

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS,

GATUNDU SOUTH PUBLIC HEARINGS

HELD AT KIGANJO POLYTECHNIC

ON 17TH APRIL, 2002

**CONSTITUENCY PUBLIC HEARINGS, GATUNDU SOUTH HEARINGS, HELD AT KIGANJO
POLYTECHNIC ON 17TH APRIL, 2002**

Present:

Com. Abida Ali Aroni
Com. Dr. Mohamed Swazuri
Com. Riunga Raiji

Secretariat staff in Attendance

Irungu Ndirangu	- Programme Officer
William Cherotich	- Asst. Programme Officer
Jackie Nyumoo	- Verbatim Recorder
Rose Samba	- Sign Language Interpreter
Allan Njeru	- District Co-ordinator

The meeting was called to order at 8.00 a.m. with Commissioner Abida Ali-Aroni in the Chair.

Com. Abida Ali-Aroni: We want to welcome you to our first hearing in this constituency. We were supposed to have started at 8.00 o'clock but we know due to various reasons, we could not make it at that time and because we are one and half hours behind schedule, we would like to start right away and the way we will proceed is that if you have a written memoranda, we will be kindly asking you to summarise in five minutes and to present us with the written memoranda; if you have verbal presentation we will give you ten minutes to be able to present to enable us to get as many views as possible. I think with that, I will call the meeting to order unless you would like me to say it in Swahili - I think we've all understood si tumeelewana? Yule ambaye ameandika Memoranda, tuta mpatia dakika tano peke yake ku summarise kwa sababu tutapata nafasi ya kusoma hiyo karatasi baadaye na ambaye hana memorandum, tuta mpatia dakika kumi peke yake ya kuweza kuwaelezea kwa haraka maoni yake ili tuweze kuchukua maoni ya watu wengi iwezekanavyo kwa sababu tutakuwa hapa kwenu leo peke yake ingawa nafikiria tutakuwa upande mwingine wa Gatundu jumamosi. Na kabla hatuja anza nitawajulisha ma Commissioners ambao wako hapa

halafu tuendelee na kazi.

On my left is Dr. Mohammed Swazuri, on my right is Riunga Rajji and my name is Abida Ali-Aroni.

Nimeombwa tuombe ingawa najua sote tuliomba nyumbani. Can we have a volunteer to pray for us. Tuko na mtu wa kanisa hapa atuombee? Asante.

Tuombee. Mungu wetu tungependa kukushukuru asubuhi ya leo kwa ajili ya wema wako Mungu wetu, wakati huu tungependa kujikabithi mikononi Mwako Mungu wetu, kwa ajili ya jambo hili ambalo ni la kutoa maoni kuhusu Katiba yetu ya Kenya. Unajua Mungu ile Katiba ilikweco iliandikwa na watu ambao walikuwa wamejitolea kwa ajili ya nchi yetu. Nasi Bwana, wakati ambamo tupo tunaomba Mungu uweze kutusaidia WaKenya wote tuweze kuwa na maoni ama Memorandum ambazo zita saidia katika kuunda Katiba ambayo itakuwa Katiba nzuri ya nchi yetu. Wakati huu Mungu tuko katika hapa Gatundu, tuna kushukuru kwa ajili Macommissioners ambao tuko nao hapa, Wananchi ambao watakuja, na wale wako zote Mungu wetu. Tu watu tofauti, wenye maoni mbali mbali lakini Bwana, sisi ni WaKenya. Licha ya tofauti katika dini na hata hali, Mungu sote ni watu wako tumeumbwa na Wewe na tunapenda Bwana Utusaidie katika hali hii ambao ni ya kutoa maoni katika nchi yetu yote. Bwana tunaomba katika mkutano huu Utuongoze na hata Utusaidie na wale ambo watakuja Bwana pia uwalete watoe maoni yao ili yote yatakaposanywa yapelekwe mahali ambapo yatachunguzwa na kuweza kuundwa Katiba ambayo itatufaa kwa sababu tunaomba haya tukiamini katika Jina Lako Mungu wetu. Amen.

Com. Abida Ali –Aroni: Asante. Ikiwa kuna mtu ambaye ana memorandum na hataki kuzungumza ni sawa. Na tafadhali Memorandum sote zitatpewa bwana Irungu ambaye ni programme ofisa wa tume. Na tafadhali taratibu ya tume ni kwamba lazima tuende according to registration - kwa hivyo hatuwezi kuruka kwa sababu itakuwa ni makosa kwa watu ambao wamekuwa hapa tangu saa mbili na nusu. Tungeanza na bwana George Kihiu.

I think the Commission is in charge could you please pick them we will decide whether we will give him an opportunity or not - otherwise we might get into trouble later on and we invite you to sit here. 10 minutes please.

Mr. Kihiu: O.k this is our Memorandum I am representing Kiganjo Catholic Youths. I am George Kihiu.

Com. Abida Ali-Aroni: Are you doing it in your official capacity representing the youth?

George Kihia: Yeah

Com. Abida Ali-Aroni: What did you say you are representing in Kiganjo?

George Kihiu: Catholic youths. O.k. "We the sovereign people of Kenya recalling our struggle for independence and loss of

lives, seek the aid of our mighty God in order to establish a government of National Unity”.

Com. Abida Ali Go ahead we are recording don't worry whether we are writing or not.

Goerge Kihia: Kenya should be a multiparty democratic State. The Constitution of Kenya should be the only law and guiding principle to govern our country and in case of amendment it should be through a referendum. We should have a President as the Head of State and a Prime Minister as the Head of the government. The Office of the President should run for two terms of five years. The Presidential candidates must attain over 50 % of the votes cast in the whole republic. We should have a well-identified date for the starting and ending of the functioning of the office of the President.

Swearing of the President should be done in parliament or in a public place. The President should not be above the law. The Presidential election should be done at a separate day from the Parliamentary representatives. He should not be a member of parliament. The Cabinet should be appointed by the President and approved by the Parliament. Permanent Secretaries should be appointed by the Parliament. The Attorney General should be independent. Nobody should hold an office at the mercy of the President.

We should have an independent parliament with a clear calendar of when it resumes and when it ends. The parliament should have power to pass laws without intimidation. The parliament should have power to impeach the President in case of incapacity.

Electoral Commission should be appointed by the parliament. The Parliament should appoint a Chief Justice and all the other judges. The parliament should appoint the Speaker and his Deputy and they must be independent. The parliament to appoint an anti-corruption commission, which should be independent. The parliament to appoint the holder of the office of the omudsman. Thank you.

Com. Aroni: I just want to ask you one question to clarify; You said the President to be impeached if he lacks capacity; could you expound on that, what is capacity in your view?

George Kihiu: O.k. Capacity, in my view, I meant that, maybe the President has done something, which is illegal. May be like misuse of public funds, or doing something before consulting the Cabinet or the Parliament so he can be impeached.

Com. Aroni: We will make an exception for Pastor, but we request that we strictly follow the queue so that we are systematic . Pastor because you are a Pastor and we are imagining that you are going to do some good Godly work, we will allow you but we are requesting the other people to kindly allow us to follow the register so that we don't have any complaints later on --Pastor.

Pastor Julius Mwiriti: Mine, is a memorandum, and I am going to use the five minutes that you have said. It is addressed to the Chairman of Kenya Constitutional Review Commission that is P.O. Box 10526, Nairobi, and I belong to Africa Inland Church, P.O. Box 24, Ruiru that is Kiganjo, Location in Gatundu South. In short what I have written is:

1. The Constitution when it is reviewed, should show that it belongs to the Kenyan people, as they are the custodians of the Constitution because, the current Constitution does not show whether it belongs to the Kenyan people.
2. The Constitution should re-correct the aims of Kenyans and their objectives and show their will.
3. The supremacy of the people of Kenya needs to be emphasized in the new Constitution that will be instituted after the hearing.
4. The new Constitution should place people above all other organs of the Government. The word people is not mentioned anywhere in the current constitution.
5. The Constitution should show and entail the objectives and vision of Kenyan people.
6. The principles of democratic governance and which Kenyans should be committed to as the people in their Country.
7. The Head of the Country should not be the Head of the Government; duties of the Head of the State should be defined objectively. Duties of the Head of the Government should also be defined.
8. The Head of the Government should be answerable to the Parliament only on any matter regarding daily running of the Government.
9. The three arms of the Government should be independent. They are: Executive, Judiciary and Parliament.

B. So as to have an effective organ in the Government, there is a need to have checks and balances in all arms of the Government. The Constitution should set and stipulate guideline on qualities of those to be elected as President, Members of Parliament and councilors.

The Constitution should also give guidelines on who qualifies to hold public office as in our case as Kenyans; we have people of unsound morals who have been in office.

C. People who have stolen from the public coffers should not hold public offices. People who have been of questionable characters e.g. Criminals, Rapist, Thieves, Sick-lings and unsound minds Liars etc. such people should not hold any public office.

8A. The President should not have absolute powers of appointment of ministers, public officers, Constitutional officers, powers to dismiss those in public office, powers to dissolve the parliament, the President should not be above the law so that he can be impeached in case of constitutional violation.

D. Instead parliament should select all the people appointed by approving them on a proper guideline. The parliament should not be a subject to Executive. It should not be an agitational institution as it is currently. The Judiciary should not be subject to President but fully independent so that judges and Magistrates can be fair and impartial. The Constitution should articulate the adequate on human Rights protection e.g torturing of prisoners, women and children, public gatherings and associations, freedom of worship, political association, civil, trade unions etc. There is need to guarantee free and fair elections. There is a need to have an independent electoral Commission. There is no need to make the minority the winners therefore, if we are to

have fair elections in our country, Constitution needs to address elections of Mayors, Deputy Mayors, Councilors, Nominated Councilors, in our Local Councils and Authorities. We as Kenyans we need to have an Attorney General who is not a Presidential appointee. His load of work should be divided thus by appointing legal advisor and Director of Public Prosecution.

1. Legal advisor office i.e, Attorney General or A.G. Director of prosecutions.

C. If the rules of the AG is defined or are defined and explained he needs to be answerable to the Parliament. Thereafter, we need to have constitutional rights on how to manage our Natural resources, Public land, Forests, Water, Rivers, Lakes and Wildlife etc. Constitution should address matters regarding principles of dealing with corruption,- because we have a lot of corruption in this country misappropriation of the public finances. There should be guidelines on how to prosecute those who mismanage the natural resources since these are Kenyans' resources. Parastatals, Natural resources, Institutions e.g like this one of Kiganjo where you are sitting now, is an Institution that I have to assume now, that it is not functioning. It has been mismanaged. It is an example.

The Constitution should have a clear definitive policy on following affairs:- e.g. These Kenyans who are living in abroad have a right to vote, marry and retain both citizenships, participate in anything going on at home, be protected just as if they are at home. Issuance of documents like Passports be effective and efficient. Local Authorities need to be independent and autonomous so that they can perform their role efficiently. The Constitution should protect the minority groups e.g. The Maasai, The Ormas, The Dechenac, The Gems, The Asians, The Europeans etc. and the Obiet- these are the Dorobos.

The new Constitution needs to also address the issues of education. Kenyans need to have education for their children. University education should be made affordable to most Kenyans, tertiary training need to be encouraged so as to avert poverty in the country of Kenya.

Bursary: should be given only to needy case and deserving cases. There is a need to address land law in the Constitution If possible every Kenyan need to have a piece of land.

Inheritance: Should be put clearly in the Constitution since in some case only men are illegible to property inheritance. **Widows** should be protected from in-laws of bad intentions or bad ways. **Political establishment:** It is good to have strong opposition to keep the ruling party on its toes.

The political parties should be funded by the government, there is a need to protect the rights of all leaders of the Political Parties. There is a Constitutional need to make it Constitutional for any Kenyan in public office who is implicated in any questionable behavior, either direct or indirect to resign from the office. This should be even in the government of the day e.g Ministers, Assistant Ministers, Judges, Ambassadors, Parastatals chiefs, Provincial Commissioners, Police Commissioners, Military Chiefs that is, Army, Navy, Air Force, Chief of Staff, Mayors, University Chancellors, Prison Commissioners, Church leaders e.g Bishops, Arch Bishops, kadhis, Imam, Rabii etc.. Kenyans need to be protected by all means, the security of the country need to be the first thing so that Kenyans can go about their duties in peace. There is a need to regulate registration of religious groups since some have sinister motives e.g Devil worship and cultic teaching. Freedom should be a constitutional right to live and work anywhere in the country provided one follows the law. Kenyans

should be entailed free medical care as it was before, since many Kenyans cannot afford exorbitant medical bills and as a result of these exorbitant medical bills, many Kenyans have just died because they don't have medical care and this is not because of their own making. They should also address things like agriculture whereby many Kenyans make a living We know that our country is not an industrial country; we have no minerals we have coffee, we have tea, we have pampa we have things like milk and other things like natural resources. We should also look in agriculture so that our people can also be able to educate their children, to pay bills of the hospitals and to do other things; Also our business people should be enabled- should be empowered to make business in this country not only for the few because, as far as we are right now, it is as if our our country is only for the chosen few. Those within us who are not able to, maybe they don't have money, they don't have education, and they are just left there.

Com. Aroni: (in audible). I thank you very much for your views to the Constitution. I thank you very much. I would like to have your memorandum. Thanks a lot.

Pastor Julius Mwititi: Thank you very much. Yeah. Thank you very much.

Com. Aroni: The next person is Anthony Kimani. Anthony Kimani, are you the one? Pardon?

Solomon Ngomu? Solomon Ngomu? Are you would you wish to present your views? Thank you. Can you please come? Irungu, this will interfere with our work (In audible).

Com. Aroni: Do you have a memorandum or are you speaking?

Solomon Ngomu: I am just speaking.

Com. Aroni: Ten minutes please.

Solomon Ngomu: O.K. My views:

Question: What is your name? Solomon Ngomu?

Solomon Ngomu :Ok, I will start with Constitutional Supremacy whereby Public amendments of Constitution through referendum should be practiced in the role and factions of a National consulate, which include Identity of citizens, formation of government, organizational structure of branches of government, rights and obligations of citizens, national resources and procedures of distribution, and lastly making amendments also reviewing the Constitution.

1. The Parliament should be free to amend any part of the Constitution without any part being beyond their amending

power. These public referendums should be conducted by members of a committee appointed by Parliament Members.

Kenyan citizenship: Any one, regardless of colour or tribe born in Kenya should be a Kenyan citizen.

Spouses of Kenyan citizens regardless of gender should be entitled to be Kenyan citizens. And a Kenyan I.D. card should be the evidence of the citizenship or a birth certificate for those under 18 years.

Political Parties: Democracy should rule our country. There should be a limit of political parties. We should have only two political parties to contest. The two political parties should be financed from public funds. The Government should involve the political parties in governance through appointment by parliament to various offices in the government ministries.

The system of Government: We should have parliamentary system of government. In this form of government, we should have a Prime Minister who should be appointed from the majority party in parliament and the President to remain less ceremonial.

Legislature: All ministers should be appointed by the President and approved by parliament. The Attorney General should also be independent. Permanent Secretaries should also be appointed by parliament. The parliament should appoint Judges and Chief Justice. The parliament should appoint the committee and Head of anti-corruption commission. Moral and ethical qualifications should be introduced for the Members of Parliament. Being an MP should be a full time job. Language test required for parliamentary elections should be well conducted. We should retain the concept of Nominated MPs whereby women should be given the first priority. Coalition government should also be permitted. There should be no power of veto-legislation by the President. Resolution of parliament should be on emergency national cases e.g. 1998 Bomb Blast.

The parliament. The parliament's power to remove the Executive through a vote of no confidence is adequate with at least 65% of the votes by only Members of Parliament.

Management and abuse of National resources: Parliament should control all ways of raising revenue, management and distribution of finance and human resources management.

Members of Public Service Commission should be appointed by parliament according to their qualifications. 65% of the revenue collected should be utilized in the respective areas of collection. Public officers should declare their assets. The Controller and Auditor General should be elected by parliament. A code of ethics should also be there for all holders of public offices. All the agricultural sectors should be privatized such as the Coffee Board of Kenya, The Kenya Tea Development Authority, Pyrethrum Board of Kenya, KCC and Kenya Meat Commission among others.

Rights of Vulnerable Group: The Constitution should make special provisions for the rights of groups of people who have suffered from marginalisation due to historical, social or cultural reasons. Women rights should be fully guaranteed in the constitution.

People with disabilities: Should be having a national body funded by the government to fund the disabled.

Rights of Children – such as education, food and shelter should be guaranteed by the government through free education and free feeding in school. Different groups such as Youth groups should be funded by the government, either in loan form or grants for income generating activities to reduce the rate of crimes in the country and uplift the standards of living. Affirmative action in favor of women should be taken.

Lastly electoral system and process – Representative mode or system should be retained. Majority rule system should also be retained. The Electoral system should have simple or less qualification for women so as to increase their participation in government and Local Authorities. Candidates who fail to seek nomination in one party should not be allowed to switch over and seek nomination from another party. Identify cards should be issued together with voters cards at the time of issue of identify cards. The rule on 25% representation in at least five provinces should be abolished. Civic and Parliamentary elections should be carried out same day but presidential elections to be carried out on its own day. Electoral Commission officials should be appointed by parliament and sacked by the parliament. The election date should be simplified in the election. The candidate should be allowed free airtime everywhere in Kenya regardless of the political differences. Intimidation should not occur on elections date such as presence of heavily armed police on poll stations. And lastly the counting of votes should be done in the poll stations.

Com. Swazuri - You are saying that every person born in Kenya should be a Kenyan even if he is born from Nigerian parents?

Solomon Ngomu – Yeah, (answer inaudible)

Com. Aroni – I would like to ask you a question. We will release you. Just have a sit please. I will need to be clear on what you are saying. You have said on the supremacy of the Constitution, that Parliament should be free to make any amendment and then you have talked about a referendum; I want to be clear on that, at what point do you want a referendum, when do you want to involve the people if parliament is to have powers to carry out all amendments?

Solomon Ngomu: members of a committee appointed by parliament should conduct the public referendums. Here I mean that the parliament should not have the authority to amend all parts of the constitution. There are certain parts e.g. the parts of the Human Rights-they should be amended through referendums.

Com. Aroni: Thank you, the next person is Samuel Nganga . Samuel Nganga. Is Samuel Nganga interested in giving views? (Interjection inaudible) Pardon. You don't want to. Thank you. But then please don't register if you do not want to give your views. Tafadhali. Could we have Thomas Kinyanjui. Thomas Kinyanjui.

Thomas Kinyanjui: This is a continuation of (inaudible) ok. First the balloting boxes should be transparent and counting to be done at the polling stations. The election offenders should not be allowed to vie for the seats again. The identity cards and voters cards should be issued together. The Judiciary should be and must be independent from other arms of the government. Judges should enjoy the security of tenure. Citizens to be allowed to enjoy fundamental and freedom rights and in case of violation the offenders to be prosecuted. Anybody born in Kenya automatically becomes a citizen. Those who embezzle public funds to be prosecuted and jailed for not less than 10 years. There should be an independent office of the Controller and the Auditor General. The Auditor-General should have power to audit the wealth of anybody holding public office. Natural and National resources should be equally distributed regardless of political stand. Each region should enjoy 65% of the taxes out of their resources

All agricultural sectors to be operated privately. Local industries to be protected from unfair competition. We should enjoy free basic rights i.e. Security, Healthcare, Water, Education and Employment. The Constitution should guarantee the Rights of the disabled people and children. Half of the nominated MP's should be women. Police who brutally beat innocent people should loose their jobs and immediately sentenced to 7 years in prison.

Com. Aroni – Thank you very much. George Waweru. Mr. George Waweru. Do we have George Waweru? We are together. You are together. Who are you?

Rahab:I am Rahab Wambui.

Rahab Wambui: O.k I am representing the disabled, Gatundu South Disabled Group .

Com. Aroni:- Does it have another name ?.-Ok it is just gatundu south disabled group

Rahan Wamboi - Mine is just on the issues of matters pertaining to the disabled society. Let me say that it is quite unfortunate that the disabled never appeared in the former Constitution and our feelings are that we should be included in the pension funds, that is whether employed or not Every person with disability above 25 years has the right to enjoy certain amounts of pension regardless of whether employed or not. This will enable the people with disabilities to run a normal living like people without disabilities. We have point number two. That was point number 1.

Point No.2 – Para-Legals A Law should be set to defend a person with disability as regards the inheritance of land, assets and liabilities from their families, companies or any other organizations. There is also the abuse of people with disabilities

like rape, domestic violence, negligence by the society, the denials of their rights when it comes to cases like accidents etc.

Point No.3 – We have rehabilitation centers and special schools. We should have special schools in every constituency and also rehabilitation centers. Most of the disabled children remain at home until they introduce more mobility factors - they can,t operate for 8 kilometers or above and their lack of special education facilities in all the schools. Also those who have gone through schools lack training due to lack of rehabilitations, which would offer skills for persons with disabilities. We should also have free education to be implemented for persons with disabilities and for children of parents with disabilities for Primary, Secondary, College and University levels as most of them are living below poverty lines and we have a poverty reduction program in our country. We don,t see how a person earning over 100,000/= p.m. should pay the same fees with someone who is earning less than 2000/=p.m..

We have No.4 Representation –(Nothing for us without us). In every area dealing with disabilities like Special Schools, National fund for the disabled, organization for the disabled, rehabilitation centers and others should be administered by people with disabilities as they also have the capacity to do that. We should have free medical services. Majorities of persons with disabilities are lacking medical services because they can not afford to cater for the cost sharing system. They are unemployed, relying on relatives and well-wishers who can not meet each of their needs.

We have point No.6 – Transport and Communications Services.

The public should be sensitized on the rights of a person with disabilities in using public means of transport and by this I mean, the Drivers, Conductors, Passengers should attend the person with love. On communication side we have Telephone booths which should be accessible for persons with disability e.g. people using wheel chairs in height and width.

We have point No.7 - Exemption of Licenses: – Most persons with disabilities operate on small-scale business, which can not even afford to make money for their own personal needs. We have businesses like shoeshine, vegetable vendors, street hawkers, kiosks and others. These should be considered in licensing in order to minimize the poverty in our areas.

Now Point No.8, which is the final point, is free facilities for people with disabilities. We have facilities for mobilities like wheelchairs, crutches, calipers and lenses for the blind and hearing facilities for the deaf which are very expensive and without them we can not be active, majority cannot even afford that they are being carried to different cities and they want to move. This hinders them from being self-reliant. Our feeling is that we should be considered in all these areas and our country has resources but we have failed in planning. Thank you.

Com. Aroni Thank you Rahab. If you wish to give your memorandum you can give it right there. Thank you.

(Intejction Inaudible) The next person is Mwaura Ndirangu. Mwaura, I think you can speak from there. Are you comfortable from there? . I think if the rest of you could move so that we see Ndirangu please. He can speak from where he is. (Noise) Please if we could have less movement we have agreed that in this hall we are comfortable without the microphone. Unless somebody has lost her voices then we can make special arrangements. But bwana Ndirangu could you please move. Yes.

