

**CONSTITUTION OF KENYA REVIEW COMMISSION**

**(CKRC)**

**VERBATIM REPORT OF**

**CONSTITUENCY PUBLIC HEARINGS, LARI CONSTITUENCY, HELD AT  
KIMENDE ACK CHURCH**

ON

**24<sup>TH</sup> APRIL 2002**

**ONSTITUENCY PUBLIC HEARING – LARI CONSTITUENCY, HELD AT KIMENDE ACK CHURCH ON  
24<sup>TH</sup> ARIL, 2002**

**Present:**

Com. Salome W. Muigai  
Com. John M. Kangu  
Com. Domisiano Ratanya

**Secretariat Staff in Attendance:**

George Nakholi - Programme Officer  
Phillip Molo - Asst. Programme Officer  
Hellen Kanyora - Verbatim Reporter  
Lucy Atieno - Sing Language Interpreter

**Com. Kangu:** Mtu mmoja atupatie maombi ndio tuanze mkutano wa leo.

**Speaker:** Ingirani please nikuhoya turenda kuhoya twambiririe. Rekei tuhoe niguu twambiririe. Ithe witu thiini wa Riitwa ria Jesu nitugucokeria ngatho na nitugukumia riitwa riaku, thank you Mwathani ni undu wo menyereri waku, tukiheana mawoni maitu ona meshiria maitu uria tukwenda bururi witu uikare, uria tukwenda twathwo twagutaita ukoreo uri hamwe na ithui, ututongorie na hinya oro na tha ciaku na tweiga hari we Ithe witu thiini wa riitwa ria Jesu Christo ni twakuhoya.” Amen

**Rev. Stephen Nyingi:** Haya thank you. Nitachukua muda huu kuwakaribisha Commissioners wale wameingia. Walikuja kitambo na hivyo ni vizuri sana kwa nyinyi ambao mumeingia. Tena nita-introduce the Lari committee members ambao wanahusiana na mambo haya ya Katiba hapa Lari. Nitawauliza wasimame ndio tufanye introduction halafu tuendelee. Na nitamuliza secretary wetu aje hapa ndio awe akituandikia maneno yale yatazungumzwa. Karibu Miriam. All the committee members, please stand and we may do the introduction. The others have not yet arrived, but I hope they are coming. Tuko na Pauline Mwai, she is a committee member kutoka upande wa Kagwi. She is a nominated Councilor in Nairobi. Karibu Pauline. Tuko na Councilor Bernard Kibe, kutoka Ward ya Lari, karibu Councilor. Tuko na mjumbe kutoka upande wa Kijabe, Lucy Njema anafanya kazi na Hospitali ya Kijabe kwa upande wa AIDS Ministry. Tuko na Damaris Njambi kutoka upande wa Gachoiri huko Kagwi karibu Damaris. Tuko na Miriam, she is our secretary, tena kutoka upande wa Kagwi. Karibu.

Na mimi ninaitwa Rev. Stephen Nyingi , I am the chairman. The coordinator has sent an apology, he is not coming today kwa sababu ako na mkutano mwingine, huko upande wa Githunguri. Bado watu wa Githunguri wanaendelea na ku-present maoni yao. Kwa hivyo coordinator bwana Kariuki hatutakuwa naye leo. Tena tuko na MP wetu, tulizungumza jana usiku na aliniambia atakuja - natarajia ako njiani anaingia. Wale wengine wa committee, nadhani wataingia. Mwingine ni registrar wetu bwana Alexander Kamero ambaye ni committee member kutoka hapa Kimemde. Hao wengine wakiingia nitawambia muwajue. Sasa nitawapatia Commissioners wale wameingia nafasi hii ndio wafanye introduction yao halafu tuendelee. Karibu.

**Com. Mutaha Kangu:** Asante sana bwana Chairman na members wa committee yako pamoja na watu wa Lari wenye wamefika hapa kwa kupeana maoni yao. Mimi ninaitwa Mutaha Kangu , mimi ni mmoja wa Ma-commissioners wa Commission, na nitapatia nafasi mwenzangu mwenye amefika na yeye ajijulishe kwenu.

**Com. Wairimu Muigai:** Njina langu ni Salome Wairimu Muigai

**Com. Kangu:** Na kuna mwenzetu mmoja hajaingia kwa sababu tunatakikana tuwe hapa watatu, lakini wakati ataingia nitamjulisha kwenu. Na mkutano wa leo, ni mkutano wa tume ya kurekebisha Katiba na wa kuchukua maoni kutoka kwa watu wa Lari kama Constituency. Kwa hivyo nataka kusema huu mkutano unaanza, ndio tujue it is now the meeting of the Commission.

Kuna mambo machache ninataka nielezee kama hatujaanza; jambo la kwanza ni kwamba mkutano wa kuchukua maoni kulingana na utaratibu wetu, unatakikana uanze saa mbili ya asubuhi na umalizike saa kumi na mbili jioni. Kwa hivyo huwa tunawaeleza watu ikiwa uko na shughuli unataka kukimbia umalize, uko na ruhusa unaweza kukimbia kama wengine bado wanazungumza, na urudi kwani bado tuko mpaka saa kumi na mbili.

Jambo la pili ni kwamba, maoni tunachukua kutoka kwa watu binafsi; unaweza kusimama kama mtu binafsi upeane maoni yako, ama kutoka kwa yule amekuja akisimamia kikundi chenye kimesajiliwa as a representative, -ama hata kikundi yenye haijasajiliwa you can still represent it. So tutachukua maoni kutoka kwa watu wa aina hiyo.

Jambo la tatu ni kwamba, maoni yenyewe, unaweza kupeana by way of a written memoranda - maadishi na uwe hutaki kuongezea lolote. Kama una maadishi ya kupeana na hutaki kuongeza lolote, hiyo unaweza kupeana hapa, na uandikishe jina lako kwa register uweke sahihi na ikiwa unataka kuenda, una enda. Unaeza kuamua maadishi na hutaki kuongezea mazungumzo kwa ku-highlight hayo madishi, ama unaweza kupeana maoni kwa mambo ya kuzungumza ya mdomo bila maadishi yoyote. Hizo njia tatu zinakubaliwa, na kila mtu akimaliza, tuna register tuna weka majina hapo, lazima uandikishe jina lako na uweke sahihi, ndio tujue ulipeana maoni yako.

Na utaratibu wetu unasema, ikiwa unapeana maadishi, na unataka kuzungumzia juu ya hayo maadishi, tutakupatia dakika tatu. So, ujue ukiamua unataka kusoma through the whole memorandum, pengine hayo masaa hayatatosha. You try and highlight mambo makubwa kwa hayo maadishi and then you give us the document.

Ikiwa unazungumza mambo bila maadishi, ninapeana dakika kumi,- so that you can explain mambo yenye uko nayo. Na tujaribu kufuatilia huo utaratibu kwa sababu watu watakuwa wengi na hatutaki tuache watu wengi kama hawajapata nafasi. So tujaribu kufuatilia mambo ya sasa ndio kila mtu apate nafasi ya kuzungumza mambo yake. Lugha yakutumia kupeana maoni, utaratibu wetu unasema tutumie lugha ya Kiswahili ama Lugha ya Kingereza,- lakini tunaongezea kwamba, hiyo

haimaanishi kuwa yule anataka kuzungumza lugha ingine yake, hatuwezi kumsikiza. Lakini tunasema ikiwa unajua hautatumia hizo lugha mbili utatumia ingine, wakati unaadikisha pale kwa mlango utujulishe so that tunaweza kutengeneza arrangement za translation,- so that kila mtu apate nafasi ya kuelezea vile anataka.

Na katika hayo mambo ya lugha, ikiwa kuna mtu hawezi kusikia maneneo the deaf, na nyinyi mnawajua, tuko na mtu wa kufanya “sign language translation”. Tujulizwe ndio tukianza hata na yeye aweze kufuatilia ajue watu wengine wanasema nini. So ukiona mtu kama huyo tujulishe tuko hapa na sign translator aweze kutafsiri ndio aweze kuelewa ni nini kinaendelea. Nafikiria hayo ndio mambo ningependelea kuwajulisha. La mwisho ni kwamba baada ya mtu kupeana maoni, sisi Macommissioner tunaweza uliza yeye swali moja ama mbili lakini haja ya hilo swali ni kutaka afafanue jambo lenye atakuwa amezungumzia - yaani clarification ikiwa tunaona hatukuwelewa sawasawa. Na hata members of the public wanaweza ruhusiwa hata nao ku-see clarification kutoka kwa mtu mwenye atakuwa amezungumza, na tunasema hiyo nafasi si ya mtu kuanza sasa kubishana na yule mtu amezungumza ama ku-engage in defense. Itakua ni swali tu, na clarification. Ikiwa wewe hukubaliani na vile mwenzako amesema, utangoja wakati nafasi yako inafika nawe upeane maoni yako kama in tofauti na yale mwenzako amesema. Kwa sababu sio lazima mani yetu yafanane. Kwa hivyo uko na ruhusa ya kutoa maoni tofauti ndio hata wakati tutakua tunaangalia hayo maoni tutajua ni utaratibu gani tulifuata. Yule atakuwa anapeana maoni atakuja kwa hiki kiti, asungumzie hapo ndio tuweze kuendelea. Na tukiendelea, tuna record yale mambo yote yanazungumzwa hapa, - tunaandika, na tena tuko na tape recorder there - kwa hivyo, wale wamekaa wanangoja tafadhali msianze kuzungumza na ku-interfere na wengine kwa sababu hii itaharibu the recording na mwishowe wakati tunataka kujua watu Lari walisema nini, badala ya kusikia yule alikuwa anazungumza, ni kelele na hatuwezi kusikia. Kwa hivyo tuanze na Mrs Pauline Mwai. Mrs Pauline Mwai ukianza kuzungumsa kwa sababu ya records, uanze na kutaja jina lako ndio hata hilo nalo liingie kwa tape recording.

**Mrs Pauline Mwai:** My name is Pauline Wambui Mwai, I have two memorandums here, one is written by Muthoni Gathu. This one I am just going to present it without commenting on it because it is not mine. I have tried as much as possible to go through the book,- the guidelines that were presented to us in the Constitutional Review Process of Kenya. I may have left out some of the points which we were supposed to comment on because I did not feel comfortable (inaudible) the first point that I dealt with was the preamble, I felt that we need a preable stating clearly that this is our Constitution we the people of Kenya and this will help us respect that Constitution once it is written. We also need to include our national udnetraking to live in peace with one another as well as to include our Harambee moto which has been the guiding star in all the years that we have been a nation. We also need to recognize the contributions made by our fore-fathers for example the Mau Mau fighters.

The Constitution should be supreme and all persons including the President should be guided by it. And all changes should be subject to referendum. In other words Kenyans should be consulted before any changes are made.

I have also commented on citizenship. I think the Kenyan land mass is not big enough for every one who want the citizenship to be granted that citizenship. It is very important that when we give the citizenship we should clearly scrutinize the characters of those people who are flying and the reasons why they are coming to Kenya. However, children born of Kenya citizen should be automatic citizens. Even where that Kenyan is the lady. I know presently a Kenyan man who marries anybody from outside their child is automatically a Kenyan citizen but it is not the case when the Kenyan is the woman.

Then I have commented on Political Parties and I am totally opposed to them using public resources. We know that KANU has been using public resources, but that is wrong. We should not sanction it simply because it has happened over the years.

I have also commented on the structure of government. My own feeling is that we should have an executive president and a Vice President who also has executive powers and they should share the powers which are currently held by the president.

We need a Prime Minister who will also act as the leader of the Government.

We need to devolve powers to the Local Authority levels, we find that the president has reduced the local authority to mere shells and at the same time imposed an administrative system, so that you end up with the Local Authorities and the public administration doing the same job in two different ways. The citizen of Kenya is left bearing the cost of maintaining the Local Authority as well as the administration and in the process get very little in the way of services. In other words the citizens do not get enough services for the kind of money that they are paid to maintain those two systems.

I have also commented on the legislature, in that I think all presidential appointments should also be vetted by Parliament.

I have also felt that the Parliament should be autonomous and has its own calendar so that everybody knows when to expect election and what we expect at that election time. As it is now, it has been used as secret weapon and there has not been any change in that side. All contestants should be of good moral characters, and the electorate should have the power to remove their MP if he does not perform. Because within the first two years you will be able to tell whether your MP is actually going in the right direction and there is no point leaving him there for all the five years when he is not doing anything. However, the system of removing this MP should involve the electorate in other words there should be the people of the area concerned should learn a referendum kind of thing to decide whether this MP is actually performing or not because if we make it too easy the aspirant who didn't make it might use it as a way of removing whoever is in power. A good MP should maintain a constant dialogue with the electorate. And I also felt that in order to correct the long sided representation that we have now, it is necessary to introduce some special seats for some marginalized groups. And of course women are very marginalized in our political system. So I think it is necessary that we should reserve some seat for women just to correct the anomalies that are there now. This would not be a permanent thing it could be probably for ten years, we have special seats for women

after that they should be ready to campaign like everybody else. But we need to do the correction right now.

Another thing that bothers me is the kind of representation we have in Parliament. You find that some MPs are put there by 2,000 voters while somebody else is put in by 100,000 voters but when they get to Parliament, their votes are equal. I don't know how this can be corrected but I think the representation should be based on population other than Geography.

Coalition Government should also be allowed. And at this particular time, I feel it is important that we should have a government of national unity to conduct the coming election. This would ensure a level playing ground and it will help reduce rigging.

Then I have commented on the executive. I feel that the president should be a well-educated person and a person who understands the economy. The economy is actually the backbone of all life in Kenya. Because without economic power, the power becomes very marginalizes. So it is very important that the Presidents should take a special interest in the economy of the country. And the presidential powers should be clearly defined in the Constitution and if it is found that he is breaking laws while he is a president, the parliament should have power to impeach him. I also feel that when a person is elected president he really cannot be very effective as an MP because he it will not be possible for him to keep in touch with the people he represent. So he should cease to be an MP and then somebody else should be elected in that area.

I also commented on the Judiciary, only to the extent of saying that it has become very corrupt and justice rarely appears to be done. You find that if a poor person has been agreed in most cases they just forget the issue because they know they are not going to be able to hire lawyers and go to court and actually get justice. I don't know whether the government can actually provide lawyers who can represent the poor. That would be a better situation so that everybody gets equal hearing before the law. Our Kenyan lawyers have also become very corrupt. The whole court system has become extremely corrupt. I have also commented on the Local Government.

The Local Governemnt as they are today in most cases are just mere shells because they don't have any power. We the public should be given an opportunity to chose our Mayors directly and the Chairmen and the local authotity should have their own calendar. It does not necessarily have to follow the calendar that we have now where the Parlilament and the council elections are done together. Infact it would be a better idea if they were separated so that may be somewhere mid-term we have the council election and then tow years later we have the partliamentary election. As it is now, the elections become a very – it is a difficult thing to do when you are campaigning for Councilors and them the Parliament ...

**Com. Kangu:** Try and move fast.

**Pauline:** Alright the next area that I have touched on is the electoral system where I had said that we should reserve some

seats for women may be for a period of ten years just to correct the issue, it is very difficult to see how the 25% rule can be practicable when some areas are declared closed districts. So if we are going to retain this 25% rule, then we should be able to have these districts completely open to whoever want to campaign to be able to go there. It is important that the President gains at least 50% of the votes to be declared a winner and if this is not attained the first time round there should be a run off for the top two.

Constituencies should be based on representation and not Geography. It would help the election process if we were to use transparent boxes so that everybody can see what is happening and is in the open where there is no chance of rigging. The vote counting should be done at the polling station and the figures agreed by all the people at that polling station.

When we come to the coming elections, my own suggestion will be that we get when Moi leaves his seat at the end of his term, for the purposes of learning the election, the coming election we should have an individual, a person who is not in any of the parties, in other words somebody who is not vying to be in charge of the election at that point. We can have somebody like maybe Musyimi, or Gitari or even Mwana Anzeki. Somebody to be in charge of the country for a very short period while we organize those elections. It is almost impossible as we have known to remove a sitting President because because he has the whole of the public administration at his disposal. I then commented on the Basic Rights.

I think these basic rights to like life shelter, food education,

Com. Kangu: Your time now is up. Just finalize (inaudible)

**Pauline:** Alright. Okay. I suggest that a free education. Free primary education for all citizens should become part of our law. At the secondary level, by that time the parents should be able to have some bit of cost sharing but still to be kept affordable.

Then there was the issue of land: Land should be.. everybody should have a right to own land and the distribution should be on the basis of willing buyer, willing seller, nobody should be allowed to leave large tracks of land unutilized while other people are going hungry. In other words if anyone has a big piece of land which he is not using, the government should be able to acquire that land and probably re-distribute it to the poor.

Management of natural resources: Needs a lot of changes, we have seen that land has been given to people simply because of political association and I think that is very wrong. Forest land should be left the way it is. Nobody should get forest land at all. We don't have enough forest cover to start dishing anything. Even those that have been given should be returned.

I had commented on NGOs I think they play a very important part in that they compliment the effort of the government.



I had commented also on private schools. They should get as much assistance as the government can maybe just provide the teachers and then they will provide the rest. Because while the school is private the students are not. They are public students.

There should also be this commission. We need an ombudsman. And a lot of people in Kenya today cannot afford to take matters to court. They have many issues that they would like resolved but they cannot afford to go to court. So I feel that an ombudsman would be a very good...

**Com. Kangu**(inaudible)

**Com. Salome:** Thank you very much for those comprehensive issues. I have one or two questions(**inaudible**)

**Com. Kangu:** Inaudible you said that the election be separated (inaudible) at the moment a number of Kenyas are saying they need a new constitution before elections, they are saying they don't want the live of Parlilament extended, I am sure they are also saying they don't want the tenure of the President extended. If we decide to separate the elections, this coming elections how do we go about? Which ones do we begin with and which ones do we put off. That might lead to our doing what the people are saying they don't want. May be extending the life of Parliament will be extending the tenure of the President?

**Pauline:** In my view I feel it is very important that the president should leave when the time to leave comes. And at that point is when we start correcting the anomalies that are there now. That is why I have suggested that we could have may be a church person or somebody who is not a contender for presidential seat. To be incharge say for a period not more than six months. While we now do the presidential election and then of course we can even do presidential and parliamentary at the same time. I don't see anything wrong with extending may be for a period of six months while we sought out these issues. Because if we don't extend something, then it means we will just have to continue the way we are today. You are already saying that the constitution will not be ready by December and I don't know. How can you say it is not ready by December and by the same time you don't want to extend. Something will have to happen. It is ether an extension or we delay the election. We cant have it both ways. Marginalized groups, I just said women are just an example. Of course it's a very major example in that it involves 52% of the population. The disabled is another group, even some communities really have been marginalized. We must accept what mistakes we have done and try to start to stop those mistakes. I cant remember the other question.

**Com.Salome:** The No. of seats that you want reserved for women and at what level.

**Pauline:** I think the seats should be reserved at all levels. Civic, parliamentary at the moment I will not say anything because it is only one seat. So whoever wins that one we will give it to him or her. I have no problem either having a woman president or a man. As long as he does the job. But may be if we start with a bird and then build that up may be to 52 % eventually we should have 52% since we have 52% of the population.

**Com. Kangu:** I would like to recognize the presence of the MP Hon Gitonga, welcome mweshimiwa, we will give you sometime to air your views. But for now lets have Rev S.N. Ngariuku Nyingi

**Rev. Steven Ngariuku:** let me just present my views. I am Rev. Stephen Nyingi Ngariuku. I am a vicar ACK Kiraita Parish. Here are my views to be presented to the constitutional Review Commisison of Kenya. I start with the preamble with our Constitution. I found it very necessary to have a Constitution that have a preamble. And my preable 'We are all created by God in his own image' therefore we should practice godliness, within ourselves, big or small. In that if trust and justice should be our shield

Second point is power of the Constitution: The new Constitution should have the three arms of Government: namely, Executive, the Judiciary and the Regislature. In that we want to see a law that is above the executive which means that no president should be a jumper of all trees. Ie a farmer No 1, professor of professors and many more. He might even turn to be a murderer No 1 and he or she should end up killing our citizens

Point No. three. On the side of civil servant. Since we were all crated by God, a new constitution should quarantee employment of all our people with ...salary scale. It is very unfair to have one civil servant being paid over Kshs400,000 while the others get just 3,000Kshs because he or she is a subordinate within the Government.

The defence and the national security of our people. The new Constitution should quarantee security to all Kenyans. Our security forces should be well paid to build a good morale in their duties. This is going to minimize the corruption among the security forces. Also the community should be well taught .....within their forces.

This should be done, there should be no harassment of common man as if he /she is in foreign country.

The new constitution should quarantee the discipline of the security forces when they are on their duties or out of their duties. Here I had also the civil servants should be well displined and the new constitution should cater about it.

Freedom of worship: the new constitution should quarantee freedom of worship at one constituency one does. But the points should be considered before the registration of any religious or denomination groups

- 1 Their Constitution should be well studied by experts
- 2 Their doctrines should be well understood and be seen that they have the security and harmony of its members and the community at large
- 3 The ...and practices should be studied and there should be a followup of them by the constitution and the people who are affected in it. In it we don't want to have that there is devil worship in Kenya in terms of freedom of worship. In our preamble it is that we are all created by God . therefore our religious groups should be based on God Almighty. The New Constitution should see that there is no cult practice in our country. Thank you

**Com. Kangu :**

**Com. Salome:** I only have one point of clarification. You said that the Constitution should protect the common man and woman so that they don't see like they are in a foreign country. Shouldn't our Constitution protect the foreigners that are in our country?

**Rev:** Also the Constitution should guarantee our value, our visitors and all the people that enter into our country. That we should have a Constitution that guarantee the security of every one. We are all human being.

**Com. Kangu:** Can we now have Lucy Njema.

**Lucy:** My names are Lucy Njema and professionally I am a nurse I work at Kijabe Hospital with the Aids department. So I will start my views by reading the preamble. I have written that the Constitution leaders are preamble and I suggested that it should read like this... We men and women of Kenya..... So that they fight for us as our heroes. We therefore like our lives, children, property, treated with justice, peace and due respect.

**Citizenship:** A foreign man married to a Kenyan woman should become an automatic citizen. I would also recommend for dual citizenship. That is if a Kenyan child is born of parent Kenyans in another country, that child may be a citizen of that country as well as becoming a Kenyan citizen.

**Political Parties:** The Constitution should regulate the formation and conduct of the political parties. I have suggested that we should have a limit of about five parties. We don't need fifty parties which are not helping us.

**The Legislature:** An MP should be a full time occupation. We should introduce moral and ethical qualification for parliamentary candidates. Women should be allowed to campaign peacefully. We have heard in the past, men challenging

women in public and abusing them, the Constitution should state that everybody,- men and women have freedom of campaigning and there should be no harassment. The Constitution should permit coalition Government and all the Kenyans citizens should be involved in a vote of no confidence for the President and their Member of Parliament.

**Basic Rights:** I am suggesting that we have free and compulsory education from Std 1 to form 4 and to ensure that we have adequate education, the ration of students to teachers should be one teacher to thirty students. A teacher should not be assigned on hundred students to teach. Then there is free and medical care, and as a nurse, I said we need a ratio of one nurse to be responsible for 10 patients. Otherwise if I am in charge of 100 patients, I won't know what to do with them. Women should have freedom of clothing. We have heard in the past people being stripped naked especially in Nairobi. I don't want this, - I want to wear what I want. Rights of vulnerable groups. Sign language should be introduced to all professions.- Nurses Teachers and Doctors - they should know something to do with the sign language because, most of the time we don't know what to do with people like the deaf when they come to the hospital. We should also have a Minister for gender and vulnerable or disabled groups. I am suggesting that a Minister to be a woman there is reason for that because in Kikuyu we say that "Mutumia nowe uhi uhoro wa mwana". So, we need a woman to be responsible for gender issues and disability because this one has been totally ignored in Kenya.

The Executive: We need to be gender sensitive in this. If the President is a woman, the Vice President should be a man. - And vice versa. The President should be a degree holder from a recognized university and most preferably a master's degree in law and administration, the VP should not be appointed by the President. He should be elected by the Kenyans. The President should not be an MP. The President should not head universities, he should not appoint commissioners or permanent secretary, he should not sack people any how - we have heard people being stopped working and this doesn't even go through a process, the President just wakes up and says from today , "your work has ceased", I don't understand that kind of a system.

**Public funds:** The word "harambee" was started with a good motive- "pulling together"- but now it has become a means of corruption. For our agenda to be met by the DOs, the Chiefs, they always present an harambee card. So, I think the Constitution should state about some of these "philosophies" of Kenyans and the harambees. Harambees should not be a means of harassing people. We have heard even people in the village being asked by the chiefs to give 50/= or 20/= let harambees not be a means of harassing us.

Defence and National Security: I am suggesting that people should be arrested in the right way, not just being harassed on the street. Thank you very much.

**Com Kangu:** Now, Lucy, I would like to you to tell us, if we restrict the number of political parties, what criteria should we use to decide amongst the parties - which are over 40, which one should be scrapped and which one should stay? Two; The

question of citizenship; Confering citizenship to a spouse - whether a man or a woman, what would you say about the process where we have different kinds of marriages in our country, - those who go to church and at the end of the ceremony, you are declared husband and wife, and those who marry in accordance with the customary laws, So at what point do you say we are now husband and wife so that the citizenship can be conferred?

? *(Lucy doesn't answer this as there is interjection from the audience and she is asked a question on her earlier point.)*

Interjection from the audience: Also we have been told so many times that the way women dress is what causes such crimes like rape, and are telling us that women should be given the right to dress the way they want; I just want to share your thoughts on this because of these things that seem contradictory. If you had thought about it tell us, if not it is okay you can write on it some day.

**Lucy:** Okay, I am not saying that we should have a formal way of dressing, but I just feel it is unfair, -I think even men, don't always dress in the right way. So why are they not stripped naked in Nairobi? Why only women? That is my point. If we have to be stripped naked, it has to be both men and women. I have seen even men who don't dress properly! So I am saying there is a question of gender sensitivity and also the basic Rights. The other question that Commissioner asked me is how to vet the Political Parties. I don't know how to go about. It you as the Commissioners of the government but I don't see why we need 40 parties and some are based on tribal, some based on family, you know, they are just not helping us and I don't have enough knowledge to know how to vet them but I, as a Kenyan my feeling is that we should not have so many parties. Sorry I cant remember the third question.

**Com.Kangu:**The third question was on the system of marriage.

**Lucy:** On the system of marriage, I think what we need to do is just go back to the Constitution,- because in the current Constitution if a woman from another country gets married to Kenyan man, that woman becomes an automatic citizen, right? Why are we not allowing women who marry men from other countries, also have their husbands become automatic citizens? So the process we follow, whether it is customary wedding, whether it is in a church wedding, should be followed for the women.

**Com. Kangu (inaudible)**

**Speaker :**I think we will follow whatever document they have as their marriage certificate,- whether it is customary or church. Thank you.

**Com. Kangu:** can we then have Joseph Wachira.

**Joseph Wachira Githinji:** My name is Joseph Wachira Gathenji. I wish to present my views to the Commission.

First is **Defense and Security:** My views are that during national disaster, break down on public order, Parliament should be involved in enacting the emergency powers by voting to a percentage of 70%. This is because on my views, these African countries,- mostly the President can enact emergency powers through speech or the god fathers”. So it is better for parliament to be involved in enacting emergency powers.

Two: **Political Parties.** Political parties should not be funded by tax payers money- whether in power, or not in power. This is because there have been a misuse of tax payers money mostly by the party in power. So, in my views, there should be no funding of any political party – all political parties should be funded by its members. There should also be a law that prevents any member from defecting from one party to the other during election time. Most members defect to other parties after losing nomination in their parties. This law should state that a member may only defect to another party after four months in the election period. Another suggestion is that no person should be a member of more than one party – so one should not for instance be in DP and at the same time in Ford-People. The government should have a specific date on election. For example, we can have a logo that will govern the election of the country. If it is on 29<sup>th</sup> December, it should remain that for the time we are using that Constitution. The parliament should have its specific date on opening and recess. Parliament should also be given powers to elect Electoral Commissioners; and these should be elected on Merit. These Commissioners should be church leaders, from Judiciary or any Political Parties.

**Presidential Powers:** The President should not be above the law. We have seen in Most African countries, Presidents misuse their powers and that is why we have so many wars. This is because they above the law and can do anything. That is all I wanted to say Commissioners.

**Com. Salome:** Thank you very much Mr. Wachira, I have two questions for you.

- One is on where you tell us that emergency powers should be involved in parliament at a 70% vote. But it is all technical. An emergency is an emergency. There is a need for a decision to be made and be made quickly. That is why it is an emergency. Say if something happens when the parliament is not sitting, how do we deal with it? And even war can be declared on us at night, How do we get the Parliament to come and make this decision? That is one of my question.
- The second question is you have said that the Electral Commissioners should be elected by parliament and from church leadership, parliament judiciary, all these levels are mostly led by men. How do you see

us involving women in this kind of electoral process if you see any role for them to be involved? Thank you.

**Mr. Wachira:** Now to answer your first question, I should say, the President should have powers to contact the Speaker whether it is night or day. All Parliamentary members are elected by the people.- So they are there to serve the people whether at night or day. So the President and the speaker have powers to call them at any time of the day or night. So they should go there and vote because there can be misuse of powers by the President. The President can call an emergency at the eleventh hour when he is going on retire. This way he can still in power.

**Com Kangu:** Thank you very much Bwana Wachira.

**Mr. Wachira:** For the second question on the election of the Commission. I will say it is true women are marginalized on that. So there should be a percentage of women when appointing the Commissioners. For example we should have at least two thirds of women in the commission because it has become men's job- and they are misusing it. When you come to corruption, most of the corrupt people are men, they are the ones we can count They are the most corrupt ones. Why cant we Kenya have a Commander in Chief General to be a woman, why only men?

