

CONSTITUTION OF KENYA REVIEW COMMISSION

CKRC

VERBATIM REPORT OF

**CONSTITUENCY PUBLIC HEARINGS, KABETE CONSTITUENCY,
HELD AT KABETE ACK CHURCH**

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20TH APRIL, 2002

[Redacted]

CONSTITUENCY PUBLIC HEARINGS, KABETE CONSTITUENCY, HELD AT KABETE ACK CHURCH, ON
20TH APRIL 2002

Present:

1. Prof. Wanjiku Kabira
2. Mr. Paul Musili Wambua

Secretariat Staff In Attendance:

- | | | |
|----------------------|---|-----------------------|
| 1. Roselyne Nyamato | - | Program Officer |
| 2. Jackline Odhiambo | - | Asst. Program Officer |
| 3. Regina Mwachi | - | Verbatim Recorder |

The meeting was started at 9:00 am. by Mr. Amos Kiroo and was chaired by Com. Paul Musili Wambua.

(Inaudible prayer in Kikuyu)

Chairman 3C's- Amos Kiroo: Thengiu munu na oringi, ningumucokeria ngatho andu a Kabete ni undu wa guka rucini ruru. Uyu ni mucamano wa bata muno muno muno, otona mu kwirwo ni commission ni undu wa guthondeka gatiba. Thiini wa Kabete constituency, ota constituencies iria ingi ni kuri kamiti ya thurirwo ni undu a ko- mobilize kana gutuma andu mamanye wega na gitumi na wira uyu turaruta wa gatiba. O Constituency ina athuri na atumia ta acio. Na kamiti iyo ya Kabete constituency ni irutite wira muno; ni muigwite gukianirwo makanithaini, ndunyuni, baratha cia macibu ona miciini na macukuru. Riu ni ngwenda kumumenyithania na kamiti yakwa iria tukoretwo tukirutithania wira nayo. Nginya tugakinya hau tukinyite umuthi. Ningwambiriria mwena uria. Member ucio wi mwena ucio, etagwo Lilian Wanjiku wa Njehu, rugama ugeithie andu a Kabete.

(Interjection): Wanjiru.

Chairman 3C's- Amos Kiroo: Wanjiru ona Wanjiku no undumwe, mari a nyina umwe.

Wanjiru: Mwathani agocwo, ndi mweka na ndimuhonoki.

Chairman 3C's- Amos Kiroo: Niwaigua ni mweka na ni muhonoku na ni umwe wa airitu a Mumbi kuguo ndi mwiite Wanjiru, na Wanjiku ni mwari wa nyina, ithi tiguu? Wa Njehu ucio a-representaga location ya Muguga. Muthuri ucio ungi, ni we utuithagia nyimbo cia kiroho, nigetha tukaruta wira, wega nake etagwo Joseph Ng'anga. Joseph ni muthuri urutite wira mweka muno na a -representaga location ya Kikuyu.

Joseph: Muri ega?

Audience: Ii.

Chairman 3C's- Amos Kiri: Muthuri ucio ungi menake, aingi anyu ni mumui. Niwe chairman witu, wa Kikuyu Town Council, etagwo Dhome wa Wamagata na andu aya niaku, mageithie.

Thome Wamagata: Muriega inyuothe?

Chairman 3C's- Amos Kiri: Ucio ungi etaguo Boro wa Nyaga, na tundu guku ni gwake aria ma mui, tumuitaga muru wa Edithi, nake niwe urutaga wira guku Kabete location, na tondu chairman ni akiri mundu wa kumukaira mondo, Tannary yakwa ya Nyathuna mundu uria umirutiire wira onayo ni uyu, Kabete location and Nyathuna. Muthuri uyu twinake haha, niwe secretary witu wa kamiti iyo, etaguo Kenneth Njoroge wa kuria Kimuri, nake ni mwarimu retired, na niwe secretary wa kamiti yakwa na a- represent-aga location ya Kinoo.

Kennt Njoroge: Muri ega inyuothe?

Audience: Iii,

Amos Kiri: Twi na Coordinator witu, Mr. Kariuki, ni we urarora maundu moothe thiinii wa Kiambu District makonii gatiba. Ni wi riu contact person, riria twa batara tugathii Kiambu nikuo ena wabici. Guku, Limuru, Lari kuria kungi. Ni wi coordinator handuini ha commission, na twi na ngatho muno tondu ni atuteithitie muno na agatuthomithia na agatuma tukinye hau tukinyite. Mr. Kariuki.

At this time, we are very happy once again, tondu twina Commissioners eri. Prof. Wanjiku wa Kabira, na Paul Musili Wambua. We spent a long day yesterday at Kikuyu. Turambiriirie thaa inya nginya, just before six. These two Commissioners did not even have a minute of break. Ni kuonania devotion nene muno, na commitment to the job, committed in to your hands. Kuguo on behalf of Kabete constituencys, Constitution Review Committee, and this congregation here, we are very grateful for the work you are doing. So we are happy to introduce to you, these two great Commissioners with us here. Nariu ndakinya hau, nanii njitaguo Kiri Amos, na nyumite Nyathuna, no wira uria muingi muno Nyathuna, urutaguo ni Boro, and Boro is paying me a debt, tondu my sister, ni nyina. Kuguo unaigikimwendia ndina thina.

Audience: Asa (Laughter.)

Amos Kiri: My sister ni nyina kuguo ndamwirire utalipa, utafanya Nyathuna hata ufanye Kabete, na amefanya sana sana sana. Sasa, I am handing over to you, the Commissioners, mwarie cara ruku, guku ni kwanyu. Na riu Commissioner Wanjiku, karibu sana Kabete Wangige, asante. Secretariat you are also very welcome. Thank you for your good job. I started getting

to see you yesterday and I think this is a good team. Thank you very much.

Com. Wambua: Asante sana Bwana Kirirou, sasa tumeingia wakati wa kuanza kupokea maoni, na kwanza nilikuwa nataka niwaelezee machache; kuhusu utaratibu ambao tutafwata kama Commissioners. Kwanza tunatakiwa kujua ya kwamba, kikao hiki kinatakiwa kianze saa mbili, mpaka saa kumi na mbili jioni, kwa hivyo wakati wowote ule watu watakapo fika, kabla ya saa kumi na mbili, tutapokea maoni yao. Mtu anaweza kutoa maoni yake binafsi, ama atoe maoni ya kikundi ambacho kime kuja kuwakilisha hapa. Lakini tunatakiwa kwanza tujiandikishe kwa form ambayo iko kwa mlango pale, halafu ikiwa umeandika maoni yako kama ni maandishi, utatoa maoni ile umeandika, ndio tunaita memorandum, basi kumaliza tu kuongea kwa muda ambao tutakupatia; utaweka sahihi pande ile, halafu uandikishe memorandum. Halafu ukiwa utatoa maandishi, tutakupitia dakika tano, na ikiwa utazungumza bila kutoa maandishi, tutakupatia dakika kumi. Lakini ikiwa watu watazidi, wawe wengi, kwa sasa nafikiria tuko na wangapi?

(Interjection) – 40

Com. Wambua: Tuko na arubaine. Tukizidi pengine huo muda tutaupunguza ndio tupate nafasi ya kusikia maoni ya kila moja wenu.

Unaweza kuongea kwa lugha ya Kimombo ama KiSwahili, ukiwa una shida kutumia Kimombo ama Kiswahili, pengine unaweza hata kutumia Kikuyu. Halafu tutatafsiri. Kuna mtu wa kutafsiri, halafu tutaandika maoni yako. Na jambo lingine nataka kutaja ni kuhusu hatua ambazo zitafikia kabla hatujapata Katiba mpya. Hayo pengine ni mambo ambayo tumezungumziwa wakati Commissioners wamekuja hapa kuwatembelea. Lakini mjue kwamba sisi kama Tume, ni kiungo kimoja tu, cha kuchukuwa maoni, ama kutengeneza Katiba. Kuna Constitution Forum, kuna National Constitutional Conference, ambayo ni kikao cha kitaifa, na kuna bunge.

Tukichukuwa maoni kama tume, tutasikia maoni halafu tutatengeneza reporti ambayo itazungumziwa na wananchi katika mikoa kwa siku sitini. Halafu, sheria inasema kwamba, baada ya kujadiliwa, hiyo repoti itapelekwa katika kikao cha kimataifa, that is the National Constitutional Conference. Huko kutakuwa na majadiliano zaidi, na tukifikia, wale citizens watakaokua huko, basi pengine Katiba itaundwa hapo.

Halafu, wakisha maliza, hiyo report itapelekwa Bunge, na Bunge itajadili, na irekebishe Katiba mpya ya Kenya. Kuna Constitutional Forum, ambacho ni kikao cha wakazi wote wa eneo la Bunge, na hiki ni cha muhimu manake, eneo la Bunge ndiyo primary organ, kwa hii process ambao ni ya kurekebisha Katiba. Ndiyo mnaona kama Commissioners wanazuru constituencies, sio kwa districts. Kwa hivyo kikao cha constituencies ni kikao free, na kuna kamati ambayo tayari inahusika na kuwatarisha kupeana maoni. Katika eneo la Bunge, kamati ya sehemu hii, ndiyo itasimamiwa na Bw. Kiriro. Kwa hivyo hayo ni machache, kuwaelezea jinsi itakavyo endelea; kuhakikisha kwamba, hapo baadaye tutakuwa na Katiba mpya. Kwanza nitapokea maoni ya wananchi, halafu sisi kama Tume tutatengeneza repoti, na hiyo repoti itarejea wananchi tena, wajadili zaidi,

halafu baadaye kutakuwa ni kikao cha kitaifa; ambapo hiyo reporti itajadiliwa zaidi. Kwa hivyo tumekuwa na nafasi ya wananchi, mtakuwa na reporti yenyewe kuhakikisha kwamba maoni ambayo wamepeana kweli, yamewekwa katika hiyo report. Na kwa hayo machache, nafikiria ni vizuri muanze, na wale ambao walifika kwanza ndio watakao anza. Lakini kukiwa kuna sababu fulani, ambayo itahitaji mtu fulani kuanza, basi tutawaeleza kumekuwa aje. Kwa kuwa sasa watu wanaendelea kuwa wengi, ni vizuri tuanze wakati huu. Na wakwanza kujiandikisha alikuwa ni Gacheru Kahiro. Gachero, ukija hapa basi utatueleza jina lako, kazi ambayo unafanya, halafu unaweza kuongea na muda ambao umepewa, kama huna memorandum ni dakika kumi, kama uko na memorandum, ni tano. Halafu ukisha maliza, jiandikishe huko. Thank you very much.

Gacheru Kahiro: Kwa majina mi naitwa Gacheru Kahiro na nimetoka Nyathuna Location, upande wa Gathiga. Nimekuja hapa, kusimamia kundi la Release Political Prisoners, ambao wanapigania haki za kibinadamu. Yangu sitasema mengi sana, na hasa ile mambo nataka kuongea juu yake, ni vile tulisumbuliwa sana na askari. Wanakuja unashika mtu bila makosa, badala ya kumpeleka kortini, wanaenda wanakueka kwa cell. Wakikuweka kwa cell, badala ya kukupeleka kortini, ile kitu wanafanya sana ni kuitisha pesa ambazo hazina maana. Ukipeleka pesa ndio unaachiliwa, na hiyo mambo hatutaki. Tungetaka kusema ya kwamba, sisi kama Wakenya, mtu akishikwa, akipelekwa kwa cell asikae kwa cell. Iwe ile siku nyingi sana ambazo anaweza kaa, iwe ni siku tatu na ikizidi hapo, kwa sababu akiwekwa kwa cell, hapo ndipo wanasumbuliwa. Cell zetu zenyewe ni mbaya sana, mtu anapigwa, anateswa na wanamsumbua tu. Kwa hivyo tungetaka kusema ya kwamba, sisi mtu akishikwa apelekwe cell, kutoka kwa cell asikae, apelekwe kortini. Hata kortini pia asikae. Unaona ya kwamba watu wakipelekwa kortini, wanakaa muda mrefu sana, unatolewa kwa cell unarudishwa, unakaa remand, hata watu wengi sana wamekufa huko kwa remand. Sasa hilo ni jambo moja ambalo, tungetaka hiyo commission ya Constitution iangalie sana.

Pia, tungetaka kusema ya kwamba, Judiciary ya Kenya, ni mbaya sana, kwa sababu ile kitu wanafanya; tuseme mtu ameshikwa, badala ya kupelekwa kortini, na hiyo kesi kumalizika haraka, akikaa huko, yule mtu ambae alikuwa amemshika, tuseme mtu fulani amekulpeleka kwa askari umeshikwa na umepelekwa huko kortini, anapeana pesa, unakaa huko, usumbuliwe huko tu bila sababu yeyote. Kwa hivyo Judiciary ya Kenya iwe independent, hiyo ni kitu ya kwanza. Watu wasikae kwa cell. Korti yenyewe iharakishe; kusumbuliwa na askari tunakataa hiyo.

Hiyo ingine, kuna watu ambao hatutaki kwa serikali, hao watu tunaita Provincial Administrators, DCs na hawa watu wote, mpaka chief. Kwa sababu hawafanyi kazi ambayo inasaidia raiya. Wana usumbuwa watu tu, hongo, ambapo sisi wa Kenya hata watu wengi hawana kazi. Kwa sababu ukishikwa unapelekwa huko, ile pesa wanakuitisha hata huwezi pata. Ndio sababu unakaa kwa remand muda mrefu sana. Kwa hivyo administration hatutaki, haitusaidii hata kidogo.

Hiyo ingine tungetaka kusema ni mambo ya serikali. Tungetaka kusema tupewa Government of National Unity, and have preferably three political parties. Hiyo ingine ni equal equal distribution of national resources. Hiyo ingine Presidential powers should be reduced, and the President should not be above the law.

Com. Wambua: Asante sana Gacheru, atakae fuata ni Francis G. Kairu.

Francis Kairu: Mimi nitazungumza kwa Kikikuyu. Ningwandikite hau nu ndiri undu ati ngubangite ati nguka kwaria nu ni ngwaria kaundu kanini, tundu kaundu karia nii ingigweta ni thiinii wa Constitution inu iguthundikwo.

Translator: Ile mambo nitasema, ni vile hii Constitution itatengenezwa.

Francis Kairu: Uria nguga,

Translator: Vile nitasema,

Francis Kairu: hau ngwandikite hatiri undu nguheyana,

Translator: hapo hakuna kitu napeana,

Francis Kairu: nu ninguga ati,

Translator: lakini nitasema ya kwamba,

Francis Kairu: Constitution iria tuguthondeka,

Translator: ile Katiba tutakae tengeneza,

Francis Kairu: ati kungihoteteka githumu nikyo muno hatiri handu haritio, tungyenda hekirwo ho.

Translator: Ikiwezekana sana, masomo yawekwe pale, ama karo.

Francis Kairu: tundu riu aciari aingi aria turi nao guku bururini mena uritu muneno muno makiriha cukuru.

Translator: Maana wazazi wako na shida nyingi sana kulipa karo.

Francis Kairu: Kungihoteteka tariu angikorwo mwana wakwa ni araigua githomo na ndiri na uhoti ucio,

Translator: Ikiwezekana mtoto wangu ni mwerevu na mimi sina uwezo wa kumsomesha,

Francis Kairu: Kiria ngwirwo ni njike harambee,

Translator: Na ile kitu itatokea ni ufanyishwe harambee,

Francis Kairu: kana heo bursary.

Translator: ama nipatiwe bursery.

Francis Kairu: Na ringi nyamu icio ciothe ndigihota.

Translator: Na hiyo yote siwezani nayo.

Francis Kairu: Ringi ona ingika harambee na ndiri na andu aingi manjui tundu ndiri na uhoti,

Translator: Nikifanya harambee, na mimi sina watu wengi ambao wananjua, kwa vile mimi maskini.

Francis Kairu: kwoguo korwo no kuhoteke Constitution iria iguthundekwo, githomo gikorwo gi gia tuhu, thirikari ikorwo niyo igukua jukumu iyo.

Translator: Ikiwezekana serikali elimu ikuwe ya bure na serikali pia ichukuwe jukumu hilo.

Francis Kairu: Nigetha mwana onakorwo aciari ake matiri na hinya na ni araugua githomo ni akuhota guthii nginya akinye university.

Translator: Kama mtoto atakuwa mwerevu, na wazazi hawana uwezo, atasoma hata kuendelea university.

Francis Kairu: Mwana ucio ona riria akarikia githomo kiu, ndagoka guteithia muciaru wake ari o wiki.

Translator: Na itakuwa wakati yule mtoto atakae hitimu masomoni yake, hatasaidia tu wazazi wake peke yao.

Francis Kairu: Agoka guteithia community tondu angikorwo ni ndagitari kana ni lawyer, andu acio, community, a area iria ari nio agakorwo agiteithia. Kwoguo mundu ndagakorwo ari wa muciaru, agakorwo e wa community.

Translator: Yule mtoto anaonekana akimaliza akifaulu, atakuja kusaidia community ya area yake na hata nchi kwa jumula.

Francis Kairu: Kwoguo thirikari korwo no kuhoteke niyo yagiriirwo ni gukua thiina ucio wothe no ti muciaru.

Translator: Lakini ikiwezekana serikali inafaa kubeba ile mzigu sio mzazi peke yake.

Francis Kairu: Nigetha muciaru angikorwo ndari na hinya, mwana wake ndakae gutigwo na thutha ni undu wa kwaga hinya.

Translator: Ili kama mtoto, ama mzazi hana uwezo, asiachwe nyuma kwa ajili ya shida.

Francis Kairu: Uguo noguo nyuma na guo.

Translator: Hiyo ndio nilikuwa tu nayo, asante. Sign hapa.

Com. Wambua: Asante sana Francis Kairu. Watatu atakuwa ni, Lay Cannon Gideon Numa.

Gideon Numa: Kwa majina ni Lay Cannon Gideon Numa, na mii ni mkaaji wa Kikuyu, tena kazi yangu ni ya biashara na ukulima, na tena ni mzee wa kanisa. Mimi ningeuliza commission, kwa sababu nimeandika kwa memorandum, badala ya kunipa dakika tano, iwe kumi, kwa sababu ningependa kueleza kidogo. Tena mimi ni mzee kidogo, ikiwezekana. Mimi nataka kuzungumuza juu ya Katiba mpya, na nita taja kidogo, historia kidogo, ya kwamba katika nchi hii, ilitawaliwa na Waingereza, mwaka wa 1896, na walikaa miaka 67. Halafu tukawa na serikali yetu ya KANU, ikiongozwa na Kenyatta. Wakati Kenyatta

alipo tawala, alimuondoa mzungu, lakini hakuondoa utawala. Kwa hivyo, tungetaka Katiba itengenezwa ya kutengeneza utawala sio kumuondoa mtu. Wakati Kenyatta alipokaa, akaenda, Moi akaingia. Moi aliondowa watu wote wa Kenyatta, na hakuchange mambo ya kutawala. Kutoka wakati huo mpaka leo, ni miaka mia moja na sita. Sisi tumetawaliwa kwa mabavu na tumeumia sana. Kwa hivyo, nikasema ya kwamba, mimi nina mshukuru Mungu, kwa sababu mimi nilitawaliwa na Mwingereza, najua alitawala namna gani. Kenyatta alipotawala mimi nilikuwako, nilijua alitawala namna gani. Wakati sasa tumekuwa na Moi, nimejua mambo inaenda namna gani. Lakini mimi ningeomba Commissioners na nchi yote, tu- change mambo ya utawala. Tusifikiri ni nani atakwenda, mwingine arudi.

Kwa hivyo nimeandika memorandum yangu, na nikasema ya kwamba, kitu kikubwa kwa memorandum, ni lazima tujue nchi yetu ya Kenya, kuna makabila arubaine na mbili. Haya makabila ni different. Mambo ya economy, na mambo ya elimu. Kwa hivyo ni kasema ya kwamba, tukitaka kutawala vizuri, na tutawaliwe vizuri, tufikiri mambo ya watu. Kwa sababu sisi, tumekuwa watumwa, ati ya kwamba tuna uhuru; lakini na weza kusema wazi ya kwamba. We are not yet independent. Hatujakuwa na uhuru, kwa sababu, unaona mjumbe mmoja, anawakilisha watu elfu mia tatu, three hundred thousand. Mwingine anawakilisha watu watano, na wakienda huko vote ni moja. Kwa mfano katika Kabete, population ni hundred and eighty thousand. Na mjumbe in mmoja. Tukienda katika district kama constituency nyingine, unapata mtu ana wakilisha watu elfu kumi, na kwa kura wanakuwa moja. Kwa hivyo hatujakuwa na utawala.

Ya pili, wakati Kanu ilipoingia na Kenyatta, utawala wa Mzungu, wakati mzungu alipokuja, alijua namna ya kumtawala Mwafrika ni kuweka Chief, Sub-chief na PC. Hiyo kazi yao ni kuchapa watu. Hata leo bwana Commissioners, tuna miaka 39 ya uhuru. Bado Ma-chief wanachapa watu. Tulipigania uhuru wa nini? Kama tulipigania uhuru kujitawala, situngekuwa na watu wetu wote wachaguliwe. Nasema hivyo ya kwamba, sisi tunataka Katiba yenye kuondoa haya mambo. Provincial Administration, iliwekwa na Mzungu, ile kuchoma nyumba za watu, na kuwanyang'anya mashamba yao. Ukisema kitu unaambiwa umefanya makosa. Nitasema kidogo juu ya hiyo Provincial Administration. Katika utawala wa leo, economy yetu Kenya imeharibika kutoka State House. Kwa sababu simu inatoka State House, inamwambia DC, huyo Chairman of Board of Governors, lazima awe mtu yetu. Huyo Chairman wa Coffee Cooperative Society, lazima awe mtu yetu. Huyo mtu wa mchele kuwa Chairman kule Mwea. Haya, DC akiona namna hiyo anambiwa wananchi chaguweni, anajaribu kuingiza mtu mwingine. Watu wanaona haikufanywa haki. Wanapigana, wanauwana, wana kata kahawa. Kwa hivyo ni faida gani, kuwa na serikali mtu moja kutoka juu mpaka chini? Mimi ningeuliza Commissioners tuwe na serikali, ya local authority autonomous, na igawanywe kwa njia nzuri. Kwa sababu inawezekanaje local authority moja ni watu hamsini, na ingine ni two hundred thousand? Hii ni mbaya sana, kwa hivyo kama sisi tulipewa uhuru tujitawale, ingefaa sisi tuchaguane kutoka Councillor mpaka katika office ya province.

Hivyo mimi nimeandika hapa ya kwamba, lazima tuwe na serikali kama ifwatavyo. Ninaposema tuwe na Legislative kama watu wane tano hivi, wengine wanasema ati juu ya economy. Commissioners nataka kuwambia, mtu akiwa uhuru, hata akienda uchi, ni afadhali, tumekaa miaka 39 na serikali moja, na tumeona vile tumekuwa masikini. Tanzania, waliweka mambo ya ujamaa.

Hawana utajiri kama ya hapa, na hii utajiri yetu ni ya bure. Kwa sababu wetu wanakaa, hawana chakula. Hata watu wengine bwana Commissioner hapa, hawajakula breakfast, na tunasema hetu United Government, serikali moja. Kwa hivyo mimi nimesema hivi, tuwe na local authority, kama vile tulivyo na Chairman wetu hapa wa local authority; igawanywe local authority kulingana na population. In Kenya we are about thirty million people. If you divide it by a hundred thousand, every constituency itatoshelesha kuwa na local authority. Chairman akichaguliwa na wananchi na kuwe na clerk wawili. Mmoja awe wa kuangalia development katika ile local authority. Mwingine awe administrative, achukuwe pahala pa DO. Kwa sababu, mtu akienda State House, analeta ndugu zake. Anasema muende Kikuyu, wewe ni DO. Kwenda Murang'a, kwenda Nyeri, hajui culture ya hao watu. Tulipigania uhuru kwa nini tusiwachague?

Kwa hivyo katika local authority, iwe na nguvu lakini igawanywe kulingana na vile mambo yalivyo. Juu ya kuchunga local authority, lazima tuwe na regional assembly. Hatuwezi kuacha hiyo, kwa sababu hii miaka mia moja tumekuwa na PC, huezi kuwaondo siku moja na bila kurudisha kitu kingine. Tunataka kuchaguliwe watu katika region moja. Na hizi region ziwe na watu not less than three million, and not more than five million. If we multiplied kwa region saba, mtaona ya kwamba kila region itakuwa ikipata pesa za kujisaidia.

Mimi ninataka kutaja haraka haraka, kwa sababu nimeweka memorandum. Nimesema, kuwe na Senate. Kukiwa na Senate, igawanywe watu mia tatu. Three hundred thousand, divide by thirty million, kuwe na Senate one hundred. Kutoka hapa, tuwe na house of Parliament. Nimesema, tuwe na watu mia tatu. Kenya igawanywe na wananchi. Na vile nilifanya research, juu ya hiyo, nilijua ya kwamba, katika Northern Eastern wana wajumbe kumi, and their population is about nine hundred and sixty. Kwa hivyo hakuna mtu atakaepoteza. Lakini wale walikuwa na watu wengi ndio wataongeza watu, kulingana na hiyo hesabu.

Nikitoka hapo, nikasema ya kwamba, tuwe na Prime Minister. Katika nchi nyingi kama India, Israel na nchi zingine, kuna kuwa na ceremonial President. Kile chama kitakachoshinda, President anawambia, tengenezeni serikali. Kwa hivyo, hakuna haja ya kuwa na President executive, na kuwa na Prime Minister kwa hivyo hiyo kazi itakuwa bure. Tungetaka nyapara awe akisema ya kwamba, chama cha DP, Kanu, Safina mmeshinda, I give you 30 days mtengeneze serikali, msipoweza ondoka, mwingine anaingia. Hapo itakuwa vizuri. Tena nikasema ya kwamba, President agawanye kazi yake kulingana na vile nimeandika.

Nikasema mambo ya security. Najua security imekuwa mbaya sana, kwa sababu, wengine wanaposema mambo ya majimbo, wanafikiria hetu police people watakuwa wao, ama watafanya namna gani. Niliandika kwa memorandum nikasema, internal security, nikasema kuwe na Commissioner mmoja wa polisi katika Kenya, lakini kuwe na deputy katika region moja, na ata-report kwa Commissioner, sio kwa watu wa ile region, lakini wana report kwa huyo mkubwa.

Kutoka hapa, tuwe na local authority. Katika Kikuyu kwa mfano ikiwa ni one hundred thousand, kuwe na office ya mkubwa wa polisi. Kutoka hapa, kuwe na OCS kwa sababu, sisi bwana Commissioner, tumedhulumiwa sana. Ukiangalia katika

constituency ya Kabete, kuna police station moja. Ukiangalia kama kule kwa Wazungu, Westlands Constituency, kuna police station tano. Ni kwa nini na tumekuwa na uhuru? Ukiangalia Kilimani, ukiangalia Langata, every constituency, they have five police stations, na hapa hakuna mtu anatumfikiria. Tunaambiwa nendeni mkae na police station moja, shauri yenyu. Kwa hivyo tungetaka kugawiwa polisi, kulingana na population.

Nikasema ya kwamba, katika location, iwe kazi ikifanywa na chief. Kuwe na wazee kumi na wawili, na kuwe na police station pale. Hawa wazee watakuwa wakizungumza na police station. Hakuna haja ya kumleta chief, kwa sababu hakuchaguliwa, na wale polisi wamesomea Kiganjo, they knew the Constitution ya nchi. Akiletewa mambo na mzee anawambia mzee, singemshika huyo mto kulingana na Constitution namba fulani. Wale askari wanakaa na chief, hata hawajui Constitution ni nini. Hata hawajui law ni nini. Tumejitawala nini?

Kwa hivyo nikimalizia nataka kusema, nilipokuwa nikifanya research juu ya region, nikaona ya kwamba, ni lazima tuwe na watu wa kuangalia local authority, na ni lazima tuseme ya kwamba, tuwe na region saba. Tunaanzia na Coast Province. Nikaona ya kwamba ina watu wengi wangukuwa 4.7 million. Tunaweka Coast Province, Northern Eastern Province, Makueni, na Kitui na Mwingi, inakuwa million moja. (Can you see page 12) Tukienda katika Nairobi region, tunasema Nairobi, Machakos, Kajiado, Kiambu, Thika upper Makueni. Kwa hivyo Nairobi haiwezi kukua, bila kuwa na Kiambu na Machakos na Kajiado. Kwa hivyo tukitaka city yetu iendelee, lazima hizo districts ziwe pamoja. Tunaenda Mount Kenya region. Tunasema Nyeri, Kirinyaga, Meru, Embu, Isiolo, Marsabit, Murang'a and Moyale. Wanakuwa 4.2 million.

Hivyo ni kusema ya kwamba mavuno yatakayo patikana kutoka Meru, Nyeri kwa Kahawa, inasaidia watu watu wa Isiolo na Marsabit, na sisi tumekuwa tukiwasaidia; kwa sababu watu wengi wamesoma katika Marsabit. Pesa zimetoka hapa kwetu, sisi ndio tuliwasomesha, kama Anglican Church, na kwa hivyo ingekuwa vizuri hivi (ninabakisha tu dakika moja). Rift Valley, Southern Rift Valley, nasema tuwe na Samburu, Laikipia, Nakuru, Nyandarwa, Kisii Gucha, Narok, Bomet and TransMara. Wanakuwa million tatu. Rift Valley North, Baringo, UasinGishu, Nandi, ElgeyoMarakwet, TransZoiia, Koibatek,... district na West Pokot, Turkana, Kericho, they are about four million. Nyanza province, wawe Wakisii na Luo Nyanza 3.9 million. Tuende katika Western Kenya, they are about 3.3 Million. In summary watu wote wanakuwa 2.8 million. Kwa hivyo, mimi ningesema ya kwamba, asante sana kwa Chairman kunipa dakika kidogo, lakini nataka kuwauliza, hii Constitution iishe mbele ya elections. Kwa hivyo sisi tumeumia sana. Kuenda kwa elections bila Constitution mpya, itakuwa ni kazi ya bure. kwa sababu kila mtu anataka kwenda State House. Anyakuwe yale mashamba yamebaki, ndio wanataka. Sasa, ata choo wameuza, wameuza hata barabara, na tena tuende kwa elections na ile Constitution. Hata DP, hata chama kingine, kikipenda kwenda na Constitution hii, ili wajigawie kwa sababu tuliwafanyia campaign. Kwa hivyo, tunataka tuwe na Constitution yetu, na hatutaki Constitution ya kumuondoa mtu. Tuanataka Constitution ya kutawala nchi yetu kwa njia ya haki. Kwa sababu kulingana na vile nimesema miaka yangu. Taabu katika Kenya, sio Moi ama mtu mwingine. Lakini katika hii, Constitution, inasema President ndio mkubwa wa kahawa, hata choo ikijengwa yeye ndiye atato amri. Hata nini ikifanyika yeye ndiye atasema. Kwa hivyo, tunataka wakienda, tuwe na Constitution yetu. (clapping)

Com. Wambua: Bwana Numa kidogo tafadhali, nimeangalia hiyo memorandum umetupatia, and page 6 ni kama unataja unataka PC awe governor of the region, na DC unasema, no replacement, DO pahali pake pachukuliwe na local authority. Nikusema kama hutaki Provincial Administration iendelee.

