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**CONSTITUTION OF KENYA REVIEW COMMISSION**

**(CRKC)**

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**VERBATIM REPORT OF**

**CONSTITUENCY PUBLIC HEARINGS, KIPIPIRI CONSTITUENCY HELD  
AT MIHARATI – MITI MINGI HALL**

**FRIDAY 19<sup>TH</sup> APRIL, 2002**

**Present:**

Com. Salome Muigai  
Com. John M. Kangu  
Com. Domiziano Ratanya

**Secretariat:**

Solomon Anampiu - Programme Officer  
Gilbert Omoke - Ass. Programme Officer  
Grace Gitau - Verbatim Recorder  
David Muturi - Sign Language Interpreter

**Meeting was called to order with at 10:30 am with Com. Muigai in the chair.**

**Com. Salome Muigai:** Nina fursa ya kukitangaza hiki kuwa kikao cha Tume ya Marekebisho ya Katiba ya Kenya. Sisi tuko wanatume watatu, bado mmoja wetu tunamsubiri kidogo, lakini kabla ya hayo, ningetaka kumuomba mmoja wenu atunazie huu mkutano kwa maonbi. “Any volunteers?” Guku ni kuri andu moi kuhoya Ngai? Muno? Matigituhoere.

**Prayer:** Rekei tuhoe. Nitugugucokeria ngatho Mwathani Ngai Baba mahinda maya ma kiroko giki. Ni muthenya mwega Ngai utugomanitie thiini wa giikaro giki. Bata wa muthenya uyu Mwathani ni uui ati tukite haha ni getha turehe mawaitha maitu kuri thirikari iitu ni getha tumenye uria urikoragwo agitutongoria nikio nitwakuhoya uhariririe giikaro giki muno makiria utuhe mawaitha maria mangituteithia matuku ma thutha. Na ni undu ucio twerekereria hari wee thiini wa ritwa ria Mwathani witu Jesu Kristo. Amen.

**Com. Salome Muigai:** Asante sana. Mimi jna langu ni Salome Wairimu Muigai na pia vile nilivyosema tuna wanatume wengine. Mmoja hajafika lakini mmoja amefika, kwa hiyo nitampa fursa ya kujitambulisha yeye mwenyewe.

**Com. Ratanya:** Kwa majina mimi naitwa Domiziano Ratanya, Commissioner.

**Com. Salome Muigai:** Asante sana mwanatume. Sasa kuna mambo ningetaka kueleza juu ya utaratibu au vile tutakavyoendelea leo. Sisi kawaida huwa tunaanza saa mbili mpaka saa kumi na mbili lakini...*(sentence incompetent)*

**Interjection:** Umekata, endelea.

**Com. Salome Muigai:** Lakini leo tumechelewa kwa ajili ya barabara. Tulipokuja kutoka Gilgi tatukujua barabara itakuwa hivyo. Tumechukua mda mrefu kufika kuliko vile tulivyo tarajia, lakini tunaomba radhi kwa kuja kama tumechelewa. Wakati tunasikiza maoni yenu, unaweza kutoa maoni kama mtu binafsi ama kama mwakilishi wa kikundi kilichosajiliwa, yaani a registered

group, ama unaweza kutupa maoni kama manachama wa kikundi kingine chochote. Lugha tunayoitumia kawaida ni lugha ya Kiswahili na lugha ya Kingereza, lakini kama ungetaka kuzungumza lugha ingine, tungekuomba utujulishe wakati wa kujiandikisha ili tumtafute mtu anyetafasiri vile unavyo sema.

Wakaaji wengi najua ni Wakikiyu, mimi ni mmoja nazungumza Kikuyu, kwa hivyo hatuna shida kubwa ya kutafsiri Kikuyu. Lakini kama tuna msemaji mwingine mwenye kutumia lugha ingine, tafadhali tujulishe ndio tufanye mpango wa vile maneno yako yatakavyotafsiriwa.

Pia tuna mtafsiri wa lugha ya wasiosikia; kwa hivyo ikiwa kuna mmoja wetu mwenye hasikii wala hazungumzi, tutakuwa na mtu mwenye atatafsiri kwa ile lugha ya ishara ili akaweza kujieleza yeye mwenyewe na pia akaweza kufuata maoni ya watu wote wengine.

Pia maoni unaweza kutupa kama umeandika yaani, memorandum. Ukiwa umeandika tutakupatia dakaka tana ili ueleze tu vielezo vikubwa vikubwa yaani, you highlight the issues. Lakini kama hujaandika tutakupatia dakika kumi ndio ujieleze na maoni yako. Unaweza kutupatia maoni yako ikiwa imeandikwa kwa karatasi ama ikiwa imeandikwa kwa disket. Baada ya kuzungumza tatawauliza wanatume kama wana swali la ufafanuzi – appoint of clarification; Yaani kama mtu hajaelewa na anataka kufafanuliwa jambo , pia tunaweza kuwauliza wananchi wengine kama kuna mtu mwenye ako na swali kwako, lakini tungetaka kueleza hapa kuwa tatutaki uanza kufanya debate ama kujaribu kushindana na mwingine kwa maoni yake. Yale maoni yake utayaheshimu na wewe utakapopata nafasi yako ya kuzungumza, utatupa maoni yako yenye itakuwa tofauti lakini ile nafasi tunakupa ni ya kuuliza swali na kufafanua ili uelewe vizuri vile alivyosema. Na kwa hayo machache, ningetaka kumuomba mzungumzaji wetu wa kwanza ambaye ni Grace Wanjiru Munene.

**Grace Munene:** Muri ega inyothe? Nii ngwendaga kwaria uhoro wa cukuru, ngwendaga kwaria uhoro wa mithomere ya ciana uria hibi kungigia watho ni getha ciana ciitu ithomage wega ni tondu nitwandikiirwo arutani ni thirikari, magathomithia kuma Jumatatu nginya Jumaa. No gugicoka gukigia kaundu kangu hau gatagati ati kwi ithaa ririthomithagio ria Juma kana mbia cia igeranio. Mbia icio ikirehe thina gatagati ka aciari na arutani ati mwana niariingatagwo Jumatatu agacoka Jumaa kana wiki yoothe agaikara mucii tondu mbia icio cia igeranio kana cia Juma ndarutite. Na mwarimu ucio andikitwo arute wira nginya Jumaa. Ngakiona ati kungigia watho ati mbia ici itirirutagwo kana irutwo undu wina mubango ati mwana ndariingatagwo, kaba akaingatagwo Juma io agite kuruta mbia ciayo no hindi iria magiriirwo ni guthomithia magathomithia. Ni tondu nituonaga ati riu ithui tuhana aciari, arutani aingi ni meheririe ciana ciao mathukuru ma thirikari na ni kuo kwina arimu aria aturiine makamatwara cukuru cia andu iria thondeke na ti andu aturiine, na ciana icio igathomithio ni andu matari aturiine na makahituka. Riu nii ndirakionaga atiriri, kungigia watho ati arutani aya anene-ri, tiga acio anini-ri no gukorwo hibi nio mahuthagira mbia ici mari oika arutani aya angu makaga kuona kindu onao magagikua ngoro. Woni wakwa uma ucio.

**Com. Salome Muigai:** Eterera hanini. Sijui kama kuna haja ya kutafsiriwa Bwana Ratanya; unaelewa Kikuyu?

**Com. Ratanya:** Mimi naelewa.

**Com. Salome Muigai:** Okay, kwa hivyo hatutatafsiri. Asante sana Grace Wanjiru Munene. Kuna mbu ako na swali kwa Grace? La. Basi mtu wa pili ni Peter Macharia. Jitambue kwa jina kwani tunafanya taping.

**Peter Macharia:** Majina yangu ni Peter Macharia. Mimi ni mzee wa kanisa, kanisa la Anglican A.C.K. St. Lukes, Mihariti. Okay, ningependa kuwashukuru Commissioners kwa kuwa nasi hapa ili tuwajulishe ni vipi tungependa Katiba yetu iwe. Kitu ya kwanza, tukiwa tumekaa chini kama kamati, tulionelea ya kwamba Katiba yetu inatakiwa kuwa na utangulizi. Vile vile tungetaka Katiba yetu ipiganie mambo haya matatu, ambayo nitasema:-

Umasikini;

Ukosefu wa elimu na

Magonjwa.

Ukuu wa Katiba tulionelea uwezo wa bunge wa kubadili Katiba udumishwe lakini maswala yanayohusu wabunge yakipitishwa, yasitekeleze wakati wa uhai wa bunge hilo. Tulionela wananchi wawe wakihusishwa kupitisha maswala ya kuongoza uwezo wa Rais na kuongeza idadi ya wilaya na kudalisha mipaka ya wilaya na sehemu ya uwakilish bungeni. Kwa upande wa rais, ralion raia mwema ni yule mzaliwa mmoto wa mzazi au wazazi wa Kenya, na tukaonelea Katiba isiruhusu uraia wa nchi mbili. Raia mwema anaweza kujitambulisha kwa kitambulisho cha taifa, cheti cha kuzaliwa, cheti wcha uendeshaji gari ama passporti.

Tukaonelea vyombo vya usalama, majeshi na matawi yake yaundwe na Katiba. Na uwezo wa kutangaza vita uwe chini ya kamati ya usalama ipendekezee baraza la mawaziri. Kwa upande wa vyama vya kisiasa tulionelea vyama vitatu vitatosha na vyama hizo zigaramiwe pesa na taifa. Vyama visiwe za kikabila. Misingi ya serikali, Rais awe amechaguliwa na Wakenya wote, sio bunge. Wziri Mkuu achaguliwe na chama kuu bungeni aunde serikali kuu halafu tutumie serikali za mitaa. Bunge, uteuzi wa Rais upigwe dharubini na kikao cha bung kiwe ni cha kila siku na kuwe na haki ya kumrejsha nyumbani mbunge wao kwa kura<sup>2/3</sup>. Marupurupu yaidhinishwe na Tume ya kuajiri Watumishi wa serikali. Halafu Katiba iruhusu serikali ya mseto. Tlundelee na vyama vini bungeni halatu tuwe na chamber mbili za bunge. Bunge isivujwe na Rais apendavyo. Rais achaguliwe wakati wake tofauti na wabunge. Masharti nao ya wagombea urais kuwe na kipindi cha miaka mitano, halafu Rais achaguliwe kwa vipindi viwili. Katiba iweke kibali ili Rais aweze kuondolewa mamlakani. Rais asiwe mbunge.

Tukaonelea pia hatuhitaji utawala wa mikoa. Pia tulionelea upande wa mahakama tunahitaji mahakama ya juu kabisa. Na mahakama ndogo ziundwe katika mitaa. Serikali za mitaa, Mayor na Wenyekiti wa mabaraza wachaguliwe moja kwa moja na wananchi. Elimu ya chin iwe kidato cha nee (Form Four). Rais au Waziri wa serikali ya mitaa wasivunje mabaraza bila ithini ya bunge. Halafu tulionelea upande wa utaratibu wa uchaguzi, Rais achaguliwe na zaidi ya asilimia hamsini ya kura zote. Na watu

ambao wamejiandikisha katika constituency ili kumchagua mbunge achaguliwe na 50,000 (elfu hamsini). Halafu kuwe, uandikisaji wa wapiga kura uendelee siku zote. Utaratibu wa upigaji kure urahisishwe. Haki za kimsingi, tuwe na elimu ya bure hadi kidato cha nne (form four). Hukumu ya kifo iondolewe. Tuwe na matibabu ya bure na ya lazima. Halafu katiba ihakikishe usalama na tuwe na haki ya kuwa na mali mahali popote nchini.

Wafanyi kazi wote wawe wanachama wa chama cha wafanyi kazi. Halafu, Katiba ihakikishe kila mtu anapata maji, makazi, chakula, na ajira. Tuwe na haki ya kupata habari.

**Com. Salome Muigai:** Mr. Macharia kwa vile umetuandikia, ungeendelea tu ile matemo halafu ndio umalizie. Si utatupa hiyo karatasi?

**Peter Macharia:** Ee, nitawapatia.

**Com. Salome Muigai:** Okay. Basi tueleze tu yale mambo makubwa, makubwa, sio kusoma kila moja.

**Peter Macharia:** Sasa sijui nitasema nini.

**Com. Salome Muigai:** Utuhe matemo tondu niugutuhe marua.

**Peter Macharia:** Okay. Sasa hapa nikisema ardhi na mali--

**Com. Salome Muigai:** Tuelezee jambo moja tu ya haki na mali vile (inaudible).

**Peter Macharia:** Okay, mambo ya ardhi na maji-- Sasa nitaje moja.

**Com. Salome Muigai:** Yes.

**Peter Macharia:** Katiba ihakikishe haki ya kila Mkenya kumiliki ardhi. Mali ya asili; maji yaendayo Nairobi, Nakuru na Baringo pesa zifaidi wilaya ya Nyandarua. Halafu misitu na maji ilindwe na serikali.

Kilimo: Nilionelea wazee ambao wamelima kwa mda mrefu wamezeekea mashambani, wakifikisha miaka sitini, serikali iwe ikiwajali. Sarafu ya Kenya iwe na picha ya mwanzilishi wa taifa hii pekee. Na ni hayo tu.

**Com. Salome Muigai:** Asante sana, Bwana Macharia, kwa maoni yako. Sikui kama kuna swali?

**Com. Ratanya:** Eeh, kidogo. Bwana Peter hapo umesema utambulizi. Kuna na utambulizi umependekeza, ama ama unasema tu tuwe na utambulizi na uandikwe kama vile pengine wale wanaandika (?) ama unapendekeza kitu fulani ama maneno fulani ya utambulishi? Nitakuulize lingine ambako utajibu yote pamoja. Nyingine, sikusikia vizuri kuhusu provincial administration. Unaipeleka ama ulisema huipendi? Something like that. Hapo sikusikia vizuri. Provincial administration ulisema aje? Utawala wa mikoa.?

**Com. Salome Muigai:** Utawala wa mikoa, ulisema jambo juu yake. Ulisema iondolewe. DC na ma-DO, na ma-Chief ulisema juu yake.

**Com. Ratanya:** Ulisema aje, hapo sikipata vizuri?

**Peter Macharia:** Hapo nilitaka kusema kwa vile tuko na Wabunge na Councilors, tunaona haow\ wengine wafanye kazi ila inaonekana kama wanakula pesa tu.

**Com. Ratanya:** Isiwepo?

**Peter Macharia:** Isiwepo.

**Com. Ratanya:** Okay. The other one unasema watu wote wawe wa chama cha wafanyi kazi. Ni chama kimoja ama vyama mbali, mbali vya wafanyi kazi, kwa sababu waalimu wana chama chao na wengine. Sasa unataka chama kimoja kwa kila mtu?

**Peter Macharia:** Okay. Kuna chama kama ya COTU; wawe kwa chama cha COTU.

**Com. Ratanya:** Ingingine ni wakulima wakiwa zaidi ya miaka sitini, umesema wafanyiwe nini na serikali?

**Peter Macharia:** Tulionelea kwa sababu in wakulima na--

**Com. Salome Muigai:** (inaudible)

**Peter Macharia:** Hawa wakulima pia ni wafanyi kazi, wanatoa kodi kwa serikali na wamefika miaka ambayo hawawezi kufanya kazi siku ingine. Kwa hivyo tukaonelea wawe wakipewa marupurupu kama pension, kama watu wengine.

**Com. Salome Muigai:** Mimi pia nina maswali kadhaa kwako. Moja ni umesema kuwa Wanabunge wakuwe wakirudishwa na kura theluthi mbili. Je, hii ni kura ya watu walioandikishwa kupiga kura ama ni kura ya Wabunge wenzao yenye itawatoa? Nina maswali matatu hivi. Lingine ni umesema Rais apate kuchaguliwa kwa mihula miwili. Ni mihula miwili ya miaka ngapi kila

moja? Na ya tatu umesema kuwa, Katiba ikubalishe kuondolewa kwa Rais. Ungetaka aondolewe kwa njia gani? Na mwisho, umesema kuwa mbunge achaguliwe na kura hamsini elfu. Je hizi ni kura zenye sitafikwa ama unataka kikao cha bunge kiwe na wtu hamsini elfu tafadhali?

**Peter Macharia:** Ya kwanza ilikuwa?

**Com. Salome Muigai:** the first one ni ile ya MP atolewe kwa kura theluthi mbili, two thirds.

**Peter Macharia:** Yaani ni mbunge nataka (*sentence incomplete*)

**Com. Salome Muigai:** Tuangalilie hiyo maswali halafu utatwandikia. Itachukua hiyo halafu utatwandikia zaidi. Rais achaguliwe kwa mihula mingapi?

**Peter Macharia:** Okay. Rais achaguliwe kwa mihula miwili tu ya miaka tano tano.

**Com. Salome Muigai:** Na Rais kuondolewa, aondolewe kwa njia gani?

**Peter Macharia:** Ikiwa amekosa kosa ambalo linahusu nchi, Katiba iruhusu awe akiondolewa hiyo kazi ya urais.

**Com. Salome Muigai:** Okay, asante.

**Com. Ratanya:** Na kuna lingine hapa kuhusu Rais. Inasema kwamba asiwe Member of Parliament; hapa ni kusema hutaki achaguliwe kuwa Member of Parliament ama akiwa Rais aondoe hicho kiti cha Member of Parliament. Ama achaguliwe directly kutoka nyumbani bila kuwa MP?

**Peter Macharia:** Tulionelea mtu yeyote ambay anataka kugombea hicho kiti, wasimame pekee yao kama wagombea kiti cha Rais, halafu akichaguliwa hapo hatakuwa sasa amechaguliwa na constituency yake.

**Com. Salome Muigai:** Asante sana Bwana Peter Macharia, na sasa ningetaka kumwita Bwana James Mburu

**James Mburu:** (inaudible)

**Com. Salome Muigai:** (inaudible)

**James Mburu:** Mambo ya kilimo mnajua sisi sote kwamba imeharibika. Kwa sababu kuna watu wengine, vitu vile tunauza



hapa, wana-import kutoka nchi za nje na halipishwi kodi. Wanakuja katika ports wanaingiza ingiza hivyo, hizo chakula ama (inaudible), ngano, maziwa wanaingiza bila kulipa kodi. Na vile vitu tunakuza hapa vinalipwa bei kabisa. Kwa hivyo ningependa hizo vitu ambavyo tunakuza hapa yule ambaye anaweza ku-import hizo vitu, analipishwa kodi ya juu kabisa ili watu waweze kuuza chakula chao kwa bei ambayo inaweza saidia hawa. Na akikosa kulipa kodi ashikwe miaka kama ishirini hivi.

Ile ingine ni chakula hizi kama mboga, matunda hivi, serikali inaweza saidia wakulima iwalettee kama factory hivi yakutengeneza hizo chakula kama mahindi vile zinaharibika haraka. Anaweza leta kama factory hivi ya kutengeneza, kwa hivyo, hazitakuwa zikiharibikia kwa shamba.

Ile ingine ni hospitali. Mambo ya hospitali tunasikia tunaenda hospitali tunalipishwa kitu kidogo ati ili upewe dawa. Hiyo tunaona kama, afadhali iwe bure, iwe bure. Ukienda hospitali usiitishwe pesa. Na kwa hospitali, naendelea, kuwe na manager, sijui kama ni manager, board of governors, hospitali kama district iwe na managers ili hii nchi madawa inaletwa inapotea hivi hivi, huyo manager pia atakuwa akiulizwa hali ya hizo dawa. Na madaktari walipwe pesa mzuri ili wasiendelee kuiba madawa katika hospitali. Na hawa madaktari ambao ni wakubwa katika mahospitali wasiweke clinic hizi wanaweka, clinics kwa sababu ndizo zinapelekewa hiyo madawa. Wanaiba hiyo madawa wanapeleka kwa ma-clinic yao. Kwa hivyo akiwa anataka kuwekwa clinic asiwe daktari katika hospitali ya serikali. Hayo mambo (inaudible)

Hii ingine ni registration of parties. Tunajua parties ni nyingi kama kanisa na hizi zingine. Hii makanisa zimekuwa nyingi sana. Zingine zinaabudu shetani hatuwezi jua kwa sababu hii Constitution campaign kunaweza kuwa mtu, lakini tunaona hapa kunakuja hata hii kanisa ya shetani inaabudiwa hapa Kenya. Ni kwa sababu (inaudible) watu wengi. Kuna uhuru wa kuabudu. Sasa tunaweza weka sheria ni kuabudu nani ile sheria iseme kuna uhuru wa kuabudu, ni uhuru wa kuabudu nani? Sasa ikiwa (inaudible) kuabudu Mungu sioni ni ya (inaudible) Unajua maji ndio inalete magonjwa mengi sana katika nchi hii ya Kenya na kama serikali inaweza kuhakikisha kila nchi ina maji mazuri, nafikiri hakuna magonjwa mengi yangekuwa yakitusumbua sana katika nchi hii ya Kenya. Kwa hivyo, ningependa serikali ihakikishe kufikia mwaka wa 2005, kila mtu awe na maji ya mfereji ili kuzuia hasa kutumia pesa nyingi kwa madawa.

Hiyo ingine ni ya shule: Kama mnavyojua uchumi umekuwa mbaya na hasa mzazi mwingine hawezi kununua hata surwali ya mtoto kwenda shuleni. Kwa hivyo ningependa serikali ilete, iseme shule kuanzia nursery hadi darasa la nane iwe free. Iwe free kutoka nursery hadi kidato cha nane.

Hiyo ingine ni ya (inaudible). Kama umesha enda huko kwa Nakuru kwenda upande hiyo ya juu hivi na ukatoka kutoka Nakuru kwenda pande hii ya chini hivi, inaonekana kama serikali iko na mpango wa kumaliza watu wengine na traffic, traffic policemen. Unakuta kama ukienda pale hivi, unaweza kuta kama polisi wako kama kumi na tano hivi. Ukitoka hapa kwenda pande za Eldoret hivi, huwezi kuta hata traffic hata mmoja kwa njia ya barabara. Mimi nauliza kwani hii pande ya Central Province iko na wezi ama gari hiyo ya (inaudible) Eldoret hakuna magari ambayo ni (inaudible)? Central

Province ndio tu inapatikana (inaudible)?

Kwa hivyo ningependa hiyo sheria ya traffic iangaliwe sana ili watu wengine wanapigwa sana, kama mnajua kitu kidogo kimezidi sana katika nchi hii. Corruption, na inaonekana kama (inaudible) ndio inaangaliwa sana ili (inaudible) na traffic policeman. Kama kule Nairobi unakuta matraffic ni wengi sana, (inaudible)

Hii ingine ni ya president. President anastahili kuchaguliwa na 50% of votes, casted votes na 25% of votes in five provinces.

**Com. Ratanya:** Bwana Mburu, ile ya mwisho unasema president awe na percent, eleza tena kwa sababu sikusikia vizuri ni 50% kwa zote ama ni kwa kila province.

**James Mburu:** Mimi ninasema president awe na 50% casted votes in the country.

**Com. Salome Muigai:** Asante sana bwana Mburu. Nimeona tumepata watu wengi zaidi na tunawashukuru watu wa Kipipiri kwa kuja kwa wingi, kwa hivyo ningetaka kurudia kile nilichosema, tumetangaza kuwa hiki kikao cha Tume cha Kurekebisha ya Kenya, sisi kawaida huanza kazi saa mbili mpaka saa kumi na mbili lakini kwa vile tunajua barabara ya kuja hapa imekuwa shida sana, tunaomba radhi kwa kuja kama tumechelewa. Ningewaeleza kwamba kuwa uanweza kupeana maoni yako kama mtu binafsi ama mtu anayekuja hapa kushirikisha kikundi kilicho sajiliwa ama kikundi chengine chochote. Wakati tunakupa ni, ukiwa una maandiko yenye utatuachia, tutakupa dakika dakika tano ili utueleze tu ukubwa wa mambo hayo umeandika. Kama hauna maandiko tutakupa dakika kumi ili uweze kujieleza. Tumesema pia kuwa tuna lugha mbili zenya tunatumia, tunatumia Kiswahili na tunatumia Kiingereza lakini kama unataka kuzungumza kwa lugha ingine yeyote tujulishe mapema ili tuweze kutafuta mtu mwenye ataweza kututafsiria yenye umesema. Baada ya kuzungumza, tume inaweza kukuuliza swali la kufafanua ili itufafanulie jambo lenye umezungumzia ili tukuelewe. Pia mtu mwingine yeyote akiwa ana swali la ufafanuzi, tunaweza kumpa nafasi ya kuliuliza. Lakini hatukabalishi kuwa na mswada yaani debating. We don't allow engagement in a debate. Wewe kama haukubaliana na mwenzako, utampa nafasi ajieleze mwenyewe halafu na wewe ukipata nafasi yako utatueleza maoni yako tofauti. Pia nilikuwa nimewajulisha wananchi wenye kwa kikao hiki kuwa sisi ni wanatume, jina langu mimi ni Salome Wairimu Muigai na sasa wakatibu wengine washafika wenye hawakuwako, tutawapa nafasi ya kujijulisha.

**Com. Kangu:** Watu wa Mihariti mimi ninaitwa bwana Mutaha Kangu ni mmoja wa Commissioners, asante.

**Com. Ratanya:** Kwa wale ambao wamefika sasa, hapo mbeleni nilikuwa nisema jina langu tulipoanza lakini kwa niaba ya wale wanakuja sasa jina langu ni Domiziano Ratanya na nimoja wapo wa commissioners.

**Com. Salome Muigai:** Pia kwa kituo hiki tuna Coordinator wa Nyahururu alikuwa hapa mbele ninafikiri yuko kwa shughuli hapa na pale pia tuna members wa 3Cs (Constitution Constituency Committee) wa nyahururu, tafadhali simameni watu wawaone. Tungetaka kuwashukuru sana kwa niaba ya tume kwa ile kazi mumefanya ya kuwahudumia wananchi na wako

hapa kutupa maoni ya siku ya leo. Asante sana. Tuna staff kutoka kwetu, wenye mumeona wakiandika, tulikuja nao kutoka Nairobi na kazi yao ni kuchukua mazungumzo yenyu kwa maandishi na pia kwa tapa ili tuwe nayo tukirudi kwetu Nairobi kwenye kikao chetu, tuweze kuwaomba nafasi wenyetume wengine kusikia vile watu wa Kipipiri walisema. Ukija hapa tafadhali anza na jina lako ndio tuweze kuweka jina lako kwa tape, asante. Na sasa ninaweza kumuita Mary Wangari, hayuko, Joseph Karanja, Joseph Kimani, Muthaire wa Chege, karibu.

**Muthaire wa Chege:** Kwa upande wangu kulingana na vile nilivyo hapa, hii maoni inatoka kwa niaba yangu binafsi na vile nimeandika hapa, nimeandika kwa lugha ya kingereza. Kwa hivyo tutaomba rathi kwa wale ambao hawataelewa hiyo lugha lakini kama wangetaka pengine mtu wa kutafsiri, atawasaidia.

- 1) The Electoral Commission, that is the body that supervises elections, must be truly independent. It should have representatives from the government, opposition parties and citizens instead of being appointed by the government.
- 2) Voters registration should be done on a permanent basis and IDs, birth certificates, baptismal cards and perverts even elders work regarding the age of circumcision should be a second as the proof of the age and citizenship.
- 3) The Constitution must protect, especially the minority, marginalized and vulnerable groups. The weak must receive a healthy perk from the Constitution.
- 4) The Constitution must put the citizen the center stage and recognize him and must recognize leaders as a servant of the people. The Constitution must recognize citizenship as a right and not a qualification on restrictions.

(end of tape)

**Com. Salome Muigai:** Thank you very much. Sasa ni nafasi ya Jane Wangui, John Karuithi.

John Karuithi: Mimi maoni yangu ninataka hii tume irekebishe habari ya shule. Kama mtu akiwa hana chochote katika Kenya, ni lazima mtoto wake aendelee na masomo mpaka pahali atakapotosheka. Pale pengine tume ningetaka irekebishe ni hii ya land. Kiwango kiwekwe kila mtu yule hana chochote katika Kenya, tume ya kurekebisha ..... pesa ya ardhi inaweza kuwekwa, kila mtu yeyote hata kama ni kununua anaweza kununua kwa bei moja. Hiyo ingine mimi ninaweza kusema irekebishwe ni kuwekwa watu kuzuizini kama mtu hana chochote katika Kenya isipokuwa kipandi tu ni kama mtu yuko kizuizuni hata serikali haijui yuko wapi. Anakaa bure tu, hapewi chakula hana pahali pa kulima, anakaa bure tu, akiamka yeye anafikiria kukaa chini tu kwa maana yeye hana pahali popote.

Inginge ninaweza kusema ni habari ya hospitali. Yule mtu yeyote hana chochote katika Kenya, hata akiwa ameshalala hospitalini, iwe serikali inamsaidia kulipa hizo pesa za hospitali. Sina mengine ni hayo tu.

**Com. Salome Muigai:** Asante sana bwana Kariuthi. Na ningependa kutangaza pia kuwa ukishatuletea maoni kama ni ya mazungumzo ama ni ya kuandika, uhakikishe kuwa umejiandikisha kwenye katibu chetu ili mwishowe tutajue kuwa tulipokea

maoni kutoka kwako. Sasa ninataka kumuita Joshua Goro.

**Joshua Goro:** Swali langu ni moja. Ya kwanza, wabunge wakichaguliwa kipindi yao ikwishe, wengine wanarudi nyumbani, wengine wanawachwa kwa serikali. Kwa nini hawakai pamoja, bunge ikikwisha ikwishie watu wote. Ya pili, Kenya kwa nini watu hawawekwi laini moja kwa sababu wengine wako serikali ya mkoloni na wengine wako serikali ya Kenya. Kwa mfano, Nyandarua kuna vijiji tano zile zilikuwa ya wakoloni, watu hawa wote wako kwa serikali gani. Maswali yangu ni hayo machache.

