

**CONSTITUTION OF KENYA REVIEW COMMISSION**

**(CKRC)**

**VERBATIM REPORT OF**

**CONSTITUENCY PUBLIC HEARINGS, NYERI TOWN CONSTITUENCY  
HELD AT NYERI TOWN HALL**

**ON**

**April 19, 2002**

CONSTITUENCY PUBLIC HEARING , NYERI CONSTITUENCY, HELD AT NYERI TOWN HALL ON 19<sup>TH</sup>  
APRIL, 2002

**Present:**

1. Mr. Keriako Tobiko - Commissioner

- |                        |   |              |
|------------------------|---|--------------|
| 2. Ibrahim Lethome     | - | Commissioner |
| 3. Com. Bishop Njoroge | - | Commissioner |

**Secretariat Staff in Attendance:**

- |                      |   |                           |
|----------------------|---|---------------------------|
| 1. Stephen Wanjohi   | - | Programme Officer         |
| 2. Dan Juma          | - | Asst. Programme Officer   |
| 3. Josephine Ndung'u | - | Verbatim Recorder         |
| 4. Leah Omondi       | - | Sign Language Interpreter |

**Prayer:** Our Heavenly Father in the name of Jesus Christ, we come here before you Lord, to deliberate things on our new Constitution. God we want to ask you to be with us. Send us the Holy Spirit Lord which will enable us to say the right things and guide us in everything we might say. God help us and guide us, be with us from now upto the end. Lord we ask this in Jesus name, Amen.

**Stephen Wanjohi:** Ningependa ku-introduce staff wachache tumekuja na wao kutoka Nairobi, mimi naitwa Stephen Wanjohi, programme Officer. Huyu mama anaitwa Josephine Ndungu, ata-tape ile mambo yote munasema, atapeleka kwa Commission. Tuko na mama anaitwa Leah Omondi, simama wakuone. Leah Omondi ni sign language interpreter na tuko na repotuer anaitwa Dan Juma ni kijana wa university, School of Law ndiye anachukua minutes hapa.

**Com. Keriako Tobiko:** Hamjamboni, kwa jina naitwa Keriako Tobiko, mimi ni Commissioner wa tume hii ya kurekebisha Katiba.

**Com. Ibrahim Lethome:** Hamjambo, asalamu alaikum, jina langu ni Commissioner Ibrahim Lethome. Asanteni

**Com. Bishop Njoroge:** Hamjamboni, jina langu ni Commissioner Bishop Bernand Njoroge, na mimi nitakuwa chairman wa kikao hiki, na ninafurahi kwasababu ya kuja kwenu, na ninatumai ni kwa sababu hii ambayo tumepatiwa kama wakenya tuweze kutoa maoni, tutaitumia kwa ajili ya manufaa yetu wenyewe, na kwa inchi yetu. Tutaanza kwa mpango huu, mtu akiwa na memorandum, atazungumza kwa dakika tano na kama hana memorandum, atazungumza kwa dakika kumi akiwa na memorandum atazungumza kwa dakika tano na kupeana hiyo memorandum. Because katika memorandum, unaweza kwenda kwa point, hakuna haja ya kusoma yote, kwa sababu baadaye, tutachukua hiyo memorandum na kuisoma, na tuchukue yalio ndani yake. Kwa hivyo si lazima usome kila jambo katika memorandum, nikuguzia tu kwa point ili tuweze kuwa na watu wengi ambao watazungumza. Ningewaomba pia mujue sasa ni Katiba tunatengeneza, kwa hiyo katika kuzungumza kwetu, tuwe na mazungumzo yalio na heshima. Tusijaribu kumkashifu mtu yeyote. Na kwa sababu hilo haliingii katika Katiba, ni yale ambao inahusu maisha yetu. Kwa hivyo ninatumaini tukiendelea hivyo, tutakuwa na maoni yaliyo sawa. Sasa ningetaka kuita John Wainaina. John Wainaina, aje hapa mbele na ku-present mambo yake.

**John Wainaina:** Good Morning? I am John Wainaina, I work for the Provincial General Hospital, Nyeri. I have a

presentation to make, to the Constitution of Kenya Review Commission. Mine is just technical, because it applies to the Ministry of Health.

I have a memorandum and so I am only going to state a few points and then I will present the memorandum to you. The recommendation of the Provincial General Hospital – Nyeri to the Constitution Review of Kenya;

- Security of office of the Director of Medical Services; we recommend that there should be security office of the Director of Medical Service, and it should not be appointed and dismissed at will.
- Health of workers recommendation to the Commission; our recommendation is that the Health workers will be raised from the rest of the PSC servants because they offer essential services. So we ask the Commission to look into the matter of the health workers and a commission be set to look into affairs of the Ministry of Health workers.
- Appointment of Minister of Health; We recommend that the Minister of Health as a matter of protocol, should be qualified medical doctor. And the promotion in the Ministry of Health, you can find someone has worked in the Ministry of Health for a number of years and has been put together with the staff that have worked for only three years. What I mean is, you may find that a nurse who has worked for the last 20 years and another one 3 years, and they are earning the same salary, the same job group, and this is not fair at all.
- Amendment to the Ministry of Health Act; We recommend that the Health Act be amended to include all the staff of the Ministry of Health, because right now, the only people who are recognized by the Health Act are the Medical Officers and the dentists. The rest are not recognized by the Health Act.
- The qualifications of the head of the institution, we recommended that the head of the institution in Health matters be qualified in administration matters. As per now, the heads of institutions, that is hospitals, the Medical Officers, the Provincial Health Officers, most of them they know very little about administration. They learn on the job.
- Retrenchment and replacement; Recently there was a lot of retrenchment done in the civil service most of the staff has not been replaced. We know that not all of the staff can be replaced. Most of the work has become very difficult because very many people were retrenched and the number of staff that was left behind is unable to manage. That is my view.
- On top of that, I want to talk about the Health Management boards in hospitals. And the Minister of Health, a

few years ago, appointed Health management boards to man Health institutions/hospitals in the districts. But there isn't a complete guideline on what is supposed these boards are supposed to do. We ask that a complete guideline be drawn for the boards to be similar in all areas. What happens is now, because there are many hospitals and you find that there is a complete difference from the boards of one hospital and the others. This is what happens, I have worked for the Ministry of Health for the last 30 years, so I am saying this out of experience. I know it. Thank you so much.

**Com. Lethome:** You can hand over your memorandum. Thank you very much for your presentation, lets have Allan Muchemi. Allan Muchemi.

**Allan Muchemi:** The Kenya Constitutional Review Process – Topic;

- Recreational facilities for the youth in the rural setting presented by Alan Muchemi Kuria – Student Nyeri High School. Presented to the Kenya Constitution Review Process at Nyeri Town Hall.

Purpose: to contribute to the Kenya Constitutional Review Process.

I am grateful to the Constitutional Review Process of Kenya for chance at hand to air my view tho this supreme law of the country.

- My main concern is on the recreational status in the rural areas. The government should consider putting up recreational centers to help in the control and tapping of energy in our rural youth today. The few recreational facilities are not all round since they do not cover the interest of all the youth. Currently the mobile films taken to the divisional headquarters have lost popularity since they only come once in a month and to make matters worse, at night when very few people enjoy them. Others are ball games, mostly football and volleyball games, which are only enjoyed by the young men, discriminating against the young ladies. Worse still these activities are only activated during the election years when the politicians move around reviving the rural football clubs perhaps with the aim of soliciting for votes. The government should take it as its duty to provide recreational facilities to the youth, in order to ralise and increase their potential. The creativity of the youth should be guided in order to bear good results. The two years that a student waits to join university maybe destructive to them if this is not guided. This is what I would suggest, that may be a multisocial hall be built, which will be equipped with all sorts of all recreational facilities. This should include indoor games which should take care of those who are not interested in outdoor games, the hall will also be as a place where plays will be organized to promote creativity in the youth, promote socialization, promote economic status of such groups.

- The hall will also be used to educate the youth in various aspects for example, social, political , economic and religious. They will also promote cultural understanding of their traditional setting Library services should also be provided in those halls in the rural areas.
- Benefits; it will redcue rural urban migration, it will promote creativity among the youth.
- It will promote understanding among the youth and the old.
- It will reduce high rate of imorality especially at this era or HIV/AIDS.
- It will reduce the rate of crime among the youth since most of them will be occupied.
- It will train the youth on good leadership qualities.
- The youth will also leran to be patriotic. I should also stress that such facilities should be run by the youth themselves. They should be able to organize themselves on modalities of running these facilities. All they need is guidance on how to do it.
- In conclusion, I have observed that if the government could provide the above, then it would have given the youth the best gift for this millennium, and moreso, to its beloved citizens. Thank you.

**Com. Bishop Njoroge:** Thank you very much, thank you very much. We have taken your comments to the Review Commission, thank you. Now, can we have Charles Nderi?

**Charles Nderi:** Thank you Bishop Njororge, Commissioners, I am here today to present my views for Constitutional supremacy, electro system and process.

- Although I recommend that all the chairmen of the County Councils should be elected by people, they should not represent any ward, they should be neutral.
- Secondly, the remuneration of mayors and chairmen should come from consolidated funds. But other expenditure should come from their local authorities. The seats of the nominated Councillors and MP should be abolished completely because they only serve their masters. The power to dissolve any council should be left to the Parliament and not the Executive.

- Thirdly, there should be no affirmative action in the participation of women in parliament and in local councils. All people are equal. They should not be treated as special.
- The Moi day, October 10 should be abolished completely, it should not even feature in the Constitution, because every President will have his own day when he is elected. It should completely be done away with kabisa.
- The presidential elections to be done separately from the other election. The presidential elections should be done some months before the other elections. During the presidential election, an out going President should not campaign using government machinery the idea of winning by 25% from 5 provinces should be also abolished. We should only require one to have 21% of the total cast.
- The counting of votes should be done at the polling station. We should introduce independent candidates to avoid administration from the Political parties- hapo ninasema kuwe na independent party. Wale watakuwa rejected ama wamekataliwa na vyama vingine wanaweza kusimama independently, hiyo mambo mupate kuyaangalia. The imitation of the election cards should be abolished kabisa. The nature of elections to be specified in the Constitution like in America and other foreign countries, the procedure should be state. The number of the cabinet ministers should be not exceeding 18. That of the Assistant Ministers should be 25, and they should be known as deputy Ministers not Assistant Ministers.
- The retiring President, if he becomes the leader of the political party should forfeit his entire benefits package including his salary and be left to rest peacefully at home. That means he should not head any political party.
- The registration of voters should in future, be carried out continuously from January to December not this month to that month.
- Mungiki and devil worshipers should not be considered in our Constitution. The so called national schools and quota system in education should be abolished and entered in our Constitution. Every body should have the right to go any school of their choice and ability.
- The minimum education qualifications for councillors will be that of KCPE and that of Mayor and cahirmen should be KCSE. The defeated councillors and MPs who attain at least half of the cast votes should have their deposits refunded by the electol commission, because they pay for the election. If you get at least 50% of votes cat,you should be refunded your deposit.
- The following posts should be employed on contract and not on permanent basis for five years; that one of

Attorney General, Chief Justice, Commissioner of Police, Permanent Secretaries, Chief of General Staff and all Chief parastatals Executives. They should be on Contract basis to avoid corruption.

- The traditional liquor like busaa and muratina, should be illegalized, in order to wipe out changaa and other distilled killers to our youth generation.
- All Commissions of enquiry should be ordered by Chief Justice or Attorney General not by the President or Prime Minister. The Parliament can also be empowered to do so.
- The government should protect its people within and without, and those people killed by bandits, thieves, carjackers and other criminals should be compensated as those killed by wild beasts or by wildlife. Those criminals are worse than wild beasts Yani, wale wanauawa na wakora na nini, wawe wakiwa compensated kama wale wanauawa na wanyama wanaosumbua watu.
- The people with disabilities should be taken care of , na hapa nataka kusema tunaona kwa ma-TV kila wakati mtu hana miguu ana nini ama kidney inamsumbua na roho na nini, akiwa citizen wa Kenya, they should be helped by the government. The government should pay 50% and County Council or local authority 25%, the other remaining to come from well wishers. Those people should be helped. Not to be left like that ati hakuna pesa kwa consolidated fund, wanakuwa frustrated, They are citizens of this country, they should be taken care of by the government and County Councils.
- On medication, all duties levied on health services should be removed. Yani kodi ya madawa na nini, hata mahospitalini yaondolewe kabisa.
- Hapa kile kitu kibaya sana, the so called civil jail, kupeleka mtu kwa jela kwa sababu ya madeni, hiyo is foreign law from portuguese. It should be wiped out kabisa. Kuweka mtu kwa jela kwa sababu ya madeni hiyo ni nini? Hiyo ni madharau na inaleta aibu katika inchi hii. In other words, auctioneers Act, where they take the whole household should be abolished. Wanawacha watoto na munasema muna children's act, munawacha nyumba, munachukuwa sufuria na kila kitu. Hiyo iondolewe kabisa kabisa katika nchi hii, katika sheria. Yaani, kuchukua vitu vyote vya nyumba kufagia vitu vyote tunaweka kwa munada, tunaweka kwa munada. Hiyo iwe out kabisa.
- KICC should belong to the government not the political party. Also, every university institution should have its own chancellor appointed by higher education board and approved by the parliament.
- The presidential portrait should not appear in our currency, only the court of arms or agricultural products or

other natural resources and the wild life should appear. Hapana kuweka pesa kwa mtu.

- All political parties should be treated equally and we should not treat the ruling party as special or as if it is above the law, as it has been before. Hakuna haja ya kuona ati chama hiki kimekuwa kinatawala, huwezi kupeleka kortini No!, hiyo iondolewe kwa Constitution yetu.
- Any clashes that may occur during this time we are preparing our Constitution the area DC and OCPD and the administration should be taken responsible for any loss of life and property and should be prosecuted and charged. That is all I had. Thank you very much.

**Com. Bishop Njoroge:** Thank you very much, ungenojea pengine Commissioners wana maswali.

**Com. Lethome:** Umesema kuwa, ungetaka viti vya nomination viondolewe, kusiwe na nomination ya Members of parliament na macouncillors. unanjua hivi sasa, hawa watu wanakuwa nominated, ili waweze kuangalia masilahi ya watu. Sasa ungependa masilahi ya watu kama hao yaangaliwe na nani katika bunge?

**Charles Nderi:** Katika bunge hakuna kitu hawa wamefanya (inaudible interjection) Yes some should be left out Lakini kama hawa watu wa biashara, they should not be there. It is a wastage of public funds.

**Com. Lethome:** Umesema President wakati anagombea kiti cha bunge au cha uraia katika uchaguzi asitumie government machineries? Unataka atumie rasilimali yake ama vipi?

**Charles Nderi:** Aweke rasilimali yake kama wale wengine kama America, na nchi zingine.

**Com. Lethome:** Na wakati huo, ni nani atakuwa akitawala nchi?

**Charles Nderi:** Atakuwa akitawala lakini asitumie machinery ya serikali.

**Com. Lethome:** So he will still be the President? But not use state machinery?

**Charles Nderi:** Yes. He should not use the state machinery. Only the Chief Justice and Speaker of the National Assembly should use state machinery during that period.

**Com. Bishop Njoroge:** Thank you very much those are very interesting views. Thank you very much Macleon Atete.  
Macleon Atete

**Macleon Atete:** I would like to appreciate the presence of the honourable Commissioners in Nyeri.

- I would like to speak on behalf of the Muslim youth especially in this area. From a religious point of view, we would like the Constitution to make sure that there is no more marginalisation of a religion as it has been since the inception of the current Constitution. What I mean is that, for example, in the current Constitution, there is the freedom of worship but it has not ever been respected by the current Constitution or those who execute it. And at the same time, freedom of worship in Islam as my religion is not only be covered for in the mosque. A muslim is someone who exercises worship throughout the day. What I am trying to say is that, we should be allowed, our children and even our brothers included who have had opportunity of being employed to put on the religious dress either in school, at the place of work, in parliament or anywhere. Our religious dress should be recognize as our faith and thus enshrined in the freedom of worship.
- Also, the clause for freedom of worship should elaborate or, should say what should be worshiped because the current Constitution just says that there should be freedom of worship, but it does not say who or what should be worshipped. In this sense I mean that even if someone could have been found to be worshipping the devil or other things, there has been no provision in the Kenya Constitution that could have provided for such some of them being arraigned in court. Because the Constitution does not say what is being worshipped.
- And also I would like to suggest that our Constitution should protect the African culture. The moral upkeep of Africa. Yes, we admit and believe that we cannot do without civilization but it should be civilization in the African way. Personally, I will not be comfortable if my sister or even my mother comes in my house half naked in the name of civilization or westernization.
- Also, there should be Constitutional protection clause. As we have seen from independence, the present Constitution has been manipulated or rather amended in favour of personal interest. So, there should be a Constitutional protection clause to ensure that whenever there has to be any changes in the Constitution, they should be with the consent of the majority. At the same time, civic education should be a continuous process because, unlike what has been happening since independence, most of us have been learning of Clauses in the Constitution when we are already in court. Also voter registration should be a continuous exercise. Also, nomination of civic leaders or parliamentary leaders should only be left to marginalized societies or rather marginalized organizations like Muslims. We are marginalized, we are not recognized in this country, they only come to us when they need us. So, whenever there is nomination to parliament or even to county councils or municipal councils, we should be given priority the alongside disabled. Treat Islam as a disabled organization

within the Kenya context.

- And also, we should have a Constitution which elaborates on the salary increment. We would not like to see Kenya at this age, where by people are running in the streets throwing stones in the name of advocating for pay increment.
- Also, the Constitution should protect Islamic organization against what we call bias by the two government, that we have had in this country. At the moment, all the Islamic organizations have been registered in the name of terrorism. What can we do? There is very have little we can do, since this country may be belongs to non Muslims. What I would like to say is that let the Constitution state very clearly that all citizens have got a right to worship we will not complain.
- At the same time we would like the constitution to protect the local industry. We have a lot of importation in the name of COMESA but its has been to the detriment of local industry.
- Also the National Hospital Insurance Fund, there should be a review in the act to cover the marginalized Muslims because currently, it is says that it only recognizes one wife, and we muslims we have a provision for 4 wives NHIF Act should be amended to cover for Muslims.
- And also, there should be one or rather single presidential term of 7 years. And also the Constitution should allow for dual citizenship.
- And, we suggest that we have a rotational system of leadership, because if we have majority and we have a minority people in the country, when will the minority rule? And the Constitution says that we are all equal in the earlier Constitution. So, there should be a rotation. If someone from this region has been a President, the Presidency should move to other regions, it should go round to all the regions until all regions have been represented and then it goes back to where it started from.
- And also there should be an age limit to the presidential aspirants as well as civic and parliamentary aspirants. We suggest that it should be below 70 years and above 35 years for presidential aspirants. It should be above 20 years and below 70 years for both parliamentary and civic aspirants.
- And also, we should have a Police Service Commission to cater for the welfare of the Police Force unlike what is happening at the moment. They don't have any avenue where they can channel their grievances. Thank you

**Com. Bishop Njoroge:** Thank you very much, I would like to ask the Commissioners to ask you for any clarifications.

**Com. Keriako Tobiko:** Two questions you talked about amending the Constitution with the consent of the majority? The majority of who?

**Macleon Atete:** Population.

**Com. Keriako Tobiko:** how do you determine that?

**Macleon Atete:** Through a free and fair and transparent referendum

**Com. Keriako Tobiko:** Secondly, you talked about rotation of the presidency. I think it is interesting and creative idea. How do you determine which should be the first region, would you go alphabetically, or would you ballot?

