

CONSTITUTION OF KENYA REVIEW COMMISSION
CKRC

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS
GATUNDU SOUTH CONSTITUENCY, HELD AT
GATUNDU SOCIAL HALL

ON

20TH APRIL 2002

CONSTITUENCY PUBLIC HEARINGS,
GATUNDU SOUTH CONSTITUENCY AT GATUNDU SOCIAL HALL
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Present:

Com. Ibrahim Lethome Asman

Com. Bishop Njoroge
Com. Keriako Tobiko

Secretariat

Samul Wanjohi	Programme Officer
Dan Juma	Asst. P/Officer
Josephine M. Ndungu	Verbatim Recorder
Leah Omondi	Sign Language Interpreter

Samuel Wanjohi: Wale wamefika siku ya leo katika hii sehemu ya Gatundu. Tuko na Com. Lethome, Com. Bishop Njoroge, Com. Tobiko ambaye atafika wakati wowote kutoka sasa.

Before we start, I wish to introduce two people whom we will be working with. Salim Juma ndiye atakuwa akiandika maoni yenu yeye ni mwanafunzi wa sheria katika kitivo cha sheria cha chuo ki kuu cha Nairobi. Huyu mama anaitwa Josphine Ndungu, anatoka upande wa Limuru, yeye anatape maneno yenu kwa tape recorder ndiyo ikifika kule kwa Commission, Commissioners mpaka watasikiliza maoni yenu tena. Yote itaandikwa na mtatoa Memorandum wale munazo, maneno yatafikishwa mbele na kusikilizwa na watu wengine ndiyo Commissioners wataandika ripoti yao.

Interjection (inaudible noise) mpatie Mrs Njoroge kwanza.

Com.Lethome Asman. Watu wa Gatundu hamujambo? Kwanza ninamshukuru Mungu ambaye ametuwezesha kufika hapa leo, kwangu ni furaha kubwa kwa sababu hii ni mara ya pili nimeweza kuja mahali hapa. Na kama alivyo sema Programme Officer tumekuja hapa kwa sababu yo kuchukua maoni. Na mwezangu yuko hapa **Com.Bishop Bernard Njoroge**, na **Com.** mwingine atakuja. Tuanze na first speaker ili tuweze kuchukua maoni yenu. Munajua kila jambo liko na sheria yake hata mchezo wa mpira uko na sheria yake. Sasa hapa sheria yetu ni kuwa kwanza lazima tuheshimu maoni ya wengine, hata mtu akitoa maoni yenye hukubaliani nayo hayo ni maoni yake mwachie azungumze mpaka amalize kwa hivyo msimkeme au kumsomea.

Pili. Kuna wale wako na maandishi, memorandum, wameandika maoni yao. Kwa hivyo tunaomba ukiwa umeandika ukija hapa mbele usisome yote. Jaribu kufanya highlight, zile unakuta muhimu utoe ili uweze kutoa nafasi kwa wengine. Wale wako na memorada tutawapatia dakika tano ya kupitia haraka haraka. Kama huna memorandum ukija kuzugumza usije kutupatia mambo mengi, zungumzia habari ya zile pointi zako ninataka hili na lile katika Katiba mpya, si kusema at kwa sababu ya kitu fulani, au mwaka fulani kulitokea hivi na

Vile-ukisema hadithi nyingi, zile dakika tumewapatia hazitatosha. Tukipatia mtu muda, ukiisha tutakukomesha.

Kisha baada ya hapo kama kuna Commissiona ambaye ana swali lo lote atauliza kwa sababu yaufafanuzi. Kwa hivyo tutaendelea hivyo na kama kuna mtu ambaye pengine ana disability ya kutosikia tuna sign interpreter. Huyu anaitwa Leah kazi

yake ni kutafsiria wale ambao wana disability ya kutosikia. Kwa hivyo hatutaki Mkenya ye yote kufika hapa na kukosa kufahamu kunaendela nini. Tunakaribisha Commissiona Tobiko ambaye amefika na mnajua District Cordinator wenu Bwana Nyoiki, Kwa hivyo bila kupoteza wakati tutaanza moja kwa moja na tutaanza na Francis Muhia.

Francis Muhia: Mwanzo ningetaka kuwasalimia wote ambao mumefika hapa kutoa maoni yenu ama kusikiliza wengine wakitoa. sote tutakuwa tumekaza roho. Ninataka kuongea maneno kuhusu zile sheria tunazo taka katika serikali ijayo. Tunataka kubadilisha sheria ya hii serikali yetu. Kulingana na vile mimi ninavyona, mwanzo ninataka kuanzia kule juu kwa yule mtu anasimamia. Mwanzo mimi ningetaka kuongea kulingana na vile watu wengi wanavyo niambia, wanataka serikali isiwe ya mtu mmoja. Serikali ambayo si ya mtu mmoja katika kuweka watu ambao wanafanya mipango ya serikali kama Judges, kama wale watu wanaokuwa appointed si mtu mmoja tu ndiye anasema anataka huyu hapa. Kwa hivyo kama tungependa serikali ikuwe, tungependa iwe na Prime Minister na iwe na President.

Tena tunataka kuongea maneno ya mshahara. Mshahara wa mtu wa shamba ni mshahara modogo sana na kulingana na watu wengine tumechagua, tukiwapeleka katika bunge wanapata mshahara mkubwa sana. Ungilinganisha mtu yeyote ni Mkenya. Na Mkenya ni kwamba si sisi watu ambao wanalima katika mashamba. Yule mtu anayetengeneza hicho kitu halafu kinaenda kinauzwa anapata mshahara kama wa shillingi K.70/= . Na unasikia yule mtu ambaye ulienda uka m-vote.----

Interjection:

Comm Lithome Asman. Tumesikilizana utoe maoni yako useme unataka nini, hayo mtatizo yote tunajua yapo.

Muhia Ninataka watu wa mshahara wa chini waongezwe pesa na iwe ni kama sheria mtu wa mshahara wa chini asiwe anapata shillingi K70/= . Awe anapatiwa pesa kama K.150/= karibu inayoweza kumtosha. Hiyo inatokana na yale mavuno tunatoa kwa shamba. Ukilinganisha kahawa, na mimea mengine serkali inatakiwa kuangalia sana, hii mimea tunasema ni Cash Crop inatakiwa kulipiwa vizuri. Si mtu yule amepanda shamba lake kahawa anataka pesa ya faida yake na anataka pesa ya kusomesha watoto wake isiwe chini sana. Isifuatwe sana na serikali, hii si mali ya serikali hata kama wanataka kuchukua kitu kidogo marudio wachukue pesa kidogo lakini isiwe inapita kwa mikono yao, sababu hawalipwi vizuri. Ile serikali tunataka kuchukua sasa na ile sheria tunataka, ni serikali ambayo ina maana. inayoangalia maneno ya watu hasa wakulima. Wanakula hii pesa ya wakulima, na hawajui inatoka wapi hawangalii masilahi.

Masomo: Kila mtu ni lazima apatiwe masomo awe ni mtu amesoma. Wale watoto tunaona kule mtaani kama shule ya msingi isilipiwe ili waweze kusoma. Wale watoto wasio jiweza na wanaenda wasomeshe na serikali. Hakutakuwa na wakora wengi, wakora wanatokana na maneno ya chokora-hawa watu ukiona wameanda Nairobi ni vile wazazi wao hawakuweza. Msiwaone ni wabaya ni wazuri ni vile hawa kusoma.

Mishahara: Watu kama MP;s nasikia wanapewa K.500,000/= na benefit zao. Mishahara ni kitu ya muhimu sana, hii serikali tunataka iangalie mtu wa chini, si ile serikali ya kuangalia watu wa juu.

Corruption: Police Force: Tunataka kubadilisha sheria katika kiwango cha wasitani sababu hiyo ndiyo inaleta corruption sana. Asikari akienda pale kwa office na hizi sheria zirekebishwe na ziwe zinatumika. Na mimi siongei kwa uoga mimi naoneka kwa sababu mimi nimeona hapa, hapa ni kwetu nimeangalia askari wakitutumia vibaya. Tunataka katika hii sheria kama askari hawana sheria kuwe na serikali ambayo itaangalia hiyo sheria ya asikari. Ni afadhali walipwe pesa nyingi lakini wasiwe wanaitisha kitu kidogo. Hii kitu kidogo hatutaki.

Com. Lethome Asman. Asante sana enda pale ukandikishe jina lako. Mtu wa pili. Peter Muhuri Muhia

Peter Muhuri Muhia: Mimi ninataka kusema kwamba kila mtoto awe akisoma, pia hawa street children wakuwe wakisoma kama wale watoto wengine wapate nafasi ya kusoma na serikali inaweza kujitoa iwasomehse bure.

Hawa watoto wachukuliwe ndio waweze kusaidia nchi yetu. Hawa watoto wakisaidiwa wanaweza kuwa watu wa maana ni vile tu hawana uwezo. Wawe wanasaidiwa na serikali zile pesa inapata tuwe tunafundishwa sote, hao hawasomi si kukaa tu huko wakivuta gamu. Tusome pamoja ndiyo tujenge serikali yetu.

Interjection:

Com. Lethome Asman, Wewe una miaka mingapi? Unasoma wapi, darasa la ngapi?

Peter Muhuri Muhia: 11 years, Kayole 1. primary school darasa la tano

Com. Lethome Asman. Macharia Mungai.

Macharia Mungai: Maoni yangu ni mawili tu lakini ni ya uchungu kidogo. Mimi ningependa serikali ambayo haina utawala wa mikoa.

La pili ningependa ya kwamba, ma-officer wa police uwezo wao kidogo upunguzwe. Mimi na onelea serikali ya mikoa haisaidii wananchi wa jamhuri hii kwa sababu nikiwa na watoto wa tano ni lazima ni weke 1,000/= ya kuchukuwa kipande.

Kwa utawala wa mkoa katika Central Province hakuna mtu yeyote ambaye si mwananchi wa Central Province, mkikuyu ni mmoja tu. Hakuna haja ya mtu kuulizwa mtoto wako alizaliwa lini na Bwana Headman. Maoni yangu hi hayo tu.

Com. Tobiko. Umesema nguvu za polisi zipunguzwe. Ni nguvu zipi unataka zipunguzwe?

Macharia: Mimi ni dereva, nikienda Mombasa gari langu li gonge ndege na kuvunja kio, ni kifika Voi ni lazima polisi wa barabara wani simamishe, ni kijaribu kuwaeleza hawasikii wanasema peleka Polisi Station kama Voi kufanyiwa checking, na hiyo ni uwezo wa mtu mmoja si wa serikali.

Com. Lithome Asman, Asante sana mzee, Gakunga Waitago

Gakunga Waitago, Mimi nimezaliwa hapa. Mimi ni mkulima wa kahawa na pia maziwa. Na ile shida tunayo zaidi ni uchukuzi mtu anafikiria njia ya kupeleka hiyo kahawa au maziwa kufikia wanunuzi au watumiaji wa hiyo mali. Kama mvua siku hizi tunangoja mpaka siku mvua itakwisha. Kwa sababu gari haiwezi kupita.

Jambo lingine ninataka kutilia mkazo ni watoto. Kuna watoto wengi sana nyumbani, hawasomi. Wengine hawana baba, wengine wamezaliwa huku, na wamekaa huku, hakuna mtu anashugulika nawao. Mambo ya masomo serikali iyaangalie.

Jambo la pili: ni mambo ya identity card na electors card: Mtu akitimiza miaka kumi na nane, hapo hapo anapatiwa identity card. Sisi tunauliza kama serikali inaweza kubali mtu akitimiza hiyo miaka, apewe hata hiyo electors card. Yaani, kadi ya kupiga kura. Kwa sababu sio tu general election inaweza kumfikia, kuna wakati mwingine tunapata by-election. Na huyu mtu ameisha kuwa mtu mzima na hawezi kupiga kura kwa sababu anangojea wakati general election itafika ndiyo watu wapatiwe, wakati wa kuchukua card. Hivyo tunaona kuna muda mrefu watu wanapoteza.

Jambo lingine ni mambo ya serikali: Tungetaka security; Na ile security mimi nasema ni kuwa pesa imekuwa kubwa, au imekuwa juu ya serikali. Na sisi tunaomba serikali iwe juu ya pesa. Kwa sababu mtu akitoa pesa, hata akiwa amefanya kosa, hilo kosa halionekani. Na tuna madaktari...

Com. Lethome Asman: Ngoja kidogo, kuna mazungumzo mengi sana hapo nyuma. Tafadhalini mnyamaze tusikilize mwenye kutoa maoni.

Gakunga Waitago: Asante sana Bwana Commissioner. Tuseme (mimi naleta mfano), mtu akiwa na ugonjwa na kuenda hospitali anapatiwa dawa. Na mambo ya nchi au kama ni Administration, huyo Dakitari wa kuchunguza watu, -watu dhaifu, (-watu wengine ambao ni wahalifu), na zaidi hapa kama area hii watu wamekufa kwa sababu ya hii kitu tunaita drink. Hapa zaidi inajulikana kama "kairase". Na tuna sheria hata kwa serikali P.C. anajua hiyo, D.C. anajua hiyo hata mkubwa wa polisi na hakuna kitu imefanyika. Kuuliza, sababu huyo mwenye biashara akitoa pesa, hata security hata askari wakienda kule, wanamuacha kule au mimi nasikia wanapiga mobile wanaambiwa "sisi tuko njiani tunakuja, wewe ficha hiyo pombe." Hiyo pombe haipatikani, sasa watu wengi wanakufa huku hiyo inajulikana kama inasema iko na report kila mahali. Tungetaka

security.

Kitu ambacho ningependelea kusema cha mwisho ni kwamba sisi tumefikiria mambo ya serikali moja, na tena hatutaki mambo ya majimbo. Tumesikia watu wetu wanasema mambo ya majimbo. Tunaonelea mambo ya majimbo ikiendelea zaidi italeta ukabila. Kwa sababu watu watakuwa wakisema, nikienda kupigia biashara huko Nyanza, wanyanza watasema “si wewe ni Kikuyu hapa sio Central Province; usijivune”. Ukabila utaingia saa hiyo. Na nikienda Mombasa vile vile. Nakumbuka wakati mmoja kulikuwa na vita na watu wa Mombasa wanapigana na watu wa bara, wakiwaambia watu wa bara waende kwao. Tuwe tunaonelea, - tunasikia na tunaona kuna muungano wa nchi zote tatu, - Kenya, Uganda na Tanzania, - Na ikiwa hivyo, - Kenya inataka kugawa mara nane, kuwe na serikali ya majimbo. Ni kwa nini? Tungetaka serikali moja, Raisi mmoja, Prime Minister mmoja, tuwe na unity, tuwe na democratic government.

La mwisho, ningetaka kusema kidogo. Hayo mambo yote ningetaka isemwe kwa serikali kwa sababu ni maoni ya watu wengi. Mimi nasema hayo tu. Na zaidi mambo hayo ya njia. Katika division yetu ya Gatundu, njia ziko very poor. Road transport. Na nikimaliza nasema asanteni sana kwa kunipatia nafasi hii kwa commissiner wote, asante.

Com. Lethome Asman: Asante mzee Gakunga. Asante jiandikishe kwenye hiyo meza. Nyuma yako. John Waweru.

John Waweru: Habari zenu nyinyi wote? Sasa yangu nimeandika na kiingereza, sijui kama mtakubali ama niendeleo tu na kiswahili?

Com. Lethome Asman: Unawena kuongea Kingereza, Kiswahili hata Kikuyu, yote tunakubali.

John Waweru: Mine is very short, na nimeandika na kingereza, I'll just read out halafu hiyo ingine... mimi nitaongea mambo ya Parliament and Parliamentarians because they have become a liability than an asset to us. For one, they work for only three days in a week. And in these three days, they lack enough quorums to discuss anything tangible to us, and that is why we are feeling that they are becoming a liability to us. The only session that Parliament is full to capacity is when they are reviewing their salaries. This is very sad. Very sad indeed. What I recommend, and request, the review team to include strict and tough rules to abide the Parliamentarians to duties which we elected them to perform, and not hanging around Mombasa, they have that habit hanging around Mombasa all the time.

Another thing: If a Parliamentarian absents him/herself and is not performing his/her official duties, there should be a strict penalty, and very painful for that matter, to abide him to what we elected him to do. If he/ she turns up in a month, she/he has returned in a month or less than a half, he/she should meet the electorates to explain. In this case, I recommend, there should be a Committee set up aside in every constituency, to which the M.P. is answerable and if an MP fails in his or her duties, or keeps passing in between the parliament line, he or she should face the electorate for a vote of no confidence according to his

behaviour. That is what I recommend.

Secondly, our MPs. should not be left alone to determine their salaries as we have seen in the past. The MPs'. care less for other kenans. There should be a neutral body derived from academicians, senior civil servants even parastatal heads selected through merit to review their salaries and allowances.

Finally all the MPs and ministers should be subjected to taxes and duties. There should be no exemption to anybody, because we are also Kenyans. Everybody is a Kenyan infact, young people are supposed to be privileged because we are not employed.

Com. Tobiko, You said that there should be a Constituency Committee to which the MPs should be answerable. Who should constitute the Committee?

John Wawereu: That one we can select, that is the work of the Electoral Commission. There should be a watch dog for this country because they are becoming too much.

Com. Lethome Asman. John waweru asante sana. Simon Ngware

Simon Ngware:

Simon Ngware: Katiba njeru egoro na watho wa korogamerera athiine na korora mathina mao.

Translator, I am requesting that the new Constitution, being prepared address the issues of the poor and the lowly to the extent that it actually addresses their problems because that is the issue that is affecting most of the people.

Simon Ngware: Katiba ano ekuo nderoraga athine, naria marehago oru.

Translator. The problem with the current Constitution is that it has not addressed the poor and the lowly paid.

Simon Ngware: Andu amwe marehago shilingi merongo enana omothenya nekio mathiyaga konyua njohi tondo itikematethia.

Translator: Infact some people who are earning below 80/= per day and these are people who are resulting to drinking illegal brews because they are unable to meet their basic needs.

Simon Ngware: Kuga Katiba njeru egoro akerogamerera athiini na andu a kawainda.

Translator. I am recommending that the new Constitution address the issue of the poor and the ordinary mwanachi.

Com. Lethome Asman, Please gives us recommendations what you have proposed in the new Constitutions and not talking so many things James Mbuthia.

James Mbuthia. A Constitution should have a preamble to identify and recognize the spremercy of wananchi all sorts of wananchi. To honour our independent Heros who perished in forests, Nyayo House torture chambers, and prisons.

Our vision. As in our Nation Anthem “Justice should be our shield and defender humanity, liberty, peace and plenty be found in our borders service be our endeavour our homeland of Kenya the fruits of our labour of splendour, May we stand together in common bond and united we build our nation together glory of Kenya the fruit of our labour”.

Constitutional Supremacy: order a referendum with a campaign period of two weeks to be conducted by an Independent Electoral Commission.

Citizenship: All persons born in Kenya, All persons born of a Kenyan parent, All persons who have lived legally in Kenya for a period of ten years and all children who are adopted by Kenyan parents.

Identity of citizenship should be by birth certificate, ID card, Passport, Leaving certificate of school or College, Voter’s card, Baptismal card, or Marriage certificate.

Dual citizenship should be allowed if the country of adoption is not held.