**Comm:** Thank you very much Mzee Wachira. Can we now have Pastor Peter Njenga. Pastor Peter Njenga.

**Pastor Peter Njenga:** My name is Pastor Peter Njenga, I am from lower Lari, Kagwi location. I just have a few recommendations to make in our new Constitution because, I feel that in the new Constitution should protect Kenyans from exploitation, by banning importation of goods, raw materials and services which Kenyans can sufficiently produce and provide. Like now, we the daily farmers are suffering so much by importation of powder milk whereas we can sufficiently provide our country with enough milk.

The next issue is that I feel, by the end of this year we will have a new President and currently in our currency notes, we are using the President's portrait, and we are going to have a new President and his portrait appears, it will make us lose a lot because it is misuse of funds. So, I am suggesting that the new Constitution should stop the use of President's portrait in our currency notes and coins and instead, I suggest the appearance of our Parliament building on the face side and mount Kenya at the reverse side.

And the third issue is that the new Constitution should allow the parliament to facilitate the formation of government ministries to avoid the formation of unnecessary and dormant Ministries. There should not be more than 16 ministries each of them headed by a Minister not two Ministers in one Ministry, an Assistant Minister, Permanent Secretary who shall act as the Ministry technician.

The fourth and the last point is that, in the new Constitution, we should have a new committee by the name “Censuring Board” formed under an Act of parliament, which will make sure, all those appointed to head Ministries, Parastatals, and Public offices are quite competent and are appointed according to their professions. Because currently, I don’t know the criteria that is used to appoint Parastatal Heads and Civil Servants, and that is why we are having incompetent people in offices who can produce nothing. Thank you.

**Com Kangu :** Thank you very much. No question for you. Can we have Peter Mukabi.

**Peter Mukabi:** My name is Peter Mukabi Njoroge, from Lari and I am a”Kagwe” ningetaka kuleta marekebisho yangu kwa Review Committee lakini ningomba radhi nizungumze kwa Kikuyu mana ninaona tuna mama wazee, na ile lugha tunatumia hapa hawezi kuelewa tunazungumza nini na wamekuja. Ningetaka kuzungumza mambo yangu ya kwanza.

**Com. Kangu:** lets see if someone can do some translation kikuyu

**Translator:** Maana wamekuja na hawasikii Kizungu au Kiswahili

**Mukabi:** Kwoguo ni ndahoya njitikirio njarie Kikuyu

**Translator:** Kwa hivyo naomba niruhusiwe niongee lugha ya kikuyu

**Mukabi:** Niundu maundu maria nyandikie mothe ni mandike na githungu

**Translator:** Kwa maana yale yote nimeandika kwa Kizungu

**Mukabi:** Undu uria ndirenda kwambiriria ni uhoru was riberation

**Translator:** jambo ambalo ningependa kusungumzia sana ni hiyo jambo la kuweka huru Nchi ya Kenya.

**Mukabi:** Ni twina andu aingi muno

**Translator:** Tuko na watu wengi sana

**Mukabi:** Andu ta million ta mirongo te tatu ugo

**Translator:** Watu kama milioni therathini

**Mukabi:** Na ihinda riria uhoru uyu wa kuga soko huru,

**Translator:** Na wakati wa kusema soko huru

**Mukabi:** Ni uhoru wa kwendia indo uria mundu ekwenda

**Translator:** Ni jambo la kuuza vitu vile Wakenya wanataka



**Mukabi:** Na ngirora,

**Translator:** Na nikiangalia

**Mukabi:** Ithui andu a Kenya tutikinyite ihinda ini riu

**Translator:** Sisi Wakenya hatujafikia pale

**Mukabi:** Ni tondu uhoro uyu ni tawakiuindu ta mabururi maria tuthiaga gukomba mbecha ta America,

**Translator:** Kwa maana jambo hili ni la nchi kama ile nchi ya America au Europa na England

**Mukabi:** Uhoro wa England, nitondu niandua tongu

**Translator:** Maanake ni watu matajiri

**Mukabi:** No ithui andu a Kenya,

**Translator:** Lakini sisi watu wa Kenya

**Mukabi:** Ririra turauga ni soko huru

**Translator:** Tunaposema ni soko huru

**Mukabi:** Still no mbechas turathii kuhoya

**Translator:** Bado tunaenda kuomba jirani

**Mukabi:** Kwoguo andu milioni mirongo itatu,

**Translator:** Kwa hivyo watu million therathini

**Mukabi:** Aria marateithika na soko huru

**Translator:** Wale ambao wanafaidika na soko huru

**Mukabi:** Ni andu ta million igiri.

**Translator:** Ni kama million Mbili.

**Mukabi:** Ni tondu soko huru iroiga mundu endie indo ciake kuria ekwenda

**Translator:** Maanake soko huru inamaanisha mtu auze vitu vyake mahali popote anaweza.

**Mukabi:** Ni nindirarora ngona, ti andu aingi mangihota gukorwo magithodneka indo ciao guku

**Translator:** Kwa maoni yangu sio watu wengi hapa wanaweza tengeneza.

**Mukabi:** Na magagithii kwendia mabururi manja niguo mone mbeba

**Translator:** Na wakaenda nchi za nje ndio wapate pesa

**Mukabi:** Kwoguo ingiuga atiriri

**Translator:** Kwa hivyo ningesema Ministry of Commerce Na hiyo Wizara ya bishara

**Mukabi:** Ishokie kindu kiria twetaga controlled price

**Translator:** Irudishe ili jambo ya bei iwe controlled.

**Mukabi:** Na nigetha mundu wewothe aiganire uhoro wa kugura kindu na mbeba iria enacio.

**Translator:** Ili kila mtu atosheke kwa kununua kitu na ile pesa ambayo akonazo

**Mukabi:** Na namba ya keru:

**Translator:** Jambo la pili.

**Mukabi:** Ni uhoro wa uhoro ushio niukwaritio, niuhoro wa kuruta indo na nja.

**Translator:** Ni jambo la kuuza vitu kwa nchi za nje.

**Mukabi:** Ukona andua aria mena hinya,

**Translator:** Wale watu ambao wana uwezo,

**Mukabi:** Ngiringithania na uhoro ucio wi hau iguru,

**Translator:** Nikilinganisha na lile jambo la kwanza,

**Mukabi:** Nio marahota guthii kwendia indo na nja.

**Translator:** Ndio tu wanaweza kuitisha vitu kutoka nchi za nje.

**Mukabi:** Magoka kwendia thiini wa bururi.

**Translator:** Wanakuja kuleta hapa Kenya.

**Mukabi:** Riria indo cia arimi,

**Translator:** Wakati vitu vya wakulima hapa vinakaa tu bila soko.

**Mukabi:** Nikuri uria tungiciira uhoro wa sukari,

**Translator:** Nimekua nikifikiria tu mambo ya sukari,

**Mukabi** riria nyonagio na TV uria sukari uri muingi muno,

**Translator:** Wakati na jionea kwa TV vile tuko na sukari nyingi,

**Mukabi:** na ngacoka ngona ningi meri niyoka ikirehe sukali,

**Translator:** na pia sukari inakuja kutoka nchi za nje

**Mukabi:** Ngakiuria atiriri, nikanjiuliza, mulimi thiini wa bururi uyu ri,

**Translator:** mkulima katika nchi hii,

**Mukabi:** akaumirira ku?

**Translator:** Atatokea wapi?

**Mukabi:** Ngacoka ngona tariu iria turendia kinya barabaraini.

**Translator:** Sasa maziwa tunauza mpaka kwa barabara.

**Mukabi:** Ni tondu andu nimetikiritio marete iria,

**Translator:** maana yake watu wameruhusiwa walete maziwa,

**Mukabi:** marehe bururi uyu,

**Translator:** walete hapa nchini,

**Mukabi:** Moke matwenderie.

**Translator:** Wakuje watuuzie.

**Mukabi** No indo iria irakura bururi uyu ta iria riu ri,

**Translator:** Na zile vitu tunakuza hapa nchini, niriagite gwa kwendio haina soko.

**Mukabi:** Kwoguo ingiuria atiriri, thirikari igirie

**Translator:** Ningeuliza Minsitry of Commerce, serikali isimamishe kupitia kwa wizara ya baishara,

**Mukabi:** Uhoro wa kuhe mundu individual licence ya import.

**Translator:** Kuwaruhusu watu binafsi.

**Mukabi:** Angikorwo minister uria ukonainie na Ministry iyo ni,

**Translator:** Ikiwa waziri yule anahusika na hiyo Ministry

**Mukabi:** Oone gutiri na sukari,

**Translator:** aone hakuna sukari,

**Mukabi:** Gutiri na mutu wa ngano,

**Translator:** Hakuna unga wa ngano,

**Mukabi** gutiri na mchele

**Translator:** Hakuna mchele

**Mukabi:** Aikare thi

**Translator:** akae chini.

**Mukabi:** Amenye bururi wake wina ng'aragu

**Translator:** Ajue nchi yake ilo na njaa.

**Mukabi:** Amenye kuria egwitia indo icio we mwene

**Translator:** Na ajue taagiza kutoka wapi .

**Mukabi:** Oke aige thiini wa mathitoo ma thirikari ciambirio ni kwendio ni thirikari

**Translator:** Aje aweke kwenye store za serikali ziuzwe na serelikali .

**Mukabi:** No ti mundu umwe binafsi

**Translator:** Lakini si mtu binafsi.

**Mukabi:** Tariu e cira nyonire thiini wa ngathiti

**Translator:** Kama vile niliona kwa gazeti,

**Mukabi:** muneu umwe na cira ucio uturaga thiini wa ngathiti

**Translator:** Na hiyo kesi imekaa sana kwa gazeti.

**Mukabi:** Etikiriio kugira ngari,

**Translator:** jata ambao wanagize mizigo

**Mukabi:** na niaregire kuriha duty.

**Translator:** wengi wao hawajalipa hizo pesa

**Mukabi:** Uguo ona andu aria magiraga mirigo ri, aingi matirihaga duty ni tondu nio mena mbeba cia kugira . Kwoguo ingihoya thirikari, Ministry of Commerce matikanae mundu onomwe magakoragwo nio ma.....

**Mukabi:** Undu urio ungi ni Ministry of Commerce

**Translator:** Jambo lingine kuhusu Wizara ya biashara

**Mukabi:** uthu wigii wari kuo na niwahurirwe marufuku, tene ni kwari na mundu wetagwo manufacturer, na nitwari na mundu wetagwo distributor, na ni twari na mundu wetagwo wholesale, na nitwari na mundu wetagwo retail

**Translator:** Zamani tulikuwa na mtu anaitwa wholesaler, na mwingine anaitwa distributor, na mwingine retailer.

**Mukabi:** Umuthi andu acio ndungimenya kuria mathiire

**Translator:** Hawa wote siku za leo sijui wamenda wapi

**Mukabi:** Niundu manufacturer nowe urendia indo ciake

**Translator:** Maana manufacturer ndiye tu auzaye vitu zake.

**Mukabi:** Akendia kuma factory, agoka nginya thokoini, wakinya kwa wholesale, wholesale arendia wholesale and retail

**Translator:** Anauza kutoka kwa factory mpaka kwa soko. Wholesale naye anauza wholesale na retail.

**Mukabi:** Kwoguo inguiga atiriri manufacturer ndakanedie kindu

**Translator:** Ningesema manufacturer asiwauzie watumiaji.

**Mukabi:** Akarehe kwa distributor (apatiane kwa distributor).

**Translator:** Nake distributor agatwara kwa wholesale, naye distributor apane kwa wholesaler

**Mukabi:** Nake whole saler agatwara kwa retail

**Translator:** Na wholesaler auzie retailer.

**Mukabi:** Gwika uguo ri, nitukuhota kwandika andu wira, na nitukuhota gukorwo na control price.

**Translator:** Tukifanya hivyo tutakuwa tumeandika watu kazi na tutakuwa na control price.

**Mukabi:** No riu ndungimenya nuu urendia wega, ndungimenya nuu uthondekire, riu kwoguo ingiuria thirikari ikire tari watho manufacturer ndakanendie kindu.

**Translator:** Lakini sasa huwezi kunjua ni nani anauza vizuri, huwezi ukanjua ni nani ametengeneza na ningeuliza kama serikari inaweza kuweka sheria ya kusema yule mtu ametengeneza haruhusiwi kuuza.

**Mukabi:** Undu uria ungi ni uhoro wa land act.

**Translator:** Jambo lingine ni kuhusu mashamba

**Mukabi:** Uhoro wa migunda iria ikoneinie na kanju, Ungithoma wega Constitution ya Kenya iria irariho ri, itariirie wega akoiga county council ni trustee wa migunda iria iri within the area. **Translator:** Kuhusu Katiba ya Kenya ambayo iko sasa inasema vizuri sana County Council ni “trustee” wa mashamba iliyo katika eneo lake.

**Mukabi:** No ni tondu watho ndurumagio thiini wa bururu ino, kanju yatwikire niyo nyene, akorwo ni mugunda wi hakuhi aria muri, wamuiana umuthi area ino uigakorwa he mugunda na uretwo ni wakanju, kanju matingiikara thi morie andu a itura riu, tondu mugunda uyu ni wandikitwo haha ri, na ni wanyu ri, mukwenda tuike atia naguo?

**Translator:** Kwa sababu shamba itachwa hapa, na ni wenu tutaifanyaje.

**Mukabi:** No kuingirira maingagirira, magatinangia, na makauheana. Kwoguo inguiga atiriri, councilors, niithiu tukoragwo tumandikite

**Translator:** Wanaizuia, wanaikatakata na wanapeana. Ninasema hivi Councillors sisi ndio tumewatuma na tumewajiji

**Mukabi:** Na tumandikaga ta mundu uria twandikitre gwitu mucii wa gukama.

**Translator:** Tumewajili kama wale tume ajili nyumbani kiboma.

**Mukabi:** Angikorwo mundu ucio wa mucii no endie iria ria kuri kana endie ngombe yakuri, ungikorwa itari ho no kumuvuta umuvutaga.

**Translator:** Kama huyo mtu umeajili nyumbani atauza shamba lako au ngombe yako utamfuta kazi.

**Mukabi:** Kwoguo nguga nao councilor ndimera atiriri, thiini ya migunda iria iri mariitwaini yaori, migunda iyo ni ya andu aria mehakuhi na migunda iyo. Matiri rutha gutinangia mataritoritie andu a itura riu.

**Translator:** Ningesema na hao madiwani yale mashamba yako kwa maeneo yao, mashamba hayo ni ya wenyenji. Hamna ruhusa kuyatumia bila kibali cha wenyenji. The other thing is land tribunal Act 1990.

**Mukabi:** Undu uyu wa land tribunal niutureheire thina thiini wa bururi.

**Translator:** Jambo lile la land tribunal lina shida nchini

**Mukabi:** Nitonde andu aria mathurirwe marugamirire uhoro uyu wa land tribunal, matiathurirwe na uria mari athomu kana uria mari na know how ya uhoro uyu, mathurirwo tondu ni a kiama gia KANU,

**Translator:** Sababu wale walichaguliwa wasimamie, hawakuchaguliwa kwa vile wamelimika ama kwa vile wana uwezo, walichaguliwa kwa sababu ni wa KANU.

**Mukabi:** Nitonde nimakirumitie kiama gia KANU no matiathurirwo tondu ni moi no ungithii Nyeri, athuri aria marutaga wira Nyeri ni ogi.

**Translator:** Lakini ukienda mahali kama Nyeri wale wanafanya kazi ni watu wenye hekima kuu

**Mukabi:** Ni andu moi uhoro wa machira, no andu aria me thiini wa division, acio wira wao no gwitia mbea.

**Translator:** Lakini watu wa Division kazi yao ni kuitisha pesa.

**Mukabi:** Na gutiria macira. Ni tondu o muthenya mwathii no muhaka murute mbea. Kwoguo ingiuria thirikari, amthondeke igoti special, Kenya twina majaji maingi muno magite wira, manjaji macio maheo ciira wa gucirira uhoro wa migunda. Na akorwa tiuguo kwina ex jundges maheo wira ucio na ituike ni watho.

**Translator:** *Kwa hivyo ningeuliza serikali itengenee korti maluum kwani Kenya tuko na majaji wengi sana ambao hawana kazi, watu mas`kini wapewe kazi na iwe ni sheria*

**Mukabi:** Ngwiciria ngukinya hau onagutwika ni nyuma na undu ungi nguthomete. Ni tondu pastor uria uma haha nia thomire uhoro ucio, na atiri bata wagutinda ngiuthoma. Ngwiciria uhoro wakwa ngukinya hau.

**Translator:** I think that's all.

**Com Kangu:** Asante sana bwana Mukabi, sasa tupate Samwel Heme. Samwel Heme.

**Samwel Heme:** My name is Samwel Heme, and I am a farmer . Vile mini nitaongea, pengine niongee kwa kizungu, na sina memorandum .

My presentation is on land and property rights; Environment and natural resources, culture and civic education and basic rights concerning water.

**Com Kangu:** Na vile nimeona uko na several papers, ukumbuke vile tulisema, - you just highlight the main issues. Kwa sababu tukisema usome everything haiwezekani.

**Samuel Heme:** Nitaanza na land which is very sensitive; In my memorandum I only highlight what I have written. The population projection suggests that the country population is rapidly increasing. So in future for development purposes the government should acquire land owned by the individuals and compensate the owners with an equivalent value of his land and during the acquisition the government should consider the procurement of the acquired land. While on this point of land acquisition, I will talk of division land acquisition by advert position. When you own a particular portion and you don't need it for twelve years, and somebody occupies that land without your knowledge, you can go to court for an eviction order and the land grabbing will be revoked. To get a piece of land is not a simple matter. We have sons and daughters who have managed to go for further studies, in abroad. After coming back she/he will be employed ...and the person who is clever will go to his land...

**Com Kangu:** Use the MIC because it will help us in recording.

And a pply for a ....So I am asking the Commission to have this order scrapped. In our culture, one can buy land and stays for 20 years. (Inaudible) I was supposed to portion land and if it goes finally you will have no where to go.

- ? **Sub-division of small scale farms:** In some areas a small portion may not be subdivided because it will create several small portios. But it is different when talking about a small scale farm whose owner dies and that portion has to be subdivided among his sons and daughters- This subdivison may be allowed.
- ? **Transfer of Registration:** Today if the registered owner of a land dies, there are so many requirements needed, like going to court and producing several documents for prove of ownership. This wastes a lot of time and money. I am asking this Commission to look into ways of simplyfying the land transactions concerning its succession. I think land succession has to be done on application to the land board who may approve it and one gets the document of administration.
- ? **Large Scale Farms:** There are people having 3,000 acres and more. I am asking the Commission, if it is possible, and if those lands are idle they should be allocated to the landless. But you should also consider the planning of farming of those shambas with sub divisions. For example, if it is 3,000 acres, and it is subdivided into portions of 8 hectares, the 3,000 will result to 15 portions,- but considering the people on that area,- of course there should be reservation of public land, the size of the portion shoule reduce. After holding these large portions and one wants to dispose off or to sell, there should be a board to approve or refuse to approve such an application.
- ? **Trust Land:** The Local Authority alone should be delegated power the of consenting the possession or allocation of public land. The community of the area and the local leaders.- have to be involved. The local leaders are more conversant with the proposed development projects at their ...the all open spaces in town and in rural areas should be



protected by the Constitution. Any proposed public land transaction by the Local Authority should be published in the gazette or local news,- a paper to which members of public will have an access and these papers should be distributed free. I have cleared with that. When ...free, we have information which are normally put in the Kenya gazette, you find a case like (inaudible) which is put in a Kenya gazette. The gazette is not accessible to members of public the gazette is sold by the government printer, and is circulated between the ministry and their department and to those who can afford to buy it. So here, I am asking a free of charge gazette of local news paper should be established in order for members of public to have and access on issues relating to their properties, notices and other matters published by government. Kenyans should know what is happening in their government and this information should be got through newspaper.

? **Environment and Natural Resources:** These are several pages, but I have given a suggestion on the planning level, which can be divided into three categories. And this is the forest area and the hills which are occupied by the genius trees the forest area which is occupied by the tropical trees and the other area occupied by swamps with water surfaces. In this area, I have suggested how the trees should be sold because when they are sold by the ministry we normally say the forest has been destroyed. So, if some of these issues should be done through the tenders, and the members of public have an access to these papers, it will be good because we shall know from which compound the trees have been sold - and in this area; the forest area, occupied by genius trees, should be declared special areas and they should not be interfered with. This should also be plotted in the maps with all the necessary survey details. I have also suggested that there should be security of forests. The security officers appointed to guard the environment and natural resources, should come from highly trained forces comprised of Police, Administration Police, and a section of CID officers. This force should be stationed in the forest area just like any other Police station.

? **Another group is the workers:** There should be a group of workers, If a customer wants to buy trees from that area, these trees should be felled by the workers who are employed by that ministry but not the customer himself. The other recommendation I am making here, is that the Seal of the Forest department should be under the custodian of a very senior officer in the ministry. The forest is here with us, and I am recommending that anything that is done should involve the community of the area.

? **Culture:** We in Kenya are all Africans, and each community inherits its culture as part of its biological heritage from the race which it belongs. Here I am recommending that the culture and ethnic values be promoted and protected in the Constitution. The other one is, basic Rights concerning water. A large number of poor people here, can not afford payment of piped water. We draw water from our natural rivers and springs. These rivers and streams with water flowing are never supervised by Health Experts. The traditional trees which conserve water should be planted along the river banks. My recommendations here is that the staff from department of water should include the health experts who should be inspecting the pollution and confirming the cleanliness of water. This is only highlighting. I think I have cleared them all.

**Com. Kangu:** Thank you very much.

**Com Salome:** you have talked about forests that are at the land. What do you say about the use of private land and water catchments and water conservation because, as well as the water being in the land -, trustee land and other public lands, there is also water that goes through private land. So , what are your thoughts on the way that we deal with our own private land as far as water and trees and the general environments is concerned?

**Samwel Heme:** Well, I have mentioned something concerning water in my memorandum, and what I mentioned is in the rural area. That an area, or along the path, an area should be set aside where each kind of trees and bushes should not be cleared for our water to be properly maintained. In our rural areas a provision of a bore hole should be done, in order that these area people should be encouraged to plant more trees. I have mentioned....

**Com. Kangu:** Thank you very much. Kuna ile kelele mlisikia, lazima kulikuwa na mobile ya mtu ilikuwa inajaribu kulia. If we can kindly switch off to avoid interfering with the recording. Kabla hatujaenda to the next person, mwenzetu Commissioner ameingia na nitampatia nafasi ajiulishie kwenu ndio twende to the next person.

**Com. Domiziano Ratanya:** Asante sana Commissioner Kangu, mimi jina langu naitwa Commissioner Domiziano Ratanya.

**Com. Kangu:** Kuna Jane Kariuki ingawaje list haionyeshi kama, -oh hajafika. Jane Kariuki uko, na unataka kuzungumza?

**Jane Kariuki:** I am Jane Wangari Kariuki and I don't regret being a Kikuyu neither do I regret being born a girl So, I .  
"Ndoiga ngwaria na gikuyu",

