya is a crucial issue. There should be a minimum ownership of a number of acres and I suggest the highest that could be owned by an individual should be not more than 100 acres.

MPs should be university graduates and they should have good conduct. About the Councillors, I support whoever suggested that the Councillor should have a minimum of educational qualification of form four or secondary education.

Environment has deteriorated in Kenya over the years, and we are likely to have deserts in Kenya due to destruction of environment. The environment should be protected by the Constitution.

Education has been tampered with for many, many years. When the system of education is designed by the professionals, it has been interfered or tampered with by other people like politicians. The design of the educational system in Kenya should be left to the people and the professionals should design the system after receiving views from the Kenyans.

Mr. Chairman, I would like to say the last point about devil worship. It is difficult to define God, the true God. But there should be a system where devil worship or satanic worship is identified so that Kenyans should worship the true God. Electoral boundaries should be re-drawn again. Thank you very much.

Com. Maranga: Thank you very much, Charles Kamiru. Any clarifications?

Com. Baraza: Thank you very much Mr. Kamiru. Devil worship, can we make a distinction on who a devil worshipper is? Is there a way that you people know who a devil worshipper is, so that can we pinpoint that this one is a devil worshipper or this one worships the true God?

Charles Kamiru: It is a very difficult task to identify who is worshipping the true God and maybe a devil worshipper. But there should be a mechanism to monitor that, because the system followed by whoever worships the devil can be very easily detected.

Com. Baraza: Have you detected one?

Charles Kamiru: There are some signs, you can see some signs and then you try to find out whether that is really the true God being worshipped.

Com. Maranga: There are different ways of worshipping, there are other people who worship the cows, there are other people who believe in the Mlima wa Kirinyaga. So how do you put the distinction?

Charles Kamiru: This one can be looked into, it can be detected. I know it is difficult as you say. But we should not leave it as it is while we know that some things are going on which are satanic.

Com. Maranga: Thank you very much. Now you can register with us and thank you for your presentation. Please hand over

your memorandum to our secretariat and register officially. Thank you very much. The next presenter is Moses Ndegwa, Moses Ndegwa is not there. The next person is Samuel...

Com. Baraza: Are you Moses?

Com. Maranga: But I called and you didn't even respond.

Com. Lenaola: You have presented your memorandum?

Com. Maranga: If you have presented you don't have to say anything. Thank you very much. If you have presented a memorandum and I call your name, it is not really necessary that you present before us. So it is not necessary. The next one is Samuel Mwangi. Samuel Mwangi, is not there.

Then, the next one is Julia Wairimu. May be she has presented her memorandum. Kamau Njoroge. No. Next is Biddan Njukia Njoroge. Have you presented the memorandum? He is not even there. Then the next one is Laban Ndung'u Mungai. Ndung'u Mungai? Michael Kimani is not there. James Kangethe is not there. Gerald Mwangi, Gerald Mwangi? Alright, five minutes sir.

Com. Lenaola: Tell me your full name Mwangi.

Gerald Mwangi: My full names are Mr. Gerald Mwangi and I am presenting the proposals or the views of the Catholic Church Gakoi and I am going to read them in Kikuyu as it is written.

Gerald Mwangi: Mawathani.

Translator: Leadership:

Gerald Mwangi: Kenya uri bururi wa democracy ugakorwo ugayanitio na hugi matatu ma thirikari. Na nicio Parliament, Executive na Judiciary.

Translator: Kenya being a democratic country, should be governed by the three arms of the government. That is Parliament, Executive and Judiciary.

Gerald Mwangi: Hugi icio ithatu ikorwo na wiyathi.

Translator: Every arm should be independent.

Gerald Mwangi: Hugi icii igiri ikoragwo igithurwo ni aa member aa Parliament aria mathuritwo ni muingi na makorwo me thi wa PSC – Public Service Commission.

Translator: The two arms of the government should be elected by the Parliamentarians who are elected and should be under the PSC, Public Service Commission.

Gerald Mwangi: President wa bururi athuragwo ni uingi wa kura cia muingi na nicio two thirds na akorwo akinyitie miaka 30 na githomo giake gikorwo kia Unversity.