Gideon Ngumba: Provincial Administration, wakati Kenyatta alikuja, akapata ndio walikuwa wakikutawala na Mzungu. Akawaweka nguvu sana. Mambo ya rigging hii, mimi nimekuwa na hawa. Mambo ya kuiba kura za watu, ni Provincial Administration. Kuharibu kazi ya watu ni hawa. Hatuwataki, tunataka hata PC sio PC. Region ichaguwe watu. Wakuwe na Chairman governor. Governor awe wa kuchaguliwa. Hiyo ya mtu kwenda State House, kutengeneza sifa, unaona hapo bwana Commissioner? Tusema uhuru ni kupiga kura. Tumekupigia kura, umekuwa President, unatakiwa kuwa na watu wako wa mlango yako. Unawambia endeni kule Kiambu, mpige fulani mharibu fulani kwa hivyo ningetaka watu wote...

Interjection -Com. Wambua: Tafadhali nilikuwa nataka kujua, PC ataondolewa ama atakaa? Aondolewe?

Gideon Numa: Nasema sisi tuwe na governor, PC atolewe kabisa na hiyo ikuwe dismantled kabisa. D.O kuwe na local authority, kila division na chairman achaguliwe na watu.

Interjection- Com. Wambua: Na chief?

Gideon Numa: Aondolewe kabisa.

Com. Wambua: Haya, kitu kingine page 9, Electoral Court. Umesema hapo, unataka kuwe na electoral court, divided into four courts which should consist of three judges. Swali moja na usieleze sana. Nataka kujua, hii electoral court itakuwa permanent court ama itakuwa tu inaundwa wakati kunakuwa na petition.

Gideon Numa: No, ni majaji tu kuwekwa ili wawe tayari. Kwa sababu kukiwa na Constitution, kama tuseme local authority wanataka kuchukuwa shamba langu, ni lazima niende kortini ya Constitution. Ile itajua nina shida gani? Kwa hivyo, jaji atakuwa akiangalia mambo, tukikosana na local authority, ama serikali mahali gani tunaenda.

Com. Wambua: Kwa hivyo itaundwa wakati kuna petition peke yake, ama itakuwa permanent?

Gideon Numa: No, wacha tu iwe permanent.

Com. Wambua: Permanent. Okey asante sana. Thank you very much Bwana Numa. Tunataka kumuita Ruth Wambui Njenga.

Ruth Wambui: I am from Nyathuna location. I am going to read the views from the Nyathuna location, which was being taught by Nyathuna location civic educators.

We need a preamble in our Constitution, and the preamble should be a democratic one. Any Kenyan citizen has a right to stay and own property within the republic. The Prime Minister should be the head of the government and the President the head of state. Armed forces should be under the Prime Minister but not the President. The Prime Minister and his cabinet have the power to invoke emergency.

Human rights have to be secured and not a matter of shooting people like goats. Good investigation and quick movement to the court, and if you prove that the stolen property is yours, you should be given back your property. Kenyans need freedom in doing their business anywhere in the republic. A farmer should be supported and helped to market his goods.

Kenyans need their freedom to choose their representatives, eg. Chiefs, sub-chiefs and other representatives of their choice.

The currency should be printed the first President of our country so that the history will not be forgotten and the origin of our independence.

Political parties. After the President is elected, he should not own or promote parties, he should be neutral, in order to rule and distribute activities properly. In order for the party to be registered, it should have a limit of numbers, for example two hundred thousand, and have annual returns.

Our Constitution should be involved in our political parties. It is supposed to minimise the parties in order to remain with three political parties. After forming, the registered and having the proper number of members, the party should be funded by the state.

Local government: Mayors and councillors should be elected straight by the people. Chief officers should come from the council itself. Local Councils to run its affairs by itself. There should be a minimum academic standards for the councillors, chiefs and sub chiefs; for example form four, and have good conduct. Councillors should have efficiency in languages especially in English and KiSwahili. People should recall their councillors if their conduct is not good in the process of their work. There should be discipline committee with access to the Electoral Commission, and also involve the churches and the grassroot people.

Land: If the land is big, and the farmer is trying to cultivate it but due to lack of cash he cannot make it. The government should assist the farmer to utilize it. Non citizens should only lease land but not own it. Kenyans should own land everywhere in the

republic and even property. Every Kenyan should have access to land, unless unless somebody has sold his or hers.

Succession and transfer of powers. The Chief justice or Attorney General should be incharge of Executive Powers during the Presidential elections. The Electoral Chairman is the one to declare the Presidential results. After swearing, in the President, should resume office immediately. Swearing of the President should not be private, and all major churches should be there, for example bishops. They should also involve bodies like LSK, and civil society bodies like NCC and NCKK. The former President should be set free and is due to prosecution if proved guilty of any bad conduct. The current President should not be above the law and should be impeached. (clapping)

Com. Wambua: Asante sana Ruth Wambui.

(interjection): Mobiles ni ira-interfere na communication. Please mundu wina mobile angihoria notukene muno, tondu ni ira-interfere na microphone. Thank you.

Com. Wambua: Namuita, Edward Gichuki Muigai.

Edward Gichuki: Yangu ni machache tu yale nitakae toa hapa. Ya kwanza mimi kama Mkenya ama mkulima, tumeona iko shida sana kwa wakulima. Na kitu moja ya kwanza wakulima vile tumeona, hii mambo yetu, tusema wale wakulima wa kahawa. Ukulima wa kahawa umeharibika kabisa, kwa vile hiyo kahawa yetu imeharibia. Turudi nyuma kidogo, nchi yetu ya Kenya inategemea kilimo, na kama kilimo inaharibika, nchi yetu inaharibika. Kwa hivyo mimi vile ningefikiria, ni kahawa ichunguzwe sana, kile ni kitu muhimu sana, ama majani, ile inaletea nchi hii pesa. Wakulima wawe wenyewe ndio wanachagua wale watu wanakuwa wanasimamia hicho kilimo, sio watu wengine wawe wanachaguliwa. Lakini, iwe ni farmers wenyewe, wachague representative wao, sio watu wengine.

Tunatoka kwa kahawa. Hii ingine ni maziwa. Tuseme kama sisi ni wakulima wa ngomb'e, tuko na shida sana ya kuuza maziwa, na hapa tunasikia iko watu wengine wanakwenda kuleta maziwa kutoka nchi ingine. Kwa hivyo kama sisi ndio tunategemewa na watoto wetu, na nchi yetu, yani tunaona shida sana ya kuuza maziwa kwa sababu hakuna pahali tunauza maziwa. Kwa hivyo ni shida sana kuangamiza mwananchi yule wa kawaida, mnaleta maziwa kutoka nchi ingine. Kwa hivyo tunaona iko shida sana, na tunafikiria mkulima mwenyewe awe na freedom ya kuuza maziwa yake. Hii maziwa ya kutoka nje ifungwe kabisa. Hatutaki maziwa inatoka nje inaletwa hapa. Ama kama ni wafugaji wa kuku, ile mayayi inatoka pengine, Israel, South Africa, hiyo hatutaki. Sisi ni wtu ambao tumejitawala, na kwa maana tunauwezo wa kufuga hiyo kuku, yani hiyo mayai, ifungwe kabisa kutoka nchi ingine, ama kuku.

Mambo ya Kenya Meat Commission. Ilikuwa inawasaidia sana wakulima wale wanafuga ngomb'e ya nyama. Walikuwa wanauza KMC. Ilifungwa hiyo. Tunashindwa sasa kama miaka hiyo yote, tulikuwa tunajitawala, na kama hiyo sasa factory

sasa haziendelei. Iko shida gani? Ichunguzwe sana hiyo mambo ya Kenya Meat Commission, na kama ni kule juu ya kule Limuru, hawafugagi nguruwe, pia waangaliwe. Yani hizo factories zi kuwe revived, ziwe zinafanya kazi sawasawa. Zichunguzwe sana. kwa hivyo huyo mwananchi wa kawaida hapa, awe anajiweza na mahitaji yake, ya kusomesha watoto na hata kulipa kodi.

Hiyo ingine ya pili, nayo ni mambo ya kuunda serikali. Kuunda serikali nilikuwa nafikiria, yaani ni tuwe na government tuwe na Prime Minister. Ie chama inashinda wawe na Prime Minister atengeneze serikali. Halafu hii ingine kama President awe anasimamia kufunga na kufungua sherehe, lakini sio awe na utawala. Hiyo nguvu yote iwe na Parliament, yani inaweza kusimamisha huyo President ama Prime Minister. Kwa hivyo mimi nafikiria, tuwe na serikali ya Prime Minister na hiyo ingine ya President, awe hana nguvu zaidi.

Na nikimalizia ni mambo ya utawala wa mikoa. Vile ningefikiria, hawa watu tunachagua tuwe tunachagua kama ni Mayor, awe anachaguliwa na wananchi. Halafu, hii mambo ingine ya Machief, hiyo tuondoe. Mimi nitasema kama vile yule mwingine alikuwa anasema, tutoe Ma-chief lakini tuwe na Ma-Councillor ndio watusimamie. Hakuna haja ya Chief. Kwa hayo machache mimi sikuwa nimeandika, lakini nilikuwa na hamu sana kutetea wakulima, tu-revive hizo factories. Kenya Meat, KCC na mambo ya Kahawa, ndio nchi yetu iwe na nguvu kama nchi zile zinategemea kilimo. Tuwe tunasaidia. Thank you very much.

Com. Wambua: Asante, naona mbunge wa hapa amefika kwa hivyo tunataka akaribishwe halafu tuendelee.

Chairman 3C's- Amos Kiriro: Ni njugire ni nii Chairman wa Kamiti ya Constitution ya Kabete Constituency. He mu-member unge wakwa, ti MP. Riria ndi gitiine ni ajathikagira. Etagwo Hon. Paul Muite, na hindi iria ngumumenyithagia committee yakwa ndagukinyite. Onake ni member wakwa. Cannon Numa augaga ndiri hinya no mushemano wakwa una MP eho ni nii athikagiriria. (Would you like to come here or you want to be with the wananchi Paul?) Ni aheo rutha ni Chairman aikare na wananchi. Ni anjathikagira, thank you and welcome. Ni wona Cannon onanii ndi hinya? Thank you.

Com. Wambua: Asante sana. Atakaefuata sasa ni Kiriro wa Ngugi.

Kiriro Ngugi: Good morning every body. My name is Kiriro wa Ngugi, na gwitu ni Gitaru, Mutego. Na hakwa ni Kanyariri Sports View. I have actually written a model Constitution. Complete from the foundational philosophy, to a preamble, human rights etc.etc. I might mention here, that the commission has actually acquired sufficient copies, for every documentation centre in the country. I will be referring only very briefly; and some of you may have copies, I brought some limited copies. I have also at the request of the commission, done another paper in a comparative context, India, Canada, South Africa, Kenya etc. That paper is at the commission's website. Again, it is not necessary for me to read 17-20 pages of this. This is therefore the third component of my contribution in an oral manner and having that limitation, I would like to mention here that yesterday, ndirari Kikuyu, and I am happy that Hon. Muite, Member of Parliament is with us, and I would like to persuade him to stay

with us, perhaps even the whole day. Tondu tutimwonaga kaingi, umuthi tuikaranganie, aigue uria twiciragia.(clapping)

The reason I took out yesterday, the whole day, at Kikuyu; was because I sat down with only my vision and my limited knowledge of my country. I wondered did I capture your visions, your aspirations. Did I capture it or did I not? Therefore I was listening very carefully yesterday to see whether I did. I learnt two things yesterday.

One, that this assembly will articulate many issues, all relating to our lives, some of them Constitutional, they can have Constitutional interpretation. ultimately this kind of interaction that we are having, with me, with that committee, and with our Member of Paliament; should not happen every 40 years. It should happen a little more frequently. Now therefore, I was happy that in my motto, at article 52, those of you who have a copy, I have imagined what I call village assemblies. And in village assemblies I say that each village constitutes the basic grassroot village assembly. The assemblies have inherent Judicial and legislative powers subject to county and state law. Mwanake uria wambire kwaria augire ati riri, ati polisi inyitaga mundu-i, agaikara rumande too long. It is a very serious matter, but I guarantee you, andu a Nyathuna, mangiruo macemanagie una ongorwo nu mwaka rita rimwi, marie maundu maria mamakonii, kwanja kindu ta muici agakuria ithi ti oru? Ithi ti muru wa ngania? The issues that we are going to raise throughout today, and throughout countrywide, the basic thing we need to do, lets discuss together. We have borrowed English, ndiraria Githungu, na rimwe ngaria Gikuyu.

I was also trying to see, how deep did they do it our forefathers. Athuuri maikaraga thii mutiini makaria. Na mundu mugima mugima utari mwaganu akauga uria areciria. Please, I am asking the commission, whatever else you do, please make sure that our Constitutional framework allows these people, to sit down and discuss their problems, and empower them such that there are no phones necessary to go to Nairobi. Irahurwo Nairobi igeke atia? Mundu aiya Kinoo-ri, ni arikirio Kinoo, na uhoro ucio wake uthire. I would like to refer to article 202. I have said that we should have in every district, a District Attorney, not the Attorney General. The Attorney General serves government, ni wira andikitwo arute uria andikitwo. Ithui tukorwo na ka-Attorney General gaitu, niguo twanyita muici-ri tugatwarira ucio, agathitangwo na watho uria wi bururi.

Each county shall elect for a term of 6 years, a District Attorney in each district, who must be a registered advocate of the high court of Kenya. The mandate may be reviwed or cancelled mid- term by popular and successful petitions to the Supreme Court. He mundu uraugire atiriri ira, ati una MP angituthama muno-ri, please give us capacity, tumwite tumufute wira miaka itano una itanakinya. I thought that was a very important thing. We don't give Hon. Paul Muite a blank cheque. Agirage o mbecha tu. Ngiri magana mau! O mweri, na tukamwona ringi oriria ariuka. If we get annoyed, give us a chance. Tukamwira, "wee, uka, wira twakuheire uyu, na uyu, na uyu."

Now there is a word here that is being avoided by all of us Kenyans. Federalism. The Chairman of the County Council, yesterday talked about the water resource, Kikuyu Springs and said: Why shouldn't we earn from our resources? He mentioned Dagoretti Githinjiro, why should'nt we? Somebody else Chris Kihara said, we want an elected Mayor. Gideon

Numa talked about regions. These principles, the principles of sitting here, and articulating and empowering ourselves, so that we deal with it. These are the principles of Federalism. This country needs Federalism, na andu aria me haria haceke munu ni inyui Gikuyu. Rekei ndimwire, the original Kanu, yari Mugikuyu na Mumera. Iria yetaguo Kadu yari ya acio angi. What happened on the March 18th. The Luos went to Kadu. The political minority in this country that needs the principles of Federalism to survive are us, and nobody else. They tell, us we want one single Presidential candidate. Ati kimuici kimwi gikwirwo ni gitu githie gikaiye indo ciene. Tutikwenda kuiyiirwo indo. Why should the head of state have anything to do our coffee merely because he is the head of state? It is nonsense. The first thing we do, ni gwikira karurigi. We say its our coffee damn you. It is our milk, its our rice don't touch it, whoever you are, even the head of state. Don't teach these people that we need a Kikuyu President, we don't. What we need, turi aruti wira, we need our resources, and you can't touch even if you are the head of state, why? Because the Constitution says, it is our money. That is what we need. There is a term called the tyranny of terminology.

Kiugo giki gitaguo majimbo-ri, ni kyo aria athomu ndi umwi wao, tuitigirite, tuitigirite, wathoma ibuku riu, kiugo kiu ndungikora haha. Let me read for you based on what I said on the South African case. In South Africa, because of Apartheid, and the concept of home lands, the ANC and it is the dominant party, did not want to hear the word Federalism. However, when they sat down marikia wira wao, without using the word federalism, South Africa is a federal state. They had more psychological trauma, because, ati ni ugutwarwo kwanyu, had actually been done. This is nonsense. Kuria Mugikuyu ari, ndatwaritwo ni Gatiba, atwaritwo ni kio giake. But we shall state specifically, at article 2A we shall say freedom of domicile. Kenyan citizens have the right to live and work anywhere within the republic. Ungienda mugunda Australia, the Constitution of Australia won't stop you, your bank balance will. Even here, don't let anybody cheat you what we need now, mundu arie muringa wa nyina, wathira akue. (clapping)

Com. Wambua: Asante sana Bwana Kiriro wa Ngugi, tutamuita John Mutonga.

John Mutonga: Habari zenu? Mimi ndio nimeitwa John Mutonga, na mimi ni mkaaji wa hapa eneo la Kabete, ingawa nimezaliwa katika tarafa jirani ya Limuru. Niko na machache ambayo ningalitaka kusema kuhusiana na Katiba, ambayo tunataka kuitengeza katika nchi hii yetu ya Kenya; although I will mix both English and Swahili, because I am fluent in both of them.

Na anza na Form of Government: I would like to have a government of National Unity, because I see it as a desirable government, because you get the best brains in the government from different parties.

The other thing I would like to point out or I would like to be included in the next Constitution is the election date. Previously, it has been used as a secret weapon by the incumbent person. It should be put in the Constitution, to be, say for instance 25th of December, or whether it is Christmas day, or whether it is what, it should be Constitutional: and the dates of installation of the

new government also should be Constitutional. During the transition period, I would prefer to see the Chief Justice or the Speaker of the National Assembly, taking charge of the running of the government, until the new government is installed. There should be a provision for a runoff, when a President does 'nt garner 50% or more of the votes cast. If in the ensuing runoff the President does not garner 50% or more of the votes cast, then the person who gets the majority votes should get the seat, that is the President.

The President should be impeachable. He should not be above the law. Most of the problems we are having here, are caused by the fact that the President is abusing his office, because he cannot be sued, or he cannot be impeached. The Parliament should be able to impeach a President who commits crimes, or who does against the wishes of the people.

Mayors and Council Chairmen should be elected directly by the people. The provision by the government, that the local government can nullify, or can abolish or, anaweza kuvunja baraza la mji. He should not have those powers, the local government minister. Those powers that make Mayors and Chairmen of County Council ineffective. The Mayor and the chairman of the local authority should be elected by the people through direct vote. The minimum level of education of councillors should be form four, and they should be fluent in both English and Swahili, so that they can be able to contribute effectively, in the running of their respective councils.

Voters registration should be a continuous exercise, and should be harmonised with the registration of persons. That is the issuance of IDs. They should be dealt with in the offices of the registrar of persons. For voters to be registered after they acquire IDs, they should be the spot.

Kenyan residents in other countries, Europe, America and all other countries, should have the right to vote through the missions in those countries. Electoral areas should be drawn up according to population, in order to avoid a situation where, some areas are under represented and other areas are over represented. All senior government officials appointments must be vetted by the relevant Parliamentary committees, and then ratified by the National Assembly.

A Supreme Court to deal with Constitutional cases, and interpretation of the Constitution, should be established. All suspects of capital offenses, like murder, treason, sedition and so on, should be given free legal representation by the government.

On land: All unutilized land, and that land that is under utilized, should be taxed, and the money used to settle squatters, slum dwellers and other landless people. All allocations of public land, forest land, game parks, reserves, schools, vyoo vya council and so on, must be sanctioned by Parliament; and citizens should have the right to sue locus standi, for those of you who know law, for environmental pollution or in environmental degradation.

The police should not harass citizens. They have no way of telling whether you have committed a crime or not, until

investigations have been completed. They should know that we are their bosses because we pay taxes, so that they can get their salaries. They should respect us. They have been harassing us alot. A suspect must not stay in police cells for more than three days, and if investigations have not been completed, that suspect must be released. As long as one is not infringing on another person's rights and freedoms, he or she should be free to own property and can live in any part of the country. (I'm about to finish please).

The office of ombudsman, to deal with cases of human rights violation, should be created. The Provincial Administrations should be abolished, because it has been seen to be a liability to the society. There should not be a requirement, or a licence, for political meetings; and other meetings of national importance.

The currency should have the portrait of the founding father of the Nation, and other nationalistic pictures such as pictures, of our beautiful wild animals, our KICC for instance, Mt. Kenya, Court of Arms, Kenyan map, National Flag. We foresee that, we'll be having a very huge turnover of Presidents, everytime, and then we shall be required change the currency. We would like to have a standard way of our currency.

Finally, last but not least, there should be no political zoning. This is where we find problems of opposition zones, the so called opposition zones, being denied development because they voted for another candidate of their choice.

We have very bad roads in Central Province for instance, just because Central Province did not elect the current government. We would like to have a system of government, which will allow us to manage our own resources, from our local areas so that we can benefit fully from our sweat. I beg to stop there thanks.

Com. Wambua: Thank you very much Bwana Mutonga. Nitamwita Boniface G. Mbaiya.

Boniface. Mbaiya: Habari zenu, mine is just to be very brief because I did't have any written memorandum. There are a few points I would like to emphasize that have been mentioned here earlier.

The first one is the issue of police brutality. We have been having alot of police brutality in this country, especially here Wangigi, because when you just walking at around 6:30 or 7.00 pm, on your way home, sometimes you are chased away, or arrested and you are taken to the cells for no apparent reason at all. So may be the Constitution that you are trying to come up with, should have specific clauses to deal with these issues.

The issue relates to the powers which are vested on the President by the Constitution. You realise that those powers are so enormous. The person who is heading the government is bound to misuse them. So may be they should be limited to a certain level, whereby the Parliament should be able to control the President rather than the President having excessive powers, even

above Parliament. May be one way of dealing with this is through a coalition government. That way, we shall be able to have two or three parties controlling the government, instead of one party having a monopoly of every other organ of the government.

So, that is all I have to say, thank you very much.

Com. Wambua: Asante sana, tafadhali Bwana Lucas saa hii yuko? Ningependa kutaja ya kwamba sasa wale wamejiandikisha mpaka wa sasa ni mia moja, na bado wanaendelea kuongezeka. Kwa hivyo tumeonelea ya kwamba; kama tutasikiza kila mtu, lazima tupunguze muda wa kuzungumzia maoni yenu. Kwa hivyo watakao kuwa na memorandum, ama maandishi tutawapatia dakika tatu. Wale ambao watazungumza bila maandishi, tutawapatia dakika tano. Na kama mtu amezungumzia jambo fulani, hakuna haja ya kurudia, utaje. Maanake tayari tume record. Kwa hivyo utaje tu, unasupport kitu fulani, basi hiyo itatosha. Kwa hivyo usirudie tena kueleza maanake tayari tumeshaa pokea hayo maoni asanti. Timekeeper atafanya kazi yake sasa. Tulikuwa tunajaribu, na watu kumi wa kwanza na tukisikiza kwa dakika tano tano, na kumi hatutamaliza. Kwa hivyo sasa tutaanza na 3 minutes na 5 minutes. Timekeeper atakuwa strict. Kwa hivyo ukiamuriwa utoke hapo tafadhali utoke. Tutamuita James G. Njuguna. 3 minutes tafadhali, kama uko na memorandum 3 minutes, kama huna ni 5 minutes.

James Gitema: Nii ngwaria na Gikuyu tundu ndiri fluent na Githungu kana Githweri. Ona ni munyaka kurugama mbere ya andu aya, ndiri ndarugama mbere ya andu ta aya. Maritwa makwa njitagwo James Gitema na nyumite Gathiga.

Translator: Majina yangu ni James Gitema, kutoka Gathiga.

James Gitema: Ndiroka gwi commission kumera item ici igiri tu,

Translator: Nakuja kwa commission kuwambia mijadala miwili tu.

James Gitema: Judges,

Translator: Majaji,

James Gitema: na junior ciao,

Translator: na wadogo wake,

James Gitema: nii ingi-recommend kana ingiuria makoragwo me public appointees through Parliament.

Translator: ningeliza wawe wakichaguliwa na watu wananchi.

James Gitema: Ndirauga uguo tondu ndi victim.

Translator: Nasema hivyo kwa maana, mimi nimeshiriki katika mambo haya.

James Gitema: Ndioi mbere iyo kana watho niguo utwaraguo thiini wa magotini.

Translator: Sijajua kwamba ni sheria inapelekwa katika kortini.

James Gitema: Unastakiwa na mtu kwa sababu umekosana na bibi yake huko vichochozoni, ama na girlfriend yake anakupeleka kortini. Ikiwa umefanya kazi miaka ishirini, halafu ukienda kortini, korti inakawiya kama miaka saba. Na hiyo ni case ya kwenda kwa headman tu. Tondue andu acio me magotini mena munene wao maracokeria.

Translator: Maana wale watu walio kortini wana mkuu ambao wanamjibu.

James Gitema: Item ya keri,

Translator: Ya pili,

James Gitema: Civil servant nii ingiurio, matige gucoka gukorwo mena mawira mangi ma private.

Translator: Wanafanyi kazi wa serikali wasiwe na kazi ingine huko kando.

James Gitema: Kwa sababu kama kesi yangu, inachukuliwa na mtu ambae ni lecturer na ana law firm yake. Kwa hivyo anatumia ndugu yake, na ku-draw pesa kwa hiyo University. Mimi nilikuwa ninafanya kazi University kama twenty years. Sasa huyu anatumia ndugu yake ku-draw pesa ya hio kesi, kwa miaka saba. Kesi kidogo anakula kama elfu ishirini, kwa sababu ya kwenda kustaki. Sasa mimi ningeliza, public servants ndio wanaharibu kazi ya nchi sana, kwa sababu wanatumia hiyo ofisi, kwenda ku-molest raia. Ya tatu ni kusema President, asiwe ati ni above the law. Ni hivyo tu.

Com Wambua: Nitamuita George Njenga.

James Njenga: Nii ngwaria na Gikuyu nigetha njuge uria ndirenda kuga,

Translator: Nitaonge kwa Kikuyu ili msikie nitasema. Najua Kingereza na KiSwahili lakini nataka nisema ile msikie nataka kusema nini.

James Njenga: Ni maingi muno maritio, na mamwe ni maria mundu akubangite kwaria,

Translator: Ni mengi yameongewa ama kunenwa lakini mtu alikuwa amepanga yake,.

James Njenga: no ndingiaga wa kuga ihindaini riri.

Translator: lakini sikosi ya kusema wakati hu.

James Njenga: Wambere ni ngwenda kwaria uhoro wa migunda,

Translator: Ningetaka kunena habari ya mashamba.

James Njenga: tundo migunda ni ikoretwo i thina munene muno.

Translator: maana mashamba iko na shida kubwa.

James Njenga: Tundo riu ukorwo ni DC kana DO,

Translator: Maana ikiwa ni DC ama DO,

James Njenga: kana chibu na administration yake,

Translator: ama chief na wazee wake,

James Njenga: andu acio maneo uhoro ucio,

Translator: wakipatwa lile jambo,

James Njenga: macoke makorwo maracira na andu matari na hinya,

Translator: halafu wawe na kesi na watu wasio na pesa ama nguvu,

James Njenga: he ho monagira kamweke ga kumahinyiriria na kumatunya migunda.

Translator: ndio wanapata wakati wa kunyanyasa wale watu, na kuwanyang'anya mashamba.

James Njenga: Tundo hangikorwo hena mundu umwe wina mbeba,

Translator: Maana ikiwa mmoja ni tajiri,

James Njenga: no ahote gutunya acio angi mugunda na kuiganire.

Translator: anaweza kunyang'anya wengine naitoshe.

James Njenga: Ihoya riakwa ni ati thiinii wa maundu macio ma migunda,

Translator: Ombi langu ni hivi kwa mashamba,

James Njenga: Tundo anene aria twinao aingi maumite kuraya,

Translator: Kwa sababu wakubwa wetu wametoka mbali,

James Njenga: gutingihoteteka mundu aume Githumu oke atue cira wa mugunda guku.

Translator: haiwezekani mtu atoke Kisumu, halafu akuje akate kesi ya hapa.

James Njenga: Urekagiririo athuri aria mari a itura.

Translator: Mimi naonelea iachiliwe wazee wa vijiji.

James Njenga: Undu uria ungi nii ingienda kuga,

Translator: Jambo lingine,

James Njenga: ni ugoro wa NGOs.

Translator: ni habari ya NGOs.

James Njenga: NGOs nacio ni ihetwo hinya munene,

Translator: NGOs zimepatiwa nguvu nyingi,

James Njenga: ona magakorwo makiruta wira uhana wa mbiacara.

Translator: ama wanafanya kazi kama kibiashara.

James Njenga: Tundo mathii macaria mbeba marathii gucaria ni getha mateithie andu,

Translator: Wakienda kutafuta misaada kusaidia wananchi,

James Njenga: ni iraga kuruta wira uria wagiriire.

Translator: zinakosa kufanya kazi iliofaa.

James Njenga: Andu acio magetongia ni indo icio,--

Translator: Wanajitajirisha kwa hiyo mali, --

James Njenga: -- na andu aria mahetwo ni getha meteithie na cio ikaga kumateithia.

Translator: --na ile misaada kwa watu wale, inakosa kuwafikia.

James Njenga: Undu uria ungi igienda kuga,

Translator: Jambo lingine,

James Njenga: Ni Freedom of Worship.

Translator: Ni hii Uhuru wa Kuabudu.

James Njenga: Tundo makanitha riu namo ni maingihite makahana mbiacara.

Translator: Makanisa yamekuwa mengi, imekuwa kama ni biashara

James Njenga: O mundu aigwa riu ndari na wira wa kuruta, --

Translator: Mtu akiona hana kazi,--

James Njenga: --akamenya riu undu uria angika ni kwanjia kanitha.

Translator: --anaona atafunguwa dini yake.

James Njenga: na akanjia maundu ma kuhinyiriria andu,

Translator: anaanza mambo ya kufinyilia watu,

James Njenga: kinya muthini athiage kuruta ciringi yake, handu ha aheagwo ni kanitha.

