

**CONSTITUTION OF KENYA REVIEW COMMISSION**

**CKRC**

**VERBATIM REPORT OF**

**CONSTITUENCY PUBLIC HEARINGS, KIENI CONSTITUENCY,  
HELD AT MWEIGA TOWN CATHOLIC HALL**

ON

18<sup>TH</sup> APRIL 2002

CONSTITUENCY PUBLIC HEARINGS, KIENI CONSTITUENCY, HELD AT MWEIGA TOWN CATHOLIC HALL, 18<sup>TH</sup> APRIL 2002

Present

1. Com. Riunga Raiji

2. Com.Dr. Mohammed.A. Swazuri
3. Com. Abida Ali-Aroni

**Secretariat Staff in Attendance**

- |                        |   |                              |
|------------------------|---|------------------------------|
| 1. Bw. Irungu Ndirangu | - | Programme Officer            |
| 2. Lilian              | - | Assistance Programme Officer |
| 3. Jacqueline Nyumoo   | - | Verbatim Recorder.           |

**Com. Riunga Raiji:** Kabla hatujaanza tungemuomba mmoja wenu atuongoze kwa maombi

Tafadhali. Kama kuna Kasisi au volunteers.

**Prayer:** Tunakushukuru Mungu wa majeshi, Mungu mwenye haki na amani wewe uliotupenda na ukaona utawala wa watu wako, wakati huu baba tunajiregesha mikononi mwako Mungu ukaweze kuandamana na sisi Baba wakati huu unafaa. Kumbuka watu wako na vyongozi wote Baba wameingia mahali hapa ukawashikanishe pamoja wakae no Roho moja Mungu wa Israel: na pia Baba ukaweze kutawala ndani ya kikako hiki Baba. Tumekaribisha roho wako mtakatifu akaweza kutuongoza, akaweza kutuonyesha njia inayofaa kuhusu kukaribisha watu wako na kuwaongoza kwenye mwongozo inaofaa juu ya mapenzi yako bwana. Karibu mahali hapa Baba tumekuandalia mahali hapa ukaweze kutuwala ndani ya roho zetu na pia Baba kuna mkutano huu wa kutetea watu wako na kuwaleta kwenye haki. Baba chochote kitakachotolewa hapa iwe ni ya kufaa na kusaidia watu wako Mungu wa Israel. Tumejiregesha mikononi mwako Baba ukaandamane pamoja na sisi tangu mwanzo mpaka kumaliza na nikatika jina la Yesu Kristo aliye Bwana na mwokozi tunaomba na kuamini. Amen.

**Com. Riunga Raiji:** Asante sana na ningetaka kuwakaribisha nyinyi nyote katika kikao hiki cha Constitution of Kenya Review Commission. Hii ni siku ile ambayo tumekuwa tuingojea tangu mwanzo kwa sababu leo ni nafasi yenu kutoa maoni na mapendekezo yenu kuhusu vile mungetaka tutengeneze Katiba ambayo sasa tunairekebisha. Bila kupoteza wakati nitawajulisha hawa ambao tuko nao hapa. Katika hii Panel tuko na mwenzangu hapa Dr. Mohamed Swazuri ambaye ni Commissioner hapa, jina langu ni Riunga Raiji hata mimi ni Commissioner, na tuko na Bwana Irungu ambaye ni Programme officer na tuko na wasaidizi wetu hapa na mutaniambia majina yenu.

( **Interjection**) Jacqueline Nyumoo, Lilian and Rose.

Na tena tuko na Bwana Mugo ambaye ni Co-ordinator wa Nyeri District na pia amekuwa akiyatayarisha mambo haya. Kwa kitaratibu vile tutafuata ni kwamba, tutafuata hii list. Tungeomba watu wakija wawe wakirejester hapo kwa mlango wale wanataka kupeana maoni. Kama ni kundi au kama watu binafsi. Tutapatia kila mtu ambaye anatoa maoni yake binafsi muda usio zaidi ya dakika kumi; kama mnatoa Memorandum, tutakupatia dakika tano ili utupatie tu muhutasari kwa sababu hatutaki usome memorandum- hiyo tutasoma. Tungeomba wale wanaweza kutumia lugha ya Kingereza au Kiswahili na kama kuna

shida-kama ungetaka kusungumza lugha yako uko huru tutapata mtafasiri. Kwa hivyo tungetaka kusema kwamba leo ni wakati wa kutoa maoni yenu tutafuata hii list na vile watu wanakuja watakuwa wakijiandikisha.

Ningetaka kumkaribisha mheshimiwa wenu hapa Dr. Murungaru mheshimiwa karibu, hata yeye amekuja kama mwenye chama wa hii kamati inaitwa Constituency Committee na hata hivyo hata yeye ni mwananchi leo- kwa sababu siku ya leo ni ya wananchi ya kutoa maoni. Labda hapo mwishoni tutampatia nafasi ya kusalimia wananchi lakini kwa sasa vile tunataka tu ni maoni. Karibuni.

Wa kwanza katika utaratibu ambao tuko nao sasa ni Samueli Mutua representing Enderaja Farmers, na yuko na memorandum. Karibu utapatiwa mahali pa kuketi hapo halafu the Commissioners na ma officers wote watakuwa wakiandika yale maneno utatoa. Asante.

**Samueli Mutua:** The Commissioners of Constitution of Kenya Review, jina langu kama imesemekana ni Samuel Mutua, I am representing the Enderaja (inaudible) Enderaja co-operative management committee and the entire community members. These are the proposals I would like to read or kupeana machache juu yake.

Yetu ya kwanza ni mambo ya president. The sitting president should rule for two terms or five years and after expiry of two terms he/she is to hand over the power to the speaker of the National Assembly who will run the country during the election time until the new president is elected and sworn in. The president should have a ruling mate i.e. the vice President. The president should have a family background including a little medical background and to have a spokesman who will be giving public statements on behalf of the government.

The president should not be above the law of the land and should have a pure clean record with no impeachment at any time. The president shall have powers to appoint his Ministers. Once a Minister is appointed he should have powers to run his respective Ministry. All other president appointees should be vetted by the Parliament, and the parliament sub-committee should exercise their powers and be able to prosecute where necessary. Together with the Vice President, the President should be elected by the majority votes.

The Provincial Administration should be abolished and be replaced by powerful local Authority. Mayors and Chairmen ought to be elective and to be elected by the majority vote. They should one term of five years. The applicant for this post and any other Local Authority ought to have a minimum of form four certificate of education. Local Authority should employ staff from their local area apart from technical staff. Those on disciplinary ought to be under supervision of their respective Councilors. All donations from any donors to be channeled directly to the respective area of purpose. All license leasing to the co-operative society by the council to be waived immediately bearing in mind the problem the societies are facing ie lack of market. Senior Civil Servants should declare their wealth and region background. Creation of new Districts should not be

political and the Constituencies should be based on the population of the area that is for example, 30,000 people per Constituency. Office bearers of co-operative societies ought to declare their wealth, education background and the leadership quality. The government to follow quota system when making employment and appointment regarding population capability expertise then experiences of individuals per District.

Ministry of Agriculture: The Minister to ensure that there is no import of goods of commodities produced in the country unless there is a shortage of the commodity e.g. milk, sugar, rice etc. The Minister should be ensure that there are storage facilities for Agricultural products in all Districts. This will ensure storage of these products during peak seasons and be used later during scarcity period.

The Minister should provide conducive environment to farmers by providing incentives, which will encourage our farmers to produce more. The government should fulfill its obligation by ensuring that there is ready market for our surplus products. The dairy Board Members should be elected on aregional basis that is one from the district region and they should work for three years and be eligible for re election. The members should not be stakeholders. The board should not charge more than two percent per litre of milk, and 50% of levy charges should go back to the farmers to enhance road maintenance in their areas while the remaining 50% should go to the board.

The Delegates to elect Board Members must be from Pyrethrum board, Cereal board, Coffee Board etc. to follow the same. All grounded boards or Commissions and co-operatives should be revived eg KCC, Kenya Meat Commission, Sisal, Upland Beacon and Coconut industry and Cashew nuts.

The government should also support Horticultural activity, the horticulture business to ensure sufficient food for the population and wealth from export of the product. The activity ought to guarantee job opportunities for children. On that issue, the government should decentralize the Headquarters to District level. This will ensure every citizen gets access to the objects with no problems.

Every citizen of Kenya should be free to acquire land from any part of the country. On possession of land there should be a limit a person can posses. The government should abolish all unnecessary vehicle taxes especially the Value added tax on co-cooperative vehicles eg TLB should be decentralize to District level and the Board be abolished or the Board be done away with.

The government should show concern on the responsibilities for the street children, the government should prepare the rehabilitation center for street children and where necessary care be guaranteed eg Health Education, Self Employment extra. In so doing they would have secured security in the country. When employing or appointing public Civil Servants the government should ensure such servants are capable of addressing people in English or Kiswahili. All public Baraza to be addressed in Kiswahili.

The Judiciary should be independent and more importantly should have a judicial Commission that is responsible for appointing the judges. The Police brutality towards the suspects must be checked. The suspect should be brought to justice immediately. This Memorandum was prepared and confirmed by the officials of the society. Thank you very much.

Thank you very much.

**(interjection):** Name un announced.... Ngoja kidogo

**Comm, Riunga Raiji:** Sasa after you have given your verbal original presentation, the Commissioners may want to seek clarification on some issues. After which you have to hand over your Memorandum to our officers here so that it can be taken on record.....Doctor Swazuri clarification.

**Com. Doctor Swazuri:** You have proposed that the Constituencies should be based on thirty thousand people. Is that what you are proposing?

**(interjection)** (inaudible) not thirty thousand voters.

**Com. Dr. Swazuri;** Thirty thousand,

**(interjection);** Thirty .... Thirty- thousand voters. **(interjection)** yes okay

**Com. Dr. Swazuri;** Now if you take thirty thousand voters per Constituency and you total that number of voters in Kenya and divide by the total population do you know how many Constituencies you are talking of now?. You are talking about over four thousand Constituencies.. .... is it possible to have a parliament of four thousand?.

**( Interjection)** Sorry for that. That should be the District population in those Constituencies. I think there is a population itself not the number of voters but the population of that District; to be over thirty thousand..

**Com. Dr. Swazuri:** Okay.So it means that you take thirty one million divided by thirty thousand that is already, how many (interjection) ..one thousand MPs, it is not possible.

**(interjection):** ( inaudible) okay.

**Comm. Riunga Raiji:** I think we got the point. I don't any thing further so thank you very much you hand over your memorandum, we shall now have Esther Nyawira.

**Esther Nyawira:** ...*Nyawira talking in kikuyu*.....

**Translation;** Mimi jina langu ni Esther Nyawira kutoka Kanyai na nimileta mapendekezo yetu kutoka upande huo. Nitaongoa juu ya shida za vile tunakaa, shida za kina mama, shida za mashamba na hata za mabwana zetu. Kwa maoni yangu mabibi na mabwana wanafanya kazi pamoja wanatafuta mali pamoja wanapewa watoto na Mungu, wakitafuta uhai wao.

Tunaona shida kwa sababu mabwana hawapatii mabibi zao haki wakitafuta haki mashamba, ng'ombe na kadhalika wanafanya mali yote ni yao wakisahau Mabibi. Tungependekeza katika Katiba ya kwamba mabibi wapewe haki zao na walindwe na Katiba. Tunaona wakati mwingine mabwana wanauza mashamba huko wakinywa pombe kwa vilabu, wanauza ma-ploti halafu wakina mama na watoto wanaachwa wakiteseka. Na bibi akiuliza kweli kuhusu mambo hayo anambiwa hiyo siyo mahali yake kwa sababu hajaandikwa na hana nafasi yoyote. Sasa tunataka kuomba ulinzi kutoka kwa Katiba mpya ndio tulindwe na serikali sisi wakina mama kwa sababu tunaona matajiri au watu wenye pesa wanakuja wananunua mashamba na sisi tunawachwa tukiwa masikini. Tunaona ya kwamba katika huo uuzaji wa mashamba kuna hila ambazo zinatengezwa huko huko kwenye vilabu na sisi kina mama hatuna lolote la kufanya isipokuwa ni shida tu. Sasa tunaomba ya kwamba sisi tukiwa wakina mama tuwe haki sawa katika kurithi mali ikiwa ni mashamba, au ng'ombe au mali yote ambayo ni ya familia.

Pia ningependekeza ya kwamba mayatima ambao waachwa wazazi wakifa waangaliwe, wasiachwe wakiwa katika shida. Na hata wakati wa kurithi mali wale mayatima haki zao ziangaliwe.

Jambo lingine ambalo ningependa kuzungumzia ni juu ya soko hata ya maziwa kwa sababu kuna shida sana unaona mtu ako na maziwa yake akipeleka kule tunauza wengine, unanunuliwa kilo tatu hiyo ingine unambiwa rudi nayo, na hiyo ni shida kubwa.

Pia hapa kuna shida ya mazao ya vyazi; tunalima vyazi lakini wakati wa kuuza wale wanunuzi wanatunyanyaza sana unakuta wakija wanaweka gunia mbili unadhania ni gunia moja na sasa tunabaki na shida nyingi. Tungependekeza ya kwamba hii mambo ya mizani au measures ambazo zinatumia katika kupima mazao ziwe ni standard. Kama ni gunia ya kilo 90kgs iwe ni 90kgs siyo ati inakuja mia moja na hamsini inasemekana ni mengi. Tungependekeza ya kwamba wale ambao wananyanyasa wakulima wakitumia hizo mizani mbaya kwa mfano wanatumia hizo magunia kubwa hawa watu wachukuliwe hatua wakipeleka hizo vitu sokoni. Na kama hizo vitu wamekuja wamenyanyaza wakulima ichukuliwe na serikali na inawezwa kupelekea watotou wa secondary au watu wengine wakule.

Pia ningependa kusema kuna nursery watoto wetu wanasumbuka sana huko kwetu kanyoi na tungependekeza hiyo shule ichukuliwe na serikali ndio watoto wetu wanaweza kupita.

**Com. Raiji:** Asante mama. Ngoja kama iko swali ungetaka kuuliza, hakuna.

Asante sana. Mwingine ni Richard Maina :Kama kuna mwingine ambaye hasiki tuko na interpreter wa ile inaitwa sign language, kama mnamjua mkimuona mtujulishe ile tumfanyiwe interpretation ndio hata yeye aweza kusikia vile tunasema.

**Richard Maina:** Mimi naitwa Richard Maina Munga mukulima mdogo sana. A small scale farmer. Sina mengi ya kusema isipokuwa mawili kwanza, nikupendekeza Rais awe aki-run serikali kwa miaka miwili for two terms. Ningetaka tuwe na Prime Minister ambaye atakuwa ni Executive-awe na power zaidi President. Na Vice- President should be elected by the public. Ni hayo tu.

**Com. Riunga Raiji:** Asante sana Bwana Richard Maina.

**(interjection)** Unajua Mzee wakati huu kuna watu wengi wanasema tuko na shida kwa sababu kwa office ya Rais iko na powers nyingi sana i sasa wanatafuta njia ya kuendelea kuongoza lakini kusiwe na nguvu nyingi. Unasema tuondoe power hizo tupeleka kwa Prime Minister ambaye atakuwa na more powers than the President. Sasa unaona bado tutakuwa hatujaondoa hilo tatizo.

**Richard Maina:** Ijapokuwa vile, the President should be Ceremonial. We have some countries where they have got the President and the Prime Minister (inaudible)

**Comm; Riunga Raiji:** Asante. (inaudible) Jackson Macharia

**Jackson Macharia:** (inaudible) Jackson talking in Kikuyu

**Transalation:** Jina langu ni jackson Mwai Macharia na yangu ni machache sana. Nimetoka kijiji cha Mboni hapa hapa Kieni. Mimi nataka kuongea juu ya uhusiona wa mabibi na mabwana. Saa ingine unaona wakina mama wanaweza kuchokoza mzee halafu wanaenda kulalamika eti amefanyiwa madhambi anaenda hata kwa datkari kusema huyu mzee amenipiga sana ananipiga, ananipiga kila siku, na kumbe mama ndiye ameleta hii shida yote. Na tunaomba wanaume pia walindwe na sheria ili mama akitumia lugha ya matumisi tujue tunaweza kufanya nini.

La kijiji pengine la wazee ambao wanaweza kuchunguza haya mambo yote wajue na kusuluhisha mambo haya na tuone ina kwenda vipi . Kwa hivyo ningependekeza ya kwamba tusiwe tu ati wakina mama ndio wanaweza kushtaki wazee na mzee hana haki hata kidogo.

Jambo lingine ningependa kusungumza juu yake ni juu ya hizi pesa ambazo wajumbe wanaombai kutoka wafadhili, ningependekeza ya kwamba wanainchi warusiswe wakati wa kugawa hizi pesa. Na ningependekeza isiwe ni jukumu la mtu mmoja kuambiwa hizi pesa zitapelekwa wapi au zitatumiwa vipi, ndio tuwe na usawa wakati wa kugawa hizi pesa.

Jambo lingine ambalo ningependa kuongea ni juu ya uongozi wa mashirika. Unakutwa mtu anachaguliwa katika uongozi na anakaa huko sana na watu wageni wananyanyaswa sana. Ningependekeza ya kwamba vyongozi wa mashirika wawe wakichaguliwa kwa muda wa miaka mitatu na huo muda ukiisha tunachagua mtu mwingine. Unakuta watu wengine wanakatalia kwenye hizo viti vya uongozi wa mashirika wengine wanakaa miaka kumi, miaka kumi na tano au hata miaka kumi na saba na washirika wanateseka sana. Hayo ndiyo maoni yangu.

**Com. Raiji:** mzee ngoja kidogo.: Na ningetaka kukuuliza jambo moja mzee.Umelalamika kwamba hawa wakina mama wanajifanya wanapigwa wakati wanataka kutoroka kwa bwana, je, wewe ungetaka tuwe na sheria ambayo inaifanya isiwe ya halali mwanamke au mwanamme kupiga mwingine?.

**Jackson Macharia:** Si halali lakini kunatakiwa watu wawe - utakuta watu wengine wemesikiza hii maneno kwa jirani.

**Com. Raiji:** Kwa hivyo unapendekeza kwamba kama kuna tofauti yeyote baina ya baba na mama ifanyeke kwa wazee isiende mbali?

**Jackson Macharia:** Tunaweza kaa hapo na committee au mtu mmoja kama ananyanyaswa----

**Com. Raiji:** Okay asante sana mzee kwa maoni yako.

**Waithera Ndoga:** Talking in kikuyu.

**Translation:** Jina langu ni Wambui Ndoga kutoka hapa Komuiga. Ningependekeza ya kwamba wakati kuna kamati tuseme za Bunge au katika Serikali za Mitaa uwe kuna mwakilishi wa akina mama ambaye atashugulikia shida za akina mama. Mimi naonelea ya kwamba wakina mama wana hekima na ujuzi uwe wa maisha kwa vile anashiriki katika mambo mengi tuseme ya shule, miradi and vijijini na vile vile vikundi vya akina mama. Vile vile naonelea ya kwamba kunafaa kutengwe viti maalumu kwa sababu kuna watu ambao hawana wakilishi tuseme kama vile wasio jiweza wakina mama, mayatima na hawa vikundi vidogo katika jamii.Mimi nafikisha hapo.

( **Interjection** ) Ngoja kidogo mama.

**Com. Raiji:** Asante mama kwa hayo maoni yako tafadhali upatiane hiyo memorandum yako huko. Lydia Wambui, atafuatwa na Paul Ndungu.

**Lydia Wambu:** I am Lydia wambui of Muiga, ninawakilisha kikundi cha disabled.”We want the government to make it mandatoty for the children with disability to attend education and put in place a policy a legal framework that will boost

(inaudible) employment for people with disability. They need also to put the public duty and transport system to be efficient to a person with disability. It is proposed that persons with disability have access to information through the radio, television and mass media.

It is recommended that there should be a combination of sign languages as one of the official languages in Kenya and placed as a tool for reading and writing for people with fashion disability as well as the use of braille in and out of school.

There shouldn't be discrimination on the basis of disability and there should be intergration of people with disability in cultural activity. It proposed the affecting (inaudible) a person with disability should be (inaudible) from the four for (inaudible). The field proposed the setting up of a national disability Council that will co-ordinate the disability programme (inaudible lead mechanism incase of (inaudible) only that.

**Com. Raiji:** Asante sana. Atafuatwa na Paul Ndungu. Ningetaka kuwajulisha kwamba kama ungetaka kutoa maoni tafadhali ujiandikishe hapo kwa register tuko nao kwa mlango asante. Endelea

**Paul Ndungu:** Kwa majina yangu mimi naitwa Paul Ndungu na ninawakilisha jua kali (inaudible) mimi ni mfanyi kazi hapa (inaudible).

- (1) Ile mambo ambayo mimi ninaleta hapa mbele ya Tume ya kurekebisha Katiba ya Kenya ni kuhusu mambo ya jua kali. Jua Kali iko na shida nyingi kwa vile watu wote wako hapo wamezaliwa hapa lakini wakitaka kuja kwa Jua Kali, mahali ambako tunafanyia kazi sisi hatuna. Kwa vile mtu akienda kukaa mahali ambako hakujajengwa mtu hufukuzwa wakati mwenyewe anejenga. Kwa hivyo tunataka serikali iweke maanani mambo ya Jua Kali. Kwa vile watoto wetu wote wakati wanazaliwa hawataki kazi ingine wanataka kuingilia kazi ya Jua Kali na tukiwa hakuna mahali ya kufanyia kazi hii ya Jua Kali watoto hata wao watasumbuka.
  - (2) Na vile vile tunataka Donors -Donors tuangalie wakati pesa inatoka kwaDonors isije ikapotelee humu humu; tunataka itumikie sisi wanajuakali ili tuweze kusaidia watoto wetu. Manake tusipowasaidia watakuwa si watoto wa maana ndani ya Kenya.Sasa nimeonelea ndio nitoe hiyo maoni hapa mbele ya Tume ya Kurekebisha Katiba ya Kenya ili tusaidiwe na serikali ya Kenya vile tutafanya. Hiyo ni point one juu ya Jua Kali.
- Point ya pili ni kuhusu mambo ya election- election tumeona ugumu sana ndani ya Kenya kwa vile tukifanya election, mtu yule tumemchagua anaingia kwa bunge; akiingia kwa bunge badala atoe maoni kuna wengine wanamsumbua hawataki atoe maoni yake wanesema kuwa ni mtu wa opposition. Kwa hivyo tumeonelea hapo kwa bunge iendelee kuchunguzwa kwa vile tunaona hatupati mambo vizuri. Kila chama ambacho kinatawala kinatoa maoni yake tu haitoi

maoni ya upinzani. Kwa hivyo hapo tunaona ni ngumu. Mambo ingine ni hiyo hiyo tu ya Bunge. Tumeona mtu ambaye ameshikwa na raia –raia wamekata kumchagua na alikuwa (mambo ingine ya siyo njia ya (inaudible). Tumeona (inaudible) ambaye alikuwa amesimama akiwa candidate wa election, sasa wakati ametupwa na raia uko kwa bunge serikali ile ambayo inatawala inakwenda kumrudisha ndani ya Bunge na ametupuliwa na raia. Kwa hivyo hapo tunaona Bunge yetu inaharibiwa na mambo kama hiyo. Kwa hivyo tunauliza mtu kama ametupwa na raia hakuna haja kumrudisha huko kutetea raia. Asante Sana.

**Comm. Raiji:** Asante , ngoja kidogo.Nafikiria kila Council inaweka sehemu fulani ya land katika townships kwa watu wa jua kali, sijui hiyo imefanyika hapa?.

**(interjection):** Tulisema tulikuwa na mipango fulani ya Jua Kali ambao walikuwa wanasaidiwa na kuliwa na pesa na programme ilikuwa ikiendelea je umetosheka na hiyo ulikuwa na shida gani.

**Paul Ndungu:** (inaudible) sijaona hayo mambo hata kusikia hayo mambo ...si ya kusema hati niliona mambo yote ya jua kali,

**Com. Riunga Raiji:** Asante. Daniel Karia atafuata na David Wamwera. We ni Daniel .....(**Interjection**) Karia

**Daniel Karia.** Kwa majina yangu ni **Daniel Karia** , nataka kutoa mapendekezo yangu kwa Katibu ambayo inatengenezwa kwa nchi yetu. (A loud noise). Mimi ningeonelea maoni yangu upande wa kuzaliwa kwa mtoto, Mtoto ako na haki ya kuzaliwa---- .

Ya pili upande wa afya mwananchi anatakiwa kuwa anapata matibabu ya bure bila kuitishwa chochote kwa hospital. Upande wa watoto ambao wanachwa kwa ajili wa wa wazazi wao wamekufa iwe ni ukimwi mtoto ako na haki cha kusomeshwa hata kama mama yake inafahamika amekufa kwa ajili ya ukimwi ama ameachwa;- kwa maana ni mwananchi wa Kenya. Hiyo tu ndiyo ningetoa kama kipendekezo yangu kuhusu hayo mambo.

**Com. Raiji.** Asante. David Wamwere karibu.

**David Wamwere Maina:** Kwa jina naitwa David Wamwere Maina. Maoni yangu nitaanzia tu niteremke chini pole po ..oole ni kigusia kidogo kidogo.