**Com. Salome Muigai:** Asante sana mzee Goro, jilandikishe pale. Ningetaka kuwaomba wazee tafadhali tusipige kelele kwani habari tunashika moja kwa moja kwa tape na hatutaki Kipipiri chenye munatwambia hatusikii tukifika Nairobi kwa sababu ya makelele inayofanyika. Sasa ni Francis Daniel Thuo.

**Daneil Thuo Njoroge:** Ninatoa shukurani kwa hii nafasi ambayo Commissioners wamenipatia ili niweze kutoa maoni yangu. Jambo la kwanza ningependa Katiba yetu ambayo itabadilishwa iangalie sana ni system au upangaji wa kazi. Kwa sababu ukiangalia katika hospitali, daktari inamchukua miaka nyingi sana ku-qualify kuwa surgeon. Akienda university anasoma miaka mitano ili awe daktari halafu anarudi tena kufanya post graduate ili aweze kupeleka mgonjwa theatre na kumfanyia operation. Na akimaliza ku-qualify kama surgeon, huyo daktari anapelekwa ofisi, badala ya kufanya kazi katika hospitalini anapelekwa ofisi anakuwa Provincial Medical Officer. Huko ofisini hausiki na kazi ya mgonjwa, ile kazi anahusika nayo ni kazi ya makaratasi ku-approve leave forms na inaonekana ya kwamba ule ujuzi wote na ile pesa ambayo ametumia ya wananchi, kodi ya wananchi kusomeshwa na serikali mpaka university inakuwa wasted katika maofisini. Ikiwa ni kazi ya ofisi serikali itrain watu ambao wanaweza kusimamia upande huo lakini daktari au ikiwa ni engineer, kwa sababu munajua ule mtindo tuko nao hapa Kenya, engineer anasoma miaka nyingi halafu anapelekwa Ministry of Works headquarters, halafu hiyo kazi yote ya engineer inakua wasted. Ikiwa ni daktari, ikiwa ni engineer afanye kazi katika field ili tuweze kuendelea nchi yetu na ile elimu ambayo mtu amepata ifanye kazi.

Jambo ingine ambayo ningependa Katiba ambayo itabadilishwa iangalie sana ni upande wa ministers ambao wanakuwa wakiwa appointed na pamoja na parastatal bodies wawe watu ambao watakuwa wakifanya hiyo kazi. Tumeona katika Kenya kuna wakati mwengine minister anapelekwa kwa idara ya afya na yeye hajui chochote, kuna wakati moja ninakumbuka tulikuwa na minister ambaye alikuwa ni askari anapelekwa upande wa afya, anakuwa minister wa health na mwengine anakuwa minister wa agriculture na hajui chochote. Ikiwa mtu ambaye atapelekwa upande wa agriculture anakuwa ni mtu qualified na kazi hiyo ya ukulima na ndio unaona maidara yetu inarudi chini sana kwa sababu wale ambao wanachaguliwa kuwa ma-ministers na kuwa ma-directors hawana ujuzi katika hiyo field.

Jambo lingine ningependa iangaliwe ni huyo minister, akichaguliwa kuwa waziri awe akichunguzwa kama amefanya makosa pale mbeleni, kuna wakati moja alikuwa ameshikwa kwa uizi au amefanya uhalifu wa aina yoyote hapo mbeleni ndio tusiwe tuna

ministers ambao ni wakora katika uongozini. Jambo lingine ningependa kuguza ni upande wa rais ambao tutachaguliwa asiwe chini wa miaka arobaini, awe zaidi wa miaka arobaini na awe ni rais ambaye ako na familia ako na bibi. Kwa hivyo hiyo ni jambo ingine ambayo ni ya yule rais tutakuwa naye, awe na qualifications hizo. Na pia naye awe vetted, aangaliwe kama kuna makosa alikuwa amefanya pale mbeleni ndio tuwe na rais ambaye hana makosa hata kidogo na kuwe na kamati ambayo itakuwa ikimchunguza kabla hajakubaliwa kuwa rais.

Jambo lingine ambayo ningependa Katiba yetu iangalie sana ni upande wa bei za mavuno yetu. Tuko na shida kwa sababu ikiwa ni upande wa pyrethrum au ni maziwa, mkulima anafanya kazi kubwa, ananunua mbolea kwa bei ya juu analima kwa muda mrefu sana na mazao yake akipata hana uhuru wakuchagua au kupanga bei ya bidhaa zake, unaambiwa bei ya maziwa ni kiasi hiki, wewe kazi yako ni unafanya kazi kubwa sana na kazi ngumu lakini bei unatengenezewa na watu wengine. Tungependa wakulima wawe na uhuru wa kutengeneza bei ya vitu ambavyo watakuwa wakilima. Mazao yao wao ndio wata-control price zake. Kwa haya machache ninashukuru kwa kunipatia nafasi hii. Asante.

**Com. Ratanya:** Bwana Thuo, kuhusu daktari, kwanza unataka masomo yafupishwe ama unataka aje, kwa sababu umesema wanakaa university wanarudi, sasa hiyo ni education system, unapendekeza kiwe kiwango gani? Hiyo ni swali moja, ingine ni hii ya unasema daktari, akiwa daktari akae tu hospitali asiende ofisi, sasa unapendekeza nani awe ofisi ambaye ana ujuzi wa kidaktari kama sio daktari.

**Com. Salome Muigai:** Mimi pia ningetaka utueleze zaidi juu ya hayo uhusishaji wa mtu mwenye ujuzi katika kazi fulani, umesema kama ni minister ni vizuri awe ana ujuzi wa kazi yake. Basi kama daktari hautaki akae ofisini, sijui maoni yako ni vipi kuhusu minister mwenye pengine ni daktari wa hali ya afya. Swali langu la pili nimesema president lazima awe na bibi, tunamgojea wakati yeye ni president ndio aweze kuwa ni baba, kwa hivyo pia utueleze juu ya hayo. Lakini hata zaidi ya hayo pia kuna watu wenye hawana familia kwa ajili ya hali ya kidini. Je kama wa-Catholic fathers, akitaka kuwa president na tumesema kuwa lazima president awe ni family man, tuna haki ya kumzuia huyu mwengine ama maoni yako ni vipi?

**Daniel Thuo Njoroge:** Kuhusu masomo, sina shida na masomo ambayo daktari anachukua kutoka nursery school mpaka university, sitaki ifupishwe hata kidogo. Shida yangu hiyo nilisema ya kwamba daktari anachukua muda mrefu sana kusomeshwa ili a-qualify kuwa physician au awe surgeon na aki-qualify kuwa surgeon, serikali inamchukua inampeleka ofisini huko hakuna operation atakuwa akifanya. Kwa hivyo ule ujuzi wa ku-operate mgonjwa unakuwa wasted katika ofisi. Ikiwa ni engineer, tuchukue mechanical engineer anasomeshwa miaka mingi katika university na akipata ujuzi wa engineer, anapelekwa ofisi. Ukienda huko ministry of lands headquarters, utakuta engineers wote wako pale na mwingine hata akipelekwa huko field, hata gari yake akitembea nayo hawezi kujitengenezea kwa sababu ujuzi wote umekuwa wasted huko kwa ofisi na asahau kazi ile alikuwa ametrainiwa. Ministers si kusema ya kwamba daktari alifanya kazi ofisi. Hata kama atafanya kazi ya ofisi, ofisi iwe ni pale hospitalini na awe akipatiwa allocation ya duties kufanya ikiwa ni kupasua atitrainiwa kuwa surgeon, awe akienda ku-operate mgonjwa, awe katika duty roster, awe akifanya kazi kama madaktari wale wengine. Na upande wa Rais kuwa na

family, ikiwa alikuwa na bibi hata tukichagua mwanamke awe Rais ya nchi yetu, awe na bwana. Hiyo ni maoni yangu na kama dini haiwezi kumruhusu, awe na family hapo tunaweza ikafanyiwa election ya pili, kama dini haimkatazi, awe ni mtu wa kazi. Na ni hayo tu.

**Com. Solome Muigai:** Asante sana Bwana Joshua Mburu, sorry Bwana Daniel Mburu Njoroge. Ningetaka kumpa nafasi Wairimu Gichuki.

**Wairimu Gichuki:** Njitagwo Wairimu Gichuki.

**Translator:** I am Wairimu Gichuki.

**Wairimu Gichuki:** Nginya riria twetirie wiyathi uyu, tutiri tuona thayu.

**Translator:** Since that time that we struggled for the uhuru we have never got peace.

**Wairimu Gichuki:** Na tutiri tuona gitoero, tuturaga ona ukoloni.

**Translator:** We have never found food but we believe under the colonial.

**Wairimu Gichuki:** No, angikorwo no tucumwo uchumi witu na twatuire turuagira ubigani kinya tukahurwo na tukihurwo na tugitikira,

**Translator:** If we have been deprived of our rights and then we were fighting for our independence,

**Wairimu Gichuki:** Na tugitia wiyathi na tukiwona,

**Translator:** And we got the freedom that we were fighting for,

**Wairimu Gichuki:** Na tutiri twaria tukihuna.

**Translator:** And we have never eaten sufficiently,

**Wairimu Gichuki:** Tuturaga gicagi na tutiri tuona uhuru.

**Translator:** We have been in the (inaudible) villages for seven years,

**Wairimu Gichuki:** Miaka mugwanja, tuturaga na ukoloni.

**Translator:** For the seven years, we have been under the colonialism.

**Wairimu Gichuki:** Na riu nitwahotanire na tutiri tuona uhuru.

**Translator:** And we go the victory but we have never sensed the spirit of freedom.

**Wairimu Gichuki:** Uhoro uyu ucokio haria Kenyatta ari.

**Translator:** we want everything to be considered and put back to the era of Jomo Kenyatta.

**Wairimu Gichuki:** Nii nindarega.

**Translator:** I have refused. No uguo uma naguo?

**Wairimu Gichuki:** Ii no ningi hari undu ungi,

**Translator:** There is something else,

**Wairimu Gichuki:** No nyende kuhoya njurie kiuria, njuria atiriri tungihota gutura uguo atia na nitwapiganiire uhuru na tukiwona?

**Translator:** I would like to ask a question, how long are we going to stay that kind of pressure and we got our freedom?

**Wairimu Gichuki:** Na arume aitu mathiriire githaka,

**Translator:** And very many men died in the forest,

**Wairimu Gichuki:** Na mathiriire ni undu wa gitumi kiriku? Ni undu wa tuone uhuru na tuikare na thayu na tuikare tutekuhurwo ni wakoloni.

**Translator:** Why did they die? I think they died so that we can get peace and then get out of the slavery and colonialism.

**Wairimu Gichuki:** Ni uguo riu.

**Translator:** Thank you.

**Interjection:** Inaudible

**Com. Salome Muigai:** Niwega muno Wairimu gichuki. The next person that we are giving this chance is Joseph Ndiritu Maina.

**Joseph Ndiritu Maina:** Jina langu ni Joseph Ndiritu Maina na nitaanza na mambo ya ardhi, the land. (inaudible)

luga hizo mbili Kingereza na Kiswahili. Ya kwanza nazungumza juu ya haki ya kila muraia kwamba kwa ploti zile, zimepeanwa na serikali. Kama hizi ploti zimepeanwa kwa haki kweli na serikali, ni lazima hawa watu maskini title deeds ziwe zinapeanwa mara moja kwa kuzuia wale corrupters kuzichukua tena. Tena kuna pesa zile kama zinalipwa kwa hizi plots zile zinakubaliwa kiserikali. Ni lazima hii kama ni shilingi elfu kumi ziwe ni elfu kumi kama ikikaa miaka kumi, lakini wakati mwingine unaona zinazaa tena. Ukilipa shilingi elfu tano ukirudi huku tena unakuta ni kama elfu kumi na tano. Wananchi wasaidiwe hapo. Ii ingine ile kama hizo ni plots katika nchi nzima, ni lazima kuwe na programme katika Katiba ile italeti kila mtu pamoja. Kila

community iwe inajua ile ingine harmonization programme ili watu wawe wasiwe wakisumbuana hapa na pale.

Nikiingia mambo ya natural resources, mali ya uma, corruption is evil just like how we had the slave trade, na kuzuia hiyo I recommend life imprisonment or death penalty for any corrupters in Kenya so that the society should be protected.

Maombo ya security juu ya Armed Forces, President should remain being the head of the Armed Forces but he should be assisted by another neutral body plus the Parliament. For the side of the police, it should seize to be in the Presidents' office but another neutral body should be set aside to look on affairs because, the police force where there is mwananchi or just a lay citizen where he goes for his complains, sometimes his grievances are not well cared because you accuse the police and they are same who are going to handle the cases. During the emergency time, this case should be looked into to by Parliament. The Parliament should be the final say. On the side of the President, he should see to be, on his education he should be a university degree holder. About the tenure of the office, President tutakaye mpata ni lazima atawale kwa miaka minane, kipindi cha miaka nne, nne. On the function of the President he should be the chancellor of the university, since to be the head of the Parliament as well being the head of the executive. Instead another ministry or body should be set aside to help.

On the employment, several of the interested people who would need to be employed should be looked into by the computerization by all the people who are interested all over the country.

On the pension of the retirees, the formula changes currently is very much colonial because it is depriving the rights of the worker because the money that is pensioned there is very little in comparison with the number of years one has worked.

On electoral system, any Member of Parliament who has been sponsored by a certain political party, and he decides to cross the floor, should seize to become a Member of Parliament.

On Presidency election, the President should at least attain a 50% of the majority of the country so that to be declared the winner.

Now there are some things that we should preserve for some few groups and these groups are physically handicapped people and the blind, but not political uplifted parties. Thank you.

**Com. Salome Muigai:** Thank you very much Ndiritu Maina are there any questions? Kuna mtu mwenye swali kwa Ndiritu la ufafanusi? Asante sana Ndiritu, jandikishe pale. Na unataka kutupa memorandum, that's good. Na sasa nampa nafasi Peter Kariuki. Peter Kariuki hayuko? Akiwa hayuko basi nampa Muthoni Muigai. Hiyo inaonekana kama (inaudible) kwani huyu ana jina kama langu. Lakini natafuta tu pale akina mama wako. Mary Wangare na (inaudible) Mary Wangare Gitau. Jane Wangui. David Thuku. Ulikuwa unataka kupeana maoni David? Basi karibu.



**David Thuku:** My name is David Thuku Mwaura. The views I am going to give to the commissioners, I have collected them from the groups from Malewa, Munyenye and part of Kipipiri Location. The view which I have collected I have written in English and therefore you will excuse me to read in English, and wherever there will be need of explanation I can explain in Kiswahili.

Point number one: The feeling of the people of that area that our Constitution should have a preamble and the preamble should be, the Constitution is made by the people of Kenya.

Number two. Our preamble should be, the people of Kenya are suffering. Yaani watu wa Kenya wana uhuru kwa sababu Katiba ya mbele imesema nchi ya Kenya iwe in ya uhuru. Sasa tunataka watu wawe na uhuru.

Point number three: Kenya is united and a represented country and is composed with different ethnic groups with different cultures.

Point number four: The Constitution is not above the people. Mungu alituumba, sisi hatuwezi kuwa juu ya Mungu, ni lazima tuwe chini ya Mungu. Therefore the Constitution should be under us.

Point number five: They talked about the (inaudible) wanataka pesa ambayo tunatumia Kenya iwe na ishara pande B. Ishara ya kwanza iwe all times court of arms one day of our candidate. The second one to have cockrail, jogoo or the founder of the nation which I believe the late Mzee Jomo Kenyatta. So that our money will not, the people of Kenya will know that the money belongs to them, it does not belong to the President. From there they talked about the election. For the election the people of the area have said there should be in the Constitution, they should be leaking a big (inaudible) for the election, not it become someone secret or another political party secret or President secret. It should be known by the people of Kenya.

Point number four: They have talked a lot about corruption. The simile of their area they have made, corruption is a horrible disease like AIDS or Ebola. So we leave corruption home. With that corruption cold they have said all corruption offenders be made to repay what they have confiscated through corruption. The other one to avoid corruption, they have said the auditor and controller general to have power to prosecute without reference from the attorney general. Also they have said the first corruption (inaudible) to be prosecuted. (inaudible) anti-corruption unit to have anti-corruption unit with power to prosecute. And they have also proposed that in all public offices door should be written, “*usitoe kitu kidogo*” written in black write in red.

They have also come to another point, they talk about the pension. They have realized that the people who need pension, the people who are over 70 years of which most of them we are freedom fighters and they have said that in this country, they should be given a pension.

The Constitution of Kenya should protect farmers. They are worried about the corruption of KCC, KEFRI, Kenya Meat Commissioners and so on. They should be protected by the Constitution.

On number seven, they have talked about the forming of the government. Kenya should adjust unitary or centralize form of government. From there they have said free arms of the government that is executive, judicial and legislature, they should be separated. Each of them to be independent of each other. The other thing in the Parliamentary government, we should be adoptive where the real powers of the government will rise with the Parliament. And the legislature will have a supreme power. They have also come to an opinion that there should be two shepherds in this country should be introduced. We have the law house for the elected MP's, we should have upper house to have at least two representatives from every districts.

The other thing they have (inaudible) is that the Parliament should vet the appointment of Ministers, Assistant Ministers to make the Ministry more professional and accountable. Also they have said the public service commissioner should be also be elected by the Parliament through the court judiciary.

**Com. Salome Muigai:** Mr. Thuku I would like to request you not to read word for word, just to highlight the issues because you are going to give us the memorandum again.

**David Thuku:** Alright. Public commissioner should be from the Parliament and so on, through the judicial commissioner also all the other commissioners which will be required for the interests of the public or the interest of the state, should be appointed by the Parliament. They have come also to the question of equality of the President or the Prime Minister. He must be Kenyan by birth, have a university degree, have a sound mind, have declared his wealth before he becomes Prime Minister. He should also as was said before, he should be a married person with a simple home. The age should be 35 and not before 70 years. Once he gets 70 years, he should retire. He should be a person who fears God. He should not have a criminal record. He should also be economically stable. The President should come from the winning party. For the election, it is the opinion of the people that every polling station becomes a counting station and announcement to be made there. The electoral commissioner should (inaudible) by the political party according to their strength in the Parliament. The President to be, he should have at least 51% of the total votes in which have been casted in the whole country. The President should not be an MP. We should have a ceremonial President. The mayors and chairman of the council should be elected by the people directly. More so there should be added another thing from the human rights for our freedom, we should have a freedom of worship but in our former Constitution there is no freedom of (inaudible). There should be a worship of God, Almighty God. People should not be detained without trial. Also they have said people should not be tortured in the police cells or anywhere else. Also they have requested the Constitution to give us a free or have a right of a legal aid because the life has become very expensive.

About the land issue: They have said the Constitution should protect public places. We have got markets, schools, open places in urban areas, they should be protected. The Constitution also should have achieved of number of acres an individual is supposed to have. Not all the country to be (inaudible). The Constitution should have a controlled right of land. Although they have changed the former (inaudible) should be allocated to a landless or squatters. The Constitution should protect grabbing of land and open places in our town.

Finally they have said if the Constitution is made by the Kenyans, it belongs to them it is knowing and understanding. The Constitution must become a part of school curriculum. The government in power should drop civic education to its citizens. Finally the public finance should be shared equally for the development particularly those in Kipipiri, we have very few tarmac, we have never seen water, we have never seen (inaudible). Thank you very much commissioner for that short (inaudible).

**Com.** Thank you very much Mr. Thuku. We (inaudible) on our way here. The next person is Fredick Ndungu. Is he here? Kuna mama mwingine Hannah Wambui. Giuke.

**Hannah Wambui:** Muri ega (inaudible) aitu? Muri ega ringi? Ni undu mweka. Riu kiria tukwenda kugweta ni atiriri,

**Com. Salome Muigai:** Uga ritwa.

**Hannah Wambui:** Njitagwo Hannah Wambui wa muthuri ugwitwo Francis Gathua.

**Translator:** Am Hannah Wambui wife of Gathua.

**Hannah Wambui:** Atiriri, nii ngitua kwaria uhoro no njaririe na kuringana na nii hindi io ya kararo

**Translator:** I want to talk about the affairs during that time of war

**Hannah Wambui:** Twaturaga tukuaga irio na ndigithu tugitwarira andu mutitu.

**Translator:** We used to carry food with basket to the people who were fighting for freedom.

**Hannah Wambui:** Ta hindi io tutingionekire tondu twehithaga kwihitha nigetha tutikonwo.

**Translator:** We did that while we were hiding so that to avoid being seen by the authorians.

**Hannah Wambui:** Na riri, nii ni kuigua njiguaga kieha na ngamaka muno

**Translator:** I am always afraid, very much afraid

**Hannah Wambui:** tondu tugithii mutitu kana hindi io twahuragwo tweciragia ati nitwaheo wiyathi.

**Translator:** when we were having all those struggles we thought that we could be given our freedom.

**Hannah Wambui:** Na riu riria twari kuo tutionaga

**Hannah Wambui:** Tutionaga ta twaheirwo wiyathi.

**Translator:** We do not even think or perceive that we were given our freedom.

**Hannah Wambui:** Tondu, ni thina muingi tukoragwo ithui turi atumia.

**Translator:** Because we, the women groups are having a lot of problems.

**Hannah Wambui:** Undu uria ungi ni atiriri, nituonaga thina tondu gicagi giki gituaga haha.

**Translator:** Because, when we look outside we see the village that was formerly for colonialists.

**Hannah Wambui:** Andu aciori, onao riria mari gicagi nituiguaga uuru tondu onao mari arui a mbara.

**Translator:** We always feel very uncomfortable because the residents of these villages also fought for our freedom.

**Hannah Wambui:** Ndirenda kuria atiriri, hatiri handu andu acio mangiheo moime gicagi?

**Translator:** I want to ask the Government whether there is no place where those people can be taken and then leave their colonial villages.

**Hannah Wambui:** Tutionaga ta twoimire ukolonini, tuonaga ta turi o ukolonini.

**Translator:** We still feel like we are still under the colonialism.

**Hannah Wambui:** Tondu ucio maundu maria tuonete kuna hindi ya mutiga-iri athii, nituonete maundu maingi muno maratuhingica.

**Translator:** We have been experiencing a lot of problem since the departure of the founder of this nation.

**Hannah Wambui:** Tondu uguo tiguu twuoi.

**Translator:** We did not think that things would go like that.

**Hannah Wambui:** Twendaga tuigananio ithuothe ta uria mundu aihuirie magego.

**Translator:** We wanted to be equal like how we have got teeth in our mouths.

**Hannah Wambui:** Tondu twari kuo ithuothe.

**Translator:** For the reason that we were there even that time, all of us.

**Hannah Wambui:** Ni undu uciori, nii uria ndingienda kuuga riu ndi hau, andu acio mari gicagi, mambiririe gwetherwo kuria meguikara tondu o na ithui twina migunda nituonaga thina.

**Translator:** This is my conviction that all those people who are in the villages.

**Hannah Wambui:** Meherio gicagi.

**Translator:** To be removed from the villages and be given somewhere to live.

**Hannah Wambui:** Kuri ciana ciaciriirwo gicagi giki na ituire gicagi giki,

**Translator:** There are children who were born in this village and they are still there.

**Hannah Wambui:** Ciana igikura, manyina makirie guthira riu ni guthira marathira mari o gicagi.

**Translator:** Children grew up and their parents are now getting to the end because they continued with that.

**Hannah Wambui:** Thii mumere nitwamathaita meherie andu icagi.

**Translator:** We have sent you to tell the Government that they should remove the people from the old villages.

**Hannah Wambui:** Asante sana.

**Translator:** Thank you very much.

**Com. Salome Muigai:** (inaudible). Sasa ningetaka kutoa nafasi hii kwa Kago Thuku.

**Kago Thuku:** Ritwa riakwa njitagwo Kago wa Thuku.

**Translator:** I am called Kago Thuku.

**Kago Thuku:** Na guku nikuo njikaraga Kipipiri ngirima.

**Translator:** This is my place where I live as a farmer.

**Kago Thuku:** Uria nguthii kuga, twi haha tugika atia, ndumurie inyui muikariire metha iyo.

**Translator:** I have got a question to pose to you, what has brought us here and what are we doing here?

**Kago Thuku:** Undu ungi, ndamuria na mutinanjokeria.

**Translator:** You have not answered me.

**Kago Thuku:** Ambei munjokerie.

**Translator:** I would like you to answer me why we are here and what has brought us here.

**Com. Salome Muigai:**

(inaudible). Ningetaka kujibu swali lako tukiwa sisi ni Tume ya kurekebisha

Katiba ya Kenya na tumekuja hapa ili kuja kuyapokea maoni yenu watu wa Kipipiri juu ya majonzi ya Katiba yetu. Sijui kama nimeshalijibu swali lako.

**Kago Thuku:** I am satisfied. Mkiwa mnakuja hapa

(inaudible) ni hii. Kulikuwa wakati tulipigania

uhuru, tulikuwa (inaudible) ningwaria gikuyu.

**Translator:** I am going to speak in Kikuyu.

**Kago Thuku:** Twaruaga na athungu tweherie muthungu guku,

**Translator:** We fought with the white settlers so that we can remove them from this land.

**Kago Thuku:** Nigetha tuone tiiri wa guku.

**Translator:** So that we could possess the soil of this land.

**Kago Thuku:** Na tiiri wa guku nduri petoro tungiendia,

**Translator:** And we don't have mines here in this country,

**Kago Thuku:** Na gutiri thahabu tungiendia.

**Translator:** And we don't have Gold to mine in this country.

**Kago Thuku:** Kindu kiria twendagia ni irio ciitu.

**Translator:** What we sell is only our plots.

**Kago Thuku:** Na irio ciitu kinya riria twagiire uhuru niciatuikire njuru, urimi witu.

**Translator:** And our crops since we attained our uhuru, now are not valuable at all.

**Kago Thuku:** Riu njerekeire gukua,

**Translator:** Now I am on the way to death.

**Kago Thuku:** Na ndatiga thiina guku gwa ciana ici ingi.

**Translator:** I have left a lot of problems here for the children,

**Kago Thuku:** Tondu indo ciao mararima na hinya muno.

**Translator:** Because the crops that they are cultivating (inaudible).

**Kago Thuku:** Matirona muguri.

**Translator:** And nobody is providing the market.

**Kago Thuku:** Muguri uyu ni (inaudible).

**Translator:** And is somebody who is buying is here,

**Kago Thuku:** Niwe uroka gwaka mucii,

**Translator:** They come to my place,

**Kago Thuku:** Ngamuria uragura irio atia.

**Translator:** Then I ask him how are you buying our crops.

**Kago Thuku:** Katiba ino ya Kenya-ri niguu yugite?

**Translator:** Is that what has been stated in our constitution?

**Kago Thuku:** Ucio nindanina hau.

**Translator:** I have finished on that.

**Kago Thuku:** Mumenyerere irio cia Kenya, mwikire Katiba iyo yanyu murekira, andu othe manine ng'aragu.

**Translator:** In our new constitution,

**Kago Thuku:** Na murie.

**Translator:** Please try to see to it that our produce are bought and have market.

**Kago Thuku:** Undu ungi ni wa githomo.

**Translator:** The other thing concerns education.

**Kago Thuku:** Twaheirwo githomo ni munene uria watutigire guku, kia bure.

**Translator:** They were given free education by the former President.

**Kago Thuku:** Na riu giacokire gigituika ni kia mbeca.

**Translator:** Now we are paying for it high.

**Kago Thuku:** Ngumuria ati muthondeke githomo tuho kia bure, tondu, we wina mbia niwe uratwarithia mwana waku murimu, na ugatwairi primary na ugatwarithia high school, no nii itari na mbia ri, mwana wakwa aratigwo oro mucii.

**Translator:** I am also pleading with you that you consider those people who do not have finances to educate their children

because my children are still at home, they will stay there without education.

**Kago Thuku:** uguori, nitugayanite Kenya, kuri ithonga na kuri muthini na athini-ri, nio aigni muno gukiraithonga.

**Translator:** Therefore, we have got two groups in Kenya in this land, we have got rich people and the poor people and the poor people are more than the wealthy people.

**Kago Thuku:** Haya, ningi ugoro ungi ni wa thibitari. Wa thibitari nitwahetwo thibitari ya bure na riu ni mbeba turihaga. Kwa uguo-ri, mwana wa gitonga kama murwaru wa gitonga niwe ura-treatwo wega, no nii wakwa agakuira mucii.

**Translator:** The other issue concerns medical care and Government hospitals that they are charging and the rich people will have the opportunity to be treated there but for the poor people, they will not get treatment whatsoever.

**Kago Thuku:** Riu uguo-ri, mwike na Katibaiyo uria tugwika nigetha riri andu acio maigananio (inaudible)

**Translator:** So, in the new constitution, please try to put those ones in our constitution so that people may be equal (inaudible).

**Kago Thuku:** Ndimoiga uguo ati ndi Kipipiri, ndiroiga uguo ndi Kenya ngiaria ugoro wa Kenya ii yothe.

**Translator:** I am now stating this, not because I am a member of Kipipiri but for the whole country of Kenya.

**Kago Thuku:** Undu ungi ni wa mutitu uria wi haria andu aya (inaudible) wi haria.

**Translator:** The other issue concerns the forest and you can even view the forest through the window.

**Kago Thuku:** Ungithii kuo ndungiona kamuti ga kuhura mburi.

**Translator:** There are no trees there.

**Kago Thuku:** Mitito ucio-ri, kwari na andu marimaga,

**Translator:** There are people who used to cultivate,

**Kago Thuku:** Na mahandaga miti,

**Translator:** They were planting trees.

**Kago Thuku:** Na mahandaga miti ya tuta na magacoka makamiceha.

**Translator:** They were trying to prepare.....

**Kago Thuku:** Uguo yathire naku, andu acio mathire naku?

**Translator:** The seedlings that they planted and now the trees are not there.



**Kago Thuku:** Tondu riu ndungiona gia gwaka nyumba, mbau iriumaga Tanganyika kana kuria kungi iriuma, tondu Kenya gutiri na mbao.

