

CONSTITUTION OF KENYA REVIEW COMMISSION

CKRC

VERBATIM REPORT OF

**CONSTITUENCY PUBLIC HEARINGS, KIAMBAA CONSTITUENCY
HELD AT KARURI CATHOLIC CHURCH**

THURSDAY 18TH APRIL 2002

**CONSTITUENCY PUBLIC HEARING, CENTRAL PROVINCE, HELD AT KARURI CATHOLIC CHURCH ON
THURSDAY, 21ST APRIL 2002**

Present

1. Comm. Prof. A.I. Salim
2. Com. Kavesta Adagala

Absent with Apologies

1. Com. Mosonik Arap Korir

Secretariat in Attendance

- | | | |
|-------------------|---|---------------------------|
| 1. George Nakholi | - | Programme Officer |
| 2. Philip Mollo | - | Asst. P/Officer |
| 3. Hellen Kanyora | - | Verbatim Recorder |
| 4. Lucy F. Atieno | - | Sign Language Interpreter |

Meeting opened at 9.05 a.m with Com. Prof. Salim in the Chair.

Com. Prof. Salim: Ina onekana katika Karuri tutachelewa kidogo kwa sababu labda watu wameanza kufanya kazi ya mashamba lakini najua wataingia. Ma-commmsioner wamesema tuanze tukungoja wengine ili tusiwaweke sana. Lakini kuanzia kabisa, lazima tumuulize Father incharge atufungulie kwa maombi halafu tuendelee, Father.

Father In Charge: O.k. I think we need to say a Christian prayer, we say a prayer; we pray to the God who is the God of all and in our faith and all in all faiths, we believe that man is image the of God. Man is related to God and that is the important message which brings about the consequence that all men, all women, all human beings are a family, are brothers (inaudible) because they are related to the same Superior Being in which life is and is in abundance. So we hope that today's meeting here

may be another sign of life another sign of a new beginning the effort that we always make to be true to our humanity; and once we are true to our humanity, we are certainly true to the Divinity. So we ask this now as Christians, through Christ our Lord, Amen.

Com. Prof. Salim: Thank you very much Father for your prayers and thank you for allowing us to use this facility for our meeting you have blessed the meeting and we hope our proceedings this morning will bear the fruit we wanted it to bear. You are welcome to stay with us anytime. Thank you.

Wananchi hamjambo? Mheshimiwa, welcome to our get-together, tumefurahi kuwa uko na sisi hivi leo Mheshimiwa Bwana Njenga Karume ambaye ni mjumbe wa eneo hili la Kiambaa, alikuwa nasi jana akitupatia support katika kazi zetu hizi na tumefurahi kwamba hivi leo pia, yuko na sisi na atatupa pia maoni yake leo. Lakini kwanza ningeeleza wananchi wengine ambao wamefika kwa mara ya kwanza kwamba, mkutano huu ni mkutano au kikao cha kupokea maoni ya wananchi kuhusu kubadilisha Katiba yetu. Na njia ambayo tutafuata ni kwamba kila mwananchi atakayeingia hapa, ata-register jina lake na baadaye tutakuwa na majina ya watu na tutafuata ule mpango wa watu kuja. Yule amekuja namba 1, namba 2, namba 3, tutafuata njia hiyo hiyo kuwapa nafasi ya kutoa maoni yao.

Tunatarajia kwamba wananchi wengine watafika. Ile experience yetu ya jana imeonyesha kwamba ingawa tulianza taratibu kama hivi leo, lakini kila saa ikipita wananchi wengine walikuja na katikati ya siku wananchi walikuwa karibu kujaza hall yetu. Kwa hivyo twatarajia kwamba hivi leo pia tutaovuna pia maoni mengi kama maoni tuliovuna hapo jana. Na njia ya kutoa maoni baada ya ku-register, ni kwamba mwananchi anaweza kuja hapa mbele akatoa maoni yake ya kikauli, ya mdomo na ya ulimi na ikiwa ana Memorandum or Mswada au maoni ambayo ameandika tayari kutupa, pia anaweza kufanya hivyo.

Yule ambaye hana maoni ya kuandikwa, atapewa dakika kumi kutupa maoni yake. Na yule ambaye amekwisha andika atapewa dakika tano za kusoma maana yategemea aliandika kurasa ngapi. Ikiwa ni kurasa moja au mbili anaweza kusoma, lakini ikiwa ni kurasa nyingi sana, dakika tano hazitamtoша kusoma Memorandum yake nzima. Kwa hivyo huyo tutamuomba achukue dakika tano kutueleza yale yaliyo muhimu kabisa anayosema katika Memorandum yake aseme kwamba mimi nimeandika hapa maoni yangu kuhusu vitu vinne. Vitu hivyo ni hili, na hili, na hili na mimi naona kwamba juu ya jambo hili, ni vizuri sisi kubadilisha mambo ili tupate matokeo haya, na kadhalika.

Dakika tano anaweza kutueleza yaliyomo yote na kisha maoni hayo yaliyoandikwa sisi tuta-register, tuta-rekodi na baadaye tukimaliza kazi yetu ya kukusanya habari tutakaa kitako Tume nzima, Kamishena nzima kuchungua, kusoma kwa makini yaliyomo katika maoni yaliyoandikwa. Na wale ambao wanatoa maoni yao kwa mdomo tu kwa ulimi, kwa kauli kama nilivyosema, wanazo dakika kumi kueleza yote wanayotaka kueleza.

Lakini huenda mwananchi akaona dakika kumi hazimtoша lakini tufikiri kuwa baada ya muda fulani hapa, tutakuwa wananchi

wengi sana. Kwa hivyo hatutaki wananchi warudi bila kutoa maoni yao kwa kuwa wachache wamechukua muda mrefu kutoa maoni. Huenda ikawa lazima kumpa kila mtu kipimo fulani tu ya wakati kutoa maoni yake. Nafikiri tumepatana kwamba jambo hili ni sawa. Asanteni sana. Kwa hivyo sasa bila kupoteza wakati tuanze na mwananchi wa kwanza kabisa lakini kabla ya hapo hebu tumwache Kamishena Adagala aseme maneno fulani.

Com. Adagala: Tungependa tumefurahi kufika hapa na tunatarajia wananchi wengi watakuja, kitu kimoja, tulipotua kule jana, hawakuweko wanawake wengi. Na pia mheshimiwa, hakuwa na walemavu wowote waliotoa maoni.. Na sijui ni Chairman wa kamati ndiye anafaa awe amepanga hiyo na ni kitu lazima hiyo diversity yote iweko. We have to take care of all the diversity. So I don't know what we will do because we don't seem to be getting the full diversity we have someone here for sign language and yet we don't have so I don't know what we will say mheshimiwa. That in Kiambaa there are no disabled.? (Interjection inaudible) yes. And it was the duty of the committee to make sure it is in the Act. It is the duty of the Committee to make sure that they are here. So we are breaking the law anyway. Nonetheless, mbele ya Tume kila mtu ako huru kusema vile apendavyo kila mtu anajizungumzia kila mtu awe, asijisikie kama mwingine anasema yake na imetosha. Kila mtu ana haki ya kuzungumza na kila mtu ako sawa mbele ya tume.

Asante.

Com. Prof. Salim: Asante Kamishena Adagala, pia sisi hatukujijulisha; mimi naitwa Ahamed Idha Salim, Kamishena, pia ni Vice-Chairperson, mwenzangu hapa ni Kamishena Kavetsa Adagala mwalimu kwa muda mrefu University ya Nairobi ambaye sasa ni Kamishena. Bila shaka mnamjua mBunge wenu Bwana Njenga Karume.

Upande ule pia nafikiri mwamjua Bwana Thairu, ambaye ni mwenye-kiti wa hiyo kamati ambayo kazi yake ni kuamazisha wananchi kwa wingi, kutusaidia kuwaleta kwa wingi, kuwaeleza umuhimu wa kazi hii ili waje kwa wingi. Pia na wenzake wawili, watatu. Na upande ule ni wafanyi kazi ya Tume akiwa mkubwa wao pale Bwana George Naholi, Program Officer huko katika kituo chetu cha Kamishen, Nairobi. Karibuni tena, na naona wananchi wanaingia haraka kujiandikisha kwa hivyo tuanze moja kwa moja kwa yule aliyekiandikisha kwanza kabisa ambaye Kamishena utafurahi kujua ni kina mama, yeye ni Rose Mary N. Kinyanjui, nafikiri ni yule dada yetu yuko nyuma. Tafadhali Rose Mary utafika hapa mbele utueleze maoni yako. Nafikiri una Memorandum sawa? Sawa. Yes karibu. Namu.

(Interjection inaudible) kwa hakika kwa ajili ya wakati ni mfupi hatuwezi. Kwa hivyo utawaeleza tu.

Rosemary: What I did was, what I did was (inaudible)

Com. Prof. Salim: But in 5 minutes.

Rosemary: Thank you

Com. Prof. Salim: Because we have to be very strict with time madam; if we are not, we will not be able (interjection inaudible) use that but if we give you a signal to, please wind up then you can summarise, alright? Yes.

Rosemary: O.k. O.k. My name is Rosemary Nyokabi Kinyanjui and I am from this constituency somewhere just a few kilometers down. I have something to do with Election.

I had said there is no need for election, because Kenya is not ready for any election financially and morally and no minimal change will come through election because __ will easily tell their lies because they are frustrated, others will do likewise because they are poverty stricken, others will vote out of fear of the loss of their job. This country needs ample time to mature for true democracy and if we are looking for change, I add (interjection inaudible) o.k. if we really want that change, then we should take time and prepare for a genuine election. There should be time to create enough employment and to improve our economy in such a way that the hungry will have enough to eat and the homeless a home. The oppressed will be dealt justly.

Then, I had mentioned something concerning Parliament I mean, Parliament should be aa... The business in Parliament should be taken very seriously as you know, Parliament is the Supreme house where we really make the very important decision, that I mean affect our country. So I was saying business in Parliament should be taken seriously. Time in Parliament (interjection inaudible). Parliament should be given the respect a house deserves. Business in the house to be taken seriously, no more wasting of time by going for long recess when there is so much to be done. Why don't Parliamentarians take just annual leave like other civil servants?

Lack of quorum is another thing worth mentioning and this perpetuation of important and urgent issues worth discussing, brings accumulation of many pending cases. Sometimes due to the lack of quorum in Parliament, we end up getting half baked solutions. Education qualification for the members of Parliament is a matter of concern. Many members cannot even express themselves in the acceptable languages of English and Swahili and they really can't contribute to the motion even what is affecting their Constituencies. There should be strict education qualification for members of Parliament for them to qualify.

Then I was saying something about the President of this country-actually we don't want that drastic change. I know what Kenyans have in mind-they just want to vie mzee out and that will not be the solution. What I am suggesting, is for Parliament to convene and declare President Moi a President for life on condition that he is going to give us a Prime Minister with an upright mind, who is going to fight corruption, which is the main problem that is affecting us and making us to cry for change. Corruption that has entered into all sectors of our society, is the main problem and that is why every Kenyan should take a step to fight corruption. It has entered into the Judiciary-I mean it has entered into all sectors of the society, mocking the law and ignoring the rules of justice and truth. To combat it, we need to work tirelessly - each and every one for love and for the equitable application of the law and for transparency in all our acts of Public Administration. Accurate control and complete

honesty in all economy transaction should be observed.

Resources intended for the public good must not be used for the interest of a private or a criminal nature. We should not forget that Kenyans have contributed so much towards the problem which we have here. In actual fact, although I was looking, it seems that we have annoyed God because of what we have been doing. Some problems seem to be God's punishment for us, like, lets say something like Elnino and Lanina, incurable diseases especially AIDS which is now a national disaster, blood-shed that has really affected us politically and socially and economically - this seems as a disciplinary action from a just God for many of us have wavered from their ways. We have invited the wrath of God, who is merciful and slow to anger - but all just in the same measure; so what we do, we should stop pointing an accusing finger at one another. In actual fact, each of us should point at oneself and rather - I mean, urekebisha where you can. Because we are all sinners before God and full of weakness. Many a times man become wicked because he had been misled and no one ever loving to show him the truth. Now I am referring to the President. When we love people with the true love of Christ our, (inaudible) and the Holy Spirit comes again to dwell in those temples that many bad things have made entry. So what I am saying is we should stop pointing at him in everything actually. He is a man like anyone of us and we are all weak. In actual fact, what we should - it is all of us who should feel that we have contributed to the problems and whatever we are doing in this country and try to-rekebisha it in our own way actually.

So in actual fact, that is what I really wanted to say, that Kenyans whatever change you want, we should have it in a more amicable way actually and we should learn from our brothers from Tanzania and South Africa. Whatever change they got, it was in a very amicable way and I think those people are very good. I said about an upright man, as you see; if you look at Nigeria, Nigeria is really recovering from corruption and you know it was one of the most corrupt country - why? Because the man who is there, the President is an upright man according to their Islamic law and that is why Nigeria is really recovering from corruption.

To conclude, what Kenya needs is composition of these fundamental virtues of peace and justice, which dwell in the hearts of every individual. Justice which degrades and promotes the inestimable dignity of every human person and is concerned for common good and so far, it is the guardian of relations between individuals and people, is what we need in Kenya. The good of the individual and the good of society, go hand in hand; that is why I am saying we should have an upright man to be appointed as the Prime Minister to help the President to rebuild this country once more on those very fundamental virtues of peace, justice and of course righteousness, to having (inaudible). As I mean to conclude as a Christian, I want to give these examples from the Holy Bible of what I am saying that what Kenyans need is just an upright person and to help the President actually. I mean, I quote from the Holy Bible from Proverbs Chapter 29 verse 2; "show me a righteous ruler and I will show you a happy nation," 14 "if a king defends the lives of the poor he will rule for long time." Verse 29 "when a king is concerned with justice the nation will be strong."

Thank you, may God bless you.

Com. Prof. Salim: Thank you very much Rosemary and God bless you. Please give your Memorandum to Mr. Naholi there at the desk, asante. Kamishena Adagala you want to raise something?

Com. Adagala: Thank you Rosemary. A lot of what you have said, if you can pay attention a bit a lot of what you have said can go in the preamble. So ee when you get some of the books we are going to give out, and you can look at it and see how you can formulate it to go in the preamble. Also just for everybody, if we are reviewing the Constitution it is yours for today and this year but also for a 100 years, 200 years to come - so when you are making your presentation be aware of the immediate but also the long term. Because sometimes when you say something then we don't know, now we don't know if all Presidents should be Presidents for life. You see Rosemary, because you have said the President should be President for life. Does that mean all Presidents should be President for life in Kenya?

Rosemary: No, I was saying that this particular Moi, I mean

Com. Adagala: O.k. you have to be aware that we are talking about today and 50 years and 100 years and 200 years o.k.?

Com. Prof. Salim: Thank you Rosemary. Thank you Kamishena Adagala. May be, Rose before you sit down one very minor point of clarification. You talked in terms of M.Ps having to be better educated but you don't tell us exactly what sort of standard of education they should have. Should they have degrees, should they have A levels, should they have O level, Form four Certificate or what?

Rosemary: Well, I mean the standard of education doesn't really matter in this case but the way of expression and the understanding actually, because in Parliament you get they discuss issues they raise points and they argue then you get they cant even argue actually.

Com. Prof. Salim: So you don't expect from them a specific standard of education?

Rosemary: You could have a degree yes and yet you cannot express yourself. I was thinking even if - well, they have degrees they have O level. There should be well, may be I don't know, but they should be able to express themselves actually.

Com. Adagala: Just try to put your things in terms of - like a preamble. A lot of what you are saying, about leadership and all that and you can submit an additional Memorandum.

Com. Prof. Salim: Thank you. Next we have Mr. Peter Wainaina, are you ready? It is comfort.

Mr. Wainaina: Dr. Idha Salim Rose, Adagala Kamishena, (interjection inaudible) o.k. Kamishena Adagala, samahani na mshimiwa Karume na wengine wote hamjambo? Jina langu ni Peter Njogu Wainaina na mimi ni mfanyi biashara na pia mkulima. Nimetoka katika Constituency ya Kiambaa wilaya ya Kiambu na Sub-location yangu ni Cianda ama siku hizi imebadilika ikaitwa kawaida. Maoni yangu ni kwamba, can I go ahead? O.k. asante.

Mimi ningependelea kuona serikali ambapo Rais wa Kenya awe ni mtu aliyechaguliwa na wananchi, awe ni mtu mwenye akili timamu, awe ni mtu mwenye nidhamu na pia awe chini ya wananchi wa Kenya. Ninamaanisha ya kwamba kusiwe na mtu ambaye yuko juu ya sheria. Endapo atafanya makosa yoyote anaweza kufikishwa mahakamani, anaweza kufikishwa katika kamati ya Bunge ambayo itamuuliza maswali, kama itakua embarrassment kwake kupelekwa mahakamani ya kawaida. Bunge imuulize maswali na ikimpata na hatia yoyote ya kukula mali ya wananchi, kuleta furugu kufanya mambo ambayo hayakubaliki katika nchi aweze kushtakiwa mahakamani. Na pia uchaguzi wa Rais ufanywe kando kabisa na uchaguzi wa Bunge na ningependekeza pawe na interval ya miezi sita.

Uchaguzi wa Rais pawe na interval ya miezi sita halafu wananchi wapewe nafasi ya kuchagua wajumbe wao wapewe nafasi ya kuchagua macouncillors wao. Rais ni lazima achaguliwe na fungu la 55% ya total votes ambazo wananchi wamepiga. Pia, Rais anaweza kuchagua makamu wake - yaani mtu wanaweza kufanya kazi pamoja lakini yule mtu lazima athibitishwe na Bunge, kwamba yule mtu anafaa kwa ile kazi aliye chaguliwa.

Tumeone watu wakichaguliwa ambao hawafai katika kazi yao na kutokua waaminifu katika taifa la Kenya. Tumeona furugu nyingi zikitokea. Watu wafukuzwa kwa radio na mambo mengine kama yale.

Ningependekeza kwamba uchaguzi wa Bunge utangazwe miezi sita kimbele, isiwe ni silaha ya mtu yeyote ya kungojea kuambia watu by surprise kwamba uchaguzi utakua mwezi ujao tarehe 5 na tuko katikati ya mwezi huu. Raia waambiwe miezi sita kimbele kwamba uchaguzi utakuwa tarehe fulani na raia mjitayarishe.

Jambo lingine ni kwamba, wafanyi kazi wa serikali wasikubaliwe kufanya biashara yeyote kwa sababu kama vile mnaona, tumeona fujo nyingi sana. Sasa unaenda ofisini ukakuta ni koti limewekela juu ya kiti Bwana fulani kutoka, Bwana D.O hayuko, Bwana D.C hayuko, mwalimu mkuu alitoka haonekani mahali alipo. Na pia sisi wafanya biashara tumeona competition ambayo haifai, inayofanywa na wafanyi kazi wakuu wa serikali ukishindana na yeye kibiashara, ukishindanda na yule mtu alafu ni mkubwa mahali fulani, yeye anauza mali kuna duka mahali fulani unakuta unadhulumiwa.

Jambo lingene ni kwamba nenda Nairobi hasa mtaa wa Racecourse Road, Renald Ngala Street, Tom Mboya Street, utakuta magari ya matatu yamefunga barabara. Yale magari yanafunga barabara maksudi kwa sababu ni ya mtu fulani, mahali fulani, mkubwa fulani, mkubwa fulani mahali fulani.

(Interjection inaudible)

Samahani, kwa hivyo pendekezo langu ni kwamba ikiwa mfanyi biashara ama mfanyi kazi wa serikali anahitaji kufanya biashara hajiuhuzuru aenda akafanye biashara lakini asiwe anatumikia matajili wawili, moja ni mfanyi biashara na huku anapata mshahara kutoka kwa umma.

Jambo lingine tumeona kwamba madaktari; samahani kama kuna daktari hapa, tumeona madaktari ana kubaliwa kwa na clinic yake hapa na pale na anafanya kazi ya serikali. Ukienda hospitalini utakuta hakuna dawa na unapouliza dawa daktari anakumbia hapa hospitali sisi hatuna madawa lakini pale katika ule mtaa ule pale utapata kuna madawa pale. Hapo iyo clinic haikosi dawa. Huyu mtu anachukua mshahara wa umma na unafanya kazi yake. Tafadhali Bwana Commissioners Katiba yetu iwe wazi kwamba mtu atumikie nchi na wal si masihahi yake binafsi.

Nikurudia katika uchumi wetu Bwana mwenye kiti, tumeona nchi yetu imefilisika kiviwada na ki uchumi. Mimi ningependa siku hii kuona kwamba siku hizi kuna uchumi - I mean kuna competition very fair, competition ambayo mfanyi biashara wa hapa Kenya, mweka viwanda hapa wa Kenya anapata shida. Mali inatoka Ulaya ameagiza bidhaa - raw material mali gamfi kuja kutengeneza kitu fulani. Kitu hicho kinatoka Ulaya ama kinatoka nchi jirani tena kwa bei ya chini kuliko ile bei ambayo huyu industrist inatoa production ya cost yake iko juu kuliko ile mali inatoka nje. Ni kwa sababu gani? Sababu yetu ni kwamba sisi wakenya tuko walafi. Na tunafikiria habari ya masihahi yetu hatufikirii habari ya yule mfanya biashara mdogo. Sababu mali yetu inakuja pale Kilindini tunaitoza ushuru saa ingine ni 26%, 30% halafu nikileta ile mali kuazisha kiwanda naambiwa nitoe V.A.T nikitoe V.A.T. na mambo mengine pamoja na sitima hali ya umeme iko juu sana katika Kenya. Mfanyi biashara akija kuangalia ile habari ya ile production cost yake ile mali inakua ghali sana. Sasa mimi naomba kama Katiba yetu itaruhusu mfanya biashara ambaye anaagiza mali gafi kutoka Ulaya ama popote ulimweguni akubaliwe ile mali yake iwe ikiingia nchini bila ushuru kwa sababu aweze kushidana na aweze kuajili watu wa nchi yetu. Nchi yetu ni masikini sana lakini tuko na rasilmali yakutosha haitolewi vizuri.

Nikiingilia upande wa kilimo. Kilimo tunasikia katika Kenya ni uti wa mgongo wa nchi yetu na ni kweli. Na ukiangalia mtu wa kwanza ambaye anaambiwa anashikilia uchumi wa nchi hii ana nyanyaswa sana, kwa sababu; kama ni fertilizer iko bei ya juu sana, kama ni vitu vya kufanyia kazi, madawa ya kunyunyizia yako bei ya juu sana. Na pia serikali haisaidii mkulima wa Kenya. Mimi ningeonelea kwamba kama serikali kutakuwa na crop failure iwe ikimlipa ama ikicompensate mkulima kwa sababu mkulima ndiyo analisha taifa. Taifa hili linategemea mkulima na kuwe na mkopo wa bei ya chini wakulima kwa sababu benki za leo hakuna banki inafikiria habari ya mkulima. Benki zetu ni za walafi.

Com. Prof. Salim: Tafadhali Bwana Peter Wainaina utamaliza maliza sasa (Interjection inaudible) mda wako.

Peter Wainaina: Niko karibu kumaliza.

Com. Prof. Salim: just a warning

Peter Wainaina: Nikirudia habari ya urithi. Kama mjuavyo kwamba, wengi wenu hapa ni wazazi na katika uzazi tuna vizazi viwili, kizazi cha kiume na cha kike. Hawa watoto wote wanapatikana katika majumba yetu na ni watoto wote ukiwalea ni watoto wetu. Lakini inapofika wakati wa kurithi ile mali, tunaona watoto wa kiume aa wanapendelewa sana katika jamii ya kiafrika. Pendekezo langu ni kwamba, mtoto wa kike arithi mali sawa na mtoto wa kiume. Ikiwa wewe ni baba uko na wasichana watatu, na wafulana watatu, mali yako ni heka tano uzigawe sawa. Kama yule mtoto wako ameolewa amepata mahali pazuri pa kuishi well and good. Lakini ukitaka kumpa mali, ujue kwamba, kama ameolewa pia ni binadamu ana haki ya kurithi ile mali yako. Uandike usia ama usiandike lakini Katiba yetu iseme kwamba yule mtoto wetu wa kike lazima arithi mali ya baba ama ya mama.

Aa naingilia upande wa elimu. Elimu iwe (interjection inaudible) namalizia daktari namaliza samahani. (Interjection inaudible) si wegwi kama wa jana. Jana mimi nilikua kule nikakosa nafasi Bwana ee nimerauka nimekua mtu wa kwanza hapa ee. Elimu iwe ni chombo, na mnajua kila mtu kwamba elimu ni kitu cha mhimu sana ningependelea tutoe elimu ya bure kwa watoto wetu wote na kila raia kama yuko na mtoto ama hana mtoto, akubali kulipa ada ya masomo katika nchi yetu. Lakini mzazi yule mwenye mtoto asiambiwe kwamba mtoto wako hasomi katika chuo kikuu ama secondary ama primary. Serikali itoe wlimu ya bure.

Nikirudia upande wa ulinzi. Ulinzi wetu na mnaona kwamba umedhoofika sana na kila mtu hapa, sioni mtu yeyote anaweza kwambia yuko salama siku hizi. Ni kwa nini, mjiulize nyinyi wa Kenya. Ni kwa sababu nyinyi wa Kenya mko wachoyo. Uchoyo wetu umetokana kwamba, mtu anaye walida polisi, army na wengine. Hao ni watu wanao nyanyaswa na nyinyi raia. Kwa sababu gani?

Com. Prof. Salim: Samahani, umechukua robo saa Bwana Wainaina na hiyo si sawa. (interjection inaudible) yeah, just please they know the problem for example of security sasa waeleze what is your proposal.

Wainaina: Yeah, sasa vile mimi nasema ni kwamba tuwape mapolisi wetu mishahara ya kutosha, tuwape mapolisi wetu nyumba nzuri, tuwape masilahi manzuri ya kuishi, kwa sababu ukiangalia kama polisi station iko hapa juu, mtu aliyeoa anakubaliwa watu watatu wanaishi katika nyumba moja. Ukienda kama Nairobi kule industrial area watu wanakaa nyumba za mabati wanaume watatu, pengine wako na mabibi na watoto. Kwa hivyo tuwape hali nzuri ya kufanyia kazi. Kuna vitu vya natural resources kama maji, msitu na madini. Maji yetu yanachafuliwa na sisi wenyewe. Tumekubali viwanda kutupa takataka ndani ya maji, nikisema hayo Dr. Salim mimi nakunywa maji kutoka kwa mto ana mimi nina uchungu sana ninapoenda kuona kwamba industry kama slaughterhouse zinakubaliwa kutupa takataka katika mto, industry zinakubaliwa kutupa takata katika mto. Juzi tulisikia kwamba ndofu hawazaani siku hizi kwa sababu maji wanayo kunywa si masafi kule Tsavo National Park. Misitu yetu imekatwa hakuna mbao sasa, kwa hivyo tupande miti na mbao. Aa hapo nimepita serikali za mitaa_____

Com. Prof. Salim: Samahani Bwana Wainaina sina budi kukwambia wakati wako umekwisha na ikwa una maoni labda utaje dakika moja tu ile jamaa wengine wapate nafasi. Ikiwa nikipa zaidi ya dakika kumi kila mmoja mwengine anaweza sema kwa nini Wainaina amepewa dakika zaidi ya ishirini na mimi nimepewa kumi. So we will have a problem the whole day, tafadhali.

Wainaina: sasa waniambia nitaje nini sasa?

Com. Prof. Salim: Umalize, wind up.

Wainaina: Yes, nimalize, sikumaliza ile ule ujumbe wangu sikumaliza, samahani. Woi

Com. Adagala: tafadhali keti hili tuendeleo na mkutano.

Wainaina: asante.

Com. Prof. Salim: Samahani ndugu Bwana Wainaina unajua tumekueleza kabla hatujaanza. Tatizo hili la wakati litatupatia tabu ikiwa hatufaamiani tangu mwanzo. Kila mtu apate - ajaribu kadri awazavyo atumie time aliyo pewa. Ikiwa tutaanza kumpa mtu wakati mrefu zaidi na mwengine, baadaye kumwambia “samahani sasa tunabadilisha badala ya dakika kumi nitampa kila mtu dakika tano”, kutakua na mchafuko hapa. Kwa hivyo Bwana Wainaina nafikiri unafahamu shida yetu. Tukiendelea mbele basi tutamkaribisha Dr. Wilfred Koinange ambaye bila shaka mwamjua kuwa ni mwenyeji wa hapa, mtu aliye shugulikia na kutumikia nchi yeti kwa mda mrefu katika maeneo tofauti tofauti. karibu.

Wilfred Koinange: Commissioners, honourable Karume, fellow wananchi. I will try and take 5 minutes; it is very difficult but let me start by saying that the present Constitution is a reasonable Constitution and whatever we make the success depends on implementation.

The Constitution is contract between citizens and government. So responsibilities of we as citizens should be very clear and that of the government. For that reason, I firmly believe that we should have a preamble in our Constitution stating out clearly what and summarizing what the Constitution is all about. I have gone through the present Constitution - am submitting my Memorandum with 9 points. I will not be able to highlight these, and I wish therefore to take the opportunity of highlighting a few things that do not appear in the present Constitution.

These relate to issues of, for example public holidays; we have got 9 public holidays and yet we are a growing nation - I think those are too many, we should only have 4. Education in public institutions should be free and compulsory up to primary level. Government should give appropriate incentives to agriculture to ensure food security.

These are changing times and with improvement of environment and health, we are all likely to age as a society. So at the end

we need good social security for everybody, whether they were employed or non-employed. Environment does not feature in our present Constitution and I believe we should have something to protect our environment. I am referring to water, forest and the usual pollutions that exist with development.

Research as such does not feature in our present Constitution. This is a very fast growing area and we certainly need - as a Scientist, I would enjoy doing research of all sorts including human engineering - cloning - some people call it. It is very important, but we must distinguish eg. Good cloning which we call therapeutic, if somebody has got a disease and you can interfere with whatever causes that disease by engineering, that is good. But what I am talking about is, we do not want to produce human beings that we have engineered ourselves. That is the work of our Almighty and that right now it is possible to do. I think it is a very dangerous. It should be controlled and regulated. We have the responsibility of promoting and protecting health.

People are very much afraid of nuclear energy or power. Let me tell you while I would like to see something in the Constitution about this - who know in another 30 years, 50 years time development that might take place and which will make nuclear energy safe. At the moment, as we know, it is now very safe. While I will like that in a Constitution for regulation, I would like it also open ended, so that when we develop we can utilize it.

I would like also to see a formula, which defines how we demarcate constituencies, districts, regions or provinces - I think this is very very important. I know the reason of existence of that in the present Constitution, but I believe it is very grossly inadequate - we need to come out with a formula. Lastly, with development everywhere in the world, could we also provide in the Constitution a way of federating Kenya - federating with our neighbours or whoever. I think that should be entrenched so that it does not bring problems later on.

Thank you very much Commissioners, fellow citizens, I have the other 10 paragraphs which I am going to submit. I am very encouraged because I have just learned that I can add on to this Memorandum later on because, if I had known, that - I was afraid of having a long Memorandum and I know what it is to go through thousands and thousands of Memorandums. But since you do not want from that, I am going to add something else. Thank you.

Com. Prof. Salim: Thank you very much Dr. Koinange for those very (inaudible) clear views and proposals and we are happy to receive your present Memorandum and to receive a subsequent one later, on other aspects of our life today. Dr. Koinange had even given us earlier copies of his proposals and we have them and we want to assure him that they will be considered and read very carefully.

Tukiendelea mbele sasa basi, tunaye mheshimiwa mBunge wa eneo hili, Bwana Karume ambaye amekuwa na patience kubwa tangu jana hakupatiwa nafasi kutupa maoni yake na sasa Mheshimiwa, nakukaribisha kutoa maoni yako.

Karibu.

Njenga karume: Basi na mimi nimekuja hapa ili niungane na wenzagu kwa kutoa maoni yangu ya kufikiria vile tungetaka Katiba yetu ijayo ikae. Kwanza kwa kweli yeyote anazugumza hapa awe alizugumza jana tutaona zaidi mambo ya maana sana ni ile kiti ya juu - yaani ya Rais atakaye kuwa akiongoza nchi yetu ya Kenya.

