

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

**CONSTITUENCY PUBLIC HEARINGS, MATHIOYA CONSTITUENCY,
HELD AT KIRIAINI GIRLS SCHOOL**

ON

19TH APRIL 2002

PROCEEDINGS OF CONSTITUENCY PUBLIC HEARINGS, MATHIOYA CONSTITUENCY HELD ON 19TH APRIL, 2002 AT KIRIANI GIRLS HALL

Present:

Mr. Riunga Raiji - Commissioner
Dr. Mohamend Swazuri - Commissioner
Mrs. Abida Ali-Aroni - Commissioner

Secretariat Staff In Attendance:

Irungu Ndirangu - Program Office
Lilian Cherotich - Ass. Program Officer
Jackline Nyamoo - Verbatim Recorder
Rose Samba - Sign Language Interpreter

The meeting was called to order at 9.00 am with Com. Abida Ali in the chair.

Com. Abida Ali-Aroni: Kabla hatunjaanza Kazi yetu ya leo, tungewaomba mje mbele wale ambao wako nyuma. Tafadhali, halafu ikiwezekana, kama kuna mchungaji aje aweze kutuanzishia kwa maombi, ikiwa hakuna mchungaji, mtu yeyote ajitokeze kutuanzishia kazi hii yetu kwa maombi tafadhali. Can we have a volunteer for prayers? Asante. Where is the microphone please? Where is the man who is incharge of the microphone? But Irungu you can help us?

Volunteer: Habari zenu? siku ya leo tumekuja hapa kwa Constitution review ambaye serikali inataka sisi tupeane maoni yetu juu ya Katiba. Kwa hivyo, tunataka sasa kila mtu, afunge macho yake na tuombe.

Tuombe. Mwenyezi Mungu asante sana kwa kutulete hapa na kuleta hawa wengine ma-Commissioners ili tuwe pamoja nao, kwa kuelekeza nchi yetu Katiba njia ile takatifu ya maendeleo na kwa hivyo kila mmoja wetu anatakiwa kutoa maono yake na pia nao maCommissioner wanatakiwa kuwa wafanye vile walikuja kufanya. Tunakuomba uje hapa, uteremke uwe pamoja na sisi wakati huu wa asubuhi na wakati tutakapomaliza na tukisha maliza Mungu wetu, uturudishe kila mtu mahali pake tukiwa nawe pamoja. Kwa Jina la Mungu na Baba Mtakatifu, Amen.

Com. Abida Ali-Aroni: Kwa wakati huu, ningependa niwa-julishe wanatume ambao wamekuja kwa sehemu hii yenu kwa siku ya leo kuchukua maoni , halafu tutawapatia utaratibu ambao tutafuata katika kufanya kazi hii ya siku ya leo. Kwa upande wangu wa kushoto, the left side, haya tusalimie halafu uende mzee asante. Kwa upande wa kushoto ni Commissioner Riunga Raiji, upande wa kulia ni Commissioner Dr. Mohamed Swazuri, na mimi naitwa Abida Ali Aroni.

Na kwa utaratibu ambao tutaufuata kwa siku ya leo ni kwamba wote ambao wangetaka kutoa maoni tunawaomba wajiandikishe pale kwenye mlango, ili tuweze kupata majina yetu kwa sababu tutakuwa tunaita majina kulingana na vile tumefika na kujiandikisha. Watu ambao watakuwa na written memorandum, hao watakuwa na maoni ambayo wameandika, tutawapa dakika tano peke yake kufanya summary, ya mambo ambayo yako katika karatasi kwa sababu baadaye, tutakuwa na nafasi ya kusoma hizo karatasi. Watu ambao wanazungumza tutawapa dakika saba kuweza kuzungumza ili kila mtu ambaye atafika, apate nafasi ya kuzungumza. Na tutawahitaji kufika hapa, kuketi na we need a seat down there please Mr Irungu, asante., kutoa maoni na baadaye ikiwa kuma mambo ambayo hatukuelewa, itatubidi tuulize swali moja au mbili kuweza kuelewa zaidi , maoni ambayo tumepewa.

Asanteni, na nafikiria sasa, tungetaka kuanza. Please, could you help us, put the chair down, you can put the table facing this way so that the wananchi can see them. Somebody help Irungu to turn the table please? Na pia jambo lingine ni kwamba, tutatumia lugha ya Kiswahili na Kingereza, lakini ikiwa kuna mtu ambaye ni lazima atumie lugha zingine, tutajaribu kutafsiri kwa sababu kuna wanakamati ambao hawaelewi lugha ya kikuyu. Na kwa hayo machache tungetaka kukanza na bwana Andrew Mucheni Kanyingi, tafadhali. Have a seat, unayo written memorandum? Okay, please five minutes to highlight the main points.

Andrew Mucheni Kanyingi: Okay, while considering the Constitution, please put in mind the following.

- The powers of the President should be reduced .
- The laws to give security to the residents.
- All kinds of graft and corruption to be dealt with severely.
- Police brutality to be eradicated. Freedom of speeches and other freedom to be guaranteed.
- To secure the economy of the country for example farming and other infrastructure to be revived.
- Free and fair elections. Violence in elections to be dealt with severely.

- An independent Electoral Commission, the Chairman and Commissioners should be vetted by Parliament and not the President.
- Human rights to be enforced, all kinds of human torture to be condemned.
- The laws to be respected and not abused.
- Chiefs and assistant chiefs should be elected by the public

Hayo ndio maoni ambayo niko nayo kwa hii karatasi.

Andrew Mucheni Kanyingi : Okay thank you very much the Commissioners, and my listeners.

- The Constitution itself should have its own security. By this I mean, the American Constitution which is well over 200 years has only changed minimally. While the Kenyans Constitution which is only 38 years has changed so many times. So the Constitution itself should have its own security so that nobody tampers with it.
- The Constitution booklet should be available and easily affordable for most people to get it.
- I can also take it a bit further, I meant the Constitution book let should be available and easily affordable for most people to get it. In fact, people even attain age 40 without seeing it.
- Education and medical services should be provided free of charge to all Kenyans.
- Chief Justice, Attorney General and Electoral Commission chairman should be appointed by Parliamentary team and not by the President.
- There should be a limit to the number of political parties
- There should be a Parliamentary committee to veto Presidential nomination. The Parliamentary committee should be made up of all political parties.

- Provincial administration should be scrapped. And be replaced by councils of elders and church leaders.
- There should be a unitary system of government in Kenya. Majimbo or federalism would not fit in Kenya, because of what has happened in the 38 years Kenya has been independent.
- Court cases should not last for more than six months. Some people are even dying in cells without going to the courts. Murder cases should not exceed one year.
- Constituencies should be based on equal voters population, equal population/voters so that this can minimize rigging. Ballot papers should be counted at the polling station to avoid chances of rigging.
- Currency notes and coins should not bear the name of any President. A fitting portraits or emblem should be shown, together with the country's coat of arms. The Constitution should have a preamble, as a prayer dedicating the Constitution and the country to God.
- The Vice President should be elected by masses to avoid let down as has been in Kenya.
- Presidential powers should be drastically reduced and the President should not be above the law and the Parliament. In this case, he will be cautious in dealing with national issues. There should also be a limit to the maximum age of the President. And that is all.

Com. Raiji: What is your proposal on the President's age limit?

Andrew Mucheni Kanyingi: My proposal is 75 years.

Com. Abida Ali-Aroni: What is your proposal on power on decentralization in reference to majimboism?

Andrew Mucheni Kanyingi: What I see in majimboism, or federalism, in Kenya there has been a lot of what we call tribalism. It has been so much emphasized that if we now have a majimbo, system of government, this will have negative effects.

Com. Abida Ali-Aroni: We appreciate your view on the unitary system of government but since there has been a cry all over the country that powers of the President should be trimmed, how do we devolve power to the people?

Andrew Mucheni Kanyingi: Yes just as it is now. We have provinces, we have districts, we have divisions, we have locations and we have sub locations. The power should go in the same way but instead of having the Provincial Commissioners, the DCs the DOs, we have councils of elders.

Com. Abida Ali-Aroni: Thank you very much. Next we have Mwangi Muchiki.

Mr. Mwangi Muchiki: Commissioners, my fellow listeners my points are very few and very brief, and some of them, it is as if it's a repetition.

- First is about our currencies. It should not bear one's portrait as has been said because if we keep on changing the portraits on our currency, money, that will cost us a lot of money by changing for every head of state that comes. Also, I would like to add our national flag and our national anthem, so that we don't keep on changing these things because they are national. Whoever comes should use the existing one instead of changing from time to time.
- Poverty: It is very bad and very ridiculous to see that we have a very good country Kenya and always, we are asking for help especially when it comes to dry seasons while we have a lot of water here in Kenya. We have lakes, whereby our government can pump water from these lakes to dry areas. If a company like Pipeline can pump oil petrol from Mombasa to Kisumu, I cannot see why our government cannot supply almost the whole of Kenya with water, piped water. By so doing we will not have famine here in Kenya. And we will not want any help from World Bank.
- On tribalism, here in Kenya it is very easy to eradicate tribalism but since tribalism here in Kenya starts from top, it will be very difficult to eradicate tribalism. We can not eradicate it from bottom going to the top. We can eradicate tribalism starting from top coming down. That will be easy.
- On corruption, I think our courts sometimes do play part to encourage corruption. This is because once a suspect is taken to court and he denies the charges is either asked to bill him/herself out by that some of money, the surety of the same. Otherwise if you don't bail yourself out, you will have to go in for at least two weeks so to avoid all these inconvenience one will agree before he is taken to court to part with some few shillings to avoid being locked in. As I said, mine is very brief and that is all I have to say this morning. Thank you very much.

Com. Abida Ali-Aroni: Thank you. You have talked on corruption. what would you like our Constitution to do?

Mr Mwangi: I would like the Constitution to deal with corruption starting from the top coming down.

Com. Abida Ali-Aroni: How?

Mr. Mwangi: I wont say but...

Com. Abida Ali-Aroni: I am sure the Kenyans will tell us how. Thank you. Do we have a person by the name Ndugu Githae?

Ndungu Githae: I am the one but I have nothing to suggest I only registered

Com. Abida Ali-Aroni: Those who are registering, excuse me at the back, the ladies registering, you do not register attendants you register those who want to give views. Tafadhali, we are not counting attendants, we want a register of people who are giving views. Thank you. Next can we have Nahashon Mbumbui, Peter Kinyari Kihumbu, you people have no views and we have come all the way to take your views? Peter Kinyari, no views, Jairus N. Mwangi. Are you. excuse me, you are Jairus M. Mwangi and you are who?

Interjection(inaudible) both of you registered?

Just a moment. We want Jairus A. Mwangi, but you din't even, okay, but we have to take you. We will get you but the one who came first. And then we will reach because you we are going according to registration. Thank you. Okay, no problem.

Jairus Mwangi: Thank you Commissioners and fellow participants, mine is on generation and distribution of resources. People at Constitutional level, should make the decision on income generation, based on the locally available resources in their area. And the central government should make a direct kick back from the ..this day on proportion,.60% of the tax we collect from that area. This will make the people of every region to work harder and make more resources. Thank you

Com. Abida Ali-Aroni: Thank you, please register. Peter K. Macharia. Gerald you will have to wait until we reach your name, we have a register according to how people are coming. Be patient, we will listen to you. Thank you

Peter K. Macharia: Commissioners and my colleagues I am going to be very brief because all the points I had have been said.

Com. Abida Ali-Aroni: Mr Macharia, don't worry we have come to hear your views. Tell us all your views whether they

have been repeated or not.

Macharia: Okay , now, my first point is that I am an assistant chief from this location and I would request the government to consider pensioners in the Constitution so that they can increase their pension accordingly.

- Point two, we have coffee, tea, milk and other farm produce, which of course we rely on. I would request Commission of the Constitutional review to put in place that we are properly and well paid so that families are catered for.
- Point three, is on education. It should be free from the lower grades to the university level.
- Health care should be free and every member of the public should be catered for in the whole of Kenya. Thank you.

Com. Abida Ali-Aroni: Asante, halafu register pale tafadhali. Joshua Njau.

Joshua Njau: nataka nikae hapa ndio nitasema vizuri.

- President amepewa powers nyingi katika nchi yetu kwa hivyo tunataka President sio ati awe above the law.
- Ya pili, pia polisi nao wamekuwa wakihangaisha watu , wamechukua sheria mikononi, na wakitumia mamlaka yao kuwanyanyasa watu. Kwa hivyo, tunataka hiyo pia irekebishwe
- Ya tatu, headmen na chief, tungetaka wawe wakichaguliwa na wananchi.
- Ijambo lingine ni masomo na hospitali ziwe ni za bure kwa watu wote katika nchi yetu.

Com.Abida Ali: Asante, Stephen Macharia

Stephen Macharia: Thank you the Commissioners, I want to mention just a few points.

- I would like the offices of the embassies to be decentralized. All of them should not be in one place.

- I would also like the ministers to be elected by people and not the President
- The President should not be in any way above the law
- The broadcasting systems in Kenya, or the people who would like to start broadcasting systems in Kenya, should be licensed immediately.
- The President should be a holder of a degree and should serve two terms of 4 years each.
- The President should be less than 65 years of age. If not, he should not be the President. Thank you

Com. Abida Ali-Aroni: Do not go please, kaa kwanza. Watu ambao wameingia, utaratibu ni kwamba, ukitoa views unasubiri kuona kama tunataka clarification kwa sababu ukitupatia maoni ambayo hatukuelewa, itakuwa sio sawa. Tafadhali, one question, you said you would like to see all embassies decentralized. What do you mean by this?

Stephen Macharia: I mean that the offices should not all be in Nairobi. Some should be in the provinces

Com. Abida Ali-Aroni: How do you propose we do that, do we just are you proposing that our country does that? Or do we give those embassies a choice.

Stephen Macharia: They choose

Com. Abida Ali-Aroni: They chose where to go.

Stephen Macharia: But all of them should not be in one place

Com. Abida Ali-Aroni: Thank you. Please let us have order. Mzee, we shall call you if you have registered. Can we have John Muraya Macharia.

John Muraya Macharia: Ma-Commissioners, na wananchi wa kawaida, yangu ni machache.

- Hawa machief, wachaguliwe directly na wananchi kwa maana wamekuwa watu abao hawafanyi mambo sawa sawa vile wananchi wanataka. Kwa hivyo subchief, na ma-chief wawe wakichaguliwa na wananchi

- Second, upande wa utawala wa serikali, police huhangaisha watu. Kwa hivyo, tupatiwe sheriakusema tumeshikwa sababu gani. Sio sababu ati wewe ni mlevi peke yake. Umeshikwa kwa sheria gani? Lakini sio kusema ati mtu ameshikwa kwa ulevi peke yake.
- Nyingine ni mambo ya mkulima. Hapa kwetu sisi ni wakulima. Na sheria nyingine tunatumia za ukulima zilikuwa zikitumiwa hata wakati wa ukoloni. Hata tungependa serikali iondoe taxation kwa wakulima. Tunatoa kodi na hatujui pesa maana inatumika namna gani. Serikali inaumiza wakulima sana. Wakulima tunaumia.
- Hiyo nyingine ni Rais awe hana madaraka sana, na asiwe na uwezo wa ku-appoint mtu kama minister. Unapata mtu ameshindwa kuchaguliwa kwa kuwa, halafu Rais anakuja ana-muappoint. Hiyo nguvu au uwezo, Rais anyimwe madaraka, anyimwe kabisa. Ni hayo tu machache,asanteni.

Com. Swazuri: Hawa ma-chief na assistant chief, wengi wanasema tuwachague lakini hamujatwambia tuwachague kila baada ya miaka mingapi na wakae kwa miaka mingapi?

John Muraya: Wawe wanakaa miaka mitano kama kawaida.

Com Raiji: Umesema kwamba Rais anyimwe madaraka ya kuteuwa mawaziri. Je, ungependekeza hawa watu wachaguliwe namna gani?

John Muraya: Kama vile mtu amechaguliwa wakati wa kuchaguliwa. Sababu Rais anachagua mtu ambaye hakuwa amechaguliwa na wananchi. Sasa unaona watu kuwa hata uahguzi ni wa bure tu.

Com. Abida Ali-Aroni: Na pia umesema Rais asipewe madaraka, ni madaraka ya aina gani unazungumzia?

Speaker: Tuzungumzia madaraka tu yaani yeye Chancellor wa University, yeye ni Commander in Chief wa majeshi. (inaudible)

Com. Abida Ali-Aroni: Asante tafadhali jiandikishe pale. The next one is John Maina Mwangi. Bwana John Maina Mwangi

John Maina Mwangi: Yangu yale ningesema, yarekebishwe ni haya mambo ya ma-chief na ma-headmen. Wawe wakichaguliwa na wananchi. Na wawe wakipewa kipindi kile watakuwa wakitawala kama miaka tano kama vile wabunge wanakaa.

