

**CONSTITUTION OF KENYA REVIEW COMMISSION**

**(CKRC)**

**VERBATIM REPORT OF**

**CONSTITUENCY PUBLIC HEARINGS, MWEA CONSTITUENCY, AT  
WANGURU CATHOLIC CHURCH**

ON

24<sup>TH</sup> APRIL 2002

CONSTITUENCY PUBLIC HEARING, MWEA CONSTITUENCY, WANGURU CATHOLIC CHURCH, APRIL  
24, 2002

Present:

1. Com. Pastor Zablon Ayonga
2. Com. Prof. H.W.O. Okoth Ogendo
3. Com. Mrs. Alice Yano

Secretariat in Attendance:

1. Charles Oyaya - Programme Officer

2. D. O. Konyango - Rapporteur
3. Susan Mutile - Verbatim Reporter
4. Christine Moraa - Sign Language Interpreter

**The meeting started at 10.00 o'clock with Com. Zablon Ayonga in the Chair.**

**Com. Ayonga:** Wale ambao mko mbali tafadhali mje karibu ili tuanze mkutano. Na wale mlio nje mnaota jua hebu kuja hata hapa ndani sasa joto limeanza kuingia.

**Com. Ayonga:** Asante kwa music. Nadhani imetuanzishia vizuri siku hii ya leo. Hapa tuko katika nyumba ya Mungu. Na kabla hatujaanza, munajua kwamba mmekuja hapa ili tuweze kuchukua maoni yenu. Wengine wenu mmeleta memorandum ambayo imeandikwa tayari, ambayo tutawauliza ukipenda utatoa memorandum yako na pia utupe maneno makubwa makubwa kwa hiyo memorandum. Pia, unaweza kutoa memorandum bila kusema kitu. Pia, kuna nafasi kwa wale ambao mnataka kusema maneno yenu kutoka kwa midomo yenu bila ya kutaka memorandum. Lakini kwa vyovyote nyinyi nyote tutawapa nafasi ambayo itakua sawa kwa kila mmoja. Na kwa hivyo wakati ambao tutaanza tutafuata hii list ambayo inafuatana na majina yenu. Sitaacha mtu yeyote nje. Na kwa hivyo wale ambao mmejiandikisha na wale ambao wataendelea kujiandikisha tutakua tukifuata hii list na ndio tutakayo fuata. Na pia zile dakika ambazo nitakupa, nikikuambia zimekwisha tafadhali uwe mtiifu. Kwa maana tunajua umetayarisha maoni yako, uwe tayari kuyasema hayo hayo. Na wale mlio na memorandum hatutaki mtusomee neno kwa neno kwasababu ya kutupa hiyo memorandum ili tuende nayo ni kwa maana tunaenda kusoma. Sisi tunataka tu utuambie memorandum yangu inasema juu ya hiki na hiki na pahali unataka kuweka nguvu, uweke nguvu upande huo na mengine utuachie. Na nikikuambia your time is up, basi unatii, unajiandikisha, una-submit unaenda kuketi.

Na hapa mbele kabla hatujaanza nataka mjue wale waliyomo ndipo tutaomba Mungu ndipo tufuate taratibu ya leo. Mkono wangu wa kushoto uko mwisho.

**Com. Yano:** Kwa majina naitwa Alice Yano, Commissioner, hamjamboni? Karibuni.

**Com. Okoth:** Na mimi ni Prof. Okoth Ogendero, Commissioner.

**Com. Ayonga:** Mimi ni Pastor Zablon Ayonga, Commissioner. Na hapa kando yangu on my right.

**Mercy Njoka:** Naitwa Mercy Njoka, District Co-ordinator, Kirinyaga District.

**Com. Ayonga:** Huyu ndiye jicho letu on the ground. Sisi tutarudi yeye atabaki. Na kule tunao watu ambao wana-record mambo yenu. Kila jambo ambalo utasema tuna machine inachukua jina lako na ile body ambayo una-represent na kila neno

utasema litakuweko. Kwa hivyo hakuna yule atakayesema ambaye neno lake litapotea. Pahali umeweka koma hiyo itakuweko, full stop itakuweko. Ahsante sana. Na kabla hatujaanza ningewaomba nyinyi nyote mliomo hapa tusimame na nitamuuliza mchungaji yule ili atutolee maombi. Na kuna, wapi yule mtu ambaye anafanya sign language? Hebu fanya kama kuna wale watu wako huko wajue kwamba tunaendelea.

**Com. Ayango:** There are not any? Okay, basi Pastor ututolee maombi.

**Pastor:** Natuombe. Mwenyezi Mungu twakushukuru sana kwa kutupatia nchi yetu ya Kenya ambayo tunaipenda sana, ambayo iko na rutuba hasa zaidi kwa vile umetuletea mvua. Sana sana Mungu twatoa shukurani nyingi sana kwa vile umeweza tuwe watu wa tarafa hili ya Mwea. Na siku hii ya leo tumeitarajia kwa muda mrefu. Bwana, kwa vile umetukusanyisha hapa kila mmoja wetu tukiongozwa na Ma-Commissioners wetu ambao umewateua ili wasikilize maoni yetu, ili watengeneze Katiba ambayo itadumu kwa miaka mingi kwa benefit ya serikali yetu ya Kenya. Tunapoanza mkutano huu Bwana tunaomba kuongozwa na wewe, utulinde, utusaidie na mwishowe tutatoa shukurani tukitoka hapa tukisema tumebarikiwa na tumekuona. Bariki kila mmoja wetu wale wameingia na wale wako njiani wakiingia uwalete ili tushirikiane pamoja. Na hayo tunaomba katika jina la Yesu Kristo mkombozi wetu. Amen.

**Com. Pastor Ayonga:** Basi muketi. Ahsante kwa maombi Pastor. Sasa niko tayari kuanza. Okay Ng'ang'a Machai, tafadhali uje hapa. Ng'ang'a Muchai ana memorandum na tungependa utupe highlight ya memorandum yako ndipo utai-submit kule.

**Ng'ang'a Muchai:** Thank you so much. Hii ni memorandum ya P.C.E.A Mwea Outreach ambayo ni makanisa tisa. We have a memorandum here, which I can highlight on statement of policy. You see that we should have a policy in the country.

We have talked about Constitutional amendment, and we say that amendment should be looked at in the new Constitution so that there is increase from 65 majority to 90.

**Security:** We have talked of defence and national security whereby we stated the appointment of the armed forces, the appointment of Police Commissioners, Prison Commanders, should be done by Parliament.

**Political Parties:** We say that their membership be looked into so that in every province they are represented. Also, we should have registration of more than 10,000 mature Kenyans.

**Civic Education:** We say that our people do not understand the system that is existing right now and any other system that might come. So we need our people to be told on the systems of governance so that we can understand particularly majimbo, which our people do not understand. So we need some education on that and referendums done. Tufanye

maoni kama wangetaka ama hawataki.

**Parliamentary Qualification:** We feel that constituency should question the M.P's capability and capacity. Some M.Ps have a habit of just idling in Parliament and therefore we say that the Constitution should give the people powers to recall them. Every three years, there should be verification by a committee that should evaluate an M.P and make their findings public. We say that an M.P's job should not be a part time job it should be a full time job because nowadays there are getting a lot of money and therefore they should resign all other posts and concentrate on Parliamentary work.

**The Executive:** The Presidential elections should be done alone, not with other elections. And, should be acceptable in all provinces that the same percentage of votes cast in all eight provinces. Five to ten thousand people in all eight provinces should nominate the president. His party should also have sitting M.Ps.

**Provincial administration:** It should be scrapped because there is a lot of division of duties and work. Ministries should get the duties done by provincial administration normally done by other ministries and government departments. Also, we say that there is a lot of unnecessary tours done by provincial administrators in what they call kukagua miradi ya maendeleo. These are unnecessary expenses. The administration police should join the regular police as a wing or a division. And they should stop this guarding the D.Cs, the P.Cs and the M.Ps. And also the police should be given to various to others departments not the administration.

**Judiciary:** The appointment of the Chief Justice and of the judges to High Court should be done in Parliament so that we remove impartialities and also loyalty to one or any office.

**Local Government:** We need to look at the election particularly of mayors and county council chairmen and on management of resources.

**Land:** Our land as a resource has been very much abused and therefore we would like the Constitution to look at that. Protect and maintain water catchment areas, protect plots in the councils so that we stop this grabbing. We can create a watchdog that can be able to do the work and stop this 'killing' of our land and plots all over the country.

**Electoral process:** As I have said earlier, they should be done differently. The local council, the Parliamentary and Presidential election should be done differently even if it takes six months or so it will be okay so that we can have leaders that are committed to our country.

**Party politics:** On the parties' crossing over the floor, and merging with the rest, we say that a referendum should be

done on Kenyans so that we do not have only delegates who go and merge without really knowing what they are doing.

It should be done after a referendum is taken.

We recommend that a Presidential candidate should be a sitting MP, nominated by 5-10,000 people, attain 2% of total vote cast in all 8 provinces. This will remove the infamous tribal marriages based on provinces.

**The Electoral Commission:** This important establishment should be done and nominations will be given of about 60 members who should be reduced to 25 in number that is 3 per province and then the chairman. This will enable us to have a well-covered Commission and he should stay in the office for 10 years. There should be a qualification for that. They should have a degree as a minimum qualification so that we can have an Electoral Commission that it worth for our country. Thank you so much.

**Com: Ayonga:** Thank you. Thank you so much Mr. Ng'ang'a sasa chukua hiyo memorandum yako kule na u-register uweke kidole halafu utaiacha kule. Thank you so much. Next ni Gatungu Kamadiri. Mzee ninatoa dakika tano tu. Anza.

**(Kikuyu translated in Kiswahili)**

**Gatunge Kamadiri:** Tuheo title cia migunda itu.

**Com. Ayonga:** Ukisema sasa unajua dakika zako ambazo ni tano zinakua bili na nusu, huyu atachukua mbili na nusu na wewe mbili na nusu. Lakini kama unaweza kiswahili ungesema tu.

**Gatunge Kamadiri:** Nilikua nimeandika kwa Kikuyu.

**Com. Ayonga:** Okay. Lakini uchanganye Kiswahili iende haraka.

**Gatunge Kamadiri:** Tuheo Title Deed cia migunda itu, iria turimite miaka mirongo ina na itano na tutikaheo Lease.

**Translator:** Anasema wapewe title deed za mashamba ya mchele na wasipewe lease.

**Gatunge Kamadiri:** Tonduni ni tiri ota uria ungi.

**Translator:** Kwa sababu ni udongo kama kwingineko.

**Gatunge Kamadiri:** Title Deed iria ciahetwo Irrigation Board

**Translator:** Zile title deed zilikua zimepewa National Irrigation Board

**Gatunge Kamadiri:** icokerio Mwea Rice Multipurpose tonduni nio marugamiriirwo.

**Translator:** ipatiwe Mwea Rice Growing Multipurpose kwasababu ndio inasimamia kilimo cha mchele wakati huu.

**Gatunge Kamadiri:** Thirikari iheane mawatho maria Board iratwatha namo, arimi tutongorio na njira iria itwagiriire.

**Translator:** Zile national irrigation scheme Constitution zile zilikua zinafanywa na NIB zirudishiwe wakulima.

**Gatunge Kamadiri:** Thirikiri irugamirire thogora wa mucere, nigetha makagiragia mucere wa kuma na nja hindi iria marona ati kwi na mucere wa kuigana.

**Translator:** Serikali isimamie uuzaji wa mchele ndio waweze ku-control kile kiwango cha mchele unaoinaingia katika nchi kabla hawajamaliza ile wamelima.

**Gatunge Kamadiri:** Tuthondekerwo Board njeru tuhote guteithio ni na arugamiriri a mai, bara bara, Canal hamwe na research, na Board io korwo no itwo wega itwo Mwea Irrigation Board.

**Translator:** Kuwe na board nyingine isipokuwa ile ya National Irrigation Board ikiwezekana iwe Mwea Irrigation Board.

**Gatunge Kamadiri:** Offisi ya migunda ikorwo iri imwe ni undu nikugite na fake Title Deeds.

**Translator:** Officie ya kupeana mashamba iwe moja kwasababu kumekua na ulaghai wa Title Deeds.

**Com. Ayonga:** Ahsante sana Mzee kwa report yako. Unatoroka? Weka kidole. Next Jona Getimu.

**(Kikuyu translated in Kiswahili)**

**Jona Getimu:** Muriega, nii uria ngwenda kuga ngwaria na Gikuyu.

**Translator:** Ahsante. Anawasalimu na anasema atatumia lugha ya Kikuyu.

**John Getimu:** Tuokire guku mwaka wa mirongo itano na mugwanja na niguu twambiriire kurima mucere na tukorago na watho uria wa Kebeberu na ni watho wa 347, na watho ocio nitukwenda tuninirwo nigetha tuhote guthondekerwo sheria njega, tondu twathagwo ota andu aria mari ngombo.

**Translator:** Anasema, walikuja hapa 1957, ndipo walianza kulima mchele. Na wangali wanatawaliwa na ile sheria ya mkoloni. Anasema ni sheria 347. Wanataka hiyo sheria iondolewe ndio waweze kua na sheria nzuri kwasababu wanatawaliwa kama wakoloni.

**John Getimu:** Tondu twi Kenya Uhuru, natwina migunda iitu na gutiri handu hangi tungithii, nituroria tuheo Title Deed cia migunda niguu tuhane ta andu a Kenya, tutikahane ta andu a gokomborwo.

**Translator:** Tuko Kenya huru and tuko kwenye mashamba yetu, hapana pahali pengine tunaweza kuenda. Wanauliza ma-title

deed ya irrigation scheme ndio wawe kama Wakenya wengine.

**John Getimu:** Totikahane ta andu agukomborwo.

**Translator:** Kwasababu wamekaa kama refugees. Ni hayo tu.

**Com. Ayonga:** Ahsante mzee unaweza kwenda kule uweke kidole. Next ni Samuel Wainaina.

**Samuel Wainaina:** Mimi naitwa Samuel Wainaina. Natoka hapa tu Kamchege upande wa Irrigation Settlement. Nitaanza kuongea hali ya barabara na vile inasimamiwa na askari. Mambo yangu naongea kuhusu askari kwasababu watu wamekufa wengi barabarani na madereva wengine wanaogopa. Askari wanaingia vijia vya vichochoro ndio wakati mwingine wakipiga gari sana, gari inaanguka inaua watu. Kwa hivyo naona kama tungeondoa sheria nyingi za barabarani ndio sheria hizo zisiwe zikitumiwa na askari barabarani ndio wawe wakichukua hongo. Ndio naonelea kwanza nisema haya mambo. Sheria nyingi ziondolewe zibakishwe zile za muhimu tu za barabarani kama vile zamani ilikua kuangalia brake, kuangalia kila kitu cha gari na ndio sheria zisiwe nyingi sana za barabara.

La pili ni ukulima. Ukulima humu nchini umekua ukitatiza sana. Kama watu wa irrigation walipewa jina hili la irrigation kama kutengwa watu wa sehemu sehemu ndio wakawa wameekewa kodi kila kitu za kutoa pesa. Naonelea Kenya nzima kila mtu awe na haki ya kulima na maji. Na kabla ya maji hayo yawekwe kwenye mfereji, yawe yakiwekwa kwa dam na hiyo dam iwe ikigawa maji mpaka kwenye mchanga wote. Ikiwa ni mchanga mwekundu au ni machanga mweusi au ikiwa ni mlimani kuwe kukiingia maji kwasababu ikiwa imewekwa mfereji basi itaweza kwenda mpaka huko. Ndio serikali iwe ikigharamia hayo mambo na mkulima hawe akitoa kwa hiyo kodi anayetoa kwa kila kitu anachonunua.

Sehemu ya tatu naongea juu ya mambo ya vile Bunge ilivyo. Bunge yetu imekua kama sarakasi. Ukisikia kila kitu ni Rais, na ministry ina Minister wake. Naonelea mimi kila ministry iwe ikipewa Minister awe ndio mwenyewe na sio Rais. Rais asiwe ana jukumu ya ministry. Ministry iwe ikiwa na mwenyewe akiwa anafanya dhambi au anafanya makosa apelekwe kotini ashitakiwe, na afungwe au afanyiwe kile judge ataona.

**Com. Ayonga:** Umemaliza? Mbona huongei?

**Samuel:** Nasoma ndio niongee

**Com. Ayonga:** Time yako inakwenda

**Samuel:** Nikiingia kwa Ministers. Mimi naongea juu ya ma-Minister vile wanachaguliwa. Minister vile nimeonelea ikiwa Minister akichaguliwa na Rais, huwa akimtumikia Rais peke yake, sio wananchi. Naonelea Minister awe akitolewa kwa kila

chama sio chama kile kinatawala. Awe anatolewa kwa kila chama na akiigia huko asiwe akipewa kazi na Rais awe akipewa na Bunge kulingana na vile ana ujuzi wa kazi hiyo.

Yangu yamefikia hapo. Ahsante.

**Com. Ayonga:** Ahsante sana mzee. Kuja hapa ili uweke kidole. Next ni mama Milka Mutua. Halafu atafuatwa na George Ng'ang'a.

**(Kikuyu dialect translated in Kiswahili)**

**Milka Mutua:** Ha ritwa njitagwo Milka Mutua.

**Translator:** Kwa jina anasema ni Milka Mutua.

**Milka Mutua:** Ndina kiuria, kana tene gwatouraga o uu? Migunda ona ciea itari njira .

**Translator:** Anasema kuna baadhi ya watu wanapewa mashamba ama plot na hazina njia na kuingia kwa mashamba ama kwa plot.

**Milka Mutua:** Kiuria kiu nikio nyuma natio, gia kumenya kana tene niguo kwahanaga.

**Translator:** Sasa maoni yake alikua anatoa juu ya kutolewa kwa barabara za plot ama shamba mtu akinunua shamba ama plot anapewa hata njia.

**Com. Ayonga:** Ahsante sana mana kwa kuja hapa, mama rudi kwanza uende kule uweke kidole. Kule, James Maina. Hakuna James, Paul Ngari.

**Interjection: (Inaudible)**

**Paul Ngari:** My names are Paul Ngari Ishimo. I want to represent my views on colonial rules that are still in existence today. The present Constitution should abolish laws created during the colonial era and considered to exist upto today that assume the African will never determine his destiny.

**Irrigation:** The irrigation act, which was created in 1966 by an act of Parliament, borrowed almost everything from the colonial laws and by- laws and with it the NIB was created. The laws assumed that the African is irrational and incapable of managing himself. The act therefore, should be reviewed seriously and comprehensively to reset the present realities and more so, to uplift the dignity of the African, especially the rice farmer.

At this point I would like to suggest that the NIB which was formed to manage irrigation activities and carry out their work within the principles of these laws, should also undergo a major overhaul and reform both in structure and function because the rice farmer, has now proved to be rational and must be uplifted from the status of a slave or tenant to that of a serious and respected partners with the government in rice farming and research.

In view of these rules and institutions created as a result, like the NIB, we want to suggest that the NIB should be comprehensively reformed and individual schemes to manage themselves as independent economic units, in partnership with the government and in conjunction with local county council and district development committees. There should therefore be no transfer of funds or resources from a common pool, or otherwise at the expense of farmers from one scheme. Those schemes that are not economically viable, can consult the local DDC and county councils for a more economically viable uses of the land.

