

CONSTITUTION OF KENYA REVIEW COMMISSION

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**CONSTITUENCY PUBLIC HEARINGS, MATHIRA CONSTITUENCY,
HELD AT KIAMARIGA PRESBYTERIAN CHURCH**

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24TH APRIL 2002

CONSTITUTION OF KENYA REVIEW COMMISSION

**CONSTITUENCY PUBLIC HEARINGS, MATHIRA CONSTITUENCY, ON WEDNESDAY, APRIL 24TH 2002 AT
KIMARIGA PRESBYTERIAN CHURCH**

Present:

Mr. Ibrahim Lethome Asman. - Commissioner
Bishop Bernard Njoroge Kariuki - “
Mr. Keriako Tobiko - “

Secretariat Staff In Attendance:

Samuel Wanjohi - Programme Officer
Dan Juma - Assistant Programme Officer
Josephine Ndungu - Verbatim Recorder
Leah Omondi - Sign Language Interpreter

The Meeting was called to order at 10.00 am.

Com. Bishop Njoroge: Anaitwa Stephen Weru, na ndiye amejenga kanisa yenyu pamoja na watu wengine hapa. Muonee huruma.

Church Elder: (Kikuyu Dialect without translation) Ingirai aria mari nja tuhoye please. Ni ndamugeithia thiini wa ritwa ria Jesu, muriega. Nimwitikiritio Kanitha ino tumitomiri ta uria yagiriirwo ni gutumirwo. Nyumba ino ni ya wira wa kogocithia Jehovah Ngai Mutura Muoyo kwoguo riria muri kuo na ni wira wa Ngai muraruta kweceria ni hega na ni hega. Tukaga kurehe mabataro maitu nyumbaini ino nikio ona riu gukitwo ni andu marehe mabataro mao maguthondeka bururi wao. Kwoguo ndina uira wa ma, nyumba ino wira uria urarutwo umuthi ni wira uria wagiire kurutirwo yo na ni getha irathimo cingihe thiini wa bururi.

Prayers in Kikuyu: Ngai mwene tha, Ngai mutumbi, tweiga mbere yaku, tukihoya na ritwa riaku Ngai witu ni gutuiga muoyo Ngai witu utuigite. Ngai witu tugakoriya ati tutokoragie na ikero ciothe iria Ngia witu twagerero ne kogera Ngai witu. Tidhero

Ngai wobire mundu na negetha Ngai witu arutage wira wako toria wagerero ne koruto ne andu aku newe we mwene. Catani tondu nake nehareria konyarera boruri na mundu oria wobati, Ngai ogecoka korekereria Moroguo Jesu Kristo ne'getha oke atuhegie atutari na tokere twe na wendane oria ngumo ahandete gotonyarera naguo. Ne'kio tugogotheitha na tugokoria atiri otahe uge wako oria umaga kori we, tondu umbire mundu na okemwekera oge. Tega ne mocekani uokore agetunyarera Ngai witu na nekio boruri witu tutoraga tuthenanagia ne ondu wa maundu materi nakeyene. Ngai witu rathima wira oria okorutero Nyumba ino Ngai witu otweke wa kogocithia ritwa riako. Ha'yana oge wako twagothaitha. Twahoia oguo tweteketie Ngai witu niogoturathima na niogotutokoria thinie wa ritua ria Jesu Mwadhi na Mohonokia witu.

Co-ordinator John Nyumu Mugo: Tuna furaha kuwa hapa Kiamariga leo Gothekereria maoni ma andu agoko ne'ondue wa gothondeka Constitution ya Kenya. Ne komuona andu aria mekoruta wira.

Church Elder: Reke iye ndemuone oria Kanitha itu ekare. Mwena oyo witu hari handu ha korogamo ne athuri. Hari cioro inge ihauo cia arume. Aria inge iri kianda itumagero ne andu anja. Mwisho oria hari nyumba jake icio no itumero ne Commissiona. Ne ciandeketo mwena wa arumi na atumia. Twe na mai matheru koguo mundu okoro na thina wa mai ndigoko mathaa mothe.

Co-ordinator John Nyumu Mugo: Ne wega muno! Andu aria tokor'uta wira na' haha. Mwanake oyo etago Dan Juma. Ne mwanake wa University athomaga Law, niwe okwandika maundu maria mokuga. Mtumia oyo nake etago Josephine Ndungu ne wa go-tape maundu maria mokuga. Mundu wothe okwaria ne go-tape. Ne'getha ohoro ocio otwariro Commission neguo otukanero noria wothe okauma Kenya uo'the. Mothuri oyo etago Commissioner Lithome niwe egokoro Chairman.

Com. Lethome Asman: Watu wa Kiamariga, hamjambo. Kwanza kabisa tunashukuru Mwenyezi Mungu ambaye ametuwezesha kufika hapa na kuwawezesha nyinyi pia kufika hapa. Kabula sijaanza ningependa kuwajulisha Ma-Commissioners ambao wako na mimi, na niwaombe kila mmoja wao atuamkue kabla hatujaanza kazi ya leo. Nitaanza na Com. ambaye yuko mwisho kule kabisa naye ni Com. Keriako Tobiko: Karibu uwaamukue wananchi.

Hamjambo wote kwa jina naitwa Com. Keriako Tobiko: Kama mwenzangu alivyosema mimi ni Commissioner wa Tume ya Kurekebisha Katiba Asante.

Hapa kati kati tuna Com. Bishop Bernard Njoroge: ambaye pia ni Commissioner naye pia ningependa awaamkue watu, kwa lugha ya kinyumbani kabisa.

Com. Bishop Njoroge. "Motikerega iga rocini. Mwathani arogoco". Twenagekeno gokoro goko na nengi ne tokenete ne wira oria orutito ne Kiama keria gekoreto ge kehareria ohoro oyo. Ne tuonete maundu maingi mega ne twenakatho nyingi muno nundo wa wira wa goko.

Com. Lethome Asman: Asante sana Commissioner Bishop. Kama alivyosema Bishop, jana tulianza kusikiliza watu wa Mathira, tangu tulipo-anza hii kazi ya kuchukua maoni ya watu Central Province hatujaona watu wengi kama vile tumeona Mathira jana pale Karatina. Tulikuwa pale Karatina Catholic Church. Tuliona watu wengi kuliko sehemu nyingine zote. Na tulisema hata tuta re-commend kwa Commission na kueleza vile kazi imefany hapa. Jana. Tulipomaliza kazi waliulizwa kwa nini watu wengi sana wamekuja. Mama akasema ni kwa sababu tumepata taabu sana. Tunataka kutengeneza sheria ile itatusaidia. Sasa leo tumekuja hapa kuwapa nafasi tena na nyinyi mweze kutoa maoni yenu ndiyo tuweze kutengeneza Katiba mpya. Lakina kila jambo lina sheria, hata mchezo wa mpira uko na sheria zake, ama hakuna? Hata nyumbani lazima kuwe na sheria ndiyo watu waendeleo vizuri. Sasa kuna baadhi ya sheria ambazo mtafuata hapa.

Ya kwanza, tumekuja hapa kila mtu atoe maoni yake. Ikiwa mtu atasimama atoe maoni ambayo hayakupendezi wewe hayo ni maoni yake, kwa hivyo tuheshimu maoni ya watu wengine. Tusiwasomee. Tumekubaliana? Mtu atoe maoni yake. Tumuaache atoe na wewe utapata nafasi yako ya kutoa maoni. Halafu kama kuna mtu ambaye ameanzika memorandum na hataki kuzungumza ataenda kwa deski yetu apeeane hiyo memorandum. Ataandikwa jina lake atasign na ataondoka ama akae. Au kama ana memorandum na ana-taka kuzungumza tutampatia dakika tano za kupitia yale mambo muhimu kwenye hiyo memorandum ili apatie wengine nafasi. Ukiwa hauna memorandum na unataka kuzungumza tutakupatia dakika kumi na hizo dakika kumi sio nyingi, ni chache sana na jua watu wanataka kuzungumza mambo mengi. Lakini usije ukazungumzia hadithi nyingi. Wacha ziwe tu recommendations, points: tunataka hivi na vile sio tukilima majani yetu hainunuliwi au kahawa. Sema tu tunataka nini ndipo hili jambo liondoke. Hiyo tumefahamu. Tuisomeane. Tuzungumze kwa ile lugha ambayo tunafahamu. Lugha zote ni sawa, Kikuyu, Kiswahili, Kingereza. Kama mnajua mtu yeyote ambaye ni kiziwi hazungumzi anatomia sign language, tuko na interpreter Leah Omondi. Hatutaki Mkenya yeyote akose kushiriki katika mambo haya.

Bila kupoteza wakati tutaanza moja kwa moja na tutaita majina. Kwa hivyo ukija hapa tumia wakati wako vizuri.

Com. Lethome Asman: Francis Waitiki, karibu.

Francis Waitiki: The Constitution of Kenya Review Commission. Preamble: We the people of Kenya recognize the injustices of our past and we honour those who suffered for justice and freedom in our land. We respect those who suffered for justice and freedom in our land and believe that Kenya belongs to all those who live in it, united in our diversity. We, therefore, through our freely elected representatives, adopt this Constitution as the supreme role of the Republic so as to heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights.

The other issue is for the democratic and open society, in which government is based on the will of the people and every citizen is equally protected by the law. Improve the quality of life of all citizens and exploit the potential of each person and build a united democratic Kenya, able to take its rightful place as a Sovereign State in the family of nations. May the Living God

protect our people, directing principles of our state in participation. Freedom of self expression.

Com. Lethome Asman: Ukisoma hiyo memorandum yote itachukua muda mrefu. Wewe soma recommendations. Sisi tutasoma memorandum yote.

Francis Waitiki: Supremacy of Constitution: Parliament should not be allowed to amend any part of the Constitution. For any amendments Parliament should refer any changes to the national referendum. National referendums, to amend any part of the Constitution, should be conducted by the Parliament and the church.

The Structure and Systems of the Government: we should adopt the Parliamentary system of Government in which a Prime Minister is appointed from the majority party in the Parliament and the President remains more or less ceremonial. The President should be the Head of the Executive arm of the Government and not the Head of the Legislative arm of the Government.

The Executive: qualification for a Presidential candidate should be as follows: he/she should be between the age of 45 and 70 years. He/she should not be a polygamist. He/she should be a graduate. He/she should be a person of high integrity. The President's tenure should be two terms each of five years.

The functions of the President should be defined in the Constitution as follow: he/she should be the Commander-in-Chief of all Armed Forces. He/she should be under great obligations to:

- (a) To protect the Constitution,
- (b) protect all the citizens and their properties
- (c) protect the land of Kenya and it's natural heritage,
- (d) and protect the environment.

The President should strictly remain in the office. He should leave other functions, maybe graduation, agricultural shows, public holidays, ceremonies, etc to other relevant personalities. The Constitution should provide the removal of the President while in office. The circumstances to be followed:

- ? failure in his/her performances
- ? in case of infirmity
- ? incase of any official scandal
- ? incase of any personal misconduct. The President can prorogue Parliament if he/she has enough evidence that it has failed in it's endeavors. Eg. he/she can do so constitutionally so that it may be interpreted by the judiciary.

Com. Lethome Asman: Bwana Francis, tena nakwambia usisome. Enda tu kwenye recommendations. Nakupatia dakika mbili pekee yake.

Francis Waitiki: They are enough. The Legislature: The Parliament should be guided by the statistics department in the development of the nation. The functions of the Parliament should be expanded to any other national need, which may arise. The Parliament should have unlimited powers to control its own procedure through standing orders.

Being a Member of Parliament should be a Part-time job so gratuities should be enough to sustain that member for the rest of his life. A Member of Parliament should also be between 45 and 75 years of age. A Member of Parliament should obtain at least a B grade in Kenya Secondary School Examination. A Parliamentary candidate should be both morally and ethically fit. Once he/she becomes the Member of Parliament he/she should become the organ of that body, that is the Parliament. His/her performance is the responsibility of the Parliament. MP should be sacked on the basis of:

- (a) The present needs laid down by the statistics department.
- (b) His/her conscience and convictions.

The need of the Constitution or party policies: like any other International institution the Kenya Salary Review Commission should determine the salaries and benefits of Members of Parliament, Ministers, Vice President, and the President. We should not retain the concept of the nominated Members of Parliament. The women should be encouraged to contest for elections. The Parliamentarians should know the following:

- (a) One is elected to serve the nation and not the party or section of people
- (b) To promote the rights of every Kenyan,
- (c) To uplift image of Kenya internationally

The Constitution should permit Coalition Government.

Com. Lethome Asman. Thank you very much, hand over the memorandum. I have one question. You have said the President should not be a polygamist. Unajua Kenya kuna dini nyingi na kuna zile zimeruhusu mtu aoe zaidi ya mke mmoja, pia kuna wengine wanafuata African traditional religions ambazo zimekubalia mtu awe na wake wengi. Sasa mtu kama huyo aki-qualify kuwa President tutafanyaje?

Francis Waitiki: Suppose we have a President who has four wives a day and at the same time he is going for more or keeping concubines. We should develop a culture of having one wife.

Com. Lethome Asman: Asante, David Ngunyi.

David Ngunyi: I am representing Seventh Day Adventist church. Our recommendations are as follows on the Presidency. The President should be elected directly by the electorate after the elections of the local and the Parliamentarians have been done, preferably about three months later.

The President should not be a Member of Parliament so that he remains a representative of the people of the Republic of Kenya, not a section of the Republic.

The President should garner at least one third of the votes cast in the final result. The age of the President should be between 45 and 70 years and anybody who may be more than 70 years of age at the end of his term should automatically be disqualified during the elections by the Electoral Commission. The President should be a family man who has managed his family well. The President should not have been convicted of any criminal acts in at least twenty years preceding his election.

Freedom of worship: the Constitution should guarantee the freedom of worship and no one should be forced to worship in a manner contrary to his/her convictions. The students in public institutions, inmates, and others in other institutions should be allowed the freedom to worship as per their faith, and no one should be forced to worship against his/her faith. Church ministers should have access to inmates in prisons to enable the inmates receive the necessary spiritual assistance. To ensure that freedom of worship is respected voting should not be done on any day recognized as a day of worship so that all the electorate exercise their democratic rights by voting. On the same voting, exams, interviews etc should not be done on such days as in my point above.

On community welfare, drug abuse should be addressed and clear-cut laws should be put in place to control this vice, to ensure that we have a promising future. In schools and other institutions of learning clear laws should be created on how to deal with those who abuse drugs. The students in this case should not be considered as minors in so far as drug abuse is concerned. They should be dealt with by the law accordingly.

On family life, wife battering should be outlawed and culprits dealt with by the law accordingly and I suggest imprisonment for a period not exceeding twenty years.

On family life, youth or boys and sugar daddies, who impregnate girls out of wedlock should bear the responsibility of bringing up those children and educating them to the highest level the child can manage.

Land issues. Land should be distributed fairly with each individual owning not more than thirty acres of land and the least privileged two acres. Any person owning two acres or less should not be allowed by the land board to sell the small land at the

expense of his/her children.

Water catchment areas should be protected and thus should not be cultivated.

Public Office appointments. People who are appointed to public offices in key positions eg. Permanent Secretaries, Secretary-General, Chief Justice, Auditor General etc should be appointed on merit and not any other consideration. May God bless you.

Com.Tobiko. Thank you very much Mr. David. You have said that a man should be imprisoned after beating his wife should this apply to a case where a wife beats the husband?

Ngunyi: In such cases, there are wives who batter their husbands, but that is domestic violence. That is the right word.

Com. Lethome Asman: Hand over the memorandum to us. Rosemary Waithera.

Rosemary Waithera: I will be talking about Constitutional Commission Institution and Offices. These offices should be here, from Constitutional level to national level. The office of the Ombudsman should be introduced to be a watchdog of the people to see the Constitution is followed to the letter. These Commissions should be: the Human Rights Commission, Gender Commission, Anti-Corruption Commission, Land Commission, Youth Commission, Children Commission, Retired Officers Commission, Disabled Commission, Orphan Commission, Districts Commission, Small Scale Farmers Commission. All these should be empowered to work independently, each class be respected.

Office of the-Attorney General to work independently and freely. The Attorney General should be elected or appointed by the Public Service Commission.

Gender equality. we need a balance between men and women. There are so many duties done by women yet they are supposed to be done by men. When women are employed, men demand their wives' salaries to be put on the table and they want this money to cover all the home affairs. Why don't they share everything equally?

Cost sharing: this is a policy brought by the government to double-tax citizen, while the government is made by the people. We are double-paying tax, eg in hospitals we pay fee to purchase drugs and from the total collection the Government demands to be given 25%.

Schools: we pay our teachers and yet we are buying chalk, stationery, books, and others. I wonder how the government is helping us? Thank you.

Com. Lethome Asman: Thank you very much Rosemary. James Muriuki.

James Muriuki: Thank you very much Commissioners. I am going to present my views on political parties. The political parties should promote the living standards of the Community by assisting the development projects such as economic, social, and education.

The Constitution should regulate the formation, management and conduct of political parties.

The number of political parties should be limited to a specific number according to the number of members.

Political parties should be financed by the State or the Public Banks. The conditions imposed on financing the political parties should be conditional to the size of the party and the nature of the activities in which the party is involved.

The state should be impartial in dealing with political parties.

The Executives: the Presidential candidate should have at least a university degree or its equivalent. He/she should be a trustworthy person of high integrity.

