

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS, MANYATTA CONSTITUENCY,
AT KIGARE T.T.C.

ON

MAY 22ND, 2002

**RECORDS OF THE PROCEEDINGS OF THE CONSTITUTION OF KENYA REVIEW COMMISSION
PUBLIC HEARINGS, MANYATTA CONSTITUENCY, MAY 22ND, 2002 AT KIGARE T.T.C.**

Present

Com. Ahmed Idha Salim - In the Chair.
Com. Keriako Tobiko

Secretariat In Attendance

Samuel Wanjohi - Programme Officer
Martina Odhiambo - Verbatim Reporter
Collins Otieno - Asst. Programme Officer

Com. Ahmed Salim: Some one to please lead us in prayers, we have Pastor or Reverend or Father to come forward and start the hearings for us. Any volunteers?

Councillor Mureithi: (prayer): Natuombe. Father we come before you this morning, we want to thank you dear Lord for the gifts of life. We want to thank you even for the gift of good health. Thank you Father for the journey mercies that you have given this Commissioners, and all of us who have come from the environment around. Father we ask you to be in our mid east, we pray for this Commission oh dear Father, that they will be in a position to complete their work and complete it the way Kenyans want it. We ask you dear Lord to be in our mid east, that whatever we are going to present, is for the good of this country. We ask this because we trust in you Lord. Thank you.

Com. Ahmed Salim: Thank you very much, Councillor for those prayers. I would like to begin with introductions. My name is Idha Salim. I am a Commissioner, Vice Chairperson of the new Commission, checking with me to my left is my colleague Commissioner Tobiko, he is a lawyer by profession, and he is also a member of the so-called Njonjo Commission or the Land Commission, looking into the portion of land in Kenya. Which as you all know is a very topical and a very important subject in our country. Standing over there, is our Programme Officer, Samuel Wanjohi, next to him also standing is the District Co-ordinator, whom I am sure you all know, he's been acting in this area for some time now. And the table to my right, are two officers also from our headquarters, and there is first Martina Odhiambo and next to her is Collins Otieno. Our job all of us, is to make sure this hearings take place successfully, and it is important that what is set, is recorded faithfully by this team who will be doing listening only, only seeking clarification of points, from you as you give your views. We will be writing your

views as much as we can the two of us, as well as Collins over there and Martina, but equally for the more important is the fact that each and every word spoken today, will be recorded. If you cough, if you laugh, it will also be recorded and transcribed when we get back. So that we then look through your views thoroughly, keenly and debate before we write the new draft Constitution.

This Constitution is going to be people driven. We said it from the beginning, we are saying it again. You will not invent or make up our mind as Commission, what the people want, it will be based on your views. And that is why we would urge you all to present your views clearly, as we said we will only seek clarification. If it is clear, we just move on to the next person. Your views, can be presented in either of two ways; you can either give oral views, or you can present a memorandum for those of you who have already presented your views, or rather prepared your views in writing, we will receive them. You get the fact, just hand them over and go and attend to other business, without having to stay with us.

On the other hand, if you want to explain what you have in your memorandum, you will be welcome to do so. But because we expect a huge crowd, of people coming, and because we only have one sitting, one kikao, this one, we will have to be very strict in terms of time. Those of you who want to present oral views, just speak to us, you will be given five minutes. Those of you who have memorandums, we will give you three minutes, two and half to three minutes. Not to read the memorandum, because there is no time really to listen to each and every memorandums because there are various types memorandum of(inaudible), ten pages will take more than five minutes to read. So the only thing you can do, is to highlight, we are basically interested both for those who are giving oral views and for those who have memoranda, we are only interested in your proposals, in you recommendations, you know what the issues are, you received I am sure copies of the pamphlet we sent out, issues and questions. We took it to a referendum, civic education providers have done their work, and therefore, please just give recommendations, we say on the issue of so and so, my view of recommendation is we do this. On this issue of Parliament, I suggest we do that. On the form of government we want, my proposal is we should have this form of government.

Don't go up the history or historical background, and don't rely upon it, we are all Kenyans, we know what the issues are, what the problems are. Just tell us what you want done in the new Constitution. In that way, we will save time, in that way also, we will know what you want. Isn't it? Without long discussion on the problems, complaints, we have suffered this way, because of this and that, just tell us what you want done in the new Constitution, to solve that problem, to deal with that issue or difficulty we in.

With those brief words of introduction...., my colleague reminds me, the language can be any language(inaudible) and speak in English, you don't have to give your views in English, you can have your views in Kiembu if you want to. You can have them in Kiswahili, any language as long as we have someone to translate a particular language and I am sure we will have somebody to do so, you can speak in any language. So please, let us then start and let us speak to the time, otherwise we will

not finish with everyone who has registered and wants to give his views. Thank you very much. Yes and we understand we had very important members of the Constitution committee with us, and I will ask the District Co-ordinator to kindly introduce our members to us.

District Co-ordinator: Thank you Commissioner, The Programme Officer, The D.O. Manyatta Division, members of the public plus my committee members. Mweiga. Nii nyambiria nguuga ni matiite ndio Manyatta, Mr. Momachi tafadhali ucio ni we DO wa Manyatta andu aingi nimamwizi. Aria matamwizi that is the D.O. Manyatta, Mr. Momachi with me twina committee member achio othe marie kuogwo na nyende marugame nigetha mamumenye. That is the D.O. Manyatta Mr. Momachi.

Cllr. Jonesia: Thank you Ann. I will start with the committee members who are here, but I will first give the apology, ya Mheshimiwa Njeru Ndwega mena muchemano in London niundu wa uhoro wa kahuwa kwo uguwo he is out of the country. I will start with committee member who are here but I will give the apology ya Then we are three committee members have not but those who have arrived are these ladies twina agatha, she is from Kithimu location, geithia andu, twina Mrs. Nyaga geithia andu Mrs. Nyaga, Mrs Nyaga ni wa committee ya Runyenje twina Fatuma, Runyenje committee ya Runyenje, twina njeru ni wa committee yetu ya Manyata ni murona mwatuma atumia wira nimekumuritira kana tigwo? Asanteni. the rest of committee members, Councillor Jonesia please.

Com. Ahmed Salim: Thank you very much, Councillor, Chairperson CCC for this area, for those introductions. I am sure your committee has worked very hard to mobilize the people, to come and give the views this morning, we see evidence of that already, and without further, do let me then begin the listening to the views of wananchi. And we will go in accordance with registration, we have first Jacob Mureithi, from Kabutiri Secondary school. Karibu Jacob Mureithi.

Speaker: Mtu akiitwa, anakuja anatoa maoni yake kutoka hapa,(inaudible) jina lake liingie kwa list.

Com. Ahmed Salim: You have a written memorandum Bwana Mureithi? Then you have three minutes please, stick to the time. Please give your name first.

Jacob Mureithi: My names are Jacob Mureithi. A student at Kabutiri Boys Secondary school. With three minutes that I have been given, I will just give few views. The Constitution should give(inaudible) to boost our MPs with a rubberstamp.

Interjection: (speaker):(inaudible)

Jacob Mureithi: We should give our MPs adequate powers, because there is that rubber stamp. The Commission to look

into discipline, there is boost on Land Commissions they should be noted by Parliament. So that this Commission can be independent, then the Parliament should form a Commission, to foresee how Judiciary carries out its work. Parliament should also have a role to play in this money which we get from foreign aid, which is dispatched by World Bank and the International Monetary Fund. Because this money that they give, is just used by power divisions. In the Constitution, the introduction of the Kenyan Constitution, it should be(inaudible) showing our economical background, economic prosperity and the rest. Because it is justice that Kenya is a sovereignty republic.

We should have some qualities set aside for a Presidential candidate, because the qualities which we have now are not very verified. You should be a person of 35 years, a person who has a degree in financial management, you should be a person to declare your state, a person of good health, a person of experience in public administration and finance management. And he should be a non-partisan. He should declare his marital status and he should be a person of good character and credibility. I think those are my views. I will give another one after. Thank you.

Com. Ahmed Salim:(inaudible)

Jacob Mureithi: The President will be a non-partisan. What I mean is you see the President elected, you should now be elected by Parliament. When we are here we should elect Parliament and then they should now go ahead and appoint the President at end of the government. Because if he should be a non-partisan, when you will go to public government, you will just form the government from all future political parties, without favoring his side.

Com. Ahmed Salim: When you say the word non-partisan, what do you mean by that?

Jacob Mureithi: When standing for Presidential, he should not be of the idea of KANU, DP, or what.

Com. Ahmed Salim: Before he becomes a President, should he belong to a party?

Jacob Mureithi: Yah. He should belong to a party. Yes he should.

Com. Ahmed Salim: But once he is in power, he should be in his party.

Jacob Mureithi: Yes he should. Thank you.

Com. Ahmed Salim: Thank you Jacob for those views from a young person. Naftali Nyaga.

Naftali Nyaga: Commissioners, my name is Naftali Nyaga Solomon. A retired civil servant, who used to work for the

colonial government and current Kenya government. I wish to present the following points to the Commission for inclusion in the Constitution of Kenya, now being prepared. The mode of Constitution book; the Constitution booklet, be contained national emblem which means crown on the back page, and national flag, on the front page as well. The national anthem should be on the second page, these are very important documents for the country.

The national assembly should seek twice a month instead of the current three days sitting a week, so that the members may have a habitation time to visit their constituencies. Education facilities should be free up to standard eight. Every secondary school, should have two streams, one for the theoretical subjects, and the other to teach practical subjects so that when a time leaves the school maybe self supporting.

Every Kenyan below the age of 18 years, should not lead any post. Recruitment to all institutions, that is teachers' college, up to province etc, to be restricted to the students who do not drink any beer and the officers taking charge of such recruitments, and institution, should be serious on that issue.

There shall be three types of marriages in Kenya. First, religious marriages; which are conducted by the churches and the missionary communities. State marriages; conducted by the D.C. and the Attorney-General. Customary marriages; where dowry maybe paid, when both parents offered to come to agreement on the willing issues. Provision should be made for the government to compensate anybody who gives variable information concerning the exposure of criminals, thus informer as members of the community consume criminals such as thieves and other evils.

FGM should be burned throughout the country, and the practice has been overtaken by events. Communal services should be installed for the benefit of the country, where the well being of the society is written. The post of Provincial Commissioners should be ceremonial and those of D.C. be retained at present. The current arrangement should continue. The person who knows laws should be respected by the residents of such areas, any written present customary laws to be included in the Constitution and added all subsidiary enactments.

Creation of new districts should be stopped until the economy of the country improves. Anti-corrupt units should be established and based at district level, so that the local people maybe(inaudible) such practice.

Interjection (Com. Ahmed Salim): Mr. Nyaga, sorry to interrupt you. What you had twice is the going saying that your time is up. So if you could kindly maybe instead of reading, raise the main points.

Naftali Nyaga: The last point is, suggestion box should be installed at the government offices so that corrupt officers maybe exposed. The person giving such information should give the names in confidence so that he may not be victimized. The President when performing functions of national functions should wear army uniform as the Commander in Chief. Universities

should be established in each provinces which are not at present served. Thank you.

Com. Ahmed Salim: Thank you Bwana Naftali Nyaga for your views. As a senior citizen of this country, now we turn to our Councillor, Councillor Jonesia Mureithi to give her views. Please start with name for recording purposes and then the views.

Cllr. Jonesia Mureithi: My names are Councillor Jonesia Mutheithi from Embu municipality, and I will go to the views straight away. That the new Constitution should provide for equal citizenship, equal representation and power sharing plus participation between men and women of this country. That there should be nobody, when I say nobody, including the President, should not be above the law, he should be under the Constitution that the principle of affirmative action, should be taken in favor of women, to ensure political will to collect the imbalance in decision-making bodies, and to ensure that independent candidates be allowed to run for election. Of course we have seen women being discriminated by the political parties at nomination level.

The issue of discrimination although it is addressed in the Constitution, in the bill of rights in chapter five of the Constitution, it is contradicted by section 91 1), 3), 4), which allow for discrimination on basis of customary law, in relation to the family law. So I am recommending that this section of the Constitution, that is section 92 1), 3), 4), should therefore be deleted in order to remove the contradiction between this sections.

On the issue of citizenship, which is tackled in section 90 and 91, we feel that women are discriminated because they have to go with their husbands, either to get passports to travel outside, the husband has to write a letter, to get identity card and we are recommending that this discrimination should not be in the current Constitution, that a woman can get this documents even without the husband's permission.

We are also saying that on issues of rights, the girl child, the human rights including reproductive rights of women and the protection of girl child should be enshrined in the Constitution and we are recommending a Commission on gender, which should be set up by the Constitution to monitor the implementation of protective and equal measures of all citizens of this country. We also recommend an office of an(inaudible) man, so that citizens can take their complaints there.

We are also recommending that any spouse, any parent should be able to pass the citizenship to the children, and finally, we recommend that the Constitution should provide for a special prosecutor to deal with cases of mismanagement of public funds and corruption, and the issues of gender should be put into account when we are making our budget. Finally, we have often seen things like sanitary towels being packed in a more luxury and we know it is not a luxury, so we feel the budget should be engendered. Thank you.

Com. Ahmed Salim: Thank you Councillor Mureithi for those views. We turn now to Fatuma Mzee Kanjuki Women's

Group, start with your name and then with views.

Rose Fatuma Mzee: Mimi nitaongea kwa lugha ya Kiswahili, maana ndio nasikia ikiwa safi kwangu. Kwa majina ni Rose Fatuma Mzee. Kutoka Runyenjes constituency. Nimekuja kuwakilisha akina mama with a very few points. Ya kwanza, women should be given special respect, and given nominated seats in all the seats, whether Parliament or local authority. Ya pili, ningesema pia wamama wapewe matibabu ya kupata watoto bure kwa mahospitali.

Ya tatu, ningependa section 118 of the marriage act, to be reviewed and empowered, since it seems that we have a lot of chokoras in Kenya, due to the negligence of this section. Pia there is another section 173 in the marriage act, which has been neglected by men in Kenya, na ndio tumeona ya kwamba, unaweza kupata watoto wengi ambao hawana wazazi.

Interjection (Com. Ahmed Salim): Maybe Fatuma, ungeeneza kidogo ni jambo gani katika section hiyo ambalo unapinga, na jambo gani ambalo ungependa lifanyike. Wenzetu pia wafahamu.

Rose Fatuma Mzee: Ningependa katika section 118, ni kuhusu marriages, whether you are married customary or in Christian marriage, your children should be protected by the law. You find that in Kenya that section has not been followed, and that is why we have a lot of children in towns without parents. Pia in section 193, ina-protect watoto kwa njia ya wanaume, kama mwanaume anatupa watoto, anatakikana apelekwe kortini, na awe accused for criminal offence. Pia kuhusu wamama, kama mwanamke ameolewa abroad, anatakikana huyo mama mtoto wake awe ana kuwa considered kama citizen wa Kenya. Hiyo ninaona pia inawezakuwa Constituted.

Pia circumcision, hiyo imekuwa a very hefty action, which I think should be abolished by the law. Maana tunaona wamama wengi, wasichana wengi wamekufa kuhusu circumcision. Pia madaktari pia nurses, ningependa kama Constitution pia waambiwe waache kufanyia wamama circumcision maana they are the ones doing it now. You find they are not the old ladies, but it is one by the doctors and nurses, it should be abolished.

Ingingine, hayo yangu ni mengi sijui nifanye namna gani sijaweka kama memorandum. Hiyo ingine ningesema freedom of worship in Kenya, watu wamekuwa wakiabudu mashetani, hiyo ningetaka ningependa kama itakuwa Constituted watu waache kuomba masanamu kama wale wa zamani. Kuwe na limits of worship. Pia in the Local Government, ningetaka taxation pia iwe reduced to 50%. Kama ilikuwa inalipwa elfu mbili, inarudishwa kuwa elfu moja. Pia kuna...

Interjection (Com. Ahmed Salim):(inaudible)

Rose Fatuma Mzee: Nimesema kuhusu vile watu wanakuwa taxed by the Local Government, taxation, unakuta kwa barabara mama anauza ndizi, anakuwa taxed for those few ndizis. I would request the prices of license and what have you to

be reduced to 50%.

Ministry of Health; women should be given or all Kenyans should be given free services for medicine. Electoral Commission; wamama lazima waakilishwe kwa Commission. Hapo ningesema ya kwamba, the Electoral Commissioner, like Samuel Kevoito, should be elected by the MPs and not nominated by the President.

Speaker: Kuja, kuja mtu akimaliza pita pande hii ujiandikishe.

Rose Fatuma Mzee: I have given the memorandum.

Com. Ahmed Salim: Now this is just to register and sign that you have given views. Poleni sana tunawafukuza, tunawaendesha mbio kutoa maoni, hivi ni kuhakikisha kwamba ambaye amejiandikisha anapata nafasi, maana leo ni siku yetu peke yake moja ya kutoa maoni. Kwa hivyo pole Bi. Fatuma, pole Councillor, I think you understand why. Sasa twamuita Shadrack Nyaga.

Shadrack Nyaga: My name is Shadrack Nyaga. Former civil servant, former Senator, former teacher. I am only here to say a few things to the Commission.

- 1) In our Constitution it says, Kenya is a supreme State but supriority is not defined. I would like the supriority be defined, whether it is with the people or the Parliament. To me the supriority should be with the people, instead of having supriority in one man's hands. Parliament too should be brief to decide in all parts required. Say setting of Commissions, Commissions of enquiry, whereby you find Commissions are appointed, and after they have been enquired whatever they have to enquire, that ends there and it is not given to people to know what they were enquiring. So as to give time, to make it more meaningful, any Commission should be appointed through Parliament so that the findings could be brought back to Parliament for the public to know exactly what was found. Many Commissions have been set in the past and the outcome of this enquiries have never been known to this day.
- 2) The other thing is the Constitution. The Constitution should be protected, for instance today, there is section 4 which says any member who vacates the seat, will be required to go and see formality. We have found many who have now resigned from the parties to join the other party, and they have never gone back to see formality. Such sections of the law, section 4 should be deleted because it is today an abuse to have it there. The other sections which should be stressed by the present Constitution, is the bills of rights. The bills of rights are not adhered to properly, because in the Constitution today, there is the right of Assembly, the right of expression, the right of there are many rights and those rights are not followed.

- 3) To conclude, the economy of the country should have a way of controlling it, so as to dispute it equally to the citizens of this land. Today, some have various systems of voting.
- 4) Finally, I will talk about the aged. The old people here in Kenya, are not catered for in the Constitution. I will like the Constitution today, the new Constitution, to include the aged, what care would be taken by the government, when one is very old and helpless and cannot help himself.

Interjection (Com. Ahmed Salim): Mheshimiwa Nyaga, maybe we give you time to explain exactly what you would like the Constitution to say in terms of care for the senior citizens. Can you be more specific.

Shadrack Nyaga: There should be homes for the old people, as in other countries where they should be cared, hospital care and many other facilities required. The last one is the child and juvenile delinquency.

Interjection (Com. Ahmed Salim): Samahani more questions.

Speaker:(inaudible)

Shadrack Nyaga: Well today you find people from 80 thuggering, looking for food they cannot get, I have witnessed very old people who live very okward life. From 80 yes. The other one is about the child, the child abuse, if we are to cater for children, should be looked into. Because the reason why we have street children, it is because the law is not stating what should be done, what part the government should play to care for such children who are helpless. Therefore, the Constitution should also lay down what care would be given to such children, juvenile frequency again is increasing, there should be homes whereby such children are catered for properly. There is also the idea of drug abuse. You find children smoking gum.

Interjection (Com. Ahmed Salim): You are explaining the problem, we are familiar with the problem. As I said in the beginning, what we need is proposals of how to deal with it, not the explanation of the problem itself. So for example, drug addiction, what do you think should be done about drug addiction?

Shadrack Nyaga: Well, I fail to understand why the children are left in the streets in the town, to sniff gum and yet, there are police around, and they illegibly to smock.

Interjection (Com. Ahmed Salim): So what do you want to be done?

Shadrack Nyaga: The law should be there to restrict.

Interjection (Com. Ahmed Salim): To do what?

Shadrack Nyaga: To direct the people responsible to see that such activities do not continue. Then how are we controlling the drugs, if street children smock gum in presence of the police, in presence of the chief, in presence of everybody, therefore they are.....

Interjection (Com. Ahmed Salim): Thank you very much. Asante. Asante sana Mheshimiwa Senator Shadrack Nyaga, kwa maoni yako. Sasa tumweendee Elisha Njagi. Karibu Mzee Elisha Njagi.

Elisha Njagi: Thank you for giving me this time. I have got a few points to mention, but I will mention main points, just the most important parts. I will dwell on the plight of Kenya pensioners, retirees. All common retirees or pensioners should receive equal benefits irrespective of the position they had when they retired. E.g. a retired officer who retired lets say ten years ago, the pension he gets today, is very stunting compared with what today's retirees receives. This two pensioners may be of the same rank and service. The older retiree gets a peanut. This situation leaves one to reclaim from head to mouth. After retirement, embarrassing delaying is remarkable, as far as the retirement of graduate is concerned. This makes it months. Coming to the monthly pensions. This may also take months. This state of affairs.

Interjection (Com. Ahmed Salim): What recommendation do you have as respect delays in payment of retirees?

Elisha Njagi: The government should be streamlined, they should get early because they have got monthly commitments themselves. Sometimes you get after the middle of the month, the following month, and this is very embarrassing. Something else, there are very rampant cases, is pensioners power missing, these cases are very rampant, if the power can be misplaced automatically no names in the payroll, hence the pensioner, goes without pension for months. I know some cases where pensioner when without pension for about a year. Following up the failed pension costs along time and money, mental torture as well. Who will be at your wish(inaudible)

I personally went out without pension for nine months my journey to Nairobi Treasury, three times to and from, I finally found that my name had been deleted from the payroll. I am living I am not dead and I ask why? There is no convincing answer, I was later piled my dues but after toiling. There should be a thorough perusal of payroll before dispersing the pay. Proper administration pensioners power should be looked into. Late pension payment odd is the order of the day. You might find shopkeepers etc harassing retiree when they don't get their money in time.

The other point, I suggest to avoid all this embarrassment, something must be put in the new Constitution because, as I go through the old Constitution, there is nothing mentioned about the page, the new Constitution should have this in time.....has well been increased because the economic situation crisis is very serious, things are hiked and also the

pensioners should also be hiked to be set hence to have a comfortable pensioners life.

Com. Ahmed Salim: Thank you very much, Bwana Elisha Njagi for your views, on a very important matter, that is pensions. And now we call Henry Kura.

Henry Kura: My name is Henry Kura, a retired civil servant. In our Kenya Constitution, there is no provision or act which finds how the pensioners salaries or allowances will be revealed. For instance, we say that somebody who retired 15 years ago, gets the same salary regardless of how you are still growing old and high standard costs of living. Now here, I represent my view as follows; salaries and allowances to be reviewed for every superiors, or whenever there is stipulation of civil servants are being reviewed. Due to high standards of living and high cost of living, poor economic standards of our country, most of our families do not meet the medical expenses. And the rate of death is growing high, therefore, I present that medical services to be free for help of poor people, who could not afford expensive medical treatment.

Education: I have therefore, to submit that education in Kenya, should be free from primary level to university. There is high rate of school dropouts and the rate of illiteracy instead of going down it is going up. President should be elected by Parliament then he should relinquish his Parliamentary seats and political party seats. Be a President without any political party. Thank you.

