

**CONSTITUTION OF KENYA REVIEW COMMISSION**

**(CKRC)**

**VERBATIM REPORT OF**

**CONSTITUENCY PUBLIC HEARINGS**

**KASARANI CONSTITUENCY**

**AT GITHURAI CATHOLIC CHURCH HALL**

ON

**MAY, 28<sup>TH</sup> 2002**

**CONSTITUENCY PUBLIC HEARING, KASARANI CONSTITUENCY, HELD AT GITHURAI CATHOLIC CHURCH HALL ON 28/05/2002**

**Present**

Prof. Idha Salim  
Com. Keriako Tobiko  
Com. Salome Adagala

**Secretariat Staff in Attendance**

Samuel Wanjohi - Programme Officer  
Esther Mugo - Asst. Programme Officer  
Martina Odhiambo - Verbatim Recorder  
Masha Alex - District Coordinator  
Millicent Musyoka - Sign Language interpreter

The meeting started at 8.30 a.m. with Prof. Idha Salim as the Chair

**Prayer**

**Hassan:** Habari zenyu nyote, tuombe. Ewe Mola tunakuomba uweze kutuhifadhi wakati wa asubuhi ya leo, Mola tunakuomba uwezo kutulinda, Mola tunakuomba uweke watu wote nguvu watakokuja mkutano, tunauliza ewe Mola wa ulimwengu wote tunakuomba uwezo kuwapa ubaru walio watu watakao kuja kuhudhuria katika hii kikao chetu cha leo, ewe Mola pia wewe tunakuomba uweze kutulinda na baada ya hii kikao yetu uweze kutapa nguvu, uwezo wa kutuokoa na uweze

kutuongoza katika njia wa mwelekeo, ewe Mola wetu. Ewe mola wetu pia tunakuomba pia uweze kuwapa wale wote walioweza kuhudhuria kikao uweze kuwapa nguvu, waweze kujua kama kuna kikao kama hiki ili wawaze kufika hapa pia waweze kutoa maoni zao. Ewe mola tunakuomba hiki kikao chetu cha kurekebisha Katiba tunakuomba uweze kufanakisha iwe na mafanikio na majaliwa kwa kila mwelekeo. Ewe Mola pia tunakuomba uweze kuwalinda watu wote ambao watahudhuria kikao hiki na waweze watoe maoni yao kwa njia ya usawa, ewe Mola pia tunakuomba uweze kutuhifadhi kwa muda huo wote. Kwa jina yako ndio tunaomba uweze kutusaidia. Amen.

**Prof. Idha Salim:** Asante sana bwana Hassan kwa maombi yako tumefurahi sana kuja hapa hivi leo kwa Constituency ya Kasarani kwa mkutano wetu wa kikao cha kwanza leo na kikao cha pili kitakuwa hapo kesho na tungependa kwanza kuwaomba radhi kwamba kimechelewa kidogo kuanza sababu yake mitambo ilibidi kuwekwa sawa tupate cable ambayo itafika mpake kule tupate stima ya kuweza kutusaidia kuanzisha hiki kikao. Na tuanze kwa kujuana kwanza. Hapa mimi ninaitwa Ahmed Idha Salim, mimi ni mwana tume wa commission, na hapa pia ninawenzangu wawili ambao pia ni wanatume, kwa upande wangu immediately hapa kwa kushoto yuko Com. Keriako Tobiko, na huko upande wake wa kushoto yuko Com. Kavetsa Adagala. Pia hapa tunayo programme officer wetu bwana Samuel Wanjohi, na pale yuko Martina Odhiambo na mwenzake mwengine pia anatoka katika ofisi yetu yeye anaanza kufanya kazi na sisi hivi leo asubuhi, ungejijulisha kwa jina lako unaitwa nani, Esther Mugo. Pia tunaye mtu anayetusaidia kwa kazi muhimu sana ambaye anaitwa Milicent Musyoka, na yeye ni mtalamu wa elimu ya lugha ya mikono kwa sababu ya wale wenzetu ambao hawawezi kufuata yanayosemwa kwa ajili ya taabu yao ya kutoweza kusikia na yuko moja wao hapa hivi leo amekuja kuhudhuria na pia kutoa maoni yake. Na pia ningependa kusema kwamba tunao muheshimiwa mbunge wa eneo ya Kasarani hapa, Adolf Muchiri, tumefurahi kuwa amekuja, yeye amevaa zaidi ya kofia moja, yeye ni mbunge lakini pia ni mwanachama ya ile kamati ya Katiba ambayo kazi yake ni kuhamasisha wanainchi kuwaelemisha zaidi ya mambo haya ya Katiba na kujaribu kuhakikisha kwamba kila mwananchi katika eneo hili anapata kusikia habari hizi za Katiba na pia anakuja hapa kutoa maoni yake. Na ningependa labda labda DC, coordinator wetu bwana Maina angeunuka hapa mbele na kuwajulisha pia wanakamati wengine ambao yeye anawajua zaidi kabla ya kuanza.

**Maina:** Asanteni. Kwa majina ninaitwa Alex Maina mimi ndio District Coordinator eneo hili la Kasarani. Ningependa members wa CCC wasimame. Na tungesema kila mtu jina lake tafadhali.

(Inaudible)

**Maina:** Asanteni. Na pia tunamuheshiwa, pia ni member wa committee Hon. Adolf Muchiri, pia tuna wale representatives wa wards ambao tunafanya nao kazi na kamati. Kama wewe ni representative wa ward, tafadhali simama. Munaweza kutuambia majina yenyu.

(Inaudible)

**Maina:** Pia tuna chief wa area hii na angesimama ili tumuone. Asante.

**Prof. Idha Salim:** Asanteni sana tumefurahi kuwajua nyote na tunafurahi kwamba tuko pamoja katika kazi hii muhimu sana ya kurekebisha Katiba, hatuna haja ya kueleza mengi leo ni siku ya kupokea maoni yenyu ila kutaja jambo moja au mawili ambayo ni muhimu kuyataja. Kwanza ni kwamba hii Katiba haitaandikwa na sisi kwa kutoka kwa akili zetu na fikira zetu sisi wana tume. Katiba hii mpya itaandikwa kutegemea maoni yenu. Kwa hivyo, tungefurahi leo kupokea maoni hayo na njia ya kupokea maoni hayo ni njia mbili. Na kila moja wenyu atachagua njia yake ambayo angependa kuitumia. Njia moja ni kutoa maoni yenyu kutoka memorandum, yaani mushayaandika maoni, mumekuja nayo tayari na mumefikiria uzuri na mukaandika mukatuletea. Mtu au mwananchi ambayo ana maoni ilioandikwa katika memorandum, tutampa dakika tatu ili kutueleza yaliyomo. Siku soma memorandum maana itachukua wakati na twataraji wananchi wengi watafika hivi leo. Kwa hivyo tutakao hakikisha kwamba kila mmoja atakayefika atapata nafasi ya kutoa maoni yake. Kwa hivyo, dakika tatu kwa mwananchi kuwaeleza yale yaliyomo, points zilizomo, mapendekezo yaliyomo, mapendekezo yaliyomo, recommendations yaliyomo na maelezo ambaye yataka yafanywe katika Katiba mpya.

Yule ambaye amekuja kutoa maoni yake kimdomo tu, tutampa dakika tano, sita hivi. Na pia tungependa afikirie yale atakayosema. Sana tungependa mapendekezo maana tunajua hali yetu ya kiuchumi, tunajua hali yetu ya kisiasa, tunajua hali yetu ya kisheria na kadhalika na kijamii pia. Kwa muda hakuna haja ya kueleza, umetuma hii, tuna taabu ile, toa tu pendekezo lako la kusulihisha ile taabu tuliyo nayo. Ikiwa mathalamu una mambo ya kusema kuhusu aina ya serikali ambayo wewe upendelea kutoa, endelea moja kwa moja, mimi jamani ningependelea serikali ya aina hii. Bila ya kuwaeleza kwa urefu kwa nini ulipendelea, hii ni rahi yako na una haki ya kupendelea na kupendekeza jambo lolote bila ya wasiwasi kuwa wengine watakucheka, wengine watakupigia kelele au watu wengine watapinga fikira hizo. Kila moja wenyu ana uhuru kwa kutoa maoni yake. Na juu ya njia hizo mbili, mtu anaeza toa maoni yake kwa lugha yeyote, Kiswahili, Kiingereza, Kikuyu, Kiluo na kadhalika. Tunahatibu kwamba atakuwako mtu hapa ambaye ataweza kutafsiri maoni hayo. Kwa meno ya maelezo haya mafupi, sasa tutakwenda moja kwa moja tumekwisha pata watu zaidi ya kumi ambao wamejiandikisha kutoa maoni na hatutaki kuwachelewesha zaidi kungojea kutoa maoni yao na tutafuata ile ratiba iliyoko katika registration form. Yule anayekuja kwanza, atatoa maoni yake kwanza, na yule atakayejiandikisha kwanza kabisa ni bwana Gitau J. H. Mwara. Kwa hivyo tutamuita bwana Mwara aje hapa mbele atoe maoni yake na utanza bwana Mwara kwa kutaja jina lako na kisha utaendelea.

**Mwara:** Asante sana vice chairman wa CRCK Prof. Salim. My name is Gitau Mwara, I am a lawyer, also a resident of Kasarani, Zimmerman. So I have a written memorandum which is entitled, 'Proposals for Reforms'. To start with, I will read something small here, a quote by a Kenyan, Koigi Wamwere. 'The president has privatized power to surface personal it', the president acts as if what belongs to the state is his. This is why African presidents are richer and more powerful than the government they lead and I have gone ahead to show that the agitation for constitutional reform at this particular time in Kenya is because of the domination of the Kenyan political, economic, social landscape by the president. So I have given my views on

how the executive can be reformed to ensure real separation of power and I have also shown how the impeachment provisions can be strengthened by removal of all the present ambiguities, contradictions and mere impossibility to achieve any impeachment at all. I have also highlighted the specific ground on which a motion of impeachment can be brought.

I have also recommended that the provision of the two tenures of five years each for any incoming president be retained, because through this way the constitutional system is able to read out bad presidents who otherwise use state power to retain political power through hook and crook. Also I have shown how the legislature can be strengthened so that it can be free of the executive, that is through state extensive, actually repeal of section 58 and 59 of the constitution, so that the constitution can lay down the parliamentary term without any other institution having power to dissolve it before the five years are over. I have also talked about the independence of Electoral Commission, the Judiciary and how also the powers to enforce civil repractice in judicial review should be distributed to the magistrates court which are normally nearby in the local divisional headquarters where the people are. I have also given views on the reform of the provincial administration, that is through direct election of all the assistant chiefs, chiefs, DOs, DCs and PCs, who could also be called a provincial .....(inaudible) elected by universal .....(inaudible) So that the provincial administration can have legitimate powes and credibility and also be accountable to the local people who have power to reject it politically.

I also looked at the local government, which should be given constitutional recognition by including a chapter you are finding for local authorities in the constitution. Also lastly, I have remarked that a constitutional cannot be able to include all forms of grievances. So what people need at all times are civil societies to advocate for their rights. We need them at all times strong farmers unions and associations, traders, industrialists, matatu owners, transporters, women, youth, non-governmental organizations, professionals, fishermen, jua kali, etc. We need to see strong lobby organizations and associations. At the end of the day the policy of the civil society groups, lobbyists, .....(inaudible) speaking up and making demands upon the government will ensure a culture of pluralism, transparency, accountability of a good government and good governance. Thanks.

**Prof. Idha Salim:** Thank you very much bwana Gitau Mwara for your views, you finished just in time. We have time keeping on that desk so that people are informed that your time is up so that we can move. We thank you bwana Gitau Mara. I don't know whether any of my colleagues has any queries.

**Com. Tobiko:** For clarification only. Thank you for starting us off very well, how will the civil society be, what you said should be there, but how should we do it in the constitution. What would we say in the constitution?

**Mwara:** There is in the constitution a bill of right which provides for fundamental rights and freedom of the citizen. Right now the present constitution .

(Interjection: Inaudible)

**Mwaura:** We just been extensively qualified. Infact what we need are something a keen to idion of the American approach where civil repartees are just cleared. Unlike the present situation where they are just highlighted and then highly qualified, so civil societies will be there by virtue of the freedom of association, freedom of movement, freedom of assembly, all these are provided in a bill of right which does not qualify this right. Infact I think that all the qualification in the present bill of right should also be extensively removed.

**Prof. Idha Salim:** Thank you very much once again bwana Mwara. We have a special request from mheshimiwa bwana Adolf Muchiri ana jukumu ingine, kazi ingine ya kuiendea na ningependa kuwaomba kumruhusu atoe maoni yake kabla hajaendelea na kazi zake nyingine. Ninafikiria kuna ..... Sote tumekubali. Mheshimiwa karibu utoe maoni yako. Welcome.

**Hon. Adolf Muchiri:** Tommorrow morning you will be at Mathare North, what time will you be there so that I can make proper arrangements, so that you will not be late from here I will go there and leave the amends. What time will you be there.

**Prof. Idha Salim:** That is very kind of you. We should be there at 8.00 am at the latest. We are very grateful for your offer to make arrangements for us there.

**Hon: Adolf Muchiri:** Thank you very much. In the first place I am requesting the constitutional review to consider an amendment of section 23. My name is Hon. Adolf Isaac Muchiri of Kasarani. I would like the constitutional review to consider amending section 23, one, of the constitution, two, to amend section 25 of the constitution where the president has the power to sack civil servants and to extract, to put a clause, to establish a tribunal to be looking at the offences committed by the civil servants before their services are terminated. I would also like the constitution review to look into the elections of the president. The president should name the candidate with whom he is going to run the election with and he should also, the constitution should also state after the election, the next date of the coming elections.

Two, there are a lot of wide campaigns in this country for the creation of two vice presidents and a prime minister. I would like the constitutional review to put into consideration that the cost, cost creating these three offices would be born by the common man and the question should be, why should the common man bear the cost, we should remain with the current position, one president with a vice president and the power the government is. I should also like to say about the issue of the election of the president. The president should be, the proposal is that we remain as we are, to reduce the cost from the common man because it is the tax payer who is going to bear to have two. I should also say that we should have a constitution where the president is elected, ministers are nominated by the president, but they are subject to impeachment by the members of parliament. Members of parliament should be a minister appointed by the president, they should be nominated outside parliament. The other issue here is, I would like to request the commission to put look into all the appointees of the president

should be subject to being elected by the parliament through the people the people in their respective constitutions. We have got, by doing so we shall have the proper officers in the government.

I should also request the constitution to look into this country being aware of their state. We have visited several other countries of late, and we have come to realize that those countries where they are aware of their state, there are no slums, they are not poor people, disabled people are being looked after, there is no reason as to why this country cannot be aware of their state. The other issue to end up this, is that the issue of arresting people in this country, robbery suspects from section 296, II, has gone beyond. Young people have been arrested all over the country, they are now in police cells. It takes 14 days for the police to establish them, it should be reduced 48 hours. Currently we have proper means of communication, where the police can communicate from all over other parts of the country and have the proper information. The other issue that should be looked into; one a person has been charged in a court of law and he is acquitted by the court, he should be compensated simply because he was charged by the state and the state ought to have established that they have a primerger case before they are taken to go to court. What is currently happening is that the police are restricting our course as a commission of inquiry.

And finally, there should be a clause in our new constitution, that if person has acquired property through fraudulent mean by virtue of his office, that property should be profited by the state and we should give the director of corruption a lot of powers and he should be protected by the constitution. That is what all I wish to say. Thank you.

(clapping)

**Prof. Idha Salim:** Thank you very much Hon Muchiri. **Com. Adgala:** Okay, you have given us quite abit on government and running mate calender, ECK should it have a calender, the Electoral Commission.

**Hon. Adolf Muchiri:** Yes, it should have a calender

**Com. Adagala:** And bunge

**Hon. Adolf Muchiri:** All to have a calender.

**Prof. Idha Salim:** Thank you muheshimiwa, we can at least now release you to attend to other matters and once again thank you for your effort to prepare things for us for tomorrow morning. Asante sana.

And now we call upon bwana Mwaura Lakiere, karibu. Our friend will use sign language to give his views and Milicent will help translate that for us.

**Lakiere Mwaura (interpreted):** My name is Lakiere Mwaura, I come from Githurai 45, I am student for computer college here. I am 20 years old. I wanted to talk something little about deaf people especially in the court and in connection with

police. Many a times we are caught by the police and we are kept for a long time before we are given assistance of an interpreter. So we need this to be put in the law. You come a place to hospitals and other institutions, we need to be finding sign language interpreters there. Sometimes also we find that police suspect a person to be a victim of something that was happening in the street and then you are told to stop and because you are deaf you don't stop, sometimes they can confuse and shoot you. So we need to have a law to protect if that happens.

The other thing is on information. Deaf people have no access to information, we need to have an opportunity to have captions in the TV, in sign language interpreters. Same apply to other public amenities, venues. When it comes to the parliament, you find that there is no parliamentary representative for us persons with disabilities. I have finished.

**Com. Adagala:** Are you aware of Hon. Sinyo?

**Lakiere (Interpreter):** He is saying he is aware of Hon. Sinyo.

**Com. Adagala:** But he has said they have no representation, how he like the presentation in parliament?

**Lakiere (interpreter):** We have a member of parliament who is blind, yes, but we need a parliamentary seat for persons with disability to represent issues of the day for the blind like that.

**Com. Tobiko:** To see him giving specific recommendation, as to how to make the, he is able to identify or recognize the deaf at a distance?

**Lakiere (interpreter):** If the police shout and tells the person to stop and he doesn't stop, when they need to ..... they need to call the person and if he doesn't respond to the call, then they need to follow him up.

**Com. Tobiko:** Can there be some identifying marks or whatever or signals, am still trying to think or some part or something you can wear authentic ..... or something?

**Lakiere (interpreter):** He is saying that there is no more can a deaf person to tell you deaf like himself, but the police can stop them and ask for the identification card of persons with deafness. They have the ID for deaf persons.

**Com. Adagala:** Still on bunge, the disabilities people are about, 10% of the Kenyan population. Would he want this kind of percentage in bunge or just there should be..... and should they be elected?

**Lakiere (interpreter):** I would like to have a representative, in the parliament for the deaf persons, a representative for the

physically handicapped like that in terms of their disabilities. The government to appoint.

**Prof. Idha Salim** Thank you very much bwana Lakiere Mwaura, for you views. We should just point out that the commission has the mandate among many other mandates to make sure a marginalized groups like the deaf and other disables have their needs and rights and other matters that will make them to be part and parcel of society taking into consideration when we come to write the new constitution. We move on now and ask Mr. Paul Opondo to come forward and gives us views.

**Paul Opondo:** Thank you very much Commissioners. The views I will give you are not my views but are views I recovered from Roysambu ward, since I am one of Civic Education Providers of that area. The views are divided into two parts, first part are the views of children in that area and second was the views of the others of that area whom we talked to. I have sufficient copies which are going to save you a lot of writing in case you may need them, Commissioners.

**Prof. Idha Salim:** Bwana Opondo you said something about coming forward with views or abuse of other people, you are a civic education provider, how did you gather those views, is it under some kind of advice from someone that is official.

**Paul Opondo:** We talked to the people of the area, we visited schools in the area, children schools and we talked to them and then as we talked they gave us their views, which I am going to present to you.

**Prof. Idha Salim:** That is commendable work that you show an interest in going round and collecting the views, but ideally, we would have liked individuals to present their own views. So a group of children coming forward and speak for themselves and so on and so forth.

Com. Tobiko: It was not possible to do that because they are in the school right now and I could not get the permission on behalf of their parents or the headmaster to bring them over here. Can you then, to ask you to kindly just give your own views other than giving the views of others, because unless you have a note of any group, say children or other adults asking you to speak for them, we are in a difficult position to receive views from one person on behalf of many others. In other words really it is not the right way of presentation of views. One can come and present the views of say his organization, his NGO, maendeleo ya wanawake, or somebody, the local maendeleo ya wanawake lady can come and give those views. But when it comes to civic education provider like yourself, we can only receive your own views on behalf of yourself.

**Paul Opondo:** I was not prepared to do that but I have got very limited views I can give of my own.

**Prof. Idha Salim:** You are most welcome to give them. Having being a civic education provider, I am sure you are aware of the issues and the questions. You had the red book, so would be very happy to receive your personal views, if you don't mind.

**Paul Opondo:** They were not mine but I can give one or two points.

No, you can give those as your views, on children or adults, whatever you feel needs to be done for children, you can take them as your views on the welfare of children or whatever. But one second, I think Com. Adagala wants to clarify the (inaudible).

**Com. Adagala:** We are very grateful, but fifty years from now, when the analysts of the, even during the national constitutional conference or any other time, someone can ask but this one who was he representing, because if you are representing people they should elect you to do it or they should appoint, but it is not really your mandate to collect views, if you have gone around and you have heard views, it means that you are educating yourself also. So give them us your views, you were educating and being educated.

**Prof. Idha Salim:** If I was, I was also educated.

**Paul Opondo:** The children said that it should be made an offence of the constitution for children who are not being taken to school, they should be allowed to go to school from the age of five. Children should not be taken to war as is the case in Somali, Sudan land Liberia. Children must be allowed to say what is right, children need freedom to worship but not to get worship. Children must have right to food, if parents cannot provide the food, the government should do so. Children must be protected against sexual abuse, that is they should be protected against rape, they should be protected against early marriage, and if you are married off early, the parents who caused them to be married and as well as those who marry them should be punished according to the law. Circumcision of girls should be stopped.

Children must have access to good health that is:

- a) When they are sick they must be taken to hospital. In some section in Kenya, sick people are not taken to hospital but they are taken to church for prayers. That should not be the case with children. Hospitals and doctors who refuse with children medical care for lack of money must be taken to court and be punished accordingly (according to the law).
- b) Children should get free drugs for their treatment.
- c) Children should not be arrested and taken to a police station for any offence.
- d) Children must be given good, clean clothes. Government should give street children clothes, blankets and food. Children must live in good houses which are not leaking, like paper houses. That is the end for the section of the children.

Then I come to the other section where dealing with presidential candidates. One point on presidential candidate, the president should be a graduate, we don't specify which degree he should have but perhaps political scientist suspected to be a successful man or woman of good moral behaviour. The constitution provides for 25% of votes which you must earn within a province. We propose that instead of only a province, it should also apply to grassroot elections, they must have at least 25%

of the votes cast.

**Interjection:** In addition to the 25%.

**Paul Opondo:** All grassroots election must earn 25% minimum. In case of a post of a president falling vacant, the speaker of national assembly must be an automatic choice to act, to carry the functions of the president, and while he is doing so for the first term, he should be barred from contesting a parliamentary seat. He should be allowed at second term of the parliament. On Electoral Commission, I propose that they should not be appointed by the president but by an independent and in partial body. Of the Judiciary, I propose that inmates be allowed to vote, and as they do so, they must be witnessed by representatives of parliamentary seats, parliamentary parties participating in the elections.

My time is over but a few points on civil servants and use of GK vehicles.

**Prof: Idha Salim:** Very quickly, just points.

**Paul Opondo:** The civil servants should not be allowed to vote as their votes can be compromised, they cannot vote against their bosses. Voter registration should be a continuous process and the voter registrar should go to schools and register eligible voters. Traffic police when they..... they should not have pockets in their uniforms. (laughter) I hope members know why. Can they have shoes, because shoes do not have pockets. Identification numbers should be printed in bold and clear characters and should not be covered at all by any clothing while they are on duty for the purpose of identification.

That is all, the rest you will see the details in the papers. Thank you.

**Com. Adagala:** Thank you very much Paul, if we have secret ballot, why should'nt civil servants vote? It is a matter of conscience.

**Paul Opondo:** It is believed that civil servants cannot vote against their bosses, because if I am going to vote against my superior, likely the consequences can be very adversity in case he comes out.

**Com. Adagala:** But a person who is standing, is no longer a superior of a civil servant. You see, what I am saying, this is a matter of conscience and it would be taking away the right of very many people if they cannot vote. This means also sweeper, isn't it? The PS, the deputy all that and if it is a secret ballot, how will anybody know who I have voted for.

**Paul Opondo:** One time you had voting by queing and you could not fail to notice who is voting for you and who is not. A leader might, when it is possible you know he can change the law, and next time you go by queing and then if I see someone we are going to queue against him, chances are if he comes to power I loose my job.

**Com. Adagala:** Okay now, that is in the past.

**Paul Opondo:** It might be revived.

**Com. Adagala:** So you are not against civil servants voting but the form of voting.

**Paul Opondo:** I guess the form of voting. I'm saying the form of voting yes.

**Com. Adagala:** You see, what we want is positive proposals and proposals are positive, so if you say they should not vote, now you are talking about the form of.....

**Paul Opondo:** If the system is such that they can be identified, we make them perhaps suffer in the new course in provision of their duties or lose their jobs because they voted against their superiors.

**Com. Adagala:** What can we do to strengthen their right to vote.

**Opondo:** Perhaps so.

**Com. Adagala:** I am asking you.

**Opondo:** I am suggesting so.

**Com. Adagala:** That what?

**Opondo:** You strengthen their right to vote.

**Com. Adagala:** By?

**Opondo:** By making them not punishable in case they vote against their superior.

**Com. Adagala:** No, but it is the system of voting you are talking about. Which is the best system for them, you have to say it, I can't write words I think, I can only write what you say.

**Opondo:** I have no immediate answer to that.

**Com. Tobiko:** Bwana Paul Opondo, one clarification needed here, did you say the children should not be taken to church by their parents.

**Opondo:** No, I said that they should be allowed to go to church to worship but not to devil worship.

**Com. Tobiko:** Okay, Thank you.

**Prof. Idha Salim:** Thank you very much bwana Opondo.

**Paul Opondo:** There is a commission which was instituted by the president the results of that commission, the results of that commission have not been made complete to us so we have not read it, but its case is known that a church is practicing devil worship, I think my view is that they should be banned from practicing devil worship in Kenya, like it is an offence for a Christian to worship in Afghanistan, we should also make it an offence for other worshippers who will devil worship, we should not devil worship. They are not allowed to worship as Christians in Afghanistan.

**Prof. Idha Salim:** Because of.

**Paul Opondo:** They practice Islam

**Prof. Idha Salim:** If they worship Islam it means that they are worshipping the devil.

**Paul Opondo:** Not that they worship the devil, those people recognize Islam but not Christianity.

**Prof. Idha Salim:** Thank you. I take those are actually the views of children, because you said you are representing the views of children, it seems to be very sophisticated children

**Paul Opondo:** I think for .....of recognition by the Commission will be taken as my views.

**Prof. Idha Salim:** Shall we move on. Bwana John Irungu Chege.

**John Chege:** Asante sana. Chief, Githurai location. Mimi ninaona sina mengi ya kusema, ni kuwa welcome hapa, na musikie muko nyumbani, na pengine iko ya la kutoa sawa sawa. Ile kitu ningesema, ni mambo hii power iliondolewa ya Chief's Act. Ningependa hiyo power iliyoondolewa, irudishwe kwa sababu kazi imekuwa na nguvu zaidi kwa sababu hata ukienda uwambie mtu anasema, hii hapana ile machiefu wa mbeleni, na mamlaka ya machief yameondolewa. Kwa hivyo mimi ningesema ili kazi iwe sawa, ile power iliondolewa irudishwe, ya Chief's Act.

Kutoka hapo, hii mambo ya appointment ya civil servant ningependelea iendelee namna hiyo, wawe appointed by the government. Kwa sababu ikisemekana tutakuwa tukifanya kazi, tuwe tunashauriwa na raia kama councilor, watu watakuwa wanakuchezea sana watasema, mwaka ingine hutafanya kazi kwa sababu ninataka ufanye hii na hii. Kwa hivyo ningesema vile inaendelea, provincial administration wawe appointment by the government ili kazi iwe sawa sawa. I have no others to say.

**Interjection:** Inaudible

**John Chege:** Nilionelea kama ilivyopunguzwa kwa sababu ya multi-party vile iliingia mambo ikakuwa siasa mingi. Sasa ndio ninafikiri iendelee namna hiyo.

**Com. Adagala:** Ubaya gani mtu kukuuliza kwa sababu nimekuchagua ufanye hivi, nimeandika maoni yako.

**John Chege:** Ndio mimi ninasema namna hiyo kwa sababu tuseme kama kwamba ni kazi yangu na mimi nakuta mtu anafanya makosa, sindio, anataka aendelee kufanya makosa kwa sababu nikuzuia yeye, ataniambia sitarudisha tena. Kwa hivyo ninataka kama ni hiyo act yangu ninatumia kazi yangu bila ..... tena.

**Com. Adagala:** Mr. Chief, umetuambia machache sana, unaweza kutuambia aje kuhusu security kwa sababu una mamlaka hapo.

**John Chege:** Mambo ya security, kama itawezekana, kama ni tuseme kama ni within the division, kama ni ...provincial administration gari ya ni moja na ikiwa every location tuko na Land Rover, hata kama kazi ikitokea, tutakuwa tunafanya kazi sawa sawa, lakini saa ingine tunashindwa kwa sababu hakuna magari ya kutosha. Kwa hivyo, mimi ninaonelea turecommend hapa every location tuwe na gari yetu kama ya mobile yakufanya patrol na security itakuwa sawa sawa.

**Interjection:** (inaudible)

**Com. Adagala:** Wainainchi kwa hizi hearings tunachukua, wanalalamika sana kuhusu security. Insecurity inatokea wapi? Ninataka kukuuliza tu, kwa sababu unasema tukiwa na patrol, wao wanalalamika, wana insecurity ni kama kuna kitu kinatokea mahali pengine kikuja kwao.