**Macleon Atete:** I think we should take for example a single person from every tribe and then they can ballot or other they pick for example if they are 42 tribes they take maybe for 3 people from every tribe and then they pick the numbers whoever comes first, whoever comes last, we should be ruled according to that sequence.

**Com. Bishop Njoroge:** Leadership is a tough job. What are you saying about leadership and merit. They could be say rotational then what do you do with merit. Or you say rotational, does that tribe have somebody who can merit that job? Is that what you are saying?

**Macleon Atete:** Leadership accompanies marriage. If for example I come from the Luya nation, if there is no person who has a merit, from our land, then we will understand.

**Com. Bishop Njoroge:** Thank you very much Macleon. Okey can we have David Gitonga.

**David Gitonga:** Thank you Commissioners and mine is a small contribution I don't know whether it falls within the requirements of a Constitution but I will present it.

- I was giving a suggestion that we should establish a data bank for human resource development when we are doing a national population census. This will enable our country to establish whether we need foreign experts or not. Because at the moment, we have very many foreign experts who are actually enjoying our meagre resources. While we have got a lot of educated people who have specialized in very many areas and they could be developed in those areas. So, in a nut shell, I am saying that we should be having a data bank when we can do

national census or provincial census, this should go hand in hand with the human resource development. To establish how many people have specialized in what area so that when we are told that Kenya now has got 30 million people, we know it may be 230,000 engineers, and so many experts like those one. So that we know exactly whether we need some of those people from outside the country.

- My second point is, the government should have a comprehensive record of its natural resources. By natural resource I mean mineral deposits, those which are already exploited and are being exploited, those which are not yet exploited, and their allocation, our wildlife heritage and where they are and on whose land they are, government or private. Then we should also have a record of various forests, natural forests, where they are, planted ones, which area they are, whether they are in private or public land or trustee land. Then we should also have a record of our bush land occupied and idle plots, both in rural and urban centers, Our rivers, dams, lakes and streams. Functional boreholes and dormant boreholes. Those should be manned by a public trustee and supervised by the government of the day, because our population is increasing and those resources should be well taken care of so that every Kenyan should at least enjoy those resources, because some of these resources will be needed one day.
- Then, our public institutions. We know there have been a break down of some public infrastructure like stalled Parastatals and those parastatals used help the citizens of this country. People used to get employment some of us who are civil servants, sometimes we used to be posted to industries for our national produce like Uplands factory, KCC and the sugar mills. Most of them are stalled and they are not helping anybody. So, they should be revitalized, some funds should be injected to jump start the public institutions which are idle and most of the Kenyans should get employment and they will have some of our economic products being processed there and be used as a measure of creating employment. So, every idle public institution should be reactivated to help Kenyans.
- I would also like our Constitution to address the issue of unemployment. The government on behalf of its citizens should take up the responsibility of negotiating with other countries which have a deficiency of manpower so that those countries can be able to import our experts who are actually now not been employed. We have got other countries like South African and its neighbouring countries. Those countries are actually importing manpower from abroad and because we have got COMESA, COMESA should not only be for tangible goods. It can also look at the manpower situation in the member countries. So that our Kenyan youth can get employment in Tanzania, Uganda and South Africa, so that those people can have their welfare uplifted.
- I also looked at the age limits of those people who are employed in the public sector. We realize there is a big pool of educated people who are trained in various areas, and although we may require the wisdom of the old, of

our senior citizens, and I think, we should reduce the age limit of those people who are already in employment. Maybe the constitution can spell out that the employment age limit for people holding public office should be 60 years. This will create space for unemployed people who are already trained with appropriate experience and it will also discourage the brain drain because we have got most of our experts going to other countries, they can actually be employed here. So, let this Constitution come out clear on age limit because we used to say 55 years but now we have people aged 80, 90, 60 years and above, they are still occupying public offices. So, when we draft the Constitution, it should be respected.

- Finally, I appeal to the Commissioners to provide us with a Constitution before the end of this parliament, because right now, I have been observing, that we have a repeat of all the same views which have been giving us the message. You might think that it is a waste of time because what we are seeing is that people are repeating themselves now and then. Whatever views we have got Commissioner, I think is adequate and you can get time to sit down and list all what you have and give us a Constitution before the year end or early next year before the Parliament expires. Thank you very much

**Com. Bishop Njoroge:** Maybe I have one issue which I should raise. You know we have started collecting views in Central Province and all the Commissioners are in Central Province. I hope you are not saying that when we finish Central Province that we go and write a Constitution, because we have enough views, or are you saying when we finish all the provinces in Kenya, then we will have enough information to write the Constitution?

**Gitonga:** Thank you very much bwana Commissioner, what I had in mind is that maybe, because a number of Commissioners is, I don't know, it might be more than ten or fifteen, maybe they are scattered all over the country, and what I am actually saying, a place like Nyeri, what we are having now, if you look around we have many people, actually people have given their views. Although we had difficulties whereby the District Coordinators, a case like here, and the people who were selected to give civic education, may have not done a lot. Actually, they have not done what they were expected to do, because they were supposed to have educated people long before, and what we could be having now is written documents relating to what people think. But I am saying that we have got some groups which have already handed over their contribution to the Commission and some are sending them directly to the Commission's headquarters. I think in other areas, I don't know, maybe if you have received some contribution, well and good, but it was my opinion that what we have given is similar to given in other areas by different people. Actually, if we expect a law from people, it can take five years or even more because we can not take everything from Tom, Dick and Harry. We at least need to have a time frame, we have a time limit. So, I think here, a place like in Central Province, majority of people are literate and I think they have more or less exhausted their views. That is what I think.

**Com. Bishop Njoroge:** I think that is for the Commission to judge. Okey, thanks

**Com. Keriako Tobiko:** On this issue of natural resources you said that they be managed by trustee, for the benefit of the entire country, there is also another view that seems to be getting amency that communities that live within the areas where those natural resources are located, should have a say in the management of those natural resources. What do you think about it?

**Gitonga:** The communities are public trustees those who are managing the resources like now, we have got the county councils managing whatever is in their hands. Those are public trustees. So, what I was saying is that, we have got some extensive places where we have got forests. And some of those areas might be far much away from the normal public trustees but the areas is in a way in the hands of the government. When something is in the hands of the government, sometimes you really question who is the government and some people have been taking advantage of the name government to misuse resources in our country. Like what we have now, plots everywhere they are being grabbed and they are supposed to belong to the government not the trustee. So, you find that we should be actually be open and be straight-forward.

Because, we have got people now being allocated million, and million, of acres in the name of development and once you give out a title deed, it will be very hard to recover that land again. So, we should have a clear cut policy on the remaining sources it is very hard to get the resources from the hands of private developers. For the remaining resources, we should have clean records and we should be good custodians of the same. That's what I wanted to say.

**Com. Bishop Njoroge:** Thank you very much for your presentation. Now, can we have Mwangi Kuguma? Mwangi Kaguma.

**Mwangi Kaguma:** Asubuhi ya leo, nimefurahi kupewa nafasi nichangie Katiba mpya. Habari ya Asubuhi? Sawa, kile kitu mimi nalitaka kusema ni kimoja.

- Kitu cha mbele, ni kusema serikali ile inatuongoza ni lazima ichaguliwe. Wakati wa kugeza katiba, tuseme iwe imechaguliwa na wenyeji wa Kenya. Kutoka headmen, mpaka juu kwa parliamentarians, wawe wakichaguliwa na wanainchi ndio wakikosea, watu na unajua huwezi kutolewa bunge, maneno hayo tuyaondoe.
- Lile lingine, ni na uliza kuhusu mazingira yetu. Ni kwa nini wageni wanapatiwa nafasi ya kupora mazingira yetu?
- Kile Kingine, nataka kuuliza kwa nini mtu mmoja ana dunia nzima na wenye kupigania nchi hii wako taabu. Waliopigania uhuru hawana mashamba.

- Tuondolewe kuwa na majeshi yao katika hayo shamba, hata ikiwa ni nani.
- Pia askali wetu wasiwe wakilindaq tu mtu mmoja, watulinde sote.
- Kile kingine, ni sisi wenye kupigania uhuru katika Kenya, tuko jangwani.
- Kile kingine, ni mtu kuwa ana manyumba kama arubaine ama mia mbili na wengine wana taabu.
- Kile kingine, ni kuwa sisi tunaongozwa na shilingi si crown. Na kama mtu anasema sijui ati pesa ya Kamau, wakati tulipata, uhuru, ilikuwa crown inaongoza pesa. Kwa wakati huu, crown inaongozwa na pesa. Ni kwa nini? Hiyo tuondolewe.
- Lile Lingine, ni mambo ya nchi yetu. Nchini mwwetu kuna wageni wanakuja wamwwazaa watoto wa wasichana wetu na wanahama nchi bila kujua wasichana wanataka namna gani. Na zamani, ilikuwa anaweza kulipa hiyo mimba akiwa ataenda naye ama atafanya kitu kingine chakumuachia. Sasa hao watoto wakiwa katika nchi hii, wanakuwa kwa taabu sana. Watu wa nchi hii wana shida ya wageni walikuja kuzaa hapa na kuacha watoto. Hiyo tuondolewe, watoto wetu wanaharibiwa na wazee.
- Wakati huu, kiangalia Nyeri, na sio Nyeri peke yake, ni kila pahali katika Kenya kuna chokora wengi sana. Tunataka tupatiwe nafasi serikali iseme hapa itawajengea hao watu pahali ya kusomeshwa. Tuna viwete wale wanaomba barabarani. Sisi tunataka serikali iwe inajua wanakaa namna gani.
  - Kile kingine, mtu kuwa na pesa kuliko nchi yake. Nyingi zaidi kuliko Kenya nzima, kwa hivyo sisi tumeonelea hivyo ni mbaya.
  - Kile kingine, watu wanajenga barabara, hawana pahal pa kuishi, na watu wengine bado wako na mamillion ya nchi, ya mashamba. Tunataka tuondolewe hiyo na wanainhi wapatiwe mashamba.
  - Kuna kitu kngine, mtu kama mimi, mimi hutoka hapa, na kwenda ku-rigister hiyo shamba yangu, tunataka shamba zote, serikali iwe inajua ni shamba gani, ziko registered. Sio kutoka katika nyumba yangu na kusema iko shamba, nataka hili lichunguzwe sana maana ndio inaharibu mambo ya haki.
  - Ikiwa ni dini, kila mtu hutoka nyumbani, maana anataka pesa, anaunda dini yake. Hata mhubiri anaunda katika nyumba yake. Na kuanza kuwaitisha wanainchi pesa kwa niamba hiyo iondolewe. Hiyo, ipitishwe katika Katiba.

- Kile kingine, ni koti kama tribunal, iwe ikichaguliwa na wana inchi. Ndio wananjua mashamba inakaa namna gani. Shamba yangu na ya fulani ni kiasi gani, nani wako katika shamba hiyo, ni nani ambao wanagawa hiyo shamba. Tuwache kugawa shamba kwa pesa. Nikitoa pesa nyingi kuliko wewe, unanyang'anywa shamba ati Sheria inasema. Hiyo si sheria, hiyo si sheria, mimi naona si sheria. Maana nimenyang'anywa kwa pesa.
- Na maneno mengi yamezungumzwa na wengine waliokuwa mbele yangu, nitakomea hapo lakini nataka kusema kitu kimoja tu ndio nifunge. Tukiwa tuko kama hapa, twafaa tutulie kimya, tunasikia tu ndio kama kile kitu mtu aliizungumza mbele, mini nisirudie. Sasa ninaweza kuwa ninarudia mengine yalisemwa na yule alikuwa mbele yangu. Asante sana Commissioners wa kurekebisha katiba.

**Com. Bishop Njoroge:** Situmpigie makofi. Amesema mambo mengi ya maana. Kitu tu ningesema ni kwamba mtu akiweza kuzungumza Kiswahili, ili wale wengine wafahamu anasema nini itaweza kuwa ni muhimu. Lakini musilogope kurudia jambo kwa sababu mtu akirudia jambo ndio tunajua ya kwamba jambo hili ni muhimu kwa watu wale. Sawasawa, kwa hivyo kurudia sio vibaya.

Lakini mzee amesema mambo mengi. Kitu sikufahamu ni kwamba, hizi pesa, kwanza ilikuwa ni kirauni inaongoza pesa, sasa ni pesa inaongoza kirauni, hiyo ni kusema nini?

**Mwangi Kaguma:** Ni kusema namna hii, nataka uagalie hizi pesa. Mpe yeye

**Com. Bishop Njoroge:** Sawa sawa, haya eleza. Wekelea picha ya Rais pande moja na kirauni pande nyingine, haya

**Mwangi Kaguma:** Na pesa ziko wapi, iko juu ya kirauni, hiyo iko juu. Mtu moja atoe shilingi moja tuweke hiyo pande ya juu, muone shilingi ndio inaongoza kirauni. Na hiyo tu Shilingi. Hiyo ni kweli? Asante sana.

**Com. Keriako Tobiko:** Mzee umesema kuhusu mambo ya land, haya sikiza mzee, mambo ya land umesema, kunawatu hawana mahali pa kukaa na wengine wako na mamilioni ya acre ya shamba. Sasa kwa maoni yako, ungependa tuweke ceiling katika Sheria yetu mambo gani, mtu moja awe akipewa acre ngapi kisha wasiwe na zaidi ya hapo?

**Mwangi Kaguma:** Kama arubaini. Huyu tajiri awe na arubaini peke yake

**Com. Bishop Njoroge:** Unaongea pia habari ya wale wako na utajiri kushinda nchi mzima, sasa nauliza je , unataka tufanyeaje? Katiba inaweza fanya namna gani?

**Kaguma:** Katiba vile inaweza kufanya ni kujua huyo mtu sio peke yake katika Kenya aliumbwa na Mungu. Kwa hivyo awe na kiasi, asikie huruma kwa wengine ambao hawana.

**Kaguma:** Sikusema uniambie utajiri wako lakini ukiwa na shamba, pesa hatutaki, lakini ukiwa una shamba kubwa, unafaa uwe na kiasi cha ekari, wengine wafaidike.

**Bishop Bernard:** Haya sawa. Asante sana Mzee umetoa maoni ya ajabu. Haya na sasa tumuite Kariuki Nderi.

**Kariuki Nderi:** Commissioners, what I have here is a draft for my convenience in giving my views.

- Ministries to be created and should be funded and all departments, Parastatals, institutions and organizations, to be put under relevant ministries.
- All people living in colonial land villages, and all squatters to be settled under settlement fund trustee. Hapa nataka kumaanisha kwamba, immediately after independence, kulikuwa na kitu, kama bado iko sijui, ilikuwa inaitwa settlement fund trustee. And I agree, the fund was revolving fund, Kusaidia hawa, kuwapatia mashamba kwa laons. Wakimaliza kulipa loan, wengine wanafaidika. Kwa hivyo, bado hiyo fund inaendelea, ningepuliza katika Katiba mpya iwe priority No. 1 ni ya kuondoa hawa watu ambao katika vijiji, walipewa ardhi na mkoloni. Yani squatters in general.
- All three arms of the Government should be independent. And in fact, should function independently. Hapo ninamaanisha ya kwamba, bunge iwe huru, itimize mambo yake bila kuingiliwa na executive. Judiciary, the same.
- Mayors, councillors chairpersons, and their deputies to be elected by the people so that they remain loyal to the people and not the councillors who elected them. And they should not be representatives of any wards.
- Presidential candidates to have a running mate in the election. So that the Vice President becomes answerable to people and not the President who elected him. Hiyo ni kumaanisha, tuwe na system kama ile ya United States of America. Wakati tunachagua President, awe ana mtu anayegombea naye ndio akichaguliwa, anakuwa Vice President wake. Huyu Vice-President awe na uhuru wa kufanya mambo yake. Na awe answerable to the people.
- Parliament to vet all appointments to the cabinet, parastatals and all other Constitutional offices.
- Division of administrative and political boundaries should be put under the Parliamentary judgement. Hiyo ni kumaanisha, authority ama Commission ambayo inaangalia mambo ya eneo la bunge ama wards, wakisha pitisha yale wanapitisha, yapelekwe parliament, nayo parliament ipitisha.

- All university and colleges should be independent. And have the power appoint their respective chancellors and so on. This is the top cases where we have had the president as the chancellor of all universities and cases of presidential, or political appointees as Vice-chancellors.
- Regular and administration police to be put under one police force because it is under the Ministry of Home Affairs. Immigration department should be put under the Health Ministry.
- Public Service Commission, to appoint all Civil Servants from the Permanent Secretaries down to the subordinate staff. There should be a Parliament calendar made by the parliament and followed to the latter. Yaani kitu cha bunge kiwe kinatengenezewa na wabunge wenyewe na kufuatwa kama kawaida katika bunge.
- Election dates should not be anybody's secret. And the date should be announced after the general election. Hapo ninamaanisha ya kuwa, siku ya uchaguzi isiwe ni ya mtu binafsi, hata akiwa ako na cheo gani, awe ndiye atatangaza siku ya uchaguzi. Ningeonelea hapo, nikifafanua zaidi, after the election tukisha kuchaguana, tukiwa na serikali mpya, date ya the next election iwe announced immediately.
- Pension should be increased whenever salaries are increased. The minimum pensions for civil servants should be at least Ksh2000, not the Ksh500 as we are having at the moment. Hapo ninamaanisha ya kuwa, retirees, especially wale ambao wamehudumu katika serikali, kitu ambacho huitwa pension ni pesa kidogo sana. Mbeleni, kuna watu walikuwa wanachukua chini ya shilingi mia moja, ikawa adjusted, ndiyo hiyo nasema yakuwa ati minimum ni shilingi mia tano. Hapo unaona hata mtu akiwa kama Meru, na anakuja kwa District Commissioner's Office, anakuja kuchukua shilingi mia tano. Hata fare yenyewe ni kitu kama shilingi mia mbili na amekuja kuchukua shilingi mia tano. Hapo munaona take home, kile kitu anapeleka nyumbani ni kitu ambacho hakiwezi kumufaidi kwa njia yoyote.
- Constitution making, should not be tried to. Elections should go on whether under the new or old Constitution. But if it is possible the election should be done under the new Constitution.
- We have said 'yes for children' and we should start with street children and street families. Hiyo nimemaanisha ile sheria ilipitishwa juzi, na parliament, kuhusu watoto, ianze na watoto wetu ambao wako kwa street. Hawa watoto wakiwa ni criminals, tuko na penal institutions, wapelekwe huko. Wale wanastahili kupewa elimu, waelimishwe. Wale wanastahili kupewa courses wapewe courses. Lakini iwe wote wamesema yes for children, ianze kutoka streets, zetu maanake hapo ndipo tunaona children need protection. Kwa hayo machache, asanteni.

**Com. Bishop Njoroge:** Peleka maoni huko. Kariuki Nderi? You have presented your views. The next person Caroline Nyambura, Caroline Nyambura.

