

**CONSTITUTION OF KENYA REVIEW COMMISSION
(CKRC)**

VERBATIM REPORT OF

**PROVINCIAL PUBLIC HEARINGS, EASTERN PROVINCE, HELD AT
KANGUNDO**

ON

MONDAY, 4th MARCH 2002

**PROVINCIAL PUBLIC HEARINGS (PILOT) HELD AT KANGUNDO ON
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Present:

Com. Hon. Phoebe Asiyu
Com. Prof. Idha Salim
Com. Keriako Tobiko
Com. Paul Wambua Musili

Secretariat In Attendance:

George Naholi - Programme Officer
Patricia Mwangi - Verbatim Recorder

The meeting was called to order with Commissioner Phoebe Asiyu on chair at 11.20 a.m.

Com. Hon. Asiyu: Asante sana. Ningependa kuwakaribisha nyinyi wote ambao mumefika hapa leo asubuhi kutoa maoni yenu juu ya Katiba mpya ya Kenya na kabla ya kufanya hivyo ningependa kuuliza Bwana Ngutu atuongoze kwa maombi. Hebu tusimame.

Maombi.

Bwana Ngutu: Baba tunatoa shukurani kwa ajili ya mkutano huu ambayo tumekusanyika hapa Kangundo Constituency, ili tutoe maoni yetu kulingana na vile tunaka tuongozwe na Serikali yetu. Bwana tunajipeana mikononi mwako, utuongoze kwa kila jambo. Twaombea waziri wetu ambaye ni Mmbunge wa hapa, umpatie hekima na ujasiri wa kuongoza Kangundo yetu, kwa sababu yeye ndiye walimchagua kutoka kwa wananchi. Tunaomba Commissioners ambao wamekuja ili wasikize mambo yetu, ili wapeleke kwa Constituency zingine. Baba wameona chanzo, tunajiweka mikononi mwako, ...(Inaudible). Utusamehe makosa ambayo yanaweza kuzuka ...(Inaudible). Naomba kwa ajili ya Kristo aliye mkombozi wetu, Amen.

Com. Hon. Asiyu: Asante sana kwa nyinyi nyote ambao mumefika hapa leo asubuhi ili kutoa maoni yenu. Kabla sijamkaribisha waziri wetu Bwana Ngutu, ningetaka kuwajulisha kwa wale macommissioners ambao wamekuja leo asubuhi hapa Kangundo, kusikiliza maoni ya watu wa Kangundo. Pale mwisho ni msichana wetu munamjua sana yeye ndiye District Coordinator wa mambo ya Katiba katika district yetu hii. Amefanya kazi kubwa sana kutuwezesha kufika sisi hapa leo na nyinyi pia kutoa maoni yenu. Anayefuata ni Commissioner Keriako Tobiko.

Com. Keriako Tobiko: Hamjamboni.

Com. Hon. Asiyu: Mheshimiwa Commissioner Keriako Tobiko ni mwanasheria ambaye amesoma sana juu ya mambo ya ardhi. Na kwa vile munajua kutakuwa na maoni mbali mbali juu ya kuangalia mambo ya ardhi. Nyinyi watu wa Kangundo mulikuwa na bahati sana kuwa na Commissioner Keriako Tobiko hapa leo asubuhi. Anayefuata ni Professor Idha Salim.

Com. Prof. Idha Salim: Hamjambo nyote.

Com. Hon. Asiyu: Professor Salim amesomesha University ya Nairobi miaka mingi sana. Halafu akawa ambassador wetu nchi za ... (inaudible). Tunamkaribisha sana. Hapa mkono wangu wa kushoto karibu na Bwana Ngutu, tuko na Paul Musili Wambua.

Com. Paul Musili Wambua: *Mue aseyo.*

Com. Hon. Asiyu: Paul ni wakili pia. Lakini yeye amesoma mambo ya vyombo ambavyo vinatembea baharini. Sijui kama viumbe pia amefanya, lakini ya vyombo ndio amesoma kwa huo uwakili wake. Na kwa sasa yeye ni mwenyekiti wa ile Commission ilitengwa juzi kwa mambo ya kuangalia mambo ya maritime. Na tuna bahati hata kama tuko na mambo ya ndovu hapa, lakini mambo ya baharini na vyombo vinavyotembea ndani yake, tuna bahati sana kukaa na yeye hapa. Nilisahau kuwaambia kwamba Bwana Tobiko pia, yuko kama Commissioner kwa ile commission ya ardhi ambayo munaita 'The Njonjo Commission'.