**Com. Kangu:** Just a moment. Na utumie the MIC so that the recording goes through.

**Translation:** Anasema atazungumza kwa kikuyu,

**Jane Kariuki:** Tondue atumia aria mandumite ni a Gikuyu

**Translator:** Maanake wale wamama wamemutuma ni wa Kikuyu

**Jane Kariuki:** Na makiria nio ndirenda maigwe uria ndirenda kuuga

**Translator:** Ndio nataka wasikie vile ninataka kusema

**Jane Kariuki:** Itondue acio ndi na iratathi ria kumanengera

**Translator:** Kwa sababu Commissioners kuna karatasi ya kuwapatia

**Jane Kariuki:** Wambere ngwendaga kuga ati unduire uria wothe uri wa kuhinyiriria mutumia

**Translator:** jambo la kwanza ningetaka kusema yale mambo ya kuwafinyiria wamama,

**Jane Kariuki:** Ati gugakoragweo mutumia ndari kindu giake

**Translator:** Ikawa mama hana kitu chake

**Jane Kariuki:** Na indo nyingi ni ithui turutagira wira

**Translator:** Na ndio tunafanya kazi ya vitu vingi

**Jane Kariuki:** Ongorwa ni kurima

**Translator:** Kama kulima

**Jane Kariuki:** Ongorwo ni ngome

**Translator:** Kama ni ngombe

**Jane Kariuki:** Tukamaga iria tugatwara.

**Translator:** Sisi ndio tunakamuwa tunapeleka

**Jane Kariuki:** Na thutha mbia tutishionaga

**Translator:** Baadaye hatupati pesa

**Jane Kariuki:** Tondu kabuku gakoragwo kandikitwo muthuri

**Translator:** Maana yake account ni ya mzee

**Jane Kariuki:** Ni tondu ni ari na undu wa kwirwo ati mutumia ndari kindu giake

**Translator:** Maanake kuna jambo la kusema mwanamke hana kitu chake

**Jane Kariuki:** Uguo ni turaregana naguo ithui turi ta atumia

**Translator:** Sasa tumekataa jambo hilo

**Jane Kariuki:** Na ekirwo watho wa indo ati ithui othe nituiganeine

**Translator:** Na kuwekwe sheria sisi zote tuko sawa

**Jane Kariuki:** Muthuri na mutumia

**Translator:** Mwanamke na mwanaume

**Jane Kariuki:** Tiga ouria twombirwo ni Ngai

**Translator:** Tofauti tu iwe vile tuliumbwa na Mungu

**Jane Kariuki:** Wakeri nitungienda kugie na nomination ya councilors

**Translator:** Jambo la pili tungetaka kuwe na nomination ya madiwani

**Jane Kariuki:** Nigetha atumia mongerereke thiini wa kanju

**Translator:** Ili wanawake waongezeke kwa Council

**Jane Kariuki:** Tondungirora tariu thiini wa Lari,

**Translator:** Maanake tukiangalia kama Lari

**Jane Kariuki:** Gutiri councilor ona umwe mutumia

**Translator:** Hakuna ndiwani mwanamke

**Jane Kariuki:** Na niundu wa kieha

**Translator:** Na ni jambo la kuuzuniza

**Jane Kariuki:** Nitondu o kuria guothe turathii niturathite Nyeri na tugathii Thika

**Translator:** Maana tulitembelea Nyeri na Thika

**Jane Kariuki:** Turakora nginya mayor ni mutumia

**Translator:** Tukakuta hata mayor ni mwanamke

**Jane Kariuki:** Niturenda ona Parliament atumia mongerereke

**Translator:** Tunataka hata katika bunge wanawake waongezeke

**Jane Kariuki:** Agie na njira ya kuongerera atumia thiini wa Parliament

**Translator:** Kuwe na jia ya kuongeza wanawake katika bunge

**Jane Kariuki:** Twina ambunge magana meri ma mirongo iri na ana

**Translator:** Tuna wabunge ishirini na tisa

**Jane Kariuki:** Na no atumia kenda tu

**Translator:** Na ni wanawake tisa tu

**Jane Kariuki:** Na nikio nituroiga mongererwo

**Translator:** Na ndiposa tunasema waongezewe

**Jane Kariuki:** Nigetha tukoragwo tukiaria ona ithui uhoro wa atumia

**Translator:** Na ili sisi tuwe na waakilishi

**Jane Kariuki:** Nitugite na ruo ithui atumia

**Translator:** Hata tuko na shida sisi wamama

**Jane Kariuki:** Nitondu mundu ndangihota kurugama githurano

**Translator:** Hatuwezi kusimama katika uchaguzi

**Jane Kariuki:** Nitondu wa irumi irumanagwo ni arume

**Translator:** Sababu ya matusi kutoka kwa wanaume

**Jane Kariuki:** Nimetaga ciugo cia thoni muno

**Translator:** Wanafanya mambo ambayo ni ya aibu

**Jane Kariuki:** Ona magaturuma mbere ya ciana citu

**Translator:** Hata wanatutukana mbele ya watoto wetu

**Jane Kariuki:** Ciugo cia ura thoni

**Translator:** Maneno mabaya

**Jane Kariuki:** Kwoguo nituroria watho

**Translator:** Tunauliza sheria

**Jane Kariuki:** Wikirwo niguu matigacoke kurumana,

**Translator:** Iwekwe ili wawache kutukana

**Jane Kariuki:** Nitondu ici irumi itingituma matonye thiini wa mbunge

**Translator:** Kwa sababu sio matusi ambay itawafanya ashide

**Jane Kariuki:** Nitukwenda watho wikirwo wa ciana cia tuhiina tuiritu

**Translator:** Tungetaka sheria iwekwe kuhusu vijana wa kiume na kike

**Jane Kariuki:** Magayagirwo indo ciiganaine

**Translator:** Wawe wakiwa wakirithi mali sawa

**Jane Kariuki:** Gutiri mwana wa nda na wa mugongo

**Translator:** Hakuna mtoto wa mgongo na wa tumbo

**Jane Kariuki:** Uguo mwana wa muiritu kana ni muhiku akagayagirwo

**Translator:** Kwa hivyo hata kama ni binti wa kike awe anarithi

**Jane Kariuki:** Ni tondu ona mahinda maria murona nginya chokora cingihite,

**Translator:** Sababu vile munaona chokora wako wengi

**Jane Kariuki:** Mahinda maria muiritu agia na twana

**Translator:** Wakati masichana anapata watoto

**Jane Kariuki:** Halafu aciari ake makihega,

**Translator:** Wazazi wanakufa

**Jane Kariuki:** Nikuingatwo aingatagwo ni ihii cia nyina

**Translator:** Sasa wale wamezaliwa pamoja wanawafukuza

**Com. Kangu:** Try and use the MIC please

**Jane Kariuki:** na nikio turoria mwana wa muiritu akagayagirwo mugunda

**Translator:** Ndiposa tunasema wasichana wawe wanarithi

**Jane Kariuki:** Angalau onage agwakira ciana icio ciake

**Translator:** Ili tu apata mahali yakujengea watoto wake

**Jane Kariuki:** Agatiga gutwika sqota

**Translator:** Asiwe tu akirandaranda

**Jane Kariuki:** Nitungiuria watho wikirwo

**Translator:** Tungeuliza sheira iwekwe

**Jane Kariuki:** Migunda yandikagwo ..Title deeds ciandikagwo muthuri an mutumia

**Translator:** Mashamba iwe ikiwekwa jina ya mwanamke na mwanaume

**Jane Kariuki:** Tondu ciana citu niiraumirio bara

**Translator:** Maanake watoto wetu wanafukuzwa wakaenda kwa barabara

**Jane Kariuki:** Thutha wa migunda itu kwendio ni athuri

**Translator:** Wakati wazee wanauza mashamba

**Jane Kariuki:** Na yendagio tutekumenya

**Translator:** Na wanauza bila sisi kujua

**Jane Kariuki:** Uguo title yandikagwo muthuri na mutumia

**Translator:** Kwa hivyo title Deed iwe ya watu wawili

**Jane Kariuki:** No ti Mr and Mrs

**Translator:** Lakini sio Mr and Mrs

**Jane Kariuki:** Niyandikagwo Kariuki na Wangari,

**Translator:** Inaandikwa Kariuki na Wangari

**Jane Kariuki:** Tondu Mrs no akorwo ari mutumia wotho angirogotwo barabara

**Translator:** Maanake Mrs anaweza kuwa mwanamke yeyote ambaye ameokotwa kwa barabara

**Jane Kariuki:** Niturioria watho wikirwo ni tond decision ..atumia matonyagio thiini wa decision making

**Translator:** Tungeuliza sheria iwekwe.. wanawake wawekwe kuamua mambo

**Jane Kariuki:** Tondu mainda maria kwa Land Board kuri na arume atheri

**Translator:** Maanake kwa Land Board kuko na wanaume tupu

**Jane Kariuki:** Maragia o cia arume

**Translator:** Wanaongea tu kama wanaume

**Jane Kariuki:** Uguo mahinyagiriria mutumia

**Translator:** Kwa hivyo wana finyiria wanawake

**Jane Kariuki:** Uguo ona migunda nikio irendio

**Translator:** Kwa hivyo ndiposa hata mashamba inauzwa

**Jane Kariuki:** No korwo nigukoragwo na atumia

**Translator:** Lakini kama kungekuwa na wanawake

**Jane Kariuki:** Ni mangikinyagiria atumia aria ene migunda migunda itanendio

**Translator:** Wangewahakikishia wanawake wengine kabla mashamba haijauzwa

**Jane Kariuki:** Nitungiuria watho wikirwo

**Translator:** Tungeuliza sheira pia iwekwe

**Jane Kariuki:** Ati gukikagie mundu wina makiria ya heka igana rimwe

**Translator:** Kusiwe na mtu ambaye ako na zaidi hekali mia moja

**Jane Kariuki:** Thiini wa Kenya

**Translator:** Hapa Kenya

**Jane Kariuki:** Tondungu angu migunda yao irario ni thwariga,

**Translator:** Maanake tu wanalisha wanyama wa musituni

**Jane Kariuki:** Na aria angu marakoma barabara

**Translator:** Na wengine wanalala kwa barabara

**Jane Kariuki:** Kwoguo ona aria mari na migunda ta iyo,

**Translator:** Wale wako na mashamba kama yale

**Jane Kariuki:** Menderie thirikari, nayo thirikari ihe athini ayo

**Translator:** Wauzie serikali. Nayo serikali iwapatie wale hawana mashamba



**Jane Kariuki:** Tungiuga political parties nacio inyihanyiyio

**Translator:** Tugesema hizo vyama vya kisiasa

**Jane Kariuki:** Ni tondu angi maranjiriria political parties mundu na muka na muriu

**Translator:** Zipunguzwe maanake zingine zinakaa kama ni za familia

**Jane Kariuki:** Na tungienda inyihanyiywo na jira ino

**Translator:** Na tungetaka zipunguzwe kwa njia hii

**Jane Kariuki:** Iria itari na atumia kiwango kiiganona thirikari ikire kiwango kiria kiyagiriire kia atumia

**Translator:** Serikali ipitisha kiwango cha wanawake kwa zile vyama vya siasa

**Jane Kariuki:** Nigetha kiria gitakinyitie,

**Translator:** Ile ambayo haijafikisha

**Jane Kariuki:** gikarega kuregistwo nigetha inyihanyihe

**Translator:** Isi andikishwe

**Jane Kariuki:** Nitungienda ona mabarabara maitu macoke kuthondekwo

**Translator:** Tungetaka mabarabara itengenezwe

**Jane Kariuki:** Nitondu mahinda maria turathii thoko

**Translator:** Maanake wakati tunaenda soko

**Com. Kangu:** Jaribu kwenda haraka because your time is up

**Jane Kariuki:** Ni turaruta mbia nyingi muno,

**Translator:** Tunatoa pesa nyingi sana

**Jane Kariuki:** Nituraruta income tax

**Translator:** Tunatoa ile kodi ya income tax

**Jane Kariuki:** Na barabara ciitu itirathondekwo

**Translator:** Na barabara badu haijatengenezwa

**Jane Kariuki:** Nitungiuria ona natural resources irorwo,

**Translator:** Tungeuliza ule utajiri wa kuumbwa

**Jane Kariuki:** Za uplanda kinari forest,

**Translator:** Kama hapa Kinari Forest

**Jane Kariuki:** Mititu ni minine.

**Translator:** Mizitu imemalizika

**Jane Kariuki:** Na korwo mwaria ma no muge nia maninite misitu iyo

**Translator:** Hata kama tungeonea ukwe tungesema ni nani wamemaliza

**Jane Kariuki:** Ni aria atongoria

**Translator:** Ni wale tu viongozi

**Jane Kariuki:** Nitungiuria kugie na professional woman in every police station

**Translator:** Tungetaka kuwe na mwanamke ambaye ameelevuka sana kwa kila station ya Polisi

**Jane Kariuki:** Tondu mahinda maria mwana wa muiiritu arikia kunyitwo na hinya

**Translator:** Maanake kama wakati wasichana wanashikwa kwa nguvu

**Jane Kariuki:** Nyina athii gutwara case iyo polithi

**Translator:** Mama yake akienda kupeleka haya mambo kwa polisi

**Jane Kariuki:** Athiaga agakora mundu rume

**Translator:** Anakuta mwanamume

**Jane Kariuki:** Na gutiri hiti na wamutiri

**Translator:** Na hakuna fisi na mnyama wa mwituni

**Jane Kariuki:** Kwoguo tukwenda mutumia agakoragwo kuo

**Translator:** Kwa hivyo tungetaka mwanamke awe pale kwa polisi station

**Jane Kariuki:** Wa ku-deal na deto ta icio

**Translator:** Wa kudeal na yale mambo ya kunajisi na kadhalika

**Jane Kariuki:** Nitungiuria kugie na sign language I all the schools

**Translator:** Tungependa kuwe na lugha ya kuonyesha tu kwa mikono

**Jane Kariuki:** Ni tondu nikuri na mathina ma aria aitu mataiguaga kana mata....

**Translator:** Maanake kuna shida ya wale ambao hawawezi kuielewa hii lugha ya kuongea

**Jane Kariuki:** Nitungiuria ona kugie na freedom of worship,

**Translator:** Tungetaka pia kuwe na uhuru wa kuabudu

**Jane Kariuki:** Iria yothe itafavourga mutumia

**Translator:** Ile ambao hamdhuru mwanamke

**Jane Kariuki:** Na njira ya kuona ati mutumia ...he muthuri muri mwaigwa niakuite akiheo mwana?

**Translator:** Hakuna mwanaume mumesikia amekufa juu ya kupata mtoto

**Jane Kariuki:** No nituiguite atumia aingi muno makuite makieheo ciana niundu wa dini kuga a ti ndagiriirwo gutwarwo thibitari

**Translator:** Lakini tunawamama wengi sana wamekuf sababu ya dini kuweka sheria ya kutoenda hospitali

**Jane Kariuki:** Ndini ta icia ciagiriirwo ni kuninwo

**Translator:** Ndini kama hizo zimaliziwe

**Jane Kariuki:** Nitungiuria kugie na councilors ...qualifications cia councilors ikoragwo ari O' level, na MPs otaguo, na still kuroragwo qualities of leadership in every..kana nai councilors kana ni MP.

**Translator:** Tungeuliza madiwani wawe na elimi kufikia kidato cha nne. Na hata wabunge. Na hao wote wawe na hekima ya uongozi

**Jane Kariuki:** Tondu no akorwo professor na akorwo ndathuritwo ni Ngai

**Translator:** Kwa maana anaweza kuwa professa lakini hana hekima ya kiongozi

**Jane Kariuki:** Ni tungiuga president ndagakorwo na constituency

**Translator:** Tungeuliza Rais asiwe mbunge

**Jane Kariuki:** Akoragwo constituency yake ikoragwo ni Kenya

**Translator:** Lakini awe tu mbunge wa nchi ya Kenya

**Jane Kariuki:** Akoragwo na 5 years term

**Com. Kangu:** Si una maandishi, utatupatia maadishi, basi jaribu umalize kwa haraka upatie mwingine nafasi.

**Translator:** Awe tu anakaa kwa miaka tano

**Jane Kariuki:** Na president uria wikuo acontinue neria ikuo tondu noguo iroiga

**Translator:** Na yule president ako afuatilie ule mkaso

**Jane Kariuki:** Tiguu kurakinyire atwike ati constitution yandikwa ningi niwe ukwanjiriria ....

**Translator:** Na amalizie ile katiba iko lakini asiseme ndie ataanza kwa ile ingine

**Jane Kariuki:** Tungienda Title deed ya 99 years ininwo ni tondu riu mundu uria wikwo wa 99 years

**Translator:** Tungeuliza Title Deed za miaka 99 zimalizwe

**Jane Kariuki:** Na akoreire mugunda wi muheane riu arorete kumirio bara. Uguo tuheagwo Title cia ownership ati guturi hindi ugatunywo.

**Translator:** Sababu yule mtu ako na miaka 99 na alikuta kama shamba limegawanya, sasa anakaribia kufukuzwa. Kwa hivyo tuwe tunarithi haya mashamba lakini sio kwa muda

**Jane Kariuki:** Nitungiuga public utility

**Translator:** Ningesema ule utajiri wa nchi

**Jane Kariuki:** Kindu giothe kia thirikari gitigacoke kwendio

**Translator:** Kisiwe kinauzwa

**Jane Kariuki:** Tondu tuburi niturenido

**Translator:** Sababau tunaona makaburi yakiuzwa

**Jane Kariuki:** Turendio tugathike andu aitu ku?

**Translator:** Sijui tutawazzika watu wetu wapi?

**Jane Kariuki:** Niturenda hekirwo limit ya mbia iria igucoka kuhuthirwo thiini wa campaign

**Translator:** Kuwe na kiwango Fulani kitatumika wakati wa uchaguzi

**Jane Kariuki:** Andu matige gucoka kuhana tari kuguro maragurwo

**Translator:** Watu wasiwe wakinunuliwa

**Jane Kariuki:** Kenginyie hau nigetha acio angi mathii na mbere

**Com Kangu:** Ngonja ngonja iko swali.

**Com. Salome:** Asante sana bi Wangari Kariuki kwa hayo maoni yako. Mimi nina maswali machache.

Kwanza umesema ungetaka kuona viti vimewekewa akina mama parliament, kuwa out of 222 tuna akina mama tisa, ungetaka wewe kwa maoni yako na kwa maoni ya akina mama wenye umeyaleta hapa mbele, kuwe na akina mama wangapi kwenye hiyo parliament ama percentage gani? Na hiyo pia ningetaka ueleze kwenye Serikali za mitaa, kwenye County Council ni kiwango kipi cha akina mama ungetaka kuona?

Na ya tatu umezungumzia pia kuwa vyama vya kisiasa pia viwahusishe akina mama kiwango fulani ndio zikubaliwe. Je, ungetaka kuona Katiba ikiandika kiwango kipi cha akina mama wahusishwe kwenye vyama vya kisiasa ndio visajiliwe na serikali. Asante.

**Jane Kariuki:** Niwatwira ati atumia ongorwoni parliament kuri atumia kenda na wabunge ni magana meri ma mirongo iri na igiri. Uria turenda kumenya atiri urenda atumia makorwo maria aigana, urenda Katiba uge atumia makorwo mari aigana parliament, makoragwe mari aigana he thirikari cia kanju, nona niwatweira ati ciama cia ciasa ciama iria itararehe atuia gatagatiini itigetikirio kwiandikithia. Urenda gikundi kiigana atia gia atumia getha tuhote kwadikithai ciama icion? Kana tumagirie?

**Translator:** Ni asilimia ngapi ya wanawake wangeakilishwa kwa Bunge na hta kwa madiwani na pia ni wanawake wangapi wangukuwa kwa vyama vya kisiasa ili visajiliwe?

**Jane Kariuki:** Ngwenda kuga tungienda gicunji gia ithatu hari igana

**Translator:** tungetaka asilimia tatu juu aya mia a third kana

**Jane Kariuki:** Uhoro wa ciama cia political parties,

**Translator:** kuhusu political parties

**Jane Kariuki:** Onaotukuga atumia makoragwo nuthu

**Translator:** Tugesema hata wanawake wawe nusu

**Com Kangu:** Asante sana. Kuna bwana Maxwell Kuria. Nimeelezwa hasikii, kwa hivyo yule ako karibu na yeye amlete tusikie mambo yake.

**Maxmal Mukuria:** My Name is Maxmal Kuria.

**Com Kangu:** Tunaeleza bwana Maxmal, unaweza kuandika, utajaribu kutuelezea, lakini baadaye unaeza andika utupatie. Fine, so you try and see what you can do.

Maxmal Kuria, and I am deaf. These are my proposals to the Constitution Review of Kenya Commission. First I will talk about the police They should stop beating people aimlessly, without knowing what they have done especially at night. And also, the police should stop getting bribes from the matatus and also after arresting people. They get a bribe of five hundred. They take from the drivers secretly as well. Also the police should stop beating people . They usually beat up people even without any mistakes. I suggest that policemen who beat up people should be accused in the courts of law. Also after arresting a person and beating him up they leave him after they realize the person – like myself is deaf and cannot hear. They leave you but they already have beaten you. This has to stop. Also thieves are stealing our properties and the police are not helping us. So, police should help us if the thieves steal our properties. At night, police should stop arresting people who are walking. because when they meet us, they arrest and we do not know what they are doing at night arresting people who are innocent. Also the police should stop inspecting our houses and searching us of our properties if they get us at night. And also if a person dies, the permit for the burial should be readily available and should be given free. Also the police should stop going round at night especially here in Kimende because they are giving us a lot of problems. That is I had to say.

**Com. Kangu:** Kuna mtu mwingine yeyote mwenye ako na disability tumsikize kama hatujasonga kwa mwingine?, na tena ningependa wale wanaandikisha huko mbele, tuweze kujuliswa kama kuna the youth because, we want to give them a priority hata nao wazungumzie mambo yao, so they should indicate on the list whether there any youth. I have seen a few, we will deal with them. But kwa sasa, wacha tusikize Sarafina Waweru.

**Zarafina Waweru:** Ningeomba pia niongee kwa Kikuyu juu ya wale mama ambao wamenituma waweze kuelewa ingawa nimeandika hii kwa kingereza.

Mariitwa makwa ni Zarafina Wanjira Waweru : atumia a women a (wanawake wa Lari) nimanyitaniire na maundu maria marandikiirwo ni atumia a Central Province.

**Translator:** Majina yangu ni Zarafina Wanjira Waweru, Wanawake wa Lari wako pamoja na yale mambo yaliandikwa kule

Nyeri na wanawake wa Central Province

**Zarafina:** Mamwe mao maritamaya uria mangienda commission ihitukie

**Translator:** kadhaa yake ikiwa kama hawa ambao wangetaka tume isikie

**Zarafina** Nitungienda uhoru wa thibitari ituike ya tuhu

**Translator** Tungetaka hospitali malipo iwe ya bure

**Zarafina** Tondu andua ria athini ni mahinyirikagio muno ni irihi ria thibitari

**Translator** Maanake wale maskini wanataabika sana kwa hayo malipo

**Zarafina** Ona ciana nyingi ici nyinyi irakua muno

**Translator** Nahata watoto wadogo wanakufa sana

**Zarafina** Tondu wa aciari ao kwaga hinya wa kumatwara thibitari

**Translator** Sababu wazazi hawana uwezo wakuwapeleka kwa hospitali

**Zarafina** Nitungienda ningi sukuru ciothe citwike cia tuhu

**Translator** Tungetaka hata elimu kwa mashule yote iwe ya bure

**Zarafina** Kuma std 1 mpaka form four

**Translator** Kutoka darasa la kwanza mpaka kidato cha nne

**Zarafina** Onagutwika ati hibi nginya 8 ciana imwe nicioyagwa iria jugi tuhu

**Translator** Lakini ata kama ingawa mpaka darasa la nane wanachukuliwa wale ambao ni welevu

**Zarafina** Tondu ni kuli aingio matakinyaga 8

**Translator** Sababu ni wengi ambao hawafiki pale katika darasa la nana

**Zarafina** Tondu wa aciari kwaga hinya wa kuria skuli primary

**Translator** Maanake wazazi wao hawana uwezo wakulipa karo

**Zarafina** Nitungienda ningi atumia nao

**Translator** Tungetaka hata wamama pia

**Zarafina** Onao makoragwo hindi iria athuri meguthii thi cia murimo

**Translator** Hata wakati wanaume wanaenda nchi za ngambo,

**Zarafina** Onao atumia metikiragio ku sign passport zao

**Translator** Na hata wanawake wawe wanaruhusiwa kuwasignia passport

**Zarafina** Taulia thuri ari o masignagira atumia ao passport

**Translator** Kama vile wanaume wanawafanyia wamama

**Zarafina** Nitungienda ningi ciana iria iciaragirwo nja ya Kenya

**Translator** Tungetaka wale watoto wamezaliwa inje ya nchi hii

**Zarafina** Mauka guku Kenya metikiririo gutuika citizen

**Translator** Wakija hapa Kenya waruhusiwe kuwa wananchi wa Kenya

Maanake wale vijana yatima ambao wanaenda nchi za ngambo

**Zarafina** Mangicoka guku na mutumia na mwana

**Translator** Wakirundi hapa na bibi na mtoto

**Zarafina** Acio makoragwo direct mari citizen

**Translator** Wanaruhusiwa kuwa wananchi kabisa wa nchi hii

**Zarafina** Kwo guo maigananio

**Translator** Kwa hivyo wote wawe sawa

**Zarafina** Nitungienda ningi Title deed

**Translator** Tungetaka pia kuhusu title Deed

**Zarafina** Siandikagwo muthuri na mutumia

**Translator** Ziwe zina andikwa bibi na bwana

**Zarafina** Tondu muthuri ringi akigaya mugunda wake

**Translator** Maanake wakati bwana anapo gawa shamba

**Zarafina** Agayagira ringi mutumia uria wi wake kuria kuuru



**Translator** Anamgawiya bibi yake mahali ambapo sio pazuri

**Zarafina** Kwoguo ciana cia mutumia uciuo igatura igaite mugunda kuria kuuru

**Translator** Kwa hivyo wale watoto wataridhi pale ambao sio ya kutumika

**Zarafina** Kwoguo magakorwo mari athini nginya tene

**Translator** Kwa hivyo wataishi masikini mpaka mwisho

**Zarafina** Nitungienda na cio ciana cia airtu ciganainio airtu na anake igaini

**Translator** Tungetaka pia watoto wa kike na kiume wawe sawa kuhusu urithi

**Zarafina** Nokorwo ari watho toria riu kuri watho wa ihii kugaya ithe wao

**Translator** Na iwe ni sheria kama vile iko sheria vijana kurithi baba zao

**Zarafina** Nitungienda ningi mundu o wotho thiini wa Kenya

**Translator** Tungetaka pia kila mtu hapa nchini Kenya

**Zarafina** O kuri angiona mugunda kana nikuheo kana ni kugura

**Translator** Akipata shamba popote pale kama ni kununu ama ni kupewa

**Zarafina** Agaikara kuu ari na thayu tondu ni kwao

**Translator:** Awe anakaa pale kwa amani

**Zarafina** Atekuingatwo ni andu acio akuu akerwo kwanyu ni kuna

**Translator** Bila kufukuswa.

**Zarafina:** Na ni hayo tu asante.

**Com. Salome:** Zarafina nina Swali moja Kwako

Umesema kuwa elimu ya bure ya kutoka mpaka form four. Je, na ile elimu ya kable ya std I nursery school, na siku hizi shule nyingi za primary zinachukua watoto kutoka kwa nursery school. Unaonao maoni gani kuhusu hii elimu

**Zarafina:** no nyone hii ni kuriganirwo ndariganirwo hau

**Commissioner:** Zarafina Waweru, hapo hapo kwa mambo ya shule ningetaka kukuuliza swali. Unajua kwa kupeana elimu, si fees peke yake kuna mambo mengine kama kujenga na hata mambo mengine kuhusu shule

Sasa hayo mambo ungetaka yawe namna gani. Ungegawanyanje pendinge mengine yale yatafanywa pengine na wazazi

**Com: Salome:** hali ya shule. Hata skuli ikiwa bure wakati mwingine unaona wasichana wetu wanakosa kufikisha masoma kwa ajilu pengine ya kupata miba kama bado wako wangali wadogo ungeonaje hali hii? Pia ningetaka kuuliza habari ya watoto wenye uremavu wenye mara nyingi hata skuli ikiwa pia ya bure pengine walimu wenye katika shule hawakubalishi kuja na wakati wengine wakija wanachekelewa na wale wengine. Ungeonaje hali ya kuwauzisha hawa watoto kwenye masomo?

**Zarafina:**Uhoru wa masukuru

**Translator:** Kuhusu mashule

**Zarafina:** Nguona korwo kuma

**Translator:** Ningeona ...

**Zarafina:** Na guka primary nao ingiona uhoru wa mabuku

**Translator:** Na katika shule za msingi kuhusu vitabu

Na hata unjengaji wa mashule

**Translator:** Jambo ili ndilo linalo wafinyiria wazazi sana

**Zarafina:** Na niki muciaru ekuremwo ni guthomithia mwana wake

Tondu riu riri atarirwo uhoru wa mwako

**Translator:** Maanake wakati anahesabiwa kuhusu karo

**Zarafina:** Na uhoroini wa mabuku

**Translator:** Na wa vitabu

**Zarafina:** Nikurarihio mbeba nyingi muno mashukuru

**Translator:** Hayo malipo yako ghali sana

**Zarafina:** Kwo guo muciaru angitigirwo uhoru wa mabuku tu

**Translator:** Kwa hivyo kama mzazi angewachiwa jukumu ya vitabu peke yake

**Zarafina:** Nayo thirikari icoke gwakaga mathukuru toria mekaga tenen

**Translator:** Serikali ichukue jukumu ya kujenga mashule kama ilivyo kuwa inafanya kitambo

**Zarafina:** Andu no mateithike

**Translator:** Watu watafaidhika

**Zarafina:** Uhoroini wa ciana icio itekwihota

**Translator:** Kuhusu wale watoto walemavu

**Zarafina:** Ucio ngwona uri uhoro wa alimu mangiheo counseling

**Translator:** Ningeona kama ni jambo la walimu waelimishwe

**Zarafina:** Tonde mwalimu riria ena shiana kirathi

**Translator:** Wakati mwalimu ako na watoto dani ya daraza

**Zarafina:** Angira kana kau kiugo

**Translator:** Amwambie yule mtoto jambo

**Zarafina:** Ciana icio ciothe ikambiriria riu gutonya thiini wa mwana ucio

**Translator:** Wale watoto wengine wanamuingililia huyo mtoto

**Zarafina:** Kwo guo alimu nio magirire kuhe ciana cia discipline wega

**Translator:** Kwa hivyo ni jukumu la walimu kuwapa nmaagizo mazuri wale watoto

**Zarafina:** Nao aciari uhoro wa airitu kugia nda mari anini

**Translator:** Na hili jambo la wasichana kupata mimba wakiwa wadogo

**Zarafina:** Mwenaini wa aciari nao nondimere magie na uhoro wa gutara ciana iri nini

**Translator:** Kwa upande wa wazazi ningeliza wawe tu wanaongoza vizuri wasichana

**Zarafina:** Nigetha mahote guthoma

**Translator:** Ili waweze kusoma

**Com Kangu:** Asante basi, tupate bwana Thairu Kibe.

**Thairu Kibe:** Commissioners, my name is Tahiru Kibe, I am the councilor for Lari Ward, and I am representing all the Councilors. The first point here I want drive home is The preamble of Kenya Constitution should be the first verse of the National Anthem

Number two, The President should have a 51% of the total vote cast nationwide.

Number three; The President should not appoint any senior personnel in the judiciary. The appointments should be done by the Judiciary Commission, appointed by the Parliament. The President should be prosecuted in the event he breaches the rule of the land. The Commissioner of Police should not be appointed by the President. The salary/ allowance of the President should be made public. The President should not use public vehicles during the campaigns. Salary increases of public servants should not be at the mercy of the President. They should be vetted by the parliament and then awarded. Heads of Parastatal should not be done by the President. Elevation of Local Authorities should not be done by the President. The Provincial Administration that falls under the docket of the President, should be done away with immediately. There should be total separation of powers between the Judiciary, Executive and the Legislature. Permanent Secretaries should not be appointed by the President but by a select committee elected by parliament. When the President retires, he should have a monthly allowance given to him - he should not be pauper. The President should be a member of a political party, but the VP should be elected among the Kenyan community. The minimum qualification of the future President should be KCSE level with a pass. He should be a man of integrity devoid of corruption. No MP should be below the KCSE level of education. The President should not be above the law. He should not allocate public land to people without being questioned. The President, VP and MPs should pay the income tax to the exchequer. Mayors, Chairmen of Local Authorities should be elected by the people. They should be of good conduct, academically they should have passed KCSE, and should have passed through government service or private sector. They should have ten years experience in Managerial level. They should go through vetting. No international treaties should be entered into without approval of the parliament. E.g. IGAD, NATO or EUROPEAN UNION. On East African Community, no commercial on the treatarial agreement should be done without having been approved by Parliament. The President's trips overseas should be vetted by the parliament as they are excessively expensive to the State. The President should not carry a convoy of who go and come with food and milk powder freezing the Kenya market. Taxation in Kenya should be revised as it is excessively high among world countries. Custom duties on imported machinery, and vehicles should be revised to give room for development- It is easier to purchase a car in Uganda than in Kenya!

On power sector. The case of the rural areas. VAT should not be charged. People should be exempted from this tax.

The other point is about the money deposited by various groups in the rural areas with the Kenya Power and Lighting Co. There are people who pay money to the Kenya Power & Lighting Co. and the money stays for even 20 years without these people having electricity. This money should earn interest for the people from the K.P.L.C. Other private companies should also be given authority to construct dams to generate power. There shouldn't be a monopoly of Power with only one company. Commissioners those are few remarks for my fellow Kenyans.

**Com. Salome:** Asante sana bwana Diwani, mimi nina maswali machache kwako, la kwanza umesema Rais asitumie gari za

Serikali wakati anafanya Campaign, hizi ni Campaign za siasa, ama hata wakati anafanya campaign zingine kama za afya - kama wakati anazungumzia habari za AIDs? bado asitumie magari ya Serikali? Hiyo ni swali moja, ninamengine.

Ya pili umetweleza kuwa elevation ya Serikali ya Mitaa ama za Mitaa midogo siziwe zikifanywa na Rais, je ungetaka Katiba iseme zifanywe na nani?

Na la mwisho umetweleza kuwa wanainchi wawe wakimchagua Mayor ama Mwenyekiti wa Serikali ya mitaa moja, kwa moja, ungetaka pia achaguliwa kwa ile miaka miwili yenye bado anachaguliwa wakati huu, ama achaguliwe kwa muda gani ? asante.

**Com. Ratanya:** Bwana Kibe nina swali lingine, na hii ni kuhusu Provincial Administration. Na hapa umesema Provincial Administration iondolewe kabisa, lakini ningetaka ufafanue,- kwa sababu Provincial Administration inaenda kutoka Chief mpaka Assistant Chief. Sasa ni kiwango gani, kunao unataka waachwe hapo ama wote kutoka P.C. mpaka Assistant Chief waondolewe, na wakiondolewa hiyo kazi ambao walikuwa wanafanya, itafanywa na nani?

**Bwana Kibe:** First question was on which areas the President should use the government vehicles during the campaigns. During the national campaigns he should not use the public vehicles. - that is the government vehicles to do the campaigns around the country. He should not use government vehicles during the political campaigns.

The other question was on Mayors. The Mayors and the Chairman of the Local Authorities should be elected by the public during the general election for a term of five years. And at the same time, if they make any mistakes in office, they should be vetted and disqualified for those seats.

The other point on Provincial Administration. You know, this is a colonial legacy DC, DO and whatever. We should change their names so that they fit in the modern world. We may call them Provincial Secretaries or Official Secretaries to remove this colonial legacy of District Commissioner.

About the Chiefs his work can be done by a Councilor of the area. Thank you.

**Com Ratanya:** I want to ask a question about the elevation of Local Authorities. (inaudible)

**Bwana Kibe:** Now, we know if the President comes to Kimende and he says, "Kimende becomes a municipality". This should be done through Parliament. Even recently he elevated Mombasa to a City without approval of Parliament. Everything should go through Parliament for approval.

