

[Redacted]

[Redacted]

[Redacted]

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

VERBATIM REPORT OF

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

**CONSTITUENCY PUBLIC HEARINGS , KERUGOYA
CONSTITUENCY HELD AT ST. THOMAS ACK CATHEDRAL**

APRIL 18TH 2002

CONSTITUENCY PUBLIC HEARING, KERUGOYA CONSTITUENCY HELD AT KERUGOYA ST. THOMAS
ACK CATHEDRAL ON THURSDAY 18TH APRIL 2002

Present

Com. Okoth Oendo
Com. Pastor Zablon Ayonga

Secretariat in Attendance

Programme Officer	-	Charles Oyaya
Asst. Programme Officer	-	D.O. Konyango
Verbatim Recorder	-	Susan Mutile
Sign Language Interpreter	-	Christine Moraa

Prayer: Com. Pastor Ayonga

Let's bow for prayer:

Father in Heaven, we want to thank you for another good day that you have given us. We want to commit our lives to thee; give us wisdom and understanding as we take up this business for the day. We pray for those ones who haven't arrived, who are on the way coming, that you would bless them and go with us through this business, for we ask for your wisdom and understanding. We ask this through Jesus name's sake. Amen.

Com. Pastor Ayonga: Be seated, please. You want to introduce yourself and welcome these people?

Mercy Njoka: My names are Mercy Njoka. I am the District Co-ordinator, Kirinyaga District and I want, first and foremost, to thank the Commissioners who have arrived and also maybe at this juncture, inform them that this is Kirinyaga District and this particular place is called Kerugoya town and we really invite them and welcome them in this place as they are taking the views from the people. You should feel welcome. I also welcome each one of you who has arrived. If you have a written memorandum, or if you are presenting your views orally, everybody is free. You could also present using the language that you feel is good for you, or you are comfortable with, and we are going to have somebody to interpret, if need be. Otherwise at this particular moment, I will give back the microphone to the Commissioner so that he could start us off. Thank you.

Com. Pastor Ayonga: Here in front, we are two Commissioners: i.e the one on my right, is Professor Okoth Ogendo, na mimi ni Pastor Zablon Ayonga. We are two Commissioners and we are going to take your views. Na jinsi ambavyo tutafanya ninajua, kati yenu kuna wale wamefika na memorandum, kama unayo hiyo, utaitoa na utai-register na kuweka sahihi, ndipo unaweza toka ukaenda, pia unaweza kukaa. Kwa hivyo wale mlio na memorandum tutafanya hivyo.

Com. Pastor Ayonga: Susan Gatonye, Joseph Munene – Joseph una memorandum? Basi unaweza kuitoa hapo. Eunice Njeri? Eunice Njeri? Eunice Njeri? Eunice hakuonekana? Kama Eunice hayuko, kuna Anthony Ndiritu, Anthony Ndiritu? – Anthony unataka kuongea kwa lugha gani? Okay, sawa sawa. Oh, yeye ni ile lugha, sign language – unaweza kuanza kuendelea.

Anthony Muhia: (Through sign language interpreter) My name is Anthony Muhia, I am representing deaf people. We have come to present our memorandum.

It is important to provide the peripatetic services to the hearing-impaired persons. The curriculum should provide an alternative language. Instead of having Kiswahili and English, it should also provide sign language. In secondary school education and

higher learning, there should be sign language lessons. During examinations like the KCE, there should be added extra time e.g 25% of the paper's time. In Primary education, we should add two extra years instead of 8 years, so it should be like 10 years.

The Government should provide funds for research in sign language. In the management of special schools, there should be special teachers with specific qualification, who should be the managers.

During the examinations, the results of schools for the deaf, or for special education should be quoted separately and not with the other public schools. In teachers', police and administrative colleges, we should have special education.

The deaf person should be allowed to have a driving licence, if he qualifies.

The Government should direct employers to employ a certain percentage of hearing-impaired persons and provide incentives, like tax exemptions. Visual lifesavers should be fitted in all areas. For example, in many of the public places we have got alarm bells so, because these people are not hearing, we should have visual lifesavers. The hearing-impaired person should have the right to inherit property.

There should be at least one nominated MP to represent the deaf persons. There should be exemption to all votes related to life improvement of hearing-impaired persons. The President should be in office for 2 terms of 5 years each. The president should be aged between 35 years to 70 years. Mayors and Chairpersons of the Councils should be directly elected by the electorate. There should be a way of impeaching Parliamentarians and councilors, for example, if they are not performing well, they should be impeached through the electoral process and endorsed by 60% of the electorate.

Com. Pastor Ayonga: I think his 5 minutes is up, please if he can summarise, because we have the memorandum.

Anthony Muhia: The President should never be above the law of the country. Corruption should not be tolerated at all levels. Farmers should be protected from any exploitation by brokers for their produce. The constitution should be amended through a referendum.

Com. Pastor Ayonga: Thank you, Anthony, thank you. You can now take your memo there, sign for it and give it to them. Now, the next person is going to be Pauline Gichuki and after Pauline, Irene Njoki, if you could be ready. Pauline Gichuki, I notice you have a memorandum, is Pauline there? Thank you, Thank you. Now then, Irene Njoki, she also didn't indicate whether she has a memorandum. Okay then, Mwai Thomba, Mwai. Joseph Muturi, Joseph Muturi and while these men and women are preparing to come, I would like to ask you - those who came in without registering there at the door - please do so;

we are going to go according to the registration.

If you didn't register at the door, please do so, if you want to present a memo or a verbal view.

Jane Kamugu, Jane Kamugu, eh, na nini kinatokea? Watu wanajiandikisha halafu wakarudi nje!!! Wanafanya nini? Next, Joseph Munene, Joseph, Joseph alikuwa na draft memorandum, ameitoa hapo? James Njagi, James Njagi, Francis Ndegwa. Tungalipenda wale mlio na memorandum hata kama utaitoa hapo, tunataka kama unaweza kutuambia mambo mawili, matatu, juu ya memorandum yako hiyo; vitu gani umeandika hapo ndani? Na kama kuna point ambayo unaweza kuweka mkazo, uweke, sikutoa tu na kutoka, sema kidogo. Tuna-appreciate kwamba umeandika mambo yote, lakini tunataka pia kusikiliza kidogo kutoka kwa yale ambayo umeandika. Kwa hivyo, kuna Peter Moche, wewe ndiye nani Mzee? Faith Ndung'u - Mama unaweza kuendelea.

Faith Ndung'u: I am Faith Ndung'u. I am not here alone, I represent Maendeleo Ya Wanawake Organisation, for which I am the District Co-ordinator, so I would like the women leaders, the Maendeleo leaders who are here, to stand, so that it can be seen that they are the owners of this document. Can you stand? Yes, those are just a few who have come, they worked tirelessly to come up with these views. I am only going to highlight them, or to say just a few points of what we have actually given out as our recommendations.

One thing, we are grateful to God, who has done us a favour as women of this country not only Kirinyaga District that this time we have the opportunity to also say what actually affects us; especially as we are coming out, I say that we are re-writing a constitution because in the present Constitution, we were not represented and also based on the socio-cultural practices, we, women, were not counted as people, we were seen all through as children, but this time we are also going to say things that affect us, things that will also govern this country.

Women feel that in our Constitution, we need to have a preamble. In the Preamble, it has to be stated very well that, it is the Constitution that is made up by men and women of this country, that is, the citizens. In the Preamble, there has to be a vision that shows clearly that, we have to be treated equally.

The Constitution has also to guarantee the basic human rights, we also have to have unity in our diversity, as regards tribalism or wherever the people of Kenya come from. We also have to have freedom of expression; so this has to be very well stipulated in our Constitution. We also feel that a Constitution has to have supremacy, because we know that it is the force of all laws in the country, or the mother of all laws. So we have to hold it with a lot of importance.

The citizens must be devoted and we are happy now that we are devoted. Also, not only in the process of making the Constitution but also in the process of effecting it, we feel that the citizens have to be devoted. We also talked about the rights and obligations of our citizens. Let me get my glasses there. Sorry for interruption. We feel that in the citizenship, all the

people should be entitled to their rights, privileges and benefits, regardless of gender and social status.

We also feel that as proof that one is a citizen, one has to be born in this country and every citizen should have a birth certificate; all those who are born here also, especially we, women, feel that all our children irrespective of where they are born, irrespective of who has married us. In our present Constitution, if a woman is married by a foreigner and ,for example, they are not in this country, and probably the woman feels that she wants to come back home, the children are not regarded as citizens of Kenya.

So, in our present constitution, we want all of our children from both spouses to be regarded as the citizens of Kenya.

We also feel that security has to be accorded to all citizens. We also feel that there are some other basic human rights like shelter, food and water, that, we should receive as citizens. We also feel that as women, all these issues affect us. We recommend that in our national security, these principal forces should be established administratively in the constitution. They should not be treated with privileges, whereby they don't pay taxes. We want them to be paying taxes and we also want them, in case of any indiscipline to face the law like any other citizen. They should be tried in our courts of law.

We also have something to do with our political parties. We feel that our political parties should not only be involved in politics but they should also be involved in development in all the areas that they represent, especially in the areas of infrastructure, social amenities and also enhance useful education for our children. They should also be involved in health care and advocating for basic human rights.

Com. Pastor Ayonga: Please summarise.

Faith Ndung'u: Yes, I am summarizing.

We also feel that when it comes to our natural resources, they are not very much involved, we feel that they should safeguard our natural resources. Also in political parties, we feel that the parties that to be recognized, should have a representation of 50% in every ethnic group and in all the provinces. They should also be funded by the Government, because they shall be involved in other development matters.

In the structures and systems of the Government, this is very sensitive, we feel that the presidential powers have to be reduced and taken back to the people. There should also be separation in the three arms of Government, such that if it is the Judiciary, it should be independent from.....

Com. Pastor Ayonga: Summarize please, your time is up and we want to be fair to everybody who has come in today.

Proceed on.

Faith Ndung'u: We also talked about something to do with our local Government, we want our local government to have autonomy and not be dictated to, by the Central, or the Executive arm. I am trying to summarize. We also feel that the rights of vulnerable groups have to be taken care of. Women, as you know in our social and cultural practices have been left so much behind, that is why we say that women are a bit marginalized and we are advocating for Affirmative Action as our Constitution is being implemented. As women of Maendeleo Ya Wanawake in Kirinyaga, we advocate for Affirmative Action, which would provide us with equal access to the same opportunities as men in all areas of governance.

Com. Pastor Ayonga: Thank you, Mama Faith. Huyu Mama Faith ni wa Maendeleo ya Wanawake kutoka hapa Kirinyaga na anayo memorandum ambayo ataitoa kule iwe-registered. Hebu niwaombe ninyi nyote ambao mmekuja hapa walio na mobile phones, tafadhali, mobile zote ziwekwe off, maana yake maneno yanayosemwa hapa yanakuwa recorded, si kwamba tunaandika tu lakini kuna machine kule, unaposema kila kitu, hata hiyo mobile yako mama, iliingia kule. Kwa hivyo, kila mmoja ambaye amekuja hapa hebu tuweke mobile zetu off, mpaka wakati ambapo tutatoka.

Mama, unaweza kutoa memo yako kule. Next person in line ni Wilson Gichugi, sijui kama ni Gichungi, kama nimesema jina lako vibaya unisamehe. Wilson, tafadhali hii unatoa mkhutasari tu. Na mkhutasari usitusomee word by word, tuambie maneno makubwa makubwa yaliyomo hapo ambayo umewekea uzito, halafu hiyo tutaenda kusoma.

Wilson Munene Gichuki: Thank you very much.

Com. Pastor Ayonga: Unasema jina lako na kama ni organization unayo-represent, sema nina-represent such and such an organization, au kama ni yako mwenyewe basi nakwisha namna hiyo.

Venerable Wilson Munene Gichungi: I am called, Ven. Wilson Munene Gichungi – I am the Provost of this Cathedral, St. Thomas Cathedral. I am representing a group we call Mutira archideaconary. Mutira archideaconary covers most of this Central Division and this represents about 4000 Christians from ACK Church.

What we feel as a Church or Mutira archideaconary is that the Preamble, or rather the beginning of the Constitution is very very important. It should show the supremacy of the people, their aspirations, their sovereignty and the importance of God, and also the family. We also feel that the rights of people, as we come to the Bill of Rights, the lives of people should be safeguarded in this Constitution. This one should especially come in as far as the language used is concerned because some things that are in the Constitution concerning the rights of the people are not well understood, they are put in very very difficult language, it is so difficult for people to understand. As we talk of rights we should consider a very wide spectrum, that is, we consider the economic rights, social rights, cultural rights, communal rights and all that.

The question of citizenship is very important. There is a small snag that we have in our current Constitution, as far as citizenship is concerned. We know we are citizens by birth, but there are some people here that are forgotten, especially those people who have one parent of a different nationality. This one should be considered especially where it says that a person can only be a citizen if both parents are citizens, if your mother is a citizen of this land and your father is not a citizen of the land then the children born of that relationship cannot be citizens, because maybe the female, or rather the lady concerned was the one who was a citizen. So, that one should be looked into, it is so important.

On the issue of land and property rights, there is something that we would like the current Constitution to consider especially, to encourage Kenyans to have a different attitude towards land. Now, the current Constitution has encouraged a lot of land grabbing and a lot of inequality as far as sharing is concerned. You find that land has been used, maybe in banks as security and because of this kind of attitude, it becomes very difficult when maybe the family land is sold and the whole family is left wanting. I also want to say here that men should not be the only owners of land, ladies should also be included. Our sisters should be included in ownership of the land, they should have equal rights.

On political parties, I would like to say one small thing here: you find that political parties, here in our Constitution, it seems that the political party in power is given all the power such that the other parties are not considered, for example in being given ample airtime when KBC is broadcasting. You find that they are not given equal opportunities to give their views. We also find that political parties seem to be very active only when they are coming to the General Election. We need parties to be powerful, or rather effective all the time, all the year round and therefore, this should be put in place in our Constitution to allow the parties to continue working, educating wananchi even after the elections, the parties should be active all the time.

Also when it comes to the structure of Government, we would like to air our views here: there should be separation of power such that the Judiciary is able to proceed with its own work without undue interference from the Executive Arm of the Government. We should put things in place here, so that, the Executive does their work, the Judiciary does its work and also the Legislature does its work. Because I have analyzed them here, I believe the members of the Commission can go and read the details.

Natural Resources: We find that as far as the natural resources are concerned, there should be mechanisms put in place to protect some very, very important areas, for example we have the natural resource like the forest, the Mt. Kenya forest, there was a time when a lot of land was destroyed in the name of the Nyayo Tea Zones, 4 acres of forest were destroyed and today we are having problems around here. Natural resources should be protected, the areas of common interest of the common Mwananchi should be protected, so that we don't have those people that are selfish going out there and cutting all the forests, destroying the river sources, destroying those areas that we are supposed to use in common for the benefit of the common Mwananchi. You find that the common Mwananchi may not understand what is happening, but when the rains are affected,

when the weather is affected, all of us suffer. Now, we have even some of the rivers which are coming down from that direction, they are almost drying up and this is a price for the common Mwananchi. So the natural resources should be well protected because we gain from all these, all of us.

We feel that there should be devolution of power: all the councilors should be elected and they should be of respectable education, they should be learned people. Another small thing I would like to mention here is on the issue of the Parliament, the role of Parliament and especially in their making of the calendar. I think these things should not be left to one person to say that Parliament is going on recess and then leave everything to just one particular individual, there should be a calendar that will guide every Kenyan, so that, they know when Parliament is in session, when it is going to be dissolved and when they are going back down there.

Civil Service and the provincial administration: we would like to say here that, these people should be able to serve the common Mwananchi without discrimination, without just serving the 'power that be' and forgetting that they are there and placed there for the common Mwananchi. Therefore, here we are suggesting that, it will be very, very important that these people be answerable to the Mwananchi and the only way to do that is when we especially strengthen the area of the local authorities.

Thank you, because my time is up, I believe these people are able to read here and they will consider the issues in this memorandum.