**Caroline Nyambura:** My name is Caroline Nyambura from Nyeri town just around here in Central.

- I have an idea that I want to share with you and it is about the deaf people. Okey, my No. I is, we have problems mainly with the sign language interpreters. There are so many times when we somewhere and we want to get the information that is there, but it is very hard because you don't have sign language interpreters, we have very few of them. We would like, if it is possible, to have a sign language interpreters for the deaf people anywhere they are needed. Sometimes we suffer so much because maybe we need to go for interviews, and we can't do it without sign language interpreter. So, I think it is good if we are left with an interpreter, maybe we go to a hospital you are sick, you explain your sickness, the doctor cannot understand. But with the interpreter, it is so easy. That means you are given bad medication for what is not good for us. We have problems, we go to the colleagues he can't understand you, we are even chased away and the problems are not solved because we are deaf. Also, they help us in case we are going to any government office. Any, any office and then you need an interpreter to help us we can't do with ourselves.
- So, we want, please if it is possible, in everything that is done by the government, let us be included. Also we want to get information from TV because we cannot hear, and the radio is useless to us, and then, we are so much interested in news but because there is no interpreter, we just look like fools. So we want enough interpreters so that we can know what is happening in the whole world. We have many different ways but we can't understand most of the things. We want to be included in everything that is happening.
- Second point: Schools, we want to have free education. Most of us deaf people are poor and we don't have money. So, we can't go to school and become more poor. We would like the government to, if possible, to have free education for the deaf people so that we can have access to education. Many times, we have businesses we want to do, but there is no place we can do that business. So, we want the government to think about us, give us land wherever we are so that we can do our business. Even in Nairobi, I think you have met so many deaf people who are hawking, they have their business but, if they are given a proper place it will be better because also we are disturbed by the city council askaris, so if we have a society that is responsible for the deaf people, we can run our business well.
- Point three, Also, some of us would like to be drivers, we can do it. But then, the government is not aware that we can do it and they cannot allow us to do that. Like before I had gone to Uganda, to visit the deaf people there, we saw some were driving. They have driving license and it in their Constitution that they are allowed to drive because even if they cannot hear they can use the side mirrors and other things.

- Also the disabled, the other physically disabled, can do it. So, I think our government should see a way of helping we physically disabled people, the deaf and the blind in different ways. Like the Constitution now, it should cater for the blind, the deaf and know how they carry on their life. They should not be forgetting us in such issues because we are part of you.
- I have three points and I will present to you. And again I have another observation apart from the ones that I had given. Okay, the deaf, we have speaking problems. Like in Kiswahili, you know sign language, you have in many languages, and would like it to be in all languages, So, even the teachers who are teaching in the deaf school, they should learn the sign language, and learn slowly to be able to understand in all languages. So, the teachers should be taught, those who are in deaf schools should be taught in all the languages, how they can express themselves to us. Also those who are working in these schools, if they can be able to communicate with us in sign language, we will be happy. Thank you so much, Those were my points.

**Com. Lethome :** Thank you can you please clarify the relation between sign language, Kiswahili and English?

**Caroline Nyambura:** Okay the thing is like the teachers, when they are teaching, first they should be introducing the people in Kiswahili and then into English. Because the sign language is one but for Kiswahili, to sign language one has to go through English but sometimes they just go to Kiswahili because they think it would be easier.

**Com. Bishop Njoroge :** Thank you for that representation. Lets now have Priscilla Nyakoya

**Priscilla Nyakoya:** Okay. Thank you very much, my name is Priscilla, I would like to talk about school. We have so many problems in school. Like in school when we are going to teach the children, we should have the teachers who know the sign language to help the deaf kids. Because when they are there and the teacher does not know the sign language, the kids don't get anything, they only go there to stay and come back home.

- Also, so many deaf people get pregnant in school because of lack of proper education about the family planning. We would like, if possible, the government should check on it and if possible, then we should have the social services people to come and teach us. Because most of us are not aware of what is happening.
- Also, we would like when we are in school, to be taught the same as others and even to be given extra time because of our understanding. Even in examinations we should be added enough time because without this, we don't get anything and always our marks are very low, and we end up not getting any certificate and cannot work. So, without certificate you can look for work but you cannot get and that is why we are suffering so much.

- Also, we want the government, if possible, the sign language should be put into use and it should be necessary for everybody so that all can understand the deaf people. We are part of the citizens and the only problem is communication. And we can't be going with our interpreters everywhere to communicate. Because if it is put into awareness for everybody then it will be good and this should also be the case in churches.
- There are very few schools for the deaf and all of us cannot fit there. So, I would like, if possible, please you remember us and think of what is good for us especially in the line of communication and education.
- Because sometimes when you go to a public place, the hearing people they talk assuming we can hear and we don't get any thing at all, we are only left behind. So, the hearing and the deaf, please we want to be together and we need the sign the language in order to communicate so that we can understand all that is happening everywhere. Because many of us, even we don't even understand. So many things and we do not know. That is all I have to say, thank you.

**Com. Bishop Njoroge:** Thank you very much, thank you very much. Can we have George Karani . Wewe ndiye Karani?

**George Karani:** Thank you Commissioners of Kenya Constitutional Review, of Kenya. I am very glad to first of all say, that I had already drafted a memorandum, but what I am going to give here is the sketchy guideline orally, because I happened to forget even my pen. Because I wanted to rush here to be in good time. (Tape Tripped)

**Wangui:** Thank you Commissioners.

- Nobody is using that place. It is just left there. Nobody is utilizing it. So, if the government is unable to utilize that facility, it should dispose it to somebody else who may utilize it for our economic betterment.
- Also, there are some offices in the government which are not being used. Some offices are just left isolated, they are not being used and if such offices can even be rented to individuals who can utilize that facility at that time, until the government is able to utilize it, it will help to continue building our economy in Kenya.
- Our country is being governed by the church and I feel that is good information.
- And in our campaigns, whatever campaigns come around, we should include, instead of like now, we have the AIDs programmes, which states "save you family discuss AIDS". Instead of discussing AIDS, discuss the fear of God and that one will give better information, because if people are taught to fear God,.....

**Com. Bishop Njoroge:** Can you just put it in point form so that you can give other people time for their opinions?

**Wangui:** So, if we discuss the word of God, the fear of God, it will help.

- On income tax, I would suggest that the employee be given a maximum rate of contribution and a minimum rate of contribution so that we don't just suffer because of the income tax. We suffer so much because of income tax. They think that you are getting a lot of money but when it is taxed, you get very little money. So, if we give a limit or a maximum amount that an employee should pay, it would help. Thank you very much.

**Com. Bishop Njoroge** Thank you very much Wangui for your comments, can we speak about-- Amba uikarethi haui, He mundu ukwenda gukuria kiuria

**Com. Lethome:**I just want her to elaborate, she just stated that our country is governed by the church. Can you elaborate on that because I believe that there is also a section population that does not belong to the church. So why do you say that? So elaborate on that how exactly the state is governed by the church.

**Wangui:** I think that it is not the government, even this Constitution is being conducted by the church and I feel that is the reason why we have our Reverend there.

**Com. Lethome:** What about the people who do not belong to the church, then they belong to a synagogue, or a temple or a Mosque, yet they are Kenyans.

**Wangui:** They are also churches

**Com. Lethome:**Do you mean church or religion?

**Wangui:** No, I am including everybody who fears God.

**Com. Bishop Njoroge:** Thank you very much, could we have Gerald Njoroge, Gerald Njoroge, yuko leo?

**Gerald Njoroge:** Mwenye kiti wa Tume ya Katiba, na wananchi wenzangu. Yangu ni machache kulingana na vile nimeandika hapa, na sikutayarisha copy ambayo ningewapa lazima niko na points za ku- highlight, na nafikiri mutazichukua.

- Kwanza, kwangu mimi ningeonelea tuwe na Rais, awe na makamu wake na ambao watakuwa wakichaguliwa na wananchi. Na wasiwe na Constituency, wawe watu ambao wanawakilisha wananchi. Pia tuwe na Katiba kama vile

wenzangu wamechaguliwa wamesema ambayo ni Katiba itaturuhushu kumuomba Mungu, vile Mungu anatupenda. Walakini isiwe ni Katiba inakubaliana na wale ambao wanaomba mashetani .

- Katika hiyo serikali ambayo tunaongozwa na Rais na makamu wake, iwe na minister ambao watathibitishwa na Bunge lenyewe.
- Pia ile Katiba ambayo tunaitengeneza tukubaliane kwamba tusiwe na provincial administration ambazo tunataka Kenya nzima, Kenya moja, walakini tusiwe na provincial administration, inakuwa na majimbo. Kwa hivyo, mutuondolee hii ili Katiba ambayo tunaitengeneza itakuwa ni Katiba ambao haihusiani na majimbo.
- Upande wa mashamba: kila mtu awe na haki ya kumiliki shamba mahali popote na awe ana haki ya kumiliki hiyo shamba. Na kwa hivyo, akubaliwe kuwa na vyeti vyote vya shamba walakini asiwe na shamba ambalo yeye mwenyewe hawezi kuitumia. Ikiwa hiyo shamba hutatumia, ile acre ambayo unaweza kutumia, tumia. Zile zingine, serikali ichukue jukumu la kutumih hilo shamba kwa manufaa ya wananchi wetu.
- Na yale mapato yatakua yakitoka kwa lile shamba, wewe mwenye shamba, serikali inakupa wewe percentage kidogo, ili uendeleze shamba.
- Pia, upande wa maji, tunataka serikali iangalie upande wa maji, kama maji yanaweza kuhifadhiwa, ili wakati wa kiangazi maji hiyo iwe yakitumika kutekeleza mambo ya kilimo.
- Upande wa serikali za mitaa, ningeonelea wale ambao, ni councillors, watoe kifungo cha kufanya ambo ambayo yanahusika na council. Ihakikishwe kwamba, ile sheria ambayo inamuruhusu minister kuingilia hiyo council, iondolewe. Sababu hawa councillors huchaguliwa kama huyo minister.
- Upande wa masomo, tungependa, watoto wetu wasome, tuwe na masomo kuanzia chini mpaka mahali popote. Kwa wale watoto ambao hawana kama machokora wale ambao hawana wazazi, kama machokora, wale ambao hawajiwezi serikali iwafikirie sana. Sababu kati yao, wanaweza kuisaidia nchi siku za usoni.

**Com. Bishop Njoroge:** Una dakika moja ambayo imebaki.

**Gerald Njoroge:** Upande wa mahospitali: serikali yetu au Katiba, ionelee kwamba hospitali zote zinawekwa dawa za kutosha kwa sababu hatuna madawa katika hospitali. Na tukienda kwa dispensary watu wengine tunapata madawa. Kwa hivyo, hiyo kodi tunalipa ionekane kwamba inaleta madawa hospitalini.

- Upande wa vyama vya kisiasa: sheria ambayo itatengeneza Katiba, ihusishe ile Constitution yao, iweze kutambuliwa na ile Constitution yao.
- Upande wa polisi wetu : wawe wanafunzwa vizuri, zaidi ya miaka 30 ili wawe na elimu ya kutosha wasije wakiwa ati wanawapiga watu ovyo, ovyo. Wawe na elimu ya kutosha na ujuzi wa kutosha.
- Upande wa uchaguzi, na ndio wa mwisho, uwe ukiwekwa na kujulikana. Bunge iwe ikijua, kwanzia leo, uchaguzi utakuwa ni siku fulani. Isiwe ni mambo ya secret weapon na kwa hayo machache mwenyekiti, nasema asante sana.

**Com. Bishop Njoroge:** Ngoja swali moja.

**Com. Lethome:** Umezungumzia habari ya Provincial Administration, na ukasema unataka iondolewe kwa sababu inaleta mambo ya majimbo. Sasa swali langu ni hili, unajua ukiondoa kitu, hauwezi kuwacha hapo mahali pakiwa vaccum kama tunavyo sema kwa kimombo, sasa tunajua kuna kazi fulani ambayo inatekelezwa hivi sasa na Provincial Administration. Sasa tungetaka kusikia position yako. Tu-recreate Provincial Administration iliyo na tofauti gani? Ama katika kiwango gani? Unafikiria tuondoe PC, DC, DO mpaka Chief na assistant wake ama iwe namna gani?

**Gerald Njoroge:** Sikusema tuondoe DC, nilisema Provincial Administration kwa sababu kama hatuna Mkoa wa Kati na hatuna Mkoa wa Pwani hatutakuwa na jimbo. Tutakuwa sote ni wakenya. Kwanzia hapo mpaka mwisho. Lakini ikiwa na kiwango cha provinces. In fact, hiyo tutakuwa tukisema kwamba sisi ni wa Central, au Western na kadhalika. Na mipaka iondolewe. Mipaka ya border za Provincial ziondolewe.

**Com. Bishop Njoroge:** Sasa, tuna wa watu wa KBC ambao wangependa kwenda mahali pengine, hatutaki kuwaweka hapa lakini walitaka kujua tumekuwa tukiendelea namna gani, na tutasema tu machache ili tuweze kuendelea na mambo yetu.

Sisi kama ma-commissioner, tumekuwa tukitembea katika Constituency, katika Central Province. Tumekuwa Kirinyaga, na leo tuko Nyeri, na wiki ijayo tutaenda Kiambu na yale tunaona ni kwamba, watu katika mkoa huu, wametupatia maoni ambao inalingana na mahitaji ya watu wa mkoa huu. Tungeweza kusema kwamba tumepokea moani ya maana sana, watu wa Kenya katika eneo hili, wanajua kile wanachokihitaji na maoni hayo tumepokea yamekuwa ni maoni ya muhimu.

Pia watu wamejitokesha kwa ajili ya kazi hiyo na hii inaonyesha kwamba wakenya walikuwa tayari kutengeneza Katiba ayo wenyewe. Shukrani yangu ni kwamba tumekwenda ndani katika Constituency ili kuonyesha kwamba Katiba hii haitatengenezwa tu na watu waliloko katika mijini.

Pia, tunafurahia kwamba watu wamekuja kuleta zile issues ambazozinahusu wakenya bila kuingiza siasa hiyo itatufurahisha kuona watu wametenganisha Katiba na mambo ambayo ni ya siasa ya kila siku. Kwa hivyo ni matumiani yangu kwamba tukimaliza provinves zote, tutakuwa na Katiba which will reflect people's aspirations. Kwa hivyo, hivyo ndivyo ningetaka kusema na kusema kwamba, wakenya kweli wanahitaji kuwa na Katiba mpya na wametuonyesha katika kila eneo tumeenda. Na kila mahali tumesikia maoni, hatujasikia uchochezi wowote kuhusu, kabila, au kuhusu kiongozi. Wao wametoa maoni yale ambayo yanaweza kusaindia nchi hii. Kwa hivyo, tutashukuru sana na pia kwa ajili ya KBC kuja kuchukua maoni yetu. Nitamuuliza Commissioner mwenzangu kuongezea.

**Com. Lethome:** Asante sana bwana mwenyekiti, langu la kusema ni kuwa kila tunapozunguka, katika sehemu tofauti tofauti za uwakirishaji bungeni, kitu kimoja ambacho tumeona waziwazi kabisa ni kuwa, wakenya wanajua kila wanachotaka. Sehemu hii tunajua ni sehemu ya ukulima. Utakuta kuwa watu wengi wanazungumzia juu ya matatizo ambayo, yanahusiana na mambo ya ukulima, na mazao ya ukulima na vile wamepata taabu ya kupata soko ya mazao yao kwa sababu ya vitu vinavyo toka nje. Kwa hivyo, wakenya wanataraji kuwa Katiba hii mpy itaweza kutatua matatizo yao ya ukulima. Na mtu yeyote asiseme Wakenya hawajui shinda yao. Wao wanajua na wanadamu na shinda wanahamu kubwa sana, ya kuzitatua. Kenya hawajui sinda zinafanya, na shinda kubwa sana.

Jambo lingine ambalo tungependa kuwambia wananchi kuwa, tunajua watu wote hawawezi kuja mahali kama hapa katika hiki kikao chetu. Kwa hivyo, waambieni wananchi kuwa, hata baada ya sisi kurundi Nairobi, tuna office za uwakirishi katika kila wilaya. Kupitia hizo office zetu, maoni pia yanaweza kuletwa hata Nairobi, haya maoni tunaweza kuyaingiza katika Katiba mpya. Na ule uoga wa kusema maoni yatapotea, hayatafika, twasema ni uongo usiokuwa na msingi kwa sababu sheria ambayo imeunda Tume hii, imeweka sheria ya kuakikisha kuwa, baada ya sisi kusanya haya maoni, yatarudi kwa wananchi, kwa muda wa miezi miwili, wataweza kusoma na kuangalia, Je, maoni yao yalichukuliwa ama haikuchukuliwa? Pia, kuna mkutano mkuu ambao utafanywa Nairobi, ambao tunaita National Constitutional Conference. Mkongamano wa kitaifa juu ya Katiba. Kutakuwa na waakilishi kutoka katika kila wilaya. Kwa hivyo, watu wasieneze uvumi usio kuwa na msingi, kuwa haya maoni yatapotea. Yatafika na mutaweza kushuhudia kuwa ni hivyo.

**Bishop Bernard Njroroge:** Kwa hivyo, tunashukuru tena kwa ajili ya vile watu wamekuja, na tutaendelea na maoni yetu.

**Kamau Waithaka:** Mimi bwana chairman niko na swali. Kila siku muna commission huko Nairobi munafanya hata ya benki ya nini na sisi ndio tulikomboa area hii. Mimi ninasikitika sana sababu mimi ndio Professor ya mambo ya wale waliopigania uhuru na mimi nashindwa kwa nini tukifika hapa mkoa wa kati hata mimi nasikitika kusikia mtu amesema majimbo. Sisi tulipigania kila mahali. Eti kuwe na uhuru. Where are you taking your goods. Mimi nasema ya kwamba mukiwa na kila kitu, nyote nawapatia right namna hii; mkoa wa kati ndio mambo yote kwa mitihani. Kwa hivyo kila kitu tunataka ya kwamba, mimi nataka kitu moja, tuwache maneno ya kufuata maneno ya Mau Mau.

Na tuheshimu serikali, tuwe sawasawa, tuwache kwenda kombokombo, ndio mambo yetu inakuwa mbaya unasikiaati benki zinaibiwa. Mtu anasoma hajui nani waliowalete uhuru.

Kwa sababu in 1952, wengine hawakufika huko, mimi jina langu naitwa Kamau Waithaka. Nilizaliwa huko msituni Karibu Kihire. Na jambo moja tu, juzi nilikuwa na donors hapa, ati wanatuletea msaada, wanatuletea. hatutaki mambo ya uongo. Hii nchi ni yetu. Hatuwezi taka mabaya tunataka mambo mazuri kuwaeleza watoto tunapigania nini? Tulipigana ili tukae na mzuri sana na watoto wetu waache kukula taabu. Maana yake sisi ni kabila moja. Tujumishe bidii ya Rais, tukubali na tuondoe huu uchafu wote hapa. Asante sana.

**Com. Bishop Njoroge:** Sawa sawa. Haya C.K. Kariuki?. C.K. Kariuki?. Mzee hebu, huyu mzee rafiki yangu huyu, Kamau Waithaka. Sasa umetoa maoni yako, kwenda pale uandikwe jina. Na usiniite afande, kama wakati wa uhuru. Si sasa wewe ni huru?

**Interjection** Sisi tunataka ukweli maneno ya watu kuja kutundanganya ati General Mathenge anakuja na sisi tunajua..... Wanatudanganya kwa saabbu ya pesa.

**Interjection:** (inaudible)

**C. K. Kariuki:** Mr Chairman, Honourable Commissioners, ladies and gentlemen, I will dwell briefly on colonial laws.

I would like the new Constitution, to compel members of parliament to review or amend colonial laws that still exist. It is a bit embarrassing that after 40 years of independence, most of our law courts or all our law courts use colonial law, some of which are irrelevant to the people of Kenya. I have in mind a law on trespass. I think if you are Kenyan African, if I want to go over next home, from my home, I just cross somebody's shamba and there is no problem. But this trespass was created by colonialists to make sure that Africans did not cross their large farms. There are some laws, where things like hens, if someone can go to jail for stealing a cock, I mean that is very unfair. If somebody has stolen a bull, fine, let him go in for 7 years. But a chicken, or a dog or a cat, these I think should be removed from our laws. I think recently you have heard of wedding, and that things like come we stay are illegal. I mean, why should such a law be there? If people want to marry, or lawfully or not, let them say and they should not be taken to court. these are the laws that should be repealed.