Translator: The President should garner two-thirds of the votes and should be above 30 years and be a graduate.

Gerald Mwangi: President akoragwo uthamakini miaka 10 na akorwo ndari iguru wa miaka mirongo itano na itano.

Translator: The President should be in power for 10 years and should not be above the 55 years of age.

Gerald Mwangi: President wa bururi akoragwo iguru wa watho wa bururi kuogwo angihitia Atari na kihotio athitagwo.

Translator: The President should be under the law of the land and therefore he can be prosecuted.

Gerald Mwangi: MP's magiriirwo ni gukorwo mena miaka mirongo itatu kana iguru na makorwo me aa kirathi gia kana na makorwo mena family.

Translator: The MPs should be 30 years of age and above and he should pcess a form four certificate and he should be family men and women.

Gerald Mwangi: Kanjura nao makorwo mena miaka mirongo itatu kana iguru na makorwo me aa kirathi gia kana na makorwo mena family na matigakorwo makiritie miaka mirongo itano na itano.

Translator: The Councillors should be 30 of age and above, possess a form four certificate and should be married men and women, and not above 55 years of age.

Gerald Mwangi: Thiini wa bururi witu wa Kenya nitwarega mubango wa Ngai wa uciari watho ucio wikiru hinya.

Translator: In our country Kenya, we refuse family planning methods. We are against contraceptive za kutumia madawa.

Gerald Mwangi: Thiini wa bururi witu nitwarega mahaki ma mithemba yothe. Mundu anyitwo agiriirwo ni guthitangwo.

Translator: We are against all the corruption and bribery. If one is caught, he should face the law.

Gerald Mwangi: Thirikari imenyere muno ugima wa mwiri wa mundu wotho thiini wa bururi.

Translator: The government should cater for the health of each and every person in the country.

Gerald Mwangi: Thirikari imenyere muno uhoro wa githomo wa mundu wother thiini wa bururi. Na oo mundu agiriirwo ni kuheo wira na githomo giake.

Translator: The government should take care of education, and every person should be given a job according to his or her

education.

Com. Maranga: Now you wind up, umalize ya mwisho.

Gerald Mwangi: Thirikari imenyerere muno uugi wa mundu nikuo githomo, au mundu akarutithagio wira kurigana na ugi wake.

Translator: The government should take care of the rights of Kenyans because they should not live in fear.

Gerald Mwangi: Mundu wa Kenya wother agiriirwo ni kugitirwo na gukorwo na migunda na indo iria ingi na aikare kundu guothe Kenya angienda.

Translator: Every Kenyan should have the right of possessing land and property and living anywhere in the country.

Com. Maranga: Ahsante mzee Gerald Mwangi and any intervention?

Com. Baraza: Mr. Mwangi thank you, umesema kwamba MPs and Councillors among other things they should have their own homes. What do you mean?

Gerald Mwangi: Wawe ikiwa ni mama awe ameolewa ama ni bwana ameo na pengine ako na familia yake kwa nyumba.

Com. Baraza: Na hiyo kuo iko na nini na ya mtu.

Gerald Mwangi: Unajua mara nyingine, tunaona katika nchi yetu, mtu akiwa hana familia pengine hajali mambo ya familia. Anaongoza tu vile yeye anafikiria kwa ujana wake.

Com. Maranga: Mr. Mwangi, thank you very much. Na nakuomba tu uweke sahihi katika kitabu chetu rasmi na utuwachie memorandum. Sasa pengine ningetaka tukubaliane na watu wa Kandara, kwa sababu tumeangalia list yetu hapa, watu ambao wamebaki kuongea ni zaidi ya arobaini, over forty people still waiting.

Na vile vile saa zetu ndizo hizo. Inatakiwa tuwe angalao tumemaliza kufikia saa kumi na moja kwa maana sisi tumechoka. Na mbunge wenu anataka vile vile kuongea. Sasa sijui tutakubaliana vipi. Ni wangapi hapa wanataka kuongea? Mko kumi na saba. Sasa hii imekuwa kazi ngumu na mko watu kumi na saba.