**Com. Raiji:** Uko na dakika kumi.

**David Wamwere Maina:** Dakika kumi tu asante

**Com. Raiji:** Usiende pole pole sana.

**David Wamwere Maina:** Haya nitasema tuanzia na Rais. Rais anahitaji achaguliwe kwa muhula miwili- yaani two terms miaka mitano mitano. Vile vile kwa maoni yangu naona Rais mamlaka amewekewa ni nyingi sana ambayo inaribu nchi yetu..Yaani mtu mmoja ndie anatoa maoni yake kila aina; hiyo ningetaka ipunguzwe na irekebishwe kwa aina ingine.

Vile vile kutoka hapo nateremke kidogo niguzie hali ya wabunge wetu ikiwa ni wabunge tumewachagua, ikiwa mbunge kama ni wa opposition hana mamlaka kusema (inaudible) anatakiwa awe akisema kama wale wako kwa serikali wanasema. Ikiwa ni (inaudible).

Halafu ningetaka kutoka hapo kuteremka chini kidogo tunaenda kwa Councillors, vile vile wao wawe na sauti itakayosikika kuanzia mwanzo ifike mpaka mwisho akiwa anaanzia chini anafika mpaka mbali inasaidia wote. Kutoka hapo ningeguzia chini kidogo niende niteremke niende kwa watu wa kazi. Katika nchi yetu ina taabu ya kazi. Mimi hasa ni mwenye jua kali mimi ningesema ingawa kulikuwa na mmoja wao alisema hivi kidogo na kwa vile mambo mengi imepitia katika nchi.Kuna pesa nyingi zimeingia tumesikia upande fulani zimegawa , tulisikia upande ingine zimegawa na hapa hatupatiwi hata peni moja.Hatujapatiwa hata pahali ya kukaa. Na kuna watoto tunafundisha na tunadumisha watu wengi sana kwa kufanya kazi hiyo ya uchumi na kila aina. Kwa vile tuna uwezo huo, tungepata nafasi ya kukaa tupate namba ya nyumba kama ni nyumba hiyo ama plot tu tujenge manyumba kidogo, tutafunza watu wengi zaidi kuliko vile tunafanyia kazi nje.

Kutoka hapo nitateremka tena chini niguzie mambo ya hospital. Hospital kwanza wananchi wetu wanataabika sana. Kwa hospitali ya serikali, hakuna mtu inasaidia. Unaenda huko unakaa unarudi unandikiwa card unarudi bila kutibiwa mda kidogo. Kwa hivyo wananchi wana shida na ningetaka turekebishiwe kwa maneno kama hayo.

Kutoka hapo ningeguzia kidogo kwa vile tunaona wananchi hata ukiona vile wako Wakieni, tunajiita watu Wakieni tuna shida ya aina nyingi tuseme maji. Miradi ya maji haingii maji, ikianza inasimama- ikianza miradi inasimama kwa kuwa hakuna watu wakuonyesha watu vile maji inaendelea ama kitu kama hicho. Nitamalizia hapo.

Na vile vile kuna pahali nimebakisha kidogo ningetaka hii Comission ya Kivuitu kama vile mimi ninavyoona (inaudible) maana yake ilituharibia 1997 na bado iko tu. Sasa tungetaka hii Katibu irekebishe tafadhali...(inaudible) vile ilitufanyia hatukupendezwa sana maanatuliona kama walirigg. Kwa vile tuliogopa serikali sana kwa kwenda kura nikarudi nikasikia mambo imebadilika na ni shida sana hiyo. Nafikiri nitakoma hapo kidogo kwa vile sikukwa nimeandika

**Com. Raiji:** Iko swali kidogo.

**David Wamwere....**Ndio.

**Com. Raiji..** Umesema sijui miradi ya maji, naweza kukusikia ulikuwa ukisema shida yake ni gani na unataka tufanye nini,

tuandike chini hapa tukusaidie?

**David Wamwere...** Shida ni kwa vile hii miradi, kama ingewezakena wananchi waisaidiwe na vyama kwa vile wako na taabu na pesa kidogo. Kama ikiwezekana tafadhali.

**Com. Raiji:** Okay asante sana.

**(interjection)** Mwingine ni Pastor Solomon Maina atafuatwa na Paul Ndungu

**Pastor Solomon Maina** Ningetaka, huyu ni secretary wa Kanisa na tuko pamoja na yeye ningetaka kwanza (inaudible) ya kanisa.

**(interjection):** Corrections; ni ujumbe si memorandum, okay.

**Pastor Solomon Maina:** Asante sana MaCommissioner asante wananchi na asante sana aliye tuleta hapa. Sisi ni kanisa ambalo limejishugulisha tukitumiwa na mwenyesi Mungu kuongoza hata Kammissioner hii tangu mwaka wa 1995 wakati hata ilikiwa bado haijanzishwa. Tumekuwa sana tukileta ujumbe wa kuambia serikali na tarehe 26<sup>th</sup> /4 /2000 ndio tulipelekea serikali ujumbe wa kuambia serikali kwamba sisi tumefunuliwa ya kuwa Kammissioni itakuwa itamaliza miezi thalathini (30months) that is two and a half years. Kutoka tarehe 26<sup>th</sup> /4/2000 mpaka tarehe 24<sup>th</sup>/ 10/2002 ndio Kammissioni iliambiwa itamaliza kazi yake. Kwa hivyo ningeta kusoma kwa kingereza. Thank you sir.

“The life of Review Commissioner that is from 25<sup>th</sup> April 2000 to 24<sup>th</sup> October 2002; preamble: The reconciliation of God’s people in Kenya through amendment from it’s present governing Constitution to it’s present continuous Constitution framework represent an authority ,will be effected in two and a half years. This authority since 1995 comes from the book of Daniel chapter 11 verses I, Jeremiah 32:36-44,Ezekiel 28:25-26-the body of the message:

The present on going review to the present governing Constitution of Kenya is a two and a half years authority, an authority that will end on 24<sup>th</sup> October this year. On 26<sup>th</sup> April the year two thousand the government of Kenya through spoken and written word

of God was directed to carry out this Review. This Review will have two hundred and eighty six articles in the future Kenya Constitution. And in this regard the Commission ends its work on 24<sup>th</sup> October this year.

Parliament will pass into a law this year and that the President will assent to this law in the year two thousand and two. General election in this will be held this year. That is the message which has been given to the government, the government is aware of this, it has got all information and if it has diverted from that spoken and written word of God it has misled the Constitution it

has misled the Reviewing Commission and that is why you are seeing squabbles because the government is not keeping in the direction that was directed.

This one started in the year 1995 and we have been advising the government what to do with these people, with this Nation, through the spoken word of the living Jahovah God, and that is why we came here. And our memorandum is here which is for the Commissioners and the Parliamentary Selective Committee to go and read and see what you are going to do about it, and the living Jahovah God is with Kenya, the living jahovah is with the Commission, the living Jahovah is with our government and do not feel ashamed, do not feel tired because you are going to finish this work as you will be organized by the living jahovah God.

Thank you very much.

**(interjection)** endelea tu.

**Pastor Solomon Maina:** Thank you. Brief message; this was dated 18<sup>th</sup> October 2000. Two years ago, that is from the 25<sup>th</sup> April 2000 the word of the living Jahovah God—that is the message and advised the government that one hundred and four wise men will go down and meet at the presence of the living Jahovah God and place Kenyans to write down a Constitution as pray for by the Kenyans. They will be led and filled with wisdom and the knowledge to write down phrases and clauses which will be God's laws to govern his people of Kenya.

Parliament will be provided with a hundred and four names of all people who will write it down the amendments a making and reviewing one to the Constitution. A number of them through parliament will be burdened with this task a head of them. Then the twentyone parliamentarians will be in the forefront to advise the Speaker of the National Assembly.

The twenty-one MPs will be advised by a hundred and four consecutive wise men according to the book of Jeremiah chapter 32 verses 36 - 44 and the hundred and four wise men will have another 14 wise men who will actually disseminate from a hundred and four wise men into the new Constitution book. That is according to the Ezekiel chapter 28 verses 25 to 26, what they have collected from Kenya at Sub-locations, Locations, Constituencies Districts and the Provincial consultive forums. Today, that is 18<sup>th</sup> of April this year, you are here at Mweiga Division which is Kieni of Nyeri District, Central Province to be reminded that according to the book of Joshua chapter 1 verses 16 to 18 ,before Kenyans went to fighting for natural Convention Executive Council,Bomas of Kenya Ufungamano initiative , Safari Park the birth of IPPG the advent of Raila parliamentary Constitution Review Committee and then the Ghai's Commission Jahovah had advised Kenyans how they would undergo trying times and finally receive a constitution written by a hundred and four wise men - plus 14 writers and 21 parliamentarians to complete the whole work from a cross the country. They will present their final book to the Raila Parliamentary Committee before 30<sup>th</sup> September this year.

Parliament will digest and debate all that evidence collected without amendment and the President will assent to this Constitution on 24<sup>th</sup> October this year that is when he should do that. Kenyans will then go to the General election in the year 2002 fully guided by this Constitution.The government and the parliamentary Review Committee is aware of this. The government is making every effort to fulfil the spoken and the written word of the living Jahovah God according to the books given the above.

Today that is on 12<sup>th</sup> April this year, the Review Commission has written down two hundred and eighty six articles before you came here. You have already written two hundred and eighty three articles. You are now on the formation of writing down 12 articles, which will conclude your mission at the Constituencies ground. The 12 articles will include the Church of Jesus Christ, Land Tenure and the ownership of the freedom of God's people.

In the month of May this year, the Commission that is a hundred and four wise men will get down to their desks and the blackboards that will be done by the 14 wise men to write down all that is collected evidence through August that is a three months work. You will tell Kenyans what you have written, Kenyans will reciprocate and the Parliament will receive it's lovely peaceful notion and a satisfactory work from the living Jehovah God.

God of love has taken you all into the right direction and none of any concerned authority will fail and complain because, 20<sup>th</sup> November this year every eligible Kenyans will have been prepared to go to the polls in December this year with a lot of thanks and the praises. Jehovah God will have reconciled his people, rehabilitated them, filled with hope because of their humility, unity by all authority in Constitution making in all the in this Constitution making will bring Peace and Love to one another and their Country and that is Amen. Thank you.

**Com. Raiji:** Thank you very much for that information. Now we have no further clarification to seek. Can we have Mr Paul Ndungu of Muganda Catholic Church?

**Paul Ndungu:** Okay, I am Paul Ndungu from Nyeri Catholic Arch.- Diocese Mugunda Parish, and I am reading this memorandum to the Constitution of Kenya Review Commission.

The following Constitutional issues should be addressed by the new Constitution to be made by Kenyans. The views are:

**Com. Raiji:** What are you giving is that a memorandum -just summarise. Okay?

**Paul Ndun'gu: Preamble:** The vision and wishes and aspirations of the people of Kenya should be included in the preamble. The supremacy will of the people should be emphasized. It should also not ignore that the Nation is Independent and accountable to God. It should be stressed that all powers of the government emanate from the sovereign of the people. The most deficient part of the current Constitution is the fact that the words "people, family and God do not appear anywhere in the Constitution.

**The Bill of right:** Other than the fact that the Bill of right in the Kenya Constitution does not reflect universal conception of human rights, existing rights are limited through many exceptions. These two factors have led to a strong and right attitude both in the Judiciary and the Executive. The language of rights should be made accessible and the exception should be removed.

The provision of creating exception to a right should be left to the court to determine only when several rights come into conflict. Making exception in the Constitution creates a legal and environment in which exception are routinely emphasized.

Economic, Social, Cultural and the Communal rights. Many Economic, Social Cultural and Communal rights are now routinely incorporated in the Constitution as in the case of 1996 South African Constitution. Such like include: the right to equal

education, a safe working place, safe and informed health care as well as rights guaranteeing group intergrate. These are absent in the Kenya Constitution.

In addition to the traditional (inaudible) and political rights, the rights in the Kenyan Constitutional should be applied to, to include Economic, Social Cultural and Communal rights that are contained in the South African Constitution.

**Citizenship:** Those who should be regarded as automatic citizen of Kenya are: all people born in Kenya of parents who are both Kenyan citizens, all children born outside Kenya of parents who are both Kenyan citizens, all children born of one Kenyan parent regardless of parents gender, Spouses of Kenya citizens regardless of gender must be entitled to automatic citizenships even when they are citizen of their own countries. The Constitution should open, room for dual citizenships.

**Land and property right:** The government should have the power to compulsoliry acquire private land for purpose of development of social amenities like roads, hospitals and schools or for extruction of minerals, for the purpose of the country's development. When this is done the landowners must be compensated adequately and promptly.

The State Government or Local Authority should have the power to control the use of land by the owners or occupiers. The government should re- claim big chunks of lands that are not put into proper use for economic development. The new Constitution should put a ceiling on the acreage of land owned by individuals and the issue of the squarters should be addressed. A new pro- people and tenure system should be put in place. Kenyans should be encouraged to change their attitude towards land ownership.

Financial institutions should develop other criteria for loaning their clients without necessary emphasizing on land ownership. Men and women should have equal access to land and property, Kenyans should have a Costitutional right to own land or property and settle in any part of the country. Succession and inheritance of property issues should be harmonized with the new Constitution.

**Political parties:** Kenyans should be discouraged from being fragmented by many political parties founded on ethnic basis. Political parties which have a National outlook should be funded from the consolidated fund. Political parties should participate in Civic development and adult education. They should be ...in the front in sensitizing the citizens on pertinent issueseducation, revival of th Kenya economic. Whether education was able (inaudible) stake holders.

**Com. Raiji:** Bwana Ndugu surmarise.

**Bw. Ndugu:** (inaudible) we have our former Government (inaudible) comprising the three arms of the government. That is the Executive, Judiciary and Legislature.

Number ten structures of governments: A parliamentary government should be adopted where real power of the government lies with parliament the Legislature (inaudible) authority. Powers, enacting laws of the executive the two arms should be

independent of each other. The principal of separation of power. Whether the President or Minister must be a Kenyan by birth. He must have at least a university degree or equivalent. He or she must be of sound mind. He or she must be investigated by competent experts from birth, he must be economically stable he must be 35 yers and not more than 70 years .He must declare his wealth and should not have any criminal record.

**Com. Raiji:** I think your time is less than.....

**Ndungu:**Okay

**Com Raiji:** I think we want to repeat what we said earlier, when you have a memorandum. We just give you five minutes to give us the highlight. We are collecting and recording all these memoranda because we are going to analyze them and check the views so if you have a memorandum we give you a maximum of five minutes just give us the highlight.

Those who are presenting verbal views we give them a maximum of ten minutes but as list grows longer we may shorten that time so that we don't have anybody going without an appportunity (inaudible). Thank you. The next person is Peter Mwangi. You will be followed by Esther Mwangi.

**Peter Mwangi:** The Commisioner, wale wamehudhuria, asante sana kwa kuletea habari hii.Mimi sina memorandum lakini nina maoni hapa kidogo. Kama mnavyo jua jina langu ni Peter Mwangi na mimi ni mfanyi kazi wa hapa Muiga. Mfanyi biashara kidogo lakini naona kama mmekuja naona ni jukumu ya kutoa mambo mawili au machache kuhusu KatibaYa kwanza:

- (i) Kuna barabara, kila mtu anajua inachwa 50km (Reserved) ningependekeza pahali kidogo ijengwe iwe na pambi ya maji au maua ndio nchi yetu ionekane mzuri na maridadi.
- (ii) Ningetaka kujua kama kuna data ile serikali inachukuwa kutoka sub-location watoto wale hawaendi shule na vile wanaeza Kama Mjuavyo elimu ni haki ya mtoto, kila mtoto anafaa awe anaenda shule. Nkusaidiwa na kwa nini? Ningependa kuliza kama serikali inajua watoto kwa mfano hii kijiji yetu Muiga wale hawaendi shule na kwanini sijui kama serikali inafuata na ina majina ya watoto wale hawaende shule na vile wanaeza kuwasaidia. Hapo ningependekeza mtoto awe anafundishwa kutoka standard one mpaka secondary bila kulipishwa, na ikiwa atalipishwa labda mfanyi kazi awe anajilipia Kwa hivyo elimu iwe haki ya mtoto yeyote wa Kenya.

Ya tatu na ya mwisho, kama vile mjuavyo tutakuwa na ma Rais kila muda wa miaka mitano mitano na wa kwanza alikuwa Hayati Mzee Jomo Kenyatta this year kunaonekana tutakuwa na badilisha mapicha ya President yule atakuwa ana tawala. Mimi napendekeza tu-retain ilei picha ya Mzee Jomo Kenyatta ama vile, maybe tunaweza kuwa na kama Mt Kenya ili pesa yetu isiwe na kila na mtu anakuja kutawala na kuweka picha yake, kuweka picha yake, tu-retain ile ya mzee Jomo Kenyatta ama ile Mt Kenya ile kitu ambayo tutakuwa tunaona.

Ya mwisho ningetaka kuliza kwa nini to import mambo ile tuko nayo hapa kama kwa mfano maziwa na sukuri. Kuna miwa

hapa ikiwa ni lazima tu import tuwe na kamati ile inashugulika ama ile inaona ni kiwango gani ama ni sababu gani kwa maana tunaona nchi yetu imejaa na mambo mengi ile tuko nayo na inatoka nchi za ngambo kwa mfano sukuri, maziwa na ndio soko yetu inaharibika. Nafikiri nitaacha hapo. Asante.

**Com. Raiji:** Asante sana Peter Mwangi.....(inaudible) tuko pamoja, nilisema utangoja (inaudible) nafasi yako umemaliza.

**Esther Mwangi ....** (inaudible) na wengine wenzangu, yangu nitasoma.

Points to the Constitutional Review Committee, President's Office subject.

President should not be above the law but under the law.

Limited time in the office: President should have limited time in the office at least of two terms as the maximum and not more than that is if he is elected. He should not have all the powers over the parliament, e.g to dissolve upon his wishing. It should be better if there is a Callender to tell the expiring of the parliament and starting of it or opening time. It will look more better if there are equal rights of men and women that is if we have the President being a man then the Vice President to be a woman; by that I mean if we have 20 MPs then one third of them are women.

Cabinet appointments should be careful this should be done according to one's qualifications, equal distribution of Cabinet Ministries from every Province and also equal in caliber or agenda.

Parliament: MPs should proof his duties during his parliamentary term to his or her constituents. The mission has to be followed by the MPs given its constituencies. MPs should have time to visit and spend time with the electorate visiting projects such as schools and hospitals and extra.

Nomination of MPs: There should be equal nomination of the MPs from every party regardless of the party.

Judiciary: Magistrative and Judges should not give the final decision or sentences. This should be given by the elderly legal appointed assessors. Cases in Court should not be delayed, as Justice delayed is Justice denied. Judges should be appointed by the Attorney General and not the President. Judges should be appointed according to their qualification and seniority.

**Bill of Rights:** This should be respected and there should be independent bodies eg, Church organizations, NGOs- Non Governmental Organization to counter check limited and misuse or abuse of public right.

Allocation of social facilities to the public: Police should not be allowed or used to harras the public, when the public is asking for their rights. Prisoner's rights should be observed.

The government should also be able to control the foreign investors or local firms from the environment exploitation.e.g the type of (inaudible) to use or to (inaudible) to their employee and their working condition that is working hours, working apparatus or tools should be provided by the firm and pay for their regular method... (inaudible).

**Com.Swazuri:** When you said you need nomination of MPs to be equal even for every party. I don't know what you mean. Can you clarify what you meant by that.....

**Esther:** Not to nominate people only from KANU every ----- not selecting like members from a single party.....

**Com.Swazuri:** Where? Where? During elections or where?

**Esther:** :::During the reshuffle.....

**Com.Swazuri:** Cabinet reshuffle?.

**Esther:** Yes.....

**Com. Swazuri:**.....okay asante, the next one is Amos Mwangi

**Amos Mwangi Macharia:** Jina yangu ni Amos Mwangi nitatoa maoni kwa hii Commission ya Kenya ambayo ni kwa; all powers and authourity must be delivered from the people of Kenya.

- 1) Political objective. Civil society shall be run democratically.
- 2) National Unity: All state organizations shall uphold peace, Love and Unity.
- 3) Human rights: All state organization shall promote Human Rights.
- 4) Social objectives: All Kenyans shall have equal Rights, Education, Health, Shelter and clean and safe Water.
- 5) Land right: All land shall be used for the benefit of the people.
- 6) Environment Protection: It shall be the duty of the State to ensure that all persons enjoy clean water.
- 7) Establishment of Supreme Court and the final court or superior court of records.
- 8) Electral Court: There shall be Electral Court, which will be involved with Electral matters.

Nikiongea juu ya Mashamba kidogo nikitaka niambie Commission kwamba sisi tunakuwa na shida kwa sababu hapo tuko na Mt Kenya na Aberdere, na hii Abadere na Mt Kenya tuko katikati ya yao. Wakati tunangalia tunaona serikali imepatia wanyama kuishi kuliko binadamu kwa sababu tukiangalia tunaona wanyama wamesha patiwa stima –hiyo fence ya stima. Lakini mahali wanainchi wanalala ni kama village squartters mnaona hakuna stima, hakuna shelter maji mzuri mnaona wanyama ndio wazuri kuliko binadamu. Na sasa tunataka hii Review Commission tukitengeneza Katiba wanadamu wapewe haki yao ya kuishi kwa sababu wanyama ndio wanaonekana wanastihili kuishi kuliko binadamu hapa Kenya.

Hii ingine nataka kuongea ni juu ya Co-operative. Hizi Co-operative ambazo tunakuwa nazo unakuta mtu ambaye amechaguliwa hataki kutoka kwenye hizo viti.

**Amos M. Macharia** Jina langu ni Amo Mwangi nitatoa maoni yangu kwa hii Commission ya Kenya ambao

- 1) All power authority must be delivered from the people of Kenya

Is a bridge matter of Supreme Court and the Final Court and the Superior Court of Records.

- 2) Political Objectives: Objectives. ... (inaudible) society shall be run democratically
- 3) National Unity: All state (inaudible) shall ... shall uphold Peace, Love and Unity
- 4) Human Right: All state (inaudible) shall promote human right
- 5) Social Objective: All Kenyans shall have equal right Education, Healthy, Shelter and clean and sieve Water
- 6) Land right: All Land shall be used for the benefit of people.
- 7) Government Protection: It shall be the duty of the state to ensure that all enjoy

clean water

8) Electoral Court: There shall be Electoral Court (inaudible) inform electoral matters. Nikiongea juu mashamba ningetaka niambia Commission kwamba sisi tunakuanga na shida kwa sababu hapa tuko na Mt Kenya na Aberedere, na hizi Aberdare na Mt Kenya sisi tuko katikati yao na wakati tunangalia tunaona serikali imepatia wanyama kuishi kuliko binadamu kwa sababu tukiangilia tunaona wanyama wamesha patiwa stima, hiyo fence ya stima. Lakini mahali wanainchi wanalala kama vile Jeshi quarters mwaona hakuna stima, hakuna stima, hakuna mawe shelters, maji mzuri. Mwoana wanyama ndio wazuri kuliko Binadamu. Na sasa tunataka Rais ya Electoral Commission tungeneza Katiba wanadamu wapewe haki yao ya kuishi kwa sababu wanyama ndio wanaonekeni wanahistahili kuishi kuliko binadamu hapa Kenya.

Hiyo ingine nataka kuongea ni juu ya Co-operative. Hizi Co-operative ambazo tunakuanga nazo unakuta mtu ambaye anachagulia, anachagulia na ataki kutoka kwa hizo kiti kwa sababu ya uongozi mbaya na Sheria ambazo zimewekwa ambayo si sahihi. Sasa tungeomba hii Commission iangalie mambo ya hiyo Co-operative.

12) Lingine ni Sectors za Kahawa: Sectors za Kahawa tunakuta watu ambao wale wanaongoza nao tunakuta kuna mambo mengine yanafanywa lakini haistahili kuwa inafanywa hiyo ni mambo ingine. Nikimalizia, nitamalizia na mambo ya Tosha.

Tunakuta kama ee. nitaongea juu ya Zimbabwe kidogo; unakuta wakati walikuwa wanafanya uchaguzi, Rais alikuwa ... alifanya.. ali (*Kikuyu dialect*). Na akaweka ati watu ma Journalists hawakuwa na nguvu na sasa Journalists wanafungwa huko Zimbabwe. Sasa sisi tunataka kama Rais atakuwa akikalia kiti si awe akitaka ku change sheria, ana change.

Kama hao.. sasa hao watu wa Commission tunasikia wanapigana na sasa kama watu wa Commission wanapigana tunashindwa sisi tutaelekea wapi.. Kwa sababu ma Commissioner wenyewe hawasilizani. Professor Yash... Pal Ghai tunaona hata hawa ma Commissioner hawamtaki, na sasa tunashindwa hii Commission itatupeleka wapi. .... (Murmurings)... (inaudible).....

**Com. Swazuri:** Tunataka utuambie hasa hawa viongozi wa Co-operatives na viongozi wa mambo ya Kahawa tufanye nini ili wakulima wawe na haki.

**Speaker:** Ndiyo tuondoke kwa hii shida ya Kahawa mimi ninaonelea kwamba process ya uchaguzi iangaliliwe sasawa. Naye

mwananchi mwenyewe ambaye anauza kahawa yake asinyanyaswe kwa kuuza Kahawa yake.