The chiefs act has been very controversial and it gives a lot of powers to the chief, even the PC does not have the PCs act. He misuses his power. This is a way of pressing law that criminalizes the traditional beer or even meetings, you have to have a permit. Why should you want to have a permit if you are having a public gathering?

- Canning in prison and school: canning, really, is a colonial thing. It was thought to instill discipline, they thought we

didn't have discipline. We have read history about this famous Captain who canned an African outside a law court and the judge was there. So, why should we keep these things. They should go.

- Now, the other point is that leaders, in whatever capacity, should be compelled by a specific law to honor and respect the state law and Constitution. We have this problem that when you become big, laws don't apply to you. That's why we keep on breaking laws because we are big. All laws should apply to each person equally, no one should be above the law.
- Police and prison staff should be trained to respect human rights. These two areas, are where human rights are really destroyed. They are not respected. Laws relating to those should be changed. If there is a police act or a prisons act, This should be amended to ensure that the prisoners are not mistreated especially by violence from askaris. There should be laws to the Kenyan mentality. As they are now, they tend to take colonial mentality, where Africans were treated like animals. For example the police are still trained today and there is a kind of training and they are told that the common man is the enemy. Sometimes wanaulizwa adui yako ni nani? -raiya, adui yako ni nani? -raiya. So that when they come out, they see the raiya or the common person as an enemy. This should be completely wiped out and something new should be implemented so that we see the police as our friends and of course the police should not be taught that every citizen is a suspect. That is wrong, they should see us as friends.
- Law: the statement that every Kenyan works at the pleasure of the President, I think that should go. Every Kenyan works at the pleasure of the President. Why should we work at the pleasure of the President? That is why the President has a lot of power, he can sack anybody employed in the service.

**Com. Bishop Njoroge:** Please give your views in point forms because of lack of time

**C.K. Kariuki:** Ok

- Well, presidential appointments should be vetted by a parliamentary committee
- Taxes should be reduced. Kenyans are highly taxed. The case of transfer of land tax when you are transferring land from a father to a son, why should one be taxed? That one should be removed.
- There is this question that has never been resolved. The Indian question since 1920. Indians there should be something about the state or position of Indians in Kenya as they are here, today they don't act like they are Kenyans. They don't interact with other people and yet, being a minority, they control perhaps over half of the wealth of this country. I think the new Constitution should look into that question and come up with its findings. I

don't want to introduce racism but something should be done.

- Now, I would like us to have a national government, and no majimbo. Majimbo will lead us into a lot of problems. Because majority of us don't understand majimbo.
- Finally, the Constitution of Kenya should be available to Kenyans easily. We have people complaining, most people complain that they have never seen the Constitution. Let it be available in libraries, in government offices, in schools and all such public places. Those are my contributions Mr Chairman, thank you.

**Com. Bishop Njoroge:** Thank you very much for your contribution and can you please give us your memorandum.

**Com. Lethome:** For the first question, the issue of this Indian question that you have not given us any suggestions as to how to tackle this issue. And why are we talking about the Indians? How about other foreigners? There is a question here that in other countries, foreigners are not allowed to own land other than through joint venture investments, so can you give us a reason?

**C.K. Kariuki:** Indians, majority of them are already Kenyan citizens but they have decided to stay away and just acquire much wealth which is not really shared by the other people. The idea I have is that, they should be able, they should come out, they should not be that closed community that does not mix with other people. How many Africans have you seen married to an Indian or an Indian married to an African? That's what I mean, they should not be so reserved and they have been here for over a hundred years. They should be able to cultivate the land and buy shambas if they can and let us have that access to their wealth. Their wealth just are not revolves round their shops.

**Com. Lethome:** But how do you force that or have that? How do you make them intergrate?

**Com. Bishop Njoroge:** I think you don't need to state this law, because what the Commissioner is saying, how can the Constitution force the Kenyan Indian to intergrate with other Kenyans, like us. You cannot have a Constitution forcing that but you can make it round us and give us a recommendation that will be a Constitutional recommendation. You understand?

**C.K. Kariuki:** Yes

**Com. Bishop Njoroge:** Yes is do understand. We want to find a way where we can be able to give every one wht they want without feeling like we are discriminating against anyone. I agree they have to share the wealth, but what mechanism are you suggesting? Think of one and let us know. Can we have Francis Wanjohi?

**Francis Wanjohi:** Commissioners, mine is quite brief, I would like to highlight views and I am representing the private schools Association.

- We would wish the Constitution to establish a special Act to cater for the issue of education in all private schools in the country. Such commission would supervise and manage the various aspects that are coming up in private schools. They would also harmonize terms and conditions of personnel for various cadres in such organization. They would regulate and standardize the curricula in such organizations.
- We would also facilitate funding from within the country and even outside the country. They would facilitate and advice on financial funding for such institutions.
- We also had a point that there will be exceptions in some of the taxes.
- We had also recommended that the exception of some of the taxes would enable some up coming institutions be able to take off and offer education in a better way.
- We also recommended that such a commission would serve as a bridge way between the government and the various other stake holders.
- We also recommended that we have room to cater for training, and re-training, of the personnel in that sector. And with the new up coming technology, the Commission would as in the national Data Bank for various private institutes. To avoid making mistakes that may have prevailed elsewhere, such institutions will benefit from such Data Bank. The commission or board recommended facilities to adopt the modern technology that is relevant for such institutions.
- Finally, it would harmonize the standards in such institutions within the country in line with what is required. There should be no discrimination in the various institutions at all levels for private schools.

**Com. Bishop Njoroge:** Thank you very much. People have come to give their ideas and we appreciate. Can we have Kingori, a war veteran and I will give you five minutes. And after that Catholic Justice and Peace Commission. Ninakupatia dakika tano kama una memorandum. Kwa hivyo tupe tu highlights.

**Kingori Mbogo:** Bwana Chairman, Commissioners na wenzangu wale tunakuja kushugulikia Katiba. Yangu, mimi naitwa Kingori Mbogo, I am the General Secretary of the war veterans Association of Kenya. What I am trying to say now, is to ask the Commission members we have one now, about 2 and a half or two years just discussing the way forward. Today, we

are here asking the Constitution now, we have reached the time of hearing, today it is very important we go in the views for 5 or 20 minutes in which to present our views. Ni laziam tuwe na driving license ndio tuendeshe hii gari ya Katiba.

**Com. Bernard Njoroge:** Bwana Kingori badu hatujamaliza Katiba, na wakati tutamaliza katiba ndio tutaipeleka mbio kama gari. Usije ukapoteza wakati wako kwa kuwa mapendekezo yako kama war veteran kwa sababu kama husemi kitu utarudishwa, halafu utatoka hapo bila kutuambia vile ma-veteran wanataka na utakuwa umepoteza.

**Kingori Mbogo:** Bwana Commissioner ninauliza nyinyi nyote, ninashangaa kwa nyinyi nyote mko ishirini na sita na nimeshajua, wakati huu wote, mumeshafundisha watu, 29 million people. Lakini sisi watu wa war veteran tuko elfu tatu, nyinyi hamujatuhushisha, tunataka mutukumbuke mutuhushishe tukikashirika sisi watu wauhuru na kazi. Twataka muhushishe pia jamii hizi zao.

Bwana Commissioner, tunauliza Katiba hii ikitengenezwa, yale mashamba yote yaliyo chukuliwa na wazungu kwa nguvu mukumbuke, mujue mutatulipa namna gani kwa maana yako ndani ya Kenya na wakati tulikuwa kwa vita, yalinyakuliwa.

Bwana Commissioner, wakati umefika sasa sisi tujulikane, mutuondolee, twauliza nyinyi kwa hisani ya mwenyenzi Mungu, mutuondolee ile jina ilikuwa ikiitwa mau mau party. Mutuite watu wa vita. Vile, vile, twataka, sisi vile tunaonelea, twataka wale wageni tulipigana nao na mapolisi walibaki hapa, na walibaki na bunduki, zao sasa ndani ya Kenya kuna buduki illegal 30,000 ya hizo ni illegal. Tutauliza watu nao kurundisha buduki. Sisi tulirundisha buduki zetu, mwezi wa November. Tulirundisha ndio tukapata uhuru, tulirudisha bwana chairman. Mzungu, bwana Commissioner, wajiulize niliona tarehe ishirini mwezi wa December, walirudisha buduki zao, na wakatupatia bendera na tukajua buduki ziko hapo. Lakini wale wahindi walikuwa pale, tulikuwa tukipigana nao. 2,455, are still retaining their guns.

- Ya mwisho ni kuuliza wale watu wameandika ndani ya kitabu watawachukua hii na hawa hii, warudishe buduki kwao, kwa serikali yetu. Ili katika nchi yetu kusiwe watu wanaogopa, wana wasiwasi maana uone ni Mungiki uanjua ana buduki.. Kwanza kuna wasiwasi, hata katika vijiji vyetu, hata kwa matajiri, kwa vile bunduki zote, ziko kila mahari. Bunduki zirundishwe kwa serikali ili tukitengeneza Katiba, kila mtu awe ako safe. Thank you.

**Com. Bishop Njoroge:** Asante sana Bwana Kingori kwa maoni hayo, tumefurahi. Kwenda pale basi uandikishe jina lako.

**Speaker - Catholic Justice and Peace:** Thank you very much honourable Commissioners, and Kenyans at large. We have a memorandum from the Catholic Justice and Peace Commission, here in the Catholic diocese of Nyeri. On the issue of the new Constitution, I want to highlight what we have put down without explaining a lot.

And we have stated clearly that our Constitution should have a preamble and bring out the idea that Kenyans are sovereign.

And we must commit Kenyans to democratic values of Constitutionalism, equality and the rule of law.

- And in that opening, we must mark so clearly that Kenyans are committed to a united country which is indivisible and is composed of people of diverse culture. Their rights must be unavailable. Still, here we need to have the preamble stating the common history of our people in this country. Where have we come from? We have a bitter history of having been governed by the colonial rule and people joined hands to fight that. And it is that freedom that Kenyans want to safeguard.
- We also need to have certain directive principles where whoever governs this country must bear in mind. One is that gender equality and protection of rights of the minority are elements of a just society.
- And also that all geographical areas of this country, should be accorded equal opportunity for development. Not having other areas more developed than others.
- We also need certain democratic principles within our Constitution, where we must state that power of this country belongs to the Kenyans and it is exercised on their behalf, through representative, sensitive and accountable institutions of the governance. It must be accountable to the people of Kenya. And that Constitutionalism and the rule of law, must be adhered to by whoever that governs this country. And we should also state that all human beings are equally entitled to civil political and economic and also cultural development life in this country. We have the problem where our Constitution only states about political and civil rights. And under that, we must also state that the natural resources of this country belong to all Kenyans, not to certain individuals.
- Under Constitution's supremacy, we must indicate that the Constitution of Kenya is the supreme law of land, and therefore, because it is made by Kenyans, it belongs to the Kenyans. If this Constitution has to be changed or overhauled, it must be done by the people of Kenya. We must state that very clearly, because we believe that if we had ever stated this in our first Constitution, we would not have ever entered in all these wrangles for all the years, trying to decide who is going to review the Constitution, where it is going to be done. That has been wasting our time, without arriving at a conclusion.
- We also talked about the structure, the system of governance, governance of the country and we believe, that we should adopt parliamentary system. A Government in which the Prime Minister, we have a Prime Minister who is appointed from the majority in parliament. And this Prime Minister should be in charge of the daily work of the government and must be accountable to parliament. We propose to have a ceremonial President, somebody who would be above party politics. The figure of unity in this country and should be elected by all Kenyans with the majority votes. The majority here means he has 51% and over of the votes that he or she, should garner and we

believe that while it is important to retain central government for the unity of this country, we need power to go to the local government where it should be given a name is to use resources on the party collected from the public from different areas to do development works to those areas.

- As a parliament, we believe or think that the parliament should have a little bit more power in terms of appointments of ministers and, assistant ministers. This would make the ministries more professional and accountable instead of where we have one person having the power to do that.
- Also, the court judges, they should be appointed through parliamentary judicial committee. It should be set up by parliament and also the Public Service Commission Officers, the important body that deals with the employment of the public officers in this country and therefore, we believe it should be more sensitive and should not be appointed by only one person.

**Com. Bishop Njoroge:** I am giving you two more minutes and the fact the you are going to give us your memorandum, please give us your views in point form.

**Spealer - Catholic Justice and Peace:** We also want to have, parliamentarians who are elected who should have a good code of conduct of the people who are going to be elected to parliament.

- And Kenyans should not have the powers to recall their MP and councillors. We want them to spend a little bit more time, with their constituents instead of where in some constituencies you find a parliamentarian is never seen by the people, on his/her constituents.
- Also, under executive, we should have clear qualifications of a presidential candidate. Like one needs to be a Kenyan citizen aged between 45 and 70 years and also one who is able to declare his wealth at the time of elections and also, may be from time to time. And one of good morals.
- Judiciary, we think that the office of the Attorney General should not be under executive. Should be under judiciary.
- And also the two roles that are made by the Attorney General, we look at them as rather contradictory, where the Attorney General is the public prosecutor and he is also the government legal advisor. And we think that maybe those offices need to be separated.
- Under local government, we think mayors and chairmen of the county councils should be elected directly by the people.

- Electoral system, we want to continue practising a representative electoral process and all the people who are elected must be elected by the majority vote not the simple majority.
- Basic rights, we need to include the economic rights and also development rights of Kenyans and we should also take care of the disabled people because we believe disability is not inability.
- And also right to education should be in our basic human rights.
- Under land, we think that land in this country is very sensitive and looking at it, from an economic point of view, we believe we can do much more if we do not have chunks of land lying idle in this country. We need to have a ceiling of how much land should one own in this country. Like for example, 50 or 100 acres and if one would want more, the government can still accept on condition that you are taxed, and taxed heavily per acreage so that you are able to utilize the land economically and also assist other Kenyans.

**Com. Bishop Njoroge:** You have one minute.

**Speaker - Catholic Justice and Peace Commission:** Thank you Bishop. Then we need to have unity in this country in terms of emphasizing our national language.

- The national language should mean or used to unite all of us and we propose this should be Kiswahili language. On the management of the natural resources, we believe that we have a lot of resources that we get particularly through tourism, and we have areas where we have people settled next to game reserves, to forests and through this, we get a lot of money, a lot of foreign exchange, yet, the people who are adjacent to such resources do not benefit in one way or another. You find that them languishing in poverty. We think that if they were more involved in the management of such resources next to them, they would even give the government a hand in trying to protect them instead of misusing them.
- Finally, we believe or think that the Constitution, because it belongs to the people of Kenya, it must be stated that Kenyans must understand it and how will it be done? We propose that it should also be part of the school curriculum so that Kenyans grow knowing their Constitution and even when it has to be changed and they are being involved they are going to be abreast with the development of their Constitution. We also want that Constitution, to be put down in a lay- man's language because it is the Kenyans' Constitution it is not foreign Constitution, so that it is understood by all of us. Also, it should be accessible to all Kenyans so that they are able to know what their Constitution says and what out of the book and it is going to be written in the hearts of Kenyans. And also, I finally

recommend that civic education should be recognized by the Constitution and should be offered continuously in this country to make people aware of what is happening in terms of the management of their country and that is going to involve them all in the management. So, with those few, recommendations, the others are in this memorandum.

**Com. Bishop Njoroge:** Thank you, we appreciate the Catholic Church Justice and Peace Commission's commitment to this process, and tell your members that we do appreciate what you have done in civic education. Thank you. Mary Karigiri, Mary Karigiri, kila mtu ambaye ataitwa sasa tunahitaji aseme point, point bila kufanya nini? Kueleza mambo ambayo angetaka tubadilishe katika Katiba bila kueleza zaidi. Mary, karibu.

**Mary Karigiri:** The Commissioners and honourable Kenyans, I am happy to present our memorandum in respect of Catholic Women Association within Nyeri municipality. We the Catholic Women Association in Nyeri municipality, would like, the Kenya Constitution to include the following:-

- That the new Constitution should have a preamble starting with “we the people of Kenya.....”
- That the new Constitution should streamline the mechanism for citizenship, president rights, work permits and enhanced employment of Kenyan citizens. Also, to make rules for Kenyan ladies who are married outside Kenya and would like to live in Kenya with their families. In that case, the husband and children should be allowed to be Kenyan citizens.
- That the appointment to public office should be vetted by the parliament.
- Powers of the President should be trimmed.
- That the new Constitution should be translated into local language and be made available to the Kenyan citizens.
- That the new Constitution should promote gender equality, in public service appointment and political leadership.
- That the 75% of taxes, natural resources and wealth being generated in the district be managed by the local government authorities within the district to be used in the development of the local authority. For example, maintaining roads, financing higher education of students from our councils, hospitals etc and only 25% should be contributed to the central government.

- That the new Constitution should provide security for its citizens without discrimination.
- That the presidential election should be held at a different time, separate from the parliamentary and civic elections.
- That the Vice-President, the mayor, and the town clerk should be elected directly by the people.
- That the new Constitution should ban the selling of beer ...in rural areas.
- That the new Constitution should make rooms for family properties for example land, to be registered with both the husband and the wife's names.
- That no holder of public office should be above the law.
- That in order to stop corruption in uniformed police force, their salaries should be increased, to be equal to other police departments for example security intelligence services, formally known as special branch. Mr. Chairman, we need to consider the amount of money which these uniformed policemen are getting in bribes, it is like Kshs20 and 50, it seems as if these people who are financially handicapped. The Catholic Women feel that their salaries should be improved so that they can be happy people and take care of ordinarily mwanainchi without harassing them. That's all.

**Com. Bishop Njoroge:** Thank you very much, very concise but very good points. Asante sana mama. Wengine wakifanya hivyo, kufanya tu point by point tutaenda haraka. John Mwangi? John Mwangi. Ufanye tu kama huyu mama amezungumza tu point by point.

**John Mwangi:** Thank you Mr Chairman, Commissioners, and fellow Kenyans. I will do as you have said, I will try to read my points because they are very short and precise.

- First of all, I have one comment to make Mr. Chairman that I feel that this Constitutional Review should not be pegged to the general election. Unlike other Kenyans who feel that we should have for adjustments that will make a good election, I strongly feel that this is our chance as Kenyans to have comprehensive review, that will make us go into the next election quite comfortably and relaxed.
- Second, by Mr. Chairman, I would also like to register my disappointment with some of the Commissioners who are in this process especially, I have been reading in the press that they are divided, that some are not for this Commission

Constitutional Review and also wish to say that when you go back, in the media, tell Commissioners, tell them that we are disappointed as residents of Nyeri when you see that they are divided. They should be patriotic, they should even work within the given time frame and work like they have never worked before. Because this is the only chance we have ever had since independence for Kenyans to make our own Constitution.

