

CONSTITUTION OF KENYA REVIEW COMMISSION

CKRC

VERBATIM REPORT OF

**CONSTITUENCY PUBLIC HEARINGS, TIGANIA WEST
CONSTITUENCY, HELD AT KIANJAI YOUTH POLYTECHNIC**

ON

21ST MAY, 2002

**CONSTITUENCY PUBLIC HEARINGS, TIGANIA WEST CONSTITUENCY HELD AT KIANJAI YOUTH
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Present

1. Com. Abubakar Zein
2. Com. Domiziano Ratanya

Secretariat in Attendance

1. Roselyn Nyamato - Programme Officer
2. George Kariuki - Assistant Programme Officer
3. Zipporah Wambua - Verbatim Officer

The meeting started at 9.07 am with Commissioner Zein in chair.

George Kimanthi: Let us start our function. Ladies and Gentlemen, Good morning. Let me start by saying I am very grateful for your coming, we are in the most important stage in the Review Process in the job we are taking today. But before we commence officially, I think it is better we have a word of prayer from Ikamati, please lead us in a word of prayer. Pastor Ikamati.

Pastor Ikamati: Let us pray. Father in the name of Jesus Christ, it is another morning my father we have come in front of your eyes, my father, we bless you Jesus Christ, knowing that Jehova Jireh you are the one enabling us to see this day, knowing that there are some who wanted to see this day, but they have not yet seen, it is not according to their will but also your will. My father we come against all evil spirits which can come and hinder our occasion today. My father, we pray knowing that Jehova Jireh we have come here to present our views at the head Jesus Christ we shall give you the honour and glory. In the mighty name of Jesus Christ we give you the glory – Amen.

George Kimanthi: Thank you so much Pastor. For a start I think it is better we know each other. My names are George Kimanthi, I am the District Co-ordinator for the Review Commission, Nyambene. I have committee members although most of them have not arrived, she was here she has just left, she is Mary Nairubi, our Secretary, she is coming. I also have some people who have been assisting me from the time we started. He is Javan Mwiti our translator, we have Kenneth Kimathia and Pastor Ikamati, who are our registration clerks. Then we have, from the side of the Commission headquarters, our Programme Officer, Roselyn Nyamato, we have Mr. George Kariuki who is our Assistant Programme Officer, then we have a Verbatim Recorder Zipporah Ndunge. On my right here, we have the Commissioners who would be collecting the views from the wanainchi here in Kianjai, we have been with them since Monday last week, this is our seventh, venue Kianjai. We have Commissioner Zein Abubakar and we also have Commissioner Domiziano Ratanya. So these are the two Commissioners who

I have been with and we will be with them today the whole day in Kianjai listening to the people of Kianjai and the views they have. The lady I was talking about, she is there she is our Committee, our secretary Madam Mary Nairubi. She is one of the Committee members who have been very helpful in assisting me in this work in this Constituency.

I think we will just go straight to our programme but I will request one of the Commissioners to give you the procedure we will be following because we have a procedure for those who are presenting their views orally, or those who are presenting a memorandum. I request them to give you that procedure so that we can commence and I hope you will follow that procedure.
Commissioner Zein.

Com. Ratanya: Thank you very much the Co-ordinator Mr. Kimanthi, good morning Ladies and Gentlemen? My first duty is to declare this sitting, the sitting of the Constitution of Kenya Review Commission: After that I will like to mention just two or three points. First one is the language, we agree on the language that we are going to use here. We have been round and we have been very much emphasizing on English and Kiswahili, and for those who cannot speak either of these two, we have an interpreter, so you can also speak kiMeru.

For timing, if you have an oral presentation, we give five minutes, and we have also equally agreed even the written memorandum, we also give you five minutes to present. For memorandum, it is only to give the highlights and then you summarize and you hand in your memorandum to us. We are going to read later. May be somebody will not have anything else, but just to present a memorandum, which is written. So for that one we also allow to present your memorandum and then you go even without saying a word. But if you would like to say something, you highlight what you have written on your memorandum. Kwa hivyo ma bibi na ma bwana tumeanza huu mkutano wetu wa Commission ya kurekebisha Katiba, na nimesema kwamba tukubaliane mambo ya lugha ambayo tutatumia hapa. Tumekubaliana kwamba ni Kiswahili ama Kiingereza na hata Kimeru kama ukiwa huelewi na kiswahili au kiingereza, tutakuruhusu uendelea na Kimeru na kutakuwa na mtu wa kutafsiri yuko hapa karibu. Na ukiwa na mambo yako ya kusema bila kuandika utakuwa na dakika tano ya kuendelea kuyaeleza na ukiwa na mambo ambayo umeandika vile vile tutakupatia dakika tano. Ukiwa una maandishi na hautaki kuongea lolote unaweza tu kupeana memorandum yako uende hata kazi yako ama uketi hapa usikilize wengine. Kwa hivyo ninashukuru sana kwa hayo na ningetaka sasa kumwita mwenzangu Commissioner Zein Abubakar awe Chairman ama mwenyekiti wa kikao hiki cha Constitution of Kenya Review Commission. Sitaki kurudia majina, mimi mnajuwa ni mtu wa hapa, mimi ninaitwa Domiziano Ratanya, Commissioner Domiziano Ratanya mtu wa hapa mnanijuwa lakini Commissioner Zein pengine ata ji-introduce hata yeye mwenyewe na halafu aseme machache na aanze kuwa mwenyekiti wa kikao hiki. Commissioner Zein Abubakar.

Com. Zein : Asante sana mzee Ratanya: Kawaida mzee Ratanya huwa ananipa heshimu kubwa nikiwa hapa kwa kunipa fursa ya kuanza kazi kama leo: Yeye ni mwenyeji na mzee wa hapa na mimi ni kijana, kama akinipa fursa hiyo sitaitumia vibaya. Kwanza ningependa kuwa shukuru sana kwa kufika hapa na ningependa kuendelezea tu alivo sema mzee wangu kwamba

tujaribu kufanya kazi hii kwa nidhamu na kwa haraka haraka. Bila kupoteza wakati nafikiria mambo mengine nitayasema kukiwa na watu wengine wamefika ili tusijirudie rudie. Ningeweza kuomba mtu wa kwanza ambaye ndiye anatararishwa kuletwa sasa tumpe fursa halafu tuanze kazi hii. Vizuri mimi kuwatajia kazi wanazofanya hawa watu tuliotoka nao Nairobi ambao ni wafanyikazi wa Tume. Yule kiongozi wao pale Bi Roselyn Nyamato ana register pale. Ukishapewa fursa ukaitwa jina lako uje kutoa maoni, utakuja ukae pale kwenye kiti, uchukue microphone utaje jina lako, na ni muhimu kutaja jina lako kwa sababu tunarekodi kila neno. Yule binti aliyekaa pale mliambiwa ni Verbatim Recorder, kazi yake ni kurekodi kwa kutumia tape recorder kila neno, ndio saa nyingine musione kama tumewacha kuandika maandishi ukafikiria maneno yako yanapotea. Kila neno linaandikwa na kila neno tutaliandika chini. Ukishamaliza kutoa maoni yako, Commissioner Ratanya au mimi tunaweza kukuuliza swali kufafanua jambo ambalo pengine hatukulielewa vizuri. Ikiwa hakuna maswali utakwenda pale kwa Bi. Roselyn, unadike jina lako kwenye ile register, kuonyesha kwamba umetoa maoni yako kwa Tume ya Kurekebisha Katiba. Hii ni njia ya kuhakikisha kwamba jina lako linaonesha umetoa maoni. Lile jina unaloandika kule kuna wengine wanaandika kuwa hawataki kutoa maoni, wanataka kusikiliza tu, kwa hivyo kuna watu watakuja wakae wasikilize wanainchi wanasema nini. Sasa ningechukuwa fursa hii kuwashukuru wale waliofika mapema ili tuanze kazi hiyo na tutaanza na Bwana Joseph Mutuma, apate fursa hii, karibu bwana Joseph Mutuma.

Com. Zein: Joseph kwa sababu umekuja kukiwa mapema tutakuongezea dakika moja, mbili, kwa mahitaji yako.

Joseph Mutuma: Thank you very much Commissioners and other officers here in the Kenya Constitution Review Process. You have heard that I am Joseph Mutuma, I am a retired Education Officer, now a farmer and also Co-ordinator of a certain CBO Akili ni Muungano. So I am presenting this one on my own behalf and behalf of that CBO. I have put my contact and all that.

Com. Zein: (inaudible)

Joseph Mutuma: I can give you, you see it, thank you very much. So first before I highlight on the memorandum that I have prepared, I wish to commend the Constitution of Kenya Review Commission for these time that we have been given at the Constitutional level to give our views. Because in the past, our Constitution did not involve the people but now we are consulted from this level so it is my hope that this is going to be our Constitution. From the history of the Constitution in this Country, people have not been involved at all. Only a few people did write the Constitution that did not in any way empower the people. I feel when I give these views and other people give their views, the Constitution will belong to us. Not like the 1963 Constitution that was written by only 70 delegates in London but this one is going to be written by all the people of this country, Kenya, so it will be our Constitution.

And first, I want to highlight that in the Constitution of Kenya there should be provision for the Review of pensioners` benefits, because when the Public Service Commission reviews schemes of service and other benefits to the civil servants, pensioners are left out. In fact there are pensioners now who earn only five hundred shillings per month which is just enough transport to go to the District Commissioner`s officer to get that five hundred shillings, and that one that does not benefit the pensioners at all. No

wonder then, some of the pensioners die soon after retirement because of very little benefit.

The other thing I would like to highlight is merit. In this country, merit is not necessarily recognized because we find for example in the civil service, people who have the same education, people who have gone through similar schools and similar process in education earning differently just because they work in different ministries and departments even with similar education. So it is really unfair, and I think if each one is given the right position because of merit, then even our young children will work hard in school because they know merit matters. So without merit there is no justice also and this is unfair. There is bit of fairness and I would like this one to be known for example like in the selection of universities students, there is a bit of fairness because of the cut of points but when you come down lower to the Diploma and the Certificate there is no merit because you find somebody who is not even qualified is taken to this colleges without merit. So, it is important that merit becomes the criteria in this selection to the Diploma and other Certificate Courses. And it is important, if we have to fight corruption for example to follow merit and if admission for example to colleges including the Army, including Kiganjo police, and the other institutions, displayed maybe on the notice boards, people would see that there is merit and there will be need really work hard for those who are in school because merit will matter.

The other important thing I would to highlight in this, is the problem with Provincial Administration. This, if it has to be retained, if Provincial Administration has to be retained, I don't see for what, it should be elective under the Local Government. At present according to me, my views, it has outlived its usefulness. Especially at lower levels.

The other important thing I have is that our Constitution does not have a preamble. This should be there and it should uphold the spirit that is clearly put in our National Anthem, that justice should be our shield and defender. So there should be a preamble.

The other important thing I need to highlight is the three arms of the Government should be properly separated so that there is clear separation for proper checks and balances. The other important thing I need to highlight is the amendment to our Constitution that we are now writing. I know the present Constitution has been amended so many times without involving people at all. Sometimes it has only taken a few minutes in Parliament to amend our Constitution. So I need to emphasis and highlight that the Constitution that we are writing today or now rather, should not be easily amended, should be made so difficult to amend. Kenyans should be involved in amending their own Constitution because they are the ones who have written that Constitution. And I think before the amendments, it is my view that there should be civic education preceding the amendments.

At least for six months or more, so that people are aware of the reasons why there should be amendments to their own Constitution, and because we are writing these Constitution ourselves as the people of Kenya, we should be involved in amending the same Constitution. If Parliament has to amend the Constitution, though I don't see the reason why people should not be involved, if Parliament has to do it, then a higher percentage of MPs, like 75% of them should vote for that amendment by decision of secret ballot and not by acclamation. Not by saying yaa. It is by voting itself.

The other important point I need to highlight is pluralism in this country, should be enhanced so that whatever political parties that have been registered because they are legal, should be respected as legal bodies. Because they have followed the regulations and so on. They are legally there so it should not appear in this country that some political parties are illegal or something like that. They should all be recognized. But I wish to give my views that though recognized, political parties should have representation in Parliament. If a political party is registered for instance and does not have any representation in the Parliament, it has no MP, then that political party should not be there.

It is my view also that Local Authorities, Mr. Chairman, should be given more power, should be strengthened by also establishing smaller Councils at the division or constituency levels, where several divisions merge to make a Council. So that local people participate in their own development, especially, conservation of forests and the other resources. Because the tendency we have had in this country is that people have been expecting maendeleo and other grants to come from somewhere, so people have not been involved in their own development. By this I think people would really participate in their own development, especially the natural resources and so on.

The other important thing is, in this country we should share properly or equitably the natural resources that we have, be they human, be they other resources, taxes and so on. So that if we have this properly shared through Parliament or Local Authorities Mr. Chairman, there will be justice in this country. Because, the distribution of resources is the big problem in this country and that is why we have problems even in electing leaders because people think when they have the President from their own place, it will be their turn to eat.

Com. Zein: Mr. Mutuma

Mr. Mutuma: Yes please

Com. Zein: I gave discretion by giving you three more minutes because you are the first person who came here before anybody else. Now I give you one more minute to roundup your presentation. That will accumulatively give you an advantage no one else would be given in this session.

Mr. Mutuma: Thank you very much Mr. Chairman. Thank you very much Commissioner. One other important thing I would like to highlight is that constituencies should have a fair population, that is should have more less the same population because Members of Parliament represent people and not the land. So it is important that MPs represent equally more or less the same number of people.

The other thing I would like to highlight here Mr. Chairman is that because you have had a lot of struggle to have this Constitution written, there has been a lot struggle, we should have in Kenya one day called Constitutional day to celebrate and evaluate the existence of our Constitution. So that we can see how our Constitution is being protected by the leaders and the people themselves and in that way, I think we will have a better country to live in where justice will prevail. Where the rule of law, where democracy will prevail. Thank you very much Mr. Chairman and I am happy to have been given this privilege to present my memorandum being the first, and I hope this memorandum we are presenting will really be taken care of, they will

contribute towards writing a good Constitution for this country. Thank you very much.

Com. Zein: Thank you very much Mr. Mutuma. Please go and sign the register. Oh I am sorry the Commissioner has a question for you, sorry.

Com. Ratanya: Okey, Mr. Mutuma I have two questions for you,

Mr. Mutuma: Yes

Com. Ratanya: The first one is about Provincial Administration,

Mr. Joseph Mutuma: Yes

Com. Ratanya: Now you recommend that we scrap the Provincial Administration completely,

Mr. Joseph Mutuma: Yes

Com. Ratanya: now this one is possibly a kind of executive role or executive function. How do you intend to replace that one? We want that one to play a political role as a Councillor.

Joseph Mutuma: My view Mr. Chairman is that since the Provincial Administration has somehow worked as a pressure, a kind of tool to oppress the people, it has been so oppressive just like the colonialists did and I feel that it should not be there. But if it has to be retained then it should be elective, we should replace them with elected leaders from the sub locations upwards to a certain level may upto the district level. Because I know for example even in our neighboring countries like Tanzania for example, we don't have the Provincial Administration as such, as we have here, and they are very peaceful, they are law-abiding citizens, so why not in Kenya here? We have very oppressive kind of Provincial Administration but there is no peace in this country, there is no security.

Com. Ratanya: I think that is clear.

Mr. Joseph Mutuma: Yes thank you.

Com. Ratanya: Now, the one is about the amendment of the Constitution,

Mr. Joseph Mutuma: Yes,

Com. Ratanya: You proposed that we have to make it very difficult to amend the Constitution

Mr. Joseph Mutuma: Yes

Com. Ratanya: and we have to involve the public in doing that, how do we do it, what is the mechanism?

Mr. Joseph Mutuma: For me I think the way it should be is, if there should be some amendment, Kenyans as citizens of this country should be involved. There should be civic education before that amendment, so that people really see sense in amending the Constitution because the Constitution is now written by the people themselves. So it should not be just Parliament amending the constitution the way they want, as it has been amended previously. Look like what may be referred to as Ghai amendment, for example, in the books, it was done within a few minute just to benefit one person. It had not benefited anybody else in this country, so we should not have such kind of amendments in future, people should be involved. Yes, by educating them of the need to have that amendment, because it is the people's Constitution. It is my view that people should be involved. Because we find the present MPs for example, even before they table bills in Parliament for any amendment, they don't even involve the constituents.

Com. Ratanya: I think that is clear, but practically what do the people do, is it maoni ya raia, is it a referendum or what?

Mr. Joseph Mutuma: I think referendum could come to register people's views and intentions in that so that their consent is given to the amendment.

Com. Zein: If I understand you correctly Mr. Mutuma

Mr. Mutuma: Yes,

Com. Zein: By just saying even that there has to be awaiting people where people are consulted, you hope that, that will also bring sanity to the amendments.

Mr. Mutuma: Yes.

Com. Zein: Thank you very much, please sign our register and hand in the memorandum.

Mr. Joseph Mutuma: Okey, thank you very much for these privilege.

Com. Zein: Thank you. Now there goes a very unique man. Not unique because of his presentation but unique that he got a lot more minutes than anyone else because he was the first one here and when we even came here, we found him waiting for us.

So we gave him that discretion to allow other people to come in. Why I am saying that? because from now on I am going to be very, very strict with a lot of respect, five minutes, when you are given five minutes, ikifika dakika tano mimi nitasema muda wako umekwisha sasa ungekuwa unamalizia. Hata kama ni mzee, nitasema mzee wangu kwa heshima kubwa tafadhali malizia sasa hapo. Kwa nini ninasema hivyo. Ukianza kutoa maoni yako pale ukatumia dakika zako mbili kutupa heko sisi na kutushukuru, ujue dakika zako mbili zimekwenda, hizo nitakuwa nimezihesabu. Kwa hivyo ni vizuri sana ukienda pale uanze tu mara moja useme, mimi napendekeza haya, uende mara moja upitie hivyo. Kama una written memorandum, tafadhali usiisome, utuchambulie tu yale muhimu utuchagulie hivyo. Bwana Mutuma ameenda kwa urefu, kuelezea kwa nini anatoa mapendekezo, sisi tunafahamu most of these things, kwa hivyo utuambie tu kama unazungumzia ardhi, mapendekezo yako ni nini. Tunajua kama sehemu hizi ardhi ilianza kuwa adjudicated in 1966 tunajuwa hiyo. Lakini ukianza kutueleza sasa from 1966, muda wako unanza kwenda. Utupe specific mapendekezo yako, ndiyo muhimu na hayo mapendekezo ndiyo yatakwenda kuchangia kujenga Katiba mpya. Sijui kama tunaelewana. Asante sana, wacha nimwite mtu wa pili, na ninajua huyu wa pili atatuwekea example nzuri time zitakwenda mbio mbio namna hiyo. Bwana Julius King'ori tafadhali, ah ni mzee wangu, karibu sana mzee.

Julius Kingori: Thank you very much my name is Julius Kingori, I am a retired Police Officer I am representing Meru District Pensioners Welfare Association. This covers all the four Meru districts. I have just a few comments to make, I have written my memorandum. I would say that the Attorney General's responsibilities are just too much. It should be separated from the prosecutions and the prosecutions should have an independent Directorate of Prosecution.

The other one is that retired people, when the government is revising the salaries of the serving officers, also the retired's salaries should be revised.

Also there should be an establishment for the old age formed. In identification, they should have an identification for recognition, that I mean, they should be recognized because of their services in the government.

There should be a medical care, because when one grows old is when he needs really medical attention.

I have another one for my local church, I am presenting this one, I have no comment but I have the memorandum. Thank you very much.

Com. Zein: Thank you very much mzee Kingori. You have done very well, you have set a good example, three minutes, utilized them properly, we will read these memoranda and will process them, thank you very much. Please sign our register and hand in both memoranda. Thank you. Anayefata ni bwana Peter Mbaabu, karibu bwana.

Peter Mbaabu: I am Peter Mbaabu, I am a retired Social Development Officer. I am now doing private business. I am representing the Democratic Party of Kenya Tigania sub branch, and I will highlight a few of the proposals we have made as a party before I hand over the proposals. The introduction here is that the Democratic Party of Kenya, DP, believes that the primary goal of the Constitution Reform Process should draw back oppressive form of government and thereby open doors for liberty. We have looked at various areas of the Constitution which we would feel that should be extended and we have also felt that Kenyan people have been left ignorant about their Constitution and at no time have the people of Kenyan been consulted when some amendments have been enacted in Parliament. So to avoid this repeat, the DP proposes that the Constitution be made part of the school curricula, constitution education to be carried out the State using public media, especially for civic education. The Constitution be translated in local languages, and for any amendments to be valid, the same should receive 65% of all members of Parliament and be approved by a majority of voters participating at referendum for the purpose.

Succession to the office of President: DP proposes line of succession to the Presidency be established, this lineup should include order of priority. Example, A Vice President who is elected as a running-mate to the Presidential election and who cannot be dismissed. Be the Prime Minister, another priority, a Minister nominated by the Cabinet and approved by a simple resolution of Parliament. And the last one will be the Speaker of the National Assembly.

The President should be directly elected by all Kenyans. The President should not be a Member of Parliament. All appointments made by the President authorized by the Constitution should be subject to Parliament approval. The President should serve for a maximum of two terms of five years each. Vice President: should be appointment by the President amongst qualified elected members of Parliament and a running-mate during the election. Vice President should serve for the balance of the President's term in event of a vacancy necessitated by any cause. In the event of a vacancy in the office of Vice President, the President should appoint another person to serve as a Vice President with the approval of a simple resolution of Parliament.

Prime Minister should be nominated from amongst the Members of Parliament by a party or a coalition of parties having the majority of members in the house. The President should appoint the Cabinet members and their deputies after consultation with

the Prime Minister. The Prime Minister and the Cabinet should ensure the implementation of the Laws and direct day to day operations of the Government subject to the Constitution. He should make appointment to the civil service and disciplined forces, the Prime Minister and member of Cabinet should be accountable to the Parliament.

Parliament: It should not be dissolved any time. It should be vested to the Legislative power and oversight functions. Parliament should have its own budget and regulate its own procedure and timetable. Parliament should store its own committee and approve standing orders. Police Service Commission: there should be an independent Constitutional Police Service Commission which should have their overall control and supervision of the entire police force including recruitment, training, discipline and promotions. Examine and review a merger of the Administration Police force and Police force under this Commission to look also into the terms and conditions.

Com. Zein: Mr. Mbabu, your time is up you have one minute to sum up.

Mr. Mbaabu: Because I have one minute to sum up, I will read a very sensitive area which is covering the Local Government system. There we propose that the Local Government system, Electoral Commission should divide the country into area Councils which will cover the constituency, the county council covering the district, urban councils which will cover the towns, municipal councils to cover the big towns and city. For municipalities and cities, these will depend on population and size. We also propose that all the Chairmen and Mayors, should be directly elected by wanainchi. The Provision and the function of the Councils should look into the provision of Social Services, maintenance of local infrastructure, such as roads, hospitals, clinics, schools and recreation parks, promotion of local economy and promotion of culture activities. There should be a minimum education qualification for Councillors where by one should have qualified a proficiency test.

Com. Zein: Thank you very much Bwana Mbaabu. We will read that memorandum and we will do justice to it.

Mr. Mbaabu: Before I conclude sir, I feel that the issue of land here should be properly addressed in the Constitution and I would like to highlight just before I sit down, that in the Land Adjudication here, because we have never had even title deeds, we should feel that the Land Adjudication Committee should be left free to arbitrate land cases and not to be over-powered by the Adjudication officers the way it is in the current Constitution. We would also like the Constitution to examine and review powers of the Adjudication committees to be allowed to recommend for the contents in if the aggrieved parties wish to petition or go to court. Land Adjudication .

Com. Zein: Thank you very much

Mr. Mbaabu: Adjudication board members first of all we would feel that they should be appointed amongst the serving Land Committees. A simple organization like Njuri-ncheke, should be properly be addressed in the Constitution on Land matters for our Meru community have used customary Thenge to arbitrate land issues and this has always been considered to be final. Thank you so much.

Com. Zein: I am thanking you and I would like to tell you Mr. Mbaabu, if you had not read the memorandum, you would have been able to cover it by just mentioning points, but because you insisted on reading it, that is why you took three more minutes than you were allocated. And to do justice to every one, I will be very strict on time, I am not just being strict on you sir, I am going to be very strict on every one, so that each one has an equitable equal participatory, inclusive chance to give their

views, please have a seat the Commissioner needs to ask you something to clarify, and be precise please.

Com. Ratanya: Ya Mr. Mbaabu, there is a clarification here, just a slight one.

Mr. Mbaabu: Yes.

Com. Ratanya: You mentioned about the amendments of the Constitution,

Mr. Mbaabu: Yes

Com. Ratanya: and you suggested that we should have two ways of amending the Constitution, through Parliament and a referendum, you want to have both of them or which one do you recommend that should be there?

Mr. Mbaabu: I would prefer a referendum because Parliament is an isolated area, and most of us will not be participants.

Com. Zein: thank you very much Mr. Mbaabu, please sign our register, give us the memorandum and we will process it. Thank you. Micheal Gituma, bwana Michael Gituma, hayuko. Joseph Munuru, bwana Joseph Munuru? hayuko M'mboria Johana? Mzee, ni wewe mzee, M'ombori, mzee wangu nilianza mapema nanikasema mtaniiwia radhi na najifunza, mzee ananipa heshima ya kuendelea lakini najifunza taratibu siku kosa heshima kwa kutaja jina lako.

Johana Mbogori: sisemi umekosa heshima,.

Com. Zein: nakuelezea tu

Johana Mbogori: ni yule aliniandika ndiye alikosa heshima

Com. Zein: Okey, pole mzee wangu. Ahsante mzee wangu.

Johana Mbogori: Mimi sikuwa na memorandum,

Com. Zein: Ungetaja jina lako kwanza halafu uendelea.

Johana Mbogori: Naitwa Johana Mbogori, ni muhubiri aliyestaafu. What really is concerning me in the Constitution is regarding the preamble. I would like to see our preamble include all the ethnic groups that fall in Kenya because we continue saying we are tribes, I think the Constitution should say those tribes who make Kenya so that we know all are given equal opportunity of knowing they are Kenyans. There are those who might not feel they are Kenyans because they are not mentioned there. So I think in our preamble, it should say who are making these republic called Kenya. That is one thing.

The other thing that I would like to see emphasized in the Constitution is the matter of the Parliament. We call those whom we elect, Honourable, they should really be honourable in practice and should be seated in Parliament in the Constitution. It is a shameful for Parliament to miss quorum, it hits us when we hear that this matter was not discussed because there was no quorum. Those whom we elect, should be honourable people, who honour the time. Because if you don't honour time, as you tell us about time, you are not representing people and if you would be representing a community like this constituency and you are not there, then those people are not there. So I would like to have these stated, something highlighted in the Constitution to draw that this high office of making laws of this country should be respected by those whom we elect there. I am sure many other things have been said by others but these are my concerns Of course justice should be our direction. I don't want to waste any of the time. Thank you.

Com. Zein: Simeon Kaumburu. Karibu mzee.

Simon Kaumburu: My name is Simeon Kaumburu , I represent Nyayo Farm but the memorandum has not come but I would like to highlight the points from my own views. I am a retired teacher, and I would like to mention something on Agriculture. Since Agriculture is the backbone of our country, the farmers have been neglected, and their produce has been misused by the middle men so I would like in the Constitution, the farmers should be allowed to sell their produce directly to the Maize Produce Board and should be a board in the Government, in every location where farmers should take their produce because they are paid very low by thirsty traders and they are not able to educate their children because of the low price they are given by the traders. That is all I would like to say.

Com. Zein: Thank you very much bwana Simeon, when the memorandum comes, you are free to just come and hand it in here but please come and sign the register now that you have given your views. This is information for those of who have just come in, if you have a memorandum you want to hand in without speaking or presenting on the chair, you can still go to the lady who is taking, the one who has just shown her hand, there is a register there, you sign and give in your memorandum. I will just go back to the list before I put it aside, and call those who for one reason or the other were not here, nilikuwa nimeita majina ya Micheal Gituma, nikasema hayuko baada ya kumwita mara mbili, nikamwita pia Joseph Munuru, umekuja, karibu sana, una dakika tano, utaje jina lako na uendelee.

Joseph Munuru: Thank you sir, I want to present my opinion to the Constitution on some areas. In Technical Training Institutions, we got the Youth Polytechnic, they should have a direct link with the Government. Unlike in the past they have been self-sponsoring or having any NGOsto do it.

And for the industrialization to be enhanced, those who prepare technical curriculum, should come from the Federation of Kenya Employers together with the Association of Manufacturers. Because of the curriculum being followed, it is expiring, some people cannot be able to cope with what is happening in the industries.

The other one is, O'level graduates before joining universities should pass through the Polytechnics to to check the production of half baked university graduates.

Our Members of Parliament suspected of corruption direct or indirect, should be made to resign from the public office.

Our Military forces like Army, most of the time are not doing anything, they are ever in their barracks, they should be made or deployed to economical jobs, like recarpeting of roads, building bridges and that they should be made when they are idle to work for the wanainchi not to stay in the barracks from January to December, only waiting for wars. Okey, the other thing is that Government should change its stand to copying by pirates, protect legally-hard-earned certificates and to eliminate losses. We the people who have got certificates are almost at a point of losing the credibility, because of people coming with their fake certificates.

Political parties in the country should be restricted to two only. So that when one is not on this she/he is on the other. Let us not have so many to prevent the current delay and so many problems, people jumping around. Then the Local Government structure should be made or structured to become small government able to employ qualified graduates i.e. Local council employees should be well qualified because we have noted that they are very potential to the extent that they can be able to double the current earnings they have.

Then the powers of the President to appoint judges should be vetted to make Judiciary independent. The President should be the Commander in Chief and he should seek Parliament approval while appointing Generals.

The declaration of state of emergency: should be declared by the President only after it has been sanctioned by the Parliament. Parastatal Managers should have a security of tenure and appointment of their heads be sanctioned by the Parliament.

On education, free and compulsory education must be enshrined in the Constitution. Technical training should be enhanced, wastage from primary schools and secondary schools should be taken care of by provision of scholarship to those who cannot pay high fees being charged by those institutions. Youth Polytechnic, or as a post primary technical should be uplifted by the government supplying those institutions with training materials, payment of staff salaries and that of small micro enterprises for the leavers.

All categories of workers must be allowed the freedom of joining their own trade unions. One man one job should strictly followed to make sure there occurs a job opportunities for the un-employed.

Com. Zein: Your five minutes are up please finish by summarizing.

Joseph Munuru: NSSF money should be invested upon contributors proposal and in case of a redundancy, contributors should access to their money even before attaining the retiring age. Thank you.

Com. Zein: Thank you very much please go and sign our register. Micheal Michuki.

Michael Michuki: My names are Micheal Michuki and I am coming to give my views on Constitutional Review. I will start with state security whereby I will say that all the forces including the GSU and the Police should formed by the Constitution, the Armed Forces should be answerable to the Commander in Chief and not the President. The President should be only their patron. The President should not be the Commander in Chief of the Armed Forces and there should be no powers from the President to declare war. That should be the work of the Parliament.

