

[Redacted]

[Redacted]

[Redacted]

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

[Redacted]

VERBATIM REPORT OF

[Redacted]

[Redacted]

[Redacted]

**CONSTITUENCY PUBLIC HEARINGS, KIHARU CONSTITUENCY, HELD
AT KAHURO TRADING CENTRE**

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

ON

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

18TH , APRIL 2002

**CONSTITUENCY PUBLIC HEARING, KIHARU CONSTITUENCY, HELD AT KAHURO TRADING
CENTRE.ON 18TH APRIL, 2002**

Present

Mr. John Mutakha Kangu - Commissioner
Ms. Salome Wairimu Muigai - Commissioner

Secretariat in Attendance

Solomon Anampiu - Programme Officer
Gilbert Amoke - Assistant Programme Officer
Grace Gitu - Verbatim Recorder
David Muturi - Sign Language Interpreter

The meeting started at 10.00 a.m, Com. Kangu being in chair.

Speaker: Naomba tuanze mkutano wa leo, na nitaomba kama kuna yule anaezatupatia maombi ili tuanze mkutano. Anybody can pray for us.

Rev Ngere: Katika jina la Baba la Mwana na Roho mtakatifu, amina. Ee Bwana umefanya tukutane hapa, ili tutoe maoni kuhusu sheria. Tunakuomba utusaidie tukifanya kazi hiyo. Tena tunakuuliza Bwana Mungu utupe amani, upendo na umoja. Naomba hiyo kwa jina la Yesu Kristo mwana wako. Amina.

Com. Mutakha Kangu: Anyway, tuendele. Ningependa kusema kwamba hiki ni kikao cha Commission ya kuchukua maoni kutoka kwa watu wa Kiharu Constituency, na kuna mambo machache ningependelea nitaje kama hatujaanza. Jambo la kwanza ni kwamba kulingana na desturi zetu, kikao cha kuchukua maoni kinatakikana kianze saa mbili, na kiende mpaka saa kumi na mbili jioni. Tuliingia hapa mapema lakini watu hawakuwa wameingia. Kwa hivyo tumechelewa, tumefika saa nne. Lakini tutakuwa hapa mpaka saa kumi na mbili. Watu wajue ndio wasiwe na msongamano, wakifikiria tutapitia kwa haraka.

Jambo la pili ni kwamba maoni tunachukua kutoka kwa watu binafsi, that is individuals, wale wanawakilisha vikundi vyenye viko registered, ama vyenye vimesajiliwa na wale wanawakilisha vikundi vingine vyenye havijasajiliwa.

Jambo la tatu, maoni, mtu anaweza peana kwa kupitia njia tatu. Njia ya kwanza unaweza kupeana maandishi bila kuongeza jambo lolote, tutachukua maandishi yako, tutaangalia na tujue unasema nini. Ya pili, unaweza peana maandishi na uweze kuelezea kidogo hayo maandishi mambo ya muhimu umeweka ni mambo gani. Njia ya tatu unaweza aamua kuzungumza mbele yetu bila kuwa na maandishi yoyote na yale unazungumza tutaandikisha chini, na hata tuna-record kwa tape, yataweza kutumiwa. Ikiwa mtu anapeana maandishi na anaongeza mazungumzo, nitampatia dakika tano za kuelezea juu juu kwa yale yako kwa maandishi. Naye yule anataka kupeana maoni kwa kuzungumza kwa mdomo, tutapatia yeye dakika kumi ya kueleza vile anataka.

Jambo la nne ni kwamba baada ya kupeana maoni yako, tunaweza kuuliza wewe maswali ya kuelezea sawa sawa mambo yako yenye utakuwa umeeleza ikiwa kuna sehemu hatujaelewa sawa sawa. Na hata wale wenye wamekaa raia, wanaweza kuruhusiwa kuuliza swali moja ama mbili. Lakini haturuhusu kiwango hicho kutumiwa kuanza kujadiliana ama kuingia kwa debate and discussions, ni kiwango cha simple clarification na si kuanza ku-debate. Kwa hivyo tuanze, ndio tuweze kuendelea.

Jambo la mwisho nataka kuzungumzia ni kwamba sheria inaruhusu sisi ikiwa kuna mtu angependelea kuzungumza mambo bila watu wengine kusikia, tunaweza ruhusu, pengine itatubidi kama hiyo inatokea, tunauliza wengine kutoka nje kidogo. So ikiwa unaonelea hutaki kuzungumza mbele ya watu, hapana fikiria ulizuliwa. Lingine ni kwamba lugha yenye tunatakikana kutumia kuchukua maoni, ni lugha ya Kingereza, lugha ya Kiswahili lakini hata yule mwenye anataka kutumia lugha ingine ya nyumbani tuseme hapa tuko ukikuyuni, kama ungependelea kuzungumza Kikuyu, unatueleza na tunaweza panga mpango wa mtu wa kutafsiri. So wakati mtu anaandikisha pale anaeleza ningependelea mtu wa kutafsiri, ndio tujue tunapanga mpango gani. Na mwisho ikiwa kuna wale hawazungumzi hizi lugha, wanataka ile inaitwa sign language translation. Ikiwa mnajua kuna mtu mwenye ako deaf na angependelea kufuata maneno vile tunaendelea mtueleze kwa sababu tuko na mtu wa kufanya hiyo translation hapa ndio tukuwe tukiendelea hata na yeye aweze kufuata mambo vile inaendelea. So ansante na tuanze na Bwana Eliud Githinji.

Eliud Githinji: Your honour Commissioners, Kenya is a very good country where people like staying peacefully and we do not like wars. Kenya belongs to all Kenyans, old and young, leaders and non- leaders, educated and non -educated, women and men, rich and poor, disabled and non-disabled. Therefore, unless we put God in our way and let him be our leader especially at this prime time, things will not be well. Kenya is one nation formed from different tribes, and for that therefore, the fruits of Kenya should go equally to all people of this nation. When reviewing our Constitution we should bear in mind, that the Constitution we are reviewing should address the welfare of everybody and that it should not be for a certain group.

To start with, coming to our Presidential elections he should run the office for only two terms. Each term should be five years. He, the President should nominate ministers and assistant ministers and each ministry for one minister and one goes to all assistant ministers respectively. The President should not be Commander-in-Chief of Armed Forces. We should only have one Commander-in-Chief of all forces. The Commander-in-Chief should not come from one clan, tribe, province with the President. He should come from other provinces. The Provincial Administration should be abolished. This office does not have enough duties. The District Administration should take over all business done in provincial administration.

The Parliamentarians should not be appointed to any other institutions or head any company or be directors of any company or chairmen of parastatals . They should only own the business or own a company. All ethnic communities should be prohibited from carrying traditional arms. It is not right for each tribe having traditional arms and therefore tribes in Kenya should be banned from carrying these arms. E.g. Maasai. The voting boxes should be transparent, (should be seen through). All these boxes should have locks equal the number of candidates. Dark boxes are not trustworthy. The counting of votes should be done in all voting centers. Once the counting ends, the agent should carry the total number. After that, all agents should meet at returning officers desk and computerize the results of each candidate.

The under mentioned departments and Commissions should be appointed by special Commission which is answerable to Parliament: Permanent Secretaries, Chief Justice, Police Commissioner, Attorney General, Auditor General, Chief of General Staff, Parastatal bodies and the Electoral Commission. The Public Service Commission should be completely independent and also should be answerable to Parliament. The ruling party should not use government offices and officers. The government activities and that of ruling party should be completely separated. All civil servants should not be influenced to join any party for she or he is employed by the public and shouldn't work for any party. The police should respect humanity. They can use another method of conviction and they should know that God made man. The present use of torture is inhuman. The set Commissions should report their findings without any interference from any corner of party politics. The President should be voted in by a majority vote and not a 25% votes from five provinces. This percentage should be removed to give way to a majority vote.

Concerning huge withdrawal of farmers in coffee farms, the Commission should safeguard our produces. The Commission review should come with a strong review to see that the coffee produced is left to the farmers, sellers and buyers. This will bring farmers back and will earn our country more money. Hawkers are just like any other people. They would like to be employed but because of lack of jobs they are self employed so as to earn daily bread. The Commission review should safeguard these poor people of Kenya, it is not because they would like to be poor, it is because there are no jobs. If this harassment is to continue, the country will have uncontrollable thugs to harass the rich people. The environmental protection issues should include that the Parliament should protect our environment as the Constitution should be elected to safeguard all our environment. The state should only be a custodian and the resources should be owned by the County Council of the district.

The Parliament should have power to protect environment constituted in Constitution. The role of local community in the management and protection of the environment is to safeguard and report any misuse to their members of Parliament. All natural resources should be protected by the Constitution. The Parliament should appoint a body that will be protecting our national resources, and this body will be under the Ministry of Natural Resources. The natural resources will be managed by the management directors and the resources ministry. Thank you, Commissioner.

Com. Mutakha Kangu:(inaudible) Okay, asante sana mzee Bwana Githinji. Kuna yule anataka kuuliza yeye swali? Hakuna. Asante basi na maandishi unapeana hapa na kuweka sahihi. Sasa tupate Justus Kariuki. Na wakati tulianza nilisahau introduction, mimi naitwa Commissioner Mutakha Kangu, na mwenzangu ajitambue

Com. Salome Muigai: Na mimi naitwa Salome Wairimu Muigai

Com. Mutakha Kangu: Na I would like to recognize the presences of area member of Parliament, Hon. Ngenya Kariuki. Pengine usalimie watu kidogo?

Hon. Kariuki: ah Hamjamboni? Karibuni sana kwanza Commissioners ambao mumefika hapa kuchukuwa maoni kutoka kwa wananchi. Tunashukuru kufika hapa Kahuro ambapo ndipo divisional headquarters ya Kahuro Division. Wananchi karibuni kwa vile mmekuja kupeana maoni, musione shida kupeana maoni yoyote ambayo mnayo. Usifikirie maoni yako hasa yakiwa madogo usijali, ni ya muhimu. Kile ambacho utatoa kwa kamati hii, itakuwa ya muhimu sana, kurekebisha na kutengeneza Katiba ya nchi hii. Kwa hivyo usitishwe na mtu na usione shida kuongea vile ambavyo ungependa kuongea. Tuko huru, na tungependa nyinyi mutoe maoni yenu mkiwa huru kabisa na usione shida yeyote, usiomwogope yeyote. Hakuna askari hapa leo, hakuna chief hapa leo, hakuna D.O hapa, kwa hivyo mnaona muko huru kabisa kusema vile ambavyo munataka kusema.

Kwa vile ambavyo kumenyesha naona watu hawajaingia kwa wingi, tunatumainia pengine watu watakuja. Lakini tungependa wale ambao wanapeana maoni, sio unaweza kuandika, pia ingefaa sana kuwasaidia hawa Commissioners wakichukua maoni yenu yawe yameandikwa kwa sababu huenda ukafanya kazi yao rahisi zaidi ikiwa una maoni ambayo yameandikwa. Lakini ikiwa hujayaandika, usione shida. Endelea tu upeane kile ambacho unacho na tena ikiwa mna magroup ambayo mko nayo mmekuwa mkiongea habari ya Constitution (Katiba), pia hayo makundi yamekaribishwa kuleta maoni yao. Kwa vile ambao sitaki kuchukua muda mrefu, kwa sababu hii ni kamati na sitaki kuchukuwa muda wao mrefu, ningependa kuwakaribisha nyote na mjisikie mko nyumbani. Asanteni. Thank you.

Com. Kangu: Na vile tuko wachache, there is a lot of echo from this. I think tunaweza without it, tutasikia.

Interjection: (Com. Salome)..... Inaudible

Com. Mutakha Kangu: Yes. Jaribu tusikie kama tutakusikia Bwana Kariuki.

Kariuki: Mimi nafikiri nitatumia Kiswahili ili watu wengine waweze kushika ni kitu gani watu wanaongea. Mimi mwenzangu ametaja habari provincial headquarter lakini hakufafanua zaidi. Mimi vile ningesema mimi huvyona kama ni ceremonial. Kwa kusema ni ceremonial, ni sababu nitasema zingebadilishwa ziwe districts kama population inaweza kuallow iwe changed hiyo provincial headquarter iwe changed to district. Sababu maanake mimi nikisema namna hiyo ni kwa sababu, ikiwa ni kazi yoyote inafanyika, inafanyiwa ndani ya district na ikifanyiwa ndani ya district, inapelekwa kule tu kupiga ripoti. Lakini ile report hakuna any kitu kinatoka kwa province kuingia kwa district. District inaletewa mambo yake kutoka Nairobi. A very good example tuseme katika every province, tuna State House, yaani nyumba imekuwa elevated to be a State House ambayo President kule anakuja anakaa. Hizi nyumba hakuna kazi zinafanyiwa. Zina wafanyi kazi wanafanya kazi huko, zina askari wanachunga, lakini President hakuna wakati, yaani anakawia sana miaka mingi hata bila kufika huko. A very good example is Nyeri here or Central Province here. Sijasikia amelala Nyeri. Haya tuna ingine kama Mtito wa Ndei, Rest House ambako hiyo inafanyiwa kazi na pesa za tax zinatumiwa na njia ambayo hatuoni. Kama ni State Houses iwe ya Nairobi, ingine iwe Mombasa for that reason. Haya, ikiwa ni hospitali has to be improved. Hospitali tuwe tuseme a very good example hapa juu tuna hospitali, ambayo ni sub-district ya Murang'a. Tuseme kama kuna kesi iko hapa, inakuwa referred to Murang'a. Ikiwa mgonjwa amekuwa, aa--yaani kuna machine ambazo haziko hapa, atapelekwa Nyeri. Akishindwa kwao tena anapitishiwa Murang'a apelekwe Nairobi. Je, hivi kama tungekuwa na equipment za kutosha tuseme kwa district, na case ikitoka district badala ya kuenda province ipelekwe huko, hiyo ninapeana sababu ya province. Yaani iwe equipped. Ipelekwe kutoka hapo to Kenyatta. Hiyo ndio maoni yangu ya hapo tu. Okay ya pili, yaani hiyo ni maoni yangu. Yaani hiyo maoni yangu yote ni kwa sababu ya geographical areas, sababu mtu hawezi kutoka tu Mtito wa Ndei huko, anaenda headquarter Embu, amepita province ngapi? Amepita, Nairobi, amepita nini, na kule kwingine yaani, distance inakuwa ndefu na hiyo tungeminimize kama district zingekuwako vile province zikiwa elevated.

Two, nakuja kwa Agriculture. Yaani agriculture hutoa kilo moja tuseme anything may it be mahindi, mboga ama nini, zile mbolea unatumia na madawa unatumia imekuwa ghali sana. Sasa kama serikali ingetufikiria, ifikirie yule mwananchi wa chini kabisa. Na iwe ikilipa subsidy ya dawa, mbolea yote inatoka nje, serikali ikilipa subsidy huyu mkulima hatakuwa amenyanyaswa sana kukuza kitu na atakuka kwa wingi na tutajitoshesha na chakula na hata vitu vya kutuma nje. Asante.

Com. Mutakha Kangu: Kuna yule anataka ku-clarify chochote kutoka kwake? Hakuna. Andikisha hapo. Tupate sasa Stephen Mwangi. Stephen Mwangi, hayuko? Na John Kihui Mwangi?

John Mwangi: Mine is a written document, and I will stress on two points. And this is appointment and election of the President and Vice President. First of all I request everybody in the world to be a member of Roman Catholic Church. Then all members of Parliament should be elected in their respective constituencies. And in order to have President or vice President in a given nation, the appointments of the two should be done by the Pope and his men. This applies to elected members of

Parliament. It does not matter which tribe or race, small or big. As a result the two appointed men or women should work hand in hand with the Papal office to form a cabinet of a given nation and also the government. All the nations should hold their general elections at the same time and the Pope and his men will dissolve the Parliament if they find necessary. Where there is a multi-party system, a coalition government should be established. In conclusion the black or white people should have unifying factor and that is the Pope. That is all I have.

Com. Salome Muigai: Nina swali kwako Bwana John Mwangi. Kwanza nakushukuru kwa maoni yako. Nataka kuuliza naona watu wenye sio wakatoliki na wengi hawataki kuingia kwenye ukatoliki. Tukileta uongozini kwa wakatoliki, basi hao watafanyi nini?

Kariuki: First of all it was my request that everybody should be a member of Roman Catholic Church. It is a request.

Com. Salome Muigai: Suppose we have other people who are non-Catholics wishing to govern us in this country?

John Mwangi: What we can do, is just to pray God to make us unite together.

Com. Salome Muigai: Okay.

Com. Mutakha Kangu: Na swali la pili ni kwamba, najua kila nchi inajisimamia yenyewe. Kuna kile kinaitwa kwa Kingereza sovereignty. Sasa wewe vile unaeleza sisi zote duniani tuwe chini ya Pope, itakuwa kama tumeachana na mambo ya kujisimamia, sasa tunasimamiwa kwingine, ama tutafanya namna gani.

John Mwangi: What you have to understand is this: We are all one that is in Christ. So if everybody is a Christian although we have the Muslim people, it is a good thing or a good idea to be united. Also we should be assisted in our daily tasks or our daily thoughts by the Pope, because catholic is a universal, that is worldly. Therefore, according to my suggestion, I think it is better we be, people of one denomination.

Com. Mutakha Kangu: Asante basi, utaweka sahihi pale.

Interjection: After this I am going.

Com. Mutakha Kangu: It is okay you are free. Now ninataka kukumbusha wale wameingia nyuma kama kuna yule mtu anataka utafsiri, yule mwenye hawezi kusikia maneno ya mdomo, anataka sign language, tuko na mtu hapa wa kufanya hiyo. So mtueleze kama yuko, awe anasaidiwa kufuatilia maneno tunazungumza. Kuna yeyote? (silence) Now Stephen Mwangi, Stephen Mwangi--

Com. Mutakha Kangu: Umeandikisha jina pale? Wanaandika pale. Unaandika jina pale. Bring us another list from there.

Faith Kabura Mwangi, Faith Kabura Mwangi, Patricia Nduta.

Patricia Nduta: Mimi nataka kuzungumza kwa lugha ya Kikuyu. Nii ndina maoni meri. No umwe ni uhoro wa njohi. Njohi nituhatiriirie muno ithui ta atumia gitumi ni tondu ciana ciitu ciarikia chukuru ringi ni cioka niundu wa kuaga mawira, irambiriria kunyua njohi iyo na riu ciathii na mbere kunyua njohi cigatuika ta kindu hatari.

Translator: Sisi tunakuja haswa kama akina mama watoto, wakishamaliza shule wasipokuwa na kazi au wasipopata kazi wanakuja wanaanza kunywa pombe, na wanakuwa watu wenye hawawezi kutusaidia.

Patricia Nduta: Na uhamwe na athuri aitu, makiria njohi iyo niramahatiriria muno ona makaremwo ni kuruta wira uria makoragwo makiruta wa kimuciii.

Translator: Pia mabwana zetu, waume wetu pia wanashida hiyo hiyo kuwa wanakunywa pombe sana na wanakosa hasa kufanya kazi zao za kawaida za nyumba.

Patricia Nduta: Wa keru ni ingiaria uhoro ukonie ciana ciitu cia airitu, makiria nimirahuthirwo ni athuri aitu, na maheo ciana icio makaremwo ni gucirera na athuri acio magacoka magacitiganiria.

Translator: Pia tuna shida watoto wetu wa kike kuwa mara nyingi wanatumiwa na mabwana zetu, halafu akishapata watoto wanaachiliwa tu hao na watoto hao.

Patricia Nduta: Na ningi niingienda kwaria uhoro wa githomo, githomo gituike hili gia tuhu kana gikorwo mbecha iria turariha thukuru ti nyingi muno na makiria uhoro wa college ni tondu muthini ni arakorwo ahinyiriirio muno. Uhoro wa gutuara mwana chukuru ringi wamuthomithia kuuma form one kinya form four, ringi ukaremwo ni kumutwara na hau mbere ta ma-college.

Translator: Pia tungetaka kama elimu ingefanywa kwa bure kwani nyakati nyingi mzazi anakua na shida kubwa kumpeleka mtoto shuleni, hasa kwenye shule ya upili. Akimpeleka hasa kidato cha kwanza kumuendelesha kidato cha pili mpaka kwa kituo cha mafunso inakuwa shida kubwa.

Patricia Nduta: Kwoguo hau nigetha muthini agakoragwo na hinya wa guthomithia mwana wake, ona akorwo ni kindu kinini kiririhagwo ni ukuhota kwihinyariria. Wa keru niingienda kuga uhoro wigie urimi. Makiria murimi niarakorwo ahinyiriirio muno thiini wa urimi tondu akorwo ni kahuwa karia twarimaga niko gatuteithagia maundu ini maingi na riu nigakiagire mbecha. Uguo mundu ukoretwo atari wira handu no muhinyiririku.

Translator: Nikitajia kwanza habari ya umaskini kuhusishwa kwenye kufanya elimu kuwa ngumu na tena anazungumzia hali ya kahawa, wakulima wanapata shida sana kwani inakuwa shida kuuza kahawa, na kuwa mkulima kama kuuza hii kahawa yenye ilikuwa ikimsaidia, anakuwa na taabu nyingi sana.

Patricia Nduta: Ningi hari handu hangi ingienda kwaria uhoro wigie githurano. Uhoro wa guthura President. Ringi President agakorwo athurwo President, agakorwo ringi ndari na giti kia MP.

Translator (Com. Salome): Pia ningetaka kuuliza kama President akichaguliwa kuwa rais, basi asikuwe ana kiti cha bunge cha Constituency. Sasa ningetaka kumpa coordinator afanye translation hili na mimi niandike.

Patricia Nduta: Kwoguo President athurwo giti kia President, agakorwo ni President ndari na giti kia MP na Vice President onake agathurirwo kia Vice na ndari na giti kia Bunge.

Coordinator: Kwa hivyo, President akichaguliwa, asiwe mbunge, awe ni President peke yake hata makamu wake awe si mbunge. Awe ni Vice President au makamu.

Patricia Nduta: Na mimi nitaachia hapo.

Com. Salome Muigai: Ndirenda gukuria atiriri tondu ni Katiba turathondekari ni atia ukuona Katiba ingika maundu ta ma kunyua njohi tondu nduna twira uria ukwenda tuke namo. Na maundu ta magutuika ati ciana cianyu ni iragia ciana inyinyi. Ni atia ukwenda Katiba ike.

Translator: Kwa hivyo kwa sababu tunatengeneza Katiba, ungetaka Katiba ifanyweje juu ya mambo hayo ambayo umesema?

Patricia Nduta: Ingienda njohi ikorwo ikihingwo.

Translator: Ningetaka hii pombe haramu ifungwe.

Com Salome: Na ciana nacio.

Translator: Na watoto wa kike je?

Patricia Nduta: Ciana nacio ingienda ukorwo muthuri we niwagia mwana na muiritu wakwa, mwana ucio ukamutuarithia

kumuthomithia na kumurera kinya agatuika mundu mugima.

Translaor: Kama mtoto amezaliwa na mumuwe, huyo bwana amuelemishe mpaka amalize masomo. Hakuna mengine asanteni

Com. Mutakha Kangu: Asante sana basi peleka hiyo hapo. Peleka hiyo karatasi yako. Na Faith Kabura ameingia? Esther Njoki.---

Esther Njoki: Ile shida tuko nayo kama akina mama, ni pombe ya kumi kumi. Tunaona shida ile tukonayo akina mama bidii yetu haiwezi endelea. Sasa hii kumi kumi, mtoto akitoka wapi anaona shilingi kumi mahali. Akipata hiyo shilingi kumi anakimbia kwa bar. Baba yake naye pia. Sasa hiyo boma ikiendelea haiwezi kuwa. Sasa tunauliza Kenya yetu inaelekea wapi? Kwa sababu mzee akija, mtoto yake anaingia, tunaona aibu. Katiba ikigeuzwa tunauliza mtusaidie hiyo pombe iishe. Neno lingine ninataka kusema ni juu ya watoto wetu wale wako nyumbani. Mama anasomesha watoto na shida. Mtoto akienda hapati kazi, anaenda kusimama. Mkulima wa kawaida ako na taabu. Unabeba majani ati hiyo ng'ombe itakusaidia. Wakati huo haikusaidii. Sasa tunauliza, ni wapi tumeendelea? Hatuna market sasa. Mkulima wa kawaida ako na shida. Hiyo ni shida kubwa kwa sababu unalea ng'ombe kwako nyumbani, ilee watoto wako na ilee boma yako. Sasa shida ile tuko naye ndio hiyo tunauliza tunaweza kumalizia ndio tuwe tukiendelea kama mkulima wa kawaida. Watoto wetu wanachukuliwa na vijana, anaenda anatumwa mimba. Hiyo mimba wazazi ndio wanashugulikia hiyo maneno yote ya watoto. Hakuna mahali yule anaweza kuambiwa hapa ni vibaya kwa sababu anaambiwa pia somesha huyo mtoto. Inaokena kijana akishikwa asomeshe huyo mtoto atakuwa mwoga. Sina maneno mengine.

Com. Mutakha Kangu: Asante basi, asante sana. Eh Paul Kila Njungwa.

Paul Njungwa: Mine is a written memo and I have tried to write them like a list, I have started with the office of the President. I have started with the office of the President, and I have proposed a unitary government. The party winning with more than 51% of the total cast votes should form the government. With the President and the Vice President as the first and second highest office and both shouldn't be above the law but subject to law. The mode of election is that a President should not necessary be a member of Parliament, that is an MP. The age bracket is not a matter of concern. The Presidents should nominate 4 MPs for Parliament to vote one them as a Vice President.

Interjection:(inaudible)

Njungwa: Two, is Government ministries. Ministries should be limited to not more than 15 with equal number of ministers and assistant ministers.

Three is the legislature. An MP representing a constituency should hail or come from that constituency especially his residence

that is the customary or the traditional. Apart from Nairobi province, he should within his capacity as MP set or establish an office within the constituency and also set apart at least one day in a month when to hear public views of how best to run political, economic and social issues concerning the electorate.

Four is the appointees. Head of Civil Service, chairmen to parastatals and government bodies like Electoral Commission, Chief Justice, Judges and etc, should be done by Parliament and not the President.

Five, Constitution Review in economy. Kenya is an agriculturalist country, the backbone of the economy lying in agriculture. Therefore, factors affecting agriculture should be considered under reviewed Constitution.

- A. Most of the farming areas have poor transport. Therefore improve the infrastructure.
- B. Poor marketing facilities, for example, like the cereal and co-operatives should stop delaying payments to the produce for sale.
- C. Low prices, especially by middle organization and government
- D. Lack of credit extension to farmers to enable increase productivity and should credit exist, it has a very high interest rate discouraging farmers to borrow
- E. Co-operatives owes farmers large amounts of money.
- F. Machinery are very old and expensive to maintain.
- G. Corruption by managers, skinning cooperative resources and income from top to bottom.