Mr.Ndirangu: My name is Mwaura Ndirangu. I am a TC member, a Civic Education Provider and the Chairman of Spinal injury and civil jua kali project Kenya. First I should thank the Commissioners for the beautiful job they are doing all over the county but I might want to point out that we are not very comfortable with the wrangles that we are reading from the Papers and the Kenyan community is not really happy about it. So we would like you to be together as you have always been and also attacks on the Chairman should cease. Also you don,t go to strangle your father because he is a weak a person. You just keep him comfortable and tell him he is your father no matter how he is.

Com. Aroni - thank you Mr. Ndirangu-10 minutes. We are glad you have cautioned us but yours is 10 minites.

Mwaura Ndirangu. Finally when the Constitution is reviewed and is put in place, I would like to see the powers of the President reduced so that he is not above the Law.

Secondly we have the AG who is the chief legal government advisor and also the government prosecutor. We would like his office to be split into two so that the prosecution side sits alone and the other side sits alone. The Constitution should provide for impeachment of a President-a Minister and even a councillor if he does not perform according to the people's expectations. There should also be equal sharing of State resources and facilities e.g. Airtime – The political parties should have equal airtime; also they should use other State resources like vehicles during campaigns and other things. We should like all the trust land allocated from 1973 to be investigated and if they are found to have been allocated illegally, they should be repossessed and be given to the deserving citizens.

Although it has been pointed by the former group, it was my feeling that all disabled persons should be exempted from paying taxes and licences-all taxes regardless. A man like me who has no hands, the legs are immobile, is supposed to pay for income tax, is supposed to pay for licences and other things, surely the playground is not fair. These three arms should be separated; This is the Judiciary, the Executive and the Parliament. Their powers should be clearly defined because sometimes you find the parliament eroding the Executive and also the Executive eroding the Judiciary - so they should be separated the three arms should be separated. I would be a very happy man when the Constitution provides for a party-less President. A president who does not belong to any political party. May be he is a Bishop, or somebody else who would like to stand for elections. But you would bear with the present condition, which says that he should belong to a political party. So I will be a very happy man if the new Constitution provides for a party-less President .In all government arms and all parastatal bodies because our motto as the disabled people is that” nothing for us without us.” We should not

be represented by able-bodied people. We have got Lawyers who are disabled people. We have got Accountants who are disabled people. We have got all types of cadres and so we should not be represented by able - bodied people in all sectors that involve the disabled.

Thank you.

Dr. M. Swazuri: Did you say you want to remove an incompetent Councilor or President or what did you say you want him to be impeached?

Ndirangu: The change provides for removal .

Interjection: (inaudible)

Mwaura Ndirangu: No let's use the word removal.It is more appropriate.

Dr. M. Swazuri: Bwana Ndrangu you had proposed that all disabled person should be exempted from paying all taxes and licences. I wanted you to clarify whether that would apply even to the disabled people who own huge businesses and are very rich people or perhaps should it apply only to those disabled people who are economically disabled as well?.

Mwaura Ndirangu: I would like all of them to be exempted because like if I buy a car and if you go to my account it's a loan that I have already borrowed, so I am not rich in the actual sense. So a disabled person is dis -able person.

Interjection (inaudible)

ndirangu: I think I have answered Mr. Ragi .

Com. Aroni: Thank you. One clarification , you would like the office of the Attorney General be split into two and you came up very clear. You said you would like it to be split into two. One would be the prosecution then you said the other side. Since we are waiting for you as Kenyan to write the Constitution we would like you to be specific. Which is this other side?

Mwaura Ndirangu: In the present Constitution the attorney General is the chief government adviser and also the government prosecutor, so we would like these-split into two. The prosecution side should be alone and the legal advisory side to be separate,-because you can not be a government advisor and at the same time you are a prosecutor -sometimes you fail to prosecute the government because you are just the same person.

Com. Aroni: Thank you very much Mr. Ndirangu. The next person on our list is Mr. Peter Ndungu, Mr. Peter

Ndungu-and we would really appreciate if we could have less movement so that our recorder can capture the speakers- we are finding it a bit uncomfortable with too much movement. Peter Ndungu, kuna mtu anitwa Peter Ndungu ambaye hako na mazugumzo. Could you please come because once we skip you it will be very difficult to come back. Are you Peter Ndungu? Could you please have a seat and present your views.

Peter Ndungu: O.K. Having a chance to give my view ,I take this chance to play role as a Kenyan citizen I don't have a written memorandum as expected but .

Com. Aroni: Please go ahead Peter Ndungu we do not mind you giving us your verbal views we will be listening.

Peter Ndungu: O.k. On my opinion the Ministers should be voted for in parliament as this one will curb the fear of the Ministers that if they do anything they will be sacked or something.

About amendment, what we find is that the current Kenyan Constitution has become so voluminous and therefore difficult to work with and as to my opinion I feel that the amendment Act should be limited so that not anybody who comes from anywhere comes with a bill he wants passed; This way we will have a very under stable Constitution.

Head of Department. The head of department should be appointed at a parliamentary level since the current Constitution provides they should be appointed by the President, I think the President here acts as the Head of all departments because he usually appoints and gives directives on how to work Therefore I feel that they should be appointed by the parliament. About voting of the Bill in Parliament a Bill passes several stages before it becomes a law and therefore I feel that the voting percentage is too high since if the ruling party for example wants to do something which is not all that good to the citizen, they usually come up with a Bill which they will vote in all of them because they are actually many. So I think the percent to which the bill is voted for should be minimized a bit at least may be to 50% rather than one, which is 65%.

Any agricultural sector be it Pyrethrum sector or Coffee sector, should stand on its own. For instance, if it is money collected out of the Coffee, it should be appropriated to the Coffee sector alone and therefore, it will encourage the boosting of the individual private sectors like that. There should be Prime Minister to lead the government and a President to be the Head of State and both of them should be independent of the other. Anybody caught cheating in election should be banned from vying for any post either in that election, or in future because we need good leaders- we don't need cheaters. Cabinet reshuffle should be limited since the President can misuse this power and do anything he wants to the republic. For example, what has been happening of late "This is the Minister for this, again next week he will be the Minister for this" and therefore we would not have any stability in the Ministries because today you are Minister for Education and tomorrow you will be in Health and may be you are not qualified for that. I think the Cabinet reshuffle should also be limited.

Tax resources: Tax is paid and people usually pay a lot of taxes, but, I think Kenya should be divided into regions - be it the

provinces or any other convenient regions such that whatever tax is collected from those regions, 65% of it go back to that region to do development and the other 35% is left for the government to do its work. Those are my views.

Com. Aroni: Mr. Peter Ndungu thank you very much .no further clarifications. The next person is Joseph Muhia. Joseph Muhia. Mr.Muhia we will give you not more than 10 minutes to give your views.

Joseph Muhia: I think these are my views. The government should introduce a Bill to fight corruption, for example the tax collected should go directly to the revenue. The Electoral Commission should be independent. The government should improve the agricultural sector e.g Egypt as a desert country has already used River Nile to irrigate Sahara desert where they now grow American sorghum and the country has done very well economically. I mean they use cataracts and a simple cataract is worth only 200,000/= So we need a government that cares for us citizens. The government should give compulsory and free education. We also need free health services.I think those are my views.

Com. Aroni: One question. You would like to see an independent Electoral commission do you have any view how we can make the Electoral Commission independent? How?.

Interjection: (inaudible)

Joseph Muhia: I got an idea- Because sometimes you can see the Electoral Commission does not use people to guide them and they need us, we are the people, we are the citizens- we are the people who need to guide you, because we are the people who are seeing these views and this is because you had called me here so you need to be independent like that.

Com. Aroni: Thank you very much. Jack Mwaura, Jack Mwaura. Mr. Jack Mwaura, Mary Njeri, Mary Njeri. Thank you.

Mary Njeri: I am from Gatundu south Constituency and I am representing all the women in Gatundu Constituency.

Com. Aroni: Does that mean that women will not speak again or?

Mary Njeri: They will speak but I have got some views, which we have made but they will come and clarify some of them.

Comm Aroni: Thank you very much

Mary Njeri: I am going just to read because this is a memorandum

Com. Aroni; We will give you 5 minutes to go through it so that (inaudible)

Mary Njeri; Yes; you know women can do so many things at the same time so they have tackled and that they have got so

many things and I can't

Com. Aroni; Go ahead summarize

Mary Njeri: I will start with Preamble; we need a Preamble in our Constitution. The current one has no Preamble. "Identify, recognize the supremacy of the people of Kenya, women, men and children". That is the first one. "Respect and honour those who fought for our independence.

National Views: Unity in our diversity, equal treatment for all before the law, Supremacy of individual freedom. The Constitutional amendment should be subjected to a referendum and not 65% majority. The Electoral Commission should not conduct the referendum.

Guarantee Basic Rights for all Citizens: -This is very important. Automatic citizenship to all the children inside and outside Kenya by a Kenyan citizen, by a spouse of Kenya citizen, Foreigners and their children who have lived or worked in Kenya for 15 years, Adopted foreign children by Kenyan citizens. Other ways of acquiring citizenship is by application- you can apply or by marriage or by adoption.

Rights and Obligations: - Basic rights, rights to vote, right to own a property. Rights and obligations of the citizen should not depend in the manner citizenship is acquired. The Constitution should allow dual citizenship .A citizen should be identified by passport or identity card.

Defence and National Security: The disciplined Forces, The Military and others should be established by the Constitution. They should be treated like any other public Civil servant. The President should not be the Commander-in- Chief of the armed forces. The prerogative to declare wars should not be subject to the parliament debate. The Constitution should have extra powers in emergency situation. Parliament should have a law in effecting the emergency powers.

Roles that political parties can play:- Involvement in all areas of the development that is infrastructure, Powers, roads, communication and enhance access to useful education for all and enhance access to health and insurance for the aged - and that is very important; Low income earners and disadvantaged, involvement in the social amenities , advocate for human rights, protect and manage the natural resources

Political parties: - Registered parties should enhance gender equity at the hierarchial level. There should be rules and regulations to safe guard stability of the parties. Avail finances to the political parties from the public resources. There should be a maximum of 3 to 5 strong political parties. The parties should be transparent and accountable to the party members to the relevant audit bodies. There should be a provision for a coalition government.

Structures are system for the government: - Presidential system of the government should be retained with checks and balances. Separation of powers between the three Arms of the Government. President should be a parliamentary candidate, to

be elected by 75% of the voters. The President should not belong to any political party. If the President is a woman the Vice President should be a man and vice versa. The President's age must be from 35 years to 60 years. The President should be married and have a stable family "cows and bulls". Minimum education qualification must be degree holder, morally upright.

Parliamentary system of the government: - No parliamentary system government, no Prime Minister.

Role of the President: - Oversee the process and implementation of the Bills, Laws, Government policies and Representing Kenya in international forums and matters.

Devolution of the power: - Power should be shared between other systems and the Central Government - a government that unites and develops all the regions. All Provincial Administrators should be directly elected and would be relieved of their duties if they don't perform within a period of 2 years.

Disadvantages of Federal government: - inadequate differences, inequitable distribution of resources.

Legislature Commission:- Appointment to be effected by parliament, Judicature or Constitutional Commission. Functions of the parliament should be extended to include appointed done by the Executive. The parliament should not have unlimited powers but to register the wishes of the people. Being a member of the parliament should be a full time occupation.

Age requirement for voting and contesting parliament and Presidency: - Voters should be above 18 years, members of the Parliament should be above 30 years, President should be 35 to 65 years. Academic qualification form 4 and above. There should be a moral code of ethics of aspiring parliamentarian candidate. Constituency should have power to recall their member of the Parliament.

Procedure of recall: - Correction of signatures from 1/3 of the registered voters in the Constituency. The members of the parliament should act on both his conscience and of the electorate. There should be a consultant to a scheme of service. Nomination of the members of parliament should be retained but with a special emphasis on the marginalized Constituencies. A special measure should be taken to increase women participation. Affirmative action e.g at least 1/3 of nominated Members of the Parliament of each political party should be women. Members of the parliament should have a code of ethics, should be of up right morals. Coalition of Government should be allowed. Multi party representation in the Executive, There should be a one-chamber parliament with efficient internal checks and balances. The parliament power is not adequate to remove the Executive through a vote of no confidence. The President should be impeached. The President should participate in registration. The government should overrule the President vote. The President should not have power to dissolve the parliament but should have a calendar of events. Staggering election is important to remove a vacuum. Every district should have 1/3 representation.

Executive Powers- Presidential qualifications, University degree from a recognized university. Moral upright, be a family person, between 40 to 60 year of age brackets., sound mind ,God fearing ,and should declare his /her wealth.

Presidential tenure: - Maximum of 2 terms of 5 years each. Presidential functions should be defined in the Constitution. The

President should not appoint the vice president, the cabinet, the attorney general, Chief justice, Solicitor General, Judges of the High Court, Chairman of the electoral Commission, ambassadors or the High Commissioners, Central bank Governors, Provincial Administration. The Presidential Portrait should not be in currency. The President should not be Commander in Chief of the Armed forces, Should not be chancellor of the Public Universities, Should not have prerogative of mercy powers. Should not be above the law and case of criminal, civil offence he should be prosecuted.

Presidential misconduct: – Misuse of the power, misuse of the country's public resources, promotion of ethnic clashes, nepotism, corruption and reayment of tax payer's money. If she or he divorces the unclear of Constitution disciplinary measures, Vote of no confidence persecution and if guilty surrender all the government property and machinery within 24 hours, The President should not be a member of the Parliament but only a ceremonial President. Provincial administration should be detained. To form a Central Government to promote peace and harmony to arbitrate (amongst worrying parties without bias.

Interjection (inaudible)

I will read them all.

Com. Aroni: - Well we would like to ask you to summarize for we believe you will give out your memorandum so that we can study it. May you should just highlight some of the very important views.

Mary Njeri: - We have said something about Judiciary is not going to give something about government, something about electoral system and process. Something about basic Rights- and this is very important for all of us. And I think I will mention some of the issues. Concerning the specific issues of the basic Rights, security is the first one- Mob killing, Police shooting, Firearms, prisoner's treatment, discipline of the Security forces and Health care. Health care, free medical care, medical insurance company, hospital charges control, checks and balances and medical care brought closer to the people. We are tired of getting water from the River. Protection of water catchments sources, control of irrigation and cultivation and initiate project to provide clean water for all by year 2005.

Education- Free and compulsory basic education. Adopt the Koech report of education. Civic education Should be emphasized and constitutionalism should be included in the curriculum. Teachers and Students ratio should be 1:30.

Establish homes for 'C.N.P.A.S.' Shelter for all. Food is very important because a woman in the house without food is nothing. Government policy on food production. Financial support for farmers, restrict food importation and this I would repeat especially milk, which is being imported, we are really suffering leaving our milk unsold. There should be control of liberalization of the market.

There is still something to do with rights of the vulnerable groups owning land and property. Rights in Kenya you know it is just too much but because I am giving the Memorandum. I won't talk about this but I have given about 20 points. Some of the points I have mentioned include;

Culture and Ethnic and Religion diversity and communal rights, environment and natural resources, enhancing the roles of controller and auditor general. Attracting competent public service employee. Strengthen Public service Commission code of ethics. They are so many and I hope you will consider them - Participation governance, International relationship, Constitution Commission, Institution and offices, that is last one and it has got a lot and I hope you will consider them all. Thank you.

Com. Aroni. Thank you very much, just a minute (inaudible).

Speaker: Declaration of war, mama whom did you say should have the powers to declare war?

Mary Njeri: You know there might be a war somewhere but the President is not the one to say 'now there is war'.

Speaker: Who should do that?

Mary Njeri: There are M.P's there are people who are representing people from the grass root they are to be told 'are we going to have a war?', even from the grass root a voice can go straight from the grass root.

Com. Aroni: Who makes the decision?

Mary Njeri: The people who are given the powers in the middle- may be M.P's, people who are representing us, They should seat together and decide whether there is going to be a war or not.

Com. Aroni: Now, I have a clarification or I want you to tell us how this is possible you have said more than once that a President should be married and have a stable home, Suppose this President is may be a Bishop or a Father from a religion where they don't have to marry or they are not allowed to marry?. Secondly, don't you think that if we come up with this we shall be infringing on one's Constitutional Right because a Right to marry is really a freedom that one chooses?

Mary Njeri: Well, I was just saying that because we have discussed it so much you know the President should know what is from the grass root. If I have got a child he should know how to rear and as you have said, he is not supposed to marry if he is a Bishop-well he has worked with those people who have got children. He knows how hard it is to rear them and to educate them. So, if he happens to be a President he will have known this and therefore if people want him they can give him votes..

Com. Aroni: You also spoke about the devolution of power to be shared in a united government. Would you help us to see how we can devolve this power? Who do we share it to and from where to where?

Mary Njeri; It was under what? Under....

Com. Aroni; Immediately after you spoke about the President, you spoke about devolution of powers to be shared in a united government, we want you to help us by telling us how we share or devolve this power? Let me simplify it for you, If you want

us to have a united nation and you want power shared isn't it? How do we remove it from the Central government to be closer to the people?, because I think that is your point, but if you have problem we can read your memorandum there is no problem.

Mary Njeri: Yes

Com. Aroni: Thank you very much for your views.

Mary Njeri; Because I had so many points...

Com. Aroni: Thank you, thank very much for the views. Could we then have James Gathukia na ikiwa mtu ana shida na Kingereza anataka kuongea kishahili there is no problem we should be able to handle that if you want to speak in Kikuyu we can make translation, ikiwa kuna mtu hataki kuongea Kingereza anaweza kuongea na lugha ambayo anaweza kuongea msiwe na wasiwasi tutaweza kufanya translation ikiwa ni lazima. James Gathukia, James umebadilisha nia, Asante, if Julius Miriti alizugumza John Kamau. Could you please give us your views?

John Kamau; Mimi ninashukuru sana kwa nyinyi kuja hapa kwa sababu mbeleni hatukujua kama kuna kitu kama hiki. Tulikuja kujua kuna watu wa kurekebisha sheria kutoka 1992. Kwa hivyo it is fantastic sisi hatukujua nyinyi, hatukujua kama mnaweza kuja kutosomesha sisi mambo ya sheria sisi ni watu wa mashambani kwa hivyo it is a very new thing to us. Mimi mwenyewe nitaongea mambo ya ukulima kwasababu najua sheria ziko hapa, Kenyatta alirule nazo Moi amerule nazo kwa hivyo mimi sijui makosa yake. Makosa yale mimi najua ni mawili au matatu. Mimi ni mkulima wa kahawa Shilingi imeshakuwa very powerful- above the sea level hakuna mtu anaweza kukusikiza bila shilingi. Tungetaka sheria ya kulinda mali yetu. Kuna watu tunaita co-operative officer, kuna watu tunaita self help groups, tunachagua watu wanakua wakubwa wanapata pesa wakipata pesa zetu wanakula tukienda kwa law court file inapotea. Ukienda kule hata hawako hata ukienda kwa office of President unasikia hati file ilipotea. Hakuna sheria inachukuliwa- pesa yetu inapotea. If you come to rural area macommissioner mtaona wakulima ndiyo the poorest people within the area. Hakuna mkulima wa kahawa ako na viatu. Yule ana viatu kabisa mzuri ni yule ana gumboot - peke yake na ni ya miaka miaka mingi. On the other side in upande wa polisi na hii ni Home affairs.- Ministry of Home Affairs, it is more corrupted than City mortuary. Uakienda polisi hata kama ume ua na una shilingi unambiwa kuja kesho. Yule hana shilingi anakuja anawekwa ndani anambiwa wewe hakuja mbele. Hiyo sheria tungetaka- sheria ya kulinda wananchi irekebiswe. Polisi wawe na respect. Tumshaona makesi megii your honourable kama ya raping watoto na una kuja kuona huyo mtu after 3 days ako huko hati hakupatikana na sheria alifikiriwa.- Kwa hivyo shilingi iwe chini kidogo ya sheria. Hata ukiangalia shilingi yenyewe ilichorwa mbeleni crown ilikua juu ya shilingi . Today shilingi kama ni 'tano' iko juu ya crown. Hiyo ndiyo highest corruption kwa nchi ya Kenya. Silaumu nyinyi lakini nauliza nyinyi mlikua wapi kutoka 1972 huko mbele wakati Kenyatta alikuwa akitawala? , Moi ametawala kwa uzuri amekuja tu kuwa mbaya wakati amekula mali ya wananchi. Ya nini nisiseme kweli?. 1992 ndiyo tumejua hati kuna watu wanaangalia sheria za watu. Tulijua tu koperative offisa hata ni above President sababu ndiye analinda mali yetu. Today tumeona ndiye mwizi namba 1. Kwa hivyo tunauliza wakulima wa kahawa tuwe na minisita wetu ambaye ni minisita wa kahawa nikienda kwake mimi siendi kumuliza hati 'kwani Gatundu South umeona barabara?', no. 'Kahawa yet imeendelea namna gani'. Halafu tukitaka mambo ya barabara tunaenda kwa yule Minister elected kama Minister wa Constituency ya Gatundu South. Lakini kama ya kahawa anaenda

Morogoli, anaenda Kisumu, anaenda every where in the Country anaangalia kahawa na hatutaki mwizi. May I comment; Mkirudi kwenu kule mnarudi mulize serikari sisi kahawa tunaweza kuuza sasa- ikiwa serikari itaendea namna hiyo kutoka top mpaka chini hakuna mtu hakuli.- Kutoka juu mpaka chini anakula. Tutaanza kupeleka kahawa yetu Ethiopia, wapi kitu ingine namna hiyo. Tuwe tumepewa lisensi ya kuza kahawa yetu nje. Sababu Wasomali wanakuja wanataka kahawa, waethiopia wanakuja wanataka kahawa, wageni hata hawajuhi kahawa inalimwa namna gani ndio wanakula. Wengine hata hawajaona picha ya kahawa but they are rich- ndio wako na tumbo kubwa. Thank you very much.

Com. Aroni: Usiondoke mzee tafadhali keti, pengine tunataka utufafanulie kitu.

Speaker: Mzee umependekeza kwamba kwanza kabisa tuwe na Mminister wa kuangalia mambo ya kahawa, sasa uko na pendekezo lingine ambalo nafikiri lingeweza kutatua shida za wakulima wa kahawa labda ungetaka tuangalie?.

John Kamau: ndiyo mambo ya co-operative officers.

Speaker: tuwafanyie nini?

