

CONSTITUTION OF KENYA REVIEW COMMISSION

CKRC

VERBATIM REPORT OF

**CONSTITUENCY PUBLIC HEARINGS, NDIA CONSTITUENCY
HELD AT**

KIBURU CATHOLIC CHURCH

ON

WEDNESDAY APRIL 17TH 2002

CONSTITUTION OF KENYA REVIEW COMMISSION

CONSTITUENCY PUBLIC HEARINGS, NDIA CONSTITUENCY PUBLIC HEARINGS AT KIBURU

CATHOLIC CHURCH ON 17TH APRIL 2002

Commissioners Present:

- | | | | |
|----|------------------------|-------|--------------|
| 1. | Bishop Bernard Njoroge | - | Commissioner |
| 2. | Ibrahim Lethome | - “ “ | |
| 3. | Keriako Tobiko | - “ “ | |

Secretariat Staff in Attendance

- | | | | |
|----|------------------|---|-------------------|
| 1. | Samuel Wanjohi | - | Programme Officer |
| 2. | Dan Juma | - | Rapporteur |
| 3. | Josephine Ndungu | - | Verbatim Recorder |

Prayer in kikuyu: Mwathani Ngai ni tuoka mbere yaku umuthi twinangatho niundu wa kiheo kia muoyo, nitugugocokeria ngatho niundu wa tugutukinyiria hau tukinyite tugucokerie ngatho niundu wa ageni acio matucereire guku gwitu Ndia. Ona ithui kuria guothe tumire nitwagucokeria ngatho.

o niundu wa gutohe thabari njega. Nitugucoka tugucokerie ngatho niundu wa kiheo kia mbura kiria orukire gutuhe umuthi natugucokerie ngatho niundu wa gukorwo tugite na mbura bururi naguku gwitu particularly Ndia nitugucokia ngatho niundu wa macio mothe. Nariu mbere itu niturathii na mbere na kwihariria uria tungithondeka Katiba ya Kenya. Reke utuikie mutungoria wa mucemano uyu, tutongorie niundu wa maundu maria mothe tungiuga, reke matuikie kionereria kiega reke matuikie niwe

uratutongiria na nigetha tugie na bururi mweka wa rucio.

Twakuhoya macio ona mari manyinyi thiini wa ritwa ria jesu Kristo mwathani utuigie.

Amen.

Samuel Wanjohi: Asante sana mama, pale mlangoni tunafanya registration, na Mercy would like to say something before we start. Nafikiri huyu Cordinator wa hapa Kirinyaga, pengine atakaribisha nyinyi na Commissioners ndio tuanze mkutano.

Cordinator Mercy: I would like to thank each one of you who has arrived I know it has rained a lot, but it has taken effort and determination for you to get to this place. And the most gratitude I would like to give to our commissioners who have really gone through looking for their ways to come to this place even with the mud. So, I want to thank all of you and to request you to co-operate through out this session we are going to start immediately, and if at all you have not registered make sure you register yourself and you say what kind of presentation you are going to make. If you have a Memorandum, if you are presenting orally please do it on the registration desk so that we can be able to go first and also to do the work in a good way. Otherwise I am very grateful and I believe we are going to have a good time throughout the day.

Thank you very much.

Samuel Wanjohi: Sasa nitampatia Bishop Njoroge ndio aanze.

Com Bishop Njoroge: Hamjambo ninaona kama mko mbali sana, kwasababu tuwachache tunaweza kuja hapa karibu. Wazee can you come nearer ni wewe ninaita kuja karibu hapa tuwe pamoja hapa. Jina langu naitwa Bishop Bernard Njoroge mimi ni Commisioner na pia nitampatia Commisioner mwenzangu kwanza atujulishe.

Com. Keriako Tobiko: Hamjambo! Kwa jina mimi naitwa Keriako Tobiko na mimi ni Commissioner.

Com. Bernard Njoroge: Nina furaha kuwa na Programm Officer wetu Mr.Wanjohi ambaye ndiye atakuwa akiendesha mambo ya registration tukiendelea na mipango hii. Nafikiri Wanjohi you should introduce your staff then people may know who they are.

Samuel Wanjohi: Kuna watu tumetoka nao Nairobi. Huyu kijana hapa anaitwa Dan Juma. Dan Juma ni mwanafunzi katika Nairobi University school of law. Yeye ataandika report. Huyu mama anaitwa Josephine Ndungu. Yeye atarekodi yale yote yatasemwa.

Com.Bishop Njoroge:Kweli hii microphone inasikika vizuri? Ina sikika vizuri kweli?
ina fanya kama inafanya kelele.Can you try to find out(inaudible)

Tulikuwa tuwe macommissioner watatu lakini kuna commissioner mmoja ambaye amekuwa mgonjwa, ambaye angeenda mahali panaitwa Ndaragwa na huu commissioner ameenda kuwa na commissioner huyo mwenzake ili wawe wawili kwa hivyo commissioner Lethome hajakuja pamoja na sisi. Leo tumekuwa kwa ajili ya kuchukuwa maoni. Yale yote tumekuwa tukifanya katika commission imekuwa kazi ya kutayarisha kwa ajili ya siku hii. Natungependa kusikia maoni yenu na tutapokea hayo maoni na kuyapeleka mahali ambapo yanahitajika kuwa. Tutakupatia dakika tano, dakika tano kama una Memorandum, na kama huna memorandum utapewa ndakika kumi ndakika tano kama una Memorandum, na dakika kumi kama huna nini? Mna nisikiza you can understand me? Katika kuzungumza kwako, tunataka kila mtu aheshimu maoni ya mwingine sawa? Kwa hivyo nawe ukizungumza uzungumze kwa lugha ambayo haitashaishi mtu, sawa sawa? Mna nisikia vile nina sema? Hamsikii? Is this thing working Wanjohi. Hallo! Hallo! The tuning is not right. It has a lot of vibration. Mna sikia sasa? Tengeneza hapo ina vibrate. Mna sikia. Ikiwa una memorandum uta tumia dakika tano. Ikiwa huna Memorandum utapewa dakika tano. Katika kuzungumza kwako, usiseme mabaya ya mtu Kitu tunataka ni maoni yako. Ikiwa umekuwa kuleta memorandum ya group ni lazima utuambie group hiyo ni gani na kama wamekutuma. Mmefahamu? Ni muranjigua?

Sasa tutaanza . Ok. Let me have the list. We can read from here.

Charles Wachira Mutugi: Thank you so much. I am Charles Wachira Gitugi for and on behalf of Baricho Catholic Parish, of Muranga Dioceses do hereby present the following views inform of written notes to the constitutional review Commission on this 17th day of April 2002. Baricho Catholic Parish has approximately 4,000 faithfuls and in Ndia constituency in Kirinyaga District.

PREAMBLE: Baricho Catholic Parish is in total support of the great need to have a new constitution for Kenya by Kenyans. It is in total agreements with the need to have a new constitution that gives all Kenyans equal opportunities to advance economically, politically, and socially regardless of colour, tribe, race gender or economical origin. The Parish further notes that, the rights of human beings will be well safeguarded in the new constitution in a well elaborate and clear manner. It further hopes that there is need to design a constitution that will adequately cater for Kenyans with their population currently at almost 30 million. Different cultures, economic and their valid political affiliation being taken into considerations. It also hopes that Kenyans have the entirer need to guard the peace in their country which should be nurtured vigorously so that the hopes and the aspirations of Kenya are realized and not shattered. The faithfuls also hopes that the current constitutional weaknesses, that lead to excessive powers given to some individuals will be checked in the new constitution.

CONSTITUTION: Amendment of Acts: A broader procedure should be put in place to include the views of other Kenyans before the bills are taken to Parliament for evaluation by the MPs. A task force that is answerable to the constitution commission is recommended for this purpose. A wide range of publicity should be made on what is to be updated before it is amended. A referendum before the 2 third majority votes in Parliament should be used to change the constitution bill in future. A permanent constitution commission should be constituted and provided for in the new consitution. The Constitution of Kenya will be supreme and all Kenyans of the land will subscribe to the rule of law.

CITIZENSHIP: A child whose mother and father or both are Kenyans should be considered a Kenyan irrespectful of where

he was born. A Kenyan who seeks citizenship outside and stays outside Kenya for more than 25 years, should apply for citizenship like any other non-Kenyan. An updated birth and death records should be kept at District Registrar of persons office to facilitate issuance of IDs or production of birth certificates for applicants. All other requirements should be done away with since they are unnecessary and cumbersome bureaucracy.

THE GOVERNMENT STRUCTURE:

President: The holder shall be a Kenyan by birth, of the age between 40 and 70 years. The holder should be an elected member of parliament of any Kenyan Constituency. The Holder shall be the head of state. He should be of sound mind, sound economic status and at least of University education level. He should be non-partisan in political party activities while in the office. He should gather at least 50% of all the votes cast in general elections, failure to which a run off election between the top two should be conducted. He should be of good and sound moral integrity with sound knowledge of African cultural background. He should be in the office for two terms of five years each.

PRESIDENTIAL POWERS

He should appoint Ministers from all political parties in Parliament according to their intellectual strength.

He should not be above the law. The president should not be the Commander-in-chief of the Armed forces. The President shall not appoint Parastatal Heads, Chief-Justice, Attorney General, Chairmen of the Public Service and the Chairman of the Public Service Commission. He should not also appoint Permanent Secretaries, Ambassadors and Chairmen of Public Commissions in future. There should be a Government of National Unity. He should not be given power to declare the state of Emergency unless with consultation and with approval of the current Parliament.

VICE PRESIDENT

He must be an elected MP, he should be elected by all members of Parliament after the General election. He should have full powers of the President in the absence of the President. The constitution should spell out revenues, offences that can lead to demotion or some of the president or the Vice President automatically after enough and tangible evidence is clear.

ATTORNEY GENERAL/AUDITOR GENERAL

The holders of these offices, should have at least two terms of 4 years each.

POLITICAL PARTIES

All political parties should strive to abide with their own constitutions so as to display the examples in promoting discipline and in terms of democracy. All political parties should enjoy equal rights and freedom. The electoral commission should be the watch dog. All parties vetted in Parliament and should be funded by the state.

THE MINISTRIES

There should be only one Minister heading one Ministry. A total number of Ministries should not exceed 18. The Ministers appointed to head that Ministry should have necessary unquestionable experience on matters pertaining to his or her Ministry if possible.

PRESIDENTIAL, PARLIAMENTARY AND CIVIC ELECTIONS

Presidential elections, should be held separately from Parliamentary and Civic Elections. The Parliament should have a fixed Calender of events to regulate its activities unlike after every five years. Voters should elect the chairman of Local Authority

and the Mayors directly. The number of voters and not the size of the area, should determine the need to create more constituencies and the minimum of voters in each constituency, should not exceed 50,000. The electoral commission shall be responsible for creating new constituencies. The counting of votes should be done at the polling station at the end of the voting exercise. The ballot boxes should be transparent, from all directions. The voting exercise should take only one day. The electoral commission of Kenya should be independent, with the Chairman being appointed after being vetted by the Parliamentarians.

STATE OFFICIAL LOANS AND GRANTS

Before loans are acquired by the Government, the proposal should be debated by the parliament so as to get approval and the use of such funds should be debated and approved by the MPs on behalf of all Kenyans. The distribution of borrowed funds should be to all Provinces according to prioritized needs of individual Provinces.

SEPARATION OF POWERS:

EXECUTIVE: The three arms of the Government should be completely be independent from each other with clear roles stated. The government appointees should be vetted by the Parliamentarians. The appointed persons should as much as possible be conversant with roles and duties of his appointments, an expert or a holder of the necessary qualifications for the appointment should be appointed. The office of the Attorney General and that of Public Prosecutor should be separated. There should be an office of office funds to receive and to investigate about bad administration of the Government and the President who is the chief Government Executive should be impeachable by the parliament with enough evidence if guilty of state offences--

Com. Bernard Njoroge: You do not have to read everything since you have a memorandum that you are going to represent just give the highlights.

PARLIAMENT. The parliament expenditure should be approved by the Auditor general who is accountable to the public. This officer should have security of tenure. Each member of parliament should have a designated office in his constituency and have at least one(inaudible) in his constituency. Members of parliament salary should detect their academic qualification and experience in parliament.

JUDICIARY

An independent constitutional and supreme court above that, the court of appeal should be established. Magistrate and judges should be appointed by independent judicial service commission whose members be include Muslims, Hindus and Christians. The decision and the ruling of the high court in Kenya should be final. No amnesty of presidency should be expelled to the extreme

PROVINCIAL ADMINISTRATION

The provincial administration office should be scrubbed and the powers consolidated to the DC, who will be directly answerable to the office of the president. The elected councilor should replace the assistant chiefs, and chiefs to the location. They should be assisted by the village elders who administer the location. The councilors shall be directly answerable to the DO on administrative matters of the location and sub-locations. The chiefs office should be completely abolished.

LAND TENURE

The title deeds should be registered with full names of the spouses. The state should purchase the land from anybody with more than 200 acres of land distribute it to the landless.

GENDER

The violence in homes should be dealt with firmly so as to encourage women to contest. This will translate it to recruit a number of women in parliament. At least two third of all the nominated members of parliament should be women to promote their strength in Parliament. The appointment of state officials should include qualified women and also those disadvantaged.

EDUCATION

The BOG should be replaced by PTAs in secondary schools to minimize the present apathy on school management. There should be no cost sharing and the government should provide free education to all Kenyan children. The role of informal education should be respected and recognized by the government. The budget allocation for education should be distributed to the various schools according to the requirement. And depending on political status of each province.(Inaudible due to heavy rains). In conclusion, in the new constitution of Kenya should be (inaudible due to noise from the pounding rain).....

Thank you.

Comm.Bishop Njoro: Thank you very much that was a good presentation. Can we now have Festus Gichira Gachira

Festus Gichira Gachiri

A few amendements to the constitution should be made on the constitution.