The Constitution should allow the Parliament to declare a state of emergency like national disasters, civil disobedience. They above item, should only be done by the Parliament with at least three quarters of its members. The Parliament should have the powers e and f about political parties, I am saying that it is the role of political parties to inform and educate public on their rights. They should be above duties and also being involved in improving the living standards of people. There should be time

limit for politics to give room for developments.

The Constitution should guide formations of political parties and limit them to at most three. Political parties should be financed equally from the Treasury. Political parties should be financed from the public funds and no political party should have or own any business or business premises like the Kanu owning KICC, which was bought when we had one party state using the public funds from all Kenyans. To get public funds, the three Constitution many political parties should have the support of public and account for the funds used. The state and the political parties should work together for the welfare of the common man. Structures and systems of the government. We should retain the Presidential system of government, we should retain the unitary system of government in which all affairs of state are controlled by the Central Government because it enables equal distribution of resources and national developments.

The Legislature, the Parliament should appoint the Attorney General, Chief Justice and the Judges of the High Court and the Court of Appeal. The Parliament should have un-limited powers to control its own business through the Standing Orders. MP's be a full time occupation. Language test for parliamentarians are not enough, there should be written test and basic education requirement of at least O'level. Moral and ethical qualifications be mandatory. The people should have the right to recall their MP if he or she is incompetent through a signed memorandum of grievances to the Speaker who will appoint a team to look into the matter. The MP should act from instructions of their constituencies. An independent mode of national stakeholders like farmers, traders, teachers, etc should determine the salaries and benefits of MPs.

There should be no special measure to increase women participation in Parliament. It should be nurtured by an efficiency of a candidate. The Constitution to permit a coalition government.

Multi- partism to be seen working both in the Legislature and the security. And multi-party presentation at both levels of the government. We should retain the current one Chamber of Parliament. The President should not have the vital legislation. The Legislature have the power to override the Presidential veto in all circumstances.

The President should not dissolve the Parliament, it should be dissolved by the Speaker. No staggering elections for Parliament, so that there is no time when there are no seating MPs.

The Vice President to be voted in by the citizen during elections.

The security, the Constitution specified the qualifications for President candidate i.e. he or she should be a graduate of any professional with a good moral and ethical qualification, married and living with his or her spouse. Presidential tenure be fixed to two terms of five years unless, a vote of no confidence. The functions of the President should be defined by the Constitution e.g. he should not be the Chairman of any political party.

The Constitution to limit the powers of the President. The President should not be above the law, the President should be controlled by the Parliament and work together for the benefit of the citizens. The President be a Member of Parliament.

Com. Zein: Your time is up,

Michael Michuki: Let me sum up

Com. Zein: one or two points.

Michael Michuki: Ya. There should two above duties, and we are going to say that the retired people should not be given any job because they are graduates who have no jobs, so when a person has retired he should not be given any duty. The duties must be left for those who have no jobs. Then I have something to say about education, and allow me that please, there was a time this month when corporal punishment was scrapped, I think the one who said corporal, mistook that vocabulary, I think according to the African institution of learning, norms and customs requires one to get punishment .

Com. Zein: What is your proposal, ukianza kuniambia story ndevu.

Michael Michuki: There should be punishment when there is any wrong done in learning institutions.

Com. Zein: Thank you.

Michael Michuki: And then nobody should loose his or her job because you want to vie for any Parliamentary or civic elections and those are my proposals.

Com. Zein: Thank you very much, please sign the register and hand in the memorandum we need to read it in detail. Thank you.

Michael Michuki: Thank you.

Com. Zein: Celestino M. Larama, karibu mzee.

Celestino M. Larama: Thank you Mr. Commissioner I will start with preamble. I have mentioned a number of points on the preamble but I emphasized that ethnic groups in Kenya should be named. Those Commissioners who will prepare this Commission should append their names to this Commission so that whenever it is violated or it does not serve the Kenyans, we shall know you did not follow the words or proposals given to Kenyans.

Directive principles, the power of governing a country belongs to the citizens of that country. So our Constitution should empower Kenyans to rule their Kenya.

Supremacy of the Constitution: Constitution is the supreme authority in the governing of a country. Constitution enforcement can be done by the Constitution through law and even by force where necessary, or when it is violated. How? People can demonstrate, should be allowed by the Constitution to demonstrate or even use other means, pour even blood if need arises.

Government: we need a Parliamentary government, which would be answerable to the Parliament headed by a Prime Minister, who will be the head of the winning party. Presidency: the President should not a Member of Parliament, he should not have a constituency, he should be a person above politics. And Vice President should be elected directly by the people of Kenya and

with well defined duties and functions so that we should not have spare wheel Vice Presidents in the country.

Cabinet should not be more than 19 ministries with two Assistant Ministers in every ministry and without duplication of duties. They should be answerable to Parliament and not the President. Amendments of Constitution should be done either by Parliament, 71% majority votes or by Kenyans through a Commission and referendum.

Corruption: Kenyans have been deprived much of their energy and earnings through corruption, therefore our Constitution should allow for a formation of an Authority which can investigate and prosecute looting and grabbing of public coffers including the natural resources, land, money and everything else.

Equality, women should be accorded whatever men get: In Parliament we should have a good ration of number of women and I propose that they be given a Constituency at the District level where a district would elect one woman. This means we shall have 73 women in Parliament representing each district. Local Government should be the governing body in a district, location and so on, and should be elected.

Education should be compulsory from pre-school to university level funded by Government and not the people of Kenya who have completed been devastated by irresponsible governance. Employment should be on competitive methods through the rightful authorities or Commissions.

Appointments to Constitutional offices, those who are appointed to the Constitutional offices should be picked through a competitive method as I said earlier and vetted by the Government. This is to avoid Executive nominating or calling in their people or relatives to these offices, just to safeguard they are authorities. So that we shall a qualified system of governance in our country.

Land: we should have especially, Cap 283, and 284 merged so that adjudication and arbitration of land will be directly by the wanainchi, headed by a competent Government Authority.

Prosecution, I propose that.

Com. Zein: Your time is up you need to summarize.

Celestino M. Larama : May I finish with that your honour. Let us have an Attorney General who is a Legal Advisor to the Government and an Advocate of the Government and not a Member of Parliament. And then have a Prosecutor General whose duty will be to prosecute cases given to him by the Police. And Police prosecutors are lay-men, they are not qualified: We should have lawyers given this duty to prosecute and your honour sir, and others, I say thank you, I have my memorandum which I have mentioned so many other things, I hope and believe you will read it and consider some of my points if not all for the betterment of our Constitution, Thank you.

Com. Zein: Thank you very much, be assured that we will read the memorandum and process it with all other memoranda we receive from Kenyans and we will act on it. Please sign the register and hand in the memorandum. Thank you very much, Mwiti J. Nguthuri, Mwiti J. Nguthuri, that is you, can I ask you to wait a while. I'll call you, if it's you I'll call you, let us hear a little more from others. Julius Kairiria, Julius Kairiria? that is an observer yes, Edward Kunangu? Edward Kunangu, karibu.

Edward Kunangu: Thank you bwana Commissioner. Yes, I have noted that the poor always are becoming poorer and I would like the Constitution (interjected)

Com. Zein: Could you just mention your name because we are recording the proceedings for the records.

Edward Kunangu: My names are Edward Kunangu and I am saying that I have noted that the poor is always becoming poorer so I would like when the Constitution is reviewed, my view is that the Constitution should reviewed such that the poor man should get basic needs more cheaply by scrapping the VAT on food stuffs such as salt, sugar, tea, etc., and instead these VAT should be increased on luxuries and on such things VAT can be absorbed by the manufacturer or the seller.

The current Government is not catering properly for school dropouts that are, (inaudible) various talents are not tapped from these group and the Government should set up centers for such students with a bright talent skills in every province. Thank you that is all I had.

Com. Zein: Thank you very much Edward for being precise, please sign our register and hand in your memorandum. Patrick Kariithi.

Patrick Kariithi: Thank you sir, I am Patrick Kariithi and I am a sales man in the British American Insurance Today and here I am presenting my views as an individual and a citizen of this country. I would like to highlight a few things before I hand in my memorandum and here I will start with the Parliament. We should have a Parliament whereby the Parliamentarians are not just given this room to pass by the oral test, they should produce academic certificate to prove that they are competent and they have reached a certain level of education I propose the level to be a Diploma in any faculty within a recognized institution either in Kenya or internationally. In our Parliament we should have a system whereby Senior Government officers are vetted by the Parliament before their appointment. For example the Commander of the Armed Forces, should have the Attorney General who should be answerable to the Parliament and not the Executive, should have the Controller and Auditor General of the Government books also appointed or vetted by the Parliament before appointment. We should have the Commissioner for Lands also vetted by the Parliament before appointment. Should have the Central Bank Governor also vetted by the Parliament and all the Directors of various Parastatals trained by the Government for example the NSSF, we have the National Bank of Kenya, Commercial Bank of Kenya and many others. So, we should have a system whereby the Parliament is not having powers to amend some parts of the Constitution without consulting the Public or citizen through a referendum, so first of all we should have a referendum before the Parliament act on amending section of the Constitution.

Should have a Kenya Anti-Corruption Authority with investigative, arrestive and prosecutive powers to deal with corruption.

Elections: we should have a system of elections whereby the Constitution should restrict parties to be a maximum of three political parties and they should be funded by the tax payers' money whereby the books of these various parties should be audited by the Controller and Auditor General of the Government books. The Judiciary, the Chief Justice should be vetted by the Parliament before appointment to detach single man who might be manipulated to appoint somebody who is not in-competent. That is all I had.

Com. Zein: Thank you very much please sign our register and give your memorandum thank you. Peter Mbaabu?

Peter Mbaabu: I presented mine.

Com. Zein: Okey, Thank you. Daniel Nguru? Karibu Mzee.

Daniel Nguru: Thank you sir. My name is Daniel Nguru, I am representing Tigania West Constituency Pensioners. And I would like to highlight the following in our memorandum. Pensioners from Tigania West Constituency are delighted by the opportunity to humbly present their views on pension matters to the Kenya Constitution Review Commission.

1. As retired people, we have noted with dismay the ease with which our Constitution has been variously amended to the detriment of good governance in this country. Consequently, we recommend that future amendments to the Constitution should be effected upon obtaining 75% of the Parliamentary approval and consequently majority votes of Kenyan voters in a well organized referendum.
2. We bring to the notice of this Commission the sufferings and tribulations that pensioners have experienced. Our incomes have suffered because of the high cost of living erodes our purchasing power, making our pension emolument incapable of supporting us. Delays in adjusting pensions after Government salary reviews aggravates this problem. We therefore recommend simultaneous reviews of pensions with other salary reviews.
3. Because of changing social and economic circumstances, the welfare of pensioners should be extended to take care of housing and health needs. Pension emoluments should always be adjusted to be 75% of the salaries of the incumbent holders of the offices of the retirees health. The various pension formulae used currently should be harmonized so that all pensioners are treated justly.
4. As senior citizens, pensioners should be recognized by according them public services at reduced prices. They should be given special references because their old age renders them in-capable of standing in long queues and competing for other services. To assist them further, pension pay points should be brought nearer to them, for instance at divisional, locational and even to the nearest post office to them. Efforts also should be made to ensure that their pensions are paid by the first of every month.
5. Retirees from Parastatal Organizations should have their pensions guaranteed by the Government: This is in recognition of the fact that they perform essential duties which had been identified and approved by the Government during their tenure, retirement benefits therefore should be guaranteed even if those Parastatals failed. Those were the points but I

would like to add mine, which I feel should be included.

I would like that the Constitution entrench that the Government of Kenya should be a Government of national unity.

Education also should be free both Primary and Secondary, and should be sponsored by the Government in every status.

Political parties should be censured by the Government that is any political party should be able in a referendum to garner about a half of the voters in a certain constituency, so that it can be allowed to be a party in the country. And if it cannot garner that, it should not be allowed to be registered. When it reaches the Parliament it should also be able to get about five members in the Parliament. Thank you.

Com. Zein: Thank you very much. Please sign our register and give in the memorandum thank you. Nina ombi na tangazo kwamba wakati watu walipokuwa wakijiandikisha pale, unajuwa mtu anakuja anaegemea meza anajiandikisha saa ile akiondoka, mtu akaondoka na bahasha ambayo ina forms za registration pale. Kama wakati ukibeba vitu vyako na ukabeba bahasha ambayo siyo yako tafadhali wapatie wale vijana pale, manake kuna forms ambazo tunazitumia for registration kama hizi, zile wanazotumia zikiisha itakuwa ni shida kwa wale wanaokuja baadaye. Tafadhali ikiwa ulichukuwa bahasha kama hii, ambayo umeibeba na vitu vyako tafadhali warudishie wale vijana pale nyuma. Nadhani kwa vile tumeongezeka, ni vizuri kujikumbusha mambo tuliyokubaliana, na pengine kuwaelezea zaidi ya mambo yale tuliyokubaliana ningempa fursa hii Commissioner mwenzangu, awaguzie yale aliwaguzia wenzenu tulipoanza ndiyo tuwe pamoja. Commissioner.

Com. Ratanya: Asante sana Commissioner Zein Abubakar. Ningetaka kuwakumbusha hapa tulipoanza tulikuwa asubuhi kabisa. Kwa sababu kulingana na matangazo lazima tuwe katika station kama saa mbili. Na tulipo-kuja hapa tulianza kujitayarisha, saa mbili unusu hivi tulikuwa tayari. Na yale ambayo nilianza kusema baada ya wakati wa kwanza kikao hiki, kwanza tulifungua hiki kikao kikawa kikao cha Constitution of Kenya Review Commission officially. Hapo tulifungua, this is a very very serious seating, and therefore we had to open officially, although we did not have a ceremony but we declared that. Kitu kingine hapa, tukakubaliana language, lugha, tuliwaambia kwamba pahali ambapo tunaenda katika Kenya yote tunatumia Kiswahili, Kiingereza hata lugha yenyewe ya kienyeji. Kama kuna mtu ambaye hajui Kiingereza au Kiswahili hapa mnaona tuna viti viwili, kimoja cha mwenye kupeana maoni na kingine hicho ni cha interpreter, kama haujuwi Kiswahili ama Kiingereza kuna interpreter, utaongea Kimeru sawasawa hata ki Tigania yenyewe kabisa na kutakuwa na interpreter hayo tulisema mwanzoni na tukakubaliana. Wakati wa presentation of views, we discussed about timing, na hapa tulikubaliana wakati huo tulikuwa na watu watatu, wakati tulianza kwa maombi. Mtu akiwa na oral presentation, mambo ambayo haukuandika, yanatoka kwa maoni yako wewe mwenyewe kichwa chako, itakuwa dakika tano. Na hata tukasema hata memorandum kwa vile tumeenda round na tukaona through practice na experience yetu kwamba dakika tano inatoshia, tulikuwa tume sema tatu lakini tukaona dakika tano mtu akiwa na memorandum, and this is

only highlighting the main points the way Daniel Mburu and others have done. Kwa sababu unamemorandum, hiyo itasomwa na Commission. Tena kuna record yako hapo all what you are saying is being recorded, na kuna wengine wanaandika, na hata sisi tunachukuwa notes. Kwa hivyo ukiwa na memorandum utazungumza yale mafupi tu, just highlight the main points, because you know your own stuff, you know your own memorandum. Kwa hivyo si kwenda ati usome memorandum yote, najuwa katika kikao hiki, ni kind of consultation, kupeana maoni yako, sikuja kufundisha kwa sababu mengi tumefundishwa na yanajulikana lakini ni recommendation, kwamba kama unasema masomo ya bure, yaingie kwa Constitution, that is enough. Hiyo mechanism ya kufanyia ya bure na administration yote itafanywa, kama ni land unasema scrap Cap 283, hiyo tumesikia pahali pengi sana, hiyo inatosha, wenye sheria wataangalia vile itaingia kwa Katiba na kwenye ile sheria yenyewe Cap 283, as separate statue ama separate Act of Parliament. Kwa hivyo ni mafupi tu utasema, highlight ya memorandum, si kusoma yote, tukikubali usome, utasoma masaa mawili matatu na hapa tunafikiria pengine tutapata watu karibu 800 hapa, kwa sababu Leri tulipata 500, Kangeta kulikuwa karibu 800 na Mutuati na Mikindui hapa hapa tu karibu 400. Kwa hivyo hatutaki kutoka hapa saa sita usiku. Saa yetu ya kawaida ni saa kumi na mbili, because if we go beyond that one, it will be an illegal meeting. Kwa hivyo tujaribu kutumia hayo masaa na tumeona kwamba dakika tano inatosha, hata ukiwa na memorandum namna gani, kwa sababu unaijuwa tuone highlight and you say a lot of things in five minutes and you hand in your memorandum. Hiyo tulikubaliana.

Tena kitu kingine, tuseme mtu ana memorandum yake, and you don't want to say anything, unaweza kuja hapa, upeane memorandum yako, u-sign our register and you go to your business. Hiyo inatosha, kwa sababu hapa hatuko kwa baraza ama public meeting, it is very serious exercise, you are presenting the views, you sign and you go. We shall be left with your memorandum na itazungumza mambo yako yote, so you can present your memorandum and you go or you sit here to listen to what others are saying.

Kitu kingine tulikubaliana hapa mwanzoni ni kwamba kama Commissioners wakiona kwamba wana chochote cha kukuuliza, sort of clarification, kwa memorandum yako ama maoni yako, tutakuuliza. Umesikia nimekuwa nikiuliza kidogo kidogo na hata Commissioner mwenzangu. Tena tukiona kwamba kuna sababu yeyote ya kutofuata hii list, kwa sababu hii ni first come first served, tukiona kuna sababu yeyote, itakuwa our discretion kutumia hii ama kwenda hata kutotumia hii list.

Hata mtu akiwa number kama tuko almost forty, tunaweza hata kwenda number forty, or forty-one na tuache zingine, hiyo ni discretion yetu, na ni sababu ya kutosha na hapo tulipoanza tulikubania hivyo. Kama pengine kama mama akija ambaye ni mjamzito na hawezi kukaa hapa kwa dakika zote hizo, hata akiwa amekuja wa mwisho, tutamwita huyo mama apeane memorandum yake ama maoni yake na aende nyumbani. Ama mzee aje hapa ambaye ni very weak, ni mzee kabisa na hawezi kukaa hapa siku yote, tutampatia nafasi. Ama ni disabled mwingine wa aina ingine, ama ni mtoto wa shule akitoka katika class-room, mwambie mwalimu, I would like to present my memorandum kwa hii Constitution, kwa sababu hii kweli itakuwa ya kuishi. Ndiyo itatumika kwa hawa watoto, huyo mtoto akitoka shule from either a secondary or a primary school hata akiwa number ya mwisho, tunaweza kumwambia present your views and go to class-room ama daktari. Kwa hivyo hapo mtakubaliana na sisi. Ukiona tunakubalia mtu fulani, si mapendeleo, ama mnaonaje nyinyi?

Audience - Sawa

Com. Ratanya: Kana niatia bukwoona, ti uu, kwou ii sasawa. Yau nendi itwitikanirie oombere. Twauga twoomba kubwiithia oobuu na mbuga yau yatithirwa ii mantu yakuuu mbua ii muntu akwenda kana niatia. Bwana Zein hapo unajuwa nikueleze hapo kidogo kwa hii lugha. Tena sasa kitu kikingine, tumekubaliana ama tulianza kukubaliana ni kwamba kama unasikia mambo mengi ya-mesemwa because by may midday or kama saa nane hivi kutakuwa na mambo mengi. Many people will repeat about land, we have already known the issues in Nyambene, kwa sababu tumeenda mpaka karibu mwisho. Ukisikia hapa watu wamerudia land, land, ama ndiyo ni Njuri-ncheke, ama nini, ama nini, jaribu pengine usirudie sana. Pengine unaweza kusema vile wengine wamesema mambo ya Cap 283 or 284, merging of 284 kama vile nilisikia Mugambi akisema, useme nimekubaliana nayo. But you come out with new points, hata kwa memorandum yako. Pengine utaona ile new points ambayo hukupata halafu utaingilia kwa hiyo without repeating everything. Kwa hivyo tumejaribu hapo kusema tumekubaliana na hayo ili mujue, na tutaenda tukikumbusha watu. Wakijaa hapa pengine tutasema tena. Na kwa hivyo sasa, Commissioner mwenzangu ataendelea, ndiye mwenyekiti wa kikao hiki. Ataendelea na tukiona kuna sababu ya kurudia mambo tutarudia, Commissioner Zein Abubakar endelea.

Com. Zein: Asante sana mzee Ratanya. Kuongezea tu kwamba huyu binti pengine atainua mkono tena, huyu ndiyo kiongozi wa staff members wetu, na yeye ana register, ukimaliza kutoa maoni yako pale, unakwenda unaandika kwenye, una-sign register kwamba umetoa maoni yako kwa Tume ya Kurekebisha Katiba. Kuna watu wanaojiandikisha kule hawataki kutoa maoni, ni observers, ni watu wanaotaka kuja kushudia na kusikiliza pekee yake. Kwa hivyo ile list unaandika pale unakufanya uje hapa, halafu ukimaliza una-sign pale. Ukiitwa jina lako hapa unakuja unachukua microphone, uzungumze kwenye microphone kwa sababu tuna recordi, yule binti pale atainua mkono wake wakuonyeshe ana tape recorder, tuna recordi kila neno, kila neno mtu anasema hapa. Ndiyo saa nyingine pengine mkono haufanyi kazi, tunaandika, unasema hawa watu wanaandika vipi, mbona nikisema mbio mbio, pengine hawa watu wanaandika mengine, tuna recordi kila kitu, wewe sema tu halafu tutaandika hayo mambo tunapeleka tape zetu Nairobi tunaanza kuziandika mara moja, tunasoma kila mswaada. Huyu kijana yuko hapa katikati, yeye ni repotueur, kazi yake ni kuandika kwa mkono mambo haya ya reporti. Kwa hivyo usione labda pengine mzee Ratanya ameacha kuandika, ama mimi nimewacha kuandika, kwamba hakuna recordi inaendelea kuchukuliwa, hatutaki kupoteza hata mtu akifanya mm, basi tunarekordi hiyo mm. Sawa hivyo,

Audience: Yes

Com. Zein: Kwa vile mzee alizungumzia kuhusu discretion mliyotupa sisi ruhusa kutumia, huyu kijana kwa vile tunafanya naye kazi anasaidia katika translation, jina lake lilikuwa limefika kutoa maoni nikatumia discretion kumnyima nafasi, nikasema atasubiri kwa sababu ni mmoja wetu. Sasa nataka kutumia discretion hii kwa sababu tumewasikia wanaume kumi na moja, niite mwanamke wa kwanza Agnes Ntinyari uje utoe maoni yako, nakupa fursa mbele. Ikiwa unataka kusubiri baadaye usikie maoni ya wengine kwanza, pia una haki hiyo, utakuja au utasubiri? Haya subiri kidogo,

sawa, amechaguwa mwenyewe. Haya nirudi kwa list Stephen M’kumbuku ? M’kumbuku, na nilikuwa nishaomba watu radhi sana nikasema mtanisamehe kwa sababu mimi ninatoka Mombasa. Sasa Mto, nimeanza kujifundisha huku, ninaambiwa ukiandika M halafu ina apostrophe juu maanake nto, sasa ninajifundisha taratibu. Nikitaja jina lako vibaya au nikanyambua maneno si sawa utanisamehe kwa mbele, siyo, si ni sawa hivyo? Jambo lingine ambalo pengine tulikuwa hatujalilizitiza, mambo mawili ya mwisho kabla mzee hajaendelea, la kwanza, kwamba kikao hiki ni kikao rasmi cha Tume ya Kurekebisha Katiba. Kwa hivyo tunahitaji watu wawe kimya kabisa, kimya kabisa, completely silent. Except the person who is speaking. Yule anayesema ni mmoja tu, either ni kutoka kwenye meza hii au kutoka pale kwenye kile kiti. Ukiwa hapo unataka kuzungumza na mwenzako, mushikane mikono mutoke taratibu, muende kando kabisa, mzungumze mumalize murudi, sijui kama tunaielewana hivyo. La mwisho kabisa, tumekubaliana kwamba ni muelekeo wa Tume ya Kurekebisha Katiba kuwajulisha wanainchi kwamba sheria ile inayonilinda mimi katika kazi zangu kama Commissioner, ndiyo sheria inayomlinda mwanainchi anapotoa maoni. Tume kuwa tukiulizwa na watu, je nikitoa maoni yangu yakamuuthi au kumkasirisha mtu fulani au kijiofisi fulani au ofisi kubwa fulani au chama fulani au watu fulani au taasisi fulani, ninaweza kuchukuliwa mimi hatua? hakuna hatua unaweza kuchukuliwa. Unalindwa na sheria vile tumelindwa sisi tunapofanya kazi yetu. Lakini ninaposema hayo, siyo kwamba huo inkuwa ni uhuru wa kufanya fujo au uhuru wa kuja kutukana watu. Tunataka watu wakitumia lugha hapa, watumie lugha tunayoita Mombasa lugha muruwa, ambayo unaweza kuzungumza mbele ya wazee, mbele ya watoto, mbele ya wakina mama bila kumuudhi au kumkasirisha mtu. Au haturuhusu mtu kuja kukashif wenzake, aseme mimi napinga corruption, kama fulani wa fulani ni corrupt, we do not allow that, sijui kama tunaielewana, kama una charges za kumcharge mtu, unaenda polisi au unakwenda mahakami, sisi tunataka mapendekezo ya kubadilisha Katiba. Sasa mzee wangu, Stephen M’kumbuku uendelee tafadhali.

Stephen M’kumbuku: Uuni kambiyite kurita maoni yameea muno. Mbitawa Stephen Nkumbuku.

Translator: My name is Stephen M’kumbuku.

Stephen M’kumbuku: Kambiyite kurita maoni nuntu ri, mwananchi oo kawaida nakwinyilua muno.

Translator: I want to give my views because of the oppression to the common man

Stephen M’kumbuku: Nendi kankugaa maoni yakwa anene ndene ya Kenya, machibu kana masub chibu ibathurawe na mulolongo.

Translator: I am suggesting in my opinion that Chiefs and Assistant Chiefs should be elected through mlolongo

Stephen M’kumbuku: Na County Council nio nikuthiinia antu muno, antu bakathiina nainya nuntu bwa uchuuna antu mbecha. Yangi ni, ndene ee Kenya twi million 30 na kwou nendi maskini ii three quarter.

Translator: Again I am proposing that in Kenya we are 30 million and you find the poor make $\frac{3}{4}$ in that population.

Stephen M’kumbuku; Katukuaa Kenya antu boonthe bati na ngui, muntu eethirwa ati na ngui agaitaa kura muchara.

Translator: I am suggesting that since it is not everybody who has job in Kenya, let us has a scheme whereby people who are not working will have some form of welfare from the Government.

Stephen M’kumbuku: Na sub-area new nariawe muchara nuntu ibakuruta ngui inene muno.

Translator: And Assistant Chief also should be given enough money because they are doing a lot of job that is heads men.

Stephen M’kumbuku: Uti buungi nkuuga no buu.

Translator: Thank you so much.

Com. Zein: Thank you very much, mwambie nimesema asante sana kwa kutaja mambo yake vizuri kwa muda aliopewa na akawacha mwingine. Karibu mzee, mzee, nikikuambia umwambie asante, mwambie asante bwana. Norman Kiogora, tafadhali.

Norman Kiogora: Thank you Commissioners for the chance you have given me, I would like to suggest that Land matters, that whoever has more than fifty acres is idle.

Com. Zein: Umetaja jina lako?

Norman Kiogora: My name is Norman Kiogora, I am from within this Constituency, I am suggesting on land matters if there is anybody with fifty acres which is idle, he should be able to pay some taxes to the Government. On Presidential powers, the Presidential powers should be trimmed, whereby the senior government officer should be vetted by the Parliament.

Judges and the judiciary, we should have a body whereby the judges who are appointed are vetted and they are promoted by merit.

On Presidential powers, when the President is going out of the country, the trips should be vetted by the Parliament, and also when a President is traveling or making trips within the country, he should not have a retinue of civil servants following him. The trip should also be monitored and reduced.

On education matters, education should be free both in primary and secondary school by word and deed. Universities should have their own Vice- Chancellors: Also in school management, the law should be changed in a way that the parents have a chance to contribute to the management of the schools.

On the Local Authorities, mayors and chairman of the Local Authorities should be at least form four leavers and should be

directly elected by the wanainchi. Also Councillors should be at least form four leavers, MP's should also have education of upto university levels, and also the seating MP's who are not out to deliver, wanainchi should have powers to recall them back and a by-election is dwelt.

On Provincial Administration, it should be replaced by the Local Authorities: Also, the retirees should have a chance of being recognized by the public, because sometimes people retire and they are lost completely in the public after serving the Government for so many years. We should also have a Government of National unity.

On Constituencies, each constituency should have equal number of voters whereby, we divide every constituency as per the number of voters, so that having a hundred thousand voters in one area and another one is ten thousand voters, and yet all the MP's have the same powers. If there is a constituency with more voters than the other, that MP should have more powers or there should be an equal number of voters. Finally I would like to tell the Commissioners that our sentiments we have to undertake them down and we are counting on you and the thirty millions are accounting on you, give us the best.

Thank you.

Com. Zein: Thank you very much for reminding us of the burden that we are carrying, thank you very much, keep us in your prayers. Kirema Tharamba? he is an observer, sawa, Zakayo Kamenchu, Zakayo Kamenchu, mzee pole kwa kutaja jina lako vibaya, asante.

Zakayo Kamenchu: Thank you Mr. Chairman, Commissioners, the Secretariat and all the members of public presenting their views to the Commission. I am here on behalf of M'tuonjori Methodist Church, sorry, my name is Zakayo Kamenchu. Thank you. We have a memorandum which will be presented and which I will now highlight. We would like the freedom of worship as in the current Constitution to be upheld and to be extended further by not requiring religious organizations to have licences that infringes on freedom. We believe that by having God fearing people, they can have their country well run. A mechanism to have this should be a Constitution: We recommend that certain changes be effected in our Constitution. One of the things disturbing us at the moment is competition to have the office of the Presidency. Tribalism comes in because people know, if they have their man, then they will have their services delivered. We should have a mechanism in our Constitution to take care of this. We propose Mr. Chairman, instead of having a President, or Vice President, we should have a Presidential Council. Having a member from each of our Pronvinces, elected in a five year term. Within that period, every member of the Council will have a chance of being elected a chairman when he serves as Head of State. That gives him seven and a half months, that way the competition and the rivalry that come will be eased, it is a mode of borrowing a little bit from Switzerland Mr. Chairman, where we have people of various cultures, some speaking German, some speaking French, some speaking Italian and yet they live harmoniously. In this country, we have people of different cultures and to avoid tribal federations from beneath others, we believe that kind of arrangement will give chance to every community to have a chance of running affairs of this country. Nobody, in our

memorandum we dwelt with it a little bit further. We have a section on Parliament and Local Authorities, we are a small country and we have a big Cabinet. A big country like United States for a long time has been having a Cabinet of just twelve people. In our country Mr. Chairman, being a small country, we feel the Constitution should take the number of Cabinet ministries to fourteen only. The members of the Cabinet should be in the Parliament, the National Assembly and should work together with the Presidential Council. Local Authorities Mr. Chairman were performing a good job in this country upto around 1970. They were responsible for primary education, health services and roads. Many of the health centers we have in this country were provided by the Local Authorities at that time, however a regulation was passed one time and those powers were taken away from them. We believe Mr. Chairman and recommend the Local Authorities be empowered to have their own sources of funds and to be able to run those services. Primary School upto secondary education should be run by Local Authorities. The Central government can take care of the university education as well as some National schools.