John Kamau: Kuna sheria hapa I am very sorry about it , Aeti haki ya kahawa ilifanyiwa registration 1923 ikiwa ya mzungu, Huyo mzungu hakufikiria kahawa inaweza kupadiwa na mweusi. Hiyo Act ya kahawa tungetaka irekebiswe iwe ‘Africanised’, na sio ile inafanyiwa Bunge na inafanyiwa tarehe 1 April halafu 1st April ndio kahawa inainua zaidi. Tungekuwa na chance hapo ya kuenda Minisiter na kumuliza ‘mlisema 1st April kahawa inarekebiswa mpaka bei mpaka kila kitu lakina sasa wizi ule umekua mkubwa ni kutoka 1st April na ile katiba imepitiswa haijafanya kazi why?’. Na tuna serikali tuna President, tuna Mawaziri, tuna Wabunge, tunaMacouncillor. Ingingine ni mambo ya Bursary bwana Kamitii, busary ililetwa hapa Kenya kwa wale watu masikini na vile wananchi sasa hapa wamekufa sana kwa sababu ungojwa wa Aids. Kuna watoto zaidi ya elfu moja hapa- hapa hii sub-location hii yetu. Wazazi wameenda. Bursary imekuwa ikiingia kwa councillor au ikiingia kwa Minister ina kuwa ni yake na bibi yake!. Hawa watoto watasaidiwa na nani!. Minister na M.P wetu wanafanya nini? Ministers wana fanya nini? Serikari kwa nini haikutuma watu kama nyinyi? We are very pleased kuona nyinyi hapa. Mimi sija sema kitu kama hiyo; Na kama ni wakati nilikuwa kijana hata mimi naingekuwa napigana huku kwa factori, mimi ni nanyaganywa, nanyaganywa, nanyanganywa na iko Serikari na iko Polisi mpaka nafanya vita. Kwa hivyo sasa ndio tunauliza hio Bursary inaenda wapi, iangaliliwe? Uliza swali lingine

Com. Aroni: Asante sana bwana John Kamau umesama ungetaka tuwe na Minister wa kahawa sasa kwa wakati huu tuna Minister tuna minisita ambaye anashuhulikia mambo ya kilimo

John Kamau: Ndio nani?

Com. Aroni: Anaitwa Dr. Godana Kwa wakati huu lakini naongea habari ya Ofisi sio mtu hauoni Kama hiyo ofisi inatosha

Kwa sababu kazi yake inatakiwa ofisi hiyo kuangalia pia kuhusu kahawa.

John Kamau: Huyo ni mbaya zaidi, huyo ni mbaya zaidi.

Com. Aroni: Usionge habari ya mtu

John Kamau: Ndio, ofisi hiyo ni baya, your honorable madam. Tunataka tuwe na Minister wa Agriculture wafanye na Minisita wa kahawa kwa ofisi moja. Thank you

Com. Aroni: Asante. Bwana Njoroge Mungai, bwana Njoroge Mungai, Asante please have a seat

Njoroge Mungai: Thank you very much; the much I would have said has been mentioned. I don't know what is the position.

Com. Aroni: it is o.k. We have to hear views from all Kenyans, so that we are be able to decide where the consensus lie, so it doesn't matter whether your view (inaudible)

Njoroge Mungai: O.k..Now, I would like to see a centralized government as apposed to the (inaudible) of Fedralism or majimbo. I would also like the Presidential powers to be reduced- where the President does not make senior appointments.Our country is in problems,- economic problems because of these political patronages-Head of parastatals are appointed by the President. I would hate to see that. So we want the President who can be removed, who can be impeached and not given those powers to make appointment. Now;

3. I would like to see education provided by the government free and compulsory primary education. Right now there was that Bill that went through sijui beginning March, giving children their Rights.You will find that one of the Rights was free education and the parents we have are not able to take their children to school.The law can put that parent into problems. So we would like that bother, that kind of work done by the government. I would also like to see medical facilities, medical provision provided by the government. We have people right now who can not afford even bus fair to go to the nearest medical clinic
4. Land policy; – We have very few people with acres and acres of land and very many people who are landless. I would like to see a situation where people- particularly adult men and women are provided with at least 20 acres so that they are able to cater for their families. Those are the summarized points I had.

COM.Swazuri: Are you saying every person to have at least 20 acres?.

Njoroge Mungai: yea

COM.Swazuri: Shall we have enough for 21 million

Njoroge Mungai: It is with a few people. We have plenty of land in Kenya

COM.Swazuri: It should be divided including the desert?.

Njoroge Mungai: Not everybody, I talked of adult, adult.

COM.Swazuri: Just on this question of land, because I think it is a very important issue you have raised. You know that land have different potential, obvious if you can't take place

COM.Swazuri: Thank you I have very little.

1. We should have a President not a Prime Minister. He should not be above the law. He should stay in office for a maximum of 2 terms of 5 years each. He should be elected by the simple majority not 25% votes in at least 5 provinces. Retirement, all workers should retire at 65 years including parliamentarians but not retrenchment. If one has worked for 20 years he should be allowed to retire if he so wishes with all his benefits.
2. **Land ownership** – If a Kenyan citizen has owned property in an area he should be recognized to belong to that area. This will prevent from land clashes Public places or land should be respected by all. Boundaries should be inspected regularly to ensure no grabbing. Forest reserves should be protected to avoid careless misuse e.g careless cutting of trees. Businesses should be controlled so that one person should not be the manufacturer the distributor, the wholesaler and the retailer.
3. **Education:** - Primary education should be free and compulsory. Secondary education and other should be made affordable for all and if possible be made free.
4. Health facilities should be made free.
5. **Election:** – Elections should be computerized and results announced immediately in each polling station to avoid prolonged counting and rigging. Election boxes should be transparent. Nominated M.P's should not have contested a seat and failed. They should apply for nomination without contesting first. Nominated Councilors should be treated the same.
6. **Water** – Like in this area, , we have water catchments, we have water resources which feed the cities but here we do have piped water and in most cases the pipes are dry. Water bills are mostly too high we ask this issue to be addressed to. Thank you.

Com. Aroni. Thank you very much. We have nothing to clarify. George Nyoro, George Nyoro.

George Nyoro: Commissioners it is my view that anybody who proposes himself for election as an M.P. should have the following qualities;

He should be having a minimum of Kenya Certificate of Secondary Education. He should never have been jailed of theft or misappropriation of public funds and it is also my view that such a person should belong to a certain religious sect. Such a person wishing to become an M.P, Should not be a devil worshipper or something like that. I also feel that the number of Ministries should be reduced to minimize expenditure on salaries and allowances of these Ministers. I also feel that no person should be appointed as Minister unless he pulls a certain minimum number of votes in the election. I recommend that a person to

be appointed as Minister should have a minimum number of 30,000 votes from his or her constituency. The Vice President should be that person who pulsl number 2 in all votes cast countrywide. There should be provision for independent Presidential candidates. Any person Posing himself for elections of a President should have the following qualities: He should be of Kenya Certificate of Secondary education or its equivalent. He should be 40 – 70 years of age. He should hold 50% or more of all votes cast countrywide. Once elected he should not be above the law. He also should not have power to pardon election offenders. He/she can be tried in a Court of law while in office. It is also my view that the counting of votes should be done at the polling stations.

It is also my idea that police force should be streamlined to get rid of so much Corruption that currently is in the force.No person should use public funds to buy luxurious things like the recent Presidential jet which serves only one person or just a small group of people, or this other expensive cars like limousines and such things. No public funds are supposed to be used to buy such things.

With the disabled, they should be given free compulsory education and training. Medical services should be free. Education for primary schools should be free. Also especially in the civil service, the salary gaps should be reduced. It is my view also that no person should own a lot of land while others don't have. I recommend that the person, who has most land in his country, should have fifty acres. I would also like to see protection of forests and water catchments areas in our country. That is all I had.

COM.Swazuri: How many Ministries do you want? You said we reduce the number to what?

George Nyoro: Actually at the moment I don't know the number of ministries that are there, it should be reduced to around three quarters of those, which are there. If they are 30, 3/4 of 30.

Com. Aroni: Now, you said you would like to see the police force streamlined. Any idea of how this can be done?

George Nyoro: What prompts me to say like that is the amount of corruption that is within the police force. If you move on our roads here, you will not move even a few kilometers without seeing for yourself corruption that is there. This is why I am saying that police force should be streamlined or they be laid off this corruption.

Com. Aroni: Thank you. Thank you very much. John Kanyi, John Kanyi hako wapi? Joseph Ikinya. James Gathukia, James Gathukia. Peter Thiongo

Peter Thiongo: *(In Kikuyu Dialect)*:.Nie ngwenda kwaria uhoro wa andu a kahuwa na iria ohamwe na nguku. Nie

nekwona kwagerere ati koro.

Interpreter: We have local industries, which make goods locally, but at the end of the day there are goods that come from overseas rendering these other factories very uneconomical

Peter Thiongo: (In Kikuyu Dialect): Ngukinyia hau ndeke mundu unge arie.

Interpreter: I want to stop there I give another person a chance.

Comm: Abida Ali Aroni: Thank you, Asanti subiri pengine nataka kukuhuliza swali, subiri kidogo.

COM.Abdi Ali Aroni: I just want to ask him this question regarding Coffee: Is he saying that even after delivering coffee to the factory money is not paid at all or is it that money then is paid, is he under paid?

Peter Thiongo: (In Kikuyu Dialect): Ta kahua ka 2000 na 2001 ndatwarite ngunia 22 na etwe ngiri isho na thiri uria ndakomete ona ndiri ndiriona ona ndurengagwo ona kii.

Interpreter: He is saying for instance, he is given example of his produce for the year 2001 and 2002 he has only got only 5, 000/= and he had about 22 bags, and that is not even enough to cover his costs.

Com. Aroni: Mzee una hii habari unasema ya korti kwamba kesi inachukua mda mrefu sana, ungekuwa na pendekezo gani wewe kama mwananchi kutaka kuona kwamba kesi hazichukui mda?

Peter Thiongo: (In Kikuyu Dialect): hingo ya muthungu, cira wa waciragirwo thiri ri.....

Com. Aroni: How does he think we can simplify it, to make sure that case does not take 30 years? because the solution lies with you and other Kenyans.

Peter Thiongo: (In Kikuyu Dialect): Cira dwagirirwo ni kunina mweri umwe,

Interpreter: He says that the case should not take more than a month, within a month it is finished.

Com. Aroni: Thank you very much, asante sana. We need a break. Bwana Mucheru Ndirangu, na tafadhali wakati ambapo wanazugumza tusiongee huko nyuma because tunataka kusikia maoni ya yule mtu anakaa hapa tafadhali. Ndio mweze kusikia

na sisi tuweze kusikia, Na mtu ambaye ako na mobile phone ambayo haija zimwa inaonekana inatusubua kwa sababu ya microphone. Tafadhali mzime mobile phone ili watu ambao wako nyuma waweze kusikia. Asante endelea. Dakika Kumi.

Mucheru Ndirangu; Mimi ya kwanza ni kuuliza swali, Swali lenyewe ni kama lifuatalo. Naulinza nyinyi haza ne wana katiba ungiakalia hizi pesa zetu zenye tunatumia crown iko chini na pesa ndio iko juu .Sheria ndiyo iko nguvu ama ni pesa ndizo zina hitajika sana? Swali la pili katika haya mambo ya hapa madukani.Ukienda kwa muuzaji wa duka atakwambia hii kitu na uanza kitu fulani na hakuna control price.Kwa nini serikali haiweki control price? Jambo la pili naenda kwa mashambani kwa sababu mimi ni mkulima kabisa hasa. Nilenda hapa juu kidogo katika foresti,- foresti miti yote imengolewa yote imemalizwa.Ikiwa sisi wakulima hatujitahidi sana tupande miti katika mashamba yetu nchi itakuwa jangwa . Ni hayo tu wanakatiba, yangu ya kusema ni hayo tu.

Comm Aroni: Asante mzee tumeshukuru.Tafadhali tulisema hivi tulipoanza mkutano. kwamba itakuwa ni kosa kwa mtu ambaye amekuja amechelewa kuomba kuruka line kuzungumuza kabla ya wengine . Itakuwa ni kosa sana kwetu halafu mtatulaumu . Tafadhali ukifika uwe na subira ya kungoja mpaka jina lako litatajwe. Bi Elizabeth is the last person I am allowing. Elizabeth ni mtu wa mwisho ambaye nimekubalia lakini tuwe na subira ya kuweza kungoja mpaka utakapo itwa jina.

Elizabeth Wanjiku - I Elizabeth Wanjiku, Asante sana.I am not going to give the memorandum because it is already given but I just want to add a few things on the disabled. It seems as if we the disabled are not seen as if we are important people in our society. Starting from the grass root I would say our parents should be educated on how to cope with the people with disabilities. A parent is there or parents are there they get a disabled person they don't even know where to start because if we go back to our tradition may be in the past people with disabilities were considered to be a bad ornaments in the family, but now what I want to stress is our parents be educated so that when a person comes in with a disability they will be able to cope with that. Also I would like to say that the people who get disabled when they are adults should be taken to a special schools where they can be educated on how to cope.Most of them are dying because of depression. Nobody is there to give them any kind of counseling but they are people and they are great people who can do great things in our society. So let us all be given a chance.What we are asking is a chance. The time of giving us sympathy is gone, but let us all be given a chance to give what we can in our society.

We are people with brains and I know that if the brain is functioning even all other things will come because if you can use your brain you will be able to educate each other, you will even be able to clothe yourself and also feed yourself. So let us not just be looking at the eyes, legs, arms and whatever but the brain. We are people who can do great things in our government. Who said that a disabled person can't be accepted?, if we are given a change we can do that. We can even be M.P's we even can do greater things because we always say the sky is the limit. Now, something else which I would like to stress is when buildings are being constructed, that is our offices, our hospitals, our schools let those who are doing that work keep in mind a disabled person will be entering that place. Like now we have got people who are using wheelchairs and they have become very limited

to visit some of our places because they can't go there. Let us not forget them when it comes to that.

The other thing is, I would like to talk something about the national fund for the disabled. There was a time money was raised for those people and if that money was put into good use, we will not have people who are begging on our streets. We will not have people who are sitting at home doing nothing because we know that everybody would have something small that could help her or him to at least earn her living or his living. But you see now because the fund is being managed by people who are not disabled, they don't know the pain of being disabled and that is why most of the things are neglected. Because we see now from that fund, may be the best we can get is a wheelchair. A wheelchair is not everything but we want something more. Yes, I am not saying a wheelchair is not bad but at least something, which will help us to clothe ourselves, to feed ourselves and educate our families.

So now, we would like to be self-employed- and when we come back to self-employment, the tools that we are being given most of them are not lasting long because they are of poor quality. So the message we are passing is, let us be given something that is durable, something that will last for long and something that will help us. Also we would like to say, like now there were some premises that were bought to help the disabled e.g Rehema house; we would like to say, let us put some of our disabled there-let us not just let that place to the able people because our disabled are forgotten on that area. So, our dear Commissioner take that message with you that we are all very important and if we are given a chance we can do great things for our country, for our families and for everybody else. Thank you.

Com. Aroni: Now, other than the concerns that you have given us, do you have any view regarding other basic needs other than this sensitization of parents and the issue of getting something more than a wheelchair-would you have any other views on things that you think are basic both to people with disability and other Kenyan?

Elizabeth Wanjiku: I am just touched on that because I was not there when the one who was representing the memorandum was giving it but because I had seen the memorandum, I think most of the other things-----.

Com. Aroni: Thank you, I wanted to find out whether you had any other views? If you don't have, thank very much.

Elizabeth Wanjiku: Thank you.

Com. Aroni: Daniel Gitau, Daniel Gitau, and Phylista Wanjiru. Tutawapatia dakika kumi.

Phylisita Wanjiru m a kw: *mathina, alimi mena mathina anga mbesa ciao. Mugunda ya athini*, Problems of farmers- because of money, the landless do not have land. The help to the poor actually comes in but doesn't reach them. *Mbia cia murimu wa Aids niciokire no itiri cia kinya kuri ithye*. The fund on the Aids victims came but it has not reached the victims. *Micimano tweka tukauroni thirikari yitu*. When we meet or we make meeting we are harassed by the government, that's

all.

Com. Aroni: Tell her we may need to clarify one or two things.

(translation of kikuyu to English)

Speaker: She is saying like now when there is campaign when they meet.

Com Aroni: O.k. she says that the assistance of donations do not reach the poor- the HIV funds that have come and have not reached the poor. Where have these donations and funds come from? Does she have an idea?

Phylista Wanjiru: Ciumaa murimo. (She says they come from overseas).

Com. Aroni: Do they come through the government or Non Governmental Organisations?

Phylisita Wanjiru: *Imwe ciukaa na thirikari,*(some of the fund are coming through the government other from other sources).

Com. Aroni: Thank you- asante Joseph Thiongo, Joseph Thiongo and you should not worry ikiwa unaona mambo yamesemwa, usiogope kusema tunataka kusikia kila mtu akiongea. Joseph Thiongo ako wapi? Nani anaitwa Joseph Thiongo. Ngoja kidogo you sit there permanently since you have another (inaudible)

Joseph Thiongo: I will talk about coffee (inaudible) Thank you mama, “niguka kuku kwitu”. Thank you very much for madam Commissioner for coming around here because we really don’t get anything from our coffee because it is actually stolen. (Kikuyu) The leaders we have -even if we take the actual clean coffee or sherry, they actually squander the money and they do it underground. The coffee farmer other than just getting toiling on it, doesn’t get anything from it. What I can say is that I am very grateful for you mama having come here and go and tell them that we don’t get anything.

Com. Aroni: Thank you, asante.

Joseph Thiongo: I know how to prune a lot.

Com. Aroni: David Karangi, David Karangi

David Thiongo: Thank you, with the defence and the Security of the Country the President should still continue to be the Commander- in- Chief-of the Armed Forces.

About political parties, the organ that finances the ruling party should finance them and they should be financed equally. The parties should be a maximum of 3 and the State and political parties should be like brothers and sisters. The system of governance should remain the Presidential system without Prime Minister; There should be no Majimboism in Kenya.

The retirement age should be 65 including parliamentarian and the President. Nomination of M.P's should not be failure of a constituency elect and should apply in parliament- and for that matter, the 3 parties should allow for a coalition government. The Legislature should dissolve the parliament plus other parties not the President. The Executive's tenure of office should be fixed to 2 terms of 5 year each. The President should not be above the law and all his functions should be stated in the Constitution. The President should not be a controller of Ministries, Judiciary and the Auditor-General. The judicial officers should be appointed by parliament and they should still continue and retire at 65 years. Chief Kadhis, and Kadhis should have the same qualification and be appointed by parliament. The judiciary should be independent. Local authority election should continue the same. Their terms of 2 years are adequate. Minimum qualification form 4 certificates, the President or Ministers should not have the power to dissolve any Council.

We should retain the representative electoral system, majority votes should continue but not 25% in at least 5 provinces. Seats for interested groups e.g. Churches, Non-governmental organizations, Diplomats, Women, Youth should be reserved at about 10% of all elected MP's. The constituencies should not be geographically stated but they should have equal number of voters or population. Demarcation of Constituencies and Wards are not satisfactory because they don't have equal number of people. Election should be computerized in every Polling station to avoid prolonged counting and rigging. The chairperson should be appointed by the Attorney General and then appoint other Commissioners.

Basic Rights: – Fundamental rights should be practical not theoretical in Kenya. The Constitution should cater for all Kenyan in all these areas.

Security, Water, Shelter, Employment and Goods. The government is responsible for all these. Special issues, Business, Government should reduce one man to be the producer. Health care should be free to all Kenyan because they are equally the same in front of God. Employment should be automatic with enjoyable salaries. Education should be free for all Kenyans; also piped water should be provided to all Kenyans because Kenya has got a lot of water. The protection of water catchments areas must be put in place.

Rights of disability groups are ignored- e.g mental, illiteracy, chokoras and many others. Land ownership should be by the government through an individual. The government should not have a private land of its own. Non-citizens should not own any land in Kenya. Land transfer should be free of charge and quick. Kenyan citizen should own any property anywhere with the maximum security to avoid clashes.

Cultural and ethnic regional diversities; Cultural and ethnic diversity should be protected. Every ethnic community should be

catered for. National language should be Kiswahili and English if possible. Parliament plus other political parties should control the natural resources. Mismanagement of resources in Kenya should be stopped because we have got a lot of wealth. Coffee sector, Tea mills, Tourism, Sugar cane, Pyrethrum, Cotton and Sisal all these are national resources and should be taken back to 1960's. The resources should be well paid for because we need to be motivated as agricultural people in Kenya especially small-scale farmers. We should be motivated by beautiful payment which continues, not waiting for 3 or 4 years without getting nothing, and the people in authority are getting allowances every month and every day. Controller and Auditor general should be independent. Appointment by Auditor-

The Auditor General should be appointed by parliament and all parties. Control management and use of public finances budget to be done by all parties in parliament. Kenyans should be paid in public services and their salaries should be reviewed consequently. Protection of environment is the work of parliament not one person. Local community should be the overseer of the government. Natural resources protection, Forest, Water, Minerals, Wild life and Air that is the work of parliament and the government. The succession process: - President should be appointed by all Kenyans in a secret ballot and counting should be computerized at every polling station so that the incoming president should resume the office after 3 days. Counting should not take one week. To summarize; Corruption in Kenya is the worst enemy because the appointment of Directors for Coffee, Tea is done outside the farmers, whereas the farmers from the grass root level should appoint them. We should not import goods that are produced in Kenya. Liberalization should go away and be buried because the government should control the prizes of the produce that are found in Kenya. Roads; where has the service charges gone because our roads are very poor? Polluted towns with garbage and whatever -the towns that had been very clean, today are like dumping pits and taxes are being collected. Cost sharing should be stopped in education and health because earlier on, we had all equipment in schools and less payment. Today educating a child is just like buying an aeroplane. Public hospitals have no drugs but private hospitals have everything. To treat a sick person in Kenya is the same as buying an Island of your own. The people should elect chiefs and sub-Chiefs through secret ballot. The president has a lot of movement in Kenya. Moving enemas and this is wastage of public funds Poor people have nobody to care for them. We should request the in coming government to cater for poor people,“ and then the government should employ a lawyer for the poor people only”. “Hii pombe ya kumi kumi should be stopped”. But you find the government is packing some other drugs similar to changaa, it is given another name- Safari cane and then we are given as if it is legalized.

Tribalism: - Nobody should utter inflammatory statements against another tribe. Such should be prosecuted and imprisoned to avoid these clashes we are having today in some areas. Let us all elect our leaders through secret ballot and the use of transparent ballot boxes -not that dull and dark box that you cannot see whatever is happening or what is inside. A lot of Commissions have been made but due to lack of independency, we also fear that this Commission might not work independently. The forestation and deforestation should be enhanced by the government not people. Thank you very much.

Com. Swazuri: Just a minute. I wanted you to clarify David. You had proposed that we have a maximum of three political parties in Kenya which would then be given money from public funds, do you have any suggestions to this Commission how we limit the current 47 or so to three. How do we select those three? Do you have any views?

David: Yes .I think what should be done is that the registration and the party with the majority should be selected from the first one, second one, third one- the rest should go away and we join those three :-simple. (Laughter).