- SECTION 14. I would like that section to be amended.
- SECTION 22: The Permanent secretary to be appointed by the government instead of the president.
- SECTION 27,28,29 to be cancelled.
- SECTION 41- Electoral commission to be appointed by the parliament instead of the president.
- SECTION 102: The Prime Minister should be appointed by the Parliament.
- SECTION 109: Attorney General should be appointed by the president.
- SECTION 110 : The controller and Auditor general to be appointed by Public Service Commission instead of the President.
- SECTION 111: The power to (inaudible).(rain increases).

That's all bwana commissioner.

Comm.Bishop Njoro: Thank you very very much. Can we have Daniel Irungu?

Rosemary Wangechi(Maendeleo ya Wanawake) Thank you. I am presenting on behalf of Maendeleo ya Wanawake Ndia Constituency) I don't have the paper with me but it will be brought later. I will start with the pPresidency. In that area we

agreed that: That the president should not be a parliamentary candidate and should be elected on a merit of his/her own and will be elected with 50% of the votes casted. He or she should be partyless. The age should be 30 years and above, on education he should be a graduate. The other area is on judiciary and the judges should be elected by both president and the parliament before they are given their duties. On Parliament, Parliamentarians the education level should be up to form IV and the age should be 28 years and above. As for the presidency he should run for two terms five year each. The Parliamentary system, no parliamentary system government and no Prime Minister. On the legislature, that is where we have the judges and also the councilors, On the same presidency, if the president is elected a gentleman then the Vice President should be a woman, and if the the President is a woman then the Vice President should be a gentleman. On the Local Government, the councilors should be of "O" level and they should maintain a relation ship at least with the Local Authority Minister.

PROVINCIAL ADMINISTRATION

The PC, and the DC should not be under the Office of the President but the Public Service Commission and should be answerable to the Public Service Commission. The Assistant Chief and the Chief should be elected by the people they serve. An office of the foreman should be created where people should take their complains at the provincial level.

PRESIDENTIAL ELECTION.

All the candidates should obtain 50% of total votes casted. A member of Parliament should not defect from a certain party before his term expires. Presidential parliamentary and civic election should be held on different dates. Candidates should present their budget and account to electoral commission after the election. There should be a calender for election. The presidential candidate should gather votes from all the constituencies and at least 50% from his Constituency. Thank you very much I think the rest of the information you will get it from the handouts which will be coming later.

Comm.Bishop Njoroge. Thank you very much. Can we have Edward Mukia.

Francis Jeremiah mugweru

Ok. Lets start. The following details should be considered in the Constitutional Review of Kenya to improve better standard for all Kenyans e.g.:

1. All Kenyan children be educated for free from nursery school to Std 8.
2. The children who are unable to join secondary school should first of all be trained as armed forces and possibly to their own courses.
3. The children who do not go to secondary schools and their parents are unable to pay high school or university fee should be treated the same.
4. The farmers of all cash crops should be paid their services a reasonable pay which will not mean no matter how low/high, the produce was, government should control.
5. Village elders should be elected by the people. Assistant Chiefs, the same, Chiefs the same, DCs, PCs the same, President the same but should not be above the law.
6. Electoral Commissioners should not be appointed by the President. The Parliament must be given powers to elect

the electoral commission.

7. The government should look into its people who are not employed but are learned by giving them some amount of money every month through the assistant chiefs office in order to survive.
8. The Political parties should be three only in Kenya.
9. The church should be within the Government of Kenya.
10. Free medical services.
11. Security should be kept and controlled from every sub-location level. And that is all thank you.
- 12.

Comm. Bishop Njoroge: Thank you very much for those remarks.

Jairus Kariuki: My name is Jairus Kariuki I will present Mwangaza self help group

We wish to give you the following recommendations and views to be included in the new Kenya Constitution.

1. Item one because there are two items. Creation of a Kenya National flag. Kenya must have a new national flag which should be identified by a political party or parties so far we do not have a party flag, the current flag belong to KANU Political Party. E.g. the U.K., and U.S.A., and we have permanent flag which do not belong to any national party. A national flag should be designed by a committee and all the political parties and religious groups. The main course and objectives of a sole Kenya National flag are: Kenya deserves to have a new developed flag in order to create and generate National and International recognition respect, pride, integrity and to motivate common of national unity. Harmonizing individual duties and commitment to be a Kenya Nation. Creation of non-political Kenya National flag is vital and essential in order harmonise national unity dignity and trust among the Kenyan people.
2. HIV AIDS/UKIMWI: Our new constitution must make AIDs or Ukimwi to be open. But not to be hidden and not confidential. So far AIDs is treated as a confidential disease. Vision paper no. 4 of 1997 of AIDS in Kenya, makes HIV AIDs to be confidential-. Secrets and the infected person must not be disclosed and yet AIDs results is a highly infectious killer disease. We should now be talking of 700 people in Kenya. HIV Aids is declared a national disaster in Kenya and at the same time the same disease is legally declared to be confidential as a dignity. If Aids is a national disaster, surely it can never be regarded as confidential and a secret. According to the vision No. 4 of 1997 it is illegal and criminal to disclose and to it is criminal for you to know that your friend or relative is suffering from AIDs. Therefore, the infected person with Aids, is legally protected by this confidentiality and then allowed to go on to play with this disease to other people who do not know this person is Aids positive. He goes on infecting others secretly so that he will not die alone. Human rights have to protect both the infected person and the person who is not infected. Therefore HIV AIDs confidentiality and dignity must be removed by the new constitution so that the infected person is not allowed by law to secretly infect others. And so that the person who is not infected can prevent himself from getting the infection from the infected person. The new constitution must make it criminal and illegal for anybody who secretly spread Aids to other people and must be liable to prosecution in a court of law. Under our new constitution, all infectious killer diseases such HIV AIDs, cholera, anthrax, typhoid, must not be confidential and must be equally and

professionally they are notified prevented control and treated with the same professional understanding of humanity. Since Aids is declared a national disaster, it must now be included in our constitution and the following effective strategies and drastic measures must be taken into consideration and must be included in the new constitution.

1. Compulsory and voluntary blood testing for HIV
2. Compulsory and voluntary counseling for HIV positive people.

Thank you very much.

Comm.Bishop Njoroge: Thank you for your inspiring points. Can we have Francis Jeremiah Mugweru.

Francis Jeremiah Mugweru: Hallo! My name is Francis Jeremiah. To the Kenya Constitutional Review Commission. The following is a Memorandum on the Recommendations of the Constitutional making.

THE PRESIDENT: Their should be a ceremonial president who should be the head of state and should not be above the law. The tenure of the president should be five years.

THE PRIME MINISTER: The new constitution should create the post of a Prime Minister who should be the head of the Government.

MINISTER: Minister should be appointed by the Prime Minister and should be appointed on the merit and must be qualified from the respective job. The number of ministers so appointed by the Prime Minister should not be more than 18.

ASSISTANT MINISTER: Assistant minister like minister should be appointed the same way as minister and the numerical number should not exceed 25.

PARLIAMENT: The Prime Minister should be answerable to the parliament and the parliament should likewise be answerable to the Public of Kenya. However, the parliamentary constituencies should be reduced to not more than 118 constituencies.

CIVIL SERVICE: There must be a competent civil service which should be appointed on merit by the Civil Service Commissioner. However, a civil service court should be established to guide the civil service Commission on the appointment of civil servants. The appointment of the civil servants must not be on tribal line like the present constitution but must be on merit and qualification and must be of high integrity.

JUDICIARY: The Prime Minister must appoint a Judge who should be incharge of judiciary and the law of the land.

SUPREME COURT: There must be an established asupreme court whose judgement should be final. However the current court of appeal should be scrapped and instead taken over by the Supreme Court.

HIGH COURT: The second from the supreme court is the high court of criminal.

SUBORDINATE COURT: The judgement of the subordinate court must be subjected to the high court in case of appeal.

JUDICIAL SERVICE COMMISSIONER: This is an electoral body, we would want among others to be advised by the Prime Minister to the appointment of the judicial officer. However, the judges of the supreme court and the court of Kenya must be subjected to Parliament for approval and should be accorded security of tenure.

LAND: Land and unlike any other commodity in this country is very sensitive and must be handled with great care. However land grabbing in this country by politicians and well connected people must be outlawed and a limit in land buying and land

ownership be fully under law. Land law should be connected to hold those people who have large land to surrender and that land surrendered be given to the landless people in this country. However land buying and land ownership must not be restricted to any particular place in this country.

FOREST LAND: Forest land must be protected from land grabbers and forested restruction and free handling to the forest should be outlawed in order to protect its proper catchment areas.

LAND SQUATTERS: We cannot have squatters in the whole country. And the so called squatters should be given land because all people are equal in the law and in the eyes of God.

FARMING INDUSTRY: This industry is the most important industry in this country and 80% of the Kenyan population depends on farming. In the past few years this country have improved farming industries like coffee, tea, cotton, sugar, maize and rice farming. The destruction of the above farming industry has been done deliberately in order to have the importation of sugar, rice, maize and mitumba by well connected people, by making the economy of this country to be poor and poorer and making people get hand outs from the government. Last but not least from this issue the farming industry should be streamlined for the good of the common person in this country and to improve our economy.

Thank you.

Comm.Bishop Njoroge; Thank you very much.

MR.MUOROTO: For two minutes

EDUCATION: Like the farm industry, the education system, must have been destroyed by the introduction of the 8-4-4 system. It appears that, this system must be trying to server certain purpose. However, this system has not even eradicated illiteracy. A presidential commission was set up a few years and it is the waste of finance in this country that the recommendations on education system should be implemented without further delay.

FORMAL SECTOR: This comprises of manufacturing service and the clearing industries which essentially have laid the economy of the country. However this industry has to be destroyed through importation of second hand material and second hand cars which have destroyed the morgage industry resulting reduction of business and retrenchment of workers. It is my view that a law/ bill be made to discourage industries from well connected people.

INFORMAL SECTOR: and unlike the formal, the informal sector previously uplifted the standard of living of the common man particularly school leavers, who have completed the primary/secondary, University education. In order to assist our young people in this country the government should take all necessary measures, to finance jua kali sector by providing soft loans in the jua kali family.

THE MATATU INDUSTRY: In order to streamline the matatu industry, the unregistered Organizations that control the matatu terminus by demanding exhorbitant fees from Matatu Operatos be removed. The matatu business should also be protected from the corrupt police force.

POVERTY LINE: Like in 1970, the poverty line has been created such that there are some people of this country who cannot afford a meal. This is because the economy has been erased by the well to do people. The new constitution should provide for critical measures and povety eradication.

WOMEN AND CHILDREN: The suffering of women and children particularly in the politically inflated areas like the Rift Valley, and Western Province in 1992 and in 1997 the Coast Province was bearing the great shame to this country. Women were raped and children were abused. The other area where we have a problem is when the under aged girls are forced to the knife. Those old traditional circumcision should be abolished. There are many areas where women and children suffer like when husband marries the second and a third wife chase away the first wife when he goes for the ndogo ndogo due to mistreatments by the second wife. Women also suffer in these areas where they have acquired property during their life together during their marriage life and at the end of the day, they do not have a say over their property. Other areas, are education acquiring of property and employment.

PROFESSIONAL PROVINCIAL ADMINISTRATION

The provincial Administration should be scrapped and be replaced by a professional or a state governor be created. The other alternative of this is the Administrators of the Province where the Mayor of the District should be the Administrator of the District. Chiefs and the assistants always reports to the DC and Provincial Mayor must be elected by the people and not appointed by the Government like in the case today.

LOCAL AUTHORITY. The Local Authority Act should be scrapped and replaced and the Autonomous act of parliament be enacted to govern the local Authority. This act should prohibit the minister for Local Authority from directing or manipulating the local authority issues. As it is the case with the present Kenya.

ELECTED MAYORS AND COUNCILORS

The election of mayors like councilors should be by directive and provincial for the position of the councilors to be scrapped. However, the Local Authority should be answerable to the areas people it represent and all central services must be provided by the Local Authority.

ARMED FORCES:

A Ministry of defence should be created from a declared force. However the recruitment of that personnel must be done throughout the country and must be neutral stating that all tribes must be represented in the country.

POLICE FORCE: In the Constitution, a provision should be made to decrease the police officer. The present police officers should be taken back for training camp or retrained. The force is so corrupt that it has no more obligation to enforce the law.

CULTURE AND CULTURAL BEHAVIOUR: The country that has no culture is said to have lost direction. The cultural behaviour that is for the good of the country must be streamlined for future prosperity.

POLICIES. It has been said by our policy definition that ‘SIASA MBAYA MAISHA MBAYA’ This statement is true but the truth of the matter is that this phrase is not meant to mean what it means. Policy as it is said ceased during the coming of the multi-party era when one tribe rose against the other and one ethnic group rose against the other one. This was politics divide and rule and was also politics of the failure. When drafting the new constitution, this politics divider we should be outlawed and it must not be repeated in this country as it was in 1992 and 1997. Finally

DESTRUCTION OF ECONOMY AND STEALING OF PUBLIC FUNDS: As I had stated elsewhere in this report the destruction of industries alongside destruction of the country’s economy. Industries including farming, are the backbone of the country’s economy and at the moment the economy of this country is worrying. We have had of how indisciplined and

plundering of public funds has been done and in order to avoid this kind of thing happening in future, an economic policy must be in action to hinder the plundering of the economy.

Thank you very much.

Comm.Bishop Njoroge: Can we have Joseph Mwai?

Joseph Mwai (organizing Secretary Kanithaini Self-help Group)

On behalf of the group I would like to present the following. On Preamble this current constitution does not have:

1. We need a preamble and it should direct powers, and recognize the supremacy of the people of Kenya. It should also respect and honour those who fought for independence.

DIRECT PRINCIPALS OF STATE POLICY. The national vision should have principals and values to show unity in our diversity equal treatment for all before the law.

THE SUPREMACY OF THE CONSTITUTION: Guaranteed visual freedom and guaranteed basic rights for all.