Com. Pastor Ayonga: Thank you very much, Wilson, now you can leave your memorandum there. Sign for it. Thank you very much. Next to Wilson, is Mr. Peter Gichobi. Just say something very briefly about your memo.

Peter Gichobi Harrison: I am Peter Gichobi Harrison, presenting a group memorandum from Kerugoya Catholic Church Parish. I am going to speak briefly about my memorandum. I am presenting two, one, my personal memorandum and a group one. I am going to start with the one I have written personally.

I have talked about education, which should be provided in this country free by the Government, because we have got very many children in this country dropping out from schools because they cannot get support. We, in fact, lose brilliant children in the country, who would serve the country well, if given a chance to continue with their education. Education should in fact be free; from Nursery to University and even overseas.

Administration: Provincial Commissioners and DCs, DOs, Chiefs and their assistants. These ones, I suggest should be elected by the people because they are very high up. Whenever you go to them they cannot in fact attend you well because they are Presidential appointees and for that reason cannot serve the country impartially, they should be elected by the people.

President: I have written that he should not be above the law and he should be impeached in case he commits some offences.

Key Posts and appointments: Appointment to these key posts all over the country, should be conducted by Parliament for those people who are Professionals like Central Bank Governor, Commissioners etc. and not the President, as it is at present. The Cabinet should comprise of professionals, who are vetted by Parliament to head ministries e.g. Ministry of Health should be headed by a doctor, learned with the knowledge of human medicine.

Ministries should be reduced to 15, for important ministries with essential services like Education and Health Ministries, to name but a few.

Police and administration police: The police should be in full uniform while attending to their duties, with warrants of arrest. When going to the rural areas to arrest people, they should be under the guidance of a chief, or a sub-chief.

Liberation Army: Fighters for independence, that is people who struggled for independence of this country should be given a decent life e.g. either given land, be built for good houses installed with modern equipment, or to be given pension. Such people should be given a chance to speak during National days like Kenyatta day.

Constitution Court: I also urge the Government to establish a constitutional court to handle cases of all those who have violated the Constitution, like MPs who fail to deliver services to the people properly and those who defect. I also urge the Government to establish a supreme Constitutional court, at the national level.

Com. Pastor Ayonga: Tafadhali, Peter, utupe tu Mkhutasari, usitusomee neno kwa neno kwa maana hayo utatupa.

Peter Gichobi: Okay.

Street Children: We have street children who are roaming in big towns, they should be rehabilitated, taken to institutions where they get proper learning, at the Government's expense.

We should be having two Houses; lower House and upper House. The upper House should have professionals brought in from every province, but not from among the MPs and the voting power of Senate should be 90%, whereas for MP's should be 75%.

Com. Pastor Ayonga: Memo yako ya kwanza, time yake imekwisha. Memo ya pili.

Peter Gichobi: Ya pili nayo, I am presenting this one from TCM Kerugoya Human Rights Commission Office, Kerugoya Parish.

Agriculture: Agricultural centres should be implemented, where farmers are given a chance to sell their produce overseas without the current system of auctioning.

Boundaries: On boundaries, such offices as survey offices, should be concerned with dealing with fixed boundaries, so that we minimise current cases of land issues and avoid land brokers.

Power of employment: On this point, we thought that before anybody is appointed to head a department, he should have high academic standards and experience before being given a Ministry and that, if the Ministry given to him is corrupt, he should be answerable for it, in case he messes the office.

County Councils: Councillors should be trustees of Government-owned land and should be stopped from sharing out the land, except to the landless. Councillors should be trustees of Government-owned land.

Com. Pastor Ayonga: Thank you, thank you.

Peter Gichobi: Oh, is my time over?

Com. Pastor Ayonga: Yes, thank you so much, thank you, Bwana Gichobi. Sasa unaweza kusaini hapo na ndipo utoe hizo memoranda mbili. Next ni Mama Margaret Gathongu, halafu Peterson Githinji, huyo ni Bwana Githinji, anayesalimia watu? Sasa Christine Ngari. Thank you, dakika tano tu, be brief and to the point.

Christine Ngari: I am Christine Ngari and I am presenting memorandum on behalf of the Kenya League of Women Voters, an NGO. The last time, we had presented a memorandum specifically dealing with women, but this time we have a memorandum that is covering wider areas.

First of all, we looked at the National vision, where we said in diversity, unity, equal treatment for all people under the law, supremacy of the Constitution and the basic human rights. On basic human rights, we touched on food, shelter, security, health and education. We said, especially reproductive health, should not be included in the basic cost sharing because this is a national duty.

Citizenship: We looked at those who should have automatic citizenship, even if outside, or if they are in Kenya. A spouse of a

Kenyan citizen and foreigner and their children who have worked and lived in Kenya for the last 15 years, and also adopted foreign children by Kenyans. How we can acquire citizenship is by application, marriage and adoption. Citizens should be identified by both the passport and the identity card.

Political parties: We should have a minimum of 3 to 5 political parties and not more than that. They should be funded, they should have guiding rules and they should be audited at times, and also, they should enhance gender equity, at the hierarchical level. If they don't do that they should not be parties.

Structures of the Government: We said that the presidential system should be retained with checks and balances. Separation of powers for the three arms of Government should be there. The President should not be a parliamentary candidate, he should be elected by 75% of the voters. The president should not belong to any political party, he should be neutral. If the President is a woman, her Vice should be a man and vice versa. The president's age must be between 35 and 60. The president should be married, with a stable family. Minimum education qualification should be a degree holder and he should be morally upright.

Devolution of power should be there, that means that, power should be spread from the top to the bottom.

Legislature: the appointments should be vetted by Parliament, this is the adjudicator and the Constitutional Commission should be vetted by Parliament. The other thing is that, the MPs should be recalled if they don't deliver and we have devised the method of recalling them, that means, stopping them being members of Parliament even if their time is not over, if they don't deliver.

Executive powers: Presidential qualifications, we have tabulated them there. President's misconduct, we have laid them down and the limiting power is there also, and the disciplinary measures should be two: a vote of no confidence and prosecution. If used, they should surrender all government property and machinery, within 24 hours.

We said, the Judiciary should be separated from the Executive and any person who does not deliver, should be demoted, or sacked.

The Local Government: We said the Mayors and the Chairmen of the County Council should be elected directly by the people. Electoral system should be streamlined and to win an election, the contestant should obtain 50% of the total votes in that constituency. The nomination should be reserved for vulnerable groups and there should be a calendar for elections.

Electoral Commission: There should be qualifications for Electoral Commissioners, not just anybody who comes along. They should have a diploma in Law and at least three years experience. They should also be upright in their morals, and non-partisan.

The appointment of the Electoral Commission: 2 persons should be elected from every province, one being a man and one being a woman.

Basic rights: We also talked about them as security, health, water, education and we interpreted what should be there in each, also shelter and food should be for all.

Rights for the Vulnerable groups: In our current Constitution, the interest of women and the vulnerable groups are not guaranteed and these should be property rights, inheritance and ownership, sexual abuse, F.G.M and also rape. Domestic violence is also not properly protected, equal opportunity in development, also in the vulnerable groups, we included the single parents, of because there are also single fathers, children in need of special protection, the aged, the economically incapacitated, HIV-AIDS patients and mentally sick persons who are not taken care of. Their rights being: they should be able to participate in political, social and economic fields, and people should be made to change their attitude towards these people.

Land and property rights: Should be guaranteed in the matrimonial property and we said this should bear the two names of both spouses, not Mr. and Mrs., but the real names. There should be establishment of proper succession law, because currently women face a lot of difficulties when they want to inherit their husband's property. Local communities should be able to control the use of land within their area. In Central Province, we said nobody should own more than 10 acres of land, in other areas they could own more than that. Equal assets, for both women and men.

Also, we talked about the cultural, ethnic and regional diversity, and the communal life.

We talked about cultural dances and family value. Women interest should be catered for as part of the civil society, and namely, affirmative action, human rights, land ownership and property succession, citizenship, and so on. There should be no discrimination in the eyes of law and equal opportunities for all. There should be a national language, which is Swahili. The Constitution should recognize and promote indigenous languages, so that they may not die--

Com. Pastor Ayonga: Your time has run out ma'am.

Christine Ngare:...and also the natural resources should be equitably distributed. We talked about the environment and resources, participation in Government, and many other things.

Com. Pastor Ayonga: Before you leave, you are to be asked a question by the Professor here, so be careful.

Christine Ngare: Yes, I am ready for the question.

Com. Okoth Ogendo: Madam, thank you very much for your presentation, but I get worried when we start listing qualifications for a Head of State, he must be married, must have a degree and so on. If we look around the world, one of the best Prime Ministers Britain ever had was Winston Churchill, he never went to university; Archbishop Makarios was a very good president, he didn't have a wife and children. What is the value of listing qualifications for the head of state? Why don't the people decide whom they want to elect?

Christine Ngari: The value of listing these qualifications is that, we want to have somebody who can deliver, and in order to deliver the way we think is for a person to have certain values. It might be impossible in other countries, but in our country this is the feeling of the women who have contributed to this memorandum and I think their ideas should be respected.

Com. Pastor Ayonga: Let me ask you that, are you telling us that a single person can never be a president? A single woman can never be a President?

Christine Ngari: He can be a president, but he will never understand the problems faced by families, where there is a mother and children. He will never understand.

Com. Pastor Ayonga: Thank you mama, now you give your memorandum there and sign, please. Susan Gatonye, Susan Gatonye, I know Susan Gatonye will be brief, to the point and to the time allocated. Please help us to keep time.

Susan Gatonye: Thank you very much. I am Susan Gatonye, presenting a memorandum from Kerugoya, Kutus Constituency.

Preamble: We women, from Kerugoya/Kutus Constituency, have agreed on the following recommendations:

Introduction: Congratulations to all Commissioners and especially, the seven Women Commissioners, for the commendable work you have done so far. In this memorandum we would wish to have a Constitution, under which every one has a right to equal protection, free from discrimination, freedom of expression and association, and equality before the law, for all citizens regardless of the gender status.

Citizens: A person born by a Kenyan citizen within, or outside Kenya, whether the parent is the father or mother, should automatically be a Kenyan citizen. A child of less than 18 years whose parents are not Kenyans, but adopted by a citizen of Kenya, should be registered as a Kenyan citizen.

Rights and obligations of Citizen: The Kenyan Constitution should provide that all citizens are equal, entitled to the rights, or privileges and benefits of citizens, regardless of gender, and equally subject to the duties and responsibilities of citizens, irrespective of gender. The following documents should be proof of Kenyan citizenship, that is, birth certificate, Kenyan

Passport, National Identity Card. This must be noted. Kenyan children born of Kenyan parents should be issued with a certificate, as ID upon presentation of either mother's or father's ID.

We go to the basic rights: The Constitution should guarantee basic rights, which include: free health care, water, food and education. For education, we suggested that education should be free at all levels, from primary level to higher level, that is, university. Still on basic rights, gender policy in decision making should be a basic right, equitable representation in decision making at all levels.

Affirmative Action policy: Education opportunities, it is not enough to set standards for employment, if we do not have enough trained and qualified women to fill these quotas. The girls' health, education, the youth and the disabled, need to be facilitated. Specifically, bursaries should be provided for girls, the disabled or any other marginalized community, like pastoralists.

Political parties, Legislature and Judiciary: We recommend that the Constitution must ensure affirmative action policy is employed in the composition of political parties. Political parties structure – that is, at least 1/3 of officials in this organ must be of opposite gender. Still on Political parties, the Constitution should regulate the formation, management and conduct of political parties. All National political parties should have a national outlook drawn from at least 60% of Kenyans, 42 different ethnic groups.

The Electoral System: Electoral Commission should enhance women's participation in political leadership, by disseminating material with the aim of educating women on values of women leadership, to change a cultural practice that discriminates against women leadership. There should be appointment of more women to positions of political responsibility, where Affirmative Action should be 50% of the total seats in parliament, the and the same number in local authorities, being held by women.

Legislature: Affirmative Action policy should be adopted to increase representation of women in local authorities, local authorities of women representation.

Constitutional Commission: A National Gender and Development Commission with at least 50% women representation should be established and entrenched in the constitution with the aim of mainstreaming gender into development planning. The Parliamentary gender sensitivity should be constitutionally provided. This must be noted. The membership of the constitutional commission and the commission of enquiry, should be appointed by a special parliamentary select committee, with an equal representation of men and women. The findings should be ferried to the public, within six months of completion of the assigned task.

Land and Property: Female offsprings of marital status should be entitled to inherit property, including land, without any discrimination. The title deed of family land should bear the names of both husband and wife.

Management of local resources:

Com. Pastor Ayonga: Ungemaliza sasa.

Susan Gatonye: Local committees to manage local resources at their respective community level should be established and the members be elected by the community. The members should manage the natural resource in their locality.

Defence and National Security: The Constitution should permit the use of extraordinary power in emergency situations, such as, war, national disaster, and breakdown of public order.

Com. Pastor Ayonga: That is all. Thank you. Thank you so much, huyo ni mama Susan Gatonye, sasa unaweza kutoa memorandum yako kule uandikishe na asante sana. Sasa, namwita Mr. Peter Mwoche of Kagumo Parish. Peter, una dakika tano tu, unaweza kutupa highlights ya memorandum yako.

Peter Mwoche: I am presenting a memorandum from Kagumo Parish, that is consisting of Kagumo Church, Gatwe, Gitwamba, Kamwiru, Njarungu, Gathira, Mwigiri, Karaini Kiamaina, Gathuthuma, and Kiratina .

The Preamble of the Constitution: The new Constitution preamble should state that the People of Kenya make the Constitution for the People of Kenya. It is an independent state with all the functions of the Government. The Constitution is not above the people of Kenya. The Constitution should guarantee the democratic value of the people of Kenya, quality rule of law and of all human rights.

All Kenyans should be committed in the development of their country, irrespective of their culture, ethnic and political affiliations. Kenyans fought for their independence (for their freedom) and therefore, the Constitution should guard their freedom. They have the directive principles of the states' policy, that is, the national philosophy and guidelines principle.

The Memorandum is quite large, I will just go for the highlights. That is democratic principle, constitutional guidelines, citizenship, defense and national security. We have also talked about the structure and the system of the Government.

The Legislature, the Executive, the Judiciary, Local Government and the Electoral system and process. We have also talked about the human rights, that is, basic rights. The rights of vulnerable groups, the land, properties and rights, culture and ethnic and regional diversity for manual rights, management and use of natural resources, environment and natural resources, past factories with the Government, international relations, Constitutional Commission, Succession and transfer of powers. Thank you that is all.

Com. Pastor Ayonga: Thank you very much, Peter Moche. Thank you very much. Can we have Catherine Gicheru? is Catherine here? Jonah Muchiri, Jacinta not there, Isaac Mwai, are you Isaac? Okay, let us hear you.

Isack Mwai: Jina yangu ni Isaac Mwai. Yangu ni machache kabisa, lakini nitatilia mkazo kulingana na mahali naona panatakikana pawe na mkazo. The powers of the three arms of the Government that is, Judiciary, Executive and Parliament should be balanced. That is, there should not be any arm having excessive power. MPs' duties should be defined and be answerable to the people who elected them. MPs should be told, or should be made to have statutes which they should be following, for example, an MP should not be only going to the Parliament and have one sitting, per 8, he should be made, maybe to meet his electorate and to initiate, at least one project, or initiate a surveying project in a certain area.

People with very large tracts of land, should be made to forfeit a certain percentage. We have seen people with about 1,000 acres of land, while we have people who do not even have a single acre. These people should be made to forfeit about 50% of the land they have.

Free education, for all primary school pupils and colleges. Police's power should be reduced. We have seen severally that our police have so much power, such that they can do whatever they want. Wanaweza kukutana na mtu ambaye hajafanya kosa lolote, na kwa vile wao wako na nguvu zaidi wanaweza kukushika wanakupeleka jela na halafu unashtakiwa kwa makosa ambayo pengine haukukuwa umefanya. Kwa hivyo, mimi naonelea kama askari power zao zikiwa reduced, kwamba hawawezi kufanya jambo lolote wanataka. Na pia, they should be checked to see that they are not as brutal as they are now.