Mimi ningefikiria hiyo ni kitu tungechugulia zaidi kwa sababu hiuo ndio inaweza kutengeneza nchi au kuharibu nchi. Na mimi ningefikiria President awe anachaguliwa na wananchi kwa njia ya kupiga kura. Achaguliwe kwa njia hiyo, lakini hii mambo ya kusema iwe ni Province 5 kutoka zile tuko nazo, ninaona kama haifai kwa sababu tungetaka tuwe na uniform ya kumchagua President, kumchagua mjumbe na vile vile councillors. Ukiangalia sasa wajumbe na councillors wanachaguliwa na wananchi pamoja. Haisemwi ati huyu anataka achaguliwe na sub-location ile, la location ile na ile inakua ni majority ya votes. Hiyo ndiyo inafanya inawachagua wajumbe na vile vile councillors. Lakini tukifika kwa Rais ati mpaka uwe umekuwa zaidi na province 5. Mimi hiyo ningefikiria iondoke, awe anachaguliwa na (inaudible) majority. Yule atashinda na wingi wa vote awe ndiye anachaguliwa Rais. Naye Rais akichaguliwa asiwe above the law. Hakuna mtu anatakiwa ati kuwa juu ya watu wengine kwa sababu ati yeye ni binadamu sio malaika na wanweza kukosea. Kwa hivyo ningeonona awe kama wananchi wengine kama umekosea unapelekwa kortini na zaidi kitu ningeimiza sana ningeimiza zaidi kama sasa hii Katiba tunatengeneza Rais atakaye chaguliwa akikosa - akikataa kuifuata kwa sababu wengine wanakataa halafu anafanya kimyume cha sheria za Katiba, awe na njia ya kushtakiwa, iwekwe hiyo ashtakiwe kama watu wengine na ikiwezana tunaweza kuweka katika Bunge ku-vote no confidence aondoke. Kwa sababu hiyo ndio kitu imetuaribu zaidi kwa hivyo kwa maoni yangu ningeonona asiwe above the law ili kama makosa inatokea anafanywa kama ile ingine.

Ningefikiria sasa kazi ya Kenya, watu wa Kenya wamekuwa wengi sana wakati tulitengeneza hii Katiba ile tuko nayo about 39/40 years ago, wakati huo wananchi walikuwa wachache. Lakini sasa wamekuwa wengi sana. Ningefikiria ni vizuri tuwe na President na tuwe na Vice President na tuwe na Prime Minister. Vice President na Prime Minister wanaweza kuchaguliwa na President lakini wote - ata President mwenyewe asiwe ati ni kama picha, awe vile vile ana kazi anafanya na Prime Minister ana kazi yake na Vice President ana kazi yake. Ningefikiria wakati umefika na vile vile ile serikali tuta iteingeneza vile tunataka kuweka, kufanya Katiba. Iwe ni coalition government, iwe ni serikali ya watu wote kwa sababu Kenya imekuwa na vyama vingi sana.

Wakati huu ni vigumu chama kimoja na pengine ni (inaudible) kwa Bunge wawe wao ndio - ati wao tu ndio wanaweza pengine ministers, kuchagua nani; wawe wanatoka kwa kila cama wasiwe wanatoka mahali pamoja. Kama ni ma-mayor, mayor wawe wanachaguliwa na wananchi sio kwenda tu pale a few councillors wanakaa kwa hoteli "sasa ni wewe na mimi ndio itachukua kitu cha chairman ya hii". Kama ni mayor, anachaguliwa kutoka na kura nyingi za wananchi.

Kitu ingine cha maana tunataka kufikiria na imesemwa sana - mambo mengine tunarudia na tunataka kwenda haraka kidogo kwa sababu yamesemwa na yatasemwa, ni ukulima. Wakulima katika nchi ya Kenya hawana wenyewe. Unaona wale wanalima miwa, wale wanalima mahindi ata mmeona Eldoret iko namna gani na wengine wanakuja kuambiwa Eldoret ati mahindi yako imechukuliwa na serikali au board ya serikali na utalipwa na sijui na mfuta na huna tractor.

Kuna wengine watalipwa na fertilizer na unataka pesa ungewe iende ikasomeshe watoto, kwa hivyo ningefikiria katika Katiba mpya tuweke ya kuwa katika Katiba yetu wakulima waangaliwe sana. Na kama pengine imeharibika pengine kwa sababu ya jua kwa sababu pengine mvua imekua zaidi, serikali ingefikiria kusaidia wale ili waweze kuendelea kulima mwaka ingine ili tusikose chakula nchi, pesa nyingi zinatumiwa ya sector kuenda kulete sukari kutoka nje, kuleta mahindi kutoka nje, kuleta karibu kila kitu kutoka nje. Kwa hivyo ichuguliwe na iwekwe kabisa kama tuna chakula ya kutosha hapa, na tuna wakulima hakuna haja ya kuleta chakula au sukari kutoka nje ili wa (inaudible) wapate Kamishena kwa serikali. Kwa hivyo wakulima wafikiwe sana wafikiwe zaidi kwa sababu awa ndio wanaweka nchi hii.

Basi ile ingine, na tuliifanya zamani na bado watu wengine wanafikiria tulikuwa na 1986. Tulikuwa (inaudible) wakati President anakuwako – kwa sababu binadamu ni bindamu, na kama umezaliwa hati katika nchi hii siku moja utaondoka na utakufa - President ufa. Kama President anakufa badala ya kusema Vice President ashikilie 90 days, hiyo iondolewe, ipewe at least 3 people; inaweza kuwa Attorney General, Chief Justice na wengine mmoja hata kama (inaudible) wawe watatu kushikilia within 90 days na awa – wale watashikilia wasiwe na interest ya kupigania kiti ya President. Ninasema hivyo kwa sababu mtu mmoja, individual akipewa hizo 90 days au siku ngapi wakati huo na pengine wananchi hawangependa kumchagua yeye, akuwe na nafasi ya kuzunguka kudanganya wananchi, na kuonekana kama ajifanya yeye ni mukristu na halafu achaguliwe aletee watu taabu. Kwa hivyo si vizuri mambo ya nchi kama Kenya - wananchi 30,000,000 watakuwa zaidi ya hiyo, kuwa ati mtu mmoja ndiye atashikilia kiti wakati uchaguzi unafanywa. Kwa hivyo hiyo nigependa katika Katiba mpya tuwe na zaidi ya mmoja, isiwe ni makamu tu ndiye anaweza kushikilia hiyo mambo.

Hile ingine ni mambo ya land; katika nchi yetu ya Kenya ni sensitive kabisa (inaudible) lakini tufikirie hii mambo inaitwa ya Land Board.- hapa kwa D.O. wakati watu wanakwenda pengine kununua shamba au kuza. Na zaidi makesi yale yanafanywa na wazee, wazee wanachaguliwa na Chief, wengine wanachaguliwa na D.O. wanachagua marafiki wao sio kusema President aone. Ni kwa sababu anakwambia watu wamepata taabu sana. Shamba, tunakuwa na kesi na wewe, mimi naenda ninatoa hongo shamba ilikuwa yako naambiwa ni yangu. (Inaudible) kwa hivyo tufikirie. Mimi kunatumwa watu wa kwenda kuangalia mambo haya kwa siku fulani. Hwa watu wamesumbuliwa sana zaidi wajulikane kabisa honest ni watu hawawezi kufanya maovu.

Kwa mambo ya uchaguzi, mimi ningefikiria ni 5 years na President awe hawezi kuendelea zaidi ya term mbili hata kama vile ilivyo wakati huu.

Mambo kama vile nimezungumza, kuangalia mambo kama forest, unaona sasa katika nchi yetu karibu forest zimekwisha. Zamani kulikuwa na mtindo huwezi kukata miti kabla hujapanda ingine, tujaribu kuhifadhi forest zetu, misitu yetu iendelee, na wale wanapewa licences wakati wanapewa licence ya kukata miti ya mbao iwe imepandwa ingine kama zamani na inakuwa wakati inafika kiasi fulani, wakati huo ndio mnaweza kukata kwa sababu nchi yetu isiwe jagwa. Kwa hiyo hiyo ni kitu ningefikiria nayo tuweke katika Katiba yetu ile tunafikiria kutengeneza wakati huu.

Wale watu walipigania nimeenda katika nchi nyingi kama China na wapi, unaona wale watu wamepigania uhuru hawasahuliwi. Ni vizuri kufikiria history ilikuja namna gani, kina nani walipigana kama Kimathi na wengine, na picha zao zitengenezwe mahali fulani zinaonekana, -hawa ndio walipigania nchi yetu, tukakomboa nchi yetu kutoka kwa ubeberu. Hiyo vile vile ni vizuri kufikiria vile tunaweza kufikiria mambo kama hayo.

Tena, masomo ya watoto iwe hiyo ni lazima. Mtoto kama amezaliwa Kenya awe amesoma yeyote amesoma. Serikali ifikirie vile wanaweza kusoma especially katika primary school bila kulipa ushuru wowote. Ili tuwe na watu kila mtu amesoma hata kama wazazi wake ni masikini namna gani - naye asingojee kuwa masikini kama wazazi awe amesomeshwa kabisa.

Ile ingine tuna kitu kimoja tunapenda sana kinaitwa harambee na harambee imetufanyia kazi ya maana hapa Kenya, lakini harambee imefika mahali ingine ikawa misused haifanyi kazi ya maana ile - kazi sasa watu wanafanya ya harambee nyingi ni ya serikali, maana mkitaka sasa kujenga polisi post, watu wa hapo ndio wanachanga pesa ya kujenga polisi post. Hata mkitaka pengine kujenga health centre, hata shule, hata nini - tungetaka serikali ifanye kazi ya serikali, ile kazi yote ni ya serikali, sio wananchi. Lakini siku hizi ndio wanaambiwa fanya hii, jenga polisi tutawapatia askari, jenga hii, kwa hivyo harambee zipungue. Tuwe pengine na njia ya donations kwa sababu unaona siku hizi harambee hata zimekuwa misused, unaweza kusikia hata kwa makanisa - tunapenda makanisa kwa sababu huko ndio tunaomba. Lakini unaweza kusikia kila Sunday iko harambee hii ni ya hii na wananchi hawana pesa. Kwa hivyo nayo hiyo kitu ningefikiria tupunguze mambo ya harambee tufikiri hayo mambo mengi iwe inafanywa na serikali kwa sababu serikali ni kazi yake.

Ile ingine ni development katika nchi iwe inafanywa kwa sababu ina haja fulani - you must develop where there is a need. Ninasema hiyo Bwana Kamishena, kwa sababu unaweza kuona barabara katika nchi ya Kenya mahali barabara zinajengwa ni mahali hakuna kitu inatoka ya kusaidia nchi yetu, Iwe inaangaliwa serikali inaangalia inaona sasa tukijenga hii barabara itasaidia wananchi kwa sababu ya ukulima huu, italetea serikali pesa hii, kwa mfano kama Mombasa - South Coast, ukiangalia zamani kulitaka kujengwa barabara inapitia karibu na Indian Ocean - mahali mahoteli yamejengwa ili watalii wakija wanafurahia na wanaleta pesa za kigeni nyingi sana. Badala ya kufanya hivyo, hiyo pesa imeenda kujenga barabara pengine hata hakuna gari inapita huko; kwa hivyo ni vizuri tufikirie wakati tunafanya hayo mambo tunaangalia tunaona kwa kweli inafanyika.

Mambo mengine tunataka kuchungulia ni corruption. Corruption yote imeharibu karibu kila kitu. Hata ma-judge wenyewe wengine unaweza kuwa umeshinda kesi lakini justice imenunuliwa kwa pesa. Tuwe tukifikiria corruption tutapigana nayo,

tupigane na corruption kwa njia yoyote, na zaidi. Kama mtu anajulikana he has been corrupted au amehongwa, na ashtakiwe hata ikiwa wewe ni mkubwa namna gani ndani ya serikali from above to chini. Kama umehongwa anashtakiwa na justice inaonena kwa kweli imefanywa - kama ni kufugwa hata wewe uende jela. Kwa sababu hii ni kitu naye wananchi wa Kenya - wengine wamepoteza mali zao, wengine wamefungwa bure kwa sababu hawana nguvu na wale wako na nguvu wanatumia njia hizo kuona kwa kweli mambo yameharibika.

Nikiwa karibu kumaliza - sasa najua nimekaa kidogo labda dakika kumi zimekwisha, tufikirie mambo ya youth- young people kwa sababu ndio majority - majority katika nchi hii ya Kenya ni hawa watu wa miaka ya chini wakiwa wavulana wakiwa wasichana. Lakini ukiangalia sasa umepita (inadible) ni kama njugu, hakuna kazi na watu wa Kenya, ni watu wanapenda kufanya kazi sana. Lakini kwa sababu ya corruption na mambo mengine, hakuna viwanda vinajengwa katika nchi hii. Kwa hivyo ni vizuri kufikiria kutumia mahali pengine hata haitumiki, kutumia kujenga viwanda na kutafuta njia yoyote vile wanaweza kupata living yao. Maana wengine wamesoma wana degree na bado wako nyumbani wanakaa na baba na mama uko anasaidiwa na sabuni. Kwa hivyo tufikirie iwe kwa Katiba ya kuwa serikali itafanya chochote kuona watu wetu, this young people kila mmoja ana living anafanya kazi. Hiyo ni kitu nayo tungefikiria katika Katiba hii tunatengeneza iwe imeangaliwa sana.

Na vile vile wasiojiweza - hata nilifurahi wakati mlisema hakuna disabled hapa kwa kweli ninaona hakuna, na Kiambaa tuko wengi sana na Kenya yenyewe. Nayo serikali iwe na fund ya kutosha ya kufikiria kwa sababu sio wao walipenda kuzaliwa namna hiyo au kuwa namna hiyo kwa hivyo ni vizuri nao tuwe - iwe kwa Katiba ya kuwa tuwe tunawafikiria sana sana, kwa sababu siwezi kusema yote kwa sababu wengine wanataka kusema kitu.

Langu la mwisho ningetaka kufikiria, kuna msemu sana wakati huu hapa Kenya, kuna wengine wanasema kwa sababu hii Kamisheni yenu - Ghai Kamisheni, wengine wanasema haitamaliza kazi yake kama vile tulipendelea imalize kama ni mwezi wa kumi namna hiyo before election, wengine wanasema tunataka tuongezewe mwaka mmoja au miaka miwili au miezi sita ili Kamisheni imalize kazi yake. Hii mambo ya kuongeza muda hatutaki hata kidogo - especially sisi watu wa Kiambaa wote, hatutaki. Hii tunataka kwa sababu wananchi wa Kenya wameonyeshwa kama hawana mtu anawafikiria. Viongozi wengi hawaoni kama wananchi ni wananchi na hao ndio wamewachagua. Wakifika kwa Bunge au wakifika wapi wanakua wengine. Kwa hivyo kama mimi, e.g hapa Kiambaa nimepewa contract ya miaka mitano -nimeajiriwa na wananchi hawa wa Banana miaka mitano mimi nikifika huko, nakwenda kuiba niwe mwizi nijiongezee mwaka ingine moja; najiongezea sababu? wacha turudi nyumbani watufute au waturudishe tena.

Lakini kusiwe na hayo mambo, kama haitakua/haitaweza kuisha kabisa kama Commission haitamaliza kazi yake kwa sababu pengine ni kazi nyingi, wacha tuende na ile ya mbele hata hiyo ndio tumekaa nayo for 39 years. Na kitu kibaya sio kusema hiyo Katiba ni mbaya sana, ni management ya serikali mbaya. Ni management baya. Kwa hivyo tunaweza kuendelea na hiyo au pengine tu-amend minimum amendment kwa Katiba lakini uchaguzi uwe ni lazima. Hii mambo ya kusema tunataka kujiongezea

sujui mshahara ni mzuri, sijui nini - Makamishena wamepata magari kubwa, wamepata mshahara kubwa hawataki kutoka - hii matusi imejaa kila mahali kwa wananchi. Kwa hivyo wananchi wametuanika miaka mitano wacha tuende waturudishe, watuondoe, walete wengine. Kwa hivyo hiyo ni kitu ningefikiria nitaje ili ee mkiendelea, mkirudi kule mkiwa pamoja na wale wengine, mnafanya bidii kidogo kwa hivyo basi najua nimechukua muda zaidi kidogo lakini nilifikiria nitoe maoni hayo yangu machache ili wengine waendeleo.

Asante sana kwa kunisikiliza. Thank you very much.

Com. Prof. Salim: Asante sana mheshimiwa kwa maoni yako

Com. Adagala: Asante sana mheshimiwa, ningependa kuambia wale walikuwa na maoni mengi unaweza kuandika maoni na kutuma uko kwa Tume au kwa district co-ordinator au chairman wa kamati anaweza kukusaidia. Watu wengine wameandika hata Katiba nzima. People have proposed and written on all aspects of the Constitution - so Dr. Koinange you don't need to feel restricted kwa sababu, we have data analysts and with the computers nowadays it is much easier to handle. So you should not restrict yourself in what you want to say. O.k. sasa kama mheshimiwa anataka kutoa Katiba nzima ni sawa, au mtu mwingine yeyote au mzee ambaye alikua hapa hakummaliza.

Com. Prof. Salim: Thank you very much. Na sasa tumwendee Bwana Joseph Munge yuko tayari? Atafuatwa na Bwana Kanyoro na Bwana James Kahinga wawe tayari.

Joseph Munge: Thank you very much Commissioners. Yangu maoni ni kuhusu (interjection) Joseph Munge, kuhusu Presidential powers. Sioni haja Rais asikuwe na nguvu kwa maana hiyo ni kuonyesha mzee kwa boma yake hana nguvu ya kutawala sehemu zingine na ndio hii nguvu ingine imekatwa, ingine imekatwa - kwa hivyo Rais aendelee kuwa na nguvu. Ya pili ni kuhusu elimu hii ya Rais na M.P.s na Councillors. Maoni yangu ile kitu inatakiwa M.P. na President ama Councillors, provided awe anaweza ku-communicate in English or Swahili and he should know how to read and write. Sababu (inaudible) the late Ann Wanjugu she was a standard 7 drop out standard 5 drop out na alikuwa amefanya mengi hata kushinda wale wako na elimu kubwa.

On security, polisi wamekuwa wabaya sana. Wanatakiwa hii miezi sita wamepatiwa huko Kiganjo iwekwe kama miaka tatu. Kwa maana sioni haja kama unaenda nyumbani saa mbili saa tatu polisi wanakuja wanakushika wanaku-bundle into a Land Rover unaenda kushtakiwa being drunk and disorderly na pengine ulikuwa unatoka kama kesha for example. Hiyo naona wanafanya vibaya sana kwa hivyo lazima polisi wawe watu wameelimika, ni watu wanajua how to handle the public.

On mashamba - farms. I don't see; watu wengine - a few people are having tracts of land while majority are living in ghettos and you should know ghetto living is not easy. Kwa hivyo mashamba lazima mtu awe kama 50 acres hizo zingine iwe ya

wananchi those who don't have farms.

On street boys and girls-chokoras', wanatakiwa wasaidiwe sana at least wawe kama - every deision ijengwe pahali wataweza kuwa wanakaa na wapatiwe pesa na serikali, wale wanawaangalia, wale wanawasomesha ndio tupunguze street boys and children kwa maana hata hapa Banana, nimeona tuko na about 50 of them roaming here and can be helped by only one individual. Those who are roaming in the street.

Thank you very much Commissioners I don't have more to say.

Com. Prof. Salim: Thank you very much Bwana Munge for your views now Bwana Kanyoro

Kanyoro: Commissioners, our honourable M.P. and my fellow citizens nawasalimia sana asubuhi ya leo, hamjambo.

My names are James Kanyoro - James Kanyoro Kamau, professionally, I am a teacher and at the same time I am a Minister of the gospel, so I am representing both. So this morning, concerning our Constitution, on my views towards the Constitution I could have wished, or my first wish could be that the Parliament should be made an autonomous body. Whereby it can execute its purposes independently. We elected our leaders but it is - if we send them in Parliament to make a holiday camp whereby they even go for recess even for 4 months, 5 months - they don't execute what we send them. We are the ones who (intejection inaudible) o.k. its o.k. So I could have wished that the Parliament - I mean the President to be disengaged from controlling the Parliament such that the Parliament can make its own independent decisions.

Secondly, I could have wished that the Judicially also, which is also the second part of the Arm of the Government. The Judicially should be made independent because we have seen in the past where cases are brought or taken in court but in the process the President, or those people in the higher offices intervene and at the end of the day there is no concrete conclusion that is made. We have e.g the Ouko inquiry, it costed the taxpayers a lot of money and in the process there was no conclusion that was arrived. But if the Judicially could have been independent in its own decision making, it could have been fair for the Judicially to make its own ruling.

So at the same time, we could have wished that in our present Constitution, that we are intending to have, we have a Constitution whereby the Judicially is also independent, and also I could have wished that even the Executive - the Executive to be also independent in its executions and in so doing the three Arms of the Government will have, or it will be answerable to the persons they are supposed to be answerable to.

My next proposal to a next Constitution is that Presidential powers to be trimmed, because you know it is dangerous to entrust - it is very dangerous to entrust a lot of maximum powers upon one person and he or she is an individual. He is prone to

weaknesses and he is prone to mistakes. So I could have wished some Presidential powers be terminated - be trimmed and the President as most of the people have said, should not be above the law.

There should be an opportunity whereby the President can be impeached; because he is not answerable to himself we are the one who elected him. He is answerable to the people of Kenya, so I could have wished that the Presidential powers be trimmed or be cut off. He should be given minimum powers because the present Constitution allows the President to have excess powers.

The other issue I could have, I would wish to appeal to my fellow citizens, that above it all, we are gathered here because something is wrong somewhere in our present situation in our present Kenya. Actually we are in the midst of global transition in the midst of global - crisis there is a crisis all over the world but it seems as if in our country the problem is much more escalating. So I would appeal to our fellow Kenyans that above it all and much more, we could be wishing that we have an independent Constitution, let us pray to God that the Lord may change our minds because we may have a change of Constitution but the people's mentalities are not changed. So it could be all a waste of time because even if you have a better Constitution and the Constitution will not come to you direct, let us pray that God may change our mentalities because that is all we need. Mungu abandilishe mawazo yetu because that is all that is important. When people's mind are changed people can be able to reason in the accurate way. When people's minds are changed, people can see things in a better dimension more than they can see it at the moment. So I conclude by this scripture there is a scripture in the Bible that says in the book of 2nd Chronicles 7:14 - because as much as we are aspiring for a new Constitution, if we don't be connected to the person who can give us a better Constitution it is all waste of time. So let us pray that there is a scripture that in the book of 2nd Chronicles 7:14 that "if my people who are called by my name shall humble themselves and pray, and seek my face and turn from their wicked ways, I shall forgive their sins and heal there land." So we need God to heal our land, the Constitution cannot ever heal our land, but is only God who can heal our land so we need to pray.

I am appealing to all my fellow Kenyans, brothers and sisters let us pray that God may give us reformers, kings and leaders because every - all institutions in our land are destroyed. There is no structure in our nation that is standing so we need reformers - those who are going to take after us, that they should be people who can reform. They can align the system appropriately. So let us connect ourselves in praying God, let us trust in God more even as we are aspiring for a new Constitution because He is the only one who can see us through and for that few remarks I pray that God bless you.

Thank you.

Com. Prof. Salim: Thank you very much Bwana Kanyoro nafikiri kuna haja ya Commissioner Adagala kukuuliza jambo.

Com. Adagala: Mr. Kanyoro you are there? it is a good presentation you have made. What I wanted to know, you know

our present Constitution doesn't have God in it but our National Anthem has o.k. So you need you feel that strongly you need to make a proposal about the Constitution. What you have talked about is enternalising the Constitution. Constitution of (inaudible) and living with Constitutionalism what you have said at the end, but you need to make a proposal - I can't make it. You need to make a proposal about what should be in the Constitution and you can do it at your own time, and submit it o.k. yeah.

James Kanyoro: I think I can make my proposal at my own convenient time and I can forward my proposal to the Commission.

Thank you.

Com. Adagala: Asante Bwana Kanyoro. Sasa nilikua nimesema kwamba James Kahinga atakuwa akufuate lakini nafikiri nitamleta mtu kabla yeye kusema ambaye kwa hakika ni mzee wetu sote. Nilipata nafasi ya kuzungumza naye mwalimu Modesty Wakori hapo nje kabla huu mkutano kuanza. Tukazungumza na nilipomuona hapa, nilifikiri amekuja kusikiza kumbe alikuja kutoa maoni lakini alikua hajui kwamba kuna haja ya kuregister. Kwa hivyo ningepomba ruhusa nimpe yeye nafasi ya kutoa maoni yake kwanza. Tumekubali? (interjection) ndio. Sawa.

Huyu ni mwalimu wetu, na mzee wetu mheshimiwa. Ameniambia kwamba alimsomesha miaka mingi iliyopita. Kwa hivyo tungependa kumpa nafasi, kumheshimu kama ilivyo utamaduni wetu kuwaheshimu wazee.

Mwalimu Wakori Kiaru: Asante sana kwa sababu ya kunikubalia nitoe mambo yangu ya vile mimi naona. Na kama tumeyasikiliza vizuri, tumetoka njia ya Mungu, tutarudi njia ya Mungu. Na Kenya itakua na mambo ya (Inaudible) wazi. Mimi mwenyewe nilipokua mwalimu na kufundisha, nilikua jumamosi - kila siku nakwenda kusikiliza habari ya kesi ya wazee kortini. Nilikuwa Kiambu. Na nilipofika hapo - halafu wakati moja D.C. akaja, watu walikuwa hata makarani wanakula pesa za serikali (inaudible). Akawaambia “nataka mje na kila mtu na padri yake- na wewe Gakuru kwa sababu wewe hujui kusoma utakuja na mbuzi na mzee wa kukupa kiapo. Na ilipofika halafu, nikaenda kusikiliza mambo, wale walio hapa nikiwa hapo niliwaona halafu nyuma ya kuhapa judge hatahongwa - alikwenda Gathanga hata watu wengi hapa wanamjua. Na yeye alikwenda halafu akasahau kiapo chake akapata rushwa. Asubuhi yake alikutwa amekufa - yuko juu ya kitanda na pesa yake iko ndani ya mfuko. Kulikuwa na mzee mmoja alikuwa ameo tena wa Kagoya, alikuwa ameo tena msichana wa ndugu yangu halafu alipooa akapata vijana wawili. Sasa akaenda kuharibu kesi ati arudishe pesa halafu akarudishiwa hata mali aliyotoa. Kesi inakwenda kortini Nairobi imefanywa, ikafanywa mpaka korti imetoa amri tutafute wazee wawili - kila mmoja wawili wafanye korti indirectly. Sasa akaniambia ndugu yangu wewe ndio utatafuta. Nikatafuta mmoja wa Ting'ang'a - hata hapa watu wanamjua ndiye alikuwa mwenyekiti wa korti ya Kiambu - akaenda, na alikuwa na mwingine anaitwa Timothy alikuwa amehapa na alikua katika korti hiyo ya Nairobi. Halafu walipewa maelfu ya pesa - na huyu mzee akapokea akasahau kiapo chake, halafu akaenda akamwambia Timothy “nimepata kitu hapa, tutakwenda kula”. Ghafi hii, wee ondoka kwangu,

mimi nimekuwa nasikiza Mungu aliye hai na sitaki kesho yake ikifika nikuwa kitandani, nimekwisha kufa na pesa yake iko mfukoni akamuambia. Sasa kwa sababu Kenya imepotea hata kwa Mungu, tunataka kuirudisha kwa Mungu. Vitabu vyote vya Bible vibarikiwe na kanisa Catholic, CPK au PCEA. Wale wako kortini wanafanya kununua madukani tu, na bado kubarikiwa ipate nguvu ya Mungu - zote zikibarikiwe na Padri na zipigwe mhuri. Wale wezi wanatusumbua hata usiku hawatapata vile –atoke apa, atakufa - asubuhi amekufa.

Na sasa tena hata katika hii habari ya walimu - ijapokua nilikua mwalimu, hata wale headmasters wote wapewe (inaudible) mimi najua vile watu wanasema wanakula, wanakula. Hii ndio (inaudible) fees halafu pesa yao ipelekwe kwa father inawekwa halafu sasa mmoja atakaye toa ni kulipa. Na hivi mnasema ni kweli, sasa yule headmaster, akihapa hata kubali hata mwalimu hata mmoja achukue - ati kwa sababu yuko chini yake. Vyama vyote hata vya kahawa vyote viwe, na sheria hiyo. Akiwa chairman mpaka ahapishwe. Katika “Legco” hata Rais mwenyewe apewe kitabu kilicho bairikiwa tena ahapishwe na Padri. Akihapishwa, hata kubali hata kosa moja kwa sababu ikitokea hapo, apatikane naye na hii mambo - hiyo yote imetubadilisha kwa sababu mambo ile nimeona kwa miaka tisaini na miwili.

Miaka yangu imekwisha timia, hata nimeona dalili ya mwaka wa tisaini na tatu, kwa sababu kama mzee akipata miaka tisaini na tatu anakwisha kama vile mama (inaudible) akifika miaka arubaini na tano anakwisha, sasa wanaume wanafika hapo.

Turudi kwa Mungu, iko neno moja liliongoza mwanadada uko - yule aliyekuja alisema neno moja nikasikia nikisoma gazeti, na nikiona huyu mtu anapenda watu wote wa Kenya - kama alivyokuwa ajipenda. Akasema wakati wa mzee Kenyatta, kutoa maji kutoka ziwa Victoria nje ikiingia kila mji - kila mji kama wanalifanya hivyo ingalikuwa njaa hapa - hakuna tungalikwisha. Serikali ifanye jambo hili. Ifikishe maji hata kwetu hata ile ya Tanzania inatoka Tanzania itakwisha maji (inaudible). Halafu acha mama anachukua taulo na sabuni anaenda wapi kuchota maji ya kuoga uso.(inaudible) uoge, uombe uache sabuni na taulo. Na hii hatungelipata njaa ni kweli? Sasa Rais wetu yule atakaye chaguliwa kuwa Rais atakua anaongozwa na nani? Na Mungu, ni kweli au si kweli? Ee, ataongozwa na Mungu, na mambo hii yote, hata utajiri wetu utarudi na mambo yote itakuwa sawa sawa.

Asante sana kwa kunisikiliza na tukifanya hivi, mambo yote itakuwa sawa turudie Mungu, sisi ni watoto wa Mungu, na si viumbe kama wanyama - si ni watoto wa Mungu. Na labda ndio ananiweka hai namna hii nije nitoe ushahidi wake kwa ajili yenu. Hata kama ningelikuwa Vice ningelishika na mkono wa kuume na nihape yote niliyoona. Asante sana kwa kusikiliza. “Niwega muuno”

Com. Prof. Salim: Asante sana mzee mwalimu Wakori kwa maoni hayo na kutuongoza kwa busara ya uzee na hekima ya miaka mingi sana-wengi hapa wanakujua bila shaka wanadhamini (interjection inaudible) najua, asante. Commissioner Adagala.

Com. Adagala: Asante sana mzee, nimependa kusikia ukizungumza kwa sababu baba yangu ako karibu miaka yako. (interjection inaudible) “Let me talk to him first George”. Nimefurahi kusikia ukizungumza kwa sababu baba yangu ako karibu

miaka tisaini pia - na pia anazungumza tu vile wewe unasema. Sasa kile ningependa kusema, (interjection inaudible) (anasema hasikii vile unasema) (interpretor in kikuyu and inaudible intejection) don't take away- take away the microphone, take away the microphone, and take away. Ee na hata yeye pia alikua mwalimu. District co-ordinator na committee inafaa mfanye mpango, you make an arrangement to sit with this old man and you actually need someone to be with him more than just a session- because there are many things he is saying but you would need someone who can get what he is saying. For instance he has just said corruption has been there in the court historically, he has said what kind of leadership the President should be, he has talked about environment. This is what we want people to talk out of their experience and out of their hearts so then we can put it. But I think you sit down with him with the book and see ee may be even prompt him to say on which issues he has to say - Because this is a library, this is an achievement and we need to really record. So find one of those dot.com people on your committee or someone who can do this and get mzee's views. O.k thank you very much. Asante sana mzee Mungu akubariki.

Prof. Salim: Thank you Commissioner Adagala na sasa tutamwita Bwana James kahinga kutoa maoni yake akifuatwa na mheshimiwa Kamau Icharia na tutaendelea baada ya hapo.

James Kahinga: Honourable Commissioners, honorable Njenga Karume, honourable Kamau Icharia and all my fellow citizens I am James Kahinga Karanja, I am a member of the committee and I am also a law student at the University of Nairobi.

My proposal for a new Constitution to begin with, I will begin with the Executive Arm of Governance - Ee (interjection inaudible continue). The head of government should be the Prime Minister who would be the leader of the party that wins by a majority vote and he will also be open to criticism in Parliament. The appointment of government officials, should be made by the President with the approval of Parliament and the same process should apply to the creation of Ministries, Public Offices, Provinces and Districts. The appointment of the Vice President, should be made by the President with the approval of Parliament since the Vice President may become the acting President for 90 days should the President of the day refuse to be in office. It should be possible to impeach the President for any violation of law or corruption in office. The President's power to dismiss Civil Servants at will should be scrapped. The dismissal and disciplining of ee civil servant it should be left to the Public Service Commission.