**Translator:** Please consider the preservation of forests because in the near future we will be getting timber from Tanzania and other neighbouring countries.

**Kago Thuku:** Ni undu ucio-ri, Katibaiyo gikirei uguo niguu ndahoya woni wakwa,

**Translator:** I plead.....(*Incomplete sentence*)

**Kago Thuku:** Na ningi, tugithii na mbere-ri nikwari muthee ucio wakuire. Niathondekete Kenya gutiri Gold and gutiri petoro yendagio.

**Translator:** We can consider that the former President had realized that here in this land, we don't have anything to mine from the grounds.

**Kago Thuku:** Andu other metereire marime tiiri, mone gia gwiteithia na mateithie Kenya.

**Translator:** And they considered that Kenyans should have their livelihood from the soil.

**Kago Thuku:** Inyi muthiaga githomo mutatwa kana gaku gagathii guthoma, no gatithomithagio tiiri gathomithagio what what,

**Translator:** Okay.

**Kago Thuku:** Nigetha gagathii ruraya, nigetha gagathi ofisi, no tiiri-ri gatikamenya kurima.

**Translator:** Now, when you go to educate your children, they are not having that knowledge, they are not being taught the knowledge of agriculture. They are only taught about the white-collar jobs and going to abroad and they should be taught more about the agriculture because this nation relies on agriculture.

**Kago Thuku:** Ni hari kiama kimwe muthee athondekete kiugaga 4Kclub, Kuungana, Kufanya, Kusaidia Kenya.

**Translator:** Okay there was.....

**Kago Thuku:** Inyui mugateithio nuu? Ciana icio ciathii ruraya-ri na ni mwana wa gitonga urathii ruraya-ri, icio ingi ciatigwo-ri cigateithika naki? Ikaguna Kenya nakii na gutiri kindu kingi makendia? Na irio?

**Translator:** Okay, there was this spirit of 4K whereby agriculture was very much adapted and when we look at it and find that those who are going to abroad and they are not coming to cultivate, from where will they pay, on what will the Kenyans live if the agricultural activities are neglected?

**Kago Thuku:** Nitwatuiire wiyathi na twaruiru wiyathi-ri, niki gitumite Kenya yamure gukorwo na mataruite na aria angi ni

maruire?

**Translator:** We fought for our freedom and we can see that there is a kind of segregation whereby other people would not take part in the exercise are more honoured by those who were (inaudible).

**Kago Thuku:** Nikuri mundu tawe, ndirona turungii nawe, we wi gitonga na we ni minister na we wi ng'ania, uynitite mugunda wa acre magana matano na mundu uria ungi araririra gicagi agikuaga ni thina.

**Translator:** There are some people like the one that we are standing by and many are ministers and they are very rich and they have got a lot of things but they did not fight for uhuru and they are enjoying the dishes of this country without having labours.

**Kago Thuku:** Ngimuria-ri akorwo nimukwenda guthondeka Katibawega ri, Kenya niimenererwo irio, na Kenya ni imenererwo migunda yothe iigananio ta uria twaruire mbaara tondu ciana cia mundu, no riu inyui mwacagurire gwi gitonga kia migunda ngiri igiri, kwi muthini kana (iaudible).

**Translator:** There should be equality as far as land is concerned rather than to have some people having a very large kind of land while others are suffering under the starvation and lack of their livelihood.

**Kago Thuku:** Riu ngicoka kunina-ri, tiiri nduthiraga.

**Translator:** Mmh?

**Kago Thuku:** Tiiri nduthiraga.

**Translator:** Finally, I would like to state that the land itself does not expand.

**Kago Thuku:** Uhoro wa tiiri uria o Ngai ombire niguu uturaga na uturite this, we nirathii uriri ugaciara mwana.

**Translator:** The land as I said does not expand but people are still producing and bearing children.

**Kago Thuku:** Ni undu ndeciara tiiri.

**Translator:** They do not bear the soil or the land.

**Kago Thuku:** Riuri, nitumenyerere miikarire iitu ya hau thutha. Turiikaraga atia. Woni wakwa ri tuguikara na njia ino. Mundu uria uguthii kugairwo mugunda wa gitonga ri nigetha maigananeri, aria megutigara tondu no guciara maraciara ri, nimaheo forest makarime na marimire miti iyo tuhandage miti (inaudible) gutikanage mbao.

**Translator:** After sharing the lands which are owned by the rich people, others will not be able to get land. They should be allowed to go to cultivate in the forests and then after that we plant the trees to avoid the scarcity of wood.

**Kago Thuku:** Nindehia ni kuuga uguo?

**Translator:** Have I offended anybody anyway? Werwo ndwihitie no uikare thi.

**Com. Muigai:** Asante sana Bwana Kago Thuku. Imefika basi nafasi ya Joseph Mwaura. Tafadhali ukijiandikisha kama mtu mwenye ulemavu tujulishe kwani tungetaka tukupe nafasi maalum na kama wewe ni mama na ungetaka kupewa nafasi ya kuzungumza, na kama wewe ni mzee kabisa pia tungetaka kukupa nafasi mara moja moja ndio ujieleze na uweze

(inaudible). Kwa hivyo, watu wenye matakwa maalum, ningetaka kuwapa nafasi. Lakini sitaweza kama sitajulishwa.

Kwa hivyo, ukujiandikisha watu wenye wanaandikisha waweze kunieleza ni watu gani ndio walemavu, nataka kujua akina mama na pia nataka kujua wazee wale wazee kabisa, tafadhali. Lakini, kwa wakati huu nafasi ni yako David Mwaura kama uko. David Mwaura ekuo? (inaudible)

Nataka kumwita Johnson Mungai who is a (inaudible).

**Interjection:** Inaudible.

**Com. Salome Muigai:** Inaudible.

**Johnson Mungai:** Jina langu ni Johnson Mungai na mimi ni mwenyeji wa hapa Kipipiri. Nitasomewa points zangu na kizungu halafu nitatafsiri na kujieleza kwa Kiswahili. Kwa hivyo, tunaweza kuanza.

**Reader:** Point number one, direct vote of the President.

**Johnson Mungai:** Mimi ni maoni yangu kuwa rais achaguliwe na wananchi wote wa Kenya na achaguliwe kwa zaidi ya kura hamsini kwa mia ya kura zote za wananchi wa Kenya.

**Reader:** There should be a run off incase there is no outside winner.

**Johnson Mungai:** Kukiwa na washindani wengi, wale wa kwanza wawili washindane ili kupatikane mshindi kamili.

**Reader:** Point number three, stationing of foreign army should be approved by a referendum.

**Johnson Mungai:** Ni maoni yangu kuwa majeshi ya kigeni kama ya Uingereza na ya Amerika yafukuzwe nchini na wananchi waruhusiwe kupiga kura ya maoni kuamua kama wanajeshi wa kigeni wanaweza kuwa Kenya.

**Reader:** The other point, operation of the Kenyan military, outside the Kenyans soil to be persisted in the referendum.

**Johnson Mungai:** Pia, ni maoni yangu kuwa iwapo majeshi ya Kenya yatumwa nje ya Kenya, lazima wananchi wapige kura ya maoni ili kudhibitisha kuwa ni maoni ya watu wote.

**Reader:** The President should not be above the law.

**Johnson Mungai:** Ni maoni yangu kuwa rais wa jamhuri awe chini ya sheria kama wananchi wengine kwa kuwa wote Rais

kenyatta na Rais aliyeko Moi, wote walitumia madaaka yao vibaya na wote wamekuwa wakilinda kwa uhalifu na watu wafisadi.

**Reader:** The President should be elected after every four years.

**Johnson Mungai:** Ni maoni yangu pia kuwa rais awe akichaguliwa kila baada ya miaka minne na baada ya kuchaguliwa mara mbili, asiruhusiwe tena kusimama hata kama ana uongozi wa aina gani.

**Reader:** On Parliament, there should be a great chamber Parliament.

**Johnson Mungai:** Pia, ni maoni yangu kuwa kuwe na bunge la chambers tatu kwa kuwa nikiwa mwenyeji wa Kipipiri, kuna mtu ananiwakilisha at the constituency level lakini ningependa kuwe na chamber nyingine ya kuniwakilisha kama Mkikuyu na ningependa kuwakilishwa kama mwalimu na ningependa pia kuwakilishwa kama kipofu. Kwa hivyo, ni maoni yangu kuwa kuwe na a three-chamber Parliament. Chamber one, house of representative iwe ikiniwakilisha at the constituency level. Then number two, tuwe na civic, bunge ambayo itawakilisha kila wilaya na kila kabila na halafu kuwe na chamber ya tatu, congruent ambayo itawakilisha wasiojiweza kama vipofu, viwete, iwe ikiwakilisha wanawake na iwe ikiwakilisha vikundi vya kidini. Maoni yangu ni kuwa bila kuwa na chamber kama hiyo. Makundi mengine kam vipofu, wanawake, hawataweza kushindana. That is, kukiwa survival for the fittest, wanawake watakuwa na waakilishi wadogo wakati wowote. Tena ni maoni yangu kuwa tukiwa kama vipofu elfu mia moja na hamsini, hatuwakilishwi vilivyo bungeni kwa kuwa tumetawanyika nchini kote. Kwa hivyo, ningependa bunge ambayo tutakubaliwa kuchagua waakilishi wetu direct. That is elected representatives.

Tena, ningependelea kuwe na bunge tatu vivyo hivyo zipime mamlaka ya bunge, that I, kuwe na counter check kwa kuwa bunge kama ilivyo sasa ina ukora mwingi sana. Kuna wakati mwingine inapitisha sheria za ki-ukora na ningependelea kuwe na bunge ambayo sheria itapitia bunge tatu ili i-act as a check.

**Reader:** Parliament should be supreme and should approve all terms of civil servants and other Government employees.

**Johnson Mungai:** Bunge ya chamber hii ya congress, ile inawakilisha wafanyi kazi, wanawake, walemavu na vikundi vya kidini, iwe na nguvu kushinda hizo chambers zingine mbili na iwe ndiyo ina-fix mishahara ya wafanyi kazi wa serikali na iwe na ministers na watu wote nchini badala ya system ambayo tuko nayo ambapo wabunge wnjipatia mshahara vile wanavyotaka na bila mtu yeyote wa kuwachunguza vitendo vyao.

**Reader:** Congress to approve all Presidential appointments.

**Johnson Mungai:** Pia, hili bunge la tatu; congress, ningependa liwe liki-approve Presidential appointments zote. Rais asikubaliwe kuchagua watu atakavyo na bila na yeyote. Hili bunge la tatu liwe na power ya kufanyia wale rais amechagua interview.

**Reader:** Congress to approve any declaration of emergency or war.

**Johnson Mungai:** Pia, hili bunge la tatu ambalo linawakilisha wanawake, wafanyi kazi na hao wengine, liwe lina-approve any declaration of wars badala ya kufanya bila kuhusisha mtu yeyote.

**Reader:** On judiciary, there should be trial by jury.

**Johnson Mungai:** Pia, ningependa system ya trial kwa juy. Hakimu akitoa uamuzi kuwe na wazee wanaohusika badala ya hakimu awe akiamua mambo na hii itapunguza uamuzi ambao sio wa haki kama hongo au uamuzi ambao unakuwa influenced na chuki au mapendeleo.

**Reader:** Establishment of a supreme court.

**Johnson Mungai:** Pia, ningependa kuwe na supreme court iwe inaweza kupinga sheria ya bunge ambayo inakiuka Katibaya nchi.

**Com. Salome Muigai:** Ningetaka kuuliza Bwana Mungai kama ana memorandum anaweza tuachia. Una memorandum unaweza tuachia?

**Johnson Mungai:** Yes, I have.

**Com. Salome Muigai:** Okay. Kwa hivyo mngetaka kufanya highlight? Nasikia wewe ni mwalimu Mungai kwa hivyo sisi walimu tunajua kufanya highlight.

**Johnson Mungai:** Okay.

**Reader:** Civil servants should be compelled to offer their services and conditionally and within the course of the day.

**Johnson Mungai:** Pia, ningependelea watumishi wa serikali wanazuiliwa kuhudumu, kupatia wananchi huduma na wapimiwe muda badala ya vile wanalazimisha watu kurudi kwa siku nyingi. That is, wawe wakifanya kazi kama bank. Mtu akiingia ofisini, awe anapewa huduma bila masharti yoyote na bila kurudishwa siku ingine.

**Reader:** On the disabled, the handicapped should be allowed to elect their own representatives in a national constituency.

**Johnson Mungai:** Walemavu waruhusiwe kuchagua watumishi wao bungeni.

**Reader:** A minimum of 300/- per month should be given to those incapable of working through out their lives.

**Johnson Mungai:** Pia, ningependelea wale ambao hawana uwezo wa kufanya kazi wawe wakipewa kitu kidogo cha kiwasaidia kuishi.

**Reader:** Finally, senior citizens above 65 years should be entitled to a minimum of 300/- per month for the rest of their lives.

**Johnson Mungai:** Hiyo nadhani tumetaja. Jambo la mwisho ambalo sijataja, ningependa uongozi wa majimbo uondolewe kwa kuwa watu wengi hatufaidiki na ma-PCs and provincial administration ni kitu irrelevant. Pia, ningependa national identity card iwe abolished kwa kuwa ni alama ya utumwa.

**Interjection:** Laughter in the background

**Com. Salome Muigai:** (inaudible). Asante sana Bwana Mungai. Ulikuwa ukifanya computer Mr. Mungai? Na utafanyaje kuelewa vile alisema? Haya, Bwana Mungai kuna swali. Tafadhali rudi tu.

**Swali:** Nataka kujua vile umesema mambo ya ID cards.

**Johnson Mungai:** Kwa sasa, tunalazimishwa kubeba kitambulisho na serikali popote tuendapo na wananchi wa kawaida ambao si wahalifu hawafai kulazimishwa kubeba kitambulisho. Otherwise, hiyo ni elimu ya utumwa. Ni wajibu wa serikali kuwashika wahalifu bila kuhangaisha wananchi wa kawaida wasio na hatia.

**Com. Salome Muigai:** Asante sana Bwana Mungai. Sasa ni nafasi ya John Njoroge. Wewe ni John Njoroge ama ulikuwa na swali lingine? Mmh? Unataka kuelezea? Ah, ah, utangoja nafasi utueleze lako na lile ungelitaka kuelezea (inaudible). Muthoni Muigire ni yupi? Philip Iregi.

**Interjection:** Inaudible.

**Com. Salome Muigai:** Iregi, karibu, karibu hapa.

**Philip Iregi Gitau:** Mimi ni Philip Iregi Gitau. Ningetaka kuwashukuru kwa kufika hapa. Langu ni hili, mimi ningehimiza waziri mkuu awe akichaguliwa na wananchi katika jamhuri yote ya Kenya.

La pili, ningehimiza makau wa raisi awe akichaguliwa vivyo hivyo. La tatu, ningetaka hata rais awe akichaguliwa na watu 50%. Mwenye kiti wa County council awe akichaguliwa na wananchi katika area yake, kama ni district anapotoka. Lile lingine, ningetaka kutoa maoni yangu, ningetaka mwananchi wa kawaida asiye na ardhi ama asiye na chochote, serikali ifikirie mambo yake. lile lingine ningehimiza ni, hospitali zimekuwa na bei kali sana na mwananchi wa kawaida hana chochote cha kujifaidi.

La nne, kama vile mzee mwingine alisema hap, kuna mashamba makubwa sana ya watu wale mashuhuri yanakaa bure na wananchi wengine hawana kwa kulima. Lile lingine ningengezeza ningesema, wizara ya ardhi na makao ichunguzwe kwa maana hiyo ndiyo inanyanyasa wananchi katika jamhuri yote ya Kenya.

La mwisho, ningeongeza kusema hata wizara ya afaya tena haituhudumii kikamilifu. Kwa hivyo, nitamalizia hapo.

**Com. Salome Muigai:** Asante sana Mzee Philip Iregi. Ningetaka kuwaomba, tafadhali mkija kutoa maoni tupeni vile mngetaka tufanye. Tuelezeni mngetaka hii Katibaieneze hivi na vile. Mara nyingi tunauliza maswali na sisi wanaTumekazi yetu leo sio kujibu maswali, kazi yetu leo ni ku (inaudible) za watu kutoka kwenu. Tafadhali ukija hapa, njoo utueleze ungetaka hii Katibaitufanyie jambo moja ama hili. Pia, wakati huu ningetaka kuchukua nafasi ya kutambua kuwa mjumbe wa Kipiriri Githiomi Mwangi yuko pamoja nasi. Karibu sana Mheshimiwa. Ni nafasi sasa kwa Diwani George Ndatho Muchiri.

**George Ndatho Muchiri:** My name is George Ndatho Muchiri, councilor Wanjohi ward, Ward 21 Wanjohi. Nataka kuwashukuru macommissioners kwa kufika hapa siku ya leo, kusikiliza maoni ya wananchi na kuyarekebisha kama yafuate Katibainayofaa ambayo imengojewa sana na wananchi wote nchini. Nimeandika hii hotuba yangu kwa Kiingereza na ni yangu mwenyewe lakini nimechukua maoni kutoka watu fulani fulani kutoka kwa ward yangu. The Governmentwe would like should be:

- It should be a unitary coalition Governmentwith a ceremonial President, a vice President who should be tow by being the running mate of the President and he should have powers of (inaudible) to avoid easy manipulation by the President.
- Two, the country should have an executive Prime Minister and his deputy.
- All the heads should be impeachable by the Parliament and should be punishable by law in case of short comings.
- The President, Prime Minister should propose a cabinet and the Parliament or any other body that would be set should have the right to reject anyone who should be found unfit for leadership in order to avoid corrupt and morally decayed leaders in our country.
- The auditor general, chief justice, Attorney General and Commander-in-Chief of the armed forces should be people of high integrity. They should not be appointed on tribal basis. The Parliament should have an upper hand in their nomination or appointment.
- Our constitution should try to minimize the number of political parties to at least 4 or 5 by deregistering those which are inactive or those which do not reach the targeted quality in order to eliminate tribalism in our country.
- Any citizen should have a right to own property, live or work in any part of our republic without any victimization.
- The lifespan of Parliament should be five years and the President should vie for only two terms (inaudible).
- The Parliament should have powers to remove the President from the office by a vote of no confidence by 2/3 majority and in such a case, the Parliament should have powers to appoint a person of their choice heading formation of another Governmentwithin the specified period and preferably (inaudible).
- Registration of voters and issuance of Identity Cards should be free and the electoral commission should be appointed by the Parliament but not the President or the ruling party.

- The Government should be equal to provide free education, free medical services to wananchi. Education should be made compulsory. The Government should provide buildings for both pupils and teachers and should provide equipments.
- Local Authority should be autonomous. Civic leaders should have the upper hand in running the council and should seek finance from the central Government with which to run the council.
- The (inaudible) of Kenya (inaudible) which is taxing on farmers and road barriers in rural areas should be abolished because not only is it (inaudible) but also oppressive to the people.
- Judiciary, Executive and Legislature Arms of the Government should be separate and to remain independent from each other.
- All judges and magistrates should be appointed through a commission set up by the Parliament and the same should apply to the executives including provincial administrators.
- All the Local Authorities employees should be under their respective councils who should hire and fire them in case of need. The chairman of the council should be executive and equally despite should have powers of (inaudible) and should be elected by the Parliament.
- The Government should not import agricultural produce like sugar, milk, maize etc when the country has them in plenty. Before any importation of such commodities, the Parliament should be consulted through the ministry of agriculture and the agricultural machines should not be highly taxed or should have no taxation at all.

**Com. Salome Muigai:** Bwana Diwani una memorandum unaweza tuachia?

**George Muchiri:** Eeh, nitamwachia lakini niko karibu kumaliza. I have just two points.

**Com. Salome Muigai:** Okay.

**George Muchiri:** Crops like wheat and rice etc should be insured through Government organizations and farmers should be compensated in case of natural catastrophe in order to encourage farmers. Our natural resources all over the country, these are like forests, rivers and so on, should be well protected and officers encouraging destruction should be severely punished. The land commission should be appointed should by the Parliament, should be a person of high integrity and the Parliament should have power to neutralize any title deeds now in use or issue in future (inaudible) and especially on grabbed land or any other (inaudible) land.

Finally, the commission should complete its work on review as soon as possible to create a level playground in the forth-coming elections. By this I mean, the date agreed upon when the commission was set. Parliament should not be extended even by a single day.

That is all I had Bwana Commissioner. Thank you very much commissioner.



**Com. Salome Muigai:** Asante sana Bwana Diwani. Kuna swali kwa Diwani? Hamna, asante sana. Tafadhali jiandikishe. Sasa ningetaka kumpatia mama Mary Karuga. Mama Mary Karuga yuko? Ni wewe mama? Haya.

**Mary Wambui Karuga:** Jina langu ni Mary Wambui Karuga. Nawakilisha the three Cs and the Women Group at Malewa Location. The resolutions from the location of Malewa Women Group:

- We need a Preamble in the constitution to identify and recognize the supremacy of the people of Kenya, women, men and children, respect the honour of those who fought for our independence.
- National vision: Equal treatment for all before the law. Unity in our diversity, supremacy of the constitution, guarantee basic rights for all.
- Constitutional supremacy: The constitution amendment should be subjected to a referendum and not the 65% majority.
- Citizenship: All children inside and out of Kenya by a Kenyan citizen, foreigners and their children who have lived in Kenya and worked in Kenya for 15 years need a citizenship.
- Ways of acquiring citizenship: Application, marriage and adoption.

Hao ni akina mama wanaendelea.

- A citizen should be identified by a passport or identity card.
- Defense and national security: The constitution should have extra powers for emergencies. Duration Parliament should have (inaudible) in setting emergency powers. The Commander-in-Chief of the armed forces should be treated like any other public civil servants.
- Political parties: There should be a rule and qualifications to safeguard stability of parties. The patrons should be transparent and accountable to the party members and to the relevant audit bodies.
- There should be a provision of a coalition government. Registered parties should enhance gender equality at the hearing level. Avail finance for political parties from the public resources.
- The structure and the system of the government: The Presidential system of the Government should be retained with checks and balances. Separation of power between the three arms of the government. If the President is a woman, the vice President should be a man and the vice versa, in the other way. The President should be married and have a stable family, house and home. Minimum education qualification must be a degree holder.
- Legislature: The appointments should be vetted by Parliament.
- Judicial: All constitutional commissioners functions of the Parliament should be extended to include appointments done by the executive.
- Being a Member of Parliament should be full time occupation.
- Age requirement for the voting and the contesting Parliamentarians .....(End of side A tape 2).
- When voting for the President, he should be 35 to 65 years.

- Special measures should be taken to increase women participation.
- Affirmative action .e.g. at least one that nominated Member of Parliament of each Parliamentary party should be women.
- The President should not have powers to dissolve the Parliament but should have a calendar of events.
- Executive powers: President's qualifications; university degree from a recognized university, morally upright, be a family person, integrity (inaudible), God-fearing and he declares his wealth.

We pray God for the new constitution if God wishes.

**Com. Salome Muigai:** Thank you very much Mary Wambui Karuga. Any question for her? No. sorry, okay we have from Com. Kangu.

**Com. Kangu:** Mary Wambui, do you have any good reason why MPs should be over 30 years because many people are telling us women are being left out in decision making, do you also say they are being left out in decision-making? I would like to know how we deal with that because the youth will be waking up sooner.

**Mary Wambui karuga:** Answer for the question. In our coming days, we the young children or the young youth or women we need thirty years because when we are going to school from standard 1 to standard 8, we are 14 years and we have a degree from 26 to 28. So, we can play for the Parliament seats because from 30-35 it's good. That's why we are including that 30 years is better off than 40 or 50 years because for the moral we need the dot coms to be included for their pleasure.

**Com. Salome Muigai:** Thank you very much. I would know like to give chance to Muthoni Gathii. Muthoni Gathii yuko? Okay. Ningejua ningekupa nafasi mapema, you are a lady and you are a young lady, a (inaudible). Can I also have the youth mentioning where they are because women and men will, mkijiandikisha, show that you are a youth. This is a very inclusive project, tunataka maoni ya kila mtu. Kwa hivyo ikiwa wewe ni kijana wa kike ama wa kiume, jitambulisha kwa kusajiri na nitahakikisha kwamba umepata nafasi ya kujieleza. Karibu sana.

**Eunice Muthoni Gathii:** Kwa jina naitwa Eunice Muthoni Gathii. I would like the upcoming constitution to include at least some few things so that they can conserve and preserve what has been there so far. To begin with, I would like to start with the natural resources. The natural resources we have in Kenya are so many and so much that they are under exploited or when exploited, they are least used. For example, the forests. The forests are a major concern in Kenya whereby they have been burnt, other things like bhang have been planted and this bhang has been used in spoiling the youth especially in the central province. We have seen our youth have taken bhang among other drugs which have been planted in some forests like Mt. Kenya.

Another issue is about water. In Kenya, we have plenty of rivers, lakes and dams but this water has been under utilized.

**Com. Salome Muigai:** Niliwaambia kuwa habari tunayofanya hapa tunaichukua moja kwa moja kwa tape. Kwa hivyo, kukiwa na kelele zingine za huko kando, pia zinahusishwa kwenye tape. Wakati sisi unatuona wanaTumewatatu, kwa hivyo wakati tutakuwa tukinzungumzia mambo ya Kipipiri tutaicheza hii tape ili wanaTumewenzetu wajue vile wananchi wa Kipipiri walivyosema. Mkipiga kelele na mvua nayo ndio hiyo na mzungumzaji bado anazungumza, tukiwa na hizo kelele zote tukirudisha Nairobi itakuwa shida sana kusikia vile maoni yenu yalivyokuwa. Kelele za mvua tumekubali, hizo ni Maulana na tunashukuru, maoni ya mwenye anazungumza tunakubali, lakini tafadhali ningepomba wale wengine wenye hawazungumzi wasizungumzi ili tuelewane., tumekubaliana?

**Audience:** Ndio.

**Com. Salome Muigai:** Kana nimukwenda tucokie uhoro wa imegene tu Nairobi tuge niguu twaiguire Kipipiri?

**Audience:** Hapana.

**Com. Salome Muigai:** Eeh? Kwa uguo gutikugia imegene hau thutha? Ukirore uria wi hakuhi nawe, ambia gukuhe tuuhoro ukamwira ke tuu twambe tutigane natuo, umuthi tuthondeke Katiba na ruciu nitukaririria maundu macio mangi. Niguu?

**Audience:** Ii.

**Com. Salome Muigai:** Okay. Thengiu. Endelea.

**Eunice Gathii:** I was talking about natural resources; about water. We have plenty of water lakes, dams and rivers which should be at least used properly, irrigation to at least be utilized and water should be equally in all the provinces in Kenya. Where there are no rivers at least piped water or boreholes should be dug for those people so that they do not have the problem of water, whereas we have it in plenty elsewhere.

Another issue is about the distribution of the available resources. At least the constitution should ensure that the available resources, that is monetary resources, finance that is, should be distributed equally in all the provinces especially here in Kipipiri, our roads are terrible, we do not have good communications services because vehicles can hardly come inside here to pick people. So, traffic and transportation has been a bother. The constitution should take care of that. Also on communication, things like telephones, if you need to make a call here you might have to travel all the way to Nyahururu or Ol Kalao to make a call. Communication is a major issue.

Another issue is electricity. Other provinces or the major towns we have electricity provided equally. So, in the remote areas we need electricity and tarmac roads and communication facilities like telephones.

Another issue is about education. The education system in Kenya has been good, it has been offering the necessary education only that in the constitution I want, may be I would like free education for children at least up to secondary level if not university level. Even if it is not completely free, it can be hard to offer it very free but at fair prices, affordable prices for even the poor people if at all it is completely free. Together with education is medical care; free medical care at least basic for everybody where everybody can afford.

Another issue is about the local industry. The local industries in Kenya have all died, there are no more textiles in Thika, and there are no more leather industries and the like. Importation of such commodities like clothes, mitumba, these ones we are having, I am not saying they are bad because they help the poor. But, this has killed the local industry. So, the conclusion to be made should take care to protect the local industries in the country. Together with these local industries, we have other, I would rather say they are bad local industries like these local brewers for local brews. We have a lot of it in gichagi and it is spoiling the youth. This kumi kumi which you know, okay it must not necessarily be called kumi kumi but I would rather give it the name because it plays the same role as that kumi kumi had done. So, in the new constitution, I think it should protect the protect from such and at least the new leaders elected should implement that role of protecting or making sure that this local brew is not made.

Another issue is about drug abuse. The constitution should ensure that even if these drugs, we need drugs as the first issue because these drugs are used to (inaudible), it should be there with us. But, their misuse is what is wrong. They are let loose to the people who do not know how to handle them and so they go about injecting themselves with heroin and the like and they go mad. So, we are having a lot of garbage people in the villages. So, the constitution should ensure that these drugs should not be let loose into the wrong handlers at least.

I think that is all. Thank you.

**Com. Salome Muigai:** Any question for the young (inaudible)? Okay. There is a question for you.

**Com. Kangu:** Muthoni you have given us well sort out views. You emphasized the issue of distribution of resources particularly facilities. I would like you to try and give us a little more thought on how you would like this achieved because as we came up, I got the impression that people in Kipipiri produce a lot of viazi, but itaozea tu hapa they cannot reach any market. Do we bring them the roads to take the goods to the market or do we bring some market near them?

**Com. Salome Muigai:** Inaudible

**Eunice Gathii:** To answer that question about the market and the produce, that one should be at least catered for by ensuring that these local produce imported like of late there is a lot of importation of eggs and farm produce and the like, potatoes, sugar and all those farm products. So, bringing the market means that there must be a ban on the imports. Also, on the roads, other provinces like Eastern province at least there are good roads (inaudible) even there are no food to be transported all that, there are not many farm products although there are cows and the like, but here where we have a lot of farm produce and some of it is very perishable like cabbages, I think there should be effective way of transport for these things to where there is available market like in towns like Nairobi, Kerugoya and the upper places which need them. So, if at all the market is not protected, then the roads should be made well. I think I have answered the question.