Defence and National Security: Military and all defence forces must be defined in our Constitution. The forces should have a code of conduct as in the Civil Service. The Commander – in- Chief is the the President. Only Parliament can declare war in Consultaion with the President and his Cabinet.

Parliament may think of emergency power.

Political Parties: Parliamentary political parties should get finances from the consolidated funds. All parties should follow our vision as in our national anthem. So we have a coalition government.

Domant parties after six months should be scrapped from the register, if they are not organizing themselves in one year.

System of Governance: We retain the present system of Presidential, separartion of power in Executive, Legislature and Judiciary.

President: to gather more than 50% of votes cast in an election that means he will need to have a run-off election. President after election, there be a by-election his Constituency to bring up an MP. The president cannot become an MP after election. The President cannot be an MP as well as the Speaker, nor can he be a party leader. He will be a Kenyan President. Age is 35 years to 75 years. There is a provision for medical examinations every year. His health being our health.

Parliament: ceases swearing in of our new MPs. The role of a President: He shall be the Head of State, Chairman of the Cabinet, and Commander in Chief of the Armed Forces.

Devolution of Powers: Military system of government with a Central Government. All the Ministries will be created by the Parliament. All Provinces and Districts are created by the Parliament. All Local Authorities arising from such creations by the Parliament will still be viable. Abolish Provincial Administration,

Equitable distribution of resources: can only be possible through viable Local Authorities and our liberty. Permanent Secretary's, Ambassadors, Ministers and also Judiciary.

Parliament to have a calendar and schedule of duties defined in the Constitution. The date of dissolving and swearing MPs be defined in our Constitution and that will make it ceremonial. Once elected an MP would only lose his seat if; jailed for more than six months, dies, fails to attend daily session consecutively, resigns through an act of scandal, corruption, or through his own retirement.

Nominations. This to include marginalized groups; e.g, disabled, women, and minority groups. Parliamentary Committee should be strengthened and code of conduct should include, moral conduct.

Qualifications of our Executive age 35years to 75 years. Be a graduate from a recognized university, nominated by a Party or an independent candidate. Must have won a parliamentary seat before. Ceases to be an MP on being elected; declare his wealth, which will be vetted by the Parliament for non disclosures. Tenure should be two terms of five years each.

Functions to be stated in our new Constitution; Parliament including ministries, will be required to minimize the powers of the office of the President and give it minimum portfolio. The President should not be above the law. He should not violate the Constitution, can be impeached by the Parliament through vote or tribunal constituted to enquire into his conduct.

Judiciary. We have an independent judiciary, court will be serving as the court of justice. All Judicial appointments to be vetted by the Parliament. Independent Judicial Service Commission for promotion of service and transparency.

Aid for the Poor: This is to be put in place in our Constitution as a united Kenya, law society of Kenya, Judicial, Public Commission, have an obligation to the poor and the marginalized.

Local Governments. Councils shall be viable and independent from the Executive. Creation of Districts done up politically to create wage councils. Local government act should be amended to remove the role of the Central Governments in the affairs of the councils.

Electro System: All wards and Constituencies should have at least equal voters or population. Independent Boundary Commission to demarcate the Constituencies created. Party and independent candidates. We will have a calendar of elections should be ceremonial. All votes should be counted at the polling station. Use of transparent ballot boxes, nominations of MPs only for marginalized groups. Independent Electoral Commissions, men and women of integrity, the more the better, so the fewer the better.

Basic Rights: Right to Food, Water, Health, Education, Shelter, Security, and Employment as in the United Nations Charter which Kenya is a signatory.

Rights of vulnerable groups: All Kenyans aged 70 years and above will receive a pension. All women aged 70 years should be identified in Kenya because of the death arising from “dot com” through accidents, health, fight, clashes, political e.t.c.

Land. Land should belong to the citizens and state. Succession law be simplified The people elect Land Control Board Members. Equal access to land by all, through the use of irrigation so that they can guarantee every Kenyan, every willing farmer a ten acre strip. Land district to set ten acres per person.

Culture Ethnic, Regional diversity and Communal Rights: Protect our many cultures and languages including Cultural dances, cinemas, videos to be used. To promote cultural dances debate through the National Broadcasting Stations Constitution should recognize and promote Swahili as our indigenous language.

Natural Resources through taxes and AIE, our Central Government and Local Authority should involve wananchi in choosing projects.

Natural Resources: We should preserve our natural resources-forest, water, air and animals and minerals. This should be the work of the local communities.

We have an office of Ombudsman. International relations are vetted. Taxation and transfer of power by having a kind of representative in parliament. MPs should be sworn in by having a ceremonial day. Having a president with a running mate as Vice President.

Independent Election Commission: The Judiciary having involved a group of Commissioners led by Professor Ghai Commission, all Commissioners out to feed their stomachs should resign. The Commissioners should not let there be any KANU manipulations. Having told you all from our dear hearts after hearing all on board, we are going to have a good Constitution now and future through. Help us God.

Com. Lethome Asman. Nitabadilisha taratibu kidogo tunataka kuwa Gender sensitive tunataka kusikia mama ambaye anaitwa Mary Njeri.

Mary Njeri Kariuki. As you have heard those are my names. I am a retired teacher and I have a memorandum with views of women from Kigenjo. I want to read the most important issues, which are basic. After that I will end verbally some of the points.

Basic Rights: The Constitution does not have adequate provisions or fundamental Rights because some viable groups have been left out. The Constitution should protect Security, Health care, Water, Education, and Employment as basic Rights.

Specific issues of basic Rights: Security, police shooting, firearms, prisoners' treatment, discipline of security forces.

Health Care: Free medical care, Medical insurance companies, Hospital charges control checks and balances. Medical care should be brought closer to the people.

Water. This is very important to the women because they are the people who try to get water. Nothing can be done without water,(protection of water catchment sources). Control of irrigation for cultivation. Initiate projects to provide water for all by the year 2005.

Free and compulsory basic Education. Adopt Koech report on education. Civic education should be emphasized on Constitutional knowledge and be included in the curriculum. Teacher to student ratio should be 1-30.

Establish homes for PNNPA. Shelter: Shelter for all: **Food:** you know a woman without food in the house is like a fool. **Government policy on food production:** Financial support for farmers that is on coffee, tea, and everything else that is produced as cash crop. Stop food importation, and this one, particularly I am referring to things like powder milk because it is brought here the milk that we have is not going anywhere it cannot sell.

Control of liberalization. Rights of vulnerable groups: In the current Constitution the wishes of women have not been fully granted, relevant women life should be added in the new Constitution. Proper Rights; that is inheritance and ownership.

Sexual Abuse. E.g. FGM, rape etc. Domestic violence.

Equal opportunities in development. In the current Constitution the interests of the people with disability have not been fully granted. Relevant Rights of people with disabilities that should be addressed in the new Constitution are:

Social facilities, free education in all levels. Rehabilitation, that is counselling and opportunity to learn

Free Health care:

Other vulnerable groups that have been left out in the current Constitution are single parents, children in need of special protection and the aged. This one is left to the people who are near the aged but when they are unable to take care of them, the old people are left just for themselves. Economically they are (un clear).

HIV and AIDS Patients. Mentally sick and retarded. The Constitution should have a provision for affirmative action with regard to women and other vulnerable groups. Participation in the political, social and economic fields, changes of negative attitudes as regards the group

Land and property Rights: Public ownership of land adopting the Ugandan policy. All the matrimonial properties should bear the names of both parties. For example, if my husband owns a land and has a title deed, it should bare my name there. So that if one of them passes away the name of the other party will still appear there.

Establishment of the proper succession law, because sometimes it takes many years. If may be there is a case and whoever was involved with it dies,

Local community to have the power to control the use of the land by the owner or the occupier. The right to own and inherit the land and other movable properties by women, should be addressed as a right in the Constitution. Approval regarding any split of the land should be mandatory and included in the Constitution.

The Constitution should define land tenure and ensure gender equality in the land distribution. There should be a ceiling of the land owned by individuals. The Constitution to emphasize on geographical land scale.

There should be restriction of the land ownership by non-citizens.

Religious groups: There are so many groups of religion, which have been registered, and we are praying one God. I am asking the new Constitution to try and have them limited because we are praying one God in order not to have so many of them registered,

I will emphasize as the child who was here said, on street children, something must be done about them; they are not going to stay as children they will grow. When they grow up up as chokara infact they are going to become robbers.

Interjection:

Mary Kariuki: The other thing which I don't want to forget is "Kumi kumi" try and control changaa it is too much. Eradicate it.

Birth certificates. We better have them computerized, that means when anybody comes of age, that is 18 years can just go and get his/her ID. Not to be asked for the ID of the father/mother. Thank You very much.

Com. Lethome Asman: Can we have the next person Martin Kiguru.

Martin Kiguru: Curriculum developers should be limited on the number of changes and how frequently they shall make in the syllabus. Many times parents are forced to buy new text books each year and this one is making their economic performance poor and poor every year.

Taxation: Those Commissioners of income tax should rectify how they reevaluate the taxation system. For instance, farmers are taxed on farm inputs and pay their taxes when selling their products. So they should not be taxed twice.

Importation: To cater for the home industry importation of those things which can be found within the Kenya boundary should be restricted or made impossible to import.

Land ownership. Nobody should be allowed to own more than 100 acres of land in Kenya.

MPs: When we elect MPs, most of them usually go and keep quite in Parliament. They should be having what we call mid-term test that is after a year or two and half, they should come again for confirmation by those who elected them, that is a vote of confidence or a vote of no confidence. In case of a vote of no confidence, by-elections should be called immediately so that fellow gets replaced.

About Vice President: I think the Vice President should not be an appointee of the President. The Parliamentarians should vote for the Vice President. **Cabinet Ministers;** I think that they should also be voted for by Parliament so that we have equal distribution as far as the political parties are concerned- not having all Cabinet Ministers coming from the ruling party and for instance, nowadays you have all of them coming from KANU and leaving other so many people from other political parties being not catered for or not thought of. You find that about amendments Act, that is amendment Act in the Kenyan Constitution, that one is the one which brought a lot of problems here in our current Constitution because it made it so prominent and difficult to work with; I think that Amendment Act should be limited so that not everybody from anywhere comes

in and he wants to make himself or herself famous, and comes in with a Bill which he insists should be passed. So Amendment Act should be looked on and restricted.

Head of Department: Several departments are headed by the president; I think we also have some responsible people who can do the same and they should, what we have is what we call separation of powers like, there must be very efficient separation of powers.

Agricultural Sectors: Each Agricultural sector should stand on its own, if it is a coffee sector to stand on its own. If you are exporting coffee, all the revenue collected from coffee export should also come to the coffee sector not be “designated” to other sectors.

Cheating in Election: if any candidate who has vied for any seat is guilty of cheating in an election they should be completely dismissed and never be allowed to vie for another election either in that election or in the future.

Cabinet Reshuffle: Cabinet reshuffle should also be limited not to happen in a way that this month we have a Minister for Energy, next month you have another person in the same Ministry it hinders proper accountability and encourages duplication of Ministries. We should have Cabinet Reshuffle restrictions where by a President is not allowed to do his own reshuffle any time.

Com. Lethome Asman. Thank you very much,----- John Waweru.

John Waweru. My name is John Waweru, there are some problems which I would like to raise for the government to consider. **Coffee Payments:** This is what we depend on to pay school fees and our entire livelihood. Long time ago we used to get coffee payments at the point of paying school fees. It now takes a long time before we get any coffee payments and we are forced to sell our chickens, goats and cattles before we take our children to school, because coffee payments are not regular, and are not paid in good time to pay school fees.

Interjection:

He was advised to give recommendations

John Waweru: That coffee payments should be regular and given when the school fees are being paid. Make recommendations that bank deductions are too many; you will leave your money in the bank by the time you go back there is nothing. If the bank closes your account there is no way you get your money back, it just gets lost. That is all I had.

Com. Lethome Asman, John Gitau.

John Gitau Mimi ni kiongozi wa chama cha NDP katika hii Constituency ya Gatundu. Yangu ningetaka kwanza ni ile kiti ya Rais wa Kenya. Kuna sheria ambayo inaudhi watu wengi sana ambayo inasema Rais wa Jamhuri ya Kenya ako juu ya sheria. Ati akitaka kuuza nchi hii anaweza kwa sababu ako juu ya sheria. Ningetaka hiyo kiwango iondolewe kwa Katiba yetu. Rais akifanya makosa anaweza pelekwa kortini.

Ni ngependa wakati uchaguzi umefika yeyote ambaye anapigania kiti cha Rais asiwe akigombea kiti cha ubunge. Kutokana na Marais wenye tumekuwa nao wawili tumeona kuwa wabunge wakiwakilisha Constituency fulani wamekuwa wakipeleka Uchumi wa nchi kwa constituency zao.

Umri wa mtu: Yoyote ambaye anataka kupigania kiti cha Rais awe amefikisha miaka 45 na asiwe zaidi ya miaka 70.

Nikiingia katika Provincial Administration. Ningependa ile Committee inaitwa DDC ambayo inakaliwa na DC ifunjwe na iondolewa kwa Katiba yetu. Kila wizara iwe ikifanya kazi kulingana na budget. Wakilishi wa wizara katika districts wawe na madaraka ya kuendesha wizara zao bila interference ya DC.

Kuna ile ingine tuna ita the “Chief Act” mapendekezo yangu ni kwamba hiyo sheria ya Chief Act iondolewa kabisa na pia hiyo cheo ya Chief iondolewe kabisa, madaraka yake iwe ikitimizwa na Assistant Chiefs ambao hawa ndio wanakaa na wananchi na ndio wanajua taabu za wananchi. Chief, kazi yake ni kuka kwa ofis anangoja mawaidha kutoka kwa Assistant Chief. Assistant Chief wawe answerable to the respective District Officers.

Kuna kikosi kingine ambacho kinajulikana kama Administration Police ata hiyo ifunjwe, sababu tukiongalia ile kazi ya Administration Police wanafanya haionekani. Ukitoka hapa nje utakuta wamekaa hapo nje kwa office ya DO.na ile kazi wanadumisha inaweza kufanywa na police, regular police. Hiyo ningependekeza iondolewe.

Kuna ingine inaitwa Local Authority, Ningependekeza Mayor, naibu wake, wenye Viti wa County councils na Naibu wao wawe wakichaguliwa na wananchi. Wawe wanakaa kwa ofisi kwa muda wa miaka mitano. Minister wa Local Government anyangonywe mamlaka ya kuvunja County council or Municipal councils. Council ziwe kama vile Bunge linakaa. Bunge ikifunjwa zinafunjwa pamoja.

Nominated Councilors, kwa maoni yangu nimeona hawa tu is a waste of government revenue nao waondolewe. Isiwe katika Katiba yetu. Nominated Members of Parliament hiyo namba ipukuzwe kutoka wale kumi na mbili ipaki watu sita. Na hawa sita wawe ni watu ambao wamekuwa nominated wakiwakilisha denomination fulani kama disabled, youth, lakini si mtu ambaye wananchi wamemukataa ndiye anakuwa nominated anapelekwa mbunge ambaye hawakilishi mtu yoyote.

Upande wa Political Parties. Kenya kuna vyama vingi sana: ningependa sheria iudwe hiyo namba iwe limited at least to six political parties. Na uchaguzi ukifika serikali iwe ikifinance hivyo vyama sita.

Jambo lingine ambalo ningependa kuongea ni hii mambo ya Public gatherings. Sioni haja ya mkenya akiwa reteree kwa OCS ati akachukue permit akitaka kuhutubia watu ambao ni wa Kenya. Hiyo iondolewe, ukitaka kufanya mkutano wewe fanya mkutano uongee na watu wako.

Cabinet Ministers. Hii namba ya Cabinet Ministers ningependa iwekwe katika katiba iwe a minimum of nine kila Province iwe na waziri mmoja na ikenda zaidi iende to a maximum of 18.

Makamu wa Rais wa nchi hii. Awe akiteulewa na bunge. Na pia ningependekeza reshuffle of Cabinet Ministers wakati Rais anataka “kureshuffle” Cabinet Ministers, waziri awe amekaa katika hiyo wizara kwa miaka mbili. Sio kuweka mtu waziri leo, kesho kwa sababu mtu aliongea kitu fulani, kuhusu Raisi, ameondolewa hapo amepolekwa Wizara nyingine.

Vile vile ningependekeza wale nominated MPs, wasiwe wakipatiwa cheo cha Waziri.

Com. Tobiko. Umesema political parties ziwe reduced to 6. Kwa saa hii tunaongea nasikia kuna 47 zile zimeandikishwa, tutafanya nini juu ya hizo zimeshaandikizwa?

Gitau. What they should do, tutafanya kura za maoni hizo Political party sirudi kwa wananchi zipigiwe kura. Zile zitakuwa sita za kwanza ndiyo sitachukuliwa.

Com. Lethome Asman. Francis Kariuki

Francis Kariuki. Mimi ningetaka tu kupendekeza mambo mawili au matatu. Issue of gender sensitivity: We Kenyans we are going out of proportion over these issues and when we are going out of proportions we are forgetting that there are cultures which have been there and which have been put in place since time immemorial. E.g. the issue of women circumcision: To me, I think this issue has been politicized so much to an extent that the government is now taking the law and victimizing people who think their daughters should go through that culture. I could recommend that the issue should be left to the parents of that victim to determine whether the daughter should under go or not.

There is this issue of equality between men and women: I would recommend that let both sexes compete. One of you has just said that we be gender sensitive and due to the shyness of women they want to be favoured somehow. In such case we are being unfair to the other sex as we are suppressing the man and bringing the woman up.

Impregnating young girls: I don't know what has happened to our society because an old man like me go playing around with young girls and impregnating them here and there and going free. I would suggest we put a condition that if a man, whether young or old, impregnates a woman, he should take care of the newly born up to a period of 18 years or he be forced to marry that woman.

The other issue is about the family house. I would go back to the bible and say, please, women give the men the responsibilities of heading that family house.

The othe issue is about our MPs: The performance of our MPs is becoming very questionable. I would suggest that their performance should determine their pay. We should determine the pays and those who do not perform should be declared non-performers and may be an election held henceforth.

About the Presidential Powers: They should be decentralized some should go to may be a Prime Minister, some to Parliament and we should empower our Judiciary.

Interjection:

Francis Kariuki. Salary Review. The government, the way it is reviewing our salaries or Civil Servant salaries is being done haphazardly. It is resulting into this strike that are coming up. A case example is this of the Doctor's Pay Rise which was-----

Interjection:

Com. Bishop Bernard Njoroge. We know all those stories give us your recommendations

Francis Kariuki: I would suggest let merit take it's role and let the period of training also determine the package. I think that is the end of my presentation.

Com. Bishop Bernard Njoroge: Can we have Johnson Kamau,: Can I suggest that we know the problems, what we want is the recommendations. The problems will not go to the Constitution it is the recommendations that you make that will go to make the Constitution. Please do not give us the stories get into the points of your recommendations.

Johnson Kamau: Kwanza tuwe na Katiba ambayo itatupatia usawa wakenya wote bila kujali tabaka zetu. Itupatie uhuru wa kutembea na kuridhi mali mahali popote na pia ata kukuza lugha moja ambayo tutaitumia kama taifa.

Pili. Ni kuhusu uchaguzi, tuwe na Katiba ambayo itaelezea jinzi ya kufanya uchaguzi ambayo itakuwa na vipengele ambazo sitasimamia hali ya usafirishaji wa kura, Shida yenye tumekuwa nayo katika wizi wa kura utokana na hali ya kusafirisha kura kutoka mahali fulani kwenda mahali fulani. Tuwe na Katiba itakuwa na vipengele ambazo zinaelezea kama ni kura simehesabiwa mahali fulani sinahesabiwa mahali pale bila kuisafirisha.