Translator: sasa mwananchi anatoa shilingi yake badala apatiwe na kanisa.

James Njenga: Niingihoya undu ucio urorwo wega muno makiria,

Translator: Ningependa hilo jambo liangaliwe kwa maakini,

James Njenga: nigetha mundu ahingura kanitha,

Translator: ili mtu akifunguwa thehebu,

James Njenga: first grounds yake ikarorwo wega muno makiria,

Translator: msingi wake unaangaliwa sawa sawa,

James Njenga: na ni getha andu aingi matige kuhana ta ari mbiacara marathondeka.

Translator: ile watu wasiwe kama ni biashara.

James Njenga: Undu uria ungi ngwenda kwaria,

Translator: Jambo lingine,

James Njenga: ni uhoro wa aruti a wira.

Translator: ni habari ya civil servant, ama wafanyi kazi.

James Njenga: Tundu aruti a wira maroraguo kiwango aria mandikitwo ni thirikari,

Translator: Watu wale wanaangaliwa kiwango yao kulingani na vile serikali inafanya kazi.

James Njenga: acio mangithii kwa labour ni mateithikaga.

Translator: Na wakienda huko kwa labour wanafaidika.

James Njenga: No andu aria mandikitwo ni individuals,

Translator: Lakini watu wale wameandikwa na kila moja,

James Njenga: kana makandikwo ni kanitha iria ihetwo uhuru wa kwiatha,

Translator: ama wameajiriwa na kanisa,

James Njenga: andu acio ni matesekaga muno na angi magatunywo micara na magathinika muno,

Translator: wengine wanasumbuliwa sana, na kupokonywa mishahara yao.

James Njenga: Ni ingihoya ona undo ucio ururwo muno muno makiria.

Translator: Ningeomba hilo jambo liangaliwe kwa makini.

James Njenga: Na maundu macio mathii, makinyanire,

Translator: Hilo jambo likamilishwe kabisa.

James Njenga: tutikarute wira wa kuruta maoni maitu, nu uhoro ucio ukinye muthia.

Translator: tusiwe tunatoa maoni lakini hii ifike mwisho.

James Njenga: Asante.

Translator: Amen. (clapping)

Com Wambua: Asante sana John Njenga: Tumuite David Thairu.

David Thairu: Jina langu naitwa Thairu, kutoka hapa Kiahuria, na represent ACK

Kiahuria Church. Nasema kwa haraka sana. Mambo imeshamalizwa na watu wengine. The Democratic principle should be, one man, one vote, and all constituencies should be almost equal in population, because the salaries are the same.

To change any section of the Constitution, should require, 90% response from a referendum, and not Parliament. Nitasoma haraka kwa sababu imezungumzwa yote. There should be an executive President with reduced powers. The President should not be above the law. Most of the powers, including finance should be decentralised to the local government level.

The local government should control their finances or income. The local authority should control and employ their town clerks and so on. All officers, this should include education, all teachers, health, agriculture environment, works, communication, water, energy trade and Industries and so on.

The chiefs should be elected, and perhaps the work of a councillor should be done by the chief. The chief can also be a

councillor. Therefore there should be no chiefs, councillors could do the same. The clerks to these authorities should do the duties of the DOs abolish the assistant and all the chiefs. Provinces should be abolished, and Districts expanded. Retain Foreign Affairs and the rest ie Cental Bank, within the cental government.

Legislature: Salaries of MPs should be determined by a commission, and not by Parliament. An MP should be fulltime if paid salary or part time, if paid allowances. Moral and ethical qualifications should accompany should accompany education qualifications for an MP. No need of nominated MPs, but councillors could be nominated. The President should not have power to veto Parliament. The Constitution should specify qualifications for Presidential candidates. The Presidential tenure should a minimum of 5 years to a maximum of 10 years. I am jumping because some of this things have been said.

The local authority: The most important organ of government should be strengthened because it is nearer to the people. I think there should not be any need of the majimbos. There should be a minimum educational qualification for Councillors, especially good education. There should be high moral and ethical qualifications also, for the local government councillors.

The democratic and geographical electoral system should be practised. We should combine the constituenies, if mjumbe mmoja, ana chukuwawatu five thousand; while the other one is talking about one hundred thousand, kama mtu mwingine alisema. I think that is not democracy. One MP should be almost equal with the other. If one is representing five thousand people, while the other one is representing one hundred thousand. Those Wasomali representing only five thousand people, probably should be combined and those representing one hundred thousand should be divided inorder to have at least equality, because they are doing the same jobs. Yule mwingine anasimamia watu elfu mia moja ako na kazi nyingi, kushinda yule anasimamia watu elfu tano. Infact, more people are coming to see, the one of one hundred thousand people kushinda yule wa five thousand, being paid the same salary and I think that is not democracy. I am very sorry, thank you very much.

Com. Wambua: Asante sana. Kamau John.

John Kamau: My name is John Kamau and I want to briefly go through my memorandum. I humbly request for some extra time but not too much.

I want to start immediately with the Judiciary. It is very much known and it is common sense in Kenya, that the independence of the Kenyan Judiciary is very compromised. I don't want to go into details because the learned Commissioners know where Kenyans have been strangled. So about independence I want to briefly say that the Chief Justice appointment should be vetted by the Law Society of Kenya. The Supreme Court, or High Court Judges should be appointed by the Judicial SerVice Commission, through Parliament; so that the independence can be assured. A member of the Executive should not in any way interfere with the Judiciary, even the head of state. I propose a Corruption Court, that will deal with corruption cases in the republic. The reitirement age for members of the Judiciary should be set at 70 years, so as to avoid the effects of sanility above

the age of 70 because, we are also human beings.

About major crimes, I want to say that, in the list of the crimes that are punishable by death, like murder or robbery with violence, they should also include all those of economic plunder of the government and its chief executive, so that any person responsible for bringing the economy to its knee, should tell the hangman.

The Presidency: I want to propose that most of the Powers of the President should be delegated to Parliament, because Parliament represents the will of the electorate and the people. So we want a government for the people, of the people, and by the people. So Parliament should take most of the powers of the President so that we will have a government that takes care of the needs of the persons. I want also to say that, the head of state should not appoint the police Commissioners, he should not appoint people like head of parastatals; because they have brought the economy to its knees. I want to say that a retired head of states should not hold any public office, even a party post, and this should be subject upon whom his retirement package is released.

About the legislature, I want to say that much of the powers vested on the President should be delegated to members of Parliament; because they represent the will of the Kenyan people. So every power that is seen as excess in the President should be relegated to Parliament. It should have its own timetable and the Speaker of the National Assembly should assent to bills, to avoid malicious delays by the head of state.

Human rights must be adhered to, and the Constitution must protect against those who abuse the rights, even the government. The Kenyan man should be assured of the right of expression, the right of association, and each and every other right, in the bill of rights.

About the Electoral Commission, the chairman should be appointed by Parliament, to ensure his independence. The Commissioners must come from each political party, having the same number of Commissioners, so as to ensure their independence and accountability. On electoral laws I want to say that no state machinery should be used in any way in election's campaigns; since that amounts to looting from the public coffers. The machinery includes official vehicles, or cars for government officials, state security for the incumbent President. All Presidential candidates, should be provided with fulltime security. The winning Presidential candidate, must garner more than half, failure to which he will face a runoff with the second candidate. All ballot boxes must be transparent.

I want to say that the Constitution must guard against itself. The Commission owes it to Kenyans that the Constitution must be adhered to. It must have its own teeth and mechanisms, to punish those who disobey it because it is the worst Vice, because the government abuses the Constitution with impunity. So it should guard against its own abusers.

Com. Wambua: Bwana John, just one clarification. You are saying that the President should not hold any office. I think we would want a clarification on that. Are you saying that he cannot even be elected to be a church elder?

John Kamau: I mean a public office like a party post. May be the chairmanship of his former party. He should delegate that position, and be subject upon which his retirement package is released.

Com. Wambua: Okey asante. Moses Mburu

Interjection: I am Mburu, but I am not Moses.

Com. Wambua: You are Mburu but you're not Moses. We have Moses Mburu and he is the one who wrote and signed, so you can't be the one. Charles Njoroge? Rachael Wambui.?

Rachel Wambui: Habari zenu? Mimi nitazungumza kuhusu wanawake, kwa sababu mimi ni mwanamke na ukigusa mwanamke, umeguza familia, na umeguza nchi. Nimeandika, kwa hivyo sitaongea mambo mengi, nitasoma kidogo tu.

Wanawake wengi, hua ni wale hawajaolewa, na kwa hivyo wengine wao huwa hawana makao, ni watu wa kukomboa manyumba. Kwa vile hawana kazi maalum ya kufanya, watoto wao huenda mitaani, yani huko street. Wasichana wengi hua wanaolewa kabla hawajamaliza shule. Kwa hivyo, tungetaka serikali ifikirie juu yao. Either waendeleo na kisomo au na course, kwa sababu ndio wenye maendeleo kwa nyumba, hata kwa nchi. Kuhusu watoto wale wanabaki, after wazazi wamekufa kwa ajili ya ugonjwa ya Aids. Inatakiwa kama pahali watoto wamezaliwa, hao watoto hawana Aids, lakini wamebaki hapo, wazazi wao wote wawili wamekufa. Kama kuna watu wale wataweza kuangalia hao watoto, hao watoto wasihamishwa kutoka jamii, lakini waletewe msaada hapo hapo. Ndio walishwe na wale wamebaki nao.

Watoto wa mitaani, iwe ni jambo la serikali, kuwajengea na kuwalinda, na kujali masilahi yao pamoja.

Wanawake wale wameolewa, inatakiwa wawe wamelindwa pamoja na mali na watoto wao, kwa sababu wengine wao, bwana akiaga dunia, wanafukuzwa na wananyang'anywa kila kitu.

Kama msichana amezaa na kijana, inatakiwa huyo kijana afwatwe na alee huyo mtoto wakiwa pamoja, hata kama hatamuoa. Kwa sababu moto ni wao, na mtoto hakuwa na makosa. Ile pesa italipwa pale kwa Chief, ama kwa wazee, hiyo pesa itakuliwa na hao wazee, haisaidii huyo mtoto. Kwa hivyo msichana anabaki akiumia na mtoto, na labda hata hana kazi ya kusoma. Kuna ndini imetokea hivi juzi, inasema wanawake watahiri. Hapao tuekataa na Katiba itulinde sawa sawa. Asante.

Com. Wambua: Asante sana Rachel. Paul Kariithi yuko? No it is not Paul Muite. I also know your signature, it is not the

one. Paul Karimi hayuko? Wilson Gichinga. Francis Mbuya yuko? Peter Ndirangu?

Peter Ndirangu: Jina langu ni Peter Ndirangu, I am a technician, na nimetoka hapa Wangige. Jambo lile ningetaka kuongea habari yake, au mambo mengi ningetaka kusema; kile nilikuwa nimeandika kimeshatajwa; kwa hivyo sina haja ya kurudia. I will mix both languages.

What I have in mind is that the Constitution we have, hatukuako tumeielewa. Kwa hivyo hii Constitution ilikuwa inabadilishwa hapa na pale, na hatujui. Kwa hivyo we are asking the Commissioners, if we have got to have the Constitution we want to make, lazima Constitution iwe itafunzwa. Civic education should continue even after implementation, in our schools, and even to all the institutions. Mambo ya distribution of our local resources should be looked after; kwa sababu pesa zile zote ambazo zinachukuliwa kutoka local councils zetu, they are transferred to some other local councils. Kwa hivyo inawacha local council zetu zikiwa na shida; kwa hivyo lazima pesa ambazo tunatoa, ziwe zinahudumia wale ambao wametoa hizo pesa. So as to be able to create employment to our people.

The other thing is to safeguard our people against substandard goods. As a technician, najua kuna vitu vingi, ambazo zimerundikwa hapa. So many things have been landed here, which do not care for us at all. Kwa hivyo inatakikana, na ingewezekana, serikali yetu itulinde sana kwa substandard goods. The Bureau of Standard pia lazima ifanye kazi yake. We have got so many goods that are produced, which do not meet our requirements at all. Kwa hivyo, lazima Bureau of Standards, ifanye kazi yake vilivyo.

The other thing is to finance the political parties. Tunazo vyama ambazo zimeandikishwa, chama ambazo nyingi zao zina umuhimu wake, lakini when we come to the election period; wanaambiwa wakae kivyao. Kanu inafanya mambo yake, and we know Kanu government ndio imekuwa na serikali, kwa hivyo watu wao ndio wako na pesa. Kwa hivyo tungetaka, even in the next general elections, wawe financed. Political parties zetu, kama Democratic Party na zingine ambazo zina umuhimu wake, zipewe pesa na serikali.

Mambo ya akina chief: Hii mambo imezungumzwa, and if the institution of the chief has got to be there, lazima yule mtu ambae atachaguliwa; awe elected by the people it has been said, ni lazima mtu ambae ameelimika. Nimeangalia kama mwananchi wa hapa, infact since the time of Dedan, our senior chief by that particular time. Zile baraza ambazo tunaitwa hapa, tunaitwa baraza tu wakati kuna shida. Our chiefs, we are lucky to have our MP hapa. Hatuitwi baraza to be sensitized na mambo ambayo inatuhusu sisi. Wakati tunapata shida, wakati pombe imekunyiwa, wakati kumeibiwa, huo ndio wakati chief anaita baraza zake.

We want if that particular institution has got to remain, lazima wawe wakiita mabaraza ndio tuwe tukijua tunafanya nini.

Mambo ya kanisa pia iliongewa. Nimekuwa mshiriki kabisa, na kwa sababu hatujui yale madini ambayo yameandikiswha siku hizi, they are so many, na kwa hivyo inatakikana ipunguzwe, ndio tuwe na makanisa ambayo inatakikana. Thank you.

(clapping)

Com. Wambua: Moses Ngugi yuko? Alikuwa ameonyesha hataki kuzungumza kwa hivyo tutamruka. Peter Ngugi ulikuwa umeonyesa hutaki kuzungumza. (laughs).

Peter Ngugi: Nimi naitwa Peter Ngugi, nimetoka hapa Mugugu, Wangige. Maneno yangu ni kidogo. Nimesikia tu, wakati nimekaa pale, nikaona imefaa niseme kitu kidogo tu: ambayo inahusu watoto wadogo. Mtoto wakati anapewa kipande, tafadhali apewe pamoja na passport kama nchi zinge.

PCs, DCs na chiefs, wawe wakichaguliwa na raiya kama MPs. The Attorney General should be an elected MP. Anaweze kufutwa kazi na wale waliomchagua kwa secret ballot. Vice President should also be elected by the Parliament. Import licence, inatakiwa iwe granted by the Parliament. Nafikiri imetoshia.

Com. Wambua: Weka sahihi huko Bwana Ngugi tafadhali. Tutamwita Joshua Njoroge.

Joshua Njoroge: Thank you Commissioners, my dear colleagues. Just a few points to make. Some have been made, but I will not be long.

We want a republic which is a democratic state, and it should be multi party. However I have said, we need independent candidates, those who don't belong to any party, should be allowed to stand for elections. The type of democracy should be Social Political and Economic. I am sure Commissioners will explore into those. We should enjoy equal rights, as per the bill of rights, and have equitable distribution of resources.

We should have a Unitary Government. A Unitary Government headed by a President, and we should have clearly defined separation of powers. Tuwe na Executive, tuwe na Parliament, na tuwe na Judiciary. The size of the government should be established by the Constitution e.g, we should have the number of ministers stated; for example have 15-20, instead of having so many ministers sharing one office, sharing one PS. We should establish the government in the Constitution known to avoid the duplication of duties.

We should have a President elected directly by the people, a Vice President who is also directly elected by the people, and both should score 50% of the total votes cast. They should be family people, I am talking about the President and the Vice President. They should be family persons, stable, between 35 years and 75 years. We don't want those kids of 18, and then not the ones who are senile. Let's have that age between 35 and 75 years. They should be of high integrity. Wacha wawe vijana, watu wanaweza kuendesha nchi yetu si mikora mikora. They should be beyond reproach. They should have a minimum basic education. By basic I don't mean the lawyer and the accountant. The basic education that is, let them have division 2 of '

O' level or even if its KCE we should have a C+ as the minimum, or the equivalent.

The President should hold office for a maximum of 5 year terms, two of them, which are consecutive, and he should be the head of state and government. He cannot declare war or emergency without Parliamentary approval. The VP different from the case we have, should have defined powers of his own. He should be appointed by the President, get me right there, example he should be going to Parliament answering questions, being the head of the business in Parliament, on behalf of the government.

He should act for the President in his absence, and for that matter when he resigns.

The President and the Vice President should not be above the law, both should be impeachable. They should be answerable to Parliament. Parliament is the one which is elected by the people hence the people who elect MPs, those two should be answerable to them. Parliament besides making laws, they should also be watch dogs, through their committees, and those various committees, should be chaired by the opposition.(bell rings) (just allow me a few minutes please.) There is one question which has been said again and again. And I think it is important for the Commissioners to stress the demarcation of constituencies, because apparently would be the key areas. They should represent more or else equal numbers of people. They should also vet appointments of senior government officials, heads of Parastatals, Judges, eg. Controller and Auditor General, and other Constitutional offices, including cabinet ministers. There should be fixed calendar for the Parliament, and the election's date should be known. The President should have no power to dissolve or prolong Parliament. He may only open the Parliament.

Jobs should be given on merit only. There should be no nepotism, no tribalism, no sectionalism and hence no no mediocrity.

The Judiciary should purely be independent, and Judges should be appointed or promoted, and vetted by Parliament, through the Judicial Service Commission. Those who talked about corruption, there should be zero tolerance of corruption. Those convicted should be disqualified from holding any public office. Constitutional offices, we know them, but I want to add on that of the Governor of the Central Bank, and the Electoral Commission of Kenya, and the Anti Corruption Authority. They should be Constitutional offices. Power should be devolved to institutions, and not to individuals.

The Local Authorities, this one has been said, but I want to say that this should be the central areas where the local people should be taking their problems. Mayors and their deputies and chairmen should be elected, and they should have basic education of Division 3 and a C- or equivalent for all the councillors and they should represent more or less an equal number of people. Then we should have a local council of elders, and this should be established in the Constitution. They should be elected by the people according to the villages or units in that sub-location. After being elected they should elect their own chairman, who should be the one to be chairing the meetings, and should have a government officer who will be the secretary to that council. That council should be very important, and will be discussing or suggesting development priorities of the area, settle family disputes, settle land disputes, consider security issues in Consultation with the police: And look after the general

welfare of the community.

One of chairmen should be going to the land control board, where many problems are, concerning to land. I am talking about the land tenure. We should have a ceiling of land ownership. Let's put it in the Constitution that, any land which does not belong to anybody, we should appoint Trustees who should hold that land. We have a government agent like ADC who will be developing that land gainfully, and anybody who wants land, can just apply to that agent and buy land, from that agent at a market value. There should be no free land for anybody. Anybody in Kenya should have a right to own property or stay anywhere in the country. The Constitution should be supreme, and therefore if there is any intention to amend any part of the Constitution, it should be published, and if there is a dissenting voice, a referendum should be conducted to establish that. We should also establish a Social Security Scheme, which will be taking care of the unemployed, the aged and the disadvantaged.

I will talk about the citizenship. One area is having dual citizenship, where somebody has married a Kenyan. He should be allowed to have dual citizenship.

The media must be a free, independent, fearless, objective and responsible, to be effective.

Lastly, we have defections of MPs or Councillors once elected. To avoid this, unnecessary and uncalled for expenditure, to the tax payers, the defectors should be surcharged, to the extent of the cost of conducting a by election. This might deter those who may want to run for a position with ulterior motives.

Finally gentle men, please hasten the process, so that the elections may be held under a new Constitution, by December 2002. Because people are very hungry to have a clean and pure government. Thank you.

Com. Wambua: Thank you very much Bwana Njoroge, one or two questions please. I am interested in this suggestion that the President and the Vice President should garner 50% of the votes, and my worry is that what happens where the President does not garner the 50% votes?.

Joshua Njoroge: There should be a run off.

Com. Wambua: What happens where the Vice President garner more than 50%, and the President does not garner?

Joshua Njoroge: The Vice President holds the office. He is not holding it at the pleasure of the President, he is independent.

Com. Wambua: Are you therefore suggesting that the President and the Vice President should run as independent candidates?

Joshua Njoroge: Yes that is what I am saying, they are independent. They will be elected directly. The President alone, the Vice President alone and he should have powers established by the Constitution. Not I appoint the VP and I sack him at my whim.

he is independent. He is independent.

Com. Wambua: So they will not be sponsored by parties?

Joshua Njoroge: They should be sponsored. Initially I infact I said it has to be a multi party system, but we should have a clause for independent parties.

Com. Wambua: So your suggestion is that it does not matter. The result could be that the President could be from one party and the Vice President from another party?

Joshua Njoroge: To me that is right, people want leaders.

Com. Wambua: Thank you very much. Another question from Com. Kabira please.

Com: Kabira: Thank you Mr. Njoroge, I wanted to ask you something on the council of elders.

Joshua Njoroge: The council of elders, yes.

Com: Kabira: What is the composition of that council of elders?

Joshua Njoroge: I have said seven members in a sublocation.

Com: Kabira: How many women among the seven?

Joshua Njoroge: How many?

Com: Kabira: Women?

Audience: Laughter.

Joshua Njoroge: I was not gender concious, and I had been very much against this question of giving chairs to women as well. I want people to fight out for their positions like Beth Wambui.(clapping) When we fight it out, we go ahead, but conceive that point of mediocrities. Let's have people's qualifications. If a woman is elected by her people, fair enough I'm

just in persons. I am not gender conscious.

Com: Kabira: Okey, but if you say they are three women, they can still be elected, they don't have to be given but they can be elected is'nt it?

Joshua Njoroge: They should be elected.

Com: Kabira: It is the policy that I am looking for. If the policy is there, then they would be elected.

Joshua Njoroge: What I am saying is that, I am saying personally Infact I have avoided man.

Com: Kabira: Okey.

Joshua Njoroge: If a person is of good reputation and integrity, and is a woman and the people in the village know that lady, as a lady who can assist them. She will be elected to that council. There was a point I did not read. This council should be given sitting allowances, to motivate them. You know we have been having this elders, handpicked by the assistant chiefs and the chiefs they don't get anything; and threfore become a concourse of corrupt people. We want people who are elected and they get an allowance. A sitting allowance and that they will be controlling alot in the village.

Com: Kabira: How does the council relate to the Local Authorities?

Joshua Njoroge: There will be a government officer, whom I said will be a secretary, who will be reporting to the authority, to the division and the MP of the constituency, which is the centre of every thing. According to me, the DCs and PCs do not exist. It is the division with an elected member of Parliament, elected Councillors, and then when they share resources, they will give to that council, which has recomended, we want this road, we want this dip built or that kind of thing, because they are ones who know their problems in the village.

Com: Kabira: Okey thank you.

Joshua Njoroge: Thank you very much.(clapping)

Com. Wambua: Tutamuita Joseph Mbui MuNgai.

Joseph MuNgai: Habari zenu. I have come from Murang'a, and I have listed some of the pointed. Most of the issues have touched by the people who came here earlier. I have done some topics like reforming the Executive of the Presidency.

I give the following recommendations: The President should cease being legally immune to prosecution while in office, and after leaving office. There should be no provision for negotiation for provision of amnesty clause, created either by the parties, it should be unconstitutional. The tenure of the President should be clearly stipulated to avoid creating a legal lacuna, and possibility of inconsistencies bent on expanding the lifespan of the Presidency. The powers to grant amnesty should be vested in an amnesty committee created by Parliament, but not vetted in the President. Membership to the committee should be drawn from individuals, with a distinguished track record, and from various professions, various genders, various age groups, so they become representatives and from various regions.

The second point is the reform of the legislative level or Parliamentary. Prospective members of Parliament or Councillors, those people seeking for positions, should undertake a language proficiency test administered by an independent body; consisting of professionals from different areas. The body should be autonomous from the Electoral Commission or the Executive but should be subject to the Judicial arm. The public and the media should allowed to the oral presentation of this proficiency tests, even what kind of test is done because the kind of mediocre personalities we do get who have passed the proficiency test, yet they can never express themselves in any of the national languages Swahili or English. Political parties nomination should be subject to certain conditions. These conditions are, people who lost in a previous election, should not be nominated to Parliament, or to the local authority. People who also have a criminal record, who have been convicted for a criminal offence.

The chair of the Electoral Commission, and the Commissioners, should be elected for a term of five years; and which can be extended subject to Parliamentary appraisal of their performance. The Electoral Commission should be reconstituted every five years and mandated to make a continuous voters registration register update, and also it should draw its funds from the consolidated funds to avoid the problems where the Electoral Commission relies or asked to go to Parliament to ask for more funds. So it is subject to manipulation. National elections should be conducted in phases. What I mean by this is, like Presidential elections should done on a separate date, and Parliamentary and civic elections should be done on a separate date. This will avoid cases of people voting according to political parties, like what happened in 1992 where people were just voting because the voting for the Presidential candidates, you'll vote for the Councillors from the same parties, and same Parliamentary candidates. The position of the Mayor should be made elective.

There is need to enact an act of Parliament, for the state to make sure there is free primary and secondary education for all children. Thank you.

Com. Wambua: Atakae fuata ni James Maina.

James Maina: Habari zenu? My first point will be. I recommend that the Constitution should be taught in schools, in a simplified manner, so that people can understand it, and this will ensure compliance and avoid ignorance. You know that you

are told that ignorance is no defence, so it is unfair to judge someone for an offence he does not know it that exists.

I will also sing along with the others and say that the Provincial Administration has no use in present Kenya, and should be abolished, because it is yet to come out of that colonial mentality.

The police have become a source of agony to many Kenyans, and I think they should be streamlined. Illegal crackdown on people, swoops, like we have almost on daily basis, we young people are arrested at Wangige for no reason, because we are just there, maybe you are walking around from your place of work, and you are arrested. I would like to suggest that the commission should look into this issue and make sure that illegal confinement, and even arrest should be outlawed. Again when someone is being arrested, I suggest that you're rights should be read to you, so that you understand the process; like they do in the American system, where they tell you, "you have the right to remain silent, you have the right to a lawyer". It should also be made sure that, every suspect should have legal representation, because courts are taking advantage of that, and abusing the law. Again I would also like the prosecution powers removed from the police, and given to the district attorneys, and the police will just come and give evidence, like any other witness.

About politics, I will suggest that the Electoral Commission should be nominated by Parliament; and should have a security of tenure of five years, and should have a mandate of conducting elections in those five years. I will also suggest we depoliticise the police. The police have no role in politics, and the licensing should be done away with, because it is an impediment to democratization.

I also think that economic crimes like my brother said, should be made a capital offence, because those thieves who are in the government have made us suffer up to this moment. And yet they keep on riding in posh cars. Whereas some guy is charged for just stealing a cow to make a living, I am not saying that stealing is good, but even those who commit white collar crimes should be given capital offences. Thank you.

Com Wambua: Bwana Maina, Is that a personal memorandum?

James Maina: Yes.

Com Wambua: It is personal. Okey thank you. Tumuite Peter N. Kibiku.

Peter Kibiku: Good Morning, I wish to submit the following views:

The prosecution and investigation be delinked from each other. That is, different bodies be formed to undertake this process; and that cases before the court, be speeded up. Say a case should be determined within a maximum period of one year, and record keeping and other procedures in the High Court be computerized. The appointment of Judges and other key positions within the government, be done on merit. That is Judges should be appointed from people who have demonstrated high morals,

ethical, academic and social track record. The winner for the Presidential position must garner up to 50% of the total votes cast. After the general elections, all the parties should form a government of national unity, comprising of all political parties.

Institutions dealing with corruption should totally be independent, and that Presidential powers should be toned down. The freedom of expression should be repressed by the state and all citizens must be given total freedom of expression, regardless of their political affiliation, race, tribe and political ideologies.

The constitutional review process, should be undertaken after every five years, and should therefore be made a continuous process. The Commissioners appointed to the Constitution, should be people who have demonstrated integrity in their work, and must be non partisan. The electoral and Judicial process must be totally independent, and should operate without any influence. There should be equitable distribution of income, regardless of political or regional differences. There should be free education and health for all citizens, and the government must be accountable to its citizens. That is all I have.

Com. Wambua: Thank you very much. Please submit your memorandum, and sign the register. Tumuite James Thiga.

James Thiga: Hamjambo wote. Yangu ni machache. Kwanza nitaanzia na Constitution, lakini lazima tuangalie historia yetu ya Kenya. Sisi tunasikia Constitution ya Kenya imebadilishwa zaidi ya mara thelathini na nane. Kwa hivyo ni lazima tu i-defend kwenye Constitution. Kwa hivyo, hakuna mtu ameruhusiwa kubadilisha Katiba ya Kenya, akiwa raisi, mbunge, ama mtu yeyote, ijapokuwa ni wale watu walioinda, na wapitie njia ya national referendum.

Jambo la pili ni settlement. Mtu yeyote alie zaidi ya miaka kumi na nane, na ni landless; anatakikana kuwa na title deed ya ya shamba. Yule mtu anatakikana kuwa na shamba kubwa hapa nchini Kenya, ni acre 50 peke yake.

Salaries rate: The government must control the salary rate. Nitapeana mfano kidogo, mtu akiajiri msichana wa kazi ndie kijakazi, anatakikana ampatie pesa zile government ime-control, sio anajiambia. Kupitia committee ambayo serikali itaunda, ya kuangalia mambo kama haya.

Elections za President: Kunatakikana kuwe na uchaguzi wa urais baada ya uchaguzi wa ubunge na udiwani, kufanywa baada ya miezi sita.

Tuingie katika polling stations: Polling stations zinatakikana zipewe jukumu la kuhesabu kura, kwa ajili katika usafirisaji wa kura ndio watu huiba, na kuwe na transparent ballot boxes.

System of government: Tunatakikana ku-retain the Presidential type of government, with the President not having the power.

Passport na vitambulisho zinatakikana kuwa ni basic right ya Mkenya, kuwa nayo bure. Recalling of our MPs and Councillors. Si ati Mbunge tu akiingia wakati umempatia kura, hapo ndio mwisho wake. Tunatakikana tuwe na njia ambayo tunaweza recall our MPs and Councillors by 35% majority kupitia kwa signature of the vote castors.