**Com. Kangu:** (inaudible). Why is there market in Nairobi? I think Kenyans will need to start thinking about that. We might find it may be because we have put everything in Nairobi. All the headquarters of everything is in Nairobi. May be something to think about.

**Eunice Gathii:** Inaudible.

**Com. Kangu:** Inaudible.

**Com. Salome Muigai:** Or just think about it. And now Mr. Ratanya has a question for you.

**Com. Ratanya:** Yeah, Muthoni, I think I have two questions for you. The first one is, you are proposing free education. Is that free education for those who cannot afford or free education for all? Just wait for another one, at once. The next one is about the local industry. You seem to prefer mitumba and at the same time you say that we promote local industries on new clothes and food. Now, how would you propose to manage that or do you want to be there on proposing that we do away with one, we protect the other?

**Com. Salome Muigai:** And as a Chair you have my protection. You only answer questions that you had talked through, if there is any question that comes to you and you had not talked about, you don't have to answer it. You can think about it, if you would like to write to us, we appreciate so but we don't feel under pressure to answer any of the questions. Would you like to answer them?

**Eunice Gathii:** Inaudible

**Com. Salome Muigai:** Okay.

**Eunice Gathii:** I would like to answer that one of free education. I can say I would like the constitution to offer or should

ensure free education and if not completely free education from nursery to form four, at least at fair or affordable prices for everybody. Because in Kenya, the gap between the rich and the poor has continued to increase and to decrease this gap we need education. So, if not completely free, at least at affordable prices for everybody.

**Com. Salome Muigai:** Hatuwezi kumpigia huyu mtoto wetu makofi? Asante sana Muthoni, endelea vivyo hivyo. Hayo ni maoni mazuri sana kutoka kwa kijana na mridhi wa hii Katibaataishi na hii Katibawakati mrefu kuliko yeyote mwingine tuliye naye hapa. Leo tumeshukuru sana. Na sasa ningetaka kupatia nafasi hii mjumbe wa hapa Mheshimiwa Githioni lakini Bwana Githioni hatuna masharti tunakupatia constituency yako bila masharti yoyote, lakini ningetaka kuomba leo wakati mrefu uwe wa wewe kuwasikiza wananchi wako. Wakati wa Katibani wakati wa kusikilizana, ni wakati wa ku-change. This is a time of building constitution. Kwa hivyo, ningetaka utupe maoni yako, I hope you have a memorandum and we are going us with that. So, I am going to give you about 10 minutes so that the rest of the one and a half hours that we are going to be here with us we use it to (inaudible) because you as an MP eventually you have to make this constitution a reality for the people. So, this is a time of listening but because you are a teacher and because you are our Mheshimiwa nakupa dakika kumi na tano (inaudible). Okay karibu.

**Hon. Mwangi Githioni:** Madam Chair, thank you very much. I was proposing to take at least twenty minutes talking. I would even sit here longer than one and a half hours to listen to views from my electorate so that I can at least cover what I wanted to cover. Madam Chair, Kenya is now ready for full democracy. The days of autocratic rules are long gone and that has necessitated the need to review this constitution. Kenyans should be given freedom of choice; they are intelligence enough to be able to distinguish between what is right and what is wrong. The current system of government, thus the Presidential governance has created kingship in Kenya in as far as Kenya is concerned, where one person rules with a view to common interest. Over the years, the kingship has turned to tyranny where a single person rules to his personal interest and not to the interest of those who have elected him or her. We have always felt this.

The Government has therefore become a Government by a single person, directed to his personal interests to the detriment of the entire Kenyan electorate. The system has lacked respect for humanity and has become dictatorial, disporting, authoritarian and tyrannical with total disregard to the human race in Kenya. Between 1983 to date, aristocracy was introduced to the system where a few individuals have always been co-opted to the kingship to rule with a focus to their personal interests. All the system has for some reason thought that there should be a ruling clan that should continue ruling Kenya to their benefit. And this has augured negatively, has been factored negatively to the will of the people of Kenya. As it were Madam Chair, the people of Kenya are supposed to have supreme authority. But, it has been vice versa. The Government has more authority on the people of Kenya, then the people of Kenya having supreme authority. This has not imparted very well for the people and it is time now that you started considering the kind of Government that we need.

Madam Chair, in Kenya we don't seem to realize for a central system of government. Because Kenya is too small to be

divided into small states. We actually need a unitary Government and I am saying that because we have some of the communities in Kenya which are very poor and cannot afford to sustain the small federal states which may be created. Madam Chair, I think it is also time to consider whether it will be necessary to have a Presidential system of Government in Kenya or not. In my view, the Presidential system is dictatorial. It has not even worked even US where they claim to have a lot of democracy. And so it is my sincere and considered view, that we should adopt a Parliamentary system. A system that we shall have a covenant that it is answerable to Parliament to peoples representatives.

By doing that, we are going to remove autocracy and authoritarianism from the system and if we don't do it, I do not think that the current system is going to do well for the people of Kenya. It is instead going to oppress them the more. It is my considered view Madam Chair, that we want a Government that is responsive to the people of Kenya. A Government that will study properly the problems facing the people of Kenya and think of ways and means of eradicating those problems. We want a Government that is going to consider the development aspect of this country. A Government that is going to give equitable distribution of wealth in the entire country. We have had over the years, the Kenyan wealth concentrated in few provinces and those provinces that have been producing have been ignored. An example being this constituency (inaudible) with very poor roads, one would not even imagine that Kipipiri was any one time part of Kenya. They would imagine it was a part of a very primitive and uncivilized country and yet it is considered to be at the central part, at the core of the country, central province of the country for that matter.

We want a Government that will create harmony between the legislature and the executive. The Presidential system will not, because power in a Presidential system is centered on one individual; the chief executive of the nation but all non-fundamental systems power would be vested in Parliament. It would be vested in the people because that is where the people's representatives are.

We want power to go back to this (inaudible). Madam Chair, as Abraham Lincoln once said that, 'power leaders, Abraham Lincoln was talking of power going back to the people, I am just forgetting but it talked about power going back to the people. Power of the people, by the people, for the people by all and for all. It shouldn't be by a few individuals or the ruling class that has already been pre-determined. We want power to go to the people and the people should rule, should view it, checked and balance it enough to sustain an economy like this.

Madam Chair, one of the biggest problems that Kenya has been having is corruption. And it is time that Kenyans thought of making a constitution that is going to be zero tolerant to corruption, without caring who breaks the law. If one breaks the law and becomes corrupt, even if he is a President or a Prime Minister for the system of governance that I am advocating, he should face the full force of the law.

Madam Chair, in 1963, a country called Malaysia was just at the same level with Kenya economically. Malaysia now is far far



ahead and cannot be compared to Kenya for a simple reason; that the country has been zero tolerant to corruption. Corruption has eroded this country and the ruling ones, over the years have had it very easy at the expense of those who have produce. Those who produce are the people who are suffering. They do not eat from their sweat but the ruling ones instead just eat from their sweat.

Madam Chair, we should at this time have equal division of power. The central Government has a lot of power, and it is time that this time was devolved. Devolution of power from the central Government to the local authorities. I am saying that in that connection Madam Chair, the provincial administration should be abolished in Kenya. We don't need it. It was necessary to entrench colonialism in this country and immediately after colonialism; it was also necessary to sustain governance in the country.

But, after 39 years of independence, surely Madam Chair, we don't need the provincial administration. We need to have elected leaders and governors of provinces. We need to have a chairman of a county council with the powers that the DC has today, because I really cannot understand why we should have a chairman of a county council and another person who is not elected who wills more power than the chairman of the county council who is actually elected. And having done that Madam Chair, if we have enough chairmen of county councils and governors of provinces, who are elected, then these people should be under the ministry of local Government and not under the office of the President. That is the only way we can have proper devolution of power.

Then the next thing Madam Chair is that we should have equitable distribution of wealth by way of considering how the national budget is done. When Government is approving estimates, the current constitution to be made must be very clear that all the money that is supposed to go to a certain district should go there and should be administered from there and by the chairman of that county council. The central Government should have nothing to do with such funds. That will ensure that the vital facilities that every district is supposed to have, has them. I am saying that because if it is for example, money for roads, Nyandarua has to have three or four tarmac roads. If that money is at the minister from the central governments, those roads never get to Nyandarua. But, if that money is administered from the district central point, core point, then those roads would be built. Let us have money if it is for health, ministry of health has no business keeping the money for Nyandarua in Nairobi. That money should come to the district head quarters and should be administered by elected leaders, by the chairman of the county council and the councilors of such county councils, because that is the only way we can ensure the different district get its share of the national cake. If we don't that, it will not work to the favour of the electorate.

Madam Chair, the office of the President has held a lot of power and that is why I am proposing that the President of Kenya should be a ceremonial President. He should not have executive powers at all. He should be a symbol of national unity but he should never have executive powers. Executive powers should be vested in the Prime Minister and in this case Madam Chair, I am not talking of a Prime Minister like the one we have in Great Britain although our laws borrow a lot from Great Britain. I am talking of a Prime Minister who is going to fit to the Kenyan situation. What is the Kenyan situation? The Kenyan situation requires that whoever is chief executive is given that power on trust vide (inaudible) and if he



misuses that power he is removed immediately. He doesn't wait for the 5 years. So what I'm I saying? That the chief executive of Kenya, who is supposedly going to be a Prime Minister is my views are taken seriously, the chief executive should be elected vide (inaudible). And this chief executive should be dismissed at the moment he fails to discharge his duty according to the wishes of Kenyans. I do not want us to make constitutions by taking models of other nations without considering the prevailing conditions in Kenya.

We are also saying that the chief executive and that is the Prime Minister does not necessarily have to come from a party with majority MPs in Parliament, and therefore, we have to facilitate for a coalition government. I know that was facilitated for by the current constitution in 1997 but it is not adequately facilitated for. We should all the time think that we can have a situation where we are going to have a coalition government. 2 or 3 parties can co-alise to form Government even if none of those parties has majority in Parliament and I think by doing this, we are going to stress the democratic ideal and we are going to spread the will of the people in Kenya. We are going to move autocratic and disporting governance from this country. If, by bad luck the Presidential system has to remain, this is what I have to say. That we must have a vice President as a running mate to the President so that he does not hold the office at the whims of the President.

Madam Chair, if that has to happen then we must also ensure that all ministers are vetted by Parliament

(inaudible) and in the same system we must also have the bureaucrats, the top bureaucrats of the Government vetted by Parliament. I have in mind offices like those of judges, the appointment and the firing of judges should not be left to the wills of one individual and that is the only way we are going to remove corruption in Kenya. Judges must be vetted by Parliament and before they are sacked, Parliament must okay, because that is the where the voice of the people is. The voice of the people is in Parliament. It is not in State House, I'm sorry to say.

All the permanent secretaries, appointments must be vetted by Parliament together with chief executives to various parastatals. Judiciary must be totally de-linked from the executive arm of the government. Totally de-linked, they should not take orders. I know you are a constitutional expert and when it comes to writing you will know exactly the words to put. They should not take orders whatsoever from even the chief executive of the council be it the Prime Minister or the President. They should be given that freedom, they should be given that autonomy. They should be able to decide cases on merit.

Madam Chair, we have had discrimination on employment. In Kenya, for the last fifteen or so years that we have to come from a certain to be employed and certain tribes have been demonized over the years. I am saying, without reservations that the Kikuyu community has been demonized over the years. Time has come when we have to remove this discrimination. I know even the current constitution does not allows for it but can we look for harder work to ensure that there is enforcement of lack of discrimination in this country? Kenyans are waiting for a day that employment is going to be on merit, experience and ability and it is not going to be to have any affiliations with the tribe where one comes from. That why I called for a unitary Government so that we go together, we think together as leaders, we remove the element of tribalism, become national and if

you like become leaders worth

(inaudible). That is the only way we are going to remove tribalism.

Madam Chair, the issue of Trust Land, is an issue that is very disturbing. The provincial administration today has taken over locational trust land. They are the chairmen of sub location committee and they are not elected by anyone. The issue of Trust Land should be left solely to county councils, Local Authorities so to say and the provincial administration should have absolutely nothing to do with Trust Land. It is land held on trust; it is people's land held on trust. So, it's only people representatives who can decide on it and not those appointed by the powers that be.

Madam Chair, we have people who have never owned land of their own in this country; they are Kenyans. We have others who have thousands of acres of land in this country. They don't use that land at all. *(End of Tape)*

**Hon. Githiomi:** Who have thousands of acres of land in this country. They don't use that land at all. The most that they can do is to wait for an appropriate occasion or opportunity to sell the land. I think we need to have some land measures in our Constitution today. We need to increase taxes on land, so that those who are not using their land, and they have land which is five thousand hectares, ten thousand acres, will not be able to pay for those taxes and that land can ultimately revert to those without land. We can also put a limitation that no Kenyan would own more than one thousand acres of land. Why should they own more than one thousand acres of land while we have so many people in the villages. I think this is an issue that we need to seriously consider, so that we have no beggars in this country; because we have created beggars that we should not have. Madam Chair, the Local Authorities should be given an autonomy and they should not be influenced by decisions taken by the Central Government. The Local Authority should have their programmes, they should decide on how they are going to levy taxes without having to consult.

**Interjection (Com. Salome Muigai):** You have another five minutes.

**Hon. Githiome:** Okey, I will try to just mention the most important issues and then finish. They should not be at the whims of the Central Government. They should be able to make their own decisions, those are the Local Authorities and that is the only way we are going to empower the Local Authorities. If we don't do that, we are not likely to go very far. The other thing that I want to say at this point, is that Kenya, from when there was an amendment on section 2A, should always be a multi-party democracy. Because failure to entrench that, in the Constitution that we are going to form, will create chaos and I am trying to talk very quickly because of time. And the other issue is on this Constitution that we are working on right now. We are saying that this Commission should finish this Constitution before we go for next General elections. And it is important, because change of government governance can only be realized when we have a new Constitution. Needless to go to history, the chair and the Commissioners are well versed with world democracies.

You know what happened in Britain, in Japan, in America. If it were not for amendments of the Constitutions, they would be crying today, Japanese were eating grass until World War II. So it is paramount and very important and nobody should

demean the fact that Kenyans should not go for elections, without a new Constitution. And this government should be prevailed upon to fund the Constitution Commission. Because we know most of the hitches, are coming in because you Commissioners are not getting the funds you were supposed to get. What is making a Constitution it cannot take more than six months with seriousness and with the funds that are required to do the Constitution. This government should be prevailed upon to fund the Constitution making process. And the powers that be of those in offices, Madam Commissioner, I wish I had more time, I don't know what to do, I will come to Geta tomorrow to give you other views. Thank you very much.

**Audience:** (Clapping)

**Com. Salome Muigai:** Asante. Mheshimiwa tuna maswali kwako, kwa hivyo tungekuomba usimame hapo, alafu tutaanza na wanatume wenzangu nami pia nina swali moja.

**Com. John Kangu:** Thank you very much. I have a few questions to put, I will start from down where you finished. You have passionately said that we must complete this work before we go to elections and looking at the law under which we operate, that doesn't seem to come out and then again, looking at the Constitution we have today, the power to dissolve Parliament and call elections is still in the hands of the President. As a Member of Parliament, whom will you like us to do about this? What can we do about that particular position? Because we have no control on that. The President may wake up tomorrow and call for elections and we have nothing we can do about that.

Two, yesterday we were in Muranga, in Kiharu and a Kenyan submitted that the new Constitution should provide for separated elections – that we should not hold Presidential elections at the same time with the Parliamentary elections and civic elections. In fact he proposed a separation of two years. Now if we were to adopt that in the new Constitution, which elections should we hold immediately we finish the new Constitution, and which ones should we put off, or how do we deal with that transitional situation? Because if we separate and we must hold elections after the new Constitution, it will follow that either the life of the President will be increased as we hold elections of the Parliament first, or we hold Presidential elections and we extend the life of Parliament for another two years, how do we deal with this?

Then three, if we complete a new Constitution and it has introduced a completely new electoral system that would require putting in place certain infrastructure to enable us to hold elections under that new system, how do we go about if we are left with very little time to hold elections? How do we get the time to put the structures in place and so on?

Four, you emphasize that we put a lot of power with Parliament because these are the representatives of the people and that seems to encourage the feeling which I think may be wrong, that it is Parliament which is the representatives of the people, the Executive is not supposed to be the representative of the people, the Judiciary is not supposed to be the representative of the people; wouldn't you think it will be better for us to look for mechanisms to ensure that all the three organs of the State must be made to operate as the representatives of the people, so that the Executive cannot just be doing things saying it is Parliament

which is the representative of the people. Because, the impression one gets is that when we emphasize Parliament as the representative of the people, the Executive is given the encouragement that it is not answerable to the people, it is Parliament which is answerable to the people. Now five, I am sorry that they are many.

**Interjection (Hon. Githiome):** Can I tackle the four and then you ask the fifth one? So that I don't get confused?

**Com. Salome Muigai:** And you can also keep some for tomorrow so that you will also be antigated. Just before I hand over the microphone, I have one question for you. You have talked about some groups being discriminated ama umezungumza kuwa kuna kabila zenye hazihuzishwi sana sana kwenye uandikaji wa kazi, kwenye uongozi, kwenye maendeleo. Je, umeangalia vikundi vingine vyenye pia haviuzishwi? Kama pengine akina mama wenye mambo kama hayo na vijana na watu wenye ulemavu na vikundi vingine vingi, ili wakati wa kuzungumzia Katiba, tusizungumzie tu kuwa ni kabila fulani, bali tuangalie makundi fulani na utueleze haya makundi pia ungeona yakihusishwa vipi kwenye Katiba hii mpya. Una swali, tafadhali ungeandika maswali.

**Com. Domiziano Ratanya:** I think you better answer all of them. At the same time.

**Com. Salome Muigai:** Ndio kwanza ninataka kukupatia another half an hour, ngoja Bwana Ratanya naye alete maswali yake. Yake nitayaungia yawe mawili.

**Com. Domiziano Ratanya:** Mheshimiwa, I have got a question which is very clear on Provincial Administration, that will be the first one. You said we have to abolish the Provincial Administration, but, at the same time, you are saying that we should have elected Provincial Heads to be in charge of Provinces. Now, is that kind of system, under the Local Authority or under the Central Government? Now if this is going to be under the Central Government are you not agreeing with the resionalists. If every Province gets a Provincial Head, is that not a form of resionalism in which you do not want the majimbo?

Now what do you say about the District Heads and the down to the other levels in the Provincial Administration? Now with that one, I will come now to land, land is the second one Madam chair. Now with land you are talking of the ceiling of one thousand acres per person so as to do away with the idle land. Since we know categories of land, we have trust land – the government land which we used to call crown land, and even customary land. So, on which category are you basing this ceiling?

Would you please clarify.

**Com. Salome Muigai:** Na kuwa ni haki imepita kwangu ninaweza nikakuongezea hilo la land. Kuwa umesema kuna watu wengi wenye hawana ardhi an hali watu wengine wana ardhi kubwa yenye hawatumii. Lakini pia, kuna nusu ya watu wenye hawana ardhi – kina mama. Je, wakati hao wakukemea kiupya, kwenye Katiba mpya, habari ya urithishaji wa ardhi, unaona kuna jukumu gani kwa kina mama ili pia hao pia waletwe kwenye urithishaji wa ardhi, ama hapa Kipipiri huna voters wenye ni kina mama? Kunao okey.

**Hon. Githiome:** Thank you very much Chairlady and I think I will start by answering the gracious lady. Protocol, calls for that, she happens to be the Chair also so I will be addressing her. First, is on ownership of land to women. When I talked of Kenyans, I included both men and women. I am saying that akina mama, have the right to own land; they have a right to own land, even Constitutionally I don't think akina mama have been barred from owning land, even from inheriting, they should inherit. I know there is some local concept that ladies cannot inherit.

But I am of the school of thought that inheritance should be extended to women as well. And on affirmative action, to take it in a wider perspective. On affirmative action, I am now going to answer. I am not of the school of thought, that Kenyan women are oppressed. I am saying that because, the Kenyan women have the right to vote for a candidate, they have the right to be voted for. If a Kenyan woman goes to higher schools of learning, when she comes out with her qualifications, she gets a job, she is paid as much as a man is paid. This is what I would have to say; we should not try to overemphasize the oppression of women in Kenya. We know there are countries where women are really oppressed. Women are not oppressed in Kenya at all.

And if we are not careful, we legislators, we are going to make women oppress men in the name of affirmative action. I really do not believe in affirmative action and I want to be very kind Madam Chair. I wish a man was chairing because those words, I would have had other words. So what I am really saying is the kind of affirmative action, is being overemphasized. What is affirmative action? Affirmative action is when you are claiming what you do not have and you want to have it. What don't you have? Madam Chair, you are the Chair of this committee meeting today, you are leading men! So what is this that you are claiming, to have that you don't have?

**Audience:** (Laughter)

I am saying the situation in Kenya does not call for women to think that they are disadvantaged. In my view, women are enjoying all that men are enjoying. And they should not claim to be – you know – there are some few differences and they are natural. I was born a man you were born a woman. Those are natural, you can't do anything about it. There is no amount of campaign that will make us equal on that line. I am a man, you are a woman, that is natural. But on other aspects, it is my sincere believe and my considered view, that women in Kenya are equal to men. I have daughters.

**Interjection: (Com. Salome Muigai):** Point taken.

**Hon. Githiome:** Point taken, thank you very much Madam Chair. I will go to the other one of one thousand acres of land. I start from downwards because I started with yours. Madam Chair, when I talk of limitation of acreage of land to one thousand acres, I am specific to crown land, land that belong to government. And it is dished away to a few advantaged individuals. Politically correct people in this country, have enriched themselves with big acreages of land. I believe the Constitution we are making today, should be specific that if the Chairman of the Land Commission, Charles Njonjo, has more than one thousand acres, he should surrender all the rest to the government, except one thousand acres. They don't need this land. They don't use it and we have people who are suffering without a spoonful of soil in this country. Thank you Madam Chair.

Now, the other point is towards abolition of the Provincial Administration and replacing it with elected leaders. That is not exactly what I meant, I didn't mean we abolish the Provincial Administration, and replace it with elected leaders. This is what I meant; that at Provincial level, we can elect and mark my words, elect governors, and at County Council level, District level, we can elect Chairman of the County Council. But, this is how I qualify that, the elected members should be under the Ministry of Local Government, not under the Office of the President at all. I think point is noted. I go to the next one. Thank you.

I will answer the other Commissioner, the issue is on the completion of the Constitution before elections are held. A point that I hold very dearly, very, very dearly. And I am saying this because we are going to elections with the current Constitution, the elected government will never have change of governance. And we are changing this Constitution today, so that we can have change of governance. I know the Media, the Radios, the Papers have tried to sell out to this people in Kenya, that we can go for election with the old Constitution. And they are even telling these people, "ati hawa Wajumbe wanataka kuongeza Bunge ndio wapewe mshahara". Ni Mbunge gani ataweza Bunge apewe mshahara?

We are saying that, because of the interest of history, if a new President takes over today, he will never allow this process to go on, with powers enshrined in the Constitution. He would never allow, and we shall go for another forty years without any Constitutional amendment. Is that going to be good for these people? The answer is no. So, this people will choose to either extend Parliament for one year so that they suffer for one year, or suffer for forty years. The choice is theirs. But we mean good to these people; I am facing this issue very bold. I know many MPs would not like to face it the way I am facing it. And I am saying if I am asked, I would rather we suffer for one year instead of suffering for forty years. These people, or what is your opinion.

**Audience:** (Clapping)

**Hon. Githiome:** So, this is what I have to say. You can see they are also approving. Extension of Parliament, for the sake of finishing this Constitution. Are you approving?

Audience: Yes.

**Hon. Githiome:** Very good. You can hear for yourself Madam Chair. Now, what I am saying, there are many ways of doing this. I was asked a question how? One, is that I know, under the current Constitution, the President has Constitutional powers to dissolve Parliament, even after meeting for one day. He can dissolve it even today. But, whatever the President does, he does it for the good of Kenyans, not for himself. So I am saying this, this Kenyans can tell President Moi, "You are not going to dissolve Parliament, until the Constitution is ready." Is that right?

**Audience:** Yes. Claps.

**Hon. Githiome:** Because if he dissolves Parliament today, it is going to be to the advantage of the ruling party and the aristocracy but not to the advantages of these people. These people are going to be impoverished the more. Now, I don't know whether I have answered that Commissioner, to your satisfaction, so that I go to the other one?

**Com. Domiziano Ratanya:** I get you saying that – you are saying two things. That we must complete the Constitution before we go to elections. But that does not necessarily mean that we rush the process. If need be, Parliament's life could be extended, so that we complete.

**Hon. Githome:** Commissioner thank you very much for getting my statements. But I am also saying, under no circumstance, under no situation should Parliament be extended for more than one year. Because you should be able to finish this Constitution in one year. And also, to add on that, if the Constitution would not be ready at the end of year 2003, then we should put it properly in the Constitution and I think I will raise an amendment, there should be no government. So that every Kenyan works towards finishing the Constitution by the end of year 2003. I think my point is clear.

Five, I will put you here to answer the other question. The other question is if we can separate elections. Madam Chair, I am answering this final question, the Commissioners final question.

**Com. Salome Muigai:** I am glad to hear that.

**Hon. Githome:** I think the sentiments of the Commissioner, are and were, hypothetical in my view. I am saying that because, you would wish us to have, or rather a situation of separated elections. To start may be with whichever, Presidential, Civic or Parliamentary. That you are the same person saying that and you know it, because you are learned men that Constitutionally the President can dissolve Parliament any time. And you know we have in place in our current Constitution.

But however, should a situation arise that demands separation of elections, this is what I would say; that immediately we should have change of governance and by having change of governance, this is not the Councilor, what does the Councilor got to do with governance? It is the President; so we should start with the Presidential elections and get him out. Then, on that note, this is what I would say, Madam Chair excuse me, that Kenya is ripe for a bi-cameral legislation where we shall have a Senate and .....(inaudible) of representatives. And that should be done now and every Senator should represent a whole District. A Legislator should represent a constituency as has been the case in the past and as it is the case today. I don't know whether I have answered your questions to your satisfaction. Thank you very much. Madam Chair.

**Audience:** (Clapping)

**Com. Salome Muigai:** Asante sana Mbunge wetu, ninafurahia ningetaka kuchukua swali lakini tumekuja kutoka Nairobi, tukaja Kipipiri ili tuwasikie watu wa Kipipiri. Tafadhali tuelewane hapo. Nyinyi ndio wenye mmetufanya tuje, kama ingekuwa ni kati ya sisi na Wabunge wote tuko wapi, tuko Nairobi; tungesikizana kule kule, lakini vile tulikuwa tunataka kuwasikia nyinyi na tusikie Wajumbe wakiwa hapa, ndio tumekuja. Tayari tumempa Mbunge wetu dakika hamsini. Ningetaka kurudisha power to the people, ningetaka kusikiza wananchi, kwa hivyo kama sikubali swali moja kwa mtu, umesikia hasa nikiwaambia wanatume wenzangu kuwa ningetaka maswali haba sana sana kutoka kwao kumuelekezea Mjumbe ndio tuwasikie wananchi wenzetu. Na sasa ningetaka kuipatia hii nafasi Kivirio Mwatha. Kivirio Mwatha yuko? Kulikuwa na swali to the MP? Then I will have to note to give him more time, after the fifty minutes that I have already given. Let me consult. Hebu tafadhali



niondokee. Nyinyi wakati huu ni wenu, mngetaka nichukue maswali kwa Bunge iliaendeleo kupata nafasi ya kujibu, ama mngetaka tuwarudishie nafasi hii tusikie wananchi wengine wa Kipipiri. Wananchi,

**Audience:** Yes.

**Com. Salome Muigai:** Bwana diwani umesikia, power to the people – Mjumber aliwaambia, tumrudishie mamlaka kwa wananchi. Watu wanataka kusikiwa wenyewe, kwa hivyo ningetaka kuwapa nafasi ya kusikiwa asante. Ningetaka kumpa kijana mmoja hii nafasi, Githinji wa Njuguna.

**Githinji wa Njuguna:** Thank you. I will speak in English because I have alternative. Not only speaking in English but those people the MP here, the Councilor and all the persons have spoken in English. First of all, I will start with a complaint. I don't think it is fair for you the Commissioners, to these people, because as you can see this is not the whole constituency, this are just a few people, who have come to represent people from respective areas. So I don't think it is fair to skip some names and appoint some people to speak. Because as you can see, we are funders of this Constitution Review. This Constitution will affect us. It belongs to us and by so doing, those who are doing that, are denying us our freedom of expression at this fundamental time. So, I believe everybody here should be given time to speak because this is not the whole constituency. This are about three hundred people and Kipipiri constituency is over about thirty seven thousands. So everybody here should be given the right to speak because it is a fundamental right to speak. That was just a by-the-way.

My name is as you have heard, Githinji wa Njuguna from the University of Nairobi. I am representing students from University of Nairobi. I do Political Science and Public Administration, year two. So now I go to my issues.

Now, the issue of sovereignty. Sovereignty basically means, who is above the law. Nobody in this country should be above the law. The Constitution should be above the law. So, what does that mean? It means the State should be above the law. So there is no person in Kenya who should be over the law. Every person should be under the Constitution, which is sovereign.

Two, the power of the President. As you know, the President of Kenya has too much powers. It should be de-concentrated to lower levels. How can this be done? We should introduce what we call checks and balances and personal powers consents. How can this be done? We can do this by establishing independent, impartial, neutral and impersonal and fair Judiciary. Judiciary should be over the Executive and Legislature. We should introduce bi-cameralism; this means we should have two chamber of Parliament. We should have a Senate and a lower House or House of Representative. House of representatives should be made up of MPs elected from every constituency. The upper House or the Congress whichever you call it – the upper House the Senate, should have representatives of every District, at least two from each District, and in the upper House, we should have people who represent the marginalized, or people at the Judiciary, these are women, handicapped, children etc.