**Com. Ratanya:** Asante sana basi tupate bwana Peter Karanja. Uko na swali kuuliza bwana Councilor. Councilor kuna swali kutoka kwa mtu pale moja, bwana karanja ngoja kidogo,

**Mtu mmoja:** My question is on what you have mentioned about scrapping the Provincial Administration. Sisi tukiwa raia, when we are in an area like Kimende, tunataka security. Kwa hivyo ikiwa tunaweza kuiondoa Provincial Administration, na mimi niko na nyumba Kimende, unaweza kukuta pengine kuna watu wametengeneza changaa, na niwaulize waondoke huko, nani tanisaidia?

**Bwana Kibe:** The Commissioners, it is known, even in this locality of Kimende here, there are many awful things which are being done, inspite of the fact that there are administrators. I recommend the Police and the Askaris of the Administration, be under the control of the Councilors of the areas and they can do as well as Provincial Administration.

**Com Ratanya:** Asante. Basi wacha tusikize Karanja. Bwana Councilor hukuwa umemaliza na wale pale.

**Peter Karanja:** My name is Peter Karanja.

**Com. Ratanya:** Tusikize tulisema mwanzo tukubaliane kila mtu apatiwe nafasi ya kusikizwa na wale wanao zungumza wakati tunataka tusikize Karanja, tafadhali msindelee kufanya hivyo.

**Karanja:** My name is Simon Peter Karanja a small scale dairy farmer. I have gone through this book from the starting up to international relationship for approval of organizations. The first one I would recommend in our Constitution today, we don't have a preamble,- I will just have to go on a summary. The preamble which we need is one which describes and states the situation of all Kenyans, and which reflects the objectives and aims of all Kenyans, which addresses the will of the people and supremacy of the people and the common experiences of Kenyans, which should reflect the following:-

- National Anthem should be in the preamble, how we attained independence to bear all ethnic groups which are in Kenya as well as those who are along the Kenya borders.- Because we have got people like Masai and Somali who are along the border of our Kenya border. Also in the preamble it should state the qualification of who qualifies to be a President, a Member of Parliament or a Councilor. And who qualifies to hold public office.
- Directive, principle of state policy: To have a preamble, Separation of powers from the three arms of the government, that is the Executive and the Judiciary and Legislature and who to appoint the Ministers, Public Offices Commissioners and so on.

- Then I come to constituency supremacy: The Parliament can be allowed to change Constitution with 65% of vote but it must request the people through a referendum.
- I come to citizenship: One should be regarded as automatic citizen of Kenya, by right of birth, a Kenya citizenship can be acquired through registering in Attorney General's office i.e if you are an immigrant, you can be registered there.
- Then I come to defence and national Security. The discipline of forces, that is Military and Paramilitary, Police, Prisons and so on should be established by the Constitution for so long our Constitution doesn't establish them - and I have written how they can be established.
- Political Parties: Political parties should play other roles than political mobilization, -such as income generating projects and that is why we do see our political parties are so poor in the country,- because they don't have other projects. The Constitution should state if a party is ruling party only after the general election. I have written how this can be. In case of funds they can be financed by the public because they are doing public work. And these can be financed as to the seat each Political Party has in ratio number.
- I come to structure and system of government. Kenya should retain a system of government which we have today. We should adopt a Parliamentary system of government in which a Prime Minister is appointed from majority party in Parliament and President more or less ceremonial. The powers of the President to be ceremonial, Prime Minister to head and form the Government. The rest are within the paper
- The Legislature: The function of parliament should be expanded to administrative law or judicial review of official action, code of ethics for Public Servant and so on. And there is an area here I should mention. The PSC should determine the salaries and benefits of the MPs in conjunction the Ministry of Labour and COTU.
- Then I come to the Executive. The Constitution should specify the qualification of Presidential candidate as follows. He must be a man of stable family. He should have a good moral and ethic. He should have a basic education.
- I come to the Judiciary. The system we have in our judiciary is adequate. But there is a section I will mention on the Chief Justice. The Islamic should be appointing the Chief Justice who will be approved by

Parliament. Khadhis Court should not handle other matters related with Islamic laws, other than marriage, divorce, and succession,-for this is not an Islamic Country. The Judicial powers of the state should not be vested exclusively in court. We can have bodies which can exercise judicial powers such as industrial courts, native tribunals .

- Local Government. Mayors and Councilors, Chairmen , should be elected by the people directly. The current two years terms fo Mayors and Chairmen is not actually it should be 5 years of term. The Local Authority should work independently. The rest are within the paper.
- Electral Systems & Process. We should practice representative sitting in electral systems. We should retain the simple majority rule as the basis of winning election. We should have some seats in the reserved for the specific interest groups. The groups which should be considered should be handicapped people, COTU, Bishops and Khadhis. We should not hold Presidential, parliamentary and civic elections simultaneously. We should start with Civic then Parliamentary and then Presidential.
- Basic Rights: Our Constitutional provivison for fundamental Rights are not adequate. The other rights which should be entrenched in the Constitution are the Right to get treatment at work place, the Right to decent salaries, the Right to belong to Trade Unions, the Right of food, the Right to medicine and medical care, the Right to edcution the Right to physical and mental health, the Right to culturalilze, the Right to decent housing and the Right to development the Right to healthy and clean environment.
- Other basic needs of Kenyans which should be guaranteed in the Constitution I have mentioned in paragraph 2 .
- I come to the Right of vulnerable groups. The interest of women are not fully guaranteed in the Constitution and women Rights should be addressed as of any other Kenya. The interests of people with disabilities are not fully taken care of. The Constitution should address the disabilities with special and interest concerned to them. The Constitution should guarantee and protect the Rights of Children like any other Kenyan. Other groups which should be considered vulnerable are the nomads eg. Masai, Somali and Turkana etc. - because they move from place to place when grazing and their area is very dry. The Constitution should make provision for a affirmative action in favour of women and other vulnerable groups.
- Land and property Rights. This is a very sensitive issue. The individual should have the outright, ownership



of the land. The government should have the power to compulsorily acquire private land for any purpose. – But, it must compensate the owner with another land and development therein. The Government or the Local Authority or the State should not have power to control the use of land by the owners or occupiers. The issues concerning transfer and inheritance of land as per the Constitution should be. Transfer from seller to buyer, inheritance by wife from husband and vice versa, inheritance from parent by children. There should not be a ceiling on land owned by an individual. For instance, if we do say that and we do say we are democratic country, and then we put a ceiling on land ownership then our constitution will be allowing dictatorship. Men and women should have equal access to land if a woman buys a land.

**Com Kangu:** Summarize now because your time is over.

**Bwana Kibe:** Now, when I come to my summary I would recommend that the Constitution ensures and retains the availability of the document, to every bookshop, and written in a simple language which every Kenyan can understand, also to be taught in our Schools from std 5 up to University. Simply the document that we have today is written in a very technical language which when reading you need a dictionary. And that all I had.

**Com. Salome:** Thank you very much, that was a very comprehensive piece of presentation, I have just one or two questions. You talked about Rights of such vulnerable groups being addressed by the Constitution, including the Women, the Disabled the Pastoralist. But you did not give us concrete issues on how we should deal with this. If you have thought about it, I would like to share your thoughts. Okay, thank you very much.

**Volunteer:** Thank you na please, nituronire tiwega tondu guku gwitu kwi heho na niukwenda gwika maundu na rua na uigue uria kurathii, handu ha guthii kunyua cai kambu, turoria atumia aitu a itura riri mathondeke gacai kanini; haria karia mekumwenderia very cheap handu ha guthii kambu. Riu niundu ucio handu u-waste time ugithii kambu na niurenda kuigua just take a cup of tea there, and come back waigwa ni wanyota ugathii hau ukanyua gacai; ni hau, ni marendia na nimarendia cheaply, ugacoka. Thank you.

**Com. Kangu:** Kwa wakati huu nataka tumpatie mheshimiwa nafasi na yeye aweze kutoa maoni yake. Amewasikiza na sisi tusikize yeye. Kama unataka uzungumzie watu wako kwa lugha ya Kikuyu, Kiswahili ama English,- you chose- I know you can not talk Kiluyia I would have asked you to speak Kiluyia. But Pastor will help me if you chose to use Kikuyu. Thank you.

**Hon Phillip Gichuru Gitonga:** Commissioners, first let me take the opportunity to welcome you to Lari and also to thank you for keeping your word. When you were here last time, I had an opportunity to air my views. My name is Philip Gichuru Gitonga, the MP for Lari Constituency. I just start by welcoming the Commissioners to Lari. And also state that I am glad

that they have kept their word. - Because when they were here last that was in February, I did mention that the people were not prepared to give their views, because the Civic educators had not had time to go round. Even today they have not actually reached every corner of this Constituency to train the people so that they know exactly what is expected of them. But at least they have been able to train some people, or to teach them what is all about the Constitution. And I am glad that you have come back. I had just started by saying I am not quite sure if I should start giving my views either in Kikuyu or in English. The last I gave my view in Kikuyu because, that is the language that even the very old here understand. And since I gave my views last time I will be brief so that I will be able to give the opportunity to the other people here to give their own views.

So I think I will need an interpreter. “Ndiroiga ndirenda kwaria na gikuyu na tondu ingo iyo ingi ni ndaririre, ngwaria na njira nguhi muno nigetha andu aria matari guku, maigwe maundu maria ndoigire.

**Translator:** nasema nataka kuongea na kikuyu ili wale hawakupata nafasi wasikie

**Hon. Gitonga:** Na nigetha nao he kamweke andu aria angu matahotire kuheana uira wao kana kwaria mahote kwaria.

**Translator:** Ili niwape wengine nafasi ay kuongea siku ya leo

**Hon. Gitonga:** Kwoguo ni nguthii ngitukanagia na githungu.

**Translator:** Kwa hivyo nitachanganya na kizungu

**Hon. Gitonga:** Ni tondu ni kuri maundu mamwe amtangihota kugweteka na gikuyu.

**Translator:** Maanake kuna mambo mengine ambayo siwezi kusema kwa kikuyu

**Hon. Gitonga:** Wa mbere ni uhoro ukoneinie na preamble.

**Translator:** Jambo la kwanza ni Preamble

**Hon. Gitonga:** Yani kuga kiria bururi uhana.

**Translator:** Kusema jinsi nchi inakaa

**Hon. Gitonga:** ugithoma Katiba ya America yambiririe ati andu other Ngai amombire maiganaine.

**Translator:** Ukisoma ile katiba ya nchi ya Amerika inasema watu wote ni sawa mbele ya mwenyezi Mungu

**Hon. Gitonga:** Na kiu hihi nikio gitumite bururi wao uthii n ambere.

**Translator:** Na labda hilo kjambo ndio imewafanya waendeleo sana

**Hon. Gitonga:** Niundu gutiri mundu uteri bata mbere ya Ngai.

**Translator:** Maanake kila mtu amekamilika mbele ya Mungu

**Hon. Gitonga:** And so we would like to see a preamble in the new Constitution.

**Translator:** Na niundu ucio nitukwenda kwona undu to cio thiini wa Katiba itu.

**Hon. Gitonga:** A preambe that sets out our vision, our philosophy and the objective of this country. That will guard the liberty of this Country. And in so doing then, we shall know what our vision is in the future.

Kwoguo nguthii ngitukanagia na githungu nigetha maria itangihota kugweta na gikuyu ngaweta na githungu.

**Translator:** Kwa hivyo nitachanganya hiyo mambo na yale siwezi kusema na kikuyu nitasema na kingleza

**Hon. Gitonga:** Undu uria ungi ni kindu twitaga na githungu the Billof right.

**Translator:** Jambo lingine ni kuhusu haki

**Hon. Gitonga:** Tond uona umuthi onaangikorwa kwi na maundu mandikitwo ti ma iganu tondu no turona maundu maria marekika thiini wa bururi uyu.

**Translator:** Hata ikiwa kuna mambo ambayo imeandikwa bando haijatoshea sababu tunaona yale inaendelea katika Inchi hii

**Hon. Gitonga:** Andu amwe magathinio na angi makoragwo na gukaga kuria meguthii.

**Translator:**

**Hon. Gitonga:** Na maundu macio no muhaka tugie na uria tungihota kumagitira matigekike.

**Translator:** na hayo mambo klazima tuwe na jambo la kusimamisha yasitendeke.

**Hon. Gitonga:** Kiria kingi ingienda kugweta ni uhoro ukoneine na giti kia President.

**Translator:** jambo lingine ni kuhusu kiti cha Rais

**Hon. Gitonga:** Riu ungirora thiini wa katib iria tinayo,

**Translator:** ukiangalia kwa ile katiba ambao tunatumia wakati huu

**Hon. Gitonga:** hii ingienda kuga na ciugo imwe ndahota kuga President wa bururi uyu kai matuku maya no Ngai-i

**Translator:** ninaweza sema Rais wa nchi hii kwa wakati huu anakaa kama Mungu.

**Hon. Gitonga:** Tond ugetua undu uria oiga ucio utuikaga ni guo watho,

**Translator:** Maanake jambo atasema inakaa kama sheria

**Hon. Gitonga:** Tungienda hinya wa President unyihanyihio.

**Translator:** Tungetaka uwezo wa Rais Upunguzwe

**Hon. Gitonga:** Ugayanio ta maita meri.

**Translator:** ugawanywe mara mbili

**Hon. Gitonga:** President atigwo uria tugaga na githungu as head of state.

**Translator:** Rais awe kiongozi wa nchi

**Hon. Gitonga:** Nake Prime Minister atuike mutongoria wa thirikari kana head of the government.

**Translator:** naye Prime Minister awe kiongozi wa serikali

**Hon. Gitonga:** Nigetha prime minister tongu mungirora President umuthi ndathiaga bunge.

**Translator:** ukiangalia sasa Rais siku hizi aendi bunge

**Hon. Gitonga:** Ona angika mahitia hatiri andu.

**Translator:** hata akifanya makosa MPs hawana maswali kwake

**Hon. Gitonga:** tukwenda mundu uria uratongoria thirikari akorwo ni MP nieguthii parliament na akorio ciuria ni members a parliament.

**Translator:** tungetaka ule ambaye ataongoza nchi hii awe anaingia kwa bunge na ayajibu yale maswali yataulizwa na wabunge

**Hon. Gitonga:** No twende kugie na VP uria urikorago niwe ungitigwo aikariire giti President angithii.

**Translator:** tungetaka tuwe na naibu wa Rais ambaye ataachiwa wathifa Rais akiondoka

**Hon. Gitonga:** Ingienda kuona President na VP magithurwo ni muingi wa thi wa Kenya.

**Translator:** ningetaka kuona Rais na naibu wake wakichaguliwa na wananchi wa kenya

**Hon. Gitonga:** Na President agakorwo na Constituency akorwo constituency ni bururi wi wothe.

**Translator:** na Rais asiwe mbunge wa tarafa yoyote, awe tarafa yake ni nchi ya Kenya .

**Hon. Gitonga:** Uguo ni kuga VP na President matigukorwa me members a Parliament.

**Translator:** kwa ufupi ni kusema Rais na naibu wake hawatakuwa wabunge

**Hon. Gitonga:** No no muhaka mathurwo ni muingi wa Kenya.

**Translator:** lakini ni lazina wachaguliwe na wananchi wa Kenya

**Hon. Gitonga:** Tondū nio marinyitagirira maundu ma bururi uyu.

**Translator:** maanake ndio watakuwa wanaongoza hii nchi

**Hon. Gitonga:** No riu warora tauria gutarie President ari na constituency yake, na ningi ndokaga bunge.

**Translator:** lakini kwa wakati huu ukiangalia Rais ni mbunge na tena haonekani kwa bunge

**Hon. Gitonga:** Mahinya maria enamo na inegene riria tukoragwo na rio rikonainie na provincial administration,

**Translator:** uwezos wake na hata kuhusu provincial administration

**Hon. Gitonga:** niundu President niwe wandikaga andu other a thirikari.

**Translator:** maanake yeye ndie anaajiri watu wote wafanyi kazi wa serikali

**Hon. Gitonga:** All the civil servants, wherever they are and whatever they are, are the pleasure of the President.

**Translator:** Aruti a wira othe a thirikari mari “at the pleasure of the President”.

**Hon. Gitonga:** Na kwoguo aona angika atia no muhaka amenyage haria mucara wake na maundu make mothe maroima.

**Translator:** kwa hivyo hata akifanya jambo gani lazima anajua mshahara wake utatoka wapi

**Hon. Gitonga:** Angi matirutagira bururi wira marutagira President wira.

**Translator:** hatumikii nchi ya Kenya lakini wanamtumikia Rais

**Hon. Gitonga:** Tungienda andu ta acio akorwo ni aruti a wira a thirikaria korwa ni amb. PCs,

**Translator:** tungetaka watu kama wale wafanyi kazi provincial administration na hata mabalazi na PS

**Hon. Gitonga:** Permanent secretaries makorwo makirutira bururi wira.

**Translator:** wawe wanaitumikia nchi ya Kenya.

**Hon. Gitonga:** Na ucio ni guo undu uria munene.

**Translator:** hilo ndilo jambao maalum ama muhimu.

**Hon. Gitonga:** Prime minister nake ona noakorwo na constituency yake,

**Translator:** waziri mkuu inawezekana awe ni mbunge

**Hon. Gitonga:** tondu eguthurwo ni President kuma kiama kiria kina abunge aingi.

**Translator:** maanake atachaguliwa na Rais kutoka kile chama chebye kimeakilishwa kwa wingi

**Hon. Gitonga:** Na Ministers makoragwo maomite kiama kiu kiri na andu aria aingi thiini wa bunge.

**Translator:** na mawaziri wawe wamechaguliwa kutoka kile chama kimewakilishwa kwa wingi katika bunge

**Hon. Gitonga:** no marikia guthurwo kana prime minister ariki guthurwo aheane maritwa ma mawaziri,

**Translator:** lakini waziri mkuu akichaguliwa apeane majina ya mawaziri

**Hon. Gitonga:** thutha ucio parliament yacemania,

**Translator:** baadaye bunge ikikutana

**Hon. Gitonga:** icirie uhoro wa all ministers na Prime Minister mone kana ni maigirirwe gutongoria thirikari.

**Translator:** ifikirie kuhusu hawa mawaziri na waziri mkuu kama wanastahili kuongoza

**Hon. Gitonga:** That means that the parliament should pass a vote of confidence on a newly appointed government.

**Translator:** ni undu ucio bunge ihitukie watho ati andua cio nimetikirikite kana mena uhoti wa gutongoria

**Hon. Gitonga:** And if that government failed to perform,

**Translator:** na thirikari iyo ingiremwo ni gutongoria

**Hon. Gitonga:** then parliament again should have the power to carry our the vote of no confidence.

**Translator:** bunge iyo ikorwo nohoti ya kuga matingihotana marugamio guthii na mbere

**Hon. Gitonga:** The next thing I would like to state is about the general election.

**Translator:** Undu uria ungi ingigweta niundu wa ithurano

**Hon. Gitonga:** The new Constitution should make it illegal that date of election should be use as a secret weapon.

**Translator:** katiba yuge ati gutiagiriire gukorwo ithurano iri hitho

**Hon. Gitonga:** Ungirora Katiba ya America njoke okuo riingi.

**Translator:** ukiangalia katika katiba ya America,

**Hon. Gitonga:** Uthenya wa githurano niuikene na muthenya uria President akehithia niuikene.

**Translator:** siku ya uchaguzi inajulikana

**Hon. Gitonga:** No guku nituonaga ringi na ringi uhoro ucio wa muthenya ucio ni guthurwo uthuragwo ni mundu uria ureciria niekuhuthira niguu atorie angi.

**Translator:** lakini hapa hiyo siku haiweleweki vizuri maanake inachaguliwa na yule mtu ambaye anaficha iwe siri ama vimbo kwake

**Hon. Gitonga:** Na ta uria turonire githurano kiria kirigite.

**Translator:** kama tulivyoona kwa ule uchaguzi uliopita

**Hon. Gitonga:** Ona maundu mothe matari maranirirwo

**Translator:** hata kama yale mambo mengine ambao hayajatangazwa

**Hon. Gitonga:** President nia hitithitio.

**Translator:** watu wanajua kwamba Rais ako baada ya mambo ambayo yalifanyika kitambo

**Hon. Gitonga:** Tene muno andu macokaga kumenya President niehitithirio. Tungienda kumenya muthenya uria kithurano gigwikwa thutha wa miaka itano.

**Translator:** tungetaka kujua siku uchaguzi utafanyika, kabla ya miaka tano

**Hon. Gitonga:** Nigetha andu othe magakorwo mehariiire.

**Translator:** ili watu wote wawe tayari

**Hon. Gitonga:** Akorwo ni uria urituika Prime Minister akorwo ni President akorwo ni MP.

**Translator:** kama ni yule atakuwa Waziri mkuu, Rais ama Mbunge

**Hon. Gitonga:** Ndathii na mbere ningugweta uhoro ukonainie na majaji kana judiciary. The credibility and independence of the judiciary has been seriously compromised. Because of political interference. We would like this interference to be removed and I believe the executive, judiciary and parliament should be autonomous from each other. Tondue akorwo ni President aheo hinya wake. Parliament ikorwo na hinya wayo, na judiciary ikorwo na hinya yake. Akorwo ni umuthi uyu majaji maappointagwo ni President. No onaangikorwo ni twiragwo matiiragwo uria megutua cira nitui uria gwikikaga. Umuthi uyu iona mundu athii igotini niaumaga kuu akimenyaga kai ndigwiciiria ni ngutuirwo na kihoto i. Uhoro wahota kuma na iguru. Riu kwoguo ingienda judiciary ikorwo ni ikuhota gwihikaria. Na andui aria meguthureo mathurwo niundu wo ria mena uhoti wa gutua maciira. Umuthi uyu onaukaigwa muingi ukuiga andu acio amwe ona matiri na githomo gia kuigana. Na matiratua

cira na kihoto.

Uhoro ungi niundu wa Katiba, tondu twarora Katiba iria ikuo riu, turoiga ti njega tondu wo ria ithiite igitukagio. Na uria tungienda tungienda Katiba itanashenjio handu ona hanini, ndigashenjio na anything less than 2 thirds majority .....na nigetha tuhote guikara na Katiba iria yagiriire kuringana na uria ...tondu ino niyo Katiba ya mbere ya andu a Kenya guikara thi makoiga uria mekwenda yandikwe. Iyo ingi yathondekeirwo ruraya. Na nikiyo kwina bata riria andu meguka makariria commissioners makoiga uria mekwenda. Moige uria mekwenda. Ningi nitukwenda Katiba iheane kamweke ati no kugie na thirikari tondu twina ciana nyingi riu kugie na thirikari ya government of national unity or a coalition government. Nigetha thirikari onayo ihote kuruta wira. Ona taria riria turorete githurano, niturona hii Commissioners aya kana nimakuhota kurikia wira uria mahetwo ni andu a Kenya marute. Nguga ati uhoro ucio wa Katiba ndukanyitithanio no uhoro wa Commissioners kurikia wira wao. It should be completely delinked from the work of the Commissioners. Nigetha commissioners marikie wira wao uria kwagiriire. This then will be the opportunity that if we had a Coalition or a Government of National unity, to preside over a general election so that we can go on with a general election as planned. I personally I do not see the need of extension of the Parliament but I see the need of extension of the Commission. The work of the Commissioners should be extended. But parliament should not be extended. We should go ahead with election. - so that at least those with the mandate, and will like to come back, should be given the mandate to continue by the public or the people of Kenya. Ona kamweke kau tugie nako nigetha onae President athii ehere rii tondu ihind riake niithiru. Tondu Katiba iria ikuga niagiriirwe ni guthii ni iria twina yo.

Kiria kingi ni uhoro ukonaine na County Councils na ingienda kuona county councils ihetwo hinya nigetha makahota kuitukia maundu maria makonaine area ciao. No maundu makonainie na ithak na ni ngwaria uhoro ucio thutha hanini, na plots, ngwitikani na aria mekuga ati kanju hi hau ta ihana ata trustee kana aria mahetwo wira wa kugitira indo cia mundu.

Kirira kingi ingienda kugweta ni uhoro ukonainie na raiya a Kenya, ciana iria iciariirwo nja ya Kenya ni cia Kenya. No ningi acio nonjitikire magie na dual citizenship. Raiya ya kuria maciarirwo no moka guku matikerwo ati no muhaka matigane na uraiya wa kuria marari. No mundu angikienda ri no atige uguo ni kuga atiriri mundu oka nakorwo aciaritwe ni aciari aria a Kenya ri, ona akorwo acicriirwo nja ri, oka guku agie na all the rights that the Kenyan citizens have. Kwoguo uria ngugite ngugite ndikwaria muno, no kwina maundu maingi ingienda kwaria, no ni we ga kugweta uhoro ukoneine na ithaka na migunda.

Uhoro ukoneine na migunda na ithaka ni uhoro urehete thiina thiini wa bururi uyu. No undu umwe uria urehete thiina ni undu wa haria ngugite President ena hinya wa gwika maundu mothe. Uguo ni twagirirwo ni gwiciria uria twagiriirwo ni gwika nigwo tugie na commission. Na commission hiyo niyo irikoragwa igitua uhoro wothe ukonaine na migunda. Umuthi uyu President niwe uheanaga migunda kuria ekwenda na riria ekwenda. Onanikio turona mititu miingi ni guthira ithirite. Ta andu a guku lari ni tui uria mititu ithukitio. Na ithukitio ni andu aria magiriirwo ni makimimeyerera. Na andu makaga magaaga makaga hinya wa kumigitira. Tondu meguikara makaigwa hau niaraheanirwo. Na warumirira ukona muheani no munene wa bururi uyu. Tugwiciria ni kwagiriirwo ni kugia na commission iria iri rugamirira maundu mothe makonii ithaka na migund thiini wa bururi



uyu. Nigetha onakorwo tondu kwina makabira maingi, ona commission iyo imenyagiririe ithaka cia andu acio. The custodian of public land and public utility land, forest and rivers and so forth should be community. I do not need to say very much because I had already presented my paper last time, but any idle land particularly owned by “absent” landlords,- there is a case in point in coastal areas, and some parts of the white highlands. There are tracts of land which are owned by absent landlords. “Migunda teyo yagiriirwo ni kwoyo ni thirikari igairwo andu aria matari na migunda.” No kwina watho ugite ati thirikari noyohe migunda teyo ihe andu ngikorwo ni to interest of the public. Noti migunda to cio ukioywo nigetha unengerwo mundu murata wakwa tondu e thiini wa kiama giakwa. It should be done in the public interest and the public interest could be as well be the poor of this country. I think that is all I had.

**Com. Salome:** “Thank you muno” Mheshimiwa wa Lari na nithengiu niundu wa gutwamukira guku itura riaku. Ni ndiri na ciuria igirinini, niwaria uhoro wa ciana igiri iciaritwo ni muciaru wa kuma bururi uyu, ndunaria uhoro wa mwana uciaritwo ni muciaru umwe wa kuma Kenya. Katiba iria iho riu onangorwo muciaru ucio ni mutumia. Ndina ciuria igiri, kiuria gia keri, woiga kugie na kiama kiria/gikundi giakurora uhorowa migunda, ino inoutiganu na iria twina yo inda riri kana urenda kuga niyo iyo tu kiama kiu kirarora migunda githii na mbere. Undu uria ungi ni migunda iyo ungiiona thirikari ikiyoya kana kuhe andu aria matari an migunda? Andu aya ene migunda mekuheo mbeca kana mekuriwo atia?

**Councillor:** Okay, reke nyambiririe na kana, oke

**Com. Salome Muigai:** Mheshimiwa ndina kiuria kingi haha, niugire aruti a wira othe a thirikari mathurwo, nitui ni kuri na--

**Com. Kangu:** Thank you very much Mheshimiwa. Ningetaka kusema saa saba watu wawe na short break, watu wanyooshe miguu kidogo ndio turudi tena saa nane kamili. Lakini kwa sasa tumuite Mrs Miriam Njagi

**Miriam Njagi:** Thank you Commissioner, Constituency Committee, Ladies and Gentlemen, I just want to talk on a few issues especially those relating to farming and my name is Miriam Wangui Kiarie, from... and I am a farmer. I can say I want to think I just read through because ... I want to discuss ...and I will from my hand written notes. “Everybody agrees that farming is the back bone of this country and yet poverty abound in the rural areas. The Constitution must make sure that the farmer enjoys fruits of his labour.” And I will explain:

- No import of farm produce should be allowed. Farmers are capable of producing if given a chance.
- Extension of corruption ...proper projection will be made and cases of overall .....will be avoided...the farmer not to produce.

- Roads should be maintained well, so that marketing of produce from every corner of Kenya can be done.
- The other thing is that.....should be encouraged
- All taxes and levies on farm produce should be abolished to give agriculture its important and economic....
- All those involved in what we call “economic sabotage” should be dealt like they have been committed a crime against the and jailed for life. Where a farmer unsuspectedly buys and plants bad maize , I would say an economic sabotage has been committed. In other words the whole process will leave the farmer poorer and we are not just talking about one farmer, it is the whole country. Former KARI farms should be reclaimed to their original boundaries and well funded to ensure they continue to effectively do what they were intended to do. That is carry out research to improve food production. They should be managed as parastatals, seconded by the Ministry of Agriculture.

**Com. Ratanya:** Yes wale wa nyuma hawasikii jaribu uzungumze ukitumia MIC ndio wale wa nyuma wasikie

**Miriam:** Riu ni uraigua?

Subdivision of land: These have been sub divided into uneconomic portions and should be avoided. The government should be able to work out what economic acreage is required for Coffee, maize production etc, and that should be left at that. Because when we begin to cut land into small proportion, then the farmer does not get anything in any case. The other thing is that there should be a land ceiling of say 200 acres- that will mean that more people will be economically involved in agricultural production and that land does not stay idle. The government should repossess all land exceeding 200 acres and give it to the poor. The poor should be identified by the local people.. The government should keep off agricultural production activities. In our area Nyayo Tea should be distributed into parcels of five acres and given to the poor. They should not be allowed to uproot these bushes. And like I said before, the poor should be identified by the local people.