- Having said that Mr. Chairman, let me say that the bicameral parliament which was there under an independent Constitution should be reinstated. The chamber of the upper house, should have the mandate to scrutinize and approve all presidential appointees including Ambassadors, Permanent Secretaries, Cabinet Ministers, Parastatal heads and judges.
- Parliament should be in charge of its own calendar and the executive should not have any role to play to that effect .
- The judiciary should have its own power to hire and fire judges and it should be independent of the executive through the Judicial Service Commission which should be created.
- Mr. Chairman, the Central Land Board, which was created by the independent Constitution should be reinstated. And citizens of integrity who will oversee all land allocation and should have the mandate to repossess all grabbed land that took place before this review. Mr. Chairman as it was the planning call for independence uhuru na mashamba, this we feel that Kenyans needed to heed that call for independence and it should be reinstated so that all mau mau fighters who fought for the independence of this nation, should be compensated and all land or all Kenyans should be given an amount of land where at least they put up some shelter. Mr. Chairman, we feel that Kenyans should not own more than 10,000 acres of land and Mr Chairman, we also feel that that is not fully utilized should be taxed heavily with a view of being repossessed by the government if and when that person is not able to pay the tax. Mr. Chairman sir, I also feel that all land agreements that were done by the colonialists on our behalf should be nullified. We should not accept land leasehold where for example someone owns land for like 99 years. We should not respect that. And all land owned by foreigners should be repossessed by the government and distributed to the people of this nation.
- I suggest the Electoral Commission be appointed by the lower house and approved by the senate and should be created by the Constitution. They should have tenure of office and should not exceed 30 in number. Presidential, parliamentary and local authority elections should be separated Mr. Chairman. The Constitution should come very clear on transition from one President to another.
- The mayor should be elected directly by the people and should be the chief officer in the council with the mandate to

act directly on the citizens grievances.

- Agricultural policies of this nation should be enshrined in the Constitution giving for example the direction that this nation will take as regard agriculture.
- The Cnstitution should define the Title of Kenya and should have a preamble which clearly states why Kenyans demand a new Constitution and what they want from the new Constitution.
- The new Constitution should state clearly how it can be reviewed and the extent to which Parliament can make amendments. It should always be the citizen who can change the constitution on .....or the constitution like increasing the powers of the executive, the Judicail Commission, and the nature of government etc.
- The Police Service Commission should be created and Constitutional body to oversee employment, terms of service and general running of the police force. The Administration Police should be abolished while the GSU should be transferred to the Armed Forces. All other police units should be under one commander, Mr. Chairman. The Armed Forces should get their budgetary allocation directly from parliament and should undertake other activities during times of peace, like building bridges or other national constructions like stadiums, etc.
- The issue of local resources should be addressed by the Constitution. And the resources created by the sector should be shared equally between the government and the local people.
- The Provincial Administration which is a colonial idea Mr. Chairman, I feel should be abolished and in place, the local authority empowered to take over their role. The mayor should act as the DC, Mr. Chairman, while the governor who is directly elected should act as the PC.
- The new Constitution should be available to all Kenyans in their local languages and you can borrow a leaf from South African systems where a teenager who attains the age of 18, as he get his national identity card, he also receives a copy of the Constitution in his/her mother language.
- Lastly but not least, the new Constitution should recognize the disabled people and should make provision, especially when it comes to people who are disabled, when they are making constructions, all government buildings should put in to consideration the disabilities so that even people in wheel chairs can have access to the buildings. And a good example Mr. chairman is where we are having this meeting today, whereby a disabled person would find it very hard to come to this hall so it should be mandatory for all public buildings to have access by the disabled people and should put into consideration all other aspects of the disabled people including education and health thank you Mr.

Chairman.

**Com. Bishop Njoroge:** Thank you very much you have said so many things in a very short time, Thank you. Muchiri Gathu, Muchiri Gathu?

**Muchiri Gathu:** Mr. Chairman, I have several issues I would like to address as an ordinary Kenyan

**Com. Bishop Njoroge:** But I want you to address them in point form.

**Muchiri Gathu:** Mr. chairman I will do that. After the education act Mr. Chairman, I would like the following changes.

- National exams should be done in July and first term to start in September.
- The salaries of teachers in nursery schools and primary schools should be adjusted up wards to reflect the important role they play.
- Mr. Chairman, the mode of dressing in schools should correspond with the age of the student. What I have in mind here Mr. Chairman is, you have nursery school kid dressed in kaptula while his counterpart in secondary schools wear long trousers.
- Under the agricultural act Mr. Chairman, cash crop farmers should be able to determine the price. Mr. Chairman, where unfavorable weather conditions affects the production, farmers should be compensated by the state like in European union countries.
- Mr. Chairman, under the legislature act, there should be mechanism to stope or control members of parliament from passing selfish laws that simply benefit them directly.
- Under the local government act, mayos and chairmen should be elected by the people directly.
- Under the environment and the natural resources, it does not make sense to have thousands and thousands of national parks and game reserves when there are millions of Kenyans who are landless.
- Mr. Chairman, the amount of water that is available should be used to irrigate arid areas.
- My last point Mr. Chairman, whenever a Commission is set up its findings should be made public and the corrective

actions needed. Thank you Mr. Chairman.

**Com. Bishop Njoroge:** Thank you very much for your important points back in a very clear manner. Wanjohi wa Nyambura you are next

**Wanjohi wa Nyambura:** Mr. Chairman, the Commissioners, and my dear Kenyans, I do have some few points which I will read before you.

- In our new Constitution, there should be a unitary government with an executive President, elected directly by voters, with the Vice-President.
- Kenyans should have the right to own property and reside in any part of the country.
- The government should guarantee security to all citizens of this country.
- All senior appointments in government and parastatals should be confirmed by parliament.
- The President should not necessarily be a member of parliament, because he represents the whole country.
- There should be stiff jail sentence for any domestic violence perpetrators.
- The government should subsidize Kenyan farmers when they go at a loss in order to keep them going.
- The government should take care of our security officer's families when they die in accidents.
- The quota systems in schools and colleges should be abolished
- The government should purchase land and distribute it to the landless
- Any future government should promise Kenyans that they will work for the economic growth.
- All our industries should be protected from low quality imports.
- All political aspirants for example councilors, MPs and presidential candidates should first declare their wealth

- The 25% requirement should be abolished and the winning presidential candidate must win 50% of all votes.
- The last point, there should be a stiff jail sentence for any politician who incites Kenyans against each other.

**Com. Bishop Njoroge:** Thank you very much for the representation and you can go there and have your signature taken.  
Peter Kamau Waithaka, John Muhihia.

**John Muhihia:** Asante sana. Mimi ninaishi hapa Nyeri town na nikimoja tu ningesema, mukirundi kule, mutetee wazee wale wamefikisha maika 95. Mimi naona wana tabu sana wazee hao. Wana taabu nyingi. Bibi zetu wamekuja na watoto wanalia, an “baba, wapi cahkula nini, wapi mama? Na wengine wakitaka kutoa taabu ile iko na wazee na nyingi sana . Tena juu ya hayo, sisi tunaishi gishagi, na gishagi ni pahali pana taabu. Lazima uweze kuchunga kuku, hata ngombe, kuliko wale watu wanafinyana pahari ya kukomboa. Sasa tunauliza serikali ile tutapewa na Mungu ituangalie sana. Wazee wa maika sixty wana taabu sana waangaliwe. Mimi ningauliza tafadhali. Sina mengi, ni hayo tu.

**Com. Bishop Njoroge:** Asante sana. Asante sana John hiyo ni mambo ya muhimu. Stanley Murathe Muriithi. Stanley Murathe Muriithi, Jackson , Laban Writer, John Maina, Josephine Asika

**Josephine Asika:** Okey , I have a few points that I would like to raise to the Commission. It concerns the deaf people and what we think should be stated in the Constitution.

- Point Number 1. The Constitution of Kenya states that it caters for the people of Kenya but it does not truly cater for us as disabled people.
- We would like the Constitution to be approved in the Parliament
- Basic rights: there are basic rights that we have but we people, the women, the children and the disabled those are our responsibilities. Another thing, the Constitution should tell us exactly, the old men the women, the disabled the children, what are really our basic rights. The protection of the deaf (a) The Constitution should give access to the disabled people to vote.
- Also, those people who don't have certificates, may be the disabled people are so poor and they don't have certificates like say school leaving certificates, what can we do to help them get jobs?
- We should also let the disabled people to have power over land issues because many parents don't give their

disabled people, land, they are not considered.

- We should also have the welfare for the society. There is a lot of talk about the welfare of the government for the Kenyan citizens and welfare of the societies. Okay, there is something like this and then with that, especially us who are disabled, there is no welfare that is taken care of us we are just there. We must attend to the disabled society. As an individual I see all the people as Kenyans and we have freedom to contribute to the development and that the blind and the deaf people we are not really included, we don't have any powers over any development.
- Constitution should give way to the disabled people to also elect their representatives in the parliament. Okay, when it time for the election, there are seats that should be reserved for the disabled people. Okay even if, or when there are seats for the women, at least a number of disabled women should be included. At least 10% or any percentage that they should be given. Also you can see in anything that we are doing, we are using sign language for the deaf people because we cannot communicate. We have English, we have Kiswahili and sign language should be declared the third language. so the parliament should decide on this.
- The government should decide on how to have a Commission for the disabled people to check on their disability.

**Com. Bishop Njoroge:** Can you just tell her if she has a memorandum, she doesn't have to read every thing as she will give us the memorandum. Let her read the most important points.

**Josephine Asika:** The state power should be shared. We should not make only one person to have powers, we should share the powers.

- The childrens rights: This one should be clear. Who are the children? Is it from an infant to how old? It just states children rights, but then from which stage? so tell us, and especially for the disabled which at what age should they have their children's rights?
- About land; the culture, we disabled people are really not happy because land is not shared. So, let the land be shared whether it is woman, a disabled or whatever, the land should be shared among all people equally.
- The Constitution should give the opportunity to citizenship and also, like me, I am a Kenyan deaf lady, I go out and then I come back, I should be given that citizenship as well as my family.
- All schools for the deaf must never be intergrated We want to have a school for the deaf so that they can do things our way. Schools for the deaf should have trained teachers who are equipped and conversant with sign language.

Sign language should be allowed in courts, hospitals and everywhere a deaf person can access. Thank you.

**Com. Bishop Njoroge:** Can we have Josphat Gichuru, Josphat Gichuru, Meshack Theuri, Idi Seleiman, Phillip Gachoka,

**Phillip Gachoka:** Bwana Commissiner, yangu ni kidogo tu, na ni kwa kingereza tena Kiswahili.

- The President of Kenya should be medically fit. Kwa vile tunaona ugonjwa ya ukimwi ni mwingi .....

**Com. Bishop Njoroge:** Sikiza, tunataka tu utoe point, usieleze. Hatutaki maelezo, tunataka ile point tu inaenda kwa Katiba . Sawa?

**Philip Gachoka:** All the MPS should also be medically fit through a team of doctors also the civic leaders should be medically fit to lead the wanainchi of this country. Now we have seen that many people lose their seats because of being not fit to be in the government.

- The other issue is for Asians; businessmen in Kenya should be strictly controlled. We have so many of them making millions and doing illegal busindess.
- There are those manufacturing the beer brand called Tiger in Nairobi a type of vodka. This is pure 'kumi, kumi' a liquor which is bad but in a nice presentable way. They are very bad people. Hiyo lazima iangaliwe. Nawengine, when they do their business they don't invest their money here in Kenya. They invest there money elsewhere. Those who do business in other areas, in the country including hardware, or whatever, have been earning a lot of profit they don't even share. Countries like)where do they take their money? We just hear rumours that they have properties in other countries like Canada, Australia,etc. When do they take their money when the government is alert 24 hours all throughout the year? This issue of Indians in the Kenyan economy, they are doing business in Kenya some egauge in corruption and transfer of their money abroad.
- The police force should also be trimmed. They should operate and should be properly inspected by the government. You know wanaingililia kazi zngine kama haiwahuu.
- Another point is issue of the national language which should be Kiswahili. The majority of Kenyans, 80% understand Kiswahili, therefore, I thought that's why Kenyan should be only speaking English and Kiswahili. Even the Constitution of Kenya should be written in Kiswahili or English. Ni hayo tu, asante.

**Com. Bishop Njoroge:** Asante sana umezungumza hata hizo points hazikuwa zimetolewa. Asante. Tungetaka Idi Suleiman.

Tunataka tu points, hatutaki ueleze. Ni point point ya kwenda kwa katiba.

**Idi Suleiman:** Ningetaka kuzungumzia kadhi's appointment. It should involve muslims. Kitu cha pili ni qualifications zao, they should have judicial qualifications like any other judicial officer, except that Islamic as a religion should be included in the qualification.

- Court ya kadhi; Point ya kazi: ningependelea iwe na average functions. It should not be limited family matters. It should deal with all matters involving Muslims. We should have the office of Chief Kadhi who will only deal with legal matters. And the Constitution should create an office of the grand Imam those who deal with matters oppression of religion. We would like Muslims to be issued with Title Deeds for those plots that they were given by the colonial government, those who will not be accommodated should be catered for by the government.
- Freedom of worship should be guaranteed but not be seen as guaranteed by the Constitution and Muslims code of dress should be effected by the Constitution.
- The Constitution should be sensitive to the special needs for Muslims and the government to develop Muslim dominated areas like the Coast Province, and Eastern Province which are in need of development.
- Public institutions like hospitals, schools, prisons should provide necessary facilities for Muslims like postmortem cremation of dead bodies and children adoption. I think those are my main points. Lastly, Muslims should be exempted from performing activities that go against their faith e.g postmortem, cremation of dead bodies, childrens adoption. Those were my main points.

**Com. Bishop Njoroge:** Thank you very much, Gerald Wambugu, Jeremia Wangome, John Kamau Kariuki Kiama Pius Mwangi, Mwangi Mwangi karibu.

**Mwangi:** sasa kwanzia, ninganzia na kuangalia presidential powers. They should be trimmed kabisa. Kwa sababu inaonekana .....

**Com. Bishop Njoroge:** Usituambie sababu yake

**Mwangi:** Okay, Second point: kama police suspect, mimi naona mara nyingi, kama court haijaamuru wewe umekosea, naamini kuwa wewe ni mkenya, ambaye hana kosa bila koti kuamuru.

- Third point: Elimu ya msingi inapaswa kuwa ni ya bure ili mtu yeyote anaweza hata kusoma Katiba

- Haya, forth point: Grabbers, hii inaonesha wale watu wako, ama wanapatiwa nafasi ya kuongoza na serikali, wanapaswa kuwa hawapatiwi cheo hicho kikubwa mpaka ati wanachukua mali ya wakenya bila ruhusa. Hiyo inapaswa kuangaliwa sana.
- Na katika mahakama, tunaweza kuangalia mahakama, kama majaji siku hizi, wanapaswa kuwa sio ati they are final, kwa sababu pengine hata kesi wanahairisha vile wanataka, hata makosa mengine yanaleta shida kwa Wakenya, wanapigana kwa sababu wamekosa kutatua shida.
- Haya, point ya mwisho ni Asians ama wanabiashara au investors from foreign countries. Hawapasi kupatiwa pesa ili wakimaliza biashara mtu anaenda na pesa yote, anachukua mali ya wakenya anaenda tu. Sasa hiyo inapaswa kuangaliwa. Ni hayo tu nilikuwa nayo.

**Com. Bishop Njoroge:** Hilo la mwisho unasema, watu kutoka nje wasipewe loans kutokana kwa mabanki ya Kenya?

**Mwangi:** Hapana ile kitu ni, mtu akikubaliwa ku-invest Kenya, afanye biashara hapa, iwe tu ni akifanya biashara, atafanya biashara, anachukua mali ya Wakenya, anaenda.

**Com. Bishop Njoroge:** Okay sawa. Haya, tupate Captain Muriithi

**Captain Muriithi:** Thank you very much Mr Commissioner, just a few points to mention here, and I think I should be very brief, I will try to be very brief.

One thing is about religion, we have three major religions in Kenya, that is Catholic, Protestants, and Muslims. Now, what I have to tell you here is that, we are supposed to have these religions intact. Because when we look around, we have several other religions which have come out mysteriously. My age is about 62 years now and since I was born, I grew up seeing the above religions that I have already mentioned. Therefore, I suggest that the new Constitution to vet all other religions before registering them in our society.

**Com. Bishop Njoroge:** Don't tell us. You have told us about something good. Every religion should be vetted. That will go into the Constitution go to the next point, don't give us the reason why because we already know, thank you.

**Captain Mureithi:** Next point is on corruption: Kenya is known as a corrupt country, therefore, we should have a Constitution to change this by installing a very stiff penalty to those who are corrupt.

- Three, retired people. People who have served the government for a long time like civil servants and others have not gone home with pension. And everytime, that they have been at home, they suffer quite a lot because they go with a very minimal and meager pension. and I would suggest that those people who are at home now, with the meager pension, they know their comrades who have been left behind have increased payments.

**Com. Bishop Njoroge:** Let me say this captain, I want you to say what you want to be done by the government. If you want the pension increased, say “I want the pension increased” so that, we don’t waste time because we want to hear everybody.

**Captain Mureithi:** Thank you, we would like to have the pension increased when all the other peoples’ salaries have been increased.

- And potential university students, I would like the students, before they go to the university, to be assigned to nation building by joining the army, or the police force for two years before they join the university. That will help us in building the country with a lot of dedication. Thank you for that.
- Now, No. 5, all school going children, I suggest that they should, in their constituencies or wherever they are, they learn their Vernacular from std 1 to Std 8 . If for example a school is in Kisumu, he should learn that language wherever he is, so that he gets that benefit of learning other languages. And after Std 8, then they continue with other subjects just like they do from Std 1.
- Lastly, Mr. Chairman, I woul like April fools or April 1 to be abolished in Kenya to avoid expenses that have been occurring when people say this and that, like in the last last April fool. That was a very very good example where people lost a lot of money trying to go and find out what is happening leaving their jobs behind.

**Com. Bishop Njoroge:** Thank you very much, those were very important comments. John Waitthaka, Wilson Mithamo, James Gatama, Samwel Wanjohi.

**Samwel Wanjohi:** Mr. Chairman, Commissioners na Wakenya wenzangu. Ninatoa maoni yangu kibinafsi, vile ningependa yaangaliwe katika Katiba mpya. Kwanza nataka kutoa neno moja. Wakati tulipigania hapa uhuru na tukapata serikali yetu, tuliambiwa tutapigana vitu tatu, bwana chairman. Ignorance ndio ujinga, poverty ama, umaskini na disease ndio ugonjwa.

Lingine ningetaka bwana chairman ni hii Katiba muketengeneza hii Katiba mpya, Jambo la kwanza ni disease, hili jambo la disease bwana chairman, ifikiwiwe sana kwa sababu tuliambiwa tukipata uhuru, mambo yatakuwa sawasawa lakini sababu kama vile tuko siku hizi, kama wewe hauna pesa huwezi kupata matibabu bora.

**Com. Bishop Njoroge:** Hebu munisikize, tunajua sisi ni wakenya, tujanua tunataabika kwa ajili hakuna dawa, tunajua tunataabika kwa ajili hakuna shule, haya mambo unaweza kuyatatua kama sio wakenya wako hapa?. Kitu tunataka ni jawabu, jawabu ni nini?

**Samwel Wanjohi:** Jawabu la kwanza bwana Chairman, ningependa haya mambo ya masomo iwekwe bure, iwekwe masomo ya bure kutoka Std 1 mpaka Form IV iwe free kama hii maneno ya hospitali, wananchi wote wawe wakitibiwa bure. Hata kama serikali itatoa pesa hajui pahali itatoa. Matibabu yote yawe ni ya bure.