**John Chege:** Vile insecurity iko, shida ndio iko mingi na mimi ndio niko hapa, me as the Chief of the officers, kama hatushikani na public, kama ni yule mtu anajua iko wakora wanakuja kwako, watu waningia na anajua hawa watu wako na bunduki na kila kitu, ..... hizi wanatuambia watu fulani wameingia area yetu na wako na hii na hii, tunaweza. Lakini inaonekana kwamba public wanaachia maofficers mambo ya security.

**Com. Adagala:** Pendekezo hapo.

**John Chege:** Pendekezo yangu ni kusomesha raia, vile tunaweza shikana ata yeye awe wa .....(inaudible) na kazi itakuwa sawa sawa.

**Prof. Idha Salim:** Asante Chief John Chege kwa maoni yako. Na sasa ningependa kuwaomba ruhusa ni waruhusu wanafunzi wa wanne wa Kenyatta University watoe maoni, lakini moja tu ndio atatoa maoni kwa niaba ya wenzake na sababu ya kutaka kuwaruhusu ni kuwapa nafasi wa rudi university waweze kuendelea na mafunzo yao hivi leo. Munaweza

.....

on days they consider holy. Especially the sabbath day, Saturday. So despite the efforts of learning institutions to promote requisition of knowledge this restriction of somebody's freedom of worship as a policy concerning religious liberty is not legitimate. So we propose, one, that we should have religious freedom, especially during holidays of worship especially Saturday guaranteed to all students not just KU only. Secondly, there is a proposal which has been worked out as a model which has been very useful in KU, the hiring of chaplains to take care of the various religious groups. The chaplain is, apart from being a faithful spiritual leader, is also a member of the teaching fraternity is also a lecturer.

So all the faith groups, like right now the medium set groups, Muslims, Christian Unions, SDA, they all have chaplains in KU. We propose that this model be adopted by the other universities through legislation that is with this commission. We ..... of justice to accept students to grow up upright and people of integrity in the society without a driver, that is the chaplain to guide, this should be even in high schools. Now, when it comes to national functions, religious leaders to national functions, we hereby foresee a situation where an election is held on a Saturday and people want to exercise their rights, it is held maybe on a Sunday and they want to exercise their rights. So I take caution that minority groups, religious groups should be taken of, so we propose that there should be no election on the recognized days of worship, any other day, I believe that Friday, Saturday and Sunday will not be appropriate. And if possible, that is personal now, that it be declared that on an election day should be a holiday for everybody to go exercise and not to be restricted by work.

We also actually got for the independence of the Judiciary from many quarters, be it the executive or any other quarters. So that the core should be fair enough towards justice as demands especially students who are seeking legal redress. In a situation you find that the constitution should provide for a situation where a student without intimidation can be able to seek legal redress. This should be in the universities or it has been found that some universities ..... exercising so much powers that some students rights to exercising so much powers that some students rights to redress have been infringed and we say that each student should be accorded an opportunity to exercise his or her universal sacred without issuing without other rights being

intrudible. Being the legal technicians, I would also propose personally now, that something be done about the disadvantaged groups like students who are seeking legal redress, why don't you have the state funding such people who are disadvantaged, why don't we have that. I will think that as personal opinion, legal fees can be abit an ependement to justice. .... to religion and many other things which we have in this document. I am not going to read everything, we had agreed that the new constitution should protect men and women in their individual or collective search for truth. Intellectual freedom is one of the things which can make an economy have a boost if we don't have that protection from men and women in their individual or collective and search for the truth in whatever way it is. That freedom should be guaranteed, protected from external sources of .....piracy.

Finally let me just put proposals as they are. That the secular and the sacred should be separated, fine, that those powers we should not have, the ones the state muzzling the religions and religions should not be able to interfere to seek to control the Kenya secular state. There should be no work place discrimination, no person should be discriminated because of his or her religion that because I am a Muslim, I am a Seventh Day Adventist but I am discriminated upon. Lastly, matters of conscience, the majority should not be allowed to suppress the minority and the region of every man must be left to conviction and conscience of every man. Thank you and let us make our proposals and our presentation.

**Com. Adagala:** Asante sana. How do you see our work week, because you have told us the that days should be.....  
(inaudible)

**Moses:** For elections

**Com. Adagala:** No, no. The working week.

**Moses Obiao:** I would say that the five days working week is acceptable so far. There is no dispute about that.

**Com. Adagala:** From whom?

**Moses:** I don't dispute the fact that people are working for five days in Kenya is recognized.

**Com. Adagala:** Okay, which five days?

**Moses:** There is Monday upto Friday.

**Com. Adagala:** There are people who have Friday as a holy day.

**Moses:** Yes, they have not complained. (laughter) When they complain you attest your complaints. And in Kenya society agreeing with their complaints may ..... to be accepted.

**Com. Adagala:** Why don't have a Seventh Day Adventist can work on Sunday, why cant't we have a sixth day work week and people choose the six days?

**Moses:** Well, there is Seventh Day Adventist by divine authority are found in that holy book, no place where Sunday is a holy day or Friday is a holy day. I would feel that maybe matters of spiritual matters of that kind might go into the Bible.

**Com. Adagala:** No, I'm just saying Seventh Day Adventist saying that they can work on Sunday. Why can't they have six working days which start with Sunday upto Friday.

**Moses:** They don't exist in isolation so they must go to the universal, why for a Seventh Day Adventist only, if it is for all Kenyans agreeing.

**Com. Adagala:** I think the Muslims work, on Saturday and Sunday, like when we were in North Eastern, infact the only have three hours off on Friday.

**Moses:** I assure you that Seventh Day Adventist are ready to work for those six days, they do in institutions where they are allowed, from Sunday to Friday, they do.

**Com. Tobiko:** Presently the education is supposed to be free and compulsory for the basic primary school. Do you have any views as regards university education?

**Moses:** Yes. I would say that university education should also have the financing from the state to cater for the people who are disadvantaged in the society so that they don't be discriminated because of their poverty. And this will only happen if you put into place measures that can make our economy grow, so the state can finance all this.

**Interjection:** inaudible

**Moses:** Yes. They should be financed, fully financed by the government. HELB has been found but is not giving enough of this loan.

**Com. Adagala:** You have given us very little, apart from the rights, on insight into university. They should be no longer be meritorious support, they should be only for them because if you say for those who cannot afford, it means that the merit which

is there, even if it is for loans then it should not be there. I think you could have given us a little bit more insight on university education.

**Moses:** I was presenting on behalf of Seventh Adventist group, but university education as it is right now, I would say that only a third of the ..... students' money to be away into the university. There was no dispute about financing all these a third who are there, but we are saying that the disadvantaged students who would wish to get into other institutions of learning like the private universities and even higher institutions of learning diploma, should also be financed. So state financing should take care of the needs of all the students. I'm talking on this ground because we mean people are not able to acquire a house just because they are poor. Right now there is the parallel degree programme, why is it that only the few people who can afford go for it, what mechanisms do we have to take care of those who would wish also to take up this parallel degree programmes and they cannot afford it?

**Com Adagala:** Paralled degree changed because the government could no longer afford it. I would say they could no longer afford it, but before that they were giving grants to people with up to C+. so you need to think about this even if you are presenting for only for SDA, you need to think about universal principles also.

**Moses:** Maybe you allow my colleague to react.

**Prof. Idha Salim:** Thank you very much Moses Obiao speaking on behalf of your colleagues. John Mburu Kamau, karibu.

**John Kamau:** Thank you very much, vice chairman for the commission, my name is John Mburu Kamau, I am a residence of Githurai, I am also a founder member of Githurai Kin'gara Co. Ltd. My view is about insurance companies. I am not an expert about the law, but through my experience, I have seen the law which is covering the insurance is only for the government and the insurance companies alone. For instance, whenever the insurance is declared bankrupt, all the people who have claims, they are divided or diverted to the insurer and that one should be reviewed in this constitution because it is making most of the people more poorer because the person who has got a claim divert the claim to the person who has been insured by that company. Because for instance, when the Kenya National was declared bankrupt, all the people who had been insured or their vehicles have been covered, all the claims were diverted to the complainer or to the owner of the vehicle. So this area, most of the people their property have been taken and they have been followed by those lawyers complaining that the person who was insured should pay the person who have been complaining. In that area, our law does not cover the person who has been insured according to the land party because the insurance should cover everything.

The other issue is about the person who should be elected. Kuhusu upande wa mapendekezo yangu ni kwamba serikali ichukue jukumu ama ile Katiba itatengenezwa ichukue jukumu yenye wale wenye kampani ya insurance wa cover kila kitu kuhusu the person who was insured instead of falling the person who had been insured.

**Prof. Idha Salim:** If the company is bankrupt, how can they help the insured when they have no money.

**Kamau:** That is the work of the government because the government never becomes bankrupt. We as the citizens are the children of the government, and the government should take over everything.

**Com. Adagala:** There is something called reinsurer, how does it apply to the insurance (inaudible).

**Kamau:** I said I am not an expert on that area because whenever I insure my vehicle or myself and the company is declared bankrupt, I have nothing to gain, all the money I had paid is not refunded to me or it doesn't help me. So the law should give a lot of power to the person who has paid the money for insurance but not the person to be diverted the other way round.

**Com. Tobiko:** When banks are liquidated, then the depositors have some protection to some extent, some account in central bank or something like, do you have some notion of the same thing for insured public?

**Kamau:** My view was only about we the common man, whenever we insure our vehicles because it is compulsory to the government, your vehicle cannot go on the road without insurance and you have to pay it, and whenever it makes an accident, that insurance whenever it is bankrupt, it doesn't cover you or the government does not cover you, about the bank that is another area. Also about the banks, whenever your money is in the bank, and the bank is said to be bankrupt, it means that the people who are in power, are the ones who are making those decisions so that the banks should be bankrupt, no money comes out of the public without the knowledge of the central bank. So in that area, this constitution should take care and check everything.

The other view is about candidates who want to be elected from local government to parliamentary. First of all, he should declare his wealth and that issue should be brought to the grass root because most of them are very poor, and whenever they are elected, within a month or two months, they buy a vehicle, I don't know where they get such money. So you should first declare your wealth, whether you are a president or an MP so that after getting to the authority, you should work for the people but not for yourself because in those 30 years, we have seen people like to go to the parliament or to the civil service, to the local government to earn for themselves and that is why we are very poor.

My view is that no one should be declared a candidate before he gives his views or his wealthy and be chopped from the grassroot and the people say. If it is myself, I will say, I have one house, I have two vehicles, I have two wives and such things.

**Com. Tobiko:** So, where is our wealth, that is good, very positive.

**Kamau:** You can't keep money without ... a girl cannot love without money, they get money from men.

**Prof. Idha Salim:** The husband's wealth.

**Kamau.** Yes. You see about us Africans, except now this time, ladies have declared themselves like mother and father, ancient times there was no such things. From Islam, from Christianity, a woman should have a husband.

**Com. Adagala:** You want us to go to ancient times

**Kamau:** No no. The way it has gone we cannot revise it back, let it go that way.

**Prof. Idha Salim:** Any other last point?

**Kamau:** The last point is that our constituency is the poorest area and it is the area where people have tried to buy land for themselves and in most cases the government has not help them to develop them. So in the constitutions where people have bought their land, the government should take care about it and give them money to develop the area. Like our area, we have had the land for over 30 years ago, and there is no other development. We have given roads, we have given public utilities and the government does not give anything to help us so that we may grow.

**Prof. Idha Salim:** So the government money is your money and my money and their money and the government has very limited resources. What about getting loans from banks to develop any land you acquire, isn't that enough or is there a problem there instead of expecting the government to help you develop?

**Kamau:** About the banks, I don't want to go deep because you cannot be given money without property or a surety.

**Prof. Idha Salim:** But you have land, that is property, that is wealth.

**Kamau:** Yes I understand but to get loan from the bank, you first have to explain to them about how you have to use the money and what you have done with yours. I was only directing this issue to the road and schools. We gave a school here to City Council over 20 years, it doesn't grow, but they buy another land and they build schools, they build other things, but whenever we give them, they don't make any promise and we pay the tax for that.

**Prof. Idha Salim:** Unless my colleagues have any questions for you. Thank you very much for your views. Bwana Mwangi Ingenja. He has written memorandum, is that the gentleman who left his memorandum with us? Stephen Kamau. Points, recommendations, proposals, please.

**Stephen Kamau:** Asante sana, kwa niaba ya kanisa ningetaka kutoa pendekezo moja, mbili ama tatu. Jina langu ni Stephen Kamau, ikiwa ninawakilisha kaninsa la Catholic church kama vice chairman. Pendekezo la kwanza, tungeomba Katiba ambayo tungetarajia iwe huru kabisa kwa kila mwanainchi na hasa kwa sababu kazi hatuna, mtu akianzisha kazi yake ndogo ndogo, anaruhusiwa kuendelea nayo bila kuulizwa maswali na serikali, bora tu awe anapimisha malengo yote ya serikali, kama ni kuwa na licence awe nayo lakini sio kuingilia kila wakati, akiulizwa maswali. Ile lingine ningependekeza hasa raia wawe huru, wakati wowote wanatembea wasiwe wanaingiliwa na polisi, kuulizwa maswali umetoka wapi, unaenda wapi, sababu polisi siku hizi wamekuwa kama ni maadui wa raia. Raia wenyewe wakiona polisi wanaona kama ni adui yake, na katika magari ya polisi unaona imeandikwa utumishi kwa wote. Kwa hivyo hilo jina walitumie kikamilifu, watumikie raia na kama uko na hatia anakuelezea sababu ya kushika wewe. Ile lingine, ukifika katika police station, upelekwe mahakamani kabla ya kupitisha masaa ile inapendekezwa na sheria. Na pia ukifika police station, ukishtakiwa kama huna hatia unawachiliwa badala ya kuwekwa rumande siku kumi na nne ati unangoja case, afadhali uwe una pewa, unaruhusiwa kwenda nyumbani kama ni siku ya kesi unaambiwa utakuja siku fulani, kuliko kuwekwa rumande na hujapatwa na hatia. Na kama utashtakiwa na ukishaingia katika cell ama umeshtakiwa umepatikana na hatia, tusiwe tunateswa kama watu hawajulikani ama kama sio raia wa Kenya. Tuwe tunajisikia tuko katika Kenya na Kenya ni yetu, serikali ni yetu na inatulinda na mali yetu, kwa hivyo tukipendekeza hayo.

Kama kanisa pia, tungeomba kuwe na uhuru zaidi wa kuabudu, kama ni mkusanyiko katika huko pahali washirika wanashirikiana, tusiwe tunaombwa kuona chief ama kumuona nani, tuwe tuko huru kwa sababu machief saa zingine ukiwa na ..... fulani lazime upitie kwake, kama linahusu kanisa. Lakini kama ni mambo ya security tunaruhusiwa kuwaona kwa sababu tunawahitaji, tuwe tunafanya kazi tukiwa kitu kimoja. Jambo hilo lingine, kama ni chief ama ni sub-chief, ama ni DO, turuhusiwe kama raia kwa sababu wanatutumikia tuwe tunawachagua ili wanatutumikia kwa hiyo kazi tumewapa, kwa sababu wakichaguliwa na serikali anakuja kwa nguvu kumtumikia raia kwa sababu amepewa hiyo power kubwa na serikali. Lakini kama ni mimi nimemchagua, atanitumikia kwa sababu ni mimi nilimpa hiyo kazi. Sina lingine la kuongezea.

**Prof. Idha Salim:** Mwenzangu anauliza ungependa Chiefs peke yake ndio anachaguliwa na wanainchi au wanachama wengine wa provincial administration labda?

**Stephen Kamau:** Kwa sub-chief, chief, DO, wote wawe wanachaguliwa isipokuwa wawe wanaandikwa katika ofisi ya serikali zile za juu zaidi.

**Prof. Idha Salim:** Asante sana bwan Stephen.

.....

**George Gitau:** Election of MPs. All MPs who wish to be elected, must first be nominated by parliament. That is, the parliament should first have that priority, we take this man, he is going out there to stand as an MP. The parliament should first, it is safe, be able to defend that such a person is clean so as to give such person to the citizens to elect him. The third I will talk

about ownership of farmers organizations. They should be free and all management should be given to farmers, ownership and whatever, nothing political about that, there should be no interference in politics. I think those are my major point.

**Com. Adagala:** It is good if you tell us some of these things how, like if you have strategies for the poor or for reducing poverty, because you have thought about these things, that is why we are coming to you. Otherwise the people in ministries can just figure out of things, we are coming to you because you have thought about these things and you are the wearer of the shoe, isn't it? So tell us even on the strategies and also on how parliamentarians will nominate people who are going to stand. You know in Kasarani there are about ten people who want to stand and one of them is an MP, so how will parliament tell us how parliament select or nominate?

**George Gitau:** They should nominate in this way. When election time arrives, there should be a committee, a kind of a permit which will recommend people who are going to stand in parliamentary seat. You had asked about poverty. As we know the economy is in shatters, it is not doing well, the jobs are not available. What I think should be done, the government should come up with something like giving young people kind of loans, to start these small jobs like Jua Kali, like Maendeleo ya Wanawake, those kind of things.

**Prof. Idha Salim:** Thank you bwana George Gitau for your views. We move on, we call on Ndung'u Kimani.

**Joseph Ndung'u Kimani:** First I am going to talk about presidential powers, they should be strimmed and to my views they should be divided between the judiciary, the president himself and the parliament. The other one is about the bills which are already passed by the parliament, they should not wait for the president to sign them before they take effect. Because if he is the one and the parliament has more than 210 MPs who have found that the bill is good. The Electoral Commission should have security of tenure. The chairman of the Electoral Commission should not be appointed by the president, because he will be serving the interest of the president. He should be elected by the parliament, the parliament should elect three among the commissioners. Also the Judiciary should be independent. It should be effected by the parliament.

**Interjection:** (Inaudible)

**Joseph:** They should not appoint, they elect three to the president, president will appoint one among the three. Judiciary should be independent. The Chief Justice also should be elected among judges, three to the president to appoint one. About the system of the government we have. We should retain with the executive president, one vice president, the prime minister and one vice prime minister, plus the vice president should read the portifolio of the minister for finance. On security issue. The Commissioner of Police should be given security of tenure, he has no security of tenure. And unless there is a curfew, police officers should not arrest people before the time indicated by a tribunal court, that is after 11.00 pm. Also we have the Administration Police, it should be abolished to work together with the police, because whenever an Administration Police

makes a mistake, they write a police has done a mistake, they don't differentiate. So we should have the whole police force under one commissioner. Also the Director of CID should have security of tenure to avoid manipulation by the president. Before elections the president should name his run-mate as the vice president to avoid using this as a tool of campaign. Local Authorities should be recognized by the constitution and chief officers should be under the chairman of the Mayors, they should not bar the mayors and the others from executing their work because they have more powers, so their powers should be trimmed.

Finally, about the land inheritance. It is very costly. Hii inafanya mpaka baba wa watu akikufa ama mzazi akifa, ile kwenda kotini ndio inherit ile shamba inakufanya uuze part of the shamba ndio uweze kumudu ile gharama ya kotini. Kuna kitu inaitwa Kenya Gazette. Wengi huko locally hatuzijui, na inakuwa ni lazima uende huko kwanza, ndio ichapishwe kwa Kenya Gazette. Sasa tunaomba katiba ambayo inaandikwa sasa, ishugulikie jambo hili sana kwa sababu, hii inaguzia common man sana. Kwa sababu inakubidi kama baba yako ama mzazi alikufa akakuacha na acre tano, itakubidi uuze kipande cha shamba ndio uende ukabadilishe ile makaratasi ya ofisi.

**Com. Adagala:** Asante. Kwanza nianze na hii ya mwisho. Sasa unazungunza kuhusu transfer inheritance. Na kwa nini usiandikishe, isn't it possible just to write, ukiandika na pia uweke jina kwa hiyo property au kwa title deed. It isn't? (inaudible) Umesema presidential powers ziwe stripped, halafu unasema tuwe executive president, unajua stripped nikutoa kabisa.

**Joseph:** Nimesema zipunguzwe (trimmed).

**Com. Adagala:** Halafu hii ya inheritance, inaonekana kuna sehemu ya kijamii, ya family, na kwa sababu hawatimizi ndio inaenda kwa serikali.

**Com. Tobiko:** Hii inheritance, unaongea habari ya succession, tunasema hii ya kushtaki kifo. Pendekezo lako ni gani, umeongea habari ya Kenya Gazette na procedure ni ndefu kabisa sasa yenyewe unajaza makaratasi nini, unapeleka kotini, gazetment, muda mrefu, objections, vitu kama hivyo, pendekezo ni gani?

Joseph: Nilikuwa ninapendekeza hivi. Kama mzazi amekufa, na inakuwa hiyo shamba inabadilishwa kutoka kwa mke kwa watoto. Hii mambo ya kutoka kwa mzazi kama ni wa kiume, kwanza ipitie mzazi wa kike ndio mzazi wa kike pia apatie watoto, ninaomba hiyo iangaliwe katika Katiba, ione kane vile tunaweza kusaidiwa. Because that is for formality.

**Com. Tobiko:** Do you say how it should be applied?

**Joseph:** Itoke kwa mzazi kwa watoto. Kama watoto wamepitasha miaka ishirini na moja kwenda juu.

**Com. Tobiko:** Wako hai, watransfer, wagawe mali kwa watoto wao, wasingoje mpaka siku ile wamekufa.

**Joseph:** Na hiyo nayo hatuwezi kuwalazimisha. Ninasema sasa kama amekufa, na hajagawanya shamba. Badala ya koti kutuambia itoke kwa mzazi, ipitie kwa ..... Ninapendekeza hivi, iwe ni kutoka kwa mzazi kama watoto wake wako above 21 years ikuje kwa watoto.

**Com. Tobiko:** Na mzee abakie na nini?

**Joseph:** Ninasema amekufa, na tumeenda kotini. Inakuwa formality ya sasa ni itoke kwa mzazi huyo amekufa mzee kwa sababu wazee ndio wamebeba hizo title deeds, inakuja kwa bibi, bibi anapea watoto. Hii ina cost a lot of money.

**Com. Tobiko:** I see, hutaki bibi awe administer, kuna watu wanaitwa administrator. Wale ambao wanapewa makaratasi, jukumu la kumiliki na kuwagawanyia gawanyia, hutaki hiyo?

**Joseph:** Unajua hata sasa ukikubali mbele ya mahakama kwamba ange .....

**Com. Adagala:** Sasa unajua kifo hakijulikani, hakitangojea mpaka watoto wa miaka ishirini na moja ndio kifike, sasa kama those who are under 21, nini itatokea?

**Joseph:** Hiyo, ninapendekeza hivi, yeyote ambaye ako chini ya miaka 21, title deed ikitoka pale, itoke huyo mtoto abebewe na mama yake, iwe ni yeye na mama yake. Sasa ndiye mama yake ikikufa inakua easier kusema hii shamba ilikuwa ni ya huyu mtoto amebewewa na mama yake.

**Com. Adagala:** Sasa hawa wa akina mama hawana chochote?

**Joseph:** Huwa wamebebewewa na wanaume. Si uliambiwa hapa ni ..... wa wanaume.

**Com. Adagala:** Tuiseme vitu kama hivyo mbele ya tume kwa sababu tume haina mtu ambaye ni kitu kwa sababu .....(inaudible) ni kitu. (laughter) No, I want to know, kwa sababu mtoto ambaye mama au akiwa baba amebaki, analinda hiyo mali kwa niaba ya watoto, watoto kweli ndio wanarithi. Na mama pia analinda hiyo mali kwa niaba ya watoto.

**Joseph:** Ndio ulewe kabisa vile iko, shamba inaweza kuwa ni acre tano kwa mfano, watoto ni watatu wale ambao wanarithi mali ya baba yao na mama, wameagana wamesikizana hata mama hata atabeba vipande yake kutoka kwa hii shamba. Sasa inagawanyiswa watu wote.

**Com. Adagala:** Lakini hiyo ni kitu cha mtu kufanya, si na ya nyumbani.

**Joseph:** Ninasema ile problem ya koti. Succession lazima uende kotini, mtu akiwa amekufa, it is a must. Ninataka iende kotini lakini gharama ipunguzwe. Na wa recognize kisheria hizi magazeti zingine, inchapishwe kwa hii magazeti ingine lakini hawawezi kurecognise hizi magazeti zingine, zile ambazo zinajulikana huko nje.

**Prof. Idha Salim** Asante sana bwana Ndung'u Kimani kwa maoni yako. Daniel Chege, anza majina na ninaona una memorandum. So in that case you just highlight the points, proposals, recommendations.

**Daniel Chege:** Thank you, the Commission. My names are Daniel Chege and I am a Law student at the Kenya School of Professional Studies. My proposals first go to the Judiciary where I propose that the Chief Justice be appointed among the supreme judges, contrary to section 61 sub-section 1 on the constitution. On the other hand that the supreme judges be appointed by the Judicial Service Commission which will accordingly be appointed by the law society subject to the approval of parliament. Secondly, I propose about the Legislature. I propose that section 4 of the constitution be upheld which provides for the executive powers but section 5, sub-section 2, sub-clause C and sub-section 5, sub-clause C which provides that the president be a member of parliament. They repealed. .... I will talk about the affirmative action. I propose that the president represents the Kenya society in the capacity and style of a president. So we don't need to have the president being a member of parliament of a certain constituency. He represents the Kenyan society as the capacity of the president.

Thirdly, the affirmative action. It is my proposals that at least a quarter of the cabinet, the women, because they are the motherhood of the society and so disregarding them is an insult to their motherhood and perpetuation of life. Fourthly, the vice president. Contrary to chapter 2, section 15, sub-section 2 of the constitution, which provides that the president will and shall appoint the vice president. I propose that this section be repealed and instead, the post of the vice president be an election post. With this I believe we are going to have an automatic condition government and vice president will have voice. Fifthly, by providing that the post of the vice president be an electoral post just as a member of parliament may be elected or as the president how he goes through the election.

**Interjection:** Inaudible

**Daniel Chege:** It is my belief that according to the present arrangement, we have the multi-partism. So it follows that even from the results of the election that we held in 1997, it is a presumption that automatically we are going to have, if for example the president is from Kanu, then the vice president will be from DP, thus creating a conditional government where we will be having without the runner-up, precisely.

Sixthly, about the AG, I propose that section 26 of the constitution be revealed. It is to my proposal that the AG has the power

to, according to the section, to terminate any case at any time before it is determined. This I believe, was enacted or inserted by the colonial masters with a sinister motive. I propose that this section, the power of the AG be reduced and this section which provides that he can terminate any case before it is determined, be reduced.

**Interjection:** Inaudible

**Daniel Chege:** There is a sub-section, it should remain but reduced. He should not have the power to terminate any case.

**Interjection:** Inaudible

**Daniel Chege:** But you see the section has three sub-sections. Sixth, Public Accountability. It is to our proposal that the constitution should have a chapter dealing with public accountability of the government of the day and to achieve this, I propose that the creation of a legal system be defined by the constitution. Where the voters may challenge the Member of Parliament him of staying elected to parliament.

**Speaker:** The proposals.

**Chege:** I proposed that there be a creation of a record system where the voters may challenge for MPs and government officials.

**Interjection:** Inaudible

**Chege:** For MPs and government officials. The civil servants, maybe the PS of the ministries because we are the citizens, we pay tax, so we should have a right to question them as to what they are doing, the activities.

Seven. I will talk about land. But I believe that the government is the representative of the people and we have given them the mandate to appoint the civil servants. So the right that we have given them, should be extended to us, calling them through a conference like this and the government should arrange that we will call these civil servants.

**Prof. Idha Salim:** By what percentage of this group of people or what percentage of Kenyans should say why this PS should be removed. In other words you said the PS can also be removed by the people, he should be recalled, as you put it, how should that be done by the people, through a referendum, a meeting and even if we meet or hold the referendum what percentage should decide whether that PS should be named or go.

**Chege:** A quorum will make, maybe fifty percentage of persons in the meeting should decide.

**Com. Tobiko:** And the other fifty percent, if you say we should remain, that's a tie?

**Chege:** That is a tie?

**Com. Tobiko:** So how do you resolve it?

**Chege:** I think we should have the Chairman of the meeting who will have cast the veto vote.

**Com. Tobiko:** Alright.

**Chege:** It is possible once the government, you know the government has a machinery but if it is unable to use it. So if it can be able to use this machinery, we can achieve this goal because I believe the economy is bad because there is no accountability in this country. On land, I will talk about land very quickly. Sorry, I'm almost through. I propose that the Constitution provide for the consolidation of the land law statutes which are very many and confusing to the Kenyan society.

Lastly, I will talk about democracy. It is to my proposal and defined opinion that the Constitution will enhance and perpetuate democracy through fair and free elections, holding of elections at reasonable intervals, observance of basic human rights, responsible positions, separation of powers and the rule of law. And since democracy in every society is vital, and departure there from if fatal, believe you me that a society without democracy, is like boon without leading stick. Thank you.

**Prof. Idha Salim:** Asante sana.

**Com. Tobiko:** you talked about the puny Judges, that the Chief Justice be appointed from the puny judges, puny judges be appointed the Judicial Service Commission. How about the Court of Appeal judges?

**Chege:** I think I forgot about that but the same method that we appoint the puny judges should follow the same order.

**Com.. Tobiko:** And the Chief Justice should not be appointed from among the Court of Appeal Judges?

**Chege:** You see the puny judges are the majority judges, so it is of my opinion that they should be elected among the majority judges.