Still again, as to the review of the act and reforming the NIB and uplifting our fellow African farmers to the status of partners, the farmers should get title deeds, through their co-operative societies and farmers should also be consulted and contribute 99% of the policy in the field.

**Economy:** I also want to present a paper on uplifting of our economic status. The title is De-linking Economic Units from Politics. The present Constitution must provide clear and firm registration against interfering in economic units or leaving them to rot without following or monitoring their activities.

Economic units are co-operative societies that mobilize savings from Kenyans, parastatals and co-operations. The present Constitution must protect co-operatives as a way of eradicating poverty and support them irrespective of whether they are in opposition zones or KANU zones. A case in point is the Mwea Multipurpose Rice Grower Society that has been left to be financially vandalized by corrupt people, without government auditors coming in time.

A few remarks are that, let the farmers not suffer because they elected an opposition MP. Similarly, the N.I.B is holding farmers first in the form of dividends and nobody is pushing them the account for them. The Constitution must also provide clear and serious regulations that such economic units must be properly audited and also accountable to the Public Accounts Committee in Parliament. From there, I want to say something about the education.

**Com. Ayonga:** You have only one minute

**Paul:** Yes, I will manage within a minute.

On the Education Act, we want a provision to be made of views of the stakeholders in major policies like the change of education system. This is because unless for example, an education system accepted to all Kenyans is in place, Kenyans will continue to think about eradication of corruption, poverty but to no avail.

There is a big correlation between corruption, poverty, economic performance and the education system in place in a country. This is because when everything is said and done, the essential contributors to economic development are the managers of economic units including those families in the rural areas. If these managers under through a controversial education system they will make controversial decision all over the country and we shall continue asking what is happening. Without an education system acceptable to all Kenyans, we can constitute very many KACAs and

Corruption Police Units, but they will not work. The Constitution should therefore provide a span of time for which Kenyans can assess the usefulness of the education system and immediate changes relevant to Kenyans effected.

Furthermore, stakeholders who include parents, teachers, professionals and even students themselves should account for 90% of the final decision and the rest 10% to be left to the Executive.

Thank you.

**Com. Ayonga:** Could you please submit your memorandum and then sign for it? Thank you so much Mr. Ngari. Now Mary Muturi. Mary if you could give us the highlight of your paper.

**Mary Muturi:** I am presenting a memorandum from the Daine Women Group. We have it written in point form so I will just go through the points briefly.

I am Mary Muturi from the Daine Women Group. We want the following: -

- We want Kenya to have a preamble in the Constitution.
- We would like a Constitution with a national philosophy and guiding principles enforced by the law. A Constitution of supremacy and everybody to be under the law. People should have a say on the amendment of the law. Referendum based on church so as to reach the people and Ngo's and Barazas. Citizenship of Kenya should be based on strict rules before issuing of the ID. Not automatic as it is today.
- Disciplined forces should not be directly under the President.
- Parliament should have the powers in case of emergency. That is if there is something that has taken place, then Parliament should meet and decide on how they are going to assist the people.
- We should have many parties so long as they have a national outlook and are not based on tribal basis funded by the government.
- The ruling party to consult other parties on national matters.
- There should be a Prime Minister elected by people and the President and not majimbo.
- We should have an independent Parliament with strict calendar of events. That is, we should have time when the Parliament is in session and time that it should be on recess.
- The President should be answerable to Parliament.
- Parliamentary candidates should be university graduate i.e. he should have a degree.
- There should be a body to determine the salary of the members of the Legislature like any other body. An independent body should review current salary of the Parliamentarians.
- There should be nominated M.Ps from special groups e.g. the disabled, women groups, churches, councils and N.G.Os. Women participation in the Parliament should be encouraged.
- We should have a coalition government.
- Parliamentarians should have high integrity.

- The President should not have powers to dissolve the Parliament.
- The President should be an MP. Once elected in office, he need not represent a constituency.
- The people should elect Provincial Administrators.
- The Judiciary to be independent. Kenya should have a Supreme Court.
- Mayor and people should directly elect councils' chairmen. They should stay for a period of 5years. Councils should be independent from Central Government. They should have a minimum education of O-levels. People should call their Councillor through the chairman.
- We should have a secret balloting and majority rule.
- The government should provide for security, health care, water, education, employment and education.
- Education should be compulsory for all. So we should have free education so as to have a better follow up.
- The Constitution should guarantee all workers the right to trade union representation. Free school equipment should be guaranteed for all classes. From standard one to university.
- Kenyans should own land anywhere in the country. Any woman married over five years should be admitted by the law as either married, customary, ceremoniously or administratively. Any couple should not stay more than three years without a certificate. Men and women to have equal access to land, council of elders to determine land cases. Thank you.

**Com. Ayonga:** Submit your paper and sign for it, thank you. Rosemary Ndung'u. She is from the Legal Women.

**Rosemary Ndung'u:** I will go through the memorandum of my group. I am Rosemary Ndung'u representing the Legal Women Voters National Unity.

- We should have noted unity in our diversity.
- Equal treatment for all before the law.
- Supremacy of Constitution.
- Guarantee individual freedom and basic rights e.g. food, shelter, security, health and education.
- We have also noted in supremacy of Constitution any amendment should be subjected to a referendum and not 65% majority. The Electoral Commission should contact the referendum. We have also noted about automatic citizenship. We have also noted political parties.
- There should be maximum 3 to 5 strong political parties. Parties should be guided by rules and regulation to safeguard stability. They should be audited for transparency and accountability in political parties.
- There should be provision for a coalition government.
- Structured system of government.
- The Presidential system government should be retained with checks and balances.
- Separation of powers between the three arms of government.
- The President should not be a parliamentary candidate. He should be elected by 75% of voters.

- The President should not belong to any political party.
- If the President is a woman, the Vice President should be a man and vice versa.
- The President should be morally upright and married with a stable family.
- The presidential candidate must be a degree holder.
- There should be a desolution of powers and limited powers. The President should not appoint the Vice President, the cabinet, Attorney General, Chief Justice, Solicitor General, Judges of the High Court. Chairman of Electoral Commission, Ambassadors, Central Bank Governors and Provincial Administrations.
- Legislature appointment to be vetted by Parliament. Procedure to recall members of Parliament. Collection of signatures from 1/3 of registered voters in the constituency. Members of Parliament should have a code of ethics, should be of upright character.
- A maximum of two presidential terms of five years each.
- He/ she aged between 35 to 60 years,
- A coalition government also should be allowed.
- The President should also participate in registration.
- Multiparty representation in the Executive
- Declaration of his/her wealth.
- He should not be a Commander in Chiefs of Armed forces. Should not have a prerogative of mercy powers.
- Presidential mis-conduct: Misuse of power, mis-use of country's public resources, violation of the Constitution. He should have a vote of no confidence. Prosecution if guilty, he should surrender all government property and machineries. Provincial Administration should not be there. The Judiciary should be independent, separated from the Executive. There is need to establish a supreme court. This should be a Constitutional court.

**Com. Ayonga:** Just highlight. We are going to read the whole thing.

**Rosemary:** Okay, thank you. We also noted something in local government, electoral systems and process. We have noted the basic issues of basic rights. We have noted rights of vulnerable groups, land and property rights. We have noted about culture, ethnic and region diversity and communal rights. Equitable distribution of natural resources., enhancing the laws of the Controller and Auditor General. Attracting contempt for public service employees, strengthening the Public Service Commission's code of ethics, participatory governance, international relations, Constitutional formation, institutions and offices, succession and transfer of power.

Thank you.

**Com. Ayonga:** Just one question before you leave.

**Com. Okoth:** Madam you have just said that the President should be morally upright. We are writing a Constitution how do

we put that in the Constitution? What kind of evidence should we get for a Presidential candidate that shows that he is morally upright?

**Com. Ayonga:** The scale, give us the scale., because you see you should give us a solution.

**Com. Okoth:** I hope you understand if you say the President should have a degree, we can ask for his degree certificate.

**Rosemary:** Sorry?

**Com. Okoth:** If you say a person who want to be a President should hold a degree we can ask for a degree certificate. If you say that he should be married.

**Rosemary:** (*Laughing*) He will be a person whom we know very well. So we have evidence from the people who know him or her or from the clan or something or someone to give an evidence for him or her.

**Com. Okoth:** So we hold hearings to determine the morality of the Presidential candidate?

**Rosemary:** Yes.

**Com. Okoth:** Alright.

**Com. Ayonga:** Thank you. Peleka memo yako. Next is Rev. Silas Mureithi. Unayo memorandum na tafadhali give us highlights.

**Silas Mureithi:** I will do so. I am representing Mwea Sub-District's National Council of Churches of Kenya (NCCK). We have many areas we have covered but I am going to highlight only important areas.

- In the preamble we said that the Constitution should make sure that people's sovereignty of people should be recognized and the word of God should be included because it is the sustainer of the world.
- Concerning economic social and cultural and communal rights. These include: -
  - 1) The right to equal education,
  - 2) A safe working place to people,
  - 3) And the provision of free education. Concerning the land and property rights we have highlighted many areas, but I will only mention a few, one or two. Men and women should have equal access to land and property, not only men. Secondly, a Kenyan should have Constitutional rights to own land or property and settle in any part of the country.

Concerning the structure of the government, we say that parliamentary governance should be adopted where real power of the government lies in Parliament, the Legislature and Supreme authority.

The qualities of the President: -

- He must have at least a university degree or equivalent because our Kenya today is a learned country.
- He or she must be or between 35 years to 70 years.
- He or she must have no criminal record. And he or she must be a person of high integrity, God fearing and impeccable character above reproach.
- He or she must be married with a stable family.

Concerning the powers of Executive, we have underlined many. The Constitution must provide for the approval by Parliament of a major Executive appointee, that is Ministers and Constitutional officers.

Regarding the election and electoral procedure. One of the points we raised is that the 25% votes in provinces rule currently in the Constitution must be abolished. Instead for one to become head of government, he/she must have at least 51% of the total votes cast in the election.

Regarding constitutional and human rights. The Constitution should protect the rights of the minorities.

On the public finances, all corrupt offenders are to be made to repay whatever they might have acquired through corruption. And again, we noted that any person convicted of a corruption related offence to be barred from holding a public office. Past corruption related offenders to be prosecuted.

Concerning natural resources we recommend that a natural resources commission should be established. Public land to be privatized only in the interest of public.

Regarding the law and function of the civil service, we recommend that an independent public service commission be established.

Concerning land authorities, mayors and chairpersons of county councils should be elected directly by people.

Concerning the Attorney General and the administration of justice, we propose that the various functions and laws should be nationalised. We have indicated in the memo so you can read that one.

Concerning the Parliament calendar, part of the current effort to reform the Constitution of Kenya should include removing the control over the Parliamentary calendar from the President and the party in power and handing it to Parliament itself.

**Com. Ayonga:** Ahsante sana. Lakini ngoja Reverend.

**Com. Okoth:** Rev., again we are trying write a Constitution and therefore, we won't put anything. Only those things that we

think are practical. You have suggested that the President should be holder of a degree. You have also suggested that he should be married and have a stable family. Now many people will agree in this country that Jomo Kenyatta was a very good President, but he did not have a degree. What is the problem?

**Rev. Mureithi:** We have given a provision. Although he may not have a first degree, at least he should have education that is almost equivalent to that of degree level.

**Com. Okoth:** And on the question of marriage, one of the most outstanding presidents that we know was Archbishop Mac Rio. He never got married because he was a Catholic priest. One of the most outstanding presidents in the continent was Nelson Mandela. He was married but he did not have a stable family and in the end he got divorced while he was president. What is the problem?

**Rev. Mureithi:** In fact in that issue, mainly we thought that spiritual leaders cannot qualify or cannot be accepted 100% to the political areas. So, political leaders should stick to politics and spiritual leaders should stick to spiritual affairs. But I should say, we can provide that a case can be attended on its own merit.

**Com. Ayonga:** Next will be, Reverend pande ile, Joseph Mwangi. Bwana Mwangi natumaini utatupa highlight tu. Hicho kitabu ninapokiona ninaogopa utasoma mpaka jioni. Kwa hivyo, just tell us what the main contents are. Au sivyo?

**Joseph Mwangi:** I am reverend Joseph Mwangi Munywa, representing ACK Njinguruku Parish within Kirinyaga Diocese. These were our views regarding the review of the Constitution.

**The Consttution:** The present Constitution does not include words like people, family and God. Neither do we state that this nation is dependent and accountable to God. Therefore such things should be included in the preamble plus the vision, wishes and aspirations of the people of Kenya.

**The Bill of Rights:** The existing rights are limited through many exceptions. Therefore, the language of rights should be made accessible and the exceptions should be removed. Rights like equal education, a safe working place, safe and informed health care as well as the right guaranteeing group integrity are not included in the Kenyan Constitution.

**Citizenship:** All people born in Kenya of parents who are both Kenyan citizens should be regarded as automatic citizens of Kenya. All children born outside of Kenya of parents who are both Kenyan citizens or children born of one Kenyan parent regardless of the parent's gender, spouses of Kenyans citizen regardless of gender, must be entitled to automatic citizenship even when they are citizens of their own country. Therefore, the Constitution should have a law for dual-citizenship.

**Land and property rights:** The new Constitution should put a ceiling on the acreage of land owned by individuals. And the issues of the squatters should be addressed.

**Political parties:** Kenyans should be discouraged from being fragmented by many political parties founded on ethnic basis. Political parties that have a national outlook should be funded from the consolidated funds.

**Form of government:** Kenya should adopt a unitary form of government comprising the three arms of government. The Executive, Judiciary and Legislature. However, a mechanism should be put in place to ensure separation of powers reinforced by operational checks and balances.

**Structure of government:** A Parliamentary government should be adopted where real power of the government lies with Parliament. The ministers should be responsible to Parliament. A two-chamber house should be put in place. A Lower House, made up of M.Ps elected from their respective constituencies, and an Upper House.

The country should be clustered into districts or regions and each should be represented by at least two delegates irrespective of size and population. This will take care of the big and the small ethnic groups syndrome prevalent in Kenya.

The Constitution should provide for Prime Minister who should be the head of government and answerable to Parliament.

Qualities of President or the Prime Minister: -

- He or she be a Kenyan citizen by birth, 35 years and not more than 70 years of age.
- He or she must have at least a university degree or its equivalent.
- He or she must be of sound mind and this should be determined by medical experts appointed by the Parliament and with a security of tenure.
- He or she must be economically stable.

**The role and powers of Parliament:** Parliament must vet and approve Executive public appointment. Parliament must determine its own calendar. The existing Parliament will not be allowed to determine their terms or allowances of service. The current eighth Parliament should be included in the List of Shame for having awarded themselves fat salaries and heavy allowances when the economy is retrogressed at -0.3% and poverty stands at 66%.

**Com. Ayonga:** Summarize please.

**Joseph Mwangi:**

**Public finances:** Parliament to approve all its expenditure. All corrupt offenders to be made to repay whatever they

might have acquired through corruption. Past corruption related offenders to be prosecuted.

Concerns and fears of the public: Most of the people in Mwea have fears whether the views they present to Ghai Commission will be included in the Constitution. Their reference has always been the Saitoti Commission of 1990 whereby their views were doctored and distorted to favour the establishment. They have insisted that the National Referendum in Constitutional review process be made mandatory as a strategy of monitoring whether their views were included.

**Com. Ayonga:** Thank you, thank you, Reverend Mureithi. Kuna swali ngoja.

**Com. Okoth:** Reverend, first of all I want to clarify one point arising from the last comment you made. The fear that the views you gave may not see the light of day. I want to assure you that this is the one commission whose views or rather whose work the President or anybody cannot shelve. The only body that can shelve the report of this Commission is Parliament itself. So if you have faith in your Member of Parliament, I hope you will urge your Member of Parliament and see that nothing happens to this Commission to abort its work. This Commission reports directly to Parliament.

Secondly, before our report goes to Parliament, the report at the draft Constitution will be brought back to you, and the people of Mwea will have an opportunity for 60 days to debate that draft Constitution and will have an opportunity to determine whether their views have been taken into account. And if they have not been taken into account, you will be able to say so that the Commission can again review the article.

So, there are enough safeguards to ensure that the wishes of the people are taken into account and the people have a way of ascertaining whether or not their views have been taken into account. So I want you and everybody here to have that assurance.

**Com. Ayonga:** Sasa toa hilo lijitabu lote kabisa hapo. Thank you. Next is Christopher Muthigani. Christopher una dakika chache na tupe just highlights of your memo.

**Christopher Muthigani:** Thank you. I am representing Catholic Churches and Priest Commission Mwea Parish.

**Interjection: Com. Ayonga:** Sema jina lako vizuri kwa maana nimeharibu jina lako.

**Christopher:** My name is Christopher M. Muthigani. In our deliberation we found that we are supposed to have a preamble in the new Constitution and it should reflect the following:

- The diverse ethnical groups with different ethnical background, together, fought for freedom from colonial government. We want this among other things on the preamble.
- Then we looked at national symbols and we said that they should be protected by the Constitution. These symbols

include the national flag, which should be similar to any other flag. The National Anthem cannot be changed anyhowly. The Court of Arms should not be changed and no political party should use such symbols. A national currency should not have a picture of a person but a unifying object.

- On citizenship, we said that the issues to be considered for a person to become a citizen should not discriminate against gender as long as one does not have a dual-citizenship.
- After the review of the Constitution has been done, at least it should stay for 10 years before amendment. Members of Parliament should amend some parts of the Constitution but others should be through referendum, especially those that are touching on government structures.
- We prefer a parliamentary system of government with a ceremonial president and a prime minister who is the head of Government and Commander-in -Chief of armed forces.
- The President should be above party politics and should be nominated by several bodies e.g. or one can nominate himself for election. But should be elected by at least 50% of total votes and if that is not so, we should have a second run by the two best candidates.
- Administration should be under the Prime Minister and the Parliament is the only one that should be allowed to declare war.
- The disciplined forces should be enshrined in the Constitution.
- Only the political parties with an operational manifesto should be recognized and to ensure that they have a national outlook, they should have at least 5% of registered voters in at least four provinces. The political parties that are recognized are to be financed from the consolidated funds.
- Parliament should vet the following offices: -
  1. Permanent Secretaries,
  2. Judges and the Attorney General,
  3. Chief of General Staff,
  4. Auditor General,
  5. Public Service Commission
  6. And the Director of Intelligence.
- The Parliamentary duties of an MP should be full time. We should have a mechanism of recalling an MP if he gets involved in embezzlement, sexual immorality, abuse of power, land grabbing, corruption and fraud.
- Salaries and benefits of M.Ps should be determined by independent salary Commission comprising Chief Justice, PS finance, Chief Secretary and PS, other ministries.
- The Parliament should have its own calendar and MP should have an institution to train them especially on information technology.
- The following should be nominated to Parliament: The Muslims, Kenya Episcopal conference and the disabled. And women should at least make 30%.
- For a party to formulate a government on its own, it should acquire at least 50% of the elected M.Ps. Unless that is so,

it can form a coalition government. Parliament must have the power to have a vote no of confidence on the Executive.