Com. Ahmed Salim: Thank you very much Bwana Henry Kura for you views. Now we call Lucy Ndwiga.

Lucy Ndwiga: Thank you. My name is Lucy and I represent gender centre is Embu. I think that the Mayors and the County Council Chairmen as well as their deputies, should be elected by the people directly not by Councillors. We feel that the President should have a majority vote, and by majority I talk about 51% and above of the total votes casted in the country and that the President should not and never be above the law. I feel that there should be compulsory primary education for all Kenyans. We also feel that there should be free basic medical attention, especially on the reproductive health of the woman and the child. Attention; medical services should be free, basic.

We also feel that the Constitution should provide for equal opportunities to the vulnerable and marginalized groups and by this I mean the women, the children and the youth as well as the disabled. The principle of affirmative action should be well taken care of in this regard, as well as the children bill which has been passed currently, it should be implemented to the letter. Then we also feel that no one in this country, no Kenyan citizen should be above the law because what we have seen is that there are some people who commit crime and they simply get away with it because they come from such and such a family.

The electoral process should make a deliberate move to increase women participation in politics, what we have noticed especially in the village level in the grassroots' level is that, many women don't seem to understand exactly what their rights are, even when it comes to the issue of voting, they will still go to the shamba to dig and the husbands are the ones who go to vote,

yet they form the majority of the citizens of this country. I think I have finished. Thank you.

Com. Ahmed Salim: Thank you very much. Lucy Ndwiga for your views. You finished just in time. Johnson Muturi, Johnson Muturi yuko?

Johnson Muturi: I am Johnson Thomas Muturi. First, I would like the law to enhance the child rights. There should be free primary education to all our children and the government should look into the matter of the street children, let them also be provided with this education. Secondly, there should be no child employment. The Constitution should well elaborate that people under 18 years should not be employed. It(inaudible) anywhere else, that the Constitution should clearly state that after a divorce, because now there are people suffering much because of divorce, the property if there is something showing that this couple is legally married, should be shared between the wife and the husband.(inaudible) then female genital mutilation, should be eradicated. Then the Constitution should protect vulnerable groups, and this I mean the youth, the child and the woman again, I would like to say that the Constitution should say that no amendments of the Constitution should be made by the Parliament without consulting the people, this is our Constitution, we should also amend it. Then I would like to say Parliamentarians should be given a chance to elect their own leaders. But here I say that we should not have a person who is from the town. Let us elect the Parliamentarians then let them elect their President, who should be a non-partisan after election.

Com. Ahmed Salim: They should elect who?

Johnson Muturi: The President. Who should be a non-partisan after the election. Let the President not be over the law and those are my views.

Com. Ahmed Salim: You are talking about government consulting the people in amending the Constitution. How is the consultation to be done?

Johnson Muturi: Through memorandas.

Com. Ahmed Salim: Referendum, I see. Thank you very much Bwana Johnson Muturi for your views. Alako Alan Mureithi.

Alan Mureithi: Honorable Commissioners, ladies and gentlemen, my names are Alan Mureithi Kiritu. A retired officer from the Ministry of Education and this is my thirteenth year since I retired. This is not my first time to appear before the Honorable Commissioners, I have been there twice. I have brief summaries of what I intend to say as an individual. I pray for the following inclusion in our new Constitution, that is why equality, equal work, equal pay, equal respect to both old and the young respectively, and equality in all public services. I don't want to elaborate that one so much because there is shortage of time.

Two I will speak on natural resources, time is right when we include in our new Constitution an active participation in the planning of our local resources, so that we don't go borrowing and begging from time to time, the technologies from other countries and yet we have enough resources which can be utilized. I would also pray for pressurizing the law on environmental conservation to avoid desertification and high values which we are likely to face as a nation or as an environment, whichever comes first. In education planning and implementation, the Constitution should not forget to include less privileged children that is the street children and other types of destitution to guard them. Retired officers should not be excluded in all the government advisory councils. Public utility, let it be included that, public should not be misused in anyway as it has been in the past.

Provincial Administration, should include in our new Constitution show of clearly design a mode of punishing abuse of smooth running of our government. We will require strictness on unqualified administrators and the torture and in any manner and if so an immediate action should be devised so that this activity could be stopped immediately. Let us have an awareness centre created in every division so that people can be able to know their rights by our new Constitution. Thank you.

Com. Ahmed Salim: Thank you very much Bwana Alan Mureithi for your views. It is good to hear views across the board and in this case notably from former civil servants people who have served this country for many years. I will move on now to Bwana Joseph M. Nyaga.

Joseph M. Nyaga: My proposals are Judiciary service commission, judiciary should be independent. Hours of places should be reduced. On the farming sector, I propose that unproductive areas should be reclaimed to be more productive by building water reservoirs so that it can be used during dry time. Farmers, in productive areas should be motivated by being paid their produces well. You should also cater for the city markets for their produce. Agriculture officers, especially field officers should be stanley followed so that they can advice farmers on better ways of farming.

Law should be stunned to corrupt officers especially in cooperatives. Seeds agriculture is backbone of our economy. On education it should be free and compulsory for all children, it should be a basic need like clothes, or shelter. On that connection, a good system of education to be introduced, not like the one we had which normally changes within a very short time leading to uneconomical money use by the parent. Law should also provide education system, a better one. Law should paralyze formation of economical Commissions which has led our country into economic drawback. Commission sources, teachers services Commission should be abolished to create money today, other government officers like teachers and so non-inspectors AEOs and DEOs.

Election; as per the election, I propose that all sectors should be represented, include parastatals, workers of all types e.g. bankers, teachers, nurses, bosses, priests, farmers and labourers should have their representatives in Parliament.

Campaign should be done openly by all the Presidential candidates in one venue being supervised by the government, in connection with that, expenses for all elections should be catered by the government. Electoral Commission should make timetable for all candidates in meetings. Finally, I propose that road sectors should be privatized, one man, one job, one should not hold more than one post in the government. Every service should be free and finally, Kenyans should be allowed to move freely, to seek jobs in other countries. And with that thank you.

Com. Ahmed Salim: Thank you Bwana Joseph Nyaga for those views. We now call Peter Njue Johana, hayuko? Moses Munyaka.

Moses Ndwiga Munyaka: My names are Moses Ndwiga Munyaka. I would like to contribute to the Constitution, amendment of the Constitution, and I have written in points form. I have not arranged them according to the order but I am going to read them the way they are. So proposals are the cost sharing in hospitals should be stopped, and the common mwananchi should be treated freely.

Private clinics should also be abolished by the government, because we have seen that the government hospitals and dispensaries whereby the clinical officers and the doctors are not working so serious in them, and hence they are referring the patients to their clinics. So I am appealing to the Constitution to abolish the private clinics, so that the doctors and the clinics can be serious. The government should look for something an alternative to the youth, and by that e.g. the water charges is too high at 2.50/= per month, so I am appealing that the Constitution should be made that the water bill should be paid atleast 50/= so that the youth can be able to farm.

Politician seeking to be elected by the wananchi, should have no criminal records since childhood. They should be(inaudible) to the Presidential candidate, Member of Parliament and Councillors. The terms for the President being in power, should be two years and also for the Member of Parliament. Not two years, two terms sorry, and for the Councillor, the local authority should be one term. And one should claim to be ready to be elected again after one term.

Interjection:(Com. Ahmed Salim): One term is how many years?

Moses Ndwiga Munyaka: Five years. Duty free to the prominent people the policy should be abolished, coz you have seen that this people they are getting a lot of things from abroad, and yet the common mwananchi cannot even afford to make it, and if the common mwananchi can, he will spend so much money so that he cannot afford to even import anything from abroad. Constitution should be made to a common wananchi to votes of no confidence to any political leader. Constitution should be made that the common mwananchi can vote for no confidence to a political leader who has been elected and he is doing nothing maybe in Parliament or in any post that he is. In the next Constitution the Presidential candidate should be a university candidate.

Interjection:(Com. Ahmed Salim): Excuse me. Vote of no confidence in which leaders? You said MPs can you be more specific.

Moses Ndwiga Munyaka: The MPs, the President, the area Councillors, that we should vote for no confidence kama hawatufanyii kitu chochote. In the next Constitution that the President kindly should be a university graduate and of good and sound mind. And also that applies even to the Parliament and the local authorities.

Finally, I am appealing that the cash crops that benefit the government, that members should be given atleast 90% of the income. So the cash should be reduced to 10%, and finally the church and the government are one thing. And we have seen that if it is being one thing that the clergy, the pastors and the bishops they are chairing people when we are voting, that the person and the party that we are going to choose, so I am appealing to the Constitution to stop this, so that the mwananchi can vote a whole elected the person of his choice and not of their choice. Thank you.

Com. Ahmed Salim: Thank you very much Moses Munyaka for those views. Joshua Waweru.

Joshua Waweru: Ladies and gentlemen, as you have heard I am Joshua Waweru. Being a civic education provider I have collected some views but I cannot just give out all of them.

Interjection:(Com. Ahmed Salim): Can you explain that you said you collected views.

Joshua Waweru: Yes, I collected views from the groups which are normally busy.

Com. Ahmed Salim: Is that what you were told to do. Was it supposed to be part of your work as civic education provider to collect views?

Joshua Waweru: I just visited, after distribution they just brought the views to me to represent them in the meeting.

Com. Ahmed Salim: Who told you to do that?

Joshua Waweru: The women, the groups which I normally visit.

Com. Ahmed Salim: Well you see that is not quite the right thing to do. No one should collect views on behalf of anybody else. What we want from you, are your own views. You are a mwananchi you are independent of others, they should have come themselves here to present their views, you can only give your own views. If the views you have are other people's, then

you better not give them. They should give their own views themselves.

Joshua Waweru: Okey, can I just give the views as mine? Because also I see it the right thing to be borrowed.

Com. Ahmed Salim: Alright, in that case you better also say it on tape that this are also my views and that I want to give my views, and not the group's.

Joshua Waweru: So this are the views which I am going to give, they are my own views, they are not the groups' views or the other people's views. I will just give a discussion to the land and property(inaudible). The government should have the ultimate ownership of land but as an exception, the individuals should also have a say in the ownership of land in our republic. The other one is the government should be acquiring land purposely if it is pronounced to be of merit to all citizens. And the best method of acquiring this land, is by buying the land. Anybody particularly a Kenyan citizen should have a right to own land regardless of his or her gender. Only non citizens from common wealth countries should own land in Kenya, but an exception here I will just put it like this, others who are not common wealth, their countries are not registered as the common wealth, they should acquire land by renting for just short terms, and their work should be under supervision from the land Commission. Men and women as I have said before, should have equal access to land, and winding up the land Commission, should be the one in charge of matters concerning the Kenya land. Thank you for giving me the chance.

Com. Ahmed Salim: Thank you very much Joshua Waweru. We call now Benjamin Kanake, correct is he here? Ruth Gitare.

Ruth Gitare: Thank you for the chance. My name is Ruth Gitare, Chairperson Mwitethia Women Group. I have also some views. And I am going only to give out points so as to save time.

- 1) Rape for women and girls, should be taken seriously as a criminal offence.
- 2) Wife battering should also be taken as a criminal offence.
- 3) Chiefs and assistant chiefs, should be elected by the community of the particular location or sub location. This is because the community knows good qualities of leadership in their area.
- 4)(inaudible) and non creative members Parliamentarians, who do not benefit their communities, should be replaced before the end of five years term.
- 5) Parliamentarians salaries, should be reduced and taxed like any other Kenyan citizen.
- 6) Patients admitted in hospitals should be favoured and given opportunities to register as voters and vote on the voting day.
- 7) Government hospitals, should offer free medical services to the public, since they run the hospitals with public taxes.
- 8) Since Kenya women constitute over 60% of registered voters and 52.2% of the population, they should be well represented in decision-making forums. That is there should be gender balance.

9) Job wise, women should not be discriminated when it comes to promotions, but should be considered if they have the potential and job qualities.

10) Judiciary should give special attention to cases, concerning widows who are in conflict with family members, or their late husbands' employers.

Interjection (Speaker):(inaudible)

Ruth Gitare: I have said that it should give special attention to cases concerning widows, who are in conflict with their family members or their late husbands' employers. The Judiciary should also consider women in divorce cases, when it comes to property and in children upbringing. A parent who neglects or abandons his or her children should be sued and judged so as to reduce the number of street children. Thank you.

Com. Ahmed Salim: I just have one question about Judiciary and special attention you say to be given to widows in dispute with relatives of the husbands. Can you be a bit more specific what do you want the Judiciary actually to do in such cases?

Ruth Gitare: They should not discriminate the widows, because we see that they suffer a lot when their husbands have left them. The property is taken by the family members or even by the employers. And it takes a long time for the widow to own the property.

Com. Ahmed Salim: In otherwise you are thinking in terms of specific rights for widows. So do you want the Judiciary to actually say that the widows have a right, or they should not just say that?

Ruth Gitare: They should favor women widows.

Com. Ahmed Salim: Can you therefore perhaps make your proposal a bit clearer in the case of cases between widows and relatives of these husbands. What do you want to happen?

Ruth Gitare: Because those widows have the rights to own the property. Sasa nataka Judiciary iwe considerate when it comes to those cases.

Com. Ahmed Salim: To consider the rights of the widows, and give them those rights. Okey thank you. Mary Njeri Njoiya.

Mary Njeri Njoiya: Good morning everybody. My names are Mary Njeri Njoiya a self help group leader and my points are; Presidential Chairmanship or a President. I would see that when a President retires as anybody else, at least should not be a chairman but at least can be an advisor for the government or for the Parliament. A chairman; but should not be a chairman of

the government but can be an advisor of the Parliament. It is the proposal which should not be given the rights. The chairman of the party. We should have at least an equal leadership, I mean by women and men, gender if we have a President the Vice President at least should be a woman.

In any other government office, if it is a Minister in any ministry the Assistant Minister at least be a woman, and if it is a Minister with a woman at least Assistant Minister be a man. That is what I mean by equal leadership. We come to violence against women, violence against women at least should be considered very much as a very brutal matter. And when he is taken to the administration or to the police, at least women are not given a chance. At least should explain or given a right for what they are battered for it is always considered that she was wrong and that was correct for her to be done that.

The same case applies to children, we have so many street children, and sometimes you see these children it is we who are couching them. At least a child starts from five years, you go to the street you see a child of five years is starting to take glue, we just go by it, we don't care.

Interjection: (speaker): Mary we have heard the problems, what do you want to be done?

Mary Njeri Njoiya: Atleast the child should with immediate effect, when the administration finds a child taking glue, huyo mtoto achukuliwe mara moja na ajulikane wazazi wake na shida yake ni gani. Because from the glue he goes to the drug. By that we try to eliminate the street children, that is what I mean by child abuse. At least hata kama mtoto ni wako, tujue mtoto akiwa nyumbani, kwanini mtoto as from the age of five years, kwanini a-attend nursery school.

Interjection: (Com. Ahmed Salim): Last point.

Mary Njeri Njoiya: Thank you.

Interjection: (Com. Ahmed Salim): Any other point.

Mary Njeri Njoiya: I think those are enough for me today.

Audience: (laughter)

Com. Ahmed Salim: Thank you very much Mary for your views. Michael Kirago. Yuko? Agnes Wanjiru. Michael Kirago? Okey.

Michael Kirago: Thank you very much Commissioner for giving me this chance to give you my views. There is that torturing

of prisoners in police custody should stop immediately. Another thing is.....

Interjection: (Com. Ahmed Salim): Bwana Kirago one thing, you know torture as it stands now is illegal. So do you want to say anything which perhaps will help improve the situation, because when you say torture should stop, how do you want the Constitution to stop it because it is already illegal. What more can be done do you think?

Michael Kirago: What I want the Commission to do about it is that instead of torturing let them investigate the case or anything they are investigating, instead of torturing. Another thing is corporal punishment in schools. Corporal punishment in schools, should be given by the headmaster or his deputy, but not every teacher. And once he has given it that one is to be recorded somewhere. Another thing is about employing chiefs and their assistants. This should be done by wananchi themselves, because by doing it by the way of interviews, that one someone can produce something as a case, toa kitu kidogo halafu anaandikwa. If the chief is elected by wananchi, there will be no corruption.

Interjection: (Com. Ahmed Salim): So it is not the employment by wananchi, but rather election by wananchi he wants.

Michael Kirago: That is correct. The other thing is the hospitals. Government hospital fees must be free instead of this cost sharing, because uchumi in Kenya is becoming low and low, no improvement.

Interjection: (Com. Ahmed Salim): Last point.

Michael Kirago: That is all what I have for you today Commissioner.

Com. Ahmed Salim: Thank you very much Bwana Michael Kirago. Agnes Wanjiru. Is she here? Njagi Karue. We have to explain here, you may have noticed Bwana Njagi Karue who came after some of you, it is very important that we shouldn't feel, that he is jumping the queue, but he has a very pressing matter to attend to, so he asked whether he could give his views and then go to attend to it. And he is also a school headmaster. Is that alright? Thank you.

Njagi Karue: Thank you Commissioner. Good morning ladies and gentlemen. I have two pieces of memoranda to present; one is from the St. Luke School of the deaf and this would go down for the disabled in Kenya. We wish to call Parliament to start a new ministry, to cater for the rights of the disabled in Kenya. The ministry needs to put more emphasis and work seriously to help people with disabilities in Kenya. The disabled and handicapped in Kenya, have been ignored and oppressed over the years, and they deserve the same rights to privileges as non-disabled.

They are many types of disabilities, what we are saying here is our current Constitution today allows for very little care for the disabled in this country. And if there is anything today is disabled in this country are treated as non entities, and that is why we

are calling upon the government to have full plight to the ministry for the disabled alone. The disabled in this country are those who are deaf, blind, physically handicapped, mentally handicapped, learning disabled, autistic, gifted and talented, speech impairment, multiple handicapped and all of them put together. Including this types of disabilities are millions of people who need help and support from the government. This must be enshrined in our Constitution that is why we are calling on the next government to have a full plight ministry for the disabled only.

Some of the specific areas for needs of the disabled are education; they should be given same education opportunities like all the rest. Increase of special education facilities, expansion and more involvement from the ministry, so that there is nobody who is left out in this category, separate syllabus but with the same goals. But different methods of teaching for people with all kinds of disabilities. Rights to a fair trial; on request a disabled.....

The next one is on election. Civil servants should be allowed to contest election at all levels for the military civil without having to resign their seats else where. This should include teachers in all institutions. During election period they will allowed to take normal leave. This was there before the current was removed. Ministerial posting. With few ministers should be nominated or appointed from the General purpose that is from the below castle and not necessary from those who had been elected (inaudible) like carpentry (inaudible) elsewhere. This will enable for the government to have qualified and suitable people professionally to be able to handle matters pertaining to individual ministries in this country. The current system allows the president to appoint political protégés some who have no business being in parliament. We would like the ministers and assistant ministers appointed from the bureaucracy. That is people who are professional, qualified not necessary those people elected to parliament because some of them have no reason being (inaudible). We are saying the season should change when you leave parliamentary seats the minister should be professional in outside parliament.

Education: The current education system should be changed that but every Kenyan has access to it. Today it is so expensive the children of the poor are not able to (inaudible) education it should be free. Should be free. Should be free like in Tanzania and Uganda. All way to university it should be free education. If handily in Uganda and Tanzania why not in this country.

General Administration: The current administration system allows for PCs, DOs, Chiefs, etc. to work more less like during the colonial system, colonial days. We require administration to be streamline, this should assigned to the constitution so that the general mwananchi has some say in what happens every day in the area, in district, location, sub-location, province etc. e.g. a District Commissioner is small less a king where he is. There should be more powers sharing with the local leaders, local administration you know. We should be able to assist to work in civil hii akina zone of may be reckless directive from up there this question come down to the common man. And generally as I finished I am calling upon the government to be responsible for general welfare for both those who are employed in this country. School leavers and everybody who has no job, who has no resource. So it happens to those who are in countries like Britain where those who have no employment have no means of living are taken care of by the government.

Com. Ahmed Salim: Be a bit more specific bwana Karue. What do you mean by to be assisted to be helped, if in Britain they do this to be done specific what do you want done here?

Bwana Njagi: We would like the government to set up a fund and put in constitution that every employed person in this country should be given welfare to enable him to live because it is the government is solely responsible for its citizen. It happens in Britain, it happens elsewhere and think it can happen here. Thank you for allowing me to streamline through this. Thank very much and God bless.

Com. Ahmed Salim: Thank you bwana Njagi God bless you too and your school we move on. I call Irene Munyi. Before we go on let me repeat what I announce earlier about memorandum. Mukiwa muna memorandum maoni yenu yameandikwa hamna haja kungojea mpaka mwitwe yeyote ambayo ana memorandum ana haja ya kusema chochote tunaweza kupokea memorandum yake pale kwenye meza yetu hii ya pili ndogo. Kwa hivyo karibu ambaye nayo aende hapo kwa reception Pauline na mwezake hapa na kiza aendele na kazi yeke mjini. Lakini ikiwa mngpenda pia kuzungumza kidogo juu ya memorandum yako itabindi ungojee mpaka tuite jina lako. Sawa! Irene Munyi hayuko. So Ann Mwaniki. Ann Mwaniki yuko. Jane Njagi. Irungu C.I. Jane Njagi. Naomi Njeru. CBD.

Speaker: Nitaenda kutumia lugha ya kiswahili. Asante. Yangu ni kwamba ya kwanza ningetaka single mothers wanapo elimiza watoto wao wakienda kuongozea huko ulaya wasinje wakambiwa waleta vitambulizo wakewee kwa maana wamesomeza kutoka nursery mpaka secondary. Kwa hivyo mama ana kitambulizo kuweka sahihi ya tisa mtoto wake aende akasome. Hiyo ni ya kwanza. Hiyo ingine ningetaka sisi katika nchi yetu ya Kenya seventy per cent ni wanawake na ndiyo wakulima. Na wanawake hawana haki ya vitu vyao wanalima. Ukienda kwa kahawa wanawake ndiyo wengi, ukienda kwa majani wanawake ndio wengi wanagunga. Tuwe na free market tuwe ni wakulima wanahaki wanawake wako na vitu vyao. Sina mengi asante.

Com. Ahmed Salim: Market kama nini?

Speaker: Ya soko huru ikiwa ni akina mama ata tukienda kwa uchaguzi wanawake wawe na haki ya vitu wanaolima.

Com. Ahmed Salim: Yaani sasa wanawake hawana haki ya vitu wanayolima?

Speaker: Wengine hawana, sio wote.

Com. Ahmed Salim: Wanapewa na nani haki.

Speaker: Wakubaliwe hata ikiwa ni kwa kahawa kila kitu.

Com. Ahmed Salim: Okay. Asante sana. Rose Kinyua? Akina mama wameondoka, wangapi wajiandikiza wakaondoka. Au walikwa wamekua kusikiza pole sana. Hazinas Wawira.