Hapa mwisho ni mwenyeji wetu ambaye kwa sasa nitamwomba atukaribishe hapa kwake. Na atueleze pia maoni yake juu ya hii Katiba yetu mpya, vile watu wa Constituency hii, wangependa Katiba mpya iwe. Kwa vile maoni yale mutayatoa hapa, ndio tutayaandika na ndio yataingia kwa Katiba mpya kama maoni ya watu wote wa Kenya. Ikishawekwa pamoja. Mimi ambaye naongea ni Commissioner Phoebe Asiyu. Mimi si mwanasheria au Professor, mimi ni mwanasiasa tu. Nimekaa kwa bunge miaka mingi kama ishirini kwa hivyo mambo ya kisiasa ndio ninaelewa vizuri zaidi. Tunawakaribisha sana, tumeshukuru kukaribishwa kwa njia inayofaa.

Kwa hivi sasa, nitampatia Bwana Ngutu nafasi ya kuongea. Wale walio pale kando, ndio wataandika kila kitu ambacho mtasema. Kwanza mtapigwa picha mkiongea ndio mtu asije akasema, mimi akina Wambua walipokuwa huko, mimi sikusema haya mambo. Utapigwa picha na sauti yako itachukuliwa. Na pia yule msichana aliye kando ndiye aliyekuwa anaandika ile mambo ya Hansard ya bunge. Kwa hivyo yeye atashika kila kitu ambacho mutasema hapa. Kwa hivyo musuwe na wasiwasi. Na musiogope kuongea juu ya mambo yoyote ambayo yanawahusu ambayo munajua kwamba yakiandikwa yatakuja kufaidi Kenya ijayo ya watoto wetu na vijukuu vijavyo. Sheria hii mpya ambayo tutaandika sasa, itaweza kukaa hata miaka hamsini hata miaka mia moja. Kama ile ya America ambayo imekaa miaka mia mbili.

Kwa hivyo ningewaomba mufikirie sana sana kabla hamujaanza kuongea. Ili maneno yale mutaongea, yawe ni ya hekima. Yale ambayo yanaweza kusaidia nchi hii tunayoipenda, na kufaidi vizazi wetu ambao watakuja tukishaenda. Mukiongea, tafadhali sana musiangalie mambo yeyote ambayo yanaendelea kwa wakati huu. Munajua kwamba tuko na uchaguzi hivi karibuni. Na pia tuko na transition, mukiongea juu ya mambo ya Katiba, mujue kwamba haya ni mambo ya sasa ambayo nyuma ya mwaka mmoja yatakuwa yamekwisha. Lakini yale mutatwambia yatakuwa for another one hundred years.

So, even if you want to talk about the electoral system, do not bend it to the forthcoming general elections, unless there is need

to refer to the forth-coming general election. Don't even focus about the succession of the out-going President. Unless you have something specific, some recommendation that you want to make for succession. Do please dwell on the new Katiba, which will last us another one hundred years. Nimeshukuru sana. Sasa nitamwita Mheshimiwa Ngutu aongee na sisi. Asante sana.

Hon. Mr. Ngutu: Thank you. Basi asante sana mwenyekiti wa mkutano wa leo ambaye ni Commissioner Phoebe Asiyo. Commissioners wale ambao umekuja na wao, Commissioner Tobiko, inaonekana nimesema vibaya, hatujazoeana sana, Commissioner Professor Salim na Commissioner Paul Wambua. Na viongozi wengine ambao wamefika, na Secretariat ambao wamefika kwa kazi hii. Coordinator wetu Rose Kimeu na mwenye kiti wa kamati ya Kangundo ya Constituency Committee ambayo inahusika na mambo haya ya kuchunguza mambo ya Katiba na kadhalika.

Kwanza, nataka tuwakaribishe hawa wageni wetu hapa Kangundo. Muwakaribishe kwa kuwapigia mikono kwa sababu wamekuja hapa tushinde nao leo, waweze kusikiza mambo yetu yote na kadhalika. Mumekaribishwa sana Kangundo, kwa hivyo mujisikie nyumbani. Hata ikiwa kidogo namna gani, mujisikie kwamba nyinyi musehemu yetu wakati wa leo. Siku ya leo, musikie sawasawa, tunaungana nanyi kwa mambo yote, tutawapa mawaidha yale ambayo tuna uwezo wa kuwaapa na tutawashauri kwa mambo kadha wa kadha. Kwa hivyo tuko nanyi, namujisikie mkiwa Kangundo, kwa sababu tunawaweka katika hali ya juu sana. Kwa sababu nyinyi, kama Ma-Commissioners wa kuangalia nchi ya Kenya, ni watu mashuhuri na ni watu wa heshima, na tunataka tuwape heshima yenu, mpaka dakika ya mwisho, mtakapo maliza nasi leo. Na pengine wakati mwingine wa mbeleni.