- On the Electoral Commission, we deliberated and found that it should be independent and it should draw its money from consolidated funds.
- Muslims, COTU, NCCK, KEC, Hindu and one representative of NGO's should nominate the members appointed in the Electoral Commission. .
- On defection a member should lose the seat and should not be allowed to vie in the future. On defection and affiliation, which is commonly known as 'merger' all these members should lose their seats.
- The quorum of Parliament should be 70% because it is supposed to be a full time activity.
- On transition, the power should be handed over to an ombudsman for 90 days if the Presidential seat is declared vacant.
- When the President is not in the country, the Vice President should be given power to act as President. The President should not run for two terms and anybody who has already served two terms should be barred from seeking election.
- The President should not hold any other office and should be paid well. He should be accorded security, and good pension upon retiring.
- The President should have a family and must have not any criminal record.
- He should not be above the law and impeachable upon wrongdoing.
- He should be a believer of God.
- On the Judiciary part, we feel that a Supreme Court should be added and on appointment of judicial officers, they should be qualified, competent and independent. The tenure of judicial officers must run upto retirement date. And judicial powers to be exclusively in court. And the government must provide resources. Its council to represent the victims who require legal aids.
- Lastly on the local government, the mayors and council chairmen to be elected directly. The mayor should run the full tenure of five years and if inefficient, he should be recalled by those people who had elected him.
- On land and property rights we say that government and local authority should issue title deeds to occupiers of trust lands, state lands and provide incentive as a way of controlling use of land e.g the rice farmers in Mwea. They should be no limit on purchase of land and one with a big piece of unutilized land should be given compensation or incentive by the government so that, that land can be allocated to other people, for example squatters.
- The pre-independent treaties should be abolished.

**Com. Ayonga:** Thank you, thank you, now if you have a question?

**Com. Okoth:** Two questions. At the moment county councils on behalf of communities hold trust lands, and this has led to a lot of abuse. Would you recommend that trust land should be held directly by communities and not through the county councils?

That is my first question. Question no. two. Why should Parliament determine its own calendar? Why should the Constitution determine the calendar of the Parliament?

**Christopher:** I will start with the last question and then proceed with first one. The Parliament should have its own calendar to avoid manipulation by the Executive. For example, if Parliament were to debate on voting, I mean to have a vote of no confidence in the government and it does not have its own calendar controlled by the Executive, the Executive can actually terminate the Parliament before it passes the vote of no confidence.

On the issue of trust land, it should be, if the title deeds are not issued to the occupiers of the trust lands, then the local community together with the local council should have to be entrusted with that particular land.

**Com. Okoth:** What I am saying, is why should the council have anything to do with trust land. Trust land does not belong to a council but belongs to the people. Why shouldn't the people hold it directly?

**Christopher:** Because in the past it has been mis-handled. You find that the local council after being entrusted with the trust lands, they later sub-divide that land to themselves or to those close to them denying the local communities the chance to have part of the trust land.

**Com. Okoth:** I think we are agreeing that county councils have abused their trust and therefore they have no business being there. That is what you are saying and the Constitution should say no trust land belongs to the county council, but if it is a land that belongs to the people of Mwea it should be vetted directly to the people of Mwea.

**Christopher:** I think so and particularly if through the clan.

**Com. Ayonga:** Thank you. If you can pass on your memorandum to there. Now, next is Charles Wang'ombe. Baada ya Charles Wang'ombe, Maina Kiama uwe tayari.

**Charles Wang'ombe:** Jina langu ni Charles Wang'ombe Mutwaneno. Maoni yangu ni kuhusu kilimo. Nchi yetu ya Kenya inategemea kilimo sana sana. Na hilo ndilo tegemeo letu. Katika ukulima kuna gharama nyingi na kunafika wakati wa mnunuzi naye ananunua vile anataka. Hivi kwamba ukiangalia wewe mkulima ile gharama ambayo alitumia, haiwezi kurudi hata kidogo hata robo yake. Ningalipenda kuwe na sheria katika Katiba yetu ya Kenya, kuwe na uamuzi wa vile mazao yangekua yakinunuliwa na vile yangekua yakiuzwa. Watu wasiachiliwe kununua vile wanataka na hali mtu ametumia pesa nyingi sana katika shamba.

Maoni yangu ya pili ni kuhusu ulinzi wa taifa letu. Katika taifa letu la Kenya, ulinzi na usalama uko mikononi mwa Rais. Ningetoa maoni kwamba kuwe na Katiba ya kusimamia upande wa majeshi. Majeshi yasiwe yakifanya kazi kwa wazo la mtu mmoja binafsi. Kwa hivyo Rais asiwe ndiye Amri Jeshi Mkuu wa majeshi ya silaha. Maoni yangu ni hayo.

**Com. Ayonga:** Ngoja kidogo. Rais asiwe ndiye Amri Jeshi, nani awe Amri Jeshi? Majeshi yawachwe hivi tu hata hakuna anayewaambia what to do?

**Charles:** Kuwe na sheria inayo wasimamia katika nchi wakifanya kazi.

**Com. Ayonga:** Sheria inatekelezwa na mtu. Nani ambaye atapewa hiyo sheria ambaye anaweza kuyaambia majeshi kwamba mambo yamekua namna hivi. Are we are going to do this for the good of the country? Unawaacha tu?

**Charles:** Parliament iwe yenye jukumu hilo.

**Com. Ayonga:** Unaweza kwenda huko ujiandikishe. Huyo alikua Bwana Wang'ombe anataka majeshi yapewe uhuru. Na next ni Maina Kiama.

**Maina Kiama:** Kwa majina naitwa Maina Kiama. Nitaomba ruhusa kidogo halafu niwe na my remarks which I will base on the Bible Isaiah 18. La kwanza ni kumshukuru Mungu kwa kutupa nafasi hii ya kutoa maoni vile Mkenya pahali popote aliko angependa atawaliwe. Hiyo ni kitu muhimu sana kwasababu vile tunatawaliwa na Katiba ya sasa nikitu kilipewa mtu mmoja ama watu wawili na Mzungu. Kwa hivyo hakuna uhuru tuliopewa, lakini kudanganywa tulidangaywa. Wale walipigania uhuru hawana nafasi hata. Ukiangalia siku hizi wao ndio maskini hohe hahe katika Kenya. Hii ni kwasababu tunaumizwa ama nchi inaumizwa na Katiba iliyopewa wachache au mtu moja yule amekua kama ndiyo mungu. Kwa hivyo Katiba imetutengenezea mungu in the name of the President, either that office or the person. Kila kitu ukiangalia Kenya ni mtu moja tu. Na sasa ni wakati mzuri kwasababu Mungu aliona ni vizuri wananchi wale wangetakiwa wawe wanatoa amri vile wangependa watawaliwe, wamepewa huo muda na ndio huu sasa.

**Com. Ayonga:** Kwa hivyo tupe maoni yale ambayo unataka.

**Maina:** Maoni yangu yale nimeandika ni yangu binafsi na ni kuhusu the President, Directive Principles of State Policy, Constitutional Supremacy, citizenship, defence and national security, political parties, structures and systems of government Judiciary half, way done. Should I go through my memorandum ama hiyo inatosha.

**Com. Ayonga:** Nadhani kama unataka kutoa maneno makubwa bila ya kusoma, basi useme hiki na kile halafu utupe memorandum.

**Maina:** Okay. Kwa citizenship nimejaribu kutafuta definition kwasababu Katiba haina, na hiyo nitasoma. Citizenship is a person's membership of a town, city, market or any locality in a country, nation or a state who owes allegiance to it by birth, nationalization, trade and commerce, employment and is entitled to all civil rights. That is my definition.

**Com. Ayonga:** Na utatupa hicho kitabu chote?

**Maina:** Nitawapa.

**Com. Ayonga:** Okay.

**Maina:** Nina swali. Nitarudishiwa baadaye wakati mtaleta Katiba tukague?

**Com. Ayonga:** Sasa mzee umetuletea hii na Wanakenya wote wameleta nadhani ungetupa na roho safi.

**Maina:** Sawa sawa

**Com. Ayonga:** Thank you. Sasa unaweza kukipeleka kule ukajiandikishe na hiyo pia wai-register kwamba mzee Maina Kiama alileta memo. Joseph Muhiga? Sema majina yako na uendele.

**Joseph Muhiga:** My name is Joseph Muhiga. Here are my proposals.

1. Constitution to be written in all languages in Kenya to enable the wananchi to understand it.
2. If a particular party elects an MP or a Councillor, and he later defects from his party to join another party, his or her seat ought to be declared vacant.
3. Ministerial duties to be given to someone who has that knowledge. For example if it is the Ministry of Health, then is to be given a to a doctor. If it is the Attorney General's office, a man of law. Finance, a man with a degree in economics being a male or a female.
4. All thieves to be killed in public.

**Com. Ayonga:** Ahsante

**Joseph:**

5. Rapists to be jailed for ten years and above and the rapist of a child of under 14 to be sentenced to maisha.
6. Chiefs and Assistant Chiefs as they are civil servants ought to be transferred as other civil servants. For example D.O, D.Cand P.C and many others.
7. Co-operative act to be amended by the people concerned and be approved by the Parliament.
8. Irrigation act to be also amended by the people concerned and to be approved by Parliament.
9. Kenya ought to be allowed the formation of a coalition government. That's all.

**Com. Ayonga:** Thank you very much mzee. Peleka kule na ujiandikishe. Mwingine ni Joseph Nyamu. Joseph Nyamu una memorandum?

**Joseph Nyamu:** Ndio. Kile tu naunga mkono mtu aliyesema...

**Com. Ayonga:** Endelea na sema majina yako?

**Joseph Nyamu.** Majina yangu ni Joseph Nyamu Njabu.

Mimi nasema habari ya mashamba ambayo hainyunyiziwi maji. Na haya mashamba hua ni settlement kama haya ya kawaida ya settlement za maji. Katika Kenya nzima kuna mashamba ambayo yanapewa wananchi na haya mashamba ilisemekana hata yatapewa na title deed. Lakini, hatujaona mpaka wa leo na mengi yao yamekwama. Ningeomba sheria ile ambayo itakuwa inatengenezwa na serikali, igawe haya mashamba kila mmoja wao ambaye yuko katika Kenya apate title deed. Mashamba haya ni kama Lamu, Mpeketoni, Simba Hills na pia Nduvuini na Tana River Bura na zinginezo. Ahsante.

**Com. Ayonga:** Ahsante sana. Unaweza kwenda kule ukajiandikishe na ukawacha hiyo memo yako hapo. Mwingine ni Charles Waithangi. Endelea.

**Charles Waithangi:** I am Charles Waithangi.

- There should be no Act that protects any Kenyan to break the laws of the land. For example, MPs may incite members into violence and they are said to be protected by an Act of Parliament. There should be no such privileges.
- A committee appointed to do so by the President or the Minister for Finance should do the emmuration for M.Ps. The current package of M.Ps should be reduced close to Kshs. 80,000 per month. Those who are not ready to work for pay should resign, and new elections to be done, because they are elected voluntarily.
- Some of the colonial parties, which are not complecent with modern government, should be scrapped and replaced.
- Members of Parliament should be at least form four graduates who have passed or have done an equivalent examination and passed.
- Ministers and Permanent Secretaries must be holders of degrees in the Ministries that they are appointed to head.
- There should be no statutes that will extend the election date of Members of Parliament. Nobody should be empowered to extend Parliament. In other words, there should be an election calendar.
- Political parties should be limited to at least two or three. Most political parties are formed on tribal lines.
- The law of the land should serve Kenyans equally in regardless of wealth. The gap between the rich and the poor should not arise as far as the laws of the land are concerned.
- There should be no law, which allows the creation of the post of a Prime Minister. We should retain the President as the head of state.
- The number of M.Ps should be reduced to 100 members. This is because the package that they are getting currently is

a drain to our economy.

**Com. Ayonga:** Thank you. Waithanji nenda na memo yako kule na uweke kidole. Next ni Joseph Gathungu.

**Joseph Gathungu:** I am Joseph Gathungu.

- Executive - There should be the Provincial Administration, but the Chiefs and the village in-charge should be elected directly by the people of the specific area. He or she should be of people's choice. Others like D.O, D.C, Provincial Commissioner should apply directly to the Public Service Commission for their jobs.
- Local Government - the people should elect Mayors and the Council Chairmen. The mayor should not be necessarily be a councillor, but must be a graduate. There should be minimum education for councillors. He or she should have a form four certificate in any public institution.
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**Com. Ayonga:** Ahsante sana. Nenda kule ujiandikishe. Lawrence Macharia.

**Lawrence Macharia:** My name is Lawrence Macharia.

- I think first of all the Constitution should have a preamble. It should state something like "Kenya is a democratic republic. It shall be a multi-party state and all citizens shall be treated as equals for their good and glory of God".
- On the Executive - It should state that the President should not be above the law and should serve for two terms of five years each. On age, not more than 70 years whichever comes before.
- The scheme of service for the President should also be highlighted in the Constitution so that the Presidential ministry does not just arbitraly its allowances.
- And in case of grave misconduct a referendum should be done for it should score more than 51%, otherwise he should resign. The Electoral Commission should do this.
- He should not have the powers to dissolve Parliament or set the election date.
- The President should also not have powers to issue land. This should be enshrined in the Constitution.
- As for his qualification, he should be a graduate and a person with a stable family.
- On the Provincial Administration, we should do away with it. We already have officials in the different ministries like the Provincial Directors of Education and Ministry of Heath officers. We do not need these officers, except the Chiefs, Assistant Chiefs and of course the people preferably through a secret ballot should elect the village elders and them
- On Parliament I suggest that the M.Ps should not serve for more than three terms. They should also not determine their salary. A Commission should be appointed by the government and the President to review this.
- Parliament should also set its own timetable.
- The Parliament should also vet Presidential appointments in public institutions like the Attorney General, the Speaker, Auditor General, Executive, parastatal heads, Solicitor General and all these should achieve a two third majority.

**Com. Ayonga:** Summarize.

**Lawrence:**

- On Land and property rights the title deeds should be given within 3 months. And the officers issuing two title deeds should be sacked.
- We should have a limit on the acreage. No one should have more than 500 acres of land including companies. The independent treaty should be rebuilt for foreign companies; otherwise they should pay the current rates.
- The people should directly elect local Government, the mayors and chairman and they should serve for five years. Councils should not operate under the Central Government. The President or the minister in charge of Local Government should not have power to dictate councils.
- The electoral system and sponsorship: They should have a representative electoral system and a Parliamentarian should just win with a simple majority. But, a Presidential candidate should achieve at least 51% of votes cast nationwide, otherwise we should have a run off.
- The management and use of natural resources, balance of power, parliamentary committee should help in writing the budget for ministries. The Parliament should not be used as a rubber stamp for this cost.

**Com. Ayonga:** Thank you. Submit your memorandum and thank you very much. Now next Winfred Njoka. Baada ya Winfred Njoka there will be Bennard Ndungi. Please summarize your memo. Just give us the highlights of the memo.

**Winfred Njoka:** Thank you, my name is Winfred Njoka. Mine is only to summarize. First of all I would like to recommend on tax payees. All tax payees should enjoy independence but who did not have an opportunity to secure a job, or reasonable duty to sustain a living, should receive a thousand shillings a month as a reciprocal.

Law and Constitution should be taught basically for us to respect it. If our grievances are not implemented, we should have a mass action in solidarity.

Thank you.

**Com. Ayonga:** Thank you so much, if you can go there and give your memo. Next is Benard Ndungi. Alikua na memo ya kutoa. Did he leave it with anybody? Okay, Jeremiah Njoka hayuko? He also had a memorandum. Elda Njoka. Thank you.

**Elda Njoka:** My name is Elda Njoka.

My memorandum is based on children's rights. Up to.

- My first point. Repetition of primary school should be for only those who are willing to repeat.
- Second point. In Primary Schools, there should be activities to discipline children to respect the law.
- Thirdly. Free education should be provided for all and negligent parents to be punished severely.
- Fourthly. Girls' education should be taken seriously by counselling and guiding them.

- Fifth points. Youth institutions should be provided for counselling and guiding the youth.
- Sixth, child labour should be abolished in the country.
- Institutions should be put in place for street children to provide them with basic needs like education, shelter and medical care.
- Medical care should be free for all people in the country.
- Approved schools for children are necessary for rehabilitation of the children.
- The tenth and the last point. Children's rights should mandatory and mass action to follow there afterwards

. With these few remarks, thank you.

**Com. Ayonga:** Ngoja kidogo young lady.

**Com. Yano:** Yes Elda. You are aware that corporal punishment has been done away in school and you have mentioned that, there should be discipline for children. What kind of discipline may be would you want to be given?

**Elda:** Discipline for children in schools for example, in secondary school where the children take drugs. They do things that do not please the teachers. I should say that there should be punishment in schools to correct their behaviour because without punishment we can go astray.

**Com. Ayonga:** How about corporal? Kuchapa kidogo tu, mtoto asikie uchungu awache hiyo maneno.

**Elda:** I can say three canes are enough.

**Com. Ayonga:** Three canes. Okay that is caning should be limited to three.

**Elda:** Yes three strokes.

**Com. Ayonga:** Thank you Elda. There is Simon Waweru, hebu tembea haraka kidogo tuokoe muda.

**Simon Waweru Kamau:** My names are Simon Waweru Kamau representing A.C.K St. Lukes Church in Wang'uru Parish of A.C.K dioceses of Kirinyaga.

- Preamble – The issue of the people of Kenya should be included in the preamble. Supremacy of the people should be emphasized. We should not ignore that; the nation is dependent and accountable to God. It should be said out that the powers of the government emanate from the sovereign will of the people. The essential part of the current Constitution is the fact that “people, family and God” do not appear anywhere in the current Constitution. The highlight of the church.

- The bill of rights i.e economic, social, cultural and communal rights should be authorized to include the rights to equal education and a safe working place. Safe and effective health care as well a rights guarantee from the group integrity. These are absent in the current Constitution.
- They talked of who should be automatic citizens of Kenya.
- They talked of land and property rights. Land succession and inheritance of property should be harmonized in the new Constitution.
- Political parties – Kenyans should be discouraged from being fragmented by many political parties founded for on ethnic basis. Political parties should participate in civic development and adult education. They should be in the front line sensitizing the citizens on government issues e.g. the HIV/Aids scourge.
- Poverty alleviation, and the revival of the Kenyan economy.
- We have talked of form of government and the structure of government A parliamentary government should be adopted where real power of the government lies with Parliament. The Legislature has a supreme authority. Powers, functions and laws of the Executive, the three arms of government should be independent of each other. On the principle of separation of powers, Kenyans should have a ceremonial head of state.

**Com. Ayonga:** Summarize.

**Simon:**

- The President or Prime Minister should be above 40 years and not more than 70 years.
- We talked of powers of the executive, the lowest powers of Parliament, e.g. Parliament must have powers to create provinces.
- The constituencies must be empowered by the Constitution to recall their M.Ps in the event that they are not satisfied with his or her performance. We suggest that two thirds of the constituents may petition the constitutional court to recall their M.P. The Electoral Commission could also facilitate a referendum on the same. The M.Ps should only quit his seat if 51% of the constituency is in his favour.

**Com. Ayonga:** Your time is up. Just say the last thing you want to say, because we are going to read that. You have written it to us and we are going to read it. We only want you to give us the highlight and give now your last highlight.

**Simon:** I will give you the highlights: -

1. Daily public finances,
2. Natural resources,
3. Civil service,
4. Local authority and many others.

**Com. Ayonga:** Thank you so much for that comprehensive memo. Please bring it up there and sign your name. Thank you so much. James Karanja.

**James Karanja:** My name is James Karanja. I will start on Constitutional Supremacy. Here I would suggest that the Parliament should not be allowed to amend part of the Constitution, which involves the Parliament. Otherwise they can always be prolonging their stay in Parliament.