Kuna jambo ingine hapa tulikuwa tumesahau hapa.....Unakuta kama Co-operatives wanaume wanakuwa wamefungua maduka zingine za kuuza vitu ya ngombe na hizi nii...kama maduka ya kuuza vitu za Ngombe. Unakuta hiyo hawaweki kwa ile mipango ya pesa wakipewa wakulima hiyo wanakula wale wakubwa.

**Com. Swazuri:** Haya Asante.

**Stephen Mahenia:** Thank you very much. Thank you Commissioners. My name is Stephen mahenia as you 've heard there. What iwant on now is about the retired people? Those retired people-iIam one, we are not given what we call House allowance and you know when we were working with the Government we were given House allowance although that could have been my House. And when I retired I also moved from the job and I went back to my house. Therefore, I am still alive; that is why I am asking why should that money be reduced from my salary? I am suggesting, on behalf of the others those who have retired that we get a little money not like how I was getting my full salary- I was given a little amount on the side of the living and therefore, also on the side of the House allowance, I want to get a little because I am still alive. And also the other person is still alive.

The other thing I am also talking about is about Medical allowance. When I was on employment I was getting Medical allowance but when I retired that was given out and therefore, I still don't have I am still alive I can become sick I also have my people and therefore, they should also be treated really because that money is still there; on the other side, if at all that will not happen. This is my suggestion, from my monthly salary I get a little amount deducted and then taken to Medical allowance so that I still proceed on.

The other thing, those are two things. The other thing is about this Hardship allowance.

I am still there and I was getting that one. Why was it removed? I am still suffering and I am still in the Government

The other thing is about boreholes. In this area-the hardship areas are very much hit by the drought and therefore, to our suggestion why don't we have bore holes and dams so that the evaporation takes place and then we get this cyclonic rain. Those are the points I had in mind because when I just arrived here I was asked if to speak.

And something else I also like to comment here, we as the parents are suffering because of the Schools, which are being burnt by the students. And I don't know what is going on. Is it because of the canning that was removed that is what do we call it? Discipline was maybe reduced. Therefore I would request the Commission to think about that one because the whole destruction everything is lying on the parents not the Government, therefore that is all that I had. Thank you very much.

**Com Swazuri:** Mambo ya House allowance, Medical allowance, Hardship allowance for retired workers;I think they were

given simply because they were in –service, why should they be given when they are out of Service? ..... (inaudible) in short ain't you saying there should be a welfare state?.

**Stephen:** Yes.

**Com.Swazuri:** Whereby everybody who is not working should be taken care of by the Government is that what you advocating for?.

**Stephen:** That is what I am talking about because we just learned about other countries where people have retired above sixty and they are taken care of by the Government until they go to Heaven. Yes.... This also.....

**Com.Swazuri:** That thing should actually apply to everybody not only to retired workers. Yes, to those people who have reached that age.

**Com.Swazuri:** Okey. Thank you.

**Francis Mwangi:** Mr Chairman I would like to present this Memorandum to The Constitution of Kenya Review. It is from Endacha Catholic Church.

1) Preamble: Our new Constitution must have a preamble. This preamble should state that the Constitution is made by the people of Kenya. The people are Sovereign. No law or Authority including even the Constitution is above the people. Kenyans are committed to democratic values of constitutionalism.

2) **Equality and the rule of law:** Kenyans are committed to the future of Kenya as a united indivisible country and composed of people diverse cultures whose rights are invaluable. The preamble should also state our common history as people who were colonized for many years and who joined hands to struggle for their freedom. (inaudible) and freedom. That is land and freedom has to be safeguarded by our new Constitution.

**Directive Principles of state policy:** The following directive principles should be included in our Constitution.

**National Philosophy and Guiding principles** Gender equality and protection of the rights of the minority of a just society. All geographical regions of the country are entitled to equal development.

Children, young people, the elderly and other vulnerable groups should be protected.

**Democratic principles:** Power belongs to the people and is exercised on their behalf through representative and the accountable institutions of government, Constitution and the rule of law must be adhered to. All human beings are equally entitled to Civil, political, economical, social, and cultural and development rights.

Natural Resources belong to all the citizens. The natural environment must be protected. Citizens have the right to associate without any hindrance.

**Constitutional Primacy:** On Constitutional change the Constitution should indicate that in the event over hauling the

Constitution all Kenyans should be involved. In the event of amendment it shall be subjected to a referendum before they are enacted by parliament. This will keep Kenyans abreast with any new development in their Constitution.

**Citizenship:** Those who should be regarded as automatic citizen of Kenya are all people born in Kenya of parents who are both Kenyans citizen. All children born outside Kenya of parents who are both Kenyan citizens. All children born of one Kenyan parent regardless of parents, gender. Spouse of Kenyans Citizen regardless of gender must be entitled to automatic citizenship even when they are citizens of their own country.

**The Structure and System of Government):** Kenya should adopt a Parliamentary system of government in which a Prime Minister is appointed from the majority party in Parliament. The Prime Minister should be in charge of daily running of Government. And should be directly answerable to the Parliament.

**Legislature:** Parliament should vet the appointment of. Ministers and Assistant Ministers to make the Minister more professional and accountable. All Judges should be appointed through a Parliamentary Judicial Committee Public Service Commission Officers should also be vetted. The power of parliament should be expanded to: Power to impeach the president in the event of gross misconduct to approve government expenditures, to approve requisition of external or internal loans by the government which should be passed through a two-third majority votes or a requisition of our external loans should be subjected to a referendum. Powers to constitute a Commission to look into matters of public interest.

The president will do the appointment and the gazetting of the names of the commissioners. Parliament should have unlimited powers to control its own procedures through standing orders. Member of Parliament should be subjected to two terms of five years each. On the age of the President we propose that the minimum age should be 45 years and the upper limit be 70 years of age. There should be moral and ethical qualification for Presidential and Parliamentary candidates. This should include one who is able to declare his wealth, upright in morals and should not have been convicted of a criminal offence. Constituents must be empowered by the Constitution to recall their MPs in the event that they are not satisfied with his or her performance this should be done through collection of one thousand signatures across the Constituencies registering people's dissatisfaction.

**Interjection :** You have one minutes summarize

**Stephen Mahenia:** Yes. ... Management of the use of National Resources: To enhance the controller and Auditor General in seeking the Government handling of Finance this office should be completely independent and have security of tenure He should. (inaudible) they have the powers to prosecute those who misuse public funds.

Attorney General should not interfere with court cases handled by the Controller and Auditor General.

**Environment Resources:** All natural resource should be owned by Kenyans. The new Constitution should ensure that the Local Communities are involved in the management of natural resources like Forestry and wild life.. Communities that neighbour such resources should be direct beneficiaries of income from such resources. This way Communities will be motivated to participating in the proper management and protection of such resources.

**Forest:** Our Forest has been destroyed through Magendo business. Water resource and the catchment areas, Minerals, Wildlife and the air (inaudible)

**Com. Rajji:** Asante sana. Nafikiria hatuna swali kwa hivyo sasa tutamuita Purity Mwingiri, Women Mobilizer. Tupatie maoni

yako. After Purity tutakuwa na John Njeru.

**Purity Munjiri:** Asante sana. My names are Purity Munjiri, na ninapatiana maoni ya vikundi vya akina mama-Mobilizers na wale wengine tunaishi nao hapa Kieni. Nitianza kwa kusoma na nitasoma, imeandikwa kwa Kizungu. Kieni West Women recommendations to the Constitution Kenya Review Commission Introduction: At last people driven Constitution has taken off –“heko” to their appointment and Women Commissioner having seven out of twenty seven Commissioners it is a history to be remembered by Kenyan women. This is a commendable milestone achieved in the development of our Nation and the struggle for Women to address their specific critical issues continually. In this Memorandum we will wish to have a Constitution that every one has right to equal protection free from discrimination, freedom of expression and association, directive of equitable representation of both gender equality before the law for all citizens regardless of gender or status.

**Citizenship:** Those who should be regarded, as automatic citizens of Kenya are all people born in Kenya of parents who are both Kenyan citizens. All children born outside Kenya of parents who are both Kenyan citizens. All children born of one Kenyan parent regardless of parents gender. Spouses of Kenyan citizens regardless of gender must be entitled to automatic citizenship even when they are citizens of their own country. Person born in Kenya after the year 1963 and person staying in Kenya for a period of more than 5 years are automatic Kenyan citizens. A person born of Kenyan citizen within or outside, whether the parent is the father or mother should be an automatic Kenya citizen. A person, man or woman married by a citizen of Kenya should be registered as a Kenya citizen. Care, water, food, education- free education up to secondary school and cost sharing in higher Education and public University.

**Shelter:** Security and employment for all Kenyan citizens. Gender Parity in decision-making should be a basic right to equitable representation in decision making at all level. The right to own and hold property for all Kenyans irrespective of Gender and marital status should (inaudible) by the Constitution. The Kenyan woman should suffer no form of discrimination, particularly that reduces her dignity and self esteem as a Kenyan. The avariation Act that was filled in 1967 should be entrenched in the new Constitution.

**Affirmative action:** Current Constitution is silent on the right of women and persons with disability. One out of ten Kenyans have some form of disability; therefore it's crucial that their needs such as those related to vision impairment, hearing, and speech difficulties, physical impairment should be addressed. Right of equality of all citizens irrespective of Gender should be entrenched in the Constitution. The Constitution should make provision for a affirmative action policy - it is a legal requirement for those pushed by the society where they are left to dwell in discrimination and exclusion due to Gender, age, old and disability. affirmative action is a matter of justice, equity and human right.

**Education Opportunity:** It is not enough to set quotas for employment if we do not have enough trained and qualified women to make those quotas. The girl-child education, the youth, and the disabled need to be facilitated specifically, bursary should be

provided for girls, the disabled or any other marginalized community like the pastorist. There should be a provision for the access to basic rights by the marginalized group in the Constitution.

**Political parties and the Legislature and Judiciary:** Recommendation; the Constitution must ensure the affirmative action policy is employed in the composition of political parties structure e.g. at least one third of the officials in each of these organs must be of the opposite gender.

**Political Parties:** 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 sixty percent of the Kenyan forty-two different ethnic groups. All national political parties should be funded by public funds to avoid the individual domination of political parties. Parties should not be run as private enterprises from which only the most, economically able can benefit.

**The Electoral System:** The electoral Commission should enhance women participation in political leadership by developing disseminating materials in an aim to educate society on the values of women leadership to change the cultural practice that militates against women leadership.

The appointment of more women to positions of political responsibility be an affirmative action e.g. at least thirty three percent of the total seats in Parliament and Local Authorities should be held by women.

Political parties should be encouraged to have at least one third of the officials in the party organ as women to provide detailed policies on women issues in their Constitution manifesto. There should be a limit of money used to campaign to make access to every candidate as a way to enhance women participation and prevent corruption during campaigning. Civic Parliamentary elections should be held separately from the Presidential election. Votes should be counted at the polling station and the result announced immediately at the same place. Ballot boxes should be made transparent to clear doubt for every voter to see through. Secret ballot method of voting should be entrenched in the Constitution for all public voting including political parties.

**Legislature:** The Constitution should provide the provision of security for all candidates during nomination to protect them from physically being prevented from presenting their nomination papers. The law should provide provision of security for all candidates during campaign and election period. An electoral Court should be established that has the same status the high Court. The High Commission to facilitate the speed of hearing of a petition. The petition should be heard by more than one Judge to avoid allegation of partiality. The minimum qualification of an MP should be O' level. The affirmative action policy should be adopted to increase the representation of women in the Local Authority, Mayor and Council Chair person and their Deputies be elected by the people directly. Councils should be given more powers devolved from the Central government.

The minimum qualification for a Councillor should be O' level and leadership quality should be observed and a gender balance

be put in place. President or the Minister should not have the power to dissolve Councillors creation and the dissolution of Councils should be done by Electoral Commission in consultation with stake holders including Councillors and wananchi who vote for them.

Constitution Commission - A National Gender and development commission with at least fifty percent women representation should be established and entrenched in the Constitution with an aim to mainstream gender into development planning. A parliament - gender desk should be constitutionally provided for. A National food commission with at least fifty percent representation of women be established and Constitutionalized A National Commission to manage National resource should be established and entrenched in the Constitution.

**Com. Raiji:** I think you've been assisted, (inaudible) .you have to wind up now.

**Ms. Purity:** - Okay, I will touch on Land matters since they are very sensitive as one of our visitors here who presented it. Female offspring regardless of marital status should be entitled to inheriting family property including land without discrimination.

The Constitution should be supreme to the customarily law on issues concerning land property inheritance. The title deed of family land should bear the names of both husband and wife. And maybe to wind up, I would also like to talk about something in connection with security and parliament. Parliament should be given responsibility of National security.

**Com. Raiji:** Just a minute ...I think I would like to ask men to keep quiet so that we can listen to women. Tuwapatie nafasi-tumezungumziwa na wanaume I think let us hear the women now.

**Purity-** Thank you Mr. Commisioner for (inaudible) me. We are talking about management and Local resources. Local Committees to manage local resources at their respective community level, should be established and the members should be by the community themselves.

Processing industry should be built at the respective area of production to create employment opportunities for the local community. Parliament should be given responsibility of National security and enlist ...one third of the parliamentarians should be allowed in (inaudible) emergency....and with those few remarks Mr Chairman Thank you.....(clapping )

**Com: Raiji:** I think we may have some clarification. You want the right to own Land to own properties irrespective of gender-I think that is already (inaudible) their own properties; other than the proposal you made regarding family (inaudible) of men and women is there anything else that you want to propose regarding the property.

**Purity:** Regarding the property Mr. Chairman I think that we've had problemswhich actually start from the Land Board. Because as earlier was said by one of our colleagues who, was here, he said that in Land Board (that is where properties at

home are written when the title deeds have the names of one person in the family). It is discussed in the land board but later on when the land is already bought, is when the other members of the family - that is the wife and children hear that the land got sold. So we are requesting it is good for them to be involved in the Land Board. When we talk of one party - like for example, if I have money-that is what we have acquired with my husband, whether I am also buying a property we should appear both in the title deed; And when we have shamba in our home or we have land, the wife must be working supporting the husband to be in a position to buy that land, that is why we are asking the Constitution to state that title deed should bear both names of the husband and wife. (Clapping)

**Com. Raiji:** I thank you very much Purity for speaking so openly about the rights of women and I would ask us to maintain order, the men will also have an opportunity to present theirs- if they have any, otherwise we thank very much, we shall now have John Ndungu.

I think I will ask the rest to be short because there are more people who want to speak I have given the women more time because very few of them have spoken since we started.

**John Ndungu:** Mimi ndiye naitwa John Ndungu na nimefurahi kwa ajili hii Commision imekuja kuchukua maoni yetu. Maoni yangu ya kwanza ni kuhusu Katiba; Katiba kile mini ningionelea iandikwe kwa maelezo-yaani yale ya kuandika kila Mkenya awe anaelewa ni nini inaandikwa. Kwa ajili Katiba iliyoko sasa ukinipatia kitabu kile kimeandikwa Katiba usome, huwezi kujua nini hiyo iko ndani. Sasa, hivyo tukifanya makosa, tukienda kortini unajua ile kosa umefanya. Hiyo ndiyo ya kwanza..

Ya Pili, maoni yangu inaingia hivi; wakati uchaguzi unaingia tunaona Rais anakuwa na mamlaka, na akiwa na mamlaka huwezi kutoa mtu ndani ya nyumba yake. Sasa ile maoni ya Katiba nataka ibadilishwe, ni kuhusu wakati uchaguzi unaingia, Rais ananyimwa madaraka inapatiwa Attorney General ndiyo tuendelea na uchaguzi kwa njia nzuri, naye aji tafutie kura naye ajitafutie kura.

Ya tatu - iko ma Judge, wale ma Judge wanapewa mamlaka na Rais. Na wakipewa mamlaka na Rais kwa Katiba ilioko wale ma Judge watakuwa wakifanyia huyo Rais kazi lakini siyo wananchi wa kawaida. Inatakiwa Katiba ile itakuako hao ma Judge wawe wakipewa mamlaka na wabunge ndion wakifanya makosa, Rais hata akifanya makosa anapelekwa kortini.

Ya nne: Ni kihusu askari; Police nao vile wanatakiwa wakati wako kazini, wakitaka kwenda kufanya search kwa mtu wawe na kibali ya kufanya search kwa mtu kwa ajili siku hizi wanaenda wakifikiria wewe umenunua kitu kizuri kwako yeye mwenyewe anakuja ati ni search anakuja na anataka kile kitu uko nacho - na ametoka pahali popote ametoka. .Kwa hivyo ile sheria itakuwako hawa askari iwe watakuwa na kibali cha kwenda kufanya search kwa mtu.

Ya tano: Ni kihusu machief: Machief naye (inaudible) na DC, na PC lakini ku appointiwa wanakuja kutawala sisi. Sio

kufanyia sisi kazi. Kwa ajili anajua atakaa hapo kwa ajili ya yule alemuekelea mkono. Sisi tunataka tuwe tukimchagua kwa ajili naye awe akitufanyia kazi.

Ya sitas: Tulisema (inaudible) na haki ya kuhubiri ni kama kuhubiri kwa ajil ukiwa unahubiri au kuhudumu sasa unanyimwa haki yako kwa ajili unaambiwa uhubiri kwa njia ile inafuatana na sheria ya - Kenya - lakini sheria yaani inakutenganisha na wale unahubiria.

Ya sita Ni kuhusu V.P, yaani Vice President. Vice president - na ile sheria iliyoko anachaguliwa na President. Na kuchaguliwa na president, akiwa kazini atakawa akifanya kazi ya President; Sasa sheria ile itakuwako tunataka tuwe tunamchagua ndio awe akitufanyia kazi na linachagua ule anaitajika, sio kwa uko.

Tuko katika Donor: Wananchi wakenya sisi tumepewa Donation na wale watu wa Ngambo. Ni hiyo donation ni sisi uja nyumaye tukalilpa. Lakini kupita kwa sheria ilioko hiyo donation inapitia kwa watu wiwili au wa tatu. Lakini ile sheria itatukuwako kupendekeza kwangu nataka hiyo sheria iwe kuna donation itakawa kwa yule, mtu tumechagua ikiwa ni mpau au councilor ndio wananchi wakaangalie ile miradi itafanyika na hiyo.

Ya mwisho: Ni juu ya water – Maji. Serikali inaona vile tunaangukiwa na maji lakini Donor wanataka kutusaidia kwa maji. Siyo kama yale maji waanakuja kusaidia - ile pesa tunaletewa haziendi kwa maji, kwa sheria ilioko. Sisi tunataka ile maji tuwe tukiletewa hata serikali yenyewe iwe ikituletea maji na hiyo pesa ya Donor hakuna kupitia kwa njia yeyote. Donor donation isipitie kwa mtu hatahitaji maji, kwa mfano ule analetewa hiyo pesa ako katika mfereji maji ako katika mfereji wa maji lakini ndio anaichukuwa ile Donation, Tunataka yule anakaa kwenye pahali wheather project inafanyiwa ndiye akauchukuwe hiyo Donation. Ndio awe na uchungu wa hiyo maji ikikosa. Naweza kusema sisi tunataabika.

Ya mwisho, ni kuhusu mamlaka ya Rais, (inaudible) inafanyika katika Kenya kwa sheria ilioko. Lakini sheria ile itakuweco mimi ninapendekeza Rais anyimwe mamlaka asiwe na mamlaka yoyote ya kuchaguwa huyu na kumchagua hata chief, kuchagua nani - ...hiyo yote iwe ni mstari ya kufanywa na wale wamechaguliwa na watu. Asante sana.

**Com. Raiji:** Asante sana Mzee. The next one is Daniel Mukimi; after Daniel Mukimi tutakuwa na Danise Njuguna. Daniel yuko? Mwingine ni Venenzi Njuguna. Tutakupatia dakika mbili, tano sasa watu ni wengi.

**Venzi Njuguna.** : I want to take this chance to thank the Commissioners for the great work that they are doing, I have written my memorandum and I am going to surmarise in the shortest words that I can. One of the things that I want to propose is that death penalty must go.

The other thing I want to propose is that the sixty five percent majority vote in parliament should be raised to eighty or eighty

five percent in changing part of the Constitution; For example when we are changing the life of parliament and Government, when we are passing a vote of no Confidence in Government and when we are making any amendments in the Bill of rights.

According to me double citizenship should be outlawed in our new Constitution. I feel that there should be a security of tenure for the Commissioner of Police and Prisons extra - otherwise our Commissioner of Police is a toothless –bulldog in the current Constitution because he is a direct appointee of the Executive. We should have a smaller Provincial Administration directly elected and answerable to the people as some people have also said before you.

Mayors and County Council Chairmen should also be directly elected by the people after every four years. The age to contest Parliamentary or Civic seats should be raised from the current 21 years to 25 years. The minimum age of Presidential candidate should be raised from the current 35years to 40 years the English men said that rights begin at forty. And the President should retire at 60 years irrespective of the two terms of the Presidential service.

Councillors should be O' Level and above. Mayors count council Chairman and parliamentary candidates should be Diploma Holders and above. And the president should be A holder of a first degree and above.

Voters should have the right to recall their MPs or Councillors Mayor, Count Council Chairmen upon collecting signatures equal to a quarter of the registered voters or those who voted in the last election whichever is lower.

Nominated MPs should not be done by political parties - otherwise elections should have no meaning. But nominated MPs should be from the special interest and minority groups like the women who have presented their views here, the disabled and the displaced.

Women should be given financial support from a special fund created by the Constitution so that they can to run at par with their men candidates- as far as they are strong candidates with a vision for the country.

I also feel that "prostitute" of political parties who move from one particular party to another should be prevented from running on another party's ticket so as to control political (inaudible).

Civic Elections should be after every four years while presidential and parliamentary election should be after every five years. Election should be held in two to three days unlike the current practice where we hold election for one day and counting should be done in the polling station. The office of Ombudsman should be entrenched in our Constitution. We should have compulsory and free education in the primary cycle. No Kenyan should own more than two hundred acres of land .

Non citizen of Kenya should not own land in Kenya. The Constitution should guarantee a right to land for every Kenyan.

The Speaker of the National Assembly should be the one in-charge of Executive power during Presidential Election. He should also announce Presidential results upon advice by the Electoral Commission.

The incoming President should assume office in a months time after Election and handing over should be completed in a months time after he or she is sworn in. I feel that the current constitution that you are writing should be ready by December and parliament should not sit beyond February 2003.

Finally, I wish to advise you the Commissioners that you must respect your Chairman. Professor Yash Pal Ghai as a Constitutional lawyer and a whole Professor and I believe that those ones who are disgruntled with him are unwarranted; He is being requested by another country to go and write Constitution for them, but we in Kenya are grumbling about him. Is it that another country can see Kenyans are better and we Kenyans cannot see what is good for our country and in our people. I feel those of us who are criticizing Professor Yash Pal Ghai cannot even be able to write a Constitution for Cows leave alone human beings. And so I feel that Professor Yash Pal Ghai should be given all the support by all Kenyans and we are Kenyans supporting him and so if anybody else feels otherwise then he or she is not speaking for the sake of this country. I think I have done my best to summarise my views, unless you have any clarification to seek from me before I go to sit.

**Com. Raiji:** Thank you very much. Those are your views and we respect them. The next person is Daniel Mukimi. Okay, Munyere Samson. - from Munyere Samson tutakuwa na Festus Maina. Be brief we have many persons.

**Munyere Samson:** Thank you Mr Chairman, I have my observation that I would like to be addressed positively in the Constitution that we are making.

One of them is job creation. There is no need in a country trying to cry for their children to be educated whereas the educated are still at home and jobless.

Mr. Chairman, this one goes for quality management and we cannot have quality management if we do not actually create jobs for qualified man power. It is my belief that we in Kenya have more qualified people than the illiterate ones who are manning our affairs hence the collapse of the economy in our country.

Mr. Chairman, I would like the Constitution to that effect, to see people employed on merit and not on sectionalism. We have had cases whereby we have quota system especially in secondary intake in our institutions of higher learning. We would like to see a Constitution that will intake of the academically qualified personnel to man our economy.

I heard something on retired manpower, and before I go to the retired manpower Mr. Chairman, I would also like to look at those heroes who died during the fight for our Freedom. Unlike other Countries, in Kenya we have not heard people being

honored - those who fought and died and were buried and their children or the families languishing in the so called villages which were formally concentration camps .

Mr chairman I would not like to see monuments built for the prestige of those who held power whereas they did nothing for the sons and daughters who fought for this country .By this imean that we should set aside a fund to cater for the welfare of the relatives of those who are still living who fought for this country and on the same note Mr. Chairman , I would also like a Constitution that will recognize each and every member of the family. If we can ... those of us who have lost our children at very early tender age, can bury them in honour I do not see the reason why we should not have a Constitution addressing all the interest of the retired manpower who should be used as a consultative forum in matters relating to management of the present government - our government. We are very resourcefull able people they should have their own forum whereby they will be considered as adjudicators in most of the issues that they are qualified in .

Mr, Chairman , this country is an agricultural country and our G.D.P part of it eighty percent will come from the farmers. It is my opinion that in all the elective posts those who are nominated the ones who are nominated - the Councillors who are nominated should be Councillors , Mps, who will address the issues of our agricultural management , and who will actually improve the agricultural sector so that we can have proper marketing of the product and that we actually produce .I do not want to go back to what has been mentioned , we know we have Coffee sector, and milk which are rotting but nobody , we don't have a forum to address this issues at higher levels so I should like to add that one.