Com. Aroni: Thank you. I also want to ask you change positions. Now, you told us that the functions of the President ought to be stated in the Constitution. Do you have in mind what these functions ought to be?

David: ----and carrying a lot of people. They should be stated in the Constitution not just a matter of hearing that today you hear an aeroplane is moving to the Seychelles carrying about 130 passengers, for what?

Com. Aroni: Now the other function that we would like you to clarify, or rather you talked about the succession process and you talked about how we should elect a president, when he should start working and since you discussed the succession process, I would like to find out from you whether you have given a thought to what package a president ought to have if any, once he leaves office. Have you given a thought to something like that?

David: I have not given any thought.

Com. Aroni: Thank you. Thank you very much. George Gitau? George Gitau?

George Gitau:One man, one job. Meaning that one shouldn't be DC and also the Head of any parastatal. Counting of votes should be done direct at the polling stations. ID cards should be automatically after 18 years, since after birth we register the ID should be sent to Kenyans through the postal address. The government should finance all the Political parties. Independent candidates are introduced. Farmers should be given authority over their farm produce and control their prices especially coffee. Chiefs, the people should elect Assistant chiefs. The separation of the Arms of government should exist and each to counter check each other. Equal airtime should be given to all political parties and political Heads. There should be an Executive President who should be of 35 years to 70 years. He should be medically fit, he should be of "O" level and above, a Psychiatrist should examine him and a specialist drug abuser. The MP's should elect the Vice-President, Controller and Auditor General, Speaker of the National assembly should also be elected by the parliament.

There should be two offices of the AG. -A Government Legal Adviser and the other one Public Prosecutor. A vote of no confidence to MP's be introduced by a third of the total registered voters. Parliament to vote and pass a Bill be increased from 65 to 75 and corruption units be formed and be appointed by political parties and approved by the parliament. Those who have committed scandals as far back as from 1982 be prosecuted. Free and compulsory primary education be put in place and Cost sharing to be scrapped both in education and medical services. Parliament must approve and vet Executives, Public

servants appointed by PSC and have the power to sack them and censor them. Parliament to have powers to set up commissions, to discuss National matters. Appointment of Chief Justice and Justice of the High Court and all the Magistrates should be done by the judicial Commission and be vetted and approved by the parliament. Electoral commission must be independent and be appointed by political parties and approved and vetted by the parliament. Voters' registration and education be a continuous exercise. Human Rights and freedom must be as in the UN declaration and must be practical not theory. No Kenyan should own more than 100 acres of land and all Kenyans should have land since in the creation, a man was put into the land. Government should house all the street families as this is one of their basic Rights. A must pension to all Kenyans who are aged over 70 years. Parliament and public should be given powers to impeach Head of State when he or she abuses the law of the land. The parliament should have a calendar stating when election will be done, when the elected MPs will be sworn in and the time of their recess. The office of Ombudsman is created to check on mal-administration. Also in Kenya we don't have a pre-amble. We should have a pre-amble and in my pre-amble I say "we the people of Kenya, recalling the struggle we have undergone during the fight for this Constitution, recalling the people who lost their lives, detained and crippled during this struggle against the force of cruel tyranny and dictatorial oppressive rule, we Kenyans commit ourselves to build a better Kenya- Kenya established on better social-economical and political order through durable national Constitution based on justice, peaceful and democratic constitution which may be reviewed through a national referendum"-and before the referendum is done the people should be educated what referendum is. Thank you.

Com. Aroni – Thank you very much for your contribution. We have nothing to add so I think we are o.k. with your presentation. John Kamande? John Kamande?

John Kamande: Yangu ni machache, na nitaongea kwa haraka kwa sababu mimi ni mzee wa zamani. Na ninajua kuongea. Yangu haitawasumbua. Kile mimi nataka kuongea ni kile kuhusu Uhuru wa mtu na mali yake. Kile nataka kuongea ni mtu na mali yake awe huru .. Hapa ukiangalia kuna miti hapa utuzwa hapa ni mzuri sana kupandwa miti.. Na uki angalia nje hakuna mti mwingine utaona mrefu kushinda hii.. Hakuna pahali ingine. Na hapa twaweza kupanda miti kama Wattle tree, Blue gum, na mti mingine kama hiyo ya kutusadia kuchoma makaa. Lakini hapa uki jaribu kidogo tu, ndiyo hapo utaona taabu iko upande gani. Na vile mimi niki nitawaambia, Kama mimi hapa nina barua kutoka Kwa Chief, nilienda nikamwambia mimi nilinunua mahali miti na nina taka uni patie barua ya kuuza hii miti. - Na akanipa sababu hata wale wenye shamba wanataka niondoe Kwa sababu miaka Saba imepita. Haya alinipatia barua nikaenda nikakate gari moja. Mimi kile nili pata Kwa barabara hata sitaki kusema hapa. Sababu ule uchungu vile nili pata, nilipata hasara ya mara kumi. Nikienda kupeana barua barabarani nikaambiwa, "wacha hii barua". Hii tuta sukuma pamoja na miti yako na gari yako. Na hii aitakusadia. Kwa hivyo kubali mambo yetu ya barabara. Mimi nili kubali. Ile gari ingine ingali tu mstuni. hata ninge taka nijue ni ta saidiwa na akina nani ndiyo ni use hiyo miti. (Laughter). Sababu, wenyewe wanataka Ni ondoe, Na ile ingine nime kata, Na mimi nime shindwa. Hiyo Ni habari ya miti.

Jambo ya pili nasema mtu awe huru na kazi yake ya kahawa. Kahawa hii unaiona sisi ukiona wazee na wakina wamama

wako hapa ni wakonde wote.- Wana konda wote, hakuna nguo, hakuna nini, hakuna viatu. Na tumelima. Mimi ninge sema kahawa iwe inauzwa kama tunauzia watu wawili, watatu hivi. Ili sababu ikiwa ni mtu moja tu ana nunua kahawa, ananunua vile anataka. Kwa hivyo hakuna pahali sisi tuna weza kusema, sababu ni mtu moja tu. Kwa hivyo nyinyi mmkuja kuangalia mwangalie kahawa iwe huru, na mtu kuuza vile ana uzia watu wawili watatu.

Jambo la tatu: Ni ngombe. Kwangu nina ngombe mmoja na inatoa kilo kumi na tatu ya maziwa . Na hiyo kilo kumi na tatu hakuna mahali ninauza. Sasa mimi maziwa hiyo yote mimi nitakula mimi na mtoto kweli? (Laughter). Hiyo ni nyingi sana!. Na kama tungesaidiwa ili kuwe tuna ngombe huru hata ngombe tatu, nne naweza kulea. Lakini hata Kama hiyo moja maziwa inatoka na hakuna mahali nauza, nita lea nne ya nini? Haya hiyo ni mambo ya kusema mtu akuwe huru na kazi yake. Ile ingine naweza kusema ni hali hii ya shambaya case ya mashambani. Ina semwa mara nyingi ika semwa hata huko kwa “legco” tuna sikia “case ya mashamba irudi nyumbani”. - Lakini hakuna inayorudi. Kwetu kuna case ina thirty years na kama hata leo ina endelea na ninge sema kile ina endelea hata nyinyi mungeshangaa. Lakini hiyo sitataja hapa. Sababu mzee mmoja alisema case ya mashamba ina enda, mtu ana kufa ana wachia mtoto. Ndiyo ina fanywa Huyu ana enda ana wachia mtoto ana kufa. Sababu kama hakuna pesa una zungushwa hivi, una zungushwa hivi mpaka uta kufa. Kwa hivyo mimi ninge omba nyinyi muweke mkazo na msem case ya ma shamba irudiwe kwa family sababu this land is family land na ndiyo wana jua hasa ina tokea wapi. Na kama family ingesema iseme. Hii mtoto alikuwa mtoto kutoka kwa baba fulani.-Na wakate kauli hiyo ni siku moja tu. Lakini hii case ya kortini ina kaa hata miaka thirty, mia moja mpaka watu wanakufa wote.

Jambo la nne sasa:- Na vile mimi ni mzee nita harakisha haraka haraka. Ukiangalia hapa sisi tunapakana na forest. Forest iko hapa. Na huku kwa forest hakuna miti. Na sisi tukijaribu hapa kuuza yetu tuna zuuiwa. Sasa ile iko kwa msituni sisi tuna kata ama ni wale wako huko wana kata?

Sasa ile jambo ya security; Security hasa nyinyi mme kuja, mwasoma kwa magazeti mnaona hapa Kiganjo. Mimi nina ongea kwa wale wa hapa Kiganio. Wewe ukiwa una kaduka ionekane kanakua una uliwa. Let us say the truth unawawa na wale unafanya biashara nao sababu ina unaonekana wewe yako inaaja “na huyu naye ni namna gani ana tu shinda”. Sasa sisi tuna uliza, si tunasoma magazeti tunasikia Ulaya mtu ana mali nyingi, ana ma - hoteli na hakuna mtu ana muuwa: hata matajiri wanatakikana katika dunia. Lakini tukiwa wote sisi ni masikini ni nani atatu saidia?

Haya jambo la mwisho ni hii. Mimi siku moja nilikuwa nikingoza hizi makomiti ya kahawa. Na mimi nilikuwa nasema wazi. Kama wewe unaona mimi sifanyi vizuri, wewe sema hadharani katika kiwanja na mimi si kuchukia ati sababu unanisema. Sababu uki sema mimi si mzuri ndiyo nitafanya vizuri saidi ndio nionekane mimi ni mtu wa raha. Hata wale wengine walikwa nyuma yangu- nili sema hakuna mtu mimi ningependa atupiwe mawe sababu ati anasema ati “Kamande si mzuri”. Sababu nikikua na siku ile nita fanya vizuri ni kushinde, utakuwa wapi ili uone mahali mimi nilikuwa nikifanya?. Kwa hivyo hata tukiangalia hata Serikali pekee Africa wanaua watu ati sababu unamsema. Na simsemo una sema ati “macho ya chura hayazui ngombe kunywa maji”. Kwa hivyo kama wewe unasikia ata kama ni mtu mmoja anasema ati we si mzuri, unatafuta gang ya

kwenda kumuua ya nini? Si ufanye vizuri ndiyo uonekane wewe ni mtu wa maana. Kwa hivyo mimi niki wacha hapa mwende muangalie maneno ya mtu kuwa huru na mambo yake. Just only that. Mimi nimemaliza.

Com. Aroni Ehh. Mzee ninataka utufafanulie tu kidogo. Ume sema kwamba hizi cases zirudishwe kwa family- hizi cases za shamba. Kwa wakati huu huwa zinarudhishwa kwa wazee. Sasa unasema zitolewe kwa wazee zirudishwe zi pelekwe kwa family au una pendekeza namna gani?

Mzee Kamande: Wazee gani? Na wazee ndio family na mimi nasema irudishwe kwa family. Hakuna wazee. Wazee wengine walibuniwa niwale katika huko kortini na sasa hawa wako kortini si wako pamoja tu na wale wako kortini?. Mimi nasema irudishwe kwa family. Si huko kortini. Nasema iondolewe huko irudishwe huku mashambani. Kule wenyewe wanajua.

Com. Aroni – Haya. Asante sane.

Mzee Kamande – Haya. Haya Asante.

Com. Aroni - Samuel Mwangi? Samuel Mwangi?

Samuel Mwangi – “Ni haha uguo”. Ninge shukuru kwanza kwa vile the things I could have mentioned have been mentioned by some other people.

Com. Aroni- You know you must give us your views. (inaudible)

Samuel Mwangi - My views. My first view is that the president should not be above the Law. Anybody who wants to be elected as a president should be above 45 years and not 35 as it is now. Ministers should be appointed by members of parliament but not the president. They should be appointed as per their career. Ministers should not be transferred to other ministries without serving for at least three years in that ministry. Should not a pointed this week, one is the Minister of Foreign Affairs, next week he is the Minister of Agriculture, the other week he is the Minister of Foreign Affairs and he has not served us well. You cannot start this project, you start another one then after 5 years you have served ten Ministries, I think even most of them do not know what they do in that ministry, and in each ministry we should need one Minister but not three or four.

About the land – all the government land which has been acquired through corruption should be returned to the government. We have actually a lot of loss for most of the government houses which have been transferred to individuals . If you take eastates such as Kileleshwa and Lavington, There were so many Government houses there where sinior Government Officers like Ps’ were staying .Now we are told that there is no money and yet it is the Government that sold those houses. Those houses should be returned to the Government. They should not belong to any individual. Actually, this is one reason why we lack

money. We have read in the papers where a magistrate in Nakuru found building stones outside the government house he was staying and when he asked he was told those houses had already been bought .How did the houses transfer to the individual yet it belongs to the public?

There is another case in which the late provincial nursing officer had the house he was staying in, sold for a mere 60,000 and was told he would be given 30,000a month. So we need a Constitution where such things are returned and actually money paid. There is also the issue of K.I.C.C.This is one house in which even I did contribute a lot of money to it. TheK.I.C.C. Used to earn some 40 Million shillings a month .We are now being told that the building has been transferred to the KANU and yet the house was built by taxpayers money. The building belongs to the government but not KANU.The K.I.C.C. could be helping the country in so many other things and there are other buildings as well –not just K.I.C.C.The question is how does KANU use the over half a Billion shillings collected from the K.I.C.C.per year?

KANU is just a party it is not the government .So we are wondering what if the building is transferred to another party, which we can also benefit from it? The other one is about the allocation of town plots. You can see most of the parking like Umoja, Dondora, even in Kisumu, all here has been allocated to some other people. We don't know where or how the Cities and the Towns of Kenya will be in future- because they will be farms. There is nowhere you can actually park your vehicle. If you go to some other places- there is no parking no nothing, so we want those things to be returned. If somebody has built a storey house of five, it should be demolished so that tomorrow nobody can actually be allocated such a land. And actually it should not be a town. If you go to some other towns you can see this is a market, but here, we don't have a market- the market has been allocated. Some of the towns will be Provincial or a District headquarters one day; we don't know where they will get land. So I was actually thinking all those things should be revoked and be returned to the government. I think I don't have anything else.

Com. Swazuri: You said that ministers should not be transferred until they serve three years?

Samuel Mwangi Three years Yeah.

Com. Swazuri – Should that also apply to the other Public officers?- Teachers, Policemen, Judges, PS's and so on?.

Samuel Mwangi – Yeah. I mean Ministers mostly. If it is aMinister of Foreign Affairs he should be,- you know he is actually an elected Member of Parliament. He should serve for at least three years before he is being transferred to another ministry.

Com. Swazuri – Yeah, I understand that. So do you think it is a good idea for the others?.

Samuel Mwangi: They should serve for at least three years but not this monthone is here , the other week her is transferred, may be due to corruption that is why some people are being transferred. The governemnt is forcing you to do thisand if you don't want to do it you are transferred we have seen it even in courts some judges being transferred because they

have not agreed to do the way somebody wants .So they should not be transferred the way -----.

COM.Swazuri: Bwana Mwangi, you have said that all land that was allocated fraudulently be recovered. What should we do about the land that was allocated to somebody like you or somebody else who has sold to other people and other people have also bought who are not party to the fraud?.

Bwana Mwangi – They can go on returning and returning until the final person (Laughter). They have done so. So you go and ask the person who bought-It can be returned because now this is the parking we want and there is no parking in the whole area, where do they want us to get parking from? This has to be done because in future –may be five years to come or even thirty years the other generation will look back and wonder if there were no planners in Kenya .They may wonder and ask “Who planned this city ?”.If you go to a place like Gatundu you will find there is no plan .How can a place like Thika be made a city when there is no parking ?.Can there be a city without parking?.(Laughter).

Com. Aroni –Ok thank you very much and please remember to pass by this table on my left to register because we want it to go down in History that the people of this place contributed to the writing of the Constitution so that is the only reason we are registering your name and taking details for purposes of putting all these details in our data center. Thank you.

Emman Wainaina – (*In Kikuyu Dialect*): Nie ngwenda kwaria uhoro wa kahuwa, iria, u-hamwe na nguku.

Translation: I will talk about Coffee, Milk and Poultry.

Emman Wainaina – (*In Kikuyu Dialect*): No njurie thirikari ireke aremi a kahuwa mahote kwienderia indo ciao, kahuwa kao, na mabururi maria mangi, matekurumbuyuo ni mundu.

Interpreter: I would like to ask the government to allow farmers to be able to sell their own produce like other countries without anybody bothering them.

Emman Wainaina – (*In Kikuyu Dialect*): Gitumi gia kuga uguo ni tondu maita maingi kuma reia twambererie kuthondeka kahuwa ni kendagio na njira ya Coffe Board, na nikware na munyaka muno tondu mwaka-ini wa ‘60’s nitwacoragwo tokiona mbeba uria ciagereire. No riu citionegaka tondu nikwagire na aguri ainge a kahawa.

Interpreter: The reason for saying that is because previously, particularly in 1960’s coffee farmers used to get enough returns from their produce but these days they do not do that.

Emman Wainaina – (*In Kikuyu Dialect*): Uria ungi ingiuga nagwo gikoni uremi wa kahuwa ni uhoro wa iria. Iria ninguria

unario, nitwakoretwo twena dairy guku na nderi icio niciarekirie kuthuka niundu wa kuingererwo na njira iria itagererie. Kogwo onario no njurie aremi mahote kuhingurirwo dairy icio cio, na mahote gwetwaritheria o-ene, nigetha mendie kahuwa kao.

Interpreter: The other issue is about milk. I would like also to request that the government opens more dairies and co-operative societies because previously they used to have a dairy but these days they don't have one and they would really like this one to happen so that they may be able to also benefit.

Emman Wainaina – (In Kikuyu Dialect): Tondū ta reu twena thina muingi muno, kuri iria reruima muremo, na rikendio guku, na riu aremi aria meguku mena thena muno niundu wa kwendia iria riao.

Interpreter: We are currently having a problem because there are some milk products that are being sold from foreign countries and that is affecting the local milk production.

Emman Wainaina – (In Kikuyu Dialect): Kogwo no njurie korwo thirkari no ihote kurugamerera uhoro ucio wa iria, ukorwo wena enye o, aria mariethagia ngome icio.

Interpreter: So I may want to ask the government to allow the daily farmers to also be responsible for their own milk produce so that they can also get return from it.

Emman Wainaina – (In Kikuyu Dialect): Uria unge nagwo ni wa nguku gwenda kwaria uhoro waguo.

Interpreter: The other issue is about poultry.

Emman Wainaina – (In Kikuyu Dialect): Guku nikuri aundu mariethagia nguku. Na nimakoragwo mina thena muno tondumationaga kuria mangetwara matumbe macio mau.

Interpreter: There are local poultry farmers and they are facing a lot of problems because they are not able to sell their eggs.

Emman Wainaina – (In Kikuyu Dialect): Na nigukwoneka kwe matumbe maimaga moremu magoka kwendio guku Kenya.

Interpreter: And it appears that there are some eggs coming from outside and being sold locally.

Emman Wainaina – (In Kikuyu Dialect): Kwogo nguria korwo no kuhoteke no turekererio tureke kureithia nguku guku na twendagie matumbe oroithu.

Interpreter: So if it is possible it is better we produce local poultry and local eggs and we be able to sell eggs locally.

Emman Wainaina – (In Kikuyu Dialect): Undu uria unge nagwo ingiaria ni uhoro wa mahaki.

Interpreter: The other issue is about corruption.

Emman Wainaina – (In Kikuyu Dialect): Thinii wa maundu macio mothe twenano, mairia na maundu macio mothe mathuketio ni mahaki.

Interpreter: All the problems that have been narrated previously about milk and coffee is about corruption.

Emman Wainaina – (In Kikuyu Dialect): Kogwo ni nguria tuninerwo mahaki mothe tondu kutire kondu ona hamwe gutari mahaki, mawafishini mothe, kondu guothe, twehererio mahaki.

Interpreter: So the issue is I would like to request this corruption to end because it is affecting every sector of the economy.

Com. Swazuri: I would like to know whether he has any specific proposal of ending that corruption he is talking about.

Emman Wainaina – (In Kikuyu Dialect): Ngweciria mahaki no maninirwo kuma kiambereriane, kuma haria grassroots. Na ingiuma kuma grassroots no kwage gukorwo kwina mahaki una manini, tondu netuge hatiri wabishi ungetonya utegwetio kendu. Ona no-othi kwona mondu morwaru ta borithi, na noukwerwo rehe kanya. Mundu we theini wa jela, na urerwo, ta ngurira nyama, ta njikira kaundu kanini. Riu, ukwenda kuma grassroots.

Translator: I would think the best approach is from the grass root levels upwards because it is committed everywhere.

Com. Aroni: Asante, ningetaka kujua kuna mtu ambaye hasikii ambaye anaitaji sign language?. Any person with disability who requires sign language? Asante. Florence Ndungu? Florence W. Ndungu?

Florence W. Ndungu – Yangu ni machache kwa sababu imetajwa kuhusu hawa mentally handicapped. Yangu nikusema hawa watoto ambao ni mentally handicapped tuko na wengi lakini wanakaa nyumbani. Wale wanapelekwa special schools wanaenda halafu kufikisha miaka ya kuenda college wanakaa nyumbani. Mimi nasemakutengenezwe vocational centre ama workshop wawe wanatengeneza vitu huko na kuwe na masoko ambayo wanaweza kuuzia. Na tena nauliza muwe mnachunguza maneno ya hawa watoto kwa sababu wengi wanakuwa na shida, kwa sababu wengi wanakuwa na ugonjwa na wengi walikua wanauliza mambo yao yajulikane. Yangu ni hiyo tu.

Com. Swazuri:–Ungependekeza kwanza watengenezewe hizo vocational centres uko na pendekezo lingine labda linge tuwasaidie ili tuwasadia hawa watoto au ni hiyo vocational tu ambayo una watafutia tu kwa sasa?

Florence Ndungu – ----- ya kuangalia mambo yao kwa sababu wengine wana kaa nyumbani na wengine wana kaa kwa maduka wanaomba pesa kwa sababu hakuna kazi wanafanya.

Com. Aroni – Asante sana. Lucy Wamaidha? Lucy Wamaidha? Haya kuja uongee.

Lucy Wamaidha – (*In Kikuyu Dialect*): Mbere ndamuria muri ega? Nie ndi hahare, nie ngwaria uhoro wakwa na ndikwaria uhoro wa mundu. Tondu nijagireire ni kwaria uhoro wakwa na nigwo kwagereire. Nie ndi haha njetagwo Lucy Wamaitha.

Translator: I want to talk about an issue concerning myself.

Lucy Wamaitha – (*In Kikuyu Dialect*): Na nie njetagwo Lucy Wamaitha, nie ndi mugunda. Njiguaga ni mugunda munene.

Translator: O.k. my name is Lucy Wamaidha and I have a piece of land.

Lucy Wamaitha – (*In Kikuyu Dialect*): Na mugunda wakwa ni acre ithatu na nuthu.

Translator – and my land is about 3 ½ acres,

Lucy Wamaitha – (*In Kikuyu Dialect*): No nuthu nindedirie niundu wa maya na maya.