They should also be separation of powers. Okay, the powers are there in the present Constitution, but what is not there is their independence. The situation now is that the Executive controls Parliament and Judiciary. They are not independent, they should be made completely independent of each other. In the Judiciary, the judges should be appointed by a Judicial Commission, which should be approved by Parliament and should not be answerable to the Executive.

On political parties, no political party should be registered if it doesn't have the minimum membership, which should be half a million, so that we control the number of parties. We should make sure that no is a member of more than one party. We have cases where some people are members of all the parties. When one joins another party he should automatically lose the membership of the other party and his name should be deleted from the register of the other party. This multi-partism (belonging to more than one party) is causing confusion and even cheating politicians.

The state should not finance any political party, they should source their own funding. The state should also not interfere with the activities of any political party, unless it is proved in the court of law that the activities of that party are sub-versive.

**Com. Ayonga:** Umemaliza?

**James Karanja:** No no. The Parliament should not be allowed to control or determine its own salary. They should have a parliamentary remuneration committee. But it should be allowed to determine during the budget the salaries of all other government workers. It should not be left to the Ministry or the President to decide who should earn or what, but it should be in the budget.

An M.P should represent a minimum no. of people, but not land which is the case we have now. We have some M.Ps representing very large numbers and others representing very large trusts of land, which have got very few people.

We should have a two chamber Parliament where we should have a House of Commons and the Senate. The Executive should not be made of elected members. They should be civil servants, but when appointed they should be approved by the Parliament.

**Com. Ayonga:** Your time is up.

**James:** I will be very fast, let me conclude. We should have a transitional government to oversee the election. We should not

allow the sitting government headed by the President who belongs to a particular party, which is competing with the other party to oversee the election. As a human being he is bound to favour his party.

**Com. Ayonga:** Thank you. Now would you please submit your memo. Now it is David Mwangi. After David Mwangi I want Lenard Ndegwa to be ready. Please give us the summary. Say your names and give us your highlights. Endelea.

**David Mwangi:** (*inaudible*) ..... and to our excellence and the Kenyan Constitutional group for the peace and justice to all tribes.

**Agriculture:** In our country, agriculture is the backbone of many Kenyans and most of the country has benefited from crops e.g. coffee, tea, and barley. Foreign money to our country, meat, rice and milk from the cows feed the Kenyans. What is important is for the government to lead us to sit down with the farmer to discuss the price of the produce. If the government can help export the farmers produce, it is possible for the government to think of the price without consultation with the farmers. I think that it is government policy.

**Health care and education:** Taxation collected in our country is enough to give free health care and education.

**Political Parties:** Political parties and election in our country Kenya we have forty-two tribes and each tribe has its own house. Let those houses choose their representative from the grassroots. From there, through election from the grassroot, they meet at the location level, each house represented by one person in the location. Let there be elected members and the chairman elected from the location if at the division and elect an MP. The same elected members shall seat at the district and the province so that the government there will be the head to the forty-two tribes. Those elected as M.P shall sit in the assembly and divide the ministries and then those who are chairmen, decide who will be the President. By so doing, the money used for campaign and a lot of time wasted and during the campaign month can go to the health and education.

**Com. Ayonga:** Please summarize.

**David:** Hili ni swali lenu na pia nitatoa jibu langu.

**Com. Ayonga:** Sijakuelewa. Umesemaje?

**David:** I said that this is my answer, but the next one is yours. Yale maswali muliuliza hapa kwenye kitabu. Mukawauliza kuwa raia wa Kenya anafaa awe namna gani? Mimi nataka kusema raia wa Kenya ni yule ambaye amezaliwa Kenya. La pili, raia wa Kenya awe na ukoo wake. La tatu, ukoo wa kila kabila ndiyo wa mtu. Raia ana jukumu kwasababu yeye ndiye mwenye serikali na mamlaka na uamuzi. Lazima haki za majukumu ya raia zinategemea namna raia aliyopewa.

**Com. Ayonga:** Nadhani saa imetosha.

**David:** Saa imetoshha?

**Com. Ayonga:** Na imepita.

**David:** Imepita? Sawa hili ni lenu.

**Com. Ayonga:** Thank you. Kwa maana wengine wanataka wapate nafasi. Tuna Leonard Ndegwa. Leonard Ndegwa naona una written memorandum tafadhali utupe nuru juu ya memorandum yako.

**Leonard Ndegwa:** Jina yangu ni Leonard Ndegwa. Maoni yangu kwa Kenya niipendayo. Katiba ya Kenya tunayotengeneza sasa isomeshwe katika mashule kutoka shule za msingi, secondary mpaka university ili Wakenya wa kesho wasiwe na shida ambazo tulizo nazo sasa.

Trust land: Ardhi ile ambayo imenyakuliwa kwa njia isiyo ya sawa kwa wakati huu iregeshewe kwa wananchi wenyewe ili iwe mali yao. Nawaitawale namna inayofaa.

**Local Government:** Serikali za mitaa, yaani local government zote katika Kenya ziwe na sheria moja ambaye inaziongoza sio hii inatawala hii, hii inatawala na namna hii. Kwa mfano, kama Mombasa ukienda utakuta kuna sehemu kama Mombasa Central. Kuna watu wamejenga nyumba kule na wanalipa kodi kwa mwenye hilo shamba, miaka nenda miaka rudi. Hata Magogo Hayani, hata Kivukoni, hata Kongowea na siku ikifika wanafukuzwa ovyo na wanalipa kodi.

Kuwe na commission ya wafanyikazi wa serikali. P.C asichaguliwe na Rais yeye mwenyewe, achaguliwe na group nyingine ikiwa ni commission ambayo inafaa na haina upendeleo.

Kwa wakati huu tuna wabunge mia mbili na ishirini na wawili katika Kenya. Ni ajabu ya kuona kwamba 'quorum' inayotakikana katika Bunge ili iweze kukaa ni wabunge thalathini. Hatutaki iwe thalathini, tunataka iwe 70%.

Wakati huu sisi ni wakulima katika Kenya bila kusema hapa wala pale. Tulikuwa na kipindi kilikuwa kikielezea bei za vifaa kila asubuhi. Leo hii hicho kipindi kimefutwa na hakuna mkulima anajua mali inauzwa kwa bei gani. Kwa hivyo, mnunuzi pia anakuja na bei. Kwa hivyo kipindi hicho kirejeshwe. Kila asubuhi mapema tutangazie wakulima kwamba bidhaa zinauzwa na namna gani.

Kina mama, watoto na wazee kama mimi wawekewe sheria za kuwalinda sio kunyanyaswa na wale wenye nguvu au bibi yangu ana nguvu ananinyanyasa, au mimi mwenyewe namnyanyasa au mimi ninawanyanyasa watoto. Kuwe na sheria ya aina hiyo.

Rais, Mbunge, Councillor, mtumishi yeyote wa serikali au mwananchi akikosea asipewe transfer kwenda huku wala kule kwasababu atakwenda na huo ubaya. Apewe adhabu na akikosa kuwacha huo ubaya afutwe kazi.

Mawaziri, ambao ndio jukumu kubwa na ndio nguzo kubwa katika serikali, wachaguliwe kufutana na masomo yao. Sio daktari wa kutibu watu ndiye anapelekwa kwa Waziri wa Ulinzi. Silaha zitaingia bila yeye kujua chochote.

**Com. Ayonga:** Hebu tumsikize mzee akiongea.

**Leonard:** Pesa za uzeeni yaani N.S.S.F, zinakatwa kwa wafanyikazi na inafaa zitumiwe na wafanyikazi kwa kukopeshwa wale ambao wanaweza kutoa maombi ili waweze kujifaidi au kujitayarisha wakati wanakuja ku- retire. Wasije ku-retire wanakaa kama vile mnavyo niona mimi. Walimu kutoka nursery mpaka university wao 'ndio our key' kwa maendeleo yote katika nchi. Maombi yangu ni wapewe heshima na mshahara wa kutosha ili waweze kufanya hiyo kazi ya kutufungua macho na ya kuendeleza nchi yetu mbele, bila kuingiliwa na mtu yeyote. Pia pesa waliyo ongezewa wakati wa marehemu Ambrose Odongo, ambayo hawajapewa mpaka dakika hii wapewe upesi iwazekanavyo.

**Com. Ayonga:** Thank you so much. Nadhani dakika pia zinakwenda. Hiyo memorandum kwa maana umeandika tutaenda kuendeleza mbele. Hebu you complete na uweke kidole. Nadhani mzee ametoa points zile kubwa kubwa, zile nono nono basi Mzee.

**Leonard:** Siuniache niseme moja tu.

**Com. Ayonga:** Moja tu? Imebaki moja tu? Basi useme hiyo moja tu.

**Leonard:** Commission ya wanasheria wa public service na wa Teachers Service wapewe uhuru wa kuongeza sehemu zao ili nchi ya Kenya iwe nzuri sana.

**Com. Ayonga:** Ahsante sana na hayatakwisha Mzee. Huyu alikuwa Mzee Leonard Ndegwa na amewatolea mambo manono. Sasa namtaka Stephen Kimemia.

**Stephen Kimemia:** I am Stephen Kimemia.

**On Constitutional supremacy:** would say that the Parliament should be the supreme institution in Kenya. At the same time on the same referendum the public should be involved particularly in matters pertaining internal security and the administrative structure.

**Internal defence:** I appeal to the Parliament to be supreme in decision-making in case of any emergency and not the Executive.

**Political parties:** My opinion is that the political parties should not be financed from public funds but would rather be allowed to solicit funds from any resource. They should be allowed to enter into economic investment so that they may get financial resources.

**Budget:** My proposal is that the system should be Parliamentary based and the Parliament should appoint a Prime Minister who should be an elected M.P. At the same time they should elect a President who should be ceremonial for a five-year term.

**Legislature:** A parliamentarian should have good language command and not less than a form four certificate. He should have a clean record without any criminal case being prosecuted of him or her.

At the same time on the issue of nominated MPs my proposal is this, that these seats should only be reserved for the disabled Kenyans or the unfortunate Kenyans and should be distributed to 8 persons only, one per Province. And a coalition government should be important to Kenya in my opinion so that we should be able to adopt and cover a wide range of political fields and political policies on this country at large.

On the Executive as I had mentioned earlier we should have a Prime Minister who should have an economic and administrative capacities to executive his power.

And on the basic rights in Kenya, I would say that the new bill we could have in the Constitution in Kenya. The Constitution of Kenya should provide welfare state or money to the elderly Kenyans and the Parliament determine above the retirement age so that they may afford their daily basic needs. Wale watu hawana watu wa kuwasaidia.

On our powers, electoral voting system, I will suggest that it is my opinion, that any defection from a party should be confirmed by the person who is defecting and then there be a by-election immediately.

Concerning the management and use of our natural resources, the government should be allowed to Raise revenue and manage it as directed by the Parliament. The Constitution should include that all development money should decided by the Parliament and allocated openly to the Constituencies and the community may find it their priorities in development. Environmental and Natural Resources I would say that forest, water, and all other natural resource in Kenya should left to be managed by the professionals in charge in those department and not any other interference from the outside.

**Com. Ayonga:** Thank you. Dakika zako zimekwisha, lakini unaweza ku-summarise.

**Stephen Kimemia:** To summarize, I will have a look on the Constitution. I would suggest that we make a Constitutional Court other than the law courts we have so that we are able to take some of the matters that are constitutionally based.

Lastly. The current President, the Speaker of National Assembly and A.G i.e the Attorney General should be relieved from the Executive powers during the election time. And the transfer of all his powers should not take more than two months that is 60 days including the formation of the new parliament.

**Com. Ayonga:** Thank you so much. If you can give your copy and then sign your name. Mr. Nyamu Njoka.

**Nyamu Njoka:** Majina yangu ni Francis Nyamu Njoka. Kwanza, ningeshekuru kwa mpango huu kwa maana ni wa muhimu.

**Uchaguzi wa Parliament:** Tukiwa tumepiga kura Mwea, kura isipelekwe huko Kerugoya, ihesabiwe pale pale ilipopigiwa. Hata ikiwa ni ya Councillor, hata ikiwa ni ya President ihesabiwe pale pale uchaguzi ulipo.

Jambo lingine ni ya upande wa county council kama ya Kirinyaga kwa mfano. Isiwe ikinyang'anya wananchi mashamba yao. Wenye mashamba wawe wakiongozwa na wananchi ama mihiriga yaani ukoo wenyewe. Ukoo uwe ukifanya ugawanyaji. Serikali ikitaka maendeleo fulani, ije kwa ukoo wenyewe wa mashamba hayo. Isiwe ikifanywa kama ukora ulioko sasa.

Upande mwingine, upande huu wa Mwea wenyewe yako mashamba haya ya settlement. Wakati kuligawanywa na tukafanya irrigation, kuna upande uliobaki bila kugawiwa. Hayo mashamba yasiwe yakipokonywa wananchi wanaokaa Mwea. Kwa mfano, kama mahali hapa tumekaa nyuma ya hii nyumba yako mashamba yalipokonywa wenyewe pakapewa watu wakawuzia watu wengine. Na hawa watu wanataka upande huo wa nyuma. Mimi ningieleza serikali hii yote irudishwe. Hicho ni kinyume cha sheria.

Jambo jingine ni ,mashamba haya tumeyatumia kwa kupanda mpunga wenyewe. Tusiwe kama squatters, tuwe kama wananchi wenyewe na tuwe na title deeds kabisa zile zinatumiwa na wananchi Kenya nzima.

Neno lingine. Katiba iwe ikichunguzwa kila mwaka. Kama watu fulani wanafanya malalamiko wawe wakichunguzwa. Wasiwe wamelalamika halafu waachwe wakae hivyo hivyo. Hapana wawe wakichunguzwa. Wakiwa wamefinywa na serikali wawe wakiangaliwa.

Jambo lingine. Uchaguzi ukifanywa na serikali, Rais achaguliwe na raia lakini asiwe na chama kimoja amekipendelea. Akiwa na chama chake hicho ni chama kile alikua nacho lakini vyama vyote viwe juu yake na awe akishugulika kwa chama hiyo. Ukiwa rais basi vyama myote nchini ni vyako.

Jambo la mwisho. Wakulima wa mpunga wapatiwe nafasi ya kusema na kufanya. Na matingatinga yote yale yaliachwa kwenye port, wakulima wa Mwea wakubaliwe na serikali wachukue huo usukani waendeshe. Ikifungiwa huko na watu wana haja ya kutengeneza barabara na kulima, si itakaa bure?

**Com. Ayonga:** Ahsante sana, unaweza kwenda hapo kujiandikisha. Next is Thomas Mutuku. Dakika zako zimekwisha, moja hiyo inaenda. Upande huu, unakimbia kwenda wapi? Moja na nusu imekwenda. Tafadhali Thomas unapotupa utupe tu highlight ya yale ulioandika, usitusomee.

**Thomas Mutuku:** Kwa jina ni Thomas Mutuku, na maoni yangu ni kuhusu utaratibu wa kusimamia kiti cha ubunge au u-councillor. Ukweli ni kwamba katika Kenya tunajua mtu akipata kusimamia kiti chochote, ni mpaka aachane na kazi aliyokuwa akifanya. Kama alikuwa mwalimu, headmen, chief, D.O na kadhalika.

Kama vile Rais wetu yeye ni mbunge upande wa Baringo, huwa ameachana na kiti kama Amri Mkuu wa Jeshi? Wakati wa campaign, ameachana na kiti cha chancellor wa university wakati wa campaign? Na ameachana na kiti ya chairman wa chama kama wakati wa campaign? Na huu wakati wa kuunda Katiba tunayoiunda, ndio sasa wakati tunahitaji tuwe na Katiba inayosimamia mtu awe akiachana na chochote kilichoko mbele yake.

Swali la pili. Kama vile askari wa jela, police na waalimu na wengineo hupewa transfer, sisi wananchi tunaona. hata kama ni Assitance Chief na Chief wote wawe wakienda transfer. Maana hakuna kukaa mahali ambapo amechaguliwa muda mrefu kwasababu kunaleta hitilafu kubwa kabisa. Maana kama tukikosana kidogo kwasababu ya mpaka au kwasababu ya mienendo mingine ya kibinadamu, basi inadumu maisha mpaka utakapokufa au yeye atakapokufa ndipo hiyo chuki itakufa.

Na kama unaweza kwenda transfer, kama vile askari akiwa askari mang'aa anapigwa transfer anaenda to a different district kurekebisha tabia, hata ma-chief na ma- assistants Chief wanakaa namna ile.

**Com. Ayonga:** Tungalipenda utupe maoni badala ya kutuuliza maswali. Time ya maswali ilikwisha leo ni siku ya maoni.

**Thomas:** Okay. Tunaonelea hao wafanyakazi wa serikali pia wawe wakienda transfer kama vile mwalimu anavyokwenda. Hayo ndiyo maoni yangu kwa upande wa watumishi.

La mwisho ni kuhusu ukulima. Ukulima nchini umedhoofika kabisa. Ukulima umedhoofika hivi. Mkulima analima ekari moja na yeye hana shamba yeye nikukomboa. Lile shamba alilokomboa, ni shilingi mia nane kwa ekari moja. Tena anapanda mbegu za zaidi ya kilo nane za mahindi. Na wakati wa kuvuna kwa mfano ekari moja inatoa gunia tano, anawacha mbili zake za matumizi ya nyumbani. Hizo zingine anapeleka sokoni. Wakati wa kwenda kununuliwa yeye anunuliwa na shilingi tano na huku tuna wizara inayohusika na wakulima kama Ministry of Agriculture. Anauza kilo moja kwa shilingi tano. Mahindi yanachukuliwa yanaenda yanasagwa kwa mfano na Maize Millers, yanawekwa katika mapakiti ili mkulima wakati anataka kula ugali, basi pakiti moja ananunua kwa shilingi arubaini. Na yeye aliuzia hao watu kwa shilingi tano, sasa yeye mkulima utashugulikiwa na nani?

**Com. Ayonga:** Unataka nani aje akushugulikie? Wewe tuambie

**Thomas:** Katiba tunayotaka iwe ikiweka jukumu la kumtazama mkulima kama mlishaji wa Kenya nchi nzima na watu wake. Ahsante.

**Com. Ayonga:** Lakini hebu nikwambie. Kuna taabu za mkulima na ndiyo ungalitwambia badala ya huyo mkulima mahindi yake

yanachukuliwa kwa shilingi tano na yeye akienda kununua hayo mahindi yakisagwa ni shiligi arubaini. Mkulima angalipewa hivi na hivi, hayo ndio maoni. Siyo kutuuliza maswali, tunajua hayo.

**Thomas:** Sawa. Hapo ndipo nilikuwa naonelea Ministry of Agriculture iwe inahusika sana kuonanana na mkulima. Hatuwaoni hata ukisika tunao mashambani.

**Com. Ayonga:** Twambie bei.

**Thomas:** Tuwe tunanunuliwa kilo moja kwa shilingi kama ni arubaini na hivi na unga tuuziwe na malipo ya ishirini.

**Com. Ayonga:** Ahsante. Lete memo yako huku. Lawrence Ngakuru, nataka niwakumbushe hivi. Nataka nyote mgeuze vichwa vyenu nyuma na muone wingi wa watu. Mnawaona? Mnaona mko wengi, na kama mukiwa wengi na mtu moja anachukua dakika kumi, kumi na tano, hii itakua fair? Sasa nikikuambia dakika tatu ni tatu na tafadhali zungumza to the point. Hatutaki maswali tunataka maoni na kama huna si lazima utengeneze mengine. Tupe maoni yaliyokutoa kwako ukaja hapa. Na wale muliyo na memo tafadhali wakati huu unangojea. Soma memo yako ukija unatwambia tu yale makubwa yaliyomo ndani kutoka kichwani. Memo tutaenda kuisoma. Haya ndugu yangu endelea.