Maoni yangu ya tatu ni kuhusu Rais. Nguvu alizo nazo Rais hakika sinaofisha hata sinatisha. Kwa sababu akiwa ana nguvu kuliko hata sheria ya nchi ya kwamba ana uwezo wa kutenda kila jambo analo lifikiria hii inatisha-----.

Interjection:

Com. Bishop Bernard Njoroge: We have many people who want to talk sema ungetaka tufanye nini.

Johnson Kamau: Ningeteka zibunguzwe na asiwe ya kwamba yeye ndiye mwenye kuteua kila anaye hitajika kila office ama katika kila kamati yeye tu ndiye mwenye kuongoza. Tuwe na Katiba ambayo inaelezea kazi zake ni gani.

Jambo langu la mwisho ni kuhusu hali ya kuridhi mashamba, ya kwamba kusiwe na mtu ambaye ana dunia nzima ya shamba awe na kama acre.100 lakini izizidi.

Com. Bishop Bernard Njoroge, tungetaka sasa tupate Patrick Muniu

Patrick Muniu: Kwanza nataka kuchangia kwa preamble maanake ile Constitution tuko nayo haijielezei ni ya nani imetekenezwa na nani, naimetekenezewa nini. I believe this is the vacuum ambaye the Executive ilipata ikachukua hiyo Constitution ikaanza kuifanyia maneno maanake haina mwenywe, haijulikani ni ya nani. Kwa hivyo ninasema hivi; Constitution Preamble iandikwe, ni ya wa Kenya. Na Constitution iandikwe ni Wakenya wameitekeneza. Constitution iandikwe niya ku put check and balances between the three arms of the government. Legislature, Judiciary, na hi maneno ingine.

President. Ningependekeza President achaguliwe na direct presidential poll. Pili a garnar 50% of votes cast. Hii maneno ya 25% haileweki maanake 25% mia moja ukitoa 25 inabaki 75 kwa hivi 75 unaona ndiyo kubwa na kama democracy ni watu wengi I believe hii maneno ya 25% kwa kila province iishe maanake Provinces zingine ni kubwa ziko na watu wengi na zingine ni kidogo kwa hivyo hiyo iodolewe.

La tatu katika mvumo wa parliament , mvumo wa session ya parliament, I would propose President aende kwa bunge kwanza kama President, aende akajibu maswali kutoka kwa official leader wa Opposition. Hii hata inaonekana uko U.S.A na wapi. Maneno ya Prime Minister mimi ziyapendekezi kamwe. Tumepata mahali apapo huyo ni Prime Minister na huyo ni President lakini nionavyo wakati hizi ndume mbili zinangangania mamlaka sisi wananchi tutakuwa wapi? Kwa hivyo ni ngpropose

Executive President: maneno ya Prime Minister hiyo out.

Kuna wakati huyu President amechaguliwa, ningependekeza, ndio aonekane yeye ni President wa nchi yote na si particular group, a particular group party, ningepropose President upon election, a denounce party membership. Asiwe member wa party asiwe na any party position kwa maana hii tumeona ina discriminte. Anaenda anawambia “hivi hamupati mandeleo kwanza ingieni kwa chama yangu”. Hii maneno iodolewe kwanza kwa Constitution.

Kuna maneno ingine, huyu President tumeona President wengine ukiangalia. Huyu President anapelekwa kwa psychiatrist, anapimwa kichwa yake maanake vitu zingine hawa watu wanafanya ata huwelewi hujui kama mi kichwa imeruka ama namna gani.

Nomination ya MP. Huyu president wakati anachagua MP, tunajua hii pengo linatangewa wale wenye hawajiwezi lakini anachagua rafiki zake, anachagua watoto wa huyu au who is who.

Interjection: arguement

Com. Bishop Bernard Njoroge. You have to stick to the rules if you want the President to nominate people, say nomination for disables, women and so forth ili umalize haraka ndiyo watu wapate nafasi.

Patrick Muniu: Wakati President ana nominate tungetaka pale pawe na mtu wa kurepresent watu wa ukimwi, mwingine ana represent watoto, mwingine ana represent wanawake, mwingine ana represent wale hawana kazi na hao watu wengine.

He should not have sole authority to appoint ministers. Ministers ni wale MPs wa apply kwa hiyo kazi through parliament. Ile maneno ingine hii foreign trips wakati anataka kwenda ngambo sisi hatujui kama anaenda holiday huko ama anaenda huko shuguli zake na akifika wakati wa ndege anaingilia siasa. Kabla aende anapeleka hiyo hoja mbungeni inajadiliwa wanaangalia cost na purpose

Commission. President akiappoint Commission lazima hiyo Commission findings zake zifanywe public kila mtu aone. Huyu President asiite barabara kwa jina lake, asiite muji kwa jina lake, hii kujiona kama ako alive huyu hatutaki. President akitoka kazini akae kama 30 years ndiyo sasa aite bara bara kwa jina yake baada ya public kuasses yale aliyo wafanyia.

Judiciary. Judges wawe appointed na Parliament. Tungetaka maneno ya Supreme Court.

Land matter. Kuna case nyingi kama hapa zimekaa miaka na miaka mimi ningependekeza kama ni shamba ambalo ni la kuridhi, hiyo maneno inarudishiwa wazee ambaoa ndio wanaelewa kiini cha hiyo kesi.

Title Deeds nitasema hivi: Ikiwa shamba halina title deed, hiyo certificate mtu anaweza itumia na ipeleke kwa banki na iwe security na apatiwe pesa.

Legislature. (MPs,) their tenure should be limited to 15 years. Miaka tano ya kwanza anaenda kutimeza ile propoganda alipeleka kwa constituency, hii mingine mtano anaenda nje na whatever. Ile ingine tano kama anataka kugombea kiti anagombea. Akitoka hapa yeye anaenda nyumbani. Three terms five years each.

Constituency Office, iwe located kwa every constituency, maanake hapa ndio kunatokea mabroker kwa sababu hawa mabroker ndiyo wanajua huyu MP analala wapi, huyu MP anapatikana wapi, saa zingine unataka huyu MP na humpati. Kwa hivyo akiwa na constituency office, mtu anaenda pale na anampata. Na awe na siku yake ya kuhudumia watu na kama kwa Parliament ni siku saba na sinaisha na hajahudhiria, hiyo kiti inakawa declared vacant hata huko kwa Constituency hiyo iwekwe kwa Katiba.

Maneno ya by election hiyo tuwachane nayo. By election MP akifa, hakuna maneno ya by election, ile mshahara alikuwa anapata wacha igawanwe kati kati 50% inaenda kulisha watoto wake na hii ingine 50% inaenda kwa bursary. Kwa hivyo hakuna maneno ya by election there in between.

Kila mtu kama anaweza kusoma na understand you are eligible kusimama kwa Constituency. Sitaki kuweka maneno ya elimu na whatever because Kenya hii tunajua ni nani wanasoma, ni watoto wanani na ni watu gani. Tunajua wale wanasomo, na tunajua hata degree sinapatikana wapi.

Ministry siwe reduced to 15 at least sisiwe more than 15 na moja iwe na Minister na two Deputies.

Office of the President. Maneno ya Chief, DO, DC, PC. Hiyo haitakikani hiyo wacha. Roles zao kama ni security kuna yule OCPD ako area ndiyo unaona hawana kazi wanakuwa youth wingers.

Treasury: Minister of Finance before aingie na any bill (inaudible) ningepedekeza zile conditions zote anapewa zinatolewa kwa public. So that public ina discuss halafu zinapelekwa kwa Parilment so that asituombush na conditions ambazo zimetangenezewa mbali na zinatatu affect miaka yote. Tukiona hizi conditions ni zuri tunampatia a go ahead tukiona si zuri tunamwambia hatutaki.

Land. Hii ni kitu ngumu sana na kuna hii msemu watu wanasema tugawane mashamba tupatiane tunataka large scale farming, tunataka kahawa, tunataka majani chai, kwa sababu ya foreign exchange. Lakini kuna mashamba ambayo hailmwi haitumiwi Ningependekeza hivi kama kuna shamba ambalo limefika 50 acres, na huyu mtu hatumii hili shamba lipatiwe wananchi. Maneno ya squatter hiyo iishe kabisa maanake tukisema tugawane ile mashamba ya wale wamepanda kahawa, majani, hiyo ni anarchy,

maanake nao watasema wale nao wame invest kwa share nao tugawane.

Local Authorities. Huyu minister wa Local Authorities asipatewe sweeping powers za kuappoint Chief Officers, maanake pale panakuwa, kunakuwa na conflict in between Chief Officers na elected Councilors.

Interjection: (Noise)

Patrick Muniu: All Local Authorities ziwe zina run a Local Councilor's Office, ndiyo tunapata huyo Councilor kwa rahisi tupatiwe uwenzu wa kutoa huyo Councilor kwa kazi tukiona kazi yake ni ya kulimia tumbo lake na watu wake.

Any Local Authority that does not deliver iwe scrapped, kama ni hii Gatundu tukiona it does not deliver it should be referred to the larger Thika County Council. Ikiwa Thika hai deliver to the larger Kiambu County Council.

Electoral Commission. All the Presidential candidates the stake holders wa meet wa appoint Commission. Maanake saa hii tunasikia Commission ndiyo wako na wa kilishe wao huko lakini in the long run yule chairman ndiye atachagua ma District Officers, nao wanarudi wanachagua returning officers. Ile mpira inarudi square one ina suit individual whatever. So election date nayo iwekwe kwa Constitution iwe ni wazi maanake sasa inatumika kama ile karata.

Opposition political parties ziwe reduced to only three parties. Kwa sababu hizi party ni nyingi sana. When you peruse their policies, their Constitutions utagandua zote is just more or less the same, kwa hivyo ningependekeza siwe tatu na siwe funded na State. Hii moja, ile inatawala tunataka very strong Opposition na pia ile ya watu ya kupiga makelele hiyo inatakikana sana maanake hii watu they keep us busy anyway.

Redrawing of Constituency Boundaries. Constituency zingine utagundua ziko na watu kidogo, utakuta Constituency zingine ni kubwa na watu wachache, zingine ni ndogo na watu wengi kwa hivi, Constitution iwe clear kama inakuwa determined na watu ama ni upana.

Kanisa. Unajua kanisa, mahali serikali iliwachia watu kuwagonga msumari wa mwisho nao kanisa ilichukuliwa hapo ndiyo imegonga watu ile mbaya sana. Kanisa zingine huku si kanisa. Leo unakuta hii nyumba inauziwa miti ni dawa kesho ni kanisa. I would propose this before; any church is registered wacha kuwa registered, before kanisa iwe imejengwa pahali, hiyo kinisa ionyeshe iko na uwezo wa kujenga a free medical clinic. Na iwe na elimu ya bure hapo hapo. Na kama inajengwa town ionyeshane iko na uwezo wa kujenga a rehabilitation center.

Com.Lethome Asman, Pengine Commissioner uko na maswali

Com.Lethome Asman; Umesema MP akifa kusiwe na by election, sasa pesa zake zigawanwe nusu kwa familia yake na nusu kwa Constituency yake sasa hiyo remaining period nani atakuwa anwaakilisha hiyo constituency?

Patrick Muniu: Of course these people do not deserve representation, kama huyu MPs unajua hata MP wengine though they are there wako tu pale. They are just zombies hawana maana yo yote. Hii representation hata kama ni MP moja wacha.

Com. Lethome Asman: Lucia Wamaitha

Interjection: Long selience

Lucia Wamaitha: Ndarehe mathina makwa haha, ndina mugonda wa acre ithatu na nikorago na thina wa korima.

Translator: I have brought my issues here, I told you I have a land of 3 acres.I told you I have a problem trying to use my three acres.

Lucia Wamaitha: Handaga na kanwa na ndehotaga kuoruta wira mwingi.

Translator: I use my mouth for planting as an implement, for this reason I am unable to do lot.

Lucia Wamatha: Ndiri mundu wa kondethiya ndoko mohe mundu wa kondethia.

Translator: I have nobody to help me so I have come here to be assisted, at least I have somebody to assist me and have some means of living.

Com. Bishop Bernard Njoroge. Nderenda gokoria atirere ohandaga na kanua neke? Niore ciana,?

Translator: I want to ask you why do you plant with mouth? Do you have children? Where are they? Where is your husband?

Lucia Wamaitha: moko makwa timega, ndi ciana igiri mwanake ni monyete, na muritu ina ciana inyanya, na mothuri wakwa niakure, mugonda oyo ndauonere na mathina maingi muno gutiri igoti itangerete.

Translator: My hand is unwell. I have two children the boy is arrested, the girl is married she has eight children, and my husband died, after his death I inherited this land with a lot of problems I have entered in each and every court.

Com. Bishop Bernard Njoroge: Mama after the meeting I would like to talk to you. Please do not go.

Com. Lethome Asman. Gaturu

Gaturu: Ningeuliza swali moja. Nyinyi Commissioners ni nyinyi tunaangalia juu. Why are you fighting?

President asiwe overall. Executive: Their powers also to be reduced. The elections to start from the president up to Sub-chief if it is possible.

Constitution iandikwe fulani, ama fulani wawe wameruhusiwa pombe yao yenye wanaweza tumia.

Com. (inaudible)

Gaturu: Ningesema serikali iamuru ikiwa ni wa Kikuyu wanatumia pombe fulani, Wajaluo vile vile, watu wamekufa sana.

Com. Lethome Asman: Michael Muohi

Interjections; He was advised to forward his questions through the District
co-dinator

Michael Muohi: Education: It should be free from pre-unit, primary and secondary. The Constitution must make it compulsory for every child to attend primary education although we hear of the child Bill which was passed. The government should have special schools for disabled and also provide facilities.

Freedom of Worship: Tunajua dini ni nzuri sana lakini dini zekine is not for the welfare of the community. E.g. there is a school, which has been spoiled by the devil worship, and their report has been out that the devil worship has been spoiling our schools. Even if there is freedom of worship some of these cults and religion should be outlawed.

Kukiwa na Commission kama hii, and we are afraid, here there should be something in the Constitution. There should be eh-- when a Commission is there, the report should be released to the public however much they have implicated the Government, the Executive and the Ministers.

Nominations. When any MP. Fails in an election he should not be a nominee of a party to the National Assembly or to a Ministerial Office. If a party wins an election then such an MP can be appointed to an office, which is not political.

Our Constitution should not cater for dynasty like the meru's(unclear) and the rest. The Constitution should discourage aristocracy Constitution should stop the President from choosing his own people.

Interjections: Make your recommendations, avoid going to all those details.

Michael Muohi: A President of a Country or a Prime Minister should be a married man or woman, ought to be living with his/her spouse so long as he remains in power. If he divorces or separate he should immediately step down within one year or re-marry within that period.

Our Constitution should cater for a government of national unity. It should also prepare for a ceremonial President or a Prime Minister who will be the executive.

Cash Crops. Tunajua nchi yetu tuko na kama kahawa, mahindi, mchele, hata mayai. These things should not be imported so long as Kenyan's are able to provide. Importation of cash crop like rice from India and everywhere is spoiling our Kenyan farmers; even sugar should not be imported, maize as well unless there is famine in Kenya and declared.

Judges and Magistrate should be independent from the Executives and the Legislature.

Constituencies should be formed according to the population of an area. Some constituencies have very few people and others are heavily populated with only one MP. There should be equal distribution, number of people will determine the Constituency.

Distribution of public wealth. The Constitution must provide a fair distribution of public wealth to all Kenyan population. This should go according to the population and meet the needs of the people in that area.

Opposition's areas should not be neglected because of being in the opposition and yet they are not exempted from paying tax. The National cake must be shared by all and not by the ruling party. The Constitution should not cater for a winner takes it all.

Projects initiated by the public should be taken over by the government and should be completed in the order of implementation

Equality among persons: If the government is unable to cater for free education it should at least have six straight years for free education if they cannot go up to university.

Public Morality: This one should be provided by the Constitution; so the government must promote public morality among its citizens. These will help clear away one of the main equalities, which is exercised between peaceful subjects and troublemakers.

The government should cater for laws against drunkenness. Watu wanakufa na wanaendelea kufa na serikali iko, so the Constitution should cater for rule a which would discourage drunkenness. It can say that anybody seen staggering on the road can be arrested.

Immoral behaviors: Indecent books, bad pictures, videos, and public cartoon all these should be catered for against in the Constitution and heavy penalty should be placed.

Interjection: Thank you very much

Michael Muohi: Honesty and Justice. A decision must be made independent of politics or personal interests and tribal interests. To avoid corruption the Judges and Magistrate the government need to give them good living wages and family allowance so that we can avoid corruption.

Standard of living: We would like the economy to be promoted in such a way that the poor people will also be catered for. The Constitution should provide limit to capitalism. The richer becomes richer and the poorer becomes poorer this one the Constitution should discourage this and an article written on that.

Constitution should provide for, in a special way, for improvement and even subsidize farming. The Constitution to provide for Technical education in the rural areas so that farmers are able to cater for their needs. Even the societies and the consumers and producers should be promoted in our Constitution.

Com.Lethome Asman: Rahab Kiranga

Rahab Kiranga: I am representing the Gatundu Disabled Self-help Group. My first point is on Pension. We have heard from one of us here the problems we are facing as disabled women or rather the disabled society. I would advocate for every person with disability above 25 years to have certain amount of pension regardless of whether he is employed or not. This will enable them to lead a normal life like people without disability.

A law should be set aside to defend the persons with disability as regards the inheritance of land assets, liabilities from their families, companies and any other organizations. There is also the abuse of people with disabilities like rape, domestic violence, negligence by the society and denial of their rights when it come to cases like accidents. This should be considered.

Rehabilitation Center and Special Schools. We should have special schools in every Constituency and also rehabilitation centers. Most of the disabled children remain at home until old age due to poor economic factors and lack of special education facilities in the normal school. Those who have gone through school lack training due to lack of rehabilitation, which would offer use for a person with disability.

Free education should be implemented for people with disabilities and for children of (not clear). We should have also bursary for the disabled for it is not applicable for us, we have bursary funds but they do not apply for the disabled. This should enhance their primary secondary, college, and university level of education as most of them live below poverty line.

Representation: Nothing for us should go without us, we have things like National Fund for the Disabled which is being led by a

person who is not disabled and we have disabled persons with capacity to run such places or such funds. We have Rehema House dominated by people without disabilities and what they offer is poor quality tools and wheel chairs, which are also poor qualities. We need disabled to stand for their properties. In every area dealing with disabilities like special schools, people with disabilities should administer organizations for the disabled, rehabilitation centers and others.

Free Medical Services: majority of people with disability are lacking medical services because they cannot afford catering for the cost sharing system. They should be scrapped for the disabled and they should go for free medical services. Most of them are unemployed they depend on their relatives and well wishers who cannot meet each of their needs.

We have Transport and Communication Services. The public should be sensitized on the rights of person with disabilities in using public means of transport. The driver, conductor and passengers should attend the person with disabilities. On communication side, telephone booths should be accessible for the person with disabilities in height and width.

Exemption of license: Most of the disabled people operate small business which cannot meet money for licenses, e.g. shoe repair, vegetable vendors, street hawkers, kiosk and others. This business should make them self reliant so that they should be exempted from licences to run their lives and to cater for poverty reduction program.