Translator – and I had sold a half of it because of various problems.

Lucy Wamaitha – (*In Kikuyu Dialect*): Na ndi wa twana tweri

Translator – and I have two children.

Lucy Wamaitha – (*In Kikuyu Dialect*): Mathena maria ngoragwo ndinamo-ri, ni moremi wa mugunda.

Translator – The problem is farming.

Lucy Wamaitha – (In Kikuyu Dialect): Tondū nemaga na gwoko kumwe, mbebe na mboco.

Translator – Because I till my land using only one hand, maize and beans.

Lucy Wamaitha – (In Kikuyu Dialect): Mbebe na boco, handaga na kanua.

Translator – Maize and Beans I plant with my mouth.

Lucy Wamaitha – (In Kikuyu Dialect): Kanua karia kareaga.

Translator – The mouth that eats.

Lucy Wamaitha – (In Kikuyu Dialect): Na riu kuhiana ugwo, kwanja ninge ngacoka ngakorwo ninge mugunda ucio wakwa wi thara.

Translator – In addition ,that same piece of land has Napier grass

Lucy Wamaitha – (In Kikuyu Dialect): Na thara-re, ndire kindu gia kuria, no nyendirie gathara, tondu ndire ngombe. Nduraga barabara na gathota ka iria, na ndina indo cia kuhe ngombe.

Translator – and with the Napier grass I can only sell it's because I don't have capital.

Lucy Wamaitha – (In Kikuyu Dialect): Na riu kuhana ugwo-re, rekei ndemwere andu aitu nie ningoragwo ndinathina. Na ndina mugunda. Ungorwo ni uremi wa kahuwa ni gwoko kumwe. Kuchimba jimbaga na kwogo kumwe. Na ndikomuhitha nyitaga icembe na homa ngamehiura ugwo, ngenyura kienyo ngacokia ugwo. Ta ura mbicha ichembe kana homa ugethiororokia ukuo ukamegutha the ugachoka ukenyora?

Translator – I have a real problem because I can only use one arm to do all these activities and as such I am really suffering a lot.

Lucy Wamaitha – (In Kikuyu Dialect): Tondū ndi hindi itakomaga niundu wa guoko kou ni gotura.

Translator – Because there are times when I cannot sit because this hand pains .

Lucy Wamaitha – (In Kikuyu Dialect): Na riu kuhana ugwo-re, ni gwendete kumuhe uhoro uciona ndemwere ndi wa

twana twiri na tutiri hakuwe.

Translator – As a result I wanted to tell you about those problems and telling you that I have two children who are not nearby.

Lucy Wamaitha – (*In Kikuyu Dialect*): Ngweciria ndire na undu ungi/

Translator – That is all I wanted to say.

Com. Aroni – Sasa where are her children?

Translator – (*In Kikuyu Dialect*) Ciana ciku?

Lucy Wamaitha – (*In Kikuyu Dialect*): Muiretu ni muhiku, na mwanake nake I-jera!

Translator - The daughter is married and the son is in jail.

Com. Aroni – Now what would like the see the Constitution do for her?

Translator – (in Kikuyu) Ururio unge enda constitution iria irugamererwo ni ma-commissioners maya ike atia uhoro ukonia we?

Lucy Wamaitha – (*In Kikuyu Dialect*): Nie mungienda kundethia no mundethia uhoro-ini wa uremi. Muhe tuthendi tungehota kundugamirira.

Translator – I am only appealing to you to help me possibly to help me with some funding particularly to help me do more farming.

Com. Aroni – Thank you very much we have heard her sentiments and we (inadible)

Translator – (*In Kikuyu Dialect*): Ni maigwa mathena maku na nimegukiona uria megukeka theini wa uhoro ucio mareka.

Com. Aroni – Ngugi Gitau? Ngugi Gitau?

Ngugi Gitau – (*In Kikuyu Dialect*): Nii wa mbere uria ingiuga, ni mathena maria nyonaga ma mundu we thibitarini.

Translator – The problem I wan to tell you is about what people see when they go to hospital.

Ngugi Gitau – (*In Kikuyu Dialect*): Andu nimakorogwo minathena mono niundu wa gwetio mbeca.

Translator – Because when you go to hospital there is a problem because of cost.

Ngugi Gitau – (*In Kikuyu Dialect*): Riu korwo no kuhoteke, andu matiagererwo ni kureha thibitari.

Translator - So my request is that people should not be asked to pay the hospitals, the government should see a way of going around it.

Ngugi Gitau – (*In Kikuyu Dialect*): Tonde andu ainge nimakuagira micii niundu wa kwaga mbeca cia guthii thibitari.

Translator – Because some people even die at home because they have lacked money to go to the hospital.

Ngugi Gitau – (*In Kikuyu Dialect*): Riu wa keru nagwo ni uremi wa kahuwa.

Translator – The second issue is about coffee farming.

Ngugi Gitau – (*In Kikuyu Dialect*): Tonde totionaga mbeca cia kahuwa na mundu niarutire wera munene.

Translator – Because we are unable to get good returns after doing a lot of work on coffee.

Ngugi Gitau – (*In Kikuyu Dialect*): Riu kogwo no ndimwire mugetutethia na njira iyo nigwo wega.

Translator – So my main request is that we be helped in that area. Ni wega. I have no other thing to say.

Com. Aroni – Asante. Peter Gitau?

Peter Gitau – I am going to talk on corruptionDay after day the government is talking about corruption yet this corruption is executed by the police force. According to me police should be made to wear uniforms bearing their full names and the work numbers. These numbers should be on the chest and the back (laughter) this way the police will not misbehave as they normally do. This will help reduce bribes taken by the police and also their brutality.

Point No.2 – We should not have these cases of defecting MPs or Councillors while in office. If this happens the defecting MP

or Councillor should be barred from re-contesting for the seat. They should also be made to pay the parties which sponsored them to parliament. This way we will beat political gamblers.

Point No.3 – The state of Kenyan prisons is pathetic. The food they eat is not fit for human consumption. Prisoners should also be given good clothes to keep them warm as that does not happen in Kenyan prisons. They are only given shirts and shorts.

Point No.4 – Water is a free commodity to all. Kenyans should not therefore be made to pay. We should not be made monthly rates instead we should be made to pay installation rents. Thank you.

Com. Swazuri:– Thank you very much bwana Gitau. Your proposal is that water should be installed, people pay for installation but nothing should be charged. Who should pay for maintenance of that water once it is installed?

Gitau – The government. From the money the government gets from the taxes, it should also pay for the water we consume. Is it not clear? I'll repeat.

Com. Aroni – It is very clear that is why we are not asking you any further questions. (Laughter) When we don't ask it means we don't want any clarifications so you shouldn't worry. When we ask we just want clarification or for you to explain further. Now you say that the prison conditions are pathetic and you would like to see improvement. You have talked about the shirts and shorts. Could you tell us the other improvement that you would like to see in the prisons? You seem to know what happens there.

Gitau – Yes, I have gone there (laughter). I have been to Naivasha from July last year and I witnessed. The prison warders we have there- it is another government. They can clobber your head, they do anything to you, and I mean there is no justice. You are given one uniform, you are required to be clear, you are required to be clear by tomorrow morning, so you are forced to wash it, if it wet you wear, besides those people are never given pullovers or jackets and that way it contributes to the ill health that is there.

Com. Aroni – (inaudible) would like to see anything else improved?

Gitau - The health facilities.

Com. Aroni –Since we are not in a position (inaudible) you will have to explain (inaudible) you will get an opportunity to come and speak freely. We are recording. Is that all?

Gitau – Yeah.

Com. Aroni – Thank you very much. Josephat Gathecha.

Gathecha – Thank your Commissioners. Hii nchi ni yetu na ndipo mume kuja ili tuwaeleze ile tunayo. Nitanzia uchaguzi kwa sababu mambo yote yanaanzia uchaguzi.

Kiongozi yeyote ambaye anataka kuchaguliwa either kama Councillor, Mbunge lazima awe ana bibi. Awe ameo na awe anakua na bibi yake karibu. Hiyo ingine awe ni miaka, ile iko kwa katiba ya zamani.- Hiyo miaka inatosha, Lakini awe na bibi. Uchaguzi kama vile tunaendelea sasa, lazima kura zote zihesabiwe kutoka polling station ili mambo ya wizi na mambo ya kucheleweshwa kuhesabu kura iwe inajulikana haraka.

Jambo jingine ni juu ya kuchagua President. President achaguliwe kutoka kwa Provinces tano. Na awe amepata kura nyingi. Halafu, kama ni mambo ya MP, kama amesha chaguliwa au ni Councillor, hakuna haja ya ku defect. Aki defect, aondoke kwa wanja kabisa.

Hiyo ingine ni mambo ya Serikali. Serikali lazima ifikirie vile itakuwa na njia yake ya kupata pesa kama parastatals. Kwa sababu tulikuwa na parastatals na zilikwisha, isije inategemea tu kodi ya watu wa kutoka nje. Na kukipatikana kitu katika nchi yetu kama vile kwa mfano kuna shimo ina chimbwa Mombasa, mambo ya mchanga intaka kuuzwa, na inachimbuliwa na watu wa nje, iwe ni moja ya kupatia serikali yetu pesa. Isije kuwa iwachiliwe wageni. Hakuna kitu ya Kenya inastahili Kenya kuwachilia wageni, ili kuwe sasa wao ndio wanatuajiri kazi. Ati faida yetu ni kutuajiri kazi.

Ile ingine ni juu ya Parastatals, na hizo zingine zimekwisha. Wale ambao wameharibu washtakiwe. - Kwa sababu hiyo ni laini moja ya kumaliza corruption. Wananchi wetu wawe watifu kwa kufanyia serikali kazi. Wale wanaoharibu wapelekwe kortini na wahukumiwe. Korti zetu nazo zziwe huru kabisa na kufanya kazi yake bila intereference.

Mambo ile ingine ni mambo ya wakulima. Ukulima wetu uko mbali. Kenya yetu isi -ruhusu kitu hata kimoja kiingie nchi hii yetu kama tunacho. Kama ni miwa, sukari, kama ni maziwa, kama ni mahindi,- kama hatuna shortage hakuna kitu inastahili kuingia nchi yetu kwa sababu inakuja kumumiza mwanchi yule ana fanya kazi usiku na mchana,- hakuna pahali ya kuuza vitu yake.

Jambo lingine ni kuwa tuna vijana wengi sana hawana kazi. Hawawezi kufuga kuku sasa kwa sababu mayai imekuja hata maziwa vile ilisemekana hapa hata hiyo tuko na taabu naye. Na KCC ambayo ilikuwa maridadi ilimalizwa na watu na hatuja sikia wakipelekwa kortini. Kwa hivyo, corruption, bwana Commissioners, ailetwi na kitu kingine, hakuna watu wanachukuliwa hatua wakikosa. Na hiyo ni njia moja ambayo imemaliza nchi yetu.

Hiyo ingine ni mambo ya Agriculture. Maji ile tunayo nchini inastahili ipelekwe au, ipatiwe watu walime nayo. Kwa sababu nchi

yetu ni ya agriculture. Na ita sadia serikali na wananchi wa Kenya kwendelea mbele na kupata pesa.

Hiyo ingine ni mambo ya Kamati. Kamati imesha undwa nyingi na repoti yake ikitokea hakuna hatua kwa hivyo huko unaonekana hiyo ndiyo njia moja ili leta haya mambo yote ya watu kufanya makosa. Kwa sababu hiyo Commission ziko na zina tumia pesa za serikali na hakuna mtu anafuatwa.

Hiyo ingine ni mambo ya hospital. Hiyo ifikiwi sana kwa sababu nchi yetu, watu wengi sasa ni masikini. Hawana kazi, wamesoma na kijana akifikia mambo ya kuoa, anaoa, watoto wanazo lakini hakuna pesa hata ya peleka watoto hospitali nahata skuli. Ifikiwi vile inaweza kuwa free education.- Ili watu wengi waweze kusoma. Sasa nitawachia hapo bwana Commissioners, na hii mambo yetu yote mupeleke mbele na Mungu awajalie mumalize hii kazi nzuri munayofanya kwa sababu itakuwa kwa vitabu ambaye itakuwa ikikumbukwa milele na mujue Mungu anasikia vile watu wote wameongea. Asante.

Com. Aroni – Asante. Asante Sana Simon Gakuha?

Simon Gakuha - (In Kikuyu Dialect): Nie hakwa mwene, undu wa mbere kwenda kwaria uhoro wa thibitare.

Translator – Ee in my case I want to talk about the hospitals.

Ngugi Gitau – (In Kikuyu Dialect): Tonduni iyo niyo nie nyonete thena niundu wayo.

Translator – Because that an area that I have had a lot of problems.

Ngugi Gitau – (In Kikuyu Dialect): Tonduni mutumia wakwa ararwarire miaka mirongo itatu na iri.

Translator – Because my wife had been sick for 32 years.

Ngugi Gitau – (In Kikuyu Dialect): Na thuta wa ugwo arachoka aradiga.

Translator – And after that she passed away.

Ngugi Gitau – (In Kikuyu Dialect): Nie nindonire thena muingi muno tonduni theini wa thirikari ona mundu no akwere haria hetagwo casualty.

Translator - I saw a lot of problems because actually in the hospitals you can actually die in the Casualty place.

Ngugi Gitau – (In Kikuyu Dialect): Niundu ucio nindamutwarite thibitari nyingi kuna Gatundu nginyagia Kenyatta.

Translator – As a result I went to many places from Gatundu up to Kenyatta Hospital -----..

Com. Aroni – Hapo kama kuna James Karara. Kama ako hapa apite mbele.

Com. Aroni –Endelea hiyo imetoshwa, unawekewa nje usisumbuke.

James Karara- Asante sana madam Commissioner. La kwanza yangu ni habari ya forest. Mimi nimetoka hapa karibu na forest, hapa kwetu nyumbani tu na forest inakuliwa na watu ya serikali. Kwa hivyo nina recommend kuwe na Ministry ya forest ambayo itachunga misitu kwa sababu tutakuja kukosa maji hapa kwetu kabisa.

No.2 – Ni habari ya corruption. Kenya mzima imeoza. It is stinking and is rotten kwa sababu ya kufanya corruption. Hapa unaweza kuwa umeuwa ukilepelekwa kwa police station au kortini the next day you are released because of corruption. Corruption tafadhali iwe, kutengenezewe kitu cha kumaliza corruption kabisa. Ikiwa ni Mapolice officers wale wako wakati huu wawe “brainwashed”, wapelekwe kwa shule tena, wasomeshwe. Ikiwa ni Mamagistrate wale wako sasa katika Kenya wapelekwe mashule tena wasomeshwe tena ili huyu mdudu wa corruption atolewe kwa akili zao.

Tumesoma kwa magazeti wakati mwingi sana, hapo sasa ni habari yenu, nasema habari yenu. Wabunge wetu ambao wako kwa wakati huu wakija ku- link Review Commission ya constitution na Bunge, hapo si habari ya Katiba. Hapo, waambiwe ya kwamba, they are not the only people who can supervise Katiba yetu. Hata wengine wakienda huko wata supervise, mumalize kazi yenu bila kusumbuliwa.

Well, ile ingine ni habari ya kiti ya president. That position ya president. Tafadhali isiwe na mamlaka ile ambayo iko siku hizi. Ina tumiza vibaya sana hiyo. Mamlaka kubwa za namna hiyo.

Now ile ingine ni habari ya defection. Una sikia huyu mjumbe au Councillor ame defect ametoka kwa chama hiki ame endea hii. Tafadhali iandikwe katika Katiba, mtu akiwa hatosheki na chama chake, a resign aache habari ya siasa. Amekasirika na siasa za chama chake, aresign kabisa. Asi rudi tena kwa siasa. Akae nyumbani.

Ile ingine nigependekeza ni habari ya raia. Complaints za raia. Sisi raia tukikasirishwa na DC wa hapa kwetu Thika, au nikikasirishwa na mkubwa ya Police hapa Thika, kushtaki na ninashtaki kwa mkubwa wake huko juu. Sasa mkubwa wake atamchukulia hatua siku gani?. Kwa hivyo tuwe na office ingine, ile ambayo ikiwa ni bwana PC au bwana DC amenikasirisha, pale ninaweza kumshtaki sio kwa mkubwa wake. Mahali pengine Sijui inaitwa nini kwa kiingereza. Munita? Ombudsman. Exactly, that’s the thing. You see, sasa nikikasirishwa na Chief, naweza kumshtaki kwa DO au kwa DC, sasa DC atamfanyia

Chief yake kitu gani.? Kuwe na kitu kingine hapo. Kutoka hapo, yale mengine. Hayo ndiyo inanikasirisha, na nimetosheka na hiyo. O.K. Thank you.

Com. Aroni – Paul Njoroge? Paul Njoroge. Nadhania kuna mtu anaitwa Paul Njoroge alikuwa anauliza kwa nini jina lake haijatajwa?. Paul Njoroge. Huku andika mwenyewe? Hakuna mtu anaitwa Paul Njoroge? O.k. We will give you the benefit of doubt. Unasema unaitwa Paul nani? Paul Njuguna. O.K. Address yako ngapi? Box? This is 24, Ruiru. Sio yako? Nili ita Paul Njoroge, aka jitokeza. Mboni hukujitokeza? Lakini kuja tuu. Hakuna neno. Kila mtu ule uko hapa ata ongea kwa hivyo, sasa unaitaa Paul Njoroge au Njuguna? Njuguna. O.K. Please tell them to write the correct names to avoid problems.

Paul Njuguna -:Yangu nasema Parliament, Judiciary na Executive should be independent or separate not to interact.We need to allow private or independent Candidacy for President, Parliament and even Councillors. Judges should be appointed by a parliament but not by president, as it is the case now. Parliament should have a calender to follow it is not have unnecessary adjournments as it is the case today. The people should be allowed to call back their representatives if they are not doing what they were sent to.They elect them, they go to where they are sent and then they are not doing what they should. We need not people. have nominated members and if there must be, they should have no vote-. They are not elected by the people.The AG should be appointed by the parliament. President should not be above the law.

Government needs to take care of Forestland. It is very badly destroyed. Local people can be used to care for it.Shamba cases are taking too long. Government should look in to ways to shorten the period it is taking.

Presidential tenure should be two terms. Presidential functions should be defined by Constitution i.e they should be told the extention of his duties. There need to be a Commission to decide how much to pay the salary for the President and MPs. They are getting a lot of money.

Different parties should be allowed to form government i.e coalition government. If they agree to form.

Parliament should not have to change any part of the Constitution whenever they want. Referendum should be the answer.

Government needs to take care of the aged people. Some aged people are in problems and they were paying taxes when they able. Now they are suffering and they have nobody to care for them.

Many toilets in the town have been closed down and these are the places where people go to relieve themselves. Now we see houses being erected in the place where there were latrineswe need to be helped here.

Kenya should not import what it already has e.g. the Eggs, Wheat and Maize.

Free education and free medical treatment is necessary to the Kenyans. Government should make sure that all people in Kenya have fresh water supply. There should be equal representation in the parliament- that is every MP should represent the same number of people. Thank you.

Com. Aroni:-One question ?.When you say that each MP should have equal number of representation, how do you propose we arrive at that?

Njuguna – I mean that instead of one representing so many people and another one representing just a few.Wemay cut them into small areas so that we have more Mps in one area.

Com. Aroni – Thank you. Antony Mwaura? Antony Mwaura? Joseph Mwaura?

Joseph Mwangi - Mine is just very little. First is on corruption. The corruption penalties should be stiffer than it is now so that each and everyone can fear and not be involved in corruption.

There should be a ban on products that are imported ,since we have this products in plenty in the country. The government should start projects so that the unemployed should seek employment there. Also selection in the Forces in Kenya should be according to physical fitness not according to height.Forexample,before electoral review commission starts its work, there should be seminars to teach wananchi so that it can favour those who are not educated. Hospitals and education should be free for everyone. Water and other resources should be free all over the country. Thank you.

Com. Aroni – Usiondoke bado. Nitaku- release. Once you sit there you are at our mercy.

Njuguna – sawa

Com. Swazuri– Corruption punishment should be more severe. Can you tell us, give us proposals how severe?

Njuguna – How severe? I mean, e.g. if somebody grabs a land that is worth a million, he should pay double the money.

Com. Aroni – Thank you and now you can leave. Ndongye Kangether? Ndongya Kangethe?

Com. Aroni – Mzee, unataka translator?

Ndongye Kangethe – (*In Kikuyu Dialect*): Nie ngwenda kwaria uhoro wa kahuwa kuma hindi ira kaharirierio kuhandwo.

Translator – I want to talk about Coffee.

Ndonye Kangethe – (*In Kikuyu Dialect*): Kahawa kuma President Kenyatta aikarera giti, niatwerire tuhande kahuwa, na nitwa kahandire, na tukiambereria kugetha. Na tukiambereria kwendia.

Translator – Since the late President kenyatta took over, he encouraged us to start growing coffee, which we started, and we started caring for it.

Ndonye Kangethe – (*In Kikuyu Dialect*): Na tukiambereria kugurerwo, na tukiambereria kugia na mbeca.

Translator – We continued trading with it and we actually were getting some returns from the activities.

Ndonye Kangethe – (*In Kikuyu Dialect*): Na tukiendia ari o-muoyo. Na kuma akwa, ni kambirerie kuchoka na thutha.

Translator – We continued like that and we noticed that after he died the coffee has started going backwards.

Ndonye Kangethe – (*In Kikuyu Dialect*): Na kuma riu kambereria kugocka na thutha, kaendelea guchoka na thutha na tukiambereria kugia na mabengi maria tureheagwo mbeca.

Translator – Since the coffee business has really been depressed and it continued being depressed until we started getting some banks that were catering about the activities.

Ndonye Kangethe – (*In Kikuyu Dialect*): Na twaiga mbeca guku ona Kiganjo geke iria torona haria. Turatunyirwo share una mundu endetia ngombe yake agaige mbia hau. Nairora.

Translator – So these banks that have started including one that is at this shopping centre here, have started now taking the farmer's money, including money that has accrued from milk production and the money has continued getting lost.

Ndonye Kangethe – (*In Kikuyu Dialect*): Na tukiaga kwa guthita tondu President unatwaria ndaromboyagia raia.

Translator – And we have no recourse because we have nowhere to go including the president Whenever we have complaints we are to get any solution.

Ndonye Kangethe – (*In Kikuyu Dialect*): Na tondu President arombuyagia raia yake nigetha ikegie na utonga matige

kuiyaga. Riu ni woici ukoragwo ukererwo.

Translator – And the president is only interested in catering for his own tribesmen so that they continue to be rich.

Ndonye Kangethe – (*In Kikuyu Dialect*): Kungekere president angerumbuyagia raiya yake nigetha ikegie naindo. Rei tuikaraga ugwo, mbecha ni cia kiagire. Kahuwa rei gatikeguragwo na njira njega. Una ungerugama haha uchothererie kuria muremo wone uria gatunehete mathangu. Niundu wa kwaga mbecha cia kureha andu, agugetungatagira na thumu.