Land: During land consolidation,

**Com Kangu:** Wale wanaozungumza huko nyuma tafadhali mpatie mama Kiarie nafasi aelezee mambo yake.

**Miriam:** During land consolidation, locals gave portions of their land to be used for community development. - A case of

somebody sitting in the government or a Local Authority office, looking after such plots. This should not happen. All such land should be repossessed and returned to their former owners, -which is the community and decide what to do with it. The other thing is that, as in agriculture, those who sabotage the economy through fake land transactions should be jailed for life. I am thinking of a situation where farmers go to buy land is given a title deed that is labeled but it form out to be just paper later. It is shameful if a government office could be used for such a purpose. Acquiring land in Kenya is very expensive, it is serious business and every one in that chain should be serious.

**Constitutional supremacy:** The power to change Constitution remains with its makers - and these are the voters. Referendum organized by the Electoral Commission should be used to cover it.

**The Legislature:** All appointments made by the Executive should be thoroughly vetted by Parliament. That is nominated MPs, Judges, Heads of Parastatal and so on. Being a Member of Parliament should be a full time job, like any other employee they should sign some kind of contract committing themselves to working within specific boundaries. Serious contribution in the House and so on. The Clerks of the General Assembly should be empowered to publicly warn an MP who does not measure-up and voters should do referendum to decide whether to recall the MP.

Moral and ethical standards should be set for MPs: the voters should not only get to see the MP but the whole family should be scrutinized and declared fit by the voters to represent them. MPs should be University graduates and their salaries should be determined by a Board elected by the voters for that purpose as necessary. Elections day should be in the Constitution, so that no one is disadvantaged. The Constitution can therefore require that the elections are held every third Friday of the 12<sup>th</sup> month every five years.

**Constituencies:** Boundaries should take into consideration the number of voters - not physical size. The number of voters should be about the same in all Constituencies.

**Basic Rights:** The Government should ensure that all Kenyans enjoy basic Rights like Right to water, security and so on welfare should be given to the unemployed youth, who have no land to built

**Cultural, Ethnic and Region Diversity:** While every Kenya has a right to enjoy certain privileges, the government should ensure that boundaries relating to culture, ethnicity and regional diversity are respected. In this respect, censorship of movies on Televisions should be re- introduced. Those who wish to see nudity or even violent films should go to theatres licenced to show such. Thank you bwana Commissioner.

**Com Salome:** Thank you very much madam, that is very comprehensive, I have only one question for you. You said that the youth who have no jobs or who are not employed should be given welfare, when people who are the youngest and the

most strong in a Nation start drawing welfare, what are we going to do with the elderly that are already too tired to be able to till.?

**Mama Kiarie:** Well, the situation as it is today, is that most of the people you see idling around are young and they are unemployed, they have no shamba to till and nothing to do. So, rather than ,-just let them to keep themselves busy, and looking to the parents for support and the parents don't even have the means of this support, I think it makes sense if they are made to feel that they are part of the society and in order to support themselves with simple things - you lose the personal dignity when you begin asking a 25 years person to go to and ask for bust fare from his parents because he doesn't have money to spend on fare. I am suggesting that they should be given some kind of welfare so that they can take care of their basic needs.

**Com. Salome:** Madam I don't want to engage you in an argument and I am not even allowed, all I am saying is that if we are looking for a solution, is the solution giving our youth with all their energy ,and with all their enthusiasm, and with all they have as a potential in a country. Is that the best solution, is that the best way forward giving them welfare or do we need to look at long term solution? You need not to have thought about it, I am just asking whether it is something that we need to look at in a broader way so that we engage their energy to ensure that they helped to build this country.

**Mama Kiarie:** Madam, to this point I agree with you and I am not talking about the young person who cannot---- we are talking about the unemployed youth that have no where to go they have no land to till, we are talking about those. If we can employ them, then the question of welfare would not arise.

**Com. Kangu:** Thank you very much. Tuchukue mtu wa mwisho kama hatujachukua break. Peter Kinuthia.

**Peter Kinuthia:** Hello every one? I am Peter Kinuthia, I come from Kijabe and I have the pleasure to air my views to the Constitution of Kenya Review Commission.

- First, I would like to start with the education system in Kenya. We usually find that the education system in Kenya is usually likely to cater only the rich people. I am saying this because of the universities that we have here in Kenya. We see most of our students especially from the rural areas have passed very well like if you have a student with C plain and above, I think that is the average mark for student to go to University. But you see the points that are required for admission in to the Local Universities are very high like from B and B- and the parallel degree courses are very expensive you can't expect a small scale farmer who is only earning 5,000 to pay for her/his child, a course which is taking 78,000 per semester. So, we would like to ask if there could be a law that could regulate that the marks be lowered or the paralld degree courses should be subsidized for the students

who have qualified. Also there is an regional distribution of resources in our country. You can see it. I don't see the reason why Nairobi Province is one of the provinces which have more than six Universities whereas we have provinces which don't have even Technical Schools. We would like to ask if there could be one University in each Province of Kenya to cater for the students in each province.

- Secondly, I would like to share my views about the Budget. The Budget is a document which regulates the Income and the Expenditure of the country at large. So we say we are the tax payers, we are the ones who give the government revenues, and this budget is only prepared by the government officials like Ministers of Finance. We would like to ask if the laws could be enacted such that the Budget should be debated in Parliament since we elect our representative, so that they discuss our budget before it is formed to prevent the manipulation of our resources.
- The third thing I would like to present, is about marginalized groups. I think women are 'crying wolves' that they are not represented in parliament or in Authorities. I have not heard anybody commenting about youth, so I am here to represent the youth. I think even youth should be included in leadership. We have very energetic youth who are loitering there because they lack somebody or anything to do. That is why I am asking the white men says that 'you cant teach an old dog new tricks' Now, I would like to say, members of the parliament who are over age I think the maximum age should be sixty five or seventy. If you are a Member of Parliament and you are over sixty five, I think your are supposed to give a room to our younger generation because they have new tricks.
- Also I would like to talk about environment. Our resources are composed of the sorounding that we have. You look at rivers we have today, those rivers are like seasonal rivers they are drying up. Look at the forests, the trees are cut down each and every day. We know those people who cut trees but it is just like there is no law.
- If you see somebody cutting a tree you give the name to the Authorities, the next time you will see the person has been released. That is the issue of corruption. The governmet should protect the life of its citizens. We have heard many people dying in prison cells, you see there is a lot to Police brutality. Also, the life in crime rate even crime has risee up in the o rural areas. We are not sleeping we as youth because we have to defend or the police men or this armed forces have failed to do their work. And also about the corruption in the selection of the Armed forces, I think if we leave these powers to the President that he is supposed to be admitting the Armed forces we have seen this situation like the, even the present government. A lot of the armed forces come from such and such a tribe. We saw it in colonial era when the late President was there, we saw a lot of Armed Forces was composed of such and such tribe. We would like to say, if there could be a law which could regulate that each and every tribe should be represented in Armed forces, equally, so that if this country is taken by a

President who comes from a certain ethnic group, he should not select the army from those of his tribe only.

- Then about the legal representative. There is a big generation gap between the poor and the rich here. You see, if you go to court and you have some money, I think the justice depends on the money. I would like also to emphasise on what the Honourable MP has said about the three arms of the Government to be very autonomous, I really like to press this point that the judiciary should be very autonomous because now it like there is ‘diagonised’ judiciary. It is very paining to see somebody who has confiscated public money-over 181 million is released and someone who has taken only one million is failed for more than seven years or so. I don’t see the justice here. I would like to talk about the elections. During the time of elections we have a lot of wars. Even on election days. We have fights, we have police brutality, we would like that to be catered for. Also the winning President should garner 50% of votes in 5 provinces. If he should not have garnered those votes there should be a run off between the two first partners (END OF SIDE A).
- They should be registered before the election date if they want to participate in the election. Thanks.

**Com. Kangu:** Thank you. There are no questions for you, na wakati huu nitasema kikao hiki lazima kipate break, turudi saa nane kamili tuweze kuendelea. Na kama watu hawajaenda kama vile nilisema mwanzo, kuna njia tatu ya kutoa maoni, njia moja ni ile ya kupeana maadishi bila kutaka kuongezea lolote. Ikiwa unataka kutoa maoni kwa njia hiyo uko na maadishi, na unaona uko na mahali unataka kwenda, peana hiyo maadishi hapa uandikishe kwa register yetu na utakuwa na nafasi ya kwenda penye unataka kwenda. Ndio tusiweke wale wengine .....Kuenda bali na nataka kukumbusha watu tena tujaribu sana kufuatilia yale masaa tumesema kwa sababu bado tuko na watu wengi, na ikiwa tunafuata utaratibu tulioweka ndio tutaenda kwa haraka, tupate kusikiza watu wengi. Kwa hivyo wale wako na written memorandum, please jaribu ‘kuhighlight’ tu halafu utupatie hiyo maadishi ndio uweze kumaliza within the five minutes zenye tulisema na wale wanao zungumza kwa mdomo ndio tunaweza ongeza muda kidogo lakini sote tujaribu twende kwa haraka. Tuite Damaris Njathi.

**Damaris Wanjiku Njathi:** I am Damaris Wanjiku Njathi, from Lari Constituency, Gatamaiyu Location, Nyanduma Sublocation.

- In my memorandum I have started with the preamble which I have said should have something to do with every Kenyan, being equal in the eyes of law. So whatever status, whatever back ground, the preamble should state that we as Kenyans are all equal and there should not be any discrimination.
- The next thing is to do with the Presidency or the Executive. I said that no body should be above the law, or should be considered to be above the law even the President himself. He should be impeached if he does

something that is against the law of the country. And at the same time I said that he supremacy, the powers of the President should be reduced. About the Judiciary, I said it should be composed of people who are fair and just and they should not be partisan in any way. And bribery should not be named among them. If it happens that bribery is seen in the judiciary, these people should, or their licenses of practicing should be withdrawn from them because they will be of no use to the people.

- The other thing is about the Legislature or about the Parliamentarian. They should be people who are beyond reproach. So, if someone wants to be elected as an MP, and we find that he is a person who has committed a certain type of crime, or he is known to be a corrupt person, or a person who is not worthy the salt, he should not be elected as a Member of Parliament. And at the same time I said that this person should have a University degree of something equivalent. On the same line, I said that a nominated Member should never be a government Minister. That is if somebody has not been elected by the people, he should never be a minister. He should not be given any Ministry. A Minister should not be appointed because of his background, his ethnic background, because of his creed or association or anything. He should be a Minister just because he has merit. The other thing I would like to mention or I would like to see happening is the representation in parliament. That it should be relative maybe a third of the people in parliament should be women and the rest should be men. But as we get rid of our fear as women, as we get used to the system, there will be a time we would expect to be two thirds. But we will get there because of our own efforts. But at least now we should have a standing of about a third.
- The other thing is about land. Nobody should be given public land as a personal property under whatever circumstance. Public land is Public land and it should not be given to anybody whatever the reasons. And at the same time, I said about the forests. All natural resources should be preserved. It is the work of the government to preserve our forests, preserve our rivers, preserve our past especially in Kenya that most of our income comes from the tourism department. For example we misuse our wild animals. A lot of revenue will go down the drain and therefore I felt it is the responsibility of the government to do so. Then when we visit our towns especially in the estates, we find things there are so bad. You find these people have no toilets and if there are any, they are so unhygienic and I felt that when houses are built in our small Towns or in our Cities, in our Estates, they should be planned for. Well planned Engineers or who ever is concerned should plan where a building should be put, and where the toilet should be put. And I feel it is the work of the area Council to see that the sewerage is well constructed. I feel it should be the responsibility of the area Council to see that the collection of sewage from the toilet should be directed to the right place. So, that should be the work of the Council at least these people, some of them of course cannot construct sewages and the rest of it.

- Every Kenyan should have access to education. There is no Kenyan who should be illiterate at this time. We have passed that time where we have some people who do not know how to write, people who have to use their thumbs to make whatever when they go to withdraw their money, or they can't read. So there shouldn't be illiterate people in Kenya. At the same time, every Kenyan should have access to clean water. There are places we have piped water but that water is not clean. It is not good for human consumption, and every Kenyan should have access to clean water. Every Kenyan should be entitled to good health care. If we go to our Dispensary, District Hospitals we are told there is no medicine, other times we are not attended. You take a woman who is in labour and she is told just to sit on the floor and sometimes will sit on a stool.

**Com. Kangu:** Summarize please !

**Damaris:** So we need good health care.

- The other thing is about farmers. They should have a right over the marketing of their farm produce. They should not be told their milk will be just be 14/= 15/= they should have a say on this.
- The other issue was about the children. I said children should be protected from bad influence and especially from the media. Many of our children are watching very violent scenes on the TV and some of them are very immoral and so our children should be protected about it. The other thing is all illicit beer and drugs should also be gotten rid of .
- The other thing is that parents should at times be forced to look after their children because some of the children are running to the streets because they have no parental care and the parents are there.
- And about the street children they should be rehabilitated . It should be the work of the government to rehabilitate these children. There are already some who have got families- those once should be given places to settle and if they don't comply with what the government is saying. They should face the law. Anybody who has grabbed land in Kenya, should have it taken from him and at the same time he should be prosecuted.
- The other thing is that all tribes in Kenya are equal and every person is entitled to live anywhere in Kenya, - you can own property anywhere in Kenya and live comfortably because you are a Kenyan. It does not matter where you want to settle. And I think that is all I have.

**Com Kangu:** Thank you.



**Com. Salome:** Thank you very much... I am sorry I would like to take up the issue of children. You have said that parents should be-- I am trying to, Mr. Chairman can I have one meeting?

**Com Kangu :** Wale wanazungumza will you kindly stop ndio tuwe tunasikiza mtu mmoja at a go.

**Com. Salome:** Thank you Mr. Chairman. I want to take up the issue where you said children have a right to parental care, and I want to take up the issue of children born out of wedlock, In many places where we have gone, we have been told that old, elderly parents- and both men and women are ending up looking after their grand children when they cannot afford to do so. How do you think the new Constitution should go about protecting the Right of children to parental -care, -whether born inside of outside the marriage?

**Damaris:** All the children, are entitled to parental care or care from a guardian and if none of them is available, it is the responsibility of the government to do so. They can even have like the homes we have, a person is told you can take 8 children and be looking after them and then we will be supplying you with everything that you need. So, I feel a child whether is from a single mother or is parentless or has got parents this child is helpless -and therefore it is the responsibility of the government to do something. Of course we are tax payers and they can get the money from us and take care of these children.

**Com. Kangu:** Thank you very much, tupate Kenedy Kungu. Kama hayuko tupate James Kariithi. Naona hapa uko na written memorandum so kindly try to restrict yourself to the five minutes ndio tuchukue watu wengine.

**James Kariithi:** Okay thank you. My name is James Kariuki Kariithi, now, the first point that I have, I am only going to highlight just the points that I have very fast. So the first point that I have is;

- Primary education should be free starting from the Nursery school, upto std 8. the Kenyan society for the last 38 years, they have been able to build adequate primary schools at least in every sublocation, we have got a primary or more than one primary school. And since we have invested quite a lot then it is a high time that the government comes in and gives free education to all Kenya children starting from nursery school.
- The school equipment scheme should be revived because this is the source that used to improve education system in this country. Now, it has been abandoned and therefore, it should be reinstated so that education standards can be improved in this country. Alongside that, text books should be provided by the government and the government should take measures to employ adequate teachers to cater for education in primary level.

- Natural resources: I am talking about take for example here in Lari, we have “Cabacide” which is a mineral that is only found in Kiambu District. Yet the community around here, have not been able to benefit from that particular natural resource. The forests here, have been generating funds that go to the government and the community around here have not benefited from this. So any natural resources that are available should benefit the community where they are found.
- Now, Industries and Factories. Now, here I am trying to suggest, we know here in Lari we had Bacon factory which of course was closed down, now this was a factory that was dealing with pigs and so on. The farmers are still there, the machinery was there yet these particular factory was closed down. If the community around here were given 60% of the shares in that factory, or any industry that can mushroom within the area, then the community here would fight it back so that such factories may not be closed. We find that in our area here we have got a number of squatters, I am sorry to say that in some areas like Kithirioni you will find we still have “emergency villages.” Along Gituamba area we have got people who have built along the railway line. These people are squatters and it is very sad that after 38 years, of independence we still we have got squatters in their own Country and these are may be people who belonged to those parents some of who were hanged at Githunguri during the emergency time. Along with that, we find that after the second world war, all those people who participated in these wars,- the Europeans were compensated by their own governments yet we had Kenyans who had gone to fight in the Second World war and the First world war, take for example we have got monument at Kenyatta avenue of mangulieu. Who are these people? They fought for the other governments yet they were used as human shields for this particular government -yet when they came back they were not compensated. Boers in South Africa were given land there freely. Settlers in Kenya were brought here after the second world war, and they were given land. What about those people -the MauMau who fought for our independence? They should be settled by the current government. Now, we come to what we call the Ministry of Health. I would like to have at least four main health centers in a Constituency and at least a dispensary in every sublocation. - So that as we move ahead with education, then health should be provided to the community at a nearer place. We have got District Hospitals and I wonder how many people die when they are referred from the health centers to the districts. These Hospitals also should be given proper management and qualified Doctors.
- Let us now look at the Kenya Civil Service retirees, - the pensioners of Kenya. This is an area that our government should look into. These are the people that have served this Country with a lot of dedication and after retirement, these people are treated like second class citizens of this country. Instead of being senior citizens in this country, they are treated like second-hand people. Now, when you look at Britain, who are these that form the House of Lords, these are the past Civil Servants that have served their country and once they retire they

are required by the government to serve in different capacities. And therefore Kenya retirees should have privileges. They should be paid their pensions and should be considered for increments when their counterparts are considered.

- Provincial Administration. I would like to say that the Provincial Administration should be scrapped from the DO upwards and then we are left with the Chiefs who should be incorporated with the Local Government and when I look at the Local Government, we should be a strong Local Government be delinked from the Central Government so that the resources that are got within the district, now can be utilized by the local communities even in the small towns.
- Now, then I look at water. Water bills are very high and sometimes you find that water projects that we have, they are funded by donors and after the project have been initiated, why should the consumer be taxed so highly?. So the water bills should be low. Now if you look at a place like Ruiru dam, which supplies water in Nairobi. This dam was completed in 1949 yet the people who use this water continue to be charged very highly and the only money that it is supposed to generate is for maintenance. So, finally I would like to say that the Ministry of education and the Ministry of Health should be upgraded and be special Ministries because these are the Ministries that deal with public directly. Now lastly I would suggest that the MP and the Sitting Councilors after the second year of the term in the office, the public within the Constituency and the local authority should meet and review the work of their MP or Councilor. Thank you.

**Com. Kangu:** Thank you very much bwana Kariithi. Tupate sasa Dickson Mugo, kama hayuko tupate David Nyoro, Stanley Karanja,

**Stanley Karanja:** Okay, good afternoon everybody? My names are Stanley Karanja, NCEC Secretary in Nakuru and also an aspirant in my area, - Kijabe. I have some few things to mention because Maina had presented the same earlier but I have done some “panel beating” to it. And the first thing that I would like to here, is to divorce the Constitutional making from the election. This one I think is crucial.

- The other thing that I would like to say, is that the commissioners should come up with the draft Constitution. From the views that they have already collated or collected, rather than sitting and saying that they can not finish this work by the stipulated time, I think they may come with the skeleton and then we discuss that draft Constitution, we put pressure to it and aesthetic to it, that one we will not be like “tableausus” and I think we will be doing something that is crucial.

- The other thing that I would like to suggest, is that the media should cover the common Commissioners rather than only Yash Pal Ghai and this is what is bringing a lot of controversy in the commission. Everybody wants to get to the news by abusing Yash Pal Ghai but if they are covered properly by the news men, I think this issue of Yash Pal Ghai will end.
- Let me now talk on the proposals and I will only highlight some issues.
- One thing is that one person said that Master crafts-man must have a plan. He cannot effectively use his talents unless he has the guidelines to direct his genius. He must have a blue print if he is going to construct a thing of beauty. In this issue we are having master-crafts man as a Kenyan citizen . A thing of beauty as the social-economic and political prosperity of this country. Therefore the Kenya Constitution that we have currently is not a replica of the same. That is why we are having a lot of problems with it. And I think that the Constitution should be participatory and to go (inaudible) it must be short and vague. Therefore, I suggest that it must have a preamble.
- The Executive: The Constitution must be subject to divorce from the office of the Head of State and that of the Chief Executive. I think the President should be the Head of State and the Prime Minister Chief Executive.
- The President should be elected by more than 50% of the total votes. Presidential elections should be separate from parliamentary and Civic and the Prime Minister should come from the winning party or coalition of parties. Winning President shall not assume office immediately, there should be a month break for transition and settling any petition that might arise by the supreme court. I think also the President must not be above the law. He is not a god.
- The other thing is that the Prime Minister should form a government of maximum of 17 ministries and a minimum of 13 with one Assistant Minister in each Ministry. It should not be like the current one where you can create any Ministry - even an irrelevant one. I think the other thing is that the President should be a running mate to the winning President.
- The other thing is that the President can have a Barta but not a constituency. His constituency should remain Kenya. Because I am an aspiring candidate for the Council, I discuss the Local government. Central government must devolve powers to the Local government not having stooge Councilors who do nothing and say nothing - they don't speak unless spoken to.

- The other thing is the Constitution should empower the Council and Municipalities in revenue management, Socio service provisions, infrastructure development and environmental protection through around them to retain 75% of the total revenue generated. Councilors must be paid by the Central government to bring morality and ethics to them rather than grabbing even toilets and cemeteries.
- Taking it from Plato's Republic, I think that each Councillor should be knowledgeable. They should have a minimum of C- in 8-4-4 and a division 2 or 3 in the old system. Mayors and Council Chairmen for persons should be holders of degree or a good class of management and dynamic of the Council - not to have illiterate people in the name of Councillors.
- Councillors should be morally upright and corrupt free
- Councilors should not be allowed to allocate plots. Any land allocated should be subject to parliament, followed by a public notice in the Local dailies.
- Local government: Minister should not have the final word in relating to the Local government. Mayors and Council Chairpersons should be autonomous with Councils having powers to control, manage, and direct resource utilization and services. The Clerk and other civil servants in the Council should be answerable to the Council.
- **Legislature:** Parliament should be supreme, have working calendar and fix dates of election after five years. Constituencies should have equal representations - nobody represents trees and rucks.
- Nominated members shall represent interest groups like handicapped, children professionals etc and a third of them be women.
- Qualification for an MP: I think the qualification of an MP should be 18 years but not more than 65. Must be registered voters, must be of form 4 and with a minimum of C+ in 8-4-4 and division 2 in the old system, can be nominated by a party or independent, morally upright and corruption free, not declared bankrupt.
- The Speaker of the National Assembly should not be elected Member of Parliament -neither his or her deputy for partiality purposes. MPs should not discuss their own salaries and allowances. It should be under remuneration committee. Constitutional amendment should be of 75% of the total members. If an MP is absent for 12

consecutive sitting without the Speaker's knowledge, he or she, will willingly vacate his or her seat. Create the office of the legislative Council with qualified advocate of high court to advise legislatures in legal matters. The P.I.C. and P.A.K. should vet the Executive and have power to prosecute those who misuse resources and it should be headed by the opposition.

- Constitutional Commission and offices: I propose the Constitution should have the following offices:- Office of the ombudsman to check the powers and misuse. It should have branches in each and every district.
- It should have AG's office to check the corruption and prosecute, then we should have Electoral commission that is independent, PSC, Remuneration commission, Controller and Auditor General with powers to prosecute, Land Commission, Judicial Service Commission, Human Right Commission, Truth And Reconciliation Commission.
- Education: System should be entrenched in the Constitution. Changes must be subject to a referendum not some body changing the education system when he wakes up. If you corrupt with your wife you change the education system. Primary and University education must be free with its cost met by tax payers through taxation. Education Minister and Permanent Secretary should be holders of education degree not having people who do not even know the inside and outside of a class room.
- Chancellors of Public Universities should be elected by University Council for a period of seven years. Senate should elect the University Council for seven years, Heads of departments, deans College Principals, lecturers in various disciplines should elect their own H.O.Ds through merit – Principals of various colleges should elect the Senate.
- Deans and Principals. There should be no KCSE certificate for candidates with D- like Mayor Mwachima. They should be counted as failures. Teachers recruitments should be continuous and guaranteed as the current Constitution. There should be at least two National schools in each Province and abolish the quota system
- The the last one sir for that matter, I would like to come to the issue of Bill of Rights. I think there should be some economic rights to protect small scale business hawkers, fishermen, sand harvesters etc. because currently you see that the farmer is the most exploited and oppressed individual in this country such that they walk in sandals.

- Cultural Rights Protect Kenyans from cultural erosion through Televisions and other telecommunication like the internet.
- Political Rights: Protect political balkanisation political harassment, by the police etc, and from there I will like to rest my case and thank you for listening.

**Com. Salome:** Thank you very much that was a very comprehensive and passionately given submission, I have one question for you. You have said the constituency should be by population so that all constituencies are more or less having the same population. No representation of “rocks and trees”. Now in the populous areas like Lari, then the MP is able to reach his people within a day, what do we do with people who are so sparsely populated that the MP needs about two weeks to meet the same number of people that the MP of Lari meets. I am taking you even further it is not just meeting the MP, it is also the distribution of services to these people that take longer. A woman going for a maternity had to travel 200 kilometres to get to a dispensary. So how do we deal with these people so that they are also represented and not penalized for being in hardship areas where they are not able to all live together.

**Stanley Karanja:** I think when I said that the equal representation, and you take a constituency like Wajir, the upper part of North Eastern, you find that the the MP there is maybe voted by only 7,000, whereas if you take for example the very aggressive and very rude parliamentarian called David Mwenje, you will see that he is represented by 104,000 people. When they go to parliament and they vote the way they vote, you see that one MP is representing much larger population than the other one. That means that this constituency needs to be subdivided. Therefore when I talk about representation, we talk about the electoral Commission and subdividing of the Constituency. Therefore, when you talk about the accessibility, it means that if a place like Wajir whose people are scattered, then it means that the government has failed. It is the failure of the government, not the failure of the MP. Therefore, what we are saying is that let us have - one man one vote - the Tom Mboya style. Not having some people who have larger representations than others. And then to finish up that statement, I would like to say that the Constitution also should check autocratic and undemocratic, party Constitution like the KANU Constitution currently, it should be checked. If KANU takes power for example today, I think the people will be in a much trouble than we have.

**Com. Mutakha Kangu:** That was not part of the question, and I would like to point out bwana Karanja that regarding your request that we write a draft Constitution on the bases of the views we have already taken, we are operating under an Act of parliament which specifies what we are supposed to do, and so some of us have been arguing that the past we are coming from, is a past in which Kenyans have been crying – that we make laws but we never follow them. We make laws we don’t want to implement them, and so some of us are saying, so long as the law is still what it is and it is saying the process that the stages that are put under the Act are based on that philosophy, that process should be people driven. We cannot be the ones

to be seen to want to off load the people. So if you can secure the amendment of the law to say now we just sit and write a draft on the basis of what we have already received , we would be happy to go with that. But I am sure that the Kenyans will feel that it is deviating from the original intension of having a people driven process. That was just a comment but lets l.....Mr. Karanja there is something else that I would lilke to add there. Now, when you say that we draft a Constitution on the basis of what we have collected so far, I would like to remind you that we have only completed one province. Tomorrow we are going to complete Central Province with hearings at Kieni Constituency. Then we shall remain with 7 Provinces of Kenya not heard. So if we stopped today from what we have collected, may be we shall go only central province and others who have taken views to our offices. So that will be discriminating and the Kenyans of course will feel that they are discriminating in other provinces.

**Com. Salome:** I also want to just add something. Ninataka mini kuzungumza kwa lugha ya Kiswahili ndio watu wengi wasikie. Ninataka kusema kuwa sisi wakenya tunapotengeneza hii Katiba, tutajifunza jambo mpya ya kuanza kusema kama haitufanyii kazi ibadilisha. Kuwa tukianza kusema hivi hii Katiba tutaanza kuibadilisha kabla hatujamaliza kuitengeneza. Kwa hivyo tunaposema kama ile sheria yenye imetusimamisha, inasema hivi hivi, hivi-basi kama hatutaki kufanya tunasemna tubandilisha, na temeambiwa na mzungumzaji mwenye amezungunza mwisho kuna lazima Katiba isibandilisha mpaka upate, sijui wingi wa sabini kwa mia unaona kwanini tunabadilisha Katiba yetu mara nyingi. Sisi Kenya tukitaka kupita hapa, ukiniambia Salome hii sio mlango tafadhali mlango iko hapa, nakwambia badilisha mlango ulete mlango ...hapa, Lazima tuanze kufikiria vile tutakavyo sisi wenyewe badilisha vile tunataka, tukiwa tunataka kupita hapa, twambiwe mlango hauko hapa tuache kupita hapo, twende pahali mlango ulipo kuliko kusema toa mlango pale ulete karibu na mimi. Asanteni.

**Com. Kangu:** thank you very much tusikize sasa Phillip Mwangi, kama hayuko, tupate David Koigu, fine kama hayuko, tupate Charles Karanja, Kama hayuko S. Thinguri wa Ruathe.

**S. Thinguri wa Ruathe:** Thank you very much. Today I think I will be talking about electoral reforms, I said my name is Thinguri wa Ruathe, I am the DP chairman Lari sub branch, so I will be speaking on behalf of the party.

- Today I think I will deal with the issue of electoral reforms. I will be very brief, and I want to say that the basis of any democrativ government is the will of the people freely expressed in a genuinely free and fair elections. However, successful elections, in Kenya have been used as instruments for entrenching legitimizing and perpetuating authoritarianism. No wonder they have been characterized by massive briberly of voters, violence, chaos, organisation disarray and endless disputes. We are therefore demanding a total overhaul of the electoral laws and procedures, and their replacement with a comprehensive legal framework for facilitating a genuine, peaceful, free and fair elections. It proposes that the following Constitutional reforms be put in place immediately.



