

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

Verbatim Report Of

**DISSEMINATION OF REPORT AND DRAFT BILL, GATUNDU
NORTH CONSTITUENCY, HELD AT MANGU CATHOLIC HALL**

ON

9TH OCTOBER 2002

**DISSEMINATION OF REPORT AND DRAFT BILL, GATUNDU NORTH CONSTITUENCY, HELD AT
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Present.

1. Com. Wanjiku Kabira

Secretariat Staff in Attendance

1. George Wachira - Asst. Programme Officer
2. Josephine Ndung'u - Verbatim Recorder
3. Stephen Wanyoike - District Co-ordinator

Meeting was called to order at 11.00 a.m.

Stephen Wanyoike: *Muri ega? Gweciria nitukwambiriria riu. Njurie andu aria meharia thutha mokoke. Niturageria kuheo kameme karia karagia nigetha tuiguane. No niwega gwokoka. Nigetha twambiririe, noturie mundu umwe, mutumia kana mwanake, kana muthuri, kana o muiritu atuhoithie mahoya nigetha turute wira.*

Prayers: Natuombe. Baba wa Mbinguni katika jina la Yesu Kristu twaja mbele zako wakati huu. Tunakushukuru kwa vile imekupendeza ukatupa uhai, umetulinda na umekuwa pamoja na sisi. Tunakushukuru kwa vile umeendelea Baba wa rehema kutupa nguvu hata ya maisha. Na siku ya leo ukatuleta katika kikao hiki, ili tuweze kujadiliana juu ya Katiba yetu ya taifa hili la Kenya.

Tunakushukuru kwa wazee, kwa wamama, kwa vijana, na kwa wote ambao wameweza kufika hapa ili siku ya leo tuweze kujadiliana na tunakuomba ya kwamba tunapongea, kila mmoja wetu ukatusaidia kuheshimu mwingine, na pia tukasaidia wale ambao tumesimamia katika vikundi mbali mbali pahali tumetoka.

Tunaomba hasa wale ambao wako njiani wakijaribu kujiunga nasi, ili ukawalinda katika safari zao, na siku ya leo ambayo tuko hapa, ukawa pamoja na sisi. Tunaomba vikao vingine ambavyo vimekutanwa, ili Mfalme wa Mbinguni katika mambo haya

yote, ukatuongoza na tutakapo malizia, tutakushukuru na kusema ya kwamba tumeona mkono wako wa ajabu.

Pia tunaomba ya kwamba kazi hii ambayo tumefanya, imetumia pesa nyingi, wakati mwingi na watu wa kila aina wamejitolea kuona ya kwamba Katiba imebadilishwa na imeandikwa kwa njia ambayo inafaa. Tunakuomba kwa ajili ya Bunge na pia rais, ili ukawasaidia wakati kama huu, wakaheshimu hii katiba na wakatusaidia kuwa na nafasi ya kutumia katiba katika elections ambazo zinakuja. Kwa hivyo tuongoze Baba wa Rehema katika jina la Yesu Kristo, tumeomba na kushukuru. Amen.

Stephen Wanyoike: *(In Kikuyu dialect) Itanambiriria, wambere nigwenda kumunga ugeni. Na juge ati giekaro giki kia umuthe, da introduce commissioners, tkwaria lugha ira yothe tukuigwa ni tukuigithania unagutweka hari mundu ura-record uria turaiga nigetha tuhote ku-interpret maundu macio marathie na mbere. Tukwaria lugha ya kikuyu aria mekuhota kuigwa Kikuyu. Tuwarie lugha ya Githweri mundu ugweceria gethweri nikio kiega na twarie na lugha ya Githungo, o-mundu niaigwe e-free kwaria uria wothe ikuhota na language eira angeigwa.*

Kwa munyaka andu aria mehaha, kana andu aria megukorwo magetongoria undu uyu, no makeigwe language icio ciothe ginya Kikuyu.

My name is JS Wanyoike I am the Co-ordinator of the Constitutional Review process in Thika District and today we have called you here to discuss the draft constitution. I do know that this has been the subject for the last one month or so. I also remember we were in this area particularly in Gatundu North. We had one session at this Parish and another one at Ka-mwangi Centre where all of you came in large numbers to give your views. We promised that after the commissioners go through the whole country, they will come up with a draft constitution that they will come back to you and indeed tell you we have come with what you told us to do, and this is the draft constitution.

Now, why are we calling it draft constitution? As of now, this is a document that is not final. Not that there will be a lot of changes but really what we are saying is that, it will not be the final constitution until wananchi have a chance to discuss it, debate on it, comment on it and give views further, so that when the other stage comes where they will give the final process, then they can come up with a new and final constitution. Commissioner will explain that.

Before I go further, let me first of all introduce the commissioner that has come to be with us today. She is Professor Wanjiku Kabira and she has been with the commission since it was started. She is a lecturer in the University. As you can hear she is a professor and her career all these years has been in education and she will be having a lot of things to tell us.

Accompanying her is Mr. George Wachira, programme officer who will be assisting her and Josephine Ndungu who will also be helping us with the recording and so forth. Madam Commissioner these are constituents from Gatundu North. It is a very big constituency and it extends all the way to the forest. This is a very convenient venue and we hope that we will have very

good deliberations today.

Now, let me say something. The commissioner will give you the over-view and highlights and summaries of the document that we have given you. We hope that everybody has a copy but for now if you do not have a copy, please do be kind enough to share with your neighbours. We appreciate and we are aware that it is a very short time. You cannot be able to read a very long document like this. It consists a lot of things. She will tell you that all the things that are contained in this document are the things that wananchi have actually said. Not only in Gatundu North, all over the country. She will go through all that. Once she does that, she will then ask you to respond either in a form of a question, or in a form of a comment, or in a form of additions; if you think there is something that has not been put in that you would have liked to be included.

Indeed, today is not picking views as we did, but nonetheless, she is very flexible on that because she has promised that if there are things that wananchi here think should be included and they are not included, she still has the mandate to go and meet and then they include those sort of things.

Let me mention something else. After this, there is what you have heard been called the National Constitutional Conference which will be held in Nairobi. Infact a date has already been fixed. It will be 28th of this month at the Bomas of Kenya. In that conference, there will be a total of 622 members that will discuss this draft. It will not be a full constitution until they have discussed it and agreed on it, and she will also explain on that. So if there are issues that you people think that should be included, this is the best time so that they will also be discussed during that time.

Let me also mention this. Last time during our civic education we told you the organs of this review process and we mentioned about the National Constitutional Conference with 622 people. We also told you that part of that group will be the MPs who are already our Members of Parliament both elected and nominated. They will then be the political party representatives. I think every party will be nominating one person to be present during that particular conference. Then there will be the civil society, the religious groups, the women organization and so forth. They will also will present their own people; but we as wananchi, we have also been given an opportunity to send our own delegates there. What has happened is that every district was going to send 3 people and the way we were actually to nominate these people, it is actually not nomination, we were to elect and a process has already gone through, we have already elected through an electoral college that was formed through the regulations; and we have identified 3 representatives from this District called Thika District, who will be our delegates and those are the people who will debate on our behalf because we cannot all be there, on our behalf, this document.

One of them managed to come today but we were waiting for the other two, if they come I will introduce you to them. I will also introduce to you the one who is here so at least you can see him and what we are saying is, during this session, we are picking whatever you are saying. This is a very short session if you think you have other things you want added later on when you read this document in full, you can also bring this information to us at our offices in Murang'a, District Co-operative House

in Thika District, second floor and within the next two weeks or so, we will be able to forward those views back to our Head Office.

We have also said that if you are in Nairobi and you happen to have anything you want to say, you can pop in at the Constitution of Kenya Review Commission Headquarters. They are at Kencom House, 2nd floor. Then if there is anything, we will also be telling our delegates that we will go to Nairobi to watch wananchi of Thika District have said. So, before probably I give the chance to the commissioner to start you off, I want to introduce one of the delegates that will go to Nairobi and this is Mzee Gitu Kahengeri. Now, I will give him a chance to say something, probably as we start off, he will say what exactly he will be representing you on, and if there are any questions you want to ask. So with that, I now call upon Madam Commissioner to start us off. Thank you very much.

Com. Wanjiku Kabira: Why don't you get Gitu to brief them?

Stephen Wanyoike: Commissioner is suggesting Mheshimiwa Gitu Kahengeri, greet these wananchi and let them hear exactly what you will do because you are one of the delegates.

Gitu Kahengeri: *(In Kikuyu dialect) Nie ngwenda kumwareria na Gikuyu na una ndathii kuria ni ngaria na githungu tondu ni njue kwaria na Githungu. No riu haha, ningwenda kwaria na Gikuyu nigetha muigwe uria ndoiga. Nie aria tutari tuonana nao me haha, na matari manjigwa me haha, ngumamenyithia nie njitagwo Gitu wa Kahengeri. Guku kwanyu Mang'u ti kugeni nanie ona hanini. Tonduni hindi iria bara ya ruiruo ya kuohora bururi uyu kuma kuri a-colony, umwe wa andu aria ma rutiri weria uria munene guku Gatundu, ni Gitu wa Kahengeri. Tonduni ndari baraini yo nyene, tondu nii ndari secretary wa kiama guku Gatundu, na tondu nii nindathuretwe ni andu a Gatundu itari mubinge ni mundu guthii kuria twetaga Regional Assembly.*

Tuoya thirikari o-ugwo 1963, ni kwari na kiama kiu gietagwo Regional Assembly. Guku gwitu Gatundu tondu kwaimaga mondu o-Division, ninii ndatwaretwe ni andu a-guku Gatundu na ndathi Nyeri nenii ndatwekire Chairman wa Law and Order. Akorwo kuri andu me haha maikaraga Ithanga, niithwe twaigire andu acio mathii kuu na njira iria twaigire.

Akorwo kuri andu anyu maikaraga Munyu na Gatwa Nyaga, niithwe twaigiri andu acio mathii kuo. Ndirenda kuga nithui tondu, Gitu wa Kahengeri arutaga wera wa bururi uyu. Niundu wogwo ni inywe mwajiraga thii weke ona, thii weke ona. To uria riu omothe, andu aria muthurete guku kwanyu, magathii thinii wa kaju itagwo Thika County Council. Matweka nio meguthura mundu, mundu uria umwe maronire agererwo niguthii National Constitutional Conference, ni Gitu wa Kahengeri. Tonduni nii, thayu uria we thinii wa bururi uyu wa uhuru, una haria muthenya uria kiama kiria kioire uhuru wa bururi uyu giathondekerwo, nindari ho. Kogwo hii marona ona hau ingekorwo ndiho,

ndahota kwaria ciugo ingehota kuhane wegega gukira uria kuhana.

Ndigwenda kugana rugano runene tondu ingitwa kumuhe huhoro wa bururi uyu na kuria ndutanetie nagwo, ndahoto kumuhe muinge muno na no munoge. Ndigokienda munoge tondu hi kiria gitumire tuke haha umothe. No nijui no mwende muigwe niiri, mechiria makwari, mahanatia uhoro wa draft eno twenayo? Mechiria makwa nimamiamukereti, hatari na ngaja. Niundu nii, ndambirieri uhoro uyu wayo kundu gwitagwo Bomas of Kenya, miaka gakundi ireketie guthira. Na ningoretwo nomanirerie na uhoro uyu, nginya muthenya uyu wa umothe. Hatiri haria hathiagwo uhoro wa constitution, tiga haria twa tomire commissioners, haria hange waragirio ni andu a bururi, hatire handu itari ndakorwo nde.

Na riu hindi iria draft irokire, ndamerora, na ndathoma gichigo kwa gichigo, ndirona kweri uyu nigwo tugete. Uyu nigwo twaritie kuria gwothe twaritie, na gutiri na ngaja, draft iyo ingirumirirwo ugwo ihana, ithui notogunike, andu aria maikaraga guku gichagi kia Mang'u, gichagi kia mundu ugwetwo Nyamathumbi, guku no togunike. Tondu nirorete maundu macio mothe uria maikaraga.

Riu nijui kiria kingi mugienda ndimwiri, nituthiete micemano eno, na nijui una haha ni mukwaria ugwo. Tondu una gathetini umothe nindona, ati kuri andu amwe mathuretwe ni andu, na mathurirwo mahakaniti. Ni kuhakana ma hakanire nigetha mathurwo. No muhaka wambe kweuria atiriri, mundu agethii kuhakanae nigetha athuro, kai akoragwo agecira niki eguthi kuona? Kaingi na kaingi aria mekuruta mbia nigetha mahakane, makoragwo matari na uhoro wa andu ngoroini cio. Ndikimwiri atiriri, nii ne ndutite wira bururi uyu ihinda rieganu. Tondu nii ndi wa miaka mirongo iri, nirio ndathire ita ria gukombora bururi uyu. Na riu ndi wa miaka mirongo mugwanja. Na gutiri muthenya umwe, ndoiga ndutite guku kwanyu wira, guku gutiri nie sub-location ona imwe iria itowe. Na nondimwiri nii guku gutiri sub-location imwe ihindaini riu ria gucaria wiathi ucio itathire ngikoma. Gutiri sub-location ria itura ria Gatundu. Na twatigana nainywe, nijui nimuguthii mukore andu ange aria akoro hanini matanahota guka haha. Na mahota kumuhe kirira gia Gitu wa Kahengeri. Nii ndathii thiini wa mucemano ucio, kiria ngakorwo ngirora makiria ya maundu mothe, ni kana uria ndiraigwa, ndaigwirie Jumatatu Juja, ndiraiguire ira Gatundu South, na uria nguigwa haha umothe Gatundu North, ati maundu macio nimekuhinga thiini wa katiba njeru. Na nigumwirira, unangikorwo cigakorwo citetwo cihana mugagacha, nii ngoiga uria inyui na nii tugete theini wa Thika District.

Muthuri tanii, angekorwo nindutete bururi uyu wira na ndire ndoinwo mute wa mahaki, kana guthukia andu aria ange, hende iria ndari mwithi, ingiakorirwo ndina mabata maingi maria mangetuma hakike, ndikwona ndi wa miaka mirongo mogwaja, kiria kingituma gutuike nigwogomia uhoro, uria urutetwo ni andu, njetekere ungi ati niundu ni ndaheo kindu kina. Niundu wa ugwo, twa tigana na inyui, mugie na mwehoko, ati uri nie ngukorwo jigwete, na uria gukorwo nanii jui ungitoma itora ritu ria Thika riagere, nigwo ngagereria thieni wa mucemano ucio wa National Constitutional Conference. Nidakena niguthikereria.

Com. Prof. Wanjiku Kabira: *Thengiu muno Mheshimiwa Gitu wa Kahengeri. Ngweciretie tumwire arie mbere tondu uhoro wa katiba ti wera urutetwo ni mundu umwe, ni wera urutetwo ni andu aingi na nitweciragia ni wega turirikanage hindi ciothe ati bururi ukoretwo ugekomborwo ni andu ainge, na ni andu ainge makoretwo maki-participate in this process na ngweciria aingi anyu ni mue. Unaithui tukiaria uhoro wa katiba, mundu niaiguaga we humbled because you know that they are many people who have been working in this process, and who have contributed to this nation. So I thought that it was important that Gitu talks to us this morning. And I am sure, kuri andu aingi marutete wira uyu. Hari muthuri wa haria muremo no niakwire, wetagwo Wakang'u. Ndioe kama nimumue? Muthuri ucio, nindokete guku 1986, na he ibuku andeketwe ritagwo 'Mutari Mugekuyu'. Na niateithagio rimwe ni mwarimu wetagwo Gacheru wa turaga e headmaster wa St. Joseph the Worker Primary School. Niyo ino? O.K. I remember riria ndonire manuscript ya muthuri ucio, ambererie kwandeka 1937. 1937 nigwo andikiri manuscript ya mbere. Akiambereria ku-record uria bururi urathii, uria indo iragia goro, uria andu airu marahinyererio and so on. Kogwo ngweciria una tuke move on, ni wega tukaririkanaga, ati kuri andu ange makoretwo mage-contribute process-ini ino, na nitukiue kuri andu aingi makwire hendi iyo. Athuri ta Gitu mari jera, na tutimaririkanaga, oh kana tiwagiriwo nikumaririkanaga, no nimue kaingi tutikoretwo tukimaririkana na uhoro ucio ngweciria nagwo niuraretio hende ya katiba, when we have been collecting the views.*

Kogwo ni important turirikanage hende ciothe, riria turakoma twenathayu, that kuri andu makoretwo magi-struggle and even after that in '90's and even upto date. So sometimes one feels humbled that we are in a position to talk about the constitution, when they are very many people who have been suffering and who have been contributing to this process.

Riu, ndiokete guku gu-collect the views tondu nda-collect-aga kundu kungi, no nijui ni-mwapromisirwo ati, wona twandeka draft nitogochoka, na nikio riu tochokire umothe tondu twarikia draft, nitwoigiri we want to confirm with you, to confirm kana uria mwaigiri nigwo twikite na kuria mukuona tutiekete uria muogiti tweke, no twecirie renge tondu when it comes to the National Conference, uria turenda kwegu ni ati, ciuria iria riu ninge muku-raise kihindaini geke, ni tukwandika report enge, nayo igatwaro national conference. Tondu national conference igakorwo na andu magana matandatu, a little over 600. 210 ni MP's, 210 ni representatives from the district, 42 representatives from political parties, na acio age ni 25% which means around 140 civil society representatives.

Riria andu acio magacimania nio maka-debate uhoro uyu, na tondu magakorwo moimete all over the country, nimagakorwo makenegotiate maondu mamwe. Mamwe ma-agree kana renge mamwe meherie, na niturakienda nainywe muone uria tugete, nigetha angekorwo hi kindu murenda tuchegie tuchenjie, na iria muona niciagerero guthii na mbere, ithii na mbere. Kogwo nikio tukete umothe.

Riu uria ngweka, ngwamba kumuhe summary ya uria tu-contribute-ite from one province to another province. Ngwenda ndimwiri uria tweekete. I know you do not have the document with you no niwega tumenye tariu ati, submissions iria nyingi makiria, 8,267, information iria tunyitete, andu aria othe ma-present-iti ni akuma Rift Valley out of roughly 35,000. No ninge nitukurikana Rift Valley ni nene muno. Ina districts nyingi muno na constituencies ta 49. kogwo riu nitwagethiri kundu kuingi muno within Rift Valley na niki maundu maingi nimaimete Rift Valley. Aria machokerire ni North Eastern Province. Matuhete submissions 4,714 na of course nimue North Eastern Province andu tiainge tondu ni kundu kwe desert. Kogwo andu tiangi maikaraga town no aria ma-submit-iri ni angi muno tondu nao North Eastern ni makoretwo na mathena mao maingi. Ta mathena ma shifita una transport nake. So nimaronete this constitution is very important for them. Kogwo acio nao nimatuhete maoni maingi.

The next one is Western Province. Western ni mwena wa kwa Baluhya, 4,616. that is where we also got lots of submission, na thutha ucio togoka Nyanza, 4,530 na after that, togoka Central Province with 4,216 tukarigia na Eastern Province with 3,419 na Nairobi, 1,498. unagutweka Nairobi ni nyinyi in terms of the land mass. No nigukiri andu aingi gukira province imwe ta North Eastern. Andu aria matuhete maoni, they were not very many.

I am sorry I have just noticed something which is - - - that Coast province is not on the list. I think that is a mistake, it has been omitted I am sure by mistake. So I do not, uria ma-submitete. Ngweciria ngwendaga kuga nituhetwo maoni ni andu ainge muno. Figures iria twenacio ni 34,157. Acio riu ni individuals aria maheanete na aria mandekete. No riu tikuga ati andu acio 34,157 nio maheanete. Tondu ainge ma-representaga group. Tariu hari groups nyinge muno cia heanire maoni all over the country makerepresent Justice and Peace Commission. The Catholic Church. They were very many others. Which means these were represent hundreds of thousands of people within their area. Na ange like NCCK representing very many people.

Angi tariu submission lets say ya NARC representing very many people. So tikuga ati 34,157 nio maheanete maoni, no nikuga acio ni just the individuals, ona aria maneanire memorandum. Which means the participation of the people was very very high. Koguo maoni maria me haha ni clear ati they have actually come from Kenyans themselves.

Now, I want to talk about issues iria andu maritii makeria uhoro wa cio, na ninguambiriria. I wanted to say ati tariu issue ya Parliament, Parliament nio tureta Legislature, andu nimaheanete uhoro muingi muno uhuro wa Parliament na unghithoma report iria twenacio, handu pages ta 3,700, ciaritie uhoro wa Parliament. Mainly uhoro wa Parliament na nijui ainge anyu ni maririe uhoro wayo. Sorry, tutire turehareria biu. Ngwaragia uhoro wa Parliament na ngugaga Parliament twena pages ta 3,000 cio uhoro wa parliament kuma people from all over the country. Na andu aingi ni maritime uhoro wa Parliament matiagererwo ni kweheaga micara na uhoro ucio ni tweheretie. Andu makuiga ni mekwenda Mubunge akorwo ndararuta wera wega, akinina miaka iri agacokio, right of recall. Na iyo nitwikerete in the constitution. Tugachoka tukerwo tuheane more power to the Parliamnet, which we have done in the new

constitution. Maundu mange tweragwo ni ati akorwo ni MPs makorwo na degrees. Andu amwe makuiga form four, aria ange makoiga makoro na degrees, so we have settled for form four with a pass.

Ni maundu maingi muno andu maririe uhoro wa Parliament. Uria parliamentarians magererwo ni gweka. Matiagererwo gukorwo me corrupt. Matiagerero ni gukorwo makeruta mawera meri. Magererwo ni gukorwo me full time. Magererwo nigukorwo magethii constituency, magererwo nigukorwo na mawabisi constituency ciao, and we have put all that in the new constitution. We have put most of those things in the constituton, iria inge igatweka cithii wathoini.

So, when you look at parliament you will find that nituhete parliament more power, na powers imwe tukeheria. Tareu powers cia kweekerea michara. Undu unge ninge tweekete uhoro wa parliament ni kuga parliament tiyo ireheanaga ministers. Again tondu andu aingi nimanegenete muno makoiga, mundu atweka minister, akorwo niatweka minister wa migunda, agatwika kwao nikuo ariteithagia, na ndariteitagia kuria kungi. Koguo tugagesuggest uria andu moigete ati ministers makorwo makirutwo nja. Makoragwo mi experts. Na tondu kaingi andu ni manegenaga tariu ati ringi mundu aratuwo ministers for health na athomitagia thukuru primary atanatweka MP. Kogwo riu ona athii ministry of health, gutiri undu arahota guteithia. Kana akorwo ni minister unge nake agatwaro gwa githomo na ari murimi, kana una ndari athii thukuru. Riu maondu magathoka. So we have suggested ati ministers marutwo outside parliament. Na gweciria nimuigwete quite a number of Members of Parliament aria mararia uhoro wa ministers ni mara-oppose that issue. Even the committee that was in Mombasa also said that ministers should come from within parliament, but Kenyans are saying, that ministers ya tweekire ni gift andu maheagwo. Gugatweka uo central nuyaheo minister kogwo nitwagerere ni gukena na tusupport the ruling party. But Kenyans were saying let the ministers be professionals that come from outside the parliament and that is what we have done.

A lot of people all over the country ni maririe uhoro wa Parliament. Ni andu ainge muno ninge maririe uhoro wa Exective. Report itu ironania ati page 2,974 ni maririe uhoro wa president, na maigaga president ndagererwo nigukorwo na powers iria akoragwo nacio. For instance tariu as we sit here today, turarereria uhoro wa katiba tokoiga nitogokorwo na national conference no president ina powers ya ko-dissolve mbunge umothe. So, the new constitution has taken away a lot of the powers of the president. Igachoka uira ikite ikoiga powers cia president ciekerwo katibaini, nigetha amenye powers ciake, agatiga guthii kuoya powers cia andu ange. Tariu guthii kuheana migunda ni president na kwena ministry ya land kana kwe na andu aria madealaga na migunda. Kogwo riu tukeheria powers iria andu maigire ndagerewo ni gukorwo naico. Tariu gutweka Head of the public universities and so on. So we have removed them and we have said what the president should do.

No ninge tondu ni tui we leave in Africa, ndogekorwo wina president an akorwo president ucio ni ceremonial, tondu tutioe gutweka ceremonial. Ta riu Britain, queen ni ceremonia, no acio mena history ya miaka magana, you know, with

a ceremonial queen. Uria umenyaga ati ndagererwo ku-intefere ma thirikari. No ithue tutiri na that history. Watweka mutongoria ni watweka koigi. Ithe tigwo tugaga. Kogwo tutimutwete ceremonial president, no ni tu-separatete powers ciake, na tugakiuga thirikari no mohaka I-run, powers icio inge inengerwo prime minister. Kogwo ni tugecreatete postion ya prime minister ouria Kenyans moigire. Prime minster arorage thirikari, nake president atweke president wa bururi we wothe na tukoiga president ndagerewo ni gukorwo na constituency o-uria Kenyans moigiri. Agererwo ni guthurwo direct by the Kenyans nigetha atweke a national symbol. Atigage gukorwo arachoka constituency yake as a president, that constituency irepresentwo ni mundu unge.

So we have done that in our new draft and if you look at some of the pages, you will find that we have reduced the powers of the president. Like many Kenyans said he must not be above the law. kogwo ni tu-provideete tukoiga, president kwaja angeka maundu atagererwo ni kweka moru. Tariu angiuka uye mugunda wakwa, unakorwo ni president, nijagererwo nikumutwara igotini. Riu law niiroiga no umuthitange. Na kuri maundu mange angeka a-impeach-wo na uoime as president. So he is not above the law.

Uhoru wa local government ni twarangetie, na andu maheanete maoni macoverete makiria ya ngiri igere. Local government nayo, andu aingi ni monaga councillors ainge tiathomu, matitekaga responsibility, there is a lot of grabbing. Na ninge local government nayo ndiri na powers na nimarenda more powers. Councillors makoragwo maki-managewo ni local authorities, and local authorities has taken more powers. So, what we have done with the local government is tukeheria powers nyingi kuma kwe central government, then we have created what we are calling a district council, call it equivalent of local authorities. Riu district council icio which is composed of councillors aria megothurwo na no muhaka makorwo mari a form four. Riu nao acio councillors nio megutweka parliament ya district. Riu matweka parliament ya district, nitugokorwo na executive arm of that district council. That executive arm, igutongorio ni mundu wetagwo district administrator. Now, district administrator nake egothurwo directly ni andu, nigetha the two arms of the local government or as the district council, you have the policy making body and the implementing making body. Like what you have at the central government. Wena thirikari iria irahetwo ni prime minister, na wena parliament na parliament niyo I-mikaga mawatho. In the same way, district councils nicio ci-kumake mawatho, nacio the executive arm ya district ika-implement mawatho macio.