Speaker: Peana dakika mbili.

Com. Maranga: Haya mkikubaliaa ni-wape dakika moja, mtu atoe ile point ya muhimu, otherwise ningetaka kuwauliza...

Speaker: Patiana dakika tatu..

Com. Maranga: Tatu ni mingi sana. Mimi ningetaka wale ambao hawataweza kuongea leo, mimi ningewapa nafasi kesho kwa upande wa Kabati. Mkikuja mapema huko Githunguri, tutawapa zile dakika ambazo mnazotaka na sisi kama Tume tutaanza kukaa saa mbili ili tuwape nafasi nyinyi mmalize. Lakini kama mnataka nimpatie dakika moja, moja hiyo sitakataa. One minute sitakataa.

Com. Lenaola: Na bila ku- repeat kile kitu imesemwa.

Com. Maranga: Na mpatiane zile point pengine ambazo hazijatolewa hapa tangu asubuhi.

Speaker: Ni heri tutoke hapa saa kumi na mbili.

Com. Maranga: Hapana sasa unajua hata sisi ni binadamu tumechoka. Wewe unaenda nje unatembea unarudi. Sisi tumekaa na tunaandika. Kwa hivyo ni lazima. Hata mheshimiwa akikuambia kuna wakati watu wanataka break, unaona hata hatujaenda break ya saa kumi, sisi Tumekaa tu. Tunaelewana? Kwa hivyo hebu nione. Nafikiri watu nitawapa wa kwanza ni akina mama. Yule mama kuja hapa. Karibu wewe, kuja kaa hapa. Wapi mama mwingine? Okay tutachagua, wewe David Maina kaa huko.

Com. Lenaola: David alikuwa tayari.

Com. Maranga: David alikuwa tayari, hebu tuone. Sasa leta huyo mama hapa, lazima sasa tufanye demokrasia Mheshimiwa unaona wananchi ni wengi wanataka kuongea, na nyinyi mnataka tumalize. Kuja hapa kaa hapa. Keti hapa. Haya wewe haujachagua. Wacha nikwambie, watu wale wanaongea, nitachukua...Hapana hawa wamama siwahesabu. Mimi nataka akina baba wawili hapa. Kijana mmoja na mzee mmoja. Huyo, huyo na huyu mzee basi.

Com. Lenaola: Halafu na huyu mzee ni mzee zaidi. Huyu ni mzee zaidi,

Com. Maranga: Na nani? Na huyu mzee, tunaelewana?

Com. Lenaola: Hawa sita kwanza.

Com. Maranga: Hawa sita kwanza.

Com. Maranga: Halafu tutarudia, tutarudia tukiona tumebaki na muda.

Com. Maranga: Halafu sisi tutaona namna gani. Haya dakika mnaongea Maina, sasa zimebadilika sio tano. Sasa ni dakika mbili. Two minutes, tumeelewana? Haya, two minutes.

David Maina: Honourable Commissioners, my name is David Maina Karanja.

Com. Maranga: You have two minutes.

David Maina: My name is David Maina Karanja and I wish to present my views.

1. First and foremost I propose that the current Parliament should not be extended.
2. I also propose the review Commission not to extended collection of their views beyond this year.

Com. Baraza: You want us to leave you out?

Com. Maranga: I think we should have left you out.

David Maina: I think I will give a reason because even the Consitution of America was made in three months. In fact, you have taken a lot of time, you should have finished.

Com. Maranga: You have less than 30 seconds.

David Maina: The Presidential candidate should not contest for the Parliamentary seat because that is to over bunden him and he would not serve his constituents effectively.

Com. Maranga: The last one.

David Maina: The Presidential and Parliamentary candidate should have a certificate of conduct from a special tribunal set up by independent Electoral Commission purposely to screen Parliamentary, civic and Presidential candidate, Members of National Assembly should not enact legislation to raise their allowances, salaries, or any other remunerations but instead, Parliamentary Service Commission under the chairmanship of the Speaker of National Assembly should form a committee.