- The Right to political participation. We are here by recommending that the Bill of Right should include the right of every Kenyan to vote and to be elected freely, fairly and in peaceful elections. We are also proposing for a mixed member proportional representation system. In this one we are proposing that the Constitution provide for a mixture of majoritan single member constituency and proportional representation. That is the mixed member proportionate representation system. Here we are proposing that we should have two hundred constituencies in the country with equal representation of the people and where by we talk of marginalized area, the MP or the representative, should be mobilized by the government to be able to reach his people even if it will call the using helicopters or other methods but we should have equal constituencies and I have said that we recommend that the country should be divided into 210 constituencies, and that we should have 105 representatives to be presented by political parties participating in an election.
- On the issue of Presidential elections, we are proposing that the President, the winning President must get at least 35% of all the votes in half of the districts of this country and if there is no any winner in an election, a rerun should be done and the candidate must get at least 50% or a majority, and we are demanding that the rerun should be done within 14 days.
- I want to touch on the issue of electoral Commission, and I want to say that, we must change the Constitution to reduce the number of commissioners in the commission to nine. As of now ,they are so many that they can not be able to work well, we demand that the commission must have indepedence and we propose that they should be appointed by the President after recommendation from parliament. We also recommend that we should have a director of election, who should have security of tenure and he should professional staff. We recommend that the electoral commission should have financial autonomy which should be directed by nobody except themselves. We also recommend that there should be formed a National Election Committee, composed of all political parties participating in an election and we recommend that the decision of the commission should be subject to consultation by a committee. We also recommend that the powers of the commission should be clealy spelt out in the Constitution, so that they can have powers to prevent violence, bribery of voters and misuse of State funds. I am almost finished. I am moving at a supersonic speed.
- We want to propose that the Constitution should clearly state that Kenya should have a government of national unity. On the issue of dissolutional.....
- And six month prior to the election. The Constitution should state that the electoral commission must put in the Kenya gazattee steps towards the election. We would also propose that on the issue of campaign, the President, the Vice President, Minsiters and Government officials should never use State fund.

- To finish, I want to say that, we should have an electoral court which must handle all the election issues and must have an electoral code which must contain the following: -
- The issue of proportional representation,
- The issue of electoral Commission,
- The issue of the national election committee,
- The issue of voters registration-which I must say should be a continuous process and anybody who is above 18 years should have a right to become a voter. We are recommending that the Pass port or the ID, should become ample evidence for a person to vote and the election timetable must be put in the Constitution. In the electoral code nomination of candidates which has been an issue, we are proposing that when a candidate has been nominated particularly, a Presidential candidate should be given the right to access of all national media, that is the broadcasting house, for and we are proposing that there should be a ceiling on campaign money and whoever uses money beyond the limit should be subjected to an electoral petition and if he is found to have used more than the set limit, he should be barred.
- Lastly I want to say that voter's education should be continuous using government funds and voting should be controlled by the electoral commission in consultation with the National Election Committee. At the voting area, we are recommending that we have a reconciliation committee, composed of religious people who should be able to settle discipline at the polling station. We recommend that votes be counted at the polling station and they should never be transported during the night by anybody and -----

**Com:** I must now cut you short you -----

**S. Thinguri:** We should form an electoral court and petitions. The amount which is required for petition should be reduced to a hundred thousand for parliamentary, and 10,000 for Civic so that all people are able to petition an election. And on issues of dispute we should have a dispute and complaints commission which will deal with petty matters in a Constituency or in a Ward or at a National level.

**Com. Salome:** Thank you very much Mr. Chairman, I have one or two question for you, One is on the part that you

said that there should be a run off for the Presidential candidate incase there is none with the majority that you are proposing. How many people should be in this run off? Because you said one should get 50%? They are two they could get 50,50 so, how many candidates did you have in mind? That is my first question.

The second one is that you said that the Electoral Commission should put in the Kenya Gazette the programme towards election, but somebody else this morning told us about the circulation of the Kenya gazette, that it does not reach the common mwananchi, so how do you still stick to these proposals or how do you think it should be done, so that the communication reaches everybody?

**S. Thinguri:** On the issue of rerun I want to say that it should be done by only two people. That is the one who was leading and the person who was following. On the issue of tallying, I think other areas could be looked at, the person with the majority voting in the provinces, or in the district as I said, or other areas could be looked at. I think we looked at what happened in America, and other areas when there was tallying. On the issue of putting things on the Kenya gazette, we want to emphasis that the Kenya gazette must be the tool of communication for the government: But whatever is put in the Kenya gazette should be announced in the media, that is radio, in all the languages and could be in the Local dailies.

**Com. Kangu:** Thank you very much. Tupate Beth Njogu. Vile uko na written memorandum jaribu tu kuhighlight. Take five minutes so that we move to the next person.

**Beth Njogu:** Twina maundu twandikite ithui ha riitwa njitagwo Beth Njogu. Riu turenda kwaria uhoro wa Title deeds ciandikagwo muthuti na mutumia

Wakeri ni nindirenda kwaria uhorowa iritu, nigetha onao makagaaygirwo indo ta ciana cia anake. Gukaga ngayukano. Nitukwenda ona a Bunge a atumia mongerewe. Makoragwo me .....na nitukwenda thiini wa polithi gukorwo na mutumia professional, akaragiriria atumia muno makiria indi iria manyitwo na hinya na ciana cia airitu, na mathina mangi ta macio. Na nitukwaria uhorowa thibitari citu tuthondekagwo tuhu tondu niturutaga mbeca cia igoti.

Na wagatandatu nitukwenda kwaria uhoro wa shukuru cia masecondary, niigite na goro munokwoguo notugerio guteithiririo hanini tuhote kuthomithai ciana. Na nitukwenda arimu mongererwo thiini wa mathukuru, I tondu nimakwite aingi na aingi magatiga wira niundu wa gukura. Na transfers. Ndiri na mangi no macio.

**Translator:** Kuna mambo tulikuwa tumwandika, jina langu ni Mary, nataka kuongea mambo ambayo ..wanawake, tunataka kuongea mamboya Title Deeds, ziwe zinaandikwa watu wawili bwana na bibi.

Pia nataka kuongea kuhusu wasichana, nao pia wawe warithi kama vijana, wasiwe na tofauti. Tungetaka pia wanawake

waakilishwe ama waongezewe huko bunge, wawe nusu. Tungetaka pia kwa polisi station kuwe na mwanamke ambaye ni maarum, awe anaongea sana sana kwa niaba ya wanawake na wasichana wakati wako na shida, na taabu zingine kama hizo.

Tungetaka pia katika hospitali tuwe na kuhudumiwa bure kwa sababu tunatoa kodi.

Jambo lingine ni kuhusu shule za secondary. Zimekuwa ghali sana kwa hivyo tungetaka msaada wa kuelimisha watoto.

Tungetaka tu pia waalimu waongezwe kwa mashule kwa sababu wengi wamekufa na wengine wamestaafu, na wengine wamepewa transfer. Sina mengine ni hayo tu.

**Com. Salome:** Nina swali moja juu ya urithi kati ya wasichana na wavulana. Huku nikutoka kwa pahali wamezaliwa?

**Translator:** Ndina kiuria kimwe: uhoro wa kugairwo indo mwanake na muiritu. Kuu ni kuuma kuria aciari moimite?

**Beth Njogu:** Iii magayagirwo tondu ni ciana ciairitu cihinyagiririo.

**Translator:** ndio, sababu wasichana wanafinyiriwa sana.

**Com. Kangu:** Okay Thank you, tupate sasa Joseph Ngata, basi Kama hayuko, tusikize Francis N. Njine, Kama hayuko Fredrick Karuhi

**Fredrick Karuhi:** Thank you Commissioners, my name is Fredrick Ngugi Karuhi, a peasant farmer in Lari, I will be very brief and I am starting with the Constitution with the preamble.

- I would say the Constitution belongs to all Kenyans and all people are equal in the face of the Constitution irrespective of race, tribe or colour, therefore, nobody must be above the laws of the Constitution, no matter his/her status in the society including the President. Constitution supremacy:
- The Constitution is supreme to all laws in Kenya, no amendments should be made by the parliament or any power without the consent of Kenyans people. If necessary a 90% majority vote of Kenyans would be required to amend any clause. Any amendment that may be made, should be to the benefit of all Kenyans. Therefore, Parliament should not be empowered to amend the Constitution.
- Citizenship: All recognized tribes of Kenya are citizens. Any child born and brought up in Kenya by a foreigner regardless of any gender. Here I would say also, any child of one parent from any race, that is if he is born in Kenya by a Kenyan or born in America by a Kenyan, is automatically a citizen. All other races who have accepted Kenya as their home country. There should be no dual citizenship
- I would go to political parties: Political parties should be minimized to at least three. Political parties should be

funded by the state according to the strength of the constituencies they present.

- **Legislature:** I will talk about appointments of ambassadors, Chief Justice Parastatal Heads Permanent Secretaries, Attorney General, Controller and Auditor General and Chief of Staff, should be appointed by the Legislature. Parliaments should not have unlimited powers to control it's own procedures through standing orders. For them to be more responsible of their utterances while in parliament there should be no immunity, in the parliament and they should be answerable for any irresponsible talks they make while in parliament.
- People should have powers to recall their MP if he does not comply with the promised he gave to them. An MP should be forced to resign if implicated with any wrongs. That is theft, corruption, or immorality. The salaries and welfare of the MPs should be determined by an independent commission constituted by the government.
- The Executive. The President must be qualified academically and must be politically mature. He must be a respected family person.
- The Presidential tenure must be fixed to two terms of 5 years each. The Presidential powers should be limited. The following should be taken away from him: Powers to dissolve parliament, powers to allocate land at will, powers to appoint people in high places at will, powers to commit our forces to international missions, powers to declare emergency, the Constitution should provide for the removal of parliament for misconduct. The President should not be a Member of Parliament.
- Judiciary: We should have a Supreme court, we should have a Constitutional court, the Judicial appointment should be made by a commission constituted by parliament. We should have one Universal court system instead of Khadhis which appear to apply to special people.
- Local Government: Councilors should be educated up to form 4 or equivalent. The language test should not be a requirement when vying for a seat, as long as qualification is certified. Remuneration of Councilors should be determined by a commission.
- Basic Rights: The death penalty should be abolished. The judiciary should have the responsibility to ensure every Kenyan enjoy basic rights. The Constitution should provide for compulsory and free education, up to University level.

- The right of vulnerable groups: The Constitution should address the rights of disabled to be given free education up to University level. They should be considered for any jobs they are qualified for without any discrimination. Children should be given right to education. They should be protected from labour abuse, should be given free medical treatment.
- Land and property rights: All land should belong to the State . The government should have power to compulsorily acquire private land for any purposes. The owner must be compensated either financially, or else given similar land elsewhere. The government or Local Authority should not have the power to control the use of land from the owners or occupiers. Customary laws should be used as concerning transfer and inheritance of land rights. There should be a ceiling of land owned by individuals at least about a hundred acres each. Men and women should jointly own land. The pre-independence land treaties and agreement involving certain communities should not be retained because these agreements were made at the expense of other Local communities.

**Comm Kangu:** Try and finalize

**Frederick:** Management and use of national resources: The President should not have powers to manage the national resources and revenue. The control of national resources, distribution of funds should be done by parliament. The government should be required to apportion benefit from the sources between the Central government and communities where such resources are found.

- The Controller and Auditor General, be empowered to institute cases against officers who mis appropriate public funds. Parliament should appoint members of the PSC. There should be a code of ethic for holders of public offices. The Kenya currency should not bear the Head of the State of the current President. It should change either to have the mountains or the wild animals so as to keep the .....

**Com. Salome:** Thank you very much for that submission. I have one question, you have said that education should be compulsory and free up to University level. Well, how are we going to make education compulsory when there are children who are not capable of making it to University level? Compulsory if I understand you right, means the child must stay in school. But supposing they don't have the ability to go to University level, what do we do with that?

**Spakeer:** Interjection/question from among the audience. Mr Fredrick Ngugi, there is one point I would you to clarify, especially on land. You have stated that all land should belong to the state. Will you please clarify that one?

**Frederick:** Thank you. Where I said that the education should be free for every child up to University level, I meant where a

child is able to make the grades up to the University should continue without discrimination. On land when I say all land should belong to the state is that, there is this power given to the President. He should not be the owner of the land where he wants to give it out when he wishes. It should be controlled by Parliament and the State. It is not the President or anybody else. If we want to use anything, if we want to develop the areas, this should be authorized by the parliament.

**Com. Kangu:** Thank you very much, sasa tupate Hanna Mwihi, kama Hanna hayuko tupate-- Basi kuja mama.

**Hanna Mwihi:** Kwa jina ni kama vile mnasikia, ninaitwa Hanna Mwihi Muturi na kwetu ni hapa.

- Sina mengi ambo nitakuwa nikizungumza kwa maana mengi yao yametajwa. Nitaenda tu nikitaja. Hivi ni memorandum ya akina mama na maendeleo katika Lari Division wakiwa na National Council. Wakati tulikuwa tukisema haya maneno tulisema ya kwamba, kila pahali wakina mama wawe wamechaguliwa na ni najua imetajwa na watu. Tulipokuwa tukichagua watu hawa wa kamati wanaume walikuwa ni ishirini na akina mama walikuwa ni saba tu. Kwa hivyo tukaona tunafinywa kwa upande mwingine, kwa maana hata ikiwa ni kura itachukuliwa watu saba na watu ishirini na wawili hawawezi kushindana. Kwa hivyo tuwe tukifikiriwa.
- Ya pili ile ningetaja ni mambo ya Bunge. Ukiangalia watu wale wako Bunge ni wengi sana wanaume. Na tungeuliza Serikali kama vile tulikuwa tukisema wakina mama wawe wakiwa one third huko katika Bunge. Sitaendelea kuongeza sana kwamaana masaa imeisha. Wamama wachaguliwe kutoka Bunge mpaka kwa chama ambayo iko chini. Kutoka Bunge, kwa County Council, kwa Land Board, kwa Mashule, kwa Society, kwa kila pahali pawe na wanawake. Kwa maana kama hapa mnajua wakina mama ndio wanalima mauwa ile pyrethrum ndio wanaangalia mambo ya ngombe, ndio wanaangalia mambo yote, lakini kwa upande wa kuchaguliwa hakuna mwanamke ambaye anaweza kuwa wa kamati,. Ni wanaume tu pekeyao. Na sikuwatawala lakini tungetaka hata wao wawe wakisikia hiyo kamati inasema nini.
- Ingingine ni habari ya mashamba. Mashamba unaona wanaume na akina mama wananunua mashamba wakiwa pamoja, lakini kwa kuandikwa kwa title deed, unaona ni baba tu peke yake. Wakati ule baba ambaye anaweza kufariki, ama mama anaweza kufariki, lakini: shida kubwa ni kwa maana ni lazima mmoja awe akitafuta itakuwa namna gani? Kwa hivyo tukaonelea ya kwamba, ingewezekana kwa maana wakati walioana, ni kukaa pamoja mpaka milele. Wawe wakiandikwa kwa title pamoja na ni kwa majina kwa maana wanaume wakati mwingine ni waelefu sana wana wengine 'kona kona,' - hatusemi ati msioe lakini ile tumenunua na wewe, tuandikwe na wewe, ukitaka mwingine mwende mkaandikwe na yeye na ile ingine mnanunua.
- Mkenya tunaonelea ya kwamba, mkenya ni mtu yeyote. Na unaona wasichana wetu wengine wanaenda ngambo

wakati mwingine mtu anarudi na mtoto akifika hapa kunasemekana huyo mtoto si Mkenya na ni mkenya kwa maana mama yake alitoka hapa. Kwa hivyo tungeuliza mkenya awe mtoto wa kiume na wakike pamoja wakiwa na watoto.

- Inginge sema ni habari ya mashamba. Mashamba tunaonelea ya kwamba wakati mtu anakufa, baba ama mama na sana sana wamama ndio wanapata taabu -kwa maana bwana akifariki mama ni lazima afuata hiyo shamba, wakati mwingine ananyanganywa kwa maana anaenda kortini, anaenda wapi, na tungeuliza hiyo maneno, kwa sababu tuko na Land Board tuki na machief, na ndio wanajua wale watu, hiyo makesi iwe ikifanywa kwa land board wale wanajua wale watu na pia Chief na wengine wawe wakifanya hiyo makesi badala ya mama kusunguka kortini ikiwa ni wengine vijana wale ndugu moja na baba, wanataka kunyanganya mama, maneno mengi mengi ikawa huko mama anataabika sana. Kwa hivyo kama ingefanyiwa kwa board, na chief awe huko na wale wanajua hao watu, tungeonelea ni vizuri.
- Inginge tungeuliza ni ya kwamba, watu wengine wanapata mashamba makubwa na wengine wako na taabu. Kwa hivyo tungeuliza tuwe na kipango ile huko Bunge watu wangeweza zungumza, iwe kama ni acre fifty ama mia moja, ikiwa mtu ana hiyo shamba mia moja, ingine iuziwe wengine ili wapate hata kama kila mtu ni acre moja au mbili, umaskini uishe kwa maana ni mwingi sana. Na wengine wanaweka mashamba ya kukuliwa na “thwariga” na nini nanini. Kwa hivyo ipatiwe wengine nao wawe wakilima.
- Inginge ningetaka kutaja ni habari ya madawa. Dawa katika hospitali zetu, tunajua wakati mwingine dawa inapatikana, lakini ukiangalia madaktari wote wako na ile inaitwa “private”. Na hiyo madawa haifiki vizuri kwa mahospitali ambayo ingeweza kusaidia watu. Sasa kwa upande wa dawa wakina mama, lakini si wakina mama tu hata wengine hata wanaume. Kwa hivyo tungeuliza habari ya madawa iangaliwe sawa sawa an ili iwe ikipatiwa watu na kufikishwa kwa hospitali ili ifikie watu.
- Inginge ningesema ni habari ya misitu, kuna watu zamani walikuwa wanaandikwa kuangalia misitu, kama maforester, kama sasa tuko na kamati ambayo inaendelea kuangalia hiyo misitu, lakini sasa watu wote Administration, nini wote ni kwa misitu kwa sababu iko miti inakatwa inauzwa usiku. Sasa baada ya kusema miti, miti nini, hakuna. Hiyo kazi ipatiwe wale ambao wamesomea hiyo kazi na kamati ambayo inachaguliwa na watu, kuangalia habari ya hiyo miti.
- Inginge ni habari ya polisi. Polisi wana fanya kazi zuri sana lakini, wakati wasichana wetu wana shikwa huko na watu ovyo ovyo walevi. Ukipeleka huko msichana, unaulizwa wewe ni nani? we ni miaka ngapi? akifika kumi na tano anambiwa si wewe unaendelea kuwa mwana mke. Hakuna kesi zuri inafanywa. Kwa hivyo tunauliza hivi,



kuwe na mwanamke hasa ambaye atakuwa akiangalia habari ya wasichana wetu wakati wanashikwa na wana pelekwa kule. Ingingine ile ningesema ni mkuchaguliwa kule kuko, kusiwe na limit ya kusema ati huyu ni mwanamke ama mwanaume. Watu wawe sawa kwa sababu wamesoma wote.

- Habari nyingine ningepuliza ni ya siasa. Watu wanaweka vyama vingi Akikataliwa hiki, anaunda yake na watu kumi. Tafadhali kuwe watu wanaketi hata kama ni Bunge waseme chama kimoja si kizuri, na tunataka viwe vingi lakini kuwe na limit ya kusema ni inne, ama ni tano, ama ni sita lakini vyama vingi viswe na havina maana. Mwingine wakati wa kuchaguliwa, bibi yake ndio anasimama nyuma sababu si chama ambacho kimeingwa na watu kwa hivyo kuwe na limit.

**Com. Kangu:** Jaribu umalizie mama.

**Hanna:** Nina malizia ninaenda kabisa kabisa. Sasa ile ingine ningesema, wale watachaguliwa Bunge, si kusemekane ati ni mtu wa University tu peke yake. Kuna wengine wamefika form 4 wanajua kiingereza. Lakini si kiingereza peke yake, hata kiswahili. Hata kiingereza ni kusoma tunasoma na yule akiambiwa azungumze Kikuyu hata yeye hawezi. Kwa hivyo akiwa anajua Kiingereza, Kiswahili, aendelee.

- Ingingine, nikimalizia, kuwe na hata kule Kabinet, hata huko tunataka akina mama waingie. Wanaelimu na wisdom ile ya dani, na wanauelevu, na wanasoma hata huko tunataka waingie huko.
- Ingingine ile ningesema kwa sababu ninaharakishwa tunasema iko na mambo mengine ambayo inatuharibia sana. Na hiyo mambo tunataka iangaliwe. Kuna factory ingine inatengeneza na Serikali ndio inapitisha, mafactory ya tembo mbaya, sijui inaitwa “kairasi” na iko na machungwa na inauzwa na huko na huko. Na tunasikia hiyo inaendelea kuaharibu watoto wetu. Ninasikia iko hapa naivasha ingine iko sijui wapi! Sipiriti na nini, inawekwa huko ndani, mtu akinywa, akili yake ni mbaya ndio unaona tuna funzwa mambo ile ya ninihi? Serikali iangalie ione hiyo njohi inauzwa ni ile safi - ile ya Kikuyuni.
- Barabara na maji tafadhali, wali wataingia Bunge na wale watakuja. Barabara ya kuingia ndani huku kijijini, pahali tunalima, barabara ni mbaya sana na watu wanafikiria ati kiambu barabara ni zuri, pahali tunalima mboga na ile inasaidia watu pande hii barabara ni mbaya. Tafadhali habari ya maji, mfikilie wakina mama. Kwamaana wakina mama na maji, na ngombe sasa tumeweka ile ya grade. Mtungi kuchota na mgongo, na unataka kuoga na ufuliwe nguo, na watoto waoge, ni shida sana. Tafadhali Bunge izungumze kila mama awe akichota maji nyumbani. Kwa hayo machache kwa maana tulikuwa tunaandika ingine na tuna mengine hata ile tulizungumza tulipotuma wakina mama weingine kule katika province kuandika maneno ya maendeleo yote na yote, iko hapa sijui kama mtasoma ama itakua je, kwa maana yote ile iko kule sijui kama mtaendelea nayo tafadhali mwendelea

na mfikishe ile ambayo itatusaidia.

**Com. Ratanya:** Tutasoma mama, asante utapeana yote, tutasoma. Asante sana mama, andikisha pale halafu tusonge kwa mwingine, Lucy Macharia. Kama hayuko, twende kwa Peter Karanja, kama hayuko John N. Runjugi.

**John N. Runjugi:** Jina langu ni John Runjugi, na mimi ni coordinator kwa Dorobos ambao wanaishi katika kiangare, na hapa Lari, na Njambini. Tulikuwa tumeleta memorandum hapa kwetu tarehe ishirini na nane, lakini ile sitataja hapa ni kidogo na hasa ya kwanza ni education:

- Education: Tunazungumza tunataka elimu ya bure, kutoka primary mpaka University. Sisi tunaona tunapendelea, kuwe na national levy kuanzia mtu ambaye anapata shilingi elfu mbili kwenda juu. Hiyo pesa iwe ikisaidia primary mpaka University wale watoto watakaopita. Na wale wengine watakuwa wakisaidiwa na hiyo pesa, kuwe na allowance ya wale watu wa University. Vile, vile hiyo pesa iwe ikisaidia kwa allowance ya wazee. Kutoka hapo, nije Provincial Administration. Wakati tulikuwa tukipata uhuru, tulikuwa watu 6 million. Na wakati huo, tulikuwa na 8 provinces. Na sasa tuko zaidi ya watu million therethini. Sasa tukaona, tupendekeze tuwe na province 13. Rift Valley iwe province tatu. Nyanza iwe province mbili, Nairobi iwe province mbili. Vile, vile, tumestaajabu sana kusikia Chief na Assistant Chief au Provincial Administration iondolewe, na nataka kugusia kwamba na hapo niseme kwa kikuyu. “tene ni kwari mutongoria wa rugongo na ni mbere ya muthungu. Ni niwe wari mukiria wa andu. Na niwe wiraga anake thii mugire ng’ania. Tutikiui kungieherio uhoru ucio ri, andu mangiriithio nuu”? Sisi tunaongeza hapo hawa wawe wakipewa transfere kama wafanyi kazi wale wengine wa Serikali. Tuwe na Assistant Chief lakini wakionekana kuna kosa fulani, awe akipewa transfer katika Provincial. Ho hau ninguthii na mbere na gikuy njuge atiri, nitungienda kugie na post ya Prime Minsiter no nidgateike ta Uganda. Iria yagarurire thirikari. Tungienda Prime Minister asagurwe na Bunge na house. Arikio gucagurwo eherere giti giake kia kuria athuriirwo. Kainda karia tagiire na wiyathi uyu ri, twakorirwo twina kياما gitagwo area Council. Na tugitorwo twina country Council na tugikorwo na ba house. Na uria watutongoretie kiambu etagwa John Mbiu. Tukuria tusokerio area Council, na tucokerio upper house, githuranogia githura chairman wa Council, na vice chairman wake, na secretary honarouble, makorwo magithurwo ni area Council iria yothe iri thiini wa district iyo. Akorwo ni thiini wa mayor, makorwo nao meguthurana *orouguo*. Uria wathurwo aikare miaka itano. Upper house ndigakorwo ati ni cياما ciothe ciingwo. Ikorwo kindu kia mbere nia andu atatu kuma NCK, andu atatu kuma Catholic, andu atatu kuma Islamic, andu eri kuma thiini wa LSK, andu eri kuma thiini wa Fida, na atumia eri a maendeleo ya wanawake. Marikia kugomana, magie na speaker wao, na munini wake. Power ya President, ugutumirwo ugatumirwo ni acio moi. Acio angi nia ria twitaga ministers, na andu aria angi matongorogia factories, andu acio other ri, President oya maritwa make, akanengera parliament. Bunge yahitukai, asio magatwika nio.

- Iyo ingi ni mbica ya President ya mbeca. Mbica ya President tungienda ituike ta America, ati President wa mbere nowe uturaga na mbica. Naye thutha wayo ikorwo ni kirima gia kirinyaga. Iwe ingi ni uhoro wa watho uyu kuga ati, commissioner ni ngumwira andu haha mwishirie. Gitumi ni tondu ni twonete kuria ruraya uria kurathii. Na muthia umuthi uyu niturona uria kuhanite umuthi uyu. Niturona kwina ikundi cigite ati ni ..kwoguo kugie ni commissioner iritwiragia ni kanitha wa muthemba uriku.
- Ya muthia ni harassment. A ndu aria maturaga mathinitio ni dorobo, kuma 1934, mpaka 1992. turaturaga na mbara na subukia na ...mwaka wa 1932 land commission niyatuhete hectre 1000 igisurvey acre 500 kinyagia riu matiri amtunengera ikoragwo na thirikari. Na ngigweta uguo ithiini wa Ministry No. 461. in page 120 tungienda tusokerio area iyo itu. Ona korwo nini atia.ngutigira hau.

**Com. Salome:** Asante sana kwa hayo maoni yako. Ningetaka kuuliza swali juu ya upper House au Nyumba ile ya juu, umesema NCCK ilete watu watatu, Catholic watu watatu, Islamic watatu, LSK watu wawili, mpaka FIDA na maendeleo ya wanawake. Sana, sana NCCK, na catholic na Islamic uenda wakaleta kina baba. Hata LSK ni kuta tu mara moja hii wamekuwa na mama mwenye anaiongoza. Kwa hivyo kuna vikundi viwili tu vya akina mama vyenye kutuletea wakina mama wanne. Una fikiria wanawake wanaweza kuhusishwa vipi zaidi ili wakawa na number za wakusaindia kuonekana?

**John Runjugi:** Tungienda atumia makorwo mari quarter ya andu acio me hau.

**Com. Salome:** Ningetaka kuuliza, kwani akina mama ni nusu ya watu wa Kenya? Kwa nini mngetaka wawe robo?

**John Runjugi:** Onagutwika ni muraturingiriria muno ri, indi riria Jesu ari na arutwo ikumi na eri ndaigana kugia na mutumia hau. Ona Ibrahim ndathire kuruta igongona ena mutumia. Kwo guo ki mutugo ithui tutiitikirite mundu ati makoragwo magitongoria haha .....

**Com. Salome:** Nataka kukubaliana na wewe kwani hayo ni maoni yako na ni maoni ya kikabila na mila, lakini pia ningetaka kukujulisha wakati Jesu alipo fufuka, habari ya kwanza ya kusema nimefufuka na ndio injiri ya kwanza ili patiwa wanawake.

**Com. Ratanya:** Asante sana haya tunyamaze basi, mimi nafikiria mkipata mambo ya biblia mtalewa maneno ya wamama sawasawa, hata kuna wale wanasema wakati Mungu alitengeneza mwanamume haku furahia vile alikuwa anafurahia vitu vingine. Akasema haja fanya vile alikuwa anataka. Akasema ajaribu tena, na wakati alijaribu akaona sasa ametengeneza kile alikuwa anataka, akasema hana haja ya kuendelea na kutengeneza vitu. Kwa hivyo, wazee mjue tena wakati Mungu aliamua anataka kujaribu, alijiuliza na huyu Adam ni nini nilifanya ndio ametokea vile kwa njia sikutaka. Hafanani vile nilitaka. Makosa gani nilifanya? Kitu ikamwambia ni ile material alitumai matope! Akasema nikijaribu safari ya pili nitafute material

tofauti, ndio akaAmua ile material nzuri ngumu, ni mfupa. Sasa mjue hawa wamama ndio wametengenezwa kwa chuma ngumu. Thank you basi tuendelee na bwana George Gitu.