**Com. Tobiko:** By the judges themselves?

**Chege:** He should be appointed among the puny judges.

**Com. Tobiko:** By whom?

**Chege:** By the Judicial Service Commission because the puny judges are appointed by the Judicial Service Commission, so when we have the puny judges, we should elect them or appoint them amongst them by the president. Because these days in this current Constitution the president may wake up one day and elect or appoint anybody he feels that he is suitable for that post.

**Com. Adagala:** Huyo alikuwa wakili kwa wakili wao wawili, wanaelewana kwa vilema. If a president is not an MP, say you have provided for the runner up to be vice president, what about the other presidential candidates?

**Chege:** According to the present arrangement, the presidential candidate who lose are not accounted for.

**Com. Adagala:** Now, affirmative action all over the world is one third. You wanted to be one fourth, if you say affirmative action, it translates to one third.

**Chege:** But the number, if it is a third it is okay but what I am proposing is that I would like to see affirmative action in our cabinet. It is a pathetic condition.

**Com. Adagala:** But you see I am telling you if you say affirmative action, universally it is understood to be one third, but you want it one fourth, so it is something else.

**Chege:** Call it that way, because a third is a minimal number.

**Com. Adagala:** Secondly, affirmative action is a not just for women, it is also for other minority or disempowered people, do you have any thoughts of other people who are disempowered?

**Chege:** About disables people I would recommend that we have a representative, the nominated members of parliament who are appointed by the president should follow under that category. We should have at least six nominated members of parliament who are to represent the disabled.

**Com. Adagala:** And other minority?

**Interjection:** Inaudible

**Prof. Idha Salim:** Thank you very much for your views we call Ngonza Hang'ora, hayuko. Tom Owino, please raise your hand. Please start with your name.

**Tom Owino.** Yangu nilikuwa ninataka kidogo juu ya bankrupt. Kuna sheria ambayo iko hapa, ambayo kutoa na wewe, anaweza kukushikwa, ukiwa hauna pesa kwa mfuko, anakwambia ana search wewe, anakosa pesa kwa mfuko. Anakuuliza uko na nini kwa mfuko, ni nini umebaba, unakuta hauna pesa, ati kwa nini unatembea bila pesa. (laughter) Sasa iko sheria hapo utafungwa ati huna pesa na hiyo pesa ndio umekosa, na ukenda kotini judge pia anakufunga ati hauna pesa, unpigwa hata faini ya shilingi elfu tatu kwa sababu unatembea bila pesa na hiyo pesa ndio umekosa. Sasa hiyo sheria itolewe kabisa, sijui inaitwa nini hapo. Hiyo sheria ambayo unakuta mtu, unakutwa hauna pesa na unashikwa na unapelekwa kotini halafu unafungwa na hiyo pesa ndio huna.

Ya pili, ninataka kuongea juu ya hii traditional liquor, hii pombe ya kienyeji. Hii pombe ya kienyeji kwetu, mimi hiyo ndio mama yangu alinisesha nayo na mimi pia ujuzi nilipata kidogo ama masomo niliopata kidogo, nimewahi kusaidia wengine pia nayo. Lakini iko sheria ilikuja hapo ikawa scrapped, ati hii traditional liquor imekuwa abolished, na hiyo kwetu hiyo ilikuwa source of income kwa akina mama wetu.

**Prof. Idha Salim:** Mapendekezo yako.

**Owino:** Sasa ningependekeza hii traditional liquor irudishwe ili akina mama wetu wawe wakipata pesa waleleshe watoto wetu. Ya nne, ninataka kuogea juu ya education, hapa inasemekana ati mtoto wako anaweza kufukuzwa shule, ama mtoto akipita huyo mtoto ataendelea na masomo. Watoto wetu wengi wanapita, akienda kwa shule, form one unaambiwa kuja na elfu thelathini. Na wewe income yako ni ile hakuna, sasa huyu mtoto wako hawezi iendelea na masomo sasa yeye anafikisha hapo hata kama ni std. 8. Sasa nimependekeza, serikali ije na sheria ingine, mtoto akipita mzuri na ujulikane awe anasomeshwa bila kuwachwa awe ameanguka amefika hapo. Kwa sababu ukiwatupa watu wengi wazuri ambao wangukuwa ma lawyer kama nyinyi ama ma Commissioners kama nyinyi na sasa wako nje tu huko wanafuta ma gum huko.

**Interjection:** inaudible

**Owino:** Mitihani ni darasa la eight, sasa hapa eight mtoto akianguka uwaambiwe sasa anaenda secondary ama amepita, umekosa pesa ya kusomesha, si tayari ameanguka hapo na angesomeshwa

**Prof. Idha Salim:** Mitihani wowote.

**Owino:** Mitihani wowote, aanze na eight, kutoka eight, aingie secondary, awe mtoto amepita mzuri.

**Prof. Idha Salim:** Kutoka one mpaka eight iwe namna gani?

**Owino:** Kutoka one mpaka eight hapo hakuna shida sana isipokuwa iko pesa zingine wanaitishwa kidogo kidogo wanaitishwa lakini pesa hizo iwe ni free. Ndio sasa hii education yetu ya secondary sana sana inatumiza kabisa, hapo ndio sisi tunaumia kabisa kabisa. Ukiwa na watoto watatu kwa secondary, ama wawili ama mmoja na wewe income yako na ile ya chini ama hakuna.

**Prof. Idha Salim:** Sasa tufanye nini, tafadhali kwa ajili ya wakati tupe pendekezo lako, shule tumefahamu.

**Owino:** Ningependekeza, serikali pia inaweka hii watu, watoto hii wasomeshwe na serikali mpaka wafikishe huko.

**Speaker:** Ulikuwa ushasema.

**Owino:** Ya mwisho, ninataka kuongea kama ya hospitali. Hii hospitali yetu hata tukikosa madawa, hata saa hizi mimi nikianguka hapa, nikipelekwa hospitali, mimi siwezi ingizwa hospitali bila ya pesa. Mimi ningependekeza nikiwa mgonjwa mimi ni tibiwe, nisiwe ati ninaitishwa pesa.

**Prof. Idha Salim:** Thank you very much Tom Owino. Twamita Saja O. Philip, aitikiea tafadhali. Please start with your name. Is it written of both? Both, so 3 minutes please.

**Dr. Saja Philip:** I would like to talk about the presidency and the person. First and foremost, we are all aware that the Constitution gives us the hopes, the person of the president and also the office of the president. When we look at section 23, of our present Constitution, we find that the executive powers to the president lies there, he is given that title, vast powers. Now my suggestion is that because the president is given such a vast power that even makes people to fear talking about him, these powers should be trimmed and some of it be given to the parliament. For example, the the president actually .....(inaudible) Chance of criticizing him when something is wrong, either directly or indirectly. Freedom of speech. People should have that but they should not abuse the freedom of speech by abusing the president, that should not be there. Well at the moment, the office of the president, is almost everything in this country and we talk of insecurity, everybody looks up for the office of the president, and you mention anything about any ministry, because the power of the president is so vast his hands are seen in every ministry.

**Prof. Idha Salim:** Give your proposals, that point has already been made, so what is your second proposal?

**Saja:** Each ministry should work independently. I would like to touch about tribalism.

**Speaker:** Give the proposals.... (inaudible)

**Saja:** The proposal is tribalism should not be there, people should be if when being employed, they should be employed according to the qualifications they have. They hold certificates, some degrees and all that. I'm going to harambee issue. Harambee should be abolished because harambee has brought a lot of corruption, instead the government should take direct position in order to help people who are happy.

Education, the present system of education especially at the lower level is very useless. There is nowhere in the whole world where 8-4-4 has been practiced apart from Kenya, this has made people almost illiterate. We have got university graduates who have come out and yet the look half baked. I recommend that we go back to the 7-2-3.

**Interjection:** Inaudible

**Saja:** Canada cannot be compared to Kenya.

**Com. Adagala:** But you said nowhere in the world.

**Saja:** Nowhere in the world, those fellas, Dr. Mackay came here to earn.

**Com. Adagala:** No we are not criticizing, we are telling you background.

**Saja:** How do we prove, they can prove that they brought it here, but we cannot prove that they were there.

Lastly, I would like to talk about the recent introduction of herbal medicine, traditional medicine and quacks activities which the ministry of health has adopted. I think we should do away with this sort of medical practice whereby we cannot even tell what type of medicine is being used on our people who are sick. We should revert to the old systems whereby the ministry of health was providing medicine in all the hospitals, if the Government has to fail, in way or another they should not push us or the government should not push us to be treated even with the dubious medicine which we don't know where it comes from.

**Prof: Idha Salim:** So are you saying herbal medicine should be banned, what should be done about herbal medicine.

**Saja:** Herbal medicine should only be accepted after the government has used all the machinery to check and verify that this particular medicine is good for human consumptions. It think that is all I have.

**Prof: Idha Salim:** Thank you very much Dr. Saja, we have collected your views. We haven't had a lady at giving her views, so I would like to call Julia Wanjiru. Ninamwita mama Julia Wanjiru na ninafikiri atakuja na mwenzake Beatrice Wambui, sawa kutoa maoni yao, karibu mama. Wewe ni wa kwanza leo kutapa maoni ya kina mama. Kwa hivyo twakukaribisha kwa njia maalumu.

**Julia Wanjiru:** (In vanacular)

**Translator:** Habari zenyu. Nimekuja hapa kwa sababu ya yale shida tumepata tukiwa wamama. Mimi ninauza mboga hapa nje, nimekosa mahali ninaweza kuuzia mboga ninaweka hapa nje halafu City Council ikikuja inambeba na mboga yangu. Nikiangalie ninaona shida inazidi kuendelea kwetu. Pendekezo langu ni City Council ituonyeshe mahali tunaweza kuwa tunauzia mboga zao ndio ikitukuta isiweze kutushika au kutufukuza. Ya pili ni vijana wale tuko nao, wameletewa pombe inakaa kamba maji na wanakunywa hovyoo hovyoo. Ninapendekeza hiyo pombe imekuja kuharibu vijana ifungwe kabisa, akiwa na bibi ama watoto hawawezi enda shule, Ninapendekeza hiyo pombe imalizwe kabisa.

**Interjection:** Anaseme ni pombe gani?

**Julia Wanjiru (translator):** Hiyo pombe inaitwa kali kali ama kumi kumi, inaharibu kila mtoto kabisa kabisa hata wale wa miaka kumi hata wa miaka miwili. Bunge nayo iweze kuongeza vitu vya akina mama ndio waweze kuwa wengi bungeni ndio waweze kutusaidia. Hata tukichaguana, hawaoni watu wa kutusaidia wale wamewachagua. Wale tumewachagua wakipewa kitu waweze kuja chini kuwaletea wale wamama wazee wako kwa nyumba zikitoka nje. Sina mengi ni hayo tu.

**Prof: Idha Salim:** Thank you very much, asante kwa kututafsiria maoni ya mama Julia Wanjiru. Joseph Karangu. Beatrice Wambui, karibu.

Beatrice Wambui: Sasa mimi nikona shida. Ile taabu mimi niko nayo ni kwa shauri mimi ninaitisha uhuru, lakini kutoka 1963 bado kuona uhuru na macho yangu, bado kuona hata leo kwa maana mimi ninafanya kazi, ninapanda kahawa, na hapana ona pesa na kwa majani hapana ona pesa, nikawacha hiyo kazi. Sasa nikaenda kwa soko, nikanunua mandizi niende Githurai, nikifika hapa stage, council inataka pesa na hii mandizi ni ndizi bado iva. Haya nikikuja kwa kuuzia, hapana iko pahali ya kuuzia, nikauliza hii uhuru ilikuwa ya namna gani na mimi nilikuwa ninafikiri hii uhuru ni kitu muhimu, kitu ya kukaa chini, kitu ya kukula kila kitu. Iko shida ingine.

**Interjection:** Inaudible

**Beatrice:** Uhuru nilikuwa ninafikiri hiyo kahawa ndio uhuru kwa maana ninavuna hiyo mavuno napeleka huko halafu pesa inakuja. Hata kama mimi sina kahawa wewe uko nayo, sindio.

**Interjection:** Inaudible

**Beatrice:** Nimefikiri ni ile kitu iko huko kwetu, nikauza, nikaona pesa, lakini kahawa hakuna pesa, majani hapana iko na pesa, sasa pesa imekosa kabisa. Mimi nimekuja kutembea kutafuta pahali mimi ninaona chakula, sindio? Hapa council iko hapa, hapana iko pahali ya kuuzia, sasa mimi ninatafuta uhuru, nikakosa. Nyumbani hapana iko uhuru, hapa ninakuja hapana iko na uhuru, nikauliza sasa uzuri wangu ni wapi?

**Prof: Idha Salim:** Mama ungependelea kuonwe kitu gani, ili urisi sasa uhuru uko?

**Beatrice:** Uhuru, tupeleke kwa siptali, sasa mimi ni mgonjwa.

**Speaker:** (in vernacular)

**Beatrice:** Hata siptali ya serikali hakuna dawa, na mimi pia hapana iko na pesa.

**Prof: Idha Salim:** Ungefurahi sasa nini ifanywe?

**Beatrice:** Nitafute dawa ya siptali, nikiona dawa ya siptali ndio mzuri.

**Prof: Idha Salim:** Kitu kingine?

**Beatrice:** Kitu kingine ni hii watoto wetu, sasa wewe uko na bar, unakata licence na mimi nikuja kukunywa hiyo pombe, na hiyo pombe mimi ninatoa pesa nikakupatia halafu askari anakuja chukua mimi na wewe unalipa lincence na mimi ninakuja na pesa ukaniuzia hiyo kumi kumi, halafu tukachukuliwa na wewe tukapelekwa polisi, hakuna mtu ananyan'ganya mwengine. Ile mimi ninashinda kibarua, ninakuja kutafuta mtoto wangu amepelekwa nini, amepelekwa polisi na mimi saa hiyo ninakula? Hapana, kwa sababu maana ile ninatafuta mchana ninatembea kwa polisi nikaenda nikachukua mtoto wangu kwa maana alikamatwa akikunywa pombe, sindio? Sasa uhuru nikatafuta nikakosa, hiyo pombe mzuri ikipikwa vizuri kwa maana hakuna faida.

**Prof: Idha Salim:** Mama hiyo ni pombe gani, hiyo ni Tusker au ni gani?

**Beatrice:** Kumi kumi. Ningependelea kumi kumi isimamishwe kabisa, ikae namna hio

Wewe uko na mtoto, hapana somesha, iko na bibi hapana somesha, hiyo ni kitu gani? Au muchukue hao watoto wote musomeshe na musaidie hawa wanawake.

**Prof: Idha Salim:** Vipi wanawake watasaidiwa mama?

**Beatrice:** Kusomesha watoto, kuchugua hiyo mzigo na funga hiyo pombe. Huyu mwanaume akienda kwa kazi akalete hiyo unga, na kama anakwenda kwa pombe iko faida gani, watoto hapana kula, mama hapana kula. Hiyo ifungwe kabisa, tena hii dawa ya siptali ilienda wapi na zamani tulikuwa tunaenda kama mtu ni mgonjwa anakwenda siptali akatibiwa akarudi, sasa mimi ninasema nikomgonjwa na hakuna pesa ya kwenda siptali. Mtoto akigonjeka hakuna pesa ya kwenda siptali.

**Prof: Idha Salim:** Asante sana mama. Sijui kama wenzangu wana kitu cha kukuuliza? Asante, tumekufahamu sana. Joseph Karangu.

**Joseph Karangu:** My name is Joseph Karangu, DP organizing secretary kutoka Kahawa Ward. I have a few points to make. Siku ya uchaguzi inatakikana itangazwe miaka miwili kabla ya uchaguzi ndio kila mtu ambaye anataka kuchaguliwa awe amejipanga. The chairman wa elections anatakikana kuwa mtu ambaye amechaguliwa na act of parliament lakini sio mtu mmoja achague ule mtu anasimamia uchaguzi. We must have free education from std. one to std. Eight, mostly in secondary schools, those people who cannot afford to pay their fee they should be paid for by the government. The leaders of labour movement should be people who are not interested in elective posts but people who are not in any way connected in any political parties. We must have a free health clinic for all Kenyans. With regards to NSSF, those people who contribute to NSSF should be refunded their money after leaving their place of work after two years instead of waiting for someone to turn fifty. The NSSF contributions should be refunded two years after leaving work. Ninataka kueleza hivi, mtu ambaye anatoa hizi pesa za NSSF, inatakikina, ukisha wacha kazi uwe unarudushiwa pesa zako baada ya miaka miwili badala ya ile miaka hamsini kwa vile hii miaka hamsini wengine hawaendi kuchua ile pesa, kwa hivyo hiyo pesa zinajisaidia na watu wale ambao hawajatoa jasho yao pale. Si mtu lazima umri wako ufikishe fifty years ndio uende kuchukua contribution yako? Lakini sasa watu kama sisi, waliacha kazi ten years ago, sasa situtangojea mpaka tufikishe miaka hamsini ndio tuchukue ile contribution?

**Interjection:** Inaudible

**Joseph:** Ukiangalia, tuseme, na ni vibaya sana kutaja jina la mtu, ukiangalia kama huyu Mugalla ule alikuwa chairman wa COTU, alikuwa anachaguliwa na Kanu, kwa hivyo wakati ule anapeleka masilahi ya wanainchi, yeye mwenyewe hawezi tetea wanainchi kwa sababu yeye ni official wa political party. Lakini akiwa hana chama yeyote, yeye hatakuwa na uwezo wa kutetea wanainchi, wafanyi kazi.

**Prof: Idha Salim:** Asante sana bwana Joseph Karangu. Timothy Igondi, start with your name please.

**Timothy Igondi:** I am presenting my views as an individual. Number one is the appointment of chiefs and sub-chiefs. These

appointments should ensure that these two people are transferable, we can say that the government remains appointing them but they can be transferred to other places to avoid political manipulation. Secondly, the law on local brews notable our local busaa is being applied unequally because during the IPPG sometime back, this local brew was legalized. This local brew was legalized, this is being witnessed especially here in Nairobi but when you go back to our local areas, this brew is still banned. We would like the law to be clear and be applied equally that when it is legal, let it be legal in the whole of Kenya, so the new Constitution should legalise the local brews.

**Prof: Idha Salim:** Do you think it matters what brew you are talking about, we have so many different brews should either all of them be legalized or should all be legalized. Tumesikia kuna muratina, kuna kumi kumi, should there be different clause for different brews, can you.....(inaudible)?

**Timothy Igondi:** Busaa is known to very many people, it is popular, but when it comes to muratina kumi kumi, most of us do not understand their contents and therefore we cannot just legalise them but busaa is more popular.

**Interjection:** Inaudible

**Timothy:** When I am talking about the local brews, I mean busaa. Thirdly, the new Constitution should ensure that demarcation of district boundaries is approved by parliament. Of late there has been so much tension in most parts of the country because of this and therefore let it be the role of parliament to be creating new districts, new constituencies and even the local authorities. I would also like the Constitution to allow the parliament to remove from power any president whose act is criminal. The fifth point is, the key positions in the government, especially the ministers, head of parastatals, these heads should be trained in their respective areas, example, a minister for finance should be trained in economic management. We cannot have somebody who has political science, heading a financial position. Again, we would like to have a Constitution that will have a preamble to say more about the Kenyans, note that we are majorly agriculturalist and therefore we need to have a preamble that will show people outside that Kenya is actually an agricultural country, we mainly depend on agriculture or Jua Kali. I would also like the Constitution to provide that anybody who is aspiring to be either a parliamentarian or a presidential candidate to have equal security. This means that whenever somebody declares to be a parliamentary aspirant he should have a security detail during the times of campaign. Those who normally note that during campaign times people, especially in campaigns, molest other people in different parts of the country.

**Speaker:** You are talking about all aspirants.

**Timothy Igondi:** All aspirants should be provided with security, equal security. Even the councilors need security. The Law Society of Kenya should be allowed to be proposing judges and Chief Justice before being appointed by the president.

**Com. Adagala:** You said that we should write a preamble that Kenya is majorly an agricultural country, isn't it, for people outside to know? It was said. I just want to let you know the Constitution is for Kenyans not for outsiders.

**Timothy:** The Constitution is for Kenyans not just for people outside only but even for us. We can say that.....

**Com. Adagala:** In fact people outside have no primacy in our Constitution, they have no role.

**Timothy:** Let that one not be a very big issue.

**Com. Adagala:** It is a big issue because the Constitution is ours, it is not for outsiders.

**Timothy Igondi:** Then I can finish that let the Constitution have a preamble that will recognize us Kenyans and whatever we are doing.

**Prof: Idha Salim:** Thank you very much bwana Timothy Igondi. Stephen Muiruri from Ruaraka youth council, Robert Kabao yuko? Please raise your arm otherwise we go to the next person. Pius Kamau.

**Pius Karanja Kamau:** I would like to say that making of the Constitution, having demanding the same but a different thing. Because we have a Constitution, yes, right now but actually what don't do maybe there are some things that we are going to talk and they are in the Constitution but actually they are not implemented. So what I would like to comment about that is that there should be this enforcement of separation of power whereby the three arms of the government should be regulated that they will work in harmony to see that they fulfill whatever we have said in the Constitution.

I would also like to have the assumption that this Constitution making process is independent despite the fact that it is enclosed in the Constitution such that we are not doing something that ..... So I would like the Commission to extend for the entrenchment of the same in the Constitution. Next, I would be going to the specifics of what I would like to go into the Constitution. To start with I would start with the Judiciary. It is a common knowledge that the Judiciary work is corrupted and lack credibility and confidence of the people. So what I would like is that the Commission should adopt whatever the commonwealth and the other previous judge had recommended in the Constitution to ensure that ..... And then I propose justice for all because justice is very costly and most of the people cannot sustain a case in the court. So the government should come up with a way of seeing to it that everybody gets justice. By maybe providing or subsidizing the cost of sustaining that case.

The other thing is about flow of this information. I recommend that the media should regulate itself other than having registration or ..... to regulate the same. The media should regulate itself other than being guided by registration which has got some

political interest. About land grabbing, unfair distribution and deforestation, I would like the Commission to ensure that the Constitution has got such provisions that to stop this mania land grabbing and land which was illegally acquired, it should be reclaimed back irrespective of the party, the law to be used aggressively. Deforestation must be stopped because there is some harming effect, not only to us but even to the future generation. I would also like to talk about something that concerns the appointment of government officers, the ministers and departmental heads. It is not necessarily that these people should be politicians or from the parliament but they should be professionals so that they can head the various ministries or departments in a way that is acceptable and questionable, they can also be responsible.

The independence of remuneration committee for parliament. They should not be left to decide about their salaries because of some human weakness they cannot of course refuse money. There should be a commission to look into that and recommend and implement the same. The election of the president. It should be by majority, not 25% in all provinces but 51% and above of all votes cast in the republic. The Electoral Commission should be independent in the same that it should have a calendar and should have mandate even to call for elections whenever it is due. The form of the government. I would like to suggest that we have a unitary government not because federal is bad because of some misconceptions that have been there and the people of Kenya are not ready for that. The Autonomy of the local government. Whereby we shall have the mayors and the rest being elected directly by the people. I would like the government to remunerate the people who are paying tax such that there is a provision that there should be services to remunerate taxes. The police force is misused and corrupted and therefore I would like to recommend proper training and education for them of high standard and there should frequent transfers to avert these many things that we are seeing today.

**Com. Adagala:** You would like us to retain the unitary government out of ignorance for the federal government and also because of some other entailment that it will incur the cost, and the fact that we are not endowed in all the provinces that we have or the resources that we have cannot sustain such kind of a government. What if the provinces say that they have been deliberately under developed, like North Eastern.

**Pius Karanja:** That is why I am claiming such should not be left on their own because they do not have the resources to sustain themselves.

**Com. Adagala:** What about if they have a cause to say they are better off on their own.

**Pius Karanja:** That is some political connotation that is not a reality actually.

**Com. Adagala:** They say that all those hotels and beaches and all that, if they had all that wealth they would be a first world country.

**Pius Karanja:** If you go to coast, who owns these hotels, they are not coast people some of them are owned by people from here.

**Com. Adagala:** You see the problem, the taxes come to Nairobi, so they want the taxes to be remaining there. That is the unitary government, it takes all the taxes into Nairobi so that 50% of the resources are in Nairobi or the Mbeere people who live near the hydro-electric dams and they have no power but it comes to Nairobi. And they are saying how can we be the ones who are next to it and we don't get any, and the taxes from electricity come to Nairobi, nothing goes back to them. That is what I am saying, that there are some people who are saying they are better off on their own.

**Pius Karanja:** I don't believe so.

**Prof: Idha Salim:** Thank very much for your views. Martin Muchiri, you are doing an oral presentation maximum five minutes please.

**Martin Muchiri.** Mimi ni Martin Muchiri, mimi ni mkaaji wa Githurai na ninaleta pendekezo yangu kama ifuatavyo. Ningeanza kwanza kabisa na kiti cha urais. Ningependa sana kwanza wakati rais anagombea kiti awe ni mtu ambaye hajashikwa na mambo yeyote ya corruption. Ya pili, ningependa sana wakati ambapo amechaguliwa, awe na 50% majority of voters, hiyo ni kuumanisha ya kwamba ako na nusu ya watu wale wamepiga kura. Ya pili ni kwamba wale ambao hawatapata hizo kura, warudi kwa wanainchi na yule atakaye kuwa mtu wa pili watapigania wakiwa wawili, na yule ataongoza ndio atachukua kiti. Jambo la tatu ni kwamba, power za rais ziende chini kidogo, kwa hivyo kuna mambo ambayo yataenda chini ili asiwe na power nyingi sana. Pia ningesema ya kwamba wabunge wetu ni lazima wawe ni watu ambao wanawakilisha watu vilivyo na kuhudhuria bunge vilivyo. Tuseme ya kwamba wakati wowote kila siku ni lazima mbunge aende katika bunge, asipoenda siku tatu kwa wiki aondolewe katika bunge isipokuwa awe ni mgonjwa, au awe safarini kama ni kikazi. Na pia wakati wabunge wako katika kikao sio vizuri kukaa dakika tano, ningependekeza wakae muda mrefu, ingewezekana waekewe lisaa limoja (1 hour).

Election of mayor. Ningependekeza tuchague mayor sisi tukiwa wapigaji kura. Pia ningependekeza kwamba kwa sababu pesa ambao zinachukuliwa na councils zinaenda treasury, finances ziwe zinatoka kwa macouncillors ndio wajue ya kwamba hizo pesa zitafanya kazi gani. They should be given some powers ndio wakue independent kupanga hizo pesa na wakishindwa na kazi yao, sisi ndio tutawauliza. Asanteni.

**Speaker:** Revenue collected?

**Martin Muchiri:** Yes. Should not go to the treasury, ndio wajue vile wata budget pesa yao.

**Prof. Idha Salim:** Thank you very much bwana Martin Muchiri. Benson Kamau, he is not there. Francis Mwura.

**Francis Mwaura:** These are my proposals. I will start with the presidency. I will prefer you retain the current structure of our presidency that we have than the president and the first president because of the burden that will go to the common citizen once you create other posts. However, the president should appoint his running mate during the election time such that we don't have a president who will be under the mercy of the president that he can be appointed and sacked whenever the president prefers. So we need to have the first president being appointed during the time of elections so that we know them. At the same time I would like the president should have at least some minimum qualifications, preferably a degree. I would also prefer that we have each person takes count such that the president should at least gather 51% of the votes cast during election time. If none gets 51%, then they should go for re-election. At the same time all president cabinet appointees should be accepted by the parliament and the cabinet ministers should have relevant qualifications such that a doctor can head the Ministry of Health. In local authority, we should have direct election of mayors and they should have minimum qualifications together with his council chairman.

The other issue is on Land. We have large tracks of land owned by an individual which are lying idle. We recommend that if the land is idle, either the government should represent them and distribute them to the landless or this land should be taxed if it is not being used. On the allocation of land, it should be done by the local community, and whoever is being issued land should be known by the public to avoid those having large tracks of land being issued land again. On education, we should have free primary education. On Judiciary, the appointee of the judiciary should be stated by the parliament and this should be through the Judicial Service Commission. The Chief Justice should be from the judges of the Court of Appeal and should also come from the Judicial Service Commission. He should have at least a minimum of ten years experience. All judges and all government appointees should have good remuneration to avoid corruption. On the Electoral Commission, it should be independent and this commission should be appointed by the parliament depending on the strength of the political parties as it is now. On harambee, I would say that it has served us well and therefore it should be retained.

**Prof. Idha Salim:** Thank you very much bwana Francis Mwaura.

**Com. Adagala:** I just want to find out something which is coming up. You are saying 51% of the votes casts. Supposing I am president and I have got 51% of casts votes but they come from 2 provinces.

**Francis Mwaura:** That is why I said each individual vote should count.

**Com. Adagala:** But I am asking you further, supposing they come from a region, a place like Nyanza and Western can make a president pass or Western and Rift Valley or Central and Eastern can make a president pass, what should we do about balancing in the country?

**Francis Mwaure:** In reality it cannot happen.

**Com. Adagala:** In reality it can happen.

**Francis Mwaure:** I don't want the 25%. The president is supposed to cover the whole country and each individual is part of that country.

**Com Adagala:** So I am asking you in this 51%, how shall we ensure that he covers the whole country.

**Francis Mwaure:** If he is elected as the president of the country.

**Com. Adagala:** No you are not answering my question. You are saying, and I am happy you are saying that he should cover the whole country, so how shall we ensure that it is covering the whole country because there are some places where there is a lot of population, the votes can come just from those places, and it may not be spread over the country. One day I will have to sit down and say 51%, I am not disapproving you, I just want you to tell me how we ensure that it is from the whole country and not from a region.