Ya pili ni hii mambo ya Rais. Rais awe akikaa kwa kipindi ya miaka tano achaguliwe badala ya miaka kumi, kipindi chake kiishie hapo tupate Rais mwingine. Ni hayo tu.

Com. Abida Asante, ujandikishe. Moses M. Moses jina lako kamili ni nani?

Moses M: Hallo listeners, my points are:-

- That licenses for the business should proportionally coincide with the business dealt with, and liberalization should be abolished.
- The matter of social wear. Those who design clothes should be controlled by the government so that they can look into the designs which are being made by those industries. Because some of the designs that are coming out, they are interfering with social clothes here that is public disturbance. That is why you see the makangas wanatoa wengine nguo. Because the designs which are coming out, they are not proportionally coinciding and comprehending with the situation of the public.

I think that is all what I have.

Com. Abida Ali-Aroni: We may want to clarify something with you, now, when you talk about the controlling of design, I don't think I understand very well, you would like the government to be able to tell us what sort of uniform we as Kenyans need to wear or what are you talking about?

Moses M: Lets say the government should come up with a code of dressing, to avoid some incidents in our towns, wengine wamevaa mini skirts and watu wanavaa vile wanataka. To control that, government inasema the kind of clothes we should wear.

Com. Raiji. I just want to ask you, I get your point that you are basically proposing that Kenyans be able to dress taking into account our cultural values, but there are those who argue that they have a freedom to dress in whatever manner they like. What shall we do, shall we not be interfering with their freedom to wear whatever they want?

Moses M: I am here so that we can abolish that freedom, so that we can control prostitution in the country.

Com. Abida Ali-Aroni: John Gichuhi

John Gichuhi: Asante sana, yangu ni ya upande ya barabara. Police anaenda kwa barabara kila asubuhi kuchukua hongo ni mtu amehandikwa na serikali. Hii nikuonyesha watu wa serikali hawatosheki na mshahara ule wanapatiwa na serikali. Kwa hivyo, sheria ikichukuliwa sawasawa, au tabia hii sawa sawa, mambo hiao yote yakomeshwe.

Jambo lingine ni lazima Katiba iwachukulie watu wote sawa. Kwa hivyo, hakuna mkubwa au mdogo, uhuru ni uhuru kwa kila mtu na ni hayo tu, asante.

Com: Abida: Commissioner Rajji ana swali.

Com. Rajji: Sijakuelewa vizuri, unasema kwamba polisi wanahongwa au unasema nini?

John Gichuki: Ndio wanahongwa sana. TKK, sijui inaitwa TKK kwa barabara ni mbaya. Wakati wanakula mguu wa mbele na hawa polisi wanakula miguu ya nyuma.

Com. Abida Ali-Aroni: Sasa mzee, wewe unalalamika na unataka haya maneno yatolewe. Sasa unataka tuyaondoe vipi kwa sababu wewe, ndiye unatakiwa utueleze shuluisi ya kiKatiba ni nini. Unapendekeza tufanye nini kuondoa hii shida ya polisi na matatu? What is the solution?

John Gichuhi: Kama ninge kuwa mkubwa, naweza sema hivi.

Com. Abida Kama mwananchi, hii Katiba sio ya wakubwa. Kama mwananchi una-power ya kusema vile unataka. Unataka nini?

John Gichuhi: Kile mimi ningetaka, ningetaka hiyo mambo ipelekwe kwa bunge ikiwa ni ya bunge kwa sababu, kila mtu analalamika, mara barabara au ameshitakiwa kwa kubeba watu kwa wingi. Sasa, haya mambo ni mambo ya polisi au ni mambo ya nani?

Com. Abida Ali-Aroni: Asanate mzee, asante tumeshukuru. Gerald Mwangi.

Gerald Mwangi: Thank you very much Commissioners and fellow colleagues. Mine will be very brief maybe I will to start with.....

Com. Abida Ali-Aroni: Pleas, let us have silence at the back so that he can have a chance to speak.

Gerald Mwangi: I am sorry. I would start by saying that the government should not have any business doing this review.

Because they have done what ought to be their business or what is supposed to have been the people's rights, they took it and started doing their own business and they did not succeed.

- No. 1, all of us here, even those who have been giving views, how many of us have read the current Constitution? The current copy of the Constitution should be the individual right in this country. Each and every citizen of this country, should have access to this copy. Whether it is in primary school or whether it is in secondary school, all of us should have been given knowledge on the Constitution. Right now we are saying we are reviewing the Constitution but the confusion we are in, I believe, is because of lack of knowledge. In the past, during our fathers time, that was the most important thing. Currently we are talking of money as everything. But in future, whether we like it or not, knowledge will be the prime factor because with knowledge, you can work anywhere. You can work in Kenya, you can work in any other place in the world.
- What powers does the President have? Our people have the right to know what powers the President has. What powers do the chiefs have? What powers do I have against a policeman? When a policeman slaps me when I am drunk, do I have a right? Who do I go to?

Com. Abida Ali-Aroni: What are you proposing bwana Mwangi? We want your proposal to the Constitution.

Gerald Mwangi: We can pledge the right of knowledge of these people into the Constitution, such that by the time you are 18 years you have all the knowledge on this Constitution that we will come up with. Right now we don't even have knowledge of the current Constitution, I don't believe we have because very few of our fathers have seen it. Even those of us who have come here. And that is because the government took over the business of selling. This copy is sold at Kshs360-400. If this business was given to somebody else, because even the sessional law copies are sold, may be that person would have been promoting these copies and more of us would have read. But since the government took over that business of selling it, and they don't know how to do that business very well, they have failed. So, my appeal to you or to everybody, it is for us to fight the entrenchment of that knowledge into the Constitution in the future, so that people can all know their rights, by the time they are 18 years and above. That is my appeal

Com. Abida Thank you very much, do we have any question? John Thuku,

Com. Abida Ali-Aroni: Please Mr. Gerald, register there. Bwana Irungu could you please translate for us. Bwana Irungu

Irungu: Andu a Kenya othe mathure mutongoria wao gutari kuringirio ni mundu. Ndendagia kahua, gakagurwo West Germany, ithiaga nau? Na nduriri icio ciothe cia Kenya niibaterie kuiguo ni thirikari.

Translator: The government should listen to all the tribes of Kenya and the lead in this affair should be taken by the Constitution.

Irungu: Na mutongoria wa uhoro ucio wa Katiba, ni abataire ni guthurwo ni andu.

Translator: Should be elected by people without being forced.

Irungu: Na headmen agathurwo ni andu.

Translator: When the Assistant chief is elected, he should be elected by the people

Irungu: Nimwitikirire gucagura andu aria magiriire—

Translator: He should be electing the member of Parliament in his constituency as assistant chief those people who can work with him.

Irungu: Micara ya arimu ab a Kenya, arimu a Kenya yothe ni ngiri magana meri ma mirongo inana.

Translator: The salaries of teachers should be looked at and should be paid their dues) and should be increased to 20% kutoka) and they should get a 20% increament.

Irungu: Ukabira utiganwo naguo Kenya

Translator: Tribalism and nepotism should be done away with in Kenya.

Irungu: Thogora wa indo unyihanyihio Kenya.

Translator: The prices of commodities in Kenya should be reduced because the poor person is a sufferer. Andu metikirio (people should be allowed)

Irungu: Andu metikirio kuruta igoti, ota uria muthungu ekaga.

Traslator: .People should pay tax the way it was during the colonial government, that money should be taken back to the

district, to those people who paid that tax.)

Irungu: Na makanitha maria mothe mari Kenya mabataire gwakwo ni thirikari, ikaruta nuthu na kanitha ikaruta

Translator: All the expensed for building churches in Kenya should be shared between the government and those churches and the churches should be given freeland(inaudible)

Irungu: Gutiri githurano kiagiriirwo gwikwo Kenya Akiristiano, Muslims na Hindus matetikirite.

Translator: No election should be done in Kenya before the Christians and Muslims give a concept and Hindus should sign

Irungu: Na micara ya wabunge na Rais ibataire kuhitukio ni Bunge.

Translator: And the salaries of MPS and the President should be vetted by the Parliament.

Irungu: Na mucara wa Rais wa Kenya ndubateire gukira ngiri magana mana(the salary of the President of Kenya should not exceed Kshs 400,000) and when you are employed you should buy your own vehicle not use the government vehicle. For example, using a Merrcedes Benz from Kiriaini to Nairobi is 1 miollion, the government can not afford.

Irungu: Thibitari ri, ndawa ri, miaka mirongo iri na itatu Moi athite Kenya ri, ndawa ciathire ku? ...umite ku?

Translator: In hospitals there are no medicines. And for the 23 years the President has been in power, people would like to know the salary of the President and where he gets his wealth from

Irungu: Majani miaka mirongo iiri na itatu barabara ithondekagwo nuu?

Translator: For the coffee roads and the tea roads, who will repair or make these roads

Irungu: Na wananchi wa Kenya wanataka kujua nimakwenda kumenya nuu wa--, nani alipiga risasi na kuua Dr. Robert Ouko? Wananchi wa Kenya wanataka kujua who killed Dr. Robert Ouko?

Com. Abida Ali-Aroni: Kufanya interpretation sio rahisi sana, tungetaka volunteer, is there a volunteer amongst the crowd who can help our Coodinator with interpretation? Okay, thank you, Irungu . Thank you. James Mwangi

James Mwangi: Okay thank you. My views are;

- There should be no nomination of members of Parliament. They should be elected directly by the people whom he represents. Because those who are nominated they represent nobody in the Parliament. May be they represent the President who nominated them.
- There should be an autonomous judicial body to deal with corruption cases. That body should be elected by the citizens
- The President of the country should consult the Parliament before reacting to some international issues threatening the security of our country. Thank you

Com. Swazuri: You have talked about nominated MPs, what about nominated Councillors? Do we still need them? Or do we do away with them..

James Mwangi: There should be no nominations in the whole line.

Com. Raiji: You mentioned something about an autonomous judiciary to hear corruption cases. Were you talking of the entire judiciary or were you calling for an independent court to hear corruption cases.

James Mwangi: Independent courts to hear the corruption cases.

Com. Abida Ali-Aroni: Thank you. Geoffrey Muhia. Una maoni? Asante, David Githua. Maybe you can easily, excuse me, why don't we have David Githua? Okay, asante.

David Githua: Thank you Commissioners and participants. Now, I go to my proposals.

- The Constitution should be designed by the citizens through referendums. Amendments should be by Parliament by a 51% majority vote.
- Citizenship. It should be as we stand now, but in case of marriage, where one spouse is not a citizen of this country, he becomes a citizen. Lets say he becomes a citizen automatically. Where a child is born to one Kenyan parent, that is when they are married, the child becomes a citizen automatically. Proof of citizenship should be the ID or Kenyan passport. In this case, acquiring a passport should be simplified.

- On defence and national security: the military, the police and the prison warders should be established by the Constitution. The Para-military administration and administration police, should be absorbed in the regular police force. We should always have a minister of defense, internal and external with a single minister who should be conversant with security matters. The ministry's Permanent Secretary should also be conversant. We should have a security council comprising the President, defence Minister, Defence Permanent Secretary, the three commanders of the military wings, the Police Commissioner and at least three opposition Parliamentary representatives. In case of war, the chairman of the security council should be the one to declare war on advise from the council. We should do away with the Commander in Chief but have a council chairman. In emergency situation, Parliament must endorse by 51% majority and thus advise the chairman of the security council to declare a state of emergency.
- On political parties; Political parties should be limited to a maximum of five. They should look for their own finances using any legal means. Presidential, Parliamentary and civic candidates not willing to contest on party sponsorship should be free to contest as independent., but not on failing to get party sponsorship.
- Presidential, mayor and chairman to councils should not contest any Parliamentary or civic seats, making them district representatives, city representatives and the like. City mayor should be head of the city, replacing PCs to avoid conflicts in their duties. The town council chairman should also represent the district and should be the head of the district thus removing the DC. The MPs should represent the divisions thus removing the DOs. The councillors should rhead the locations thus removing chiefs. That way, we should not have the provincial administration.
- On Parliament, we should have a coalition government. All laws passed by Parliament should become laws on the speaker's by verification that the standing orders have been followed. They should not go for Presidential assent. MPs salaries should be controlled by an independent Parliamentary Commission and not the MPs themselves. Their present salary should be reviewed and adjusted negatively to reflect the present economic situation. Nominated MPs and nominated councillors should be nominated only to represent special interest like the disabled, mentally handicapped, the rest should be left to those who can contest equally with us. The rest of us should be represented by our elected MPs and Councillors.
- On gender: we should not consider women as a special case. Everybody should compete like some have already done. They should become more aggressive.
- On the judiciary, senior judicial officers that includes the Chief Justice and judges should be appointed by the

President, but only on judicial Commission's proposals. We should do away with Kadhi's court so that the nations laws can take one course. The Public law institute should be funded directly by the government to offer free legal services to all who can't afford private Attorneys.

- MPs and councillors should be elected on simple majority votes. Mayors and chairmen to councils should attain 50% majority. In case of none getting back, that, there should be a runoff between the first and second contestants. The system should be one man one vote, thus they need to review the electoral borders to reflect so.
- Elections for Presidential, Parliamentary and civic seats should be held simultaneously to minimize costs. There should be no limit to election expenditure so long as there are not bribes. The election day should be set at the end of every five years term and gazzetted as a public holiday.
- Land and property rights: no one should own more than 50 acres of land. Because we have squatters around. All idle land should be taken back by the government and redistributed freely to the landless on condition that they do not resell it. Foreigners should only own land or estates jointly with citizens. Women should have equal rights and access to land and property.
- Succession and power transfer: Parliamentary speaker, having been elected by people's MP, should take charge for 90 days in case of the Presidential seat being vacant. The speaker should have no ambition for the seat and should hand over to the people's elect after elections. Thank you Commissioners.

Com. Swazuri: There is a point I didn't get in the beginning Did you say that mayors and chairmen to the councils should not contest any Parliamentary or civic seat or something like that?

David Githinji: Yah, they should not contest, on one level. When you are contesting, let's say for the chairman's seat, that is a district seat you can not vie for that chair and at the same time you are contesting in a ward. That will not work.

Com. Swazuri: So in other words, the mayor should not be a Councillor?

David Githinji: Yah, the mayor should not be a Councillor.

Com. Abida Ali-Aroni: Now, I want a clarification, on the judiciary and before I put the question, are you proposing that we do away with freedom of worship?

David Githinji: No

Com. Abida Ali-Aroni: Now, if you are not proposing that, what would be the situation in the Khadhis court because then you are telling the Muslims, you cannot worship because their laws go with their religion. Are you saying that people who confess that faith will cut down their freedom? What is your proposal now?

David Githae: What I am saying look at it this way. Right now, we don't have a Christian court, we don't have an adheist court, we don't have a Hindu Court. Why should we have a Muslim Court? Thank you.

Com. Abida Ali-Aroni: Maina Kamau.

Maina Kamau: Commissioners, members wale tuko nao hapa, yangu ni machache.

- Ya kwanza, mimi niko upande wa agriculture. Serikali iondoke iwachilie sector ya agriculture. Ndio mkulima awe akipata mapato yake.
- Ya pili naja kwa ma-MP wale tunachagua. Tuna-complain kwa President. Maoni yangu ni wakati tunachagua MP au awe councillors, we ni chief au subchief, wakiwa hawapeleki mambo ya raiya vizuri, taabu zao hazitakuwa zikiisha. Tunarudi kwa kiwanja tunachagua mwingine. Maanake wale tunachagua ndio wanaharibu ukulima. Nikisema kwa ufupi, sisi tuko na boma, na watotona nini, ukisema vile unataka, wakatae, una uwezo mwingine. Kwa hivyo wale tunachagua, hawa ndio wanatufinya sisi. Wanakuja hapa wanatuambia, munichague mini ndiye nitaenda kufanya hivi na hivi na hii ndio tufaidike. Wakienda pale, hawezi kuangalia nyuma, anaangalia bedroom yake peke yake. Hawa wengine hawajui. Kwa hivyo hapo ndivyo mii nataka kusema .
- Pande ya ma-MP na ma-councillors, wakati tunawachagua hawa, ikiwa tunaona hawatutunikii sisi sawasawa, tuwe tukirudi kwa kiwanja. Tunachagua mwingine yule atatutumikia sisi kwa faida. Na hawa watu wanapiganisha sisi na serikali sisi ndio tunawachagua. Tunakuwa tukisema President ndio anafanya hivi na hivi na hivi,. Na hawa tunawachagua kwa nini? Kwa hivyo hayo ndio maoni yangu. Tuwe tukiwaangalia, ikiwa hawayahudui mambo yetu vizuri, tuwe tukirudi kwa kiwanja tena tunaleta mwingine yule atakuwa akifuatana na raiya. Maanake kila wakati hapa ni sisi tunapigana bure, na yule tulichagua, tunamtuma pale mbele arudi kwa sisi naye anakwenda kufanya mambo yake.