On Legislature, Parliament should have a fixed term and develop its own calender. The Presidents power to assent to Bills should be scrapped and instead Parliament should vote by a 2/3 majority for the bill to be law. Those contesting for Parliamentary seats should have an academic qualification of above O levels. The concept of nominated M.P.s may be retained but the same should be nominated by Parliament when there is need for experts in government.

On Judicially, the Chief Justice and other members of the Judicial Service Commission, should be appointed by Parliament with due regard to their academic qualification and experties. The Attorney General should not be a member of the Judicial Service

Commission since he is the Government Legal Adviser. There should also be an office of the public prosecutor, independent from the Attorney General's Office. There is need to have a Supreme Court to resolve any dissatisfaction with the Court of Appeal decision. Court should be easily accessible by reducing the rate of making applications. There should be possibilities - Judicial review of law made by Legislature.

Now, on another subject - political parties; There should be a maximum of about 4 political parties, which will be financed from public funds since they enhance democracy and criticize government as you know. These political parties should not be registered under the registrar of society since this is a government appointee, but they should be registered by the Electoral Commission. The political parties should hold their public meeting vividly without even informing the Police or Provincial Administration. They should also have a fair and equal access to Public Mass Media to promote their campaigns.

On Electoral System, the members of the Electoral Commission should be appointed through a process involving all parties participating in the elections -those parties who will participate in their elections. The Electoral Commission should consist of men and women of good reputation who have served in public or private sector as top executive officers. Their age should be between 40-60 years. The Electoral Commission should be funded directly from the Consolidated Funds voted by Parliament. The Electoral Commissioners ought to enjoy security of tenure of for instance 10 years. The current Constitution constituencies' boundary should be redrawn to ensure equal representation per population.

On human rights I will retaliate what my colleagues previously have said, that we should have free education at least primary level, also free access to medical facilities, health facilities throughout the country. Also we should there should be established a Human Rights Commission which would investigate human rights violation and also educate citizens on their legal rights.

On workers, all workers should be guaranteed a trade union representation. On local government as I wind up, Mayors should be elected directly by the people. The minimum education qualification for Councillors should be at least up to secondary level. The President or the minister of local government should not dissolve Councils without the approval of Parliament or a referendum of the local people. That's all I had to say on this.

Thank you.

Com. Prof. Salim: Thank you very much. James Kahinga for those views (interjection) sawa. Sasa tutampa nafasi mheshimiwa ambaye alikuwa ni mBunge wa hapa Bwana Icharia. Alikuwa jana lakini hakupata nafasi kwa hivyo leo tunampa nafasi kutoa maoni yake.

Hon. Icharia Kamau: Bwana Chairman, mbele ya mimi kutoa maoni yangu ningetaka kuuliza swali, na ikiwezekana kama ningepata majibu ningefurahi sana. Ningetaka kuuliza, kulingana na kazi hii ya Consitution Review Commission, tukifika

mwisho, report itaandikwa, itapelekwa kwa Bunge itapitishwa. Katika Katiba hiyo kuna mambo ambayo pengine yataandikwa ya kurekebisha ili tukiingia uchaguzi mpya mambo hayo yawe yamerekebisha.

Implimentation - nimesikia tukizungumza mambo ya ati tutamaliza hii kazi wakati gani? Mimi sijasikia mtu akiuliza tukimaliza na tuandike hiyo Constitution na yale mambo ambayo yatakuwa yakirekebisha, itachukua muda gani, kurekebisha mambo hayo ili wananchi wawe tayari na wajue yale yamerekebisha ili waingie kwa uchaguzi? Ningetaka kuuliza kama hiyo inajulikana kwa sababu, 1997, tulikua na hii kitu initwa eti IPPG, mimi sikuunga hiyo mkono - mimi si ku-support hiyo. Lakini yale mambo yalipelekwa kwa Parliament, lakini haikufanya kazi so I wanted an assurance.

Com. Adagala: An assurance, mkikumbuka wale ambao mnasoma magazeti, hapo awali tulikuwa na ubishano katika baina Prof. Ghai na Prof. Ogendo, mnakumbuka? Na ikawa karibu mwezi mmoja na nusu hivi umepita na ilikuwa kuhusu implementation - na tuseme the issue is that, we can finish writing, we can finish collecting views, we can finish writing, we can give the report, it goes to Parliament - when Parliament approves the new Constitution the old Constitution dies. Wanatumia hiyo mfano ya chamellion - chamellion ikizaa inazaa na inakufa, mnajua hiyo? Inazaa na inakufa, so that's how this will be.

The New Constitution will come into force. Haya ile mabishano ilikuwa ni muda wa implimentation - ya proposal - ya ile New Constitution itakuwaje. Mfano wa elections, proposal ikiweko, na constituencies the constituencies should be increased to three hundred. That proposal will then go to Electoral Commission and Electoral Commission then will go and draw the boundary for the new constituencies. Sasa hiyo inachukua muda, na inafaa wananchi wajue inachukua muda - na hiyo ni ya elections pekee, tunasema tu ya elections.

Haya, mfano mwingine naweza kukupea ni wa Constitution yetu ya 1963. Constitution yetu ya 1963 ilikua ready 1962 - it was ready. Lakini kwa kuweka vitu in place - to put things in place ndio ikapewa muda huo, ndio ikatokea 1963. December it was now ready to be enacted. Hilo jambo halijasuhulishwa na I cannot give you an answer, all I can tell you is that yes, if implementation takes time.

We were given 24 months to finish na ile - the discussion that we have been having over the last 5 years has taken a lot of time, merger took a lot of time, and now that is why you see us running because a lot happened before that; It is o.k because wananchi were discussing and getting used to the idea but implementation takes time, na hiyo tukikutana Monday 22nd. tutazungumzia jambo hilo pia implimentation, how long will implimentation take. Na hiyo pekee ni ya election. So when people say it should be ready for election it is not so easy, I am not going to say it will not or it will or it will take time but it will not be so easy to do the implimentation. Hata IPPG hiyo ilikuwa shida, kwa sababu haikuwa na muda, ilikua hapa labda ika - hata polisi hawakuelimishwa civic education ili wafanye hivi na wafanye vile - haikuwa kitu kama hicho. I know that is in many peoples, mind, but implimentaion takes time, na, may be minimum reforms might take care of that, so that we can move a head or whatever kama mzee alisema hapa mzee mheshimiwa. Lakini it takes time to impliment a Constitution or anything else or any

report.

Com. Prof. Salim: I hope we can go ahead now.

Hon. Icharia: I will. Hiyo - hiyo kitu mimi naona ni muhimu sana, kwa sababu hakuna haja ya kutumia hii pesa yote tunatumia, masaa tunatumia, kuzungumza, nini, kila kitu, ikiwa mazao yake, haitatusaidia. Na mimi nafikiria Commission iangalie hiyo kitu sana. Kwa sababu wakati tuliangalia baadaye IPPG ilikuwa nini? tukaona ilikuwa trick. We were tricked into going to elections. Ati mambo yamerekebishwa na hakukuwa kitu kimerekebishwa.

Com. Adagala: I am only making the correction. IPPG was made specifically for elections. The Constitution is not specifically for elections (interjection inaudible) yeah, because this is a long term thing as I said - it is 100 years, 200 years, 50 years but - because we took all this time tulnchikua muda mrefu sana kusikizana, ndio tumekaribia elections na hatuko tayari. Ingekuwa bora tungemaliza this 1 year ago or 11/2 years ago. Then we would have had time to do all these other things. Lakini sio hatukufanya kitu, tulikua tunajadiliana democracia iko hivyo.

Democrasia ni kitu slow but the most important thing is the Constitution or the Commission was not put together to make a Constitution for elections. Sasa mkifanya proposals, inafaa mfanye proposal ambaye itasaidia elections, lakini pia hakuna shida kwa sababu we have a Constitution, we don't have a Constitution of crisis. Elections can still go on, I am talking now theoretically what we might want practically is a different thing. Theoretically elections can still go on in the old Constitution with may be IPPG and other minimum amendments. But we cannot subject a Constitution to an instant of election. We cannot make it all come, it will not be right, we can do it, but it will not be right, but in 3 years time, we shall be again where we are now because people will not be satisfied. There are many aspects of the Constitution and an election is only one of them.

Hon. Icharia: I agree with you entirely. I think the thing we must do now before we go very far is to address that problem. Are we going to use the New Constitution during the elections or not? if not, then what? Kwa sababu hata tukisema "o.k. tutaweka ee mabadilisho kidogo ili tuendeleo na elections" eg. Kama Commissioner alisema kama tukiongeza constituencies tuseme hiyo ni mabadilisho kidogo tu, tuongeze waBunge tutahitaji muda wa kwenda huko kukata constituencies tena. Na hiyo itachukua may be more than 6 months. I think this is the problem which I think we should address.

But let me go on to my maoni yangu. (interjection inaudible) you put down that one. O.k. kwa vile mi naona hatutaweza kuwa na Constitution mpya wakati wa uchaguzi, ningesema hivi. Kitu moja muhimu ambayo lazima iwekwe ikiwa, ni mabadilisho madogo ambayo tutatumia kwa election. Election ya President, mimi ningesema President ambaye atachaguliwa kutoka sasa hata ikiwa tunatumia Constitution ya zamani, au mpya, au mabadilisho kidogo lazima apate kura 50% na juu yake ya watu wote wa Kenya. Kutoka mwaka wa 1992, President alipata kura kama 30 kutoka kwa 100, 92 na 97 hivyo ni kusema serikali inayo tawala ni minority government, kwa hivyo tungetaka President awe na kura nyingi za watu wa Kenya. Na ikiwa uchaguzi

wa mbele autampa hiyo 50% tuwe na uchaguzi wa pili wa wale watu wawili wamefuatana. Yule aliye na nyingi kama hatafikisha 50% na yule amemfuata waende kwa kiwanja tena. Yule atapata 50% and above achaguliwe awe President. Hiyo ni moja.

Ya pili, tuendeleo na ile sheria ya kwamba, Rais afanye kazi mihula miwili, miwili tu; akimaliza miaka yake ya tano ya kwanza akifanya kazi vizuri sana, tumchague ya pili, ya pili ikimalizika amemaliza wakati wake, tuwe na President mwingine. Hiyo ikifanyika hii mambo ya change, change kila wakati tunasema change, reforms, ni kwa sababu pengine watu wamechoka na serikali ambayo wale walikuwako wameendelea kwa miaka mingi. Lakini tukiwa na kugeuza kugeuza tutaendelea mbele na mambo yatakuwa hivyo hivyo. Aa kitu kingine, ni separation of powers mnajua serikali ya Kenya ina viungo vitatu, 3 Arms of Government, yaani kuna Executive ni President mwenyewe na wale wengine wanafanya kazi naye.

Com. Adagala: Mheshimiwa address the Commission because now you are going into civic education.

Hon. Icharia: O.k. hivyo viungo vitatu, ya kwanza ni Executive, President na wale wanafanya kazi nao, ili ingine ni Bunge, na ya tatu ni Judicially. Mimi ningeonelea, Constitution mpya iandikwe vizuri sana ati kazi ya Executive inatoka hapa inafika hapa. Kazi ya Parliament inatoka hapa inafika hapa, kazi ya Judicially inatoka hapa inafika hapa na Judicially ikienda kufanya kazi yake ifanye kazi yake bila kuingiliwa na Parliament na bila kuingiliwa na Executive. Parliament ikifanya kazi yake iwe independent kama mtu mmoja alivyo sema, sitaki kurudia sana. Viungo hivyo vitatu vya serikali viwe na independence kila moja yake ifanye kazi bila kuingiliwa na ingine. Wakati huu tunaona vinaingiliana.

Tena, kuandikwa kazi kwa wafanyi kazi wa serikali, kwa wakati huu Constitution yetu, imempa Rais wa Kenya nguvu ya kuandika watu karibu wote wanaofanya kazi ya serikali, nchi zingine kwa sababu wanataka kuwa na checks and balances yaani - maoni mengi kwa kuandika kama tuseme Chief Justice kuna Parliamentary Committee ambayo inaingilia hiyo mambo, tunaona kama Executive ikisema fulani, Committee ya Parliament inakuja inaangalia huyu mtu tumeambiwa ni mtu kabila gani amefanya nini inaingia. Inasema ndio au inakataa. Ikikataa Executive inakwenda inaleta mtu mwingine kama Chief Justice, Attorney General, Judges wenyewe, Auditor General, Makamishana wa Public Service Commission na wengine wengi. Kuwe na Parliamentary Committee zile ambazo zitasaidiana na Executive kuchagua hawa watu.

Kitu kingine ni huduma ile serikali inapeana huduma, kwa wananchi. Wakati tulipigania uhuru na tukawa na serikali, serikali ilisema mambo matatu; Ikasema tutapigana na illiteracy, yaani watu wote tunataka wajue kusoma, tunataka kupigana na hiyo, hiyo kutokujua kusoma. Serikali ikasema tutapigana na ummasikini kabisa, kila mtu apate chakula na pesa kidogo na mambo ya magonjwa. Lakini hiyo mambo haijaandikwa kabisa kwa Constitution - ni policy tu, yaani “ni kwiranira kindu ni kii”? To promise? Na “kithweri? Kuahidi ee serikari iliahidi hiyo”. Lakini mtu akikuahidi kitu, tena aseme, “aah nimegeuza mafikira nitakupatia hiyo”- huwezi ukampeleka kortini unaweza? Huwezi. Mimi nafikiria ni vizuri tuandike kwa Constitution ya kwamba elimu ya msingi - primary education, kila mtoto wa Kenya ana haki ya hiyo, na serikali itoe pesa mimi sitaki kusema ni ya bure,

hakuna cha bure, serikali itoe pesa, ya kutosha kuona kwamba mtoto wa Kenya amezaliwa, akifikisha miaka sita atainingia standard 1, ataendelea mpaka standard 8 bila kulipa malipo.

Lakini, ukiangalia mipango ya serikali, kwa sasa inasema hiyo, hiyo mi nasema inasema hiyo - it is there, as a policy. Hata juzi kulikuwa na mabishano kidogo ma-officer wa education wakasema tuitishe so much money, serikali ikasena “aahh hiyo masomo ya msingi ni ya bure” -lakini kweli si ya bure. Ukiingia kwa shule hii hapa sasa, hii Karuri hapa, mtoto hawezi kuingia standard 1 bila kulipa kama 5,000/= there is a contradiction somewhere. Mimi nafikiri tuandike vizuri sana ati mtoto atasoma bila malipo.

Kitu ya pili ni hii mambo ya ummasikini na imesungumzwa sana; tutaondoa ummasikini namna gani? Ningetaka tuandike ya kwamba mkulima atasaidiwa kufanya kazi yake na akikuza mimea yake serikali imefanyie mipango awaze kuuza bila tabu. Akitoa maziwa, aweze kuuza na alipwe pesa yake. Akikuza kahawa, auze na apewe pesa yake, kama vile siku hizi wale wanakuza maua kwa sababu maua ilikuja juzi, serikali haijaingilia maua lakini mi nasikia inataka kuingilia. Ukituma maua yako Ulaya, sasa utapelekewa, utaletewa cheque yako - tufanye kitu kama hiyo. Mkulima auze mazao yake bila kuingiliwa na serikali na kutozwa ushuru ambao pengine hata hajui ni ya nini. Na wale wanafanya kazi ya jua kali wasaidiwe waendeleo na kazi yao - yaani mwananchi wa kawaida, serikali iandike policy clear policy in the Constitution ati atasaidiwa kuuza kazi yake.

Kutoka wakati ule mbeleni, watu walikwenda hospitali wanatengewa - wanapewa dawa bila kulipa. Hiyo tuandike ati “we are going to promote free health services”. Tukae chini tuangalie daktari alisema hivyo, tukae chini tuangalie tutafanya hiyo namna gani lakini Constitution iwe clear, we are going to offer our people free health services. Mambo mengine - niko karibu kumaliza, ni mambo ya corruption.

Sijui tutafanya nini tuandike kwa Constitution ati Kenya will eliminate corruption, na tukae chini tuandike sheria ikiwa kuna haja ya kutengeneza mahakama ya corruption peke yake na ma-judge wa corruption peke yake na prosecutors wako mahakamani - ati waletewe watu wameshikwa na mambo ya corruption wao wenyewe wana mambo mengine wanaficha. Makesi ya corruption aiishi.

Ee nikimaliza Bwana Chairman, constituencies za Kenya hazina uniformity; angalia kwa vile registration 97, kama Westlands constituency ilikuwa na 100, 000 voters zingine ziko na 7,000 voters, zingine ziko juu than 100,000 voters, pengine tuandike kwa Constitution vizuri sana, uniformity - o.k. kuna areas zingine kama North Eastern Province, watu si wengi, na wanakaa mbali sana huko, tuwe na special system ya kuangalia vile hawa wataweza kupata waBunge ambao wataweza kuwafikia kwa sababu tukisema constituency ya, kama fafi eg Ijara wana 7,000 voters, 7,000 ni kama maili 300 au 500 kwa hivyo kuko shida zake na ni wakenya tu - shida zake ziko tofauti kidogo na Kiambaa eg au Githunguri. Lakini hizi zingine zote tuwe na uniformity.

Ee hii Constitution watu hawajui ni nini - kule Mombasa mtu mmoja alisema, “na huyu Katiba ni nani hatujamwona yeye?” ni nani yeye? “Tunaambiwa tuseme habari ya mtu hatumjui?” Mimi nafikiria Constitution ya Kenya iwe translated kwa lugha ambazo wananchi wataweza kujisomea kama Kiswahili, tuanze na Kiswahili, ili watu wasome wajue haki zao ni nini. Kila mwananchi akitaka kujua, kwa sababu kama mtu mmoja alivyosema, Constitution ndio contract ya wananchi na serikali. Hii Constitution inasema nyinyi wananchi mlipe kodi na hiyo Constitution inasema na nyinyi serikali wale tutachagua, mtufanyie huduma zote - hiyo contract iandikwe kwa lugha ambayo watu waweza kujisomea.

Civic Education hiyo - kugeza kwa lugha ya Kiswahili na kusomesha watu iende pamoja sasa tumekua tukisema civic education, civic education, civic education iendelee wakati wote. Ili wananchi wajue haki zao, tuiseme tutafanya civic education wakati wa uchanguzi tu au wakati kuandika Katiba- hapana! iendelee wakati wote. Iwe ni kama masomo ambayo tunasoma kwa shule, mtu ajue haki zake wakati wote.

Finally mambo ya gender; mimi naona haya sana kwa sababu tukiwa na wanaume; na wanaume msifikirie mimi sitaki wanaume tuchaguliwe, mimi ni mwanaume. Lakini tukiwa na Bunge ya watu 200 plus, wanawake ni kama 10 nafikiri kuna kitu kimeenda kombo kombo kidogo, sijui imekwenda wapi kombo kombo. Mimi nafikiria Constitution iandikwe tuwe na members wa Parliament, wanawake special seats. Tuwe na special seats, tufikishe kama 30% iwe special seats kwa sasa lakini baadaye watu wakizoea, kuchagua watu wote bila kuangalia huyu ni mwanaume au mwanamke itolewe hiyo. Special arrangement.

Thank you very much.

Com. Prof. Salim: Thank you very much Bwana Icharia kwa maoni yako na tutapokea Memorandum yako. Umezungumza mambo ambayo ni muhimu sana. Hili la mwisho la gender kwa mfano kila pahali tunasikia ya kwamba, kuna haja ya gender equity and so on and so forth. Na jambo ambalo mimi na mwenzagu hapa tumeliona tangu jana ni kwamba kina mama hawakufika kwa idadi ile inayofaa. Jana walikuwepo labda tano, sita throughout the day leo pia ukitizama utaona kwamba kina mama ni wachache sana. Sifikiri kuwa wafika zaidi ya sita, saba hivi. Na ili ni jambo ambalo labda viongozi na Committee yetu ya Constitution ingefikiria sana ili kwamba idadi yao iwe kubwa zaidi.

Tumefika kwingine Central Province, tukaona idadi ilikuwa kubwa kuliko hapa Kiambaa, sijui sababu yake. Lakini bila shaka viongozi wa hapa tutafikiria jambo hili maanake linahusika na ile mambo mheshimiwa Bwana Icharia amelizungumza. Ikiwa tunataka idadi ya akina mama kwenye Parliament ya 30% lakini tuanze na grass roots, kwamba kina mama hata hapa - in the rural areas na kwingine wapewe nafasi kujisomea kila kitu. Kwa hivyo ni jambo ambalo sote twalitaka tulifikirie. Sisi si Commissioners tu, lakini kila mmoja wetu akiwa ni baba, akiwa ni mme akina mama ampe mama nafasi, pia afike hapa mbele yetu au mbele ya kamati yote ambayo itatokea baadaye, kupata maoni ya akina mama. Hatuna haja ya kuzungumza, sisi tumekuja kusikiza tu kwa hivyo tukiendelea mbele sasa ningependa---

Com. Adagala. Nakubaliana na mwenzangu, mambo ya wakina mama - na hapa hii sura, ni sura ya Bunge; hivi ndivo Bunge inakaa. Sasa sijui tutafanya nini, ee Hon. Icharia, hallo, ee, asante kwa maoni yako, umetusaida kwa vitu vingine fulani, structural, lakini hapa unasema civic education should be continued like a school curriculum - do you want it in the school or you want it to continue, because you said like kama mafundisho ya shule.

Hon. Icharia: Mimi nafikiria tuingojea mpaka tuwe na kitendo kama hiki, ili tuwafundishe watu itakuwa ngumu. Mimi nafikiria tuweke kwa curriculum - hata zamani mimi nimekua kwa education wakati wote. Zamani tulikuwa na subject iliitwa, iliitwa nini? Civics, mnakumbuka? Civics - na hiyo civics ilisomesha mambo yote vile serikali, inaendelea, D.C. ni nani, Chief ni nani, concillor ni nani, mambo hayo wakati huu hatuomeshi. Mimi nafikiria tuiweke kwa curriculum na iwe continuous na mambo yoyote ambayo yatakuwa, yakifanyika ya kupata nafasi ya kuwaeleza, watu waelezwe.

Thank you.

Com. Prof. Salim: Asante mheshimiwa sasa tuendeleo mbele na kumwita Councillor G. Wainaina, yuko? Karibu. Tukumbuke ile wakati - time limit is still applying.

Cllr. Wainaina: Commissioner, the Hon. Member of Parliament na my fellow citizens. Kwa hii Katiba mpya - the new Constitution, kwa maoni yangu, I would like to see a preamble in that new Constitution. The issue of citizenship, as it is now in the current Constitution, that a child born by both Kenya citizens is an automatic citizen, it should also be on the issue of the passport. Should be given to that child, automatically by way of notification not by application.

The issue of Defence and National Security. The President should not be given power, to declare war with anybody, that power should be given to the Parliament. The issues of political party. I would like to see the new Constitution for this country, to have a coalition government. The parties should be limited to 2, with a provision of allowing a private candidate in election. I would like independent candidates. I would like to see a situation where there is no party nomination when it comes to elections. We want everybody iligible for election to be on the ballot paper for the public to elect them.

The issue of Local Authority. The Mayors, no party nominations. Local Authorities on the issue of the Local Authorities the Mayors and the Chairman, should live a full term. If you are elected as a Councillor, and then you are elected as a Chairman or Mayor, you should lead for that full term of 5 years, to enable you to give the public a good service without interruption of campaign for the Councillors and the Mayors. I would recommend the new Constitution if possible, the remunerations, for the Councillors to be paid directly by the Central Government, and not from the general funds, so that the general funds are used to give service to the public.

I would like to look at the issue also of land and property right. Currently the Chief, the Land Board, the Land tribunal, Elders and Customary law - their decisions are not enforceable in law. I would like them, to deal in issues of the land, the matter should be on a written law which is enforceable. I would like also to look at the issue of poverty; I would like this Constitution to guarantee, anybody doing business with the parastatal or the government, or the foreign countries, the government should guarantee that payment and their LOPs or any contracts should be accepted by any commercial or any financial institutions.

Com. Prof. Salim: Asante sana councillor Wainaina kwa maoni yako, may be just a very brief point of clarification from you, you talked in terms of Mayors and chairs should be given full term to give a good service to the people. What if they are not giving good service to the people? Should they still be given a full term?

Cllr. Wainaina: There should be a provision of impeachment in the Act to cater for that.

Com. Prof. Salim: Thank you. Tukiendelea mbele, tunayo furaha kubwa kumwita tena dada au mama - atakuwa ni wa pili tu tangu asubuhi - the second lady to give us her views today. This is Ann Njoki, yuko? Karibu. Nafikiri una Memorandum, right? So please because of the large number of fellows who would like to give their views, can you summarise the content in 5 minutes or so and then of course we will be reading it eventually. But for the benefit of everybody here, tell us the important or the main points in your Memorandum.

Ann Njoki: I will try. Thank you very much our Commissioners, mheshimiwa wetu na mBunge wetu Kamau Icharia. My names are Ann Njoki Matimu. I work with the U.D.P.K I am a civic education facilitator in Kiambu. I am standing here on behalf of Kiambu Peoples' Forum. On behalf of Kiambu Peoples' Forum, we the undersigned officials of the forum, would like to state that we have been _ _.

Com. Adagala: You are U.D.P.K plus Civic Education provider and you are Kiambu Peoples' Forum ingekuwa bora ungetuambia tu "I am Kiambu Peoples Forum". Because we (intejction inaudible)o.k. it is better if they just say although I know you are many so we say Kiambu Peoples' Forum aa? O.k.

Ann. Njoki: On behalf of Kiambu Peoples Forum. "We the undersigned officials of the forum, would like to state that, we have been mandated by the Central Committee of the Forum, sitting at Nairobi on 15th April 2002 to present this Memorandum of decent as stated herein, to the Constitutional Review Commission meeting". Before we submit our statement of strong reason, we would like to introduce Kiambu Peoples' Forum in this meeting. Kiambu Peoples Forum is a civil society initiative. To provide and support civic education, initiative in the districts – here- to work, empowering the people in their quest for a comprehensive Constitutional Review. The initiative community, based this projects within the area geared towards poverty alleviation. promote public awareness on the dangers of HIV Aids pandemic and drug abuse. Address itself to the youth ills inflicting the society such as corruption, land grabbing. Police/administration harassment etc.

To achieve the above objectives, Kiambu Peoples Forum in the last 1 year or so has conducted a workshop in all the division of the district. The workshops have been attracting between 120 to 150 people in each sitting. We are therefore well positioned to submit this Memorandum, to have the unanimous mandate to all those who are not able to attend this meeting.

Our biggest concern is that our beloved country has been embeded in such a quagmire of immobilizing problems, that it will require not only a genuine comprehensive reform, our Constitution must also have the will and the commitment to do so. Unfortunately, the Constitutional Review Commission of Kenya has not been structured and geared towards realising a Comprehensive Constitutional Review. The process has been so clearly caused to wood wink the people that, this is a genuine people driven process whereas indeed its not.

We wish to state the reasons for our strong expression of dissent as follows.

1. Civic Education, the people of Kiambaa and elsewhere today have been ambushed to give their views for a civic education has not been done at all in the division. Constitutional Review process must, and should be rooted in the people. Civic education is the only process of empowering the people and involving them effectively in the process. Why then does the commission rush the people to give their views even before they are empowered? The fact of the matter is that the Constitutional Review Commission, does not need the views of the people, it will write the Constitution anyway and drag in the peoples' covenant.
2. The Constitutional Review Commission. The law creating the review Commission has some serious role and I would like to highlight only a few areas. The Constitutional Review Act, gives the Commission the power;
 - (a) to determine the structure, the composition and the opportunity, appointment of the Constituencies' Constitutional Committee. The correct position is that the Commission and the organs of field view are created by an Act of Parliament and should therefore, at all times respect the popular sovereignty of the people of Kenya. This is not the case as far as Ghai's Commission is concerned. The people do not matter anyway.
 - (b) The Ghai Commission has been given power in an Act, to determine the need for the content of minimum reform, the extension of Parliament and the Presidency and the extension of its own life. Our submission is that, the CKRC has been given roles not competable to their job properly. These added function and political in nature, have been induced in the Act to safeguard and protect on political interest.
3. The National Constitutional Review Conference. The composition of this conference is heavily skilled on one side and cannot produce a people centred Constitution. All district delegates - but some districts have single constituencies while others like Kiambu have 5 constituencies. This is unfair presentation; the Councillors and M.Ps should not be members of the conference. A properly Constituted assembly should be created for that one purpose to make the final draft on the Constitution to be presented to Parliament.
4. The National Referendum. The contact of National Referendum falls under the armpit of the Electoral Commission of

Kenya. Why should the CKRC avert the work of a legal constituted body? This is wrong and manipulates and Parliament should regulate this position by passing an appropriate role on the conduct of referendum.

5. Recommendation. Our recommendation to Ghai Commission is to stop woodwinking Kenyans that the Commission is making a people driven Constitution, because, we know how sure it is not. Thus, civic education takes 6 months before you start collecting peoples views. Stop linking the New Constitution with election for they should not. The 2002 general election should be conducted on the old Constitution. We recommend that the government to be formed after the general election should be a government of national unity with the Constitutional Reforms as its main agenda. After a new Constitution is made and put in place then general elections should follow on the New Constitution.
6. Minimum Reforms. We reject any minimum reform, particularly which will remove the limited tenure of the President, extend the life of Parliament and the Presidency. Create the post of the Prime Minister and Deputy, create Majimbo or a Federal government, and give any size of amnesty. Kwa hayo machache mini ni representative Kiambaa Chapter of Kiambu Peoples' Forum.

Com. Prof. Salim; Asante Ann, na nitamwachia mwenzangu kusema machache.

Com. Adagala: Thank you very much for your proposals which come at the end and they look like they have a lot of thought which has been put into it. We want to however, you are listening eee? I can't see you clearly.

The Act was made by Parliament, so the CKRC is not usurping, it is going by what Parliament said. It was already law by the time CKRC was put in place. It is important to know who is in charge of what ee civic education, we made a very good programme - infact a very commendable programme which was also democratic, because we allowed everybody who applied to participate. We set it in place, but when we went to treasury, Parliament was very good, very generous and voted money for the Commission for civic education.

When we went to treasury, treasury said there is no money infact they told us there is no money for many other things, therefore, Mr. Lumumba has spent time just cutting expenses so that we can move.

Civic education is continuance - there will also be other stages of the review, which have civic education, and hopefully, God willing there will be some money for that so that CBOs can go right ahead. We said that we want CBOs local people like you to talk here and to teach here not someone coming from somewhere so in that case we have conducted some civic education ourselves.

I hear Commissioners were here just like we were all over the country trying to push the civic education. You can never have enough of civic education - it is life long but what we want is people to be aware - a public awareness that the Constitution is being changed, reviewed and that they need to be aware of it so that it is not like the other time when they were not aware of it,

or living all these 40 years without knowing about the Constitution. If the Constitution is inadequate and it is passed 2/3 years from now, it will be very obvious, so it will be very important that we see the limitations of the country.

We would like to live in paradise, but unfortunately it is not paradise at all, but remember the Act we receive, the Act from Parliament. We did not make the Act so we cannot see what did you call it? You usurp or ambush or whatever. If the treasury doesn't have money there is very little we can do, so you must realize we are also embattled, we are also in a very difficult position because we wanted this, this is the chair of the civic education sub-committee and we really have worked very hard on this. But thank you for your proposals and just know that you need to put the responsibility where it belongs - the Act is Parliament. The programme of civic education, which we made, is CKRC the money is treasury. Thank you very much.

Com. Prof. Salim: May be I need to add because Ann you seem to be hovering under some misunderstanding about our role and everything. I am made to understand by the CCC, the Committee that they have been holding big meetings for civic education, so it is not quite true that this area has not been given civic education. The other point I want you to make, is that the Referendum – you say we usurped the work of holding referendum from the Electoral Commission. We really have not, our Act has said we must hold a referendum in case the national conference does not reach a consensus on the draft Constitution. So it a requirement that a referendum has to be organized and we, as the Commission made up of only 29 Commissioners, don't have the means of holding the referendum ourselves as a Commission. But there is an Electoral Commission in place highly experienced with man power all over, branches all over, so obviously, this is a National exercise and therefore we rely on their help also and their expertise and even the man power to carry out the referendum if we need a referendum. Let me emphasis, “if we need a referendum,” so I hope powerfully Ann, that makes things clear to you and your members and your organization. Sawa?

Asante

Com. Adagala: The National Constitutional Conference will have about 600 people. I think you have heard this from the News Papers and from the Civic education. We want - the way we saw it with the merger and with the other and even in the Act, we have to work with Parliament all the time, because only Parliament can change the Constitution in this country. In another Country, it may be different but in the present Constitution, only Parliament can- so we said lets work with Members of Parliament all along - every stage. As you can see, if it goes to the - if it happens that, that conference goes to Bunge they cannot say we don't know where these things came from. They have been there all along even on the Committee they are there and there is no otherwise because if we do anything else is revolution, if you want us to do revolution is a different thing - this is reform.