Muanzilishi wa taifa hili, Mzee Jomo Kenyatta, itatakikana awe katika pesa bila kubadilishwa.

National Resources: The area community ndio inatakikana kulinda na kuchunga national resources zake.

Parliament: Parliament inatakikana iwe na nguvu ya ku-vet A.G, heads of Parastatals, General Auditors, Judiciary na inatakikana ndio ina jukumu la kujua ni ministries ngapi zitakuwako. Vile vile, Chief of the Armed Forces, anatakikana kuchaguliwa na bunge.(bell rings) Ningeomba ni ruhusiwe kwa ajili yangu sio written, na ni mambo kadha pengine niongezwe muda. Hizo zingine zitakuwaje?.

Interjection- Com Wambua: Uko na memorandum.

James Thiga: Si kuwa nimeandika.

Com. Wambua: Umebakisha vitu vingapi hapo?

James Thiga: Hapo vile ningetaka, pengine ni pewe kwa sababu nilikuwa na mambo mengi.

Com. Wambua: Hatuwezi kukupatia muda mwing, maanake watu wanataka kuzungumza.

Kwenda weka sahihi hapo tafadhali. Nitamuita Hezron Kaburu, na tunataka kujua una present memorandum yako binafsi, ama ni ya organization? Group of churches, Kenya Anglican Men Association. St. Peters Church, Ndunyu? Okey endelea.

Hezron Kaburu: My name is Hezron Kaburu, I am retired and doing business. I am presenting this on behalf of St. Peters Church, Ndunyu. There is a group called KAMA (Kenya Anglican Men Association). I am going to be very fast.

A President, and we are not talking about the President, it is the President that we would like to have after the Constitution. The President should be of stable family, and his behaviour well known. The age of the President should be 45 years of age, and to retire at 75 years. The President should not appoint the top officials, and chairmen, or Commissioners, that could be left for the Parliament. The President should not be given any power, to nominate any member of Parliament. That means that there should be no nominated members of the Parliament, and I will give the reason. In Ukambani we have Prof. Mbithi, who is very good and an enlightened person, but we have a nominated member who cannot represent you because he is not learned,

so they never give them with merit.

The creation of ministries should be done by the Parliament, but not a one man job. We should reduce the ministries. The Vice President should be elected by the Parliament, the same with the Commissioners, heads of government departments eg. Permanent secretaries, the police and armed forces bosses. That we should not have some one within 3 days, and he is just sacked while somebody is presiding over a harambee somewhere. The management of Parliament should be left to the Parliament.

Kenya money should not portray the Presidential or President's picture, but should be containing peoples eg. Sergeant at Arms. We should have more of that because if you are holding elections for ten years, and one can come for five years, we will be printing this money according to the President who comes; and one can lead for a term of 6 months, and we are going to print other money. So we should have something to stand for the money and put Kenyan Heroes. The President should not campaign for anybody. All government bodies should be left to work independently, without interference from anybody. That means the Judiciary, the Auditor General or any other parastatals. Constituency boundaries should be determined by the population. Where there are many people, there should be more members of the Parliament. The elections should be done with IDs. It is money wasting to register, because you cannot be registered without an Identity Card, so Identity Card is the one which makes you vote.

All government land should be left by national resources even road reserves and they should be planted with money making trees like forests and others. Enforcement of the environment should be taken by administration. Every home must be forced to plant some trees, and all river banks should be left to grow wildly, to conserve our environment. The Kenya Power should short replant trees under their over heavy wires, to maintain the environment.

Interjection: Tumia micoro phone. Ama umemaliza.? You are walking away actually.

Hezron Kaburu: No. The topics of the head of state and others should be done only in the Parliament, and not covering of personal events by media. Covering President with his family affairs, weddings, burials or any other gathrings. The media should only be left to educated people but other dirty, unsuitable broadcasting should be discouraged.

All government vehicles should be sold immediately, after they become unroadworthy, and those which are now there should be used.

Abusive language in Parliament or in public gatherings, should be stopped from any level.

A law to protect widows from any quarter should be made.

The committee of the land board should be appointed by the community, the same elders who handle the land cases should be the same to be elected by the community.

Kenya should continue with a central government, but there should be a Provincial head from Parliament e.g. appointee from Parliament to head Provincial matters. PC should not be the only boss of the province.

The President should not be above the law, and subject to code of conduct. The same should be applied. Let me read the last one and I leave the others. This one is for the aged. Our aged are left without any one thinking of them. All aged people who are over 70 years, should benefit from free community resources e.g. they should have free medical services. If not so, insurance firms should be forced to allow them insure things with them. You know when you are aged, you are not allowed to insure, you don't have medical cover and you are left like that. So the aged people are just left to die, without anyone thinking about them.

Com. Wambua: Asante sana Bwana Hezron. Tutamuita MuNgai wa Kangethe. MuNgai Kangethe yuko? Hayuko. Basi tumuite Ndirangu James Mwaura.

James Ndirangu: I don't know where they have authority on measuring boundaries. I want to mention an example. You talk of the problem of creation of constituencies. I was imagining of one. You know Transmara district, most of us have ever heard of that district. Transmara district, has only one MP. The whole district has only one MP, because the population of that area, may not warrant the division of the districts in different constituencies. So what I am saying is this, we are creating constituencies, to give some favours to people who have maybe subscribed some loyalties to a certain political party; or to a certain person in the government. At the end of the day we have so many constituencies created by the current regime to give people favours of what they had done to them. At the end of the day, we are having so much of our tax payers money given to people other than doing what they paid it for. So what I am saying in other words, in general, I am saying that the powers of the President should be reduced and we should have the special appointees, because generally this people are not there to serve the public. Most of them are there to facilitate some views. They are given some responsibilities, that is what we know theoretically, but then whenever they are given some responsibilities to facilitate some views to favour the person who appointed them. That is why I am saying the powers of the President should be curtailed; so that we don't end up having to pick appointees.

I have my opinion as far as the policemen are concerned. I feel that we should have a Constitution, which clearly stipulates the authority of a policeman over an individual, a mwananchi. When we get into different circumstances, or different situations, you know what is likely to happen to you, once you break the law. Otherwise we get ourselves in maybe demonstrations, maybe you are in a procession, a peaceful one; and this guys are sent by somebody because maybe that procession was meant to

discuss some intrigues, or some bad behaviour within some regions, facilitated by somebody. Sasa nyinyi mkiungana hapo, ati muongee kuhusu hiyo tabia mbaya, a policeman is sent to harass people not get knowledge about what has been happening in some areas. So what I am saying is that, the wananchi should be told, askari akikupata ukifanya hivi, hii ndio inaweza tokea, na yeye, labda he can only shoot when circumstances are like this or that. Otherwise some of them will find you waiting, ukitoka kwa gari, umechelewa, like now during this season of rainfall. Ukitoka kwa gari usiku, unawakuta pale wanakusimamisha. We should have the standard or the qualifications for which this people are taken for recruitment laid out, and their curriculum should be enlarged, so that they have so much knowledge about human rights. We are granting them so much power of shooting other people, other than wakuwe na elimu ya kujua human rights, ni nini. Hata mimi akinipata, najua right yangu ni nini.

When they take you to the court, we should have somebody from the human rights ndiye ana record kwa occurrence book, ile kitabu inaitwa O.B. so that you explain to him ile circumstance under which you are caught up in. When you are taken to the court, the judges should have a security of tenure so that they reduce this skewed bias in making judgments. (bell rings)

Lastly I want talk of, tumeboeka na contractors from the government. Ma-contractors wasemekane wakipatiwa kazi wafanye.

What we are getting ni barabara mbaya, mijengo ikijengwa inabomoka. Like I was working at Mathare Housing Project. The walls are wearing out because of the dubious people who have been contracted. So what I am saying is, if we had some arrangements, so that sisi wenyewe ndio sisi tunaongea kuhusu ile shida tunayo, ama ile project tunataka ifanywe, halafu the monies are channelled through the churches, to implement the projects. I think we should have some better work done, other than having contracting this people. Again let me finish with this point. Tumeboeka tena na hizi commissions, now and then. We want an exhaustive Constitution, unajua ile constituion tunayo hapo, makosa yakipatikana hatustaki watu, kwa hivyo tunaambiwe tutengeneze commission ichunguzwe, because we have no proper ways of kufuatilia, kujua makosa ilianza wapi, na imefika wapi. Sasa ninataka hii Constitution ifanywe, so that any time makosa ikipatikana, we handle the makosa at that time. Hatutazidi tena kuambiwa tutengeneze commission to investigate. We are spending alot of money on this commissions. Now and then and the resolutions they make are never implemented. Thank you.

Com. Wambua: James kuboeka ni kufanya nini?

James Ndirangu: We are tired of.

Com. Wambua: Tired. Thank you. Tumuite John Kimani Mbugua.

John Kimani: Habari zenu? Naitwa John Kimani Mbugua. Mengi yamesemwa mimi nikuongeza tu kidogo, kwa upande wa, tuseme kama nitaongea katika police.

Askari kama Katiba inaweza kutengenezwa, tusiwe tukifungwa ndani kama siku tatu. Wawe wakikuja na warrant of arrest. Kwa sababu wakikuweka huko, utaumia na pengine utapata ugonjwa huko. Sasa wawe wakikuja na maandishi ambayo

inaonyesha uwe ukistakiwa.

Ya pili, ni wambunge wetu wawe wakikaa na sisi pamoja. Wasiwe wakikaa nje ya constituency ile mtu ambae amechaguliwa.

Ya tatu, ni kuongeza kwa balloting, mahali tunapigia kura, tuwe tuna hesabia kura hapo. Ingingine ambayo naweza ongezea ni, kwa Katiba yetu tuweke, ama iheshimu, wale ambao walipigania uhuru wetu, yaani freedom fighters. Wazee hao ambao wametuletea multi partism, tuwawekee maanani kama ni masiku yao tuwe tukiwawekea. Hiyo ndio nilikuwa nikitaka kuongeza.

Com. Wambua: Asante sana Bwana John Kimani Mbugua. Nitamuita Joseph Kamau yuko? Endelea.

Joseph Kamau: I was not all that prepared to talk, but I have very few points to make to the commission. First of all thank you Commissioners and my friends. According to our spokesmen before, I have gathered three points. One talked about our aged people. Our government is empowered or is trying to eradicate poverty. We have disregarded the aged people, especially the retirees. We have so many retirees, who come here they get their tokens, they come and misuse it, and finally they become poor. So I would suggest, one point to the commission to include, that when somebody retires, it is not only money he can get. He can be compensated in kind. We have so many government houses, which are being sold at throw away prices. We have plots which are being taken by people anyhowly. Can't we arrange that those houses, those plots and government properties be given to the retirees, instead of being given money and especially now the economy is in hardship. There is no money, a retiree stays for two years without getting the retirees compensation, so the best thing I could suggest is to have a clause in our Constitution, to say that they can be paid in kind. They can be given the houses, equivalent to their compensation, and that way they can eradicate poverty. Again, they come at home and they spend all the money they have been given, and eventually they become sick. Can't we put a clause in our Constitution, that if somebody retires; he gets medical treatment until his death, and that way they will actually claim that they contributed alot to our government, and our development.

Another thing is about employment. We have quota system in our education, the way our students are taken to university and other institutions. Why can't we have the quota system in employment. You find Public Service Commission, are just employing people from their own districts. We should have a Public Service Commission which is independent, which does not have discrimination, and in any case, we have the quota system.

If we have two DOs who are going to be recruited, we don't say they come from Marakwet. We just say, okey they are Kenyans, and last time we employed two DOs from the Coast, this time we employ from Central, and the other time from Rift Valley. So I would say the employment system should also be based on quotas in any case.

Another thing is about our district revenue. Actually our revenues are being taken to the Local Government and we are left without developing our districts. Why should we collect our revenues and then take to the local government, and it is distributed unfairly? We should be left to run our own revenue. In any case, we can just get a smaller portion, and in that case I would be willing to ask the Constitution, to allow the district revenue to be allowed to spend 80% of their revenue and may be then 20% can go to the central government. This is because we feel it is not well distributed when it goes to the central government, and we are left with bad roads, we are not well paid, the coffee farmers are not paid and so on. I did not have much, thank you very much.

Com. Wambua: Asanti sana Bwana Kamau. Tinamuita James Mwangi.

James Mwangi: Majina yangu kamili ni James Mwangi, and I have prepared something, a memorandum, but because of the shortage of time. I will go through whatever I have written and finally I will give it to the secretariat committee.

Mine, concerns the rights of employees and professional equality in Kenya; especially in private sectors. I think those people maybe who did literature when they were school, there was a book called Animal Farm. Whoever wrote the book entitled Animal Farm, I think he or she was very right, because she claimed that although all animals are equal, some animals are more equal than others. My argument as I said is based on professionalism, equality and rights of employees in the private sector. The quality of an employee, to a large extent, should be gauged by both academic and professional qualifications. Because that is why we have primary schools, secondary schools, colleges and even universities. All these schools, colleges, and universities admit, train and offer students respective certificates, depending on students performance. It is because of this factor that you find that two graduate teachers earn the same amount of money, irrespective of where one is posted to teach by the ministry. Does this apply when it comes to private sectors? Does the government make any effort to try and investigate, the plight of all employees in private sectors? Do people with the same qualifications, working in the same organization and who have worked for the same period of time, earn the same amount of money in that specific sector, or private sector or company.? Do these private sectors have good salaries structures, good increment policies, equal and fair fringe benefits? The answer is a very big no.

I think the government has only the criteria to make sure that, these employees are subjected to statutory deductions like PAYE, NSSF, NHIF but the government does not have any institution or organisation in place, to investigate the problems faced by these Kenyans. I would like to mention some of the problems faced by these employees, who are working in private institutions, or organizations or companies. Some well established organizations do not have a well defined salary structure or scale. They therefore exploit Africans, who are desperately looking for jobs, by paying them peanuts, since there is no salary structure irrespective of their academic or professional qualifications. You would therefore find that, a trained P1 teacher earning 45,000/= and it is only that I cannot prove it here, but we all have this data in evidence, while a BED. graduate teacher earns 18,000/= in an academic institution. A CPA2 Accountant in the name of Bursar earning 20,000/= . I can even give a

case study if required, but I am not ready to do it because, I think we are just giving our views.

Racial discrimination: Asian based organizations pay their fellow Asians well, while Africans are not well payed. Some employees are put under secret salary structures. Others get poor increaments, irrespective of their qualifications. (Just allow me one more minute) There is also professional discrimination. If its an academic institution, teachers will be paid, well but bursars secretaries, librarians, are lowly paid, and get poor increaments, irrespective of their qualifications and years of service. If it is a law company or a law firm, lawyers are well paid and the rest of the staff are not paid well. Since such people are few in such an organization, they keep quiet because they do not want lose their jobs. Now I have some of the suggestions on what the government can do, so as to make sure that this does not happen in the future.

Just as we have a CID department in Kenya for criminals, the government should also establish a department which can work with the CID department, to ensure that employees are not exploited by their employers. This department should be be able to act swiftly, and collaborate with various professional organizations like Law Society of Kenya, Kenya Library Association, TSC and KNUT, and others. And this deparment should be able to detect such anomalies, by visiting these organizations regularly. To make their work easier, the payslip format must be redesigned, so that it can accomodate more details, for example employees qualifications, job title, years of serVice, fringe benefits and so forth and so forth. Thank you.

Com. Wambua: Asante sana, tutamuita Joseph Njoroge.

Joseph Njoroge: My name is Joseph Njoroge. I want to tackle some things. about elections. Voting should be done through secret ballots. Where it is possible, ballot boxes should be transparent.

A Presidential candidate should be declared the winner, when he or she gets 60% and not 25%. That one we, do not want.

Some seats should be reserved for the disabled.

The Presidential candidate should not be a member of Parliament, and the Presidential elections should be held separately from the others. Election Commissioners should be independent. The Mayors and the Chairman should be elected directly by the people; but not by the Councillors there. Asante sana Joseph Njoroge, tutuamuita Purity Wangige yuko?

Purity Wangige: Mine is on traffic. It would be very good if citizens travelling by public means, could be allowed to report the driver, or the matatu that is being driven carelessly, over speeding or driven by a drunk driver. If the police could take serious measures on such drivers, even though no accident has ocured, then this would reduce the number of accidents occuring in Kenya. The person reporting such a case should not be ignored, and the driver should be followed and punished but not bribing the police. I believe taking the situation seriously would be more efficient than compensation after accidents

have already occurred.

The other point is on Aids education. There should be a provision of Aids education in all high schools in the country. This should not be centred in several schools only. Infact it should be made a subject like any other, because we are considering saving lives of students; and ensure that this education was distributed equally or rather in all schools in Kenya, thank you.

Com. Wambua: Nitamuita Gitugo. Kuna Muigai hapa? Hayuko. Basi tumuite Sarah Muthoni.

Sarah Muthoni: Good afternoon. I had been a civic education provider, and I am Sarah Muthoni. Before I say anything else, I even urge the commission to go and say that civic education should be taught continuously, throughout. When I was going round, there were people giving views and the views, saying that this election of MPs and the President should always be given one term or two terms, if it continues. Because when we continue with them for so long, it is causing harm where a President continues and causes more chaos. It causes relaxation of work. When you give somebody work, he relaxes if he has been there for a very long time. Tondū wa uguo tutingienda andu mathiage muno, ni ku-relax, nikyo una tariu uguo, we are having the MP who does not know what goes on, because he has already relaxed. Kuondu wa uguo ni twagiriirwo ni kugiaga na different MPs. He has relaxed completely, he does not know what is going on in his constituency, kuondu wa uguo hatiri bata wa gukoraguo na mundu aga- continue for very long. Still, this will continue for a very long time it is the one which causes corruption. Tondū corruption i cause- aguo ni mundu gukorwo a-make-te a lot of mess. When you have done a lot of mess in this department, in the other department, then there is corruption. Corruption igakoswo ni gu-keep people for a very long time. Igatuma akorwo ni mundu amenya muthigari muna niwe ugutura hana, so and so niwe ugutura hana, aka-appoint somebody, akimenyaga ndiramu-appoint with an itention of corrupting. So corruption ikosagwo mostly, ni undu wa andu acio gu-continue for a very long time.

When corruption is caused, ikarehe a lot of poverty. That is why we are having alot of poor people ni undu wa corruption, because it has been corrupted ni undu wa gu-keep people for a very long time. Then maki-resolute ati, ruling party should not be very selfish. Whatever ruling party, igatiga gutuika selfish with the opposition. Makaheyaga opposition all the privileges, because if they create hatred with the opposition, it causes tribalism, and it limits natural resources, iria twirirwo haha ati we have already worked for them. We are contributing money, and there is nothing being done in our constituency, because there is nobody who is in the ruling party side, ati tondū turi a opposition. Tondū wa uguo, we do not want the ruling party to be selfish.

Freedom to live in peace and security should be looked upon; no unnecessary noise iria tutangiona kundu tugutwara; tutindage tukinegenerwo guku. When we are asleep, we cannot sleep. Ona akoruo ni churches icio ikugwetagwo haha, they do not limit the noise. Mendaga gu- continue na gutu-make-ira a lot of noise, so we do not have any peace when we are sleeping. Then nikwaririo uhoro wa chiefs and I would say, angikurwo we do not need these chiefs; and sub chiefs and if we continue with the

chiefs, ni kwagiriirwo ni kumenyererwo andu aria maratuika employed as chiefs, education yao. Tondue we are having so many educated people. Kuondu wa uguo ku-employ an uneducated person as a chief does not even show any courtesy; na kuonania that we have people who are just roaming about and they are educated. Tukahe uneducated chiefs wira na tutikumenda. Kuondu wa uguo, kaba tugiikare without chiefs, angikurwo mariheagwo wira through corruption.

Treatment in hospitals should be looked upon, because of the poor people, who cannot afford to pay the money for their treatments (let me finish this). Women should be given privileges via gutuika leaders. We can be leaders, but when these people are appointing leaders, they cannot even appoint any woman. No mundu gutindaga ati ni gucaria, as if women are just one or two. We need more women in leadership.

The other one is liquor brewing and selling. Angikorwo ni kuriendagio na guthondekwo njohi, it should be checked, timed, and licenced for selling this liquor. Time for selling beer must be fixed, because our people are just drinking beer without even timing themselves. Kuondu wa uguo manyuaga, makarega kuruta wira. People are not working because of beer.

The law should be for all. The law is for the poor. Mundu wotho muthini niwe wi wathoini no mundu utari muthini ndari wathoini. Kuondu uguo the law should be for all. That one should be looked upon.

Change of education should be left to the teacher. If any system of education is to be changed, it should be left to the teacher, but not the President. If he thinks we want this system of education, anasema we want this. We want the change of education to be left to the teachers. Thank you

Com. Wambua: Thank you very much Sarah. Tutamuita Mwaniki Njuguna.

Mwaniki Njuguna: Hamjambo nyote. Jina langu ni Mwaniki wa Njuguna.

Kwa upande wa kule kijijini, I am the organizing secretary of Nyathuna Sports Association. Ni mengi ya mesha pita katika masikio yenyu, na mengi ni yale nilikuwa nimetayarisha kunena lakini kwa sababu ya kuokoa muda; nita taja tu neno moja halafu ni zungumzie nikae chini. Hii neno ni la ugonjwa fulani tunaujua sisi sote, huu wa corruption. Tafadhali ni ongeke kidogo tu kuhusu corruption hata ikiwa imetajwa hapo mbeleni. Huu ugonjwa umeanzia kutoka kwa mimi, na kwa wewe na kwa kila mtu, na umeenea katika sehemu zetu zote za nchi hii yetu. Na huu ugonjwa vile umeendelea, mwishowe utaiangusha hii nchi yetu, ikiwa hakuna sheria fulani, ama jambo fulani, itakapochukuliwa katika hii Constitution hii tunayo itayarisha.

Pili, kuna sheria fulani na ikiwa iko, tungetaka hii tume iondowe kabisa. Hii sheria ni ya wakubwa fulani. Wakifanya jambo fulani, hao hawachukulii jambo lolote. Hebu ni taje mfano fulani milioni kwa gazeti. Mtu mmoja fulani, alienda huko ngambo akachukua, ama aka-import maziwa yenye thamani ya two billion, not million, two billion na hiyo maziwa ilikuwa na ugonjwa

fulani, ama ilikuwa na viini fulani ya kudhuru afya yetu. Huyu mtu kwa sababu ni tajiri fulani na anajulikana ni wakuu wetu wa serikali, hakuchukuliwa hatua yeyote. Kwa hivyo ikiwa sheria kama hiyo iko, yakutochukua hatua, tungetaka iondolewe mbali, tuwekewe ile sheria mtu yeyote hata akiwa ni nani, hata akiwa ni Rais wetu, ama mdogo wake, akifanya kosa fulani, tunataka tusikie yeye ako kortini kama vile nchi zile zingine zinaendela na zinajifunia ya kuwa iko na democracy; kama vile sisi tunajivunia tuko na democracy. Kwa hivyo hapa upande wa Constitution, nataka wawe waangalifu. Hiyo ingine ni ya upande wa sheria kama hiyo. Tungetaka tuwape hawa watu wetu wana sheria, hawa wameelimika, tuwape sheria fulani ya kuchukulia mtu kama huyo hatua, ikiwa kwa upande mwingine, ama serikali imekosa, awe hiyo tume ya sheria iwe ikichunguza maneno hayo.

Ya pili, tukitaka hata hii tume yetu iwe ikisaidia serikali upande huo wa corruption, kwa sababu huo ni ugonjwa fulani. Ni ugonjwa mbaya sana. Unadhuru afya yetu, na unaenda kuangusha serikali yetu. Ni hayo tu nilikuwa nimetarajia kuitaja kwa wakati huu, kwa sababu mengi yame pita na siwezi kutaja. Asanteni

Com. Wambua: Asanti sana Bwana Njuguna. Nitamuita Kibugi Robert.

Kibugi Robert: Habari zenu nyote. Nitatumia lugha ya Kizungu ndio niweze kutaja yote nimeandika, na ndio niweze kuongea haraka.

The first thing that we should address is the type of constitution we want, and why we want a Constitution in the first place; and I do suggest that we put it at the bottom line, that we want the Constitution to address the issues affecting Kenyans, and not a Constitution targeting individuals. Tusiseme ya kwamba hatutaki raisi kwa sababu raisi ni Moi, na akiwa Kibaki tutamtaka na Katiba ilioko.

The other issues, that have been named, for example the number of ministries that we should have in Kenya, should be specified in the Constitution by name and in number; to prevent Ministers being appointed from various regions for political reasons. Ministers should not necessarily be members of Parliament. The number of Assistant Minister should be specified with specific functions. Holders of Constitutional or key public offices, should be vetted by Parliament, and that should include Judges of our courts. Parliament should be given power to impeach the President and even in some cases ministers. There are some powers that are given to the President of Kenya, for example under sections like 24 and 25, to create and abolish public offices. To hire and fire public officers, the President is given power to do that at his own will. I think that power should be abolished totally and that power left to the Public Service Commission, with approval of Parliament.

Also the requirement of a 25% majority in elections for a Presidential candidate, in five out of eight provinces should be done away with, and replaced with someone garnering about 51% or more, in all provinces that is of the total votes count cast in Kenya.

In the case of the Legislature, I think it is time that we introduced a section to allow for independent candidates for members of Parliament. That is to avoid a scenario like the one that was seen on 18th of March; where some MPs were left partyless; just because they did not agree with the views of the party leaders, and it is not the party leaders who elected them in the first place.

Again concerning Parliament in this country, I have a suggestion that we should introduce a section to allow for permanent continuity of Parliament. That is at any one time when we are electing MPs, tuwe tunawachagua wabunge nusu. That is we have Parliamentary elections every 2^{1/2} years, if our Parliament has 220, 110 of them should go for re-election at any one time. Why? At the moment, we are hearing a debate of extension of the life parliament. That debate will not arise, and it is very democratic in that case. Also that will contribute to reducing the powers of the President in section 89.

The Electoral Commission should be made independent. Commissioners should not be allowed to hold office for more than ten years, to avoid manipulation and also, it is time that we made our local authorities more powerful; and do away with the Provincial Administration as it was said. (I will be very brief because most of the things have been mentioned by people)

There are issues on human rights. One major issue is the issue of a Kenyan passport. It is said that a passport to have as a Kenyan citizen is a privilege. If I want a passport today, I have to give a reason why I want a passport. I thought that because I have a National ID, it is my right to have a passport. I think when they are making the issue on human rights, a passport should be made a fundamental human right.

Also the issue of education should be included as a human right for all Kenyans, universal primary education should be made free for all of us; and even high school and secondary school education to be subsidized.

Also the issue of health, considering that some of the diseases are threatening to wipe out the whole country like HIV and Aids. Basic health should be a human right, provided free and where not possible, heavily subsidized by taxpayers in this country.

Then there should be a continuous process of Constitutional review and reform, not only now that we are in the year of elections that we are rushing to make a new Constitution; but we should be having a continuous process. Finally, I think we should be having the issue of a national referendum; since not all issues are supposed to be passed by Parliament; because we know the conduct of our MPs. So I think at the end of day, when we finish the national conference of the review of this Constitution, the final say should be by a 90% referendum, to be done by all Kenyans. Thank you.

Com. Wambua: Asante sana Bwana Kibugi. Tutamuita Lilian Njeri Mbuti.

Lilian Njeri: The Commissioners, ladies and gentlemen, I am here to read a report on Maendeleo ya Wanawake, na views zile wangetaka zirekebishwe katika Katiba iliyoko; ndio ziwekwe kwa ile Katiba mpya. The following are the views:

Lands should be set aside in all constituencies of our republic for the benefit of the poor and the victims of Aids, and building of their education be set aside. This comes about where donors produce and give out money to this people. They should know exactly where the money should be taken.

We would also like Kenyans, hawking for their own daily bread, to be let free, and councils should plan for the kiosks they sell to the public. Because they go away with their money, and earns them with nothing to depend on. Women in Kenya should not be treated like like second class citizens. This comes to the part of work given in the big positions of this country. Traditional harmful practices that are harmful to the health and well being of a person especially those that have perpetuated the oppression of women and girls; such as girls genital mutilation, inheritance and property ownership, sexual harassment and rape, should be put and carried forward in our next Constitution.

Education: Funds in schools should not always be the issue of payment by parents. It is only when there is a new development, which is taking place in that particular place.

Governance: Women have a role in voting in Kenya yet they are lowly represented in all aspects of governance i.e. leadership, positions, elective, assigned, nomination, administrative powers structures; and the ratio of women in the location's local authority wards, should be equalized. Women being the majority voters in our country should also be highly considered in all aspects. Administration powers of harassing hawkers, should be scrapped out in the coming Constitution of the year 2003.

Public health centres should be well equipped with medicines, and other equipment tools needed to enable our local people to go for treatment. No Kenyan over 18 years of age should be considered landless, since he is supposed to be participating in the development our country. Thank you.

Com. Wambua: Asante sana Lilian, tutamuita Mbai Ndung'u, hayuko? David Munga.

David Munga: Hon. member of Parliament Paul Muite, Hon. Commissioners, ladies and gentlemen. Kwanza kabisa nitashukuru wale walio unda hii kamati kwa sababu some of us have got a millennium privilege now. That we can stand and speak something. Wherever they are, thank you very much. Sasa mimi ningetaka pia kuchangia katika hii as a young turk. I think there is something like that. Kwanza kabisa ningetaka kusema mambo ya affirmative action, hiyo affirmative action should not exist at any one time. Please, dear women I would like to support you but I cannot be able to support you at all, kwa sababu hata ukiangalia hapa tafadhali. Huwezi kusema tuendee wanawake kule nyumbani, tuwapatie uongozi na hata hapa tuki-count vichwa one, two, three women I think less than ten. Please I love you very much, but affirmative action should not be included anywhere in the Constitution, that gender equality should not be there. Mtu ajipiganie, mambo kama hiyo.

Ile ingine ningetaka kusema ni ya lack of quorum in the Parliament, which has been there recently. Honourable Muite knows

that one. Unakuta ya kwamba they cannot discuss anything, because they are about 10 MPs, or something like that. Sasa it is because, an MP can be absent from the house, for more than two weeks; because these people go to the Parliament three days a week. So in two weeks that is six times, and somebody can go for his own businesses more than two weeks, and yet he is still a member of Parliament. Kwa hivyo ningetaka hiyo iwe reduced, If I will be able to see that in the Constitution I will be very very happy. Kwa hivyo iwe reduced to something like four appearances, na isiwe ni ile ya pole sana, yaani technical appearance na kutoka inje. Isiwe ni hiyo. Iwe ni appearing in the house, something like that. The other one I would like to mention is about (I dont have a memorandum please, I am not reading a memorandum so I am taking 5 minutes as you had suggested).