Com. Abida Ali-Aroni: zee unamengine. Tumesikia hayo. Bado usiondoke pengine kuna swali. Okay, sasa unatwambia ungetaka wananchi waweze kufanya uchaguzi ikiwa MP hafanyi kazi yake sawa sawa. Sasa unapendeza tupitie njia gani ikiwa

hatungojei hiyo miaka mitano?

Maina Kamau: Turundi kwa kiwanja.

Com. Abida Ali-Aroni: Vipi? kwa sababu sheria sasa inasema kurudi kiwanja ni baada ya miaka tano. Wewe unasema hatutaki kungoja miaka tano. Sawa, sasa tutapitia njia gani? Tutaenda kwa koti, tutaenda Parliament, tufanye demonstration, tutafanyaje ili turudi kwa kiwanja?

Maina Kamau: sisi ni raiya, kwa hivyo miaka tano tuache kupitisha miaka.....

Com. Abida Ali-Aroni: sasa utapitia wapi kama raiya? Ndio nakuuliza unieleze utaenda Parliament, utaenda kwa koti, utaenda kwa nyumba ya MP ufunge mlango, utafanya nini ili uweze kurudi kiwanjani? We need, tunataka wewe utueleze kwa sababu hatujui suluhisho. Si wewe ndiye unajua? Sasa tutafanyaje ndio turudishe huyo MP?

Maina Kamau: Vile tutafanya, sisi raiya, sisi ndio tutarudi pamoja. Kabla ya hiyo miaka tano huyu anakufanyii hivi,na hivi na hivi. Kwa hivyo mimi naonelea, iwache kupitiswa ile miaka tano.

Com. Abida Ali-Aroni: Mutafanyaje ili mukubaliana sasa, mutafanyaje, tutafanya nini ndio huyu MP atoke? Kama hujui ni sawa. Kama unajua utusaidie kwa sababu solution iko na wewe sio sisi.

Maina Kamau: Ni kuandika barua kwa Parliament

Com. Abida Ali-Aroni: Asante. Mugo Mbao, Mugo Mbao ama Mbai, Wilson Kinyiri.

Wilson Kinyiri: Thank you Commissioners , my name is Wilson Kinyiria.Currently I am the senior chief, Kamacharia. I come here to discuss one issue which has already been discussed here and which already I felt it was important that I should be here.

- In view of the provincial administration and may be its importance in the running of our government, I feel there should be an act of Parliament creating it. Because as of now, I have not seen any act of Parliament creating the provincial administration. That, I have in mind the police act, the administration police act and other acts. These acts give stipulated duties and conduct of these officers. That way, the provincial administration is assigned duties and no one will come here and say that we want this one removed or we want this other one done. This is why I feel an act of Parliament would be important.

- The other point that I feel should be included and should be a condition in our Constitution is the retirement of our civil servants. I feel some of the retired civil servants who are here would back me and will bear me witness, that some of them have even stayed for one year, two years or even more. So, it should be a condition that if the government has no funds to release the Cheque as this person goes home, he should be retained in the service and paid his salary until such a time that the government has funds to release this person. So that as he goes home, he already has benefits. And that I feel should be a Constitutional condition.
- The other thing, I feel there should be some allowances. The chiefs, the assistant chiefs, there should be allowances for these people because the kind of duties these people do, most of these people who are here, although they are saying they don't want us, they come to us because they have harambees, they have parties, they have hospital bills to pay and they want their chiefs to participate in those harambees. So, we feel there should be a special allowances for us, so, that we also actively participate in them. I have in mind that the councillors and the MPs have a hefty allowance, so there should also be allowances for these, special allowances for these people. Those are the areas that I felt were important especially the retirement as a condition.
- We have seen people and we have talked of corruption. Well, corruption has to be there because if somebody goes home without anything and may be he has a plot somewhere which he can dispose and get 200,000 shillings, surely why don't I dispose this plot and get 200,000 shillings. But if I go home with my cheque, I don't need that money. I am comfortable with the salary. So those are the few points I have. Thank you

Com. Abida Ali-Aroni: Bwana chief, I hope you are not telling us that we are condoning corruption, but having said that , you have emphasized the importance of the administration. And you would like to see an Act that stipulates duties, are you saying that right now you don't have duties as an employee of the provincial administration?

Wilson Kinjiri: Well, I have the duties but those duties are not stipulated anywhere in an Act of Parliament

Com. Abida Ali-Aroni: Where do they come from, as you know of now.

Wilson Kanjiri: There are some circulars. If there is any thing, they come from circulars but we don't have an Act of Parliament which states that is the chief should be appointed under this conditioner, his duties are these ones. I have been a policeman, I know there is a police Act, which says the policeman should be of this age, he should be appointed under this condition. That kind of thing. This is what I am talking about.

Com. Abida Ali-Aroni: What about the chief's Act? Are you saying it is not adequate?

Wilson Kanjiri: The chiefs act was reviewed recently and most of its duties were taken away. So, there is nothing really staying what we should do. In fact if you read it, it is a skeleton. I have read it, it is a skeleton

Com. Abida Ali-Aroni: So are you proposing an amendment? Since there is an Act for chiefs, would you like, are you proposing an amendment so that may be we can have the powers returned or added?

Wilson Kanjiri: Not really an amendment because the chief act alone, you know this was created, it was an act by the colonial government and by then, it had some duties. But right now, the one we have, it does not say what our duties are.

Com. Abida Ali-Aroni: Thank you, Rev. Peter Muthia,

Rev. Peter Muthia: Thank you Commissioners and panel assistants.

- In the Constitutional review, I would like to recommend that we have a clear declaration of what Kenya is, which contains the reason of being, that is the mission statement with all rights and personal liberty being well stated. Boundaries well defined, that is we need to know the extent of Kenya, we also need to know the population of Kenya and the number of tribes to be well understood by us Kenyans.
- On the issue of the executive, no one should be above the law. Currently we have the President being above the law and that is, he is the only one who has authority to do quite a number of issues, that is why we should have a power brokered government, may be we have the Prime Minister who will be chosen among the parties but the government should be formed by the party that wins an election.
- And the government should be formed by that party which has a 50% of the vote. If no party happens to have 50% of the vote, there should be a run off or a repeat of the election, whereby the two leading parties should go back and we chose between the two, which one is going to form the government. On the issue of the Parliament, I would propose that it execute the law. They are meant to be executing the law that is overseeing to what is happening within Kenya. They should discuss them, and money which is being borrowed from the World Bank or any other institution should be first of all debated and passed by the Parliament. We shouldn't just be told that there has been money which has been taken and afterwards we are required to pay and yet we don't know how the money came to be utilized.
- On the issue of judges, they are meant to interpret to us the law, and therefore they should be appointed by the law

makers, that is Parliament. And not by the President himself. And a panel should be created that will be dealing with issues relating to judges whenever they become corrupt.

- On rights regarding to we Kenyans, they need to be well stipulated. Those that are related to children, youth, parents, the disabled and in all areas. We also need to have a law that is passed, that is going to deal with issues like AIDs. Currently we have people getting married anyhow, you just hear of come we stay, then we need to put a stop to some of these issues by making it legal that each and every person who gets married or wedded has to have a legal document to show that he or she is the husband or the wife to the other.
- As pertains to gaining citizenship, there should be no discrimination. This is where, a child is born outside Kenya, and he or she is denied citizenship, yet he belongs to a person who was born in Kenya or was a citizen of Kenya but may be she got married outside Kenya. That person's children get a lot of problems before they are given the citizenship.
- On public service Commission, I tend to believe that there are those issues that relate to the way we are being governed. There seems to be a duplication of powers. This is where you get the DC from the President, I don't know how we come from the PC then all the way to the sub chief. Then we have another government that is dealing, with the agricultural set up, then we have another one that is dealing with another sector, the security, we have another one that is dealing with , from the grass root to the top. That way, then we end up having a duplication of leadership and this is where I feel that from the local or from the base, we should get the stake holders, that is, maybe the pastors who are found in a certain area, we get a few elders, then if we have the police officers or the OCS and the police officers to be dealing with security, religious leaders to be dealing with moral issues and other stake holders who will be dealing with may be developmental issues and all that. From the local or from the area where we are, then we move to the sub location, we have representatives there, we get other representatives to represent us in the locations, from locations to the divisions, divisions to the districts, districts to the provinces , then our complaints will have reached Parliament and they will be in a position to deal with the issues. That means we will be in a position to deal with issues relating to insecurity from the area or from the level we are in.
- On trust land, I tend to believe or to propose that land should be clearly or well distributed. We don't have to have people with farms that are so large, so big such that we are complaining of squatters yet there are people who have farms over 2,000 acres , five thousand acres yet they are not developing them. We should have such land being returned to the government and the government to distribute it to the squatters. The forests should be taken care of, as well as game reserves. And also, rivers and lakes should be made a national concern. Thank you.

Com Raiji: Thank you Rev, you made a proposal regarding this come- we- stay and I think you said every person who gets married should have some form of certificate. Now, what do you propose or who is to give the certificate to these people who get informally married either through come we stay or customary marriages? What is your proposal? Where are they supposed to get these certificates or documents?

Rev. Peter Mbuthia: I am taking the issue to be a national issue, whereby currently, even if the church issue as a certificate, it does not belong to the church. It is for the government. So now the government should realize that no one should get married without this legal document because it is the one that has stipulated that those that are legally married should have a certificate. So I just wanted to enforce the way it is being done nowadays.

Com. Raiji: And what do we do now because these are purely personal things. Those who just come and start living together, will you first propose that we ask the nearest chief to go and give them some certificate or ...? Because even now, I think your preaching states that they are not supposed to live together until they are married. But people, we know that the man and a woman just start living together, and before long they start referring themselves to us as husband and wife. Do you have any views on this issue about regularizing this irregular union. May be government should make it a little bit clear currently the ones who give out the certificate is only the DC. Now may be they can pass it over to others and every one should be registered so that the chief and all those people that are currently dealing with the administration will be taking issue with those people who get married and yet they do not have the legal certificate. So, may be currently, because the DC has the authority, he can pass it over even to the sub- chief. So that whoever gets married within a locality must have it and must remain in that family.

Com. Abida Ali-Aroni: Now just on the same issue, because we want to have a Constitution that can be implemented. Other than customary marriages, if two people chose not to go to church, not to go to the DO, not to formalize customarily, how does the government get involved? Do we propose that they be arrested and jailed because that is really their choice? How do you see the government implementing that if you decide to live together, you don't go to church you don't go to the DO you don't go back home, to formalize customarily. How does the state interfere with your freedom to live together illegally if we may use that word?

Rev. Mbuthia: What I would propose is that, these people ought, the government ought to have a clear statement that will make these people understand that we don't want people who are coming together, then tomorrow they will say; I don't want you and with the prevalence of AIDS, we have really be very cautions. We don't just want people to be coming in and coming out and HIV AIDS cases start getting on, growing as they continue with this kind of life.

Com. Abida Ali Aroni: Now pastor, you have also said that you would like religious leaders to be involved in administration,

especially on the moral issues. Are you saying that in the administration or in governance that at the local level now, we should have the government employing pastors and bishops and reverends to be assisting the chief and the DC and the DOs?

Rev. Mbuthia: Not really. I am just talking of the stake holders and the stake holders in certain locality means those people that are dealing with issues like now there is the area I am concerned with. I am the leader from the perspective of being the religious leader. There is another person who is dealing may be with milk. He is dealing with the issues of milk and is also being given the courtesy or the respect because of what he is doing. There is another person who is dealing with another issue. That way, that way, that way. Those are the people to come together and formulate and start dealing with issues that are affecting the locality or the people in the locality. Thank you.

Com. AbidaAli Aroni: S. Charlie Wachira.

S. Charlie Wachira:Asante Commissioner and fellow Kenyans. Yangu nitaongea juu ya section 191/192 and 318 ile inatunyima haki.

Section 191/192 and 318 amabyo iko kwa Ministry ya Agriculture ile ina-cover section ya majani na kahawa.

- Section 191/92 inanyima mkulima kwa soko hali. Sasa ningependa ama kwa maoni yangu hizo bodies zimewekwa hapo za ku-market should be scrapped to give or to pave way to an option and a free market for the farmer's commodities.
- Electoral Commission should not be appointed by the President. It should be appointed by the registered political parties, We talk about the defectors. If an MP is being elected and he decides to defect, he should not seek re-election

Com. Abida Ali-Aroni: Now, one question please. Unfortunately you have to wait until we are through. Now, on the issue of defection, a lot of MPs say they are defecting “ because my people have requested me”. Now, if we do not allow these people to seek reelection, don't you think we will be interfering with freedom of voting by the wananchi?

Charlie Wachira: For the first instance when the MP was seeking to be elected in a certain party, if he happens to defect and is being elected, by a certain party, it would seem like he is black mailing the voters and if he is not fully decided or he is not sure, or he is not trusting the party he has been elected in, he should not seek election from that party. He should seek the election from the party he thinks is the best.

Com. Abida Ali-Aroni: Thank you. David Mwangi, Then Anthony Kariga, hamna maoni watu wa upande huu? Tunaona ajabu kwa sababu pahali pengine tunakuwa na shida ya kila mtu kunataka kuongea. Eva Joseph Mugwe No!, Cheristino Ndonga, I hope it is not a No! also. No! John L. Maina, No again. Jane Wambui, I hope it is a yes, we are yet to hear a lady from Mathioya, Jane Wambui ni nani? Who is Jane Wambui tafadhali? Jane Wambui? Rev Dishon Mwangi, I am hoping that the Rev will have views. Do we have Rev Dishon Mwangi? So can you please hand it over there and register it. Thank you very much. John Peter Mwangi. Do you have yours Mzee? I hope so. Thank you very much.

Peter Mwangi: Thank you very much, the Commissioners and the attendants. I have a few points to make and I feel that I should start from the top because it is where the power of the government comes from. Although we as the residents or the nationals are the ones who elect the President. So I start with the office of the President.

- My proposal here is that, the President should not be above the law and should be liable to impeachment. He should be between 35 to 70 years and should run for two terms of 10 years. I think I will give the reason for my point of view that the President should not be above the law. There seem to be a lineage of people who are untouchable for example his brothers, his sons and the family tree of the President if he is above the law, it seems that there are people who are untouchable within the country.
- Office of the VICE PRESIDENT, the President in my view should appoint his Vice President who is unanimously agreed by the Parliament. And if the office of the President falls vacant because of irregularity in the election, also the office of the Vice President should be declared vacant.
- I come to education. The Constitution we are trying to make should make education free and compulsory. That is to avoid this loitering about of children in town. Within the education ministry we have the teachers. It seems that teachers are running away from the ministry to go to the private sectors where by they get better bread. So I propose here, the government to state that private and government teacher should be paid equally
- Now, I go to land. I propose here that, there are people who own land belonging to about 100 families, so the Constitution should try to trim or dividing of pieces of land that is equal distribution of land to people. But here the Constitution should give an extent of how much land one should own irrespective of whether one has bought that piece of land or not.
- Land inheritance: the Constitution should make it clear that women or wives should be the immediate heirs of their husbands land. Reason here is that when a husband dies, the widows under go a lot of strain trying to claim the husbands land which also belongs to her.

- Resources, I propose that government should make sure that the resources are equally distributed
- Freedom of worship. This one here, I propose that freedom of worship should be amended to avoid devil worship.
- Electoral Commission; The Constitution should enforce that the Electoral Commission should be in charge of the elections thereby, the Commission should be the one to announce the election dates. That is to avoid this hide and seek game of winning the election.
- I go to judges, Judiciary, the President should not be allowed to elect or nominate judges because it seems as if the judges work under pressure from the President. So the judges should be nominated by the public service Commission, subject to the confirmation of Parliament. And that is all Commissioners.

Com. Swazuri: Asante sana mzee. I have only one question, I don't know you say that when the President's office becomes vacant, even the one for the VICE PRESIDENT should be declared vacant. I did not understand that.

Peter Mwangi: I said that . Because of the irregularities that are found during the election of the President. The President will be elected and after elections he nominates his own work mate. It is the President who nominates the VICE PRESIDENT. And if it is declared that he is not the right President, then that man should also vacate the office.