Com. Maranga: Thank you very much. What you do is you hand over that memorandum to us and it is good you have appeared before the Commission and you are giving us a memorandum which is written. Thank you very much and to answer your question, that is the same problem. If you don't want to give you time to collect views, we can easily sit in Nairobi and finish the Constitutiton. But you people you have ideas we have never heard before.

David Maina: Thank you very much.

Com. Maranga: So, hand over the memorandum. The next person, I want to ask this lady, come and say your name, two minutes.

Jacinta Njambi: Nitatumia mother tongue. Nguhuthira Gikuyu. Indi cia muingi ta ithaka na rui..

Translator: Public properties like forest and river to be...

Com Maranga: Jina lake kwanza.

Jacinta Njambi: Jacinta Njambi.

Jacinta Njambi: Indo cia muingi ta jui na mitito cikoruo cia mundu wothee.

Translator: Public resources like rivers and forests should be for the welfare of everybody.

Jacinta Njambi: Bururi witu niukoragwo na minerals na ciendio, mbeca ciagiriirwo ni guteithia Kenyan citizens.

Translator: Our country has minerals and when they are sold, the proceeds should assist Kenyan citizens.

Jacinta Njambi: Thirikari niyagiriirwo ni gukorwo na uhoti wa kumenya aciari aa chokora na nimagiriirwo ni kumarubuyania.

Translator: The government has a capability to know who are the parents of the chokora and so they should look for them.

Jacinta Njambi: Thirikari yagiriirwo ni gukorwo ii mugambo wa andu, kwanza muno local government.

Translator: The government should be the voice of the voiceless, especially the local government.

Jacinta Njambi: Gukorwo aria mahitukite university maheo kindu kinyinyi kuma mbeca cia muingi iria itinagio.

Translator: University graduates should be given something small from the taxpayers' money.

Com. Maranga: Thank you very much. You can now sit down and sign your name in the official book. Thank you very much. The next one you have two minutes and you tell us your name.

Mary Wanjiku: I am Mary Wanjiku.

Com. Maranga: You are who?

Mary Wanjiku: Mary Wanjiku. I will put across my points very briefly. The first one is on housing: Presently, the buildings

which are coming up, the people are building storeyed houses, you find that some of them have, six storeys and they don't have a lift and I think that should be put into consideration. The other point still on housing is about the disabled. You find that people tend to ignore, those who are disabled. You find that they put stairs and yet the disabled are using the wheelchair. So, that is a disadvantage to them. They should put something like a pavement where they can be able to move the wheel chair.

My last point is on health: Recently a lady complained that she works in an office where the boss smokes and she is asthmatic and it has reached a point where she wants to resign from her work. So may be you can creat a law that can protect such people. Thank you.

Com. Maranga: Thank you very much, Mary Wanjiku. The next one is Joseph Muraga. Joseph?

Joseph Muraga: Joseph Muraga Ng'an'ga.

Com. Maranga: Hapo ndio unakuwa recorded.

Joseph Muraga: Yangu ni kidogo sana, ni machache sana. Ningetaka Electoral Commission na Judiciary ziwe independent. Kwa sababu hizi ndizo taabu ya Kenya. Uchaguzi ukifanywa, Electoral Commission sababu ni ya mtu binafsi inageuza maneno vile yako. Hiyo iwe independent.

Administration kutoka sub-chief mpaka chief hizi ziondolewe. Teknolojia au uvumbuzi. Tungetaka watu wetu wachukuliwe kama ni watu wana uvumbuzi au wana teknolojia. Wakitengeneza kitu kama ni mashini ya aina fulani, ndege, ama hata kama ni bunduki, wakubaliwe serikali iwachukuwe kama watu ambao wana uvumbuzi ndio tuweze kuuza hivyo vitu nje kama wale watu wengine wanauza vitu hapa Kenya na ndio pesa zirudi hapa hapa.

The last point is on mavazi ya wanawake. Ningetaka yaangaliwe sana sababu hata kama tukiseme Aids, na magonjwa mengine, mavazi ya wanawake yanaleta vijana karibu na kufanya usherati na mambo mengine. Sisi hatuna ubaya na wao lakini mavazi yao mengine yanafaa yapigwe marufuku.