Hiyo ingine ni the minimum number of years that a President can have. Watu wengine wamesema 45 years, that is on the higher side. Let it actually be 30 years, which is okay. Halafu tu-avoid seniority, yule mtu mzee kabisa wa miaka 78, na pia anataka kupigana na vijana kama sisi, hiyo tu- avoid, iwe ni 75 years. Hata Bible imesema ukipitisha 70 years, wewe mambo yako imeisha unaishi, kwa ile, munitaga mbacici iyo. Kuoguo miaka 75, gutirei mundu wagiriiruo ni gukorwo ari President, no ingigikinya-ri, ukiri President-ri no ukirikie. So let us avoid muthuri muku muno. Ni wega muno muthuri muku ari guku, no tutigwitikira uhoro ucio wa muthuri muku gukorwo ari President kumagia Constitution ino ya kirika. Undu uria ungi ibuku ria Constitution ino wona ria thondekwo, nirikorwo riri available nigetha tugakihota gukiriona na mbeba nini. Tariu ingiuga tuoe moko haha naiguru na ndikuuga, mundu wote uri wahutia ibuku riri ritaguo Constituion Book of Kenya, oe guoko naiguru ona kana uri warithoma-- I thank you very much Hon. Muite, he is a student of law, hari ungi please? Reke rituika available, I don't know whether in the costs, ndiui kana ni ma-include printing many books. They can be distributed in churches and such organization. Kuoguo ibuku riu rikorwo ri available, and at affordable price. Riu ni kurikia ndirarikia.

The other one is about appointing senior people in the government, especially parastatals. This appointing by the President, there will come a time that a thug will be appointed to lead a certain parastatal. May be President Moi has been very good, I am not saying he has been very good, I am saying that maybe, but there will come a time that a certain Wanugu, or a certain Rasta will be a leader of a certain parastatal, so the President should nominate somebody, but Parliament should vet that somebody by a 2/3 majority; even sacking somebody should be the same. We don't want to hear like now, ati Commissioner huyo kwa sababu ni appointed, ati amepigiwa simu hapa, ameambiwa pack and go. We don't want something like that.

There should be a process, na hiyo mambo ingine yote nime-support, ile watu wamesema; lakini mambo ya security ya polisi wetu. Polisi wamekuwa wakora, I am a victim. Another day walininyanganya pesa pale kunaitwa River Road, ilikuwa nikiteremka hivyo akanishika, akaniitisha kitambulisho, by mistake sikuwa na kitambulisho lakini leo nimebeba kitambulisho. Wakaniambia uko na nini? Wakanitoa mia moja hey, hey, hey, nikawaambia sina fare, wakanipatia shilingi ishirini, hiyo basi iaangaliwe sana.

Mambo ingine, nikimaliza kabisa, mambo ya chief iondolewe hawa ndio wameleta chang'aa, ndio wana promote chang'aa.

Hata nyinyi watu wa Wangige nyote si munajua hivyo? Simunajua River side? Hata tukichukua hawa, si tunaweza kuwapeleka River side, hakuna mtu hajui hiyo, kwa hivyo chief aondolewe kabisa asante.(clapping)

Com. Wambua: Asante sana, tutamuita Robert Chege.

Robert Chege: Habari zenu, kwa majina ni kama hayo mumesikia. Nimetoka kijiji cha Gathiga. Mimi nashukuru kwa vile mengi yametajwa hapa, ijapokuwa nataka kugusa tu mambo ya Commissioners. Hilo ni jambo langu la kwanza, kwa sababu tunaongea mambo ya kutengeneza Katiba yetu sisi wa Kenya. Kuna maswali ingine huwa sisi wa Kenya tunajiuliza, kulingana na vile sisi huwa tunaona.

Ya kwanza, ni kwa nini wakati sisi tumeitisha Katiba, ndio tunaletwa Commissioners, wale watakuja kutengeneza Katiba. Na kulinga na maoni yangu, mimi naonelea katika Kanu, ndio tulipata Commissioners wengi. Ilehali katika total votes, zile tuko nazo katika Kenya. Wako na less votes kuliko party zile zingine katika hii Kenya. Tena kuna wrangles, katika commission yao.

Unasikia kuna political interference, na mambo mengine mbaya, ambayo huwa inaendele tunasikia katika media. Tena hawa makamishna huenda offisi kwa offisi, na hali hawaendi nyumba kwa nyumba. Kwa hivyo inaonekana, kuna kitu kile wana serve, katika hii mambo ya kumaliza hii Katiba yetu. Tena tunambiwa Katiba itamalizika by December. By whose mandate, na Katiba hii ni yetu? Hii Katiba ni sisi tulipatiwa conference, tuende tulizwe ile siku, Katiba hii tumetaja tunataka imalizike. Kwa hivyo hapo tunaona tena kuna kitu ndani yake imefichwa. Tumeona kama hii Katiba haitafanyika kulingana na vile raiya wanatoa maoni yao, tutaitisha further reforms kwa miaka ingine kama kumi na tano.

Nikiguza kitu kidogo mambo ya Presidency. President anafaa kuwa na powers, kuwa anapata ile mambo yote inatendeka katika bunge anapitisha. Hafai kuwa juu ya sheria. Na hiyo basi anafaa kufutiliwa mbali katika bunge. Thus, we can have a vote of no confidence from the Parliament, kama akipatikana na makosa yeyote. He should be of Kenyan origin. Awe na miaka 35 mpaka 70. Awe mtu amefikisha form four and above, na awe na sound mind. Awe ameo, na awe akitumia bidii yake pahali inafaa. Awe mtu anajua mambo ya Mungu, na awe sio mtu ambae amehusika na mambo ya corruption, na awe anadeclare wealth yake, wakati anasimama kwa Presidency. Tuwe na President and Vice President wawili.

Parties: Vyama nazo katika Kenya, ndio tusiwe na mambo ya ukabila, tuwe na vyama vitatu peke yake, katika Kenya yetu. Na kuwe na serikali ya muungano, ambayo the winning party, huyo President, awe na over 50% total votes, na wa pili awe ni wa chama hiyo ingine, awe ni first Vice chairman. Wa tatu ni wa chama hiyo ingine, awe second vice chairman.

Kusiwe na mambo ya merger anymore katika Kenya. Kwa sababu mambo ya merger inaleta dictatorship, ina kuja ku-neutralize wale ma MP wengine wamekuwa swallowed. Hivyo basi, hawana nguvu ya kuongea kwa vile tayari wako chini ya mtu mwingine.

Mambo ya Katiba: Katiba isikuje kuwekwa kama vile wengine wamesema hapa. Isikuje kuwekwa chini ya drawer. Hata hapa vile tunakuja kupeleka hapa Katiba, hatujui Katiba ile ilikuwepo, ama ile iko kwa wakati huu. Kwa hivyo tunataka Katiba hii yetu iletwe, tuwe tunaisoma, na inafundishwa hata kwa mashule.

Vyama vile vimeandikishwa, wakati wanakuja kulete views zao. Wasiwe wanapatiwe umuhimu kuliko sisi raiya. Kwa sababu hii Katiba sio ya party, ni yetu. Kwa hivyo hata kama chama iko kubwa namna gani, isikuje kupatiwa umuhimu, kuliko sisi wenyewe. Katiba ile iko kwa wakati huu. Itumiwe kikamilifu 100%, bila kutumia mambo ya kabila yangu, bila kutumia huyu mtu ni wangu, na hili hafai kufungwa, kwa sababu yeye ni mtu wangu hata kama ako na makosa.

Masomo iwe free, hiyo yote imetajwa. Hata mambo ya health yote imetajwa. Mambo iwe free, yote imetajwa. Asanteni.

Com. Wambua: Asante sansa Bwana Chege. Tutamuita G. N. Mburu. Hayuko? Tutamuita Bwana Gatuguta. Bwana Gatuguta ni kama aliongea jana, kwa hivyo wawili tutawatoa. Halafu tumuite Judy W. Gitau. A. Njonjo, yuko? Hayuko. J. Njonjo. Hayuko. Solomon Kamau.

Solomon Kamau: Mine will be brief, I recommend that the Presidential powers should be trimmed, as the President has the tendency of making hasty and abrupt decisions; which you can call decisions made at the spur of the moment. The President should not be a member of Parliament, but should belong to a registered political party. The administration police should be merged with the regular police, and the security docket should be de-tached from the office of the President. The quota system in education and administration, should be abolished and pave way for the best brains to win. On the Judiciary, the Judiciary should be freed from any manipulation from the executive, by giving them a tenure of office. Members of the Judiciary should be elected in Parliament through merit.

On elections, the Electoral Commission should be an independent body, and should make the voter registration exercise a continuous thing. The Commissioners should provide two days for elections. The first day being for Presidential elections, and the next day for MPs and their local Councils. Mine will be brief, I am through.

Com. Wambua: Asante sana Solomon Kamau. Tutamuita George Kanja Gitugo. Hayuko? Johnson Mbugua. He spoke yesterday, I thought so. Tutawapatia nafasi wengine asante sana Bwana Mbugua. Tutamuita, Kironyo Gathungu.

Kironyo Gathungu: Good afternoon. I will speak in English my name is Kironyo Gathungu, I am 20 years old and I am a student. I come from Mwimuto Village, and what I have to say has actually been said by a lot of people, all I have do is to confirm; and if possible make some rectifications.

First of all, I would like to speak about the system of government. I would like to see this provision being entrenched in the

coming Constitution, whereby we have a system of government where the President will wield executive powers, and if we must have a Prime Minister he must be from the same party with the President but with ceremonial powers, if we must have a Prime Minister. But otherwise I would recommend a President whereby he is elected at the same time with the Vice President as they do in the United States. About the age factor, I would like to see a Presidential candidate between the age of 35 and 55. Why do I say this? I have heard many say that he should be between 30, 75, and 35. I believe it should be between 35-55years, because the mandatory age for people to retire in this country is 55 years. After you reach 55 years, you are considered you cannot work any more, you have retired. So why should you serve the people, if you are already over the age of 55 years. To me it is not fare. The people who are over 55 years old, should serve in our churches as church elders, or even in our local communities may be as the village headmen, or even those committees, that have requested like the council of elders, they should serve there. But when it comes to the leadership of the country, leave it to the young people. They can serve a role in advising those people who will be ruling the country, or even the members of Parliament, the Councillors and such.

About the local councils, I would like to see Mayors and Councillors being elected, but we should also have something that is there in Uganda, the Local Resistance Councils, whereby if the people of a particular constituency see that their MP is not performing well, they need to recall him back, and may be reprimand him; and give him another chance so that he is told work, if you don't work, we'll call you back here and we will fire you. That thing should be there. We should not wait for five years, to see somebody come and tell us, I have done this, for you, I have not done this, so please give me another five years, and I will continue doing this. No, we are human beings, and we get unsatisfied at times, and when that dissatisfaction comes, we should have the power to call this people back; so that we can tell them, we need you people to do like this and this.

About the Constitution that you are going to make. Personally I really don't know the whole Constitution of this country, I only know some parts. In our history books, I have been in high school, we have autobiographies of political leaders, some of these things should not be there. Instead of wasting those pages in the history books, why don't you put some parts of the Constitution that you think they are so important, so that we in high school can learn. We really appreciate that because, there very many people who don't know their rights, the young people and old people as such. That is all I have to say, thank you.

Com. Wambua: Question Bwana Kironyo, who should have ceremonial powers is it the Prime Minister or the President?

Kironyo Gathungu: The Prime Minister should have the ceremonial powers.

Com. Wambua: The Prime Minister should have ceremonial powers?

Kironyo Gathungu: Like the French system.

Com. Wambua: The President should have executive powers?

Kironyo Gathungu: Yes.

Com. Wambua: With the Vice President?

Kironyo Gathungu: Aha.

Com. Wambua: What role should the Vice President play, should he also have powers or?

Kironyo Gathungu: Well I think if we must have the President and the Prime Minister as such, the Prime Minister should weigh ceremonial powers, but if the Prime Minister shall not be there, then we should have the President and the Vice President who shall be elected at the same time.

Com. Wambua: Thank you. Can we have Peter Mwangi.

Peter Mwangi: Hamjambo nyote? Yangu ni machache sana, Nataka kuongea kuhusu mambo ya wale watu wanasumbuliwa, kustakiwa. Ningeuliza Katiba kama itapitisha. Kuna mtu anaweza kustakiwa akiwa hana makosa, halafu Jaji ana muruhusu kwenda heti hakuna ushahidi wa kutosha. Ni mtu fulani, ama ni kampuni fulani, alisema huyu ana makosa fulani, na akampeleka kule, anamharibia jina lake. Jaji aweza akasema wewe, utarudi nyuma ustaki wale watu, maanake korti limeku-release, limekupata huna hatia. Kwa hivyo nigeuliza Katiba, kama itaendelea kuthibitisha ya kwamba hapo hapo huyu mtu hana pesa ya kurudisha kwa kesi, ama kwa advocate, pengine ni maskini, na ingawa hiyo kesi, pengine itaendelea ni shida sana, akiwa hana pesa yeyote. Apiteishe Jaji hapo, hapo kama huyu mtu hana makosa yeyote, na alistakiwa na mtu fulani, iwe judgement yake atalipwa hapo, hapo bila kurudisha kesi kortini.

Ya pili, ni innocent citizens kusumbuliwa na polisi bila sababu yeyote. Aweza kuwekwa kwa rumandi halafu kisha amechukuwa munda mrefu kule. Anaonekana hata hana hatia. Sijui polisi walikuwa wanataka nini, inamsumbua bure. Police ama yule officer yuko kule, Katiba inaweza kupitisha ya kwamba, ikiwa hana makosa, na aliharibiwa sifa zake, hao wastakiwe moja kwa moja. Kuwepo na commission ya kuangalia mambo kama hayo. Kwa sababu wananchi huwa wanasumbuliwa bure tu bila makosa yeyote. Kwa hivyo ningeuliza commission, kama Katiba itapitisha hivyo, watu wakose kusumbuliwa na polisi ovyo ovyo. Kwa upande wa election, imezungumzwa sana, ile sanduku ya kufanywa elections, hakuna haja sanduku kuwa ya black, na watu wasione ile iko ndani. Ni kwa nini nisione ile kitu iko ndani, na mimi natakiwa niweke vote yangu pale? Sanduku ya elections, inatakiwa iwe transparent kabisa kabisa, kumaanisha ya kwamba hakuna rigging. Wewe umeona hakuna kura zingine ziko pale, na pia zihesabiwe hapo hapo. Hiyo imezungumzwa lakini hapo nitaongeza tu kidogo.

Ningeuliza kuhusu mambo ya pesa zile, zinaombwa na serikali kutoka nje. Nazo ziwe zimejulikana kabisa zinaenda wapi, na ni kwa nini watu wengine hawawezi kujua vile hizo pesa zilienda. Kuwe na njia yeyote ya watu kuwa wanaelewa mahali hizo pesa zinaenda. Ni kimaliza, ni kuhusu wakubwa ama President, ama ma MP wengine, unasikia wanaweka utajiri ng'ambo, na

hali tuko maskini sana hapa. Hizo pesa zote wanaweka nje za nini? Ukisikia Kenya uchumi yake ni mbaya. Nikumaanisha ya kwamba hakuna watu wanaangalia kuhusu zile pesa. Ukimchagua MP fulani, akipata kiwango cha pesa, anaweka huko nyingi, kuliko zile anazo hapa. Kwa nini kusiwe na kiwango ambacho wanaruhusiwa kuweka inje, ikiwa ataenda inje kuitumia. Ningeuliza, zote zile ziko inje hata ya Moi, hata ya nani, zote ziletwe hapa Kenya, ingalau tuwe tukizitumia, kama sisi ni wananchi ya Kenya. Uchumi inazoroteka kwa sababu, Kenya inautajiri ya kutosha, lakini pesa zote ziko inje.

Com: Wambua: Asante sana Peter Mwangi. Sasa tutamuita Dr. F. M. Kamau.

Dr. Francis Kamau: Francis Mburu Kamau are my names, and I want to confirm most of the things that have been said here.

First and foremost, after this Constitution is made, it should and its a must, it be taught in schools, and be examinable. Our children should learn our Constitution, and they should be tested about it, and they should know it. We are talking of a thing we have never heard, we are talking of a thing we do not know, and those who know it, have been taking advantage of oppressing us. I want to concur with those people who say that, the Provincial Administration should be abolished. A poor country like ours, cannot afford to have the President going on foreign tours, every month. So there must be an act in our Constitution, which restricts the number of times the President should be away from this country.

We should also have an act in our Constitution which says that education must be compulsory for every child born in this country. The Constitution should have an act which says, that our industries, our workers, our businesses must be protected. We must protect our industries, we must protect our businessmen, otherwise we shall remain under colonialists all the time, if we don't have an act which is protecting our industries.

We should, we all know that Kenyans are God fearing people, and we love him, but we have gone to an extent of misusing the name of God. There are so many religions in this country that one fails to understand, which direction he is going to follow. We should have an act in our Constitution, restricting the number religions that should be allowed in our country.

Land policy should be looked at. I see no need why an individual should have a thousand acres in Kitale, Rift Valley, Kiambu, and the act does not say anything about the utilization of that land. If you have one hundred acres, there must be a caption in the act, which says what you should do with that land. You are a permanent secretary, and you have two thousand acres in Kitale, doing nothing with it, all you are thinking about is to import maize, and yet you can grow maize in your shamba.

Retirement age in this country should be uplifted to 62 years of age, because we waste alot of brains. When one reaches the age of 50 years, the age of 60 years, that is where the brain is, and you are told to go home. That you are not useful any more, you cannot work, and yet you are the most experienced person at that particular time.

We would like to say, that when a child reaches the age of 18 years, and he is registered, he has an ID card; he should at the

same time be registered as a voter. Those two should not be separated. When you are getting your ID, you should at the same time be registered as a voter in this country. Thank you.

Com. Wambua: Asante sana Dr. Kamau. Tutamuita George K. Ndura yuko? Ndura hayuko. Tutaendelea, tutamuita Jane Wangare M. yuko? Jane Wangare hayuko? Basi tumuite Grace Mugure. Grace yuko? Kuja mama. Si jana ulikuwa Kikuyu na ukazungumza? Sasa tutakupatia ama unataka kuzungumzia? Usiongee sana maanake niliyasikia maoni yako jana.

Grace Mugure: Asante sana kwa kupatiwa nafasi ya kuongea siku ya leo. Commissioner wetu, wananchi wote wa Kabete, Hamjambo? Hamjambo tena? Mfurahie tukipatia watu watupatie mawaidha yetu ile tulikuwa na taabu kutoka chini tukienda juu. Sindio? Jina lingu ni Grace Mugure Njoroge, ChairLady wa Maendeleo Kiambu District. Hata mkisikia niliokea jana, hata Kiambu niliongea, na siku ingine ninaenda Limuru. Nikichukuwa taabu za wakina mama, hata za wazee hata ya vijana. Nitaongea kwa Kikuyu na nitaongea machache tu, sitaongea mengi. Niko na memorandum ya mama mmoja aliangakuka asubuhi akaniletea.

Niwega uguo nigetha neane memorandum ino?

Translator: Ni vizuri ili nipeane hii memorandum?

Grace Mugure: Twihamwe na inyui?

Translator: Tuko pamoja?

Grace Mugure: Kiria nguga wa mbere ni gucokia ngatho,

Translator: Ya kwanza ni kushukuru,

Grace Mugure: wa keru,

Translator: ya pili,

Grace Mugure: ni ithui ithuothe tukite,

Translator: ni sisi ambao tumekuja hapa.

Grace Mugure: tuigie twina thayu,

Translator: tuwe na amani,

Grace Mugure: ni tuneane mathina maitu,

Translator: na tupatiane shida zetu,

Grace Mugure: gwi Commissioner.

Translator: kwa kamishina wetu.

Grace Mugure: Inyui commisioners kiria tukumurirania,

Translator: Na nyinyi kamishina tunawakumbusha,

Grace Mugure: maundo maya twarehe,

Translator: haya tumeyaleta,

Grace Mugure: tafadhali,

Translator: tafadhali,

Grace Mugure: mugatwita ringi mutwire haria makinyite na haria mathire.

Translator: mtuite tena mtujulishe imefika wapi.

Grace Mugure: Tutikariganire.

Translator: tusingahaulike.

Grace Mugure: Kiria ingiongerera no kimwe tu,

Translator: Cha kuongeza,

Grace Mugure: ati he mundu waririe haha,

Translator: kuna mtu alie nena hapa,

Grace Mugure: na ni tungienda kugie athuri,

Translator: na tungependa kuwe na wazee,

Grace Mugure: nigetha mateithuranage mbara.

Translator: ili wawe wakiamua vita.

Grace Mugure: Kwoguo tungigitigwo andu ethi-ri,

Translator: Kwa hivyo tukiachwa dot coms,

Grace Mugure: ithi to kurua turikiruaga.

Translator: basi tutakuwa tukipigana.

Grace Mugure: ni tukwenda gukoragwo na andu akuru.

Translator: Tunafaa kuwe na wazee wakongwe,

Grace Mugure: Na Commissioners mwandike uguo.

Translator: na Commissioner muandike hivyo.

Grace Mugure: Kiira kingi ingimugwetera,

Translator: Ingingine ni seme,

Grace Mugure: ni tutikariganire atumia,

Translator: tusingisahaulike sisi wanawake,

Grace Mugure: tundu turi andu merutagira.

Translator: kwa maana tunajitolea.

Grace Mugure: Kiria kingi ingigweta,

Translator: Lingingine nitakayo sema,

Grace Mugure: ni mundu athuruo,

Translator: mtu akichaguliwa,

Grace Mugure: ndakarikanagirwo ni raiya.

Translator: basi asisahau raiya wake.

Grace Mugure: Magacoka gutuitaga micemanio.

Translator: Awe akituita mikutano.

Grace Mugure: Na kiria kingi ingiongerera hau,

Translator: Ingingine ni kiongeza,

Grace Mugure: ni cira wa gwa cibi,

Translator: ni kesi ya kwa chief,

Grace Mugure: tuehererio maruta.

Translator: tuondolewe kodi.

Grace Mugure: Athini ni marona thina.

Translator: wananchi wanaona shida.

Grace Mugure: Kiria kingi Commissioner ingikuririka,

Translator: Lingine ningeongeza Commissioner,

Grace Mugure: ni prosecutor wa igoti;

Translator: ni yule karani wa korti,

Grace Mugure: ingirekio ni igoti,

Translator: ni kiachiliwa na korti,

Grace Mugure: watho wa gucoka unyite,

Translator: kushikwa tena huko kortini,

Grace Mugure: weherio,

Translator: hiyo iondolewe,

Grace Mugure: tundu igoti ni rikundeketie.

Translator: maana korti ilikuwa imeniachilia.

Grace Mugure: Commissioner wandike uguo,

Translator: Kahamishna uandike vile,

Grace Mugure: watho ucio twehererio.

Translator: hiyo amri tuondolewe

Grace Mugure: Ngukinyia hau,

Translator: nafikisha pale,

Grace Mugure: na neane memorandum iyo.

Translator: na nipeane memorandum.

Grace Mugure: Thengiu ni undu wa guthikiriria.

Translator: Asante kwa kunisikiza. (clapping)

Com. Wambua: Asante sana mama Mugure, sasa tutamuita David K. Kabuu.

David Kabuu: Nitaongea kwa Kikuyu. Rekei twambe tugeithanie, uguo, muriega,

Translator: Ebu tusalimiana hewani.

David Kabuu: Thengiu.

Translator: Asante.

David Kabuu: Nii ni nii waigua ndetwo David K. Kabuu,

Translator: Mimi ndio David Kamau Kabuu,

David Kabuu: na nyumite na haha Ruku,

Translator: nimetoka Ruku,

David Kabuu: na ni ngeneire uhuro uyu wa Constitution,

Translator: nimefurahia hii habari ya Katiba,

David Kabuu: na onagutwika ndikwandikite maundu maria ingienda mathii na mbere,

Translator: hata ingawa sikuwa nimeandika yale mambo ningetaka yaendelee,

David Kabuu: hindi iria turari civic education,

Translator: wakati tulikuwa tunafunzwa wakati wa Katiba,.

David Kabuu: kuria Kikuyu,

Translator: kule Kikuyu,

David Kabuu: maundu macio ni twandikire na magituika nimagugiuka na matwarithio na mbere.

Translator: yale mambo tuliandika, ilisemekana itakuja, na iendeze mbele.

David Kabuu: Riu kwa uguo ndiri na maundu ngwandikite makwa individually,

Translator: Hakuna mambo nilikuwa nimeandika ya kibinafsi,

David Kabuu: na kwa uguo ni ngeneire uhoro uyu.

Translator: kwa hivyo na furahia hilo jambo.

David Kabuu: Ihoya riakwa no rimwe,

Translator: Na ombi langu ni kwamba,

David Kabuu: maundu maya mothe twaritie kana maria turehete me memorandum,

Translator: Ni yale mambo tumeongea nayo tumeweka kama memorandum,

David Kabuu: tugatigirira ati maundu macio ni twamona,

Translator: mwisho yake tuone hii mambo tumeyaona,

David Kabuu: gutigatwike turia tuonaga mahindaini maya:

Translator: isio kama vile tunaona nyakati hizi,

David Kabuu: thirikari ikoiga una ni ukuhitukio,

Translator: serikali inasema, itapitisha mwaada fulani,

David Kabuu: nano kuhingwo maitho,

Translator: basi hio kitu inapita hivo,

David Kabuu: uhuro ucio ugakinya muico.

Translator: hilo jambo halitekelezwi.

David Kabuu: Wa Constitution ndugakinye muicho utatucokereire tuone maciaro ma wira uyu turaruta.

Translator: ya Katiba isipite bure tuone mazao yake ili tufanye kazi.

David Kabuu: God bless you.

Translator: Mungu wetu atubariki.

Com. Wambua: Bwana Kabuu haya hayatafika muisho, tutakuhakikishia ya kwamba, tutakuwa na Katiba, ikiwa na maoni ya watu wa Kabete. Sasa tutamuita Rita N. Njenga. Yuko?

Rita Njenga: My name is Rita Njenga and I am here to give my contribution to the Constitution Review of Kenya, and we are writing together. I have written an introduction, I hope Mr. Chairman sir, as you can see, we are very few women; and I think

I the 6th on woman to present their papers. I sincerely and kindly request that you allow me to finish whatever I have. It won't take more than five minutes, but at the end of the day; may be you have only 10% of the women. I am happy at last a people driven Constitution, has taken off; and therefore to the appointed women Commissioners, having seven of you out of the 27 Commissioners, history to be remembered by Kenyan women. This is a milestone achievement in the development of our nation, and the struggle for women to address their specific political issues.

In this memorandum, we would wish to have a Constitution that everyone has a right to equal protection, free from discrimination, free of exploitation and association, the directive principals of equitable representation of both gender. Equality before the law for all citizens, regardless of gender or status. On citizenship, persons born in Kenya after the year 1963, or stayed in Kenya for a period of more than five years, to be automatic Kenyan citizens. Persons born in Kenya and resides within or outside Kenya, whether the parents the father or mother, should be an automatic Kenyan citizen. A man or woman married to a Kenyan citizen, should also be entitled to automatic Kenyan citizenship. A child of less than 18 years, whose parents are not Kenyans adopted by a citizen of Kenya, should be registered as a Kenyan citizen. The Kenyan Constitution should allow for dual citizenship to enable Kenyans living abroad to enjoy the rights of citizenship. Rights and obligations of a citizen, we are kindly requesting that the Kenyan Constitution should provide that, all citizens are equally entitled to the rights, privileges and benefits of citizenship, regardless of gender. Equally subject to the duties and responsibilities of a citizen irrespective of gender.

The following documents should be proof of Kenyan citizenship. This is Birth Certificate, Kenyan PassPort and National Identity Card. Note that a child born of Kenyan parents should be issued with a Birth Certificate, and an ID upon presentation of either the mother's or the Father's ID. Nafikiria hapo ichukuliwe vizuri sana kwamba tumekua na shida. Wakati mtoto wako anataka kitambulisho unakuta ya kwamba, akipeleka kitambulisho ya mama anaambiwa, enda ulete ya baba, na pengine huyo baba alitoroka, hata ajulikani kule ako, na huyo mtoto hana makosa. We are emphasizing that on presentation of either parents ID even that parent is a Kenyan. Kwa hivyo tuwe tikichukuliwa kama binadamu, sio half human beings.

Basic rights and basic needs. The Constitution should guarantee basic rights, which include health care, water, food, education and shelter, security and employment for all Kenyans. When it comes to health, we want to emphasize that, wakina mama wachukuliwe umuhimu ya kwamba katika health, tuko na shida sana, especially for the reproduction area where we suffer, we don't have enough information e.g you may mistake people's diagnosis of a cervical cancer, which can be prevented. With time it is occurring more and more often in women. Whereas it is the only a pap smear set that is needed, but women do not have the facilities, or even the people to educate them especially in remote areas.

We also want to have a gender parity in decision making. It should be a basic right, equitable representation in decision making at all levels. The right to own and hold property for all Kenyans, irrespective of gender or marital status, should be upheld by the Constitution. The Kenyan woman should suffer no form of discrimination, oppression that reduces her dignity and esteem

as a Kenyan. This is especially, when we have the elections, there is very abusive language that is being used, and a lot of violence that is being used, especially when they are doing the nominations. An example of that, is when I also tried to view for a civic seat, and my car was taken and almost over-turned. It was reported everywhere and men were happy. Even the police were just looking at a helpless woman receive so much violence. So we want to have our dignity and esteem as Kenyans.

The affirmative action act that was repealed in 1967, should be entrenched in the new Constitution. Affirmative action policy: I think my brother is still here who said that the affirmative action should be done away with. I say it should continue with because customarily, the way we have been brought up, our customs have oppressed the woman. So affirmative action should work, so that we can also be reorganized to take women as leaders, and also have space for them, because it is the way that we have been brought up. We don't blame anybody, including our men and even women, it is the way you have been brought up. Kwa hivyo lazima tuwe na affirmative action ambayo ita chukulia mama na imuinuwe, na muone qualities ambazo sisi tuko nazo. Hatutaki kusema mtoke kwa ofisim, lakini tunataka kusema, tunataka kufanya kazi na nyinyi. So the current Constitution is silent on the rights of women, and persons with disabilities, and one out of ten Kenyans have some form of disability, therefore it is critical that they are things such as a law created on physical impairment, hearing and speech difficulties. Physical impairment should be addressed.