Com.Pastor Ayonga: Ahsante. Thank you very much. Please hand over your memo and sign. Mohamed, is Mohamed here? Thank you. Mohamed Mugo? Yeah. Thank you.

Mohamed Mugo: Mimi nitazungumza kwa kiswahili. Mkhtasari wa memorandum ambayo nimeandika. Mimi nimewakilisha mada ya muislamu, Kutus'muslims. Nitazungumza machache. Sisi tukiwa watu wa hapa, ni watu ambao ni walimaji wa mimea. Na kwa hivyo sisi tungeonelea Commission ituandikie mambo yetu kama tulivyofikiria kuhusu ulimaji wetu, tukaweza kujiuzia sisi wenyewe badala ya mali yetu kupeleka auction na ni sisi tunajifanyia hiyo kazi. Hiyo ni moja, ya pili tungependa wapiganiaji wa uhuru waliopigania nchi hii wapewe nafasi wakati wa national day kuzungumza habari ya waliotenda wakati huo. Ya tatu, tungependa watu wajichagulie President wao ambaye wanamtaka. Kwa hayo machache, sina mengi.

Com. Pastor Ayonga: Ahsante sana, Bwana Mohamed, ningalipenda watu kuwa na mambo mafupi, machache namna hiyo. Hiyo memorandum yako sasa, uipeleke kule ili ijazwe na iweke sahihi. Sasa, anayemfuata ndugu Mohamed, tunaye mama anaitwa, Judith Shikanga, oh, asante asante kama huna chochote. Na wa pili, anayemfwata ni Michael Njoka. Hayuko? Kwa hivyo, tumpate Rosemary Gateru, hayuko pia? Anastasia Thuku, hayuko, Patrik Murithi, haya, Patrick ndiye huyo anakuja. Patrick, una dakika 5 za kutuambia kidogo juu ya memorandum yako. Kwa hivyo, utatupa maneno makubwa, makubwa.

Patrick Muriithi: Okay, Commissioner ningetaka kupatiwa interpreter kidogo kwa sababu natatishika na Kiswahili na Kingereza, nipatiwe interpreter wa lugha ya Kianyaga au identity.

Com. Pastor Ayonga: Sasa unataka interpreter, memorandum yako imeandikwa na lugha gani?

Patrick Muriithi: Na Kizungu kidogo, lakini sana.

Com. Pastor Ayonga: Yaani ndugu huwezi kuendelea jinsi unavyoongea, nasikia unaongea vizuri sana.

Patrick Muriithi: Nilikuwa nataka kila mtu aelewe kile ninachoongea. Okay, let me talk in English.

Com. Pastor Ayonga: Kwa maana unajua ukitaka interpreter, dakika zako tano zitakua mbili na nusu.

Patrick Muriithi: Okay, haya, thank you.

Patrick Muriithi waGithenji: Jina langu ni Patrick Muriithi wa Githenji – Memorandum yangu ni ya kutoka Kerugoya Kutus Constituency, na I will start immediately. The proposed minimum amendments, that require to be made for the Presidential candidate.

There must be an age limit to the president, which I propose to be a minimum of 35 years to a maximum a 75 years, lest we have the very old leading the country in future. By that, I mean the Constitution of Kenya does not give the age limit, it keeps it open, such that, it is almost like a Catholic denomination's constitution, whereby, even if the Pope cannot hold the Cross, anaendelea tu, mpaka akufe ndiyo tupate mwingine, so we want the age limit.

The other one, the president should not be representing a constituency because the president is a national Member of Parliament. The Constituency of the President is the whole nation. Or else, we will encounter situations in future, as we have been encountering them before, whereby, the President in most cases, takes the resources to the region that he has come from, or where he represents, and Professor you will agree with me. The winning President must garner 50% of the total votes cast, because in the present Constitution, it says, a President is supposed to garner 25% in every province and 25% is one quarter of the of the total casted votes. So actually, we have been led by the President, who is elected by the minority, Professor Ogendo.

There is that clause of (inaudible) President and this emanated in 1975. To me, I think the president should not pardon somebody who has been convicted by the court of law, because even God forbids. If you sin, you should be punished, that is the law, hata ile sheria ya Musa, ilikuwa namna hiyo. The other point I want to emphasize here, Prof. Ogendo, is a situation whereby, the president should not be above the law, or else we have a culture, what we call 'one man political culture syndrome', or in politics we call it, patronic politics, you agree with me Prof. Ogendo, you are a Law Doc.

The other point I like to emphasize; in order to be there for the Presidential candidate and make be serious it is important that, as I had said earlier the president should not be elected from the constituency, or should not represent a constituency as a member of Parliament; but that aspiring President, who will get more than 500,000 votes, should become a nominated Member of Parliament because, you agree with me, like for example, the total casted votes as per the history in this Constituency is about 15 to 20,000 and when they count those votes to get a member of Parliament for this constituency.

So, that also is very important, at least, we can have both representations to the grassroots. And let the councillor be of Form 4 standard because we might be having a councillor who cannot even understand the budget of the council, or the accounting procedures of the council.

Patrick Muriithi: You want to stop me, Commissioner?

Com. Okoth Ogendo: No, dakika ndizo zinakwenda and we would like everyone to speak. Okay, kama unaweza ku-summarise, ili tupe mtu mwingine nafasi, atoe maoni yake.

Patrick Muriithi: I am finishing, I am finishing. For the sake of equal distribution of resources, mimi, ningetaka tuwe na serikali ya Majimbo. Najua hampendi kusikia Majimbo, but what do I mean by saying federal government? This is a situation whereby, 75% of the income of that region is retained to develop that region, then, 25% of the income of that region is taken to the Central Government. Why do I say this? We are coffee farmers, tea farmers and all that, most of our resources go to develop other areas, just because we do not have a rule to retain these resources in our back yard.

The other point I want to make is more about the Electoral Commission. As to the present Constitution, you agree with me, Professor Ogendo, that these officials of the Electoral Commission are paid from Treasury. We want to propose that, they be paid from the consolidated fund, whereby, an Act of Parliament must be passed so that, the money can be utilized for that purpose.

Also, I propose the same for those officials of the anti-corruption authority. I will summarise by touching on the issue of rigging, within the election period whereby, in most cases you will agree with me, we encounter alot of violence, because almost everybody ,or everyone has a private army, it is as if, we don't have a police force in this country. Mshasikia kuna Jeshi la Mzee, Kuna jeshi la King'ole, kuna Baghdad Boys, kuna Kalenjji warriors, kuna Pokot rangers, kuna Mungiki, it is as if, we don't have a police force in this country to keep law and order. So, in politics, so, hizo jeshi mnasikia private armies, zinatengenezwa kwa sababu ya siasa peke yake tu. Kwa hivyo ndio tuwe na control over these private armies federation, we should have a law to punish polical campaign offenders, because that is part of the rigging exercise. The other thing is more about (interjection)

Com. Okoth Ogendo: Bwana Murithi, umechukua ten minutes?

Patrick Muriithi: Okay sorry, what about bribery, this politics, you know Commissioner,

Ile siasa ingine huwa ni economic politics, now, here at your place, this is what we call political democracy; the other one was economic democracy, this is now political democracy, that is why we are feeling very happy to talk.

Com. Okoth Ogendo: Tafadhali, let's be fair to everybody.

Patrick Muriithi: Okay, okay I am just summarizing. So, I am happy for your attendance, I am happy for the Commissioners, hata ingawa mmekuja wakati mvua iko nyingi, and we hope we are going to have a change in this country, through the present Constitution's Commission and we are hoping that, so as to avoid the civil strikes in this country, the present Commissioners of the Constitutional Commission, are going to use their intelligence and come up with a democracy evolution. Thank you.

Com. Pastor Ayonga: Kabla haujatoka, Bwana Muriithi, ngoja hapo kwa maana Professor Ogendo anataka akuulize, maybe to seek some clarity.

Com. Okoth Ogendo: Bwana Murithi, what I want to ask you, the Electoral Commission organizes elections every 5 years, why should we keep people on the payroll, when all they do is to organize elections every 5 years? Why don't we just have one..(interjection).

Patrick Muriithi: Because, Professor, number one, registration of voter's cards should be continuous. Why? Your first child is not the same year with your last child. They acquired ages at different times, to be qualified to pick an ID card, so that, they qualify to be a voter as required by the Constitution. So the Electoral Commission should be continuous in voter registration so that, at least, we should not hinder some of our young people from participating in the election, because of lack of ID cards and voter's cards.

Com. Pastor Ayonga: Thank you very much, now you can submit your memo there and sign for it, please. Next is Mr. Joseph Mureithi. Naambiwa amekwisha-present memo. Mama Agnes Mbaso? Hayuko. Mr. Timothy Maina, Mr. Samuel Ngine? Samuel Ngine? Are Samuel?. Okay, una memo, unaweza kutoa highlights, before you submit your memo.

Samuel Ngine : Nii njitagwo Samuel Ngine wa Muthungu.

Com. Pastor Ayonga : Bwana Samuel, huwezi kusema kiswahili kidogo? Basi, kuna interpreter yule anaweza kumsaidia.

Samuel Nginge Musungu : Njitagwo Samuel Nginge wa Muthungu

Translator: My names are Samuel Nginge Muthungu.

Samuel Nginge : Mawoni makwa

Translator: Nataka kutoa maoni yangu.

Samuel Nginge : athani aria mathanaga kuma location kinya sub-location

Translator: Those people who rule from sub-location up to the district,

Samuel Nginge : No, athani areia mathanaga kuma location kinya sub-location,

Translator: those leaders that govern from sub-location to location

Samuel Nginge : mathuragwe kuuma muingi-ini

Translator: should be elected by a board from the electorate

Samuel Nginge : uguo ni kuga aria makoretwo makirutithania wira na muingi.

Translator: of those who had been working together with the public,

Samuel Nginge : Aruti a wira a ngirigacha,

Translator: like agricultural officers,

Samuel Nginge : aruti a wira a community

Translator: community officers,

Samuel Nginge: na angi ta acio.

Translator: and etc.

Samuel Nginge: Thutha wa guthurwo magacoka gutwarwo kothi,

Translator: After being elected and being taken through several courses,

Samuel Nginge : thutha wa guthurwo magatwarwo kothi ya wathani

Translator: after being taken for refresher courses of governing,

Samuel Nginge : thutha wa guthurwo magatwarwo kothi ya wathani

Translator: they should be taken for refresher courses for leadership,

Samuel Nginge: KIA

Translator: KIA, ex-KIA and have ---

Samuel Nginge: handu ha mieri itandatu.

Translator: for 6 months.

Samuel Nginge : Athani ta acio matigacoke guthurwo kuma urthigari-ini

Translator: Such leaders should not be selected from security forces,

Samuel Nginge : kana urutani-ini.

Translator: or from the teaching profession.

Samuel Nginge : Gitumi ni tondu aria mathuragwo kuma urigari-ini

Translator: Because those selected from security forces,

Samuel Nginge : magatuwo chief kana sub-chief,

Translator: after becoming chiefs and area subchiefs,

Samuel Ngine : mathanaga na hinya

Translator: they govern by force,

Samuel Ngine : tondu moimite uthigari-ini

Translator: because they are trained in the security forces and they use force,

Samuel Ngine : makonaga muingi uria maratha ota uri criminals

Translator: and see the public they govern as criminals,

Samuel Ngine : iria maturaga marangagira

Translator: like the criminals they usually guard.

Samuel Ngine : ta criminals iria maturaga marangagira.

Tanslator: like the criminals they usually guard.

Samuel Ngine: Na meciria mao makaiyurwo ni wii ucio,

Translator: Their thinking power is accommodated in such evils,

Samuel Ngine : tondu o marutitwo o uhoru wa kuramata ehia tu.

Translator: because they are trained to guard criminals.

Samuel Ngine : Na tondu rimwe na rimwe no ukaigua makienda gwitwo afande ni raia,

Translator: Because they would like to be called seniors by the public,

Samuel Ngine : undu ungi makoragwo mamenyerete ni mahaki wira-ini wao

Translator : and in their area of guarding especially of security forces, they are used to bribes

Samuel Ngine : undu ungi makoragwo mamenyerete ni mahaki wira-ini wa uthigari

Translator: and in their area of guarding especially on the security forces they are used to bribes.

Samuel Ngine: Na kwa uguo ukona ati mokaga na maundu macio moothe

Translator : and when they come to the public, they are accompanied with such evil as they were doing, during the time they were guarding criminals.

Samuel Ngine : maria makoretwo magika uthigari-ini.

Translator: As they were used to do during the time of guarding the criminals.

Samuel Ngine: Arutani nao mekamtugog kangu nao marehagira raia riria matuika athani.

Translator : The teachers, after being given a chance to lead the public, develop unusual behaviours.

Samuel Ngine : Uyu nake niaguthukagira andu agima ota ciana iria akoretwo nacio kirathi-ini.

Translator : They force the public and they try to dictate to them, as if they are school children.

Samuel Ngine : Wahota kuigua akira muthuri kama mutumia, you shut up.

Translator : They even tell a man or a woman, 'you shut up or keep quiet'.

Samuel Ngine : kana keep quiet

Translator: or keep quiet

Samuel Ngine: kana akenda arugamirwo riria arahitukira gakundi-ini ka andu

Translator : He would even like the public to stand up, as he passes by.

Samuel Ngine : uguo magituraga mathite raia ota ciana iria cimagwo uuma ona ihoto ciao.

Translator : So they try to lead the public, as they lead children.

Com. Pastor Ayonga: Bwana Ngine, hebu fanya summary naona huyu anakupeleka pole pole.

Samuel Ngine: Nimemaliza.

Com. Pastor Ayonga: Umemaliza?

Translator: Amemaliza.

Com. Pastor Ayonga: Okay, huyu anaposema amemaliza, unasema ile lugha ingine ambayo yeye hakusema. Kwa maana amesema kiswahili amemaliza. Okay Mzee maliza, endelea useme ile point ya mwisho ulitaka kusema.

Samuel Ngine: Kwoguo nii ngona ati

Translator: And therefore, my opinion is,

Samuel Ngine: athani a sub-location na location

Translator: leaders from sub-location to Locational level,

Samuel Ngine: mathuragwo ni raia

Translator: should be elected by the electorate, or the public

Samuel Ngine: na maturagwo kuma kuri andu-ini aria makoretwo makirutithania wira na muingi.

Translator: and they should be elected by those who have been working together with the public.

Samuel Ngine: Ni wega.

Translator: Thank you.

Com. Okoth Ogendo: Asante sana, Bwana Samuel Ngine, sasa nataka Bwana Simon Murage. Wewe ndiye Murage? Enda hapo.

Simon Murage: Nguhuthira Gikuyu tondu nikio njui. Ni tondu wa gati kanene ndirenda kwaria uhoro wa magoti maitu ma Kenya

Simon Murage: Ndirenda kwaria uhoro ukonii magoti-ini maitu

Translator: Mimi nataka kuzungumza juu ya korti (courts) zetu hapa nchini.

Simon Murage: Ritwa riakwa ni Simon Murage Njarui

Translator: Majina yake ni Simon Murage Njarui

Simon Murage: Ndirenda kwaria uhoro ukonii magoti maitu

Translator: Mimi nataka kuzungumza juu ya korti zetu hapa nchini

Simon Murage: Magoti maitu kuma riria twakoretwo tugiathwo ni muthungu,

Translator: Kutoka wakati tulikuwa tunatawaliwa tunatawaliwa na mzungu,

Simon Murage: maciragwo na githungu,

Translator: korti zote zinaendeshwa kwa kizungu,

Simon Murage: na lugha iitu ya gutuguithania thiini wa Kenya ni ya Githweri.

Translator: na lugha yetu ya taifa ni Kiswahili.

Simon Murage: Uguo ngoria korwo no kuhoteke wendi wakwa magiriire maciragwo na Githweri

Translator: Kama kungewezekana ningepomba korti zote siwe zikizungumza lugha ya taifa,

Simon Murage: tondu niyo lugha iitu.