Tumesikia yale ambayo umesema. Tunajua Katiba ni kitu cha muhimu sana. Tumekutana sasa mara mbili tangu tuanze hapa Kangundo. Tumekutana hapa siku ya Jumamosi huko Tala, na tukakutana tena hapa Kangundo jana. Natumewapa watu wachache ambao wamekuja nafasi ya kuweza kutoa maoni yao. na wengi walitoa maoni yao kwa kuandika, wengine walipeana maoni yao kwa committee, na mambo haya yote yakaandikwa. Kwa hivyo mutapewa yale ambayo yalikuwa yameandikwa, yale ambayo walipeana, mutapewa ili mchunguze baadaye. Na pia baadaye, pengine baada ya kumaliza mikutano yetu, -kwa sababu kama vile nimetajia wengine, tunafikiria hatujaweza kupata nafasi ya kutosha, ya kuweza kupata maneno yote ya watu wa Kangundo.

Tumezungumza na watu wachache wa hapa Kangundo, na wachache huko Tala. Yaani Kangundo Constituency imeunganishwa Division mbili. Division mbili za Serikali. Yaani Division ya Matungulu, ambayo headquarter yake iko Tala, na Division ya Kangundo ambayo headquarter yake ni hapa tuko, Kangundo hapa. Kwa hivyo, watu kutoka katika sehemu hizo, hawajaweza kufikiwa wote. Tumefikia wachache Matungulu, tukafikia wachache Kangundo. Kuna sehemu ambazo zingali mbali ambazo hatujaweza kuzifikia. -I don't know, nisimame nikielekea upande gani-. (*Due to the noise from the P.A system*).

Yaani nimesema ya kwamba, hatujaweza kuwafikia watu wa sehemu kama ya Donyo Sabuk. Huko kwa milima, huko Donyo Sabuk huko, mpaka wa Thika, na Kangundo. Hatujaweza watu wa sehemu za chini. Kakuyuni, mpaka wa Kangundo na

Mwala. Na Kathiani, Hatujaweza kuwafikia. Hata nikiangalia hapa leo, inaonekana kuna watu wachache sana kutoka sehemu hizo. Pia, nimeelezwa ya kwamba, watu wengine walikuwa wakipata habari juzi tu, na wengine jana. Hata ukiangalia hapa leo, wachache wamefika. Na Kangundo kuna watu wengi wa kila aina. Pengine, niseme hivi: We need more time, Madam Chairlady. We need more time. We feel that we should not be hurried into this process. We should be given enough time to be able to reach the people from all corners of Kangundo. So that we can reach the farmers, we can reach the coffee society managers, we can reach every person wherever he may be. We can even reach Churches. I know some of the churches are not organized to be able to produce some recent information. So, we want to reach every body in this Constituency. So that, hata wao pia wanaweza kuja hapa na kutoa mawaidha yao.

Kwa hivyo kulingana na maoni ya watu wengi ambao tumekutana hapa, nafikiri tunahitaji at least two months. Miezi miwili ili tuweze kukusanya habari zote kwa wananchi wote. Tupewe nafasi hiyo kwa sababu kutengeneza Katiba, si kutengeneza mambo ya kawaida, kama vile ulisema Madam Chairlady. Katiba ni jambo muhimu ambalo linahitaji kufikiriwa, na kupewa mafikira ya kila aina. Ili baada ya kuitengeneza iweze kukaa kwa muda wa miaka kama hiyo, hata zaidi ya ile umesema.

Katiba si kitu ambacho ni cha kurudia kila wakati. Ukifikiria kesho, unafikiria kuiongeza au kuipunguza, I mean unataka kui-amend au kuongeza. No, that is not the way it should be. We needs all the time so that at least we can take everything as we want. Tunahitaji mabadiliko mengi katika Katiba yetu. Wale ambao wamesema mawaidha yao, wamesema tu hapa juu juu. Tunahitaji huko kindani, mambo yako namna gani? Watu wakutane katika vikundi, tuweze kuwaeleza na kadhalika.