Number six is others: Free health services, free and compulsory education, unconditional calling back Kenyans seeking political assaillum, unconditional registration of all political parties, do away with the current Electoral Commission and voter registration and let it be a continuous process. Political parties should share the national resources in terms of money with ratio proportional to the number of people in Parliament. The last one but no the least, is constituency boundaries.

Com. Salome Muigai: Asante sana kwa maoni yako, I would like to start by seeking a clarification on the last proposal that the political boundaries should be on consideration of population. What happens in the arid and semi-arid areas where you find the population is very scarce. So they will be long distances in order to find the people. How do we deal with that? Have you thought about it?

Paul Njungwa: They should have of course a big constituency in terms of the coverage, area coverage.

Com. Salome Muigai: What I am trying to say is that we all live in Kenya, we are making a Constitution for the whole of Kenya. so we are saying that in Murang'a it is very easy to find many people together but you go to a place like North Eastern, sometimes even Kajiado where you have people living very very far from each other. How do they get their representation, if we just consider population? But as I said if you have not thought about it, it is okay. But if you do think and you want to send

us a note about it, we would be very happy.

Paul Njungwa: I think the population should be the same because the area coverage is not an issue. What is important is actually the population.

Com. Mutakha Kangu: Lile swali anauliza ni kama tuseme mbunge akitaka kufanya campaign, yeye anaweza chukua siku moja awe amefikia watu 10,000, 20,000 kwa sababu wako karibu. Na ukienda kule kwingine ndio apate kufikia watu hata one thousand, pengine atachukua siku kumi and the cost is very high. Sasa tukisema twende every constituency tuseme iwe na watu 10,000, utapata, kuna yule anaeza pata 10,000 in one location. Mwingine na yeye apate 10,000 atakuwa amecover area inachukua Central Province yote. Huyo tutafanya namna gani?

Paul Njungwa: So you are saying about when he is campaigning or such kind of thing?

Com. Mutakha Kangu: Yeah. Such kind of a thing.

Paul Ciira: No but constituency boundaries don't have anything to do with the campaign. It doesn't cause because those are the district headquarters and they can be centralized.

Com. Mutakha Kangu: Ninajua wewe(inaudible) ulisema mbunge anatakikana awe na office kwa constituency. Awe anafika huko at least once a week ama a month ndio watu wake waende wamueleze mambo. Sasa tukiweka distance mrefu utaona yule mtu kama wa Murang'a hapa watu wake hapa, anaweza kuja hapa siku moja na watu wake waweze kutembea wamfikie. Lakini yule mwenye watu wanakaa mbali mbali, mtu atachukua siku tatu ndio afike mahali office ya mbunge yuko. Sasa, si unaona services inaanza kuwa shida?

Anyway tuaachie hapo. Asante sana. Weka sahihi pale. Eh tusikie Samuel Wachira Njoroge, Samuel Wachira Njoroge.

Samuel Wachira: Kahuro Jua Kali industries Constitution Review draft. The Chairman, the Commissioners, distinguished guests and my fellow participants who represented various organizations. I would like to take this opportunity to pass my warm regards and my appreciation for your devotions to make-- (silence) I repeat again. I would like to take this opportunity to pass my warm regards and my appreciation for your devotion to meet here with us in order to hear our views. Here with me sir, is Constitutional proposal draft from comrades Jua Kali Artisan, of Kahuro Jua Kali Association on behalf and combination with other Associations from our fellow Jua Kali Artisans within the republic. This is just a guideline whereby the formal Constitutional orders will be done by your office, as it is and known to be profession by Constitution with the professionals of the matter. The Kahuro Constitution Review

Part 1: Registration of Jua Kali Associations, should be allowed to be done in Attorney General's Chambers. Essentials of registration of Jua Kali Association procedures for registration and amendment of by laws and also the appeal against the reprisal to be registered. Production of the names and cheques and properties of Jua Kali should be evidence of registration.

Part 2: Privileges of registration or registered Associations. Jua Kali Association should be bodies affiliated by law to bind members of Jua Kali Association.

Part 3: Rights and liabilities of members: Qualification for membership, limitation of holding shares capital in Jua Kali Saccos. Member check subject to authorization by Annual General Meeting. Membership of Jua Kali Association: limitation of membership to one Jua Kali Association and voting rights of all members. Rights of members: members rights lies in the Jua Kali Association.

Part 4: Duties of Jua Kali should be registered under address Jua Kali Association and be entered. Jua Kali Association be given each copy of Constitution or Constitutional Act and this by law as a registered office as it will indicate audited books and accounts, production of books and other documents and related books.

Part 5: Management of Jua Kali Association has duty of committee to be entered in the Association and delegates also should delegate all duties.

Part 6: A development of Jua Kali Association in locational and divisional or district of Jua Kali Associations.

Part 7: Rights and obligation of Jua Kali Associations

1. Association should be in charge over members production. A fine for violation of by law. Association should charge fines over debt assets etc. a in certain cases. Number 4 Association should charge fines over members' shares. Limits in production, from Jua Kali Association to Jua Kali employee should be indicated, therefore on report. Members therefore should not subject to attachment. Liabilities of such members liabilities of deceased members transfer of shares, or interest of deceased members. Dividends of members' interest in Association. Indications of production of Association books.

Part 8: Property and funds of Jua Kali Association: No. one, applicable of Association property and funds, the situation of giving loans, the situation of borrowing, borrowing investment of Association funds, intervention of payments of bonus, distribution of net balance, creating charges over Association's properties, charge to comply with applicable law that could be registered with the registrar. Register of judges. Certificate of satisfaction of judges in favour to give notice of the appointment---

Interjection: (Com. Kangu) Mzee, ungetupatia highlight on what you have there.

Wachira: The whole Association should have an act passed by the Parliament and it should be followed and No 4,---

Interjection: Jinsi vile unavyoeleza wewe ni kama unatwambia na kutuambia vile Constitution ungependelea iwe ama ingefanywa. Ni kweli?

Response: Ndio.

Com. Mutakha Kangu: Sisi tungependelea utukuambie vile Constitution ya hii nchi mzima, within which your association operates, tungependelea upeane nguvu aina gani yenye itawezesha Association kama hiyo yako unasema kuoperate na licence?

Wachira: Hiyo ni kusema ati Association or Associations in Kenya should have an Act to make it work better. Na tena tungependa kwa district yote kuwa na msimamizi, yaani consultant who would be in charge or yule ambaye atakayeendesha mambo yote ya kuhusiana na production na awe ameandikwa na serikali kuendesha Jua Kali ndani ya district ingine. Na iwe huyu, consultant anaendesha jua kali ya district kwa training na production na tena awe anaandikwa kwa agreement. Yaani kwa muda wa miaka mitano na miaka mitano ikiisha, anaweza kurenue hiyo contract yake. Na hao watu wa branch, wale committee branch inaweza kumwambia kazi yake na kuripoti kwa -----(?) vile ----- (?) applied technology kuwa kazi yake ni namna gani. Naye pia kwa kila muda ya wiki mbili atakuwa na report kwa data applied technology ile kazi yake inaendelea namna gani? Kama anaendesha kwa Association. Na tena in every district, kama kuna wale washafanya registration, wawe wanafanya registration na wanaangaliwa na ministry moja kama Ministry of Technical Training and Applied Technology sio kuwa wako ndani ya Ministry of Labour, na Minister of Labour iko na kazi yake muhimu na sio kama ile ya watu wa Jua Kali. Na pia tungependelea wale watu wa Jua Kali kuwa affiliated kwa District Body na Kenya mzima, pahali popote Jua Kali iko wanakuwa na committee they have created. Committee wawe pamoja kuangalia Kenya nzima na planning for districts na location pia. Mimi yangu imeisha.

Com. Mutakha Kangu: Asante sana and we have Robert Mbue. Robert Mbue

Robert Mbue: Wananchi ambao tuko hapa, mbunge wetu Hon Kariuki na Commissioners ambao wanawakilisha mahitaji, yangu si mengi sana na sio machache. Mengine niliyaandika kwa Kingereza na itanibidi pengine nisome kwa hiyo lugha. Jambo la kwanza ambao ningetaja, the police should handle suspects in a more human way and for those who die or get ill, may be injured, within the police custody or in prison, the family of such people or the people themselves should be compensated. In addition to that, I don't know what the Commissioners, or may be a law can be passed because in post-independent Kenya we have got so many political murders, which up to date have not been solved. So we should have a method through which a law could be passed so that those people who killed for any reason at least we should know the cause of such matters and the perpetrators should be brought to book. A separate department should be created to probe the discipline of the police. For

example we have got crimes, we have got suspects who are punished. May be once a suspect is held, there is a point where we hear the suspect ran, others are not even arrested. In such cases I think we better have a different body to investigate such case.

In Nyeri, it has been very notorious to hear that a suspect was held, the following day the person is dead and then we hear the police saying they will investigate. I believe such people cannot do a good job unless they are taken to prison. so such a policy should be there.

On the side of the matatu sector, those people who normally travel in matatu will agree with me that we have so many problems, among them being overcharged. For example I come from a place known as Kahuthia which is not less that 20 kms from Murang'a and at times the fare goes up to 100/=, 80/= and when you equiring on what is happening, you are abused or may be pushed aside. Perhaps we could have a rule whereby, the question of overloading sometimes you enter a matatu before you reach the destination, the matatu crew decides to cut short the jouney, then you are left stranded. That tells that the matatu owners would also be dismantled so that whoever wants to join that business, they can. In the same way, we should have timetables checking the same vehicles so that they may avoid overcharging and they should keep that timetables and charges under the law written. Recently, I don't know what problem is going to be here, we have got cases of hijacking of matatus and especially along this route. We are very suspicious because I belong in this Kangema Road whereby these things are so common. Before, it was happening in Nairobi and now we don't know why these people are not arrested and sometimes they come to raid during day time. So I don't know may be a certain force can be created so that it can monitor this kind of thuggery, where it is coming from and what can be done.

On health and education, education should be made free and compulsory because this thing we are calling cost sharing it is becoming detrimental to society for example as you women resulting to buy cheap medicine for their children and they are just hoping may be, the kind of medicine they are buying could be the right medicine. In such cases, I think health should be let free and may be treated and without bringing problems.

Taxation: (mambo ya kodi). In Kenya we are having too many taxes and I believe this should be reduced. For example, most workers today go for their payslips instead of their salaries at the end of the month. As a result of too many tax deductions, well, some of them it might be a problem of their own creation because they are borrowing loans, but they are doing it because they have no alternative. So such taxes should be reduced and at the same note the traders should also be involved here. You will find may be those people who are operating the bars and even shops , when they go to get their licences, some of these taxes are abnormally high such that by the time you pay these taxes, you pay the last money, you are left with almost nothing due to high operational costs some of them you don't need to talk about the taxes. Those people who have very small farm products for example sukuma wiki or banana I believe they should be let to sell free without without any taxation because for some of them, their returns are very minimal to be shared with few people, that is, the first man. We have got other taxes like

the VAT plus other taxes, I think those ones should be done away with so that we may make the commodity affordable and at the same time those found selling substandard goods, be dealt with according to the law. We have heard many things which are fake, we just hear that those people are going to be dealt with, but nothing is done. I believe this can be improved.

On Public health, at a long time ago when I was a young person, I used to see some health officers coming to homes and making sure that the pit latrines are dug and built properly. Today, that sounds something of the past and when you go to some of our homes, we do not even have toilets and if they are there just a shoddy thing which may not help much. Maybe if these people are followed, I believe this thing or the standard of our cleanliness can go high. When you go to some hotels, this Kahuro, Murang'a or elsewhere, the latrines or the toilets are permanently under a lock making it very difficult for you to open and in the same note you will find that even if you are going to use that latrine, you are going to be charged something extra. Go to Nairobi the same is done by chokora and we do not know the relationship between these chokoras and the city council or the body that deals with this. So that means we are not keen on the health of Kenyans. When you go to our office here in Murang'a those people who have gone there, I think and even those who seen yesterday, they are of the worst latrines ever around that is in District offices and I wonder which people come to check the health of other latrines when they are such a state.

On soil conservation, measures to be taken and the residents should be uplifted to its right. The local resources, some of them we have got some falls around here. Those falls, I believe they can be used with the assistance of the government to produce some irrigation project or may be generate some power to provide the local electricity, which is not affordable to most of us. With the same note we would like the power sector to be streamlined so that we may have even if it is solar electricity be made affordable Kenya Power and Lighting Company (KPLC) should make the process of connecting power easier so that Kenyans can get electricity.

Let us come to corruption of those people who have been managing and especially those working in the public firms. Such people, they should be arrested and they should be made to pay and a follow up should be made. In the recent past we have had so many companies which are bogus and have swindled the Kenyans a lot of money. Right now we have heard these things of a certain company known as Lonroh Motors. This company was discussed in Parliament and the person who answered that question showed that the Government was either helpless or was not ready to help those people whose money had been taken by that company (that Lonroh Motors) to the headquarter in Britain. So millions of Kenyans are in need of this money, are free in Kenya, enjoying the same and then the Kenyans are here struggling. So I believe something to be done such that those people to be followed.

Another one is the office, they are saying that they are providing facilities for both projects, now this is the third or fourth year and don't have hope for the same even if it is technical, we are afraid they are taking too long. I am talking about the bogus companies pretending to help Kenyans after collecting the money, they just vanish it. Then you go to follow up, nothing is done. I believe a law should be passed so such people shall be followed and brought to book.

Next I want to talk about defection, merging of the parties or co-operations. Such things should be discouraged unless they are taking place at the end of Parliament time, which is at least five years. We know that the by-elections are rather expensive and those normally who call the by-elections after defection or such kind of a thing, at least somebody must die in those by-elections or may be a lot of money is used in terms of millions. Now I suggest that should an MP leave that particular seat may by death or any other method, perhaps the D.O or the District Officer should admit some constituencies or may be hold the position until that time elapses, and that money which should have been paid to the MP who is absent perhaps it could be taken to develop the constituencies until the General Elections in trying to avoid the by-election.

The salary of the members of Parliament, I think is a bit too high comparing with the poverty Kenyans are suffering from or the conditions they are living in. So I believe that when it comes to salary, we should have independent bodies to review salary of civic bodies, not only the MPs but also other Kenyans because we have got those people who are paid too highly, others very lowly and yet they are doing a lot of work and our goal is common to develop our country Kenya. Voters registration should be a continuous exercise and should be not criticized. The fact is that children are being born on a daily basis and I believe children are not born after every five years. So we don't understand why this exercise is to be done once in a while, I think it should be done continuously, and should be automatic instead of asking for so many documents, some of this are not available. Constituencies should be treated as per population because there are some MPs like here who are representing over 60,000 while others have 10,000 people and although that person ----- (?) I believe for those people who have reached the provincial boundaries, if I am right, we have got provinces which are extra big for example the Rift Valley has got one PC, Nairobi has got one PC but when you compare them, I believe there is something to do with the population.

Finally, I don't see why we should not formulate a law to compensate the victims of tribal clashes and that allows them to be settled in their old area and their properties taken back. At the same time we don't understand why such people should not be arrested, the perpetrators of the status of the same and should be made to face the law. Otherwise if the government cannot do so, then we have no business with it at all. Thank you

Com. Kangu. Eh, nina swali moja. Umesema ikiwa an MP defects, the DO should run the constituency for the remaining time. Will that involve the D.O going to sit in Parliament and participate in Parliamentary proceedings or what will it involve?

Mbue: It was a way of trying to discourage the defection, and I do believe there are limitations. The D.O there are things that he may not do but helping the public there, I believe may be he should set a committee for the same. At the same time some of the MPs, they are very rare. I don't want to sound political. We got others like our neighbouring constituency here that is in Kangema, some parts of Kangema, and Mathioye, those people are complaining that they have seen their MP since election after five years ago. So somehow even if not the D.O, at least another method or may be another person should be brought to represent those people because the by-elections are expensive and sometimes, we are electing these MPs in the faith of certain

party. For example the majority of people here are very anti-Kanu although it is the ruling party. So we take it as betrayal if at all we take you to parliament in a certain party, then you defect, is just a same way I can board a certain vehicle here, Nissan may be ready heading towards Murang'a, when we go up to Mugoiri down there, then we are taken to another old matatu where may be we are not comfortable and I would not enjoy the ride. So I feel that, even if not the D.O at least something else should be done by the experts to see that this by-elections are omitted at all costs.

Com. Mutakha Kangu: If we say the D.O, will he be allowed to go to Parliament and seat as an MP for Kiharu and defend issues in Parliament with other MP, because you know in Parliament, there is voting and now you are talking about party and it is what a member has defected and the D.O takes over, he cannot go and discuss things in Parliament when issues come for voting, the particular party that had MP will have lost one vote?

Mbue: Okay may be I will have to talk a bit from that angle, but I will not be necessary meaning the D.O. but at least with this kind of defection, you know, what we are very much against is this frequent by-elections and what have you. So even if is not the D.O leading, a solution should be found so that we may know how to handle the situation other than may be, defecting, merging, cooperation and what have you which is you know making us lose the faith of this election

Com. Mutakha Kangu: You have a question? Okay lets hear one from you.

Speaker: You have talked about the suspects being held by police and then disappearing. What do you actually mean. Could it be Toa Kitu Kidogo, this means under the Kangaroo court or exactly what do you mean?

Mbue: Well, eh I don't have the actual names of those suspects I have got in mind, but there is a suspect in Nyeri who was found murdered very recently. I am not talking about King'ong'o case, but as I understand that man was held because of a robbery which took place three years ago. He was just held recently and after being in the police cells for some time then according to the police version, we are told that the man fell sick in the police custody, then he was released and then collapsed and died on the way. Fortunately, it is the same policemen who found this man. Then such cases, I am talking about the suspect will disappear completely may be death. I don't want to use that word. Another man was found at Nakuru many years ago held but lastly we understand that he was murdered according to the family but the police version was that the man disappeared. So even if it is a needle which will fall in the grass I believe we can use all methods to trace it but for a whole man or a human being to disappear then that one raises a lot of suspicion. It were better we get him dead or alive.

Com. Mutakha Kangu: Then let's have Mohammed Mutua Mohammed.

Mohammed Mutua: Ah asante sana, kwanza nitaanza kwa kumshukuru Maulana ambaye ni muumba wa mbingu na ardhi na muweza wa kila jambo duniani na ahela. Natarajia kwamba lolote nitakalo changia katika tume litakuwa la manufaa kwetu na

vizazi vijavyo. Nimepanga kwa kifupi tu ili nisiudhi ambao wanashiriki. Naanza kwa neno askari. Askari, polisi, iwe na sheria ambayo kwamba inaonesha muongozo wa nini polisi amfanyie mwananchi. Mwongozo huu ambao kwamba unaonekana haupatikani free, polisi amekuwa ndiye wa kushikana ndiye wa hakimu na ndiye mtetezi. Kwa hivyo ikiwezekana ihakikishwe kila aina ya askari au polisi awe traffic officer, awe askari wa jela, awe askari wa msituni, awe na mwelekeo wa uhusiano mzuri na mwananchi.

Namba mbili, nazungumza au nachangia kuhusu mahakama. Mahakama iwe inatumiwa au wakati mtu anapelekwa kotini mahakama iwe ikitumia ushahidi ambao unatetewa ni mtu ambayo alishuhudia chanzo cha kesi hiyo. Maana labda kuna watu wale wanafanya kazi za uwakili watanichukia. Mimi binafsi sionelei kwamba wakili anapotumiwa katika kesi kama, kesi hiyo huwa na uhakika au machechio yatakuwa ni ya haki maana wakili jambo linafanyika Murang'a mimi naandika wakili kutoka wa kutoka Nairobi. Wakili hakukuako hapo lakini atafanya chini juu hili mambo yake anayo yasema yafanane na au atoe urongo unaofanana na ukweli. Na wewe unashtakiwa, ukijaribu kuuliza huonekana hauna jambo la kusema. Kwa hivyo kama siku za zamani babu zetu walikuwa wanakata kesi zao bila mawakili. Kuna uzungu mwingi ndani ya sheria yetu. Uzungu nikimaanisha ukoloni. Tumetawalwa mpaka sasa kuna hatari ya kutawala maana jambo la kigeni kwetu sisi ndilo nzuri, lakini la kienyeji, kwetu ni la upuzi. Mahakama baina ya mshtakiwa na hakimu, awekwe, mshtakiwa awe na haja ya kuuliza hakimu swali maana ni kawaida ukiuliza swali irrelevant ile haikuhusiana, lakini kuna lengo hapo wakati unapouliza hili kuleta hayo mambo katika njia. Kwa hivyo kama sheria itatungwa au itarekebishwa wawe na nafasi ya mshatikwa kuwa na uwezo wa kumuuliza swali hakimu.

Namba tatu, habari ya korokoro au cell ile mtu anashikwa anatupwa huko ndani. Hizi zikiwa ndio mwanzo wa mwisho ya haki ya yule ambaye kwamba ameshtakiwa. Isije kuwa mwanzo wa mwisho na kila mtu mwenye kushtakiwa. Naamanisha, unapotiwa katika cell, watu wako wakija kuona wanauliza wanakaa aje. Kwani ukiwa unashtakiwa labda unadhaniwa wewe kuiba, hata ukiiba hata watu wako wanaogopa kuja kukuona, sababu wanaulizwa hii "Wewe ndio mama yake, unamfunza mtoto wako?" Wanatusiwa ati wanakuja kumuona mwizi. Wamekata shauri kabla hata hujafikishwa mahakamani. Hapo sioni haki ikitendeka. Mtu ikiwa ameshtakiwa awe na haki na kuona watu na jamaa yake.

Namba nne, baada ya wewe kuwekwa korokoroni unapelekwa, mahakamani kule kuhumiwa. Sasa unapelekwa gerezeni. Huko ndio jehanamu ya duniani hasa huku kwetu. Jela tuwe na sheria kwamba jamaa akifungwa awe na ruhusa ya bibi yake kwa faraga na watoto wake kwa faraga au mke kwa mume kwa faraga au mume kwa mke kwa faraga. Vile vile na watoto. Sitaki kueleza nini maana ya faraga. Hapa mwenye kukosa ni huyo mmoja yuko jela lakini je mkewe amekosa? Hata atakaa mwaka na mwingine, hawajaonana mke na mume mwishowe ndoa zimekwisha maana ya dhana. Hii ikiwezekana, huyo ambaye kwamba amefungwa awe akipewa fursa kama ni siku za siku kuu watu wake wakafanya juu chini kumpelekea zawadi either ya maakulaji au wampeleka mavazi. Jela, ninaendelea tu, kuna ushahidi labda nyinyi hamjafungiwa watu lakini sisi tushafungiwa. Mahabusu wanaenda nusu wanaenda nusu uchi. Nusu uchi. Wakati unapomwona ana nguo safi ni ile anakwenda kesini, kwa jambo jingine au wakati wanafanya kazi kwa P.C au kwa D.O au kwa watu wengine fulani, saa hiyo

kutakuwa na nguo rasmi, safi, haina kiraka.

Mwisho, hata kama hatuwezi kuchukuwa thamana juu ya wafungwa wetu ambao kwamba wengine wanakwenda kwa bahati mbaya tu, haki inafutiwa. Malazi wapewe mikeka wakiwa na vitanda, mikeka inayokubalika kuepusha na baridi huko.

Namba tano ni ukuruba kwa kiongozi wa aina daraja yoyote wawe ukuruba kwa wananchi---sorry we wawe na ukuruba baina ya viongozi na wananchi. Kwa mfano sasa mtu kama mimi nikiwa na watu fulani naona hata fulani au jambo fulani na anataka kulieleza, kumwona mbunge itakuwa kama safari ya kwenda serale. Kumwona kama President hivi, itachukuwa labda miaka. Na kama ni kumpa mawazo yangu nikimpa fulani apeleke kitambo yafike kwake, yamebadilishwa na kuharibiwa sana atapata wrong information. Kwa hivyo, kama ni wabunge wao wenyewe kuwe na sheria ya kufupisha safari ya kuwaona. Sasa Katiba hii kama tunataka irekebishwe vizuri, iwe kufunga kulingana na mila na kikabila za kiafrika wala sio mila za kigeni. Hatutafaidika maana fikira zetu na za kigeni ni mbali mbali kama kuchanganya mafuta ya taa na maji. Kwa ufupi naenda namba sita, budget. Wakati wa budget mimi naomba tuwe na sheria. Budget itayarishwe na Tume. Kisha isajiliwe bungeni. Baadaye isomewe wananchi. Hiyo ningependelea iwe hivyo. Pili, kusiwe na nyongesa au mini-budget. Hata wiki haijakwisha nasikia budget ingine inasomwa ambao kwamba hatukuisoma katika magazeti. Hiyo nafikiri itatupunguzia uzito.

Saba, haki za watoto. Haki za watoto, nianze, kutoka wakati mama anapohimidi mimba maana chanzo cha matatizo ya mtoto inanzia hapo ubebaji wa mimba. Mtoa anampachika msichana mimba, kutoa anamfukuza msichana. Anajua hakuna kitu ataambiwa haswa akiwa ni tajiri. Atakaa na mimba, mtoto atazaliwa, na akizaliwa basi, anaanza matatizo. Kwa nini? Anajulikana mama lakini baba hakutambulishwa. Kwa hiyo iwe sheria ya mtoto kuanza kulindwa pindi mimba inapobebwa maana itakuwa na uzito iwe na sheria, zamani watu walikuwa wakilipa au wakisomesha kama vile mtangulizi alisema. Kuna mambo mengi sana ya kienyeji yametupwa ambayo pia yatatusaidia.

Namba nane, kugawana gharama. Siku hizi wanasema cost-sharing, kugawana gharama. Kwangu haingii akilini sawa sawa. Kugawana ni mimi nitoe kidogo na wewe utoe kidogo tupate kufanya kitu. Lakini sasa mtoto wangu ameenda shuleni, mimi naenda hospitali naambiwa ili nipate huduma au mtoto wangu haudumiwe, lazima niwe na kitu kinaitwa cost-sharing. Cost-sharing inaingilia wapi na kuna mtu yule ambao kwamba ana wajibu huo. Mimi kabla wananiambia nitoe--- nifanye cost-sharing, tayari nishalipa kodi na kodi hiyo unanilipia tutagawana na wewe unacheke hapo ati nimetoa shilingi mia na kati hiyo mia wewe unatoa shilingi hamsini halafu unaniambia katika hizi hamsini, toa zingine hamsini. Kwangu haingii. Kwa hivyo mtu anawajibika kufanya hiyo awe anafanya. Kwa hiyo sheria hapo iangaliwe kuhusu cost-sharing.