The President should serve not more than two terms of five years each. There should be a limit to Presidential powers. The President should not be above the law. Where there is conflict or misinterpretation of the law, the Constitution should prevail.

The functions of the President should be defined. He/she should be the Head of State.

The Constitution should provide for the removal of the President through the ballot. The Parliament should pass the Bill without necessarily awaiting Presidential endorsement. The President should not be a Member of Parliament.

We should scrap the Provincial Administration. Its functions should be reduplicated to have a ministry of elected personnel.

The Electoral system and Province: we would like a proportional system where the number of the representatives is proportional to the number of constituents. We should retain majority rule as a basis of winning an election. The Electoral process should be designed in a way that would increase the number of women in Parliament, say, about one third of the number of total seats. This could be done through party nominations. In order to be declared a winner the Presidential candidate should win by simple majority. Candidates who fail to get nominations in one party should not be allowed to switch over and seek nominations from another party. Defectors from parties should seek fresh mandate from the electorate. Parties

crossing over the floor should be forced to dissolve themselves and seek fresh mandate in the new party from the electorate. We should not retain the 25% rule for Presidential elections. We should have seats reserved for specific interest groups such as the disabled, professionals, religious groups etc. We should retain geographical constituencies and wards, but try as much as possible to determine the constituency by its population. We are not satisfied with the demarcation of constituencies and wards.

We should have Presidential elections separate from Parliamentary and civic elections. We should retain secret ballot as it is. We should limit the election expenditure and should be satisfied with the Electoral Commission. The election date should be set by the Constitution. The Presidential elections should be conducted direct. The Electoral process in the year 2002 elections should be supervised by the Electoral Commission to prevent late appearances by the Provincial administration, Police etc.

Qualifications for Electoral Commissioners should be a law degree or its equivalent. The Commissioner should be appointed by Parliament. Electoral Commissioners should enjoy security of tenure until the age of 65 years. The Electoral Commissioners should retire after serving through two electoral exercises of five years each, or on attaining the age of 65, whichever comes earlier. The Commissioners should be removed from office through Parliament in case of misconduct. Electoral Commissions should be funded through budget allocations of the public funds. The number of Electoral Commissioners appointed should be a convenient number in accordance with the functions determined by the Parliament.

Basic rights: our Constitutional provisions for fundamental rights are not adequate. Some of those which need to be entrenched in the Constitution should be freedom of self expression, association, movement, religion, ownership of property, enjoyment of life, health, prisoners' welfare, refugees etc.

Death Penalty should not be abolished, but should be executed after thorough proof within at least two years after/of sentencing.

The Constitution should provide security, health care, water, education, shelter, food employment, and basic rights to all Kenyans.

The responsibility for ensuring that all Kenyans enjoy basic rights should be endorsed through Parliament.

The Constitution should deal with specifically the following points:

- ? Security for all people at all times,
- ? Health care for all people at all times,
- ? Clean water supply for all people at all times,
- ? Free education up to high school,
- ? Shelter for all people, and
- ? Food for all people especially in the marginal areas.

Opportunities for employment should be provided to all people based on qualifications. The Constitution should provide for free education after high school. Kenyans should access information except on matters touching on state security.

All workers should be unionisable. Constitution should guarantee recreation welfare for the aged and the unemployed.

Com. Lethome Asman: Thank you very much. Please hand over the memo, we shall read it. We promise you that. Alice Njambi.

Alice Njambi: I am from Goodwill Co-operative Society. I will talk on transparency, accountability, minding of others' welfare, grassroot support and confidentiality.

The Constitution should ensure transparency in all levels of governance. The government should not borrow money from donors without Parliament's approval and in case such grants are provided, Parliament and the Ministry of Finance should ensure that the money is used for the intended purposes and carry out an enquiry if it is not.

Accountability: the government should be careful in order not to be destroyed through tribal clashes.

Minding the welfare of others: the Constitution should guarantee social welfare of its people and each and every citizen should have a right to live. Help in cases of the old, the sick, the incapacitated and modalities worked out for their employment.

Project grassroot support: the Constitution should provide room for grassroot projects, which are undertaken with a motive of helping the common wananchi. Women groups should be financed and managed by the government through Parliament.

Confidentiality should be a responsibility of each and every citizen. Duties and responsibilities assigned to citizens should be done with a clean heart and confidence.

Com. Lethome Asman: Thank you very much. Julius Kahonye.

Julius Kahonye Matu: I am going to talk about the jua kali sector. This sector is very important. It should be promoted by encouraging people to join it instead of seeking for employment.

Training and Skills: the government should give soft loans and grants; distribute essential services to the rural areas. Some areas are very remote, with very poor educational standards. The government should give its best to promote education in these areas. Build health centers, provide piped water, bore holes and construction of roads network. Construction of cattle

dips and provision of security in these areas should also be done.

Split distributions of opportunities. In some areas we should get educated people who are not given chances to join college, to get employment and get promoted after working for many years; if not they get discouraged.

Sharing the national rights: all citizens should have the opportunity to stay in this country happily. This can be achieved through good salaries and good payments for cash crops.

Maintenance of national pride: discipline is very important; without it there would be no success. Parents should be encouraged to be responsible enough to discipline their children at the right time so that when they grow up, they will be capable of having a peaceful nation. This discipline must be emphasized. In our local areas it is very important to see that all our people maintain discipline. This will only be attained from our homes. Charity begins at home and it will climb up to national level. Encourage hard work to avoid laziness.

Written by Julius Matu of Civic Education provider.

Com. Lethome: Thank you very much. Peter Gichuru.

Peter Gichuru: I have a petition to the Honourable Commissioners to allow me a longer time due to my advanced age. In that sense I request you to allow me to read a simple introduction.

Com. Lethome : Bear with us and others: we are giving equal time.

Peter Gichuru: Then I will try to speed up the introduction. The year 2002 should be known as the year of good hope for reasons beyond question. It is like what people say you cannot ask what is obvious. It gives me self-confidence when I say that Kenya acquired independence in 1963.

Com. Lethome: Gichuru, allow me to interrupt you. Give your recommendations please. We will read the memo later.

Peter Gichuru: As I have been requested by the Commissioner I will read a summary of the questions. preamble: we need a preamble in our Constitution to keep the public informed of the need for the Constitution from district level and make them understand their rights in the Constitution.

National vision should be set out in the Preamble as listed below: Harambee and unity is our motto. One man one vote is our philosophy in national unity for the dignity of our country's humanity.

Kenyans should be reflected in the preamble to know their rights through introduction in all matters concerning members of public: community right to life.

Direct Principles. yes we need statements in our Constitution capturing the national philosophy and guiding principles.

Democratic principles should be included in the Constitution that observes the basic rules of love and unity of all, guided and governed by pertinent principles of the rule of law.

Constitutional supremacy: Parliament's power should not be limited provided the exercise of that power is in accordance with the rule of law that binds Parliament and the relevant body. There should not be any parts of the Constitution that can be considered to be beyond the amending powers of the Parliament.

Land & property rights. whoever should have ownership of land should be the local community. This is in accordance with the fact that land is a natural gift to man by God and the government is an appointed body by the members of public to govern for an appointed time and not by land merchants.

Management and distribution of finance and management of human resources: due to the experience and problems of raising revenue, the Kenyan government has acknowledged that the problem of raising revenue is hampered by widespread corruption and lack of integrity by the public. Mismanagement of public resources, declining levels and quality of public services, a dilution of the rule of law.

I have spoken on behalf of Good Hope Multi-purpose Co-operative Society as my civic education provider.

Com. Lethome Asman: Thank you very much Mr. Gichuru, I can assure you that we shall read every single word in that document. Let us have Nicasio Mwangi.

Nicasio Mwangi: Marit'ua mak'ua neto'guo mwagua, Nje'tago Nicasio Mwangi. Kwaria ohoro wa President mawira maria afatie koruto thinie wa Gatiba ino toradhondika njeru.

Translator: Ningetaka kuongea juu ya President, ile kazi anaweza kufanya katika Katiba hii mpya.

Nicasio Mwangi: Tokomehe mirongo iri kwa igana, na Prima Minster tomohe mirongo itatu kwa igana. Nao Bunge tomehe mirango itano kwa igano, ne'getha boruri otuoke boruri mwega ongekareka.

Translator: Tutampatia ishirini kwa mia, na Prime Minister tumpatie thelathini kwa mia. Na mbunge hamsini kwa mia ndipo taifa letu likae kwa njia nzuri.

Nicasio Mwangi. Naguo wathani oria o'kiathano ne President okoro ore wa thani otare na kياما oro keriko, no Prime

Minister akoro thinie wa Kiama.

Translator: Na uongozi wa serikali uwe hauna chama chochote lakini Prime Minister awe ametoka katika chama.

Nicasio Mwangi: Gethomo gia President gekoro kere kia form four gothe na igoro. O'koro wake okoro we'wa miaka merongo itatu.

Translator: President awe na masomo kiwango cha kidato cha nne kwenda juu. Awe na umri wa miaka thelathini kwenda juu.

Nicasio Mwangi: Athani term igiri akegoro e mundu mwega. Akoro e' mundu muma andu kuma go ciaro gwake, nakoro atari mund muragani kana wa kohako.

Translator: Atuongoze kwa muda wa vipindi viwili. Awe ni mtu wa watu kutoka kuzaliwa. Na awe si mtu wa kuua watu. Na awe si mtu wa kuhongwa.

Nicasio Mwangi: Nake Mbunge akoro ina miaka mirongo iri ne tano gothi na iguru. Akoro e' mundu mwega wa kwehokeka akora amute kiamaine nake athane term igiri.

Translator: Naye mbunge awe na umri wa miaka ishirini na tano kwenda juu. Awe ni mtu mwaminifu, achaguliwe kutoka kwa chama. Naye akae kwa vipindi viwili akiwa mtu mwaminifu.

Nicasio Mwangi: Nake mureme indo ciake areho oria kwagerere na akoro agethondkera thogora gokera gothondekero ne mogore. Nake mundu oria okorogamerera indo icio cia muremi akoro e mundu mwehokeko. Akoro amunte kahawani ne ondo wa koiya ndagerero ne gothuro kwa macani.

Translator: Naye mkulima alipwe vizuri, na awe ndiye anayetengeneza bei ya vitu vyake. Na yule msimamizi wa wakulima awe ni mtu wa kuaminika. Kama ametoka kwa kahawa afukuzwe akiiba, sio vizuri arudishwe kwa majani-chai akiwa na makosa hayo yote.

Nicasio Mwangi: Nakuo Forest, andu nimetige khio migonda itu tonu negothokia marathokia kwaga kwa bura ona mai. Nao andu aria maheto migonda menene onao nematige koheio tondu kori na athani ange muno.

Translator: Na huko kwa misitu watu wasipewe mashamba yetu kwa sababu wanaharibu na wanafanya mvua ikos: Na wale watu wamepatiwa mashamba makubwa wanyang'anywe ili yapatiwe wale wasio na mashamba ndipo waishi.

Nicasio Mwangi: Nacio ciana iria ciororaga guko barabara ciana icio iciareto ne andu eri gotiri barabara ona imwe eri yathi maternity and acio magerero ne korera cian ico mari eri.

Translator: Na wale watoto wanaozurura kule barabarani, hao watoto wamezaliwa na watu wawili. Hakuna barabara inayoenda maternity. Wanaozaa hao watoto wawalee ndipo waishi bila shida.

Nicasio Mwangi. Watho oyo mweru warekia gothondekuo, othondeko na lugha ciothe cia Kenya lugha 42 na ne'getha o mundu wothe amenye oria boruri ohana.

Translator: Hii Katiba mpya ikitengenezwa, itengenezwe na kila lugha, 42, ndipo kila mtu ajue hali ya nchi yake. Asante sana.

Com. Lethom: Kuna swali hapa, Members of Parliament na President umpeane umri wao. Umesema President 30 na MP 25 na wakiacha wawe na umri gani?

Nicasio Mwangi: Na akoro ena miaka 85 ake koro ne mundu okiathana na kehoto.

Translator: Anaweza kufikisha miaka 85 kama ni mtu anayefaa watu.

Com. Kithome Asman: Asante. Tumpate Michael Ndirangu. Zungumza kama huyo mzee, point kwa point.

Michael Ndirangu: Mr. Chairman, when Europeans came to Africa they said that they had discovered the continent. Now just see how my country Kenya has been for 38 years since independence under our African leaders. We live without knowing our rights and how we are governed. If the Constitution is the one that will remove us from darkness to light I suggest that the Constitution should be written in all the languages of Kenya to enable Kenyans to read and understand it. The following proves that we are in a dark continent.

Coffee farmers and other farmers in Kenya don't know when they are paid their products eg. one half of the year, one quarter of the year or one third of the whole. They don't know how much they are paid to enable them to do their budget like any other employee in Kenya.

Com. Lethome: Let me help you. Recommend. Those are probleme. What are your recommending?

Michael Ndirangu: I recommend that all these chains of payments should be removed and farmers be paid their products directly.

Coffee should not be exported as raw material. Rather, it should be exported as a fully processed product like cocoa in Nigeria. For farmers of horticulture, exporters should come closer to them. They should come to every constituency where the cash crops are grown.

The new Constitution must state clearly that time should not be wasted for those who have done their examinations to enter universities. Those who have completed their degrees or colleges should be employed immediately.

Environment and natural resources: I suggest that the new Constitution should emphasize on these two being protected, preserved and maintained for the benefit of all Kenyans.

I suggest that the public should vote out any MP or councillor, after which his/her seat can be declared vacant and a by-election called for.

Good Hope Multi-Purpose Society, civic education provider. Thank you very much.

Com. Lethome Asman: Thank you very much Ndirangu. James Munyororo.

James Munyororo: Honorable Commissioners of Constitutional Review of Kenya. I wish hereby to address you and forward my recommendations on Constitutional changes on behalf of Good Hope Multi-purpose Co-operative Society which carries out constitutional awareness in Ngorano Location, of Mathira Constituency.

Judiciary: the structure of the Judiciary is not adequate; other courts could be established eg. a constitutional and a commercial court. It is important to have a supreme court. It is important to have a Constitution court. Judicial officers should be appointed by the Judicial Commission. They should be qualified people of 'O' level standard of education. The tenure of the Judicial officers should be according to the Judicial Commission's regulations. Judges and other officers should enjoy security of tenure and be disciplined by the Judicial Commission's regulations that would be in force.

The Chief Kadhi should not be restricted only to judicial work like other judicial officers. Let him handle full Islamic civic cases. The Chief Kadhi should have qualifications similar to the magistrates. The Kadhi should be appointed by either the Judicial Commission or the Supreme Council of Islamic faith. Kadhi court could handle Islamic civic cases in addition to marriage, divorce, and succession.

The Judicial powers cannot only be in court alone, others can be in tribunals. The Constitution can ensure that all people have access to the court by introducing simple languages, be neutral, be free from corruption, be fair in judgement and right of appeal as well as court independence. There should be a provision for judicial aid in cases where the disabled, prisoners and refugees need legal assistance.

There should be a provision for judicial review of laws made by the legislature.

I am now going to talk about preamble. We need a preamble in our Constitution, the natural vision in the preamble should be as listed below:

- ? Include all Kenyans who participated in the drafting of a very viable Constitution for the first time in the history of Kenya.
- ? Guarantee of national security.
- ? Citizens should be united to form a Kenyan community.
- ? Freedom for all citizens and other nationalities in Kenya.
- ? Economic reports
- ? Human rights be honoured.
- ? Equal distribution of national wealth.
- ? Free medical care to all Kenyans.
- ? Free education to all in primary school.

? Citizens to have overall powers to government.

Experiences of Kenyans which should be reflected in the Preamble can be, among others, democratic government, dealing with good governance, separation of government arms that is executive, judiciary and legislature.

Poverty should be eradicated and job opportunities offered to qualified and fit candidates. Government and state –run firms should not run at a loss.

Mayors and council chairmen be directly elected by the people. Two-year terms for the mayor and council chairmen is not enough. It should be extended to two three-year terms of service. The councillors should remain under the central government and they should give priority to their projects, money allocated to them, duration of completion and leave the chief officers to implement without any interference.

Educational qualification of a councillor, should be ‘O’ level except in areas where educational standards are low. The language test for a councillor vying for a seat is not enough. They should produce certificates or their equivalent for approval.

They should be of good morals and according to a legal authority person. People have the right to recall their councillors and such cases be referred to a council meeting. Results of the findings should be reported to the local government minister. If the minister approves the matter the affected councillor will be dropped. A by-election should be arranged by the Electoral Commission for the replacement.

Parliament should determine the remuneration of the councillors. We should retain nominated councillors. They will represent professional areas not covered during the elections, eg: engineers, surveyors health and other personnel.

The councillors in a multi-party State such as ours should observe the following rules: party constitution or manifesto, local government and Acts, council standing orders.

The president or the minister in charge of local government should not have powers to dissolve councils. The matter, if it is gross misconduct or mismanagement, should be reported to parliament for debate and final action. Room for appeal should be granted in the Constitutional court. Thank you very much your Honour.

Com. Lethome Asman: Thank you very much. Grace W. Muriuki.

Grace Muriuki: Good Hope is my civic education provider. I want to talk about citizenship. Automatic citizenship at birth if both parents are citizens.

Kenyan citizenship should be acquired through approval by Parliament, if one has stayed in the country for over a specified number of years.