Mr. Chairman, the independence of the Judiciary, there is a lot of talk about corruption in our Judicial system. In fact there is laziness, in a small country, we have a lot of judges and yet they want to be increased. Although there is independence of the Judiciary, they should be supervised the way they work. There should be an appraisal system, how they perform, so that Mr. Chairman, claiming independence of judiciary does not mean they come to the court at ten o'clock and sometimes do not come, they oppress the people.

We also believe there is a system called the Njuri system, this entails where, when you are tried in a court, it is as if you are tried by your own peers. We believe and recommend that they should be introduced in our system and nurtured.

Protection of fundamental rights Mr. Chairman we have seen this one being violated, time and again. Meetings being broken when in fact we have freedom of assembly. Even religious organizations being interfered with. People being beaten in mosques, people being beaten churches, sometimes on political grounds. Mr. Chairman, there must be a mechanism in our Constitution to protect these fundamental rights. Mr. Chairman, we should have all the oppressive laws identified and annulled, so that they are no longer in our legal books.

There is the issue of citizenship Mr. Chairman, the granting of citizenship in our country is very much abused, it is surrounded by secrecy. There is corruption in it, in fact one time it was under the Ministry of Home Affairs, they no longer handle it. It is handled in a very secretive way. Now, there should be a committee established Mr. Chairman, that properly vet the citizens, the would-be citizens. There should be a very well set out criteria of people who want to be our citizen. What are they coming to contribute?, what are the qualifications? how are they going to contribute to our economy. And then once this is done, then is vetted by the committee, there should be a ceremony whereby the would-be citizens are accepted as members of our country in a well organized and transparent manner in a ceremony headed by may-be the head of the Presidential Council after they have accepted, they are then gazetted so that every body knows who they are.

Com. Zein: Your time is up please use one minute I am giving you to summarize.

Zakayo Kemuncho: Thank you Mr. Chairman, I wish I had a little bit more time I would have wished to talk about public service. Public Service in the ministry of any government, professionalism is what matters Public Service. Upto a certain time, upto about nineteen seventy something, when our public service had not been interfered with, our economy was growing at about 7% annually, but when politics came and professionals were replaced by non-professionals, problems arose. Mr. Chairman, our Constitution should respect the independence of Public Service and their pensions should be honoured. Finally Mr. Chairman, I want just to mention appoint about totalling the Constitution. Our Constitution at the time of independence, altering required two thirds majority of Parliament and ninety percent of the senate. But you know this was changed. The senate abolished themselves, because they were assured they will get seats. Now we cannot, the elected representatives are really not representing the people. So what we should do is we should have a Constitution that surely the people are supreme. So to change the Constitution, I recommend or we recommend Mr. Chairman, there must be a two thirds Parliamentary majority and then be submitted to the people for a referendum once it wins the referendum. Then the people cannot blame anybody and it will not be easy to bribe Members of Parliament to change the Constitution. A similar thing should be done by the County Council so that they should not also just be passing their own things in a way that is very much above what the citizen can afford, thank you Mr. Chairman.

Com. Zein: Thank you very much, bwana Zakayo, please sign our register and hand in your memorandum we will process it thank you. Samuel M'mturando? Samuel M'mturando? mzee karibu, ameandika kwamba anataka kutoka maoni.

Samuel M'mturando: Uuni ni uuni Samweli M'tuirandu.

Translator: My name is Samuel M'mturando.

Samuel M'mturando: Buu uuni nkweenda kuua ndi rwang'ine rwa njuri incheke.

Translator: I want to speak of behalf of Njuri-ncheke.

Samuel M'mturando: Njuri-ncheke iranenkerwa mwithu.

Translator: Njuricheke, was given to take care or to be the custodian of the forest.

Samuel M'mturando: Kuumara tene noyo ekarakia

Translator: Since time immemorial they have been in charge of the forest

Samuel M'mturando: Nendi yuragwatana na ba eene bakarakia baforester baarimithia irathira.

Translator: But you find nowadays the forest have been taken by the foresters and by the department of the forests

Samuel M'mturando: Kurachoka Njuri-ncheke irerwa nigwatile mwithu inge bara barimaa kuo.

Translator: Again you find that Njuri-ncheke was given the mandate to take care of the forest and to chase the people who were farming in it

Samuel M'mturando: Irabeenga, yabeenga bara anene barachoka bakeera muntu iika muthia yuu.

Translator: People were chased away but some came back through the foresters and they started cutting down the trees

Samuel M'mturando: bakanenkerwa mbecha iu bakaria

Translator: They were bribing and taking money

Samuel M'mturando: Nendi njuri incheke bura yaari na inya yariria antu ba kirauni bonthe oona kinya bara bautukaria ntureene baguukumana na raia yamiira rimeni ringi.

Translator: You find that Njuri-ncheke came to realization that the power they had or the mandate they had to take of the forest, the powers were usurped by the foresters or the people who were taking care of the forests and by so doing there was depletion of the forest.

Samuel M'mturando: Bo bakathengeera bakanenkerwa mbecha na witaa kurimairwa ni antu bau.

Translator: You find the same foresters are being given money and they are using people to clear for them the forest.

Samuel M'mturando: Kumenya into bira biukura bagaita gwita antu ba foresti na baubaira ibaure bimwe biraita kuwatatairwa biukinya nja bigaita.

Translator: There is that conspiracy between the foresters after people plough those farms the foresters come and take away the produce

Samuel M'mturando: Kuu ti kuthiria muoongo

Translator: That to me, I am suggesting that is away of oppressing and finishing people

Samuel M'mturando: Na akirawa we ni mutongooria

Translator: And when we are seeing these people are actually leaders

Samuel M'mturando: buungi

Translator: My second point

Samuel M'mturando: Tiira Nchiru

Translator: You find there down at Nciru,

Samuel M'mturando: Njuri-ncheke niratwire kwingana nio ibukwoona niraite ikathira

Translator: You find that Njeru had already gone when the land had been already grabbed but Njuri-ncheke followed the case and they won.

Samuel M'mturando: Njuri-ncheke ireeya utura ireetana mwanka Ntonyiri mwanka Thuuchi

Translator: Njuri-ncheke called the others from Tuchi to Ntonyiri

Samuel M'mturando: bareja nyumba ira ii mukuumbune irarita ndewa.

Translator: You find that there was offer from the two sides of the jury

Samuel M'mturando: Kurita ndewa miuunda ira niachokerue.

Translator: And they followed the case of the land, the land was actually given back

Samuel M'mturando: Njuri-ncheke irairwa nigaire eene

Translator: And Njuri-ncheke was given the mandate and the power to share that piece of land to the people or to the owners

Samuel M'mturando: Nendi Njuri-ncheke itiratureгаа bara eene gugukiwa na utuku na muntu akeerwa narite magana jana jana ya jara jangi beriri ibarite mwithune keenda banenkerwa namba ee muunda na boongwa nabo muntu akiitaa ika inya inya inya.

Translators: You find that instead of Njuri-ncheke doing that duty of sharing those pieces of land to the people, there is another cartel whereby people are forwarded to other group of people so that they may take their piece of land

Samuel M'mturando: Njuri-ncheke ira yaingaa nthi uti we weeti kinya umwe.

Translator: Njuri-ncheke who are actually the people who were following this case, there is nobody who is benefiting out of the process

Samuel M'mturando: Mantu yau itu kulukieni yo antu bagatua nkwinnyawa ii bangi muntu aremwa nii ngugi ira narukire ungi aukume kuo ura atikuria antu

Translator: I am suggesting that as we come up with these new Constitution, let us have this oppressive rules or laws be done away with, so that people won't be oppressed by others

Samuel M'mturando: Baatwi tukulukia turi Njuri-ncheke buu twauga tugaikua buu ringi na muunda iu nikire ikaagwa bura iratwire.

Translator: We as Njuri-ncheke put it clear that the issue of land sharing should be stopped until they sort it out themselves.

Samuel M'mturando: Nendi bwatiwa bubwega uti bungi ndinabuo na buu kulukieni.

Translator: Thank you so much, I did't have much only to put that one across to you. Thank you.

Com. Zein: Mwambie mzee nimesema asante

Translator:

Com. Zein: Aandike jina pale kwenye register. Agnes Ntinyari, tumerudi kwako.

Agnes Ntinyari: Thank you very much. I'll be very fast. My names are Agnes Ntinyari as you have heard and to start with, I will start on the transfer of power. Here I will say that the President should be prosecuted for crimes committed in power. Also a President who retires from his office should also retire from the Chairmanship of his party.

About the citizenship, I will say that as Kenyan citizen, one should be given a certain allowance if one reaches eighteen years, for example from the natural resources that we have in the country, and they should be distributed equally. Also there should be dual citizenship, that for ladies who marry foreigners and their spouses is foreign, also there should be equity in employment that is, there should not be any discrimination, that is gender. There should be gender equity in employment.

Also there should be land and property rights for women. I would like to say here that families should be consulted before their children are taken for defence duty, and once agreed, such families should be compensated.

There should be protection of disabled women against rape and responsible men to be accountable for children born out of such cases.

About the political parties, I would say that we should retain the provision of independent candidates, that is to give women an opportunity to vie for seats even if a specific party does not nominate them.

Funding should be to parties that have a national out-look and have taken on board gender concerns. Parliament: the local people should discuss proposed nominees to Parliament before they are nominated. The local people should be given rights, that is to recall MP's who are non-performing and a vote of no confidence should be taken. Also offices should be opened for MP's in every constituency. That is because, we have some MP's once they have been elected by the local people, they tend to forget about them. Those are the few points that I had, thank you very much.

Com. Zein: Thank you very much Agnes, please sign the register and give your memorandum. Wale wanaoingia, we have a silence code, kwamba ukiingia hapa unaingia kimya kimya na unanyamaza kimya mpaka utakapotoa maoni, na kama umetoa maoni una haki ya kusikiliza wenzako au kwenda zako. Ukiwa unataka kuzungumza na mtu aliye karibu na wewe, mtoke muende mbali mzungumze mmalize mrudi hapa, sawa hivyo? Sasa ninatumia ile fursa niliokuwa tumeomba mtupe ruhusa ikiwa kuna mtu ambaye ana mahitaji apewe fursa azungumze. Huyu anamahitaji ya kwenda kuangalia wagonjwa, ametoka katika zahanati, amekuja ameomba atoe maoni na nimefanya asubiri kwa kiasi fulani, Francis Muchiri.

Francis Muchiri: Thank you Mr. Commissioner, my name is Francis Muchiri, I am a former Kianjia Location Councillor.

I would give you views concerning, about the the President, President should have limited powers and should not be above the law, as it is now. He should have no powers over Parliament, for example, dissolving the Parliament. Our Parliament should be known when it will start and when it will end. That must be known by everybody, even the public should know. He should not be appointing Senior Government officers. This should be done by bodies like Public Service Commission with approval of the Parliament, not that the Public Service Commission is there, but it is like just a rubber stamp, because it does not have any effect at all. He should not be holding the major key position in the government which is sometimes misused for example, he should not be a Commander in Chief of the Armed Forces, since he is not a trained soldier. He should not be a university Chancellor, because there are other university Chancellors there in the universities. The number of Cabinet Ministers should either be fourteen or fifteen, not a country like USA that has twelve ministers and it is a very country.

Number four, the post of Assistant Minister should be abolished because they are only misusing public fund. The role they play can be done by Permanent Secretaries or Director of the Ministry. Our government should create a post of a Prime Minister who should be the Head of Government. The President should be impeached or prosecuted. These can be done the Parliament, when he or she is out the Constitution, or misusing public fund. Appointment of retired officers in key Government Parastatals, posts and positions should be completely stopped since we have very young people who are more qualified and do not have jobs. The jobs can be taken by the youths or graduates.

Employment of our youth should be done on merit and qualification.

8-4-4 sytem of education should be scrapped and replaced by the old system which was 7-4-2-3 system of education. A quota system of employment in secondary schools, colleges and universities pm intake should be completely stopped and have it done through merit and qualification since all our youth are Kenyans. That is all Mr. Commissioner, Thank you.

Com. Zein: Thank you very much please hand in your memorandum. Edward Njathi? Edward Njathi, hayuko, ni observer, Timothy Kubania, Timothy Kubania, Kimangu Kaunyangi, karibu.

Kimangu Kaunyangi: Mr. Chairman, the names that you have said as Kimangu Kaunyangi and these is a personal memorandum. I have drafted it to last about five minutes you have given me so I will be very quick to read it through. Mr. Chairman, as you know Lancaster House Constitution which we have been using in Kenya was drafted in a hurry and passed in a hurry because we wanted the independence quickly. It has been amended thirty eight times and therefore as it is now, it does not fulfil the wishes of Kenyans.

Com. Zein: What then are your proposal sir,

Kimangu Kaunyangi: I'll come to the proposal this is introduction

Com. Zein: The introduction sir, will take your time.

Kimangu Kaunyangi: It would't I have drafted five minutes I know. It is therefore right for review and overhaul. The problem of writing it now, Mr. Chairman, is that our country because is an ex-colony is not quite a nation, it is just a collection of tribes. Thefore you have a difficult job of drafting a Constitution which will build and cement together these tribes to form a nation. Now to come to specific points Mr. Chairman, the form of Government, I suggest that the form of Government which we should have in your Constitution is a unitary Government headed by an executive President with sufficient powers to hold the state together but flexible enough to guarantee individual human rights. Any mention of federalism, in other words I am against federalism, would revive tribal feelings and rivalries and actually almost dissentigration of the country. Therefore, to avoid situations like those fights in the Rift Valley, Kerio Valley, Coast, Tana River all over Kenya, you know there are tribal fights. You should come out with a Constitution for us which will surpress rather than encourage tribalism.

Now balancing of powers of the President, the classic democratic separation of powers should be emphasized. Devolution of powers to the Local Government based on district or county councils as it was originally in the Lancaster House Constitution before it was amended should now be restored. Security of office tenure of Judiciary, Attorney General, Controller & Auditor General, Electoral Commission, Chairmen of Parastatal bodies and other public offices should be given security of tenure. The office of Ombudsman. President should be given only two terms, just as it is. The Legislature, this should remain supreme, but representation to be proportional so that the winner take system of election is scrapped.

Education: should be free and compulsory, and to guarantee that, each child will get that education, the Constitution should guarantee that free education. This would actually take our children from the streets, so we will no longer have chokora if we have free education..

Health and medical care: medical care and health is so important for survival and development that free medical care should be guaranteed by the Constitution. Paternity, Mr. Chairman, you know when children are born, the reason why we are having all these street boys and people, is because the parternity law which was there was amended. Therefore, our

Constitution now should have a paternity law where any child born or brought to this earth, the father should be forced by law to take charge of the child.

Com. Zein: Your five minutes are up.

Kimangu Kaunangi: One minute now I'll finish that. Now being forced to belong to a political party, you know Mr. Chairman, if you want to stand as a candidate for election, you are forced to belong to a party. The reason why you are having so many parties now is because some of the prospective candidates who don't have parties go and register new ones, because they want to stand and that is forcing them to belong to parties. The political parties should not be given any public finance, because they are already too many and if they are given, even more will be registered, because people would want to (inaudible) that.

Land ownership should be free hold or leased to an individual or Government or Corporate body following traditional law or statutory laws. The office of the Commissioner of Lands where the title deeds are issued should be decentralized to the district level so that people don't have to go to Nairobi to get their titles or to solve any other land problems.

Litigation, poor people should be given free legal aid so that no one misses justice because they are poor. The police should not detain a person more than 24 hours before taking him to court. So we should restore the law which requires only 14 hours in the police. Thank you Mr. Chairman.

Com. Zein: Thank you very much sir, please sign the register and given in your memorandum. Richard Muthaura, memorandum, thank you very much, what this gentle man has done, is allowed under our procedure, ikiwa una memorandum yako, una maandishi yako unataka kutoa bila kuzungumza unaruhusiwa kufanya hivyo na unafanya kazi inaenda haraka. Kwa hivyo una haki ya kufanya hivyo. Mathew Kiraito, sawa asante sana mzee wangu. George Kabayo?

George Kabayo: Jina langu ni George Kabayo na nina represent Kurianto Welfare Association. Memorandum yetu inasema hivi. Kuna haja ya preamble. Kenya belongs to all of us irrespective of colour, creed, religion and other background. We should be multi-party democracy. Citizenship, for any citizen to be automatic,

Com. Zein: Hebu subiri mzee wangu, nathani hapo katikati hapa, kuna watu walio kuja wamechelewa hawakusikia ile amri tuliyotoa ya Tume ya Kurekebisha Katiba. Kwamba mtu akiingia hapa anaruhusiwa kuzungumza aidha ni mimi au Commissioner mwenzangu mwenye hii meza au mtu aliyepewa fursa kukaa kwenye hichi kiti azungumze. Tunasema hivyo ili tuwe na nidhamu na tuwe tunawasikiza wenzetu. Ukimpa haki hiyo anaye sema na wewe ukija kusema utasikilizwa, ikiwa una mazungumzo na mwenzako, tafadhali sana tokeni kule nje mzungumze taratibu tuendelee na hii kazi, ukimaliza mazungumzo urudi hapa ndani, au si sawa hiyo?

Audience: sawa

Com. Zein: Asanteni sana. Mzee pole kwa kukatiza lakini endelea najaribu kukulinda, asante mzee.

George Kabayo: Haya, we are saying our Constitution should have a preamble. It should reflect our colour, creed, religion and background. And we should remain a multi party democracy.

The Constitution should be supreme and any change to the Constitution should be conducted by the Electoral Commission.

On citizenship, we are saying, for automatic citizenship, male should be the deciding factor, but, for any Kenyan lady divorced by a foreigner, she and her children should be entitled to automatic citizenship.

National Defence, Kenya is a sovereign state and if it feels any external aggration, it is the duty of the President to decide which action should be taken, but on consultation with an executive council e.g. a defence council.

Political parties, we should have a minimum of two political parties and a maximum of four. And these should be decided on party popularity and following. Political parties should be financed by public funds during campaign period only. Party affairs should be divorced from state affairs.

The Executive, the President and the Vice President should be elected directly by the people. The winning party should form the Government. The President should hold office for two terms and the presidential candidate should have a university education. The President should not have automatic powers of hiring and firing as he wills. He should seek advice from an advisory council. If the President misuses his office during his or her terms, should be prosecuted. The office of Provincial Commissioner should be abolished.

- Provincial Administration should be non-partisan in political matters.
- Chiefs and Assistant chiefs should be elected by the public for a term of ten years and thereafter seek re-election. They should have a minimum education of Kenya Certificate of Secondary Education.
- The Constitution should state the powers and responsibilities of the President.
- District boundaries should be reflected in the Constitution to minimize politics.
- The President should appoint one minister, one assistant minister per ministry. Mayors and council chairmen should be directly elected. The terms of mayors and council chairmen should be five years like MP's. There

should be no nominated councillor.

- Legislature: nominated MPs should be nominated to serve special interest groups and should be specially in their field. Whoever has vied for an elective office and failed should not be eligible for nomination. Parliament should vet the appointment of holders of Constitutional offices e.g. Controller, Auditor General and so on, Parastatal Heads, PSs' and Ministers.
- Rights of vulnerable groups: the Constitution should fight for dignified living of the disabled and the aged.
- Retirees should get 75% of their basic salaries, and it should be reviewed when there is a general salary increase for the working class. There should be a special bodies to identify those who are aged, and in needs for special care, for special homes and other facilities.

Com. Zein: Dakika zako tano zimeisha nimekuongezea thirty seconds, sasa nakuongezea another thirty seconds.

George Kabayo: Lands, land should be fully utilized. There should be no need for holding large parcels of land and any land beyond fifty acres should be taxed if it is not fully developed. There should be enough food in our stores to last us a period of ten years.

Cultural and ethnic rights: we should promote our culture, cultures have their own Constitution though in oral form, organizations of these tribes are led by the elders in eg. Njuri-ncheke, they should be recognized by the Constitution like in the office of the Chief Kadhi.

The Legislature should have the final authority to decide on how they use our taxes and the Executive should implement it fairly.

Com. Zein: The very last point, mzee wangu, tutasome hiyo memorandum

George Kabayo: Okey, we are saying treaties which affect majority of Kenyans should be subjected to referendum like for example our agriculture is now almost collapsing, we do not know where to sell our maize and beans and the prices are un economical.

Com. Zein: Thank you. Asante sana mzee tutaishoma ukipeana pale, na u-sign register asante sana. Wilfred – huyo ni observer, Benson ni observer, Joshua Munjuri, karibu mzee.

Joshua Munjuri: Uuni mbitawa Joshua Munjuri

Translator: My name is Joshua Munjuri

Joshua Munjuri: Na buu mbiyite kugaa aa kiri akuru baa ba katiba.

Translator: What I am coming to propose here today

Joshua Munjuri: Ankubeera gintu kii mbiyite gwita uungi ni ministry imwe ya health

Translator: Mine is to propose on the Ministry of Health

Joshua Munjuri: Ministry ii ya health ita kugaa dawa chionthe thirikari ni kurita dawa lakini gintu kii ngupinga buru ii lisenca ii ekwaa private doctor chia kwambiria clinic.

Translator: My area of conflict is whereby you find the Government is giving medicine and giving licence to the private practitioners who are going to practise outside to their clinics

Joshua Munjuri: Buungi nabuo ni ministry ii ya education

Translator: My second point concerns the Ministry of Education

Joshua Munjuri: Nio thirikari niremi ii thukuru nuntu bwa kwaa antu baa lisenca chia kubwithia private schools

Translator: you find that the education system has failed because the Government has licensed these people the teachers, that is, the people operating public schools, to go and operate their private schools

Joshua Munjuri: Aritani baa bauturitanira boongwa aana boo ii private school bari.

Translator: You will find that our teachers who are teaching public primary schools, their children are in private schools.

Joshua Munjuri: Untu buu thirikari ka iremi ii thukuru na niagiri kuyukia atua iu ee kubaata lisenca.

Translator: So you find that the Government should mandate this issue by refusing these people licence to operate private schools

Joshua Munjuri: Bwa yathatu

Translator: My third point,

Joshua Munjuri: Ni ingi ee judiciary.

Translator: concerns the Judiciary

Joshua Munjuri: Nio thirikari iu niremi ni ngui ii ya maadvocate babaingi bakaingiira nkuluki ee majanji.

Translator: You find that there are more advocates than judges

Joshua Munjuri: Untu buu inkuria katiba ii ee Kenya igalule ati uti riiwa ria kuua bila kusudia. Nuntu ibuo manjaji beenayo.

Translator: I am now suggesting to new Constitution that we are coming up with that the issue or the act of killing without intending

Joshua Munjuri: Kuuwa bila kukusudia. Untu buu ibwagiri kuritwa buru ki katiba eetu.

Translator: Kuuwa bila kukusudia that is killing without intention of, that law or act in our Constitution should be done away with or we should repeal it

Joshua Munjuri: Muntu oraa ungi naagiri kinya kurawa.

Translator: I am suggesting that if you kill somebody also you are supposed to be killed

Joshua Munjuri: Buu ibuo buthukitie antu untu buu ibuo butumite majanji yaniia ndene ee Kenya na advocate ibo baingi ndene ee Kenya.

Translator: You find that this has been the reason why we have few judges and more advocates in this country

Joshua Munjuri: Uuni ndaumba kuuga katiba ii ichinjua maadvocate oo province niagiri kwegwa kinya maadvocate batano.

Translator: You find that I am suggesting that as we change the Constitution in this country, let advocates be reduced to the level of five

Joshua Munjuri: Untu buu nibuo bukwoneka nirio upinzani bukaura ndene ee Kenya.

Translator: That is the only way we shall be able to fight corruption in this country

Joshua Munjuri: Na maadvocate yaa menya yo yarita aa mbecha chia raia

Translator: This is because you find that these advocate are eating the money of their clients

Joshua Munjuri: Waboona aa janji wee autumira muntu ati na noo gintu kinya kina advocate new eena magali yamaingi kauchinjia uu nguo.

Translator: You will find that judges are living a low standard of life but advocates are living a better life due to these hypocrised corruption in this country

Joshua Munjuri: Untu buu inkwira mengira bwichiirie mantu yau katiba iu nialulwe buru ee kuaa bila kusudia inya Kenya itwooranawa na mwamba kaambawa. Yakuthira mukuru.

Translator: So I am putting across my point that this issue or this act in our law, killing without intention should be done away with because even in the past a thief was always killed. That is all I had.

Com. Zein: Asante sana, mwambie mzee asante sana, muulize, is he referring to manslaughter? Mzee karibu. Douglas Mukula, karibu bwana.

Doughlas Mukula: Thank you Mr. Chairman. My name is Doughlas Mukula and my recommendations are as follows:

- In the current Constitution, the Executive has excessive powers, that I mean the President: These powers should be reduced. I propose that all Presidential appointees including the Attorney General, PSs, Ambassadors, High Commissioners and Judges should be approved by Parliament before they take their office.
2. The present powers to create ministries, public offices, district and provinces should be done by a Commission and be approved by Parliament also.
 3. The Attorney General's security of tenure should be encouraged by having him for a single term of seven years. Also there should be created an office of the Public Prosecutor with a security of tenure to take charge of prosecutions. The Attorney General would remain purely a political appointee as he discharges his role as the Chief Government Legal Advisor.
 4. The President's power to dismiss civil servants at his own pleasure should be scrapped. Dismissals and discipline of civil servants should be left to the Public Service Commission.
 5. The President's power to dissolve Parliament before its term should be scrapped. Parliament should have a fixed term and develop its own calendar.
 6. The Parliament should have power to impeach the President in case he is found guilty of corruption or violates any law or Constitution.
 7. If any President both current and future is found guilty of any corruption or misuse of office at any time of his tenure, he should not be allowed to enjoy his retirement benefits. And it should be made to pay any penny accordingly.
 8. I also propose that the Vice President be directly elected by people instead of the President.
 9. The Provincial Administration should be abolished and replaced by Local Government Administration. All Chiefs and Councillors should be elected by people and both should be for four years accordingly.
 10. The powers of the Electoral Commission should be increased to enable it take charge of all aspects of the electoral including issuing of national identity cards which is the prerequisite to register as voters.
 11. The current Electoral Commission should be scrapped and be replaced by a Commission chosen by all parties taking elections.
 12. The new appointed Commission should re-draw the constituency boundaries to ensure equal representation for population.
 13. All political parties should have equal and fair access to the public mass media to promote their electoral campaigns.
 14. All the retirees or pensioners, their monthly benefits should be reviewed along side with the civil servants for example if civil servants get 100% increment, then the retirees should get 75% increment too.
 15. The Kimeru native brews like naichu should be legalized and not be regarded as chang'aa which is detrimental to the human health and life.
 16. To be a member of Parliament should be a full time occupation and not part-time. They should attend Parliament for five days and not three days.
 17. There should be no age requirements or limit for voting and contesting in Parliamentary seats or Presidency.

18. For Parliamentary elections, all candidates should be graduates with university degrees. People should also have a right to recall their MP's or Coucillors if he is does non-performing or does not keep pledges to his people.
19. An independent Commission should be set up to determine the salaries and the benefits of MPs and the same should review and if possible reduce the huge salaries earned by MPs. That is all.

Com. Zein: Thank you very much I would like to sincerely thank you, mzee ametoa point kumi na saba, ametumia dakika nne, secunde thelathini. It is possible to do that in five. He is done it in less kwa hivyo tufuate mfano wake. Tafadhali andika jina kwenye register na utoe hiyo memorandum kwetu. Mary Lairumbi? Mary Lairumbi? karibu dada. Kuwajulisha wale waliokuja baada ya Commissioner Ratanya kwenda na kurudi, kwamba tulianza kikao hichi na Commissioner mzee wa hapa mzee Ratanya akatoka kidogo sasa amerudi, mumjue kwamba anaitwa Commissioner Ratanya pengine awasalimie tu.

Com. Ratanya: Okey, asante sana Commissioner Zein. Kama vile Commissioner amesema tulikuja hapa asubuhi na tulianza na watu wawili na mkaendelea mkiingilia mkija, na kwa hivyo tunashukuru kwa sababu mnaendelea. Yale ambayo tuliyasema asubuhi, pengine Commissioner amewakumbusha tena kwamba mambo ya masaa mumeambiwa na mambo ya specific kwa points kama zile mwalimu ametoa. Kwa jina mimi ninaitwa Ratanya mnanijuwa, mimi sitaki introduction nyingi kwa sababu mimi ni mtu wa hapa, tunajuana ,asante sana Commissioner.

Com. Zein: Asante sana Commissioner, Mary tafadhali endelea.

Mary Lairumbi: Okey, thank you, thank Mr. Chairman,

Com. Zein: (interjections in audible)

Mary Lairumbi: Okey, my names are Mary Lairumbi. I will not touch on most of these things that I have mentioned in my recommendations, I will just give an overview. The point to note in my recommendations is that our Constitution should have a preamble that captures the history of the Review, the act and process, also the nature of state and type of Government and the hopes and aspirations of Kenyans. And also our national philosophy and vision. Vision I here I mean a situation whereby all Kenyans are equal before the law.

Also the preamble should capture women participation in the Review process. I also say that as we make recommendations that we should recommend that Affirmative Action be Entranched in our Constitution to make sure that women are represented in all decision making forums.

Our Constitution should be written and translated. This one may not be a Constitution issue but I feel it is necessary. That our Constitution should be written and translated into all ethnic languages and distributed to all Kenyans free of charge and that all Kenyan adults should be in possession of this document, just as we possess an Id. I also feel that our national flag, that the colours there meant something for that time. Now to remember the Review process, they may change the colours or add another colour to remind Kenyans of this process.

In international relations, when these policies are made and adopted, Kenyans should be consulted preferably through a referendum. I will not elaborate because of time. I also feel that we should have an independent and non-partisan civil service.

In as much as we are writing this Constitution, we should delegate the right power to the right arm of Government so that each of the arms will be free of each other.

I also feel that our press should have its freedom so that it will not be manipulated by anybody and in all aspects, I feel that women should be considered so that they will come up, they have been discriminated and been marginalized maybe by our system of Government, laws. So women should be encouraged to come up and participate in forum of decision making, local government, parliament and all that. I also say that in employment, that women are discriminated against especially in some Companies, they are not employed because at one time they will get pregnant and these companies maybe not perform well, so we should look at that in our Constitution. Maternity leave for women should be increased to six months and together with benefits, payments, promotions all that should go together. This will also reduce mortality rates in Kenya. So other things are just in my memorandum, thank you Mr. Chairman.