**Lawrence Gakuru:** Kwa majina naitwa Lawrence Gakuru. Memorandum yangu ni hii.

Ningetaka kupendekeza juu ya Rais. Urais unafaa hata ukiwa unapendwa na wananchi namna gani lakini awe raisi anachaguliwa safari mbili. Safari ya tatu hata akiwa ni mzuri namna gani aondoke kwenye kiti.

La pili ni juu ya mashamba. Wananchi wengi Kenya hii hawana mashamba. Na ningependekeza wale ambao wana mashamba makubwa kusiwe kuna mtu ambaye anapata zaidi ya ekari mia moja. Hiyo iwe law.

Kiko kitu kingine ambacho ningependekeza. ni uraia. Hata kama kukiwa na mama au msichana ameolewa nje ya nchi hii na aende akaolewe upande huo mwingine tuseme Rwanda au pahali pengineko, bado ni Mkenya. Akirudi hapa ni Mkenya si eti ni mtu wa kule alikoolewa.

Kuhusu misitu yetu kwa mfano Mt. Kenya, huu ndiyo unatulisha hapa kwasababu bila huo mto ambao tunaona unatoka Mt. Kenya, hatuwezi kukaa vile tulivyo. Hii ni kwasababu hio ni rasmali ambayo tuna-depend nayo sana. Inaleta mvua na ikiwa inatuletea mvua, tukiiharibu hakuna mvua sisi tutapata.

La mwisho ni juu ya ukora wa kuleta fake commodities. Kwa maoni yangu mimi naona kama wale ambao wanakuja kudang'anya mkulima kwa kuleta mbegu zile fake, kuleta fertilizer fake, pesticides fake, huyo mtu anafaa akionekana tu, basi afungwe

not less than five years bila fine. Thank you.

**Com. Ayonga:** Thank you so much. Nenda kule na hiyo memo yako naiandikisha. Iraria Wachechi, chukua. No the other way.

**Iraria Wangechi:** My names are Iraria Wangechi. My views are: -

- A judge should not stay working somewhere for more than three years.
- Sub-chiefs should be of good conduct. People should have powers to remove them if they fail in their work.
- The President should always prepare something if it is passed by the Parliament i.e. things like clinic, free education, reinstate this nyayo bus.
- There should be a body excluding the President and the Parliament that should come about with solutions when there is a problem. Problems with the poor economy, diseases like Aids, tribal war, and retrenchment without pay or farmers selling their produce at poor prices.
- Unemployment
- Political parties should be minimized so that each party should be able to get a share of the country's money.
- Thank you.

**Com. Ayonga:** Ahsante sana huyu ambaye amaeongea ni Irari Wangechi. Toa memo yako huko. Next ambaye, this name is familiar, Joseph Kiama. Did we have somebody by the name Kiama?

**Com. Ayonga:** Oh it was Maina Kiama. Okay Bwana Joseph tupe maneno yako kwa dakika tatu tu.

**Joseph Kiama:** Majina yangu ni Joseph Kiama.

**Vyama vya kisiasa:** Vyama viwe kama vinne ili kusiwe na vyama vya kisiasa vya ukabila. Kwa hivyo vyama viwe vichache ili tuweze kuwa na vyama vya kitaifa.

Lingine ni commission zote ambazo zinawekwa na serikali wafanye kazi ili nayo serikali ione ile imefanywa na commission ama imesemwa imetimiza ili kusikuwe na mambo ya migomo na mambo mengine.

**Wakulima:** Wakulima ni wa watu ambao wamepewa mashamba wamekaa kwa muda mrefu kama hapa Mwea na hawajapewa title. Jambo hili liangaliwe ili mtu akiwa ana shamba lake akae akiwa hatangatangi. Ili asiwe mkibizi ncini mwake awe na shamba ya kwaida.

Kuna watu wamepewa plot na hawana document yoyote ya kuonyesha mashamba ni yao ama plot. Kwa hivyo wale wana plot wapewe barua za kuonyesha hizo plot ni zao.

Ya mwisho ni kusema sub-chiefs wachaguliwe na watu wa area za kwao ili mtu aendelee na kufanya kazi kulingana na watu ambao yuko nao, maoni yao na kulingana policy za serikali.

Yangu ni hayo.

**Com. Ayonga:** Ahsante sana unaweza kwenda kule. Next is Henry Wamuti. Henry Wamuti na baada ya Henry Wamuti nataka David Maingi ajitayarishe.

**Henry Wamuti:** Majina yangu ni Henry wa Mutu. Kwanza naishukuru Commission hii na kuwasalimu hamjambo?

- Jambo la kwanza ningalipenda kuliongea hapa ni jambo la majimbo. Watu wengi wanaimba majimbo ambayo hayafai.
- Jambo la pili ni la waalimu. Waalimu wanateswa na wao ndiyo ufunguo wa nchi hii kutoka chini mpaka university. Wasiteswe hata kidogo. Wakisema wanataka pesa walipwe pesa zao kama vile mzee mwenzangu alisema hapo awali.
- Jambo la tatu ni kikosi cha police, ambapo mtoto wangu nikisikia alishikwa jana, nikiingia katika station ya police nitakuta ni kiwete, alipigwa na bado hajapatikana na hatia yoyote. Kwa hivyo ningaliuliza serikali, sijui kama ni hii ama ni nyingine, police wasiwe na ruhusa ya kupiga watu ovyo. Hili jukumu la kupiga watu ni justice na judge yuko wa kupiga watu. Na hivyo ndivyo mimi naona ni vizuri.
- Jambo la nne ni la chief. Chief awe akipigwa transfer kama wenzengu walivyosema.
- Jambo jingine ni mambo ya kuomba pesa ng'ambo. Sisi tunayo mashamba makubwa sana ambayo hata kama si kutengemea huko ng'ambo serikali inasimamia mashamba makubwa ambayo inapandwa vyakula vya kutosha. Na mwenye kulima shamba hilo anadaiwa na serikali kila kitu yaani treatment zote anapewa na kila kitu. Serikali sio kawaida yake kuomba omba pesa ikiwa na nchi kama hii yetu. Hiyo mimi nachukia sana.
- Mtu moja yuko na ekari elfu nne. Ni ya nini nautazikwa kaburi moja futi tatu. Hizo nyingine ni za nini? Pia nigalipenda mashamba yetu makubwa sana tuyasimamie.
- Upande wa mwisho ni sheria. Hapa Kenya kwetu kuna watu wengine ambao ndio wanachukua sheria mikononi mwao. Hata ukitoka saa hivi uende Wang'uru hapa unasikia mtu amepigwa kidogo tu. Mtu akifa hapa kwetu sio kama kitu na zamani sheria ilikua ikifanya kazi.  
Kwa hivyo ningalipendelea sheria iwe ya watu wote, isiwe ya mtu mmoja. Sheria ni sheria. Kama ikiwa mmoja anakufa asubuhi tunaonekana kila mahali.

Kwa hivyo nawashukuru kwa kazi yenu nzuri ambaye mtapeleka. Na hii isiende ikawa katika kitabu. Commission yetu ikienda Nairobi tunaona inafunikwa tu tunaambiwa ingine sijui ya kutafuta shetani hatujui nini kinaendelea huko na ninasikitika. Nimemaliza.

**Com. Ayonga:** Ahsante sana Mzee. Sasa nenda kule ujiandikishe. Alexander Nzomo alikuwa na memorandum. Na Ngari,

the name Ngari is familiar. Mzee una memorandum kwa hivyo tafadhali tupe highlights.

**Stanely Ngari:** Mimi naitwa Stanely Ngari. Yangu si mengi sana na maoni yangu nikuhusu ma-chief na manaibu wao. Naona ya kuwa wawe wakipewa uhamisho kama watumishi wengine wa serikali. Na wachaguliwe na wananchi wale ambao wanawatumikia. Jambo lingine wasiwe wakiajariwa kazi wakiwa wametoka katika kikosi chochote cha jeshi, kama ni cha police ama administration ama pia ametoka kwa jeshi. Wawe wakitoka katika idara zingine kama vile walimu, ma-officer wa kilimo na kadhalika. Lakini wasitoke katika kikosi chochote cha jeshi.

Jambo lile lingine ni elimu iwe ya bure kabisa, lakini isiwe ni ya bure na ikiwa wale watoto hawana baba wanazaliwa wana single mother na hawana uwezo wa kuwalipia pesa za mjengo, wakipelekwa shuleni wiki mbili tatu wanafukuzwa kuulizwa hizo pesa. Hiyo elimu haitakuwa ya bure ikiwa pesa hizo zitakua zikiulizwa hao watoto.

Jambo lile lingine ni ile Katiba itakayouundwa wakati huu Rais asiwe na uwezo wa kuteuwa watu kama Mkuu wa Sheria, Judge Mkuu, au mwenyekiti wa uchaguzi. Maanake hao watu wakiwa wamechaguliwa na Rais watakuwa wakifanya kazi chini ya Rais na watakuwa wakipendelea upande wa Rais kila wakati.

Jambo lile lingine ni ya mji ambao kama ni hapa kwetu tuna mji wa Kutus-Kerugoya Municipality. Hiyo kama Kerugoya iwe ni municipality peke yake isiunganishwe na mji mwingine wowote. Mji ukiwa haujafaa kuwa municipality usipewe municipality mpaka utakapofikisha wakati wake.

Hayo ndio maoni yangu.

**Com. Ayonga:** Ahsante sana Mzee. Unaweza kujiandikisha kule. Next ni Maina Ithusu. Atakayemfuata Maina Ithusi atakua Jona Kanthi, ajitayarisha awe hapa karibu. Tuelezee majina kwanza.

**Maina Ithusi:** Maoni yangu ni hii mambo ya 340 Shillings. Tunaona imetuangamiza sana sisi wakulima wa mpunga. Na tukiendelea mkulima anaweza kuendelea. Tena tunataka tupewe title deed kwa hizo eka tungalima kwasababu tumeendelea nazo kwa miaka zaidi ya arubaini.

Jambo la pili, hao police ambao wanalinda usalama wamekua adui wa wananchi wa kawaida. Hii ni kwasababu mtu akishikwa akipelekwa police akilala huko baada ya kuwachiliwa tunaona pengine anaangamia.

Isitoshe ukiwa na mgonjwa huko nyumbani na anapigwa na mtu mwingine anakufa ukienda kuuliza huduma ya gari, unaambiwa utoe shilingi elfu moja gari haina mafuta. Je, ilitolewa bila mafuta? Kama hapa hapa Mwea mambo ni hivyo. Isitoshe mtu kama pengine amepigwa na mwenzake huko na tulikuwa na yeye kama saa nne, saa tano na anakufa huyo mtu unaambiwa walikuwa wawili akishikwa yule walikuwa naye wanaendelea wanasema hiyo mambo hakijulikana alikwenda wapi na inaonekana mtu huyu pengine alipigwa. Anapotea.

Elimu ya primary na shule ya upili na tuna watoto wengi sana hao wa single mothers. Wakati wanapeleka watoto wanasoma kama mwezi mmoja halafu mwalimu anasema kunatakiwa building fund na building fund ni shilingi elfu mbili. Huyu mzazi atpata wapi elfu mbili? Kwa hivyo mtoto anarudishwa nyumbani

**Com. Ayonga:** Tunataka utuambie atatoa wapi, au kama havezi kupata unataka kufanywe nini?

**Maina:** Tunataka serikali ichukue hilo jukumu iwaelimishe hawa watoto ujinga umalizike.

**Com. Ayonga:** Haya dakika zako tatu zimekwisha.

**Maina:** Lingine ni Mwea Irrigation Scheme. Kuwe na tank itengenezwe na serikali maji yawe yakitosha kilimo cha mpunga. Na rais wa nchi asiwe na madaraka makubwa sana kuweka watu wengine wale ambao anachakua wawe na uwezo mkubwa ndio wanakandamiza wengine. La mwisho serikali iwape dawa watu wote bila kuitisha mapesa ambayo hatuna, yangu imekwisha.

**Com. Ayonga:** Mzee nenda kule ujiandikishe. David Njue sema majina yako na una dakika tatu tu.

**David Njue:** Ahsante sana. Commissioners. Kwanza ningetaka kuwashukuru kwa kutuhakikishia ya kwamba nyinyi muko independent kutoka kwa wale wanaitwa power barons kwasababu watu wengi walikuwa wanatushawishi ya kwamba hii Commission inawazungusha watu tu na mwisho.

**Com. Ayonga:** Dakika moja imekwenda tayari na Ahsante kwa shukurani zako.

**David:** Mimi yangu ningetaka kuwa very brief niseme vile ningetaka utaratibu wa serikali yaani. Shida moja ni bureaucracy na njia ndefu. Kwa hivyo maoni yangu ni kuwa naona Parliament ndiyo inakua supreme, hiyo ndio Katiba ya leo inasema hivyo. Lakini wale power barons wame-interfere. Kuna ile separation of powers, kuna Parliament, kuna Executive na kuna Legislature lakini Power barons wana – interfere ingawa. Kwa hivyo nilikuwa ninasema Parliament iwe juu, iwe supreme, iwe composed of watu elected wote. Mimi nilikua naonelea hakuna haja ya kuteua watu nominated kwasababu wale nominated wanawakilisha interest ya nani? Watu wote wawe elected. Nominated waishe. Special interest hata hizo ziishe kwasababu zina problem ya kusema iwe kwa region, iwe kwa majimo iwe kwa nini. Kwa hivyo watu kama mtu ni disabled, kama mtu yuko na special interest watu wanamjua wale wanachagua na wanachaguliwa. Hata wanawake Mabwana Commissioners, hakuna haja ya kuwapa special interest. Tuwape equal chances. Wnapita katika masomo ya university. Kwa hivyo they are still capable of being elected without being given special privileges.

Urais: President awe separate from elected members. Yaani awe yeye mwenyewe amechaguliwa direct. Na awe sio lazima awe member of any political party. Basi naona President apewe kazi hii inaitwa ceremonial. Achaguliwe siku separate na wale wengine. Asiwe anachaguliwa siku moja na M.Ps na coucillors. Na kwasababu tuko na Electoral Commission, hiyo Commission ipewe kazi hii.

Siku moja ni ya kusimamia uchaguzi wa President, siku ya pili ni ya kusimamia uchaguzi wa Parliament na ya tatu ni Local Authority.

President apewe mamlaka ya state functions, appointment ya mawaziri iwe yake, so what they should do iwe inaangaliwa na Parliament. Judiciary iwe inachagulia na Parliamentary Service Commission au Commission ambayo itakuwa separate kutoka kwa President. Speaker achaguliwe kutoka kwa wale waliyochaguliwa. M.Ps wote wakishachaguliwa wawe wenyewe wachague mmoja wao awe speaker.

**Com. Ayonga:** Na mwishowe? Saa yako imekwisha.

**David:** Mwishowe Prime Minister aweko pia. katika kukataa at the national level. Local government iwe fupi. Hakuna provincial administration. Kwa hivyo line ni kutoka juu kuja kwenye local government. Local Government iwe councillors wamechaguliwa, hata wa rural area wamechaguliwa. Lakini siyo kwasababu mtu amekuwa-appointed ana accountability kwa watu. Accountability itakuweko. Kitu ingine nimechora hapa structure iko attached kwa memorandum yangu.

Asante.

**Com. Ayonga:** Thank you so much. Hiyo unaweza kui-submit kule. I have to call two people. Muna dakika sita ambazo zimebaki ili iwe saa saba, and I want to take these two names na when it gets to one o'clock tuta-break. Geoffrey Maina, Geoffrey unapochukua kiti nataka Patrick Kang'ori awe karibu. Mzee una dakika tatu tu, fanya summary.

**Geoffrey Maina:** Jina langu ni Geoffrey Maina. Jina hili ambalo mkulima wa mpunga anaitwa libadilishwe. Mkulima awe akiitwa mkulima wa Mpunga. Hilo libadilishwe kwasababu hilo jina ni kama mtu anakomboa hilo shamba. Kwa hivyo aitwe mkulima wa mpunga. Haya mashamba ya mpunga wakulima wapewe title deed kuonyesha kwamba akitaka loan mahali popote kwa benki, anapatiwa loan kwasababu ana title deed ya kumuwezesha kuwa na loan.

Kuna mambo mengine ambayo yanaonekana katika ukulima huu wa mpunga. Tukiwa tuna barabara tunataka barabara zote zisimamiwe na serikali na tena maji yasimamiwe na serikali kwasababu hayo mambo yote ni yale ambayo yanapeleka mkulima wa mpunga mbele. Mambo mengine ni kama vile tunapokuwa tukitembea barabarani. Tunaona barabara zina askari wa police.

Hawa traffic ndiyo wanasababisha ajali za barabara. Kwa hivyo ukiona gari ikija ikiwa watu wamajaa hawachukui hatua hata kidogo kwasababu wanataka hongo. Ndio sababu ya ajali kwasababu watu wanajaa na driver hawezi ku-control gari yake. Maoni yangu ni apewe adhabu kali au afutwe kazi.

**Com. Ayonga:** Thank you so much, na unataka askari watolewe barabarani?

**Geofrey:** Waweko tu lakini wapewe adhabu kali.

**Com. Ayonga:** Waweko tu wakifanya nini?

**Geofrey.** Waweko na wakipatikana wakipewa hongo na gari wachukuliwe hatua.

**Com. Ayonga:** Thank you. Wang'ori yuko karibu? Sasa tumefika saa saba na huu mkutano tutauvunja saa saba twende for a short break. Najuwaa hapa kwenu ni kwa mchele tupate wali kidogo mutupe tule na ndipo tu – resume hapa saa saba na dakika arubaini na tano. Tuje hapa tukiwa tayari kutoa summary wale muliyo na memorandum zenu tafadhali wakati huo wa 45min. soma. Ukija tu utuambie neno moja. Na si lazima uzungumze juu ya memoradum yako, si lazima, mtu aje akafikiri walilazimisha kama mmenilulize nisome sinitasoma? La unaweza kutoa your memo without saying anything. Lakini ukitaka kusema something tafadhali utupe summary. Mungu awabariki for this short break we resume 1.45. Thank you.

**Com. Ayonga:** Na David tunakupa mda wa dakika mbili tu. Tunataka utuambie ni yapi yapo kwa memo yako bila kusoma memo.

**David:** Thank you very much. I will be very brief. I am representing the Christian community services of Mount Kenya East. We as patriotic Kenyans because of our love are recommending that we should have a preamble in our Constitution, which should state our origin, who we are, our purpose and our goals as a nation. The national vision should be of unity and prosperity for all Kenyans, giving equal opportunities to all in the share of national resources. We have many other things particularly in defence issues. The President should be the Commander-in-Chief of the armed forces. The others we have highlighted the format to be followed.

**Political parties:** We should have between 3 and 5 parties and they should not exceed that. Finances should be availed to all political parties from the public resources.

**Government Structure:** On the structure and the system of the government. Kenya should adopt a mixed system of governance where executive powers should be shared between the President and the Parliament. The President should not have all the powers, as it is the case today

We have given recommendation on the Legislature, the Executive powers and the qualifications for a President. We highlighted the powers to be taken away are those of appointment of various members.