The citizen should be fully protected by the Bill of Rights in the Constitution.

He/she should be obliged to serve his/her government faithfully.

The rights and obligations of citizens should be unconditional. Dual citizenship should depend on certain conditions. Only ID should be evidence.

Defence and national security: Disciplined forces, military, para-military police, prisons etc should be established by the Constitution. The armed forces should be disciplined by special courts which should be established by the constitution. The president should not be the Commander-in-Chief of the armed forces. The executive should have the exclusive power to declare war.

The Constitution should permit the use of extraordinary powers in emergency situations such as war, national disasters, insurrection and break-down of public order through approval of Parliament. Parliament should have the authority to invoke these powers. The Parliament should have an important role in effecting the emergency powers. That is all your Honour.

Com. Lethome Asman: Thank you very much. Kariuki Gakuo

Kariuki Gakuo: Hamjambo wote. Mzee anasema eti ile Katiba tunatengeneza ya Kenya yapaswa itengenezwe kwa njia nzuri kwa vile hii si kama ile ya uhuru tulikwa tukiitisha. Kwa hivyo sisi tuliokuwa tukipigania uhuru hakuna kitu tunapata cha uhuru kwa sababu huo uhuru umekuwa ni wa matajiri. Na kwa tajiri kuwa taigiri si mbaya Mtu akikaa pahali na awe na kondoo wake wawili ama watatu na wako na pahali ya kula nyasi ni vizuri.

Kuna mashamba tulikuwa tukiitisha ambayo yalikuwa ya wazungu na sasa yamekuwa ya ma-settler weusi. Tungetaka hivi sisi WaKenya. Kichaka chochote ambacho kimenyakuliwa kichukuliwe na kipatiwe wale hawana mashamba. Hata wale walioko kwenye vijiji walikuwa na mashamba yao na hata leo yapo, kwa sababu mchanga haujaenda popote. Kwa hivyo katika hii Katiba inayotengenezwa kila mtu ambaye amenyakua kitu cha mtu akirudishe.

Lile lingine ni juu ya misitu, si hii tu ya Mt. Kenya bali ni pahali popote katika Kenya. Misitu inafaa zaidi kwa sababu ya wanyama. Wanyama wametambuliwa zaidi kuliko watu. Kwa hivyo hao wanyama wapunguzwe na watu wachungwe bora kuliko wanyama. Wanyama hawachagui wabunge.

Tukichagua Rais wa nchi hata yule makamu wake achaguliwe na watu wote sio mtu mmoja.

Mzee amesema hii nchi yetu inaweza kutosha kila mtu hata awe chokora kwa hivyo warudishwe kwao. Watoto wale ambao wazazi wao walikufa kwa ukimwi watunzwe na serikali. Mzee amesema hayo mambo ametamka kama yatachungwa yanaweza kusaidia nchi yetu sana.

Com. Lethome Asman: Asante sana Mzee. Kamau Kivunja.

Kamau Kivunja: Honorable Commissioners, ladies and gentlemen. We are in the Republic of Kenya and this is a battle of the Kenya Constitution Review Commission. My concern is on Constitutional foundation objectives and it is upon these objectives that I have put in as the headings.

Kenya had a Constitutional foundation with noble objectives which were declared and adopted in the Kenyan Constitution on 13th December, 1963. It was upon these Constitutional objectives and the letter's pattern and royal sign manual and signate of 6th December 1963 which the Kenya Constitution paraded.

Com. Lethome Asman: I am forced to reluctantly interrupt you. Are you going to read the whole of that document? Highlight the main points please.

Kamau Kivunja: I don't know. I would like to go to what we call democracy. In Kenya we have been talking too much about democracy but the question is are we a democratic state?

Com. Lethome Asman: What do you recommend? We are not a democratic state?

Kamau Kivunja: We recommend a democratic state and we should realise that when they are doing these things we are objecting to what we call other political systems such as polygarchy, monarchy, nepotism, dictatorship and so on. Now when we talk about democracy we have to consider various organs of the government and ask whether they are democratic and make recommendations. Take for example the Presidency. We advocate that the President should be elected by the people and should have a running mate who is the Vice-President.

The President during election time, must vacate his seat. In place there must be the Speaker as an acting President. This gives all the parties, equal opportunity for competition because today the President remains in power and takes advantage of other competitors.

The Attorney-General must not be appointed by the President. He should not be a Member of the Cabinet or Parliament.

Under him there should be a Minister for Constitutional Affairs. This is one way of preserving democracy.

The elections of the Members of the Parliament have been undemocratic and we should have equal representation instead of somebody having one hundred and twenty voters and other one having only five thousand. In the end we don't have a Democratic party but an undemocratic Parliament.

Questions of various appointments: the President has been given powers to appoint the Judiciary. The question is this: is this democratic? In my opinion the Judiciary should be appointed by the Judicial Service Commission and vetted by democratic institutions, that is the Parliament for ratification.

The Electoral Commission should also have the upper hand in the democratic Parliament in which case the President should not appoint the Electoral Commission. The Commission should be appointed by the Parliament itself, so that there is democracy to rest into the Judicial Service Commission.

The army: the Kenyan army does not belong to an individual. Therefore, my recommendation is that whenever the army has to operate outside the country the Parliament should discuss about it and impose it.

Commissions of Inquiry: we had tribal clashes. These tribal clashes have never been reviewed by the Commission and therefore we would like everything to be made public if a country is to be democratic because democracy considers openness, accountability and also transparency.

Com. Lethome Asman: You have very good points but you have been repeating democracy. Just give recommendations.

Kamau Kivunja: Land distribution: it is undemocratic for people to build houses along the road where there are parts of land owned by the individuals. There must be a ceiling where an individual is shown the amount of land he/she should possess, so that democracy may also work to those who are poor.

Com. Lethome Asman: So a ceiling of how many acres?

Kamau Kivunja: Ten acres. Another important thing is that in the event of co-operative societies we find that they are not, and they should be entrenched in the Constitution because it is a means that covers majority of the people. At the same time transparency and accountability must be entrenched in the Constitution because within the society theft has been prevalent.

Come to the other point and this is important. Embassies. There are so many Embassies in Kenya. We feel that the Parliament should discuss the appointments of embassies. That is how I feel and should be recommended. Not appointed by one person,

who is the President.

Interjection:

Com. Lethome Asman. Are you talking of foreign embassies in Kenya or Kenya embassies outside?

Kamau Kivunja: Kenya embassies outside. Come to the question of cost sharing. Cost sharing has been a deceptive sort of thing. Why? I recommend that there should be no cost sharing, because all the money that the government keeps belongs to the People. Cost sharing has brought discrimination.

Interjection:

Com. Lethome Asman: You have made up your point. No cost sharing, wind up now. One more recommendation.

Kamau Kivunja: One more recommendation is this, Honorable Commissioners, ladies and gentlemen. To have freedom overall there should be free medical services. One should not be punished because he is sick. Free education and all the institutions and organs of the Government must revolve within democracy. Not otherwise. Thank you very much.

Com. Lethome Asman. Thank you very much Mr. Kivunja. You have wonderful recommendations, a very lengthy memorandum and we will read it. James Kamarita.

James Kamarita: Tuko watu wengi, kuna wazee, wamama wazee, kwa hivyo mimi nitabadilisha kidogo. Lugha yangu nitaongea ya Kiswahili ndipo kila mtu aweze kuelewa.

Jambo la kwanza mimi ningependa President awe akiongoza katika nchi hii kwa miaka tano. Kwa kipindi hiki cha miaka tano na iwe hivyo kwa wabunge na councillors.

Katika hii nchi kuna wamama wale wazee waliopigania uhuru ndipo wayale matunda ya uhuru. Lakini katika hii nchi yetu inaonekana wengine wameachwa nje. Ningependelea tusiwe na squatters katika nchi hii ya Kenya. Wengine wapo barabarani na wengine wako na nyumba kama ishirini.

Ningeomba President asiwe juu ya sheria. Ningependa uchaguzi uwe unatangazwa. Uchaguzi huu ukiisha, tarehe ya uchaguzi unaofuata yapaswa itangazwe mapema.

Rais achaguliwe na raia: raia wachague President. Commission should scrap 25% of every Province. President awe

akichaguliwa na majority. Tuwe tukienda na votes. Kama ni vote million moja awe ni President. Kuna Province zingine zina watu wachache kama elfu kumi na mtu akichukua 25% anakuwa amepata. Hiyo iwe scrapped.

Engine, the Commission should account for money for campaign purposes. Commission iwe ikiangalia ni kiwango gani mtu atatumia wakati wa campaign. Engine, serikali isichague mtu yeyote kwa organizations za wakulima. Tuwaachie wakulima wawe wakijua ni nani atakayewasimamia. Sio kusema (Kamarita) ndiyo head of coffee. Hiyo tunaonelea haitakikani.

Bunge: wakati Bunge linavunjwa linatakiwa livunjwe lote, lakini hii yetu tunavunja na tunamwacha President akiwa mamlakani. Ningependelea likuvunjwa hata President aende kutafuta kura. Serikali isimamiwe na AG wakati huo. President akiachwa yeye ndiye mwenye majeshi na anaweza kufanya chochote.

Parliament should not ammend the Constitution. Ni hayo tu. Asante sana.

Com. Lethome: Asante sana. Jina lako lazima liandikwe. Mama Gladese Munive.

Gladese Munive: I am going to deliver my views in English. My great concern is the economy of this country. I tend to believe that if we can be able to improve the economy the society will be able to stay in a stable way. To be able to improve the economy we need to do the following:

The MPs' salary should be reduced to a reasonable pay eg. Kshs.50,000/= per month and not over Kshs 500,000. It makes the wananchi wonder what they do with this money and we have people who cannot make ends meet. If we reduce this salary one MP can get a hundred people empolyed. If these salaries can be reduced we know that we shall have a respectable community.

Interjection:

Com. Lethome Asman: Mama Gladese, we don't want to interrupt you. Please give recommendations alone eg. MP salaries should be reduced. We will read the reasons.

Gladese Munive. Okey! I had actually indicated that this money can help to improve some areas by getting ammenities like medicine for health facilities. It can help in building schools and better class rooms, as well as also to have good equipment and pay teachers good salaries. The government will also be able to repair roads which will be used by tourists when they come to Kenya. The government will be able to establish industries which can employ young people with good education and no jobs.

Constituencies: these need to be reduced for there is little done by MPs in a five-year period. MPs can cover a bigger area if

they are active. When they are few the government will be able to use that money for community development. We believe each and every home will have piped water, electricity, and mothers will have enough time to do other things for the welfare of the family. Most of these mothers spend a lot of time going for water many miles away.

Ministries: they should be reduced by being merged eg Ministry of Works & Roads, Agriculture & Livestock. All education should be under one roof, whether technology or ordinary education. This will help the government to have money to do necessary things like Artificial Insemination. It has deteriorated and it is very expensive, an ordinary mwananchi cannot afford to pay K.shs.450.

All these ministries should have their own garage to repair their own vehicles as we spend a lot of money on private repairs like it was in the olden days. They should also establish their own dispensaries to minimize time wasted by the staff when going to hospitals for minor problems. All should use one transport if travelling in one direction.

Hospitals should buy their medicines from central stores and not from private chemists as this actually makes them to spend a lot of money. Blankets, sheets and towels should be purchased from factories where they will be printed government properties like the old days. This will reduce theft. All hospital equipment should be marked from the factories: GK.

Locations should be reduced and placed under one councillor so that the county council can have money to pay their staff improve markets, nursery schools, dispensaries and also be able to improve roads.

Assistant Chief posts should be done away with and replaced with two APs in every sub-location to help improve security. These people have very little to do. They end up doing things that are unnecessary. The chief should work for five days. In most cases, we only see him on Monday, the other days he/she is unavailable.

It would be better for the President to use public planes when he is going out for trips and go with few people. Currently, they use a lot of money which could be used for development.

Administration: it needs to be there to help the community without demanding extra payments. They should do the letter writings and signatures, protect individuals' privacy and community property which is under their care in the location.

Interjections: (Inaudible).

Com. Lethome Asman: I hope that is the last one, Gladys. Just read the recommendations.

Gladese Munive: This should be conducted in the government institution which should be repaired to a comfortable state

than taking money to private hotels.

Law and order. Many things are done as if this country has no laws.

Interjection:

Com. Lethome Asman: Do not give examples, recommend.

Gladese Munive: Okey! I have recommended that the country should actually run its affairs(Inaudible)

Com. Lethome Asman: Gladese allow me to interrupt you, we shall read that memorandum. Ambrose Gatanki. Nitawakumbusha tena, sitachoka kuwakubusha, ukija hapa usitoye examples wala mashida. Tuambie recommendations. Tunataka hivi na vile. Gatanki.

Gatanki: Thank you Commissioner. I am going to talk about participatory governance. Non-governmental organizations and other organized groups don't have a role in governing. They must be registered to participate in the progress of the Republic and to assist in various institutions in the country.

The new Constitution must guarantee the protection of civic society bodies like religious organizations and NGOs, without interference from the Government.

The government must not regulate the conduct of civil society organizations including major and other progressive organizations. The Government must provide enough support.

The Constitution must institutionalize the law of civic society organizations by providing them with opportunities to operate. The Constitution must guarantee the participation of women in governance.

? Allow them to join various organizations and be elected,

? Persons with disabilities must be protected and given employment.

? Youth must be taken care of by giving them chances to operate in the growth of the nation.

? The Constitution should protect those who belong to the minority group as they are unable to protect and provide for themselves.

? The Constitution should give protection to the elders.

? Children and prisoners should also be protected

Thank You I am Ambrose Gatanki, civic education provider, Good Hope Multi Purpose Co-operative Society.

Com. Lethome Asman: Thank you very much. Hand over the memorandum to the secretariat. James Ndirangu.

James Ndirangu: I am giving my own views. I have grouped all my recommendations under certain issues.

Issue No.1. Defence and National Unity. The President should not be the Commander-in-Chief of the Armed Forces. Emergency powers should only be effected by a sitting President after a Parliamentary approval of two thirds majority.

Political Parties. Any democracy in the world has a limit. Kenya is a bad democracy and therefore we can do with a one ruling party and two opposition parties.

Legislature. A Member of Parliament should not be allowed to serve more than two terms, even if he/she serves the people well. Since the majority of Members of Parliament elected are men, seats for nominated Members of Parliament should be reserved for women. The following appointments should be vetted by Parliament: Controller and Auditor General, Attorney-General, Chief of General Staff, Ministers and assistants ministers, Permanent Secretaries, Solicitor General, Director of Public Prosecutions, police and prison heads, and finally the Managing Directors of various corporations.

Local Government. A councillor should not be allowed to serve more than two terms. Special measures should be put in place to ensure that county councils render services to justify their taxation of the business premises.

Land and Property Rights. ADC farms and Nyayo Tea Zones should be sub-divided and given to squatters or the famous Muoroto residents. Forest axation should not be allowed. Large tracts of land that are idle and owned by rich Kenyans should be bought by the Government and sold to the land-less at affordable rates.

The Agricultural Industry. Since agriculture is our engine for growth the Government should be in the fore-front in providing clear support . The following should therefore be entrenched in the Constitution:

- ? Establish a committee to look into the affairs of the small scale farmers. Currently the Ministry of Agriculture is not addressing itself to the sufferings the farmers are facing.
- ? Taxation of farmers' produce should be reduced or abolished altogether.
- ? All the middle-men and middle-women profiting from the farmers' sweat should be done away with.
- ? Extension services should be provided. Trade union would possibly champion the farmers crisis.

Education needs a complete overhaul. Its ia archaic and therefore does not serve the modern society. Similary the TSC code of conduct needs a thorough review to be in line with the many changes that have taken place since 1986.

Primary education should be compulsory and free. Asking parents to pay for school watchman and the copy-typist discourages the parents. The government should put this view into consideration. The Government should also fund some projects in both secondary schools and colleges to make education affordable.

Principal should not be allowed to head an institution for more than five years. The Government should improve Kenya National Union of Teachers and Kenya Union of Post Primary Education. These unions have become commercial agents. They should be audited and the office bearers should not serve for more than two terms.

Basic Rights: The Constitution should protect security, health care, water, and other basic rights. The responsibility of ensuring that the aforesaid are enjoyed by Kenyans should rest with the government. The Parliament should work out modalities to oversee these. Thank You.

Com. Lethome Asman: Thank you very much. John Keveve.

Interjection:

Com. Bishop Njoroge: Give us points, people are many, and they want to talk.

John Keveve: Okey! Thank you Commissioners, (Box 2012 Karatina). Every human being has got a right to live. Constitution should protect human life right from conception until natural death, so abortion should never be legalised.

Administration: Chiefs and assistant chiefs should be elected and given a term of five years.

Education: There should be no cost-sharing, government should cater for everything from primary to university.

Health: There should be no cost sharing, government should cater for everything in government hospitals.

Street children and orphans should be protected by the government and should be given free education. Thank you very much.

Com. Bishop Njoroge. Thank you, If we would be brief like you, then I am sure we can finish. You have said so many things in a very short time. Asante sana. Tupate James Muraya. Give us points, not issues.

James Muraya: My views are from my point of view. The new Constitution should reorganize the role of youth in the society.

Education: the Constitution should ensure that primary education is provided free of charge. The Government should ensure that all youth become productive through creation of jobs.