Hazinas Wawira: My name is Hazinas Wawira. I am chairlady of SCP Children Health Children from Kairuri Parish. Mwalimu Wazazi na watoto waliyo hapa mbeleni watoto tunajuwa watoto kutoka kwa Parish ya Kairuri wakati nataka kuwatolewa sahili litwalo:

“Wakenya tufanye nini” Ndunia imegeuka, Mambo ni Kichorochoro, tufanye nini wakenya. Watoto wengi wamepotea, zikingini jameni, pesa hatukutafuta, pia vyakula, tufanye nini wakenya, watoto wamepotea kwa sababu ya kukosa kalo ya shule, tufanye nini wakenya! Wazazi wetu ni wakulima, wakahawa jameni, wakikula wanauza, watoto hawapati, tufanye nini wakenya! Kenya tunaendelea nyuma, shuleni ni kilio, nyumbani ni kilio pia bahari ni kilio pesa, pesa, tufanye nini wakenya! Tulioambiwa wasome ya msingi, nia bure zamani, siku nyingi kumegeuka, bila pesa kuna masomo, tufanye nini wa kenya! Kikomo tumefika, two omba uzaidizi, maslahi ya wakulima, vyangaliwe zamani, pia masomo ya msingi yaangaliwe zamani, tufuate wanini wa kenya asantini.

Com. Ahmed Salim: Bila shaka tumeadhitika na mamneo haya ya watoto pia wametoa maoni yao kwa njia yao wenyewe. Na ni maneno ambayo pengine wakwiza yatoa I was more in effected and we are happy to hear their views and we wish the organization system has been children every success. Na tukiondelea mbele twamwita Dorothy Wanjira from Eastern WBG.

Dorothy Wanjira: Muyaro! Muyaro ringi. Tutigiritio twarie na lugha yetu. I have got a memorandum and in those case because of the ladies and who are many who can only understand Kiambu I am only going to summarize my memorandum in Kiambu. I explained first I have about three points. I have said first I have got about three points. I have said first we are going to have president. President usio tugite akorwo a miaka 35, miaka mirongo itatu na itano. Na ena githomo makiria ya form four. Na akorwo ena kindu ta degree na ete gutheka tiguthii kwo na withi wanathii kuo emuthomu muno na tugichoka kuona gutiri kindu endu a embu manyitire. Tugite akorwo ende gutheta na e na githomo kiu. Ucio in President .

Interpreter: The president should be aged 35 years and have a degree and form four education. he should be sponsored by a party e.g. Kanu, and DP. And he should have a home in his own constituency. Because of them stay in Nairobi without seeing them. The president should be voted in by the people. And that is the president.

Speaker: Agirirwo akoruo na commission, agirirwo akorwo ena andu akuroragia maundu maria arienda gwika bururi-ini ni meke na magoka kumwira.

Interpreter: He should work with the commission who will help do his work in the country.

Speaker: Tondu riu a ndamenya kana twi na thibitari kana tutiri thibitari kana ni turabewa dawa wega tutirabewa

Interpreter: Because as it is now the president does not know whether we have hospitals whether we receive and we do not

receive.

Speaker: Barabara cia aria tuthondekwa president ndetikira ithondekwa.

Interpreter: When the roads are not made the president know that they are made because have a commission to work with.

Speaker: Agirirwo gukorwo ena kiama kia mama gukimwira uhoro ka indo icio njike.

Interpreter: He should have a commissioner to tell him whether those things have been done or not.

Speaker: Like Vice-President. ucio agirirwo guthurwo ni ma MPs maria turathurire.

Interpreter; He should be elected by the MPs who have already been elected.

Speaker: Na athikagirie president.

Interpreter: And he should listen to the president.

Speaker: Ministers: Acio magiriirwo gukorwo mena powers na mari ogi muno. Akorwo ni minister wa dawa agiriirwo gukorwo e dagitari doctor.

Interpreter: The Minister should be very bright people and if its a minister for health he should have a degree in medicine.

Speaker: Maugi mothe makonii wizara yake agiriire agikoruo akimeta na wananchi makimuroragia.

Interpreter: He should be able to work in as ministries than the public should be there to watch.

Speaker: Ucio nietikiritio guthii na ngari iria nene.

Interpreter: The minister is allowed to use big cars.

Speaker: MP: MP tuthuririe twi dhumu cia MP. MP etu tuthirie twi thini wa Kenya ni tumuuma nia andu matari na metho.

Interpreter: The MP's have not been educated on the work they are doing.

Speaker: Mabewe commission ya civic education

Interpreter: They should be given civic education.

Speaker: Nigetha marute wira mateguka na gari icio nene guku.

Interpreter: So that they work without coming in the big in this places.

Speaker: Na makorwo mari na micii, kwao ni gither Kamwetu naiga atiri ma MP marorie mothe turaruta ta masecretary, no matikarute ta anene.

Interpreter: They should also have homes, where they come from, the MPs should work as secretaries, not as bosses.

Speaker: Na gari nene tutikamone nacio ringi. Thank you very much.

Interpreter: We should not see them with big cars. Thank you very much.

Com. Ahmed Salim: Thank you for your views. Peterson Mbogo. Peterson Mbogo. Let me remind you of the time, the time is very important. We have a lot of people who have registered I don't whether we will be able to hear all of them.

Peterson Mbogo: In our country constitution, definite with a lot of powers we have some of powers. My name is Peterson Mbogo Njiru. These are my views. In our country constitution the president is vetted with a lot of powers and therefore most of the powers will be removed or reduced. The president should not be empowered to appoint ministers. The president should not be empowered to appoint Attorney General, Vice President. The other thing is judiciary allowed to operate independently without interference from the president.

Com. Ahmed Salim: Bwana Mbogo, you are reading. Once you are reading you will not be able to finish. I assure you. There so knock on the thing you say, your time is up. Just give proposals please and when you say he should, should not you should tells what he should or who should if he is not who should. If he is not appoint this person who should? You should let us know. When you tell us the president should not do this, you should tell us who should do?

Peterson Mbogo: Tribunal courts should be introduced in every division dealing with land adjudication and votes and etc. Adjudicator: land distribution should be meant to receive two third anti government civil (inaudible) when dividing their property. In education. education should be free for Kenyans only parents with secondary with student in secondary should appointed Board of Governors. Every service to all. Education to be compulsory to all parents, provincially to seek administration to be abolished education in constituencies. Thank you.

Com. Ahmed Salim: Can you clarify this issue of education? when you say it should be compulsory at what level? From what level to what level?

Peterson Mbogo: Only Primary Level.

Com. Ahmed Salim: What about secondary? Secondary what will happen? Primary is free what about secondary. What about university?

Peterson Mbogo: Yes. Free, secondary will pay fees.

Com. Ahmed Salim: Secondary will pay fees. Thank you.

Philice Mukami: My names are Philace Mukami, from Kairuri Parish in Manyatta Constituency. I would like to list the memorandum and I will start with education. education is the basic means. The best every country can do is to invest on education of the Christian in the primary, secondary and higher institution of learning.

Recommendation: I would propose the new constitution to address education as a basic right of all Kenyans. It should be free and compulsory as from class one to eight. Private schools should be allowed to flourish. The new constitution should address the problem of the increasing povety. Many children of my age in Kenya are not able to go to school because of poverty. They are employed as house maids to look for the income to support their family. This is child labour and the children are deprived time to leave their childhood. Street children: in many minor and major towns in Kenya we have the problem of street children. We have many reasons as to why children go to the street. If nothing is done to this problem we have to pay bare for it in many ways. This is the breeding ground for the potential cloth and thieves. Recommendation: the new constitution should provide for the ministry and department with the written ministry to take all these children to special rehabilitation and technical schools. Here children can be taught special courses which can benefit them to undertake their welfare. The local authority should take care and educate the street children within their cities and towns with government grants. The rehabilitation schools and technical institutions can be established and build with the money from the consolidated fund to take care of street children. Illicit brews: many family today as a result of poverty have started commercial of selling the local brews. Our families have been turned into bars and we feel disturbed by drunkards. These local brews have many families to break. Others become blind while others die because taking kumi kumi. Institutions of learning have been made to go on strength because some people go to sell local brews to the student. Recommendation: the new constitution should have outlaw the brewing of unhygienic local substances that had implemental to the health all well being of the people. The new constitution should be molest anybody who interferes with institutions of learning by encouraging in discipline by selling these local illicit brews and substances abuse against the dignity of the people. Thank you.

Com. Ahmed Salim: thank you very for those important views you have given us please come over here and hand over. I will check that memorandum you want to leave us. Thank you.

Evason Muriithi: My name Evanson Muriithi Mbira, I am a student at Egerton University. I wish to make the following recommendations with the Constitution which is currently being prepared. In the case of the power of the president I would like to say that the president should not be above the law but should be under the constitution. For the case the effective body there should a guarantee of assumption of hobbies. If our minister is elected free he would have guarantee to stay in office at least five years. Judicial officials should be elected on merit but not appointed by the president for example the judges and the chief justice. The vice President should be elected by the members of parliament and not appointed by the president. Members of parliament should are not appointed by the president. Constituencies should be determined by the number of people and not geographical distance or other side. Before any motion is presented in the Parliament by an MP he or she first of all seek the

views of the common mwananchi. For the election of the president a president should at least learn earn two sets percent of the total votes cast various to which the leading twp should go for a repeat. In the case of education, it should be free at all levels i.e. primary, secondary and university. A university graduate should automatically be employed upon graduating in regard to the respective degree. There should be compulsory primary education to all children. They should set scale of salaries to all employed people based on education achievement. President should at least a bachelor degree and above. The culture education should be spear headed by condemning barbaric customs which bar the girl /child from education e.g. early marriages. There should be each one man should one job. Retirement age should set at forty years. (laughter) This will allow the youthful since according to the education system the eight four system it takes fifteen years for one to take over.

Com. Ahmed Salim: Evanson, you do not have to defend your views. Don't air your views. You have a right to give them.

Evason Muriithi (cont.) Just a minute please. Barbaric customs such as wife inheritance should be abolished immediately for retirement benefit. They joint admission board should not only consider the specific grades but selective student to join public university but should also consider the facilities which the student had access in secondary schools. There should be duty free all. Thank you.

Com. Ahmed Salim: Thank Evanson for your views. Gilbert Njeru? He is not there. Joyce Ikuu Njeru. Hayuko, Josephine Njura, Angeline Kanini?

Joyce Ikuu Njeru: nii njitagwa Joyce Ikuu wa Njeru, sub-location Manyatta.. chairlady.

Interpreter: She is the chairlady of Manyatta sub-location.

Joyce Ikuu Njeru: Riu atongoria sub-location tele ya manyatta nitwonaga thina muno, niundu tutimburagwo ni andu aria anene gutukira kana ni andu aria athomu. Ni ithui twathurirwo ni andu tukiarirwo murorongo na tutiunagwo na andu. No riu mathina maria twonaga bururi-ini ni maingi muno. Wakuigwa ni twari na kahua, ni twari na majani, ni twari na mboco, nitwari na kiria kingi twariria tutionaga gwa gutwara. Kwoguo arimi niturorire mashirahi Ni undu twatua kahua tutionaga mbia na riu ta ithui akuru tukurire tutikuhota ibarua . Nariu niturimite kahua na majani kila kiru. Anasante saana.

Interpreter: Now leaders sub-location of Manyatta we have a lot of problems. We are not recognized as leaders by those who more senior than us or those who are educated. We were elected by people and we are not recognized. Now the problem in our country. are many. As farmers we do not have a place to take our goods. She is asking the interest of farmers are put before everything. Because when we pick coffee we are not given money and we are old and we are not able to go and work in peoples farm. What is she is requesting is that farmer should be put in the new constitution so that the farming sector is considered which the case to day because she claim that they are not paid even for coffee and have been delivering coffee and tea to the factory. Thank you.

Com. Ahmed Salim: Njiru Nyaga

Njiru Nyaga: I am Njiru Nyaga. This is my scheme. On political parties, Kenya citizens are not tribalistic in nature but the sole called leaders who have shelved political ethnic markers look tribalistic. On political parties I would suggest that there be restriction of registration of political parties to maximum of three in whole country. A commissioner set by the parliament, which should work out modalities for the registration of political parties. The registration be made public a year before the party was registered. Does it have a natural outlook? For a party to be registered it must have different ideology from the existing parties for example in the case of America, Americans democrats who are liberal and Republicans who are more conservative. Registration of all political parties should be reviewed due to national elections, the defective parties should be deregistered it has stopped to propagate of national interests. On president, presidential candidates should not vie for any parliamentary or civic seat. The presidential election should be divorced from parliamentary and civic elections. The presidential election be held six months after parliamentary and civic election. On parliamentarian, and this is on nomination and welfare. That the denomination and welfare of the parliamentarian be addressed by a special commission formed by various stakeholders which must include Governor of Central Bank, Representative of COTU, NCKK, SUPKEM, FKE and these recommendations should be gazetted in Kenya Gazette for thirty days before they are effected. On public service jobs that all jobs in public sector be purely on contract terms preferably at ten years contract which should be reviewed for extension by team of human resource for former auditors. . e.g Price Water houseCoopers. One month should be hold odd jobs at a time any person who owns an office in public service should be duplicated the same service in the private commercial enterprise e.g. a doctor who works in public hospital at the same time have a commercial private clinic. Then of late we have seen so much in terms both human and material zones when some individuals who have been educated and trained in our public institutions are left

Com. Ahmed Salim: Bwana Nyaga you know you are wasting a lot of time in giving a lot of explanations. Stop the explanations. Give proposals.

Njiru Nyaga: (cont) So let me proposal people going to work in other countries. So to draw back resources into our country. I suggest that any Kenyan going to work outside the country have his or her salary deducted and the money brought back into the country to uplift the education sectors. The government should offer competitive salaries to those working in the public sector to reduce brain drains. On environment issues I suggest that no part of the existing land under forest should be degazetted for any purpose so far. Thank you.

Com. Ahmed Salim: Thank you very much. Bwana Nyaga for those views. We go now to Martin Michobi.

Martin Michobi Munyi: Due to the time factor I just give the recommendations. Seek friendship at the right time to seek friendship. Everybody who is born in Kenya by a Kenyan parent should automatically be Kenyan. If a Kenyan led all gentle

marriage consent in Kenya at the central region Kenya the spouse he or she should be given the right to be automatically be a Kenyan. Human rights and freedom: the constitution should guarantee the human without interception. Capital sentence should be burned for ever. Abortion should be made illegal and those caught doing it should be brought to justice and charged with murder except when the live of the mother is in danger. All the mercy killings should be not legalized and considered crime against human rights. Social evils and fights e.g. prostitution in fidelity on sexual child and human sacrifice should be abolished. Fifteen of those fizzy should be charged with crime against social virtues. Domestic violence should be regarded as a crime against human rights. Child rights, education youth and employment. Government should ensure that every organ child is educated and education be made a fundamental right. Orphans children should automatically me the age of their parents property. Everyone found employing children should be charged for violating human rights. Every child in Kenya should get education free of charge and be made a mark for every Kenyan child who is below eighteen years of age. Employment: Those who retire from the service should not be hired again. Those who misuse their offices all mismanage them should not be transferred to other places but served or demoted to senior boxers. Constitution should ensure that government guarantee 3 - 75% of the granduans who graduate every year from public universities. Street children Hawkers and Makangas: Governments should provide settlement for children in the street and free education. Then for the hawkers the government should provide permanent places for their businesses. All illegal military e.g. Mukingi, Jeshi la mzee, talibans, and youth wings for Kanu, should banned for ever. Powers of the president. President should elected by people secret bar rots and get at least 41%. Note the powers of the president he should not be the commander in chief of the armed forces but instead a general elected by the staff of general elected by the staff of and be approved by the parliament. Vice president should elected by people during a general election plus ministers should end the government and pia elected by the people or a parliament. President vice president premier and the deputies should be university graduate and be twenty-eight years and above and not above seventy-five years of age. Judiciary: it should be independent completely and its members not a member of other armed of government. Members of the judiciary should not be members of other government arms e.g. the case of Attorney General who is a member of parliament and Egerton. President should not above the law and featured by the laws of Kenya. Judiciary should have the powers to charge all the top members of government including the Ministers who are in the office. Thank very much.

Com. Ahmed Salim: Thank you very much Martin.

Nicholas Kamuti: My name is Nicholas Kamuti. I come from Runjees Constituency at Chagari North location. My constitution on this one is on the law about stealing. The law about stealing is completely ineffective. The modern law on stealing is quite defective because first it accuse that the person is innocent until proved guilty. I propose that, I want to compare with African conditional law. My recommendation is that presently it is the complainant who has to proof the suspect guilty. I would want to make it also that the suspected person as the responsibility of proofing himself innocent.

Com. Ahmed Salim: In other words what is regarding guilty and less proofed guilty.

Nicholas Kamuti: Yes I would suggest that because I feel this is what has made concerning thieves actually 80% of cases of stealing go free after they have been put in the court of law because what appears in the modern law is that it is criminal privilege.

Com. Ahmed Salim: Next point. You are referring to the issue of stealing only? There must bigger crime is the same law to apply to everybody? It is okay for example it should presumed guilty unless he proof himself innocent. On only confining it to stealing. Fine.

Nicholas Kamuti: Actually I wanted to confine my argument on stealing. Somebody who acquires wealth that is currently cannot account for should be actually be taken to court to account.

Com. Ahmed Salim: Thank you very much, Bwana Nicholas Kamuti for those views on the law.

Sarah Njiru: Nii ndiraria na kieumbu. Ni ritwa nito uguo mwaigwa ndi Sarah Njiru kuma Bubori mwena wa Binda. Nii ndiraria niundu wa ithui twi thina muno aciari a makiria aria matigitwo ni athuri ao. Niundu ciana ciitu ni iraga cukuru niundu wa thina wa fisi. Kaana ni gagikorwo kahitukite wega muno kuma nursery eight hakahituk wega na gagathii cukuru bau ningienda thilikali itu Kenya yote chiana isio icio tari aciari acio. Tonde twana tuu twitu karia kavitukite niko gagatwika thilikali ya Kenya ruyu. Na thina wingi na kwo ni wa thibitali kwa andu a Kenya niturikawira micii muno Nitukwenda thibitari to ria twathondekagwa hindi ya tene tutekuriha mbeca. Korwo thirikali no itikire uguwo Kenya yetu no itwike katiba itu ni njega. Na kwo ngwikinuyu thiini wa anake aitu and airitu riu urona cukura cingiihite uguo ni mwanake athii anefu akienda muiritu ucio. Kwoguo thilikali yetu na katiba yetu ya Kenya ibure igoti riria riaherithagiria andu acio ricokio.

Interpreter: Women especially widows have alot of problems. As a widow most of us are not able to fund even school fees for our children. The government of Kenya should take the children of widows as their own children and help educate them. Those children should the government of Kenya tomorrow. The other problem is about the health centre. We want the health sector to be where it used to be in past where we used to be treated without paying fees. For the constitution to be good the government should consider the health sector and give free health services. She says the reasons that we have street children is because the law that used to be used the past is no longer used. So she is requesting in our new constitution those people who impregnate women and refuse to take responsibilities to be punished by the court. Thank you.

Com. Ahmed Salim: Asante sana Mama Sarah Njiru kwa maoni yako.

Njiru Mudalashi: Andika Njiru Mudalashi na kwoguo thiini wa nyimbo cia kwa iria thondekete thini wa constitution , ciothe iri thini wa ofisi. Hiyo nimeandika nimepeana tu. Vile nataka katiba mwangalie hii katiba vile tuliweka tangu tapate uhuru na mpaka sasa katiba yenyewe ninyi ambayo umeingalia isiongezwe haraka kwanini tunazidi kufanya nini. Na unajua kama

amechukuwa bibi yake saa hii anaweza kwenda katiba pole pole mpaka afike mwisho. Sasa hii katiba yetu ikiwa ni kukaa na kijana anafanya kwa siki ngapi ile anaowa, unajua kijania miaka yake hii atakaendelea kukua ndiyo atakwenda akiongeza katiba yake. Hii ingine tunaongeza ni ya kitu gani?

Com. Ahmed Salim: kwa hivyo mzee angependelea kufanya nini?

Njiru Mudalashi: Ningependelea katiba unajua kijana akipata bibi yake siku ya leo katika katiba na sasa ifanyiwe marekibisho kutoka siku ile tulianza mpaka ile siku miliogana ya mbele. Basi mipango inzie hapa, maana yake katiba haitaiza, itakaa, tuzaye watoto tulee wengine na katiba itakuwa bando.

Com. Ahmed Salim: Asante mzee hiyo point tuzapata. Asante sana.

Agatha Njiru: Maritwa makwa nii ngwaria na kieumbu. Maritwa njitagwa Agatha Kajuju Njiru.

Com. Ahmed Salim: Agatha, wewe ni member wa committee. You can speak kiswahili. Si wajua kwanini tungependa kuwasikika mtu kwa lugha yeyote kama alivyosema lakini ikiwa tutafsiri utasema yeye atafsiri hiyo utachukua some of the time and we have so many people here who want to give views.

Agatha Njiru: Jina langu naitwa Agatha Kajuju Njiru na maneno ile nataka ya kwanza ni kama mayors na chairman wa county council wawe wakichaguliwa na wananchi. Si wale wamechaguliwa. Hiyo point ingine ni ya kina mama wawe kwa decision making kwa ile mambo yote kama ni land board, school boards, hospitali board yote iwe wana mama wanakilishwa huko. Na wawe one third ya wale wanachaguliwa. Tuseme kama wanaume wanachaguliwa tatu moja awe mwanamke. Hiyo ingine ni ya property. Ingekuwa vizuri kama ni title deed saa ile mwanaume anaoa inawa na majina mbili. Ya mama na ya bwana ndiyo isiwe ya baba peke yake kama anataka kuuza peke yake. Hiyo ingine ni ya citizenship ile kama mwanaume anaenda ulaya akioa mzungu akinja hiyo mtoto yake Kenya citizen. Haya bibi akienda ulaya aolewe na mzungu akinja hapa hiyo mtoto aweze akawa Kenya citizen anakataliwa. Na yule bwana yake hata yeye hawezi kukanyanga Kenya. Wawe wanakuwa ni citizen wa huko. Tunataka kama bibi anaolewa na mzungu, hata akija na huyo mtoto awe Kenya citizen kama vile kijana akienda akiona mzungu uwe anakuja anakuwa Kenya citizen. Hiyo ingine ni national cake. Cake ni mali ya taifa. Tunataka igawe ikiwa watu wote wanapata equal kwa vile kuzanga tunazanga zizi wote. Sikusema kama watu wa Rift Valley barabara zao zote ni rami, watu wa Meru au Waembu barabara zao zote ni matope. Watoto wengine huko wanapata free books tukinja pande wengine hakuna free books. Tanataka iwe fairly equally. Hiyo ingine ni wale wakina mama wale waziwezi saa ile tunachagua lets say MP or Councillors akina mama wanakuwa they are not able to contribute money to campaign. Na zaa ile viti inaenda ile mwingi wanaume wanachukua kwa vile wako na pesa tunataka tuwe viti ingine inaachiwa wanawake wana compete na wanawake wengine. Lakini si kwa contour kwa sababu kama mtu anakuwa appointed she is answerable to the man who appointed her. But if she is elected lets say that woman will be answerable to the community. But now if you are

nominated obvious you are to say yes the one who nominated you. We don't want to be nominated we women we want ourselves to be elected by our fellow women. Hiyo ingine ni ya akina mama wale wanazumbuliwa na pahali wanatoka. Kama wasomali au wasamburu wanakuwa rejected so much kwa vile hawanjui mambo mingi. Tunataka hata wao wawe wakizugulikiwa, wawe wanaweza kusadiwa ndiyo wawe kama wanawake wa pande ile zingine. Asante.