We have also talked about the Judiciary. Judiciary should be independent and separate from the Executive and should not pledge loyalty to the President or to those who appoint them. In case of indiscipline they should be demoted or sacked. About the Kadhi's Courts for Muslims, they should deal with other matters. They should also be qualified as the other judges in the other courts.

In the local government, mayors and chairpersons should be elected directly by the people and they should be given more powers, the local powers not like the.... (*interjection--Com. Ayonga*)

**Com. Ayonga:** Thank you, David.

**David:** To summarise, there are institutions that are going down like the East College and other institutions. They should be changed and given other uses like they can become branches of campuses and other things instead of facilities collapsing.

**Com. Ayonga:** Thank you so much

**David:** Facilities like the Mwea Rice Mill should also be used by the farmers and not just left to stay like that. Thank you.

**Com. Ayonga:** Thank you, if you can submit your memorandum. Another person is David Kang'angi.

(*Interjection Audience*) He is the one.

**Com. Ayonga:** Oh thank you. You are David Njoka and the other is Kang'angi. Okay. Thank you so much. Next John Kinanie, Julius Ndung'u, ana memorandum, Nicholas Mugo, Jotham Mureithi, okay come, after Jotham I want Amos Keiyo to be ready.

**Jotham Mureithi:** Madam, Commissioners, my name is Jotham Mureithi My submissions is based on four heading:

**One:** Is about our Parliament: I feel that for our Parliament should enhance democracy I propose the following: -

1. Our Parliament should have two chambers i.e. the House of Representatives, which should comprise members elected at the constituency level and the Senate, which should comprise members elected at district level. The senate should approve all the laws made by the House of Representatives.
2. Our Parliament should have power to impeach an errant President. For a President to be impeached, decision should be reached by members of the house of the representative by a 2/3 majority and supported by members of the Senate by the same margin. Both chambers, of our Parliament should have their own calendars that should be free from any

manipulation from any quarter.

3. One requirement for a candidate to Parliamentary election to qualify today is that the person must be able to speak and read Kiswahili and English languages except if unable to read due to blindness or another cause. A loophole is created in the current Constitution where even primary school dropouts can find their way to the August House. To check such anomalies minimum academic qualification should be set where a person aspiring for a House of Representative seat should have at least C plain in KCSE or Division two in KCE, those aspiring for seats in the senate should have at least a college degree from recognized university or institutions of higher learning.

**Com. Ayonga:** Give us a summary.

4. In the office of the President and cabinet, our current Constitution does not seem to lay emphasis on academic qualification. I propose that offers to those aspiring for the post of President in Presidential elections must be holders of a degree from recognized universities. And it should be mandatory our Presidential aspirant to name his running mate before the elections. The President, the Vice President and other members of the cabinet should not be members of the Parliament. This provision will enable the President to appoint men and women with exemplary performance in their areas of specialization. All the Presidential appointees should be vetted by Parliament. They should be , on which the new President should be sworn. A new President should be given an adequate period after the election for him to make appointment for various public offices. I propose one and half months. From the fixed date of elections to the fixed date of swearing in. This period will enable Parliament to vet the presidential nominees. Office of the ombudsman:

The office of ombudsman should be created in our new Constitution. The office referred to above should have branches at the polling level that is province, district and constituency.

**Com. Ayonga:** Dakika mbili zimekwisha zamani

5. The local government should be restructured and strengthened for it is through them that both rural and urban development can be greatly enhanced. Our current Constitution has created loopholes through which men and women have managed to attain position of leadership through local government elections though they qualification are not adequate. To countercheck these loopholes I propose the following: -
  - All local government aspirants must have had either KCSE or KCE examination
  - Mayors and county council chairmen must be holders of at least a diploma from a recognized institution of higher learning.

Thank you very much.

**Com. Ayonga:** Thank you, Amos Keiye, Leonard Ngichu, please come if you are Leonard.

**Simon Bush Kanyi:** Kwa jina naitwa Simon Bush Kanyi. Nimeshukuru kwa kupata nafasi hii. Mimi nasema kuwe na sheria ya Katiba ya Kenya inayosema wajumbe na viongozi wa Kenya waunge mkono mradi wa Jua Kali. Mradi wa Jua Kali ni muhimu sana kwetu sisi sote Wakenya. Unanufaisha watu wengi kwa wakati mmoja na pia ni technology ya kiufundi na ukulima bora. Na pia nitachukua nafasi hii niseme walipe mshahara yao wakati unaofaa.

Ahsante sana.

**Com. Ayonga:** Thank you, James Mwangi,

**Com. Ayonga:** But do you want to take his place? Who are you ? Peter Mwangi.

**Peter Mwangi:** So I have only five points.

**Com. Ayonga:** Say your name so that we can record.

**Peter:** My names are Peter Mwangi .

1. defectors and mergers from one party should be given a fine of 500,000 shillings and be refused to stand the following by-election.
2. Those who want public seats should be tested for HIV Aids.
3. Prime Minister to set up the government. Parliament to be the supreme body in the land.
4. There should be an independent Public Service Commission on. Immorality there should be a deterrent to those who want public offices.
5. Political parties should be financed from consolidated funds only if they meet 10% of the registered voters in four provinces.
6. Parliament should set up a calendar and 75% should be the minimum no. of percentage for M.Ps to pass a motion or an amendment.
7. There should also be offices for M.Ps and a proposal for a school of the M.Ps so that they can also be scientifically acquainted.
8. A formation of independent Commission of salaries to be inaugurated.
9. The Attorney General, The Chief Secretary and the Chief Judge to be vetted by the Parliament.
10. The penalty of death should be done away with and replaced with life imprisonment.
11. The ministries to be fixed by the Constitution and I propose a maximum of 18 ministries and the issue of assistant ministers to be scrapped. The Ministers should be professionals.
12. The Constitution and the registration of voters should be a continuous process. Thank you very much.

**Com. Ayonga:** Thank you Peter if you can go there and register your name, Simon Bushi Kanyi, Kanyi Simon.

**Com. Ayonga:** Tena alijiandikisha tena namna gani? Christine Mwangi. Jeremia Mugo. Jeremiah una dakika mbili unaweza kutoa memo yako bila kusema kitu, unyamaze au unaweza kutoa mawili matatu. Dakika ni mbili tafadhali.

**Jeremiah Mugo:**

- Our preamble should include the national citizenship instead of our Constitution of the republic of Kenya, which embodies democratic principles with separation powers of the Executive, the Judiciary and Parliament for the welfare of all Kenyans.
- The members of the armed forces or discipline forces in general should be accountable for their actions and not covered by whoever sends them.
- The state and political parties should have co-relationships, which allows mutual trust and confidence to preserve national interest. The Parliament should vet the appointment of senior civil servants, Permanent Secretaries, Parastatal heads, etc.
- The Constitution should provide a clause for the removal of President for misconduct while in office. Some of this misconduct should include adultery, mismanagement of economy, abuse of office, etc.
- The government should ensure that each citizen has access to legal justice.
- The winner of a Presidential election should gather at least 51% of the vote cast and if not a run-off.
- On basic rights, every Kenyan should have the basic right to free and compulsory education from primary to university.
- It is also the feeling of Christians of ACK Raichuki Parish that factories should be forced and not to pay coffee farmers the fertilizer in lieu but should be given the cash.
- The government should make an obligation to implement the recommendations of the Controller and Auditor General.

**Com. Ayonga:** Ya mwisho.

**Jeremiah:** Ya mwisho.

- The quota system should be abolished and employment recruitment should only be based on merit and individual ability.  
Thank you.

**Com. Ayonga:** Thank you very much unaweza ku-submit kule, Paul Wamaringa.

**Paul Wamaringa:** I will highlight just a few points because some of them have been mentioned before. I am Paul Maringa.

- The Irrigation Cap 347 to be reviewed to give the farmer a say in his or her production and management of his or her rice. A special committee be formed comprising of farmers and government technocrats to jointly assist the farmer in

the production and management of his or her produce. This committee should be answerable to the farmer and government as well.

- Assistant chiefs and chiefs to be elected by the people of the respective areas they serve. They should also be answerable even in court for evil done during their service. The elected members e.g. President and all Members of Parliament be answerable even in a court of law for the evils they commit during their tenure of the office. This applies also to the councillors and civil servants should likewise be treated the same.
- The appointment of the A.G, Chief Justice, High Court Judges, Auditor General, and Head of Civil Services to be done by a special committee of Parliament. The Judiciary to be completely independent
- The ministers are appointed with special regard to their education for the particular ministries they represent.
- The President to be of O-Level and above education. Age 35 years and above, married and with a stable family.

Thank you.

**Com. Ayonga.** Thank you, next is Bernard Ng'ang'a, Joseph Kikunju, are you Joseph, Sema majina yako.

**(Kikuyu translated in Swahili)**

**Joseph Gekunju:** Njitagwo Joseph Gekunju

**Translator:** Naitwa Joseph Gekunju.

**Com. Ayonga:** Mzee endelea. Huyu ni Joseph Gekunju ameshatuambia hivo.

**Translator:** Jina ni Joseph Gekunju.

**Joseph Gekunju:** Ndirenda gukorwo wiraini uyu wa guthondeka Gatiba.

**Translator:** Anataka kuwa mshiriki katika kutengeneza Katiba.

**Joseph Gekunju:** Ninguruta woni wakwa. Wa mbere ni ati ingienda gukorwo kwina thirikari ya kugitagire mundu o wothe. Riria kungigia na undu urathukia bururi gukorwo na mundu uranirira ilitia riu.

**Translator:** Maoni yake ya kwanza: Angetaka kuwe na serikali itakayomlinda kila mtu. Kukiwa na jambo linaharibu serikali. Kukiwa na jambo baya na kutokee mtu mwenye mawazo mazuri atangaze ubaya huo.

**Joseph Gekunju:** Tondtu twagiriirwo tunyitage rianirira tumenyage ni atia kungikwo.

**Translator:** Hii ni kwasababu tunatengemea tangazo tujue kutakua namna gani.

**Joseph Gekunja:** Haha turi ni undu wa muthuri na mutumia. Kwoguo ngwenda Gatiba ya guthondeka mucii, gukorwo gwi kihumo kia wathani.

**Translator:** kwasababu hapa tuko ni kwasababu ya mume na mke. Kwa hivyo ningetaka nyumba iwe ndiyo mwanzo wa uongozi.

**Joseph Gekunju:** Kwoguo muthuri akorwo akije mutumia wendo uria uiganiire.

**Translator:** Hivyo namaanisha mume ampe mke upendo ipasavyo.

**Joseph Gekunju:** Na mutumia nake athikire muthuriwe.

**Translator:** Iwe namna hiyo. Bibi naye to be responsible to the husband. Naawe mtumishi wa mume na namna hiyo ndiyo watoto wawe na wajibu kutoka kwa mama yao.

**Com. Ayonga:** Na mwisho. Endelea Mzee na wewe kijana utafsiri mzee anapongea.

Joseph Gekunju: Thirikari itu, egoro etari thirikari ina nda, mbeca cioka cia otethi'yo egate'thia ria.

**Translator:** Angependa serikali isiwe serikali yenye tumbo, pesa ikija ya usaidizi isaidie raia. Lakini sio iende mifukoni mwa ya waliyo katika serikali.

**Com. Ayonga:** Thank you Mzee sasa unaweza kwenda kule ujaze jina lako. Boniface Munyao, Jackson Mwangi, Peter Kiura, Silas Kamara. Sema majina yako na summarize tunataka utupe majina makubwa makubwa ya hiyo.

**Silas Kamau:** Majina yangu naitwa Silas Kamara Machuru.

- Ningalitaka Katiba ione ya kwamba ni lazima tuwe wakati wote tunakuwa na serikali ya democracy
- Vile vile serikali hii iwe na President kama kiongozi wa serikali na mda wake wa kufanya kazi uwe kipindi cha miaka mitano na akiwa mzuri zaidi aongezwe kipindi kingine miaka mingine mitano.
- Lingine ningetaka Katiba ielekeze tuwe na government ya Prime Minister. Prime Minister awe appointed na mwananchi sio kuwa appointed by the President.
- Tuwe na serikali ya Central Government lakini sio government ya kimajimbo.
- ningetaka askari wote wawe chini wa uongozi wa Attorney General.
- Viongozi wote wa Local Government wangetakiwa wawe wametimiza elimu yao ya minimum standard, kidato cha nne and above.
- Serikali iwape raia elimu ya kimsingi, free basic education.
- Katiba iweke kiwango ya haya makorti kwasababu koti tuliyonayo hii ya sheria, mtu anakubaliwa kuomba appeal moja, appeal mbili ya tatu, ya nne hata kama ameshidwa anaendelea kufanya hivyo. Ningetaka sheria iwe na mwisho wake.
- Mtoto akisharithi mali yake kutoka kwa wazazi yake pasiwe na mtu mwingine au sheria ingine inaweza kuja kumpokonya mali hii ambaye amewachiwa na wazazi.

**Com. Ayonga:** Thank you so much. Kama iko point ya mwisho unaweza kutoa.

**Silas:** Ya mwisho ningetaka mtu yeyote kama ni mwananchi aruhusiwe kuishi mahali popote katika nchi na awe amekalia hapo kwa njia inayofaa.

**Com. Ayonga:** Ahsante unaweza kwenda kule ukajiandikisha. Mwingine ni Joseph Bunde, Henry Muriuki, Paul Njoroge.

**Paul Njoroge:** My names are Paul Njoroge and I just want to highlight a few issues. Apparently it appears that we are not aware of what is ahead of us. We are all here presenting our views on the kind of constitution we want to see in our country. Definitely we are going to write a very beautiful constitution and it might not help as much if we are not very careful. What we want is an overhaul of the system of what we having right now.

Our leaders are telling us when we finish the constitution making we will go into election so there is a danger that we will go into election with a new constitution and at the same time we will have no structure created by the same constitution. Mine was only to suggest a few remedies that would do us a lot of good. I was of the idea because the current Parliament term is ending on 5<sup>th</sup> December that the current Parliament should amend the Constitution to allow for a government of national unity so that within that period we can have a transitional Constitution to enable us to create the structure that will be required or that will have emanated from the current Constitution. The other alternative that should be explored is extension of current Parliament at least for one year so that within that period the infrastructures may be put in place. It is my prayer that the Commissioners when they meet back in Nairobi are going to Raise up the issue because the predicament we are in is only them who can get us out. Because I understand according to the act there are supposed also to advice on what should happen in between the transition. Thanks a lot.

**Com. Ayonga:** Thank you Paul Njoroge. Jackson Kithing'o unazo dakika zako mbili hapo anza kusema majina na kuendelea.

**Jackson Kithing'o:** Kwa jina naitwa Jackson Kithing'o, Nina mambo kidogo tu, sina mengi sababu mengi yamesemwa na wenzangu. Lakini nigetaka tu kudhibitisha ya kwamba madaraka ya Rais kupunguzwa na kazi yake kugawiwa vikundi vitatu vya kuendesha kazi hiyo. Ya pili ungeuzi wowote uidhinishwe na Bunge. Kuwa na kinga ya utumishi wa uma katika sheria. Vyama vya siasa katika Kenya kuwa vitatu. Bunge ipewe mamlaka yakufungulia Rais mashtaka na akishidwa na mashtaka wawe na nguvu ya kumsukumisha kuondoka kazini. Police waelimishwe kuandamana na maongozi ya kutumikia raia ambao wanawapatia mishahara sababu police tulio nao walifunzwa na Waingereza na mtindo walingereza wakati Kenya yetu ilikua ukoloni na ndiposa kuna shida kubwa katika uongozi wao.

Vyama vya siasa vilivyoungana viwe, Katiba iweke nguvu wakati wauchaguzi wawe wakifanya nomination kwasababu sheria

ya Kenya inasema Rais yeyote atakaye chaguliwa nchini achaguliwe na wananchi. Kwa hivyo napendekeza hata wao nawambia kuungana wawe wanafanya nomination ili raia kudhibitisha aliyechaguliwa kukutana na chama kingine awe amechaguliwa na raia. Sio delegate ya watu elfu sita wakienda Nairobi. Serikali kutoa mwongozo wa safari za nauri nchini sababu hii inagadamisha wananchi sana sababu ukitoka asubuhi kwenda safari unakwenda na shilingi tano, njioni ukirudi unarudi na ishirini na tano. Kwa hivyo serikali kusimamia shughuli za weendeshaji wa nauri ya magari ya basi. Ya tisa ingawa tuko makabila arubaini na mawili Kenya ningependekeza utamaduni wa kila kabila kutiwa maanani katika sheria sababu tofauti zao, ziko tofauti za maubile yao. Ningependekeza--

**Com. Ayonga:** La mwisho lile ambayo unaweza.

**Jackson:** Kutoa masomo ya bure kutoka standard one to form four.

**Com. Ayonga:** Ahsante sana mzee, next ni Peterson Mbugo: Eh mzee

**Peterson Mbogo:** My name is Peterson Mbogo. My memo goes like this. I would like the education; a person gets from his parents to be counted as a part of succession because it reduces the family money. Parliamentarian, the head of constituencies should not be given powers to debate on something which involves them. I would also like the government to restrain goods coming from outside the country if the same goods are produced or grown in our country Kenya. I would also like the government to legalize monogamy marriage and one should only be given permission to marry again after a real divorce. I would also like the government to adopt limitation of religious denominations because failure to do so that is why you find people ending up in worshipping devil. I would also like the government to restrain the bank and co-operative societies from employing securicors because by doing so they are endangering the money of taxpayers to the very armed thugs. That is all.

**Com. Ayonga:** Thank you peleka karatasi yako huko na ujiandikishe. Na sasa ni Hezron Mbogo. Atafuatwa na Paminus Munene. Karibu una dakika mbili tafadhali utupe the main points of your memorandum.

**Hezron Mbogo:** Thank you Commissioners, mine is Hezron Mbogo, I will start with Constitutional supremacy. I will say to amend any part of the Constitution, they should be 65% of all elected members in the Parliament. They should be no part on the Constitution beyond the amending power of the Parliament. On defence and national security the discipline forces, military and Parliamentary police, should be established by the Constitution.

The President should not be the Commander of the armed forces. The commander of the armed forces should be elected by the Parliament. The commander in Chief should be elected by the Parliament should have authority to invoke emergency powers. On political parties, all political parties should play other roles other than political mobilization. Non – ruling party should be given three ministries each rather than being manned by the ruling party. The number of the political parties should be

limited to three popular parties to minimize tribalism. The political parties should be financed from members contribution and government treasury whereby the ruling party should spend 60% and the otherparty should be given 10% each.

**Com. Ayonga:** Tafadhali utupe highlights naona makaratasi yako ni mengi, sema hayo maneno makubwa.

**Hezlon:** Thank you. On conclusion the Provincial Administration should change their colonial names to department development co-ordinator. They should be trained and transferred just like other civil servants. The Constitution should allow coalition government to avoid political zones. The functions of the President should be fixed. For every magistrate court or judge court there should be two magistrates on the bench to be fair. The elected Commission should be elected not appointed by the Parliament. There are many Commissions in Kenya the Constitution should allow a national organ to control monitor all the Commissions in terms of service of their workers. The Constitution document should have access to all Kenyans. They should be preserved either in schools, churches, public office and library. The ministry of local government should change to ministry of local authority.