Ukabila: Watu wanazungumza tuache ukabila, ni vyama vya ukabila, nini ukabila, Mungu akiumba ukabila, aliumba ukabila watu wajuane. Ukabila si mbaya lakini vile tunavyoitumia ndio vibaya. Kwa mfano ukienda kuchukuwa ID card, haulizwi wewe ni kabila gani peke yake na ukamaliziwa, unaulizwa wewe ni kabila gani, unasema mimi ni Mkamba, Mbari gani? Mbaria nani, unaona kwa nini anataka kujua. Kwa hivyo hiyo ni kwa nini tunapigwa sana lakini vile tunavyoitumia ndivyo inapasa

tujirekebishe.

Namba kumi, nazungumzwa sana---

Interjection: (Com. Kangu) Utajaribu kwenda haraka

Mohammed: Haraka ndivyo kabisa naenda. Mwisho namba kumi uhalali na uharamu wa tembo. Kuna tembo hizo zinaitwa kumikumi, kuna tembo zinaitwa Tusker, Pilsner, Smirnoff Vodka. Sasa kwa kutoelewa kwetu tembo ile wazungu wanapatia faida hiyo inaitwa halali. Mwanamzungu kule ng'ambo atapata faida na wewe utakunywa tu uanguke ujipake matope. Hiyo kila mtu akiinua mkono hiyo ndio mzuri. Chang'aa, karubu nini busaa hiyo mbaya mwanamzungu pale hapati faida. Kwa hivyo kila--- kama ni kwaharamisha, haramisha yote. Smirnoff na karibu yote haramu. Lile jambo lingine ni halali. Kamari. Yule anacheza kamari hapa, singi, karata ile inachezwa unaambiwa haramu lakini ukienda huko Casino, hiyo ni halali. Bwana George na bibi wanapata faida. Tuwe na msimamo. Mwisho nikimaliza, ni kuhusu huduma za kijamii. Kwa hivyo mwaka ukifika kuwe na sheria ya kuwauliza namna ya sisi wananchi tunavyoweza kujitetea wakati mahitaji ya huduma. Namalizia hapo kama nimewachosha au kuwaudhi naomba munisamehe. Asanteni sana.

Clapping

Com. Salome Muigai: Bwana Mutua umetueleza mambo mengi ya muhimu. Mimi nataka kukuuliza juu ya uhalali na uharamu wa pombe. Je unasema pombe zote ziharamishwe ama zihalalishwe na pia kamari na vitu kama hivyo kwenye Katiba?

Mutua: Katiba isipendelee pombe za kienyeji ziiitwe haramu na zile zingine za halali ichukuwe msimamo mmoja. Kama ni kuharamishwa, ziharamishwe zote za kienyeji na za kigeni maana hatari ndio mbaya. Sisi twapata hatari, wao watajirika.

Com. Mutakha Kangu: Asante. Tupate Njeri Mwangi.

Njeri Mwangi: Kiria nii kiandeha haha nii ndetwo Njeri Mwangi, hena thina umwe na ti thina wa kuaga irio kana kuaga nguo wa atumia a ndigwa. Atumia a ndigwa nitunyariritwo muno.

Translator: Yaani ni wale wamama wasio na mabwana, wametaabika sana.

Njeri Mwangi: Tondū akorwo ni mutumia wa ndigwa, ta nii muthuri wakwa akuire na mbara ya mau mau. Na ndi okuu gwake..

Translator: Bwana yangu alikufa wakati wa Mau Mau na ningali huko kwake.

Njeri Mwangi: Ngarima indo ciakwa na ngaciara ciana..

Translator: Nikatafuta mali na nikazaa watoto.

Njeri Mwangi: Riu kihinda giki njokete kuona kwina mawakiri mangi ta athuri aya matuirwo ni ma-headmen na Chifu andu athomi. Akuoya muiritu wakwa to uyu akamwira nyukwa ni muru, mwana ta wakwa ta uyu, nyukwa ni muru

Translator: Sasa kuna watu wengine wanakuja kuambia watoto wangu mama yako ni mbaya, mama yako ni mbaya na hapa na pale.

Njeri Mwangi: Na ni riria onanii ndambiriria gwika kaundu, ciana ciakwa ikona thina.

Translator: Na ni wakati mimi naonekana kama nitakuwa tajiri halafu watoto wangu wapate taabu.

Njeri Mwangi: Na hau ndiraria ti hakwa nyiki, ni haku na nii twatigwo thi.

Translator: Hapo mimi naongea juu ya wanawake wote ambao mabwana wao wamekufa.

Njeri Mwangi: A Murang'a yothe ndagweta uguo. Na ndiragweta uguo tukiri othe athuri na atumia kinya Mbunge witu wa Kiharu e haha.

Translator: Ninaongea hivyo kwa sababu tuko na wanawakema na wazee hata Mbunge wetu.

Njeri Mwangi: Hau nindakiuma ndacoka haha hangi akorwo ni ciira wathii Murang'a,

Translator: Ukiwa na kesi unaenda huko Muran'ga,

Njeri Mwangi: Tugaciira na muthuri to uyu, ngamuhota,

Translator: Ukafanya kesi, mimi nikashinda huyo mzee,

Njeri Mwangi: Agatuirwo,

Translator: Akahukumiwa.

Njeri Mwangi: Nandandihe.

Translator: Na hakunilipa kile na alihukumiwa anilipe.

Njeri Mwangi: Na ndirakorwo njigite kinya wakiri.

Translator: Na mimi nilikuwa nimeweka hata wakili.

Njeri Mwangi: Ngacoka ngakirwo ika uu ni wakiri. No wakiri ndiri handu ndiramunyita tondu ndahititie handu.

Translator: Wakili yuko lakini yeye hana taabu na hajafanya makosa.

Njeri Mwangi: Tugagitarana ngeerwo akorwo ni ngarehe mbecha ici tukaruta igotini ngionaga.

Translator: Utaambiwa leta hii pesa, mimi nikatoa hapo nikatoa hata na kodi naona.

Njeri Mwangi: Kindu giake giathii giatahori kahinda ngaigua nikirarekirio.

Translator: Vitu vya huyo mzee zilichukuliwa na kesho yake anaambiwa imeachiliwa.

Njeri Mwangi: Hau nii ngakiuria kai Katiba ino ya Kiharu ikihana atia?

Translator: Sasa mimi najiuliza hii Katiba ni ya aina gani?

Njeri Mwangi: Haya tugacoka o ringi ngeka appeal.

Translator: Halafu mimi nafanya appeal.

Njeri Mwangi: Tinii ni we. Tugacoka ho ringi ngamuhota.

Translator: Hata nikamshinda tukirudi hapo.

Njeri Mwangi: Tugathii tukagio ni aria matahaga.

Translator: Halafu wale maauctioneer wanakuja,

Njeri Mwangi: Gugokwo gukerwo kindu kiu niarendirie.

Translator: Nikaambiwa ameuza kitu hicho.

Njeri Mwangi: Ndirakiuria uguo tondu turi oho andu a Kiharu na Mbunge witu ari o haha. Kai ari atia hau?

Translator: Mimi nauliza maswali haya kwa sababu iko hapa hata mbunge yetu, haya mambo namna gani?

Njeri Mwangi: Ndigukorwo ndina ugoro muingi ngukinyia hau.

Translator: Sina mengi, nimefika hapo.

Com. Mutakha Kangu: Asante mama. Ndegwa Waweru Benson

Ndegwa Benson: I presented yesterday but because of time I left out something which I feel is very important. I would like Kenya Constitution to address itself on law and morality. This is what it means. Law and morality are intimately connected not as a matter of accident but often as a matter of necessity because of their purposes claim to the promotion of advancement of cardinal social ideals like harmony, tolerance, cohesiveness, compatibility and clarity and self-definability of social life.

Therefore, let us make a law that rules out prostitution or commercial sex. Let us make a law therefore against such matters against against such things like unmerciful killing. A law against child labour and child abuse. Law to do away with artificial family planning methods or contraceptives which are a health hazard to women. So let us make laws on that.

I would like to talk about law and truth. In Kenya for instance, we have had a commission set to inquire certain issues like the Devil Worship Commission, Land Commission, and other things, death of certain prominent politicians like Dr Robert Ouko, Father Kaiser issue is still controversial. We are entitled to the truth. I would like this to be reflected to the Constitution that truth is not only a matter of fact, is not only the factual, it is the jury or a matter of law, truth and we are entitled to truth.

Let us make a law that controls monopoly, for instance, when you go to the supermarket you can buy vegetables, you can buy beer, you can buy chicken, you can buy beef, you can buy nearly everything. So I would like us to come with a law that also gives the commoner, or what we call in quotes a “commoner” we state who is to sell what’ in terms of items. “Who is to sell what”. Rural to urban migration contributes to the poor economy. The villagers are just as the town dwellers, but when you come to the distribution of the Government resources, we see they are directed more so to towns. So I would like to see a telephone booth in the village as well. Let us have, let our Constitution reflect that element of curbing rural to urban migration to make better our economy. Kenyan citizens should benefit first. There are people working in this country from outside Kenya. It is good, but the law should ensure that Kenyans have these opportunities first. I am going to give example. “Troon”, is a special detective called “Troon”, who was invited in Kenya. I heard that there are three watchmen who were invited. Let Kenyans have the priority. No special treatment for some Kenyans for instance, the soldiers, they are enjoying commodities buying them at half prices. No special treatment. Let the law deal against such people, no special treatment. I also want to challenge a principal in law there. The fact that during wars the law is silent I would like laws of Kenya’s Constitution to state during wars laws are not silent.

Then I want also in the Constitution to ensure that there are no such exaggerated symbolism, for instance in this country, we have monuments of certain people, we have—this monuments are having a psychological effect to the children and to the citizens. Let us have no exaggerated things like monuments, pictures of certain individuals and all that. And lastly, law must through the medics check what is produced locally that which cannot harm the citizens. Marital bonds must be defended by law therefore there should be no divorce. Marital bonds must be permanent according to my view. Thank you.

Com. Salome Muigai: Ah, people get into marital bond by mutual concept. What happens when they are not able to live together and you have said that the Constitution should state that there is no divorce?

Ndegwa: When we advocate in the family set-up, then we are advocating for disunity at the national level. So I would emphasize that, when people enter into marriage, they are entering into a permanent thing so that we respect that aspect of unity from basic domestic unity. I don’t know whether I have answered you.

Com. Salome Muigai: You have, but for me, may be you could share with us what you feel as separation and divorce. If people are living away from each other, what do you see as a difference because you are saying that they should stay in married for unity, if I get you right. So what is the difference between them getting separated or being divorced as far as the Constitution is concerned?

Ndegwa: As far as the Constitution is concerned, I would look forward for a Constitution which does not separate people through the law but continues to make them together, respecting that bond as the status quo. So separation would mean that they are still married, that bond is still there, but the law has --- because of may be the risks of life and other risks separated them. Thank you.

Com. Mutakha Kangu: Then Margaret Githinji

Margaret Githinji: Ngwenda kwaria uhoro ini wigie mwena ini wa atumia. Uria atumia ringi tukoragwo turi ahinyiririku.

Translator: Nataka kuongea juu ya wanawake.

Margaret: Mutumia ringi niagithomire githomo na akinya handu ati niekumagara na athii thi cia na nja. Na mutumia ucio akirikia kumagara no muhaka acoke na kuria kuri muthuri nigetha agasignirwo forms icio cia kumagara guthii na nja.

Translator: Mwanamke akitoka nyumbani akienda--- anataka kutoka nje, lazima arudi nyumbani ili bwanake akubali ataenda nje.

Margaret Githinji: Na mutumia ucio arikia kumagara, athii ringi na kuria nja, kana ni muiritu, muiritu ucio angithii na kuria nja athii aherwo kana kana agie na urata na mundu kuuma thi icio cia na nja, muiritu ucio agicoka gucoka na guku thiini, guku bururiini witu wa Kenya no muhaka erwo aige murigo ucio wake kando. No ucio ni mwana wake aherwo na njira ya ungai.

Translator: Na akisema msichana toka hapa Kenya anaenda nje anapata mtoto na mtu wa kigeni akirudi hapa anaambiwa huyo mtoto amuache, amuweke mbali.

Margaret Githinji : Akorwo ni muthuriwe ta guo. Na muthuri ucio niarathimiiirwo ni Ngai, akirikia kuherwo na kuu thi cia na nja, ningi akirikia guka nake, muthuri ucio nake akaigua kando, mutumia akerwo we aingiire. Muthuri ucio wake agakua ari na thina.

Translator: Sasa kama akipenda akipata Bwanake huko nje, akifika hapa Kenya anaambia wee bwanake, rudi na wewe ingia.

Margaret Githinji: Riu ngakiona ati kuringana na watho, no twitikirie atumia makorwo ona o makiyatha nigetha wona moimagara magatigaga gukorwo makirituhirwo ni mirigo.

Translator: Kwa hivyo, tunataka wanawake hata wao waweze kujitawala ili wakienda hapa na pale wasiwe na mizigo mikubwa sana.

Margaret Githinji: Ningi ningwaria handu ini hegie thibitari ciitu. Niundu wa andu aria marakorwo mari ahinyiririku.

Translator: Nataka kuongea juu ya mahospitali yetu.

Margaret Githinji: Andu aria ahinyiririku nimarakuira o kuo miciini ni tondu mathii thibitari ona korwo ni cost-sharing iyo irerwo, nimararemererwo tondu ni ahinyiririku.

Translator: Watu wengi sababu ni maskini, wakienda huko katika hospitali, wanaelezwa wafanye inaitwa cost-sharing na hawawezi kulipa. Kwa hivyo wengi wanakufa pasipo na usaidizi.

Margaret Githinji: Riu ngakiuria korwo thibitari ciitu no cicoke uria ciari nigetha tukahota guteithania.

Translator: Ningeuliza mahospitali yetu yarudi kwa mahali ambao watu hawakuwa wakiambiwa kuwa kuna cost-sharing.

Margaret Githinji: Ningi mwena ini wigie atongoria aitu, kana githurano kiria kimbere itu, nii niingienda kuria tukorwo tugicagura mundu muuma andu, mundu mukristiano na mundu wina githomo ona mundu wina mucii wake.

Translator: Nao ni watu wale ambao tunaendelea kuchagua kutuongoza, ningetaka wawe watu wazuri wazima na ambao wamesoma vizuri na tena, wana nyumba zao.

Margaret Githinji: Ningucoka hau o ringi mwena ini wigie atumia, atumia twina thina muingi muno makiria ona tukiumagara o uguo muaigua. Ni tondu mutumia ona ta riu uguo akiumagara guthii ta ri uguo kuria kuri na macakaya, niturathii tugacemania na thu ciitu, andu aria metaine na kuu nja, ukaigua ni wa rape wo ni mundu ringi uma na murimu ta wa muingo na ringi ucio ti wendi waku.

Translator: Sasa nitarudia juu ya wanawake sababu tuko na taabu sana, ukitoka nje hata tukule tunaenda kuomba kwa sababu wale waliokuwa nje wakati wa usiku, tunashikwa huku na wanaume na tunaharibiwa.

Margaret Githinji: Na riu wona warikia gukinyarirwo o uguo, makaga ikinya maroerwo ona hanini. Ringi niwa sense mundu ucio ni uriku wa kunyita na ona wathii kumu-report ringi akahakana mundu ucio na akarekererio.

Translator: Sasa tukienda hata nikisema ni nani alinishika na nikimpeleka kwa serikali ama kwa polisi, huyu mtu anaachiliwa na mimi naachwa peke yangu.

Margaret Githinji: Riu nii niingienda kuria uhoro ucio wigie raping, andu acio matuirwo, kugie na watho wao uria mangihota guikwo nigetha makinyukia macio matige guthii na mbere na nigetha tunyihanyihie ona murimi uyu urathii utambite thiini wa bururi witu.

Translator: Ningeomba kuwe na sheria, ipangwe na iwekwe vile hawa watu wanarape watu wale wengine na pengine wana huu ugonjwa wa ukimwi ili serikali ijue hawa watu watafanywa nini.

Margaret Githinji: Ningi ona tugithurana athuri na atumia tugerie gucuthiriria miena yeri, tuone ati nitukabatara tuchanganye athuri na atumia.

Translator: Wakati wa uchaguzi lazima tuone kwamba wanawake na wanaume wanachaguliwa katika uongozi.

Margaret Githinji: Ii nigetha o korwo ni undu urahusiana na mutumia, undu ucio ukahota kuaririka. O korwo ni undu uraririo wigie muthuri, undu ucio ukahota kwaririkwo.

Translator: Ndio kwa sababu tukiwa tumechanganyana, ikiwa kuna mambo yanaongewa juu ya wanawake wanasikilizwa. Na ikiwa ni mambo ya wanaume nao wanasema na wanasikilizwa.

Margaret Githinji: Ndiri na maingi no macio.

Translator: Sina mengi ni hayo tu.

Clapping

Com. Mutakha Kangu: Thank you. Let us have John Mwangi

John Mwangi: The following Constitutional issues should be addressed by the new Constitution to be made.

Interjection: Com. Mutakha Kangu: Eleza na jina kwa sababu record tunaweka kwa tape, tunataka majina kuchukuliwa. Anza na kueleza jina.

John Mwangi: My names are John Mwangi Njoroge. The following Constitutional issues should be addressed by the new Constitution to be made:

1. Preamble. Our new Constitution must have a preamble and that it must say that the people of Kenya are sovereign.
2. The Constitution is made by the people of Kenya. The vision, which is aspiration of the people of Kenya should be included. We should not be ignorant The nation is independent and accountable to God. The preamble should also state our common interest as people who joined hands to struggle for their freedom.
3. The other one is direct principles of state policy: The following should be included in the Constitution: On national philosophy and guiding principles all geographical regions of the country are entrusted to equal development. Children, young people the elderly and other grown up groups be protected. All power and authority to derive the right from the people of Kenya and the people should be governed through their will and consent.
4. Traditional customs be a guideline in the society provided they do not harm any visitor to the society.
5. Democratic principles: Power belongs to the people and it is exercised on their behalf. Constitutional review in the rule of law must be adhered to.
6. Natural resources belong to all citizens. All human beings are equally entitled to civic, political economic, social and

development rights. Also seats in civil society shall be run according to the democratic principle and human rights.

7. Constitutional Supremacy: On Constitutional change, all Kenyans should be involved in the event of overhauling the Constitution. In the event of amending, we should be subjected to a referendum before it is enacted by Parliament.
 8. Citizenship: Those who should be regarded as automatic citizens of Kenya are all people born in Kenya and of parents who are both Kenyans, children born outside Kenya, and of parents who are both Kenyan citizens.
 9. The Executives: The Constitution should specify qualifications of a Presidential candidate such as one who is an automatic Kenyan citizen, between 35 years and 70 years of age, one who is able to declare his wealth, and at least a university graduate. The President should seek two terms of five years each. The Constitution should recognize grassroot autonomous organization, like village elders to deal with administrative issues in the village.
 10. Judiciary : The new Constitution should guarantee an independent and efficient Judiciary. There should be establishment a Constitutional Court and a Supreme Court.
 11. Human rights: The new Constitution should protect the right of the individual's humans rights. Education shall be a right of every Kenyan. The Constitution should establish an independent human right Commission. The Constitution should protect the right of the minority. The rights of disabled children, should be recognized and implemented. There should be enabled to read and write just like the non disabled person. All children must have a right to education.
 12. Capital punishment should be outlawed or abolished in the new Constitution. The Constitution should provide for a free and compulsory primary education.
 13. On natural resources the new Constitution must address very fundamental, environmental provision such prohibiting further clearing of natural forests. Protection of water catchment areas. The natural resources should be owned by Kenyans to manage and protect the resources Parliament should institute a permanent Commission on environment protection and development.
 14. Constitutional review: If the Constitution is made by the Kenyans and it belongs to them, then they should know it and understand it. It must be written a clear and a straight forward language and should also be translated to local languages. The state should ensure that the new document of the Constitution should be accessible to all Kenyans.
- That is all I had.

Com. Mutakha Kangu: Ah Mwangi, you propose the establishment of a Supreme Court and a Constitutional Court. How do you rank them? If we established both of them, which one will rank higher than the other? What kind of composition would you like to have of this court? How many judges? What should be their qualification? How should they be appointed and so on?

Mwangi: What about the judges? The judges should not be appointed by the President or any other person. Otherwise they should be given the work they know or the work that they are qualified for.

Com. Mutakha Kangu: Tupate Maria Wanjiku Paul

Maria Wanjiku: Nindamucokeria ngatho Commissioners niundu wa guka mugeithike inyuothe mukite guku.

Translator: Thank you very much all the Commissioners and I am welcoming you all.

Maria Wanjiku: Thina uria watuma ndugame haha,

Translator: My problem is,

Maria Wanjiku: Wa mbere ni wa thibitari,

Translator: First of all concerning the hospital,

Maria Wanjiku: Tondu ni tui andu aingi aria mathiaga General,

Translator: Because we know how many people who go to General Hospital,

Maria Wanjiku: Ni aria makoragwo matari na hinya.

Translator: Are those who are financially poor,

Maria Wanjiku: Tondu aria mena hinya mathiaga thibitari ici ci private.

Translator: Because those who are financially well go to better hospitals.

Maria Wanjiku: Riu mundu arikia kuruarira mucii, arikia guthii thibitari, matingihota kumuoya ati tondu ndari na mbecha , macoke mamuriahagie mbecha thutha.

Translator: When somebody goes to hospital,

Maria Wanjiku: Ndangitikira.

Translator: And this person has no money, the attendants cannot attend to him or her.

Maria Wanjiku: Ungi ni mwana aguthikirwo oro ndagika na handu a tuarwo thibitari handu mamwamukire mamutangire niundu ndari na mbecha, mwana uciio agakuiria o hau.

Translator: Some are young children and once they go, if they have no money they are not teated.

Maria Wanjiku: Riu nii ngakiuria thiini wa bururi uyu witu wa Kenya ri, uragituteithia riu na njira iriku na kahinda kari ho mwaka wa mirongo itatu na mugwanja kana kuuma mirongo itatu na ithano, andu nimirakoragwo aria matari na hinya magiteithio.

Translator: Now this country of ours, because I remember the year 1935, 1936 hospitals which were respected and cheap.

Maria Wanjiku: Ngoka ngoria kana thiini wa Kenya iitu no itikire. Twina ciana nyingi nacio itarathoma. Angi nimarathoma makinya gwika eight, akahituka no tondu aciari ake matiri na hinya na mwana ucio ni uria ungiroka guteithia rucio, ndakihota kuona andu mangihota kumuteithiriria na ningwiciria ciana icio nicateithagio kaingi ni thirikari. Mwana uria uhitukite wega.

Translator: The other problems is when and how can Kenyan government help these children, who even after doing standard eight exams, the parents have no money. What can you do with Kenya?

Maria Wanjiku: Undu uria ungi naguo ni wa ciana ici cituikite cia kurururaga matown ini.

Translator: The other thing is that these children who are vagabonds when they go in the towns.

Interjection (Com. Kangu): Mama jaribu ueleze. Umeona shida iliyoko, wewe sasa unaeleza, ningependelea mambo kama hii ifanyike. Useme yale marekebisho ungetaka tufanye.

Maria Wanjiku: Ndiroria atiriri, thiini wa Katiba iria irenda kugarurwori, ituteithiriria maundu macio tondu twina thina na mo.

Translator: What I am saying is, in this review Commission, can it help us in this problems which I have raised.

Interjection: (Com. Salome): Urenda uteithio wa muthemba uriku. Tondu waturia ciuria ri, ithui tukite kumuria ciuria. Na riu uratucokeria oro ciuria. Riu turenda utuire atiriri, tondu kwina thina uyu no uyu, tungienda Katiba ino igithondekwo ituteithie na njira ino ne no ne no.

Maria Wanjiku: Atiriri nii ndiroiga Katiba ikigarurwo, maundu macio ni maria twina thina na mo turenda ikigarurwo tuteithio namo nigetha tuhote guikara wega.

Com. Salome Muigai: Muteithio atia?

Margaret Githinji: Tuteithio akorwo ni ciana ta icio cia thibitari, tugateithiririo ni thirikari handu ha ciana cigakuaga tondu nicio ikarugamirira bururi wa rucio.

Translator: This is what I want to be done. Wale watoto ambao wako huko wasaidiwe na serikali kwa njia hiyo sababu hawa ndio wakubwa wa kesho.

Maria Wanjiku: Ngacoka ithui arimi turi na thina muingi muno.

Translator: The other thing is that we farmers have got a lot of problems,

Maria Wanjiku: Na thina uria turi na guo tondu wa gutuika ati turi arimi a kahawa kana a macani.

Translator: Because we are farmers of either coffee or tea.

Maria Wanjiku: Thiini wa bururi wa Kenya, tugakiuria atiriri, mukigarura Katiba mumenyerere handu hau tondu turaruta wira na tutirona kiria kiratuteithia tondu twina thina muingi muno tondu ona kinya irio cia kuria cia nda tutirahuna.

Translator: Now as we review this Constitution, we would like you to help us get more money because our stomachs are

empty all the time even after hard work.

Maria Wanjiku: Undu uria ungi nanguo. Ni turi na migunda,

Translator: Another thing, we have got shambas,

Maria Wanjiku: Na thiini wa migunda iyo ri, urathii ugakora mugunda ni waku na niwoyire title no ugicoka guthii thiini wa mugunda ini ucio waku, urathii ugakora wina title ingi igiri kana ithatu na tiwe wendetie na nduri loan ukuuite.

Translator: In these shambas we have, even after getting your own title deed, you go and find more title deeds have been developed two or three in number.

Maria Wanjiku: Niundu ucio nii ndiri na maingi ngwaria no macio.

Translator: I don't have much to say, please accept those few remarks.

Com.. Kangu: Asante mama. Tupate Janemary Njoki

Janemary: Nindacokia ngatho ni undu wa mucemano uyu.

Translator: I thank you very much for this meeting.

Janemary: Ni ngatho ndacokia makiria ni undu wa mucemano uyu muthenya wa umuthi.

Translator: I am very happy and I thank you the Commissioners.

Janemary: Nindahoya kiria gitumite ngorwo ni haha ihinda ini riri ni undu wa thina uyu wa njohi, ucio ndingitiga kuuga uguo.

Translator: I am here because of the illegal brews.

Janemary: Nitureheire mathina maingi muno micii. Makiria ithui atumia twina athuri micii.

Translator: They have brought us a lot of misery particularly women.