Com. Zein: Thank you very much Mary, just hold on. The Commissioner has a question for clarification.

Mary Lairumbi: Okey

Com. Ratanya: Okey Mary there is something here for clarification about the National Flag,

Mary Lairumbi: Yes

Com. Ratanya: Are you proposing amendments or what type of review are you proposing, colours or what exactly do you propose on the national flag?

Mary Lairumbi: Okey, thank you Commissioner. You see when we got our Independence the colours in our flag maybe meant, Red meant the blood they poured, but now here when we are writing this Constitution, we have not poured any blood, so I thought that maybe we add another colour so that we may remember this Review process. The Constitution of Kenya Review Commission and the whole process and the participation of Kenyans, maybe we can think of a colour that will keep on reminding us that we participated in this Review.

Com. Ratanya: Since we are taking your views, do you have any colour in mind which you would like to propose?

Mary Lairumbi: I have not thought of that, I thought there are experts for that.

Com. Zein: Thank you very much,

Mary Lairumbi: I also say that maybe the Review Commission should be entrenched in the Constitution so that they will safeguard the Constitution that we write.

Com. Zein: Thank you very much.

Mary Lairumbi: Thank you.

Com. Ratanya: (inaudible) take just a brief break and we will like to continue with Julius Ngechu who is the next person. Julius please.

Julius Ngechu: Thank you very much Commissioner, Chairman, first of all we are really delighted to have this chance.

Com. Ratanya: Start by telling us your name, it is being recorded please

Julius Ngechu: My name is Julius Ngechu, and I am presenting my personal views. I wanted to start by saying that we are privileged to have this chance. The people of Kenya, we included have a lot of hope with this Commission and allow me to say that when you started we had a lot of hope, somewhere on the way, we started loosing hope when we heard that may be you may not finish your work, so we are urging you kindly to work very hard and finish the work so that when we go to the next elections, we go with a new Constitution. Because it is the wish of almost every Kenyan that we do not need the extension of Parliament. I would like to say that the Constitution we are writing, should be written in a language that everybody can understand. The old Constitution that we are trying now to do away with is written in a language that the ordinary mwanainchi cannot understand. The writing of this Constitution is becoming difficult now or it is taking a lot of time because people do not know it. Therefore I propose that the new Constitution should be entrenched in the school curriculum so that it is taught in schools so that as our children grow, they grow knowing our Constitution.

Another point, there should be a very strong entrenchment in the Constitution of preventing the abuse of the same Constitution. The one that is in place is not all that bad, but the problem is that it has been abused so many times by the powers and nothing is done. The Cabinet should be responsible to Parliament, not to an individual as we know today. Maybe that is why we find there are never barred in Parliament but when may the Head of State is traveling anywhere or having meetings wherever, those people are always found there and they are doing almost nothing, they use public money, and they do nothing, so it should be seriously be put in away that they are seriously answerable to Parliament.

On land, I would like to propose that land should not be put in the hands of only two people in this republic as we know today that they are either under the powers of the Commissioner of Lands or the President, these are the only people who can give people land legally. The elders and owners of the land should be incorporated seriously in the matters concerning land.

On Commissions, many Commissions have been set up in this country. They have been using public money and the public has never been told the findings of those Commissions. We would like it to be that if Commissions are set, the findings should be known by the public because the matters they deal with concern the public.

Another point, human values and virtues should be seriously entrenched in the Constitution, because we find that in this country today, criminals, thieves, even immoral people, senior people in the Government, are sort of heroes and they are kept in the public while really they should be removed by a clause in the Constitution that would say that, if somebody goes to an extent of doing whatever he should be removed. On that point, if that clause is there, that would minimize corruption and deliberate misbehaviour like some that we know of, even some Cabinet Ministers have done.

Com. Ratanya: Julius, you only have one minute so try to sum up

Julius Ngechu : Okey, lastly, the aged people, somebody talked of the pensioners before, they should be taken care of by the Government in their old age, may be providing homes for old people, because these people used their energies to make the

country what it is, and they are the people who should also be regarded seriously, otherwise like today, the old people after they leave their work, after they leave the Government or any other Sector, they are never remembered again. And then lastly, heavy penalties should be entrenched in the Constitution for people who either selfishly erode public amenities or resources that are supposed to help the people, like eroding of the forests, environmental degradation, finishing of Parastatal bodies. These should not be set free, they should be punished severely to help people have their things proper. Thank you.

Com. Ratanya: Okey thank you very much Julius Ndechu, you have really presented very nicely and kept time, try to follow the same example. We then have Joseph Kobia, Joseph Kobia? is Kobia around? okey, John Karuma? he is an observer, Francis Mwiraria? Mwiraria is he around? is he here, ya okey, then Joseph Kailemia,

Joseph Kailemia: Thank you Mr. Chairman, my names are Joseph Kailemia I am presenting a small memo on behalf of Mituto Red Cross, Mutito Red Cross was a civic provider. We in the Mutitu Red Cross members and civic education provider in Mutito location Tigania West Division, Tigania Constituency of Meru North, do hereby present the following views to the Commission seating in Kianjai.

1. Preamble, the present Constitution of Kenya does not contain a preamble, the new Constitution of Kenya should therefore have a preamble highlighting the roles of the Kenyans and their future.
2. National defence and security: the present security is not adequate and cases have shown that the Kenya Police is incapable of providing security the the citizen of Kenya. This is due to the corruption in the force. The appointment of their Heads is directly by the Head of State therefore their loyalty is directly to the President. We feel that the Commissioner of the Force should be vetted by the Parliamentary Security Committee and all the Heads of Departments be appointed by the same Committee. The Kenya Police Reserve should also be strengthened and Police Posts be distributed in all the locations. The Kenya Police Reserve, in the rural areas should also be strengthened. Provision of illegal arms should not be encouraged. Transport systems in the Police Force should also be improved so that we don't find these Mahindras in the Police Force, they should be given more speedy vehicles.
3. Parliament: we propose that to pass bills in Parliament require 90%. No Presidential nominations. The MPs should be seating full time, they should not given themselves salaries, there should be a Committee on that. Voters to recall back their MPs who are not performing after two years. Power sharing in Parliament between the Parliament and the Executive be balanced, open offices in their Constituencies and give their Parliamentary timetable.
- 4.
5. Political parties: we propose to have a limitation of political parties from two to four, they should be funded by the state through tax payers' money. Ruling party be separated from the Government. Party manifestos be made law. Three Governors, the Executive, appointment the Minister and the Assistants and ready dismissal should be taken away from the President to a Constitutional office written by the Parliament.
6. Presidential power be limited, we propose within two, five year term tenure of Presidency, age limit to Presidents should be between 45 to 65 years. Education of the President must be graduate and preferably masters decree in

political sciences with common economics as their administration experiences should have been an MP and a Cabinet Minister for at least two terms. Ministers appointment as for the education career specification e.g. a Bachelor of Education, if a Minister of Education for example should have a Bachelor of Education, this I mean every Minister should be having his career. Preferably he should also have served as an Assistant Minister for at least one term.

7. Head of Civil Service is not to be a Presidential appointment and should be non- partisan.
8. The office of the President: he has all power and is currently above the law and he is short of carrying the whole nation in his briefcase. His powers should therefore be reduced, he should not appoint Ministers, should not appoint Judicial Officers, should not appoint Provincial Administration, should not appoint Vice President, should not appoint head of Parastatals and State Corporation, should not appoint PS's and above that should appoint head.

Com. Ratanya: So Kailemia, try to sum up.

Joseph Kailemia: Should not be the Vice Chancellor and he should not appoint the judicial, Primary to secondary education system should be free, subsidize university education 8-4-4 be replaced with the former system 7-4-2-2-3.

Election: we should have an independent Election Commission, we should have use of passports and birth certificates in registering, we should also have vote counting in the respective polling stations. Thank you, Mr. Chairman.

Com. Ratanya: Okey, thank you very much Kailemia, I think there is one thing you should try to clarify, now I have a question here for clarification about passing of bills, do you propose 90% for all the bills or only Constitutional bills?

Joseph Kailemia: Constitutional bills Mr. Chairman, 90% of the MP's.

Com. Ratanya: Okey, I think that is clear thank you very much. The next one is Joseph Mutia.

Joseph Mutia: Thank you Mr. Chairman. My name is Joseph Mutia as usual and I would like to introduce my views with a usual language which is kiMeru for translator he will translate with a language he wants.

Joseph Mutia: Uuni kankugaa ibubwea nuntu bwa kwiya kwenu bwana chairman

Translator: I am saying thank you for your coming to these place.

Joseph Mutia: Nuntu bwa kwiya kugwata maoni kiri antu bonthe.

Translator: For coming to give views from everybody

Joseph Mutia: Uuni inkuuga kwoombikana bwana chairman

Translator: I am suggesting that if it is possible Mr. Chairman

Joseph Mutia: Rutereene rwa chibitari

Translator: The side of hospital

Joseph Mutia: Ichibati kwithirwa chionthe iya bura chiatwiire mbere

Translator: Let it be as before when there was free and universal medical attention

Joseph Mutia: Nuntu ukethirwa uti na mbecha noka wakuirwa mwarine ywa chibitari.

Translator: Because if you don't have money you die in the hospital

Joseph Mutia: Pointi ingi

Translator: The other point

Joseph Mutia: Ii ruterene rwa chukuru

Translator: On the side of schools

Joseph Mutia: Uuni inkuromba ntuku ee iruari kana kuuma nendi tutetherue na ichacha utheri

Translator: I am suggesting that let's have free and universal education so that whoever does not have money will have the capacity to educate his children

Joseph Mutia: nikenda bara bati na mbecha baumba kuthomethia aana boo.

Translator; so that whoever doesn't have money will have a capacity to educate his children.

Joseph Mutia; Inkuromba thirikari

Translator: I am asking

Joseph Mutia: Ruterene rwa public works

Translator: On the side of Public Works

Joseph Mutia: Nibati kumaara oo

Translator: should be moved from the road

Joseph Mutia: nuntu barabara kuuma chiathingirwe mwanka nendi ii marinya matheri.

Translator: Because there have been no attention to the roads since they were tarmaced that is the end of the story

Joseph Mutia: County council

Translator: on the side of County Council

Joseph Mutia: Ibatwire kwaa macouncillor mbecha

Translator: there have been paying Councillors money

Joseph Mutia: chia kurimithia barabara nuntu batirimaa.

Translator: Because they don't pay attention of the roads that is why the Councillors are given money. With those points I say thank you Mr. Chairman.

Com. Ratanya: Okey asante sana bwana Mutia, umejaribu sana mpaka ukafanya na dakika kama mbili hivi. Na mwinginge anaendelea ni Rose Nkirote, Rose Nkirote yuko karibu? Rose Nkirote, okey Rose is coming. Anza na kusema majina yako Rose.

Rose Nkirote: Thank you Mr. Chairman my names are Rose Nkirote as usual, I have a small memo here, I am representing Paralegal Organization Group at Kiorimba location.

- The Constitution should have a preamble that is introduction.
- Nobody should be above the law.
- Rules must be followed by self.
- The President should be a graduate, educated people, it is there responsibility to have the job as long as they are educated. Hospital should be free so as to help the needy people.
- The Government should be paid a high salary for the security.
- The disabled people, it is their right to have the job as well as the educated. In our Constitution, schools should be free of charges so as to help the poor people.
- The other thing is once you cut a tree you have to replace another one so as to obey the rules of the Government.
- Educated people end up becoming thieves due to lack of jobs and remain useless in life. So retired people should not participate anywhere so as to give the youth chance to get a job. The Constitution should provide the disabled with anything they need of.
- Chiefs and Assistant Chiefs should be elected by the people. Kenyans should have access to the Constitution by use of local languages. Women should be considered in jobs as we know according to the ratio women are more than men. Otherwise the Constitution should be agreed to one thing so as to proceed with Kenyans rule. Thank you Mr. Chairman.

Com. Ratanya: Okey, thank you very much Rose for also keeping time. We have Geoffrey Ntongai, Ntongai is an observer I find. The next one is Isaiah Kaumbuh, is Isaiah around? okey.

Isaiah Kaumbuh: Asante bwana Chairman, maoni yangu ya kwanza.

Com. Ratanya: Let us know your name please.

Isaiah Kaumbuh: Majina yangu ni Isaiah Kabugu. Maoni ya kwanza niya kuhusu kubagua, kwa ajili kama mtoto anaenda

shule na anaendelea na masomo, huyo mtoto amepita na ule mwingine namba yake ya chini, sababu ule mtoto ni wa maskini na ule mwingine ni wa tajiri, ule wa tajiri sababu ndiyo hana marks mzuri anachukuliwa wa maskini anawachwa. Kwa hivyo ningomba Tume hii kama ikiwezekana tuwe katika Katiba tuwe na group mbili, chama mbili ya matajiri na maskini, ndiyo serikali ikiwa inafikiria upande ya matajiri an upande maskini, wanaona mtoto wa masikini alipopita na hana uwezo.

Ya pili, naona Katiba tuliyo nayo sasa siyo mzuri, kwa ajili wakati wa mkoloni kulikuwa na mlolongo unafuatana, Assistant Chief, Chief, DC, DO, na wote wanatumia pesa ya serikali, na ana korti yake ya kangaroo, anapata pesa nyingine ya kunyanyaza mwanainchi ya kawaida.

Ya tatu, Rais wa taifa hili kama Rais atakapokuja mwingine, kuingia katika kikao cha kuvunja bunge kuenda kuomba kura kwa manainchi, Raisi anyanganywe mamlaka ya kuchukua aende na mamlaka kwa mwanainchi kuenda kuomba kura, iwachiwe Government isimamie, hiyo, ndiyo itakuwa mzuri, kwa sababu hatakuwa na power, kwa sababu ikiwa serikali ni yake, mpaka atangangana naye na haitawezekana. Kwa hivyo akiwa mwanainchi wa kawaida mpaka awe naye itakuwa namna hiyo.

Ya nne, nasikiza radio na sikia kuna elimu ya watu wazima, wengi wetu wanaweka kidole waki-sign kama pale sasa pale kikao kama hii tunayo ya Tume, watu hawa, ni pesa ya serikali wanatumia bure kwa sababu hakuna kazi wanafanya.

Com. Ratanya: Isaiah hebu ngoja kidogo, jaribu kupeana mapendekezo yako ili yasaidie kurekebisha Katiba kwa sababu wakati mwingi unatumia kwa kueleza. Just give your recommendations ama mapendekezo yako ni yapi, halafu malizia hapo, unamaliza wakati bure.

Com. Zein: Sema unapendekeza elimu ya watu wazima, basi sema hivyo.

Isaiah Kaumbuh: Elimu wa watu wazima, wengi wetu wanaweka vidole, na katika serikali ama Katiba ile iko inasema mwanainchi wa kawaida anafaidika. Kwa hivyo bwana Chairman sina mengi hii inatosha.

Com. Ratanya: Asante sana Isaiah Kaumbuh sasa anayefuata ni, I think we have finished with that one, these are observers, John Laiboni

John Laiboni: Asante sana bwana Chairman, mimi jina langu ni John Laiboni.

Com. Ratanya: Okey aanza na jina lako John Laiboni.

John Laiboni: Jina langu ni John Laibuni Mtema

Com. Ratanya: John Laibuni sasa ni wakati wako na una dakika tano kwa hivyo endelea tu zungumza tunachukuwa kila kitu hata recordi iko hapo inachukuwa maneno yako endelea.

John Laiboni: Asante sana, kile mimi ninasema ni sheria irudishwe ile ilikuwa inachunga wanawake. Sheria ichokue ira yakarakia aari nuntu bwa ? ii nthaka. Nuntu gitumi nimbi. Sheria ii ikuthirua courtini aana bauma michii. Muthaka aatia mwana mwari, akauga tikwenda ii nyungu ayana.

Translator: he is proposing that let us have the law to protect our children, that is our ladies from being misused by men so that they do not get impregnated and then left at home

John Laiboni: Nuntu ntha ciire gukiira sheria ira yaari oo nuntu babwithia mapenzi na mwari, kinya mbere eeta akaremera nja lakini akunenkerwa mwari mwana nuntu nakumenya utibuo agaitwa atia mwana na mwari nja.

Translator: You will find that our cultures were so strong then because they protected our ladies from this form of misuse, that is, somebody can come and impregnate a lady and then leave her.

John Laiboni: untu buu ibuo butumite kinya AID ingia mono nuntu bwa aana kulukirua kulinga na aara guti sheria ii ibakaritie.

Translator: this is also the main reason why AIDS scourge is infecting so many people at a high rate

John Laiboni: Buungi bwa jaili ankugaa atiri nainchu ii gintu kira turimaa.

Translator: I am also saying that honey is also one of the products that we actually have in this place

John Laiboni: na mwere

Translator: and millet

John Laiboni: na bitumairwa ni antu bara batikwiweza

Translator: and they are being used by people who do not have enough to cater for themselves

John Laiboni: Nainchu nia mambura michiine.

Translator: honey is traditionally used in homes

John Laiboni: mwere iywa mambura michiine.

Translator: also millet is also used traditionally for benefiting in the homes

John Laiboni: Ni ndiuga katiba ii itetherie kuniia sheria ii ya utuma ekuru baikakua couritne nuntu bwa mwere na nainchu.

Translator: So I am suggesting as we come up with the new Constitution, let recognize honey and millet and let it prohibit women from being misused and let it take offenders to court of law for misusing them.

John Laiboni: Nuntu gintu kii tika aiyiite kaarimite.

Translator: and you will find somebody has not stolen this is what you have grown from your own shamba

John Laiboni: nikuo utetheria mwekuru kurimira uti na inya

Translator: that is what is helping someone who does not have anything

John Laiboni: ibio twiakia kwa athoni

Translator: this is what we use in time of marriages

John Laiboni: na gigeetwa ii gintu kia aramu.

Translator: and again we are told that it is illegal

John Laiboni: asante sana.

Translator: Thank you so much.

Com. Ratanya: Asante sana John Laiboni kwa haya maoni yako. Kwa hivyo utaenda hapo uweke sign kwa register yetu. Mwingine anafuata ni Joseph Mwika. Mwika yuko karibu? Inaoneka Mwika hayuko. Geoffrey Kiambi? Geoffrey Kiambi? I find Kiambi you have a written memorandum, so you just highlight the main points and then you hand in your memorandum. You have five minutes to do that.

Geoffrey Kiambi: Asante bwana Commissioner, my name is Geoffrey Kiambi. I am presenting this proposals on behalf Highlight Self-help Group which was among the civic education providers. The full draft is with out Sub Committee and it will be submitted to your office within no time. This is the summary of the main ideas. We have proposed that medication should be catered for by the Government freely and be properly managed.

Second point we have proposed that the Administration Police and all other law enforcement bodies should be easily and properly identifiable either by uniforms and their behaviours etc. Then on the same point we have proposed that some areas should be recognized by the Government either when they are in need or by their deeds.

The third point is that Njuri-ncheke of Meru should be given full mandate to arbitrate on murder and land cases.

The fourth point, that education should be provided freely and be affordable by both rich and poor people. Mr. Commissioner the full written report will reach your office possibly before four o'clock today.

Com. Ratanya: Okey, thank you very much Geoffrey, you have taken exactly two minutes and that is very good for somebody who has got a memorandum because we shall have time to read that one, thank you very much for saving time. Then we have Sebastian Ikiaro, inaoneka Ikiaro hayuko, I will go to next one number 70-, Joseph Gituma, he is around? Gituma endelea.

Joseph Gituma: Okey asante sana Commissioner. Jina langu ni Joseph Gituma. Pointi yangu ya katika Katiba ya kupenduwa Katiba ni kwamba, ningependa kupendekeza katika magereza yetu ya Kenya kuwe Katiba ipitizwe ya kwamba hakuna mtu ata ruhusiwa akiwa askari kupiga mfungwa na amuuwe. Kwa maana huyu mtu hajahukumiwa kifo lakini utakuta wamekufa na hajulikani nini ameamua. Kwa hivyo pendekezo yangu ni kwamba, kuwe na askari ambao watateuliwa wawe ndani ya gereza lile, ni askari tu lakini hawajulikani ni kama kachero. Ikiwa mfungwa amepigwa na askari na ameuawa, huyo askari ni juu yake kuchukuliwa hatua na yule kacheru asiyejulikana, na anaenda kusema askari fulani ndiye alihusika na kuua huyo mfungwa. Hiyoniyo pendekezo yangu ya kwanza.

Ya pili, turudi upande wa Rais. Rais asiwe na jukumu kuwa kwa kiti ya Urais ikiwa kipindi cha kupiga kura imekaribia, ningependekeza asikae kwenye kiti bali tuwe na Waziri Mkuu katika nchi yetu ya Kenya. Waziri Mkuu awe akisimamia kwa niaba ya Rais, Rais anapoenda, akapige campaign sawa na wagombeaji viti wengine siyo hawa wanatajwa Rais tena, awe anatajwa ni mgombeaji kiti kama wengine. Kwa hivyo ningependekeza point yangu tuwe na Waziri Mkuu katika Kenya.

Yangu ya tatu, ningependa Rais asiwe na amri juu ya jeshi la taifa. Pendekezo langu ni wanainchi wenyewe wanaamua jeshi yao waende nje kusaidia au wasalie humu nchini. Kwa hivyo pendekezo yangu ni kwamba wanainchi ndiyo watakuwa wakiamua wanajeshi wao waende nje au wasiende.

Changu cha mwisho, katika Kenya yetu watu wanawekwa korokoroni na korokoroni hii wanapowekwa watu wanaumia zaidi. Kama polisi sasa, mtu akishikwa na kosa fulani anawekwa rumande ati ni suspect anakaa pale huyu mtu ikiwa kama ni mwizi au ako na kosa lingine, huyu mtu ameshikwa amewekwa pale. Ikiwa hajashikwa na ile kitu, huyu mtu ningependekeza asiwekwe rumande, awachiliwe huru. Asanteni sana.

Com. Ratanya: Asante sana Gituma na tunaenda kwa Joseph Mugathia, Mugathia yuko? endelea.

Joseph Mugathia: Thank you Mr. Chairman, I also honour the house in jumla. My names are Joseph Mugathia from the highlight groups. I want to represent some points which we left during the time of arranging. We had left only one point and I have my own. The Constitution Review Commission to be given an office to continue with their wills whereby they will be representing their views to the office.

Two, free medical supplies to be supplied to the disabled and those who are able.

Three Njuri-ncheke to be given the responsibility to cater for the community.

Those who have been arrested to be given the responsibility to talk with their fellow friends who they left at home, for example if you are married and have left a home without anybody. Those who are arrested to be given chance to talk to

their spouses to eliminate the fact that one may come and take over your home. Yaani amekuta yule ambaye aliacha bibi yake mtu mwingine ameingia kwa nyumba yake na akazaa mtoto na bibi yake. Kwa hivyo wale ambao wamefungwa wawe wamepewa nyadhifa ya kuenda kushirikian na bibi zao kwa masaa moja au mawili.

The farmer should be given the highest responsibility to use his property the way he likes, like a tree, if he has a tree he is charged a certain amount. So the Constitution should take part to make sure that a farmer is free to use his property.

Chiefs and Sub Chiefs should be elected the same as we do to the President.

The Constitution should give each and everybody freedom of worship. Pastors should be given the responsibility to arrest the wrong doers. Balancing powers.

Com. Ratanya: Mugathia, Mugathia jaribu kumaliza wakati wako ni kama umekwisha.

Joseph Mugathia: The Constitution Review Commission should provide self help teachers for adult education to enable them to continue to eliminate the illiteracy in Kenya.

Free medical care to be supplied to the disabled.

Free education to be provided to those who are unable, thank you Mr. Chairman sina mengine.

Com. Ratanya: Okey asante sana Mugathia kwa hayo maoni yako. Peter Mathanga? Peter Mathanga yuko? okey inaoneka hayuko, Guido Kainyangi? sasa ni wakati wako Guido.

Guido Kainyangi: Thank you very much, my names are Guido Kainyangi and I have these to present to the Commission.

On Education:

- 1 Education should be made free and compulsory to all children in Kenya
2. Teachers should be well enumerated
3. The Government should take full responsibility in terms of building and equipping of our schools.
4. The present system of education, that is, 8-4-4 should be scrapped and be replaced by the old system, that is 7-4-2-3.
5. All schools must be made public schools and there should not be private schools. 6. On education, our children should be taught Constitution and should be taken as an examination paper both at primary and secondary levels

On Health:

1. Health services should be made free
2. Doctors and indeed all medical practitioners working with the Government should not be allowed to operate private

clinics.

Ownership: no individual should be allowed to own more than 100 acres of land and if one owns more than that then the excess should be taxed by the government. This is because Kenya is our natural heritage, it is for all of us and nobody should own more land than he needs.

On corruption: heavy penalties should be metted out to all corrupt individuals. Special courts to deal with corruption cases should be established.

Local Authorities: County Councils should be dicentralized. I suggest that let there be area Councils like it was during independence. County Councils should have few electoral wards that the individual County Council will be able to cater for.

Provincial Administration: here I am suggesting that let the Chiefs be directly elected by the people. That is all I have.

Com. Ratanya: Okey thank you very much Karumeri for being able to keep time. Then next is Silveria M. Aritho.

Silveria M. Aritho: Thank you Chairman for inviting me to say.

Com. Ratanya: Sema jina lako Silveria.

Silveria M. Arithi: My name is Silveria Kacheke Aritho. I am presenting a small memo from Ithatene Adult Center Akimi division. I will rush over it, I won't read all what I have written. Preamble: should capture women historical experiences e.g. freedom fighters. Two, highlighted the role played by women, and also to develop a vision that had come.

About citizen: a citizenship for women and confirmative of citizenship on husbands and children.

On natural defense and security, we should ensure women are participation in national security and defence.

Reduce Presidents' power e.g. in declaring war independently. There should be a Constitutional provision for Commission or any Council.

System of Government: adopt a system where power is shared between the President and the Prime Minister. A provision should be made such that if the President is a man, then the Prime Minister should be a woman. System should be adopted due to our ethic defence.

In Parliament, composition of Parliament a $\frac{3}{4}$ of members should be women. Out of $\frac{1}{4}$ at least one should be a disabled woman from each Province ending up with eight disabled in Parliament.

Elections through district representation by women should done by women only. The local people should discuss proposed

nominees to Parliament before they are nominated. Checks have balances that should ensure power sharing between Parliament and the Executive.

Political parties retains provision of independent candidates to give women an opportunity to vie or shift if a specific party does not nominate them. Separate Government from management of political parties.

Executive: Presidential powers should be ceremonial. Parliament should have an independent calendar.

Judiciary: judges to be appointed by the Judiciary Service Commission. A simple language should be used. Provision in the Constitution for (inaudible) especially for women and the poor should be considered. Establishment and efficient and non-corrupt judiciary at legal system should also be considered. Support women organization in the process of Local Government.

Affirmative Action: provision for a 1/3 women representation in the Government.

Gender balance in leadership: Electoral Commission should provide proportional representation in order to increase women participation by 3/4.

Basic rights: the government in office must meet the basic needs of its citizens. Rights of vulnerable groups, ensure basic rights of all vulnerable groups including the disabled, elders, street children, and orphans especially of HIV/AIDS.

Com. Ratanya: Silveria, I will give you just 30 seconds to wind up.

Silveria: Land and property: women should have access to the control of land in any form. Take measure to provide similar access to land property especially to special categories of women. Ensure equal in heritage and succession rights to both male and female children. Management of natural resources, management and the control of natural resources to be under the private sector. Involvement of local communities in management of natural resource.

Com. Ratanya: So Silveria I think you don't have more time, if you have a memorandum, we are going to read that memorandum, can you please hand it in, just conclude, conclude the last sentence.

Silveria: Elimination of violence against women. Reconciliation has the highest level that violence against women is a manual defendant to the process of women. Kenya should be made safe for women to live, work and move without fear. A physical violence both in private and public. Creation of enabling policy and policy involvement for the enforcement of(inaudible) measures against people who violate women including the care and the compensation victims of violence.

Thank you Mr. Chairman.

Com. Ratanya: Okey, thank you Silveria, you have taken more than seven minutes, Commissioner Zein would like to ask something may be for clarification so wait there Silveria and hold on.

Com. Zein: Silveria, in one part of your presentation you said that you are recommending gender balance in leadership,

Silveria: Yes

Com. Zein: How do you balance these two principles?

Silveria: I mean three, gender balance.

Com. Zein: Gender balance if I understand it, means equal but on the other side you are saying that women should be more, for every four chances there should be three women and one man.

Silveria: No.

Com. Zein: $\frac{3}{4}$ means that

Silveria: $\frac{1}{3}$, sorry.

Com. Zein: $\frac{1}{3}$

Silveria: My reading, I confused, it is $\frac{1}{3}$ women representation, not $\frac{3}{4}$.

Com. Ratanya: Still another question just almost the same. Now how do we ensure that women are going to get $\frac{3}{4}$ and you know that elections are

Silveria: it is $\frac{1}{3}$, I said $\frac{3}{4}$ by mistake, but I have written $\frac{1}{3}$ not $\frac{3}{4}$, I forgot to mention $\frac{1}{3}$

Com. Ratanya: Okey thank you very much, we go to the next one, Silveria you have taken more time, but you have clarified the points we wanted clarified. Then we have Mutuma Samuel, Mutuma Samuel yuko hapa?

Mutuma Samuel: Thank you bwana Chairman for inviting me. My memorandum, I will go over my memorandum simply. My name is Mutuma Samuel and I would like the following. The Constitution, on the issue of farmers, it should find an organization that will cater for the farmer in aspect of cheap input, technology, better prices and fight against corruption. It should also give credit facilities to farmers. Insecurity especially in the areas where people are doing livestock farming, in issues of wildlife. Let the institutions concerned with wildlife restrict the animals to their respective game reserves as they are endangering farmers by destroying their crops and causing deaths.

Local Government: voters to elect mayors and chairpersons of the Council directly, they should have a right to recall councillors, mayors, chairpersons after proving un-productive. Separation of Councils and Municipalities from the Central Government. Councillors be paid through a consolidated fund maintained all loans within their Councils and Municipalities. Qualifications of Councillors to be at least division three or C+ in 8-4-4 system.

Parliament qualifications at least a degree. There should be no Presidential nominees in the Parliament. Language be only English.

90% votes passed motions on Constitution bills.

Voters should call their Mps when proved to be non-performing.

The Parliament should appoint an Electoral Commission, consult law people before interacting or change in the Constitution.

Age be at least 40 years of age. President ..

Com. Ratanya: Mutuma try to finish, you have got only one minute.

Mutuma Samuel: Okey, about President, President must be a holder of degree or a masters in Political Science and also an Economist.