Mr, Chairman Sir, on Civic Education; this one should not only be set aside when we are having the collation of the facts from members so that we can write a Constitution.It is my believe that it should be a continuous process. This one we majority of us here, are God fearing people and after every seven days we go to the church or Mosque, so why don't have our Constitution being hammerd to the people, to our youngsters so as to be able to give facts and figures as required of us by being well equipped.

Mr. Chairman, on the side of our administration. There has been a duplication of work . Sometimes the work being done by a Councillor is also being done by a Chief or an Assistant ChiefsThere is need of duplication of work; we should either have a Councilor elected to man the work or we should have a Chief elected to man the work, I don't see the sense of having the two.We should have the Councillor undertaking that work because he or she will be a Councillor for the people. Thank you.I am just trying to wind up.

The last one Mr.Chairman Sir is on proper planning of our country affairs. I would like to see an area whereby we have our priorities that are taken by any government so as to allviate the poverty in our country. Being an agricultural country,I would like some sectors that we call essential services and water being one, if we could irrigate all the land that we have in our republic we would not be going to the Donors.

Mr. Chairman with those few remarks I thank you very much. Thank you.

**Com.Raiji:** Okay asante

**Speaker:** Thank you very much

**Com.Raiji:** The next one is Festus Maina..

**Festus Maina:** Thank you Chairman. I want to present my memorandum to this Commission today.

First is on Electoral Commission: To give it necessary independence the Chairperson and the Electoral Commission should be appointed by Parliament and not by the president.

This will make the Commission accountable to the general public and not just one individual, the one who gave the Commission their job. It is only through this that the Commissioner will be made to do his work without fear or favour.

Recruitment of Police and Army: To ensure that no single area is favoured in recruitment security forces. It is necessary to take a given number of recruits from each and every Location or District every year. This will create an environment with a fair distribution of jobs in forces. It will also help people to unite as a nation and relate to each other with a common goal Peace, Stability and Progress.

Specific interest group: There should be seats reserved at various levels of the Electoral system especially at Parliamentary and Civic level. These interest groups should include blind the deaf and the dumb and any other group of physical handicaps.

Members of Parliament: Ones elected the Member of Parliament enters into an agreement with people who elected them. This being a social a partial contract in which leader agrees to act for and on behalf of the people, should make it mandatory for MPs to visit the respective constituency at least one's in every week. This will enable the honourable Members, among other things to brief the electorate on the deliberations in parliament and in a language the constituents better understand.

Corruption: Special arrangement maybe needed in case of corruption to force the person concerned to explain their source of wealth.

Land issue: All idle land owned by individuals should be taken by the government and allocated to landless people. As an independent country we should not have squatters where some people own chunks of land lying idle. Thank you Mr. Chairman

**Com. Raiji:** Thank you very much, I will mention the next person on the line: that is Wilson Maina after Wilson Maina we shall have a gentleman--- you are the one? Yeah you will be next (inaudible)

**Wilson Minai:** Thank you Commissioners my names are Wilson Minai not Maina and I am presenting a memorandum from Katarakwa Catholic Parish, Arch-Diocese of Nyeri...

**Com.Raiji:**.....But even you can ...just summarise in five minutes.

**Minai :** That is what I will do Sir.

**Com Raiji:** ...Thank you.

**Minai:** Preamble : The preamble of our new Constitution must reflect the following ideals that should capture the spirit of the whole Constitution.

Must recognize God as the Supreme law giver and commit the entire Constitution to God.

Must state that the Constitution is established by the people of Kenya on the basis that they are the sole determinants on the destiny of their own country. Directive principles of the state policy: We need the following directive principles that will guide particularly those in leadership in articulating the aspirations and values of Kenya. Life is God given sacred and should be treated as such. It is inherited and invaluable right to every human being no one has the right whatsoever to take away the life of another person.

All people are equal in the eyes of Law regardless of our colour race, sex , religion, position in society or ethnic background. Good traditional and cultural values can guide life provided they do not harm any in sector of the society. Justice should at all times be our shield and defender enshrined in our National Anthem. The family is the natural and basic unit of the society and shall be protected and upheld by the society and the state. State shall have special regard for the disadvantage groups and communities in the Kenyan society like disabled, elderly , orphans, the sick, women and youth.

Constitutional Supremacy: Parliament should amend only some parts of the Constitution with a seventy five percent majority as opposed to the current one of sixty five percent . Parliament powers to amend the Constitution to be limited particularly in the following area: citizenship , Land and property right, Presidential powers ,Human Rights.Citizens must be involved through referendum while making major amendments to the Constitution.. The referendum should be conducted by the Constitution Commission which will be established by the Constitution.

Structures and Systems of government should adopt a central system of cabinet provinces should be made into (inaudible) under the leadership of elected governor. Each state will have a parliament which is responsible for local registration. However, our National parliament should (inaudible) over a state parliament. We will require to have a prime Minister and a President The two will be elective positions.

Legislature: Parliament should vote for the following appointment : Attorney General , Chief justice, Auditor and Controllor General, Head of Civil Service ,Members of Electral Commission, Military Heads, Heads of Central Bank, All Cabinet Ministers. Creteria for vetting all these appointment must be written down. Parliament should have unlimited powers to control it's own procedures through standing orders, it should not be subjected to the dissolution or prorogation by the President. We should adopt to two chamber parliament with the upper- house senate and the lower house of representatives as before.

Judiciary: Besides the current Judiciary structure, the Constitution should recognize Alternative Dispute Resolution.(ADR) eg Village Council Elders. The Judiciary should be Constitutionally established and be free from the influence of the executive. The Attorney General should no be a member of the Executive. The chief Justice should be vetted by parliament with the security of tenure and can only be removed on bad conducts or misbehaviour. Kenya senior officials should be appointed by Parliament with the advice of the Chief justice they should also have security of tenure.

Electoral Causes: Election of Commission Chairman should be vetted by Parliament and all Commissioners should be accorded security of tenure. Commissioners should be people with integrity qualified and competent in the job. The work of the Commission should be to supervise elections and to review the boundaries of the Constituencies using the population criteria:this is to ensure the electoral right of one man one vote power. After votting has been done vote counting should be on the spot under the supervision of the party agents and the other interested parties.

The Constitution must strive of wining of elections through a simple majority , all those seeking elective positions must win with sixty five percent of the total votes cast. The election date must be publicly known to avoid it being used as a secret weapon to win elections. Presidential election should be done directly.

Basic Rights: The Constitution must clearly define the freedom of worship in terms of which God to worship. It must be that which does not disturb other people. The Constitution must guarantee:

- 1) A Right to free education for all.
- 2) A Right to medical service
- 3) A Right to basic right of food , shelter and clothing
- 4) A Right to employment and decent life.

Our Constitution must wipe out capital panishment and retain right to life without exception.

Cultural, Ethnic and Regional diversity and Communal right: The diversity of our Kenyan ethnicity must be protected by the Constitution. All Ethnic and Cultural values that reflecting national outlaw should be promoted. The Constitution must ensure that we all strive to promote a national language which should be Kiswahili. The Constitution must facilitate love and pride of Kenya by all Kenyans. Thank you Commissioners.

**Com. Raiji:** Thank you for keeping your five minutes. Thank you very much we shall now have Julius Nyaga, after Julius, we shall have John Macharia, I think we shall now ... (inaudible) karibuni.

**Julius Nyaga:** Mwenye kiti, kwanza ningetoka shukrani kwa kupata wakati huu wa kusema sijapata mahali pengine tangu kuzaliwa kwa kutoa maoni yangu nikiwa katika nchi hii. Ya Kwanza kabisa, ningetaka kuguzia juu ya uwezo wa Rais wa nchi. Niseme ana Mamlaka ambayo yanaweza kudhuru uhuru kama vile kuwa Mkuu wa majeshi. Hiyo sioni kabisa ingefaa kwa sababu wale ambao wanayo mamlaka ya kusimamia kazi ya wanajeshi wanaweza kuwa wazima kama ilivyo katika nchi yetu, na nchi yetu inalindwa ipasavyo- na siyo kwa sababu ati ni Rais analinda; imelindwa kwa amani ya majeshi. Hayo mamlaka nimeyatoa kwa Rais wakati huu.

Mambo ambayo yanasungumzwa kuhusu utawala wa kimkoa, mini naonelea huo ni uoga maana tangu nchi hii ijinyakuliye uhuru na watu wakaanza kuwa kitu kimoja katika nchi mawasiliano mengi yaameanza na biashara nyingi zimeanza na watu wakawa taifa moja - kwa hivyo tukiwa na serikali ya kimkoa, sioni kama itaendelea hivyo uenda nchi ikawa na uadui katika jamii za wa Kenya kwa hivyo utawala wa kimikoa sionelei kuwa ni kitu muhimu.

Juu ya uajiri wa kazi kwa watu-watoto wa watu masikini wataisha wakiwa masikini kwa sababu wale wanaojiri kazi wanaanzia na watu wao; kwa hivyo ikiwa Katiba ya wakati huu itangalia vizuri wale wanaojiri kazi ingafaa wawe wakipigwa ndarubini vile wameajiri watu na hiyo iwe ikijulikana wazi kwa nyanza zote. Vile vile serikali yenyewe ijue kama watu wanaajiriwa kazi iliyotangazwa na kama wameajiriwa ipasavyo.

Juu ya hongo nchi hii imeharibika kabisa maana masikini watazidi na watazidisha uchungu kwa maana wale ambao wanalinda sheria ndio wanazindiza hongo- ikiwa ni Kortini mtu akipeleka kesi yaka kortini na awe hana pesa, hata awe na haki gani, kesi hiyo itadumu hata zaidi ya miaka kumi kabla haijaamuliwa maana anangojewa atowe kitu ili mambo yake yafikiriwe na kesi zake zifikiriwe.

Sioni kwamba ingesemwa ni nani angeweza kulinda ipasavyo sababu wenye kuhifadhi sheria ndio wemeharibu kwanza -nianza na Mwakili na wale wengine ni Police ndio walenzi wa sheria. Hata njiani ukipita sasa wakati huu mambo yamezidi huko-sioni kama wameweka nchi hii ipasavyo. Hongo imeharibu nchi.

Juu ya walemavu - ni wenzangu sasa nataka kusema juu yao. Hawa wakati huu sijui ningesema nini -ningetaka hata kabla mwaka ujao, walemavu wafikiriwe ni watu angao wangeweza kwendeleza mambo yao bila kubebwa kwa mgongo wa mtu. Mambo yao yawekwe mikononi mwao kabisa; maana wale wanasimamia ile inaitwa nini mpango wa pesa za walemavu hawo si walemavu!,,,,,na hali tunao walemavu hata wanao ma-degree. Wangeweza kusimamia mambo yao vizuri- hawawezi kubebwa vile tunaona sasa wakati huu.

Jamii ya wa Kenya ilikusanya pesa nyingi maana wanataka kusaidia watu wao lakini walikuwa wamedanganywa. Vile mimi ninajua Eliud Maluhu-Mwenyekiti kiti wa pesa za walemavu, yeye anapaswa kuwa kama Rais wa nchi hata tukienda nyumbani kwake mambo yote yeye ni tajiri sio Mlemavu. Jeremiah Nyaga mdogo wake ni tajiri wa Kiambu hapasi kuwa katika nyanja hiyo hata kidogo. Nicholas Biwoti huyu ni nani kwa mlemavu? Mnamjuaje wanainchi? Haya mambo yaachwe kabisa yawekwe mikonono mwa walemavu sasa wakati huu walemavu wanaweza kujiendeza. Katika nyanja zote mlemavu anaweza hata kutawala nchi hii, hata awe kipovu hata awe kiziwi sasa mimi nasema hivyo kwasababu tumesha kaa pamoja kitambo kuzungumza nikaona hata kiziwi anaweza kutetea ipasavyo kwa hivyo hawezi kupegwa visivyo-ni juu ya masilahi yao.

Ningetaka niseme wakati huu wataalamu wanafikiri hata kwa mijengo, wajenge mijengo ambayo inawapa watu hawa njia zote za kuona wanafikiriwa (inaudible) ikiwa ni kwa kujenga nyumba za magorofa, ikiwa ni kujenga nyumba kama hii, iwe ikieleweka kuwa huyu mtu akija kuleta taabu zake katika nyumba hiyo anaweza kutembea kila mahali. Ikiwa ni kwa vioo vya kwenda haja wengine wanaumia sana, sababu vile choo imejengwa, imejengewa watu waliyo na uwezo wa kwenda lakini, yeye kwa vile miguu mingine imewekwa chuma, hawezi kufaidika kwa hiyo choo hata akienda haja hapo anaweza taabika sana arudi akiwa hivyo tu wafikirie ipasavyo kwa kila jambo. Na kama vile nilikuwa nikisema hapo mlemavu katika mtaa wao anaweza kuwa sub-chief, anaweza kuwa Chief, anaweza kuwa mtu wa kuongoza kila jambo afikiriwe kama mtu, asifikiriwe kama mnyama wa pori, maana amezaliwa na njia ya watu kwa hivyo walamevu wapasa sasa kukumbukwa na wafikiriwe ipasavyo. Waachiwe mambo yao wapeleke wao.

Uchaguzi wa mwaka huu kabla haujafika ionekane kwamba, Rais ameweka maoni haya sahihi kwanza kimbele; maana inaonekana yeye tangu mambo haya ya hii Commission ianze ni kama kushurutisha- yeye mwenyewe hata amepeana kibali Commission iendeleo mimi nikaangalia gazeti wakati mwingine ni kama kukiuka tu mambo yanavyo semwa kwa hivyo ataweka sahi kimbele ili Katiba ianzia mara tu itakapo maliza kazi hii Commission.

Katiba ya nchi hii ifikirie sana sana juu ya wale ambao walipigania nchi hii. Na ionekana kwamba mambo walikuwa wakidhamilia kuwa imetimizwa wakati huu. Vile mimi ninajua nilikua mtoto lakini nilikuwa nikifanya kazi kama ipasavyo lakini vile walikuwa wakisema ninataka kutasamia lakini sioni kitu, Uhuru ni kabisa tunatawaliwa na watu weusi. Lakini kuna jambo ambalo limebaki; hawakupata haki yao kamili wafikiriwe wakati huu.

Muhula ujao, wale watakao ingia Bungeni wafikirie Mau Mau kama jambo muhimu katika nchi hii. Maana watoto wa mau mau ndio masikini wa mwisho katika nchi hii, na hawaonekani kamwe ati watambuliwe na nani; maana hakuna wakati nilisha sikia kuna mpango wa siku fulani ambayo tutakumbuka waliofariki. Tutawafanyia nini watu wawo waliobaki?. Wakati huu mwenyikiti ndipo nitamalizia ningetaka hilo la Mau Mau na garama walizoenda lifikirwe katika mwongi ujao kabisa.

**Com.Raiji:** Asante sana Bwana Nyaga sasa tutamwita John Macharia.

**John Macharia:** Thank you very much for this opportunity; I'll read the views of Karininu Catholic Parish, in summary form.

**Preamble.** The preamble should also state our common history as people who were colonized for many years and who joined hands to struggle for their freedom. That is, this hard earned freedom that we are out to safe guard with our new Constitution.

Directive principles of the policy; Our national philosophy and guiding principles;The gender equality and protection of rights of the minority elements of a just society.

Children, young people, the elderly and the other vulnerable groups should be protected.

Traditional Customs may guide life in the society provided they do not harm any sector of the society. Of particular importance would be formation of village and Council elders.

Democratic principles: Power belongs to the people and is exercised on their behalf through representatives who are sensitive and accountable on dicisions by the government. All human beings are equally entitled to Civil, political , economical , social-cultural and development Rights. Citizens have the right to associate without any hindrance , the people can at any time withdraw authority delegated to the state and its organs. Without compromising equality the composition of the state organs shall reflect the country's national diversity.

Constitutional supremacy; In the event of amendment this shall be subject to a referendum before they can be enacted by parliament.This will kep Kenyans abreast with any new developments in their Constitution.

Citizenship: All people born in Kenya of parents who are Kenyans are Kenyan citizen. All children born of one Kenyan parent regardless of parents gender are Kenyan citizens,regardless of gender must be entitled to automatic citizenship even when they are Citizensd of their own country.

Structure and system of the government: Kenya should have a President who should be above party politics, should be elected by all Kenyans with a majority vote.While it is important to retain central government , local government should be given lee way to develop their region through presantation of taxes collected in their region.

Legislature: Parliament should vet the appointment of the following:

Ministers and Assistant Ministers to make the ministries professional and accountable.

Court Judges through a Parliamentary judicial committee; the powers of the parliament should be expanded to empower it to

impeach the president in case of grave misconduct. Debate and approval of the government expenditure.

Parliament should have unlimited powers to control its own procedures through standing orders.

On the age of the president, we propose that the minimum age to be 45 and upper limit 70. Constituents must be empowered by the Constitution to recall their MPs if they are not satisfied with his\ her performance. We should retain the concept of nominated MPs however, the criteria should be that no one who lost during the election shall be nominated whatsoever. We recommend that nomination be made from special interest groups like minority, disabled, farmers, unions, Civil societies women and Youth.

The multiparty system should be spread even in executive: this will reinforce the system of checks and balances. It is an anomaly to have a multiparty Parliament which makes law, and single party executive which implements these laws. The President should have the power to veto legislation passed by parliament such legislation is not in the interest of Kenya as a nation.

Executive: Constitution should specify qualification for the Presidential candidate. Should be between 45 and 70 of age, of good morals, one who has not been convicted criminal offence and at least a graduate. The Person should be above party politics, should not belong to any political party and should not be a Member of Parliament. He should be neutral. It is difficult to distinguish when the President is representing the interest of Kenyans and the interests of constituents.

Judiciary: The new Constitution should establish a constitutional court. The Constitution should ensure that citizens have a right to legal aid; there should be a judicial review of law made by the Legislature. This is to make sure that before any law is put into practice, it is well through that will not contradict (Inaudible-end of tape)

Local Government: They are to be elected by people. Like Presidential and Parliamentary position Local Authority candidates should all have moral and ethical qualification.

Election system and policy: On the election of the national President the Constitution must state that he\she must be elected by the majority. While why we should retain the rule of 25% requirement in five out of eight provinces for the purpose of the national outlook the winning candidate must garner at least 51 percent of the total vote cast in the whole country. Therefore we will recommend that every polling station becomes a counting station and announcement of the outcome is done there, this will minimize the chances of rigging during transportation of ballot boxes the one central counting station. On a free and fair informed election, the Constitution must provide for a very independent Electoral Commission. We propose that the electoral Commission should be constituted by political parties on their strength (inaudible). The presidential from other (inaudible) all judges should be of the (inaudible) and the president and their appointment (inaudible)

Rights of the vulnerable groups: All state organs shall regard the pro safeguard the promotion and protection of Human Rights as their primary responsibility. Family is a natural and basic need of the society and shall be protected by the society and the state.

All citizens must have a Right to basic education.

Capital punishment should be outlawed in our new Constitution and while Constitution should guarantee freedom of worship, the law should state that only the true God and not satan should be worshipped.

Land and property right: The state government and local authority should have the power to control the use of land by the owner and the occupier. The government should claim big chunks of land that are not put into proper use for economic development. Men and Women should be have equal access to land. On family land ownership, the title should bear the names of the two on it.

Kenyans should have a Constitutional right to own land in any part of the country. Among others Constitution should promote the formation of village and council elders. On this issue, the new Constitution must emphasize and promote unity in diversity it should attempt to minimize ethnic differences as much as possible. It must outline strict measures to deal with anyone who may attempt to promote tribalism for whatever reason.

The Attorney General should not interfere with court cases filled by the controller and Auditor General. The Controller and the Auditor General should be appointed by the President and vetted by the parliament.

Participatory Government: Non-governmental organizations and other organizational groups should have a role in the government this will include: appointment in Commissions, Constitution to address national issue representation by nomination to parliament and appointment in the Electoral Commission.

If the Constitution is made by Kenyans and belongs to them then they should know it and understand it. The Constitution should become part of the school curriculum so that Kenyan grow with the Constitution. The scheme should ensure that the new document of the Constitution is easily accessible to all Kenyans at large. Thank you Commission for giving us the opportunity.

**Com. Raiji:** Thank you very much Bwana Macharia we have now Wangura Irungu to be followed by Isaac Mathenge.  
Wangura Irungu

**Wangura Irungu:** Thank you Bwana Commissioner. Mine are just a few points that maybe have said but (inaudible)

The first one is on joblessness; our country has so many people who are educated and are qualified to go hold offices but

unfortunately there are so many people who have attained their retirement age and are still holding the offices; this one should not be, so let us give the jobs to those deserving them.

On local government –I'll speak on licences ,trade licences should be issued for one whole year. I think currently if you get a trade licence when you open a shop or a business say in September, by January the following year you are expected to pay for another licence. It should not be so, it should end after one full year. On Colleges and Schools or institutions, vacancies should be offered to those who merit. I think we should do away with the quota system .Let the bright child go that national school.

Now when we come to sharing the national cake, there is a tendency of telling the MPs mostly those that come from the opposition areas that “that should be done when funds are available”, this one is very unfair because they are Constituent members of this republic they are citizens. On land title deeds they should be respected and not treated like any other paper. They should not be interfered with from any corner.

On Freedom of press we should not have KBC dominating; we should have other stations open , we have Nation TV, KTN and should be let loose and go throughout the country even other radio stations. Because people usually say that KBC is mainly covering the ruling party's activities.

On Constitution boundary I tend to think that they should be determined by the population not just by the piece of land but the population. When it comes to law wale watu wanaweka sheria the police. I think this idea of shooting to kill should be abolished. Why don't we arrest that person, to kill is too excessive. On land ownership I think that we should have a ceiling depending on the productivity of the area there should be a ceiling . If one is a poor manager of a certain parastatal and it has collapsed let that person not be taken to another one to go and head because obviously because he will mis-manage it, so he should go home.

On elections, I think we should have the winner having attained over fifty percent. So if we have maybe number one and two with less than fifty we should take them back to the box that is, the simple majority should not be encouraged. On law, I think it should be observed by all; that there should not be law for the small people and for the big people; for example we have petty thefts and these people are jailed or punished heavily whereas people who will steal billions of money in this country are jailed for a few days and then they are set free.

We should have legal rights provided by the state. Kuna watu ambao hawawezi kumuajiri wakili wakiwa na kesi. The state should provide one. The party in power should not take the opposition as an enemy. Neither should the opposition take the party in power as an enemy. Because we should understand that when you are in power , tomorrow you will be in the opposition .I will not be optimistic or pessimistic about coming elections ;but it is possible to find that KANU will be in the opposition. It will not be nulling for ever. So whoever comes to power let him not see the other side as an enemy.

The electorate should be educated on the role of the elected that is, most people don't know what they are electing the MPs to go and do for them neither the Councillors. We just elect and when they go they will come back even in the following election, you don't have questions to ask him "what did you do that we have sent you to do?". Actually you should have Civic education. (Questions from the Com inaudible)

**Com. Swazuri:** Who are unemployed and then they will come to be employed if you follow the same principles then we shall be seeking everybody; or do you have a maximum amount of time when you want somebody to work and leave for others?

**Mr. Irungu:** We are trying to discourage each

**Com. Swazuri:** And that's what they do they go there maybe a few who are not more than a thousand who are still there after sixty.

**Mr. Irungu:** There are a quite a number of (inaudible) who are working who should have retired.

**Com Swazuri:** But they are not more a thousand in the whole country. The policy of the retirement is there. Are you saying in order to get more people to be employed we lower the retirement age? Because I am afraid sacking everybody who is working to give room to people who are waiting there; which means we should also sack them to give room for others.

**Com Rajji :** Thank you very much, the next one is Isaac Mathenge then Joseph Mutai. So you will five minutes. Isaac Mathenge ni wewe?- karibu...

**Isaac Mathenge:** Asante Commissioners for giving me this opportunity. Sasa maoni yangu si mengi, lakini nitasema sasa, I would like the new Constitution which is going to be written the government to look at the infrastructure eg the roads. Kwa sababu wale watu mnatoa kodi huko nyumbani farmers and Kenya is a farming country njia zao huko ni mbaya sana. So we need the government to look in a way to write a paper in a way that instead of those people (inaudible), the roads to be all weather roads. Kuwa wawe wanaweka maramu ndiyo watu wanatoa kidogo-they approach it from the local area.

Ile ingine ni about education: Inaonekana siku hizi wale tu wanapesa ndio wanaeducate watoto wao na bila masomo Kenya haiwezi kuendelea. In future we see that we shall have more people without education because of high school fees. So ile Katiba inandikwa iangalie mambo ya masomo iwe almost free if not free total free is still hakuna bei kubwa.

Ile ingine ya tatu ni ya employment: The government should look for ways of creation of jobs because naona watoto wanasoma

wanaenda course hakuna kuandikwa na so they should create jobs for those who are being educated. And the job should be distribution freely hakuna kitu kidogo. Wakati watu wanaandikwa siku hizi ndiyo inaendeleo; lakini hapo zamani tulikuwa tunasikia mtu alikuwa anandikwa tu namna hiyo ikiwa ni askari you are checked your height , your body structure ukionekana wewe mzuri , ikiwa ni mwalimu ukiwa na qualification, unaandikwa bila masharti kama siku hizi bila kitu kidogo namna hiyo.