**Francis Mwaure:** It is likely that it can happen.

**Com. Adagala:** Everything is likely in this world.

**Com. Tobiko:** So are you suggesting that the present requirement of 25% in five of the 8 provinces be done away with?

**Francis Mwaure:** Yes.

**Prof: Idha Salim:** Thank you bwana Mwaure. George Gitau, hayuko. Christine Nasisa, Kenyatta University, she had a written memorandum, hayuko. George Kanja, ameondoka. William Ndinu, karibu, utanza na jina tafadhali.

**William Ndinu:** I am a resident of Githurai. I would like the Liquor Licencing Act be scrapped and sell of beer should be liberalized just like Coca Cola. Liquor licencing board is useless as I can obtain beer licence illegally and operate a bar thus denying government a source of revenue. I can say 60% of bars operating in Kenya are illegal but they have got lincences from

back door. So the Liquor Licence Board has no regulatory mandate, it is just there issuing licences but they don't follow ..... bona fide licencee.

**Com. Tobiko:** Sorry to interrupt, doesn't the selection lie in part of enforcement, rather than in just abandoning the act, isn't the weakness lack of enforcement?

**William Ndinu:** Yes, enforcement, there is no need of having an act which you cannot implement and supervise, that is why I say, the Act itself should be scrapped because it is a useless thing in our books.

**Com. Tobiko:** What if it was properly implemented.

**William Ndinu:** They have failed to do that and that is why I am suggesting it should be liberalized just like any other commodity.

**Com. Adagala:** You are talking of two things, one is .....

**William Ndinu:** One is the act itself and then there is the Liquor Licencing Board.

**Com. Adagala:** Liquor Licencing Board is part of the act? It is. So you are talking the reinforcement of the act has not happened and there is corruption, and then you are talking of liberalizing the market, just like Coca Cola.

**William Ndinu:** The liquor licence should just be like any other trade licence. It should be issued by the Kenya Revenue Authority and not provincial administration and the police should not supervise it should be left to the Kenya Revenue Authority.

Again, there is no need of licencing Kenya Breweries to brew beer and at the same time restrict the retailing of its products, there is a contradiction there. Kenya Breweries has been licenced by the government, and then you impose restrictions to the retailers of their product. Why should'nt they be free just like any other trade licence, why should I go to the DC's or the PC's office to get that licence. It should be free, I should be able to have my bottle of beer from a kiosk of the next shop, I don't have to go to the bar. (clapping)

Again, I should think this is still in the Act, that there should be this public health inspectors, they should come and inspect my premises. Kenyans are now aware of health hazards, if a bar is dirty customers will automatically go away, we don't need a certificate from a health inspector to satisfy that my premises is clean. The customers are aware, people have been educated, if a bar is dirty I just go away. Then the beer licence should be easily available and cheap and there should be no such thing like traditional liquor, they serve the same purpose. So the licence should be one, it should be harmonized, we should not be having traditional liquor and beer licence again. That is all I have. (clapping)

**Prof: Idha Salim:** Thank you very much bwana William Ndinu for your views. We call Peter Gitonga, hayuko. Lilian Njeri Mwiruri, ameondoka. F. Kuguma, S. Murimi, Joseph Mutua, NCEC.

**Joseph Mutua:** I am a resident here and also a member of NCEC. To start with, the powers of the president must be scrapped.

**Interjection:** Inaudible.

**Joseph Mutua:** No, it should be retained, it should be trimmed, let me put it that way. The sections that I am talking about is like section 24 and 25 of the Kenya Constitution whereby the president has powers to appoint senior government officials. So those powers must be scrapped and these powers must be vested in the institution of parliament. So it is the parliament who should know who is who to become a PC, DC, ambassador, and so forth. On the issue of judges, we should have an independent judicial service commission, this should be comprised of eminent lawyers and judges, which should vet appointment of the judges. It should recommend those names to parliament so that the parliament can appoint judges and magistrates. The other section on powers of the president .....

**Interjection:** (inaudible)

**Joseph Mutua:** They can be appointed by the stakeholders, religious leaders, professional bodies which are non-partisan, by this I mean bodies which are not political-driven. Let me talk about section 14, of the Kenya Constitution, this section must be scrapped so that the sitting president can be impeached by parliament or he/she can be taken to court if he/she has committed a crime. That section 14 which says that president is above the law, because he cannot be taken to any court while he is in office, must be scrapped. The other powers which must be scrapped is powers to prolong or terminate the life of parliament. These powers are also vested in the institution of the president and they must be scrapped. Parliament must have its own calendar formulated by the parliament itself. The other issue is that members of parliaments should not be allowed to negotiate their own salaries. There should be an independent body to work on that.

I am a youth, as far as the youths are concerned is that, I propose that a law should be enacted, that if you reach the age of 18, when you enroll as a voter because you have an ID, you should also be allowed to vie for any position in this country, whether it is the presidency, parliamentary or any other political seat because democracy dictates that it is the people who decide and to become who who in the country. On the local government, I propose that Cap. 265, must be scrapped whereby councilors and mayors should be given powers to have a say in the revenue collected within the council. So that cap.265 which gives a lot of power to Chief Officers and other people seconded by the government must be scrapped because those are non-elected and therefore they can even steal people's sweat.

**Prof: Idha Salim:** Thank you very much for your views, Mutua. Sijui kama wako wengine kati yenu ambao wanafikiri kwamba kutumia lugha ya kingereza ni tabu kwao kufahamu. Because I have just received a note to say that some people are complaining they cannot follow what is being said because of language problem and therefore there is need to interpret everything. We just want to be sure that there is no problem but my colleague also reminds me that when you present your views you are presenting it actually to us, as Commissioners, and not to the rest of the audience. But as I said in the beginning anyone of you who wants to present views can use any language. Thank you.

We move on, Gabriel Wainaina.

**Gabriel Wainaina:** Asante. Jina yangu ni Gabriel Wainaina, assistant secretary wa Democratic Party of Kenya, Kasarani. Proposal yangu, ningependa kusema mtu akifikisha miaka kumi na nane, akubaliwe kupigania kiti kama councillor ama chief ama parliament, akifikisha kuanzia miaka 40, anakubaliwa kupigania ya president. Ya pili, masomo. Mtu akifikisha form four ama ameenda university, serikali iwe inatafutia hawa watu kazi. Ya tatu, president awe na miaka 40 mpaka 60 aendelee kipindi mbili, two terms, iwe sheria namna hiyo. IDs and voting cards, ziendelee badala ya kufungwa, kupeanwa period kwa period, kwa sababu kutakuwa na mtu atakuwa amefikisha miaka leo ya kuchukua kitambulisho na hajakubaliwa, hakuna time ya voting card. Kwa hivyo voting card ingeendelea. Mambo ya kifo na ugonjwa, hii bill ya national government, proposal yangu ningesema iondolewe. Kama vile mtu amekufa unasikia ako na bill, kama Kenyatta, akona bill ya elfu mia moja, elfu mia mbili na wakati wa censor huyu mtu ali kuwa censored, budget yake serikali ilitengeneza pale. Hiyo mabill maoni yangu ningeonona iwe inaondolewa, hata kama hajakufa na yeye ndio akuwa na burden.

**Com. Adagala:** Bill inafaa iwekwe.

**Gabriel:** Hapana, iondolewe kwa sababu hatujiwezi saa ingine mimi ni mgonjwa na bill yangu huko inasoma one hundred thousand, na sina kazi ama family yetu haina kazi. Hiyo ingene ni kitu kama development. Utaweza kuwa wewe ni minister wa works, na umepewa tender ya kutengeneza mabarabara na wewe vile umechaguliwa upande wa central, wewe huwezi kupeleka maendeleo upande wa province ingine, kwa hivyo hiyo ingefaa hiyo sheria, minister anaangaliwa.

**Interjection:** Inaudible

**Gabriel:** Ninataka kusema kama mimi ni minister, sasa mahali ya maendeleo mimi nikiwa minister ninafanya discrimination kwa provinces zingine. Kitu kama hiyo iwe inaangaliwa na iwekwe kama sheria, ikifanyika nifutwe kazi. Mambo ya employment, kama personnel officers, ama waalimu, iwe imetangazwa kwa media ama kwa makanisa au mambo ingene inawekwa kwa ofisi zingine zile ziko karibu na raia, kama area ya chief, inatangazwa kwa makanisa watu wote wanajua kuna watu wanaajiriwa. Kwa hivyo hiyo iwekwe sheria ya watu kuajiriwa, sio kuajiriwa kwa kisiri. Sina mengi ni hiyo tu.

**Prof: Idha Salim:** Asante sana bwana Gabriel Wainaina, Stephen Ndirangu. Joseph Kiarie karibu.

**Joseph Kiarie Kamau:** Thank you, my name is Joseph Kiarie Kamau, a resident of Githurai. I am a chairman of DP, Kahawa ward. My proposals are: first, I will start with the president, the powers of the president have to be trimmed because if you remember a president by the current Constitution, he appoints a person to head a personal or a ministerial post and again he appoints ..... as you hear in the bulletin, at 7, at 1 pm that person has been relieved of the post, so the powers of the president have to be trimmed completely. Secondly on authority councils, we need a council of itself. We have to elect a mayor by vote, not by the councilors. On the Chief's Act, we want this act to be removed completely because we will have an elected person who is a councilor in that area. So the power of chief does not come anywhere, he is only given the powers because if I want my person to be elected and I want to have a meeting there, a chief becomes a .....(inaudible) saying there is no licence, there is no meeting, like that. On Security.....

**Com. Tobiko:** What should be done there about text books?

**Joseph Kiarie Kamau:** The government is there to look after our children, they are to .....(inaudible) so they can get proper education

**Com. Tobiko:** So what do you want, please be specific, I cannot put words in your mouth, I'm trying to drive something from you.

**Joseph Kiarie Kamau:** We want our government, as we are putting new Constitution, needs to be put in straight form.

**Com. Adagla:** What, what to be put?

**Joseph Kamau:** This spoiling our children because of lack of school fees.

**Com. Tobiko:** So what should happen?

**Joseph Kamau:** This is Kenya government.

**Com. Tobiko:** What should the Kenya Government do?

**Joseph Kamau:** It is to organize those young children, should not be expelled from school.

**Com. Adgala:** Mzee, kuna malipo ya shule, kuna

**Joseph Kamau:** In our present Kenya government, there is no fees in primary school.

**Com. Adagala:** Okay, free primary, na secondary?

**Joseph Kamau:** If the government can afford, also free education.

**Prof. Idha Salim:** Thank you bwan Joseph Kiarie. Samuel Wanjohi Kariuki, Bishop Thomas Brown, Haleluya Faith Ministries, Sirus Wachira, David Kibe, Phedayo Okello, Harun Mageto, Isaac Kinyanjui.

**Isaac Kinyajui:** I will start with the preamble. We need a preamble in our Constitution and the national vision being put into place are just government of men, rule of law should be reflected in the preamble.

**Interjection:** Inaudible

**Isaac Kinyanjui:** When I say men, I refer to human just government of human. On basic rights, all Kenyan workers should be allowed to have a right to trade union representation. Hawkers who are .....

**Interjection:** Inaudible

**Kinyanjui:** People should have a right to move freely anytime during the day without harassment because that is happening everywhere, harassment by the police. The other thing is access to free medical care. Kenyans basically are poor, so the government should put into place free medical services for each and every Kenya. The primary education should be completely free, the secondary and partially education there should be cost sharing between the government and the students. Kenyans should be accorded the right to access information which is held by the state. Capital punishment of death should be abolished because it goes contrary to the right to live. Special funds should be set aside from the national budget to cater for the need of the disabled and such funds to be headed by the disabled themselves because they understand their problems. There should be freedom of expression and right to political and religious opinion. On electoral system, the rule of 25% representation that uses five provinces in presidential elections should be added, the winner should also have 51% of the total votes cast. And seats should be reserved for the special interests groups. Election dates should be specified in the Constitution. The Electoral Commission should be appointed by the president and vetted by the parliament. The Electoral Commissioners should enjoy the security of tenure and retire after the general elections. The issuing of voting cards should continue all the time around not just a specific period of time.

On the structure of the government, it is my opinion that we need to retain the unitary system of government with resources managed by the central government because this is because Kenya we are a hydrogenous society and things like federal

government will bring tribalism. The revolution of power should be effected by strengthening the local government and having a stronger representation in all the government departments to the grassroots. On Legislature, the parliament should vet the following appointments; high court judges, chairman and the commissioners of the Electoral Commission of Kenya, the Chairman of various commission of inquiries and the head of parastatals. They should be appointed by the .....president but vetted by the parliament. On the clause of nominated MPs,.....(inaudible) I would like to touch the issue of citizenship.

**Interjection:** Specific interest groups like the disabled?

**Kinyanjui:** I would like to finish with the citizenship. People, children born on both Kenyan parents they should be automatic Kenyan citizens. People with sound legal business interests, even if they are not Kenyans they should be given citizenship if they apply for it. Though citizenship should not be encouraged, they should be abolished. That is all.

**Com. Adagala:** Okay thank you very much. On unitary government what if non-unitary government was made in such a way that it was not along tribal lines.

**Kinyanjui:** In Kenya the way it, is I don't think it can be done.

**Com. Adagala:** But we are thinking of Kenya they way it can be, not the way it is.

**Kinyanjui:** But the way it can be will be determined by the way it used to be.

**Com. Adagala:** No, it can be done on economic basis, natural resources basis for instance.

**Kinyanjui:** The line which cut those natural resources basis is also along the tribal lines because you see the Central maybe is economically viable but it is a kikuyu land and North Eastern which is for those nomadic pastrolists is a bad area.

**Com. Adagala:** It is not a bad area.

**Kinyanjui:** Not bad but it has few resources.

**Com. Adagala:** It has all the resources, but they are undeveloped. You know our provinces and districts were divided along tribal lines that is why we were caught up in that. We want for there to be something else because we are so caught up in that but that civic education we here for civic.

**Prof: Idha Salim:** Thank you. Robert Kabau, please. He has been doing registration of people, when we called his name he

was busy registering people. So we can now give him a chance.

**Robert Kabau:** Thank you honourable Commissioners and others. I think I have a lot of things to say and I think your time limit is so little, I have prepared this for not less than three days and I am wondering if I will be able to cover this within five minutes.

**Com. Tobiko:** Just give the recommendations and then you will hand in the book, we will go and read it at our own time and analyse, is that fine?

**Robert Kabau:** I don't think I am comfortable that way, but let me try.

**Com. Adagala:** It is not our time which is limited, it is the time of Kenyans, all these people have to give their views.

**Robert Kabau:** I am going to talk of defence and national security. First of all I am going to touch on the military basis. One, in Kenya we have the president as the Commander in Chief of the armed forces. To my proposal I would wish him to retire from that and instead we have a military depending on its own which lie under a certain ministry. We should create our council like a country like Israel whereby .....

**Com. Tobiko:** What have you said about the Commander in Chief?

**Robert Kabau:** He should be a military person instead of the president who is a civilian.

**Com. Tobiko:** Appointed by whom?

**Robert Kabau:** Appointed within the military ranks

**Com. Tobiko:** By the military itself?

**Com. Adagala:** They should vote?

**Robert Kabau:** Yes, they should use any style, but that person should come within military ranks. The other thing I am proposing is that the military court martials should be abolished instead whoever falls to be taken to court marshals should be handed over to civil courts whereby they will be able to get proper representation in the court. Because in some instances you find that lawyers who are potentials are normally prevented from entering the military barracks. I am also suggesting that we should make our military in such a way that it will be generating some money from outside so it can generate its own money.

Like we have the colleges within the military, it can still train other courses that people require here outside. It should also be working like the military in Ethiopia whereby we have the aircraft technicians serving the civil airlines. Paramilitary and police. To my proposal paramilitary that is the GSU should be abolished and its work should go to the police. The police themselves their promotions and appointments should be done within the police ranks. So I am proposing that the head of police should come from within the senior police officers.

**Com. Tobiko:** Who should appoint?

**Robert Kabau:** They should be appointed within their forces.

**Com. Tobiko:** By whom?

**Robert Kabau:** A team, a police council to look into that. Discipline within the forces. First of all I'll touch the military. My first proposal is that the unit commanders, the so called the CO's commandants their powers of sacking the soldiers should be completely be stripped because in some instances you find soldiers suffering after they differ with their commanders outside the barracks. So on these occasions, I am proposing that if there should be any sacking it should be done by the PS within the ministry at which this one falls. The other proposal is that since we have early soldiers retiring in the military, they should be allowed to go back if one wishes to do so.

The Provincial Administration. My proposal is that the whole of the provincial administration should be scrapped. My wish is that PCs and DCs should be replaced by the governors who will govern the provinces and districts. For the posts of the DOs and Chiefs...

**Interjection:** Who appoints the governors?

**Robert Kabau:** The governors should be elected directly. Whereas for the Chiefs, I think my proposal is that the area councilor to cater for the needs of the people because they cover the same area in some instances. The Electoral Commission, my proposal is that, in Kenya we have always had problems in the electoral process. We have heard areas whereby you get one registrar is presenting.

**Com. Adagala:** Don't explain, give the proposal. Your explanation will be in the proposal.

**Robert Kabau.** My proposal is that all constituencies should have equal population representative. I think you are cutting me short and I am not able to follow so I will stop there.

**Com. Tobiko:** Is it possible that you can hand in whatever you have written.

**Robert Kabau:** Unless I go and photocopy now because I have got so many things here.

**Com. Tobiko:** We would like to benefit from that.

**Com. Adagala:** We shall read them. Let me ask you, Kenya is not a homogenous country, its not geographically the same, it is not demographically the same, how will you have this equal representation.

**Robert Kabau:** In fact in my explanations, I have talked of population density depending on geographically terrain, so I think it is explained. So I was proposing in most densely areas, an MP can represent about 40 while in less densely populated areas he can represent 15, 000 voters.

**Prof. Idha Salim:** Thank you so much, Adrea Ogutu.

**Adrea Ogutu:** Asante sana kwa kupata nafasi ya kuongea hapa. Mimi ninajua sheria kutoka kwa colony hadi ahati Kenyatta mpaka ya Nyayo hata ya Mungu pia ninaunganisha nayo. Sasa ninaongea mambo ya Katiba. Iko sheria ya Jamhuri ya Kenya ile imeletwa wakati wa uhuru na sheria hiyo imeletwa na Jaramogi Odinga Odinga. Na hiyo sheria ya Kanu ya Odinga, na hiyo sheria ilitipwa wakati wa kiongozi ahati Jomo Kenyatta, ikisha tupwa ndio kama Jaramogi Odinga aliunda chama ya KPU, mimi ni mtu wa KPU. Na sheria ya KADU inasema hivi, masomo ni bure, jina ya Kanu ya sasa wanasema watu wakue wajinga zaidi, sheria ya Kanu ile ..... inaleta matibabu ni bure, na jina ya Kanu ya kisasa, wanasema watu wakufe zaidi. Tena sheria ya Kanu inasema, shamba ni bure.

**Prof. Idha Salim:** Mzee ungependelea leo tufanye kitu gani katika mambo haya yote, ya elimu na mambo hayo tutolee mapendekezo yako.

**Ogutu:** Mapendekezo yangu mimi ninaomba, irudishwe sheria ile ya Jaramogi Odinga Odinga, ile alikuwa analeta nayo uhuru hapa. (clapping) Watu wamekubali nayo kutoka ulaya mpaka Kenya mzima.

**Prof. Idha Salim:** Sheria kuhusu kitu gani hasa.

**Andrea Ogutu:** Masomo ni bure, matibabu ni bure, shamba ni bure na kadhalika, na hiyo kitabu yenyewe mimi niko nayo. (clapping) Kwa hivyo, watu wa kisasa wanasoma lakini mambo mingi wameacha hiyo sheria, na sheria ya Jaramogi Odinga ni sawa na sheria ya Mungu. Maoni yangu mimi ninaona hawa watu wanasoma na ujuzi nyingi kadhalika wameunga sheria ya kuunga shetaini mkono.

**Prof: Idha Salim:** Asante sana mzee. Kitu kimoja tu umesema elimu iwe bure, matibaba ni bure.

**Andrea Ogutu:** Shamba ni bure.

**Prof: Idha Salim:** Tusifikirie shamba, masomo na matibabu ni sawa , vipi tutapata shamba bure unajua hivi sasa yanamilikiwa na watu, tupate vipi mashamba ya kuwapa wanainchi, njia gani tufauate.

**Andrea Ogutu:** Utapata majibu haraka sana. Iko watu fulani hapa Jamhuri ya Kenya, wengine wako na acre karibu milioni. (clapping) Hapa Jamhuri ya Kenya, iko tumbo imenona inataka kupasuka, wamenyanganya wanainchi shamba yao.

**Prof: Idha Salim:** Tufanye nini sasa?

**Andrea Ogutu:** Sasa huyu Kiongozi wa sasa ako na crown kwa kichwa anyan’ganye hao watu, arudishie wanainchi shamba yao ile walin’ganywa, hiyo ndio inafanya wanainchi wanakonda. Na mambo ya pili wale wanakula misaada ya wanainchi at wanatumikiwa wanainchi ni wauongo. Je, akiwa anatumia wanainchi kwa nini hapana tafuta njia ya kutoa chokora masikini, ujinga na kadhalika. Kwa nini amenyamaza kimya na mshahara ana bomoa kila mwezi. Kwa hivyo mimi ninastaki watu kama nyinyi, ninataka munijibu maswahi, mshahara hiyo mnakula, munasaidia wanainchi ya nini na nyinyi mko chini ya sheria ya wanainchi. Ya pili na ninataka nyinyi wote kama amri yangu afutwe kazi wote wawekwe wale wapya wale wanaweza kutumikia wanainchi. Maoni yangu ndio hayo. Tena siku hizi uskiku iko na hali ya hatari, akikutana na mkora na aone hauna pesa, unakatwa katwa na panga, ukikutana na polisi akute hauna pesa, anapeleka wewe kotini na jaji pia ako na polisi, wako pamoja.

**Prof: Idha Salim:** Hapo tufanye nini, umesema jambo muhimu, tufanye kitu gani habari hiyo ya amani?

**Andrea Ogutu:** Ya amani, ni kuitii sheria ya Mungu. Kwa sababu ya sheria ya Mungu katika bibilia kutoka ishirini na moja iko sheria nyingi sana hapo na hiyo sheria imeandikwa hapo kanisa saa zingine inaongeza yao ya uongo ya kunyonya wanainchi. Kuitii sheria ya Mungu ndio inaweza kusaidia sisi kwa kila njia. Kwa masikini, masomo iwe bure, matibabu iwe bure, wamasikini wapate nafasi ya kujisaidie wenyewe. Maoni yangu ninaomba warudishe sheria ya Jaramogi Oginga Odinga ndio inaleta sheria ya kutosha.

**Prof: Idha Salim:** Asante sana mzee Adrea kwa maoni yako, twakushukuru sana. Tukiendelea mbele tutulie kidogo. Joshua Opondo, karibu.

**Joshua Opondo.** I will give my views on Education. I want in our new Constitution that the people of Kenya will declare that

there shall be free equitable and compulsory education for all Kenyan children from primary to secondary. Also, the government shall put in place system that will enable Kenyans of all ages to continue with education long after they have completed their formal education, for instance those people who are not able to join university because of the existing formal entrance requirement shall be given the opportunity to join public universities at no extra cost as mature students. Also, there should be a body for example you can call it a 'think tank' that will be able to think about the future of this country's education, design and implement it as the existing commission for higher education. Within this body to think about the education that should be provided at both primary, secondary and even post secondary training. We should also declare that we shall not train people for skills and knowledge that this country does not need. If we know that we shall not be able to employ this people meaningfully, then we shall not even set up new schools. The other thing is we shall be able to set up an education system that ensures that children from all parts of the country receive equal education, that means that they will be minimum standards observed in all schools that will be set up in Kenya so that the issue of people who fail to get to national schools and go to district or harambee schools will receive inferior education should not arise at all. All schools when they are set up, there should be some minimum requirement that should be available in all schools probably in regards to the library facilities, if they are boarding schools in regard to boarding facilities, the training or education level for the teachers within those schools.

**Prof: Idha Salim:** Thank you very much for those views confine to education.

**Com. Adagala:** There is already a commission for higher education. you want something more than that.

**Joshua Opondo:** My suggestion is, in addition to the existing commission for higher education, we should have a body that thinks about the education system as a whole, from primary to postsecondary training so that we look at problems and opportunities that are available at all levels within the education system.

**Com. Adagala:** **Okay and equitable education, is that what you mean by minimum** standards. Okay.

**Prof: Idha Salim:** Thank you bwana Joshua Opondo. Francis N'gan'ga, hayuko, Gabriel Mburu.

**Gabriel Mburu:** I am a resident here. I have only one point to put across. I would like to ask the commission to ensure that those people who mismanage the economy of this country they should be made to pay back this money to the treasury. This is all have this time.

**Interjection:** Inaudible

**Gabriel Mburu:** There is that list of shame which we saw in the papers, and the government should track those people, they get them to repay the money not to get any other punishment but to repay the money and hand it back to the treasury so that it

can be used in education, in hospitals, and even for infrastructure. The commission should put it in the law so that they are forced to pay the money back.

**Interjection:** Inaudible.

**Gabriel Mburu:** These people are rich people who have properties.

**Interjection:** Inaudible

**Gabriel Mburu:** How to do it, is to get them because they are not dead and many others are in the offices, so this Constitution we are making today, once it is complete should enforce and ensure that those people whom we saw in the papers are made to pay this money, getting and prosecuting them.

Bwana Mburu, we are writing constitution not for today, not for the people who are now, as you put it around, we are writing Constitution for many generations to come, one hundred years, two hundred years plus, when all of us here and our children and grandchildren are already dead hopefully the Constitution will still be there. So as my colleague asks you how do we put something in the Constitution that is going to last a long time. We just want a law against embezzlement of public funds.

**Interjection:** Inaudible

**Gabriel Mburu:** It should not only be for those people, it should be a continuous process, anybody embezzling or mismanaging the office should be made not only to be taken to jail but being made to pay the money.

**Com. Adagala:** Earlier on you said nothing else should be done, except they should pay back. I just want you to harmonise your presentation.

**Gabriel Mburu:** They should both be made to pay and be prosecuted, jailed or punished.

**Com. Adagala:** Okay, there are wealthy people, is there a percentage of their wealth or all their wealth should be taken or what?

**Gabriel Mburu:** Do we have the figures of what one each individual mismanaged, so those figures are the ones, it can be even a .....

**Com. Adagala:** The next thing is what about those who have mismanaged the economy but they are no longer there.

**Gabriel Mburu:** Those who are dead, I am sure God will make them pay.

**Prof: Idha Salim:** Thank you very much bwana Mburu for your views. Mbeka Daniel Peter, Nairobi Environmental Network, hayuko, Baabu Ombete.

**Baabu Biko Ombete:** Thank you very much. I am going to give my views on the protest because five minutes are not reasonable for me to write my Constitution, the way I want to be governed. I would like to have a reasonable time I would like to.....

**Interjection:** Inaudible

**Baabu Ombete:** It depends on the person who is giving the views. I will give a part of it. I will talk about the chan'gaa act. This is the act that makes chan'gaa illegal. It is a traditional brew

**Com. Adgala:** Professors Salim is a muslim and he doesn't know about chan'gaa and busaa and these other things.

**Baabu Ombete:** Chan'gaa is not a traditional brew.

**Com. Adagala:** What is it?

**Baabu Ombete:** Chan'gaa is a very contemporary brew.

**Com. Adagala:** As you may put it. In law I don't know what you want to say, but it is not a traditional brew.

**Baabu Ombete:** I would like this act to be removed, done away with. Because these brews if they are regulated they can be a source of income and they cannot be a health hazard to our people, the KBS can put some standards. I would like to talk about elections. There should be like one year notice before elections and then the speaker of the national assembly should be the president during the time of elections so that we don't have a president who is campaigning to be reelected and he is still in office. I would also like us to elect the chiefs in our areas. For instance, I have been staying here for twenty years and it is just today that I saw our chief.

**Interjection:** Do you consider yourself lucky or unlucky.

**Baabu Ombete:** Kind of lucky. I think that is what I have for now, due to time.

**Interjection:** No, continue.

**Baabu Ombete:** I would also like to talk about the Judiciary and the prosecution in general. The prosecution powers should be removed from the AG because he is appointed by the president and if the government of the day does not mean well for a particular people, then they can use the AG as a means of harassing. The president should be get 25% of votes from five provinces other than his own and then he should not be a Member of Parliament. That is all.

**Com. Adagala:** Let me ask you, if you talk about chiefs you are also talking about the whole line of administration. The chiefs should be elected, what about the DOs, DCs, and PCs?

**Baabu Ombete:** I think they should also be elected because they are representatives of the government in the local areas. Let them be representative of the people. No, government representative to us.

**Com. Adagala:** You know if they are elected, then they are people representatives, if they are appointed by the government, then they are government appointees.

**Baabu Ombete:** Okay if they are appointed, then they should be transferable.

**Com. Adagala:** They are transferable.

**Prof: Idha Salim:** We call bwana Moses Njoroge, ameondoka. Sirus Kamau, hayuko, Anthony Biaro, George Kamau, Ibrahim Mwiru, Joseph Okello, Thuiya Mangy, Morris Ouma.