- Age: 45 years and over.
- Should not appoint the whole administration block.
- Powers to appoint and fire be reduced and given to an independent Constitution office.
- Office tenure to be two terms. Should not be above the law.
- About the Judiciary, appointment of judges be done by a Judicial Commission.
- Civil society and religious organizations make recommendations to the Parliament.
- Formation of an independent wing to deal with corruption.
- Judicial mission to ensure courts run efficiently.

Com. Ratanya: Ya, Mutuma try to finish, ya finish now.

Mutuma Samuel: On the matters of political parties to be limited to two.

- Education to be free for all Kenyan children.
- Hospitals to offer free medical to all, about roads, independent Commission be formed to manage the roads network in Kenya.
- All tenders to be approved by Parliament and the post of a Chief Engineer to be appointed by the Commission.
- All written off vehicles to keep off the main roads, passengers found standing in matatus should be prosecuted, thank you.

Com. Ratanya: Okey, thank you very much Mutuma Samuel, Teresia Wambui, Teresia Wambui it is your chance now.

Teresia Wambui: Thank you Mr. Chairman. I am Teresia Wambui representing Kamathi Women Group.

1. Land & Property rights, with this I mean the title deeds should read as how the marriage certificate reads.
2. is the domestic violence
3. is the access and control of resources
4. elimination of harmful traditional practices, for example Female Genital Mutilation, wife inheritance, early marriages and encourage the good ones instead.
5. Affirmative Action for education system should be fifty fifty, with this I mean no levies in primary schools
6. women representation should be 1/3 in Parliament
7. equity in employment, both men and women should have equal opportunities in employment

8. Affiliation Act should be extended to all children fathered by men who do not want to marry their mothers
9. Establishment of mechanism of enforcement of gender equality, that is gender Commission
10. Citizenship, dual citizenship for ladies who marry foreigners
11. The Legislature, President's power should be reduced
12. Councillors should be paid from the Consolidated Bank
13. The Government should separate civil from criminal cases
14. Judges should be appointed by a Judicial Commission in consultation with the Law Society of Kenya, thank you.

Com. Ratanya: Okey, thank you very much, I think there is something for clarification, or you have something, you have to sign the register, Teresia before you go, next one is Gideon M'arujaru.

Gideon M'arujaru: Riitwa riakwa mbitawa Gideon M'arujaru

Translator: my name is Gideon M'arujaru

Gideon M'arujaru: Pendekezo eekwa aa nkugaa ndeeda

Translator: My proposal is that

Gideon M'arujaru: thirikari ya Kenya, rais ura ukethirwa ari ku

Translator: I would like that the President who will become the incoming President

Gideon M'arujaru: atikaawe maamlaka ya kwingilia courti

Translator: should not have powers to interfere with court procedures or court process

Gideon M'arujaru: courti ithirwe ii independent yo yoongwa

Translator: I am proposing that courts should be independent

Gideon M'arujaru: borithi ithirwe ii independent yoo yongwa

Translator: Also police should be independent

Gideon M'arujaru: na majanji ya Kenya yaithirwe yai independent yo yoogwa.

Translator: and even judges and judiciary should be independent

Gideon M'arujaru: ndeeda chief location ira akethirwa akithurawa

Translator: I would like chiefs from the location that will be elected from

Gideon M'arujaru: akuru boongwa bachang'ura makanisa yara yari akui nayo

Translator: the old men through the churches they elect,

Gideon M'arujaru: bakoona chief ura aumba utethia wananchi area ira ari

Translator: they identify the chief who can help the people from that specific location

Gideon M'arujaru: nuntu chifu eejaa uu atiri kinya ii ngui iriku eyite kurita

Translator: because in most cases chief comes anyhow without identifying what you have to do

Gideon M'arujaru: wananchi iibaichii nuu uumba ubatethia nkuluki

Translator: the citizen or wananchi know better who can help them and at the best

Gideon M'arujaru: Ndeenda kwithira kukari uu nuntu wananchi ibo baichi nuu umba ubatethia nkuluki. Ndeenda wananchi boongwa bachang'ura chief.

Translator: that is my idea whereby wananchi themselves or Kenyan citizens elect their chief

Gideon M'arujaru: Ndeenda rais oo Kenya atikeye kwithirwa ari munene oo majeshi ya Kenya.

Translator: I am also proposing that the President of this country should not be the Commander in Chief of Armed Forces

Gideon M'arujaru: yau niyo ngukari nayo mwene iti

Translator: those are my proposals, thank you

Com. Ratanya: Okey ibwea muno N'arujaru gwi kiuria uumba kurua M'arujaru kinya wakara nthi kidogo. Uuni ngakuria kimwe na ni ati, wauga chiefs babwite kuthurwa ii makanisa ni akuru ba kanisa.

Gideon M'arujaru: Ntirauga makanisa kandauga akuru baumba kwithirwa bakonie makanisa baumba uchang'urwa...

Com. Ratanya: Indi ti ba kanisa, ni akuru bonthe.

Translator: I am suggesting that chiefs should be elected by the people

Com. Ratanya: Ibwega sana

Translator: Thank you

Com. Ratanya: Sasa ningetaka Commissioner mwenzangu Abubakar Zein aendelee hapo, nipumue kidogo

Com. Zein: Asante Commissioner Ratanya, Zipporah Kariri? Zipporah Kariri? Grace Muketha? Grace Muketha? Ndiyo hao wanakuja? Akija tutasikia. Josephat Muriuki? Josephat Muriuki? Limiri John? ni wewe bwana John? Karibu.

Limiri John: Thank you Mr. Chairman my names are Limiri John, and I am presenting personal views, which are as follows. The first one is that I would like the powers of the President to be reduced for example,

Com. Zein: Could you hold the microphone for him, anajaribu kusoma kwa, namna hiyo, mshikie tu, wewe endelea kusoma, soma.

Limiri John: he should not be given powers to elect Cabinet Ministers. So I am proposing that Cabinet Ministers should appointed by a Commission appointed by the Parliament. I am also proposing that it is not a must that Cabinet Ministers must be political appointees, they can be appointed from somewhere else.

I am also proposing that Cabinet Ministers should appointed in accordance to the professionalism in their respective ministries.

I am also proposing that the Attorney General and Chief Justice must be appointed by a Commission formed by the Parliament. About signing International treaties, for example COMESA and the rest, I am proposing that they should be appointed also by a Commission formed by the Parliament, thank you.

Com. Zein: Thank you very much, John, please sign our register. Maingi Kiumgu? Maingi Kumbu? Mbaya Mukira? Mbaya Mukira? Karibu.

Mbaya Mukira: I am Mbaya Mukira, I am making this presentation on behalf of Njuri-ncheke. Firstly, we thought that there are three basic rights which should be enshrined in the Constitution, the first one is right to culture and enjoyment of culture.

Secondly there should be universal and accessible free education upto secondary level.

Thirdly, there should be accessible free health care.

Then we also consider the systems of Government. We were of the view that it will be too late and too dangerous to experiment on the so called majimbo. Instead we should have a system of Government of National unity with all the political parties represented in Parliament and headed by the leader of the party with majority votes.

The other area we considered is, Provincial Administration, our views were that they should be retained, if it is abolished then there will leave a big vacuum with nothing to fill it. But then we thought that a law should be enacted to govern the operations of the Provincial Administration. Then we thought that the number of provinces should be increased from the present eight and boundaries be reviewed accordingly.

Then on Local Government, we were of the view that this should be enshrined in the Constitution instead of having it provided

for in an act of Parliament.

The Local Authorities be treated as primary vehicles for mobilizing social and economic development.

Then we considered the position of the Judiciary. We thought that the Constitution should come out clearly to create a fairly independent and thoroughly competent judiciary, free from manipulation by the Executive.

Then we thought that justice as presently constituted is too far removed from the people. We thought that courts should be established at divisional levels manned by the elders of a particular area with the right of appeal to District Appeals court, in certain cases such as Family disputes, boundary disputes, petty land cases, marriages and so on. And then we felt that we should establish traditional courts, a key to traditional method of resolving disputes as opposed to the present system which is largely foreign.

On the judiciary we thought that the Judiciary should also be empowered to jealously defend the present constitutional order.

Finally we consider the issues related to land. We thought that it is not the business of the Government to own land, instead public utilities and public lands should belong to the people and be controlled by the people themselves through Local Land Commissions. And then foreigner should never own land in Kenya and then the concept of trustee should be abolished such that County Councils should not control the use and allocation of land. Finally we thought that there should be a special machinery set up to resolve disputes particularly between districts or areas within a district or disputes arising from the administration of Land Adjudication Act, because at present we do not have such machinery, the present structure of courts is not adequate. That is all.

Com. Zein: Thank you very much Mr. Mbaya for being precise you have taken four minutes and forty seconds, thank you very much. Paul Mbithi? he is an observer, Dickson Thurania?

Dickson Thurania: Walisema tutatumia lugha gani?

Com. Zein: Utachagua Kiingereza, Kiswahili au Kimeru

Dickson Thurania: Kwa sababu tumechanganyika hapa, naona wazee wengine hata hawasikii tunavyoendelea na kikao, naona heri nizungumze Kiswahili kwa sababu naona hata wewe ni mswahili

Com. Zein: Sawa mzee wangu, ungetumia hiyo microphone na utaje jina lako.

Dickson Thurania: Mimi ninaitwa Dickson Thurania na nataka kuchangia hiki kikao kwa maana tangu Kenya iwe huru, hatujawahi kuwa na nafasi kama hii ya kuwa na Katiba ambayo ni ya wanaKenya. Katiba yetu ni more colonial-oriented zaidi ya vile sisi tulivyo kama wanaKenya. Mengi yale tunafuata tunajua tunafuata ya Wazungu tangu Kenya ipewe uhuru. Kwa hivyo ni shukrani kubwa kwa kuwa na nafasi ya kutoa maoni yani Katiba wa aina gani tungetaka tuwe nayo katika inchi yetu. Bwana Chairman, masomo ndiyo utu ya inchi yeyote ile iko katika dunia hii. Tukiwa na watoto ambao hawajaelemika, tutakuwa tunachangia mambo yasiyo na maana. Kwa hivyo kwa upande wa elimu, mimi nashangaa kwa sababu education system the

way the present Katiba or the way Kanu manifesto is, is not realizing its goals. Kuna interference nyingi kwa masomo na tungetaka kama ni hali ya masomo iwe independent kama vile judiciary ilivyo. Kama ni educationist, educationist huwa wanapewa nafasi yakupanga taratibu ya elimu katika hii nchi. Hiyo ni kitu moja ambacho nimeona bwana Chairman imetatiza elimu ya watoto wetu sana katika nchi. So many children have gone untaught, serikali inasema inajali maslahi ya watoto lakini hakuna, kwa sababu walimu ambao wanapelekwa kwa vyuo kuhitimu kusomea uwalimu hawaajiriwi, na tungali ukienda upande huu na North Eastern, ukienda upande wa Tana River, ukienda kila mahali schools are understaffed. Watoto wanakaa, unaona walimu watano against eight streams, walimu watatu against six streams, sasa munasema munajali elimu ya watoto ki vipi na hakuna walimu katika vyuo ama shule zetu? Kwa hivyo mimi ninaonelea system ya masomo iwe independent, taratibu iwe inapangwa na experts ama educationist wale wanajali matakwa ya watoto na wanajuwa masomo ni nini. Kwa hivyo tangu Kenya ipewe uhuru watoto wengi wamekuwa drop-outs, wengine wamekuwa wezi, wengine wamekuwa chokoraa kwa sababu ya Kenya Government kutojali.

Com. Zein: Sasa bwana Thurania, ushatumia dakika mbili na nusu kwa hayo uliyoyasema marefu, sasa umebakisha nusu ujue yale mengine yote yaliyo baki uyachangie kwenye nusu nimkuongeza nusu dakika. Sasa una dakika tatu.

Dickson Thurania: Asante sana bwana Chairman, jambo lingine ambalo ningetaka serikali ama hatujui dawa itapatika lini ya Aids, inaweza kuwa yesu atakuja bila kupatikana. Lakini ningeonelea ile pesa ya AIDS inatolewa na serikali ya kueleemisha watu itumike kwa kujenga schools in every district ama every division in every constituency kuwe na orphanage schools kwa maana shule kama hiyo itasaidia sana kueleemisha watoto wa wale wazazi ambao wamekufa. Shule hii, kama the other day tulikuwa tunasomewa fifteen parents have died wameacha watoto zaidi ya hamsini, na nivigumu kuendelea na shule. Kwa hivyo serikali ijenge shule ya hawa watoto ambao wazazi wanaadhiriwa na AIDS na kadhalika. AIDS treatment ipatiwe nafasi katika Katiba ya Kenya, iwe free treatment, kwa sababu hakuna haja ya kusema AIDS AIDSna watu wanakufa. Government pia mbele ya wazungu kuja hapa Njuri-ncheke ilikuwa na nguvu sana. It was having powers of condemning people to death, na discipline ya watu wote ilikuwa very very intact. Kwa hivyo culture yetu itafutiwe njia kama ni culture ya wajaLuo, kama ni ya watu wengine ile iko na umuhimu kama Njuri-ncheke yetu iwe recognized in the Kenyan law. Yale mambo ambayo tunaketi kutatuwa yawe yanatuliwa na yawe ni sheria ambayo inasupport Njuri-ncheke hapa kuwa Council ambayo ina uwezo wa kutatua mambo mengine bila kutatiza watu.

Na upande wa viongozi, viongozi katika Kenya ninakumbuka kuna wakati mmoja watu waliambiwa wachaguliwe waende Kiganjo Police na division three, walewamehitimu. Lakini Head of State akasema hata mtu yule anakimbia sana na kuruka, he can become a good policeman kwa hivyo sheria kama hizo za kuimpose on roadside, without being really in the law is a very dangerous aspect of violating the Constitution. Kwa hivyo ninaonelea vetting leaders is very necessary for every responsibility.

Com. Zein: sasa muda wako umekwisha kabisa, baada ya kukuongezea dakika moja zaidi muda wako umekwisha.

Dickson Thurania: Nusu,

Com. Zein: la mwisho kabisa,

Dickson Thurania: Yaa. Indiscipline ni kitu ambacho kinastahili kuwa kwa Katiba yetu na conduct ya watu, hiyo ibuniwe kabisa na itatuliwe kwa kila njia ili I fade katika Katiba ya Kenya.

Com. Zein: Asante sana

Dickson Thurania: Sharing of powers

Com. Zein: Asante sana mzee Thurania. Hiyo memorandum uipeleke pale upeane. Kama hukuchukuwa mda wako kusema hadithi ndefu, mambo yote ungeyamaliza lakini basi umesema hadithi ndefu sana.

Dickson Thurania: Basi sasa maneno hii ya mashamba ni very sensitive, mashamba ni kama education tu, hali ya mashamba vile inatatuliwa katika Kenya kuna watu wana acres over one thousand.

Com. Zein: Sasa hiyo ni hadithi, niambie unataka nini

Dickson Thurania: Mimi ninataka wale wako na acres zaidi ya elfu moja wa surrende acres zingine zipewe waKenya wengine.

Com. Zein: Basi,

Dickson Thurania: Vigilante groups ibuniwe kwa sababu polisi wameshindwa kazi, security imeshindwa kazi hawa vigilante groups wawe vijana wakukaa katika villages for security purposes. Nafkiri nimemaliza.

Com. Zein: Asante sana, mnaona kutengeneza hii Katiba si kazi rahisi mzee njoo hapa utoe hiyo memorandum tutaisoma wenyewe. Na uandike jina lako hapa, asante sana mzee wangu. Samuel Kubai? mzee Samuel una dakika tano.

Samuel Kubai: Asante sana bwana mwenyekiti. Jina langu ni Samuel Kubai. Mimi ninataka kuleta Katiba igeuzwe upande wa utamaduni, kuwe na uhuru wa kitamaduni. Kwa sababu katika idara yetu, tuna idara ya utamaduni. Kwa hivyo ningependelea hiyo iwekwe mkazo sana watu wawe na kitamaduni yao.

Pointi nyingine bwana mwenyekiti ni hii mambo ya bursary. Bursary iwe na kamati ambayo inachaguliwa kutoka grassroots au katika mashinani, tuwe na watu kama watatu kutoka mashinani kuendelea mpaka tarafa mpaka wilaya nzima. Tuwe na kamati ambayo inasimamia bursaries, kwa sababu wale watu ambao hawajiwezi hawapati nafasi, au pesa hizi hawazioni, wanaambiwa ziko lakini hawazioni.

Pointi lingine ya tatu, ninataka serikali ifikirie kujenga shule ya hii orphans kwa sababu ya wajane na mayatima na wasiojiweza kama wale ambao wameadhiwa na mkasa kama ule wa AIDS.

Na point nyingine bwana mwenyekiti ni watoto ambao ni werevu na hawana pesa za kuendelea na shule kuwe na Katiba bwana mwenyekiti ambayo itakuwa inaanza kutoka mashinani kama vile nimesema hapo tena kuwe na kamati ya kuweza kuangalia pesa zile na kujua ni mtoto gani ambaye anastahili kupewa pesa zile bwana mwenyekiti.

Pointi nyingine, bwana mwenyekiti, wakati wa kupiga kura, ninapendekeza kura kuhesabiwa katika mahali pale ambazo sanduku zimefunikwa, au saa za kupiga kura zimekwisha bwana mwenyekiti ningomba kura zihesabiwe hapo hapo. Maana kule kusafirishwa kutoka kituo hiki na kwenda kingine bwana mwenyekiti ndivyo kunaleta mambo maovu ya kuiba kura.

Pointi lingine bwana mwenyekiti, elimu ya watu wazima, ninasema iendelee kama elimu nyingine yoyote kwa sababu katika inchi hii yetu tuna watu wengine wengi ambao hawajaelemika. Wanaenda tu wanaweka kidole cha gumba.

Jambo lingine, bwana mwenyekiti, ningependelea wakati wa kuchagua ma Sub Chiefs, Chiefs, tuwe tunawachagua kwa njia ya mlolongo. Mlolongo unafanywa, wale ambao wanastahili wanachukuliwa bwana mwenyekiti, kuliko kuletewa mtu ambaye hatujui tabia zake.

Jambo lingine, bwana mwenyekiti, ni kuhusu idara ya polisi. Idara ya polisi, bwana mwenyekiti kwa sasa kama uchumi utanawiri, ningependa ipewe magari ya kutosha, ipewe mafuta na wale ambao ni polisi nao mbwana mwenyekiti wawe wanavaa uniform wakati wako kazini. Na wawe na vitambulisho vyao bwana mwenyekiti, maana wanainchi wameangamizwa sana na watu ambao ni wakora, wakijiita polisi.

Jambo lingine bwana mwenyekiti, ni kuhusu masquatters. Kuna mashamba mengi katika inchi yetu ya Kenya, ambayo kuna masquatter wengi ambao wamekaa hata zaidi ya miaka kumi, na ningependa Katiba ibadilishwe bwana mwenyekiti, miaka kumi ikifika, wapatiwe mashamba.

Com. Zein: Muda wako mzee umekwisha uwe unamalizia sasa

Samuel Kubai: Asante, jambo lingine, bwana mwenyekiti, ni kuhusu bunduki. Bunduki bwana mwenyekiti, ningetaka Katiba iangaliwe ni wakina nani wanastahili kumiliki bunduki, maana sasa bunduki zimejaa nchini na tunaangaishwa sana.

Jambo lingine na la mwisho bwana mwenyekiti, ni kuhusu Katiba ya ndoa. Katiba ya ndoa, bwana mwenyekiti, tunaona ya kwamba wanawake ndio wengi hapa nchini na ninaomba Katiba igeuzwe kuhusu kuoa mwanamke zaidi ya mmoja. Maana hata katika madini zingine, kuna madini zingine zimekubalia kuoa wanawake wanne, kwa hivyo

Com. Zein: Hebu mpeni fursa mzee, najua wengine limewafurahisha hilo, lakini ngoja binti, dada unapinga mimi ninajua, dada anatingisha kichwa, ngoja fursa yako upate na wewe uje useme yako, mpeni mzee fursa, asante mzee.

Samuel Kubai: kwa sababu ninajua kuna dini zingine hasa zinakubalia kuoa wanawake wanne, kwa hivyo hapo irekebishwe.

Jambo la mwisho, bwana mwenyekiti,

Com. Zein: mwisho ya mwisho kabisa.

Samuel Kubai: jambo la mwisho nikiondoka, ni kuhusu wanawake hawa wanarandaranda bwana mwenyekiti, ninataka serikali iwafikirie kama ni kwenda kuwapima, na kuwapatia certificate, maana hata hawa wanachangia kitu katika inchi yetu ya Kenya asante sana bwana mwenyekiti.

Com. Zein: asante sana mzee, mzee Kubai, unahitajika utoe hiyo memorandum huku na u sign register kwamba umetoa maoni, Daniel Kinja, karibu mzee.

Daniel Kinja: Asante, mimi naitwa Daniel Kinja, maoni yangu ni kuhusu mashamba ya wazungu ambaye

Com. Zein: Mzee Daniel, hebukidogo mzee, nafikiria kuna watu wengine ambao walikuja wamechelewa, tulitoa mawaidha mengi kuhusu kikao chetu cha hapa. Mzee wangu nasema kuna wengine wamekuja wamechelewa, na tulitoa maoni

mengi kuhusu utaratibu wa kutoa maoni hapa. Kwanza sisi kama Tume ya Kurekebisha Katiba, tunatoa amri, na hiyo ni moja tu, haya mengine tunakubaliana lakini amri ni ngambi, moja, kwamba kutakuwa kuna usalama hapa, na kutakuwa kuna kimya. Saa ile mimi ninazungumza au Commissioner mwenzangu au mtu aliyepewa fursa kuzungumza anapozungumza, hakuna mtu mwingine yeyote atakaye ruhuswa kuzungumza ndani ya kikao hiki. Na ikiwa kuna mtu anataka kuzungumza, atatoka aende pale mbali na mwenzake wazungumze yao kimya kimya wamalize warudi waendeleo na kazi hapa, sijui kama tunaelewana hivo?

Yale mengine ni ya kukubaliana na kuheshimiana, kwamba kila mtu na maoni yake, ikiwa haukubaliani na yake, utakuja wewe upate fursa utoe yako. Ukipewa dakika tano zako uzitumie vizuri kwa sababu, ikiwa una mswaada umeandika, ututajie yale muhimu tu, tutasome mswaada. Ikiwa unatoa mazungumzo yako tu hivi kutoka kichwana uyapange yawe yanaenda sawasawa, ukisema hadithi ndefu, kwa mfano, wacha nitoe mfano, uje hapa uzungumze kuhusu adjudication au ugawaji wa mashamba hapa, useme ulianza 1966, sisi tunajuwa hivyo. Ukianza kutupa historia ukachukua nusu ya muda wako kutupa historia, mapendekezo yako yatapungua, na ni muhimu utoe mapendekezo yako, useme kama mimi mapendekezo yangu kuhusu ugawaji wa mashamba ni haya, ufanywe hivi na hivi na hivi na sisi tunaweka. Sijui kama tunaelewana? halafu yule binti pale ana recordi mambo haya kwa tape recorda, usije ukaona pengine nimeandika mengine, mengine siandiki ukafikira mengine yatapotea hakuna hata moja litakalo potea ana recordi ndiyo maana ninasema muhimu ukija ukazungumza hapa, utaje jina lako tuwe tuna recordi mpaka jina lako kwa sauti yako mwenyewe. Ukimaliza kunzungumza hapa unakwenda kwa huyu binti hapa ambaye ndiye kiongozi ya wafanyikazi wetu, ana register inaonyesha kwamba wewe umetoa maoni yako. Sijui kama tunaelewana hivi? Yule kijana amekaa pale katikati ana endelea kuandika reporti hii kwa mkono, ndiyo recordi nzima iko sawasawa. Mzee wangu pole kwa kukusitisha hapo, lakini ni katika kusaidiana katika kazi, Mzee Daniel, tafadhali endelea.

Daniel Kinja: Jina yangu naitwa Daniel Kinja. Kwanza ni mashamba yale ambaye yako na Wazungu, yapatiwe serikali ili serikali iwagawie wanainchi wote ambao wako na vipande hapa Kenya. Kwa sababu ukosefu wa kulima ndiyo kunachangia umaskini kwa wingi hapa Kenya. Namba ya pili ni idara ya kilimo, itengewe pesa nyingi kuliko idara nyingine ili tuweze kuwa na maji ya kutosha kwa sababu hiyo ndiyo itamaliza umaskini hapa Kenya.

Namba ya tatu, police: watu wote ambao wana magari wanatoa hongo kila wakati, ukienda pahali popote unakuta magari ya mejaa barabarani najaa polisi, na hakuna risiti inaweza kuonyesha polisi mwingine ya kuwa mtu huyu alitoa pesa kiasi fulani kwa hiyo barabara.

Jambo la nne, Rais asiwe wa chama chochote maana akiwa wa chama kimoja, basi sehemu zile ambaye hatakuwa amepata kura nyingi, wanainchi wa sehemu hizo watataabika sana kwa sababu hawakumpigia kura.

Jambo la tano, kuwe na Waziri Mkuu. Hapa Kenya kuwe na Waziri Mkuu, kwa sababu nchi zile zingine zina Waziri Mkuu zinastawi zaidi kuliko zile ambazo zina rais pekee yake.

Jambo la sita, kuwe na serikali ya mseto, ile chama ambaye itakuwa imeandikishwa na kimepata kiti kwa bunge, kipatiwe na

idara badala ya kiti kimoja, kiwe na idara yote kama vile Kenya ilikuwa na idara yote ambaye ilikuwa hapo mbeleni.

Na ya saba ni kuhusu wanyama wa porini, Katiba ndiyo inaonekana kama ndiyo muhimu kuliko mwanainchi kwa sababu mwanainchi, akigongwa na wanyama, au wanyama wakanyage shamba lake, basi huyo mtu halipwi mali yake na hata yule mtu analipwa aliyewawa, hulipwa kidogo sana. Kwa hivyo idara ya wanyama, ilinde wanyama wao wasiangaishe wanainchi.

Na ya mwisho, ni vyakula ambaye tunalima kama kahawa na majani. Basi soko huru imeteremsha kilimo sana. Unakuta kama kesho shilingi tano, kesho kutwa shilingi tatu, lakini wakati serikali inasimamia orodha ya malipo au yakuuza, basi kulikuwa na kiwango muhimu, watu walikuwa wakipata pesa kuhusu kilimo.

Nikimaliza hapa, hapa Kenya kuna wanawake wengi kuliko wanaume. Wanawake hao wamejaa mijini kwa sababu hawaolewi. Katiba yetu inasema mtu mmoja, mwanamke mmoja, na wale wanabaki wote wanakwenda mjini wanachangia magonjwa kwa wingi, kwa sababu hawana wanaume. Kwa hivyo matajiri ambaye ako na mwanamke mmoja na shamba lake acre ni mia moja, ako na mwanamke moja na acre yake ni elfu moja, kwa hivyo wanawake hawa kama kungekuwa na kukubalike ili mtu anajiweza awe na wanawake ambao anaweza kuwalinda ingekuwa vizuri, ninamalizia hapo.

Com. Zein: Asante sana mzee Kinja. Mzee Kinja ametumia muda wake vizuri, ungewacha microphone pale mzee wangu. Ametumia dakika nne pekee yake, lakini mzee Kinja ningependa kukuarifu kwamba Katiba ya sasa, haimzui mtu kuoia wake zaidi ya mmoja, Katiba haizui, kitu pengine kinazuia ni maadili ya kidini, au siyo hivyo? Lakini Katiba haizui kwa sasa. Asante ningenda kumwita Kinoti Kirera. Kabla ya Kinoti kuja, dada, ulikuwa unatingisha kichwa sana, unataka kusema jambo. Wewe unageuka nyuma, saa ile yule bwana aliposema wanaume waoe wake wengi ulitingisha kichwa sana, unataka kusema jambo? Kama unataka kusema mpaka uje hapa utaje jina, nitakuita sasa hivi, utaje jina useme.

Dorcas : My names are Dorcas, I just wanted to tell the first person who said about marrying many wives, I wanted just to tell him that it is not the Katiba, it is not the Constitution that refuses one to marry many wives, but the church, and I should say that the church should sensitize that women should only be married to one person not two wives. I don't want to hear one man marrying many wives because, according to the times we are in now, many wives, one will even poison the husband so that they suffer together. If the first wife might stay well, but the second wife might come and poison to the husband, so that when the first wife with her many children will suffer the most.

Com. Zein: Kwa hivyo Dorcas, wewe ulikuwa unasema mwanaume mmoja kwa mwanamke moja, haya basi.

Dorcas: Yes

Com. Zein: Basi sawa ni hiyo tu, asante. Mpaka sasa u sign register ulizungumza. Kinoti Kirera? Karibu ndugu.

Kinoti Kirera: Thank you very much bwana Chairman. My names are Kinoti Kirera and I am presenting the following issues. Traditional courts to be introduced and be empowered to deal with cases.

Free education to be provided by the Government upto the secondary level.

Ladies to respect their husbands regardless of their powers in the Government, because we can see those few who are in the Government, some of them are already divorced their husbands because of their ranks.

One man, one job, no one should hold more than two jobs.

Corrupt people should resign once they are caught.

One should be elected two terms and then retire even if it means politics. Free passports to be issued to the retired people to enable them to seek jobs even abroad and not to be appointed again in offices, yet there are school leavers or graduates who are unemployed.

The other point is that Chiefs and Assistant Chiefs should be elected by wanainchi. The other point is that women should be allowed to seek marriage counterparts. The other point is that women should not be given top posts in the Government because if they go for maternity leave, it means their offices will not run properly.

Councillor's qualification should be a form four leaver or even a graduate. I think those are the points I had bwana Chairman, and thank you very much.

Com. Zein: I have a question for you. The reason why you are saying that women should not be appointed to Senior Government positions is that if they go for maternity leave, their work will suffer, but women work as teachers, as nurses as doctors and still go for maternity leave and their work continues. Would you limit the working of women in every area?

Kinoti Kirera: No I cannot limit because if a woman is a teacher and is teaching in a certain school it means that she can be assisted by another teacher because they are in the same school.

Com. Zein: But that is also true for the Government

Kinoti Kirera: And it is hard let say if a woman is a President it is very hard to be assisted by anybody else.

Com. Zein: A Vice President, Vice President will assist the President

Kinoti Kirera: He can but not

Com. Zein: Okey that is your view, thank you. Stephen Muchena?

Kinoti Kirera: Thank you very much bwana Chairman

Stephen Muchena: Thank you bwana Commissioner. My names are Stephen Muchena Kiriria and I wish to present views on behalf of MCK Kianjai Church. I will just highlight on the main points. First, the powers of the Executive or the President should be trimmed and shared. Indeed powers of appointment of Parastatal officers, allocation of resources, declaration of emergency and so forth.

Parliamentary, civic and Presidential elections should be held separately. On the Presidency, he should have attained a

post-secondary education, and should be a member of Parliament, 35 years and above and should be morally upright. The President should be non-partisan and elected by all Kenyans, he should serve a maximum of two terms of five years each.