Free facilities for persons with disabilities: We have facilities for mobility like wheel chairs, crutches, canvas, and hearing facilities, which are very expensive, and without them they cannot operate. Majority cannot afford that, there are being delivered to different places. We need to be considered in this area. With that I believe we will cater for poverty in our Republic which has been enhanced mostly by people with disabilities. Thank you.

Com. Lethome Asman: Thank you very much, do you have a written memorandum. Thank you. Nitauliza tena kama kuna mtu ako karibu nawe unajua kuwa ako na problem ya kusikia yaani ni bubu tuko na mtu ambaye ni interpreter and can cater for everybody kuna mtu mwenye anaweza kutumia sign language....., Gitau Muhia.

Gitau Muhia: I am the coordinator of (inaudible) Commission in Gatundu (un clear). We do not have a preamble. “We people of Kenya, recalling the struggle we had during the time we were fighting, remembering the people who lost their lives, became disabled and some went into exile during the struggle against these forces of tyranny and dictatorial colonial rules, we commit ourselves to build a better Kenya establishing social economic and political order through a National Constitution based on justice, peace and democratic Constitution, which may be reviewed only through a national referendum and all Kenyans should be educated on what it means by referendum before they go through such a referendum.

The arms of the government should be completely independent of each other to see equal distribution of the national cake. All the appointments of Judges, Chief justice, acting Judges and the entire Magistrate should be done by Judicial Commission and

approved and vetted by the Parliament.

Appointment of Public Service Commissioners, Attorney General and Auditor General should always be done by the Parliament.

The office of the Attorney General should split into two. One should be a government legal adviser and the other one to be Public Prosecutor. Controller and Auditor General, Chief Justice and Public Service Commissioners should have security of tenure.

Electoral Commission must be completely independent and must be appointed by all the political parties and approved and vetted by the Parliament. Voter's registration and education should be a continuous exercise. Vice President should be elected directly by the electorates. Parliament to pass for a Bill must be increased from the former 65% to 75%. A vote of no confidence to MP, Councilors, should be introduced and voted by the electorates. 5,000 signatures accompanied by ID numbers and sent directly to the Speaker of the National Assembly to declare that seat vacant.

Executive President should be aged from 35 years who is not mentally sick and must be examined by psychiatrist doctor and examined by a drug abuser specialist to prove she/he is not a drug abuser.

All Kenyans should be allocated land and no one should have more than 200 acres. Street families should be settled and housed as one of their God given rights.

All Kenyan aged over 70 years should be given pension as a dividend of their tax they had paid to the government.

Parliament should have powers to set up Commission to deal with, or discuss National matters.

Basic human rights: This has been the UN declaration and be practical and not theoretical as it has been.

Ant-corruption unit must be formed by the Parliament and handle the cases of corruption from 1982 those found guilty be prosecuted.

Free and compulsory primary education should be introduced and cost sharing scrapped. Quota system admission to secondary schools be stopped and chances given on performance. Career forms be re-introduced in secondary school. Interviews in all the govt. colleges be authorized to fight corruption and tribalism. 8.4.4. be abolished and the old system be re-introduced.

Free medical services in all the govt. hospitals should be re-introduced and cost sharing be abolished. The office of Ombudsman be created to counter check on misuse of offices by the Public Officers.

Parliament calendar should be introduced and state when the election will be done, when they will go on recess. Impeachment of the President by both Public and Parliament be introduced when he/she abuses the law office. Chief and Assistant's Chiefs be elected.

Parliament is empowered to approve and vet appointments of Ministers PS. Post of PCs, DCs, be abolished and also the Parastatal Heads be appointed and vetted by the Parliament.

Creation of constituencies, municipal council, urban councils, be on population and not on the area as it in Jara and Fafi where they have got less than 10,000 people and Embakasi has got more than 140,000 and is not registered.

Mayor, Chairman of Councils be elected directly by the electorate.

Farmers should be given control on the sell of their own produce. Board and coffee boards, Tea Boards be abolished. Importation of goods like Sugar, Rice, Milk, should be done only during the famine time.

Nominated MPs and councilors should have no power to vote in parliament and city councils and should not hold any ministerial posts for they represent the party or individuals who nominated them.

Independent candidates be introduced as it was during the colonial time. All political parties should be funded by the govt. Transitional govt. to be put during election period.

Com. Lethome Asman. Small question. Umesema kuwa all political parties wawe funded na Serikali. sasa ni nani atazuia mimi na mke wangu kutengeneza party sababu ninajua kuwa tutapata pesa? Huoni itakuwa ni njia ingine ya kutafuta pesa hiyo? What is the criteria of funding the political parties?

Gitau: To register a party it must be having more than 1,000 people and those people, we know that they are all tax payers so they need their services.

Com. Lethome Asman: Hand over the memorandum to me (John Ngugi)

John Ngugi: My name is John Ngugi. From new Gatundu (inaudible). My contributions to the review commission: The President and the Head of State should be a form four leaver or above. There must be a separation period during the Presidential and Parliamentary elections. The President powers must be curtailed and followed up to overcome any collision between the State and the organ of the Government.

The MP. must hold a secondary school certificate and above in case of defection and death, there should never be a by election if the term of office remaining is less than 7 months. This will reduce the government expenditure. Also after the defection the MP must seek election from the electorate.

Constitutional supremacy: the Constitutional procedure of amendments should be allowed to change to allow a higher percentage vote of 75%. This will reduce self interest gained from the amenders. The amendments should be very minimal this because when we write the Constitution we take the best recommendations from the people.

Citizenship: The automatic citizen in Kenya should be the one who is born in Kenya and the parents are Kenyans. To be a Kenyan you have to produce either an ID, birth certificate or a passport.

Defense and National Security: Security of people should be paramount from the Administration Police to the Military. Whenever anyone's security is jeopardized the officer near by must help regardless of his position.

The President should be the Head of the Armed forces and the Parliament should be authorised to act fully when the time of emergencies arise. This can be done through group committee afterwards the people must be notified the outcome and recommendations.

Political parties: We are following parties blindly. I propose some more constructive and viable parties, which are people minded. There must be a number of political parties outlined by the Constitution. We have to differentiate between a political party and a religion sect. The political parties must forward their financial status before registration. Afterwards the govt. can finance them with a limited percentage during election, referendums or civic education etc.

The Legislator. The Parliament as the Supreme organ of the country I propose the following: The functions of parliament should be expanded to reach more awareness to law. The members must be educated more on global development to avoid their lackadaisical manner of performing their duties. The members must not be nominated, they must be elected. The people should be mandated to call their MP as they discuss the matters of their interest. Women participation in the parliament should be as per their contributions.

Lastly the Judges must be appointed by a select Committee among themselves. The interpretation of laws matters must be emphasized to the offenders thoroughly. Lawyers and judges must co-ordinate well to avoid biased rulings. The Constitution and law matters must be differentiated to avoid collision. If the Legislature enacts a Bill and becomes law the Judges must stick to it and follow it.

Com.Lethome Asman: Hand over your memorandum. Next Patrick Gitau.

Patrick Gitau: Yangu ni machache tu kwa vile nyinyi wote munajua nchi yetu inategemea kilimo. Nitaongea kuhusu kilimo ya kwamba yale mazao tunapata kwa nchi yetu yani kutoka mshamba yetu inatakiwa iwekewe sheria. Kila mwananchi yule analima, kile kitu analima, pahali anauza, awe na address ya hizo pesa. Awe anapata pesa zake kulikana na vile yeye analima.

Ya pili ni elimu. Nchi yetu elimu imeharibika kabisa. Tunataka taratibu ya masomo iwekwe.

Ya tatu ni uchaguzi: Wakati wa uchaguzi, wakati wa campaign tuwe na mtu ambaye ata kuwa anasimamia serikali ili e.g. kama Rais wakati wa uchaguzi awe hana uwezo wo wote. Na pesa za Serikali siwe simesimamishwa tusiwe tukitumia pesa za serikali wakati wa campaign ndiyo watu wasiwe wananunuliwa wakati wa campaign na pesa za serikali. Pesa za serikali ziwe zinatumiwa na raia wa nchi yetu. Hizo pesa zinatumiwa vibaya wakati wa campaign zinanunua kura na hizo pesa ni zeze tunatoshwa ushuru.

Ya nne ni Kuhusu uchaguzi wa President, President awe President wa nchi lakini si President awe above the law. Awe mtumishi wa raia.

Kuhusu judiciary: Judiciary iwe independent iwe haikaliwi na Rais kama ni kesi iko kortini Rais asiwe akiinterfere na Judiciary.

Com. Lethome Asman. Umesema wakati wa uchaguzi Rais awachie mtu mwingine asimamie. Unaweza 'ku suggest' ni nani?

Patrick Gitau: Tuko na mkuu wa sheria na ni Legal Adviser wa Serikali anaweza simamia Serikali mpaka Serikali ingine iwemo, ndio itake over..

Com. Lethome Asman. Ngethe Njuguna

Ngethe Njuguna: Handaga meti, ndi wa kiama gia kohanda mite, thina witu ni kwaga mbego

Translator: I plant trees, I belong to the association of tree planting. The problem is that we normally don't have seedlings for planting.

Ngethe Njuguna: Twahanda mbego nurthery totiendiaga toheyanaga toho.

Translator: When we plant the seedlings in the nursery we don't sell, we normally give them free.

Ngethe Njuguna: Tohandaga twegroup tokahe andu, thina witu ne bara bara nihara'hu na bara bara.

Translator: What we do, we plant in a group and we give the neighbourhood The problem is that the place is not accessible to vehicles because it is far from the main road.

Interjection: The commissioner is requesting you to make your recommendations

Ngethe Njuguna: Nderahohia totethiyo tothondekero bara bara.

Translator: I am requesting for assistance, for our problems to be easier to handle.

Ngethe Njuguna: Thina ocio onge ne indo, ne'kogayana megonda mono mono kuri andu aria matehotaga.

Translator: The other problem is to do with the inheritance and sharing of the land particularly with disabled verses the able.

Ngethe Njuguna: Netothurukanagio kinya miciey'ni akoro ni megonda kange toheyago koria kwe na mahiga kana korahereria bara bara.

Translator: We are discriminated we are thrown to stoney areas and we are also unable to reach the road.

Ngethe Njuguna: Katiba uge Thirikari etaithagiye andu aria matehotaga tondo mena ciana, na ciana ocio ne kenda ha'ndo ha gukar'ima.

Translator: The Constitution should recommend that the government looks after the disabled people. Disabled people have their requirements including the dependants. So when the dependants mature they can also have a place to farm.

Com. Lethome Asman. Njuki Njoki

Njuki Njoki. Nderenda kuga ohoro wa President. Tothurance President thutha wa miaka itano.

Translator: Inaudible----- I would like to talk about the President. I propose that we elect the President for a term of five years.

Njuki Njoki: Thutha ocio ageterera miaka ike ikomi ne'guo akarogama reke.

Translator: After that he is made to wait for a period of ten years before contesting for the same post.

Njuki Njoki: Neg'uo aria megothu'ro makagia na hinda ria gutuweria oria President ocia arikete.

Translator: This will enable those who are elected within that period of ten years to actually monitor what the past President had done. (Inaudible).

Njuki Njoki: Provincial Administrators, na Sub-Chief nderenda kuga munda agethuruo akoro arutete wira---

Translator: The Provincial Administration I would like the requirements, that one to contest as a Sub-Chief one must have worked (interjections in between).

Com. Lethome Asman. Thank you. Patrick Muhia

Patrick Muhia: Thank you Commissioners. I'll start with Political Parties One the Constitution should reduce the number of political parties to at least five. These political parties must be funded from the public funds that is the govt. money.

The President should not be a Member of Parliament. He should be elected by at least 51% of the voters. There should be a Prime Minister who should be answerable to the Parliament. He should go to Parliament to answer to questions from the other members. The President should have a running mate. This running mate should enjoy the security of tenure - unlike the current

system where he owes his loyalty to the President.

The Ministers should not be MPs. We should get our ministers from the general public like it is in the US, where they owe their loyalty not to the President, not to the Parliament but they owe their loyalty to the general public.

These Ministers should be vetted by Parliament to assess their credibility and should be people of high integrity. MPs. Should be paid according to their qualifications. It is my feeling that we have had MPs who contribute nothing in the Parliament. they cannot cope with the kind of the debate going on in the Parliament. They should have their payments depending on their qualifications. This will discourage non-educated people from contesting these seats.

Provincial Administration: This is one area that should be totally abolished as they abuse their offices. We have people responsible for various duties like the police, doctors, we don't see why we should have this kind of administrators. They should be replaced by elected people who are answerable to the public.

The Parliament should have a calendar they should not operate on the whims of the president. At the end of the term the Parliament should automatically dissolve itself.

The Electoral Commission should be given more powers to prosecute election offenders. We should have a code of ethics for the holders of public office and should be people of integrity and should declare their wealth before we give them public offices.

Lastly it is my humble request to these Commissioners that you will give us a new Constitution before the elections. Finally, we should not hear the squabbles that we are hearing in the Commission please. Thank you very much.

Com. Lethome Asman. Thank you very much for the advice. David Muigai

David Muigai: I will start with the preamble. "Our country Kenya which is self-independent and self-governing, and we live because of the love of God and the grace of God our maker. Due to the love of God, Kenya belongs to us."

Interjection: Commissioner is telling you to do the recommendations

David Muigai: The President should be below the law. Minister and MP should be under the people who have elected them and their interests. The MP. should be known well by his people.

- ? Public service Commission should be completely independent.
- ? Parliament should be under the Speaker and the Parliament Committee.
- ? President should use the law of the parliament like any other Kenyan citizen.

- ? Judiciary should be fully independent without interference.
- ? Corrupt ministers or public officer should be prosecuted and jailed if found guilty.
- ? Police or the utumishi kwa wote to serve all Kenyans without being controlled by any individuals.
- ? Votes should be counted at the polling station.
- ? Attorney General should be under Public Service Commission.
- ? The government should protect national resources.
- ? Youth and disabled should be protected by the govt.
- ? Small-scale farmers ought to be protected because their wealth is the one that enriches rich people.
- ? Cash crop farmers should be able to manage their industries.
- ? Children should get free education.
- ? Public should manage Trustee Land. Public should decide what to do with the trust land and not the councilor to decide.
- ? When you are elected to public office you should put some of the properties as mortgages so that if you steal from the public those things can be sold. You give them as security.
- ? National properties should be distributed equitably across the country.
- ? Public servants should respect the public who is their masters.
- ? Kenya wants a unitary government.

Com. Lethome Asman. Many absentee, Joseph Kibicho. Tungetaka kutangaza ya kuwa kama mtu ako na memorandum na hataki kuzungumza anataka tu kupatiana unaweza kuja hapa kwa utaratibu uende pale kwa makarani uwapatie na uadikishe jina lako.

Joseph Kibicho: Wakati tulipo kuwa tukipigania uhuru tulisema uhuru kwa wote. Tulipigania ndiyo wabeberu waondoke katika mshamba yetu. Wakati wabeberu walipo ondoka ikaja wabeberu Wakenya. Kwa hivyo hiyo siyo kawaida yetu wakati tulipokuwa tunapegania uhuru.

Iko kitu moja ambayo tulihaindiwa; magonjwa, umasikini, na utaratibu ambao ulikuwa wakati wa kuhaindiwa vile, hauko wakati huu.

Ya tatu tunao watu ambao wanaitwa squatter. Sijui hao wanaitwa squatter ni watu gani. Maana sisi zote ni watu wa kenya. Ukijaribu kutafuta usaidizi wako katika upande wowote huwezi kupata kwa sababu wewe unafanywa kama mtumwa. Sisi ni kama watumwa ijapokuwa sisi tuko na Serikali. Serikali inaweka sisi chini ya utumwa. Hata kama unataka kujitegemea kwa jambo fulani au fulani huwezi kufaidika.

Interjection:

Com. Bishop Bernard Njoroge. Ungependa hawa watu wanaitwa squatters wafanyiwe nini?

Joseph Kibicho: Kuna watu ambao wana mashamba zaidi 10,000 acres. Na ile shamba haiwezi kuwa ya mtu moja . Awachiwe 100 acres. Hiyo ingine igawigwe wale masikini. Kuna wengine hapa Nairobi hawawezi kutafuta mahitaji yao sababu wanabomolewa makazi.

Kitu kingine ni juu ya ugonjwa. Tukiingia hospitali hatwezi kupata matibabu hata kama ni mgonjwa namna gani. Na wakati wa Uhuru tulihaidiwa kuwa tutamaliza magonjwa, umasikini. Lakini sasa ndio hizo ziko zaidi.

Interjection:

Com. Bishop Bernard Njoroge: Una recommend kuwe na madawa ya bure na hosiptali ya bure?

Joseph Kibicho; Ndiyo mimi na recommend na hata masomo iwe vile vile kwa sababu tulihaidiwa. Ndiyo una ona chokora wamejaa hapa sababu hawana pesa ya kwenda shule. Wakisoma hawaendi pahali.

Kitu kingine ni kuwa sisi tuko na watu wanaitwa Chief, Headman na ndiyo watu wa kwanza kujua taabu ya watu kwa Location ili apeleke mbele. Kwa hivyo waendeleo.

Kitu kingine ni juu ya Polisi wako na nguvu zaidi na zaidi maana hata kama police anakamata wewe hapa ukipelekwa kule unakuta police na hawezi kusikiliza maoni, kwa hivyo nguvu zake zipunguzwe kama tunataka kurekibisha Katiba. Nguvu yake iwe chini kidogo.

Kitu ya mwisho ni juu ya wabunge wale tunachagua wanafanya kazi kwa mwezi, siku kumi na mbili tu kwa mwezi moja na mshahara wao wanapata zaidi ya shilingi 450,000/= ni kwa nini? umasikini unajaa sana kwa wengine, na yule mtu anafanya kazi siku kumi na mbili kwa mwezi nayeye anapata mshara wa juu zaidi swali ni, masikini wataokoka siku gani?

Com. Bishop Bernard Njoroge. Kwa hivyo unasema calender ya Bunge iongeze, wabunge wawe wanafanya kazi siku 30 kwa mwezi?

Joseph Kibicho: Ndiyo.

Com. Bishop Bernard Njoroge: Ningeteka kuwambia musitwambie shinda mutuwambie hii ndiyo tunataka ingie kwa Katiba. Kwa sababu sisi wote ni Wakenya tunajua ubaya wa Executive, Judiciary, sasa tunataka kujua jawabu nini ambao tuta ingisha katika Katiba ili tuwe na watu wengi ambao wanaweza kuzungumza.

Kimani: Maoni yangu ya kwanza ni kuhusu President. Power zake ukiangalia siku hizi ni nyingi sana. Yeye ndiye amri jeshi mkuu, yeye ndiye Chancellor amechukua kila kitu, madaraka yake ipunguzwe. Sana sana kwa upande wa military iwe juu ya defence, pande ya masomo tuachie Minister ya masomo. Yeye tumwachia administration.

Kitu ingine ya pili tukichagua Mwana Bunge aende kule na anyamaze tunaweza kuwa no vote of no confidence na tufanye uchaguzi tena.

Kitu kingine ni kuwa Police wanatusubua sana, Nikishuka kwa matatu mimi nashikwa ati kutangatanga na mimi ni mwananchi wa Kenya, kwa hivyo kama iko curfew Kenya tuambiwe.