**Morris Ouma Okoth:** Ninataka kuongea upande ya education. Jambo ya kwanza ni at least ningelipendekeza ya kwamba vile mumejua mambo ya education imekuwa ngumu, tujaribu tuwe na njia ambayo tunaweza kupata kitu kama ambayo inaitwa kama wanainchi wanaweza kujitolea upande wa wale watoto werevu ambao wamepita mtihani katika Kenya nzima. Itafutwe njia ambayo wanaweza kupata fund badala ya kukimbia hapa na pale kufanya harambee, tunaweza kuwa na national tax kama hii ya fuel levy. Kama mtoto amepita mtihani, mzazi anaweza toa nusu na serikali inatoa nusu. Hii ni upande wa kuanzia secondary kwa sababu ya higher education ninasikia kuna loan ya board lakini especially upande wa secondary at least kama vile unaona tunafanyaga kwa upande wa hospital.

**Prof: Idha Salim:** Usichangane hospital na education, maliza na education kwanza. Hii fund unataka isaidie secondary education, na university kuna loan unasema, na primary?

**Morris Okoth:** Primary inafaa kama ingewezekana pia unaweza kuwa na fund kama hiyo ingawaje kunawezekano mzazi anaweza kujimudu kidogo kidogo. Lakini mtoto akisha pita mtihani ya primary level, wakati anaenda step further inakuwa ni shida kujimudu kifedha. Sasa kama kuna fund country wide ambaye inaweza inakuwa kama tax kidogo namna hiyo, mtu anaweza kuongezewa kidogo na serikali na yeye pia anaongeza na mtoto anaendelea na shule. Ya pili ninataka kuongea juu ya NHIF, hii ya hospitali. Upande wa medical, hii pesa ya NHIF badala..... (end of tape) bado kuajiriwa anaweza pata nafasi ya kujiregister. Pendekezo, hii dawa ambayo mtu anaenda kwa hospitali anaenda analipa na kitanda analipiwa nusu kwa sababu yeye ni contributor. Inafaa dawa agalau walipe nusu ya expenditure na hii bedding pia analipa kwa sababu upande ya medical inakuwa gharama sana. Wale ambao hawaja jiandikisha inafaa itafutwe njia vile wanaenza kujiregister wawe kama members halafu wanakuwa na kitu kama kitambulisho kidogo ambayo akienda hospitali akiwa mgonjwa, amekuwa admitted, hiyo inaeza fanya at least anahudumiwa kwa sababu yeye ni member. Ni kama kuchukua kitambulisho sasa unajulikana, sasa ukiwa na hiyo utoe huko kwa hospitali na atakuwa analipa.

Upande wa sheria. Unajua hii sheria inasumbua sisi sana ndio munaona hata tukikuja hapa wengine wanashindwa waonge nini, because people are not even lawyers, wanajua hii sheria watu wanaanza kufundishwa katika level ya university. Munajua hii mambo ya Katiba yenyewe kusema ukweli, to be a lawyer at least uwe na idea ya kuwa lawyer.

**Com. Adagala:** Na kijana mwengine aliketi hapa akasema hakuna haja, sio hoja uwe wakili sema yale ambayo yako maishani mwako, iko kwa fikira zako na huyu atabadilisha iwe Katiba. Tutazungunza lakini sema vile maoni yako, experiences zako, hiyo itabadilisha, usijiskie lazima utoe ile vocabulary yenyewe, hakuna kitu kama hicho. Toa tu vile unajisikia, vile unaona maoni yako na pendekezo lako, usiwe na uoga mbele ya tume kwa sababu ukiwa na uoga mbele ya tume basi Katiba haina maana.

**Morris Okoth:** Sasa ninaipendekeza sheria ianzwe kufundishwa katika secondary level at least inaweza kusaidia. Halafu upande wa presidential election, unajua wakati president amesimama, wamesimama siku hizi tuko na multi party, sasa kuna number one, number two na number three, unajua mtu akiwa number three ni mtu amejaribu kidogo ikiwa president ameshinda, number mbili yake anafaa apate angalau kama ni vice president automatically, halafu number tatu anaweza kuwa second vice president with a powerful position anaweza pata hata kama ni prime minister ambaye itakuja kuwekwa, sijui kama wataweka hiyo lakini tunatarajia. Kwa sababu, munajua hata wakimbiaji namba tatu wanapatiwa kitu but asiwe akona less than ten MPs kwa sababu mtu ambaye akona wabunge kwanzia kumi mpaka mbele angalau kidogo. Na yule anakuwa vice president pia akuwe na from 10 MPs and above kwa sababu uenda ikawa kuna wakati mtu anaweza kuwa na 10 MPs only na anaweza kuwa vice president na mwengine ako na fifteen. Niko na hayo tu.

Tumefurahi umetoa maoni yako na pendekezo lako. Mtu anaitwa prime minister ni mtu ambaye si number three, unajua huyo ni mtu ambaye most MPs kwa bunge, ni mtu wa nguvu ndio wanamuita prime, hiyo prime minister, waziri mkuu. If you put him number three think about it a little bit because I think you have something here that yule hata number three apate kitu, pengine hiyo vice president.

Hiyo inawezekana. Lakini nilikuwa nimesahau kitu ingine hapa, vile munjajua geographically kila area ya Kenya iko na its own climate, sasa tuko na wasomi katika hizo areas, na hatujawai kusikia kama wamapewa hawa wasomi katika Kenya. Hawajapewa nafasi ya kuandika memoranda ya kutoka area zao iwe represented kwa parliament ambayo wabunge wanaweza kuzungumzia, unajua watu kama hawa ni werevu sana kwa sababu hawa wabunge wengine wanaenda huko mtu amefanya form four pekee yake, hajasomea utaluma mbali mbali. Sasa wanawacha wale ambao wamesome taluma mbali mbali huko nyuma ambao wanaweza contribute something. Kwa hivyo ningelipenda katika kila province hawa wasomi watafutiwe nafasi kama wanaweza kuwa na muungano fulani ambao wanaweza kurepresent their reports in parliament halafu inaweza kuwa possible serikali iweze kupata usaidizi mbali mbali na mambo mbali mbali katika hizo areas ili tusiweze kukaa na areas ambazo vitu zinapatikana na zinakaa bure, mambo kama haya.

**Prof: Idha Salim:** Thank you very much bwana Morris ouma kwa maoni yako, tumuite bwana Peter Njenga.

**Peter Njenga:** I have a personal memoranda to the CKRC. I would like to make my personal suggestion to the CKRC, over the following issues and also recommend them for consideration in the Constitution arrangement. Being a resident of Kahawa location of Kasarani, I strongly feel that we need to have views that seals off elected leaders, that is, councilors, MPs, to deliver our services to the electorate in future. I therefore suggest the following measures: The electorate should be empowered by the law to pass a vote of no confidence against any councilor or MP who fails to deliver services to the electorate by collecting at least a third of the total number of the voters who previously had elected this particular leader from any given constituency. This I believe in force, these leaders to serve people who with the current arrangement live at the mercy of the president over the dissolution of every term of parliament despite the fact that these leaders are mainly answerable to anybody. This has been a major concern to us.

**Prof: Idha Salim:** Bwana Peter Njenga just give your proposals I don't have much time to read, we will be reading it later.

**Peter Njenga:** So my proposal here is that we should have a law to pass a vote of no confidence to any councilor or MP. My second proposal is the abolishment of the office of Provincial Commissioner. The PC has never had any special duties and therefore it is my proposal that we don't need those officers. The only officer in the provincial administration whose always busy in the field advocating government policies is the chief, the rest of the whole system should be abolished. We need the chief, I think he is the only one who is available.

My third proposal is change of oathing methods. Kenya being a God given nation has always used the books of God, that is the Holy Bible and the Quran as forms of swearing in leaders and also in our courts. I totally believe that these methods have been abused by the ..... the leaders who are supposed to abind by oath are known to be the most corrupt and dishonest.

**Prof: Idha Salim:** No need to be detailed just say what you want down.

**Peter Njenga:** The oathing method should be changed to either one should swear by either raising one hand up.

**Interjection:** Inaudible

**Peter Njenga:** Yes because those methods have been abused in courts and in leadership. That is what I was getting at. In courts the methods of taking oath before giving evidence has been abused by both the prosecution and the witnesses by telling outright lies, so we also don't need them in courts. I therefore suggest that those Christians and Muslims of Kenya find suitable methods of oathing other than risking the future misuse of all the books of God. These are my views and suggestions, thank you.

**Interjection:** Give us suggestions for oaths.

**Peter Njenga:** Traditional oaths, those are okay.

**Prof: Idha Salim:** Thank you bwana Njenga. Johnson Mwangi, Amos Njoroge, Oti Papa (group), Paul Kamau.

**Paul Ndung'u:** My names are Paul Kamua Ndung'u. I am the chairman of Saba Saba Asili Githurai Ward. To start my views, I am most concerned about an interim government. I would like it to be one such that it will be operational about four months before election time and at least a week after the elections.

The next point is that I would like there to be the right to worship. I know in the present Constitution, such an item is there but it has been abused. My view number three, we should have a right.....

**Prof: Idha Salim** sorry bwana Kamau, what do you mean that right is there but it has been abused, what is wrong with it, what has gone wrong?

**Paul Ndung'u:** I have seen some religions being denied the right to worship, by this I mean people like Mungiki, they are the Ngonya wa Gakonya type, whom are also believe are Kenyans and they have the right to worship whatever they want.

**Prof: Idha Salim:** So what is your proposal then, how should the law be changed.

**Paul Ndung'u:** Every Kenyan should have a right to worship or any group. My view number three is that the government should provide for the basic needs of us Kenyans. By this I mean, free education, free health care and food, I would also like

us to have the power to sue our government whenever we find that we are not able to get anyone of those three points. I should be in position to take the government to court to provide me with food, housing, health care and education.

Number four, the new Constitution should provide that MPs should hold their positions for three five-year terms, that is the maximum. The we should just uphold whatever is in the present Constitution, two five-year terms.

**Interjection:** Inaudible

**Paul Ndung'u:** I believe that the president has a lot of work and given the position, such a guy should not be given a longer period in office.

On the point of women, I believe that they should compete for any position in the society with men, otherwise we are going to be creating a monster out of a woman. Kenya should have an executive president, we should no have a prime minister.

Traditional brews must be legalized, we should be able to enjoy whatever kind of beer in Kenya. Political parties must be state sponsored or funded.

The Electoral Commission should have equal representation for all interested groups, that is political parties, religious bodies, professional groups, hawkers, touts and everybody in Kenya.

**Prof: Idha Salim:** How big should it be, what should be the membership be of ECK. If it is to have representation from all these different groups, how big do you think it should be.

**Paul Ndung'u:** We should just have twelve guys, men or women.

**Prof: Idha Salim:** But the groups maybe more than twelve, so what to you do.

**Paul Ndung'u:** Some can come to Githurai. Example when we are talking of touts and hawkers, that one can be classified as one, then we have the blind the disabled and whatever, to provide for one, we have lawyers, accountants and whatever, we can merge them.

On the local authority I suggest that they must be voted directly by wananchi and whoever is running for a civic seat should have a minimum of form four education.

On the Attorney General's office, I believe it is a high time that all Kenyans afford equal legal rights. By this I mean, not all of

us would be able to sue people, either owing us money or people who are infringing our rights, especially on commercial cases.

Thank you.

**Interjection:** Inaudible

**Paul Ndung'u:** I recommend that the government be in a position to provide for legal presentation.

**Com. Adagala:** Umesema Interim government, four months before, one month after. Who should compose the interim government?

**Paul Ndung'u:** By this I mean all interested groups in the society, example, the church, all churches can produce a member of that interim government, the hawkers and touts as I had said should provide one, professional bodies; the lawyers, the accountants, the engineers, should provide one.

**Com. Adagala:** Any role for speaker or anybody else in the interim government?

**Paul Ndung'u:** I mean it should run like what we have at the moment, only that those who have invested should not be there, we should that interim government.

**Com. Adagala:** So there should be a president for five months?

**Paul Ndung'u:** Yes, only.

**Prof: Idha Salim:** Kamande Gachau, Francis Njuru Ngugi.

**Francis Ngugi.** My names are Francis Njuru Ngugi, I am a resident at Githurai here and Kasarani constituency as a whole but I happen to come from Central province the agricultural zone. I had a suggestion here on coffee industry whereby earlier on before emergency, coffee used not be plucked out at will. I thought there was a law enforcing.....

**Com. Adagala:** Before independence or before emergency?

**Francis Ngugi:** Before emergency.

**Com. Adagala:** Before emergency there was coffee?

**Francis Ngugi:** Yes, such that once you have planted coffee, you cannot pluck it at will. So is the tea industry highly enterprising, there should be a very strict guidelines guiding our agriculture industry, and to that I would suggest a better enhancing pay offs should be encouraged, or should be enshrined in our Constitution to encourage farmers.

I would come straight away to the Provincial Administration. The Provincial Administrations to my view should be abolished, completely abolished. They should put in place strong county councils with complete autonomy, that is now advocating for a strong central government with strong county councils advocating for majimboism.

**Interjection:** What are you saying a strong .....

**Francis Ngugi:** A strong central government with autonomous county councils that are advocating for majimboism, federal government of system.

**Com. Tobiko:** What did you say about central government?

**Francis Ngugi:** Strong central government whereby the county councils would be autonomous thus advocating for majimboism.

**Com. Adagala:** Majimbo has a stigma, are you advocating for federalism?

**Francis Ngugi:** I am advocating for federalism. Land ownership in Kenya is distributed very unevenly because you find some of our people here own thousand and thousand of acres which are lying idle. I would suggest that every grown up in to avoid living in abject poverty, to at least give him two acres of land, every Kenyan over 18 years who are not employed this time and they are living in our villages, anywhere in Kenya within the republic. The question of squatters, should therefore not arise within our midst.

**Com. Adagala:** Where will this land come from since people are landless, it means there is there is a constraint. I am not taking away your proposal but tell us where it will come by.

**Francis Ngugi:** There are lands like the ones being used by the government in researches, thousands and thousands of acres which have now been taken by our greedy people in their own positions, such kind of land to be distributed to the landless. Two acres for a living Kenyan would be enough for him to cultivate his nyanyas and mbogas.

**Com. Adagala:** I am just saying government land, adults Kenyans are about what?

**Francis Ngugi:** They are about 30 million Kenyans.

**Com. Adagala:** There are also children who are there so say 50 million

**Francis Ngugi:** They are all put together.

**Com. Adagala:** Just think it out a little bit more and if you can add another written memoranda, it will be good and send it to the Commission.

**Francis Ngugi:** To finish, I will give NSSF question, that should be in..... and everybody and in employing or any working class to contribute towards that fund and we have a fund to give to our elderly people that is anybody who is over 65 years of age to be termed as a senior citizen and to benefit from this fund because it stands now it does neither benefit the contributors nor those who are elderly in Kenya and living in abject poverty.

The Electoral Commission I would as well suggest that it should be completely independent and to avoid rigging the ECK during voting time should introduce website alongside with their computers for people to know exactly the number of people from various stations. It should be dot com. Jua Kali sector should be enhanced for that matter.

**Com. Adagala:** Just tell a little bit more about Jua Kali, not what it is like now, further proposal for enhancement.

**Francis Ngugi:** People who are now doing the same kind of work, say there are the welders, there are the mechanics up there, a budget should be put in place from the treasury once they are organized in groups.

**Com. Adagala:** What about globalisation?

**Francis Ngugi:** Globalisation, would be a good idea, but this money should be channeled through their own organizations not through the present system.

**Com. Adagala:** About globalization you are going to add is taking away Jua Kali jobs.....(inaudible) including things which actually make Jua Kali sector work, like second hand clothes.

**Francis Ngugi:** Some of those things should be discouraged because that work is being done by, they are not ignorant, but there are people who knows exactly what they are doing to kill the Jua Kali sector, to benefit for their own good.

**Prof: Idha Salim:** Wilfred Mugo, John Ndung'u, Josphat Mogera, Charles Mwangi.

**Charles Mwangi:** Mwanzo ningetaka kuzungumzia kuhusu uchaguzi wa chief na naibu wake, kama ilivyo sasa, hawa watu uchaguliwa na bwana DO.

**Prof: Idha Salim:** Kwa hivyo unataka aje maanake tunajua hiyo.

**Charles Mwangi:** Ningethibitisha kwamba wawe wanachaguliwa kwa njia ya upigaji wa kura ama kupanga mlolongo. Ya pili ningetaka kuzungumzia kuhusu wabunge. Kama msemaji moja alikuwa hapa mbele alisema wale wamechagua wabunge inafaa wawe na uwezo wa kuwatoa kwa bunge hata kama hawajamaliza ile miaka tano kama hawafanyi ile kazi walichaguliwa kufanya. Ya tatu, kama ilivyo siku hizi hata kiongozi wa bunge amelalamika juzi. Hawa watu wanaenda kwa mkutano wanasema niko kwa hii chama lakini angali ako bunge na hatoki kwa chama. Ningependekeza ya kwamba, mtu akienda tu kwa mkutano na aseme ya kwamba saa hii ni kwa hii chama, asiwe mbunge tena. Malipo ya nyumba, ningetaka kuwe na sheria ambayo ningesema kwa mfano, kama ni Githurai, kama ni room moja inafaa iwe kiasi ya pesa kutoka hapa mpaka pale, vile siku hizi landloard akijenga nyumba yake akifikiria ni elfu kumi ni elfu kumi, iwe wapi ama wapi.

**Com. Adagala:** Sasa huyu mtu anaitwa Chief, ana familia yake inaitwa DO, DC, PC, na Asst. Chief, hawa pia wawe elected.

**Charles Mwangi:** With the DO, there was another point I didn't say. From the DO upto the PC and of course the parastatal heads, these people should be vetted by the parliament, iwe kazi imetangazwa, mtu anapeleka CV yake kule bunge, wabunge wanaingalia wanaona kama mtu anafaa ama haifai. Kwa vile kama kuna msemaji moja alisema hapa tumezoea siku hizi mtu ameajiriwa kazi leo, kesho hayuko kazi.

**Com. Tobiko:** Vetted by parliament?

**Charles Mwangi:** They should be vetted by the parliament,

**Com. Tobiko:** Appointed by whom?

**Charles Mwangi:** For example if they send your CV, if parliament feels you are qualified, you are given that job. Sio ati tuseme kama ni president ndio anakupatia hiyo kazi.

**Com. Tobiko:** Is to be vetted by the parliament or to be appointed by parliament?

**Charles Mwangi:** You have to send your CV first, mukiwa watu kumi waingalie, ikiwa ni watu kumi nani anafaa, halafu inakupatia kazi na inakua na muda, kwa mfano kama ni miaka tano iwe ni miaka tano.

**Prof. Idha Salim:** Benson Mbugua, he's not there. Moses Irungu, Ruth Njeri, Nicodemus Agaya.

**Nicodemus Agaya:** I will start with federal government. I think federal government should be abolished kabisa, we should just continue with this kind of system because it will bring a lot of tribalism and whatever.

Unajua kama sisi tunasikia ni sawa, sio haja watu wawe hapa, please respect the commission and respect the person presenting ili asipate harassment, but you also on the other hand speak into the microphone.

**Nicodemus Agaya:** I will go to the president. I think .....

**Com. Adagala:** Ngoja, kuna aina nyingi ya federal government na unasema iko tribalist, kuna federal government ambazo hazina tribalism at all, kuna hizi za Canada, kuna za US, kuna za Nigeria.

**Nicodemus Agaya:** Like in Africa, in Kenya as we are seeing, we know we are talking from different regions, like in the coast we know that there is a lot of problems here and there concerning the climatic conditions. So I think people will just be .....(inaudible) that if you are like from bara, ati munatuita wabara, I think they will be having that inner feeling that these ones from that region these things will not go to that region because we are black we know the problems with blacks.

**Com. Adagala:** Is it racism, tribalism?

**Nicodemus Agaya:** Tribalism, not racism.

**Com. Adagala:** The only thing is that people are saying because our provinces are drawn on ethnic lines, we are assuming that the future Kenya will be like that. I want us to talk about the future Kenya, people are kind of getting stuck in this and in the past, lets talk about the future Kenya, not that you should change your views but when you are talking giving views, think of the future Kenya, that is what the Katiba is about.

So I stick to my point, the federal should not continue. From the president I think we should not have the ceremonial president. President should have powers but there are powers that should be trimmed, like the appointment of these parastatal heads. You know when a parastatal head is being appointed, I think here there comes a case where that person is not working at per his will but for the will of his boss. So we should be from the stakeholders, he should be appointed by the stakeholders, those people within that parastatal.

**Rent:** I think we have the rent tribunal, but we don't have the rent control board, I think it should be put into consideration.

When you are staying in Githurai, I think the rent in Githurai should be controlled, it will be the part of the government who will be controlling from the board. The rent control board should be placed. Rent tribunal is not doing well it is just within the court when you are having the case of you have not paid rent, rent arrears and whatever, but we don't have the specific this control board.

Police: we don't know our rights with the Kenya Police, I think we should look into this detailed because we are citizens we don't know our rights when we are caught up with the police, you are being harassed as if you are a foreigner. So I think we should consider that in the new Constitution, the citizens should know their rights when being caught up with the police.

**Com. Adagala:** Should the police know your rights? You are saying that citizens don't know their rights, should the police know your rights?

**Nicodemus Agaya:** I think also the police also should know our rights.

**Prof: Idha Salim:** Ephantus Njiru, Erustus Ng'ang'a, Isaac Njuguna, Eustus Wahinya.

**Eustus Wahinya:** Jina yangu ni Eustus Wahinya na ni mkaaji wa Githurai, Catholic by faith na ningetoa pendekezo langu kwa macommissioners wa Constitution ya kwamba government ile iko sasa imeonelea iendelee na hiyo system tusiwe na dictatorial government. Na ikiwa ni hali ya vice president ama ya prime minister, inategemea wabunge wale watachaguliwa na raia. Kitu ile ingine ningeonolea ni kwamba watu wote wa Kenya, all tribes in Kenya wawe huru kupigania kiti cha bunge bila ukabila, bila kuangalia rangi au ni mtu wa aina gani, akiwa ni mkenya ama akiwa ni citizen, ana qualify kuwa mbunge wa assembly.

**Com. Adagala:** Nyuma kidogo, prime minister ulisema nini?

**Eustus Wahinya:** Nilisema prime minister au vice president awe ana chaguliwa na MPs wale wame qualify katika mbunge. Halafu ya pili ni kwamba makabila yote ya Kenya ama wa citizen, mtu anaweza kupigania kiti cha bunge bila kujali rangi au religion or chama.

Kuhusu education, ile system ambayo iko ni mzuri lakini kuna shida kidogo katika education, tuna education sehemu tatu, yaani primary education, secondary education na university education. Ninaonelea kwamba hii mzingo umekuwa mzito kwa wazazi nikaonelea primary education ingekuwa free education. Halafu secondary education, kwa mara nyingi iwe shule zingine zinapewa promotion ziwe day scholars badala ya boarding schools kwa maana kwa mikasa ile inaonekana wakati mwingine wa moto, wa ajali ya gari, na nini. Kwa hivyo, kama upande huu wetu wa Githurai, kutoka Kasarani mpaka huko Kahawa, tunaona tuna shule kama kumi na mbili ya primary na hatuna secondary hata moja. Kwa hivyo, tungekuwa na shule ya secondary moja ama mbili, watoto wangekuwa wametoka nyumbani wanakuwa day scholars kuzuia mambo ingene kama hatari

ya moto. Malipo ya secondary kwa wazazi sio shida sana lakini ile kitu inatajikana hapa kwa ile free education ya primary ni lazima kuwe na libraries, kila shule vitabu vinunuliwe hata kama ni wazazi tunafanya kiwango ya mzazi ili vitabu zinunuliwe ziwekwe katika library. Hali ya universities, ukiangalia sana tuna universities karibu kumi, na kila university ina graduates kila mwaka, na hawa watu wanakuja tu kukaa nyumbani hawana kazi ya kufanya. Ningeonelea job opportunities, serikali ianze mara moja kutafuta vile hawa watu wanaweza kujisaidia kama ni part time employment, wakati wanaendelea na masomo na ndio hio inafanya watoto wengi wanapenda kuondoka hapa nchini waende nchi zingine kama America, ulaya, kwa sababu ya hiyo part time earning. Na kama hii ingewezekana ni vizuri sana wangerudisha hiyo system watoto wawe wakiwa part time earning.

Hali ya employment, mimi ningeonelea hali ya employment imekuwa chini sana hapa. Wafanyi kazi kiwango ya mshahara iwe kuanzia shilingi elfu kumi, mshahara ya chini, na iwe hiyo mshahara inafanyiwa review baada ya miaka miwili ama baada ya budget ya miaka miwili. Wakulima nao wafanye societies yao na retrenchment iondolewa kabisa kwa sababu hiyo ndio ugonjwa imekuja katika nchi. Hali ya computer, hata hizi computer zile zinafanya jobs huwa ndongo sana.

Transport hii ya matatu iwekwe regulations iwe na matickets wanapatiwa watu na kwa sababu wanaweza kulipisha ile kitu wanataka halafu wawe na life insurance kwa sababu wale watu wanabeba gari inaweza kuwa na accident na hao watu wanapoteza maisha yao.

Habari yangu ya mwisho ni kuhusu marriage. Marriage and divorce inaweza ikawachiwa church na court lakini marriage ya DC iondolewe. Customary marriage iweko na ya kanisa. Hali ya divorce pia ina weza qualify to that system.

**Com. Adagala:** Nani ata review salaries every two years, miaka miwili miwili.

Erustus Wahinya: Kuna department ya labour.....(end of tape)

Inaongozwa na minister wa finance wakati wa budget na akisha ongeza commodities, mshahara inabakia vile ilikuwa.

**Com. Adagala:** Ninajua mzee, nani atafanya review ya mshahara?

Erustus Wahinya: Ni commissioner wa labour.

**Prof: Idha Salim:** Evangelist John Okutoi, Peter Omuindi.

**Evang. John Okutoi:** Jambo langu la kwanza, ile mimi ninapendekeza kila kabila ibaki na Katiba yao ya kabila hiyo, yaani kama Kikuyu ibaki Kikuyu customary law iwekwe. Jambo langu la pili, watu watawaliwe na crown. Sasa hivi ile inatawala ni pesa.

**Interjection:** Watu watawaliwe na nini, crown ni nini?

**Evang. John Okutoi:** Crown ni serikali, hata kwa pesa, pasa za zamani crown ilikuwa juu na shilingi kumi ilikuwa chini, lakini sasa hizi pesa za sasa crown iko chini, na pesa iko juu sababu yake ni hii; ukienda hata kwa polisi, umwambie nina matatizo anakuambia chota. Na wakati wa crown chota haikukuwepo. Ikiwa nyumba yako imeshaungua, ukimwambia aje unisaidie mtu yule alichoma nyumba yuko hapa, anakuuliza wewe uko na gari, wale watu ambao hawana gari wana matatizo kubwa ndani ya nchi hii, hawana usalama ni Mungu anawalinda tu. Inaonekana crown ilikwisha, pesa ndio inatawala.

Jambo la tatu, mila za watu. Mila za watu zibaki vile zilikuwa. Jambo langu la nne, sheria ya Mungu, ifatwe, instead ya kufuata pesa sababu pesa Mungu aliandika ndani ya kitabu ya second Timothy 3:1, 'watu watapata pesa watajivuna watakuwa wakijiona wakidharau wazazi, hiyo ambayo inatendeka sasa hivi inamaanisha sheria ya Mungu iliwachwa'. Ndani ya verse Timothy 6:10 inasema, 'chanzo cha mabaya ni pesa'. Sasa vile pesa imesimamia watu wengine wadogo wale wako chini tuko na matatizo ile ambayo hata kulala hulali. Tuko na shida ile ambayo ni Mungu mwenyewe anatulinda tu lakini tunalindwa na kitu chochote hakuna, Mungu ndio analinda wale watu wako chini. Lakini sheria hiyo ikirudi, ile ambayo ilitoka Lancaster House inakuja kutawala Kenya, raia wengine wadogo tutasikia mzuri kidogo, sababu walifuta hiyo sheria isifanye kazi ili wapate nafasi ya kunyanyasa wadogo. Ninafikiri kama ni askari analipwa mshahara, kama mshahara ni kidogo wanacomplain kwa serikali iwaongeze mshahara, wanashika watoto kwa barabara akitembea akienda kutafuta kazi anafika station pesa ikiwa kwa mfuko anachukua. Kuna matatizo ambayo inatukaba, tunaomba tu ile sheria ilitoka Lancaster House, ingekuwa mzuri ifanye kazi.

Mambo ya Ukimwi, yale mambo inaleta ukimwi jambo la kwanza, serikali iliwachilia ikaweka vilabu vya usiku, hivyo vilabu wasichana wanaenda kupanga hapo laini wanaeneza ukimwi, kama hiyo vilabu vingondolewa hata pombe iwekwe kwa maduka, kama soda mtu ananunua anaenda kunywa kwake na bibi yake, ninafikiri Ukimwi ungepungua. Jambo lingine ambalo linaleta Ukimwi, ni watu walikata sheria za Mungu wakakata Mungu naye Mungu akaangalia kando akawawachia matatizo. Matatizo hii inakuja namna hii, Mungu aliandika kwa kitabu ya Mathayo 15, mlango mdogo wa nne, 'mtoto asioheshimu wazazi wake na kukufa akufe'. Ndio hizi vifo viko mingi sababu hakuna heshima, hakuna sheria ya Mungu. Kwa hivyo tukishikilia sheria ya Mungu itatuokoa kwa matatizo mengi, kama sheria ingekuwepo hata unyang'anyi mingi haingekuwepo.