On the Judiciary, for impartial judiciary, the Chief Justice should be appointed and then vetted by Parliament. Other appointments should be through independent Judicial Commission. On the Electoral Commission Election, the Electoral Commission should be truly independent and appointment should be done on merit. Funds for Electoral Commission should be paid from the Consolidated Fund. The two hundred and fifty thousand required to file a petition means only the rich can afford justice in an election, so this one should be reduced.

Rights of women especially on inheritance and citizenship should be clearly spelt out and should not contradict of the equality of sexes.

On corruption, perpetrators should be dismissed from Public Service, an Anti-corruption bill should be enacted and enforced.

For competent Civil Service, appointment of Civil Servants should be on merit. Good performance should be rewarded accordingly.

On Local Government, the Local Authority should be delinked from the Central Government Act and should be changed to give more power to authorities. Elections in the Local Authority should be done at a different time from that of Parliamentarians. The type of Government we would wish to have is a unitary type of Government, not majimbo and I think those are some of the highlights in the memorandum the rest you will read.

Com. Zein: Thank you very much, please give in the memorandum and sign our register. Maurice Mutuma from Njuri-ncheke? Francis Taaliu Mugambi?

Francis Taaliu Mugambi: Asante sana mwenyekiti, majina yangu ni Francis Taaliu Mugambi, kutoka Mitundu location. Mimi kwanza kile kimenileta hapa ni kuja kutoa maoni kwa hii Commission yako. Kwanza juu ya security, ama usalama wetu sote, umezorota kabisa. Kwa mfano kama umesikia kumeibiwa hapa na pale, na kwenda kupiga riporti Police Station ama kwa Chief, itaitikiwa ndiyo, lakini ukienda useme wakupeleke pale utaambiwa hatuna gari, hatuna mafuta, hii ningeliza Commissioners, nyinyi, kila Police Station katika mikoa yetu yote ipewe gari na OCS apewe petty cash ya kusaidia. Ni mambo ya kusikitisha sana kusikia kama mtu amekatakatwa mahali, hakuna gari ya kwenda kumleta. Nyingine, mimi huenda sokoni kama kwetu Kianjai hapa, ukipeleka mzigo unatoa pesa, ukiingia ndani ya soko, hiyo ninaingilia sasa County Council yetu, ukiingia ndani ya soko, unakanyaga matope mpaka karibu mguu wako unaishia huko, hii revenue yote wanachukua haitengenezi masoko yetu. Hatujui hizo pesa zinaenda wapi. Ningependa masoko yatengenezwe, kila mtu ama kibanda, kama ni mandizi yauzwe kwa mandizi kama ni njugu kwa njugu, na iwe imetengenezwa mahali pa wale wakulima kuketi wakiuza vitu vyao. Kitu kingine, nitazungumza juu ya livestock, wanyama wetu tukienda kuuza, kama wakati huu sasa utasikia

kuna outbreak ya ugonjwa na tunapeleka ngombe zetu kupimwa. Kama tukipeleka unaambiwa yako iko na ugonjwa fulani kwa maziwa na tutakupa riporti. Mimi ninashangaa na Ministry of Livestock, ninaendelea kukamua watoto wangu ile ngombe na niliambiwa iko na ugonjwa, hawawezi kuleta result ile hata ukingojea hatujui itaweza kufika lini. Na ni pesa zinalipishwa.

Jambo lingine ni usalama njiani, mimi ni mtu wa zamani niliona hata mambo ya ukoloni. Polisi zamani walikuwa wakizunguka na mbwa kila mahali kama sasa Kianjai au mahali pengine wakiitisha kila mtu anatoa identification yake, na wewe ukimuuliza wewe ni nani, polisi hata akiwa ana nguo za raia anatoa anakuonyesha mimi police man. Sasa sisi tunashangaa kule unapigwa tochi, unaambiwa simama mimi ni polisi, weka panga chini. Ile panga unakatwakatwa nayo, na ni ajabu kusikia unakatwa na polisi. Kwa hivyo identification must be there.

Kitu kingine, sisi in wakulima na tumelima kitu kama kahawa na mahindi ambayo tunatumia sisi hapa kwetu. Hatuna cash crop ingine isipokuwa kama hiyo kahawa, lakini hatuna controlled price tungependelea hii Katiba iwekwe iwe na controlled price. Ile ambaye kama sasa tukisikia radio zetu, tunasikia mahindi yanaweza kuwa shilingi elfu moja, lakini saa hii ukinipa shilingi tano nitakuletea kilo moja ya mahindi Kianjai ama kesho nikuletee na shilingi nne. Kwa hivyo tunaumia sana.

Kitu kingine, ni juu ya masomo, masomo yetu, vile watoto wanahitimu mitihani yao, tungetaka wakichaguliwa wachaguliwe na merit, aliyepita zaidi aende, apelekwe shule nzuri, na ikiwezekana mambo kama haya yawekwe kwenye magazeti na majina. Maanake sote tuko watu wa serikali na katika development za skuli mimi kitu kinanishangaza ni kusikia hakuna fee itakayotolewa kule kwa skuli au kitu chochote, lakini watchman na vitu vingine vitalipiwa na nani? Serikali yetu ndiyo maana inachukuwa mambo yote, i supply watoto wa shule na vitabu both text and exercise books. Hata hii ingine ya kusoma.

Com. Zein: Sawa mzee, muda wako umekwisha sema la mwisho.

Francis Mugambi: La mwisho ningetaka kuhimiza kabisa mambo ya Chiefs na Sub-Chiefs, hata ikiwa tutawafanyia mlolongo, lazima wawe wamesoma wamehitimu kidato cha nne na wafanye interview wapite. Hatuwezi kufanya mlolongo, kwa illetrate ambaye hawezi kuandika jina lake. Asante sana.

Com. Zein: Asante sana mzee tafadhali fuata laini ya huyu mzee akimaliziwa uandike na wewe jina lako kwamba umetoa maoni kwa Tume ya Kurekebisha Katika. Gerald Mwithia, karibu mzee. Nakupa pia wewe kama wenzako dakika tano

Gerald Mwithia: Okey Asante bwana mwenyekiti mimi sikuwa na mengi, la kwanza ni security

Com. Zein: Mzee kwa vile tuna recordi habari zote, taja jina lako tafadhali

Gerald Mwithia: Okey, asante sana. Jina langu ni Gerald Mwithia. Nataka kusema juu ya security. Katika Kenya nzima, security ni mbaya, kila watu pahali popote, watu wanalia. Kungekuwa na njia ya kusaidia kuona ya kwamba polisi wanafanya kazi nzuri ya kuzuia ualifu. Na moja inatoka kulingana na recruitment, kwa vile wengi wanakuwa wameandikwa some through the corruption, wanashindwa na kufanya kazi, badala yake wanatafuta pesa. Kwa hivyo ningependekeza ya kwamba kuwe na Committee ambayo inaweza kufanya recruitment ya police au wale watu ambao wanakwenda kufanya kazi ya serikali ili wasiwe wanaandikwa na mtu mmoja. Kwa hivyo wanaweza kuangaliwa vizuri ya kwamba ni watu wazuri wanawekwa katika

kazi.

Neno lingine ni utumiaji wa pesa wa pesa ya wafadhili, kuchimba barabara, kujenga hospitali, na mambo mengine. Ningependekeza donors, wawe na access ya kuona pesa zao zimeenda wapi na vile zinatumiwa kwa sababu mtu akiwa ni powerful anaweza kuchukuwa zile pesa zote na kuitumia kwa njia yake na hana njia ya kumshika wala kumuuliza.

Neno la tatu, ningependa kusema, serikali iangalie juu ya lands, kwa sababu inaonekana ya kwamba nguvu ya Kenya nzima inatokana na ukulima. Lazima tuone ya kwamba ni njia gani tunaweza kuzuia udongo, ukienda katika barabara zetu unaona mashamba yote yameenda na mvua, kama mvua ya mwaka huu au miaka mengine, kwa sababu wakulima wakubwa na wadogo hawaulizi njia ya kuzuia momonyoko wa udongo. Serikali iangalia watafanya nini kuhusu wale ambao wanalima katika milima watumie mashamba na kuzuia momonyoko wa udongo. Mimi sikuwa na mengi bwana mwenyekiti .

Com. Zein: Asante sana Mzee Mwithya kwa kutumia wakati wako vizuri, tafadhali andika jina lako kwenye register. Godfrey Gitonga, karibu mzee.

Godfrey Gitonga: Asante sana bwana Chairman. Majina yangu ni Godfrey Gitonga, mimi sina mambo mengi, sitaki maelezo lakini nitasema points vile ninataka kusema. Ya kwanza, ningehimiza Katiba yetu ikigeuzwe.

Power ya President: iwe inapunguzwa, President wetu ana power nyingi ndiye ana appoint wakubwa wa polisi , pia ana appoint wakubwa wa jeshi, ndiye ana appoint watu wakubwa wote, wanatokana na mkono wa President.

Kuwe na watu wa ku-appoint kama hao. Kama ni Cabinet, wawe wakifanyiwa interview na Parliament halafu wanakuwa appointed.

Ya pili, mimi ningependekeza kuwe na elimu ya watoto wetu wawe wakipata elimu ya bure. Kutoka zamani hata wakati wa mkoloni tulikuwa na elimu ya bure. Watu walikuwa wakisoma vizuri.

Ya tatu, iko nchi nyingine nyingi ambayo watu wakiwa wazee, wanasaidiwa na serikali. Kunakuwa na kama mji ya wazee. Kunakuwa na pahali wazee wanatunzwa na kuna nchi zingine naye watu wakiwa hawana kazi na mtu amezeeka nafikiri iko nchi kama hizo. Wazee wanasaidiwa na serikali kupewa chakula na nguo. Lakini katika Katiba yetu hakuna pahali kuko na hiyo kitu ambacho kinaweza kusaidia mtu akizeeka.

Ya mwisho, sisi tunataabika sana, kwa sababu tunaingia katika ile kitu inaitwa cost sharing katika ma-hospitali yetu. Mimi ningependelea hospitali irudi kama zamani. Mahali tulikuwa tunapata dawa. Na ya tatu katika hiyo hospitali, tuwe yule kama ni daktari awe hana clinic yake. Kwa sababu zamani hakukuwa na clinic watu walikuwa wakipata dawa vizuri. Lakini watu walipoachiliwa wakawa na clinic yao, sasa ukienda dawa hakuna hospitali ya Government. Lakini ukienda clinic ya dakatari utakuta kuna dawa ziko.

Na ya mwisho, mimi ninapendelea tuwe na uchaguzi mara moja katika mayors na wenye viti wa County Council. Municipal Council kuwe na election moja. Ya mwisho, tuwe na election ya ma chief na ma sub-chief. Watu ndiyo wanajuwa yule mtu ambaye anaweza kuwaongoza na kuwalinda, ni hayo tu asante sana.

Com. Zein: Asante sana mzee Gitonga kwa kutumia mda wako vizuri tafadhali andika jina lako kwenye register yetu, ningependa kumwita Silas Ntongura, Bernard Mugambi.

Bernard Mugambi: Thank you very much Mr. Chairman. My names are Bernard Mugambi and my views are individual. First point is that the Government to be accountable of its own work and the running of its affairs.

- No one should be bigger than another in front of the law.
- The third is to respect and promote the culture of different ethnic groups in our country.
- To mobilize and distribute the resources equally and equitably.
- Education, roads, health and water to be catered for and distributed properly by the Government.
- In every constituency the MPs should have their offices and in the constituency.
- People should be allowed to elect the Committee to be looking into peoples affairs and report it to the office of the MP and also from that Committee people to give views to it so that those views can be given to the MP and the MP to take them the Parliament.
- So that the MPs can represent their peoples' views properly because some MPs are elected and that is all after five years, they come back again to ask for the voters to give them votes.
- Corruption: e.g like in interviews, for forces, teachers or other organization, there is a lot of corruption during these interviews and for example if it is now the interview for forces, the people who are needed there should be form four leavers and have a grade of C+ or C- but you can get a person there with a D.
- So Government should look into those interviews properly and who should be responsible to conduct that interview be asked why and how that person has qualified for that interview.
- The Local Government or council to manage their affairs without waiting to be directed by the Central Government.
- The Constituency to be created according to population but not to favour the individuals.
- If the elected MP does not work with the people or the Committee elected by the people in their Constituency, should be fired before their terms is completed.
- Be sued by that Committee if they had misused the funds which was directed by the Government to develop that area.
- If there is anything to be amended in the Constitution, people should be involved.
- Youth groups should be appointed by villagers and be recognized by the Government for keeping peace, because the police are unable to maintain that peace.
- We should be allowed to have the office of Ombudsman so that in that office if someone feels that injustice is done either by the court or by a group somewhere, he can report his affairs or matters to that office.

Com. Zein: Thank you very much Bernard, time yako imeisha au kuna jambo la mwisho ungetaka kusema, la mwisho kabisa , maanake una ruhusa ya kutoa hiyo memorandum.

Bernard Mugambi: No, that was my last point.

Com. Zein: Oh, perfect timing, five minutes imeisha na wewe umemaliza, very good, tafadhali andika register na utoe hiyo memorandum. Thomas N’kumbitu? Karibu mzee.

Thomas N’kumbitu: Thank you mwenyekiti. Jina langu ni Thomas N’kumbitu, yangu ni machache kama mnavyosikia. Nitasema machache tu.

- Serikali yetu ijayo iwe ma Chiefs na Assistant Chief kama inavyoambiwa na wengi, hao wawe watu wa kuchaguliwa na wanainchi.
- Kenya yetu ijayo isiwe ya kura ya mlolongo, kwa kuwa kura ya mlolongo ni cha kukosanisha watu.
- Iwe ni secret ballot.
- Ingingine mwenyekiti ni mambo ya mawakili. Wakili, wakati huu wa serikali tunayo imetunyanyasa sana kwa kuwa akifanya kesi la mteja wake na pesa zipatikane, ni vigumu kusikia mteja amepewa hizo pesa. Ningependekeza kwa Katiba yetu ijayo, wakili awe akifanya kesi ya mteja, hizo pesa kupitia koti wagawanyiwe hapo hapo. Mteja awe na zake, na wakili aende na zake. Kwa kuwa ni wengi wanalia kwanza wale ambao mwenyekiti hawana nguvu, wamenyanyazwa sana.
- Na ingine bwana mwenyekiti, serikali yetu ambaye tunayo wakati huu, badala ya kusaida watu kabisa, njaa ikiingia wanaleta mahindi kutoka ngambo. Kwingine, tunakuja kusaidiwa na relief.
- Ningependekeza kuwa serikali ijayo iwe watu wana mashamba yao. Hata kama shamba yako ni kidogo, nusu acre, tuwe tunasaidiwa na serikali yetu na maji ya kulima ili kila mmoja ajisaidie kwa chakula yake. Kwa kuwa shamba likiwa na maji hata kama ni kidogo litamsaidia mtu na familia yake.
- Ya mwisho kabisa ningependekeza matajiri wetu, kwa kuwa hakuna tajiri mwenye kiti anayeweza kuwa mwizi, tajiri ni mtu wa kutunza mali yake. Serikali yetu iwapatie silaha kwa kuwa hata Wazungu walio Kenya, hauwezi kwenda ukamkuta tajiri Mzungu asiye na silaha. Wana silaha yao na ningependekeza matajiri wetu weusi wapewe silaha ya kuchunga vitu vyao. Ili, mtu akiwa kwake aweze kujilinda na kulinda mali yake. Sina mengine ni hayo tu mwenyekiti asante.

Com. Zein: Asante sana mzee Thomas kwa kutumia muda vizuri, tafadhali andikisha jina lako kwamba umetoa maoni. Reverend Martim Mworira? Reverend Martim Mworira? Reverend hayuko, N’toriberia M’imathiu.

N’toriberia M’imathiu: Ibwea chairman, riitwa riankwa ii N’rimberia M’imathiu

Translator: Thank you Mr. Chairman my name is N’toriberia M’imathiu

N’toriberia M’imathiu: uuni bura ngupendekezaa

Translator: what I am suggesting

N'toriberia M'imathiu: mianka ya miunda ira yaari mikuru ya kuuma igita na mirini na mwitari gweshimiwa

Translator: I am suggesting that all the land boundaries since time immemorial should be respected.

N'toriberia M'imathiu: bwa yaili batwi turi antu ba meru tutwirue ni gintu gigwiitwa nthenge

Translator: Again on my second point we as Merians should not look over the issue of traditional.

N'toriberia M'imathiu: nuntu nthenge nio itukarakia muntu ura wii na inya kiri uungi atimuchunaa gintu kuri na nthenge.

Translator: You find that if we undergo this cultural practice, I am mean if we refer the cases back to traditional cultural judiciary oath.

N'toriberia M'imathiu: bwa jathatu

Translator: the third point

N'toriberia M'imathiu: katibene ira ikeeya ntheto chia iiamba riauma coutine rithibwirite gwitaa gwikwa uu kithira muntu agwitakia ng'ombe kana mburi ka abwirite kunenkerwa

Translator: I am suggesting that when a case comes from a court of law and referred back

maybe to Traditional hearing it should not be overseen but followed

N'toriberia M'imathiu: Bwa yana.

Translator: my fourth point

N'toriberia M'imathiu: akuru ba ntura kana ba tiania nibo baichii bura antu baturaa

Translator: Village elders or Tigani elders are the ones who are conversant with the living style of the people in the area.

N'toriberia M'imathiu: bwa yatano

Translator: my fifth point

N'toriberia M'imathiu: baatwi ukeeya gwita kinya urikwoona untu agaita aa kambiine ukauga kwoona untu buna butibwithikaa

Translator: Another point is that if incase you see something and you go to report to the police post or office, you realize that nobody follows it.

N'toriberia M'imathiu: itutethakue aantu au nuntu uyitue rwirowi na nuringi kana nutemi ka ukwira baatwi tuti na karatasi ga kwandika.

Translator: You will find that we need assistance in this area because when you report a case to the police station you find that you will be told that there are no materials to write.

N'toriberia M'imathiu: kankugaa akura ba mwiria kana ba ntura ibaishimiwe

Translator: I am also suggesting that village elders should be respected.

N'toriberia M'imathiu: Nti na yangi munene no yau

Translator: I did not have much only that, thank you

Com. Zein: Mwambie mzee asante sana, Jacob Gichunge, karibu mzee

Jacob Gichunge: riiwa rikwa mbitawa jakubu Gichunge. Maoni yankwa yara nkenda kurita.

Com. Zein: Subiri kidogo mzee, subiri kidogo, subiri tu kidogo.

Com. Ratanya: wapi huyu kijana, endelea, utaongea kwa Kiswahili ama Kimeru

Jacob Gichunge: Maoni yangu yale mimi ninataka kutoa ni upande wa tribunal. Ninauliza mwenyekiti tribunal iwachwe kuwekwa katika mikoa. Iwekwe katika district. Kwa maana kuna watu wengi wako na taabu kwa tribunal na kama tribunal iko katika mikoa hawawezi kubeba mashaidi wao kuwapeleka katika mikoa.

Com. Ratanya: Bwana Jacob kuna Rent Tribunal na Land Tribunal, sasa ni ipi?

Jacob Gichunge: ni ya Rent na hata mashamba

Com. Ratanya: Rent na mashamba, good, okey asante

Jacob Gichunge: Ya pili, ni wale watu wako na contract mzuri wakubaliwe kupewa bunduki. Kwa maana tuseme kama wakati ile Kianjai kunashambuliwa. Kila wakati kukiwa na wafanyi biashara wale wako na conduct mzuri wanaweza kusaidia watu wakiwa na silaha ya kujikinga naye.

Ya tatu ni industries: isiwe ikiwekwa katika Nairobi peke yake, au katika area yenye Municipality peke yake. Iwe inaletwa katika rural, watu wa rural nao waweze kujisaidia.

Ya nne ni upande wa barabara. Mimi ninauliza ile serikali inayokuja au ile iko, mtu akiwa ana simamia kazi, ikiwa ni ya barabara, ujenzi au yoyote ya serikali au ushirika, akisimamia kwa njia mbaya na inaonekana kuna makosa, vitu vyake vichukuliwe na itengeneze ile kazi na apelekwe jela.

Kwa maana akisha pelekwa jela, hakuna mtu atakayekubali kufanya maovu kama hayo.

Ingingine ni upande wa ma hospitali: kila wakati, wale watu ambao wako hospitalini, wako na clinic yao, ndiyo wanaiba dawa katika ma hospitali yale wanasimamia. Tunauliza serikali yetu mtu yeyote akiwa na clinic, asifanye kazi kwa serikali au kwa hospitali. Afanye kazi katika clinic yake peke yake.

Upande wa Rent: tunaona kama ni County Council au serikali wanaongeza rent kila wakati, kila mwaka wanaongeza rent na hakuna kazi wanafanyia wanainchi katika market ile wanachukulia hiyo rent. Tuseme kama ni market kama vile msemaji mmoja alikuwa hapa alisema, wanachukuwa pesa, na ukienda kwa market, inajaa maji. Hata ukienda ni mboga au tunda lolote, hauwezi kukula kwa sababu iko kwenye matope.

Upande wa elimu: katika elimu watu huambiwa tunafanya cost sharing lakini ukiona ile cost sharing haionekani. Kila mzazi, unasikia tu akienda hatuna kitabu, mwalimu hana chalk, hana kitu chochote cha kufundishia. Kama upande huu wetu wa Tigani tuko nyuma sana maana hatuna mavuno, ukienda kitu yetu ile tunategemea ni ukulima, mvua isiponyesha watu wote ni maskini, hakuna mtu ana kitu. Sina mengine ni hayo tu.

Com. Zein: Asante sana mzee, tafadhali andika jina lako kwenye register, sasa ilipokuwa asubuhi, nilipoita majina ya kaenda mpaka ilikofika namba kumi na tatu, nikaambiwa kwamba huyu kijana ndiyo amejandikisha namba kumi na tatu. Lakini mimi nikatumia ile uwezo mlinipa mimi, siyo tu kumpa mtu mbele, lakini nikamrudisha yeye nyuma nikasema kwa vile yeye ni mtafsiri nitamzuia asizungumze wakati ule wa asubuhi mpaka nitakapo amua mimi. Sasa nimeamua kama anataka kuzungumza, apate fursa hiyo kwa ruhusa zenu. Sawa? anaitwa Mwiti J. Guthuri.

Mwiti J. Guthuri: Okey thank you bwana Commissioner. My names are Salvandis Mwiti J. Guthuri. I am the Chairman of Nyambene Youth Network. Here, I have the views of the members from different networking youth groups that is university students, colleges students, un-employed graduates and working professional youths. Those are the collection of the networking youth groups. Okey, one in our proposals actually much have been said, I'll just highlight a few areas.

- The first area is the issue of Preamble: we feel that the Preamble should reflect aims of Kenyans and address the will of the people.
- Another important aspect is mandatory to have members of Parliament office for meeting the people at a constituency level.
- Another point is compulsory and direct representation of youth in Parliament and in civic election.
- Another important aspect is grabbing of joint admission board in public universities and its activities taken over by individual universities.
- Make it compulsory for people in the age bracket of 18 years and above to vote failure of which should be a crime like in Israel or Australia.
- Another thing is introduction of provision that whereas freedom of expression and student activism in institutions of

higher education, universal health care, provision to streamline job opportunities, we feel, and with mechanism through out to retired people.

- Compensation and recognition of freedom fighters both physical who fought in the forest and others who fought from the diplomatic table.
- Parliament to be autonomous with its own calendar and away from the Presidential manipulation.
- Provision for introduction of grants and bursaries in middle colleges.
- Recognition of cultural institutions, historical significance by the Constitution e.g. Njuri-ncheke.
- Provision of a law that gives a heavy punishment to counter corruption, mis-management, and mis-appropriation of public coffers. Here, we propose life sentence to offenders.
- People to have the power to call back the non-performing MP.
- Avoid a by election to the second person in the last general election. I mean in the previous election to take over.
- New Constitution should have directive principles of management and use of Natural Resources.
- Provisions of impeachment of the President in case of mis-conduct or probably incapacitation.
- Chiefs, mayors and County Council chairmen to be elected directly by the people.
- Make it a treason for anybody who tries to change the Constitution without the will of the people.
- And we have the issue of Presidential candidate. Should declare his VP and campaign hand in hand, that is having the running mate so that we do not have somebody. Maybe the VPO is being under the mercy of the President at that particular time. I believe those are some of the highlights point in the memorandum, otherwise I have a memorandum, that I am going to present.

Com. Zein: Thank you very much Mwiti, for being precise and brief, please hand in the memorandum and sign the register. Fredrick Kirema? Fredrick Kirema? Margaret Kaembe? Margret Kaembe? Fredrick Kimathi? Wilfred Mukuchia? Karibu Wilfred.

Wilfred Mukuchia: Thank you bwana Chairman. My name is Wilfred Limiri Mukuchia from Nyambene. I want to present the following.

- On education: I would like to present that education from pre-primary upto university level should be free.
- Again I would like to suggest that after education, then there should be a guaranteed employment for all Kenyans.
- When employment is being done, I would like to suggest that merit should be followed and not through corruption and whoever who wants to continue with a post graduate then can be given a loan by the Government of which he or she has to pay after education.
- Youth Polytechnic and other institutions of the like should also be under the Ministry of Education so that they may be helped by the Government and not under the Jua kali section.
- On security: I would like also to suggest that all Kenyans of sound mind and those who are attracted should be given ammunition to guard their property.

- On development: I suggest that the Government should be in charge of developments even in the areas which are represented by the opposition MPs because some of these areas are always neglected.
- On the side of hospitals: I would like to suggest that there should be free medicine to all Kenyans and whoever is employed in the Government hospitals should not have a private clinic. Those are the people who are really neglecting their work and operate in their private clinics all the time.
- The powers of the President: should be limited because he is taking a lot of powers in appointing all the Government machinery, these should be done by Parliament and not an individual.
- Whenever an MP is elected in a Constituency and fails to serve the interest of his constituents, then he should be dropped and another elected even in the middle of the five year term.
- On inheritance: I also suggest that even ladies should inherit their parents properties and not men only because they are being segregated and not being allowed to inherit anything.
- On the Judiciary: should be set brave because sometimes when they are judging on some cases they are not brave.
- On the country's resources: I also suggest that it should be distributed evenly. For example industries should be in the district level and not only concentrated in Nairobi area or other area.
- National schools, hospitals and the likes should also be distributed evenly.
- Corruption: I suggest that whoever is proved by the Court of law, necessary measures should be taken so that our country may run smoothly. Because this is what is bringing all these things of bribery and so on.
- On liberalization of our market: e.g. Coffee, Tea, KPC and the like, should be scrapped off. Since it has made so many institutions to die away.
- The retired officers should be taken care of by the government. Maybe by having caring homes for them because some of them retire while their partners have passed away and they continue suffering.
- The Government has to provide all the facilities in the country for example water, fertilizers, and so on since Kenya is primarily an agricultural country.
- Service Charge for the employed should be scrapped of because there is no work done with the service charge.

Com. Zein: Bwana Wilfred, time yako imeisha ungekuwa unamalizia sasa.

Wilfred Mukucha: Ya, that is my last point.

Com. Zein: Oh, perfect timing, asante sana. Paul Maingi? Karibu mzee.

Paul Maingi: Asante sana bwana Chairman. Yangu si mengi sana, mambo mengi yamesemwa na wazee hapa. Mimi ningalipenda watu wa Land wamenyanyaza watu sana hapa. Katika mashamba, yamechukuliwa na matajiri, yamepewa watu wenye nguvu kama Missionary na kupeleke wenyewe katika milima ama mahali kemkem pasipo na chakula. Ningaliuliza serikali kuangalia mambo kama haya. Nastaajabu kuona mtu akiwa na ngombe yake, mgeni aje ale nyama ampe mwenyewe mfupa?

Kwa hivyo watu hawa walaghai, wanaenda kuleta wenye nguvu ili wawasaidie kunyanyasa watu mashamba. Kupelekwa kwenye milima, shamba kama hiyo inapewa missionary, kupelekwa kwenye kemkem mambo kama haya yaangaliwe.

Another point, kuna wazee, sisemi Njuri-ncheke, kwa sababu kuna makabila mengi ndani ya Kenya. Katika koti hata wakati ya wakoloni, kulikuwa kuna wazee wa kusikiliza kesi na wakikata kesi. Judge akikata kesi, kabla hajakata, anajadiliana na wale wazee kulingana na maoni yao.

Na sasa mtu akiuwa mtu, anakwenda kwa wakili mpaka huyo mtu atupwe na hakuna mtu wa kufuata. Ningaliuliza serikali, ichukue wazee kama Meru hapa wa Njuri-ncheke, kila mahali, wazee watatu katika koti. Kama ile ya mauwaji au kesi kubwa kubwa kama hiyo, wapewe uwezo wa kuwa na judge.

Neno lingine, ni kama mambo mengi yamesemwa ya Chief na ma Sub Chief. Ninaunga mkono wachaguliwe na wanainchi, lakini hao ni ma ofisa kama ma ofisa wengine. Wawe wakienda transfer kutoka mahali waliyochaguliwa.

Ningalipenda wawe wakienda transfer kwa sababu hata zamani wakiwa hapo, wakiwa wanaangaisha wale watu wanaowachukia. Jirani, kama ningefanya kezi na baba yako, sasa wewe ukipata kuwa chief unaanza kuniangaisha watu.

Another point, sasa amechaguliwa na wanainchi watakuwa wahoga. Hawawezi kufanya kazi sawasawa kwa sababu wanajuwa watarudi kuomba. Nikifanya kazi kama hawa sinta pata kura. Sasa ingefaa wawe, Chief akichaguliwa aende mahali ingine kama ma ofisa wengine.

Neno lingine, ninaomba serikali kuwaheshimu watu wa Red Cross. Kwa sababu watu hawa, wanasaidia wanainchi sana, hata kama watu hawakujua Red Cross. Wamewajua sasa wakati wa mvua hii. Ma ofisa wa Red Cross, wakiwa wanatembea na wana alama zile zao na vitambulisho vyao, wawe wakisaidiwa na waendeshaji matatu. Kitu kama hiyo. Kwa sababu wanakwenda kusaidia wanainchi, hii inaweza kufuta hata wengine kutoka inje ngambo na kumpa inchi yetu heshima. Sina mambo mengi labda mikitaka kuniuliza swali mnaweza kuniuliza.

Com. Zein: Asante sana mzee wangu. Commissioner Ratanya una swali? Asante sana mzee, uandike tu jina pale kwamba umetoa maoni kwa Katiba asante sana. Sasa ningemuomba Commissioner Ratanya aendelee na kuwaita watu na kazi hii tuona tutafikia wapi sasa hivi.

Com. Ratanya: Okey asante sana Commissioner Zein Abubakar. Na kutoka hapa, tutaendelea na hile list ambao tulikubali kutoka asubuhi ndio tutatumia, isipokuwa kama kuna sababu yeyote ya kutumia njia nyingine. Sasa kwa list yangu, kuna Stephen K. Muchiri. Sema majina yako bwana Muchiri?