CONSTITUTIONAL SUPREMACY: The constitutional amendment should be subjected to a referendum and not 55% majority. The referendum should be conducted by the electoral commission. On citizenship, those children inside and outside Kenya born by Kenyan citizen, On bound on Kenyan citizens, those who have lived in and worked in Kenya for over 15 years, adopted children by Kenyan citizen and through application should be Kenyans.

RIGHTS AND OBLIGATION:

Basic rights, You should have a right to vote, right to own property, and the constitution should allow lieu citizenship. A citizen should be identified by Passport, and the ID card.

DEFENCE AND NATIONAL SECURITY: Disciplined forces of the military and others should be recognized by the constitution. It should be treated like any other public civil service. The commander-in-chief of the Armed forces should not be the President. The Parliament should have the mandatory the declare a war.

POLITICAL PARTIES: There should be rules and regulations to safeguard facilities to the parties. Registering parties should be enhance gender equity. They should be financed from public finances. On roles of political parties, they should be involved in roads construction and communication. The government funds should provide education for all. It should also advocate basic human rights and to protect and manage natural resources.

presidential system of Government should be retained with balances. There should be distinct separation of powers between the three arms of the government. The president should not be a parliamentary candidate. He should be elected by 25% of voters. The President age must be between 35 and 60 years. He/she must have a stable family, should also be morally upright and the minimum qualification should be a diploma and above.

THE VICE PRESIDENT

This should also be an electoral candidate with the same requirement as the president. He should be the real leader of public resources.

DEVOLUTION OF POWERS.

This should be shared. We should have an interim government with the central government. A government that unite and develop all regions. On the federal government we should not afford this for it would bring ethnic differences and the result would be unequally distributed resources. On the legislature, the Parliament should appoint the judiciary, all constitutional commissions, appointments done by the executives, and it should not have limited powers to legislate the mission of the people. Age requirements for the voting and contesting for parliamentary and presidency, voters be over 18 years, parliamentarians be over 30 years, the President should be above 60. On Executive: Qualification of the President, this should be a diploma or degree from a recognized University, should be morally upright a family member of sound mind. The tenure of office should be two terms of five years each. Presidential functions should be defined in the constitution. He should not appoint the vice President, for it should be an electoral process. He should not appoint the Attorney General, Chief Justice, Prosecutor General, Chairman of the Electoral Commission, all of these should be done by the parliament. Others are Ambassadors, High Commissioners, Governor to the Central Bank,.

PROVINCIAL ADMINISTRATORS

The current state should have only the first President image. He should not be a Commander-in-Chief. On the judiciary, this should be independent. There is need to establish a supreme court. There is also a need for a constitutional court. A panel of members from Law Society of Kenya should elect the judges. Judicial officers should have a minimum of a degree qualification in law and should have served for more than five years in the high court. Disciplinary mechanism should be demotion, and sacking. Chief Kadhi should have a minimum of a degree qualification in law. He should be appointed by the supreme Kadhi with emphasis on gender equity. Should be restricted only to judicial work like all other judicial officers. With media, bodies of women and men can exercise judicial powers. It should be a constitutional right to legal aid especially to the vulnerable groups. On Local Government, chairperson and Mayors should be elected by people. They should be elected every five years. The executive officers should be the chairpersons, or the mayors. The Chief Executive officer, should be answerable to them.

On the Electoral System and Process. To win an election, propotional method should be used. One should obtain 50% of total votes cast for both men and women. The aspiring candidate should seek political parties for nomination. An MP should not defect from a party before the term ends. On qualification of the Electoral Commissioners, Minimum level of education should be diploma in law at least five years of experience in practicing law. He should be of upright moral conduct, and should be non-partisan.

Appointment of Electoral Commissioners. Two persons selected from each Province with Gender equity, four people elected from the disadvantaged groups should have five years and should have five years tenure of office. Commission should retire every three year before elections.

BASIC RIGHTS

The basic rights should include financial support for farmers, control liberalisation, and restrict importation. We should also have adequate land and shelter. On Education, we should have one teacher for every 35 pupils. Free and compulsory

basic education. We should adopt, the second form of 4,2, 3, or Koech report type of education. Civic education be included in the curriculum.

On water we should protect water catchment areas, supply clean piped water, control irrigation, initiate projects to provide clean water.

On health we should have free medical care, medical care brought closer to people, hospital charges should be controlled.

On security, the government should check on police shooting, prisoner mistreatments and discipline of security forces.

RIGHTS OF VULNERABLE GROUPS

Relevant women rights be addressed in the new constitution. Relevant rights of disabled be addressed. We should also address HIV and AIDs patients, the aged, children in need of protection and the economically poor.

On land and property Rights. Establishment of property succession law, we should have every community to have powers to control use of land by owners or the occupiers. There should be ceiling on the land. E.g in central Province we should have at least ten acres per individual. Owners with large estates should surrender some lands and be left with at least 100 acres so that the landless could share. We should abolish special land boards, decentralize issuance of title deeds.

Kenyans should own land anywhere without restrictions. We should abolish lease systems and replace them with free holds. Constitution should create a special land court to deal with land issues.

Enhancing the roles of the Controller and Auditor General.

Interjection: You have four minutes.

SPEAKER: He should not be a presidential appointee should have a code of ethics. Should declare his/her wealth before taking office. Should be elected by parliamentarians. Should have security of tenure, parliaments should be able to hire and fire if she/he does not deliver. Quarterly system of accounts should be established on requests. A competent public Service, should offer authority, in numeration, create good appealing working conditions, offer training and offer promotion. Strengthening public Service Commission. It should not be a presidential appointee should be gender balanced, should also have offer regional representation.

PARTICIPATORY GOVERNANCE: Non-government Organizations and other Organized groups should participate in decision making. It should be incorporated into the development planning. The state should not regulate the media.

CONSTITUTIONAL COMMISSION INSTITUTION AND OFFICES. There should be some Constitutional Commissions, Institutions and offices, The office of an Ombudsman should be established and the holder should be worth of integrity and merited by the Parliament.

SUCCESSION AND TRANSFER OF POWERS: The vice president should be directly elected and not be a presidential appointee. The Chief Justice should have executive powers during Presidential Elections. The president should

not be involved in the electoral process. Chief Justice should swear in the incoming President. The procedure should be: The president be sworn in after 30 days having been declared winner. Attorney General will sit in for the President during elections, and the 30 days before swearing in. The incident of power transfer, should be transferred to an incoming president after being sworn in. In case of abuse of power, immunity from a legal process should not be provided.

Thank you very much.

Interjection: Just a minute (inaudible).

Joseph Mwai: Thank very much. The reason is the current Constitution the President seems to have all the powers. So in our group, we thought separating the president, to be the head of state and parliament be left to do the other work.

Comm: Bishop Njoroge: Thank you very much for those views. Can we have Dr. Marion Mutugi.

Dr. Marion Mutugi: (Representing Ndia Intergrated Women Development Association)

This is a self help group that represents the interest of 16 Self Women Groups in Ndia. I will read:

In view of the fact that Kenya has obligations that requires it to respect and protect its citizens in all spheres in its social, economical, political events, the people must make consideration of the Kenyan population consisting of women either girls or married women. Members of the female gender are special, beautiful and an exceptional creation that provides variation and part of the population, women are the backbone of the family unit, strong families are essential as the social symbol of a community. If you all the know for a fact that Kenya is a signatory of the Provision and the decision against all forms of discrimination against women. If all have the fact that Kenya is dedicating its resources to educate girls alongside boys. All you have the fact that Kenyan women fell alongside men in the struggle for independence, and as women we also fell alongside men in the establishment of the Multi-party system in 1990.

In view of the fact that women actively participate in the informal sector of the economy in agricultural sector. In the view of the fact that the Mt. Kenya region in particular Kirinyaga District and Ndia in particular is an important developmental commissions, we the Ndia Intergrated Women Development Association, articulated that leaders recognize that It is important for the Constitution Review and other interest groups. To achieve the following objectives, we have a few areas that we would like to address:

1. **Bureaucracy:** To ensure that the right and dignity of individuals are protected by the office and the organs of the public ie. The executive, the legislature, and the judiciary, should be autonomous, separate and independent. To achieve this, we believe that the Constitution, should provide, on special interest groups put in a manner that will ensure and enshrine equality equality before the law and protection both from internal and external sources.

We recommend that: In the constitution guarantee be put to protect the marginalized groups and people who are discriminated already on basis of sex, on the basis of sex on the basis of race, age, religion, economic status, education, culture and social education and disability or any other terms.

2. **Participation of Women in the Society:** Although the current constitution does not allow women or any other

marginalized groups to participate in any structure. History has proved that judicial power participation by insensitive men is making it difficult and impossible for women and other marginalized groups to participate in a manner that will ensure that their interests are catered for.

Interjection: (Comm.Bishop Njoroge) Give us suggestions don't read.

Speaker: I was on the Participation in the organs of the Government. Statement examples are the number of women in the legislature are either elected or nominated members of Parliament in the local council and the executive parliament judiciary. Others are cases of representation from occasions that deny human rights of this marginalized groups. Examples are like cases of rape and other forms of sexual abuse where for example a women is stigmatized due to the exposure of intimate and forced sex. Starting from the Assistant chief, the Chief, the Police, the Prosecutor, the judge these groups, should be recognized. The establishment of affirmative action will give these marginalized groups/women the disabled, the aging etc. an opportunity to be incorporated in the nation and decision making bodies be established. We would like to remind/be reminded that:

Com.Bishop Njoroge: We recommend affirmative action for these marginalized groups. This affirmative action should ensure that due to nature of departments the area authorities and peoples service Commission registers its importance. The possibility and responsibility be recognized that we are by no means as one of the most corrupt country in the world and we reject in the strongest term. We recommend that the law be ensured, ensure, good governance and stiff penalty for public officers who misuse misappropriate or any other ways mismanage public funds. We actually recommend the protection of forests, and easily acquired resources.

PUBLIC PROTECTION: We all recognize that a strong family makes the strong back bone of our country and we also recognize that there are issues in the constitution that need to be covered. E.g. We in very strong terms reject that if there any form of violence that can be labelled as domestic matter. Violence, be violence whether it is targeted towards men, towards children or towards women and we recommend that there should be no form of violence in the public and private realms, be highly punished in a manner that will ensure that it is discouraged.

The president (inaudible) ????????????????????

Comm.Bishop Njoroge: Tumpate Joseph Mwangi

JOSEPH MWANGI: Asanteni sana. Mimi sikuwa na mengi sana lakini niko na machache tu. Nitaanzia kwa upande wa police. Hawa askari wanaweza wakakushika bure halafu wanakuwekelea mashtaka ambayo siyo ya kweli. Hiyo unaona mtu anaweza kuchukuliwa akatiwa ndani kwa mda mrefu bila makosa na kumharibia wakati wake bure. Jambo ingine ni kama hii mambo ya hawa watoto wanaitwa Chokora. Serikali iangalie njia ya kuwatunza. Inaweza kuangalia kwa maana ndio watakuwa viongozi wa kesho.

Jambo lingine naona linasumbua sana ni hii la kilimo.

Comm:Bishop Njoroge: Asante sana kwa maoni yako. Mwingine ni Michael Mutugi Gachau

Michael Mutugi Gachau: Thank you very much Mr.Chairman. This is a personal Memorandum to the Constitutional

Review Commission of Kenya. To start with, most of my views will be on the changes which should be in the new Constitution. The one you are going to make. To start with: I should say that nobody in Kenya should be above the law. Either in office or not in the office. The Presidential powers should be minimized in such a level that whatever indirect or degree can find some total change in other arm of the Government either in the judiciary or in a court of law or the parliament system can overrule. More on the and the President, I think the Presidential Election Civic Election and the election of the Vice President should be separated from the general election. They should be conducted at different times. Still on the electoral system, I think the constituency bordering should be reviewed and as such I think the constituency representation should be more on the population and not on the geographical areas. We should not find a situation whereby you have an MP representing 5,000 voters whereas another one is representing 100,000 voters and when they go to the parliament they have equal voting rights. At least this one should be checked so that it should be almost on population. It should be based on population and how many people you are representing.

The new constitution should also provides that role. ? It is also my suggestion that as much as we are talking about Constitution respecting life, I think the death sentence should be abolished and replaced with the life sentence in whatever case, I think the Constitution of Kenya should also provide free primary education. The government should work out a way of financing that, as it used to have to happen during the early days of freedom.

The health System also should be free for the out patient. On the land ownership, I think the constitution should provide for a system whereby we do not have an individual having excess of big tracts of land which are lying idle. Infact whereas there are people who are landless in Kenya and we find that the person who is holding this land is doing nothing with it. In fact the idle land should be re-distributed, to the landless. In view of this, I have in mind politicians who have either acquired large tracks of land whereby in that land it is just there nobody stays there, there is no an economic activity which is going on and it is just lying there. That land should be re-distributed.

On Cultural issues, it is my suggestion that the constitution, should provide for recognition of our freedom fighters. In fact they should be identified and given reward for what they did for us. Much more on that there should be set a side a freedom fighters square or a corner where we can be showing our future generations that these are the freedom fighters, these are the people who fought for us. In fact they should be given respect.

In my view people like Dedan Kimathi, should not be lying at Kamiti.

I think that is all.

Comm.Bishop Njoroge: Thank you very much

Comm. Keriako Tobiko. His point is not clear. (inaudible).

Speaker: I suggest either it could be through a commission which could review how this land was acquired. Because it is my feeling that especially during Independence when we acquired independence those people who were in the forest fighting for the land, they were fighting for us. But I do not know what happened those European who are owning large tracts of land they did not surrender them, I do not know what system was there but even today they remain with that land.

In the first instance that may be for those people who have been pushed to the villages to give way to Wazungu's. I think if

that land was acquired in such a way we should go back there. If it compensation it should not be so much. They should get only part of it.

Comm.Bishop Njoroge:Can we have Muriuki Mkulima.