Janemary: Twina ciana cia anake na twina ciana cia airitu thiini wa micii itu,

Translator: We have got both unhealthy relationships our homes

Janemary: Na iguru ri maithe mao niundu wa njohi iyo ya kuhingurwo matiri na mitugo miega mbere ya ciana icio.

Translator: And their fathers do not have good behaviour and they can't warn their children.

Janemary: Ninjiguite ndina thina na ngacoka ngona mehia maingi muno ma mutumia ta nii agiirwo thoni ni ciana ciake iguru rigie njohi iyo.

Translator: We have got a lot of issues concerning our children.

Janemary: Na ngithii barabaraini thiaga ndina guoya ni tondu ndikurikanite kana ndi mutumia kana ndi muiritu.

Translator: Even when you I walk along the road, people may not differentiate me as being a young woman or an elderly woman.

Janemary: Niingihoya muno tuteithirio kuninirwo maundu macio na njoke hoye maundu mangi njiguaaga ma ndawa cia kulevya.

Translator: I request that we be assisted to get rid of these problem of alcoholism and drug abuse.

Janemary: Ndacuthiriria ngeciria nicio cikoragwo na mitugo iyo ya kwaga hadabu. Mahinda ithui atumia riria turathii kanitha utuku kana riria twi miciini gutari mundu ta muthuri riria aranyua njohi, turi ona guoya ni undu wa ciana icio cii barabara ciingicindana na maithe ma ciana kuu makomete barabara no magicoke miciini.

Translator: As we go to church in daytime and night, I am convinced and worried that these children who lay alongside the roads have taken drugs.

Janemary: Hau hangi kwina mirimu miingi ironeka niundu wa njohi icio ni tondu ona atumia aingi nimatuikite akunyua na magathukagia ciana kirabuini.

Translator: Also because of these dreadful diseases, there are indisciplined women who go to spoil children in the bars.

Janemary: Kaingi ni ciana iria irarikirie cukuru na ingi ci standard eight kana angi ni a Secondary.

Translator: Children have been married as early as standard eight and others while still in school.

Janemary: Ni kieha kinene ni tondu athuri aitu matirahuruka micii na nimerigitwo ona migundaini.

Translator: It is all over because our husbands do not stay in our homes, they try to go right to the bars deserting their homes.

Janemary: Ni ndahoya undu ucio uthire. Tuteithio uthire biu nigetha uthingu wonekane ona airitu aitu magurwo ona o anake aitu magurane.

Translator: Our prayers are that this thing ends once and for all so that righteousness comes back and our children may marry and get married.

Janemary: Nindahoya matuarwo muno ni muthamaki uria Ngai egutuhe.

Translator: I hope there will be a lot of counselling concerning this issue.

Janemary: Anake matigane na macucu nao airitu matigane na maguka.

Translator: Young people let them not be involved in the old and viceversa.

Janemary: Hau hangi ni undu wigie kanitha.

Translator: The other thing is concerning the church.

Janemary: Iguru ria ithui akristiano turarua.

Translator: We Christians are fighting against our own churches.

Janemary: Ni tondu mahinda maria mwana wa mwanake kana wa muiritu, ahutio ni Ngai agakwira ni ahonoka, ni urarua nake.

Translator: When our children are converted, and they have accepted Christ, you go and fight against that child.

Janemary: Ithui turi aciari turarigwo ni uria Ngai atuikiire.

Translator: And we parents we ask ourselves what has gone wrong.

Janemary: Nii ingihoya undu ucio uteithiririo ni muthamaki uria Ngai egutuhe.

Translator: In Kenya I hope that the rule that we are going to make will look into these issues.

Janemary: Nigetha bururi witu ucoke ta tene na guo uthingu wonekane, turacirio na ithui turacie.

Translator: We all want our land to be brought back to the old system and they will enjoy.

Janemary: Ndiri na maundu maingi, ndacokia ngatho na Ngai amurathime.

Translator: I pray for our land. God bless you.

Clapping

Com. Mutakha Kangu: Asante sana basi Mama Njoki. Let's have Paul Mugo Macharia

Paul Mugo: My name is Paul Mugo Macharia, Branch Treasurer, United Agricultural Party of Kenya.. Our member of Parliament, Hon Ngenya Kariuki, Commissioner ladies and gentlemen. I would like to give the following Constitutional proposals. The way we would like our Constitution in this country to be, we should have a preamble to show the aspirations of those who have made the covenant. Define the powers and the functions of all the arms of the government: The executives, Legislature and Judiciary. Established complete separation of powers. Establish and define checks and balances. Eliminate fully the ambiguous executive powers wielded by the holders of the Constitutional offices, respect the peoples' human rights by incorporating the following: The universal declaration of human rights of 1948, the Geneva chapter on people's and human

rights, the Geneva International covenant on civil, political, social cultural and economic rights, United Nation convention on women, children and disabled rights.

This Constitution amendments to be elected through national referendum. This one is very important to avoid the situation whereby the late President Mzee Jomo Kenyatta amended the Constitution, to save one of his friend in one day. That is called Paul Ngei Amendment. That is why we are saying that the Constitution should be amended through a referendum, whereby all the citizens of this country will be involved. The Constitution should also establish human rights courts. Guaranteed Supremacy of Legislature and excellence of the Judiciary. Established institution of ombudsman in every District to listen and answer the complaints of the public over provision of standard of service, undue harassment, violation of human rights by law enforcement officers. This is why we are saying that in police station, thieves are tortured. Thieves are torture by the police and nobody questions. Again we have the Provincial Administration that think that the country is theirs. Why I say that they think that the country is theirs, they do not treat the citizens as the people of this country. They do not treat the citizens as people who can reach and take their powers. Some of them when they are being recruited, they are recruited by the D.Cs and when they are recruited by the D.C, they are answerable to the D.C. but they are not answerable to the people of than location.

We want a Constitution whereby the Chief and the Sub-chief to be answerable to the people of that location or the people of that sub-location. The D.C.s, what I may say, that would be answerable to the people of Murang'a. We want the P.Cs all to be answerable to the people of that province where they lead but we don't want a situation whereby the P.C is answerable to the President. The President is not the Kenya that we have. We Kenyans have worked, we should have a say. All the holders of the Constitution office that is the A.P, judges, Public Service Commission, Electoral Commission, Controller and Auditor General should enjoy the security of tenure. We are saying so, because today what we have especially in the Judiciary, we have no judges but I would say, we have the people who are directly under the President and if what we have in court is not worth the present court, you will not win the case. We want a Judiciary that decides the cases on merit and not going seeking advice from somebody else.

Formation of the coalition government: If no political party had garnered 51% of Parliamentary seats, and the parties do not agree on whether elections be held immediately, in the mean time the government should be run by an acting Prime Minister who should be reduced leader of the party with the leading number of Parliamentary seats. Excessive powers of the President should be reduced because today we have one person in this country who is deciding the destiny and the history of the people of Kenya and that is wrong. The only human being or the only person who can do that on our behalf is only God and nobody else and this one should be eliminated.

The new Constitution should provide a ceremonial President who will be a symbol of national unity. I do not have time here. We should have a President who is not a bachelor. We should have a President who has a home, who is answerable to the wife, answerable to the kids. But if we get the a President who has no home, my dear Kenyans I am telling you it is like going a

mental hospital collect somebody there to come and rule the country. That one should be put in the Constitution. A President is a family man. The new Constitution should also provide the post of the Prime Minister. The Prime Minister should be the Chief Executive and the head of the leading number of--- I beg your pardon. The Prime Minister should come from the party with the majority seats in Parliament. In case no party wins, that one we will then form a coalition government.

Interjection: (Com. Kangu) Bwana Mugo, jaribu kutumia mic zungumza tu pole tutasikia.

Mugo: I beg your pardon Sir?

Com. Mutakha Kangu: when you have I mic, you do not have have to shout.

Mugo: Oh that is the way I was born. The public officers holding Constitutional offices should be guaranteed security of tenure to promote professionalism and impartiality so that they are dedicated. The office of the legislative council who should have qualified advocates of the High Court to advise our members of Parliament on legal matters and to assist our members of Parliament to draft the bills presented to Parliament to be enacted laws in this country. Today we have a situation whereby these things are done in the AG's chamber and the AG's Chamber is answerable to the President and is not answerable to the Parliament. This is why we are saying we should have an independent person and that one is the one that is going to help the Members of Parliament to draft and to accept what has been passed by the members of Parliament.

Parliament should appoint the Electoral Commission. Today my dear Commissioners I beg to say that there are appointees partly of the government and partly of the opposition party. This situation is not healthy to we Kenyans. We want Commissioners that would be appointed by the people who we have elected. By so doing, it will be seen that we all have appointed by the Kenyan people. Each registered voter should pass his or her votes in any polling station in this country. During the registration, parts of the ID Card, there are other avenues that we can explore and still there are other good documents that can certify that part that come from that area. I will give an example. We Christians, we have a baptism card. That one can also be used instead of lying. We have birth certificates that clearly say who is your father, who is your mother and where you come from, that one is enough. We should not rely on one document.

Presidential elections: We want them to be done separately. We have the presidential, then another day we go to the Parliamentary and civil elections. The new Constitution should also establish an independent Judiciary accepted and approved by Parliament, it should compose of the following: The Supreme Court headed by Chief Justice, the High Court, Court of Appeal, Magistrate Court and Kadhi and here there is something that was not incorporated in our Constitution. If the Muslims are going to have their own courts, why not the Christians? They should also have their own courts. Also it should be put in the Constitution that the traditional courts must be there because there are certain cases that can only be determined by the people themselves, but they cannot be found in our Judiciary in some of days. One of them is marriage. That one should be dealt with in tradition courts and if possible land should also to some extent be determined by the traditional courts.

A thorough independent and investigation office of Attorney General should be established by a Constitution. The AG must be a member of Parliament. A Constitutional judge should be established. At one time it was here but because of some people who were interested to rule this country in 70s, that ministry was removed. So it is high time in the Constitution it is established there that we have the office of the Attorney General under Ministry Constitution and Justice. The Bill of rights to protect children, women, men and disabled against violence and discrimination be enacted in the new Constitution. The new Constitution should also provide a Parliament that will critically attend the government performance in the implementation of the public policies and creation and removal of ministries.

The new Constitution should also establish a Parliament elected on principles of affirmative action to collect previously inaccurate laws that were against women, disable, minority and other marginalized sectors. The New Constitution should provide for land reforms, land ownership, taxation of land, land management, protection of public land, forests swamps and water catchment area falls. This ones my dear countrymen, it is very important because after independence, there were people we know them who went and grabbed whiteman's land. They own today more than 100,000 acres of land. Whereas there are stranded Kenyans and that is not normal. The new Constitution should also make a provision whereby education to be compulsory.

Interjection: (Com. Kangu) Jaribu kuharakisha kidogo

Mugo: Niko karibu kumaliza Bwana Commissioner. The new provision should make education in public schools, universities to be compulsory and also secondary level. When I say this, it is a state and should be put a Constitution that should take the burden of educating its own citizens. The same Constitution (the one that we are now going to get), should make provision for enactment of law to protect historical country sites and cultural heritages of various peoples of Kenya. at the same time in this Constitution should have clause whereby the people who fought for the independence of this country will be remembered and honoured. The new Constitution should set clear guidelines of the role of the state in the economy with a view of ensuring, the primacy of individual and economic development as well as the nation. I am saying this my dear countrymen because right now we the coffee farmers, we have a problem. What am I saying? When things are good, it is the government that gains. When the prices are low it is the government that should support farmers, in all cash crops, the government should give guaranteed prices that would paid to the farmers. Whether the international prices of our commodities are not favourable, the government should compensate the farmers. Thank you very much.

Com.. Kangu: Now I have some two questions I would like to raise to you. One you said Provincial Administration should be made answerable to the people. Would you kindly give us some suggestions on how this can be achieved?

Interjection: (inaudible)

Com. Mutakha Kangu: Ngoja, Ngoja nimalize yote. Two, you emphasized that the President should be married, he should be a family man but we are looking forwards a day where we are going to have even a woman President. Do you want this requirement to apply to such a President? I asked yesterday in Murang'a town that we have Catholics who belief in the system of fatherhood and sisterhood. If we were to wake up one day and Bishop Ndingi Mwana azeki says he wants to be President, are we going to tell him because of this catholic belief and practice that he cannot be allowed to be the President because he is not married?

Mugo: Thank you very much. The last one was an oversight.

Interjection: Okay fine, answer and then---- I didn't hear

Mugo: The last one was an oversight. The lady must also be married. When you come to the Catholic Priest, is it not illegal to get married. If he wants to become the President let him get married first and then become the President.

Com. Salome Muigai: While you were talking about the office, the Attorney General and Ministry of Constitution and justice. I have one request that you don't talk through the mic please because you have strong voice so we may be able to hear you without it but I wanted you to tell us the division of labour between the office of the Attorney General and the ministry of Constitution and Justice.

Mugo: The answer is, they have to work in consultation, but the person who is going to be the holder of the Ministry of Constitution and Justice, that is the one who should be going to the Parliament

Com. Salome Muigai: Thank you very much

Com. Salome Muigai: I am also asking a question. During the course of his talking, he mentioned that education is not a right if I heard well. I want him to explain that. Again he said the freedom fighters should be honoured. How does he want them to be honoured in the Constitution?

Mugo: I beg your pardon. I think that also was another oversight and a mistake if I said that education is not right. Education I said is a right and everybody should have it whether is poor or not poor and that is why I said it is the government that should actually educate its people, it is the government that needs the manpower.

Com. Salome Muigai: The other one of Mau Mau?

Mugo: Oh, with Mau Mau, why I have said that the freedom of fighters, if we can talk about in our Constitution that the

President is deserves a pension why don't we also say that Kimathi needs a pension because of what he did. That one, we have other people we know that they were not taken care of with the Lancaster House type of the Constitution, and that one, my dear countrymen was not a Constitution. It was a paper that was handed to the few hungry politicians who went to London because if it were a Constitution, if it was ours, people would have gone back and reflected that those people who really struggled for this country, their children could have been taken care of, that is what I am saying that if we are going to have a clause that is going to make the President pensionable, let us also have a cross whereby those who are alive and they suffered because of this country, they should also be given something.

Com. Mutakha Kangu: Thank you. Basi kama hatujaendelea, wale walikuja kama tumeshaanza, ningependelea kuwakumbusha kwamba tulisema kuna njia tatu za kutoa maoni. Njia moja unaweza peana written memorandum bila kuongezea mambo yoyote. Kama kuna yule ana written memorandum na unataka kwenda mahali, unaweza peana hapa wata-register, utasign and then we will release you, uende. Njia ya pili ni kwamba unaweza kuwa na written memorandum na utake kuzungumzia machache, kuhighlight yale umeyaandika, tutakupatia dakika tano to highlight, si kusoma yote. You highlight the key issues ndio wengine wapate nafasi. Njia ya tatu ni kwamba unaweza kuwa na maoni na hauna maandishi yoyote sasa tunakupatia nafasi kuzungumza tu kutoka kwa mdomo. Mtu kama huyo tunampatia yeye dakika kumi. Tunaangalia tuko na list ndefu ndio tuweze kuchukua maoni ya kila mtu, tujaribu tutimize hayo masharti, ndio kila mtu apate nafasi. Na ikifika saa saba tutachukua break ya dakika thelathini, thelathini na tano, ndio tena turudi tuendele. Sasa tusikize Mama Ruth Kathiru. Ruth Kathiru? Kama hayuko basi tusikize Irene Wanjiru, Irene Wanjiru.

Irene Wanjiru: Nii ha ritwa ni nii ndetwo Irene Wanjiru kuuma o guku Kiharu. Ni ngwaria iguru ria njohi. Njohi ni itukite kindu gia guthukangia andu tondu njohi iria ithondeketwo riu ni rathukia ciana nyingi.

Translator: Jina langu ni Irene Wanjiku na ninataka kuzungumzia kuhusu habari ya pombe. Hii pombe inatengenezwa nyakati hizi ni pombe yenye uharibifu mkubwa kwa watoto,

Irene Wanjiru: Ithukitie ciana, ikaingira kuri athuri kinya kuri atumia.

Translator: Wazee hata pia kwa akina mama,

Irene Wanjiru: Njohi iria ikuo riu ni tucokete kuona ati, athuri manyua ciana nyingi itirathoma.

Translator: Akina baba wakiisha kunywa hii pombe inaonekana kama watoto wengi hawasomi, hawawezi kwenda mashule.

Irene Wanjiru: Gitumi ni tondu muthuri aroka kirabuini kunyua njohi ni tondu irendio raithi, ino irendio ya kumi kumi. Athii ruciini akanyua kinya hwaini. Ariinuka ari muriu.

Translator: Kwa sababu hii ni lazima arudi baba akienda asubuhi and anakaa huko siku mzima harudi nyumbani mpaka jioni akiwa mlevi.

Irene Wanjiru: Kwa uguo ndangimenya mwana kana niarite kana nieguthiite cukuru, no ucio urakorwo uri wira muritu hari mutumia.

Translator: Baba hajui kama mtoto alikula, alienda shule, kama alisoma na hii jukumu yote inaachiwa mama.

Irene Wanjiru: Na riu kihinda ini giki tutiramenya kana ni thirikari iremetwo ni kuruta wira wayo tondu kabaraini kau nindironaga ariu makinyitwo na makahingirwo na makarara cell no thiku ici ndionaga ta makinyukagirio ikinya.

Translator: Sielewi kama ni Serikali yenye haifanyi jukumu yake kwani hapo mbeleni walikua wakishikwa wakapelekwa gerezani lakini siku hizi sioni haya yakifanyika.

Irene wanjiru: Na riu nikio maundu maingi mathiite mathukite gitumi ni tondu onake mwana ona ithe uria aranyua, ona muchiari uria wikuo ndakihota kumurunga tondu murigo uria urakorwo wi munene ni wa mutumia.

Translator: Baba akiwa ulevini, watoto wenye ameacha nyuma hawana mtu wa kuwapatia vitabu na sasa jukumu yote inabaki kwa mama peke yake.

Irene Wanjiru: Na riu mutumia arituhirwo ni uturo, ukona atumia aingi nimarakua miaka yao itakinyite ni tondu murigo ni ukirituhire hari mucuari o u mwe. Okorwo ni ciana nacio ikaambiriria kunywa. Ikanyua kinya bangi. Kwoguo mutumia arituhirwo ni uturo wake, ukona ni hakinyuo ni ihinda, mutumia agakua ari munini.

Translator: Kwa ajili ya ugumu wa maisha inaokena wazee wanakunywa wangali wachanga, wanaanza kukunywa pombe na kuvuta bangi, mama anakuwa na jukumu kubwa mpaka mwishowe anafariki anaacha hawa watoto.

Irene Wanjiru: Nari hindi iyo matigwo ukona ona ciana nyingi, mwana uyu urathiiaga cukuru, githomo giake gigakinyira hau tondu ithe uria ukoretwo ekuo ndarumbuyanagia na uhoro wa githomo o kana kuria. Kwoguo mwana ucio akaambiriria uici.

Translator: Huyu mama akisha fariki anafuatwa na Bwanake hasa na mtoto mwenye bado yuko shuleni, anatoka shuleni, wengine hawasomi na baadaye wanakuwa wezi.

Irene Wanjiru: Kwoguo nii ingiuria korwo ni hari ikinyukia mangikinyukirio andu aria maranyua njohi kana aria maretia nimagiriirwo ni gukinyukinyiria ikinya nigetha o na ciana igatiga gutigwo cirri cia ndigwa na atumia aingi magatigwo gutigwo mari a ndigwa na nigetha ona bururi uthii na mbere tondu ciana iria ci ikuo ingingiaga githomo ona atongoria a thuthaini matingioneka.

Translator: Na jambo lenye lingefanyiwa hili pombe iachishwe, ili watoto wasome na akina baba na akina mama waache kufa mapema mapema, ili nayo nchi yenyewe iendelee.

Irene Wanjiru: Nangukinyia hau.

Translator: Asante.

Com. Mutakha Kangu: Now, can we have Joseph Gathuku.

Joseph Gathuku: Nii njitagwo Joseph Gathuku. Mugambo wakwa ti muingi muno.

Translator: Sina mengi ya kusema.

Joseph Gathuku: Kiria ndirenda kuuga ni githurano.

Translator: Nataka kuonge juu ya uchaguzi.

Joseph Gathuku: Haria tuguthuranira, gituo kiria turathuranira, kura icio igatarirwo hau hau.

Translator: Wakati tutafanya uchaguzi kura ziwe zikihesabiwa hapo hapo.

Joseph Gathuku: Handu ha gutinda igituarwo kwa DC. Tondū hau niho tuonaga tariho kura irorira.

Translator: Badala ya kupelekwa kwa D.C, sababu kazi ya D.C na hapa hatuoni, huko ndiko kura zinachafukia.

Joseph Gathuku: Uria ungi wa kerii.,

Translator: Ya pili,

Joseph Gathuku: Ni githurano kigie President,

Translator: Ni ule uchaguzi wa President.

Joseph Gathuku: President we mwene guthurwo gwake, abataire guthurwo atarugamite giti kia Bunge.

Translator: Wakati President anachaguliwa asiwe ati ni wa Bwana wa mtu wa mbunge, awe akitoka, akiwa nje

Joseph Gathuku: Tondū ni we baba wa kirindi giothe gia Kenya.

Translator: Sababu yeye ndiye baba wa watu wote asiwe hata yeye ni kama mtoto, awe nje ya uchaguzi.

Joseph Gathuku: Uria ungi ni andu aria mathuritwo thiini wa Bunge,

Translator: Lile lingine, watu wale ambao wamechaguliwa katika mbunge.

Joseph Gathuku: Makoragawo makiria mishara minene muno.

Translator: Wanapewa mishahara mikubwa sana

Joseph Gathuku: Na matiri kindu macokagia na thutha.

Translator: Na hakuna kitu wanarudisha huko nyuma.

Joseph Gathuku: Niingiend andu acio a Bunge.

Translator: Ningetaka hawa watu wa mbunge,

Joseph Gathuku: Marutage 10%,

Translator: Wawe wakilipa 10%

Joseph Gathuku: Ya mishahara yao sababu hiyo, 10% itasaidia wale watoto maskini waendelea na masomo.

Joseph Gathuku: Uria ungi wa gatatu,

Translator: Lile lingine la tatu,

Joseph Gathuku: Ni wabichi ya registration,

Translator: Ni ofisi ya kuandikisha watu,

Joseph Gathuku: Wabichi ino yandikithagia ciama,

Translator: Wa ile ya kumuandikisha chama.

Joseph Gathuku: Kuria ciama ciandikithagirio na kiama giitu gitagwo Safina, tutiui kana nikiandikirwo wega.

Translator: Kuna ile ofisi inaandikisha vyama vya siasa, kuna hii chama cha mbunge wetu inaitwa safina.

Joseph Gathuku: Hatujui iliandikishwa wapi kwa sababu yule registrar alitumia section ya kuandikisha vipande sababu wakikuja waanzie kwa grassroots, twende mpaka juu. Sasa hii ndio watu walitunga wazo hili, wakatengeneza hawa ndio Kenya wanaingia kwa chama. Lakini ukimuuliza yeye mwenyewe watu wa Safina ya hapa ni nani, haieleweki. Hawa ni watu ya huko Nairobi juu juu. Hapa kwetu hakuna. Kwa hiyo ofisi itengeneze hiyo sheria sawa sawa, from the grassroot twende mpaka juu. Ile ingine sababu hii gazeti tarehe kumi na nane tulisikia chama cha NDP na KANU zinaungana lakini wakachaguana huko Kasarani. Wakati tunasikiliza kwa radio, tunasikia hii chama yote inakufa yote. Inakufa. Sasa tunashangaa, iliingilia wapi kuchagua mwenye kiti ya hiyo chama na kiti na registration haijafanywa ya hicho chama. Chama inakufa halafu tunachagua rais wa chama. Tunashangaa. Kile kitu kinakufa, kinaendelea namna gani? Sasa hiyo watu hiyo iwe ikijua kazi yake kwa sababu inatumia kazi vibaya.

Ile ingine ni death certificate. Kama mtu amekufa, ukienda kuchukua mali yake unasikia iko na pesa inatoshwa. Akiwa mama, watu wanakufa anakuwa elfu mbili. Wakati ule transferring this hii na ile ni mali yake. Mimi nachukua 25%. Nauliza hiyo inginge tena wapi? Ilikuwa ya nani? Ilikuwa ya mama yake au ilikuwa yake kwa sababu alichukua ile pesa, vitu walichukua. Mimi nachukua ile ndogo. Mimi nashangaa, mama yangu alikuwa na elfu kumi na mimi nakwenda nachukua 85. hiyo pesa ingine inakwenda na nani?

Ile ingine nikiuliza ni sheria ya chapter 90 ya cooperatives ifanyiwe marekebisho sababu hiyo chapter 90 ya cooperatives inatunyanyasa. Kwa maana ukienda mkutano inaangukia huyu mtu anapropose. Anapropose mali ya wananchi. Tungeuliza hiyo sheria irekebishe, itengenezwe sawa sawa. Yule proposer, wakati General ingine inakuja, kabla mkutano kuendelea, huyo proposer aeleze zaidi alipropose kwa nini, sababu wanachama wanatumia watu wengine kupropose. Wakati unapropose lazima tunahakikisha. Sina mengi ya kusema, nitawaachia hapo.

Com. Kangu: Asante sana. Sasa tutachukwa wa mwisho before we go for break ndio turudi. Tusikize Loise Wanjiru.

Loise Wanjiru: Nii ndarugama haha njitagwo Loise Wanjiru,

Translator: Mimi niko hapa naitwa Loise Wanjiru,

Loise Wanjiru: Ndarugama iguru ria atumia.

Translator: Na mambo yangu ni juu ya wanawake.

Loise Wanjiru: Njurie atiriri,

Translator: Nikiuliza swali,

Loise Wanjiru: Tariu nii ngihika ndahikite ndina miaka twenty.

Translator: Kama niliolewa nimekuwa na miaka ishirini,

Loise Wanjiru: Na riu ndi kwa muthuri ninite miaka forty five.

Translator: Na mpaka wa leo nina miaka arobaini na mitano.

Loise Wanjiru: Kwina right ya njirwo muthuri anjire njiikarite gwake miaka forty five, miaka iria minini ni iria njikarite gwitu.

Uguo mahinya makwa mothe mathiriire kwi muthuri ucio. Kwina bata wa kunyingata nyume gwake.

Translator: Nina bwana ambaye huenda akanifukuza kutoka kwake nyumbani.

Loise Wanjiru: Uguo no njurie mugicenjia Katiba, tondu atumia nimahinyiriirwo muno, mutuaririe.

Translator: Kwa hiyo nawaulizeni mkirekebisha Katiba muone ya kwamba kifungo hicho kimerekebishwa kwa sababu tumeumizwa na wazee wetu.