Stephen K. Muchiri: Sorry, I am Stephen Kaburuku Muchiri kutoka Mbeu. Mine are from my fellows.

- The Parliament should be the supreme power in the country.
- The Presidential tenure: should be fixed to two terms only.
- The functions of the President should be defined.
- the President's election should be held before the general election hence he should not represent any constituency.
- Job allocations and creation: every qualified Kenyan should be offered a job.
- There should be fixed terms of service, note: retirement age, e.g. 20 to 30 years of serving the Government to avoid clinging to the job.
- All people employed at the same time should be retired at the same time.
- Another reason is that jobs are not available the time one finishes school. That is the reason for giving that view.
- One of the spouses to be employed in the family, so as to create more jobs for others.
- Salaries of the Government servants should be in ratios.
- That is specified ratios, that is the lowest paid and the highest paid should match or should command one another. That is the lowest be paid 1% while the other one is paid 100%. So that if the economy improves, it benefits all or vice vaca.
- Any one earning more than 100% of the lowest should forfeit pension benefit .
- Recruitment powers or employing mandate: should not be held by an individual but a board of trustees. That is above any influence or corrupt practices.
- Freedom: Kenyans should be free to work or do any business in any part of the country without fear or intimidation.
- Those who incite people to violence should be punished severely and if he, she or they holds a public office, he or she should be dismissed.
- The natural resources: should remain a Government property. No one person or group of people should benefit at the expense of the nation or our people.
- The Speaker of the National Assembly: should be in charge of Executive powers during the Presidential elections or any other person but chosen by Parliament before it is dissolved.
- Federal Government to be discarded. As this will, create confusion and anarchy hence loose national unity.
- On the other hand, the more fortunate provinces or districts may jealously misuse the feel national institutions or other beneficial assets.
- Taxes in urban areas: there are rental houses for hiring, but these are never taxed and some are giving more money or the tax payers are paying more to those rental houses than many shops. Therefore there should be taxes so as to boost the Government levies.
- MPs to service for not more than three terms of five years. Education:

Com. Ratanya: Okey Muchiri try to wind up now.

Stephen Muchiri: Now this is the last point

Com. Ratanya: Okey, Thank you.

Stephen Muchiri: Free education for all Kenyans children from primary school to university. Taxes to be raised to cater for it. Thank you.

Com. Ratanya: Okey, Thank you very much Muchiri. The next one is Mathew Rintari. Mathew Rintari sasa ni wakati wako. Uanze kusema majina yako bwana?

Mathew Rintari; Uuni bura nkweenda kuuga. Mathew Rintari

Com. Ratanya: Okey wapi yule kijana wetu, unataka kuongea kwa kimeru..... (in vernacular)

Mathew Rintari:

Translator: my name is Mathew Rintari

Mathew Rintari: untu bura nkweenda kuua

Translator: what I want to propose

Mathew Rintari: nthii ii yetu iina twaana tutwingi tuuchiarwa tuti beethe

Translator: In this country we have a lot of children who are born without fathers

Mathew Rintari: untu buu katiba ii ikwiya nitukwenda bayukakia twaana tuu twaita kuthomethua nuntu tuti na beethe tutwingi.

Translator: So I am proposing that in the new Constitution that you are coming up with these orphans or children left without fathers, to be catered for.

Mathew Rintari: buungi

Translator: My second point

Mathew Rintari: nitwangaitue mono ni majambazi kuu.

Translator: The second point is that this area we have been terrorized a lot by thieves.

Mathew Rintari: untu buu

Translator: for this reason

Mathew Rintari: itukuromba katiba ii ikeya.

Translator: we are requesting that in the new Constitution

Mathew Rintari: kithira ii subchibu eethairwe eena athikari ba ukaria ntura iu.

Translator: If it is the case of Sub-Chief or Chief, he should not be having Administration Police or Police Officers to cater for that area

Mathew Rintari: buungi

Translator: another point

Mathew Rintari: akuru ibakurawa ni aana

Translator: old men are being harassed or beaten by their children

Mathew Rintari: nabuo itukuromba katiba ii ikeeya

Translator: also now we are requesting that in the new Constitution

Mathew Rintari: muntu ura akaringa ithe kana ina eete akabungwe kana atalwe iboko.

Translator: whoever who beats his father or mother should be prosecuted and taken to jail and caned

Mathew Rintari: na buunhi

Translator: another point

Mathew Rintari: kuringanira mashamba.

Translator: Gathering of land

Mathew Rintari: antu ibakuthinua muno muntu agaikua kirimene. Katiba iu nio iringanaira mashamba.

Translator: Another thing is about land gathering. People actually have been terrorized for a period of time because you find your land may be taken and you are then taken to a hilly or a mountainous place.

Mathew Rintari: na atia muunda ywokie yumwea

Translator: and you leave your original land that was in a good place

Mathew Rintari: Kithira ii katiba iu nitawe buru

Translator: So we are requesting that such land policy should be done away with

Mathew Rintari: muntu aringanirirwa muunda agaikwa oo jwokie yura mwea.

Translator: So that, if this issue of gathering the land should be located to your original place and better part of your piece of land.

Mathew Rintari: untu buu kwina antu babaingi baiki irimeene na batikoroona gintu gia kuruma

Translator: Because in this area we have so many people who are actually having this problem whereby their land has been taken and they have been moved from a good place to a bad place.

Mathew Rintari: na naari na muunda yumwea.

Translator: and before he had a good piece of land

Mathew Rintari: Nti na yaangi ni no yau. Ibwea.

Translator: that is all I had thank you

Com. Ratanya: Okey ibwea muno M'lintari kea maoni yau yaku indi urita au wandike riitwa riaku na wikire saine. Andrew Kilemi ndiye anafuata sasa.

Andrew Kilemi: Asante sana bwana mwenyekiti.

Com. Ratanya: Bwana Kilemi, shika vizuri na useme jina lako.

Andrew Kilemi: Majina yangu ni Andrew Kilemi. Asante bwana mwenyekiti. Maoni yale nataka kutoa hapa kwa hii kamati hapa ni kama ifuatavyo. Kwanza, ningetaka kuzungumza juu ya sheria zilizoko za Local Authority. Zile zinawaruhusu watumie viwanja vya umma. Sheria itakayo kuja ningetaka - yaani i reduce power kutoka kwa Local Authority. Ile wanatumia kwenda na kunyakuwa viwanja vya umma. Maana wakati mwingine, wanaenda wananyakuwa viwanja vya umma bila kujulisha jamii wanaokaa pale.

Kwa hivyo ningepomba sheria itakayo kuja iwe inahusisha jamii wanaokaa pale, ambapo kiwanja ya umma ipo. Ili kusiwe na uizi.

Ya pili, ningetaka kuzungumza juu ya wizara ambayo inasimamia mashamba. Juzi tu, serikali ilitangaza ya kwamba kuna Poverty Eradication Programme, ambapo serikali inataka kumaliza poverty. Lakini, ukiangalia hapa kwa Ministry ya Lands, unakuta wanaandikia watu kama ni location moja, wanaandika watu zaidi ya thelathini, wakuja siku moja wakafanye kesi.

Unaona hao watu thelathini wanakuja au watu mia moja wanashinda hapo, na kesi wanafanya moja. Sasa hao wanaongeza poverty kwa hivyo ninaomba sheria ijayo i reduce power hiyo ambayo inafanya hao watu wanasumbua watu wakitupoteza wakati huko.

Ya tatu, ningepomba ile sheria ambayo inatumiwa na Polisi. Tuseme kama ni watu wameona kitendo kibaya kinatendeka na wanataka kufanya demonstration bila hata kufanya uhalifu wowote, unaona polisi wanakuja wanaanza kupiga wale watu. Hiyo sheria iondolewe na kuwe na sheria ambayo inakubalia watu kufanya demonstration bila kuwa harassed ama provoked na polisi.

Ya nne, sheria inayokuja ningetaka i address hii issue ya corruption. Maana kila siku wimbo wa corruption inaimbwa, lakini

ukienda kwa barabara kila mmoja wetu anajuwa kweli, unaona polisi wanapokea pesa mbele ya macho ya kila mtu, na tunasema corruption inataka kumalizwa lakini ninashindwa ni corruption ya aina gani itamalizwa? Lakini sheria itakayo kuja ningomba iangalie mambo hayo, maana ni mambo mabaya yanayotendeka kwa macho ya kila mmoja. Kwa hivyo sheria iangalie na watu hawa wachukuliwe hatua wale wanao promote corruption kwa barabara, na hata kwa ofisi hauwezi kusaidiwa bila kutoa kitu. Ni hayo tu bwana mwenyekiti.

Com. Ratanya: Okey, asante sana bwana Kilemi. Na sasa anayefuata ni Karunguchia Mwirichia? Yuko? Karibu hapa. Okey, sawasawa Mwirichia. Keti Mwirichia, ushike vizuri na usema jina lako.

Karunguchi Mwirichia: Asante bwana mwenyekiti. Jina langu ni Karunguchia Mwirichia. Yale ningetaka kupendekeza hapa leo, ni jambo ambalo linahusu kugawanya kesi ya taifa equal. Tuseme kama wakati kuna kazi katika nchi yetu, ama wakati polisi ambao wanatakikana ama kuchukuliwa kuna kuwa na jambo ambalo halifai. Kama ni kuchukuwa wale ambao wako na masomo ya chini sana, wanachukuliwa na wale ambao wana masomo ya juu wanaachwa. Na hii inafanyika kwa sababu ya pesa.

Kwa hivyo, ningependekeza ya kwamba serikali iwe inatangaza siku ile interview itakuwako na iseme ni wakina nani watakao ingia katika hiyo interview na marks zao. Waseme kama watachukuwa watu wa B, kumi na kama ni watu wa C na D hivyo hivyo. Ili wote wakiingia kule, tuseme kama ni mia mbili na wote wana B sasa wafanyiwe kura ili kuwe hakuna corruption hapo.

Jambo lingine ni wale ambao wanaendesha Society yetu. Yule ambaye atakula pesa ya Society, awe anachukuliwa hatua kama ya kifungo. Afungwe kama miaka moja au miwili, na akitoka jela alipe mali aliyeharibu.

Kitu kingine ambayo ningependekeza ni ya kwamba, watu wakati wanachukua vyombo vyao kama mbau au makaa, wanaitishwa permit. Hiyo sheria naye, Chief au Polisi hiyo sheria ipigwe marufuki. Jambo kama hilo lisiwe barabarani.

Na jambo lingine ambalo ningependekeza, ni ya kwamba wale watu ambao walitupwa kwenye milima wakati mashamba yao walichukuliwa, tuseme kama ni viwanja vya public, walipwe, kwa maana walipelekwa mahali wengi hawawezi wakatoa kitu. Wakatolewa mahali pazuri na kuwekwa pabaya. Hiyo ningependekeza walipwe.

Na wale nao ambao mali yao yako katika viwanja vya public, hata wao mali yao kwa maana yanaweza kuwa yako huko, na wao walipwe. Hiyo ndiyo ningependa kupendekeza, bwana mwenyekiti.

Com. Ratanya: Okey, nashukuru sana Mwirichia kwa hayo maoni yako, kwa hivyo andika hapo iweke sign yako hapo. Natena tuna mwingine anaitwa Ronald Karau? Ronald yuko? Okey hayuko. Geoffrey Mberia yuko? Geoffrey Mberia? are

you Geoffrey Mberia? Geoffrey, naona hayuko. Okey sasa anayefuata ni David Mbiti? David ni wakati wako sasa. David utasema majina yako halafu uendelee.

David Mbiti: Jina langu naitwa David Mbiti. Asante sana bwana mwenyekiti kwa kunipa nafasi hii. Mimi ninaweza kuzungumzia juu ya shule. Sisi wale watu wadogo wadogo, wale hawapati pesa kabisa hatuwezi kupeleka watoto wetu shule. Secondary kwa sababu ya garama kubwa. Mtu kama hapati pesa kabisa kwa njia yeyote, ukipeleka mtoto shule unapeleka na unashindwa na garama inakuwa kubwa sana sana.

Com. Ratanya: Sasa David unapendekeza nini? masomo ya bure ama nini badala ya kutupatia hadithi nyingi.

David Mbiti: aaa kwa vile garama ni

Com. Ratanya: mapendekezo ni nini? Unataka nini?

David Mbiti: ningependa garama iwe kama ile ya zamani mwaka wa 1971

Com. Ratanya: yaani ilikuwa pesa ngapi? sema kama unataka fees iwe pesa ngapi kama ya chini?

David Mbiti: kama ya mia tatu

Com. Ratanya: mia tatu kwa shule gani? primary au secondary?

David Mbiti: secondary

Com. Ratanya: fees iwe mia tatu kutoka form one mpaka form four?

David Mbiti: apana kama term moja

Com. Ratanya: endelea. Okey unataka garama ya chini, lakini endelea ni moani yako na ueleze maoni sawaswa kwa ufupi.

David Mbiti: vile ningependa garama iwe ndogo ndogo kama ya mia tatu, sababu sisi tumeshindwa kulipia watoto fees. Na garama ikikuwa mingi hivyo sisi hatuwezi kuendeshana na Kenya ya kisasa. Ningependa Katiba igeuzwe iangalie mtu wa garama, na mtu ambaye hapati pesa awe anaweza ...

Com. Ratanya: ni dakika moja, endelea tu, maoni mengine sasa inaonekana unataka garama iwe ya chini, si namna hiyo,

David Mbiti: ya,

Com. Ratanya: basi endelea maoni mengine

David Mbiti: na hata ukienda polisi kupiga ripoti lazima uitishwe pesa, na kama hauna pesa hauwezi kufanyiwa kitu. Lazima uende mpaka siku ile utapata pesa ya kuwapelekea polisi wetu. Na kwa hiyo bwana mwenyekiti sina mambo mengi ni hayo.

Com. Ratanya: Okey asante sana David Mbiti. Okey the next one ambaye anafuata ni Helen Kamencho? Helen it is your chance now. You have five minutes, and if you have a memorandum you can hand in your memorandum after five minutes.

Hellen Kamencho: My names are Hellen Kamencho. I am presenting a memorandum on Constitution Review by Eta Mina Management Agency. I take this chance, honourable Commissioners, to express my gratitude as a privilege to be here to talk on matters pertaining to live and death. I have a long memorandum, what I will ask you to do, is to stop me where the time ends, because I am not able to summarize it. So, I will read it and when my time is up, please let me know.

The views are in three parts. There are views which relate to reforming the Review process itself. There are views on extension of Commission life and minimum Constitution reform to facilitate holding of fair and free elections. And finally, on other aspects of Constitutional reform as highlighted in the publication of issues and questions for public hearing.

1.

- Constitutional Review Reform process: for the reform process to be effected, a number of things need to be taken into consideration by the Commission.
- One of them is, there has been lack of civic education.
- Civic education has not taken place in Tigania West Constituency, and the little attempt that has been made, has displayed a high level of Constitutional un-awares.
- A Constitution is said to be the property of people, but to achieve this one, one should be allowed and encouraged to participate in its creation to develop a sense of ownership.
- If people were aware of the provisions of the current Constitution, bad as it is, Kenya would be three times better than it is today. Socially, economically and politically.
- If people know that the Government should protect ones life and property, they should have demanded this right many years ago, and over thrown the Government through mass action to ensure right is guaranteed.
- Besides, Kenyans have been governed by a bad Constitution, for a long time that, survival for fittest instinct are to be in deeply entrenched, which has perpetuated the culture of fear and consequent silence when the government has trampled on people's rights with impunity.
- Poverty has reduced people to frightening levels of compliance and gratitude for whatever, little token, that they receive.
- There is therefore a divertic need for civic education which should be preceed collection of views. Such civic education should aim at carrying out psychological surgery to turn every citizen round. And create a true democratic conscious which, will help to foster the bibilical ideals of being mindful or being your neighbours keeper. Civic education should be given its true time and resources if there was any serious interest in the Review process.

2.

- Political interference: the Constituency Committees are hand picked by MPs, as the meeting of the illeterate training providers in Maua on 23rd January, 2002 showed.
- Most of the members, are people of very low educational standards with very little interest in Review work. This would have been okey, if there were no other people with better qualification who could have done the job better. If you Commissioners, cannot ensure that your institution is entrenched in the Constitution so that you can have a free hand in managing the reform process, you are simply wasting the tax payers money and time and you should wind up and go home.
- You know very well, that the Reform process was pushed into the Government's mouth and infact, its success

is a threat to the current Government establishment.

2.

- The co-ordinator is of a burden, and it is difficult to have him efficiently monitor the actions of fourteen civic education providers, in each of the four constituencies at the same time. It is therefore important....

Com. Ratanya: Hellen, may be you have been timing yourself and that is end of five minutes and you can present your memorandum now. So, we have many here waiting to give their views.

Hellen Kamencho: Thank you finally to conclude, I would ask you to make these views available as soon as possible, so that people can be able to access them from a common center or a data center so that they can be used. Thank you very much.

Com. Zein: Already, just for your information, we are posting these information on our web site. As soon as it is received in Nairobi, it is posted in our web site. Thank you.

Com. Ratanya: Okey, Thank you very much Hellen for your contribution. Then the next person here is Joseph Gichegi. Joseph ni wakati wako, keti hapo useme jina lako na uendelee na maoni yako.

Joseph Gichegi: Uuni mbitawa Joseph Gichegi Kaumbuthu

Translator: my name is Joseph Gichegi Kaumbuthu

Joseph Gichegi: na nkaria kimiru

Translator: I am going to speak in Kimeru

Joseph Gichegi: chairman ibwea nuntu bwa ura wiyite tukwiira mathina yetu ya kuu Nyambeene.

Translator: Thank you the Commissioners, for being here to hear our views

Joseph Gichegi: Uuni aakwa ndagwirua ya kuu baatwi nthi ira ingi ciiki ukui kui district igaitanwa ukui kui. Katiba ii igwikirwa nendi gukeeya kuumbika baatwi antu ba kuu ?

Translator: I am suggesting that, let the services of the DC, come near to the people and we cut short the distance, so that the services will be nearer to the people

Joseph Gichegi: Niuntu bwa kinya rira tuwita kuita fees ya aana nuntu nerua itiyukakua ni aritani...

Interjections (inaudible)

Joseph Gichegi: Kwou muntu oomba gwiita etite kuita mbecha chia cukuru secondary nuntu mbecha itinenkarirwa aritani na

rira etite kuitwa aeeta nthi ee kuraya Maua aithite mbecha kibutine na eeta nara ti guntu akumenya mbecha chiomba gwita nuntu bwa district kwithira ni mbarie na gwita kuu ni Atari. Nthi ira ingi ciei district chia ukui kui na ibonaa mawea.

Translator: The furthest of the place, that is the farness of the district headquarters from the people, brings a lot of problem. For example, maybe carrying your money to go to pay school fees and then in the process someone may come to steal from you, so from his idea, lets have the district services nearer to the people and we cut size the district that is as per the new Constitution that we are coming up with.

Joseph Gichegi: buu bungi nabuo aakwa ndawirua katiba ira bwitite wikira, rira rais wetu Kenyatta aari oo, nthi ii yatongi muno ndene ee Kenya untu bunene, nuntu naelei na naichii ura wambirie uhuru. Nendi yachokere aa nyuma nuntu bwa thiina ira chieyire. Aana mbere bathooma utheri na thibitari chiari chia utheri. Nendi thiina etonyere zaidi.

Com. Ratanya; Nandi niatia ukwenda urienda kithomo kia utheri.

Joseph Gichegi: ndienda kithomo kia utheri na chibitari chia utheri nuntu ukimwi buongwa butikuririka kuraa antu.

Translator: I am suggesting that, lets have universal free medical attention, universal free education so that our people would get these services nearer to themselves and that people won't be dying like over HIV Aids. Or, we shall be having services like there used to be there before.

Joseph Gichegi: Na kithomo gukeeya kuumbika kii katiba kiachooka ura kiari mbere kia utheri na dawa chia utheri baatwi Kenya yakura bubwea.

Com. Ratanya: (inaudible)

Joseph Gichegi: Yaangi nayo ni naara iwanjene bira nkia chiingi ni public. Nkia imwe chiakirue imwe ruine, ira iti na mbecha chia guchia rwirow na public irayukia guntu kura kwi nkanya beirawa bakaawa. Katiba nibwiri kumenyeera nkia, ikethirwa kinya bo baomene ya town, chibitari, kithira ni iruri akoomanua nario aantu eengwa.

Translator: I am also suggesting that people whose land was taken for public utility that is the public utility in case of hospitals or schools people who were chased from their land, he is proposing that let these people in the current Constitution look upon them and compensate them, through other pieces of land

Joseph Gichegi: buungi baatwi aa kiri

Com. Ratanya: (inaudible)

Joseph Gichegi: baatwi aa ndene ee Kenya antu ba kithirikari bara baria na buduki kinya wabaikiri repoti kenda bateethia uthangikitue ni aamba kana urairi into ukiamba kuthikierwa muchii iyurairwe kinya bakoona ukiuraawa kinya beena bastola batinoa kwiya nuntu bati na untu buu no ruyu ugeeta kuripoti na wiina mbecha irio bagaikua.

Translator: Discipline within the Police Force, should be encouraged seriously, because you will find that they are not interested. You go and report your case, but you find the police officers do not come to your attention or help you. So, he is suggesting that the new Constitution that we are coming up with, let it emphasize discipline in the forces so that when you report your case, the police would come and help you, thank you so much.

Com. Ratanya: Kwa hivyo sasa unaona taabu ni kwamba hatuna stima lakini tuna tape recorda. Hapa, mambo yako yote yatachukuliwa hata ingawa stima imepotea, lakini hatutakuwa na hiki kitu cha kuinua sauti. Kwa hivyo, ukija hapa, uongee kwa sauti kubwa ili watu hata wale wako nyuma, wasikie na tena ningetaka kuwakumbusha tulipeana, wakati wetu ni dakika tano. Ukiwa na memorandum ama ukiwa na maneno yako unazungumza. Lakini kama tena una memorandum unaweza tu kupeana na ukitaka kuenda uende, ama ukae usikilize wengine. Hebu sasa tuende kwa mtu ambaye anafuata ni Kingeru Bailacha? Kingeru Bailacha yuko? Okey.

Com. Ratanya: Ulipeana written memorandum, asante sana. Sasa anayefuata hapa ni Kenneth Mburungah? Kenneth Mburunga yuko hapa? huyo ni observer. Lakini ambaye tunakuja kwake ni Karumelo Lukunga? endelea bwana Rukunga.

Karumelo Lukunga: Asante sana mwenyekiti. Yangu tu ni machache sana. Yangu ni juu ya security. Yaani kama hapa tuko Tigania, security imekuwa siyo nzuri sana. Kwa sababu, kila siku tunavamiwa kwa manyumba na hakuna mtu anaweza kuja kuokoa mwingine.

Kwa sababu wale wanaingilia wengine, wanakuwa na bunduki. Zamani, kulikuwa vizuri kwa sababu kulikuwa kama ni mishale au visu watu walikuwa wanatumia visu. Na kama mtu akipiga mayoe watu wanatoka na visu na wale wanatoroka.

Kwa hivyo pendekezo yangu, na vile ningeomba serikali ile Katiba inakataa mtu awe na bunduki. Watu wapewe bunduki wale wako na good conduct, ili, kila mtu awe ana pewa bunduki ya kuchunga mji wake.

Ya pili ni kama tusema kuna Assistant Chief na Chief. Pia ningeomba serikali wapewe bunduki, ili wawe wanachunga watu.

Lingine ni upande wa hospitali. Ningeomba cost sharing itupiliwe mbali, na watu wapewe madawa ya bure kama zamani. Kwa sababu watu wengi wanakufaa, kwa sababu hawana pesa ya kununua dawa baada ya kuandikiwa. Hiyo ningeomba

kama ikiwezekana ile Katiba iondolewe na watu wapewe madawa ya bure.

Lingine ni upande wa mashule. Ningeomba pia upande wa shule, wapewe masomo ya bure kwa sababu kuna watoto wanakuwa ni werevu sana lakini kutokana na ukosefu wa pesa, wanakosa kuendelea na masomo. Pia, ikiwa hiyo haitwezekana, serikali iendee kumsomesha mtoto huyo mwerevu mpaka amalize masomo yake. Ni hayo tu ndiyo maoni yangu.

Com. Ratanya: Nashukuru sana bwana Karumelo. Bwana Karumelo, sasa hebu kuja utaandikisha jina lako hapo na uweke sign na ninashukuru sana kwa hayo maoni yako itaingia kwa kusaidia kwa Katiba yetu. Na sasa anayefuata ni Ann Gathure? Ann Gathure yuko hapa? kama Ann Gathure hayuko, twende kwa mwingine anaitwa Thomas Rungerwa? Thomas endelea ni wakati wako.

Thomas Rungerwa: Asante sana bwana mwenyekiti. Jina langu ni Thomas Rungerwa. Ningalipenda kutoa maoni yangu kuhusiana na ma Chief na ma naibu wao. Katiba mpya itakayotengenezwa, iwe haina ma Chief na ma naibu wao. Kuna shida nyingi inaingilia wanainchi kutokana na wao, kama vile kupokea pesa kabla ya kufanya kesi. Ikiwa mtu hana pesa, mambo yake haiwezi kusikizwa hata ikiwa ana ukweli namna gani.

Kwa hivyo bwana mwenyekiti, wanafanya kesi hata mashamba ambaye hata hawajui ilianzishwa namni gani na kuikata vibaya. Bwana mwenyekiti, ningelipendelea tena kuhusu mambo ya polisi. Hata wao pia, ni kama vile hapa Tigania sisi ni watu wenye mali, na kama ngombe ikiibiwa watu wanaoiba wanakuwa na silaha kali. Reporti ikipigwa kwa polisi hakuna cha kufuata, wanaenda msituni na kujificha na mali kwenda.

Kama sisi Tigania hapa, tunapakana na Samburu. Hawa Samburu wako na silaha wamepewa na serikali kama vile G3 na rifle ambaye ni kali zaidi. Na hapa Tigani ,ni mkuki tu, tunatumia. Kwa hivyo, hii inaonekana kwamba ni kama tu sisi kupewa adui na kuuawa. Bwana mwenyekiti hapo ningalipenda tena serikali ifuatie hiyo mambo tupate usaidizi.

Kuna wezi wenye silaha, na hakuna usaidizi kwa miji, hata mtu akiingiliwa, polisi hawawezi kuingia hapo mpaka asubuhi. kwa hivyo ningaliomba hata sisi tuwe na homeguard katika vijiji vyote kuwe wanainchi wenyewe wamepewa hata silaha ya kujikinga na kusaidiana hao wenyewe, ni hayo tu bwana mwenyekiti.

Com. Ratanya: Okey nashukuru sana bwana Thomas. Asante bwana Thomas sign hapo register yetu, na asante kwa maoni yako. Sasa anayefuata ni Charles K. Mbogori? Mbogori sasa ni wakati wako wa kupeana maoni yako.

Charles K. Mbogori: Asante mwenyekiti na Commissioner wengine. Mimi nitaongea juu ya shamba. Nikisema wale Land Adjudication officers, ambao kama hapa kwetu wanalazimisha watu kuondoa kesi zao, ili zisije kusikizwa, kwa sababu wana

interest na hizo ma shamba. Ningeomba wasikubaliwe kuwa wakisikiza kesi akiwa mmoja, kwa sababu yeye mwenyewe bado hajahitimu kama mwana sheria wala hajawahi kuwa judge ama magistrate.

Kwa hivyo, uamuzi wa mtu mmoja ambaye anaweza kuhongwa na kusikiza ya yule aliyemhonga. Yule ambaye haja mhonga atapoteza kesi. Kwa hivyo hapa tumepoteza kesi nyingi sana, hasa kuna shamba kama ya Njeru pale. Mahali ambao serikali imechukuwa shamba ya acres mia sita na arobaini na tano.

Ingingine imepatiwa mtu binafsi aliye kuwa Commissioner hapo mbeleni. Sitaji jina lake, lakini mnajuwa ni nani. Na amechukuwa shamba ya watu serikali kukuwa ni mtu yuko na mali wale wakuu wa Land wanasimama na wanasema tuondoe kesi zetu katika Committee yao. Kwa hivyo sisi tunapoteza. Ningeomba tena kuhusu upande wa serikali, kama inachukuwa shamba ya mtu shauri ya umma, ni lazima hiyo shamba ilipwe kulingana na sheria vile zinasema.

Kwa maana kuna Act za Land kama Acquisition Act ambaye section 8 inasema, “shamba ya mtu ikichukuliwa kwa sababu ya umma, ni lazima ilipwe fidia”. Lakini hapa kwetu Tigania, sisi hatulipwi, sijui kama sisi tuko inje ya Kenya. Ama tuko inje ya Africa. Sijaelewa vizuri, kwa sababu inaonekana kuna kitu.

Kitu kingine, ni hata manyumba ya watu, mtu anajenga nyumba yake, inanyakuliwa, inaitwa National Museum. Tukienda kwa hii kitu inaitwa Act ya Museum, ambayo wanaita Antiquity and Monument Act, section 8,9,10 and 13. Zinasema wazi, serikali ama National Museum, wakichukuwa hiyo shamba ama nyumba ya mtu, ni lazima wamlipwe fidia. Lakini hapa kwetu, imefanyika na ningeomba Constitution hii ambaye inaingia sasa, ihakikishe sheria haichezewi hata kama mtu ni nani wala nani. Sheria ni sheria, iwe sheria kwa mtu mdogo, maskini, wote wafuatiwe sheria.

Kitu kingine ni hospitali ziwe za bure.

Kingine ni shule. Kwa maana watu wa nchi hii ni maskini zaidi. Kwa hivyo wakati wa mkoloni, kwa vile nilikuwa nimezaliwa, tulisoma bure. Kwa nini serikali ya mwafrica ambaye ni mwenye hii nchi hawezi kusomesha watoto ya watu wake.

Kitu kingine ni vyama vya siasa. Kanu na vyama vile vingine viwe pia vikipewa msaada wakati wa election. Ili waweze kusimamia watu wao. Sina mengi ya kusema asante.

Com. Ratanya: Asante sana bwana Charles. Sasa bwana Charles nasema asante, peana memorandum yako kama iko halafu sign register yetu. Now anayefuata ni Lawi Nkubitu. Bwana Lawi Nkubitu? Sasa ni wakati wako na kama una memorandum, utazungumza kwa ufupi, halafu baadaye utapeana memorandum na uta sign register, endelea bwana Lawi Nkubitu.

Lawi Nkubitu: Asante sana bwana Chairman. Maoni yale ningetaka kutoa juu ya Katiba ni kuhusu mipaka ya district.