Translator – O.K. a President should . He looks quite in bad shape because they cannot be able to cater on it. (tape recording not clear).

Ndonye Kangethe – (*In Kikuyu Dialect*): Nie ngakiona wega re, ni kama gukorwo gutare president!

Translator – From my own view then there should be no president.

Ndonye Kangethe – (*In Kikuyu Dialect*): Ati gukerumbuia raia yake akere president ureko?

Translator - For if he cannot look after his countrymen what use is a president?

Ndonye Kangethe – (*In Kikuyu Dialect*): ngokinyia hao nie!

Com. Aroni – Ngoja mzee. Ask him what he would like the new Constitution to do to change the situation.

Translator – (*In Kikuyu Dialect*) Urorio atiriri, unge enda katiba ino iroka njeru ike atia nigetha uhoro ucio uchejie?

Ndonye Kangethe – (*In Kikuyu Dialect*): Kwenda katiba ino njeru, yuko na rais uria ukurumbuiya raia.

Translator – I would like to see the new constitution come up with a president that caters for his Wananchi.

Com. Aroni – Thank you.

Com. Aroni – John Kimari? John Kimari? Paul Thiongo? John M. Kamau – teacher.

John M. Kamau – Now much has been said but at least I am going to go through them. I would recommend that we have free education where all the children have access to education. I would also like the new Constitution to recommend the revival

of Kenya school equipment scheme that supplied equipment to all schools.

I would also recommend the farmers to be assisted especially by reducing the taxation of farm inputs. They should also be assisted in marketing their produce and prohibit any importation of any produce that we are making here in our country.

I would like the new Constitution to recommend free health facilities to all out - patient or in-patient. The government should improve roads in the whole country without political interference.

Electricity should be supplied by the government to all the citizens so that they can have lights in their homes .

The Constitution should also see that clean water is supplied to all the citizens, and available. I would like to recommend that all students joining university should get loans without discrimination. They should get equal amounts.

On political side, I would recommend that we have a maximum of three political parties and they be funded by the taxpayer's money. Registration of voters should be continuous Once one gets an ID, the next office should give him or her a voting card. Kenyans should be allowed to use passports or birth certificates and ID cards in voting exercise. I think I will end up there.

Com. Riungu Raiji – Bwana Kamau, how do you propose we form these three political parties since we already have somewhere in the region of 48 political parties? How do we come up with – what criteria do you propose we use?

Bwana Kamau – Now each political party must have the registration of their members and this registration should be taken to the registrar of societies where we will find which political parties have the biggest number of members then we limit that.

Com. Aroni – Now I have two questions for you. You want to see free education, is it up to the university or you are proposing a level?

Bwana Kamau – Free education upto Form IV.

Com. Aroni – Form IV.

Bwana Kamau – Because when one gets to the university they can always (inaudible)

Com. Aroni – The other one I think is what Mr. Raiji has asked but then when you propose that we use passport, birth certificates or ID for voting, are you proposing that we do away with the voting cards?

Bwana Kamau – No. Voting cards should be accompanied because if you need to produce an I.D. Card to register then you can use a birth certificate to register .

Com. Aroni – Thank you. Joseph Njuguna? Joseph Njuguna? Francis Muhoho. Joseph Kimani? Michael Muhoro?

Michael Muhoro – Kwanza, nataka mambo ya President. President asiwe above the Law. Wakati wa uchaguzi ipunguzwe kutoka miaka tano iwe miaka nne. Rais, awe kazi yake ni Rais, sio ndiye mkuu wa university, Wana jeshi ndiye mkuu, wa polisi, Kama wewe ni Rais, uwe Rais. Wakati wa graduations sio raisi anaenda kwapatia wanafunzi graduation na kuna Minister of Education. Hiyo kazi ni ya waziri wa elimu. Kwa hivyo Raisi awe na kazi moja.

Kuhusu mambo ya mishahara – una ona kama MP anapatiwa elufu mia tano. Na mwalimu anapatiwa elufu tatu. Hiyo ni (inadible) tatu na elfu mia tano. Hii Commission ipunguze mishahara. Tusiwe na watu wako na mishahara ra iko juu nawale wengine iko na mishahara chini. Iwe balanced.

Kuna haya mambo ya wakulima – kwa mfano hapa tuna kuza kahawa. Wakati hii kahawa inauzwa una ona kuna taxes nyingi , kama Income Tax inakatwa, petrol and levy. Hiyo zote zinakatwa kwa upande wa wakulima. Mimi naona kama ni serikali iweke kodi moja tuu. Na isizidi 5% ya pesa ya mkulima . Hizi pesa kazi yake ni kulipa kama ni Mapolisi, walimu. Hiyo inafanya kazi ya namna hiyo.

Kuhusu elimu – Sisi wote, sisi tunawasomesha wakati huu, sisi tunaumia kabisa kwa sababu unaona mtoto anambiwa ununue kitabu, na kesho anambiwa syllabus imebadilika. Anambiwa anunue kitabu ingine. Hiyo yote inaumiza wazazi. Kwa hivyo naona kama ni syllabus iwe nikama miaka kumi lakini ikizidi miaka kumi, ikiwa wanataka ku badilisha syllabus wabadilishe. Kwa hivyo kitabu kama nikusomesha mwaka moja mpaka miaka kumi. Kusiwe na changing of books. wakati wa zamani kulikuwa na scheme ya kuletewa wanafunzi vitabu, hiyi scheme ningeomba irudishwe ili wazazi wasiwe wanaumia.

Kuhusu mambo ya fertilizers – Iko juu saana. Hata wakulima hawana nafasi ya kununua. Wanashindwa kabisa. Kwa hivyo naomba kama ni fertilizers ipunguzwe. Hiyo beyi ni ya juu sana.

Kuhusu mahospitali – Watu wengi hapa kwetu wanakufa kwa sababu ya kukosa dawa. Kwa sababu ukienda hospitali ziko gali sana. Hata watu hawawezi kulipa hii mambo ya hospitali. Kwa hivyo ningeomba hospitali ziwe za bure kama za zamani.

Mambo ya vitu zile tunakuza hapa kama ni sukari, mimi nasikia ati mambo ya “comesa” ya sukari zina agizwa kutoka nje. Na sukari kutoka hapa Mumias zina haribika. Mimi ningeomba kama Kenya tuna kuza sukari, isiwe inatolewa kutoka nje. Lakini ikipunguwa we can import. Lakini sasa unaona tunatoa sukari kutoka nje na ile ya kwetu inaharibika kwa store. Nawaomba - commission muangalie mambo kama haya ya wakulima.

Jambo Jingine ninataka kusema ni mambo ya denomination – Mekanisa. Hapa Kenya ni about one thousand - mekanisa, Ningeomba mekanisa, yapunguzwe- sio ati tukuwe na mekanisa mengi . Hata tunasikia kuna mekanisa yanaomba mashetani. Na serikali iko. Hayo mekanisa yapunguzwe kabisa.

Jambo Jingine ninataka kusema ni ile ya wale watu wamekuwa wakifanya kazi, walikuwa wakikatwa pesa kama NSSF, NHIF. Unaambiwa kama wewe ni mfanyikazi, lazima upitisha miaka hamsini na tano ndiyo upatiwe pesa yako. Nawakati huo unaza kuwa mzee. Pengine wewe umeacha kazi ukiwa na miaka arubaini. Si nipesa yako urudishiwe. Sio ati kukaa miaka hamsini na tano, ati ndiyo upatiwe pesa yako. Kwa hivyo kama utawacha kazi, wewe unakweanda kule, unasema, hii ndiyo barua ya kuwacha kazi, kwa hivyo pesa zangu nirudishiwe nifanye kazi yangu.

Na kwa hiyo kidogo nitawachia hapo.

Raiji Riungu – I have just one question for you bwana Muhoro. Hii inasemekana mekanisa ime kuwa mengi, unajua kwa sasa kila mtu ako na uhuru wa kuanzisha yake ama kuingia ile iko. Sasa, tuta punguza namna gani? Una pendekezo gani? Una formular gani tuta tumia kupunguza?

Mzee Muhoro – (inaudible) Lakini itazidi tu. Kwa hivyo ikomeshe ikiwa tuwe na mwisho kama mekanisa itakua mia tano ifikishe hapo, sio ati iongezwe.

Raiji Riungu – Na hii mshara ya wajumbe, laki tano (five hundred thousand) umesema, sasa ungependelea nani aamue, wananchi ao nani aamue, na saa hizi tufanye nini, tukate, turudishe mpaka mia moja, ah?.

Mzee Muhoro – Mukate, kutoka elfu mia tano, iwe ni kama elfu mia moja . Economy yetu iwe juu.

Raiji Riungu – Halafu nani anaamua mshahara yao iwe juu? Nani anamua.

Mzee Muhoro – kutokua na Commission ya kuchunguza mshahara ya wafanyikazi.

Com. Aroni – Sasa kuhusu mekanisa; Kwa wakati huu katiba ya nchi imetoa uhuru wa mtu kuabudu. Sasa unasema tutoe huo uhuru, tukiwa tutapunguza na kusema watu wasiweke makinisa mengi ama unapendekeza nini?

Mzee Muhoro – Ndio kuwe na uhuru wa kwabudu lakini isiwe kutoka sasa hatutaki hizo mekanisa mengi. Iko haja gani. Aina haja.

Com. Aroni – Asante. David Mwangi? David Mwangi.

David Mwangi – Ok. Hapa kama wahenga wasemavyo “Kiatu ambacho una vaa ndicho unajua pahala kina uma”. So I am going to talk about unemployment and I have structured a statement which I am going to read.

My first point: – The graduates from public universities and colleges must be guaranteed of a job. Failure to which those from poor families must be given a loan at a low interest to enhance self-employment.

My second point: – Qualifications for each and every rank must be stated and hence each and every individual must be given job, according to his qualification. But not any other consideration.

My third point – The available public employment vacancies should be advertised everywhere within the country. But not only where the main offices are located i.e. the government should make use of all the media. In case of such opportunities they should be distributed equally in all districts.

My last point: – Rural electrification programme should be encouraged in all constituencies – i.e. each and every constituency must be given equal funds for the exercise to enhance equal development within the country and to enhance self employment. especially the jua kali sector.

Riungu Raiji – David, This issue regarding the question of guaranteeing jobs, I believe you are one of those graduates, or you are about to be, yes, You obviously realise that jobs can only be given if they are there. What proposal are you having?.

David - I would propose that if employment opportunities are not enough then they should be distributed in contract. Each and every individual has to be guaranteed of work or something else if otherwise they should be given loans so that they can employ themselves.

Riungu Raiji – Are you suggesting like welfare for those who are unemployed to (interjection inaudible).

David – The graduates themselves from universities or colleges, either they get jobs - of which has to be guaranteed , failure to which they get loans to start their own businesses.

Riungu Raiji – While on the same, did you say graduates from public?

David: Yeah.

Riungu Raiji - What of private? Because they're also our children.

David – You know one thing. Here in Kenya, if at all someone can afford to take his child there in a private university or college, then the person is somehow better, they should be having money to invest, if at all they cannot get jobs.

Riungu Raiji – They don't need jobs?

David – No, I am saying if you have money to take your child to a private university or college, which means, if your son does not get a job, you have money to give him to start his own job.

Com. Aroni – Thank you. Ephantas Njoka. Ephantas Njoka? Chege Njoroge? Samuel Muthee? Francis Mburu?

Francis Mburu - Hon. Commissioners, leaders who have assembled here today, hamjambo?

Comms. Hatujambo.

Mine first and foremost I believe even before colonialism came to our Nation, our own african communities had their own Constitutions which guaranteed them roads, security and shelter and I believe a good Constitution should be geared towards the improvements and satisfaction of the people as regards their own social, political and economic pursuits. After doing my own research, I have just come to realise that the way our current Constitution states no longer guarantees us the same basic needs of a society. I have found that our constitution has been so much adulterated from the way it was published in April 1963 through several amendments. Thus rendering our Nation look as if it is somebody's personal property. My prayer to this hounarable Commission is a request that they come up with a Constitution guarded by the principle of popular sovereignty that has the sovereignty of the people and bestores the final authority to the citizens of this Nation. For this to be achieved, I just do hereby highlight some areas which I feel needs to be changed

Presidential election – It is my proposal that the Presidential election should be held independently from Parliamentary and Civil polls. The person elected President must garner 50% of the votes cast in that election. Successful presidential candidate should garner 25% of the votes cast in eight provinces, failure to which they will be rerun

Vice-President. The Vice-President also must be elected through a direct vote by wananchi and the person must also garner 50% of the votes cast and 25% of the votes cast in all our eight regions.

I also have another proposal that the winning party should apoint a Prime Minister and a Deputy Prime Minister from among elected members of that party and the Prime Minister and his Deputy shall play the role of Leader of Government Business in parliament. The holders of the above-mentioned offices can only be voted out through parliament if it masters 70% of the votes.

Presidential appointments: President shall have power to appoint the following offices: He will have powers to appoint an advisory committee on the prerogative of mercy and also he shall have power to appoint members of the Cabinet and the Assistants. He shall have power to appoint members of the Electoral Commission. He shall have powers to appoint the Chief Justice and other Judges. He shall also have power to appoint members of Public Service Commission -Judicial Service Commission but all the members must be vetted by parliament and master a vote of 70%.

The other area is that, – Parliament should operate independently from other arms of government and have its own calendar without any other interference from any other quarter.

The other area I would like to highlight something is the registration of political parties. Of late we have seen so many political parties mushrooming without any control. It is my proposal then that for a party to be registered, it must garner support of not less than 1000 persons registered as voters in elections to the National Assembly from each of the 8 regions. All established political parties should be funded from the consolidated fund.

The other area I would like to talk about is Candidates who fail to seek nomination in one party should not be allowed to shift to other parties. This will ease “political prostitution”.

The other area now I want to talk much more is the area of Local Authorities since I am a councilor . I feel that there should be a recommendation of the council to be split so that all local interests are considered. After the recommendation of the council, there should a standing committee of parliament to consider the viability of the council resulting from the split in case of a(inaudible) establishment of new Local Authorities, the parliamentary committee should collect all the necessary information from the public and available records to ensure that the new Council deserves be created and that it is viable.

I will also talk about election and nomination of councillors. I recommend that District Commissioners cease to be nominated councilors. Also nominated councilors be selected from knowledgeable people so that their presence can benefit the Council and the Local Authority at large. I also feel that for one to qualify to be elected as a councilor one must attain the minimum level of education and I recommend O Level. The other area is regarding the financial resources and management in local authorities.

For proper management and efficiency of Councils, it is necessary that information and timing of payments by the Government either as grants or other dues are made known to the Council in good time e.g. Local Authorities transfer fund money are sometimes received very late. Further information as to how much will be received in the next financial year, is not known until it is almost the end of the financial year, making in the process of budgeting a marathon exercise.

I also recommend that the allocation of this fund should be increased from 5% to 40% being part of revenue generated from that particular region.

The other issue is contribution in lieu of rates by the government. I have realised that it is very irregular leading to massive arrears that cripple Councils' development.

The other issue that has been very contagious is the Agriculture cess from crops. Although it has been an approved source of Council revenue, in certain areas, it has been politicised to the detriment of councils. Situations have been observed where offices through intrigue have been given to cliques or unofficial groups to award tenders of road maintenance knowing too well that they are not answerable to anybody.

The other contagious issue is the calendar year of councils. I would recommend that the calendar of Councils be changed from 1st July to 30th June and be shifted to 1st January to 31st December because that is where the Council's year starts-that is when the business community pays for their licences.

There are other areas also where we find duplication of the functions and responsibilities between the councils and the central government most likely, as regards the public works. The role of the public works department is that it is supposed to maintain all classified roads while the councils are supposed to open all unclassified roads which normally covers the biggest area in our own rural areas. I would, therefore, recommend that 25% of the revenue generated from those regions be ploughed back to the Local Authorities to improve the road network and living standards of our communities will improve forthwith.

We also have another very contagious area that is financial approval for the Minister for Local Authorities. It is my recommendation that local authorities should operate on their own without seeking approval from the minister since, normally at times when you wait for approvals, approvals take too long and then the Council cannot function as it is supposed to function.

We also have another area in local authorities whereby we have heard of these "oversight boards". Creation of oversight boards brings a lot of confusion, adjudication of policy matters. We feel that if the Council is incompetent, it should be dissolved so that it can officially be replaced immediately.

There is also this issue where the Central government is being involved and I would like this area, when the Councils have been divided, they have been separated, we see that whatever the assets and liabilities, there is no definite way of how the new Council can share the assets and liabilities from the parent council. So it is my feeling that before any new council is created then the previous council should be liquidated so that the division of assets and liabilities divided are out before the creation of the new Council.

The other area is financing of Local Authorities. As you are aware up to 1980's Local Authorities were beneficiaries of loans from Local Government Loans Authority for financing capital projects like roads, water, sewerage, council offices etc. But this has changed and the Local Authority Loans Board is no more. I would request that we establish a Local Authority Loans

Board and the Local Authority Loans Board should be operated independently and just like a Municipal or a Country bank where Local Authority with funds can invest while those wishing to borrow funds for development can access from the same bank. The Board can also source funds from foreign development institutions like ADB, The GTZ, and DANIDA etc.

The other area, which has become very, very controversial is the language which has emerged recently. We are talking of commercialization and privatisation. This is an area that is just destroying our local authority. Because commercialization and privatisation of council services is just done currently as a result of interference with the people who are charged with discharge of services by powerful outsiders who may be politicians or godfathers. The consequence is inefficiency, favouritism and corruption induced by those who feel left out of council services because they are in money camps with the godfathers and political heavy-weights. I would recommend that councils be made independent so that they can operate free from higher authority godfather syndrome. This leads to interference in the delivery of services and tends to justify the unnecessary commercialization and privatization. It is the same staff who after the so-called commercialization and privatization turn out to be inefficient.

The other area worth discussion is Local Authorities reforms, Administration and Legal aspect. Local authorities face problems with regards to court cases. There are endless delays in finalising court cases due to pressure of business in the existing courts. I recommend that regional council law court be established to handle all court cases in specified regions. This will hasten disposal of cases which otherwise have been pending for years in the existing system.

The other area, I feel should be addressed is filling of vacancies and handling of personnel matters by the Public Service Commission. It normally takes too long to the detriment of services offered by the local authorities. I recommend that hiring and firing of staff be left entirely to the Local Authorities so long as it will be transparent and consistent with the other public service regulations. This will reduce the backlog of matters pending with overloaded Public Service Commission.

The other area is that I will recommend for Local Authority to come up with regional trade unions, which will represent the interest of the workers since trade unionism is very important in protecting the rights of the workers.

The other area I will talk about is Administration, Planning, Housing, Environment concerns. It is generally felt that land registries in the Districts do not provide the public with information regarding all categories of land information regarding land under registered land Act and it can only be obtained in Nairobi. This makes such information inaccessible to the public even when it is necessary because of the distance involved. I recommend that information of such land be centralised. Regional-land registries in the Provincial Headquarters.

Land allocation. In the past, land has been allocated in a haphazard manner without the knowledge of the Local Authority, often denying the latter the opportunity of investing in high potential land. I recommend the public land should be allocated

with the approval of the local authority. Secondly the chairman /mayors of the respective local authority be chairman of plot allocation committee.

The other area I would like to talk about is public utility land. I feel that public utility land has been dished out despite the fact that it is becoming scarce leaving public projects suffering and making the future look bleak. I recommend that there should be no allocation of public land in future without express authority of the respective Local Authority.

In conclusion, it is my humble request that my recommendations be considered along side others so that a stronger and more efficient system of governance can emerge this time. We have seen numerous problems from our current mode of governance as is seen in the current Constitution and with these closing remarks. Thanks.

Com. Riungu Raiji – Bwana Mburu. Thank you very much. I think you have a very detailed memorandum on this Local Authority. You proposed that we do away with this approval of certain decisions by the Minister. Now, what remedy will people have where there has been an abuse of power by Local Authorities like where e.g. they distribute to allocate themselves hospitals and public land and even estates, what body should the public go to if they notice that there is abuse of power by the councilors in the city council.

Bwana Mburu – Bwana Commissioner I feel that our judicial system is effective and it is independent so that any wrong doer is taken to Kamiti- even this Commission, if this corruption we are talking of here, if today we can manage to send five senior people to Kamiti, I believe every other officer or any other individual or leader will perform to the satisfaction of the society. So if you grab land then you are taken straight to court and be jailed.

Riungu Raiji – Even now I think there must be approval by the local Authorities. I think the problem we are having is this war or words or animosity between the Technical officers and the Councilors. What do you say about that?

Mburu – Bwana Commissioner, what happens, the Council is normally a rubber stamp. I'll tell you, the Commissioner of Land and his technical people will allocate any piece of land in any local Authority while they are in Nairobi. The council will later learn that the particular piece of land is gone and this particular individual has all the documents. He has the Leases, he has the Title Deeds and I believe you are aware once a Title Deed is released, it is a struggle to revoke that particular Title. A good example in Thika, where we have put our County Council Offices, we have been struggling for the past three years, because an individual has been claiming that he owns that particular piece of land. We have made a lot of effort to go and see some senior people, the Ministers, and even to see the Commissioner of Land himself. So, we need to streamline the Local Authorities, since it is at the local level where you know who owns what, but not the Commissioner, and that is why I was proposing, we should deal with this issue of land at the regional levels- not that someone to come from Garissa, from Kisumu, from wherever to come and see the Commissioner of Land in Nairobi. Every region should be in a position to solve its own areas or issues regarding

land.

Riungu Raiji – Bwana Mburu, I think another problem I am sure you are really aware particularly in this area where you are, the coffee growing area, ni hii mambo ya Cess. I think the complaint has been that the councils collect the Cess, use it either to pay themselves allowances or to meet other administrative costs, but not to benefit the actual coffee farmers from whom it is collected. Do you have any proposal on this one because it is one of the complaints we have been hearing?

Bwana Mburu – This issue of Cess -

(Interjection by Com. Riungu) – Yes, should Cess be used by the council for anything else other than maintaining these roads of providing services to those who have paid it?

Bwana Mburu – The Cess, I think should be used for maintaining Rural Access Roads. But also the Local Authorities, if we have to invoke power from the Central Government, then if we improve all the roads, and they are perfect, I don't see why the council should not even utilize that money and give it as Bursaries to needy students, improve other social requirements in that particular Local Authority Because what happens in those Cess Committees, and in particular let me talk about coffee. This Cess was removed from the Local Authorities here in whole of Thika District. Now this money has been given to three individuals. They are not audited by anybody. They have been left free because the Local authorities were not allowed to operate independently and this was just done through the interference of just a bunch of three crooks going to see the President with some million shillings towards Harambee contributions, then a bunch of three people is allowed to suck all this money. If not so then, if ____ see anything that has been done by the Coffee cess not right.