- Tukiingia upande wa poverty bwana Chairman, hawa watu wote wako na mashamba kubwa, unasikia mtu ana 10,000 acres
- Hapo ndipo poverty inaingia. Tuweke sheria iwe mtu kama acre mia moja tu, ikutoshe ingine igawiwe wananchi. Watu tuone tunaanza namna gani .
- Tukienda upande wa watoto bwana Chairman, tuko na watoto wengine tunaita chokora na hawa chokora hawatoki Uganda ni sisi tu tunawazaa. Mimi ningependa bwana chairman, kuwekwe sheria ngumu, hata ni kama ile ya waislamu. Mtu asizae nje ili izuie haya mambo kwa sababu itakuwa generation mbili; ya chokora, na watu wale wengine. Hiyo iwekewe maanani, tuweke adhabu kubwa.
- Tukienda kwa maneno ya freedom of worship, freedom of worship iko lakini tuweke kiwango bwana chairman. Kuwa na freedom of worship wengine wako na freedom hata wana muabudu shetani. Iwe na masharti tuaabudu namna hii kwa sababu madini yamekuwa mengi sana, irekebishwe.

Bwana Chairman, yangu ni machache na nitakoma hapo, asante sana

**Com. Bishop Njoroge:** Na unajua umesema maneno makubwa sana. Free medical care, free education freedom of worship to be limited.

**Samwel Wanjohi:** Sasa hayo ndio yanaweza kwenda kwa Katiba hiyo ambayo unataja.

**Com. Bishop Njoroge:** Sasa leta hiyo halafu tupate M.S. Gichaga, Rev. Patrick Macharia, Justice Kirigo, Timothy Gitari.

**Timothy Gitari:** Chairman of today's meeting, the Commissioners, my colleagues, I am here for the presentation of my

views.

My view Mr. Chairman, the Constitution, in my own personal view should be the country's driving force.

I suggest that nobody in Kenya should be above the law, either by birth or by nationalization. Even the President should be below the country's laws. The President should have education from those recognized institutions of higher learning. He/she should have political and moral integrity. The powers of the President should be reduced. That is executive powers should be reduced. The custodians of law, the Chief Justice and Judges as the custodians of law, their appointment should be on the merit from their high calibre of intelligent, integrity and well educated personnel to hold the positions. Those who get these positions should be well scrutinized so that they not solicit for bribes in the country. Their appointment should only be made by the Law Society of Kenya, and the Judicial Service Commission in consultation, with a more consultation from Parliament for approval.

Comment No 5, is that of education policy and we had so many. The education policy; our government should introduce free primary education. Because you find that, that free education.....

**Com. Bishop Njoroge:** Please don't tell us reasons. We want you to tell us free primary education. That is enough.

**Timothy Gitari:** Thank you very much.

**Com. Bishop Njoroge:** Margaret Nyathogora

**Margaret Nyathogora:** Thank you very much, Commissioners. I would like the new Constitution we have a preamble

**Com. Bernard Njoroge:** if you have a memorandum, we shall give you 5 minutes. Please give us your views in point form.

**Margaret Nyathogora:** The next thing, I would like to have is to recognize the supremacy of the people of Kenya that is women, men and children.

- The other one is, people should have equal treatment before the law.
- Then, I would also like the next Constitution to have automatic citizenship that is all children inside and outside Kenya, by a Kenyan citizen should be citizens of Kenya.
- Also the children adopted by Kenyans should also have citizenship.

- Anyone married to or married by a Kenyan citizen should also be granted citizenship.
- Then finally, foreigners and their children who have worked in Kenya for at least may be 15 years, should have the citizenship.
- Then, I would also like the new Constitution to have an office of ombudsman in taking care of whatever corruption going on in Kenya
- Then, political parties to be funded by the government
- I have talked about powers of the President and I will say they should be limited and he should be a graduate.
- He should also be married, have children and a wife. If he divorces or the wife dies, he should go for a nother one so that he may take care of Kenyan women.
  - The other thing I would like is that the President should not hold a parliamentary seat. He should be elected by the people of Kenya. If, and I am thinking and am praying, the next President is going to be a lady, then the Vice President should be a man.
  - The Vice President should also be elected by the party
  - Then, I would also like the Commissioners like you now, not to be appointed by the President.
  - In our next Constitution, I would like President not to appoint the Commissioners, not to appoint the judges and more so, the Attorney General should remain in his office not be in parliament.
  - And finally, I want the new Constitution to state and I would like it to underline, that if we have any quorum, we don't want this habit of one third of that Commission will be women. No, Half, of the Commission should be women. Let us have half and half the same way we share in class. In class we don't say a woman, I mean a girl or a boy it is up to you to try and be No. 1. so, everywhere in the new Constitution, let it be half women, half men. Alright? Thank you very much.

**Com. Bishop Njoroge:** Thank you very much for those very important comments, can we please have your memorandum? Warui?

**Warui:** Thank you very much, mine will be purely on the disabled persons and I would like the following to be provided for in the new Constitution.

One is that, there should be, the equipment to be used by those with physical disabilities. The visually impaired equipment should also be taken care of, they should be provided with whatever other equipment that is require to assist them survive. This should be done at the time that the children enroll in primary school and the following should be done;

There should be free formal education to the disabled persons

Free vocational training

There should be a special boarding school in every district to be facilitated by the government to cater for those with disabilities.

There should also be a national fund for the disabled and this should be,or should have the board members appointed at the divisional level, to run the funds

There should be a special police cells for the disabled persons

Next one is that, there should be provision of free medical care for the free medical care for the disabled persons.

**Com. Bishop Njoroge:** Thank you very much, you have also been precise. Can we have Charles Gitonga. Charles Gitonga? Kihoro Mwihugi?

**Kihoro Mwihugi:** Thank you chairman, I am here to present our views on the Constitution and our concern is that education is a right to every Kenyan. So what we are suggesting, is that the government introduces a tax, and that tax should be able to provide education to every Kenyan whether disabled or not, and that it is the duty of the administration make sure that all children attend school.

We are also concerned with the street children, we want all the street children to be taken out of the streets and enrolled in schools together with the normal or the other members of the society so that they are not left alone to fend for themselves.

We are also concerned with the empowerment of the people of Kenya. The farmer is not very well taken care of. So, we want the new Constitution to protect the farmer and any other worker, so that they are able to cater for their needs to look for their children. Otherwise, if our children are not taken care of.....

**Com. Bishop Njoroge:** Its okay we have noted that.

**Kihoro Mwiugi:** And the other one we feel when it comes to pension elected leaders, since they give their time and they get some form of allowances, naturalization they should not be given pension because this is a duty they have volunteered themselves to do for the country. So the issue about them having pension after serving for a term or two should not arise.

Thank you.

**Com. Bishop Njoroge:** Thank you very much David Nderitu?

**Nderitu:** Thank you very much mine is abit of general contributions.

My first point is, the new Constitution should guarantee for basic human need, that is food, shelter and clothing for every Kenyan.

Second point, all Kenyans who have 'O' level education and above should be employed and if there is no employment chances, they should be given an allowance to cater for their human needs.

Three, all mature Kenyans of 18 years and over should be given the opportunity to be employed.

Four, all teachers who have been trained in government colleges should be employed without condition.

Five, there should be separation of power to avoid the overlapping of powers in the executive, legislature and the national assembly and office of ombudsman should be established to cater for checks and balances.

Six, the former education system should be reinstated. That is 7-4-2-4.

Seven, the high rates of taxation should be reduced and a system derived whereby one is taxed according to his worth in terms of wealth.

Eight, in the provincial administration system, the post of a chief and the DO should be elective through secret ballot. That is all I had.

**Com. Bishop Njoroge:** Thank you very much. Thank you for your presentation. Kuna mtu hapa ambaye alikuja na haja present maoni yake?. Kuna mtu alikuja hapa ambaye haja toa maoni na angetaka kutoa maoni? Joo utupe maoni yako, na

utuambie jina lako.

**David Theuri:** My name is David Theuri. Both the President and the Vice-President should be elected directly by the people. A person vying for the presidency should be a graduate from a recognized university.

One should have at least form 4 level of education.

On the judicial side, I would like to see capital punishment abolished.

Suspects or minor people who have been suspected of committing minor sorts of crimes should not be asked for cash bail. As a Kenyan citizens they should just be given free bond.

The position of judges and Chief Justice should be filled by people who have been vetted by the parliament of the day for their moral and other sorts of qualifications.

On education: education should be free right from Std 1, to university. The present system of asking the students at the university to apply for loans should be done away with. They should be given loans without applying.

On land: Public land or trustee land, should not be held by the local authority on behalf of the community. We should have chiefs from each village holding common land in trust for the people but not the local authority. The mayor of the local authority should be elected directly by the people and not by his fellow councillors.

And the mandate of the local authority should include actual administration of their areas, therefore, they may replace provincial administration. The local authority should undertake the work of the provincial administration.

Also for the local council to improve, we need to have minimum educational qualification for leaders of the local authority. The minimum level of education should be form four.

In our health sector, we need to integrate herbal medicine without members of parliament. We need to integrate it into the health sector.

Prisons: They should be made places, where criminals get rehabilitated and we need to have the personnel be friendly to the inmates so that the inmates can be rehabilitated in a proper way.

The last point concerns what we said about the commissioners. Now, there is a need to allow Commissioners to do their

work. It would be good if the people of Kenya are allowed to choose through the ballot, they choose the Commissioners who are of integrity, who are time conscious. Thank you.

**Com. Bishop Njoroge:** Thank you, those were very good points, can we have Isaiah Mburu?, Isaiah Mburu, uje utupatie points zako,

**Isaiah Mburu:** Kwanza ningetaka kuongea mambo ya local government. In the local government, ma-councillors lazima wawe na a minimum education ya form 4 ndio waweze ku-manage kazi zetu. Ile problems tuko nazo Kenya, inatokana na illiteracy ya ma-councillors.

Second, hao councillors lazima wawe accountable to the people as in, iwe watu wanaweza kutolewa kwenye ofisi ikiwa hawafanyi kazi nzuri.

Ya pili ni hii ya judiciary: judges, majudges wanatakiwa kuwa waki appointiwa by a committee that should be appointing those people who are supposed to be judges in our country as an individual picking on or those people who are going to run the judiciary. Okay

Tukija kwa members of parliament, Members of parliament, they should also have minimum education of form 4 not illiterate as some are. Kama ni councillors lazima wawe accountable to the people.

When we come to the President, the President should also be a learned person, minimum education level ya university degree.

Tena zile powers ziko na President they should be trimmed. He is not supposed to run every institution in this country.

Tukikuja upande wa police na magereza, human rights should be respected. Hii hatred ya polici kwa raiya lazima iondolewe because in our country I think we have courts and that is where criminals should be taken na wasiwe harassed, before being taken to court.

Tukuje kwa the health, hii cost sharing, inatakiwa iondolewe kwa sababu wengine hawa afford.

**Com Lethome:** You would like the judges to be appointed by a committee?

**Mburu:** Ya--

**Com. Bishop Njoroge:**

(inaudible)

**Mburu:** Appointed by the committee that is accountable to the people

**Com. Bishop Njoroge:** Asante. Josephine Maira? Pastor Rufus, haraka sasa.

**Pastor Rufus:** Land cases to be handled by wazee wa kijiji

Ilicit brew be eradicated

Administration staff be elected by the people

Drunkard chiefs should not be elected

Church representative in the parliament

Free medical services

Disabled to get free education

**Com. Bishop Njoroge:** Asante sana. Sasa tupate David Ngare. Tupe tu points.

**David Ngare:** presidential powers be minimized

Not to be chancellor of university

Judiciary be independent

Councillors in prisons be introduced

Taxes be reduced

Introduction of caiser masters in education and councillors

Free health care – no cost sharing

Good prisons for better rehabilitation

Councillors – ‘O’ level education

Mayors to be elected by the people

Free education

**Com. Bishop Njoroge:** Can we have Simon Murungi njoo hapa useme maneno yako. Kalia pale.

**Simon Murungi:** Asante sana nafikiri hapa ni kuzungumzia juu ya Katiba, naweza kuzungumza juu ya President sababu ukiwa na shida unaweza kuingia kwa PC, DC maneno yako yote haikamiliki vile wewe unataka.

Mimi ningetaka kwa office ya President, isiwe na mambo ya kupinga ati mtu akitaka kumuona President hawezi ona. Iwe

open. Sababu unaweza kwenda mahali popote ukiwa na shida zako na husikizwi na mtu, na ukienda kwa ofisi nayo maneno yako haisikiki. Kwa hivyo tunataka office ya President iwe open kwa kila mwananchi akiwa na shida yake anasaidiwa.

Asante

Ya pili kuna watu wanaitwa polisi, Polisi na wanaharibu mambo mengi sana ya watu. Kwa ma-case, kwa mambo mengine mengi. Ukienda huko unaambiwa lazima, mpaka utoe hongo. Hiyo tunataka ikwishe. Sababu polisi kitu kikitendeka uende huko, wanaenda, wanapewa pesa, wanaharibu case ya mtu ama unaandikiwa kile kitu hakuna.

**Com. Bishop Njoroge:** Tunataka utuambie maneno, tukwenda utwire maundu maria mangiingira Katiba. Utige gutwira maundu maria tui tondu ni katiba tureka atia? Githi tutiui uria mekaga?

**Simon Murungi:** Katiba vile tunataka ikae, tunataka hii nchi yetu iwe haina ukabila, sababu ukabira unaenea sana. Sababu mahali pengi hatuna ukabila lakini hapa nchi yetu ya Kenya iko na ukabila sana. Kwa hivyo, ukabila tunataka ikwishe tuwe kitu kimoja.

Ya pili, tunashidwa sana uhuru gani tulipata. Sababu ukifanya kitu, watu wanasema hii ni kabila fulani ndio mimi naomba tafadhali, ukabila tuwache.

**Com. Bishop Njoroge:** Enda kwa pointi nyingine, usirudie points

**Murungi:** Ya tatu ningetaka wale watu wanawataka, waangaliwe vizuri. Sababu wale watu ambao hawataki, wakiangaliwa, wanaumia.

Ya nne nayo ningesema, ile maneno ya Headmen, Chiefs hao watu wawe wakichaguliwa na raiya. Isiwe mtu ati anatoka mahali anatoka, anakuja kuwekelewa madaraka. Tubadilishiwe tuwe na Katiba yetu, tutakuwa tukichaguwa headmen na Chief. Na hiyo ndio naona kama inaweza kuwa mzuri.

Ya tano, tutengenezewe mahospitali, sababu mahospitali nayo, kuna zingine zakutumia hongo. Hiyo nayo iishe. Sababu watu wengi wanaumia.

**Com. Bishop Njoroge:** Hatutaki sababu tunataka kusikia maneno

**Murungi:** Ndio. Hii mambo ya hongo kwa hospitali nayo iishe.

Ya sita nayo, twaweza kusema, sisi wanakenya tunaumia vibaya sana. Sababu, yale maneno tulikuwa nayo, wale watu

walikuwa wanapigania ‘wiyathi’ hiyo maneno yote yalitupwa. Na kuna watu wanavichaka vikubwa sana, na wengine wako na shida na wengine wako na acre karibu elfu tano. Na wengine ni masquarters. Tunataka na hiyo Katiba yetu ikibadilishwa, hayoiyo mashamba, hakuna haja ya kukua na maelfu na wengine ni maskini. Masquarters tuangaliwe tafadhali.

Ya mwisho naweza sema wale watu wanatumia ukabila waache kabisa hatutaki ukabila sisi. Kwa hayo, nimeshukuru.

**Com. Bishop Njoroge:** Asante sana Bwana Simon kwa maneno hayo, tungetaka kuona David Mwangi, David Mwangi yuko wapi? Njoo hapa.

**David Mwangi:** Lile jambo moja tu nilikuwa nikisema,

Kuna watu wengi wako ma-squarter hiyo ndiyo moja mimi nataka kusema hapo. Hawa watu wako na taabu sana na nikiongea hapa, mimi ni mmoja, mimi niko huko kwa kijiji na mimi huona taabu sana. kwa hivyo wale ma-squarters ama villagers waangaliwe vizuri kwasababu kuna wengine wanakomboa nyumba, pamoja na hawa tu nilikuwa naongea kwa hawa masquarter.

Lile jambo lingine, ningetaka watoto wetu kama vile sisi tulikuwa tukisoma wakati uliokwisha, wakati huo tulikuwa tukisoma free lakini sasa nasikia serikali yetu inasema lazima watu walipwe masomo.

**Com. Bishop Njoroge:** Unataka masomo iwe ya bure? Hatutaki utupatie story, tunataka useme points kwa hivyo unasema masomo iwe ya bure si ndivyo au unasema nini?

**David Mwangi:** Ndio nasema kwa sababu hata .....

**Bsishop Njoroge:** Tafadhali hiyo maneno imekwisha. Leta lingine.

**Mwangi:** Lile jambo lingine, hawa ma headmen na chief wachaguliwe kama wale wengine, na lile lingine, ni maneno ya vijana, tuseme kama sisi wazazi

Kuna maneno mengine inafanyika kanisani. Hii ya arusi. Watu, tuseme kijana anapenda msichana na anataka kumuoa, tena mimi nikaenda nikaoa, nikioa msichana ninapatia baba yake kila kitu hapo

Hilo ni jambo moja ambalo linakasirisha sana. Hiyo maneno ya arusi mimi nikisema hapa unamupelekea mzee kile kitu anataka, naye msichana huyu mukaenda mukafanya harusi, na munachukua kitu kingine kinaitwa marriage certificate.

**Com. Bishop Njoroge:** Riu niuhoro uraria kana ni ndawa arenda? kwina andu me haha marendu kwaria. Urendu kuga atiriri, ndukwenda andu maracagirio kana ni uhiki wa kanitha utarenda, niatia urenda kuga.

**Mwangi:** Sasa mukimpa yule mzee kile kitu alidai, kama blanketi, haya ukimpatia kijana yule mashichana tena msichana anakwenda na mli peana ile mali walidai Si unaona hiyo ni haibu. Vile mimi nataka kuwe mama ako powered. Hiyo kitu ya vijana irundishwe. Kwa sababu pale vijana wetu wanakosea sana ni hii mambo ya harusi na marriage certificate. Ukienda huko cortini pengine wale wasichana wanasema, wanasema hata cortini “mimi hajanioa” Mambo haya yaangaliwe sana.

**Com. Bishop Njoroge:** Mwangi wakati wako umekwisha. Haya kwenda pale. Indo ciaku .

Councillor Githendu we just want you to give us your points.

**Councillor Githendu:** I will start with the Local Government whereby the local authority and in this case Nyeri Municipality should be given an autonomy whereby the civic boies of the various department can have a say lets say the auditing department the local authority be given that power whereby they will be in full charge to check what the council has collected and the utility.

On the education to the as regards the Councillor, this one must be checked. A councilor must be at least within ‘O’ level of education because if you are going to be given that autonomy if the policy maker will not be having knowledge or education, he will not make that body to move.

The revenue collection and its utility must be checked. Also that one we must have antoher body at the national level that will be coordinating because most of our other related local authority might not be in a position to run their own issues.

The redesigning of the DDC from the sublocation because we are having the sublocation DDC that is the Development committee within a sub-location, it goes to the location, then to the division up to the district level. Then redesign of those bodies to run in conformity with the local authority such that whatever project the DDC might come up with, it will be taken over by the local authority, that unit local authority. It will be given whatever the DDC has said. Just like the way we are being given the conditions on the utilization of money. That is the redesigning of sub-location, the location, division, up to the district level.