Translator: kwa sababu ndio lugha yetu.

Simon Murage: Ni undu ona acio mabururi macio mangi

Translator: Kwa sababu hata nchi zingine

Simon Murage: no merutage Githweri ta lugha ya Gikuyu

Translator: wanaweza kuzungumza lugha ya Kenya kama yao wenyewe,

Simon Murage: niundu ona riria tukurutithania wira na mabururi macio mangi

Translator: kwa sababu hata wakati tunafanya kazi tukiwa pamoja na nchi zingine za ulimwengu. **(Tape stops)**

(Tape starts)

Wangai Kagai : Freedom of worship: It should state that only the true God and not others should be worshipped.

Land and property rights: The Government should have the power to completely acquire private land for purposes of development of social amenities, like roads, hospitals, and schools; of extraction of minerals for the purposes of the country's development. While this is being done, the land owners must be compensated quickly and promptly.

The Government or local authority should have the power to control the use of land, by the owners, or occupiers. The Government should reclaim big chunks of land, that are not put into proper use for economic development. The Government should put 30 acres of land, as a ceiling to be owned by an individual, above which, should be taxed to benefit the less fortunate. Men and women should have equal access to land.

On family land ownership, title deeds should bear the names of the two spouses. Land should never be sold without the consent of the entire members of the family. Pre-independence land treaties and agreements, involving certain communities, should be abolished. Retention of such treaties will continuously divide the people along tribal lines and institute tribal boundaries. This will forever undermine the spirit of nationalism, which we should uphold strongly, at this particular time, than ever before. Kenyans should have a Constitutional right to own land and settle in any part of the country.

Participatory Government: Non-Governmental Organizations and other organized groups should have a role in governance. This will include appointment in Commissions, if constituted to address national issues, representation by nomination in Parliament, appointment in the Electoral Commission.

The new Constitution should also protect the rights of civic societies and they should be constitutionally allowed to lawfully organize its members to stand up against a government that violates the right of the people. Kenyans have a bitter history of being clobbered even when doing peaceful demonstrations and fighting for their rights.

Constitutionality: If the Constitution is made by the Kenyans that belongs to them, then they should know it and understand it. The Constitution must be written in clear, plain, straight-forward language, as opposed to the legal language. It should also be translated into local languages.

The Constitution should state and it should become part of the school curriculum so that Kenyans grow with their Constitution. The Constitution must commit the government's power to continuously offer Civic Education to its citizens. The state should ensure that the new constitution/document is easily accessible to the Kenyans.

Environment and Natural Resources: This is my last point. The new Constitution must address very fundamental environmental protection issues such as, it should prohibit any further clearing or what they call excision of the remaining natural forest and should reinstate the 8.25 already destroyed to recover the required forest mark of every agricultural land. At this juncture, allow me to express that any land that is less than 10% forest recovered is deemed to be liable to desertification any time. There should be a strict protection of water catchment areas. There should be proper environmental studies on environment and its effects before implementation of any development projects. There should be a continuous campaign by the Government and other civic societies on environmental pollution and degradation. All natural resources should be owned by Kenyans. The local communities should be involved in management of natural resources like forests and wildlife. Communities that neighbour such resources should be direct beneficiaries of income accrued from such resources. The Constitution should protect forests, water sources, catchment areas, minerals, wildlife, air and land and a permanent commission on environmental protection should be instituted and vetted.

Com. Okoth Ogendo: Thank you, thank you, one small question. Did you say that in an election the runner-up should

automatically be the Vice President?

Wangai Kagai: Yes.

Com. Okoth Ogendo: Isn't that, likely to bring problems to the party government, because the runner up is likely to be from a different political party?

Wangai Kagai: Yes, we also suggested that the government should be a coalition government, and that one should provide for that.

Com. Pastor Ayonga: Well, I want to thank you very much for your very informing presentation, and if you can submit it there. Now, ladies and gentlemen, it is one o'clock. We are going to break and I think if we take 45 minutes that will be plenty and then we resume here and continue with our work.

For those of you who have presented already, if you want to come back and listen, we have no problem but we want to give as many people as possible a chance to present their views. We may have to cut down the number of minutes, just so to allow as many as possible to present their views. So for now I want to wish you a good lunch, and we should come back here at a quarter to two.

Break.

After break

Com. Pastor Ayonga: Just so that I know who I have and who I do not have, I want to manage the time. Najua ng'ombe walifungwa, mashamba ni kidogo, wengine hawajakunywa maji, mbuzi waliachwa huko bila mchungaji na mvua nayo Mungu anataka kutubariki nayo. Within a very short time, itakuwa hapa with us. So I want to start. Lakini umechukua nini? Karatasi yako? Sasa kuna kitu kimoja ambacho nimeambiwa na wenzetu hapa, kwamba kuna wengine kati yetu hapa, juzi juzi walitoa maoni, maoni hayo yalikuwa recorded si kwamba hayo maoni walitoa tu kwa hewa, walitoa maoni na yalikuwa recorded tunayo, and the same same people are repeating the same same things. Tafadhali wale mliobahatika mkatoa maoni yenu, sasa wachieni wengine nafasi. Kwa maana hiyo ni duplication ya maoni. Na tukifanya hivyo na wengine wataumia kwa kutopata nafasi, kama ulikwisha toa maoni hata nikiita jina lako, wewe sema nilishatoa. Maneno kwisha. Kama mko tayari tutaanza. Kuna anayeitwa Mwembu, wewe ndiye Mwembu?

Bwana Mwembu: Ndio.

Com. Pastor Ayonga: Ndio, basi Bwana Mwembu hebu toa maoni yako kama una memorandum, tafadhali kutosomea hakutusaidii, sema yale maneno, unaweza ku-pick your headings lakini usitusomea neno kwa neno, kwa maana tuna njia ya kusoma hiyo. Wewe ona headings zako, speak about those headings na maneno kwisha.

Bwana Mwembu: Bwana Commissioner.

Com. Pastor Ayonga: Useme majina yako yote, hapa umeitwa Mwembu tu. Sema majina yako mawili, matatu, au manne. Yaseme halafu uendelee.

Bwana Mwembu: Asante Bwana Commissioner, yangu ni makusanyo kutoka kwa common farmers ambao walikuwa waandike kitu kimoja halafu kiletwe kikiwa kimoja. Kwa hivyo mimi nitasoma tu, 'para' 'para' 'para', halafu nitawapatia hiki kitu na ikiwa si vile Bwana Commissioner, nitapatiana. Thank you very much, Bwana Commissioner.

Com. Pastor Ayonga: Hatusomi 'para' 'para'. Dakika tano nikisema zimekwisha, tafadhali...thank you go ahead.

Bwana Mwembu: Judges should be independent and not submissive to the president. Citizens should have the right to challenge the court decision. Citizens to have lawyers paid by the Government if they have no money. Citizens to have an Ombudsman who will be receiving their grievances. Citizens to have a right to consult court whenever need be. An offence of a poor man is fined more money than that of a rich man. Judges to agree to listen to the people without harassment and intimidation. All the posts in the Public Service to be appointed by Parliament, not president. Salary scales, job groups in all public services positions and other sectors to be planned for sometime and gazetted to avoid strikes by workers. Salaries to be well balanced in all Ministries and Parastatals.

Parliament to be scaled not to have the total authority.

The President: Presidential powers should be scaled and not to be above the law. The religious sectors should be represented in Parliament by virtue of office by the Attorney General and Chief Justice. Chiefs must be literate and should not be below Form 4 level and must be transferable. Once Parliament is dissolved, the President and Ministers should not use Government facilities in their campaign. They should be out of office.

Spiritual leaders should be included in the Cabinet. No political party should be funded from the Government treasury. Violence and abusive language should not be used during the campaigns. If any candidate uses them, the Electoral Commission should disqualify him or her. Night campaign should be controlled to be from 6.00 a.m to 6.00 p.m. Constituencies should be formed according to the area population of the right number of people living in it. When Parliament is dissolved, the KBC should not broadcast and highlight the ruling party during the campaigns, all political parties should be given equal time, but not

more to others. During the elections, votes should not be transported away from the polling station, but counted there and the winner publicly announced there and then, with the media informed to announce.

The Constitution's review should be completed before December 2002, so that it can be used for the new election. The Parliament should not be prolonged from its usual time. The National Museum and National Archives must be free to be visited, without any entry charges, this is an educational centre for all.

Regionalism should not be recommended, this can cause tribalism. Presidential tours in other countries should be controlled, because it costs a lot of money to the country. The Treasury should not be dictated by the President, or whoever for taking any money without approval by Parliament. Administration locations should be re-created, as those formed when Kenya gained her independence - 42 districts or so, I don't know. The present formed areas of existence should be scrapped. The Chief's Act should be removed. Police should be retrained, washed off their colonial mentality, corruption and should get transferred, and should get trainers from countries that have well trained Police forces and we should retrench the ones with bad record, and reports to be in their personal files. Police should not torture people in cells before they are taken to court. This habit is resented and it is strongly denied by senior police officers in-charge of stations. (interjection)

Com. Pastor Ayonga: Mzee Mwembu, time yako imekwisha.

Bwana Mwembu: Thank you very much, Commissioners. There is more, but I am not going to read them all.

Com. Pastor Ayonga: I will allow you to read the last one ...ile makaratasi...(interjection)

Bwana Mwembu: I would like to read many more, but what I have given in the memorandum is enough for them.

Com. Pastor Ayonga: Thank you, unaweza kuja hapa. Umeshawapa? Wanayo? Okay, thank you so much. Next ni Bwana Anthony Mugo Migwi, Anthony hayuko, Edward Kamotho hayuko. John Karani, I thought I saw John Karani, au huyo alikuwa John Karithi, kuna John Karani hapa? Hakuna. Kangema David, Richard Kimugu, Ni wewe Richard? Brian Kibuti, Peter Mushila, Nancy Wachira, Waichinga Joseph, Susan Muthee, Stanley Karimi, Josephat Kagera, Mary Mhuri, John Murigu ni wewe? Okay, be brief and to the point.

John Murigu: Okay, thanks to the Commissioners. Mine actually is just to highlight one or two points, which I felt are important and that is, as we know public services start from the grassroot.

The disabled person: I work with the disabled. They need representation in the local councils because that is where the base is. So that is one of the points which I felt was left out and I needed to put forward.

The other point was along with the education being free, of course our Constitution should be providing for the citizens towards that end. The National schools admitting bright children of this country should be made affordable to all classes of children, that is the poor and the rich. I think as we are here, we know many children who are admitted to Alliance or other National schools and they are sent back because of school fees. When you go there to find that it is 60,000/- or so, and that would help the country to train the important candidate in this country. We know that is where the kind of cadre that we shall get doctors and professors and so on. So that education should be cheaper than any other education. And of course, university loans should be made easier to get by the students joining universities.

The other point that I have is that of the President. Of course i feel this like i said is a personal view, they should be 35 years of age and not beyond 70 years of age. The President should always rule through Parliament because if this was done, then people would feel that they are the ones are ruling themselves. So he should rule through the Parliament as a spokesman of the Parliament and not as a person who is giving a kind of dictatorial kind of ruling. Again if the President goes against the Constitution there should be provision for impeachment within our Constitution so that the President can be impeached by the Parliament if he goes against it. That is the only way we can safeguard our country from improper administration.

Judges of High Court and Judges of Appeal should be appointed by a professional commission vetted by Parliament. That is my feeling because, by so doing, we shall be having Judges who are independent. All topmost appointments, that is, of PS may be, and other top appointments should be always vetted by Parliament to give fairness to the country. In case of any questionable character definitely one should be dropped, rather than having questionable characters being appointed by an individual.

Unitary government is the best because that will create freedom of movement. I will be happy to go to Coast and feel at home, go to Kisumu feel at home, under the umbrella of one Government, rather than go somewhere and I am subjected to new rules and other rules. Unitary Government would be the best to allow freedom of movement and settlement so long as it is fairly done. All avenues to unite Kenyans should be established that is, I remember years back, we would have children from this end going to learn in Kisumu, in Maseno, in Mombasa and other places. Today we have this kind of, I think 80% remaining in their own district that has created a kind of, it is not a very good system because that creates one being in his own district, being born there, learning there and all this kind of thing and never getting to know how people in Coast, in Western and other places behave and that brings us to the kind of feeling which we want to eliminate by uniting our Kenyans. So those were the few points which I felt that I needed to highlight.

Com. Pastor Ayonga: Thank you so much, Mr. Murigu. Next is John Miano Kahi, hayuko? Halafu, Peter Wanjohi.

Peter Wanjohi: Commissioners, Ladies and Gentlemen, my name is Peter Wanjohi. Mine is very brief and it is oral, so please

note, I don't have anything written. First, it is about employment. The Government should not retrench any person who is working under it, this is because, it is this government which gave that person the work and it promised to work with that person up to 55 years, or may be more, so when it retrenches a person of less than 25 year or 40 years, it means that it is breaking the morale, or the life of that person. So, the Government should not retrench any more people, if not, or if it must, let it not employ or take any person to the college and then promise to employ that person.

No.2. The Local Government: we have these people we call the local government, for example Kerugoya Municipality and the rest. Now, if you can walk to our market here, or to the stage you will find those people collecting money from the Wananchi there, but right now if you go to that market there, you cannot enter with your normal shoes unless you have these gumboots or may be, you send somebody there. So, if the local government is not going to make this place passable, or that place to be at least comfortable when one is staying there then, let them not collect any money from the people.

No.3. Government property: You will see a Government Officer going with that vehicle to his home, carrying his personal belongings. He is using the government vehicle, he is using the government driver, he is using the government fuel, at the end, the government will start saying no money for this, no money for employment, whereas, that money is being used by only one person in the government. So, government properties should be well maintained.

Another point is boundaries: These days, we are disturbed and we are confused, we, local people, why? Before, or let us say, when I was young, we had here what we call Kinoi and now we have Kinoi North, Kinoi South, right now we have, Kerugoya Kutus location, we have, sijui what location, and we don't know where these boundaries reach and where they start from. Who created them? we don't know. So, please let us be informed when to start and when to create these boundaries so that when we go to hospital, or some other places, we may be asked by a nurse, who is your sub-chief, we don't know, because before it was Kinoi South now it is Kerugoya Kutus, let us have at least a clear route of making these boundaries.

The time of you people, the Commissioners of this Constitutional Review, we should know your time and we should know when this katiba we are creating, the time it will take, for example, we know after electing our MPs and Councillors, they normally stay for 5 years, isn't it? What of you people, the Commissioners of Constitutional Review? We should know your time and that category which was created, how long is it going to take? Not a matter of staying for 50 years and then, unasikia sasa tuna kazi nyingine ya kubadilisha Katiba lakini iliandikwa siku gani? The current one, I don't think I know when it started.

Kwa hivyo, at least, tungetaka kwa gazeti, au kwa record. Tuwe tunajua, ikianza 2002 itamalizika wakati gani, ili tuwe tunajitayarisha kutengeneza ingine. Because right now, it is almost 80% of Kenyans who don't know what Katiba is, mimi nikiwa mmoja wao, nakuja kuelewa polepole kama vile tunakuja hapa. Kwa hivyo, tafadhali, wakati mnajaribu kukamilisha, we should know the time taken by you commissioners to re write another constitution for Kenyans.

Com. Okoth Ogendo: Asante.

Peter Wanjohi: Bado kigogo.

Com. Okoth Ogendo: Umesema utasema haraka.

Peter Wanjohi: Haya juu ya government transfers. To avoid corruption, I would like the Katiba to be created, hakuna mtu wa Serikali anatakiwa kukaa kwa station moja kwa more than three years. Kwa sababu, huyo mtu akikaa kama hapa Kirinyaga ataona this place it is too fertile, kwa hivyo wataanza kunyang'anya sisi mashamba yetu. Wacha atoke hapa aende Isiolo, aende Mogadishu, aende wapi tupate mwingine, so that we can reduce corruption in this places. So transfer should be put on point. Okay, kitu kingine ni public plots or land. We have so many problems of land grabbing for example hapa kwa stage, saa hivi ukienda, we have the stage, but the other part is almost fully grabbed. We should have all the public land and plots gazetted somewhere so that if a person like this one or the other comes to think of taking a certain plot we can shout and protest knowing that that land is already gazetted, but there are some people who are going to the most high levels instead of going the proper channel, they go to the high most and claim that it is their land. Let us have each and every public plot gazetted by the Government.