The Tea cess farmers because the tea cess farmers have formed a very good committee they have purchased their own Tiper. They are also in a position to hire even the caterpillar to do some of the roads. And also they are employing our people for gravilling those roads and whatever. But then we need to streamline all these things either we have as a cess committee that will comprise the tea farmers, the coffee farmers and other elected leaders so that the particular money that should go towards the improvement of the road is being supervised in the best interest of the community.

Com. Aroni -Now from your own statement it seems like you are assuming that if we devolve power we should devolve it though the local council unless I got you wrong. Is that your position?

Bwana Mburu That is my position.

Com. Aroni: If that is your position why do you think that the council would be the best unit of devolving power?

Bwana Mburu: may I say in the 4th amendment of the Local Government Act some of us even read it as history Our Local Authorities used to perform very, very, very well even Nairobi was a wonderful city. Kiambu County Council was rich even

those students who managed to pass their exams well could get bursaries throughout their secondary school. So I still believe there was a sinister motive from the Central government to interfere with the Local Authority, and I also believe Local Authorities are the pavillions for a good Central government. Hata kama ni nyumba tunajenga lazima tuweke foundation ile iko sawa sawa. So I believe we need to invest more in our local authority (inaudible) we expect to perform better as far as Central government is concerned.

Second, all the leaders within a certain Local Authority have certain attachment to that particular area, but the way things are run today is that the D.C. becomes the over all and he is the main policy maker in a Local Authority. The D.C. if he is in Thika, or Nyanza or whatever, he has no personal attachment to that region or that particular community, but elected local leaders will always be answerable to the people. If you misuse anything within the local community then the people after 5 years will fire you.

Comm Aroni: Lakini bwana Councilor, do you think since you strongly feel that Councilors are answerable to the people, should people wait for five years or do you think that wananchi should have the power to recall a Councillor who does not perform?

Bwana Mburu: Now I don't have a proposal at the moment but I will request the Commissioner to come with such a proposal because , not only Councillors, even the M.P.s and even the President. If any individual fails the community we should have a way and means of removing him because we don't need to be a burden for 5 years per individual.

Com. Aroni: Thank you, thank you for your contribution.

Bwana Mburu: O.k. Asante.

Clapping.

Com. Aroni: Joseph Gicheha, Joseph Gicheha. Wandu Kariuki, Wandu Kariuki, sasa hamtaki kutoa maoni tufunge mkutano ama ni aje?

Speakers: Wengine walitoka wakaenda. Labda hao walitoka

Com. Aroni: Mmejiandikisha huko nje? Have you all registered? . Kwa sababu kama hujajiandikisha na jina lako haliko hapa sasa unaona hatujajuana kwa siku nyingi hatutajua majina yenu, so I hope you have registered

Speaker: Yes, we have done so.

Com. Aroni: Fredrick Waithaka, Fredrick Waithaka.

Fredrick Waithaka: I am here.

Com. Aroni: O.K. Please give us your views.

Fredrick Waithaka: (*In Kikuyu dialect*) : Muhe interpretor. Nie woni wakwa ni ati riri,

Translator - These are my contributions.

Fredrick Waithaka: (*In Kikuyu dialect*) Akoro ni fande ya githunanwo, tukathura makajura na M.P. at the same time tugicoke guthura mapresident.

Interpreter: About election my suggestion is that first of all Councilors, then M.P. and then after that we go for presidentiaia elections .

Fredrick Waithaka: (*In Kikuyu dialect*) - Ndina undu ungi ututhumburanga muno ni uhoro wa thibitari tondu waota kuona mundu niona ukwati hathi kuuria na riria tuvangite uhoro mbia ukona hati kundu kia mbere aretwo kifau, na kifau utaki nakio riu ona murimu ucio ungiokire ukona ni acioka mucu ukwira kwo. Ngoria thirikari korwo yitikire akoro ni thivitari o uria kwari tene ucioke oguo ningetha andu matigage kukwa hovyho hovyho tondu una mbecha kutigetuire.

Interpreter: -The other issue is about hospital and the biggest problem it that somebody now gets an emergency problem he goes to the hospital at the casulty place and at the funny thing is that he is required to pay some money. Even if it is as little as 20 shillings and the particular person cannot to manage he goes back to the house to die there. So his suggestion is that he would rather have the old system where hospitals where actually free.

Fredrick Waithaka: (*In Kikuyu dialect*): Kiria kingi nituthumburite muuno ni Syllabus ino kuchenjakwo umuthi na richu akoro ni ivuku riria ria thomirwo mwaka huyu ndungithomithwo mwana icio ingi wi thutha waku rigacegio na ria cegio ngaforcio kungura nujure agikorwo ni thirikari ingerrio iria ikwika uhoro wa thukuru tondu silimbasi kuchejagia now and then itikane nague.

Interpreter: - The other issue is about syllabus; that the syllabus these days are changed very frequently to an extent that a parent is forced to keep on changing books and buying extra books, because the previous syllabus is not relevant. So instead of that we would rather the syllabus to be a bit constant and regular so that one book can continue a longer period.

Fredrick Waithaka: (*In Kikuyu dialect*) - Secondly nojurie kungioteka ee mabuku yaani githomo gitwike free.

Interpreter: The other issue is a request if possible, education to be free.

Fredrick Waithaka: (*In Kikuyu dialect*): Njoke kaundu kangi kekwaritwo uhoro wa kanitha nye ndikunga kanithaini ona cienda kuiha cingihe no e thina umwe turakoro nagwo muno ni kanitha iria ciukite irakorwo na icero guku na irahunjia kuma thinachara ya hwaini gugakia ugwo. Riu kogwo mundu una atida akiruta wera, ndagiona ihinda ria gukoma ni ikero ici, no njurie, maheo freedom ya worship, no limitation, angekorwo ni utuko, o-acio me hau, makahunjerio matari na ikero cia kwanerera ati mundu we guku, nginya we Kibichoi ni araiwa. Disturbance otuko.

Interpreter: The other issue is about religion and churches although that subject has been spoken about. His problem is that currently, even though there are very many churches and denominations, the problem is that there is a lot of disturbance because they are very noisy and they use very blaring loud speakers to an extent that during the night one cannot have peace because they are very very noisy.

Fredrick Waithaka: (*In Kikuyu dialect*) Thina uria ungi tukoragwo nagwo munene, athuri aya maisha maitu, mena migunda magurete kehinda kenene, kiraihu muno, na nginyagia riu, migunda iyo ina miaka ta 30. Athuri acio matire mona title deeds. Ona ange nimakwire magetiga migunda yao. Na riu atoteithie. Tutingemenya process irea tungeruta mbeba iria athuri acio marire. Kogwo angekorwo ni shares tukugata, undu ucio wa kugaya mugunda, ukahihagio muno, nigetha tutigekagire kehenga, aria methutha witu.

Translator – The other issue is about land buying. People of our age, we have had occasions where we have been involved in land buying and we contribute towards the land purchase, but it has taken so long upto about 30 years before we own that land . Now my request is that if that is the sort of situation, share should be contributed and the land distributed immediately.

Fredrick Waithaka: (*In Kikuyu dialect*): Undu uria ungi, nocio niguu uthoketie muno, ni uhuro wa urimi witu, tondu akorwo ni kindu ta kahawa, machani, una riu umothe, iria dairy guku nitwa hingire, riu turare ria mukohoro. Nario rere ria twarowo Nairobi, turachokerio guku. Hati handu turona mbia. Riu tugakerigwo, tungekigaatia, nigetha gethena giki gethire?

Interpreter: The other issue is about coffee, tea and milk because, once we send our produce to the market, we are getting nothing. Currently our dairy industry has collapsed and we have been able to sell milk to the hawkers locally but right now they are unable to come because there seems to be a lot of decline of milk and therefore, this main livelihood has now been wiped out. Now they really don't know what to do.

Fredrick Waithaka: (*In Kikuyu dialect*): He kaundu kangi ige-enda kuria, igienda kuhoya andu aya a power. Tondu ni

jiguaga nikure nyamo ichi cietagwo rural programme. Nyamu ici cingehota guka, handu ha bill, twekererwo ta metre, ota-eno ya thimu, ati akorwo ni mundu, agaikia mbecha hau, reria ona, akona na thitima muthenya uria ena bia no ti hendi ciothe gwetagio bill!

Interpreter: The other issue is about electricity and power. Now he is requesting that there be a system which can allow them to do a pre-paid sort of arrangement whereby nowadays people pay for pay in and utilize the time they want. We can actually have such a meter where we can actually insert some money, utilize the rate of electricity we want and then we wait for another period .

Fredrick Waithaka: (In Kikuyu dialect): Nie reke nyambe ginyie hao.

Translator – That is the end of my contribution.

Com. Aroni – Asante mzee.

Translator – Asante sana.

Com. Aroni. (inaudible)

Laban – Yangu ni, tuko na taabu kubwa sana kwa wale wazazi wetu wamekufa wakiwa na mashamba. Mashamba mengi ambayo wenyewe walikufa, watoto wao wameshindwa kupata Title Deed sababu ya process ambayo inakuwa mrefu sana na inanzia pesa nyingi sana. Economy yetu imeharibika kabisa na shida ni kupata hiyo pesa .Kwahivyo proposal yangu ni kuwa, kama mzazi amekufa, watoto wake wawe wakipatiwa barua na Chief anakwenda kwa Board na isipite kwa DC- kwa sababu Chief ndiye anajua watu hawa kabisa na hii process ifupishwe.

Jambo lingine ambalo inaumiza sisi sana sisi wakulima, tuko na shida kubwa sana. Kahawa ili- kwisha, sasa ile kitu ilikuwa imebaki ni maziwa. Siku hizi tunasikia ya kwamba maziwa inatoka nchi za nje na kuingizwa hapa. Kwa hivyo ile maziwa imetolewa na ngombe zetu, sasa inaharibikia nyumbani kwa sababu tukipeleka town tunakuta maziwa ingine imefika huko na sisi tunarudi na hiyo maziwa yetu. Kwa hivyo inaonekana kama mkulima anatakiwa afe pole pole nyumbani.

Mambo ingine ya tatu ni hii mambo ya grabbing- yani kuchukua mali ya umma kwa ki- offisi. Tumeona shida kubwa sana sababu sasa tukitoka hapa kwenda Nairobi hatupati pahali ya kujisadia. Pengine uende kwa mkahawa ulipe kitu kidogo. Na unajua watu wa mashambani, hawajui sana mambo ya town. Kwa hivyo tunatoka nyumbani hata bila kukunywa chai na tunaka town kwa siku nzima bila kukunywa chai kwa sababu tunaogopa pali ya kuenda haja. Kwa hivyo tunataka hii mambo ya kuchukua mali ya uma ikwame.

Ya pili, kwa miaka mingi sana tumekuwa na Macommission. Tunasikia kuna Commission ina chaguliwa na Rais, na hiyo commission hatupati majibu yoyote. Inakula pesa ya umma, ile mwananchi mdogo ambaye sisi sote ni taxpayer tunalipa kodi haitufanyii kitu yoyote.

Ile ingine ni hii pesa unasikia tunalia hapa ya kahawa. Pesa ya kahawa, tulikuwa tumeweka pesa kwa Bank yetu ya Union, sasa hizo pesa tumesikia imechukuliwa na watu wanaojulikana. Na tunaona serikali haishuguliki na hiyo mambo. Kwa hivyo mimi ninaonelea watu kama hawa wakichukua pesa ya wakulima, wawe wakishikwa na mali yao kunadiwa na pesa hiyo kurudishiwa wakulima. Sababu tunaumia na mtu anaweka pesa yetu kwa mfuko wake.

Ile mambo ingine tuko nayo hapa ni watoto wa wakulima. Ukienda katika mashule yetu ya upili utakuta wakulima wakiwa na madeni makubwa sana. Kwa sababu tumekosa pesa. Na kwa vile hizo pesa ziimeshikwa na watu kawa mambo ya kahawa, sasa tuliona mwaka jana, gunia moja ya kahawa ilikuwa ikitoka dollar tatu. Na kwa soko ya kahawa hakuna kitu kama hiyo. Sasa tunaonelea mambo ya kahawa iwachiwe wakulima wenyewe. Mambo ya Coffee Board iondoke sababu hiyo ndiyo inaumiza watu zaidi. Na hii mnada ya kahawa tungetaka iondolewe kwa sababu tunajua kitu inapigiwa kengele ni ya mtu ameshindwa deni. Sasa hii ya kahawa na haijashindwa na kulipa deni kwa nini inapigiwa kengele?

Jambo lingine nilisikia bunge yetu ilipitisha kahawa irudishewe wakulima na Coffee Board iishe tarehe moja ya April, 2002 na bado inaendelea. Kwa hivyo ile kitu ninge taka mimi mwenyewe, kama Parliament imepitisha mswada iwe ikifanya kazi. Kwa hivyo mimi ningeomba kama ni President asiwe juu ya kila kitu. President awe chini ya sheria ya bunge ama ya nchi.

Ile kitu ingine mimi naonelea ni kwamba tukiangilia kwa elimu, hii kitu inaonyesha hatuelewi kabisa ni kwanini President anakuwa Chancellor wa University zote na kuna watu ambao ni ma Professor wamesoma na wanajua maana ya elimu. Kwa hivyo mimi ningeonelea Chancellor wa University zetu asiwe President, wawe kama ni Professor ama ni msomi au awe ni Minister wa Education.

Na ile kitu ingine ninge onelea ni mtu akipewa Ministry awe ni mtu an qualification ya hiyo Ministry ame pewa.

Com. Aroni – umemaliza?

Mzee Laban - Hiyo ingine, niko na moja. Kama mtu amekatiliwa kwao nyumbani, asije akawe Nominated MP, sababu hiyo nikama kudharau watu wa pahali ametoka (clapping).

Ile ingine mimi naonelea ni watu walemavu. Kuna watu vilema nchini. Hawa watu tunaona wanaumia sana. Na serikali ina pesa sababu kama mtu moja anapewa elfu mia tano na wengine wanapewa milioni, na kuna watu walemavu ambao hawapati kitu ya

kukula na wako na akili mzuri. Ningeonelea hawa wapewe mkopo angalao kidogo tu wawe wakijipatia riziki..

Na, hiyo ingine ni hawa mayatima wa AIDS. Tuko na wengi sana. Na kusema kweli kama area hii yetu nasikia hata ilitangazwa kwa Kenya mzima, Thika District ndiyo No.1, Kiamwangi Location ndiyo No.1, Kiganjo hii ndiyo No. serious ya mwaka. Kwa hivyo tuna mayatima wengi sana hapa. Na vile tulinyonywa kabisa hatuna pesa, kahawa ilikwisha, ngombe zetu, maziwa hatupati. Sasa ningeomba serikali iwe ikisaidia hawa watu. Wawe wakipewa ka-allowance kidogo ili wapate chakula. Asante. Nimemaliza.

Com. Aroni – Asante. Sasa, swali moja tu. Umetuambia nafikiri wewe ni mtu wa pili, au wa tatu kuhusu pesa zenu ambazo muliwekewa kwa Bank. Hiyo Bank iko wazi ama imefungwa?

Mzee Laban – Imefungwa lakini hizo pesa ziko na watu. Wale Directors ndiyo walikopa hizo pesa na wakaweka kwa mifuko yao, wakafunga hiyo Bank.

Riungu Raiji – Ilikuwa Bank ya aina gani? Ya watu binafsi au niya?

Interjection Com. Aroni/Riungu Raiji – Ni yawatu binafsii. Inaitwa namna gani hiyo Bank?

Com. Aroni – Asante.

Mzee Laban – Nawajua. Sasa tunafanya nini. Hatuna pesa, hatuna nini, hatuna mtu ya kulilia. Wengine walibeba ni Majudge, ma milioni ya pesa.

Com. Aroni – O.k. Asante. Edward Macharia? Edward Macharia?

Edward Macharia – First, Ladies and Gentlemen, I would like the new Constitution to recommend the following. With the current rate of unemployment and the powerhouse of academics in our society, it is my opinion that Civil Servants should retire after serving for ten years to give chance to the juniors in contrast to the present 55 years retirement age.

Secondly, the new Constitution should provide a Ministry of Religion to cater for the spiritual affairs of the citizens since it is well understood that people cannot live without worship and this is part and parcel of the citizens. On this, the registration of religious groups should not be under the Societies Act. The new Ministry should monitor the registration and operations of religious groups and no more registration of religious groups should be allowed.

The age for citizenship should be revised to at least 16 years because today at 16 years of age, one is responsible and mature

for responsibility.

There should be the provision for the Ministry of Defence in a bid to reduce the Presidential power since if he is the Commander-in-Chief, he is then above the Law. The President's term should be two terms-that is ten years.He should be eligible for prosecution after his term for evils done when in service.

The people should elect Civil Servants who have direct links with citizens e.g. the Chiefs and their Assistants, Mayors. Also the electorate should have the right to have a vote of no confidence on any person elected if he is not satisfying them and if the vote of no confidence garners over 50% backing a re-election should be done. Civil Servants should have at least an A Level qualification for them to qualify for election and service to the citizens. These are people like the MP's, Councillors, Chiefs, Assistant-Chiefs, and Ministers- because these people are suppose to serve and lead in the intellectual world we are living in today.

The government should intensify the penalties for killers with tough fight to abortions and thus there is no provision for cloning.

Education, health facilities should be provided free of charge plus education upto Standard Eight should be free of charge to every citizen in Kenya and health facilities for outpatients should be free of charge.

Also the Government should cater for the HIV/ AIDS patients in drugs and other necessities. The Government should provide catering homes for the Aged and Orphans in every constituency considering the HIV/AIDS pandemic. Thank you.

Com. Arono – One question. Now you have proposed health facilities for outpatients, you are saying that inpatients should pay?

Edward Macharia – You can pay but at least for outpatient should be free.

Com. Aroni – O.K. the other one is education and HIV patients to get free drugs. Now can you think of another method that the State can get revenue rather than taxation to cater for such kind of facilities?

Edward Macharia – I think the Government has a lot of money that is why they can afford to pay an MP 500,000/- and a Minister one million. This money is enough to cater and even have more if they can manage their finances well.

Com. Arono – Thank you. Ngugi Gitau? Ngugi Gitau? Ndio wewe? Joseph Kimuhu? Joseph Kimuhu? Joseph Kimuhu? David Hamisi Gitau?

David Hamisi Gitau – Kwanza ma Commissioner, mimi nitaongea kwa Kiswahi halafu nitaongea kwa Kizungu kidogo. Kwanza tunawashukuru na natunawaomba ile vita inaendelea kwa magazeti iishe. Tumewapatia kazi, mutufanyie ili turekebishe Kenya yetu kwa hivyo hiyo vita ambayo iko kwa magazeti hatuitaki, mfanye kazi ile tumewapatia.

Com. Aroni – Bwana Gitau, vita iko kwa gazeti haiko kwa Commission.

Bwana Gitau – Sawa.

Com. Aroni – Tunashukuru sana.

Bwana Gitau – Thank you very much. Tena tuko na wasiwasi mwingine hizi- amendments tumesikia tena lazima zipelekwe kwa bunge kwa hivyo tunaogopa sana. Na lazima tuseme ukweli. Ikiwa tunasema mshahara ipunguzwe ya ma MP's alafu ndiyo hawa hawa ndio watakuwa wa mwisho, tunaona kuna udhaifu, kwa hivyo tunataka Commission iwe very strict kwa mambo yale ambayo tunatoa hapa. Kwa sababu yanashiriki kutusaidia Kenya yetu na mimi nitaanza kwa kusema hivi;

Kwanza tuna support coalition Government hiyo itaweza kutusaidia ili tupigane na ukabila. Na kwa sababu tuna eight Provinces, tunaona kwamba tunaweza kuwa na mawaziri kumi na sita (16 Ministries) ambazo watu wawili ambao wanaongoza kutoka kila jimbo wanaweza kuwa Ministers. Despite this wawe ni wa chama gani au ni wa chama gani. Na tena hawa watu wawe appointed by a Prime Minister from the winning Party.

Two: – Presidential elections tunge pendelea uchaguzi wa Rais ufanywe siku ingine tofauti na ile tunafanyia ma Councillors na ma MP's. Kwa sababu tumeangilia tukaona kwamba kuna wengine wanasimama President na wanafanya tupoteze wakati kuwachagua na hawaingii hata kwao. We don't want to waste time, kwa hivyo ili tuchague the best President hiyo inaweza kutusaidia. Naona President yule anaweza kuongoza nchi yetu anatakikana kupata hasili mia hamsini na moja ya kura zote ambazo zime pigwa na wananchi katika nchi zima. Na 25% kwa Provinces tano hiyo inaweza sawa sawa. Na kama hakuna President ambae amepata hizo, wafanye run off wakiwa wale wawili ambao wako na kura nyingi. Na for better representation in a certain constituency, tunaomba President kama anatoka area kama hii ya Gatungu South, apewe uwezo ya ku-nominate yule mwakilishi wake, kwa sababu tumeona constituency nyingi zikiwa zinawakilishwa na President ziko nyuma sana kimaendeleo. Kwa sababu President kama sasa yuko Senegal hawezi kujua matatizo yale ambayo iko nawale wananchi wa kwake. Hiyo itasaidia watu kufanyiwa kazi na yule amekuwa nominated.

Jambo lingine: – Kuna ministries ambazo hazifanyi kazi zao. Ministry of Environment badala ya kupanda misitu inakata. Kuna Ministry of Sports. Vijana wetu wanazunguka tu, hakuna kitu inafanya. Tunaona tu kazi iko Nairobi tu. Ile kazi iko huko ni mambo kuhusu tu KFF wakati wana matatizo lakini hawakuji hapa kuangalia vijana matatizo yao, we want those Ministries to be scrapped. Na Ministries zile ambazo zinapatia wananchi kazi direct, kama Health, Education, Water, Energy, Transport na

Communication zipewe hizo pesa from the Treasury, hizo Ministries ikipunguzwa hizo Ministries zipewe uwezo.

Jambo lingine nikuhusu Title Deeds. Mambo kuhusu Title Deeds. Title Deeds, na nimesikia sheria inasema ikiwa umepewa Title Deed inaonyesha wewe ndiye mmilikaji wa ardhi. We want this thing-now watu warudi to the drawing Board na Title Deed should not be the final thing. Unatumia ujuzi, unaenda huko kwa Land Board, unaenda kwa DO, kwa DC, kwa Land Board unapewa Title Deed kwa njia ya udanganyifu. Na ukipewa unambiwa sasa huyu ako na Title Deed huwezi ku claim. We want that thing to be reversed. Ukiwa na Title Deed hiyo sio mwisho kwa sababu watu wengi wametumia ujeuri huo mpaka ma Councillors, kuiba, wameiba wakifuata huo mtindo, ukiwa na Title Deed it should not be the final thing.