Loise Wanjiru: Wa keru,

Translator: Ya pili,

Loise Wanjiru: Atumia nimarahinyiriirio ni athuri,

Translator: Wanawake wananyanyaswa na waume wao,

Loise Wanjiru: Ukona muthuri ti muguruki,

Translator: Naona ya kwamba mzee si eti wazimu,

Loise Wanjiru: Na niaranyita mwana wake.

Translator: Na huenda mpaka akafanya mabaya kwa mtoto wake wa kike.

Loise Wanjiru: Na mutumia athii kuaria uhoro ucio,

Translator: Na wakati mama akisema mambo haya

Loise Wanjiru: Mutumia akerwo no mathiire na mwana ucio wake,

Translator: Anaambiwa ni lazimawaende na huyo mtoto wake.

Loise Wanjiru: Ucio ni muti ungi turenda twaririo ithui atumia.

Translator: Haya angalia sana kwa upande huo wetu.

Loise Wanjiru: Muti wa gatatu,

Translator: Ya tatu,

Loise Wanjiru: Nituthuragirwo machifu na maheadmen.

Translator: Tunachaguliwa machiefs na wadogo wao.

Loise Wanjiru: Na ithui twi raia tutiitagwo.

Translator: Na sisi raia kwa nini hatwitwi kwa mambo haya?

Loise Wanjiru: Na tui ati raia niyo ibatarite guthura anene.

Translator: Na sisi tunajua ya kwamba hao yafaa wachaguliwe na sisi wana raia.

Loise Wanjiru: No tuende Chifu na Headmen mathuragwo ni raia.

Translator: Tunataka machief na ma-MP wawe wanachuliwa na raia

Loise Wanjiru: Na makorwo mari andu ogi mathomete.

Translator: Na wawe wamesoma vizuri.

Loise Wanjiru: Muti wa kana,

Translator: Ya nne ni,

Loise Wanjiru: Kuri andu macaguragwo ni Headmen na Chifu athuri aitura.

Translator Tena tuna wale wazee wa kijiji ambao uchaguliwa na chief na mdogo wake.

Loise Wanjiru: No tutiri twaigua kuri mutumia uri wacagurwo

Translator: Lakini hatujasikia kuna mwanamke amechaguliwa au wa kuiba ndio anaambia atanyongwa.

Com. Mutakha Kangu: Asante na sasa nimesikia maneno ya watu wa Kiharu. Na wazee wamama wakizungumza mimi naona muko na shida na nafikiria wazee mkitoka hapa mwende muanze kuchukuwa hatua. Kwa sababu kila mama anazungumza hapa, analia nyinyi mmepotelea kwa pombe. Hapana saidia mama kazi nyumbani, watoto mumewacha, you need to take action. Na mimi najua wamama bado tuko nao hapa wengi, kwa nini? Na naona wanazungumza na uchungu. Mumewachia kazi yote, mumeptotelea huko. I hope hata bado tunaandika Katiba, hiki kikao ni nafasi ya kupatia nyinyi nafasi kusikizana nyinyi wenyewe. Sasa wamama wametoa malalamizi yao. Pengine nyumbani hamkai muhakikishe lakini leo wamezungumza, mumesikia. Si ni kweli?

Audience:

(inaudible)

Com. Mutakha Kangu: Msiseme hatukusikia. Wamama wamezungumza na mimi naona wanazungumza na uchungu kabisa, ni mambo inawasumbua vichwa. Tafadhalini, mujaribu muchukue hatua, hapana poteza watoto, wapate nafasi. Tunataka tuende break kidogo lakini muheshiwa amesema kama yeye mtu wenu hata yeye amesikiza amesikia mama akimtaja angependelea azungumze mambo kidogo na nyinyi kama sisi tumeondoka kama watu wake. Tuko sawa sawa? Lakini musikie kabisa kwa sababu hiyo mambo mimi nasikia inaniudhi, it is bad, really. Thank you very much. Turudi a quarter to two. Kama inabaki dakika kumi na tano kufika saa nane turudi tuanze tena.

After lunch

Com. Mutakha Kangu: Turudi tuanze. Can we have James Chege. Bwana James Chege, kama hayuko Dominic, John Mwangi, John Mwangi. Kuna wale wanasema tupeleke mkutano nje, sijui mnaona namna gani?

Background:

(inaudible)

Com. Mutakha Kangu: Joseph Ngingo Kamau, John Mwangi.

Com. Salome Muigai: We don't want anything, they are ones who are going to bring to the wrong person.

Com. Mutakha Kangu: Sister Mercy Wangari (long silence) endelea.

Mercy Wangari: I am talking on behalf of the Sisterhood Association.

Com. Mutakha Kangu: Unaweza kuzungumza kwa sauti ya juu?

Sis. Wangari: Nitajaribu.

Com. Mutakha Kangu: sawa sawa

Sis. Wangari: I am talking on behalf of the Association of sisterhood of Kenya (ASK) Murang'a Unit. The association of sisterhood of Kenya Murang'a they appreciate in the involvement of Constitution review Commission exercise. The Constitution review should be taken back to the people in an understandable language so that all Kenyans can understand it using a simple language and straight to the point. I will talk on basic rights. The Constitution of Kenya does not have adequate progression for fundamental basic rights because of the marginalized and vulnerable group that have been left out. The Constitution should provide security, health care, water, education, food, employment and basic rights. The death penalty should be abolished and that the government should enhance that all Kenyans enjoy their rights.

The specific issues of the basic rights these are security. In security we have the mob killing. This is where we find that in some towns for example in Nairobi or Murag'a, somebody is said that "Watu wanasema huyo ni mwizi" and we really don't know whether that person is a thief and all of a sudden we Kenyans we gather and we throw the stones to this person. So we are requesting if there is a law that can abolish this mob killing because even that person has the right to live and also if our police forces are close at hand they should rescue this person. We also in security we have the police shooting. We find that in police shooting, there are some people who shoot aimlessly whether--they are not criminals but they are innocent people. We need a law in Kenya to state that the aimless police shooting should be abolished.

Fire-arms: Fire-arms that we have in Kenya, we really find that the government has not been taking care of the arms because like for instance, in the western Kenya, in the Northern party of the country many people are owning these fire-arms and many times in the radio, we hear from television or from the papers "We are requesting these people, the ones who are having the fire-arms to take them to the police force". And also in Nairobi, there are some areas that we find especially in Eastleigh. There are many people who have these fire-arms and they are killing innocent people any how. So we are wondering we as Kenyans, can there be a law that is preventing the fire-arms from the arms of the people who should not own them.

Prisoners treatment: We find that in our country the prisons are really terrible, pathetic. And also we find that when these prisoners are coming out to the public, they have very very good uniforms but if you go to visit them in the cells, they are in a pathetic condition. Can we have better treatment for these people and also the place that they sleep the beddings and not this kind of thing. We need to have our prisoners being kept nicely.

The discipline of the security forces: We have heard cases of some policemen in the police force abusing the women who have to take cases. Can there be a law in the new Constitution to have this police force, that if a person has the case to the police station, that is the place that where Kenyans will feel more secure but currently is the place that we feel we are insecure because there is nobody who is taking care of the Kenyan person.

Then the other area is the health care. We need in our health care, we need to have free medical. By this I mean that nationwide the maternity wards, need to be improved. We have heard cases of a woman going to deliver and yet she is told you cannot go to the labour ward without you having to buy gloves, to buy I don't other things so that one is able to be helped. And we see in this area, if this area is not taken care, I don't think we will have even the children for tomorrow because child giving or child bearing has to continue so that we can have even more Kenyans that will be governed by our leaders. We also need to have medical insurance company. Also the hospital charges to be controlled. When we talk about the cost-sharing really like we from the village, we are finding it very difficult when going to the hospitals and the amount of money we are being asked to pay cannot afford. We are asking, can't this charges be at standard? After after---can't they be in a controlled manner? We also need to have the medical care, brought closer to the people. As in this we find that we as the women, at times we are finding it difficult when we are using the sanitary towels. We find them that they are very very expensive and this is something we are using every now and then, every month and their whatever, its price is very high. So we are requesting, can't there be a law to the Bureau of Standards that the sanitary towels, be of a lower price so that every Kenyan woman is able to buy the sanitary towels.

The other point is on water: Protection of water catchment sources and also to control irrigation and cultivation, we need the catchment areas in our country where we have the water collection, can't this areas really be taken care of so that every Kenyan enjoy water? Not staying in a place in your innerself or inner home that you are staying for a whole month or two months without getting any water and yet every month you are required to pay your monthly bills. So we are requesting that we could initiate projects to provide clean water for all Kenyans to enjoy. Those of us who drink may be water, the water—the water catchment areas, there are from these rivers and we know that some of the rivers are very dirty. We need this water to be treated for every Kenyan person to be able to enjoy and so that we can reduce some diseases like, what the current one which is making everybody scared that he/she shall be infected by typhoid which can be transmitted through water.

Education: We need to have free and compulsory education which is the basic education that we need for us Kenyans especially in our current curriculum. Civic Education should be taught in the curriculum and more so to teach the students and the pupils about the Constitution so that everybody is aware “these are my rights and this is what I am supposed to follow”.

Shelter: Shelter is a basic need for all Kenyans. There is no Kenyan who should not be enjoying shelter because this is a basic need that every person should enjoy in his or her life.

Food: There should be government policy on food production. The government should provide a policy on the production of food financial support to its farmers especially we farmers who grow the tea, coffee, the pyrethrum and all these other cash crops. We need some money and we need the government to support us. So we need a law that support that every Kenyan farmer, so that the money when we sell, when export that money can't that money come back to us so that in return we are able to produce more in our in our shambas, not really trying to struggle. For instance, most of us we can talk of the back of 1980s we educated our children using the coffee money that we got from our coffee but currently today, there is nobody can say my coffee can educate my children to the secondary level or the university level. We are that that hurt. That used to be done there before. So we are asking the government to support the farmers. Also to the strict food importation. We find that our country Kenya, there is a lot of resources if it is the coffee, the sugar, and we hear that sugar that has been imported from other countries and yet in the Western of the country we have some industries that are producing sugar and if we are not going to sell our sugar to promote our people, but we want imported sugar from outside country. So indeed we need to control the liberalization of our industry.

Interjection (Com. Kangu): Try to summarize.

Sis. Wanjiru: Okay. So the next area is on the vulnerable groups and this mostly is living, in the current Costitution, the influence of women have not been fully granted. There relevant women rights should be addressed in the new Constitution. These are property rights, we need the women to inherit and also to own the land. Sexual habits as some of my fellow women have talked about and here I would like really to mention on this woment genital mutilation. That also has to be taken seriously and especially on the childrens' rights. Also, the rape cases. We find that if a man raped a woman or a child, there has to be a very very strict laws restricting these men not to let this young women and also the young women and the mothers be harassed by men. Because you find that the mothers are also raped. We are asking to have a law to really to have it very strict that any man who rapes a woman, he can be jailed. If not being raped like those who go even in bed with their girls, they can also be castred.

Clapping

Domestic violence: In domestic violence, we really see that at times where the woman really sufferers. A lot of suffering for the women. So we need to see that there is a law that is protecting the women. We as the Kenyan women, we feel that we are not really protected because if for instance, we go to the police force, everybody in the police force is a man. And here is a woman you are going to present her case to the police force and they are men. Why don't we have some police women, also we have a desk of women open so that when this woman presents her case, she will not be bullied by the men. For instance, you go to present your case of rape, and then you are told "ulisikia nini? Kulifanyika nini?" This is really nasty language, and yet you are a victim. So we need the law to protect the women on violence.

We also need equal opportunities in development. Can we give the women an opportunity also to take part and participate in our national development place. Also the other area that I would like to tackle on the lives of the disabled people in our society. We find that we have forgotten these people, the disabled and we need to really support them so that they can also enjoy their rights and feel that they are also Kenyans. They also have the rights which they can enjoy. We also find that these people, like the disabled children need to have education also so that they are able to feel that they are also Kenyans and they can aim higher in their lives. So this should also be taken very seriously in the new Constitution and the disabled. Unfortunately in the society, they never wished to be born the way they are but they found themselves the way they are. It is not that we are lucky that I am walking very well, no, but by the grace of God so we also need to really take care of them.

Com. Mutakha Kangu: Can you summarise

Sis. Wanjiru: Okay. The other area that I would like to talk about is that we need the land and property rights. When we come to the land and property rights, ultimate ownership of land adoption, we need to have a right on the ownership of the land, all matrimonial property to bear the names of both spouses. If I get married to somebody or if somebody is married to a woman or the two people are married, then their property bear both names. If it is Mr. Karanja, Mr and Mrs Karanja not just Mr. Karanja. We need to have both properties having both name of both spouses.

Clapping

Establish the proper succession law. We need a law to say that if a husband happens to die, the wife has the right to own the property of that man because you have of case in Kenya where some women have been denied their rights and we need such a law in our new Constitution. The right to own and inherit land and other movable properties by women should be addressed as a right in the new Constitution.

On land approval regarding transaction on land should be mandatory and be included in the new Constitution. There should be equal gender representation in the district board land. In those board land we should have equal. If they are 50 men, 50 women. So we need to have a balance not just having only men. So we need a balance of half, half. Half men and half women. Equal access land by both men and both women and men. Both names of the spouses should appear on title deed and not on one. Not only one name that should appear on the Title Deed. Also to establish lease system and replace them with a free hold, Constitution should have a provision of land for every woman and man. Constitution should create a special Land Court to deal with land issues.

The other area that I would like to talk on is the Affirmative Action that should be taken. On the human rights, we need a Commission of 50 men and 50 women to talk on behalf of every person. Not to have a Commission of the only one side, only

the males, but what we need to have some women. So we need to have the land ownership and property, succession law should be there and also the citizenship, that if somebody happens to go to an outside country and if this woman happens to get a baby with somebody of that country, when that child comes to the country, the child will need to have a law that it entitles that child is Kenyan. Because if a man happens to go an outside coutry and marries a woman, definitely when he comes back to Kenya, there is no question that, that woman is a Kenyan. So we need a law that says that if a woman gets a child from outside country, when she comes back to the country with that child, that child is a Kenyan. Also there should be no discrimination in the eyes of law and equal opportunities for all. There should be one national language, Swahili, which we should be using.

The Constitution should recognize and promote indigeneous languages of all Kenyans. Thank you.

Clapping

Com. Mutakha Kangu: You have a question? Okay.

Speaker: Ah now that you have talked about rape and some cases where even women rape men and you have said that guys should be castrated. What about the women?

Sis. Wanjiru: Yes I have talked about rape and I have said that if a man happens to be taken to court according to--- well if the Constitution review will take into considereation the action that should taken. Then about the women, if there is something that the woman can be done, then it can also be done so that we can control what is happening but I have not heard of a case of a woman that has raped a man?

Background: ----- (inaudible)

Sis. Wanjiru: Why hasn't it appeared on the papers or in the radio? Why is it that they only appear the rape cases for the women? It should also appear in the television that we can see? Yes.

Com. Mutakha Kangu: Can we have James Chege. James Chege, hayuko. Dominic Kihia, hayuko. John Mwangi, hakuna. Joseph Ngingo Kamau. That is Joseph F. Ngigo Kamau? How did this Joseph come in, you are not Joseph?

Background: inaudible

Joseph Kamau: Mwenye kiti wa kamati hii, wageni waheshimiwa, wananchi wenzangu, hamjamboni? Sasa mimi nataka kuongea juu ya uchaguzi wa councillors na ningependelea kuzungumza kwa Kikuyu ili watu wote wanisikie.

Joseph Kamau: Ningependa kuzungumzia kuhusu mambo ya uchaguzi wa councillors. Imekuja kujulikana ya kwamba hawa councillors tunawachagua na vile tunawachagua hawawezi kufanya vile inavyotakikana na wenye kuwachagua. Na ningependa tuwachague kwa vile mimi naonelea. Yaani tuchague kamati, ichaguliwe kutoka huko sub-location. Ndio tuje tena kwa location level ndio tuchague kamati nyingine. Yaani mimi naonelea kwamba tuchague kwa kamati hiyo yule ambaye atakuwa ndiye mwenye kiti au bwana kinara ndio tutakuwa tukituma kule kwa kambi kuu ndio anasimamia location yake. Hii ni kama vile tunasema tunataka kunzia kule kule chini ndio muwe mumechagua mtu ambaye nyinyi mnampenda kutoka chini mpaka location. Na yule mtu ambaye atachaguliwa awe atakuwa akifanya pamoja na kamati ile ya location na ile nyingine ambayo ni ya sub-location ndio awe akipata mawaidha kutoka kwa kamati ile ilimpeleka huko. Kukiwa ni vile tuna faida. Na ni hii, yaani ni kumaanisha kwamba, atakayechaguliwa amechaguliwa na watu wake na amekaa na wao na pia na yeye atakuwa ni mmoja wao ambao watakuwa pia akihitaji maendeleo yale yale wale watu wanataka.

Na unyakuzi wa viwanja utakwisha kwa sababu atajua vile anakwenda kufanya kwa county council. Uwizi ni kama huu, plot, viwanja ya mashule, viwanja ya mahosipitali na viwanja vyote vile ambazo zimewekwa kama ni mali wananchi. Yaani ninamaanisha kwamba wanataka iwe mambo yote iwe ni ya kugawa ardhi ambayo ni ya raia wenyewe, iwe ikizungumzia kutoka grassroot mpaka location level na kamati ambao wao watakuwa wamejichagulia wao wenyewe. Hivi ni kusema ya kwamba, kwa sababu huyo mtu amekuwa amechaguliwa na chama chochote ama amewekwa na chama chochote atakuwa ameheshimiwa, ataheshimiwa na watu wote kwa sababu hatakuwa na mambo ya kuelekea mwelekeo wa chama chochote. Na hivi ni kusema ya kwamba yale mambo ambayo yatakuwa ikifanywa katika council yote ya huku yatakuwa ikijulikana kwa sababu inafanywa wazi wazi. Au kama inaonakana wakati mwingine plot imepeanwa mara mbili. Nitamalizia hapo.

Com. Mutakha Kangu: Thank you mzee. Let's have Nancy Njoki. Nancy Njoki yuko? Basi hakuna, Faith Kabura Mwangi.

Faith Kabura: Thank you for the opportunity given. These are the recommendations of the Constitution of Kenya Review Commission by the National Council for women of Kenya Murang'a district.

Introduction: The women of NCWK Murang'a District, appreciate the involvement in the Constitution of Kenya review Commission exercise. The new Constitution should be taken back to the people through civic education. This should be a continuous process. It should be in an understandable language, simple and clear, straight to the point so that the local people can understand. The Preamble: We need a preamble in our Constitution, the current one has no preamble to identify or recognize the supremacy of people of Kenya women, men and children to respect and honour those who fought for independence. The national objectives--the national mission/objectives unity of our diversity guarantee basic rights on supremacy of the Constitution equal treatment for all before the law, guarantee individual's freedom.

Citizenship: Automatic citizenship should be granted to all children inside and outside Kenya, adopted foreign children by

Kenyan citizens should be Kenyan citizens. Also in application, marriage and adoption. Rights and obligation and basis rights to own property. The executive powers, Presidential qualifications: He should be a holder of a university degree from a recognized university, morally upright, be a family person but unless the case of religious men and women that is sisters, fathers and bishops. He should be between 35 and 50 years, he should have sound mind, God fearing and declare his wealth. The Presidential should be a maximum of two terms, five years each.

The local government: Mayors and chairperson should be elected directly by the people. The title chairman should be amended to chairperson. Mayors and chairperson should be elected for five year term: Elections taken after two years are expensive. Local authority should not be under the Central government. The mayor/chairperson should be the executive officer where the chief officers are answerable to them. There should be a minimum education qualifications for councillors that should be horrible. There should be a moral and ethical qualifications for the local authority, the councillors should be recalled by launching complaints with the Electoral Commission. The immediate councillors should not be retained because they are not answerable to anyone. Rules should govern the conduct of councillors. They should avoid relationship with political parties and should not be controlled by local authority minister.

The Electoral process: Kenya should maintain the current electoral process. To win an electoral proportion method. To win an election all contestants should obtain 50% of the total vote cast for both women and men. The aspirant candidate should seek parties for nomination. A member of Parliament should not defect from the sponsoring party before the term expires. There should be no Commission for the Presidential, Parliamentary and civic elections should be held on different days. Candidates should represent their budget of accounts to the Electoral Commission after the election. There should be a calendar of election, the Presidential candidate should garner votes from all over the country. Qualification for electoral Commissioner should minimum diploma in law at least three years of experience practicing law and of upright moral conduct.

The basic rights: The Constitution does not have adequate provision for fundamental rights because marginalized and vulnerable group have been left out. The Constitution should protect the security, health care, water, education, food, and employment for basic rights. The death penalty should be abolished. The government should ensure all Kenyans enjoy their basic rights. These are security, health care, these include mostly the free medical care especially for maternity attendants because this is a national duty. Education always should be free, it should be paid by the taxes they pay.

Land and property rights: Ultimate ownership of land adapting the Ugandan policy citizens. All matrimonial property to bear names of both spouses, establishment of power section of law. Local community to have power to control the use of land by the owners or occupiers. The right to own and inherit land and other movable and immovable property by women should addresses as a right in the Constitution. A spouse's approval regarding any transaction on land could be mandatory and is put in the Constitution. The Constitution should regulate that thorough and ensure gender equity in land distribution. There should be a ceiling on land owned by an individuals with special emphasis on the geographical landscape, for example, Central

Province, 10 acres. There should be restrictions on ownership of land by non-citizens. The Land Commission should be scrapped. There should be equal gender representation in the District Land Board. This is because mostly women are left out. Both names for the spouses should appear in the title deed. Abolish special land board. The Constitution should guarantee the right to land for every woman and man. The Constitution should create a special land court to deal with the land issues. Thank you.

Com. Mutakha Kangu: Edward Macharia.

Edward Macharia: The following Constitution issues have been given by the Christian community giving civic education. The Catholic Parish Mogoiri comprises of two administrative locations within Kiharu constituency with approximately 20 thousand brethren.

1. The new Constitution must have a preamble.
2. On the national philosophy and guiding principle. The family unity with component as it is a basis to promote moral, cultural and social and economic development. The state should be politically and economically independent. Children, young people, the elderly and other vulnerable group should be protected. Traditional customs may guide light in the society particularly in improvement of culture, social, economic and ethnic equality.
3. Constitution Supremacy, all citizens shall be involved in the event of overhauling the Constitution. The 55% majority required ought to change the Constitution should be great to 75%.
4. On political parties, the number of political parties,

Interjection (Com. Kangu): Bwana Macharia, since you will give us the memo. Just highlight the main points.

Macharia: The number of political parties should be limited. Political party with an national outreach should be funded from the consolidated funds. On the legislature, Parliament should set their appointment of executive public appointment. Parliament must approve all government expenditure. Parliament must have power to impeach the President. There should be moral and ethical qualification for Parliamentary candidate. This should include one who is able to declare his wealth, upright, moral with no criminal record. Constituents must be empowered by the Constitution to recall their MP in the event that they are not satisfied with his or her performance. This should be done through collection of 1,000 signatures across the constituency. On the executive, qualities of the President: He or she should be a Kenyan by birth between 35 and 70 years of age. A person of high integrity, God fearing and of good moral. On the Judiciary, the Constitution should ensure that citizens have a right to legal aid. Khadis should be nominated by the Muslim community appointment.

On the local government: Mayors and council chairmen, should be elected by the people. The two year term for the mayor and council chairmen be increased to a five year term. The local authority should be empowered to hire and fire all employees.

The prospective councillor should have moral and ethical qualification. Constituents must be empowered before their council. If he or she failed to deliver, at least 500 hundred signatures to be collected across the ward. On human rights: Human rights are God given and not guaranteed by state or law. The Constitution should address the too many limitation at the location. Social, economic, culture rights and solidarity rights should be entrenched in the Constitution.

Death penalty should be abolished. Basic needs depend on equitable distribution of resources. There should be a provision for distributing justice or basic needs. Human rights education should be a right of every Kenyans. The citizens should have also the rights access information in possession of the state.

On the right of vulnerable groups, women should be accorded full and equal dignity of the person with men. The right of the disabled, should be recognized and be implemented by the state. Derogatory language used in the Constitution should be removed; that is those words that describe the disabled as idiots in the society. Discrimination based on disability should be outlawed. The state should implement a national policy for the prevention of disability, for the treatment, rehabilitation and intergration of people with disability. Parents should support and educate their children whether in or out of wedlock.

On cultural and ethnic rights: Each district Kenyan group must be accorded the right to its culture. The Constitution should promote the formation village council of elders. The new Constitution must emphasize on national intergration and unity.

Management and use of natural resources: The government must make quarterly reports of all money collected. The Auditor General should be appointed by the President and accepted by Parliament. Civil servants should be contently emunerated. An independent Public Service Commission should be established. Civil servants should be non-partisans and delinked from political parties. Public office holders should declare their wealth before assuming office. Non-governmental organization and organize should have a law in government. This should include appointed in Commission constituted to address national issues and representation in Parliament. The new Constitution to protect the right of peoples' society and they should be constitutionally allowe to lawfully organize the citizens to stand up against a government that oversteps the right of the people

Com. Salome Muigai: You have said the Constitution should help or give a provision for the formation of councils of the villagers, the women who spoke this mornings told us that some of the village elders that are chose are all men. So had you thought of who should compromise the council of elders at the village level.

Macharia: It should be more of men and women.

Com. Salome Muigai: In what proportion?

Macharia: From the clans.

Com. Salome Muigai: In what criteria?

Macharia: That one will depend because in a clan there might be 10 men and 60 women. So when you put a ratio of 20:20, you have to import ten men. The community has some interest here whether the Constitution will be ready by December. Two, how will it help when we come to the general election? Secondly, they worried when they in the papers that what they interpret- is that some Commissioners have been bought by the government, or we ever buy people, I don't know. So they were expressing some fears and telling that the Commissioners that they should talk those press people what they are writing. To Wanjiku here is totally different when you interpret that. That is why you see, majority of people are not here. Because they are confused because what they read in the papers and what they are getting from the Commission is totally different. Yeah.

Clapping

Com. Mutakha Kangu: I want to say that the people of Kahuro should not worry about the ability of the Commission to deliver, no body has bought the Commissioner and I don't think anybody is capable. We will not agree to that, so have your faith in us, we will do the job. One thing that Kenyans have failed to understand is that this process is supposed to help us to develop trust and tolerance amongst the Kenyan people. We are coming from a past where there was a lot of suspicion when someone was seen to associate with the government, people would always think that he has been bought. But the truth of the matter is that as a Commission, we are a Commission for all the Kenyans whether they be in the opposition or in the government.