Com. Maranga: Thank you Joseph Muraga. Please sign our official register. You are next. Two minutes.

Kimani Njuguna: Kimani Njuguna from Githumu.

Political party: People have completely been divided along political parties so that it is impossible to have a united Kenya. People are forced to elect leaders along party lines for they are convinced that a certain party is the best for them. At the end of the day they come up with a leader who is of unsound mind, who is very corrupt and very reluctant etc.

My views are that:

1. In the new Constitution electorate be given a chance to impeach their MPs even between elections.
2. Land and job distribution: This country has some of the richest persons in the world and many of its citizens are poor. We find that some people mostly leaders their friends and relatives grant their loyalists with more than five different kinds of jobs. Now, since they have a source of power and money it becomes very hard for a common citizen to compete with them.

Com. Maranga: Thank you very much Mr. Njuguna. Please hand over your memorandum and sign our official register.

Kimani Njuguna: Thank you.

Com. Maranga: The next one, George.

George Ngugi: My name is George Ngugi Kariuki.

Com. Maranga: The main points only. Just go on, unaitwaje?

George Ngugi: George Ngugi Kariuki. I am representing St Peter's Catholic parish Kaburugi. One point I want to air we are advocating the same kind of government, the same type of government we are having with some adjustments. Let it be proportionate representation with multi-party representation but government of national unity.

The other thing we would like to see in place is succession: We would like the President to have 30 days period after the election where by if there is any problems it can be sorted within the 30 days and then we have a ceremonial handing over.

Com. Maranga: Thank you very much. Next is Lawrence.

Lawrence Mburu: Thank you chairman to the Commission.

Com. Maranga: Jina lako?

Lawrence Mburu: My names are Lawrence Mburu Chege alias Larry Mburu Chege, I originate from Kandara.

My points are:

1. The President should not be above the law

2. The three arms of the government should work independently. That is Executive, Judiciary and Legislature.
3. The national banks should never be misused by the President and if it happens he should be prosecuted.
4. The President should rule for 2,5-years terms only.
5. After the retirement of the President he should also retire from the chairmanship of his party.
6. Fair assessment of constituencies, should not be biased.
7. Political seats should be considered as contracts whereby no retirement benefits should be enacted.
8. Vice President should be voted by the people not a nomination by the President.
9. Ministries should have qualified professional people in order to keep the Kenya we want in order.
10. There should be one minister and his/her assistant in one ministry to reduce overhead expenses, as we are still a developing country.

Com. Maranga: Thank you very much.

Lawrence Kimani: Number 11.

Com. Maranga: Thank you very much, your time is over at least you have been recorded. Hand in your memorandum.

Lawrence Kimani: Thank you very much.

Ezekiel Kimani: I am Ezekiel Kimani Nyororo.

Yes, I have many points but I will read just a few.

Com. Maranga: One.

Ezekiel Kimani: That women should be given their rights especially after the demise of their husbands e.g avoid wife inheritance and property left by their husbands should be left to them. Circumcision of women should be barred and women marrying women and men marrying men should be prohibited. Abortion should not be legalized.

Kenyans should possess property anywhere in the country regardless of their ethnic group.

Ezekiel Kimani: Thank you very much.

Com. Maranga: Your name and the most important points.

Peter Wainaina: My names are Peter Wainaina Kariuki.

Com. Maranga: Pardon?

Peter Wainaina: Peter Wainaina Kariuki. My main issue is concerning the workers. Kenyan government should protect the workers' rights. A worker should be given at least forty shillings per hour. Peaceful demonstration of workers should be legalized and not- interfered by police force. Every employed worker should be pensionable.

Media houses should spread all over the country; broadcasting all over the country and they are free to broadcast in any language. The school ownership should be DEB...

Com. Maranga: Thank you. Give us your memorandum, you can sign, give us your memorandum.

Peter Wainaina: Thank you Maranga.

Njogu Wanyoike: Njogu Wanyoike, Njogu Wanyoike. (*Kikuyu dialect*)

Njogu Wanyoike: Gatiba ino turagarura.