Com. Okoth Ogendo: Thank you so much.

Peter Wanjohi: Wakati wa uchaguzi kufika, tunataka yule ambaye atachaguliwa awe ni mlemavu kwa sababu sisi walemavu tuko na akili lakini wale ambao wanaongoza wanaweza kukosea, wakisema sisi hatuwezi. Sisi walemavu tuko tayari kuongoza nchi yetu. Na kama kuna swali niulize.

Com. Pastor Ayonga: Nataka kusema umesema vizuri sana na mambo yako ni straight forward, na sidhani tungekuuliza swali kwa maana maneno yote yameeleka vizuri, na tutaweka hayo maanani. Kama sasa, una memorandum ambayo ungependa kutoa?

Peter Wanjohi: Ndio.

Com. Pastor Ayonga: Basi hiyo inaweza kutolewa kule ili ijazwe. Tafadhali mwongoze kwenda kwa au kwenye kiti chake. Ahsante.

Eliud Kingo'ri: Kwa majina naitwa **Eliud Kingo'ri**.

Com. Pastor Ayonga: Ngoja kidogo. Je umesikia jina lako? Ngoja kidogo. Ambavyo Bwana King'ori yuko hapa tayari, unaweza kuaendelea, kama una memorandum basi utupatie briefly yale makubwa makubwa ndio u submit memorandum, thank

you

Eliud King'ori: Mambo yangu ni madogo sana nataka kutoa memorandum yangu.

Habari ya hospitali - Sisi Wakenya tunataka hospitali zetu, dawa ziwe za bure kwa sababu tunataabika na madawa. Watu wetu wanakufa wengi kwa sababu wengine hawana pesa.

Masomo – Masomo katika Kenya, elimu iwe ya bure kuanzia shule za msingi mpaka university.

Mashamba – Mashamba yetu watu wengine wanataabika sana ukiwa na shamba lako ukitaka kugawa shamba lako lazima ukate acre moja au mbili ile upate pesa za kugawa hiyo shamba. Kwa hivyo mashamba katika Kenya yawe yanagawa kwa bei kidogo si ya juu sana.

Walemavu – Walemavu tuwe tunatengewa viti katika Bunge ili walemavu wapate nafasi ya kuwaakilisha watu wao huko Bunge.

Budget – Budget ikisomwa walemavu wanataka wapangiwe budget yao. Wapewa hazina yao kutoka hazina ya Serikali, wapewe pesa kutoka hazina ya Serikali. Rais asiwe na uwezo mkubwa kuliko Katiba au kuliko sheria ili watu wasiwe wakiangaishwa sana.

Barabarani - Barabara zikijengwa walemavu wajengewe mahali ambapo wanaweze kupita bila kuangaishwa na magari, wengine wanagongwa na magari kwa sababu yanaenda mbio sana.

Mijengo – Mijengo ikijengwa walemavu wafikiriwe kwa sababu walemavu wengine hawawezi kuingia kwenye mijengo ambayo inajengwa, hata choo ikijengwa inajengwa choo kidogo sana, mlemavu hawezi kuingia huko ili apate kujisaidia. Ni hayo tu.

Com. Pastor Ayonga: Ahsante sana, una maandishi yoyote ambayo ungependa kutoa huko? Hebu unaweza kutoa, enda ujiandikishe kule. Sasa kwa vile dakika ambazo zimebaki ni dakika chache na ningetaka kuzitumia kwa njia tofauti kidogo, badala ya kufuata hii list niliyo nayo. Inawezekana hapa ndani yetu, katikati yetu hapa, kuna watu ambao ni walemavu na ambao wamekuja na maneno. Kuna watu ambao ni wazee ambao pia wana maneno, lakini tukifuata list pengine huyo mzee mvua itakuja kumpata hapa. Ningalipenda tufanye mapendeleo kwa watu wa namna hiyo ili tuweze kuwapa nafasi mapema waende nyumbani mapema kabla ya mvua kunyesha. Kama kuna watu wa namna hiyo ningalipenda wanyooshe mikono. Hapana, wengine nimeona si wazee namna ile nilifikiri. Sasa mimi nitasema hivi, wale walio na miaka 70 kwenda juu. Usije ukaingia miaka 70 ambayo hujaingia. Na kuna mlemavu yeyote hapa ambaye amejiandikisha lakini hajasema? Basi mzee wewe mlete huyo halafu hawa wazee wawili hapa, eh, wewe unakwenda wapi? Lakini, una miaka 70 kweli? Hapana, kama hauna usiseme.

Njogu wa Gakogi: Basi Asanteni sana kwa kukubalia kiti hii nije niongee mambo machache kidogo.

Com. Pastor Ayonga: Useme majina yako

Njogu wa Gakogi: Jina langu ni Njogu wa Gakogi. Kitu cha kwanza vile ningesema tuna matatizo mengi katika kijiji chetu kwa sababu watu wanasumbua wengine usiku, kuwanyanganya ng'ombe zao. Kila kitu kinatoroka na kama kuna watu wanaweza kutusaidia kukamata watu hawa wanaosumbua watu usiku. Ng'ombe zinatoroka, kila kitu hakiwi sawasawa.

Kitu kingine hapa Kerugoya kuna tatizo ya kukosa Sewagerage system ya maji, watu wambiwa wachemshe maji lakini wengine hatuna uwezo huo wa kuchemsha maji. Ningeuliza mtafute njia ya vile kupata sewage za kutupa maji machafu. Ili Kerugoya iwe sawa sawa. Na tena kitu kingine, wakati wa kitabu tulitolewa pesa na sasa mimi na watu wangu wananiuliza pesa zangu zilikwenda wapi lakini mimi sijui kwa sababu watu wakipewa watulipe, pesa zetu zinaenda njia zingine hatuzioni. Na tena jambo lingine ni hali ya kule Bunge wale ambao tutakowachagua sisi ndio wabunge wetu lakini sio watu wengine nasikia in MP wetu na mimi sijawai kuawona hata ma concillors ni hivyo. Ahsanteni.

Com. Pastor Ayonga: Ahsante sana, Bwana Njogu. Jina lako lingine ni nani?

Njogu wa Gakogi: Korato Njugu.

Com. Pastor Ayonga: Ahsante sana, Bwana Korato Njogu. Sasa, Mzee kule. Sema Jina lako na uendelee.

Nathan Maringa: Jina langu ni Nathan Maringa. Nimesimama kueleza maoni yetu, mimi na mke wangu, Monica Maringa. Na tunataka mambo yafuatayo yafikiriwe. We would like the following to be considered for inclusion in the new Constitution.

Citizenship: We recommend that, our constitution allows for foreign spouses who marry Kenyan citizens to be citizens of this land. We also want the children adopted by Kenyans from outside, to be adopted also by being given citizenship in this land.

Political parties: We have too many political parties in Kenya, about 45 and they more or less have the same adherence. We would like the Consitution to restrict them to just a mere 4, as long as they do not share the same ideology and be funded by the Government during the elections.

Land ownership: We know that not everybody can own land in Kenya but then, there should be a ceiling for ownership. We recommend that 100 acres be the ceiling for an individual to own land in Kenya, while allowing for a few commercial farms. Those farms that are owned by foreigners and are not utilizing them, should be confiscated and given to squarters within that

land and our landless people. No land should be allowed to lie idle, if you don't utilize your land you should be forced to surrender it.

Forests: Our forests have been grabbed by a few individuals and it is only by the Grace of God that the rains have come. We would like this to be restricted and preserved for our prosperity.

Inheritance: The law of inheritance should consider all our children equally, irrespective of their gender and allow them to share the property of their parents equally. In laws, fathers-in-law mainly, should not be allowed to displace, or disposses, or chase away daughters-in-law after the death of their sons, just because they want the property of their son.

Joint ownership of shares in Co-operative Society: Our present Act does not allow individuals to own joint shares in the co-operative movement; maybe, a husband and wife or any other. That Act should be amended to allow this, because if I can own my land jointly with my wife, I don't see the reason why I should not have the same shares with my wife in the Co-operative movement. All properties should be allowed, to be owned jointly, for those who want to do so. We are not requesting that everybody should own land together with his wife, but those who feel free to do so, should be facilitated to do so.

Government arms: We recommend that the three arms of the Government should be separated, that is the Executive, Parliament and Judiciary. And the latter two should be independent of the first one.

Judiciary: Judges should be vetted by Parliament before they are allowed to take their appointments. We also recommend the establishment of a supreme court in Kenya, which will also be a Constitutional court, to consider such things and members of the Judiciary should be allowed to continue working until 70 years, when they should retire. Senior Government officers, like Attorney General, Permanent Secretaries and their deputies etc should also be vetted by the Parliament, before taking their appointments. They also should be given security of tenure of office, so that they can work without fear. Judges also should be given security of tenure of office.

Com. Pastor Ayonga: Thank you, thank you.(interjection)

Nathan Maringa: Government set up: There should be a central government headed by a Prime Minister, with Executive also, and people who are qualified or will be qualified to be Members of Parliament, should have a university degree, and the fellows in the local authority, the Councillors, should be form four people. We also recommend that, Mayors and their deputies should be elected directly by the people, together with their deputies. All chief officers of the Local Authority should be given security of tenure. Local Authorities should be empowered financially to be able to give services to the people, they should also be given powers to hire and fire their employees, as they were before. All the Constituencies for Parliament and Local Authorities

should be created due to the number of people, not because of the geographical area.

Com. Pastor Ayonga: Thank you mzee Raphael, thank you so much. I have one more person before we close. And if you please could submit your memo there, I will certainly appreciate.

Nathan Maringa: Thank you very much.

Com. Pastor Ayonga: Now Ladies and Gentlemen, I would like to call upon Reverend Nathan Maringa, is Reverend Nathan Maringa here? Or his representative, you are his representative? First of all, let me say that this venue that we are using here was given to us by ACK and would you please, take our thanks to them for having allowed us to use this facility. This is a house of God, as you can see on your left and they have been so kind to allow us to use this wonderful facility, and we would like for them to present their memorandum. If you could make it brief, I will certainly appreciate. Thank you.

Nathan Maringa: This is a memorandum from this Church, ACK St. Thomas Cathedral, what we should have in the Preamble is that, the Constitution of Kenya should state the bordering values for human rights and dignity, it should mention that we depend on the sovereign of God and include the people of the land, that is Kenya.

On the Executive, we said that we should have a ceremonial President being state leader, elected by the majority of Kenyans and that is, the man must garner over 51% of the total votes cast. He should contest the Presidential seat, without necessarily being a representative of any constituency, he should be at least a university graduate with a clear track record, he should be between ages 35 and 65 years at election; should be medically fit with a stable family. He should possibly declare his wealth. He should lead for not more than 2 terms of 5 years each. The runners-up should automatically be the Vice President, under the same age.

Prime Minister: We should have the Prime Minister as head of the Government, and should have contested the Parliamentary seat and succeeded. The same qualities as the President's. He should be ready to make a coalition government, from all parties represented, and should lead for, at most, two terms of five years each.

Provincial Administration: This is irrelevant and should be scrapped in a situation where we also have Local authorities, it is a duplication of guide.

Civic powers: The people should elect all civic leaders and people as contested should elect the Mayor, Chairmen of the Council, their positions from the beginning. The Councillors, the Chairmen or Mayor in their chamber should elect or appoint the Clerk. He should reign, at most, 2 terms of 5 years each. A thousand members vote of locality should be enough to recall any member proved unable.

Parliament: The House should veto the appointment of the Constitutional office holders, Attorney General, Heads of Parastatals, Military and Senior Government officers, Diplomats, and the Cabinet. All members of Parliament should be elected by vote and not by nomination. All contesting Parliamentary seat should have attained, at least, mean score of C in their Secondary Education, all other qualities are as that of the President. The House should draw its own calendar, immune from Presidential influence. The members of the House should be having voting power proportional to the constituents. The people should be having power to recall their MP if proved unable to deliver. All viable political parties should be funded from the consolidated fund. For a party to be considered viable it should be represented by at least 5 members in Parliament and it should be funded. Parliament should control and approve the source and expenditure of the state fund.

We should have Affirmative Action but make the policy fit for the marginalized.

The Judiciary: We should create a Supreme Court to deal with cases that touch on Judges and Magistrates. We should have a Judicial Service Commission subject to Parliamentary veto.

The Attorney General should remain the Government Advocate and prosecutor and create an equal office, namely the Director of Public Prosecution and Advocacy independent from the Attorney General's office. We should have a minimum of 1 term of three years in an office. We should have special courts, that is, chambers, to deal with cases of defilement and they should not be subject to open court.

Bill of rights: Human rights are inherent, invariable and God given and not granted by the State or law. All state organs shall regard the promotion and protection of human rights as their primary responsibility. Our new Constitution must make provisions for social-economic, cultural and development rights. It should protect security and health care, water, education, shelter, food and employment and basic rights for all Kenyans. The family is the natural and basic unit of the society and shall be protected by the society and State.. The female and male gender shall be recognized and defended by the state. They should be enabled to live a life similar to that of non-disabled person.

Law should emphasize that the disability that is on disabled people, disability is not inability. All citizens must have a right to civic education and it should be continuous in order to keep people updated in all matters of law and nature. The Constitution should establish an independent Human Rights Commission, whose terms of reference should be established by the Constitution and the Director of the Commission should be accorded security of tenure. The Constitution should provide for a free and compulsory primary education. The Constitution should guarantee citizens right to access information in possession of the Government.

Com. Pastor Ayonga: Thank you so much. Next ni James Karuki, Mwingine ni Paul Karani, halafu Mary Mwai, si tulikuwa

na Mary Mwai? I thought we had a Mwai Mary somewhere? Okay leta karatasi ingine No.9, Faith Muriithi, Difatha Kiama, okay mzee endelea.

Bwana Kiama: Na mundu uria ukwandika andike wega,

Com. Pastor Ayonga: Wapi yule wa kutafsiria hii ya Mzee.

Bwana Kiama nyandikite atiriri watho wa bururi ni wa andu oothe, njitagwo Difatha Kiama Ciugi

Translator: Anaitwa Difatha Kiama Ciugi. Majina yake ni Difatha Kiama Ciugi.

Com. Pastor Ayonga: Endelea.

Difatha Kiama: Watho wa bururi ni wa andu oothe.

Translator: Sheria za nchi hii ni za kila mtu.

Difatha Kiama: Mundu munyinyi na mundu munene.

Translator : Watu wote wanaushwa na sheria hizo wakiwa wadogo na wakubwa.

Difatha Kiama: Na watho wa bururi nduthondekeirwo mwana kana mundu munene.

Translator : Na sheria za nchi hii au nchi yoyote hazitengenezewi mtu yeyote akiwa mdogo au mkubwa, ni za kila mtu.

Difatha Kiama: Na maundu ma bururi gutiri mundu utagiriirwo ni kumarumirira uria mahana.

Translator : Na kila mtu katika nchi hiyo hiyo ni lazima afuate sheria hizo hizo au Katiba hiyo.

Difatha Kiama: Magoti marumirire watho wa muingi.

Translator : Kila kodi iwe ikifuata Katiba ya wananchi wote.

Difatha Kiama: Na mucirithania ndakoige watho ni wake.

Translator : Na jaji au magistrate asiseme sheria ni yake.

Difatha Kiama: ahitia atuirwo.

Translator : Hata yeye akikosea sheria ifuatwe.

Difatha Kiama: Githomo gia ciana

Translator : Kwa upande wa masomo ya wanafunzi ni lazima iangaliwe.

Difatha Kiama: ni gitiywo

Translator: ni lazima ihesimiwe

Difatha Kiama: Na ciana ithomithio wega.