Constitution ni irinonania ati, district councils ikorwo inapowers. Nio mariandekaga arimu, nio mariandikaga borithi, nio mariandikaga civil servants within their own districts, na nimare-collectaga taxes, although now the discussion is on about how much taxes you will be able to collect; nigetha district ikoragwo ina mbecha cia kugoria district yao. Akorwo ni borithi aria manedetwo ni district, magatweka accountable kuri andu aria me in the district. So there will also be a district service commission. now, district service commission ni igutake responsibility ya kuandika andu. Tondungu ainge ni mara-complain ati unagutiri mundu umenyaga uhoru wa unemployment within the district. Angi magacomplain that they do not know how people are hired and so on. But also it means akorwo ni andu makuria

kahuwa tarius district eno, they will manage that coffee themselves and they will be able to say, tutingetwara kahuwa angekorwo tutirareho. Na tax iyo nayo ikarehwo into that district.

Kogwo ngweciria nitwaretie uhoro ucio na nitugete angekorwo ni iyo district council, ni iguikuruka thii to the location council nayo locational council nituraiga nigukorwo ike implement policies iria ira-makewo ni districts. Then we will move down to the village councils, and the village councils which have between 6 and 10 people, village councils iku-work closely with the locational councils, negetha maka-implement activities within the village. So we have suggested that we devolve power from the Central Government to the district level, then to the locational and village councils.

Now, nitukoretwo na maoni maingi ma basic needs and basic rights. bururi wothe ni maritie muno uhoro wa uira andu mathenekete niundu wa githomo. Kweragwo ati gethomo ni bure, na angekorwo niuretwe ugure mabuku na urihe caution fee, icio ciothe, ugwo ni kuga gethomo getire free. Na tondu thirikari kaingi niugete ati gethomo – education is supposed to be free, infact the bill of rights for children iria yahetokirio this year, yugite education is free but it has not been free,. Na riu health facilities. Andu gukoragwo ati una dawa gutiri mathibitari. Na kuri andu marakwa ni ng' aragu. We are saying 60% of Kenyans live below poverty line. So what we have done is to make under the Bill of Rights, tugekera the right to food, the right to water, the right to health, the right to education and so on; and then we are saying that the social economic council, niyagererwo ni ku-make sure that needs icio ciothe niirekati. That Kenyans have people that they can complain to about those needs, and we also have a commission on basic needs.

Now, the other thing andu mariti muno iguro wayo ni judiciary. Nimwanegenire muno bururi wothe uhoro wa judges. Andu makoiga judges ni corrupt. Makoiga macira ma megunda remwe maninaga miaka mirongo iri. Nginya wee ugakwa ukerumerera mugunda wa thogwo na murogo agakwa akirumirira mugunda wa gukawe. Na ringi tiundu munene wonেকে, na diputes ta ico cikoragwo igotini, cigachoka cigatweka very expensive, magoti magatweka very expensive. Andu makoiga una justice ni ya itonga tondu nio marahota kurehe lawyers tondu rengi we nduri na lawyer na niurarumiria ke? Judges makahakwo and so on na gweciria nimukeigwete judges makinegena. Andu una nimoigaga matikuneed judiciary.

I remember tothiete kundu ta Narok andu makoiga ati matikuneed judges. Una borithi matikuneed. Tondu ati wanyita mundu akiya gwaku, wamutwara borithi, achoka atwaro igotini igoti rikamurekia na wee niue ati ucio niwe waiyete. Makoiga matikuneed borirthi na matikuneed judges. Mekwenda guikara gichagii uogwo metuagere machira. Uria metuagira tene. Akorwo ni muicii andu othe nimamenya ni muicii agachinwo. So, maundu macio ni maritio muno ni andu. Angekorwo mundu e corrupt, tugakuiga tondu twogire in a corrupt system, uheo rutha rwa ku-retire. Uretire na uhoye benefits. Na akorwo ndukwenda kuri-retire niukwenda guthii na mbere, there is an integrity court, schedule v, iroiga maihurie ciuria icio, uria atekwenda guthii. Page 44. where we are saying that a public officer shall not be in a

position where the personal interest of the public officer conflicts with the duties and responsibilities of office or compromise, dishonesty, impartiality and integrity of the office. *Ta riu uria mekete gutwara commission igotini na igotini riu niyo judges, na cira ni against the judges, iyo ni conflict of interest. Ithe tigwo? Matingethii gututhitaga angekorwo maratuthitaga kuri-u. Eh tondu nio menathina na noo meguthii gutwa. Kogwo tu-suggestete ati this code of conduct, uria utekwenda ku-retire, iroiga ati no muhaka makorwo first of all matari corrupt, ma-declare their wealth, na mundu a-declare wealth yake na ya ciana ciake iria itari married tondu ugwo nigwo indo ihithagwo. Ukaciregister na mwana uria wa miaka ikumi kana ikumi na iri. No angekorwo ni married tutiraki-follow tondu no magekorwo me na indo na family yake. But it is children who are below.*

O.K. so, uhoro wa judges ngweciria ni mwakeigwa uria tura-suggest. Na tithwe tura-suggest by the way. The only thing we are suggesting is how to deal with the judges because Kenyans are very unhappy about the judiciary. Na ninge judiciary ni very important tondu, tungegira na new constitution and we have a bad judiciary, it is going to be impossible to implement a new constitution. So that is why it is very important that we think about the judiciary.

Now, nitwaretie uhoro wa land and property rights. uhoro wa migunda, na uhoro wa property, tondu in some parts of the country nitweragwo ati akorwo ni Kenyans, matiagererwo ni gukorwo na property everywhere and other Kenyans said they want property anywhere in this country. They are others who wanted to know what we do with the property that is owned by the foreigners; no uhoro wa migunda ngweciria nitwaretie muno muno all over the country. It is not just Central Province. Ta riu Rift Valley mena problems nyingi muno where andu amwe muoigaga migunda yao yoirwo ni andu mi district inge. Even the district boundaries themselves are a problem. Migunda tariu ya Coast Province, kwe migunda ya gurirwo, titles ituraga Saudi Arabia. Many many Kenyans are actually squatters at the Coast Province. So that is a very major issue and basically what we have done is to try to establish a constitutional office on the land commission which should continue the work, because these are things you cannot settle even at the national conference; but it is going to be a major debate during the national conference.

We have also had a lot of information on the structures and systems of government and we have been saying we have been moving towards a presidential system where the president has all the powers and I talked about this a little. So what we have done, is to combine a presidential system with a parliamentary system so that it is not really a structure that is dominated by either and in this particular case, parliament is much stronger than the Executive who is the president and within that context, we have also abolished provincial administration. But that one we were just told by Kenyans we do not need provincial administration. *Ati wira wa sub-chief riu urutagwo ni wazee wa vijiji. So they do not have a job. Nike chibu akoragwo e permanent na matimuthurete. So, either atigwo hau, na athurwo na atransferegwo, but they do not want a chief that is there athuretwo ni thirikari, because it is an extension of the executive, the presidential power. And also people felt the DO's job was been duplicated they do not need a DO, and they do not see what the PC has to do with what is happening within the Province. So, what we have provided for under transitional provisions, tugite riu provincial administration I-abolish-wo,*

ma-report back to the Public Service Commission, *riu ma-deploy-ow*. They are not being fired. They will just be redeployed to the various ministries when the constitution comes in place.

The question is, some people have been asking what happens if you remove provincial administration when these other systems are not in place? What we have provided for is that when the new constitution comes in place, the provincial administration stands abolished as Kenyans wanted, and then the National government will give responsibilities to people to take care of the District until the district councils and the district executives are in place. *Ugwo nigwo tusuggestete. Then we had – nikuri andu ainge maritii uhoro wa political parties. Political parties nacio nitweretwo* all over the country that there should be two or three political parties. But you know, because we are talking about freedom of expression and freedom of movement and so on, it would be against the Bill of Rights *kwajia guka political parties ci de-registwo. U- toria tweragwo ati dini imwe ihingwo. We were even told by some people in central province ati thirikari ikarora kana dini ino nikuhhererie Catholic, riu makerwo inywe thii Catholic.* But you cannot do that because you are taking away the freedom of the people.

So, what we have done with political parties, *nikuga matige ku-registwo ta uria maregistagwo ta kiosk, but maregistwo ni Electoral Commission* so that the Electoral Commission is also able to manage political party but we also have a more independent Electoral Commission. But the political parties themselves, there are certain things they have to go through. *Angekorwo gutiri undu mureka* for a number of years, *angekorwo mutiri mwarugamia ona councillor ume na agathii* through, then you can be de-registered because then it means you are not really doing what you are supposed to be doing. But we are also saying that if they are de-registered and they want to complain, they can go to the High Court for review. But we have also suggested that political parties like Kenyans said, *ih eo funding throught the public coffers* and we suggested that 50% of the money *maheo* depending with if they get I think 5% of the national vote. So because there has to be a criteria. Which means the best political parties or the most active political parties are the ones who are going to get the funding. Not every single political parties. Because we have political parties *nyinge iria I dormant*, you know they are not really in existence. They are dead.

So, we have quite a number of provisions on political parties. Because we think political parties are very important because they are vehicles for democracy. They are vehicles for promoting democracy. So we have given quite a number of provisions.

Now, we have a lot of information on national sectoral policies. This is like agriculture, *uria andu maroiga uhoro wa agriculture, uria andu maroiga uhoro wa security, uria andu maroiga uhoro wa national resources, water and so on.* And a lot of these policies appear in a different report, not in the constitution because there are government policies more than anything else. We have quite a bit of information on citizenship and that citizenship *kwaja niyareririo muno ni andu aria ma-live-aga on the border. Ta riu Uganda.* The ones who live on the Ugandan border, the people from Busia. *Ainge ni mahikanetie across.* You know they have women from Uganda and some women have gone to Uganda. But thinking about the women from Uganda who are in Kenya, many of them you know have been denied citizenship. They cannot vote. Mundu

athii kuoya identity card *nigetha ahote ku-vote, akerwo agacharie anyina na ithe ona akorwo ni muhiku* and husbands are not allowed to be witnesses for their wives. So they have actually been denied citizenship. Although you are allowed officially, you are not really a citizen until you are able to acquire documents that say you are a Kenyan citizen. But a lot of these women have not been able to get their Kenyan citizenship.

In the same way, along the lake, you know beyond Busia, towards Luo land and so on and also along the Somali-Namanga those sides. Tanzanian border and Somali border. So the issue of the ID is very important. The issue of citizenship has been very important. A lot of Somalis are also denied citizenship because they cannot determine who belongs to Somalia and who belongs to Kenya. So that issue has been debated quite a bit. They are many people who wanted dual citizenship. That is where you can have an American citizenship or British or Ugandan and also become a Kenyan and we have provided for that. The only people we have denied I think are people with interests. Like to become a president, you are not allowed to have dual citizenship. *Ndugagekorwo urarutera andu ange wira.* But ordinary Kenyans, I think we have talked about dual citizenship.

We have quite a bit of information on the Electoral system and I want to say something about this. *Tondu keria gethurano tukoragwo nakio riu* – I know we have talked a lot about rigging, so we are talking about transparent boxes, we are also talking about *gutara miti haria iikerio*, in the constitution, we are also talking about other things that will go into legislation like continuous registration of voters. We have also combined what we call proportional representation with majoritarian type of elections. *Iria tukoretwo nayo riu ya every constituency one person is not a very representative system na nitue ati riu ta Kamukunji* has about 250,000 voters, and Ijara for instance has 7,000 voters and both of them are represented by one person. So we have been talking about this abnormality in terms of representation. To try to bridge this gap, nito-introduce-iti what you call proportional member representation which means *ati tariu ugethii guthurana in the new constitution, ugathura* the MP for this area, let me say the MP is Josephine. You will vote for Josephine for this constituency and then you will vote for the party. For the party of your choice.

Now, the way you will know which party to vote for, *nimagakorwo matuhete list ya andu aria megothura to parliament, tiga acio mararugama* constituency. A list of 90 people who will go to parliament if their party is elected. *Ndioe kana nitwaiguana?* Because people are saying they are nominations, they are not nominations. Depending na maritwa maria megutuhe in this particular constituency, - - (interjection) *O.K. twena 210 constituencies, isn't it? Tukongerera iti inge 90. ici 210 ni riu the regular seats ici twenacio.* That is why I said, okay, let me assume that Josephine is standing in this constituency, *Gatundu North, niwe urarugama Gatundu North as a candidate.* Let us say she is standing on a NARC ticket or Ford Coalition or KANU or Rainbow. Let us say she is standing on a NARC ticket, so you will vote her in akorwo niwe mwa choose, as a person for this particular constituency. Then there will be a list yumete riu kwa NARC *iroiga* the people we are going to take to parliament on proportional representation are the following: O.k. Let me say father Kamore will be one, Mrs. Kamau will be the next one, then Wachira here will be the third one. So for you to choose NARC, you will choose it on the basis of the list. If it is an attractive list, you will choose NARC. *Angekorwo Rainbow ikirite mundu*

muramenya ni muicii, na ucio unge nimuragani, na ucio unge ahana una, you will not pick. So, by the end of the day, the party with the majority votes, will get majority of the 90 seats. So, it is a way of promoting political parties as well and making political parties also go for people that can make a difference in governance. Then the parliament will have 300 people.

We are also saying that when they give you the list, they will have to alternate men and women. Because we do not just say that they will give us a list of 90 men. So the constitution says that you should alternate. So that when it comes now to the end, if you are going to get 30, because these seats are going to be divided according to the number of votes you as a party have received, then if you win 30, then 50% of those seats will go to the women. But then you will also have to look for women who can sell the party. Because if you give the name of a woman whom everybody knows is a thief, then your party will not win. Which means you are also under an obligation to look for women and men that are going to make you as a party, look like a party that is serious and that can make a difference if you get to government. So that is the way we have dealt with the proportional representation for now. That is now for the Lower House.

We have also proposed an Upper House with 100 people. These people are mainly representatives from the district. Every district is going to elect one person to go to the Upper House and we are saying because we have 70 districts, 30 seats of the other seats will go to the women but elected at the provincial level. So Central Province will send four women and it will also send the 11 men to represent the province. So what we are saying is that that Upper House, first of all *tondu andu ma-elect-wo ta district*, is to make sure that powers iria iraeo district, iti-kweheria ni central government. You see what I mean? *Andu no makorwo na* devolution to the district level, but if the power at the centre decides to abolish those powers, then they can do it. The other thing we have also said *ni ati, tariu district* councils cannot be abolished except through a referendum. So the constitution does not allow parliament any more to make major changes within the constitution without a referendum and among those areas which cannot be changed are the district councils and the locational councils. So, nitugeretie ku-have institutions that are going to protect, that are going to be checks and balances for each other and that are also going to protect the interests *cia andu*.

The other thing we have done, I know there are a few other issues but I think those are the ones which were covered by majority of the Kenyans. Others include issues related to customary law, we have issues also of regional policy. Now regional policy meaning what you call the provincial policies and they were very few people that wanted regional policies at the regional level. A lot of the people either wanted Majimbo at the provincial level, but majority of the people wanted devolving power to the district level or to the local authority.

There was quite a bit of information on women's rights, there was quite a bit of information on succession and transfer of powers and here we have suggested that *nigetha gugakoragwo gutari na vacuum, the Upper House, gethurano kirekoragwo* every four years so that when the other group is going in for elections, the Upper House is still in existence and vice versa. But the Lower House will go for elections every five years. We have also said that elections will be taking place 45

days before the end of parliament. For instance now, this parliament is coming to an end in February, we are saying elections must take place 45 days before to make sure that there is no vacuum. That you are still in parliament and the president is still in place and then you hand over power and I think we have made provisions for that.

We have also introduced an Ethics and Integrity Commission. Now, Ethics and Integrity Commission, niyako-monitor issues related to corruption, issues related to the leadership of these people in Parliament and elsewhere and also top civil servants and so on. We have also introduced a Salaries and Remuneration Committee, *aria mare-decide-aga president ariheagwo beca cigana? Kana Vice President, kana MP, kana aria me in the constitutional commission. and even top civil servants, mariheago beca cigana? Tond ugoro wa michara ni ugoro uthenetie andu aingi. There has been a lot of complaints all over Kenya that some teachers get about Ksh. 4,000/= mweri, nao judges makaheo Ksh. 900,000/= na mugate umaga the same for Judge na mwarimu ucio. Gutire handu mwarimu athiaga kugura mugate raithi kana mutu nake judgi akenderio goro. So, I think that issue is a very major issue and people are feeling that Kenya ti thenii, ni uria tuhuthagera resources citu.* So, the suggestion is that we have a salaries committee, that will be able to monitor distribution of salaries and so on. Because even if you go to Uhuru Park on Labour Day and increase the lowest salary by 100%, it still adds nothing but we are saying that 60% of the Kenyans are still very poor mainly because of the discrepancies that we have, in terms of the way we reward work and so on.

The other thing we have also established is that we have put the Teachers Service Commission into the constitution. Again due to the submissions of the teachers, but also because of the problems that have been coming in relation to the teachers and education is a very important issue. So we are saying that they should be able to deal with salaries. It is an independent commission and therefore it will not really be controlled by the government.

One of the major things that we have suggested also is what we call a Human Rights and Administrative Justice Commission. That commission has what a lot of Kenyans have suggested we do, it has a commission on Ombudsman *no turamweta people's protector* again for all the complaints that Kenyans are talking about. It also has a commission on basic needs, ku-monitor riria turuoiga ati andu nimagereirwo gukorwo na basic health services. If you do not have those, where do you go? So we are saying that you go to the Basic Needs Commission and then it will also have a commission under that for gender. We also have a commission under the same on people with disabilities and we also have one on children. *Ciana iria I-find-itwo within Kenya, cia below miaka enana,* they will automatically be considered Kenyan citizens because what do you do with children below 8 and they have nowhere to go? So there is a commission to monitor, not just that, but all the provisions under the Bill of Rights for children.

The other thing we have done ni ku-make - - they were very many complaints against the police. Police harassment. Like in Busia we were been told that we legalize local brew. *Andu manyuage uria mekwenda tondu excuse ya borithi ya guthii kuma-harass ni local brew.* So if it was made legal, then we will not need police in the area. There were very many complaints

and the way they treat the Kenyans and we have suggested that we do not have a police force, we have a police service. So that we begin changing the image of the place. They are not supposed to be using force, they are supposed to be serving Kenyans. In this kind of era when you say police, you do not go to look for assistance from them, if anything you hide from them because they will arrest you for no reason. So what we have done is to make the police commissioner, a constitutional office as well so that the Prisons commissioner will not be doing the things he is doing because he is accountable to an individual. Nobody can remove him for the period, we are giving him the tenure like the chief justice so that nobody can just remove him and we are saying that we also have a Police Service Commission which will also be able to look at their salaries and so on and improve their services to the people; and also people like the senior police people and police commissioner will also go through the Ethics and Integrity Commission in order to make sure they adhere to the code of conduct.

There are some transitional provisions, *ta riu nitugite*, under the same body, under human rights and administrative of justice, we have suggested that constitution ya launch, within a period of 6 months, *ni magereirwo nigwika* investigations on the tribunal classes. There have been many war crimes in North Eastern where villages have been wiped and cattle taken and so on. That they should do those investigations and then make recommendations on both rehabilitation, taking these people to court, prosecution as well as compensation for those who have been affected and I think with those words I think I want to stop there because there are things we want to confirm with you, that what you said in your reports for Gatundu North Constituency, I will ask Wachira, *achokere hanini uria muagire*, so that you see whether *uria mwaigire* we have covered it in the new constitution. Thank you.

George Wachira: *Muriega ringi? Ni aigana matekuigwa Githungo? O.K. report yanyu niio. Nio inareport ya constituency iria twandekete ya maoni maria matuheire. Yandeketwo na Githungu unagutweka kuri maheaniri na Gikuyu but we interpreted and put it in English. Nikio nguragia nia matekuigwa Githungu.*

Riu, report ino yanyu ni ya thiko iria tuokire guku kwanyu gucharia views. Ciari 19ⁿ na 20ⁿ April, thiko igiri. Imwe yari Mangu catholic Hall, ngweciria ni guku, iyo ingi yari Gathenge Social Hall, Kiamwangi. Na andu 132 nio matuheire maoni. 119, 11 mari atumia, na 2 matiatete their sex. Twanyitiri memoranda mugwanja, na 16 matuheiri kwaria matekuheana written reports, tugechoka tukeheo written submissions cia aria mandikire andu 40. na kuri maririe na magechoka makiandika, andu 59, na 3 matiaugite. Riu kuringana na aria matuheire maoni, nguthii na mutaratara wa kuringana na the issues that were raised.

Hari andu aria maririe uhoro wa preamble magetuhe maoni. Draft iyo muenayo ya constitution aria mekuhota guthoma nimekorora some of the issues that I will raise iria cihotete kugorwo si-capture-iwo ni constitution or the draft constitution. Ni mwaririe ohoro wa sovereignty of all Kenyans. Nimworirie that Kenya shuld be a democratic state. Na mukoria tukorwo na the commitment of the rule of law, na Kenya tukorwo na a national vision for unity for all Kenyans. Icio ciothe ni inyue mwatuheire na ni ciekeretwo constitution eno njeru.

On directive principles of state policy, nimworetie tukorwo na guiding principles, maundu maria ma kubangithia bururi ukorwo na national unity. Tukorwo na wiguithania ithuothe. Nienywe mwatuheirie woni ucio na neikoretwo ciekeretwo constitution ino njeru. On constitution supremacy ati constitution ino gutire watho unge uri iguru wayo. Nimworetie constitution ino ikorwo niyo watho uria munene muno theini wa Kenya, na mukoria ati tugechejia katiba ino nogukorirwo na national referendum. Inyuwe enyewe niinywe tukumoria. Kana tugechejia part ino kana tutiguchejia. That again nitwekerete constituitonine.

On citizenship o-tauria Professor amwera. Niworetie o-inywe enyewe kana notukorwo na dual citizenship. Iyo ni iria andu ta acio maikaraga muhakaini a-Uganda na Kenya na Tanzania, ati muundu noakorwo ari na citizenship, no ukorwo uri na maratathi makuga uri wa Kenya, na no ukorwo bado uri wa Tanzania. Iyo bado niikiritwo. Na mukoria ati mwana wothe uciaretwo Kenya atwike citizen wa Kenya ni ikitwo; na mukoria ati kibande, that is the national identity card, na birth certificate cikorwo ati nicio cia kuonania ati mundu niwe mundu wa Kenya. Icio niciekeretwo. Na mukoria ati muundu angehota kugura mwana, kana aka-adopt mwana atweke ni Mkenya. Iyo niikiritwo.

On defence na national security, nimworetie ati o location kana every locality shall be presented in the national security organ. Iyo niikiritwo. Na mukoria ati military, kana jeshi itu ikoragwo irugamereirwo ni a defence council. Iyo niikiritwo constitution. Mukoria ati president akorwo ari commander in chief of the armed forces, iyo iriho. Na mukoria on political parties, ciama citu cia mung'ethano na kiama kia KANU na ici ingi, ati gukorwo na broad guidelines requiring the composition, management and policies of political parties, mutaratara uria ciama cirekoragwo ci guide-etwo nigwo, nimworetie. Na mukoria ninge thirikari ikorwo ikihota ku-fund kana kuhe Mbeca ciama cia ciothe cia Kenya. Iyo niikiritwo nayo.

On structures and systems of government. Uria thirikari ikoragwo Kenya, nimworetie tukoragwo Kenya nimworetie tukoragwo na president na prime minister. Iyo niikiritwo, na mukoria that the should be a strict observation of the doctrine of separation of powers by the government of the day. Tukoragwo na organ ithatu cia thirikari tugakoragwo na Exexcutive iyo nayo ni ya ma-ministers na president. Tugagorwo na Judiciary iyo niyo ya mawakili na magoti na tugakorowo na parliament. Mukuria cikorwo cigayanitiyo na functions cio cikorwo cie very separate and very independent. Iyo niikiritwo. Na mukoria gukorwo na checks and balances of cia the three arms of the government. Ninge mukoria ati gethurano tukorwo tugethura Vice President hamwe na president ari ta running mate. Iyo niikiritwo nayo.

Nimworetie tukorwo na parliament ya honge igere. That is the Upper House, for regional representatives na Lower House ya ku-represent constituency representatives. Mukoria ati parliament noikorwo na hinya wa kuruta kana ku-impeach the president. Ninge nimuoretie ati parliament no ukorwo na hinya wa ku-vet all public appointments.

Andu aria ma-appoint-agwo ni president uogwo ari wika. Riu parliament nirikoragwo na hinya wa kuga kana muundu ucio niabataire agikorwo akiapointwo. Na mukoria ati mukorwo na hinya wa gweta MP wanyu mumuthurete mungiona ndararuta wira na njira iria yagireire. That is recalling of an MP. Nimworetie that voters should have a right to recall non-performing MPs. Ninge nimuoretie gukorwo na code of conduct ya MPs na public officers. Niikiritwo.

Ninge nimuigete the constitution should preserve a given number of seats for women. Icio nacio uria Professor amwera niciekeretwo. Ni muoretie ati parliamentarians makorwo na at least form four level of education. Makorwo na gethomo at least kia form four. Nimuoretie gukorwo na constitutional commission. Uria Professor amwera we have created some commissions in the constitution, na nimuoretie on the Executive, that there should be a code of conduct for the president and a prime minister. Gukorwo na mubago kana ethics committee kana nyamu cia kurora his conduct.

Nimuoretie president ndagakorwo ari above the law. Ati noatwarwo igotini. The president is not above the law. Nimuoretie powers cia president cinyihio na niciekeretwo. Na president akoragwo arithuragwo o miaka itano maita meri peke yake. Kuma hau ndagethurwo ringi. Nayo notumekerete. Nimworetie president akoragwo ari MP. Na ninge nimuogite tu abolish the provincial administration. Ma-chiefu na ki tumarute. Nitumarutete na tugekera District Councils ugwo mweriro.

Nimuoretie acio tungethura angekorwo nigugukorwo na provincial administration kana district council tukorwo ni ithue turamathura. Iyo nitwekerete nayo. Nimworetie judiciary ikorwo iri independent. Ndigakorwo kuri mundu umirugamereire tugwo president akoragwo amerugamereire kana kuma-appoint. Iyo nayo nitwekerete. Na mukoria twekere Supreme Court. Igoti renene kuri High Court na Court of Appeal. Nayo noturekerire.