Translator: Hii Katiba tunabadilisha.

Njogu Wanyoike: Igienda yume mucii.

Translator: Mimi napenda itoke kutoka nyumbani.

Njogu Wanyoike: Yambiririe kuma family.

Translator: Ianzie kwa familia.

Njogu Wanyoike: Tondu kwina mathina maingi.

Translator: Kwa sababu tuko na shida mingi.

Njogu Wanyoike: Tutiri na atongoria.

Translator: Hatuna viongozi.

Njogu Wanyoike: Ni guthii na mbere.

Translator: Nikiendelea.

Njogu Wanyoike: Mundu umwe ariithie andu ana nigetha akora mathire.

Translator: Mtu mmoja alishe watu wanne.

Njogu Wanyoike: Nigetha tukorwo na ariithi na nigetha akora mage.

Translator: Ili tuwe na walinzi na ili wakora wakose na wawe wakihubiri.

Njogu Wanyoike: Undu wa mwisho.

Translator: Ya mwisho.

Njogu Wanyoike: Headmen agiriirwo ni guthurwo ni andu.

Translator: Headmen should be elected by the people,

Njogu Wanyoike: Ma Headmen mathuro ni muingi.

Translator: Headmen to be elected by people.

Njogu Wanyoike: Ona chief.

Translator: And even chief.

Njogu Wanyoike: Na mundu wandikite mundu ungi, atanaruta mundu wira athii igotini mbere.

Translator: Before dismissing somebody he should first of all go to court.

Com. Maranga: Thank you very much. Ahsante, register pale. Unaitwa nani?

James Kimani: Nii ndiri na maingi.

Translator: Mimi sina mengi niko na machache.

James Kimani: Tutanamba kugarura Gatiba ni tuteithie bururi.

Translator: Kama tunabadilisha Constitution ili tusaidie taifa.

James Kimani: Undu umwe ni uthukitie bururi.

Translator: Kuna jambo moja ambalo limeharibu hili taifa lote.

James Kimani: Kwina andu mararihwo magiri ma mbeca.

Translator: Kuna watu wanalipwa maelfu ya mamia

James Kimani: Na aria ange makarihwo igana rimwe.

Translator: Na wengine wanapewa elfu moja.

James Kimani: Na andu acio eri maratwara mishara cukuru imwe.

Translator: Na hao watu wanapeleka mishahara yao shule moja.

James Kimani: Ni undu wa kimenyano bururi ndungithii na mbere.

Translator: Na kwa hivyo, if there is that discrepancy the country cannot develop.

James Kimani: Wa keri, mundu aingatwo wirani-ini, agiriirwo ni kuheo benefits ciake ciothe.

Translator: Secondly when you are sacked you should be given all your benefits.

Chege Njuguna: I am Chege Njuguna a resident of Gakarara in Kandara division. I will give my highlights on the main points that I have. The first is on children's home. They should be given grants by the government other than to be left to the local authorities some of which are almost corrupt and may not manage them.

On education we should give a rebirth to the Kenya school equipment scheme so that we may be in a position to offer free and compulsory primary school education and all those students who pass at the form four exams should be given free education in our public universities. Only private candidates should go to the higher education loans board. We should create a heros fund and ensure that we recognize especially those who fought for our freedom and MPs should not be given any pension because their posts are elective. Thank you very much.

Com. Maranga: Next is Gituo.

Johnson Gituo: (*Kikuyu dialect*)

Com. Maranga: Pardon?

Johnson Gitundu: Johnson Gitundu wa Munoru.

Translator: Johnson Gitundu Munoru.

Johnson Gitundu: President riria arathurwo, agathurwo President wina mutumia na maraikarania.

Translator: The President while being elected should be of one with a wife or with a husband and should be staying together.

Johnson Gitundu: Gutigakorwo na watho kurugamirira arimiri makihanda kana makigetha kiria kihande.

Translator: There should not be a law to guard the farmers from planting or uprooting what he has planted.

Johnson Gitundu: Ciana citige guthiaga school muthenya wa njuma kana kiumia kuringana na muthenya uria mathiaga kanitha.