Translator : Na watoto wasomeshwe vizuri.

Difatha Kiama: Wa muthini, wa gitonga

Translator : Matajiri na maskini wawe katika hali moja.

Difatha Kiama: na githomo gitigacenjagio o mweri

Translator : Na masomo yasiwe ya kibadilishwa kila mwezi kwa mwezi.

Difatha Kiama: Utonga wa bururi umenyererwo ni wa andu othe a bururi.

Translator : Na utajiri wa nchi uwe unalindwa kwa sababu ni wa kila mtu.

Difatha Kiama: Na nii ndakorwo ni nii ndugamiriire-ri, ndiagiriirwo ni kuuga indo ciothe cia bururi ni ciakwa.

Translator : Na ikiwa ni mimi naongoza hiyo mali yote isiwe ni yangu peke yangu.

Difatha Kiama: Bururi ni wa muingi.

Translator : Kwa sababu nchi ni ya kila mtu.

Difatha Kiama: Mutitu utio

Translator : Na misitu iheshimiwe.

Difatha Kiama: maai matio, thibitari itio, na ndagitari magitirwo, na barabara ithondekwo

Translator : Hata maji; hata hospitali ziheshimiwe; na madaktari wawe wakilindwa; na barabara itengenezwe.

Difatha Kiama: na ciamia cia gukararania igairwo mbia

Translator : Na vyama vya upinzani viwe vikipatiwa pesa kutoka hazina ya serikali

Difatha Kiama: tondu mbia icio ni muingi ukoragwo urutite.

Translator : kwa sababu hiyo inatokana na kodi ya wananchi.

Difatha Kiama: Na guthondekwo ikundi cia andu, cia kuonaga kana maundu macio ni marahingio.

Translator : Na kutengenezwe kamati au tume iwe ikiona kwamba hiyo mambo yote inatimizwa.

Difatha Kiama: Na ikundi icio itukanio kana ni atumia ona ciana ona athuri akuru a gucuthagiriria na maitho kana undu ucio ni urahinga.

Translator : Na vikundi hivyo vyote vikiwa tume au kamati viwe vikihusisha watu wa aina zote, wanawake, wanaume na pia watoto.

Difatha Kiama: Na wandikani wa bururi,

Translator : Na pia uhandikishaji wa nchi,

Difatha Kiama: to mundu uria munene wagiriirwo ni kwandika.

Translator : si mtu yule mkubwa tu anaweza kuandikana.

Difatha Kiama: Ni guthondekwo ikundi cia kwandikanaga akanengerwo.

Translator : Kuundwe tume au vikundi vya kuandikana na viwe na mamlaka ya kuandikana.

Difatha Kiama:

Com. Pastor Ayonga: Asante. Time inasidi kwenda. Time ya mzee imekwenda.

Translator : Urerwo mathaa maku ni mathiru. Thii na mbere.

Difatha Kiama: Ciana niiraneo bangi utoio kuria uroima.

Translator : Na pia watoto au vijana wanapatiwa bhang ambayo haijulikani inatoka wapi.

Difatha Kiama: Na wathii na barabara ciana iria nyinyi ikomete o uguo inyuite bangi.

Translator : Na ukienda kwa barabara unaona watoto au vijana wanaendelea kulala tu ovyo ovyo barabarani.

Difatha Kiama: Indo ici ciukagira ku bururi mugitire?

Translator : Swali ni kwamba vinapitilia wapi hivyo vitu vyote, hayo madawa ya kulevya, na kuna ulinzi wa kutosha.

Difatha Kiama: Ngithii kurikia-ri, Commission ino ndina kiuria ngumuria. Commission ino igatira ta andu aria moimire gataga cauci magitwira ati matiri kindu moka nakio no kibindi no guthuguna kibindi tugutura ona kibindi tuthugunaga, na inyui mugutwira ota andu acio moimire kuria (inaudible)

Translator : Nikimaliza, nitauliza swali kwa Tume ya kurekebishaji Katiba.

Difatha Kiama:

Translator : Yaani anasema kwa ufupi kwamba iko katiba iliyotengenezewa Lancaster House, ikahusisha watu wa Kenya ambao walikuja na mifupa badala ya kuja na nyama, ninyi je, mtatuambia kama hao watu?

Com. Pastor Ayonga: La, hatutakwambia kama hao watu kwa maana wewe ndiye tunataka utengeneze Katiba na ndio maana yake tumekuja hapa. Ukipata mifupa ni kwa maana umetupea mifupa (laughter). Sasa hebu niwakumbushe hivi katika orodha yangu nina majina 100 (mia moja) ya watu ambao hawajasema kitu. Majina mia moja. Na kwa hivyo ninapowaomba kwamba mufanya misemo yenu iwe mifupi nina-mean ya kwamba nataka kila aliyeandika jina lake asema kitu. Lakini msiposhirikiana na mimi tutakuja kupata ya kwamba tumetumia majina 30 and watu 70 wamebaki. Hamuoni saa ile imefika wakati wanasema saa mbaya au hamuoni hiyo. Saa imefika saa mbaya. Kwa hivyo ninapoita wale ambao nawaita, nataka tuseme point. Maneno ambayo mwingine amekwisha sema, mbona kuyarudia kwa maana hayo yameisha ingia kwa record? Na kama yako yamesemwa si useme tu kwamba niliyotaka kusema yamesemwa. Basi sasa nitawapa dakika tatu tatu najua watu wakiwa mia moja ukitoa dakika tatu tatu, umetoa dakika ngapi, mia tatu gawa na 60 hiyo ni saa ngapi? Ha! ni five hours. Na sasa ni saa tisa 5 hours hiyo unaipata ni saa ngapi ya usiku. Na sisi hatutaki kuvunja Katiba ili wengine hapo waende kupigwa na watoto wamekula madawa ya kulevya. Kwa hivyo tafadhali nikisema stop there, please comply. Kuna Stanley Kijini, Julius wa Muthoni, hakuna, Francis Mbutu, Francis Mbutu huko, hakuna, yuko wapi?

Francis Mbutu: Mimi nitasema kwa kifupi tu.

Com. Pastor Ayonga : Lakini ufupi huo uwe dakika zile nimesema.

Francis Mbutu : Mambo mawili. Mimi ni **Francis Mbutu** – Sheria za umilikaji wa ardhi za uuzaji hata ununuzi zastahili kugeuzwa upya kwa sababu hazifuatiliwi kamwe Katika Kirinyaga na Jamhuri ya Kenya kwa jumla. Ni wazi kabisa ya kwamba badala ya Land Registrar kufanya kazi hii yake muhimu, yako makampuni mengine na maofisi mengi sana

yanayotekeleza jukumu hili na hii imewapa wananchi ambao si matajiri taabu nyingi kwa sababu mashamba yao yameporwa na hawana pesa zakufwata halafu na mashamba yao yamenunuliwa kiharamu. Katika utunzi wa sheria ya mashamba, plan ya 1954 iliwapa Waafrika haki ya kupatiwa haki za mashamba ili wawe wamilikaji kamili. Hii ilifanywa na mkoloni ikiwa ni kazi ambayo haikuwa ya makosa. Siku hizi Sheria hii haifuatiliwi hata kidogo kwa sababu haijaelezwa katika title deed ya mtu yeyote. Hii ni kazi ambayo inataka kuangaliwa vizuri kwa sababu iwe haionekani kama ni haramu. Sasa hivi ma-case mengi katika Kirinyaga na Kenya mzima kama ma-case 95%, Kirinyaga na High Court ya Nyeri ni ma-case ya mashamba yaliyoporwa na watu. Kama waheshimiwa Ma-Commissioner mlipokuwa mkija hapa, hapo chini kilometer moja kutoka KTI mungeona wakongwe wako hapo barabarani, wanalia huko ati kulikuwa tajiri alikuja kwa gari na vikinge na seng'enge na kuchukua shamba lao. Sasa nauliza hawa ni Wakenya na nani anaangalia taabu zao. Sasa ndipo ningeliza Waheshimiwa Ma-Commissioner mtie maanani mgeuze Katiba au Katiba itiliwe mkazo ili upeanaji wa mashamba utiliwe nguvu ili wale ambao wanaingililia katikati wasije wakaingia, halafu na kupora mashamba ya watu.

Com. Pastor Ayonga : Ahsante.

Francis Mbuti: Ya pili Bwana Commissioner, ni sheria ya civil jail inafaa iondolewe ki-Katiba. Nimeshaona hapa kwetu Kirinyaga na mahali pengine kama mtu hana pesa tajiri anaweza kwenda anatoa pesa kama ana case kidogo anasema wewe utaingia, ninauliza, sijui ni sheria, civil jail ni sheria ambayo ni international au ni localized au ni ya wapi? Sielewi, sikusoma sheria mimi. Halafu huyu akiwa katika jela kama mwezi moja, halafu wanyang'anyi wanaendesha wizi wa shamba, halafu wakati wa kutoka shamba limeshakwenda. Hii sheria civil jail inatatanisha kwa sababu maikini hawawezi kujisaidia. Na ningeweza kumnukuu Thomas Jefferson „July nne 1776, imeandikwa kwa Kiingereza. “ We hold this truths to be self evident that all men are created equal with certain inalienable rights, and among these are: life, liberty, and the pursuit of happiness”. Inaonekana katika nchi hii Katiba haimwangalii maskini na ndipo...(interjection)

Com. Pastor Ayonga: Tafadhali dakika zako zimikwisha. Na hii ume-quote kutoka kwa Constitution ya America.

Francis Mbuti: Nipe dakika moja tu ninamaliza. Sasa hivyo nauliza Ma-Commissioner tafadhalini itiliwe katika Katiba ati maskini waangaliwe vizuri, waporaji wapigwe break. Mashamba yanakwisha. Ahsante.

Com. Pastor Ayonga: Ahsante, hebu peleka kule. Tafadhali muda ni mbaya, na nataka tushirikiane. Johnson Munene, hayuko, Joshua Mwai?

Joshua Mwai: Jina langu ni Joshua Mwai Kutoka Kanyekine location. Ya kwanza .

Com. Pastor Ayonga: Endelea.

Joshua Mwai: La kwanza ni uchaguzi wa president. President hatajikani achaguliwe pamoja na Members of Parliament au councillors. Inatakikana achaguliwe akiwa anafanya campaign yeye mwenyewe ili watu wapate kusikia vile ataongoza Kenya. Lakini, President akiwa niwa chama, chama ndicho kitampeleka akiwa anasema hivi, anasema hivi, na si yeye anasema. Tunataka kusikia maneno yake yako namna gani katika Kenya nzima.

Ya pili eh, Majimbo – mimi nikiulizwa, zamani mbele ya Uhuru, watu walikuwa wengine wanaimba Majimbo, wanaimba Majimbo. Lakini Majimbo si nzuri hata kidogo, sababu Majimbo, tuseme Coast, Kisumu na Kakamega, Eastern na Central, kama tunasema yaweza kuwa namna hii. Majimbo ikiwako watu watakuwa na taabu sana na watakuwa, wengine wakipindua wale wengine sababu hawa watu wengine hawatakua wakipinduliwa watakuwa kama wafungwa wa wale wengine. Na utajiri utakuwa yaani kwa pande moja. Yaani tukiwa Central tuna utajiri, hatutagawia wale wengine, nao hawatatugawia wakiwa matajiri. Naona ya kwamba Majimbo isikuwako, tuwe na serikali kama hii iliyoko ya Kenya nzima bila Majimbo.

Com. Pastor Ayonga: Ahsante, malizia malizia sasa lile la mwisho.

Joshua Mwai: Kuchagua wanawake katika Parliament. Hiyo haitakikani katika Kenya mwaka huu, au miaka hii, kwa sababu ukiangalia wale wamechaguliwa, nimekwisha angalia sana nikaona hawa watu kuchaguliwa kwa wanawake ni kama kuua bwana. Kwa ajili gani? Kwa ajili bwana ataachwa na mtoto na akienda choo bwana ataenda kutoa hiyo choo kwa mtoto. Na mama na yeye akiwa Parliament hawezi kuja kushika uchafu, wale ambao wamechaguliwa mpaka wa leo, ukiangalia, wanaume wanakufa. Sasa mwanamke anatupa bwana yake, bwana yake si ataenda kuokota ukimwi nje? Sasa kutakuwa namna gani?

Com. Pastor Ayonga: Ahsante sana mzee, naona jambo hilo ni zito hata umesahau kuna microphone. Kwa dakika ni kidogo sana. Hiyo memorandum yako tutaisoma, si umeandika hayo ya wanawake? Kwamba wasiende bunge? Basi sisi tutaichukua na pia mawazo yako yamenaswa kwenye rekodi zetu.

Joshua Mwai: Nikiendelea Bwana Commissioner: Pombe ya wale ambao hawajiwezi na wao hawana pesa. Ni heri watafutwi mahali pa kujifuraisha wakati wako na pesa.

Com. Pastor Ayonga: Ahsante sasa tutaachia hapo, tafadhali, tafadhali, ah, ah, hapana tafadhali ninapokuambia umefikia hapo mzee ninayo time na nina watu wengi tafadhali, na ningaliwaomba ninyi nyote ambao mmebaki ninapokuomba, sikuombi kwa ubaya. Andikisha maneno ya huyo mzee na yameingia kwa record. Na wamama mumesikia msiende Parliament kwa maana mnaua wazee. Haya anayefuata ni Anthony, Bernard Maringa. Okay, thank you, thank you. Halafu kuna Anne Mwasi, halafu kuna Martin Mwai, ndio una memo ya political group? Okay una dakika tatu ndugu Martin.

Martin Mwai: Kwa majina yangu mimi naitwa Martin Mwai, mimi ndio Chairman wa Aswa Chamber of Commerce & Industry. Na ningetaka ku-present my memorandum to you. Yangu nataka ku-comment on political parties so far we know

that we have 34 political parties as per the Kenya Gazette dated 24th March 2000. I would suggest, ile sababu tuko na vyama vingi namna hii, ni kwa sababu most of the Chairmen of those political parties, when they find an ambitious man or an ambitious politician anataka kuingia kwa chama fulani wanamkataza kabisa kwa sababu, ama yeye mwenyewe akiingia huko wanaona huyu mtu akichaguliwa atakuja kufunga yule. Kwa hivyo in a very short way, I am trying to say nomination of candidates for certain parties out of those 34 parties- they have their respective chairmen- hawa ma-chairmen kukiwezekana hiyo Katiba ibadilishwe. Kusikuwe na nomination kwa sababu hiyo nomination inasaidia some of the ambitious leaders, watu wale wangesimama vizuri sana wanakuwa sidelined. Unaona a certain politician is going for his relative or for his friend kwa ningiuliza Commission ama you Commissioners to note, it is better for the aspiring candidate alipe pesa za registration nyingi kuliko kufanya nomination halafu aje ashindwe huko. Mwishowe kabisa they will end up voting for the wrong person, that is not democracy. I hope you have understood hii ya nomination hiyo ndio inaua our country. If there is a proper way hata kama ni watu 50 ama 100 wanasimama the determining factor should be the votes, si ati amechaguliwa on who is the best, hapana, tukifanya namna hivyo, we shall minimise these parties kwa sababu mtu atajaribu kama amekuwa sidelined kwa DP, mtu anaenda anaunda chama chake naye atajaribu kusaidia another person kwa hivyo it is good haya maneno ya nomination yawe noted.

If it is possible when a party is being registered nomination wawe wanaambiwa hakuna kitu kama hicho watu, waende kwa debit provided that the country is able to pay for their registration fee hafadhali fee iwe KShs.100,000 na mtu a-retain his powers, his election rights. Achaguliwe na watu wajuwe ni watu gani wamechaguliwa, lakini si ati alifanyiwa nomination huko halafu akawa-seconded by a certain politician, wakamfanyia mpango halafu anafutwa. That way, if we do that we shall (not) lose a very good leader.