Nimuoretie on Local Government tukoragwo turi na hinya wa guthura mayor, ithu enyewe kana chairman. Uria muerirwo ni professor, the District Councils, neithue turikoragwo tukimathura. Nimworetie ati ministry ndigakoragwo ati niyo irugamiriere local county councils. Iyo nayo notuekerete. That is autonomy of local authorities. Na mukoria ati local authorities kana icio district councils icio turekerire cikoragwo ire na hinya nicio ciriandikaga chief officers kana aira aruti a-wira nao.

On electoral system and process, uhoro wa ithurano. Nimuoretie ati ungekoro uteri na kiama kana no urugame uri wika. Independent candidate. Nayo notwekerete. Na mukoria ningi miti tutaragire kuria turathuranira. That is we should be able to provide that votes should be counted at polling stations. Iyo notwikirite. Na mukoria gethurano gikoragwo gikoragwo kiri gia secret ballot. Iyo nitwikirite. Na mukoria ati Election Commission ikorwo iri autonomous kana iri independence. Ti ati Moi niwe urimethuraga na akoiga ati ni kurikoragwo na kurugamirira

kwayo. That has been put in the new constitution.

Mukoria ballot boxes makorwo mari transparent. Ati niturahota kuona muti uria turaikia, niki kiri kwo. Mukoria constituencies cikorwo ci-determine-etwo na uingi wa andu. Iyo niikiritwo. Na mukoria ati on basic rights, tuheo hinya ithui wa human rights for all Kenyans. The constitution should provide for protection of our human rights. Ithue maundu maria tukoragwo tuendete. Uhoro wa freedom of worship, makanitha nake kana muhoere uira mundu ekwenda. Mukoiga death penalty, andu aria makoragwo matwirerwo gukwa ni magoti, ucio nimuogete tueherie, ni tureheretie.

Mukoiga tukorwo na freedom ya expression na assembly, na mukoiga tukorwo ginya na freedom ya movement. Kuria gwothe ukwenda guthii. Na gukorwo na githomo gia toho gia primary. Ico no turekerire ciothe. Na mukoria tukorwo na Bill of rights cia health, cia food, na right to information. Icio ciothe nacio noturekerire. Tukorwo na rights cia mai, irio na nyumba kuria turiekaraga. Rights of vulnerable groups. Acio nio makoragwo na mathena mwanya mwanya, kana maundu makoragwo makionerwo ni andu. Prisoners nimuroretie makorwo makiheo wiathi wa guthurana onao. Iyo niturekerire. Riu prisoners will have a right to vote.

Nimuroretie gukorwo na affirmative action in favour of disabled in public facilities. Maheo some special facilities. Ta nyumba kuria marikoragwo magethii gugakorwo na njira njega mangehota kwa mbata. Icio ciothe. Na ciana nacio cikorwo cike-protect-wo wega. On land and property rights. Migunda na indo iria tukoragwo twenacio. Nimuroretie ati ithui ta akenya tukorwo na wiathi wa gukorwo na migunda kuria gwothe tungienda. We should have a right for all Kenyans to own property for land anywhere in the country. Iyo niikeretwo ugwo no ugie na mugunda Kisumu kana kuria gwothe ungienda.

Mukoria airetu nao makorwo na hinya kana wiathi wa kuhote kuinherit. Nitwikiriti. Na atumia na athuri makorwo makihota gukorwo na migunda. Yothe niikiritwo. Na ku-inherit. On cultural, ethnic and regional diversity and communal rights, maundu ma culture citu na maundu ta macio. Niturekerire ati, they should be a freedom of ethnic practices as long as there are not repugnant to justice and morality. Maundu maria tukoragwo tugi-practice ma culture citu, tukoragwo twena wiathi wa guthii na mbere na kumeka no on condition citira affect muundu uria unge twenake. Ugwo ndugi-force muundu eke undu tondu niureciria niwagerire kana culture itu niitikiritie.

Mukoria ninge tukorwo na constitution ikoragwo Igitu-safeguard-ira preservation cia -- - - on management and use of natural resources, indo iria ciothe tukoragwo nacio. Mititu, marui na indo ciothe cia bururi witu, that is natural resources, nimuoretie gukoragwo na equitable distribution. Itigakoragwo no andu amwe maraheo nanou maracihothera. Constitution niitikiritie ithuothe tuga-share all those resources. Nimuretie cabinet ministers, ministers matigakorwo mathuretwe ati tondu nimarauiga ni KANU kana ni marauiga ni Ford, kana ni marauiga ni NARC kana

ki. Makorwo mari professionals. Andu moe kiria mareka kuringana na ministries iria menacio. Na mukoria ati presidential candidates na candidates aria turekoragwo tugethura maka-declare utonga wao. Professor niamwerire, iyo niturekerire constitution-ini. Na mukoria ati government services cikorwo cire cia andu othe. Accessible to all Kenyans. Ti andu amwe makoragwo nio mareheyagwo. Okorwo ni barabara cirakwo una guku kwa andu aria ma-win-ete elections. Cikoragwo gutire muundu utiraheago. Constitution ni e-provide-ite ugwo. Appointments cia civil servants othe ikoragwo iri on merit. Ciothe nitwekerete constitution.

Mukoria gukoragwo na proper management ya health institutions na other institutions of the government. Icio nacio nitwekerete. Na andu aria corrupt aria mekuheana hongo na ki, ni mureoretie that they should not be allowed to hold public offices. Icio nitwekerete. On environmental and natural resources, nimureoretie tukoragwo ithue andu aria turaikara handu hina environmental resources naki, na nyamu cia githaka, tukoragwo turi na first priority cia gucihothara. Na tugakorwo tugichokerio kindu. Ni twekerete. Na protection ya forest, tigutinangagia mititu ougwo nginya bura ndiraura. Iyo nitwekerete.

On participatory governance, nimuretie there should be structures and processes that should be institutionalized to secure citizens special – put law making. Mukoria ati, ithue ta andu a Kenya tukoragwo na hinya wa gukoragwo tukiheana maoni maitu tugithondeka mawatho. Na nimurona kinya constitution yenyewe, tutiramethondekire ithue enyewe. Nituramu-involve inywe from today na ginya the other future mawatho, constitution iroria tukoragwo tukimuria mbere ya kumathondeka na nikio uraigwa muundu ndagi amend constitution ougwo in some issues like basic rights. No nginya mukorwo muretio na niko turaigwa kuri na nyamu iretweo national referendum.

On international relations you had asked that parliament should be allowed to conduct debate and approval, mbere ya maundu maria mara-affect Kenya na nimaja uria mara-affect. Ti muundu kuga maundu maria mara-affect nanja magoka magatweka nimaratu-affect immediately parliament kana andu matanjiriri a kwarereria uhoro ucio.

Commissions na institutions na offices. Nimureoretie gukorwo na commission independent ya ku-determine ma-salaries na mbecha cia ma-MPs aria tothurete. Ti MP reru mari tondekaga mbecha ciao uria makwenda. Makeongerera kana makanyihia. Ni kuri na Commission riu iri-determine-aga mbecha iria mabataire kuheo kuringana na mbecha iria turinacio bururini. Na mukoria gukorwo na commission to oversee the education sector which should be delinked from the Executive and should be answerable to the National Assembly. Nimwero nigugukorwo na commission very independent ya Teachers Service Commission. Uhoro ucio ta wa migomo. Ni commission itari ati kuri muundu uramera uria megweka. Ni commission irikoragwo – it is independent it is the one that determines.

Mukoria gukorwo na establishment ya ofisi ya ombudsman. Niyoo mweriro riu ti Ombudsman, aritagwo people's protector, but warora constiution, maundu maria arikoragwo agika na maundu macio ma ombudsman. Iyo nitwikerete

constitution. Na mukoria gukoragwo na a permanent constitution commission. iyo niikiritwo. Mukoria on succession and transfer of power, ati speaker wa national assembly, riria president Atari ho, kana githurano nikiroka, speaker niwe urekoragwo aki act ta president hindi iyo.

On women's rights nimuroretie atumia matigakorwo maki-discriminatwo uhoro wa inheritance. Na mukoria gender abuses na ownership of property unao magakorwo makirorwo. On legal system, nimuroretie that all Kenyans should be applicable, - law should be applied in a non discriminatory manner to all Kenyans. Ugwo mawatho marikoragwo mari ma andu othe no gutiri ati andu anene gukira aria angi matangehotwo ni mawatho.

Mukoria that the constitution should guarantee every Kenyan equal and non discriminative treatment by the law irrespective of gender, ethnic or racial background. Iyo nayo niikiritwo. Ati angikorwo we Mugikuyu kana uri Muembu kana Mujaluo, watho urikoragwo ugigu-treat in the same way. Kana uri mutumia kana uri muiritu.

Basically that is a brief outline ya report iria mwa tuheire. Ino report irikoragwo na District Co-ordinators kuria wabisi, kuria amwera Murang'a house. Ni ya page nyingi muno. Ni ya page 188. Yandeketwo na Githundu no indo ciothe mwatuheire, uria wothe mwaigiri guku, kameme nimuona nikara-record. Ugwo in the event that you are very interest to find out, the district co-ordinator will talk to you. Back to the commissioner. Thank you very much.

Professor Wanjiku Kabira: Thank you. I wanted to say this young man here Wachira is a lawyer with Ndung'u and Kwach Advocates.

Stephen Wanyoike: Thank you very much. *Utauria tugire, iyo niyo summary na over view ya draft ino turinayo. Na ngweciria nimwaigwa maundu maria inyue muogire and in particular guku Gatundu North, na aria angi makiumete ma-constituency maria mange nimo commissioners mama-include-ete thini wa draft ino. Mbere itanagweta undu unge, nindaririkana he muthuri – commissioner atanangira ikonjoretie, tondu nimaheanete uhoro ucio haria Gathengera wa athuri aria akuru na atumia akuru. Tondu renga na renga mundu agukura andu monaga ta matakiri bata. Unagwo undu ucio wa andu aria akuru, we thini wa draft ino. Ngweciria munge thoma Article number 36, ni iraria uhoro wa rights cia muundu e-gukura. Ndakadiscriminatwo una agietha wira kana agitha loan handu hatiri, watho nduramwitikiria. Ugwo gwendaga kugweta o-ugwo tondu nindaririkana point iyo ninguretio una commissioners matanoka. Article number 36 I think there is something to that.*

Now, rekei tu-agree tuambererie ndeto ici. Tuheane chance kuri inyue muri on the floor, mundu no a-coment, no urie ciuria kana angorwo ndari na kiuria niahetwo chance ya kuongerea undo angienda kuongerera. We are sure you have not read a lot of it but try as much as you can manage. Na tu-agree nigetha hii tuhote kunina gaikaro geke as soon as we can manage. Mundu urie ciuria quickly, tumuhe minutes ta igiri ugwo, akoria, na nigetha tugethie wega no tuoye

ciuria ithano nigetha nake commissioner akona time ya gucichokia wega. Na niundu wa ugwo tura-record mundu akigweta ritwa. Na he gitumi. Ti ati tondu hi undu turenda tugachoka kurumirira thuthaini ati mundu niegwetire ritwa, acha! Gitumi ni tondu, korwo nimuraigwire hindi kurari na debate ngathetini na TV, minister mugima wa bururi akoiga egweciria constitution iyo, tiya wananchi. Wananchi matiri undu una umwe moigete. No ngwenda kumwira utogwo commissioner oiga haha, records cia mundu o-wothe bururi uyu woigire kaundu, kinya ritwa riake, nginya haria uigirie, na mathaa maria uigiri, iho record iyo. So, muundu angienda guceka, akiugaga murarere uhoro wa kunina mahinya ma president, no ugete ugwo ithe ti inywe mureyugera? Ni wananchi moigire. So please mutigaigwe mwenathena wa kwegweta rita tondu hatiri tena twenagwo. Mugwete retwa na hihi rengi na rengi aria mekuhota guka no tukumahe kanyamu gaka marie nigetha irecordwo wega ni machini ici turi nacio

Riu nitwa hingura, murehe ciuria cianyu kana comments, or anything to do with this draft constitution. Ngwamba kuoya andu ta atano.

Moses Kinuthia: *Thank you very much niundu wa kamweke kau ndaheo. Wambere nii hakwa njitagwo Moses Kinuthia, Mutungatiri wa Kanitha wa PCEA. Ningwenda gucongratulate the commission for the work well done. nitondu wira ucio murutete, urutetwe within a very short time and they have been able to give us the draft, na ku-collect those views tondu kungekorwo guku gwitu wiki kwari na views 132, nigugukionania ni wira ukoretwo we munene ukerutwo within a very short time guput mechiria machio mothe mehamwe. Niwega una mwachoka mukimenyithie the commission that we appreciate the work that has been done within a very short time.*

Wakeri ningwenda kugweta ati ithui niturahoya Ngai muno that we may see the reality of this constitution. Tondu mathina maria twenamo, korwo twahota kugia na mwathaniri mwega, those problems would not be there and we would be able to live good lives whereby the respect of human life is encouraged by all. Riu hii kiria ingekuria ni hii commission a-explain, now that we have the draft constitution, what next? Because now we have the draft. She has mentioned that there will be the National Constitutional Conference, but what next?

Secondly, its like there seems to be the tug of war. Is it possible to have the elections this year, under the current constitution? And if it is possible, what can we do? Or if it is not possible, does it mean that when the current parliament ends, the constitutional review process will also come to an end? That is something we would need, - ithui tondu gweciria niko ngoro cia andu aingi cioretwo ni hinya, ona ringi ange makaga guka, simply because everybody's dream was in the constitution, but it happens that now they are being told no current constituiton. So, whatever, maybe the current government will carry the day, but does it mean that this work will go to waste? That is my question.

Patrick Waweru: *Mbere niguchokeria commissioners ngatho. Ni wira munene muno. Una muundu mukuru ta athuri turi nao haha, unamatioe guthoma Githungu nimekuga nimeguka nigetha maigwe uria Katiba ino iroiga. Una ndoe*

guthoma. Na nimokete tu ningetha meke atia? Maigwe. Magachoka makamaka makoria atiriri, Katiba yerwo niguteyo niki? Ati niya ageni? Na hau ningwenda mutumenyithie ni kuga atia. Ati yumete kuri ageni na riu nidaigwa muthuri uyu wa kuma kwa Ndung'u and Kwach athoma uria wothe twaigire.

Riuri, ucio ni undu ucio. Igwetwo ya ageni niki? Na nitwaigwa ithui gutiri hando ugeni we ho. Arathoma agachoka agatwira na ucio niwarererio thiini wa Kenya yothe na nimwikiri thiini wa maratathi maria mi thiini wa katiba.

Handu aria gwenda kumenya hanini, haha ari uhoro wegie national heroes day. Ndinamenya national heros day ndinamenya mwamiagera handu niki, thiini wa katiba. Tondy nyoniri thiguku ithatu. Imwe ni ya katiba riria igekerwo kirore, na iria ingi ni ya Madaraka day na Jamuhuri day. Ithatu. Thiguku ya andu aya mundu ugwetwo Gitu aragwetari, iyo marutiri wira munene muno, magethukio maguru, magethokangio na angi umothe matihotaga guthii. Thiguku ndikumenya gikatiba irorire niki? Ndiagirirwo ni kura. Tondy mandeko macio thinii wa ngathetini kana thini wa katiba ino irathondekwo ni Professor, noyo ingirira Kimathi Kamiti athii agathikwo kuria agererwo ni guthikwo. No riu ingetigwo orougwo, ona uria uguka no ariganero kana ni kware mundu wetagwo Kimathi, na noarehwo atwarwo kwao.

Ngatheti nituoniri iria yoimete mweri ikumi na inyanya rira mwari Mombasa na tugichoka tukiona riu ino mwaturehere riu. Na nidona ino ndihanaini na iria. Na ningwenda kumenya niki kiratuma? Iria yari ya mbere ya mweri 18, nitarerie wega. Kai hari na utiganu uriko na ino I haha riu?

Katiba niyatweka niyarutwo githakaini. Na yarutwo githakainiri, tinjega. Riuri, tondu bunge no igethogothanie o-riria yothe ingienderwo-re, twenaku? Kana ni wira wa bure twarutire?

Wokabi Mungai: *Hehandu hagwetwo heigii thina wa bururi uyu, percentage. Na yerwo ni around 60%, twe below poverty line. No kuringana na uria Kenyans me hard working. You find that, andu akuma unarengwe 18 years guthii na iguru, me kundu marokaga every day. Na thutha wa close observation ya uhoro uyu, we have employers, either private employers na government employers. Na ungecharia muno niugukora these private employers are also very many and they have created a job or jobs to so many people in Kenya. But the question at hand, these people who are working in these areas, how much are they protected as far as their salaries are concerned? So as to reduce this percentage rate of poverty.*

It is not a wonder umuthe uyu turi, I will start my own school here, I am a teacher anyway by profession, though not employed. No, uguthii ukore ndajereria chukuru, na heyo go ahead, no ndihotete kuaccesswo wega, kana mundu ucio gwandika, ningohota kumuriha, na nigetha akorwo agi-survive in that profession. Koguo, nii niingiuria thirikari, ikorwo ina way and means, cia kuprotect these workers because they are so many in this private area and they age

there and come out with nothing for hundreds of years. So please, let us do something about this.

Turn to the private investors, they have done a very good job. But on the other hand, when it comes to the worker in those institutions or in those investments, how are they protected by the government? Are we only allowing these people to invest without minding those people who will work in those institutions? So let us not exploit the worker we have. Whether going to public or private institution, every Kenyan should be protected so that he or she can be able to support him or herself in a manner that, *okorwo ina kana, nieguthomitia wega. Kana arutaga kwa thirirkari, kana arutaga kwao.*

Henry Kiarie Chege: *Thank you commissioner. I am a BSC Agri. Holder. Nii ngwaririria undu ukonie agriculture iria eignoreitwo constitution iria turi nayo. Hina part ya bata muno igwetete ondu wa issue ya land question. Na land involves agriculture. Migunda iyo turaririria constitution tukagweta mugunda ukorwo weho, mugunda una ungekoro weho na ndugutiethii, nduri na baita. Kindu kiria ingehota kuga hau ni ati, land commission iyo iratweka ni - - act of parliament ya kume-describe-ira wira ucio, wera ucio nindireda uheyo an outline that in that land act iria ikoima parliament, ika-involve maundu maya andu marenda. Na ninda-propose-ite hindi iyo inge. Ati mugunda tondu nituraturana na twagairwo ni athuri aria murona haha, turagayana kamugunda gatageiganira nginya nyumba. Unjire ungirima mugunda ucio ungienda indo cigana cia gugu-support. Ugwo mugunda thiini wa Kenya, da propose-ite hakorwo hi a land law and a land ceiling, kindu kiria itanona constitution.*

Kaundu kau kangu ni hari historical injustices na niigwetetwo hanini constitution. Niingienda gweretha wega ati athuri aingi aya akoro murona haha, matiratuhe migunda iria mangiatuhiri tondu nimatunywirwo na wambere matunywetwo ni athungu. Ni mui wega athuri aria mehaha, na twena bahati tondu uria twatumirwo kuria conference ni muthuri mukuru. Guhope wathii kuria niukaria uhoro ucio wa migunda. Twekererwo muhaka ni Muthungu na haha, tukiambatio na guku, riu kamugunda karia wonaga ukigairwo ni thogwo, ari na mugunda munene no athire kuingatwo ni Muthungu akiheo kanini. Nikio araga hagwaka. Ingienda atiriri, migunda iyo itige ku-describeagwo ta itari ya andu a Kenya. Migunda iyo ni ya andu a Kenya. There was the native leasers and the white highlands and other protected areas. Migunda iyo no itu ona umothe uyu.

Kaundu kangu kanini nigwekera the devolved government hinya. Niingienda ati the national council iyo igakorwo e-parliament. Igakorwo iyo nio igakoragwo ikirugamirira ministry. There is a ministry said to be the ministry for local government and there will be an act for that ministry. Inge enda ati, that council, igakorwo niyo igakoragwo na minister ucio. If not directl to have minister, ndironaga ta hangikorwo na provison that we have two deputies cia prime minister, umwe akorwo iwa council iyo.

Bernard Kimani: *Thank you very much. Ndirenda kwamba kumugathiriria ni undu wa wira mwega murutete tondu maundu macio mothe mwageta hau, ni maria maririo guku gwitu. No riu he handu ngwendaga clarification. Ndina*

ciuria igiri, about permanent commission of reforms. Nigwekerwo hau. Ati there is going to be a permanent constitution commission. Number two, there is in this paper, about the amendment procedure. There is a requirement for a referendum no hina as a ratification, is it coming as a last resort or is it coming as a preventive right before the debate on parliament? That is my question.

Karu Kamau: Dear Commissioners and my fellow country men. Nie njitagwo Karu Kamau na ndutaga wira thinii wa Agriculture Sector. Nii kurugama gwakwa haha, una tikiuria nguria muno, no comment ngucomment uhoro wa wira uyu mwega ukoretwo ukegeria gutwarithio, kuma kiambereria. Ungerora bururi uyu miaka mingi kuma colonial era, riria kwari Legico, gugiuka Mau Mau, tugiuka president Kenyatta, tugiuka Moi, na riu turorete Post-Moi era. Kahinda kau gothe thinii wa bururi uyu, maundu maingi hingo ciothe nimakoragwo na andu aria tugaga akurenga undu wothe mwega maguru. Tariu hindi ya Mcolony, kuri andu aingi guku makoragwo makegeria kubunja wera wa gwetia wiathi.

Tuoka Mau Mau, nikuri andu aingi ma-break-ire Mau Mau, na magiuka thiini wa leadership. Tugiuka hau, tugikuka Moi. Haya, Moi tutari turauma ri, already twi hand hairu muno tondu already kwi na matisho maingi guku. Na matisho maya-ri, ni ma atiriri, wira uyu no uthatithio any time. Tondu ta riu ungerora the present constitution uria ihiani-ri, Moi no a-dissolve Parliament, yamu ino ita-debate-etwo. Na lastly to be debated in parliament. Nigwo? Riu-ri, ngoria atiri, na nigwitwa Wakahengeri ndirenda gutuma kuria, andu aya-ri miaka ino yothe, meciragia ithui ni ngoi twohereire mugongoie, kana niki? Twehamwe? Two, niu aingi kuri ithui kana nio aingi kuri oh? Sawa sawa? Uhoro ucio ndakunengere uthie ukuwete na ikunia, na ndigukeria hau.

Stephen Wanyoike: Thank you Mr. Kamau. Twe number 7. turenda tukinyie ikumi nigetha commissioner anjie wira.

Jean Marie Gitau: Our Chairperson of the meeting Professor Wanjiku Kabira and the other programme officers and our country men. Ndinangatho wa mbere niundu wanyu na muno kuri Professor. Nitue professor hamwe na aria angii nimukoretwo murutete wira mwega. Una hi hindi ndirathomaga ngatheti ndirona kuri commissioners amwe aria marari independent thinii wa wira, na ndirona we umwe wao, na niwega muno. Hau nimungia muhurira ruhe. Tondu thinii wa wira toyu ukonie muingi, rira andu magia na mundu wina meciria independent, niateithagia bururi muno na agatiethia andu tondu niumaga na meciria macio, na kira ki bata nikumenya bururi we bata muno gukira mundu.

Riu reke nyingiri hari uhoro. Kuiria giakwa kia mbere, tondu ndina ciuria nyinyi no ningukehiuhia. Mweciretia atia mwena commissiones, o hamwe na ihui twi ta bururi niundu wa street boys na street girls tondu nindirona iyo ni a timed bomb ingerega gwecireria uhoro wayo, thiini wa ciana icio irathii thiini wa ma-town, na niiroka riu una guku gichagi unata guku Gatukuyu riu mekwo?

Kuiria gia keri. Tondū bururi witu hi ihinda turona ta ateti nimarahotheete meciria ma devil worship. Idea iyo ya devil worship igoka muno. Itoe kana niateti makoretwo maki-introduce, kana ni creation. Undu ucio nagwo urecirerio atia tondū Kenya ni bururi wa Achristiano. Tondū devil worship ingekura muno bururi uyu na wera uria turaruta riu, no ukorwo we useless. Niatia tungeka tu-arrest situation.

Kuiria gia gatatu. Niturona bururi witu atheni nimaingehete muno gukira itonga. Hari itonga ithano iria ari millionaires, turi na million hihi ta magana meri ma atheni. Ucio ni muhiano unagutweka tigwo population ito itari. I think you get the logic. Niatia muguthii mwike, muke-enact, undu uyu ugetweka adopted biu ta constitution, niguo bururi witu wingehie andu aingi atongu, atheni makorwo mari anyinyi.

Kuiria kiria kingi nakio, ninda-contribute-ete hindi iyo ingi uhoru ukonie, mundu uria ugutweka president kuringana na post iria ironekana either githurano kiria turahoya gekwo. Niundu wa kugitera family, tondū family nikio kiambereria kia bururi. Nindakoretwo contributete ngoiga akorwo ni president, agakoragwo na family, na e-happy. Angekorwo nigwakinya handu na akorwo ni mahetania na family, aka-resign from power. He handu mubangete ta ucio wa minsters na president undu mundu agia na scandal ya muthemba ari-resignaga honourably thiini wa Kenya? Na kungiambiriria ugo ninguona bururi no wajie kwagera.

Finally, hi undu unge kungiuka tondū riu nindirona nyamu nicio iratheo geteo muno gukira andu. Muno ta wildlife, niukwona nyamu niiraheo geteo muno, muruthi na ngari, na kadhalika. He undu ungiuka tuthii tukuretie mundu akaheo gitio nigwo tuhote kurura bururi witu? Tondū niurona riu una andu aingi una micii yao, aria itonga – ta riu nindironire mundu umwe hand buchere-ini. Akinya aroiga “nyama kiro ikumi niciohwo” atwariri ngui ciake. Harakorwo he mutumia umwe mutheni, aroria, “ko tangejekerera ga kilo kamwe nii thii ngarie utigi gutwarira ngui icio ciothe?” No muthuri aramwera “Ngui mbere tondū nicio cina ngiratha” na ucio ni uhuru wa ma, hau ni handu ndironire. Riu ngoria, hi undu ungekwo andu maheo geteo thiini wa economic policy kana planning itu gukira nyamu?

Finally ndikemugwetere nainywe mukoretwo mwe commissioners na aria age. Neno ni challenge. Mubangete atia tu bell the cat? Tondū haha hena kanyayu, na mbeya nacio nicieharerie guthii kuohereera mbaka bugire, mubagete atia kuohereera mbaka bugi itanaria mbea? Ngukinya hao.

Stephen Wanyoike: Thank you Mr. Gitau. Hi number inyanya.