The Constitution should provide for fair distribution of jobs for every person irrespective of gender, place, origin, region or creed

People who go to other nations for further education should come back to Kenya so that they can develop our country.

Training: the Constitution should ensure that after school or college people are employed. Jobless people should be assisted by the government, after which they will be able to cater for their needs. My civic provider is Good Hope Multi-Purpose Co-operative Society.

Com. Bishop Njoroge: Thank you very much James. You have given us your points so fast. Samuel Mwangi. Just do as James has done.

Samuel Mwangi: Tenure and system of government. The Presidential system of government should be abolished and instead be replaced by a democratic system of government in the Constitution. We can also adopt the Parliamentary system of Government. In our Constitution the President should be the Head of State and the Prime Minister the Head of Government.

Legislature: Appointments vetted by Parliament should only be for the appointed Commissioners and their chairpersons. Functions of the Parliament should be expanded and its functions should be in conformity with the provisions of the law.

Parliament should have limited powers to control its procedure through standing orders and it should not interfere with the other arms of Government.

Members of Parliament should retain their part-time occupation for we can recall them any time they prove unproductive.

Age required for voting should not be limited. Limits should be for people contesting for civic, Parliamentary and Presidential seats. Civic contestants should be above 18 years. Parliamentary aspirants should be above 30 years, and Presidential candidates from 40-50 years.

The language tests administered for Parliamentary candidates are not sufficient. Their academic qualifications should also be considered.

We should introduce moral and ethical qualifications for Parliamentary candidates.

The Constitution should permit a coalition Government. We should have a multi-party representation at all levels of the three arms of the government. Legislature, Executive, and Judiciary. Parliament should have the powers to remove the Executive through a vote of no confidence and the powers to impeach the President and other officials of the Government.

My civic provider is Good Hope Multi-Purpose Co-operative Society in Korando Location.

Com. Bishop Njoro. Thank you very much for those very good suggestions. Can we have Michael Mithamo. Just make recommendations.

Michael Mithamo: I am going to talk about International Relations. This should be done by Parliament. The Parliament should advise the Executive on law of conduct of foreign affairs. While making those treaties, Parliament should be there. Those treaties should not have automatic effect. They should be effected after being described and voted in Parliament.

Taxation and transfer of Powers: The Attorney General and Electoral Commission should be in power during the Presidential election and they should be voted by Parliament. A winning President should be declared after the counting of all votes in the country. The swearing in of the incoming President should be done by the Chief Justice and the procedure should be done openly, publicly, and as a national ceremony. On assuming office provisions for security and the welfare of the former President should be made. Legally he/she should not be above the laws. He/she should go to visit groups and not just political advice.

My civic Provider is Good Hope Multi-Purpose Co-operative Society. Thank You..

Com. Bishop Njoro. Thank you very much Michael. Can we have Maina Wa Mutegi. We want you to do like the others. Give us points to put into the Constitution.

Maina Mutegi: Honourable Commissioners, ladies & gentlemen, I salute you all. Kenyan Constitution should be taught in primary school even if it is in civic form.

Interjection:(inaudible)

Com. Bishop Njoro: No. It's enough: taught in school.

Maina Mutegi: Our Kenyan Constitution should have a certain duration such that each and every government should not have the powers to manipulate the Constitution.

Members of Parliament: powers should also be reduced such that they don't have powers to change the Constitution or the laws in order to favour themselves.

Our councils should operate freely from the Central Government so that the chief officers have less powers.

The Executives should not have the power to control our revenues. More power should be given to Parliament instead of the Executive.

There is no need for civic education since the few elites are enough to change our Constitution.

Our Constitution Review Commission should be the last commission to have here in Kenya since most Kenyans are tired of so many commissions That's all.

Com. Bishop Njoroge: Thank you very much. Eustace Nyota. Fanya vile huyo amefanya.

Eustace Nyota: Members of Parliament and Councillors should have a retiring age which I suggest to be 70 years. After 70 years their seats should be declared vacant.

Interjection:

Com. Bishop Njoroge: If you retire at 70 the seat is declared vacant.

Eustace Nyota. Yes! No retirement benefits for Members of Parliament. Members of Parliament should not be masters of themselves deciding on their salaries and conditions of service.

We should have proper forest boundaries which cannot be altered under any circumstance. Water catchment areas should be protected.

Presidential and Parliamentary elections should be separated.

A President should not be above the law. The President should not be the Vice-Chancellor of any university. Thank you.

Com. Bishop Njoroge. Thank you. That is the case. Giving points in a very short time. Gerald Ngatia

Garled Ngatia: I have few points more so on the environment. First and foremost, it should be entrenched within our

Constitution that every person is entitled to a clean environment. There should never be any axation of forest, only addition. Also it should be entrenched in our Constitution that agreements like the L. Victoria Agreement on water to other countries be reviewed so that our citizens enjoy the waters of this country. Our Constitution should provide that river banks and wet-lands be protected for the welfare of our people.

Land Tenure: It should be noted within our Constitution that land belongs to no one else but the people and God. Any-one who owns land in excess of a hundred acres should be made to pay tax for it so that idle land can be submitted to the Government to be distributed to the land-less people.

It should be entrenched within our Constitution that people themselves have a bigger right than wildlife since the present roles give more emphasise to wild animals than to people themselves because when one dies payment is only Kshs.30,000/=, and properties are not safeguarded. Our property should be guarded from the wild-animals.

Political Parties: My feeling is that when a Member of Parliament or any elected official defects from the Party that nominated him he should stay for a minimum of five years before he is allowed to stand for any other election. This will give the electorates time to know that he is taking ground.

Land grabbing should be put to an end and all public lands which have been grabbed by those in power should be reverted to public use.

Revision of laws. Whenever there are any laws that are presently standing, like Forest Acts, Water Acts, or any other Act, public opinion should be sought; they should not be left to the Members of Parliament alone. That is all. Thank You.

Com. Bishop Njoroge. Thank you very much, those are good ideas. Jackson Karogo Njogu. Please talk like him.

Jackson Karogo Njogu: The President should not be above the law. He/she can be impeached when in office if he/she breaks the law. Kila mtu anashikwa na sheria.

General Election: During the election the immediate President should not hold office. The Speaker or the Attorney-General should act as the President. The President should be elected on popular vote and not on the basis of 25% per five provinces as is normally as case.

During the general elections the President should be elected first then Members of Parliament and lastly councillors.

The Vice-President should be elected on popular vote. This will make his office secure and have political impact. He should.

Intejction

Com. Bernard Njoroge: That is all, if you say he should be elected is not bad.

Jackson Karogo: He should be elected at the same time as the President. Abuse of office by the President: any President who encourages ethnic animosity like the clashes should be voted out of Parliament through a vote of no confidence. He/she can be taken to a court of law or the International Court of Law and be charged.

Economy: Kenya is an agricultural country. (Mnajua nchi yetu ni ya wakulima). The head of Government or ministry (yule anayeongoza katika mawizara), if they play the role to sabotage or destroy the economy like coffee and tea or do things that make people poor (make wananchi wawe maskini) he/she should be charged in a court of law after being told to vacate the office.

Chiefs. During the employment of Chiefs their integrity and education should be given special attention. He/she needs to be popular in all sub-locations. That means for a sub-chief to be made a chief he should be very popular in all the sub-locations. He will be in a position to represent the government well.

Interjection: (inaudible)

Jackson Karogo: Land allocations: from 1900 land issues have been very clear. For land allocated to the white settlers, by now the lease has come to an end people who are land-less, instead of cutting the forest, can be settled there. The remaining land can be sold to people who are interested eg. in Lakipia, 80% of the land is owned by a white person. So they should not renew the lease. Thank you very much.

Com. Bishop Njoroge: Thank you very much. We have not been told about this law and I think it is a very good idea. Asante. Robert Wahome Gichuru.

Robert Wahome Gichuru: Thank you Commissioners, ladies and gentlemen. I have just a few points here. Preservation of water and rain catchment areas.

Land issues and the dams. Land was set aside during land demarcation and it is still there even today. Those dams should be reconstructed, scooped, maintained and water should be preserved and conserved in those areas.

The other one is on the issue of forests. Our forests have been destroyed. To safeguard the forests we should start

reafforestation of these areas. They should be fenced, preferably with electric fence. People should be encouraged to plant trees and be supervised by Chiefs, Assistant Chiefs, and agricultural instructors and laws should be set aside to Prosecute those who fail to plant trees.

The other issue is about River banks and the wet lands. The key note here is that the population of this country is increasing very very rapidly and if we don't check on those areas obviously the future generation will be.

Interjection:

Com. Bishop Njoroge. Mr. Wahome, we know. Do not tell us what will haPPen. Tell us what to do with the catchment areas.

Robert Wahome: One. Cultivation along the river banks, ten feet distance from both banks of the river should be untilled and less water-consuming Plants be planted which would help prevent river banks being washed away.

Twenty feet distance in small streams like seasonal rivers and small brooks. Along big rivers twenty feet distance of both sideS should be left and of course water retention trees to be Planted.

Education system in the country: We would like an education system which is far away from political interference. Ministerial statements and polices should be adhered to as much as possible without any manipulation by the institutions. The govermemnt should meet all the education needs and abolish the cost-sharing policy. Abolition of liberalised education institutions which includes the mushrooming of academics charging very high fees and individual education institutions depriving wananchi huge sums of money by selling education and expertise. The Constitutioon should look at several dipolma-offering institutions which are now offering below standard education leading to mass failure in exams.

Non-equal policy of Form one admission to secondary schools. That is we should have private primary schools, that is 15%, and public primary schools that is 85%. To sustian education in the country, teachers should be paid properly so that they can work effectively.

Interjection:

Com. Bishop Njoroge. One minute.

Wahome: Lastly, we know that it is the poorly paid, fed and ket house rents that make the baby suffer nutritionally regardless the of well-being of the parents. (Proverb).

Com. Bishop Njoroge: Thank you very much. William Kinyua.

William Kinyua: Members of Parliament should take their work seriously. They should be attending all sessions in Parliament and participate fully in debates, asking questions and moving bills and motions.

Voters should be allowed to scrutinize the record of their representatives. The House should be compiling and making public data that will be useful in gauging Members of Parliament performance. Attendance and contributions records of the Members of Parliament should be freely made available to any-one who asks for them. Voters should be given powers to move a vote of no confidence to their MP if he fails to deliver accordingly, even before the term of five years.

Parliament should have powers to conduct proceedings against the presiding President accused of violating the Constitution or abuse of office.

The President and Vice President should not be Members of Parliament. The Legislature should be allowed to appoint heads of parastatals, Vice Chancellors and Attorney-General. This will ensure that only competent people are chosen and this will reduce corruption in these sectors.

There should be a Constitutional and a Supreme court. The judges of these courts should be independent of the ruling Government and their salaries should be set by Parliament.

Powers and terms of the Attorney-General should be reduced and the Judiciary should be made independent by the acting Government.

Farmers should be consulted and involved fully because the Government makes policy intentions affecting them. Agricultural sectors should be protected by the Constitution.

There should be two Houses, House of Senates should be introduced and Members of Parliament should be involved in the appointment of Ministers. This will ensure that only competent members who will have experience and not the corrupt will enter Parliament.

Although we are limiting the powers of the President we should be careful not to end up having a President with no power. He should not be a Member of Parliament. Those are my recommendations.

Com. Bernard Njoroge: Thank you for those good recommendations. Can we have Zechariah Mwaniki.

Zechariah Mwaniki. Our Constitution should have a Preamble for it does not have one now. The Constitution should only be amended after conducting a referendum.

Kenya should have a Prime Minister, and a semi-ceremonial President. We should adopt a federal system of Government whereby revenues collected from a region 80% will go back to the contributing State.

Judges, PS, heads of Parastatals, Armed Forces Commanders, Police Commissioners, and our top Government appointments should be vetted by Parliament.

The electorate should have a right to re-call their Member of Parliament. The Constitution should allow the formation of a Coalition Government.

Presidential candidates should have an academic degree.

The Provincial Administration should be done away with because they behave like masters and not servants of Kenyans.

The rule of 25% representation in every province should be substituted with 50% of the presidential election.

Population should be the criterion for demarcating a Constituency or a Ward.

Our forests should be protected by the Constitution, in that there should be no forest axation without approval by two third of votes in Parliament.

Wananchi should be educated on the importance of forest and wild animals. They should be included in our school syllabus.

Anti-corruption ethics should be taught in schools, churches and public gatherings. Corruption should be declared a national disaster the way HIV/AIDS has been treated.

NSSF should be re-structured to cater for the elderly Kenyans regardless of whether they were employed or not. This can be done through a check of systems, e.g. starting from the sale of coffee, tea, or milk.

Agriculture should be allocated the largest amount from our national budget. The armed forces are well equipped with machinery, that is, tractors, vehicles, and knowhow, hence they should be used to construct and maintain our roads and build bridges instead of cutting grass in their barracks.

All Kenyans should have land. I propose that no individual should own more than a thousand acres of land.

Tertiary Education should be free as was the case during the colonial times and independence times. The biggest burden among Kenyans is secondary school fees. The Government should provide subsidized secondary education. University education should also be free to avoid a situation where only the children of the rich will have degrees as in the case today.

The next Government should provide free medical services for all Kenyans. Coffee should be processed locally to the final stages.

The Vice President should be elected by all wananchi. Nobody should be above the law. All plots in trading centres should be issued with title-deeds or leased instead of the present letter of allotment which cannot be used to acquire loans for any bank. Those are my views.

Com. Bishop Njoroge: Thank you very much, we appreciate your views. Charles Murefu.

Charles Murefu: All Members of Parliament should be elected but not nominated. After the President dissolves Parliament waiting for election, the National Council of Churches should head the nation.(NCCK).

Mayor should be elected by people and not Councillors.

We need to have a Coalition Government in our country. All retired people should be represented in Parliament. At this time they are not represented.

No Minister should be nominated. The President should not be the Chancellor of the Universities; all Universities should have a Chancellor each. Thank You.

Com. Bishop Njoroge: Thank you very much Charles for those views. Wa Kungu Mwangi.

Wa Kungu Mwangi: Commissioners, na watu wengine mimi nimeonelea kwamba Serikali ijenge maternity hospitals kwa kila location kwa maana wamama hupata taabu sana. Na ikiwa itawezekana ningependelea akina mama wawe wakipata muda wa siku saba kukaa huko wawe wakikaguliwa kwa siku hizo.

Serikali ikiona ni vizuri wakulima wawe wakiulizwa bei ya mazao yao kama kahawa, au majaini, kwa sababu hao ndio wanajua walivyotumia mbolea na mashine.

Wakina mama huwa na taabu sana wanapotaka kuwa viongozi. Wakitaka kuwa MP ama Councillor hao hutukanwa sana. Serikali iwe ikisimamia wakina mama wakati wa campaign ndipo wasiwe wakitusiwa.

Wakati Serikali ilikuwa ya mbeberu kulikuwa na iazi wa forest waliokuwa wakiishi huko kabisa. Kwa hivyo wale waliofukuzwa kwa misitu warudishwe na waandikwe kazi kama zamani.

Serikali ikubali kuaandikishwa kwa chama fulani na hicho chama kiwe kinafanya campaign. Hata hicho chama vile vile kipewe msaada wa pesa, wala si chama kimoja tu kutumia pesa za raia.

Habari ya kortini, Bwana Attorney General asiwe akipewa uwezo mzito wa kila kesi. Serikali ikubali kuwahoji wale waliokuwa karibu na kitu fulani wakati kilipotendeka badala ya kuchukulia maneno juu juu.

Habari ya kina mama. Mila yetu ya Wakikuyu inaruhusu waume kuoia wanawake wengi. Lakini mke wa kwanza akipata mke-mwenza anaturwa pamoja na watoto wake. Mke wa kwanza awe anapewa kipawa chake sababu walitafuta na yule mume.

Watoto mayatima. wajengewe mji kwa kila location ili wawe wakilindwa na Serikali na iwasomeshe pia.

Com. Bishop Njoroge: Asanta sana mama. Hayo ni maoni mazuri. Bila shaka tumeyafurahia. Murigo.

Murigo: Thank you Commissioners. I wish to talk on behalf of Ford People Mathira Branch. I want to make a few points, I will also present the views as gathered by the Executive Branch. I will only make additional points on what has been written. Our memorandum starts with the Bill of Rights and to that I will first of all say that it is our/my opinion that the Kenya Constitution should have a Preamble under directive principles of State Policy which we now lack. That goes to land, education, and economic principles.

These Principles should be enforceable in laws. On the same Preamble the Constitution should be supreme whereby it's our recommendations that instead of two thirds majority we go on 65% for the amendment of the Constitution, it should be 75% or three quarters of the Members of Parliament when they vote. My recommendation is that the public should also be involved in such amendments through referendum. In the Preamble there should be an aspect of national collection whereby the change of coat of arms emblem and the flag must be of national out-look not party-outlook as it is. No party should be allowed to have a flag, instead the flag should be a national symbol.

Bill of Rights; land and property rights. Non-citizenS should not be allowed to own land. The procedure for the transfer of

land and taxation in this country is tedious and should be simplified and made cheaper. The court should not charge high fee for land transfer.

Farmers in this country have been denied the right to sell their products. They should have the right to decide the price of their products. The Co-operative Act Chapter 4/90 which has exploited coffee farmers for a long time should be scrapped and be replaced by Company Law chapter 4/86 so that the farmers can get managers who are capable of running their affairs.