Then we should have what we call devolution of national planning from Nairobi, the Central Government to District Headquarters. Each District should cater for its own planning, we should not hear of national planning headquarters in Nairobi.

It should be planned in the District Headquarters.

Then we come to the issue of approval of Parliament – Supremacy of Parliament. We should have Legislators approving the appointment by the President. The President should appoint the Ministers, Ambassadors, Judges all those, but the Parliament is Supreme. So, every appointment should pass through the Parliament for approval. That means Ambassadors, Judges, Vice Councilors, all those should be approved by Parliament.

Then we come to the issue of introduction of mediocritic, trivial and public servants. In Kenya we don't have what we call independent, impartial and fair P.S.C. – Public Service Commission. We should introduce a fair Public Commission, to deal with the issue of employment of Civil Servants. The Public Servant should be employed according to merits only. Only qualified people should be employed. What do I mean when I say only qualified people? There are supposed to be interviews, advertised in the Newspapers and only those people who qualify for that job should go and be employed there.

We come to the issue of free markets, globalization, regional co-operation, privatization and .....(inaudible).

**Interjection(Com. Salome Muigai):** Let me ask you a question. Do you have a memorandum to give me that?

**Githinji wa Njuguna:** No, I am just representing what I researched for.

**Com. Salome Muigai:** Then you have about two more minutes.

**Githinji wa Njuguna:** I was taking about the issue of globalization, free markets and regional. What this means that we are opening up a market for an unfair competition. Why is this so? Because the government wants to boost that is, it is strong when you are not strong. So what I am saying basically is, local industry should be protected. There is no need for us importing sugar, milk, wheat etc from South Africa or Comesa Region or from other countries, when we can produce them locally. Local industries should be protected and avoid on the cost.

There should be subsidized tax bills, power bills to ensure that they compete properly with other regions. Kenya as a State should not at a whatever cost, import anything which has not been approved by Parliament. This comes back to the issue of Supremacy of Parliament.

Now we go to the issue of children. As someone said – Patrick Lumumba said that children are the parameters of the society. So what are you doing about the children? Children should be catered for at whatever the costs, because the children mark the transition of the State. Children are the persons who will take care of this nation after some of us have died, because we will acquire old age. So what should we do to children? We should at all cost provide free education to all children, from nursery

education to secondary education. Also to compliment this, we should have what we call free medical service for everybody – every Kenyan should be accessible to free medical services. This should include vaccination to protect them from communicable diseases etc.

Now we come to the issue of Bill of Rights. Human Rights, or what we call “H.R”. in Kenya we have a very complex situation, which gives rights on this hand and takes the same rights by the other hand. We should have a Constitution which gives rights to the people and those rights are given to the people. So what do I mean, we should be protected from torture, harassment etc.

Now we come to the issue of acclimatization of the Constitution. This Constitution was borrowed from Western world which is in short, England Constitution, which is only neoteric, it only caters for European interests in Kenya – it is not ours. What was done in this Constitution was only changing things from Nigeria or Western model to Kenya. We don’t need such a Constitution. We need a Constitution which is African. What is African now basically?

The issue of polygamy should be a destiny, because in Kenya, what we have we have so many conflicts, “this was my second wife, this was the third wife”, but the law .....(inaudible). So the issue of polygamy or polygny should be allowed to prosper. Lastly but not least, is the issue of civic education. You should allow me to say, for the first time I saw the name Constitution is when I went to the university. What does that mean? That we are peripheral – we don’t know what is happening I the Kenyan Constitution. So what should happen? The issue of civic education should be made compulsory and should be continued forever. Thank you very much.

**Com. Salome Muigai:** Thank you very much, Githinji wa Njuguna. Ningetaka kumuita William Kinuthia.

**William Kinuthia:** Okey, Asante sana Madam Chair. My name is William Stephene Kinuthia, nimetoka Wanjohi Location. Madam Chair, ningekuomba pengine niguse jambo fulani hata kuhusu Prof. Ghai na nyinyi Commissioners. Madam Chair, sisi kama watu wa Kipipiri constituency, na haswa kutoka upande wa Wanjohi, we fully support the exercise you are conducting now. We hope and trust, that the truth will be experienced by Kenyans and by other countries in the world – this exercise you are doing.

It was not easy to introduce an agenda that has never been handled and accepted by all parties, including common wananchi, children and old people. Madam Chair, if the exercise fails, of which we do not expect to happen, all the leaders should vacate from their offices and the Chairman of the Constitution of Kenya Review Commission, who is Prof. Ghai, should be sued in the Court of law for the loss of billions of money Kenya will have spent. So we trust this exercise is very important to us. We also Madam Chair, commend the work of the Commissioners, we know that you are doing good work, we commend that work you are doing. The District Coordinators also and local locational coordinators and the civic providers who have provided the civic education to the wananchi properly and that is why you can see all these people here – because the work has been very

successful since then. The time limit was too short and some contents were too technical for the common man. But we have given the mandate to our Member of Parliament – the MPs for the additional of any uncovered important changes that we may not have been included. Now, the following are my comments or my requests, which has been discussed in locations by many people, what we have been hearing from our people, and they are as follows.

- 1) The President should come from any tribe not necessarily from Kikuyu, Kalenjins, or whatever – but from any tribe in the Republic of Kenya.
- 2) He should be of very high integrity, at the same time a graduate with all qualities of leadership. Because there are some people who have no qualities of leadership.
- 3) Should be elected by the majority.
- 4) The President should not be above the law.
- 5) The election of Attorney General, Permanent Secretaries, Ambassadors and all the Heads of the Departments in the Armed Forces should be done by a Commission appointed by the MPs and then endorsed by the Members of the Parliament. They should be learned people with higher academic qualifications.
- 6) Now, when we come to the Legislature, the Members of the Parliament should be; one academically qualified and of graduate level at least. The public should be given mandate to access the performance of their MP. In case of any laxities, the wananchi could sign for his removal and at least involve all the locations he is representing, at least one thousand people from every location to sign for his removal. Now, at the same time.....
- 7) The salaries for themselves. They added their salary, this is very high and they did not consider the economy of our country. The MPs salaries should be reduced or revised, may be, up to one hundred thousand per month excluding the traveling allowances, that was too much that they added for themselves in the Parliament and that they did not even take time for that discussion.
- 8) The other one that should be considered is the number of people in the constituency an MP is representing. In some constituencies, some MPs represent more than one hundred people, the other MP should represent eighty thousand people, now that one should also be considered and see that no MP has more people to represent than the other.

Madam Chair, I would also recommend the resources should be shared equally. The distribution of responsibilities have led our country down. By that I mean, some of the Ministers, or in some ministries, should be headed by the officers technically qualified for that post, that one should be considered highly.

Now, the government should protect the freedom of movement. A Kenyan should be able to settle anywhere in the Republic of Kenya without any discrimination. We only appreciate the protection of worship to God. There are some churches, which are registered, which pray Satan – that praying of the devil should be condemned and they should not be registered.

In Kenya, Madam Chair, many people are hard working, could be having a property in Mombasa, another one in Nairobi, another one in Kisumu. Their property should be protected by the law and the law should not be interfered with as it has been.

In our country, Madam Chair, some officers have tendency of troubling the squatters: unaweza kuona pahali kuna kijiji, pahali mtu ako na kashamba kadogo, ame settle there and because of the interest ya watu wengine, wanahamishwa, wafafurugwa ili hapo pahali ipeanwe mara ingine. Na wakati inafanywa namna hiyo, unaona wanaingiza watu wengine ambao si wa hapo kijiji. That one should cease forth-with until such people are given an alternative settlement.

**Interjection: (Com. Salome Muigai):** Can you go through that your memorandum?

**William Kinuthia:** Yes, Madam.

**Interjection: (Com. Salome Muigai):** Then could you just highlight the remaining. Thank you.

**William Kinuthia:** Now, when I come to the Ministry of Education, Madam Chair, majority in our country are illiterate. Now, we would like the government to consider free education up to primary level i.e. from standard one, to standard eight – at least to be free education. The government should have a plan of engaging the academic graduates in employment. We have so many graduates Madam Chair and they are not in employment, wale hata wamesoma wanasoma kimakaa, wengine wanaomba omba njiani, we would like their education to be considered, and at least all the schools to be provided with facilities by the government.

Now, I come to the land issue. Some people Madam Chair, are owning fifty to five hundred acres of land; at least given by the government, this is quite unfair forgetting the poor and landless people. I would recommend personally the maximum given by the government, should be ten to twenty acres, but priority to be given to the landless. I do not see why we should recommend one thousand, whereas there is somebody else with zero.

When we come to the County Council, i.e. Local Authority. To avoid corruption, the Chairman and the Vice Chairman should be elected by the public. The person with the highest votes, becomes the Chairman and the second highest votes becomes the Vice-Chairman. And also Madam Chair, there is another taxation made by the Wananchi of forty shillings and their lands are titled, I do not see why they should be taxed forty shillings every month by the County Council and they have title deeds.

Now also, we find that the salaries of the Councilors is very little considering the work they do. We have seen their work, and what they do, their salaries should be reviewed. The election of Chiefs and Assistant Chiefs, because I have worked in the Provincial Administration – and for any question I will be ready to answer. I would recommend the chiefs to be elected, or any Chief to be elected by the public and at least starting from the highest academic qualification.

**Interjection (Speaker):** Why wont you go for the lowest?

**Audience:** (Laughter)

no time.

**William Kinuthia:** I would answer that one.

**Interjection: (Com. Salome Muigai):** You don't tell them, just tell them the chair has

**William Kinuthia:** Effective transfers those Chiefs they should be transferred, like any other public officers. I am finishing. The government should also consider the following;

- 1) It should consider the rural electrification to cater for its people. This would create employment in our areas. I would also recommend the K.C.C to be revived and taken by the government. Also consider the nomination of women. We have very few women in leadership, we would also like them to be nominated just like men.
- 2) At the same time right industry to be established in rural areas, that is why we are having so many crimes, so we would recommend right industries to be established.
- 3) This is the last one, also to avoid corruption in the Ministry of Lands, I would recommend to have many Commissioners of land in every Province instead of one. Thank you very much for that.

**Com. Salome Muigai:** Any question on that?

**Com. Domiziano Ratanya:** Ndugu ninataka uelezee, ikiwa unasema Chiefs should be elected and then at the same time you are saying they should be transferred, that will be one way of repeating the election because, one will be elected here and tomorrow is transferred to where people don't want him, how do we deal with that? One more, you said that you like the Chiefs to have higher qualifications but you did not specify, what is high?

**Mr. Kinuthia:** Kwanza nitaanza na ile ya mbele; Higher qualification, I mean is from O-level to form four level. Ile ingine na chiefs kuwa elected by wananchi. Nimesema kwa sababu I have been in the Provincial Administration, nikuwa a Chief. An effective Chief, akiwa amechaguliwa na wananchi na awakosee, afanye jambo fulani ambalo ni mbaya, atafanya akijua he can be let down – he can be voted down by the same wananchi.

**Interjection: (Com. Salome Muigai):** The question is on election and transfer. You are saying he should be elected, because if we transfer mheshimiwa to which is the nearest constituency? Olikalao, they might not want him, so it is the problem of we are seeking clarity on being elected and being transferred, just that, just clarify that point.

**Com. Domiziano Ratanya:** Again if you transfer the Chief to the area where he was not elected, those people will not elect him. If you elect him here and then you transfer him to Meru.

**Mr. Kinuthia:** Kutransfer a Chief, naweza kuwa ninafanya kazi tuseme upande wa Wanjohi, na I become very rich there, I become not effective to those people, if I am transferred to another location, I may be effective and if I am not effective then I will be voted down.

**Audience:** (inaudible)

**Com. Salome Muigai:** Ningetaka kumshukuru sana William Kinuthia kwa maoni yake, na ningetaka kuomba kuwa na wewe ukae na maoni yako hivyo hivyo, kama jina lako liko hapa nikikuita, nawe tueleze maoni yako yenye ina tofauti na yake. Lakini wakati anazungumza, mpe heshima yake, mpe wakati wake. Na sasa ningetaka kumuita Charles Michael Mwaniki. Charles ungetaka kusimama ama kuketi?

**Charles Michael Mwaniki:** I think I can do it when standing

**Com. Salome Muigai:** Okey, na unataka microphone ndio tukisikie, you need a reader, so can we have another reader so that we have somebody holding the microphone and we have somebody reading for him and another one sitting.

**Charles Michael Mwaniki:** This is Charles Michael Mwaniki, Chairman Kenya Union of the blind and a member of the 3Cs.

**Speaker:** This is what he has written. “The impaired persons of Kenya be provided with free education from primary schools to universities and other colleges. Many parents who get children with disabilities, do not see the need to educate them, therefore, financing of this children education becomes virtually impossible. They end up becoming almost useless members of the society and thus totally disabled.” Thank you.

**Charles Michael Mwaniki:** Hiyo ni kusema ya kwamba kawaida tumeona ya kwamba wale watu ambao ni wasio jiweza, au tuseme ni walemavu, kwa mara nyingi sana tunaona ya kwamba wazazi hata hawajui haja yao katika masomo na mambo kama hayo. Ndio tukafikiria ya kwamba, kama ingewezekana Katiba iwe imetupatia nafasi ambapo serikali itaweza kusomesha hawa watu kutoka primary level mpaka upande wa university level uko juu. Kwa sababu, hawawezi kupata namna ingine ya kupata pesa za kuendelea na masomo yao.

**Speaker:** “Braille for the visually impaired and sign writing for the deaf persons of Kenya, be recognized, accepted and assimilated in education and other functions of the government”.

**Charles Michael Mwaniki:** Kwa wakati huu tunaona ya kwamba, mambo kama maandishi yale ambayo tunatumia sisi wenyewe, ni kama hayatambulikani katika nchi hii. hata ile ya sign writing. Kwa sababu ukienda mahali kama kotini kwa mfano, pengine ningepatiwa kitu ambacho ningehitajika kusign, sijasoma, sijaelewa kinasema nini, nikisign kitu kama hicho, basi itakuwa mimi niko hatarini wakati mwingine. Kwa hivyo, ningependa nione maandishi ya Braille, mambo ambayo yote yanafanyika katika serikali, nikipatiwa yawe yameandikwa katika Braille au sign writing kwa mtu ambaye naye hasikii.

**Speaker:** “It is difficult for a visually impaired person to read any print material from the Courts of Law or Parliament proceedings.”

Leadership. “Since the impaired persons of Kenya are not lesser citizens of the country, they should be accepted and be provided with leadership opportunities countrywide. Nominations in both local and central government be reserved for people with disabilities, example, physically and visually impaired Kenyans.”

**Charles Michael Mwaniki:** Hapo tunamaanisha ya kwamba, katika wakati wa ukoloni kwa mfano, kulikuwa na watu tunaowaita ex-official members. Na viti kama hivyo vilikuwa vimetengewa special groups. Ndio tukafikiria ya kwamba Katiba hii ambayo tunaendelea kutengeneza leo, iwapatie nafasi hiyo ya nominations. Kwanza si nyingi, ni kama kumi na mbili katika Bunge kwa mfano. Ziwe za watu kama hao, ndio hata wao wenyewe wawe wana represent mambo ya watu ambao ni

walemavu na watu kama hao.

**Speaker:** “Nominations in both local and Central Government, be reserved for people with disabilities, example, physically and visually impaired Kenyans. The procedure followed by the political parties in achieving this goal, should apply in these nominations. Both local and Central Government should not be operational with absence of the impaired citizens of Kenya, because they represent views, lives and circumstances of the disabled, impaired persons of Kenya. This will help to eradicate the marginalization of the less fortunate members of the society countrywide”.

“The Kenyan currency design is controversial one. Illiterate Kenyans who are sighted they can identify the currency notes through their colours and symbols on them. This necessitates the need for the visually impaired persons to clearly identify the currency in his or her possession. We propose that our Kenyan currency have a clear design for easy identification for all Kenyans. For example, our fifty shilling currency note be triangular in shape and design, our a hundred shilling currency not to be square in shape and design, our two hundred shilling currency note to be rectangular in shape and design, our five hundred shillings currency note to be oval in shape and design and our a thousand shillings currency, note be circular in shape and design”.

**Charles Michael Mwaniki:** Hii maana yake ni kwamba kwa sababu pengine mtu haoni, unajua kila siku wanalete pesa ambazo ni tofauti kila siku, kwa hivyo tukaonelea ya kwamba, kama kungekua na njia mwafaka, ambayo pengine inawezekana, pengine niguza hivi, naelewa mara moja bila kuuliza hii ni note ya pesa ngapi. Kwa sababu hata mimi ni tax payer kama mwingine.

**Speaker:** “The Kenyan currency should not change according to the ruling President who ascends to the power on the throne; these currencies should bear a national symbol, example, Mt. Kenya. Coffee, tea or the founder of this nation.”

“Unemployment amongst the disabled adult: Unemployed impaired persons to be provided with money to start small-scale business and earn, or monthly allowance to enable them to live or have a dignified life, for instance four thousand shillings a month will currently serve this end. There are about two million disabled persons in Kenya compared to thirty million population of Kenya”

**Charles Michael Mwaniki:** Hii pengine itatusaidia kwa sababu pengine tukiangalia mambo kama hayo, tunaona ya kwamba pengine huyu mtu hajawai kuwa na kazi yoyote, anakuwa na shida nyingi sana, ukiende nchi kama Uingereza kwa mfano, hata kama wewe si mlemavu, pengine unapewa pesa kiasi fulani baada ya wiki mbili hivi, ili uweze kuishi maisha mazuri. Na hakuna haja mtu kuwa mwingine ana njaa na mwingine ameshiba; sasa ikiwa namna hiyo hatutakuwa na wananchi ambao ni watu ambao wanafurahia Katiba yao.

**Com. Salome Muigai:** You have a memorandum don't you? Just a memorandum, can you just highlight anything else that you think is important and then you give us the memorandum.

**Speaker:** “President: There should be an Executive President governed by the law but not above the law. Both the President and the Vice-President be elected by the electorate. Both Cabinet Ministers and the Permanent Secretaries be appointed by



the Parliament. Now about security, more police posts and stations should be constructed to avert any state of insecurity in the country. It would be very healthy for the police officers be taken to their home division to work there because they wouldn't shy away from doing thuggery and other immoral activities where they are known".

**Charles Michael Mwaniki:** Pengine ningemaliza kidogo. Asante sana pengine kitu ambacho nimesahau kidogo kutaja, ni kitu kama mambo ya constituency, wakati inatengenezwa, ningependa Katiba hii itengeneze au i-state specifically ni kama watu wangapi electorates, ni wangapi ambao wanavote kwa mfano, pengine tuwe na forty thousand people, bila hiyo kusiwe na haja ya kutengeneza constituency nyingine mpya.

**Com. Salome Muigai:** Asante sana kuna swali? Mimi nina swali kwako Bwana Charles Michael, umesema kuwa wakati wa constituency, constituency ifanyiwe mipaka kulingana na watu wenye wanakaa huku; je, katika pahali pengine Kenya unakuta kama Northeastern, kuwa watu watatu wako hapa, watu wengine wako kama pahali gani ingine nilipita tukija hapa? Gilgil, Mjumbe akipata watu hamsini hapa, wengine wako Gilgil, wengine wako Muranga, na bado hiyo ni constituency moja kwa ajili watu ni wachache. Sasa ungetaka hao watu wahusishwe vipi kwenye uongozi, ili nao wasikie kuwa wamepangiliwa na hii Katiba mpya.

**Charles Michael Mwaniki:** Asante sana. Pengine tukiangalia mambo sana, tunasema Mbunge hawakilishi ardhi, anawakilisha wananchi. Na itakuwa unfair tukisema ya kwamba pengine watu elfu moja wamepatiwa MP, kwa sababu huyu MP atakuwa anapata salary kiasi kimoja na yule ambaye anasimamia watu kama elfu mia moja. Haina haki hapo. Kwa hivyo hata kama hawa watu wa Northeastern wanakaa mbali mbali wakiwa tuseme wanakaa hapa na wengine pale, kile serikali ingefanya, ni kujaribu kutengeneza mazingina mazuri kwa watu kama hao, ili waweze kuwa na makao maalum, makao ambapo wataweza kuishi milele kama watu wale wengine. Kwa sababu hata kuranda randa katika nchi hakuna haja, na haitakuwa na kuna wakati ambapo watu watakuwa wengi zaidi, na hawataweza kutangatanga vile wanavyo tanga tanga siku hizi.

**Audience:** (Clapping)

**Com. Salome Muigai:** Asante sana Bwana Charles Michael Mwaniki kwa ajili ya maoni yako. Na sasa ningetaka kumuita Joseph K. Ndungu, hayuko, Edward Ngonjiri? hayuko, John Mkambi, karibu.

**John Mkambi:** Asante sana mwenyekiti. Yangu yatakuwa mafupi. Jina ni John Mkambi, mkaaji wa hapa Kipipiri. Na yangu yatakuwa machache sana. Kwa sababu nitasema kitu moja, kuhusu hii kitabu tumepewa hapa. Sasa siwezi nikasoma hii kitabu na nikaelewa saa hii na niweze kutengeneza mambo yako hapo ndani. Kwa hivyo ni kizuri lakini, naona haitanisaidia sana. Lakini nina yangu yale mawazo ambao mimi huona afadhali yangestahili. Ya kwanza mimi nitaanza na freedom of worship. Hii ninafikiri katika Katiba mpya iseme ni kuworship namna gani? The true God the Creator of the world and the universe, siokusema to worship – ndio sasa hiyo imekuwa na loope-hole ya watu kuworship mambo ingine. Ile ingine, nitaenda kwa upande wa President. Powers ya President inastahili kurudishwa chini, because we should have a President who is governed by the Constitution lakini asiwe above the law.

We should have a Vice-President and this Vice-President should name his running mate, ku-avoid kuleta rafiki yake, kuleta



jamaa mtu wa kwao, iwe atatuambia kabla hajachaguliwa, mimi nikiwa President nitakuwa na huyu tutafanya na yeye. Ie ingine nitasema President ingestahili kama angekuwa na fifty per cent and above ya kura zilizopigwa. Halafu, tuwe na Prime Minister ndio hii kazi iwe imegawanywa kwa watu wengi. Tusiwe na mtu mmoja tu ndiye afanya mambo yote.

Appointment, senior appointments – Ambassadors, Permanent Secretaries and all. Parliament iwe na powers ya ku-veto. Sio kusema eti, ikiwa ni rafiki, ikiwa ni mtu hajakuwa na uzoefu wa ile kazi, anachukuliwa na kuwekwa kwa njia ya urafiki. Iwe ni mtu anapewa ile kazi anastahili. Appointments zingine ziwe na Public Service Commission, ndio sasa tusiwe na watu wa nafasi moja. Iwe ni mtu ali-qualify, aliketi kwa ile Public Service Commission aka-qualify ndio apewe other appointments – ziwe advertised appointment zifanywe.

Upande wa education, nasema education iwe compulsory – watoto wote wapate elimu. Na Katiba yetu nayo ieleze vizuri tusiwe na watu kazi yao ni kuzaa tu eti kwa sababu elimu ni ya bure; nao wawe na kitu wanafanya ya kujenga nchi. Tena kwa mambo ya medical, tuwe na free medical treatment for all.

Upande wa mashamba; we should have at least Katiba yetu iwe na ceiling ya mashamba. Kuna mashamba yalikuwa ya wakati wa wazungu yalikuwa sijui ranches – unakuta mtu mmoja ana ranch mzima na mwingine hana pahali pa kukaa. Then we have land transactions, haya mambo yawe yakifanywa na watu qualified. Sio kuweka watu tu eti walikuwa appointed wawe wakisikiza hayo mambo. Iwe itakuwa ikifanywa na watu kulingana na ujuzi walio nao katika ile laini; kama ni dispute tuwe na surveyor na nani – sio mtu anakuja anafanya ile haistahili.

The other thing is our natural resources. Kusiwe na watu kupatiwa tuseme mashamba kama ni forests or water catchment areas; hiyo iinuliwe kabisa katika Katiba yetu. ndio vizazi vijavyo, wasiwe watakosa maji na mambo mengine. Afadhali watu wawe settled katika semi-arid areas, wapelekewe maji kule, kuliko kusettle watu katika misitu.

The other thing is freedom of watu kukutana. Watu wawe na uhuru wa kukutana na kujadiliana mambo yao. Unakuta wakati huu sijui Katiba inasema nini, utakuta hata kiongozi anazuiliwa kuzungumza na watu waliomchagua. Kwa hivyo Katiba mpya iwape wananchi uhuru – sio wa kuharibu lakini wa kuwa na freedom of movement na kujadiliana na kufanya mambo yao.

The other thing is sharing of the national cake. Unakuta wakati mwingine sasa Katiba yetu inaonekana haijasema kitu. Unakuta kama watu wako area ambayo inasemekana ina watu wa aina fulani haipati maendeleo. So, national cake iwe shared equally at least na kwa njia inayostahili.

Nikimalizia, ninasema upande wa District, kusiwe kuweka District tu, kwa ajili ya kuiweka. District iwe inawekwa kwa ajili ya population na mambo mengine kuangaliwa na at least, iwe itakuwa ikizungumziwa hata ikiwa ni Parliament ndio iwekwe. Constituency nayo vile vile iwekwe kulingana na population.

Mambo ingine ni yale ya House of representative na Senate. Hapo tunaweza kuwa na hatari sana. Tunatakiwa tuwe na Unitary Government na tuwe na District ambazo ziko na watu wanaolingana. Tukisema tuwe na Senate italeta yale mambo mengine ya kuingia kwa tribalism. Kwa sababu kila tribe ikiwa na District yake sasa wakienda kwa Senate, kila District iko na Senator. Sasa itakuwa ni kuunganisha makabila. So, we should avoid that. Katiba yetu ijaribu kuzuia hapo – kueneza ukabila; kwa sababu kuna njia zingine tunaweza kutengeneza Katiba iwe inazidi kuongeza ukabila. Kwa hayo machache nimemaliza.

**Com. Salome Muigai:** Asante sana kwa maoni yako. Sasa ningetaka kumuita Kimako John, ni wewe?

**John Kimako:** My names are John Kimako. My recommendation on the Constitution Review are as follows;

- 1) We should have a preamble in our Constitution. I would also like us to have a State on where it will have a policy of togetherness and patriotism so as to create unity among Kenyans for us to be national builders and also create patriotism in our country.
- 2) I would like our Constitution to have a policy where corruption will not be tolerated, for this corruption has put as back mostly in economic growth. Through fighting corruption, we will create employment because much of our money and income has been lost through corruption.

Also we should have a policy which will emphasize on fighting against nepotism and tribalism so that we feel as Kenyans and not particularly as a certain tribe. And this can only be achieved by avoiding vernacular languages in our offices and other public places.

Parliament alone should not be allowed to amend matters concerning Bills of right and land matters as these are issues affecting people. This should be done through a referendum which should be conducted by a Commission set by MPs with a security of tenure. Parliament may comment on other issues concerning the legislature, but, with an eighty five percent majority so that one party cannot monopolize the changing or the amendments.

- 3) I also recommend that health, security and employment should be given by the government freely and to all its people. Because it is we the people who raise the government tax. So we should at least get something from the government so that we can have the feeling that our government is providing for us and so that we can also be reproductive to our country.
- 4) Also on land and property rights, I think the government should be denied the right to take property from its citizens, whatever the case is. My suggestion is the government should compensate ten times the value of the land when it is being taken, so that the owner won't feel the loss of that land.
- 5) On education; there is a comment that the chairman of the secondary schools' board is provided by the government. This has led to some of the chairmen using public money which is in schools. I think that should be left to the parents so that they elect their own members to the board and not the government to elect the board members.'

- 6) Also I would like the separation of the office of the Attorney General from that one of the public prosecutor. As I hope, if the public prosecutor has his own office and the Attorney General another office, they will be independent and the public prosecutor will be able to fight for the public itself rather than being given appointment from the Attorney General.

**Interjection: (Com. Salome Muigai):** Do you have a memorandum to give in? Please just highlight one or two other things in the memorandum.

**John Kimako:** Yes,

- 7) The other thing I think I should talk about is the Presidential election. They should have a fifty percent minimum electorate's votes so that he can be said to be a President and he should stay for a duration of one month before he has been elected to be a President of the public.
- 8) Also I would like age limit on the President and the MPs and Councilors to be 18 to 70 years and not more than that.

**Com. Salome Muigai:** Thank you very much Kimathi. Please give your memorandum. Sasa ningetaka kuomba kila mtu mwenye amekuja leo na ana maandiko yenye anataka kutuambia, tafadhali usiondoke nayo. Tungetaka uzipeane pale na usajiriwe – sio kusema ati nimewacha kuwapa nafasi. Bado kuna nafasi za mazungumzo. Na sasa ningetaka kuipa hii nafasi kwa Francis Njau. Ninajaribu kufuata utaratibu mliojiandikisha nao, isipokuwa wakati mmoja mmoja, mimi narukia kuwapata kina mama, kuwapata walemavu na watu wengine na vijana pia. Mbali na hivyo ninafuata ule utaratibu wenye watu walijiandikisha nao. Wewe ni Francis Njau. Karibu.

**Francis Njau:** Jina langu ni Francis Njau. Kwa niaba yangu mimi ningeweza kutoa maoni kama ifuatavyo – vile ningetaka labda Katiba ijayo iwe. Ya kwanza ni kuwa kwa mkulima, naonelea ya kwamba kama kungekuwa Tume ambayo imechaguliwa, ndio kuwe na direct line kutoka kwa mkulima mpaka kwa serikali, ndio maoni yake, ama mahitaji ya mkulima yaweza kufika kwa wakati unaofaa, ama mkulima atiliwe maanani.