Jambo lingine. Tax ya kenya inatumiwa vibaya na tuko na Auditor General asiwe anaelekezwa na mtu mwingine vile pesa itatumiwa. Kama ni tax imetoka kwa majani chai ipelekwe mahali chai inatoka itengeneze upande huo.

Ingingine ni kuwa Electoral Commission iko ndani ya president anaweza sema mimi nataka MP wa Embakasi awe wa Kanu na iwe ni hivyo sababu yeye ndiye mkubwa wake. Kwa hivyo Electoral Commission iwe kando.

Kitu ingine Bishop niko kwako: Mabishop muko na Kanisa nyingi sana zingine hata sinatusumbua usiku na crusade hatulali, zingine zina hubiri kwa Bar kwa hivyo hata hii wokovu imezidi sana kuwe na limit, ya Kanisa

Currency: Tuwe na picha moja kwa Kenya Currency. Sio kila president akija, picha yake ndio iko kwa pesa. Hii inaleta garama kubwa sana.

Police: Tunataka police, unaweza shitaki yeye kwa korti; kwa hivyo judiciary tunataka iwe headed na Chief Justice. Attorney General awe ndiye mkubwa lakini judiciary iwe inaongozwa na Chief Justice. Ndiyo hata police, ama Assistant Chief wakikosea unaweza wapeleka kortini.

Com. Bishop Beranrd Njoroge. Hiyo ndiyo mwelekeo unatoa na unapata jawabu. Tunawenza kuandika Katiba kwa njia hiyo. Joseph Kamitha

Tape 3

Tuingie kwa legislature hawa MPs. There is need for more home grown solutions managing our economy as I think Bretton woods Institutions are too much in our lives. We need Parliamentary Committees like Public Investigation Committee, Public Service Commission, Parliamentary Committees on Labour Health and Housing to be given more powers. Agriculture is the

backbone of our economy. No wonder our economy has collapsed because it is not working. So we want agricultural schemes to be revived, e.g. agricultural based sectors like KFA, Cereals Board, etc. Education: Education should be free, we have been told for a long time that education is free, We want to see it now, not just being told that education should be free and compulsory. Adequate loans to be provided to the students who are pursuing further studies. There is need to restructure our curriculum to reflect what is happening in the contemporary world. We are alarmed that our system is a bit old.

Finally, now that we are going to have a new Constitution, and we are going to have elections, I am just wondering, if the elections were to be held in December, the Constitution is supposed to end in December, I thought we need sometime for these new Constitution to be “domesticated” because I want to imagine that the new Constitution is going to come up with new institutions, new structures. I think we need time for this Constitution to be “domesticated” before we proceed to the polls.

Com. Bishop Bernard Njoroge: I have got to pass that suggestion of yours to the Commission because that has to do with the Commission Thank you. Kimani

Kimani. I have few proposals; first of all I would like to point out that Parliament should elect Ministers and their Assistants who prove to be competitive in their respective ministries.

Education should be free for everyone up to High School level. Every person who is not employed should be given some money at the end of every month, or pocket money.

Any civil servant should be having his/her wealth locally. All those who have the wealth abroad should bring it back.

Fund to be set up to help disabled people in their respective localities.

Parliamentary Corruption unit to be set up to deal with any kind of corruption from the grass root level, to the highest office in the land.

Any Civil servant should not operate any other business.

Every president should table every development, which has taken place after every two years.

A post of National Development adviser should be set up to help the president with the development of the country.

The government should provide free health for all and the issue of dual nationality should be outlawed. Thank you.

Com. Bishop Bernard Njoroge. Mumesikia vile ameenda ameleta point bila kusitasita, hivyo ndivyo tunataka ndiyo tupatie watu wengi nafasi. Wilfred Githinji.

Wilfred Githinji: Ile point ningetaka kutoa kwa Commission hii ni upande wa traffic. Upande wetu wa traffic kunaonekana kunakuwa na shida zaidi maanake sasa kama mimi ni mtu mwenye sina nguvu sana, gari langu ni mzee. Tungetaka hawa wa traffic wasaidiane na company zenye kuuza magari. Hawa company wawe na magari kubwa katika bara bara zetu ili ukiandikiwa na traffic kesi yako, company inaangalia vyenye inweza kukusaidia hii gari inapelekwa kwa garage badala ya kupelekwa kortini. Maana kama sisi tukipelekwa kortini- - -

Interjection: questions

Com. Bishop Bernard Njoroge: Una recommend gari iwe inapelekwa kwa garage badala ya kupelekwa kortini?

Wilfred Githinji: Ya pili ningetaka kuzungumza hali ya siasa mikutano ile inafanywa na wajumbe wetu. Kuna polisi ambao wakati unaona mjumbe ame pewa barua na polisi lili aendeshe mkutano wake, na wakati kidogo tu, unaona polisi wamekuja na ile rungu kubwa kubwa kuvunja watu. Sasa hiyo tungelitaka ile fimbo kubwa inayotumiwa na polisi ipunguzwe iwe kiboko badala ya fimbo ya kuvunja watu mikono na miguu.

Ya tatu ningelitaka yule mwenye kuwaamulisha polisi waende wakafanye mambo kama hayo ya kupiga watu pasipo na sheria akawa badala ya polisi kushitakiwa yule mkubwa ametumana, mwenywe anashitakiwa

Ya nne ningetaka upande wa wabunge wetu kama vile walijiongezea mishahara kubwa, kuwe na Commission ya kusaidia raia maanake hizo pesa ni za raia. Ili kuangalia upande wa Economy kama unaruhusu wabunge kujiongezea mishahara wa aina hiyo.

Ya tano ningependa kusema kwa hali ya uchaguzi. Tungelitaka kura siwe sina hesabiwa hapo hapo na reporti inatangazwa.

Com. Bishop Bernard Njoroge: Umesema Commission itengenezwe ya kutengeneza mishahara ya wabunge badala ya kufanyiwa katika Bunge?

Wilfred: Ndiyo

Com. Bishop Bernard Njoroge: Sawa,,,,,,,,, Jecinta Muruge.

Jecinta muruge: She would like to talk about the grand children. These children are not taken care of; the grandmothers are the ones who are left to take care of the children. We would like the people responsible for these children to be looked for and

take care of these children.

She is requesting for rehabilitation centers for street children. Due to HIV aids we have so many orphans she is asking what can be done to these orphans? Thank you.

Com. Bishop Bernard Njoroge. You have talked good things and equally important. Thank you.

George Kamau

George Kamau: We are not changing the Constitution of Kenya to allow President Moi to stand for another term----.

Interjection

Com. Lethome Asman. Give your recommendations do not mention names! Give your views about the new Constitution please.

George Kamau. Those who have school certificates in primary level should be allowed to contest civil wards, and those who are efficient in English and Kiswahili be allowed to contest Parliamentarian seats

We want a Constitution, which will provide free education up to the University, free medical service at all government hospitals and salary for the non-employed. Kenyans needs a Constitution without corruption bribery, nepotism, clanism rigging of the election and tribal clashes.

Com. Lethome Asman. Asante sana. Stephen Gitau

Stephen Gitau: Kwanza ningetaka sheria iwe amended, iwe MP, akichaguliwa kwa Bunge, in order to qualify for pension, should at least serve not less then 15 consecutive years.

Ya pili Sheria, nina propose iwe amended President awe ceremonial na power zake zote za ku dissolve parliament zipewe Speaker of the National Assembly. The Speaker of the National Assembly pia awe amri jeshi mkuu wa Majeshi yote ya kenya.

Katiba inatakiwa iaandikwe ili kuwe na number of Cabinet Ministers. The Prime Minister should have Executives powers and should be appointed by Parliament.

Ile sheria ya kuzuia President, na Prime Minister. Yaani, naomba President na Prime Minister wakisha toka kwa kiti wasiwe

immune from prosecution, kama walifanya makosa wafuatwe hata kama wametoka kwa kiti.

Provincial Administration. Wote kuanzia Sub-Chief mpaka PC. Wazuiliwe ku conduct harambee kwa maana wana kuwa na vitabu kwa offisi ya ku collect pesa na hii inaleta corruption.

The President, ama Prime minister wazuiliwe 'ku pardon' election offenders tuseme kama wakati High Court ime nullify election .

After petition imekuwa filed, President na Prime Minister wazuiliwe kupardon.

Parliament should be empowered to remove the President, Prime Minister, and the Speaker for abuse of office and legal action to be taken.

The Prime Minister should appoint Judges and magistrate and especially for Civil Judges who should be subjected to a vote in Parliament where a simple majority is needed.

The country's Defence Minister should be a commonly retired officer preferably, from the rank of colonel and or above.

The president and the Prime Minister should serve for only five years. Thank You.

Com. Lithome Asman. Esther Wambui

Esther Wambui: Our recommendations to the Commission about our Constitution are these. The Constitution that we are going to have should be written in a clear language which an ordinary person can understand. Should be written in many native languages as possible.

The Constitution should have two serving terms. Thus if one serves for an election he may be allowed to serve for another one, but not more than twice.

Citizens should also be given power while the Constitution is being changed and not only the parliamentarians.

Our Constitution should have separation of powers in the three arms of the govt. This is separate Executives, Judiciary, and Parliament with no arm interfering with the other.

Public Service Commission, the Judicial Service Commission, Civil Servants, Chief Justice and other senior Civil servants should not be elected by the President but by the Public Service Commission and vetted by the Parliament.

Parliament should have a calendar of events for its whole life. The parliamentarians should know when they are going to commence or have a recess for the whole Parliament and not dissolving every time.

Tax in Kenya is very high. Most Kenyans live below poverty line, and are taxed as from when a child is in his mother's womb until death. The tax should be for those above the poverty line.

Fundamental Rights. The Constitution should provide us with the fundamental Rights like Health, Education, water, and Shelter, without cost sharing.

Land. We all should have land as it is a God-given Right. He kept Adam on the land and therefore we should have that Right. There should be no squatters. Those who have more than they can use, should have it shared with squatters and they be left with what they can use.

Interjections:

Com. Bishop Bernard Njoroge: Do not give examples.

Esther Wambui: I am giving a ceiling of fifty acres, and cases should be returned to the family level under the Sub-chief.

The Presidential powers should also be reduced. Such as power of amnesty and a president should be morally upright, living with his/her family especially the spouse.

We need a Constitution that is going to protect small-scale farmers from importation. Importing goods that we are producing in the country is making us poorer.

Farmers Acts like, Tea Act, coffee Act, when drafted by the Attorney General's office should be read to the farmers in a language that they should understand before taken to Parliaments for debate.

The Constitution should give the citizen right for a vote of no confidence against any MP who is not performing and a by-election be given.

Electoral Commission should be appointed by the President and vetted by the parliament.

Votes should be counted at the polling station and transparent boxes used for election.

Chiefs and Sub-chiefs should be elected by the people from their areas.

Police Officers should have their names and numbers on their front and at the back of their uniform while on duty to avoid corruption, and therefore an independent office whereby the citizen can go to present their cases should be created.

We should have Attorney General, Legal adviser, and Public Prosecutor.

Com. Lethome Asman. Nitamkaribisha mshimiwa Moses Mwihi ambaye ni mbunge wa sehemu hii. Naye pia aweza kutoa maoni yake kuhusu Katiba.

Hon. Mwihi: Thank you Commissioners for giving me time and also for coming to Gatundu, so that we can talk like Gatundu residents.

Mine will be oral. I want to start with Constitution; much has been talked about the election and the Constitutional making. I would like to see devolution completely of the Electoral process because after you have finished collecting views you will need to bring to parliament or parliament will need to change very many Acts more than 100, and you know the parliament has its own time table. I would like to see a situation where this Constitution is enacted by another parliament. Elections should be held as scheduled without any extension of time.

Electoral Commission, I will like to see the Electoral Commission being ordered to follow section 42,5 of the Constitution, which empowers the Electoral Commission to look into the boundaries every time there is an election. So that, there is equitable representation of Kenyans in general. There is a lot of disparity right now where members represent more than hundred thousands peoples, while others are re-presenting only five thousands people and the vote in the parliament is the same my vote and anybody else's vote is the same. I would like to see the Electoral boundaries revisited before the election.

On the government structure, Kenya is divided into many ethnic blocks and by introducing structures which will encourage sharing of power among all the tribes, we are going to take the country further out and therefore we would like to see a strong President who will hold all Kenyans together with his Vice President, and all the powers devolved from the President to the Local Authorities so that the structures of government are strengthened at the Local Authority level. I would not like to see a situation where the powers in the Local Authority is completely left to the councillors. We have had some problems, and therefore, there should be checks and balances on the Councillors and the Local Authority so that they do not have to go to excesses.. Example, is that we have seen the councilors grabbing land right, left, and center. There can be some controls even though a lot of the powers should be given to them.

Question of the structure: Right now what I see, is that people are looking for jobs and not looking for leadership positions.

On the land reform: This is a major area I would like to see the Commission address entirely. Land is one of the Basic Rights and I would like to see that all the land which was left behind by the colonial powers, be compensated by the government to those people who live in villages, colonial villages, can be able to settle for land. I think I will also like to set a ceiling. A large scale farmer who is tilling his land completely should not have more than 100 acres. But every family particularly in high potential areas, the land ceiling should be about 10 acres, highly populated areas but with high potential. You know here in Gatundu people have about 2 to 3 acres and 5 many others don't have land and there is a lot of land lying in Kemonyo to Kilimambogo. We would like to see that land being given to our people of Gatundu who have no land.

Legal Areas. Title Deeds, the law right now says if you have title deed you have absolute possession. There have been a lot of forgeries, and the farmers and the owners who are very poor are not able to pursue the matters in the court. I would like to see a reform, where title deeds ones established that they were forged, to be automatically cancelled and the land revert to the owner.

There are other hurdles in the legal process that many Kenyans are not able to access justice because ones you take your case to the court the fees requirement to take the case to court, people is pegged to the amount of claims. The fees should be reduced drastically to an affordable level so that every Kenyan can access justice.

Basic Rights: Education, Health, Water, Shelter, are all basic Rights and I would like a situation where education is free, right from pre-primary to at least std 8. If we have to pay any fee it should be subsidized for secondary level so that a majority of our people are able to access education to a minimum of O-level.

Health: We would like to see a situation where Kenya has introduced health security service for all. There could be a tax or levy from those who can afford, so that those who cannot afford can get free medical care. I would like to see a health security service introduced in this country.

Appointments to the positions of public offices: All those appointed to the level of directors and Assistant secretaries should all be vetted by Parliament before the President appoints them including Ministers, Assistant Ministers, Permanent Secretaries, Ambassadors, all those should be people of high integrity and should be vetted by the Parliament.

We have the problem of the international treaties particularly when it comes to borrowing of money in this country. The Kenyans are the ones who pay for those loans, and they do not know how those loans are gotten, and how that money is spent. We have the case of the loans from the World Bank and IMF. The Constitution should look into those international treaties so that money that has not benefited the Kenyans should not be paid by the Kenyans. Infact we should reject and even send away the IMF and World Bank from this country because they have impoverished us by giving money which is not protected.

To look at the roles which you have been given. The functions and organs of state. Parliament must be completely independent from the Executive. The Judiciary should also be completely independent and that the appointments, whether through the Judicial Commission or not should be vetted in the Parliament. I hope ones you are through, Commissioners, you will come up strongly and tell us exactly what you have done, how much time you need to complete and we should not fear. The question of whether you are getting money or not is not the issue you are doing a commendable job for this country. Let us not just hurry the Commission, let us see what they can do, what they have done, and see what is remaining, and we should be able to give you that, by entrenching the Commission into the Constitution of Kenya; infact in many countries Constitutions take two to five years, we had the opportunity, but we were not given the time and now the blame has been taken to the Commissioners. I think we should give the Commission the time necessary, we go to election, so that the handing over of succession will not be a threat because, right now how would a new President take over? We want the Commission to address the issue even before you complete the Constitution, so that the outgoing President will hand over immediately when a new President is sworn in. Right now it is left to the open the President can stay there and that should go to the court and you will not be able to access the State House.

Electoral system: voter registration has been very thorny Kenyans should be registered continuously and immediately one applies for an ID that same day he should be given the voter card you cannot wait until the card is out. It is the duty of the government to continuously register voters up to one month before the election so that you can be given time to do the final thing. When the Electoral Commission is carrying out elections we would like to see the police force and police unit detached completely from the Commissioner of police and seconded to the Electoral Commission six months before the elections, and six months after elections so that there is a smooth election which will be fair to this country. To have a fair election currently, we need to address Electoral laws which have nothing to do with the Constitution then we will be able to have a free and fair election. Thank you very much.

Com. Bishop Bernard Njoroge. I just want to clarify something. I am happy that you have said the Commission must be given enough time to complete these very important process; my simple question, is for instance, if we complete this in the next one year, Halafu tuje na structures ambazo ni tofauti na Serikali. Now do we keep that Constitution ikae mahali pake miaka mitano iishe ili tufanye uchaguzi au tutafanya nini kwa sababu wale watakuwa wamechaguliwa hawawezi kukubali kwenda by-election kabla miaka tano haijaisha? Hilo ni swali la kwanza.

Swali la pili ni hili. Tuliona kama uko Zambia Chiluba alikuja katika power kwa kusema angetaka Constitutional reviews alipo ingia kwa kiti amekaa miaka kumi mpaka akatoka bila Constitutional review, what do you say about that? What if we have someone who is not intrested with the Constitution, Tutafanya nini?

Hon Muihia. Thank you, let me answer the first question as to how we should treat the Constitution after it is completed. The

government in place, that particular time should immediately be asked to adopt the new Constitution which has been accepted so that it does not interfere with the term of that Parliament. If it is drastic that it cannot operate within the existing Constitution, then at that stage, I will recommend that we go for another election.

Interjection:

Com. Bishop Bernard Njoroge. Before you get from there. I understand it cost about two billion shillings to conduct an election, and the Members of Parliament who would have spent their money, do you think they will not vote in parliament that we should not go for election? The second thing is that can the country afford two elections within one year, which will come up to about 4 billions now what are these? I just want to educate myself.

Hon. Muhia. Even currently the law is very clear. If the President wants to prorogue Parliament today, he will do it - there is nothing to stop the President from proroguing Parliament. We had the 1983 elections which was affected by the Njonjo Commission; We did not wait for five years we held elections; and two billion shillings in Kenya to do an election, really, you cannot talk about this figure. This country is collecting over two hundred billion shillings every month and if we have to spend two billion to have a smooth running of Government. we should go ahead. Two billion is very little as compared to what we are loosing everyday in this country.

Chiluba is very interesting. When he was out he fought for Constitutional changes, but when he went in, he said yes, that time I was out, but now I am in-and that is why he wanted to continue with his cabinet. The Constitution should be so clear that the tenure of office, two terms of five years each. If the president is unable to serve his full period then he has served a term and that should be included in the Constitution because the President says “we are going for elections before the five years term” then I have not served my five years term-like it happened in W. Africa in Senegal, where the President since 1965- every time there is an election, he changes the Constitution and says “I am also a new President”, and he has been doing that since 1967. So we need to make sure that the President serves five years but he will only call an election because he is unable to serve, and therefore, he must leave the chair and that should be a full term.

Com. Lithome Asman: Thank you mheshimiwa if you have a memorandum hand it over to the secretariat. Tunaendelea; George Kihiu.