Ya mne ni National Resource, kama forest. In Kenya if you go in places many places unaona mazingira inaharibiwa sana na wananchi hata wale watu wako kwa serikali wanaharibu sana forest. Na wakati mwingine ile natural resource ile pesa inaletwa ningependekeza ya kwamba hii pesa, part of that money go back to the local. Because tunaona wengine kama Tourism, pahali kuna wanyama watu wa Tourist wanaona hata ukienda huko watu local are not so much developed.

Ile ingine ni importation of goods. Inaonekana ni vibaya. Hii Katiba inaandikwa iangalie haya mambo . ile kitu inaonekana hapa kwa Kenya, kama maziwa ni mengi. Unaona , they import milk, sasa ile maziwa inatoka hapa kwa Kenya inakosa soko; kama Ngano ni namna hiyo, ninaona watu wana harvest ngano ina. . . . The production of the wheat and even maize is more than when you sell the maize you get little. So hapo importation of goods in Kenya should be done away with.

Ile ingine ni mambo ya DDC: (District Development Committee) Wakati wa watu huko kutoka kwa sub-location na location wanapanga kitu hata wakilete kwa Division and District namna hii, wanapanga lakini hakuna funding hakuna funding kwa ile project. Watu wanatoka huku wanakaa , wanapanga mwaka ingine unaona it takes so long for a project to take over in a particular area. So the government should do something about this so that it can be done in a quicker manner . Na hiyo kidogo Asante sana.

**Com. Raiji:** Asante sana Isaac, sasa tunamuita Bwana Joseph Mutai ambaye atafuatwa na Charles Maina. Joseph Mutai yuko? Ametoka. Bwana Charles Maina karibu.

**Charles Maina :** I have the pleasure to present our views to the Commissioners Sir, as follows: I want to summarise. The laws governing the country should be written in an understandable language e.g. Kiswahili.

The powers of law enforcement officers like police or administration should be waived.

The power of Administration to be limited and also the Chief's Act to be waived.

Freedom of Worship to be limited because the freedom has been abused very much; for example devil worshippers.

When Kenya attained independence in 1963 there were three organs These are;

- To fight poverty
- To fight diseases
- To fight ignorance.

The above have not been fulfilled up to date.

Land allocation, since independence has been poor because it (inaudible) the rich are the ones who are the grabbers regarding the land.,So the poor will never have any land to cultivate because of the grabbing. And the grabbing of land is master minded by the Civil Servants eg the Councils and Ministry of land.

The unfortunate children of those who have not (inaudible) do not have access to education because education is very expensive.The (inaudible) should have (Inaudible) very well . eg to have proper sanitation , clean water , electricity and good health.The existing land should be sub-divided to the villagers . And if such land is not sub-divided, should be utilized for farming instead of staying idle like(inaudible).

Police have too much power; if they arrest someone when walking let's say at 8.00am, when you are charged ,the charge reads that you were arrested at 1.00pm.When colonialists established prisons ,the inmates were kept in good condition eg good food , access to medical facilities , good bedding but today if you are jailed in Kenya prison, it is a death chamber why? because there is no medical care, no enough food , no bedding and too much torture.

The gap between the rich and the poor is widening the reason is that the rich are the ones who are the grabbers. They are ones who are grabbing public utilities eg hospital or villages. Those who fought for freedom for uhuru are the ones who are living in poverty because of poor Governance. Thank you for that.

**Com. Raiji:** Asante sana sana Bwana Charles Maina sasa ni Aloistius n Nderitu yuko?, karibu

**Aloistius N. Nderitu :** The Commissioners, the following are recommendations thought and carefully looked at by our Kieni Divisions retireesafter our services to this nation which is dedicated for love of our mother land.

**Pensioners requirements:** The retirement should be extended from the current age of 55years to 65 years of age. But optional retirement to be 40 years of age. We also request to be made senior citizens in all respects.

**Increament to Retirees:**We request that increament for pensioners be automatic as per government policy outlined in the Constitution in the pensions increase amendment Bill of 1996 that wherever there is a general salary increament to the serving Civil Servants , there will be corresponding increament to the pensioners; payment should be made in time..

**Medical and Travelling allowances:** The pension Act should be amended to increase the medical allowance or free medical allowances orfree medical and subsidised medical consultancy and examination. Travelling allowances should also be considered as with quite a number of other countries in the world including our first colonizers.

**House allowance;** a big number of pensioners now live city slums and other urban areas in our towns. It is our request

that pension Act should be amended to reduce the increasing exodus to the town slums by the pensioners since they cannot afford the uncontrolled ever rising house rents in the city towns and other urban centers. Indeed most pensioner both in town and rural Kenya live below the poverty line. It is our prayer that house allowance be paid to pensioners to minimize poverty.

Widows and widowers and other dependants: The pension Act should be amended to allow the widow enjoy her deceased husband's monthly pension until the death as opposed to the current five years duration. Should the wife happen to be the pensioner and dies before the husband, the widower should be legible to get the her pension until death; But should both of them die and one or both of them were pensioners dependants must be legible to enjoy the pension up to the age of 21 years.

Widows children pension scheme: As you are aware this scheme was started through the Act of parliament; the sole contributor to this fund is the husband who as per requirement of the Act must die before his wife and children are allowed to get money from the scheme on monthly basis. We have now seen cases where the wife dies before the husband and the children attain the age of 21 years while the husband is still a live. It our request that the Act be amended in order to allow the wife and their children to start enjoying the fund immediately the husband retires.

The payment of the proceeds from widow children pension scheme it's intended beneficiary should commensurate with husband's retirement benefits. Therefore the clause stating that the husband must die before the funds are dispatched to the intended beneficiary should be removed from the act.

Appointment and Recruitment: The retired citizens should be given the first priority when the government wants to appoint Commissioners, Chairmen of various parastatal this is because they have got experience and are resourceful. Also when government wants to recruit election officials or Civil educators and so forth.

Check-off system: The pension Act should be amended in order to allow pensioners contribute to their various projects through check-off-system. The pensioners through their association have various projects that we need to fund. Some of these are school fees fund for pensioners children, short Loan scheme, Medical fund, benevolent fund development and charity scheme. There should be efficient and promptness when paying pensioners when proceeding on retirement.

The pension Act, Cap. 189 of the laws of Kenya, be amended so that the government will be required among other things to pay the retirement benefits to the retiring public official and teachers on their last day of work. This will mean that the retired officers will go home with their lumpsum cheque on the date of commencement of the retirement and continue to receive their monthly dues immediately thereafter.

When the government fails to pay the retiring officer his\ her dues in time such a public officer will be deemed to be in employment and will continue to remain in payroll until his or her cheque is ready. He or she will be paid before going home.

Street Children and Orphans: We should request that the case of the street children be strongly addressed to the government. To enact the law to safeguard the street children and to provide funds for the welfare of the street children and orphans. These children be accorded their basic Rights avoiding referring to them as “chokora”. The government to open up rehabilitation school for those children.

Election of political leaders both in Parliament and Local Authority: We request that a law be enacted to conduct elections for Parliament Local authority and Presidency. Some of the points to be included in the Act are Local Authority , and Parliamentary and Presidency. Minimum academic qualification for Local Authority candidates should not be less than form four. Creation of Constituencies; (inaudible) West branch feels that the electoral constituency should be based on population density and not geographical ethnic consideration. We are aware that some Constituencies have about five thousand voters while others have more than hundred thousand plus voters. Going by the figure indicated in the last national census the pattern used by the electoral commission in creation of constituencies is not justifiable. Kieni Constituency needs to be an independent constituency. .

Parliamentary sessions: It has been observed by our retirees that our MPs hardly take their work seriously; this is demonstrated by the poor parliamentary sessions which causes frequent lack of quorum. We feel that there should be a Constitutional Clause to curb this practice of absentism from the parliamentary proceedings; failure to do so, our MPs will continue to exploit the tax payers by drawing huge salaries and allowances which they do not work for.

Devolution of powers: Currently the institution of Presidency has extremely enormous powers . We suggested among other things any appointments made in respect of the appointment of Ministers ,Assistant Minister, Senior public Officers should be ratified by parliament whose authority should be supreme.

Checks and Balances: Its our views that the current Constitution lacks checks and balances.We suggest that the new Constitution put in place checks and balances in order to avoid misuse of national resources and public funds.

Civil Education: It's the observation of Kieni West Kalo members that Civil Education should be a continuous exercise.Thus will make Citizens understand theConstitution it is difficult to government illiterate people or people who do not know their Country's Constitution.

Education and equivalent : Candidates should be of good conduct and of sound mind, his\ her life history must be

investigated before elections. Parliamentary candidates minimum education should be University level, the President retiring age not more than 75 years; he must be a parliamentarian and his economic uprise should be sound. He should hold office for a minimum of two of five years each. Kalo Kieni West Branch feel that electoral Commission should be empowered and be made independent and answerable to people and not Executive.

**Com Raiji:** Thank you very much Bwana Nderitu, for those views or memorandum I just want to remind you that if you are bringing a memorandum please summarise maybe summarise in another page because we don't have time to read all of them. And with that we will take a short break we adjourn for a short lunch break we will come back at 2.30 Thank you. Kwanza kabisa tuna furaha kwamba vice chairperson wetu ambaye ni mama hapa Mrs. Abidha Ali Aroni amekuja na ameungana na sisi. Kwa hivyo tuko watatu. Kwa hivyo tutaendelea pale tuliachia na tumemaliza mpaka... Wa mwisho alikuwa Aloistius Nderitu mwingine atakuwa Mathenge Wanjau kutoka Kenya National Union of Teachers. Bwana Mathenge sheria ni kama asubuhi memorandum ni five minutes na hata kusumngumza ni five minutes ili tupate nafasi zote karibuni.

**(Mathenge Wanjau):** Thank you very much for giving me this opportunity; I have two memoranda but if you allow, the one for from the Presebeterian Church of East Africa Muiga Parish, I'll only present it but present the one from Kenya National Union of Teachers. I did not have a chance of preparing the final draft but when I get, I will prepare and send it to the Commission. I will start.

**Preamble:** It is the view of the Kenya National Union of Teacher that is Kien West Division that the new Constitution should provide for Preamble to spell out the national vision challenges and experiences. Thus vision and challenges may include, the mode of cultivating National Unity, economic stability for all citizen, it should also spell out the mode of fighting corruption and mismanagement of public fund. On the Constitution of supremacy we will believe that this process should be people driven and as such we believe or we propose it should not be amended to suit individual interest. For example (inaudible) in 1974, when this Paul Ngei was not supposed to stand as a member of parliament for a certain constituency, but Njonjo rushed to parliament introduced a Bill where the president on what we call the presidential pardon, Ngei was allowed to vie for that particular seat. So what we are saying it should not be amended to suit individual interest. And as such, we should propose that there should always be a national referendum when any part of the Constitution is being changed.

The other one is that since time immemorial, one thing that we have had is the Constitution; but the problem with us or we the governors is that there is no avenue for enforcement and entrenchment of the provision of the Constitution; and we propose that there should be established a Constitutional office and courts and to see to it that the provision of the Constitution are actually entrenched and enforce in full.

**Citizenship:** We propose that we should allow citizenship by birth and registration but deny citizenship by naturalization. We also propose that the national ID card should not be used as an evidence of citizenship otherwise the police officers are abusing

that by asking someone to produce an ID card in order to prove whether he is a Kenyan or not. Otherwise we would actually like the birth certificate to be used as an evidence of citizenship not the ID.

Defence and National Security: Defence chiefs should be vetted by parliament and there should be an academic or we should impose an academic level for them probably a University degree. We've also seen that most of our Defence personnel are very lazy because there is nothing they are doing for the national for the Nation. Therefore, we propose that they should provide free labour when the country is at peace and train them for two professionals so that they be productive.

- 1) Political party: On political party we still propose that the Constitution should provide for multiparty system and we propose that there should be a minimum of three parties only and these parties should be funded by the ex-chequer and then citizens should be freely allowed to choose to the party to belong to. Merging should be disallowed, like what happened just the other day.
- 2) Office Structure and the system of Government: We have said that the Constitution should cater for a practical unitary government with a reduced presidential authority. He should not enjoy what we call that issue of being above the law. On the legislature, we propose that we should adopt what we call bi- cameral system, which are the upper and the lower Houses. Then we also propose that Parliament should have a fixed calendar where the president has no power over. He should not just say that he would open the parliament on a certain date or this of a thing.
- 3) The president should have no power over the Legislature let it have it's own calendar of events. Then on what we call nomination of members of parliament we propose that there should be set aside seats for professional groups and the vulnerable groups. Let us have a woman in parliament two or three five women in parliament. Let us have a person representing the teachers interest, let us have someone representing the vulnerable groups. Let us have someone representing the interest of other people that is why we said that these nominated seats should be reserved for professional groups and other people.
- 4) We also propose that there should be a Parliamentary Service Commission which enjoys security of Tenure and members of this Parliamentary Service Commission, should be drawn from diverse field to avoid favourism.
- 5) Then the other one is that at times Civil Servants, Teachers and other people maybe in dire need to contest for a parliamentary seat or for a civic seat. We propose that a law should be enacted to allow them contest for this particular seat without actually resigning first.
- 6) Executive: We propose that there should be reduced presidential power and also propose that the president should be impeached by the Parliament for any wrong doing that he may be doing. Appointment should be vetted by parliament probably the upper House that is appointment for Senior Civil Servants. We should also uphold

independence and security of Tenure for top Civil Servant eg PS and Directors. We also propose that we should minimize provincial administration just as my friend said here that there is a lot of duplication of this duty.

- 7) Judiciary: A judicial service commission should vet magistrates and High Court Judges for appointment. Then the names should be forwarded for approval by the upper house
- 8) Local Government: We propose direct election for Mayors and Chairmen of County Council. Then we also propose that people wishing to hold council offices should be literate and holder of atleast .an O 'Level certificates. Then we also propose here that Local Council should be made autonomous. This means that we should remove the hands of the Central government from the Local government.
- 9) On electoral system and process we propose that the Constitution should cater for a continuous registration of voters. And any defection should not be allowed. No by- election incase of a defection. Then on basic right, we propose that all workers should be allowed to form and join freely trade unions of their choice. Then the Constitution should also provide for the social welfare for the aged, women and the unemployed. It is very bad for that youthful person to keeping on loitering in the town without employment and it is not his will it is because of the inability of the government to cater for that.
- 10) We also propose a compulsory and free basic education, and here we also propose that Kenyan being a signatory to the Human Right Charter, then any form torture should be outlawed in the Constitution. Finally almost finally;

Land and property right: We have said here, or we propose that we should impose a land tax on the unused portion of land, the Constitution should also allow people to own land and property anywhere in the country, but to avoid what we call 'Civil wars there'. Then we also propose the establishment of Land Board and Land Tribunals. These are the boards that are actually taking advantage of these old women here when they go to the Land Board they are asked to produce a thousand shillings or two thousand shilling for the D.O and his Land committee to consume. That is very bad. We want an establishment of the same.

Last but not least; sharing of the natural resources should be done according to production and merit. You don't expect a person to sit the whole day . The Controller and the Auditor General to be answerable to the parliament and the parliament should be given the power to appoint and fire the Controller and Auditor General. And the Public Service Commission should be vetted and appointed by the Parliament.

Last but not least, Succession and transfer of power: We propose that the President should not be allowed to choose a successor or influence the citizen on whom to succeed him or her. And we also propose that during presidential election the

sitting Speaker should be in-charge of the country. The president cannot be. He is being elected and at the same time he cannot be incharge of the country. Let the Speaker be incharge of the country.

Last but not least, I would like to say that we have Constituency Constitution forums but we do not know how they established this for my personal concerns only, probably we will see clarification we do not know how they are established, we don't know their function, we don't know whether all these groups are represented and, if that is clarified because we don't even know whether it is existing in Kieni Constituency. But we still believe there is a provision in the Act. We should seek clarification as to-----

**Com.Raiji:** Excuse me, I think the reason which has brought you is to give your views and (Inaudible) but today is not the proper forum.

**Mr. Mathenge:** sorry, then allow me to present the memorandum of Presbyterian Church of East Africa.

**Com Raiji:** Just before you leave, we may need clarification (inaudible) anyone

**Com.Abidi Ali Aroni:** Thank you Mr, Wanjau, I, would be asking you to clarify few things for our record purposes. You mentioned that in the multiparty we should have three parties I would like you to tell us what you think we should do with the existing 48 parties so that we arrive at three parties at the moment, and then I also want you to clarify; you have recommended bi-cameral System, what names would you like us to give the two Houses I know you talked of Upper House which is the other House and how do we arrive at getting the representation in those two Houses?

**Mr.Wanjau:** The first question Madam Commissioner, I would like to say that currently in the current parliament, we have those parties that have majority of the members of parliament , we have KANU, we have Democratic party , and probably the other parties that have the next number of majority in parliament . The others are dissolved by the Constitution and then we would be having three parties and they shall be left within the country.

**Com. Abida Ali-Aroni:** So you are proposing (inaudible)

**Mr.Wanjau;** That is the thing. On other question I propose that on the legislature, we adopt the bi-cameral; system, we said we should have the upper House that is the house of the Senate and the House of the representative. I believe we can have district representatives in the lower House and then in the upper House we have the Senators.

**Com. Raiji:** Question on. I don't know if I heard you right you say that there should be no by election incase of a defection. What happens to those people we leave them without a representative, what do we do?

**Mr.Wanjau:** Yes;I think I made a mistake here, I said no by election incase of defection; what we actually meant by this is that, that person was has defected should not allowed to recontest over that seat again. That’s what I meant by that. There should be a bi- election.

**Com.Raiji:** Thank you also.

**Mr.Wanjau:** Thank you also

**Com.Raiji:** The next person is Joseph Njoroge Mwenyori self help group.

Joseph Njoroge yuko hapa? Okay, Kama Joseph Njoroge hayuko John .W Mundui, John Mundui Ni wewe? Karibu John.

**John Mundui:** Asante Sana Commissioners Kwa kunipa nafasi hii Kwa kutoa maoni yangu, maoni yangu binafsi. Nina maoni yangu, ninaandika, Mimi niliyeandika maoni haya ningependa ile inayoifwa.Ndegwa Commission ifutiliwe mbali Kwa vile ndio kiini cha ufisadi, Na kama vile wajua ina waruhusu wafanya kazi wa umma kufanya biashara, hiyo ni ya kwanza.

Pili ni ile sheria iliyokuwa ikapatia wakulima wa nafaka kama vile Ngano , Maindi yao (Inaudible) Irudishwe ili iwezeshe Kenya kujitosheleza kwa chakula.

Tatu: Ni kuifanya elimu ya mzingi kuwa ya lazima na kuwa ya bure bila kulipawa na wazazi.

Nne: Leseni ya pombe ya sehemu za mashambani ziwe zikipitiswa na wazee wa huko, ili waweze kusema na mabar mangapi wangependa na ni aina gani ya pombe wangependa iuzwe huko kwao. Kwa vile pombe imewaharibu vijana wengi wa mashambani na pombe isiyoruhusiwa. Ni mimi wako John Wanjohi Mundui.

**Com Raiji :** Ngoja kidogo mzee , tuoene kama kuna maswali. Okay asante sana kwa maoni hayo. The next is Nderitu Kanja.

**Nderitu Kanja:** Asante sana mwenye kiti wa Kikao hiki cha Commision Review; yangu ningetaka kama vile tunasema nikurebisha katiba, yangu ya kwanza ningeonona kile kitu kinafaa kufukiriwa kabisa ni madaraka ya Rais. Maana madaraka ya Rais, ndio kiini ya mambo yote kuarabika, sababu yeyote anapatiwa madaraka anafanya kuwa above the law. Ningetaka Rais ambaye angekuja ama yule tunataka awe asiwe amepewa madaraka kupita juu ya sheria- yaani sheria iwe, akikosa hata naye anaweza kuulizwa ama kushtakiwa. Kwa hivyo asiwe akifaya chochote anachotaka.

Pili , kiini cha kuharibu kuaribu wale wanapewa madaraka, wanatumia kile kitu kinaitwa “above” yaani maneno imetoka juu. Imetoka higher authority. Hiyo kitu kinaitwa “higher authority” inaonekana hiyo maneno wanasama ni kama imetoka kwa Rais. Imeharibu kila kitu na imekuwa ni makosa kubwa kwa sababu imeharibu sector zote za kilimo kama vile K.F.A iliharibiwa na watu wa ku-appoint. Wakuwa appointed wanaenda huko na ukiuliza wanasema wamepatiwa madaraka kutoka higher authority. Hiyo imeharibu na ndio kiini cha kuharibu industry zote za Kenya kwa sababu yule anakuja anapelekwa mtu

hata hana ujuzi na akienda huko uwezi kuliza ati , certificate ni nini nini- uwezi kwa sababu yeye yuko katika juu ya (inaudible) ambayo ni higher authority.

Lingine ni mambo ya ukulima. Imekuwa ni kawaida kubwa sana watu wakifanya mambo ya kusimamia kama vile kahawa, sheria zile zilikuwa zamani zilifutuliwa mbali. Zilifutuliwa mbali na Commissioner aliyekuwa huko anaitwa- huyo alikuwa anaitwa Billgen. Billgen aliharibu sheria zote za co-operative- yule alikuwa anasimamia. Kwa hivi, mambo ya co-operative ya akavunja na akaweka ingine akabadilisha kwa hivyo watu wangukuja na wafamie tu viwanda wakisema “sawa hiyo ni mali yao”- wanaende huko wanakaa huko wanachukuwa kila kitu wanharibu kunakuja wanasema mulikuwa munauza vitu hapa tutakwanda kuuza hapa\_ bila kufuata utaratibu.

Kwa hii sheria za co-operative sionekane kama ni kitu ambacho inaweza kusimamiwa vizuri ndio vitu wasije watu kuharibu na wasiwe appointed kuja huko. Kama vile mfano kidogo, hapa kwetu Nyeri ni mahali kidogo, lakini hapa juzi kulikuwa inaonekana watu wamekuja wanasema management imekuwa hatutaki kuuza kahawa yetu kwa KPCU, wengine wanataka wakuje wanasema tumesimamia hapa tutakwenda kuuza Thika- na wafuati utaritabu ule unafaa kwa watu kusema mambo imeharibika tukae chini tuwachaguwe watu wafanye hili jambo. Wanakuja tu na mikuki na bendera nyekundu, na bado hiyo professional- yaani watu wa administration wanaangalia tu na hawezi kuuliza “na huko tunaona katika (inaudible)” na hao watu hawafamiii huko. Unaona kama ni administration walitaka hiyo kitu iharibike kwa sababu hawaulizi. Na police wakiulizwa wanasema “wacha wauane\_ mali si ni yao.” Inaonekana kama sheria co-operative hazitasimamiwahizi Sheria tunatengeneza sitakuja kuharibiwa kwa siku moja. Kazi ya miaka kumi inaharibiwa kwa siku moja. Hiyo ni mambo kama hayo.

Upande nayo wa co-operative- nataka kuwambia habari ya uchaguzi wa co-operative. Hii Commissioner ya Billigen iliharibu kila kitu kwa sababu, unaona alitengeneza group ilikuwa inasimamiwa na watu watatu quarterly- wanatolewa watu watatu wanarudisha watatu. Wale wako huko bado ndio wana- recruit hawa. Wanakaa miaka na miaka na miaka wakirecruit- yaani wanatoa hizo pesa za co-operative wanakuja kurecruite hawa wengine. Sasa inaonekana kuwa mali ya co-operative haitaendelea mbele; mtu anaishi huku tunauliza kama sheria za co-operative zingewekwa katika Katiba mpya, watu wasiwe wakikaa huko zaidi ya mara pili kuchaguliwa mara pili- kuchaguliwa mara pili. Akichaguliwa mara pili ana-step down wengine wanaingia- ndio wakija wasifanye mtu kuhonga watu wengine anachukuwa Chama anahonga anakaa huko miaka thelathini-forty na hakuna kitu anaongea mpya, - sababu ile kundi ndogo alikuja akasonye ndio wanamchaguwa; kwa hivyo anakaa hakuna kitu anaongeza, amezeeka huko wengine hawana macho, wengine hawaoni na bado ni mtu wa co-operative. Nyinyi watu kama hawa lazima kuonekane mtu asiye na macho, hajui kusoma- asiwe mtu wakuchaguliwa kuenda kuongoza vyama vya ushirika. Ni hayo tu Bwana Commissinor asante sana.

**Com. Abida Ali Aroni** Mzee Nderitu umependekeza kwamba ungetaka hii tabia ya kusema from higher authority iondeka, ungetaka kupendekeza njia gani ambayo itaondoa mambo kama haya?

**Mzee Nderitu:** Ningetaka hii njia ifanyiwe kwa- yaani Bunge itengenezee ama kuwa na Commission ile ina-appoint watu na hiyo Commision itakuwa ndio answerable. Kama ulikuwa mtu appointed, kuna mahali ambako unakuwa appointed, unakuwa

approved kwa sababu ulikuwa na qualification za kutosha kwenda kufanya ile kazi. Nataka kuhimiza unapeleka kama vile tu unapeleka vitu vyako hapo kuweza kwende huko; lakini siyo kusema ati ulifanywa kutoka higher authority na ukapelekwa- na hatujui higher authorities ndio office gani uwezi kwenda huko. Hii ndio (inaudible)

**Com. Raiji.** Asante sana. Thank you, sasa tuko na Bwana James nafikiri ni Bolio Bilio, Buuri. Karibu James. After James tutakuwa na James mwingine anaitwa James Kinyua, kwa hivyo uwe tayari .