**Com. Ayonga:** Sasa enda utuwekee huko na uweke kidole,

**Paminus Munene:** Jina langu ni Paminus Munene, nataka kutoa maoni yangu, hasa maoni yangu ni kuhusu ukulima. Wakulima wa Kenya wamejuta sana, hakika wakulima wa mahindi, sukari, mpunga na ngano. Nataka kutoa maoni yangu niseme, serikali isiagize chakula kutoka nje ikiwa nchi ina mazao yake, maana mkulima anajuta, inaharibu ile bei ya mkulima na hiyo chakula wanaangiza nje haitolewi kodi. Nataka pia serikali itenge budget ya mkulima hasivune mazao yake asikawie sana. Hiyo budget iwekwe alipwe mazao yake wakati ambayo inafaa. Rais asitawale zaidi ya miaka kumi. Kila mkenya apewe haki ya shamba yake hasa wakulima wa Mwea wa mpunga ili wanufaike kama wakenya wengine. Yangu ni hayo.

**Com. Ayonga:** Thank you so much, next ni Njongu Mrefu, hapana Njogu mfupi? Njoroge Kwodora, Collins Nidhamu, Margret Warui, Kenton Mwangi, Francis Maina, eh Kenton Bado hatujafikia yako, Franci Maina anayo written Memorandum. Sophia Wakariko. Basi mama chukua nafasi yako na utupe maoni.

**(Kikuyu translated in kiswahili)**

**Sophia Kariko:** Ritwa riakwa ni Sophia wa Kariko

**Interjection: Com. Ayonga:** Ngoja, Ngoja

**Sophia Wa Kariko:** Ritwa riakwa ni Sophia wa Kariko na haha njukite ni undu wa mahoya ma atumia a ndigwa thiini wa mubango uyu wa Gatiba.

**Translator:** Amekuja kwa sababu ya wanawake yatima,

**Sophia Wa Kariko:** Indo iria mundu atigiirwo ni muthuri wake ni matunyagwo na hinya.

**Translator:** wafaidike kwa vile wananyanganywa vitu vyao Ile uridhi wanawachiwa na mabwana zao madugu za waume zao wanaingia na kuwanyang'anya kwa nguvu.

**Sophia Wa Kariko:** Twathii magotiini undu ucio ndunyitagwo uria wagiriire.

**Translator:** Na wakienda kwa mahakama yale mambo hayachukuliwi jinsi wanavyotakiwa.

**Sophia Wa Kariko:** Woyagwo uria marena woyo tondu mena mbeba.

**Translator:** Huchukuliwa jinsi vile wanavyopenda kwasababu wao wana pesa.

**Sophia Wa Kariko:** Angi atumia a ndigwa ni matunyitwo migunda, ng'ombe, na indo ingi na ciana itirathoma.

**Translator:** Yatima wengi wamenyang'anywa vitu vyao na hasa ng'ombe na mashamba na watoto hawasomi.

**Sophia Wa Kariko:** Kwoguo no twende Gatiba ino yuke na ihenya niguo I-okoe atumia a ndeiwa.

**Translator:** Na hivyo wangeomba hii Katiba irekebishwe haraka ili ianze kuwasaidia mayatima.

**Sophia Wa Kariko:** Ndiri na maingi tiga macio

**Translator:** Hana mengine mbali ni hayo tu.

**Com. Ayonga:** Ahsante sana, mama. Kwenda huko uweke kidole. Mwingine ni Zablon Mwangi. Tupe kwa kifupi maoni yako.

**Zablon Mwangi:** Thank you, I propose the following:

**Com. Ayonga:** Sema majina kwanza.

**Zablon:** Zablon Mwangi, I propose the following. On the issue of citizenship, I propose once a person marries or is married by a person who is already a Kenyan citizen that person should acquire automatic citizenship. Again a person who stays in Kenya for more than 10 years and is willing to become a Kenyan citizen should also become one. On the issues of vulnerable groups, I propose that we come up with a law that compels the relative or the next of kin of old people to take care of the old people. If the next of kin cannot be traced, the government should take care of the old people. Again the old people should be exempted from paying medical fees. On the Executive, the President should not be above the law. We should come up with the law that allows for the impeachment of a President if he commits criminal act. If this criminal act involves theft of public

property it should be returned to the state and an appropriate punishment should be given.

On the local government the Mayor should be elected by the voters and not fellow Councillors. The maximum level of education for Councillors should be O-level and above with good passes in Kiswahili, English and Mathematics. Again they should not be ex-conficts. They should not have done any criminal act and convicted by a court of law. The Minister for local government should not interfere or dissolve local authorities because Councillors are elected by people. Again even the President should not dissolve them. The tenure of mayors should be extended to five years so as to give them time to accomplish long-term projects. However, should they mis-behave fellow Councillors can pass a vote of no confidence. On the issue of nominated Councillors there is no need of having them, because councils are run by qualified experts from the government, so there is no need of over-burdening the local authorities. However, on the issue of nominated Member of Parliament, I propose that those who will be appointed should be experts so that they can guide the Parliament on crucial debate.

Lastly, on the police force I suggest that their training should be elongated to at least one year and basic skills such as human rights, basic laws, public relation, gender affairs, communication, first aid and counseling is taught to them to make them more humane. Again they should undergo various refresher courses to make them be responsible to the Kenyans. Thank you very much.

**Com. Ayonga:** Thank you, submit it and sign. Paul Macharia? Okethian Kamau unayo written memorandum, Anthony Ngumi, Gedion Muriuki, Andrew Mwangi.

**Andrew Mwangi:** Thank you very much, Commissioners my name is Andrew K. Mwangi, I have just a few points here to rise. (1) On issues of Mwea, we Mwea people after having being farmers here for over 40 years have not been considered for title deeds and this has been hampered by the act of Parliament cap 370. It is my proposal that the Constitution that is coming up to remove that act, to have a better act. When I come to electoral post like for the Executive, the one for M.Ps and civic seats, I propose that the President of this nation should be elected somebody with a minimum of degree education. The M.Ps should have a minimum of A-Levels or the equivalent and the Civic minimum of O-level. I also propose that we have a two-chamber system of Parliament whereby we have also the post of Prime Minister and the post of Ceremonial President. I also propose that the Parliament control its calendar. My other proposal is that the constituencies' boundaries be based on populations, not on size. I also propose limitation of political parties to the true most popular to avoid tribal political parties. I also propose the powers of the President to be trimmed so that the Parliament is supreme. I also propose that the appointment to key positions in the Civil Service to be done by a Commission empowered by Parliament but not the Executive. I also propose that the Constitution should ensure basic human rights to all the citizens especially the poor. Free and quality education to all, free health care to all, eradication of poverty, full security to all, equal employment opportunities to all. I also propose that land ownership be pegged at a maximum of 100ha., irrespective of one's wealth.

**Com. Ayonga:** And finally.

**Andrew:** I also propose freedom of movement that is easy issuance of passport and the duo citizenship. Please allow me just two more.

**Com. Ayonga:** You see all these? These are human beings waiting here.

**Andrew:** Just two more.

**Com. Ayonga:** Please just give us your final one.

**Andrew:** There were so many, but let me give you just one. Let me look for the best may be. I also propose that this Constitution ensures that each and every educated Kenyan citizen who is not employed because because it is not wish to be salaried. Thank you.

**Com. Ayonga:** Go there and sign your name. Next is Simon Ngung'u.

**Simon Ndung'u Waithaka:** My names are Simon Ndung'u Waithaka, my proposals are:

1. On the side of political parties, the parties should register their members permanently in order to avoid those people who hijack the parties during the election.
2. All the parties should hold nomination day at the same day or at the same time in order also to avoid those people who may decide because they are dropped out from this party to switch on the other one.
3. Another proposal is on the Co-operative Act. The committee members who are elected should at least have a surety so that when they are elected and they run away with the money of the co-operative they can be followed and the surety should be the title deed if they have or a plot or an amount of money agreed by the Co-operative Act.
4. Another proposal is about the employment, the chairpersons of the parastatals and the Commissioners like this one of the Constitution should not be elected by the President.
5. The people employed by the government or any parastatal should not hold two posts like being a chairperson and at the same time being employed. Thank you.

**Com. Ayonga:** Thank you so much, if you can give your paper and sign. Next will be John Karimi. Samuel Muriuki, Jackson Mbuchi. Jackson unaweza kutoa maoni yako, sema majina na toa maoni.

**Jackson Mbuchi:** Mimi ni Jackson Mbuchi, na maoni yangu kidogo hapa nimeandika kama: Rais asikae Bungeni zaidi ya

miaka kumi. Ya pili, Rais asiwe Mkuu wa Majeshi. La tatu mambo ya single mothers ifike mwisho, yaani kijana asiwe na urafiki na msichana baada ashike miba na huyu kijana akatae huyu msichana hiyo mambo ikichunguzwa kabisa na mahakama huyu kijana anahitaji miaka tano maana hao tunawaita single mothers wamekua wengi sana siku hizi. Hiyo ichukuliwe hatua. Hata akiwa alimpatia pesa, hata akiwa alimpatia nini hiyo pesa ndio inaharibu hii Kenya yetu. Hiyo kitu ichunguzwe zaidi. Na ya nne, kama ni wakili ambaye amepatiwa kesi ya kusema na watu ambao wamepatwa na ajali ya barabarani na huyu wakili awe anatomia pesa za yule ambaye alipatwa na ajali barabarani vibaya vibaya kama walijadiliana kupatiwa 25% naye akule 75% ile mambo sio ya kawaida. Huyu wakili achunguzwe zaidi na pengine akipelekwa mahakamani kifungo chake kisiwe less than ten years.

**Com. Ayonga:** Endelea Mzee karibu umalize.

**Simon:** Alipe pesa hizo na akifungwa aje alipe hizo pesa za mwenyewe. Ya tano nafasi za wananchi zikae vile zilivyo lakini si kuuza. For example kuna nafasi ng'ombe zetu zinaweza kukunywa maji, naweza hata kuja na Land Rover yangu, donkey cart natelemka mpaka kwa mto. Hiyo nafasi ya serikali au ni ya council ikome kuuzwa na Councillors na wale wengine na chiefs. Hiyo nafasi za wananchi zikae vile vile surveyor alikua ameona zinatakiwa zikae zitasaidia wananchi kwa miaka mingine.

**Com. Ayonga:** Na la mwisho.

**Simon:** Ya mwisho, ninazo kama kumi. Chiefs na assistance chiefs wawe wakichaguliwa na wananchi. Ikiwa sivyo wawe wakipatiwa transfers. Ya saba kama ninaona Makamu wa Rais, awe mtu ambaye amepata kura kama karibu zake lakini sio kusema huyu ni mtu wa upizani huyu ni mtu wa wapi. Ikiwa kura zake zilikuwa karibu sana kuwa kama za Rais achaguliwe kama Makamu wa Rais wa Kenya.

**Com. Ayonga:** Thank you Mzee umepita dakika zako. Sema ya mwisho.

**Simon:** Ya mwisho ningesema Katiba ya Kenya kama, mimi nilisoma Civic kidogo.

**Com. Ayonga:** Twambie tu ile unataka.

**Simon:** Police au askari jela akipatikana na mambo ya kuumiza mwananchi wa Kenya wakati yeye yuko cell tunamkuta, tunamtoa huko akiwa ni kama mtu amekufa zamani. Huyu askari akipatikana, dawa yake iwe ya kumtolea kazini kabisa, akipelekwa mahakamani. Yangu ndio hiyo.

**Com. Ayonga:** Thank you so much, unaweza sasa kuja hapa. Naftali Mahara, Daniel Mutuku, are you Naftali, eh? Angalia huyu ni Mahara, jina lako liko hapa? If you are here hebu keti sema maneno yako. Daniel Mutuku alipatikana au

hakupatikana. Stephen Ngingi awe tayari baada ya Naftali. Wewe sasa useme majina yako sasa.

**Naftali Karani:** My name is Naftali Karani, I have four points to make, and the first one is pupils' discipline in schools. Pupils should be discipline by the use of a cane for the following reasons: It is not time wasting, they respond very well to this method of discipline as compared to other methods. Parents feel that it is the best for these future leaders. The head teacher or his deputy should do the caning. If they must delegate they have to supervise the caning. Pupil should never be canned in any other areas apart from the headteachers' sffice.

2. Dressing in public – Kenyans especially our female colleagues should dress respectfully. Nobody should dress provocatively for example wearing tight clothing, very long slits and so on and so forth. This is to discourage bad thoughts by their counter-parts men. All TV programs must be censored before being released to the public for viewing. This is because some parts promote sexual behaviour and especially now that we have HIV/Aids pandemic. We should actually make sure we do not have things that will encourage unwanted sexual behaviour. Writing above ' 18 years not below 16 years' is not enough they should be censored.
3. Public transport, vehicles should have the maximum number of passengers marked on the side so that the passengers who board these vehicles know that they are now overloading the vehicles, otherwise overloaded vehicles should have it's passenger fined the driver, the conductor and the owner of the vehicle. I suggest all the matatus to carry four passengers per seat and pick-up matatus to carry a maximum of eleven passengers. 10 at the back and one in front. Women who wish to take lift on bicycles should seat facing on one side not facing in front this is actually very bad and especially for us Africans, it is very provocative.
4. Primary schools and secondary schools levies – Primary school heads and principles should not collect money from parents; the government should do it through taxes by anybody with 18 years and above upto 65 years.

**Com. Ayonga:** Thank you.

**Naftali:** Parents of these institutions should therefore make budgets as we—

**Com. Ayonga:** Utakapo pata utaendelea.

**Naftali:** By the end of every financial year - please let me finish - and then present it to the government to collect the cheques after one month. Thank you

**Com. Ayonga:** Thank you, unaweza kwenda kule uandikishe. Lilian Mwaniki. While she is coming nataka Stephen Ngige kujitayarisha.

**Lilian Mwaniki:** I am Lilian Mwaniki. My views are, Laws of President. To oversee and protect the implementation of Bills, laws, and government project. Representing Kenya in international forum matters. The President should not be above the law. Sharing of power: Power should be shared. Chiefs and assistant chiefs should be elected by the people they are serving. Mwea Rice Farmers should not be trust land. Land, plot and etc. should not bear the men's names only. Widows should not be controlled by men's relatives. A married woman should be allowed to own her property. Laws should be maintained even in areas of opposition. Thank you.

**Com. Ayonga:** Thank you mama. Stephen Ngige, are you around? Are you Stephen? Thank you go ahead. George Githinji be ready.

**Stephen Ngige:** I am Stephen Ngige and my views are very few.

1. Compulsory primary education: Primary education should be mandatory for all children, basic primary education.
2. Ban smoking in public places, heavy fines should be imposed on those who violate this. Children under 18 should not be allowed to smoke.
3. How to curb road carnage. All public service vehicles should be fitted with speed governors since most accidents are due to speeding.
4. Security: The government should employ more police officers who should also be well paid to curb crime.
5. Land - every Kenyan should be given a piece of land.
6. Street children – a way should be found to remove them from the streets. Their parents should also be sought and get punished if possible.
7. Rapist- These should be sentenced to death
8. Retirement age, all civil servant should be paid well and retire early to pave way for others from institutions for learning.
9. Salaries to be reviewed and workers to be paid according to their qualification.
10. General Elections: The life of the current Parliament should not be extended. If a new Constitution will not be ready by election time, some changes should be made in the current Constitution to provide a fair playing ground for all political registered parties. Thank you.

**Com. Ayonga:** Ahsante kwenda kule na utoe jina lako. George Githinji, Joseph Mburu. Nini? Ni wewe? Sema majina yako.

**Joseph Mburu:** My names are Joseph K. Mburu and these are my views. The President should be elected directly with majority votes, but not 25% per every province, that is 51% nationally. The President should be a married person and he should be attending every meeting with his wife. He must be first proposed in his own area or constituency. The President should not hold any seat as an MP because he is a national leader, elected by the majority. The President should also be taken in the court of law if he shall be made guilty in any offence. Anybody willing to vie for a seat should be having a minimum

education of standard eight; that is Councillors and MP except the President who should be a professor. All tenants in this land of Mwea Irrigation Scheme should be given title deeds, but not lease. They also deserve to be well considered on the question of poverty. For instance, they should be given clean water. That is, they should be wholly supplied with clean water, free education and free medical care. Jobless educated people should be paid at least 3,000 shillings to minimize robbery, which is developing because of poverty. Chiefs, sub-chiefs, Village in charge should be elected by people. My proposal is that we have just have only three main political parties, and the ruling party should not harass any other party. Here in Mwea there was an act, which says a child boy who reaches 18 years should not live in this area. Therefore all what I would like by this Constitution review is the NIB to tell us now because we have reached that age where we shall be taken.

**Com. Ayonga:** Thank you. Jiadikishe hapo. Wapi Risper Wambui, Francisca Kariuki K. Henry Gitari, anayemfuata Henry Gitai atakua Joseph Kanyingi. Tafadhali utupe highlight tu.

**Henry Gitari:** I am Henry Gitari I have the following:

1. The Presidential powers should be reduced and the appointment of the managers in the government should be done by a Commission and vetted by the Parliament.
2. The people appointed should be people who have never been involved in corrupt practices or involved in misuse of public offices.
3. About agriculture, the government should support farmers by stopping all imports of commodities that are locally available for example, sugar, rice and milk.
4. On basic rights the government should set aside funds to support free and compulsory education and revive the Kenya Schools Equipment Scheme so that they can provide for what is needed in the primary schools.
5. The government should also pay teachers their dues so that they can Raise their morale.
6. The government should also guarantee free medical care to all citizens.

**Com. Ayonga:** Thank you. Young man go get to them. Joseph Kanyingi. Do likewise.

**Kinyajui Kaindi:** Thank you am Kinyanjui Kaindi. Land policy: minimum land acreage according to agreed economic power of the region. That is, land ownership, people should not be allowed to have large parcels of land which lie idle. This is against the policy of every Kenyan to have at least land so it is good for a Constitution to have that policy that there is a minimum land acreage according to agreed economic power of the region. Foreign investors in farming should not be allowed in our country. No idle land should be for majorities of Kenyans are landless. Land allocation should be a continuous exercise. It should be rule that every Kenyan when he attains at least the age of 18 is allocated land. There should be no land fragmentation. This discourage farming, so this land fragmentation in order to sell should be discouraged in our new Constitution. Independence of Local Government from the Central Government. Local Government should have a meaning. There should be allowed to

control their affairs as it was before 1988 when that act was changed. The local government should control its own affairs, finances, hiring and firing of employees, administration of the local authority should not be controlled by the Minister for Local Government. That Minister should not be there in our new Constitution.

Freedom of worship, that clause in our present Constitution should be touched, there some people who are saying that there should be limited of freedom of worship. Let me tell you I am a Christian and nobody is able to define God or Satan. Those are beings, which are beyond our understanding so there should be freedom of worship. Provincial Administration should be elected. There should be a school for Constitution and governance in our country. Thank you.

**Com. Ayonga:** Before you leave, did you say you are a preacher?

**Kinyajui:** Yes I am a preacher.

**Com. Ayonga:** And which God do you preach? Which one it would seem to me that like they're so many that (interjection)

**Kinyajui:** Okay God is a supreme being and we can not define, Christians they have their God they say, they think that their God is supreme. Muslims they think so, Hinduism they think so, so we should not think that if we are Christians that Muslim are devil worshipers that is wrong mentality.

**Com. Ayonga:** Thank you but I think we should study a little bit to know who is the true God. And we should also know and tell people who Satan is. People should know that there is Satan and there is God.