- Ningetaka mipaka ya district idhinishwe katika Katiba kwa sababu mipaka ya district isigeuzwe ovyo ovyo.
- Kitu ingine ningetaka kutoa, kuandamana na hayo, ni ku-change Constitution. Katika ku-change Constitution, kuwe ni 75%. Kwa sababu, Katiba ni kitu cha muhimu kile tuna fanya isigeuzwe na 65% iwe 75%.
- Kitu kingine kile ningetaka kutoa ni juu ya usalama wa wanainchi. Katiba ionyeshe ya kwamba, kila mtu katika nchi hii analindwa vilivyo. Kwa wakati huu, watu wakishavamiwa na waizi usiku, hakuna mtu anayetoka kwa Camp inaochungwa watu kuja kuwa rescue. Ni kuwe askari wasije asubuhi waingine wakati wamepashwa habari ya kwamba watu wanavamiwa.
- Kitu kingine ningetaka kutaja ni juu ya watu ambao wamezeeka. Katiba itafute njia, iandikwe vile watu waliyo zeekea watakuwa wakihudumiwa na serikali na nchi. Kwa sababu, kabla hauja zeeka umelipa kodi nyingi sana na ukisha zeeka unaweza kuwa hauna hata watoto au hata ukiwa nao hawawezi kukuangalia. Kwa hivyo, Katiba yetu iangalie watu wazee, ili wakae wakikaa vizuri. Kwa hayo machache, asante sana.

Com. Ratanya: Okey, asante sana mheshimiwa Lawi Nkubitu. We recognize that you were a former MP Isiolo. Kwa hivyo mheshimiwa, tunasema asante sana kwa hayo maoni yako, na yataingia kutusaidia kwa Katiba yetu ambayo tunajaribu kuirekebisha. Kwa hivyo weka sahihi yako. Tuende sasa kwa mtu mwingine anayefuata ni Joseph Murugu?

Joseph Murugu: Asante sana bwana Chairman kwa Committee hii iko nyumbani. Hapa Kianjai ni Meru location. Na tuna furahiya zaidi tukiwa tunasikia tunaitwa ili tujuwe serikali. Katiba ina taka nini kama tunapenda na sisi hatupendi. Raia ina sema namna hiyo ama sio raia ni sheria ina sema.

Nasema asante sana, nashukuru zaidi kwa kuwa mumenikalisha hapa nizungumze juu ya Katiba. Katiba ni njia ya kutuonyesha sisi mdogo kwa mkubwa, mama kwa baba na wote. Ni njia moja nasema asante sana nashukuru zaidi. Lakini kwangu mimi ni wa Kivee location na ninafuria sana kukuja hapa Kianjai na nikakuta Tume iko hapa.

Na Katiba ile mimi husikiza kwa radio kila wakati wanaendelea kwa njia nzuri na wanatafuta njia kamili ile itakayolinda wazazi, wazee, watoto na kila mtu yeyote. Kwa hivyo vile nimeikuta leo ninashukuru Mungu na ninasema asante kwa Mungu. Sasa vile mimi nilikuwa nitaka kusema kwanza ni hivi, Katiba ya Kenya sasa ile inatakikana saa hii, inatakikana Katiba ya ukweli na ukweli kabisa. Ndio mimi ninauliza ufisadi utakwisha aje? Tutamaliza ufisadi? Ikiwa tutamaliza ufisadi, Mungu atusaidie na Kenya iendelee vizuri.

Na vile ninasema namna hiyo, ni kwa vile mimi ni mzee. Wakati wa Kenyatta, nilikuwa pamoja na Kenyatta, yaani wakati wa utwala wake na sisi tulikuwa tunatumiwa kama mtu. Hatutumiwi kama sasa. Sasa tunatumiwa vibaya, ukienda kwa hawa, unaambiwa toa kalamu ya kuandika, umesha tobolewa damu, ukienda kwa huyo mwingine, nenda kwa hawa, nenda leta kitu kidogo. Sasa je, nauliza hivi, tutamaliza hayo mambo? Tukimaliza Mungu asaidie Kenya imalize hiyo ufisadi. Nafurahiya zaidi

kwa hivyo mimi ninasikia nikifurahi sana na sina mengine.

Com. Ratanya: Bwana Joseph tunashukuru kwa hayo maoni yako. Sasa andika jina lako hapo, asante sana. Kuna Joseph Chokera?

Joseph Chokera: Asante sana bwana mwenyekiti. Nashukuru leo kwa sababu Katiba imetufikia karibu.

Com. Ratanya: Sema majina yako bwana Joseph.

Joseph Chokera: Majina yangu kamili ni Joseph Kiriantu Chokera kutoka Njoro Akithi division. Maoni yangu ni kwamba, wakati Chief walikuwa ni ma Chief wadogo na manaibu wao, nchi haikuwa mbaya sana. Lakini wakati ma Chief na ma naibu wao wamefanywa wengi na sub location na location zikakatwa katwa zikawa ndogo ili maoni ya watu yaletwe karibu, ninaamini ya kwamba ndiyo uovu umeingia sana.

Sioni haja ya sisi kuwa na ma naibu wa Chief. Kwa sababu, wakati location ilikuwa ni moja na ni kubwa, Chief alikuwa akitawala area kubwa na alikuwa anajuwa mwizi anakaa wapi, na mipaka ilikuwa wapi. Lakini sasa, wakati ma Chief na manaibu wao, mipaka ikatwakatwa na ikaletwa karibu uovu imeingia sana na ndioo tuko na sababu ya watu wengi ni watu bure kabisa. Hata vijana wengine wanarandaranda barabarani hawana kazi ya kufanya.

Com. Ratanya: sasa unapendekeza nini bwa Joseph?

Joseph Chokera: Mimi ninapendekeza kuwa ma naibu wa ma Chief waondolewe kabisa. Inginge ni kwamba kuna wakati milima yote, unaona milima ingine hailimwi juu ni kama ni mali ya serikali. Hapo zamani, kulichimbwa na mitaro juu ya milima na miti ikapandwa lakini sasa imewachwa wazi, milima imeanza kuenda na maji na inafikia mashamba ya watu. Nayo inaenda na mchanga mpaka inapelekwa mbali. Hiyo shida tuko naye kama kunakifungo inasema kuna pesa zilikuwa zinapeanwa zamani ya kutunza udongo, hiyo mchanga isiende, hiyo Soil Conservation, hiyo pesa irudishwe na zianze kusaidia hiyo milima isibebwe sana na maji.

Ya tatu, ni kwamba, ni kama watu hawana haja na mashamba. Shida yetu kubwa hapa tuseme kama ni Njoro ama Kivei yote kwa jumla, na hiyo shida naona iko Kenya nzima ni kwa sababu ya title deed. Sisi hatutunzi mashamba yetu, na hata ukitunza shamba yako katika ya mashamba mengine, watu unaona hawana haja na mashamba. Kama ni mchanga inaenda kabisa, sasa naona kifungo iwekwe ya mtu kama ni sheria, mtu atunze shamba lake achimbe mitaro na apande miti. Sababu tutakuja angamiza miti na tutakuwa na shida kubwa sana wakati ujao. Hiyo ndiyo maoni yangu.

Com. Ratanya: Okey, nashukuru sana bwana Joseph Chokera. Sasa endelea na uweke sahihi yako hapo. Nimeona kwamba tumemaliza na huyu Joseph Chokera na wapi Co-ordinator yuko karibu, na wangetaka kusema kitu. Unajuwa tulianza hapa kutoka saa mbili, na wengine tunaona wanakuja sasa, lakini kila mtu atapewa nafasi ya kuongea kwa hivyo waje karibu hapa wakae hapa wote wale wanataka kuongea na kila mtu atapewa na dakika yake moja moja, ili tumalize.

Speakers: (inaudible)

Com. Ratanya: Tutaendelea na kuita majina kwa hivyo muwe karibu. Wale wanataka kutoa maoni yake hapa, kaa hapo mzee tutaita majina kuna wengine kule ambao wangetaka kupeana maoni yao. Kama ni observers, pengine wangoje tu wasikilize lakini wale wanataka kupeana maoni waje karibu. Okey, tutaendelea kwa majina sasa. Tuna Joseph K. Mungirwa? Hayuko? Jason Kithia? Jason Kithia sasa endelea Kithia.

Jason Kithia: Uuni ntiumba kwaria na kithwairi. Nkaria na Kimiru

Translator: I will speak in ki Meru

Jason Kithia:Ndienda kuuga atiri

Translator: I am proposing that

Jason Kithia:Ndienda kuuga mantu yaa mbonaa. Mboona baatwi subchibu eyaa agatwitia mbecha akayukia mbecha na tukaruga marwa buu bukuthira.

Translator: You will find that an Assistant Chief comes and takes money from us and then we are allowed to cook the local brew.

Jason Kithia:Bwa yaili

Translator: my second point

Jason Kithia:sub chibu naagiri kuringwa transfer na chibu keenda beeta mbali na keenda twoona bangi

Translator: The Assistant and the Chief should be transferred to other places so that we may get their replacements.

Jason Kithia:Nuntu guti na muunda.

Translator: because there is no land to farm

Jason Kithia:Muntu arithirwa eena muunda ywa pointi ikumi

Translator: you may be having 10 points of land

Jason Kithia:Kwou nendi akeeya umwitia mbecha ningi muntu kaathometherie mwaana.

Translator: Chiefs and their Assistants come to ask us for money

Jason Kithia: Na chukuru nio niutwitia mbecha.

Translator: and you will find that we still pay for our children's education

Jason Kithia:Ni ankuria katiba atiri itu mbere chukuru yae ya utheri

Translator: My proposal is that as you are coming with the new Constitution, let education be free

Jason Kithia: ingi nio nia iyili

Translator: and my second point

Jason Kithia: ni thibitari yae ya utheri

Translator: medical attention should be free

Jason Kithia: nuntu antu bonthe ba thirikari bariya kiri muntu ura uti na gantu

Com. Ratanya:(inaudible)

Jason Kithia: kwou kankugaa atiri itu thirikari nitwalilie ura ukeya ai Moi kana Moi nikenda batwi tutikaumie.

Translator: So we are proposing that the Government should take care of welfare from all that concerns our welfare that is.

Jason Kithia: muntu ati na muunda ati na gintu

Translator: We don't have land, we don't have anything, so let the Government keep our welfare

Jason Kithia: kankuria katiba ri itu lui

Translator: thank you

Com. Ratanya: Itwigirue. Muntu ungi uu uri aa ndene ee list yetu ni David Kimathi, kwa hivyo David Kimathi unaendelea kwa maoni yako.

David Kimathi: Asante sana mwenyekiti. Mimi majina yangu ninaitwa David Kimathi Aritho. Hata mimi ninataka kuchangia maoni ya Katiba. Sisi kama vijana tunaonelea hii uvumi iko hapa, mingi namna hii imekuja na hii vyama vingi na sasa hivi vyama vingi vimekuja na hii uvumi na tumefinyiliwa sana. Sisi tunaona tukiendelea sisi kama vijana, ukifikia wakati wetu wa kupeleka watoto shule, hatutaweza. Sasa vile tunaonelea kama wakati huu wa uchaguzi, unaenda kufikia, tungeona hata ikirudi chama cha Kanu, sisi tunataka iwe na yule mzee aliyekuwa halafu

Com. Ratanya: unajuwa bwana Stephen, hatuongeti mambo ya vyama ama mambo mengine, tunaongea maoni yako yale ambayo utaka iingie ili irekebishe Katiba

David Kimathi: sisi kama vijana sasa ile maoni yangu naona ni hii, ma shule yawe free kwa sababu imependekezwa namna hiyo. Kutoka uko bunge, na hata ma hospitali yawe free kwa sababu wengi wetu tumesoma na hakuna kazi. Na sasa ndiyo tumeonelea kwa sababu hatuna pesa kama shule na ma hospitali yawe free.

Com. Ratanya: Okey asante, dakika yako imekwisha, tunashukuru kwa hayo maoni yako uweke sign yako hapo. Anayefuata ni Zacharia Mbaabu? Zacharia Mbaabu ni wakati wako sasa.

Zacharia Mbaabu: Asante sana bwana mwenyekiti kwa hii Constitutional Review Commission. Jina langu ni Zacharia Mbaabu na ninatoka location hii ya Kianjai. Bwana mwenyekiti ningependelea kupendekeza.

- Kwanza, ni upande wa wale ambao walikuwa wanatumikia serikali, retirees to be taken care off.
- Wengine wale wamestaafu serikali iwaangalie, kwa maana wengine wanarudi kabisa inaona wengine wanakaa sasa kama watu ambao hawajafanya kazi ya serikali. Kwa hivyo mimi ninaomba hii Constitutional Review, na pendekeza kwamba, retirees wa upande wa serikali na Parastatals wawe taken care off.
- Pili mwenyekiti, ninapendekeza ya kwamba hiyo Electoral Commission, saa ingine haiangalii saa ile kura inapigwa. Hawatumii ile justice kabisa wangalie vizuri na wasipendeleo chama yeyote. Kwa maana, saa nyingine unasikia kama Electoral Commission kama inaingilia pia polisi wanafanya harrasment. Saa zile kura zinapigwa, kwa hivyo mwanainchi hana free and fair election. Kwa hivyo saa nyingine yule mwanainchi yule anaenda kupiga kura anakuwa harassed by the police force, au anakuwa harassed by Electoral Commission.
- Anatishwa pengine kwa vile wale ambao wanaongoza, kama Civil Servants wale wanaongoza upande wa Police Force or wana-harass wanainchi kwa hivyo ndiyo unaona pahali pengine kuna rigging.
- Anatoa kodi ya serikali hata wale ambao hawana kazi kama nchi zile zimeendelea awe anaangaliwa. Unaona wengine hawajimudu kwenda hospitali, wengine hawajimudu hata chakula, wengine hawajimudu kitu chochote.
- Kwa hivyo mwanainchi haangaliwi na serikali upande wa elmu, upande wa chakula, upande wa dawa. Kwa hivyo ningependela mwenyekiti, mwanainchi hata ingawa hana kazi awe anahudumiwa kama vile those developed countries. Hata kama hana hazi pengine mtu anaweza kufa na njaa au na umaskini. Ni hayo tu mwenyekiti asante.

Com. Ratanya: Okey nashukuru sana bwana Zacharia Mbaabu kwa hayo maoni yako. Na tena twende kwa George Githinji? George Githinji? George hayuko? Francis Kirima? Kirima ni wakati wako sasa.

Francis Kirima: Asante sana bwana mwenyekiti. Yangu nitasema ya kwamba ni vyema sana, kwa wakati huu tunarekebisha Katiba yetu ya Kenya. Na wakati huu tunaporekebisha hii Katiba yetu ya Kenya, ndiyo shida nyingi imetupata katika nchi hii yetu ya Kenya. Kwa hivyo ningependelea ni vyema sana Constitution Commission yetu ile inaagalia Katiba ituwekee watu wale walio wa kawaida Kenyans who are of age wawekewe mshahara. Serikali ii implement iwe ikiwalipa kiasi kile serikali kulingana na uwezo wetu wa Kenya. Watu wa kawaida wote ningependa wawekewe malipo ya kila mwezi.

Wale watu ambao hawana kazi na kwa njia hiyo nafikiri itakuwa rahisi sana kwa sababu Constitution ni njia ya ku-govern watu.

Ilisemekana wakati moja, hauwezi ukatawala watu wakiwa na njaa. Kwa hivyo mimi ninaona maoni yangu, it is very easy to rule people when they will be having a way of getting paid in a way even though they are un-employed.

Every Kenyan of age, apate kitu ya kulipwa kwa mwezi na hiyo itakuwa vyema sana na itakuwa ni njia nzuri sana. asante sana.

Implementation of salary to every grown up Kenyan, can be very good. Because there are many ways, people are claiming medicine, education and really there is no other way according to me, very easy as paying for each an individual so as for him to cater as the other un-employed people. He does for themselves because I think these thing cannot be claimed by those employed people but people citizen. Yaani wanainchi wa kawaida ndiyo wanalalamika kuhusu hii jambo sana, kwa hivyo ningependa the Government to implement pay to un-employed grown up(inaudible) to be paid monthly pay according to our resources.

Kwa sababu hata Kimeru yenyewe tunasema ya kwamba, 'hakuna ndovu anayewezwa na pembe zake'. Kwa hivyo, I think the Government can do something good to pay wanainchi wa kawaida. Kwa hivyo, hiyo ndiyo maoni yangu na kwa sababu ninaonelea ni vyema sana kukifanyika hivyo mambo mingi itakuwa rahisi kutendwa. Ile ingine ni ya kwamba, inasemekana tena you can't rule hungry people, I think that can be a very good way to implement pay for those people.

Com. Ratanya: Okey asante sana Francis nashukuru kwa hayo maoni yako, na nenda hapo uweke sign yako register yetu asante sana, na sasa tuna Joseph Raibu.

Joseph Raibu: Asante sana kwa mwenyekiti kunikubalia kutoa maoni ile ambayo naona ninaweza kujaribu kutoa, mimi iko siku moja

Com. Ratanya: sema majina yako vizuri.

Joseph Raibu: Jina langu mimi naitwa Joseph Raibu wa hapa Tigania West Kianjai. Mimi, iko siku moja nilikuwa nyumbani jioni nilisikia kwa radio yangu. Tume ya Nairobi inaongea wakati wa jioni. Walishauriana maswali mengi, lakini kuna swali moja iliniingia kwa roho yangu. Nilisikia wakiwa wanauliza kama mtu ameishi na ana boma yake na bibi yake pomaja na familia yote, lakini hatimaye, au mambo ile Mungu anapenda anafanyia mwanadamu akawa yeye hana sons. Anapewa na Mungu daughters peke yake, sasa nilisikia Leonard Mambo akiuliza wale ma binti au daughters wanaweza kuruhusiwa mali ya baba yake kama yeye amefariki? au ameaga dunia, hiyo waliulizana hiyo maswali wakashindwa, lakini maoni yangu ile Mungu alinionyesha niliingia kwa kitabu ya bibilia mimi niliona iko siku moja, Musa aliitwa akaamue maneno kama hiyo. Walienda na mtu mwingine, kwa sababu Musa alikuwa ni Prophet wa Mungu, alienda kwa hiyo kijiji, hiyo ilikuwa na ma binti peke yake, daughters.

Com. Ratanya: Sasa Joseph, Joseph Raibu, toa mapendekezo yako, usitupatie mafundisho ya bible.

Joseph Raibu: maoni yangu ni hivi ma binti lazima waruhusiwe mali ya baba yao kama hakuna sons.

Com. Ratanya: sawa okey, asante sana Raibu,

Com. Ratanya: ya mwisho sasa, sema ya mwisho

Joseph Raibu: la mwisho maoni ingine ile inanifinya, la mwisho, serikali itupunguzie karo ya shule ya ma secondary asante sana.

Com. Ratanya: okey, Joseph Raibu nashukuru sana kwa hivyo andika jina lako hapo.

Com. Zein: Wanainchi, kama mlivosikia kwamba tulikuwa tumemaliza kukusanya maoni ya wakenya, list tulimaliza wale ambao walikuwa hawako kwenye list wakaulizwa nani anataka kusema wakamalizwa. Lakini wamekuja wanafunzi na hatuwezi tukawarudisha tukasema ati wanafunzi hawana haki ya kuzungumza. Wanafunzi tutawapa ruhusa wazungumze hata kama tulikuwa tunasema tuko karibu kufunga ingawaje kwamba kesho, Tigania West tunaendelea kukusanya maoni kesho. Kimachia market huko, Kimachia Primary School. Wanafunzi wameomba wapewe fursa, wanafunzi watatu wawakilishe maoni yao, hawa wanafunzi watatu wote watapewa fursa wazungumze kuanza na mmoja, na wa pili na wa tatu namna hiyo, mwanafunzi wa kwanza aje hapa achukue microphone anze kutoa maoni, ukimaliza utakwenda pale ku sign register.

Com. Ratanya: Na utanza na kusema jina lako, halafu uendelee na maoni yako na nimekupatia tu dakika tatu.

Daniel Karani: My names are Daniel Karani from Kianjai Secondary School. The memorandum which I want to present. Starting with the first point, we should adopt a Parliamentary system of a Government on which a Prime Minister is appointed from the majority party in the Parliament.

- The President remains more or less ceremonial.
- Second point, the appointment of the judges should be vetted by the Parliament.
- Third point, Constituents to recall a seating MP, if he or she is not serving them well.
- Point number four, an MP should have passed the form four exams or be a university degree holder.
- Point number five, there is need for more women representation in the Parliament e.g. through nominations.
- Point number six, the President to stand trial if he or she breaks the law in or out of the office.
- The seventh point, the age limit of a seating President should be between 25 to 55 years if we do not have a Prime Minister.
- Point number eight, the President should not be an MP.
- Point number nine, Mayors and council Chairmen should directly be elected by the people.
- Point number ten, Mayors and Council Chairmen to server for a full five years.
- Point number eleven and the last one, councillors should be at least form four leavers, that is all.

Com. Ratanya: Thank you very much Daniel Karani you sign, get registered here and then we have the next one, you also have very very brief and you say your name first.

Dorothy Kaimuri: My names are Dorothy Kaimuri from Kianjai Secondary School and these are my views.

- The issuance of National Id and voters registration should be a continuous process.
- Thirteen, the death penalty should be abolished, instead impose a life sentence to the offender.
- Third, there be a free and compulsory primary education.
- The Government to subsidize the secondary education to make it affordable to the majority of the citizen.
- The other point, to reduce the load, that is curriculum to allow for specialization.

- Another one, mixed schools to be abolished, some cultures should be abolished for example Female Genital Mutilation and early marriages.
- There should be caning in schools but those teachers who molest students should be punished by the law.
- All workers should have a trade union to cater for their rights. The retrenchment should be accompanied by immediate payment/compensation.
- The last point, there should not be any discrimination on the issue of inheritance in regard to gender.

Com. Ratanya: Thank you very much Dorothy now the third and last one, Dorothy, come here please sign our register, start by telling us your names.

Mwenda Kangote: My names are Mwenda Kangote from Kianjai Secondary, these are my views.

- In case of separation or divorce, all children should be under the care of their mother until they are of 18 years of age, but the father should support them.
- The disabled and aged people should be fully catered for by the Government.
- The street children should be accommodated e.g. by building for them a rehabilitation center and they should be forcibly withdrawn from towns.
- The next point, also supervises e.g. prostitution, homosexuality, lesbianism and rape should be criminalized and penalized by law.
- The next point, children labour should be stopped, religious groups should be registered and the cult be abolished. A fraction of the national wealth e.g mineral, agriculture, or(inaudible) should be ploughed to the area of production that is to directly benefit the people.
- The environment particularly in the urban areas should be improved e.g. the sewage and the cabbage disposal. People occupying public offices should be of high moral integrity e.g. should have people married and not corrupt.
- Chiefs and Assistant Chiefs should be directly elected by the people.
- The last point, Senior Government Officers should declare their wealth.

Com. Ratanya: Okey thank you very much Kangote Mwenda, you still have to go to our register and I think that is the last one. Co-ordinator, I think we better try to wind up.

George Kimanthi: Good afternoon

Response: All

George Kimanthi: Ladies and Gentlemen, we have come close to the end of this occasion. The students have come when we were just winding up but I hope you have presented your views. Let me say that I am very grateful for availing yourselves, we have been having many presenters here from morning. We started at 8.00am upto this moment. The only thing I would like to remind you is that, tomorrow, we will be in Kimachia Primary School. And maybe if there is somebody who has a burning issue, he can also find us at that place tomorrow.

Then for those who still have memoranda to present, or those who have written their views, still there is room for them, you can bring your memoranda to our offices in Maua, or offices at the County Council. So we have between now and August to bring that memoranda. Maybe those who are not ready, we have that chance again you can just bring the memoranda and we can send it to Nairobi because that is when we will be finishing collection of views.

I don't have much to say only that I would like to thank those whom we have been with since morning. We have people who have been assisting us in registration there, we have been having the translator, the Committee members like Mary Nairumbi and Mr. Kaireja, Mr. Ntoiti Goeffrey, those people were not here in the morning. Goeffrey Ntoiti, can you raise your hand? Please, then we have Kaireria Julius. I think he has left, then we have office assistant and the rest. Mine is just to thank you for availing yourselves and I also thank the management of Kianjai Polytechnic for according us the welcome we have received from them this day. I also would like to thank the Commissioners, Commissioner Zein Abubakar, then we have Commissioner Domiziano Ratanya, Programme Officer, Roselyn Nyamato, Deputy Programme Officer, George Kariuki and our Verbatim Recorder Zipporah Ndunge. We have been with them since morning. They have done commendable work and we also thank them. I think before we end this session, I will just request some student to lead us in a prayer, and then I hand over to the Commissioners. Please let us have someone to lead us in a word of prayer. Yes, let me give to the Commissioner then we wind up with a prayer.

Com. Ratanya: We have come to the end of this session and officially, I would like to ask my fellow Commissioner Abubakar Zein to declare this session officially closed, do it.

Com. Zein: Thank you very much Commissioner Ratanya. Commissioner Ratanya honours me in many ways than one because he is an elder in this neighbourhood. On behalf of the Constitution of Kenya Review Commission, I would like to extend our very very sincere thanks to all the people who worked tirelessly, particularly the members of the 3C's and the Co-ordinator to make today a day we have come to harvest the views of Kenyans for the purpose of amending our Constitution.

I am a little sad that the students came much much late and at the tail end of our session because this was a possibility and a chance for students like yourselves, I am not saying you didn't get, you got just a tiny little bit of it, that to see history unfold itself.

These are the kind of events which shape peoples' history. A nations' history and later on in your lives you will be asked when this was happening did you see what was going on? Did you hear what people said? Were you a witness? And I think today, you were a witness and you will remember the day three of your fellow students represented you by giving their views.

This is a very very important event, and it is an event which some people have only compared it to the times Kenyans were going through the freedom fight to liberate ourselves from the yoke of colonialism. So today, is a day you should mark as an important day.

Tomorrow will be the last day we will be in Meru district, at least for our panel to finish the session for Tigania West and then we will go down to Embu, and finish our work there on Thursday, Friday will be a round up for the Province more less, we would have covered the province with the exception of one district which was deliberately left out because they were not ready in terms of completion of civic education.

We have already collected views in Central Province, part of Nairobi Province, Coast Province, and we will complete Eastern Province on Friday. I hope you will be able to follow the Review Process through the press, and when we make our report available, you will take the trouble to look at the report and see if some of the views which were given by the students are contained in that report.

Thank you very much and God bless. If the students could lead us in a prayer then we could disperse. I would like to officially declare this session, has come to an end as far as the collection of views is concerned. Thank you.

Prayer: Lets pray, our dear everlasting God, before thy presence once more we have come, we give you praise, we worship your holy name, we say thank you for the way that you have been with us since morning to this hour of evening. We are not taking it as a formality, but we know it has really taken your hand, thank you, my Lord ,because of the protection, thank you my Lord, because of everything that was taking place in this place. Really my Lord, we have witnessed ourselves that, my Jehova God, leave this Review Commission it is something that my Jehova God, want to collect all the views that we want to present and whatever we have presented oh Lord. We know it shall be beneficial unto us, thank you my dearest Master, because I know without your leadership we cannot make. Without you making your government, without you making my Jehova God a state, it cannot be able to stand. We give you praise, we worship you because you are going to be with us oh Lord. Thank you my Lord, because of these Commissioners together with the Committee they have devoted themselves my dear Master from morning to this hour of evening. Thank you my Lord because we are going to bless them mightly. You are going to bless their work, you are going to uplift them from glory to the other, we give you praise, they worship you because we are not going to be with them, as they are going to take off their journey my dear Master. I am praying for journey masses unto them, may you cover them with our precious blood. Thank you my Lord because you are going to do them good. Thank you my Lord because of my fellow students may you continue to do them good, uplift them in their curriculum Jehova God works. Thank you my Lord because in their academic work you are going to bless them, you are going to do them good, we give you praise, we worship. This time that you have end to come to the end, of this Commission Review my Jehova God as its area. Lord I am praying that you may continue to be with us, thank you my Lord because you have been with since morning, we give you praise, we worship in the mighty name of jesus Christ we do pray and give thanks.

And the grace, and the grace of the Lord Jesus Christ, and the love of God the Father and fellowship of the holy spirit be with us now and forever more. Amen.

Meeting ended at 4.05 pm.

Com. Zein: Haya, sema mzee unasema nini

Zapheno Imanyara: Mimi ninasema hivi mimi ninaone ni aibu kwa National Assembly watu wanafanya mlolongo ya kupigia mtu kura wakionekana, na mimi ninapendekeza ballot secret, iwe katika Parliament hata kwa County Council, iwe namna hiyo, sababu utakuliza pesa, kama milioni moja, utafanya mlolongo, hiyo ukikosa utapigwa risasi. Unasikia hiyo maneno.

Com. Zein: Sawa.

Zapheno Imanyara: Mimi nilikuwa mtu wa war Council iliyekuwa ya Mau Mau kwa hivyo mimi ni mwana siasa kitambukisha ninakaa kwa County Council ya Meru hapa wakati tulikuwa tunashikana miaka kumi na tano nikiwa Councillor wa Kianjai hii yote mnaona hapa hii, kwa hivyo sasa ndiyo mimi ninaona hii mlolongo ni illegal.

Com. Zein: hautaki mlolongo basi, sawa.

Zapheno Imanyara: sitaki mlolongo hiyo si democracy.

Com. Zein: sawa nini ingine,

Zapheno Imanyara: ingine, ile mimi ninaweza kuongezea mimi nilikuwa haja yangu ni hiyo mlolongo tu ina kula kichwa yangu.

Com. Zein: sawa mzee, sasa nenda kwa huyu msichana hapa akuandikishe uwekwe kwa register kwamba umetoa maoni kwa Tume.

Com. Ratanya: Asante sana Imanyara.

Patrick Kiegeri: Project Cook Kianjai Youth Polytechnic

Com. Zein: haya anza mzee,

Patrick Kiegeri: Attorney General should be independent.

- One, should be a Government Advisor and a Prosecutor but he should not be a public on public side.
- Two, a Chancellor of a university should not be a President of the Republic but an academic person with a know-how of the University.
- Three, there should not be any street children or chokoraa, because any child born of a man and a woman but due to the laxity of the Government, we hear they are chokoraas.

Com. Zein: unataka aje?

Patrick Kiegeri: nataka serikali, mtoto akizaliwa awe anajulikana ni ya nani, a father should be accountable.

Com. Zein: kwa hivyo unataka ile sheria ya zamani ya kufanya baba alee mtoto mpaka awe mkubwa irudishwe.

Patrick Kiegeri: yes irudishwe, that is why we are going to Nairobi, unaambiwa hapa choo ni yetu, hapa choo ni yetu.

Com. Ratanya: Aviliation Act irudi

Com. Ratanya: eh aviliation act, ingine,

Patrick Kiegeri: failure to police force, they have forgotten their Kiganjo motto. *'Utumishi kwa wote'*, they have come to their own motto, *'tuchukuwe yeyote to shibe sisi'*, reason when you report anything you are told, do something, due to the circumstances, you have to do it. Because somebody is injured, you have no alternative, you must do their motto, not their Kiganjo motto. So please admit that the reason everything is corrupt because, *mahe ni maruru*, every water is bitter here,

utumishi kwa wote is bitter, where are we going? that is all.

Com. Zein: Sawa mzee asante sana nenda kwa huyu msichana uandike tu jina lako.

.....**THE END**