**James Buuri:** Thank you very much- Thank you very much Mr chairman and the Commissioners, I have got only my views which I am presenting to you and one of them is Presidency. I support the government lead by the President who should serve for only two terms or five years each . He should be elected by a minimum of 51 % of the total votes cast. The president should be subject to impeachment incase of gross misuse of the office.

Point number two, the Vice president: The Vice president should be elected by people other than being appointed as the case is today . The reason being that when appointed, he serves the interest of the appointing authority and not the nation; therefore, he should be elected and then should be answerable to the people who elected him but not being appointed.

Number three the referendum. On matters of great national importance, eg education- and incase like the 1980,1988 when we had mlolongo voting, people were not asked. It is my view that people of Kenya should be asked to give their views through a referendum whenever we have got the issues of great national importance the national importance issue so then people should be asked relating their views .Thank you very much.

**Com. Abida Ali.** Mr Buuri you have said we should have the president impeached incase of gross misconduct; I think it would be good for us to know what you define as “gross misconduct”- because we would have to define that in the Constitution.

**Mr. Buuri:** For instance now, if the president misuses the reasources of a country- , for instance now he above the law,- nobody could ask him. But if he falls in a bit of misconduct, we try to do something. For instance if Resteds- if we ask..... for instance Mr.Clinton sometimes was impeached- he was about to be impeached because of that lady he was said to be going with. So the President might probably now have to do something which is wrong\_ which does not please the public so he has to be impeached.

**Com. Raiji:** Okay ahsante sana James, ...James Kinyua... the next... Kinyua James Kinyua... Hayuko? Peter Maina Kibuka... karibu.

**Peter Maina Kibuka:** Thank you very much Commissioners for allowing me to air my personal views, in relation to the Constitution. Personally, I feel , on the issue- particularly on the police force here, we should at least have a change in the training. The training of the police should be extended from that of six months to may be three years. I think that will allow them

to learn much more about the people, may be the psychology of the people, other than only the six months which they are given only to train as 'Toa Fujo Uone.' That one I think should be done away with.

On the nomination, I think of those people who hold higher offices, say the Chief Justice, Attorney general, Judges of –say- court of appeal. It would be my personal feeling that the nomination should not be done by the president. I think the Constitution should put it, that a body should be established, which would enlighten and approve these nominations.

On the transition of power, -say, from one president to the other,- this is my personal appeal to the commissioners that, I have the feeling that we should have a neutral body, preferably which will oversee the elections of the president. And this neutral body should comprise of Judges. Before the president takes over, he should first cease to exercise the presidential powers, and then that particular area which will be left, should be given to the Judges, who would oversee the election of the next president.

The election of the president should not be based on the minority rule, but it should be based on the majority. That is over 51%- and I think this one would give him better number over the others. The retiring President also, should cease to be the Head of State as soon as the election results are announced. And after he retires, it is also an appeal, that he should be given a scaled down security for the rest of his life.

Also there is this idea of young generation. The young generation, to my own feeling, these people embody their own spirit of independence, and free will. And be it, as they are, they are not necessarily less wise as they are taken, they are always wiser but only different from the older generation. But all I think is even those people who are illiterate, I think can tell and choose a good leader other than being manipulated by those in authority. I take a case of,- maybe if we have a mason and is asked to choose a leader or Masons asked to choose their own leader it is most and unlikely for them to choose a cook to lead them. They would only choose..... So I hope, in this case I mean, young people shouldn't be used as stepping stones to election.

Education, I think, should be made compulsory for all- not necessary those who are young- even those who are not educated,- say adults, and have access to education.

There is also this issue of marriage; I don't know what I will put here I think it could be my personal appeal that registration of marriage is only done in churches and maybe the DCs office. It is important that all those who are marrying now and then should be legalized immediately they marry and this will curtail the idea of having so many illegitimate kids born out of broken families. I hope this one- I mean that immediately one marries that one should be registered either with the assistant chief or a Chief to have a record of the homes that we have,- and by this I think we shall reduce (inaudible). Thank you very much.

**Com. Abida Ali Aroni:** I would like to seek some clarification from you, I would start with the last on the issue of registration of marriages. Are you referring to the traditional marriages where people go through the traditional rituals, or are you referring to

people who seem to refuse staying together without any of the ceremonies?

**Mr. Kibuku:** I am referring to those kind of contract marriages which are just, come-we- stay.

**Com. Abida Ali Aroni:** Can you propose how the government would actually come to one's house and force you to register because that is something that people do voluntarily- because we must device the method.

**MR. Kibuku:** I think the government has actually deviced the method of registering those who are born out of those homes-I hope the same maybe done to those who are giving those kids.

**Com. Abida Ali Aroni:** Okay there the other question that I would like to Pose you , you have touched on the transition of power and you touched on the security of a President- a retiring president , do you have any proposals on the issue his welfare, eg pension then the other one is about his prosecution after the office have you given thought to that as well?

**Mt. Kibuku:** Well that one I had not put any thought about it. Thank you very much.

**Com. Raiji:** Thank you very much James , the next is John Munyao. John Munyao atafuatwa na Micheal Wachira.

**John Munyao:** Thank you Mr Commissioner for giving me this chance to actually give a few points on the Constitutional Review process.

The first point is that the President should not be above the law, and the life of parliament be determined- there should be a calander for the parliament. The Minister should as well be elected by the parliament and be answerable to the same and the President should not be an MP for that matter.

The Parliamentary Committees should also be given or should be empowered to deal with cases they find necessary to be prosecuted.

Another point is that Provincial Administration should be elected- that is should be elected by the voters in the provincial areas that actually they are going to govern . Again, provincial registration should be empowered and be strengthened and for that matter, the revenue collection should be retained- atleast part of it , to maintain the revenue sources-that is where the revenue has come from such as in farming , infrastructure through the D.D.C .The constitution should also adopt a land policy whereby land demacation should not exceed a certain level- like maybe two acres whereby the current state is that we demacate the land until we come to a situation whereby even rearing a hen is actually imposible. Thereby the government through the Local Authorities, should also device housing system for those affected and Political boundary in the same issue, should be determined by the parliament through the population method.

Another point is the development plan and programme for all the development projects should be prepared by the provincial administration and be presented to parliament for approval and financing.

Clean water and electricity, and infrastructure and financing, should be given a priority in development projects. The government should also enact a law to control the management of the co-operatives to protect the farmers. The NHIF, that is the national hospital insurance fund contribution should be made directly to a specific hospital insurance fund, that is to ensure a full compensation or comprehensive expenses cover in hospitals.

Last but not the least, the maximum absences of an MP should be reduced from the current eight sittings to six. And the deadline should as well be full day and not the mere technical appearance that we've been witnessing. Thank you Commissioners.

**Com.Raiji:** I said after John ni Micheal Wachira, after Micheal tutakuwa na Graham Kinyua.

**Solomon Maina :** Nitasimama juu ya Micheal Wachira ni (inaudible) juu yangu sasa ninawakilisha Solomon Maina.

**Com. Raiji:** Unasema unasimama kwa nini?

**Solomon Maina:** Nimesimama juu ya Micheal Wachira,- wakati tulikuwa hapa aliparticipate mahali yangu.

**Com.Raiji.** Akachange ?

**Solomon Maina:** Eh.

**Com. Raiji:** Okay.

**Solomon Maina:** Yaah. So Mimi ni Solomon Maina. Kwanzia nitaanzia kwa Constitution. Yangu ya kwanza ile ningetaka irekebishwe ni watu wa serikali wakae wakifuta mawazo waliowekelewa- ama ile inaitwa agano ile waliagana wakati walijajiriwa, watimishwe.- , maana kotofanya hivyo ndiyo imelete maharibio yote kwa nchi yote.

Ya pili, watu wa serikali wale wamejiriwa Kwa serikali wawe watu wakamilifu maana hiyo imelete shida sana kwa watu wa mungu na pia kwa taifa. Maana hawo watu wamechaguliwa na serikali wengi wamepuusa na kufinyilia watu wamungu sana nasema kama mchungaji maana nimeona iko sawa.

Ya tatu, ni juu ya ufalme: Juu ya ufalme kulingana na vile imekuwa ya kiwango hata ya maandiko maana mfalme akikosa hakuna mtu anawesa kumuambia hiyo umekosa maan atakitende jambo mbaya hakuna mtu anawesa kumuambia umetenda jambo mbaya maana atamueka kwenye hatari. Ningeweka kwa Katiba mpya, hiyo ibadilishwe, atolewe kwa hayo mamlaka ya kuwa juu ya ufalme, juu ya mawazo yote; awe chini ya mamlaka.

Ya nne, ni wale watu wamechaguliwa kama vyongozi wakushikilia wale tunachagua MPs. Na hiyo ya MPs. ningeona ni vizuri wafae kuwekwa kama Minister maana walichaguliwa na wananchi wakawatetea na sasa hakuma mamlaka wanayo Maminister

wale wameteuliwa na hawajachaguliwa na wananchi ndio wanakalia viti vya kuwafunzilia watu wa Mungu.

Ya tano ni juu ya kazi: Juu ya kazi kunaonekana kuna shida sana juu ya wale wanafanya biashara through taxes. Wamefunziliwa through taxes wakawakelewa Mzingo kubwa Sana. Hii imefanya wengi kuwa bila hata kazi na wengine hawajasoma.

Ya sita ni ile imekaa juu ya Mfalme. Kama vile tumeona wamfalme wakati wa mwanzo wafalme walikuwa wanasikia sauti ya watumishi wa Mungu. Na sasa hiyo imekaa vibaya sana. Ningetoa maoni hayo kwa wote wasikie. Tangu wakati tulisikia **Bomb blast** I am the one who had proved through God maana makanisa tunayo wengine Mungu anaongea juu ya hayo makanisa , na wakati tulijaribu kusaidia ili serikali isaidie watu wa Mungu , tukaona hapo ime.. wametupuusa sana na hakuna kufikiria sisi vile tunasema na ikaleta shida . Sasa hiyo shida ya kifo ya watu mia mbili hamsini na nne tuliona kama ni serikali ilileta hiyo maneno maana tulisema tarehe July 18<sup>th</sup> ilikuwa karibu mwezi mzima kabla ya hayo maneno kutimika. Sasa ningetaka hii Constitution ifikirie maana Mungu anaweza kutumia kila mmoja na apeleke juu ya kusaidia wengine maana nchi yetu ni nchi ya watu wanapatiwa uhuru wa kuabudu .

Ya saba ni kwa wale tumesema society: Society ni vikundi. Hizo vikundi vile vinaruhusiwa kwa nchi yetu, nimeona vingine havijafaa kuwa kwa nchi yetu maana watu wengine walichaguliwa na wakaongoza wengine hata kutoa vurugu ya kuua wengine . Kwa hivyo ningetaka hii Constitution iangalie na itoe mawazo kupitia hawa. Hizo vikundi vinatumiwa na hawa watu na kuajiri wengine wanalete mauaji kwa wengine, ifutuliwe mbali kwa registration ya kuajiriwa kama society.

Ya nane ; ya nane naye ni juu ya kupitia kitu tunasema misaada. Misaada ile inatolewa kwa watu wa Mungu, tumeona sasa imekuwa ngumu kwa watu wa Mungu wale wako chini kusaidiwa; maana inakujiwa kwa watu wale wako juu wanaweka kwa mfuko yao kwa hivyo mwana nchi yule wa chini hana uwezo wa kufikia kiwango kuchukua ile kitu inatakikana kwa misaada tuseme for example bursary.

Ikiwa bursary inaonekana kama imetolewa kwa wale watu poor , wale hawana nguvu ya kujiezesha kupita kiwango ya kupata mawazo , wengine wanafunzilia sana wanatoa wale wanataka hiyo inakuwa shida sana maana watu wengi wetu hata wengine wamekuwa na elimu kubwa, na wamekosa nafasi ya kuingia kwa mashule; Na hiyo tunaona ni wale vyongozi wanachukua wale wanapenda wanaweka kwa hayo maneno. Ningetaka Constitution ichukue hilo kama wazo iangalie wale wanafaa kama hawana nguvu ama wana nguvu.

Ya tisa ni, kupitia maneno ya makanisa. Nimesikia makanisa sasa, makinasa, ningetaka hii Constitution iangalie maana tuko na makanisa mengi, kwa nchi yetu. Na hiyo makanisa wanasema wanaabudu Mungu. Kwa hivyo hiyo Constitution tunataka kureview ningetaka nyinyi kama wasimamisi wa hiyo Constitution waangalie maneno kama watu hawa wa mungu, wakiwa wanaomba Mungu mmoja wanaweza kushirikiana pamoja juu ya kuomba hata inchi wakiwa kwa ungamano moja.

Ya kumi ni juu ya serikali security: Tumeona imekuwa vigumu sana kwa serikali yetu maana tukiingia hata pahali kunatakina usalama, ukiwambia wanangalia watu wa Mungu waone badala ya kuwasadia. For example, iko siku moja na ni mimi nilienda kureport. Kulikuwa na vita kati ya majambazi, serikali isaidie. Lakini wakati hayo maneno nilireport, hakuna mmoja alisikia hayo maneno: Ilitendeka na ikaleta vifo ya watu wa tatu. Sasa ningetaka hii Constitution iangalie watu wa Mungu maana wale wanakuwa wanasimamia hii serikali yetu, itupatie nafasi zuri ya kusikiliza maneno watu wa Mungu wanatoa maana wengine wanatudharau.

Ya kumi na moja: hiyo ya kumi na moja naye ni juu ya vijana. Kuna shida Sana ya vijana wale tunao wakati huu maana wengine hawajasoma na iko kazi nyingi sana ingepatikana wapatiwe. Sasa wale wamefika kiwango ya kusaidia, serikali ipatie nafasi ya kushikilia hawa watu wasije wakawa waharibu Kwa sababu ya kukosa kazi.

Ya kumi na mbili na ndio ya kumaliza: Hiyo ya kumi na mbili ni kufika kiwango ya ufalme wakati tumesikia sasa iko karibu uchaguzi. Tungetaka hii Constitution iwasaidie watu wa Mungu maana na wakati wenu sasa wa kumaliza na kusaidia kuchukua maoni ya watu wote. Tusije tukasikia ati kunaye Kama Mfalme amechaguliwa Kama vile alichaguliwa mwaka wa 98 tuliona alichaguliwa chini ya kile kiwango ilikuwa imepangwa itumike. Kutafusiriwa kuonekane nini kimefanyika ili watu wa Mungu waonekane kuondolewa hiyo hongo maana tuliona ni hongo ilitendeka ili mfalme awekalewe kiwango tengwe kabla hayo maneno kufananuliwa.

Ya mwisho sasa ni juu ya hongo: Tuondolewe hongo hata kwa Ma-Court. Constitution iondowe hiyo, maana tunaona watu wengine tunakuwa tunashika mwizi na akifika kortini maana ana pesa, anapatiana hongo tunamuona nyumbani. Sasa anaanza kuwaletea wale wengine matusi, na hiyo tungetaka Constitution iangalie hayo maneno juu ya wananchi. Asante Sana.

**Com. Raiji:** Ngonja kidogo

**Com. Abida Ali-Aroni:** Umetuambia wewe ni mchungaji? nataka utusaidie kuelewa mambo fulani ambayo umetaja. Umetuambia kwamba ungetaka wafanyi kazi wa serikali wawe “wakamilifu”, ningetaka utueleze kuwa mkamilifu ni kuwa vipi halafu nikulise swali lingine.

**Solomon Maina:** Kuwa mkamilifu, kama vile mtu ametengwa na amesimamia watu wa mungu, ni kuwa mkamilifu kwa kazi yake yaani tuseme kama umekuta mtu kwa kazi yake, akuone wewe kama binadamu kama wale wengine na achukuwe masilaha yako na shida zako kama wale wengine.

**Com. Abida Ali-Aroni:** Asante. Halafu pia umesungumza Sana kuhusu watu wa Mungu unamaanisha wananchi kwa sababu vile unavyozungumza sasa naona kama kuna wengine wa shetani na wengine wa Mungu? nataka tu nielewe.

**Solomon Maina:** Ndiyo, ile kitu nimesama juu ya hiyo

**Com. Abida Ali- Aroni:** Unamaanisha wanainchi?...

**Solomon Maina:** Nitasema wananchi wote , ninasema wananchi wote kwa jumla

**Com Raiji:** Na haya makanisa, unataka tupunguze numbari yao au ...tu

**Solomon Maina:** Sitaki tupunguze maana tuna nyumba mbali mbali na wengine wanaweza kuwa nyumba mbali mbali.Lakini unafika kiwango kama vile tunajua mbeleni, nchi yetu wakati illikuwa na shida hata kama tusema ni magonjwa , watu wetu walikuwa wanaungana kuomba pamoja, na ningetaka serikali pia itusaidie hawa watu waungane maana shida zingine ni hawa watu wemelete kufinya wengine ili njia ikosekane.

**Com. Raiji:** Sijui sikukuelewa vizuri ni kama mlikuwa mumefafanuliwa na Mungu kwamba kutatokea jambo fulani wakati wa bomblast na unasema ulitangaza lakini..

**Solomon Maina:** Nilitangaza, na nikajaribu kusaidia serikali na tangu hata siku ya leo hakuna mmoja aliniuliza ni nini ulikuwa umeona?. Ama hiyo maneno ilikuwa imetoka namna gani?. For example I am a Pastor na kama ni mchungaji wa kanisa ujue lazima najua yale maneno yanaendelea kwa kanisa kama vile mafundisho ya Mungu inasema lazima kanisa ya Mungu , Roho wa Mungu aongee. Na akiongea kuhusu watu wetu, ni lazima tuendele tuwatangazie halafu hata serikali inijulishe juu ya hiyo. Ikiwa itafanya jambo gani, ama itulize tutafanya jambo gani. Sasa nchi yetu hakuna watu wanashikilia hiyo maneno kama maneno na inarudi kuleta shida.

**Com Raiji:** Okay, Asante, sasa tuko na Graham Kinyua. Atafuatwa na Joseph Gichuki.

**Graham Kinyua :** Asante mwenye kiti ,na ma Commissioners hao wengine . Yangu ni yangu binafasi ni itakuwa machache nafikiri sana.

Kitu ya kwanza ningetaka kuongea juu ya sheria ingine ambayo inahusu mtu ameshitakiwa kwa mauaji murderer. Murder mtu akikufa karibu na kwako labda niseme serikali inakuja inakushika inakupeleka ndani halafu tuseme unaenda kortini unaenda remand. Kuna kitu inaitwa sijui “Committal document” inasemekana inaenda kwa Attorney General. Hivyo hutaendesha hiyo kesi yako kama haijarudi, unakaa huko hata kama ni miaka mitatu, nne. Na labda ulikuwa innocent kwa hiyo kosa unaumia huko ukingojea document itoke kwa Attorney General.Sasa tuseme wewe ulikuwa innocent unaumia sana, yule naye alikuwa ndio aliua upande huu mwingin, anapata nafasi ya kupoteza ushaidi, ushaidi unapotea kwa ule muda unakaa ndio file itoke kwa Attorney General.

File labda itapotea mshaidi anakufa, kitu ilikuwa inahusiana na muuaji inapotea, unarudi kuona siku ya kufanya kesi, anaenda nyumbani ushaidi umekosa na ulipotea wakati “file bado kurudi” kutoka kwa Attorney General .

Sasa neno yangu ilikuwa kama hii “Committal document” inaweza kosa kwenda kwa Attorney General, ielekeswe labda kwa

OCS, kwa murder iwe kosa kama ile ingine. OCS aingalie, akiona kuna ushahidi, aipeleke kortini. Ndio yule mtu hajaua awache kuumia. Korti itamuachilia kama hakuna ushahidi. Kama kuna ushahidi, yule mtu hatapata nafasi ya kupotea ahukumiwe kwa sababu ushahidi uko.

Kwa hivyo ningepuliza hiyo committal documents, iwache kwenda kwa Attorney General, irudi kwa O.C.S, ambako O.C.S. ana kitu kingine atafanya. O.C.S. awache kufanywa kama Inspector tu mwingine wa polisi, awe O.C.S yule ako chini, yule ataitwa officer in charge awe ni mtu kama Chief inspector kuenda juu. Awe na mafunzo ya ki- O.C.S. kusimamia. Tuseme aongezwe training ndio asimamie kituo. Akiongezwa training, awe kama Chief inspector. Hapana OCS ni inspector, wengine wako chini, hawaelewi sana halafu hiyo inaleta matatizo makubwa.

La pili ni upande wa corruption, hongo. Hongo, mimi naona huu ugonjwa unaitwa cancer, nchi hii sasa haiwezi kupona. Hongo katika serikali yetu, naona kama nina toa maoni yangu binafsi, - kama watu wawili wanaonekana wakihongana, hawa watu ningepuliza kama kunaweza kuwa na korti yao, kuwe na korti ya hongo tu. Ambayo hiyo kati itawahukumu kuchapwa kiboko. Mwenye kuhongana, mwenye kuhongwa, ahukumiwe kupigwa. Kama daktari anathibitisha kwamba huyu anaweza kula kiboko, akule kiboko aendelee na kazi, kama jela zimejaa watu. Hiyo mimi naona inaweza kuleta maneno ya hongo irudi chini kidogo.

La tatu ni upande wa Administration. Mimi naona Administration, kutoka Assistant Chief, Chief, D.O, D.C, P.C, wanaweza kuenda nyumbani wengine wafanye kazi. Tuseme kutoka kazi ya Assistant chief na Chief wake, ishikwe na Councillor ambaye tunachagua. Councillor ashike hiyo kazi, analetewa mareport ndio akikosa kufanya hiyo kazi vizuri, miaka tano ikiisha tunatupa tunachukua mwingine. Councillor atakuja kwa OCS yule nilisema ameanda training kubwa aongozi kazi aongezwe mshahara kidogo huyu OCS kwa sababu kazi itakuwa nono kidogo. OCS anapelekewa na Councillor wanaangalia watafanya nini. Askari wale walikuwa wachief waende kwa askari wale wengine refresher wawe askari moja; hapana wengine wanajua kutumia bundiki wengine wanaua hawajui wawe training ni moja na wawe kitu kimoja kama askari. Halafu ile kazi OCS ameletewa na Councilor OCS akishindwa anaenda kwa OCPD yule ambaye anashika kazi ya DC I mean yule yuko District. OCS wanakaa uko , wanakaa na OCPD wake na Mbunge Mbunge bado yuko hapo, Mbunge na Councillor ni kitu moja, wafanyie watu kazi, wanaenda wanaangalia hiyo kazi itakuwa namna gani, hiyo kazi inafanywa na DC au wawe wanaifanya. Kutoka hapo wanaenda kwa mwingine hapo juu naye ni P.P.O, huyo naye anafanya kazi ya PC , P.P.O naye akishindwa anaenda kwa President. Halafu hiyo laini inakuwa nama hiyo. Sina mengine ya kuongoza Bwana Ma Commissioner. Nasema asante sana.

**Com Raiji:** Asante sana kwa maoni haya yako inaonekana imefurahisha wananchi . Kuna Joseph W. kichuki.

**Joseph W. Kichuki:** First is to take this opportunity that you have given me and I will just summarise some few points because some of the points I had, have already been said The preamble should state the history of people who were colonized for many years and joined hands to struggle for the freedom. Our hard earned freedom- we are out to safeguard with our new

Constitution. On national philosophy and guiding principles all the geographical factors of a region are entitled to equal development.

On the Executive, the Constitution should state qualifications for aspiring Presidential candidates. Such as one who is an automatic Kenya citizen, between the age of 45 and 70 years of age. One of good moral, at least a graduate by education. One who has not been convicted for a crime, able to declare his wealth at the time of election and from time to time while in the office.

The presidential tenure should be fixed to two terms of five years each. The president should be above the politics, should not belong to any political party, and thus should not be a Member of Parliament. To play the two roles is difficult to distinguish when the President represents the interest of Kenyans and when he represents the interest of his Constituents. Our Constitution should also strike off Provincial Administration and the Local Government takes over. The two structures are not economical but rather a duplication.

On Local government, Local Authorities are more at basic level of government that make them closer to the people. With this in mind, we recommend that the Mayors be elected directly by the people. The term of office for the Mayors be increased from the current two years to five years term.

On the election system and process: Kenya should continue practicing the legislative electoral process. The simple majority rule that has been used in Kenya since independence, has always seen some people get to power even when minority elect them. To uphold this democratic principal of representation in all the constituencies, the Constitution should state that, any legally elected person should garner at least 51% of all votes passed.

On the election of a national President, the Constitution must state that he/she must be elected by the majority. While we should retain the rule of 25% representation in five out of eight provinces, for the purpose of a national outlook the winning candidate must garner at least 51% of the total votes cast in the whole country.

The Constitution should also retain the current geographical constituency system. But we recommend, the current boundaries be looked into on the basis of geographical factors and particularly in population diversity.