Com. Ahmed Salim: Asante saana kwa maoni yako Agatha Njiru. Yeye ni member wa ile kamati ya inahusu katiba na moja kati ya watu kumi katika kamati hiyo ambao imekuwa ituzaidia commission hii katika kuweneza habari kwa elimiza watu kuwauliza kuja kutoa maoni yao.

Com. Ahmed Salim: Na tukiendelea mbele twamwita bwana Simon Bugo, Jonah Njeru,.

Jonah Njeru: Nitzaungumza kwa kiwahili iliwengi waweze kunizikiza na kinielewa. Jambo la kwanza ningetaka katika katiba yetu mpya watu walipwe mzuri na waajiliwe tu kwa miaka kumi na tano. Wakifikiza hapo wakuwe nyumbani. For 15 years only but be paid well. Jambo la pili ningetaka watu wote wasome kwanzia primary hadi university na ya mzingi iwe ya lazima. Nakuziwe na boarding schools maana inafanya watoto wengine wapaguliwe. Wote wakuwe equal footing wawe wote ni sawa. Kuhusu kodi kuna watu waekali zaidi ya hamzini na kuna wengine walio na mitokaa hapa zaidi ya mbili family cars. Ningetaka na ningependekeza kuwekwe kodi ya 1% of the value per year ndiyo tupate pesa ya kulipia mambo tanja hapa chini.

Com. Ahmed Salim: Bwana Njeru embu eleza kidogo hii tax kwa kila gari, \)?

Jonah Njeru: for any other extra beyond two walipe tax. And for any other acre beyond 50 acres family lands alipe 1% value per year ndipo tupate pesa kwaghalimia mambo nikayosema yapa nyumaye. Health iwe accessible kwa kila mtu katika Kenya hii na mtu akienda hospitali akufiwe huko bill ilipwe na hiyo pesa. Ndiyo ambayo nasema tukilipa Kodi bando. Tusiwe ati mtu anakufa na sisi tulipe hiyo bill na tayari amekufa. Jambo ingine ningependa kwongeza juu yake ni ministry ininge zitupwe na zingine ziongezwe.

Com. Ahmed Salim: Samahani wajuwa hii katiba sio ya kesho au ni ya leo au inasawiziwa na mambo ya leo au mambo ya jana hii ni katiba ambayo twatumaye itandumu miaka na miaka na kadhalika. 100, 200, 300. kwa hivyo just say what you want done in it which will in your view will last for long and is good for us in 100 years.

Jonah Njeru(cont): ile ministry iliyo na maana na inaonekana inalingana na fisi kama wa Kenya na inahuzia matakwa yetu, na iwe na minister moja tusipate minister watatu katika ministry moja. That is duplication of duties. Na katika hilo ministries kuwe kuna ministry of importation and export ambayo itachunguza mali yetu tunayolima hapa isiwe inatolewa nje kimagendo na ingine inaletwa hapa ambayo hatuihitaj e.g. mayai tunayo kula hapa sasa inatoka bali na yetu inarundi kigama mahali pengine. I am

therefore suggesting katika hiyo ministry wawe wanachunguza na wanangalia ile tunahitaji ikuje na ile tusiohitaji itoke. Jambo la sita kuna watu wama accounts nje ya Kenya hii, ningetaka kupendekeza katiba yetu mpya ikatae namna hiyo. Mtu akiwa ana account ingine za pesa inje a cease kuwa wakenya au afunge hizo accounts hizo pesa alete hapa kwetu. Jambo lingine kuna watu wengine nao ambao wana root economy yetu ile misahala wanapata it is even un imaginable ningetaka katika katiba yetu mpya iwe ile masomo mtu amesoma na ile kazi anafanya. Hiyo tu wakuzanye pesa yote na mtu moja na ile pesa inatoka hapa kwa watu wengine ambao hawalipwi msahala wowote. Viongozi wote wafanye kazi wasipitie miaka kumi na wawe elected. We leave within our means tunaishi katika ile pesa tunayotafuta na corruption ikufe na iziwekwe tena kuziwe na mtu kufungwa maisa instead apelekwe mahali atutengenezee vyombo tuweze kuja tutengenezee economy yetu. Na election ifanywe katika kituo na kura zihezambiwe katika kituo hizo halafu makaratasi ipelekwe mbele. Na tuwe na uwezo kumtowa parlimanetarian kama amesindwa na kazi yake. Na mwisho Judiciary iyangaliwe makosa isiangaliye kosa. Maana ya kwa sasa tunangalia ninani amekosa si vile makosa ametenda. Asante sana.

Com. Ahmed Salim: Asante sana bwana Njeru kwa maoni yako. Andrew Nyaga , karibu.

Andrew Nyaga: Commissioners na wananchi ambao tumekuana hapa kwa anjili ya mambo yanahusu katiba yangu ni machache. Kwanza nitaanza na uchaguzi. Wakati kuna general election, au uchaguzi wa taifa nzima bandala ya kuwa kukiwa na uchaguzi wa president na MP ningeonelea igawanywe hivi kwamba kuwe kukiwa na uchaguzi wa president pekee halafu kwa kipindi ya miezi kama sita kuwe na uchaguzi wa MP. Kwa sababu watu kunakuwa wamechanganyikiwa. hiyo ingine la councillors na iendele tu kama kawaida. Ya councillors iwe peke yao wambunge wawe peke yao lakini president wawe peke yao. Wakati wakuchagua president tuziwe tunachagua councillors, tunachagua MP kila katika local government awe na uchaguzi wao. Halafu tuna elimu tumechanganyikiwa na elimu iliyoko nikionelea ya kwamba kuwe na elimu ya bure kwa miaka saba ya kwanza. From standard one to standard seven. I am talking of saving, I am not talking of the aid. Halafu Primary kama zilikuwa zamani . But not 8-4-4. kwa anjili ya usilika wananchi watezeka sana kutokana na vyama vya ushirika , kwa sababu wanvyoziongoza hawajali na wakitumia pesa vibaya au wakilipa pesa za silika hatushikii hata siku moja kunaye ambaye amefungwa. Nkionelea ya kwamba wale wanayongoza vyama vya ushirika wakiimba au wakifanya chochote ili kuharibu hiyo chama wakiimba kwanza asitakiwe alipe asioweza kulipa afungwe gelezani ili wasiwe wananyanyaza watu wale ambao wanaowangoza. Parliament waziongeze misahara. Sasa tunasikia yakwamba wanapata 500,000/= shillings ni wao ni wajirirwa na wanajiadili.

Com. Ahmed Salim: Sasa mzee unataka kitu gani lifanywe kuhuzu mishahara ya wambunge?

Andrew Nyaga: Thank you. Ningetaka kuwe na commission ambayo itakuwa akichunguza misahala ya wambunge laikini siwe kuketi na kujipakia misahala ile wanataka.

Com. Ahmed Salim: Tumefahamu, endelea mbele.

Andrew Nyaga(cont.) hapa kuna jambo lingine linatusumbuwa sana. Inatokana na sheria. Mahakimu. Mahakimu na matajiri wanaenda pamoja. Mwanachi wa kawainda asiye na kitu he cannot defend himself or herself. Kama wanafanya kesi na mtu ambaye ni tajiri. Ningeongelea ichunguzwe kuwe na kwamba hakimu awaonei hawa watu ambao ni maskini. Zaidi yapo ningeonelea ambaye hawezi kupatia pesa ya kuweka advocate selikali imzaindie. Kuwe na pahali inaweza mtu kama huyo kwa sababu anaweza kuwawa bure, kwa sababu hawezi kujitetea. Hapo kuna talaka just give me one minute sir. Kuna wale wambao wameona mke na mume. Halafu mume anamtupa mkewe, anamwambia kwenda, hajali ile chochote ambalo amefanya. Nikionelea ya kwamba anapofukuza bila sababu wagawanye ile mali ambao walikwa wamepata pamoja. (Kicheko.)

Com. Ahmed Salim: Wagawanye baada ya kumwondoa.

Andrew Nyaga :Hiyo inaweza hata mama ndiye alikuwa ndiye anafanya kazi zaidi na huyu kwa sababu niye jogoo anatupa na achwa na kila kitu. Kitu kingine hizi ndini. Kila siku kuna ndini mpya ndini mpya. Zimekuwa ni biashara. Tungeona ndini kama zilivyo zikaye hivi lakini sio kuandika kujaza kila siku kunakwenda kwa Registrar kuanzia ndini mpya. Zilizoko zimetoza . Registration of sects should be stopped. jambo langu la mwisho ni kwamba hakuna mtu wowote ambaye anafaa kuwa juu ya sheria. Kila mtu is under the law sio above the law. Hata yule mkubwa zaidi akikosa asitakiwe. Asante sana mzee. La mwisho ni kwamba kule kuanji kuna watu ambalo e.g. Auditor General, na Attorney General wawe wanaajiliwa na commission ambyo ndiyo itakuwa na uwezo wa kuwafuta lakini sio mtu so and so awe na uwezo wa kuwanjiri na kuwafuta bila sababu.

Com. Ahmed Salim: Ni nani ambaye awe na uwezo?

Andrew Nyaga: kuwe na commisiion. Kutengenezwe commission inaweza kuona ya kwamba kama kuna makosa amefanya aondolewe. Lakini sio mtu binafsi kwa sababu amekasilika.

Com. Ahmed Salim: Asante sana kwa maoni yako. Sasa tunamwita Samuel Njue Mtambo. Morris Macharia yuko?

Morris Macharia: Honourable commissioners, ladies and gentlemen. My names are Morris Macharia Kiagayo and I have got the following views for the commission. I would like to suggest that the new constitution should bare any retired officer from contesting any public office. After the election those who go to Parliament then defect to new parties should be barred from contesting any by election because they do that due to their own wish and not to the will of the electorate. Nobody should be above the law in this land. There should compulsory and free education for all children. There should be free medical services to all irresponsible of whom you are. All government officers holding any office in the Republic should not be allowed to own business for the waste time not attending to wananchi but to their own business. A willing presidential candidate should 50% votes in five provinces of the republic. The public should elect chiefs and sub chiefs direct from the grassroot but

they should not be appointed by the public. Any political party with less than 20 MPs in Parliament should be deregistered. Police should not charge MPs in parliament. Police should not be enquiring IDs from wananchi when they are in normal patrol because it is not everybody who carries an ID even when coming from shambas and some people do come from their shambas late and when they are asked for their IDs they don't provide and that is they are arrested. Heads of parastatal should be elected by a set commission but not the head or somebody somewhere electing them but they should be elected or appointed by a set commission. Freedom of worship should be fully exercised in this republic. For one we are at the God. Three days known of worship: Friday, Saturday and Sunday. If someone is a muslim or seventh day Adventist or he goes on Sunday let us teachers that there is no strong islam or Adventist. If children don't go to school tutional Saturday they should not be punished on Monday because freedom of worship is there. Any day you want to worship let it be exercised within the law. Thank you.

Com. Ahmed Salim: Thank you Morris Macharia. I now call councillor S. Giteri.

Councillor S. Ileri: my names are Councillor Seletias Ileri Embu County Council. Kilimo Ward. I will just give the recommendations because time is not enough. The new constitution should be about the principles of separation of powers among the various arms of government and effectively limit and check the powers of the president. Should be written in a simple language and be translated into various languages of ethnic communities in Kenya. Nobody should be above the law everyone should be subjected to the law equally. The constitution must be firmly protected from arbitrary amendments. The constitution should be readily available to the citizen. That the new constitution should repay the unitary system of government in Kenya. Land laws should be reviewed that is inheritance, and maximum amount of land. Education the education should be free and universal for every Kenyan. That the 8-4-4 should be scrapped because it is expensive and its benefits are not visible. Further that the Koech Education Commission Report should be implemented immediately that the new education system should seek to develop the culture of the people of Kenya. The family life education should be incorporated to be in the school syllabus. That the new constitution should prohibit nomination of any person rejected by the electorate as an MP or Civic leader. On governors the president should be subjected to the law of the land. The vice president should be directly elected by the people. The entire provincial administration structure should be scrapped and replaced with democratic institution that is directly elected by the people. A supreme court should be established as the legitimate organ in the judiciary. A family court should be established to uplift our dispute or suit economy. As I continue to end the government has failed Kenyans economically than any other way and that the mess can only be corrected by the establishment of the new constitution order. Developing good transport and communication to structure. Health Care: There should be free primary health care for all Kenyan. Doctors and nurses should be friendly to patient. The constitution should all mark guarantee security to all Kenyans because it guarantees only those who are in power. The clerks and the treasurers in country councils and municipal councils should be hired and fired by the council but not be put there by the government. The last point is the president should be holding a degree. Any member of parliament should also have a degree. A councillor should be at least a former leader. Thank you very much.

Com. Ahmed Salim: Can you just hold on for word. You said you want the commission to be protected against any changes.

So you want to remain as it is for ever and ever.

Councillor: If there is any change let the public be informed and contribute but not the president sit there and change anyhow as they have been doing it there before.

Com. Ahmed Salim: How can the public help to or contribute to changes.

Councillor: As we are doing now

Com. Ahmed Salim: through what? Now we are only having hearings. We can't go round the country for weeks and weeks to get views on amending the constitution. Is there a better way or a quicker way you can think of is this the only way amending the constitution?

Councillor: To get the representative of the people together with the parliament and together they can review a section.

Com. Ahmed Salim: What I am saying is the people. how do they get involved in changing the constitution. Through what method or methods?

Councillor: Enquiries as well.

Com. Ahmed Salim: Okay. Thank you. Now we call Mary Muriuki is she here?

Mary Muriuki: My names are Mary Muriuki. Children who come from the less privileged family should be funded with free education, free food, clothes and shelter. Street children should be collected and funded, together. And after they funded together they should look for councilor who can council those children so they should not go back to the street. Medical Services should be free for all wananchi. The presidential candidates should have education from degree level and above. The functions of the president should be defined. Judiciary should be left to do its work freely without any interference from anybody. There should be gender balance from all sectors. Because in some sectors women are being segregated. The youth should be given a chance to elect their leaders in parliament. All the school leavers should be catered for until one get a job either shelf employed or employed by the government. Those people who have retired should not be given any work in the public offices because we have got many graduates who are moving up and down without any assistance. There should not be death imprisonment or somebody to be hanged rather there should life imprisonment. Thank you.

Com. Ahmed Salim: Thank you very much Mary Muriuki Njiru. Mbarire.

Njiru Mbarire: Bwana Commissioner, mwenye kiti, Yaspa Ghai na commissioner aria angi. Ritwa riakwa njitagwa Wanjiru Mbarire nyumite location Kithilimo Gaturi. Njiru Mbarire kuma location ya Gaturi division Manyatta. Uria maoni makwa ndirona thikali iria twagiriire twinayo tukorwo twi na president na vice president na minister. Na thutha wa thiku andu acio tukorwo twina minister of defence, minister unghota kurora indo cia mbara iria tutumirite kuuma nja na athiage mbunge. Mbunge ingikorwo ni kwenda maundu ma bururi uria marathii minister agacokeria ambunge. Handu hagutwika ni mundu ugatucokagiria uria utekumenya. Kuuma vau nanimenda uhoro wa andu aria makoragwo matiri handu matari na bahati yakwandikwa. Andu acio ni andu aingi muno. Ni andu marutaga igoti. Magura thigara, magura sukari, magura cumbi. Na andu acio mekuria mucii na mena ciana, cia ciana ciao, kana ciana cia airitu ao akiunoga kithomo na mundu ucio ndakoragwo na bahati ya gwiteithia na angirwara makuagira micii. Andu acio athilikali ni magiriirwo in kimathechaga gicunji tondu sehemu ya andu matari bahati tondu matiandikitwo na matiri mbeba mangihota gwiteithia nacio. Uria wengi ni uhoro wigii ciana iria anake aitu na airitu. Ciana ciitu ikoretwo iri micii na ciana icio bahati mbaya ni hingicaga ciana na airitu.

Interpreter: My name is Wanjiru Mbarire from Gaturi Location, Division of Manyatta. The structure of the government should be the president, the Vice-President and the Prime Minister. We should have a minister of defence who will be charge all the things we normally receive from outside the country. I want to talk about the employed. The unemployed are so many yet that they pay tax when they buy cigarettes, sugar and salt. The government should set aside money for people who are unemployed because they also contribute by paying tax.

Njiru Mbarire: Ritwa riakwa njitagwa Njiru Mbarire Nyumite location ya Kithilimo Gaturi. Uria mawoni makwa ndirona thilikali igetwagiruo gukorwo twinayo tukorwo tuna president, na vice-president, na minister. Na thutha wa thiku andu acio tukorwo twina minister of defence minister unghota kurora indo cia mbara iria tutumirite kuuma nja na unghota, na athiage mbunge . mbunge ingikorwo nikwenda maundu bururi uria matathii minister agacokerie ambunge handu hagutwika ni mundu ugatucokeria uria utekumenya. Kuma bau na ningwenda kwaria uhoro wa andu aria makoragwo matari bahati ya kwandikwa. Andu acio ni andu aingi muno na ni andu maturaga igoti, magura thigara, magura sukari magura cumbi. Na andu acio makurira mucii na mena ciana cia ciana ciao kana cia eritu ao itiunaga githomo, na mundu ucio ndakaragwo na bahati ya gwiteithia ona ngirwara makucagira mucii. Andu acio thilikali nia agiriirwo ni kumafechaga gicunji tondu ni sehemu ya andu aria matiri bahati tondu matiandikitwo na matiri mbeba mangihota gwiteithia nacio. Uria ungi ni uhoro wigi ciana iria anake and airitu ciana ciitu ikoretwo iri micii na ciana icio bahati baya niingihaca ciana na airitu. Mwanake uriwe wathira muiritu ihu agiirwo kurugamirira mwana ucio nginya haria githomo gigakinya. Na muiritu ucio mwene kana kau onanie piu piu ati mwana ucio ni mwanawake ucio. Na kugie na proof kuma kuri aciari na aciari aigue muiritu ucio ni kuigira mwanake ucio. Muiritu ucio athomithe kana kau. Tondu iyo ni njira ya kunina sukura. Bari iyo ingi ni guo wigii thibitari. Nitukwenda thibitari ya mana. Tondu andu marakwira na guku micii matiri mawira matiri mbeba na ni andu marutaga igoti. Nitutethirie ni thilikali. Uria ungi ni athuri aria akuru aria mataniaga bahati ya kugia bahati ya kugia na wira andu machio makoragwa guku micii na matiri njira mangiteithia nayo nitukuria thilikali utoria ciana iteitheigarirua athuri acio ni undu nimateirwo ni ciana ciao,. Ciana ni ciathire a ruraya, Ni ciathire India, iri nakuu nanja na athuri achio na atumia na ciana cia airitu aria matigitwo bau mationaga ngiya irio cia kuriaethio ni thilikali.

Mateithagio na iriona thibitari na dawa.

Translator: My name is Njiru Mbarire from Gautiri Location Division Manyatta. The structure of the government we should have a president, vice-president and the minister. We should have a minister of defence who will be in charge of all the things which we normally receive from the country. I want to talk about the unemployed. The unemployed are so many yet but they pay tax when they buy cigarettes, sugar and salt. Those people have children, and the children of their children and they don't education and that person does have the benefit of helping themselves, even if they get sick they suffer in the house. And the government should provide fund to give these people without employment and have no money to help themselves. If a man impregnated a lady and does not marry her he should be responsible of that child pay school fees until the kid is completes education. But the lady should be able to proof that the kid belong to that man. And if a lady does not proof that the kid actually belong to that man then she should educate that child. And that is the way to clearing the street children. We would like three medical centres. The government should help because people tax even in those small ways to give three medical centres. She is talking about the elderly people. the elderly people who have not earned jobs should be helped by the government because some have already been neglected by their children so that government should come in and help. They should be helped free medicine, food, and shelter.

Com. Ahmed Salim: Okay, hiyo ni ya mwisho.

Com. Ahmed Salim: Thank you very much Jiro kwa maoni yako hayo. Nelson Mbogo, he is not here. You are Nelson?

Com. Ahmed Salim: Please give your name first?

Nelson Mbogo: My names are Nelson Mbogo.

I am presenting my views on Local Government: Mayor and Council Chairmen should be elected by people directly, their service should be a 5 year term. Councillors should have a minimum qualification of Form 4, they should not be language tested as there should be moral and ethical requirements for Council Chairmen because we cannot allow land grabbers and thieves to represent us in the Local Authorities.

People should have the right to recall their Members of Parliament for example if he messes with the set of rules set for him or if he misses three consecutive public barazzas organized by the people without good reasons.

The Central Government should determine the remuneration of Councillors and their salaries.

We should retain Nominated Members of Parliament particularly candidates who are on second and third positions because

nominating Councillors from anywhere enhances mismanagement since one may be nominated but has not interest in politics.

Finally, Ministers should not be served from one Ministry to another like is the case now but in turn specialization to take part since a Minister may have for example, knowledge on health but cannot tackle things like finance. Thank you.

Com. Isaac Samil: Thank you very much Bwana Mbogo. John Njeru Nyaga.

John Njeru Nyaga: Thank you.

Com. Ahmed Salim: Jina hilo hilo, Okay and this is, you have the same name John Njeru Nyaga, it is also your name. Box 119 is whose? Same Box Number also, all right it is his turn.

John Njeru Nyaga: Honorable Commissioners, asante sana kwa kunipa nafasi, hii ni mara yangu ya kwanza kusimama mbele ya Tume lakini imenibidi pia nichangia maanake naelewe Katiba ambayo itaundwa itakuwa Katiba ambayo itatufaa na ita.....

Kwanza ningeanza na upande wa education (elimu), ili taifa lolote liweze kustawi lazima kuwe kuna wataalam ambao wameelimika kwa hivyo ningependekeza katika Katiba ambayo itaundwa, tuwe na elimu ya bure kutoka Msingi hadi vyo Vikuu ili kuwezesha taifa letu la Kenya kuwa na wataalam wa ngeli zote kama yalivyo katika mataifa ambayo yameendelea.

Michezo, pia ningependekeza Katiba ikiandikwa, itiliwe maanani jambo la michezo, kwa mfano utakuta hapo tulipo Manyatta kuna wanamchezo wengi wazuri lakini hawapati nafasi ya kuchangia ustawi wa taifa letu na dunia kwa hivyo tungependekeza Katiba ikiundwa iangalia sana mambo ya michezo. Wale wenye talent kutoka mashindani kutoka Sub Location hadi National level wanaangaliwa.

Com. Ahmed Salim: Endelea mbele huna haja kueleza sana tafadhali.

John Njage: Thank you.

Com. Ahmed Salim: Sema tu kwamba kwa michezo nataka inagaliwe kwenye Katiba. Next point.

John Njage: La pili ni madawa.

Tulipopigania uhuru, jambo la tatu ilikuwa tuone tuna madawa hatuwezi kuwa na madaktari, hatuwezi kuwa na waalimu, hatuwezi kuendelea kama hatuna madawa, kwa hivyo ningependekeza tuwe na madawa, hospitali zetu ziwe free, wale ambao

hawawezi kupata matibabu wapate, tusiwe na watu ambao wanakufa kwa vile pengine hawana uwezo wa kugaramia madawa. Tuwe na madawa katika hospitali kama vile ambavyo tulipigania uhuru.