George Kihiu. Kenya should be a multi-party democratic State. The Constitution should be the only supreme law-guiding principle to govern our country; and in case of amendments this should be done through a referendum. We should have a President as the Head of State and a Prime Minister as head of the government. The office of the president should run for two terms of five years. The Presidential candidate must attain over 50% of the votes cast in the country. We should have a well-identified date for starting and ending of the functioning of the Presidency in office. Swearing of the President should be

done in the Parliament or in a public place.

The President should not be above the law. The Presidential elections should be done at a separate day from the parliamentary representatives and the President should not be a member of the Parliament.

The Cabinet should be appointed by the President and approved by the Parliament. The Permanent Secretaries should be appointed by the parliament. Attorney General should be independent. Nobody should hold office at the mercies of the President. The parliament should be independent and with a clear calendar of when to start and when to end. The parliament should also be very powerful to pass laws without intimidation. The parliament should have power to impeach the president in case of incapacity.

The Electoral Commission should be appointed by the parliament. The Parliament should appoint the Speaker and the deputy and they should be independent. The parliament should appoint an Anti-corruption Commission which should be independent. The parliament should appoint the holders of the office of the ombudsman.

Balloting boxes should be transparent and counting to be done at the polling station. Election offenders should not be allowed to vie for that seat again in future. The ID and voter cards should be issued concurrently-i.e at the same time.

Judiciary should be, and must be independent from other arms of the govt. Judges to enjoy the security of tenure. Citizens to be allowed to enjoy fundamental Rights and freedom, and in case of violation the offender should be prosecuted.

Anybody born in Kenya becomes automatically a Kenyan citizen regardless of marriage from an outsider. Those who misuse public funds to be prosecuted and jailed for not less than ten years.

There should be an independent office of the Controller and Auditor-general. Auditor-General should have power to audit anybody holding Public Office.

National and Natural resources should be equally distributed regardless of political stand. Each region in Kenya to enjoy 65% of the taxes out of their resources.

Agricultural products to be operated as if they are private sectors without the govt. interference

Local industry to be protected from unfair competition. We should enjoy free basic Rights: These are security, health care, water, education, and employment.

The Constitution should grantee the rights of the disabled people and the children.

Half of the nominated MPs. should be women,,,,,,,,,,,,,, 2nd part of the tape. Police who brutally beat innocent people- - - -.

We should also have equal land distribution in Kenya to avoid having people who are squatters We should have the issue of one man, one vote, that is MPs. who are popular and are elected with a lot of votes from their place should be given the high chance of becoming ministers in parliament.

We should have one man one job that is nobody should be a director and also a chairman of another place.

Vice President to be elected directly by the people on the same day as the President. Due to pollution in our country, we should have free smoking zone-that is nobody should be allowed to smoke in a public place and this will reduce the rate of lung cancer.

Due to high death rate as a result of Aids, the Constitution of Kenya should review the promiscuity among the citizen. That is if a man sleeps with a woman and she conceives the man should become directly responsible of bringing up that child until that child becomes of age 18 years that is until he is taken as an adult according to the Constitution of Kenya. This is regardless whether this man is married to another woman or he is a youth.

Com.Lethome Asman: Umesema ati mtu yo yote amezaliwa kenya automatically awe ni citizen wa Kenya Ambassador wa India akuje hapa na mke wake, mke wake azae mtoto hapa Kenya atakuwa citizen?

George Kihiu: To make myself a bit clear, anybody who is born in Kenya I was saying should become a Kenyan citizen because that person is born while living in Kenya, so he/she will enter in Kenyan records although the same is indicated in India or Britain.

Com. Lethome Asman: inaudible----- Gichuhi Mwangi

Gichuhi Mwangi. Thank you very much. The Constitution should allow for the impeachment of the President incase he abuses the office while still in power: So that we may discontinue the issue of the so many cases of corruption that we have.

We should have the abolishment of the Provincial Administrations, which is a colonial concept, and instead we should introduce council of elders who will be elected directly by the people they represent. This one will hinder the issue of having people who do not understand what is affecting you but they will be lording over you.

We should have reduction of the numbers of the political parties to at least a maximum of four which will then be funded by the government reason being that majority of the parties have got duplicated ideologies.

We should have a Presidential system where by the President becomes the Head of the State and the Parliament should have a Prime Minister who will be the head of the government The Presidential elections should be held at a different date from the parliamentary and Local Council elections.

All holders of public office should be vetted by the Parliament and they should be made to declare their wealth.

The Presidential tenure of office should remain as per the Constitution I.e. two terms of five years. Mayors and Council chairmen should be elected directly by the people they represent to avoid the issue of corruption.

Local Government also should be independent of the Central Government and they should give part of their collection to the Central Government to make it continue running.

Primary education should be free and compulsory to all Kenyan children.

Civil Servants should not operate private business in their line of operations to reduce redundancy.

Ministry Offices should be created by Parliament and the people who lead the ministries to be vetted by the parliament.

Police force should be de-linked from the Office of the President and Policemen should under go training on how to handle the Kenyan citizen. We should also create an office of the Ombudsman who will receive the complains of Kenyans.

The Vice President should be directly elected by the Kenyan people. Thank you very much.

Com. Lethome Asman. Do you have a memorandum?Francis Kimani

Francis Kimani: Thank you very much Commissioners, I am not wrong if I say that we are not here to challenge anybody lakini tuko hapa kutengeneza Katiba yetu vizuri ile ambayo ita tufaa sisi. Ningetaka hii Katiba ambayo tunatengeneza mpya iwape nafasi Ministers wetu, kwa siku hizi kuna Ministers ambao hawafanyi kazi yao, kama ni kufungua Show kuna Ministers for Agriculture, kama ni hospitali we have a Minister for health-hizi-zote kama ni barabara tuna Minister for Public Works hiyo kazi inafanywa na mtu moja hawa ministers wetu hawana kazi.Why are they there? Hiyo Katiba iangalie hapo.

Ya pili ni corruption kwa Ministry ya Health. Hii madawa yetu yote tunatumia inakuja kupitia kwa Government Medical Stores.

Na ikija badala ya kwenda ma hospitali hatujui inaenda wapi. Watu wengi wamekufa kwa kukosa madawa. Ukienda hospitali unaandikiwa prescription uende ukanunuwe dawa. Ukienda kwa Private hospitals zile dawa ambazo hakuna kwa hospitali ya serikali utazipata at a very high price kama huna pesa unarudisha mgonjwa wako nyumbani.

Interjection: Asked to give recommendations.

Francis Kimani: Kuwe na Katiba ambayo inangalia distribution ya madawa.

Allocation of funds: Unaweza kupata ministry zingine ambazo hazina funds zakutosha, na kuna ministries ambazo ziko na pesa, zikine hazina motokaa na zikine ziko na nyingi kama mercedez benzes kama 20 na hazina kazi. Katiba yetu iangalie mambo kama hayo kama ni allocations of funds igawe pesa za kutosha kwa kila ministry kwa mwaka.

Hiyo ingine ni mambo ya chokora hatujui kama serikali yetu imeshindwa kuchungulia mambo ya hawa watoto wetu, ama ni Katiba yenye tunafuata haichungulii maanake sasa wale walianza hii kazi ya chokora kitambo ni watu wakubwa, kwa hivyo tungetaka hii Katiba mpya iweke kifungu ambayo itakuwa ikiangalia mambo ya hawa chokora-kama ni kuwamaliza ama ni kuwapa usaidizi.

Hiyo nyingine ni ya wale watu ambao tunachagua kwa high posts wengine wana pesa ngambo na sisi tunapata taabu hapa. Ikiwa mtu amechaguliwa kwa hizo viti za juu lazima achunguzwe. Kuwe na Katiba ya kuchunguza hawa kama wana pesa nje warudishe kama hawataki kuridisha Katiba yetu isiwaruhusu kukaa kwa kiti, ambacho wamechaguliwa.

Kura: Pahali tunafanyia election sinahesabiwa hapo, hapo na facilities kama ni lights, ziwe hapo, pasikoze mwangaza. Katiba yetu iwe na kitu kama hicho. Asante.

Com. Lethome Asman: Una kitu kama memorandum. Register it with the Secretariat Kamau Kibicho.

Kamau Kibicho: Ndoko haha korehe mathina makwa muone oria mongedethia

Translator: I have come to this place to give my problems to see which assistance you can give me.

Kamau Kibicho: Nde'wanyu na nedakena nikohe kahinda gakwaria.

Translator: I am yours and I thank you for allowing me to talk and I would like your assistance.

Kamau Kibuch: nie nde'hotaga kuma gociaro na kuma aciare akwa makwa negua ndabererye kogia thina.

Translator; I am greeting people in the government (Inaudible) I have been crippled since birth since my parents died I started to have problems.

Com. Bishop Bernard Njoroge. Do you've children or family?

Translator: Commissioners have requested you to see them at the end of the meeting.

Com. Lethome Asman. You can all see the need for a new Constitution. There is a section of kenyans who have been totally neglected and this is because of the poor laws we have in this country. There are other many people who are Kenyans born in this country they are not the way they are because they chose to be so. We are saying disability is not inability if they are assisted they will be able to assist themselves. Huyu mzee akipewa kazi ya kushona viyatu si anaweza kuketi chini na kushona na atajisaidia? But our laws are such that they neglect such kind of people.

Francis Wakaba. I will start with education. You find that many people in this country are ignorant, they do not know what is really contained in the law because they have not been taught laws. I am proposing that the basics of laws be taught in secondary school curriculum.

Judiciary: Judges, Chief Justice, as well as Attorney General should be appointed by the Parliament and be answerable to the parliament and not the President.

Elections must be made free and fair all candidates must be given equal airtime.

Ministries: They should be reduced to 18 so that we don't have a lot of money from public coffers going to cater for ministries which do not have anything to do for the people. The ministers must be 18, Public Ministries must also be 18-but no assistant ministers.

Provincial Administration: We know that it is very colonial and it must go.

The President should serve two terms of four years each.

The Constitution should be written in English and Swahili-simple language, so that every man can understand, and should be placed in the National Library, In the bookshops, and also in schools so that any body can read it.

Political Parties: They should be financed according to their strength in the Parliament- The number of seats their the party has in the parliament.

Ministerial elections. Any candidate must have passed in English and Swahili exams.

President must be empowered: There should be a Prime Minister, that means a Vice President must go. We should have a

President, Prime Minister, and two deputy Prime Ministers all with powers.

The parliament should have its calendar.

The police force is supposed to protect wananchi but in most cases you find that it breaks the law by putting people in the cell without freedom at all. We have had cases in Kenya whereby,

Interjection:

Com. Bishop Bernard Njoroge. Please do not tell us! Suggest what you want.

Wakaba: Any time that we have a policeman assaulting the mwananchi, the mwananchi should go to complain to the magistrate and then the magistrate will issue him with a warrant of arrest so that the policemen can be taken to court to defend himself. The issue of P3s should go, because Police are likely to save one of their own. That is all I have, thank you.

Com. Lethome Asman: Thank you Wakaba, Muihia Muchiri

Muhia Muchiri: My request is that we have a new Constitution that does not allow anybody to be above the law. It should protect our property from being used by the Executive the way they want. We want a parliamentary budgetary committee.

We would like to recommend the expanding of Universities; currently there are children who do so well but they do not get vacancies in the Universities.

Government Doctors should not be allowed to open a private clinic because that is how the government loses its drug.

The people who have taken their money outside should return it upon recommendations by parliamentary committee.

Marketing of our commodities like Coffee, Tea, Milk, should be done by farmers but not through brokers of people who are not farmers-appointed to sell on our behalf.

Land taxes are very expensive particularly acquiring a titl. It is very expensive for anybody to acquire a title you should be able to recommend that those land taxes be reduced.

Provincial Administration especially Chiefs and Sub-Chief should be elected by the people.

Presidential powers should be reduced and the Parliament should have more power. Thank you

Com. Lethome Asman Asante sana mzee. Willy Kimanga.

Willy Kimanga. Thank you Commissioners I represent a lobby group known as Focussed Political Thinkers: These are our views to the Commission. The Constitution must be written in a language that can be understood by all in the country as opposed to the Present Jargon that crowd our present Constitutional document. The document we come up with must be interpreted into Kiswahili the national language and other vernaculars. The Constitutional of Kenya should start with a preamble that recognizes and safeguards the citizens rights to Viz-Viz the powers and the authority of the State. It should also declare the Constitution as legal contract enforceable by the law between the governed and the governors..

Kenya should retain the Presidential system where the President is the Head of State and Government This in our opinion would avoid the situation where duties may overlap in case he is a Prime Minister who is the Head of the Government in our State However, we propose that our President shall not be a member of parliament this in our opinion will place him above Parochialism and demand that he cultivates a national constituency.

This should also apply for the Vice President. Section 14 which protects the President against legal proceedings while he is in an office, should be discarded and replaced by a special mechanism to prevent the President from breaking the law while in Office. This mechanism should involve both the Judiciary and the Legislature this is because we strongly believe that our president should be an upright and even person who does not need to break the law in order to defend his presidential duties. It is therefore, our opinion that he, just like any other citizen, should be below the law.

The president of Kenya should also be the Commander-in-Chief of all the Armed Forces, he should also retain the exclusive powers to declare war or state of emergency when he feels it fit and take responsibilities for the same.

To avoid disintegration in our country at this point in time, Kenyan should retain a Unitary System of Government as opposed to the central Majimbo system. However, we should devolve most jurisdictions from the central government to the local authorities.

We recommend that the collections and management of the revenue be done by the Local Authority we are of the opinion that only 30% of the total amount collected revenue should be forwarded to the Central Government, while the Authority keeps the remaining 70%. The Local Authorities will take up responsibilities previously held by Central Government and other responsibilities previously within their jurisdiction. This will include Education, Health, and development of general Infrastructure that is roads, electricity, water, and telecommunications etc. They should be done at the District County Council level and the Municipal and City Council level.

The Central Government main duty should be defence and foreign affairs. The other duties should be the overall supervision through the Ministry of Local Government to ensure accountability and transparency by the Councils. Having empowered the Local Authorities thus, we recommend therefore, that all mayors and Council Chairmen be University graduates and should be elected directly by the people. Councilors to head various departments should have relevant qualifications in the field concerned. The minimum education qualification for Councilors should be O. level certificate of education.

The Presidential elections should be held separately from the Parliamentary and Civic ones. The Presidential election should be held after the Parliamentary and Civic election. The Constitution of Kenya should emphasize the separation of powers among the three arms of government i.e. the Executives, Legislature and Judiciary. We recommend that in all the democracy that supremacy of Parliament should be recognized by the Constitution. The procedure to appoint members of the bench should not be the preserve of the President but should also involve Parliament and also recognized bodies, which represent the legal profession. This will also apply in case of appointing the Chief Justice. Parliament should regulate it's own calendar and no time should the President dissolve it. We recommend that terms of the social contract between the governed and the government be well defined from the economic angle.

The Constitution must commit the governors to the duty of economic growth in terms of enhancing and facilitating greater strides towards industrialization to create and sustain more employment opportunities. It is our opinion that this Constitution should create a mechanism to force government to stick to their blue print or quit. The government and the country just like a huge enterprise should be managed in a manner that is profitable to the citizen.

Interjection.

Com. Lethome Asman: Willy let me interrupt you, since you have a memorandum just read the highlights.

Willfred Kimani: The Constitution should recognize that our present land policy is faulty, we started from the long footing and we must be ready to make a radical re-assessment. Section 14, 15 –17-18-19-20 of chapter nine of the present Constitution have made no attempt to address the land issues from the social justice angle. We recommend creating a land policy which will step up a ceiling for it is a basic human right for every individual to have a home. Everyone should at least have a piece of land which is a very vital resource, to put up a shelter.

We recommend that a ceiling to prevent a situation where some individuals or communities conspire to buy the whole of these country and turn the rest of us into squatters using the present willing-seller-willing-buyer policy which has no indication.

Intrerection.

Com. Bishop Bernard Njoroge, you are reading, what we want is the point that you want to recommend: If it is sharing, say how many acres. Do not tell us those other things because we know U.K?

Willy Kimani: After this the effected government should be mandated by the Constitution to repossess land which is beyond the set ceiling for re-appropriation. However, the President shall not have the exclusive rights to re-appropriate land. We recommend the creation of an independent national repossession and re-appropriation board made up of experts, land economists and planners. Members of this board should be approved by parliament.

The Constitution should enforce a level playing ground in the political competition it must also change several procedures to seal loopholes which could allow election cheating. All Presidential candidates must be supplied with the same security, which is uniform. All candidates should be funded by the state uniformly. The incumbent should be prevented from using un-authorized State facilities or any machinery to his/her advantage.

Airwaves should be completely free for Private stations, radio and television stations KBC. which is the national News-House should be managed by an Independent Board of Directors who should be recommended by the Ministry of Information and Broadcasting and approved by the Parliament.

The chairman of the Electoral Commission should be vetted by Parliament through 2/3 majority. Ballot papers should be counted at the polling station. We should introduce transparent ballot boxes. Election cheating should be declared a cardinal sin to democracy and the rule of law.

We recommend the creations of special tribunals to try cases related to human rights and corruption.

I will end by following a view and some words from a great French man that “Perhaps the moment is not far from us when liberty will bring about the desire of philosophy which will absolve Kenya from poverty and injustice, and proclaim the national peace; then only happiness of Kenyan will be the only aim of the law makers, the only functions of laws, and the only glory of our country”.

Com. Lethome Asman: Thank you Willy if you have a memorandum hand it over to us. Climate Kimata.

Climate Kimata: We should start by separating the State from the Government. The state should be headed by an Executive President and all Civil Servants should be under State control: Then the Government should be headed by the Prime Minister, which is a political government, and it should take care of day to day running of the country.

The President should be below law not above the law, and he should have a running mate who shall be elected at the same time

with him.

Institutions: The country should be run and should vest its interests on the institutions of the State. Parliament should be independent and should have its own calendar and also its own budget in the Constitution. The same thing should also happen to the Judiciary, which must be separated from the Executive.

Cost sharing: There should be no cost sharing between the Government and the people. The Constitution should emphasize that the money being used by the Government is from the citizenry and therefore the public has got no point of cost sharing it is their own money. So the government should pay for all health services, education, and security.

Political parties: They should be reduced to three and no more should be registered so that people are not being driven away from their country by political opportunists.

Rights of inheritance: All children should inherit their parents regardless of gender and they should inherit equally.

Distribution of wealth: 75% of the wealth should be left to the sector that generated that wealth. If it is tea, coffee, milk, pyrethrum 75% of the taxation should be left to that sector.

Religion: Denomination should be controlled in this country because they have become monotonous. It has become a business if I can call “materializing” Jesus.

Gender: Our Constitution should have no discrimination between gender, so it should be universal.

Tribalism: To kill tribalism all Kenyans at birth should be registered as Kenyans and not by tribe; and within a short period, people will start forgetting their tribes. Nobody should be asked his tribal origin at the time of employment or any other time in his life.

Taxation in this country is so high: The tax is taking 33% of all the earnings. We are contributing more than two hundred billion per year: We can run our country without borrowing money from any country. The Constitution should have a clause that Kenyans have got a right to refuse paying taxes, or to refuse paying loans to a loan that was taken by corrupt people in the government and spent without their benefit or their knowledge.

Natural Resources: Nobody should own natural resources for himself; therefore, the natural resources should belong to the whole country such as oil, other minerals should belong to the whole country and not to individuals.