We also recommend that every polling station becomes a counting station and announcement of the outcome is done there. This would minimize the chances of rigging, as has been the case during the transportation of votes to one central counting hall.

The election date should be specified by the Constitution to avoid it being a secret weapon of whatever ruling party it may be. On 'Free Fair and Informed elections,' the Constitution must provide for a very independent Electoral Commission. To do this, we propose that the Electoral Commission should be constituted by the political parties according to their strength. The Commission should also have representatives from other organizations e.g. Civil societies, and mainstream churches.

On matters concerning the land, the government should have the power to compulsorily acquire private land, for purposes of development of social amenities like the roads, hospitals and schools, for the extraction of minerals for the purpose of the country involvement. While this is done, the land owners must be compensated adequately and promptly.

The State Government or Local Authority should have power to control the use of land by the owners or occupiers. The government should reclaim big chunks that are not put into proper use for economic development. The new Constitution should also put a ceiling on land owned by individuals. This should be in response to the fact that the population is ever increasing while land remains static. Also Kenya suffers from a big problem in the land tenure system when one can own as much as possible whether it is put into use or not. It's not appealing that even after close to forty years of Independence down the line, some people in this country are still leaving as squatters and refugees in their country. The Constitution should state on security, that due to the chunks of land lying idle mostly some of them like ranches (inaudible) people have been suffering from the people behaving in manner that suggests that security is not well provided.

**Com Swazuri:** You have said a lot on land but you have not told the ceiling. How much land should we have for everybody maximum?

**Mr. Gichuki:** On the ceiling matter of the land, I propose that the big portion that somebody should have is 30 acres and above that, there should be a revenue to tax those who own all this much land.

**Com Raiji:** Asante sana. we have now in the - please you hand over your memorandum. Mr. Graham Kinyua, did you register there? okay. Thank you, the next person is Francis Gichuki, Yuko?

**Francis Gichuki:** ...Okay, I will say a few points concerning the management and the use of national resources, and in fact they say that to enhance the role of the controller and Auditor General in checking the government's handling of finance, this office should be completely independent and have security of tenure. The one who is in charge should have powers to prosecute all those who misuse the public funds. Again, the Attorney General should not interfere with any court cases filed by the Auditor General or the Financial controller. Therefore, the Controller and the Auditor General should enable the government to give to the public in simple and clear terms, a quarterly report on the money collected and the expenditure from the citizens or from the government.

Again, any public officer accused of corruption, should relinquish or leave office immediately the case is filed on his corruption. The Controller and the Auditor General should be appointed by the ceremonial President, and vetted by the Parliament.

Again, on the side of participatory government. All the non-governmental organizations and any other organized groups like the youth, and also women and others - like the mainstream churches, should be involved also. Like now for example, there should

be encouragement on the formation of the national congress for the youth, may be to present the interests of the youth also. And on the issue of the Constitutionalism, if the Kenyans make up the Constitution, it belongs to them and so it should be known to them and it should be understood. The Constitution must be clear when it is written, plain and straight forward language as opposed to the legal language. The Constitution should state that it must become a part of school curriculum so that Kenyans should go with their Constitution at the process of learning. The Constitution must commit any government in power to continuity over Civic education to its citizens. Thank you.

**Com. Abida Ali-Aroni:** Could we then have Haron Mathew Mundia; Okay the next is Peter Michuki. Peter Michuki.

**Peter Michuki:** Yes. Thank you for giving me this chance to present my views, I will be very brief. I will start with the election.

All winning presidential candidates must get 51% majority of votes as per the register of the voters. In case of no one attaining this mark, a runoff poll should be provided for whereby the first and runners-up will contest to determine the winner. Any contesting candidate in Civic and parliamentary seat must at least get 50% of total votes cast in their respective areas to be declared winners. Nominated MPs and Councillors should be for special groups only that are the disabled, businessmen, human rights, and women e.t.c. The "X" sign for voting should be abolished. And any mark put along the preferred candidate should be acceptable as long as the voter does not mark for two candidates.

Presidential Parliamentary and Civic election should be carried out separately different times of the year or years to enable voters digest manifestos to various parties. During an election that is Presidential elections the Executive the President should vest power with the Speaker of the National Assembly to avoid misuse of state power and machinery during campaign. Also election should be fixed on five years period to avoid last minute preparations that favour the ruling party.

The Electoral Commission should be independent, formed by parliament and enjoy tenure of office. Also counting of votes should be at the polling station.

Registration of voters should be a continuous exercise and mandatory for over eighteen years Kenyan citizens. Registration can be done using your ID card for those who are over eighteen, birth certificates and other documents like the school leaving certificate. And voting exercise should be fixed to run for three consecutive days on the polling station - opening from 6.00AM to 8.00pm. After presidential election, the Chairman of the independent Electoral Commission should declare a winner after receiving 80% of vote results in the country. The Chief justice should swear the Winner within 24 hours of the announcement of the result.

**Citizenship:** It should allow dual citizenship. All Kenyan Citizens should carry the national ID card or birth certificate for identification purposes. On defence and national security all disciplined forces should be established by the Constitution through

parliament. The likes of the “flying squad”, “Alfa Romeo” in the police force should be abolished as per the current Constitution. Senior offices in the defence and national security should also be appointed by the president but must be vetted by 65 % majority of the MPs. Only parliament should declare Emergency in times where applicable and allowed by Constitution that is maybe during wars, famine, natural disasters and public anarchy.

On the legislature all appointments made by the President should be vetted by the majority 65% in parliament. MPs should not determine their salary and services but should be determined by the Parliamentary Service Commission. On the issue of contesting MPs they should declare their wealth and how it was acquired. They should not hold any other office that is parliament should be a full time job. Nominated MPs should be determined by the number of votes a political party gave in a Presidential election. President should have no powers to veto any legislation by parliament, so that the parliament is fully independent.

On the part of media, airwaves should be fully liberalized. The Constitution should guarantee the establishment of the media, that is Newspapers, Radio and T.v stations. Licencing of the media should be by one body established by the Constitution and also for allocation of frequencies e.t.c, so that we don't have the cases whereby like now we have so many TVs and Radio that want to operate but have been denied licence by maybe by the CCK, the Telekom or maybe by the Ministry. One body should do this. The amount payable by the Media arising from the permission should also be fixed to avoid unscrupulous people from benefiting from the media organization. On national symbol- that is the flag, it is to be protected by the Constitution. Nobody should use colour similar to the national flag because it is somehow confusing Kenyans.

National Holidays. Flag should be raised in government or DCs administration offices only not on shops and any other unnecessary places whereby the flags have been misused. You find that some people hang very dirty flags and this should be made a criminal offence to raise a flag which has been tattered or which has no court-of-arms as we have seen in some government offices in the country. And the portrait of the President should not be mandatory in all public places such as schools, shops kiosks others have been hanging on the walls- they should not be put on these places.

On the issue of the currency, the portraits should be removed and we should have natural features eg Mountains, Rivers etc. Thank you very much.

**Com. Abida Ali-Aroni:** Thank you next is Jane Mithomo.

**Jane Mithome:** Thank you Commissioner, mine are from (inaudible) Catholic Women Association, they are as follows very brief: -

The structure and the systems of the Government: - If the President is a man, the Vice President should be a woman.

The President should be married, he or she should be of 35 years and above, and be a graduate.

The President should not belong to any party

Rules of the President:-The President should be overseeing the country but not to be attending local harambees in schools etc.

President should be elected but not nominated and also for the MP's, councilors, Mayors, DO's, DC's etc. Also NGO'S should be elected. Electoral Commission should also, and to be... men and women

The President should be under the law, he or she should not be a Member of the Parliament, should have a running period of two terms.

Citizenship: - We need equality in both man and woman, if a person belongs to Kenya, wether a man or woman, should automatically be a Kenyan citizen. Let's adhere to the law (Inaudible).

Bill of Rights: - We need equality rights in marriage and responsibility, equal access, in land rights, equality in education, equality in accessing health care.Let there be women Bill of rights. We want marriage Bill to be back, which was there back in 1976. We want children rights and that is the affiliation Bill. We also want women to have equality in land and property, that is man and woman to be registered in their land property.

Equal access in job opportunity. Let there be affirmative action, let there be disabled rights, equal access in the community for the deaf that is to have their bill of (Inaudible). In this we want women to be considered as equal but not as property. We need there to be human rights eg prison people are detained as though they are animals but not people. But in other countries people are detained as people but not animals. We also want to wipe out magendo that is "kitu kidogo" from top to the grass root.

Succession and transfer of land: We want special land court to deal with our cases and to have two judges- one man one woman; and to have it in every District. Bill of rights for slum people; equal treatment in laws-for that we want the majority to rule. Education in primary and secondary to be free but for the university to be cost sharing. Wife inheritance should be wiped out - we want strict law in rape cases. Incase our husbands take other girls as their second wife- and when reported they are taken nowhere it's because they are protected that both wife and children are his property. And this is what we have refused to be property. We want people from today henceforth. This is a woman conference and it should be addressed. The government should provide homes for the orphans and children. Women should be considered in decision making .A consitution should creates seat in the parliament for woman by election but not by nomination. We need also equality in the field of economic governance. That is all. Thank you.

**Com.: Abida Ali-Aroni:** Before you go I need some clarifications: You would like to have a provision on human rights and

you would like to have a women Bill of right. To you, the women's rights are not amongst the human right provisions; do you see them as so different?

**Jane Mithome:** At what? Repeat.

**Com Abida Ali-Aroni:** You want to see a provision on human right then you want provisions on women right; now I am asking why are you making the distinction? Are womens right not issues of human right? do you see them as different and feel that we need different provisions?.

**Jane Mithome:** Let all be human rights

**Com. Abida Ali-Aroni:** You want them to be also - you think they are human rights so you don't want a different provision for women right? Is that what you are saying?

**Jane Mithome:** Yes: there should be a human's right and a woman's right different.

**Com. Abida Ali-Aroni:** Okay, Thank you. Another one is, you have said you want us to have affirmative action for which people?

**Jane Mithome:** All

**Com. Abida Ali-Aroni:** Affirmative action for all?

**Jane Mithome:** Yes, but mostly women.

**Com. Abida Ali-Aroni:** And then just a clarification; when you say you want affirmative action for women, in what area?Because I see a contradiction with what you have said that women should have seats in parliament created not on nomination but election-so this affirmative action what is it about, if not election?.

**Jane Mithome:** It is through election

**Com. Abida Ali-Aroni:** So do you want them to be nominated or the seats set aside and then we have elections , and if we are having election,Is it for women to women or what sort of election would you like to see?.

**Jane Mithome:** No I am saying there should be seats in parliament for women if they are not elected.

**Com. Abida Ali-Aroni:** Then another clarification. You have a problem with coating, “our men taking girls and leaving their wife and children”, are you talking of polygamy or what are you saying?

**Jane Mithome:** I am saying they are taking their daughters.

**Com. Abida Ali-Aroni:** So what would you like to see in the Constitution? If that is a problem, are you -----

**Jane Mithome:** To have a law

**Com. Abida Ali-Aroni:** Saying what?

**Jane Mithome:** To have a law against our husband. If one takes his child he should be charged and be jailed.

**Com. Abida Ali-Aroni:** Okay thank you. James Wang’ombe

**James Wang’ombe:** Thank you for this opportunity.

I start with Electoral Commission of Kenya. I would like to see its membership reduced to a maximum of seven and a minimum of five members for it to be strong and not to be said to be under any influence. The Chairperson of the Commission should be nominated by the religious society, two members by civil society and one member by NGOs and these members are to approve by parliament. The rest should be allocated to political parties.

On the issue of political parties, electoral commission of Kenya should register them. These parties should also declare their sources of finance annually and the President should gain 51% to be declared a winner.

Human Rights: Right to vote, every Kenyan who has attained the age of maturity that is eighteen, should be given a chance to vote.

Right to education: Children of Kenya should be offered universal and compulsory free education. Protection against trespass and entry. No assets of a person or his property may be carried out without his consent. The law enforcers should have valid court warrant to search private houses in order to arrest suspect and criminals or recapture prisoners.

Right of access to government information: Every Kenyan has a right to know the findings of Commissions that are appointed by the President. The President should be the Head of State and Commander-in-Chief of the Armed Forces. He should also be able to appoint Ministers who should not be more than seventeen and the ministries should be fifteen. These appointments

have to vetted by the Parliament. The Ministers appointed to the Ministries of Health, Finance and planning and Education should have relevant qualifications in their respective fields.

On the issue of Universities, a clause should be entrenched on the charter that constitute public universities to allow them to be headed by Chancellors who will be involved in the day to day running of the universities.

The functions of Parliament: It should be able to impeach the President in case of any misconduct, be able to make laws and amend the existing ones to keep a “noose” in the expenditure of various Ministries follow information revealed by the Controller and Auditor- General and the corruption authority and take appropriate measures. To vet and confirm any appointment done by the President on Ministers, Commissioner of Police, The Controller and Auditor General and Judges. They should develop and maintain national spirit, to discuss matters raised by members to improve taxation and borrow money.

The parliamentary service Commission be Headed by the Speaker and other eight members, should be resolute when to dissolve and prorogue parliament. In case there is a vacancy in the office of the President due to death, resignation, physical and mental incapacity or invalid election or during campaign ahead of election, the Speaker of National Assembly should be vested with the powers. Thank you.

**Com Swazuri:** You are saying that political parties to be registered by parliament?

**Wangome:** By Electoral Commission.

**Com Swazuri:** By Electoral Commission; how many parties do you want us to have?

**Wangome:** A maximum of 10 parties.

**Com Swazuri:** A maximum of ten.

**Wangome:** But we will request national (Inaudible)

**Com. Abida Ali-Aroni:** Another qualification: You have been able to tell us what you would like to see the Parliament doing but you said you would like them to impeach the President in case of misconduct. Have you given thought to what you will consider misconduct by a President?

**Wangome:** This may be in the case of personal behaviour or any other misuse of Powers.

**Com. Abida Ali-Aroni:** Joseph Mutenderu.

**Joseph Mutenderu:** Thank you Commissioners. First I would like to say Controller and Auditor General should have powers of prosecuting the person or persons who have misused the public money.

The government should distribute its finance to the District by the number of the people within the District but not equally.

The power and duties of the President should be minimized therefore, there should be post Vice President and Prime Ministers and those duties should be distributed to those posts.

Nominated members of parliament should be made up by at least half the number being women. There should be a neutral electoral body and anti-corruption body appointed by the Parliament and answerable to the Parliament.

There should be a free education for Primary school and secondary up to form four and should be compulsory.

And no political party should be financed by public funds.

Civic, Parliamentary and Presidential elections should have permanent calendars for election.

Mayors & county council: Mayors and county Council Chairmen should be voted directly by the electorate. Some revenue, which is collected from national resources, should benefit the local community. Thank you.

**Com. Abida Ali-Aroni:** Now you would like us to limit the powers of the President and have a Vice President and Prime Minister, Have you given thought to what powers we would be giving the Vice President and Prime Minister? You would like us to limit the powers of the President and share them out, what would you like us to share to the two people?

**Mutenderu:** Some in case of powers like, you see the President is the vice-Chancellor of the public universities. So some of those powers should be given to the V.P whereas in other places like the president is the Commander-in-Chief and he is also the same to visit Honourable guest – may be presidents coming in to the country, he is the one to visit in the Air port. These duties should be given to the Prime Minister or the Vice President.

**Com Raiji:** The next one is Michael Waibochi. who will be followed by James Kariuki. Micheal Waibochi hayuko?

**James Kariuki:** The police should be added the period of training to at least three years so that they can stop harassing the people as they will know how handle people well.

In the side of administration: Chief and Assitant Chief should be elected direct from the people.

On the side of Local Government: Mayors and Count Chairmen should be elected by the people. At the same time, the minimum education for Councillors should be at least form four and above, therefore there is no need for language test.

On the side of election: - Presidential election should be held separate dates from that of Civic and Parliamentary, so that people can know how to nominate their presidential candidates. On the issue of land transfer it should be very simple for if the owner or at least the man has passed away and yet his wife and the children would like to divide the shamba and the family are not having any disagreement on the shamba there is need for all that long process to go to the court yet the family has got no money to buy all those document to proceed the case in the court.

Also the Commissioner, those people within the land control Board should be appointed by the people within the area.

On the side of natural resources: That money which is collected from the tourists should be at least 25% of that money be retained within that specific area such that it can help in the education and also in the case of hospital. Also on that side of natural resources the government should protect farmers if the wild animals are destroying their crops. (Inaudible) along distance and yet will not be paid anything.

Judiciary: In case of a person staying in custody for a long time say three or four years, and that person is later found not guilty of the offence, it's my view that the person who brought up the accusation has to pay the accused person when the court finds him not guilty. That's all.

**Com swazuri:** You said Chiefs and Assistant Chiefs should be elected by the people what role will they have, or what will be the difference between their functions and those of an elected councillor?

**Mr. Kariuki:** This is if they will be elected by the people they will at least serve the people better than the way they work now. They will at least deal with administration sector.

**Com:Abida Ali:** Now you would like inheritance and transfer of property to be simplified now you do not see why people should go to court would you think of another place where people can go other than the court so that we can formalize these transactions?.

**Kariuki:** According to my own opinion , I will think (Inaudible) those going to court

**Com. Abida Ali-Aroni:** What do we do to simplify it rather than going to court?.

**Kariuki** : To go to the village members-wazee.

**Com. Abida Ali** : To who ?

**Kariuki**: Wazee wa kijiji

**Com. Abida Ali-Aroni**: Halafu nani ata- formalize nani atatoa makaratasi kuhakikisha haya mambo yamekamilika?

**Kariuki**: The assistant Chief

**Com Raiji** I now take this opportunity to recognize ones again Honourable Doctor Murungaru the MP for this area who was among the very first people to be here this morning before we started, and I promised to given him a chance to air his views. So Mheshimiwa welcome, and you have a miximum of ten minutes.

**Hon. Dr. Murungaru**: Thank you very much Commisioner Raiji., I'am not even sure I will need the full ten minutes. First of all I would like to declare that the few remarks that I will make will be largely in conformity with the document that you received from the National Alliance for Change which is already in the custody of the Review Commission.

First and foremost I would like to- as far as preamble is concerned, I would like to recommend that we are rewriting this Constitution primarily to correct the situation in which Kenya is at the moment which is basically on the verge of collapse, with our people suffering from unprecedented poverty , unemployment , insecurity , pervasive corruption , poor infrastructure and general condition of lawlessness.

The process itself in order to succeed this process that you have undertaken needs to be all- inclusive and all views presented must be taken seriously by the Commission and processed, so that Kenyans can feel they own the process. Regardless of what people want their views should be taken at their face value and processed alongside any other views that are presented so that they are given a chance to be heard, and even we did not agree with them they will know that their views were taken seriously I think that is a very important point.

The process should accord Kenyans the opportunity to create trust and tolarance among each other as they set their collective site on their common goal of creating a prosperous and demoractic nation. The CKRC - that is your Commission must be appropriately funded in order to carry out this task in good time which we hope will be before 31of December 2002. We hope that you will be able to complete the exercise by that time that we should be to hold election which we do not wish to post- pone at all by - you know under the new Constitution.

The new Constitution should also clearly state that the principal objective of the State is to promote the welfare of every individual Kenyan and social groups by providing a sound frame work for good governance and enfranchise it's people and promote the enjoyment of human rights including the right of food, shelter , cleanwater, sound environment , education and health. In addition to those rights, under the Bill of rights, the new Constitution should prominently provide for enjoyment of internationally recognized Human Rights. –Both the classical and mordern ones, which should be include as far as possible -or rather it should be very forceful - the Constitution should be very very clear on that Right to life, so that we avoid the situation we are having Incessant extra- judicial executions in our streets.

Freedom of Education and Association, Freedom of Assembly and the right to gainful employment: The right should also be include the rightsI have said earlier -food shelter, clean water , sound environment , and education and in addition,the right should include right to information and in this regard,I am thinking of the Constitution expressly facilitating removal of restrictions to media operations and the information dissemination. For example we have got many radio stations in Nairobi which broadcast good thing which are heard only by ten percent of the population of this country. The other ninety percent is denied this information because those media operate only in Nairobi-they should be allowed to opearate everywhere. We have got a unique situation in this country, and I suppose globally where women are marginalized and I am proposing that the new Constitution must not contain any clause that could result in the discrimination of women and must accommodate instruments that enshrine and protect women right. They are rights of inheritance, right to own property, right to participate fully in public affairs.It should provide for participation of women in all public affairs and prescribe that at least one -third of all public posts including those of Assistant Chief , Chiefs, DCs all the way to the Cabinet one third of these positions should be held by women.

I have also had a look at Marginal areas and I am not saying that Kieni is a marginal area I am thinking of the areas to the north of this country and (Inaudible) District;-they should be specially catered for in the current Constitution in order to bring them at par with other better endowed parts of Kenya. At the moment, we have got basically two “countries” in one - one nation is developed the other one is backward. We should have affirmartive action for these areas and that action should focus on security (or rather insecurity) education and infrastructure.

With regard to the devolution of powers, rather than a majimbo system as we are understanding it in Kenya today which is regionalism and basically we should have a system that devolves power to Local Authorities which should be financially viable and which should take into account when being created the social -economic, political and cultural circumstances of these regions. The boundaries of these regions should not at all take into consideration the current District boundaries, which have been formed for reasons other than the easy of administration or their economic viability. The Local Authority should be well financed the staffed with well trained and motivated personnel. The Heads of such Authorities should be individuals Impeccable credentials of at least O, Level education and should be elected directly by the people of the area that they lead.

In regard to the Executive some of powers of the President should be devolved to his Deputy the Vice president and a Prime Minister in order to promote the concept of Leadership as opposed to a Leader. At the moment our people suffer from that gross misconception that everything comes from one individual called the “president” as opposed to a team of people who constitute the Leadership of the nation, which is headed, by the president. So we should create a structure of government, which promotes that concept of Leadership as opposed to a Leader.

The Vice President should be a running mate of the President in an election and should enjoy security of tenure as opposed to now where we have got a Vice President who is appointed at a bus stage and we are asked whether that will increase the sufferings of ugali in our houses and also sacked at the stroke of the pen or even as you know one dreams that “I don’t want this man” and he kicks him out. We would like to appoint a Vice president that belongs to us. We would like to own our Vice President and have him enjoy security of tenure.

The Prime Minister should play dual role of the current Head of Civil Service and Leader of Government business in Parliament and should be appointed by the President upon election by Parliament from the party or coalition of parties with majority of seats in the house

The presidential term should be limited to two five years terms and the President should not be represent any constituency. We are saying that in future elections the President should take the whole nation as his constituency and he should not be confined to one small constituency like Kieni or Nyeri town or North Imenti- he should have the whole nation as his constituency. The president should be the Commander- in- Chief- of the Armed forces and guarantor of national integrity continuity of the State.

And he serve the role of being the symbol of the nation as the Head of State. He should also be responsible for our foreign relations and he should chair all cabinet meetings.

Presidential appointments including that of Prime Minister that is all appointments made directly by President should be subject to approval by Parliament. The Prime Minister should have at least two Deputies who who should be substantive Ministers and who obviously should be members of the cabinet. Parliament, up to now parliament has served merely as a rubber-stamp of Executive and it has been used to facilitate all manner of misdeeds. In actual fact it has been used to launder illegalities committed by the Executive. For example recently we queried the salary of Constitution officers e.g the Attorney General, Judges they were increased during the last twenty years without referring them to Parliament and they are subject to Legislation by Parliament. That was not done over twenty years and there was no recourse. What happens is that the Attorney General rushed to Parliament with a law which basically cleansed the government from that particular mis-deed. Those are some of the examples, which I have in mind.

The Executive particularly through creation of constituencies and election system has manipulated parliament in the past. I feel parliament should be a strong and autonomous institution and manned by men and women of high integrity in order to be a truly powerful voice of the people. It should be uni-cameral and we should retain the two hundred and ten constituencies for

the time being because I think they should conform fairly well to the number of voters we are having in the country. But in addition, we should have an additional one hundred and five nominated members who should be nominated by political parties through party list based on the parliamentary vote tally of each party during the general election. At least a third of those one hundred and five members should be women and the rest should cater for special groups including the handicapped, and the youth and specific groups of otherwise marginalized professionals. For parliamentarians to be effective in their respective areas, there should be created a constituency fund that would go directly to the various constituencies and for which a committee would be established at a constituency level to oversee it. Basically the equivalent of the divisional development committee. It should oversee the utilization of that fund and they should develop the priority for the utilization of that fund. That fund could be for example 2.5 % of tax revenue the government.

I would also like to associate myself with those who recommend that Members of Parliament and their spouses should declare their wealth before swearing in every term so that we can discourage them from dipping their figures into public coffers.

The judiciary should be free autonomous and should be manned by men and women of the highest moral integrity our judiciary must be rid of corruption incompetence and political interference which is rampant at this time. All Judicial appointments starting with the Chief Justice, from Chief Magistrate upwards should be approved by parliament. And all judicial officers should be graduates. There should be a supreme court that should be manned by the most experienced Judges and Judges should retire at the age of seventy. Judicial Officers should be well paid and enjoy full security of tenure.

Political parties: The Constitution should provide for automatic registration of qualifying political parties and by 'qualifying' I mean that registration of parties should not be commercialized. There are people who register parties in order to sell them tomorrow to the highest bidder. There should be a set criteria to determine which party should be registered or not but the ones that satisfy the criteria should be automatically registered.