Translator: Children should not be forced to go to school on Sunday or Saturdays depending on the day they worship.

Johnson Gitundu: Guthii kanitha kana kuhoya kwagiriire kuheanwo ni thirikari kwi mundu wothe.

Translator: The conscience of worshipping the Lord should be granted by the government to everybody.

Thank you very much.

Com. Maranga: Nawe una dakika moja, main points, anza. Nimeanza kuhesabu.

Maina Laban: My name is Maina Laban. The point that I want to make here is about the use of bible in courts and it should be looked into for pure lies are said while the bible symbolizes God and truth.

The other point is about political parties- political parties should stop mudslinging others. That will put onto hold the ideas of defection which causes by-elections thus spending from public coffers unnecessarily.

The other point is those employees who retire or are retrenched should be paid their benefits forthwith in order for them to continue with their lives as usual. Thank you.

Com. Maranga: The last one, your name, you have one minute.

John Mwangi: My name is John Mwangi. The introduction of our Constitution should be as per the national anthem that our power of sovereign is from the Lord not from any other quarter.

Patriotism: Patriotism should be taught right from the basic school of humanity.

Human rights: Human rights should be observed right from the bedroom not only in prisons or between criminals and law enforcement officers.

Natural resources: Human and physical natural resources should be preserved to total loyalty and motive. These are God given rights and every Kenyan should enjoy in that Kenya has got 42 tribes and none of them chose to be in Kenya. It is a pity to value a white rhino more than a Dorobo or an Elmolo.

Com. Maranga: Thank you very much. Please hand in your memorandum and sign our official register. On behalf of Com. Baraza and Com. Lenaola, I want to thank you very much the people of Kandara. Those who have not had an opportunity to present before us, you are welcomed to come to Githunguri tomorrow. We will be sitting there so you can come and give your

views, we will not be able to lock you out. But for the purpose of this place, we have finished and I am going to request the district co-ordinator to put the Reverend very close and I am going to ask the MP to give some few remarks maybe for five minutes, then we can close this session. Thank you very much.

Hon. Toro: Thank you chairman of the Commission and your colleagues. I wish to take this chance to sincerely thank you for your patience and having been able to listen to the people of Kandara. I am sure you are not disappointed. If you are disappointed, maybe you let me know later so that we can see what we can do about an improvement.

Let me also take this opportunity to thank my colleagues in Kandara who have been here the whole day and you can see the enthusiasm they have in giving their views to the Commissioners. When Commissioner Njoroge came here last time, we were in this hall in this church rather, and he prepared our people for this meeting and I am sure what he told them. Most of the people who thought that the Commissioners were not doing a good job, they changed their mind. That is why you see they are ready to give their views.

I think and I made a personal choice not to give my views because I do not want or I did not want to come and give my views and then I seem to have guided the people in what to say. Rather it is better when I keep quiet, you hear from them I will not talk them about my own personal views and I am even surprised that they hold views that I also hold. So, I thank you very much people of Kandara because I can see that we think the same. Tomorrow we will be with you at Githunguri and I am also sure that the people on that side will also be waiting for you.

The only thing I would like to by you is that we will also have many people there, so if you tell the people who never give their views to come across then you will be denying the people on that side the chance to also contribute. So I will beg you to give those people preference first so that we do not say that people from the other side have come to take over their position.

You have heard, people were saying the Commissioners do not need to go to the people. One person said Commissioners can sit down and write a Constitution. Yes they can write the Constitution but when you come here, they still do not want you to go. What does that mean? It means the people wanted to give their views. No matter what other people say, the people on the ground are ready to give their views.

They are ready to make a Constitution which they are going to own and I am very happy that when we enacted the Act in Parliament, we did not go very wrong even if there are some criticisms that this cannot be hundred percent right but at least we have given our people the chance to contribute and to give their views on the Constitution they want and not make a Constitution by a few Commissioners in a board room in two weeks.

Lastly, I have this to say, no matter how or what you hear the Commissioners differ on, and this is what Bishop Njoroge told us