Rights of equality for all Kenyan citizens, irrespective of gender should be entrenched in the Constitution. The Constitution should make provision for affirmative action policy. It is a legal requirement for those who are rejected by the society where they are left to dwell in discrimination and the exclusion due to gender, age or disability. Affirmative action is a matter of justice, equity, and human rights.

Education opportunity is not enough to set quotas for employment. For if we do not have enough trained and qualified women, to meet those quotas, the girl child education, the youth, the disabled need to be facilitated specifically, and bursary should be provided for girls, the disabled; or any other marginalized communities like the pastoralists. There should be a provision for the access to basic rights by the marginalized groups in the Constitution.

Political parties, the legislature, and the Judiciary recommendations. The Constitution must ensure the affirmative action policy is employed, if the composition of the political party structure eg. at least 1/3 of the officials to each of these organs, must be of the opposite gender. The Constitution should regulate the formation, management, and conduct of political parties. All national political parties should have a National outlook, with membership drawn from at least 60% of Kenya's 42 different ethnic groups. All national political parties should be funded by public funds, to avoid the individual domination of political parties. Parties should be run as private enterprises, from which only the economically able can benefit.

We have the electoral which I will present. I will not go through it, it is so big and as much as I had pledged, the Chairman keeps on ringing the bell, but what we want to say is that, even the land and property rights, we want the female offsprings regardless

of marital status, to be entitled to inherit property, the land. All Kenyans, the Constitution should be supreme to the customary law, on issues concerning land and property inheritance. Because when the men want to oppress us is when they recognise that they had a customary law. So, we want the Constitution to take care of that.

Lastly but not the least, is that since all the children have biological fathers, we also expect fathers to bring them up, because it ends up that women bring up the children alone in most cases. When you have a girl child, she gets pregnant, she will end up bringing up the child alone, while the boys parents stay comfortably at home. We want to share the burden. They shared the pleasure, we want to share the responsibility of bringing up those children. There should be no child that is a bastard, all children have got biological fathers. Some of them being very rich and driving Mercedes Benz, when their children are not even having a meal to eat; whilst they are driving away and being very proud of themselves. We also want to have family planning facilities near to every woman, so that we don't have unplanned children; and when we do that, even those women who are married, their men will run away from home. Na wakikosa pesa huko kwa ndogo ndogo, tena watarudi kule watoto wakikuwa, wakina mama ndio wanabaki kufanya kazi peke yao. Ndio maanake mnaona mkutano kama hii hamuezi kuona akina mama wako nyumbani.

Interjection- Com. Wambua: Rita maneno yote si yako kwa memorandum?

Rita Njenga: No those ones are not there, they are not detailed there. Kwa hivyo with those few remarks, I hope that we are waiting for the cooperation of our dear men, we love you and we want to work with you thank you, very much.(clapping)

Com. Wambua: Rev. Kibiku.

Rev. Robert Kibiku: Thank you Chairman of the commission, and thank you all members. I agree with all the speakers who have spoken with the views they have given, I will only add a few words.

Presidency: Being a citizen of this country, he should not be above the law, and again, he cannot be a defender of the institution while he is above it. Apart from political appointments like ministers, the President should not make any appointments. This should be done by the Civil Service Commission, or an independent commission. The President is package of retirement should not be a Parliamentary debate. It should be worked out by an independent board, just like that of the civil service. As you know, the interested parties will work it out in such a manner that they have a hidden agenda so that they may benefit.

Members of Parliament: They too should not serve for more than two terms. We have been advocating that a President alone should only be there for two terms, and it should be the same with the other Parliamentarians.

Duty free vehicles and other items, should be extended to all Kenyans, and if not; they should not be for even favoured few

people. Infact such privileges are the ones encouraging corruption.

Free loans: All terms of loans should be the same for all Kenyans, but there should not be favoured members of Parliament, who appear to be better off than the others. That means they are enjoying privileges which are not enjoyed by other people. Why should they enjoy them? We have elected them, to represent us, and the representation means equal rights for all.

Constituencies should be based on population, but it should not be based on vastness of the area. A member of Parliament, if he should represent say, about forty thousand people to a maximum of fifty thousand. That means a place like Kikuyu, we should have more MPs and not one, when we think of the population. All Parliamentarians should have at least a university degree. That is the qualification. Lack of quorum in Parliament or local authorities, due to absence or lateness, should be taken seriously. If there is any lateness, members should not earn any money for the week they are absent. Civic education should be a continuous exercise.

Local authorities: They should work and operate as Independent bodies from the central govenment. They should be subject to government supervision and audit. Appointment of all workers should be left to local authorities. There should be no interfrance from the central government. A law should be enacted to govern their day to day running. Local authorities should not be run like personal property. I think you are aware of that. The members of local authorities should run also for two terms and not more. Their allowances and remunerations should also be attractive like that of the MP. That is why they appear to be doing nothing for wananchi. They should have a retirement package like the Parliamentary member. A certain academic requirement should be endorsed for all members of the local authorities. It is is not for Tom and Dick. At lest KCSE should be the minimum qualification.

Other general amendments, freed of association: This should be for every member, that means Kenyans should live anywhere in this country, and they can own property anywhere in Kenya.

Human Rights: It should be for everybody and not for a few individuals, and children's rights should be entrenched in the Constitution.

Employment, should be based on qualifications and merit. We should not favour people because they come from my area, or because they are Kikuyus.

Torture and arbitrary arrest, as people have said and locking people in police cells, should not happen. Respect people as human beings. Why should they be in cells. This means people who should be only locked up and only for about two days, are the people with doubtful citizenship. If I am known in Kenya, I come from this area or the other area. Why should I be locked in a police cell to suffer for nothing. A citizen of Kenya accused of minor offences and crimes should not be asked to produce any security. People who go there, arrested for being drunk, should not be asked for security and other things,

because they are known people.

Unnecessary licences: People with vehicles like pick-ups, ranging from 1000 to 3000cc those are pick-ups which are like cars and should not be asked to pay.

Youth wingers used by politicians, or other persons should not harass wananchi. If youths are to harass wananchi, they should be locked up without any fine. We want peace in this country.

Consumption of liquor and selling of liquor: This should be ruled that, there should be time for drinking and selling liquor, and that means, all places or bars, should sell beer between 6:00 pm and 10:00pm. During the day, no beer should be sold. It is time for people to work. Beer should only be sold during the day on weekends, Saturdays and Sundays; but should not be sold beyond 10:00 pm.

Health facilities: All Kenyans must be given free medical treatment in government hospitals. There should be hospitals in every division. Not health centres, but hospitals in every division within the Republic of Kenya. District hospitals should be used as referral hospitals. It is not Kenyatta, we must have them at district level. There should be health centres, in every location and in that, there must be at one qualified doctor.

Water must be provided to every Kenyan in this country, not to a few people.

Education: PrePrimary education should be free and compulsory for all children. So we must not pay for it. Primary and secondary education must be the responsibility of local authorities, not the central government. Teachers in both primary and secondary schools, should be paid by local authorities. Schools must be comprehensive schools, in some sense both primary and secondary schools should be one school e.g Wangige primary school must also have a secondary, and that must be the responsibility of local government. There should be no external examination like KCPE. We must do away with them.

University education must be accessible to everyone who qualifies for admission. Loans must be provided to all. Poor students should be accorded free university education, if they have qualified.

The last point is. We should do away with death sentences, imprisonment for life should be maintained, but no people should be killed for any offence. Killing is not the right for a human being. Thank you. (clapping)

Com. Wambua: Nataka kumpatia James Njogu, yuko? Ananiuliza nafasi, maanake anataka kwenda kazini, tutampatia nafasi sio? Azungumze machache lakini sio kwa muda mrefu.

James Njogu: Thank you, I am James Ngugi Njogu, and the following are some of the recommendations, that I would like to suggest to this commission.

No. one concerns the fundamental rights and freedom of an individual. The new Constitution should provide a visible and a system of government that will have all the mandate to protect the citizens from any form of oppression or harassment, by any person or any group of persons. It should also enhance the faith of the citizens, through well protracted government systems that will make it clear for every citizen, to enjoy a harmonious stay in this country.

The Constitution should enhance tight security, both internally and externally. Also the new constitution should allow for a clearly seen system of government that equalizes all persons, and/ or individuals, without recourse to any form of background that they carry along side themselves.

Point No. 2. The law making system, the new Constitution as per my suggestions, should provide for a law making system in which:

A bill should pass the ordinary five stages. Discussions to be held by the whole house, ie the Parliament. This is the discussion pertaining to the Bill. The President's assent should not be the determining factor, as pertains to whether or not the Bill will become a law. In this my suggestion is in a two way category.

1. The bill should be made into a law through a majority Parliament representation. That is through voting. As per my suggestion, 2/3 of the Parliament's population representation would do best. In this case, the rights of the President would be seen as been equal to those of other members of Parliament. That is, the President will also be required to vote just like the other MPs.
2. In category two, the Constitution should provide for the President assent to be just an affirmation of what has been discussed and passed in the house; and not to be his very personal opinion. In other words, the President's assent should appear as a signature in a matter that has been discussed through the normal five stages, and have been passed from a bill to a law.
3. The doctrine of separation of powers The Constitution should provide for a system of government that clearly adheres to the doctrine of separation of powers. That is the three arms of the government Legislature, executive and Judiciary, should be independent of each other. With the legislature, being the top in power, that is the legislature should ensure that the Judiciary is free from duress less coercion or undue influence, and the executive is not in any way over exercising its rights and prerogatives. Thank you.

Com. Wambua: Asante sansa Bwana Njogu. Tumuite Charles K. Kimani.

Charles Kimani: Thank you very much, I would like to suggest a few recommendations to be included in the new Constitution, on behalf of a CDO called Mwereri; and we would like to see a few things put in the new constitution. For one, we would like an acknowledgement of the Kenyan people, of the way they have worked to have this new constitution done; because, we did not just get it. We fought for it, the church, the civil society and all other members of the Kenyan Society. So there should be acknowledgement in the forefront; of the work Kenyans did in actually demanding for a new Constitution.

Another point we would like recommended also is, on the side of the President, that is the executive. The executive has actually got a lot of powers, and they should be reduced; and in the same tone, we should at least be able to know who are the advisers of the President. At the moment we hear of the 'total man', we here of 'Kissinger'. We hear of so many people, but we do not know where they come from. We are recommending that Presidential advisors must be properly be put in the Constitution, and vetted by Parliament, so that we know who they are. Not only that, we would also like to know, who are his spiritual advisors, how do they come into being, and in actual fact, they should also be vetted by Parliament after they are appointed.

The other thing I would like to say is, separation of powers, because, the problem we have been having is actually having the executive, the Judiciary, and the legislature all of them being manned by one man. Let me tell you the reason why we did it that way. The reason why it happened this way is because, in our current constitution, there is a problem, because they start the chapter No.1 they say Kenya is a sovereign state, independent state. Chapter No. 2, they straight away go to the Executive. Chapter No. 3, they go to the Legislature. It should be the other way round. Chapter No. 1 to be declaration of the Republic, Chapter No. 2 the Legislature and Chapter 3, then we have the Judiciary. In the African setting, the way you number things, is the way things is the way they are taken, because we numbered Moi or the Executive as No. 1 and that is why he is sitting actually on everyone else. So in our new Constitution which we have said we would like to have, a real order, a new arrangement, whereby the chapter will actually be seen to be carry the wishes of the majority of the Kenyan people.

I don't have much that is all what I have to say, I have got a written memorandum which is actually here and I will give it away. Thank you very much for giving me your ears. Thank you. (clapping)

Com. Wambua: Thank you very much Bwana Kimani. Tutamuita Simon Tetu.

Simon Tetu: Asante sana Makamishna, wetu kwa kunipatia hii nafasi, kuongea juu ya hii Katiba ambayo tunataka kuitengeneza. Yangu itakuwa tofauti kidogo na yale ambayo yamesemwa, kwa sababu, sijasikia mtu yeyote akisema juu ya yale ambayo nitataja. Nitaongea juu ya hivi vyama ambavyo viko registered na Ministry of Culture and Social Services. Kuna vyama ambavyo tayari zimeandikishwa kama NGOs, kwa Ministry of Culture and Social Services. Jambo ambalo ningetaka kuisitisa, ni wale masignatories ambao huwa tunapewa na serikali. Tungetaka waondolewa mara moja kwa sababu wakati tunapofungua account na account na hao masignatories, wale CDA, tunapoteza muda mwingi sana ya kuwatafuta ili tuweze

tu-kawithdraw pesa hizi. Jambo ambalo lingine tungenda kuwafahamisha, ni juu ya hii misaada ambayo inatoka ngambo. I don't know why the chiefs should be involved in this donations as if we are not in a position to get them from the main donors. So, kama ikiwezekana hawa donors ambao wanatupatia misaada, ingefaa watupe moja, kwa moja badala ya wapite kwenye machiefs, ama ka Ministry of Culture and Social Services.

Lile ambalo ningetaka kugusia kidogo tena, ni kuhusu land. Ningetaka ile Constitution ambayo itaandikwa, iwe maintained 10 years ambayo mtu anafaa kuwa amekalia kwenye shamba iwe maintained, lakini amendment ifanyiwe kwa wale ambao wanapewa mashamba ni sio wenye mashamba wenyewe. Yaani kama vile squatters. Kuna ambao wanapewa shamba, lakina hizo shamba hawapewi kwa njia ilio halali, na baada ya kumaliza miaka kumi hivi, unasikia eti wako legalized kupewa hiyo mashamba. Hiyo ingefaa iyondolewe kabisa. Tena kama nyumba za kukodishwa, kuna wakati mwingine tunasikia ati mutu akimaliza miaka kumi hivi, anatakiwa awe ni mwenye hiyo nyumba kamili, na hali yeye ni kuja ali kuja tu kuishi kwenye hiyo nyumba. Hiyo ingefaa iondolewe mara moja. Sina mengi ya kusema, kwa sababu yale ambayo nilikuwa nikitaka kutaja ya Presidential powers tayari yamesemwa, na ningetaka kuwashukuru kwa kunisikiza, na kunipatia hii nafasi asanteni.

Com. Wambua: Asante sana. Michael Kimani? John Kinuthia? James Kariuki?

James Kariuki: Majina yangu naitwa James Kariuki. Mimi nimetoka hapa Kabete. Kuna mambo machache tu ningetaka kusema, kuongeza kwa hayo, watu wamesema,

Jambo la kwanza, ni ile ya President. Ningependa ile amri inasema President awe above the law, iondolewe kabisa. Kwa sababu taabu ambayo inaingia, ni vile ati President anaweza kufanya chochote, na mambo iharibike kabisa, na hakuna mtu anaweza kuuliza swahili, na hata hakuna kitu kinaweza fanyika. Kwa hivyo mimi yangu ya kwanza, we want a President who will serve the people, and who will be liable to prosecution incase of any mistake or incase of anything bad he does to the people.

Ya pili ningependa kuwa na accountability katika pesa ya serikali. Kwa sababu we are paying a very high tax, na sana sana hatuna kile tunaona kinafanywa. Kwa sababu ukiangalia barabara, iko na pot holes, masomo, watoto hawapati masomo. Kama wewe unatoka in a poor family, hakuna masomo unapata, kwa hivyo tungesema, pesa iwe strictly followed, ndio iweze kutimiza ile mambo inafaa itimizie watu. Kwa sababu kwa kila kitu, tuna pay tax, na hiyo pesa hatuoni kile kinafanyika kwa hiyo pesa. It is going to some people's pockets, without going to the public, to do what it is supposed to be done.

Ningesema term ya President, iwe ni two terms. Iwe three years two terms, without going any further. Ile ingine ningesema, tungenda President ambae ako na afya, na yule mafikra yako iko sawa sawa. Kwa hiyo ningesema, President asiwe above 70 years. He must be from 35 years to 70 years but not beyond. Ile ingine ningesema, ningependa serikali ipatie watoto wote wa primary school from Std. 1 to Std. 8, free education. I believe the tax we are collecting. the government is able to do that

without any failure.

Ile ingine ningesema, ni serikali iwe na consideration of the disabled. Kama kuna shida yeyote ya disabled. Hata kama ni Secondary, ama ni University, serikali inachukuwa hiyo mzigo wa disabled.

Ile ingine ningesema, ni wale watoto wazazi wao wamekufa, wale ophans. Ningeomba hata serikali ichukuwe mzigo na isomeshe wale watoto werevu, kutoka primary hata mpaka university, kwa sababu serikali inaweza kufanya hivyo.

Ile ingine ningependa kusema, ni ile harassment ya police. Tungependa sisi wananchi wa Kenya kutembea nchi hii kama ni nchi yetu. It is very surprising, unaweza kushuka pale Wangige na unatoka kazi, na ni saa moja. Ukute gari la polisi iko hapo, unaingizwa ndani upelekwe Kikuyu. We want that thing to come to an end. They should arrest you with a warrant of arrest, having in mind, you have done something wrong, kwa sababu watu wengine wameteseka sana. Just three weeks ago hapa watu Wangige walikuwa wanachukuliwa wanachukuliwa namna hiyo. Unatoka kwa Nissan, unaingizwa, ukienda kule unatoka na elfu tatu ama elfu tano. We want that to come to an end, so that we can be free people in a free country, in a free society.

Ile ingine ya mwisho, ningesema, wale wakulima, wawe serikali inawaangalia sana. Kwa sababu unaona wakulima wa Kenya, even if Kenyan people are very active, they don't have any where to sell their products. Unaona kama maziwa, wale wakulima wamelima hapa, maziwa imeletwa kutoka inje, hiyo maziwa yote inaharibika. Tunatumia ile imetoka inje na wakulima hakuna kitu wanapata. Watoto hawataenda shule, na hakuna kitu itafanyika kwa mkulima, kwa sababu ukiangalia hata mahindi, mahindi saa ingine inaletwa, mkulima, hata hapati kama ha spend pesa nyingi, hana mahali ya kuuza products zake. Ile ingine ningesema, ni kama sukari, kama upande wa Western mahali wanauza miwa, unaona sukari inaletwa hapa, ukiangalia hata kwa gazeti, there are millions and millions of bags of unsold sugar. Kwa hivyo sugar was brought from any other country, it has been sold here. So we are suffering and we are hungry people. Hiyo mambo yote ndio ningependa iangaliwe, na mimeshukuru sana, na ninajua kuna mtu ananichukulia hiyo, kwa sababu sikuwa naja, nimeshukuru sana.

Com. Wambua: Asante sana, tutamuita Karuri Karanja. Yuko? Basi tumuite James Njoroge.

James Njoroge: Jina langu ni James Njoroge Njagi kutoka Ruku, hapa Kabete Location.

1. Local Government:

- a. Mayors and Council chairmen should be elected by the people, for the satisfaction of voters.
- b. To avoid corruption of elected Councillors.
- c. The election will make him or her, more committed to the voters.

2. The current two years of Mayor and council chairmen is not adequate. They should serve for five years for the best

performance, and more committed to his or her duties.

3. Councils should not continue to operate under the central government. Power should be shared between Councillors and chief officers will be council employed.
4. There should be moral and ethical qualifications for the local authorities, so as to have:
 - a. An upright person's.
 - b. A person with good behaviour.
 - c. An upright person in the area, he or she is to be elected.
5. The Public Service Commission should determine the remuneration of the Councillors.
6. The President, or the minister in charge of local government, should not have power to dissolve the council. Parliament should have the power.
7. The Judiciary should be independent. People should not be detained unlawfully and courts should be free from police delaying tactics.
8. Every citizen is equal, under the law. Therefore nobody should be above the law.
9. Courts corruption: Civil servants, members of Parliament and rich people commit crimes and walk free.
10. Human rights must be observed eg. Police should not punish people before trial. Police should not force suspects to sign a statement. Police should not overcrowd a cell.
11. Diet and hygiene in the cell.
12. Limitation of Freedom of Worship. Sects should be investigated before registration.
13. Individual properties and cultural rights should be secured.
14. Delegation of power e.g. one man, one job
15. Tax levies: Services should be delivered to the people, if all the people are paying taxes, eg. people pay the local authority

without any services.

16. Other levies should be paid in three or four instalments. Say properties of tax payers should not be demolished without enough notice. People should be educated about the Constitution and the law.
17. Chiefs and assistant chiefs should be elected by people, so as to have morally upright people.

Com. Wambua: Asante sana James Njoroge, tumuite Samuel Njoroge.

Samuel Njoroge: My name is Samuel Njoroge, Commissioners, ladies and gentlemen. I have few points to mention hear.

Old people have been ignored. With the collapse of the traditional social security systems, and considering that we are at a transition, senior citizens welfare eg. health and housing should be attended to by the state. Afterall they are ones who built and supported the country in their youth.

The young and those with disabilities, should be supported since they are the country's future. How many bright people cannot contribute positively to the countries development, because they were denied opportunities, for good health and education by poverty. Even chokoras and other street urchins should be rounded up for rehabilitation.

Apart from adding to administration rules, the Provincial Administration should be replaced by a system of elected leaders from the village, to the district level. After all what are the roles of DCs, and County Council chairmen within the district.

Once Parliament is prorogued, state affairs should be handed over to the determined officer who will not be seeking elective office. All privileges to members of the cabinet including vehicles should be withdrawn, and not used by ministers while conducting their campaigns. You cannot have a fair game. if one of the players is also the referee, unless you want total chaos.

Electoral dishonesty may be overcome through use of transparent ballot boxes where counting is centrally done at the constituency level, to avoid adding illegal votes. Ballot boxes should be carried should be carried by the presiding officer, with police and agents as escorts without a stop between the polling station and the counting hall. A radio communication should be established between the constituencies, counting hall and the Presiding officers to monitor any unforeseen delivery problems.

Justice delayed is justice denied. Offenders of any nature should be tried as soon as arrested. Witnesses do not have the time to keep going to court for cases which will not be tried in time. A police officer, and a number of village elders, should have a register of the inhabitants of their area of jurisdiction. If any crimes are committed in one's area, the policeman should be explain who did it and under what circumstances. If they do this I will recommend them for higher salary. It is of national

importance that crimes, committed before establish a status to offer punishment should be applicable to Judicial provided such as 13 Act was not put up because of an individual offender. Properties stolen since they know that once grabbed it is theirs for ever. Whoever allocates grounds especially a limited public property for individual can commit an offence against the public and should be prosecuted for such an offence.

We should reduce the term from five to four years, and have a programme for elections. With advanced schedule for elections, all will know the time and date and time to develop. This should be left to head of state. About the hospitals, we don't have to have the hospitals which are private and schools which are private because, we need be standardized, because you can get sick and you don't have medicine or tablet. If you have standardized equally, so that if one is poor he can be taken to Nairobi Hospital, this one to Wangigi health centre. We want all hospitals to be standardized, so that we can get proper treatment.

About the schools. Our children who are from poor families, if your child comes from a wealthy family, he is taken to a school which is considered and yours is dispersed and you don't know. So we want private to be all standardized, to get a standardized education. Thank you.

Com. Wambua: Asante sana. Rose Wanjiru Wachira?

Rose Wanjiru: Good afternoon. My points to the commission are: First I would really like to see the ministry of public works doing its work because, like now I'm a disabled person. That means if I want to go to a building like Nginyo Towers, I have to take about 10 min to climb those stairs, in order to go to where the lifts are. So I want the buildings in towns, or in the places where we live, it should be recommended or the contractor should know that there are people with disabilities, who can't go to those buildings or can't rent a room which has four storeys, just because the stairs are bad and I can't enter into such a building.

The next point is about the Judicial system. The Judicial system should be empowered to look into the works of the former government, that is, if the former government made a promise of helping the community like in building roads, why should't the government do as it promised, because a promise is a debt, and debt should always be paid. That means the government should be prosecuted for the work that they it did't do, because it's against their promise, and that means a promise is a debt.

The third point is, the ministerial position. If one ministry should have one minister, then I don't know why we are having right now two ministers serving one ministry. That means most of the money that people are paying is used by the two ministers, who are being paid hefty salaries and that means that most of the taxpayers money is not being used well. That kind of money can be used to help people like street children, and all that.

My fourth point is, Ministers and Permanent Secretaries should not appoint people, or employ persons just because they are

from their communities, without considering their education. We have seen many positions in our ministries, that are held by the people who are relatives to people in government, people like ministers and permanent secretaries. Ministers should know the number of employees in their ministries, and name them in Parliament.

The police should stay in the training schools not for six to nine months, but for two years or three years. If that police man is to be taken to a higher position, like the police commissioner then he or she should have four years in education, in order to have discipline in our police force.

Public lands should be used according to their purposes because, for example, I cannot right now go and have some chips in Jevanjee Garden in Nairobi, just because there is a crusade going on there, and that public land was put there because there is somebody who is coming out for lunch and he wants to get some rest. That means I myself would like to have some peace. When I go to town, I want a place that I can go and have some peace. Thank you very much.

Lastly, I would just like to tell the Commissioners that, let us not just say these things, and nothing will ever be done about them. So please, we want your assurance that everything will be done according to what we are saying.

Com. Wambua: Take our assurance. Every thing will be included in the document and report we prepare. Can we call Peter Njenga from ACK Mwimuto Choir? Hayuko? Tumuite Simon Njuguna. Hayuko. Erastus Munywa. Tumuite Stephen Eneka.

Stephen Eneka: These are my personal views, concerning the making of the Constitution of the people of Kenya. First of all I would like to start with an observation. I would like to note that the people are the owners of the government, and the public office bearers are just ambassadors who have been asked to remain there. So the people are masters, while the public office bearers are the servants. Therefore the Constitution must empower the citizens to have power over public office bearers, if we are to get anywhere. One of the ways of doing this, is that the Constitution should give the people power, and ability to pass a vote of no confidence, on a leader who they feel is incompetent; or has shown lack of moral obligation of leadership. 2/3 of eligible voters either in the country, if it is the case of the President or in a constituency, are needed to effect this through an opinion poll. Therefore the Constitution should centre its power on the people, if we have to effect anything here.

Another point is, constituencies need to be created on the basis of population numbers. This will counter unjust domination of Parliament by a political party, otherwise known as gerry mandaring. It will ensure equitable distribution of resources, which are allocated on the basis of constituencies boundaries. A very good example, is the constituency AIDS committees resource allocations. So some constituencies get an equal amount of money, even when the numbers of people are many or less.

Another point I would like to note is that, the Vice President should be elected by Parliament, and passed by a vetting

committee, chaired by the opposition. There should be a committee chaired by the opposition to vet the President. Another point I would like to touch on the Judiciary, the number of jurists who listen and decide on a case, should be increased, not just one to listen and decide. For instance, increase the number of High Court panel of Judges to nine, who are elected by Parliament and at least have three to four women, and this will give the Parliament power to dismiss them in case of misbehaviour.

Another point, is language used in the Judiciary should be related to a language that is understood by the common Kenyan citizen, because most of the languages are Archaic of Greek and Latin origin, so we don't understand it. It should be rewritten in a manner we understand.

Another point is the, Parliamentary committees that handle public related issues, should be elected by Parliament, and also passed by a vetting committee, which is chaired by the opposition.

Another point is that the Legislature should have more power over the executive, since they are the representatives of the people, so that they can control whenever the executive wants to veer from norms.

The last point is that, we don't need the Provincial Administration. It should be abolished. Infact it is a colonial hangover, that is killing democracy at the roots. Thank you very much.

Com. Wambua: Asante sana. Sasa nataka kupatia ushukani Prof. Kabira, yeye ndie ataendesha hiki kipindi ambacho kimebakia. Basi sasa mimi nahitajika pahali pengine, kwa hivyo nitaondoka. Lakini mtabakia na yeye na nafikiria ata endesha vizuri. Kwa hivyo asanteni sana kwa wale wametoa maoni. Kwa sasa tumesikiza watu hamsini. Nafikiria tutawamalizia wote ambao wanataka kuwapatia tume maoni yao. Thank you.

Com. Kabira: Asante sana Wambua. Tutauliza Rev. James Kinyanjui. Ako? Hayuko. Jane Wangari. Jane Wangari hayuko. K. Mbugua. You are there? Karibu.

K. Mbugua: Thank you very much; good afternoon everybody. Mine is a few, and I would like to start by calling for one qualification, for the MPs and the President. For any aspiring candidate, during elections, he or she should first declare his or her wealth. So that the voters should get to know the background of the person. Secondly, during the campaigns, I would like there to be a law that no handouts should be given. You have seen people promising us anything. I think this is a source of corruption, because when somebody starts giving money out, when he goes to the Parliament, he decides to take back whatever he gave out. I think think this should be law that no handouts should be given; and if caught one should be disqualified immediately.

Another set-up I would like to emphasize, on and this is on labour movement in our country. I would like to suggest that for any employee, he or she should be automatically a member of a trade union, related to his or her kind of work. Also the employers should be mandated to allow their employees, to be members of trade unions. In that line also, if the set-up would be like today, where we have an umbrella body called COTU. I would like to suggest, that the umbrella body should be independent, and should be seen to work independently from any manipulation. Therefore, the leaders, that is the Secretary General, should not run or should not go for any public seat. If he wishes to become an MP or anything, he first resigns from the Secretary General or from the leadership of COTU.

Another thing I would like to propose concerns the private sector. In the World order today, politics and economics are going hand in hand, there is no way we can separate the two. I would like to propose in the new Constitution, that the private sector in a country should be seen to work in line with the government eg. We have associations in the private sector like the Federation of Kenya Employers. We would like such a body in the government, whereby we have a government official sitting on the Board of the FKE, so as to see how those people are working, and managing the welfare of it's people. Thank you.

Com. Kabira: Thank you very Mbugua. Do we have Fred Njenga? Fred Njenga is not there. Josephat Mitambo? He is not there. Daniel Mwangi? Karanja Mwangi? Karanja you are there okey.

Karanja Mwangi: First of all I would like to start by greeting you all, and thanking you very much for having come here. The first thing that I would like to say is that, we should entrench something in the Constitution, that should recognize that, there is a Creator who created us all, and he created us equal.

Secondly, I am for the unitary form of government, but the federal one; and unitary form of government should be the executive arm should be headed by a President, who should appoint the cabinet from citizens or even foreign people who should not be necessarily be members of Parliament.