In additional if we should look at the structure under the Act, kuna wakati tutaenda kwa ile inaitwa national Constitutional Conference na huko watu watakutana wote wawe wa KANU, wawe wa opposition, wawe wa makanisa wawe wa civic organization, and if we cannot start building trust now, watu watafika wakati wa national conference when they still suspecting each other, na pengine hawatakubaliana on the recommendations tutakuwa tunatengeneza. So you just have to learn how to start building trust. I keep saying that for many years the government didn't like certain people but it didn't have a place to take them and go and throw them. They just had to do with them. They tried to put some people in detention, it didn't help. They found they had to live with them as other Kenyans and therefore I say that even when the opposition takes over government when it does, they will also not have anywhere to carry the KANU people and go and pour them and forget about them. They will rather just start learning how to live with each other as Kenyans and start addressing our problems and start solving them. We are still listening to you people talk. You are talking about economic problems. They don't single out this is a KANU person, this is an opposition person. When the economy inazorota it does that to everybody. Isn't it?

Response: Yes

Com. Mutakha Kangu: So we just have to start learning how to trust each other and work together and I have often said, there is a book I am been reading entitled "Disorder as a Political Instrument" Now the two authors wanajaribu kuzungumza

and they ask “What is with Africa?” and in their conclusion, one of the conclusions they make is that African never want to look for long- term solutions to their problems. They want short term solutions and the reason is because they selfish, and they know that long-term solution never benefit those who designed them. They benefit other generations down the line and because many have the chance, do not want to do what they cannot benefit from directly, they are still looking for long-term some solution as a waste of time and I am therefore warning Kenyans if you look at Act under which we operate, it does not say that we must finish the Constitution before elections.

It says we must finish the work within 24 month. Those 24 months end on 4th October this year and it goes further and say, if we find we need more time we can request Parliament to give us more time. It does not link our process to elections and more so you need to know that under the current Consitution it is the President who has power to dissolve Parliament and call for elections. And even if we went ahead assuring Kenyans that we will give you a Constitution before election, Moi may wake up today and stretch a bit in his Kabarak farm and decide that the time for election has come and dissolve Parliament and call for elections. We as a Commission under the law have nothing we can do about it. So that is why my argument has been, I don't want to give Kenyans false expectations. I would rather make them know the reality of the law, so that if anything happens, you don't feel you are cheated. Isn't it?

Audience:

(inaudible)

Com. Mutakha Kangu: You need to know that. Now the quarrels you have heard coming out are little bit misplaced because we sat down, a task force was established which say we cannot finish this work by 4th October. It proposed that we extend time up to June next year. The Chaiman agreed that we cannot finish by 4th of October but his view was that we should extend up to December. So we took one decision and said let us tell Kenyans we cannot finish by 4th of October but we deferred the decision on how much more time we need until we shall we have another meeting and we are hoping to have that meeting on 22nd, that is when we will look at the two options. June and December and when the decision is made, how much more time Kenyans would be informed. But what has happened is that after we put the decision we can't finish by 4th October, other people started having conclusions out there and that is what has brought confusion. But take it from me, the Commission has not yet discussed and decided how much more time we need but it has been discussed and decided that we cannot finish on 4th October, we need more time. By 22nd we will discuss how much more time, and when we decide we will tell. If we decide December we will tell you. If we decide January, February or whatever we will tell you. If we decide June we will tell you. But at the moment we have not decided. Are we together?

Audience:

(inaudible)

Com. Salome Muigai: Chairman wa giikaro gike arageria gucokia uria go koretio ni mwanake okwaretia mbere ndio kana ni mwanake kana ni muthuri. Akuria ati ni muragia maundu maingi ati Commission ni maraaga kuiguanira kahinda karia makarikia

wira wao. Ona ni koretia kana tukerekia December na kana kwe na Commissioner agore ni thirikali Chairman wa giikaro gike na cokia ciora icio auga har; ondu omwe twagerero ni kumenya. Ati hindi ya guthondeka Katiba ni hindi ya kweguwanera na tutigathii kwiguwanera Nairobi tukaiguanira oguku. No kinya tweguwanere guku tondu wega umaga nako? Na mucii undu umwe wa kuiguanira ni ati acio nio Commissioners ara twenao ni kahinda kara tweeketa atia tu mahite wira. Na auga ati gutere Commissioner mugure ne thirikali na mukare mweteketea ugio tondu Commissioners aria mathurero ni andu mwanya,mwanya, kuri aria marehero ni mbunge na kure maumite Ufangamano no ithioothe twi Commission eno imwe.

Nitwetekanereya ati ni tukwenda korora wira witu torore utigarite hadu haigana atia na hatigarete kahanda kaigana atia. Na gugithurwo committee ya kurora wira uria tutigairie. Committee yangire ati tutihota kurikia wira witu tariki inya mweri wa ikumi.

Nitwahothirire ihinda inene muno kugeria kurehe Ufangamano na Commission ya mbunge hamwe na kwoguo ihinda regitigara ihinda inini. Huui twi Commission nitaiguaniire ati totihota kurikia ihinda riria riagiriire 4th October, 2002. Amwe ni maugaga tatukerikia mweri wa gatandatu angi maugaga December tukiona twarekea uria tureka na nja ni tugacemania ringi niguu tuigwithanirie ihinda riria tobataire. Uria tugatua mucemano ini ocia nitukamumenyethia . Koguo kahinda gaka ni tugie na mwihoko ati Commission niirenda kuriki wira wayo. Tondu ni yahero wira. Nitoguthikiriria mawoni manyu ni mwitikiye ati mwina Commission na niraruta wira na hinya muno na nikurikia wira.

Com. Mutakha Kangu: Tusikize Udita Wanjiru

Wanjiru: Atongoria aitu aria muri mbere iitu ona andu aria othe tukite haha. Nindamugeithia.

Translator: Viongozi wetu ambao muko hapa na viongozi ninawasalimu.

Wanjiru: Riu ri kiria giatuma ndugame hahari, kwi maundu mangi na mangi, ithui niithui tuaruiire bururi uyu.

Translator: Yaani kilicho nileta hapa nisimame hapa mbele yenu, ni kwamba sisi tuliopigania uhuru nchi hii yetu.

Wanjiru: Na Katiba iria irageria gucenjio riu, ndiekirire andu a mau mau aria metagwo freedom fighters gatagatiini ka arui a mbara.

Translator: Yaani hii kamati ambayo itazungumza kuhusu Katiba haikuhusisha wale ambao walipigania uhuru kama wale freedom fighters.

Wanjiru: Thutha witu ni tugukorwo tutari ho, ciana ciitu citikamenya bururi uyu woimire kuu.

Translator: Wale ambao watakuweko uhai watoto wao hawatajua ni nini kilifanyika katika nchi hii yetu.

Wanjiru: Tondu ni thakame yaitikire bururi uyu ukioneka. Ciana citikamenya thakame yatairwo ni a kana mucolony athiire atia.

Translator: Damu ilimwagika na ilimwagika nyingi na mbeberu akatoka hapa kwa njia gani.

Wanjiru: Uria ungi ni ithui tuaruagira Kenya iri ng'ima na gitumi kia njuge uguo ni tondu ithui tutiaruagira gicigo kimwe. Tuaruagira o mundu ari wa Kenya, hatiri handu atangiikara na agie na utonga wake.

Translator: Sisi wakati tulipigania uhuru hatupigania mahali pamoja, tulikuwa tunapigania Kenya Nzima hile wana Kenya kila mtu aweze kuishi mahali popote pale anaweza kuishi.

Wanjiru: Gitumi nituiguaga maundu maingi muno watu wa bara watu wa nini lakini twahuraganaga tukiugaga Kenya itu tukorwo twi handu hamwe.

Translator: Mama anasema yeye amesikia watu wengine wakisema watu wa bara, watu wa wapi, lakini walipopigania uhuru walipigania wakiwa kitu kimoja.

Wanjiru: Uria ungi ni kuhoya ingihoya ni tondu ciana ciitu niithirire ciatutigira ciana cia ndigwa. Mutumia ta nii na muthuri tugatigirwo ciana ni ciana iria tuciarite.

Translator: Ombi langu ni kwamba, sisi watoto wetu wametuachia watoto na watoto wako nyumbani na sisi wenyewe ndio tunawalea.

Wanjiru: Tondu tutiri na hinya wa kuhota kumarera kana kumathomithia, ihoya riria ingihoya nohoyire o District committee ini itu iture uhoro ucio, yakwo cukuru ya ciana icio tondu ni anine ni ukimwi.

Translator: Ninaonelea kwamba katika district sote, kuwe na njia ya kujenga makao ambayo watoto wale ambao wameachwa na wazazi wao juu ya ukimwi wawe wakienda huko na kukaa.

Wanjiru: Hari kiugo kingi tuoire gitagwo soko huru. Riria tuoyire soko huru anga tutioyire tukimenyaga soko huru ni ki. Tuoyire uguo nigetha andu mathukii utonga wa bururi.

Translator: Sijui kama nitaita liberalization yaani soko huru ndio hiyo mama anataka kusema ati wakati iliingizwa hawajui kama iliingizwa ndio imalize nchi yetu.

Wanjiru: Uguo ni ndiri na maingi ni maya ngwendaga kuuga no macio.

Translator: Mama hana mengi, ni hayo hayo tu ambayo alitaka kuhighlight.

Clapping

Com. Mutakha Kangu: Mwangi, Samuel wainaina.

Samuel Wainaina: Thank you very much honourable Commissioners, I have a few issues to highlight, that one which touches me. One is about retrenchment. When work becomes less in a certain company or an institution of the government the

sufferers should not be the low earners, who do a lot of work. If they are to be retrenched all of them, that is from the big fish, they should be retrenched equally if they don't need 10 men, they should not go to the labourers, they should even touch the chairman or the directors. And when these people are retrenched, they should not go home until they are given their dues because some of those who have been retrenched have not been paid their dues up to now. If they die of hunger where will their dues go?

The other one is about retirement. To create vacancies for our youngstars I suggest the retiring age should be 50 years to create vacancies for those who have been born and those who retire, should be given their dues immediately they go out of work because some stay even two years or three without anything, and they depended on their salaries when they were at work and if one lives without money for six or at least half a year he will die whether he chooses or not.

The other one is about land succession. The question of land succession has left a lot to be desired because when a piece of land is left and there is one member suggested that piece of land should bear two names of the spouses. If it is a land bearing title number say 246 it should bear the names of Mr and Mrs Njoroge so that when one dies, he can leave the piece of land to the other person. But at the present when a family happens to miss the father because the mother is not entitled in the land, this now becomes a case and if there was no boy to inherit the clan runs in to decide who will go this land. If the mother is not strong financially the strongest man in the clan will carry the piece of land because he will take the case say from Kahuro to Nairobi where the mother cannot walk or get money to travel and then he will impose a very learned lawyer who is very good in convincing and without truth the land goes to the wrong person. So I suggest the law should state that when a man or a woman dies, the land piece should be decided by the family or the clan where wazees will sit down and say whose land is.

The other one is about beer. There is nothing wrong with beer because in our tradition Kikuyu a girl cannot stay with a husband without beer. But let the law state that it should be taken at a certain time because Tusker is written "baada ya kazi" but today you find a coat hanging on a chair and the officer in charge left office, is in a bar. If it is taken baada ya kazi then beer could be alright, and this one would limit those who leave their jobs to go and have one. Say for instance when somebody wants the officer in that office, wakati wa kutoa kitu kidogo they will just walk out and buy a case of beer but if there is a law stated, it should be taken after 4 p.m. then he will have to wait.

The other one is about corruption. The law, I suggest, should state what to be done to the person who corrupts, say a society, because in today's life, when we have a chairman say of a society. He becomes wealthy and richer than all other members just because of corruption and one is taken to court I don't know what happens, he is left alone, he is left rich and the society members are left just like chicks without their mother. I suggest the law to state exactly what to be done on the person who finishes society co-operation because that is more killing than a person who just kills one person.

The other one is about Affiliation Bill. When a boy or man have a relationship with a lady and they are blessed with a child and

the boy runs away and leaves the innocent child to the mother, I think they should both be responsible for this matter. If not the law should state what to be done to the man who wasted the life of the lady. He should help to bring up this innocent child. That is why we have so many fatherless children and yet their fathers are living. Some are driving Mercedes Benzes and the child is suffering in the street.

The other one is about education. The 8-4-4 education system is a waste of time. I suggest, this is for me, we go back to 7 years primary 4 years, 2 years secondary, 3 years university. And this education to be compulsory so that we reduce those children who go to the streets as street children because some are there because they missed the opportunity of being in school, because the education has become very expensive and those people who are jobless of course cannot educate their children. Unfortunately we have not practised family planning enough, you find a jobless person with 8 or 10 children. When they drop out school, there is no choice other than to go to the streets and start begging. But if education was free, it would limit their streams in the street and soon or later these population is going to be more than the responsible group.

The other one is about the executive

Intejction: Utajaribu uende haraka

Wainaina: Ndio, ndio mheshimiwa. Their function should be defined. For example the chief. The chief to me has got not very necessary work. That work can be done either by a councillor or the chief himself or if we have to have chief, then we do not need a councillor. If we have to have a councillor then we don't need a chief. He should be a man who can do both jobs because a councillor is the "muingi" and a chief is for the "muingi".

The other one is Judiciary should be independent. The President should not interfere with the Judiciary such he do should not appoint judges. The last one is about the President. The President should be a man with a stable family. A stable family means not that the wife is in Mombasa, the husband is in Nairobi or Kisumu, it doesn't matter they are separated by employment and that means one is going to be unfaithful because is living away. So the President should live with his wife. Even if he is going abroad, let his wife joining him or her husband.

Clapping

Wainaina: I suggest the President should have an educational level of form four because if we say graduate level, university level we would deny some people a chance of getting a President. Because if we said(inaudible) very few Kikuyus would get one. And in this case, we should have a post of a Prime Minister who will be head of the government and the President will be the head of state. That is all I have. Thank you.

Clapping.

Com. Mutakha Kangu: Bwana Wainaina, what qualifications would you require for the Prime Minister? Two, umesema retirement age irudishwe miaka hamsini, mbona tusijiulize ni kwa nini we are not creating employment? What can we do to create employment because mimi nasikia tukiendelea tukisema punguza retirement age, many of these people I see here they are already fifty but they are still very energetic people, they want to eat, some are still taking their children to school. What is it that they can do to create employment instead of just saying we will reduce the retirement age?

Com. Salome Muigai: Excuse me, I also have some questions for you---

Wainaina: Itakuwa mingi?

Com. Salome Muigai: Yangu ni mawili tu ya kuongezea. Umesema kuwa mtu mwenye kuharibu society ama aharibu company achukuliwe hatua fulani, ungekuwa na proposal ungetaka afanyiwe vipi? Pia umesema kila mzazi wa kiume mwenye amepata mtoto na msichana, ahusishwe kwenye ulezi wa mtoto. How do you think these things could be implemented? What would you like to see being done? You had talked about that some fund where it is just a question of picking money from somewhere and paying for this child. Is that the same thing you want or what do you have in mind?

Wainaina: Eh, the age of--- can I talk without this?

Response: No.

Wainaina: The age of the President, I suggest, should be from 35 years to 70 years before it becomes senile. Also the age of the Prime Minister, the same. Ah what was other question?

Com. Mutakha Kangu: It was about the President you said a President should have a wife, what about if it is a woman?

Wainaina: I was hurrying with time, that is why I was not very clear but this applies to both.

Com. Mutakha Kangu: ----- (inaudible)

Wainaina: Yes. About affiliation Bill, I suggested a law to be passed what to be done with an irresponsible man and I said he should be made to help to bring up this child. If there is confusion because some women would take an advantage of saying the pregnancy belongs to so and so and it is not, then a specimen should be taken to prove whether the child belongs to this man. The other one about job creation. I thought there as I suggested if people retire earlier than it used to be, they would create employment. That is one of the ways of creating employment because I am already a retired man. If I have a family to bring up to there that is to be irresponsible because we have family planning. One should plan ahead and see that by the time one

retires at the age of 50 years, one shall have no child in school. Today, those people who are say over 50, between 50 and 55 before they retire they actually have no children. So they can leave the young ones who are marrying to get the job. That is where I was.

The other one is about corruption. I said for example when you go to hospital, we are told that there is no medicine but when you go to the chemists, you get it there and probably this chemist belongs to an officer in the hospital. Why should we not state in a law this person is doing direct stealing, because the patient in hospital those who cannot afford fee and money for dawa are dying, and they are dying at the expense of say one of the officers who carries all the medicine to his chemist. That is why I was. The law should define what should be done with such a person when the institution he is running fall down or collapses. Thank you very much.

Clapping

Com. Mutakha Kangu: Oh you have a question?

Speaker: Yes.

Com. Mutakha Kangu: Fine

Speaker: Alisema kwamba pombe si mbaya bora ifanyiwe time ya kunywa baada ya kazi. Nataka kumuuliza hii anasema hata ile ya kali kali ni ya kumi kumi, wanawake wote wamelia hapa na hiyo namna gani? Ni pamoja iwe baada ya saa kumi, hata hiyo?

Laughter

Wainaina: I was saying this because I am one of those men who helped women in Kahuhia to beat up these people who sell kumi kumi. When the same woment went to do it those men who drink got rungus and chased these women away and because men are fewer than women we had also to run for our safety. So it is good if the government cannot lock it up or stop these people who brew it. Until it stopped therefore it is alright.

Clapping

Com. Mutakha Kangu: George Kiguba

George Kiguba: Thank you very much, I am presenting the views on the new Constitution from the a group of Christian from Gitui Catholic Church. They were 24 members. Point one is that there should be a preamble. We should give our country to Almighty God for guidance all through. These should come from the free will of the people, it should uphold freedom, and

remind everybody of our diversity. Point number two we came to ah---

Interjection: ----- (inaudible)

Kiguba: So we then said the presidential candidate should be between 35 to 50. We chose 50 because we want this candidate to run for two terms of five years each. So he should actually retire at 60. he should be a Kenyan citizen. Minimum level of education 'O' level, he can be above that. He should be a family person who passes the test of morality. He should declare his wealth and its source before election. The candidate who is going to vie presidency can also run for a constituency, be registered voter. Now, if he succeeds to be elected for President he should relinquish his constituency win to the number 2. In case it was a free light a by-election should, follow. And we have said two terms of five years each. We have said here that the President should be impeachable by Parliament. He should not be above the law or he owns office. We said the candidate must attain 50% minimum, 50% of votes cast nationally and in case that is not the case, the first and the second winners should go for a re-run.

The party with majority vote in Parliament should form the government and this government should be formed through Parliament. We suggested that we should have 15 ministries utmost who should be headed by a minister and two assistant ministers at most and we said these ministers can be picked from any party, we don't restrict then. We suggested that there should be a Prime Minister with two deputy Prime Ministers who should actually be elected by Parliament or from the Parliament. We also said the Prime Minister should be capable of undertaking the functions of the President in the absence of the incumbent for any reason.

All ministers must be elected MPs. If one is not an elected MP he shouldn't be become a minister. Nominated members of Parliament should come from minority groups. The functions of the President: he should be a symbol of national unity, he should be signing laws passed by Parliament and if the need comes rejection also, he should represent state interest internationally, he should lead the country national days celebrations, to close and open Parliament, and he is the one to declare a state of emergency or war, when the need arises with advise from parliament.

Changes to the education system before they are decided, should be reviewed by the relevant authority. Then we came to a Judiciary and we said we should have an independent Judicial Commission that should be able to appoint the Chief Justice, the judges and the magistrates and to regulate their work. We recommend a Supreme Court of three judges that should be able to deal with human rights abuses and Constitutional matters. Here we said human right cases should be sorted by the chief. There should be a public protector to deal with public grievances. Finally on alcoholic drinks and other vices because they are there, we should be able to empower the Kenya Bureau of Standards to prosecute because all they can say is "kumi kumi is not good because the alcohol is like this or the other one, these batteries are not good, these other drink is not good", after that there have no other power. We should be able to empower them to prosecute those who are selling illegal items. Thank you.

Com. Mutakha Kangu: Asante sana. Na nataka kusema tena, kama kuna yule ana maoni kwa njia ya maandishi na hataki kuongezea mambo una ruhusa kupeana hapa na uweke sahihi kwa kitabu na kama uko na shughuli unaweza enda. Na wale wenye wako na maandishi wanataka kuongezea tutawapatia nafasi. Tangu asubuhi we haven't seen enabled with disability, kuna yeyote disabled mwenye angependelea kupeana maoni? Kuna yeyote?

Background: ----- (inaudible).

Com. Mutakha Kangu: Hata kama hana barua, hakuna shida. Sawa sawa, so let us have Python Kinuthia. Oh kuna mmoja pale, wacha tuchukue huyo kwanza. Jina unaitwa nani? Oh wewe ndio Python Kinuthia? Sawa sawa.

Kinuthia: Mwanzo ningetaka kusalimia nyote mlio kwenye kikao hiki. Mimi nikisema kama vile mnavyojua maendeleo inatokana na masomo. Kwa hivyo kile kitu nataka kusema, sisi wale tuko hapa mashambani tuna mashule ambapo mnajua hatufanyi vyema kama vile inatajikana kwa ajili ya shida Fulani. Ile shida shule za mjini wanafanya vizuri zaidi maana wako na uwezo. Sisi wale walisoma hapo awali ama niseme hapo mbeleni, walisoma vizuri. Nasema miaka ya themanini mpaka miaka themanini na tano, 1980 I mean, mpaka 1985. Walisoma vizuri kwa ajili tulikuwa na kahawa ilikuwa ikinunuliwa vizuri mpaka wazazi walikuwa wakiweza kuwalipia watoto wao shule vizuri, kama vile mafuta taa ilikuwa haingekuwa bei ghali kuinunua. Kwa hivyo shida tunayo kwa sasa ni kwa kuwa wazazi hawana uwezo maana mnajua walikuwa wakitoa pesa kwa kahawa. Kwa hiyo siku hizi haina bei. Kwa hivyo kahawa ikikosa bei, hata masomo mjue ni kama imeisha hapa mashambani. Namaanisha mimi ombi langu ni kuwa tungetaka wale ambao wangeweza kutusaidia mashambani kote nchini tusaidiwe na umeme vile stima zinaeza ingia huku mashambani, ili watoto wetu waweze kusoma vizuri na hivyo ndio tunaweza endelea vizuri. Manaake kama vile mnasema madaktari wale wengine wako kazi nzuri nzuri hao wanatokana na vile mtu alisomeshwa vizuri lakini kama hakuna umeme mimi naona mtoto akipata shida. Kwa hivyo shida yangu ama shida ya wale watu ambao tuko humu mashambani tunaomba kuwe na sitima hili tuweze kuendelea vizuri na masomo yetu. Mimi sikuwa na mengi. Asanteni

Com. Mutakha Kangu: Asante Bwana Kinuthia, sasa tupate Alfred Njoroge. Alfred Njoroge

Alfred Njoroge: Basi, kwanza ningetaka kusema ya kwamba Katiba ambayo tunataka kuandika ya nchi ya Kenya, isiwe kama ile Katiba ambayo iliandikwa pale Lancaster House, kwa sababu wakenya wote ambao tuko hapa, sisi watumwa wa Katiba hiyo ambayo iliandika pale. Kwa nini nasema hiyo. Ni kwa sababu ukiuliza hao watu hiyo Katiba inasema nini, hawajui. Wanazungumzia juu ya kitu ambacho wanasikianga lakini hakuna mtu anaweza simama aseme Katiba ya Kenya inasema A,B, C, D ile ambayo iko sasa. Na hiyo Katiba itatufanya kuwa watumwa wa watu fulani kwa sababu ndio walikataa tusijue kile kimeandikwa katika ile Katiba hii tusijue haki zetu. Kwa hivyo kitu ya kwanza ningependa niseme hivi, Katiba ya Kenya tukiiandika isajiliwe katika lugha ambayo kila mtu ataelewa. Kama ni Kikuyu, iandikwe kwa Kikuyu hili mkikuyu ambaye ako mashambani ajue Katiba yake inamwambia nini ili haki zake wakati haziendi kulingana na vile yapaswa, anajua

huyu mtu hakunifanyia haki. Na ningeomba hata kwa mashule, iwe sheria ya kwamba Katiba isomeshe pale. Watoto watoke shule wakijua Katiba yetu inatwambia President hapaswa kufanya hivi, huyu apaswa kufanywa hivi kwa sababu wananchi wa Kenya wanateswa, kwa sababu hawajui haki zao. Kwa hivyo ni kitu ningeomba tuangalie sana.

Ya pili, ngingependa kusema katika uongozi ya kwamba nchini Kenya tungetaka tuandike Katiba ambayo inasema mwanzo kabisa ya kwamba kila mkenya ako sawa na mwingine. Hakuna mtu ambaye ako above the law because hiyo ndio shida tunayo. Tulileta mtu mmoja tukamwekea kila kitu akisema wewe uwekwe korokoroni, unawekwa. Akisema---

Com Kangu: Zungumza tu bila na mic.

Alfred: Okay basi nilikuwa nasema ya kwamba tungetaka sheria ipitishwe iseme ya kwamba kila mtu ako na usawa nchini Kenya. Pia rais wa nchi ya Kenya awe pia anaweza pelekwa kotini kama anaenda kinyume cha Katiba ambayo yeye ame-swear ya kwamba atailinda kwa sababu saa hii tunajua ya kwamba rais is above the law, hawezi kupelekwa kotini hata akifanya makosa gani. Ya pili ni kwamba tungependa rais achaguliwe na watu asilimia hamsini. Katika watu wote ambao wapiga kura achaguliwe na asilimia hamsini. 50% and above. Kama sio hivyo warudie uchaguzi yule alikuwa namba mbili waingie naye namba moja wachaguliwe tena. After at least three weeks isiende sana, ili tupate kiongozi ambaye ataweza kutawala ambaye ana majority. Tusiwe tunaongozwa na mtu ambaye alipata asilimia 15% na anasema anawakilisha Kenya.

Ya tatu ni kwamba makamu wa rais apaswa achaguliwe na watu. Hatutaki mtu ambaye anaitumia kama a secret weapon ya kwamba mimi nitampatia makamu wa rais, nitachagua huyu, hapana. We want, wakati tumechaguana tuna rais na pia yule ambaye atakuwa makamu wake. Tunawachagua ili kama rais atashindwa kutawala, huyo ndiye atachukuwa utawala mpaka amalize kipindi ambacho huyo rais alikuwa amalize. Kwa hivyo mimi ningesema kama rais anakufa ama anashikwa na ugonjwa, makamu wa rais achukue mpaka amalize kipindi cha huyo ambaye ameacha.