**George Gitu:** Jina langu George Githome Gitu, na ninataka kuongea juu ya wildlife, sana sana ndovu.

- Kwa niamba ya wakulima ambao wako karibu na msitu, tunaona shida sana kwasababu ukipanda cahkula chako, ndovu wanaweza kuja na kuharibu iyo chakula yako, na wakiharibu, na ndio ulikuwa unategemea utalipia mtoto shule, na hakuna compensation unalipwa. Ukiangalia sana sana, kuna watu ambao wanakaa katika area ya forest mara mbili. Ndovu akitoka pande hii, anaharibu akirundi tena pande hii anaharibu, hata ukienda kuchukua hawa watu wa wildlife, hakuna compensation. Tukiangalia sana, wakulima walikuwa wakipeleka hayo majina hata kwa wild life wanahindiwa watalipwa. Hakuna chochote walilipwa. Kwa hivyo tungeonelea, wakulima wawe wakifikiriwa sana kwa sababu Serikali inapata kitu kutoka kwa hiyo wildlife. Isitoshe ukiangalia kuna shule karibu na hiyo misitu na hizo shure zingekuwa zimefaidhika kutoka kwa hiyo wildlife kama revenue ambayo inapatikana kutoka huko. Kwa hivyo mimi naonelea wakulima wakuwe wakiangalilwa sana. Wakati wanalalamika, vitu vyao vinaharibiwa, wakuwe stage ya kwanza kuangaliwa na walipwe. Kwa sababu mtoto wake hatakwenda shule, hata tukiseme shule ni free, unaona sasa mtoto hawezi kukaa bila kukula. Kwa hivyo hiyo iangaliwe sana. Kuna area zingine, kama sasa hapa, Serikali inasema hata kukiwa shida hawawezi kupewa chakula kwa sababu hiyo area si kama dry. Kwa hiyo sasa ikiuwa namna hiyo na chakula yako ilikulwa, watoto wakitoka shule watakula nini?
- Jambo la pili ni mambo ya maji. Tukiangalila hapa Constituency yetu, wakati maji sasa inapita hapa, wakulima walichimba mifereji bado iko kama miaka kumi chini. Hawafaidiki hata kidogo. Na hayo maji bado inasemekana watu katika Lari Constituency wanafaidika na maji. Kwa hivyo tukiangalia sana, sana, ni heri Serikali iangalie mahali sasa kuna water resoruces kama borehole inaweza saidia mahali maji haiwezi kufika. Kwa hivyo kama sasa vile mama mwingine aliongea, ni kweli watu wamezalisha ngombe wa grade, kwa hivyo ni ngesema hii sasa dam iko hapa haitusaidii. Ingawa iko katika Lari Constituency.
- Ile ingine sasa nikimaliza, ni hali ya misitu na tena majani ile iko katika Nyayo Tea Zones. Ni kweli iyo majani inaweza kusaidia watu, lakini ukitembea kwa hiyo majani unaweza ona hiyo majani hata Local people wale wako hapo hawasaidiki. Kwa hivyo tungeaka Commission Serikali iwe inaangalia kwa sababu hata barabara mahali hiyo majani iko ya Nyao Tea Zone hawasaidiki.
- Na ya mwisho, ningesema kazi ambayo wanaajiliwa huko, wale wanandikwa huko mahali hiyo majani iko, kuna watoto ambao wamesasoma. Advertisement iwe inafanywa, sababu utaona tu watu ni Manager lakini hata hawa

watoto wako hapo, wengine wameshaelimika lakini hawasaidiki. Kwa hivyo yangu ilikuwa ni hayo machache bwana Commssioner....

**Com. Ratanya:** Asante basi. Asante mzee basi uweke sahihi pale, na tupate Isaak Ngacha.

**Isaak Ngacha:** Asante sana watu wa Commission. Jina langu ni Isaak wainaina Ngacha, I represent PCEA Kiamweya Church.

- The first thing I will talk about is the preamble, and we say that Kenya as a God fearing nation, should promote the well being and standard of living of all citizens. every person should be encouraged to develop their full potential without hinderance. Disabled persons and mentally retarded should be taken care of by the State.
- **The President.** His powers should be reduced and he should not be above the law. He should be subject to impeachment by parliament if he acts against the laws of the land. He should serve for only two terms of five years.
- **Prime Minister .** An office of Prime Minister should be established, who should run the government and answer questions in parliament. The PM should appoint officers for top positions on merit, and not on tribalism and clanism. They should be vetted by parliament. People should be appointed to positions that they qualify in.
- **Elections:** All Elections Civic Parliamentary and Presidential, should be conducted as follows. Ballot boxes should be transparent. Ballot papers should be counted at the polling station and announced to the public on the spot.
- **Registration of voters.** All Kenyan with ID cards holders and Kenyans passports should be eligible for registration and registration should be an on going exercise.
- **Workers:** All Civil Servants and Parastatal workers, private company employees should be well paid according to their qualification. There should be equal pay for equally qualified people.
- **Education:** Free education should be provided for all children, from Primary to Secondary. Teachers should be well paid, like in other countries.

- **Taxation:** They should be reduced to affordable levels. I D cards should be issued freely.
- **Provincial Administration.** They should be abolished and replaced with elected officials from Headmen Chiefs Dos, and even the PC should be elected by voters. People should be able to acquire property anywhere in Kenya.
- **Wildlife:** Animals should not be given more priority than human. The government should minimize animal human conflict by fencing off animals from people's shambas. Compensation should be paid for all damages caused by wild animals. Forested areas should be well protected from encroachment and destruction.
- **Civic education.** This should be conducted country wide before election. There should be room for impeachment of MPs who fail to deliver. Independent Candidates should be allowed to stand for Civic, Parliamentary and Presidential elections. Students who qualify from schools and colleges should be given jobs.
- **Press freedom :** This should be guaranteed with self regulatory for members of the press. Free coverage of the whole country should be given to all Broadcasting Stations, and many others should be allowed to operate.
- **Health:** Free medical treatment should be offered to all citizens. Doctors should be paid well. And they should not be allowed to run private clinics.
- **Constituency representation:** There should be equal representation for all equal numbers of inhabitant.
- **The police:** They should not molest and torture arrested persons. Action should be taken against those who mistreat citizens. Those receiving bribes from motorists should be sacked.
- **The gender equality.** Equal chances and opportunities should be given to both men and women. Equal pay for equal work and the women should be well represented.
- **Farmers:** Farmers should be accorded the responsibility of managing their affairs apart from taxation without undue influence. When they grow crops like grains the government should buy the crop and pay them promptly. They should be protected from dumping of agricultural products like sugar and maize in their markets from other

countries.

- **Importation of powdered milk should be banned:**
- Officials of water department should not be allowed to destroy pipes installed by citizens. proper invoicing should be done before they disconnect water.
- And finally, I want to talk a little about prison, Kenyan prisons should be rehabilitated. And prisoners should be treated humanly. And taught to honestly earn a living when they leave prisons. Also Prison warders should be well remunerated. Thank you.

**Comm Ratanya :** Thank you very much tupate Francis Mwaura. Hayuko. Basi tupate Kamau Ngugi. Basi kama hayuko tupate Evanson Thiong'o

**Evanson Thiongo Macharia:** Jina langu ni Evanson Thiongo Macharia. Na ni taka kuzungumza kwa lugha yangu ya Kikuyu.

- Yale mimi nataka kuzungumzia ni juu ya Serikali ile ningependa iwe katika Kenya yetu.

Thirikari iria ndirenda kwaririrai, ningetaka Serikali moja isiwe ya majimbo niundu ingikokrwo iri ay majimbo ni ay gayania bururu. An angi aria mena guku mwena uyu matingiona harbour kuria Mombatha. Niundu wo guo uguo ni undu umwe ukuonania ati ingikorwo iri ya majimbo ni kuri amtura mangi mati na irio, na aria angi amteithagio ni mabururi maria marahota gukuria irio. Na ningi ingikorwo iri ya majimbo andu ni mariendagwo basi magithii kuria kungi.

- Undu uria ungi inigienda kwaria, ni uhoro wa migunda, ni undu mawatho ni mathondekagwo amgacoka magatwika murigo. Uhoro wa migunda ta mugaire uria uragwetwo ati uria andu magirirwe ni kugayana, toria marerwo magirirwo ni kugayo, andu ni mari na mutugo wao kuma tene, na ruriri rutari an mira niruthiru rutiri ho. Na niundu woguo, uhoro wa kugaya mundu akienda kwigaya, mundu niagiriirwo ni kuheo mweke, kuheo free wheel yake, gitumi tondu tariu muiiritu niekuhika, na arikiya kuhika, athii akanyita kibandi na muthuri uria wamuhikia. Noguo ni kwonania niatiga gutwika wa ithe. Na niundu wo guo ihinda ria gukirwo ati no oke agae, nigukuonania ati ihinda riria enakuria niaragaya nakuu, na aria matigitwo guku mucii, ringi ni mugunda wa ploti kana ni mugunda munyinyi, na riu nieguka kumathumbura na eguka na ciana ingi. Na riu kuringana noguo, muiiritu uria utangirurwo, mutugoini wa gikuyu, ucio onaandigira ciana kuu niakagaya mucii ucio. Niundu woguo ucio

mugure ndagirirwo ni guka.

- Undu uria ungi ni ati, ni uhoro wa kwandikwo mutumia na muthuri thiini wa mugunda, tondu mutumia amrikia kwandikwa eri na muthutiwe, mutumia nioimaga kuu na akora na agathii na agithii naithii guthondeka undu ungi na kuria erigiriire ningi no agoka guku. Na hingi iyo maundu maria arathondeka nakuria ndarataraniria muthuri we. Niundu woguo angikorwo mugunda ni muthuri ugurite. Agiriirwo ni muthuri ucio akorwo na mugunda ucio, tondu mutumia arikia kugia naguo, aingi riu nitwonete onaguku maturaini niturona uria athuri marakua, niundu mutunia maithire athii kwi ciana ciake, na muthuri atigwo uguo. Na riu ndari an kindu kingi gia kwigitira, na riu korwo kamugunda karia ni gake, riu ati kinya ciana iria niikwenda guka kwona ithe, harafu muthuri ucio ndangicoka kwona thiina. Niundu wo guo ri, watho umwe ungikirwo wacoka kurehe thiini thuthaini no twike mutino.
- Undu uria ungi ni undu wa cionje. Tariu turi na cionje twonaga Nairobi, nitugukiuria athondeki a watho, thirikari itu yoe jukumu iyo, ithondekere andu acio muikarire uria mangiigwo na guo, nigetha hindi iria andu amgatiga kwona thiina riria marona cionje icio na ni kuri ta hindi gwekitwo ahrambee ya cionje, na riu tutionaga uria mekiirwo tondu tumonaga o kuu.
- Undu uria ungi ni undu wa cukuri iria ina boarding. Gitumi tondu niundu wa dawa cia kuirevia, nikwagiriire thirikari, icirie uria ikugitira cukuru icio, tondu cukuru icio riu ciana nyingi ni iracinana, niundu wa dawa icio cia kurevia na bangi, niundu woguo ri, thirikari icirie andu aya agithomo mecirie ni ugutiri uriku ukugia kuo, otona mararigiria kuria airport ri, ona guku magiriririe.
- Undu uria ungi ni uhoro wa machief. Gitumi thirikari riria ingiuga nikweherai machief, nomumenye ati andu aria makoragwo magiteithia muno ni machief tondu nio makoragwo mari hakuhi na andu. Na niwe umenyaga mathina. Na hindi iria kungioneka uru, utuku niwe utengagirirwo na riu angiagithio hinya, na polithi iri hanene, riu gutiri uteitheio ungi mundu angihota kwona, no korwo ni chief mahotithio na maheo hinya, na nimarihotaga gutithia andu tariu kuragia na uhoro wa gukorwo utuku, na onagwetanwo gukaga uhoti tondu ndari no hoti na ti muhe thigari, na ndari na uhoti ucio wa gwitkati, tiu tugakihoya atiriri, kundu guothe sublocation, amheo thigari mena bunduki. Nigetha indi iria kwagia na thiina, makahota guteithika wamweria polithi igoka. No macio tu.

**Com. Salome:** Asante sana mzee hiyo imekuwa maoni mazuri, mimi ningetake kukuuliza habari za urithi. Naona unanitarajia.

Hata naona unanitarajia natabasamu.umesema mtoto wa kike asipewe shamba la baba kwani pahali ameolewa atapata shamba. Halafu ukasema pahali ameolewa asiwekwe jina kwa Title Deed ya bwana yake kwani siku moja anaweza kutoroka. We mzee ni mzazi, zungumza mambo ya watoto wasichana tena unieleze umesema arithi wapi?



**Com. Kangu:** Bwana Evanson ningetaka kuuliza swali karibu hiyo hiyo tu imeulizwa na huyo Commissioner. Hapo umesema hakuna sababu ya joint Title kwa shamba ambalo limenunuliwa na mzee. Na mama naye akiwa na pesa yake anunue shamba yake, ungekubali aandikwe jina lake? Yaani aandikwe jina lake peke yake? Kitu kingine, kama huyu mama anapesa yake na bwana ana pesa yake na wanunue shamba wakiwa wawili, hata hapo ungekataa iwe na joint Title?

**Com. Salome:** Mimi nataka kuongezea kwa hiyo moja. Nataka kusema wakati mzee alinunua shamba hii yenye unasema akinunua iwe na jina lake peke yake, alikuwa akipikiwa, alikuwa akioshewa nguo, alikuwa shamba lake likilimwa, watoto wake wakilishwa, na huyu mama kama angepata mshahara kidodgo kwa moja ya hii kazi, si hiyo pia ndio ingekuwa kuhushisha katika ile ununauji wa hii shamba?

**Evanson Thiongo:** Nina weza kujibu kwa njia hii. Hii inategemea vile wewe an bibi yako mnavyokaa, kwa maana unajua, kama wewe umekuja, umeolewa an ukiwa unanikuta mimi niko na shamba, unakuta jina langu, hapo ndipo mimi nasema hiyo jina itakaa namna hiyo. Haya, tena ikiwa tunanunua shamba na wewe, wewe umetoa pesa na mimi nimetoa, na sisi tunafanya kazi pamoja, roho yetu ni moja kwa hivyo tutaandikwa, wawili, kwa maana sisi tunasikilizana. Na tunafanya kazi pamoja. Na sasa hata nikiongeza hapo nikwambie hata sasa tunaona wale watu ambao mabibi wako iko kazini, ikiwa bwana hayuko kazini wana muacha. Tuanona hayo. Hata hii watu iko hapa wanaweza kukubali ya kwamba hata bibi akiwa ndie yeye ako kazini na bwana yake hana kazi anamuacha na hiyo inaonekana.

Asirithi shamba mahali alizaliwa, tena penye ameolewa asiwekwe kwa title na bwana. Ndipo hapo mi na sema ikiwa msichana wangu ameolewa huko, akiwa huko, akae huko na akubali huko, akipewa huko shamba ni mzuri, na akiandikwa kwa huko ni mzuri, lakini akiwa anafikiria atarundi hapa kwangu, hawezi gwathikira, ndangitikira gwathikira muthuri uria tondu nioi niegucoka guka na guku. Nikuruta wira muru muno kuu. Onandangiathika; Onandangiathika.

**Salome:** Mzee unataka kutuambia kuwa msichana wako unamnyima shamba ndio umshurutishe maisha yenye yuko nayo kule kwani hana pahali pa kurudi

**Speaker:** Kwa maana yeye ndie alinionyesha huko, na akaniambia na roho yake, huko ndio kwake, na akaenda huko akapata kipande, kwa hivyo yeye ni mtu wa huko.

**Com. Ratanya:** Asante sana mzee. Sasa tupate, Jonathan Muigai. Jonathan Muigai. Wale wanazungumza tujaribu tunyamaze kwa sababu kuna mvua na mkiongeza kelele hatutaweza kusikia. tunyamaze

**Jonathan Muigai:** Asante, Mimi jina yangu naitwa Jonathan Muigai Njuguna. Ambaye mimi ni mtu ya hapa Magina, nataka kuongea habari ya maji.

- Sisi hapa tuna taabu ya maji. Na nikisema hivyo, inajulikana ya kwamba ukienda kila kijiji utakuta watu wanatoboa shimo nyingi sana sababu ya taabu ya maji. Na sasa mimi ningeuliza Serikali, kukiwezekana, itumie pesa yao tupatiwe maji kutoka lake Victoria. Serikali itengeneze kinu kule juu ili maji itoke Lake Victoria, ingie ndani ya “Equator”. Na kama kinu inawekwa huko, haya maji ya yataweza kupatikana kila pahali ndani ya Kenya. Sababu ukienda pale, pande hii ni mtiririko na pande hii na pande, pande yote itakuwa mitiririko ya maji. An ikiwa Serikari inatengeneza petrol kutoka Mombasa, kwenda Kisumu, yaweza kutengeneza maji kutoka Lake Victoria na kuja kule “Equator” and inaweza kufaidi watu wote wa Kenya. Na wanaweza kapalilia shamba zao na ngombe zao na hayo maji ya kutoka Lake Victoria. Kwasababu ikiingia kwa “Equator” itaenda kila pahali ya Kenya. Ningeuliza Serikali itumie pesa, ili tupate maji kila pahali kwa sababu sasa watu wote wa Kenya wana taabu ya maji. Sasa tunasikia ile kitu inavywekwa halafu maji yote inakwisha. Sasa tutapata maji wapi? Kama Serikali hapana pata jia hiyo, sisi tuko na taabu sana ndani ya Kenya kwa ajili ya maji, kwa ajili ya kuni na miti. Sasa sijui sisi tutafanya namna gani. Nauliza Katiba ikiwezekana mwangalie hapo kwa makini sana. Sababu haya, maji inafaidi kila mtu, kila wanyama kila sehemu kwa hivyo mimi nataka kuongea hiyo tu ya maji kwa sababu mimi naona itakuwa taabu kubwa sana kwa watu.
- Nyingine ni ya wale watoto ambao wanazurura. Ukienda Nairobi utakuta watoto wanazurura huko ...wale dada zetu wanawacha watoto wao, wanakufa hawa watoto wanateremka na kwenda Nairobi au matown ingine. Hawa watoto hawana chochote. Wanataabu. Kama kukiwezekana ni lazina Serikali itumie pesa zao kuokota hawa watu kuwaweka pamoja, kuwasomesha na kuwapatia chakula. Sababu tukisema elimu ni ya watu wote yawezekana. Lakini hawa watoto hawana mama hawana baba wanalala wapi? Hiyo ni taabu kubwa sana. Mimi nasema ikiwezekana Serikali ichukulie hiyo mambo makini sana. Sababu hawa watoto wako na taabu kubwa kabisa. Sina mengi

**Com. Ratanya:** Asante mzee basi andikishe pale, tuende kwa mwingine. Na tupate Mary W. Kiarie. Basi kama hayuko tupate Joshua Wakinya, kama hayuko tupate Tharai Ngenyuku,. Munyua Mbugua, Francis Karumba, David Karanja. David Muchiri, Ibrahim Kirugo, Benson Kamau, Benson M. Kamau? ni wewe? hii tuko nayo ni Benson M. Kamau ni wewe? wewe unaitwa nani?

**Benson Mwema Kamau:** Kwa majina ni kama vile mmesikia, ninaitwa Benson Mwema Kamau. Na kitu yangu ya kwanza, ningependelea Rais ambaye tutamchagua katika nchi hii, asiwe na mamlaka ambayo ako na Rais wa wakati huu. Ipunguzwe mamlaka yake.

- Ya pili ni mamlaka ya Administration. Kwanzia Permanent Secretary, PC mpaka Chief kati yao wengine ni wazuri sana, lakini kunakuwa wengine ambao ni wakatili zaidi.

- Ya tatu, hawa ambao wantuchunga na kutulinda yaani polisi ni wazuri! Sababu wote si wabaya. Lakini tungetaka wapunguze ukatili kwa cell. Ukishikwa kama wewe ni mlevi kosa gani umefanya? na umekula pesa zako? Ukifika huko unateswa kama mwizi. Mimi nikiwa tunapakana na wewe shamba, unaenda huko unatoa pesa mimi nakamatwa ninawekwa pingu ninapigwa kama mwizi, huo ukatili upunguzwe.
- Tena tungetaka kwa Serikali yetu, ikiwa ni kuandika watu wa kazi, kitu ya kwanza interview na tena wanachanganya makabila yote sio kabila moja tu ambayo iko kwa uongozi.
- Ya tano, kitu kinaitwa Serikali ya majimbo, ni mbaya zaidi, sababu mimi nimeshaishi huko wanapenda majimbo majimbo, lakini unaishi huko hata ukiwa ni original Kenyan kama mimi unaishi huko kama mtumwa. Na tungependa Serikali ya umoja ya watu wa Kenya.
- Tena kwa maneno ya mashamba, sana sana, kwa upande wa Title Deed. Inakuwa na shida sana ikiwa unataka Title deed yako ukifika huko, ni shida kuipata. Tena kiongozi yeyote ambaye anaongoza nchi, achaguliwe na awe mtu ambaye hana ukabila. Tena Rais asikubaliwe kutumia uchumi wa nchi kupita ile pesa ameamuliwa kutumia. Ni hayo tu.

**Com Ratanya:** Ngonja swali moja, Bwana Benson nina swali moja hapa. Umesema kwamba hawa Provincial Administration sio wabaya kutoka PS PC DC mpaka kwa Assistant Chief. Lakini unasema ni wa katili zaidi

**Benson:** Wengine.

**Com Ratanya:** Wengine ni wakatili. Sasa ili wote wawe safi, ungetaka kupendekeza nini, tufanye nini kwa hiyo Katiba mpya.

**Benson:** Ningependekeza ile uwezo wamepewa ipunguzwe kidogo

**Com Kangu:** Asante basi if we don't have another question. Tupate Fredrick Tugi. Na kama huyo hayuko, tupate Richard Nganga, kama hakuna, Peter Tharau, na Zacharia Thuo, Zacahry. K. Thuo

**Zachary. K. Thuo:** Majina yangu ni Zachary Kuria Thuo and I think I will be very brief for what I wanted to speak about has already been said. Yangu, ni kuzungumzia hii habari ya powers of the President. President hatakiwi awe na powers nyingi kama yule ako alivyo sasa. Inataka iwe streamlined na awe President "answerable to parliament".

Ya pili tunataka tuwe na, VPs wawili.

- Ya tatu Katiba itengenezwe tuwe na Prime Minister na Assistant wawili. Sababu ya yale ilikuwa imeongewa, nataka kuongea habari ya education. Kwa vile education yetu imeharibika, tunataka kuwe katika Constitution yetu, Katiba inayosema, mwalimu awe anafundisha katika nchi nzima sio vile walitengeneza juzi ati awe akifundisha kwao nyumbani, maana yake binadamu ni binadamu, kama munakosana na mwalimu, kwa pahali mnaenda, kama manakosania kanisani ile group mnaenda, akiona mtoto wako anakumbuka, vile mlifanyana. Kwa hivyo education yetu itakwenda low. Hiyo inataka iangaliwe katika Katiba yetu.
- Inginge sababu yalizungumzwa, nataka nizungumze hii habari ya polisi vile hii kuweka watu cell kwa mda wa siku kumi na nne. Na maana yake, ukiwekwa siku kumi na inne katika cell ya police station, corruption inakuwa juu zaidi. Kama unataka kuona mtu wako kama uko nje sasa, ukienda hapo, mpaka uitishwe kitu. Corruption inaingia ukitaka tena huyo mtu aachiliwe, mpaka uitishwe kitu na ni kwa siku hizo kama Constitution ya sasa inasema mtu anafaa kukaa siku kumi na nne. Kwa hivyo inafaa itengenezwe iwe mtu anakaa katika police station for 24 hours ndio apelekwe kortini na corruption itakua ndogo kwa hawa polisi.
- Inginge ni hii ya Administration: Kuanzia Assistant Chief, Chief, DO, DC na akina PC, they are only answerable to the President na wanaendelea kufinya wananchi. Kazi yao kama tuseme, mtu anataabu ya harambee wanaenda hata kwa kanisa wanaomba, kwa mashule wanaomba, kila mtu everywhere, na hiyo inakuwa tena kufinya mwananchi wa kawaida. Vile ningeonelea upande wangu, hizo pesa Administration wanapewa, ziwe zinaingizwa katika masomo, hospitali, na hivyo mwananchi wa kawaida atafaidika.
- Jambo lininge ni ya wakulima. Katika Katiba yetu, tuseme kama sasa wakati huu mkulima anafinywa zaidi. Maziwa bei kidogo, mihidi bei kidogo, wenye miwa kidogo, ajili ya nini? Tuseme importation ya hizo vitu iwe inawekwa wakati kuna shortage tuseme miwa, shortage ya maziwa, ndio mwananchi yule analima hizo vitu anafaidika. Sio ati watu wale wakubwa wakubwa wakifikiria sasa tunataka kuharibu, tuseme tuadhibu nchi, they import milk, powder milk, they import sugar, and still we have a lot of sugar in our place, we have a lot of milk, hiyo yote, inafaa ikomeshwe na itakomeshwe kwa kuwekwa kwa Katiba yetu iwe inakuwa imported wakati wakulima hapa wanashindwa kulima vitu kama hizo. Na hiyo mwananchi wa kawaida hatafaidika.
- Nafikiri niko ya mwisho, Hii ingine ni juu ya elections. Yaani tuwe na play grounds ilio sawasawa sio ati kunakuwa ruling party, Opposition, kuwa na neutral ground. Sasa tuseme hii Serikali inayo tawala kwa wakati huu, kuna KANU zones ati watu wa opposition hawawezi kuingia huko. Katiba yetu, inasema “you are free to

go anywhere, you are free to assemble”, an inataka tuwe tunapewa ruhusa ya kwenda kila pahali na kusema kile unachotaka.

- Jambo lingine la mwisho, ni kusema Katiba yetu ni nzuri hata tukienda kwa uchaguzi na Katiba hiyo, ni nzuri, lakini makosa ile iko ni kuvunja sheria, na wale wanavunja sheria sijui, tutaiweka namna gani kwa Katiba yetu, kama sasa tuseme ilioko Katiba sio mbaya sana, ni nzuri, lakini makosa ni wale wanayo ifuata tuseme, Serikali iliyoko sasa. Wanavunja sheria na hakuna pahali wanapelekwa kwa hivyo hata mwananchi wa kawaida hakuna kitu anaweza kufanya. Nasema Katiba hii tunayo itengeneza sasa, ni nzuri, na hata ile ilikuwako isipokuwa changes kama ile nimesema kidogo, ni nzuri sana lakini “problem”, ni wale wanaolinda hiyo Katiba, Katiba nzuri inatengenezwa lakini ni kama kuchukua gold vile mnayotengeneza sasa tunaitengeneza, unaitupia ngurue kwa pahali inakaa, na unajua hiyo gold itawekwa chafu. Kwa hivyo inafaa watu hao wawe wanachungwa na kuwe hakuna mtu atakuwa above the law. Na nimemaliza hapo.

**Com Ratanya:** Thank you very much. Asante, basi hakuna swali bwana Thuo. Tupate Peter Mburu, Peter Mburu Kanyuku, na Peter N Ruthi, hayuko Titus G Kiratu, wewe ni Titus G. Kiratu? Fine

**Titus G. Kiratu:** Vile mmesikia, hayo ndio majina yangu. Titus Gathu Kiratu or G. Kiratu. Ya kwanza mimi ningetaka kuzungumzia juu ya land.

- Juu ya land, Shamba. Kuna sheria ambayo iliwekwa ya 1990. hiyo Act ilikuwa wazee wawe wakiangalia mashamba- wazee wa vijiji. Hapo ilitendeka vibaya mimi nikisema sababu, wakati ilitungwa hiyo sheria, haikuwekwa ceiling, ya kusema, shamba ambayo ni mpya au a new scheme, hiyo itafutiwe watu wa kuangalia kwa sababu kwaweza kuja mtu akiwa na Title na huyu mwingine aje na Title, na wazee wale wamechaguliwa pale, ni wazee ambao hata hawajui kusoma. Kwa hivyo kama yawezekana, iwe wazee, au watu wale wanawekwa kwenye hiyo panel wawe ni watu ambao wana elimu, ni watu ambao wametoka area kama tuseme, mahali kama hapa tuko. Kunatakiwa kuwe na mzee wa area hiyo, sio ati kuletwe mzeed wa kutoka Kambaa, hata ingawa yeye ametoka Lari, yes, hapo ni vizuri, lakini kuwe na mtu yule ambaye is a neighbour to that area.
- Ya pili, ningetaka kama mimi ningeulizwa, hiyo case iwe ikisikizwa hadharini hata wazee waende kwenye hiyo shamba na watu hapo iwe ni kitu kama baraza dogo hivi. Ndio wazee wale wasikize vizuri kutoka kwa wananchi wale walioko. Nikitoka hapo, tena nirudi kwa special board. Ningetaka hiyo ikwishe kabisa. Sababu hiyo special board ndiyo inatumiwa na hawa wakora. Wanaenda wanacooperate na DCs au DOs halafu hiyo kitu inaandikwa. Wewe ukienda huko, umenyaganyawa tayari. Ukiitishwa consent unakuta kuna consent, na wewe hukuwako! Kwa hivyo special board mimi ningependa hiyo itupiliwe mbali.