Com. Swazuri: But first of all, the No 2 man may not have any mistake. Second, we have said, you have suggested that the VICE PRESIDENT should be approved by Parliament. Not the President just nominating and then Parliament approves. So if it has been approved by Parliament, why also sack him when the other one has been sacked.

Peter Mwangi: Because most of the powers over him lie within that of the President.

Com. Abida Ali-Aroni: Now, you want education that is free and compulsory, up to what level are you proposing?

Peter Mwangi: Education should be compulsory upto lets say basic education from standard 1 to standard 8, should be free.

Com. Abida Ali-Aroni: Okay, then I want another clarification on this sensitive issue of worship. You want us to amend the clause on freedom of worship. How do you propose we do that?

Peter Mwangi: I propose that although there is freedom of worship, sometimes we are given the freedom and we misuse the freedom. The Bible says there is only one God. And that God created us. But there is this freedom of worship that has brought in devil worship which is now misleading people.

Com. Abida Ali-Aroni: So, how do we curb it now, if the Constitution, the current Constitution says

Peter Mwangi: We curb it by abolishing devil worship.

Com. Abida Ali-Aroni: Thank you and thank you for your impeccable English, you have spoken the Queens English or the King's English. We are saying thank you very much. Geoffrey Kihara. Mzee uandike jina pale, kuna information yako tunahitaji.

Geoffrey Kihara: Thank you Commissioners and participants.

- According to my opinion, I would like the President not to be above the law.
- Vice President should be elected by all members of the Parliament, but not the President himself
- Chiefs should be elected by the people of that area but not the minister or anybody else who is in the government.
- The Attorney General should be elected by the Parliament and not the President. A citizen of this country should be allowed to buy land anywhere within the country without considering the tribe or the race. That is to say, if you go to Luo land or Akamba land you can buy a land there.
- I would also like the money in our country to remain within our country. That is to say, those people who have got a lot of money in our country, they should not bank it abroad. They should bank in our country so that we can borrow loans from our banks.
- I would like the education system to follow qualifications and not of district quotas. That is, somebody should be considered according to his or her marks or points.
- I would like the farmers to sell their goods themselves especially cash crops in General. That is, let me talk about the coffee, if coffee have got their coffee and they have taken it to their selling place, they should follow their

produce to the buyer and they know how much they have produced for the material or for the berry they had produced.

- Votes should be counted by foreigners. By this I mean if we cast our votes, we should leave these votes to be counted by some other people who are hired from other countries and not our people who are in our country. And those are my points.

Com. Abida Ali-Aroni: Thank you and please remember to register with our Secretariat there. Asante. Wilson Kibikwa and we will give you five minutes to summarize your written memoranda because we will read it at length latter on.

Wilson Kibikwa: Thank you Commissioners and my fellow participants,

- My first point is about the Constitutional supremacy. We should retain the Parliamentary supremacy to amend some parts, but not all parts of the Constitution. But we should change the mandate required, to amend, that should be 75% of the vote as opposed to the current 55%.
- Parliament can change the concrete parts of the Constitution but not the following,
 - i) the tenure of the presidency
 - ii) lengthening the life of Parliament
 - iii) deciding about the number of political parties
 - iv) These parts of the Constitution should only be changed by a referendum. A referendum
 - v) a referendum should be conducted by a Commission appointed by Parliament to undertake the task.
- Citizenship: A person should be considered an automatic citizen if both parents are Kenyan citizens at the time of his/her birth. If the spouse of a Kenyan citizen requests to become a citizen, he or she should be granted citizenship, on condition that the applicant is ready to reside in Kenya. Any other person also should be granted citizenship if they revoke or recede the decision to reside in any other country or to be citizens of any other country.

Persons who acquire citizenship by naturalization, could have their citizenship revoked if it is established beyond any reasonable doubt that they are involved in subversive acts against their host country and its citizens. Dual citizenship should be allowed for a period of up to 25 years after which the person or persons should decide which citizenship they want to be of persons who have resided in Kenya for a period of 25 years and would like to be Kenyan citizens, and are of up right character, should not be denied the citizenship.

- We should have a maximum of 3 political parties. Political parties should be allowed to carry out development activities without being interfered with by the current government.
- All political parties should be funded from public kitty and their financial record should be perused from time to time, and they should be opened to the public. This will ensure that the political parties have a national outlook and do not appear to be the property of single persons who fund them.
- We should retain the structure and system of government. We should retain the Presidential system of government, but trim the Presidential powers and delegate some of the Presidential duties to other arms of the government.
- We should also retain the unitary system of government but empower bodies like the local authority in districts and provinces to make and implement polsies that are unique and beneficial to their area.
- Parliament should appoint an ombudsman who should be selected from any of the opposition parties in order to carry out his/her duties effectively. The following appointments should be vetted by Parliament:-
 - i) Ombudsman
 - ii) the Attorney General
 - iii) the speaker of the national assembly
 - iv) the solicitor General
- Being a member of Parliament should be a full time job.
- A member of Parliament would be revoked from Parliament by people if he or she defects from the party through

which his or her members elected him/her to Parliament. This should be done using the following ways:-

- i) filling an application in a court of law through at least 1000 voters of the MP who defected, appending their signatures to the letter informing the speaker of their intention to drop such an MP, as their member of Parliament.
- The legislature: we should continue with the current system of multiparty and one party in the executive. Parliament should be in a position to pass a vote of no confidence if 51% of the Parliamentarians vote against an incumbent President.
 - The President should have the power to veto a decision passed by Parliament only under the following conditions:

Com. Abida Ali-Aroni: Please summarize.

Wilson Kibwika: Conditions in which the President can veto decisions:-

- i) If the decision so far was done with less than a quota of the Parliamentarians present during such a sitting.
- ii) That the decision contravenes any or part of the Constitution.

The legislature also can overrule the President under the following conditions

- i) if the decision was made by the President and a cabinet meeting was not called.
 - ii) If his/decision contravenes the Constitution.
 - iii) If his decision is against the wishes of the people.
- The President should be, a registered voter. The President should serve for a maximum of 10 years. The following Presidential powers should be taken away:-
 - i) immunity from prosecution

- ii) power to dissolve Parliament at will
- iii) power to appoint the Attorney General. The Attorney General should be appointed by the Parliament.
- iv) Chancellor-ship of the public university should be removed from the President.
- v) Commander in chief of the armed forces should also not a domain of the President.
- vi) The power to veto a Parliamentary decision should also be removed

The following are also other recommendations that I do have; that the government should take care of the disabled persons.

Com. Abida Ali-Aroni: Please summarize otherwise give us your memo we shall read it and I assure you that we shall have a look at it, you don't need to worry. Because we need to give other people a chance. I will give you one minute to summarize.

Wilson Kibwika: The salaries of Parliamentarians should be guided by the PSC. Politicians holding foreign bank accounts should make such information open. People who own more than 100 acres of land should pay a levy for such land, if it is not used, it should be put in economic use. The Attorney General should not terminate cases already in court and he or she should allow the law to take its course. No money should be drawn from the consolidated fund by the government without such a move, being mandated by a 60% votes of Parliament. Thank you.

Com. Abida Ali-Aroni: Thank you. Could we have councillor Waweru J.M and bwana Councillor, I will give you five minutes to summarize your memorandum which we shall definitely read after this.

Councillor Waweru J.M: thank you honorable Commissioners, I will try as much a possible to be brief. For the purposes of introduction I am Councillor James Waweru, Chairman Muranga County Council and I am a Councillor representing a neighboring ward and I take this opportunity to welcome the Commissioners to Muranga District and more so, to Mathioya Constituency. Before I give my proposals, allow me Honourable Commissioner to make a small comment of an issue which in my view, has caused a lot of confusion in the minds of ordinary Kenyans. I know it is not within your mandate to determine when the General elections shall be held. But there is a lot of uncertainty caused by the fact the it is also not clear, whether we shall go to the election under the current Constitution , or the new Constitution. It is therefore my wish Honourable Commissioner, that as you prepare a memorandum, for the Parliament to consider the extension of the review process, I wish you could find a way, of resolving this issue. Much as we would like to divorce the two issues, they seem to be inseparable due to various technicalities. But one thing is certain, Kenyans are Generally opposed to the extension of Parliament. However, it

is important to consider the pros and cons of any stand that is adopted. Having said that Honourable Commissioners, may I present my views by prior thanking the entire Commission for adopting a tight schedule, that ensures that we have a Constitution in place, as soon as possible.

First and foremost, I would like to touch on some issues and as a civic leader, it is expected that most of the views that I give shall focus on local government system in Kenya. However I wish to touch slightly on other areas.

- First is the executive. The major organs of the state that comprises the executive, the Parliament and the judiciary. It is my proposal that the President be elected by the people but should not represent a Constituencies. The requirement that the winning President gets 25% of the votes cast in at least five provinces, should be abolished and yet the Constitution should provide that the winning President should at least get 50% of the total votes cast. In case there is no direct winner, a run-off between the best two Presidential candidates, should be conducted within 30 days in which case, the winning candidate should be determined by the simple majority.
- In my view, the qualifications for the Presidential aspirant should well be stipulated in the Constitution and should include, must be a Kenyan citizen by birth, should be a recognized university degree holder and should not be less than 35 years of age and not more than 74 years of age. He should not or she should not be a Constituencies aspirant.
- A lot of powers is presently vested on the presidency and therefore the executive wields a lot of powers. The powers therefore should be trimmed. These powers include just to mention a few, nominating the Vice President and all the key position in the three arms of the government, assent to bills before they become law, conducting government functions without any limitations, appointment of ministers and assistant ministers and other key positions and can even dissolve Parliament, etc.. I propose that to ensure checks and balances, such appointments should be approved by Parliament.
- However, it should be noted that Parliamentary approval is not a guarantee to checks and balances. Because there could be a situation, where the ruling party, also controls Parliament. For example, the present situation where KANU and NDP has merged and can easily form a simple majority.
- The other proposal is that the provision that the President is the Chancellor of public universities should be scrapped and that position should be held by a professionally qualified person. The Constitution should also provide for impeachment of a sitting President. The Constitution should also provide for a government of national unity and a position of a Prime Minister. The Vice President should not be an appointee of the President and should be a

running mate of the President in an election. That will give the Vice President some breathing space.

- The Constitution should define the number of ministries and in my view, it is my proposal that the number of ministries to be limited to 15 and 30 assistant ministers.
- The Constitution should provide for the nomination of the, of say a quota of the cabinet outside Parliament. So, I am proposing that a quota of cabinet ministers should be nominated outside the Parliament. And the nominated members of Parliament should be allowed to continue being cabinet ministers.
- On Parliament, I propose that when Parliament is on recess, a provision be made in the Constitution to ensure that not the whole house goes on recess and instead, two thirds of the members at any given time, are in Parliament. Therefore, there should be no time that the country operates without the Parliament unless the Parliament is dissolved.
- The Constitution should specify the number of provinces, districts and constituencies in which the country is subdivided and provide for a review, every 10 years by a Commission, not an individual. We should not have cases where the President visits an area like Murang'a or Mathioya during that particular visit he declares that, Mathioya from today is a district. Any creation must be by a Commission.
- Nominated members of Parliament: nomination of members. Sorry, before I leave the issue on the creation of the district, the issue of illegal districts therefore, should be thrashed out by the Constitution. Nomination of the members of Parliament should continue but the nominating parties should strictly follow the laid down criteria. That is the nomination should focus on marginalized groups, professionals etc. Nominating parties have always misused this provision to satisfy political appetite.
- On gender. I propose that gender imbalance to be tackled by the new Constitution to give women greater participation in leadership positions. In this regard, I propose that the Constitution provides for election of women representatives to Parliament to represent every district.

The Constitution provide for a review of this provision, every 10 years to determine whether gender imbalance has been achieved. Gender imbalance will not always be a women issue, possibly after 10 years, we will be talking of gender imbalance to cater for men.

- The number of Constituencies should have some relevance to the population. For example Rift Valley has got about 48 members of Parliament, compared to Nairobi which has 8 members of Parliament. While the population difference cannot be compared. So, I am proposing that the Constitution should provide for the maximum number of registered voters that each Constituencies should have.

However, other geographical considerations should continue to be put in place. I am not saying that all the constituencies should have an equal number of population. But it is not proper for one Constituencies to have over a hundred thousand registered voters when others have say 15 or so.

- On elections, the month when the General election is supposed to be held should be known by all Kenyans and I propose that elections be held any other month but not December due to other festivities also associated with the month. Election dates should not be a secret weapon for any individual person.

On ballot papers: ballot papers should be counted at the polling stations to avoid transport technicalities, problems and essential suspicion or rigging.

On judiciary, I propose that Kenya should have a supreme court apart from a court of appeal.

- The judicial service Commission should be streamlined and strengthened, so as to create a judicial system which is respected, efficient, free and fair from political or executive interference and is incorruptible. Otherwise, the issue is, can our judicial system today claim to achieve all the above?
- On the provincial administration, Honourable Commissioners, there has been a lot of debate as to whether to retain or abolish the entire provincial administration. My proposal is that, first and foremost, the provincial offices are not necessary because, and I mean the provincial offices at the provincial levels not the provincial administration, because we have the same officers at all the district levels equally qualified and doing the same jobs. Otherwise, in my view, the provincial offices are just a duplication of what is supposed to be done at the district levels.

However, the provincial administration, in my view, was borrowed from the colonial masters, the provincial administration should therefore be overhauled and to have the government representatives in the local districts with fewer functions. This will ensure checks and balances. Otherwise, under a multiparty system, it is important to have checks and balances at the local level and a reformed administration, can provide this.

- On the Electoral Commission, the Electoral Commission should be reduced in size, but should be given more

powers to enable it continue ensuring free and fair elections and in particular, to enable the Commission deal with violent cases during election period. Because in today's circumstances, the Electoral Commission agents during the election time are also powerless, they are like any other aspirant. They can watch as people are being tortured and things like that. May I talk briefly on the local government systems?

- It is important to note that the current Constitution does not provide for a local government structure in Kenya. And therefore the local government exists courtesy of our local government Act cap 265. Thereby creating a myriad of functional problems in management of local authorities in Kenya.

The new Constitution should therefore provide for a local government system which is autonomous and whose functions are properly outlined.

The local government should be the highest political authority within the areas of jurisdiction, with both legislative and executive powers to be exercised in accordance with the law. Although most of the issues amount to repetition of what I have told you in the past, including recently when we were at Nairobi, may I pin point the major areas.

- The mayor or the chairman of a given local authority should be directly elected by the adult suffrage or eligible votes but not by Councillors after elections. The qualifications of Councillors should include having passed "O" level, not having reached O level. District security committees should include representations from elected leaders. By this I mean from the local government and the private sector. This will ensure a little bit democratic system where police brutality and things like that at the district levels will be tackled.
- To generally strengthen the relationship between the local government and the Parliament, local government in every province should nominate one member to represent the local government interest in the national assembly. On the nomination of Councillors, political parties have always abused the provision as I had said, in the case of Parliament.

The new Constitution should therefore clearly specify from which areas and I propose the same in Parliamentary systems to include marginalized groups, the disabled, the youth etc.

- And also on the affirmative action, as in Parliament, I propose that gender imbalance in local government should be addressed by the new Constitution by providing that at least out of the total number of nominated Councillors, one half of them must be women.

- On the allowance for all Councillors, MPs and including the Presidential allowances, all of whom are elected by the people and their allowances should be drawn from the consolidated funds, but should be reviewed by a Commission appointed by the speaker of the national assembly after every five years and no organization including Parliament should be left alone to review its own emoluments. Otherwise, recently we had Parliament reviewing their own emoluments and every Kenyan knows what happened.

However, Honourable Commissioners, to address the short comings that are normally associated with the local government systems, the system of the local government must be embodied in the Constitution and that a functional legislation, that is the Act crafted in the spirit of the Constitutional provisions be put in place. In my view, the local government system is a wide subject but most of the proposals have already been forwarded to you either by me or the other practitioners in the local government

- On agriculture, very briefly, Honourable Commissioners, agriculture is the back bone of the Kenyan economy and therefore its importance cannot be underrated. Legislation should therefore be put in place to ensure that farmers are adequately protected. For example a special fund should be established from the consolidated funds to compensate farmers during trying times like calamities like crop failures or international price fluctuations. This will ensure that we sustain production, sustain agriculture and at the same sustain farmers themselves.
- European countries have taken the lead through establishment of similar funds like the stabex funds and therefore I don't see the reason why the country should not have a similar arrangement. The fund should target major export commodities like tea, coffee etc.
- Briefly on education, legislation should be put in place which is seen to be practical. The primary education system in Kenya for example is theoretically free. But practically, on the ground, unaffordable to many Kenyans. I therefore propose that proper legislation that guarantee compulsory free education be put in place at least for primary education. The quota system in institutions of higher learning should be scrapped. Performance should be the sole criteria.
- Other General areas. Citizens should have a right to recall a non performing member of Parliament or a non performing Councillor by a petition signed by say one third or one half of the total registered voters in a given area. These provision might prove to be a difficult process but definitely should keep elected leaders on their toes. Citizens should not be left to suffer for a record five years because of a non performer.