Samuel Ng’ang’a: Madam commissioner, district co-ordinator na Mheshimiwa Gitu Kahengeri na athuri na atumia. Muri ega? Ritwa riakwa njitagwo Samuel Ng’ang’a wa Kariuki na nde retired Army Officer and I am a farmer as of now. Ningwaria na lugha ikuigweka, na nigwaria na Githungu, tondū Ngai niaturathimete. Rekei nyambe njuge nigwenda kurutera muthuri uyu ndamweta ti Bwana Gitu wa Kahengeri ngobia, tondū muthuri uyu nie ndi kana

mwaka wa 59 na 60, uhuru utaugwo ekugaga ukerowero, nie nindamukorire e- forefront. Na nii ninguchoka njokerie mundu umwe waria haha ngatho muno, niundu ithui tuthiete tugetharagia historia itu. Ndioe nikwenda, kana remwe ni nduu, no nitothiete tugeteaga maundu maria matokonie, na nikio hii maundu maitu matakoretwo me mega, ondu nituthiete tuckeriganagerwo mawega ma andu na mawira maria manaruta.

Niingienda guchokeria mundu ucio ukwedaga kugweta kuchokia historia itu haria yare. Wambere nigwenda kuga muthuri uyu kana as freedom fighters, nitwathiite tukigwetaga tukoiga ni matwekire neglected, na una riria twaigaga uhuru wa preamble ya constitution, yagererwo ni kwambiriria kuonania mweteo witu, kuria tumete, una tokuiga ni turogorerie andu aria maruiri uhuru. Ningukena muno madam commissioner, ninguona ta preamble iyo, kana mwerekero kana matanya maitu maria tweciragia magererwo ni kuonanio thiini wa katiba iyo, ta marathii makionanagia niundu nituoigete una ndiarungurerie Ngai, na ino ninderona niragweta uhoro wa Ngai. Ngakiona maundu maingi ta maria mwagweta haha, ni maingi mega ma maria twa hetoketie guku Gatundu, una gutweka ihinda riria mwa tuheire tuthomithie andu uhuru wa civic education riare inini.

Nigwendete gugiuka u handu hamwe, ndimwire he undu umwe itananyita na itanaigwa mwagweta. Riria twaragia uhoro wa Bill of Rights. nitwakoriro tukiona he kindu gitagwo social justice and basic needs. Iria itakoretwo I-trenched properly thiini wa constitution itu. Na nguka o nyamu imwe itagwo work. Wira. Right to work. Bururi uyu witu wothe uthuketio ni gukorwo andu mena mwiendo, gukoragwo na mawira ikumi, hindi iria kuri na andu aingi athomu na matiri wira. Kogwo one man, one job. That was my - ngweciria ninda-present-ete nyamu ino, ndina meigwa. Kogwo right to work, nidoigethe one man one job. Andu mandekwo na ugii wao, na uhoti wao, na tweherie nyamu itagwo quota system iria I-deny-ete ciana citu ona ithomu, handu ha kwandekwo, tugachokeria una andu aria matari ugii, magakorwo nio mena chances nyingi cia kwandekwo, na kuria andu mathomete, magakorwo tio mena munyaka wa kwandekwo tondu marandekwo na quota system. Infact andu acio magakorwo matire na munyaka, no advantage igagetekwo ni andu aria una matari na gethomo kiega.

Nindoigete undu unge weigie wages should be pegged on fortnightly or on hourly basis. Thiini wa mabururi maria mathiite na mbere, andu matirehagwo ni undu wa guthii gucuria magoti thiini wa obici. Marihagwo na mathaa maria mundu arutete wira. Kogwo korwo mundu umwe ahoti gukorwo akirutwa wira mathaa manana, uria unge agoka akandekwo agathii na macio mange manambere. Ona kinya magoti maitu, gutiri hindi manganahingwo. No angekorwo Judgi ekurekia igoti tha kenda kana thaa kenda na nuthu, judge unge agathii gukoma, unge ndari wira, ungi una ndari andekwo. Kurwo andekwo na kurare gugecirwo magotini macio kinya gugakiari, ndikwona mundu utangekorwo we wira. Kogwo mweteo witu ugatuma bururi witu ucoke na thutha, productivity and our economy igathuka niundu andu mandekagwo no getha monwo me mawabicini. Ta gucuria igoti no timathaa maria marutaga.

Undu uria ungi, korwo andu maruta wira, u-base-itwo na kurihwo kwa ihinda riegana una, una andu taithui

tutiragererwo tuki-retire twena miaka mirongo itano na itano. Tungiarutete wira miaka mirongo itatu, mirongo itatu na itano, tugatigera mundu unge, nake akaruta wira. Yaani niigukorwo na continuity ati wee wakinya miaka ikumi, you stop there, mundu uria urathomithagia akorwo ni mwarimu, arari mwarimu headmaster, aruta wira miaka ikomi na itano, mwana uria arathomithagia, within the next 4 years, 19 years or 20, mwana ucio egukorwo e mundu wa university graduate, kogwo akoya wira ucio, mwana ucio akandekwo. Nake mwarimu uria baba wake, akahuroka na agatwika well remunerated na mwana wa pension akaheo, ikumuteithia ikumuteithia nigetha atige gutura wiraini e ngombo.

Ningwona point igi yagirirwo nigukorwo ikibarwo muno. Infact andu aitu nimakoretwo ma-retire. Handu ha ku-earn their pension, our government of today, I-take-ete advantage, ya guchoka gwekaga re-hiring. Mundu aka-retire ena wira, ina muchara wa pension kana ena terminal benefits njega, ena monthly emoluments kana iria twetaga monthly pension, ya ngiri twenty. The same person agachoka akaheo mawira mange matano, meku-need ona kaba angeraikarire wira-ini uria tondu korwo angekorwo ina muchara wa ngiri igana-re, na niarahurokete akariaga ngiri mirongo iri, watarania na ngiri igana, infact ona kaba mundu ucio angeragikarire wiraini, arute wira miaka iri itatu, achoke a-retire atigire mundu ungo, no re-hiring has made our country to be losing our man power na andu aria ugii makaga minyaka ya kwona mawira niundu wa ithui gukurira mawiraini.

Addition to that, ithui nitwakobirie kindu kimwe gitagwo – infact it is abit unfortunate madam, because ndikumenya niki gitumete tukorwo ithui tuhiana ngombo. Because the colonial era ira yari ya commutation of pension, ya 25% andu a Kenya tutoraga turehagwo iyo. Rather, andu aria Muthungu ange-retire guku angekorwo nia-serve-aga guku, niaheagwo mbecha ciake igatweka nicia-transfer-ywo cia twarwo bururi wao. No ithuiri, tungekorwo tugi-carry the same burden and the legacy of the colonialist, tukoragwo tuki-commit-irwo our pension by 25%. Ukarehwo 25%, that is an example, na maybe urarehwo one million, ukaheo ngiri magana meri ma merongo itano. Shiringi ngiri magana mugwanja na mirongo itano, igatigwo nigetha turehagwo tunyinyi tunyinyi. My friend, my dear brothers and sisters, unge hota gweka atia umuthe na shiringi ngiri magana matatu utigete ngiri ciaku magana manana wike undu? Ku tangenegerwo una ngiri magana matano, itigwo matano, wenda gukwa, tondu pension ikoragwo I-calculate-two igitarwo, watiga wira wina miaka mirongo itano na itano, ugukwa within the next 15 years. Kogwo ukaheo miaka mirongo mugwanja. Mbecha ira nyingi igatigwo ikathii kwa thirikari. So, it is very unfortunate naniinguria that clause yeherio that colonial mentality kana legacy, ikorwo andu ma-retire magatweka favourably remunerated on their lumpsum. Either it can be committed to 50%, leaving only 50% as the monthly emolument.

Undu uria ungi, retirement ni wega ni nguona muragwetete uhoro wa mutongoria wa bururi no nii ndinona mugwetete uhoro wa mawira ta andu magererwo ni ku-retire. Oharia tuturaga miaka mirongo itano ni tano, nii ninge-suggest undu nimagereiro nigukorwo makeruta wira, not more than 45 years of age, mundu aka-retire but considerations igechoke iheo andu aria me various professions. Na hali kadhalika igakorwo very much unfair. Niturare na munyamu

witagwo retrenchment. Handu ha kuritrench andu aria me mawira mega. Mena mbeba nyingi mangethii retire na maheo benefits njega, uka-retire-thia mundu uria munyinyi, wina kana ke standard one na two, mundu ucio agakoragwo handu ha guteitheka, ni thena wamuongerera maita mirongo iri. Urorerea mundu uria wagererwo ni kuritre, ni ucio ukiri na mbeba nyingi, nigetha ukahothere, negetha akahotere, nake uyu munyinyi, a-promotewe oke iguru, akorwo arare low, a-promote-wo na ahote ku-survive nigetha ahote kurera ciana ciake ikinye haria hagerire. By those few remarks ningwamba gukinyia hau na njuge, nindakena muno, na njuge hari undu umwe tu ingemuchokera ngatho, na age especially uria uguthii – delegate witu, ningekuria muthuri uyu ti wa-kahengeri, unagotwika Gikuyu kiugaga, itunyagwo bui ni guciara, ino yaku riu ndegutunyo, undu uge nagwo wenagwo mutwe, na nigeteo niundu una niwe uragethurirwo uri ume witu ta muthuri, tutigokiuga ati athuri matirona, uta uria Gikuyu kuigaga, kahiga gakoro katiagararagwo ni mai, ningechokia ngatho ni undu wa andu acio monire niwagererie kuheo geturwa kiu. No nigogekwera atiriri, undu itunyagwo mbui ni guciara, ningukuhoera Ngai nainywe munengerane maundu maria matwageriere, nigetha ciana citu iria ii haha, nie tanie ndari kahe, riu ndiretwo guka. Ungenyona ndina kihara una mbui nyinge o-ta icio ciaku. Unanii ningekena korwo ciana citu mungecicerera uria we kihoto. Na Ngai amuteithii muchire ta uria tura-anticipate ati kuma mweri 28, iyo National Constitutional Conference ni ku-take off, mucire, mugethongoragia maundu macio cia tene na andu aitu nainywe ndemuhoe, rekei tugeage na ihinda ria gweciria na guchokeria Ngai ngatho, niundu tiga ni athuri aria mari ho, na aria angi metetwo, makinya maria matukinyithetie, korwo tio, na aria ange metetwo, makinya maria matukinyithetie, korwo tio, tutingere haria turi.

Kogwo tukamahoera Ngai, nao mathii na mbere haria matigarete, unagutweka nijui nimaherwo kindu gitagwo a raw deal, tondu mukami achokire akenengere aria manyitaga o-gachau iria. Nainywe mugecinda gekombe, na niguo njue na nde very bitter niundu uguo nigwo nyonete ondu ngoretwo nde thiini wa military. Ithui riria tue na tuikaraga thiini wa riria twa naikara, hindi iria wagothwo muno, Githungu kuigaga, when you are hit, you become more aggressive. Wagothwo hanini, ukagothwo, mundu da-surrender-aga atwekaga more aggressive na ukonania urume waku maita mange matano nigetha ushinde. Nayo mbara ino nimuruite, I-gatagateini, nigwenda mutweke more aggressive. Nigo muhoya mutweke more aggressive, tondu mbara ino mwarekereria, o-tauria twa shindanire, kigombe gitu tukehe eroreri, noguo mugweka, kogwo with solidarity of the lawyers of the country, ngweciria nikiyo murona kanyamu kau mwekerirwo ka yellow ribbon, akorwo nimuthomaga gatheti kana nimuthikagereria kameme, nimuraigwire judge umwe – judge ucio etagwo Bosire, ndio kama ni muthomu? No nimuthomu tondu akiri judge. Arerire lawyer umwe ati ndagethikereria cira tondu niamona na kanyamu kau. Aramwera ni sorry - - advocates aria ange. Na ni-sorry muno tondu thaa mugwanja, ndiu kana ni nginyu, tondu Mutava Musyimi niaramuhoyete thaa mugwanja, for the solidary of our lawyers and the constitution, that is the draft constitution, nimuroretiu mugie na ihinda una akorwo ni ndageka imwe, uhoye, bururi witu urorete ku na mbere. Niwega muno. Thank you very much.

Stephen Wanyoike: Thank you Mr. Kariuki. (*interjection*)

Prof. Wanjiku Kabira: Why don't we ask him to pray for the one minute. Tondu thaa mugwanja ni ikire nginyu?

Stephen wanyoike: Kariuki uka. Kihoe for one minute.

Mr. Kariuki: *Athuri, atumia, rugamai naiguru. Nitukuhoya ndagika imwe, niundu wa kuruera uma wa draft constitution ino, na andu acio ange makoretwo mari mawakili maitu, aria maruigire kaba wira wage, no umuthe matigothii wira ini.* Thank you Lord for the time you have given us, we thank you very much to have brought us together today. It is a good day that we should praise you and praise you from the bottom to the highest, having known that you have brought us all that far. God it is your blessings that we look forward to. We have made our draft constitution through the peoples wishes that are presented today. And you have made us to be today here, having assembled so that we can launch the draft constitution in Gatundu North.

God we praise you because it is you yourself who has made us to be here today, and we now call you upon so that you come with your own blessings that we should have the courage and the stamina to go ahead. We now praise you and ask you for all blessings with our people, our fathers, our mothers, our sisters and brothers and those who you will be calling to discuss on this draft constitution so that each and everything that will be there, maybe for the benefit and well being of our children who will be coming in future. We bless you oh Lord, and we thank Thy blessings, now and forever Amen.

Fred Ndung'u: *Madam Commissioner, the other officials na Mheshimiwa Kahengeri. Nindamugeihia, muriega? nii kiuria giakwa number one, una gutweka nindaigwa kiuriwo haha, kiuma gwe commissioner tondu uria kurathii, nituraigwa parliament no I-dissolve-wo any time, na ni possible. Riu nguragia atiriri, do you have power, una gethuranwo kengekwo, na kiama kiria gegwekate gecinde? Mwena power ya gukana-revive that process na nyamu ireke utauria gweketiate? Kana uhoro ucio uguthirera hau?*

Kiuria number igiri, kiuma kwe corruption. Nguragia atiriri, corruption andu aingi ni mue, ni imwe ya iria iminete - - corruption. Na riuri, corruption nii nyonaga ikoragwo iingehete niundu wa appoint-wo u-lead hado, we ukoragwo ugicuthriria mundu ucio ukwandekete, no tiaria urarutera wira. For example, commissioner wa Borithi, kana head wa Parastatal Fulani, kiuria giakwa ni atiriri, andu acio no gukorwo na neutral body ya kwandekaga andu mawira ta acio? Ikorwo I-neutral ati mundu answerable kwe an individual, no e-answerable kwe ka-group ka andu. Board ingethii ii-involve-wo akorwo ni andu a-kanitha, andu maretigerwo. Tondu mundu akorwo andeketwo ni mundu niaretigera mundu, wicii ndugathira, tondu unaiya na amutigere tonini, no eguthii mbere na wira. Riu kiuria giakwa ni atiriri, iti ici nene cia Parastatals cia commissioners wa police na iria inge nene, no cithonderwo a neutral body, iria iri- - magekate?

My last question uma kuri commissioner. Nyamu ino to hope niguthii through-re, na yandekwore, na ithii wegare, ni step ireko mutake-iti kuona ati nigukinyera the ordinary person. Mutige gutwira atii iharia Thika. Ni step iriko

mungetake kuona ati nigukinyira the ordinary person? No ithii nginya ithii angekorwo nita machukuru, no mutake step kuona ati upto primary level no yanjio guthomithagio una akorwo ni ciana? Mundu wothe akoragwo akimenya watho wake ni uriko? Tondū today, ti andu aingi moe watho, una tariu turariria haha, majority of you, una matiue iria nguru iroigaga atia. Ugwore, ni step iriku munge-take, kuona ati the ordinary mwananchi nioye watho wake? Kiu nikiyo kiuma kiora giakwa kia muico. Njoke njokerie madam ngatho because you are not one of those aria atano. I congratulate you for that. Thank you.

Clement Kariuki Ng'anga': *Njitagwo Clement Kariuki wa Ng'ang'a kana Wamaitu. Ndi MP aspirant wa guku, ndi Secretary General wa UN-Gender Thika District, na kiama kingi gitagwo National Aids Network guku, na nde PDO na nitwatomithagia katiba guku, na niturakena tondu ninuraruta wira mwega. But one of the opinions ingiuga, mbere ya njoretie kiuria giakwa, niati mu make sure, na nidoretie ugwo hindi iyo ingi, this review kana whatever the draft ikwo, itweke entrenched in the constitution; tondu akorwo no itweke entrenched in the constitution, ngweciria guoya uyu andu aya othe maraiga matingeraria uhoro ucio, tondu nimaramenya already guthii atia kana guthii atia, I-constitution-ini na nigathii na mbere. I think that is one of the very major things. Nigwo bunge iria igakorwo kuo ni gake discuss, kana akorwo niithui tugakorwo kuo nituka-discuss.*

Undu ungi ingiuga, maoni maria mothe twa heana, Mheshimiwa, wone uhoro uyu niwekeka. Tondū andu aya una matioe. Muthuri uyu Mheshimiwa ni athiti Lancaster House, na nu-u moye ira nguru ya hanaga atia tondu we niarie ho, na niari London na nioe uria gugekwo. Kogwo nindoiga ni muthuri uria mwega, uhetwo wira ucio athii akaurute. Tondū nioe ninge twinathena. No riu ingiuga ni haha, tondu niuwe constitution iyo igethondekwo andu aria mahutagio muno ni judges, na hihii ithui turaingira bunge, mukona nigwatweka kuri separation of powers. Riki undu uyu urumererwo kabisa, Member wa Parliament atige gutweka niwe one of the cabinet ministers tondu tutikahota kugia na separation of powers, turionaga andu makeheo mbeca ta uria turonaga this parliament irorete guthira, mitugu iyo teyo timiega na ndiagirirwo gwekwo tondu iyo ni politics of stomach na niyo irarehe problems nginya ndageka ino.

Undu unge togwenda twarererie na mukaiga, hi undu umwe ndaigete na ninda-propose-iti, rikie tweherie kiugo giki kiretwo opposition na tondu majority Kenyans nimaraiga marenda ciama nyinyi, reke tugie na majority party, na minority party. Tondū twarega gweka ugwo na nii nindera-insist ugwo una akorwo ni freedom, tokuona kwena spirit ikwo, na ndioe mugweka muthii muicirie ugwo, uria tungethondeka constitution ikugeria ku-delink andu, with their personal motives, opportunism. Tondū niguo ndirona muno. Niguo tuge atiriri, andu matiraregana na maundu urougwo. Niki giatuma njuge ugwo? Tukauga extension of parliament, muthenya uyu unge tukaiga, no extension of parliament. With or without constitution, tokwenda elections. Muthenya uyu unge tukaiga – I nimwanjia kuona opportunism? Kaundu kau please, konwo ni ka address-wo nigwo undu ucio ndukanacokerwo thiini wa Kenyan history.

Undu unge ndirona wa bata muno una akorwo ndwarererio, ni security. Ndirecira yagerirwo gutweka basic right. Tondurururi uyo nigwo andu makomaga muno. Thinacara ya kinya mugathii toro. Niki? Security. I think this is a basic need in this country and it should be addressed kabisa nigetha andu marute wira mathaa 24, na andu othe matiethie bururi wao.

Hi kindu kingi kiroka riu muno, na ndioe uria muonete uhoro wakio. Nitwagerire tugei na Truth and Reconciliation Commission. niki? Guka witu, ingiaria Mau Mau uragirwo ni Guard. Una riu turi na uthu wa Mau Mau na Ngati. Angi matikanagia gatiko, na matikanagia na mbui. Niwaigwa icio no nganu? Ange andu a Kabete, na aya ange. Aya ange ni Kalenjin, na aya ange. Gweciria no muhaka tuhanere, na ngweciria that one should take place.

Kaundu kange itanaigwa, njarie handu anyinyi, ni haha. Nitwarerierie uhoro wa children rights, nitwarerierie uhoro wa women and gender. Nitwarerierie uhoro wa old. When the young people, na ndi member wa youth and gender, nitwaheyaniire in our constitution uria turecira. Yet hatiri handu unahamwe ndirona andu ithii mara-addresswo, na 60% of the population of Kenya, are the young people. We are still marginalized. Tonduna twathii Upper House, riu niwaigwa nii hi maundu – atumia nimara-cater-wo, na nowega, unakorwo nindirona Kenya, hi hindi tukwangireria uhoro – Professor ari mwarimu wakwa mena Professor – riu hindi ingi niguka twanjirerie kwarereria uhoro wa anake. Tonduna cia riu airetu nitukiarerierie muno, nikio una ciana iragwa muno cia anake.

I think undu uyu niugwenda u-address-wo, tondururu nihatigwo the gap between andu - - na una gwathii kuria turamita the Upper House, atumia ni marorwo no andu ethii na nio 60% of this country, matire handu ho. Na nio ainge thinii wa population. Niu mararuta labour force. Nii I propose no muhaka gugakorwo kwina one youth or a young person in the Upper House. Then in the Lower House, rekei tukoniwo tauria Uganda mareka. I think nitokwenda nginya tugii na members angi - - na tuone nimararorwo wega. Okorwo ni Upper House, akorwo ni minister ninge, andu aria - - tuge minister, nikwagereire, niundu wa gender na niundu wa andu aya toroiga nimatweka sidelined, reke tugie Minister of Gender and the youth affairs or anything like so. Nigwo tuone youth and the women are addressed.

Kaundu kangi ndironire ngithoma katiba. Nindirathomire muno uhoro wa Kadhi's courts, unakorwo andu aya gutikiri Muithiramu, no mukwenda gutumiriria atia, ati bururi uyu wa Kenya ndukahana ta Nigeria. Tondunidirona mahinya mau mehau ugwo Kahdi courts,, unakorwo niu mara-affect-wo muno, niturehura mutumia umwe na mahiga guku Kenya. Mugweciria tugweka atia nigwo tuigwe undu uyu nduge-happen in Kenya? TondunI think, everybody has a right, na no eke uria angienda, ngweciria kadhi courts ninderona hi undu hagererwo kororwo.

Another thing, labour laws still ndiri ndirona ci-address-itwo wega. Tondukuri andu amwe matari ma-compensate-wo

wega, na mundu hii nikuneka ainikirie kuo, I think still, something needs to be done. Kwi maundu maingi muno ingegweta uhoro wamu. Wa muico, rekei katiba ino tukuheo, nimwagiriri mugethii Mheshimiwa, tuone atiriri, turakobia uria Britain yekire na uria mwekirie miaka mingi na twenageteo ni uguo mwekiri. No muthenya wa umuthe, matikuwaga katiba iyo na matiandekaga manyamu ta maya marandika. Ni unwritten constitution. In the long run niundu wa generation iria iroka ciana cia ciana ciakwa, na ciana ciakwa, reke uhoro uyu wuingiri na utweke internalized thinii wa andu. Tugeria kuona atiriri, katiba ino muone uria inge-propel-wo, yonuo ugwo ni wekeka, no riu kamaira ikinyete ugwo, reke tweke ta South Africa. Mundu aneyo katiba ino njeru ya thondekwo, na rwariu rwake, gweko ugwo.

Turekie na njuge uu, mwathii, reke mweke ta uria mwekaga mbere. Tweherie maundu maria ma nakuu kuraihu. Focus ikorwo ni ku-unite Kenyans for the common goal, which has not happened in this country. We go for the party, we go for defecting, kogwo projects nikio ciragwa. No reke tuge atiriri, we become focused for unity and for common good. So that we help Kenya and Gatundu North.

Stephen Wanyoike: Thank you very much. Ngweciria tu-agree riu twambe tuhe madam commissioner chance, a-respond to those questions, nigetha angekorwo ari ingi no tucione. Ngweciria, tusingira haha nigwerete madam commissioner at nii ndi District Co-ordinator wa Review in the District. Ndoraga 4 constituencies, na ningumwirite, Gatundu North ndi very proud of them, tondu ni andu makoragwo me very focused. Makoretwo mina interest nene muno niundu wa constitution ino. Nikuo tukoretwo na the highest venues for civic education, nikuo tukoretwo na the highest giving of views, na ngweciria kuringana na ndaigwa ciuria icio ciorangio na comments, gweciria Professor Kabira ni e-agree nani ati they are very focused and they are very well thought. Let me give her a chance. Thank you very much.

Com. Prof. Wanjiku Kabira: Thank you very much. Ciuria icio ni nyingi muno, no uria ngweka ngucokia iria nguhota, iria itekuhota tu-bank na icio ingi, there are some things which have come up which I believe, hatiri bata ya kuci-negotiate. Tariu issue iyo ya labour, I want to agree it is not properly done in the new draft. So I suggest that uhoro wa labour laws, addressing the workers directly, I do not think it is very clearly done even in the Bill of rights. so I will consider that as a gap. Iria twagereirwo niguthii ku-deal with. So, we will put in our report and we can deal with that.

The other one yarehwo maita maingi ni uhoro wa freedom day. Tugeciria uhoro wa Madaraka na Jamuhuri, those are the two National Days we have. Those two, were actually in recognition of the freedom struggle. But now, ninjeretwo maita maingi. Infact Professor Ghai told me he was told in Mombasa, the same thing yesterday, that the freedom day is something that people want to reconsider. So even for that particular one ngweciria uria tugweka, ni ku-send the recommendations back to the commission for further debate. So, that is what I will do with those ones.

Reke njokie afew, because there are many issues that have come up. Ndarekia njoke he Honourable Gitu a few minutes nake acokie because he has been addressed many times by the various people and he ought to respond.

So, Clement, I agree with you about entrenching the constitutional review process, because it has not yet ended. Ngweciria ucio ni undu ura-consider-wo ni the Parliamentary Select Committee, na ino ni issue I-raise-two ni andu aingi. Parliament inge-dissolve-wo umothe, it means that by the 3rd of January, akorwo gutari na parliament ingi, the constitutional review, would not actually be able to function. Inge dissolve-wo umuthe, natinal conference cannot take place. Tondy national conference, one third of the members are members of parliament. Because they are about 600 na 210 ni Members of Parliament. And one it is dissolved, they stop being Members of Parliament. So it will not be possible to hold the National Constitutional conference.