Com. Pastor Ayonga : Thank you.Una hiyo unataka kutuwachia? Ahsante. Nataka mtu anasema maneno mafupi kama hayo ambayo yameletwa. Na Esther Nyawira, Lawrence Waweru, Nancy Njoku – Lakini Nancy hakutaka kuongea amesema hataki kuongea, aliudhuria, Anthony Gachogi Kori ndio huyo. Gachoki Kori una dakika tatu.

Anthony Gachogi Kori: Thank you Commissioners, my points will be in summary. The first point is that the President should have a two 5-year terms of office. This will prevent the President from exploiting his powers to his own satisfaction. And he should be at least 35 years old and not above 70 years old. The reason is that a head of 70 years such as a President will be a moron.

No. 2 the incumbent President should be impeached in case he is corrupt. Parliament should have that role and he should be reprimanded and removed from office.

President should be elected by universal suffrage and should command a 50% votes nationally. And in these, out of eight provinces. This will make the citizens to have confidence in him.

No. 4, we should have a President and a Prime Minister. The Prime Minister should have the task of appointing the

Government officials, this will ensure a situation where there are checks and balances.

Votes should be counted at the polling stations; the problem here is that this will mean that there will be a case where there will be no rigging and to ensure that there will be an efficient way of counting votes. Votes have been tampered with in the Provincial areas now and then.

Six, the President should be elected by a majority but not a minority, the situation that we have nowadays, in fact prior to that, is that the minority is the one that elects the President but not the majority because there is a class of a certain group carrying on the same job as it happened in Zambia. This will mean that the President will have confidence in the people and will attract both foreign and domestic capital.

Constituency borders should be revised as per the demographic changes, this will ensure that a certain Member of Parliament represents a certain area in a way that it is presumable and it is representative not to have 10,000 people having 5 MPs. The President should not have excessive power. His powers should be curtailed because they are detrimental to the political well being of the people. At present, or in fact, the situation is that he has control even over the Legislature and the Judiciary. This one is unhealthy. He has also the power to prorogue or dismiss Parliament at random. So what I mean is that he should not wake up today and say that Parliament has been prorogued or dissolved.

Councillors should be directly elected by the people, and in this case, this will ensure that all councillors are their representatives. They should be at least of Form 4 education, but not to have somebody below that education who can't understand the particular by-laws.

The current two-year term of office for Mayors and Council Chairmen should be maintained. Note that a councillor who cannot understand the by-laws, who is as at present, will not understand how to run the various councils. There should be free primary education.

Eleven, Parliament should have the power to vet the appointment of the judges to the high court. What I mean is that the President should not have the power to interfere with the verdict of the court cases as is the situation.

One of the areas that has not been mentioned is the Education Act. This one should be amended. The problem here is that we have the Secretary to the Board of Governors that is the Principal of a certain secondary section gets a few cronies whom he appoints as Board of Governors. People who don't understand the pros and cons of education. Those people are not yet learned and two they have other things attached in order to benefit from the system.

Com. Pastor Ayonga: Please summarise.

Anthony Gachogi: So the final point I am clearing off, is that they should be nominated by the Principal of a certain institution then taken to the Minister for approval. And they should be of viable education. Form 4 education and above and preferably teachers,(I am a teacher), lawyers, doctors etc. but not answerable to the people who claim to be Board of Governors.

Com. Pastor Ayonga : Thank you, thank you but I thought that, that Act provides for that. The Headmaster who is the secretary only recommends and the Ministry ratifies. Thank you. Next is John Kihora. Kihora njoo, huyu ni Job Korandu, aliongea? Nani ambaye anazidi kurudisha haya majina? Na hali, oh, okay, Kunaye Charles Ndegwa? Hayuko Ndegwa, kuna Johnson Micah, ali-attend hakutaka kuongea. Eliud Gichobi, Anderson Maina, Michael Kamaku, Jane Wambui Mboi ndiye huyo mama. Mama Jane tafadhali ufupishe mazungumzo yako ni dakika tatu tu. Endelea.

Jane Wambui Mbui: My names are Jane Wambui Mboi. I am presenting the recommendations to the Constitutional Review Commission, of Mutitu Women Group. As we had sat down with the other women we discussed over gender equality we found that a man or a woman of this country be given equal representation in nearly all posts or all ministries working for Kenyans;if we have a man as the President we need to have a vice president being a woman, so that we can change the culture of this country. About education, we found that it should be free from primary school to university because our country is able if only the Constitutional Commission stands well.

Health – we need free health care for the aged who cannot support themselves financially and the poor who comprise three quarters of the country.

Food - we found that food in our country should not be exported while we have many dry areas where there is no food, this food is sold and later we are given the poor quality of food e.g. Maize and sugar instead of using our best. If only this food is given to the poor, disabled and the street dwellers, we would even reduce the diseases which are caused by lack of food and thats what we need Kenya to be.

Shelter – we found that the disabled and the street dwellers, landless and poor elderly people with no relatives be given homes instead of them living in slums while we have many acres in Kenya where they are no people.

Finally, we discussed about courts. The Constitution need to have special courts where special cases like rape, violence of the young girls could be dealt with freely without one being scared of the government. That is all I had.

Com. Pastor Ayonga: Thank you mama, thank you so much. We will look into that. Geoffrey Mugo kutoka Red Cross, John Njue,

John Njue : Ngwaria na Gikuyu nii. Ngwendete kuuga atiriri hakwa nindakena ni undu wa kunjita. Thiini wa mabururi maria makuru-ri, andu makura kuma miaka 50 nginya 60 nginya 80,

Com. Pastor Ayonga: Sasa itakubidi kuchukua dakika moja na nusu ukitumia mtafsiri.

John Njue: Njitagwo John Njue

Translator: Majina yangu ni John Njue

John Njue : na ngwendete kuuga thiini wa mabururi maria makura tondu Kenya nayo niyo irenda gukura ni undu tigo kurahanaga, miaka iria ingi iguka-ri, andu a miaka mirongo itandatu ningya mirongo mugwanja nginya mirongo kenda nimateithagio ni thirikari iria ikoragwo i kuu.

Translator: Katika nchi za nje na Kenya inaendelea kukua watu ambao wamefikisha umri wa miaka 60 na 90 wanapewa msaada na Serikali.

John Njue : Ee mundu wanja kana mundurume.

Translator: Akiwa wa aina yoyote, mwanaume au mwanamke.

John Njue : Uguo ni kuonania andu acio makura ni makoragwo marutite wira gwa thirikari no miaka yakinya io thirikari ikariganirwo nio.

Translator: Inaonyesha kwamba watu kama hawa wamefikia umri wa aina hiyo wamefanyia Serikali ama wananchi ama nchi kazi kwa miaka hiyo lakini wakifikisha umri wa kustaafu au wakizeeka, Serikali inawasahau.

John Njue : Ndiuna na mangi ni macio Katiba igithondekwo imenye andu acio tondu ni miitu.

Translator: Anasema hana mengine isipokuwa hiyo Katiba ikitengenezwa ama ikiundwa wawe wakishirikishwa kwa Katiba. Ahsante.

Com. Pastor Ayonga: Ahsante sana mzee Bwana John Njue. Sasa namuita Muisi Nguri, Patrick Muriithi, Silas Gichiri, Josephat Miano, Councilor Allan Murage, Faith Kauko.

Faith N. Mureithi: Kwa majina naitwa Faith N. Mureithi. Mimi siakilishi kikundi kimoja kwa maana nilikuwa nime-contribute kwa group zingine na wale walitoa memorandum yetu, nilikuwa ndani ya hiyo. Lakini ningengeza kitu kwa mafikira yangu. Nikiangalia upande wa kortini akina mama wale mabwana zao wamekufa. Kukiwa na accusation, inakaa sana kwa korti yaani mama akiachwa na bwana yake, akipeleka hayo mambo ya kuchukua ule urithi wa bwana yake ile kesi inakaa sana mpaka watoto wa mama huyo wanakosa kusoma, tena inakufa kesi hiyo ikiwa kortini. Kwa hivyo, hiyo ningesema iangaliwe sana na iwekwe kwa record. Tena ninaona kitu kingine, ni kesi za mashamba. Kuna watu wako katikati ya wenye mashamba wanaitwa brokers. Hawa ningesema waangaliwe sana. Mashamba mengine yameuzwa kwa njia ya brokers na sana sana ya wale akina mama mabwana zao wamekufa, brokers wanashikana pamoja na watoto wa mama yule bwana yake amekufa mashamba mengine yanauzwa kwa njia hiyo. Kwa hivyo ningesema hayo yanatakiwa kuangaliwa.

Com. Pastor Ayonga: Basi asante sana mama.

Faith N. Mureithi: Mwisho ni kwa nyinyi Commissioners. Haya mambo yote tumefanya hapa na maneno yote yametolewa na groups na memorandum, yanaweza kuwa ya bure ikiwa election zitafanywa mbele ya hiyo mambo kuangaliwa. Kwa hivyo ningomba Serikali ile iliyowatuma muambie watu wa Kirinyaga na wale wengine katika Kenya, tukitaka haya masaa tumetumia yasiwe ya bure, Katiba irekebishwe kabla ya elections. Asante.

Com. Pastor Ayonga: Asante sana mama na basi uendeleo kutuombea. Utuombee kwamba Commission imalize kazi yake vizuri bila pingamizi. Asante. Next ni Charity Muthoni; alikuwa na maandishi, anayo memorandum sijui kama alikwisha-submit au namna gani? Ambavyo hauko pengine amesha toa hiyo. Mwingine ni Elphantus Gichobi, Gerald, Wilfred Wangai, Stanley Wanjohi, ana-written, pengine ame-submit, Geoffrey Mugo Kiragu, thank you so much, Joseph Kamau, Jane Njeri, tena mbona ile imeandikwa mara mbili, nimesoma Ephantus Mwaniki tena hilo jina liko hapa. Francis Mbuthia na Janet Mithamo, mwingine ni Tom Ndathakuna, Peter kimani, Sophia Kinyua, Joan Muthoni, Jude Wanjiru, Jackie Karaba, Murithi Kachama, lakini hawa wanaonyesha walikuwa hawaongei. James Mwai, Solomon Kabira, Kabira ana memorandum. Tafadhali make just a brief highlight na dakika sasa inaenda kuwa moja na nusu.

Solomon Kabira: Thank you Commissioner and your team: I will be very brief I have five points and it is unfortunate some of them have been mentioned by others but I will read them.

Employment – the new Constitution should have well defined scheme and terms of service whereby professional workers or Government workers get promotion and remuneration without going to the streets to demonstrate.

Education - should be free and compulsory for all with free facilities, books and equipment.

Public Transport – The new Constitution should allow the creation or the establishment of an independent Police Traffic Unit to punish drivers and conductors found overloading public vehicles and matatus and buses with passengers. Traffic Police officers who collaborate with such drivers and conductors should be punished. Excess passengers traveling in overloaded vehicles should also be punished. Drivers who drive unworthy vehicles should also be punished.

Point No.4 Protection of National Resources: Such as water – this should be protected for the benefit of all. Those found interfering with them should be punished.

Electoral laws - the New Constitution should abolish political zones e.g KANU Zones or Opposition Zones. Politicians should be free to visit all areas in Kenya. All political leaders must be given security during campaign time. The New Constitution

should allow or legalize voting by proxy. Election petition cases should be finalized within a year, thank you.

Com. Pastor Ayonga: Thank you so much. Jacinta Mugo, una memorandum just give us highlights of your memorandum.

Jacinta Mugo : Thank you Bwana Commissioner, I am Jacinta Mugo representing the District Women Development Committee.

Preamble: there is a need to have a preamble to the Constitution that highlights on the following: recognize the supremacy of the people of Kenya, women, men and children. Important to highlight the multiple roles men, women and children play. Honour should be given to those who fought for independence and recognition for their families.

National vision: recognition that all are equal before the law, be applicable also to vulnerable groups. The supremacy of the Constitution to reflect our unity given our diversity. I want to highlight only the parts that my colleagues have not touched but there are some that I am going to put in.

The Executive powers -A President-elect should declare his wealth before he is sworn in as President. The President's tenure to remain two terms of 5 years each. Presidential functions to be defined in the Constitution. President not to appoint the vice – President, the Attorney General, Chief Justice, Solicitor General, Judges of High Court, Chairman of Electoral Commission, Ambassadors, Provincial Administrators.

The specific issues of basic rights – Security: mob killing, police shooting, fire arms, prisoners treatment and discipline of security force; health care – Free medical care, medical insurance, hospital charges control, accessibility to medical care.

We come to Transport, and I am happy that the one who was here has already given this. Transport - strict enforcement on vehicle capacity, vehicle condition, comfortability. When we come to comfortability, in fact we should look upon this because disabled people, women with little kids and also children do suffer a lot when being transported by the vehicles we have in our country. Regulation of speed, introduction of a code of conduct for vehicle operators, regulations to control public transport and charges.

Public Service Commission -It should not be Presidential, be gender balanced and have regional representation.

Code of Ethics – Need for the existence of a Code of Ethics for public office holders. The rest, I think was covered by the other group. Thank you.

Com. Pastor Ayonga : Thank you mama, now next is Isaac, Bernard S. M. ni wewe? Thank you, halafu John Murage

Mbogo. Laban Waweru.

Laban Waweru: My names are Laban Waweru, and I have the following presentations: All future presidents must be university graduates.

Two, there should be no amnesty for past and future economic crimes. Culprits should be taken to court and be made to pay back what they have stolen, apart from serving long jail terms.

Three, the President should not be allowed to be the Chancellor of any university.

Four, the Provincial Administration should be abolished since it forms the core of corruption.

Five, Education should be free and compulsory at primary level and should be made affordable at the secondary and university level.

Six, all those who have been arbitrarily detained in the past must be compensated.

Seven, all the grabbed land must be repossessed and the grabbers should be made to compensate the state.

Eight, during peace time soldiers should be made to work on national facilities like road construction instead of staying idle in the barracks.

Nine, Harambee systems of fund-raising should be stopped and the Government should finance all its institutions from its consolidated fund.

Ten, Police should be trained for at least two years instead of the six months, which produces half-baked force.

Eleven, medical services should be free. The last one, we should have no landless people in Kenya, we have enough land. Thank you.

Com. Pastor Ayonga: Thank you Bwana Waweru, na kunaye Johnson Murage. Johnson una written memorandum, kwa hivyo unaweza tu ku-highlight.

Johnson Murage: Thank you Mr. Commissioner, because of giving me this opportunity. I have got only five Items.

One, is about land and property. Let now Government or local authority have the control to use all land and the owners or occupiers.

Two, the land belongs now to the Government, therefore if it decides to give or acquire it as private land for any purposes, first, the person entitled to it must be compensated with a new one elsewhere or else he should be given money if it is for sale.

Three, the law of succession of property should be addressed in the Constitution that those involved in the inheritance, courts must avoid fraud and bogus successors, and currently there are very many cases in the present Government.

Management and use of national resources:

Parliament should be given powers to appoint members of the Public Service Commission.

Administration. Now the posts of Chief and Assistant chief. Currently, the Government is not helping wananchi, as for nowadays it uses this body to loot money from the poor people in the whole nation.

With a better Government let this matter be put to the Constitutional Review. Let these men be elected within their respective areas starting 45 to 60 years of age. Thank you

Com. Pastor Ayonga: Thank you, Bwana Murage, unaweza kutoa kule hiyo memo yako. Sasa mwingine ni Peterson Mugweru, kama unaweza kuwa brief kama Murage, tutashukuru.

Peterson Mugweru: Thank you Mr. Commissioner, I am presenting views on behalf of my family as their representative. First, chiefs and their assistants should be directly elected by the people. Chiefs have to be trained for the sake of the common man.

President: He/She should be elected with 51% majority but not by minority. He should be the Chairman of the party which is concerning him. He should be under the law like other citizens of the country. He should not be the person in charge of appointing Judicial heads but instead commissions should be appointed by Parliament to cater for this. He should not be the Chancellor of universities but each university should have its own Chancellor catering for the welfare of that university.

Parliament: There should be special seats in Parliament to cater for the disabled, they should be given 4 seats. Women to be given 26, the Clergy to be given 2 seats and no nominations from the political parties. This should apply to local Authorities.