And the issue of the Constitutional review process if it can be given to have a continous to the election, or to have the Constitutional Review Process as it is in the headline of the election, since it is the action, that is the Constitutional Review Process, it emanates from whatever we might include to govern the country. This process should be given a free hand whereby it will be checking the wrong doers. Instead of the process that we are finishing being given to another body. This process the contitutional review process, to stay as a body whereby it will be assisting the government or it will be giving the

government whatever machinery it might use before the Constitutional review process is enacting in the law such that it will detach itself immediately after the process comes to an end. Thank you.

**Com. Bishop Njoroge:** Thank you very much Councillor, I think those were important views and we will take them down.  
Charles Gachanja, ngwenda uke utuhe uhoro waku na ihenya na ihenya. Charles Gachanja

**Charles Gachanja:** Okay, maoni yangu ni kama yafuatavyo:-

Ya kwanza nitaanza na local government, ninaonelea Councillor awe akichaguliwa, mtu anajua kusoma lakini awe ni wa form 4 ama zaidi, kwa sababu ikiwa namna hiyo tunaweza kuchaguwa mtu ambaye amesoma lakini sio a leader. A leader does not mean you must be educated.

**Com. Bishop Njoroge:** We want you to say, yale unataka lakini usifanye kama ni mazungumzo. Ikiwa unataka Councilor, useme unataka Councillor aliyesoma awe kiongozi.

**Charles Gachanja:** Councillor ambaye amesoma, anajua kusoma na kuandika, awe ni kiongozi.

Judges wasiwe appointed by the president, wawe qualifications zao zimewafanya wawe ma-judge.

Ma Permanent Secretaria pia wawe ni qualification zao sio ati kuwa ni appointed by the President.

Wakulima, mazao yao na mambo yao yawe yakilindwa vizuri lakini si yawe yakipewa watu fulani ambao hawajui mashlahi ya wakulima.

Raiya wakenya, awe hakai kwa kijiji kama ni mtu ambaye ni Mkenya, awe amepewa pahari ya kukaa. Squarters ndio wanafaa kupewa pahari kama kijiji lakini raiya, ambaye ni citizen wa Kenya awe ni mtu amepewa pahali pa kukaa.

Utamaduni wa kila kabila udumishwe. Kwa vile watu wengine wamenyimwa utamaduni wao. Msaada ukija kutoka nje, uwe ni kitu kinawekwa pahali kwa sababu unalipwa na kila mkenya. Iwe ni transparent. Ikiwa ni budget kusoma, watu wawe wakijulishwa hizo pesa zimesomwa zimetoka kila wizara pesa na zimekusanya pesa ngapi? Kila wilaya pia imetoa pesa zikusanywe ndio tena igawe halafu watu wajue ukweli sababu inasomewa budget ambayo hatujui pesa zinatoka wapi inaenda wapi, ni budget tu tunasikia. Na maoni yangu ni hayo.

**Com. Bishop Njoroge:** Asante sana, thank you very much Charles Gachanja. Wachira Ndirangu, tungetaka tu utuambie pointi zako, na memorandum tutajisomea wenyewe. Utaje point, by point, by point.

**Wachira Ndirangu:** Asanteni Commissioner, yangu ni machache tu.

Katiba ya Kenya, tumeisoma lakini nasikitika sana ya kwamba yale yote maoni yalitolewa na watu, hayausu Katiba. Kwa sababu pengine watu hawajaisoma. Hiyo ni yangu kwa sababu Katiba ya Kenya iko 150 na Katiba hiyo iko na mambo fulani fulani na hiyo tulituma Commission kurekebisha.

**Com. Bishop Njoroge:** Hebu nikujulisha hatukutumwa kurekebisha hiyo Katiba, tumetumwa ku-review the Constitution na inawezekana na hapo tukaambiwa mpaka kila Wanjiku au Kamau aseme mambo yake. Sisi ndio tutaamua ni gani ya kikatiba na hii ingine iliandikiwa uingereza pia tunataka kutengeneza Katiba yetu. Kwa hivyo, toa maoni ambayo yatatusaindia.

**Wachira Ndirangu:** Kwa hivyo, nimekuwa nataka niseme mengine nishaandika. Katiba Section 38 ambayo inasema ya kwamba kuwe na gender sensitivity hiyo ni mzuri. Nomination of MPs, wale wachaguliwe kama wanawake, wanaume, sawa lakini kwa general election, this Commission isiweke gender sababu Katiba itulinde sisi wote, kwa sababu Katiba ilinde kila Mwananchi, awe anajukumu la kujitetea, kuchaguliwa ama kuchagua yule anataka.

Section 39, hii iliongezwa iko mahari walifanya ya kwamba removal of representative should be by two third majority votes, yaani mjumbe mahali ambapo –qualify, angekuwa si mjumbe tena kama amefanya kinyume cha matakwa ya wananchi, awe ni mjumbe awe ni President, awe akifuata matakwa ya wananchi, akikosea matakwa ya wananchi, anatolewa.

Ya tatu: Commissioners, inastahili kuwasomesha watu mambo ya Katiba lakini muda ambao unayoyoma, hatuna muda kama vile waniambia

**Com. Bishop Njoroge:** Ndugu yangu unajua, hatuna muda na ninakuomba tafadhali utupatie kile ungependa Katiba izingatie  
We would like to listen to you but please don't talk stories give us point by point

**Wachira Ndirangu:** Sasa ya kwanza it is difficult. Hakuna nchi yote ulimwenguni ambayo inaweza kujimudu, kwa hivyo ninawaachia.

Na mnajua ya kwamba hawa parliamentarians tuliwapa jukumu na tuliwachagua ya kwamba waende huko Bunge kulinda maslahi yetu, Katiba yetu na vyovyote vile. Sasa walishindwa na kifungo No. 47 ambacho walipewa wana mamlaka ya kubadilisha Katiba na kwa sababu ya siasa zao, wao walitupilia hiyo mbali. Kwa hivyo you are the people responsible, hao MPs wasipewe mishahara tena, hawako kazi. Nyingi mupewe ni nyinyi ndio mumekuja kwetu, ni kama kumpa mjakazi jembe akalime halafu akitoka kwa shamba, anakurudishia jembe, uende ukamuonyeshe kulima. Kwa hivyo hawastahili kupewa mishahara, nyinyi mpewe. Hiyo ni kunyanyaswa.

Kifungu kutokea No. 115 – 120 chahusu makao ya Wananchi .....

But to recommend for a special Commission to review the ownership of land in Kenya.

MPs, Councillors, watu hawa wote kutoka hata President, hata MP, hata councilor wawe wakitumika kwa miaka mitano

**Com. Bishop Njoroge:** Thank you very much. David Kathogo? Give us points.

**David Kathogo Mwangi:** Mimi kwa maoni yangu naona sioni kwa nini tusifanye uchaguzi hilo ndilo jambo linanikaza sana ati tusifanye uchaguzi kabla ya marekebisho kunaweza kufanya uchaguzi marekebisho yakiwa imefanywa au yakiwa bado. Tunaweza kufanya uchaguzi kwa maana a change of something is always like a rest. Hayo ni maoni yangu.

Maoni mengine yangu ni nchi ya Kenya ni nchi imebarikiwa sana hata katika biblia. Na ni nchi tajiri sana. Na kwa vile sisi wenyewe ndio tumeifanya maskini kwa corruption, ningepomba kama ni wakuu wa polisi, wasiwe wakikaa muda mrefu kwa vile viti vyao. Kwa maana hawa ndio wamechaguaharibu sana mambo ya corruption.

**Com. Bishop Njoroge:** Tumesikia hayo wasikae katika viti vyao kwa muda mrefu

**David Gathogo:** Kwa muda mrefu kwa maana ndio wana mambo ya corruption. Kuanzia Police College huwezi kuingia bure, mpaka uongane.

Another thing, President asiwe above the law. Awe kama mtu mwingine wa kawaida. Akikosea, anaingia mahakamani.

Jambo lingine kati ya makortini, corruption pia imeelekea kuwa huko. Viongozi wakuu wa sheria wawe wakizunguzhwa sana sana maanake iko corruption hata Kortini huko. Mtu hata akiua, ukifanya chochote, ukitoa pesa, maneno yamekwisha. Kwa hivyo maskini ndio wako taabani. Tuende katika jela zetu. Katika jela, maskini ndio wako taabani. Ukiwa tajiri katika jela, utakaa vile unataka.

**Com. Bishop Njoroge:** Wacha nikwambie.

**David:** Ndio

**Com. Bishop Njoroge:** Sisi ni watu wa Kenya.

**David:** Ni kweli kabisa

**Com. Bishop Njoroge:** Na tunajua vile jela ziko.

**David:** Ni kweli na nimekaa jela.

**Com. Bishop Njoroge:** Sasa heri useme kitu tunataka kusikia kutoka kwako. Tunajua jela ni mbaya, unataka ifanywe hivi. Sasa ukituambia habari ya jela unasema kama unaambia watu wasioishi Kenya. Ukituambia habari ya polisi, unatuambia kama watu hawaja .....tunataka utuambie jawabu katika Katiba, tuandike nini? Ili hii shida isiweko.

**David:** Okay, hilo ni jambo nzuri sana. Katika Katiba, kuwe kunaruhusiwa watu ambao wanaoaminika, Public Trustees, kuchunguza vile watu wanaishi huko. Mateso yale yako huko angalau yarekebishwe.

**Com. Bishop Njoroge:** Hiyo point umefanya, endelea kwa nyingine.

**David:** Okay. Jambo lingine nalo ni kuhusu mashamba. Registry ya mashamba huko kortini iangaliwe sawasawa. Hongo imeharibu kabisa, huko wamekuwa corrupt.

Jambo lingine ni kikundi cha anti-corruption, tumeangalia ni kama wezi wanatumwa wakatafute wezi na hakuna wakati tunaweza kufaulu.

**Com. Bishop Njoroge:** Tufanye nini sasa?

**David:** Kuangaliwe watu wa kanisa, ambao wamechunguzwa na wakaonekana ni waaminivu. Wawekwe kwa hicho kikundi.

**Com. Bishop Njoroge:** Na wa msikiti?

**David:** Wamsikiti pia wahushishwe. Kwa maana nchi yetu ni tajiri, tumeiharibu wenyewe

**Com. Bishop Njoroge:** Endelea tu

Jambo lingine, hawa MPs wanatumia uchumi wetu vibaya. Wapunguzwe, ni wengi sana na hakuna msaada tunapata.

**Com. Bishop Njoroge:** Wawe wangapi?

**David:** Kwa saa hii ni wangapi?

**Com. Bishop Njoroge:** 232. 210 wanachaguliwa 12 nominated. Kwa hivyo ni 232.

**David:** Wawe 150 ikiwezekana ama mia moja. Wamezidi sana.

**Com. Bishop Njoroge:** Na Constituency zile wanazowakilisha zifanywe nini?

**David:** Zile Constituency ziwe exact, ifikiwiwe na mtu mmoja ama kitu kama hicho. Kwa mfano kama Murang'a, Maragwa iondolewe.

**Com. Bishop Njoroge**(inaudible)

**David:** Sawasawa. Haya kitu kingine nacho ni hii Pay As you Earn inakatwa kwa mshahara wa watu wa serikali. Itumike sawa sawa kusaidia maskini kwa maana sisi wanakenya hatufurahii kuona tunakatwa kodi. Kama mimi nakatwa zaidi ya elfu moja, Kenya mzima hiyo ni pesa nyingi sana.

**Com. Bishop:** Kodi ya....

**David:** Iangaliwe sana.

**Com. Bishop Njoroge**(inaudible)point nyingine

**David:** Hawa traffic police huwa stabborn and then corruption yao imezidi sana.

Ingingine nayo ni hizi parastatal za serikali zinatumiwa vibaya. Pesa zinakuwa misused. Na ubaguzi umezidi sana.

**Com. Bishop Njoroge:** Tufanye aje sasa?

**David:** Kile kitu kinastahili kiangaliwe. Wale watu wanaongoza wawe wakifanyiwa mabadiliko mara kwa mara. Si mtu moja kukaa zaidi ya miaka mitano.

**Com. Bishop:** Endelea

**David.** Eh, ni hayo tu niko nayo.

**Com. Lethome:** John Kanja, umeona vile tumejaribu kuongoza huyu point, point, point. Taabu tunajua iko. Unataka tushulishe vipi hiyo taabu? Hiyo ndio tunataka.

**John Kanja:** Mimi jina langu ni John Ndung'u Kanja, na maoni yangu nimeyatoa haswa kutoka hiki kitabu chenu, No. 5. hapa pahali pa No. 5, kuna sehemu moja ambayo mimi namuliza kama kweli tumekuja kusaidia Kenya. Hii sehemu ya watoto, pahali panataja Bill ya watoto paangaliwe sana, na ikiwezekana pawekwe katika hiyo Katiba. Hii inahusiana na hawa watoto unasikia hawana baba, kwa sababu karibu 90% ya hawa watoto wanazaliwa, wanazaliwa kwa watu ambao wanajiweza, wanaume. Wengine ni businessmen, kama vile tunasikia wakiitwa sugar daddies, wengine nitamaliza...wengine ni kama officers, ni polisi, ni Veterinary, ni Daktari, ni nini. Wengine ni watu wameajiriwa, ni makarani na kadhalika. Kile ningetaka tufanye, ni kwamba mtoto akizaliwa, lazima ni mama yake ajue baba ni nani. Kwa sababu leo taabu imeangukia wazee ambao ndio wamezaa wasichana. Msichana ako na watoto watano, mzee ako na wasichana watano, wakati wamesha soma na kabla ya kwenda kazi wanakutana na hawa wajamaa na wako na pesa. Wadanganywa wanapata mimba. Sasa yule mtoto amepata mimba, rafiki yake anatoroka. Na si kusema amekufa, angali anaishi. Kwa hivyo katiba iseme mtoto ni wa baba na mama.

Wengine ni wageni. Mgeni ametoka Germany, ametoka Asia, Japan, America, lakini wakisha fanya urafiki na watoto wetu wasichana, saa ile atasikia huyu mshichana ako na mimba, ametoroka. Sasa leo mtoto amezaliwa, ni mweupe, ni mweusi, na baba anatoroka. Tena hata hatoroki, anakaa tu kwa sababu hakuna sheria ya kumfuata. Sasa leo taabu iko kwa yule mzee mwenye wasichana, ako na hao wasichana na tena ako na hao watoto ambao wameshazaliwa. Hao wazee walifanya nini? Kwa maana mama hana kazi, mtoto hana pesa ya elimu. Kwa hivyo jambo hilo...

**Com. Bishop Njoroge:** Umesema, mzee unatwambia yale tunayo-yajua wazazi. Unasema kuwe na sheria ya kuwafuata wanaopata watoto na wasichana ili waweze kuwalea. Si ndivyo unasema?

**Kanja:** Hiyo ndio .....

**Com. Bishop Njoroge:** Basi umefanya point

**Kanja:** Asante sana. Nikisoma kweli hiyo sehemu imeshaingia, nitaona ni kweli hii Commission ilifanya kitu.

Jambo la pili liko katika No. 12, hii ni kuhusu Judiciary.

Judiciary hapa hata wakati wa ukoloni, ukiandika barua kwa Attorney General, kulikuwa na makarani ambao wana-reply. Experts ambao wana-reply hiyo barua. Siku hizi unaweza andika barua hata mia moja kwa hiyo ofisi na hakuna reply. Kwa hivyo hiyo I-change katika office ya Attorney General kwa sababu ofisi hiyo inashika wananchi wote pahali waliko, iwe inawasaidia.

Hiyo ingine inatoka katika No. 13, Local Authority. Hii Local Authority nayo ni pahali wananchi wetu wengi wanakaa. Inatakiwa zile minutes zinapitishwa huko, wale wanasoma huko wanaandikiwa hizo minutes isipokuwa tu ni maofisa wanaoelewa. Kuwe ma-councillor wale wamechaguliwa huko wanaelewa. Yaani kuwe na a standard qualification of education. Mostly from form four. Form four wamejazana Kenya nzima. Kutoka form four ikiwa mtu si wa form four hafai maanakila kijiji kina watu wengi, kina madaktari na kadhalika. Asante

Ile ingine iko katika Electoral Process. Hii election tunasikia ati 25% kila mkoa. Kuna mikoa mingine mikubwa sana kwa mfano Rift Valley. Inaweza kuwa mikoa minne. Kama ni juu ya hii mikoa, hiyo yote pamoja iwe equal. Kama ni kugawanya ma-province, ionekane hakuna province kubwa kuliko ile ingine., ili tuende na strategy ile tunasema ya 25%. Mikoa mingine mikubwa, ifanywe kama vile siku hizi tunafanya district. Unasikia district ni kubwa, na ili tu- ease the administration, nayo ilikuwa ikatwe

**Com. Bishop:** You have made your point

**Kanja:** Asante. Hii ingine iko katika voters. Unasikia kuna constituency moja iko na 5,000 voters na wako na mbunge. Inginge iko na 110,000 na ni mbunge mmoja. Sasa hata wakija ku-vote huko na hawa wakutoka tano, tano, constituency kumi ziko na watu tano, tano. Hao watashinda lakini wale ambao wako na watu wengi kule ni taabu inazidi. Waongezewe yaani iwe equal. Constituency zote, yaani population ile iko Kenya igawanywe namna hiyo.

Haya hii nyingine nikatika Bunge, mambo yetu mengine haipiti vizuri kwa sababu unasikia wakati wanaendelea “there was no quorum.” Hii ‘no quorum’ inatoka wapi? Watu mia mbili na kumi kwa nini wanakosa na watu thelathini tu ndio wanaingia huko? Hiyo ionekane kuwa mtu akichelewa mara mbili, wawe wakifanya kitu ili mambo yawe yakipita haraka haraka kama ni Bill inaletwa. Kusije kukasemekana haikufanyika kwa sababu hakuna quorum na watu walichaguliwa kutoka kwa jamii.

Sehemu ingine iko katika property ya wazee. Hapa taabu imewalalia wananchi sana. Mzee ni mmoja. Ako na bibi watano, labda kuna bibi mmoja anampendelea. Wakati anasikia ako karibu kukufa anapatia mmoja sasa, vitu inawachwa huko. Hiyo mali ikiwachwa, au mzee akiwa anaona kama ako karibu kufa na anaachia yule anapenda kuliko hawa wengine na wote aliwapenda wakati alikuwa akiwaleta, ionekane kuna system inamwangalia mzee asije akawacha mali yote kwa bibi mmoja na hawa wengine walizaa na wako na watoto, hawakupata chochote ambacho waliwachiwa na baba. Mali ya baba iwe ikilindwa. Na yeyote alijifungua naye awe pia amepata nafasi kurithi kama vile watoto wake pia.

**Com. Bishop:** We want points

**Kanja:** Kwa hivyo ni asante sana Commissioners na nimemaliza hapo.

**Com. Bishop Njoroge:** Asante. Hebu chukua, kwenda pale. Umeandika mahali? Okay can we have Rashid Omari?

**Rashid Omari:** Mimi ni Rashid Ali Omar: The first thing I would like to start with is the Kadhi Act. The current structure of that Act inot the way it is supposed to be. They have not given the qualifications of the Kadhi. The Act should be substituted with any other Act which is more detailed, more comprehensive than the status of the current Act.

First of all, the number of the Kadhis should be as required by the Kenyan areas. Let us say now we have the districts Each district should have a Kadhi. Then it is astonishing that today, as a Khadhi we have only public and civil servants who have no scheme of service. And it is very unfortunate for the judiciary which is supposed to pass judgements and justice. Thereby I would like that the case Kwach Commission Report should be implemented because but it was not passed.