Jambo lingine ni vyama vya kisiasa ama political parties, Katiba ielekeze udadi, uongozi wa tabia za vyama vya kisiasa, kuwe na idadi maalum ya vyama vitatu tu za kisiasa. Shuguli za vyama vya kisiasa zigaramiwe na wanachama wake wala si kugaramiwa na pesa za uma. Kuwa na maelewana ya kuendeleza nchi mbele, kwa mfano kiuchumi, kisiasa, kitamaduni kati ya raia wa Kenya na serikali.

Jambo la mwisho ni muundo wa mifumo wa serikali yaani Structure and System of Government, tungependa tufuate muundo wa serikali ya Ubunge ambapo Waziri Mkuu, yaani Prime Minister anachaguliwa na wanachama wenye uwezo zaidi Bungeni na Rais anabakia kama ishara ya taifa. Hapa Rais atakuwa na uwezo wa kukaribisha wananchi wa nchi na kuwaalika wageni, Waziri Mkuu atakuwa Mkurugenzi wa nyadhifa za vizara zote katika nchi kupitia kwa Bunge la taifa. Asante sana.

Com. Ahmed Salim: Asante sana Bwana Nyaga, neno moja tafadhali utueleze kidogo. Ulisema kwamba vyama vya kisiasa.

John Nyaga: Vyama vya kisiasa viwe vikiangaliwa na Katiba right?

Com. Ahmed Salim: Sasa una maoni yeyote juu ya idadi ya vyama, ulitaja tu.

John Nyaga: Ningependekeza viwe vichache visisinde zaidi ya vitatu.

Com. Ahmed Salim: Vitatu, asante. Thank you.

Hussein Marjani: Jina langu ni Hussein Marjani wa SUPKEM Embu. The following are my proposals.

Com. Ahmed Salim: Get the mic closer to your mouth please but not too close.

Hussein Marjani: Okay, the following are my proposals for review:-

Preamble, the Constitution of Kenya should have a preamble, it should have a reason for its enactment.

Directive, Principle of State Policy: The government should respect the will of the people in all aspects of governance. Religious and moral values depending on equality for citizen should be the basis on decision-making. The decision should respect the democratic principles and should be enforceable by law.

Constitutional Supremacy: The Constitution of Kenya should be supreme towards the laws and therefore should be amended based on public referendum. This will curtail the powers of the Legislature to amend the Constitution anyhow.

The Judiciary: I propose that the Kadhi's Court should have a higher and an appellate Court, the Kadhi should have a degree in sharia law as a qualification to hold that office.

Com. Ahmed Salim: Samahani, can you repeat that Kadhi's Court should be what?

Hussein Marjani: The Kadhi's Court should have a high and an appellate Court.

Com. Ahmed Salim: Appeal Court / post.

Hussein Marjani: Appeal Court.

Com. Ahmed Salim: Appeal Court okay.

Hussein Salim: The Kadhi should have a degree in Sharia Law as a qualification to hold that office, he should be appointed by at least a panel of at least 7 eminent Muslim Scollers elected by the Muslims. A Chief Kadhi should be a Chief Government Legal Advisor to the government on Islamic issues. Every district with a reasonable Muslim population should have a Kadhi to arbitrate on Islamic issues.

Parliament: Parliament is the Supreme Law making body in our State, we should be vetting for appointments e.g. Attorney General, Auditor General, Chief Justice, Parastatal heads, Disciplined Forces head and other Constitutional Institutions like Public Service Commission whose heads have security of tenure, they should be vetted by Parliament according to my proposal. Parliament should have limited powers through Standing Orders.

Being a Member of Parliament should be a full time occupation, changes should be made on it to make them retire at 65 years. A minimum of Form Four education is sufficient to be a Member of Parliament. Moral and ethical qualification should also be required for a Member of Parliament. We need a change in our multi party system and so the representation should be based on political representation at all levels of governance.

Lastly, Parliamentary powers to remove the Executive through vote of no confidence should be retained.

Legislature should have powers to overwrite the President's veto, it should be done through casting of votes by Legislature against auth or the President's veto.

The President should not have powers to dissolve Parliament because this privilege will be abused in future.

Finally, discipline forces, after proposing that the disciplined forces should be established by the Constitution, I would suggest that this enactment should respect the will of the people regardless of the religious or racial Therefore, if the dressing style of our offices does not conform with our religion especially Islam, then we should be allowed to uphold our religious values even when duty. A good example is well demonstrated by the Sheikh, the Sheikhs who happen to be serving in our Forces, you will find them wearing turbans so, I think for Muslims ladies who may want to be Officers in our Army or Police, should be allowed to work using their 'buibui's' as long as they respect the Code of Conduct.

Finally, the beard, Muslims observe it as to have a mousetick, I think.

Com. Ahmed Salim: I think we got the point.

Hussein Salim: So, it is good that we be allowed to have this even in the Forces. Thank you.

Com. Ahmed Salim: Thank you very much, may be just one point to clarify. You said every district with a sizeable Muslim population should have a Kadhi, how would you determine a sizeable Muslim population in terms of numbers. Do you have any figures in mind?

Hussein Salim: In fact, I would say, at least anywhere we have at least a hundred Muslims who have a Mosque, they respect their faith, they need representation by a Kadhi.

Com. Ahmed Salim: Thank you very much Bwana Hussein for your views. Asha Karimi, is she here?

Asha Karimi: My names are Asha Karimi. My views are on citizenship, on the issue of citizenship, I propose that any of the following be an automatic citizen.

Any child born in Kenya or born by a Kenyan parent, adopted by a Kenyan parent.

I propose that visitors with valid entrance visa.

Any investor residing in Kenya for at least 5 years be awarded citizenship upon application.

That all Kenyans regardless of their gender be accorded similar citizenship rights.

Both genders should have a right to pass citizenship to their spouse and children.

I propose an amendment that will allow dual citizenship.

The right and obligation of citizens be stipulated and all citizens regardless of boy the acquire their citizenship should enjoy equal status, after the amendment above, proof of the citizenship should be National Identity Card, passports and birth certificates.

Defense and National Security:-

The Constitution should set out a government of Defense and National Security. Defense and national security should be subject to the authority of Parliament where Parliament will regulate the objectives, powers and functions of any disciplinary course established under the direction of Parliament. I propose:--

Disiplinary Forces:

The we have one defense which must be structures and managed as Disciplinary Military Force whose primary objective will be to defend and protect the country if the territorial integrity and if people in accordance with the Constitution and their principles in international law regulating the use of force.

I propose that the Cabinet Member of Parliament e.g, Minister in charge of defense being made responsible for their conduct.

The Police: The Police should be structure in functions of national, provincial and local authority.

The Police Act should state powers and functions of the Police so that they may be functioning effectively, their main objective is to prevent, combat and investigate and maintain public order.

Com. Isaak Salim: I think you will probably have to give us your memorandum now, thank you very much for those views. It is a very long one, I am sorry we have no time for all of it to be read. Abdul Rahman Rajak. Please what is the time, do you have a memorandum there, just 3 minutes.

Abdul Rahman Rajak: My names are Abdul Rahman Rajak and these are my views:-

(Interjection) There is something wrong with the microphone.

My names are Abdul Rahman Rajak and these are my views:-

The Preamble: The Constitution of Kenya should have a preamble.

Directive principles of State policy: The government should respect the will of the people in all aspect of governance. Religion and moral values depend on qualities of citizen, this should be basic in religion in decision making.

Constitution Supremacy: The Constitution of Kenya should be Supreme of other laws and therefore should be amended based on public referendum. This will stop the powers of the Legislature to amend the Constitution anyhow.

The Judiciary: The Kadhi's Court should have high and appellate Court, the Kadhi should have a degree in Sheria Law and qualified to hold that office, he should be appointed by a panel of at least seven Muslim Schollars. The Chief Kadhi should be the Chief government legal adviser to the government on Islamic issue.

The Executive powers: The Constitution should specify the qualification of a President, I propose the following:-

To be a Kenyan citizen by birth.

Minimum age of 35

With a degree or its equivalent

Should be aged below 65.

The Constitution should limit the powers of the President, he should not be above the law.

Com. Isaak Salim: Thank you very much Mr. Abdul Rahman Rajak for your views. Hussein Gitonga amekuja, O.K, Mary Ruvasi.

Mary Ruvasi: Muriega inyuothe aria mukite katiba-ini. Nii njitagwo Mary Rufas na nyumite kuria Embu Town kuria manyatta. Ni kwaria kuria ngwaria ndiraria katiba niundu wa ciana ciitu iria ihikite na ciahika kuria iguritwo tutionaga kindu.

Translator: She is talking about their children where they have been married, she is saying that they do not get anything from where there are married.

Mary Ruvasi: Airitu aitu magurwo mathii kwa anake maticikaga kwa aciari kumenya kuria muiritu oimire ona kana kumuhe kindi. Airitu aitu ni magurwo machoke maheyo certificate tondu riria muthuri wa muiritu aakua muiritu nionaga tondu kundu kuu na hindi iria kwina rugano nadandikagwo rugano-ini tondu timugure.

Translator: She is requesting that the Constitution to consider those women who go to live with men and they have not been married legally, when the husband dies the law does not consider them so she is asking that the Constitution takes care of those women who get married illegally and when their husband dies they are not considered.

Mary Ruvasi: Hindi iyo niachiraite ciiana ona migunda na indo nyingi agacoka akaingirirwo ni andu amucii akaingatwo mucii ucio agathii itari na kindu na agachoka guthii kuria thina kwa andu ao.

Translator: The Constitution should empower those women so that they are catered for upon the death of their husband and that the relatives do not interfere with the property that has been left behind by the husband even if they are not legally married.

Com. Ahmed Salim: But you know, you cannot refer to them as husbands because they were not legally married.

Translator: She is saying that they live together, they have children, they have had property together but when the man dies then the relatives do not need the woman anymore but the property has been acquire together with her husband.

Mary Ruvasi: Riu andu a katiba mahitukie muiiritu niagurwo na aheo certificate nao aciari magathii kwa muiiritu kuria moimite ni getha makaria na athoni ake na akorwo ndari magathii makariria ni getha muiiritu ucio na muthuri angigakuwa ni agakorwo ari kindu mucii ucio.

Translator: She is saying the Constitution should help those women so that when they start living together then they should be considered as legally married whether there is a certificate or note, if they are living together and they have had children and they have properties.

Mary Ruvasi: Katiba iria tukwenda ithui turi andu a Kenya tkwenda undu witu wa muhira wa uthoni ucoke ta tene tondu hindi ya tena muiiritu niathiaga kuurio mucii kwao na akagurwo na agithinjirwo na riu mucii ucio ugatwika nimanyitanira magakorwo me kindu kimwe. Riu hindi ino airitu aitu guthii marathii tuhu na muiiritu ucio nu muthomu ona ari na degree iri kiongo na muiiritu agacoka akora mana.

Translator: The government should put a legislation that if a man marries a woman dowry must be paid.

Mary Ruvasi: Ria mwisho ni migunda. Migunda kwi migunda ya heanirwo ni thirikali na migunda iyo yaheanwo ndiri yaheanwo title riu andu acio nimonaga thina mwingi tondu hindi ciothe no matunyagwo ona makiragwo matiri na kindu na ni maheirwo marua maguikara no matiri na title. Kuhitukio maheyo title.

Translator: The Constitution should also ensure that if the government gives land to people, they should be given title deeds

because as it is now, those who are living on the land that they were given by the government and they have not papers, are in problems, so the Constitution should ensure that once the government give land, then the title deeds are also issued.

Mary Ruvasi: rekei nyongere kidogo. Hau naho hangi ha mwisho raisi makamu wake akorwo ari mutumia na akorwo ari muthomu.

Translator: If the President is a man then the Vice President should be a woman and that woman should be educated.

Com. Ahmed Salim: Asante sana mama kwa maoni yako, sasa tunamuita Iregi Kaiga, Iregi Kaiga yuko? If you do not answer we go on to the next one. Njagi Ngaga.

Nyangi Nyaga: Asante ma-officer ya Katiba, nataka kusema maneno machache ya Katiba.

1. Kutoka 1953, mimi niliingia mistuni, nilipigania hii Kenya kweli kweli na watu wengine walikuwa wakiniita mjinga, ati Mzungu hawezi kuenda na Mzungu alikwenda, neno langu, wasikizaji wetu ni wale walifungwa Kenya kutoka siku ile, kutoka 1963 tulipatiwa uhuru, hawakumbukwi kule Bunge hiyo ni mambo ya kwanza.

Com. Ahmed Salim: Sasa unasema hawakumbukwi je, ikiwa kuna makosa utuambie jinsi ambavyo kosa hilo itaweza kuhusuliishwa au kutengenezwa, hapa ungependelea kitu gani, tufanye nini?

Nyangi Nyaga: Kosa moja ni hii.

Com. Ahmed Salim: Sitaki makosa, nataka jinsi ya kurekebisha mambo, ya kurekebisha hii Katiba.

Nyanji Nyaga: Kurekebisha Katiba hii sasa, wale walikuwa Kenya walikuwa msituni, waingizwe katika Katiba ya Kenya, waingizwe kwa Katiba hii.

Com. Ahmed Salim: Tuseme nini habari yao?

Nyanji Nyaga: Habari yao ni walikufa, watoto wao wakawachwa, wamepata taabu.

Com. Ahmed Salim: Mzee yote hayo tumefahamu, sasa tufanye nini kwa watoto wao, kwa wao ikiwa wanaishi, pendekezo lako ni nini?

Nyanji Nyaga: Pendekezo langu ni hii, wale watoto wa..... shule ya bure kama nchi ilie ingine kwa Wazungu, kwa wale watu walipigania uhuru, vili walifanywa watu wa Kenya wapate, motokeo.

Ya pili, kutoka leo kwa Katiba hii kurekebisha Sub Chifu na Chifu wachaguliwe na wananchi.

Com. Ahmed Salim: Nani?

Nyanji Nyaga: Chifu na Sub Chifu wachaguliwe na wananchi kwa sababu wale Chifu na Sub Chifu wanakaa na wananchi na wananchi ndio wamejua Sub Chifu na na kama wamechaguliwa na D.C. hawakumbuki wananchi watakuwa wakinyonya wananchi.

Com. Ahmed Salim: La tatu?

Nyanji Nyaga: Point ingine, Katiba kigeuzwe kwa shule (inaudible). Tulisema tukipata uhuru kila mtu atarudi kwake nyumbani, Mkikuyu arudi kwake, Mmeru kwake, kila mtu arudi upande wa kwake. Kwa serikali kutoka Nairobi ikiangalia watu wote kila mtu apate haki yake, hasa hii shule kwa sisi tumekaa hapa, watu wakichukuliwa wakuje kusoma hapa, mtu wetu hawezi kuingia hapa.

Com. Ahmed Salim: Pole sana mzee hatuna wakati mwingi, wenzako wako wengi, sasa ungependekeza kitu gani kifanywe?

Nyanji Nyaga: Nataka watu wa Embu, wakichukuliwa shule kila Membu achukuliwe watoto wake. Wakichukuliwa kwa Polisi, kwa Askari Kanga kwamba kazini yote Waembu wachukuliwe kwao, kila m-Embu achukuliwe watu wake kwa sababu sisi watu wetu wako KANU side, (inaudible).

Com. Ahmed Salim: Asante sana mzee tumefurahi kwa maoni yako. Tafadhalini, hapa ni kikao cha kusikiza inaitwa kwa Kiingereza (hearings) watu kusikiza na tuna watu wengi sana wanasema sasa wamegeuka hii hall kama mkahawa, tafadhalini tusikize wale ambao wanatoa maoni na tunyamaze kimya na tuwe watulivu kisikiza maoni. Tumuite sasa Johnstone Njiru Ndiga, yuko? All right, Silas Ndanje, karibu.

Silas Ndanje: Asante sana Bwana Commissioner jina langu ni Silas Ndanje kutoka Kithienu,P.O. Kithienu, maneno yangu ya kwanza, watu wako nyumbani wengine wale wanajulikana na serikali wale wanaitwa ma Sub Area, ngombe ikiimbwa usiki ndio hawa wanaamshwa na watu, kuja ngombe yangu imekwenda. Mimi naomba serikali ikumbuke hawa watu kwa maana kesho kama huyu mtu anakamata ngombe na kuenda na hiyo ngombe mpaka kesi inakuwa kotini na hakuna kitu anapatiwa, hawa watu wanapiga kelele usiki, wanangoja mpaka Chifu kesho aamke kwake nyumbani na yeye saa hizo analala.....

(Interjection) Inaudible.

Silas Nganje: Sasa mimi nataka kwa maoni yangu serikali iangalie hawa watu kwa maana wanasumbuka usiku mzima na hiyo kazi naChifu ni mtu wa mshahara ata hawapati kitunamna hiyo.

Ya pili kile kitu nilikuwa nataka kuongea, wasichana wetu wanaenda na kijana, anapata mimba na hiyo mimba mimi mzee naletewa kama naenda kotini, hiyo kesi inapotea kabisa kwa maana sina pesa. Mimi nataka kwa Katiba ya leo kuendelea mbele kama serikali inaangalia, inagalie turudi zamani, kama zamani kama mtoto akipatiwa mimba, kama anakwenda kotini, kotini inaangalie hiyo mimba na ya mtu gani, sasa ndio sababu kuna “wachokora” wengi kila pahali.

Ya tatu, ukiangalia wananchi wote wa Kenya karibu mzima, pale wanalima zaidi, majani chai na kahawa, serikali iangalie, kahawa yetu inapotea wapi. Hiyo Katiba inangaliwe sana kwa maana sisi wazee tunakufa kwa umaskini, hiyo ingaliwe.

Ya nne, hospitali yetu, ukitoa mtu hapa na kwa bahati mzuri umpeleke huko hospitalini, ataweza kufa kwa kiti, hawa wafanyikazi wanakwenda hivi hivi, kwa maana kama mimi sina pesa, mtu wangu anaweza kufa na serikali ya Kenya iko inangalie hiyo mambo sawa sawa kwa maana dawa ingine iko, unaandikiwa dawa kuenda kununua kwa duka na serikali iko, tunataka dawa ipelekwa sirikali halafu watu wetu waishi vizuri.

Ya mwisho, hapa ukiangalia huku kwetu kutoka hapa Mbegu kuenda mpaka Manyatta, kama mvua inanyesha watu hawawezi kuenda uko, ata watu wa biashara, tunataka Katiba iangalie njia yetu ya uko Embu iwe lami kama sisi tuna serikali yetu, itengenezwe, majani chai haiwezi kuteremka huko. Asante mimi sina maneno ingine ya kusema, asante na Mungu awabariki Commissioners.

Com. Ahmed Salim: Asante sana na wewe mzee Mungu akubariki na wewe, sasa tutamuita James Kariuki Nyaga, hayuko? James Nyaga, hayuko, Nguhu Simba, hayuko, Elias Ileri Dishon, karibu.

Elias Ileri Dishon: Jina langu ni Elias Ileri Dishon na mimi nataka kutoa maoni yangu, kulingana na vile naona.

Ya kwanza, tunataka President awe na P.C. na D.C. kwa maoni yangu naona kama hawana kazi muhimu sana wanafanya kwa wananchi, tuwe na D.O. na Mbunge wake na Chifu, Chifu awe akisaidiwa na wazee wale wanaitwa (inaudible).

Ya pili, nataka kuongea kuhusu shule, shule ya Kenya iwe bure kutoka shule ya Msingi mpaka mwisho na iwe ya lazima, kuna watoto wengine wanakataa shule ata wazazi wanataka waende shule, kuwe na approved school ya kupeleka watoto wawe ndio wawe watu wa muhimu wakati ujao.

Hospitali iwe ya bure kwa sababu watu wengine ata wanasema kuna makanisa wanaombea watu wakasema watapona, ziwe

ya bure na iwe ya lazima. Lazima mtu apeleke mtu hospitali akiwa mgonjwa.

Kuna jambo lingine inasumbua watu sana, mabibi wanaolewa, kuna official marriage na marriage ya kitamaduni, ata serikali kulingana na Katiba mpya iwe ikiwafahamu wale wameolewa kienyeji wapatiwe official certificate kwa sababu ni watu wameishi kwa muda mrefu na she cannot be recognised as a married woman. As a result if anything comes, kwa hivyo ata huyu angali(*incomplete*).

Kuna jambo lingine ya utairishaji wa wanawake, kuna watu wengine wamefungwa na hii ni utamaduni ya Mwafrika, yule hataki na ililetwa na Kanisa ustarafu huu, yule anataka akubaliwe lakini ifanyike kwa njia ya hospitali, (hygiene programme) na yule anakataa akataye yaani mtu apatiwe uhuru wa kufanya vile anataka.

Com. Ahmed Salim: Ndugu tunaambiwa time yako imemalizika, labda hilo lingine la mwisho kabisa.

Elias Ireri Dishon: Jambo lingine, ni ya kwamba kuna land inheritance. Kuna mashamba yanagawanywa kama mzee amekufa au kama mzee anagawa shamba lake, serikali isimamie mzee akigawa shamba yake agawane kwa vijana wake na yule atawacha ndio watoto wake wa wanawake wataishi ata kama amefukuzwa na mumewe, atakuja kuishi kwa hiyo shamba ya baba yake.

Com. Ahmed Salim: Okay, Njagi Kangangi, hayuko? Yuko, haya.

Nyagi Kangangi: Niwe ari njukire guku ni undu wa girumi kimwe na ndieguchaga ni getha munde Kenya.

Translator: He came here for one reason and he does not hear well.

Nyagi Kangangi: ningwira Kenya atiri niundu wa kuona kuma muthenya uria Kenya yanyitire wiyathi. Mweri ikumi naigi 63 kinya umuthi Kenya ndiri yekindira.

Translator: Since that time we have never settled as Kenyan.

Nyagi Kangangi: Ni kundu gwitagwo Ngoiri kuria andu airu kana a Kenya machokeirio indo cia mbara ni munyakeru.

Translator: It is at Ngoiri where an African or Kenyan was given his fighting weapons by the white man.

Nyagi Kangangi: Kenya mundu uria waruire bururi , wiyathi, wari mutitu wayohete nguo cia nyamu niwe uii kuria wiyathi indo ciake itiri ciarihwo,

Translator: Those who fought for independence up to today are not heard and is not compensated.

Nyagi Kangangi: Agakiruo atiri ndari kindu anginyita hau tondu ndoi guthoma. Ngacoka ngoria mundu kirimu utoi guthoma angihota kurira Kenya kigandu kiu giothe aumite na ku.

Translator: Because he is not educated or learned.

Com. Ahmed Salim: Tafadhali, sasa tumefahamu hiyo, angependelea kitu gani kifanywe kuhusu wale waliopigania uhuru?

Translator: Ukwenda aria maruire wiyathi ukwenda mekwo atia?

Nyagi Kangangi: kiu ndoiga atiri andu acio magiriruo ni kurihwo indo ciao.

Translator: They should be compensated in brief.

Com. Ahmed Salim: What form of compensation?

Translator: Ukwenda marihwo na ndui?

Nyagi Kangangi: Nanikio njukire huku niundu wa guthondeka katiba njeru bururi tondu aria maruire wiyathi marihwo.

Nyagi Kangangi: Niria mangihota kurihwo nario riria rinene tondu wa mbaara iria maruite makiumwa igundu ciao ni thilikali ya Moi.