Ya tatu ningetaka kusema ya kwamba tungetaka pia rais awe anatangaza wealth ama utajiri wake. Tunajua ako na magari ngapi, ana shamba eka ngapi, kwa sababu tunaona watu wanaenda pale wanajigawia nchi. Kwa hivyo he should declare his wealth. Then when we come to the Judiciary, ningeomba ya kwamba tuseme mfungwa yoyote ama mtu akishikwa apelekwe kotini apatiwe wakili wa bure na serikali kwa sababu hapo ndipo shida iko. Yule mtu hana pesa, ananyanyaswa lakini mtu kama ana pesa yeye anatafuta mawakili kumi wanamuwakilisha na anashinda kesi. Kwa hivyo ipitishwe kwa sheria ya kwamba kila mtu ni lazima aakilishwe na wakilishwe na wakili ambaye atakuwa akilipwa na serikali.

Hiyo ingine ni juu ya kuchaguliwa kwa majudges. Hiyo kazi isipatiwe mtu mmoja. Rais asipatiwe jukumu la kuchagua majudges kwa sababu hao watu watakuwa wakifanya kazi kulingana na vile anataka. Yeye anapaswa kutoa majina ya wale anataka. Hayo majina ipelekwe kwa Bunge. If 70% refuse or the parliamentarians refuse a person, he should not be given that post of a judge. Pia katika hali ya Katiba baraza la mawaziri, tungetaka tuwe na baraza la mawaziri (cabinet) ambalo liko na

watu kama not more than 20. Not more than twenty ministers na hao ministers wapatiwe kazi ambayo wanajua. Kama mtu amesomea Agriculture apatiwe kazi ya Agriculture ili ajue ni nini anafanya. Tusiwe tu mtu anapatiwa kazi ili watu wao wakule lakini hakuna kitu anajua. Tungetaka watu hata kama mtu akichaguliwa rais apeane majina kwa Bunge. Wale wanataka wawe cabinet ministers. Mtu akienda pale akataliwe kama vile nimesema na 70%, anaturwa nje anaambiwa “enda utuletee mtu mwingine” ili mtu awe anawajibika katika kazi yake, na tunajua ya kwamba huyo mtu anapendwa na watu.

Katika hali ya Parliament, ningepomba ya kwamba katika Parliament ile ambayo tungetaka kuwa nayo iwe Parliament ambayo itakuwa ikiwakilisha kila mtu. Kwanza ningepomba kila MP awakilishe nambari ambayo iko sawa. Tusiwe na MP ambaye ako anawakilisha 5,000 people na mwingine anawakilisha 140 watu kwa Bunge na ndio hao watu wote ni sawa, no. We should have equal representatives in the Parliament in number so that kama ni Central if we have more tuwe na wabunge wengi pale, kwa sababu tuna areas ambazo ziko na watu wachache sana lakini sina more Parliamentarians than where people are many.

Hiyo ingine ningesema ya kwamba katika Parliament 20% of Parliamentarians wawe ni wa mama. Kwa maana wamama wamenyanyaswa ili wawe nominated. Si mambo ya ku-nominate watu tu kutoka anywhere. Iwe dropped. Tuseme 20% of Parliamentarians would be women. Then 20% will be representing the youth and may be 10% will represent the disabled. By doing that hiyo Bunge itakuwa inawakilisha kila mtu. Na pia katika hali ya uchaguzi, tungependa watu mbunge kama mtu anataka kuwa mbunge kuwekwe kiwango cha pesa ambacho apaswa kutumia wakati campaign. Kwa sababu watu wanatumiwa millions of shillings, wanaiba mashamba ili mtu achaguliwe. Kwa hivyo tunachagua matajiri lakini hatuchagui viongozi.

Basi nikitoka katika hali ya utawala ninakuja kwa mashamba. Shida ile ambayo tunayo Kenya kubwa ni mashamba. Kuna watu ambao tunaita absent landlord in Kenya. Mtu ana eka elfu mia moja mahali hazilimwi. Tungeomba kama shamba imekaa zaidi ya miaka kumi bila kulima, hiyo shamba inanyakuliwa na serikali na ipatiwe wale watu wanataka shamba. Hukuna haja shamba iwe tu imekaa na hakuna kitu inafanyiwa. Na pia kuandikwe katika Katiba ya Kenya, kila Mkenya apatiwe haki ya ku-own a piece of land at least a small piece of land. Tusiwe na watu ambao ni landless na tuna watu wengine wana-own thousands of land of acres of land. Kuna watu wako na elfu mia moja za shamba, na watu wengine hawana kitu na tunasema wote sisi ni akina Kenya.

Pia ningepomba mambo ya health matters. Siku hizi maskini akipelekwa hospitalini anakufa kwa sababu hakuna magonjwa, hakuna madawa na hiyo ndio kitu ambacho watu wengi sana hapa tunalia. Ningepomba katika kila location ipitishwe sheria ya kwamba kila location nchini Kenya tuwe na hospitali ambayo inagharamiwa na serikali, iwe na madawa na madkatari ambao wanalipwa na serikali ili maskini akigonjeka sio ati aende kwa private hospital, aende kwa hiyo kwa sababu tunatoshwa kodi na hizi pesa hatujui zinaenda wapi. Katika hali ya masomo ningesema 8-4-4 which means zero uki-calculate should be scrapped na turudishe ile mfumo ambayo ilikuwako ya 7-4-2-3 kwa sababu hii elimu haitupeleki popote. Tuliiga mfano wa watu lakini haukufanya kazi katika hii nchi Kenya. Ningepomba pia katika hali ya employment, zamani tulikuwa na village polytechnic

ambazo zilikuwa zinazaidia vijana wakitoka standard seven. Wanaenda wanajua katika hali ya kujenga na mawe na mbao na hao watu ndio ambao wako katika jua kali siku ya leo. Hizo vitu kama ile ambao ilikuwa pale Gitaro iliisha. Tungeomba zirudishwe na serikali ichukue jukumu ya kuona hizo vitu vinaendelea na watu wanafaidika kwa sababu vijana wetu wanapotea kwa sababu wakimaliza mashule wale ambao hawana nafasi ya kuendelea, wanakaa tu bila kufanya chochote. Kwa hivyo ningekuwa na mengi ya kusema lakini nafikiria hayo itasaidia katika kurekebisha Katiba ya Kenya. Asante

Clapping

Com. Mutakha Kangu: Na tusikize John Ndungu Githiga. John Ndungu Githiga? Hayuko. Francil Njuguna, hayuko, Jane Njeri Misire, Jane Njeri Misire? Jane Kamwaga, tulisikiza huyo?

Background: ----- (inaudible)

Com. Mutakha Kangu: Okay. Darlis Darlin, Benson Kamau Kumu?

Benson Kamau: Jina langu ni Benson Kang'ung'a Kumu. I have got one point first to discuss with you Commissioners. That will enlighten me on my question that I want to put to you. Before you had started off collecting these views from the public, what is the relationship in the government between executive, parliamentary or Judiciary as Parliamentary entities what are they in relationship? Are they cordial to their performances for the lay man in Kenya? Are they struggling for the power between themselves for the ordinary man to suffer? Let's take one, the executive. Executive I think has been relying from the top to a lay man down the floor or to a chief or assistant chief. Home I think I am nearer to the assistant than to the D.C's office. These act of every chief has been there and it was passed in the Parliament. Those who participated in Parliament they come back because of neglecting the services that are given up by the chief, they go and scrap that section off. should we be changing the Constitution to suit an individual? And if we are changing the Constitution to safeguard an individual, what is the use of it?

One, if you go to the parliamentarians, they have got a very good job, whenever they go, they criticize be executive is not cricized because of the poor performance they are doing. All the mistakes they have been done, it is only to get the vote from the public. If you go to the Judiciary also the Judges it is not because they have been appointed by the Parliament or by the President, it is from their heart and this is why when got to organizations like Law Society of Kenya, Architectures Society of Kenya, name them, that is only a few, they try to violate the Constitution to suit themselves.

Commissioners, on that issue, what have you presented to us laymen or lay people to understand the weakness and the performance of the three arms of the government that has been created to criticize them individually? Because most of the points that we are giving here Mr Chairman, what we are seeking is already in the Constitution of Kenya but is not exercised. What are we going to do? One thing very funny, we know it is been passed in the law of Kenya that bhang and heroine are not

good but if we value them, when we give the value of bhang and heroine, won't an ordinary man not try to set that thing to sell it? Why should it be advertised? Could that stop, giving the value of drugs.

Killing, blaming individuals, what right do we have to kill? No matter whether from the police or from a thug or from anybody.

Have we got any right? Why should we criticize only one line of the killing? Mr chairman, by changing the Constitution of Kenya are we determined to have independence and peace? Should we determine to have peace or hooliganism because I foresee that is where we are hurrying to? Another one Mr chairman, could we change the Constitution and pick ourselves, let us try or cry with one accord however rich you are. Can that be done? Could the politicians caution the contribution to stop preaching and politically an agitation of the other people of the other areas of all those three areas of the government because they are the ones who are fighting.

I am suspicious of those who now claim to speak on our behalf. They have already abandoned us their quest for personal power and wealth. The majority of Africans remain very poor. People are slaves of a handful of the wealthy black men. What can I do with that Mr chairman? Could we enact that anybody who misuses the law, something to be done to him. Mr chairman are you aware that promises for free education and jobs for the lay peoples' children should be discouraged? This retards the progress of the urban people because here in urban areas we are still waiting for the free education which we have been promised by the Parliamentarians. They come and promise us health, they come and promise us medical free in the hospitals but we never get it. Could that be looked up whether he is interfering with executive or the executive interfering with the Parliamentary.

The last one, Mr chairman, I don't want to dwell on this much, is the small scale farmers. This is an area that we are going to change Constitution, could you kindly think over the small scale farmer? You are talking about eradication of poverty, how can you eradicate the poverty of the poor people unless they get their dues from their crops?

Traffic rules. There was a time in the Parliament when they were trying to introduce governors, car governors on the part of the cars. What happened that was ruled out. Could this be enacted again to save the state or to save the people from the unnecessary deaths, because this is done by the rich people. They oppress the rule of the country to suit themselves. Mr chairman for those few words, I would like to say that before we change the Constitution, let's say those three arms of the government, they are working for the betterment of an ordinary man because they just only fighting for themselves for the riches and leadership that will spoil the whole country because of the selfish people. Thank you very much.

Clapping.

Com. Mutakha Kangu: Thank you Mr Kamau. Can we have Pastor Maina Macharia

Maina Macharia: Mr. Chairman and Commissioners, ladies and gentlemen, niko na mambo machache ambayo nitaguzia lakini kuna mengine ambayo niko nayo, lakini kwa vile yamegaziwa hapa na pale na wenzangu sitaki kuchosha kikao hiki. Lakini kwanza kuna mambo ambayo yanatuhusu sana nikianzia mambo ya land. Land, Ministry of Land especially mambo ya succession. Katika succession ya tuseme mashamba au estates tuna shida kwa sababu kama mtu akifa na alikua na shamba ambalo hakuwa ameandikiwa Will au ana Estate ambayo hakuwa ameandikia Will, unakuta badala ya warithi au wale watoto na bibi au wengine waliachwa nyuma kusaidika na mambo hayo wanapata taabu wanapata shida. Yaani tuseme for example mtu akiwa anataka kurithi shamba ya baba yake lazima ashitaki kifo. Why is this done? Hili shamba ni la baba yake kwa hivyo katika Katiba mpya ambayo huenda ikaandikwa karibuni, ningepomba kwamba malipo haya ya succession yafutiliwe mbali kwa sababu mengine yamekuwa ya juu zaidi inakuwa karibu na kununua shamba lingine. Kwa hivyo ningewaomba Commissioners na wengineo ambao wanahusika katika mambo ya Katiba muone kwamba public trustee anakuweko kama mfanya kazi ambaye analipwa na kodi ya wananchi wa Kenya na kwa hivyo hastahili kuwa akilipisha mambo haya. This should be abolished.

Nikitoka hapo katika Public Trustee niingie katika Constitutional amendments. Ningependa kusema kwamba Katiba ya Kenya mpaka sasa ni katika iliyoandikwa. It is written Constitution. It is not unwritten. I believe it is a written Constitution na katika vile inaendelea kubadilishwa badilishwa mpaka sasa hivi tuna kiakao hiki, tunasikia kuna Bill ambazo zinaendelea katika Bunge. Every now and then there is a Bill that has been presented to Parliament to changing the law from this to this na inaonekana kama Katiba yetu inazunguka kama gurdumu la gari, yaani it is never stable. Kwa hivyo mwanchi hata amekosa imani has lost confidence in Kenya's Constitution. I suggest that we have a rigid Constitution but may be for and complete certain generation. When you go to, tuko na Katiba ya nchi kama America ambayo in the last time, wakati wa mwisho iliyowasilisha ilikuwa na amendment, ilikuwa mwaka around 18, 18 something, it was 19th Century. Na ni kwa nini? Hiyo ni super power. Kwa mfano unaweza kuona kwamba Katiba yetu ikibadilishwa badilishwa kila wakati ni kwa sababu ya vikao kama hivi ambavyo ni vya kuharakishwa. We have a very hurried Constitutional process, very hurried. Na mimi sijui ningetofautiana sana na maoni ya watu wengine.

Kwa mfano wakati huu ambao tuko hapa Kahuro, kuna watu ambao wako hapo sana karibu na hawajui kwamba tuna kikao hiki hapa. Hivi ni kusema kwamba watu wa Kenya hawajaelimishwa la kutosha juu ya Constitutional Review process. Na kwa hivyo ningepomba sijui hata kama tungefanya labda extension of Parliament by about a year slightly, we did in 1969. In 1969, there was a Constitutional amendment that extended the life of Parliament by just one year for a certain issue. Now in this case Commissioners, ladies and gentlemen I don't whether you agree that. Personally I feel that this review process is too hurried up and it is full of confusion. That is why you will find people coming here, instead of bringing contribution to the Constitutional review process, they are bringing complaints about some discrimination, or some offences done to them. Sons and them. So if they had been informed of about what a Constitution review process is, I believe we could have had a very good Constitution that would push the Kenyan generations a bit far a head and may be this will be days. I would therefore suggest that a little bit of more time, and I am not trying to campaign for any person, be given to the Constituion review process to allow a proper

education and some civic education to follow even some of these things such that we may have informed Kenyans about the law that affects them.

I will move from there and move to the education system. somebody has talked about the education system that we have, I don't have a problem with 8-4-4, what I have is a problem of unconformity. There is a lot of disconformity with the education systems. A Kenyan moving from Kenya to and may be study a degree outside Kenya, you agree, has to some bit of familiarization with other system of education. Our education system is getting a lot of confusion and we would like to have whether individual form or the former system, or any other system, be an education system that will help Kenyans to intergrate themselves with the international community rather than just have a system to suit somebody's political whims. Also with the education system that we have, we have a lot of wastage of resources especially publication of books. Wazazi wanataabika sana, mwaka huu vitabu vinabadilishwa tunanunua vitabu aina hivi, shule inanunua vitabu ya half million, halafu next year there is a septic amendment in the 8-4-4 or any other system without reference to the stakeholders in the education system. There is no proper curriculum development in the education and we are calling for proper curriculum development which is given ample time to allow Kenyans not to waste resources and to have an education system that suits their environment and social spheres.

I move away from education system. Somebody has talked about it. I will go to the appointment of government officers. If I talk about employment/appointment. Any senior government officer appointed or employed because somebody can be employed through the normal process, through an interview and go through but may not be a competent officer, I believe and I should say that there should be a law that allows vetting of such officers, vetting of government officers whether appointed or employed especially those holding key or senior government officers because they are paid by the tax payer. There should be vetting. And so goes with the ministers. The code of conduct; there should be a code of conduct where Parliament will have power to discuss the conduct of a minister even if the minister is appointed by the President in the present system then Parliament should have an upper hand, such that a minister for example the ministers we have now in the government are very incompetent, they have run down local government offices and yet they remain government ministers now. So we should have parliament as the supreme authority having an upper hand over any other person not Parliament being under President but the President being under the Parliament.

The other area is, I suggest that we have bi-cameral of Parliament, that is we have two houses. somebody has mentioned that whereby one house be an Upper House or a House of representatives whichever way they call it, either Senate or Upper House or House of representatives and in all that. We have one house being a watchdog over the other such that law process, the legislation process will not be too hurried and may be favour one person or may be favour a certain group just going unchecked. Similarly, perhaps MPs, I am sorry that our honourable MP has left because I would mention this right on his face. Because whenever we elect MPs that is the end. They go away, they don't come back because the electorate does't have any authority to check the conduct of MP. Even if the MP goes away for five years, he still comes back to cheat and still gets the votes back to Parliament. Having done nothing for the electorate and pushing into Parliament. I would suggest

Commissioners that a law enforced or be coded such that the electorate will have power either to petition the conduct of an MP and if possible even remove him from power through the laid down processes.

I will mention hurriedly on nomination, that nomination either for MPs or other people should not be done just by favouring and so forth, but should be done on merit. That one may be somebody mentioned and should not be based on parties. I suggest that also parastals be abolished. A law be put to abolish parastals and the same services that are done by the parastatal be put on the government departments which are accountable directly to Parliament. Finally I would say that the government should liberalise all sectors of economy state for those that touch on our internal security so that we can have competition. As I leave I will say that if we have such amendments or such legislation I believe that we may be have a better Constitution. Thank you.

Clapping

Com. Mutakha Kangu: Thank you. When talking about the need to do the review process carefully and slowly, you referred to the extension of the life Parliament in 1969, is it your position that in the current circumstance there may be need to consider that as an option?

Maina Macharia: Since the time we have is so short. We are now approaching the end of April and I believe the end of this Parliamentary session is supposed to be around December. I don't believe it is going to be possible unless by miracle to have a proper compiling of all this document from every area, every corner of Kenya and have every public even member the public sensitised on Constitution Review Process such that nobody would be having a complaint. I believe without a prejudice there is need for at least more bit of time.

Com. Mutakha Kangu: Thank you. Paul Kara Mumbu.

Paul Kahara: Eh, Honourable Chairman, participants, my name is Paul Kara Mumbu. I come from this area and I have some few proposals to make this Commission—this sitting here. My first proposal is that our country has seen various types of elections being conducted throughout the republic. I propose that the law should be enacted to show that whenever there is an election, the secret ballot should be used instead of any other system of election which will give every participant a right to vote. So I propose secret ballot during election. Eh, now the Kenyans living abroad in the previous elections did not have time to vote. Can there be a law providing that those people living abroad and are willing to vote for a future government to be allowed to vote either through boxes or the votes should be prepared so that every Kenyan should be able to vote in the election. I come from a farming area and we are suffering as you have heard because our livelihood comes from farming.

Interjection: Inaudible

Paul Mumbu: Okay. (Kikuyu dialect) Farming is our backbone in this locality. Now can the Cooperative Act be amended to show that the Cooperative Act---Cooperative society, there will one Cooperative Society in every location instead of a small societies such that most of the money is used to pay emuneration for the workers instead of getting money to educate their children. So I propose that there should not be very many societies in a single location. There should be one society for every location. Land ownership. I think our Constitution should state clearly that we should be allowe to own land anywhere in the repulic and because most of us do like to buy because they don't like vitu vya bure we like to buy through willing seller and willing buyer, can that law be enacted to show that when I got a piece of land may be at Coast, I should be allowed to live there or to live anywhere so long as I am the master of that piece of land.

Another point Mr. chairman, I am talking about political party. There should be very few political parties in our republic. Say like Britain, they don't have more than three, they have got a party like Conservative, Labour and democrats. Here we should at most have three political parties to cater for all Kenyans. If no party has got a representative in Parliament. It should be scrapped. Waondolee kabisa, those parties without representatives in Parliament should be scrapped. When I come to police administration in our area, I think we should have administrative personnel from our area. For example we don't need a chief from Nyandarwa to come and be a chief here because he does not understand the culture and the society, the welfare of the society. So the people should come---

Interjection: ----- (inaudible)

Paul Mumbu: So I propose, our Commissioners, for example a chief should come from the locality he is suppose to represent so that the assistant chief, even the D.O should come from the same locality where they are supposed to work. These are the some people who come from too far away instead of bringing development they don't, they don't, they don't. So we need the people to develop those areas they come from. Another area I would like us to suggest is that we would like to have a unitary type of government. We don't need our young country to become a federal government or majimbo or whatever they call it but we would like to have one Kenya for all Kenyans. So I propose the unitary government.

Another point on election, I would like the Constitution to state because it says that the election should provide the leader or the President to acquire 25% in every five provices. This one should be scrapped and allow the 50% to nominate because may that is because some people do not want the 25% to feature in a certain area, that is why they have got this type of people they take away because that is why people have got very bad people, this type of people like---so we would like this kind of election to be done correctly. Now when I come to faith, for example here we are in the church, there are so many mushrooming religious sects and cults and these sects and cults, have developed divisions in our society. I would like the religious faithfuls which were there during the independence 1963, to be revisited and those which were there should be allowed to continue but those which mushroomed later on, should be scrapped completely if law will be observed. So Mr chairman the reason why we see that, we are also afraid because there are so many Commission were made or which had gone

to get views from people on issues. Can these Commissions which were not be made public, can we be let to know what was happening in those Commission. We would like to know so that we shall have faith in the current review Commission we are holding. So we should like to know what is happening in those hidden Commission for example, The Koech Commission, because it was thrown through the window by media I mean, can it be made public and be implemented the way Koech, Hon. Koech investigated or found in sittings.

To create employment Mr Chairman, in 1970 there was what was called Tripartite agreement and this Tripartite agreement create a lot of jobs to people. Can we to celebrate the Commission we are going to have or can we have also the same Tripartite so that those people who don't have a job can be employed. Any company which has got, say three people, they should add two more people through Tripartite. I think you understand because I was a ---I enjoyed, I think I participated in that I still like it. So Tripartite agreement should be there to create employment to the young Kenyans. Thank you Mr Chairman.

Com. Salome Muigai: You said that, thank you very much and thanks for your contribution. You said that parties which are not represented in the Parliament should be thrown out.

Paul Mumbu: Yes

Com. Salome Muigai: Every person at one time or the other is not represented in the Parliament. If they are thrown out, how will they ever be suggested to be elected in the Parliament? Parties have a start somewhere. Like the big parties also started somewhere. Which is your biggest party?

Paul Mumbu: Here

Com. Salome Muigai: mh

Paul Mumbu: Around here?

Com. Salome Muigai: Mh

Paul Muubu: We are partyless.

Com. Salome Muigai: You don't have any party?

Paul Mumbu: We don't have.

Com. Salome Muigai: Anyway this party needs to grow up, when will it ever get the chance to grow because they are nurtured for sometime outside Parliament and then they get to Parliament?

Paul Mumbu: When NDP was told to merge with Kanu, the Hon. Ochuodho, Dr Ochuodho, was left partyless and because he was found partyless, he had to choose the party he was to join. So if we say that we need three parties the MPs who are

elected in those minor parties let me call them minor parties, they will go to those parties which were not registered and we shall be more united lady Commissioner.

Com. Mutakha Kangu: Thank you. Let me ask you a question now that you have mentioned Dr. Ochuodho. Are you suggesting that Dr Ochuodho now that he was left partyless, Commissioner chairman, I just wanted to put up a small question just that crossed in my mind. That if NDP when merged with Kanu and Dr Ochuodho was left partyless, are you trying to suggest that Dr Ochuodho should have been thrown out of Parliament of Parliament because he didn't have a party?

Paul Mumbu: No, that is not the case. I picked on him because he was given freedom to join the party he wanted and now he is not partyless. So those people who will be left without parties they will join the other major parties for the benefit of Kenyans.

Com. Mutakha Kangu: Thank you very much. Eh weka sahihi hapa. Can we have Bernad Peter Mwangi.

Bernad Mwangi: Ah Commissioners, thank you very much for the collection of the views from Kiharu Constituency, Mugoiri where we are. Mr Bernad Peter Mwangi wants to present his own views about Constitution that we are going make. I will be very much brief. Mine, because I have written a memorandum starting with the word preamble.

1. Our Constitution must have a preamble. This preamble should state that the Constitution is made by the people of Kenya.
2. It should say the people of Kenya are sovereign, that means we have freedom.
3. It should state that no law or authority including even the Constitution is above to the people.
4. Kenyans are committed to the democratic values of Constitutionalism, equity and the rule of law.
5. Kenyans are committed to the future of Kenya as a united and indivisible country and composed of people of the diverse culture whose rights are inviolable.

Therefore when I talk of preamble I mean the preamble should demonstrate our common history as somebody said here as people who were colonized for many years and who joined hands to struggle for their freedom. That, it is this land and freedom that we are out to safeguard with our new Constitution.

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

1. On national philosophy and guiding principles, gender equality and profession of the rights of the minority are element of a just society.
2. All geographical regions of the country are entitled to equal development.
3. Children, young people, the elderly and other vulnerable groups should be protected.
4. All people and authority should be derived from the people of Kenya and the people shall be governed through their

will and consent.

5. Traditional customs may guide life in the society provided they do not harm any sector of the society, of particular importance here would be the formation of village council of elders. It was mentioned here.

I go on to democratic principle: Here I wrote on these issues.

1. Power belongs to people and is exercised on their behalf through representative, sensitive and accountable institution of governance.
2. Constitutionalism review and the rule of law must be adhered to
3. All human beings are equally entitled to civil, political economic, social, cultural and development rights
4. National resources belong to all citizens. Then the natural environment must also be protected. Citizens have the right to associate without any hinderance.
5. The people reserve to themselves or power in authority which they do not expressly delegate to the state and its organs.
6. The people can at any time withdraw authority delegated to the state and its organs. All state and civil of societies shall be run according to the democratic principles and human rights. And lastly here, on democratic principles without compromising quality, the composition of state organs and government shall be reflecting of the country national diversity.

Constitutional Supremacy: On Constitution change, the Constitution must indicate that in the event of overhauling the Constitution, all Kenyans shall be involved.

Interjection: ----- (inaudible).

Bernad Mwangi: Yes, I wanted only to read the heading that I have written. So two on the Constitution supremacy, I said in the event amendment, we shall be subjected to a referendum before they are enacted by Parliament and this will keep Kenyans abreast about any new development in their Constitution.

From there I go to citizenship. Somebody talked of citizenship, I am only saying those who should be regarded as automatic citizens of Kenya are all people born in Kenya of parents who are both Kenyan citizens. Two, all children born outside Kenya of parents who are both Kenyan citizens. Three, all children born of one Kenya parent regardless of parent's gender. Then four, the spouse of Kenyan citizens regardless of gender must be entitled to automatic citizenship even when they are citizens of their own country. Structures and systems of government: I have mentioned something that 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 the daily running of the government affairs and should be directly accountable to Parliament. Two, Kenya should have a ceremonial President who should be above party politics. He should also be elected by all Kenyans with a majority votes. Well it is important to retain Central government today, Local government should be given lee way to implement

development projects in the region with a percentage of the taxes collected in the region.