Revolution is another thing all together because then we will not recognize the present Constitution and do whatever we want that's revolution. If we take away the number of aa_____this is about 600 people, if we take away the Members of

Parliament and may be Councillors who would not be there, then, the number will be reduced to 300 - it is a simple thing because its an allocation for everybody. What you need to do is make sure - like your organization Ann, is represented in the dsistrict. You have to make sure you have represtation so if it is The National Constitution Conference you will be there to discuss. But if it doesn't agree we will go to Referendum.

Referendum is a vote, its an election, it belongs to ECK so I don't know why we are saying that we should_ no we have ee_ so just make sure when you are putting up public information, you know this is a Parliamentary Commission - it is not a Presidential one, its not a Revolutionary one, it is Parliamentary.

Com. Prof. Salim: And we do want the views of the people if we did not want the views of the people as your Memorandum says Ann -this is not a personal thing, otherwise - please don't take it personally. The last we wanted is to jump on of all people, a lady. We wanted to really hear her views, but I think your organization and of course the people here present, all to know that if we had not wanted the views of the people we would not have been here.

We have traveled far and wide all over this country and even risked our lifes. Believe it or not, in pursuit of the people and to meet the people and hear their views. And we are hearing their views now.

Had it been our wish we would have even spent more time - say in Kiambaa then the time given to us - we have only been given 2 sessions yesterday and today - had the Commissioner had the power to say we want 5 days per constituency, believe it or not we would have wanted it; but believe me also some people would have missinterpreted that as being a way of us extending our mandate and getting more money - so we can see we are being misunderstood and bunded about by too many winds from here and there. But we are steadfast, we know what we are doing, we want to serve the nation, we want a people driven Constitution and also beyond peoples driven Constittution once it is in place, we want a people defended, protected Constitution.

Because it is also important to note that a Constitution does not change overnight, once it is in place resolve all our problems. Those who believe that once a Constitution is replaced all the problems we have in the country will go, are perhaps, not realistic enough. As a colleague had said earlier in the morning, we also have to change our ways of living with one another, our ways of serving one another. Our institutions have also to be cleansed of the problems we have been talking about anti-corruption and so on.

My good friend in the morning here mentioned, or quoted from the Bible - you remember? He immediately reminded me of a quotation from the Quran - another holy book - I am a Muslim, and it says something very similar- is not identical that God does not change peoples' situations unless they themselves participate in the change. Change does not come from above it is from the inside, we don't want to turn this hearing into preaching in this holy place but it is food for thought for all of us.

We have to all work together and help one another get the Constitution we feel right and we deserve. So to go on, we have Mr. Humphery Mwaura of Marafiki Sacco, he says he has got oral and written. Presumably he will just want to spend 5 minutes to present your Memorandum on behalf of your organization.

Thank you.

Humphery Mwaura: My name is Humphery Mwaura from Marafiki Sacco and I am also from the Thindegwa. First thing is the issue of corruption, I wanted to mention that I believe, or we believe that corruption comes from power and there is a saying that goes that “with power you create corruption and you give someone absolute power you get now absolute corruption.”

So as we make this Constitution, I think we should fight power - the Constitution should come up with ways of reducing peoples’ powers regardless of whether it is the President, whether it is even in the home - for you will find a corrupt home where one person is the head of the house he is incharge of all the resources - that home is corrupt. The children are corrupt, the wife is corrupted and even the dogs are corrupt.

So there should be a system where the corruption is held by reducing powers at all levels even in the schools; When we have one school like most of us know, Starehe Boys School is the only Starehe boys school in Kenya for the last 20 years - it is a very good school. We should have at least 40 of such schools otherwise to get into that school we have to use some form of corruption just to look for the local M.P or look for somebody to assist you, still at the end of the day there is some form of corruption taking place because of that power. If the Constitution could address reducing power at all levels, from the home all the way to the government.

The second point is on delay of justice.

Com. Adagala: Before you go on, first address the Commission - there is no audiences to (inaudible) and then please give us some ways since you have thought about this, give us some ways of reducing this power, just before you go on.

Mwaura: O.k. the way I gave as an example, was through realizing a situation where somebody has power - reducing his powers through - just like the case of schools is making sure that there are more schools of that kind. Reducing monopolies basically for whatever it is.

The delay - right now the law forms we have is because of delay. We say justice delayed is justice denied. So we must make sure that everything happens on time. We should make sure that things are done on time. If they are delayed for whatever reason, then it’s causing us a lot of cost - it’s a big cost when we delay teachers’ salaries; we mess up an entire economy.

When we delay anything if it a piece of paper I need to take from a certain office I should not be delayed, I should not come back after 3 days, 4 days. So the Constitution should address the issue of delay. How can the Constitution come up in aspect of this country?

The 2nd thing I have here is Memorandum from Thindegwa Location it gives certain problems we noted affecting this nation and certain recommendations. So I will not read it I will just hand it in because same problems we talk about different problems which are affecting us and be given certain recommendations which I think I will hand in. (interjection inaudible) o.k. I think I will highlight one more; I have another one that side if you want to highlight that one.

What we felt also was every Kenyan should be on a pension scheme immediately on employment. We should enter some form of pension scheme from employment whether you are in the jua kali sector, whether you are in the public sector and every Kenyan one day will grow old or will be unable to work for some reason or another. We should make sure we are on one pension scheme or the other. The pension schemes should be based where you come from, if it is in Thindegwa location they should be a Board of Trustee for that location and all the pensionable people of that area, their money should be remitted to that area and the money should be used to develop that area when you retire.

We have the issue of ballot boxes; we believe they should not be imported. We can use local materials local - even a carton can do to cast votes and then count the votes. We believe that it is a waste of foreign exchange importing ballot boxes. Votes should also be counted where they are cast. We should not transport any uncounted votes. If you are voting in this hall, we should make sure that the boxes are empty before you vote and then we should open the boxes right there, and then register. At the end of the election - at the end of vote casting we should count before transporting the votes.

Also the committees must take responsibilities for the neighbourhood - right now we elect Councillors, we elect M.Ps and we elect the President. I would like to say we shall also recognise the neighbourhood committees that have come up. The neighbourhood security committees, the neighbourhood garbage clean committees. Neighbourhood committees have come up yet they are not recognized. When it comes to implementing or dividing resources or improving that neighbourhood, there should be some way of recognizing the neighbourhood communities, and giving them the mandate of taking charge of their neighbourhood since they are around.

To move on quickly, I say street family should be discouraged through regulation; much as we say that street families are because of problems, in this country they are also there because of the climate, the climate in Kenya allows someone to live on the street, so we should come up with ways and means of discouraging people moving into our streets. We should encourage - Kenya as a country should try and import less than we export. I think this country is getting poorer by the day, because of our importation.

Com. Adagala: excuse me; you keep on saying we find ways- that is why we are here to find out ways from you.

Mwaura: What I am saying from my ways (inaudible) to do it, there will be very many ways to curb that so long as they are written. The Constituion should be able to address that problem.

I am a member of a savings and credit society I think every Kenya should be a member of a savings and credit society, coz I think we need to save. Most Kenyans spend too much - we should save. I say ponographic materials should be restricted, there are those who like them, there are those who want them so they should be available in particular areas but we should not be forced to look away when we see ponographic material on our streets. We should not be forced to look away. They should be disginated areas for ponographic materials. There should be desginated areas where those who don't want to see them don't have to see them and those who want them, can access them

Com. Prof. Salim: I think you need to sum up.

Mwaura: O.k. We need to take care of the jobless I think people who don't have a job, we need to take care of them, we make sure that we have systems of (inaudible) take care of jobless people.

We need to protect the institution of marriage, I think there are a lot of people, and marriage these days I think has affected this country so far. Wives are not working hard enough; single people tend to work harder than married women. Married women tend to take a back seat, and that is the thing that has drained on our economy. We need to assist the single parent. Also we need to also consider the issue of relatives; when you get promoted, when you get a job somewhere your relatives are a big problem - I think from every office from the President to any fairer, the main problem is your relatives- your people. They keep harassing you, you can't explain the problem. If the Constitution could just address that, this could be good.

We need - right now in Kenya there is a fashion of going to hospital to see sick people I said, I call it a fashion because, the moment the person is discharged from an hospital and sent home nobody visits them. We should discourage this coz I think you intevene in medicine ideally if someone needs to be away from people - so we should charge non-patients who go to hospitals. The people go and flock - Kenyatta Hospital I think gets over 5,000 visitors who are not ill. So I have a few recommendations just to sum up. Finally I think I will just say we must all uphold justice, we must defend this justice individually, once the Constitution is written.

There is not much that can be done by the Constitution itself but despite the members, and what we can do to protect it, and finally lets give apeople ajob in their field of expertise; let's get people working because we have a lot of Kenyans who are qualified in various sects - educated very expensively and they are not given the jobs in the right places. And as I finish, I will hand over both Memorandums.

Thank you.

Com. Prof. Salim: Thank you very much Bwana Haumphrey Mwaura, I now call upon Bwana Njoroge, I can't read his second name is Box 624, Bwana Njoroge? fine Bwana Ndungu Mwangi is he here? Ndungu Mwangi, I think we are beginning to lose some people - Bwana Peter Gitongo is he here? Peter Gitongo. Anthony Kamundi, Anthony kamundi has left, as we move on we have Mr. Evan Muthui, no. James Maina, Box 207, karibu Bwana James.

James Maina: Thank you Bwana Commissioners for giving me this chance to present my Memorandum

Com. Prof. Salim: one second - -

James Maina: My names are James Maina. First of all it is very pityfull that we are discussing a Constitution of which 80% of us have never seen. So my first proposal is, the Constitution which is going to be made, must be available especiailly in schools that is primary schools - if a school is having 8 streams there must be 8 copies of the Constitution. Also it should be available in the Chief's office and Assistant chief's office so that people can have a glimpse of what they are looking at.

The other issue is about the amendment of the Constitution. The Constitution should be amended by 80% of the M.Ps in the Parliament. The other issue is about the 80% of the M.Ps in Parliament. The other issue is to delink police from prosecution - we must have a director of prosecutions, such that we don't want the police prosecuting people - they should arrest but they should not prosecute. The other issue is the right of life the clause of hanging. No body should take peoples' lifes; so hanging should be out of the Constitution. Also the days where-by somebody should be retained in a police station should be reduced from 14 to 3 days - after 3 days somebody must be prosecuted.

Also people should have a right to trade unionism - those workers, must have a right to be having trade unions. The other is form of government; we should have a government of National Unity, whereby the parties, which are represented in Parliament, are having representative - they should be involved in forming of Cabinets. The other issue is about multiparty democracy, according to my opinion, we have so many political parties, they should be 4, and we have a place where by we can have independent candidates.

The other one is about the functions of the Executive, Legislature, Judicially. These 3 Arms of the Government should be seen to be independent and they should be very impartial. There should also be the post of Prime Minister who will be the head of the government in Parliament. The President's role should be Commanmder-in-Chief of the Armed Forces, award honours and also give assent to Bills. The Presidential term should be 6 years and should not exceed 2 terms. The President must be 40 years and not more than 70 years. The other one is that the President should be partyless and should have a Deputy President,

whom they are going with.

The other one is about the salary allowance and pension of the President - it should be well stated in the Constitution. The other one is about Ministers, Ministers must be appointed. There is no issue of appointing a doctor a Minister and tell him to go and manage a Ministry of roads, that one is irrelevant it should not be there.

The other one is the Role and Powers of Parliament. Parliament should be independent as I said, and it should have a specific date when it is starting and when it is going to end, it must have a timetable. Constituencies; all people should be equally represented in Parliament that is, if it is a constituency it should be having - a constituency, should have not less than 30,000 people, or if not that, the area should not exceed a certain limit that is in square kilometres.

Also because we are having a trend of having cities, City Constituency should not have less than 100,000 registered voters. M.Ps must have form 4 certificates and it is not just a certificates, as we have the system of education, they must have a pass, because you can fail, and still you get a certificate. The other one, an M.P. must be 25 years of age, and not more than 65 years, also the A.G should be the government legal adviser and so he should be delinked from prosecuting and those roles should be given to the Director of prosecutions.

The other one is about the Electoral Commission. Electoral Commission should be made of people all over Kenya. As I was dividing my area, I saw that we can have 24 Electoral Commissions divided in zones, and in those zones I think I can analyse them, we can have Nyanza 2, Western 2, North Rift 1, Central 1, Central Rift 1 and Central - those sides of Nakuru 1, Samburu, Central Province we can have 3, Nairobi 4 that way that way. Also the other area, Electoral Commission once elections as it was said here before - voting where voting is done, the votes must be counted in the same, same station, and also Electoral Commission should be given the role of giving out identification cards, passports - those ones should be given to the Electoral Commissions.

The other issue is about the Local Government. We should have Mayors, Chairmen elected for a term of 6 years and they should not exceed 12 years 2 terms - that is they should be directly elected by the people. Also public finance Auditor General, should be given powers to prosecute. Also we should have an economic crimes arm of the prosecution whereby he can prosecute those people who have found to have done economic crimes.

The other issue is about the Civil Service. I think roles like D.Os - I don't think we need D.Os. Those I don't understand their roles here. But we should enforce Chiefs and Assistant chiefs and we do away with people like D.Os. Also D.C.s should be elected for a period of about 6 years.

The election of the President should be tied to D.C.s and Mayors and Concillors. They should be done at different times with

the elections of the M.P.s and the councillors. If it is Councillor 5 years, M.P.s 5 years. Then we have D.C.s, President and the Deputy President 6 years - 6 years 2 terms. The other issue we should have foreign relations, that is the office of the President should be talking about our foreign policies - that is the work of the President. Also anybody who has been accused of economic crimes, or jailed should be disqualified from holding any public office.

Citizenship; anybody born in Kenya, should be automatically a citizen of Kenya, or if somebody marries a foreigner, the kids they are going to have, so long as they are staying in Kenya should be automatically citizens of this republic. Education systems; I think it is my view we revert to the old system of education of 7-4-2 and it should be 4 - that is 4 years university. Whereby - that is why I said there before, the person who finishes University will be around 25 years, so that person - person intending to contest a seat, should be more than 25 years of age.

Languages. The Constitution of Kenya should be written in Kiswahili and English, there is no vernacular. There should be no provision of writing the Constitution using vernacular so as to enhance National Unity.

The other issue is about currency. Currently, we have the present portrait of the President, which is there. I think it will be very good we can have the portrait of the present President and the founding father of this nation. Those 2 people should be retained in the currency, and also we can have people currently by the year 2002 who can be made to be there - like we have people like Kipchoge Keino, we have people like Kadenge, those people can be put - their portrait should be put in the money and we should not have more than that. Beyond 2002, we have only about those 4 for the portrait of the money in this nation. Otherwise the others I will present as in written form.

Thank you.

Com. Prof. Salim: Thank you Bwana Maina for those very clear views on very many different subjects and that's how it should be focused, clear and brief. We need one clarification from Commissioner Adagala. Bwana Maina.

Com. Adagala: Thank you very much for your contribution, very clear looking into the future - a partyless President, how does he get to be a President? I am not saying that he can or he can't. When we go to defend your views, for report writing, we need to say, how this President will become President.

James Maina: Anybody should come and contest and the person who is going to have 55% of the votes will be the President.

Com. Adagala: So it should be individuals? Who are not affiliated to any party?

James maina: yeah individuals, not afflicted to any party.

Com. Adgala: O.k.

Com. Prof. Salim: I take it when you say 55% you are meaning no less than 55%? - Yeah because one may get 50 or 60, he will not qualify. If you say 55, he will be told “you have got too many.” (Interjection inaudible) 55. Asante. Tukiendelea Bwana P.N. Mungai, next one, karibu Bwana P.N. Mungai your is oral I take it? Or a presentation.

P.N. Mingai: I have written (inadible)

Com. Prof. Salim: But notes for yourself only. You are not handing over your notes?

Mungai: I will hand over

Com. Prof. Salim: You will, so that means it's a Memorandum, so you have lesser time? Please please observe time - not because we don't want to listen to you long enough or you will bore us - no but we I have to consider the other people who want to present this.

Mr. Mungai: First of all I would like - my name is P.N. Mungai, I am a retired Civil servant, and I would like to use my experience from a civil service, to explain some things which to my view have made our situation the way it is today. First of all, I have a view that all positions in public service should be advertised irrespective of rank, and potential candidates, must all appear before a nominating body and selection should be based purely on merit, qualifications and experience.

We have situations where minority ethnic groups have been favoured by getting quotas and this also includes school, positions, placing pupils in schools. You have some districts being regarded as backward and you have pupils going to National Schools, which they should never have gone. This in my view, make those pupils think they are inferior to others and at the same time, there are those who qualify and cannot get those places because of their ethnic background, is being discriminated. So we are all Kenyans, and any decision made to place anybody somewhere, must be based on merit. We should not have situations where so and so is in this position because of his or her ethnic background – is being discriminated. So we are all Kenyans, and any decision made to place anybody somewhere, must be based on merits. We should not have situations where so and so in in this position because of the his or her ethnic background.

My other view is that, talking or recording or acting about ethnicity of anybody should be made a criminal offense in public office because, that has served to discriminate certain people and has made people think tribally or ethnically. We are all Kenyans and there is no reason why I should apply for a job and be asked the district I come from - I am a Kenyan, I am a tax

payer, my parents were born here, so I should apply and get the job or position based on merits.

On the part of the Executive, my view is that, we should have an Executive President, elected by all registered voters and they should get not less than 51% of the votes. If no candidate gets that much vote, there should be a run off between the 1st and 2nd candidate. There should also be a provision for a Vice President to contest the seat of Vice President whether nominated by the same party that the President comes from or from a different a party. But there should be that provision to have a V.P. also elected, and get his own constituency as the Vice President.

We should not have a Prime Minister position because we think having Prime Ministers, Vice President and so forth we are making the administration look heavy, and at the same time we are crying that we do not have finances to support these positions. So in other words, the Executive should be trimmed to the minimum, have a few Ministers, and have a Vice President and President to run the country.

On the Legislature, I will suggest that the constituencies be made as equal as possible in terms of registered voters, and at the same time enticing people to vote for someone should be made a criminal offence, because that is where we have gone wrong - by having people elected without the interest of serving the people, but rather influencing people on false promises.

At the same time I would like to suggest that we should never have nominated M.Ps or nominated Councillors. These nominated members serve in no constituency, and they do not represent anybody. If anything they represent those who are (inaudible) and this should not happen. We should have - if there is need for more representation - we should have more constituencies created, so that whoever goes to Parliament has a basis for being there, not because someone else wanted him to be there. All our representatives in Parliament should be elected, and we should never have a case where some people just go in without mandate.

The Judiciary has caused a lot of (inaudible) in the recent past, and I would think the main problem stems from the appointment procedure. I suggest we should have an appointing authority composed of men and women of credibility and reliable, and once these judges have been identified, Parliament should be the final authority to accept that appointment. That will eliminate the possibilities of having judges loyal to an individual. They should be loyal to the country and they should be loyal to the public. I think I will end there.

Thank you.

Com. Prof. Salim: Asante sana Bwana Mungai, thank you for your views and for a Memorandum. We move on now.

Com. Adagala: If I could talk to you please Mr. Mungai. I am not disagreeing with what you are saying but I want a

clarification - I don't want you to change your mind, but in terms of like schools intake - I will leave the jobs one alone because it has another element to it - but in terms of schools intake you do not think there should be any affirmative action? For instance for areas which are disadvantaged?

Mungai: As far as I am concerned, and I have travelled in this country during my working time, where you think is disadvantaged it may not be disadvantaged. A place like Karuri, an outsider may think this is a Kiambu area, this is a rich place. This is an area where some children cannot even get a meal a day but we are only thinking about North Eastern all the time. The children here are much disadvantaged as those ones, unless there is prove to the contrary so my suggestion is that any admission to national schools be based on merit.

Com. Adagala: O.k. so you are not for affirmative action?

Mungai: No

Com. Adagala: O.k.

Com. Prof. Salim: Right, we move on now to the next person on the list Mr. Robert Ndegwa is he here? Robert Ndegwa. O.k. you have an oral presentation 10 minutes.

Robert Ndegwa: O.k. the Commissioners, ladies and gentlemen mine is very simple.

I have the fear that may be all that which we are doing may end up in the dustbin but I hope it will not. So that is my fear, because so many Commissions have been doing a good job so much has been wasted, so I hope this particular season it will be given a consideration. As for the Constitution, our Constitution, since 1963 has been and it is up-to-date. The only problem is that we have decided to shelve - we have decided to put it aside.

Com. Adagala: Before you go on, this is a Parliamentary Commission, and only Parliament can bring it to a halt. This is different from many of the other Commissions which have been Presidential O.k. If Parliament says this Commission should end it will end, whether or not anybody else wants it to go on, so your fear is o.k. and is there in many Kenyans because that is our experience in our nation. But I want to assure you that this is a Parliamentary Commission.

Robert Ndegwa: Thank you. Still my dear Commissioner, going back to the same Parliament, forget that there is always the rule from above, so they have also not been doing the expected justice and this is why even after voting them in, even after toiling to put them in there - our Parliament has not been doing the expected job. Our Parliament has not been doing what it should be, and this is why, my dear Commissioners, we are revolving all over the republic, just because the Parliament can't do the job it is expected. Otherwise it is this parliament, which could be doing the job we are doing now, because they have been elected by the people, they know their people, they know what their people need so there is no excuse, of saying that they

could not have done this job. They could have done it and do it well.

Clappings.

Therefore, that is why I am suggesting; the major problem we have is based on the 4 rights.

1. We never do the right thing, at the right time, in the right place, with the right person. Therefore, when it comes to jobs allocation; we give our jobs to the wrong people. So they end up giving bad fruits. When it comes to the right place, what we recommend is never done in the right place. That is why; it is being put in other funny places where it was not supposed.

Com. Prof. Salim: Bwana Ndegwa, sorry to interrupt you, you know we are here you are analysing a situation, we are not actually disagreeing with your analysis, what we are here for, is to listen to views on how to rectify situations , so beyond analyzing and finding fault, say with Parliament or whatever, you need to tell us exactly what do you want to see done by the Commission, in the New Constitution to rectify matters . That will be more helpful and positive.

Ndegwa: Now, the Commission, as I am saying, should recommend that if is the question of allocation of resources, let them be done in the right way. If is the question of employment, let it be done in the right way. If it is the question of the Presidential powers --

Com. Prof. Salim: What is the right way of dealing with unemployment?

Ndegwa: Merits

Com. Prof. Salim: So suggest that way

Ndegwa: Yes merit - because we have had so many, who have been fixed in certain positions, not because they can do it, but because they belong to ceratin areas or they belong to certain ethnic groups. The aspect of Presidential powers those should be trimmed. Trimmed in the sense that Kenya is ours, Kenya is not for the President. Today we have a President, the next time another President, so it will always be a problem, when a particular President is in the office and then he exercises in favour of those people he belongs to. So to avoid that, lets have well defined powers of the President. When it comes to Vice President, let us have a scheme, the President should have his mates whom they are to campaign with that "this will be my Vice President," so that in future there is no direct frustration to whoever is in that office.

As for education, it is very unfortunate, that our education set up as of now, is not testing the brainpower of the child. It is testing the economic power of the parent; that's why, the examinations we have - if now a pupil in Karuri Primary School

here, is tested to the same examination to that pupil in Nairobi Primary School, you can see the differences - that doing the same examination but practically the environment of learning is quite different. So I would recommend that we should have and try to uniform our education system.

The same applies to health services. Being Kenyans, we should be subjected to the same medical conditions. Again, practically, you can see, that one is being attended in Karuri Health Centre, the other one is in M.P. Shah, the other one is in Nairobi Hospital, the other one is -_now all these extremes they really can't make Kenya a unified Nation. Because there are these extremes.

Then there is the question of corruption. People pick not because they want, but because of the expectations of the people around them. If I am now - am paid as an M.P, as a Councillor. Those people have been (inaudible) that I must come donating to them; I must come giving to them, which should not be the case. Therefore, when I go in as an M.P., when they vote me in, the first thing to do is to recover the much I spent on them. (Inaudible) to avoid these extremes, to avoid corruption. Anybody inquiring anything, must be subjected to being studied - being looked into- how did I get this paper? How did I get this? how did I acquire this? And by so doing, the degree of corruption will be reduced. But instead it is the other way. Where I get is not important, what is important, is I bring them what I have.

Com. Prof. Salim: Your time is almost up.

Ndegwa: So what I am suggesting is that, all of us should start behaving and thinking of ourselves as Kenyans as people belonging to one nation, as people who are in the same testing, and this will improve our conditions, because what we need is food, clothes and shelter.

Thank you.

Com. Prof. Salim: Thank you very much Bwana Robert Ndegwa, for your views; you finished by underscoring what we also have been asked to do, and mainly, to find ways and means whereby Kenyans can get basic needs and those are basic needs. Asante sana, na sasa tutamwita Bwana Eliud Wainaina, Eliud Wainaina yuko? Eliud Wainaina, hayuko? Joseph Njenga, Joseph Njenga, hayuko? (Interjection inaudible) yuwapi? Aa o.k. Karibu. (Intejection inaudible) I am sorry aa o.k well we will see.

Joseph Njenga: The Chair of the session and Commissioners, fellow honourable citizens, my names are Joseph Njenga or "Saitoti" (intejection inaudible) yeah its good to laugh. I am attached to the Advocacy and Action Programme of the United Disabled Persons of Kenya, and more so, I am a resident of this constituency. Chair, before I address my submission to the Commission, I would like to touch on a very sensitive issue. It is shocking, to hear our M.Ps say, we

don't have people with disabilities here - and that partly explains why people with disabilities have not been represented in the 3 CCC - that's the Constituency Constitution Committee. If I may flash back, on 21st January 2002 we sat at St. James Cathedral in Kiambu. One of the Members of Parliament said that disability is not a category but a sector and thus we were denied a chance of having being represented in the Constituency Constitution Committee. To this effect, I am glad I know we have our co-ordinator here. Before we declare your committee invalid, null and void, we strickly need representation. Chair; allow me now to embark on my submission to the Commission, which will highlight on 2 main issues.

1. Disability and
2. I will touch on issues of importance, and issues of national interest, this are the Constitution.

Mr. Chair, people with disabilities have been the first to be hired and the last to be fired. The Constitution of this country has also been very unfair to people with disabilities. Section 34 C of this Constitution proves to this effect, I would like to propose that braille be included also as a medium of communication and thus giving people licence to have or rather to go for any elective seat. Mr. Chair, our brothers and sisters who have had a disadvantage of loosing their hands have been denied the basic right of election, simply because they cannot sign. It is a pity to learn that Kenya is a signatory of the Universal Declaration of Human Rights Convention of 1948, and yet these people have been denied their simple right of voting. We need the Constitution to seek readdress to this.

Section 82 of the Constitution Mr. Chair, deals with descrimination. This section is virtually quiet as far as right of people with disabilities are concerened and to this effect, the Constitution of this country has gone to an extent of even dis-heriting people with disabilities. This we need to seek re-ddress. Mr. Chair, let me now turn to nomination of Parliamentary seats and civil seats. We have no objections to these nominations, but then we want to suggest that these nominations should be done by parliament and they should be done to people of the marginalized groups, be the people with disabilities, youth, women and pastrolists. Now, Chair allow me to turn to issues of National Interest.

The Constitution is the supreme law of the land. To this effect, section 54 and 59 of the Constitution of this country are a direct contravention of this. To this I wish to seek to propose the re-peal of Sections 54 and 59 respectively. Let me now turn to economy. Economy, be it agriculture or any other sector of economy, is the backbone of survival, and the National Social Security forms the basis of economy. It is shocking and infact it is flabbergasting beyond any reasonable doubt, that people who have been paying the National Social Security Fund, are people of low wage and salary earners whereas, our Members of Parliament, our Parment Secretaries, have gone scott free and they are people who are earning to the tune of 500,000/=. The current situation chair, is a pinch to people who are paying 3,000/=, who are earning only 3,000/= with the kind of economy we have. To this I wish to propose the National Social Security Fund to be contributed by every person, for the sake of our senior citizens.

Chair, let me now turn to security. It is a pity to learn that innocent honourable citizens of this beloved country have died in

the hands of law and enforces. A very vivid example, of a case that happened not less than a month ago. We wish to address to the Constitution Review Commission a very serious problem with our security force. If you don't die in their hands, you will not escape their harassment. However, I wish also to bring it as a challenge to my fellow honourable citizens. It is our responsibilities to know our rights whatsoever, and now finally, before I sit down I wish to allay 2 fears.

1. We are disturbed by the differences - amicably for a common cause and a historic cause.
2. As one of the Commissioners said, and rightly said, the Constitution Review Commission of Kenya is a Parliamentary Commission. I am flabbergasted by the fact that our Members of Parliament come and sit in the various sessions of the CKRC, whereas history has it, they have not yet entrenched the Constitution of Kenya Review Commission into the Constitution. For us to vote a head, we seriously need the Constitution of Kenya Review Commission entrenched into the Constitution. And if the Parliamentarians cannot (inaudible) if they can (inaudible) their salaries to be increased within 3 minutes and a matter of national interest escapes their minds, we wish to honourably request them to resign honourably, as they call themselves honourable members.

Thank you.

Com. Prof. Salim: Thank you very much Bwana Njenga, for that very eloquent presentation, before us. As a Commission we have listened attentively with a great deal of interest, to your views. I need may be to make one or two remarks.

You touched on what you called a sensitive issue - the M.P.s remarks that there are no disabled, and I think there is need to be fair to the M.Ps there is need to say what I heard. What I heard was that he said there were a lot of disabled in this constituency. I think I am right? Yes he said there are a lot of disabled. He did not deny that there are no disabled in this constituency; but the other part of your remarks, related to the disabled, namely that there is no representative for the disabled in the CCC comes as a surprise to us Commissioners visiting this constituency. There was supposed to be one representative of the disabled on this CCC and I don't know whether the district co-ordinator has any input at this moment - Mr. Kariuki, can we be told why there is no representative on the CCC, no disabled representative as stipulated in this guideline?

Mr. Kariuki: We were going to have one who actually never turned up when I invited him (inaudible) I am saying like I answered that same question last time here, when we had civic education with Commissioner Wanjiku, there is one disabled person from Kiambu town who had been invited to for (inaudible) to be CCC, but never turned up. However, I must apologise that we didn't look for somebody else to replace that particular person who had been identified, but like it was mentioned here, I think we still have to make an effort to get a replacement for that particular person who never joined the CCC.

Thank you.

Com. Prof. Salim: Thank you Bwana Kariuki, and I think to follow up your last point, the sooner we do that, the better - infact I would like one to be chosen right here today - could even be Mr. Joseph Njenga himself (interjection inaudible) and also there is another___, we have another disabled here with us, so can I ask the Committee please to act on this, as soon as possible and get a disabled person. (Interjection inaudible)

Speaker: If we have a disabled person who would like a (interjection inaudible)

Prof: Salim: Let us have one orderly meeting we are trying to resolve an issue here and we do not want to quarrel over it. I think the solution is very simple and it is present and it is with us.

Mr. Kariuki: I don't know whether you are aware that, the so called Constituency Constitutional Committee, comprises of 10 people and we had this guidelines of how to go about constituting the Committee, but, after that we did agree that we could co-opt, extra members depending on what areas we had not really looked into in terms of diversity of the people. So, if we have any, now that I have said the one had in our mind did not turn up, if we have any disabled persons who would be willing to work with us, they are most welcome to give their names to our secretary who is at the back there, and will soon be communicating with you to join the committee.

Com. Prof. Salim: Can we propose the name please? (Interjection inaudible) There is proposal here that Mr. Njenga should be co-opted in the committee. Seconded by the Chairman of the committee, approved? I think let us shorten the time, and then agree that Mr. Njenga should go on the committee. I think that is agreed. (Interjection inaudible) Bwana Joseph Njenga still with us? I can't see you from this end, so you had the wish and the verdict. I take it your way to serve on the committee

Joseph Njenga: If I am proposed, I am ready to serve Kenyans

Com. Prof. Salim: Will you kindly give us - before you leave, give the chair or secretary of the committee your contact numbers, address and everything.

Joseph Njenga; yeah

Com. Prof. Salim: Thank you. And now to proceed. We have a long way to go before people already registered can give their views, I now call upon, a gentleman who has appealed to us and I am sure in the same spirit we showed yesterday, and the spirit we have shown so far at this sitting, Mr. Michael Chege Kuria is another disabled person, and he asked whether he could give his views because prolonged sitting gives him pain. Can I therefore give him the chance to give his views?