- The Constitution should also allow for privately sponsored candidates during elections. The legislation should try to minimize the number of political parties to possibly five, otherwise, the over 40 registered political parties are too many for the country.
- The Constitution should set maximum acreage that any Kenyan should have otherwise proper mechanism like taxation or so should be put for the acreage that is above what has been stated by the Constitution.
- Generally, in my view, the Constitution that we are likely to get will not tackle all the problems that Kenyans have and it is in my proposal that just as we have rules that give purpose to the act after it has been passed by Parliament, we should have, not necessarily rules, but recommendations from the Commission that those areas which will not be tackled by the Constitution, may be they can recommend for an overhaul of those Acts such that we have a Constitution which has Acts of Parliament that are inconsistent with the new Constitution. Otherwise in my view, the Constitution will not adequately tackle all the problems that Kenyans have but may be the Commission can come out with a way of maybe recommending that the other acts of Parliament be reviewed which will not be inconsistent with the new Constitution. Thank you Honourable Commissioners.

Com. Raiji: Thank you Mr. Waweru, there is only one clarification I need. You have proposed that we reduce the political parties to five. Do you have any views on how we are going to, how you would want us to go about it? Noting that there are about 48 parties at the moment.

Councillor Waweru J.M: Ya! Maybe after the General election, the best 5 Parliamentary parties, the rest can even be left to be welfare associations. But after elections, the best five parties should continue to be the political parties otherwise, the rest can continue to be welfare association like any other welfare associations that we are having in Kenya. Thank you

Com. Swazuri: What is the maximum size of land to be owned by an individual.

Councillor Waweru: Possibly a hundred acres and the rest, strict penalties to be put in place such that it will even discourage the holders from having the land. Otherwise the current situation whereby you can get an individual with a thousand acres and there are so many landless Kenyans is not fair in my views.

Com. Abida Ali-Aroni: Now, you have made a proposal that we should have a representative of the local authority in Parliament to cater for the interests of the local authority. Which are these interests that you would like to see safeguarded in the national assembly by local authority leaders?

Councillor Waweru: In my view, I am imagining that most of the powers will be dissolved in the local government system and therefore the relationship between Parliament and the local government system in my view should be encouraged. Therefore, since even the sharing of resources between the central government and the local government should be seen to be enhanced, it was my proposal that the local government should be represented adequately in Parliament, so that there is that inter-relationship between the local government directly with the national assembly.

Com. Abida Ali-Aroni: Thank you, Jethro Chege.

Jethro Chege: Thank you. The following are my views.

- A person who fails to be elected by voters in the General election or a by election should not be nominated to the cabinet but can be nominated to the Parliament.
- There should be liberalisation of the media. TV and radio stations most of which are currently being restricted to the Nairobi area, should be allowed to have nationwide reach, if they can afford it or if they are capable of having it. Then state owned media should not be seen favoring the ruling party. It should give all political parties equal coverage especially during elections or campaign periods.
- Electoral Commissioners should be elected by Parliament and be replaced every five years by the Parliament and the Commission members can be re-elected, they are liable to be re-elected. Any person who has attained 18 years should be allowed to register as a voter either using birth certificate or other documents like baptism certificate certified by religious leaders, if he has not acquire, his ID.
- Then there should be protection of the media incase may be of defamation or misreporting of an individual or the government there should be a minimum fine or libel amount that should not be exceeded if the media company or the registration radio station or the newspaper has defaed somebody.
- The last one is that there should be free and compulsory education up to Std 8 to all Kenyans.

Com. Abida Ali-Aroni: Thank you very much. Now hata ingawa tulianza mkutano kama tumechelewa, nataka tutahairisha mkutano mpaka saa nane na robo kwa sababu wanatume walikuwa hapa asubuhi, nyinyi ndio hamukufika, na tunawapomba mutupatie break ya one hour ili tukirudi tuweze kuchukua maoni mengine, kwa sababu tulitoka mbali, na nadhani pengine watu ambao wako busy wangetaka kupumzika kidogo. Asanteni

Daniel Wanjihia: Asante sana Commissioners, mimi yangu ningesema hivi,

- Yule Rais ambaye anatawala nchi hii kwa sasa, sheria ipitishwe kabla uchaguzi huo mwingine ujao, apelekwe mahakamani kwa vile nchi hii uchumi wake umezorota. Ni yeye amesababisha, ashtakiwe kwa mashtaka ya uchumi, na ashtakiwe kwa mauwaji ya Rift Valley, tribal crashes. Hiyo ni maoni ya kwanza.
- Pia Rais mamlaka yake, yasikuwe makubwa kama yalivyo sasa kwa mfano kama appointment of judges, Attorney General, or Commanders of army of prison bosses. Mamlaka ya Rais yapunguzwe na hawa watu wawe wakichaguliwa na Commissioners kama vile tuko na ya walimu ama PSC. Lakini sio ati mamlaka hiyo yote iwachiwe Rais.
- Pili ni mambo ya land. Nchi hii iko na watu wengi sana ambao hawana ardhi, na kuna ardhi nyingi katika nchi hii ambayo inakaliwa na watu wachache zaidi. Ardhi hiyo inastahiri kugawanywa wale ma-squatters ambao hawana ardhi. Iwe ni resposessed na serikali, wale watu ambao hawana ardhi wapatiwe free. Tena, ni mambo ya electoral borders. These electoral borders isiwe ikipatiwa Rais peke yake. Iwachiwe Commission ambayo itakuwa ikiangalia, electoral borders sababu kama ilivyo sasa, inaonekana ina-favour ruling party.
- Kitu Kingine, ni mambo ya administration. Mimi sioni haja katika Kenya hii kuwa na chief ama naibu wake. Badala yake tunaweza kuwa tunaenda kwa OCS aliye karibu ama wazee, wakiandamana na wazee kama ni kesi iko huko kama inavyofanyika sasa kwa chief ama kwa sub chief. Lakini chief, DOs hizo office, hazina haja. Kama tuko na OCS na tuko na mkubwa wa division wa police, huyo anaweza chukua hayo mamlaka.
- Kitu kingine ni mambo ya polisi. Polisi nao wamekuwa ni watu wabaya sana. Polisi wanafanya vibaya halafu wao wenyewe wanajichunguza. Hiyo iangaliwe kwa makini sana sababu torture katika police stations katika Kenya ni common sana. Na mtu aki claim ati amekuwa tortured, unapatiwa tena polisi huyo huyo aende akakufanyie upelelezi. Hawezi jipeleleza yeye mwenyewe. Kwa hivyo hiyo, inastahili tena Commission ingine, sio polisi anakuuliza halafu unapatiwa polisi huyo huyo. Hiyo mambo irekebishwe kwa Katiba.
- Jambolingine ni ya hii elimu. Elimu ya 8-4-4, haina maana kwa Kenya sasa kwa sababu hiyo ni elimu duni. Elimu kama inatakiwa iwe mzuri irudi kama vile ilikuwa zamani. Mtu anaenda nursery, primary up to std 7 halafu

anaenda form 4 halafu form 5 na form 6 halafu university. Lakini mambo ya 8-4-4 , hiyo ni elimu duni zaidi.

- Jambo lingine ni hii ya Commission hii ya Gha, ambayo munasimamia sasa. Iifanyiwa vizuri sana kwa kuundwa lakini tumeona Commission nyingi sana katika Kenya ambazo zilikuwa zimetangulia hii, kama ile ya tribal clashes, na zingine. Hizo hazikutoka na mambo yoyote, kama hii haitatoka na mambo yoyote, mimi ningeomba sheria iundwe Rais wa sasa agharamie gharama ya Commission hii kama haitatoka na mambo mazuri vile wananchi wanataka. Yangu ni hayo tu.

Com. Raiji: Naona mzee umelalamika kwamba polisi wanafanya torture sana. Na lako ni wao ndio wanajihukumu, na kuchunguza. Halafu tena, wewe unarudi unasema mamlaka yatolewe kwa chief yapelekwe kwa OCS, sasa si ni kutoka kwa taabu na kwenda kwa taabu zaidi?

Daniel Wanjihi: Hiyo ni kulingana na economy vile ilivyo hata kwa sasa. Unaona unalipa mishahara ambayo haina maana. Na hiyo kazi inastahili kufanywa na mtu mmoja.

Com. Abida Ali-Aroni: Bwana Daniel, umezungumza kuhusu prosecution ya Rais, kwa sababu sasa umeongea tu kuhusu hii maneno ya prosecution, sijui kama umefikiria mambo mengine kuhusu office ya Rais. Unaongea kama mtu ambaye na siongei habari ya Rais wa sasa , naongea habari ya office ya Rais., mtu yule amestahili anafaa aki-retire, kupewa welfare yoyote na...

David: Anafaa kama amefanya kazi mzuri lakini kama amefanya kazi mbaya hastahili kupewa mamlaka ya kitukngine chochote.

Com. Abida Ali-Aroni: Asante. Sila Njuguna, Onesmus Ngari,

Onesmus Ngari: Thank you very much Commissioners.

- First, I will talk about the polling station.
- A new law should be put in a place to allow votes cast in a General election to be counted at the polling station instead of the current trend where they are transported miles and miles away, to the vote counting centers. This would save the energy, time, and money used in their transportation and it would also be clear to all that there were no malpractices as presently feared in their transportation.
- Administration, The Constitution should be amended to enable those seeking to administrative positions that is chiefs and assistant chiefs to be directly elected by the public. Like it happens in the case of civic leaders. This

would ensure District Commissioners do not impose their choices to the wananchi.

- Education: the Constitution should make primary school education free to all children in Kenya. This would give the thousands of children being born daily an opportunity to get the basic form of education.
- Formation of village elders' groups. The Constitution should give the provision whereby village elders help to solve land disputes in the rural areas. The groups should work hand in hand with the chiefs and assistant chiefs. I have finished.

Com. Abida Ali-Aroni: Thank you please register and give your memorandum on that side. Watu ambao wanatoa maoni na wana memorandum mukimaliza kuzungumza, kuna registration pale ya kupeana hizo memoranda. Next we have Joshua Mwangi, John Mugweru

John Mugweru: Commissioners, and my dear participants.

- My first issues is on nationality. Apart from birth certificate and national ID, one has to have the Kenyan Constitution. That means that each and every Kenyan, 18 years and above must have a written Kenyan Constitution. Noting on the part of the Constitution, it must be interpreted in all Kenyan linguistic groups.
- Systems of the government. Kenya must have a coalition government. It must have a system of coalition. Meaning that, ministers and assistant ministers must be appointed by the Parliament as per their academic qualifications.
- On the part of land, every Kenyan must not have over 20 acres of land while there are landless people in our nation.
- Presidential powers. It is with great concern that the Presidential powers are extreme. It is my proposal that, the President should not appoint the judiciary.

My second point on power of President, he should not also appoint electoral Commission of election and also appointment of provincial administration.

- **Qualifications,of the President:** President must declare his wealth before and after his term of leadership. He must also be between 35 years to fifty and not over 55 during the time of his candidature. President also, he must have at least a degree preferably in business education, or in political science.
- **An MP:** He must also have a diploma or a degree, meaning that their salary must be determined by their qualification, academic qualification that is. An MP should also have an office in his Constituencies because they are on demand from the public and the public usually has hectic time trying to search for their MP. Meaning that with an office, if he fail to be in his, office for a period of 7 times he public will be given power by the Electoral Commission to elect another member of Parliament. He must also be between 25 years to fifty and not fifty and above.
- **Education:** Education must be free and compulsory, from nursery level up to university level, because this is the burden of the public, the poor.
- **Employment.** Failure by the government to employ will be met with a demand for payment to these between 18 years and 55, those who are unemployed. That's all.

Com. Abida Ali-Aroni: I want a clarification, you would like, you have said an MP must have an office in his Constituencies, is it before he is elected or after he becomes an MP?

John Mugweru: Immediately after he becomes an MP.

Com. Abida Ali-Aroni: Thank you

John Mugweru: Welcome. Sorry, I have one more point.

Com. Abida Ali-Aroni: Alright, a second to summarize it.

John Mugweru: Ya! Okey, on the part of provincial and local administration, these people, it is my proposal, they should be replaced by the council of elders, who will be elected directly from the sub location upto provincial level. Thank you

Com. Abida Ali-Aroni: Thankyou very much. Now nitaomba ruhusa munikubali ni muite Elizabeth Wanjiru Gichohi kwa sababu sijui wamama wa hapa wameenda wapi na kwa vile amefika, ninaona tumpatie hii nafasi.

Elizabeth Wanjiru Gichohi: Nii ngwaria na Gikuyu. Nii ngwendaga kwaria uhoro wa atumia a ndigwa.

Translator: I would like to talk about widows because when a husband dies, the wife and her children, have great problems to face. Because the widow is seen as a threat by way of selling the assets left by her husband. They are not allowed to own assets such as land. If there is an old child, and so the the widow is younger, there are attempts of getting those assets. Or if they do not grab or take away those assets then she is given much less than she is entitled to legally. And this can be done through the courts. And this happens to her and her children.

Another point is all women, particularly the older ones, normally they would not buy property in her own name, normally they would declare that the property is owned by the husband. So my appeal is that, the new Constitution or the new law should empower women to buy and own property in their own names because if this does not happen, these assets are at the mercy of being grabbed by the family members or the relatives. And that is why there are so many cases that have taken such a long time to be determined because women buy property in the names of their husband even though they buy them with their own sweat by selling potatoes, and such things. This results in cases, long drawn out cases. Niwega(Thank you)

Com. Abida Ali-Aroni: Asante mama and we are wondering the ladies who are here, you have no views? Hope that you will gather the courage to give us your views, na musuwe na hofu, mtu aongee kwa lugha ile anaelewa na shida yake tafadhali. We will now give the opportunity to hon Njakwe Maina, to give his views. (Inaudible Interjection) Thank you. It is okay, you will tell us when you are ready then. Thank you. Kenneth Ndegwa. D.S Maina,

D.S Maina: Thank you honourable Commissioners, I will start with the election of the President.

- For a President to be declared elected one must obtain more than 50% of the total votes cast. Should none of the candidates obtain more than 50% of the total votes cast, there should be a run off between the top two candidates within 30 days to determine the winner. Such a winner shall have executive powers.
- The Vice President. Every Presidential candidate shall nominate a running mate to be his proposed Vice President. In the event that the office of the President falls vacant, the Vice President should serve the remaining period of the five years.
- Counting of the votes. All the Presidential, Parliamentary and civic votes cast should be counted at the polling station where they were cast.
- Voters registration: The voter registration card should be abolished and be replaced by the national identity card.

Voter registration should be continuous, up to three months to the election date.

- Mayors and chairmen of local authorities, should be elected directly by the electorate.
- Nominations to the Parliament and to local authorities should be abolished all together.
- Administration: Parliament The parliament should draw its own calendar and timetables. The President should appear in Parliament once a month on an appointed day of the month to answer questions of national interest from the members of Parliament and to brief Parliament on the on-goings in the country.
- The government: The ministries, the number of ministries in the government should be determined by the Parliament. Every ministry should be headed by one minister, one assistant minister and one permanent secretary all of whose appointment should be vetted and approved by the Parliament. No ministerial portfolio should be under the office of the President. All ministries should be distinctively on their own.
- Provincial administration: The provincial administrations should be abolished and local authority strengthened. The local authority should be given powers to manage their own affairs, budgetary and administrative without the unnecessary interference from the ministry of local government.
- Appointments: All appointments from directorate level and above should be approved by a Parliamentary committee
- Judges and magistrates: Judicial service Commission should nominate persons for appointment to the position of judges. The person so nominated should be cleared by a Parliamentary committee before finally being appointed by the President.
- University chancellors: The current system where the President is the chancellor of all our public universities should be abolished. The universities should be left one to device a system of appointing their chancellors
- The Attorney General: The President should present a candidate of his choice to Parliament for clearance. Should the Parliament withhold its clearance, the President must propose an alternative and continue doing so till he obtain the Parliamentary clearance to appoint the person.