- Nikigusia upande wa Adminstrtion, mimi nimeonelea kuna viti vingine vinachukua pesa zetu bure, - vile vitu ambavyo viko muhimu, ni Assistant Chief, Chiefs, kutoka hapo DO hana kazi juu anachukua ile kazi ambayo imefanywa na Assistant chief, Chief halafu anapelekewa. Kazi yake tu ni kuchukua hayo maoni, na kupelekea DO. Sasa hiyo pesa na Chief angepeleka, mimi naona hiyo DO hana kazi hapo. Tukienda upande wa DC, DC ni mzuri, lakini tukwamie hapo. Mambo ya PC, naye PC hakuna kitu, hata pengine tunakufa bila kuona PC, bila kuwa haja ya PC, kwa hivyo kama hiyo kiti ya PC yaweza ondolewa, hiyo yaweza kuwa mzuri. Tubaki tu na Permanent Secretary. DC akiletewa ile maneno akitaka kupeleka mbele, apelekee PS. Halafu iyo ingine inaenda ivyo kama ni President apewe na PS.
- Haya nikitoka hapo, ningetaka kugusia upande wa Security vile,vile. Upande wa security, ni vizuri au hata ni aibu sana, wakora wamekuja, mnapiga nduru, mnaenda kwa Assistant chief wenu, au Chief ati mpate usaidizi, Chief atatoka tu na ile rungu kama ile we unaye, sasa utasaidika na nini? Atatoka huko na rungu, au panga na wewe ulikuwa na hiyo na umeshidwa, mimi ninaonelea ikiwa hawa Machief hawawezi kupewa maybe, a pistol au whatever, wawe wakilala na askari karibu. What I mean, for every sublocation kuwe na askari. Every sublocation halafu kuna askari wengine hiyo ningenelea vizuri iondolewe hao wa Administration Police. Hawa Administration Police wanjiunge na police na hiyo pengine hata security tutakuwa na watu wengi hakutasmekana huko station hakuna Police hakuna nini, kwa hivyo wale watakuwa wakihundumia Sub location, wanaenda hivyo hata kwa Location.
- Nikugusia pande ingine , ni upande wa Ministries. Tuna minsistries, na hizi ministries zingine hata hazifanyi kazi. Tukiulizwa tunasema hazifanyi kazi. We should start from the sublocational level, tuseme tuchukue Ministry kama hii ya Roads, ukiulizwa who represents the sublocation to that Ministry? you get none and that is why we are getting a lot of potholes. Kwa hivyo kama pengine kunakuwa na mtu ambaye amepewa nafasi ya kuangalia mambo ya barabara, barabara zetu zingekuwa safi sababu he si very much answerable. Ataulizwa kwa nini akiona kuna mashimo mbaya ataorganize watu wanaenda wanatengeneza area hiyo.
- Na zingine kama hizo. Every Ministry, to make sure from the sublocational level tumepata. Nafikiri tuna mambo ya hii dairly board. Hawa wanaregulate hii mambo ya maziwa. Sasa ni soko huru, yes ni soko huru, lakini kuna mambo mengine sasa italetwa hapo. We unasema ni soko huru ndio , unachukua maziwa yako, sawa, ukipeleka mahali umepata order, unakutana na hawa wa dairy board. Wapi barua? sawa, kama huna wanachukua hiyo maziwa wanaenda pengine wanauza au wanafanya mambo ingine. Lakini ukweli, hii dairy board, wananchi na nini? Hakuna mkopo, hawapei mikopo, hawakuji kuwaambia vile wataorganize, na kwenye hiyo dairy board, wanataka for every litres, they need 20 cents from litre. Whatever the litres you have you multiply by 20. now

hizo pesa, zitakurudia na njia gani? Hiyo ni unyanyazi. Kwa hivyo mambo kama hayo ya dairy board sioni vile wanasaidia, isipokuwa ni kufinya watu.

- Nikisumarize, mimi ningetaka tu kuomba hii Katiba ambayo tunaunda. Na ni nzuri, na tutaunda vizuri. Isiwe hawa MPs hata kama wamechaguliwa na wameenda Bunge, kwenda kutamper na hiyo, Katiba tumeunda sasa. Ikiwa wanataka kutamaper na hiyo Katiba, vile saa hii tunafanya warudi tena, watuulize, sio kusema we should do that or what. Warundi hapa hapa. tumeundwa watuulize a certain law tunataka kurekebisha juu iko hii na hii. Na hiyo tukifanya isiwe ni kama Toilet Paper ikawa tumeunda tena inaenda inaguzwa tena na vile tumeiwacha, tunakuta siku ingine hakuna kitu kama hiyo. Kwa hivyo vile mimi ningepomba ni hayo tu, na ni sawa.

**Com Ratanya:** Asante kuna swali kwa mama .

**Com. Salome Muigai:** Asante sana nimesikia ukiwa na jambo la kusema ya kwamba kuwe na wazee, kama wazee wa kijiji hivi, kuangalia mambo ya mashamba. Sasa nataka kuuliza kwa hiyo wazee huoni kama kuna haja ya wa mama kuwa pale pia kwa mambo ya mashamba? Halafu swali lingine nataka kuuliza, umesema kwamba bado tunahitaji Machief, maDC na MaPS ungetaka asilimia ngapi iwe ni wa mama? Asante.

**Titus Kiratu:** Ni vizuri kwa hayo maswali. Ninaona ni nzuri na ni vizuri vile umenikumbusha mahali nilikuwa nimesahau. Kusema ukweli hapa kulikuwa na mjadala ambako mtu alisema ati hawa akina mama Title ziwe , bibi yangu awe ndani, na mimi niwe ndani. Yes I agree with that. Lakini, iwe na A and B. Wakati mimi niko na wewe hiyo kitu tugawanye, sawa hakuna shinda. Lakini nikikuoa leo kesho uende na tayari tumeandika hiyo? hyo imeenda. Na pengine ulikuja tu ndio unyakuwe. Sasa nirudi pale kwenye ile question. Mimi naonelea hii vitu mnasema nyinyi akina mama, ingieni kwa kiwanja, wanaume sio kupewa, nikuomba. Wake up, ingia kwa kiwanja, why do you need to be given? You should ask, uingie kwa kiwanja kama wanaume uongee na akina mama tena muko wengi, nyinyi ndio wengi infact. You are more than us. Hata ukienda kwa barabara, utesabu utakuta the ratio is 10:4. kwa hivyo ingia, ongea hakuna haja ya kutegemea ati upewe, utapewa namna gani na mimi nitapigania. Na nikishinda, nitanyanganywa? Kwa hivyo, pengine tuseme hii inaandikwa unaandikwa huko wewe unaapply. You apply to the Permanent Secretary for the seat. Kama area yako kuna Chief wanatakikana, wewe andika apply. Go for the interview ukipita ni sawa. Lakini sioni vile salamia inaingia wapi. You go ask for the seat. Nayo elders ni sawa hapo ichanganywe. Hiyo ni vizuri, hapo hakuna shida hapo lakini kuwe wamama wanaingizwa huko, sio, na tena isikafuatwe ati juu mimi naimba wimbo mzuri kama tuseme maybe DP or KANU or whatever, ati mimi niko na nini, hapana, kwenye hiyo ruling party ati ndio niingizwe, juu naongea ,hapana let the field be flat to every body.

**Com. Salome:** I want to ask you a question on the field that is level. Kwa nini watoto wavulana wanataka kupewa shamba, bure, bure tu kwa ajili hao ni wanaume. Hakuna mashindano, hakuna chochote. Wakati huo huo, ndio mnasema bibi



hasipatiwe lakini aende akashindane. Kwani hamtaki kushindana na dada zenu, mpate nusu nao pia wapate nusu. That is level playing ground? Zote tulizaliwa. Mama moja hapa alisema hakuna wa, “gutiri w anda na wa ki? Na wa mugongo”. Wakati ni shamba ya baba ni pewe hizo ni mila zetu, wakati ni kitu ingine kwa nini mnataka kupewa? Let us be open “niui Katiba niuhoro wa kihoto?” Tutangikira kihot Katibaini, then we have no business hata kufikiria habari ya Katiba. Kwani Katiba nikiwa nikafanya bila what is kihoto? Bila justice, the constitution is about justice. Justice for one and justice for all. Sasa nyinyi lazima tufikirie hii justice iko wapi. Wakati wakupewa ni kina baba, wakati huu mwingine, nyinyi ingieni kwa kiwanja. It is double standards tutaiwekaje kwa Katiba double standard?

**Titus:** Hapo hata ingawa madam amesema ni double hapo kupewa na baba, ni different na kupewa na wananchi. Wewe unaingia kwa wananchi unauliza viti Ukienda kwa baba yako pengine hukuolewa, hiyo ni sawa . Hata baba yako anangalila anaona vile mnaishi na bwana yako, ni miaka mbili tu. Vile mnakaa na tabu ai huyu atarudi! Ile nimebakisha yangu basi hiyo nakupatia. Ile nilisali na hiyo kwa hivyo hii yangu nitakupatia hakuna shida mami.

**Com Ratanya:** Basi tupate Bwana George M. Watene. Hayuko . Sasa niulize kwa wale wamebaki, kuna mwenye anataka kuzungumzia hatujaita jina lake? Wangapi? 1,2,3 ni watu watatu e? Basi tuanze na No 1. mzee.

**Geoffrey Mwangi Kihara:** My name is Geoffrey Mwangi Kihara, I said we should have Senate of four People in every Province in Kenya aged 70 years, because, if parliament amends any part of the Constitution by a 65% majority vote, the House of Senate will participate or see it and pass it or reject it. If amendment of Parliament, was not building Kenya into one nationa or dividing them in political parties or tribal lines.

- Will force it in law because of their age of 70 years will not like the Kenyans to be corrupt in any way. Another question is should parliament have power to amend the Constitution be limited? If so how? I said “no” in my answer. Another question; Should any parts fo the Constitution be beyond the amendment power of parliament, if so which one? Hapo I said “yes” because it was Kenyan Constitutional reform, not for the 220 people in parliament. Another question should the public be involved through referendum in amending the Constitution? if so which part? I said “yes”, the Constitution we have agreed with it all as Kenyans

**Com Ratanya:** Bwana Watene?

**Speaker:** I am kihara Geoffrey Mwangi Kihara.

**Com. Ratanya:** Geoffrey, oo I am sorry, Geoffrey Mwangi Kihara, can you just bring out ile point tunataka badala ya kusoma swali na kutupatia jibu. Unaueza kuliza kwa jambo kama ili ningetaka maneno iwe hivi namna hiyo.



**Geoffrey Kihara:** if you are following the page is okay. I can say my answer.

**Com.** Yes, you will give us your right answer? So you don't have to read every thing, utatupatia maadishi, so give us the main issues, hapa ninataka hivi, hapa hivi.

**Geoffrey Kihara:** I am reading the important things, because I will not read all

**Com Ratanya:** Okay fine

**Geoffrey Kihara:** Hapo nilikuwa Constitutional supremacy that is where I was. Hiyo ingine, should any part of the Constitution be beyond the amendment power of parliament? If so, which one? I said "yes" because it was Kenyan Constitutional reform not for 220 people in parliament. Should the public be involved in referendum in amending the Constitution? If so which part? Hapo I said "yes" the Constitution we have agreed all as Kenyans. The party agreed by all political party sasa namaliza hapo nakuja kwa page 6.

Defence and National Security: Should the disciplined forces, the Military and Para-military, Police, Prison and so on be "enterprised" by the Constitution? Hapo nasema "yes", what mechanism should be used to discipline the Armed Forces? This one I want you to listen very well

**Com Ratanya:** Tusifanye kelele wacheni tusikie bwana Mwangi

**Geoffrey K. Mwangi:** My answer is, first in any training in forces, they should be trained, they are defenders of their country and their brothers and sisters within their country Kenya. (b) Any one in Forces found not following the training he /she will be arrested and taken to martial court and answer the charges, if found guilty, the penalty is death because he /she should be ambassador of this country.

- **Security:** Another question should the President be the commander in-chief of the armed forces? "No". Should the Executive power be asked to declare wealth? "Yes". Should the Constitution permit use of extra ordinary powers in emergency situations such as war, national disaster, destruction and breakdown of public order? Yes. Who should have the authority to involve this emergency powers? Ministers concerned in the defence Ministry having followed the right channel e.g from parliament and the okay from the House of Senate. Should parliament have any rule in effecting the emergency powers? "Yes" if it is given okay by House of Senate.

**Com Kangu:** Mimi naona bado wewe uko kwa national defence and Security, na kama unataka kucover hiyo kitabu yote,

tukienda hivo hatutamaliza. Masaa inaenda.

I am not going to cover it because it is so long. Even I am clearing. I am just covering little hii yote siwezi soma yote I have to give you the copy it is a lot of work.

**Com Salome:** The four elders from each province. You said they were to be four elders from each Province. To make the Senate How many of them should be women and how many should be men?

**Geoffrey K. Maina:** As I understand you women like to be in front. But no!. You shall be elected by the people. If you are leader, we need a good governor. If you can govern us well, as a woman you can go through with votes. Let us say with vote of people. Because if you go there because, you wont be given anything. We are doing votes and we are voting for those who can lead us well that is what we said.

**Com. Salome:** I agree with you. But also this is time of reflection. If we are national leaders, then we should say that we want 20 Senators. How many will they be  $4 \times 8 = 24$ . Then we should say we want 24 good Senators. Wherever they come from in this country we should not worry because we want good leaders. By saying we want them from Provinces, we are ensuring that we at least get four Senators that are Kikuyus from Central Province. We cant say we want Kikuyus and then go back and say, we cannot say women should'nt be given. You see these are the double standards that we have been employing time and time again. And Katiba time is time to reflect "kwamwega ta wa ki? Ta wamuru". We are saying we want to go to Provinces because we are ensuring participation of tribes. We cannot go back and say we don't want to ensure the participation of men and women. We are not being fair, we can say it because the men have the power but we are not being fair.

**Geoffrey Kihara:** But you know why I said so, I said so because.....we have got a lot of let us say a lot of tribes. What we do is to get one from Pokot. Another one from any other tribe there. Then we get.....here we have within Province, and this is Central Province, we have Kikuyu we have others like Meru, we have others like let us say Kirinyaga.

**Com. Salome:** I am using that principle, that if we are saying we want a mix of tribes, we don't want one tribe, then when we go back and say it is only men it is okay, then we are not doing "wamwega ta wamuru".

**Com Ratanya:** Bwana Mwangi asante basi hatuna swali lingine, weka sahihi halafu upeane hiyo memorandum yako halafu, No. 2 alikuwa pale nyumae?

**Obadia Kariuki Karugu:**Jina langu ni Obadia Kariuki Karugu: maoni yangu ningependa kuguzia kwa kuguzia hili jambo la gender balancing sababu ninaona it is generating a lot of heat. Niseme ya kwamba hapa Kenya mambo hasa huwa we say that things in Kenya are easily said that done. Kwamba ukiangalia haya mambo ya kusema wanawake kama tunachaguana

tuchaguane mambo kama ni Chief, kama ni Subchief, tuwe wangapi kama madam anavyo taka kusema sana hapa, ati tuseme ni wangapi. Wawe ni wanawake wangapi,. Wawe ni wanaume, haya mambo yamekuwa yakisemwa na madam ningependa kusema jambo moja tukaingalia hili Bunge. Say for example kama ninagusia yale ambao ulikuwa unauliza, Bwana mwenyekiti kuna hili jambo ambalo lilisemwa katika Bunge la Africa Mashariki. Kenya Uganda na Tanzania wakasema ya kwamba waunge Bunge. Na katika ile Bunge mambo yakasemwa ni lazima Kenya itoe katika wale waBunge wote watatu wawe ni, wanawake . katika kila inchi. Lakini sasa Uganda imepeleka wangapi? Wanne. Tanzania watatu. Kenya ikakiuka, badala ya kupeleka wale watatu, imepeleka wawili. Na kitu ambacho kimekubaliwa, kwa hivyo pale ninasema hata tukisema wanawake wawe wangapi, naona hayo hayawezekani. Kenya ni nchi ambayo tumedharau wanawake. This is obvious. Kwa hivyo mambo ya kusema haya, sioni kama ni kusoma hawaja soma, ni kuwadharau. Kwa hivyo ninataka kusema hivi. Kenya tuwe sensitive na mambo ya wanawake zaidi.

- Haya, na tuwe na equal rights kwa wanawake na wanaume. Sababu kama yule moja amesema hapa, kwamba wanawake ni wengi, ndio, lakini wakiwa wengi, lakini wakiwa wengi, tukienda katika kuwapa kazi, mbona wanawake ni wachache? Ni juzi juzi tu ambapo tumeanza kupata PC, ambaye ni mwanamke. Wangukuwa wane. Kwa hivyo every opportunity in employment ziwe equal. Wanawake kama ni PC, kama ni wanaume wane wawe wanawake. DCs kama ni maDC kama tuko na 70 Districts, therathini na tano, hiyo sheria isiwe kusemwa tu. Iwe ni sheria ya kutekelezwa. Wawe ni maDC therathini na watano na wawe ni wanawake na wanaume wawe ni vilele wawe equal.
- Jambo lingine ningetaka kusema juu ya uchaguzi. Katiba yetu ambayo tuko naye inasema ya kwamba mtu akitaka kuchaguliwa kama ni hapa Lari, awe ana property. They talk about property. Awe ana shamba hapa Lari, that one qualifies him, kuwa ati atasimama hapa. Awe pili, amekuwa registered voter hapa. Ninaona wengine wanajichukulia candidate. Ningependa Katiba iseme hivi, kama mtu anataka kusimama hapa Lari, awe ame kaa hapa Lari kwa hiyo miaka yote mitano. Sio kupata tourist, mtu anakaa Nairobi miaka mitano, mwaka wa uchaguzi, ndio anakimbia kuja hapa kutuomba kura. Wanatuchezea shere hawa. Kwa hivyo mtu akae hapa kama anataka kuchaguliwa. Sio aje tu mwaka wa uchaguzi.
- Jambo lingine ningependa kusema ni tupate fixed date, ama fixed calendar ya uchaguzi. Kama leo ni tarehe 24 ya mwezi wa inne mwaka huu, kama tunachaguana baada ya miaka mitano, tuseme ya kwamba, vile wanavyofanya Marikani, wanajua ya kwamba every fourth year, the second week of October,ndio wanachaguana. Kwa hivyo hapa Kenya tuwe na kitu kama hicho Sio mtu mmoja, the current President, awe ana tuchukua, kama sasa tunasema mwaka huu ni mwaka wa uchaguzi. Lakini hakuna mtu anajua kwamba itakuwa june ama itakuwa November, ama ataamka tu hivi aseme ni kesho Tunataka tuwe na fixed dates na iwekwe kwa calendar. Kama ni miaka mitano iwe ni tarehe moja ya December ya huo mwaka wa tano. Iwe ni kitu

ambacho kila mtoto, kila mtu mzima na kila mtu ambaye yuko katika nchi anajua kwamba siku ya uchaguzi ni siku gani. Sio mtu mmoja tu ama .....kundi kidogo tu ambalo linasema kama mtaniunga mkono, kwamba hakuna mtu anajua tunasema tu ni mwaka huu lakini hatujui ni wakati gani.

Kitu kingine ambacho ninaona kinaleta shida hasa sana katika mambo ya uchaguzi, ni hayo mambo tunasema, by-elections. Unaona by elections kila mara tunazumbuka tunasema zinatimia pesa nyingi. Maoni yangu kuhusu by-election, ningesema ya kwamba yaani ..the sitting MP, akipatikana na janga awe ataondoka, iwe ni kifo iwe ni kufungwa iwe nini- chochote kile. Incase akiondoka, badala ya kupata by-election mtu ambaye alikuwa ni wa pili katika ule uchaguzi wa kwanza, awe anakalia kile kiti badala ya kuwa tunarude by-election. By-election sinachukua hata 5 years. Kitu kingine ni juu ya elimu. Elimu hapa Kenya ina ubaguzi. Mambo mengi yamesemwa, sessional papers ambazo zimepitishwa, kumekuwa na commissions za Ominde, za Gacathi , na hao watu wengine, zimesema mambo mengi kuhusu elimu. Lakini vile nimesema hapa juu ya wana wake, mambo hapa Kenya they are easily said than done. Ningependa kusema na hapa ninakopa kitu kimoja kutoka nchi ya Uganda. Elimu ipeanwe kwa watu wote. Kama tunakuta mzazi hapeleki watoto wake shuleni, Katiba irekebishwe na iseme ya kwamba mzazi huyo anaweza kuchukuliwa hatua. Mimi nimeshuhudia kuona ya kwamba .....wanafungiwa ndani ya nyumba, mimeshuhudia haya. Unakuta mtoto anafichwa. Hapelekwi shule, kama ni mlemavu, kama ni wale wako na special education, yana hana, sio mwerevu sana, anafichwa. Ukipata mzazi kama huyo, anafaa achukuliwe na apelekwe kwa sheria. Kwa hivyo Katiba hapo itizame hawa watu.

- Halafu mwisho, juu ya haya mambo ya elimu, yale mambo ambayo yamekuwa yakipitishwa katika hizi Commission zote za elimu, yafanyiwe kazi. Isiwe tu ni kupitisha sessional papers isiwe ni development plan zizungumzie juu ya elimu halafu yakisha pitishwa, yote zinawekwa katika maktaba. Serikali iimize Katiba kwamba yale yote ambayo yanapitizwa, yawe yanafanyishwa kazi. Natumai , nilikuwa na hayo mambo matano hivi na nimeshukuru kwa kunisikiza.

**Com. Ratanyu:** Asante basi any question?

**Question from audience:** I want a clarification there because if there is such a loophole of a ...MP knowing that he was No 2 and No 1 is gone, there could be rampant killing of people. How would you treat that one?

**Obadiah Kariuki:** Tunajua ya kwamba hapa, yanni mzee ama mzazi akifa, wale ambao ni direct beneficiaries of that parent, ni watoto wake. Mimi kama niko na mvulana wangu moja wa wale watoto, mimi niko na watoto watatu, wanajua kwamba ile mali kidogo nilio nayo, mimi nitawaachia nikifa. Je, ni wakati ngapi ambapo tumesikia mzee ameuwawa ili ile mali ziende kwa wale watoto. Ninaona ya kwamba hata MP ndio atakuwa na ulinzi zaidi. Kama sheria inakulinda wewe baba, hauwezi kuuliwa na yule mtoto wako ili achukue ile mali yako, si unaona MP hata ndio atakuwa analindwa zaidi? and you know in case of any thing, tutachukulia ya kwamba yule ambaye alikuwa No 2 he/she will be the first suspect. Kwa hivyo hata yeye,

will be extra careful. Hata atamlinda zaidi ili isisemekane ni yeye. So, I don't see any such cases happening. If they will be there, they will be very limited.

**Com Kangu:** Asante basi Kulikuwa na No 3 hapa. Who was No 3?

**John Kamau Gitau:** Thank you Commissioners, my names are John Kamau Gitau, teacher by profession. I am going to make a very brief presentation and I am going to angle at the presidency.

- The person to be elected as the President of the republic, in addition to the existing Constitutional criteria, I do propose that he or she should be married, and the marriage should be seen as functioning. Now, in our current Constitution, we have the entry age point of 35 years, but our Constitution is silent on the maximum age bracket. I do propose that whoever is going to be elected as the President should not have more than 75 years of age otherwise we are going to have senilities in the public office. Now, when that person is elected as the President, I propose that he ceases to be a party Chairman or a flag bearer in that party, so that that person can have a non partisan role in governance.
- I do propose here, that whoever is going to run for Presidency, should have a running mate of the opposite sex.
- this person should have a minimum education of a degree from a recognized University. Now, in our current Constitution, we have a provision that the person seeking Presidency should collect one thousand signatures, and I do believe that this was done during the early part of our independence. And because now we have grown we are I think, over 30 million people, this criteria should be changed and this person should collect 10,000 signatures from registered voters and this should be from across the provinces. He should not concentrate the signatures from his ethnic background. I have also to submit that the President should also be subjected to impeachment process in case of misuse of office or any other related gross misconduct that would injure the integrity of the nation.
- Appointment I so submit that all appointments should be vetted by the parliament and the President should act as the endorsing agency.
- We have witnessed Commissions being instituted in this country. Quite a number of them are laying and gathering dust in the shelves, I do propose that whenever a Commission is instituted, there should be a provision in the Constitution where, the President is compelled to release the findings of the Commission within two weeks or a specified time so that we can minimize the wastage of public money without representation.

- The creation and abolition of public offices. In case a public office is to be created, should be done by the parliament and the holders should also be vetted. This one will minimize the hampazard reation and abolition of places in the country.
- Now the other proposal is, we have elected MPs and quite a number of them once they are elected become non performers. I do propose that the electorate should be empowered to impeach the sitting MP incase his representation is found wanting.
- My last one is on utilization of natural resources. We have seen that natural resources of late have been blundered and the hosting community do not benefit. Let's take for example, we strike oil in Lari - Lari is the hosting community. A certain percentage that is generrated from the sale of this oil should be ploughed back to Lari or any other area in Kenya so that we can boost the social amenities, like Schools Hospitals Churches Mosques and so on. That way we shall infact be reducing poverty and bring development. And that is my brief presentation.

**Com Kangu:** Thank you very much there is one question.

**Com Salome:** Thank you very much for your submission Mr Gitau. My one question is on the recalling of the MP. You called it the impeachment of the MP. What modalities do you think we should employ to do this?

**Mr. Gitau:** Okay what I have in mind is that we collect signatures and these signatures, when they reach a particular percentage as compared to the population of that particular Constituency, can warrant the non performing MP to be recalled, impeached and infact, if found guilty, he should be sent packing.

**Com Salome :** Supposing an MP got a majority of 7 votes, the rest were of another person, it will, very simple task for the losing candidate to collect another 7 or 8 signatures. So, in terms of percentages how do you think we should do this, because the Constitution should protect the people but also protect the MP because he is also part of the people of this country? So, those are the reasons why we seem to be asking you to think in figures so that you have clear and concrete recommendations to make. But if you had not thought about it, I don't also want to put you on the spot. Because we will be collecting views until end of July or end of June, so incase you think or you discuss with other people and come up with some formula that you think would be helpful, we at the Commission would appreciate sharing those thoughts.

**Mr. Gitau:** Thank you vey much madam Commissioner, I think I had in mind that while collecting the signatures, the proforma should be elaborate in that if a person is appending his/her signature, he should also indicate the political party that

he/she is from. And when the proforma is analysed, we shall go through and see exactly the way the signatures were being collected.

**Com Ratanya.** Okay Asante basi, tunataka kufika kikomo cha kikao cha leo na tunataka kuwashukuru watu wa Lari, ndugu niliuliza nani anataka kuzungumza an watu watu peke wakainua mkono. Sasa wewe unainua baadaye unataka tufanyeaje? Si ulizungumza mapema? I will advice you like this, Lari hapana mbali kutoka Nairobi, nenda ukae ufikirie uandike memorandum yako in details, uongeze hiyo kitu yenye imebaki halafu utuletee Nairobi. You will have all your views captured in a better way. So kwa leo tuseme tunafika kikomo, tunataka kuwarudishia shukrani watu wa Lari kwa kuja kupeana maoni yenu na kutukaribisha kwa njia ya manufaa, tumekaa na nyinyi kwa leo, tumefurahia, tumejifunza mengi kutoka kwa maoni yenu, na tunawarudishia shukrani. Kwa hivyo ninataka nimpatie Chairman wa committee ya Lari naye amalizie na mambo ya kufunga.

**Interjection:** Now that some of us have submitted memorandum we have given our views: are we assured that they will be taken care of by the Commissioner? Whatever has been said here will be taken into consideration?

**Com Ratanya:** Mambo yote tunachukua tutakaa chini tukifika stage ya kufanya analysis ya maoni ya Wakenya. Hizo memorandum zote, tutaangalia tuone namna gani. Na wale wamezungumza kwa mdomo mmeona tukifanya records kwa tapes ndio tutaakikisha, leo mnaona tuko hapa watatu, lakini Commission mnajua iko na watu ishirini na tisa. Wakati tunafika huko tunaanza kujadiliana maneno iliyotoka Lari, wale hawakua hapa wengine watasema hebu tusikize hizo cassettes, walisema namna gan? Na mambo yote itaangaliwa na mimi ninajua umekaa hapa tangu asubuhi na umeona Commission haiko na kazi raisi. Si umeona watu wanakaa hapa kila mtu anatoa maoni yake tofauti tofauti? Na unaweza kupata kwa jambo moja huyu anasema hivi, umesikia wengine wanasema let's do away with Provincial Administration, wengine wanasema no, we need them. Mwingine anasema we need the Chiefs, mwingine anasema, so mwishowe tutakaa chini kuchungua hii yote na tutoke na ile itaitwa reports, recommendation, na draft Bill. Na kulingana na sheria yenye tunafuatilia, sheria inatulasimu tukimaliza kutengeneza hiyo report, recommendation and draft bill, tutarundishia raia, wasome wenyewe waone wanakubaliana na vile tumetengeneza ama wanataka turekebishe mahali fulani. Na sheria inasema tutatakikana tena baada ya wanachi kupatiwa miezi miwili, ya kusoma hayo makaratasi tutakuwa tumetengeneza, turudi kwa wnanchi, wakati huo, kwa mikoa tusikie comments zao. Wamefurahia na vile tumetengeneza recommendations ama wanataka tubadilishe mahali fulani. So mtakuwa na nafasi ya kuchunguza, hawa maCommissioners wamesema vile tungependelea ama wamenunuliwa mahali? unajua Wakenya wamekua wanasema, hawa MaCommissioners watanunuliwa, na mimi huwa ninaambiwa watu, it is very good to focus on the commissioners and scrutinize them. Lakini mjue the Commissioners will only prepare recommendations. Na kuna kile kiwango kingine kinaitwa National Constitutional Conference. Hawa ndio watadebate. Baada ya nyinyi kuangalia, kukubaliana hivi ndio tunataka ama geuza hapa, ndio tutaita National Conference, nayo ndio itajadiliana, ipitishwe ama wakatae, vile tutakuwa tumepitisha. So, when you focus on the Commission you should also start focusing on those other institutions zenye bado mbele. Because Commissioners mnaweza kuangalia mchunguze. We are only 29, you can put CIDs to be following us everywhere muakikishe we are not bought, but that National