For the time being uria turaiga niati, unless the constitution is changed, katiba ino ya riu itangecenjio, president ehererio powers ya ku-dissolve parliament, there is nothing we can do. That is why that power is taken away in the new constitution. Tondy in the new constituton, ndari na powers iyo ya ku-dissolve parliament. But in the old one ino twenayore, he has the power. Kogwo no a-decide ni umuthe afternoon kana ni rucio. Na tondu ti njejie, you know he can do it and many people think he is going to do it. Una niwe ugite, niaroga maita maingi, that elections are going to be in December, and of course we cannot have elections in December unless, at least 60 days. Between 60 and 90 days before the actual date ya elections. Kogwo parliament no I-dissovle-wo this week, or next week after Kasarani. Depending on what the president wants. Power iyo inayo. Na tutingehota kumieheria riu, unless tuchenjie the constituton. Kugwo reke njuge atiriri, struggle ya bururi ikoragwo I-longer even than one elections.

In the event ati ni ame-dissolve, if we manage, neyo nayo ni difficult, I think Honourable Muihia was telling the people in Gatundu South yesterday, that during the last parliament nimendaga ku-entrench the constitutional review process into the constitution, they did not get 65% of the house, so they were not able to do it. That is why it is not entrenched. It is by design that it is not entrenched. Tondy discussions between Ufungamano and Parliamentary Select Committee, tutanambiriria this processs, one of the agreement was that the review would be entrenched in the constitution, but it has not been possible. Nikio riu tuikaraga na heho, tondu you can be dissolved any time. It is not entrenched. So that problem exists. What I wanted to say niatiriri, struggle ya bururi ndirikaga na muthenya umwe.

What we are doing to today, ni uria a Gitu maberirie, na honourble Gitu kwari angi mamberierie mbere iyo. Na thutha witu kuri ange. And I feel very proud ngethikereria anake aya othe you know, anyinyi ukaigwa – you can go home because the youth will continue with the struggle to the next generation. I am a very hopeful person and I believe that nothing can stop the people from moving, in the direction they want to go. It might not be this December, it might be next year or the year after depending on what happens in the next two or three weeks. But I think ni very important ku-recognize ati there are certain powers which we can not do anything about now. Tariu gucenjia constitution and to

also recognize that it will not be the end. If parliament is dissolved, I think what the commission will do, is continue debating and refining this draft, until the new parliament is in place and when the new parliament is in place we pick it up again and I am sure the Kenyans will facilitate and will support that kind of process. So we do not want it to die and I believe it will not die.

One of the things we wanted to do is to make sure that the draft is out, and that is what we have done at present. So at least the Kenyans know where they want to go. What is very interesting about this document is *that he maundu manyinyi muno mena disagreement. Maybe the issue of land will need to be addressed much more. But Kenyans are speaking in one voice in many ways. Kenyans all over the country, nio maigiri nimarenda Prime Minister. Kenyans all over the country nio maigiri nimarenda powers cia president I-reduce-wo. They have been speaking in one voice. It is suprising sometimes. One man one job. We heard that from the Coast, you know to Western and so on. Again niundu wa uira gukoretwo bururi uhana. Ati mundu niegukorwo na mawira matano, niekorehwo magana kenda ugwo tukwaretie mbere, na uria unge ararehwo ngiri inya, na magathii kugura mugathe na iria the same price. These disparities have been there, and I think the Kenyans are speaking in one voice. There is a lot of harmony in this document and it was not very difficult for us to agree maunduini maingi. Because Kenyans have been speaking in one voice.*

The issue of security as a basic need I also concede. I think security as a basic need is very important. Insecurity in the country is very high. You go to areas around Lake Victoria and Busia, those areas and you find that they are very very insecure, even in the fishing and they are attacked sometimes from Uganda and there is no protection. I think insecurity in this country, whether you are talking about Nairobi, it has been a major issue. I checked in the draft and I found that it is talking about social security but not the security itself. Infact that has been one of the basic needs. You know, if you cannot walk around at night, if you cannot keep your ears to open until 10 O'clock for fear of what is going to happen, even the economy itself will not develop and also the povety itself will not be eradicated. I can tell you in some countries, like you go to Sudan, you find people working in Khartoum, until about 2.00 a.m. The security is much better than what you have in Nairobi. So I think that is another issue that we need to look at and I want to keep saying, this is a draft and I am very happy the gaps are been identified because it will force the commission to sit down and revisit some of these areas.

Now, on the issue of truth and reconciliation, under transitional provisions, there is an attempt at providing issues related to truth and reconciliation but they are under human rights. Human Rights and Administrative Justice. Where we are talking about investigating the past crimes and then talking about compensation, talking about reconciliation, talking about rehabilitation and I think maybe it is possible to work around those provisions, probably to build much more. To think about how do we reconcile?

Because it is true, some of our ethnic communities, mathuire aria aingi, based on the wrong reasons, because of propaganda. Ukona riu niuguthii to some communities in the Rift Valley, amwe magecيريا Agikuyu niyo mamekire uyu, nao aria ange marecيريا ni Kalenjin mekete uyu. But the communities themselves do not sometimes realize that it has been done for political convenience and political interests of the political elite. So I think that is another important area.

Now, the youth. This is also challenging and I know in our initial draft there were three provisions on the youth and during the revision of the draft, it was considered that you are not always a youth. You move from youth to adult. So it is not a permanent state. But if you are disabled you are disabled forever. *Like we say na Gikuyu, Uheeni umagwo. No mundu muka aturaga ke?eh mundu muka.* So, you do not change your status. You know, but I think the youth have a – and that is why they *kuiyana mutumia no takuiyana ke? Kogwo atumia makoragwo, they have problems even as they grow older. The same discrimination is extended, riria mutumia ahika kana renga – we have very interesting information that we have collected. Kwanja riu uhoro wa atumia na airitu and so on. Ta Western Kenya and Nyanza, Nyanza in particular. Ati kwanja kuhe muiretu mugunda, it is almost criminal. Ati akorwo thirikari, ugwo murenda thirikari ugwo murenda thirikari ihe airetu migunda-ri, thii kuria national park, tondu kwe migunda mingi ya thirikari mumagayanie na nyamu. Maheo handu hao.*

So, the problems with the women are usually many more than the problems of the youth, but we want to recognize and I think that is homework that we are also been given. We want to recognize that employment for instance. I do not remember whether employment is covered under basic needs. Employment is a major problem in Kenya for the youth and even as we are saying that we can move towards adulthood, we are also saying that in your youth, if certain things do not happen, you know when you are still young. Like today we were talking about how many of the young people, even in Central Province are on *changaa* ? So you are elected an old man by the time you are 30 years isn't it? *Niundu wa mathina, ugakorwo nduri mwandeki. Atumia sometimes they are better of tondu akorwo ni muiretu wa miaka 20 years nieguthii kwandekwo housegirl, na ndegukorwo na problem na akuima. Una mutumia waku niekora na agathii na agakuwa mwana wake agathii na akandekwo housegirl somewhere else. Nake mwanake ucio agatigwo. So in terms of the family, I think that is an area where we need to probably do abit more. But some of this information that does not appear in the constitution, ira-appear in the big report, which is about 700 pages. So we are not able to circulate it but we wil give it to the documentation centre.*

I agree in terms of representation and Uganda has done that. There is provision for representation of the youth and Masaai says that uge nduri mbui. That you do not have to have mbui nigetha ukorwo wemugi. We have seen it here. The way the young people have been talking in response to this constitution. So that is an area we will also do further discussions.

Now, the Kadhi's court. You know when we were getting independence, one of the agreement na Kenyatta, was that the Islamic law will still be applied for the Muslims, in areas of domestic related matters. Inheritance of property, marriage, divorce. So that is why we have the Kadhi's courts and it is limited to those areas. That was an agreement that was made with the Sultan of Zanzibar when we were getting independence. So that Kadhi's court continued and even upto today, infact the only thing that has happened now, I think we have Kadhi's courts in the provinces. It has been in existence na what we have tried to do *ni*

– if you look at the Bill of rights, he handu turoiga ati kwena limitations. Nimara argue atiriri, kuria turuiga ati mena - - will inherit migunda equally, Itheramu makoiga they want the Muslim women to follow Islamic law. No nayo Islamic law niyugete, tariu akorwo wina property, muiretu waku ekuheyo cigana, mutumia ekuheyo cigana, etc. So the Islamic law niugete ugwo. But what I have tried to do is state in this document ati the State and Religion must always be separate. To avoid a situation where what you are saying can happen like what has happened in Nigeria and so on. So that is what we have tried to say. That the State and religion should be separate and we emphasize it by saying, there is no State religion so you cannot have sheria as a law of this country.

Now, corruption, I think there was a question which came from Fredrick Ndung'u and we have worried about corruption. This constitution deals with corruption in very many ways. One of the ways ni commission iyo ya Ethics and Intergrity. Iria turoiga ati no muhaka mundu aka-declare wealth yake, mundu ndagakorwo ina mawira meri ararehwo ni thirikari, mundu no muhaka aka declare wealth ya ciana ciake iria nyinyi below 18 years, na nituraiga micara no muhaka I-determine-agwo ni one commission, na nituraiga no muhaka mundu aka-declare interest akorwo nirathurwo wira. Hina details nyinge muno cia leadership code. That is one of the ways of dealing with corruption.

The other thing we have done, ni ku-strengthen tariu ugwo parliament na appointments nyingi by all civil servants senior positions in holding constitutional offices, ciothe irathuranwo through parliament either by public service, judicial service commission and so on. So that andu matireheagwo mawira tondu ni muru wa ng'ania na ng'ania kana nia-support-ete KANU kana aga-support NARC or whoever. So even being a member of the Electoral Commission, you cannot just become a member of that commission without going through the Ethics and Integrity Committee, na nomuhaka uthurwo by an independent body and I think we have taken care of that.

Now, in terms of the civic education. How shall we make sure ati andu othe nimoe, na commission iria ciothe ciekeretwo haha, one of their responsibilities ni guthomithia andu, about their human rights, their basic needs, whether they are people with disabilities, their needs and so on and also be able to give them direction as to where they can go.

Now, Ndung,u you talked about what happens to the discussion of the constitution angekorwo parliament ni ku-dissolve-wo and I have responded to that. Now, Samuel, niworia kiuria kia bata muno. Why do we want to ignore our history? No ngweciria kuigo kiu kina bata muno tondu tariu history ya Mau Mau, ndiri ya take-wo as official history. So, aria othe mathiete thukuru maybe in the last 30 years, you know ati historians matiri ma-agree kana history ya Mau Mau, yari tribal clashes, kana yare freedom struggle, kana yare Kikuyu uprising. You see, itoraga iheyagwo maritwa maingi, because people have been wanting to foreget that history. If you recognize the history, then you will have to answer questions of compensation, the ones you are talking about. Then you have to explain why Kimathi is still in Kamiti. I think this is a major issue and I am going to leave that to Gitu wa Kahengeri. He is more conversant with the issues than myself. But I think it is very important. I think what we are saying is that we probably should

not say that because we have Jamuhuri and we have Madaraka day, that we should not have Independence day. But you also know that freedom day, *niikoretwo ige-celebrate-two ni andu ta Ngugi wa Thiongo, you know outside this country. Some people call it Kimathi's day, other people call it Freedom day, others we have been celebrating Kenyatta day. Ngweciria ino nigutwira ati hena conflict. As a nation, we have never really come to terms na history ya bururi uyu and we need to come to terms na history ya bururi uyu and probably, that is also going to be part of the debate at the national conference, and I think it is a very important issue.*

So we have talked about freedom fighters being neglected. Uhoro wa freedom fighters gutwika neglected. This was very strong in Central Province and I also went to Eastern Province, this part of Ukambani, Machakos, Kibwezi and it was also very strong. They were very strong presentations. Maybe what we could do in this particular one is add that one under transitional mechanism, where you have Human Rights and Administrative Justice where we are talking about review of the crimes and people like Gitu and – when I go to the conference myself I will not have a vote. Commissioners do not have votes but we become secretariat to the National Conference. But I think that is an area where we can put it in our report and it can also be revisited. It can be part of the Human Rights and Administrative Justice .

The issue of the struggle under the preamble, *again Samuel, nitwagerierwo nikumirora. And Samuel ngweciria ndumakwo ngiaria uhoro wa basic needs because I looked at it in the morning. All the basic needs now except security which we raised later, nitwaretie uhoro wacio. Now, you talked about work ethics na pensions. Reke njuge we are hoping that a new Public Service Commission which is stronger, is going to be able to address maundu ta macio uguo. In terms of andu aria mandeketwo privately, because they do not fall under public service, what I would have wanted you to do is to look at the Human Rights Bill, gives the people the power actually to complain to the various commissions about treatment, for instance of employers and so on. Whether they are private or whether they are public; and that is why we have Ombuds person. But of course I know the problem we have there. Given the fact that that particular individual no akubute at anytime. So how do you deal with that kind of a situation? Probably that is an area that needs further discussions.*

Now, I want to refer to Jean Marie. Street children, we have talked about street children on, I think it is the Article where the children are dealt with. The bill of rights. we have talked about those children who are homeless and if you look at the Bill of Rights under the children, which is Article 36 in the document, section 7, we are saying that children with special needs including girls, orphans, children with disabilities, refugee children and homeless children. We called the street children, homeless children. Are entitled to special protection of the State and society. We are saying street children like other children should be protected by the State.

We are also saying that there is a commission for children and that commission for children is supposed to make sure that these provisions are implemented. So, I think we talked about them. We did not call them street children, we called them homeless children.

Now, devil worship. *Nitui nitweretwo kundu kuingi ati devil worship, tuge freedom of worship except the devil. No riu views iria nyingi twaheirwo, they was hardly anybody wa hotaga gutwira ati nijui mundu ngania u-worship-aga the devil. Na ninge you know constitution ndigekorwo na mawatho maingi muno. Tariu ugwo kuri andu matweraga tuge andu matichachoke kuhoya utuku, tondu nimiranegeni riu nao aria ange makaga kugoma. Tuge ndini iria cia gutengera ihingwo. Andu matige gutinda mageteng'era makihoya. Although dini ina expression ya mithemba maingi, na ngweciria nimuronire hihi TV Legio Maria, last Sunday, mageka maundu maingi muno, it was Uhuru Park. But they were saying, kuringana na uria ma-worship-aga you know, they are not worshipping the true God. So given religion is a faith, religion is also in most cases emotional and you do not want to put in the constitution, something that is going to make thirikari yambererie ku-harass andu amwe, magetwo devil worshippers and some times we do not know who they are.*

Ithe gutiri commission yathire ku-discuss devil worship? We have never been told what they found. Kana nimuoniri ngoma! So, wahota gwekera kindu within the constitution, kihutherwo ku-oppress andu ange. So, we did not say either the devil should be worshipped or not worshipped. We left it silent because you do not want to create constitutional provisions igutuma andu aria ange – because mundu unge nuke na uige Catholics ma-worship-aga Mutharaba and therefore mati-worship-aga Ngai and therefore we should ban it depending on who - unge nuke na aige ati uria wothe Atari Catholic, worships the devil and therefore, -because you always have to think about the possibility unaya gukorwo wina muguruki uratongoria bururi when you are writing the constitution. So for that reason we left the request silent because it was very difficult to define – if we say you cannot worship the devil, then we have to define ahana atia? Nigetha riu mundu akamenyaga. Or how is he worshipped? Nigetha ugakemenya, when you reach this far, riu ni devil ura-worship. So that is the reason why it was not in the constitution.

Now, there was an issue Jean Marie again, about creating wealth. I want to say that this constitution has a lot of provisions on creation of wealth. I just want to look a little at Professor Ghai's summary that he had given us on this particular area. You do not have that particular document. Where he is saying that one of the things that this constitution does is making politics more focused on policies. So when you decide like on district council, you are asking, why are you being elected? *Nigetha mu-implement, first of all mu-create policy cia district iyo, nigetha mu-make sure andu a-district iyo nimathoma, na ciana cia district iyo ni mathoma, na mena irio na mina employment and so on. Making the politics focus on the policies themselves. He suggests that that is one of the ways.* Then also, you are not focusing on power. If you become a council and you have an executive body, you are going to be judged according to the performance of that particular district. So he suggests that that is one of the ways by which we are going to impose the environment.

He also says that we are promoting development of a stable society by making sure everybody is involved. Akorwo ni at the District level, at the community level, which is village and locational level, and also by bringing issues like the Ethics and Integrity

Committee dealing with corruption and so on. He says that by requiring parties to be more responsive to the needs of the people, that we are actually going to support political parties; *na tumere tondu nainywe nimuraheo mbeba*, your job is to make sure that the politics of this country, *ti politics cia ku-destroy the wealth of this country and so on*. So we are making them responsible. He says that by enhancing the chances that government will not be re-elected if it does not deliver on its promises and that is what we have said. *By the way, Prime Minister no muhaka accept-wo ni parliament. Nongethura within a period of 30 days, ungekorwo utari na Prime Minister uacceptetwo ni parliament, you will have to dissolve that government*. That government will have to go and we will have to go to new elections. Therefore, we are putting checks and balances *cia gutuma ati, kana ni president kana ni prime minister, kana ni parliament, that the three of them are checking on each other nigetha mahote gutongoria bururi*.

The other thing we are doing is talking about issues related to corruption and getting commissions that will monitor the performance and the integrity of the different individuals.

Now I will go to Karu, but Karu kiuria giaku kiuma kia Honourable Gitu. So I will leave Honourable Gitu to respond to that. Bernard, the issue of the constitutional commission. The constitutional commission is a small commission of about five people with the Chair and four others and basically what we are saying *niati*, being a new constitution, you want to ensure that the implementation is monitored and it is supposed to be an independent commission that reports to parliament and that is able to advise both parliament and the president, on the implementation of the same, so that you do not leave things to parliament again, to decide to change the constitution whenever they want, if it is in their own interest. So it is much more the implementation commission.

Bernard you also asked about the referendum and the constitution provides that there are many areas you cannot change. *Ndunge decide tariu you will have detention without trial. We are abolishing death sentence, na maundu maico mothe matingecinjio. There are many provisons iria turoiga tungecejia except through a referendum. We are making it difficult for parliament gucenjia katiba. Tondu riu katiba ino twenayo, ya cinjirio maita maingi, until you could not recognize it within a period of 40 years.*

Jean Marie: My question here was, is the referendum coming before the matter has gone for debate to parliament or is it coming after the debate goes to parliament? My opinion is, if we are going to discuss an issue which is going to be refused by a referendum, they will have wasted a lot of time and money.

Com. Prof. Wanjiku Kabira: *Uria tukoretwo tukiuga uhoro wa katiba ino niati, the people are the ones creating the constitution*. So without saying that the role of parliament in this case is ceremonial, the truth is that the national conference is the ultimate body that will make the constitution and according to the act; *turoiga ati their* job will be to discuss, to debate, to amend and to adopt the constitution. So the national conference is the final body. If there is anything that is going to go to the

referendum, if the national conference does not agree on. Whatever the Kenyans then decide is final. Parliament is actually just going to adopt the document. To give it the legal status. Otherwise they are not supposed to amend anything, or change anything when the document goes to parliament. So they are not supposed to make any changes. So the people are the final say in this particular one.

Now, Henry Kioi. Agriculture. I just want to agree with you that maybe we need to have more clear provisions in that area on the issues of agriculture and we have been told by two other groups, that we need to look at that. I think I have addressed issues of historical injustices, by suggesting that we can expand on the section on Truth and Reconciliation which falls under Human Rights and Administrative Justice . The details on the land commission. There were a lot of details on the land commission and they were taken out because it was suggested that parliament may not actually deal with that land issues as well as possible but I think the question of land is an area that a lot of people feel there will be more debate when we go to the national conference.

Now, Mungai, we talked about employment. You talked about how much are those employed by private bodies and private individuals protected by the constitution and I was going to say that the protection that we find is actually to be found under the Bill of Rights. Under the Bill of Rights we are talking about the right to have ones human dignity respected; and that one can be part of what one can use against those oppressing them within the private sector. We are talking about the right necessary for human dignity. Like if somebody has hired you and you are not able to meet the basic needs, there are a number of provisions that actually as an individual within the Bill of Rights, you are protected from and there are many bodies that one can go for support including the Human Rights and Administrative Justice .

Now you had a problem with – sorry Patrick Waweru, how is the katiba foreign? I have also been asking the same. Because I have not been able to find provisions iria iri in this constitution cie foreign. So, those who think they are foreign maybe they are foreigners here; because wherever we are going, *maundu maira twaritire, itho tomaria mwerwo ni mwanake uyu? Gutiri undu mugeni na one of the things I can say niate, we as a commission, tutiri twathii out of this country by the way. Many commissions, even the land commission has been travelling all over the world to find out how other people deal with the land. Ithue tutinona thaa cia guthii anywhere, although nitwa plan-iti guthii but we did not go.* The only foreign places we went to are places like Busia, North Eastern and Coast. Maybe there were foreign to some of us because we have not been there before. So, those are the only foreign places that we have gone to and all these information comes from all over Kenya. So, anyone who thinks that the document is foreign, I have no idea of what is meant by that. So that question I cannot answer.

The other issue that was raised, National Heroes day I think I have talked about it. There was a misconception, this is the one we released on the 18th and this one is a draft report. It was a draft report and with some recommendations not in the form of the constitution, but with some of the recommendations. I want to say the recommendations which are there about the judiciary

for instance, they were not yet translated into provisions so what we released the other day is now the draft constitution. But the draft constitution is based on the draft report. Now the draft report which is only about just over 100 pages, is just a summary of the issues that Kenyans came up with all over the country and; the other report which we may not be able to circulate except at the documentation centre is the one I was saying is about 800 pages. I know the last time I looked at it, it was about 600 pages and it was not complete. But we hope it will be complete by the end of this week; but it has now all the information related to the various areas that have been used to prepare the new constitution. So one was the draft report, the other one is the draft constitution.

I think we have talked about Parliament being dissolved, what would happen? Moses Kinuthia, what next after the draft? And I think we have talked about it. I do not think all this work will go to waste. I believe that already the kind of work that we are doing in this room, the kind of messages that we are getting from the people themselves, it means that we are still been empowered; and whether this constitution is enacted by the end of this year or early next year within the new parliament, I believe that we are going to have a new constitution: and this is going to be the new constitution after the debate by the national conference. So I think we are in a church compound and we are a people of faith and I do not think we can give up. Before we go to the next group of people, I will ask Honourable Gitu to respond, but I also want to suggest that there must be some women in this room so we would also want to hear a few voices also from the women.

Hon. Gitu Kahengeri: *Ngwenda gucokia maundu manini maria ndagweterwo haha. Nii ndikumacokia ta ciuria, undu ciuria mundu uria ungehota gucokia uhoroini wa Katiba ino, ni professor. No nenguga tondu andu aria maria nikuri majira uria nguthii na niundu wa ugwo hau nii ngwenda kwariria. Nii utauria ndimwiriri haha mbere, wira wa bururi uyu ni ndutete, na ndutete wirekire uhoro ta uria twenagwo haha umothe. Ngaruta nginya gugakinya hindi ya ndege mwoyo wakwa uthii niundu wa gitumi kiu. Na hindi iyo ndari munyinyi una ndari munyinyi gukira mwanake uyu tondu ndiari na nderu nawe inacio riu.*

Nginyagia umuthe njihuirie mbui mutwe, ndinawenda wa kuruta wira uroucio ndarutaga. Hindi iyo twarutaga wira ucio, ngwenda ndigiri hau njuge, ngathii ndi delegate, thiini wa national constitutional conference, wa kwarereria maundu maria mugete, me thiini wa ngoro yakwa thinii. Ucio ngukinyia hau.

Njoke ndimwire atiriri, ni hahutirio uhoro wa history, na professor aiga thinii wa history uhoro ucio nduri wa kinya wega tondu andu amwe mendaga kuga ati ni agikuyu, aria angi makuiga no andu mokerete ugwo, no ucio ti uhuru wa ma. Uhuru wa ma niati nii, na aria angi twari nao, tugiuka kuingira uhoro uyu, warutetio kunene muno ni athuri a bururi uyu. Tondu nikwonekete niturekwo undu utari wa kihoto. Ithui tuokire kunyiterera andu acio mambiririe, ta uria riu ndina anake haha ndiraigwa thayu ngoro makiaria. Makaria ciugo ngacigwa na ngacienda na ngetekia ingerumererwo ciarehe thayu.

Hindi iyo twari gukuri, ngumuhuteria kaundu kanini. Ithui tutiekagira thurware ya grey teno ndinayo. Ungionwo nayo, no muhaka urio ni ya Bwana ureko wire? No muhaka unyitwo, na utwarwo borithi nigetha ukonanie kuria uraiyete. Tondw we ndwagererwo nigukorwo na thurware ta iyo. Ungionirwo ukebunja shillingi igana remwe handu mukawaini, no muhaka unyitwo uthii wonanie, ni cia - - ni mutumia wa Muthungu. Wonanie kana ni cia - - urutire kabetini. Ucio nigwo thina twari naguo. Na riu hindi iria twaigire nituratheniore, mutikae gwetekia ati ithuothe nigwo twaigire. Amwe nimoigiri Muthungu una ungienda, niurakiona ageraga haha iguru? Una ungienda, guku ndakoima. Amwe makiuga ugwo. Naithuwe tukimera, guku nakwo ni Ngai wombiri na agitwira tuikari kuo. Nitugatigirira ndari kuo. Na umothe twenainywe tukwaria haha Mang'u, ndari kuo. Ucio watumiri uhinge ugwo, ni wendu wa ngoro thiini wa andu a bururi uyu.

Niundu wogwo history, ni muhaka ikiandekwo no muhaka iriandekwo na yandekwo uria kwa hanire. No tondu kuri andu magiragereria uhoro ucio, nikio mutari kindu muri murona nginya umuthe, kegie history ya uria bururi uyu wakomborirwo kuma mokoini ma Athungu. Ucio ndigweciria ni nguthii na mbere tondu nii njeteketie constitution ino, niguthii through. Ni ugwo nigwo njeteketie. Njeteketie ugwo tondu muthenya umwe mundu uria utawaraga bururi uyu, nioigete 1991, ati tugwathwo 100 years gutari kwagia na change. Uiga kiumia giki, ndaniniri ciuma igiri atoigete nindetekera kugii multi party.

Niundu wa ugwo riu una inywe mungiona mundu agetinda akiuga gathetini, uhoro ucio ni foreign, hatiri kindu andu a bururi uyu moigete, no ciunia igiri niekuhora. Tondw niithui tugiite. Hau nimukuigwa? Ucio nagwo ndikwenda gugethii na mbere muno.

Hari nguthii hangi ni riri, heroes day. Nii, haria hothe ndanathii uhoro uyu wa constitution, hatiri hamwe itari ndaria uhoro ucio. Na tokwaria tu, una kwandika. Ngandika kuigea, nikwagererwo kugii na heroes day tondu mekwo na marikwo na nimarethiaga magekoragwo kuo. Niundu wa ugwo, ndathii hamwe na athuri aria angi twe nao, nitukapress uhoro ucio kinya twone ni wahana undu.