Jambo langu la mwisho linasema hivi, tunasikia kwa redio wakitangaza kunayo ufisadi, kunayo nini, koti inatengeneza ufisadi inakuwa namna hiyo, kama kunayo ufisadi kwa watu wa juu halafu wakose kumaliza hiyo ufisadi, na wadogo watakunyanyasa namna hiyo. Hiyo ndio njambo langu la mwisho

**Com. Adagala:** Pendekezo yako kwa ufisadi ni nini?

**Evang. John Okutoi:** Wale ambao wafisadi washikwe wapelekwe kotini wafungwe. Kwa sababu kama wezi wanafungwa,

kwa nini mfidadi hawezi kufungwa, sababu ni mkubwa. Kwa sababu utawala ile iko inasaidia wakubwa lakini wadogo hawasaidi.

**Prof: Idha Salim:** Asante sana Evangelist John Okutoi kwa maoni yako, twakushukuru. Sasa twamuita mwenzako Evangelist Peter Omuindi.

**Evang. Peter Omuindi:** Kwa majina ninajulikana kama Evangelist Peter Mangula Omuindi. Yale yamezungumzwa hapa na waliokuwa mbele wengi mimi sitaki kurudia ila nitakuwa na machache tu ambayo nitaweza kupeana kwa tume na ikiwezekana iende ishuhulikia hiyo. La kwanza ni kuhusu makanisa ambao inakuwa registered katika serikali yetu ya Kenya kupita kiasi. Tuko na makanisa mawili katika ulimwengu, kanisa la kwanza ni la Mungu, Kanisa la pili ni la shetani, lakini sasa makanisa imekuwa registered kupita kiasi ikifanya mabiashara. Pendekezo ni hili, ningeliomba register wa societies, tume litafute njia ya kueza kuweka sheria ya makanisa ipate kupunguzwa maanake makanisa yale yanajulikana ni mawili kutoka ulimwenguni.

**Interjection:** Inaudible.

**Evang. Peter Omuindi:** Njia ya kupunguza ni hii, ikiwa makanisa ni mawili katika ulimwengu, ya Mungu na ya shetani, lakini sasa katika Kenya tuko na karibu na makanisa mia nne na themanini na....

**Prof: Idha Salim:** Sasa tutajuaje kanisa hili ni la Mungu na lile ni la shetani?

**Evang. Peter Omuindi:** Hata munasikia katika magazeti, mwingine anaitwa devil worshipper, mwingine anaitwa nini, na serikali hiyo hiyo ndio inasajili nini. Kwa hivyo inatajikana waende waangalie katika ile memoranda zao ijulikane alitoka kanisa gani, recommendation ilitoka kwa hiyo kanisa aliyotoka arudi huko. Makanisa imekuwa mingi.

Nikitoka kwa hiyo ninakuja kwa upande wa siasa. Tulipata multi party 1992, na kabla ya kupata multi party mbeleni tulipewa hiyo na mbeberu tukawa na vyama vingi katika Kenya, tulikuwa na kina Kadu and whatever, lakini tukarudi tukaangia katika chama kimoja. Lakini sasa tumekuwa katika vyama vingi na vimekuwa vingi vingi kupita kiasi, mimi nikiwa mmoja muubiri na mwana siasa. Ningelipendekeza register atafute namna ya chama ikiwa haitakuwa na wajumbe wa kutosha katika parliament, immediately ni kufunga hiyo chama mara moja, sio kuchelewesha na asi register vingine.

Wanachama ambao wakubalika ni watu wangapi kila chama? Maana unasema kwamba kuna parties nyingi na register akiona kuna vyama vingine ambavyo havina watu wengi, afutulie mbali, sasa atajuaje kwamba chama hichi hakina wanachama wakutosha, lazima tukifute.

Yeye anaujusi wa kuweza kujua namna hii. Kama nilikuwa kwa mkutano pahali pengine huko Limuru Conference, zilikuja

huko vyama ishirini na tatu, hata vingine havijulikani hata sijui viko wapi, viko kwa biashara fulani na register anangojea returns every year. Kama anaona returns zimechelewa immediately ana consent ya kuwafukuza.

**Prof: Idha Salim:** Inategemea returns pekee yake au inategemea pia idadi ya wanachama katika party?

**Evang. Peter Omuindi:** Anataka aangalie returns na performance ya hiyo party vile inafanya kulingana na vile iliandika katika Katiba yake.

**Com. Adagala:** Ngoja mzee, na mimi nilifikiri ile ulisema ya kwanza ndio ilikuwa bora, kama haina mbunge kwa bunge na sasa ukaenda kwa.....

**Evang. Peter Omuindi:** Sasa ninakuja kwa upande wa education ingawa walikuwa wamezungumza sana, nalilia vizazi ambavyo .....

**Interjection:** Inaudible

**Evang. Peter Omuindi:** Recommendation yangu ambayo ninaweza kutoa katika upande wa education, sijui pesa hii ya tax payer ambaye serikali inaokota usiku na mchana, nikiwa niko na miaka naelekea kungonga themanini, na mimi nilisoma, wakati nilisoma bila ndururu na wakati huo ndio mbeberu ndio alikuwa yuko. Na saa hii sisi tulitaka uhuru, uhuru tulipata, haki hatuna, ukweli hatuna. Sasa pendekezo langu ni hili, kama ingaliwezekana, serikali ichukue jukuma ya kufanya kila mmoja kizazi ambacho kinakuja kutoka saa hizi mpaka kesho, kipatae kujua kusoma na kuandika, education iwe bure, kutoka nursery to standard eight, halafu ikiingia mambo ya cost sharing iingie katika secondary school. Tukitoka secondary school, halafu tuingie university. Serikali tena ichukue hiyo kazi wale watapita katika university, serikali iakikishe hawa watu itawapeleka wapi na sio kufungua mauniversity nyingi na kudump watoto hapa chini.

Jambo lingine ni la maana sana kwangu. Wewe sasa unategeneza Katiba, umekaa hapo mbele shauri ya mimi, natakauliza swali halafu nitakwambia vile ninataka ufanye. Wewe ile Katiba unataka tutengeneza mbona haukutuonyesha ile ya zamani ile ilikuwa inatuchunga mpaka saa hizi? Two, ukitengeneza hii Katiba, ninataka uhakikishe umeweka kwa lungha ngapi, Kiswahili, ndio lugha ya kwanza yetu ya taifa wacha lugha ile ya pesa, lugha ya pili ni hiyo inafanya wewe unakaa hapo, mtu kama mimi singeruhusiwa kuja kukaa hapo lakini ninaweza kuzungumza. Asanteni

**Com. Adagala:** Na lugha zingine za Kenya?

**Evang. Peter Omuindi:** Ninifikiri lugha ya Kiswahili ndio inaunganisha lugha zetu za Kenya arobaini na tatu. Hiyo ndio lugha yetu, na ndio inatakikana iwe ya kwanza, hata ikiwa tunachagua mtu kuingia parliament ndio anatakikana awe confident kwanza

na kiswahili, wacha kiingereza kwanza, ikiwezekana.

**Com. Adagala:** Umesema kanisa ni nyingi zipunguzwe, parties ni nyingi zipunguzwe, university ni nyingi zipunguzwe.

**Evang. Peter Omuindi:** Hata ukienda mwisho ikiwa tunafanya mambo ya family planning, je tukifanya family planning sisi wote hii maprimary schools zinajengwa zote na mauniversity hizo, ni nani watasoma katika hizo mashule. (laughter)

**Com. Adagala:** Hiyo ni sawa, lakini watu wako sasa, fufanyeje wale watu wako sasa?

**Evang. Peter Omuindi:** Nita consume time yako lakini aithuru. Nitakuja ofisini.

**Prof. Idha Salim:** Asante Evang. Peter Omuindi, asante. Esther Wangui, Jackson Mathenge.

**Jackson Mathenge:** Thank you. My first view is parliament should have its own calender. Chiefs should be replaced by the elected councilors, the provincial administration should be abolished and be taken over by the elected members of parliament at constituency level.

Police officers should be retrained to learn basic human rights, because they seem to be prototecting the rich and especially the political correct individuals, they are no longer utumishi kwa wote. My other proposal is that there should be free education for all to all levels.

The powers of president should be reduced, the powers to appoint ministers, asst. ministers, permanent secretaries and ambassadors and sack them at the president's will should be taken over by the institution of parliament. The voter registrations process should be continous until the time the parliament is dissolved. Hospital bills for dead people should be paid by the government but not the families of the deceased.

The issue of land whereby there are few millionaires in Kenya who own a lot of land and more than 25 milion Kenyans who are beggars, who are unemployed, my proposal is that there should be amount of land set for every Kenyan, I will propose at least 10 acres for every Kenyan. For those people who are owning a lot of land here in Kenya and the other Kenyans are suffering, it should be bought by the government and be given to the desperate Kenyans, maximum 15 acres for every Kenyan.

**Prof. Idha Salim:** You know 15 for someone who is a farmer or a cultivator is a lot, but what if it is somebody who is looking after cattle, livestock, 15 is very small. So do you want to look at the difference between the two, holdings for pastrolists and for cultivator or farmer?

**Jackson Mathenge:** The government is the one which should be letting the land for those who want to keep cattle.

**Prof: Idha Salim:** So we leave it to the government to decide?

**Jackson Mathenge:** Yes, the government to decide.

**Com. Adagala:** I don't hear people talking about urban issues, if you have 10 acres and you are a Kenyan and you are living here, in Githurai, should you have the 10 acres in Githurai or where?

**Jackson Mathenge:** Anywhere in the country.

**Com. Adagala:** Now if you have got 10 acres anywhere in the country should you live in Githurai?

**Jackson Mathenge:** Yes.

**Com. Adagala:** Part of our problem is people who live in town and don't farm, so if it is land then it has to be utilized. Okay?

**Prof: Idha Salim:** Sasa tumuite bwana Paul Mwangi.

**Paul Mwangi:** Mimi ni mkaaji wa Githurai na mimi ni muhubiri pia. Ningependa kutoa pendekezo langu kwa tume na jambo la kwanza niseme ningomba muda wa kutengeneza Katiba uongezwe, kuwe na muda wa kutosha, kusiwe kama vile tumekuwa tukiambiwa na wengine wetu kwamba tunataka uchaguzi ama marekebisho yawe, tufanye marekebisho machache ili tuingie katika uchaguzi. Kwa hivyo ningetoa oni hilo likuwa ya kwanza ya kwamba muda iongezeke ili kuwe na wakati nzuri wa kuchukua maoni na kutayarisha Katiba. If we are planning about the future we should have enough time kutengeneza Katiba ambayo itatupeleka kwa muda mrefu.

Jambo lingine ningeseme ni kuhusu elimu. Shida yetu ambayo tumekuwa nayo katika elimu ni kwamba hata wakati huu tuko hapa kuleta maoni yetu, wengine wetu tunashindwa hata tutasema nini kwa maana hatuna elimu hata ya ile Katiba tunataka ama maoni yale tunayotoa hatujaelewa tufanye nini ama Katiba inarekebishwa wapi hata ile iko, hatuijui. Kwa hivyo ningesema katika njia elimu tusaidiwe, kama ni wale watu wako huko remote areas in our country hawajasoma, wasaidiwe na serikali, serikali yetu iweze kupanga wapelekewe elimu ambayo itakayo wasaidia. Hata kama tuko na shida ya pesa na nchi yetu hatujaweza kujimudu sawa sawa na kupata enough money to help us ili kujisaidia wajaribu waweze kuwapelekea elimu at least waweze kujua ni mambo gani tunayostahili kufanya.

Kuhusu kazi. Nchi yetu tumekuwa masikini kwa ajili ya kazi ambayo tunaifanya na ningomba serikali iongezee muda wa siku

ambazo wafanyi kazi wa serikali tunaofanya, wanafanya siku tano, siku ya jumamosi na jumapili hafanyi kazi na kwamba upande wa waisilamu, wanaacha kutoka Friday, Saturday and Sunday. Unaona hizo siku hawafanyi kazi lakini mshahara haukatwi. Kwa hivyo zile pesa badala ya kusaidia pahali pengine wale watu wanapatiwa zile pesa tu, kwa hivyo unaona tunafanya kazi kwa muda wa masaa mawili wengine wana report ofisini, ana report tu halafu anatoka, hafanyi kazi. Kwa hivyo we are very consuming lakini hatufanyi kazi, hatupati pesa. Ninataka kusema hivi, tunamuda wa kutumia pesa lakini kufanya kazi hatufanyi kazi, kwa hivyo ningepata serikali itilie mkazo wafanyi kazi wa serikali waongezewe masaa ya kazi, muda wa kazi uongezwe ili watu wetu waweze kujisaidia. Njia ingine ya pesa, kama ni vile tuko na shida, these days we have the confrontation between the government and the teachers wakitaka kuongezewa pesa, wanataka pesa nyingi waongezewe mishahara kama wale wengine. Serikali ijaribu kubalance wale watu ambao wamepewa pesa nyingi kama MPs na tuseme kwa mfano kama hii tume imepatiwa pesa nyingi sana lakini unakuta hawa wafanyi kazi wengine hawana pesa. Na ndio unaona kuna shida kama kwa upande wa polisi wanachukua bribes maana zile pesa anapewa kama ni elfu nne hawezi kujisaidia nazo, kwa hivyo akipewa kitu kidogo na mtu wa matatu hata kama ni gari ni mbaya, ni heri hata watu wakufe na apate hiyo mia moja aende akaitumie maana hana la kufanya. Kwa hivyo katika hali ya pesa serikali iweze kubalance na wapatie kama ni hawa MP wapatiwe pesa kidogo, sisi ni nchi changa ambao hatuna utajiri hatuwezi tukakuwa na siku moja, wakate zile pesa kama ni MPs and government ministers, hii magari wanatembea nayo ya pesa nyingi, kama ni presidenta wakati anaenda pahali anatumia millions of money, escort na security ni sawa lakini pesa zile ziweze kugawanywa ili tuweze kujisaidia kama familia moja.

Jambo lingine kwa upande wa viongozi wetu, niseme tuwe na viongozi ambao ni viongozi wanaelewa ni kitu gani tunafanya maana nchi yetu kama vile tunasema tunatengeneza Katiba ya baadaye. Kwa hivyo tuwe na viongozi wanaelewa, viongozi wamesoma ambao wanaelewa nchi yetu inahitaji nini, wasichaguliwe kwa maana wanasupport chama fulani, au wao ni waaminifu kwa viongozi wengine. Kama sasa tuko na wakubwa wa serikali na ambao hawana elimu, na kama hawana elimu hawawezi wakaona mbali na the further they can see is the further they can take our country, kwa hivyo tuwe na viongozi ambao wamesoma na viongozi ambao wanaelewa ni wapi tunaenda.

La mwisho, kwa upande wa ukabila tuwe na viongozi ambao wana discipline ambao wata address Kenyans but not tribes, watu siku hizi wakienda central kikuyu wakienda kwa Luo wanasema wanaluo. Kwa hivyo tuwe na viongozi ambao ni mature leaders ambao watakuwa waki address Kenyans na jambo lile litatusaidia. Kwa hivyo tuwe na viongozi ambao ni watu wazima, watu ambao watatusaidia na wataweza kuunganisha nchi yetu. Jambo lingine kama ni hii Katiba iwe ni kama vile huyo muubiri amesema, iwe ya Kiswahili na Kiingereza na iwe lazima ili watu wetu waelewe ni nini. Na nikimaliza niseme hiyo ndio imekuwa shida yetu maana mumekuja kuchukua maoni kwetu lakini sisi hatujui tunataka kutawalwa kwa njia gani. So finally, yale ambayo nyinyi mutaenda muchukue kutokana na le ujinga wetu, najua mutaweza kututengenezea Katiba nzuri.

**Prof: Idha Salim:** Asante sana bwana Paul Mwangi kwa maoni yangu. Ningekuuliza swali moja, ulisema kwamba civil servants wafanye kazi kwa muda mrefu zaidi, vipi, saa ngapi kila siku?

**Paul mwangi:** Kwa mfano nimeona nchi zingine nimeweza kwenda katika nchi ya Japan, nimeona wale watu they don't have time to rest, they work throught, na pale unakuja kama ni industry zao zinakua maana wakati zile siku ambazo hatufanyi kazi, wao wanafanya kazi. Lakini sisi unaona tunafanya kazi ni vile nimesema kutoka saa mbili mpaka saa kumi na moja na nane hatuna kazini. Ninasema waongezewe masaa, kama nikutoka saa moja mpaka saa kumi na mbili ya jioni na wahakikishiwe ya kwamba wako kazini.

**Com. Adagala:** Ndio uka balance kwa upande wa pay kwamba pia walipwe mshahara bora.

**Paul mwangi:** Na siku ziongezewe, wawe wanafanya mpaka Saturdays,

**Com. Adagala:** More pay for more work.

**Com. Adagala:** Asante sana.

**Prof: Idha Salim:** Austin Omany.

**Austin Omany:** Habari zenyu. Sitaongea nyingi sana juu nilikuwa ninataka kuongea mambo ya education, na watu wameshaongea sana lakini nitaongeza kidogo. Nilikuwa ninataka kuongea mambo ya primary education, hapo nilikuwa ninataka Kenya ile inakuja ingine mbele wakue free, wasome bila pesa. Hapo nimemaliza. Nilikuwa ninataka kuongea tena kwa police force. Mambo ya police force wanatusumbua kabisa hii Kenya hii juu unaona watu wanaishi mahali, kila siku wanaiba na mambo ya pombe mahali wanahongewa wanapewa pesa ndio wanaenda kuchukua hizo pesa na mambo ya uizi hawaingili. Sasa hapo nilikuwa nataka Constitution hii ingine ikikuja, iangaliwe mambo ya police force.

**Prof: Idha Salim:** Ifanywe nini haswa police force?

**Austin Omany:** Police force ifanyiwe hakuna mambo ya kuhongana, mtu akikupata na makosa apelekwe mbele, hiyo tu ndio maoni yangu.

**Interjection:** Inaudible

**Austin Omany:** Niko na ubaya hapo, juu hata mimi nilikuwa nimeibiwa kwangu nikaenda kureport wanataka pesa ya petroli na wanapewa petroli na government na sina pesa hiyo nimeibiwa na hata pesa nilikuwa nayo kwa nyumba zimeibiwa zote, kama sina na ni watu wa Kenya police siwangenisaidia nishike hawa watu walikuwa wameni ibia.

**Prof: Idha Salim:** Asante sana bwana Austin Omany. Peter Waithaka, Fredrick Thangwa.

**Fredrick Kariuki Thangwa:** I want to talk on land policy .....(inaudible) in Kenya or rather the need to have a global land policy in Kenya. Just to introduce land as a resource.....

**Prof: Idha Salim:** Please keep the mike closer to yourself, it's a bit far we can't hear you and give us recommendations, the issue and what you see needs to be done.

**Fredrick Thangwa:** Just to introduce what I wanted is for us to be able to utilize land in an economic manner, so that it becomes an industry like any other activity and to achieve this, I would recommend that we have a national land master plan for the global area of Kenya. It should be grown up so that you identify every area of Kenya with its potential use, be it agriculture, forestry, geological reserve or whatever mean. To achieve this, we should also identify minimum acreage say for instance, you identify it is a coffee zone the government should the minimum acreage for that area, so that you can farm coffee or tea as an industry just like any other. Further to achieve this,.....

**Interjection:** Sorry my hearing is not very good.

**Com. Tobiko:** Maximum acreage?

**Fredrick Thangwa:** It will depend on what particular area you were asked, say it is ranching, in a particular area, it will have its minimum acreage. If it is a forest reserve, there will be a minimum acreage for that. The idea is the land utilization in Kenya must be utilized for its economic return so that it is an industry like any other. We should discourage land sub-division where would fit the minimum acreage aspect for economic utilization of land as a resource.

**Com. Tobiko:** If you have fixed some minimum size or acreage, then automatically you cannot sub divide the minimum size, isn't it?

**Fredrick Thangwa:** I will come to at. After you discourage that sub-division where it will fit the minimum acreage aspect, infact even for inheritance you should only include names in the title. If a parcel is divided more than what is economical, you should only include the names in the title and leave it intact. The aim is to encourage economic farming or economic utilization of land so that it is an activity, industrial activity like any other. Futher on I should say we should encourage land amalgamation so that we achieve that minimum acreage for sustainable development. Corporate companies.

**Com. Tobiko:** Sorry amalgamation, is this the same thing as land consolidation?

**Fredrick Thangwa:** Yes, consolidation. Where people join two plots to achieve that noble idea where you encourage the

bigger the plot to achieve that minimum acreage for that locality where, say you have indentified coffee and the expert has told you for you to farm economically or be able make an industry you require five acres, if your almagamate to achieve the five acre goal, you should be encouraged.

Corporate companies should be encouraged to go into farming within their reserves instead of ploughing them, when they plough back to the land they should be given tax incentive, but when they establish these farms in that way, this farm should not never be sub-divided again they should remain coorporating just like you hear a large scale farm in London, it has always been a large scale and sub-division should not be allowed in any future. That is all I want to say.

**Prof: Idha Salim:** Thank you bwana Thangwa, that is memoranda for us. Now we call Margaret Wanjiku.

**Margaret Wanjiku:** Ningetaka zaidi ya hii maneno ya NSSF. Nimeona wale watu wanafanya kazi kwa private sectors, mtu akifutwa kazi, kupata kazi ingine Kenya ni shida sana. Halafu tena wanakuja wanasema tupate pesa ukifika miaka hamsini na umefutwa kazi, hujajenga nyumba yako, uko na family ulikuwa umerithi na umezorota na umeambiwa umefika miaka hamsini. Hiyo iendele mtu akifutwa kazi analipwa kazi analipwa pesa yake kwa NSSF.

Jambo ya pili, ningetaka kuongea kuhusu mavilabu. Tuko na vilabu ya busaa, muratina na Tusker, sio ati watu watoshane kukunywa Tusker, unakuta hizi vilabu za busaa na muratina maaskari wanasumbua watu sana, wewe hii licence hujui inatakikana itumike masaa magapi, sasa maaskari wanakuja wanashika raia badala ya kushika mwenye kilabu kwa sababu yeye ndio anajua ile masaa inatakikana au sio watu.

Ninataka kuongea kuhusu kwa mfano watu wakubwa kama mwanajeshi ama president. Anaweza kuja auwawe hapa, badala ya serikali na askari kuja kuchunguza nini iliua huyu mtu wanakuja kupiga raia na kuuwa watu, hiyo ni mbaya sana tunataka tuwe na discipline na askari discipline wamesoma, kuchunguza sio kuja kupiga watu hivyo.

Kwa upande wa licences. Unataka kufanya biashara, umeapply licence, unasumbuliwa huko Nyayo hupatiwi licence na hali kadhalika hapa tena maaskari wanakuja kukusumbua ati hauna licence. Licence mtu akiapply anapewa hapo na hapo.

Yangu ya mwisho ni marriage. Marriage, unakuta umefanya harusi na vitu nyingi na hii traditional marriage pia mumefanya, halafu sasa wakati munaenda huko, wewe msichana ile shamba bado iko kwa jina ya bwana yako. Hii ndio kitu munaona divorce imeingia zaidi kwa sababu huna utamaini kwa bwana yako, unaona anaweza kukudivorce any time ndio unaona mabibi mtu anafanya mambo zake kisiri, anachukua pesa zake kisiri kwa sababu hana matumaini kabisa kwa sababu ameoleka na vitu zingine hapa lakini shamba bado iko kwa jina ya bwana yake. Sasa kama yeye ameitikia kuwa yeye ni bibi yake, hizi vitu waandikwe wote wawili ndio bibi akikaa anajua mimi niko kwangu, lakini kama sio hivyo, hii divorce itaendelea sana. Sina mambo ingine.

**Prof: Idha Salim:** Asante sana Margaret Wanjiku, sijui kama mwenzangu ana swali lolote, thank you very much your views. Na inaionyesha kufuatia registration kwamba tumemaliza kupokea kwa wote wale ambao wamejiandikisha sijui nani aliyebakia. Unajua wengine walijiandikisha kisha wakaondoka, wale wamwisho mwisho.

**George Odhiambo Ndege:** Mimi mkaaji wa Githura. Ningetaka kuongea mambo mawili tu. Moja, ni upande wa kama tunataka kubadilisha Constitution, tuangalie upande wa health. The public are suffering for one; if somebody is admitted at Kenyatta.

**Prof: Idha Salim:** Pendekezo tafadhali

**George Ndege:** Pendekezo ni kwamba hii bill ya hospitali iwe reduced to the minimum. Second to that there is what we call bill ya death should be reduced to the minimum. Other than that, what I will say is that employment in Kenya is making us to go astray, in that we are having a lot of children who are not going to be employed and they are going to be street boys.

**Prof: Idha Salim:** Pendekezo?

**George Ndege:** Pendekezo is that we give them a place where they can go if we cannot educate them. We give them to a place (home) like where Catholic bishop Otunga was taken. Land issue ndio sasa imekuwa mbaya sana. We have got a lot of land, empty lands. Kila mtu apewe shamba.

**Speaker:** Calling out names (inaudible)

**John Muturi:** Mimi ni mkaaji wa hapa Githurai. Asante kwa nyinyi mumekuja kwa urekebishaji wa Katiba. Sina mengi lakini nina point kama nne hivi, hapa nchini Kenya tumekuwa na taabu, kwa upande wa kazi na hii kuhusu sana kwa upande wa foreigners. Kuna makampuni ziko hapa nchini Kenya ambapo watu wengi wanafanya kazi, na sasa kwa upande wa serikali imekuwa shida sana kupata kazi. Unakuta hawa watu .....

**Interjection:** Inaudible

**John Muturi:** Unakuta wanalipa hawa watu mshahara mdogo na pia ataweza kukufuta wakati wowote na akikufuta anakuambia nenda pahali unajua.

**Prof: Idha Salim:** Tutaondoa vipi tatizo hilo, pendekezo.

**John Muturi:** Unakuta akikufuta anakwambia nenda kwako, pahali popote unajua, ukienda kwa labour ndio wanashughulikia haya mambo, ukifia huko tayari amepiga simu na ukienda unaambiwa ngojea ngojea.

**Prof: Idha Salim:** Bwana Muturi tunafahamu hiyo sana, hilo ni shtaka, hilo ni taabu, lakini Katiba ni sheria, sheria kubwa, sasa kuandika jambo kama hilo katika Katiba, hatuwezi kusema kuna taabu hii na taabu hii, lakini tunaweza kusema kunatatizo hili na kusuluhisha tatizo hilo tufanye hivi, sasa wewe ungependa, tufanye kitu gani kuondoa taabu hiyo.

Kwa hivyo watashughulikia mshahara na kufuta watu hovy hovy. Jambo la pili, kuna kukikaribia wakati waku vote kama vile sasa tunaelekea wakati wa election, unakuta sehemu zingine zinakuwa affected na hii clashes. Kwa hivyo hapo ningependekeza kama nikupiga kura mtu awe akiwa akipigia pahali popote pahali yuko. Kwa sasa, pahali nilichukulia ile kadi, ndipo pahali utaenda kuvote, kama mimi nilichukulia Meru sasa huwa ninasafiri mpaka Meru.

Halafu kikazi tena. Unakuta kuna hizi kazi huwezi kufanyia kazi, kama hizi makampuni za urekebishaji wa barabara, unakuta kama wameenda Murang'a unakuta hii district focus kama ni hawa watu casual labourers hawawezi chukuliwa kule, inasemekana wageni hawawezi chukuliwa kule, na watu wana taabu wamesafiri wakafanye kazi kule.

**Prof: Idha Salim:** Sasa tufanye nini?

**John Muturi:** Sasa hiyo district focus iondolewe kabisa. Asanteni, ni hayo tu.

**Francis Nyaga:** Mimi ni Councilor wa Githurai ward. Ningependa kuongea, kuna kitu watu wajaelewa. Unazaa watoto nne, wawili unawadharau, wawili unawapenda kwa hivyo sisi tukiwa wana Kenya kuna kitu moja mungeelewa, sisi ni watu wa mama moja hatuwezi kuwachana isipokuwa tuongee kinyumbani kabisa, hakuna mahali tutaenda tutakuwa hapa hapa. Mimi nikiwa councilor upande wa KANU, kwa hivyo ata nikiwa upande wa KANU, ningependa tusikizane tukiwa wandungu na wadada.

**Prof: Idha Salim:** Councillor ungependelea kitu gani kifanywe kwenye Katiba, tumekuja kurekebisha Katiba.

**Francis Nyaga:** Tumekuja kurekebisha kabisa Katiba hiyo sababu kuna watu wanagawanywa wakiwa boma moja, na hiyo ndio ningependa watu wasikizane. Kwa hivyo sisi, wengine wanasema Ford Kenya, lakini hawajatoka Kenya, (laughter) wengine wanasema ni Saba Saba na hawajatoka Nairobi, si wako Kenya. Sasa hiyo kitu ndio inaniudhi sana kwa hivyo ningependa sasa tusikizane lakini mimi I am a KANU councilor. Kwa hivyo nikiiongea watu wetu wa Githurai tusifanye mambo mengi, kama sasa nililima hii barabara, watu wanasema 'ni nani alilima hiyo', mara mwingine alisema ni yeye na wakati mwingine anasema ni nani.

**Com. Adagala:** Nani kwa Katiba..., na wengine do not heckle anyone, hamna ruhusa ya heckle anyone, kila mtu ana haki ya

zungumza vile mwenyewe anapenda.

**Francis Nyaga:** Kwa hivyo ningesema hivi, mimi ninaweza kuwa kiongozi katika Githurai hii either wa Saba Saba au KANU lakini sisi ni watu .....