- The auditor General: The PSC should advertise the position in the media. The PSC should then conduct interviews and present its nominee to the Parliament for clearance, before being appointed by the President.
- Other appointments like the directors, heads of cooperation chairmen of Commissions of enquiry, the appointing authority must obtain clearance from a Parliamentary committee.
- Reports from the Auditor General and Commissions of enquiry, There must be a Constitutional time table within which the above report, must be submitted to the appointing authority and a punishment for default defined in the Constitution. The appointing authority must forward such reports to Parliament and edited within 90 days after receiving them for debate and recommendation for necessary action. There must also be a Constitutional time table for the implementation of the Parliamentary recommendations and punishment for default by the appointing agents Constitutional defined.
- Civil servants: All civil servants should be barred from holding any other position in the private sector.
- Corruption: A corruption court should be established to examine and, on finding any corruptly acquire wealth, such wealth should be forfeited to the state. Thank you.

Com. Raiji: Bwana Maina you mentioned about nominees to Parliament and local authorities be abolished. What would you propose we do in respect of the marginalized groups who ideally ought to be the people nominated? Groups like women, professionals, minority....

D.S. Maina: The honourable Commissioner, the system as somebody else said earlier, has been abused and all what nominations do is to gain some political mileage, to appoint friends or fellow tribesmen. So I feel there is more damage done by that more than infact the marginalized groups.

Com. Abida Ali-Aroni: Thank you, Wambugu Githiga

Wambugu Githiga: Okay, thank you honorable Commissioners and my first point is a case regarding the powers of the President.

- He should not be above the law.
- Vice President should be a running mate of the President.

- Case regarding appointment of the ministers: This should be done by the three popular parties in the Parliament, except for the office of the President, the cabinet ministers in the office of the President.
- Okay, cabinet ministers should have relevant education regarding their ministry eg ministry of Finance, he may be having qualifications in economics or accounting. Ministries should be specific on their duties and there should be no duplication of jobs.
- Commissions of enquiry should be endorsed by the Parliament and their findings should be presented or tabled in the Parliament. All ministers should be first elected, they should be elected members of Parliament, not appointed.
- Other duties of the President: Should not be the chancellor of the universities otherwise he should be a professional or an academician.
- Presidential directives should be taken to the house and reviewed. Eg ban on miraa, creation of new districts and divisions where upon the house can appoint a commission to do the same or endorse it directly. He should not appoint judges.
- On our economy; the market should be liberalized moderately but in this case there should be regulation especially in the agricultural sector to reduce exploitation of farmers
- Bridging the gap between the poor and the rich. There should be equal land distribution. In this case, I think nobody should own more than 10 hectares.
- Creation of other forms of security eg, there should be stable public companies whereby the Kenyan communities can invest and have shares instead of only relying on agriculture. This would reduce land pressure. Still on economy, multinationals should be regulated whereby they should be highly taxed. If they are a threat to the local companies they should be completely banned.
- Trade between countries should be encouraged, but some trading blocks that are a threat to our security or make little revenue should be discouraged. A case example is whereby Uganda utilizes our dock in Mombasa yet it is a land locked country and because it is one of the COMESA countries it is taxed less than the other countries like Sudan.

- Okay, the case of local government: Powers in the local government should be decentralized, not a case whereby every revenue that has been collected has to first report to Nairobi to the ministry of local government that is when they are disbursed back to their local county councils. Local county councils should be allowed to utilize funds gotten within their council for their development. This should be headed by the ward Councillors who should be answerable to the local residents.
- Local residents should be empowered to effect a vote of no confidence with non performing Councillors. Every ward should have an office where residents can access their Councillors. It should be made mandatory that the MPs should have offices in their Constituencies once they are elected, so that the electorate can access them. Their duties should be well defined, not a case where by you have an MP who comes around conducting harambee in Kiraini, Jumbi, Kamacharia and every weekend he/she conducts a harambee. And that one creates a lot of fear to young people because if you are willing to vie to be an MP and you have never conducted a harambee, people will be asking if you have ever conducted any harambee.
- Okay conduction of any harambee. Conduction of harambee by any government officials or civic leaders should be discouraged to avoid looting of public coffers. There should be an act that gives the electorate powers to execute a vote of no confidence on any non performing MP. This should be through an office of ombusman that should have branches in every district.
- On provincial administration: The position of PC,DC, DO chief and sub chief should be scrapped completely. And their duties should be performed by the relevant police post. For example, in the area, may be a location, we have OCS, he should perform the duties of a chief. This is in collaboration with the elected local government officials in that area.
- The case of execution of justice. Every location should have a court of law which partly constitutes of the famous kangaroo courts. Or the local council of elders. Because justice delayed is justice denied.
- Education: Education should be made mandatory up to form 4 level. Private institutions should be regulated to ensure that there is no spoon feeding hence creating a level playing field for every student. And also, they should offer the necessary facilities like playing field. For example, if you go just outside Kiraini, you find that a private school is in a plot, there is no playing field and a child, the English man said, work without play makes Jack a dull boy.

- Promotion of teachers should be on performance and on qualification basis.
- Regarding university education. Students should be given automatic loans once they apply to the higher education loans board.
- In the case of brain drain, it should be discouraged through necessary follow up by the government.
- The case of civic education. Civic education should continue, should be a continuous process starting from class five, that is std 5. Not a case whereby the Commissioners that are receiving the Constitution they conduct civic education when it is too late. Everybody should have known what is in which chapter and also what a certain law states.

Com. Abida Ali-Aroni: Please summarize

Wambugu Githiga: I am almost finishing. Regarding the case of forests, there should be no more deforestation of public land or public forests, in the name of

In the name of allocating land to the landless. Instead marginal land especially the deserts should be reclaimed and people allocated in those areas. Like in the case of Mwea Tebere, they reclaimed that land and many people are living there.

- Okay, housing:. The government should have a policy that creates a stable parastatal which caters for housing problems like the one we have currently, NHFCK -although it is corrupt. This parastatal should encourage urban living through cheap houses but they provide every basic need that a house should have.
- Okay, regarding our fathers, they should be made responsible of the act in case of impregnating a lady. They should be made to take care of the children even when not married. This will discourage street children.
- Agriculture: My last point, funds should be set aside to ensure farmers, especially during calamities and a fall in market prices, get enough money. Farmers should have supremacy in their business, that is especially in selling their products. Not a case whereby they go and sell, we give a company or may be a board, coffee board of Kenya to go and sell our product then they tell us 10 bob and yet they sold at a million bob and they give us 5 bob. So,

farmers should have supremacy in that area. Farmers should be protected against exploitation. That in case of low buying prices where the government especially the Parliament should regulate the prices otherwise farmers should be paid first through the funds set aside. These were the highlights of my memoranda.

Com. Swazuri: You are saying that ministers should be appointed by the three popular parties. Will the ministers be coming from the winning party or where will they come from?

Wambugu Githiga: Like currently, in our current house, we have KANU, DP and NDP. They should have a ratio of how they should choose those are the most popular parties in the number of MPs. KANU being the leader, DP the second and , NDP the third one. Ministers should come from those three parties. Not a case whereby they are only winning from the wning party that is the rulling party, that is the rulling party.

Com. Abida Ali-Aroni: Thank you. Peter Gachuhi Maina, I don't know whether this is Father Gitau? Virginia Wangechi.

Virginia Wangechi: (niwega nii undu umwe)(kikuyu)

Translator: I want to speak more on the widow, the lady who has lost her husband.

- The government of Kenya has been very unfair to those who have lost their husbands and it does the same to children. When one spouse dies, the money in the bank, saved in the bank by the family is taken by the government, instead of being handed over immediately to the family. When working, you work because of your family and your household. It is very painful that when one dies and these people have a savings account, it becomes a great problem to get that money which was left in the bank by the late spouse for the family. The government should be inspired by the love for its people so that this problem is minimized so that when one spouse dies and there is money in the bank it is handed over immediately to the living members of the family. Great problems arise of this matter because even children are unable sometimes to continue with education.
- I also want to talk about our coffee. The money that we are paid is finished before, the proceeds from our sales of coffee gets finished before it reaches the producer. It is my opinion that whatever sales are made and wherever sales are made, that money should be transmitted immediately to the producer, the farmer immediately and not through other hands. Currently, this seems to help the people who don't work on coffee. Thank you very much, Commissioners.

Com. Abida Ali-Aroni: Please ask her what she would like done, she has the problem with the way the estate of the deseased

person is handled. Ask her, how does she think we should simplify because once a spouse dies, the government will have to formalize so that one can administer that estate. How does she see the system being simplified?

Virginia Wangechi: Ungiona uhoro uyu wagiriirwo gutangirwa atia? She says that they demand death certificate, and other procedures and what she is actually asking for is this matter should be, the process should be shortened minimized so that.....

Com. Abida Ali-Aroni: How? How? Because now, she has to go to court. After obtaining the death certificate, what is she proposing?

Virginia Wangechi: This matter should be handled by the family or the clan. They know whom the wife is and who the mistress is. The court, the judges the lawyers don't know anything.

Com. Abida. Thank you, Asante. Owen Muhuko, John Wanguru, James Kanyi,

James Kanyi; Thank you Commissioners for giving me this opportunity to air my views. Those are my colleague teachers whom I left behind.

- Here are my suggestions as to the proposed Constitution: When it comes to political parties, these are the schools for politicians and therefore, to talk about democratic principles, this is where democratic principle start. In that case, I am saying the political parties conducts should be democratic and especially when it comes to elections which should be by secret ballot and should be regular. And the law should be clear on this, when these elections should be conducted by the political parties.
- I propose that there should be a maximum of three political parties in the country and for purposes of election, independent candidates be allowed to stand for the electoral offices.
- The political parties should be funded by the state if and only if they are controlled to a maximum of 3.
- When it comes to the President and Parliament, I would say that both the President and the Vice President should be elected directly by the voters. And it should be known early enough before election who are the running mates in every political party or those people who are standing for election.
- A post of Prime Minister, I suggest, should be created and the Prime Minister should be elected by Parliament. On

this area still, the President should be barred from firing the Vice President, and in case of misconduct on the part of The Vice President, a tribunal should be formed by Parliament which should report back on its finding.

- The President I also suggest should not be above the law.
- All prospective Presidential candidates, Constituency members Parliament and Councillors should declare their wealth, before they are nominated to run for these elective posts
- On the election, another suggestion, the presidency, the person so elected should relinquish his seat as a Constituencies member of Parliament once he becomes a President , because his Constituencies now becomes Kenya. We also find that .in our current Constitution, the President has so many appointments to make regarding senior government officers. For example, he is the one who appoints the Attorney General, he is the one who appoints the chief justice and chosing judges, the PS, the Ambassadors.....and this is sometimes likely it is sometimes prone to ambuse. Therefore, I would suggest that these powers be trimmed.
- The Presidential candidates, I also suggest should be graduates. The same as MPs, those who are intending to vie for Parliamentary seats, and even mayors and chairmen of the county councils.
- Another suggestion is that ministry once a General elections has been conducted when ministers are being appointed, only those qualified to run ministries should be considered. And in this, I want to mean this. The minister for health should be a qualified doctor. The minister for education, should be a qualified educationist. The minister for public works may be should be an engineer.
- Another suggestion, there should be no nominated MP and if they should be there, then the law should clearly state who can be appointed. The criteria as it is today, anybody can be appointed.
- The other one is the power to award salaries to MPs should be withdrawn from them. That is, if the salaries of the MPs have to be reviewed, then The Treasury and other relevant government offices should come in because this privilege is open to abuse.
- Voter registration and the issuance of ID, should be a continous process and I would suggest a person who goes to get an ID card should also receive both at the attainment of 18 years of age. You are issued with an ID as well as the voter registration card.

- The other one is the conduct of members of Parliament. I would suggest to curb lack of quorum in the house, which is only about 27 members, MPs who do not attend Parliamentary proceedings without a valid reason by the speaker of the national assembly should be charged or should pay or his salary should be subtracted what he should have got that day, so that MPs take their work in Parliament more seriously.
- Another issue suggestion is that, votes cast in an election should be counted at the polling station.
- Another suggestion is, to avoid changes and changes on currency which are very expensive to this nation, the portrait of the President should not appear in the Kenyan currency and instead, we can have something else for example, our national monuments.
- Another suggestion on the provincial administration: The provincial administration should be scrapped and if it should be retained, the roles of the officers should be clearly spelt out.
- If the post should be there, if it will be found absolutely necessary for the provincial administration to be there, then the chief and the assistant chief post should be elective by the people in those two areas.

Com. Abida Ali-Aroni: I am sorry I have to ask you to summarize, we have a long list. I will give you half a minute to summarize.

James Kanyi on education I would suggest that education should be free right from nursery school to the university.

- I would also suggest that chapter five of the Constitution be taught in all levels of schooling. That is the Bill of rights.
- And finally, the removal of the barriers when it comes to quotas should be removed in the dictionary of institutions.
- And finally, the Constitution of Kenya booklet which will come out from this hearings, should be available to all Kenyans to all Kenyan institutions and government offices and interpreted in all the Kenyan languages. Thank you very much.

Com. Abida Ali-Aroni: Harrison Gacheru.

Harrison Gacheru: Asante sana Commissioners, na wenzangu. Yangu ni machache ambayo ningependa kuuliza ama kueleza.

- Kuna hawa officers ambao wame- retire from serikali ama kwa Jeshi. Inaonekana Kenya yetu imewasahau kwa ulemshahara wao kidogo walikuwa wakipata ndio wanaendelea hata kupata hata mpaka wa leo. Sasa hii inaonekana kama hio Katiba ingalirekebishwa, wajue vile watakuwa wakisaidia hawa watu kifedha ili waweze kujidumu kimaisha.
- Ya pili, hawa retired officers wakisha fariki, bibi yake hawezi kupata zile pesa alikuwa akipata, kwa sababu sheria inamkataza. Ati mpaka apate miaka mitano halafu kutoka hapo hawezi kupata chochote. Sijui hapo pia unaweza kuangalia hayo maneno.
- Jambo lingine ambalo limetusumbua sana, ni juu ya kumiliki mashamba. Unakuta baba yangu amefariki, pengine amenigawia shamba, lakini kabla sijapata, ile shamba nitatumia zaidi ya shilingi elfu arubaine. Na sina chochote. Kwa hivyo hii habari ya mashamba iangaliwe sana vile inaweza kurekebishwa, hii maneno ya kupata Title deed ama vitu vingine viwe vina peanwa free of charge.
- Jambo jingine ambalo ningetaka kuguzia kidogo, ni maoni yangu sijui kama wengine wanaona kama vile mimi naona. Haya maneno ya President kuchaguliwa, awe ni mtu ambaye si wa chama fulani. Awe ni mtu wa kutoka hata kama alikuwa na chama, alishachaguliwa kuwa President na asahau hicho chama chake ili aweze kuhudumia wananchi nkw njia ambayo inayofaa. Kwa sababu wengine kazi yao ni wakishachaguliwa kama President, anaenda kuongea tu maneno ya chama chake, haangalii maisha ya binadamu kule nyumbani.
- Pia ningependa kama ingaliwezekana, President yule ambaye anaweza kuchaguliwa asiwe yeye ndiye commander in chief of the armed forces. Kwa sababu hii maneno ya kuwa commander in chief of the armed forces, yeye mwenyewe anachagua wale wakubwa kulingana na mapenzi yake si vile mtu anajua kazi yake. Ama analeta mtu wa kabila lake. Hiki ni kitu ambacho kinaleta shida sana katika Kenya yetu today. Lakini haya yote yakirekebishwa, tunafikiri haya mambo yataenda vizuri. Asante.

Com. Abida Ali-Aroni: Asante, Josphat Maina,

Josphat Maina: Yangu ni moja tu. Nilikuwa nataka kuuliza kama hii cooperative society Act should be dissolved completely, ndio wakulima wapate nafasi ya kujivunia mazao yao au kazi yao. Kama vile sisi wakulima wa kahawa, tunachagua viongozi wakutuongoza katika ma-society yetu. Na baada ya siku chache, wanaanza kukula pesa yetu. Hawa watu wakikula pesa yetu, hakuna mahali tutawapeleka hawa. Kwa sababu wanalindwa na hii sheria ya cooperative society. Kwa hivyo ilikuwa hivyo, ningependa tu cooperative society Act iondolewe ili mkulima awe na nguvu za kujivunia mazao yake. Asante.

Com. Abida Ali-Aroni: Asante, Wanduru Waweru. Tafadhali mjiandikishe pale mukimaliza kuongea.

Wanduru Waweru: Mimi ningeegea kwa kikuyu. Haya nitajaribu. Maneno yangu ni machache tu. Kwanza nataka kuongea juu ya identity.