Jambo lingine Madama Chairlady, ambalo halijafanyika sawasawa, ni hii ambayo inaitwa elimu. Kuelimisha wananchi. Nafikiri kuna wale watu ambao wanaitwa education providers or rather civic education providers. We have not seen them in Kangundo. Hatujui wako wapi. We know there are people who applied to be able to educate our people here. Lakini hatujawaona. Hatujui wako wapi, hatujui ni kina nani; tungelipenda tuwajue, tuwaone na tuzungumze na watu wetu kila mahali. Waingie katika masoko, waingie katika kila mahali ambapo panahitajika, ambapo pana watu. Ili waweze kuwaelimisha watu wetu kama vile inavyotakiwa mbele ya kuja na kutoa maoni yao.

Kwa sasa, wale watu wa Mau watapata nafasi ya kutoa maoni yao leo. Wengine walitoa maoni hayo bila kuwa na ujuzi wa aina hiyo. Ambao ungelipenda kutolewa, na wale watu ambao tuliwaona huko Machakos, ambao walijitua ili kuelimisha watu wetu. Tungelipenda tuwaone, tungelipenda tuwasikie, tuone ya kwamba wanafanya kazi yao kama vile inavyotakikana. Kwa hivyo jambo hilo la Civic Education liwekwe muhimu sana. Ndio sababu tunasema ya kwamba; we need more time. We need two months, within the Review process. If we are given two months, and given the necessary provisions, given enough transport at least to be able to move here and there and a few other needs of those people who are moving around to talk to these people, then am sure we will be able to get all these information. So that when you come next time, -because I think you should come here next time, when we are prepared. So that what we say, will be serious business.

It is not good for me now, as an MP of this area to stand up and say I want to give my views. When I feel that, there is no enough time for the people to hear what there is in that booklet and so many other booklets, which you have published. They must get time some of them; this is something you need to get time. To be able to read some of these documents and analyze some of the information. So that at least when you come to talk about it or when they come to give some information on some of the subjects contained in this document, then they know what they are going to say.

Hatutaki kuharakishwa. Hii Katiba isiharakishwe. Inaonekana watu wengine wanataka tuharakishe. Si kwa sababu ati pengine hakuna pesa za kutosha. Sijui... kulingana na vile tujuavyo, Katiba hii ndio kila kitu. Na inahitajika ipewe zile pesa ambazo zinahitajika, ili ifanyike kikamilifu. Ifanyike sawa sawa. Hatutaki kuacha mtu yeyote. ...(Inaudible) one special interest like disabled. Wale watu ambao hawana uwezo, wapewe pia nafasi ya kuja kujieleza mambo yao. Na watu wengine kutoka kila sehemu wapewe nafasi.

Kwa sasa we have not done enough. I am not going to give what I have, a few points here and there. Definitely, I cannot. Because I don't think we are ready. We need time so that I can come here and analyze. Before they give their views, they should analyze what they have. But today I think they should be given time, at least those who have come. Of course, there are some they can't stay. Wale ambao wameleta makaratasi yao. Wengine pengine wamesema juzi, wakisema hivi na vile. Pengine wapewe nafasi waseme tu kwa sababu wamekuja leo.

Thus, we need properly organized dates. A date that will be properly organized. We all come and we say everything that we have. But today I don't think we are properly prepared. But we should give chance today, to these people who have come here, at least to say whatever issues that they have. So that your time is not just wasted. So, that -you did not just come here for nothing. You take something from us. But. I am not going to give the views that I have, one...two points.

But I want to say what I feel, as a leader of these people, that I have got everything, properly listened to, properly analyzed and that whatever you say it will really be the views of the people of Kangundo.

Hatutaki tuletewe mambo kutoka sehemu zingine. Hata wale pengine wameleta elimu hapa, wasituletee mambo ya watu wengine kutoka nje. Tunataka mambo ya Kangundo tu. Watu wa Kangundo. Hatutaki watu watoke sehemu zingine. What I mean is, mtu asije akatuletea mambo ya kutoka Machakos, mtu asituletee mambo ya Nairobi, mtu asituletee mambo ya Kanisa fulani kutoka nje huko, lakini mambo yawe ya watu wa Kangundo. Kwa sababu nyinyi kama Commissioners, hamuwezi kuja Kangundo kuja kuzungumza mambo ya maoni ya watu wengine.