Muriuki Mkulima. Thank you Mr. Chairman. I am going to give my individual views

ELECTION OF THE PRESIDENT.

Each political party should nominate the presidential contenders. Be required to vote if its nominee with a minimum of 10,000 votes so as to prevent what could city contenders. We find that the current constitution, provides that as a party it nominates its candidates, it is supposed to nominate with at least 1000 votes. The top secret contenders after the election results are out should be fitted in a round to pick the best who by virtue of the votes shall have a national impact. Take a case of three Presidential contenders. A Mr.A., a Mr.B. and a Mr.C. After the election results are out, you find that a Mr.A has emerged the winner. While Mr. B. is runners up with Mr.C. Second runner up. You find that in some Provinces, Mr.A. won the race in two Provinces, Mr.B. won and in one Mr. B won. So for this Mr. B. is excluded and Mr.A.&B. are acquitted in a runners up. You find that the votes for C, either go to A. or B. and in the process you will find they may in some areas where C emerged the winner while as in the initial results Mr. A. has been the winner.

ELECTIONS: Provided that you do not commit an election offence you should be given the right to vote. You find that many people such as prisoners or detainees are barred from voting because they are termed as social outcasts. They are just being rehabilitated and in the process they can also rehabilitate the outcome of an election.

PROTECTION OF LAW: There should be an introspective effect on charges. The current constitution puts as one can protect duty on contract any work provision at the time it took place constitute certain charges. You find that millions of shillings have been in the banks that (inaudible) money rendering who seem to be protected by this law.

FREEDOM OF WORSHIP:

The freedom of worship should be modified, and outrageous cults should not be allowed. Every religion should be registered and defined. Those acting outside the religion as the constitution may provide should be prosecuted.

MEMBERS OF PARLIAMENT:

An annual tabulation of the MPs performance in the house should be released to the people. Physical development in his/her constituency should be determined and elections called to vote out the non-performing MPs/persons.

Thank you.

Comm.Bishop Njoroge: Let's have Nahashon Muriithi.

NAHASHON MURIITHI:

Jina langu ni Nahashon Muriithi ile mimi ningetaka mtusaidieni, katika watu wa Kenya, Watu wengine walizaliwa wakawa vijana na wakafika miaka kama yangu. Ningeomba serikali ya Kenya ifikirie habari ya wazee. Ile miaka kutoka ujanani umefanyia serikali kazi lakini. Na baada ya uzee, hakuna mtu ana kukumbuka, una kuwa kiwete pale na hakuna mtu wa kukusaidia. Ningeomba katiba ifikirie hao wazee vile watakaa, na wapewe misaada kupitia kwa serikali. Hiyo ni ya kwanza.

Ya Pili.Ningependa kufikiria habari ya magereza. Magereza ya Kenya yamekuwa kama in ya kuuwa. Mtu akifanya kitu kidogo, akifika jela anapigwa, anapigwa mpaka anapatikana akiwa maiti. Jela ni ya kufundisha mtu akose kufanya makosa kama hayo. Ningefikiria katiba ikibandirishwa magereza yabadilishwe yawe pahali pa kubandilisha tabia ya watu. Wala sio kuua watu. Ile ingine ningetaka katiba ibadirishe ni kunyonga watu. Mtu akifanya kitu kidogo ananyongwa. Alifanya makusudi lakini baadaye anaenda kunyongwa ananyongwa baada ya kutubu dhambi zake anaokoka lakini akirudi nyumbani ananyongwa. Na kufungwa miaka una sikia mtu amefungwa maisha. Kufunga mtu maisha si kitu cha maana sana. Lazima binadamu akose. Ningetaka katiba ibadirishe kufunga watu maisha iwe ni miezi ya kutoka pia adhabu yake imepungua kidogo.

Ile ingine ningetaka kuongea ni habari ya ukulima. Katika ukulima, Kenya imekuwa kitu kingine. Vitu kutoka nje vinakuja Kenya tunanunua lakini vitu vyetu vya Kenya haviendi nje kununuliwa. Sisi tunafanya kazi ya bure. Imports kama za kahawa,hivi vitu vinatoka nje kwanza vitu vyetu, ni vizuri hapa Kenya. Kile tumelima Kenya kwanza kifikiwiwe halafu za nje zikiletwa ziletwe kwa ajili ya njaa. Hata nikiwa kijana nilikuwa nikiona tukiletwa carrots lakini kwa ajili ya njaa. Kenya imekuwa vitu vyote ni vya nje ningetaka katiba ibadirishwe ili vitu vya Kenya viwe na market halafu vikiwa vingi tukiuze nje.

Kile kingine ningetaka katiba ifikirie na habari ya makanisa. Makinisa yamekuwa mengi sana. Na yamekuwa mgogoro. Katiba ingetengenezwa iwe ikiangalia kanisa hili na hili. Je zinahubiri Mungu? Ndio linahubiri Mungu. Lakini badala yake iinakuwa na vitu vingine huko ndani siasa, udanganyifu, Katiba iangalie, hili ndini linaenda kwa njia gani? Kwa maana hiyo dini inaharibu watu wa Kenya. Ikija ndini hii, ina kuja ingine. Kwa hivyo iangaliwe hii ni dini gani inakuja na iko na kazi gani? Hiyo ndiyo iangaliwe. Ya pili ile ningetaka kufikiria, ni habari ya hawa wazee, wale hawana mabwana, Mwingine aliwachwa na bwana yake, mali yake kama ni shamba yake, anakuja ananyang'anywa na ndugu yake mzee anakuja anasema ndugu yangu alikufa na hii mali ilikuwa ya ndugu yangu. Mama ananyanganywa mali yote anakaa bure. Kwa hivyo ningetaka serikali ifikirie hayo.

Ile ingine ningetaka ifikiwiwe, ni habari ya Court. Makesi mingi yamekaa kotini miaka mingi sana hata kesi ingine nimekumbuka iko na miaka kumi na nane, hata ishirini. Na haifanyiwi chochote, kwa hivyo ningetaka Katiba ifikirie habari za koti, Kesi ikienda Kotini ifanyiwe, irekebishwe hayo mambo yaishe, kuliko kesi ikae kotini miaka na miaka na haiendelei.

Kwa hivyo naomba Mkuu wa Sheria kama katiba ikibandirishwa, kesi ikienda kotini ifanyiwe iishe kuliko kuweka na mtu ana kufa anawachia watu wake kesi. Nina kufa ninawachia mtoto wangu Kesi.

Ile ingine ningetaka nayo iangaliwe, ni habari ya watoto, Watoto wengine hawana baba wala hawana mama. Serikali ingechunguza hawa watoto ione huyu mtoto achakuliwe, apelekwe kama in approved school kama ile iko Wamumu na ili ingine iko Starehe, ili watoto wote wawe wakisoma vizuri. Kwa maana hawa wa-kiwekwa vizuri nyumae ndio

watakaokuwa watu wakubwa kama sisi. Lakini vile wametunzwa kama mbwa namna hii, huo si ungwana katika Kenya. Kwa maana mama yake ali-kufa babake alikufa basi mtoto anatanga tanga. Serikali iko na pesa imetolewa ya budget ya mwaka ya watu wale wako hai. Lakini hizo pesa hazifikii watu.

Ingingine ni biashara, biashara Kenya imekuwa ovyo. Mtu akiwa na kazi yake haina control, twataka katiba ikibandirishwa, vitu viwe na control, kama ni sukari inauzwa ina-andikwa bei, kama ni sabuni ina-andikwa bei kama ni Blue band pia ina-andikwa bei, Kuliko mtu kuwa na duka lake hapa bei fulani, mwingine pale bei fulani hapo raia wana-umia. Hakuna kitu wana pata. Vitu vyake vyote vinayanganyiwa juu juu. Iwe kila kitu cha Kenya kina control. Nikikuta nguo pale naona ni shilingi mia moja ina tosha, kuliko namna hii namna hii.

Ingingine ni hii mnasema sijui ni kitu gani kile mtu akitaka kuongea kitu mpaka anapingwa, anaambiwa sheria imekataa. Tukubaliwe kila mtu awe akiongea kama ni kitu chake anaona kizuri aongee vizuri mbila kupingwa pingwa. Ya pili, ni mambo ya security, Kenya askari wamekuwa wengi kuliko raia. Kila miezi sita kikozi kinatoka, kila miezi sita GSU, Jeshi sijui nini, nini Economy inaharibiwa na hawa. Ni kazi gani wanafanya? Kutoka nizaliwe mimi sijasikia vita imetokea Army wanapigana, wanakula tu. Kila wakati ninasikia army inatoka, GSU inatoka, prison inatoka security iwe kidogo kuliko vile imekuwa. Sasa wako wengi kuliko sisi katika Kenya. Na wanakula pesa yetu bure. Na kweli raia ni hii pesa yetu ya kahawa wanalipwa nayo. Mimi mkulima sipati kitu. Kwa hivyo Security iangaliwe.

Pili nashindwa kazi ya headmen ni nini? Niko hapa mimi nalima, nashindwa kazi ya Chief ni nini? Hata hawa watu mpaka DO, hawana kazi Kenya. Kwa maana DO anakaa tu vile tunakaa, Headmen anakaa vile vile, Chief anakaa vile vile ni kitu gani wanachunga mimi niko na Uhuru? Twataka hiyo itolewe mpaka kwa DC. DC awe ndiye Chief. Yangu imefika hapa.

Com.Bishop Njoroge.Asante sana Mzee

Comm.Tobiko Keriako: Ningetaka ufafanuwe kuhusu habari ya hukumu ya kifo. Umesema tufanye namna gani?

Speaker: Ok. Asante mkubwa. Habari ya kifo ningetaka mtu afungwe, baada ya kuhukumiwa kufa, afungwe kwa maana labda alipiga mtu bila kujua akaua, alipigana na Ngombe akauwa. Kwenda kotini akahukumiwa kufa hakuwa akijua kuua ni nini, kwa hivyo baadala ya kunyongwa afungwe miaka tabia ikibadilika atatoka.

INTERJECTION: Kama miaka mingapi?

Speaker: Tano tu. Miaka tano atakuwa ametubu dhambi zake.

Comm.Tobiko Keriako: Hawa Polisi umesema wamekuwa wengi kushinda wananchi wasema tufanye namna gani?

Speaker: Hawa vile watakiwa ni kuwa wale wazee kama mimi watoke kwa maana wazee wa miaka 45 – 60 ni wengi sana kazini. Waondoke wote waende wakalime. Halafu hawa vijana wapate kazi, kwa maana hawa wazee hakuna kazi ya maana wanafanya.

Interjection: Pale sijakuelewa kabisa wale ambao wamefika miaka 45 –60.

Speaker: 45 – 60 wa-retire kwa maana wanatumia wakati wa mwingine.

Interjection: Yaani Police Force wawe Young Turks peke yake?

Speaker: Ee, wapate-retire kwa maana hao hawawezi kushika bunduki. Na badala ya kutoka kila miezi sita, iangaliwe kama wale watu wamefanya kazi, kuliko kila mwaka miezi sita, miezi sita wanatoka.Ni wengi sana.

Comm.Bishop Njoroge: Can we have Gikonyo Mbinyu?

GIKUNYU MBINYU: (Gatunduini Self Help Group)

Mimi na-sema ya kwamba, gwenda kwaria na Gikuyu.

Interjection: Ok. Tutafute mtu wakufafsiri.

Speaker: Ee, ndiroiga, thiini wa guthura machifu, na Herdmen wake, andu acio magiriirwo ni guthurwo ni andu.

Translation: I am saying when electing Chiefs, Assistant chiefs they should be elected by the people

Gikonyu Mbinyu:Namba igiri, mundu angihira muiritu wa mundu ihu, mundu ucio niagiriirwo ni gucirithio na arihe ihu riu ota mutugo wa gigikuyu tene.

Translation: That in cases of pregnancy, for unmarried girls, the person involved should pay according to kikuyu traditions

Gikonyu Mbinyu: Namba ithatu mutumia, andu aja magareire kwihumba nguo iria iri ciao. Niundu ithenya ria kwihumbaga mathuruari, makehumba nguo iria cii ciao niundu ucio nigetha makarehe gitio kuri ruriri.

Interjection: Tanii uria ndihumbite

Translation: like the way I am dressed.

That women should wear appropriately their clothings that are meant for women, and it is not good for them to wear the clothing meant for men in order to be respected in the society. **Gikonyu Mbinyu:** Mutumia niehumbe marinda na ota mutugo, nda kehumbe mivuto.

Translation: That a lady should not wear trousers

Gikonyu Mbinyu: Mwena ini wa ita cia mbara kana Military, kana borithi, andu acio magereirwo gukorwo meikaritie matari rungu rwa mutongoria wa bururi ta Raisi.

Translation: That the Armed forces, where there is the military or police should not be under the president.

Gikonyu Mbinyu: Mwinaine wa maburoti DC, kana DO, ndagirirwo kugia a plot kundu kuria arathana.

Translation: That in terms of property like plots, DCs/Dos, should acquire plots where they are serving the people.

Gikonyu Mbinyu: Mwinaini wa guthima migunda, kana kugaya migunda, migunda niyagiriire kugaywo na njira iria ikuhutithia mundu ahote kugaya na njira ya giriire tondu, matukuini maya, kugaya mugunda, wina goro muno. Niguo ni uragiria ona andu mahote kugaira ciana ciao niundu thogoro wa demand ya kugaya migunda ni nene.

Translation: That the government should reduce the survey fee since it is so high such that many people cannot afford that rate.

Gikonyu Mbinyu: Police riria meguthii kurura wira njaa, nimeyandikithagie, nakuo njaa tondu angi nimoimaga, uguo magathii nakuo micii-ini ona mateyandikithitie, kuria kwao magathii kuruta wira uria utagiriire na matiramenyeka uria mareka. Ohau ha police,

Translation: That the police should be registered in the station register of their whereabouts so that they are not out doing other irrelevant jobs.