**Prof: Idha Salim:** Councillor Nyaga, wewe ni councillor wa wapi?

**Francis Nyaga:** Wa hapa hapa, wa Githurai ward.

**Francis Nyaga:** Kwa hivyo siri yangu ningependa watu wasikizane.

**Com. Adagala:** Asante.

**Stephen Ngugi:** Pendekezo langu ni kwamba rais ambaye atakuwa akijiuzulu akitoka mamlakani, awe subjected to legal process kama ametenda mabaya. Lakini hivyo tunasema kwamba asipiwe immunity on legal process lakini ikuwe kwamba security apewe na pia welfare. Ningetaka sababu wakenya hawana kazi wengi, to establish a social welfare whereby the government can give unemployed people money to feed, to clothe and to house. Hizo tu ndio nikonazo.

**Interjection:** Inaudible

**Stephen Ngugi:** Afikishwe kotini kama raia wengine without immunity. Withdraw security na welfare.

**Prof: Idha Salim:** Thank you. Hassan Mbugua.

**Hassan Mbugua Ngugi:** Nimetoka upande Githurai 45, Juja Constituency, ninaelekea kusimama kwa kiti cha councilor kwa uchaguzi mkuu ujao. Kuhusu Katiba ambayo tunashughulikia kwa sasa, Katiba hatufai sisi wananchi kuhusishwa nayo kwa sababu kamwe hatujawai somewa Katiba tuweze kujua inasema aje ile iliyo andikwa na wazungu wa Lancaster House ambao tunaambiwa na televisheni kila siku. So ningemtaka rais Moi, munamo tarehe moja mwezi June mwezi ujao, aweze kusimama uwanjani atusomee Katiba iliyo andikwa na wazungu hasa tusikie inasema aje ili tuweze kutoa maoni yetu. Hiyo ni moja kwanza. Ya pili, iwapo mumetumwa na serikali muchukue maoni ya Katiba, ningetaka mufikishe jambo hili na ndio muhumu kwa wakenya kwanza. Kuna chanzo cha wakenya kulia kuhusu Katiba, hiyo chanzo rais Moi akubali kuita wale wote ambao wanataka kuwania kiti cha rais ili wawekwe uwanjani moja, kila mtu atoe maoni yake, vile anaweza shughulikia raia. Wote wakiwa kama ni watu kumi, yule ambayo atapendwa na raia kabisa kuhusu hiyo maoni, basi mimi ningemtaka rais Moi akubali yule mtu aheshimiwe na awe rais kuanzia dakika hiyo na sheria ipitishwe namna hiyo. Kwa sababu tukifuata maneno za kadi ya kura, hiyo hakuna kamwe siku tutapata kiongozi maalum.

Ya tatu ningetaka kusema Katiba ya wazungu, kuna ile fununu mimi nimepata kuhusu habari au taarifa ya habari ya siku ambazo zimeisha kama siku tano. Balozi wa wingereza alisema kwa televisheni kote nchini, wakenya wasahau na marekebisho ya Katiba. So hapo kuna siri ambayo imefichwa kuhusu hii Katiba, hata tukizunguka namna gani haita rekebishwa. Kwa hivyo, vile tunatakiwa kufanya raia hawa ili waweze kushiba kwa tumbo zao na watosheleke kwa kazi, hii mambo ya Katiba ifunikwe kabisa iishe na mambo ya upinzani iishe ni kupata kiongozi tu ambaye anawalilia masilahi yao na hii itatokana kama rais Moi atawaita wale wote wanaojigamba watawania kiti cha rais watoe maoni yao raia iwakubali, yule ambaye atakubaliwa. Kila mtu atoe maoni tano ambayo yatakuwa ni ya kulilia raia na raia wote wapigie makofi yule ambaye atatoa maoni tano ile ambaye inashughulikia raia, na mimi nitwe niwe pale.

**Prof: Idha Salim:** Asante sana bwana Hassan Mbugua.

**Interjection:** Inaudible

**Hassan Ngugi:** Balozi wa wingereza aliletewa taarifa yake hivi majuzi.

**Speaker:** Yeye ni nani?

**Hassan Ngugi:** Sikumshika jina lake but .....

**Interjection:** Inaudible

**Hassan Ngugi:** Unona kama inawezekana? (laughter)

**Prof: Idha Salim:** Asante. Charles Githunguri.

**Charles Githunguri:** Ningetaka kuongea kuhusu poverty in Kenya. Jambo ningetaka kugusia sana ni economy protection and improvement by the Constitution. Pia kitu ingene ninaweza kugusia ni about the duration of the president, MPs and the councilors. Kwa upande wa president ningetaka Constitution ya Kenya kama mtu anataka kugombea kiti chochote awe huru kusimama bila kusimamiwa na chama chochote. Kama vile ni mtu wa kanisa, awe huru kusimama ili kuwe na neutral government, mtu ambaye hana chama chochote.

Pia upande wa hii economy protection, ningetaka kama ni serikali, iache kusema Kenya iko masikini, kwa sababu Kenya sio masikini but it is a development country with enough resources to cater for its citizens. Na nikisema hivyo ninasema sababu economy ya Kenya inaweza kuwa improved kama wakulima kama ni wamaziwa, kama tuseme tuko na COMESA, that is a free

market area, kwa hivyo katika Kenya, Uganda na Tanzania iko soko huru ya kuuza vitu. Lakini tukiingia kama hapa Kenya, mkulima anasawishiwa kulima na kuweka ng'ombe na maziwa lakini inawekwa restrictions, kwa hivyo Kenya within ourselves there are restrictions.

**Prof: Idha Salim:** Tufanye kitu gani?

**Charles Githunguri:** Kile kiko, sisi hapa Kenya, kuuzia Kenya mkulima kama ni maziwa amenunua, asiwekewe restrictions, akitaka kutoa maziwa yake huko Naro Moru, anaileta hapa Nairobi, he gets barriers of police on the road, anauza bila sheria yeyote bora tu iwe na sheria ya afya. Kwa upande wa economy, kama ni serikali iwache kutuambia hakuna..., hii Constitutional review, kama hakuna pesa, hiyo pesa iwache kufanya mambo ambayo haina maana kwa wakenya. Kama tuseme ni kununua hii magari ya bei ghali hiyo iondolewe, kama ni watu kama nyinyi mumekuja hapa, musikuje na Pajeros, kama nyote munaweza toshea kwa Nissan moja, Nissan inaleta watu, hiyo pesa inaenda pahali pengine. Sababu kama ile magari inaenda pale, mbili inaweza kubeba watu wote, hiyo ingine iwekwe kando, economy ya Kenya iwe mzuri. Ninawashukuru sana.

**Prof: Idha Salim:** Asante bwana Charles Githunguri, Thuo Gumbo.

**Thuo Gumbo:** Nimeshukuru kupata nafasi hii na ya kwanza nitasema ya kwamba wakati mwingeni muliposema mutakuja upande ule mwingine nilijitayarisha, upande ile ya Githurai 45, lakini kuliwa na mvua kubwa sana ninafikiri ndio hamkuweza kuja. It wa civic education. Kwanza kabisa ninasema Constitution ambayo tuko naye, sisemi ya kwamba haistahili kurekebishwa lakini tuko na Constitution ambayo inasema, 'mwizi akiiba kuku afungwe'. But what we have been seeing is that we have a Constitution which is adequate but in recent years we have been seeing what we call 'total resting' in parts of our country which has not or has never been catered by a Constitution or kind of law. So what I have been saying is we have a Constitution which has not been adhered to by our country, one of the recommendations that I would like you people to take into account is to grow a Constitution which will make every Kenyan liable to it, that is, if a Marakwet steals a cow, the law takes its course, and he is subjected to what is called law enforcement. Tusiwe ni ya Katiba ambao ni ya central Kenya, or Mount Kenya region, tuwe na Constitution ambayo ni ya nchi yote.

Ya pili, ni ya kwamba, tuko na watu ambao wameongoza nchi hii na inaonekana ya kwamba wao wenyewe hawajasoma Constitution, it should be made mandatory for anybody who tends to lead people who are subjected to read and understand what it involves. Example, we have an economy which has deteriorated so much and yet we talk about job creation, where we have actually succeeded in exporting every job opportunity in our country, in agriculture we import rice from Pakistan.....

**Prof: Idha Salim:** Just give us the proposal please, we have no time, you have already been told your time is up, we need the

proposals quickly. We know what the economic, political and social problems are, tell us the solutions in your view.

**Thuo Gumbo:** The solution is, in our Constitution we should put into place an education system whereby people will be educated to about know their needs and how to achieve them, like in employment, health and economy. I think much of what I wanted to say is about lack of ability by our Constitution. Like for example the Constitution does not guarantee a good way of creating employment.

**Speaker:** What is a good way?

**Thuo Gumbo:** A good way of creating employment is, one, subsidising our produce, farmers should be given subsidies to their produce. Education should be made in a way people will actually learn how to provide the utilities from the beginning, from the early stages to know what they need and how to provide the utilities. I think these two are good points.

**Interjection:** Inaudible

**Thuo Gumbo:** The content of education, for example, if you happen to ask a young... Content of education is inadequate, they don't understand what brought in in your body, parts in your body, how they would destroy or how they will form.

**Prof: Idha Salim:** Thank you very much bwana Thuo Gumbo. Lawrence Ochoo.

**Lawrence Ochoo:** I have three main areas I would want to present my proposals; these are the leadership, security and the management of the national resources. Leadership, the Constitution is giving the people very little power.

**Interjection:** Inaudible.

**Lawrence Ochoo:** Fine. I would propose that the Constitution be written such that the people should have powers of their elected MPs and the president where they can at least petition a body to be moved why their MP removed from parliament before the end of five years if necessary should they feel that it is necessary. The president should be made president who is above the local politics that is we should delink politics from the local activities such like appointments of the cabinets, appointments of the directors and managers and all these companies should not be done by the president. We should have a body formed, a council kind of, that will deal with appointments so that the president can just remain a part of the country and linking the country with other countries, so he should not be participating in these local things.

**Interjection:** Inaudible

**Lawrence Ochoo:** He would maybe discuss and appoint. The election of the president should be by majority vote and by majority constituencies that is to ensure that the president will be really elected by the majority constituencies within the country.

**Prof: Idha Salim:** How many?

**Lawrence Ochoo:** Where majority, it should be over 50% of the constituencies that we have that is in addition to the majority votes that the president will get. Now security, we should delink security from the political way, that is there should also be a body that should be appointing and supervising or simply supervising the security forces of this country. This will at least delink security matters from the politics. Any body similar to the one proposed in the past like a council kind of, formulation of a body that should be left now to you people to decide on what this body can be called.

Management of resources. There should also have a body that can be managing our resources so that the resources of this country are not managed by the government. So the government can also present its budget to the parliament approved and then they can get funds from the body managing these resources. This at least will be able to insure that the activities of the country are managed without the interference of the government and therefore even if you have political disputes, then this body, the one that will be managing all these things.

Checks and balances. We realize that not only the leaders of this country should be checked, even the citizens themselves for the purpose of ensuring balanced system. That is for example, if we have those in high positions, they should be checked to ensure that they don't overstay in offices because of lack of employment now, at least somebody like a director or manager should at least have a limited term of office and can only overstay or his term can be extended by the approval parliament if possible. Now checks and balances between the rich and the poor because of so many Pajeros and vehicles which are not controlled, we expect at least some control, let's say somebody should not own more than one Pajero within a period of ten years, it can only be allowed by parliament if at least he can show proof that he has put in place certain kinds of investment which other citizens can also benefit from in terms of job opportunities but otherwise just buying for less and so on should be controlled. That is all please.

**Prof: Idha Salim:** Thank you bwana Lawrence Ochoo, Geoffrey Ngugi.

**Geoffrey Ngugi:** I want to thank you for coming to Githurai. I want to be straight to the point. I want us having a coalition government where even the opposition MPs can participate in the government. I also request you that the civic education should be a continuous process. I also request you that we revive the polytechnics in rural areas so that even those people who are out there can be getting jobs after maybe training. I also want to ask you that we may scrap the provincial administration because of late we have some clashing of responsibility of the members of parliament and even the provincial administration. So

I request you that we scrap the provincial administration.

The members of parliament should be empowered to be in charge in these divisions of within the district. I also request you that we change the education system to the old system. 8-4-4 system of late is proving to be irrelevant, people are not getting jobs, people are going out of the country, so I request that we may have the old system (7-2-3). I also request the president should not be involved some trivial matters at the village levels, he should be participating in the national with international community so that the members of parliament can be seen as working. I also would like that after elections, let us not be having political rallies, people should forget about campaigning and should start working for the development of the area. Thank you.

**Com. Adagala:** You know Geoffrey, you are saying that you are asking us, for us you have to tell us, you are the one telling us, we chair so that you can tell us not that you can ask us. It is not a request, it is a proposal. Now coalition government you have said that there are members of different parties in government, I think IPPG did that, that is why NDP was able to sit in cabinet.

Geoffrey Ngugi: What about the other parties?

**Com. Adagala:** But when you are a coalition government does 'nt mean that all the parties are there, it means parties campaign with each other, it doesn 't mean all parties are there.

**Geoffrey Ngugi:** We should have the official parties should maybe two ministers, all the parties should be represented in the government.

**Com. Adagala:** All parties, all 48.

**Geoffrey Ngugi:** Those parties with members of parliament.

**Prof: Idha Salim:** Thank you. Samuel Kang'ethe.

**Samuel Kang'ethe:** Ningetaka tu kugusia maneno matatu. Proposal ya kwanza ni mambo ya police brutality. Policemen should stick to the work they were trained for. Ya pili rapist to be taken serious legal action if possible life sentence or death penalty, kama ni kitu pengine imefanyika kitu serious sana pengine amepatiana ugonjwa. Ya tatu, wanawake kuvaa nguo mzuri, tumekuwa tukiona wasichana wanavaa nguo zingine mbaya mbaya hivi, fupi, kitu kama hiyo.

**Com. Adagala:** Kama mbaya ni nini?

**Samuel Kang'ethe:** Tuseme nguo fupi sana pengine unaona ina aibu to avoid rape.

**Interjection:** Inaudible

Samuel Kang'the: Ndio, kuna mtu anaweza ona mtu amedress vibaya, anashikwa na mambo mabaya anafikiria hayo maneno. Watu tumeumbwa different.

Ya mwisho, federalism to be introduced in Kenya so that the government will share state fund equally.

**Prof: Idha Salim:** Thank you very much Samuel Kang'ethe. Stephen Musyoki.

**Stephen Musyoki:** Nitaongea juu ya magereza, mashamba na uongozi, mambo matatu. Kwanza ninaanza na magereza. Wakati tunafungwa katika magereza, tunaona kuna tofauti kubwa sana. Pendekezo langu ni kwamba mtu akifungua, hata familia yake huwa imefungwa. Huyu mtu akishafungwa family yake iwe free kumtembelea na kumuona, wasiwe wakizuiwa ati hawawezi kumuona na hata ikiwezekana iwe na ka room, anaingia anaongea na watu wake vizuri hata wanahadiana yeye amekaa na vile wanaishi nyumbani halafu wakirudi wanarudi wakiwa na moyo safi. Pili, wengine wanagonjekea huko lakini hawapewi dawa. Ningependekeza mtu akiwa kule, aangaliwe kama mwanadamu kwa sababu kama wabunge hawa wakifungwa kila dakika daktari ako hapo , lakini mtu raia kama mimi nikifungua serikali haishuguliki na mimi. Hiyo ninaona kama upande wetu tunanyanyaswa zaidi.

Mashamba. Sehemu nyingi katika nchi yetu, hatuna title deeds, tunakaa kama squatters lakini unasema hapa ni kwangu. Ningependekeza serikali sehemu nyingi watu wapewe titles, ili mtu amiliki ile ardhi kama ni yake. Unaona kama upande wa Eastern, wengi hawana titles, ni ukweli hawana hata moja, lakini pendekezo letu lilikuwa tupewe titles ili mtu mahali amekaa awe akijua ya kwamba hapo ni kwake na hawezi akafukuzwa. Pendekezo lingine, serikali imetupatia ..... tatu nchini ati hiyo ndio ardhi ambayo imepewa, halafu kwanzia ..... tatu kuenda huko chini kabisa inakuwa ni sehemu ya serikali ambapo madini ikipatikana chini pale hauwezi ukafaidika wewe. Pendekezo nilikuwa ninataka hivi, serikali ikikuuzia hapo na imekupatia title na imekuambia ni kwako, ikupatie hapo mpaka mahali maji imefikia chini ili ile mali yote itapatikana hapo ikusaidie wewe hata ingawa watatoa ushuru wao.

**Prof: Idha Salim:** Ungetaka madini iwe ni mali ya nani?

**Stephen Musyoki:** Madini itakuwa ni mali ya serikali, lakini ikiwa ndani yake, unajua kama saa hii, hapa pakipatikana madini sisi wote tunatolewa hapa, halafu hiyo inabaki kama ni ya serikali hata wewe ambao ulikuwa hapo umechung hiyo area isiharibike, hakuna kitu utupewa. Kwa hivyo pendekezo yangu ilikuwa, ile kitu itapatikana hapo, mugawane na serikali kwa sababu pengine hautakuwa na uwezo wa kuchimba.

Tatu, nilikuwa na pendekezo, kama ingewezekana, wabunge wachaguliwe kwanza. Halafu baada ya wabunge kuchaguliwa, kurudi sasa mapresident wapigiwe kura. Wasichanganye wabunge na president kwa wakati moja ili tuwe na nafasi ya kuchagua mtu moja kwanza bila kupigishwa vichwa hapo huyu ni president huyu ni nani, tuwe tukichagua mtu moja kwa moja. Kwanza tuchague mabunge tujue hawa wameingia, halafu tuchague president. Councilors hawa wanaweza kuchaguliwa pamoja na wabunge, lakini president ndio ule mtu wa maana zaidi. Tuangalie ili ndio tuweze kuchagua kiongozi, unajua tukichagua president hawa wengine, si unaona kama sasa Kenya tuko na Moi, lakini anatutawala kwa sababu tulimchagua na wale wengine, hata zikiibiwa hatuwezi jua.

Jambo lingine ya mwisho ni ministers, wanamamlaka kubwa zaidi. Minister ana mamlaka kushinda judge akifanya mathambi kule, akipelekewa judge, judge hawezi akahukumu kwa sababu ya kumuogopa.

**Prof: Idha Salim:** Pendekezo?

**Stephen Musyoki:** Pendekezo, ni majudge wapewe uhuru wao, na wasikuwe wakifanya hukumu wakiongojea ati fulani aseme, fulani hukumu yeye namna hii, wahukumu kulingana vile wamesoma. Asante.

**Prof: Idha Salim:** Asante bwana Stephen Musyoki. Rogers Nyaigoti.

**Rogers Nyaigoti:** Asante sana. Niko na machache tu ninataka kupendekeza. Jambo la kwanza, nitaanza kuo au kuloewa. Pendekezo ningependa ama ningetaka kuwa mwanamke anapolewa au mwanaume anapooa hii anapata iwe ni lazima anapata cheti kutoka kwa serikali, iwe ni lazima katika nchi yetu yote. Pili, hospitali, ningependekeza katika kila siptali mgonjwa anapopelekwa....

**Interjection:** Inaudible

**Rogers Nyaigoti:** Hata ikiwa ndoa ya kienyeji iwe ni lazima apate cheti kutoka kwa serikali. Hospitali, inakuwa ni shida sana mgonjwa akiwa kule kwa hospitali akiwa anaendelea kutibiwa, wengi wao hawaonekani na wenzao. Kwa hivyo pendekezo langu ningependekeza, mtu akiwa hata kama ni tuseme kanapasuliwa, mwenyewe awe akiwa huko anasimama anaona ni nini inaendelea kwa sababu hapo kati kati saa ingine, kunatokea jambo fulani na wewe mwenyewe hujui na unakuta unaambiwa ilikuwa hivi. Hasa ninaongea hivi kwa sababu ilinipata na ndio kwa sababu ninaongea hivyo. Kwa hivyo pendekezo yangu ni mwenyewe awe akisimama mgonjwa awe hali ya hatari ama awe hayuko katika hali ya hatari.

**Prof: Idha Salim:** Nani atakayo simama?

**Rogers Nyaigoti:** Mwenye kupeleka mgonjwa hospitali.

**Prof. Idha Salim:** Na atasaidia namna gani kwa kuwako pale, ikiwa hana maarifa utabibu?

**Rogers Nyaigoti:** Yeye, kazi yake ni ya usadizi kwa sababu nchi yetu hatuna usaidi wa kamili. Daktari ndio hakuwa anafanya kazi, daktari ndio anafanya kazi.

**Interjection:** Inaudible

**Rogers Nyaigoti:** Sasa, umepelekwa katika hospitali, tuseme kama Kenyatta kuna madaktari wako huko, kwa hivyo pendekezo yangu ni mzuri wewe mwenyewe uwe huko ukiona daktari anafanya nini. Hata chochote kila amefanyia mgonjwa wako lakini uwe umeona kila jambo kile amemfanyia.

Jambo lingine ni katika rais kuchaguliwa ama nguvu zile ziko na rais. Mimi ningependekeza ya kwamba rais nguvu zake ama mamlaka yake yapunguzwe katika hali ya kiasi. Nimemaliza jambo hilo. Na wakati tunapofanya elections, ningependekeza ya kwamba wakati wa election ikifika, mahali kituo ile election imefanyiwa, kura zile zihesabiwa kule number tu iwezwe kupelekwa, zitolewe huko zikipelekwa mahali popote, zihesabiwa huko huko.

**Com. Adagala:** Na itangazwe hapo.

Rogers Nyaigoti: Ee, zi hesabiwe huko na kutangazwa hapo watu wakiwa wanaona na ingekuwa mzuri iwe ni wakati wa mchana kwa sababu wakati wa usiku imekuwa ni mambo mengi lakini hapo itaangaliwa. Na street boys, ninamalizia.

**Com. Tobiko:** What about street girls?

**Rogers Nyaigoti:** Boys ndio inajulikana sana ikiwa girls watakuwa, watakuwa ndani. Street children, wacha niseme hivyo ndio tuelewane. Ningependekeza serikali ifanye jambo la muhimu sana ili watu hawa kwa sababu ni binadamu na wanapatikana katika nchi ya Kenya, wasiwe wanaangaliwa katika kwa barabara lakini wapatiwe mahali kwa sababu kuna mahali kwingi tukonayo katika nchi yetu ya Kenya hawa watoto wanaweza kupelekwa na wakakuwe what, na wakaweze kuwa watu wa kuongoza nchi yetu au kurithi nchi yetu.

**Interjection:** Inaudible

**Rogers Nyigoti:** Nimesema tuko na shamba nyingi katika nchi yetu, tuseme kama hapa wanasema msitu, wanaweza chukuliwa mahali hapa ikichukuliwa 50,000 acres inatosha street children wale wako Kenya yetu. Asante.

**Prof: Idha Salim:** Asante bwana Rogers Nyaigoti, David Gadie.

**David Gadie:** Asante sana. Mimi pendekezo langu katika Katiba yetu ya Kenya, kwanza ninaanza na neno rais. Katika Katiba yetu ya Kenya ningependelea rais asiwe na mamlaka juu ili kufikia kwamba jambo lolote likitendeka inakuwa ni kwamba haliwezi likathibitishwa ama haliwezi likazungumzwa kwa vile yeye ana mamlaka zaidi ya kwamba ukilitaja utaweza kuchukuliwa hatua.

Ya pili, ni jambo kuhusu trespass. Hii jambo la trespass hapa kwetu Kenya tulielezwa kwamba limetolewa lakini linaonekana bado linaendelea, mfano ni kwamba, unaweza kwenda kupita mahali, juzi rafiki yangu last week alipitia Muthurwa akitoka kazini, pale kupasua kati kati ili iyo ni njia ya mkato aweze kwenda nyumbani, walinaswa wakashikwa na kushtakiwa. Na hii ni njia fupi ambayo mtu ametoka kazini amechoka apite afike nyumbani badala ya kuzunguka upande ule mwingine pengine hana pesa za kupanda gari. Ninapendekeza kwa jambo hilo hii neno la trespass liondelewe.

**Prof: Idha Salim:** Kutoka wapi?

**David Gadie:** Hapa nchini Kenya.

**Prof: Idha Salim:** Yaani ninasema kwamba ile kanuni ya trespass iondelewe.

**David Gadie:** Kanuni ya trespass iondelewe kabisa na itupwe mbali kwa sababu hii ni free country Kenya, tutembe vile tunavyopenda. Jambo la tatu, ni upande wa police force. Police force ni kwamba unaweza kuta mtu ameumia ama ameumizwa na wenzake, pengine amekatwa na panga ama amedungwa na kisu, anapofika kule katika polisi, kwenda kuchukua hiyo police P3, wakati huyu daktari wa polisi surgeon akishamaliza uchunguzi wake na matibabu yake kwa yule mtu, anaporudisha ile P3, pale ambapo pana stahili ili ndio hatua ichukuliwe kwa yule mwenye kutenda kosa hilo, inaonekana kwamba unaulizwa kwamba mshahidi wako yuko wapi? Na itawezekanaje ikiwa polisi surgeon ameweka, amethibitisha ya kwamba huyu mtu ameumia amendungwa na kisu ama amekatwa na panga vibaya sana, na huku bado unaulizwa mshahidi wako yuko wapi. Utakuta mtu kama huyu anatupwa na kesi yake inapotea. Jambo hili linatakikana litoke na liandikwe katika Katiba ya Kenya.

**Interjection:** Inaudible

**David Gadie:** Mimi ninapendekeza ya kwamba wawe wanasisitiza ya kwamba lazima kuwa na mshahidi ule ambaye aliona ukifanyiwa kitendo hicho mimi ninaonelea police surgeon ametosha tayari ameshathibitisha wewe umeumia, yule mtu achukuliwe hatua. Sio lazima kuwe na shahidi pale kwa sababu this surgeon ameshapitia kwako na akaona vile umeumia, hiyo mambo inafaa kurekebishwe. Wale ambao wanaekwa katika cell hiyo, wasirundikwe kama wanyama, wawe watu kama watu binadam na wapewe mahitaji yao kama binadam, unaweza kuta mtu ako cell na ako mgonjwa na hawajali mambo yake. Saa hizo hizo

atolewe na apelekwe hospitali ama ikiwa anahitaji kinywaji fulani pengine ameandikiwa na daktari, apewe haraka iwezekanavo kwa sababu hiyo inaweza msababisha maafa na bado hajafika hata kotini.

**Interjection:** Inaudible

**Daniel Gadie:** Kabla ya kwenda kotini haitakikani mtu akae zaidi ya siku moja, siku ya kwanza, ya pili aende kotini, 48 hours is enough. Kwa sababu ninaketi kule na bado ninaumia na kunyanyaswa. Asanteni.

**Interjection:** Inaudible

**Daniel Gadie:** Ushahidi, kuna wakati ambapo mshahidi akisikia mambo yamemzidia, anakuhepa, hawezi akaja akasimama kwa ushahidi wako, anaogopa anaona kwamba atakuja kusimama pale halafu pia na yeye awekwe ndani. So police surgeon akisha maliza ile kazi yake ya kuangalia vile uliumia, ni tayari huyu mtu awe convicted.

**Interjection:** Inaudible

**Daniel Gadie:** Pale unajua uchunguzi lazima ufanywe ndugu yangu.

**Prof: Idha Salim:** Asante bwana David Gadie. John Mwangi.

**John Mwangi:** Kwa majina yangu ni Pastor John Mwangi mimi ni mkaaji wa hapa Githura, pastor wa Holy Redeemer Church. Nina haya ya kupendekeza katika tume ya marekebisho moja wapo nitajaribu kwenda kwa haraka kidogo, moja wapo ikiwa ni department ya immigration. Department ya immigration inaruhusu watu wengi kutoka nje ambao kwa jina wanaitwa expatriates na hawa watu wanakuwa saa zingine hawajafuzu katika zile kazi unakuta wanakuja kujifunzia kazi hapa na tuko na kalkana zetu hapa kama polytechnics ambazo zinafanya hizi kazi na zinafanya kazi vizuri. Hawa watu wakija kama expatriates wanakuja wanapewa mishahara minono kabisa ambapo hizi pesa hazisaidii nchi wala hawa watu hawajafuzu. Pendekezo ni kwamba tuweze kutumia rasilimali zetu ambazo tuko nazo na pia kutumia wale watu ambao wamefuzu katika vyoo vietu kuweza kufanya zile kazi. Jambo la pili ni watu wetu kunyimwa haki za kufunya kazi nje ya nchi yetu kwamba ningependekeza ya kwamba kama mtu anaweza kuthibitisha ya kwamba ameitiwa kazi mahali fulani ndiko anapaswa kwenda kufanya kazi, Katiba yetu iwe inaruhusu yule mtu kwenda kufanya kazi nje kwamba immigration department haitaweza kumzuia kwenda kufanya kazi nje kwa sababu tuna uhaba wa kazi.

Jambo la tatu ni kuhusu wanasiasa. Wanasiasa wengi ambao tuko na wao ni watu ambao huwa wana group, mtu anajieka kwa kikundi fulani anapoona kwamba ameungwa mkono na wale watu wanampeleka mbele kwamba kila mtu ambaye anapaswa kuchaguliwa kuongoza umma, kwanza achunguzwe na aonekane ya kwamba he is corruption free ili akaweze kuongoza umma

katika ofisi ile ambao anaweza kupelekwa kule kwa sababu tunao watu wengi ambao wameshikilia nyathifa za umma na wengi wao ni corrupt.