Third, I would like a reduction of the Presidential powers. First of all, he or she should be removed, from being the chancellor of all the universities. We would like to have a chancellor of the university chosen by the university fraternity, and the main job of the university chancellor should be soliciting for funds for this university so that many development projects and research can be undertaken. The President should not also be allowed to appoint the Chief Justice, and the Chairman of the Electoral Commission, since the Judiciary and the Electoral Commission should be independent bodies; which should be able to carry out their duties without undue influence.

Fourth, I would like to have a system whereby, all public servants, government officials, the President and the Vice President have to declare their wealth, before taking over any office; and also after every two years, they should declare the amount of the property that they have and their income.

Fifth, I would like a continuous voter registration, as opposed to the voter that we have now whereby voters are registered during a particular time. We would like to see a continuous voter registration in the same manner as IDs are given out.

Sixth, I would like to see community service introduced for the petty offenders. Our jails are too much congested and we cannot allow such a system to continue. Because, when jails are congested, the resources are few, and they have to be used by a very high number of people, and this becomes something that is not allowed. We would also like to see the direct election of the Mayors and the Provincial Commissioners. The people should decide who should be the PC in their province, and they should also be able to decide who shall be their Mayor. That is all I have and I would like to thank you very much for having given me this opportunity.

Com. Kabira: Thank you very very much. I have been requested to give Dr. Gitu a chance to speak because he has to leave, and I said I will check with you. Is it okay with the rest of the people? We give Dr. Gitu a chance. Thank you very much.

Dr. Gitu: Good afternoon Ladies and Gentlemen?

I have only one point. It is in written form and therefore I will not read the statement. I would like to recommend just one thing, and that is to separate the powers among the Judiciary, Legislature and the Executive. The reason for this is, I do agree that we must have a President, but his powers especially the powers, to appoint ministers, permanent secretaries, senior civil servants, and obviously the judges. It is important that we provide the power to the President to nominate those senior government officials, but must be vetted by the Parliament. What has been happening, ladies and gentlemen, is that the President or rather the Executive, has the powers to appoint at 1.00 'O' clock, and also has the power to fire. He must be subjected, first of all by Parliament, that he cannot hire at will, nor can he fire at will, and that is the whole issue of separation of powers. It is important, it does not matter what else we do in the Constitution, as long as all the powers are vested in the Presidency or the Executive. That is all I have to say for now, it has been said and is affixed, I wanted to say.

Wanjiku when I am given an opportunity, to talk to this gentlemen and ladies. Ni ndirarugama Kabete, na ndamuiru mwainuka, mwarie na acio angi ni ndirenda wira. Ndiraturaga kwa Moi na ndirakibutwo, u tha icio mugwanja ndirakuiru ni ngwenda power ya kuiwo ca, ndukabute Gitu tundu ni aroi wira. Kuguo ndiruria andu a guku gwisu Kabete, mahe wira nigetha turutinathie na inyui wira. Nu ni ndiriuka kumuhoya. Uyu ni forum ya wira ucio. Finally ni ngumuria, gutiri undu munene mugeka nginya tugakuwa gukira uyu. Uyu, niguo bururi, mundu arugama haha agathikiriri, uyu niguo bururi, na gutire kundu kungi tuguthii. Twakua ni kuinuka iguru. Tutiguthii Tanzania kana Uganda, twake bururi witu, na haha niho twi na opportunity ya gwaka Kenya. Ni tugutoria rugendo ni ruraya.

Finally madam, githuranu ni gikwo, gikwo, na Constitution iria ikuo, inyui murute wira mweka. Tigai kuhenu at gigekeo hindi

iyo. Ni tui, twi na Constitution na nikiyo twi haha, na no njega, nu tumahe, time ya guthii na mbere nu gikwi December, na thengiu muno. Asante. (clappings)

Com. Kabira: Thank you. Dr. Gitu, you did't give us a memorandum or it's the copy I have. Okey you need to sign. Thank you very much Dr. Gitu. So I will go back to the line. Stephen Ngari. Is Stephen Ngari there?

Stephen Ngari: Ngwaria na Gikuyu.

Com. Kabira: No wega ngwiciria ni tukuona mundu wa gutabuta.

Stephen Ngari: Wa mbere ni ngatho ni undu wa hau ndakorwo ndi.

Translator: Ni asante kwa kwanza ni vile nimekuwa.

Stephen Ngari: Wambere undu uria ngwenda kwaria,

Translator: Ya kwanza nitakayo sema,

Stephen Ngari: ni uhoro wa thirikari ino nyinyi ya local government.

Translator: ni habari ya hii serikali ndogo ya city council.

Stephen Ngari: Sorry ino ya machief niyo itaguo ki?

Interjection: Local Government.

Stephen Ngari: Ino ya machibu tondu gitumi ni undu machibu maria twi namo umuthi,

Intetjection: Administration

Stephen Ngari: Administration, matiri wira makoraguo magiturutira kwa uguo ni magiriirwo gukorwo matari kuo tondu wira wao nu kindu gitaguo ihaki.

Translator: Habari ya serikari ya administration, ya machief na ma-headmen, nasema iondoke maana hakuna kazi zingine bali kuchukua tuu hongo.

Stephen Ngari: Kwa uguo ngenda kuria acenjia a Katiba, kurwo ni kuhuteke muno muno athuri a matura tondu nio moi andu, makoraguo nio marugamiriire handu ha machibu.

Translator: Nikisema, nasema ya kwamba, kamati ya Constitution ihakikishe ya kwamba, ni wazee wa vijiji, maana ndio wanajua hali ya vijiji, wawe wakishugulika na hii mambo.

Stephen Ngari: Nikuri undu ungi ngwenda kwaria, ati thiinii wa mabiacara maria turutaga, kurwo ni kuhoteke, gatiba iyo

igicenjio no njurie mbiacara ikoruo i ndugamirire ni thirikari.

Translator: Ningeuliza kwamba tukifika hali ya biashara, serikali iangalie licence, na jambo hili lingine biashara ziwe zikisimamiwa na serikali.

Stephen Ngari: Ni kuri na undu ungi ngwenda kuga,

Translator: Kuna jambo lingine nitasema.

Stephen Ngari: Nii wa mbere ithui turi Agikuyu,

Translator: Sisi wa kwanza ni Wakikuyu,

Stephen Ngari: na mahindaini maria turi ma umuthi, mutugo wa atumia ni gukorwo agikira nguo iria ndaya,

Translator: mimi nitasema katika desturi yetu, sisi ni Wakikuyu, nitasema mtindo ya wanawake ni kuvaa mavazi marefu.

Stephen Ngari: Kwa uguo nii hakwa ni nguria gatiba inuo iracenjio ihure marufuku mibuto.

Translator: Ningeuliza hii Katiba inaandikwa upia, habari ya kuvaa trousers kwa wanawake ifutiliwe mbali,

Stephen Ngari: Gitumi ni undu mwana niagwikira mibuto,

Translator: Maana mtoto atavaa trousers,

Stephen Ngari: na miikarire yake ikarehera ithe thoni hindi riria me hau.

Translator: na katika maisha ya kukaa, inaleta aibu kwa mzazi wake.

Stephen Ngari: Undu uria ungi,

Translator: Jambo lingine,

Stephen Ngari: andu aria makoretwo me thiinii wa mahindaini maya,

Translator: watu wale wako katiko huu ukoo,

Stephen Ngari: nikuri andu aingi makoretwo matunyanite migunda ya andu ya muingi,

Translator: kuna wale wamenyakua mashamba ya wananchi,

Stephen Ngari: na korwo ni kuhoteke gatiba iyo iracenjio mahindaini maya irore uhoro ucio,

Translator: ikiwezekana hii Katiba inayowekwa sasa iangalie hayo mambo,

Stephen Ngari: na andu acio merwo macokie indo icio cia muingi.

Translator: na wale watu wamenyakua, waambiwe warudishe mali ya wananchi.

Stephen Ngari: Una nginyagia mbeba cia muingi.

Translator: Hata mali ya wananchi.

Stephen Ngari: Na gikundi kiria gigukuroo gikirumirira andu acio,

Translator: Na ile kamati itakuwa ikifwata wale watu,

Stephen Ngari: gikorwo githondekeirwo thiinii wa bunge.

Translator: iwe imeundiwa ndani ya Bunge.

Stephen Ngari: Hena handu hangi ngwendaga gucoka, nani ha arimi.

Translator: Kwa wakulima hapa nitasema.

Stephen Ngari: Thiinii wa bururi uyu kindu kiria gikoraguo gitorugamiriire ni uhuro wa urimi,

Translator: Katika hii nchi, tumesimamiwa na hali ya ukulima,

Stephen Ngari: na no turie arimi korwo gatiba no itikire makorwo makirumbuiyo muno,

Translator: ningauliza katika Katiba, wakulima washughulikiwe sana,

Stephen Ngari: na magakorwo magitindikwo na gukomberwo mbeba.

Translator: na wawe wikipatiwa mikopo.

Stephen Ngari: Ni kuri na undu ungi ngwenda kwaria hau,

Translator: Kuna jambo ya mwisho ningependa kusema.

Stephen Ngari: ati ni kuri thigari iria ikoragwo ina machibu,

Translator: Kuna wale wapolisi wa administration,

Stephen Ngari: na nigukoraguo kwi na iti igiri ikoraguo iri iguru,

Translator: na kuna viti mbili ama vyeo vilio juu yake,

Stephen Ngari: kia menja,

Translator: ya major,

Stephen Ngari: na kia inspector;

Translator: na inpector;

Stephen Ngari: na kuringana na gatiba

Translator: na kulingana na Katiba

Stephen Ngari: iria irenda guthondekwo,

Translator: inayo tengenezwa,

Stephen Ngari: ni yagiriirwo ni kweheria mundu umwe, ta mundu ugwitwo menja.

Translator: inafaa kuondowa yule anaitwa major.

Stephen Ngari: tundo no mbeba cia tuhu mariaga cia muingi.

Translator: wao wanakula pesa bure za wananchi.

Stephen Ngari: Nguiciria ngukinyia hau.

Translator: Mimi nitafikisha pale, asanteni.

Interjection – Translator: Ni urorio kiuria kinini, swali kidogo.

Com. Kabira: Ngwendaga u-explain hanini kiria giatuma uge ati mibuto atumia matigacoke gwikira.

Stephen Ngari: Atumia mehererio kindu gitagwo mibuto.

Translator: Wanawake waondolewe kuvaa suruali ndefu.

Stephen Ngari: gitumi ni ati mahinda maria mundu ekirite mubuto,

Interjection- Com. Kabira: Excuse me, is that translation correct?

Translator: yani waondolewe mavazi ya wanaume.

Stephen Ngari: ndio, trousers.

Interjection- Com. Kabira: ni guo ndiroria atiriri, kana translation iyo ira-translatwo ni correct. Kuga ati mehererio nguo cia arume, mibuto. Iyo niyo correct translation?

Stephen Ngari: Ndirauga atiriri--

Interjection- Com. Kabira: Sorry tiwe ndiroria, ni uria ura- translate-ti.

Translator: Suruari ndefu ya trouser ya wanaume.

Com. Kabira: Sorry ndana-explain. Ati ndiroria atiriri, urauga atumia matigacoke gwikira mibuto tundu niki?

Stephen Ngari: Tundu riria muthuri ehaha aikarite hau riko-ini, na ciana no nginya igakorwo cii hau rikoini, miikarire yao ndikoraguo i miega.

Translator: Wakati mzee wa nyumbani, ama baba ako katika nyumbani, wale watoto kama wamevaa zile nguo, zinatoa aibu.

Stephen Ngari: Tundo mutugo wa mutumia ni kuringa nguo, na tiguikara uria e kwenda.

Translator: Katika maisha ya mwanamuke ni kukaa na adabu, yes.

Com. Kabira: Thank you very much Mr. Ngari, thank you very much. Register your memorandum. John Muhu are you there? Evans Njoroge? David Githuku? Richard Kihanga Gichuhi? You are not in. Andrew Mbugua. Are you Andrew? Okey thank you.

Andrew Mbugua: Good Afternoon. I would like to be associated with the views of that of the winning President. The winning President should have at least 50% of all the votes cast, and that the Vice President should be a running vote. We would also like to be associated with the sentiments of the separation of powers of the Judiciary, the Executive and the Legislature; and the views of that the President should not have alot of powers. That his powers should be trimmed.

I would like you to come to Labour Laws. There is alot of poverty in Kenya this days, and to my view, that poverty is exercebated mostly by the draconian labour laws neighbourhoods which are in Kenya right now. As such,, I would like to suggest that minimum wages should be abolished, and workers wages should be pegged on a percentage of the profits of the companies. And as such, all the companies should disclose their finances, so that they are seen by everybody. So that we don't have that disparity of an M.D. getting maybe a million, and the other workers are getting about 3000/= shillings only. I would also like to suggest that NSSF should be voluntary, because what we contribute to NSSF, we don't see what it does. It does'nt help us so it should be voluntary, it should not be mandatory.

I would also like to suggest that, the cabinet should be approved by parliamnet, such that the President does not chose his cabinet just like that? They should be vetted by Parliament with a 2/3 majority. That also goes to the Judiciary and PSs.

I would like to talk a little bit more about this gap between the poor and the rich, and I believe to lower down this poverty

which is rampant in Kenya, we should do something about it. One of the things is this minimum wages. We don't want people to be getting 3,000/= shillings per month. They should get a little bit more money than that. So that they can be able to clothe, feed and educate their children. So paying people about 3,000/= shillings is actually a joke. I believe if the Labour laws, something should be done such that, the minimum wage should be raised by about 500% from where it is now. We will be moving a little bit forward. Thank you.

Com. Kabira: Thank you very much Mbugua, thank you. The next person is Kilechi. Is he here? No. Then Munyiri Kahuha? He is not in. Njenga MuNgai? No. Stanley Kuria? You are not there, Githinji David J. K? No. Paul MuNgai? No. James Kahindi? No. John Gitiku are you there? No. Daniel K. Manga? Julius M. Gachie are you there? David Kabiro, you are not there. Stephen Ndun'gu, you are not there, Mwangi Ngamate?

Mwangi Ngamate: Good afternoon,

Interjection – Com. Kabira: Sorry just give me a minute ni ndagwita ritwa. I had called you before, you can come wona arikia. Okey go ahead, this is who?

Mwangi Ngamate: Mwangi Ngamate

Com. Kabira: Go ahead Mwangi.

Mwangi Ngamate: I wish to give my presentation on two branches.

One, I am going to talk about the reactionary which we are going to consider the legacy that we have of the government that we have been having. We think of a pro-active one, whereby we are going to combine; may be the modern trends that we are having in the universe, so that we can be able to see whether they can be able to steer a Constitution that is going to drive us even through eternity. A Constitution that will take us through the unknown, because it seems that most of the times that we normally think of the Constitution, we will talk of the Presidency, and we will talk of the abolition of powers, and the distribution of powers, yet we don't talk about the future.

We are going to start may be with scene one, whereby we are with a cabinet minister somewhere, and we travel, we get to 12:00 'O'clock, and you are somewhere that you cannot get through with the radio. When it comes to 12:45 you are lucky that you are getting the KBC signal, and that the Cabinet Minister will be at peace to know that they were not thrown out. Then in scene two, we have a public prosecutor who through his sycophantic tendencies, he has been using political cases to collect CVs from a low positioned lawyer, and in one day he is made to be head of the Hon. Judges. Certainly, in such a Constitution, whereby we have somebody being appointed Chief Justice, there will be no diligence in hard work, and concrete

Jurisprudence, because Judges after years of toil, adjusting to balance justice only to have a defender of the political system to be appointed to be their head. Moreover, currently we have brothers, who are being allowed to hold positions, who are powerful in the cabinet, and we have somebody else who is the governor. Surely I don't see how, for example if at all we have a reshuffle today. Joe Nyaga is going to maybe become the Minister of Finance, and we have his brother Nahashon Nyaga, who is the governor of Central Bank. We cannot have better distribution of power because, family instincts link the two and not follow what their job calls for.

The Constitution should allow Parliament to impeach the President. We should not have a case whereby, as it is now, that the cabinet is the only one that can discuss the conduct of the President, of which he is a member. Moreover the Attorney General should not be directly appointed by the President but nominated. Moreover the same person should either be Director of Public Prosecutions, or the government legal adviser. Either of the two, but not both, because certainly holding the two positions by one person, can only be done by psychotic case, who is suffering from dual personality syndrome, and cannot be the same person. Even why go this far, since we have many lawyers who would be happy to do the job?

My other contribution now, is in the modern trends in the universe. I am not aware of how the current Constitution has been designed to react to stimuli. From our biological classes, we were taught about response to stimuli. Stimuli when it comes to the local chiefs, who are appointed through the whims of an individual President. The local government who use archaic means to govern. I am not aware of any local government that can talk of it's records being straight, in terms of treatment of sewer and garbage at city estates. This should be elected at county levels, so that regional decentralization of government, one knows that his job is clearly dependent on the the people he is governing. Then he will have a stake in the future of any move that he is going to make.

Then doctors and nurses, should be paid by local government, so that they can be a free market trend of a clinic, whereby there will be a competition for areas that can afford one. In those cases that cannot, then the government should commission NGOs, and other bodies such as multi nationals that will be operating in an area, and really give competitive rates and tax rebate so that, at the end of it all, instead of we having brain drain, we can talk of brain gain.

The Constitution does not provide on how to deal with globalization. Globalization, here I define as the power to perform. That is rapidly reshaping the structure and organization of the world economy, which now are controlled by multinationals in powerful countries, or blocks, as you may wish to call them, such as the European Union, NAFTER which is the North Atlantic Free Trade Areas Association, that consists of United States and Canada; which makes a very powerful force. Or the Asians Traders that are called the AIC, against weak countries. We have now redumping of goods in whatever form. If there is any content in the industrialization of Kenya by 2020, we should not have as much old goods being circulated in the market, yet we have allowed government regulatory bodies such as CommunicationCommission of Kenya for the investor or the consumer.

It is important that in our Constitution, provision is made for intellectual properties protection; or are we going to have an open innovation to competition, so that we can have others copy what you have been trying to put together at your selling point. It is possible that the government, will be able to define comparative advantage, in the nature-now this is response to globalization. Comparative advantage combination, distribute the information to the population that makes it the good for the people. There are examples that we can talk about here. We can talk about Thailand whereby they made DHA drug, this quoting from the Development Report of 2001, by UNDP. It has been used protect the resistance of Malaria to Quinin Drug. Moreover, we have in Cuba, whereby Meningitis vaccine which was amended in late in the 1980's, through through public funded research, we have heard Meningitis vaccine that local industry has been able to invest in. And now even multinationals such as Glaxo SmithKline Beecham, are looking forward to getting such kind of an item. Whereby we have home grown ideas that can be used to leap frog and have development of the people.

I can see our Commissioners here, and the kind of materials they are using, I don't know where we have left technology, apart from maybe the PA system. I think the Internet should not be a million shilling enterprise in this country. Some people say it should be something that people can have visas all over; and people can be able to afford the Internet cheaply. Because it is wireless, instead of this infrastructure whereby we have copper wires, that are poor in delivery. We can't talk about the ambitious fibre optic, because suddenly that is expensive and I don't think it is cost effective as far as technology, is concerned. In having distribution of the Internet, we will be able to encourage growth of the economy through technology, instead what the internet is whereby it is a tool of writing mail, browsing upon and other funny kind of things.

Finally, I would wish to talk about our education system.

Interjection -Com. Kabira. Do you want a little more time?

Mwangi Ngamate: Yes a little more time, if you want me to.

Interjection -Com. Kabira. It is okey go ahead.

Mwangi Ngamate: I am talking about our Education System. I think the Constitution should be made in a particular way that it is always going to challenge the education system, in a manner that it can generate feedback, and really tell whether we need the education system or not. The current Constitution does not. So that if at all we can know all the requirements that we have for example, technical, we need more technical matters as opposed to social sciences. If at all our Constitution can be able to dictate, that that is the requirement of our education system, then I think we can be at a better position; and think or do away with, other ambitious projects such as the 8-4-4; which of the 17 years that it has been in existence has proven to have added nothing to the economy, apart from making people, invest only in education that has no returns instead of people having some money that they could invest elsewhere as parents; instead of just paying fees, fees, fees, fees every day. Thank you, unless

there is any question.

Com. Kabira: Thank you very much Mwangi Ngamate. So do we have John Karanja? He is not there. Do we have Judy Gitau? You are there, okey. By the way I think the registration continues.

Judy Gitau: Good afternoon.

Interjection- Com. Kabira: We will continue with the registration until we listen to the last person.

Judy Gitau: I would like first, the leaders to be God fearing people, because if they are God fearing, they would'nt be oppressive and the country will be a better place for everybody.

My second point, I would like in our Constitution, youth to be considered, and to be given chances to express themselves. Thank you.

Com. Kabira: Judy you are through, okey thank you very much. What about Lucy Kangethe? You have been here since morning, and you wrote your name? You indicated that you are going to speak. May be that was an oversight, my apologies.

Lucy Kang'ethe: Thank you. I don't have much to say, because most of what I had planned to say, has been said already.

Interjection – Com. Kabira: It is important you say what you wanted to say, whether it was said or not, because the quantity of the information of the support of certain ideas.

Lucy Kang'ethe: I think the Constitution should remove the immunity from prosecution enjoyed by any incumbent President.

The second point is that ministers and senior civil servants, should be appointed by the President but approved and their conduct examined by the Parliament. That points that the conduct of the President, Vice President and senior public officials should be monitored by the Parliament.

The third point is that, the Constitution should make sure that women are considered as equal members of the society, and this should be felt even to the highest rank in the country. And their equal participation in every aspect that concerns the community and the country as a whole should be felt.

Another point that was made by somebody here, that ladies should not dress like the way I am dressed. I think that should be based on family matters. If you feel that your children are not supposed to be dressed like this, then that is a family issue.

Another point is that, Presidential and administrative control of the courts, tampers with independence, and that it should be strengthened by a Supreme Court.

Another one is that, the Constitution should control political powers in the current Constitution; because in the current Constitution; it is not felt. So the new Constitution should make sure this happens. Also the Constitution should guard the girl child against Female Genital Mutilation, despite traditional beliefs and the two last points.

Our new Constitution should do away with tribal based politics in governance, and the last point is that the new Constitution should be based on human nature, by having all human beings equal before the law. Controlling everyone from excessive greed for power and wealth and by protecting human rights thank you.

Com. Kabira: Thank you very much Lucy. Lucy can you come back to the microphone, there is somebody who has a question for you through me. Just wait there for a question, at the microphone. Okey go ahead.

(Inaudible question from the audience)

Lucy Kang'ethe: From my own point of view, I don't think that the way I am dressed is something that could be illegal or something, but what I meant by that is that, most of the people in our community, they feel that the way people dress, material clothing is not something that should affect Constitutional rights or something, and so when you come to female FGM, you should not compare such with dressing, they are two different cases. You are not getting.

(Inaudible question from the audience)

Lucy Kang'ethe: I told you that from my own point of view, I still feel that the law should govern everything; but according to what he was saying, he was saying that when children are dressed in trousers, the way they sit. Okey such a thing the way they sit, the way they clothe in the family, that is based on the family; because maybe myself I can dress like this, and sit well and behave well, so manners and the upbringing in the family; that is what is supposed to count first before we come to what he was talking about. And that is why I mentioned it is a family matter. (clapping)

Com. Kabira: Thank you very much, I allowed the debate to continue, because maybe it is a good illustration at the National Constitutional Conference. Choosing between the family and the public, and what issues are important and what issues are not important. For Lucy, the wearing of the trousers is not a very important issue, but Female Genital Mutilation is something that should be outlawed for all the girls, regardless of what the parents said. Is that what you were saying? I think what we are also trying to do is to collect the views of Kenyans. At present we are not sorting out which ones are legal, which ones are constitutional, because that would be the next stage of the process. Which ones are family matters, and which ones are national

matters. You will also relate that to the rights of the children as well. I am sure you know about the children's bill. Thank you very much both of you. I was just noting today that this is the one hearing which has been dominated by young men, so that is why I also allowed Wanja to be challenged and to respond. We have received a lot of views from this gathering from young men, which is also very impressive. Somebody called Gatiba said he has been here, and he has not been called. Gatiba Nyanja, you have been here since morning. Okay thank you, go ahead.

Gatiba Nyanja: Ningalipenda kuchukua nafasi hii kuwasalimia, na pia niseme kwamba wengi ambao mmezungumza hapa, mmezungumza kwa lugha ya Kimombo, lakini mimi nitazungumza kwa lugha ya Kiswahili, maanake wengi wetu ambo tuko hapa ni wale ambao tunaishi katika vijiji. Jambo la kwanza, ningalipenda kupendekeza kwamba, wale wazee wa vijiji, wapatiwe uwezo. Maanake wale ndio wamekaa na sisi, katika kule vijijini, na mara nyingi tunakuta ya kwamba, wakati tunapokwenda kule kortini, wale wazee wa vijiji hawapatiwi nafasi ya kuyazungumza. Kama tuseme kwa mfano, ni kesi ya mashamba, zipatiwe wale wazee wa vijiji.

Jambo la pili ningalipenda kupendekeza ya kwamba katika Katiba yetu, uwezo wa rais upunguzwe kidogo. Kwa mfano iwe kwamba anapo our wealth. Inaonekana kwamba nitazungumza kwa lugha ya Kingereza mambo ingine, lakini mtanipea radhi. When it come to appointments, he should be appointing people, for instance when he is appointing the executives in their parastatals, he should not actually be appointing people from other parastatals, he should be getting maybe a manager and making him may be the director, something like that. Yule mtu amekuwa katika ule ujuzi. Kama ni waziri, tuchukue kwa mfano waziri labda ni daktari, nae anakuwa ni waziri wa michezo. Sasa pale hawezi kutumia ule ujuzi wake ama ile elimu ambae alisoma aitumie vizuri.

At the same time, I would also like to propose an equality in gender. Mtoto mwanamke, na mtoto wa kiume wachukuliwe sawasawa. Wachukuliwe kama kitu kimoja. Isiwe kwamba tunampendelea mtoto kijana, kwa sababu, wale wengi ambao wamezungumza hapa ni wanaume, na mara nyingi wana male chauvinism, ya kwamba mtoto wa kike achukuliwe kama mtoto. Wote wachukuliwe sawasawa, kama ni kupatiwa makazi, wapatiwe makazi sawa sawa na wanaume.

Jambo lingine ambalo limeleta uzushi ni mavazi. Ningalipendekeza ya kwamba katika Katiba mpya, tuwe na mavazi ya Kenya. The Kenyan attire, whereby if you look at the Nigerians, kama ukiangalia wale watu kutoka Nigeria wakivaa mavazi yao ya kule West Africa, wana mavazi yao rasmi. Kwa hivyo ili tuweze kuepusha hili pingamizi la mwanamke asivae trousers, na mwana ume avae trousers. Yale mavazi yafanywe a National Kenyan attire; ambapo wanawake na wanaume wanavaa vazi hilo rasmi.

Mwisho ningalipenda kupendekeza tuwe na serikali ya muungano, kama yule ambae ni ameketi kwa kiti cha urais, kama ni chama cha Kanu, amchague makamu wake, kutoka katika chama cha upinzani. Kama ni mawaziri, vile vile, wachaguliwe kutoka vyama vingine, isiwe kwamba ni mawaziri kutoka chama kile ambacho kimeshinda peke yake. Ili tuweze kupata

waKenya, Wakenya ambao watajenga taifa hili. Hili ni taifa letu, natusipo lijenga, hakuna watu wengine watalijenga. Kwa hivyo tuseme kwamba huyu ametoka chama cha D.P, hawezi kuwa waziri. Wacha apatiwe nafasi, na aweze kutumikia serikali, akiwa katika kile chama chake, as long as yeye ni mbunge. Asanteni sana.

Com. Kabira: Thank you very much Mr. Gatiba Nyanja. Can we listen to Timothy Thendeu?

Timothy Thendeu: Nimewasalimu nyote hamjambo? My views are as follows:

First is the senior appointments of professionals should be done by their associations or boards or the AGM. It should not be done by one person. Appointing professionals whereby they are questionable even to their boards.

No. 2. Is the upgrading of our prisons and remand prisons, whereby they would meet minimum human, habitable conditions. The way they are now, they can be condemned; and I don't think it is that we don't have the money, it is because we don't have the money.

No. 3. We have, although we are talking of private hospitals, private schools, the way we are in Kenya, we have people who have money, and if they can afford private schools, they should continue taking their children to private schools. I am even going further to request, if we could have private courts, whereby instead of waiting e.g at Kikuyu you wait for your case for so long. If you can have private courts, where one can take he's or her case, it can be taken on quickly, as long as you have the money and you can afford.

No. 4. Also I want to request the Njonjo Land Commission to retract and reclaim stolen public land; so that it can be given back, and they should be given back.

No.5. The university education should be relevant to the needs of our country; as much as it can be possible. I always wonder, when I go to Kinari Forest, I went to Kinari when I was taking my child there, and I found that there are no trees at Kinari. Then I wondered, do we have people getting a Masters degree in forestry in the university. What kind of a degree did that person get, if Kinari there is no forest. So can we make our university education, as relevant as possible to our needs. I would point further, if we can have all the ministries affiliated with the relevant, university department, they could go together. If it is Education, we have such as they are going together. That is all I had, thank you for your time. (clapping)

Com. Kabira: Thank you very much Timothy. Do we have Simon Mbugua? He is not there. John Kirui Kinyanjui.

John Kinyanjui: Good afternoon everybody. First of all is to thank all the brains that are behind the formation of the Constitutional Review of Kenya. The formation of the Constitutional review of Kenya, is something which has been overdue,

for a very long time. Also I will take this opportunity, to thank the present Constitution that we are reviewing, because it is the constitution that has made me to attain the age of 42 years today. However, we have realised that there are sections, that should be reviewed; in order to make this Nation more governable, than it is today. My points on the proposals are as follows:

Political parties: The Constitution of Kenya, should first of all address seriously the formation of political parties. Until 1992, Kenya was a one party state, but in 1992, we went multiparty. For the first time, since the independence of this country, we witnessed, political clashes in some areas of our country, which had for a long time, co-existed in peace. Politicians blamed those tribal clashes on political parties, and obviously it is something even our President said, was the cause of that crisis. It is therefore in order for this Review Commission, to propose that, only two political parties should be registered in Kenya. So that we may be in a position to accommodate our people in those two parties. The people who would like to run to office, in another party, rather than the two, should be afforded the opportunity to contest as independent candidates. Because with two political parties, Kenyan tribes would be in a position to unite, unlike the situation we see today.