Speakers: yes.

Com. Prof. Salim: Thank you very much, so Bwana Michael Chege.

Michael Chege: You want me to speak from here or in front?

(Interjections Inaudible)

Wacha nikupatie kiti ukalie hapo.

Michael Chege: Mr. Chairman, distinguished visitors, Ladies and gentlemen. My reference view is only one. This is inserting the co-operative movement within the Constitution of Kenya, which is not there, which I also feel that it is a very important thing within our economic set up. I think we have concentrated too much in politics rather than economic, and rather economic solution and this is what I am going to talk today. That is my subject view.

I would like to draw the attention of Mr. Chairman, that, the Kenya's economy is primarily based on agriculture with more than 80% of the population living in the rural areas. Their main activity or their staple food is maize, while the principal cash crops are coffee, tea, pyrethrum, sugarcane, wheat, cotton, sisal, dairy, meat, poultry keeping, home purchase, jua kali - you can name them all, they are very many; this is where our economy is based. Even if you write a very big Constitution without addressing the problem of the economy, you have not solved anything at the end of the day, so, as agriculture forms the mainstream in the Kenyan economy, agriculture co-operatives also form one of the most important sectors. Playing an indispensable role in diverse economy activities, especially in agricultural produce, mobilization of credit resources, provision of social services, which include education, health, transport and housing and many others.

I am sure Mr. Chairman, when you were coming from Nairobi to this place or from Kiambu or from Limuru, when you looked at our beautiful country side, you noted a lot of activities. I am sure you must have seen some coffee plantations if you have not come across them, you might have come across some cows along the road, I am sure you must have seen some people on the road, some are idle, they are not working and they are very resourceful to us. But there has not been an agenda how to mobilize those resources, which I am going to address in this Commission.

What I am trying to say, I am saying that the co-operative is the development vehicle particularly in this country, which is today controlling about over 45% of the Kenyan economy and controlling 30% of the money economy. Any money in this country is controlled by co-operatives - which is more than 30% The rest are controlled by private sector and public sector, so underlining all these factors, I wish to draw the attention of the Commission, that - I would like to tell the Commission what the Co-operative has already done and what should be the solution to their major problems.

The Co-operative has got the ability to unite the people. This means, it has got a very important role in social and economic development in this country. It has acted - the co-operative has acted as a unifying factor for the people with common interest,

those who are in co-operative they know, those who are in coffee industry, those who are in tea industry, those who are in matatu industry, those who are in savings and credit societies industry - they know the important role the co-operative are playing within our low income groups. They have also brought together people to participate collectively in common endeavours, by their very democratic process; they foster the spirit of democracy.

Now, when we talk about the democracy - the co-operative you know are democratic, they are the members elected leaders. You are very much aware of that - to represent them, to manage whatever activity they are handling, so you elect the people, just like the way you elect the parliamentarian to go to the parliament to represent your interest there and to make the laws. So the co-operatives fix it very well within the democratic system, because, nobody will go, unless he is a member, he cannot come to your co-operative, not unless you have approved his membership. Therefore the co-operatives are very important and they are very democratic. Those who are in that sector know what I am talking about. So the next one

Com. Prof. Salim: please move very fast, because time is not with us.

Michael Chege: Thank you, thank you very much, yes I thought Mr. Chairman, economic issue is a very crucial issue in this country, therefore let me move a bit faster. Promotion of markets and process. The co-operatives have promoted marketing and processing channels for the members' products. These are opportunities, which are not easily available to small-scale income groups. Any small-scale farmer can sell his produce, no matter what quantity through the co-operative society. They don't discriminate, so it is just an open-ended organization. You can sell anything provided it is well recorded.

The other one is investment opportunities: Co-operatives have provided opportunities to ordinary citizens; through them an ordinary farmer can hold a share in a building, a factory or in the industries. This gives an ordinary citizen a sense of belonging and of participating in the economy. Farmers and ordinary farmers, farmers are now proud of the owners of various dairy plants, buildings and industries etc.

The other one is the government and donors assistants, they are easier through co-operatives. This means it is easier for the government and the donor organizations to channel assistance to people when they are organized in groups. Through co-operative the government and other donor organizations have already channeled million of shillings for development in the ordinary farmers like (inaudible) the other day they were just channeled through the co-operatives so it is easier when the people are well grouped.

Communication is easier through co-operatives; it is easier for an organized group, to be communicated to. Co-operative therefore, act as a forum for the government to communicate its policies to the people. This is done during meetings of co-operative members' education, in the factories, in the collection centers and so on and also in their offices because they are already well-organized institutions.

The other one is Savings and Credit Co-operatives, which are very popular with people. Through the Savings and Credit Co-operatives the low income which earners are given an opportunity to save and borrow on an easier terms than any other offered by other financial institution. Savings and Credit Societies, have also produced a base for the national development. They are going to demonstrate the great faith, which the earners have in them. O.k.

Now, more importantly, one of them is school fees, hospital charges, family tragedies - these are some of the areas where the Sacco societies have been involved. The other one, which is transformation of the economy. By the accumulation of savings, there is credit facilities, increased agriculture production both cash and food crops, the co-operatives are transforming the Kenyans economy. More importantly co-operatives are geared towards food production. The increased savings in the rural areas will create more opportunities for equitable distribution of wealth. On my (inaudible) now, the diversification into our group based industries, light industries, handicrafts, construction etc; these are areas of job opportunities especially in the rural areas where majority of other people they leave. This is the problem of unemployment and the rural –urban migration. Therefore, I have just given you some highlights about some of the co-operative activities, and now I will come to your area of responsibility.

Now, in conclusion, the purpose of this Memorandum therefore, is to present my views to the Commissioners that the co-operative being indispensable, economic dominant, co-operative dominating economy all over the country, would be said to become a very important area, if, it is enshrined within the Constitution of Kenya. With specific clauses within the Kenyan Constitution, some of the clauses should be; the economic priority of Kenya will be developed on co-operatives - why? It will be developed on co-operatives lines although I am very much aware in this country we are a mixed economy. We have private sectors, we have public sectors and then we have the co-operatives, but for co-operative as far as I am concerned, first of all they cut across all the corners of the economy - majority of the population are members of co-operatives and on top of that, once these clause has been inserted within the Constitution, so that our economy is protected and also co-operatives are democratic.

I am sure if this is done then there will be no doubt that if it is poverty - because we are very poor, is to be eliminated, alleviated, averted or call it whatever you will - the best instrument to attack poverty, and to achieve economies of scale, is the co-operative movement and it should not be ignored. I hope you will find this Mr.Chairman, my Memorandum, useful to your Constituional Review, particularly alleviation of poverty and creating more employment.

Com. Prof. Salim: Please hand over your Memorandum to Mr. George Naholi there, for recording and definitely for our concetration. Asante sana, Na sasa tumefika wakati wa __ni saa saba na kitu. Ningependelea kupendekeza kwamba we break for a short while and then resume around 1.45 pm to continue with collection of views. Is that acceptable? Sawa? Asanteni, so tuonane tena wale ambao wamejiandikisha. (Inaudible) Kwa hivyo tungeendelea kwanzia pale ambapo

tumesimama na sasa ningependa kumwita Bwana Ngumi Edward Ngumi yuko? Edward Ngumi, yes please give your views.

Edward Nguni: Mr. Chairman, thank you very much, my name is Edward Samuel Ngumi, I am a Kenyan citizen, I am a resident of this constituency, and I live here, and I am happy to submit to you my views on the Constitution of Kenya Review for your consideration and inclusion in your recommendations. I will start now.

Republican status: In our present Constitution, we don't describe the type of republic we want. It has to be Democratic Republic, we want a democratic republic and the government of Kenya will be based on democratic principles of pluralism.

This means that the government will encourage democratic activities throughout its political and institutional organs. The government will therefore accommodate divergent views in a multiplicity of political parties that is the republican status.

Governance: The Constitution of Kenya will provide for 3 independent government arms that is the Executive, the Legislature, and the Judiciary.

The Executive: The government will be headed by an Executive President, Mr. Chairman, who will be Head of State and Chief Executive Officer of the State. He will also be the leader of government business in the house of Parliament. (Interjection inaudible) I am coming to that Sir, he has to be an M.P Sir.

Election of President. Mr. Chairman, qualifications: He will have to win elections in his own constituency, during Presidential and Parliamentary elections, thereby making him a member of the House of Parliament. He will have majority votes in a Presidential election, and he will command majority seats in the House of Parliament. He will have attained the age of 40 years. The tenure of office will be 2 terms in Parliament and that is 10 years.

Organization of the government: It will be the duty of the President to organize his administrations, and in doing so he will have to make the following appointments.

Appoint a Vice President who will be his principal assistant in discharge of National duties. He will also appoint him the leader of government business in the House of Parliament. The tenure of office for the Vice President will be 5 years. I am saying this Mr. Chairman, because, sometimes the tenure of the office for the Vice President is not clear and sometimes he does not know whether he is still Vice President or probably he is hanging in the air.

He will appoint Ministers from Members of Parliament and will also Deputy Ministers and changing the name from Assistant Minister to Deputy Ministers because we would like to see these people deputize as ministers when the ministers are away. The President will also be responsible for the appointment of staff, to run the government institutions and ministries subject to controls imposed by this Constitution. That is the Executive Mr. Chairman.

The Legislature: The House of Elders - the Legislature will be bi-cameral and will consist of House of Parliament and a Council of elders, that means that there will be doing 2 Houses of Parliament, the Parliament the way we know it and something I am calling The House of Elders - Council of Elders. The minimum age for election as Members of Parliament should be 18 years of age, while that of the Council of Elders will be 40 years.

The House of Parliament: The House of Parliament will consist of members elected from constituencies established by this Constitution. I recommend Mr. Chairman, that this Commission recommends an immediate review of the constituencies in order to give satisfactory representation to the people of Kenya. I don't want to repeat what has already been said but, the current constituencies were made politically and they are not represented for the people of Kenya. I remember Mr. Chairman if you allow me a second, in 1996 I was at Kiambu trying to get more Constituencies for this Kiambu, but we in Kiambu are not properly organized, we never got any - but we need many more constituencies. I can say that within this constituency of Kiambaa, Kiambu town, for example should be a constituency on its own.

Nominated Members: The Constitution must provide for nomination of not less than 15 persons, to be Members of Parliament. 3 of those nominated Mr. Chairman will represent the interest of the disabled people. Those nominated to represent disabled people must be themselves handicapped persons. We don't want an able bodied person representing a blind person. Blind people can make very good members of Parliament. And I think we have one M.P.already. The other 12 will represent special interest such as academic, professional bodies, commerce and industry etc and must not be persons who have been rejected by wananchi during the elections. We have a situation currently Mr. Chairman, where people who are rejected are now Members of Parliament. Those recommended must be themselves not them - this provision has been abused in the past, by nominating people who have lost elections.

Com. Prof. Salim: sorry Mr. Nguni you are presenting as verbal, so normally we give 5 minutes to give your views.
(inaudible)

Mr. Ngumi: O.k. then I will give you a summary, thank you very much Mr. Chairman. The Council of Elders. This Council is very important to me Mr. Chairman, I would be very very very brief, it will be the upper House of Parliament, and it will be elected from the district level. Each district will elect 1 member. The Council of Elders will be the principal custodian of people's rights; it will therefore defend people from manipulation by the Executive. I am going to be very quick Mr. Chairman. Besides this, the council eliminated the duties - I will jump that, but I think there are some special responsibilities, which I want to give this council, and I would like to mention them - that it will have a final say over declaration of war. It will have final say of declaration of state of emergency, it will have the final say on dispatch of Kenyan Armed Forces in foreign land, and it will approve appointment of certain senior officers.

The Judicially: I would like the Constitution to emphasize the importance of the Judicially. Local government if you give me another 4/5 minutes Mr. Chairman, I would like the institution of Local government vested in the Constitution. I would like the Constitution to establish district councils, these district councils will have members elected from wards, and it will be empowered to collect revenue and to employ its own staff. I am also recommending that this Commission makes the district focus for political, cultural, economic and social welfare development of the nation. I am also recommending Mr. Chairman; I am going very very quickly - that the structure of provincial offices be abolished and that the duties performed by the provincial offices be performed by the district councils.

I go quickly Mr. Chairman; there is the protection of fundamental rights and freedom of individuals. I don't want to go through those ones because they are well known, but there is one which is terrible in our area here; boys and girls go down to Banana hill to have a drink, by the time they get home they are in the police cells - eventually they end up in court, where they plead guilty. I understand one magistrate laughed and asked them "are you all guilty surely?" But they were sentenced. Now, Mr. Chairman if you give me 3/4 minutes, I want to submit something about rights of children I want us to have a Bill of rights of children. If you look at our cities Mr. Chairman, there are so many children roitering around. Children are born free, there is no boundary, they are citizens of the world, therefore they need protection, and their protection will come from Constitution. I recommend that we have a Bill of children rights, attached to the Constitution - this Bill should take into consideration what our Parliemant has been discussing and should also take into consideration the International Convention, there is a United Nations Convention of Children. All these things should be put together. I'd have enumerated some of these things but I think there is no time to do that.

Finally, I want to thank you for the good job you are doing, I was at Kiambu yesterday. You people are doing a good job, in a very difficult atmosphere, sitting there listening - I left Kiambu I think at 4.30p.m. When I thought everything was going quite well, but I had other commitments. So you continue doing the good job, but coming back to local government, I am sitting down Mr. Chairman, there is this Act that was passed in 1984 it is undemocratic. It was passed to render Local government impotent - I am using rather strange language, because it rendered Councillors, Local government impotent - they could not employ, they could not give orders, and they couldn't do anything. It should be abolished Mr. Chairman and having said all that; I wish to thank you very very much. I got a Memorandum, which I will leave with your people.

Thank you very much.

Com. Prof. Salim: Thank you very much Mr. Ngumi for your well sort out presentations. We move on now to the next presentation and I would like to call Mr. Elil Mucheru, is he here? Elil Mucheru. O.k he may turn up later. John Wanyoike, John Wanyoike, not here? Now, I can't read this, Mr. Gichu, is there Mr. Gichu your name is very hastily written either Mr. Gichuor Chui, is not there also. George Charagu, time has come.

Charagu: Mr. Chairman, your fellow Commissioners, my fellow honourable citizens, ladies and gentlemen. Mr. Chairman I will go straight to the point, and I will make sure that I operate within the 5 minutes limit. I will start by addressing this issue of the appointment of the Commissioners. Mr. Chairman, I don't know which criteria was used, when you are appointed in the office, but the reality is, that you are directly answerable to the government. Although we are told that this is a Parliament Commission, the fact remains that you are directly answerable to the government, and it is very dangerous when a Commission like the Electoral Commission - when it is directly answerable to the government because it is a common knowledge that the incumbent government, is likely to manipulate the Electoral process. So to that effect Mr. Chairman, I propose that in future, the appointment of the Commission be made subject to Parliamentary approval.

Mr. Chairman, the Executive is the root cause of most of the problems we are facing in this country. The Executive is the root cause of most of the problems simply because it has assumed so much powers at the expense of the other 2 government bodies. It has assumed so many powers at the expense of the Judiciary and the Parliament - that is the Legislature. To that effect, I propose that the Executive powers should be reduced more so the Presidential powers, because when we are talking about the Executive we are actually talking about the Presidential powers, simply because, all the Executive authority is vested on the President

On the qualifications of the President, he should have attained a minimum of 35 years and a maximum of 70 years. On the other qualification, he should be a holder of a University degree - I will not go by that fashion, that you don't need a university degree to make a good leader, I will go by saying that we need a graduate leader, who can deliver effectively.

Still, nobody in this country should be above the law. If Jesus Christ was appearing before the Pontius Pilate, which is this other fellow who claimed to be above the law? Nobody should be above the law, and there should be a situation on the ground, whereby the President can be impeached while still in the office.

Mr. Chairman, we all know that senior appointments in the government are made by the President. We have seen cases whereby these appointments are based on tribal considerations rather on merits. To that effect, I propose that the appointment of people like Chief Justice, Attorney General, Controller and Auditor General, Vice President, Permanent Secretaries to be made subject to Parliamentary approval.

Mr. Chairman, we have got 12 nominated members in the National Assembly. I feel, I propose that 5 of those seats should be preserved to cater for the specific areas of interest. 1 should be for the women representatives, yaani to cater for the women interest, the other nominated member should cater for the youth, 3rd one should cater for the church interests, 4th should cater for the children interest and lastly the 5th one should cater for the disabled.

On education

Com. Prof. Salim: Please sum up.

Charagu: On education, there should be a provision where by we should have a free and compulsory education up to Primary School level. The President should not be the Chancellor of the public universities. There should be an independent Chancellor, to take that responsibility because that amounts to politicizing education system. I also propose the establishment of a Consumer Protection Board whose cardinal responsibility is to monitor the activities of the Kenya Bureau of Standard, weight and measures department and thus protect our consumers from being exploited by the manufacturers. So I am proposing the enactment of a registration, which will seek for the establishment of the Consumer Protection Board.

(Interjection inaudible) bado - I am winding up please, 1 minute. Also the Parliament should have its own calendar, so the prerogative powers of the President, should be done away with.

Finally Mr. Chairman, it should be the prerogative of the Parliament, to determine the number of ministries that is according to need and the financial position of the country.

Thank you.

Com. Prof. Salim: Thank you very much Bwana George Charagu for those views, let me just make one appeal please. If you have some views and someone has come up already to give his/her views and yours, or some of your views have already been mentioned by others you can just say, "well, I support the view that this or that should be done," without going into any elaboration because, we will be repeating the same thing but probably more elaborated than before. So can I please ask you, if someone has already given some of the views, you want to present earlier, just say "earlier presented I support this or that view" - without giving the details again and again. Is that acceptable? To save time? Good. Next I want to welcome my colleague, Commissioner Adagala, who has joined me, she had to rush out on something extremely urgent and she managed to do it in a shorter time than we had assessed -most welcome.

Com. Adagala. With my apology.

Com. Prof. Salim: So we move on to the next speaker, this is Peter Muiru, is he here? has got a Memorandum, Peter Muiru, is he around? No, Clement Kamau, Peter Munyiru. This is Peter N. Munyiru it is Munyira is _____ is that yourself, you are Clement next one. Clement K. Kamau, very good, you have a Memorandum right, Bwana Kamau

Kamau: Bwana Chairman Asante na wasikilizaji

Com. Prof. Salim: Samahani una Memorandum sio?

C. Kamau: Niko na Memorandum.

Com. Prof. Salim: 5 minutes please.

Kamau: kweli, o.k. Ningetaka kuona serikali yetu ikitawaliwa na watu ambao sio wazee sana, kisha ikitawaliwa na watu wenye elimu, kwa sababu tuna watu wengi ambao wamesoma, na wale hawajasoma wakati mwingine tunaona wakichukua viti vya juu. Ningependelea President awe 35 years na maximum ya 70 years.

(Interjection inaudible) o.k. Thank you, o.k. Ningetaka President awe 35 years minimum kwa sababu Constitution iliyoko inapeana tu minimum na haipeani maximum. Ningetaka 70 year iwe maximum.

Kwa members of Parliament ningetaka wawe kama vile vile walivyo 21 years and 70 years as maximum. Ningependelea Bwana Chairman, kuona nchi yetu, kama President hana Constituency, akiwa amechaguliwa straight, akiwa President pamoja na Vice President wake, kwa sababu tumeona mahali ambapo, kama imekua Constituency ya President, inakua haina development kwa sababu President yuko very busy.

Ile ingine Bwana Chairman, ningetaka hii sheria ya kusema the President yuko above the law, hiyo ningetaka iondolewe na kila mtu awe anaweza kujibu maswali yake peke yake. Ile ingine, ni hii ya Attorney General - Attonery General yuko na ruhusa ama powers ya kuchukua kesi ikiwa stage yeyote na hata kuitupa. Ningetaka kesi zozote ziwe zinapelekwa kortini na kuwa determined by the court without interference from the Attorney General.

Ile ingine maanake niko na haraka kidogo, ni hii mambo ya vichaka - land policy. Wakati wa, _ _ baada ya emergency vichaka hazikupeanwa kama vile ilivyotakiwa kama ilivyotarajiwa, it was not equitably distributed to the landless and the X-freedom fighters.

Ningetaka Bwana Chairman, sasa kuna watu wengi sana wako na tracts and tracts of land ambayo most of it, is idle. Ningetaka tufanye land tax - tuweke kodi kama tuseme kama mtu anatakiwa kulipa shilling 1,000/= kwa mwaka kwa acre moja. Yule mtu yuko na acre mingi sana kama elfu kumi ataona hiyo kodi haiwezekani, itamsumbua na somehow atapeana hiyo land kwa landless kwa njia ya kukodisha ama njia ya kuuza, na hiyo inaweza kutusaidia kummaliza shortage of food and land clashes. Kwa sababu kama ilivyo sasa ni kama ilivyotabiriwa na marehemu J.M. Kariuki, aliye sema hatutaki kujenga nchi ya 10,000,000 heirs and 10,000,000 beggars. I think we are almost at that stage - Ten million heirs and ten million beggars.

Now, we can go the quorum. The quorum of the House, is 30 members and 30 members out of 220 is by any standard very few. I would like the quorum to be raised from 30 to 70 members. The other one is about vacation of the parliamentary seats. Mmoja anaweza ku-vacate kiti chake, ikiwa hajafika vikao vinane, lakini ningetaka hiyo ipunguzwe,

iwe kitu kama vikao vitatu kwa sababu ikiwa hivyo vinane ndio tunakuwa na lack of quorum, House haiwezi kuendelea na mambo kama hayo.

Ile ingine nilitaka kutaja, ni mambo ya Children Act. Kulipitishwa mwaka uliopita Children Act of 2001, ambayo inasema lazima upeleke mtoto shule, na mwalimu hana ruhusa kumfukuza. Lakini haikusema kama nani ata-finance education. Kwa vile mambo ilivyo sasa, mzazi anakuwa forced kupeleka mtoto shule, naye mwalimu hawezi kumfukuza wala hatafungwa ama kutozwa shilling 50,000/= kwa hivyo mpaka mambo yatatuliwe. Mwalimu anakua forced kuweka mtoto bila facilities. I recommend that the primary education level is catered for and financed by the government.

Also with civil leaders, I would like to see a country where, the Mayor and the Deputy Mayor are elected direct and they are not Councillors. They should not have Wards. I recommend these people - as well as the President, to be graduates and with M.Ps I also recommend them to be at least - with Councillors with form four education. Otherwise, I think we have got some people in the House, whom I would not like to call illiterate but politely, I would call them semi-illiterate and definitely they don't understand the proceedings of the House - and that is why Mr. Chairman, some of them absent themselves from the proceedings of the House, because they don't understand anything. So this was mainly my contribution, I don't know whether I have left something, that's all what I wanted to tell you Mr. Chairman. Thank you very much.

Com. Prof. Salim: Thank you Bwana Clement Kamau for your views, next we have Elizabeth Nyambura is she here? Elizabeth Nyambura, we are keen to hear yet another female voice, female views or views from the female. She is not here? o.k. Muchiri Kamau, karibu.

Muchiri Kamau: Bwana Chairman, the Commissioners na wananchi. Yangu sitaki kusema mengi sana lakini nitaongea juu ya chain of command, especially in the Armed forces. It is a sensitive matter and I know having worked in the forces. The police I know, they have encroached into areas which strategically should be left for ordinarily mwananchi. This is to enhance security and stability. You know with the armed people they're for commands - orders and there is no way, if Mr. Abongo the Commissioner of police, if he orders something to be done, there is no way other people below him, can stop him from doing it. I know there is that encroachment, but I haven't looked into the Act, to know whether the Administration is wrong or it is the law that laid it down (inaudible).

The other one, I wanted to talk about is the Philosophy of Constitutional making - The Constitutional Law making. My mwalimu who was no other than (inaudible) so that the Constitution can be made flexible like the American one. It can also be made flexible and subject to amendment from time to time. I would say, or recommend that ours be made in between. Subject to a review period of 10 years. The reason being that it will enhance the act of Constitutional making,

and to add to it, if reviews are done from time to time it will also increase the knowledge of civic education - even Americans who are (inaudible) have their valid for 200 years without any reviews, can also come to us and see the Act - you know, or learn from us. I guess the Act is a very important area, and we should make ours subject to review. This is nothing strange.

The other thing is on land. We have seen people who have benefited from donations by our government. They have never said "thank you" - I have never known somebody say "thank you" on this __ yet they are millionaires through donations by our government. Somehow they should be made to have a token thank you. That is all I wanted to say on this aspect of the entire Constitution.

Thank you.

Com. Prof. Salim: May be just a point of clarification you said that those who've been enriched through donations, you call them donations of land, should say "thank you" by some kind of token grant. Now, what form of token is it, land or financial or monetary (Interjection inaudible) sorry let me finish and to who should these token be given to the public or to whom?

Kamau: To the public of course, if somebody has made very good money or become rich he should (inaudible) after taking a certain quantity.

Com. Prof. Salim: So infact you are not talking in terms of token donations, but rather requite on land grabbed (interjection inaudible) but I don't want to put those words in your mouth. Is that what you mean, that they should return the land given to them, once they have enriched themselves in it?

Kamau: surely

Com. Prof. Salim: Thank you.

Com. Adagala: You know its good if it comes out of your mouth, because we are not allowed to interpret - this is what we try to tell wananchi, but they think that we should know what they want. You want, after someone has enriched himself with land, ee say it - you have to say it yourself, so that I don't say it.

Kamau: Yes if somebody has made a certain quantity of wealth, he should surrender the land back or whatever it was (inaudible) so that it can be given to another needy person.

Com. Prof. Salim: Thank you very much (inaudible) Chege Kuria is not here? he has left. Stanley Muregi Mbugua.

Muregi Mbugua: Mr. Chairman, Commissioners, thank you very much, ladies and gentlemen. Mine Is very short, but before I embark on what I want to say about the Constitution, I would caution my brothers honourable citizens. In 1963,

after the attainment of independence some of the laws were reviewed and instead of doing us good, they are doing us harm e.g if you walk around in Nairobi the way you see it, it used not to be like that during those colonial days, because there were strict rules to be followed. Therefore, when we are changing our Constitution, Commissioners, we should also look at that, otherwise we change it for worse when we are intending to change for better.

However, I would like to see a Constitution that takes care of a nuclear family in this country. We all come from families, and if you come from a bad family, you will also be bad. If you come from a family that is not stable, still you have a problem, so I would like to see a Constitution that takes care of a nuclear family, where we all come from. I also would like to see a Constitution where we have a very powerful President, but with a room for impeachment. I also would like to see, a Constitution where basic needs of a human being are looked after - more so education, food and clothing, because our Constitution, am sure, and this is what I would like to see, a Constitution which is geared to boosting or promoting the welfare and standard of living for human beings, because people are the country, not actually the land, and if the Constitution is not properly prepared to take care of people, it will mean nothing, it will be useless. So I would like to see education, health being free in this country, because we all need good health, not only in terms of medicine, even in terms of preventative measures. We should be provided with those.

The other one is this question of appointment by the President. This appointment should be done by the Parliament or by respective body like Judicial Commission, Public Service Commission and so forth, and then the Parliament approves those appointments. Because we have seen people being appointed to some positions which they are not able even to take care of and we have also seen a situation where somebody (inaudible) this should be done by the respective bodies and approved by the parliament.

The other one is that our 42 ethnic groups in Kenya should be respected, and their rights should be respected, their practices should be respected. They should be treated like people. We don't want to hear where a Maasai is mistreated because he is Maasai and labeled primitive. All the tribes in Kenya 42 of them, small and big I would like to see a Constitution, which is respecting them.

The other one, and Madam Commissioner, I am addressing this to you, you stop grouping women with disabled. These are our daughters, we have educated them like the way the boys have been educated but by the fact that she has no job or she has nothing at all, does not put her in a disability classification. It annoys me, to see Madam Chairlady when you are classified with disabled. Otherwise, disability is not something someone can be proud of. Disability is something that comes without one's choice; therefore you should stop classifying our women folk with disabled.

The last one is about Armed forces. I would see these Institutions made through the Constitution and the Executives stops to be the Commander-In-Chief. There should be a defence council which will be advising the President or the Executive and the like. The other one is about separation of powers. Let a donkey be a donkey, don't try to use a donkey where you are supposed to use a horse. Let the Judiciary be Judiciary, Executive be Executive and Legislature be Legislature -

by itself, let them work the way they are supposed to do, because, it is in this, where things have gone wrong. Somebody is arrested because of a rape, or because of a very serious case and he is taken to court and you go and see somebody big somewhere ati, “we have been instructed from top to stop this case.” We have been instructed from top to do ABCD, we don’t want to hear that kind of thing and as I said, let him leave whoever is in court carry his own cross. Otherwise, we don’t want to hear this things where there is power from top, I don’t know from God or from who, let that stop. I don’t think I have more to say and I say thank you very much.

Com. Prof. Salim: Thank you Bwana Stanley Muregi Mbugua for your views I take it that was a Memorandum right? O.k. so Commissioner Adagala.

Com. Adagala: Thank you very much for you advice on women. I wanted to know on basic needs, do you want to include housing as a basic need? You said education, food, clothing, and health.

Muregi: All have to be the basic needs.

Com. Adagala: O.k. I thought watu wa mashambani hawana shida na nyumba. The town people really have a lot of problems.

Muregi: And let me tell Madam Commissioner, house is not just a room (inaudible) it is a house that can accommodate a neuclear family, a family of a husband, wife and 3 children or more.

Com. Adagala: I just wanted to know the neuclear family, and you have said what it is, because, I was going to ask you about the polygamous family but you have said what a nuclear family is. (Interjection inaudible)

Com. Prof. Salim: O.k Asante, next we have Bwana Julius Girere, Julius Girere? No, Hesbon Ngaruya, Hesbon Ngaruya, you are there? Ok. Karibu. This is oral right? Oral 10 minutes maximum please, we have quite a number of other people eeh?

Hesbon Ngaruya: Thank you Mr.Chairman, my fellow citizens. Mine is very short because most of what I wanted to say has already been said. I start with the Constitution to have a preamble, and it should be like people are supreme. The people should be supreme and they should have the right to decide their own destiny. When it comes to the Judicially, I think we should have a supreme court, we should deal with things like (inaudible) and any judge who is accused of misconduct should be suspended from duty until he ise cleared of the charges. (Intejection inaudible) I am Hesbon Ngaruya, and I think Members of Parliament should have basic education qualification like O’ level or something like that. Then Parliament should have power to impeach the President, for any wrong doing. All Bills passed by parlimament should be

implemented and (inaudible) like a Bill has been passed by an opposition Member of Parliament that is not implemented by the government. (Intejctions inaudible) yeah.o.k.

All Bills passed by Parliament, should be implemented, Bills which are passed by may be opposition M.Ps, are not implemented because the government says there is lack of funds all of them should be implemented. And then, Parliament should function to a pre-set calender, and the President should not have the power to dissolve it. It should stick to the calender, which it has set, and Parliament should have the powers to vote the qualification and confirm all Presidential appointments. Anybody who is confirmed by Parliament should not be sacked by President without Parliament's approval.

The President should not be immune from any legal proceedings even while he is still in office, be they criminal or civil.

The Vice President should be elected directly by the people, so that we don't have a real Vice President who cannot even do his work because he doesn't know whether he is going to be sacked the next minute. The provincial administration should be scrapped, dismantled totally. The Attorney General should only function, as the Government Chief Legal Adviser, like the power to prosecute should be vested may be in a Director of Public Prosecutions. The A.G should not have the power to take over any criminal proceeding instituted by private parties he should let them continue to the conclusions. Any Kenyan citizen should have the right to institute legal proceedings on behalf of the general public, on any matter affecting them which (inaudible) and the aggrieved public.

The findings of Commissions of Enquiry should be made public, and any Commision of Enquiry which is instituted, should be left to continue until it concludes its works and then the finding should be made public - this should be mandatory. We don't want to set up Commissions of Enquiry, after they do all the work you find that the findings are not released, people are just left guessing, gossiping and all that. The findings of Commsions of Enquiry should be made public.

The Electoral Commission should be autonomous and should conduct voter registration continuously at all time - all throughout should be conducting voter registration so that everybody has the right to be participating in elections.

An Ombudsman's Office should be set up to deal public with complains against the government, receive the views of complains of the public against the government and take action which it will think necessary. I think the mention of the person's tribe like when you go to apply for an I.D, a Passport or any other government form application, and you are told to specify your tribe, I think that should be scrapped, like it should be totally removed from any government forms, like you don't have to mention your tribe or whatever; you just say you are a Kenyan that's enough.

The Constitution should recognize the peoples right to hold meetings and demonstrations so long as they do not infringe on other peoples rights, and they are peaceful. We don't want to have meetings - like now you can see, may be you are having a meeting, the police come and they disrupt you, then you are holding ademonstration it is disrupted no. That should be framed in the Constitution, that people have the right to assemble, hold meetings and demonstrations so long as they are peaceful.