**Continuation: Tape 4**

**Francis Njau:** Maoni yake au mahitaji ya mkulima iweze kufika wakati unaofaa ama mkulima atiliwe maanani.

Ya pili ni kuhusu upande wa Members of Parliament. Nami pia ningekuwa na maoni yangu ya kuwa kama tumemchagua Mbunge ikiwa mwananchi asiwe ati amekuwa ile kanuni ya miaka tano, ati mpaka amalize hiyo miaka tano ndiyo labda arudi kwa wananchi ndiyo achaguliwe mara ya pili. Ningeonelea kuwa kama labda tumekosa maana ya huyo mbunge ama labda to lose taste tuone maybe he is not a development minded person so far. Tuone labda ile Katiba tuliagana naye ameenda bunge na ameenda ku-represent. Tuone kuwa amekuwa a failure. Tunaweza kuwa na ile nafasi ama tume imechaguliwa ya kusikiza maoni ya wananchi. Labda yule mbunge afanyi ile kazi tuliagana ama labda amepotea sana kwa wananchi, ako pale kwa maslahi yake mwenyewe. Tunaweza tukam-disown na tukawa na nafasi ingine ya kuchaguana.

Ile ingine ni kwa upande wa labda elimu. Sana sana kwa wale watu ni mayasima. Ningetaka kuonelea wale watu ambao small scale farmers, ama wale watu hawana nguvu sana ya kuwasomesha watoto wao. Kuwe bursaries forms tunapata ama elimu ziwe restricted na kuwe na .....ambayo ina inapunguza zaidi kuhusu mambo ya hiyo bursary. Watoto ama .... wa elimu iwe ni plain ama .... Watu ambao si wa ..... wa hali ya juu. Na hata upande wa afya, pia wale watu wanafaa waangaliwe maslaha yao uangaliwe na hiyo Kamati iwe imechaguliwa sana sana na wananchi na viyama kutoka upande wa serikali ndiyo watu waweze kupata ile nafasi pia wale ambao nguvu wa kusomesha watoto waweze kusomesha watoto wao. Na wale pia .....(inaudible)

**Comm.Muigai:** Asante sana Francis Njau. Sasa ningetaka kumpa Mama Pauline Nyokabi kama yuko nafasi hii. Pauline Nyokabi. Hayuko. Lydia Wangui. Mary Wambui, Ann Wanjiru, John Waikundu.

**John Waikundu:** Asante sana mwenye kiti kwa kunipa hii nafasi. Niko na machache ningetaka Katiba ambayo itakayotengenezwa. Mimi naitwa John Waikundu kutoka hapa Kipipiri, Miharati. Na niko na machache ningetaka kusema kuhusu ile Katiba ningetaka itengenezwe.

Ningetaka kama uajira katika nchi yetu ya Kenya hali ya District Focus iondolewe. Maana unakuta district zingine watu wameajiriwa wote, yule mtu yoyote ameingia au amepitia masomo ya secondary wote wameajiriwa. Na unakuta katika district zingine, watu wamejazana hata hawajaenda College, na hiyo ni kulingana na upungufu ya wananchi katika hiyo district. Unaona kama hapa kwetu, unakuta mtoto amemaliza Form four na atamaliza miaka miwili ndiyo aende University sababu mpaka angojee District Focus na Mahitaji ya Quarter system. Lakini kama angekuwa district ingine au province ingine, ange enda University kwa haraka na ajiriwe katika nchi yetu kama tungekuwa hakuna District Focus.

Mambo yale ingine ningesema ni nafasi katika vyo vyetu. Hiyo inaendelea vile vile kwa district focus, na unakuta watu wengine, ijapokuwa wamehitimu hawezi kupata hiyo nafasi ya kuenda hiyo masomo ya juu, sababu district iko na watu wengi au province yao iko na watu wengi wamehitimu. Na unaona ijapokuwa waalimu wote wameitimu kutoka College, sawa. Unaona district zingine cut-line yao ya kuenda University inapunguzwa ndiyo waweze kuenda. Na hiyo kufinya wale wamefanya bidii katika district zingine na kuwa wachilia waumie na hiyo ningetaka iondolewe katika nchi yetu. Masomo na uajira wa kazi, District Focus iondolewe.

Kitu kile kingine ningetaka kusema juu ya Kenya yetu na katika Katiba hii mpya ni hali ya Food Security in the country. Unaona wakati ingine tunakuwa na mahindi mengi. Na badala yaiwekwe kwa njia ambaye inafaa, inakwisha kwa mwaka mmoja. Mwaka huu kama isiponyesha na unasikia mahindi inanunuliwa gunia moja Shs. 350/-, utakuta next year hatuna chakula yoyote. Na kuna wataalam katika Wizara ya Kilimo, economist. Wanajua mtu mzima anatakiwa gunia mbili ya mahindi kwa kila mwaka. Na inatakiwa nafaka ile yote iko iwekwe kwa njia mzuri iweze hata mwaka moja au miwili inakuwa

na kiangazi, tuweze kuendelea kwa miaka hiyo bila shida ya chakula katika nchi yetu. Badala ya kurudikana machakula kutoka nchi zingine ambao inauzwa bei rahisi, hormones zimejaa ndani, na nchi yetu tunakuza chakula zetu kwa njia nzuri ambazo hazina chemicals za kudhuru wananchi. Kwa hivyo Food Security kwa nchi yetu iangaliwe sana. Magara ya kutosha iwekwe, na wananchi wetu waweze kuendelea kwa njia nzuri.

Ile ingine ningetaka kusema ni juu ya Katiba hii ambao tunarekebisha leo. Maoni yangu ningetaka iishe. Na kusikuwe na uchaguzi kabla hii Katiba kukamilika. Sababu kukuwa na uchaguzi na Katiba haija kamilika ni kama mtu ambaye anasafiri, mtu atoke Uingereza, akuje Kenya, anataka kusafiri na haana ramani ya pahali anaenda. Itakuwa ni makosa kubwa sana kuwe na uchaguzi na tumeona shida zile tumepata kwa Katiba hiyo nzee. Kuingia kwa uchaguzi mwingine bila Katiba ambaye itatuongoza kwa njia mzuri, na kwa amani na utulivu katika nchi yetu. Kwa hao machache nashukuru sana.

**Comm.Muigai:** Asante sana. Ningetaka kumpa nafasi hii Bi Dorcas Wambui.

**Dorcas Wambui:** Thank you Madam..... (inaudible) Today I've come to bring my recommendations to you because I know my contribution to this country. Now .....(speaker inaudible because of an echo) a memorandum and this one I want the place.

Now on ..... I try to say that the government should ensure that there is ..... employment to all Kenyans and indeed the government should be gender sensitive.

Now the government should equip hospitals especially it should look on those areas that do not have the marginalized people, that is, mostly the bright people.

The streets should have bright signs to direct those people who are blind. Now the other issue is on MPs. I would like our MPs salaries to be decided by the members of the constituency or a group that is chosen by people. This is to ensure that they don't increase their salaries each day. And on this, a retired person should not be entitled to hold any other public office after retirement. That is, after 55 years I believe the government gives retirement because the person is used up at that age. So let us not have those used-up people working for the government again. At least they should go to other sectors.

On pornography I would like to say that the government should highly discourage pornography. Let us not have the naked ladies and half naked on the photos and on the streets the government should ensure that ladies are not indecently dressed. This is because by ladies being indecently dressed, we are lowering the dignity of women. So let us check on that.

Now the other thing is that we have heard of the expiry dates of the parliament, that is 4<sup>th</sup> February 2003. My point is that I believe that the elections can be, if we are going to complete this exercise before then, we can have elections held under the new constitution. But if it does not happen we can have elections held under the old constitution. But immediately after this,

the people should be taught on the new constitution. Because you find that now apparently we are governed by a Constitution we do not know. So the government should emphasize on this.

**Interjection:** Highlight your issues because you have a memorandum.

**Ms Wambui:** Yea. On Natural Resources, the government should share this equally according to the population of a certain tribe. Let them not discriminate and let us have equal treatment.

On land, the government should ensure that Kenyans have right to own land anywhere in the country. Female/Male have rights to inherit land from their parents. And with that I hope I have talked about the headers in my memorandum. Thank you.

**Comm.Muigai:** ... any question. Benard Mwangi. David Maina. Githinji wa Njuguna. Githinji ..... Paul Gichu, Kinyua Kamau, Stephen Maina. Jack Mwaura. Samwel Muthongo. Michael Kerumba. John Njau. Joseph Mwangi. Are you Joseph Mwangi. Wewe ni Joseph Mwangi Kithuku. Nderitu. Lakini wewe ni Joseph Mwangi?

**Speaker:** (responds inaudibly)

**Comm.Muigai:** Na ulijiandikishaje?

**Speaker:** (inaudible)

**Comm.Muigai:** It is number 44. So that is somebody else. Okay. Joseph Ndungu. Jeff Waweru. Njuguna Mwangi. Joseph Mathari. Gacheru Makombi. Samwel Karanja. Peter Njenga. Rubia Gitonga. Maina Karanja. Joseph Kahaji. Samwel Kung'u. John Njuguna. Jane Kinyanja. ....Njanje.

**James Wathome:** Majina yangu ni James Wathome

**Interjection:** Sio Chacha?

**Mr Wathome:** James Wathome Chacha. Na kwa Tume ya Kurekebisha Katiba, maoni yangu ndiyo haya. Kwanza kabisa ningetaka kuguzia pahali ya ofisadi wa kazi. Ningetaka katika Kenya usiwe kupata kazi ni hongo, mbali iwe kulingana ni vipawa vye wananchi.

Pointi namba ya pili ni kuhusu elimu. Ningetaka marekebisho ya Katiba ibadilishe mwenendo wa elimu. Elimu isiwe ya kulipwa sehemu za mji pekee, lakini sehemu za mashambani iwe ya bure. Lakini mambo za kujenga shule iwe ni kwa watu wote.

Pointi namba ya tatu ni kuhusu barabara. Katika Kenya tunaona kuwa kuna barabara aina mbili. Barabara aina ya kwanza ni barabara za kisiasa na pia ya pili ni barabara zilizo iviliswa kirasmi. Ningetaka marekebisho irekebisha shida hiyo. Na wale

waliodhibika wachukuliwe hatua kisheria.

Pointi namba nne ni misaada. Ningetaka katika Kenya kuwe na Tume itakuwa ikifuata kila aina misaada ili tusiwe na wahalifu serikalini na pia upande wa kirahia.

Pointi namba tano – Ma chief. Kwa upande wa Ma-Chief ningetaka wawe wakichaguliwa na rahia kwa muda wa miaka mne.

Pointi namba sita – Uhuru wa kuabudu. Ningetaka marekebisho irekebishe sheria za uabudu. Wale wanaopatikana wakitumia nyama ya binadamu kama kafara wawe wakiadhibiwa. Pia wale wanaofanya makelele usiku wakisema ni kusifu Mungu pia waadhibiwe.

Pointi namba saba. Kuhusu Uriidhi. Ningetaka kuwe mzao wa rasilimali ambayo tunazo katika Kenya. Kama ni mashamba yapewe, au yauziwe Wa Kenya pekee. Pia kuwa uzawa wa wanaume na wanawake.

Pointi nambari nane. Maombi yangu ni kuwa Raisi wa Kenya asiwe na kazi zaidi ya moja. Kwa mfano asiwe ni yeye Chancellor wa Vyuo Vikuu zote za Kenya. Asiwe mkulima nambari moja. Asiwe Amri Jeshi Mkuu.

Pointi nambari tisa. Waziri Mkuu. Waziri ya Hukumu wa Maisha ningetaka kuwe na Waziri Mkuu kwa sababu ya uzawa wa mamlaka.

Pointi nambari kumi kuhusu polisi. Ningetaka polisi wawe wakielimishwa kila baada ya miezi mbili jinsi ya kuishi na wahalifu. Yule ambaye atapatikana na hatia ya kuuwa polisi. Awe akifungwa jela maisha.

Pointi nambari kumi na moja. Vyama vya kisiasa. Ningetaka marekebisho irekebisha sheria za vyama. Vyama vyote zenye msingi ya kikabila zisisajiliwe.

Pointi nambari kumi na mbili. Hali ya hewa. Hali yetu ya hewa imekuwa ya kiangani wakati mwingi. Ningetaka Tume ya Marekebisho irekebishe sheria za wale wanaousika na hali ya hanga. Wale wakielimishwa wakielimisha wananchi mimea ya kulimili kiangazi. Pia vyakula vinavyo tumiwa kwa wale waliohadhilika uuzwa badala ya kusaidia walio hadhirika. Ningetaka kuwe sheria ya Tume inayo wafuata. Na hayo ndiyo maoni yangu na nashukuru kwa nafasi hiyo. Asanteni.

**Comm. Muigai:** Asante sana James Chacha. Na sasa tuna ..... George Thairu. Joseph Njuguna. Elijah .....

**Elijah Wahori:** Thank you Madam Chair. I am Elijah Wahori, the Secretary General of Wanjohi Youth Association. And I wish to go through the memorandum of Wanjohi Youth Association which represents more than 70 youths.

One is that in the new constitution we need a Preamble. The new Kenya constitution should have our National Vision as We are the people who fear God, a Nation where men, women, youth, children are geared towards the economic, social and political stability throughout the country through being transparent, accountable and responsible citizen.

Principle of State Policy: We need statements in our constitution capturing the National Philosophy and .... Principles.

Democratic principles to be included in the constitution include the best man gets the best job purely on merit. Equal distribution of public funds, fair, free and secure elections, transparency, accountability and responsibility in public offices. .... constitution.

Kenyans have important values that should be reflected in the constitution. For example we have moral values: the motive of dressing. In the African culture it is an abomination for a lady to wear indecent clothes, for example, very tight or half ... clothes. It should be banned to be worn in public. We should adopt a national Dress Code based on our diverse culture.

Language: We should adopt a National Language, which should also be the official language. Ethnic languages should be completely banned in public as a way of fighting tribalism. These principles should be fully enforced in the new constitution.

Constitutional Supremacy: Constitutional amendments should be done by an 85% majority vote. The parliament should not be in a following to amend the following:

- i) The Bill of Rights
- ii) Laws concerning Lands
- iii) Parliamentary members salaries

Parliament should be invoked through a memorandum in amending the constitution in their ..... Matters. A memorandum should be conducted by a Commission which should have security of tenure from parliament. A remainder of religious leaders and civil ... leaders are also representatives or marginalized groups, i.e. Women, Youth and the people with disabilities.

Citizenship: Anybody born in Kenya after 1963 to a Kenyan citizen should be an automatic citizen. Anybody married to a Kenyan citizen, whether a man or a woman should automatically become a Kenyan citizen. The Constitution of Kenya should provide for double citizenship. Documentation that should acknowledge a citizen should either be a birth certificate, a passport, or a national identity card and the ethnicity in the identity card application form should be discarded and replaced with the word Kenya. Also during the census, tribalism should be discarded by leaving out ethnicity space.

Defence and National Security: The discipline forces should be established by the constitution. There should be a special disciplinary committee comprising of senior defence official and chaired by respective departmental chaplains.

**Interjection:** Do you like to highlight? Do you have a memorandum?



**Speaker:** Yes.

**Comm Muigai:** That you are going to leave with us?

**Speaker:** Yea.

**Comm. Muigai:** So could you just highlight the issues rather than read your memorandum.

**Mr Wahori:** Let me talk about the political parties. It is our wish that the new Kenyan Constitution provides for between 2 and 5 political parties only. These political parties should not be regional, tribal or religious.

Structured System of Government. We should have a Presidential coalition government. The qualifications for the Presidency should be:

- i) Should be aged between 30 and 65 years
- ii) Should be a holder of a degree
- iii) He/she should have a stable family
- iv) He must declare and account for his wealth

We people of Nyandarua we are an agricultural community and we would wish if the legal constitution should provide for some legislation which bars the government from imposing foodstuff to give to the communities which are faced with famine. If we have substitute for that for example, we should not import rice from Brazil or any other country when food, potatoes are rotting in our farms here in Nyandarua or any other foodstuff from any other part of this beloved country of our.

**The Civil Service:** In the civil service, the permanent secretary should not be appointed by the President by they should be appointed by a commission which should comprise men and women of integrity drawn from the Civil Society, the religious organizations and the representatives of marginalized communities.

**Education System:** The government should provide free and compulsory education up to "O" level and the University education should be subsidized and we prefer a system where the government pays up for the 75% of the total cost of the tertiary education so that Kenyans can get a good education. In the middle of crisis we wish that the government provides health, security, education as basic human rights. Thank you.

**Com. Muigai:** Thank you very much. Is there any question? Thank you very much. I now want to call upon Elizabeth Njeri. Monica Wairimu. Stella Wanjia. Bilha Kiamhoi. Rachel Wanjiku. Teresia Thira. Ni wewe. Karibu.

**Teresia Thira:** Majina ni Teresia Thira, na mimi ni mkaaji wa Miharathi, pahali panaitwa machinery, pale chini mlipita mkija upande huu. Ningefurahia mchana huu wa leo kwa sababu nilikuwa na utarajia sana ili niweze kuonana nanyi na ni asanti .... Kwa upande wangu pia ningependa ni Katiba ambao tutaenda kukuwa naye iweze kurekebisha kuhusu mambo hii

kwanza kwa upande wa shamba, mimi niko kwa upande wa shamba. Mimi nimenunua shamba na naona mtu kama amenunua shamba anaendelea kulipa pesa kama Shs.40/-. Unashindwa ya nini an title deed ya shamba yake. Haya nitoke hapo nije kwa upande wa elimu.

Sisi tuna watoto ambao wamesoma na pengine wamefika kidato cha nne. Mimi kwa upande wangu ningeoomba kama ingewezekana, Katiba ambayo tutarekebisha iangalie maslaha ya hawa watoto ambao wamemaliza form four na watoto wale wamelemewa pengine na kuwapelekwa vyo vikuu. Kuwe kuna College ambao watoto wanaweza wakaenda na wakisha maliza College ikiwa atapata nafasi na kazi, wawe wakikatwa pesa halafu wanalipa pesa ambao wange lipa kwa College.

Niende sasa kwa upande wa serikali yetu. Kwa mfano sasa tuseme ni Idara ya Elimu. Utaona wataweka minister ambayo anasimamia idara ya elimu, awe amesoma, anajua mambo ya uelimu. Kwa mfano sasa huwezi ukaona mtu anaenda kusimamia idara ya msitu na yeye alisomea udaktari. Warekebisha hayo mambo kwa mfano sasa kama ni Idara ya Elimu mwenye atakuja kusimamia idara ya elimu kama ni minister au amesomea uwalimu. Ana ..... ataongoza namna gani. Kama ni hospitali pia, kama atasimamia upande wa daktari, upande wa ministry of health awe amesomea health, kwa sababu hiyo mambo ndiyo tunaona imelete shida. Tena mambo ingine ni haya.

Sisi wamama, Katiba ambao itakuja kuchaguliwa na sisi tupatiwe nafasi, hata tungetaka kuona wamama wamejaa hapa, sio kuwa wamama wa tano na wamama wawili, kwa sababu hata sisi tumesoma. Kwa haya machache, sina mengi, na ni asante sana.

**Com. Muigai:** Asante sana Teresia kwa maoni yako, na ningetaka sasa kumuita Samwel .....(inaudible)

**Samwel Gitau:** Nimeshukuru sana kwa kufika hapa kusikia maoni yetu

Kwa majina mimi ni Samwel Gitau, na ninafurahi mbele ya Mungu kwa sababu hata Katiba ya kwanza ambaye inatutawala sasa nilikuwa mmoja wa wale waliindikisha kabla haija pelekwa ..... (inaudible) na ingali wengine wengi waliokufa lakini hata hiyo Katiba ilikuwa nzuri. Kilie kitu kimefanyika ki kuwa imerekebisha zaidi ya mara 38 ili –suit au ikiwe na utawala wa mtu moja. Iko mambo ambayo ningefikiria kama yangeindishwa kama ilivyo kuwa zamani pengine yangetusaidia sana. Kwanza Raisi achaguliwe na wananchi moja kwa moja na asiwe na sehemu yoyote ya kuakulisha katika bunge. Vile vile awe kiongozi wa nchi na mkubwa ya majeshi na vile vile Idara ya utawala iwe katika ofisi yake na kuongoza.

Makamu wa Rais, hakuna haja ya kiti hiki kwa sababu hakina uwezo wowote katika nchi.

Tatu, Waziri Mkuu achaguliwe na wa bunge wote wa bunge na kupata fusa ya wabunge wote. Awe akiwateuwa Mawaziri wote na polisi na Idara ya Upelelezi iwe chini yake. Namo Waziri wateuwe wakuu wa mashirika ya serikali yalio katika Wizara zao na kudhibiwa na bunge.

Nne. Idara zilizopelekwa katika ofisi wa Rais kutoka katika wizara mbali, mbali zirudishwe katika wizara zinazousika, kama National Service kutoka Labour, KWS kutoka Tourism, na nyingine nyingi ambazo department zinge katwa na kupelekwa kwa Ofisi wa Rais. Serikali iundwe ya Umoja wa Kitaifa, yaani ya vyama vingi ya kisiasa zinazo wakilishwa katika bunge.

Bunge liwe na Kalenda yake yenyewe. Iwe ikienda au kujifunza yenyewe kulingana na Kalenda yake yenyewe.

Mahakama. Kuwe na Wizara ya Haki na Sheria. Iwe imesimamia mahakama zote, pamoja na ofisi wa Mkuu wa Sheria na Idara ya CID.

Nane, serikali za wilaya Ma-ofisa makuu wote wajiriwe na County Councils na serikali za miji katika nchi yote badala ya serikali kuu. Hapo inamaanisha, inafirishwa na ma-officer wengine. Maanake hata wakati wa ukoloni hao Ma-officers walikuwa wameajiriwa na Companies na wangesikia Ma-chairman wa County Council au Wa-Mayor. Lakini kwa hivi sasa wiliondolewa na kupelekwa katika Wizara .....

Nikimaliza kile kitu ningelimisha ni uchaguzi isifanywe kabla Tume haija maliza kurekebisha Katiba nchi hii. Na hata tukienda katika uchaguzi na hii Katiba ya zamani ambae imefanyiwa marekebisho mara nyingi basi, unajua katika nchi hii ya Kenya hatuna ile kitu kinaitwa democrats, what we have is tricks. Zile tricks zinatumiwa kututawala zitatumiwa na nafikiri kama tutakuwa na Katiba mpya, hizi tricks hazita kuwa na loophole mahali ambapo zinaweza kupitia. Asanteni sana.

**Com. Muigai:** Kuna swali? Asante sana. Ningetupa nafasi hii Nancy Kamau. Nancy yuko? Mirenia Kinyanjui. John Kariuki. Wapi yule kijana alikuwa na uniform, ulikuwa umeniambia jina lako ni nani? Ndichu Kassim .....(inaudible)

**Peter Ndichu:** My name is Peter Ndichu from ..... Secondary school.

**Interjection:** How old are you?

**Peter:** Twenty years. My proposal that I would like contained in the new constitution is that:

- i) Basic life. Basic education be free and compulsory up to “O” level, that is form four.
- ii) ..... (inaudible) to all Kenyans.
- iii) The Constitution guarantee the life to .....(inaudible) There should be no penalty.
- iv) Child abuse should be completely abolished and anyone found abusing child should be imprisoned for two years and above.
- v) Anybody who is less than 18 years should be termed as a child and should not be employed in any institution because they are over paid and over worked in most of the cases.
- vi) All children should be catered for and if possible the government should restrict having off springs which one

cannot be able to bring up.

- vii) Another issue is about smoking. Smoking should be restricted completely and if it should be done, it should be done in private areas.
- viii) Another issue is about the right of the vulnerable groups. All disabled people should have .....(inaudible). They should have free education up to University level. Children of disabled people should be fully taken care of.
- ix) Another point is about Land and Property rights. Any foreigner should not acquire land in Kenya permanently but ..... (inaudible) on invested land.
- x) All Kenyans should own a portion of land anywhere in the country at least an acre and be issued with a title deed.
- xi) Maximum land ownership should be 50 acres due to high population growth rate.
- xii) Another issue is Cultural and aided like. The Constitution should recognize and protect indigenous groups.
- xiii) We should have two national languages, i.e. English and Kiswahili.
- xiv) The Constitution should provide protection from discrimination due to culture.
- xv) Another issue is about the Environment and Natural Resources.
- xvi) Air and water pollution should be .....(inaudible)
- xvii) In the Constitution, there should be laws to control pollution of environment.
- xviii) Forest in Kenya are the most of the .....(inaudible) and they should be well controlled and managed by the government. Thus they should not be acquired by ..... since if they are destroyed .....(inaudible)
- xix) Cutting of trees and burning of charcoal from the forests in Kenya should be completely abolished.
- xx) Poaching should be completely banned and if anyone is caught he or she should be ..... (inaudible) with no appeal.
- xxi) Another issue is about management and use of the National Resources. Okay as you said that the National Resources should be managed properly. National Resources should be shared up well to where by there should be no people who are highly paid while others are under paid.
- xxii) Development should be given individually to all communities e.g. .... (inaudible) Transportation facilities such as lorries, lack of electricity and poor means of communication network. Lack of these facilities has led to fluctuation ..... (inaudible because of echo) a little income. So it has led to rural urban migration ..... to be oppressed in Kenya.

Another issue about the Constitution of Kenya, that is constitution format. No other document should be supreme but the Constitution. Nobody should be above the law, thus in amending of Constitution is 65% majority is the right to do it.

Another issue is about citizenship. A citizen should be anyone born in Kenya. Those who ..... Kenya. Anybody born in

Kenya A citizen should have:

- i) A birth certificate
- ii) An identity card and in some cases apart from an NSSF card *.(inaudible)*
- iii) A citizen has a right to acquire ....*(words lost as tape ends)*

The right channel. And if it is not true, a person is to be snatched the property by the Local Government. All through, a citizen has a right to association. He also has right to pay taxes.... All tax evaders should be fined through imprisonment. There should be no dual citizenship.

The other thing is about the Defence and National Security. It should be done by .... *(inaudible)* who are able to defend all ..... Apart from natural ..... The President should not be the Commander in Chief of the Armed and for that matter a professional one should be included.

The parliament should have a law which .....

The other issue and lastly is about .....*(inaudible)* The president should not be above the law. He should not be a member of parliament. The president should be ..... Whereby there should be two each containing five years. The president should be removed if he misconducts himself. The president should be removed if the economy of the country continue to .....*(inaudible)*.

**Com. Muigai:** There is a question. I think because they see you in uniform.

**Com. Kangu:** Would you kindly Bw. Ndichu elaborate on what you mean by all Kenyans must pay taxes. Do you include children and you include your age group .....*(inaudible)*

**Com. Ratanya:** Yea. There is just one here about citizenship. You have said that one could have high income .....*(inaudible)* Now my question is on .....*(inaudible)* Now what about those who do not have what these ones or those ones .....*(inaudible)*

**Com. Muigai:** One, you have talked about child abuse. You did not tell us what exactly you meant by that. You have talked about like ..... your ideas or somebody's. You have also said that people should be restricted from bearing children that they cannot look after. How would you like the Constitution to deal with this? ..... *(inaudible)*

**Mr Ndichu:** The question about the children ..... what you are not able to cater for, for example if we have these kids who are treated or elected or appointed by the local government. These kids should be going here and there to make sure no more child abuse is here and there.

This is about you know ..... watoto ambao wanaandikwa kulea watoto. This is .....(*inaudible. There is a lot of echo*) I have heard of ..... Whereby a child is made to do all the work of the house whereby you want a good ..... and at the same time she is the one to cook and wash the house. That child will be forced to wake up early in the morning and at the same time ..... (*inaudible*) and about the salary that she/he is paid is ..... according to the work that he/she is doing.

For the ..... Itself I quoted and I said that in some cases we have .....(*inaudible*) but it is necessary that the ..... and I think if one has ..... it is better for

**Com. Muigai:** Asante sana Mr Ndichu. Mama Nyamincha Njoroge.

**Nyamincha wa Njoroge:** (*Speaking in Kikuyu dialect through a translator*)

**Wa Njoroge:** Nchetagwo Nyamincha wa Njoroge

**Translator:** I am Nyamincha wa Njoroge.

**Wa Njoroge:** Na nie ndatigirwo na mbaara ndi mutumia wa ndigwa. Na ndiite ruo ruria rutagehoteka,

**Translator:** I was left by my husband during the Mau Mau war and I have had a lot of problems in my life.

**Wa Njoroge:** Nie ndatigirwo na mbaara ni muthuuri wakwa, akihorwo, akiuragwo. Nie nanie kuhurwo kuria ndahoretwo, ndatigitwo oro kamuoyo ka nguku.

**Translator:** My husband was killed during Mau Mau war and I was also beaten almost to die and I was left just in the mercy of death.

**Wa Njoroge:** Riu ngithie bururi uria wa Kipipiri, nikuo ndarereire twana turia ndatigeirwo, ngerera, na nindaiguire ruo na nindareire thina muingi, noo nimathomire.

**Translator:** I took the Berry where I brought up my children but still they were educated and still I had a lot of problems.

**Wa Njoroge:** Niguo ndachokire ngirwo ninchoke guko, ni aya ati, ondo kuena nyumba irahianwo, nchoke nyingere, nikuo ngitoraga.

**Translator:** I was also told that there were houses here in Miharati which were to be given to the poor people and I came to this place.

**Wa Njoroge:** Nie thina ni muuru, ati ndieitire, nie, na ngiuga na ngiira Ngai, nyumireria, undo niathie, niwathie.

**Translator:** I had a lot of problems which came across me beyond endurance but I told God to strengthen me, not to

commit suicide.

**Wa Njoroge:** Riu, nie thina uria ndeete ni muuru, no tiga ndanyitetwo ni Ngai, ndingere ho, noo Ngai akinyita na akehe maundo mega ma chiana iria ndatigeirwo, ngerira, na ngethomithia, na riu gutire mundu utare mucie gwake.

**Translator:** I experienced a lot of problems in my life but I kept on keeping my children and educating them and it is very good to go and I thank God because all of them are now educated.