Nguchoka thii handu hangi hanini. Ungerora ibuku riu ria constitution, ta mundu ni arinyite wega na arorie rangi uria muiru na iguru. Mundu arinyite ugwo. Rangi wa mbere hau ni rangi muiru. Ugaga atiriri, ati bururi uyu ni wa mundu muiru. Ucio nindatiga. Rangi wa keeriri, ni mweru. Ugaga ati bururi uyu niuri thayu. Una ucio nindatiga. Ugaikuruka kianda ugakora red. Ukoiga bururi uyu ni waitirwo thakame. Na thakame iyo yaitirwo bururi uyu wa green. Bendera ituri, ugwo nigwo yugaga. Na yugaga ugwo, muthii mukemehunjagia ugwo nginya mindi na mindi. Tondw aria andu makuire ni undu wa bendera iyo, niachogwo na athogwo, na amuruwanyokwa, na aria angi mwahutanitie nao thiini wa bururi wanyu. Ucio nagwori, nimwagererwo thiini wa- - - nango na itimu. Ngo nigethethekaga ni kindu? Nikio tugaga tugie nangu na itimu. Court of arms itu, na colours citu, imean-aga struggle iri twekiri thiini wa burururi uyu. Ucio nagwo ingetigera hau.

Njuge atiriri, hari uhoro wa salaries uria twerirwo ni Professor. Ati mundu umwe niuyaga shillingi giri inya nonge nake akoya Ksh. 900,000/=! Kai mutangiona uhoro ucio ni uhoro uteri wa kihoto una hanini? Tondum bia icio mundu umwe oya Ksh. 900,000/= nake mundu unge aneyo Ksh. 4,000/=, iroima kigina kia mbia ihothetwo ni bururi uyu. Una mundu atwara nguraryo kundu, ndagechokagerio gwoko. Riu naithui tukoiga atiriri, ithe wa Professor uyu, twatuire nake Kanjuini ya Kiambu. Na ndiri na ngaja ihindaini riu norio Professor athomaga. No kiria gitumaga andu mathomithio, timoye indo ciothe cia bururi marriage, aria angi mathutie. Kiria gitumaga mundu athome ni agie na uge. Ugie mutweini wake. No tutingihota kuga turithomithagia ciana citu nigetha cione ihinda ria guthii kuhakura indo cia bururi nigetha andu aria ange matigwo matari na gia kuria.

Una kungetweka mundu niathoma atweka judge, ahota kuria thani inya cia irio? Unangekorwo niegugikomera gitanda gia thahabure, hahota gugikoma igiri at a time. Una angekorwo niegukienda nyumba nene ya rumu mirongo inari, akihota gugekomaga nyumba igiri cia rumu mirongo ina? Githe ti indo iria ikiri bururi yuyu ihothetwo ni andu aria mikwo na njira ikiri ya kihoto? Ucio unagwo ningutigera hau. Ucio ndirenda kwera una andu aria marathoma riu atiriri, matige guthoma mageciragia, reke nii thome nigetha ngahakura, hakure, hakure, ngiria million ikumi, mundu ume agakoragwo una thendi cia kuhota kugura mundu ugwetwo mbarathira ya mutu, ndangiona.

Akorwo andu nimagathira ni thina, nainywe mukorwo muonganirie indu ciothe mukiega haria muigaga, nimukarumwo ni Ngai tondum andu aya matieretwo makwe niundu wa thina. Ucio ngatigira hau nagwo ndikwenda gugekeria hau.

Niiri, ndari Mbunge, na ninii mundu wa mbere thiini wa bunge ya Kenya, kuga mundu arutage wira umwe. Na kiria ndonete nikiu twerwo haha ni professor. Nuu ungetekia, ati mundu anengeretwo mawira ikumi ni andu angi magete akuruta wira? Inyui no mweteki ugwo? Ucio ni urongo gutingehoteka. Kiria kiho ni ati, gutiri mundu urenda kurumbuiya uhoro wa andu aria angi. Uciore, twagekinya hau nitukarereria kuringana na ugwo kuhana.

Ningwenda kugweta undu unge munyinyi. Uhoro wa ithaka. Nii njitikagia na mutwe wakwa, ati guku nikuri githaka bururi uyu, na githaka giki kiumbirwo ni Ngai, niundu wa andu ake aria maikaraga guku. Na mahota gugekorwo mari aingi muno. Nii njetegakia atiriri, ati mundu inakihoto gia githaka. Ndiri handu ndeciragia ati mundu agererwo ni gwetwo landless. Una ndiri handu ndeciragia mundu agererwo gwetwo squatter. Ndeciragia ati mundu wothe ina kihoto gia githaka gia guku.

Andu amwe ni muigaga atiriri, ithaka ingetinangio, niikunyiha, citueke unproductive. Na nijetegaia. No nijugaga atiriri, tondum githaka giki gigugetigwo ni kiria kia andu ayare, gitegwatorangwore, githe tigugekwo undu kuoneke ati mundu uyu una aga kugia na gathaka, ni compensated thiini wa githaka kiria angiakorirwo nakio? Tiarehwo kindu,

no nikorutwo wira uritumaga one ati githaka kia bururi witu unanii nikirahunia. Uciori, ngagiuka ni mahetia muno. Niturerirwo handu ira, ati hena mundu wina 1.5 thousand acres, niturerirwo ugwo. Na nijiteketie ugwo ati nikuri. Tondū ithui hindi iria twaruire na Muthungu. Tuoigaga muthungu twa Watheni, Muthungu ta Mang'u Estate, Muthungu ta uria uhakanete na Nyamang'ara, nihere, andu a bururi uyu mone githaka. Riu tukiuga Athungu mugwanja mathiiri, twatanyaga hii ni andu mugwanja mangioya ithaka icio, no ithaka mugwanja cioirwo ni mundu umwe. Eh? Riu ungiurio niko kwegari? Ungurio ni hindi iria ciari na athungu mugwanja, kana ungiuga ni hindi iria kioirwo ni mundu ume? Tondū hindi iyo Athungu mugwanja marikwore, inywe haha nihari andu aguku moe, tani ndathomithirio ni maitu, aheyagwo mihari kwa Muthungu. Akerwo mihari iyo yeri, niwe ukuhanda mboco. Riu ni muhandaga? Muragio atiriri, nguhe mucara, na nguhe githaka? Nigwo andu acio maigaga. Nitakiao mumbire. Ucio ningutigera hao.

Na niundu wa ugwo twa githii thiini wa conference, nitugakeria kurora kungi. Ti mundu one githaka umundu u-mundui, tondi nigwetekania na ugwo kweragwoi, no ithaka ici itomerwo na njira ikuhota gutuma tukenage. Ninguthii handu herirwo ni mundu uhoro wa – mwananke uyuri, na ningenire nikuigwa ni aspirant wa mundu ugwetwo giti kia Gatundu North. Aigire atiriri, tugerie uria tungenyitithania andu a bururi uyu wothe. Nii, hindi ndari itaini, wetekio wakwa na andu aria twari nao, ithuii tutiahuranagera Gikuyu. Twahoranaga, niundu wa bururi wa kuma iria ria cumbe, nigwo twaigaga. Kuma iria ria cumbe, ni Indian Ocean, guthii nginya iria riathii, nirio Lake Victoria. Togachoka tugoiga mbara ino itu, yumete Ngong nginya Karimatura. Umothe nimuoe ni Garbatulla, tondū niho twahotaga gukinya. Na kou Muthungu ndagitekerire uhutuke. Tondū we Mugikuyu ungethii kuroga, kana gwekira andu fitina, mamenye uria uwe. Tutingia hotire gutonya. No umuthe tukiugaga atiriri, bururi witu ni kuma Namanaga kinya Moyale. Hau ugwo gatagatere, ni kuria andu akorowo magererwo niguikara na thayo mi kindu kimwe. Ithui rekei ndemwere, twahoranera wiathii na twona muthungu ni athii, gugetweka nigukugia na thirikari, twoigiri ciugu ici. Tondū turaruagira iria ria cumbe, na iria riithii, na Ngongo na Karimaturare, rekei tugecarie andu, moke totukane nao. Niiri, Gitu wa Kahengeri ndatumirwo Lodwar, Turkana District tondū nikuo ndahingeirwo. Na kuire, ndari kindu twetaga Camp Leader. Ndathii kui na andu ngiri ithatu, ninii mathuriri makiuga we, niwe uritwaraga uhoro witu hi Officer in Charge.

Nindakihotaga kuma na hau nja. Ngekerwo tondū niuruimaga nja, thii urore kana niukwona Muturkana uke tumuhe giti na kiama giki twa thondeka. Mundu wa mbere wa Turkana, ninii ndarehire. Itagwo Peter Enjore. Niundu ugwo andu aria mabirerie gucaria weiguano wa bururi uyu, ni ithui, ti andu angi. Na riria ndoiga ithui ndiroiga inywe andu a bururi uyu wa Kenya, Central Province niithui twambererie gucaria uiguano ucio. Uciori, nitukwenda tuu-contiunue. Tuthii nagwo na mbere. Tondū andu a bururi uyu maiguana, niithui tugokorwo na baita. Nindakena niguthikireria.

Stephen Wanyoike: Thank you very much Hon. Gitu Kahengeri. Ngweciria turi andu a Thika District, turi na gekeno

tondu nitui, twatumana conference iyo, twena njamba imwe tondu nitui wega biu Gitu ndeguthii gutu-let down. Thank you very much. Now, tondu mathaa nomarathii, nitu-share, aria matigarete aria mekwenda kuheana nao, tumahe chance. Tugerie tuhiuhie ciuria icio tondu gweciria generally uria madam commissioner acokia na uria ciuria uria ciuretio, they are more or less covering everything we are really talking about. No nigetha tuhe andu ange a few, chance. Na mugeririe muno, if anything, let us all have two minutes each. Na angekorwo he kiuria gegukiuretio, hatiri bata gichokerwo, na nitugiri uu, incidentally angekorwo mundu ndathomete document eno properly, na niekwenda more time, hena chance tondu nginyagia conference igathio, no tuoye mamukerwo mangi ma uria mundu arinda na suggestion ta icio ciaheanwo umuthi. Na no irehwo akorwo ni wabici ta icio citu. Ninge andu aya maretwo district delegates ndina contacts ciao, na no ndima-brief uria kurathii.

Secondly, kuria gwa commission headquarters no maroya maoni nigetha draft ino finally - - tondu uugwo tureka nogwo nao constituency ingi ireke. Kogwo tutikahane ta turachokera muno what others have said. So, rekei tuoye riu mundu uria igwenda kwaria nigetha nake commissioner eei ati. Ambaye muoye moko na iguru nigetha hote kumenya niaigana marena.

Delegates ni atatu, Gitu wa Kahengeri ucio ni mwamuona, ningugete haha karucini tukiambereria hari ange eeri. Watho wari tothure atatu, umwe akorwo ari mutumia nigetha nao atumia makorwo nimaratu-represent na maka-represent aria angi. Umwe itagwo Mrs. Beatrice Wairimu Kamamia. Ni councillor wa Thika Municipality, na ngweciria no ake-represent nginya Local Government. Nake ucio unge etagwo Rtd. Brigadier Kinuthia Waitiki, wa Ndarugu Gatundu South. Okay, they have not come with us here no acio nio magathii. Thank you.

Raphael Githuki: Ritwa riakwa njetagwo Raphael Kirono wa Githuki, na, hindi iria ndare mutitu ndari Major Gathe, wuira wakwa ni ucio. Nidamugeithia, na ngeithi cia kinya andu aria makwiri na thakame yao iria yaruiri bururi uyu. Ningatho na gitio niundu wa ciugo icio turandika haha. No hari na undu umwe itari ndiraigwa wemugwete. Umwe tu. Nanigwo watuma njukiri haria. Atiriri, hindi iria twaruiri mbara inore, twikiharore, tokiumerari, handu ha tucenje nguore, cioirwo ni andu aria mari arori. Makihumba nguo icio, magetweka nio mekuhura ke? Mubira kiharo. Ithuere, tugetweka tume. Riu ngukemuria atiriri, tondu ino ni katiba murandikari, ithui nimuraturirikana twaturiri mutitu nii ngethii mutitu ndiari nderu na riu ndina mbui na ndiri handu ndi mugunda guku?

Kumania na hau, mwaka wa 1963, December 12 wiathii ukiheanwo. December 16, tukirwo ni Muthee riu mutigairi, tuchokie michinga na tugetweka nitukimichokia. Ithui andu a Kiambu tukiuga tutingechokeria kuu. Gutweke ni andu a-Nyeri atheri maruaga? Gitu wa Kahengeri niguo atutwariri Kirigiti? Okay. Kumania na hau, twathii Kirigiti-ri, nigwo twanianirie mechinga itu. Igethii ikiegwo thitu kuria yaigirwo. Ngukiendaga kuga atiriri, Katiba ino, ithue thiguku ya mweri 16 December tondu nigwotwanereirwo na wiathi waheanirwo 12th December, naithui tuheo 16, itweke niyo thiguku itu ya andu aria mamenetwo magetwo Mau Mau na imaramari. Nariu niithui acio. Tariu

unaingehetukera handu, hari anake makiaria Githungu, matingeciria nindare thukuru. Na ugetwo gathuri karia. Ngakemuria atiriri andu aitu, nimukuririkana ciugo icio? Nigetha tuchoke tuheo Ruring'u stadium. Tuheo nyumba twakerwo hall imwe, nigetha mutongoria wa mbara uria wari mutongoria wa mbara, Mr. Dedan Kimathi, akorwo athiketwo Kamiti, mari atandatu ari wa mbere, na nitue haria athiketwo. Nigetha tuchoke tuonganie mahindi ma andu acio haria mathikirwo tumaig nyumba iyo.

Tuchoke twetekerio turute thenema imwe, ya kuma Ngong kinya Karimatura kuria twaruaga, nigetha tuchoke twandekere history, twerekeretio tuthie tukamiandekere mutito. Hamwe na kuhorwo mbicia iria ciothe ya wira uria twarutire. Nigetha ciana iria njiare riu, cietekere, ciaigwa Mau Mau, citigecirie ni nyamu yetagwo Mau Mau. Nii ngweciria ngumutigera hau.

Stephen Wanyoike: *Niweka muno Muthee Githuku. Thank you very much. Number one?*

Teresiah Njeri: *Madam commissioners, na other officals, na aria tugukete guthikereria uhoro na kutoa maoni. Muriega inyothe? Ha maritwa makwa njitagwe Teresiah Njeri wa Ng'ang'a, na ndi Muyouth. Haha ndina ciuria ithatu nguria. Na kia mbere nguria atiriri, haha heretwo atiriri, under the Bill of Rights, hina right to life and under right to life, ndirenda kuria kiuria giakwa atiriri, yes, tugaga biologically, mwana kuma hindi iria ina mathaa 24 kana e-one day old, I-alive na ina right to life. Riu ndirenda kuria atiriri, undu uyu urekwa atia, tondu riri, abortion niingihiti muno. Una tukiugaga kwena poverty, aciari aitu nio maratunengere mbeba. Tariu akanengera ngiri ta ithano, ngathii ngaruta ihu riu, of which mbeba icio no cieke maundu mangi manene.*

Ngachoka ngaiga atiriri, yes, airitu nimagethii magera nda thukuru, na airitu nimathii ma-expe-lwo chukuru. Unakorwo ndanaigatwo ni headmaster kana mwarimu, nieera achoke mucii. Riu na haha harerwo atiriri, hena right of education. Riu ndiroria atiriri, aria matigete na no mendu guthii na mbere na education-re, nao aya ange marathii mucii magaikara kuo-re, uhoro wao urakorwo uhana atia kana mara-cater-wo atia?

Na njoke njurie atiriri, education tondu ni compulsory, aya airetu nimegocokio cukuru tondu undu uyu ti wao ariwikire, anake nao megwekwo atia? Megu-take-rwo step iriko? Tondu nima airitu we are oppressed na niko - - ingemarugamirira. Thank you.

Stephen Wanyoike: *Okay, Teresiah Njeri thank you very much. Number two?*

Veronica Wambui: *Madam commissioner and the rest of the officials and my fellow county men. Muriega? Ha maritwa makwa njitagwo Veronica Wambui wa Rego, na gwitu ni Mukurwe. Ndina ciuria igere kwendaga kuria na kia mbere ni atiriri. Now that President Moi has declared Aids as a national disaster. What is the new constitution*

going to do about those people who are left homeless and the orphans and those who are in that state who have not yet died?

Kiuria giakwa gia keeri, ni uhoro wa barabara. There are roads that are very busy and should be put in good conditions such that there should be no potholes. Traffic police nindeciragia makoragwo mina wira wao, but of which mati-take-aga responsiblity ya gugorwo me wiraini ucio wao. No, instead uria mekaga, mathiaga kurugamia andu ta aria mararuta wira wa gukua athii magetagia mbecha kuri u, so, ngutigera hao.

Stephen Wanyoike: *Thank you very much. Number three.*

Mungai: *Asante sana Mwenye Kiti madam chair. Yangu ni rahisi kwa sababu sitaki kupoteza wakati sana . Mbere muno nidiramba kumuigwira tha andu a katiba, Constitutonal Review Commission, niundu wa kumenya hatika iria muraruta wira muri thiini wacio. Niundu ucio, iria imwe ndirarikana mweyuragia hindi iria twari Mbagathi, nocio riu ndirona igetuthoga ihinda riri. Kiuria kimwe kia mbere kia tugirire muno ni ati, the link between elections and the process. Na hatiri undu ta ngaja tondu uyu niura-appear handu tukona ati the same question has never been answered. The link between the process and the elections. Nginya umuthe ndiri yoneka. Naniyo stigma na niyo andu othe maramakiyo niyo.*

One thing it is evident. Political influence nikoretwo muno na I have - - from that document. Nginyagia project onayo, taria land issue, I have noted. Niundu project iyo andu nimaretigera ndigastigmatize the whole nation. Ndigatweke ati ni ya charge andu na munganirira. Nindirona they have kicked, maga-create kindu kiretwo land commission. Inactual fact they have kicked that problem. Kwangu ningauliza project hii, badala ya kuiweka hilo swali kwa watu wengine, iwekwe kikatiba jinsi ya watu kumiliki mashamba na haswa – kwa sababu nimeona registered act ndiyo imetumiwa sana kunyakuwa mashamba na kuifanyia - - na ninaona katika ile, tayari mumerecognize. Kama mtu amechukuwa shamba ya umma, na akachukuwa title, na ikawa declared absolute, hakuna njia ingine tunaweza kupata mashamba. Hilo ni swala yetu la ardhi ambalo sijui ni nani atakuja kulitatuza. Ni swala la kihistoria.

Hiyo ni moja. Jambo lingine, katika preamble. Katika preamble, hamuja-indicate, the background against which we are reviewing our constitution. Our experiences. Our historical background. Are we coming out of war, are we coming out of session? Ni mambo gani haswa ambayo yametufanya hivi, kufikia kiwango ya kuandika katiba mara ingine? Ni kwa nini? The preamble has not indicated that. So that we can from now henceforth resolve to do ABCD in terms of respecting ABCD. We have not indicated.

Hii draft watu hawajasoma hata Sunkuli mwenyewe hajasoma. Nilimwangalia juzi akiongea kuhusu preamble, anaongea ati Yash Pal Ghai amesema ametoa mambo yake kutoka - -. Nimeshangaa sana kuona hakuna neno kama - - limetajwa hapo.

Mimi nimeshangaa, watu katika serikali hawajasoma hii draft hata kidogo. Ningewasihi pia muwapatia kila ofisi, kila moja wao at least apate kuona hiyo mambo. Alirudishiwe hilo jambo na mtu mwingine, ni nani alimwambia? Kusema kweli Sunkuli hajasoma hiyo.

Jambo lingine ambalo nigetaka munisaidie, commissioner na wengine wenzetu ni kwamba iwapo tutaenda kwa uchaguzi na katiba iliyoko sasa. Of course Kibaki amekubali twende na hiyo. Moi amekubali twende na hiyo. Iwapo tutaenda na hiyo na baadaye six months later katiba mpya iweko. Sababu tunauwezo sisi kama watu kuifundisha hata baada ya elections. Tunauwezo kama watu wangu. Iwapo tutairudisha hapo na baada ya six months, bunge litakalokuja liseme sasa katiba iko tayari. Je, tutavunja Bunge na serikali ndiyo tufanye uchaguzi tena chini ya katiba mpya? Only six months later after a vigorous exercise, having spent all the money?Hiyo ni jambo moja.

Jambo lingine ni la kisiasa. Wakati tulikuwa tunaenda katika process kuangalia mambo hii, tulikubaliana kwamba, hakuna siku moja process itakuwa influenced na politics. Na ninawashukuru kwa sababu this is a very technical issue, it is not political. Lakini mimi ninamshukuru Moi ingawa hapo mutaangalia mimi vibaya. Wacheni niwaambie, mimi namshukuru Moi. Moi alikuwa mtu wa kwanza kuona, unless Parliament as an organ of Constitution Review Process, iongezwe muda, hakuna wakati tutaenda uchaguzi chini ya katiba mpya.

I have been following, I have been with professor in so many forums even before she became the commissioner and I know, sisi watu wa Kenya, tunachukuwa mambo. Wakati KANU inasema chochote, as long as it is KANU, ni mbaya. Hata mimi nimekuwa namna hiyo. Na wakati sisi tunasema kitu, in opposition, as long as ni sisi, ni nzuri. Sasa tumefikia wakati opposition wanatuambia mambo mengine ya uwongo, na tunachukuwa sababu kama ni KANU ingekuwa imesema, tungepotea.

If we would have followed what Moi suggested we extend the Parliament for the next five months, hatungekuwa na hii crisis. Tungengojea waongezewe, na Parliament as an organ, - do we have to go to the elections with a new constituton?

Jambo la mwisho ni swala ambalo nigetaka kuuliza. Katika hiyo draft, nimeona remaining cabinet ministers must be appointed by the president. I do not know the remaining watachaguliwa na nani.

Stephen Wanyoike: Okay. Thank you very much Mr. Mungai. Let us have number four.

Jambo la mwisho ni swala ambalo nigetaka kuuliza. Katika hiyo draft, nimeona remaining cabinet ministers must be appointed by the president. I do not know the remaining watachaguliwa na nani.

Stephen Wanyoike: Okay. Thank you very much Mr. Mungai. Let us have number four.

Bernard Njuguna: Commissioner Madam na wasaidizi wako asante kwa kunipatia huu muda. My question goes directly to...my name is Bernard Njuguna Nderi. Swali langu la kwanza, tumesikia ya kwamba na tumesoma ya kwamba kuna right of recall and yesterday I heard from views that the MPs are fighting against the right of recall. Sasa nauliza hii right of recall, hii draft ikipelekwa kwa Wabunge na hawa Wabunge waikatae what shall you do?

My second question, hii ni kuhusu Katiba. Mimi naonelea ya kwamba mtu akichukua kipande when he is eighteen years. Akichukua kipande anapatiwa hii Constitution. Ukichukua kipande unachukua pamoja na Constitution ndio kila mtu awe akielewa Constitution. Kwa sababu hapo awali watu kama sisi hatuelewi Constitution. So, if you register for ID, ukichukua ID, unapatiwa a copy of Constitution unaenda nayo nyumbani, unasoma yote.

My final question is; tumeongea juu ya mambo ya Prime Minister, sisi ndio tulitoa maoni kuhusu Prime Minister lakini hatukusema President awe aki-appoint Prime Minister, kwa sababu when President appoints the Prime Minister hatutakuwa na clean government. Kwa sababu watakuwa wakishirikiana pamoja. So, ningeonelea tupatiwe muda, we elect the Prime Minister. Thank you.

Stephen Wanyoike: Number five, number six? Number five.

Simon Giteere Kamau: Asante. Kwa maritwa njitagwo Simon GiteereKamau na nguhutia o maundu manini tu. Wa mbere ni kuringana na iyo Article thirty four ya freedom. Discrimination na although nihekuhutitio hanini ha youths. Nguendaga kuuga atiriri, the Constitution should recognize the status or the role of the youths in the society and may be provide reasonable facilities and opportunities for the youth. Matige gutigwo oro uguo matakihutiirwo kaundu kanini, that is that.

Hau hangi, kuu ndira-mention Articles nomurore draft icio mwina cio. Ta Article fifty nine iraria uhoro wa housing, Article sixteen iraria uhoro wa food, na Article sixty one ikaria uhoro wa water. Constitution iyo draft iroiga ati everyone has the right to the above icio ithatu; na riu nguragia atiriri, who will provide those? Who will promote access to housing, food and water and who has authorization to provide food, housing and water. Tondungu yugite they have a right, so if I don't have food who is concerned about it? Halafu ngacoka ngoria, may be can this be quantified into basic necessities? Tondungu yugite adequate, iyo adequate housing ri ni nyumba imwe ina room imwe ri, kana ni nyumba ina room ithatu. Ina kiorwo.

Niguo ndiroragia, can it be, I simplifywo. Na ningi kuirwo adequate food ni kuria breakfast, lunch and supper kana ni kuria lunch. It should be there. Iyo ya muico nguhutia ni Article 216 iraria uhoro wa village Government. Section one yugite ati the village decides whether the village council is constituted by village elders or through elections. Hau nindirarigirwo muno tondungu wa riri; the general principles cia devolution of power o draft ini iyo ciugite atiriri; the

principles to give powers for self-governance to the people at all levels. It has participation of people and communities in the exercise of the powers of the State. Riu nindirarigagwo atiriri, may be nindironaga atiriri, Section One ya village Government, it deserves, not adequately cater for the principle of devolution. Tondu iroiga atiriri, the villagers decide whether, macagure elders kana meke elections. O uguo tu. Just that. But it is supposed to be devolution ati nigetha powers ikinyire andu othe cia State. But it is just one Section na igatigwo. So, I thought that was not adequate. We need to sit back and discuss more on that. Then, I felt that this Section does not ensure the composition of village government. It is a representation of the diversity of that village. Twakiuga tuku-leadwo ni village elders, what if I assume this scenario. The village elders will be wazees who are all Muslims and have three wives. That is a scenario. So, undu wothe tungicira ri, would may be have a biased set of mind because they are Muslims and they have three wives or they are Catholics and they have one wife. So, there should be a way of having a diversity representation in that village council. May be having at least a few women, some few youths, may be a religious leader and all that. That was just my presentation. Thank you.

Stephen Wanyoike: Thank you Simon. Thank you very much. Number six. You are the one?