The Constitution should recognize the dual nationalities like where a Kenya holds another nationality - that should be recognized in the Constitution. Once you are born a Kenyan, even if you go and acquire an American, a British or whichever nationality you acquire, you should still be recognized as a Kenyan. You should give a chance to other people also who hold other nationalities. If they want to come back may be to develop the land or do some work here, they can't come back, because they have to go through a lot of procedures. This should be made fair for them. Even the women who marry or who are married by foreigner, you know they cannot pass the nationality of Kenyans to the foreigners coz of the Constitution. They should have the right, once you are a Kenyan, even if you are married by a foreigner you should have to acquire Kenyan nationality by virtue of that marriage. People should have the right to be informed on any issue so long as they are in Kenya. All broadcasting stations, all media should have the right to reach all over the country. They should not be restricted from reaching any part of the country.

Kenyans should have the right to privacy like where you have may be police coming to your house, they tell you they want to check this and this and this - that should not happen. They should first of all get a warrant of search, maybe sent by a Magistrate, so that they can certify what they want to check. People should have the right to their privacy.

Kenyans should have the right of movement any time, people should move wherever they want anytime, day or night, without being asked like where you are going, what you are doing, such kind of thing. We should have the right to move anytime, day or night. I think the police should undergo a course in human rights so that they learn more about the rights of the people, how they should treat people, how they should relate with people.

In matters of jobs, we can create jobs by making it mandatory so that no job, which can be done by a Kenyan in Kenya, should be held by a foreigner - that should be mandatory. No foreigner should come to Kenya and do any work, which can be done by a Kenyan, not unless we don't have anybody who is qualified to do that kind of job. That is when you can give it to a foreigner. No person should hold more than one job at the same time. We don't want to hear that somebody is a director of this company, she is still a director of this other one with what, what there - no. Everybody should have one job at one time. People who have reached retirement age in public service i.e 55 years, should be retired automatically so that they can create vacancies for others to climb up the ladder. All people who are working in government should hold the required qualifications for the jobs they are holding, no matter what rank they are holding. They should hold the qualifications for their jobs and the jobs should be advertised in the press so that anybody who wants to apply can apply. That's all.

Thank you.

Com. Adagala: Thank you. Could you tell us the retirement age?

Kamau: 55 years

Com. Adagala: You want it to remain at that?

Kamau: It can even go down to 50 years.

Com. Adagala: I am not forcing you to say it just say what you think, because you are the only one who has brought up retirement, so we need to have get it from you o.k. There is also citizenship, it is true you have said the spouses should have right to citizenship and dual citizenship, but there is still the problem of children who are born to Kenyan women by a foreign man. People are not touching (interjection inaudible) I am just saying this because many people have touched on all these but they keep forgetting the children and we cannot put the children there unless you say the children. Because the law now says that they are not Kenyans. O.k.

Com. Prof. Salim: Thank you Bwana Ngaruya next we have Mary Mungai NCWK at last.

Mary Mungai: Commissioner, Chairman of the CKRC, my dear fellow citizens. I will highlight some of the issues concerning women, because we women are left behind, I don't know why, and I think I am the 4th one since morning. I hope that's what I have assessed and I will start by bringing my resolution, and my name is Mary Njoki Mungai, NCWK co-ordinator and civic provider in Kiambaa Constituency.

My resolutions and recommendations are for preamble. Preamble, I think it was said in the morning by somebody, but I have to extend mine, because I have written. For the preamble, we need a preamble in our Constitution because the current one has no preamble. We have to identify or recognize the supremacy of the people of Kenya, women, men and children. We need to respect and honour those who fought for our independence. When we go to national vision we should have unity in a diversity. I will highlight some of them because I will pass my resolutions to our fellow people.

About the citizenship, hii lugha ya citizenship, we have dwelled so much on it but we have to extend. About the citizenship, we are saying it is automatic; you have to be a citizen automatic. All children inside and outside Kenya by a Kenyan citizen have to be automatic citizens, for a spouse of a Kenyan citizen, where madam was asking, for foreigners and their children who have lived in, or worked in Kenya, they are supposed to live in Kenya for five years and we have the mandate to adopt foreign children by Kenyan citizens. Other ways of acquiring citizenship are; you can apply - application ya marriage, or adopt a child. There are some specific issues of basic rights like security - mob killing you know is very high here, and police shooting, firearms, prisoners being treated, and they should be treated like human beings. For the health care, we have to get free medical care and we have to get medical insurance from the companies and also free hospitals.

I will tackle the issue of rights of vulnerable groups - those are women issues. In the current Constitution, the interests of women have not been fully guaranteed. There are relevant women rights that should be addressed to in the new Constitution that is property rights. We have to tackle them. Property rights e.g inheritance and ownership, sexual abuse or Female

Genital Mutilation. Those who are with me now, there were some announcements or from the T.V. - KTN - those who are here they know them and those who read, who have seen the KTN, there was a mission for this Ngonya wa Gakonya who was talking nonsense about the women, on the F.G.M. of which women we were not for it. So we should say sexual abuse or Female Genital Mutilation, rape and etc. domestic violence and equal opportunity in development.

About the disabled, it was tackled in the morning but I will prolong a bit. In the current Constitution the interest of people with disability have not been fully guaranteed, especially in Kimbaa, you heard in the morning we didn't have but we now have anyone in the 3Cs, "Mr. Saitoti" - I hope so. There are irrelevant rights of people with disability that should be addressed to in the new Constitution. Special facilities they have to have them, free education in all levels, rehabilitation like counseling, opportunity to learn skills and they have to have a free health care. Other vulnerable groups that are left out are single parents; children with special needs protection, aged people, economically incapacitated and HIV/AIDS patients and mentally sick or retarded.

The Constitution also should have a provision for affirmative action, with regard to women and other vulnerable groups participating in the political, social and economic fields. Change of negative attitude as regards the group.

Land and Property rights. I think that is where everybody is concerned about the land. The land we normally have - the matrimonial property to bear names of both spouses and we have establishment of proper succession law. The local community to have the power to control the use of land, by the owner or occupiers - yaani the right to own and inherit land and other movable and immovable properties by women should be addressed as a right in the Constitution. A spouse approval, regarding any transaction on land should be mandatory and included in the Constitution. The Constitution should regulate land tenure and ensure gender equity in land distribution. There should be restriction on ownership of land by non-citizen. There should be equal gender representation, in the District Land Board. Equal access to land by both women and men, both names of the spouse should appear on the Title deed.

We should do away with Special land Boards, because special land boards - I don't think whether we need it, because you are known to the D.O and that is why we are calling it the "special land board" - so that can favour on your side. So we have to do away with the special land board. We have to abolish lease system and replace them with free-hold. Constitution should create a special land court to deal with land issues; also Constitution should guarantee access to land for every woman and man.

There is another issue on the Executive powers for the President - the qualifications; and since morning I haven't heard fully about the qualifications of a President, but I will tackle that one. He/she coz, we are thinking next government will be the she - so she should be a university degree holder from a recognized university, and she should be morally upright. He/she have good manners and be a family person. The age should be 40-65 years. He has to be of integrity and sound mind, God fearing, declare his wealth. He can be bankrupt and then he can and say "I am going to stand for the President" and he, what he has is only the debt in the bank so we don't want a President like that.

President tenure: The maximum of the President to stand is for 2 years term of 5 years each. Presidential function should be defined in the Constitution. We have the limited powers for the President. President should not appoint the Vice President, the Cabinet, Attorney General, Chief Justice, Solicitor General etc Ambassador, High Commissioner, Central Bank Governor, Provincial Administration and etc. Also Presidential portrait should not be in the currency and he should not be in the Commander in Chief of the Armed forces. He should not have prerogative of mercy power and also he should not be above the law. In case of criminal and civil offence, he should be prosecuted.

(Interjection inaudible)

We have Presidential misconduct - he/she misuse power. If he misuses the power of the country, public resources or promotion of ethnic clashes, nepotism, corruption and misappropriation of tax payers, he should be disciplined.

Local government. We have to go to the Mayors and chair persons. They should be elected directly by the people. The title "Chairman" should be amended to the "Chairperson." Mayors and chairpersons should be elected for 5 years term. Election exercised after 2 years are very expensive. In the Local authority, they should be under the Central Government. The Mayor or Chairperson should be the Executive Officer where the Chief Officers are answerable to them. I think what I have touched - there are so many issues which I haven't touched but they are here, the Commissioners and those people who are taking care of, will read and may be they will amend whatever I haven't touched.

Thank you very much.

Com. Adagala: Excuse me madam; I wanted to know whether this is your individual Memorandum or for NCWK.

Njoki: it is for our group in Kiambu National Council of Women in Kenya branch Kiambu.

Speaker: I have a question (inaudible)

Com. Adagala: you just listen to views; question later please, no question. If you have registered there, you can bring you views or you will be called here. Thank you.

Com. Prof. Salim: Thank you. We move on to the next person G.K Njau here? Not here, J.K. Wainaina, J.K. Wainaina. Paul Muchugi, Paul Muchugi, is here? No. Peter Gatere, Peter Gatere. Stephen Ngugi, Stephen Ngugi, here? Not here. I suppose some people got tired of waiting for their turn. This is the sort of thing I wanted to or kept emphasising that we really must give people chance to speak quickly and yet at the same time we don't want to feel that anyone feels under pressure to (inaudible) or cut-off his views. So you can see we are trying to please everybody at the same time. James Gaturu, James Gaturu.

(interjection inaudible)

James Gaturu: O.k. I will do my best. Jina langu ni James Gaturu Kamande niko hapa kwa niaba yangu na cama cha Justice and Peace upande wa Muchatha. Kwa mwenye kiti wa Commission hii, na wananchi wenzangu. Mimi kwa kweli yale mambo mengi nilikua nimepanga kusema kwa oral sina karatasi ya kupeana, lakini nitasoma yale yako katika fikira zangu. Moja, ni ya kuwa wafanya kazi wa serikali, ingekuwa Constitution itengenezwe ikiwa wameingia katika serikali, wasiingie katika mabiashara yale ambayo yanashikana na kazi ya serikali, kwa sababu huku ndiko tunakopata taabu. Vitu vikija vya kusaidia wananchi, wale wako katika kazi ya serikali, wanachukua vitu hivi ama wanaenda kununua vitu hivyo kutoka kwa company yao pahali pa kusaidia wananchi wale wenye vitu hivyo vya kuuza.

Ya pili, viongozi wa parastatals wawe watu ambao ni wale wanaoelewa mambo ya parastatal hiyo. Ikiwa ni parastatal ya pareto, lazima yule atakayekuwa kiongozi huko, awe ni mkulima wa pareto. Sio mtu achukuliwe kutoka upande wa Nairobi, amezaliwa huko halafu anaenda kuongoza habari ya pareto na yeye hajakuza. Kahawa, majani, tubacco vile vile. Kwa hivyo, tungetaka wale watu ambao ndio wenye ujuzi kwa kazi fulani wapewe hiyo, sio watu ambao wanafikiriwa ni wazuri.

Wale ma-minister wanao simamia idara tofauti, tunataka Constitution iwape uwezo, kuwa watafuata idara hiyo yao na kuwa wasimamizi kabisa. Inaonekana hawana uwezo siku hizi. Minister hasikiki, inaonekana kama minister hajui habari ya idara yake - he is not aware of his ministry, kwa sababu wale wengine walio juu yake, ndio wanaosema yale yatakayo fanywa katika ministry, hiyo, na unaona ya kuwa hata kitu kidogo, kama ni Minister wa idara ya elimu, pakiwa panafunguliwa shule hapa Karuri, hawezi kuonekana - watu wengine wakubwa ndio wanakuja minister anafanya kazi gani? Si hata nyinyi jamani mnaona ya kuwa hasikiki? Minister sasa amekuwa kama mtu wa kawaida, na mimi kulingana na vile, ni vile tumezoea ama tumejua. Minister amekuwa mtu, ambaye ni mwenye uwezo, na anayejua ministry yake inaenda namna gani. Vile vile ikiwa minister atachaguliwa kwa idara fulani, iwe ni idara ile ambayo inafuatana na masomo yake na ujuzi wake. Ikiwa ni Minister wa health, asije akapelekwa minister ambaye amesomea mechanical engineering atakwenda kufanya nini uko?

Tena Directorship za ma-company, tunajua kuna company ambazo serikali inashikana nazo, na ma-director wanaopelekwa huko, serikali inapeleka ma-director wasimamizi ili wasimamie mazirahi ya serikali. Tunataka Constitution iangalie, Director mmoja apewe company moja lakini si director mmoja apewe u-directorship wa company kumi. Tuseme, tunajua ama tumesikia, watu wengi ambao wamechaguliwa na serikali kwa sababu Constitution haiweki kiwango. Anasimamia company kumi na kila company anayoingia inakuwa bankrupt. Akiingia inakuwa bankrupt. Kwa hivyo tungetaka u-directorship ambao ungepeanwa na serikali upeanwe, mtu mmoja company moja, mtu mmoja company moja, ili watu wengi waweze kupata nafasi za kazi hiyo ya kusimamia katika ma-company.

Mashamba: Kuna mashamba ambayo yamekuwa ya utafiti - research, kama ni habari ya viazi, kama ni habari ya ukuzaji wa ngombe. Mashamba haya yamekuweco, na yamekuwa yakikakatwa katwa kupewa watu, na haya ni mashamba ambayo yanasaidia wananchi kwa jumla. Kwa hivyo mashamba haya tungetaka yawekwe na katika Constitution iwe strong katika hii, ya kuwa mashamba haya, yatafadhiwa kwa matumizi ya watu wa nchi. Kukatakata mashamba, tungetaka Constitution

isimamie. Tunajua hapa, sisi ni watu tumezoea kutumia mashamba kwa maisha yetu. Mashamba yasikatwe katwe yakawa madogo kabisa mpaka hata hayawezi kutoa mazao yanayofaa, yaani kupangwe yawekwe viwango. Mashamba ya large scale farming, middle scale farming na subsistence, ile ya kawaida ya kuleta tu chakula kidogo. Lakini yale makubwa, yawekewe amri yasikatakatwe ili watu waweze kuendelea kukuza chakula kingi kwa sababu ya wananchi, lakini, yale mashamba ambayo hayafanyiwi kazi yoyote yanakaa katika vichaka, Katiba iongee juu yake. Ili mashamba hayo yawe yakikodiswa kwa wale watu wanaotaka kulima, walime mahali badala ya kuiacha ikiwa kichaka.

Tunajua, mimea kama pareto, pamba, miwa ni mimea inayoleta mapato makubwa huku kwetu. Tungetaka Constitution isimamie mimea hii, serikali iwasaidie wenye mashamba haya, ili kuifanya yasitawi na mapato yazidi katika nchi yetu. Maploti ambayo yametengwa kwa mahitaji ya wananchi, kwa mahitaji ya public, maploti haya yalindwe kiKatiba, ili yasije yakatawaliwa yakakwisha kabisa kwa sababu leo niko hapa nitatumia ploti hiyo, mtoto wangu atatumia. Mtoto wa mtoto wangu atatumia, mpaka mwisho wa dunia. Lakini sasa nikiichukua mimi mwenyewe, niitumie na tuseme mtoto wangu achukue akiwa peke yake basi hii haitaleta faida kwa wananchi kwa hivyo ploti hizi zilindwe kiKatiba.

(interjection inaudible)

Ndio niko karibu, karibu sana. Katika vyama vya utetezi- vyama vya siasa, viwekwe kadili, yaani visifanywe vikawa viama vingi lakini vyama vile vitakavyo kubaliwa na serikali viwe vikisaidiwa, vikipewa pesa na serikali. Cama kinachotawala, cama cha upizani, vyote visaidiwe - kwa nini? kwa sababu wale wanaotawala, wale walio katika upinzani, wanatoa kodi na kodi ndiyo inayotumiwa kufanya mambo yote ya nchi kwa nini wapinzani wasipewe haki yao kulingana na vile watu wake wanalipa kodi? na basi hapa, mwenye kiti, ninataka kusema kulingana na vile Katiba itakavyofanywa, watu wote wafanywe waelewe kabisa iko namna gani. Vile vile, wahalifu hasa wauwaji, ikiwa atakumiwa kuuwawa kwa sababu ya uhalifi wa kuua - mtu ikiwa aliua mtu, na hakuukumiwa kuwawa, aende akauwawe kule kwao, kule amezaliwa, kule katika kijiji chao, ili awe kielelezo kwa wale vijana wanaoua wasirudie kufanya mambo haya.

Asante sana mwenye kiti.

Com. Prof. Salim: Ngoja kidogo.

Com. Adagala: Ulisema political parties ziwe few ngapi? Ulisema vyama vya siasa nne. O.k. na kwa shamba umesema mashamba madogo na makubwa na hata shamba ndogo, unataka uwache tu hivyo bila kuweka acre?

James Gaturu: Nafikiri niache hivyo, kwa sababu hata nikisema acre tano hakuna watu wataweza acre 5 (inaudible) ni ngumu. Wengine wana kidogo, kwa hivyo tuseme tu ni kidogo. Kwa upande wa mahali kidogo unaweza acre kidogo sana, mahali pengine acre kidogo ni moja.

Com. Adagala: na hiyo kubwa.

Gaturu: hiyo kubwa, ile tunayosema large scale, inaweza kuwa kubwa kulingana na uwezo wa mwenye shamba hilo ikiwa anaweza kuweka hekali hata 10,000 lakini zote ni utilized, yaani ameweka ng'ombe wanaotosha, amelima ngano, amelima mahindi basi ni sawasawa.

Com. Prof. Salim: Asante sana Bwana James Gaturu Kamande kwa maoni yako. Tukiendelea mbele napenda kumwita Joseph Kahie, Joseph Kahie, hayuko? Samuel Ngunu, yuko?

Samuel Ngunu: Chairman and my fellow citizens. I think I want to address to Local Authorities, to give the enterprenuers a grace period - may be before they can go for the licence, they can have, may be try to earn something for their own, before they pay for the tax. On the other hand, I think the Mayors should be elected by local people, in order may be to given the powers to manage and direct resources may be at local stages. I think we should also elect our own OCS. They should not be elected, or imported from other provinces, they should come from our local residence who know who are the criminals and who are not so that we can avert and reduce this type of corruption, and nini __. On the other hand, we should have cost allocation levels, to minimise the delays that are caused by the current judicial system. (Intejection inaudible) should have both allocation levels to minimise the delays that are caused by the Judicail system. I don't see why one has to be remanded for 2 weeks. They should be (inaudible) for the effense was about 500, which the victim could have and in about an hour. This proves the current Judicial system practises total injustice where by one has been forced to admit wrongs he never did. I think that's all.

Com. Prof. Salim: Tukiendelea mbele tumwite Bwana Stephen Muhoro.

Stephen Muhoro: My names are Stephene Gikuhu Muhoro, and I come from Karuri. I would like to air these proposals. About education, I would like Primary school education to be free, also I would like any equipments or tools or materials that are involved in direct teaching to be zero taxed. Secondary schools also should be standardized to avoid students moving to far distances for quality of education for instance because of security. Citizens should be educated on their own rights to avoid police abusing their rights I believe it will be effective if citizens are trained in school level of their own rights.

Road usage. Bicycle riders and other road users, are normally harassed and abused by motorists. The law should be strengthened to protect them, so that they can go on with their daily life activities.

Local Government: Our local government should be strengthened and given powers to invoke the security, should be given more powers that are currently held by the central government e.g security.

Economy. National Social Security Fund should be extended to include people in the informal sectors, such as Jua kali. Agricultural imports and indistrial materials not obtainable in the country should be zero taxed.

I think it will also be wise to consider mercy killing. In our, __ people who are terminaly ill should be allowed to die at their own will, this is because, our country being a 3rd world country, we cannot afford the care that it takes to keep them alive. That'

s all.

Thank you.

Com. Prof. Salim: Thank you Bwana Stephen Muhoro, for your views, we now go to Kimani Njuguna, Kimani Njuguna. Martin Njoroge, Martin Njoroge.

(Intejction inaudible)

Martin Njoroge: O.k. Commissioners, guests and fellow citizens. I think Commissioner, if you will allow me (Interjection inaudible) my name is Martin W. Njoroge, I am the Chairman of High Welfare Group, it is the one I am representing. Yeah we would wish before we make our submissions, to take this chance to comment about the review process itself. First, it is our pleasure to take part in this Constitutional Review process. Secondly, as you all know, most of the talking on this issue has been done by our leaders mostly politicians and the newsmen.

We as villagers, wish to take this opportunity to comment on the process itself. Despite the hardles that occasioned the process, we are happy and grateful for the work the Commission have done so far. We has confident in the Commissioners and especially its Chairman. We believe you are committed to give us a comprehensive, truly representative Constitution. We therefore appeal to (inaudible) support and not seat to delay this process. The review is so important to us that we wish to be delinked from any other processes, and especially the coming elections. We do not support the extension of current Parliament, but we agree to any extension of the review process, which the Commissioners think is genuinely and justably enough.

Right now the majority of Kenyas are hungry throughout, they can't afford a single decent meal a day, and was it not for the importance of these review, we would have preferred this Commission to be dealing with the economy at this review or any other Commission to deal with the economy. What we demand from our Parliamentarians is that, they entrench this process in the Constitution, so that we don't leave in fear that this Commission will be broken immediately after we give our views or it is not going to see the end of the whole review. Lastly our people want assurances from the Commisssioners themselves that our submissions shall be reflected in the final draft and the submissions won't make us victims of harassment after we leave the hall.

Now, our submissions. We want a Constitution that gurantees a very free and fair election, i.e a continuous voter registration, a relaxed identification process i.e we can use birth certificates, driving licence, passport and all that. A truly independent Electoral Commission with the chairman appointed by Parliament. A winning President to gain over 50% of all votes cast. An Electoral calendar be established on governance. Parliamant to take major responsibilities of governance by appointing head of parastatals, senior civil servants, chairpersons of all Commissions and all important persons in our country. Parliament to have power to impeach a President the Minsters or any senior civil servant.

Judicially to be completely independent with appoinment of Chief Justice, done entirely by the judges themselves. No monies

for any government project should be used without approval of Parliament, unless in emergencies where scrutiny will come later. On justice, we young people, completely detest and cry the way we are treated by the police force, unjustified, frequent harassment, arbitrary arrest anytime of day and more so during the night.

We call upon the scrapping of the most abused charge of all which is used to molest and extort money from the citizens of this country, by the police with the help of magistrates. This is the charge of “being drunk and disorderly.” It has been used on innocent young people, our fathers and mothers, priests and pastors, who are always out into cells during indiscriminate police swoops then taken to court and charged en-masse and fined Shs 500/= each. All of them end up to plead guilty just to avoid the usual (inaudible) of the Kenya justice system. There is always a belief, among the poor people that, this is usually done when the government is short of cash. We therefore appeal for civility among the police force, and the scrapping of that charge.

We also want our Constitution to provide for free legal representation by the state to give a chance to poor people who cannot afford the expensive private lawyers.

On corruption, we want a body defined in our Constitution, to fight corruption independent of the government, but answerable to Parliament. Its chairman should be appointed by Parliament. There should be a section to punish law enforcers, who break the law but not the case where we have got policemen who break the law, and is made the head of the same investigation to investigate about that breakage. We want the Constitution to provide for mandatory free primary education for all Kenyan children.

Unemployed youths, and other sectors of the society, idle along roads and shopping centers, whenever they have no work to do. This is because there are no places for social gatherings like social halls - this drives them to alcoholism and crime. We therefore, call upon the law to provide for any county, town or urban council, to provide for a community hall, as one of their mandatory obligations.

The very poor people have been exploited for a very long time. When other sectors of the citizens, Parliament, doctors, judges fight for their salaries, no body remembers about the farm herds, the house girls, coffee pickers and all those. While all these people can strike and have a pay rise these people have got no avenue to fight for their rights and that is where you find a farm herd is paid shs 50 shillings a day which is not enough for even a single meal. So we want our Constitution to come to the defence of such people such that there can be a section which determines the lowest money/salary a farm herd can be given let say if its Shs.3000/= - you can't employ a person unless you can raise that amount of salary. Otherwise these will also deter people who result to employ children, because they can pay them 600 after the adults refuse that pay.

Lastly we wish to request the Commission, that after the completion of this process and we get the new Constitution, we want it accessible to everybody, like the postal directories are accessible to all persons, so that we can read them and we can know what they contain and know whether what we said to the Commission is really in it.

Thank you.

Com. Adagala: You are looking for assurance that what you will say will be in the Constitution. What we are gathering here will be collated, will be put together with all the other views from all over the country and a report will be written, and that report will be available to be looked at, like you like at your voter registration, or as you said like the telephone directory and it will be open. We can assure you that we will present the views, they will be put together with others o.k.? I hope you understand that there will be a balance, but it will reflect what was said in Kiambaa for instance o.k? We have young men and women who are working very hard -data analysts so they will put out all the data.

Com. Prof. Salim: Thank you, may be I should also add Bwana Njoroge, kwamba, the new Constitution will be made accessible. It will be translated into Swahili, and it will be in very simple language so that each and everyone of us can read it and understand it. That is what we plan to do. So we go on, and now I would like to call James Gathairu. You recall we were calling him we understand now that he had to go somewhere, although I have feeling Bwana Gatharu that you were with us yesterday and God knows what new views you might be having between yesterday and today. (inaudible) for those personal views yesterday? Alright now, since you have a Memorandum there which we can read, please we give you only 5 minutes and no more, so if you will be summing up we will be very grateful.

Gatharu: Thank you very much Professor, its true I presented yesterday my personal view as far as the Commission is concerned, and today I wish to highlight a number of issues in the matter pertaining to education. This is the ACK Diocese of Mt. Kenya South, I am the education secretary, and first of all I would like to comment and say that the Education Act, have completely outlived it's life span, because it was enacted in 1968, and this education Act has empowered the minister of education so much that he has been manipulating the education system in very bad ways, e.g I would say that in the appointment of the Board of Governors, in the area of management of schools, the Act has completely empowered the minister to appoint the Board of Governors and sometimes we find that if anything goes wrong, he can easily abolish that board, and put in a new one. This is why I am saying the education Act has really a lot of loopholes.

However, I just want to say that the Christian churches in our country have been a partner in education, and we know before the independence the churches, mainly the main stream PCEA, Anglican, Catholic, AIC and Methodist, were managing the schools, but after 1968 the management was passed over to the government and we know that partnership has been very good and after that, those managers who were from churches, were converted into being sponsors of these institutions.

But we know despite being allocated their responsibility in these partnership in education, very many things are done without consulting the sponsors, and because of these we had quite a number of issues because of lack of consultation where students have been losing even their lessons when a sponsor, says a principal has been posted in a school without his consultation. And the law is clear that the ministry of education is supposed to consult and this is why I am saying, sometimes. It would be very pathetic if we are going to participate in this exercise of Constitution and in the end we find that the same people who are going to be charged with the responsibility of safeguarding the Constitution, are going just not to stick to it, but thank God that you -

I mean Kenyans have really fought very hard to own this idea of giving the views. This is why I am saying, we are very happy about this exercise, because, once you involve people in a certain project, they have every right to own it and we are owning this Constitution and this is why we are happy to present a number of issues.

Overcrowding or overcrowded curriculum (intejction inaudible) yeah, I would like the partnership of the church and the government to continue, but the boundaries should be drawn properly, so that we don't have a fracas as we have had in the previous Act. Our curriculum has been very much overcrowded and this surely has really brought down the education system, and we find that we are producing secondary graduates who are half baked, we are producing graduates who are half baked, because the planners generally, give our students an overcrowded curriculum.

So this time, we are proposing eg. In our primary education, the examinable subjects should be limited to six, namely, Mathematics, English, Kiswahili and then we have an intergration of sciences to include, Science, Agriculture and Home Science. Then we have an intergration of humanities, to include Geography, History, Religious Education and then the other program which is watered down we call it Pastoral Programm Instruction. That one is very important, because, it helps our student to safe guard their morals, so this one must be made compulsory in primary and secondary.

Now, education in Kenya has become unaffordable. We find that the cost sharing has gone overboard, and is now actually cost bearing by the parents. Parents are really taxed and this is where we are saying it is good that the education be made affordable to all people those who are poor and those who are rich. At the same time, we find that a system must be devised to control the out birth fees charged in schools. Parents nowadays are unable to take their children to schools because the fees is exorbitant like (intejection inaudible) yeah o.k thank you. O.k.

Then, it is good also to make sure that, the university education is also very expensive, and we find many students cannot even attend the universities because of the high fee, and sometimes when it comes to the allocation of the bursary, you find that sometimes the bursary is awarded to rich people, whereas the poor person is just left behind. The other one is, our Constitution should safeguard what we call the sexual harassment, and especially to the young ones in schools and it should be (intejection inaudible) yeah, that's what I mean. And at the same time, we should make sure that schools, especially the area of the co-education, especially in secondary schools, that one should be abolished, because we have seen it is becoming really dangerous and we have lost lives in some schools.

Thank you.

(interjections inaudible) yeah, o.k. General indiscipline in schools that one is also should be observed and mechanism to put the discipline into place should be devised, because we are really having a lot of destruction of property in schools through strikes and the rest.

Thank you.

Com. Adagala: Thank you for your concentrating on education affordability. You want it to be affordable? O.k.

Com. Prof. Salim: Now the next speaker, we would like to call to come forward, is Bwana John Mathenge; is he here? John Mathenge. James Kariuki, James Kariuki. Rosemary Kinyanjui - I hope she is here, we would like to hear more women, Rosemary Kinyanjui. She left? Mwangi Wakibi, well my colleague tells me there was Mwangi Wakibi yesterday so hopefully - Peter Mungai, Peter M. Mungai is he here, karibu Bwana Mungai and then after that Irene Wanjiku is she here? Irene Wanjiku is here? Yeah we need to _____

Thank you.

Peter Muiruri Mungai: ninashukrani mno mbele ya hii kamati, mwanzo kwa kutupatia nafasi ya kuwa katika mkutano huu siku ya leo. Mimi ni mlemavu kama muonavyo, na nilikuja hapa kwa ajili ya kuwakilisha walemavu. Nimefurahi sana, kwa maana mwenzangu "Saitoti" alinitangulia. Tarehe kumi na moja ndio tuliitwa hapa na nilikuwa mmoja wa wale walikuja hapa na nilijiuliza, na niliuliza swali mbona walemavu wakawachwa nyuma katika uundaji wa Katiba? Jibu hilo sikujibiwa na nimeshukuru Bwana sana kwa maana imejibika wakati huu. Ni kweli Katiba iliyoko iliwatenga walemavu, kwa hivyo tumewachwa na tumewachika nyuma kweli kweli.

Walemavu hawana mwenyewe, nasikitika madam mwenye kiti, kwa maana umeona ya kwamba wewe umepata mtetezi saa hii, maana wanawake wamewekwa katika kundi ya walemavu na karibu, karibu sana uone vita. Ni kwa vile mlemavu ame dharaurika nchini mwetu, hiyo ndiyo tu imefanya hata kusahaulika, hata kukiundwa jambo lolote inaonekana na ni haki. Mimi sikufikiria hali ya Katiba ingine iliyoko, lakini kwa vile tume imejua haki ya kwamba, walemavu hawana mwenyewe. Wachukue jukumu hili kuona ya kwamba mlemavu amehudumiwa impasavyo.

Mimi nimeandika Memorandum chache hapa, sikuandika yote, ni kama vile kugeuza Katiba, kwa maana mimi nitageuza nini? Na huku katika Katiba hiyo mimi sikuwapo, nitaakilisha nini? Pengine ile mimi nitakuwa nikiakilisha, ni hii ambayo itawaudumu walemavu wenzangu. Ningetaka kujulisha mwenye kiti ya kwamba, kama vile unavyosema nchi yeyote ikimdharau mlemavu, umedharau Mungu mwenyewe. Nataka kuakikisha na kujulisha ummati huu ya kwamba, ulemavu mara nyingi ni baraka. Wa kwanza kuwa mlemavu na ikawa ni ombi lake uitwa Yakobo. Alipongangana usiku kucha na malaika, baraka alipoitisha ni ulemavu, na nihakikishie Tume hili ya kwamba, nina ukweli hata serikali kama hii yetu ambayo imewatenga kabisa walemavu, baraka za Mungu kuzipata huwa ni ngumu.