Question of the Executives starting with the Presidency. It is our view that the President obtain over 50% of the total votes cast. The question of Provincial popularity should be scrapped. 25% should not be there; we are talking of total votes. The President should stay for two terms of five years each. In addition to that the Members of Parliament should also have two terms of five years each. We should remove the monarchical bureaucracy in this Country. Councillor should also go for the same five-year two-terms.

Political parties should not merge, instead, parties should go for Coalition. Political Parties should be allowed defections but on the aspect of electoral process, the Electoral Commission should have lawyers and Commissioners and be independent. The elections for presidential, parliamentarians and Councillors should be done at the same time.

Party nominations should be left to be decided by the Electoral Commission which will make a time table. The Electoral Commission should also make a time-table for Parliamentary, Provincial and local elections.

Interjection:

Com. Tobiko: Mr Murigo time is up give in your memorandum. David Mwangi Maina.

David Mwangi Maina: Thank you Commissioners, ladies and gentlemen. My points are very few. First I would put a point on the Judiciary. Judges and magistrates should not be given a clause which means that they cannot be prosecuted for what they have done and yet they are not doing a proper job.

The Commissioners to put laws on court language. Kiswahili should also be used in court.

Traffic offences: because of corruption police should be allowed to have a ticket in which they can give a pass to a person who has been charged immediately on the road for offences committed if it is not criminal. It will minimize corruption in that area.

Parliamentarians should be of good conduct, they must have passed through CID and proved to be of good conduct since they

are representing good people they should be good as well.

Farmers should be given opportunity of getting at least 50% of their products. They get very little when they have sold their products, more so coffee. Government should not take the whole amount of money from the farmers. They should, instead, give farmers more money to encourage them.

The Commission to look after the inputs of the shamba, that is fertilizer and pesticides, to see that they are not expensive in a way that the farmers cannot afford to buy. Farmers are growing things which do not pay them back because sometimes the prices are bad and they do not compensate their work.

Lastly, I would like the Commission to put this. Most of our people are surrounded by wild animals and some have spoiled their shambas and also killed them. I would recommend that they may be paid without any questions. Thank you Commissioners.

Com. Tobiko: Thank you. Charles Irungu.

Charle: I come from Kianjau and these are my recommendation. Income Tax Department. There should be a review of tax in this department. Those people who are paid lowly should be taxed less. Those paid highly should be taxed a little bit higher so that there can be a balance in the treasury.

Interjection:

Com. Tobiko: We have understood your point, can you move on to the next [point.

Charles Irungu : On tourism, the tourists who come into this country should be given a lobby act to pay a premium where they will be given an insurance cover for the period in which they are in the country e.g. one week.

There should be permanent boundaries in the National Parks to prevent animals from attacking human beings.

There should be a free and fair Judiciary where we settle cases in a transparent and accountable manner.

The Government should allocate resources only to the needy areas and avoid allocating useless activities to minimize budget defecient.

Protecting the farmers from exploitation.

The Constitution to have a law to protect somebody who is attacked by his/her neighbour after a quarrel.

Constitution should have a law to stop battering of school children. Students should be issued with ID cards. These will bring close monitoring and avoid cases of rioting and mass damage of properties.

The Constitution should create a way whereby vessels which are old and out-dated in both Ports, roads, and airports should be sold and buy new ones to save lives.

The death penalty should be replaced with a life sentence.

The party which wins in the election will form its own Government. It will choose the Vice-President, Ministers, Civil Service, Police force etc. If the President in his term is found to be unfit he can only be eliminated after his term ends through a free and fair election.

Those people with petty offences can serve non-custodial sentences to reduce congestion in the prisons.

There should be a review of vehicle Insurance Premium because they are selling highly. They should be reduced by half, for vehicles such as matatus, and buses.

The Constitution needs to have a law catering for quick issuance of ID cards.

Job security: The Constitution which we are making should provide job security to avoid unfair sacking of employees. The employees should be protected.

The Attorney-General should be given freedom, so that he can carry out his duties properly in a free and fair democratic arena.

A computer should be installed in Parliament.

There should be a Drug Act whereby drugs which are imported from other countries should be checked and it be established whether they are fake or expired to save the lives of people..

The Constitution should indicate that chemicals from industries are supposed to be disposed safely to protect human lives. Those are the only points.

Com. Tobiko: Thank you very much Irungu. Mureithi Mugo.

Mureithi Mugo: I want to contribute on one area. The electoral system and process. I will deal with the following concerning the Electoral Commission.

All the Commissioners should have at least a university degree education because currently there is no qualifications to become a Commissioner in the Electoral Commission.

The Commissioners should be appointed by Parliament after inviting applications from qualified Kenyans.

The Electoral Commissioners should enjoy security of tenure and be removed from the office after a recommendations from a Parliamentary Committee appointed to investigate the Commissioners after when an act is committed by a Commissioner which would warrant his removal.

The number of Electoral Commissioners should be reduced to nine. Currently we have twenty two.

The nine Commissioners appointed should retire on rotational basis. That is the first three after three years who are eligible to seek for re-appointment for another term of three years. The last quarter of three Commissioners including the Chairman automatically would retire on the ninth year and would not be eligible for re-appointment.

No officer of the Electoral Commission should be a retired civil servant or an acting civil servant. We have so many qualified young graduates who can work for the Electoral Commission without recycling the already retired officers.

Voter registration exercise should be a continuous process. Thank you.

Com. Tobiko: Thank you very much. Mr. Mugo. James Njogu.

James Njogu: Thank you Commissioners, ladies and gentlemen, mine are just few points. Electoral System and Process. Representation should be practised. The President should be elected by the majority. 25% representation in five out of eight Provinces for the purpose of national outlook. The winning candidate must get at least 51% votes cast in the whole country.

Geographical Constitution System be recommended but boundaries be re-routed into the basic geographical particularly on population diversity.

Basic Rights: provision for social, economic, cultural and development rights should provide security, health, water, education,

shelter, food and employment as the basic rights for all Kenyans.

Human Rights Commission should be established whose terms of references should be established by the Constitution. The Director of this Commission must be accorded security of tenure.

The Constitution should guarantee citizens the right to access information on the position of the state or any other agency or organ of the State.

Land and property rights: Private lands for purposes of development of social amenities like roads, hospitals and schools. Extracting of minerals for the purpose of country development. While this is done the land owner must be compensated adequately. Men and women should have equal access to land. On family land ownership the titledeeds should bear the names of two spouses. Land should never be sold without the consent of all the members of the family.

Management and use of natural resources. Adequate salaries and jobs should be given as per professional qualifications so as to attract competent Kenyans. Public service should be accountable to citizens who are the tax payers through allowing an independent Public Service Commission.

Environment and Natural Resources. The new Constitution must emphasize fundamental environmental protection which will prohibit further clearing of the remaining natural forest, strict protection of water catchment areas, proper management of ranch lands and proper environmental study. Environmental assessment should be done before implementation of any development project. Natural Resources should be owned by Kenyans. The following natural resources should be protected: forest, water resources, catchment areas, minerals, air and land.

Preparatory Governance. Non-governmental organizations and other organizations should have a role in Government. These would include appointment in commissions, Constitutional and address national issues, representation by nomination in Parliament and appointment in the Electoral Commission.

Constitutionalism. Kenyans should know the Constitution for they are the ones who have made it. The Constitution must be written in a clear, brief and straight-forward language as opposed to the legal language. It should be part of the school curriculum so that Kenyans can grow with their Constitution. Any Government should be committed to offer civic education as it is for the citizens.

Lastly I would urge all Kenyans to come across and be trusted.

Com. Tobiko: Thank you very much. Gachara Ndegwa.

Gachara Ndegwa: I have few points to make. The Constitution should create a post of Prime Minister who will be answerable to the Parliament.

The election of the Vice-President should be done during the general election together with that of the President.

The appointment and removal from the office of the Ministers, Assistant Ministers, and other senior civil servants should not be the work of the President. It should be the responsibility of Parliament. The Cabinet has a very important task in matters pertaining to the welfare of the country. A cabinet which makes bad decisions can lead.

Interjections:

Com. Tobiko: Tafadhali soma recommendations.

Gichara Ndegwa: Okay! The Constitution should see to it that every time the Government gives land to the landless such as Muoroto dwellers and village dwellers. Chiefs District Officers, powerful Civil Servants, politically-connected people and the rich should be stopped from taking advantage of the poor by getting such land which is meant for the poor.

The Government should set aside some funds to be used as subsidy to the coffee and tea farmers when the world market prices of such commodities fall.

The Government should also make sure that the law of the land is strictly adhered to by each and every individual citizen irrespective of his/her status in the community.

which has affected the smooth running of our government institutions and offices.

Coffee farmers should be allowed to sell their parchment coffee before it is milled so as to relieve the farmer from unnecessary milling charges and transport cost to the mills as well as warehousing costs which are charged by the millers. The coffee farmer should then sell his/her coffee at factory level.

The Constitution of Kenya Review Commission should complete the Constitution before the general elections are called, so as to make sure that the elections are held and conducted under a new Constitution.

Lastly and not the least. When the Government fails to honour its legal and binding agreements with its workers as it, has done currently with the teachers, with an excuse of lack of funds, such a Government should be declared bankrupt and pave way for a better competent Government. Thank you.

Com. Tobiko: Thank you very much. Rev. Antony Gitonga.

Antony Gitonga: I have five points. Freedom of worship should be limited, that is, free masonry and devil worshipping should be stopped.

Councillors, Members of Parliament and President should serve for two terms. The President should not be above the law. Chiefs and their assistants should be elected by the community and their term should also be five years.

The Constitution should also protect the water catchment areas. Thank you.

Com. Tobiko: Thank you very much Reverend. Can I have the list. Murage Matu.

Murage Matu: Here are my views on the Constitution we intend to come up with. The Constitution should be readily available and accessible to all Kenyans at all times. It should be operational and within a given time-frame.

Amendments should be made by 80% majority of the Parliamentarians. The Government should compensate for any inconvenience caused due to any amendment of the Constitution. It should have a Preamble and a National Philosophy.

National Security. Disciplined forces should be established by the Constitution. External and Internal Security Department should be under one umbrella. The security of the nation should be constitutionally be placed under the responsibility of the Prime Minister in consultation with the President and the Minister of the State Security.

The President should be a ceremonial Commander-in-chief of the Armed Forces, and he should have the powers to appoint the Chief of General Staff with the advice of the Prime Minister and the Minister of State Security.

All treasonable military offences should be tried in civil courts and not court martials

If Kenya is to go to war with any country Parliament should give a 65% support to allow the Prime Minister to make the declaration. If the action is defensive the Prime Minister in consultation with the President and the Security Minister should act swiftly and seek immediate approval of the Parliament thereafter. These should apply also to emergency situations such as national disasters, insurrection, and break-down of public order.

Kenyan armed forces should never be deployed to foreign soil unless in direct interest or defence of Kenya herself.

Kenya should not be a signatory of any Regional and International treaty that calls for a security personnel or give equipment being deployed for fighting nations and operations beyond her borders. Kenya's military facilities should not be used by foreign forces to launch attacks on any other country. Nor should insurgents and guerillas be trained in Kenya or given place to train.

In the case of Kenya Armed Forces being needed to serve as peace keepers or trainers in any foreign country in accordance with the treaties in which Kenya is a signatory, modalities of compensation for loss of lives, equipments and injuries will have to be spelt out to Parliament by the Minister of Foreign Affairs and the Minister of Security. Parliament should give 65% support before the President can consent. If the terms and conditions of service are violated in any way the 65% are to re-call the troops back home.

Structure of Government. I suggest that Kenya should adopt the Hybrid System of Government. The Prime Minister as the Legislative authority, or the President as the authority over the Executive arm.

We should retain the Unitary form of Government. The President and the Prime Minister should serve for a maximum of two terms of five years each. The President, Vice-President and Prime Minister, all should be graduates from a recognized university and have at least a degree in an act of discipline preferably law, economics, or political science. All should have served as Members of Parliament for at least five years, and be over 40 years of age.

The Presidential candidate shall have to garner 25% from five of the eight provinces of Kenya as it is today. In addition he should command majority votes. The party that acquires a minimum of 66% of all votes cast forms the Government on its own. Later it can call for a coalition Government with other political parties. Two Presidential candidates who get between 45% and 55% of all vote casts will have to re-run.

Every party which fields a presidential candidate should at the same time field a Vice President candidate. A party that captures the Presidency shall have its choice for the Vice President.

In case the office of the President falls vacant the Vice President takes over immediately and automatically and for whatever time he serves in that capacity shall be regarded as a complete five years term. Thank you.

Com. Tobiko: Thank you very much Peter.

Peter: Thank you very much Mr. Commissioner. Changes should not be for the wrong. There should be two elections, Presidential and Parliamentary election at different times. Provincial Administrators should be elected and not be appointed. The Government should be of national unity. Ministers should be elected by the Members of Parliament. Mayors and deputies should be elected by the electorates but not the councillors.

Education and medical services should be free of charge.

Land adjudication should be reviewed so that it accommodates and settles all the land-less squatters. The President should not dissolve Parliament. The time of election of Parliament should be notified to the public before the dissolution of Parliament.

Thank you.

Com. Tobiko: Thank you very much. Johnson Gichuru

Johnson Gichuru: (Kikuyu Dialect)

Johnson Gichuru: Maundo maria kwenda mathi thinie wa Gatiba iria irathondeko rio. Wabere ne githomo gitweke gia toho ona thipitari.

Translator: Education should be free. Health services should also be free.

Johnson Gichuru: Kahawa ga Kenya kamenyirero. Na kagie na thogora mweka. Iria recokiuo koria riare KCC. Arime a macani mathondekero mbea na maundu maria mange mao;gerero.

Translator: Kenyan coffee should be safeguarded to fetch a good price. KCC should be revived. Farmers' products should be improved.

Johnson Gichuru: Bara bara cia Kenya ne irutagero magoti ithondekuo.

Translator: Kenyan roads to be improved with the tax payers' money.

Johnson Gichuru: Watho omenyerero no othondeko. Ona wendia wa indo iria toremega goko imenyero. Transport nayo ekoro ire fare

Translator: Good laws should be made and maintained. Marketing of our commodities should be taken care of. Transport, more so in matatus, is too expensive.

John Gichuru: Kwaria kwa o'mundu wo wothe gotueke free mundu atige koharasso.

Translator: Freedom of speech without any harassment. Thank you.

Com. Tobiko: Thank you, very good. Ruben Ngunu.

Ruben Ngunu: (Kikuyu Dialect)

Ruben Ngunu: Mbeere Mbeere, moyo ya andu emenyero ne thirikari

Translator: Life to be safe-guarded.

Ruben Ngunu: Wakiri ne ohoro wa gothokia mititu, ondu ocio nio gotoma mai mahui.

Translator: Environmental people should take care of forests to prevent rivers from drying up.

Ruben Ngunu: Wa gatatu ne oremi witu wa andu atu, wa agikuyu, turemaga kahawa, majani, mbea icio ikuma imenyero itege gothi na andu amwi.

Translator: The money that is gotten from coffee and tea should be protected.

Ruben Ngunu: Wa kana, sub-chief, na Chief, na Councillor mathuro ne mwingi.

Translator: Chiefs and sub-chiefs, should be elected by the public.

Ruben Ngunu: Mundu oria ongetweka President, atege gotomera indo ciandu te'ri ciake.

Translator: The President should not misuse Government property. Thank You.

Com. Tobiko: Linda Nyambura.

Linda Nyambura: I am thanking you for giving me this chance. The points I have are as follows. The nominations should be done on the same day in the whole country.

Parliamentary seats for women, the disabled, the youth and religious organizations should be represented. President should not be above the law.

Appointments of the cabinet Ministers, Permanent Secretaries, Heads of Parastatals should be done in Parliament.

Parliament should have its own calender. There should be no retrenchment whatsoever. Corruption should be wiped out completely. Thank you.

Com. Tobika: Thank You. Mwai

Mwai: We should have the following policies in our Constitution. Food Policy, Disaster Policy, Economic Policy, and Education Policy which should go to our Constitution.

There should be no cost sharing in education and health institutions since the money that caters for

Interjection:

Com. Tobiko: Point made, no cost sharing.

Mwai: Thank You.

Com. Tobiko: Charles Kinyua.

Charles Kinyua: Thank you Commissioners, and my fellow Kenyans. I would like to air my views on this issue of

Constitution. Election. The President should be elected by majority through votes. Elections should be fair and free without crimes.

Members of Parliament should be elected by the majority from their areas and after being dropped, they should not be nominated again to work for the people who dropped them.

Vice-President should be elected by the people and not appointed by the President. The President should have no power to dismiss the Vice President.

The President should not be above the law. The President should not hold all the seats ie. Chief of Justice, Chief of General Staff, Chancellors and all other various seats in the country.

Job allocations should not be for those who are not qualified. As we know there is a lot of bribe of between Kshs. 40,000/= to Kshs.60,00/= in Police, Army, Administration Police, NYS, and Prison soldiers. There should be no bribes, and people should be elected freely like it was there before.

Hospitals should be free, education should also be free for the poor. The cost of education is too high, more so in books, and building funds. Thank You.

Com. Tobiko: Can we have David Miano.

David Miano: Thank you Commissioners, ladies and gentleman, I hereby present my views to the Commission.