Joseph Wainaina: Thank you Commissioners. My names are Joseph Wainana and first of all I would like to refer to this question about the youths. We have been told that the youths are a group that.....after some time ugakorwo uriho halafu ugacoka ugakorwo utari ho. Riu ngwendaga kuuga atiriri, ona youths aya, ta riu hindi iria wi mu-youth ri, hindi iyo niguo ukoragwo ukigeria ku-mould future yaku. Kwoguo it is very important to recognize this stage. Na kwaoguo ri ngwendaga kuria atiriri, Constitution no ikorwo igi-force ukorwo ni ta thirikari gu-provide indo ta recreational facilities kana gukoragwo na kindu ta a national youth council somewhere, nigetha ikoragwo iki-look about the youth. Ikorwo ikirora maundu mothe ma youth. Ningi thiini wa natinal council ri ino lower, no tukorwo na at least about five youths meku-represent youth from all over Kenya.

Undu uyu ungi naguo ni uhoro wa freedom of movement. Nituonaga ringi ungithii ucererwo handu uguthiite ugutumitwo, hwaini ucemanie na borithi. Megukunyita mambiririe gukwira nduri na kibande, ringi unyitwo utuarwo thiini. Uguo ri Constitution irarora atia uhoro ucio? Undu uria ungi ni distribution of resources. Ta riu tungirora akorwo ni ta bara iyo muokira, kuma guku guothe ihiana marima. Riu ungithii kundu kungi nakuo kinya bara kinya mibutiti ina rami na ringi nikuo mbembe cianikagirwo. No kundu ta guku tondu mutiagithurire thirikari iria ihori, mutingikirirwo. Constitution irarora atia uguo?

Uhoro ucio ungi ni uhoro wa mbia, tungirora mbia ciitu ici cia note. Nitukoragwo na portrait ta riu ta ya President na riu ninyona thina tondu ringi President okaga akaruta portrait agekira ingi. Notukorwo na portrait ta ya mundu ta national hero ta Kimathi uguo hau. Igutura hau itegucenjio. Then, uhoro wa corrupton. Nitukoragwo na cases nyingi

muno cia corruption Kenya ringi ciahnikire tene, ta uhoro wa Goldenberg ukaigua mbia ciorire milioni cigana una. Constitution ino njeru ri irageria atia kurora uhoro ucio. Na nonjurie atiriri, Constitution ino noihote andu ta acio aria maiyire mbia cia bururi macokie. Thank you.

Stephen Wanyoike: *Thank you Mr. Wainaina, we have number seven now.*

J.R. Rebbo: *Sorry, just one minute. Muthee Gituka oiga niarenda gukinya handu I, ndamura atiriri areke nyambe njarie.*

Stephen Wanyoike: *Good.*

J.R. Rebbo: *Thank you. Maritwa makwa njitagwo J.R. Rebbo na....R.e.b.b.o. Na gua kahinda gaka ndirarumbuyania na gikundi kana NGO itagwo 'Bright Poor Students and Old Age' programme. Makiria kiria giatuma ndugame handu haha, niundu wa uguo turaria. Ni ngwamba ngumucokeria ngatho andu othe ona Commissioners aitu. No riri ona gutuika ati nikuri andu ma-ignore aga history ri, we mi-ignore but it will remain there. Tuke atiriri tukiambiriria uhoro, yakwa inyitanite na comments na questions. Bururi uyu hindi iria yambiriirio kiria giatumire a Jesse Kariuki na aria angi mecirie uhoro wa kuraira wiyathi ri, ni uhoro wa githaka. Kwoguo niki ngwenda gukinya ndimurie Commissioners ona kuria guothe murithiaga, question ya land mutikanogio niyo. Tonduni hindi ciothe, andu ndungihota guikara utari na handu ha gwaka.*

Gutiri mundu wakaga riera iguru. Na andu aingi thina uria uingihite bururiini ni undu wa kuaga migunda. Nitucoketaria maruagira nigetha ciana ciao ikagia na migunda. Na kugia na migunda macoke mahote gwatha bururi wayo na mathondeke economy yao. Na niundu ucio, magitwo ni Muthungu thutha wa kumunyarira muno magithii kuria London Conference. Makiheo kana magithondeka Constitution yao. Riu Constitution iyo yao ri, mathondekaga, ii matumitwo ni muingi wa andu othe. Nomathondekire na Gitu woye views. Ti necessary Gitu, yokire iki-favour a minority handu ha majority. Tonduni hindi iria ya-put irwo into practice, andu aria mateithikire nio anini gukira aria maruagirira migunda iyo. Na niho mundu ugwitwo J.M. tutingiriganirwo niwe ona amwe mageria kurega history. Oigaga atiriri; tutingihota gutura bururi wa itonga ikumi na athini magana meri. Uria muthenya umwe uratuikika. Riu njoke hangi, kau koima ka history kidogo. Thiini wa Constitution itu ri, iria riu turathondeka ri, niha he na policy irandika uhoro wa eradication of poverty. Tonduni riu bururi wothe uiyurite athini na uguo niguo turerwo sixty percent. Andu aingi sixty percent ni aria mara-live below the poverty line. Kwoguo Constitution itu ni ira-refer kaa ni ira-decide, ina policy irathondeka uhoro wa guthondeka economy na niundu ucio thina uyu wothe andu mena guo unyihanyihe. Kana iguthii ta iria yari ya London iria iguka iteithiririe andu a biu na tuthii na mbere na guthinika oro narua. Tonduni riri, korwo andu matiari na mathina ri, nyamu ino itu. Korwo ya mbere yokire I njega ri tungiathire na mbere nayo.

Riu ino turathondekari iguka ikobie iria ya tene, kwoguo tuthii na old system ya gitonga githiage na mbere na gutonga na muthini athiage na mbere na guthina forever. Na niundu ucio ri, nitutuike atiriri, ithui ithuothe turaria uhoro wa Constitution ri kana wa guthondeka bururi ii, tutiri ho. No turathondekera a few aria megutonga thuthaini. Question iyo, inyui ta Commissioners ri, muramiona atia? Kana how are you taking it. Riu ri, nituke uhoro wa question imwe itari irario iguru ria nyamu ino igwitwo cabinet. Cabinetiri, draft Constitution yanyu iroiga andu makorwo mari cabinet members ikumi na itano. No kenjuge hakwa, na ndiui feelings cia aria angi, ona gutuika iyo niirehete thina bururini wa atiriri, thiini wa bururi wothe. Bururi wothe ri ungithondeka andu ikumi na atano tu thiini wa Cabinet, na uria problems ci nyingi ri, mundu ucio ona wira niukumurema. Nyita kwa muhiano. Andu aingi aria maruaraga murimu wa cukari maruaraga tondu wa cukari kuingiha muirini muno makiria. Handu ha guteithia riu ugathuka. Mwiri ugathuka. Na nii na nii ndirona atiriri, tungugira mundu uyu maundu maingi muno, handu hatuki except niguthondeka egukorwo agithondeka, ni guthukia agakorwo agithukia. Na njira ingi ndirenda kuuga atiriri, Kenya as a whole, andu ikumi na atano, ku-run Cabinet ni andu anini. At least tungiamika na ingioiga kinya andu twenty, approximately. Membership ya andu mirongo iri. Na ni undu ucio ri nikio uroiga mundu na hau ona gutuika ndikiri member wa Parliament kana Cabinet, makiruaniara, makihuranira. Ati undu uyu Cabinet nimakoragwo na maundu maingi muno. Na anginengerwo Ministry ithatu kana inya kana ithano ri, gutiri undu angihota guthondeka. But instead niguthukia eguthukia muno makiria. Ta riu nitucoke handu o thiini wa Constitution ringi. Tukiaria uhoro wa uria nyamu ino igwitwo Constitution; na hiane ta ri gucokera nondiragicokera iri. Ndigucokera ringi. No riri, bururi witu ona gutuika tene nindaturaga bururi wa Tanganyika, Tanzania kwa Nyerere na nima-definaga economy yao ona gutuika ati yari Arusha Declaration na niyacokire iki-fail. Thiini wa nyamu iria igwitwo policy ya bururiri, iguru ria means of production. Constitution itu ri niiraria iguru ria means of production, iria ingithondeka economy na nigetha uthini wa andu aya othe uyurite bururiini, utuike recovered. Uguo nikuga ati means of production iraria iguru ria land. Nikio ndoiga ningucokera hanini, uguo land question is a major (inaudible).

Ndiraria iguru ria capital, capital nituge atiriri, mundu uyu muthini ri uria ndoiga na ningucokera ri, mundu uyu muthini ri, anginina uthini wake atia? Angikwo atia, nigetha uthini uthire. Na niho ngugaga atiriri, hatiri na policy, na policy niyagiriirwo may be ona gutuika ati igucoka I-formulatwo ni Parliament in a form of a Bill. Constitution ino itu niyagiriire ni kwaria uhoro wa eradication of poverty, na uria muthini ta uyu angiteithiririo thiini wa economy igithondekwo capital; na tugicoka guka hari nyamu ino igwitwo labour ri, andu aya othe athini ri, ikuga aingi, ta riu kwina ngiri nyingi muno. Ta riu arikia University, urathii wabici tondu gutiri mundu wa gukuandika wira. No ti kuuga ati; you are not skilled. You are skilled but gutiri na economy. Economy ti njega. Andu aria, the runners of the economy, the machinery matiratuara na njira njega. Kireke njoke handu hangi, ha riri, iguru ria andu aria akuru. Hau ningugwetete hau mbere ngiuga uhoro wa andu aria akuru. No thiini wa Constitution itu, ta riu nyamu ino igwitwo uhoro wa children thiini wa Constitution, ina broad ideas nyingi thiini wa Children Act kana thiini wa Constitution iguru ria children. No riu thiini wa old age, reke tucoke thiini wa andu aria akuru ri, tuthii ithuothe andu aingi haha

gutiri utari cuwe, gutiri utari gukawe kana majority. Angikorwo we nduri ri, majority ni mari na andu aria akuru. No riu twina umwe haha, ucio ungi muthee, Mathenge General and the like. Uguo ri hena problem ya riri, public awareness of old age (inaudible) gutiri. Thiini wa Constitution itu ri niiragweta kana ni era-explore problem ino ya old age. Again, angikorwo ni ui niireka uguo, how is it doing it? Thank you very much.

Stephen Wanyoike: *Nindamenya kiria gigutumaga wende Mheshimiwa aguthikiririe. Nigetha ndeto icio akorwo no aratuara na kuria agithii. Okey fine.*

Hon. Gitu Kahengeri: Ni nii ndoria Commissioner anjitikirie hoye rutha kuri inyui. Nii kuma hindi iyo yothe ndutite wira nyendaga guikara mucemano kuuma kiambiriria ngakinya muico. No riu ota uria mukiui, mathina nimaingihaga kwa njira nyingi. Tondur hindi iria ndahurirwo thimu haha, nderwo he kaundu ngwendwo thii ndangire. Nikio giatuma hoe rutha ruu no ningumwira nindathii njitikitie ati Gatundu North nikuri na athuri, ni kuri na anake, ni kuri na atumia mangihota kwaria uhoro wa bururi. Hindi iria nguikarite haha nindona airitu eri mokira maria na ndatuika impressed. Ndakena ndona ni wega. Na nindona anake maigana una nao mokira maria. Na nindaigua wega. Tondur nindathima ndona anake acio mararia to uria nii ndonaga na ndaragia mwakaini uria ndatonyire wira wa bururi. Na ningwenda na inyui tondur nimuamenya kuaria uhoro wa bururi mutigatiganirie.

Twahota guthulumiwa ni andu, no gukithulumiwa ti kuragwo. Mundu niageragia guthii ona mbere gwi tindika. Thina uria uma haha na watinda ukigwetwo ni andu aingi ni uria kungikwo Moi angi dissolve Parliament umuthi kana rucio. Constitutional order itari njikire ho. Ingimwira atiriri inyui, mu-hold kindu gitagwo courage at your precious position. Mwa hold iyo na njira iyo gutiri kundu mutegukinya. No mungithii mukimakaga mundu uria uragweta uguo ri, ni mundu ta muthuri uria uma haha mukuru ta nii. Ni mundu ta muthuri uyu ti ati hena ngurani ona hanini. Na notuthii na mbere na wira uyu witu agatuika niwe wacindwo. To uria ndimuirire tuhitikitwo muno na muciiino twatuikire wiyathi wikuo Kenya. Ona nondamuhe muhiano ungi wa 1991. Ona uyu naguo ri, gutiri kigiria kiria kingigiria gutuika ouguo gwatuikire 1991. Ona gutiri kigiria kingigiria gutuika ta uguo Muthungu aregeire guku na tukigathana tukiuga bururi ni witu na agithii. Njitikiria thii tukonana ringi. Thank you very much.

Clapping from the audience.

Stephen Wanyoike: *Number eight nigetha tuthii tuninite ndeto ici. He mundu nguhete namba inyanya angorwo ndari ho tuhii namba kenda.*

Njuguna Kiarie: *Thank you very much. Ha ritwa njitagwo Njuguna wa Kiarie, na ndi wa guku Mang'u, na nii no ciuria igiri nguria huthu muno. Na kiuria kia mbere, ngwamba kuria atiriri, tondur twi thini wa transition, thiini wa Constitution ino ni hari kindu ta transitional government. Tondur hindi ciothe transition igikwo, tura-adapt a new*

Constitution from an old Constitution. Kwoguari aria marathanaga thiini wa old Constitution, they are trying to create a wall. So, riria ndira suggest uhoro ucio wa transitional Government ri, we want to create a bridge between the old Constitution and the new Constitution.

Secondly, kiuria gia keru, incase andu aria ma-holdite power, mangi-feel strongly nimekurega nyamu ino iadaptwo, what are you going to do for it? Kana do you have a secret weapon? Thank you.

Stephen Wanyoike: *Thank you very much Mr. Njuguna Kanyi. Namba ten, it was this lady.*

Florence Njeri Nyamathumbi: *Nindamugeithia inyuothu mwi thiini wa mucemano Madam Profressor na aikariri a giti. Nii njitagwo Florence Njeri, ndi mwena ini wa atumia thiini wa Gatundu Northn yani Mang'u location na njaguritwo kuuma...yaani tuacaguranire kuria kwa D.O muthenya wa gatatu. Na nitukoretwo twina mathina maingi muno thiini wa rugongo ruu kuma na kuria mwena wa rugongo na mwena uyu wa kianda. Na riu ngithii kwaria ndirenda kuuga atiriri...njitagwo Florence Njeri wa Nyamathumbi. Na ndi women leader wa Mang'u location. Uguo ndirariria uhoro ini wigie mwena ini wa atumia na nimagiikarite makindumatumaga miena na miena na nigetha tukamenya mathina maria mena atumia. Riu ndathii gutonya mwena ini wa village government, tondu nimuatuiru ati nimukuruta wira na gwi Katiba iria nguru. Na riu kwina Katiba iria njeru, na kwina Kanu nguru na kwina Kanu ingi njeru na niturakinyite riu gutukana nigetha tuacagurane.*

Already nitucaguranite tondu nituramenya ati mwanake ithui niekuingira na yaani tumucagurite. Niekuingira twina witikio ucio thiini wa Gatundu North. Nguthiaga kuuga atiriri, mwena ini wa Government village, ndithomete muno no ningeragia gukiaria haria ngukihota kwaria na Gikuyu. Niundu ninjagiriire na uguo niguo riu njuu. Mwena ini wa atumia ri, muthenya wa gatatu wa kiumia kiria giathirite, ni kuari na thina muno kwa D.O. Hindi iyo twari gucagurana mwena ini wa Kanu nigetha tuambiririe. Ni ithui tuahingurire wabici kuria Kamwangi. Wabici ya NOK muthenya wa Sunday. Nikuari undu ta ucio na tugikihingura na tukiheo wabici na nituagituakinire. Riu ihinda riria tukiri kundu kuu ri, twina mathina maroima miena na miena, tondu guku gwitu njohi niikihingite muno rugongo ruria rua Ng'ethu. Kundu guguitwo, Igamba, Gatumuru na kuu uguo. Niundu athuri nimanyuire muno. Na riu ningi andu aria marendu njohi ino ni atumia makomborete manyumba kuu ma-plot ini. Gugatuika athuri ri, wira wao mokira o ruciini, no nyumba magathii magekirwo nyumba magakinyua njohi. Mundu agagicoka agakiinuka agagikora mutumia agikimuitia irio. Irio ici ti iria akirehire, ona ti iria amenyire ciumire ku. Ni mui ati kundu guku bururi uyu witu twina mathina maingi. Niundu warega kuruta wira na moko maku, mawira macio nimakiagire nima. Na makiaga muthuri agakiona ni wega no gugithii gukiurura na kuu kambu. Ongorwo ni ciana nii renda kuria ni iguru ria mutumia. Okorwo riu ningi ni kahua kaira turakiendia, gutiri mbeba irakioneka.

Okorwo ni macani gutiri mbeba irakionekana. Nituakinyitirio ni aria makiri mbere itu tondu tungigagikinyirwo ni

gicunji gia kahuwa kana macani ri, makioyire nda gieka atia? Ma Range Rover mahitukire no o meku? Riu ri uhoro ucio nitukwenda mukiurore wega, tondu athuri nao ri agiuka e muriu e kwenda guikara hau. Na nyumba ni ya room ithatu. Na iya room ithatu kuratuika kuu, ona nguo matirutaga. Mundu oka arokoma ona mubuto haria gitiini. Niundu riri nduikihota kumutitika tondu niamenyire kuria ekuuma no oka egukoma hau gitiini. Riu nii ndirariria mwena wa atumia mathina maria twina mo. Mumenye atiriri, ati ikinya riri tuakinyukia, mwena wa village governments, mukuoya ikinya ririku tondu twi kuo ta nii ndi mutumia. Na ngakorwo ndina mathina macio tondu nigutumwo ndumitwo. Mumenye ati mugaturigiriria atia mwena ini wa njohi icio ibangitwo na kuo. Tondu makinyite riu marekerirwo indo njuru kinya makarita. Riu hindi ino oka ri, ndarimenya gwa ciana na kwa mutumia ni naku. Uguo ri undu uyu wariririo ni muiritu umwe ati uhoro wa kurutwo mahu, undu ucio naguo niuthiite na mbere muno tondu ni wa reportagwo kwa D.O. Atumia acio nimaregeire kwa D.O nigetha matuarwo ni D.O kinya mucii. Nake agikimera atiriri, ndangihota kurugamirira kinya ciikaro. Ninginya onao mamenye uria meguikara na athuri ao. Na ningi ndangituma riu ningi thigari ati ituike ati iguthii kunyita andu acio oro rimwe. Ninginya angihuthira ugi wake nigetha anyite andu acio na nigetha matuikie nimegutigana na njohi ino. Riu ngwendaga kuuga atiriri, mwena ini wa atumia, ngoragwo nii ndugamiriire na ngi mariria mwena wa Mang'u location na nindakena niundu wa guthikiriria.

Stephen Wanyoike: *Riu ri, tondu ngwiciria nituaritie ndeto ici muno ri, tu-agree nengere microphone Commissioner ageriie guthii through those points na nigetha arikia turie mundu umwe ahoje nigetha tukiume giikaro giki. Thank you very much.*

Com. Kabira: *Thank you very much, ngwiciria ngwambiriria na the last lady, Florence. Ngwiciria ngwaria uhoro wa village government, na nitukuaritie mbere hanini uhoro wa village government, na he mwanake ungi wami-raise. Ngwiciria uria turoiga ni ati village government na mwanake ucio niaririe wega muno, oigire tu make sure that, village government ni I-developitwo wega gukira uria iri ina Constitution. Nigetha tu-indicate ati atumia nimegukorwo in that council, na youth, na athuri. Nigetha tukorwo na thirikari iria I gicagini iria irahota ku-deal na maundu macio. Na nikio turoiga riu village government igukorwo ina bata muno. Na nituroiga maundu ma security, community security. Okorwo ni maundu ta macio ma andu gukorwo ni mararuga njohi irathukia aria me around. Maundu macio mothe nimeku-deal namo ni village government. Kwoguo ngwiciria uria mwanake ucio ekugite mbere ni undu tungi-recommend, ati those committees ikoragwo ina atumia nigetha atumia makarehe maoni mao. Ikoragwo na youth nigetha youth nao makarehe maoni mao.*

Ningi ningwenda kuuga ati uhoro wa devolvment of power. Power iyo turoiga ituarwo to the district council na locational council na village council. Ucio ni wira, framework niyo I-presentitwo, no details itiri in the Constitution. Details igukorwo I wathoini. Nikio murona ringi tukaria uhoro wa village council na details cia uria marikaga itiri in the Constitution. Tondu icio no icenjagie rimwe na rimwe. I tariu okorwo nitugite andu nimarituikaga arrested, maka arrestwo ni that particular council kana ni council iri makaga that decision. Ungithii ukore village, icagi nyingi ina

problem na uhoro ucio, nowende gucenjia policy handu ha gucenjia Constitution. Nikio itigitwo itari na details. Na ngwiciria hau ni handu andu mangiteithikira. The village government niyagiriire ni gugikorwo iki-include atumia. Nituikirite principle ya one third, which appears under general principles uhoro wa village government, locational government na district government.

Uhoro wa abortion na muiritu uria ungi ekuaritie mbere niekuaritie uhoro waguo. Uhoro wa abortion tutiaritie uhoro waguo in the Constitution. Tuaritie uhoro wa a right to life. No nonyende kuuga abortion itira happen tond ndiri in the Constitution. Abortion is illegal. Ona umuthi uyu muiritu akiruta ihu kana ndagitari amuteithie kana andu aria angi mamateithagia kumaruta mahu. Magiriire ni gutuika arrested. Uguo niguo watho ugite. No ona tondu watho niugite uguo, na ithui tutiracaria problem iria iratuma ringi airitu ta acio marute mahu. Kana even matuike pregnant when they are not ready. You know to have the baby. So, the problem iyo tondu nindironete ringi yaririirio uhoro wayo ni Professor Meme uria director wa Ministry ya health. It is a major problem that iku-need community intervention, but also intervention at the national level.

Njuguna, you are talking about transitional government. I know uhoro wa transitional government niwaritio muno and I know kuri andu mageretie ku-push for transitional government. But as it is now, ngucokera o haria ngugite mbere ati at present, our hands actually are tied by the current Constitution. Constitution ino twinayo, first of all ndi-allow for transitional government. The other thing ni ati ta riu uguo, like we have said, Moi is in power, the President is in power na angi-decide ku-dissolve Parliament umuthi no ami-dissolve. Without any transitional arrangement. Na ninguaritie uhoro ucio mbere may be ningugicokera hanini njuge ati, what we were hoping is that Parliament, that President angiaga ku-dissolve Parliament, this Constitution was going to be ready by Jamhuri day which is the 12th of December. That was our deadline. Then Parliament riu no iki-dissolvwo andu ma prepare for elections. Nikio uraigua andu makiuga uhoro wa February kana March. Because under the new Constitution, you need forty five days, which will be the month of January and actually half of February. Kwoguo ni possible ku have the elections by the end of February kana January uta-extendete Parliament. But that is what we were hoping would happent.

If Parliament is dissolved riu ugo ri na ningugite o ringi ri, gutiri undu munene tungika riu except to continue debating this report until the new Parliament is in place. Then, we re-introduce it so that it can be enacted. Uria ngwiciragia tukiaria haha andu amwe makiuria ciuria ni ati; if the Constitution is going to be implemented under the new Government. Uria tungika nigukorwo na transitional provisions. Uria tungiuga ta riu, ni maundu mariku tungika. We probably may not need to go through the whole elections for instance. Ta riu the current Parliament, the way it is, is the way it would be. The two hundred and ten constituencies in the new Constitution plus the ninety for the parties. So, I am sure there could be a transitional mechanism iria ingi-facilitate gradual implementation of the Constitution. So that we probably may not want to say ati tweterere miaka itano kana tukorwo na githurano after six months.

Particularly niundu wa expenses and so on. No riu icio ni details which will be worked out.

Hii ya Rebbo. By the way uhoro wa fifteen ministers. If you think about Ministers riu aria tukoragwo nao ri, there are some ministries ikoragwo na one Minister and three or four deputy Ministers and they are doing nothing. It is a bureaucracy. I think they have about forty five, close to sixty Ministers. What are they doing? You know, each of those mena ngari, mena nyumba, mena micara and so on. It is a total waste of money. There are no jobs for them. Because Ministries ini icio kwina andu aria technical marutaga wira. A Minister is just supposed to be a policy maker. Mundu uria urimenyaga policy ya Ministry ya Education na agathii aka lobby force that Ministry within Parliament. So, most of these deputy ministers maheagwo wira maki rewardwo. Isn't it? Either tukorwo na deputy minister Mugikuyu nigetha Agikuyu moke kana tukorwo na deputy minister Mumathai nigetha Mathai moke. But when you look at their jobs, they are actually a burden. They are a burden to the nation and you also know we have created ministries for no good reason.

Like I know we used to have a Ministry for guidance and something in this Country. Tu-creataga ministries tugacoka tugaci-break. Tuga-create deputy ministries igacoka ika-dropwo and if you ask yourself, is that an efficient way ya ku-run thirikari, you realize that it is not. Many of these deputy ministries are actually there doing nothing. You know we have been reading about competition. Even like Nyaga and Sunkuli who should be responsible for security....you know ta gutari wira muiganu. So, a lot of these ministries have been a burden to the government, na ngwiciria niki, that is why we have recommended fifteen ministries. As I am saying, nobody has said itige gukorwo na aiganu a kuruta wira, but the workers can be there, but the policy makers we don't need so many people.

The other thing you had raised is about the elderly. We have quite a number of provisions in the document in the Constitution about the elderly. One of the things we are recognizing ni ati, as you travel all over the Country, you find andu aingi muno ma-retire ite from the civil service. Migunda ofcourse gutitiraga, businesses you know have collapsed and at that time, the elderly people are weaker. You are not getting jobs and so on. We are saying that they have spent their youth building this nation and therefore the State itself should pick responsibility ya ku-make sure that they live better lives. If you go to S. Africa, they actually have a law yakuga any man or woman at the age of sixty has a pension and they are able to manage that pension. Either they have a bank where you go and collect money and if you cannot use your money because you are.....let's say eighty-five ona wagira mbeca nduramenya ni cigana waheo. Then they are actually taking them to homes, where people can fit, they can do some exercise, their health can be taken care of, even if it means you go there during the day and then you go back. You know to where you are sleeping. So, niku-recognize ati, andu aya when they reach that age, they have made their contribution to the building of this nation. Namatiagiriire kurekwo ma suffer in the end, and if you go like we have gone round this country. That is one of the saddest things. Ugakorwo mundu wari public, prosecutor who now has nothing. Even Attorney Generals former,

whom you find that they live very miserable lives. But we have a lot of provisions for the elderly in the document. We also think that they have a right to participate. You know when we say like somebody said a little earlier, tuambiririe ku-retire at the age of forty five. You see every person's life is important. Kana mundu uciyo niwa twenty four hours old. You know a baby who has been born or the unborn child we are talking about. Until you leave this world, we are saying that the State should make sure that you are taken care of, if you cannot take care of yourself.