Gikunyu Mbinyu: Na police ni magirirwo gukiguragirwo ngari tondu riria wathii kuri oo, gwekika kiundu marakwira wikire ngari maguta. Notukarigwo niki tondu andu acio mandikitwo ni igoti riria turutaga ithui andu a bururi. Na kiria gigutuma akorwo mundu nia gurario na hau nja, okimwira mundu wakwa niaguraririo agakwira ruta mbeba wikire ngari maguta, notukarigwo ni uhuro ucio.

Translation: That the government should facilitate the Police force fully since incase of a problem once you approach them to assist, they require one to fuel the vehicle, and this should be catered for by the tax we pay as wananchi. Ngirikia ni kuga mutumia kana kuma kana ga kahii riria ithui twari twana, mutumia nie tikiritio ahe mundu murume gitio ona ge kahii nikio mbara nyingi igathiraga niundu andu megutura mateanite ni undu wa ngui iria maturite nacio kuma tene.

Translation: That women should respect men even if it is a young boy so as to avoid domestic violence in our homes.)

Comm.Bishop Njoroge: Asante sana Mzee. Tumeyanasa maneno yako.

John Mwangi: This is a personal memorandum, and I suggest the following be included in the new constitution:

1. The powers of the president of the Republic be minimized and he should not be above the law. The president is reliable for the constitution upon retirement or after being in the office as he serves the nation.
2. There should be two chambers of the Parliament, upper and lower.
3. Judges, Chairman of parastatal bodies Governor of the Central Bank, Commissioner of Police, Chief General staff and other national bodies be first vetted by the Parliament, before they are announced by the president.
4. That tax on coffee and other cash crops be reduced or done away with. Being the same farmers bill, value added taxes and other taxes the government should only maintain taxes that are vital and otherwise Kenya should be taxed lightly so that they are left with money to enable them have buying power and thus create a vibrant economy.
5. Retired persons be considered. The salary increament when other civil servants are being considered, They should be given special treatment from paying for services like hospitals bills, and others.
6. The Provincial Administration should be done away with and be replaced by elected leaders.
7. The country be ruled through Provincial Assembly as a central command of office.

Comm.Bishop Njoroge: asking questions (inaudible)

Speaker: Big as the system were people like Nyaga were the representatives they had their sectors in Nyeri and I think the same kind of governance is the one which is being used in U.S.A. got its own government but they have a central office.

Comm. Bishop Njoroge: Thank you.

JACKSON:

My views are as follows: I would the head of state to be from the (inaudible). He should not necessary be a politician. What I mean, he should not be attributed to any party, and he should act like a Chief Executive Officer. Who will be required to see the economy growing and he should act like a Chief Executive Officer. I would also like to see the government be partless. I would like to see a government of a national unity, whereby everybody should be Ministry appointees, (inaudible) I would like to see Key Ministries headed by professionals, not Politicians. These people should come from various sectors and be vetted by the parliament.

Senior civil servants i.e. from the DCs, upto the Permanent Secretary, head of the Parastatals, they should be recommended by the parliament after their posts have been advertised for application. Their posts should be advertised and they should apply and they go for interviews. Then they should be vetted by the parliament. District officers posts should be abolished, and the DO's should be abolished as well. The number of the nominated MPs, should be increased from 12 to 20 and these people should be from major NGO's so that they can serve the interest of the people and not certain individuals. Health services should be free to all, should be free in the government hospitals. Completely free, no cost sharing. Provincial Administrators should come from the locality they serve. If it is the District Commissioner in Kirinyaga he should come from that district not another District.

Thank you.

Comm.Bishop Njoroge: Thank you for your comments. Can we have Joseph Ruita?

JOSEPH RUITA: Thank you. Hii-ina husu wale ambao wapewa retire.

Retired officers should be considered for assets have these ownership in the respective Saccos. E.g.

- (a) Harambee Plaza,
- (b) Afya ...? Complex
- (c) N.S.S.F. Plaza.

Income of the above are enjoyed by the people who not members.

3. National Hospital Insurance Fund. Left behind after retirement this fund should help a retired officer in his/her own age. An old retired officer needs more medical care and his contribution must be carried forward after retirement.
4. When a retired officer, pensionable dies, his pension should be extended to his wife. A five year period is very short. This should continue until she dies also.
5. Chiefs and their assistants, should be elected by the public. The present chiefs are a colonial entity and must be stopped immediately.
6. All the hospital bills should be paid by the government, and not the ordinary citizen. The report is compiled by John W. Stanley. Member of Kago.

Thank you.

Comm.Tobiko Keriako. Thank you Mzee wangu.

JOSEPH MAINA

Ya kwanza ni hali hii ya Administration, Kutoka assistant Chief, na Chief wawe wakichaguliwa na wale wanaotumikia. Wakati wa kuajiriwa hiyo kazi wafanye kazi hio kwa Wananchi kwa njia inayo faa. Maana wale wameandikwa kwa njia isiyo faa, kazi yao ni mbaya sana.

La tatu ni area ya police. Police katika security Kenya hii hatuna. Hata wengine wameshikamana na wakora na kutufanyia ukora. Mtu akifanya maneno yake tuseme tuligombana,ukienda huko mwenye kushtaki, anaitishwa kitu. Huyu naye

mwenye kustakiwa anatoa kitu sasa unaona hiyi kesi inaenda hivo inatengenezwa kwa kangaroo court. Sasa hiyo nataka iangaliwe sana.

Ya tatu hali ya project. Project, hawa wana siasa waondolewe katika projects. Iendelee kama vile ilikuwa ikiendelea zamani na watu wale wako kwenye office za Ministries. Lakini mtu wa siasa aondolewe katika project kwa maana tangu wakati ule hawakukubaliwa kuingia katika hizo projects zinatakikana ikiwa, ni barabara, ikiwa ni stima, ikiwa ni mahospitali zichungwe na serikali.

Hii ni kuhusu soko huru ndio inaharibu uchumi kabisa. Hiyo soko huru kila mtu anaweza kwenda kuuza mali yake pahali angetaka hiyo tuseme kwa maoni yangu naona haifai. Kwa hivyo katika Kenya hiyo soko huru iondolewe kabisa. Maana hii soko huru tuseme kama vile ilikuwa nyanya inaingia Nairobi tunauza kwa bei ya chini hata yule mwenye kununua hapa kwa bei ile alikuwa akinunua hapo akifika kule Nairobi inauzwa kwa bei rahisi kuliko ile aliyokuwa akinunua hapa. Sasa unaona mkulima wa Kenya anaumia.

Vile hii maneno ya biashara nayo, ya maduka, na haya maneno ya kuuza kwa wholesale. Kuna watu wengine wanahangaisha wengine kwa maana ndio wanakwenda huko ulaya, wanakuja wanaleta vitu vyao kwa bei rahisi, halafu wewe ukiweka yako hapo na hujui kwenda kufika huko ulaya ukiweka duka lako hapo na serikali ina hitaji koti na koti ni ile moja, unaona sasa ule mwingine anaumia na hajui ni wapi atakwenda. Sasa kwa hivyo tunataka iwe sheria ya kuangalia bei, kutoka kwa kampuni inakwenda kwa distributor, ina kwenda kwa mawhosale inakuja na kuangalia na Ministry of Finance. Ile maratiri nayo tunapima huko madukani, na biashara zingine ikaguliwe, sawa sawa vile ilikuwa inangaliwa zamani na serikali. Ndio Wananchi wakawaida wasije wakaumia.

Katika ukulima wa mahindi na maharagwe katika Cereal Board. Zamani nilikuwa nikiona katika Cereal Board, Kenya yetu kulikuwa na chakula ya kutosha, na tena ya kuuza. Serikali ina uza kwa nchi za nje. Sasa tunaona katika Cereal Board, hata chakula ile tunalima hakuna bei ya maana Cereal Board ilishindwa hiyo pesa ilimalizwa na ukilima Mungu akikubariki na chakula iwe nyingi hazipati bei kwa sababu serikali ndio inajua pahali iko njaa inauza ile chakula maana ndio ina jua shida za wakulima.

Ya pili katika ukulima huo, ile mbolea tunalima nayo, iko na bei kali zaidi kushinda kiasi. Sasa kwa hivyo tunataka hii serikali ningeonelea iangaliwe bei vizuri ya kuona kuwa mkulima anaweza kununa ile mbolea asije akapata hasara. Sasa kwa hivyo, hata madawa, iangaliwe ile dawa hizi za kufurisha mimea yetu ile dawa nzuri kwa maana zingine zinakuja dawa fake. Sasa mkulima anaenda kununua akienda kupiga mimea yake anaona ile dawa haifanyi kazi. Sasa kwa hivyo hali hii iangaliwe sana.

Pahali pengine ni pahali pa hospitali. Zile dawa tunaletewa hapa, na ma-Chemists, zile imekuwa katika Kenya hii dawa zingine, si dawa za kawaida, ni za kibiashara. Tuseme kuna hizi serikali za nje zile zinatengeneza hizi dawa. Kampuni ziangaliwe zile zinaweza kutengeneza dawa zile halisi kwa maana dawa zingine ukienda kununua dukani zingine si halisi, lakini vile zimeelezwa siyo vile ilivyo. Kwa hivyo hiyo dawa mgonjwa akitumia ana elezwa na daktari vile atakunywa apone. Sasa kwa hivyo tunataka iangaliwe ile dawa ya kawaida, ama ile ya zamani wakati tulipata uhuru zilikuwa dawa

nzuri sana. Ukienda kwa hospitali unatibiwa, hata hurudi hapo tena. Sasa kwa siku hizi, tena mahospitali imekuwa ghali zaidi na ile dawa haifanyi kazi.

Ya tatu kwa hiyo mahospitali, hizi private hospitals hiyo ni kitu kimoja kimefanyiwa biashara na watu. Madaktari wengi ndio wameandikwa kwa serikali na ndio hawa hawa, wamekuwa wakifungua hayo maclinic, mahospitali kama hayo. Sasa tunataka hiyo selikali iangalie sana, maana kodi ya Kenya watu wa Kenya ni watu wanafanya kazi sana. Zipunguzwe kwa maana hii nyingi ni za kibiashara. Na wengine hawajatimu elimu ya udakitari lakini wanafungua clinic zao, ukiugua ukienda kutibiwa anasema yeye hajasomea huo ugonjwa.

Interjection: dakika moja umalize.

Speaker: Nina enda kumaliza. La mwisho ni kuhusu makanisa. Hizi dini zina kuja nyingi, ni za kuharibu watu. Sasa kwa hivyo kwa maoni yangu hiyo iangaliwe tena ni ya nini makanisa kuwa mengi na makanisa yamekuwa mengi hapa sasa ukikaa kwa mda kidogo utaona kanisa moja inakuja kupigana na lile lingine. Sasa hata inafanya watu wakristo wale wasiojua maana wanaanza kugombana na wakristo wenzao. Sasa kwa hivyo tunaonelea hapo iangaliwe tusije tukaletewa zingine zisizo faa za kuabudu mashetani. Kwa hivyo sasa tunataka wataalamu waangalie sana. Kabla ya ile dini kuwa registered.

Asante sana.

Comm.Bishop Njoroge. Can we have Ayub Karugia.

Ayub Karugia: Nauliza kama nina weza kuongea kikuyu

Interjection: Ndio sasa kama wewe huwezi kuongea lugha ingine, ongea ile unaweza.

Nii ngwalia miariyo minini no ndigukiaria miario miingi muno.

Translation: Mine will be brief

Ayub Karugia: Thiini wa mahinda maria mari na kuo thutha, thiini tiri wakorogwo wi wa mihiriga kenda. **Translation:** During old days past days, the land used to belong to the nine kikuyu clans.

Ayub Karugia: Nahindi iria Demacation ya mbiriirie guka, ni gwakoragwo thiini wa mihiriga kenda ithurite, andu a kurora, a guthikiriria macira maria makoragwo mekuo megii migunda.

Translation: The land cases were handled by the nominees from each clan.

Ayub Karugia: Na thiini wa andu acio matiakoragwo magithurwo ni thirikali iria ya kuragwo kuo ya mukoloni.

Translation: These cases were not selected by the government which was there.

Ayub Karugia: Na thiini wa ciira ndwakoragwo ugiikara ta uria riu ukoragwo ugiikara, ukarutwo kuu na kuu kungi uguo.

Translation: Land cases were dealt with fast.

Ayub Karugia: Na gutiari na utunyani ta uria wikuo kahinda gaka

Translation: There were no corruption as it is today.

Ayub Karugia: Todu thiini wa bururi ona ugithukana muno uthukanite, niundu wa njira iyo ya utunyani wa tiri tondu kwi mirango ina guku mundu ona hotanite igotini, kwi mirango ingi ya thutha irakorwo igicira.

Translation: Currently the main problem which is there is corruption and land grabbing because of back door dealings

Ayub Karugia: Na no undu wa uria cira haria mihigira yakoragwo igicira tondu niyui ogithaka kia mbari ya ngania githaka kia mbari ya ngania, ni mamirwo no ohuti.

Translation: These clans knew which land belonged to who.

Ayub Karugia: Ni riu ngakiuga thiini wa tiri ucukerio mihiriga na akorwo ni macira ta macio ma andu aria matunyite andu aria angi na mbeba makorwo makirorwo na njira ya kihoto kana magithikiririo ni mihiriga iyo kenda tondo no yo yagirirwo ni guthura kamiti ya guthikagiriria macira ma bururi.

Translation: The land issues or problems should be handled by clans or a committee should be set aside to handle these issues in a better manner and those who are grabbing land using money should be dealt with.

Ayub Karugia: Undu uria ungi namba ya keru, ni cionje iria cii micii, Gwi cionje citamenyekaga na cikoragwo kuu undu ucio nagu thiini wa gatiba kana thirikari ni yagirirwo ni gwiciria ni undu wa andu acio matarehota.

Translation: The constitution should look into ways of assisting these disabled in our homes. **Ayub Karugia:** Tondu ona mundu arikania na gute aciari ake na akorwo kionje kiu ni kiratigirwo indo ni aciari, ni kirahota kuingirirwo ni mundu ucio wi na indo gigatunywo indo ciake.