Military and Internal Defence. Recruitments: recruits should be taken on proportional numbers and necessary qualifications. Only minimum tolerance should be allowed to the not so developed all tribes. The military should take part in nation building by helping in making of the roads as it was previously, when there is no war.

The President should cease being the Commande-in-Chief. This is the highest status position that calls for great military know how and the ability to organise wars.

The President should not be above the law. This will put him under control like other Civil Servants and will put him in a position of not committing crimes like political assassination, rigging of elections and tending to remain in Power even when his tenure ends. Presidential tenure should be reduced to four years.

Political parties should not be more than three. These will weaken the strongest party, every party should be given Ministerial

seats, as its representation in government. Political parties should be funded by the government and not individual party members. Parliamentarians should be highlyly educated with a degree in a certian field and they should also be computer literate. Language tests are quite insufficient in selecting Member of Parliament.

A Prime Minister, for responding to the calls of the people, should be elected by all the parties.

An independent Commission should be formed to control the salaries of the Members of Parliament. The Commission should comprise of Attorney General, lawyers, and disabled representatives. The Commission should set their salaries to a compromising level. They increase their salaries without care.

Interjection:

Com. Tobiko: Go to the next suggestion.

David Miano: Electoral procedures. More women in administrative posts: this is an unfair claim for you should not vote for someone simply because she is a woman. A person who can deliver irrespective of gender is the one to vote for.

Fraud laws and defamation.. These laws should be revised and set properly with less fine laws that fit a particular tribe should not be allowed.

The President's portrait in every business. The President does not mean our government. Special seats in Parliament: these should be reserved for NGOs, lawyers, disabled people, church representatives, and farmers' representatives.

Citizen rights. Citizens should be protected more. Police should be trained specially to treat wananchi in a respectable manner.

Licensing and transaction of local brews should be encouraged.

Constitutional Review Commission. It should be reserved a seat in the Parliament and will be at par with Attorney-General's office.

Offices for receiving reports should be opened in every place where a reasonable number of people reside. A Minister for Human Rights and Constitutional Affairs is necessary to look into the needs of the people unlike the Attorney-General's office which in my view looks at the needs of the government.

Interjection:

Com. Tobiko: Your last point.

David Miano: The voting age should be reduced from 18 years to 14. Thank you.

Com. Tobiko: Thank you. Festus Wambua.

Festus Wambua: Thank you Honourable Commissioners, ladies and gentlemen. My views are few but the public will decide or the Commission.

The President should not be going out of the country for more than three times per year. Reasons being that:

Interjection: (inaudible).

Festus Wambua: Thank you. The President's entourage should not exceed. The President should not be the Commander-in-Chief of the Armed Forces. Once a candidate vies for a Parliamentary seat and is voted out by the voter, the President should not nominate him/her back to Parliament.

Cases of ordinary suspects should not be taking more than six months except for those of murders and land.

Education should be free for all. Public hospitals should be free to discourage private hospitals. Thank you.

Com Tobiko: Thank you. Murage

Muraga Kanyua: Commissioners, ladies and gentleman. My points are few Mr. Chairman. The first one, I would like to talk about agriculture.

Kenya is an agricultural country and I believe that hunger should be history,. This means that the government should have an act of law on how to use land. Water dams in the country can be made. People owning big lands, these land should be given to land-less people.

Mr. Chairman to make the people work very hard any free land should be taxed. By being taxed the owner will be ready to surrender.

Security should be number one in the country. Without security there would be no peace. People are sleepless, so the issue of security should be stressed highly. People abandon their work when there is no security.

Interjection:

Com. Tobiko: Mzee Kanyua we understand all that. What is your recommendation?

Mr. Murage Kanyua: My recommendations, Mr. Chairman, is to have a very strong security well-planned, so that everyone should be feeling free at any given time and in any place in Kenya.

Education should be compulsory, for this will enable all children from poor families and rich families to be educated. I noted intelligent children from poor families are denied education. A country without education means no progress..

Hospital: I recommend that health services should be free, people are dying because they don't have money.

Interjection:

Com. Tobiko: Please, let me remind you, give us your proposals.

Murage Kanyua: My proposal, Mr. Chairman, is the hospitals in the country to be free that everybody either old or young be treated free.

A law should be enacted for every employee to be monitored. What he/she does.

Issuing of lands or minerals to foreigners. this should not be given out unless the Parliament debates about it. I know Kenya salt was given to an Indian.

Interjection:

Com. Tobiko: Again, " give recommendations."

Murage Kanyua: If a President dies or retires suddenly we should not wait for ninety days. After one month there should be an election supervised by the Attorney General. The President should not be above the law.

Taxation, example hotel levy, such levy should be done away with . Thank you very much.

Com. Lethome Asman: I want to correct something here. Is it free and compulsory education or only compulsory?

Murage Kanyua: Free and compulsory.

Com. Tobiko: Mwai Koroni.

Mwai Koroni: Kwa nidhamu nawapongeza wale wote waliokuja turekebishe Katiba. Mimi ni Co-ordinator katika location ya (Rugoro). Mimi nimeambiwa na vijana ni lazima tuwe pamoja na. Hata kama ni mzee, mdogo, katikati yake, tuongee tukiwa pamoja, ndipo turekebishe Katiba ya Kenya.

Ya kwanza nitauliza hivi. Mababu wetu walipigania uhuru ndipo wapate mashamba. Mimi naongea kama kijana, kiongozi wa vijana, wapigania ardhi katika nchi hii yetu. Sasa huyu mzee na babu tutafanya nini? Tunataka kuongea ndiyo hata wale watoto wali-achwa na hawa wazee washughulikwe.

Interjection:

Com Tobiko: Tuko hapa tukuulize wewe hilo swali. Tutafanya nini? Katiba mpya itusaidie namna gani?

Mwai Koroni: Wale waliopagania uhuru wapatiwe mashamba. Watu wa Muoroto wapatiwe mashamba. Wale walio na mashamba makubwa tugawanye.

Com. Lethome Asman: Johnson Gakuru.

Johnson Gakuru: Maoni yangu katika Katiba ambayo ni ya kesho. Kwanza Rais asichukue mamlaka yote. Yaani asiwe juu ya sheria.

Ya pili, Rais yule atakayechukua madaraka awape nafasi mawaziri wote, na kila wizara itumikiwe kwa usawa.

Interjection:

Com. Tobiko: Pendekezo lako ni gani?

Johnson Gakuru: Pendekezo langu Bwana Chairman, ni kuwa Ofisi ya Rais iwe ya Rais pekee yake. Waziri katika Ofisi ya Rais awe ni mmoja. Yule wa ulinzi awe tu ndiye anashugulika na security, na hata Armed Forces.

Maoni yangu kwa upande wa Administration. Chief wawe wanachaguliwa na wananchi ambao ni watu wanaojuana wenyewe.

Wazee wa vijiji ndio wenye kuangalia maslahi ya vijiji kuanzia grass root. Wawe gazetted.

Upande wa hospitali. Matibabu yawe bure. Ingingine ni kuangalia upande wa enforcement. Enforcement iwe pekee yake wala isichanganywe. Ipewe uhuru wake, senior forester, na kadhalika.

Interjection:

Com Tobiko: Nani huyu atapatiwa kazi ya kuangalia misitu?

Jackson Gakuru: Kibali ni forester mwenyewe, si chief, wala mzee wa area.

Mkuu wa sheria apewe nguvu zake za kuchagua Chief Justice, na wengineo, sio afisi ya Rais inachukua madaraka yote Kenya mzima.

Wananchi wakati wa uchaguzi ujao, kila chama kipewe security wakati wa mikutano ya hadhara.

Ugawaji wa mashamba uwe unafanywa na wazee, si Bawna DC au PC, yule mzee anayehusika na area yake.

Com. Tobiko: Tupate Dancan.

Dancan: Wambere oria kuga ne ndamogethia nyuothe arute wira a thirikari. Reria Muthee arare' ho gethomo totirarehaga, ona thipatari.

Translator: Nawasalimu nyinyi wote. Nataka kusema wakati yule mzee alikuwepo hatukuwa tukilipa hospitali.

Dancan: Haria haki thirikari yoi gethomo. College itigocoka koreho, mwana wa muthine arerutaga mbeba ko.

Translator: Serikali ichukue elimu. Colleges zisiwe zinalipwa.

Dancan: Kiria kingi ne tomenyerero thiniu wa kahawa ne gathothinetie muno.

Translator: Watu wa kahawa wamepata taabu sana wamezeeka wakiwa tu kwa kahawa bila kupata kitu cho-chote.

Dancan: Natokorete togakenyia miaka ta'no nago'tiri kendo tuonaga. Aria mahothagira pesa citu, mahothira megonda yao iko'uo akendiyo tokona pesa citu.

Translator: Serikali iwaadhibu wale wanaotumia pesa yetu. Wakitumia, mashamba yao yawe inachukuliwa tuweze kupata pesa yetu.

Dancan: **Keria** kenge ne hiti cia gethaka igatueka ikareyaga megonda ya andu na totikereho.

Translator: Wanyama wa porini wameharibu mashamba yetu na hatulipwi.

Dancan: Boruri oyo ne wari na Dam cia mai na hendiyo mbura ndiagaga tondu ne kware na Dam cia mai na mbura ndiagaga tondu thirikari iria yari kuo ne yaroraga Dam ic'yo.

Translator: Dam za maji wakati wa zamani maji haikuwa inakosa sana sababu serikali ilikuwa inatunza hizo dam.

Com. Tobiko: Simon Wahome

Simon Wahome: Honourable Commissioners, ladies and gentlemen, I have the following recommendations to make in the new coming Constitution, which we expect to have.

First recommendattion is that we should have free education for all Kenyans. We should also have free medical treatment for all Kenyans. There should be a government of national unity, that is, all parties be together, and not one.

The President should not be above the law. The President should not also be the one to appoint Judges. He should also not appoint Permanent Secretaries There should be a Commission to appoint the above, if they fail they can be disclined. There should be a proper security in the whole country to aviod tribal clashes. There should be no political zones. Kenya should be free in the sense that all Kenyans should live and own property freely.

There should be a law to educate and to establish independent courts which would be dealing with the problems affecting people and not to be solved in a political manner. Ministers should be appointed according to their academic abilites.

There should be transparent boxes whereby everyone will see the ballot papers inside the boxes. The votes should also be counted at the polling stations and not to be transported because it is in this manner that fake boxes are pushed in. Electoral Commission should be free, not to be appointed by somebody.

Presidential candidates should have equal freedom, protection, and should also be funded and be allowed to travel to any part of the country. They should also have equal opportunities in the public media, like KBC, Citizen.

Interjection:

Com. Tobiko: Summarize your memo.

Simon Wahome: Members of Parliament should not be the ones to decide on their salaries. That is all.

Com. Tobiko: Thank you very much. Kemure.

Kemure: Nitasema kwa Kiswahili ndiyo kila mtu aelewe vizuri. Rais inapasa awe na kura 50% ndivyo ashinde. Si lazima awe ndiye Chancellor wa university zote. Kunaweza kuwa na Chancallor mwingine anayepasa kuchaguliwa na Parliament na manaibu wake wawili na mmoja awe ni mwanamke na mwingine mwanamume, wote wawili wanaweza kuwa wanawake.

Rais awe ndiye Amiri Jeshi Mkuu. Judge wawe wanachaguliwa na President, na majina yao inapelekwa Parliament ndiyo Members of Parliament wanaangalia tabia zao vile ziko.

Rais inafaa ashtakiwe akifanya kosa lo lote na Mwanakenya yeyote hata akiwa ni mtoto ama mama. Na hapo kwa sababu wengine ni maskini hawawezi kutafuta lawyer, Serikali iweke lawyer ambaye atakuwa akisimamia hiyo maneno na analipwa na Serikali.

Rais awe anaogopa Mungu. Si mtu ambaye ametoka na huko nje, na awe anahudhuria Parliament. Na akikataa kuwe na kamati ya kumwadhibu.

Ni vizuri kuwe na viti vya Prime Minister na Deputy wake, na mmoja wao awe ni mwanamke. Tuwe na Vice President wawili mmoja awe mwanamume na mwingine mwanamke.

Mawaziri wanafaa wachaguliwe na President lakini majina yao kwanza yapelekwe Bunge, yapitishwe na MPs. Mawizara zipunguzwe ziwe kama kumi na tano auo kumi na saba. Na kila wizara iwe na assistants wawili.

Sio lazima kuwe na maximum ya miaka ngapi ya yule mtu anachaguliwa. Kama mtu anapendeza wananchi na ni mbunge wanapenda wanawenza kumchagua wakati wowote ama miaka yo yote ile wanataka.

Commissioners wachaguliwe na Political parties. Parliament ichaguwe chair- person. Vice-Chairman, ikiwezekana akuwe mwanamke.

Wakati Parliament inafunguliwa kuwe na maombi na wawe wanaongoza maombi wenyewe. Yaani mmoja wao ajitolee kuongoza maombi.

Lazima kujulikane ni dini gani zinatakiwa zipewe vibali. Bunge likifunguliwa lazima kanisa zote ziwakilishwe na Pastor wao. Senior Pastors wapewe security kama Ministers.

Parties zipunguzwe ziwe tatu ama nne. Uchaguzi ukifanyika kura zinahesabiwa kwa polling station.

Wabunge wawe ni watu wanajua Kizungu na Kiswahili. Mayors wachaguliwe na wananchi direct.

Com Tobiko: Asante sana. James Mwangi Munuve.

James Mwangi Munuve: *(Kikuyu Dialect)*

James Mwangi Munuve: Gocejia gwa Gatiba nekwagerere, totigatore neria twari nayo hindi ya mothongo.

Translator: We change our Constitution because the current one was made during the colonial times.

James Mwangi Munuve: Uoni wakwa ne ohoro wa megonda, tondu twena mathina maingi ma megonda tondu kori andu maturaga barabara na ake icagini ne kwe naandu mena megonda inge menene. Megonda eko demarcation egayo reke.

Translator: I recommend demarcation of land.

James Mwangi Munuve: Watho wa president na power iri iguru ati na oragani na ndakurio abatie agathitakago. President agatarero kura cia wengi wa Kenya no ti 25% .

Translator: Presidential powers to be reduced and he should not be above the law. President should attain 50% votes, not the 25%.

James Mwangi Munuve: Arime a kahowa mehoteruo magorti maria matagerere.

Translator: Unecessary taxation to coffee farmers should be removed.

James Mwangi Munuve: Oria onge ne ati Commission ne korekia wira wao gethurani getari kera kinya.

Translator: The Commission to finish its work before the election.

James Mwangi Munuve: Oria oke ne ng'ombe, ng'ombe ya rikuo ne ngari mwene ngari neye wena mbeba akareha mwene ng'ombe.

Translator: The law should be reviewed. That when a cow hits a car the owner of the car should pay for the cow and not vice versa.

James Mwangi Munuve: Oria onge tokoro na gethoma kia fure na kia watho. Ona thipitari ikoro a ya fure.

Translator: I recommend free compulsory education. Free medical services. Wipe out corruption in all affairs of public life.

Com. Tobiko: Councillor

Councillor: The Constitution should provide for fundamental rights adequately. It should guarantee people of over 21 years of age land of their own to eradicate problems of Muoroto hence reduction of poverty. It should provide free health care, water, education, food and employment as basic rights for all Kenyans.

Education should be free upto primary level. The Constitution should protect farmers from exploitation from all areas. That is in purchasing of feeds, fertilizers and selling of their products.

The Government should ensure that seeds are of a high quality and cheap in price. This should also apply to fertilizers and

chemicals. Basic foods and cash crops like coffee, tea, sugarcane, etc. The Government should tax farmers something minimum to encourage the farmers to produce more and adequately and earn reasonably.

The Constitution should reduce the gap of the poor and the rich. It is not fair for one citizen to earn one million shillings a month.

Interjection:

Com. Tobiko: Give us recommendations, we know all about that.

Councillor: The government should minimize that gap. Nobody should earn Kshs. 1,000/= yet he has a family.

Interjections:

Com. Bishop Njoroge: Councillor give recommendations.

Councillor: The recommendation is that the highest person should be earning like one hundred thousand shillings a month. The lowest should be at least three thousand a month.

Com. Tobiko: Paul Gitahi

Paul Gitahi: Maoni makwa ne ohoro wa megonda. Tondu kure mothuri wena cina nyingi na ari na acre igiri kana ithatu, na ina ciana nyinge agaya mogonda oc'yo agatigo atare.

Translator: Maoni yangu ni juu ya mashamba. Kuna wazee walio na vijana wengi, wanane au tisa na wako tu na kipande kidogo cha shamba. Akigawa hiyo shamba haiwezi kutosha.

Paul Gitahi: ohoro wa thoko Ng'ombe eri gothira ne kora maratathe ma cukari.

Translator: Ng'ombe wanakufa kwa sababu ya polythene papers zinazotoka kwa soko.

Paul Gitahi: Thipitari cia Council ne ge'te goro muno.

Translator: Hospitali pesa imeenda juu sana si watu wengi wanaweza kulipa.

Paul Gitahi: Oria ke ne kahawa andu aria mare'ya'ga mbecha cia kahowa ikaga gokinyera aremi mauro ikinya.

Translator: Kilimo cha kahawa. Wale wanaoongoza wakiharibu pesa yetu wanachukuliwa hatua.

Com Tobiko: Father Kimani.