Translator: Let the new Constitution consider them highly.

Com. Ahmed Salim: Bwana Councillor, hatukupata, umesema wafanye nini, what did you say Bwana Councillor about the compensation, what form of compensation?

Translator: He said they be compensated in form of money but highly, he did not mention how much.

Nyagi Kangangi: Macoke muthenya uria anene marutirwo harambee., harambee ni nyamu njuru yathukirie bururi wothe wa Kenya.

Translator: The harambee did not favour any Kenyan but it was only for killing the Kenyans.

Nyagi Kangangi: Bau ciana cia athini, ciana cia ngoriai, ciana cia andu aria matari hinya ni ciagire ene. Uguo ciure matown mothe cia guthii cukura?

Translator: He is talking of the children of the poor and those who have nothing to be considered by the new Constitution and especially on schooling, let them be given free education. That is all.

Nyagi Kangangi: Kangiuria atiri kuma ndemi na mathathi indo ciagairwe, kana indo ciathecanirwe, kana indo ciagurirwe igacoka igawe ringi ni gitumi kiriku.

Translator: From time immemorial, there was hearing of the public utilities especially land and other things and why did the government of Kenya say that it should be sub-divided again, so he does not understand and the new Constitution should not favour or allow that.

(Interjection) (*inaudible*)

Translator: Allow the sharing of whatever was shared there before especially the land or plots.

Nyagi Kangangi: Acio magetania indo icio anga matiari anene?

Translator: He is saying that what was done was done and let it not be defeated. Thank you..

Com. Ahmed Salim: Asante sana mzee, thank you very much. Brother Ben Njue Magu. You have a written have a written memorandum, be very brief please.

Ben Njue: Honorable Commissioners, Ladies and Gentlemen I will be very brief. In my memorandum I will talk about three things.

1. I would like to talk about land ownership, land use and inheritance: To enable all Kenyans to jointly and speedily eradicate poverty all available and usable arable land should be accessible to all especially the young, the youth and the middle age who have the power to work and the capacity.

a) To produce enough food, cash crops and animal production.

b). All land should be equitably distributed among all Kenyans and more so, the Kenyan citizen for settlement and agricultural practices.

c). No Kenyan should be allocated more than 100 hectares of land at maximum and those who have powers to purchase should also not exceed that limit so that we have land for all Kenyans.

Com. Ahmed Salim: Is there any minimum?

Ben Njue: Minimum means you have nothing but the maximum should be at least 100 hectares. Currently in Kenya we have people who chunks of land including the whole Constituency that should not be allowed.

Com. Ahmed Salim: You say you want equal distribution of land for all Kenyans means you want each and every Kenyan to have 100 hectares.

Ben Njue: No, everybody in Kenya should..... today we have Kenyans who have no land so, in the new Constitution we should ensure that Kenyans have land at least to build a house.

Com. Ahmed Salim: Not equal distribution?

Ben Njue: Not necessarily equal distribution but maximum for each should be about 100 hectares.

Com. Ahmed Salim: Endelea, carry on.

Ben Njue: That is in the arable land for agriculture and the pastrolists should be allowed to have at least 500 hectares for their pastoral activities. Any such land owned by individual and is not fully utilized, developed or put into rightful use, a service charge of 1% to 2% of that land value should be Constitutionally put on that land.

d). In case of death of the spouses, widows or widowers should be made accessible to inherit land and other property automatically without going through the tedious succession course in Law Courts. Hapa nataka kusema, mume ata mke akifariki na awe alikuwa na shamba ama mali, sio lazima huyo mke au huyo mme apelekwe kotini na wangoje miaka tano wakijaribu kutetea mali ambayo kwa haki ilikuwa ya huyo mke wakati mme wake au bwana yake alikuwa hai, ni apatiwe hiyo shamba ni yake sababu walitafuta pamoja na mumewe tu au mkewe ndio amefariki.

2. Education: I will be very fast, there should be free education for all Kenyan citizen at all levels from Pre Primary, Primary Education, Secondary Education, Tertiary Institutions and University Levels. Education that is, must be made free and a fundamental right for all Kenyans.

3. Medical – Health: Medical health for all Kenyans should be free to all and the current cost sharing in the public health facilities should be Constitutionally scrapped.

b). Destitutes and orphans from HIV Aids victims to be taken care of by the government until they are able to sustain themselves regardless of their age limit. Si kusema ati mtoto amefikisha miaka kumi na nane na hajiwezi, baba na mama walifariki.

4. Public Service Remunerations: In the new Constitution, all Kenyans should be employed by one and one Commission only unlike the current system where we have different Commissions employing different persons and that one employer should employ all, teachers, civil servants, professionals and even people working in the public parastatals. The pay rise award should be carried out by that Commission to include all, salaries and wages should not be almost at the same level, si mtu moja anapata elfu mia moja, mwingine anapata elfu moja, mwingine anapata million moja. Sisi sote ni Wanakenya na kama tuko na elimu sawa, kama mtu ni wa degree, apate kile mtu wa degree anapatiwa. Asante.

Com. Ahmed Salim: Asante sana Brother Ben Njue Magu kwa maoni yako. Samuel Kariaru, Samuel Kariaru yuko?

Samuel Tariabo: Asante sana, mimi ni Samuel K. Tatiabo. Yangu la kwanza ni kusema watu wa Board katika Secondary mwingine wanachaguliwa kwa board ya shule hawana watoto, tukiingia kwa Secondary mtu ambaye hakuzaa ata mtoto mmoja unasikia ndio mtu wa board, iwe ni mtu wa Board ni mtu ambaye ana mtoto katika shule maanake wakati pesa inaongezwa yule mtu ambaye hana mtoto ndio anasema watu waongeze pesa.

Katika, wale waliletwa na Sub Chifu na watu wengine, wanaletwa juu ya interest yao ili mtu wa DP akiingia anatoa kitu kidogo.

Com. Ahmed Salim: Mzee hebu utupe pendekezo lako, tufanye nini?

Samuel Tariabo: Yaani yangu ni kwamba mtu ambaye hana mtoto asiwe kwa Board, yule hana mtoto katika shule.

La pili, ni President, kusiwe na pesa ya President mwenyewe maanake hii ni kupoteza uchumi wa Kenya, uwe ni kama ile ya chai au kahawa iwe ya kuhudumu lakini sio pesa ya mtu binafsi.

Com. Ahmed Salim: La tatu?

Samuel Tariabo: La tatu, watu hapa wameumia kabisa juu ya ukulima ambaye wanavuna kahawa, pesa ikiingia katika serikali iwe haifiki mkulima, mkulima anaendelea tu kuisha, tukivuna majani ikiingia katika market mwishowe unasikia hakuna pesa, kama juzi tulisikia kuwa katika location dola mia nne, muda sio mrefu tukasikia ni dola mia moja, je, hawa watu wanaouza kahawa wanaiuza namna gani?

Com. Ahmed Salim: Sasa ungependa jambo gani lifanywe?

Samuel Tariabo: Ile jambo ningeonelea mzuri kwa upande wa kahawa ni tuwe na maximum, kama ni dola mia nne, tikinunua mia nne tununue mia nne, kama ni mia tatu ni mia tatu, isiwe mia moja na sitini.

Com. Ahmed Salim: Yaani ile bei ibakie hapo hapo, isibadilike.

Samuel Tariabo: I mean kama ni mia nne, iwe mia nne lakini si juma hii ni mia nne, juma lingine inakuwa ni sitini.

Com. Ahmed Salim: Yaani bei inabadilika?

Samuel Tariabo: Ndio.

Com. Ahmed Salim: Na wewe ungependa bei ibakie hivyo hivyo.

Samuel Tariabo: Iwe juu lakini sio kuwa kidogo maanake ata watu wa dawa wanataka pesa.

Com. Ahmed Salim: Endelea mbele asante, ama umekamilika. Asante sana Bwana Samuel kwa maoni yako, sasa namuita Bwana Ezekiah Nyaga, Ezekiah Nyaga yuko? Hayuko? Adongo A. Robert, teacher / student.

Adongo Robert: My names are Adongo Adongo Robert, I am a student in Tigari Teachers College my views are:-

1. The President should not be above the law.
2. There must be a policy that says “one man – one job” because in Kenya we realize that we have very many educated people without jobs and yet others are having more than 10 jobs, that is unfair.
3. We should have free education for Primary School pupils, we all understand that our nation is a developing one but due to taxes that we pay, they are capable of paying for primary education.
4. There should be protection of home industries, this is where the government(*incomplete*)

Com. Ahmed Salim: Sorry, protection for which industries?

Adongo Robert: Home industries / local industries. The government is signing treaties with other countries to bring in low quality goods at the expense of our local industries, which make Kenyans lack jobs.

5. There must be considerations especially on the side of teachers, if the government tries to add them something or to consider their welfare, they should accomplish that because the Members of Parliament have added themselves a lot of money and yet they claim there is not money in the country.

Com. Ahmed Salim: So what are you proposing?

Adongo Robert: What I am proposing is that they should consider the welfare of all workers, they should be added salary.

6. Students joining Universities should be given freedom to choose their careers, this is where by somebody is given a chance to join a public University and dictated on the career to choose.

7. The last point, all civil servants that engage in corruption, their accounts should be freezed if possible so that the money will be ploughed back to the government.

8. The last one, I am sorry, Presidential candidates should be the ones with clear and without any bad biography for example if one was involved in corruption, he or she must not contest to be a President because if you take a corrupt President, he will continue messing the country. Thank you.

Com. Ahmed Salim: Thank you very much Adongo A. Robert a Student at this College, we move on to Anderson Nyaga, yuko? Hayuko? Banis Wambui, hayuko? Yuko? Haya karibu.

Banis Wambui: Asante sana, mimi nimetumwa na akina mama na hii memorandum yao nitasoma nitawawachia lakini yangu ni kusema:-

Wakati wa uchaguzi, tungetaka sisi wananchi kuchagua President pamoja na Wabunge wote siku moja na Mbunge akitukosea, tungetaka kurejesha yeye nyumbani kama hajatutimiza yale tulituma yeye.

Tungetaka masomo wetu iwe ya lazima na iwe free na katika masomo ya upili unaweza kuwekwa fee kidogo ili University tuwe tukisomeshewa na serikali.

Kama President ni mume Vice awe mwanamke, akiwa mke Vice awe mume.

Tungetaka wale wapiganiaji uhuru nao wakumbukwe maana walitufanyia kitu kizuri sana.

Mshahara ya Members of Parliament maana ni kubwa sana tungetaka iwe reduced chini na pesa hizo ziongezwe waalimu maana walipitia kwa mwalimi na iongezwe daktari maani akigonjeka ataenda kwa daktari.

Com. Ahmed Salim: Madam, these salaries tungetaka tufikirie siku za leo tu lakini hii ni Katiba ya miaka mingi sana, mia moja, mia mbili, mia tatu na siku hizo ata ikiwa tuna Members of Parliament hatujui mshahara yao itakuwa vipi? Kwa hivyo

labda pendekezo lake lingefikiria jinsi ya mishahara yanavyowekwa, nani anaweka na kadhalika, ikiwa kuna mabadiliko iwe kwahilo. Na kwa hivyo ungependela kitu gani?

Banis Wambui: Ningependelea kama ni mikubwa sana pesa zao zisaidie kwa njia hiyo.

Com. Ahmed Salim: Si ni ngapi, lakini huna maoni ya jinsi ambavyo salaries zinakadiriwa?

Banis Wambui: Kama sasa, ikiwa ni nusu milioni wapewe mia.....(*incomplete*)

Com. Ahmed Salim: Hapana tuiseme leo, kama nilivyokuambia hii si Katiba ya leo au ya kesho au ya mwaka ujao, hii ni Katiba ya 3000 A.D, 4000 AD, you never know, uenda ikadumu miaka mingi sana.

Banis Wambui: Kwa hivyo itakuwa ikiendelea vile itakuwa miaka ikiendelea iwe ikitolewa kitu kama one quarter wa kusaidia watu ambao wako na mishahara midogo.

Com. Ahmed Salim: Sawa, hapo inasaidia maanake, namna itakavyo kuwa mishahara ya Mbunge robo yake ipewe kusaidia kwengine.

Banis Wambui: Na vyama / political parties viwe tatu nao wakulima waangaliwe masilahi yao maana wakati sisi tulisoma, tulisomeshwa na kahawa na siku hizi wazazi hawaoni kitu ya kupeleka nayo wanao shuleni. Nao wanawake.....

Com. Ahmed Salim: Samaani mama, farmers ungependa wasaidiwe vipi?

Banis Wambui: Wasaidiwe kwa maana pesa zao ziangaliwe na serikali, mtu atakaye tumia vibaya ashtakiwe asiachiliwe.

Com. Ahmed Salim: Mkulima akitumia vibaya?

Banis Wambui: Mtu huyo alipe mkulima pesa hizo.

Com. Ahmed Salim: Mtu gani?

Banis Wambui: Yule alieiba.

Com. Ahmed Salim: Katika hiyo unafikiria vyama vya ushiririka / co-operatives?

Banis Wambui: Eeh.

Com. Ahmed Salim: Okay.

Banis Wambui: Na vyama hivyo ata wanawake waingie huko.

Disabled wananyiwe shule yao kama college waishi uko ili wawe wakitengeneza vitu vya kusaidia serikali na wao wenyewe, wasitupiliwe hivyo waende wakiomba omba.

Com. Ahmed Salim: Asante sana, kwa hivyo kwa ajili ya wakati umekwisha lakini una memorandum na unatupa hiyo memorandum, memorandum tutachukuwa, kwa hiyo tutasoma hayo yaliobakia na details zake. Asante sana. Sasa tunamuita Abdala Githinji, yuko ama hayuko?

Speaker: Amepeana memorandum hapa.

Com. Ahmed Salim: Amepeana, Asante.

Com. Ahmed Salim: Na tungewakubusha tena, ikiwa kuna yeyote kati yetu ambaye memorandum, hana haja kupoteza wakati wake kwa kukaa mpaka time yake ije, anaweza kutupa memorandum tutaisoma na tutazingatia maoni yake baadaye. So you do not need to waste time sitting waiting for your time, if you have a memorandum we can receive it.

Speaker: Na yule hana memorandum?

Com. Ahmed Salim: Yule anaweza kubakia atatoa maoni yake.

Speaker: Kama mimi.

Com. Ahmed Salim: Kama wewe, samahani time yako haijafika, mimi tafuata hii, kuna mlolongo hapa.

Speaker: *(Inaudible)*

Com. Ahmed Salim: Sijaona mimi natuata nambari hapa, huyu Abdala Githinji ni namba 2, au 1. Tunaendela mbele, Peter Njeru Njuki.

Peter Njeru: Asante sana kwa kuja kugeuza hii Katiba ya Kenya, mimi kwa maoni yangu hii ningeyatoa hapa na ndio itadumu

miaka yote hapa Kenya.

Naanza na uchaguzi, President akichaguliwa asisimame neutral pale bila kusema ana chama chochote ndio achaguliwe na wananchi.

Com. Ahmed Salim: Endelea.

Peter Njeru: Number two, Councillor yule anachaguliwa, akienda kule kwa Council asiende kuchaguliwa kwa ofisi ati ni Mayor aanze kwa wananchi.

Com. Ahmed Salim: Yaani Mayor awe anachaguliwa na wananchi?

Peter Njeru: Na wananchi.

Number three, niko kwa wanawake wale sasa siku hizi wanaolewa na vijana na hawa wanawake wanaolewa usiku, wengine wanaolewa na harusi, wengine wanaolewa kwa DC. Huyu mwanamke anaolewa usiku, watakaa miaka ishirini na huyo kijana, kijana atafikiria huyu amezeeka, wacha nichukue mwingine. Ningeuliza Katiba irudi kwa hawa vijana na wanawake wakibadilisha hiyo Katiba, kama kijana amefukuza huyu mwanamke na hiyo malo yao walitafuta pamoja, huyu mwanamke kabla hajafukuzwa agawanyiwe hiyo mali ndio awachane na huyo kijana, tukirekebisha hii Katiba.

Com. Ahmed Salim: Samahani, sikufahamu hapo, so harusi kama hiyo tufanye nini ile ya usiku kama ulivyosema na hii ya kuenda ku-register.

Peter Njeru: Na hiyo ingine ya usiku.

Com. Ahmed Salim: Ifanyiwe nini?

Peter Njeru: Hiyo ya usiku ningeuliza mkurekebisha Katiba, irudi kwa wazee wa kijiji.

Com. Ahmed Salim: Yaani tusitambue mambo haya, isitambulike?

Peter Njeru: Yaani itambuliwe na wazee wa kijiji, ati mwanameke wa fulani akiolewa na Njeru, anajulikana kwa baba yake na mama ya kijana na mama ya mwanamke yule.

Com. Ahmed Salim: Endelea, sawa nimefahamu.

3. Ningeomba mkirekebisha hii Katiba sasa, mrekebisha kwa haraka kwa sababu tunangoja uchaguzi wa tarehe ishirini na tisa wa mwaka huu December ndio tuchaguane watu wawache wasi wasi ile wako nayo isiwe tunasema tulivyochagua mtu fulani hiyo hatutaki tunataka mrekebisha haraka ndio tuchaguane, haraka tarehe ishirini na tisa muwe mmemaliza. Na hiyo ndio ya mwisho.

Com. Ahmed Salim: Asante sana Bwana Peter Njeru Njuki kwa maoni yako tafadhali utajiandikisha hapa. John Njagi Nyaga, pole sana umekaa lakini nakuhakikishia kwamba hatukuruka mlolongo.

John Nyage Nyaga: My name is John Nyage Nyaga, kwa ufupi, nitaendelea kwa haraka.

Nitaanza na Parliament, Parliament itakuwa na watu wachaguliwe kuanzia miaka 35 kwa term mbili na retire yake iwe miaka kumi na tano kwa sababu economy si kizuri na miaka kumi ni kidogo sana kwa mtu kupewe retirement.

Tutakuwa na Senate, Senator atachaguliwa kwa district.

Com. Ahmed Salim: Samahani, retire ni miaka mingapi?

John Nyage: Retire tunataka iwe miaka kumi na tano yaani uwe umechaguliwa mara tatu (Mbunge).

Com. Ahmed Salim: Times tatu ya miaka mitano mitano.

John Nyage: Ndio.

Com. Ahmed Salim: Hi term iwe five.

John Nyage: Ndio.

Com. Ahmed Salim: Maximum.

John Nyage: Maximum.

Com. Ahmed Salim: Endelea.

John Nyage: Ya pili.

Tutakuwa na Supreme Parliament yenye wazee ambayo itaitwa Senate ambao watakuwa na umri wa miaka 50 kwa sababu vijana wanaweza kupigana Bunge au kupitisha mambo mbaya wazee wachunguze.

Com. Ahmed Salim: Yaani waliyoko katika Senate, Senators.

John Nyage: Ndio.

Com. Ahmed Salim: Wawe umri wa miaka hamsini.

John Nyage: Tatu.

Tutakuwa na President atakayechaguliwa na watu, na tuwe na Vice Presidents wawili watakao chaguliwa na watu, tuwe na Prime Minister na Vice Prime Ministers wawili watakaochaguliwa na watu hii ndio tunaita “sharing powers”. Halafu tutakuwa na Public Service Commission, independent kutoka kwa President au kwa yeyote ambayo ndio itakuwa ikiajiri watu, nayo kila Province, itakuwa presented na mwanachama ili ukabila kwa kuajiri watu katika serikalu ukwishe.

Ingingine ni kuwa, education yetu imekuwa-corrupt ata watoto hawawezi kuvumilia 8 4 4 ni masomo ambayo huwezi kusomesha international degree tunataka irudi kama zamani from 1-7, from 7 – Form Four, from Form 4, 5, 6, University miaka tatu.

(Applause)

Katika State hospital zetu hatutaki cost sharing, tunataka free treatment kwa sababu ni sisi tulijenga na sisi ndio walipa kodi, kwa hivyo hakuna cost sharing katika hospitali, mwananchi wa kawaida apewe matibabu free.

Upande wa masomo, tunataka University wapewe 100% loan na wawe wengine wapewe bursary, Primary iwe free education.

Katima malipo ya wakulima, serikali.

Com. Ahmed Salim: Bwana Nyaga, University unataka vipi?

John Nyaga: University nataka tupewe 100% loan.

Com. Ahmed Salim: 100% loan.

Jon Nyaga: Ndio. Wale wengine wa Secondary, Form 5, 6, Form 1 – 4, wapewe bursary, Primary iwe free education.

Com. Ahmed Salim: Endelea.

John Nyaga: Katika ukulima, tunataka serikali na mashirika wapewe 20%, 80% iwe ya mkulima na kahawa yake inunuliwe ipelekwe kwake within seven days.

Com. Ahmed Salim: 80% ya kitu gani?

John Nyaga: Kama kitu ya mkulima ni kahawa, kilo moja inatoka Kshs. 100/=, apewe 80%, serikali na mashirika wachukuwe 20% na iletwe within 7 days, isiwekwe kwa bank halafu watafute mazao warudi waibe, ifike within 7 days.

(Applause)

Com. Ahmed Salim: Maliza mzee, wakati umekwisha.

John Nyaga: Nyingine ningetaka kueleza kwa upesi iwezekanavyo ni moja tu, kuna shida ya mashamba, watu hawa wote wamemaliza pesa na unazungumzwa ka Kizungu na zingine na huamuzi ata koti inashindwa, ifundishwe kwa wale wali.....clans zote zilikuwa zinakaa chini, zinaamua na tukamaliza na tukagawa mashamba kwa miaka mbili lakini ni hii yenu ya koti, ata miaka kumi unapata haijaisha kwa hivyo haya yaingizwe kwa koti zetu according to the culture of surveying of every district.

..... *(Inaudible)*.

Ingingine ni ya msichana au kijana atakayeikiwa kijana wangu anataka msichana wa Wanjiro, aandike barua kwa msichana naye msichana ajibu, iwekwe kwa file, kijana akisema mimba si yake hiyo file ndio itakuwa kesi, hiyo ni mambo ya kumaliza chokora.

Com. Ahmed Salim: Asante Mzee, nafikiri una memorandum kutupa?

John Nyaga: Kuna ingina ambayo haijafanuliwa kwa watu, mimi ni mmoja wa wapiganiaji uhuru na kuna haki mtu akifanya kazi ata..... Wale watu walikuwa wanakula mchanga na kufa nje, na kwa kweli hawa watu hawakupewa mashamba, walipewa home guards wale walizuia uhuru. Hawa watu inatajikana wapewe na wengine walipwe pesa ya compensation na serikali ya British na serikali ya Kenya ihimiza kwa serikali ya British na iandikwe katika Katiba. *(inaudible)*.

Com. Ahmed Salim: Asante sana mzee, tungetaka kupa wakati mrefu mwingi zaidi lakini.

John Nyaga: Ningetaka kufafanua hii mambo lakini nitakupatia kwa sababu muda ni mfupi na watu ni wengi na wanataka kusema. Asante.

Com. Ahmed Salim: Asante na nakushukuru sana Bwana John Nyagi Nyaga, umekaa sana kwa subira you were very patient and I am glad you got your chance now we give chance to the others also go give their views. Now I call Agelo Murage, yuko?

Speaker: Commissioner tulikuwa tunafuatana na huyo mzee.