Translation: There are cases where the parents left their property to their disabled once, but you find that those who are able will take the property by force.

Ayub Karugia: Nii ndiuma na maundu maingi thengia no macio.

Translation: That's all what I have.

Comm. Bishop Njoroge: Tupate Ernest Irungu ako?

ERNEST IRUNGU: I am going to talk about the deaf,

First is education, It is our view that the government should provide assistance in places where the hearing impaired require the services. The government should provide the bursary education to the hearing impaired person. Provision of (inaudible) services to the deaf person is also essential. The curriculum should provide alternative to language that the hearing impaired persons can use. E.g. Kiswahili should be struck off from sign language. Examination questions should have a curriculum to give hearing impaired person a level playing field e.g. in some of the questions like in the K.C.P.E., you find children are being asked about sounds, but they should be asked about smell.

Interjection: Try and give us the points since you will hand over the memorandum.

Speaker: The Ministry or the government should provide sign language that can be used in secondary schools, and Agricultural institutions. The Kenya National Examination council should allow extra time for hearing impaired person during examination. E.g. they should give them lets say 25% of the paper's time. The government should give more time for curriculum coverage with more widely illustrated learning materials for instance in the primary education, they should be given too extra time so that they can cover the syllabus. Also the government should provide funds for sign language research and publication as per now the sign language is not standard because of lack of funds.

Special education institutes should be managed by qualified specialists. i.e with respect of their speciality. Not somebody who is mentally disabled people being the manager in a hearing impaired school. Schools for the deaf should be coded

separately for all examinations, during the results because you find deaf schools that are coded along with the other hearing schools, and thereby you find that most of the time they are the last, and that negative attitude is taken by the children. The curriculum for Police and Administrative colleges should include special education. There should be something which they can learn.

LABOUR

The deaf person should have the right to drive motor vehicle so long as one is qualified to do so. The government should direct employer to employ a certain percentage of hearing impaired person. The government should then provide incentive to cover for that deaf person. 5% of the bank employees an example is 5% of employees should be disabled. The stipulation requiring parliamentary, presidential and civic election candidates to be good in Kiswahili and should also include sign language. No qualified person should be denied a job or promotion because of his/her disability.

COMMUNICATION:

All electronics, and telecommunication providers should be made aware of the existence of the deaf persons and among their audience. Equipments should therefore be modified to suit these deaf person, and made available E.g. there should be sub-titles in Television so that they can understand what is going on.

Visual life savers should be fitted in all areas to alert deaf person incase of danger because like now we have belts instead of belts only, we should also have lets say flushing lights so that the deaf person should become aware.

FREE HEALTH

1. Provision of free medical care to the hearing impaired person,
2. To ensure early compulsory care in adult clinic and diagoniasis for early intervention.
3. Accessibility to free hearing aids and accessory for hearing impaired person.

Interjection: because you will hand out the memorandum, you do not have to read every thing just give us the highlights.

Ernest Irungu: Culture and Social Services.

You find that in succession rule, the hearing impaired person should have the right to inherit family property. Early and forced marriages should be prohibited to all the impaired persons. The deaf person should be prohibited from all bad cultural practices because most of them they do not understand.

THE OFFICE OF THE PRESIDENT

The deaf should have an Identification card through their council and deaf Associations, these councils should be recognized in the the law. The government should facilitate the provision of handicapped person commission council and the experts to oversee review matters pertaining to the disabled person.

Other areas. Citizen rights should be the same to both men and women e.g. A child born to Kenyan citizens, outside Kenya, should have rights of citizenship parents being or either gender. Women should have rights of movement in or outside the country with travel documents issued without discrimination of gender. The President should be in office for two terms of office, of five years each. The parliament should be supreme in all matters of the country. Mayors and chairpersons of the council should be directly electorate by the electorate. Members of Parliament and councilors who are not performing well should be impeached by electorates through endorsement by probably 60% of the election in his/her Constituency. There

should be an independent tribunal to harmonise civil service salary. Local government to be empowered to collect funds and then direct it to the required areas. There should be an independent body to monitor the effectiveness of the council. Chiefs and assistant chiefs to be elected by the president. The post of PC should be scrapped. Electoral Commission should be totally independent.

Interjection: You have 4 more minutes.

Speaker: Yes, Should be totally independent from administration. Votes in any election should be counted at the polling station with total transparency. At the election of the Mayors, and the chairperson one should command over 50% of the votes cast. Failure to get 50% there should be a repeat by the two leading candidates. All election should be by secret ballot. Marginalised groups e.g women and disabled person should have nominated members of Parliament. There should be one government uniting all Kenyans. Every Kenyan should have freedom of movement and settlement in any part of Kenya so long as it is justifiable. That's all.

(inaudible)

Comm. Bishop Njoroge: Thank you very much those are very good views. (inaudible)

HON JAMES KIBICHO: There should be head of Government and a head of state. The government must be divided into three sections, Executive, Legislature, and Judicial. Sovereignty of state must be vested in the Constitution and Parliament. The head of State should be elected by all Kenyans, the head of the government must be the leader of political parties, commanding majority seats in parliament. There should be a supreme court.

LAND RIGHTS

Nobody in Kenya must have absolute rights over land, The government must have all land rights and determine how land is to be used. The constitution provisions relating to rights. The exception to the constitution, on the bill of rights on employment rights must be scrapped so that citizen rights only be removed by a court of law and not by specific individual in the bill of rights, it must have other rights. Like rights to education, upto std 8 free provided by the government, It must also provide, in the same view that it is the duty of the government to provide health care to all citizens free.

PRESIDENT:

There should be one president, and a vice president, who must be a running mate so that both of them drive their mandate from Kenyans. We should have a Prime Minister, who should be head of the government and such deputies prescribed.

MINISTERS:

All the Ministries, must be created by the Parliament and abolition of the Ministries must be also vetted in Parliament. There should be an independent, commission incharge of employment of Kenyans in civil service. From Permanent Secretary to the Sub-Chief. There must also be an independent commission employing the police. There must be an independent commission employing judges. The appointment to constitutional offices must be vetted by the Parliament. The president should not be above the law. He should be subject to impeachment process. Parliament must sit as a court and impeach an errant president.

LAND MATTERS

There must be ceiling on ownership of land. One person should not own all the land in Kenya. The government must prescribe the ceiling of land ownership and also prescribe rules for the land ownership. All the appointments, of judges, though through judicial Service Commission which must be independent must be, all the appointments of the judges of the high court, the court of appeal, and the supreme court must be vetted by parliament. We should abolish Provincial Administration and vest all the powers to the local authorities. These local authorities, may not be necessary be confined to the present powers of the local authorities. They should be in units created administratively, in a manner which is suitable to Kenyans. If we have anybody at the level of the PC, the DC, the chief and the DO, he must be elected by the people.

THE LOCAL AUTHORITY'S STRUCTURE:

There should be a Chairman, or a Mayor elected by all residents in a given local authority. and it is his deputy, similarly must be elected by all the residents of a given area. The local authority has a power to fire and hire. We should abolish the present system where the Minister of Local Government, decides who are the chief officers in a given area.

DEFENCE

All defence Chiefs, heading units, say the Army, the Air force, the Navy, must also be appointed by the President and vetted by the Parliament. Again on powers of the president. The president must be non-executive with only limited powers.

Then we come to Education:

The government must provide also free education, upto University to all the bright children. A criteria must be enhanced so that the best brains in this country, should never go to waste. However, from the primary education, must be free and compulsory. Beyond primary education, a criteria must be found for the bright children from poor families to access education. There should be no people who are homeless in this country. All street children must be removed from the street.

As far as, parliament is concerned, it must have all the powers like any other parliamentary system in the commonwealth it is like the one we have today, which is a system which is a system not known anywhere in the world. It is neither parliamentary, nor is it presidential nor is it monarchical. We must have a parliamentary system of government, known in common wealth. Not amorphous body like in the one we have.

BILL OF RIGHTS:

A law should be put in the Constitution for those people who breach people's human rights. About the constitution as we have it today, fairly says, we shall have the right of freedom, right of what but those people who breach those rights, the parliament must prescribe because the constitution may not prescribe penalties for those people who breach those rights.

CORRUPTION:

There must be in the constitution now, in view of the rampant corruption in this country an independent body dealing with the constitution. The constitution must make a provision, saying parliament has to prescribe, such bodies, as it may think fit to fight corruption. We may not put it in the constitution, those provisions, but parliament must do so that we do not have a situation like we have whereby parliament has prescribed an act of parliament, it went to high court and asked the High

Court found it to be unconstitutional.

INTERNATIONAL TREATIES:

The Kenya government should never never commit this country on any international treaty, including international contracts without approval of parliament. All the powers of the people must be vetted by parliament. Mr. Chairman I would like to reserve the other remaining minutes so that when my memorandum comes I may be able to stress on some points if I will be around.

Comm.Bishop Njoroge: Thank you Hon.Kibicho.

STEPHEN KIBIRA MURAGE:

Nikiweza kuangalia naona ya kwamba President here being a Kenyan should be under the law. Kwa upande wa uteuzi, naona hizi powes za kuteua kama ni Attorney General, Ministers, hizo power inatakiwa kuwa na Bunge, kwa viler pia President ni mbunge pamoja na waziri wakati Bunge linavunjwa wote warudi kwao mashambani kutafuta kura. Lakini wale ambao wako na mabendera bado wako kwa office, na bado tuko na ma-Permanent President pia na mawaziri. Makatibu wa-kuu pia wanatakiwa kuwa wanachaguliwa na Bunge lakini sio kuwa appointed by an individual.

Nikiingia upande wa matibabu, kwa hospitali, daktari ye yote ambaye anafanya kazi kwa hospitali ya serikali asikubaliwe, kuwa na any private clinics, kwa sababu hizo ndizo zinanyanyasa wananchi kabisa, na dawa ukienda hospitali unaambiwa hakuna, na ukienda kwake, unapata hizo dawa. Akikuandikia anakwambia uende kwa mahali fulani ndio utapata ndio, na ukienda hapo unapata hiyo ni clinic yake na una pata dawa, na kwa hospitali za serikali mahali ambapo tunatakiwa tuwe tukipata free medical attention unapata hakuna dawa.

Maoni ya nne hii system ya elimu, inafaa irudi ile system ya zamani. Sababu, tukiangalia ile system ya zamani, ndio hata baada kumaliza shule hutumia. Ukienda kwa duka kama ni mtu anauza vitu vyake una pata anumia system ile, ile ya zamani, hata kama ni upande ya hesabu hajui hii mambo ya new mathematics anatamia tu ile hesabu ya Carly Francis. Na unapata elimu imeanza kuwa useless sababu tunafunza watoto from std 1 to form 4, bila mtoto kuanguka.

Interjection: you have a few minutes to finish. Peana tu points.

Speaker: Ok, point peke yake. Hapo nimeona point ni kwamba, mpango wa elimu urudi kama ule wa zamani ule wa Carly Francis. Point ingine katika wizara zetu, Kila wizara, inatakiwa kuwa na Waziri mmoja. Sio kama vile watu unapata wizara moja iko na mawaziri watano na wote wana kula pesa ya umma. Na awe na waziri mdogo mmoja. Wakati yule mkubwa hakuna, mdogo anashikiria kama yeye hayuko Permanent Secretary ako.

Ingingine kwa katiba yetu ya Kenya, tangu uhuru, vile katiba imegeuzwa mala nyingi, tungependa wale wa bunge tumechagua kabla hawaja-badilisha katiba, wawe wana-consult wananchi sababu, ile katiba tunajua ni katiba inastahili kukaa kwa miaka kumi au ishirini bila kubadilishwa. Kwa serikali ningependa kuwe na Waziri mkuu. Upande wa Provincial Administration, machifu wetu, wawe wakichaguliwa na wananchi kama vile tulikuwa tunawachagua mbeleni. Na waruhisiwe powers, kama zile zilikuweko mbeleni sababu tunapata taabu sana tangu ziondolewe.

Electoral Commission; tunapenda iendelee kuweco lakini chairman, wake asije akawa appointed na president, awe akichaguliwa na Bunge.

Upande wa mawaziri wakati watakuwa appointed hata kama watakuwa appointed na bunge, wawe wakipewa, wakichaguliwa ku handle ile ministry ambao wako professionally qualified. Una pata waziri ni mtu amekuwa kwa majeshi kwa mfano. Mheshimiwa Mulinge anapewa uwezo wa ku-handle Ministry of Health. Tukiingia kwa upande ya makesi ya mashamba ambao ime tunyanyasa sana, hapa Kirinyaga, tunapenda koti ya tribunal peke yake iwe ndio ina deal na cases za mashamba, lakini sio court of law. Idle land iwe allocated to the landless people.

Wanawake wawe na haki ya kuridhi mali kutoka kwa wazazi wao. Wafanyi kazi wote katika Kenya ya-faa wawe wanakilishwa kwa bunge kama vile inafanyika nchi zingine. Lingine mtu akipata mali ya mwingine kwa njia ya udanganyifu, kupitia kotini, hii sheria ya ku-appeal inafaa iwe huru mtu anaweza ku-appeal baada ya kuguduliwa sababu wako watu hutumia mali ya wengine kwa njia ya uongo ana-enda kortini ana sign false documents na wakati mwenyewe atakuja kugudua ana-ambiwa mali yake ilienda na siku za appeal (14 days) zimekwisha. Kwa hivyo iwe sheria iwe huru mtu akigundua hata kama ni baada ya 10 years, 20 years anaweza ku-appeal.

Ingingine, system ya government hatutaki serikali ya majimbo, tuwe na ile ya mbeleni. Ingingine mkulima ya faa achungwe na sheria kwa mali yake, Sheria iwe, ina chungu mkulima sababu ya middle men. Na mtu yeyote ambaye anahusika na mambo ya corruption, wakati ana gunduliwa, awe akishtakiwa direct. Nitafika hapo. Asante

Comm.Bishop Njoroge: Ukisema mtu awe akishtakiwa directly una maanisha nini?