Airwaves: Kenyans should be allowed to use airwaves according to their experiences. They should be allowed to open their radio stations, television stations and so forth because they are educated and also this will make our people learned.

Minerals: There are other minerals that are found in an area that belongs to a particular section of people who have got nowhere to go. The Constitution should state that they earn at least 30% of the richness that will be coming from their minerals.

Scientific Research: All scientific research should be funded from the public coffer and the reports should also be owned by the public. The inventors should have the loyalty patent only.

Interjection

Com. Bishop Bernard Njoroge: You have one minute to read your presentation.

Climate Kimata: Excuse me Mr. Commissioner. If we go like that aren't we going to talk?

Com. Bishop Bernard Njoroge, O.K. we have so many people so many people and we want everybody to present his/her views.

Climate Kimata: O.K thank you. I will try. Voters registration should be continued and the constituencies should have almost nearly equal voters.

Land ownership: We should have a ceiling of not more than 100 acres per family.

Limitation of prosecution period: We should have no limitation of crime committed by the people that after six years they cannot be prosecuted.

Economic crimes: The Constitution should make it an economic crime for those people who steal money and take it overseas. That should be treasonable offence. Those who steal money and spend it here in Kenya, should have it repossessed and they go to jail.

Interjection:

Com. Bishop Bernard Njoroge: 30 seconds!

Climate Kimata: Thank you. Water should be nationalized for the benefits of Kenya including the water that is going to the

Nile, L. Victoria, and Egypt. We should not be bound by agreements that do not benefit Kenya. The waters are a natural Kenyan inheritance. Thank you very much

Com. Bishop Bernard Njoroge. Thank you very much, those are very important points. Kimani Ibau. Let us agree; nataka kila mtu azungumuze sababu hii ni Katiba tunatengeneza nataka utoe point ile unataka ingie katika Katiba, usitwmbie habari ya shida kwa sababu sisi ni wa Kenya tunajua, sema ningetaka hiki na hiki kiingie katika Katiba.

Kimani Ibau: Asante sana bwana Commissioner hata mimi nilikuwa tayari kupeana point zangu. Mimi nitaanza na corruption. Corruption is too much in this country and it should be treated even worse than treason.

Our education should be free, and not only free, but quality education.

Government should never make promises that it cannot fulfill: If it has to, it has to make those promises which should be provided within it's life.

Elections. I support the earlier speaker; Votes should be counted at the polling station.

Portrait on our money currency. The potrait of the President should be removed and a national logo introduced.

Nominated MP. Should remain as MP and should not be elevated to any other higher post as a Minister.

Presidential powers: The president should not make senior appointments alone. They should be vetted by the Parliament or the Office of Ombudsman created. He should not have powers to declare emergency. It should be given to the Parliament so that it can be debated upon. President should not dissolve Parliament at his whims or even send it on recess.

We should shorten the Presidential entourages and especially foreign ones because they incur a lot of money.

To qualify for pension, retired President should vacant all positions and especially political.

Finally: Parliament should have a budgetary committee. Thank you very much Mr. Commissioner.

Com. Bishop Bernard Njoroge. Those are very good points, very well said and you have taken a very short time. (so many absentees---), Na hawa watu walikuwa wanataka kutoa maoni yao kweli? Nauliza hawa watu waliandika majina na wakaenda, walikuwa wanataka kutoa maoni kweli?

Interjection: Wacha wale wako watoe maoni yao

Com. Bishop Bernard Njoroge: Mimi ndiye nina sema mzee I am the one controlling this session. You must wait until your name is called, you understand? Wale walikuja kwanza ndiyo wanaitwa kwanza. Joel Kimani.

Joel Kimani: Thank you. I would like to talk about education. We want a Constitution that is going to state that all those candidates who qualify to be trained as primary teachers to be selected like those who join Public Universities. Failure to apply for these vacancies and attending interviews has encouraged corruption. It is only those with money that get these posts.

Interjection:

Com. Bishop Bernard Njoroge: Read your points please!

Joel Kimani: Sawa sawa. Let the new Constitution give the Ministry of Education and department concerned with the registration, select candidates. Also the chance of applying for these changes should be distributed to secondary schools before they do their KSCE exams.

Interjection:

Com. Bishop Bernard Njoroge: Do not repeat yourself. Go to the next point.

Joel Kimani: Okay: **Members of Parliament:** laws should be stated in the new Constitution, which are going to deal with the MPs. They are the highest paid people in the country and they do nothing in the Parliament. Their work is just to sing about their salaries to be increased. They don't care much about the people concerned who elected them. A law should be established which would state that an MP is paid according to the time he/she attends the Parliament.

Agriculture: Since our country is an agricultural country, we want a Constitution that will care for the farmers. We want some policy to be created which will be called Agricultural Policy. The policy should defend the farmers from importation of products that the farmers produce here unless there is scarcity of those commodities. Also the policy should be able to state the prices of the commodities before they are sold. It should find an international market and prices of the commodities.

That is all I have thank you.

Com. Bishop Bernard Njoroge: Thank you; are a farmer? You are a student. Those are very good points Thank you. Can we have George Kungu Muhindi?

George Kungu Muhindi:

Speaker:

Translator: Commissioners we are happy because you have called us to make the Constitution of our country. People in a country work and then they rest. The pensioner is forgotten.

Interjection:

Com. Bishop Bernard Njoroge: please be fast.

George Kungu: mbeca sia retire siokerero kuma magana matano ikenye kiri ithatu. Na Mau Mau ne marigan're

Translator: The pension should be increased to kshs.3,000/=, otherwise the Kshs.500/= the pensioners are getting now is not enough. Freedom fighters have been forgotten. Pensioners should get medical attention.

George Kungu: Mbeca ikoro na pisa ya President wa mbeere ta cia Amerika oria ikorago na George Washington.

Translator: Currency should bare the portrait of the first President. Like in America they have George Washington.

George Kungu: Hinya wa thirikali mwanya mwanya ogayanio.

Translator: I am recommending the independence of the three arms of government, the Judiciary, the Executives and the Legislature.

George Kungu: Kenya gote'gakoro na mundu otare na mogonda o'mundu akoro na acre merungoiri.

Translator: There should be no landless people in Kenya. The least amount of land one should have is 20 acres. Thank You Mr. Commissioners

Interjection: (Jokes, and laughters)

Com. Bishop Bernard Njoroge, Mary Wanjiru

Mary Wanjiru: Nyumete Bogoro. Nderahoya andu aria matehotaga matethio

Translator: I come from Bogoro. I am requesting for the disabled people to be helped.

Mary Wanjiru: Andu aria matehotaga makoro kinya igortini ona kinya mathipetar'ni

Translator: We should have disabled people in the Judiciary: We should also have them in our Hospitals.

Mary Wanjiru: Mandeko kinya Office cia Thirikari, na tokoro na andu aria matehotaga makoro na ciamo na marugamerere mbeca ciao.

Translator: They should also be employed in all Government's Offices. We would like the organizations of the disabled and even their finances managed by the disabled.

Mary Wanjiru: Gokoro na Cukuru cia andu aria matehotaga.

Translator: We request the schools for the disabled to be established throughout Kenya and particularly here in Gatundu.

Mary Wanjiru: Gokoro na Bursary ya ciana ciandu aria matehotoga, tondu ciana icio ne joge na ne matigaga gothoma ne undu wa kwaga mbeba.

Translator: Bursary funds to be established for the children of the disabled; most of them are very bright, but they leave school because their parents are not employed. That should be looked into.

Mary Wanjiru: Students cia Parallel degree maheyago loan.

Translator: University should give loans to the parallel students. Some of them cannot afford to pay.

Mary Wanjiru: Andu a Kenya metigere Ngai.

Translator: This country should be taught to fear God for prosperity.

Com: Bishop Bernard Njoroge. Thank you mary. Isaac Kinyanjui

Isaac Kinyanjui: We need a preamble in our Constitution, the vision being put into place a just government of the people. Rule of law should be respected in the preamble.

On the issue of Citizenship: any child born of both Kenyan parents should be an automatic citizen.

A person with business interests in Kenya should be given citizenship. Spouses of Kenyan citizens should be given citizenship, also a Child of one Kenyan parent should be given citizenship. Dual citizenships should not be allowed, The national ID and the passport should be evident documentation of citizenship.

National security: There should be a Parliamentary Watch Dog Committee to check the exercise of the Armed Forces. The President should still remain as the commander-in-Chief. The Cabinet alone should have the exclusive power to declare war.

The Constitution should not allow the use of extra ordinary power in emergency situations especially in the public meetings.

The number of political parties should be limited to three to represent the basic ideological views. They should be financed partially from the National Budget because the party members are also taxpayers. A Party seeking Government funding should have a registered membership of ten thousand people.

Executive: The Constitution should specify the qualifications of a Presidential candidate. He should be 35 years and above possess a bachelor's degree, he should not have a criminal record. The Presidential tenure should be reduced to two terms of five years each.

A transitional Government headed by the Speaker of the National Assembly should be put into place during the election time.

The Constitution should set limits of Presidential Executive powers. The President himself should be under the law. He should be impeachable in case of misconduct. There should be fewer Parliamentary proceedings by voting.

Provincial Administration should be scrapped: and instead there should be stronger representation of all Government Departments in all Constituency region

Judiciary: The Judiciary Officials should be appointed by the President and vetted by the Parliament. The Judiciary should be free completely-that is independent.

Local government: Chairman/chairlady of the council should be elected by the people. Mayor serves five years term. All councilors should have a secondary school education. Nominated councilor should not be there since they do not represent the interests of people. Local Government Minister should have power to dissolve councils in case of official misconduct inefficiency and failure to deliver.

On Electoral system, the majority rule should be the basis of winning an election. The winning Presidential candidate should have over 51% of the total vote through majority vote.

Laws should be set up declaring MPs. and Councillors seats vacant if they do not represent the electors views.

ID cards should be used for voting instead of the voting cards. The rule of 25% representation in at least five provinces for the presidential elections should be scrapped. No seats should be preserved for specific interest groups. People should choose whom to elect.

The current geographical constituency system should be reviewed. Civic, Parliamentary, and Presidential elections should always be held simultaneously for the sake of the economy.

Election date should be specified in the Constitution. The Electoral Commission of Kenya Chairman and Commissioner should be elected by the President and vetted by the Parliament.

Electoral Commissioners should serve for only five years. They may be re-appointed. Commissioners should retire immediately after a general election. Electoral Commission of Kenya should be funded from a special fund set aside from the national budget. There should be eight commissioners each to represent each province.

Basic rights: Death penalty should be abolished because it is contrary to the right to live.

Interjection:

Com. Bishop Bernard Njoroge: I have given you one more minute.

Isaac Kinyanjui: There should be a Parliamentary Watchdog Committee to guarantee all Kenyans enjoyment of their basic needs.

The Constitution should provide for setting aside some funds from the National Budget to support the disabled.

A person earning less than 15,000/= per month should be exempted from taxation. That is all

Com. Bishop Bernard Njoroge: Thank you very much those are very,----- you do not want to give those notes? they are important we want to have them.,Ken Wairagu

Ken Wairagu: The Constitution should provide for the removal of the president in case of misconduct, corruption and misuse of Public Funds. The president should also be under the law. He should be “prosecutable”. The President does not necessarily have to be a Member of Parliament. Powers of President should be curbed.

The Government should provide free primary education and subsequently compulsory primary education for all. Free primary, secondary and higher education for disabled people.

There should be a ceiling of land owned by individuals unless the Government revenues on those lands exceed certain amount of money, which should be around ten millions or above.

The Agricultural sector should be independent of Government interference.

Executive, Legislature and Judiciary should be independent of government interference. There should be a Unitary type of government. Mayors and Councilors should be directly elected by the Public.

There should be continuous registration of voters. Everybody should have freedom of movement and speech irrespective of capacity in the government.

Natural resources should be owned by the State e.g. Forest, Water, Ponds, Minerals, Royal boundaries should be protected by the Constitution.

The government should also provide education for the disabled people. All reports of the Commissions should be made public. Political parties should be reduced to four which should be funded by the government. Thank You.

Com. Bishop Bernard Njoroge. Thank you. Ikiwa kuna mtu ana memorandum na hataki kuzungumza anaweza kueleta Kama huyo. Michael Wanyenji.

Michael Wanyenji. I come from Ituro I have some points that I want to present to the Commission. We should have both Prime Minister and President. This will make them share the powers, which are currently possessed by the President. The Speaker of the National Assembly should have the power to terminate the National Assembly when the time is due.

Anybody holding a public office should declare his wealth. The position of Chief and Sub-Chief should be made elective positions. These will reduce the level of corruption as it is now.

The Unit of Police and AP should be merged together. This will make them be answerable to the elected Chief and eliminate duplication of duties. The government should also device a mechanism whereby voters have the right to vet an elected member of any Public Office in the government.

Customary law exercised by the Government in the country should be given the greatest priority in the current Constitution, which we are making.

We should have an office where the members of the republic can report a corrupt officer.

We need Unitary type of Government. The Legislature should have the powers to vet a President where the President is charged with corruption or any other criminal offence.

Basic rights that is Education, Water, Health should be given absolutely free.

Com. Bishop Bernard Njoroge: Those are very good points. , Stephen Kimindo

Stephen Kimindo: These are my views. On farming, we should reduce coffee middlemen to the minimum so the farmers can get better prices.

President should be elected by more than 60% of the Electorate and not the 25% rule. In case of none getting 50% let there be a run-off between number one and two. The president should be Impeachable and should not be above the law. This will check on his excesses and those of friends and relatives. We should have an Executive President not ceremonial. The President should

be elected and should have a running mate that is the Vice President elected by the people to avoid the present situation where the VP is ineffective for fear of being sacked. The Presidential term should be limited to five years term and no extension. The Presidential power should be reduced not as it is now. Right now he is too powerful. Reduce the Presidential motorcade to some few vehicles. He should not be escorted to the Provincial Boundaries; this is total waste of petrol and manpower. Control transfer of power from retiring president to the new one. Provide for retirements benefits for a retiring President.

Anybody aspiring for presidency should be a married person of integrity. He should be of 40 years of age. He should be of a University education. In case of a vacancy in the presidency the Speaker of the National Assembly should act for sixty days and he should not be eligible to contest this seat. The President should be democratic as opposed to the present one who is autocratic, authoritarian, and dictatorial.

Provide for proper separations of powers between the three arms of governments. That is Executive, Judiciary and Legislature. At present Executive overlaps the other two.

Provide for the independent candidate who doesn't belong to any political party. Counting of the votes should be done at the polling station. The quorum in parliament should be 44 MPs. That one fifth of the 22 MPs.

Trustee Land should not be dished out as political rewards. Transparency and national interest should be the guideline. Give citizens a voice, provide referendum in case of Constitutional amendments or any other serious national issue. Stop erecting of monuments this is a waste of resources instead construct polytechnics or hospitals in remembrance of the one to be honored.

Interjection:

Com. Bishop Bernard Njoroge: You have one minute

Stephen Kimindo: Constitutional Appointments should be vetted by Parliament. Civil Service should be de-linked from politics. Parliament should have a timetable not a President prolonging any time or keeping it as secret weapon.

Appointments of judges should be vetted by Judicial Service Commission.

Independent anti corruption agent: The Government should be serious in this. It should sack all the corrupt police officers and replace them. However, improve on their terms and conditions of service especially on housing so that it can give them incentives to reduce them from bribery.

Provide for free health services; scrap the cost sharing item.

Give free primary education so that poor families can get civic education. Provide for independent Electoral Commission whose members should have security of tenure. Provide for independent and free media, liberalize all the airwaves, allow broadcasting licenses nation wide.

Members of the Public Service Commission should be vetted by Parliament. That is all please complete you work by December.

Com. Bishop Bernard Njoroge. We Complete our work by December? Thank you, that is a good - - - David Nganga.

David Nganga: These are my views. This Constitution should create a new body which is free from police interference, where common mwananchi can make complains against the police. In the current situation the word or evidence given by a police officer in court is final. Therefore, we should have a special court to deal with allegations and complaints against Judges, Magistrate and Police.

In the current situation Headteachers are Teachers Service Commission agents whose accusations are implemented without any investigations. Teachers therefore suffer due to victimization by the Head Teacher. The new Constitution should allow investigations at least to be done first before taking seriously allegations from the Head Teachers. There should be no immediate interdiction pending investigations.

All Parliamentary candidates should be at least holders of a bachelor degree. All Councillors should have sat and passed the KSCE examinations and should have scored above C Plus.

Interjection:

Com. Bishop Bernard Njoroge: NO. NO. Tell us what.

The President should also be below the law and should be liable to prosecution in case of law breaking.

All parallel degree students in all Public Universities should have the same qualifications as other students failure to which their degree certificates should be clearly written. "Parallel Programme".

Cabinet Ministers should be appointed according to their qualification. Any person with even the slightest record of corruption should not be appointed to the Cabinet. Ministers should be appointed by the President and approved by the Parliament. Any Cabinet Minister or Parliamentarians who defrauds the Government or any public fund should have their assets and their

Personal accounts local/international closed.

Com: Bishop Beranrd Njoroge, thank you very much for saving time. Henry Chege.

Henry Chege: I have a special representation on land issue. The land issue in Kenya.

Interjection:

Com. Bishop Bernard Njoroge: Give us in point form without reading explaining.

Henry Chege: On the land question, I propose that there be a land Commission, which should decide on the land flow and ceiling and have a value for ten acres and fifty exclusively.

Constituency forum with powers to re-call members of parliament and other elected public officers should be set up.

Local Authorities should replace Provincial Administration, to have direct elections of Mayors and Council Chairman.

-----together with his running mate for Vice President.

A law should allow impeachment of President. The office of Ombudsman where the Public Officers should be sued by the citizens should be established. One should be for the government and the other for the citizen.

Proportional representation of Members of Parliament according to population should be established.

Free primary education with improved curriculum, which includes basic law, should be free for all. Ideological parties should be encouraged to a maximum of three, funded from public offers according to their sizes in parliament.

International debt repayments should be rescheduled to over 50 year period or when we shall have a budgetary surplus

Democratic principles of 51% of registered voters should be a national symbol presented in the Constitution.

Social justice be the philosophy enforceable by the law, where a permanent constitutional post should be established. 71% majority votes of all parliament can call for a convention to change the Constitution.

All appointments by the government should be vetted by the Parliament and announced by the President.

A permanent Human Rights Commission should be established at the constituency level. Public moral code of conduct for all public officers, and private companies enforceable by law should be encouraged.

Formation of coalition government of one political party in parliament and proportionat appointment of minister should be put in place.

Interjection:

Com. Bishop Bernard Njoroge: One minute.

Henry Chege: Independence of Judiciary Executive as well as Legislative arms of the government should be put in place. Parlimentary timetable with fixed dates for elections and handing over should be in place. Free health services and free information and communication media. Thank you.

Com. Bishop Bernard Njoroge: Thank you very much, those are very good points. John Mukui.

John Mukui: Thank you very much Mr. Commissioner. I am a voter in Gatundu South Constituency. The following are my points.

There is necessity to intensify country-wide seminars so that the public may know something about the Constitution. The public and not the Parliament, should be involved in reviewing and writing the Constitution.

Parliamentary Constitutional Review support. If any change is to be made the support should be 75% of the parliamentarians.

Commander of the Armed Forces: A true soldier who has climbed up ranks without favour should command the Armed Forces, and not the President. In case of insecurity the Commander should consult with the president, who will also consult with the Parliament to garner 2/3 of support for an action.