I know you talked about basic needs. May be you were not here when I talked about it. We have provisions for basic needs, food, shelter, which is housing, health, education and soon. We have them here, today I think we added security from this young man who presented it in the morning. We said we will raise to become also one of the basic needs. Some people are also talking about land and somebody asked apart from J.R. Rebbo. Somebody else asked, how is this going to be implemented and the answer may be to this question is that; once you put it in the Constitution, you are actually saying that the Government is under obligation to provide this. For you to be able to provide those needs, and that can take me back to what you had said Rebbo about the economy. Then you have to make the economy grow. We debated a lot kana tuagirirwo ni guikira basic needs under guiding principles iria ciukite at the beginning of the Constitution. No icio ri, they are just principles. The Government is not bound by those principles and we decided that the best thing is to put them under the Bill of rights. Nigetha thirikari yo nyene imenye no muhaka I-find njira cia kurihira ciana githomo, cia ku-make sure thibitari niiraruta wira. Cia ku make sure ati andu mena nyumba. We will not be able to say kana nyumba iyo ina kioro thiini kana ki nja. We are saying adequate according to mbecha iria tungigikorwo nacio. Tondu nitukuaritie earlier tukoiga, indo twinacio. Ni distribution iriheaga thina. Uria tukugite mundu umwe akaheo ngiri magana kenda na uria ungi akaheo ngiri inya. So, if we were to use the nine hundred thousand, we will be able to feed many more people with the same salary. So it is that question of distribution iratuthinia. There is an Economic Council. Economic Council niyagiriire ni guteithiriria ku-improve economy ya bururi. We are also talking about getting rid of corruption na twina provisions cia ku-make sure that happens. We are also talking about giving more power to the people to be able to manage the resources. Ta riu tutige gukorwo turatua kahua no tutira determine ni mbecha cigana gekwendio na ni cigana tukureherwo. That's why we have the district councils. Nikio turoiga thirikari iria turathondeka, Commissions iria turathondeka cia kurora maundu ta macio uguo na kundu ta basic needs, so that you have a Commission for gender. Commission for Ombudsman or people's protector. Commission for basic needs, all of them ciagiriirwo ni gukorwo at the district level and where we can upto the locational level; nigetha andu mahote gukorwo nimarahota gutuara problems ciao to those people and that they are addressed. I want to agree with you land issue is a major issue and somebody else talked about it. No uhoro wa migunda, what I tried to explain ni ati; uhoro wa migunda ni uhoro which may take a little longer ku negotiate na ku-agree nanguo. Kuri andu for instance maheirwo migunda let's say twenty five years ago. Namaheo uguo before it was even transferred makiendia na uciyo wagurire ndoi mugunda uciyo waheanitwo bure. Nake uciyo wendeirio akienderia ungi. No uciyo wendeirio nake akienderia ungi. Ungika move riu kuma kuri four innocent people done to the original person nigetha u-resolve that conflict, it is not that something easy to do. Ati tungiuga ati nituku-agree twi

hamwe.

That's why some of these may have to be discussed by the Commission. They can bring them in the Commission no kwi maundu matangihota, matangihota ku-deal ta riu tua-agree haha without a lot of consultation. Some other parts of the Country, ta riu I talked about this ta riu Coast Province. Andu aingi a Coast Province maturaga migunda yagurirwo ni andu me Saudi Arabia miaka miingi muno muno mithiru. Kwoguo ona umuthi uyu nyumba ciao ituraga migunda ini itari yao na tio aika ona cuwe na a uu. A nyina na agukawe have also been squatters. Riu ino ti problem ingi-solvwo umuthi. It will go even the Rift Valley for instance. Niugukora andu angi mara-claim either they are in Tranzoia na nimara-claim migunda I Uasin-Gishu. Kana andu angi me Pokot maroiga migunda iria I Uasin-Gishu niyao. Kana Bukhusu marerwo moime kwa Saboati. Moime riu gwa Saboati. Saboati makoiga o ni Kalenjin kwoguo riu Bukusu mehere macoke kuria kwari kwao. If you go to Kericho, Kipsigis, ugakora Kipsigis maroiga, all those tea zones, migunda iyo yari ya aguka wao. Kwoguo riu migunda iyo riu ndituragwo ni Athungu. Ni companies ingi riu cia gurire migunda iriku? Migunda iyo. So, uhoro wa migunda it is quite a difficult thing to deal with. That's why we were suggesting that it may take long to resolve many of these issues. No ngugiciria ati, when they get to the national conference maundu maingi...

I want to go back to the freedom fighters also. Nitui ta riu uguo, I come from Lari myself. Nyumite Lari. Andu aria othe mari migunda ino ya Limuru kuria....you know where the Catholic church is. Areas icio ciothe, Tigoni the whole of those areas, andu aria othe marutirwo kuu, amwe magituarwo mititu kwi Ndorobo, you know mwene wa Lari. Magithamio riu makieherio migunda ini yao. Ona umuthi uyu aingi aria matuarirwo icagi, matiturgia, maturaga icagi, and I am sure kuri andu aingi me icagi. Not just here, by the way in Rift Valley there are many squatters, not just Kikuyus, other tribes. Andu squatters maturaga matari migunda. No migunda iyo ndiui niyau iyo I Tigoni. I happen to come from Lari kwoguo ri, my grandfather niamwe aria marutirwo migunda ini iyo. Tugigacokio migunda iyo nigetha riu tumi-reclaim, ihitukite moko maigana atia? Ni moko maingi muno. So ngwiciria nikio riu, I know ni wira muritu riu wa ku-resolve uhoro wa migunda and I am not saying it should not be resolved. I am just saying that may be what we can do nitunyite institution njega iria ingi-follow maundu macio mothe. Because it is important kwaria uhoro wa compensation na kwaria uhoro wa how do you deal with the freedom fighters and so on. But I liked also the Mzee who said, like Ruring'u stadium, there should be....is it a monument? You know for freedom fighters. Tukorwo na monument ya freedom fighters, Ruring'u stadium. Na uyu ni undu waritio and I think it is an important thing that can be picked for addressing. No ngwiciria uhoro wa migunda ni uhoro ugukorwo na...ni uku-need athuri aingi sometimes magiki-negotiate. Ta riu Saboati na Bukhusus gutiri undu tungika within the Constitution uhote gu-solve problem yao mata-participatite na discussion iyo. You see what I mean na ma agree kana nimeguikara hamwe. Tondy kabira ng'ima uramiruta gwitagwo Mt. Elgon. Uramiruta Mt. Elgon umitware ku? Tondy riu kuu Bukhusus moimire nakuo riu githi gutiagi-takirwo ni andu angi. So ni maundu ngwiciria makiri maritu hanini. But ti hanini, ni maundu maritu ngwiciria na nimegu-take hihi ihinda inene nene, ku-resolve. But they are very very important. Na nio magatuma

probably eventually tukorwo na thayu bururiini uyu.

Joseph Wainaina, youth affairs...where is Joseph? He has gone. Joseph, I think he talked about youth affairs and I think I have considered that we need to talk about the youths much more in this Constitution. We have moved from the children, then the women, then the elderly. So at that stage may be we need to bridge that gap. The issues of freedom of movement are covered in this document. Uhoro ta riu wa guthii hwaini na kunyitwo ni borithi for no reason. We have covered that, the issues of corruption. I think Joseph was not here we have covered and I would now want to go to Simon. Who also suggested ati nituagiriire ni guiciria uhoro wa andu anyinyi na uguo nindetikia. The village government...niekuaritia uhoro wa village government na nindacokia which is Section 261, Article 261 and we need to bring diversity. Nituagiriire gukorwo na athuri na andu anini.

Nake Bernard Njuguna ngwiciria niwega uguo ngu-suggestite ati no muhaka tukorwo tungi-disseminate the Constitution and you are worried about the appointment of Ministers by the President. Ngwiciria the process hau iroiga, it is referring to other areas. President tiwe uguthura cabinet ministers. The cabinet ministers, there is a process ya guthura andu aya othe. Where the Public Service Commission they are going to apply for this job. The names are going to be tabled in Parliament, the Parliament is going to debate them and they are going to pass those names, then the President will just decide. That is the appointments we are talking about. It is not that President eku-decide whom to appoint.

Now, Mungai ekugaga we have had a problem gukorwo turaria uhoro wa githurano na uhoro wa Katiba. Na tukaremwo ni guci-separate and that's why we have a problem. I think it is also true that hindi iria tueciririe uhoro wa Katiba irike mweri wa ikumi mwaka uyu. The law that talks about this. Watho ucio niwariganiirwo ni guiciria ati uyu ugakorwo wi mwaka wa githurano. So, that was a mistake you know from the beginning. Korwo...tutirarikagia this year kana okorwo nitueciririe nitugakorwo na githurano, may be we would have avoided that. Either tungiakugire, the end of the Review ikorwo I next year kana earlier.

Although yagiriirwo ni gukorwo I a little earlier but the process ya ku-negotiate between Ufungamano and the select committee niyagiikarangire. So, that one I agree but Constitution making is also a political process. Ni maundu maingi muno tungieka mwaka ini wa githurano na mati-affect githurano. But Constitution making is a...for instance what is happening now, there are people who feel they would be better of under the new Constitution. They have more positions to share within the new Constitutional framework. Kwoguo nimekuona it is a better constitutional dispensation. There are others who feel with the current Constitution, we have more power and we have better chances. Because it is a political process, I think all that can happens is that people deal with it politically and that is what is happening. But I don't think this is something we can avoid. Tondu guthondeka Constitution, it is part of the politics of this country. I think we expected what is happening now. The question is how do you manage that process to

make sure that wira uria wothe urutitwo ni andu ndunorira thi. That whether it is before December or whether it is next year, ndunorira thi and I think that is the commitment that we are asking everybody including the Commission. Not to give up until the new Constitution is in place. Whether it is before December or whether it is early next year. The other thing you had raised was the land issue which I have talked about. Na niwaria uhoro wa grabbed land. May be under the Land Commission we could probably have elaborated a little more na ngwiciria noguo Rebbo ekugite. We could have elaborated a little more so that andu makorwo na time ya kurora grabbed land. Because you know, titles the way they are now, even if the land you bought was grabbed and you didn't know for instance and you have a clean title. Now it is very difficult for the Government to come and take it from you unless they are also compensating you for the money you paid and then arrest the one who grabbed and make that person pay or go to jail. So I think may be we can add under the Land Commission to investigate all grabbed land and make recommendation to Parliament. I think that is something we could pick on.

Preamble and history, we conceived that the struggle is left out and we talked about it a little earlier and we said we will consider bringing it in. Veronicah was worried about orphans, you are there? Was worried, with the Aids crisis and other problems, what do we do with the orphans and they are catered for in the Bill of rights and they are saying that the Bill of rights is actually a Commissioner for Children. So, those children should be able to go to the Commissioner for human rights and administrative justice. There will be specific office for children that can monitor that. I think you also talked about, what are we doing about those who are sick and I said again, basic health is also one of the basic rights that we have put in the Constitution. We have an office where somebody can go and complain if you are being denied drugs and so on at the hospital.

Corruption of the police, what we have done, nikuga police commissioner ituike a constitutional office so that they are able to do their jobs better mateku-rely na uria uma-appointite. So that we have a better police service and we have also provided for a kind of Police Service Commission under the public service. To make sure that we have improvements in that area. Undu uria ungi turoiga ni ati; borithi mandikagwo by the district councils, so that those people feel responsible. Ona akorwo mundu niakiiya kana niatuika corrupt, there are people you can identify na ndukuma-transfer to another. Uria riu mundu aiya Nairobi a-transfer agwo to North Eastern. You can only transfer them from within, so they cannot go very far. If they are corrupt, you either remove them but you cannot transfer them to the next division and so on. Then we are also introducing community policing. Community policing nayo ikorwo I constitutional. So that andu nimarihota kwi organize, the way people now organize but they have to pay for their own security. Because nobody actually is taking care of security for them. But we are saying that it should be an office now where people are able to hire community leaders of youth. You know for community policing and then work together with the police. As a way of dealing not just with corruption but also with the efficiency of the police.

The roads: the roads will come under the policy, you know the potholes and so on. Teresiah, I have talked about

abortion. On the right to education, we have also put it as a basic right, basic need, as a basic right in the same way we have talked about health. About those girls who have left school, even upto today, muiritu agia nda, agia mwana niagiriire ni gucoka cukuru. Ndagiriirwo ni kuingatwo. So, airitu nio magiriirwo ni guthomithio na aarimu aria marea kuoya ciana icio ciacoka cukuru, marega guitikiria airitu acio macoke cukuru, they should reported also to the Government. Now you will be able to report to the Ombudsman or to the various offices. But the law now allows airitu acio macoke cukuru. The only thing the law has not done but it has...now I don't know, I might have to check again.

The question of Affiliation Act, making the person who is responsible for that pregnancy, making both of them responsible for the child. Ti ati riu wona muiritu agia mwana gugatuika nyina na ithe nio maramurora nake nyina na ithe wa mwanake, they get (inaudible) free. The new Constitution is not allowing for that. It is saying, whether mwanake ucio okorwo ari thukuru, na muiritu ucio ari thukuru, nyina wa mwanake na ithe wa mwanake na nyina wa muiritu na ithe wa muiritu marere mwana ucio. Okorwo acio angi eri macoka cukuru. So that is what the new Constitution says.

Mzee Raphael, that is General Gathee? I remember..uhoro wa compensation ya freedom fighters, I want to say again he Commission iyo tureta, human rights and administration justice iria turoiga after mieri itandatu ikorwo igika investigations na maundu maya mothe. But I think what I wanted to say, tutiroiga uhoro wa crimes cia the past. But those crimes of the past they are not listed. But we are saying that anybody or any group or any community or even any ethnic community nomathii kuri human rights and administrative justice and act for that investigation and compensation. So that one is catered for under human rights. So, ngwiciria under the new Constitution uhoro wa compensation ya Mau Mau freedom fighters, should be able to be looked into. But I want to indicate tondu I know this information has been spoken many times that may be we should add it. Tugite uhoro wa crimes, tugacoka tukoiga uhoro wa tribal clashes kana ethnic clashes. Na tukoiga uhoro wa crimes against communities. So, if ingikorwo itari enough gu-cover freedom fighters, then we should also be able to add freedom fighters as examples of crimes ciagiriirwo ku-investigatwo into and anybody should be able to ask. I know there is a strong movement among freedom fighters in this Country. Nindamaiguire in Central Province nangimaigua mwena uyu wa Embu na Mbeere, those areas na Meru and also in Ukambani. That riu nomahote guthii gwi this Commission and ask for investigation and also ask for compensation. Now uhoro wa Ruring'u stadium, I thought that was a good idea although that would not be in the Constitution itself. The building of the monument, but I think it should be among the recommendations iria tukuheana in the report that we have. I thought that was....ona uhoro wa film, we can recommend it in the report. Although now we cannot have the film in the Constitution because it is a very short term activity. Ngwiciria nitandarikia ciuria iria ikuritio. Ngwiciria ningumucokeria ngatho muno itananengere district coordinator. He mundu ...

Henry Chege: Although you have answered Mr. Mungai concerning the preamble, infact the preamble could not have

originated as if we are coming from....it didn't show exactly where we are. Because I remember, we were supposed to have written;

'We ourselves having attained independence.....what really Mungai wanted to know was, why was the preamble not written in recognition of where we have come from? Let's say in the first instances, it should have either reflected an example like here; 'We the people of Kenya of all ethnic groups, having attained our independence in 1963. With great gratitude to our both dead and living freedom fighters and with a Constitution that did not give prominence to our people but the former colonial masters, now enact our new Constitution so as to give prominence to our neglected people and vogue ahead to greater prosperity with pride and people ruling themselves.

Com. Kabira: Thank you very much. We will look now at your addition. We will look at the new additions, we have recorded it and thank you very much. You are the last.

Bernard Kimani: One of them is on though the Constitution will be finally enacted, I don't know for those people who break the Constitution. What is the Constitution saying? Because it is very bad for something which is in the Constitution and then it is not applied, either by politicians or any other citizens. For example at the present, you find those MPs who are defecting, they should lose their posts. But at the moment what is happening, you can see they are ignoring.

Finally, the other point is on the area of promoting national unity. My comment is, if our Country we would like....angikorwo bururi witu ni ugukorwo na urumwe, hau njarie Gikuyu makiria, he area ingienda kuongerera muno ona gutuika ithui we Commissioner, ithui aya akuru hihi hau nituahitukirwo. Undu uria ungikuria muno na tungiuria andu aya ethi ni uhoro wa kugathiriria intertribal marriages. Akorwo ni Agikuyu aria mwi haha ta mwanake uyu okorwo ndari arahikania, uhikie mukabira ungi uthii for a Kalenjin. Mu-jaluo ahikie Mu-baluhya, this is the new vision we have for Kenya na iyo niigukuria muno. Iho in the paper but I think we are not applying. Andu matige kuhikia kana kuhikira andu a kabira yao. That is my point.

Com. Kabira: Thank you very much, kiuria gia keru, sorry, it was not a question the second one, it was a proposal. Nondui tutingikira Constitution tondu nituku infringe na right ya kiria. No muhaka mundu ahikie uria arenda. So you cannot infringe on the rights of individuals. But as you say, you can encourage moimagare a little more. No kiuria kiambere ngwendaga kuuga atiriri, mawatho niki mathondekagwo, that is why we are very...nikio tukoretwo tugiciria uhoro wa Judiciary tondu a new Constitution tungikorwo tutari na a good Judicial system, then it will not be possible to implement it. No riu uria ugugithii ni ati ta riu uguo mawatho maria mothe makuru matara-deal na uria tu-agreeite on the Constitution. Nimekure-writwo nigetha tuhote ku-enforce the Constitution. Tondu the law is the one that is going to guard our day to day life. Turikie na youths.

Ndikuaria maundu maingi no it is a coincidence tondu kaundu kau niko kamwe kamba goka na ndona notuike uguo, nindirathiite Dar es Salaam na ndirathii Zanzibar, kwiyonera uria andu monaga. Na ndirecira undu umwe ungituma tu-improve our national unity. I don't know uria ingigiekwo tondu niirakihutia council. Even though we can create a sub-council, it is an expense. Uguo ndiguo ndetikia. But I think we need to encourage intermarriages. Like you go to Tanzania, Mu-Hehe ahikagia Mu-Sukuma na ahikia Mu-Sukuma, ndangiona Mu-Hehe e muru. Na Mu-Chagaa ndakiona e muru. Na nio mahotete kinya ku-promote a national language. But Kenya tutiri uguo, we are very tribalistic. So something need to be addressed nginya about broadcasting and such kind of things. Kaba tu-entertain foreign languages rather than our tribalistic languages. Kwoguo tu-entertain intermarriage.

Undu ungi ukire onokorwo ndiui uria murawiciria na woka ningi niundu wa wira about the young people. Tondu njitikitie we have a rich culture. Tutirona ta mura-address about brain drain. Na niturahuthira mbecha nyingi muno na ithui riu tuaga kuheo room tikuga tutiguthii America na ti kuga tutiguthii kuu kungi. Ndiroria atiriri, then angikorwo America ira-import ithui tugathii kwao, tugathii ku-improve their economy. Why don't we do like Philippines whereby naithui tuathii kuo, we be allowed to investigate in Kenya but tax-free. Because that is how Philippines does. Kuu andu mathiaga kwao, makaruta wira magacoka magacokia indo kwao Philippines. Na magateithie andu ao na niguo ma-create more employment. Tondu nindirona nitu-address economical issue. Kai tutangika the same, kai tuta-encourage that.

Kaundu kangi tondu nituaria corruption but this is my proposal. Kundu ta France, ndironire what they do, French laws and even Dubai it happens. Niguo tutume society ituike responsible. Tondu ningi freedom without responsibility is anarchy na that one actually niyonekete Kenya. Mundu wothe niagiriire gukorwo e responsible. May it be environment, may it be akorwo ni ta uguo turaria uhoru wa borithi. Tondu ndungigita karatathi o uguo o kuu nja na wetereire mundu ungi oke akoye. Then, it means you need to be charged like Dubai. Tondu wagaikia na hau nja niurihagio. Nake muthigari akorwo ni ga security light, reflector utagekirite. Gakorwo kena konji, agakurihia o hau hau niguo tuigie tutiraharana na agakuhe rithiti. Tondu that's what happens in Dubai, what happens in Dubai, that's what happens in France. Nduguetererwo u-prove guilty, okorwo niuragire mundu na niuramenyirwo niuroragire, already....that was my own opinion niguo andu othe matuike responsible and then we improve our economy. That's what I believe in.

Com. Kabira: *Thengiu muno niundu wa those additions. Thank you and that's why the more reason why we should have you in leadership positions. So I want to agree with you. Ngwiciria, I want to thank you very much tondu giki kiuma gicunji gia gatatu kuuma twambiriria Monday na ngwiciria andu aria mokite guku umuthi ni aingi muno gukira aria tuarinao Juja, Thika town. Umuthi nituma na andu aingi muno na nituakena muno na ni aingi gukira na aria turari nao ira. Ngwiciria maundu maria muatuongerera ni maingi na ningwenda ku re-state ati, this exercise ino*

tureka is not a public relations exercise. We said Constitution making nikuaraniria na gucokaniria. Tuokire mugituhe uhoro na ithui tuacoka tuamaira uu niguo tuaiguire. Muatuirira hana na hana nimutigite kwauguo twa collect that information. When we get back to the Commission like I said, we are going to prepare a report. That report is also going to be part of the national documents that are going to be tabled at the national conference. Nigetha andu makona changes iria murona in the new document, nigetha ika-debatwo together with the document during the National Conference. Kwoguo nonyende kumucokeria ngaatho muno. Muthuri ta uyu oima haha kuuma riria tuingirire. I have seen athuri aingi mokire kuuma rucini na matiri maroima. I think we are very proud as Kenyans gukorwo ati twina andu aingi muno very interested in the new Constitution. Kwanja riu andu marona ati riu, there is no activity that is going to be of major benefit to them. Therefore, they are thinking about their children, their children children and the next generation na nikiyo mara-participate guthondeka Katiba ino. Kwoguo nituamucokeria ngatho muno, muno, muno.

Stephen Wanyoike: Thank you very much. Ngwiciria riu nituiguithanitie no nginya tuhane ta tugutiga uhoro ucio tureka umuthi tondu mathaa namo to mega. Na nii nonjuge ni ngatho nyingi muno particularly kuri inyui andu a Gatundu North. Tondu kuuma rucini kinya thaa ici, mutingikoretwo muri giikaroini giki angikorwo hatiri na interest mwinayo thiini wa this particular document. Tuku-hope Commissioner haha na haha na Commissioner aria angimeno, tuku-hope that, all these deliberations are not in vain, that at one day, very soon we will be getting a new Constitution. Na ngwiciria onake athii nakuu mbere na athii kwaria kuria marathii kuaria, message iria ekumahe ni ati interest ya mwananchi ni paramount na no nginya tu have a new Constitution. At least ona ongorwo ndiguthii in the new elections, we at least have a new Constitution. With that, ngwiciria nii nonjugire thank you very much. Na riu nondikiuririe mundu umwe witu atuhioithie nigetha riu tu-close this meeting. Thank you very much.

Na ngwiciria itanahoithia, niwega ona ithui mwena witu tucokie ngatho tondu kwiragwo kinyuthi ndeenjaga. Tucokeria Professor Wanjiku wa Kabira, o hamwe na inyui coordinator na andu a programme ngatho. Na wa mbere njuge nimuonanitie patriotism thiini wa wira ucio tondu kuuma mwoka ona inyui mutiri muraria kindu. Ningi kinya thaa icio mawakinyia hwaini, korwo ni andu angimeno, mungi-breakire lunch hour. No nimukuonanagia nimurenda kindu fully baked kwoguo thengiu muno na nimuonania a lot of patriotism to our Country Kenya and may God bless you so much in your work, your family and all that. Mutikihure ruhi.

Clapping from the audience.

Na ningi nimuonania impartiality kana neutrality thiini wa ku-handle issue ino. Ringi mungiona partiality thiini wa area na, na mwena wa politics ringi wira no uthuke. No inyui murarugamirira andu othe thiini wa Kenya and that one was a good observation from our side. Keep it up. Kei turugame tuhoye.

Prayer:

Mwathani Ngai witu, wee mwene niwe mwene bururi uyu. Niwe waumbire bururi uyu wa Kenya na ugitunengera turi andu a Kenya turi andu a makabira mothe. Nitui niutuendete na tondu nowende tugaikaraga twina thayu, twina gikeno na uthii wa na mbere. Nikio watuheire mawatho ma gututongoragia. O mawatho maria turarumirira riria wanengerire Musa kirimaini gia Sinai. Nomo turathii na mbere gucirira thiini wa Katiba itu. Na nitugukuhoya Mwathani uthii ona mbere gututumira Roho waku mutheru. Atuongerere meciria meru, athii na mbere na kugitira aria maratutongoria ona ithui kuruta maoni maitu na ku-debate na riu tondu twi hakuhi kuona utheri thutha wa thabari nene rungu rwa mungu. Thii ona mbere Mwathani ona gututongoria. Nitui ringi meciria maria mothe me thiini wa draft ti andu othe mangikenio nimo. Nowe tondu wi mbere ni ukuhutia andu othe ngoro ona andu aria mareigua maundu mamwe nimaramahutia magaruruke. Na mamukire Katiba ino niguo ihote gutongoria bururi witu, ihote gututongoria kinya miaka na miaka ingi iguka. Na riu Mwathani ni tondu ni tuwi hatiri nganja nitukuhotana turi raia kana turi andu a Kenya, twahotana ni tui niwe wahotana, na twahotwo nitui niwe wahotwo. Tukuaria ta uria andu aria maruagira wiyathi moigaga, ati mararua we wi mwene umwe nao me mwena uria ungi. Ona ithui noguo tukuga tutari nganja nitukuhotana. Na riu muicoini tukinina, rathima o mundu o mundu, mucii wake, wira uria arutaga, urathime matura maitu ona makiria bururi wa Kenya. Na twatua guthii tutongorie oro wega nginya tukinye micii gwitu kuria tumire na tukore kuri thayu. Mothe twahoya o thiini wa ritwa ria Jesu Kristu Mwathani witu. Amen.

Asante sana.

The meeting ended at 4.20 P.M.