Com. Ahmed Salim: Jina lako ni nani?

Speaker: Paskal Nyaga.

Com. Ahmed Salim: Sawa, we will call you, you are right, pole sana makosa ni yangu. So, Pascal na baadaye Agelo, sawa. Karibu.

Pascal Nyaga: Proposals to the Constitution Review Commission.

Com. Ahmed Salim: One second please.

Pascal Nyaga: Pascal Nyaga Madhara.

Com. Ahmed Salim: O.K. Pascal, tayari, endelea.

Pascal Nyaga: The new Constitution should:

1. Language, be written in simple language and made available to all citizens in need of it.
2. By introduction, remove the introduction that Kenya is a sovereign republic and replace it with “Kenya....

Com. Ahmed Salim: Hiyo ni the preamble.

Pascal Nyaga: Pardon.

Com. Ahmed Salim: You mean the preamble should be that, introduction, kitangulizi, O.K. What did you say about it?

Pascal Nyaga: “Kenya is a democratic multi party sovereign nation state, we the people of Kenya are multi ethnic, multi religious, multi racial society and we envision to”

- a) To promote unity and national consensus among Kenyans.
- b) To Love for nation / state of Kenya.
- c) Promote human right and democracy.
- d) Encourage all Kenyans to create a wholesome development without discrimination.
- e) Ensure stability and security to all Kenyans.
- f) Alleviate poverty in Kenya and solve land ownership problems.
- g) Promote a good and responsible understanding between leaders (both political and social and ordinary Kenyans).
- h) Promote agricultural, livestock, industries and investments for the benefit of Kenya.
- i) Restore and maintain public health service.
- j) Improve and maintain efficiency of public service.

Com. Ahmed Salim: Excuse me, is that the whole part of your preamble or these are other points.

Pascal Nyaga: This is the enforcement of the preamble in vision.

Com. Ahmed Salim: You are still on the preamble and we have a long way to go.

Pascal Nyaga:: O.K, I will jump.

Com. Ahmed Salim: Do you have other areas to cover?

Pascal Nyaga: Yes.

Com. Ahmed Salim: May be we will be receiving that from you and you will read it and we have many ideas about what should go on the preamble and of course we have views we will take from hapa na pale tuandike preamble. Kwa hivyo you have given us an indication of the contents, please move on to another subject.

Pascal Nyaga: Senior appointments, provide all senior appointment by the Parliament or departments established by

Parliament to ensure, qualification, merit and capacity of those appointed to public office.

Com. Ahmed Salim: Is that still part of the preamble.

Pascal Nyaga: No.

Com. Ahmed Salim: O.K, so what do you want done about the senior appointments?

Pascal Nyaga: Senior appointments, I am saying that the Parliament to establish a Commission in the house to appoint the senior appointments in all departments passed.

Com. Ahmed Salim: Sawa, endelea.

Pascal Nyaga: Entrench and enforce:

- a) Separation of power e.g. Judiciary, Parliament and Executive.
- b) Rule of law
- c) Checks and balance
- d) Security in which the system shall elect security board from grassroot to work together with the Police.
- e) Provide appropriate procedure that should be taken by citizen against a criminal or dishonest and corrupt head of state while in office andpower for citizens to take action against any representative or executive officer in public service who misuse power at any time.

Com. Ahmed Salim: What should happen to those who abuse power?

Pascal Nyaga: What I am saying is, the new Constitution to provide an appropriate procedure where by whoever misuses power while in office.

Com. Ahmed Salim: Endelea.

Pascal Nyaga: Defections: Discourage defections and crossing the floor during the life of Parliament and empower Parliament to regulate its own session and business without the interference of the President.

Empower Parliament to appoint and abolish an Independent Electoral Commission and create Province, District and Constituency in respect of population and also to alleviate Municipalities and Cities.

The Commission should enjoy security of tenure.

Entrench and enforce efficiency of public service, equitable sharing and distribution of the resources of the state, bill of rights, have the budget read in simple language, establish an independent anti-corruption, anti-nepotism, anti-bribery and anti-patronage. Provide professional support and its bills of right clearly define the power of any power holder.

Succession: Not to discriminate against women, children on succession of property and citizenship.

Office of the Public Prosecutor: Create an office of the Public Prosecutor with security of tenure to take charge of Prosecution while the Attorney General remains the Chief Government Adviser.

Com. Ahmed Salim: Sorry Bwana.....we have to stop you there, you can rest assured that your memorandum in full will be read by us later. Thank you very much, we have to press because of shortage of time. Angelo Murage.

Angelo Murage: I am here.

Angelo Muraga: I am Angelo Murage Angelo.

A preamble should be introduced to the new Constitution that gives emphasis on values like generosity and the harambee motto.

Executive: The President should be elected on values and merit and not necessarily on political but also for social and economic standings.

Presidential powers should be checked so that the prerogative of mercy be limited to only the deserving cases and this should be regulated by a panel of the highest Court on land.

The same President should not be elected only on political basis but also should have a good moral standing as a condition for election.

All public leaders at local level should be elected or contracted by the local community this include, the Chief, the Sub Chiefs and the Civic leaders.

Corruption cases should be.

Angelo Muraga: This is the highest authority in the (inaudible).

Com. Tobiko: Which is the highest authority?

There should be a commission that should foresee the activities of all other public and related offices on land.

Under the Basic Rights: basic education and health should be fundamental – fundamental rights. Should be free and mandatory. It is not be a case where you to a hospital, and before you are treated; you have to pay for some amount of money. You should be treated first, and then, your name is recalled later. We should not

Com. Ahmed Salim: You are being told your time is up. So summarize.

Angelo Muraga: Thank you. There should be a common public right on international contracts and expression. There should be a law governing natural resources so that we may have the (inaudible) and even distribution of national resources. For instance, we should be having at least in major cities, in every given region, of this nation.

Trust land should be utilized only after the consent of the locals.

Com. Ahmed Salim: Thank you very much. Joseph Bara.

Joseph Bara: I am Joseph M. Bara. Mimi kwanza nitazungumza mambo ya elections, ambaye inafuata. Kwa uchaguzi wa Rais, ningependelea Rais awe anachaguliwa siku yake pekee. Kwa sababu

Interjection: (inaudible)

Joseph Bara: Asante. Na councillor mwenyewe, na MP wake, hawa wawe wanaungaishwa pamoja. Kwa hivyo, itakuwa kama siku mbili hivi, kuchagua serikali yetu.

Kuwe na muda tu ya siku ya tatu, tangu tuchague Rais, na tuchukue siku ingine tatu, halafu ya nne, tunachagua MPs na councillors wetu pamoja.

Ile kitu ingine, wakati wa kuchagua hawa, kama Rais mwenyewe, kuwe kuna, mahali tunachagulia hawa watu, kuwe hiyo hesabu inahesabiwa pale pale, na kuchukuliwa na presiding officer, waende na (inaudible) ambayo inaonyesha ya kwamba, hiyo kituo ilikuwa na uchaguzi wa watu wa aina fulani. Kwa hivyo, watu wakitoka pale, wale watakuwa karibu, watakuwa wakijua, ni nani anayeongoza kwa hiyo kituo.

Na hiyo, iambatane vile vile na MPs na councillors ambao tunawachagua. Kwa hivyo, kwa hiyo kituo yenyewe, ziwe zinaonyesha ya kwamba, ni kura ngapi ambazo zimetoka kwa kile kituo.

Mambo ile ingine, ni ya kwamba, kwa sababu kuna ile corruption, ndio nazungumzia pale, ili corruption isije ikapatikana pale, wale ma-officers ambao wanasimamia, wawe ni transparent. Sio wale wa kufichaficha makaratasi hivi, iwe inaonyesha ya kwamba, ile elections, halafu ile votes inahesabiwa kwa njia inayofaa.

Point ile ingine, inaonekana ya kwamba, hapa kwetu, au hii sehemu ya Kenya hii, kuna corruption nyingi, ambayo inaonyesha ya kwamba, yaani hongo ni mingi kwa DC. Hau kwa mfano, mtu akienda kwa police kuandika statement, mwananchi wa kawaida anakosewa mahali pengine fulani. Ukienda kule unaambiwa, huko, hakuna pesa ya kuweka mafuta kwa ile gari. Kwa hivyo, inakubidi utoe pesa kidogo, hili uende ukaangalie hiyo maneno yako.

Com. Ahmed Salim: Ungependekeza nini?

Joseph Bara: Ningependekeza, kama ni serikali yetu, iangalie inapeana hudumu freely, bila kuitishwa kitu.

Ya mwisho, ni tuangalie ukulima: ukulima wetu unavivia sana. Kwa sababu, (inaudible) katika mashamba, ikienda kwa Serikali, hawapati ile kitu ambayo wanatarajia kwa mavuno. Maana, inakaa hapo karibu na (inaudible).

Com. Ahmed Salim: Unapendekeza nini?

Joseph Bara: Napendekeza iwe wanapata ishirini kwa mia, halafu, themanini inaenda kwa wakulima. Asante.

Com. Ahmed Salim: Yustus Njiru.

Yustus Njiru: Thank you Mr. Chairman. The first thing that I would like to talk about is the Preamble: I would like the Constitution to have the Preamble. This Preamble should contain the Court of Arms, (inaudible) first, and (inaudible) the people of Kenya, and so, that, who are supposed to be citizens – that is the (inaudible) of the Preamble.

With regard to the seal. Seal and (inaudible) to the Preamble.

With regard to the President: we would like to have an executive President. And the Presidential (inaudible), have

executive Vice President, both elected by wananchi. But the President should be elected To start with all Members of Parliament be elected together. When they go to Bunge, they choose three parties – (I am talking about the President), they choose three parties to come to the field again, after being elected by the Members of Parliament, they come to the field again, and elect one person. The person who will be elected, will lead his constituency. That constituency, they will select another person. So the President of the Republic, will not represent a constituency, so that he can serve Kenyans without favour or be (inaudible) to the constituency.

The Vice President should be person to succeed the President. There should be no (inaudible).

Immediately the President leaves the office, he will present all (inaudible). The Office of the President should be occupied directly/immediately by the Vice President who is also elected by the people, but is not going to (inaudible) schedule that the President will have (inaudible) with reference to the executive.

We would recommend that the Public Service Commission be restructured and empowered to recruit Members of Parliament and the private sector, so that they become the executive power to nominate or to propose the people to serve in the civil service. This (inaudible), the President of the Republic should not have executive powers to appoint the civil servants, the Permanent Secretaries. That is not the work of the President. It should be the work of the restructured and empowered Public Service Commission, which must recruit the members of public.

With regard to Judiciary: we recommend that the Judicial Service Commission should be composed of reputable (inaudible) appointed by Parliament, not by the President, and not by the Judicial Commission, but appointed by Members of Parliament, and should include lawyers from the private sector.

The (inaudible) of Court of Appeal should be proposed to Parliament for final selection. Five Judges of Appeal are necessary, but, Judges of High Court should also be (inaudible).

With regard to the courts, (haya makorti hapa): we recommend that there be established and recognized Transitional Court, and therefore, Act to and include the sub-locational chiefs and sub-chiefs. Those courts – the traditional courts should include sub-chiefs, and they should be able to recognize traditional marriages. They should give certificates of marriage to the people who did not go church, to the people who did not gone to the DC, but these traditional courts must recognize traditional marriages and give certificates.

With regard to.....

Com. Ahmed Salim: (inaudible)

Joseph Bara: Very much sir, because, he will throw all the matters to the sub-chiefs or to chiefs, and that area will be settled by the (inaudible), and that should be also, should not go to court, before they are settled there.

Mr. Chairman, I thank you so much, but I would have liked very much to talk about the provincial administration. It (inaudible) to explain (inaudible).

Com. Ahmed Salim: (inaudible)

Joseph Bara: Now, the provincial administration, we are saying, the present eight provinces be scrapped. After scrapping them, increase the (inaudible), and the present population of Kenya which is 30 million be distributed within the (inaudible) new provinces equally. There are 30 million, so every province, be 2 million regardless of the boundaries, regardless of the native..... (inaudible). Let the population in each province be 2 million. Who will rule the province? This should be a regional governor or the regional provincial commissioner. But it is not the President.

Mr. Chairman, I also want to say, that these provinces, within each province, there should be at least ten constituencies. These ten constituencies, must also be (inaudible) that province, and then within this, we would like the (inaudible) to look/to scrap the present Constitution. The focus of the new province or the governor should be the Constitution. We don't need the present (inaudible). Then, let us have Parliamentary House, and then, let us have also the Cabinet, which will be regularizing or liberalizing what the Members of Parliament have discussed. Let us not (inaudible) the Provincial Assembly. We shall call them Regional Assembly. Let each constituency have one representative to follow at the provincial level.

The way, this man, Mr. Chairman, let us have the provincial assembly, national assembly and county council and sub-locational level, let us have area councillors.

I would have liked to continue, Mr. Chairman, I stop there. I will submit the memorandum to you, which will include all the views that I have presented. This one is the

Com. Ahmed Salim: (inaudible).

Joseph Bara: Regional governors will be appointed by the restructured Public Service Commission. Because, these are not political. These are public servants – regional governors. Right now, the Provincial Commissioner is appointed by the President in the morning, that be refused, we are recommending that regional commissioners or governors be elected or

nominated according to the empowers or structures of the Public Service Commission.

Com. Ahmed Salim: (inaudible).

Joseph Bara: It is not majimbo, it is restructured process. It can be called by any name, but it depends on majimbo, but these are not majimbos. They are provinces, but they work the same.

Com. Ahmed Salim: Patrick (inaudible)

Patrick: Thank you. (inaudible), mine is very brief.

One, I would like to talk about the portrait on our currency: I would propose that it remains, that of the founding father. And, we should not be changing every time we have a new President.

Two: that any time we have a major Constitutional amendment, let us have a referendum after the Parliament has amended that Constitution.

Three: that any MP who happens to (inaudible) to another party, he should be taken to have done so, and therefore, a by-election.

Com. Tobiko: Do you need (inaudible)

Patrick: We don't any(inaudible), three, we had done it publicly, and there is evidence. Let it be (inaudible).

Four: that political parties should not be more than three, and should be funded by the (inaudible).

Five: any commission appointed by the Government to undertake any activity, must report back to the public its findings.

Finally, that any change of our education curriculum should be done by indigenous professionals.

People who (inaudible) should not have the (inaudible) (inaudible). Thank you.

Com. Ahmed Salim: Susan M. Joseph, Susan M. Joseph? She is out of the (inaudible). Jackline Kirigi, Jackline

Kirigi? Lucy Karimi?.

Lucy Karimi: Thank you. First of all, general elections should not be a secret calendar. It should be announced at least one year before time for citizens to keep (inaudible) for it.

The number of political parties should be limited to three, to be able to mobilize the citizens, educate them more about the three parties we have. In fact after they are fully informed, like ex-join the party they desire at least is beneficial to them.

There should be a President elected by the majority of the citizens in the country. And there should be a Vice President who should be the second from the largest number of Presidential votes, despite of the party he was or she was.

There should be a Locational Advisory Committee, to see and look upon the public land, which is, the cemetery land, school land and hospital land.

Com. Ahmed Salim: (inaudible)

Lucy Karimi: There should be a Locational Advisory Committee, to see and look upon the public land e.g. cemetery – where people are buried, schools and hospital land.

Consolidated funds should be used for AIDS people, street children and buying public (inaudible).

The President should not be the over-law, but the under-law.

He should not be Chief Commander-of-the Armed Forces, instead, their Chief Commissioner should be Commander in Chief.

He should not elect the Attorney General. Instead, he should be elected by the Members of the National Assembly.

He should not (inaudible), indeed, forgiving, begging, living in a leisure. Instead, they should be done by the Attorney General. Meaning that, the Attorney General is the over-law of all the crime.

The Parliament should be dissolved at least one month before general elections.

Electoral Commissioners should not be elected by the President, instead, should be elected by the Members of the National Assembly.

Since independence, that is from 1963, we Kenyans became free. Right now, we (inaudible) liberty to an extent that, there was no bribes. Everything was done to citizens freely. We would like bribes to be completed. If it is employment, let everybody to be employed without bribes.

There should be an affirmative action. That is, gender equality. In any election, there should be an average of three-quarter of men and a quarter of women. Thank you.

Com. Ahmed Salim: Ernest Mugo, Ernest Mugo?

Ernest Mugo: I am Ernest Mugo. I have few points to mention about the Public Service. Apparently, Public Service should not be used for political matters e.g. for campaigning and for political (inaudible).

Another point, Public Service should not be used for personal matters. This I mean, when somebody is going to use the public service funds for his own benefit.

Another point, Public Service should be protected by the Government of the day.

Another point, the Government should have not allow the public services should not be used any-howly.

The other point is about medical facilities: the medical facilities should be free of charge, and the schools. Those are the points which I have.

Com. Ahmed Salim: Philip Mutangi, are you Philip Mutangi?

Philip Muchage: My name is Philip Mutangi, and I have the following proposals.

May the Constitution be inculcated in our learning institutions, both formal and informal, so that people may know and appreciate the rule of law. May it be in line with the international standards of Constitution – making and implementing (implementation) as stipulated by the International Community.

Let the new Constitution give autonomous power to the Office of the President in fulfilling its integrative function, with stipulated checks and balances.

May the Constitution be (inaudible) the accurate observers of all human rights as stipulated in the United Nations Charter.

Autonomous power, I think remain, the Office of the President is taken to be like the central of regulating institution. It is like the engine of any state. So in passing power to integrate the other institutions of the state. That is, and should have also -- there should be checks and balances to appoint (inaudible) of the same power. For example, of the officials or officers in that office.

Then, there is need to have Constitutional offices throughout, starting from the lowest public administrative offices.

Then the new Constitution address the issue of national resources management and distribution to ensure fair play to all.

Then our Constitution embrace the United Nations Charter in ensuring our disciplinary forces to (inaudible) their duties effectively and efficiently, by providing the necessary means and conditions in their operation.

May the independent institution be given power to help in integrating with the Government in matters of ensuring, law and order is obeyed.

Then, the Constitution should ensure that the enhancement of democracy is followed, starting from the smallest unit of affairs to the top-most institution.

Com. Ahmed Salim: Okay, thank you. Joshua Karuki, Joshua Karuki? Mary Muthoni Njage?

Mary Muthoni Njage: Thank you. I am Mary Muthoni Njage.

The President should be not be the overall. That is, any case of doing something which is not pleasing to the public, he should be prosecuted.

The other thing is, Members of Parliament should be elected by the members of the public. But in some cases, there are those who are appointed ministers, and some are rejected by the members of the public. So, the Government or the President should not appoint a Member of Parliament who is not elected by the public.

Com. Ahmed Salim: Who is not done what?

Mary Njage: Who is not elected by members of the public.

The other point is, women should be given equal rights with men, e.g. education, jobs and in the Parliament.

Single mothers should be given equal rights with their brothers. That is, in case one has got children, maybe it is unfortunate that you have a child, you should be given that equal part as well as your brother can be given. That is, in case of inheritance, the lady concerned or the woman concerned, who has got a child somewhere, or in case one is rejected by the husband, she should go to her parents and share what your brother has shared also.

Children should be protected. That is, child labour should be abolished.

The other point is, education (that is on the child labour), on the side of children: education should be given free in all corners of the country.

Com. Ahmed Salim: (inaudible)

Mary Njage: In primary level.

Mau Mau people should be respected. That is, they should be given land. They also should be given at least money because they are old people. They fought for our country and somehow, some were beaten, so they cannot be able to work. So, they should be given some money by the Government to help them in their future, because they are getting old and old.

The other point is, the coffee farmers should be paid well. That is, the Government should not take three-quarters of the money they sell their coffee. They should take a quarter but not three-quarters of the money. Thank you.

Com. Ahmed Salim: Thank you. Asanteni sana. Tukifuatia registration, sasa tumemaliza na wote wale ambao wamejiandikisha na kutaka kutoa maoni yao. Tumemaliza kabisa. Iko mtu ambaye amejiandikisha na kusema kwamba anataka kutoa maoni, apate kutoa. Yuko?

Response: (inaudible)

Com. Ahmed Salim: Umejiandikisha kweli?

Response: Bado.

Com. Ahmed Salim: Lakini ujajiandikisha, tumemaliza hii register. Lakini pia maoni yako, yameelezwa na mwenzako hapa. Itakuwa jambo jipya ndio, itakuwa manufaa kwetu na kwako. If there is anything new. And madam, did you register?

Response: (inaudible).

Com. Ahmed Salim: You did? Maybe you went out, when we called you. Can you come forward please. Maybe, can you give us your name please? Can you remember your registration number?

Response: (inaudible)

Com. Ahmed Salim: Okay, now, it is time for us to..... give your name or give your views first.

Speaker: My first view is on a woman who dies, having an account in the bank, that is not joint. I would like to say that, if there such a case, let the man or the woman become the owner of the account straight without being disturbed to follow so difficult ways of

Com. Tobiko:..... (inaudible)

Speaker: If a woman dies and leaves an account, that is not joint. Let the man automatically be owner of the account without undergoing so many transactions.

Two, there has to a right to adopt. If a man dies, the woman has to adopt straight in production of the death certificate, without repeating the death.

Com. Tobiko: You say to adopt?

Speaker: Yes, in a case of adoption, let the woman adopt straight without reporting the death, because this woman has a death certificate.

Com. Tobiko: To report whose death?

Speaker: Death report – you know, when it comes that a man dies, then the death reporting has to be done, so that now the transaction of adoption may actually be transacted.

Com. Tobiko: Endelea.

Speaker: Number three, if a man bears a child outside marriage and is proved beyond doubt. That child has to be strictly educated by that man.

Com. Tobiko: What should happen?

Speaker: If it is proved beyond doubt that the child belongs to a certain man, even without a wife, that child has to be strictly educated by the man.

Four: if one retires, he should not have any right to look for (inaudible) a civic, a Parliamentary or a Presidential seat. If one is already retired from civil service.

The other one, if a man is over 55 years, it should be illegal to marry a girl under 35 years, as it is happening in Kenya.

Sixth: the community must be allowed to elect chiefs and assistant chiefs at grassroot level.

Finally, if a man has two wives, let the elder wife get a bigger share of the belongings.

Com. Tobiko: of the property?

Speaker: of the property, yes.

Then, Kenya tax should not affect any kind of (inaudible)

Finally, the President should be between 40 – 50 years. MPs: 35-60 years, and the councilors, between 50 – 60 years.

And finally, because 60% of women are educated, let them also be the majority when giving the jobs, but not men who are not educated or majority of the jobs, they take (inaudible).

Com. Ahmed Salim: Thank you very much. Thank you for your views. Yes mzee!

Speaker: (inaudible) maoni yangu (inaudible), na sasa, akanipeleka hapo, (inaudible) my brothers (inaudible), all of them. Wakanipeleka (inaudible).

Com. Ahmed Salim: Anakushtaki anataka nini?

Speaker: Anataka kutoa (inaudible).

Com. Ahmed Salim: Asante sana mzee. Asante kwa maoni yako. You still want to give views?

Mugo Kainyeki: Yes.

Com. Ahmed Salim: Let me then give you a few minutes please. Did you register? You didn't register. Na ulijiandikisha pale kwenye form ulipoingia?

Mugo Kainyeki: Bado.

Com. Ahmed Salim: Ulikuwa kuchelewa?