Father Kimani: From Orthodox Church, Kajiado Dioces. The current Constitution should be banned to avoid comparison

with the incoming Constitution. The current one is not whatsoever in favour of Kenyans.

Poverty eradication should be taken care off to avoid prostitution, street boys and other vices, poverty encourages such things because people fail to get their own food.

Church leaders should be taken care off and be protected because they are the mouth piece of God and currently they are not taken care of. (Palestine is better then Kenya).

Land limitation should be considered. Others have thousands while others have nothing. To avoid land grabbing there should be a limitation of the land.

People should be given more value than animals. If one kills an elephant he will be jailed, while people are being killed and nobody is jailed.

Hawkers in streets should be taken care of, so as to work freely, being one way of creating jobs.

Every Kenyan should declare his/her wealth to avoid corruption. Thank you.

Com. Tobiko: Thank you. David Githinji.

David Githinji: Thank you Commissioners and my fellow Kenyans. These are my views on Constitution reform.

Elections: there should be seperate elections for President, Members of Parliaments and Councillors so that wananchi have time to concentrate on one election at a time.

Interjection:

Com. Tobiko: We understand the point, please move on

David Githinji: There should be a provision for an independent candidate in the Constitution so that everybody has a chance even those who do not want party candidature.

Presidential candidates should not vie for MPs seats. A Minister should be a person who is resourceful not necessarily MPs. If we have people who are capable they can also become Ministers.

There should be a law to impeach the President if he fails the people. There should be a provision for 50% of the votes for the President and MPs and other elected members so that people with 10% and so on should not become MPs, or Presidents.

Vote counting should be done at the polling station and ballot boxes should be transparent. This will make sure that there is less rigging.

Interjection: (inaudible)

There should be a provision for a vote of no confidence in the President, Member of Parliament and Ministers when they don't do their job.

There should be a limitation on land ownership, some people have too much land either urban, while others have nothing.

Constituencies should be based on population and other conditions should be secondary. District boundaries should not have direct bearing on constituencies.

All Kenyans should pay taxes. Some have a lot of money and do not pay taxes, including Members of Parliament.

Mayors and Councillors should be elected directly by the people. Provincial Administration should be scrapped and be replaced by a more relevant authority preferably based on Local Authority Councils.

There should be a legal way for the Government to meet its commitment, currently.

Interjection:

Mr. Tobiko: Please understand again this. I am sorry ! Samuel Ngunjiri.

Samuel Ngunjiri: Honourable Commissioners, ladies and gentlemen, my views are on land and property. The Constitution should ensure that citizens have at least one acre of land. Those who are well off should not have more than one hundred acres. Anyone may own property anywhere in Kenya.

Basic Rights, food, security: The Constitution should ensure that there is food security for at least six years. The Government should subsidize the farmers and create incentives to all sectors.

Education: the Constitution should ensure that every citizen is literate. The Government should provide free primary education.

Health: the Constitution should ensure that every citizen is healthy. The Government should monitor epidemics and provide free treatment to all out-patients and in-patients where necessary.

Institutions. The Constitution should ensure institutions perform without interference from the Government. Thank You .

Com. Tobiko: Thank you very much. Kago Kamau.

Kago Kamau: Thank you Commissioners. Mine is to tackle just a few points because most of my points have been contributed by other people. I will go directly to democracy.

Democracy should be allowed to be seen working to its full meaning. It should have transparency and accountability.

There are some special qualities that a President should have. Being a Kenyan citizen, he should be a married person, living acceptable marriage life, should be a graduate from a recognized university and should be of sound mind.

The newly create districts which were carved recently to sort the wishes and desires of individuals.

Interjection:

Com. Tobiko: What do we do with them?

Kago Kamau: They should be disbanded and retain the old boundaries. The President should ganer over 51% majority votes from all Kenyans. Should he fail to acquire that a return of the first and second candidate should be done. He should be aged between 40 and 70 years. He should vie for two terms of five years each. He should also declare his wealth before election.

His duties include appointing the Commissioners, in parastatal bodies and non-governmental organizations. Some duties should be relieved off from, most of them serve as agents of corruption. Other duties which should be retained for him include, commanding the Armed Forces, giving honours and awarding degrees. The Parliamentarians should be people of 'O' level standard of education, and aged 35 years and above.

We should have one common Commission for all workers in Kenya, including Parliament, Judges, Forces, and all Civil Servants. The same Commission should look for remuneration of their salaries.

Any candidate who fails to be elected should not be nominated in the constituency where he has been dropped by the voters.

Nominations should be for special cases like disabled and other areas which need such elections. The Commissioners for election should be drawn from all registered political parties.

All those people who own land of 5 to 1,000 acres should be taxed at a rate of ten per cent of the land value per annum. Should we fail to find our views reflected in the new Constitution then we shall feel that this exercise was nothing but cosmetic.

Com. Tobiko: Mzee let me assure you on that, once we have analysed the views we collect from all Kenyans we will prepare a draft Constitution as a report, and copies of the draft Constitution will be sent to every Constituency, and civic education will be done. You will have a period of sixty days to study that document and you will tell us whether your views have been incorporated.

Com. Tobiko: Simon Kaguba.

Simon Kaguba: (Kikuyu Dialect) Kwaria ne gikuyu. Ne undo wa atho nekoria Minister wa mtitu kana aria mamenyagerera mtitu maheuo hinya toria wari kuo mbere.

Translator: The Constitution should enforce a law, that the forest people are not interfered with.

Simon Kiguba: President athouro akaba aka-resign. Makamu wa Raisi agathuro ne mwingi hando ha gothuro ne Rais we mwene.

Translator: The winner of the Presidential election should resign before the announcement of the results. The Vice President should be elected by people and not the President.

Simon Kiguba: Minister wa gethoma ahio hinya oria ararutaga wira wake mbere twaheuo we ya thi.

Translator: Minister of education should be given powers as those he had before so that no one interferes with him.

Simon Kiguba: Keria keke ne ohoro wa ndawa thipitarine. Minister oria orogamerere thipitari aheyo hinya wa korogamerera ndawa.

Translator: The other one is on hospitals. The Health Minister should also be given powers to do his work that people should not die due to lack of medicine.

Simon Kiguba: Ohoro wa Chief kana Sub-Chief reria megothuro, mathurago ne mwingi toria twathuranaga hauo mbere. Na matego koheuo hinya mwingi.

Translator: The Chief and Sub-chief should be elected by people as it was before. Their powers should be minimized.

Simon Kiguba: Iria angi ne'ohoro wa igorti reria totinaguo, ne undu wa njira. Minister wa njira ah'uo hinya wa korogamerera.

Translator: The tax we pay on road maintenance, the Minister should have the power to regulate that money.

Simon Kiguba: Iria inge ne ohoro wa majani maitu na kahawa gatu, aria marete mbecha cia mwingi mathitako. Minada ito ne yorere tondu totiri na hinya wa ndawa, oguo thirikari imenye oria ingtocokeria ndawa.

Translator: Coffee and tea farming. Those who have misused the funds should be prosecuted. Cattle dips. The Government should assist on medicines.

Simon Kiguba: Thirikari tomenyerero ne undo wa ogiteri. Thirikari egie na hinya.

Translator: The Police to be empowered to guard us well. Asante.

Com. Tobiko: Simon Muraguri.

Simon Muraguri: (Kikuyu Dialect). Gethomo getige gokoro na mutiple choice, kana gakaga gweceria.

Translator: The first one is on education. Multiple choice should be done away with in examinations.

Simon Muraguri: Ohoro wa agriculture ta kahowa, oria nyendagia ng'ombe yakwa nea kauga thogora wakwa. Andu aria maroraga ohora wa agriculture marore ohoro wa soil erosion.

Translator: Coffee farming. The farmer should decide on the price but not the buyer. I am recommending that measures should be taken on soil erosion.

Simon Muraguri: Gatiba itu ne yare'ganero ne Ngai ndire hando igweteti Ngai. Ihenda rere ya bereirye na ritwa Ngai otoria anthem ya bereriye.

Translator: The Constitution should start with the word of God just as our National Anthem.

Simon Muraguri: Mai, twe na catchment nyingi muno ona irema mai macio mathondekero handu ne getha kwara tokaremaga oguo gotigacoka gokoro na ngaragu.

Translator: The Government should consider building more dams. Water should also be gathered from mountains for this will enable us to farm during the dry season.

Simon Muraguri: Nderoka thin'ie wa health, Ne twagerero gothondikuo fure na dawa cia fure tondu ne torareha kinya igorti.

Translator: Health should be free.

Simon Muraguri: Porithi na arute othe a wira a thirikari magerero gwetekeruo magiye na kiama. Trade Union.

Translator: and police and all Civil Servants should be allowed to have a trade union.

Simon Muraguri: Ciana iria ire town thirikiri ndireciria igatweka ke cia'ne'neha. Thirikari imenye oria igatora.

Translator: Street children. The Government should formulate a policy about their future. On elections.

Simon Muraguri: Togethurana kogie na Independent candidate. Ne getha tonene ohoro wa rig in kora itarero haria cekeriou

Translator: There should be an independent candidate. Votes should be counted at the polling station.

Simon Muraguri: Mbeca itigekero pisa ya mundu, ithondeko environment.

Translator: Currency, our currency should bear portrait on environment.

Simon Muraguri: Mau Mau ne'yo maroweri we ya thi na ne magerere koririkanuo na monument yao ya'ko.

Translator: The Government should remember freedom fighters and a monument be erected for them.

Simon Muraguri: AIPCA ne'uo ma ber'eri'ye gethomo ona neu mati'rye wa ya thi nareria korahuo matikorago kuo mahore boruri wao.

Translator: AIPCA church has built schools and they fought for the independence but they are never included during the national prayers.

Simon Muraguri: Gotiri mundu wa gerero gokeria acre mirongo itano.

Translator: Nobody should have more than 50 acres.

Simon Muraguri: President agerero ne gothuro mbere na akoro atari na kيامa akora ti Chairman wa kيام gio guo'the, akoro aheto'ki'te na 51%

Translator: Presidential election should be done one year before the other, and the President can belong to any political party. He should get over 51% of the votes.

Simon Muraguri: Mwisho andu aria mathurago, mathuro aria cionje, mathuro youth, na mathuro atumia, no andu agima ta arume tondu ne meyendete muno matia'ge're'ro gothuro.

Translator: Nominations should be for some groups like the youth, disabled, and women.

Simon Muraguri: Ndahuo Ngai angegoro wira oh'uo muraruta ne'mokohetokia Thirikari eno ya Kanu Asanta.

Translator: May God help you to complete this work satisfactorily

Com. Tobiko: Asante. Charles Kahiga.

Charles Kahiga: Nitaongea upande wa squatters. Tungependa nchi ya Kenya, kama mtu ni citizen, awe na makao yake. Hatutaki tuwe na squatters hapa Kenya.

Upande wa Police. Police wawe huru wasije wakatumiwa na chama chochote ama Serikali. Chief na naibu wake tuwe tunawachagua. Kutoka DO, awe anachaguliwa na ile Serikali inayotawala. Sina mambo mengine.

Com. Tobiko: Asanta sana. Kama kila mtu angalifanya kama huyu mzee tungekuwa tumemaliza. Wambui Kanyi.

Wambui Kanyi: I am from Karatina, Mathira. My presentations are based on the issues of women in Mathira. I will just highlight.

The Constitution should have a directive principle which should state equitable representation of both genders

The Constitution should state equality before the law of all Kenyan citizens, regardless of gender or status, that is, no one should be above the law.

On citizenship, we are proposing that persons born by Kenyan citizens within or outside Kenya, with one Kenyan parent should be an automatic Kenyan citizen.

A person who is married to a Kenyan citizen, man/woman, should be an automatic Kenyan citizen also. The Kenyan Constitution should allow dual citizenship to enable Kenyans living abroad to enjoy their rights as Kenyan citizens.

Basic Rights. Life should be a basic right for all Kenyans. It should be respected.

Health care should be free for all Kenyans. Water, food, and education should be free and compulsory for all Kenyan children at least up to secondary school level. In higher education and public universities we can have cost sharing or loans which could be given out to be re-paid later.

Shelter should also be a basic right for Kenyans. Freedom of speech and association should also be basic right. Security and employment should also be a basic right.

We should have gender equality in decision making so as to enable both men and women in Kenya to play their roles in national development.

Elderly Kenyans, both men and women alike, those who are above 70 years, should be provided for by the Government from the public funds.

Affirmative Action which we are recommending to be enshrined in the Constitution to ensure at least one third representation of opposite gender in all decision making organs and institutions.

Political parties. The Constitution must ensure that the Affirmative Action policy is employed in the composition of political party structures. (Leadership in every political party). To ensure that we do not have many parties coming up, their formation should be regulated by the Constitution and all national political parties should have a national outlook with membership drawn from at least 60% of the Kenya's 42 or so different ethnic groups.

All political parties should be funded by the Government from the tax payers' money. We should have a provision for independent candidates to enable those who are not nominated by political parties to vie for any post.

Electoral Commission should be enshrined in the Constitution and we should have at least one third representation of opposite gender.

Parliament, which is under the Electoral systems should have a calendar indicating the times of elections so that the time for election is not decided by one person, that is the President.

Civic and Parliamentary elections should be held separately from the Presidential elections. After elections the polls should be counted at the polling station and the results announced immediately to avoid any corruption.

We are proposing that secret ballot method of voting should be enshrined in our Constitution for all public voting.

Interjection:

Com. Tobiko: Try to summarize, we will read the memorandum.

Wambui Kanyi: Okay! On legislature we have a affirmative action to ensure that we have at least one third women representation in Parliament come next general election.

A President should not represent a Constituency. He should have Kenya as his Constituency. His tenure should be limited to a two/five years period terms. That is ten years in total and this should have a continuation of what we have in the current Constitution so it should apply to the current President.

Constitutional Commission. We are recommending that the following Commissions should be enshrined in the Constitution, starting with Constitutional Review Commission to ensure that it has its security and its work completed. We are recommending a National Gender and Development Commission which should have at least 50% women representation, a National Commission to manage natural resources, National Commission on Local Authorities, and a National Land Commission. All these Commissions should be appointed by a selected Committee vetted by the Parliament.

We are also proposing a National Food Commission to ensure that at least we have food security in this country. That Commission should have at least 50% of women representation because we are the ones who produce most food in this country.

All children, boys/girls, should the have right to inherit land, and men/women should have rights to own and control land anywhere in Kenya.

Com. Tobiko: Thank you so much. Can we have Mugere Munohe.

Mugere Munohe: The Commissioners, members of the public, on my own behalf and “Nyana Self Help Development Club”, I am here to highlight our memorandum. I will be talking about the rural roads. The well-being of Kenyans lies in agriculture. 80% of Kenyans are agriculturalists and, they have been abandoned in the following ways.

Interjection:

Com. Tobiko: Munohe: Do not tell us, we know.

Mugere Munohe: Road network should be improved. Elections: I am proposing that those who are contesting should not be forced to resign before they have been elected.

Environment. We are saying that the environment, being important to this nation, should be protected. There should be no axation of forest land. It has been done politically.

Security of the nation. It is imperative that the police and defence forces should be independent from the Office of the President.

Squatters his is a legacy which was created in the year 1952, and some Kenyans are still living in the village.

Interjection:

Com. Lethome Asman: What should they do?

Mugere Munohe: They should be re-settled elsewhere and not within the forest area.

Corruption is one of the greatest disease in this nation. Auditor-General should have tenure of office and powers to prosecute. Anti-corruption Authority should be autonomous and have powers to prosecute. Judiciary should be independent.

The Vice-President should be elected by the electorate. The set- up of the Government. The President, Vice-President and the Prime Minister should be elected by the Members of Parliament.

Finally this being a democratic forum which we hope will accomplish our mission the destiny of this nation lies in selfless devotion of every member of this country. In this regard the Kenya Constitution Review Commission members have been portrayed in the contrary by both electronic/press media. Therefore we do request you to be patriotic enough and be committed to this nation. Thank you.

Com. Tobiko: Thank you. We take the advice. Wandeto Waweru. Mzee enda kwa point, point.

Wandeto Waweru: Thank you Honourable Commissioners. Our Constitution should have a preamble which.

Running of education should be left to the professionals without interference by non-professional politicians.

On taxes, the taxes should be collected and accounted well for providing services to the public.

Electoral system and process. Secret ballot should be used. Majority rule should win. Let there be no special favours for women. There should be no minimum percentage of votes per one or per constituency for Presidential election. If a candidate fails to be nominated in one party he/she should not seek nominations with another party.

If somebody defects from one party and joins another party let there be a by-election. The 25% rule in five Provinces should be scrapped so that the President with the majority of votes can rule the country.

Interest groups ought to be protected by the Constitution but not by having seats in Parliament.

The current geographical boundaries in the constituencies should be disbanded, so that the boundaries can be created according to the population of the people of these areas, in the sense that all the areas will be equal, MPs will be equal according to the number of people they represent.

The Civic Elections and that one of the Parliamentarians should take place at the same time, but Presidential elections should be held separately.

All the powers should not be left to Parliament, or the Executive. Some powers should be left to the wananchi. So there should be room for public referendum. Thank you.

Com. Tobiko: Thank you so much. Muju Kanja.

Muju Kanja:

(kikuyu Dialect)

Muju Kanja: Boruri oyo witu . Mundu wothe ori boruri oyo witu akoro ina acre 50 no timakeria.

Translator: Land ceiling should be 50 acres.