**Wa Njoroge:** Riu, ngeikaraga haha Miharate.

**Translator:** I usually reside here at Miharati.

**Wa Njoroge:** Niho nchikaraga na Ngai nianyumireirie, na nchugaga muthuri wakwa ni Ngai, na niwe baba na niwe maito, tondu niwe unchikaragia na niwe wanyumbire.

**Translator:** I am happy and praise God to be my husband and everything and a source of my health because he is the one who created me.

**Wa Njoroge:** Niingekuragwo ndena thina muinge.

**Translator:** I've a lot of problems myself.

**Wa Njoroge:** Muingi, ngomererio ni Ngai, Ngai niwe unyomagereria, undo kurwo atangenyomagereria, ndigekoragwo ndiho.

**Translator:** It is God who encourages me had it not been for that one I would have passed away.

**Wa Njoroge:** Riu kuogwo ri, nie ngomotigera hau, na nie ningo....., na mutware bururi unambere uyo witu. Ngai, woi, woiaye, utwarei unambere, Ngai baba utwarei nambere, mutikai kuurekia, mutikarekie.

**Translator:** I want you to cater for this country and please do not ignore this country because we have a lot of problems. I am pleading with you that you keep this country as the capital of everything.

**Wa Njoroge:** Tondu twawonire na thina uyo, tukeingata athungu, magethie, haya, mathie riu bururi ugitueka witu, mutigakea gukerekereria nyumba itu, ondu inyue nienyue ethe, mutikarekererie na mutikareke athungu mashoke guko, nitwamaingatire.

**Translator:** I do not want the Colonialists to come back here because we expelled them through prophets and other things. So please get up on this country.

**Wa Njoroge:** Eeh, eni niundu, woi, Ngai

**Translator:** Niwega mami, ugwo nitwaigua.

**Interjection:** Tutigere ritwa riaku. Maitu ritwa.

**Com. Muigai:** Asante sana Cucu Wamincha Njoroge na pole kwa shida mingi. Sasa ningependa ... Mzee Samwel .....  
(inaudible)

**Mzee Samwel Kibe:** Nie ndire na uhoro nguga, ritwa riakwa ni Samwel Kibe

**Translator:** I am Samwel Kibe.

**Mr Kibe:** Maratathi maya ngutigeirwo ni muthuri onge.

**Translator:** These papers were left within my hands by somebody else.

**Mr Kibe:** Na, ni memorandum iria murandikiite.

**Translator:** They are memorandum

**Mr Kibe:** Iria marandikete mee kuria Kanithaini.

**Translator:** When they wrote it while in the church.

**Mr Kibe:** Riu uguo akinjira nigoikara muno, na ena maundu maingi, anjira neana.

**Translator:** He told me to hand it over to you because he had a lot of commitments.

**Com. Muigai:** Sasa ni Mr .....Ningetaka .....mwenye kama huyo Mzee..... waonyeshe kwa njia ya mkono. Watu wangapi bado wanataka kuzungumuza. Basi umechukua naba moja huyu Mzee, namba mbili, namba tatu, namba nne, na ukichukua namba yako unao, namba tano, namba sita, namba saba, namba nane, namba tisa, namba kumi, .....kumi na tatu. Na ningetaka kuwapa kila mtu dakika tatu au nne.

**Simon Mwai:** Nchetagwo Simon Mwai wa Ngaatho

**Translator:** I am Simon Mwai wa Ngatho.

**Simon Mwai:** Na ndokire guko Kipiriri 1963.

**Translator:** I came to Kipiriri in 1963.

**Simon Mwai:** Na uteti ndatonyire 1957.

**Translator:** Mzee Mwai: And I entered into politics in 1957.

**Simon Mwai:** Na nduraga ndi ruhongeine rwa KANU



**Translator:** And I am always in KANU as political party.

**Simon Mwai:** Noo nimakete muno tondu KANU iria yaari hindi eyo, tio riu.

**Translator:** I am very surprised because the system of the old KANU is not the same as today.

**Simon Mwai:** Na ndire kindu ndona tiga hindi ya KANU ya Kenyatta, Ngehiyo mugunda.

**Translator:** I have never heard anything from the parties except during that time of the late President Kenyatta.

**Simon Mwai:** Nuu ndina kieha kinena muno ndirenda kuuria.

**Translator:** I am very worried.

**Simon Mwai:** Tondu ndiraigua mugetwo gatiba ri,

**Translator:** I hear that you are ..

**Simon Mwai:** Na tutire twaigua gatiba ri,

**Translator:** We have never heard about Constitution.

**Simon Mwai:** Una tutioe kuria igaroragerwo ri,

**Translator:** We have never known even why it is changed.

**Simon Mwai:** Ngai niaringete kiama gatiba igoka, ikangora ngemenyaga.

**Translator:** God has performed a miracle that the Constitution has come when I can understand things.

**Simon Mwai:** Nuu ndina kindu kimwe nguenda kuuria, na ngwenda mutuare muno muurie tondu ndi murimi.

**Translator:** I want to ask one question or I have a statement

**Simon Mwai:** Urugamereri wa thothaiti wa arimi aria matare hinya ri, wathire ku? Hindi ya Kenyatta yarugamagererwo wega muno, na mbecha itiareagwo.

**Translator:** which I would like to ask about the cooperative society's system because that time people were not squandering money from the Co-operative society.

**Simon Mwai:** Thotaiti yathirire, aremi aria tutare hinya, othe tugithira, tukeaga hinya.

**Translator:** Co-operative were ended and simple farmers have nowhere to go to.

**Simon Mwai:** Noo niho nchoragia atirere, ni gatiba itare ya kurogamerera arimi, indo cia ta hinde ya Kenyatta, kana

yathire ku.

**Translator:** I usually ask myself. Don' we have a constitution which should supervise the affairs of farmers.

**Simon Mwai:** Andu aria muroya gatiba undo ucio niogerio kwarererio, thothaiti tocekerio aremi aria tutare na hinya

**Translator:** In our new Constitution we would like the corporate society to

**Simon Mwai:** Niinge, ndena kendu kimwe nderenda kumenya, tondu ndi mukuro na ndi wa guko, na nikirathenia muno

**Translator:** I am old and because I am a resident of this place, I am troubled by one thing.

**Simon Mwai:** Na muratinda mukegucaneria gethirikarine na nienyue muriika maya, mwarimu ri, aratinda akegiyo nikii, we umete warimu, Raithi athumithetio ni mwarimu, oo mundu woothe agetueka munene ni mwarimu. Aarimu murathaka nao niki?

**Translator:** I am very much worried and troubled because the teachers are there

**Simon Mwai:** Una nio maagereirwo nigokurwo na mbeca nyingi gucinda maundo maria maange moothe. Tondu muthingi woothe wa Raithi, kana wa Ndagitari kana wao, atonyete thukuru. Tigai guthaka na mwarimu.

**Translator:** All the people pass through the hands of the teachers and now the teachers should not be ignored like that.

**Simon Mwai:** Ndiina kendu kingi ngwenda kuuria.

**Translator:** I have also something else.

**Simon Mwai:** Tondu muroiga ihaki rikire ri, na nienyue muikerete ihaki ri, na nienyue muratuonia andu mahakwo ri, mbeca ri, ciathie iguro wa kiraoni, kiraoni kiagia thi, mbeca yekirwo iguro, mwoiga tuhakane.

**Translator:** So I have something else that although you say that it should eradicate bribery and corruption, but you are the people encouraging it. The other issue is that the money is printed over the crown of this land, to show that we should be giving bribe.

**Simon Mwai:** Noo hoye muno kuu nookohoteke mbeca icukio thi, kiraoni githie iguro.

**Translator:** I would like to ask the people concerned that the money should be below the ground in our currency.

**Simon Mwai:** Nigetha nao majaaji mahiu hinya, maatha igotine magatiga gokurwo ni mundu onge ugocoka kumahingica, majaaji.

**Translator:** The appearance within the Judiciary should not be encouraged. It should be stopped forthwith.

**Simon Mwai:** Niundu ucio kiria giatoma ndugame haha na nchigwe ndina kieha, maundu macio mutugarurere, na maundu macio maahuteka andu a gatiba, mututwariri mbere, no tondu tokuga, gugicuka gukinya kuria hii maratathi mathikanio ri,

ndamuhuya kiraoni gichuki iguru.

**Translator:** All what I have said I am worried because I do not know whether all the records that we are writing here when they get to Nairobi, they need just kept away or displaced.

**Simon Mwai:** Tondū iratuonia mbecha iri iguru, ndogearia kihoto giaku kiiguo, uteri na mbia.

**Translator:** Mostly we persist that when the money is printed above the ground then the money is the one that is ruling this country.

**Simon Mwai:** Ninge hii kindu kimwe ngurikia nakio,

**Translator:** Finally,

**Simon Mwai:** Raithi tondu andu nimorathaka muno mukiugaga mundu niatige kihio giki kinene, na tiga kuhio wathani, ungekoro gwaku mucie nduri na hinya ri, ciana ciaku niciakumena. Uria uri huu riu niekuehera, na we niugatueka Raithi rucio, unyihario muunene, ucooke wathanage naki? Kwoguo Raithi ati kuimwo madaraka muuno.

**Translator:** Although you are talking about trimming of Presidential powers, now I observe that if he does not have power, how will he be able to rule this country.

**Simon Mwai:** Na tutwarerwo thibitari ndawa, gutire ndawa na thibitari cia private ina ndawa, kae ya thirikari ndawa iyo yaagaga?

**Translator:** When you consider about the drugs in the hospital, we do not have drugs there, but when you go to a private hospital you will get the medicine there. What has happened that the private clinics of hospitals are having medicine while the government hospitals do not have medicine.

**Simon Mwai:** Ndi wa Kanitha wa Kathoriki na guito ni guku Kipipiri. Thank you very much

**Translator:** I am a Catholic and I usually stay here in Kipipiri.

**Com. Muigai:** Kuna maswali? Asante sana. Namba mbili. Na unachukua dakika tatu.

**Mama Hannah:**

**David Gitau:** My names are David Gitau ..... (inaudible) I have a memorandum but I am only going to highlight on the issues that have not been touched by other speakers before me. One, matters relating to priviledges of parliamentarians once passed in parliament, should take effect in the life of the next parliament.

The district forces should be established by the Constitution and holders of such offices should be professionals guided by the

Establishing Act.

Appointments should be done by professional bodies and parliament for example .....(inaudible).

On Legislature all Presidential appointments should be debated by parliament. All ministers be professionals and not necessarily members of parliament. A parliamentarian should be full time worker. People with criminal record should not be cleared to vie for elective posts be they Parliamentary, Presidential or Civic.

Members who defect from one party to another should surrender their seats. A commission independent of parliament should determine salaries and benefits of MPs.

**Interjection:** Please ..... (inaudible)

Mr Gitau: The Executive. Many departments overcrowding the Office of the President should be removed. On the Judiciary, the number of sub-ordinate courts is small and we should establish more ..... (inaudible) level. All Judicial officers should declare their wealth every year. We should establish Road Side Courts for traffic offences, Pilots or Automatic Speed Monitoring Units to curb dangerous speeding. Driving Licences to lose points for the many times drivers break rules.

The Local Government. Chief Officers should be answerable to the Mayor of the Local Authority in charge.

On Nyandarua district, Nyandarua water is consumed in Nairobi, Nakuru and Baringo districts. Nyandarua County Council should be paid levies for this water. Revenue collected from Aberdare National Park, part of it should be paid to Nyandarua County Council. On the electoral process, no MP should represent more than 50,000 registered voters. No Councilor should represent more than 5,000 registered voters. The election date should be specified in the Constitution.

On Basic Rights, there should be right to life so we should abolish death penalty. There should a right for all workers to join Trade Unions. On the right of vulnerable groups there should be free services, free education up to University and pocket money per month.

Land in Kenya should be classified as follows: In the City nobody should own more than one acre of land. In the Municipality nobody should own more than three acres of land. In the Town Councils nobody should own more than five acres of land. In the County Councils we should classify our land as follows: In the Arable land nobody should own more than 200 acres of land. In the semi-arid lands nobody should own more than 500 acres of land and in the desert land the maximum should be 1,000 acres of land.

Non-citizens should not own land in Kenya permanently.

On the economy I have the view that Agricultural inputs should not be charged taxes. AFC should be transformed into a bank. Production of counterfeit products should be termed economic sabotage and should be punishable by a jail term. Airport, Seaport and other entry points should be manned by qualified Kenya Bureau of Standard staff to check on counterfeit product. There should be zero tolerant on corruption.

And lastly we should have an Ombudsman, a Commissioner for complaints, and offices should be established at Divisional Level. Thank you.

**Com. Muigai:** Thank you very much. Number three.

**Speaker:** Thank you.

**Peter Mwea Kamau:** Majina ni Peter Mwea Kamau kutoka Miharati. Nina maoni na mengine ni kulimiza ya kwamba Rais na Wabunge wawe na muda wa miaka miwili na nusu under probation. Kwa sababu ya kusema hayo ni kuwa tumewaona wengi wakati wameenda Bunge wamechaguliwa na watu, hawafanyii watu kazi, wamewachagua. Na sababu hiyo mtu akipewa nafasi ya miaka mbili na nusu, iwe under probation, akionekana kazi yake ni mbaya (*continued in tape 5*) (Kipipiri tape five)

**Speaker:** Miaka mbili na nusu iwe under probation, akionekana kazi yake ni mbaya, afutwe mara moja, ikiwa kazi yake nzuri, watu hawa wawili, rais na mbunge, watakuwa promoted to permanent employment.

Serikali imalize land rates, sana sana Nyandarua na kwingineko. Sababu ya kusema hayo ni kwamba watu wengine hawana shamba la kutosha na ikiwa kila mwezi mtu analipishwa shilingi arobaini na hana pesa, hii ni kumsumbua mwananchi. Kwa hivyo nahimisa constitution imalize land rates.

Serikali iwe ya kumaliza pombe haramu na iwache kuhangaisha raia, na njia ya kumaliza hii ni kutopeana leseni. Serikali inasema ati kumi kumi imaliswe na yenyewe ndiyo inapeana leseni kwa sababu ya wale ambao wanaongoza ndio wenye kukalia viti na wanachukua mamlaka ya kupewa leseni hizo, kwa hivyo ninahimiza serikali imalize leseni zile za kupeana kwa pombe hizo haramu.

Soko huru: Soko huru imaliswe. Sababu ya kusema hayo, tuna kila kitu hapa Kenya na badala ya kuuza tunazokuza, kunaletwa vyakula vingine ng'ambo, tunakosa bei ambayo inatusaidia, kwa sababu zimeletwa nyingi kutoka ng'ambo, maziwa yatoka ng'ambo, mahindi yanatoka ng'ambo, sukari inatoka ng'ambo na yote twakuza hapa. Kwa hivyo hiyo soko huru, maoni yangu ni kumaliza.

Maana ya kuwasomesha watoto kutoka primary level mpaka university, ni mzazi kusaidiwa na mtoto. Ninaomba constitution

review ichukue nafasi kuhimiza serikali iwe na nafasi za kazi ya watoto ambao wamemaliza masomo yao.

Ninaomba katika maoni kwamba barabara katika nchi zitengenezwe sawa kila mahali na kuondolewe kwa ubaguzi wa maendeleo. Unakuta sehemu nyingine bara bara ni nzuri na ni katika nchi hii, kwingine barabara mbaya, na ni katika nchi hii, kama Nyandarua.

Ubaguzi unaonekana umekuwa mwingi Nyandarua, barabara ni mbovu zaidi na ni kati ya serikali ya Kenya. Ninahimiza constitution review kuona kwamba kuna usawa wa barabara kutengenezwa.

Asante.

**Com. Mutakha Kangu:** Nimesikia mambo, watu wengi wakizungumzia land rates ya forty shillings a month, hiyo ni kwa acre au ni kwa shamba kiasi gani na inalipishwa chini ya by-laws ya county council ama namna gani, kwa sababu nimewasikia watu wengi wakilalamika na sielewi msingi yake inatoka wapi?.

**Speaker:** Hii, vile ninavyo jua, wakati mwingine tumekuwa na hii kesi katika town na ilikuwa ni kwa kila acre.

Hii tuliambia ilipitishwa katika Bunge na county council yenyewe ndiyo ilikuwa inakimbizana na hii maneno.

**Com. Mutakha Kangu:** Mnalipa kwa nani? Kwa county council ama ?

**Speaker:** Kwa county council.

**Com. Mutakha Kangu:** Hiyo ni kama Rent hiyo

**S:** Na ni shamba yote, basi kama ni shamba yote na ukiwa na acre moja, afadhali kumaliza hiyo. Asante sana.

**Com.?:** Kuna swali lingine. Hapa unasema kwamba president apewe probation ya miaka miwili u nusu na akimaliza, wapewe basi permanent. Sasa hiyo permanent ni miaka mingapi?

**S:** Hapo awali nilikuwa nimesema miaka miwili na nusu ni under Probation, akionekana kazi yake ni nzuri, anapewa promotion ya miaka mingine miwili na nusu kuwa permanently employed, kwa hivyo kwa jumla ni miaka mitano katika Bunge.

**Com. Salome Muigai:** Asante sana. Wewe uko na dakika tatu.

**John mwangi:** Asante sana Madam Chair kwa kunipa hiyo dakika tatu, hiyo inanitosha. Mimi ninaitwa John Mwangi kutoka hapa Miharati.

Kuna jambo moja au mbili ambayo ningetaka katiba iandike.

Moja: Uchaguzi wa kitaifa, General Elections; miezi mitatu kabla ya uchaguzi wa general election, president anavunja Bunge na kwa hivyo huwa hakuna mbunge wala minister, lakini yeye anabaki, na ile mamlaka yake yake ya kawaida. Sasa, nilikuwa ninataka kujua kama akivunja bunge, kunawezekana hata yeye akae kando?, arudi kwa electorate, akatafute kura huko kama yeye si Rais kwa hiyo miezi mitatu? That is likely to influence his re-election.

Serikali isimamiwe, kuna Attorney General, kuna Speaker wa Bunge, kuna Chief justice au Vice-president. Hawa watu wanaweza kusimamia shughuli za Rais miezi mitatu, yeye akae nje, afanye campaign na gari yake private, awache magari ya state house huko kwa ofisi, akae kama raia wengine, security wapewe sawa na wale wengine wanang'ang'na nao. Hiyo ndiyo ya kwanza.

Ya pili, mimi husikia barabara yote ni ya serikali na pengine ya council. Kuna mtu binafsi, an individual or a group of people ambao wanaweza taka kurekebisha hiyo barabara, pengine ni mbovu, ni mbaya haipitiki, mtu ajisikie tu ako na pesa yake na anataka kurekebisha barabara ya kutoka Gilgil mpaka Miharati; huwa ninasikia serikali inamkataza, wanasema hiyo ni challenge kwa serikali. That is an outdated law, hiyo ni ya Uingereza.

Tunataka kama kuna a group of people, either mimi personally, nisikie niko na pesa ya kuweka hii barabara lami, au kurekebisha, au kuweka murrum, bora niende kwa serikali, inipe permit, nitoe pesa yangu niweke lami, wanipe engineer wa kuangalia kama hiyo barabara ni mzuri.

Ya tatu, serikali ilikataza watu kunywa hii bombe ya kienyeji, traditional beer na sasa tukiangalia hapo mbeleni, traditional beer ilikuwa harmless. Pombe ile walikubalia ni ile ambayo inapoteza watu macho, wengine wanakufa papo hapo na madhara kama hayo, wengine wanakosana hata na mabibi zao.

Sasa kama mimi ningeulizwa, ningesema pombe ya kienyeji ipewe licence kama zingine, halafu kuweko na health officials wa kufuata kama hiyo pombe inatengenezwa vizuri na wale wanakunywa wako salama. Wapewe leseni lakini ipewe masaa ati kuanzia saa nane, ati mtakuwa mnakunywa Muratina au Busaa.

Hiyo ingine ni hii ya Presidential tours: Presidential tours inatumia pesa mingi sana ya state. Hiyo pesa, kama kungewezekana, President awekewe ile shughuli anaweza kwenda ng'ambo kufanya na akikaa ni shughuli gani na gani na atatumia kiasi gani ya pesa za serikali. Shughuli zingine awe akituma ministers.

Sijui kama dakika zangu tatu zimeisha. Asante.

**Com. Salome Muigai:** Sasa ikiwa ni nafasi yako, uje tu mara moja, si tunajua namba zetu? Namba sita ni nani? Mama unataka kuwa namba sita?

**Speaker:** Mimi ni namba tano.

**Com. Salome Muigai:** Wewe ni namba sita? Unataka kuwachia huyu mama kuwa namba sita? Wewe ni namba tano, basi njoo kwanza.

**Mwangi Kimani Mwangi:** Asante sana kwa kunikubalia nitoe maoni yangu. Mimi ninaitwa Mwangi Kimani Mwangi.

Ninataka kutoa maoni.

Ya kwanza: Uchaguzi wa Bunge; Bunge kwa maoni yangu, mbunge achaguliwe na wananchi na Rais achaguliwe na wananchi.

Makamu wa Rais achaguliwe na wananchi.

Tuwe serikalini na waziri mkuu.

Speaker achaguliwe na Bunge.

Mkuu wa sheria awe akichaguliwa na wabunge kulingana na masomo yake.

**Com. Salome Muigai:** Mzee wacha kupasa sauti sana kwani uko na microphone.

**Mr. Mwangi:** Okay, asante.

Rais apunguziwe nguvu, asiwe na nguvu zaidi.

Kenya iwe na vyama vingi.

Kwa upande wa administration: PCs, DCs, na Dos wawe wakichaguliwa na Commission na uwezo wa Bunge, kulingana na uwezo wa Bunge.

Chief na assistant chief wawe wakichaguliwa na wananchi.

Wazee wa mahakama ya chief, ndiyo wazee wa kijiji, wawe wakipewa maruburubu na serikali; kupewa kama mshahara kidogo.

Serikali ya Kenya iwe ya muungano.

Mtu akubaliwe kuishi mahali popote apendapo katika Kenya, kupiga biashara ama kuishi au kununua shamba, au kuandikwa.

Utawala wa majimbo si nzuri kwa Kenya.



Saba: Mikoa au wilaya au tarafa au location au sub-location inatakiwa kuongezwa kulingana na wingi wa watu, wa wananchi.

Mtu akistaafu, atakiwi kuandikwa tena kwa sababu kuna wengine wanao taka kazi.

Ministers wachaguliwe kulingana na masomo yake na tena kulingana na kazi anayosomea, wizara anayosemea.

Mtu akiwa kazi ya serikali, hatakiwi kupiga biashara .

Kwa upande wa bidhaa zozote: Bidhaa zozote iwekwe bei, kila aina, counter price.

Mavuno ya shamba yawe yakiwekwa bei na DDC, na serikali.

Bidhaa za kutoka nje ziwekewe kipimo.

Kwa upande wa mahakama: Mahakimu wapewe uwezo wa kujiamulia kesi kufuatana na sheria za Bunge.

Mtu akishikwa na polisi, asiwekwe kwa cell bila kufikishwa mahakamani. Asiwekwe siku mbili bila kufikishwa mahakamani.

Asante sana, hayo ndiyo maoni yangu.

**Com. Salome Muigai:** Asante sana. Hiyo nambari nyingine?

**David maina Gitau:** Kwa majina ni David Maina Gitau.

I have only one proposal to pass across. Hii ni kuhusu universities; where the President is Chancellor kwa universities zetu zote. Kwa maoni yangu ningependa kila university iwe na Chancellor instead of the executive being there kwa sababu siku hizi tunaona kuna flight sana ya wanafunzi kwenda ng'ambo and maybe this is one of the causes kwa sababu vyuo vyetu vimekuwa politicized.

Ni hayo tu.

**Com. Salome Muigai:** Thank you very much. Number hii nyingine? Namba saba? Nani hakumbuki namba yake? Namba yako ni ngapi Mzee? Sita? Namba sita ameshazungumza. Namba yako, yako ni ngapi? Seven? Basi zungumza. Ukikuwa wape, mlangoni ukiingia?

**Mzee:** Hapana, nilikuwa hapa ukani-point namba saba.

**Com. Salome Muigai:** Ulikuwa ukiingia?

**Mzee:** Nilikuwa nimekalia kwa kiti.

**Com. Salome Muigai:** Okay. Zungumza basi.

**Joseph Kirungi Kikuyu:** Kwa jina ni Joseph Kirungi Gikuyu. Nitazungumza machache tu kulingana na vile nimepewa.

Kwanza: Ninazungumza mambo ya viwanda katika mahali kama hapa; viwanda viandamane na vile mazao yake iko. Kwa mfano kama hapa, tuna maziwa, tuna viazi, hiyo ndiyo bidhaa ya hapa.

Ningeomba katiba iliyoko, kwa mahali kuna bidhaa ya aina fulani, kiwanda kiwe karibu, maili ama kilomita thelathini hivyo. Tuwe na kiwanda ya kutengeneza viazi na iwe ina controliwa ya kwamba kutoka hapa mpaka maili thelathini, mahali kwenye mmea huo, kama viazi imepandwa, kukawekwa kiwanda cha kutengeneza viazi kama crisp potato na mashed potato ndio zipelekwe soko za nje, mahali ambako ni jangwa, zinaweza kuwekwa kwa mikebe na kupelekwa huko.

Kama ni maziwa, viwanda viwekwe karibu na pahali pana mifugo na kiandamane na stima ndiyo stima ikienda kwa kiwanda, itawasaidia wale watu wenye sehemu hiyo.

Kuhusu watu waliopigania uhuru: Katiba iliyopita iliweka hawa watu kama kaburi ambayo haina msalaba. Hawakuweka chochote cha kuonyesha ya kwamba wale watu wako. Kwa mfano, Mungu ana uzuri ametuonyesha mfano mmoja. Tumeona mama hapa, wengine tulikuwa tukicheka hatukujua anasema nini kwa sababu alisema bwana alikufa nini... kungekuwa na uwezo ambayo imetengeneswa vizuri, kama ya uingereza, pengine angesimama, tuseme ni bibi ya Wilson Churchill, kwa sababu alifiwa. Lakini sasa hatukujua kwamba kulikuwa na watu walipigania uhuru, ambao hawakuonyeshwa mahali popote.

Hatujaona panga hata siku moja, watu ambao wana mvi kama sisi, hatujajua Mau Mau ni nini. Tunasikia kuiga tu ati tulipigania uhuru, hatujui kwa sababu huwa tunasikia hatujaona panga. Tunaomba serikali, katika katiba itawekwa ya kesho, iwe kuonyesha mashujaa hawa wakiwa life. Kwa mfano, kuwe na cinema ya kuonyesha hii uhuru haikupeanwa bali ilinyakuliwa na wananchi Kenya yote, sisemi Central au wapi lakini watajionyesha kwa vile ni kina nani walipigania huo uhuru bila kusema na mdomo tu, katiba ambayo iwe ni sheria.

Kuhusu mahakama: Mahakama yawe huru, yasiwe na mtu mwingine anakuwa above the court. Mahakama yawe huru, ikiwa mwisho wake ni Judge mkuu, court iwe independent kabisa.

Kuhusu mambo ya ukulima: Iwe ikihifadhiwa; kama ni agriculture iwe ni agriculture lakini isiwe kutolewa Mwalimu na kuwekwa kazi ya agriculture.

Forestry: Kulikuwa na cheo cha Chief Conservator ambaye alijua mambo ya misitu kabisa na ndiyo tulikuwa tunahifadhi misitu. Kusiletwe mtu anaitwa Director of Forestry, ametolewa na alikuwa Mwalimu na anapelekwa huko kwa maana ni Director. Kuwe ni conservator ambaye alisomea hiyo kazi na anaweza kuhifadhi mazingira.

Nchi hii yetu iwe kama Finland ambayo ni nchi, kwa kikatiba, inaweza kuwa miti mingi na kuwa na industry nyingi ya mbao. Sasa imekwisha, hatuna na ni kwa sababu katiba haikuzuia miti kukatwa.

Sasa katiba iwekwe, izuie miti kukawa. Kwa hayo machache tu, kwa maana mengi imesemwa, nimesama hiyo. Asante.

**Hellen Wambui:** I am Hellen Wambui, I am a college student.

Mine is about the college students; you find that may be a second year student is caught with a crime and he is jailed for three years, which means he does not finish the course. I will suggest they should be given a term for probation, like last month, there is a classmate of mine who was jailed for three years, which means by the time we finish college he will be out and there is no point for him to come back to school.

The other thing is that the college students should be counted as the university students in the giving of the loan, for pocket money, because we suffer the same; like the bus fare, we also need money for the hostel catering and so on.

The other thing is the---- in the hospital. You find that the ----- in the public sector, may be he tells you there is no medicine, go to such a such a kiosk and the owner is taking the medicine from the public hospital to his private ka-kiosk there.

Thank you.

**Com. Salome Muigai:** Mzee ulikuwa namba ngapi?

**Mzee:** Nilikuwa namba sita, ni kuchelewa nimechelewa.

**Com. Salome Muigai:** Haiya Endelea.

**Muiru Macharia Wakeru:** Nimeshukuru sana kwa nyinyi kututembelea, kuona taabu zetu.

**Translator:** I thank you very much for you have paid us a visit so that you may see and understand our problems.

**Mzee Macharia:** (speaks in Gikuyu)

**Translator:** It is good that you have come so that you listen and understand the problems that we have within our own confinement.

**Mzee Macharia:** ----

**Translator:** I want to ask you a question.

**Mzee Macharia:** ----

**Translator:** During that colonial era, did you see the street boys?

**Mzee Macharia:** -----

**Com. Salome Muigai:** Wewe mzee ndiyo ungesema kama unakumbuka kama kulikuwa na chokora wakati wa mbeberu.

**Mzee Macharia:** Wakati huo sikuwa ninawaona lakini kulikuwa na discipline watoto walikuwa wanakaa nyumbani lakini siku hizi, kuna wamama wengi hata wanazalia huko na watoto wanakosa huko lakini zamani hakukuwa na mambo kama haya.