Speaker: Kusema directly ni kusema ya kwamba mtu ana gunduliwa ya kwamba amekuwa aki-misuse public funds, lakini akiwa noted wakati anapelekwa kotini sheria ina mzuia, hiyo kesi inaenda namna hiyo kwa mfano kama hii kesi ya golden berg mpaka sasa pia haijaisha, na haijulikana imeenda aje, na ilikuwa pesa ya uma, misused ambapo sisi raiya tungependa tujue openly ilikuwa aje hiyo ikaenda huko.

Interjection: (inaudible)

Speaker: Hilo ni swali nzuri sana. Nikisema vile nimesema ya kwamba hatutaki serikali ya majimbo, unajua majimbo ikikuja inatakiwa hata kama ni hapa central province mambo yetu tunamalizia hapa. Lakini tutafanya watu wengine vile tunaishi na wao kwa upendo wawe wanapata kazi zaidi. Watu wakiwa Nairobi kwa mfano tuseme, Ministry of Health, Ministers ni wana -Nairobi, Ukikuja Nyeri unapata iko Provincial Health Officer ambaye anawakilisha yule yuko Nairobi. Ukikuja kama ni hapa Kerugoya, unapata tuko na District Medical Officer, so that delegate yule ako juu aki-delegate mpaka kwa yule mtu wa chini. Sisi wananchi tutapata huduma kabisa.

Comm.Bishop Njoroge. Thank very much.

Osman Abdula: Kati yenu nitasema ya kwamba niko mbele yenu nikielezea kwanza kabisa ya Serikali kutambua na kuheshimu dini ya Kislamu, kama vile inavyofanya kwa hizi dini zingine.

2. Sio tu sisi Waislamu wa Kenya, tungependa kupatikane mtu ambaye anaitwa Mftii pamoja na Kadhi. Kwanza Mftii ni mtu anayetumikia maswala ya dini ya kislamu. Sasa hawa watu wawili, ni jukumu la wananchi kuwachagua wala sio serikali.

3. kuwa huru kutekeleza kulingana na mila na sheria ya dini ya Kislamu. Yaani kwa mfano, katika dini ya Kislamu, wanawake, wanasisitishwa, kujistiri yaani kuvaa kulingana na sheria na ndini. Kwa hivyo, ninge-omba katiba itakayo kuja, iwe ina mhusu mwanamke mahala popote iwe ni maofisini, ama ni kazini mahala popote wawe wakijistiri na pia watoto wa shule waruhusiwe kujistiri katika masomo yao.
4. Mahakama ya kadhi kuwa sawa na mahakama ya serikali yaani, mahakama ya kadhi ipewe uwezo wa kuamua kesi kulingana ama ipewe uwezo kama mahakama zingine. Hii ni kumaanisha ya kwamba sisi waislamu tungependelea wakati kama mimi ni muislamu nimefanya kosa katika nchi kadri ya jambo lichukuliwe na sheria yangu ya uislamu.
5. Kuabudu kutangaza dini na imani yetu yaani sisi waislamu, tuwe na uhuru wa kutangaza dini na imani yetu, wakati wowote.
6. Kugawanya mamlaka katika serikali kuanzia juu handi wilayani. Kwani msaada utakuta kwamba wa Kenya nusu ni waislamu, na nusu ni wenzetu wakristo. Kwa hivyo tunaomba kama Rais atakuwa ni mkristo basi bila shaka Vice President awe ni muislamu. Pia kwanzia juu hadi chini kama ni Provincial, District, na pia location tungependa mamlaka yawe ni sawa hasa. Machief pia, wawe ni waislamu, ma DC pia wawe ni waislamu na kadhalika.
7. Kutambua siku za waislamu. Katika dini ya kislamu, tunapigwa hofu kwamba zimetengwa maalum ni siku za siku kuu, kama kwa mfano Idir Fittir, Na Idul Haji na zinginezo kama hizo. Basi tungetaka katibu mpya iweze kutambua siku kama hizi kama inavyo tambua siku za kikristo kama vile siku ya Christmas, siku kama Good Friday. Pia Waislamu siku kama hizi zitiwe katika calender na ziweze kuheshimiwa na kutambuliwa na kila Mkenya. Kisha sheria kuhusu uchinjaji. Tungeomba au tungetaka pia katika mahala pa kuchinja, iwe Kenya nzima mahala popote, kuanzia juu mpaka mshinani iwe itaruhusiwa sisi, na tutapewa kibali ya kuwa sisi ni wenye kuchinja.
8. Mwisho ni kwamba tungeomba pia, hili si kwa waislamu peke yake, ni kwamba tungeomba pia au tungetaka katiba inayo kuja, ipitishwe sheria ya kujistiri, kwa wanawake. Kwa sababu ya kwamba hivi leo Kenya yetu, imechafuka hata unasikia kesi za unajisi. Tunapo-chunguza sana makala hayo ya unajisi, utakuta kwamba, kinachosababisha, ni kutojistiri, kwa wanawake, nguo wakifaa ni nguo utaona kwamba bila shaka, kwa mwanamume ambaye kwamba ana akili timamu, Zitakuwa hizi nguo zinaweza kumuadhiri. Kwa hivyo, ningetii sheria ama katiba inayokuja ipitishwe kwamba wanawake wote katika Kenya wawe ni waislamu au wawe si waislamu waweze kujistiri na hali kama hizi zikitokea basi bila shaka mambo kama ya unajizi, yatakuwa yamekwisha.

Comm: Bishop Njoroge: Sasa tungetaka kuwa na katiba ya Wakenya wote. Sasa vile umesame tuwe na sheria ya wakristo na waislamu itakuwa aje.?

Osman Abduka: Kwa kweli swali lako ni sawa kabisa nitajaribu kadili ya vile ilivyo. Ni kwamba, tunaposema kwamba mahakama ya kadhi, iwe na mamlaka sawa na mahakama zingine, hiyo ni kumaanisha kwamba sheria ziwe makini kabisa.

Interjection: Una maanisha hata kama ni mkuu wa sheria awe wa muislamu na mkristo. Na serikali itafuata sheria gani?

Osman: Katika katiba ikiwa mimi ni muislamu, na nimefanya kosa kwa mfano, sijamkosea mtu ambaye kuwa ni muislamu, Mfano mimi nimemkosea muislamu mwenzangu. Tumegombana, nimemuibia, kumnajizi, mambo kama yale,

yeye ni muislamu na mimi muislamu, badala ya mimi kupelekwa katika mahakama hii ingine ya serikali ni pelekwe katika mahakama ya kadhi. Kwa sababu gani? Mimi ni muislamu na yeye ni muislamu, ila ikiwa ni muislamu na mimi nilikukosea si muislamu basi itanibidi nipelekwe katika mahakama ingine, mahakama ya serikali na fakiri nafahamika hapo. Yaani kwamba hii mahakama ya kadhi ipewe, mamlaka iwe na uhuru wa kuwahukumu, kama ni kufunga, kama ni kutoa fine kwa waislamu. Lakini siyo ati ni kwa waKenya wote. Kwa mfano mtu asiye kuwa muislamu hawezi kupelikwa mahakama ya kadhi.

Interjection. Kuna wale ambao sio waislamu lakini bado huvalia mavazi ya kiislamu na hata wengine hujitambua kama waislamu. Je hawa watu wapelekwe wapi?

Speaker: Kweli bila shaka tunapogombana, ni kwamba kulingana na waislamu utaona kwamba, mtu anapokubali kuwa yeye ni muislamu basi bila shaka yeye yuko katika chini ya sheria ya muislamu. Sasa kwamba pia itakuwa umenufaisha sisi muislamu kwa kuwa tutaweza kutambua muislamu wa haki muislamu wa kweli na muislamu ambaye kwamba amevaa ngozi ya kondoo.

Comm.Bishop Njoroge: Asante tumetosheka. Basi peana memorandum yako. Tupate David Muthii.

DAVID MUTHII. Thank you. My views are on the government, I should require the

1. Improvement of people at all levels of the society in the management of that society as per constitution. I.e. the government.
2. Government should honour the judiciary and Executive as well as parliament as the key organs.
3. Government should respect the Kenyan public appearance.
4. Government views must have humanity rights.
5. Government which is govern people by the (inaudible)

On citizenship. Anybody who has a blood of Kenyan, born in Kenya or outside Kenya. A citizen should share the cake of our government if there is one. He/she should be secured by the government through medical care, education, and schools.

Government should be paying those who are over 18 years and above in order to reduce poverty margin. Government should pay its people according to the work somebody does for the government. Government should not have unemployed and employed people. Government should give settlement to its people without tribe basis.

PRESIDENT:

1. The president should be elected by the 50% of all Kenyans without considering votes per every Province.
2. He/she should be a Kenyan and should be over 40 years.
3. Should register his/her wealth for security of the country.
4. Power should be shared with Prime Ministers and Ministers.
5. He/she should not be above the law.
6. President should not be an MP, of any constituency because he/she is to serve all Kenyans but not a constituency.
7. President's name is not to be used in any of the government Institutes e.g. Moi girls, Kenyatta Hospital, etc.

PARLIAMENT:

1. Parliament should be given its power to make the role and supervising.
2. MP must represent his/her constituency and if he misses parliament 3 times his seat should be declared vacant for voting again.
3. Parliament people should be given rights
4. Parliament should manage all roads of the state.

ADMINISTRATION SECTION

Interjection: You have one minute

Speaker: One minute more Ok. Thank you. Government should distribute some of its administrators, eg. PC and chiefs, also the DO, so I request, the role to create vacancy of sub-chiefs to be chiefs, for those small sub-units.

ON FINANCE.

Laws of the country should be negotiated through the parliament's powers.

General Government Auditor should present its work and give its results to the Parliament for transparency.

FARMING

All farmers should be paid as workers of the government because Kenya cannot learn without farmers.

On land scale Control.

1. Kenya is a land owned by Kenyans
2. It should be shared by everybody for shelter and settlement.

Comm.Bishop Njoroge: Can we have Margaret Wachira?

MARGARET WACHIRA

1. Chiefs and Assistant Chiefs to be employed as it is but transferable within their Districts, for chiefs and for assistant chiefs, within their Division.
2. National Hospital Insurance Fund to pay for treatment not admission fee only.
3. Market for produce by farmers have no local markets, eg. Milk, and so the government should look for better market.
4. Women to be included in the Title Deeds and other property.
5. Women to be represented in some bodies, like BBC, Land Board, etc.
6. Rape and domestic violence to be dealt with by women judges and tough penalties, on rape cases.
7. Traditional marriages should be recognized for women with two or more children and awarded certificates.
8. Retirement for government and private sectors to be 50 years to get chances of employment of land and qualified jobless needs and it should be compulsory.
9. Cases in the court should not be delayed but dealt with within six months maximum.
10. The Ministries are very many and should therefore be reduced to at least 18. This is to enable the government, to acquire more funds, for at least free health care and education.
11. Judges at district levels should come from districts, to be able to talk the language of the local people so that, even the uneducated will be able express their views properly.

12. The minimum salary for government employees, should at least be 10,000 per month.

That's all.

Comm.Bishop Njoroge: Thank you very much for your brief presentation.

Ok. Ina nekana watu wamekwisha.

PETER MWALIAMA NGARE

Mine is on parliamentary representation, I am on the opinion that parliamentary representation should be based on numbers, not area. Let's say, if a given constituency, has more than 50,000 people that area should have more than one MP.

- Land belongs to all Kenyans, and therefore, the constitution, should provide for equitable distribution, or the land should be made to benefit all persons.

The law of the land should be firm, on education policies, e.g. when we say that education should be made available to all the children, the government should follow with action, if there are courses that are putting the children out of school, let's say poverty or culture, the government should try to eradicate those courses which make the children not acquire the basic education. Again if it is in the case secondary schools, when the fee is decided by the government then the government should follow to see that it is implemented and enforced by the law.

Then there should be security of employees. They should be secure. They should not be subjected to unnecessary manipulation by the employer e.g. in the companies. When it comes to retrenchment like it was, a few years ago, the parliament should be alerted on the move to retrench and should debate on that exhaustively.

Then the issue of constitution education or human rights education, should be made a lesson at all times to avoid having people who are not aware of their human rights.

That's all I have.

Comm.Bishop Njoroge: You can give out your memorandum. Kuna mtu ambaye anataka kuzungumza?

JULIUS MUTURI. Jina langu ni Julius Muturi, maoni yangu ndio haya. Kwanza kabisa, nobody should be above the law. And if the constitution has to be changed, in anyway, then we should have a committee either the government or the constitution be entrenched in the Kenya constitution to allow collecting of views before the constitution is finished.

On presidential powers, the president shall elect the Ministers, and the assistants from Members of Parliament from all political parties, 15 members of Parliament, and also the assistants. We should not have more than 18 Ministers and Permanent Ministers. Those appointed should be vetted by the parliament as well. The presidential term should be 5 years and should not be more than three consecutive terms. The person who want to vie for presidency should have a minimum of University education.

On Political parties all members to form their political parties but should exercise democracy within themselves. Presidential parliamentary, and civic elections should be separated. On state body parliament should approve the need to borrow money from abroad or from donors and when money comes to the country where parliament should discuss how money is to be spent.

There is need to have another serious court from the Court of Appeal where matters should be taken in case one is not satisfied with judgement made in a court of appeal. The Provincial Administration should be abolished and replaced with an

elective system whereby members should elect those who fit right from the location upward. As far as land ownership is concerned everybody should be allowed to own land and where a spouse owns the land that land should be registered in both names or the spouses concerned. As far as land ownership is concerned we should have a system whereby members or individuals are not allowed to own more than 300 acres. And those who own more than 200, then the government should buy the rest compensate the owners, and settle the landless. Still on land, the process of succession nowadays is a very tedious one and very cumbersome, and should be streamlined.