**Kinyajui:** But true God is in your mind.

**Com. Ayonga:** Thank you, that is your view.

**Kinyajui:** Okay, thank you.

**Com. Ayonga:** Richard Njanja, Benson Karimi, are you Richard Njanja who are you? Thank you come. Benson be brief

**Benson Karimi:** Mimi ni Benson Karimi na ningetaka kuchangia Katiba hii. Ya kwanza ningelisema maoni yangu katika Kenya, President asiwe kila kitu kama kwa mfano sasa President ndiye anateuwa mawaziri, provincial Commissioners. Speaker and the rest. Kwa hivyo ni kuonyesha sisi Wakenya hatuna kitu chetu, kwa mfana kila kitu ni ya President. Maoni yangu ningelionelea President asiwe wa chama chochote. Awe neutral na Minister wasiwe na chama chote wawe neutral. Halafu every province ichukue maminister wawili wawe wakichaguliwa na watu wenyewe, wa Kenya wenyewe, ndio kila pembe ya

Kenya iwe inawakilishwa. Kwa mfano siku hizi kama minister akifanya makosa anatumikia President hatumikii Kenya. Akifanya makosa anafutwa na President. Maoni yangu kwa Katiba mpya President asiwe na ruhusa yeyote ya kufuta Minister. Minister awe akifutwa na Bunge akikosa. Political parties, ningelionelea zote ziwe non-governmental organization za maendeleo peke yake, sisiwe za kuchagua maBunge na maminister kwasababu political parties sinaonyesha zinakua kama tribal sectors. Kwa hivyo sikiwa Non-Governmental Organisation zitakuwa zikileta maendeleo kwao na kwao lakini sio kama vile inaonekana siku hizi. Kwa mfano mBunge wa chama fulani haoni mBunge wa chama ile nyingine fulani. Hata akifanya maendeleo gani hapewi jukumu ama kuambiwa anafanya vizuri.

**Com. Ayonga:** Kwa hivyo tuambie maoni, hayo yote unayajua, maoni yako ni nini?

**Benson:** Maoni yangu ni wabunge wawe wakitumikia raia na wakichagua Assistance Ministers lakini asiwe anachaguliwa na President. Hiyo ingine in portrait, kwa mfano sasa ukiangalia shilingi ya zamani inaonyesha shilingi iko chini ya kirauni, kwa hivyo nikuonyesha wakati wa zamani pesa haikua juu ya sheria, lakini siku hizi ukijukua shilingi inaonyesha shilingi iko juu ya sheria sababu shilingi ni kubwa kuliko kirauni. Kirauni ni kidogo. Kwa hivyo ni kuonyesha siku hizi common man hana uwezo wowote katika Kenya. Kwa hivyo katika Katiba mpya ningelionelea pesa sisiwe juu ya sheria.

**Com. Ayonga:** Thank you. Dakika zako zimekwisha njoo hapa uandikishe jina. Next is Francis Kamau, Monicah Wanjiko, Josephine Wango, Edward Waweru, John Njru, John Mgondo, James Ndung'u, Simon Mwangi, Evangeline Kamau. Mama Evangeline utupe highlight ya memorandum yako.

**Evangeline Karimi Kamau:** My names are Evangeline Karimi Kamau, my views are these, the first one:

1. The spouses of Kenyan citizen regardless of gender should be entitled to automatic citizenship.
2. A child born of one Kenyan parent regardless of parent gender should be entitled to automatic citizenship.
3. Kenyans should carry ID cards as evidence of documentation for citizenship.
4. The President should not be the Commander-in-Chief of the armed forces as he does.
5. The Executive should not have exclusive powers to declare war for any course.
6. The number of political parties should be limited and at least we are supposed to have a few of them for better competition. Two of them.
7. Being a Member of Parliament should not be a full time occupation but should remain a part period for the justice of the people.
8. Changes should be made for requirements for voting and contesting Parliamentary seats and also presidency.
9. Ages between 20 to 50 years should be considered since they need science when they go home.
10. There should not be any special measures put in place to increase women participation in Parliament, since we have now gender issues for women and men.
11. Presidential tenure should be increased at least not over two terms or ten years for the improvement of the people.

12. The functions of the President should be defined in the Constitution schedule for work duties. The President should be a member of Parliament since he is representative for his area and need to be voted by his people. There should minimum education qualification for Councillors, for enlightenment and for the language should be understood by others. The Constitution protect refugees, health care, water, education, shelter, food and employment and basic right for all Kenyan. The Constitution should provide for compulsory and free education facilities. Thank you.

**Com. Ayonga:** Thank you, unaweza kwenda hapa utoe hiyo na uandikishe, David Mwangi. Sema majina yako kamili.

**David Maingi:** Kwa majina kamili ni David Maingi. Upande wa ulinzi na usalama wa taifa: Hiyo ulinzi kwanza imeharibikia upande wa serikali sababu ulinzi unalindwa tu wale waliyo napesa. Kama huna pesa hakuna ulinzi. Miundo na aina ya serikali: Serikali inafaa kuundwa hasa kwa wale wako chini kabisa, raia. Waudiwe serikali inayofaa. Serikali inayofaa inatakiwa kushirikishwa hasa kwa wale wazee wa kijiji. Mamlaka ya nchi: Mamlaka nayo haitakiwi iwe Assistance Chiefs na Chiefs waweko sababu Kenya inafika kiwango, hailitajio, Mahakama. Mahakama nayo inatakiwa tuwe na mahakama itakayolinda hasa wananchi wa kawaida. Sababu mahakama inahusika sana na wale wako na pesa, kama hauna hakuna mahali pa kwenda. Ni hayo tu.

**Com. Ayonga:** Ahsante David Maingi, next is Stephen Nyingi, John Githinji, Paul Munene ana memorandum. Rev. James Njiru, Mwangi Peter. Nilikua nadhani tulimpa nafasi alipokuja. Mwangi Peter. Onesmas Mwangi, Esther Mbugua. Baada yake itakua Francis Kichogu. Esther Mbugua unadakika mbili na kwa hivyo twambie yale makubwa makubwa.

**Esther Mbugua.** I am Esther Mbugua and I have just a few on the Executive. Presidential qualification: I will prefer a married man or woman who has earned a good name through his or her character who should be married. He should have the qualities of a good leader, therefore be incorruptible. He should also be learned at least O-level and above. Presidential tenure should be two terms, five years each. The functions of a President: He or she should be a general overseer, a patron, a guide not an implementer of any kind. He should be an ornamental leader. The Constitution should set limits on Presidential powers:

1. He should not have power over the Judiciary.
2. He should not have power over the armed forces.
3. He should not have power over the institutions of higher learning of this land, rather he is the co-coordinator and patron of all the sectors be they state or private.
4. Constitution should provide for the removal of the President for mis-conduct while in the office. If a President is accused of corruption he or she should be relieved of his duties and then taken to court. Meanwhile the Vice President remains acting President until election are held for a competent person for presidency. This should take place if the former is found guilty. In the side Judiciary therefore should be very fast and accurate. In Parliament the President should be contented with members elected by the people. He or she should not have power to nominate people into

Parliament who were never elected. The President should not be necessarily an MP. Being a national figure, a President could be a member of the parties of from any section. We need the Provincial Administration whose role is to help and not to frustrate the public. The chiefs and the assistants should be elected by the public, if not so let them be transferred to various areas like other public servants.

Basic rights – all Kenyans are entitled to basic rights and needs. The Constitution should protect security, health care, water, education sector, food and employment and basic rights for all Kenyans. The people responsible of ensuring that all Kenyans get basic rights are those to whom the government entrust such as hard duties e.g., the forces, the police, doctors and nurses, Ministers in respective sectors of water, education, agriculture, land and settlement and labour, The civic issues that the Constitution should deal with are security, health and food. Education in Kenya should be compulsory and free in primary schools. This means that parents should be prosecuted if they wish to deny their children this right. This will solve the street children's problem. Kenyans should have to some extent the right to access information in the possession of the state or any other agency or organized group. If any information should be deemed detrimental to national public and thus should wreck havoc, I would suggest that it be given time before disclosure.

**Com. Ayonga:** Mama maliza.

**Esther:** Cultural and ethnic values bring us together as nation especially, dancing dressing, and songs. This is one way of fighting tribalism. The Constitution should promote them. The Constitution should have the specific concern to the youth of this nation. Drug abuse, all drug traffickers jailed, all bang growers should be punished and children under eighteen years should not be allowed to smoke or take alcohol. Illegal beers should be abolished because they are a great havoc in our home. Growers and sellers should be punished.

**Com. Ayonga:** Thank you mama for those good views. Now for those of you remaining, we want give you one minute each. But let me do this even before I do that. How many of you seated here have got written memorandum? Okay how many of you here are going to give oral views? Nini?

**Com. Ayonga:** Hukusikia jina lako? Basi kama hukusikia mzee, mimi nitakusaidisha usikie.

**Com. Ayonga:** Those of you who have got written memorandum please come in front here. Kaa katika hizi bench mbili nione how I come maximize. Na wewe mzee kuja hapa kwa ajili ya umri wako, kuja hapa mbele. Keti hicho kiti peke yako. Sasa nataka kuambia nyinyi mlio na written memorandum, nataka tuelewane kabisa, kwamba hatuna mda lakini hatutaki kuacha memorandum ya mtu yeyote. Kitu sitaki uje ukakaa hapa ukaanza kutusomea. Kwa maana hata niliwapa notice wakati ule wa mchana wakati wa lunch kila mtu asome memorandum yake akija atuambie neno toka kwa kichwa chake. Kwa maana shida ile unayojua unajua na nitawapa kila mmoja wenu dakika moja. Mtafanya? Nani yuko tayari kufanya? Kuja chukua

microphone jina lako lazima useme.

**Jairo Kariuki:** My name is Jairo Kariuki, one, there should be no squatters in this country. If there is any product which can be grown here then there is no point of importation for example sugar, rice and so forth. I am scared because of the MP and the ministers, they are not right. Unaona mwingine anasema this people to lie down like envelopes. It is very bad for an MP or a minister. The economy sabotage: ( those people sabotaging the economy), some country there are jailed and killed. Let us do the same thing. Thank you very much.

**Com. Ayonga:** Ahsante sana. Unaweza kufanya kama huyu? Haya chukua microphone Ahsante sana, kwenda hapo uandikishe nauweke kidole.

**John Kirago:** My name John Kirago. I wish to propose the following: defence Kenya police and Administration Police should merge. Parties should be between 3 and 5, Parties, should be financed at least to have 25% membership from each provinces. M.Ps should work full time. Age of MP or somebody to be voted in should be 25 years and above. M.Ps' salary should be vetted by an independent body. President should be elected for two terms of five years. He or she should not be Member of Parliament. Presidential elections should be done separately from parliamentary. Local government authority, they should be elected directly by the people for two terms of two and half years. Salaries of Councillors, should be vetted by an independent body.

**Com. Ayonga:** Ahsante sana. Ikiwa utafanya kama huyu chukua microphone na sema majina yako.

**John Ndung'u:** My names are John Kungethia Ndund'u Box 59 Wang'uru. My views are: The President should be a married person, to uplift gender balance and above that, he should be or she should be living with her or his spouse whenever he goes. Revenues collected by the government should be used to uplift the area of collection. Chief should be subject to transfers as any other civil servant and assistance chief to work hand in hand with council of elders who understands the locals better. The budget should be done from constituency level to the national level. Elections should be done in two sets: civic and parliamentary on one day, Presidential, mayor or chairman of respective town and county councils after 21 days. Counting of votes should be done at the polling stations and signed on the same day. Judges should be appointed by the Parliament. Political parties to minimized to three. Thank you.

**Com. Ayonga:** Thank you very much, umefanya vizuri sana. Mwingine achukue microphone uende kule ujiandikishe.

**Jethro Njoroge Mwangi:** My names are Jefa Njoroge Mwangi. Preamble: should recognize the supremacy of people, supremacy of Constitution and should honour the freedom fighters. Government - We should have an executive President with limited powers as far as checks and balances are put in place. Separation of powers between the three arms of the

government, that is, we should have a unitary government and not federal government. A unitary government will provide equal to all region and federal government is difficult to develop all region equally, already some regions are ahead of others. Parliament: Members of Parliament should be over 25 years, minimum education form four, division 3 or D+. Parliament shall make its own calendar 50% of the nominated members should be a combination of women and disabled people President's minimum education should be division two or C plain. President should be impeachable, President should be between 35 years and 65 years. President should be married; President's tenure of service should be two terms of five years each. Parliament to approve a Constitutional offices and special parliamentary council to deal with errants. President, Chief Justice, Attorney Genera, Controller and Auditor General.

**Com. Ayonga:** Wewe sasa umepita ile dakika moja contract. Thank you so much. Mnajua wa mama tusipo wapa nafasi tunaingilia problem ya gender. Sasa nafasi ni ya mama tupu waendeleo.

**Mary Muthoni:** My names are Mary Muthoni Wambugu representing memorandum of Maendeleo ya Wanawake in Mwea division. Ya kwanza ni basic needs and basic rights. Security and employment for all Kenyans; food and water to be free. Free education upto secondary schools and cost sharing in higher education and public universities. Health care: On the side of women, we would like maternity care to be free and to have medicine in the hospital. The Kenya women should not suffer any more.

**Com. Ayonga:** Dakika yako moja imekwisha tayari.

**Mary:** Okay, about the local government, mayor and chairperson should be elected directly by the people. The title chairman should amended to chairperson. Mayors and chairpersons should be elected for five year's term. Election exercises after two years is and very expensive. Local Authority should not be under the Central Government. The mayors, chairperson should be an Executive Officer where the Chief Officer is answerable to them. There should be a minimum of education qualification for Councillors - A – Level. The others are here in the memorandum.

**Com. Ayonga:** Thank you mama, peleka kule. Mama mwingine, halafu ndipo tutarudi kwa wazee.

**Rev. Catherine Wambui:** Thank you very much, my names are Rev. Catherine Wambui. With the four papers I have, I am talking much on women, having in mind that women were co-partakers of the bitter pill of colonialism. So I would like that the new Constitution may think very much about the women. And the issues I have addressed is on how women should be treated and also the type of the President that we would like to have, and also the rules that are supposed to be followed when an election is being done. And since there is no much time think I be permitted to seat.

**Com. Ayonga:** Thank you very much mama.

**Wanjiku Ngige:** Thank you, I am Wanjiku Ngige. I am from Political Women Caucus of Kenya and I think what I supposed to say has been repeated several times and therefore there is no need of wasting time, thank you.

**Com. Ayonga:** Thank you very much mama. Nataka kusikia mwanaume mwingine pia akisema kama huyu mama.

**Joseph N. Kithuku:** My name is Joseph N. Kithuku, I just want emphasis whatever highlights. I have concerning what should be done for the new Constitution. Our President should just be elected by people, should have two terms, five years each. The powers of the President should be limited, it means that he should not be above the law. He should not be in charge of Judiciary. Lastly I would like to say is about power sharing. We suggest to have coalition government because the opposition areas are never paid attention. They should be given the same right by the government which we used to get before, even Ministerial. Another thing is about child, which is child abuse or street children. In Kenya that is our motto like today, because if you enter a town, the biggest problem are the street children. The government should take care about these children and especially we have to get like institution like Wamungwa Approved School in favour for them. Another thing is about the land whereby every Kenyan should also have at least five acres in the Kenyan. It means that Kenya is big. And being the big Kenya, every person if he gets such acres we will not have squatters or land vendors.

**Com. Ayonga:** Thank you peleka hiyo memo kule na uandikishe. Mzee keti nawe utoe yako.

**Josephat Kiriga:** My name is Josephat Kiriga, I would like to mention one thing or two before I submit my document to the other part. I would like the Kanu Constitution to emphasize on discipline. Secondly I would like to mention one thing or two. The Kanu Constitution should be laid down to make us qualify for the Kanu elections. The other thing is that, I would like to mention that when electing the President he should not be an elected person as a member of Parliament. A person from any other party should be right to qualify for President. The other things I have just laid them down in the memo and have no more time to mention them.

**Com. Ayonga:** Thank you mzee. If you can submit and register your name.

**John Wachira Mureithi:** My name is John Wachira Mureithi; Mine is on rural roads. Could action be taken that these people boarder rural roads, for this country's busy roads making them impassable without even caring for the road users and making the communication a problem. The widows- There should a law that would protect women being exploited by members of the family and other people. We should give them the right, action also be taken to these people who take advantage as they try to seek help from their relatives, making them their wives or slaves. The Street Children harassed by the councils in the towns, should the council issue them with title deed to enable them have daily bread to cater for basic need of their families. This will be a way of eradicating poverty in our country Kenya. The street children – the street children is a problem bothering

everybody in Kenya. It brings a lot of criminals in towns and also affects our economy. This is brought by mischievous people who impregnate these girls – the government should bring them to book and prosecute these people concerned.

**Com. Ayonga:** Thank you so much. Your names?

**Leonard Richu Ndung'u:** Richu Ndung'u representing the Young Region People Development Forum and this is the summary of our proposals. I will start with Constitutional supremacy We propose that once the review process is over, the amendment in the Constitution should be minimal and the powers of amending should minimal. The percentage of voting should be increased from the current 25% to 85%, and provision for a referendum in matters concerning national interest such as, the remuneration of top government officials, MPs, Chiefs, Civil Servants, Councillors and even Commissioners. The next thing is about changing statutes which should be a subject of referendum in the matter of external defence and national security. The people wanting to recall non-performing M.Ps and even Councillors and also the management of natural resources should be decided through a referendum. On the other issues we advocate for a federal system of government whereby the President remains the Commander-in-Chief of the armed forces, but the Prime Minister becomes the Head of the Government. The Prime Minister should be the leader of the party that wins majority seats in Parliament. There should also the office of the ombudsman, so that human rights are not abused by the authorities or by any other people.

**Collins Muthama:** My names are Collins Muthama. Our suggestions to the Commission review we have some points. The limited terms of living should be checked. Job opportunities should be opened to all Kenyans. Vacancies should be opened to all Kenyans. Law should be formulated to govern the Head of the State. To fight out bribery to all Kenyans. Rights of all farmers should be implemented. Equal distribution of wealth to all Kenyans. All farmers should guarantee rights to partake and sell their products. Ending of foreign investors for a period of five years. Thank you.

**Com. Ayonga:** Sasa nataka kukualika mzee, kuja hapa kwa microphone, naninataka utumie dakika moja utwambie lile neno, unataka tuweke kwa Constitution, microphone ndio hiyo.

**Geoffrey Muthie Muthike:** Sasa mkubwa wa Constitution, vile ningetaka kukuliza upeleke hii mambo mbele ni juu ya mchele hapa Mwea. Hii mchele inalimwa na wakulima hapa Mwea iongezwe pesa yake. Kama ni brand mark shilingi 45, kama ni sindano shilingi 35. Na jambo lingine tuko na mashamba hapa inauzwa hapa kwa board upande ule mwingine huyu mkubwa wa Constitution ningekuuliza sababu wazee wa hapa kama mimi wanazaa watoto wengi sana, tafadhali hao watoto wapatiwe 50 x 60 kila mtoto. Jambo lingine mkubwa wa Constitution, kile ningekuuliza, hii tractor ya board iko hapa hiyo tractor iamlishwe iende kwa mashamba ilimie wakulima mchele mara moja sababu wale wakulima wako hapa wako na taabu nyingi, na second to that, wale wakora wananyongona hapa baada ya kupigwapigwa na mawe na raia akipatikana pia ananyonga mtu, anawekwa kwa gallows DO anasimamia anapigwa risasi hadharani.