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**Translator:** You did not answer it properly but I am going to explain to you.

**Mzee Macharia:** ----

**Translator:** When we were expelling the colonialists from this land, we expelled them so that we can govern ourselves.

**Mr. Macharia:** -----

**Translator:** When we governed ourselves, we became greedy rulers

**Mr. Macharia:** ----

**Translator:** However is given privilege somewhere, although we challenge the president, when he orders that he wants to have five thousand from a certain place, the one who was sent also adds his own subsidiary money, he can order fifty thousand.

**Mr. Macharia:** -----

**Translator:** Then the challenge will go back to the person who wanted the money initially but did not want such an amount that amount of money. Let us continue.

**Mr. Macharia:** ----

**Translator:** When it comes for the poor people to be given something, those people who own the offices start grabbing whatever was to be given to the poor people.

**Mr. Macharia:** -----

**Translator:** And later they go to challenge the leader of the nation.

**Mr. Macharia:** -----

**Translator:** I have got a question.

**Mr. Macharia:** ----

**Translator:** Those people who vote for freedom, were they not poor people? What was their status, poor or rich?

**Mr. Macharia:** ----

**Translator:** It is my conviction that if you want to change the constitution, and that is where we are going now, people should stop becoming greedy of the poor people's possession.

**Mr. Macharia:** ----

**Translator:** Property and wealth is always for the people who are employed.

**Mr. Macharia:** ----

**Translator:** We hear that as far as donors are concerned, when they give grants to this country, the poor people receive just a meager kind of payment while he will be the one to pay, responsible to pay for those loans and grants.

**Mr. Macharia:** ----

**Translator:** The poor person usually continues to pay for whatever he did not consume.

**Mr. Macharia:** ----

**Translator:** Then we come to the land.

**Mr. Macharia:** -----

**Translator:** Some people might have ten pieces of land and a lot of acreage and there are poor people who are landless.

**Mr. Macharia:** ----

**Translator:** I have witnessed in occasions where poor people have located a plot which is being sold and when they decide to come together and contribute so as to purchase such a kind of land,

**Mr. Macharia:** ----

**Translator:** Instead of the poor people purchasing the land, it is given to a certain officer who is in an upper office.

**Mr. Macharia:** ----

**Translator:** This is my question,

**Mr.Macharia:** ----

**Translator:** Who is greater, just a single person or two hundred people?

**Mr. Macharia:** ----

**Translator:** That is all what I had.

**Com. Mutakha Kangu:** Thank you mzee.

**Com. Salome Muigai:** The next one? Come, come.

**Speaker:** I was number nine, but three or four people have become number six, that is why I came.

**Comms:** Okay, endelea.

Nasema ni asante sana Madam Chairman, nilikuwa na nafasi maana nilikuwa na memorandum ya kanisa la Seventh-Day Adventists lakini kwa vile niliona muda umeyoyoma, nilikuja nikapeana hiyo memorandum hapa, kwa hivyo kwa upande huo, sitazungumzia.

**Comms:** Jina, jina lako?

Jina langu ni Peter Gakuo Karanja.

**Peter Gakuo Karanja:** Kwa hivyo nitazungumza tu machache yanayonihusu kwa sababu mengine yale yako kwa memorandum sasa.

Ninapo fikiria lengo letu wananchi wa Kenya, mimi ni mmoja ambao walikuweco wakati wa uhuru, nilipigania huo uhuru, nilichukuliwa nikiwa form two na nikafungwa jela miaka saba, kwa hivyo ninapozungumzia hayo mambo, ninajua kile kitu ninazugnumzia.

Lengo letu, tulikuwa tukipigania mambo matatu; ilikuwa ni kupigana na poverty, ignorance and diseases na mashamba yetu, hiyo ilikuwa lengo letu na huu umaskini ungemalizwa na kufanya kazi, na watu wa Kenya, sio kusema hawafanyi kazi, ni watu wenye bidii, lakini kazi yetu haijawahi kumaliza hii poverty kwa sababu gani? Tulitumia madaraka yetu vibaya.

Kwa hivyo ninge---? Katika Commission hii, yeyote ambaye ni mwanakenya, ambaye ametunukiwa na nchi yetu ya Kenya, atumie madaraka yake vizuri ili watoto wetu wayarithi matunda ya kazi yake.

Ya pili: Ignorance ingemaliswa na shule, masomo. Sasa ukiangalia masomo, imekuwa ni taabu. Wazee kama mimi, hata kuweka mtoto university inakuwa ni shida, hata ile uhuru tulipigania, inafikia kiwango unashindwa nilipigania nini; ikiwa kupeleka mtoto wangu kwa university ni shida. Kama ni hiyo loan anapatiwa, inakuwa ni shida kuipata, hata wengine wanamaliza form four na wanapita vizuri, unajaribu kutafuta loan, haupati.

Kwa hivyo hiyo loan itengese Commission ambayo itawafikiria watu na itachunguza kikamilifu background ya huyu mtoto ni namna gani; anatoka kwa jamaa maskini ama kwa jamaa tajiri, manake wengi wana haki ambao wnkosa hii nafasi na wangeendelea.

Na hiyo inakuwa tunapigana na hiyo ignorance.

Ya tatu ni habari ya magonjwa: Mahospitali yetu mengi ukienda hata hakuna ma blanketi wakati huu. Unaona mtu anapeleka mtoto wake mgonjwa pale kwa hospitali lakini hana kitu cha kujifunikia lakini kama mamlaka yangetumiwa vizuri, hiyo haingekuwako. Ni kwa sababu gani yamekuwa haya yote? Ni kwa sababu tumechukua mamlaka yote, tumemuekea mtu mmoja na mtu hata akiwa mzuri namna gani, hata mimi mkiniwekea mamlaka yote, nitafanya vile nipendavyo, hawezi kujua kazi yote.

Mimi ningependekeza ya kwamba, mamlaka ya Rais yapunguzwe. Hapo ndipo shida kubwa iko. Yes, sisemi ni mbaya, lakini hajui kila kitu, hakuna mtu anajua vitu vyote. Wakati anachagua ma ministers, kuwe na expert kutoka NGOs ambao wanachunguza huyu minister elimu yake ni kiwango fulani. Sasa kama mtu hajasomea--- fulani, na napatiwa ministry of health, atajua anafanya kazi gani?

Mwingine ni expert upande mwingine na amepolekwa ati ni wa agriculture na hajui agriculture ni nini, atatusaidia na nini?

Tukisaidia President wetu namna hiyo, hata kama ni wewe utakuwa President kesho, kazi yako itakuwa ni nzuri, maana yake unafanya kazi na experts, na kwa hivyo serikali inapata maendeleo.

Na hii habari ya poverty, Madam chair, irekebishwe, lakini tumekisea njia.

Ya pili, nyingine ningetaka kutaja hapa ni hizi commissions zinachaguliwa. Hizi commissions ziondolewe katika mkono wa Rais, hata kama atakuwa akiwataja, wawe wanakaguliwa na Bunge na kupitishwa maanake Commission ya mtu mmoja inafanya kazi ya mtu mmoja.

Kwa mfano, sasa nikiingia kama Judiciary, sasa Rais ndiye yuko na mamlaka ya kuchagua Chief Justice, sasa, hata kama sasa

nikishikwa leo, si atakuja tu kwa Chief justice aseme huyu mtu nataka kusikia amefungwa. Atakosaje kufanya namna hiyo? Si yeye ni binadamu kama mimi kwani ----? Na shetani? Anaweweza akaingwa na akafanya hivyo na huyu mtu akafungwa bure. Lakini kama Chief angekuwa amechaguliwa na Commission, angemwambia pole, tafadhali Rais, mimi simwoni huyu mtu na makosa. Lakini sasa kwa kuwa anajua amechaguliwa na yule, atahifadhi kazi yake, atafanya vile mkubwa anasema na hivyo judiciary yetu inakuwa si indepenent hata kidogo.

**Com. Salome Muigai:** Na huu Chair ni independent, kwa hivyo nakupa dakika ingine moja.

**Mr. Karanja:** Okay. Asante sana. Kwa hivyo kile kitu ningesisitiza hapo, hiyo mamlaka ipunguzwe, judiciary yetu iwe independent.

Parliament yetu ipewe mamlaka maanake Parliament, tunapeleka wajumbe wetu kule, na ndio tunawachagua. Isiwe tu inavunjwa kila wakati mtu atakavyo na kufungua mtu atakvyo. Wawe wanafuata mpango wao, wanajua ya kwamba kwa wakati huu tuko na Motion maalum na hatuwezi kwenda kwa likizo kabla hatujatimiza hii, wakitimiza wanaenda kwa leave, wanapumsika lakini sasa inafungwa tu ghafla. Hiyo inatunyima haki.

Langu la mwisho kwa hii dakika moja umeniongeza, nimeshukuru sana, nataka kusema hivi; kuna potential areas na zinasahauka sana, ninataka zifikiriwe. Kama sikosei, mnamo 1989 na 1990, katika Nyandarua District alone, ilikuwa ime contribute 1/5 of the of the total milk production within the country, nasema hiyo kwa sababu nilikuwa nikishughulika na habari ya kazi hiyo, kuna mahali niliona hiyo, na wakati hivyo, unaona ma lorry yamekwama kule barabarani, maziwa hayaendi na watu huko Nairobi wanataka maziwa na nchi yetu ni an agricultural country.

Ikiwa mahali vyakula vinatoka hatufikirii? Na mahali ambapo hakuna kitu kinatoka unapata ng'ombe wanalala kwa lami, kweli tunaelekea wapi? Tufikirie. Kama mchele unatoka Mwea, tutengeneze njia za Mwea tupate mchele, kama makonge yanatoka Kisumu tutengeneze barabara. Kama Maziwa ni Nyandarua tutengeneze barabara, ili ukienda Nairobi unapata maziwa na kila kitu.

Asante Madam, nimefurahia hiyo sana.

**Com. Salome Muigai:** Mwingine? Kwa hivyo ni namba kumi. Dakika tatu tafadhali.

**Speaker:** I am going to through it very fast.

Com. Salome Muigai: Please go through what nobody else has gone through.

**Speaker:** Very briefly.



**Com. Salome Muigai:** Okay.

**Njuguna Maina:** My name is Njuguna Maina, I would like to have the following;

One: In Kenya we should have the President and a Prime minister.

Two: That all ministers should be elected by Parliament and they should be qualified professionals in the ministries they head.

Three: The parliament should not amend the Act, and if it has to amend, this should be through a referendum.

The top posts of the government like the Judiciary should be elected, heads to such departments should be elected by Parliament.

That we should have free education for all Kenyan children, especially primary school education.

That though we have the right of free worship, this should be only to worship divinity and not evil.

That the minister for agriculture should guide the government on where to give input and output subsidy so that we can prevent the fall of the agricultural sector.

That the date for election, both for the president, the prime minister and the local government should be on a fixed and not to be decided by one person, so we should be knowing the date if it is 27<sup>th</sup> of December, so we should know that after this month we are going for election.

**Com. Salome Muigai:** One more minute.

**Mr. Maina:** Lastly, for all public servants, those who get salaries from the treasury, there should be no public servant who earns more than fifty times the lowest paid person, like now we have having the MP being paid half a million while we have professionals being paid three thousand shillings.

Thank you.

**Com Salome Muigai:** Thank you so much. Number eleven?

**Joseph Nderitu:** My names are Joseph Nderitu. Madam Chair, with your consent, I will go through my memorandum very quickly. I will skip some of the points.

**Com. Salome Muigai:** I just want you to highlight three point because you got three minutes.

**Mr. Nderitu:** The constitution should have an introduction stating state values and principles.

We should have a parliamentary system of government.

The Prime minister and the President should be elected directly by the electorate.

The Prime minister should head the government while the President should be ceremonial with their functions well defined.

Both the prime minister and the president should be subjected to the law.

The elections should be elected every four years, i.e the general election.

The election of president, prime minister,MPs and civic leaders should be held separately.

The election date should be clearly spelt in each election year .

Unlike the present procedure where the president are appointed by the president, ministers should be employed by the government; they should be professionally qualified and they should be subjected to to vetting by the parliament.

The parliament should have power and authority to sack and fire the said ministers if they fail to deliver.

The ministries should be dlimited to fifteen to avoid duplication of duties and conflict of interest.

The ministers should not be members of parliament. They should be government to avoid political inclination.

The appointment of judges and indeed the Judicial as a whole should be vetted by the parliament.

Mayors and chairmen of the county councils should elected directly by the people.

The councils should be self-autonomous and delinked from the central government.

Like the MPs, if councilors fail to meet the people's expectation, they should be recalled through an electoral referendum.

Basic rights: Every Kenyan citizen should be entitled by the constitution, access to land, education, health, security, shelter food and employment.

In case there are no job opportunities, those unemployed should get remuneration from the social kitty that will be in place in the constitution.

In Old age, the citizens who have been caught up by age should benefit from a welfare social security fund entrenched in the constitution.

On the culture, priority of each Kenyan ethnic group has got its culture. The constitution should cater for each culture. We should adopt or discard the so-called mighty culture that allows some communities to carry weapons in their daily activities, failure to which the constitution should encourage all communities to dig back to their cultures and identify what is lacking and adopt the same.

The constitution should provide compulsory and free education up to form four level.

The constitution should provide access to all Kenyans, the content of the constitution, through continuous flow to make the citizen----- (tape complete)

..... coming constitution. The perpetrator of corruption should be gazetted and the identity circulated in media houses from time to time – that is, during their life time and after death.

The Constitution should provide a red-book, not black madam sir, because we have black....

**Com. Muigai:** Wind up.

**Mr. Nderitu:** Yes, I am winding up, okay. The Constitution should provide a red-book where the perpetrators' identities should be entered to go down the history books. The perpetrators of the same should be barred from holding public offices, and if need be, be put under house arrest. They should be made to pay the amount stolen first time and other penalties that the committee may deem fit.

Lastly, madam, courts of the public ..... (inaudible) and freedom of speech: I do propose that our Government should establish sanctuary places where people will be ..... (inaudible) and be ..... (inaudible) public lectures on the topic that they desire with government immunity. Thank you madam.

**Com. Muigai:** ..... (inaudible)

**Pauline Wairimu Kariuki:** *(speaking in Kikuyu)*

**Translator:** We have got very many problems in this area,

**Pauline Wairimu Kariuki:** *(speaking in Kikuyu)*

**Translator:** And mostly, I want to talk about the problems concerning roads.

**Com. Muigai:** ..... (inaudible)

**Pauline Wairimu Kariuki:** *(speaking in Kikuyu)*

**Translator:** An expected mother died in our area because there was no means of taking her to the hospital.

**Pauline Wairimu Kariuki:** *(speaking in Kikuyu)*

**Translator:** Because the roads that we are talking about are catered for by the county council, and now we are more confused as to how the county council is helping us.

**Pauline Wairimu Kariuki:** *(speaking in Kikuyu)*

**Translator:** We don't have markets for our milk because the KCC was helping us, nowadays, we don't have KCC, therefore, milk does not have anywhere to go.

**Pauline Wairimu Kariuki:** *(speaking in Kikuyu)*

**Translator:** We understand that the sugar that we are using nowadays comes from abroad and there are those ones who are growing sugarcane, they are there, and they are demanding their money from the factory.

**Pauline Wairimu Kariuki:** *(speaking in Kikuyu)*

**Translator:** We have sugar in our country Kenya, and, why the sugar is being imported, we don't know as yet.

**Pauline Wairimu Kariuki:** *(speaking in Kikuyu)*

**Translator:** The services which were given by our hospitals, are now not being given, and myself, I have a disease which has troubled me for thirteen years.

**Pauline Wairimu Kariuki:** *(speaking in Kikuyu)*

**Translator:** The water supply is not taking place here, because, we still take tapped water and we had put the pipes for this water, and now, we don't have water.

**Pauline Wairimu Kariuki:** *(speaking in Kikuyu)*

**Translator:** We are confused by this damage, because, we do not have anybody who is taking our problems ahead and we have those problems.

**Pauline Wairimu Kariuki:** *(speaking in Kikuyu)*

**Translator:** We have educated our children especially myself have got a form IV leaver, and attended an interview and she passed. Now, I do not have – she is just at home.

**Pauline Wairimu Kariuki:** *(speaking in Kikuyu)*

**Translator:** Because of bribery for that job.

**Pauline Wairimu Kariuki:** *(speaking in Kikuyu)*

**Translator:** Now we request you the people incharge of the Constitution Review to take our problems ahead because we have the problems.

**Pauline Wairimu Kariuki:** *(speaking in Kikuyu)*

**Translator:** The posts for power, were brought here by Kenya Power & Lighting, and now, we don't know we do not know where the ..... (inaudible) went.

**Pauline Wairimu Kariuki:** *(speaking in Kikuyu)*

**Translator:** The county council – the rate of Kshs.40/- every year, and we don't know where this money goes or what it does.

**Pauline Wairimu Kariuki:** *(speaking in Kikuyu)*

**Translator:** We want you to see to it that our factories are not operational, and we would like them to be revived so that we can use them.

**Pauline Wairimu Kariuki:** *(speaking in Kikuyu)*

**Translator:** I would like you now to consider all what I have said, and especially the hospitals that we have, because the diseases are still around with us.

**Pauline Wairimu Kariuki:** *(speaking in Kikuyu)*

**Rev. Father Anthony Munene Mutune:** ..... (inaudible) which involves very much experiences here in Kenya, unlike other countries in the Constitution, where we have even churchmen being appointed as nominated Members of Parliament, and here in Kenya we really missed that, that some of us should be appointed as nominated Members of Parliament, because, the church has been in the forefront of development.

And if we go to the education sector, provision of health facilities, and also charity to the less fortunate, we can say that the church has been the biggest ..... (inaudible), even more than the Government. So, ..... (inaudible) to the church, all of us, I don't think there is any Member of Parliament who is ..... (inaudible), or maybe has ..... (inaudible) facilities. .... (inaudible) one from the Catholic Church, one from the PCEA and one Muslim, I think they can represent us, because, they are in ..... (inaudible) in the grassroots. We know the problems of our people, we can be the voice of the voiceless.

Another thing, we have been the place of refugee. When there are activities of crisis in this country, when we have tribal clashes. If there are people who can give you the right information of what is happening, it is the priest who is representing the other Catholic priests in the church, because, we can get the right information, write it out from the grassroots. Because, these people who get these problems, they ..... (inaudible). When it comes to cases of farming, ..... (inaudible), personal related issues, I can tell you that when people come there, I have no school fees, I don't have this or that. If you go to Nairobi, people from farm areas, ..... (inaudible) know better their problems.

Domestic violence. How many people come to us because of domestic violence? And I should think we have somebody who can be a ..... (inaudible), today, it has reached a point of the church. .... (inaudible).

Another thing that I would like to say, is that, we have been sidelined, although we are educated for ..... (inaudible) for development. And we are sidelined, because, we have no voice in Parliament.

Another thing I would like to say is a mechanism which should be the mechanism of appointment. It should just be done like the way it is done with the military, where the catholic church, can appoint through the Kenya for Peace Conference – we have representatives, the chaplains for ..... (inaudible). But now I am talking of a priest being a Member of Parliament, a minister from a protestant church being a Member of Parliament, and we know he is there. What is happening in our country, what we are fighting – we are breaking a silence that has always been there. But we are unable to break it, the silence says that we have people with power, but they have no compassion.

God is Almighty, and he being almighty, it is because his ..... (inaudible) foot that we are not fearful of his ..... (inaudible).

In the same way we have people with power, but we have no ..... (inaudible). Ministers who have no mercy, we have power in power who are mighty, but yet they are not compassionate at all, and these are people of ..... (inaudible) who can .....(inaudible) Parliament. Thank you very much.

**Com. Muigai:** There are some questions for you Father.

**Com. Kangu:** Now, Father, I appreciate that the religious organizations are at the grassroots and closer to the people. I also appreciate we have leaders who are powerful but are not compassionate. But I would like to know whether there is something else that makes some people turn to the church when they are hopeless rather than the leaders. What is this psychology? Maybe if we understood it we can find out how to create it in the leaders because I do not understand why you would have a councilor, you have a Chief, a Village Elder, but when there is a problem they would rather come to you than go to any of them.

Com. There is one more. Now is there any rule for such a decision they pass especially to come in church from contesting directly with the other ..... (inaudible)

Another one, we have representatives in parliament those who ..... (inaudible) those are appointed. Those are .....(inaudible) from various countries. Don't you think those can ..... (inaudible) of the churches or you only need classic .....(inaudible)

**Fr. Mutune:** For me I need the Clergy ..... (inaudible) should be appointed. .... (inaudible) what I am saying is that it is true that what we are fighting is that we have created a structure which has given power and yet these people have no compassion. We have created structures that have made people ..... and yet we have no morality. Just like in politics, some people excel because they are quite immoral, they are liars.

Another thing you will find, people with strength, the strength of money but yet they have no sight. They have no sight and vision where they are taking this country. So that is why we are saying that the Constitution which we would like made should have sanctions which will make people .....(inaudible) But if the strength of money makes you lose sight and you mislead others by your blind ideas you have to resign the position. Then let us come ..... (inaudible)

Another thing that I really love that this commission should also create is that it is always checks and balances to some of these .....(inaudible). And one of these is if we had, during the last parties a priest who present the interest of the Catholic Church, I think he could have given the truth about the problems which are right there in the land clash zones. Because he is in touch with that Priest he is in touch with that Priest ..... People who are struggling and he is getting first hand

information. But some MPs just get second hand information and then they go to parliament that you see Jack. .... lies based upon lies. And that is what is given to the people. And when I come to this question, the provision whether the church-state relations allows that any Priest can vie .....(inaudible) But in some countries like Italy, they are .....(inaudible) There are provisions into which they have representatives from the country. Educated men who are always there to protect the interest of the church. Because now if we talk about what are we protecting. The churches in Kenya, we are talking that they are holding about may be ..... (inaudible) of our wealth in this country. Is it true? If you go to Britain and talk about the Anglican Church, that is feared because of its wealth. But is wealth only related to the doctrines? When they are there they always protect some of this interest and some of the churches that they run.

Another thing that is coming up and that is the point that I forego, is a law like exemption from taxation, levies and duty. There has been this problem here in Central Kenya before even Kenyatta said it was free. We could get anything for the essential goods and services that we offer to our people. And when this other system came, and whenever the Bishop would write a letter containing some facts, you would see them being denied to get free of duties. And when things are cooled down he is doing suggestion.

Why can't the Law state with that constancy that we can this free because ..... (inaudible) That is one new idea that I would like to tell you that it is the Constitution to give this provision that the Church through the .....(inaudible), the Protestants through the arm of the NCCK, the Moslem through the SUPIKEM they can choose their own who can represent their own interest in the parliament. And the last point which I have forgotten,

**Interjection:** Inaudible.

**Fr. Mutune:** Thank you so much. And there is lunch for us here. (laughter)

**Com. Muigai:** Number twelve. Mama we ritwa riaku ritiuma ho. Nduma na namba no nowarie, niwe ugukorwo wi wa muico.

**Charles Ngunjiri:** I am Charles Ngunjiri. My names are Charles Ngunjiri. First, I would like to talk about the language used in the Constitution. We would like the Constitution to have a simplified language that can be understood by all Kenyans. The Constitution should also be made available to the Citizen.

Constitutional Supremacy. The Constitution exists mainly to protect the right of the Citizen.

**Interjection:** Please can you highlight the ... I hope you are going to give us that memorandum.



**Speaker:** Yes I will give you. And therefore it would be necessary for the Citizen to amend the constitution through a referendum because if we are the people making the Constitution we cannot give it again to a few people again to amend. It would add up to the same thing again. The other thing is on National Security.

I propose that we have an independent employment commission or Bureau. This will identify all the jobs available, categorise the jobs, award the salaries for all of them including members of parliament, Councilors, the military, teachers and all the civil servants so that the discrepancies that we are having will be coordinated from one central point.

**Structures and Systems of Government.** I would propose we have a Unitary System of government. A President should also be universally accepted and should acquire 51% total votes together with 25% votes from each province.

On the Legislature may I would say Parliament must be supreme over the Executive.

The qualifications of the MPs should be changed from 21 years to 18 years of age. Reason is that if a person of 18 years is capable of making a decision to choose an MP, then we are wondering why he is not capable of leading. I think we should change that from 21 years to 18 years. The standard of education should be at least “O” level. Then the Constitution should also allow for coalition of government. The dominant political party in terms of a set number of MPs is considered.

Parliament should also have power to remove the Executive through a vote of ‘no confidence’ or through proposing a referendum by a vote of 65%. In here I should also say that minor amendments even in the Constitution should be made by 65% so that we avoid where rich MPs or rich Executives buy off some MPs.

We should also have a Parliamentary Commission which may be ..... (inaudible) what the parliament has passed is being implemented.

The tenure of office of the President should be two terms of four years each. The President should also name a running mate – a Vice President.

**Interjection:** (inaudible)

**Mr Ngunjiri:** I am winding up. The Provincial Administration should also go and on education, I think, we should have an education commission which would oversee the Development of the system of education, curriculum, free education from class one to eight and even subject to be taught including Constitution and Civic education. The ..... (inaudible) should also be included.

On Local Government the minister should not have powers to dissolve the local government. He can only do so by proposing to the electorate of those areas involved. Thank you very much.

**Com. Muigai:** You are most welcome. Huyu mama na ndiyo mwisho. Ni mama gani? Kwa nini ni ya mwisho? Ebu zungumuzeni niambie.

**Mr Ngunjiri:** I am sorry I forgotten that we should have Human Rights .....

**Com. Muigai:** Give me your memorandum. We will read every word. Niuriku uraria inyueri tondu ndirenda umwe, atwaririe na atuhingire na mahoya. One of you to present. utazungumuza utufungie na maombi. Lakini kwanza ni dakika moja. Endelea.

**Hannah Wanjiru:** Njitagwo Hannah Wanjiru,

**Translator:** I am Hannah Wanjiru.

**Mama Hannah:** Gwitu ni guku.

**Translator:** This is my place.

**Mama Hannah:** Wendo wakwa ni Katiba ikigarurwo tondu ithui guku nituatwaraga iria K.C.C na riu tutituaraga, iria riumaga murimo ndiui kana guku gwitu ni kuaga riagire kuoneka tondu riuragira guku tuhuragirwo guku barabara.

**Translator:** I am talking about the milk that we produce here. We used to sell our milk but nowadays we do not sell because

**Mama Hannah:** Irio citu itiguragwo na twina ateteri na ndiui kana nimatwaragiria tondu tutimonaga.

**Translator:** Our crops that we grow here are never bought outside as we used to do, because we do not know whether there is anybody who sends our problems to wherever we could get assistance.

**Mama Hannah:** Riu thina witu ni ati akorwo ni uhoro wa barabara, tutionaga onatutionaga haria tungiumiriria ona muruaru kana irio citu.

**Translator:** Our problems usually come from the side of roads because our roads here are impassable and we cannot be able to transport our crops.

**Mama Hannah:** Ingiuga atongoria aria tuguthura riu angorwo ni abunge tumahe miaka iri na nuthu nigetha mathii magacoka narua nigetha tumorie wathi uria tuguthondekerwo na tutiwonaga.

**Translator:** I would suggest that the leaders that we are going to elect this time, in our new constitution to stay for two and a half years and then we see what they have done for us.

**Mama Hannah:** Nanimarimenyaga mathina maitu.

**Translator:** For that month they will be able to be coming home and to know our problems.

**Mama Hannah:** Korwo Ngai etikira gutuigua nigetha maturirikane atongoria aria tuathura nigetha irio ciitu itige kuurira migunda na ithui tutige kuona thina ta ithui twakura tutirona atwariria.

**Translator:** We pray to God that we get good leaders who will send our problems to whoever is concerned because we are still getting old and we are not strong.

**Mama Hannah:** Kiama kiria giguikara thi kiuge irio ciitu cikuagwo citige kugirwo murimo, ciitu cikamba kugurwo.

**Translator:** We want the government to discourage the importation of the crops that we have here, so that we can be able to sell ours.

**Mama Hannah:** Uguo noguo ingienda kuuga.

**Translator:** That is all I wanted to say.

**Com. Muigai:** Asante sana Mama Hannah. Ningetaka kusema kikao cha Marekebisha ya Katiba cha Kipipiri siku ya kwanza kimekuja kuwa mwisho. Na ningetaka kuwashukuru sana wakaaji wa Kipipiri kwa kutukaribisha na kesho tutakuwa Geta. Kwa hivyo mwenye anasikia kweli ana jambo lenye inamkera na angetaka sana kulieleza, tafadhali ungekuja Geta. Lakini kwa vile mnajua mmezungumuzia habari ya barabara zenu, na sisi tungetaka kurudi kama bado tunaweza kuona barabara ndiyo asubuhi na mapema tena tuelekee Geta. Kwa hivyo ningetaka kuwashukuru sana na niseme pole kwa wale wenye hawakupata nafasi ya kuzungumuza. Na niombe moja wenu atufungie mkutano kwa maombi. Mama Hannah unataka kutuombea?

**Com. Muigai:** Na ngukihoya na Gikuyu, hoyo na Gikuyu Ngai niaiguaga.

**Mama Hannah:** Niwega muno Mwathani Ngai mwene hinya wothe niundu wa ihinda riri riothe umenyete nitugakorwo thiini wa giikaro giki tukienda guthondeka bururi uyu witu ni tondu nitungienda Ngai witu aria othe muguthura, nigetha uthure ari we na wuikarire giti ari we ni tondu waikarira giti Ngai witu noturiona wega. Nao aya mokite gutwiciria mwathani nitungikwira, uhoro wa guthii na utuku kana uhoro wa gucoka ciikaroini ciao, uhoro wa kumeciria ona kumararamiria muhaka. Mwathani noturamaneana moko ini maku ni tondu we niwe Ngai, niwe njira na ningi niwe uhoro wa ma. Wititwo Ngai nitondu niui