- Yaani nchi hii yetu, kabla ya wakoloni waje hapa, ilikuwa na majina ambayo ilikuwa inatawanyika kwa kila tribe. Mzungu wa kwanza alipofika hapa, aliingia njia ya ukambani. Mlima ulipoonekana kule ule wa Mt. Kenya, akaulizwa, “ mlima ule unaitwa nini?” Akasema unaitwa Kiinyaa, halafu akifika hapo kwa wakikuyu, akauliza akambiwa inaitwa “Kirinyaga”. Kwa hivyo, jina hili Kenya, likianza hapo. Haya maswali yangu ndio haya. Tutafute jina, yaani Commission itafute jina moja ambalo haliwezi kugeukageuka kila wakati. Isiwe kama hii ya utetezi wa siasa. Yaani kwa mfano, kwa pesa, pesa isiwe na alama ya kiongozi wa nchi hiyo. Maana yake huyu atakuwa hapa, leo, kesho mwingine, kesho kutwa mwingine Tutakuwa tukigeuzageuza, rangi haigeuziki yenyewe. Kwa hivyo, currency yetu iwe na symbol moja, ambayo itadumu milele kama vile ilivyo kule nchi ya America. Nasikia, sijaenda huko America, lakini nasikia hivyo ndivyo ilivyo. The Commission I-recommend hiyo iwe namna hiyo. Kwa pesa hizi mfano wa mtu moja na upande mwingine ile ya party, hiyo iondolewe, isiwe inaongea juu ya party fulani na hii nyingine fulani. Kuwe kuna ktu kimoja ambcho haigeuziki. Sisi tunakijua, watoto watakijua na itaendelea namna hiyo na ningee-suggest mlima Kenya kama vile jina Kenya ilivyo, utumiwe katika currency yetu.
- ID card. Hapa nataka kuhimiza ya kwamba serikali inaongeza nguvu kwa ukabila. Hiyo kitu kiondoeklwe kabisa. Kwa mfano, mimi naitwa wanduru, natoka Kenya, Muranga, Mathioya, Kiiru Kiambuthia. Haya maneno yaondolewe. Mimi ni mtu wa Kenya, tuwe Kenyan. Hivyo itaondoa ile fikira ya ukabila na itaondoa mapigano yale yanayopiganwa ati huyu anatoka hapa na huyu anatoka kule kwa hivyo anapigwa na mwingine. Na vile, vile wale wanaoandika watu, akiwa ni mtu wa kabila fulani, akiwa kwa office anachaguwa watu wa majina ya kabila yake, anasahau wengine. Kwa hivyo, kwa ID card yenyewe majina hayo mengine yaondolewe kuwachwe jina la Kenyan.
- Jambo la pili liko katika vita kati ya nchi nyingine na nchi hii yetu ya Kenya juu ya law yaani sheria zile zinafanya kazi kwa mfano tuna ile sheria ya labour. Child labour. Hiyo ndiyo ninataka kuongea juu yake. Hapa Kenya, watoto

wakisoma, wanasoma mpaka darasa la saba. Hapo anaondolewa. Na wakati ako darasa la nane, yuko katika miaka kumina tano na huwezi kubaliwa kumwandika kazi kabla hajafika miaka kumi na minane. Kwa hivyo tukijaribu kuondoa hiyo sheria, watoto wawe wakisoma kutoka mwaka wa kwanza mpaka miaka kumi na minane. Hii itaondoa ile tabia ya kuaandika watoto. Mtoto akiwa anatoka skuli akiwa miaka kumi na minane anatakiwa ID card hapo na wakati huo huo atakuwa eligible for employment . Kwa hivyo, hatuwezi kupigana na international law.

- Hivi ni kusema, serikali yetu ama Katiba yetu inakubali mtoto afike miaka kumi na tano ndio anatoka primary. Na akitoka primary, hawezi kukubaliwa kuandikwa maana hakuna kazi, na hakuna skuli, na hawa inspekta wa labour wakija kwangu wakute nimemwandika mtoto wa miaka kumi na sita, wananimamata. Na huyu mtoto ana ID card na hana nini na international labour inamkataza na alifukuzwa kwa skuli na serikali maanake hakuku baliwa arudi skuli. Kwa hivyo elimu ya hapa ilinganishwe pamoja na uzima wa mtu mahali anapopata ID card, akitoka skuli awe anaweza kufanya kazi mahari popote. Ili tupate elimu ya kutosha, yaani free education kutoka nursery mpaka university. Ni sisi tunalipa, hakuna serikali bila sisi. Sisi ndio tunalipa. Iwe free mpaka university na mtu akitoka huko awe anaweza kufanya kazi. Lakini sio sheria inikubalie nifukuze mtoto miaka kumi. Halafu kule nisimuandike. Poverty inaingia. Nimemaliza.

Com. Abida Ali-Aroni: Asante, Joyce Gachagu

Joyce Gachagu: Asante sana. Yangu nitaanza na mambo ya uchaguzi. Ningependa mtu yeyote ambaye atapigania Rais awe na degree, ama diploma. Halafu awe anachaguliwe na raiya. Directly. Vice President naye ningependa awe akichaguliwa na raiya na awe na degree ama diploma. Watu kama Councillors ningependa wawe watu wa “O” level of education, assistant chiefs na chiefs “O” level na wawe wamechaguliwa na raiya.

- President awe na 50% of total votes. Ikiwa haitawezekana, yule alikuwa nyuma yake wanaweza kushidana wakiwa wawili. Mambo ya mishahara ya MP, iwe na Commissioners wa kuangalia mambo ya mishahara ya MPs na allowances.
- Ningependa free and compulsory education.
- Free medical services.
- Watu wasiwe na mashamba makubwa sana na at least maximum of acreage iwe 50 na wale wengine hawana mashamba, wapewe mashamba.

- Ningetaka yule atakuwa President, atachaguliwa President awe mtu ambaye ana miaka kutoka hamsini mpaka sabini. Na zaidi ya sabini asiwe akitaka kiti. Awe ni mtu wa kuchunga ng'ombe.
- MP naye awe mtu wa miaka kutoka 25 mpaka sabini. Akifikisha miaka sabini afadhali akae nyumbani.
- Councillor awe kutoka 18 up to 70 years.
- Mambo ya MP awe na office karibu na Constituencies yake, naye Councillor pia awe na office yake.
- Pesa za NSSF, mtu akifikisha miaka kama 40 years anafikiria hatarudi kazini, apewe ndio aweze kutumia akiwa na nguvu.
- Pia ningetaka, mambo ya wenye siasa, mambo ya defection. Tungetaka mtu kama anataka ku-defect kama amekosa nomination, asiende kwa chama kingine. Arudi nyumbani, angoje mwaka mwingine.
- Na mambo ya water, tuwe na free water supply. Sio maji kama hii hapa ya Gatango tunapewa halafu tunalipishwa iwe free water supply. Asante

Comm Abida: Asante, Mwangi Kamau

Mwangi Kamau: My name is Mwangi Kamau, from Kiriaini, I am 77 years old. And I know a great deal about Kiriaini. I came here in 1927, that is when I got to Kiriaini.

- I know the stone building right from the first one in Kiriaini. I know the head men and the chief are the two most important personalities in this area. I want them elected by the public. They should be made more powerful not less. The two are more important, they are more important to the public than the police. It is the headman and the assistant chief who know how we live and how we sleep, better than the police.
- The assistant chief and the headman report to the chief, who report to the DO. So in my opinion the police and the DO are under the chief. The chief should call us in many more barazas where we are allowed talk out our problems. We want chiefs to use their powers and energy to arrest thieves not drunkards, not people who have been drinking and having fun. They should have elders aged about 70 and above, to work with the chiefs and

police who will identify the criminals from the good citizens.

- I want to protest about court cases that have been in the court for 20 years and they have never been heard. There are people in remand cells for up to 40 years without their cases being heard. Our court libraries are full of files as if they are for the wedding registry. Thank you.

Comm Abida: Asante bwana Mwangi Kamau, can we have Kahindo Maliwa.

Kahindo Maliwa: My name is Kahindo Maliwa. In my views we are suffering a great deal particularly because of school fees. In 1969 and 70 we used to be paid coffee dues after every three months. We planted coffee on all our shambas and it has been a great struggle, we pick coffee, we look after it but we get no profit from it.

- We want this Constitutional Commission to work out ways of removing the people who have been, who are a threat to farmers. For three years, we have not received any payment, this is the fourth year. We have sold all our animals, our goats. This term you sell this cow, next term you sell that goat until we have none left. Yet we have also planted all our land with coffee and despite all the hardships, our children are not going to school and we are not being paid and this is a big problem for us farmers.
- I want to know, why the police demand fuel for their cars from us when we go to report cases to them. For instance if you lose a relative and you go to report that you have lost a relative, before they come to you, they tell you that their vehicles need to be fueled. We want to know why or how, don't they receive money to buy fuel for their cars? Now I know traditionally the police are called "utumishi kwa wote" that is, service to all. Is this service to all? Demanding money from poor people? Whoever becomes the next President or this President should ensure that these problems are made lighter for coffee farmer and people who live in areas like these ones of ours. We want brokers, coffee brokers removed from coffee sales systems. Thank you very much.

Com Abida: Pastor Samwel Kanyi,

Pastor Samwel Kanyi: Thank you Commissioners and the rest of the participants. Mine is just brief, I am going to base my views on the freedom of worship, because it is in the freedom of worship that many groups have found an umbrella. The freedom of worship law in Kenya should be amended.

- It is through the freedom that so many groups have come up pretending to be religious but later on turning out to be with hidden agenda. It is through such groups that have seen innocent blood shed in our country, just simply because

the constitution provides for freedom of worship. In my own view, I suggest that a new Constitution should be put in place whereby, for one to qualify as a pastor or a preacher, to at least possess a diploma and above of a theological certificate of studies from a recognized institution.

- Currently, we have so many pastors and preachers in the streets but instead of preaching sound doctrines, they preach heresy filled stories leading their followers to a state of confusion. Some Reverends have even gone to the extent of misusing the pulpit by converting them to campaign platforms which is not only unfair, but a sin. It is said and believed that about 80% of the Kenyan population is comprised of Christians. In the 80%, only 20% are genuine Christians. In the remaining 60%, that is where we find all kinds of cults. So to curb the raping of the freedom of worship, the Constitution should provide for the screening of the doctrine, taught in all denomination and if not filled, they should then be abolished and therefore sound doctrines to old churches should be a prerequisite.
- The freedom has brought a lot of idleness in our nation, whereby any body if he/she is idle, just comes with the idea of gathering a group of people to follow him. Not necessarily to usher them to righteousness but for personal, selfish ends. I believe God is one and there is no place in the Bible he used idle people. For example Moses the servant of God was a trained person from the Egyptian University. But here in Kenya, so many idle people are propagating this gospel and they don't have the knowhow or the technicality or the science of interpreting such respects. Instead of putting the people to the right channel they end by misleading them and where there is no sound doctrine, there is no peace and the attributes of God are never known. I believe if a new Constitution is made, there will be many changes because it is through religious teaching, that we can change this nation.
- Now I turn back to AIDS. AIDS is a killer disease that has robbed our country their beloved. But to make the matter worse the government or the weapon in the hands of the government is just the condom. I don't propagate for the condom use to be abolished, but one thing I propagate is to what extent, what age is supposed to use these condoms? Because the way I see it, even the under 18 are using these condoms. So, the best thing the government can do is to introduce pastoral teaching in schools instead of introducing condoms even to students. That is all Commissioners.

Com. Swazuri: Thank you very much pastor. The parties of the many idlers going into preaching, I think is a real problem. Don't you think we need concrete qualifications of who is supposed to be a religious leader in terms of morals in terms of age. These days you see very young pastors and very young Bishops. Previously, this would be somebody who had practiced religion for quite a number of years and people know him to have been an old person but don't you think we need some qualifications even of age?

Pastor Samwel Kanyi: Yes we need age qualification and academic qualification. For example if it is the case of age qualification, of age standard, we need to have from 25 to 35 years.

Com. Raiji: You have left quite a number of issues about the freedom of worship because I think many people would prefer to be free, now what would you propose to this Commission in accordance with your suggestion? Specifically what would you want us to write in the Constitution so as to limit the number of these new sects, the emerging sects and cults.

Pastor Samwel Kanyi: What the Commissioner should do is to make sure a Commission is set up to screen the doctrines taught in all the churches. And if a doctrine is found not to be sound, then that denomination should be abolished. Because we are after righteousness, we after standing by the right path.

Com. Abida Ali-Aroni: Now pastor Samwel Kanyi you are from which church? You are from which church?

Pastor Kanyi: I am from PCMA, Presbyterian Central Mission of Africa, but this time I am in a Theological College.

Com. Abida Ali-Aroni: Okay, now you gave us some figures. 80% Christians, 20% genuine, 60% in cults. Where did you get these statistics?

Pastor Kanyi: We got these statistics from the college.

Com. Abida Ali-Aroni: Which college?, Your college?

Pastor Kanyi: Ya! Our college and we collaborated with students from Daystor University, Theological Department

Com. Abida Ali-Aroni: Now, we should wish to have a Constitution that can be implemented not just in theory. You are recommending that we set up a Commission that will screen the doctrines and make sure that they are sound. What are sound doctrines? Because you cannot give freedom with one hand and take it away with the other hand. How will we be able, we in the Commission to know what the sound doctrines are and whose standards are we going to use? Because you may think your denomination is sound, I may not think so, I may think mine is sound. So what standard would you recommend that we use to assess sound and unsound doctrines?

Pastor Kanyi: We just use one source if we are Christians. And the source is the Holy Bible. From the history of the church, the Bible is our secondary source of history. And it was written by the inspiration of the Holy Spirit. And this Bible we believe all things that have been written there are true things and the Bible is our foundation. so, when forming a Commission to screen the doctrines, we should base our facts from the Bible.

Com. Abida Ali-Aroni: Thank you. Wangechi Kimaru,

Wangechi Kimaru: (kikuyu) What I want to say is. when political campaigns come, the people we elect, should stop using our children, because when compaigns come the political contenders bring football tournaments and imprison their minds. Our children think of nothing else other than going to the playfied. I want to know, is this all they can give to our children? Give them football to go and play soccer in the field? The campaigners, they have sleepless nights stuggling through out the constituencies asking for votes. They come and give us, corruptly give us money and our children.

- The country is full of poor people including street families. Why can't they use this money more usefully by helping the poor formally and also the children instead of dishing it out to our children corruptly. When they buy our votes, there is no time I will confront them with my problems and have them attended to. Because they bought my votes. But if I had willingly voted for him, then I would expect him to be at my appeal is that the next government should look into this matter. Corruption and voting. So that the person we elect and who doesn't give bribes will really work for us.
- When those who buy our votes end up in Parliament, they say thye used their money to get to Parliament and therefore they don't owe us any service. This has ruined our lives and the lives of our children. There are many who seat in Parliament and they never talk about the problem of people who took them there. They claim that they bought their votes, their way to Parliament and for that reason they are earning their money back. And for that, they cannot think about their electorate. That is all I wanted to say Commissioners, thank you.

Com. Abida Ali-Aroni: Now what would she like the new Constitution to do? In terms of MPs who do not represent their problems to Parliament?

Wangechi Kimaru: I would like when elections come and there is a candidate who goes around bribing people he should be pronounced as a briber, somebody who buys his votes publicly. The one who is there should be removed even before elections.

Comm Abida: Jane Wairimu

Jane Wairimu: (Speaking in Kikuyu through a Translator) I want to talk about the two sides of the family, the man and his wife. Particularly the children that the couple get after marriage. We have a lot of problems particularly with the young families, when a young girl gets married, after geting afew children these people are expelled from their new homes. Then this man goes out and marries a new girl, then this new girl gets a few children and then she is expelled again. One man may have upto 30

children all of them with different mothers, but all of them out there. The reason being he marries and expell his wives and there is no provision for following him up. These children are suffering out there, because they have nowhere to live and they have nobody to support them. I would like young people to investigate the standing of the girls they want to marry before the actual wedding. Because after all these marriages and expulsions and all the children going back to the families of the girl, if I have five daughters who get married and came back with their own children to my family, then I will have a big problem of a very big homestead that looks like a village as if I got all these many children who are actually the children of my daughters and they are my grand children. And these children come back to me after I have done all I can as a parent but I end up with very many new children in my home stead. I believe my opinion, my proposal is, there should be a law that forces the man to take over the children he gets with his wife. This new situation has come about because of lack of law or an Act of Parliament that forces men to look after their children.

- The next result is a lot of children are suffering and a lot of women are in prostitution because of this single lack of an Act of Parliament to look after their children. Once these children come to me back to their grand parents, the whole problem becomes even more complicated because the other relatives around the home stead, the immediate family now gets concerned over who will inherit what piece of land, because of the new population that has come back. So my prayer is that in the new Constitution, all the children born this way should be left with the man, other than going back to the grand parents of the wife so that he looks after them whatever the number is.
- And then government should make a follow up of whether these children are being looked after by this man. Because in some cases, they can be left there and the man becomes negligent and the children suffer as a result. If this is done, we shall have less immorarity and crime and these men will take up wives because of fear of the consequences. Thank you very much Commissioners.