**Prof: Idha Salim:** Ni nani ambaye atafanyia uchunguzi watu hawa.

**John Mwangi:** Serikali iweze kufanya uchunguzi kuhusu huyu mtu ambaye anakuja kusimama. Nikienda kumaliza ni kwamba kuna hiki kifungu ambacho kimeonekana hakiko katika Constitution ambacho ni cha retrenchment. Katika Katiba yetu ambayo tumekuwa nayo haijielezea kuhusu retrenchment na kwa hivyo watu waliokuwa wamekuwa retrenched. Walipoenda katika koti kudai haki zao walielezwa ya kwamba wali retrenchiwa, na kwa hivyo Constitution haija onyesha ya kwamba waki retrenchiwa watafanya nini kwa sababu haiko katika Constitution. Nikimalizia pia ningetaka ya kwamba mtu anapokuwa retrenched awe analipwa pesa ambazo zinaweza kutosha, yaani kuenda nyumbani na aweze kulipwa hapo, asiwekewe kwa sababu unakuta ya kwamba mtu amefanyia kazi serikali hatimaye anapatiwa only 40,000/-.

Nikienda kumaliza ni kuhusu refugees. Tuko na refugees wengi katika nchi yetu na unakuta ya kwamba hakuna sheria ambayo ina govern hawa refugees wanapokuja yaani kunakuwa hakuna control. Ningeomba ya kwamba tuwe na control katika wale refugees ambao wanakuja na wale refugees ambaye wanaweza kukuja na kutumika katika serikali yetu wakasaidie, waweze kupewa nafasi ya kufanya hivyo badala ya kuwekwa kwa kambi. Mwisho kabisa ni kuhusu yaliyotajwa, mavazi ya wanawake kwa sababu bibilia kuna mahali inasema ya kwamba Daudi akaona mwanamuke akiwa uchi kisha akamtamani na akaingia katika ile dhambi ya zinaa. Wanawake wetu wanavalia mavazi ambayo yanaleta hisia za kushikwa kwa nguvu na hii inaonekana imetokana na wao wanawake wenyewe. Kwa hivyo ningependekeza ya kwamba wanawake waweze kuvalia mavazi ambayo haiwezi kuwaletea wanaume ile tamaa kwamba wataweza kuwashika kwa nguvu. Nikimalizia kabisa

**Com. Adagala:** Daudi mwenyewe alicheza mpaka akabaki uchi

**John Mwangi:** Alicheza mpaka akabaki uchi lakini kuna wakati alipoenda akamtazama mwanamke alipoona uchi wake basi alichezewa.

**Prof: Idha Salim** Asante sana.

**John Mwangi:** Mtaniruhusu kumaliza na hii. Kuhusu traffic rules, kuna vifo vingi ambavyo vimetokana na zile magari zimesimama kwa barabara ile gari inawachwa kwa barabara na gari ingeine inakuja nyuma yake. Pendekezo ni kwamba kuwe kama ni Thika Road, kuwe kuna breakdown ambazo zina serve ya kwamba kila gari inaposhindwa, kutembea kwa barabara na haiwezi kuondoka kando kwa hiari, ikaweze kuchukuliwa na kuondolewa wakati huo, yaani ili kuzuia maafa. Asante.

**Com. Adagala:** Breakdown za nani?

**John Mwangi:** Kuwe kuna breakdown ambazo zinaweza kuwa controlled na serikali kwa sababu zile tuko nazo nyingi ni za traffic officers

**Prof: Idha Salim** Asante sana Pastor John Mwangi. Lawrence Alaro.

**Lawrence Alaro:** Mine is very brief recommendation and I feel this is the way forward. On education issue, if it possible I will recommend that primary education be absolutely free and compulsory, that means that you have to take your kid to primary, you like it or you don't. On secondary issue, I will recommend that instead of having HELB, let us have ordinary education loans board to finance the secondary education and let the universities be left for those who can pay. On health issues, I feel that it is a way forward to have young persons under the age of 15 that ..... (inaudible) services. At the same time on health issues, I believe and I recommend that the government should subsidise the price of drugs in this nation, this is happening in Europe, why not in Kenya, you find a drug in Kenya is costing 3,000/0- whereas in Europe is costing 900/- Kshs. equivalent and on the same issue on health services, I prefer and recommend that the government should take care of this idea of prevention is better than cure by empowering the public health services more than its strength on building more hospitals and what have you. So I believe it should empower the public health services in Kenya.

Towards my almost last recommendation, on agriculture. I believe the way forward in Kenya is to have a green evolution, they don't need green evolution, you may not understand that at the moment, but we believe that Kenya and any other country in Africa which was there in 1950, reasons are situations where food was produced en mass in all lands, you produce food en mass to feed you people whichever falls, that if you are not utilizing your land, then you are forced or the land is taken away from you.

On legislation, I recommend that the electorate should be given a Constitution which is empowering them to remove inactive politicians not waiting for five years. On security issues, this is very controversial but I believe Kenyans have been exploited because of their fear. The fear is that use of guns. So my recommendation is that all Kenyans after form four should at least undergo a military training, funded where the military training, you cannot just come with one gun and try to scare people away and everybody runs away. If all Kenyans undergo a military training, after form four, everybody will be a security officer on the fall. Thank you for that.

**Prof: Idha Salim:** Thank you bwana Lawrence Alaro for your views. Prof. W. N. Gisesa.

**Prof. Gisesa:** I am very happy to see you today. Mimi ni mwalimu wa university. What I will do, I will not give anything here, I will give a document tomorrow, there are twelve points, I will push it to Friday. Nimesomesha university so I have nothing to say.

**Prof. Idha Salim:** Thank you very much professor. Jackson Chemorion.

**Jackson Chemorion:** Mapendekezo yangu kuhusu utawala wa rais. Pendekezo yangu ama maoni yangu ningechangia hivi; utawala wa rais. Pendekezo yangu ni upande wa rais ana mamlaka mengi ama utawala ya juu. Mamlaka zote wangepunguza kwa sababu ukiona upande wa university, yeye ni kama chancellor.

**Com. Adagala:** Sema ile unataka ipunguzwe.

**Jackson Chemorion:** Ipunguzwe. Inginge ikiwa kama utawala yake haifai kwa wananchi, ingeundwa Katiba ambayo raia wapige kura kupinga yeye asiendeleo kutawala. Pendekezo ya pili ni upande wa machief. Unajua huko nyumbani machief wamenyanyasa raia kwa sababu hii sheria iliundwa wakati wa ukoloni. Pendekezo langu ni hii sheria ya machief ya kulazimisha raia kushika kuku na vitu vingine wangeondoa. Pendekezo yangu ya mwisho ni upande wa forest. Mimi mahali nimetoka natoka upande wa Mt. Elgon na 1972, kuna wadorobo walioshi kwa hiyo mlima lakini serikali ilipendekeza ya kwamba hiyo forest wangepunguza mashamba. Lakini walipogagiwa mashamba mpaka wa leo hakuna sheria iliyo pitishwa ya kwamba hawa watu wamepatiwa makao, hata mpaka wa leo hawana title deed. Pendekezo yangu hawa watu wangewasaidia.

**Com. Adagala:** Wasaidiwe na nini?

**Jackson Chemorion:** Kupata title deed. Ni hayo tu.

**Prof. Idha Salim:** Asante sana bwana Jackson Chemorion na Jackson ni kwa hakika ni wa mwisho kwa wananchi waliojiandikisha hivili leo kutaka kutoa maoni yao. Kwa hivyo tumefikilia mwisho wa kikao chetu hichi, tungependa kumaliza kwa kuwashukuru nyote ambao mumejika hapa kutoa maoni yenyu na wote wale ambao wamekaa tu kusikiliza pia bila shaka wamefaidika na sisi tumefurahi kuwa nao. Labda mungejuliza sasa baada ya kutoa maoni, kutatokea kitu gani, kwa wale ambao hawajui litatokea kitu gani twakuambia kwamba sisi tukiwa wanatume, tunakusanya maoni kama haya kila eneo la Kenya katika kila constituency na kila constituency tutakua na vikao viwili, hapa tunakikao hapa leo na kesho kutakua na kikao kutakuwa na kikao chengine. Na wenzetu Commissioners hivi sasa pia wanashughulika kukusanya maoni kwingine, ikisha kukusanywa tutakaa kule ofisini kwetu tuna wataalamu ambao wanahusika ya kutoa maoni haya kwa njia ya kisayansi na hapo tutajadiliana na tutaandika muswada or draft ya Katiba mpya.

Katiba hiyo mpya ambayo tutaoandika haitakuwa ni kanuni moja kwa moja, la, itarudishwa kwa wananchi kujadiliana juu yake, kuisoma kupata maelezo juu yake na wao pia kutujibu au kutupa maoni yao juu ya hiyo Katiba tulioandika, ile proposal yetu ya Katiba. Na huenda tukabadilishwa tena kufuatiwa ya maoni ya wananchi juu ya draft Constitution yetu, pia kutakuwa na mkutano mkubwa wa zaidi wa watu mia sita, kukiwemo wabunge wote, commissioners wote, waakilishi wa kila district ya

Kenya watatu, waakilishi wa kina mama, waakilishi wa dini na kadhilika, jumla kiasi ya mia sita na hamsini hivi. Hawa pia watakaa na kujadiliana juu ya Draft Constitution na report yetu, watizame vizuri, watoe maoni yao juu yake na ikiwa kuna maoni ambayo wamekubaliana kwamba yabadilishwe, Katiba pia hiyo draft itabadilishwa tena, kufuatia mapendekezo ya mkutano huu, National Conference juu ya Katiba. Ikiwa wamekubaliana juu yake, Katiba hiyo katika huu mkutano mkubwa, Draft Constitution itapelekwa bungeni na bunge ikishapitisha ndiye itakuwa Katiba yetu mpya. Na ikiwa katika mkutano huu mkubwa kutakuwa na mambo fulani ambayo wale waliohudhuria na kujidaliana katika mkutano huo hawakuweza kuafikiana, au kupata juu yake, wajua binadamu ni wengi si saa zote watu kukubaliana, huenda vitu vichache wakawa hawakueza kupatana juu yake. Mambo hayo yapelekwe kwa wananchi wote nchini kwa njia ya referendum, referendum ninafikiri munafahamu ni kitu gani, wananchi wataulizwa, je munafikiri maoni yenyu ni nini juu ya mambo hayo kumi yafuatayo, mwataka hivi au vile. Wananchi watatoa maoni yao na kasha matokeo ya hiyo referendum yatatumiwa kuibadilisha tena Katiba kufuata maoni ya wananchi. Na kwa njia hiyo kwa hivyo Katiba ya mwisho ambayo itapelekwa bungeni itakuwa ni Katiba ambayo itafuatiwa kabisa maoni ya wananchi. Na hapo wakishachukua maoni ya wananchi kwa njia ya referendum, tutaandika ile draft ya mwisho itapelekwa bungeni na bunge itajadiliana na kuipitisha na wakisha kuipitisha ndio itakao kuwa Katiba yetu mpya. Kwa hivyo mwaona kwamba kazi inaendelea na tutaendelea nayo na tuna mpango wetu ambao tunafwata na bila shaka kwa msaada wenyu na nyinyi kushirikiana na sisi tunafikia mwisho wa safari hii ya kurekebisha Katiba.

Kwa hivyo sina mengine ila kwa niaba ya wenzangu hapa Commissioner Kavetsa Adagala na Commissioner Tobiko na officers wetu waliokuwa wamekaa pale with a lot of patience noting down your views, munaona kwamba kila oni muliyetoa na pendekezo tumeliandika na pia tumelinasa katika tapes kuhakikisha kwamba hakuna maoni ambayo itapotea ama yametolewa hapa bure bila ya kuzingatiwa na kusikizwa. Na kama ambavyo ni ada yetu, tunafungua mkutano kwa maombi na tunafunga kwa maombi. Kwa hivyo tungependa labda pastor aje hapa mbele.

**Interjection:** Inaudible

**Prof: Idha Salim:** For the simple reason that all those who wanted to give views we have already listen to them and registered them.

**Interjection:** Inaudible

**Prof: Idha Salim:** When did you go there?

**Interjection:** Inaudible

**Prof: Idha Salim:** Two hours ago and did you register your name? You see everyone who registered you know if you have been working with us, you know how we work, we don't just see a hand up and say come and give your views. The list is not

here, if you can tell us what your name is we can check the register or registration and give our views. You have not registered sir.

**Interjection:** Inaudible

**Prof: Idha Salim:** That has not prevented us from registering who are not there but whom we identified and registered and we finished with them. If there is one person and that is the only one I see who has not yet given his views.

**Interjection:** Inaudible.

**Prof: Idha Salim:** Have you registered ladies, I saw you coming in and you just sat down.

**Interjection:** Inaudible

**Prof: Idha Salim:** Do you want to give your views, yourself, or did you just come to listen because there are those who just come to listen and we assume that those who did not come forward, whom we have seen throughout the day, they are just listening. Please let us have order, we can only proceed if there is order. Therefore can I see the hands of those who want to give views, seven. Or what maybe bwana Wanjohi if you could please ..... the front bench and just note their names and then you can register your name there. Please don't forget to register after you give your views.

**Pastor Simon Kihio:** So how many minutes do I have please, five minutes I will try to do my best. I am a graduate but without a job but I am not preaching because I have no job but I need a job from the Kenya government. One of the recommendations I am making is that there have in Kenya so many commissions of inquiries, like the Ouko Commission, the Devil Worship Commission, many commissions and with all these commissions we want a public report on all them after they come out. They are not just to be taken to State House and that is the end of them and they are told to rest in peace. The next thing is that the CKRC should be a continuous thing, what you are doing should be continuous because we respect social economic transitions to be taking place from time to time and this will call in for amendments in the Constitution. So believe me within the next fifty years or twenty Kenya should be on the streets again saying we want this and that changed.

Concerning the ECK, there should be continuous registration and this should also be done at the district level. I have worked a bit with them and I have found that when they want to take everything to be done at Anniversary Towers, the headquarters of Kivuitu, sixth floor, we found there is a problem with the registration process and if there is a problem with the registration process, most of the people have either their names cancelled out by the computers, or people who work under stress. It should be a continuous registration and people are also attaining the age of 18 every other time. At least I will propose that annually there will be a registration of the voters.

**Com. Adagala:** Annually or continuously?

**Simon Kihio:** Continuously but at least annually there must a major registration going on.

**Com. Adagala:** Once a year, annually means once a year.

**Simon Kihio:** Continuously then, every year, throughout the year. There is also the utilization of public utility land. I believe when we call the land public, the land should be used for public utility like building of schools, building of swimming pools, those are social amenities, football fields, etc. most of the land in Kenya has been grabbed or taken in full view of the government officials and the Commissioner of Lands. What I am recommending is that these football fields should be returned, stadium should be established like in Githurai and other places, land should be set aside for swimming pools, basket ball field because our children have no place to go and play over the weekend. What they are left to do is to watch videos from the west which contain a lot of pornography, there are selected ones which are very pornographic destroying our children, teaching them how to fight with guns and steal. No wonder we have all these thieves we have in the streets.

Dressing. When it comes to dressing, especially for our women, surely they leave a lot to be desired. I recommend that Kenya where we are borrowers from everything from money to clothing and everything to what we dress, we need to look at what is called our national dress. At least our men have no problem, but our women they need to look at a special clothing that can be used for them, like the way we have our muslim ladies, we have one of our muslim ladies here and actually that is the best form of clothing that can be here. Otherwise in Kenya we just have women showing us panties, open breasts and all over and they are claiming they .....(inaudible) suits, like me you can see I have no problem. (clapping)

**Com. Adagala:** But they are borrowed from the west.

**Simon Kihio:** Yes, you could also have borrowed from the west or from here or from Nigeria or Uganda but you look decent. You look decent another lady here I may not point could be worse..... But also decent and modest. Let me continue, hey it could be a gender fight.

Hospitalisation. In Kenya, I recommend that the should set aside a consolidated insurance fund which can be gotten in the time may be you have hit and run somebody with your Pajero and then after you have hit somebody, I bypass and find that person groaning in pain and I take that person in my saloon or my taxi and I take him to hospital, Nairobi Hospital, Guru Nanak or MP Shah, I should not be asked for money because I have brought this hit and run girl to the hospital. The government should set a fund should cater for this person who is brought on an emergency, because I don't have the money. Kenyans are driving and living accidents sights sceneries and they move on, and you know the reason why, because they will be asked for money at the hospital. Please consolidated fund, if I meet a hit and run I take him straight away to the hospital, live him there, you know like

the story of a good Samaritan.

The water bill. Kenyans should get free water by the year 2020, but at least if you charge me, I have no problem, farmers should be paid some little money for setting aside a piece of land in their home areas for afforestation. We may not do it here in urban areas, but I recommend they should be paid some money by the government for setting aside. This will change our country environmentally and also economically provide wood or lumbering for furniture, we know the cost of wood in Kenya how it has gone. And this can be done through the department of forestry and the CID, can investigate and know who has planted trees and need to be paid for planting trees in his compound. And the people of Murang'a should be paid first, they have planted *Nadphrames* or '*mikima*' in kikuyu and they have done quite a good job. I have finished my points they were more but I will talk maybe when I meet with you in Mukuru Kayaba or whatever.

**Prof: Idha Salim:** Thank you very much. Mary Wanjiku.

**Mary Wanjiku Manyara:** Habari zenyu. Yangu ninashindwa kuongea kama iko haki na just, mimi ile ningependa sana Commission muangalie ni mtu kama mimi. Mtu kama mimi si mimi pekee yangu siongae kwangu pekee yangu, naongea kwa watu Kenyans. Nataka muangalie hiyo sana. Mimi ni mama ambaye nakaa kwa mkono na mdomo, from hand to mouth, mzungu alinifundisha siku ya koloni mimi ni mzee, lakini nilifanyiwa kinyama moja December ile mwaka wa 1993, kijana yangu alipigwa risasi na askari na akapelekwa city mortuary na hao askari wakaficha waka dodge hivi, na wakadai mimi pesa na wakaniambia watatafuta ule aliyemua wakimpata wataniambia. Na hiyo maneno mpaka wa leo address nimepeana kama hiyo nimewapea sijaona. Kuua namna hiyo kwa mtoto wangu ni meshomesha na hata njia ya kufuata kotini ni baba unangoja. Hiyo muangalia, hiyo inanifanyaga na nilifurahia vile muliangalia. Ingingine kijana yangu pia alikufa hivyo kwa accident, ninafuata ninaambiwa sina gari, sina nini hii. Sasa hiyo road ya gari inaitwa sijui nini, sina licence, sina insurance, hiyo ikapotea hivyo na si mimi Kenya pekee yangu, ni wengi wamefanyiwa maovu, hawana la kufanya, lakini hii Commission muangalie.

Umasikini ni mwingi sana hapa nchi yetu mujue masikini mutatenga wapi na mutafanya nini, na wale watoto wamepita sana na mtihani ambaye wazazi hawana pesa ya kupeleka form one na huko kwingine. Na muangalie masilahi ya wale wagonjwa hawana pesa hospitali, muangalie watoto wamepita ni wa masikini hakuna pesa, wengine kwanza wangu wamepita, hakuna pesa ya kupeleka mbali.

**Prof: Idha Salim:** Mama tunafahamu sana maneno yako, ungetoa pendekezo tuseme kwa upande wa elimu tufanye nini, kwa upande wa matibabu tufanye nini?

Mary Wanjiku: Upande wa elimu, watoto wale wamepita wa masikini kama mimi waangaliwe kama wanaweza kutoa bursary, bursary ikija inapewa wale wengine high class, lakini wangu wanakaa nyumbani. Muangalie kama mutapeleka technology ama kwa training ingene. Halafu twende kwa matibabu, mtu kama mimi ama mwengine ni mgonjwa, hakuna pesa ya kupeleka kwa

hospitali ya juu. Ukipelekwa Kenyatta unaambiwa mama hivi kuenda nunua hii kwa chemist hakuna pesa, utarudi kwa nyumba ukufe na ugonjwa, hata hiyo mazishi hata matanga nani atakuja na wewe ni masikini.

**Prof: Idha Salim:** Ungependa nini lifanywe, matibabu?

Mary Wanjiku: Ningependelea matibabu yawe ya bure na ingine kama ni ya bei iwe ya kuweka roho hiyo inaweza kuwa kwa ajili, kama munaweka roho. Sasa hii ingine mutibu bure.

**Interjection:** Roho ni gani?

**Mary Wanjiku:** Hii ya heart, kama ugonjwa ni ya roho, hiyo ni ile ya pesa mingi, hiyo inaweza kulipishwa labda hiyo haiwezekani bure. lakini malaria, pneumonia mwangalie matibabu tupewe bure na tunaweza kushukuru nyinyi Commission. Na Mungu awabariki wote na sitaki shetani aingilie nyinyi ni pepo ashindwe katika jina la Yesu na tuokoko Kenya yote.

**Prof. Idha Salim:** Asante sansa Mary Wanjiku manyara kwa maoni yako na kwa baraka zako na ombi lako, Mungu atubariki sote na shida kama hizo zako pia zistahishwe, asante. Martha Kotikash.

Marth Kotikash: I have two proposals to make. One is to do with agriculture and agricultural products. I would like to propose that, these parastatals like the sugar authority, like the coffee authority, their headquarters to be set at those regions. If it's like sugar, let us have the sugar headquarters in Kisumu because where the sugarcane is, that is where the factory is, so the directors have no business coming staying here at Nairobi, there is nothing here. The other point is, Kenya what we need is not aid from donors but we need foreign investors, having these foreign investors our young men and women will be employed when they come and set up factories like clothing and that. We don't need aid, what we need is foreign investors.

We should also encourage local investors although they are humiliating us so much. We should also encourage them but here I am just talking of instead of that foreign aid, please let us have foreign investors.

**Prof: Idha Salim:** Asante Martha. Mary Kibe.

**Mary Kibe:** Mine is very short, it's about labour. I want to propose the labour parastatals to be elected by individuals because the Ministry of Labour is very corrupt. I was working in a firm in another company of textiles, I could see when there was an increment in the factory, maybe it was high, when it was high the labour people could come to the office and they could be given kitu kidogo by the office. So in the factory it could be reduced and those people they could not even say anything because they have no powers and those bosses the labour people have already been bribed. Recently you heard it in the

newspapers and everywhere our people were conned some money that there were some jobs in overseas, they were really conned money and still this corruption is more about labour. So I think Ministry of Labour is corrupt, we should individually elect those people because if they could use such parastatals.....

**Interjection:** Inaudible

**Mary Kibe:** I think it could be better the directors, like the Minister for Labour, the parliament people, the ministers. Let me talk of directors and the one who is head of the Ministry of Labour. They will be appointed because we can also participate.

**Interjection:** Inaudible

**Mary Kibe:** I thought the Ministry of Labour, the director of the ministry of labour should be elected by the people themselves, by Kenyans.

**Interjection:** Inaudible

**Mary Kibe:** I am talking of the labour because I can see whatever they have done, so I am talking of what I have seen and what they have done.

**Prof: Idha Salim:** Thank very much Mary Kibe, Waweru Njehia

Waweru Njehia: Pendekezo yangu, nikiangalia ninaona affairs. Kama nyumbani bibi na bwana wanaweza kuwa wakiwa wanasikilizana sana na kama mtu kama chief asikuwe akingilia mambo yao kwa sababu walipendana wao wenyewe. Wakuwe wenyewe wanasikilizana wenyewe na mambo yao inakwisha hapo hapo si kupeleka kwa chief. Ingingine, kama tunasomesha watoto wanafika form four, hawana kazi, ikiwa hawawezi pelekwa training ya jeshi ama ya askari na serikali wanatakiwa ule mtu hana kazi anapatiwa kama 300,000/- ya kujisaidia kwa kila mtu. Kwa sababu ndio wivu inaingia watu wanaiba iba kwa sababu hawana pesa, hao ni vijana wale wanajaa hapa.

**Interjection:** Inaudible

Waweru Njehia: Kama elfu tatu kwa mwezi, serikali yetu ni tajiri, nchi yetu ni tajiri sana, kuna mali nyingi.

Umesema wapewe ngapi?

Elfu tatu, hiyo ni ya kujisaidia tu wakizurura zurura hivi kwa mwezi, kwa sababu akikosa atakukuta. (laughter)

Ya tatu, Judiciary, kama huko kotini. Kama mtu anashikwa amepolekwa huko, amehukumiwa ako na bangi ako na nini,

amekunywa chang'aa, na wengine bado, na watu wale wanakunywa chang'aa hivi hivi, kwa kuwa hakuna kazi, kwa sababu hawana kazi ya kufanya. Kama akipatiwa hiyo elfu tatu, aambiwe fanya kabiashara yako, aonekane imeharibika, amemaliza, biashara imekwisha, yeye afungwe miezi mbili nje. Hiyo ndio mzuri kwa sababu amepatiwa pesa kidogo na ametumia vibaya, anakunywa chang'aa. Ya tatu, kama serikali imekubali watu wakunyue chang'aa kabisa, (nipatie dakika kumi) kama imekubali watu wakunywe chang'aa kabisa, watu wataona chang'aa haina faida kwa sababu ya njaa, watakunywa waanguke kama mzee Kenyatta alisema watu wakunywe mwaka mzima hawakukunywa, walikaa ndee. Kwa hivyo pendekezo yangu ningesema serikali yetu uchaguzi, mtu asichaguliwe mtu bado hajajulikana mpaka nyumbani, akue anajulikana na hao watu wote, huyu ni mwizi, huyu ni mtu mzuri, huyu ni namna gani anaangaliwa. Hiyo ndio pendekezo yangu, anajulikana kila kimila yao. Ya tatu, kama wasichana wetu wamekaa hovy hovy, kwa sababu hana kimila. Kama ni mjaluo afanye kwao vile alikuwa anafanya, alikuwa anatolewa meno kama hii yangu. Na hiyo ndio itakuwa mzuri, kama ni wazee, wanachaguliwa wazee wa kijiji, kakesi kidogo dogo kanapelekewa wazee wa kijiji wanamaliza kwa sababu wanajua hii watoto wao vile wanaweza kuiba. Hiyo yangu imefika mwisho.

**Prof: Idha Salim:** Asante sana bwana Njehia. Mwisho bwana Patrick mwangi.

**Patrick Mwangi:** Nitazungumzia mambo mawili, ya kwanza ni hali ya police. Inawezekana polisi akikupiga au akikufanyia jambo lolote mbaya, tuseme vile kama tuko hapa Kasarani, unaambiwa ukachukue P3 Kasarani, na inakuwa ule polisi alikufanyia hiyo dhambi ako kwa hiyo station na inakuwa shida sana kupata hiyo kitu. Ie ningependekeza, ni kuwe na kituo kwa kijiji kama hii, iwe ama pahali pengine kama town hivi, kuwe na lawyer ya serikali pahali watu watakuwa wakipeleka malalamishi yao kwa polisi.

**Prof: Idha Salim:** Umesema hiyo P3 isitolewe na polisi

**Patrick Mwangi:** Isitolewa na polisi, sababu hapo inakuaga shida sana kupata. Unaenda ule alikupiga, ndio ako hapo unaenda kuchukua. Ya pili nitazungumzia hali ya vita ilioko Kenya na hata nyinyi vile mumekaa hapa, mimi sijasikia pahali iko vita watu wanakufa kama mia moja kama siku. Ninafikiri kabisa hamungekuwa hapa sababu nchi iko na vita. Hii nchi yetu iko na vita ya ukimwi, na hiyo vita ya ukimwi inauwa watu mia tano hadi mia saba. Ni nchi gani pengine isipokua Rwanda, pahali watu walikuwa wanakufa kwa siku moja, mia kama hiyo tano au saba. Kulingana na magezeti vile tunasoma na vile tunaelezwa na serikali, hiyo number inapatikana.

**Prof: Idha Salim:** Pendekezo lako?

**Patrick Mwangi:** Pendekezo langu, ni sheria haijatolewa vile sababu kuna watu wanatumia pesa, akishajua ana ukimwi, anatumia either pesa kueneza hiyo ugonjwa. Ikiwa ni mwanamuke pengine anamwili mzuri, anatumia hiyo mwili kueneza hiyo ugonjwa na vile tunaambiwa, tunaambiwa tufanye zero grazing. Yule anafanya zero grazing ni yule ako na bibi au ni yule ako na

bwana, tuna watoto nyumbani, na ile kitu tunaogopa kusema ukweli ni mwili hupenda hiyo kazi na vijana vile wako na nguvu mwili yao ina upendo wa kufanya hiyo kazi.

**Prof: Idha Salim:** Sasa unapendekeza nini?

**Patrick Mwangi:** Kwa hivyo vile ningesema, huyu mwanaume akishapatika ana ukimwi, anaweza kufinywa hii kitu iwache kufanye kazi, mwanamuke naye, kuna pahali hufanyika watu ushonwa anashonwa. Hiyo sheria itolewe kwa sababu mtu anaenda hospitali, anaambiwa ana ukimwi, anakuja hapa kuranda randa, watoto wanaachwa bila mama bila baba, na uchukulie hii ni vibaya sana , watoto wale tukonao hapa, wanarudi kwa grandmother yake au grandfather yake kijijini. Hiyo ndio yangu.

**Prof: Idha Salim:** Na sasa baada ya bwana Patrick Mwang kutupa maoni ambayo tumesikia mara kwanza hivi leo, ninafikiri tumemaliza. Wote waliohudhuria, waliojiandikisha, wamepata nafasi kutoa maoni yao, kesho tuko katika kikao cha pili cha hapa Kasarani, kule Mathare North Social Hall, muweze kueneza habari kwa wenzetu ili waje watoe maoni yao hapo. Na ikiwa mtu ana memoranda hana haja ya kufika au afike atoe tu hana haja ya kukaa kupoteza wakati wake pia tunapokea memoranda bila ya mtu kutoa maoni kimdomo.