Muju Kanja: Mundu akora akinyia miaka mirongo mogwanja agatethio ne Thirikari

Translator: Elderly over 70 years should be helped by the government.

Muju Kanja: Thipitari ekoro I'ya toho. Ithaka igairo athine no itigakoro na mundu tawe kana ne'ye.

Translator: Medical be free and idle land be given to the poor.

Muju Kanja: Gethomo gethondekuo, toria gia thomithaguo totari na we yathi.

Translator: Education system should be improved. Freedom fighters should be paid.

Muju Kanja: Andu aria metir'ye we ya thi mareho.

Com. Tobika: Kuna mtu ambaye anataka kuongeza na hajasikia jina lake likitajwa? Tujaribu kufupisha, dakika mbili mbili.

(Kikuyu Dialect)

Nahashon Macharia Ngari: Gatiba ethondeko ne'ihanya mbere ya githurano.

Translator: New Constitution should be out before the elections.

Nahason Macharia Ngari: Raithi akoro ne wa gotongoria boruri iweke, nia tige kuo mwira mothe.

Translator: The President should be Head of the State only and not to hold all the powers. The people in charge of that particular division should be given those powers.

Nahason Macharia Ngari: Raithi mweru atwetheri ndawa ya Aid na merimo iria inge.

Translator: The new President to get cure for AIDS.

Nahason Macharia Ngari: bara hinde ya gethurano ithire.

Translator: Election violence should be reduced.

Interjection: laughter

Com. Bishop Njoroge: Ciama ciaiheha gweko atia.

Nahason Macharia Ngari: Ndiyo'e Thirikari irore mtitu.

Translator: The Government should take care of the forest.

Com. Bishop Njoroge: Thank you very much because of your points.

Com. Tobiko: Elijah Kinyua

Elijah Kinyua: Ne'damogethiya andu a Kenya, Cina ne iraciaro nyingi muno makeria na itiri na hand'o ingerima. No jugire oo twethiro hand'o ciana icio ingehoto korima neguo itetheke.

Translator: There are a lot of children who have nowhere to farm, and the government can formulate a policy.

Interjection:

Com. Bishop Njoroge: I am asking. Okay, the Government can get a place for the young ones, but is it a must for people to give birth to so many children?

Elijah Kinyua: I cannot change from KANU because it fought for our independence.

Com. Tobiko: James Mwai.

James Mwai Muchiri: Good afternoon Kenyans. Thank you for giving me this chance. I would like to suggest the following to be in-corporated in the Constitution of Kenya.

There should be a Supreme Council to oversee the running of all the affairs of this country and therefore bring about wide consultation on any matters affecting the nation.

The Council should include Parliamentarians, professional Councils, the Cabinet, and the President.

There should be equal rights for all the citizens regardless of their statues, race, creed tribe, gender, or other disparities.

There should be security for all, justice for all, and compensation by the Government where such areas or rather where it fails to implement such recommendations.

Corrupt officials should be convicted through an anti-corruption court and property seized to become state property after such court judgement.

Constituencies should be based on population and minority groups should have some People nominated to represent their intresets.

Constitutional officers such as Auditor General and others should be vetted by the suggested Supreme Council.

Public Officers should declare their wealth, before they assume offices so that they can be supervised to see that they don't involve themselves in corruPt deals.

There should be equitable distribution of the nation wealth. The resources should be managed by the various ministeries and officers under which they are charged and they should be the persons responsible for any such questions arising from the mis-management.

Transfer of power: the Supreme Council should appoint somebody conversant in law to oversee a smooth transition from one Government to another.

All citizens should be guaranteed quality life in Kenya. Thank You.

Com. Tobiko: Thank you very much Mr. Muchiri. Maina Njogu.

(Kikuyu Dialect)

Maina Njogu: Atori aria toturaga barabara kuma reria twaingatero mititu tokorago na thina muno kori refugee. Gatiba ikiandeko irerikane maundu macio.

Translator: I want to Present the following: refugees from other countries are given food, clothing, and everything else. In the new Constitution let the poor in Kenya and the squatters be remembered by the Government.

Maina Njogu: Ne ati nyamu neciokaga gothokia irio citu. Koguo angegoro nyamu no cikananie na andu onao atokoria acio makare na cio.

Translator: We farm in the forest, and the wild animals attack us and destroy our crops. If we are to live together with the animals then the Government should take care of the people.

Maina Njogu: Twahanda miti, njogu ciokaga igathokia. Andu makare kwao na njogu gwa cio.

Translator: We plant trees so that our country can receive enough rain. Elephants do destroy the trees we plant in the forest. The Government should protect human beings.

Maina Njogu: Thirikari irore indo cia boruri, na jera teno andu aria maiyaga mandekero Auditors. Na Auditor ocio okage na thiri.

Translator: The Government should pay close attention on corruption. The Government should have enough auditors, who should be visiting Government offices secretly.

Maina Njogu: Gethomo ki'ro ne giatoho, gokoro no'guo, akoro negekoreho gokoro no'guo.

Translator: Education cost sharing should be fair. Asante.

Com. Tobiko: Thank you. Daniel Mwaniki.

(Kikuyu Dialect)

Daniel Mwaniki: Maoni makoua ne meri. Moderator wa Kirimara Presbyterian.

Translator: I am the Moderator of Kirimara Presbyterian. I have two opinions. .

Daniel Mwaniki: Wa mbere ne ohoro wa President gothuro ne kerende ge giothe, ti PartY imwe no ne andu othe. Vice President ndagerere ne gothuro ne President kana one party athuro ne mwingi wothe.

Translator: The first one is on the Presidential election. He should be elected by all people and not one party. Vice President should not be appointed by the President or a party, but be elected by the people.

Daniel Mwaniki: Mundu ogowetu Attorney General ndagerero gokoro agetweka appointed by the President. Parliament ne' yo ya'ge're'ro ne komwa point.

Translator; Attorney-General should not be appointed by the President. Parliament should vet him because of his

qualifications. Thank you.

Com. Bishop Njoroge: Ningetaka kusema kwamba tumeshukuru sana kwa ajili ya muda huu wote. Tumekuwa na zaidi ya watu tisaini na tano waliotoa maoni yao. Ningetaka kuchukua nafasi hii kushukuru wanakamati wa three 'C' District hii ambayo wako hapa ningependa wasimame tuwaone.

Kila mtu ataje jina lake, kwa sababu hii kazi imefanyika hapa imefanyika kwa sababu ya nyinyi.

Mimi jina langu naitwa **Lydia Wamai**, na mimi ni makamu wa mwenyekiti. Reverend Mwaniki ni mmoja wa wanakamati.

Mimi naitwa **Joseph Mugo**. Mimi ni mmoja wa wanakamati.

Mimi naitwa **John Gatwa**, na ni mmoja wa wanakamati.

Mimi naitwa **Ndwera Kehuria**. Mimi ni mmoja wa wanakamati na area yangu ni hii. Nimeshukuru wale wamefika na nyinyi wenye kutuongoza. Asante.

Naitiwa Rev. Daniel Mwaniki, mimi ni Moderator wa Presbyterian hii. Nasema karibuni sana. Hata ingawa tumechelewa, nilikuwa kazini nje huko Embu. Nimejaribu kukimbia ili ni-wakute. Karibuni sana na asante kwa kazi nzuri ile mmefanya.

Com. Bishop Njoroge: Wameisha? Nina civic education providers pia wamefanya kazi nzuri. Anybody can introduce them.

My names are **Erastus Munyiri**. Mimi ndiye Chairman wa Civic Education katika (Munyeri). Mimi ni James Muriuki Kamunya, nilikuwa mwalimu wa Civic Education. I am Onesmus Mureithi Mugo from Kagumo Commercial College. I am also a Civic Education Provider.

Mimi naitiwa **Kamau** na nilikuwa nafanya kazi ya Civic Education.

Com. Bishop Njoroge: Nawashukuru wote waliohusika na kazi hii. Mimi, tangu hii kazi ya review ianze, nimekuwa mwenyekiti wa Central Province. Nimekuja mara nyingi. Kama nilivyosema jana na Ma-Commissioners wenzangu wamesema hivyo, hatujaona Constituency ambayo ni ya ajabu kama hii. Na-tumesema hivyo. Nyinyi watu wa Mathira lazima mshukuru Mungu kwa sababu leo watu wote wa Kenya watasema eti watu wa Mathira wamejitolea na kazi imekuwa safi kuliko mahali popote tumeenda Central Province. Tuwapigie makofi. Watu wa hapa walisema hawatafanya kazi kwa ajili ya pesa.

Andu acio ne kwerutera mareruteri, na andu akwerutera ne manyeheri kuma reria Mau Mau ya nyehere andu akwerutera ne

manyehere ari mari kuo tia; andu akwerutera mathondeke boruri, na andu a Mathira ne tuona ne andu akwerutera. Na ni kuga aterere Ngai nei komorathima, tondu gotiri mundu ohandaga na ndake atia? Wira ocio morutete ti wira wa toho. Na ibuku ria Ngai ne retweraga kiria guothe mundu ahandaga ne' iagethaga. Tithue tokomohe ne Ngai oria we iguru.

Nitamshukuru Member of Parliament. Yesterday when I met him, he said that he will see to it that so many people turn up. Nimejaribu kuuliza na nikasikia haku-interfere na kazi ya Civic Provider. Kwa hivyo ningetaka kushukuru wanasiasa pia kwa kutoingilia mambo ya kazi hii negatively. Watu wa Mathira ni viongozi, na tunawashukuru. Tunataka kuwaaga kwa sababu muda wetu umeisha. Tumechukua maoni yenu. Tutaenda kuyaandika tukimaliza Provinces zote na tutawarudishia riporti ili kwamba muangalie kama tumeandika yale maneno mumesema.

Reke' iye ndemwere atirere ne ondo wa andu an' gi gokuo koro ne magi' re kwehoko andu. Gotiri mundu we hokete mundu boruri ne oyo. Ona rere muraruta maoni kori ange marauga totiye kana maundu maya ne magakinya mothiya mwega. Boruri othiriga reria ngoro cia ndu ciakuo muno ato gotiri mundu okehoka oria on' gi. Kwe' nda mweke oguo mogie na nyamu etago(inaudible) muge Commission ino ya igiro ne tokomehoka. Ori mundu ahoyaga na getekia neguo Ngai ikaga. Tonge' tekia nugakenya mothiya mwega ne undu wa boruri mwega ne ogakenya ki. Tu' ngetekia ndugakenya mothia mwega, ne ndirikanaga kuogo nderiro ne Cucu tene muno muno. "mundu angu' ona mtumia wake auma na koria ama akau' ga ne jo' ye uma hand' o hana na mund nga' nia ihi' nda na re' nge, mwaka no' nge, mtumia ocio mothiya ne ageka og' uo, tondu maroho macio nimo ora mokeria. Ongekeriuo maroho gethi matikomonyita. Na' ithui tokemenyera kuona o undu moro gotire wega tuo' naga, tokona togatora oguo. Reke' i to' gue na koro ya kuona ati ohoro oyo neo gakinya mothia.

Motigo na wega ne torunana reke. Ne kwenda gweta Moderator atohoithie.

Nie jetago Bishop Bernard Njoroge. Jikaraga Ongata Rongai no ndaciadero Ndia. Ne torowere wira oyo muno na netweteketie Ngai ndakereka wira ouo wage gothira. Motigeceriye nake President, tondu ihinda riake negothira rerathira, mundu wothe niethondekaga ona mothuri niegayaga reria agweka atia ekwenda gothi. Koro ndendega ena njira nyingi cia konina ohoro oreko oyo. Tumuhuire negetha nake wira oyo abereriye, thirikari ino itume wira oyo okinyeye mothia mwega, negetha tukegia na katiba jega. Mundu tongekara tukuonaga ndetekera ohoro oyo okinye mothia onake noauge atireri andu matarakenjehoko reke njeke oria marinda. Kori na andu Mau Mau mehaha nekomatigera kuogo geke koria guothe thiuti andu a Mau Mau ne mwaruteri wira mwega ona akoro mwenathin, mwaga koririkano generation ino ne mokererikano ne ino turorete. Mutigakwe ngoro. Reke ndemorerekanie atireri agikuyu nike gitumeti mogiyeke ne geke, no mohaka twetigire Ngai, reria andu mathiri mutitu maguire atia, "Ngai twahoto niwe weka atia ? ee twa hotana? Nie wahotana. Reria weyathi uokere ne twerire Ngai ne wega, twainire Munyao hafia bendera tukuiga ne twanyakorere na thakami itu igetika. Gethe tithwe twakehotanir". Athuri macoke haria tware meri Ngai ne twahetirie tondu we yathi iyo newe wa hotanire torekere muno ne' getha Ngai acoke gotuigua. "Oka haha Moderator otorathime na niwega ne undu wa gotohe Kanitha oyo".

Moderator Daniel Kariu: Basi na tuombe, thiniwe wa ritua ria Ithe witu, na ria Murio, Na ria Roho Mothuri twakogatha ne ondu wa wira mwega wa tindania na ndunka'ta ciaku mwathani, na iguru wa maundu mothe ne'oma'menye're're wira wa bereria na ritwa riako mwathani re' ne'orekaga no oka'gio na rogoco, nao andu makegwatera kerathimo makuga niwe Ngai. Riwe ne'wega mwathani ne ondu wa korekania hamwe na'ithui. Muthinya waira ne'ora'tinda'nirie na Commission ino koria Karatina naguo muthenya wa omuthee ne watindania nao thinie wa gekaro geke. Orogoco na arokumio maundu ma'ya mothe tumaigete guokone gwako Ngai ne undu niwe withure're ndukata ciaku Ngai, magatiga mawira marito na manene magoko ne' getha maheyani maoni maya thiniwe wa ritwa riako Jesu.

Ndukata ciaku iku'ga aria maratwarana hamwe na'we matihotago, onaria makwehokoga matihotogo ona ri'a mthamaki mwega Jesu mawoni ne maheya'neto thiniwe wa boruri oyo na we niwe twa'gweterera ri'yo we niwe twakwehoko orogoco na orokumuo ne getha maoni maya uona makero thi mathugonda haha na haria han'ge ne ondu roho waku ne orakoreto hamwe na ithwe tuone guoko gwaku. Ne'getha Constitution maundu mothe magaroro mare ma kogocithiya kuigo giako Jesu, na'guo wara wothe na ihoto ciothe cia ngoma cionekange maweraine haha na haria ha'nge ne twaregana namo thiniwe wa ritwa riako Mwathani.

Na riuo tondu ne orona kwe'ha'ya'na kwa ndukata ciaku kohota, konyota, konoga, mwathani witu mwega Jesu niwe twagokaira ne'getha oteme jira namo maundu mothe mage'rere na'guo boruri oyo wa heya'nere thiniwe wa ritua riako Mwathani oro'ga;ma'gerere, menyagerera atokoria aria otohite ne'getha ritua riako riamorago ne rigocago kona nake ocio moru reria ang'eynda kwe'gocithia haha na haria hange akahotag'uo ne undu ithiwe tori ndukata cia mahoya. Niwe twagothaitha negetha orogame na negetha wa yonanie na we gocethiye thinwe wa boruri oyo, negeth ritwa riako riamoro na regoco kona.

Na ha haria ngoma ang'enda ko'nge're'ra, haha na haria han'ge ohoro wa woti thakami oc'yo twamorega na twamokoma thinie wa ritwa riako Jesu na orogoco na orokumyo. Ne wega ne undu wa ndukata ciako gotinda thinie wa gekaro geke ona newega ne undu wa korekanereria tondu riuo ne turamaiga thinie wa moko ma'ku ithuothe toke'iga mokoni maku ne getha oturathime na ototuge, na negitha wira oyo naguo okinyanere.

Re'uo amwe magecoka Nairobi na aria an'ge magecoka Nyeri aria ange Karatina na aria angi magetigo thiniwe wa itora rere mwathi mwega Jesu togitere na ocoke gotuonekera na gotutongaria na gotumenyirera, naguo ohoro wa ngari iria igothe na ndukata ciaku muthamaki mwega Jesu igitero na iregecerio ne thakami ya gaturome na orogoco na orokumiyo. Maundu ma'ya mo'the twa hoyia thinie wa Kristo Jesu ari we Mwathi. Twahoya.

Na reuo iguru wa maundu mo'the kirathimo kia Ngai ithi witu, na Kia Ngai Murio, na Kia Ngai Roho Motheru geturage hamwe naithwe ithuothe tutore tokomenyete na tukwendete. Niwe otare otugitagera ne ogiteri boruri oyo. No ogitagire itora rere ria Mathira na ogitageri Central iri yo'the na ogitagire boruri ori wothe na ogitagere ndukata ciaku kona. Ne'getha ruo'ma'ge're'

ro na ihondokero reria tukarete thiniye wa boruri oyo tokenage tukuonaga wega waku na otugi waku.

Ne undu wa kerathimo kia Ngia ithe Witu, na kia Murio, na kia Roho Motheru geturan'nye hamwe na ithuwe neguo tutore tukenete na toturi tuonaga wega wako na otugi wako, ne ithue turahaga ritwa riako re Moyo na kuma ihinda rere kinya tene ona tene. Amen, Amen. Asante na Bwana azidi kuwabariki na tumeshukuru kwa kushinda hapa, na Mwenyezi Mungu azidi kuwaongoza na kuwabariki sana.

Meeting ended at 4.55 p.m.

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