As we go to the general elections, probably in December, I will go and vote for the DP, because the DP is associated with Kikuyu leadership. The people of Nyanza, now NDP is dead, would have gone to the elections with NDP because the leader is a Luo. Those in Maragoli, will only go to the elections and vote for a Maragoli candidate, because the leader of their party is a Maragoli. This should be done away with, and it is only through the Constitution Review of Kenya; that this would be possible. Therefore my dear Commissioners, you should seriously address tribalism, by stating that parties should only be made Constitutionally to. Secondly, the President has been a problem to the people of Kenya, because of his official excesses. Many proposals have been made, in order to reduce the excesses of the President, but if the review only proposes that the President should not be above the law, such excesses could be catered for.

Secondly, it takes us five years to elect our representatives. We should reduce the term to four years, and it should be mandatory that one should only go for two terms of four years. The fifth year should always be a general election year. In fact four years in office, is a very very long time.

The Vice President should be strengthened. The Vice President should be seen to act, as a deputy to the President, rather than a person who can only sustain his position, because of his loyalty to the President. In other words, he should always be a running mate of the President.

Cabinet appointments: The President should constitutionally be allowed to appoint cabinet ministers, not necessarily; from Parliament, but from anywhere within the country. So that he may be in a position to elect people of resource, who would be in a position to manage the affairs of our country. And such people should be vetted by our Parliament. In other words, we should strengthen our Parliament, to be more responsible to the affairs of this country.

Security: The security of this country has been deteriorating to very very serious levels of late; and unless the situation is arrested constitutionally now: Kenya would soon move to the security problems that countries in South America find themselves in. We should therefore be in a position to appoint people of capability in security, for the security operations of this country. Thus with that, I propose that senior security officers, should also be vetted by our Parliament after being proposed by the President. They should be people who are loyal to the country, but not to the President.

Judiciary appointments: Judicial appointments should only be proposed by the President and also vetted by Parliament. At the same time, the Attorney General, should not be a member of the cabinet. He should be seen to be more of a professional, not as a politician who is loyal to the President. He should be independent from the President. In other words, he should not be in the cabinet.

Education: The education of Kenya in the past was very good. We used to envy those who went to the University, and to various colleges in this country. This is no more in Kenya today. Infact you can't even appreciate somebody because he is a graduate today, why? Simply because the system does not produce people of resource, and it is not that they are not resourceful mentally. It is the system which is bad. I propose that we go back to the old system but it should be improved abit with the realities of this country in mind.

Agriculture: Agriculture is the backbone of this country. The constitutional review currently taking place, should address the economy of this country. Of late we have moved to an economy that is more free. That is we are moving from the cooperative movement, to what is called the free economy. This free economy, being implemented by the World Bank, through the structural adjustment programmes has not been of any assistance to the people of this country. It has made the people of this country, poorer than they were, before it's implementation. I therefore propose that the Constitutional Review of Kenya, re-implement, the old cooperative movement which had made us more comfortable in the past years. Many of our very educated people, manning various private and public sectors, were educated through the cooperative system. Now our children cannot afford to go school because of the free economy. What is the use of us implementing this structural adjustments programmes? I therefore propose that the cooperative movements, be re-introduced in Kenya, regardless of the cost. Right now, people in Nyandarua or elsewhere, cannot sell their milk, because there is no cooperative movement. The K.C.C is dead. This the constituion of Kenya should address.

At the same time I propose the Constitution Review of Kenya addresses the economy, we should have a Constitution that asks the President and the cabinet, to explain why institutions should fail. I do not see the reason why the present government, if we had a proper Constitution, the present government would have already told the people of Kenya, why institutions such as K.C.C failed, Bacon Factory, or the Kenya Meat Commission. Now our people cannot afford to sell their cows, they cannot afford to sell their pigs, they cannot sell their milk. Why should we have a Constitution, that makes our people suffer. Please the Constitution, address the economy. Thank you.

Com. Kabira: Thank you very much John. I want to check whether, Jackson Ndirangu Evans is there.

Jackson Ndirangu: Thank you for the opportunity and I would first like to express my thanks to the commission, and especially the chairman, for first joining the Ufungamano House, with the Parliamentary Committee. I think that he has got the interests of Kenyans at his heart and therefore I appreciate the initiatives of the force he has put to bring the two parties together. So I congratulate the commission, and we so much trust the commission will actually deliver a Constitution, that will make Kenya a better place to live in. Here I give my proposals on how I would like my country to be governed. I have actually summarised it, and therefore I will just read it in summary, and if you have any question, I will be there to answer you. I will be in that position.

First is the Presidential powers: The Presidential powers should be trimmed, and instead of the powers, Parliament would be made more powerful. All Presidential appointments, and also all Presidential instituted commissions of enquiries, all government purchases like the Presidential jet and also some projects like the Eldoret Airport; which have actually attracted a large sum of money, that is actually making Kenya go down to economically. I would also propose a vying President, to have a running mate for the Vice Presidency.

On the Judiciary, I would like the Judiciary to be protected by the law, from political interference or manipulations. Judges and other members of Judicial system involved in corruption, or breaching of laws should be dismissed. Special courts should be forced to look into police brutality, human rights abuse, children's abuse, and disabled people's abuse.

In Education, the government of the day should provide free and compulsory education in primary schools. Civic education should be enjoined in the current school's syllabus; to make people aware of their Constitution. Because, as I stand here now, I am about 28 years, and I don't know anything of our current Constitution, but I thank God because they have actually made me come this far peacefully. Also on education, I would propose, formation of an Independent Commission, which would look at teachers welfare such as salaries, working conditions, transfers, promotion, recruitment and retirement exercises. Schools administration and management and uses of school funds, student (inaudible word) in schools. Also the commission should look at school dirt, sanitation facilities, water availability e.t.c. The commission should also ensure dialogue exists in these schools or learning institutions between the administration and their students. I would also propose that, the National Examination Council, laws should be reviewed, for the selection of high marks pass, should be done on merit, and not on regional basis.

On land, the law on land ownership transfer should be reviewed to prevent the current illegal allocation of public land to private developers. Our genuine squatters should be settled on government land through a proper policy. Also the government should establish a funds skim to develop desert regions through irrigation.

On electoral process: The Electoral Commission should be independent and neutral, whereby the chairman and the

Commissioners should be appointed by Parliament. A task force should be set up comprising of members of the police force and legal experts to monitor, bribery during election processes, tampering of electoral process material. A special court to prosecute those who flout electoral laws. Registration of voters should be a continuous process, since the date of its commencement. Also, the contestants, be it of civic or Parliamentary seats, who are involved in violence during election periods, should be prosecuted, and if possible disqualified from contesting.

On labour and employment, all the registered workers unions should be enjoined by the government, in making policies concerning the workers they represent. Workers benefits, be it retirement or retrenchment should be paid in time, and a special commission be set up to hear their grievances if any. Governments should also work out modalities of employing judges, teachers and nurses.

On the economy I would propose a Bill to be published in Parliament on graft. And independent special courts should be formed to look into all corruption cases, in the government and private sectors. Imports of items locally available, should be highly taxed, to save local producers from unfair competition. Government workers or civil servants, involved in smuggling or evading taxes on imports, should be prosecuted and dismissed.

On agriculture, farmers should be protected by law from unfair competition, from imports of farm produce. Also farm imports should be lowly taxed, to give the farmers a reasonable profit margin. The government should also come out with a policy to make desert regions more productive in agriculture through irrigation schemes.

On Provincial Administration, I would propose that the chiefs, and sub chiefs should be elected directly by the people. The law should also be strict on Provincial administrators, on taking sides on the political scene.

On local government, all the Mayors should be elected directly by the people. The council should be empowered to run councils instead of so much power being vested in the local government ministry. An independent task force, should be created, to look deeply in all council funds management. Also councils revenue collection processes should be more streamlined to boost services.

On health, the government should provide free medical care. The condition and hygienic terms in all government hospitals should be reconsidered, for currently most are in a pathetic state.

Also prisoners should be protected by the law on health matters and medical care should be accessible to them all. A powerful commission should be set up to look into living conditions, and lives of prisoners, sanitation facilities and water availability in all the Kenyan prisons.

A Bill should be introduced in Parliament to enjoin Aids education in schools, and create awareness starting at locational levels.

Government should also set aside a special fund for all Aids patients, for medical treatment.

On international relations, I would propose that immigration laws should be streamlined to cater for increasing rate of illegal immigrants. Also on border security, I think it should be tightened to avoid illegal arms, from being smuggled into the country. I stop there and I thank you for that opportunity.

Com. Kabira: Thank you, please register your name, thank you very much, Jackson Ndirangu. Waigwa Wachira?

Waigwa Wachira: Good afternoon. I would start by saying, that I feel that the current Constitution, though we are geared to have a way of changing it, adequate, in many ways, but it is the people who have actually failed. It is the people who have abused their positions of power, from the top to the bottom. Because if I look at the Constitution, I have read it from when I was a student and up to day there are all nice words, all nice phrases protecting the common. It is just that these words are forgotten the moment you go, to let's say an office, or you go to the police station. You go to an administrative office, anything that you want done, cannot be done, because you have not bribed somebody, or because there is too much bureaucracy, you are told come tomorrow, come the other day. So I feel that what we ought to dwell on is mainly how to pick the office bearers in this country. Rather than having just very nice paperwork of a Constitution, but the people who are handling these matters, are nowhere, or cannot do what they are supposed to. I would like to suggest a few things regarding what I would like to be put in the Constitution, as this goes on.

I would like to talk of the councils. When things go wrong let's say in the Kikuyu County Council, one goes and talks to the local Councillor, and the local Councillor says no, the town clerk has refused to sign this, or has disapproved this or the other. Well I elected my Councillor to go and do this job. I employed the Councillor and he goes says that he cannot be able to handle the job. It simply means that the whole process of electing him was useless, because it is the town clerk who finally makes the decision. So what I feel is that the Councillors should have the power, and not the appointees of the local government ministry.

The other thing, I would like to talk about the Parliamentarians. I feel that we should not allow these business of having an MP elected by a simple majority. It is very unfortunate, that in a constituency of let's say a hundred thousand people, we might have ten candidates of all, and the winning candidates who have gone with 25% of the votes or 30%, we should insist on having an absolute majority or at least 50%, for all Parliamentarians and also civic Councillors. So it is my opinion that we should actually feel represented, by making that whoever is in parliament or whoever is in the council, elected by us, has been elected by at least 50%.

The other thing is on the Judiciary, I feel that we are in a mess, as far as the Judiciary is concerned because the laws are there.

For those who are learned, the lawyers and what not, they find the laws are good, but the mwananchi cannot go by the language and the system that is within the Judiciary. I feel that whatever laws that you come up with, should be simplified, so that even a layman like me, will not require to go to a lawyer, and start being milked there, to go and represent myself in a case, in a court of law. Today, just filing a peace of paper, that you want to have a complaint, you've got to rush to a lawyer. On a very simple matter, assume somebody has come and gone with my 100/= shillings, and I want to take him to court. I would have to go and first of all pay, it is very unfortunate that in this country, you find you are suing somebody for 50,000/= shillings and the lawyer requires 50,000/= . So it does 'nt make sense, we should have a system whereby, the laws and the system are simplified, so that when I go out there, I am able to handle things on my own, without necessarily involving the lawyers because everybody is being milked in a bad way.

I would like also to talk about the individual liberty, and maybe on the side I'll mention, something that was mentioned about, a lady wearing trousers, and that kind of thing. I feel that, we are interfering with our own selves. We cannot go back, where we came from, or where our forefathers were. We ought to be progressive, and in being progressive, we should not really necessary look at, or talk of this is man's wear, or women's wear, or anything. If we are to go by those traditions, then in effect we should even just say that even us men, should not wear these trousers, because I don't believe our forefathers used to wear trousers. We cannot go back to the skins, because those were actually our traditions. I feel that people should be given that liberty. Let us not concentrate on how one dresses, how one moves around, how one eats, it is irrelevant, it is not right to have anything being put in the laws of Kenya, regarding such things. One should be free to move around the way he wants. If you feel that walking naked is what you want, and is what is best for you, you just walk naked. I believe that is what we call liberty, It is what we are striving for. We are fighting for a better Constitution, a Constitution where we can do our own things, our own way. Not necessarily being dictated by small things, because you have said that we are following traditions. It would so bad of you to go now to Massailand, where they are wearing shukas and tell them to wear trousers ,or rather the Massai culture tells them that they should have in the Constitution that one should not wear trousers because they have always been wearing shukas. It would be wrong, true liberty should be there.

The other thing I would like to talk about is, the position of the Presidency, the cabinet and the positions up there. I feel that we really ought to have a separation, not necessarily a reduction, I am not after the reduction, because alot of people will talk about the reduction of Presidential powers, because they feel that whoever has been there, has not been in their favour. During Kenyatta's era for instance, nobody would have dreamed around here to talk of Presidential powers being reduced. But today because somebody is not from within this place, now people start talking how that power should be reduced. If the same powers are reduced, and next year we have a President from hear, everybody will start talking of 'increase the Presidential powers'. It is all a contradiction, it just depends on who is there at the top. What I feel is that we ought to have a President, directly elected by the people; but this President, should not be the person to run the day to day of the government. We should have a Prime Minister is position, so that we have the Prime Minister running things in conjunction with the members of Parliament. In this Parliament the Prime Minister is found not to be doing things according to the wishes of the people, the

President should have the power to intervene, by way of let's say dissolution of the same Parliament, so that the Prime Minister goes back with his MPs, to seek fresh mandate from the people. In the process, if these people get to the mandate, then it means that the President is the one now who is wrong, because the people now determine who is right between the two people.

So I suggest that we have a President, and he should while being elected, he should have a running mate, who he cannot be able to dispense with or she cannot be able to dispense with depending on who is the President. At the same time we have the Prime Ministers position, who should be elected by the members of Parliament.

The other thing I would like to talk about is what we really have a problem with here (bell rings) Sorry I'll just finish please. Our problem here is not necessarily the laws that there. The problem here is with the economy, if you here somebody saying that his liberty is being interfered with by the cops, for instance by walking in the evening at 8:00 pm in the night, it simply means that this person did not have some money to go and see a lawyer for instance. What I am saying is that we should have something more economic in the Constitution, rather than this politics that is always all over here. We should have more of things to do with the economy so that we know, or we can have an assurance that, every grown up Kenyan willing to work and ready to work, is able to earn a living and to look after his or her children. Thank you.

Com. Kabira: Wachira thank you very much. That was Wachira Waigua. Is Lilian Wanjiru here? After Lilian, the last person we have is Peter Kimani. Is he here? You are there? Okey.

Lilian Wanjiru: My name is Lilian Wanjiru Njehu. Nii ngwaria na Gikuyu.

Translator: Mimi nitaongea kwa Kikuyu.

Lilian Wanjiru: He gitumi kiria gigutuma njarie na gikuyu tondu he kaundu nguga.

Translator: Kuna sababu yake, maana kuna jambo nataka kusema.

Lilian Wanjiru: Memorandum ino nguneana,

Translator: Memorandum hii nitakayo peana,

Lilian Wanjiru: ni ya atumia a Mother's Union a Project itagwo Handicraft centre,

Translator: ni ya wanawake kikundi cha Mother's Union, ya Handicrafts, hao ni wachongaji,

Lilian Wanjiru: na ikwagiriirwo kurehwo ni mundu ungi no ndanoka.

Translator: ingefaa kuletwa na mtu mwingine lakini hakuja.

Lilian Wanjiru: No ni nyuma nayo,

Translator: Bali nilikuwa nayo,

Lilian Wanjiru: kwingu ni ngwenda kumineyana.

Translator: kwa hivyo ningetaka kuipeyana.

Lilian Wanjiru: Njoke njarie nii ta Wanjiru.

Translator: Halafu niongee kama Wanjiru.

Lilian Wanjiru: Ningwenda mbere kugoca Mwathani ni undu wa ihinda riri atuhete.

Translator: Ningesukuru Mungu kwa sababu ya wakati huu ametupa.

Lilian Wanjiru: Tundo kuma riria thi yombirwo ni hindi andu a Kenya tugwathwo na Constitution ithui twithondekeire gukira iria tuthondekeirwo.

Translator: Tangu ulimwengu kuumbwa, Kenya sasa ndio itajitawala, na Katiba ambayo imejitengenezea.

Lilian Wanjiru: Ngwenda kuga toria mundu ungi augire ati, ni hindi twakinya kwiyatha tundo turaturaga twathaguo na rungu, indirect, tukerwo twi uhuru, no niturathagwo ni muthungu na njira ingi niundu Constitution niwe watuthondekeire.

Translator: Kama mwingine alivyosema, sasa ndio wakati wakujitawala, mbeleni tulikuwa tunatawalwa kinyuma ama kindani, jambo ambalo hatuelewi.

Lilian Wanjiru: Ngwenda kwaria maundu manini muno maria nguigua makihahia thiinii wakwa, na umwe ni wa githomo.

Translator: Nitaongea machache ambayo yananikera.

Lilian Wanjiru: Githomo gitu twambagiria kwirwo 8-4-4 na he githomu gita-recogonizagwo kia nursery.

Translator: Karo zetu sana sana, tunakaziwa habari ya 8-4-4, na kuna ile haiwekwi ya nursery school.

Lilian Wanjiru: Ngakiuga twagiriirwo ni system ya githomo, 2-7-4-2-3.

Translator: Maoni yangu ni tuwe na 2-7-4-2-3.

Lilian Wanjiru: Na kinya form four githomo gikorwo gi gia thirikari gi gia tuhu,

Translator: Na mpaka kidato cha nne iwe masomo ya bure,

Lilian Wanjiru: na hau hekagirwo kigeranio ho.

Translator: na pale inakuwa mtihani.

Lilian Wanjiru: Handu hagwikagirwo Std. 7 ciana guteagirwo hau ta system iria twareheirwo ni Bisha Report.

Translator: Badala ya kuwekwa darasa la nane, watoto wetu wanapotea pale.

Lilian Wanjiru: Nayo form 6 na university ona mundu angiurira hau, aciari makerwo makirihire githomo hau.

Translator: Natukifika university hata watoto wakiachia pale, wazazi wanaachiwa jukumu.

Lilian Wanjiru: Kwa uguo riria turauga mundu wothe wa Kenya athome, no agithomire tuheanire githomo tuhu ta thirikari. Tondtu twauga uguo no ciana cia itonga irathoma. Na cia athini itithoma ni undu wa uria maundu makihana.

Translator: Tukisema moja, kila moja aelimishe mtoto wake, wengine hawataweza, kwa sababu ni masikini. Ni matajiri tu watakuwa na hiyo jambo.

Lilian Wanjiru: Uria ungi ngwendaga kuga ni uhoro wa mbecha iria ikombagwo ni thirikari.

Translator: Inge ni misaada ambayo tunanayo patatoka injee.

Lilian Wanjiru: Nii ngithii bengi njiraguo ndware title deed ya mugunda wakwa kana njarie murata wakwa ahe title deed nigetha ituike security.

Translator: Ninapo enda banki na ambiwa ni lete na cheti changu cha shamba, ili nihakikishiwe msaada.

Lilian Wanjiru: Thirikari ya Kenya ingigira mbecha World Bank na kuria kungi, ni ithui andu a Kenya citizens tutuagwo security.

Translator: Wakati serikali inataka msaada injee, watu wa Kenya ndio wanakuwa security

Lilian Wanjiru: Ni ingioria thiinii wa Constitution, hekirwo kihingo ati gutiri mbecha ikagirwo na nja ikombwo I cia wira uriko kana uriko itahitukitio ni Parliament.

Translator: Ningetaka kusema, hakuna msaada unaweza kubaliwa kutoka njee pasipokuwa na kamati ya Bunge.

Lilian Wanjiru: Tondtu acio nio tuthurite na nio maturugamiriire,

Translator: Maana wale ndio tumewachagua, na wametusingamia.

Lilian Wanjiru: no ti minister uria wa mbecha uria uthiaga gukomba.

Translator: lakini Waziri wa fedha kwenda kukopa, bila idhini ya Bunge.

Lilian Wanjiru: Uria ungi ngwendaga kuga ni uhoro wa uria ithui twendagio. Tukenderio itonga na uhindi na andu a kuma na nja, na uhoro wa mortgage.

Translator: Lile ingine ni habari ya kuuzwa kwa matajiri, Wahindi na Wazungu na hiyo mambo ingine ya mortgage.

Lilian Wanjiru: Hau na ho ngenda kuga ni twagiriire kugitirwo ni Constitution ithui turi athini ona turi itonga iria tuhotaga gukigura nyumba icio cia mortgage. Ni getha tutige gutuo ngombo bururini itu. Nyumba ya mortgage mundu aguraga agatura arihaga. Mwana wake agoka akariha, mwana wa mwana wake agoka akariha na nyumba iyo at the end ndiri hindi igatuika ya family ya Njeri.

Translator: Nataka tusaidiwe kama tunakuwa na hiyo uwezo ya kununua zile nyumba, maana zile zingine za kukodisha inakuwa tunakata kodi, watoto wetu wanakatwa kodi, na hakuna wakati itakuwa yetu ama ya yule nitakae achia.

Lilian Wanjiru: Kwa oguo ngahoya Commissioners aitu tondu ithui tutiui uria watho uthondekagwo-ri, muerie uria muku-frame hau mutwehereria uhoro wa gutwika ngombo bururini witu, ni undu wa itonga na andu angi ni undu wa mortgage.

Translator: Mimi nauliza makamishina wetu, watuungalilie pale ile tusiwe vile tutakuwa watumwa tukiwa nchini mwetu, kwa sababu ya mortgage.

Lilian Wanjiru: Uria ungi ngwendaga kuga ni uhoro wa language iria irerwo ciaragio.

Translator: Lilingine ni habari zile languages tutakazo kuwa tukiongea.

Lilian Wanjiru: Riria muthungu okire guku ni getha ahote gutwatha na hote gutwika uria wothe endaga, kiria kia mbere ambire gugtwehereria, ni kaca ciitu maundu maria ithui tweekaga ta andu airu.

Translator: Wakati muingereza alipokuja hapa nchini, aliondoa ile utamaduni wetu, ili aweze kututawala.

Lilian Wanjiru: Agitwita acenji ati ni undu nia tucenja.

Translator: Akatuita washenzi maana ametugeza.

Lilian Wanjiru: Ngakiona ni twagiriire una ongorwo ni gukwario icio irerwo national languages, githungu na githweri, Primary school, kuma haria ngugite 2-7, githomo, vanacular irutanaguo.

Translator: Mimi naonelea kwamba, hata kama kutakuwa na lugha ya taifa, tukiwa katika shule, ile nilikuwa nimesema maoni yangu, iwe ikifunzwa lugha ya mama.

Lilian Wanjiru: Ni ngwenda kuheana example imwe. Hindi iria andu a Israeli ndege yao haijack-irwo, yoka riria yathire kuhonokio mariirio gi Israeli, matiariirio githungu kana ki-ganda na matangioi ruga iyo, matangiamentyire ni mokire kuhonokio.

Translator: Mfano mmoja ni wakati ndege ya Israeli ilipo tekwa nyara na kupelekwa Uganda. Wakati wakikuja kukombolewa, waliongeleshwa ki-israeli na wakaelewa hiyo lugha yao.

Lilian Wanjiru: Mwaka ucio urathirire ndirari bururi wa Haiti. Bururi ucio ni uria watwarirwo ngombo iria ciaragirwo ni kwao,

na aria marigirwo ni kwao namba one ni aria mateire mihumbire yao na aria mataragia ruga yao, magikirigwo ni kuria mangicoka.

Translator: Wakati moja nilipokuwa Haiti, nilikuta wale watu ambao wako huko ni wale waliacha mila zao, wakaacha habari ya mavazi yao na wakashindwa wao wanaelekea wapi.

Lilian Wanjiru: Kwa oguo ngakiona ni kwagirire ni mwana mukenya aciarwo una angorwo twi tribes 42, mother tongue noguo ihana, ni tutige kureherwo githweri. Githweri ona nigitukanu na arabic, na nii ndi mugikuyu. Ndariirio ni maitu, anjita, Wanjiru uka haha. Thengiu tiguoi na wega.

Translator: Kwa hivyo tuongee lugha ya mama sio kuletewa Kiswahili, mimi ni Mkikuyu. Asante.

Com. Kabira: Thank you very much Wanjiru. Now that is Peter Kimani? Okey.

Peter Kimani: Good evening. I want to say that, it is good work that you have started congratulations. We have been slaved for so long, and now we want to deliver ourselves. The current Constitution, allows Kenyans to be abused; and we have been abused for so long, that it is high time, we set our own goals, by setting our own Constitution.

The the appointment of ministers should be done by Parliament, on merital. Each minister should be qualified. We should not have cabinet ministers who are appointed because they are sychophants, and in their area, they cannot deliver e.g. somebody in state house. I don't want to say who.

Mayors should possess at least a degree, and the Councillors should have at least form four education. This will necessiate, or will make for them deliver what they have been sent there by the people who have elected them to do. The chiefs and subchiefs should be at least form four leavers. We should not have chiefs who are illietrate, that they cannot be able to give what is expected of them.

Kenyans are highly taxed. I don't see why, the government should not give, free education for every Kenyan child. Education should be made free for every Kenyan child; since we are highly taxed people. I think among the highest in the World. On corruption, anybody who has been implicated in any deal, should be barred from holding any public office. This will make sure that people don't get to office to enrich themselves; but to serve the society. There are people who just get there, to just make themselves rich. If you ask most of those people who are now out to vie for the MPs seats, Councillors, they are out to go there and loot, not to serve the society. Go there as a servant but not to enrich yourself. Also on that issue, any body found guilty by the law, that he was involved in looting public money, should be made to return that money, and at least be jailed for ten years. (bell rings). I know that if I am given alot of time I can talk, and talk but I am thankful for that.

Com. Kabira: Thank you very much Peter. Rose Wachira wants one minute. I think you had presented and you wanted

another minute to submit another memorandum. After which we shall close. and hand over to Thank you.

Rose Wachira: Hamjamboni. I was at Kikuyu yesterday, and I presented a memorandum for the Peace and Justice of the Gisharani Parish. So today, I am representing another preamble from Women's Leaders Association from Kabete Constituency, and another one from the CWA from catholic Church in Gisharani Parish, and I have combined the views from the women's leaders and from the women's CWA from Gicharani, and I have quoted some views in the preambles.

First we need the new Kenya Constitution should have a preamble that expresses the basic national values. It should also be a vision to which Kenyan people correctly appraise. The preamble should capture the spirit of the entire Constitutional framework, stating that framing the basic principles and commitment. The new Constitution should provide for full citizenship for women. Kenyan women married to foreigners, should be granted the rights to pass on citizenship to their spouses, in the same way as Kenyan men pass on their citizenship to their foreigner spouses.

The customary laws. The place for customary laws should be viewed in the new Constitution so that when application where it is,

Interjection - Com. Kabira: Rose, Can I suggest that, tundu ni watunegera memorandum cieri na ni nyandiki-ri, you just read items. Ati hena views on citizenship, on customary laws, without the details, because we have got memorandums.

Rose Wachira: They had talked about employment.

About the languages of the Constitution should also be gender sensitive.

Bill of rights and properties cultural. Here on cultural the Constitution should know this cultural and religious practice which directly or indirectly discriminates against women and should be considered whether the Constitution of dowry and bride price should not be outlawed.

I can stop reading my views, but they are even here so that the Commissioners will go through and see what they can get.

Com. Kabira: Okey thank you very much Rose. Ni tuguthoma memorandum icio. So we will get the points that the women have put down. So. I want to take this opportunity to thank those who have remained up to the end, and I want to say that the views have been accurately recorded by the verbatim recorders, and the reportaires that have been there, and I know it has been a very interesting hearing, and as I said a little earlier, it was encouraging to see so many brilliant young men in Wangige and the environment, presenting their views; and we hope that probably the girls should be encouraged, young women also should be encouraged to write their views. We also want to say that the hearings are not completely over. You are lucky you are very near Nairobi, so it is possible for us to actually present the views also to the commission, and write a memorandum.

So we can actually do that. Now excuse me, he wanted to talk. He can come and present. Although I don't know when, you have just arrived? Okey, so we will give you 2 minutes to present your views.

James Gitau Kinyanjui: Ningependa wale watu,

Interjection – Com. Kabira: Sorry by the way, who are you? Please give your name for the purposes of records.

James Gitau Kinyanjui: Naitwa James Gitau Kinyanjui, ningalipenda yule mtu ambae anakula pesa ya umma adhibiwe vikali.

Kuadhibiwa ni kama apelekwe kwa uwanja, apigwe risasi, raiya wakiwa hapo, ili awe funzo kwa wengine, ambao wataajiriwa kuangalia mali ya uma. Maana ile shida tunae, imeletwa na hawa walaghai. Wanakula pesa ile ambayo tunatoa kodi. Ni hiyo tu.

Com. Kabira: Thank you very much. So you closed the session, you are the last person and thank you very much for your views. I think I am going to hand over to the acting chair of the committee to take it on from here.

Acting Chairman: I think you all will join me in expressing our gratitude to Prof. Kabira, for the way they have conducted the exercise of receiving our views from this constituency. Again, together, especially we here in the front, express our thanks to the few of you, who have remained behind, to see this exercise through to the end. Otherwise if you were not there, we would not have had the courage to address empty chairs, but since we have a few of you in front of us, we are having this closing words.

There are two Commissioners we have had in this constituency, have taught us how to be democratic, how to be tolerant and persevering, and how to be devoted when you are given a duty. Yesterday the exercise ended at towards 6:00 'O'; clock and we were prepared to take the same time, if there people still wanting to give their views. So professor thank you very much, and we pray to God to keep you and to continue in other areas, we know you have got difficult tasks to try and cover this country, receiving the views of the people.

You also saw the determination of the people and, this should encourage you, when you go back and after you have received all the views, you and the others, should know that the wananchi are taking this exercise very very seriously, and the reward you can give them, is to give them a good Constitution; and you will be remembered for a long for doing that. So I think those few words are enough, for the few who are here, probably if the hall was full, I would have probably been forced to say much more. Otherwise thank you very much. We are also grateful to our co-ordinator who has been with us, and who prepared us well, because what you saw Com. Wanjiku, is because of the trouble, your coordinator has taken with us here in this constituency. He has not spared any energies to ensure that people are mobilized, and I am sure you have seen the presentation yesterday and today, they were to be given by people who have been prepared. Also for your staff, we are also grateful,