Nchi jirani yetu iliwadharau walemavu kiwango kikubwa, nashukuru kwa maana hii yetu, ijapokua katika jangwa ya taabu na shida, walemavu wametupwa, hajafikiria na kushikwa na wazo baya la kufikiria kuwaweka walemavu kwa lori kuwamwaga kwa ziwa! Hivyo ndivyo kulifanyika katika nchi jirani yetu ya Uganda au sivyo? Basi mwajua ya kwamba yule aliyetenda kitendo hicho hayuko katika nchi hiyo, na kamwe hataikanyaga tena. Ukienda Uganda siku hizi, mnaweza kufuraia vile walemavu wamewekwa kwa njia nzuri kwa kufikiriwa na ile serikali iliyoko.

Basi nami ni ombi langu ya kwamba, walemavu wenzangu katika nchi yetu, tufikiriwe na tuhudumiwe ipasavyo, tuwache kutengwa au kugawa katika mambo. Tupewe jukumu, mmeona ya kwamba - na ninashukuru Bwana, kwa maana Bwana “Saitoti” ameporomosha kiingereza hapa hata wengine wetu wakaona haya, au siwyo Bwana chairman? Hiyo ni kuonyehsa ya kwamba sisi walemavu tuna haki ya kuhudumu katika nchi yetu, kwa maana ijapokuwa tu walemavu basi tu wananchi. Sijui tutapelekwa wapi? Kwa maana sasa tumeona mtetezi mmoja akiwatetea kina mama waondolewe katika orodha ya walemavu. Sisi walemavu tutapelekwa wapi? Na hapa ndipo kwetu? Na Mungu akitujalia.

Asante sana Bwana mwenye kiti na kundi lako kwa kunisikiliza.

Com. Adagala: Asante kwa mchango wako, kwa Act yetu, lazima tuwe na walemavu kwa kikao hiki. Jana hatukuwa na walemavu na tuliuliza Mbunge leo, hakuna walemavu Kiambaa? ndio pengine tumeona mkitokea. Kuna walemavu kwa kamati? O.k. (intejction inaudible) wakatokea. (intejction inaudible) o.k. mtu akitoa maoni yake, tume huchukua, mtu akisema msiweke walemavu na akina mama, tunaandika. Mtu akisema mweke walemavu na akina mama tunaandika. Sasa vile tumeketi hapa, hatuna personal view, hatuwezi kuwa na personal view, ndio tunaendelea, lakini tutasoma hiyo nini yako, na vile umetoa ni kama hiyo hotuba ni kama preamble. Ingekuwa vizuri ungeandika preamble kuhusu walemavu.

Mungai: yangu yote ni ulemavu.

Com. Adagala: na unasema tu ile maoni umetoa ni ile ambayo vizuri ingeenda kwa preamble. Ukisoma kile kitabu chekundu utaona kuna preamble kama hapo umesema___ee kitangulizi. Kuna kitangulizi kwa Katiba, na vile umesema ni kama walemavu ni non citizens ee kwa sababu hawaesabiwi. Sasa vile pengine kamati itakusaidia, na uweke kama maoni hayo iwe maoni inaweza kuenda kwa nini _ _ lakini hapo awali tulikuwa na seminar ya walemavu kwa tume, ilikuwa ya national, sijui kama ulijua? Tulikuwa na seminar kubwa ya national, ya watu national tarehe nne, na tano, na sita Nairobi. Sasa kitu kikubwa ni kujiunga na wengine, ujiunge na walemavu wengine kama vile mimi najiunga na wamama wengine, ndio national inatokea.

Tumekua na seminar ya akina mama workshop, kwa kila province na tumekuwa hiyo ya national kwa tume. Katiba hii haiwezi kuendelea bila mchango wa walemavu na bila mambo ya walemavu kuzungumuziwa haitatosha. Itakuwa imepungukiwa. Sasa hiyo ndiyo assurance naweza kukupa. Kwa sababu hakuna kutajwa kwa Katiba ambayo iko, mambo ya mlemavu isipokuwa, kusema President akiwa mentally disabled, sasa hii ndio inaweza kutendeka na hiyo ni mbaya sana, hata akina mama hawakuweko na watoto pia hawakuweko. Ndio unona tuko pamoja ee kwa sababu ni social disability - kuna physical disability pia social disability.

Com. Prof. Salim: na ningependa kuongeza, kwamba ulivyosema Commissioner Adagala, tangu jana sisi tulikuwa tukiuliza wapi hawa walemavu? Hawa ni kati ya vikundi ambavyo tumeambiwa lazima tuwazingatie katika kuandika Katiba hii. Pili kuongeza, Bwana Mungai, kwamba kutakuwa na hiyo National Constitutional Conference, ambapo watukuwa na wa wakilishi wa walemavu kati ya wa wakiilishi wa vikundi vingine. Kina mama, pia wawakilishi wa walemavu na umeomba kujua ikiwa - tafadhali kaa usiji-damage, kuwa katika hii Katiba tutaizingatia au la, kama alivyo kueleza Commissioner Adagala. Tuna

wajibu wa kuwazingatia.

Na pili ikisha andikwa hii Katiba, inaenezwa nchi nzima kwa muda wa miezi miwili ili wananchi wachungue na waone ikiwa maoni yao yamo hapo au hayamo - ile National Conference au mkutano mkubwa kabisa kama nilivyosema, kutakuwa na wa wakilishi kati ya wengine na wa walemavu, na ikiwa maoni yetu au yale tuliandika kuhusu walemavu haikuwapendeza wawakilishi wenu, hapo wanaweza kusema kwamba nyinyi hapa hamkufanya kazi nzuri, na watoe maoni yao.

Com. Adagala: Please join one of the organizations. Is there a branch here of people with disabilities? There is. Please you must organize yourselves. Group rights are very important in the Constitution - it is not just ethnic group rights it is also social group rights. So you must organize yourselves, join-tafadhali jiunge na hiyo ili ujue, kwa sababu we have so much which is there, on people with disabilities that you need to know, and it is going to be a section in the Constitution on people with disabilities. Mchange ili iwe nzuri, hakuna mtu mwingine atamsimamia anazungumza mambo ya walemavu. Saa zingine tunatenda, wanasema “oohh these are children who cannot hear, they are deaf,” na tunasema “we songa mwalimu wacha watoto wenyewe wazungumze.” O.k.?

Com. Prof. Salim. Sasa tukiendelea mbele, Irene Wanjiku nafikiri u tayari kutoa maoni yako? Ninafurahi kwamba yeye ni msichana na pili kwamba ni mdogo kwa hivyo young adult. Karibu.

Irene Wanjiku: O.k. Commissioners, Chairman and my fellow citizens. My name is Irene Wanjiku, from Gachie, and these are my views on the Constitutional Review. My first issue is on independent heros. These are very important people in our society, but they are hardly recognized. I can say that if it were not for them, then we could not be enjoying the freedom that we have now, and so because of that, I recommend that they should be recognized, honoured and cared for. They should also be provided with their basic needs and also health and insurance services should be enhanced to them.

Then, my next point is on gender equity. As somebody had said, us women are grouped (inaudible). I think the Constitution should enhance gender equity, as in, when the President is a woman the Vice President should be a man, and also in the Constitution we should have as many men as women, so that women can be able to present their interests.

Unemployment: The Constitution should make easy the process of issuing the passports. It should also avail some allowances to the unemployed and, also try to create job opportunities.

Food Security: The Constitution should improve infrastructure in the rural areas, so as to prohibit or end rural urban migration so that they are able, or the young people can remain in the rural areas because they have something to do there. Then recognition and promotion of indigenous languages so as to protect our heritage and also on the Natural Resources issue, the government should apportion benefits from the Natural Resouces between the Central Government and Local Communities. Then all laws conserving natural resources should be strictly observed e.g. tree planting, environmental pollution, refuse control, forest destruction and public utilities.

Then the issue of birth. I think giving birth is a national role for the women hence maternity for free. Also post-natal should be offered freely. I think that's all I have.

Thank you.

Com. Adagala: I was wondering young lady, you are a student isn't it? You are a student, you don't want to say anything on education? You've said? o.k. I think when someone gives a view, give your views don't bounce them off to somebody else like "aamm" it's not a debate. This is not a debate - the debate can go on or should go on properly outside here but not inside. Because now it will be like what the newspapers do to us, then someone will go and say the Commission said women should not be put with disabled, or someone else will go and say___ and it's wrong because that's someone's views. If they say that, we write, if she says something we write, if he says something we write. Ours is a clerical job but just because we are sitting here it's not an opportunity for debate. I think I am right my fellow Commissioner? Yes. Please because it can end up being quite touchy we have our mandate by the Act and it is inclusive of all diversities. All diversities.

Com. Prof. Salim: Let us move forward and hope we can hear all those who were registered I still have quite a number so please let us use a bit of discipline in terms of time and when we say 5 or 10 minutes, please stick to that, so that we can be able give everybody who has registered a chance to air his views. Next is Bwana Samuel K. Munyua is he here? After that Fredrick wainaina is he here? So after him.

Samuel K. Munyua: Bwana mwenye kiti wa kikao hiki cha Tume ya Kurekebisha Katiba the Commissioners na hawa wengine wenzangu wananchi. Jina ni Samuel Kionge Munyua. Yangu ni maoni na ningependa Katiba irekebishwe. Katiba yetu imeharibika kwa vile sasa tukitaka kuchagua wale elected members, kama President - nianze na President. Ningependa President asiwe na constituency yeyote. Awe yeye ni - anasimama kwa Presidential peke yake na awe amechaguliwa kwa kura nyingi kutoka kwa provinces zote.

Pili, awa na elimu ya hali ya juu, kama University - awe graduate. Kwa sababu tuko na taabu Katiba yetu imekuwa kama matatu. Manamba akisimama hapo, kesho tunaona yeye ni driver hiyo tunaona kwetu ni mbaya. Sasa ingine ningengeza kidogo, Bwana mwenye kiti ni hali ya separation ya powers. Ningependa, President awe na powers za ofisi ya President, na minister awe akichaguliwa na Bunge. Powers zote za nchi ziwe kwa Parliament. Parliament ndio iwe na power ya - kwa maana Parliament ndio imesimamia sisi wananchi na ndio inajua mahitaji yetu. Kwa hivyo yule ambaye amechaguliwa kama minister awe kazi yake ministry of education na awe na curriculum ya kuonyesha ati yeye hiyo ataitengeneza vizuri.

Na ya pili ile ingine ningeweza kuongeza, ni juu ya Judicial - mahakama yetu. A.G awe yeye sio mwanakamati wa Bunge, awe kazi yake ni kushauri Judiciary peke yake - asiingilie Parliament kwa maana yeye sio mchaguliwa. Hajapewa kura, yeye awe kama ni civil servant.

Hiyo ingine, ile ningependelea Katiba yetu ionyeshe, ni sasa yule ako na shamba kubwa upande wa land policy. Land policy, ningependa, kuna mashamba mengine yamekaa hivi - bure, sio large scale sio nini, lakini imekaa bure. Kama inaweza kurekebisha Katiba yetu isema ukiwa na shamba yako acre kutoka 100,000 kwenda mbele, iwe hiyo shamba huitumii kabisa, serikali iko na ruhusa ya kuchukua hiyo shamba, na kuitumia lakini sio kugawa individual - kwa maana tukiigawa hatutakua na estate kama ya coffee, ya tea na large scale grazing. Kwa hivyo mashamba yetu Katiba ichunge sana, ione mashamba yetu yote kila mahali pale pako na rotuba panatumika - lakini hiyo haiwezekani.

Hiyo ingine ya pili ni watoto. Watoto wanataka kulindwa lakini hiyo ni hali ya mzazi. Mzazi ndio anataka kulinda huyo mtoto wake asome vizuri, lakini nayo free education, kama vile tunaona tunataka free education iwe mpaka primary education na ikiwa hivyo, mzazi naye atakuwa na uwezo wa kuendesha mtoto wake kuanzia secondary kwenda mbele. Nao Chancellors wa University, yaani mahali kila sector kama ya masomo hivi isiwe ati sasa Chancellor wa University ya Nairobi, anakuwa ni mtu ambaye hana ujuzi wowote, kwa maana wanafunzi wakijua ni mtu ambaye hana ujuzi wowote, ndio unaona tunakuwa na riot ya students nini nini. Kwa hivyo chancellor awe ni mtu ambaye ako na elimu, mtu anaweza kuchunga shule zetu, college zetu ili watoto wote wanaotoka huko wawe good products. Kwa maana sisi tunataka ku-produce watu wako na elimu kwa hivyo University ziwe zikilindwa. Chancellor awe ni chancellor sio wa kuchaguliwa awe ni on-merit ati yeye hakuna swali inaweza kumshinda. Wanafunzi watajua kwanza huyo ni chancellor na ni mtu ako na elimu anaweza hata kusimama awapatie lecture - lakini ikiwa ni mtu wa kutoka nje - ceremonial, ndio tuko na taabu.

Hiyo ingine ningependa kuongeza ni juu ya hawa watu ambao wanaitwa Provincial Administration. Wakati mzungu alitoka hapa aliwacha hiyo, aliwaweka kama hawa watu tunaita "nyapara" - kuangalia kama ni chief anaangalia anapelekea yeye porojo. Sasa ningependa hawa watu wawe scrapped - administration yote - Provincial Administration, kutoka kwa P.C. mpaka kwa Chief. Wanaweza kufanya kazi ingine ya kujenga nchi, kwa maana nikiangalia sasa kama D.C. anasimamia agriculture, hajui kilimo, anasimamia medical, hana elimu, hajui anakuwa tu ni kama nyapara hiyo mimi naona ilikuwa ni ya colonial na tungeiondolea hapo kitambo sana. Kwa hivyo yangu sasa ilikuwa nikitaka ku-conclude, niseme ni asante sana, kwa vile nimepewa nafasi hiyo na ningependa mapendekezo yangu kama nikijua imefikishwa na mimi nitajua nimewakilishwa. Asante sana.

Asante sana. Thank you.

Com. Prof. Salim: (inaudible)

Fredrick Wainaina: The Chairman of this Commission, the Commissioners, the Secretaries, Clerks, ladies and gentlemen. Yangu nitazungumza kwa Kizungu na at the same time nitachanganya na Kiswahili. Ya kwanza ningependa nyinyi Makamishena na Chairman muwe na (inaudible) determination ndio msitu-let down. Mpaka sasa, na ningependa mkiangalia mambo ile nyingine mtarekebisha ya Katiba, vile vile mketi chini na muone Commission in future, ikiwa Katiba itakuja pengine kutakikana kubadilishwa, kuwe kuna Act ambayo ime-establish the Commission itself for future si sasa, pengine kuna debate inaweza kurushiwa na pengine na President and Parliament, lakini iwe mmekeki chini na itaangalia hayo maneno ya kesho iwe imestablish

itself. Mnaweza kukaa chini hasa mkaketi chini na mkaona chairman anaweza kuwa ni nani, the Commission inaweza kuwa nani, presentation ya kila kitu.

At the same time ningetaka muweke Mungu mbele sababu Katiba najua si kitu cha mchezo, Katiba ndio imetuleta pamoja, na kwa hivi sasa Katiba ya Kenya ni National Constitution. Ikiwa wewe unakwenda Mombasa e.g kama sasa nina shamba uko mzee wangu alikuwa na shamba huko, na mpaka sasa iwe Constitution ambayo, sababu watu wetu - baba Rais Moi alikuwa anasema, kabla hii multiparty, ati watu si cohesive enough. Mjue tumekataa majimbo maanake tukiaza ku-establish, Katiba mpya, iwe imekataa ile national law, the integration of the country into provinces, muwe mkijua Katiba ile mnabadilisha hata ulimwengu mzima unajua Kenya is sovereign.

Pili ningetaka mwangalie kuna hii sasa, inasema the President is above the law, ni vizuri sana hii ni Katiba mzuri ikiwa kwaweza kuwa na President ambaye anapenda watu, na mtu ana utu lakini ikiwa ni mtu ambaye roho yake si mzuri, ni sheria ambayo lazima ibadilishwe asije akafanya maafa katika nchi. Nasema hivyo sababu hivi sasa watu hata husema sijui serikali ikiondoka nini, nini, nini itakuwa na ni wazi kwamba the president is above the law. Hivyo ni kusema, hakuna pahali mwaweza mkampeleka - hakuna (inaudible) mnaweza mka-prefer kwa hivyo hata wale usema hivyo ni kama vile hawajua Katiba vile inasema, lakini ningependa iwe power zake- awe si above the law he can be impeached.

At the same time, iwe whatever he does is on public interest nasema hivyo maanake niliona hapa juzi, karibu itokee umwagikaji wa damu President wetu, and I would like Mr.Chairman, before I go further to ask you assurance for a protection (inaudible) yule kijana alikuwa hapa akisema, si ati baada ya kutoka kwa hall tutakuwa alert. Na uhakikishie na sio hapa peke yake, Kenya mzima. At the same time mjue, mkitumiwa na Mungu, na ubusara, mtengeneze Katiba ambayo inafurahisha kila mtu, hakuna pahali watapeleka taji na wote watashangilia na historia itakuja kuwa-judge mlifanya kitu ya busara.

Nikiondoka hapo sasa, to re-commend the Commission itself, ningetaka kuuliza - kuna sheria zingine hasa zinaonekana au zilikuwa zimeundwa na wakoloni, za ku-control movement ya wananchi na baadhi yake e.g nilisema Kenya ni mlima, na uhuru wa kwenda Mombasa, una uhuru wa kwenda Butere, una uhuru wa kuenda hata ngambo, ukiwa na passport, na hivi sasa e.g an American au mgeni wowote, passport yake inasema he should be let without hinderance and he is to be accorded all the protection that is need - he may stand in need of. Lakini kijana yetu na shule, unakuta kuna organ ambayo polisi walipewa nguvu nyingi sana, ambayo wanashtaki drunk and disorderly. Hiyo moja tungesema hiyo inondelewe.

Ya pili na hiyo hasa nimeona, hasa hii Nairobi yetu, inaumiza baba zetu hata bibi zetu, hata sisi wenyewe. Unakuta jioni ati mkikutana na askari tu, "loitering with immoral purposes." Hii - na ukiangalia, msichana alikuwa kwa njia, whatever, he has made determination ya kuona yeye amu-detain ku-take ile freedom yake - ati loitering with immoral purposes, hiyo nayo ningesema iondolewe kabisa.

Kuna nyingine nayo, vile vile naona ilikuwa ya kikoloni kabisa. Unakuta mtu, we uko Mombasa for example hiyo nili-witness na ndugu yangu mmoja nilikuwa nakaa naye Mombasa. Niki-sponser yeye course Mombasa Polytechnic. Alikuwa akashikwa siku moja na nilikuwa niko kazini - I had not returned from the job, na akakutwa usiku, na kushtakiwa - alishtakiwa na vagrancy. Baadaye aliletwa hapa mpaka Kikuyuni mpaka Banana. Mimi ilinibidi nitoe tikiti tena nimrudishe ndio shule yake ie___? Kwa hivo vagrant Act nayo, ningeomba ikiwa ni Kenya hii ya ku-deport mtu katika nchi yao, province to province, iwe imeondolewa - hiyo vagrant. Na sio hivyo peke yake, kuna nyingine, Rogue vagabond - ati huna pesa na pengine hata ni instantly ndio huna pesa, pengine whatever the pesa ulikuwa nazo, ulikuwa umemaliza ukitegemea pengine utapata pahali fulani wakati huo huo, pengine haikwenda vile ulitakia. Ukienda nyumbani, askari hajapewa nguvu ya kuku-harass ati we ni rogue vagabond. Na uwe pengine huvuti sigara. Hata pengine ukipelekwa kwa magistrate, akiona una sigara, akaona unaweza kujisimamia akwajilie, pengine unasukumwa.

kuna kitu kingine pia ningeomba na nikisungumza hivi pengine nisije nikachukuliwa vibaya, na kuna vitabu vingi waweza kusoma - for example the things you wanted to know, but you are free to ask but they are still open. Utakuta kuna drug Act. Inapaswa kuchunguliwa upya, maanake kuna herbs zinaambiwa ati on medical form in mzuri, lakini ikiwa hazijakuwa processed, unashikwa na tumeona vijana wetu wakishikwa ati ni bangi. Akikataa kutoa vile hana, anasukumwa na, at the same time ukichunguza katika moja za hizo herbs, utakuta zingine they are not narcotics but herbigitics. Kwa hivyo ningeomba, hii Commission ifanye research, iulize hapa na pale, na ikiwa kuna drugs ambazo ziko classified as narcotic and there are herbigitics, ambao inaifanya illegal. Ati kijana yetu anaweza akasukumwa kule na pale - na kwa list ya taxes zingine unakuta hata hizo drugs, washa anza kuona faida yake ni sawa na wanaruhusia isiwe naye inatumiwa na polisi ku - - Ie ingine naye ninge uliza--- yes

Com. Prof. Salim: (interjection inaudible)

Wainaina: Okay kwa hayo machache, ehe, asante sana. Kuna kingine nayo pia ningeuliza, na ningeomba hiyo muichungulie sana- welding. Welding hiyo pengine una workshop yako, na pengine unatumia gas au unatumia kuchoma na sitima, pengine unatumia, unajua wewe mwenyewe unatumia kioo kuangalia ile moto, lakini wewe mwenyewe ume-expose - ikiwa ni jirani yako, ikiwa ni pedestrian na wingine they are doing it on the road side. Na ikiwa mtu ni layman, bila daktari yeyote kujua madhara ya hiyo moto - ultra-violent kwa macho, inatakiwa hiyo iangaliwe kuwe kuna sehemu ambayo ina-compel hawa watu, either wafanye kwa workshop, au under a protective screen ama kuwe kuna key funds. Commission ambaye imeanzishwa ambaye itaangalia hayo maneno, sababu ya eyes, maanake tumeona watu wengi baada ya kuangalia, kuchoma na gas na pengine we pia ni comrade yako pia anachoma naye ako protected, inadhuru wananchi. At the same time ninge-put up through Commission, Commission tafadhali mtupatie pia truth Commission.

Com. Prof. Salim: Tukiendelea mbele basi tunaye Bwana Richard Njenga Ng'ang'a, siye anayetoka? Beatrice Kangethe hayuko, Mungai Muturi, Treo Fasia Karimi, pia ameondoka? John Njoroge, ameondoka? Gabriel Njoroge not brother, no relationship, Gabriel Njoroge, at last unapata nafasi ya kusema, you have been here long, sorry about that but you can see what

we are doing.

Gabriel Njoroge Kinyanjui: Mimi natoka Gathanga katika Wagutho location. Nataka ku-highlight a few points maana hii report yangu ni kubwa, na sitaki kuisoma yote - nataka kusoma chache kwa maana mengine ni yale ambayo yamesungumziwa na wengineo hapo mbeleni na hakuna haja ya kuyarudia - lakini yale naona ni muhimu nita-highlight. Kwanza nashukuru sana, kuwa na nafasi ya kuzungumza hapa mbele ya hii Constitutional Review Commission of Kenya, na ni muhimu sana kwa kupewa hii nafasi, na naanza - nataka kuanza kusoma introduction ya hii report kidogo.

“Kenya is a sovereign republic and God given to all Kenyans, hence, we are all shareholders of our country Kenya, each one of us, has only one share from the top most, who is the President to chokora and irrespective of social, economic and political status.” Ya pili, we the people of Kenya, hereby, state that the Constitutional Review exercise should be allowed or given adequate time to undertake a complete overhaul of the Constitution and it should not be done hastily. Kenya should remain a unitary government. In future, the new Constituion will be altered by way of national referedum only and Parliament will never be allowed to make any alterations. The life of the eighth parliament should end by the year 2002 as the present Constitution states. The local community should be allowed to carry out civic education in local languages - this is the only way the local people will be able to express their views without any hindrances.

I want to touch a little on politiaal parties; we need only two, only two political parties. Kenya should remain a multy party democratic state, for democracy to thrive. We need two minimum or three political parties only, so that they can be easily funded and people can at least not get confused by so many political parties. New constitution: The new Constitution of the republic of Kenya, shall have the force of the Law throughout the republic of Kenya subjected to all. It should be followed, respected and obeyed,

Com. Prof. Salim: Please, points only

Gabriel Njoroge: No, no, this are points; I am picking points - not all because that one – adhered to being the supreme law of the land. The other one is about security. The prime duty of any worthy govenment is to provide security to its citizen and their properties. President should not be above the law, arms of the government should be separated - am going through quickly; establish strong civil service, devoid of corruption, tribalism, nepotism - which is delinked from political parties.

Electoral Commission: to have independent Electoral Commission to facilititate free and fair elections, which reflect the wishes of electorate. Devoid of rigging, bribes and any other forms of handouts to influence voting, civic education should be a continuous exercise. Justice for all; justice and application of the law to be applicable to all without human – racial, regious, political discrimination. Office of Ombudsman: The new Constitution to create the office of ombudsman to receive public complains and have Constitutional powers to investigate, arrest, prosecute all such cases. The appointee should be given tenure of office.

Development: development should not have boundaries, it is a Constitutional right to tax payers and not a privilege as it is the case today - it should not be tied to politics, thus, it is absurd for the government of today to give tax payers conditions that, unless they vote in favour of the government, they will not see any development. Now let me read the conclusion. I want to read my conclusion. What our country needs is not government packaged development, but opportunities for the people to generate wealth for themselves, through facilitative, supportive, effective and efficient government policy in all sectors of our economy. Time for politics is long gone, quality leadership is the priority, irrespective of one's tribe. The leader should be popular, open minded, approachable, down-to-earth, achievable and ready to serve this nation above tribal lines. The new Constitution will do Kenyans a great favour if one day I will enter any government office or institution and be greeted, "Sir, what can I do for you please?" rather than ask you to give TKK.

Com. Prof. Salim: Thank you very much for those views and that very significant conclusion you have given us. We will receive your Memorandum, and we can assure you it will be read thoroughly. Tukiendelea mbele tuna Jacinta Stephen Wambui.

Com. Adagala: I would Just like to make assurance - there is someone who wanted assurance that they will not be victimized. Mbele ya Tume, unaweza kusema lolote, na ukiwa victimized utaleta maoni kwa Tume. Everybody is free to speak and this is actually part of that beginning of a new Kenya because - and people cannot suppress others and their views. So una uhuru wa kusungumza vile.

Jacinta Stephen Mchai: Asante sana mwenye kiti na watu wake, mimi sijasimama hapa ama mahali kwingine lakini kwa, sasa Mungu yuko pamoja na sisi. Sasa nitasema kwa ufupi, kwa sababu kunakucha, nitaongea habari ya wamama na youth. Youth unajua kuna wengi sana hawana kazi na wanataka biashara. Mama anakwenda biashara yake kama anaenda kutengeneza hotel.

Interjection: ongea kwa Kikuyu

(Kikuyu translated in Swahili)

Sasa nasema ya kwamba, wamama wako na taabu nyingi sana. Kuna wengine wanakaa huko nyumbani na wanasikia taabu sana, kwa sababu wanafikiria nikienda kule Nairobi, nitaenda nishikwe na council. Sasa mimi nitakaa tu na njaa yangu nikufe. Sasa mkipenda muwaajilie wamama wote waende wauze maziwa na matunda. Na tena tumpe heshima mkubwa wa nchi hii, kwa sababu kila - sisi wote ni wenye dhambi na Mungu anajua sisi zote, tumpe heshima, tuendeleo na kazi yetu, ndiyo Mungu abariki Kenya yetu yote. Tukifanya hivyo, mkubwa na mdogo, kwa kweli Mungu atabariki Kenya yetu na mashamba yetu and manyumba yetu.

Sasa ningalisema kama tukipeana heshima hivyo, nimpe heshima nyingi nikiongozwa na Rais yetu Moi, muende mutengeneze mambo yenu, mkija, Rais Moi atakuwa ndiye mbele ya kutuongoza na hiyo mambo yote Mungu ataturiki kwa sababu sasa

tukimweka chini roho yake itakufa. Hata mimi yangu itakufa, kwa ajiri naambiwa niondoke kazi yangu, na mimi najua hiyo kazi yangu ndiyo inaenda kupatia watoto chakula - mimi nasema tusameane na tupendane, amri kumi nazo muende nazo, muende musome sawa sawa na mtasikia hiyo mambo yote, wale wako hapa na yuko, likini nyinyi ikiwa mko, Mungu awabariki.

Com. Adagala: Mama asante sana, lakini umetwambia tu shida ya mama - moja na ulisema ni shida nyingi.

Jacinta: Iko wengine wako manyumbani, na shida hiyo ingine ni mama wengine wanakwenda kuuza maziwa na “kanju” inawashika. Na hii ingine wamama wanapigwa na ile nyumba wanajenga huku Nairobi “kanju” inakuja --.

Com. Prof. Salim: Inabomoa, demolition!

Jacinta: Mimi ni naona kwa TV, ninaona nasikia huzuni sana. Kwa nini huyo mtu anafanya watu wale wengine namna hiyo, na wao wanakwenda kutafuta chakula ya watoto? ndiyo asante. Sasa wamama wapewe uhuru, eh wapewe uhuru.

Interjection: Asante, “Niwega muno.”

Com. Prof. Salim: Thank you very much. Asante Jacinta Muchai kwa maoni yako. Hii ni example mzuri kwa wale tumesema kwamba pia wanaweza kufika na kutoa maoni yao. Hapo tumeeleza jinsi ya kupokea maoni. Mtu anaweza kuinuka akasema, mtu anaweza kuandika, lakini pia tuko tayari kusikiza maoni kwa wale ambao wana mambo watakayo sema kwenye nyoyo zao - ndani ya nyoyo; na Jacinta ametueleza mambo ambayo yako katika nyoyo yake, ambayo pia yanamuumma au kumjehuri. Asante. Tukiendelea mbele, maana wakati hauko na sisi, tunaye Lilian Njeri, Yuko? Nina - nafikiri MYWO, yuko okay hayuko. Baada ya hapo yuko Nga’ng’a Waweru yuko? pia amechoka? Peter Njenga Karanja, hayuko? Charles Kamau Ngaithumma. Peterson Wainaina? ah

Interjection (inaudible)

Com. Prof. Salim: Ametachwa mbele sana, Ng’ang’a Waweru, yuko? Yuko wapi? You are the one. Okay, then Bwana Peterson can you wait because he comes first. I’ve just called his name. He should be ah, were you, when I called the names? you were not here, ok lets hear your views, you have written views? So you have only five minutes, your friends have been very patient and I would like to finish those who are here, five minutes only.

Ng’ang’a Waweru Alias Cuba: Am Ng’ang’a Waweru and am proposing the following to the Constitution of Kenya Review Commission.

Interjection (inaudible)

Ng’ang’a: I Am Ng’ang’a Waweru as it is the ID and am proposing the following to the Constitution of Kenya Review Commission.

1. Constitution starts by establishing its purpose

2. Kenya change from being a republic to a social welfare state
3. The Citizens of Kenya, be the supreme authority in the land
4. The Head of State should not be a Member of the Government
5. That at least 65% of the monies collected as taxes borrowed by Kenya, or given to Kenya should be used to finance services with direct benefits to Kenyans
6. That no amendments of the Constitution should be done without support of two thirds of Kenyans expressed through a referendum
7. That the arms of the government be separate, and each to be given enough Constitutional powers to carry out its duties
8. That those to be in Parliament as members, should not be appointed to serve in the executive arm of government.
9. Any appointment to the public office should be approved by Parliament
10. Provincial administration which is a colonial hangover be abolished
11. The treasury of Kenya should be a Constitutional independent state body, for collecting and releasing money as directed by the Constitution and law.
12. That the Constitution creates an office of the Director of presecution that will take over the prosecution powers from the Attorney General.
13. That a Constitutional office be created for investigating and taking action against human right violation.
14. That Kenyans be equally represented and have the right to recall their representatives.
15. All elected leaders and those appointed to the public should take, be prescribed in the Constituion.
16. That the basic right of Kenyans should bind the legislature, executive and judiciary as inforceable law.
17. The people with disability should have atleast 10% representation at all levels of the country's decision-making bodies.
18. That women should have at least one third representation at all levels of the country's decision making bodies.
19. That the Constitution should give Kenyans, right to petition - individually or jointly with others to address written request or complains to the appropriate state bodies or to Parliamentary bodies
20. All the state bodies or agencies should be bound by the Constitution to carry out their duties in accordance with the

Constitution, the laws and justice.

21. The state bodies or agencies should be created to promote the welfare of Kenyans
22. Every person whether he had been to school or not, should have the right to vote or offer himself or herself, to be elected in a general election. The requirement of school certificate or university degree could be a violation of human rights. School certificate or university degree should not decide who should be a leader. Let the people be deciding by voting. That's all.

Com. Adagala: Thank you very much for those views, next we go to Peterson Wainaina, Karibu.