Let me come to where I want to draw attention a bit, the Legislature. Parliament should vet the appointed of ministers and assistant ministers to make the ministry. And here I quoted ministries should not be more than 15. Court judges through a Parliamentary Judicial Committee. Then three, Public Service Commission officers. Power of Parliament should be expanded to:

1. To impeach the President in the event of grave misconduct.
2. Debate and approve the government expenditure.
3. Prevent the current President getting another term as provided by section 9 of the current Constitution.
4. Office of an ombudsman should be set, that means where people can give their grievances or take their grievances.
5. The President should not be the Commander-in-Chief of the Armed Forces.

Debate and approval of acquisition of external or internal loan by the government which should be passed through a 2/3 (two third) majority vote according to me. Also acquisition of external loan should be subject to a referendum. They should not actually take loans from abroad where people come to pay even without knowing or being told why they collected the loan.

Power: To constitute a Commission to look into matters of public interest, the President will do the appointment and gazettelement of the names of the Commissioners. Parliament should have unlimited power to control its own procedures, rules, or standing orders, Finally being a member of Parliament should be subjected two terms of five years each. On the age of the President, I propose the minimum age should be 45 and the upper limit be about 70. 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. The constituents must be empowered by the Constitution to recall their MP in the event that they are not satisfied with his or her performance. This should be done through collection of 1000 signatures across the constituency, registering people's dissatisfaction. And the new Constitution should require that the MP stay at least half of their time consulting the constituents and party so as to promote the democratic ideal of representation.

We should retain the concept of nominated MPs. However, the criteria should be that no one would lose during the elections should not be nominated whatsoever. We recommend that nomination be made from special interest group like the minority, disabled, farmer's union, civil society, women and the youth. Constitution should be permitted by law the formation of a coalition government as opposed to the present. The Multi-party system of government should be spread even in the executive. This will enforce the system of check and balances. It is an anomaly to have a multi-party Parliament which makes the law and a single party executive which implements those laws. To further strengthen the principle of checks and balances, we should adopt the system of two chamber Parliament. Yeah, I am just getting out. Two chamber Parliament that is Upper House as quoted and Lower House. And the President should have the power to settle registration passed by Parliament when just registration is not in the interest of Kenya.

Finally, the President should not be above the law. The other one that I have just thought is executive which I will not continue but at least the age should be as I stated, 45-70, and at least a graduate or a form four leaver. The other one I have written, I am sure it should be read that as per the current Constitution the office of the Attorney General is under the executive with a dual or being a government legal advisor and the public prosecutor. I propose that this office fall under the Judiciary and at the same time the two roles be made in two offices since in practice, it is difficult for one person to play the dual roles without being biased. In the past Kenyans have witnessed wrong doers in this country go scot free either because they are well connected or simply because they are politically correct criminals. So I suggest that this has seriously undermined the rule of law. Our new Constitution must establish an independent prosecutors office that is constitutionally protected.

The other one is about local government, it has already been talked about, and the other one I talked is the electoral system or process. That one I just said that MPs should be elected by an equal ratio of votes in all constituencies although there are other things that I have said that whoever will be the winner as a President must have 50% or at least 51% of the total vote cast. Basic rights I have written about 10 and here I mention the last one which says the retirees should be paid their pension within three months and all employees should be paid directly by their employer as well as promotion given. By this I referred to the case of teachers today whereby TSC and ministry are anthagonizing. After five years period.

Interjection: ----- (inaudible)

Bernard Mwangi: Yes, so I finish by saying I have talked about land and property rights, cultural and religional diversity, this one I had looked seriously. Management in use of natural resources and here I suggested that VAT should be abolished in the new Constitution and public funds should be utilized in maintaining infrastructure, retain employment and health care. Thank you very much.

Com. Mutakha Kangu: A question?

Com. Salome Muigai: You told us that you would like to have a Prime Minister as well as a President. Could you just share with us what is the difference, how power will be shared between a Prime Minister and the President.

Bernard Mwangi: Thank you very much, according to me I found that the post of the President should only be ceremonial but the Prime Minister should run the government.

Com. Mutakha Kangu: Can we have Francis Muya.

Background: ----- (inaudible)

Com. Mutakha Kangu: Oh you have handed over? Thank you. Na kama kuna mwingine ako na maandishi tunaona mda unaenda, unaweza peana hapa uandikishe tutaenda kusoma. William Kariuki? Hayuko. Ephantus Mugo? Oh he has given. Eh Loren Mukoma? Ameenda. Stephen Mwangi W., Asumsa Muthoni, Stephen Mwangi W., Gerald Njeru--- you are who? Okay fine.

Stephen Mwangi Wainaina: Njitagwo Stephen Wainaina. Ni wega Chairman niundu wa uria mukite, mututhomithie uhoro wa Katiba tondu hihi nigetha Katiba iria ituathaga iria tukoretwo na yo hihi nironeka tinjega tureciria tuthondeke njega tukirute maoni kana meciria ma mundu uria eciragia kana arona kungithii.

Translator: Jina langu ni Stephen Wainaina. Nashukrani kwenu wanacommissioners kwa kule mmewahi kufika hapa ndio mutusikilize na tumweleze vile tungependa Katiba yetu iwe.

Stephen Mwangi Wainaina: Wa mbere no nyende meciria makwa no nyende gukorwo ruthiomi ruria ruguthii na mbere rua ruriri rutuike ni githweri na githungu rutuike niruo lugha rwa kiruri.

Translator: Anaonelea kwamba zile lugha ambazo angependelea ziwe lugha za taifa Kiswahili na Kingereza.

Stephen Mwangi Wainaina: Wa keru no nyende mitugo ya andu kuheo gitio.

Translator: Na ningependa sana mila za watu ziheshimiwe.

Stephen Mwangi Wainaina: Wa gatatu no nyende githomo gituike gia tuhu kuri ciana ciothe cia bururi.

Translator: Angependelea sana elimu ya watoto iwe ya bure nchini.

Stephen Mwangi Wainaina: Niundu githomo nigetha githii na mbere bururi ini wothe andu othe mahote guthoma.

Translator: Ndio watu waweze kupata elimu katika nchi hii.

Stephen Mwangi Wainaina: Uhoro wa ithaka no nyende andu aria matari na ithaka nao maheo tondu ni andu aingi a bururi matari ona gacunji ka mugunda.

Translator: Pia hali ya mashamba ni watu wengi sana katika nchi yetu ambao hawana mashamba na tunaonlelea ya kwamba watu wengine wapewe, wapewe mashamba pia.

Stephen Mwangi Wainaina: Ciana cia ndigwa ni nyingi bururiini. Na no nyende thirikari iteithie na githomo na maundu mothe maria magiriire.

Translator: Wale watoto ambao hawana wazazi ambao wazazi wao wamekufa mbeleni, ningependelea Serikali iwe ya kuangalia maslahi yao.

Stephen Mwangi Wainaina: Gatandatu atumia kuheo gitio niundu no mahote kugaya riria mutumia angitigwo no ahote kugaya

na ndagathinio na maheo ihoto ciao.

Translator: Na akina mama pia wawe wanaweza kurithi mali ya maBwana zao kama wamefariki, wasisumbuliwe wakati wanafuatilia mambo kama hayo.

Stephen Mwangi Wainaina: Thibitari andu guthondekwo tuhu.

Translator: Hospitali ziwe za bure.

Stephen Mwangi Wainaina: Mai tuthondekerwo ni thirikari ma kunyua na makurima.

Translator: Tuletwe maji ya kunywa na ya kulima tuwekewe na serikali.

Stephen Mwangi Wainaina: Barabara guthondekwo wega ni wega andu mahote guthii wega na gutuara indo ciao wega.

Translator: Barabara ziangaliwe na watu waweze kusafirisha bidhaa zao na mali zao.

Stephen Mwangi Wainaina: Gwikirirwo thitima kundu guothe.

Translator: Na stima pia ni ya muhimu kwa kila pahali.

Stephen Mwangi Wainaina: Ona thimu nacio no cia bata thiini wa bururi tondu no iteithie muno.

Translator: Pia hata simu tunaitaka sana kwa sababu ni muhimu kwa raia.

Stephen Mwangi Wainaina: Wiyathi wa guthii guikara handu kana guikara kundu guothe.

Translator: Na ule uhuru wa kuweza kuishi katika nchi hii yetu mahali popote palee tupendavyo.

Stephen Mwangi Wainaina: Ugitari mweka wa andu na indo ciao.

Translator: Kuwe na ulinzi wa watu na mali zao.

Stephen Mwangi Wainaina: Mawira gwitherwo andu aria athini matari na mawira na mishara miega.

Translator: Pia kwa mambo ya kuajiri watu itafutiwe wale watu ambao ni maskini ambao hawana kitu cha kushiba.

Stephen Mwangi Wainaina: Urimi kumenyererwo wega na andu mone baita ya wira wao.

Translator: Na ukulima uangaliwe sana kwa sababu itabidi watu wapate kupata pesa yao.

Stephen Mwangi Wainaina: Ibande anake kuheo maigana hamwe na kuheo kura. Ukaheo kibande na ukaheo kura o hau hau.

Translator: Wakati wa education, watoto wakifisha miaka ile inatakiwa wakienda kuchukua ID card apewe ID card na apewe na voter's card, ile card ya kupiga kura.

Stephen Mwangi Wainaina: Katiba yathondekwo itaurwo na thioni cia nduriri ciothe nigetha andu mahote kumenya Katiba ni kuuga atia kana iri mateithagia atia no magakorwo nimaramenya Katiba uria ihuona.

Translator: Naomba macommissioners mnaulizwa mukitengeneza Katiba hii iwe imetafsiriwa kwa lugha zote na kabila moja katika nchi yetu hili watu wote waelewe.

Stephen Mwangi Wainaina: Hinya wa President kunyihio na guthitangwo angihia.

Translator: Kuhusu nguvu za President ambazo amepewa na Katiba ile iko, ipunguzwe na ikiwa imepatikana na hatia yote ambayo ni ya kuharibu mali ya nchi hii yetu awe akiadhibiwa.

Stephen Mwangi Wainaina: Nao Parliament kuheo hinya wa gutua maundu.

Translator: Nayo Bunge ipewe uweza wa kujadiliana na kufikisha malalamiko yale ambayo yanatuzunguka.

Stephen Mwangi Wainaina: Igoti riria andu matiganagio, ringitinio, andu aria matinitio magacokerio milongo itano hari igana niundu wa utuarithia wa na mbere wa icigo icio ciao.

Translator: Ile kodi ambao watu wanalipa inaonekana hakika area zote pale tumelipa ile tumelipa isiwe 50%, hamsini kwa mia ya zile pesa ndio waendeleze mambo yao ya kijamii.

Stephen Mwangi Wainaina: Kuuma gwi thirikari nene na thirikari ya kawaida.

Translator: Kutoka kwa serikali na local authority, yaani county council.

Stephen Mwangi Wainaina: Mihaka ya githurano ikagaywo na wuingi wa andu.

Translator: Nataka uchaguzi uwe ukigawa kulingana na population ya watu.

Stephen Mwangi Wainaina: Magoti namo magiriirwo matigaikaragie ciira muno ukaninaga miaka miingi utatuitwo.

Translator: Ninaonelea kwamba ikiwa na kesi kotini isiwekwe sana inakaa miaka mingi.

Stephen Mwangi Wainaina: Parliament nayo ndikongererwa ihinda.

Translator: Pia anaonelea Parliament isiongezwe muda. Ikifika wakati wa kuvunjwa ivunjwe.

Stephen Mwangi Wainaina: Wa kunina ni wa milongo iri na ithathatu ni Commission ino yanyu kana iria cianathurwo kana iria ingithurwo, yathurwo na yatuiria maundu, ripoti ikarutwa andu makamenya kuratuiragio ki na kuratuirwo ati.

Translator: Angependelea ya kwamba Commission kama hii yenu mko nayo hapa mukimaliza na maoni yenu mkimaliza, wangependelea iwe ikiwekewa watu ambao walizikiliza vile muliwauliza na ndio watu wote waelewe yale walisema. Asante

Com. Salome: Ni ngatho ni undu wa moni macio maku. Woiga ati anake marikia gukinyia miaka makaheo kibande na makaheo kura kahinda kamwe. I airitu?

Stephen Mwangi Wainaina: Ni andu anyinyi othe, ona airitu marikia gukinyia miaka no muhaka maheo.

Com. Mutakha Kangu: Na Asumsa Muthoni ameenda, si ni kweli? Gerald Njeru, Peter Kamau Kinuthia, Stephen Njoroge.

Stephen Njoroge: Asante kwa vile nimefika hapa. Jina langu ni Stephen Njoroge Mwangi. Mimi nataka kuzungumzia habari ya watu wameritaya, retirees. Mtu akiacha kazi hakumbukwi tena na serikali. Akishamaliza kazi anawaachiliwa. Watu kwa maoni akiwa anapatiwa kama shilingi mia moja anaendelea kupatiwa mpaka maisha yake. Kwa hivyo maoni yangu ni kwamba mtu akiwa ameacha kazi na akiwa alikuwa job group fulani, ikiwa imeongezwa mshahara, pia nao waongezwe pia msharara. Tena, mtu akiwa kazini na alikuwa anapewa kama house allowance, medical facilities akiacha, haya mambo yote anawacha kule alikuwa akifanya kazi. Kwa maoni yangu akiwa kama anapewa mshahara kiwango ile anapewa pia hata hiyo awe akipewa kama nusu ya ile pesa alikuwa akipatiwa wakati alikuwa alipokuwa kazini. Na nyumba, kwa sababu watu wengine waweza kuwa hawana nyumba na atajisaidia na hizo pesa wakati anapoishi.

Medical facilities wakati wewe umezeeka na umepatiwa, unaambiwa uende nyumbani, hiyo magonjwa inakuwa mingi. Wakati huo hiyo serikali ingejitahidi kuangalia zaidi ili ikutunze na kulingana na vile huna nguvu wakati huo. Kwa hivyo naonelea kama iwe sheria ya kuwapatia usaidizi kama huu. Tena mtu akiacha kazi, mtu huyu anasumbuliwa tena kuenda kule kutafuta pesa. Kuwe na sheria mtu akiwa anapatiwa pesa na akiacha kazi kwa sababu kutoka kule alipo, wakati aliajiriwa kazi na hayuko na address yake, anaweza kutumiwa pesa kutoka kwa kupitia ile anwani alikuwa anatumia. Maoni yangu ni hayo.

Com. Salome Muigai: Asante sana Bwana Njoroge. Unajua hii nchi yako na shida zenye iko nazo ama hali ya amani katika nchi yetu. Ikiwa mtu mwenye ameenda kwa--- amestaafu, bado anapatiwa nyumba, anapatiwa medical, anapatiwa ile gharama zote zenye alikuwa akigharamiwa wakati alikuwa kazini na wengine wamehakikiwa, tutawezaje kugharamia hii mambo. Tutapata wapi pesa za kuweza kugharamia haya, hizi gharama za ziada.

Bwana njoroge: Thank you. Ukiwa umepewa retire na umeenda nyumbani na hii allowance inaitwa owner occupier, kama ulikuwa umepatiwa kama ya elfu moja, uwe unapatiwa nusu. Ikiwa ni medical facilities, wakati ulikuwa kazini ulikuwa una nguvu kuliko wakati umestaafu. Kwa hivyo serikali ionelee yule amestaafu ikiwa hana nguvu na ndio hupata ugonjwa mara nyingi kwa sababu sasa hana nguvu kama ile alikuwa wakati alipokuwa kazini. Serikali iwe ikimsaidia wakati hako nyumbani. Kwa mfano ikiwa kama alikuwa akipatiwa elfu moja kwa medical facilities, awe akipatiwa ama nusu hili aweze kuenda hosipitali nayo.

Com. Mutakha Kangu: Mzee asante sana. Peter Gitau, Peter Gitau

Com. Salome Muigai: Unataka kuuliza swali?

Background: ----- (inaudible)

Com. Mutakha Kangu: Joseph Kariuki Wambugu, Mathew kamau, Fideus Utha, Lawrence Mwangi Mthithu, James Kiragu. Oh ulikuwa na huyo, sawa sawa. Danson Kega, Paul Mwangi Ngunjiri, Cecilia Mathara, George Chege Karong'a, I think we have dealt with this one. Isn't it?

Background: ----- (inaudible).

Com. Mutakha Kangu: Ngari Mugo, Kaithomo Mbatia, Onesmus Mutahi, Wanjie Richard, John Mwangi Muriranja.

John Mwangi: Asante sana kwa hii nafasi niongee kidogo. Jina langu naitwa John Mwangi Muriranja natoka hapa hapa Kahuro. Jambo ya kwanza sisi hapa ni wakulima. Mr chairman sir, na mambo ya kulima hapa tunalima kahawa na majani. Tungependelea hii kitu inaitwa Coffee Board inakulanga hii pesa yetu ya kahawa na hii union iondolewe kabisa. Nafikiri kuna hii tunasikiza kwa radio ikiongea ati minister fulani, yeye hapana iko kwa Bunge, MP fulani hapana iko kwa bunge, kuwe na sheria kwa Bunge, mtu kama haendi kwa Bunge siku tatu arudishwe nyumbani, sisi tunakuja tafuta mtu ingine tunaweka huko badala ya kuweka sanamu tu, mtu hatusaidii huko, na wakati ya kura, anataka kura anakuja hapa.

Ya tatu ningependelea nirudi hapo nyuma kwa kahawa Mr Chairman, sir. Tuseme kama kukiwezekana hii broker anakuwa kwa Coffee Board ama KPCU wakati ya kuuza kahawa, hawe wananunua (nasikia ni watu wakubwa wako na pesa hapa, mamminister ma-MP) waondolewe kabisa kuingia hata huko mnanda ya kahawa. Hawa ndio wameumiza sis hapa. Ningetaka kusema tena, hii sheria ya Chief inatakiwa iwe hapo hapo kwa maana sisi hatuwezi kufika huko Nairobi, hatuwezi kufika kwa D.C ni mbali. Tuwe tunakuja kwa administration karibu kwetu. Nije hapo kidogo nyuma tena, tuna hii kitu tunaita pombe kumi kumi hapa. Sisi tungependelea, ama ningepropose ile pombe ilikuwa ya kawaida ya zamani "muratina" maana sisi ndio tunajua imepikwa na nini, imetengenezwa namna gani, turudishiwe hii pombe, halafu tuondoe hii pombe ingine. Hatujui, ninasikia inatengenezwa na dawa. Yangu ni hayo tu Mr. Chairman sir.

Com. Mutakha Kangu: Samuel Kiunjuri Mwangi, Mugo Kiragu, Teresia Wambui, Joseph Kariajahi. Ama hukutaka kuzungumza? Sawa sawa. Josephine Kama, Ken Muhoro Kadiri, Steve Nduati, Maina Kahiu, James Kariuki.

James kariuki: Bwana chairman, I don't want to say that I am going to be very brief, but I am going to skip some of what I have heard my fellow Kiharu people say so that I confine myself to what I find may be it is only my view. Ah---

Interjection: (Com. Mutakha Kangu:) Mention you name so that ----- (inaudible)

James Kariuki: James Kariuki. So it has been expressed that our Constitution does not have a preamble, and I agree that we should have a preamble to express where we have come from, our experiences and our common goal. I also suggest that some words of our national anthem should be embodied the preamble specifically to invoke God's spirit. I have an example what I thought that the preamble should go. I suggest we should have the preamble going like this:

"We the people Kenya having gained independence through struggle, honour those who sacrificed their lives for the freedom of this nation. We respect those who have kept the spirit of nationalism burning. We therefore adopt this Constitution as the Supreme law of our land so as to: One, lay the foundations of a truly democratic state in which all men are equal before the law. Instill justice as the shield and defender of all. Inspire each and every one of us to work to build this nation and improve the quality of life of all citizens. Oh God of all creation, let this our land and nation, justice be our shield and defender, may we dwell in unity peace and liberty, plenty be found in with our borders".

On direct principles of state policy, I mention one point. Every Kenyan should be proud to be in Kenya. Ndugu yetu Kenya kutoka Kisumu, refering Ndugu yetu Kenya kutoka Nyeri, Ndugu yetu kukoka pahali pengine, we should not be punish to people with you know with ethnic origins, huyu Kikuyu, Mluo, this is destroying our unity.

Supremacy of the Constitution: Before any amendment is done, views should be collected from the people because they own the Constitution. Openness by media or by any other means before any issue is debated. We do not want written Constitution that will be destroyed by numerous amendments and then it comes like the present Constitution. Okay, on structures and systems of government, I suggest that the provinces should be abolished, but districts should be retained and strengthened so that the government can deal directly to the districts.

Legislature: Parliamentary Commission should be controlled by another body over their salary matters. The salaries and allowances should not be reviewed twice in five years. If the government is unable to review salaries of his civil service due to unavailability of funds, then Parliament should not review its own salaries and allowances. It must convince government by presenting views and motions to prove the government has money. If the government accepts, then all salaries including those of civil servants should be reviewed. On nominations: nominations should be made on special talents to represent special issues as we mentioned earlier: equity gender, youth and forth. It is not just arbitrary nominations. The quorum of the house should be established in the Constitution to make sure that parliamentarians are discipline. Okay to pass any Bill, we need a third of the house and on any Constitutional matter we need 90%. I also have this view, if an MP is elected as President, then MP's seat should become vacant. Subsequently, another MP should be elected to present that constituency where the President has come from.

I go to executive: specifically age. I suggest that the age of the President to be 40-60 years on her appointment. On subsequent appointment, the age could be from 60 to 70. That is, when the President is being appointed a second time, we can

look at the age and give him 60-70 but at first it must be filled 40-60. As has been suggested, we can a President and have a Prime Minister. President the Head of State and Prime Minister for general government..

Judiciary: Judiciary I suggest that possibly because we are moving towards region cooperation we could have a Court of Appeal for East African, but in the country we should have Supreme Court and we should also have a Constitutional Court to interpret Constitutional matters. Legal aid should be provided to those who cannot afford it.

Local Government: For councillorship education minimum should be KCPE

Interjection: Hurry up

Kariuki: Mayor and chairman, K.C.S.E. Nominated councillors to present special issues, deal with special issues. Elections of mayors and chairmen of city councils be direct. Land and property: importation of goods should be approved by Parliament. Management and use of natural resources: Civil service salaries and allowances to be reviewed at least once in every five years. Government should not enter into monetary agreement which it cannot fulfil. If it so happens, then it should or be forced to resign if it is unable to meet the obligations. This is to protect civil service or from being cheated during election time. Okay I had talked about something of pensions and gratuities but I suggest here when one retires, he should continue to get salary for six months paid to determine benefits being worked out. Environment, Natural resources. Natural resources should benefit the local people directly or indirectly.

Bill of rights: The Bill of rights should have no exceptions. It should be like the international declaration of human rights. It has no exceptions. Citizenship: Much has been talked on this one but I wanted to say that children of foreigners who are born in the country and have lived in the country for at least three years be accepted as citizens. Okay, citizens are very important to the country and therefore we should have certain rights. One, medical treatment in government hospital, education in a public school, legal representation in a case say involving murder or something like that, service in the public library and other services that the government can offer.

Defence and national security. Here I would like to express that selection or appointment of servicemen which including our Armed forces, Navy, the air force policemen, police and so forth should reflect a national outlook based on the districts but not tribes. I am saying this because you know our forces are composed of certain tribes. A war can only be declared by President on approval by Parliament. Military budget should never be at the expense of the common citizen when there is no war.

Political parties. Political parties should never be funded by the government including the ruling party. That is my view because there will be a lot of. Government vehicles should never be used to attend a political party rally, they bring a lot of confusion. Even the President when he is going to political rally should have his own vehicle. Members of the executive should know

when to give political statements and official statements and they should be responsible and accountable to their words, so they should control their tongues.

Transfer of powers: Upon the death of the President, the vice President to take over immediately. In case of Prime Minister, the ruling party should nominate another amongst the ministers immediately. Lastly, anyone who rises to power and authorizes the use of public funds not approved by Parliament should be held responsible and should be prosecuted. Any revelation made by Auditor general should be taken to court. Thank you very much.

Com. Mutakha Kangu: Sasa tunaona masaa yamekwisha, tutachukua mtu mmoja. Wangapi bado wanataka kuzungumza? Hata hivyo hakuna, eh?

Com. Mutakha Kangu: Thank you. Sasa mimi nawarudishia shukrani. Tumemaliza kazi ya leo na tutamaliza hapa kama ndio kituo cha mwisho cha Kiharu Constituency. Kama kuna yule angependelea kupeana maoni, sasa itakuwa utengeneze maandishi na utume kwetu Nairobi ama utume kwa District Coordinator, ataweza kupeana halafu tuone namna gani. Ama ukiona umepeana maoni na baada ya kufikiria unaona you want to polish your ideas, unaweza fanya hivyo na utume maandishi halafu tuone namna gani. Iko jambo gani mzee? Eh?

Mzee: ----- (inaudible)

Com. Salome Muigai: Tumefunga

Com. Mutakha Kangu: Si tumeitisha yule anataka kuzungumza ikaonekana hakuna mtu, tukasema tumemaliza? Eh, tengeneza maandishi, utapeana ipitie kwa District Coordinator, italetwa. Tupate mzee mmoja atuombee halafu tumalize siku kwa maombi. Si ni kweli? Lakini nawarudishia shukrani kwa kuchukua jukumu la kufika mbele yetu. Asanteni.

Ngere: Tunaelekea kuomba ili tumalize kazi yetu ya siku ya leo. Sasa ni saa kumi na mbili inabakia dakika ishirini. So we give them time to relax and concentrate on what we have given them. Let's pray.

Our heavenly Father, we come to you this evening. Thank you for your tender care that you have given us throughout the day. You have guided us in giving our views on how we are going to make the new Constitution Lord. Blessed are those who labour and toil for the good of others. Bless us oh Lord as we are in your church giving the views. Let our Commissioner do the right thing. God you will help them to get the wisdom from your holy trinity. I urge you to give them courage. Give them good ideas. Give them the future and they treat whatever they are doing for your good will. This land is yours, you have given us to toil on it and we need good governance so that we do your will. Guide them as they struggle towards their destiny. Also let us have your hope and guidance and through this, we shall harvest what we have already sowed in our hearts. All these we

are asking in Jesus name, Amen.

Meeting ended at 5.30 p.m.

&&&&&&&&&&&&&&&&&