Jambo lingine – Ministers should be going to the people- wale wana represent. Si tunasikia kuna Vice-President na hatumjui na ni Vice-President ya Kenya. Anatakikana kuwa anaenda katika kufanya maendeleo katika sehemu zote kwa sababu wanawakilisha wananchi wote. Wanaenda all over the country. Halafu President, Ministers, Civil Servants, MP's, Councillors or any Kenyan, hata mimi, If I commit an offence, or being guilty of corruption, kitu cha kwanza, you should resign from office. The first thing, ukiwa umeshikwa na kashfa yeyote, mtu mzuri ni kujiondoa kwanza. Halafu asifikiri akiondoka mambo yamekwisha. Kuna Sheria ana pelekwa mbele. Kwa sababu tumeone wengine wanaendelea kuwa katika ministries na wamefanya mambo mengi sana ambayo si mazuri. And if he fails to resign, the President should have the power to dismiss him from service and later face prosecution.

Jambo lingine – In our current Constitution there is reason as to why general election or by-election are being held. Na nimesikia wengine wameongea jambo hili lakini kwa maoni yangu naona when the parliament is half way, two and half years, voters should be given chance to vote for popularity against those they elected. Kwa sababu wengine wakichaguliwa anaomba tu Mwenyezi Mungu asikufe kabla ya miaka tano. Hafanyi kazi kwa wananchi waliomchagua. Na ile pesa anapewa haitusaidi. Ikiwa two thirds, yes “mimi naendelea kutumikia wananchi” ni kuonyesha ni mtu mzuri, if it is not two thirds tunapewa an urgent by-election hata kama ni sikutatu, immediately tunafanya uchaguzi kuchagua mtu mwingine. Halafu, parliamentarians are getting a very big sum of allowances. Na mimi wakati tukisema Taifa letu halina uchumi huko chini, mimi usikia kama naweza kulia. Mtu peke yake anapewa shilingi elfu mia tano, pesa ambazo zinatoshwa walimu wote wa tarafa hii for one month. Nakwenda kwa bunge, anaenda siku tatu. They should be going even from Monday to Friday kama wanafanyia wananchi kazi. Nime fanya hesabu nikaona wanaenda siku kama 140 days per year. Halafu somebody gets around 500,000/= multiplied by 12, that is a lot of money, six million, mtu mmoja!. Na tunasema uchumi ni mbaya. Uchumi wetu uko sawa sawa. Lakini hatutumi vile inatakikana.

Education and health should be free to all. Upande wa Education ni mpaka O Levels, kwa sababu wale wengi ambao tunapata matatizo ni Primary Education, Nursery Schools hata kusomesha mtoto wa Nursery inakuwa shida zaidi kwetu hata hawasomi. Machokora wameanza hapa, hapa. Naongea hapa hapa kwetu. Hawasomi, kwa sababu Nursery schools kwa sababu you are required to pay about one thousand per term, sasa nani mtoto wako wa kwanza na hauna kitu, umeowa msichana tena hana

pesa, tutatoa wapi?. We have to look after these issues. Free education and health. Mtu akiwa mgonjwa, ndiye huyo hospital mnaona ile shida iko. Afadhali hata uwe unakufia nyumbani badala tena kupelekwa hospitali. Because of lack of money. Mnasikia ile kilio tuko nayo? Upande wa maziwa, kahawa, uchumi wetu uko, kahawa ninyingi lakini, kununuliwa, inanunuliwa kama mbuzi ambaye amekufa. Kwa hivyo tuangaliliwe upande wa education na health. Niko karibu kumaliza

Parliamentarians-nimesema hapa wawe wanaenda from Monday to Friday. Kuhusu wakulima- farmers, kulikuwa na maoni wapewe their own Bank and I think it is important you assist them wapewe Bank yao ambayo watakuwa wawo wenyewe ndio wakurugenzi na ndiyo wanaingalia. Halafu tupunguze malipo ya farm-inputs. Mkulima hawezi kununua fertilizer na tunasikia kuna Ministries zinaitua za Agriculture, Agriculture wanatoa tu pesa hakuna mtu wa agriculture anaweza kukuja kwako unless umuite aku-lead. Veterinary officers wakati wa Rais Kenyatta walikuwa wanakuja wanapatia ngome wetu Ndume. Lakini saa hizi unaita mtu anakuitisha 450 kwa hivyo wakati hiyo ngome, is on heat, mkulima badala yakufurahi analia. we want to be assisted.

Nikiwa karibu kumaliza, we require equal distribution of employment. Na equal of distribution of employment hata kama kunakiwango ambacho kita angaliwa sio lazima ukienda hapo unakuta ni Mkikuyu, mkikuyu ni nimkikuyu, nimkikuiyu Tunataka kabila zote because we are in Kenya. Lakini ukienda Gatundu, lazima uongee lugha ingine kwa sababu ni ile ile. Tunataka hata wale watachaguliwa tuwe na equal distribution na hata resources zitaweza kuwa sawa sawa kwa sababu inakuwa ni makosa zaidi kwenda unakuta kuta kabila moja ndiyo wewe ukiwa Rais, unachagua kabila yako. Kama itakuwa namna hiyo, wakikuyu tena kama hatutapata Rais, tutapata Mkikuyu wapi kama DO ama DC mashule yetu yata enda. So we want equal distribution as per merit.

Jambo la mwisho. For any amendment, amendment ambayo ufanywa kwa Bunge, ikiwa inahusu benefits za hawa wabunge, wajue ni sisi tumewachaguwa, sio tu kukimbia kwa Kenya Gazette and it is Gazetted.Sisi tunasikia it was Gazetted. Kuna mambo mengine ambazo tunahitaji zirudishwe kwa wananchi. For instance, wakati waliposema kwamba ukiwa umepeana Cheque-bouncing Cheque walipitisha wakasema hakuna, hiyo hakuna mtu anafungwa akipeana Cheque mbaya. Na ndizo zimejaa hapa hata kwa makanisa, saa hizi. Lakini wakati wana fika kwa mshahara-wako mbele. Wakati wanasema manyumba- nasikia wapewe offices- we are against hata mambo ya pension, mtu hupewa pension yule ameajiriwa permanent. Si ni kweli? yule ambaye ni permanent hupewa pension. Sasa mtu tumemchagua atusimamie sasa anasema tena apewe pension. Pension itatoka kwa nani na kahawa ndiyo hiyo?.

La mwisho, nataka tukiwa tunaamuru, tunasema mambo katika Bunge, nadhani wabunge watasikiza hata kama wataperekewa hii yangu waisikize, sawa sawa. Mimi nasema kitu kimoja.Juzi walisema Circumcision of girls is illegal. Ya boys, hiyo si ni sawa sawa? Walisemaje kuhusu kutusaidia? Yes, tunaenda tu kwa upande ule tu mmoja lakimi hatuangali upande huu mwingine. Nadhani hapo nimetumia medhali, na kwa hayo machache nasema Asante naitwa Hamisi Gitau.

Com. Riunga Raiji – Hapo ume enda kati kati halafu ume wacha. Halafu ukaanza kusema hio mambo yote. Tufanya nini?

Hamisi Gitau – There are some amendments which requires some public attention that is what I meant. Sababu mengine yanapitishwa tu. Kama ya kahawa tumesikia ya kahawa imefanyiwa amendment. Lakini hawakuenda kwa wakulima. You see our problem ni hiyo. Kwa hivyo mtu anasema anatuakilisha lakini sio kwa masilahi yetu.

Com. Aroni – sasa Bwana (inaudible)

Com. Riunga Raiji – Ngoja kidogo, umesema Ministry of Environment, Ministry of Sports hizo hazifanyi kazi. Nawewe unasema ziondolewe. Mimi naona tutaumia zaidi. Kwanini usi suggest njia ya kuzifanya zikafanya kazi vizuri kama zamani. Zamani kulikuwa michezo zinafanyika hata ya ma chief, yakina nani, kwanini usi seme njia ya kufanya ndio ziende vizuri?

Hamisi Gitau – You see if you have a handkerchief and you don't use to dry to wipe your mucous, what is it for in your what is it for really?

Com. Riunga Raiji – But we need a Ministry of Sports.

Hamisi Gitau – Thank you very much. So Waende back into the Drawing Board. Pale ambayo hawafanyi kazi itengezwe. Vijana wamejaa hapa. We don't get equipment, we don't get anything.

Com. Raiji – Halafu ya pili umesema, kama President amechaguliwa, yeye hayuko ameenda Senegal, to nominate someone to represent his people, the other way of solving that, si ungesema, kama mtu anataka urais, asiwe mbunge?.

Hamisi Gitau – Nimeonelea hivi Mtu lazima awe na popularity from the people that is important. So it is very important because it is wrong for somebody to be a President who even cannot come to his own home so kama President amachaguliwa hiyo constituency anapewa jukumu ku nominate. Ninasema yeye a nominate kwa sababu zangu binafsi for security purposes, sitaki yule mpizani wake awe. Anominate yule mtu ambaye ata pewa, matatizo ya wananchi kwa sababu President umuimbie umwambie hatuna maji, huwezi kumpata. Yes.

Com. Aroni – Haya swali lingine, Umesema upendekezo ya recall kwamba mbunge akiwa hakufanyi kazi wananchi wapewe nafasi ya kuweza kumrudisha nyumbani. Iko natofauti gani katika hayo mambo mawili?

Hamisi Gitau – Yani if that one gets into the Constitution, na tuambiwe kama ku sign tutakuwa tuki sign, I think it can just be, iwe kuna wakati utafika ambapo hata huyu MP anasikia kuna pahali ambapo ako na test. Mid-term. Si ndiyo tunaena Mid-term? – Yes. Anajua kuna test, kwa hivyo anaanza kutengeneza barabara. Sio kwenda kulala.

Com. Aroni – Halafu unapendekeza hi kazi yao iwe kama kazi ya kawaida. Jumatatu mpaka Ijumaa. Sasa atakua anakuja lini kwa Constituency? Unapendekeza nini kuhusu ilo jambo?

Hamisi Gitau – Kuna watu wanapewa wakati sijui Katiba sana, lakini kuna wakati wanapewa wakuje kuonana na wananchi. Lakini siku hizi tatu na hizo pesa, dada yangu, tunaumia, infact tunaumia.

Com. Aroni- Asante. Mzee, hatukuelewa. Tunataka kukuelewa vizuri. Asante. Peter M. Gicheha? Peter Gicheha? You have a problem?

Peter M. Gicheha – (inaudible)

Com. Aroni – You know you are actually speaking to the Commission and most people are speaking in English, we are only interpreting for those who cannot communicate with us due to time. We have a time problem and we must hear as many people as possible. You are actually addressing the Commission and not a public rally. Please get down to business. If you get into interpretation we will not give everybody a chance to talk. We are sorry but that is the procedure. Thank you.

Peter Gicheha - O.K. Commissioners, Ladies and Gentlemen, these are my proposals, which I would like to be enshrined in our Constitution.

First, I want to talk about the elections. Elections should start from the grassroots. That is, we start by electing the Councillors, then we go to the constituency level, elect MP's and from there we go and elect the President. That is my position. When we come to the election of the President, I propose that somebody who should qualify to be a President is supposed to get 50% and above of the votes cast. Again I beg to say that such a President, should not be above the Law. He should be in a position to be taken to the Court of Law. He should also be in a position to be impeached. When we come to the Vice-President, I think it is high time in Kenya we need to have two Vice-Presidents. This is because of the things, which I have observed happening and I believe each and every one of us knows that, there is no hiding about it. I am saying that one of the VP's is supposed to be appointed by the President himself, the second VP is supposed to be elected by the people and this is the one who takes number two in the Presidential general election. I think by doing that, the nation will be in a good position to run well because we cannot have any danger. For example, now if you look at how things are happening, you can see that we are like seeds, which do not have any direction.

Again there is another issue, which I would like to talk about, that is religion. I would like to recommend the good work which is done by the churches for example here in Kiganjo we have so many churches and they do quite a good job. But, there is what we call freedom of worship and freedom of worship I think it needs to be streamlined. This is because when we have

freedom of worship, then it means that somebody has the freedom to worship anything that is why I think there is this issue which is vexatious, where we hear that there is devil worship and you know devil worship is very dangerous because it costs a lot.

Then I would like our Judiciary to be independent. Let us have a judiciary, which is not controlled by the Executive because, we have Executive, Judiciary and the Parliament, but I think the Executive controls our Judiciary.

Then, finally I would like to talk about education. As you can see our children most of them now have dropped from school and it is very important to have at least free Primary School education. So why does 'nt the Government offer this free Primary education?. Those who are in the Government always say that education is free. But we do not see that. In reality we do not see that because why are our children dropping from the school?. That is what I would like done.

Com. Riunga Raiji – Election of the President, just tell us, election of the President alone, then another one for Vice-President alone, don't you think we are having too many and the expense.

Peterr Gicheha – No I have said we should start with the Councillors, then we go to the MP's and I think this is going to reduce the massive rigging, which happens in the Country. Then we should go to the President.

COM.Riunga:– That is why I am saying isn't that very expensive?

Peter Gicheha – So we have three. We have three. I don't think so.

Riunga Raiji – Do you know how much it is going costs to hold those three at the same time?

Peter Gicheha – No, I think if you look at the history of this country, you can see for yourself especially from the early 90's, that Kenya has spent a lot of money on dubious projects which are not helpful to the people at all. So when we come to the election, I think that is not expensive.

Com. Aroni – Now, you have said we need to streamline freedom of worship?.

Peter Gicheha Yeah.

Com. Aroni - How do you propose we do that?

Peter Gicheha – I think this we can do by having a Ministry which caters for religious matters and this Ministry can be in a position to be looking at the denominations or the churches which are emerging whether they are leading the people in the right

path or the wrong one.

Com. Aroni:-Now you have also proposed we should have two Vice-Presidents, one appointed by the President, and one the person who has the second highest votes. In your proposal, should they be of the same level and having asked you that question, currently the Opposition Parties are supposed to keep the Government on its toes, Yeah? Checks and balances if I may put it that way. Now if the second highest happens to be from an Opposition Party or the Party that becomes the Opposition by virtue of not being the Party with the majority of votes, who do you propose to be the Leader of the Opposition in that sense?

Peter Gicheha - (inaudible)

Com. Aroni – He should be in the Government and also in the Opposition or what are you saying. I just want to get you right.

Peter Gicheha – I think so.

Com. Aroni – Wilfred Gachumi? Wilfred?

Wilfred Gachumi – Mine is just simple and I first of all I want to go to farmers' affairs whether it has been said repeatedly or not.

Com. Aroni – It doesn't matter. Tell us your part.

Wilfred Gachumi - O.k. What I find in this country a major problem is we have financially, economically and everything else has come out as a result of ignorance or farmers being not attended. His interests have not been considered paramount. If you take farm inputs for example, they are so expensive such that whatever he produces he cannot get any profit out of that. So the Government in this particular case should have most of the farm inputs subsidised such that the farmer may be able to make a profit out of his work. And that is one problem we have that you find many people have gone to Nairobi. You find people are selling clothes along the roads that is not something that can last for a very long time. But if the farmers were well paid, that is if the market for the farm produce had been catered for and they are accessible to the right markets those people should come back to the rural areas where these clothes could be sold because most of the people are in the rural areas. So all farm produce should be subsidised. That should be a policy so that the farmer can be able to make profit.

The other thing is about the Chief. Chiefs should be transferable like any other Civil Servant. They should be transferrable. Because, if you have said that you have come from the local area, I tend to find that the traditional rules and so forth. We are having a common rule which can rule everybody in the country. So anybody whether he comes from wherever like any other

Civil Service he can also cater for any community around the area. So Chiefs should be transferrable like any other Civil Servant. Because they can be a roadblock to any development in any give locality.

The other one is about the election. My own views is that, we are supposed to elect the MPs, then out of them they make a choice of three people to stand for Presidency, then it is brought back to the electrorate to decide on the three people who they will choose from. Because the MPs and the President are the people who will work together. They are the people who will make the work to be unworkable. So if they choose among themselves and then those people are brought to the people, they will also make the President out of the three. I don't have anything else to add.

Com. Riunga Raiji – You have given us a proposal on Chiefs being transferred. Do you have any views on how chiefs should be appointed, should the people elect them, or should they be appointed and if so by whom?

Wilfred Gachumu – They should not be political. They should not come from the political side. They should be Civil servants like any other person being qualified in the line of administration.

Com. Aroni – John Kimani? Paul Thiongo? Joseph Kimuhu? Ngugi Gitau? Wandu Kariuki? Joseph Gichia? Samuel Muthee? Chege Njoroge? Ephantas? Njoka? Joseph Kimani? Francis Muhoho? Joseph Njuguna? Sasa Kwa kufikia hapo tumemaliza list.Kuna mtu yoyote ambaye haku tajwa jina na ange penda kuongea. Anyone who would wish to give views and his/her name has not been called out? Unaitwaje mzee? Unataka kuongea? Unaitwaje? John Kanyi? Si tulikuita.

John Kanyi – sasa Mimi nitaongea lugha ile najua

Com. Aroni – ongea tu mzee.

John Kanyi –(*In Kikuyu Dialect*): Ohoro wa Katiba utarie ta uyu. Katiba iria itari undu ethondekaga, una gweteka ni ya thondeketwo mbere.

Interpreter: I will talk about Constitution and the constitution that originally we started with although it was made earlier, it doesn't seem to have done a lot.

John Kanyi –(*In Kikuyu Dialect*): Murimi ombere acokerio uremi wake kuria agererwo ni gweteitheria. Muremi niwe unyitereire bururi.

Interpreter: The farmer should be rewarded properly because farming is the backbone of the country.

John Kanyi –(*In Kikuyu Dialect*): Kahuwa gachokerio muremi.

Interpreter: Coffee to belong to the farmer.

John Kanyi –(*In Kikuyu Dialect*): Endagie okoria angeinda kwendia.

Interpreter: Coffee farmers to have the freedom to sell Coffee wherever he feels

John Kanyi –(*In Kikuyu Dialect*): Yakirerie tondu gutire obishi gutare ihaki.

Interpreter: There is a problem because all offices are corrupt.

John Kanyi –(*In Kikuyu Dialect*): Ugethii mborithi kuona mundu monyite, niukwendwo uneane kanyamo nigwo omuone.

Interpreter: If you go to the Police Station to see somebody who has been taken in you have to bribe the policeman so that you can see that particular person.

John Kanyi –(*In Kikuyu Dialect*): Mborithi ona kana jela ne ihaki.

Interpreter: Police Station or in Prison you have to bribe.

John Kanyi –(*In Kikuyu Dialect*): Mundu uteri kindu bururi ndari na mbata na therikari.

Interpreter: Somebody, a poor person without anything in this country has no need for Government.

John Kanyi –(*In Kikuyu Dialect*): Utunyani wage.

Interpreter: Grabbing to be finished.

John Kanyi –(*In Kikuyu Dialect*): Uhoro wa migunda.

Interpreter: About land.

John Kanyi –(*In Kikuyu Dialect*): Mugunda ni umwe na title ni nyingi

Interpreter: O.k. there is a situation where there is only one piece of land but with several Titles.

John Kanyi –(In Kikuyu Dialect): Tondū wenda kondunya mugunda uguthii kuria uhakane, uheo title, nanie ndina title yakwa.

Interpreter: Because if you want to grab land from me all you do is go to the land office to get another extra Title.

John Kanyi –(In Kikuyu Dialect): Thirikari niyo igiragia katiba igarorwo.

Interpreter: The Government is the one that is refusing the Constitution to be changed.

John Kanyi –(In Kikuyu Dialect): Tondū kwi maundu mamwe katiba ingegarurwo thirikari ihutio nimo.

Interpreter: Because there are some things if the new Constitution comes up with will interfere with the interest of the Government.

John Kanyi –(In Kikuyu Dialect): Njera no katiba ithondekwo.

Interpreter: The only solution is to have a new Constitution.

Com. Aroni – Asante mzee.

John Kanyi – Asante sana.

Com. Aroni – kuna Mtu mwingine ambaye angeongezea. Mzee, unaitwaje? Wacha tumpatie huyu mzee kwanza tafadhali. Unaitwaje? Umejiandikisha? Tafadhali ujiandikishe hapa halafu ndio uongee.

Speaker - Yangu mimi ninapendekeza, President asiwe above the Law.

Ya pili, Prime Minister achaguliwe na Parliament.

Ya tatu, Primary Education iwe free.

Ya nne, Serikali isadie wakulima kwa njia ya matumizi ya kulima kama fertilizers na mengine ili waweze kupata chakula chakutosha.

Ya tano – Free treatment katika hospitali.

Ya sita – Ni hiyo ya vitabu vya watoto. Watoto ukisikia hii Ministry of Education wanakuja wanabadilisha syllabus, kwa mwaka moja wanaweza kubadilisha mara mbili. Ukienda mwaka ingine unakuta vitabu ni vingine. Ukiendelea, mwaka mwingine ni hiyo. Nakumbuka wakati sisi tulisoma tulikuwa tunasoma kama miaka kumi, Primary education syllabus ikiwa moja tu. Vitabu hatukuwa tukinunua vingi. Ile ulinunua ya sub-standard hata watoto wengine ukizaa, wanasoma nahiyo. lakini hivi sasa imekuwa kama mabishano ya biashara. Huyu anataka yake, huyu anataka yake, hii badilisha, ni about corruption. Kwa sababu yule anatoa pesa nyingi ndiye anapewa iyo tu.

Com. Aroni – Asante mzee. Was there somebody else? Have you registered please? What is your name? Maybe you should also just fill for purposes of our records.

Speaker – Thank you very much dear Commissioners, Ladies and Gentlemen. The role of education should be followed systematically and commensurate the requirements of this Country. The reason why I have put that forward is because in our universities the in-takes currently has got the regular students and the private part or parallel. This is making everybody confused including the students themselves and the teachers as well. For one, when the teachers tell the students that they require B+ and A+ for admission in the university, the students get confused because currently under the parallel programme even those with C+ get admission to the university. There are even Bridging courses which one can do and join the university. This situation is leaving students Teachers and even parents confused. Furthermore, this is a waste of resources because these students eventually do not carry out the role given to them.

The Primary Education syllabus is not systematic and the books which students are required to buy are becoming very expensive and a burden to the parents and this is leading to a bigger population of students not getting what they require hence we have more illiterates than we had before.

Then my second point is on taxation. We have double taxation because we are taxed on the farm inputs, we are taxed on the farm outputs and we also have the Value Added Tax which we do not know what it is. We need a clear definition of things like VAT because you find that for those who are employed, they are taxed and again their means of livelihood is also taxed which means the means of livelihood is becoming unbearable to the common citizens. So this taxation should be revised, should be studied carefully and then some of those terms should be clearly defined.

Then we have this term “HARAMBEE”. We need a clear definition of the term HARAMBEE because at times it is a very good phenomenon and at other times it is misused and it becomes a tax as well. In that case some of our children are lacking education because of this term “Harambee” which is included in their school fees and some of them are unable to pay this Harambee Fund and become drop outs and leave their education because of the burden. I have no more.