Dissolution of Parliament: MPs should be empowered to dissolve Parliament or its extension but not the President himself.

MPs salaries: Salaries of MPs should be reviewed through a Commission set by the Government for the welfare of the people but not Parliament to set its commission for its salary affairs or any other thing.

Com. Pastor Ayonga: Dakika zako zinakwisha sema point ya mwisho.

Peterson Mugweru: Thank you.

Com. Pastor Ayonga: Huyo ndiye Bwana Mugweru na yeye ndiye mtu wa pekee kuleta memorandum ya family. Ah yeye ni watatu? Kwa kuleta memorandum ya family, I am sure kwamba mli-consult ndipo ukaandika au ulifikiri on their behalf, sijui. Let us go to the next person ambaye ni Ndegwa na ana memorandum? Sasa kama Ndegwa hayuko tunaenda kwa John Njuki, Kennedy Wainaina, Kennedy una memorandum? Sema majina yako ili ingie kwa record. Endelea.

Kennedy Wainaina: Mimi ni Kennedy Wainaina. I wish to highlight to this Commission four issues; and these include – The independence of the Judiciary, independence of the Electoral process, graft and the education sector. I propose the total separation of the Judiciary from the Executive Arms of the Government, for instance by making the appointment and revocation of appointment of all Judicial staff and especially the senior staff and the Attorney General, Solicitor-General, Chief Justice, Director of Public Prosecution and Senior Judges. The mandate of a body whose independence is not in question.

Electoral Process: The independence of the Electoral Process from the Executive should be made and the Electoral Commission should be an independent body answerable only to Parliament. Concerning graft, I propose that they entrench into the Constitution an anti-corruption body that is people-driven to prosecute senior Government officials and with authority over it for such effect and which is totally independent from other arms of the Government.

In the education sector, i would wish primary education to be made free, absolutely free and our university should be made to accommodate students into the programme who have other qualifications other than pegging admission to the KCSE results. That is all, thank you.

Com. Pastor Ayonga : Thank you very much, that was Patrick Kinyua. Now hapa tuna Margaret Wanjiku, una memorandum? Oh, Margaret ameshatoa memorandum yake, asante sana Margaret. Sasa hapa nina Joseph Muriuki baada ya Joseph Muriuki nitataka James Wamai na halafu . Sasa wewe unaweza kuendelea, toa majina yako yaingie kwa machine.

Joseph Muriuki Mugo: I am Joseph Muriuki Mugo. Mine is for the MPs. The Constitution should provide that, the electorate should speak with their MPs every now and then, and if the MP goes to Parliament and does not produce what he promised the electorate, they should be given power to vote him out even if the term is not over. The other one goes to the Judges – Let

the Judges be appointed by Parliament and not the President or let them be appointed by the Attorney General because if they are appointed by the President, and it happens that somebody who is known to the President, is taken to the court, that person will not be prosecuted as required. Thank you very much.

Com. Pastor Ayonga: Thank you. Next is Francis Njeru, oh, thank you. According to my list have I by mistake jumped a name of any person who wanted to present orally or by memorandum? No. Eh, what is your name? There is another list, maybe your name could be here. I didn't see this. I say there is a list here and I want to go over this list, maybe your name is there. Eh, kuna Sammy Mwangi, Sammy Mwangi, Sammy Mwangi, tuko na John Nyamu? Briefly and to the point.

John Nyamu: Asante Bwana Commissioner. Maoni yangu ni kama yafwatayo; la kwanza, ningetaka Katiba ikibadilishwa iongezwe katika Katiba, maoni yangu ni ya kwamba bunge ziwe mbili.

La pili, ni MP: Wawe wakienda miaka mbili na nusu halafu hao wanasimamishwa wanarudi kwa wananchi. Wakirudi kwa wananchi, kama huyo MP alikua anafanya yale mahitaji ya wananchi ataendelea miaka mingine mbili na nusu amalize kipindi yake.

La tatu, the President awe hana mamlaka yeyote ya ku-command mambo yale yako chini ya, i mean awe siyo yule tunaita Commander-in-Chief.

La nne, ni elimu iwe ya bure.

La tano, ni hospital huduma zake zote ziwe za bure.

La sita, mkulima wa kahawa awekewe kiwango yake katika Katiba ati akilima kahawa yake awe akilipwa pesa zile za chini kabisa Shs.50, hiyo kiwango iwe kabisa ya chini na iwekwe katika Katiba namna hiyo.

Com. Pastor Ayonga: Thank you.

John Nyamu: La saba na ndilo la mwisho ni MPs, I mean Councillors, na Ma-Mayor na Chairmen wa County council wawe wanachaguliwa na wananchi na hilo ndilo la mwisho. Ahsante.

Com. Pastor Ayonga: Thank you. Next ni John Nyamu, oh ndio wewe? Okay huyu mwingine sijui ni nani. Finas Kariuki? Okay, toa maneno yako kwa kifupi tusikie.

John Nyamu: Ahsante sana tume. Kwangu nimeona hii corruption imeenda sana katika nchi yetu ya Kenya. Naonelea hii

mambo ya gari kupelekwa checking, gari zingine zinaweza pelekwa checking. Hii inafinya watu wengine sana na barabara zetu pale si nzuri sana, Kama magari ikiwekwa kama personal ingekuwa vizuri. Lingine ni licence; driving licence iwe kama tu certificate. Certificate hakuna ku-renew, kwa hivyo licence iwe tu kama certificate kwasababu mtu anasomea ili imsaide kupata kazi. Tena hawa wezi wakiiba pesa nyingi mtu anatolewa, anatoa hongo kesi yake imalizike na ameiba. Afadhali arudishe pesa hata akifungwa kifungo kidogo. Lakini pesa arudishe, hapo sawa.

Com. Pastor Ayonga: Thank you very much. Ndiritu Wahome, na wakati Ndiritu anakuja, kuna Jotham Thiaka awe karibu. Thank you.

Ndiritu Wahome: Thank you for this chance Mr. Commissioner, I have five points on the matters to do with human rights and every citizen should be entitled to basic human rights: Shelter, Education, and Food. As it is now these are very expensive issues because these three provisions will lead to insecurity, and insecurity of course goes on to provide a very bad atmosphere for investment, we should have a provision for encouraging local and international investors irrespective of our country's borders. We should open up our countries to every one.

About food security, a system of food for work should be adopted, to encourage her production except in special circumstances. Relief food is only a short term programme, of course impacting negatively on communities that receive it. If anything relief food is a weapon of choice.

On job security, the Constitution should have a provision for a social security scheme for both the employed and the unemployed.

Medical facilities should be extended to all, irrespective of gender or position and remuneration should be extended in terms of work done and not simply so that somebody is employed. Finally, it does not really matter the level of education as long as one is not an honest and able manager. Thank you.

Com. Pastor Ayonga: Thank you very much, eh enda huko ujiandikishe na yule wa ...Thiaka Jotham. Tafadhali ufanye haraka kwa maana chumba hiki kiko na mambo mengine yatafwata mara tu, tukitoka. Na be brief Siaka.

Jotham Thiaka: My names are Jotham Siaka and I have the following points to make:

One, about land: Idle land should be put into good use and anybody who owns idle land should be made to pay a penalty.

Two, employment: In the Constitution the Government should be compelled to educate and employ all those graduates who are going out of the university colleges and any other institutions.

Three, Street children: In the Constitution of Kenya the Government should be compelled to put these street children into good use by one, rehabilitating them and making sure that they contribute in generating the economy of this country.

And the last one is about the President: He/She should hold the office for two terms of 5 years each and he should not be a Chancellor of any university. The University should have its own Chancellor to manage its own affairs. And at the same time, these institutions should be made autonomous. Thank you.

Com. Pastor Ayonga: Thank you very much, wa mwisho ni Humphrey Muthee, una memorandum? Na tafadhali singependa usome, ningalipenda utoe highlights za memorandum yako. Baadaye utaelewa ni kwa nini sitaki usome.

Humphrey Muthee: Thank Mr. Chairman I am Humphrey Muthee from Kanyakine location Kathae sublocation. And as you have said, some of the highlights that I have here are. I will just mention a few points, I will present this memorandum there.

First – Presidency: The post of Presidency should be contested by people of moral integrity and only those who have seen the doors of a university.

Members of Parliament – The highest post and the most important post in the country is to be a Member of Parliament. For instance like now, in front of us, we have people of high academic level who are now taking our views as the Commissioners. These views will at the end of the day be taken back to our honourable House there. Therefore, I propose that those who will be handling these important matters compiled by important people like we have in front of us here, should also be people of integrity. People who have also seen the doors of university. People who can interpret, because if for instance, we don't have anybody here who is lower than, the first degree, taking our views, why should we have some people as Members of Parliament who are probably from primary education?

Number three – Provincial Administration: This is a post that is most corrupt, I propose that our Constitution does away with the Provincial Administration posts, because they are doing nothing in the country. The Assistant Chiefs, Chiefs and their like, they are doing nothing but holding Kangaroo Courts to collect money as if they are not paid by the Government.

Management and use of natural resources: In our Constitution we should enforce our country to import goods which are in finished forms other than export goods which are in finished product other than export goods which are in raw material. Like for instance our coffee, if we now decide to mill our coffee here, we shall be creating employment as well as getting more money from that finished product than we are getting now when we are selling it in raw form. Thank you.

Com. Pastor Ayonga: I want to thank you so much, now you said you wanted to say something? Could you please do it in

one and half minute, if you can?

Benson Gatumu Muriithi: Thank you very much. I will be very very brief. My names are Benson Gatumu Muriithi. I will be very brief, I wouldn't repeat.

I have talked of the Executive Offices, which should be vetted by Parliament and also the parliamentarians. Those who are not delivering their services, should be terminated by the community, whereby we can vote them out through two thirds majority in a constituency.

I have talked of Education. I have said that education is a basic social right and to enhance the social status of the community we should have free universal primary education for all, regardless of gender. We should also ensure that university education is accessible to all qualified students, by grabbing the cost-sharing aspect as was the case in the 1970s, where people were given loans through the Government. We should also involve the community in the appointment of schools' Board of Governors, for its effective management and proper accountability.

On health care, i have said that we need to have free health care at home to all. Involve the community in the appointment of health facilities' management committees to enhance a sense of responsibility and transparency. We also need to have quality drugs in the hospitals. I have also talked of farming, that is agriculture, whereby the main bodies like the National Irrigation Board and parastatals dealing with agricultural facilities or produce to be only facilitators where the community is empowered to make decisions on marketing and even production.

Implementation of decisions is a matter of expertise and not a democratic procedure. Thus, the involvement of the community or people at all levels is vital. I have said on Administration, that we should have local teams that are accountable, that is electing the sub-chiefs at the local level by the community themselves and even empowering the wazees who are assisting the sub-chiefs at the local level so that we can empower them as to know what is happening at the local level and many cases can be sorted out through them.

The office of the sub-chiefs and chiefs, DOs and Mayors should be an electoral office,that is empowering the people to vote and vet their candidates for such offices.

I have also said that if they are not delivering, the community can terminate their services because they are accountable to them. I have said we should have a special Police unit accountable to the people to handle social vices such as rape cases, theft, bribery in collaboration with the sub-chief and wazees at the grassroot level to overcome loopholes while reporting such cases to court. The case today is not considering the community problems.

For grievances, i have said we should have a grievances box because I don't know why we Kenyans are not copying what is good. Because in Western Kenya, the PC who was there empowered his office through a box where people, or the community could give grievances on bribery matters. If we can have every in district a grievance box, tukienda kwa office ikiwa mambo si mazuri, you report kwa box halafu a committee there opens the box and then, like the telephones that is.

Then on employment, i have said to create job opportunities, the government should consider those who have worked for 20 years and have attained 45 years and above to go for retirement willingly with full benefits. The only thing I can say is on those who contribute to National Insurance Fund. This money when we are patients we pay a certain percentage but I am surprised yule mzungu alisema mambo ya ecclesia was talking about a favour and there is no favour there. The fund should pay all the costs incurred in the hospital.

Com. Pastor Ayonga: Thank you.Thank you.

Benson Gatumu Muriithi: Finally, Mr. Chairman, if you allow me,i would also like to say that those who contribute to the National Insurance Fund, and are working and then retire, should get a bonus if they never used that money; because in fact they don't benefit. On matters of District Heads, the Public Service and the Director of Personnel Management should be empowered to interview these people instead of the present system, where nepotism is allowed and we are getting unqualified people to man our districts.

And finally, towns qualified for upgrading to Municipal Councils must have a standard touring system and approved standard requirements instead of having Kerugoya-Kutus Municipality which is not qualified. Thank you.

Com. Pastor Ayonga: Thank you, could you please give your memorandum there and have him record it. Ladies and gentlemen, i want to thank you all that you have been very good men and women, young men and young women - for being very patient - who have given us very valuable views and I am sure the views that you have given to us, those of us who have been elsewhere; we do recognize that problems are similar here. Don't think that people here in Kerugoya, are the only ones who are having these problems. These problems seem to be everywhere. And since we have to bring this meeting to an end and this house is going to be used for something else, we are still very grateful, I thought Mwalimu we have given you a chance and you spoke. Okay, if you come here and whisper it to me, all of us? Okay, is that not a contribution then? Okay.

Mwalimu: Thank you commissioners and ladies and gentlemen, my point is to sincerely thank you for the patience that you have taken. It is also to say that we have confidence in you and that the viewswhich we offered or brought to you, will be taken into account. We also have confidence that God will reward you so that the work you have carried out is not carried out in vain. May God bless you and reward you all.

Com. Pastor Ayonga: Thank you very much mwalimu, the work that we were given and as you see my friend here Professor Okoth Ogendo, a teacher of lawyers - the lawyers that you have seen around here were his students - but when they do a bad thing it is not that Professor Ogendo taught them so, he taught them law and justice as it ought to be.

I want to thank the Provost of this Church, Reverend Gichungi for having offered this place of worship for us to conduct this important issue. I am sure you can see that seats in a Church situation are not set like this. That is the front of the Church, that is the back of the Church. He had made this provision so that we can make use of this place. We want to thank him most sincerely for this provision that we can use this facility and in the House of God. Let me assure you all here that what you have said here is very important. I can forget, being a human being, but that machine we have here will not forget anybody. This is why we have this microphone here and the sound of what you have said goes into that small tape machine so that we have a record so you can't say, "I didn't say that" and we can tell you, you said it and listen to it. We are not going to leave anything that you have said carelessly, every person who has spoken is very important and I want you also to associate us also that we are a part of Kenya. What we are making, we are not making only for you, we are making it also for us. It is all-inclusive, everybody even those who are in Government are going to give us their views because they also, (terms like) I heard several people here say, retired people are forgotten, whatever, whatever but we are all involved.

Now before we close, you know when we started this meeting in the morning, we asked in God's blessings and indeed i can say with authority that God has been with us throughout this day. We have heard valuable views and i am sure they are going to shape our Constitution. We do not want to forget, when we leave this place, the same God whom we had asked to bless us in the morning. We want to ask Him to bless us as we go back to our homes. Some of us are traveling long distances, some of you are walking across, but all the same we all need God's security, protection and blessings and thank Him for giving us this privilege of shaping the Constitution of Kenya. Now, Reverend, i would like to ask you kindly to come in front, to come and ask God's blessings for us before we leave this House of Worship.

Reverend: Thank you Commissioner for allowing me to have a chance to pray with these people. Can I ask all of you to stand? First of all, as you stand we want to say that we are very privileged to have all of you come here and air your views, we believe and trust that the Commissioners will do a good job and God who is for us all and He is also listening to your grievances. He is not going to let anything go unnoticed, so as you pray, i believe that your prayer will be heard. We want to commit ourselves to the hands of God.

Let us pray: Heavenly Father, in the name of Jesus Christ, we want to thank you for the good work that God you has done since we came into this place. We want to thank you for the way you brought us the Commissioners, who have tirelessly worked so hard to make sure that every view that was to be presented, has been presented. We also want to thank you, for everybody that has aired their views and even for those that were here listening.