The State should guarantee their operational independence and they should be funded by the State if they are parliamentary parties. In order to discourage defection from one party to another which is a commercial activity it was at least up to a point, I don't know whether it is still is an MP who defects from his party or a Councillor who defects from his party should not be eligible to stand in the resultant by-election ukitoroka chama kutoka KANU uende chama cha opposition or vice versa, you should not be allowed to stand in that subsequent by election.

Citizenship: Any person born to adopted or married by a Kenyan citizen should automatically be a Kenyan citizen and should be allowed to hold dual citizenship. Any citizen who attains the age of eighteen should automatically qualify for a passport or an ID.

Land: We should establish a Lands Commission, and this commission should protect all public land to ensure that there

equitable ownership of land and utilization thereof. This commission should look at all land all categories of land so that we do not have duplicity of institutions and persons responsible for the same resource. That will include forest you know protect our forest and also look to the explosive issue of landlessness; and this is particularly important here for us in Kieni.

We have got many villages which date back to colonial days to those people who were displaced from the original reserves and forced to work in this place is part of the white highlands. They were forced to work here and then settle here they pro-created here we have got many people living in the villages who do not have any other home at all. We are saying these people are next to one or two individuals who own in excess of sixty, seventy thousand acres. We are saying that it is immoral it is wrong for people to languish in poverty in Muiga village when there is seventy acres of open land here some of which is used to rear wild animals. We are saying that people should come first, this resource is collectively ours and they should be settled there before those other considerations. And particularly because land is the only resource that can make a difference to the poor.

In regard to the public finance, obviously Kenya is known a land of mega corruption, and we are saying that the Constitution should provide heavy penalties for theft of public funds and should expressly provide for recovery of stolen or misappropriated funds. And persons involved in such activities should be barred from holding public office throughout their lifetime. We are saying that an anti- corruption Authority that is effective and is capable of enforcing Anti-corruption should be entrenched in the Constitution should be created and entrenched in the Constitution.

Succession: We are saying that the line of succession should be clearly spelt out in the Constitution and I'm recommending that it should run from the President to the Vice President to the Prime Minister or to a Cabinet Minister elected by the Cabinet there should be that clear line of succession. A new President should be sworn in within 48 hours of being declared the winner, and the outgoing President should vacate office and hand over simultaneously as the new President is being sworn in. The outgoing President should hand over all the instruments of power simultaneously.

And in order to feel safe because Kenyans today have been beaten and you see "ones beaten twice shy" we have got a Kikuyu say that "if a black animal bites you, you will run away from a pot because the pot is black." So we are saying that the Constitution should expressly bar previous Presidents from seeking office after this Constitution is written which should be by December 31<sup>st</sup>. So the previous Presidents should be expressly prohibited for running for office.

Electoral reforms: Very briefly we are saying that the Constitution should enshrine the right to free and fair election to elect and to be elected. The Constitution should provide for a mixed member proportional representation system, as I had said earlier, in contrast to the first-past-the post system where-for example we had in 1997 the collective opposition got 3.5 nearly 3.6 million votes. And KANU got 2.2 million votes but KANU got 107 seats in parliament and the opposition combined got only 103 seats in Parliament. So we are saying that kind of situation should be corrected so that the one million- votes- plus that the opposition got should count for some seating in parliament.

Direct election of the President and Vice President: who should not be an MP as I said earlier and a simple majority and 25 % in four provinces should elect the President not five. If there is no clear winner, there should be a run-off. Constituency boundaries should be looked at in future because they are (inaudible) so that we take into account the people, the registered voters as opposed to just mere— (Inaudible). Electoral Commission should be independent and financially empowered and all Commission appointments should be approved by Parliament it should comprise of nine and we should have a Director of elections so that there is a person incharge of the operation of the Commission.

The Electoral Commission should also have sufficient authority should have teeth to deal with irregularities as they take place not to be referred to other authorities. We are saying that the registration of voters should be continuous and automatic at the time a person acquires a national Identification whether it a pass port or an ID; of course after attaining the age of majority. The Electoral Commission should guarantee safety of all candidates and it should also ensure that all parties have access to the media during election.

The other very very important recommendation that I would like to make is that counting and announcing of votes should take place at the polling stations and that the ballot boxes should be transparent.

Finally, this about the Constitutional Review Commission of Kenya, as I had said earlier we would like to see the Commission properly funded and we would like to recommend that the tenure of the Commission be extended in order to facilitate for a production of the new constitution by 31<sup>st</sup> December and that the CKRC should continue receiving views until the National Conference is convinced just in case there are views which are left un collected. The Commission should not be disbanded until the Constitution is enacted into law by parliament just in case we would like to go back. And we would want to recommend the Commission you should not think in terms of minimum reforms let us think in terms a comprehensive review in time.

Finally, there will be the national forum where every District will be required to according to the existing Act, to recommend or rather to take three persons we feel that an issue that will have to have to be looked at. You cannot have a District like for example Nyeri with about eight hundred thousand living souls taking three people to the National forum when a District like Ijara with only seven thousand individuals will also be taken three people; we think that that is grossly unfair and it goes against the tenets of democracy. Thank you very much.

**Com Raiji:** You have made a very precise presentation, I'm sure there are a few issues that Commissioners will want to raise, we start with the vice Chair.

**Com. Abida Ali-Aroni:-** Mheshimiwa unfortunately we have several clarifications from you. Now the first one, you have indicated that we should have right to gainful employment, I want you to probably tell us how this is viable, because it is good to

have a very good Constitution but implementation is not always easy, how do we ensure every able bodied Kenyan that this person will have right to gain- full employment, do you think that is possible in a country like ours?

**Hon. Dr.Muranguru:** - I think it may not be possible to make everybody employed, but it is possible to make everybody to have the chance to get that employment, it is really making sure that everybody is employed, because if one chooses not to be employed, you can't force them, but those people should have the opportunity to be employed; for example, these villages I am talking about, if you can not provide jobs for them in the formal sector, then you must think of providing them with land, because if you have land, you have the opportunity of getting fully employed, that is the kind of scenario I had in mind.

**Com. Abida Ali-Aroni:** Now the other one is on devolution; you are proposing that we should use the Local councils, would you be- do you recommend that we use the structure as it is now of the Local Authorities, or would you be proposing changes that will enable effective devolution of power?

**Hon. Dr.Murunguru:** - Yes I am proposing a change, actually I am seeing the Local Authorities playing the role of the current Local Authorities as well as large portions of the duties of the Provincial Administration. In actual fact, we would recommend that the Provincial Administration should be disbanded and that the role played by the office of the Provincial Administration be carried out by Local Authority, so that they are relevant to the people of that particularly locality, (inaudible) unless I go into to much details which might-----

**Com. Abida Ali-Aroni:** Then on the issue of parliament, you said quite abit about manipulation you would want it to be autonomous and to have people with intergrity. How would you like the Constitution that we are making to make sure that we have this because, we may want to have people of intergrity, we may want parliament not to be manipulated but provision would you liketo be in the Constitution that will ensure that we don't have a repetition of this?.

**Hon. Dr.Muranguru:** First and foremost I think that if you if we define the roe of a parliamentarian properly precisely what perhaps we may need to draw the job description of a parliamentarian at one time say that a paliamentarian is expected to deliver ABCD and to be able to deliver that these are the qualifications. For example many party manifesto indicate at least say on the face of it that a person who has suffered or rather who has a criminal record is not eligible to seek leadership in that party. If a person that for example is my party- Demoractic Party, we say that if you have a criminal record and you have gone to jail because of a criminal offence, you do not qualify to seek leadership in that party. There should be no reason why then you graduate from the party and go seek you know national leadership if already you are barred from doing so by your party. So you know that kind of criteria .We define the description and the merge the qualifications to that job description.

Sorry, if I may add- and also sufficiently renumerate all those officers, including at Local Authority Level we should renumerate for example Councillors appropriately so that you minimize temptation to indulge in corrupt area.

**Com. Abida Ali-Aroni:** You realize the Act says three people, this was a negotiated document and I Know members of the Alliance were really, really involved in those negotiations, why the change of heart at this level and what do you propose we do as a Commission because really it lies in Parliament we at this time have no say as a Commission.

**Hon. Muranguru:** Since you ... I know that it already provided for in the Act, but since we are writing the Constitution, I think we have got a duty to ensure that the Constitution that you come up with will satisfy the greatest majority of Kenyans. I think that although the Act was enacted like that and that we negotiated, it does not mean that an error would not have been made; I think an error was made we should own up to that error and we should do something to correct that error. Without obviously trampling upon the concerns of the people who felt that it must be three per district we should look for a mechanism that would satisfy all sides.

**Com. Swazuri:** - Just few, two questions, three questions very brief ones. You were suggesting that we entrench the anti-corruption body that should appoint this body? In the first place? Then secondly you are saying that we should bar all previous Presidents we have one only at the moment, if you he will not run, we should bar previous President from running for office, Party office, Directorship of banks, Board of Governors or which offices do we bar them from? And then in the electoral Commission where you were suggesting that we should also have a Director of elections, will this one be different from the Chairman of the electoral Commission?

**Hon. Muruguru:** would you repeat the first one please?

**Com.Swazuri:** The first one is on the anti-corruption body. How do we select or appoint it before we put it in the Constitution?

**Hon Muranguru:** - The anticorruption body should be appointed by the President because it is a Constitutional Institution, but the appointments should be subjected to approval of parliament, the actual officers managing the Institution, should be subjected to approval of parliament. The President as I have said earlier, I am talking about the previous President obviously realizing that we have got one, and the other seating in a mausoleum somewhere, what I wanted basically to mean is that we have had 23 years -24 years of the current president; we do not want a day more. Period. I would not want to go beyond that.As far as the Director of the elections is cornered, I feel that it is wrong to burden the chairman of the electoral Commission with the –or let’s call it the Commission, with the task of formulating policy of how electoral operations etc,at the same time ask the Commissioners to operationalize the tasks of the Commission. Iam thinking of maybe an executive you know officer of the Commission, you know, who will be incharge of operations so that the Commission is left to deal with matters of policy and philosophy, and the Director of election implements that policy.

**Com Raiji:** Asante Sana muheshimiwa I think you have made your points very clear. Now I think you are released.

**Hon. Muranguru:** Thank you very much Commissioners-----

**Com Raiji:** Not everyday that we have the opportunity of holding MPs it is the other way round.

**Hon. Dr. Murungaru:** Thank you very much.

**Com Raiji:** We now call Mr J. Kathanga, is he here? We do not leave here until we have everybody who wants to say something, and we will give everybody now three minutes so that we can reach the remaining citizens. Mr, Mathenge Wanderi, Bwana Mathenge Wanderi yuko? Mr Maina Mugambi, Maina Mugambi karibu...

**Maina Mugambi:** Okay, thank you the Commissioner and my proposals are here,

**Com. Raiji:** Can we please have silence we see that the Commission is still in Session.

**Maina Mugambi:** Okay. The structure of government: The government should be headed by a Prime Minister and the President being the Head of State.

On the president: Should be the Head of State incharge of state security and state functions. He should act as a symbol of national unity. Prime Minister should be elected by Parliament and should garner two thirds majority of all Members of Parliament provided he belongs to a Parliamentary party not necessarily from the party with majority MPs. Vice President; the President shall appoint his principal assistant. Once appointed, the appointment is valid for the life of Parliament unless impeachment proceedings are preferred on him by the Parliament and supported by 2/3 majorities.

The Prime Minister should appoint his Deputy Prime Minister. Once appointment is made it can only be revoked by the Parliament through the support of 2/3 majority. The Prime minister shall appoint the Cabinet from the Parliament and forward to the President for approval. There should be no alteration from the President. The President, the Vice President, Prime minister and Deputy Prime Minister should have post secondary qualification from a recognized institution equivalent to a Diploma level or above. Note; at Secondary level each should have qualified with division two or equivalent or C plain in the current system. All the above, once elected cease to be Constituency Members of Parliament. A by-election should be called to replace them. In case they should be rid off their duties, they should remain as MPs without constituencies. Relieving them of their duties should be done through a no-confidence motion or impeachment proceedings resulting from corruption or abuse of office.

Any Minister charged in court with crimes of abuse of office must be relieved of his Ministerial duties until the case is heard and determined.

Presidency; The President should be elected directly by the people and should stay for two five year term. The President should not be above the law. Age should be 35 years or above and under 70 years. Must garner 51% of votes cast. Failure to which there should be a re-run. Parliament can initiate impeachment proceedings provided there is a backing of 2/3 majorities. The President should not be ceremonial but should be clearly defined powers mainly to do with state security, military, and state functions and should be symbol of national Unity. In times of war, he should you take over the duties of PM combine the Head of state and Government. Duties should be clearly defined.

On parliament: it should have a five years term, it should self-regulatory with its calender. The parliament should vet all appointments in the Public service that is senior positions like Parastatal Head, Permanent Secretary and PCs. The Parlimament should not determine it's own terms but an independent established body should do this.

The parliament should have a nominee from such interested groups like disabled persons, students or youth and women. There should only be eighteen Ministries each with only one Cabinet Minister with at least two Deputy Ministers depending on the assignment of a particular Ministry. This will increase efficiency and reduction of resource wastage.

Education: There should be free universal primary educations. Education system should be 8-4-1-3. Primary, Secondary, Pre-University and University respectively. This would reduce the cost, as University education is very expensive; when reduced to three years it will be fair. There should be four years for secondary education. The government should consider subsidizing secondary education because it is out of reach for most Kenyans. Corporal punishment should remain banned in secondary schools. On Pre-University, this should take one-year course to act as a preparation for students who will be joining the University. This should be in line with global trend and reduce (inaudible) university level.

Education harmonization: Education in Colleges and University should be harmonized to allow for credit transfer- the curriculum should be geared towards solving social, economic and political problems afflicting the society. It should also include human rights, democracy and education at all levels.

Agriculture: The government should revive the already collapsing agricultural sector. On land, the government should facilitate in the issuance of land and the government should be in charge of settling squatters who live in the shanties. Which is a reminder of concentration camps, which existed before the independence. This is a common phenomenon in Muiga and in Nyeri districts and obviously it should be looked into.

There should be a maximum acarage of land, which an individual can own. This may range from 500-1000 acres. Failure to which there should be a tax on withholding of land. And the government should come up with a re-settlement programme

where those with thousands of acres can have their land bought by the state and sold to individuals through the loan in form of land and material. This should be repayable within a period of about twenty years. This should be handed over to those who are landless.

The public could also resource from overseas leaders. Forests should not be lived out, as they would be allocated to undeserving citizens. It will also interfere with eco- system and the climate. Overbreak utility land should have permanently fixed (Inaudible) (inaudible) any land that may have been acquired illegally is supposed to be repossessed.

Land allocation should not be left in the hands of one individual in the name of Commissioners for land. The parliament should set a transparent structure for allocating land.

The Judiciary: There should be a supreme in court comprising of high court Judges. Appointment should be done through the Judicial Service commission followed to the a parliament for a proval then to the president for his affeit The (inaudible) should have a period of three years and four years for high court judges the term is renewable after that period.

The provincial Administration: Should be completely delinked from land allocations. It should only play in a development co-ordinating role, it should not interfere with rallies or any form of assembly.

On Local Authority: Ministry of Local Government should decentralize powers to the local Authority Mayor should be elected directly by the people and should not be a representative of any one. Mayor should be having a post- secondary qualification equivalent to the level of a Diploma or above. Councillors should be in possession of secondary education at least Division three or C- or equivalent or above. Councillors can prefer a vote of no confidence in the mayor provided it is supported by 2/3 majority of the elected Councillors. (Inaudible) should be done at one point.

Revenue collected should be used in infrastructural development.

**Com Raiji:** Thank you very much that was Maina Mugambi. James Kariuki . Ni wewe James Kariuki? Albert atukuja baada ya James; Nimeita James. Usiende mbali sana. Luke Kayenya? Sasa ni Albert Kariuki. We have reached you.

**Albert Kariuki:** Asante Sana nitaanza na Presidency ambaye imekuwa na watu wengi sana. Presidency should have Checks and balances

**Com Raiji:** Excuse me: I think those ladies if you are.... did one of you want to speak? If you want I will give you chance after this. I will give the lady who wanted to speak before you go. Okay. You will be next.

**Alber Kariuki:** President should have checks and balances and have a strong watchdog to look at this law, which should be

enacted by the parliament so that the President does not interfere with other sectors. We should have the Judiciary, the presidency, Judiciary and the Legislature. (inaudible) should be well seeing to work in health areas like health , education, agriculture.It also should be agriculture should also be at low interest rates so that the farmers can benefit or can be motivated to work and produce more food for consumption.

**Local Authorities:** All Councilors should be above O'Level. Planning of the Local councils should be well done in advance such that they earn their taxes and be seen to do their work like drainage, sewage on drainage, water and environment extra.

Parliament should be above the Presidency and the President can be impeached by the Parliament.

Mikopo or Loans from Donors where we have seen most of the time going through the treasury or the government, should in future so directly to the beneficiaries that is organisations like farmers SACCO, where the farmers can get access to these funds at low interest rates, or other organized groups or CDOs. We have, Jua Kali and small traders, who should also benefit from these funds. Unlike today, where the small traders like Jua Kali are not recognized by the government or the Local Authority where there are harassed day after day. They should be well catered for so that in future, they will be a big organization or a trading organization. It actually will also benefit families and the country at large.

**Tourism:** This is one Ministry that creates a lot foreign exchange in this country. Where tourism is functioning very well, the communities surrounding these tourism cycles should also benefit from whatever income the tourist generate such that they have schools, hospitals, roads, extra instead of taking the whole amount to the Headquarters office.

**Government:** Leaders should always be seen to be of good morals and good morals should be entrenched in the Constitution such that whoever may want to go t the public coffers or something like that, is prohibited from running for office. Big spending on thee part of the government,e.g buying big cars should be discouraged and that money should instead be used or invested in rural areas in areas such as provision of piped water and light.Marketing of farmers produce should also be considered in this Constitution to ensure that the farmers are able to export their produce to other countries at competitive prices and not just selling at the local market only.The N.S.S.F deductions should benefit senior citizens who are above sixty years.I uggest that everybody who has gainful employment should be taxed to enable senior citizens have an income from the N.S.S.F that is all thank you.

**Com Swazuri:** This Tourism Revenue you said should be ploughed back to the local community, what percentage?

**Mr. Kariuki:** At least 30 percent (inaudible)

**Com Raiji:**I will now call upon Beatrice Nyawira, is she here? Bwana Kariuki can you register there. So the next person will

be Mana Kiawara yuko, Wambugu Kaboi, Benard Wachira, ni wewe? Okay Karibu three minutes. Kama uko na Memorandum na labda unataka kwenda unaweza kupeana hapa that will be the same as when you are representing it will be taken into account.

**Benard Wachira:** Thank you Commisioners and these is what I have to present and first is on the Parliamentary term. This should be strictly five years and under no circumstances should it be extended either by President or by the seating MPs.

Election of Mayors and Chairman: The Mayor /Chairman should not be elected by Councillors but should be elected by voters themselves. To avoid falling states of Muncipal councils the two terms of Mayors should be maintained in order for the voters to weed out mayors and chairmen who do not deliver to the voters.

Political Parties: Any political party should have powers to declare an MP or Councillors' post vacant if the person holding that post is interdicted. At least three political parties should be maintained.

Presidential Terms: Two terms of five years should be strictly follwed whether President influences or not his extension of the term.

Powers of the President: President should not be given powers to choose Ministers. The Parliament should be entitled to choose the Ministers according to their academic qualifications. It is a pity at one time; a Minister whose qualification was a degree in History headed Ministry of Finance.

Basic Right: Primary education should be provided for by the government and should be free. Any child with disability should be catered for in terms of education, health and employment.

On National interest- commission of enquiries: The Commisions are currently in prerogative of the president. It will be remembered that all those Commissions e.g Ouko commission, Akiwimu Commision, Kiliku Commision all which are answerable to the president are a flop or failure in which we would have liked to know the truth. I put it that let the Commision be chosen by parliament and strictly be answerable to the parliament. Thank you.

**Com Raiji:** Asante sana. Thank you for sticking to our time, the next one is you are Benard Wachira? the next one is Wilfred Waigura, yuko? Peter Maina Ndungu, inaonekana watu wamechoka, James Kimunge, Francis Wangai, Charles Gathuri, James Wambugu. James wambugu ni nini? Wewe Mzee jina lako? (James K. Wambugu). James Wambugu, box yako ni gani? Okay, Okay tutakuwachia nafasi labda hukujandikisha huyu ni James mwingine Wambugu. Tutakuandika hapo usiwe na wasiwasi mzee, so Bwana James Wambugu endelea.

**James Wambugu:** My point is this; it is not good for the Wildlife department to pay just thirty thousand shillings as compensation for a human life. This should be considered by our Commission. The Wildlife department compensation should be considered especially to the people affected. The crop destruction has affected many people and has dropped the production of many farmers in this area.

Customarily laws should be included in our Constitution. Properties should be inherited according to the “houses or wives”.

There should be a department of “corruption” and it should include citizens. Kiosk owners or hawkers should not be taxed by county councils. The road -reserves business people should not be taxed.

The constituencies should be created according to the population and should be created by the people. There should be no line up election, i.e. queue voting. The Attorney General should not be a representative in parliament. There should be created a Ministry with its Minister. The ministry for constitution.

The Commission appointed should be given time to finish its work. Government field workers for example agricultural field officers should be given uniforms so as to be recognized by farmers easily.

Political Parties should be registered as many as possible. The language in our Kenya books of law should be simplified. Most of our people should understand what is written. Currently the Kenyan laws benefits the professionals only. So the Constitution should be written in simple language. Our country Kenya should not be governed by borrowed Constitution; this is why we are happy here giving our opinions. The visiting president countries he should be welcomed by the President and the leader of Opposition that means, when a president visits from outside he should be welcome by the president or an opposition party Leader. That is all.

**Com Raiji:** Ngoja kidogo.

**Com. Abida Ali-Aroni:** Mzee I want a clarification. You want there to be a department of corruption, department inatakiwa kuondoa corruption ama ya nini?

**Wambugu:** To finish the corruption

**Com. Abida Ali-Aroni:** Are you talking about an Anti-corruption?

**Wambugu:** Yes.

**Com. Abida Ali-Aroni:** Asante.

**Com Raiji:** Asante Mzee, Raphael Ndirangu, Charles Munyingi; sasa Mzee karibu, unaitwa jina lako nikuandike hapa. James Kirui Wambugu. Okay karibu

**James Kirui Wambugu:** *(Talking in kikuyu)*

**Translation:** Jina langu ni James Kirui Wambugua, na umri wangu ni miaka sabini na saba. Anwani yangu ni aroibaini na nne mwiga. Nataka kueleza juu ya nchi hii . Nchi hii kuna watu wa makabila arobaini na mbili. Vita kubwa ni ya watu ambao wainaishi katika vijiji. Kwa sababu la wakupewa mashamba, na swali wanauliza kama tulipewa independence wao walipatiwa nini? Ningeomba hawa watu watolewe vijijini, na mimi naomba kila mtu apatiwe maji, ndio aweze kulima vizuri hata kama ana shamba kidogo ya ¼ acre. Ndio tuwache kupewa misaada ya chakula kutoka nchi zingine. Kwa sababu sisi si wazembe tunaweza kulima.

Jambo lingine ni juu ya watoto ambao wanarandaranda kwenye mitaa. Ambao wana omba –omba wakiona mzungu wanamwekea mikono. Ninaomba wajengewe shule-wajengewe ndio watuondekea kwenye mabarabara na baadaye wataweza kujiusisha na kazi muhimu katika nchi.

Vijana wetu wapewe kazi bila kupaguliwa kwa sababu ya kabila, ndio na wao waondoke barabarani na hiyo sheria idumishwe, mtu asiulizwe hongo popote aendepo. Na huo ndio mwisho wa maoni yangu.

**Com. Raiji:** Tumesema Asante Sana mzee kwa hayo maoni yako na tumefurahi na tutayaweka wakati tunandika Constitution. Asante sana. Kuna mtu mwingine ambaye alikuwa amejiandikisha na hajapatiwa nafasi?. Kwa sababu hapo ndio mwisho kwa wale watu wote waliokuwa kwa register na tungetaka kuwashukuru wananchi wa Kieni kwa vile tumekaa na nyinyi tangu asabuhi hadi sasa. Na sasa ni wakati wa kuondoka, Sijui kama mtu labda anaweza kutuongoza kwa maombi?. Nafikiri tutasimama tufunge kwa maombi. Pastor utatuongoza.

**Pastor:** Na tuombe: Baba katika jina la yesu kristo, tunakushukuru, tunaliinuajina lako takatifu. Tunajua Bwana tangu asubuhi umekuwa pamoja nasi, umelinda watu hawa na umewaongoza. Wakati huu ni wakati wa kurudi manyumbani nasema asante, na kazi iliyo mbele yao bwana uendelee kuwabariki na kuwatunza na kuwalinda. Na ikimalizika bwana tutasifu jina lako na tunajua wewe ndiye Mungu uishiye milele. Tunasema asante kwa kuwa umeanza nasi na umemaliza nasi, na ni katika jina ya Yesu kristo mwokozi wetu tuomba , Amen.

**Meeting ended at 5.30 p.m.**