Com. Raiji: Mama, zamani kulikuwa na sheria moja ilikuwa ikisea affiliation ambayo ilikuwa ikisema hivi; Yule mwana mume yeyote ambaye amepata mtoto wa nje au mtoto halafu amfukuze bibi, ilikuwa ni lazima amtunze huyo mtoto na kama mtu yuko kwa mshahara, huo mshahara unachukuliwa na serikali na unapelekewa yule mama kumtunza mtoto. Je, ungetaka hiyo sheria irudi?

Jane Wairimu: Yes, I want the law to have this Act back because we have all these street children because of the lack of that Act and all children have a father somewhere. Thank you very much.

Com. Abida Ali-Aroni: Moses Wambugu, do we have Moses? We can give you time to think if you wish. Okay, thank you.

Moses Wambugu: Mine will just be brief because I will just go over a few points that I have here.

- To start with, now you are here for this Constitution making and I say that the Constitution of Kenya as a document stating rules about the way the government is to work and telling us of our right and freedom, I propose that it should be comprehensive and closely adhered to once completed.
- Kenya should be a Parliamentary democracy guarding the Constitution for the citizens. The later should be changed only when absolutely necessary and for the national welfare. We hear that the current one has been changed about 33 times, that is too much. Now Kenya as it is now, just two points to make about it. That there is an unfair accumulation of wealth where about 10% of population acquires about say 90% of Kenyan resources while the remaining 90% of the population share the remaining 10% or so. The under production in all areas or even speres hence the conflict and violence notable all over. And then here I say that somethings should be avoided, such like ethnic districts or majimbo scenario, inequillity and instability

We should avoid resisting overhaul reforms. In this regard, I mean we shouldn't have piece meal reforms, be they political, social or economic and also we should avoid destructive politics as much as possible. And what I propose, I have a few points I will just read them out:

- i I propose that we depart from destructive politics .
- ii acknowledge and cater positively on diversity of Kenyan People, I don't know whether we have 43 tribes or so. All of them be positively catered for, with their diversity of culture and so on.
- lii Enhance radical transformation
- Iv Aim at achieving inclusive democracy, not partial
- V that we bridge the rich/poor gap making mechanism in the Constitution where this is possible
- Vi continue allowing a forum for all interested groups to meet, as now we are gathered here so that such like should continue.
- Vii Good governance by good leaders and managers, it enable us to move forward.

Vii Every ordinarily Kenyan to benefit from what Kenya has or Kenyans have

Ix Enhance and build a solid foundation for a prosperous future other than the nose diving that we acknowledge presently.

X Build a new sense of nation-hood and partriotic spirit.

Xi I also propose that there be collective realization of the deep challenges ahead of us in all spheres

Xii Unit of opposition to any unbecoming policies

Xiii National renewal of this effort being done by the Commission, I think there should be a rebirth and not to seem as if it is a waste of time. It should be worthwhile.

xiv Those leaders who initiate reforms and even come to leadership, should make an exit after staying in the Parliament serving for two terms or so, so that a young generation may take over once the reforms are off the ground

xv Decisive break with negative past failures.

Xvi Attracting all possible Kenyan resources be it within or outside the country.

Xvii Take national experiments bold other than staying and clinging to the past may be it was a failure or so.

Xviii We uphold Charisma, and the spirit of leadership.

Xix Make Kenya move towards becoming a service economy which includes the influstructure being modernized even telecommunication and tourism as well.

Xx Rule of law and institutions apply rules to all impartially, not where we see the big fish swallowing the smaller ones.

Xxi There should be broad consensus on our courts.

Xxii Independent of judiciary should be there and .

- Xxiii Have a strong parliament.
- Xxiv Open democracy involving all stake holders at all levels of decision making.
- Xxv Have comprehensive land reforms coupled with institutional reforms.
- Xxvi Strengthen anti corruption agencies and prevention mechanisms. Not like the ones we hear of the police doing it and they are generally known to be the most corrupt people. Or among the most corrupt ones.
- Xxvii Alignment of donor priorities with our national priority assesment. They should be aligned so that we benefit ultimately.
- Xxviii There also should be clear AIDs management plan, aimed at altering behaviour and ensuring medicine is available.
- Xxix And also, I state in No 29 that there should be free air waves. Unlike where we have ‘Nation’ and other companies being allowed only a small area around Nairobi or so.
- Xxx Corruption should be exposed at all levels and ensure transparency and accountability.

- Senior citizens, that is the retirees should be well catered for, as well as a General good up keep and dignity of all citizens, unlike the scenario where we have some people claiming that we are suffering, we had some wazees here before me who said that they are suffering. They should be regarded the dignity of all citizens.

And now as I finish up, the Kenyan society should be God fearing. And a pastor before who emphasised on the same point like the Americans who have a motto, “in God we trust.”

- We honour our national anthem and be guided by its wording, we say ,”justice be our shield and defender” but we doubt whether it is always so, and that there should be a lot within our borders and the rest.
- Electoral Commission should be chosen by the Parliament and to allow international observers with a view of making elections free and fair. Thank you.

Com. Abida Ali-Aroni: Just one clarification, you would like the Constitution to ensure that Kenyans are God fearing. How does the Constitution arrive at that? With us having the motto like the one you have quoted make us God fearing, in your view or what are you proposing?

Moses Wambugu: I am just proposing because if we were God fearing, and if mechanisms would be set whereby we have like the national anthem which seems to be God fearing in all aspects. In the same I say, any mechanisms that would make us be God fearing or in kind to one like the national anthem, it more or less teaches us. I doubt whether it is even followed.

Com. Abida Ali-Aroni: Thank you. Mheshimiwa should we give you the chance now?

Mheshimiwa Njakwe: I have got some views but I will contribute tomorrow.....(inaudible)

Com. Abida Ali-Aroni: Thank you .Joseph Mbogo, Joseph Mbogo Munyire, Munyoroku,

Munyoroku: Thank you the Commissioners and the others. Kwa mimi,ningetaka kueleza mambo ambayo sio watu wengi wanasema vile mimi nitaweza kusema. Kuna shida ambayo tunapata na hizo shida hazina sheria hata sijui kama kuna sheria za namna hiyo au sheria ziko tu bado zile zinaangalia watu wazima au watu wale matajiri au nini? Kuna watu kama watoto wale ambao wanawachwa na mayatima, wenye wazazi ambao wamekufa. Hawa watoto wakiwachwa, mashamba yao inaandikwa mtoto yule mkubwa. Naye mtoto yule mkubwa akienda anapata maarifa ya kuweka hiyo mashamba yao kwa benki. Mtu akiulizwa mashamba ni nini, amekuwa na pesa anasema mashamba alinunua. Sijui wale watoto waende wapi wote kwa vile wao hawana hata pahali popote pa kwenda. Kwa hivyo ningetaka Commissioner hii ifanye hiyo kama kuwa sheria mtoto akiwachiwa shamba na wazazi sio awe ndie mtoto mkubwa halafu awe ndio amenunua hiyo mashamba au iwe shamba hio ni yake binafsi. Inastahili iwe sheria. Shamba hiyo ni yao, wagawanye kama vile kawaida baba yao aliwaachia.

- Kuna malalamishi kwa wingi ambayo tumepata kwa wakati mrefu. Kama sheria hii tulikuwa nayo ya kahawa ambayo ilianza mwaka wa 1933. Watu wengi tumekuwa tukifanya hiyo kazi ya kahawa, na hata bila kujua tunafanya kazi ya aina gani. Ni kama watu wenda wazimu kama vile mzee alikuwa hapa alisema. Tunabebeshwa magunia, tunapeleka kwa factory, unapewa karatasi tu kinakaa kama sio karatasi ina maana, ni karatasi tu kama inaandikwa kama wewe ni mwenda wazimu.
- Haujulikani kama ni mtu alifanya kazi, yaani kufanyia hiyo kitu kazi mpaka ikuwe kitu cha kuonekana ni kitu kizuri, ni kitu kicho pahali unapeleka pale kwa factory, hapo ndio mwisho wako, na hakuna kitu utaweza kuuliza. Je, sasa naweza kuuliza macommissioner, ikiwa nilipata wasichana kama wale nikawapelekea maneno, na maneno ile

siyafuati tena, nitaenda wapi ku-report haya maneno au nitauliza nani juu ya vile vitu yangu nilipeleka huko na sina mtu yeyote ninapata kumuuliza. Hata nikichagua mtu, hakuna mtu ninachagua, hiyo ni kuchagua yeye. Saa zile nitaenda kumuuliza, hana njia yeyote ya kunijibu. Mimi nataka ifanywe sheria kwamba mtu huyu tunapeleka kahawa yetu, awe ni mtu ambaye anaweza kushtakiwa kama kukiksekana chochote kwa maana sidhani kunaweza kukosa njia za kuuza hiyo kahawa na njia hiyo tunaelekea nayo ya mjadala au maneno kama hiyo.

- Kuna mambo mengine yanatuhusu sana. Tukienda kwa mikutano ya kahawa, sisi tunashambuliwa na askari polisi na tunashambuliwa na askari wa chief, na ile inatuhushisha kushindwa kuelewa sheria inaambatana na nini katika sisi kwa maana sisi ni wananchi wa kawaida, na hiyo ni jasho yetu. Nikiendelea mbele kidogo, naona wengi wetu hata tunakuwa sasa hatuna haja tunang'oa hata hiyo kahawa, hata tunashindwa ni ya nini katika mashamba yetu. Wale tunayo, tunajaribu kuuliza mtu akiwa na hiyo kahawa ifanywe kama kitu private property, mtu akiwa na kahawa iwe ni kahawa yake sio ati ya kwenda kuingiliwa na serikali ati anaingiliwa mpaka yeye hawezi ata kujimudu au kujua ni kitu gani analima, kahawa iwe ni ya mtu yule analima binafsi.
- Ningetaka kufanya kuu liza swali kwa Commissioners. Katikati ya Commission hii ambayo inafanya sheria zetu za nchi yetu, kuna mambo ambayo inakuwa ikiitwa, kitu kinaitwa umma. Vitu vyote vimekuwa umma. Hata iwe ni, sijui hiyo umma inaweza kugeuzwa iitwe nini. Umma, kwa vile hata kuelewa kwa Kiswahili, mimi sielewi kusema umma. Ati kila kitu ni umma, mimi nashindwa kuuelewa kusema uuma ni kusema nini sababu kitu hata kama hiyo ni kulima tunalimaikiwa umma vitu yote ikienda uko inakuwa uuma hakuna kitu, tunarundi kupata. Inaenda, inaenda kabisa. Na mimi naweza tosheka kwa hapo.

Com. Abida Ali-Aroni: Hapa kuna mswahili atakwambia umma ni nini

Mr. Munyoroku: Basi anieleze

Com. Swazuri: Wakisema mali ya umma hiyo ni mali ya wananchi. Ni mali ya watu wote. Sababu mali ya umma ni mali ya serikali, na serikali ni watu wote.

Munyoroku: Sasa mimi nakuuliza wewe, wewe mswahili, mimi nauliza wewe, kwa nini mimi nakuwa umma mpaka ninakuwa sina haja, hata sina hata maana yoyote kuwepo kwa maana wewe unasema hata mimi niko ndani yake ninakuwa ndani yake namna gani na unaniumiza jinsi inafanya?

Com. Swazuri: Sasa hapo nafikiri mzee, nafikiri ile swala umelijibu vizuri sana, wewe ume-propose kwamba serikali, yaani

mwananchi mkulima wa kahawa, yeye aruhusiwe kuuza mali yake mwenyewe. Nafikiri hilo ndilo jibu ambalo tungetaka kusikia kwa sababu ukisema wewe ulime halafu uuze, mwenyewe, sasa imekuwa sio mali ya umma hiyo. Ni mali yako.

Munyoroku: Ndiyo hivyo

Com. Swazuri: Haya asante.

Com. Abida Ali-Aroni: Nafikiri hatuna maswali asante, Dedan Ndirangu,

Dedan Ndirangu: Asante sana Commissioners, yangu tu ni machache. Mimi kile kitu ningetaka kusema ama amoni yangu ni kuelekea pande wa age

- Tunasikia siku hizi kama serikali ilitoa mipira ya condom ndio sisi kama watu wanaume ama wanawake, tuwe tukijizuia na huo ugonjwa. Lakini ningetaka Katiba yetu, ile Katiba itakuwa mpya, iwe na nguvu, pande mwingine kwa upande wa wanawake. Nagusia mambo hayo kwa sababu yako mambo mingi tunasikia gender, nini, zote. Na hizo zote ni vizuri kusikia. Lakini mimi nataka kusema mambo ya kuvaa mavasi. Siku hizi ukienda huko Nairobi, sisi tunashtakiwa tunawanajisi wale wengine. Na hii tabia inaonekana ni ya kinyama. Kile kitu mimi ningetaka kusema , kuwe na sheria, wanawake wawe wakivaa nguo zile mrefu ndio sisi tuwache kutamani mapaja yao. Kwa sababu kuona mapaja hivi kama mwana ume, mwanaume yoyote yuko hapa nikiona mapaja ya mwanamke saa hii, mimi nachomoa aerial. Ningetaka kusema hivi, sheria iwe na nguvu vile wanawake wote wawe kama ile punda milia, wanavaa nguo ndefu. Sasa inaonekana kama vile Biblia inasema., mtu avae vizuri na kwa huo uzuri sio kusema unafikisha kama hii kitabu. Unavaa nguo ina fika hapa hata ukienda kwa church huko ni vile, vile. Nguo ikiwa imefika hapa, hata tukienda mbele ya jaji hata kama wewe ni mwanamke, na hii mtu tuakikishe kitabu kama vile niliangusha, achukue kile kitu kwa sababu kinaweza kuangukia kwa barabara, anatuonyesaha part yote yake ya nyuma. Hiyo maneno hatutaki na unajisi yaweza kuwa kitu tumesahau.
- Tuko katika ile Bibilia. Kama tutaenda na maagano ya Mungu ama tukose kwenda na maagano ya Mungu na tunasena Kenya yetu mambo mingi imeharibika, uchumi umekwama, na yale yetu kurekebisha, sisi wenyewe tumeshindwa. Tunataka kwanza turekebishe yale maneno, kitabia. Nime kumbuka kitu kingine, na Commissioners munipatie wakati, lakini wakati umeshaisha, nataka kusema hivi. Sikuwa na memorandum yakuleta, nimesahau nyumbani. Sijui kama mambo itasahaulika namna hiyo kwa Commission lakini hii mtaikumbuka. Nataka kusema hivi Commissioners, kwa sababu mume kuja, tumesikia mzuri kwa nyinyi kuwa hapa, ni pongezi. Sababu siku nyingine tulikuwa na commissioner hapa alikuwa anaitwa sijui Njoroge. Alikuwa hapa, na wakati huo alikuwa hapa, ilikuwa tu tuwe tukisomesha maneno ya Katiba. Kwa sababu kama wazee walikuwa hapa, tunasikia

Katiba. Katiba, Katiba inabadilishwa, inafanywa hivi, imeharibika. Sisi hatujui imeharibika wapi. Mimi nimejua wanawake ndio wameharibika. Sio Katiba. Ni wanawake wameharibika. Kwa hivyo, mimi pande yangu, pande wa wanawake, pande wa wanawake ndio tuanze kuonekana huko kortini wanaume, pahali pote.

Com. Abida : Nafikiri tueleze mambo mengine, ya wanawake tumesikia. Uko na jambo lingine la kusema?

Dedan Ndirangu: Lakini waweza niachia hio kwasababu ya wanawake mumesikia, mimi sina mambo mengine na nimefurahi.

Com. Abida Ali-Aroni: Robert Kariithi, na pengine tutapendekeza wakati mwingine watu wakija walevi tuwe tunawaitia polisi kwa sababu huu mkutano ni wa maana sana. Rev Moses Wambugu, umezungunza, asante. Kulingana na orodha ya majina, tumekamilisha watu ambao walikua wamejiandikisha, kama kuna mtu yeyote ambaye hajajiandikisha na angependa kuzungunza, kuna mtu yeyote ambaye hakujiandikisha au jina lake hakulisikia? Any person who would wish to speak? Inaonekana mumetosheka na maoni na nafikiri itatubidi basi kufunga hiki kikao hadi kesho ambapo tutakuwa upande huu, tutakuwa Njumbi High School. Ikiwa bado muna maoni ya kutupatia. Asanteni.

Meeting ended at 6.00 p.m.

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