The issues of gender in Parliament, as far as I am concerned men and women are equal and therefore, should have equal votes.

We should not say that we should have men only as far as I am concerned we should not have more men than women let's give everybody promotion. As far as education is concerned, we should have free education to all Kenyans from primary std 8. Then from there for secondary and above, we should have cost sharing but parents should have some say by way of managing the schools instead of the Board of the governors. The Board of governors should be replaced with PTAs. On matters of health the government should also provide, free medical care for its citizens and health in institutions.

There should be an office of the spokesman, whereby people should take their complains, if they are grieved by their parties. There should be a policy of one man one job. When there is maybe a power vacuum, then those powers should be temporarily transferred to the speaker of the national assembly until the next President is sworn in, and that vacuum/vacancy should not exceed 60 days within which a new government should be put into place.

Thank you very much.

Interjection:Asante bwana Muturi.

Speaker: I have in mind the supreme court whereby the panel can think of what kind of members should be appointed into that court which can deal with the cases which court of appeal has not successfully dealt with as far as the victims are concerned.

Interjection: Comm.Tobiko: Umesema habari ya presidential term live not more than 2 consecutive terms akimaliza term ya kwanza ya miaka tano, amemaliza miaka tano halafu kwanza aende retire, angojee miaka ingine tano halafu aweze kusimama tena.?

Speaker: Nilikuwa nasema kama anaweza kwenda miaka mitano halafu he can be eligible for re-election after the first 5 year term.

Comm.Bishop Njoroge: Thank you very much. Labda inaonekana kama watu wameisha.

MARY WANJIKU MWAI:

The memorandum which I have here is from Ndia Catholic Justice and Peace Commission.

They say that in the preamble they want the constitution to have the following:

The precolonial era, colonization, struggle for independence and recognize those people who fought for our independent, respect each and everyone's rights and obligations, people at the power on their own matters. Basic needs should be provided for.

In the Supremacy of the constitution they say that the constitution, should state that the citizens are the source of power, and

legitimacy of the state and that Kenya is an independent country which all people are equal. It should be the supreme law of the land, and nobody should be above it.

All rights and freedom should be made, guaranteed to all citizens equally, In the Executive, the president should be subject to the law of the land, the President should be impeachable, the President should gather at least 51% of the total votes casted. The three arms of the government should be independent. The powers of the executive should be distributed, defined and limited. All Executives appointees must be approved by Parliament. The chief justice should be impeachable.

Offices of the Attorney General, and Director of Prosecution should be separated and be independent. The Executive, should be removable from office by Parliament but not cabinet on the ground of being incapacitated. The term of office should be limited to terms of five year each. The cabinet should be answerable to Parliament. Members of the cabinet should not be drawn from Parliament.

PARLIAMENT. Parliament to control its own calendar. The nominated MP should be vetted by Parliament and should not be given ministerial posts. Incompetent, and non-performing MPs, should be nullified called back to the electorate through a referendum conducted by the public court. MPs should have job groups so that they can be salary scaled.

All the fundamental amendments of the constitution should be subjected to a national referendum. The media should be allowed to cover all parliamentary sessions. Parliament should create and restore Ministries. Parliament to enact laws. Parliament to have power to set up commission to discuss matters of national importance. Parliament to have power to create Districts, Provinces, with the approval of its community. Parliament to have powers on electoral and constitution officers.

JUDICIARY

The judicial Service Commission should be independent and impartial. All judges should be vetted by parliament before appointment and determine terms of service. Establishment of constitutional courts and supreme courts. Judges to have security of tenure. Magistrates should be appointed by an independent judicial service commission. Kadhi's to be nominated by muslims.

ENVIRONMENT AND NATURAL RESOURCES:

The constitution should obligate the government to protect the Environment to conserve natural resources such as rivers and forests to ensure that sustainable periods of the rain.

PROTECTION OF WATER CATCHMENT AREAS. Prohibit any further clearing of natural forests. The natural resources should be owned by Kenyans. Local communities should be involved in the management of natural resources eg. Forests and also wild life. Experts and disciplined personnel related to the environment should seek and form a commission to protect these resources.

HEALTH

There should be a provision of free medical care and enough medicine. Thus the government must maintain hospital vehicles in good order. Conditions of mortuary in public hospitals should be improved. Monitoring units should be introduced to improve the conduct of doctors, and nurses in the way they handle the out-patients and in-patients. Private hospitals should be discouraged. The government should make sure that every Kenyan has accessible clean water.

BILLS OF RIGHTS

It should protect the rights of every individual. Protect the rights, rights to life and to live. Education should be a right for every Kenyan. Rights to improve economic, social, cultural and political rights. Establishment views of an independent human rights commission. Should protect the rights of the minority, i.e. children, women, the disadvantaged and marginalized communities. Maintain security, health care, water, education, shelter food and employment. Every Kenyan should have access to information in the possession of the state or any agency or organ of the state.

It should provide equal rights for employment for both men and women. Widow and pension schemes should be treated equally for both men and women. Freedom of movement, protection of freedom of assembly and Association. Freedom of worship should state clearly worshipping who. It should guarantee all workers life's to changed union dispensation.

LAND AND PROPERTY RIGHTS. All men and women should have equal rights on access of the land. Pre-independent land duties, and agreements involving certain communities should be abolished. Kenyans should have a constitutional rights to own land and settle in any part of the country.

CULTURAL ETHICS AND REGIONAL DIVERSITY/COMMUNAL RIGHTS

Protect Kenyan tradition, and custom that protect quality and fairness and which should not discriminate. Promote the formation of village council elders. On ethnic issues, the new constitution must emphasize and promote unity in-diversity.

PARTICIPATORY GOVERNANCE

Non-governmental organization and other organized groups should have a role in governance. These should include appointment on commission, constituted to address national issues. The new constitution, should also protect the lives of civil societies, and be constitutionally allowed to lawfully organize the citizens to stand up and accept the rights life of the people.

AFFIRMATIVE ACTION.

The constitution should mandate affirmative action in order to increase the representation of women, persons of disabilities and other disadvantaged groups in representation institution such as parliament, and local government. It should set aside of one third of all Parliamentary and local government representation for women.

In the tenth year of implementation, the rule should be reviewed and if need be discontinued. People with disabilities have equal opportunities. Commission should have power to set the dispensational of Parliament and local government at least five seats.

CITIZENSHIP: All children born of one parent regardless of parents gender, of Kenyan citizens, must be entitled the automatic citizenship even when they are citizens of their own country. All children born outside Kenya, of parents who both are Kenyan citizens should have automatic citizenship.

On Local Government mayors should be elected by the people and the chairmen. Women should have representation in the Local Government, on the electoral system, and positions. The Electoral Commission should be independent and constituted by local parties. The geographical constituency boundaries, should be looked upon and particularly on population diversity. The elections date should be made specific by the constitution.

Comm: Bishop Njoroge: Thank you very much. Tumpigie mama makofi. (clapping).

ISAACK GACHOGU.

Atiriri, nii ndirenda kumenya uhoro wa mai. Nitwikiriirwo na tutiri twacoka kumanyua. Na nimokaga kabere-ini. Ni tugukienda tuthondekerwo katiba iyo na njira iria igwete. **Translation:** He is complaining about water, he is saying water was installed but they never get water they would like the constitution to address that.

Isaack Gachogu: Ni undu ucio-ri, andu acio matuheaga mai, makahurwo transfer makarehwo angi. Nao magoka magatuima mai.

Translation: The people who normally work there are always transferred and those who are brought never do their work.

Isaack Gachogu; Tondu riu mariaga mbeca cia tuhu.

Translation: They are paid but they are not doing their work.

Isaack Gachogu: Tondu nginya miberethi ni ya rutirwo even the pipes have been removed. Mai matikinyaga micii riu uguo nituthondekerwo katiba iyo na njira iria yagiriire. Atuthondekere mai macio na thigari cia kurora.

Interjection: Nuu wathukirie mai.

Translation: Who was involved with all that?

Isaack Gachogu: Ni ucio ukoragwo akirugamirira mai

Translation: the person who is incharge of water in this area?

Isaack Gachogu: Riu kuringana na uguo, riu nii ngutigira hau, hau no ho katiba iria kwenda ithondekwo.

Translation: That is the only complain I have

Interjection: Asante mzee lakini keti pale upeane jina lako.

Comm.Tobiko: Watu wameitikia kwa lengo moja na tutie kikokomo nataka kusema kabla hatujaondoka hapa maana yake shida zenu ni sawa sawa na shida zenu sio shida tofauti kushinda shida ziliko area zingine. Kwa hivyo leo tumetosheka nyinyi pia nafikiri mmefurahi, Kile kilichonipendeza sana hasa ni kwamba, hamjaweka mambo ya siasa, Ok. Maanaake kama unasema katiba, katiba haijui siasa. Kama ni shida zako za maji, hospitali, masomo, hiyo sio mambo ya siasa, chakula na kadhalika. Hamjaweka pia ukabila, maanaake katiba haijui ukabila, kama umenyanyaswa hapa na hauna maji, ama uko na shida zingine, unanyanyaswa ukiwa mkikuyu, maasai, mjaluo na kadhalika. Kwa hivyo tunawashukuru kwa hiyo na sisi tunawahakikishia ya kwamba maoni yenu, itaenda kuangaliwa na commission na kwa katiba ile tutaitengeneza. Hiyo katiba kabla yatujapeleka Bunge, itarudishwa, hapa ile draft tutarudisha hapa hapa, ndio tuje tena tukae kwa hii team, muangalie kama maoni ambao mumeshatupatia hivi leo tumeingiza. Kama hatujaingiza, msembe kuna kitu, tumeacha. Kwa hivyo nimesema asante sana na ninapatia chairman naye amalize.

Comm.Bishop Njoroge: Kama vile Commissioner mwenzangu amesema, tumefurahia nyinyi sana. Kwa sababu tulipokuja hapa yale maneno yote tumesema ni ya kweli tumejua mambo mengi sana. Kwa hivyo tunawashukuru Sana Mungu awabariki tutaonana tena panapo majaliwa asanteni. Tuliwambia kwamba tulikuja na Programme officer na wengine, ambao walikuja.

Interjection:

Programme Officer: Vile huyu mzee amekuja tumpatie nafasi aendelee.

Interjection: Nina ulizaje. Yale yote anatupatia imeandikwa kwa memorandum? Niuraigwa uria ndiroiga. Ndiroria atiriri maundu maya egutwira ri, nimandikitwo thiini wa Memerandum iria egutune tuthii nayo. Kwoguo mwire arie o maundu maria menabata tondu nituguthii.

Translation: I am asking if at all he is giving us the memorandum he should just highlight and present the memorandum to us.

JOSEPH MURAGE:

Memorandum ambaye ninayo imeandikwa na (vision impaired persons of Ndia Constituency) Na memorandum yenyewe, ina sehemu ya education, and literacy ambayo it is talking about the schools and facilities that we would like to have in our district and elsewhere because we are one body and sharing the same problems. Because we have written all the proposals there I think, to summarise, this facilities have been outlined there and also about the schools special schools.

About the social welfare: In social welfare, we have talked about mobility the problem we have with mobility when we move around and we have outlined all that we need connected to mobility, and physically disabled people in the district. Our needs and problems are outside in that number there, and because I have told to summarize I am not going through it, it is written in prints.

We have the economic welfare, sighted people and here we have this proposals, which would improve our economic situation, in the republic and here we have talked about retirement, job opportunities, and some relief where we can be relieved some of the problems set by being helped to carry even the burdens of our families because we do have families just like these other people.

POLITICAL WELFARE

In actual fact, in this we have been forgotten and those who have gone forwards to speak for us have forgotten to speak on our behalf they speak, sometimes from their own and we are left with so many problems politically. Now we have an appeal in the parliament. Affirmatively we are talking about seats, in the Parliament and other offices of government, in the republic where we can speak for ourselves, and of course, disability is not inability. We are disabled but we are active. We have God given ability and determination with which we can prove to the rest of the world that we can like the others and we can do everything and of course, We are equal partners in development of our country and nation building, If only we are given a chance to prove ourselves, and opportunities, to express ourselves and prove practically that we can. We have been denied chances to prove ourselves that we can and we have been victims of discrimination of so many types. So in the constitution review we are appealing to the government and other responsible people, to remember us and be given chance to prove ourselves and infact we shall contribute a lot. So lastly, we have outlined or we have written down problems of health. Of course like now, most of us who are disabled are not employed and when we go to the hospitals, we are faced with the same problem of cost sharing. With cost sharing without money I am sure I will go without treatment in the government centers as well as in the private centers. So this can prove that we have been forgotten and we have outlined the way we can be helped in this new constitution to be able to pay for our treatment or review those employed and those who are not employed can be given these relief to be getting quick treatment. So with this, I say thank you and if we change the constitution according to this, and many others that you will correct all over the republic I am sure our lifes will be better of and of course involve each these

equal partners in nation building, in our country that we love so much.

Thank you.

Comm.Bishop Njoroge. You should be rest assured through Commissioner we are going to review this document and the proposals you have given will be addressed.

District Cordinator Mercy: Thank you very much we have come to the end of this session and I would like to thank some of you who have participated in all that you have done. Though there was a lot of rain this morning, and those who have been patient from morning upto this hour we say thank you very much. I think I will only introduce to you the committee members whom we have been working with. Infront here we have Rev. Samuel Wanyeki, and on the left we have Grace a member of the committee i.e constitutional committee. Then we have Miriam a member of the committee, and then we have Joseph Gakono a member of the committee. Then we have a civic educator.

So I want to thank the commissioners for the way they have dedicated themselves and commitment. All the views you have given out will be included in the constitution, and tommorow if you have not been able to give your views today, you can still go to Kibirigwi you can visit us their and present your views.

Audience: The Grace of Our Lord Jesus Christ and the Love of God and the Fellowship of the holy Spirit be with us now and forever more.

AMEN.

Meeting ended at 3.30 p.m.

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