Peterson Wainaina: Thank you very much, mine is just oral and I just have three points or so, Peterson Wainaina, the much I wanted to say has been said, so I will just put one or two points. The first one, it has been said that in the current Constitution we have the freedom of expression and we have the freedom of movement, so I would suggest that these Act on the Constitution should be implemented and should be more powerful, because it has affected most youths especially in Kiambaa and I also think in every corner in the country. So, this has enhanced police harassment to the youth and that there should also be an Act that will give the citizen the right to prosecute even the policemen if they happen to be wrong doers, or they take you to court with nothing. So - and I would like to suggest, that their motto has changed from the "Mtumishi kwa wote" to "Mtumishi kwa pesa na matajiri." Second, I would like the amendments which are from now to be made to the Constitution, should be implemented and all the citizen, of the country should know the amendment that are done throughout the Constitution. That is as it was said and I support it

Interjection: (inadialable)

Peterson: Ya they should know about the amendment that have been done in the Constitution by press or media - I mean or by printed things - ya just be informed. So at that point, it has been said and I support it, that the President should not be above the law by all means because he is there for the service of the nation and not the nation serving him. Thus, the Parliament should be added more powers to solve things in Kenya so discouraging the President powers to sack upon his own wish. For example, sacking and electing or appointing director or chairman of the co-operatives.

Fourth point, due to the downfall of the economic growth, there should be a limit of the birthrate, so that it will be possible for the government to make sure that every citizen gets quality education thus discouraging illiteracy, which has been a barrier for development in our nation for many years. The Constitution should also consist MP's Act, in which it should pass that, the citizen of the constituencies in which the MPS are from, have the right to a vote for no confidence to their M.Ps if he does not do the task or he does not implement the duties that he was assigned to by the citizen.

My last point is the encouragement of the Civic Education, so far, in our country Kenya, all the civic education we know is just the birth of Kenyatta, what he did and the gain of independence - just that. So we need more about civic education, so that

citizens can know about the history of their country including the Constitution that is governing the nation. Thank you.

Com. Prof. Salim: Thank you, Bwana Wainaina next is Bwana Edward Kaiyo - is it Kaiyo, Lawrence Karanja please, watch the time.

Interjection: Shika hapa Ongea na hii.

Lawrence Karanja: Chairman, Commissioners and dear citizens, my name is Lawrence Karanja Mungai. The first thing to take to the view of the Constitution is about the President. President should not be elected from his own constituency; he should be elected by the whole of the republic of Kenya, because he will be serving the whole of Kenya and his constituency should be represented by a Member of Parliament. The President should not be above the law. The President, any particular, or any person, or any citizen, has got his own right like the President before the law - he is above the law, no one can go and eh -- some of the issues which people go on to delegate can not delegate positively, automatically - you do not go beyond eh the President. The other thing, the Head of the Government, Civil servant - the Head of civil servant, Chief Justice, Auditor-General, Attorney General and eh Vice President should be determined by the House.

The other thing, I come to is about health, water, education, housing, electricity and hawkers. Government should give free health treatment, to serve the public because poor people cannot afford to go to the hospital these days because they have no money, they die home because they have no money to share with the government to pay in the hospital. About education, to beat the illiteracy, people should have free education from primary level to secondary level, with graduates – of course these people are mature people, the government should retain the way of giving them loan to learn and after getting employment, they repay the advances they have been given.

With water, we have got good resources to get water for every one. We have got Lake Victoria which has got fresh water, there are people benefiting from the river now which come from the lake Victoria and we as Kenyans, we do not benefit from these lakes. As they have done in the petrol pipeline, to put to it up Kisumu and Eldoret, they should know how they can get water from lake Victoria and through to our arid areas where we have got good soils, to grow our food and assist our community. The other thing is about hawkers. Hawkers should be allowed in town in certain times, in certain streets, like in some other towns in the world people are given time, when they should hawk their goods in their town, and they are given the time instead of harassing the hawker now and then. Then with the clothing, this should only be done through the government, helping the people advance through harambee and so forth so that every body, can get clothed.

And about the food, every citizen should get food, because we are in an agricultural country. I don't see why we get aid from outside. If I can remember in 1977- 1976 – 1977, 78 we were out of foreign exchange, we did not need our foreigners to give their money, we were out of foreign exchange because our fund was stronger than British, which was. I remember one time it was up to Ksh. 14 against our one pound. But later on it increased up to 17 for quite a long time in 1976 – 1977 – 78 and this time, I passed to read a paper, the British government was getting our credit of 99,000 pound - which the British government

was owing us. To do this, it can be done even today. So if we do our resources of farming, the farmers are given the help at that time they were given the GMA. During 1967 – 68 upto 1997, governments were giving farmers help to plant, they were giving seeds, plough and all that, the farmer was only to look and to guide the labour. All this money - after the farmer gets his service to give to the government and the money is deducted - what he has used and making profit with it, and this encouraged a lot of people. Okay, Okay - So in this, let the government give the first priority to the farmers, as this is the only way we can get out of the poverty, because the economy has gone broke because we are not able to feed our selves. The other thing I come to is about the bank. In our country we have foreign banks - - -

Interjection (Inaudible) - Okay about the bank, I would like the government to put strength on the Co-operative banks, because every person can be in the co-operative bank, a farmer, a trader, the employee all these people

Interjection (inaudible)

Lawrence: Okay, Okay, I am just finishing. Let the people who are not non-citizen, not be allowed to do the business citizens can do. The other thing is about the state lands, like ADC farms and all that. The proposal on this lands, let the government employ people and work on this land and produce something to help our schools - to give our schools food, our prisoners, our colleges, our hospitals. With doing this, it is enough. I don't have any more.

Com. Adagala: Mr. Karanja we are sorry also with the others - because people have very good ideas, but if it is not written - please write it and forward it to the Commission, but it is just because of shortage of time.

Com. Prof. Salim: Because there is shortage of time, let me now find out actually how many are still here - those who have signed up or registered and then we divide the rest of the time equally between them. Hopefully we can do that. It may mean less time for each one of them, but that's the only way to be fair to all of them. We have Mr. John Mburu. Is he here? Alright wait; John Wamuti there, Peter Waime there, is that Peter Waime, no Peter Waime is not here, please answer when I call otherwise I will assume you are not. David -- this name can you read Bwana --- David Chao, is here? no, John Njoroge Thuo, is not here I am crossing his name out; Benson Njangi; alright - David Macharia; alright. Regina Mbio is here, Peter Mbugua Karanja and then Peter Njoroge alright - Pius Chege very good. Now we have one, two, three, four, five, six, seven, eight, nine - right, nine people. We have thirty minutes so therefore, John who? John Kariuki - I don't have his name, you did? I can't see it here. Unless you are among the very early ones and then you left - you must have left? Alright am sorry, but hopefully your views will already have been covered by somebody else, at least you hope so. Now therefore, can I give each one of you three minutes - no more - just to give us the main points. Have we agreed? We have to leave at six, because we are not going home to rest and have dinner and sleep - we are traveling to another constituency and sleeping far away from home. Hopefully you will bear with us and understand the problem. So we are losing time by explaining further, let me therefore call Bwana John Mburu Gakanya. And give us your views in three minutes - no more.

Concillor John Mburu Gakanya: The current Constitution allows the Parliament to amend any part of the Constitution by a

65% majority. My proposal is since some parties are buying or marrying other parties, this should be done through a referendum. The Three Arms of the Government, that is the Executive, the Legislature and the Judiciary, each should be given equal powers, and not the executive dictating the other bodies. The other one, the current Constitution is very clear that primary education should be free, health services should be free, subsidized secondary education. If you are reviewing I don't know how we can put it because we would like it to stay as it is, free mandatory, free primary school education, free health services, subsidized secondary education. Thank you.

Com. Salim: (Inaudible)

Com. Adagala: Councillor, Councillor, Councillor, when we say things about central government, do they also apply to local government, like for instant amendment by referendum does that apply to local government if there are things they are changing?

Councillor: Okay

Com. Prof. Salim: John Wamuti - and do the same thing Councillor has done.

John Wamuti: Yangu ni kusungumza kwa Kiswahili. Nawasalamia nyote mko hapa, na mwenye kiti? Jina langu ni John Wamuti. Yangu ni ya kwamba ama nina waomba mimi mkiniona hapa, ni mzee nilikuwa mpiganiaji wa uhuru - yaani freedom fighters. Hiyo nawaomba iingishwe katika Constitution ya Kenya ya kwamba, Kenya ilipiganiwa na watu walioitwa Mau Mau na ndiyo wanaitwa freedom fighters. Watu hao walikufa kule Hola, watu hao ndio mpaka wa leo wako wazee vikongwe wana vijana na watoto na hawana mashamba. Naomba hao watu wafikiriwe maanake bado wangali hai, wale wanasema ati wamekufa, mimi ni moja wao. Hilo ni jambo ningetaka mlitie maanani kwa sababu, mimi nikitembea naona sana watu wa freedom fighters maana nawajua, wanataabika na wapo. Wacha wale wanasema ni Mau Mau wa uongo hapana, mkitaka tuwape ukweli tuko, hatujakufa tungalipo na hiyo ni kitu ilifanywa Kenya, na nyinyi Wakenya mnaona haibu kuandika ya kwamba Kenya ilipiganiwa. Hiyo ni jambo nataka mliweke maanani kwa sababu tuna watu kama huko Cuba, hata Castro yuko na mwingereza hapa hapa South Africa, kuna watu. Kwa hivyo hata Kenya na nyinyi mwandike ya kwamba Kenya ilipiganiwa na Mau Mau.

Tafadhali niseme mnipe nafasi kidogo - hapo nimetoka na vile ningeomba ifanywe ni kwamba, kama hivi garden ya uhuru tukitaka kujengwe kitu ya kukumbusha hao watu vile vitu tulipigania kama bundiki, mapanga, nguo tuliyovaa na mengine, ili tuweke uko, watu wakuwe wakionyesha watoto wetu na watu wa Kenya. Kama vile nimesikia watu wakisungumza hapa habari ya historia, hiyo ni jambo ningetaka muweke maanani kwa sababu, naona ni kama watu wa Kenya hawana aibu. Prof. hata wewe mwenyewe ulikuwa University umeisomesha, na hapa katika archives yetu, mzungu mwenyewe amekubali tulipigana naye, mimi nakwenda huko kusoma. I have said he agreed we fought with him. Kwa nini mnaona aibu kwandika? Hapo nimetoka.

Ya pili, ni kitu kinaitwa COMESA, tunaona taabu na COMESA hii, Prof. Sukari yetu hatuuzi, mchele hapa tunalima, tulilima sisi watu wa Mau Mau, mchele hauwendi, mahindi haiendi, hii COMESA sio kusema ati vitu vyetu tusiuzi. Naombeni hapo muweke maanani ya kwamba chakula yetu kwanza hii tuuze yote tunayo kabla ya kununua ya wengine. Jinzi mmeona wa-Sudan vile wanatengeneza sukari wanatushinda, imekuja kwa TV jamani tafadhali hiyo kazi tunatafuta iko kwa mashambani hapa kwetu ni sukari, ni mahindi ni mchele, mambo kama hayo naombeni, COMESA siyo kusema sisi twende katika hasara tusaidie watu wengine. Yangu ni hayo, sikuwa na nafasi - kama ningekuwa na nafasi ningesema mengi, lakini hayo ndiyo nataka muweke maanani. Asante sana.

Com. Prof. Salim : Akifuata ni Bwana Peter Waime, Peter Waime

Peter Waime: Eh, Chairman na wenzetu, hawa wazee wanakaa, nawasalimi maana wengine walikuja kutoka asubuhi mpaka saa hii. Kwa hiyo mimi natoa shukurani kwa hawa lakini ni kazi mpaka twendelee na kazi ya mwananchi. Yangu - sina kikundi mimi nakuja kutetea, ni yangu mwenyewe binafsi maana sisi kama yule mzee amekwenda, tunateseka sana sana hapa kwetu Kenya. Mzee wetu anasema kila mahali unakwenda, nchi ni yako, lakini tunaona hakuna hiyo. Mimi ni mmoja ya wale waliofukuzwa huko Rift Valley, na mimi nilikwenda na pesa yangu kununua shamba maana hapa shamba haitoshi. Mimi naona vizuri kwenda kununua shamba mwenyewe.

Wakati ule sisi tunakwenda huko 83, 86, kukawa na mambo ingine, mashamba tukawacha tukarudi mahali mtu alitoka - na sisi ni watu wa Kenya, tuko Kenya - Sio London, sio wapi, sisi hapa ndio, kwetu Kenya.

Mimi nauliza, hii serikari yetu najua mimi ni mwananchi nako na kibali ya mwananchi hapa, tena niende wapi na huko ni mashamba yetu? Haya, isitoshe, mimi nasema kwa hiari, kama ni President afanye kazi ya President, kama ni Parliament, ifanye kazi ya Parliament. Maana kazi ile anaandikiwa ni hiyo, na tena ipewe mtu anajua mambo ya kuongoza nchi yetu. Haya isitoshe, kama ni Attorney General ana kazi yake, asipelekwe mahali hajui kufanya kazi ama huku ama huko. Hata Saitoti, ana kazi yake ndio mnaita nini? - Vice President, na yeye ana kazi yake. Na mimi nikimaliza, hapa kwetu Kiambaa kuna maplot nyingi sana sana, watu walipewa na hawajengi. Kama wao hawajengi wanakuja wanafanya nini - wanapewa pesa tena wanarudi, na hiyo maplot tujengewe. Ukienda huko unaona majani inajaa, kumbe ni rangi inaingia inauma uma watu. Kwa hiyo, waambiwe wajenge hiyo maplot. Hata sisi tunaitaji maduka, tunaitaji hiyo mahoteli, mabaa, makanisa, makaburi, sisi twahitaji na hiyo ni mali ya serikali tufanyiwe na serikali yetu vile tutakavyo, vile anajipenda na sisi atupende.

Kwa hiyo mimi sina mengi - ni hiyo mambo ya korti. Korti nayo, kama mimi ni mtu wa hapa na mimi nashtakiwa hapa Kiambaa, na mambo yangu yote iko hapa kiambaa, hapana pelekwa Nyeri, Murang'a korti, korti kubwa ni hapa hapa. Hiyo ni kusumbua mimi, nisiwe na pesa ndio wanyakue ile kitu wanataka kwangu, maana mimi nakosa pesa ya kufuata fuata mambo kama hayo. Na serikali yetu wasaidie sisi, kama ni wazee hapa kijiji, wapewe kazi hiyo maana, clan ndio watu wale wanajua kuangalia maneno ya watu. Tunaita nyumba, watu wa nyumba yetu. (Interjection inaudible) –(Inaudible) bado, ndiyo, haya.

Kwa hivyo, hawa watu, kama mtu anaua mwingine hiyo kesi isikizwe kwa makini hapa sio kwenda kuhongana ati mtu alikuwa

bure, bure, tena anawachiliwa kwa sababu ya pesa. Hapa tena wale watu wanaiba, ama wanafanya mambo ingine, kama korti ichungue kabisa, msiwekelee mtu ati alifanya au nini au nini, kama ni huko jela ama watu wale wanakatiwa kesi ya kuuawa, wachunguzwe kabisa, maana wengine wanafanya ki-magendo huko. Sisi hatutaki hiyo, tunataka nchi yetu iwe safi, tena iwe na uchunguzi mzuri, tena tupatiwe nchi yetu makao mazuri bila kuhangaishwa - unasikia?

Asante.

Com. Prof. Salim: Sasa Bwana David Chao, David Chao, yuko? Hayuko? okay. Bwana John Njoroge Thuo hayuko? Benson Njagi anasema kama uko, tafadhali you are young, forecast three minutes.

Benson Njagi: Haya Bwana Chairman, the Commissioners my fellow citizens. I want to speak on education. Education - primary education should be free and mandatory for everyone. Secondary education should be highly subsidized by the government, students who can not afford, who come from poor parents, should be assisted by the government. University education, should be accessible to everyone. There should be loans and grants from the government. Land – the land; people should be limited, each person should only own about 50ha. The rest should belong to the government, where those who want to do farming can rent the land. Towns and Cities should be directly under Mayors elected directly by the public. Housing; the government through the city councils and town council should have a proper housing program where by we need to have uniform housing. Right now you find there are so many types of houses if you go to the cities. Yah it is all confusion. Yah, we should have standardized in various areas.

Parliament: Elected Parliamentarians should not be allowed to defect while the Parliament term is on course. Intellectual property, the work of the artist and, or the work of artist should be protected plus any other interlectual property. A place like in America you find music industries is a very big industry, so what we are saying is, the work - the creative work or the talent, can come up with a big industry that can employ so many Kenyans. Executive Kenyan powers - the powers of the President should be curtailed. All appointments should be vetted by the Parliament. Political parties, we should have around four or five political parties. This will reduce confusion and people coming up with parties for selfish motives. Yah, broadcasting, we should encourage Kiswahili or English that is to minimize tribal biasm that is in broadcasting. We should encourage adult education, that is everybody should be able to read or write. Employment; employers should be made to give their employees good salaries, a certain percentage from employers should go directly to the employees, this will minimize exploitation. Government workers should be adequately remunerated. Corruption; there should be proper rule. Kenyans should be encouraged to invest anywhere in the country. And the small investors should be given incentives like tax cuts and such. Thank you.

Com. Prof. Salim: Asante sana Bwana Benson Njagi, we now turn to David Macharia.

Com. Adagala: Its good that areas, which we have not talked about, are coming out, like those ones of artists and small investors. We really need a lot of different views so that we can move.

David Macharia – (Kikuyu translated in Swahili) – Naitwa David Macharia nitaongea maneno matatu manne sitapitisha pale. Lile jambo nitasema ni lile liko karibu sana kwa vijiji vyetu, ambalo ni utawala wa kijiji. Kulingana na vile mtu - hali ya kuuliza kazi - mtu akifanyishwa interview halafu asijukuliwe, kama ni DC anapeana ile cheo, anafaa kuchunguza maoni ya wananchi. Yule mtu atakuwa na moani mengi kwa watu, na hawajakuwa pamoja sana, yule mtu anachukuliwa kama yeye ndiye mwenye hiyo cheo. Maanake tuna shida nyingi, unapigwa na unajua yule aliye kupiga na ukienda kusema ukweli, yule aliye kupiga anaenda kupeana pesa. Ukienda ku-claim unaambiwa “we mzee hujui vile unasema.” Unakwenda ndani. Kwa hivyo hiyo jambo ya kijiji ni nzuri kwa Chifu na Head men wake, lakini lazima iangaliwe ni nani, kwa sababu application - unaweza kupita application na ukuwe ni mkora. Kwa sasa, na ya tatu ni hii, sheria ikitengenezwa hali ya kinyumbani, kinyumbani isiingiliwe sana, maana nyumbani kuna yule mwenye kusema na kuambiwa; maana ikikosa pale, hakuna maendeleo ya kiulimwengu. Ikiwa mzee akiitisha haki yake kwa mama anaambiwa anamnajisi, halafu aukumiwe hiyo ni mbaya. Ama atiwe kortini hiyo ni mbaya sana.

Com. Prof. Salim: Asante sana Bwana Macharia, Tukienda sasa kwa Regina Mbiyu, Karibu tafadhali dakika mbili, tatu hivi.

Regina Mbiyu: My names are Regina Mbiyu I come from here and I would like to present my views. I salute you all. First, I would like to say something on poverty alleviation. I suggest that the social welfare party be established for the genuinely poor. I also suggest that street children be taken to homes and educated by the government, and those who have parents be taken back to their parents. I also suggest that children where else - be made mandatory that all children go to school right from primary school. I suggest irresponsible behavior that results in street children or children that are not provided for, be curbed by the Constitution.

Youths and adults with irresponsible behaviour be taken care of by the law. I also suggest that salaries be commensurate with the present economic situation i.e that the salaries that are offered by the private and civil service, be able to cater for the needs of the worker such that people who are working do not have poverty in their lives. I also suggest that the landless people be allocated land and be facilitated to farm. For example, be facilitated to have land in the desert areas and also be given finances to start irrigation. I also suggest that fathers that have abdicated their fatherly laws be forced to do so by the Constitutions and also mothers too.

I also want to say something on the environment, I suggest that slopy areas especially those areas that are above 55% slope and water catchment areas not to be cultivated. Land, next to rivers be left uncultivated to conserve the rivers also subdividing of land into small units that create villages, should stop. Indigenous trees, trees in the state forest and areas of public offices should not be cut. All forests should be preserved and intensive afforestation be carried out. I also want to comment on agriculture. I want - I suggest that inputs on agriculture should not be taxed, farmers should be given subsidies so as to produce food for domestic consumption and for export and be able to compete well with others. Imports of commodities that are being produced locally should stop.

On education - still on agriculture, I suggest that a fund be established to bail out farmers when problems of prizes especially, for the international or industrial commodities arise. For example the coffee farmers should be bailed out of their problems

through these funds when the international prices fall. Also farmers like the dairy farmers should be bailed out when a company imports milk products into the country. I want to say something on education; first I want to say that we should harmonize our education, such that if you undergo a three year education, you should get the necessary certificate with somebody else who is undergoing the same. For example if it is a degree of four years, it should be the same all over the country.

Also certificate and diplomas. I also suggest that an equipment key be established in the country, where by all schools are equipped so that they may be brought up into a level whereby they can compete equally in exam and be able to do well. I suggest that we remove the quota system of education and replace it with qualification. I also suggest that the chancellors of Universities should not be politicians. Also the vice chancellors. They should be academicians and be well formed with administrative performance. Secondary schools, I suggest, that school capacity should be enhanced whereby a Principal does not take excess students in a school, leading to overpopulation in order to reduce accidents and bad behaviour. I also suggest that parents - PTA should have a bigger say in matters concerning schools and students. I also suggest that school fees be made in a way that it will facilitate the running of the school without the Principals adding extra fee.

If a student is not able to pay secondary school fees and he or she is genuinely poor, he or she should be facilitated to go to school without paying school fees. On women issues, I suggest that women have one third representation in every level of our organization, I also suggest that business women, especially the local women, be facilitated to carry business without harassment from the law for example hawkers. Girls, especially the youth, should be protected from the marauding youth males who cheat them that they will marry them and they make them fall out of school and when they have children, they are ditched. So the law that we have should protect the girl-child from the cheating of the young men and also some adult men who do the same. I suggest that fathers who abdicate their paternal roles I am talking on the side of girls now- they should be forced by the law to take care of the children that their bear. That is all now. (Inaudible interjection) I said if - - okay. The mother- I mean both- because the mother has been made a mother, she should be taken care of. If the man says he is going to marry that woman, he should be forced either to take care of them both or marry her. They should be supported, both of them.

Com. Prof. Salim: Mbugua Karanja

Mbugua Karanja: “Ni wega muno?” (In Kikuyu translated in Swahili) Nawasalim nyote mlio hapa - hasa wale tumekuja kusikiliza hapa na ma-commissioner wetu? Ile jambo inanifurahisha ni kwamba, tangu tulipo jipatia uhuru - hakuna uhuru tuliopatiwa maana ile sheria iliyokuwa na mwingereza ndiyo tunayo endelea nayo sasa. Ni kuonyesha wale waliokuwa wakitawala pale mbeleni, hawajakosea maana ile Katiba iliyo kuwa ikiongoza tukipatiwa uhuru 62, 63 - sorry walijaribu kutengeneza Katiba ambayo tunajaribu kutengeneza sasa. Na tukitengeneza Katiba mpya sasa, hatuwezi kusahau ile iliyokua mbeleni. Na watu wanafaa kuona ni kama mtoto mwingine mchanga tunajaribu kuzaa.

Mapendekezo yangu kwa hii Tume, tulipopatiwa uhuru kuna tume iliyopendekezwa na Ndegwa ya kupatia uhuru watu wote wa serikali kupiga biashara. Na hilo jambo lilizaa matunda mabaya hata wa sasa imeanza bado kuua wengine. Maoni yangu ni watu wa serikali wanaofanya kazi wasikubaliwe kufanya bishara zingine kabla hawajafikisha miaka hamsini na tano - kabla

hawaja-retire. Maana watu wa serikali wakiwa wakifanya biashara inaingiza wizi, ndiyo inaingiza wizi na hata kufanya serikali iliyoko kufilisika.

Maoni yangu ni kwamba, watu waliyo ndani ya serikali, wasipatiwe mwanya ya kufanya biashara zingine, kabla hawajafikisha miaka hamsini na tano. Waki-retire wanaweza kupatiwa wakati mwingine wa kufanya biashara nje. Hilo jambo ndilo imefanya kuingilia mambo ya mashamba na hata kupata mashamba makubwa. Ningetaka walio na mashamba makubwa - sio wanyang' anywe, bali wauzie wasio na mashamba ili waachwe na shamba kidogo kama hekali mia moja, na hizo zingine wauzie wale hawana. Yale mashamba makubwa yanafaa kubakishiwa serikali. ndiposa yale mashamba iwe ikilimwa na wafungwa.

Walio fungwa na civil kesi kifungu cha sita, wawe wakifungwa kifungu cha nje. Na wawe wakifanya kazi kwa office za DO, na za jela, na ili wawe wakifanya kazi kutengeneza barabara za mitaa, ili watu wawe wakitengeneza location zao, na walio na kesi ndogo ndogo hawafai kufungwa ndani ya jela ama seli. Maana kuna zile bonds watu wanapewa na serikali, watu wa kunywa pombe na wale wa kesi ndogo ndogo wanafaa kufungwa kifungu cha nje. Naona seli zetu ni ndogo, na watu wanashikwa watu wakiingia kule wanakuwa wengi sana, na serikali inatumia pesa nyingi sana.

Mimi naona ile mashamba iliyo ya selikali, wale wamefungwa, wawe wakilima hiyo mashamba na kupata chakula ya wafungwa.

Tena jela zetu ziongezwe chakula, maana wale wanafungwa wengi wanakufa kwa njaa maana hakuna chakula. Hiyo inaingiza hata wanaume kuwanajisi wengine maana wamekua wengi. Sasa tunaona Kenya karibu ikuwe Sodom and Gomora. (Inaudible) tena majudge wetu ile sheria wanatumia ni ile ya ki-coloni sababu, ukienda huko ukishtakiwa na mtu mwingine, unaambiwa ukisimama namna hiyo, anakwambia, “wewe uliua mtu huyu ama ulifanya yeye namna hii au hapana?” na hiyo ni mbaya sana kuuliza mtu namna hiyo - hawezi kujitetea. Kwa hivyo iko ingine moja nitaongeza, watu kukamatwa usiku hiyo ni mbaya na ndiyo hata wengine kwisha sema na mimi nitasema, sababu kutakuwa na viwanda katika nchi yetu na watu watakuwa wakifanya kazi usiku. Kwa hivyo kukamata watu usiku wakikuta kazini na kuingiza ndani ya seli ni vibaya. Haya asante.

Com. Salim: Peter Njoroge

Peter Njoroge: Thank you Commissioners, my fellow Kiambaa residents, my names are Peter Wainaina Njoroge and here are my views towards the CKRC, I would like the following preamble to appear in our Constitution. “This Constitution is a property of the Kenya people being a contract between governed and the governance, on how the governed would like to be governed. It is the supreme law against all the other laws in Kenya.” Here are my amendments to the current Constitution. The Presidency; the President should be elected by the people of Kenya and should hold executive powers, the person to be declared President should have attained 51% vote cast during the election. There should be a provision for independent candidates. The President should name his running Vice President during his electoneering time. The Cabinet; the Cabinet should be appointed by the President and approved by 65% vote in Parliament. The President should always consult the Parliament whenever he wants to dismiss a minister. There should not be more than 16 Ministries or Ministers and not less than 12. Parliament should have powers to impeach a Minister - which should be presented as a private members’ motion, and be

supported by 65% MP's in the house. Assistant Minister should be equal the number of Ministries i.e there should be one Assistant Ministers in each Ministry.

Permanent Secretaries and Ambassadors; all Permanent Secretaries should have attained university level of education and he or she should have adequate knowledge of the ministry he or she is leading preferably a university degree. They should be appointed by the President and approved by 65% of Parliamentary votes. The President should, before dismissing the PS inform Parliament which should be put before the vote and supported by simple majority in the Parliament. Parliament should also have powers to dismiss or dismissal of a PS by way of presenting a private member as motion and should be supported by 65% vote. Ambassadors should also be appointed by the President and approved by 65% vote in Parliament. Ambassadors should be degree holders.

Prosecution: The prosecution in court should be expanded to include the following bodies; The Attorney General, the Police, Controller and Auditor General, Public Accounts Committee, Public Investment Committee and Public through Private Prosecutions. Attorney General should not have powers to terminate any case before a court of law. Nomination of parliamentarians the nomination of members should retain the current 12, but the seats should be distributed as follows: Disabled – four seats, Lawyers 2 seats, Doctors 2 seats, Women 2 seats, and Churches 2 seats. The nomination should be done by the President through Electoral Commission and respective political parties.

The Electoral Commission should be appointed by the President and there will be 20 Electoral Commissioners, who should be appointed or nominated by political parties according to their strength in Parliament. The nominated Commissioners should be forwarded to the President for appointment and the President should have no powers to reject any nomination by a political party. The Commissioners should be left to elect their chairman from among themselves. Quorum in the House; since the MP's are paid by the tax payers money, the quorum in the Parliament should be raised from the current party to half the sitting MP's excluding the ex-official - currently it should be 116 MP's in the house.

Funds of the government; the government should always follow the yearly budget to the letter. If by any chance the need for additional spending, it should be brought to the House by the Ministry of Finance and should be approved by 65% votes in Parliament. I'm almost - - Okay. Disolution of the Parliament. The President should not be given powers to dissolve the Parliament. Parliament should have a regulatory calendar. Public Service Commission; all government officers should be employed by public service Commission. Tenure of offices: The following offices to be given tenure of office: Electoral Commission, Police Commissioner, Magistrates, Judges, Chief Justice, AG, Auditor-General, Central Bank Governor.

Local Authorities: The mayor and chairman elected directly to the members by members of public. Councillors should be given powers to hire and fire all officers including Clerk and Treasurer. Impeachment of elected MPs the public should have powers to impeach their Councilors and MP's. This should be done by collecting views and 75% signatures of registered voters. Provincial Administration – I would propose the Provincial Administration to be scrapped forthwith – Provincial Administration to be scrapped.

Parastatal Executives or chiefs should be appointed by the President and approved by 65% vote in Parliament. They should be contracted for 5 years and should be reliable for re-appointment.

Education:- I would propose there should be a parents body in the act elected by respective school committees, this will help parents to bargain for their children's rights. Changing Constitution. This should not be left to Parliamentarians but should go for referendum carried out by Electoral Commission. Thank you.

Com. Prof. Salim:- Thank you very much Bwana Njoroge, now our last person to hear is Pius Chege. Please two, three minutes no more Bwana Chege, just three minutes.

Pius Chege: (Kikuyu Not translated)Nie ndemothomu na kwaria Gikuyu neguo tondu goko ne ndi'rona and othe ti a thomu, kore maraigua githoko kore otaraigua, kore araria gethweri kore ataraigua neguo kana tiguu. Nie ndukandafutire tondu andu aya othe ni athomu aya ni Agikuyu. Oguo mwatafuta haha kinya kore mundu otegothikagereria. Nderinda kwaria ohoro wa makanga na are'uo tondu Constitution ino ne turamey'nda muno, Mothe niwe ndirera, nderinda kwaria ohoro wa Constitution ino ne wega kana tiwega.

Ithuwe Makanga ithuwe tweekerega ngari, naithue tweekeraga ngari ithui nothui tonyitago and aya ange matinyitago. Riuo ithuwe Makanga toragia atirere kare ithui ndereva? tondu muthigari oka we newe orona, agakonyita.

Tucope twariye ohoro wa ariuo. Mundu muriuo ona munda wena bible aracemanio nake oguo agithe na bara na nekoi'noka ara inoka auma kohunjia akanyito. Nuranyita oria ndirakwira, nariuo athi athomiro haria igortini nderega tondu ndekwenda gothe romandi no kinya etikere neguo ahoro fine ya magana K.shs500/=.

Twauga Constitution igethere tondu wa rere (I talk in English, I know it I know kiswahili I know ata Miji kenda najua. Let me tell you Madam, Proffesor. We, ithue twena thina muno tondu ithue gotiri hando tutaranyitiro. Turanyitiro handu hothe, na ni mothigari ogatonyitera handu hothe aci'ria, that is Mijikenda. Asante.

Com. Adagala: Thank you very much everybody, but as you can see, we do not have any more light, we do not have any more energy. (inaudible), but we know that you will go on thinking and even think about what you have heard here and you are free to write to the Constitution I am sure there will be a date by which they will say "okay, the views now we have are the ones, we will use." But you are always free to say and free to propose. Okay - Professor.

Com. Prof. Salim: I think you have more or less, Com. Adagala, said what I really wanted to say. Basically, I want to thank you all very much - all those who have given their views. We have harvested something like 50 views today and a similar figure yesterday. They tend to repeat here and there, so it gives us an idea as to the sort of issues which you are concerned about. So all that remains for me is to thank you very much for being with us, for staying so late and to wish you all God's will to return