Constitutional Changes: Any major changes affecting the Nation should need direct participation of the public through opinion polls. The opinion polls should be conducted by a special commission chosen by both the ruling and the opposition parties.

The Constitution should provide for live Parliamentary debates, so that we can see what they do in the Parliament. There should be no “technical” appearances by the Parliamentarians, and in such case they should not be paid for that “technical appearance.”

Good conduct is also expected from our MPs. So that the parliament may have a better image.

Candidates academic qualifications: Both Parliamentarians and civic candidates should acquire form four academic level, and be able to communicate in both Kiswahili and English.

Citizenship: There should be two kinds of citizenship. One firstclass-where a child is born of two Kenyans both fathers and mother. Second-class citizenship where an outsider may be a Kenyan citizen. If a child is born outside Kenya by true Kenyans he should also be given first class citizenship.

Presidential Candidates: A presidential candidate should choose a running mate from the word go. Both should hold a degree in economics.

MP. Disciplinary measure: Their tenures can be terminated by the electorates if he does not serve for the purpose he was sent to by the electorates.

There should be a special parliamentary committees composed of equal number of members of both ruling and opposition parties, to appoint Judges, Attorney General, PS and other senior government officers but not the President.

Majimbo: Kenyans should be allowed to live every where freely in the republic and should there be “majimbo,” one should be allowed to choose where to live and not dividing them by the tribe. Let them pay their taxes, and let the money paid by the “majimbo” people develop that ‘Lijimbo’. Issue new cards to those majimbo residents and if they want to move from one lijimbo to another, let them be allowed.

Nominations of MPs. and Councilors: This should be stopped as it encourages corruption, there should be no nominated Member of Parliament or Councilors.

If the Parliament passes a Bill the President should have no power to refuse to assent it. It should be assented and if the President is reluctant to assent it to become a law it should be returned to the parliament and the Speaker is authorized to assent the Bill to become a law.

Salary allowances: There should be a commission to review salary and allowances of the MPs, to avoid extravagante salary increment. Councilors should also be considered during the review they are given very little money in comparison to the MP. and they do the donkey work.

Funding political parties: To avoid “Commercial-political parties,” the Government should fund not more than ten political parties and therefore, registration of political parties should be carefully and thoroughly scrutinized to avoid mushrooming of many political parties.

Religion: Kenya enjoys having more religious sects than any other country in the world. This is very bad they should be discouraged and some should be deregistered.

Finally: Since the ruling party has won twice and the opposition parties have complained they were rigged out they should wait until the Constitution of Kenya review is complete so that we all go to the general election when we have a new Constitution. Thank you very much.

Com. Lethome Asman: Clarification Please! You are suggesting that we should not have nominated members of Parliament we know that they are supposed to represent special interest groups is your view right or what do you suggest?

John Mukui: To my best knowledge I do not want anybody to look for that, because even when there are Nominated Members they don't seem to represent any special duties at all.

Com. Lethome Asman: That was, Kanja Wanjau

Stanley Kanja Wanjau: Ne wega ne kujetekeria njareye, nderenda kuga ohoro waria matehotaga.

Translator: Thank you for allowing me to talk. I want to mention about the disabled.

Stanley Kanja Wanjau: Andu aria matehotaga makoro na motongoria Bunge.

We would like representation for the disabled in Parliament.

Stanley Kanja Wanjau: Turi andu oge, tokoro na ciamu cia gotorugamerera ta America

Translator: We are bright people with talents. There should be some Welfare System for the disabled like they do in America to assist them to live.

Stanley Kanja Wanjau: Uonje ti wende wa mundu ona mundu mgima na atweke kionje na accident.

Translator: Disability is not the wish of an individual even a health person can be disabled on the basis of an accident. Thank you Mr. Commissioner.

Com. Lethome Asman: (inaudible-----)enda kule nyuma.

Kanja Wanjau: We should have an Executive President, but whose powers should be trimmed and be shared in the Legislature. Parliament should vet all appointees in the National Office. Sacking such officers should also be subjected to that kind of vetting by Parliament.

The President should not be an MP. He should not be above the laws. He should not have powers to dissolve the Parliament. His election should be detached from that one of the members of National Assembly. Therefore the elections should be held at different time. He should not be elected for more than two terms of five years each. A specific date should be set by the Constitution, when he should be sworn in and the procedure clearly spelt.

The Vice Presidency should be abolished by name and be replaced by the Deputy President with powers and capacity to act when the President is out side the country.

Legislature: We should have a bilateral house, the House of Representatives, and Senate. The House of Representatives should be constituted by MPs, for particular constituencies. The SenateUpper House should be by virtue of the population in different districts. The Lower/Representative House should legislate and review laws. The Upper/Senate House should scrutinize such laws that have been passed by the Lower House and either assent them for Presidential attention or return them to the Lower House for amendments.

To qualify for election in the Senate one should be a reputable person in the society or in a certain field, or to have served in the Lower House for a specific time. The Legislature should have it's own calendar. The electorate should be provided with a mechanism of supervising the work of MPs. They can remove the MPs, before the end of their term if they are not performing. An MP. Should be compelled by law to operate an office in his Constituency and visit the constituencies every month for a number of days; otherwise he should be removed from such an office if he does not perform.

Judiciary: We should create special courts and tribunals, to try those people who have committed economic crime or who have been accused of corruption. Another special court should be created to safeguard the bill of right so that we prosecute those who breach human rights.

Devolution of powers: To start with we should have a Unitary State but the powers of the Central Government should be devolved.

The Local Authorities should be strengthened so that they can retain part of their revenues to take care of services like education, health, water and so on. Then the Central Government should deal with greater matters like Foreign Affairs and defence. The Ministry of Local Authorities however should supervise the Local Authorities, review their development plan, audit their finances and replenish them if need be.

Mayors and Chairman of Local Authorities should be elected directly by the people.

The issue of Majimbo is a contentious one Mr. Commissioner. If at all it goes to the referendum as I believe it will, your Commission should first of all educate Kenyans as to what federalism is. It is different from conspiracy and is different with what some Kenyans call Majimbo, because, they believe they are going to create their own Country. I fear a situation where we are going to have some States seceding like the Biafra States, Eritrea, and so on we may break up Kenya while believing that we are building one.

Civic basic law, and governance, should be taught compulsorily in schools and colleges-otherwise you wouldn't have spent a lot of time conducting what you call civic education and I believe it was not completed properly.

There should be a referendum in our Constitution as a tool for a people to participate directly in law making.

Basic education should be free. A proper Social Security Agency should be created by the Constitution to cater for the disabled, old, and retired Kenyans.

Kenya should be allowed to repudiate treaties which were signed by the Colonial Government -that is before 1963, I believe such treaties should not be binding to an independent State.

Basic acreage of land for every Kenyan should be at least five acres and land ceiling of hundred acres. Thank you.

Com. Lethome Asman: Pastor Karanja, the pastor who has just come. We called your name and you were not there. Kama uko na memorandum nitakupa dakika, to highlight. Tano usisome yote.

Pastor Joseph Nyongo: Jambo la kwanza wananchi wafikiriwe kwanza kabla ya wageni kufikiriwa katika kupewa mashamba.

Jambo la pili nikija katika General Principles. We would like the Constitution to respect us. Two, to care for the Community of life in all it's diversity. Three, to strive to build a free, just participatory sustainable and peaceful society. Four, to secure art abundance and beauty for present and future generation.

When it comes to ecological integrity, we would like our Constitution to protect and restore the integrity of art ecological system with a special concern for biological diversity and the natural process that sustains and renews life.

To prevent harm on the environment as the best method of ecological protection. When knowledge is limited to take the paths of precautions.

To treat all living things with compassion and protect them from cruelty and harmful destruction.

Our Constitution should adopt patterns of consumption, production and reproduction that respect and safeguard arts re generative capacity, human rights, and community well-being.

To ensure the economic activity, support and promote human development, in an equitable and sustainable manner.

To eradicate poverty un ethical ant-social economic and ecological apathy.

To honour and defend the rights of all persons without discrimination to an environment appropriate or supportive of their dignity, bodily health and spiritual well being.

Advance worldwide the cooperative study of ecological system, and applications of knowledge and the development, adoption and transfer of free technology.

To establish access to information, inclusive participation in decision making and transparency, truthfulness, and accountability in governance.

To affirm and promote gender equality as a Pre-requisite sign to sustainable development.

To make the knowledge, values, and skills needed to build a just and sustainable community and integral parts of formal education and life long learning for all.

Our Constitution should create a culture of faith and co-operation. Thank you very much Mr. Commissioner.

Com. Lethome Asman: Thank you pastor.,Eluid Nyagh.

Eluid Nyagh: Bwana Commissioner sina mengi. Ningetaka kuwaelezea sisi wakulima tumefinyiliwa sana. Working in a shamba requires one to also have a drink. The drinks which are harmful should be banned.

Interjection:

Com. Bernard Njoroge: Thank you.

Com Lethome Asman: Kulingana na Ile list niko nayo nimepatia watu wote. Ispokuwa kama kuna mtu alikuwa amejandikisha halafu na nilipo ita jina lake alikuwa hayuko hapa. Nitaenda kwa wale wote ambao nimeruka ukisikia jina lako uje uzungumuze. John Ndungu.

John Ndungu: Thank you Commissioners. My recommendations to the Commission is on the Bill of Rights. The Constitution should guarantee the Bill of Rights. Right of life, right to Citizenship, Freedom of movement, Right to earn livelihood, right to own properties. Right of bail, Right for compensation on wrongful imprisonment and consignments. Right against crimes of torture that is the Bill of Rights. Commissioners I have also additional. The Constitution should allow independent candidates. This is a person who is not partisan.

The Constitution should also allow the State Universities to be allowed to choose their own Chancellors instead of the present system.

Civic education should be a continuous process.

There should be proper vetting of religious organizations before they are registered.

The National Anthem should be honoured by all Kenyans. Thank you.

Com. Lethome Asman: Unaitwa je Mzee,? Kihara Karanu?

Kihara Karanu: Nderenda kwaria ohoro waria matehotaga, tondu ni mateganerioyo.

Translator: I want to talk about the Disabled we the disabled have been disadvantaged in many things,

Kiharu Karanu: Tondu indo citu ta megonda ney'oiro niariaya mena hinya wagokoro na Mwakiri.

Translator: Even sometimes our own properties have been taken by people who can hire lawyers.

Kiharu Karanu: Katiba njeru ato'he hinya wa gokoro na Mwakiri reia twena shera igortini.

Translator: The new Constitution should allow us to get Legal Services when we have cases in court.

Kiharu Kiranu: Totethiyo gothomithia cina citu tondu icokaga gotweka cokora.

Translator: We should also be assisted to educate our children who eventually become street children because we are not strong.

Kiharu Kiranu: Notokene muno ithiwe andu aria matehotaga tokethomithiyo ciana toho.

Translator: We will be happy if we the disabled are helped to educate our children. That Constitution will be good for us.

Kiharu Kiranu: toheyago mekobo totekoreha interest.

Translator: We wish to request for interest-free loans so that we may be able to work and trade.

Com. Bishop Bernard Njoroge: Do you ever tell the Chief that your lands have been taken away and you have no power?

Kihara Karanu: ee no matitotethag'iya tondu totere na mbeca.

Translator: Yes we do but they just take them lightly because we do not have money.

Com. Lethome Asman: Kama ulikuwa umejiandikisha tukakuita na hukuwa tafadhali sema. Pastor, what is your name? I can see several pastors, had you registered? Okay come over pastor.

Jamleck Waweru: These are the views that I would like to present. The first point. In the forth-coming Constitution, I would like to suggest that the language which will write the Constitution be simple and clear for the common man to understand. In the forth coming Constitution I would like to see a preamble or introduction. This is my introduction, which I would like to give and it can be considered it can appear in the Constitution.

“We the people of Kenya having struggled for our independence and fought against the Colonial Government and joined together by the National language Kiswahili, should forget the past and honour those who suffered for justice and freedom in order to liberate us. We therefore resolve to rebuilt our unity and democracy through our freely elected Members of Parliament so as to finish tribalism and ethnic clashes in our country for a good salvation. Forward ever God help us and protect us.”

We should have a President who will be elected countrywide and will be the Head of State.

Kenya should have a Prime Minister who will be elected by the Parliament when it meets for it's business for the first time, and his behaviors should be discussed before he/she is declared as the Prime Minister of the country. He should be the Head of Government business. The President should be above party politics and not discriminative to any party.

The President should not have power to dissolve the National Assembly at his own wish. A timetable should be drawn when the Parliament begins and when to go for recess A date to start and to end for it's five years business.

A date to swear in the President should be set in the new Constitution and when to leave the office and how to hand over to the next president. Section fourteen of the present Constitution should be deleted off and the President can be prosecuted if he commits something which is against the Constitution.

The Ministers should be appointed or elected by the Parliament out of the MPs who are sitting in the House instead of being appointed by the president-and because they are sworn in their behaviors should be discussed in the House. The PS should be appointed by the Parliament and brought to the House for the discussion and those found unworthy to be struck off.

The Attorney General should be elected by the Parliament since he is in the Public Services Offices, so that he can work independently.

Electors should be empowered to vote or to have a vote of no confidence in their Member of Parliament if he/she does not represent them as they agreed when they elected him not a matter of waiting for the five years term.

Those to be elected as Members of Parliament or President should be twenty-one years and not exceed sixty-five years.

All the parties which are registered in this country should be funded to do their campaign since all the members, or people of Kenya are taxpayers.

The Electoral Commission Chairman should be elected by the National Assembly and not the President.

Registration of voters should be made to be a continuous process and people who have attained 18 years of age should be considered for registration everyday.

One should be allowed to vote in any constituency without necessarily changing stations.

The Chief Justice should be elected by the National Assembly for him to work independently and also the other Judges of the High court.

No one should be tortured in police cells when they are arrested or before he is proved guilty of the offence he is accused of.

For good accountability and transparency of the use of the revenues and ministries vote, the Controller and Auditor General should not be appointed by the President but an election should be done by the National Assembly for a suitable person.

Those who are appointed to be Ambassadors, High Commissioners or Principal Representatives to other countries to represent the country should be appointed and brought to the National Assembly for discussion of their moral standards.

In our new Constitution which will be coming soon, we would like to have an Office of an “Ombudsman,” that is the Office where everyone can go and report a case or a matter not running properly and one will not be harassed, victimized, or frustrated by what will come afterwards.

Natural resources in our country, that is forests, rivers, minerals should be guarded properly for they are for our people in Kenya today and future generation. They are both national and international attraction to the tourists and other people.

Kenyans should be allowed to process their agricultural products and sell them through internet to out side buyers without a

middleman so that they can earn money and they can decide the tax they should pay the government.

In the forth-coming Constitution, separation of powers should be vested whereby Executive, Judiciary, and Legislature or Parliament should work independently. Checks and balances of power should be looked upon by parliament as it is the organ of making laws.

Com. Lethome Asman: Thank you very much Rev. Small clarification. You said that all registered political parties should be funded. Now how do you take care of those people who register parties for the purpose of getting money? you know how we are, many people will go and register parties just to access the funding. Which will be the criteria to decide which party to be funded and which one not to be funded?

Jamleck Waweru: Okay! On my side for a party to be funded those who are in that party should be counted. If it has less than 20,000 members in the whole country, it should not be funded.

Com. Lethome Asman: Thank you very much Rev. Have you put your name and signed? We have come to the end of the day and I will hand over to my colleague. Commissioner Bishop Njoroge so that he can give the closing remarks.

Com. Bishop Bernard Njoroge: Good afternoon, mumechoka sana? tunataka kusema tuna shukurani nyingi kwa ajili ya ile kazi tumefanya leo tumekuwa na zaida ya watu mia mbili, na yale maoni ambayo yametolewa leo kama ni vile sheria inasema lazima twende kila pahali, ni maoni kweli mengi ambayo inatosha tuwe na kitu kizuri. Ningetaka kuwaomba tuendeleo na kuomba. Katiba ni maisha ya watu na musipo tuombea nyinyi ili tuweze kumaliza kazi hi panapo mwongozo wa Mungu, matumaini yale wakenya wako nayo yatafifia. Lakin sisi ma Commissioners tunajitahidi kwa sababu tunajau Katiba ikimalizika na watu wawe na tabia ya kutii Katiba tutakuwa na nchi nzuri sana. Si ndivyo? Kwa sababu wakenya ni watu wenye bidii. Nimetembea nchi nyingi za dunia, na hata ukienda America, Britain, au Germany utasikia wakisema watu wa kenya, hakuna watu waliyo na bidii kama Wakenya, na hakuna watu walio na akili kama watu Wakenya. Kwa hivyo sisi tukiwa na tabia ya kuweka Katiba tumalize ufisadi na tuwe na uongozi mzuri na Katiba nzuri, hamufikirii hii Kenya inaweza kuwa heaven on earth? I believe it myself and I look forward to a day when all these sufferings will be gone and every individual will have job as well as money to be able to educate their children and also to live a happy life.

I know maisha mazuri is not just to try to live and when we don't have finances we just "live," but what God intends of us is to have a happy life. I want you to assure me that you are going to pray for us. Are you going to pray for us? Are you going to support us? We will not let you down and you can trust us.

I have come to the end, I want to give to the Programme Officer if there is anything these are the people who really do the donkey's work the secretariat work, they are the people who will take all your views and take them to where they are required,

they are very important. So I will call Wanjohi to tell us where we go and then call somebody to lead us in prayers.

Wanjohi: I will thank you people of Gatundu. You have turned up in a good number. We were in Nyeri, Kirinyaga, for the past few days and we did not have such a big number as the one we have in Gatundu. So you have prepared yourself so well and your views are very good. We had another group in Mangu under professor Ogendo we went and he requested me to chair the meeting on his behalf.

Constituency Commission Committee, where are you so that we introduce you to the commissioners?

One member of the Constitutional Committee.(speaker) Good afternoon. We are pleased that you are here, we had prepared ourselves we were not sure whether this day will be there but it has come and we have seen that you are working hard. Thank you.

Wanjohi: Commissioners Njoroge, Lithome, and Tobiko we have really appreciated the work of the committee of Gatundu constituency. Commissioners might come back to Sum-up everything. We want the Rev. who has just finished giving his views to lead us in prayers. I thank you all.

Rev Jamleck Waweru: Stand up we pray. We exalt you lord and also thank you for the work we have done since morning up to this time. Thank you for all those who came into this sitting and even of the views they have given and also the listeners. Thank you because of the Commissioners who are here even for their patience to listen unto the views of the people of this place.

Lead them and also bless them in every way, for their work is a lot and hard, but with thee Lord we believe everything is possible. Remember also the Committee of the constituency which has also done a lot in preparation of this issue. Give them wisdom and co-operation so when we meet we do according to your will. As we leave this place we will use different modes of transports, we pray for save journey merciful Lord, and when we reach in our destinations we will glorify and worship you.

We will also thank you when we see the end of it and also the fruits. Thank you our Lord for sure you know us and you know the reason as to why these things should be taken back to the public and in turn help us to progress. We know Lord those who wish to go ahead you are always with them. God, you are also reminding us that your people perish for lack of knowledge and that is why we are praying for knowledge. Bless us and let thy strength and favour follow us and that we may live as you wish.

This we pray believing in the name of Jesus Christ. Amen. Thank You.

Com. Bishop Bernard Njoroge: Dismantle the machines.