Mugo Kainyeki: Kidogo tu.

Com. Ahmed Salim: Sawa. Basi, waweza kuja. Karibu. Utoe jina lako.

Mugo Kainyeki: Jina langu ni Mugo Kainyeki kutoka Kiriare, Ruguru.

Com. Ahmed Salim: (inaudible).

Mugo Kainyeki: Niendeleo?

Com. Ahmed Salim: Endelea mzee.

Mugo Kainyeki: Sasa, maoni yangu, hatua ya ile Katiba tunataka kuweka ipya, tunataka Katiba ambayo itakumbukwa na kila mtu, hata ingawa, miaka yetu inaonekana imeendelea. Na officers wa Katiba, mukirekebisha Katiba yote, na ikiwa mutaniangalia sawa sawa, kama Serikali yetu kuu, pia wananiangalia.

Tumesahahu jambo moja ambaye ni kushangaisha, kutoka mwaka wa 1952. Wakati tuliangalia hii uhuru yetu kwanza, na atungetoa hii Katiba kukiwa hakuna mchanga. Ningependekeza kwamba, wale mashujaa ambao walipigania uhuru, wakatoa damu, na wakatoa jasho wakumbukwe, kwa sababu hii Katiba haingekuwako kama hawa watu hawangekuwako.

Maoni yangu ni kwamba, mukumbuke mashujaa wote ambao walifanya uhuru, wakuwako. Wazee ambao wamefikisha miaka kutoka hamsini, sitini, sabini, wakumbukwe zaidi. Mukienda msitari wa mbele, hata kama ni Bunge, mukumbuke hao wazee kwanza, kwa sababu hakuna mtoto alitoka huku chini kabla kuzaliwa na mwenyewe.

Hii Kenya yetu, ilinunuliwa na damu, na ikaonekana kweli tunaipata kwa (inaudible) ya Mungu, akatupatia.

Com. Ahmed Salim: Mzee Mugo. Ningependelea tupigane, mbali na kukumbuka waliopigania uhuru. Ungependelea kitu gani lifanywe?

Mugo Kainyeki: Nataka kuuliza, ikiwa munaweza kuangalia Katiba kabisa, kama vile Mungu aliangalia hii nchi yetu isiende, hawa mashujaa wawe msitari wa mbele, hata kama ni Bunge. Kwa maana hakuna Bunge, ambao hawakuwa na wazee.

Com. Ahmed Salim: Wafanye nini katika Bunge? Tufanye nini?

Mugo Kainyeki: Wakikishe tu vile watoto wao wanarekebisha Katiba, kwa sababu, hii Katiba inaonekana kweli, watoto wa kutoka mwaka wa 1960, kulikuwa na watoto.

Com. Ahmed Salim: Sawa, jambo lingine?

Mugo Kainyeki: Jambo hiyo ingine, ni kuwambia, mukienda, mukumbuke zaidi hao wazee. Mufikirie “*kirumi*” zaidi, kwa sababu “*kirumi*” inaweza kumumaliza ikiwa munabadilisha Katiba. Thank you very much.

Com. Ahmed Salim: Asante sana mzee Mugo. Kamiti hao ni wazee, ambao, kama nilivyosema, walipigania uhuru. Hivi leo wengi kati yetu, ambao waliwajia vijana, hawakumbuki siku hizo, na jinsi nchi hii ilinyakua uhuru wake. Na kwa hivyo, angetaka wakumbukwe tu, na wenzake wengine kabla ya hapo, walitangulia kusema, sio wakumbukwe tu, lakini wapewe msaada fulani.

Tukiendelea mwisho, tunamuita (inaudible) wa mwisho aliyejandikisha. Bwana Nthiga, karibu.

David Nthiga: Asante sana Commissioners na wale wengine wa secretariat. Ningependa kuzungumza kama nimesimama.

Wananchi muliofika kutoa maoni yenu, mimi naitwa David Nthiga. Na wengi ambao mumejua, ninatafuta kiti ya Parliament, sehemu dhehebu hii ya Manyatta.

Com. Ahmed Salim: Mr. Nthiga, it is not a political rally here.

David Nthiga: Okay. Mimi nimefika ndio niweze kutoa maoni yangu kuhusu mambo ya Katiba. Na hii Katiba, hakika imezungumziwa sana kwa quorums nyingi, na ningependa kusema kwamba kuna mambo kadhaa. Sitaki kurudia hiyo labda

imezungumuzwa na watu wengine, lakini ningependa kutoa maoni mawili Matatu.

Jambo la kwanza: Constitution yetu haina kitambulisho, na mahali kwingi watu wamesema iwe na kitambulisho. So, we need a Preamble in the Constitution, which is simple enough for everyone to be able to understand very clearly.

Jambo la pili (tape complete)

The Parliamentary calendar: katika nchi ya Kenya, at the moment, we have a Parliament that is structured to the powers of the President, where he can break it at will, and even prolong it at will. We don't know when to convene or when to..... We would like the Parliament to have a given calendar within its time. If it is five years, there is a calendar that is followed strictly.

I would also suggest that Members of Parliament have got a mandatory requirement to go first, waweze kuonana na wale walio wachagua katika Constituency, within a given frequency, which is monitored. Kwa sababu tumekuwa na problems, Members wa Parliament wanachaguliwa na wakifika Bunge, wanasahau waliowachagua.

Jambo lingine ni kuhusu mambo ya citizenship: tumeona ya kwamba watu wengi sana ambao ni Wakenya, na wamekuwa wakitafuta kazi, hata nchi za nje, wamekuwa na problem, because it is not easy even to get the things that (inaudible). We would like that to be simplified.

But the problems that I have seen in acquisition of citizenship, hakujakuwa na taratibu ya kutwambia, ni namna gani watu wata-acquire citizenship. Tunaona, like the Asians who are here, mwingine ako na citizenship ya Britain, mwingine ako na India, mwingine ako na ya Kenya. Na wakati mwingine, wanapewa bila kufuata Constitution the way it is. The Constitution says that there should be a committee that approves acquisition of citizenship, but it is never followed. I think there should be something like that.

I would suggest that those who want to become citizens of Kenya, they should follow strictly what is made in the current Constitution.

Com. Ahmed Salim: (inaudible)

David Nthiga: It is good enough, according to me. Can I stop sir?

Com. Ahmed Salim: Endelea (inaudible) time.

David Nthiga: Okay,

Com. Ahmed Salim: (inaudible)

David Nthiga: Asante. Halafu, we would like to see the separation of power between the Presidency, the Legislature and the Judiciary. We have a problem. The Judiciary is not independent. We would like to see independence of the Judiciary, particularly, in the appointment of the Judges in the High Court. Tungependa wawe wakichaguliwa in a panel. Sio kuchaguliwa na Rais mwenyewe. Wachaguliwe by --- it is not very clear in my mind really, but, I would like to see a process that is fair. Labda wachaguliwe na Members of the Bench, involving the Law Society of Kenya and other legal bodies that are there.

In the Electoral Commission: The Electoral Commission should have its own money allocated to it, so that it is able to help other political parties. Because, we must appreciate there is total (inaudible) in our country at the moment.

Com. Ahmed Salim: (inaudible)

David Nthiga: Should be by the Government, but it should be by the Government, so that we can have reasonable pluralism.

I think with those few, I will happy to say that I am grateful for giving me a chance, kuweza kutoa maoni yangu. Kama nilivyosema, nitakuletea karatasi ambayo nimeandika, ni vile tu nimesahau kwa office, nilitoka nikikimbia. Nitaleta kwa office. Asante sana.

Com. Ahmed Salim: Asanteni sana. Asante sana Bwana Nthiga for your views, and we look forward to receiving your memorandum in our offices at Kencom. Since you are in Nairobi, you can drop that in the head office.

And last, yuko Bwana Erastus Njiru, Erastus Njiru? (inaudible). Who is speaking, there are two of you. We are just (inaudible) in? Okay. Ni wewe unatafusiri mzee. Haya, karibu.

Erastus Njeru: Asante sana, kwa mwenye Katiba hii na (inaudible). Nina malalamiko kidogo, lakini sio nyingi. Mine nitakupatia memorandum yangu iko hapo na nitasema wawili tu.

Ya kwanza, jina langu ninaitwa Erastus Njeru Mugo, hata kama ni (inaudible) kuja hapa. Wakati wa emergency, tuliamishwa na taabu nyingi sana, na tunakuja hapa, tuna vijana wengine ambao wanakula matunda ambayo hawajui. Sisi tumeangaika siku nyingi sana, tuliamishwa. Watu wa Mau Mau! Wanawekwa kama picha. Warekebishe mambo hayo, tuna taabu nyingi. Kwa maana, (inaudible), no,

tunaona makosa na huruma. Tunawekwa kama mbuzi inawekwa huo upande mwingine. Ninauliza watu wa Katiba, tafadhali, muchukue jukumu hili, kwa vile watatufanya aje?

Ya pili, hii ni chama chetu kinaitwa “Karu ya Embu – Ngome”. Na tunachukua mambo kama hivi, watu wa Embu, wanauliza serikali, “Karu ya Ngome” au mambo ya Kiembu ya zamani, yafikiriwe zaidi. Na mutaangalia ndani ya memorandum yangu iko hapo.

Kwa hayo machache, siwezi kupita hapo. Niko na mengi, lakini sijaandika kabisa, memorandum yangu. Kama inawezekana, nikubalie nikupatie.

Com. Ahmed Salim: Mzee Erastus, asante sana kwa maoni yako, na memorandum tutaipokea, tutaisoma, tutaizingatia kwa ukamilivu. Tafadhali, zamahani, (inaudible) juu, tutakuja sisi kama team. Asante sana.

Nafikiri sasa, bila shaka tumefikia mwisho kabisa wa Yes, what can we do, did you register?

Response: (inaudible).

Com. Ahmed Salim: You never registered, because normally, we..... you have just come?

Response: (inaudible)

Com. Ahmed Salim: You have a memorandum?

Response: (inaudible)

Com. Ahmed Salim: Alright, then, we give you five minutes maximum.

Benard: Now, I will take these few minutes to say what I feel the Constitution of Kenya should do. My name is Benard (inaudible)

Com. Ahmed Salim: (inaudible)

Benard: I first want to talk about the Government and the private sector, and I would like to say that the Kenyan Constitution should clearly state the duty of the Government and the private sector in terms of duties of employees.

It is a common practise that most Kenyans are denied their rights by the private sector, and at times, you get that professional (inaudible) but then who are (inaudible) are very much exploited by these private individuals. For instance, my recommendation states that, “let the private sector state a salary depending on the income of the company or the individual privatization (inaudible) so that employees should be paid according to the income. So, the Government should state the budget of (inaudible) should be left to the individuals.

Another point that I want to mention is land management: let the Constitution state clearly about the land, because, it is not good for a Kenyan to be called a refugee. Let the Constitution state the number of acreage or the maximum size of land which a Kenyan should have.

Another one is about education system:

Com. Ahmed Salim: (inaudible)

Benard: I suggest that the maximum number of acreage which a person should have, despite of his wealth status, should be 20 acres.

The education system, I would rather say that, let the Constitution of Kenya clearly state the type of education Kenyans should be having. Not that, changing here and there, any time.

About the Budget: the Kenyan Budget, I would rather say that, let the Budget be prepared by Parliamentarians not the Minister for Finance. Thank you.

Hadija Kimani: Thank you the Commissioners, may I first of all take this time to apologise for coming quite late. I was held in a meeting in Nairobi, and I had to (inaudible) to make sure I come and present this memorandum. I have tow memoranda, one by the Maendeleo ya Wanawake – Embu Branch and the other one by the National Council of Women of Kenya – Embu Branch.

Since Maendeleo ya Wanawake memorandum is quite long, I will just (inaudible) through the memorandum for the National Council of Women of Kenya.

I start with the Preamble.

Interjection (Com. Ahmed Salim): (inaudible).

Hadija Kimani: I will be very fast. Kenyan women played a vital role in Kenya's struggle for independence, both at home and at the (inaudible). We are all aware that Kenyan women, both rural and urban, are key stakeholders in Kenya's economy and development, hence the (inaudible) equality with our current Constitution concerning women.

Citizenship: there is need for equality in citizenship. There should be duo citizenship for women. Concerning citizenship for foreign husbands of Kenyan women and their children.

On national defence and security...

Interjection (Com. Ahmed Salim): (inaudible)

Hadija Kimani: Yaah, women. Yaah, the same.

National defence and security: ensure women perspective on national security influence. We should reduce every powers, that is, in declaring war independently. There should be a constitutional provision for a commission declaring war.

Interjection (Com. Ahmed Salim): (inaudible)

Hadija Kimani: There should be a constitution provision for a commission in declaring war. In other words, the President should not have powers to declare war on his own.

On structures and systems of the Government: there should be a system where power is shared between the President and the Prime Minister. The provision should then be such that, if the President is a man, deputy should be a woman. And the same should be for the office of the Prime Minister and vice versa.

Parliament composition: one third should be given – one third of Parliament should be women through the affirmative action. At least, one disabled person per province. Election of one third women MPs should be through the district representation by women alone.

There should right to the (inaudible) of the Parliament who are non-performing.

Checks and balances to ensure that sharing power and the executive is balanced.

Political parties: establish provision of independent candidates. Funding of parties that have national outlook and have taken gender concern on board, should be presented.

Are you telling me my time is over?

Com. Ahmed Salim: (inaudible)

Hadija Kimani: Thank you. This is the last point. Thank you sir.

Judiciary: Judges should be appointed by the Judicial Service Commission. Judicial Service Commission to ensure that courts are efficient and not corrupt.

Chief Justice to be nominated by the Judicial Commission and confirmed by Parliament.

In the Local Government: there should also be representation of one-third representation should be women.

In the land and property rights: women should have rights to automatically inherit their husbands' properties. There should be equal inheritance among the girl-child and the boy-child.

Domestication of International Convention: international standards should be incorporated in our Constitution. Therefore, they should be automatically domesticated. Thanks a lot. Thank you.

Com. Ahmed Salim: Thank you very much Madam Hadija Kimani for your contribution on behalf of the two women bodies you have come to present the memoranda from. And this now, definitely brings us to the end of this sitting or hearing.

Tumemaliza kabisa hivi leo kupokea maoni kutoka eneo hili la Constituency hii ya Manyatta. On behalf of my colleague – Com. Tobiko here, staff from our head office or headquarters, also on behalf of the members of the Constituency Committee and the civic education providers who have been very active and very helpful in educating you and also in mobilizing you to come and give your views. We thank them very much. They have done a very good job, they have seen many of you, I think this is a record number. Idadi ya watu waliokuja leo, ni record – it will (inaudible) bahala pengine ambapo tumekwenda.

Na tumefurahi hasa, kwa kuwa kina mama hapa, ni wengi zaidi kuliko wale tuliowaona katika Eastern Province ambapo sisi tumekwenda. Hiyo ni ishara nzuri sana. Na hivi ndivyo tungependa mambo iendelee, kwamba kina mama wawe mbele, na akina baba, na ndugu katika kuendesha na kustawisha nchi yetu hii ya siku za mbeleni. Tunawashkuru sana kwa kufika.

Jambo la mwisho ambalo ningependa kulisema ni kuwaeleza ni jambo gani sasa litafanyika. Sio? Mumetoa maoni yenu? Lakini tutafanya sasa baada ya kupokea maoni yenu. Hivi sasa tukisema hapa na nyinyi, wenzetu wote – Commissioners, wako katika maeneo mengine katika Eastern Province. Wanafanya kazi hii, ya kukusanya habari. Tulimalizana na Central Province, tukamalizana na Province ya Coast, yote tuligawanyika huko, tukakusanya – tuligawanyika Central Province tukakusanya, ndiko Ijumaa – kesho ni siku ya mwisho ya kukusanya maoni hapa Eastern Province.

Kutoka hapa, tutaelekea Province ya Nairobi, kutoka Nairobi tutakwenda North-Eastern. Kutoka North-Eastern tutakwenda Nyanza, kutoka Nyanza tutakwenda Rift Valley, na mwisho kabisa tutakwenda Western Province, kufanya kazi hii hii.

Tutakusanya maoni kikamilivu kabisa, nchi nzima. Kisha, maoni hayo yanapelekwa moja kwa moja, atungojei mpaka mwisho.

Maoni yenu yatafika Nairobi kesho asubuhi, na kuna vikundi za wafanyi kazi wetu huko, ambao kazi yao ni ku-analyse na kutayarisha ma-jambo hili watu wangapi walisemea. Jambo hili watu wangapi walisemea. Jambo ya rights za kina mama, watu wangapi wameisemea katika eneo hili, na kadhalika. Wanajulisha mama.

Sisi kisha Commissioners, tutaletewa maoni yote katika report kubwa, na mambo mengi ambayo tutayasoma, tutajadiliana juu ya maoni hayo, na mwishowe, tutaandika hiyo Katiba – tunaiita draft Katiba, inaitwa Kiswahili “mswada” – draft Constitution (inaudible), yaani haijawa sheria, lakini ni draft imeandikwa tukijitayarisha.

Hiyo sasa ikishaandikwa, haitakuwa Katiba mpya moja kwa moja. Italetwa kwenu mara nyingine. Itaenezwa kwote nchini, mupate kuisoma, mupate kujadiliana juu yake, mupate bia kutuletea maoni yenu juu yake – mumependelea, hamkupendelea, jambo gani ambalo hamkupenda, jambo gani ambalo munataka irekebishwe tena, maana hamukufurahi. Sawa?

Wakati huo huo, viongozi wa nchi, zaidi ya mia sita, watakaa kwenye conference – mkutano mkubwa Nairobi. Kati yao watakuwa Wabunge wote nchini. Kati yao wakiwa Commissioners wote – ishirini na tisa, katika yao wakiwa waakilishi wa akina mama, kati yao wakiwa waakilishi wa dini tofauti, pia, waakilishi wa kila district watatu, wote watakuwa katika mkutano huu mkubwa. Hapo pia, kutakuwa na majadiliano makubwa, kila mtu anatoa maoni yake, watu wanajadiliana, mengine, katika hilo, ndipo mwingine anasema hiyo ni sawa, mwingine anasema hapana sio sawa. Na twaomba kwamba, katika mkutano huu, mwishowe, wote hawa waliohudhuria, watakubali kwamba hii sasa ni sawa. Ikiwa kuna mabadilisho, itarudi tena kwa Commission, itengeneze kufuatia mapendekezo ya huo mkutano mkubwa, baada ya kumalizika. Ikiwa wamepatana, basi hiyo “mswada”, hiyo “draft Constitution” itapelekwa Bungeni, na Bunge itapitisha, na ikishapitisha Bunge, ndio sasa hiyo itakuwa ni Katiba yenu. Mpaka Bunge ipitishwe, itakuwa si Katiba, ni proposal tu – mapendekezo ya Katiba.

Lakini, uenda ikawa vitu fulani katika hii Katiba mpya tulioandika, watu katika mkutano huu mkubwa hawakukubaliana. Wengine wasema hivi, wengine wasema vile, na mkutano ukamalizika bila wao kupatana. Suluhizo ni lipi? Suluhizo ni

kurudisha yale mambo, (inaudible) yale mambo machache tu ambayo hawakupatana juu yake, hayo, yatarudishwa tena kwa wananchi. Itafanywa hiyo kura ya maoni – itakuwa kama kura kubwa, na wananchi wataulizwa, “Je! katika jambo hili, unapendelea au hupendelei?”. Tuseme kwa mfano, katika huu mkutano, hawakupatana maji itolewe, au tuseme, primary education iwe bure au sio bure. Ikiwa juu ya jambo hili hawakupatana wote, basi, itarudi kwa wananchi wote nchini. Sio wale mia sita, mia saba peke yake. Watu wa nchi nzima wataulizwa. Kila mmoja kwenu, atakaye..... (inaudible) wapenda elimu ya primary iwe bure au iwe ya kulipwa? Ni kusema, bure, au ya kulipwa. Kisha, watahesabu hizo kura, na wale ambao wa..... (inaudible), wengi zaidi wanapendelea iwe bure, basi Katiba itapadilishwa iseme kwamba, “primary education iwe bure”. Kwa hivyo, baada ya mkutano kubwa, ikiwa wamepatana, itakwenda moja kwa moja Bungeni. Ikiwa hawakupatana, kutakuwa na kura ya maoni – referendum, ambayo wenzenu walikuwa wakieleza.

And on the basis of the referendum, tutabadilisha Katiba ki-mwisho kabisa, ipelekwe Bungeni, na Bunge itapitisha, na hiyo ndio itakuwa Katiba ya Kenya. Kwa hivyo, kazi nyingi munavyoona, na tunaendelea na kazi yetu, tunataka mutuombe tumalize kazi kwa ukamilivu kabisa na tuombe kwamba Katiba yetu itakuwa Katiba ambayo italetta mafanikio, amani, na kila kitu kizuri katika nchi yetu.

Twawashkuru mara ya mwisho kabisa, na kama ni (inaudible) yetu, tunamaliza kila kikao kama vile tunavyo ianza. Tunaimaliza kwa maombi. Kwa hivyo ningependelea akiwemo kati yenu mtu, awe mama, awe dada, awe baba, awe mzee, anaweza kutuomboa, tutafurahi sana. On behalf of (inaudible), karibu.

Speaker: Nafikiri asante ma-Commissioners wetu ambaye muliweza kuingia siku ya leo, tumesikia maoni mingi na tumefurahi, hata kama hatukusaidia katika maoni, tulisikia, tuko pamoja. Mungu azidi kuwabariki mpaka mwisho wake.

Na tuombe. Asante Baba wetu wa Mbinguni uliye juu sana, tunasimama mbele zako Baba wetu wa Mbinguni, tukikushkuru na tukilisifu jina lako kwa jinsi Baba wetu wa Mbinguni waweza kutu..... (inaudible). Na kama ma-Commissioners wetu, na makarani waliingia hapa asubuhi Bwana, na tukaweza kuanza kikao chetu cha leo, na Mungu wa Mbinguni tumeona mkono wako ambao ni wa ajabu ukituongoza sisi watu wako wa Manyatta, ee Baba wa Mbinguni yote ambayo wameyanena, ukaweza kuyaweka (inaudible) ukiwa Mbinguni kwako. Ee Baba wa Mbinguni tutazame roho zetu ambazo zimekuwa na uzuni mwingi, kupitia Katiba ambayo tulikuwa tunaongozwa nayo ya ukoloni, Baba wetu wa Mbinguni tutakapoona Katiba mpya, hatutakosa kukushkuru na kulisifu jina lako. Hebu jina lako likainuliwe, katika Katiba mpya ambayo tunaitengeneza wakati huu. Wapatie wananchi wa Kenya maarifa ambayo ni ya juu sana, tukaweza kutimiza jambo hili tukiwa mikononi mwako. Tutakapomaliza Baba wetu wa Mbinguni, tutakushkuru na kulisifu jina lako. Tunawaweka wote ambao wameingia siku ya leo mikononi mwako, ukaweza kuwaongoza kila mmoja nyumbani kwake, na tutakapokutana, (inaudible) na Baba wetu wa Mbinguni hatutakosa kukushkuru na kulisifu jina lako. Tunajiweka mikononi mwako tukiondoka mahali hapa, hebu mkono wako wa ajabu ukaweza kutuongoza, na ni katika jina safi la mwanawe Kristo tumeomba na kuamini. **Amen.**