The other thing is the Kadhi should have a different public court and the rule should be according to the Islamic laws.

Their area of jurisdiction should be extended to all civil cases concerning Muslim individuals. Because if we encounter matters concerning marital issues and others and they are not reported to the Kaadhi, then the Kadhi will not have work to do. They should be allowed to purnish pety offenders. (inaudible)

We should be having subordinate courts for the Kadhi; High Court and Court of Appeal. Because it is impossible, now the way the Act is... the Chief Justice during the colonial times was supposed to give procedures for the court. It must be their own procedures. We don't have these procedures and the procedures that we have here, and that of the Islam actually they do not tally. Therefore the Constitution should be that which is applicable to the rule, which can tally with the rules. On matters pertaining to the Indians, besides the Indian issues

(inaudible)

There must be freedom of worship and matters of religion. We have said that here in Kenya people go to church/mosques. The sanctity of the mosque is not considered. Therefore the houses of worship must be protected by the Constitution.

On Presidential matters: I concur with my friend who was here who said that, there should be no one above the law. And then if I go to the distribution of the national cake, you are here in Kenya and the distribution of national cake is biased. Like now if say where I come from which is North Eastern let us say here in Central, we have hundred projects initiated by the

President here. Rift Valley has more than that. Why don't we have any single project initiated by the President in North Eastern? Then as concerns Presidential executive, let's say the Executive and the ministers. We Muslims, considering our population which is big enough, about 8 millions we have only two ministers. Then if it is distribution of the population, we are supposed to have a third of the ministers or more. If this will not happen, then I think the way the current population, we are not the way we were previously.(inaudible)

**Com. Bishop:** Kanja I will give you another one minute.

**Omar:** I have finished. I even give you that minute back. Thank you very much.

**Com. Bishop:** Okay. Question

**Com. Lethome:** I would like to ask you, do you think the Muslims should be involved in the appointment of Kadhi? Or the Kadhi

**Omar:** I think, first of all their appointment should be depending on their qualification. I would have said that a degree should be enough. Let us say a degree and he should be having a degree in Islamic law.

**Com. Bishop Njoroge:** I think what you are saying, we have been told here by a number of people that the government must not appoint but people of that region, all the muslims must vote to appoint the Kadhi.

**Com. Lethome:** (inaudible)

**Omar:** I would have said that. First of all, they should remain as they are and the judiciary service commission should be involved but now, that in the criteria required, the judiciary does not know. Something like Supreme Council which is actually catering for most ...

**Com. Bishop Njoroge:** Thank you very much Rashid. Now we have two people, Mugambi, come here, then Solomon Ngatia. And then will bring this session to an end.

**Samwel Mugambi:** A lot has been said but I will give my four points

The first point is on Electoral Commissioners. They should be elected by the Members of Parliament

Second point is a vote of no confidence in Parliament to be passed by at least 50% of the votes.

The third point is on the presidential candidates. They should be reduced to 2. The opposition formation should at least elect one candidate and the ruling party one.

On matters concerning rights.

**Com. Bishop Njoroge:** Tribes?

**Mugambi.** Rights. We have to protect the rights and the identity of Kenyans. We should not have Identity Cards giving the tribe of a citizen. Instead he/she should be a Kenyan instead of a Kikuyu or a Luo. And that's all

**Com. Bishop Njoroge:** That is an ID should be stating Kenyan?

**Ngatia:** Ya. Instead of a Kikuyu, that's promoting tribalism.

**Com. Lethome:** The Identity cards indicate the tribes of a person? I think it only indicate where you are born. But let me check mine Commissioner.

**Interjection:** There is tribe.

**Com. Bishop Njoroge:** Thank you very much. Can we have Solomon Ngatia

**Interjection:** Even if it is not there, when you go to register...

**Com. Bishop Njoroge:** May be the Birth Certificate. Okay. Solomon Ngatia.

**Solomon Ngatia:** Mimi nataka kuongea kuhusu hili jambo la quota system. Nilikua naonelea hili jambo lisingekuweko sababu naona kutokana na vile mambo yalivyo. Unakuta kuna sehemu zingine kama kuna sehemu zingine unakuta mtoto akiwa na marks mia tatu anapata shule na kuna sehemu zingine unakuta mtoto akiwa na marks karibu mia tano, anakosa shule

**Com Bishop Njoroge:** Una-recommend nini?

**Ngatia:** Ile quota system isiendele. Tena nilitaka ku-recommend hili jambo la soko huru wakati lilipokuja, sasa wamama biashara imerundi kubaguliwa ikaingiliwa. Kukatokea mambo kama ya piracy ile inafanyika kama si original. Kuna watu wengine ambao hawawezi kununua hivi vitu vya bei ghali ghali kama vile (inaudible)Watu wa kiwango cha chini hawawezi

kufikia ile bei ya vitu original, sio wote wanaoweza kufikia. Sasa ile nilitaka kusema, hilo jambo la soko huru litekelezwe kama vile linapaswa kuwa.

**Com. Bishop Njoroge:** Asante sana. Dr. Kamara.

**Dr. Charles Kamara:** Mimi ninawasalimia, mimi nimekuja nimechelewa na mimi siko prepared. Na yale maneno niko nayo labda ni maneno matatu tu. Kwanza ni habari ya elimu.

Education: Hii education inaletea nchi poverty kubwa sana. Kwa maana wakati sisi tulikuwa tunasoma, tulikuwa tunasoma na kitu kimoja, na ilikuwa kutoka Std 1 mpaka Std 8. Na sasa kile kitabu kilisomwa na mtoto Std 1 last year, this year kuna kingine. Std 4 kuna book ingine, Std 5, Std 6 mpaka .....Form one, form two, form three, form four. Kila mwaka kuna fanywa recommendation ya new books. Hizo new books wakati we cannot afford to buy these books, books they are very, very expensive. Kama sasa mnaendelea namna hivyo mungesema hizo books ziwe zinaendelea kama miaka nne bila new edition, new edition, new edition. Kwa maana wale printers wanakwenda wana-change kodogo tu katika page ama picha fulani fulani halafu inakuwa recommended kwa shule sasa tunaambiwa turudishe. Tena ni vizuri mimi naona wewe uko kazini. Katika note zetu, our currencies, tunataka tuone inaandikwa kuwakitu tunategemea Mungu. "In God we entrust our nation," ili kila mtu asubuhi akiamka na pesa, anaona ina-value ya nchi yake. Kwa hivyo hiyo pesa itatumiwa kwa njia ile nzuri.

Tena ni habari hii ya poverty. Very soon or later, mutaona vita vya matajiri na wale maskini. Kwa maana in every tribe kuna watu wamekuwa na pesa nyingi hata haziwezi kuenee katika nchi yetu. Wanaenda kueka pesa ng'ambo. Wanawacha watu wanakula taabu katika nchi. Wakati wanajaribu kulipa karo za shule, haziwezekani. Na sasa ndio nilisema ...prepared lakini katika sass Kenya wanfunzi wale wako nyumbani, their parents cannot afford to pay the school fees, they are so many. Hata kama naona nauliza hata ...Ministry of Education, nauliza ni wangapi walikuwa ndani ya Primary in Nyeri. Wangapi walifungua na waka ndani ya manyumbani. Vile, vile wale wako ndani ya secondary, sasa wakati huu unaona hii habari ya ukimwi inaenea sana kwa maana the students who left form four, they have nothing to do the girls who left form four they are still at home hawana kazi za kufanya. Lazima wa-spend their time with enjoyment at home. Kwa maana wazazi wamekwenda kazini, wale wengine, hawa watoto wameachwa nyumbani. Kwa hivyo hapa, hapa the poverty the late it is coming, ni kubwa sana. Kwa maana tuseme kama hii Central Province watu walikuwa wanategemea kahawa. Kahawa sasa hakuna. Ilikuwa inategemea maziwa. Maziwa sasa badala ya kuuzwa shilingi kumi na sita, sasa inauzwa pahari pengine nane shilingi tisa. . And the big companies who are buying, wanasema sisi tunanunua Mondays, Wednesdays na Fridays. Sasa tunapaki tuwekeni maziwa. Sasa maziwa ni nyingi sana. Na unasikia people somewhere, somewhere wanasema maziwa inatoka South Africa, inatoka pahali furani, maziwa yote inarundishwa katika nchi. Kwa hivyo wale wakazi badala wapate pesa zao za maziwa, it is good you close completely hii importation of milk. Angalia hata mayai, mayai, mayai inatoka South Africa, inakuja inachukuliwa hapa na shilingi tano. Na yetu labda iwe shilingi tatu. Kwa maana wale wameleta kwa wingi

katika nchi na pahali watu wangukuwa wanapata pesa, wanafinywa kabisa maana hata ukienda kwa maduka mengine, unaona hata nyama, badala sisi kufanya export, inaletwa. Hata fish,

**Com. Bishop Njoroge:** I will give you one more minute:

**Kamara:** One more minute? I will come here prepared next. But we have stated that the poverty now in our place is alarming kwa maana watu hawana pesa na pesa, the few who are having pesawanaweka pahali Fulani. Nauliza hii bwana Commissioner, habari ya security, Security ya nchi. Watu wale unasikia mtu anauawa kwake, hata investors wale walikuwa wanakuja hapa, yule alikuwa anakuja wa-invest pamoja, aliuawa jana, ama aliuwawa siku fulani. Sasa akatoloka. Kwa hivyo mimi nauliza, acha nikuulize kwa dakika moja hiyo. My father was killed in the forest as a freedom fighter, na mimi sijapata kitu. I don't know whether I am going to claim from Kenya Government au from British Government. Kwa maana wazazi wetu waliuawa, I have cited this particular case, na kama hata unataka statement evidence sina hata claim from my father. I don't have anything.(inaudible).So then there is a vacuum somewhere ya pesa. No compensation, nothing kwa wale watu walikufa, na wale wanawachwa namna hivyo. Na mimi ningetaka mahali mnakwenda, muulize how many doctors tungekuwa nao from freedom fighters kwa maana they were left out during the education, hawakupatiwa nafasi ya kusoma, wala ya kufanya chochote. Mashamba yao yailichukuliwa yailifanywa nini... .Kwa hivyo it is good as now you are going out, try to gather more from those indigenous people whose parents are not alive and they have not been compensated and we have the money in the country. I don't know whether we are to claim from the present Government or the British Government. We don't know. We don't know.

**Com. Bishop Njoroge:** A way will be found out. What I am saying bwana Mayor, njia itapatikana. Kwa sababu haki ya watu hata ikikaa miaka mia moja, ni haki na inatoka kwa Mungu. Idadi ya watu hata ikikaa miaka elfu mia moja, itakuja tu. Hakuna hasara. Hiyo, it may take time, heri tu watu wasife moyo kufuata. Itafika siku moja. But we have noted it down because this is not the first time we have been told about it. And we will make our own recommendation about that.

**Kamara:** Can I please wind up? Will I finish going, and I have been going?

**Com. Bishop Njoroge:** Ya.

**Kamara:** It is better to have a new Constitution and election to be done with the new Constitution. And try to make it as fast as you can. Not a case where people go and try to go employ delaying tactics for time to be extended. Please do your work and let the people bring their opinion, and then give us a Constitution.

**Com. Bishop Njoroge:** Thank you bwana Mayor, tutajaribu kuandika Katiba ili watu waende kwa uchaguzi na Katiba mpya na tumeambiwa na watu hivyo na tumechukua hayo. Ningetaka kushukuru kwa ajili ya muda ambao tumetumia

pamoja. Tulianza asubuhi, sasa hatukuenda lunch na sasa wakati wetu umefika mwisho. Kitu ningetaka kushukuru, ni watu wa mkoa huu. Ma-commissioners wote ambao wamekuja, na tuko katika mkoa huu, ma-commisisoner zaidi ya ishirini na nne, kila mahali katika mkoa huu. Kwa sababu mkoa huu ndio tumeanza kupokea maoni. Kuna kitu amesema kwamba watu wa Central Province, kweli walikuwa wamejitayarisha, wamepata maoni ya ajabu kutoka kwa kila calibre ya watu. Kutoka kwa disable kwenda kwa watu, walimu, kwenda kwa farmers na mimi nataka kusema nina furaha. Nimefundisha civic education, nimekuwa nikija Central Province na mimi, I feel very proud and very happy because of what people have done. Lakini munajua pia hii ni safari, na hii safari, inahitaji maombi. Katiba ni kama maisha. Katiba, Constitution is like life, the way we protect life, whether of an infant or an old person, it is the way we protect the Constitution. Now, you have given your views, how are you going to protect it? By your prayers and can be vigilante kuona kwamba maoni yenu ndio itakuwa maoni ya mwisho kutolewa katika Katiba. Sawa? Kwa hivyo don't think we have finished, we still have to pray, we still have to keep telling the Commission we what the constitution to reflect our own views.

You will probably have to continue telling us we want to go for election with a new Constitution. Now , I want to thank you all of you na niwaombe ili kwamba Mungu awabariki na nyinyi muendeleo kutuombea. Na taka kusema watu wengi wanafikiri, hii ni kazi raisi. Hebu niwaulize sasa tumekuwa Central Province week tatu na hata Jumamosi tuko kazini, ma-Commissioner wengi sasa ni wagonjwa, huku mgongo hata ukikaa, unasikia kama sijui ni nini. Huku ukienda kwa gari hii unasikia unaumwa na kila mahali and we are going to do that for the next 3 months. Sasa, si tunahitaji maombi? Ee, sawa, na kupigwa pigwa tu mkono na tuambiwe tunafanya vyema. Sawa sawa? Mara nyingi tunasikia tu mabaya tu kwa Commission, mabaya lakini we need many people to come forward and tell us we understand, tuko pamoja na mujue ma-commissioners wana pressure nyingi na wasiposhikwa na watu wanaofahamu, it is very easy to lose hope. Sawa sawa? Kwa hivyo nataka nyinyi muwe mukiomba na mtu akiwa na neno la kusema, anasema tunawafurahia nyinyi Commission. Sio kusema tu mama mambo mabaya. Sawasawa.? Nitawapatia tu com. Lethome nafasi halafu tupatie programme office na atatafuta mtu wa kutuombea.

**Com. Lethome:** Mimi ni kuwashukuru watu wa sehemu hii kwa kutoa maoni yenu na vile mulisubiri. Kila mahali tunapokwenda mimi huwaambia watu hii ni nafasi ambayo tulingonja kwa miaka thelathini na nane au zaidi. Na hatujui kama kutatokea nafasi nyingine tukiwa tuko hai. Kwa hivyo, tunapotoa maoni yetu na tunapofikiriamaneno hii Katiba, tuangalie miaka mingi ijayo. Tusiangalie hapa karibu na ikiwa tuliumia miaka thelathini na nane kwa sababu ya sheria ambayo hatukuhusishwa ndani yake, kwa hivyo watoto wetu na wajukuu wetu pia waumie vile sisi tuliumia kwa kuwaachia sheria mbaya ambayo inatawaumiza. Kwa hivyo ni jukumu letu hivi sasa, na sio jukumu mbele ya wanadamu peke yake, hata mbele ya Mwenyezi Mungu hata ukiitwa ukiwa utaulizwa ikiwa hii nafasi ulitumikia vizuri ili kutengeneza siku za usoni ili watakao kuja baada yetu, waseme mwaka fulani wazazi wetu waliokua hai, walitutengenezea sheria nzuri na ndio maana tuko na nchi nzuri. Waweze kutukumbuka kwa kutushukuru, wasitukumbuke na kutulaani. Maana yake ni nini? This is a historical moment for all those who are alive today in Kenya participating in this process and history will judge us all very harshly if we do not succeed in coming up with a good constitution. Sasa Hiyo historia, na historia ikiku-judge ni vibaya sana kwa sababu

haifutiki. Watu watakuwa wakisoma, wanakulaani badala ya kukuombea Mungu wherever you will be. As a Muslim I believe, mtu akiniombea dua nzuri nikiwa kaburini naisikia na nitajua. Kwa hivyo jaribuni kufanya bidii ili tunavyo tengeneza sheria wale ambao watakao kabilia sheria hata mika hamsini ijao, wawe wakikumbuka na kutuombea na kutushukuru kuwa tulifanya kazi nzuri.

Kwa hivyo lazima zote tusimame imara. Kitu ingine kila mahali nitarudia wasiwasi ile ambao watu wako nao, kila mahali wanasema Commission zimekuwa nyingi sana. Hii Commission, tofauti yake na nyingine, haya maoni yetu tuna hakika gani yatafikishwa huko. Tunawahakikishia kuwa hii Commission ni tofauti na zingine kwa sababu hii Commission imeundwa na sheria ya bunge. An act of parliament. Haikuundwa na mtu na haiwezi kuvunjwa na mtu labda bunge lenyewe ireapeal hiyo sheria. Halafu sheria yenyewe imeleta sehemu ya kuhakikisha kuwa huyo mwananchi yale maoni yako ambayo unatoa leo hapa, yale yote ulisema hapa, nakusanya yote yanashapishwa kwenye magazeti, kwenya vitabu, yatarudi kwa wananchi kwa muda wa miezi miwili, ili wahakikishe kuwa maoni yao yamefika. Baada ya hapo, kuna National Conference. Tutakuwa na wakilishi kutoka kila sehemu, watafuata hayo maoni mpaka Nairobi kwenye Conference na kuona kuwa maoni yamefika. Kwa hivyo, tunawahakikishia na ni wazi kuwa huu sio wakati wa kupoteza wakati na mambo ya siasa. Hii ni nafasi ambayo ikipotea sasa, itapatikana tena pengine baada ya miaka mia moja. Na niwashukuru nyote na ninaomba mutuuwie rathi kama pengine tuliteleza mahali. sisi ni wanadamu. Asanteni namurudishia mwenye kiti.

**Com. Bishop Njoroge:**

**(inaudible)**

**Andrew Githini:** Asante sana Commissioners wetu. Kwetu sisi ni kushukuru kazi ambayo mumeifanya, tunajua ni kazi ngumu sana na ninawahakikishia ya kwamba sisi tuio pamoja na nyinyi kwa sababu tunaolewa ya kwamba watu wengine hawakuwa wakitaka kazi hii iendelee vile inaendelea wakati huu. Mbali na hayo, tukipitia kwa maombi, Mungu husikia kilio cha watu. Mungu anaelewa ya kwamba ni kitu gani tunataka, tunaomba kwake na hakuna mpango unaweza kukamilika bila kuw an baraka kutoka kwa Mwenyezi Mungu na kwa sababu kazi ambazo tumefanya sasa ni kazi ya kusaidia taifa na vizazi vitakavyo kuja miaka zijazo. Nafikiri kazi tunayofanya itakuwa ya kukumbukwa kama vile bwana Commissioner ametuambia, na itasaidia taifa hili na pia itajengea daraja nzuri, na kazi nzuri na pia hata hawa watakaokuja nyuma yetu watafurahia kazi muliofanya. Jina langu ni Andrew Githini Muiruri ndiye Chairman wa Constituency Committee. Na bado sasa tuko nanyi, tunajua kuna political wrangles behind the Commission, lakini kwetu tunajua Mungu yuko pamoja nasi na tunajua kile tunafanya na Mungu hatuwezi kushindwa. Asante sana.

**Michael Karanja:** Jina langu ni Michael Karanja,

**(inaudible).**

**Margaret Wathogora:** My namesa are Margaret Wathogora, professionally, I am a teacher, **(inaudible)**

**Suleiman:** Tunawashukuru sisi mimi ni secretary wa

....na naombea nyinyi na tuko pamoja-----