Tunataka watu, -maoni yale mtayachukua hapa, yawe ni maoni ya watu wa Kangundo. Watu wengine wajisemee yao. Wajisemee yao wakati tutafanya forum nini na kila kitu, yawe ni mambo ya Kangundo. Halafu mwishowe tukikutana huko Nairobi au katika forum ingine mahali pengine, nasi tuzungumze kama wanakenya. Sitasema mengi zaidi ya hayo. Pengine Madam Commissioner Chairlady uwape watu nafasi ili waweze kusema yale machache wako nayo. Halafu, mengine

mukituruhusu tutayasema baadaye. Asante.

Com. Hon. Asiyu: Thank you very much Honorable Ngutu, for those encouraging and enlightening words. Before we start hearing from those who are prepared to contribute this morning, I would like to introduce members of the Constituency Committee. Please if you are here, do come and introduce yourself so that everybody in the hall would know who you are. All members of the District Constituency Committee. May be the Chairman can introduce his people. The Constituency Committee ya Katiba.

David Muthomi: Asante sana, Chairmen, Commissioner Phoebe Asiyu. Commissioners wale mumejuja Kangundo, Secretary wetu, Bwana Joseph Kirunguthu, Co-ordinator wetu ambaye tumekuwa naye kuhusika na hii kazi ya Katiba, area hii ya Kangundo. Tumekuwa na wale wamechaguliwa members wa hiyo Committee ni wakumi, na nawauliza wasimame. Wale members wa committee hiyo ya Kangundo, musimame baada ya kuitwa majina yenu, ili muweze kusema majina yenu. Kwanza tumekuwa na Area MP Mr. Ngutu, tumekuwa naye kutoka ...(Inaudible). coordinator, Rose, tumekuwa naye kutoka Machakos, kutoka wakati tunaenda nje tuko na yeye, na anaangalia magari sawasawa.. Asante sana. Wale wengine msonge karibu museme majina yenu. Clan leader, Mutuku Musyoki, assistant secretary Kangundo constituency, katika mambo hii ya kutengeneza Katiba. Jina yangu ni Councillor Atembo Chairman wa Kangundo County Council, na wanawake wa ...(Inaudible). Na mimi Gladwell Muthoni kutoka (Inaudible) location. ...(Inaudible) location. ...(Inaudible) ambaye tumekuwa na yeye. Kwa hivyo hapo, hao wale walikuwa wanhusika na mipango za njia za kutaka kuelimisha watu na kupendekeza ...(Inaudible) Asante sana.

Com. Hon. Asiyu: You have not told us your name.

David Muthomi: Okay. Jina langu ni David Muthomi na mimi ndiye Chairman wa hiyo kamati. Asante sana.

Com. Hon. Asiyu: Asante sana David.

David Muthomi: Mimi natoka Kangundo upande wa Kiuni. Na nimekaa kabisa, kutoka Nairobi, kwa ofisi ya Rais, Presidential escort unit, na nimefurahi.

Com. Hon. Asiyu: Si mupeane makofi kwa Chairman wetu wa Kangundo. Asante sana Bwana Chairman. Tunashukuru sana kazi muhimu ambayo mumejanya. Munajua kwamba Kamati ya Constituency Committee, ndiyo forum ya maana sana sana, kwa kazi hii yetu ya Katiba. Kwa hivyo ningetaka kuwasilhi, muwapatie all the support that you can give them, ili kazi yao iwe rahisi. We know that we shall meet with the Parliament, the decision was taken there, that all the verbatim of the views of Kenyans will be done at the Constituency level. Because if we had said from you, and views, would not have been harvested, and would have really mattered, when time comes to collect all these ideas that we are collecting today.

So, I think the Parliament is being wise in setting up this forum as a prime criteria for harvesting the views of Kenyans. But let us not stop anybody who lives in Kangundo from giving their views, as long as they are residents of Kangundo. I know you have some Indians here who have lived here for many years and who are now Kangundo people, and then you have people who work in the coffee plantations and others. If you tell your CCC members and your MP to bring them round to give their views, I accept on behalf of the Commission that we will go back to Nairobi and ask the Commission that we accept the request by the Hon. Minister. Because like ... (Inaudible), he says the notice was short. Most people have not yet reached, through Civic Education and therefore are not prepared to give their views today. But today we rather get the views of those who are here this morning. If you have written a memorandum just give it to us we are going to read it and summarize, but do introduce it, and give us a highlight of your presentation. So only spend 5 minutes maximum, highlight important areas in your documents that you have prepared for us. But if you have not written any memorandum and you want to give us your oral views, please go ahead and do so, we will record it as accurately as possible, as I have said earlier, and will give you 10 minutes within which time, to give make your views. So please observe time, and I have a watch here which is really accurate, and so do my colleagues, so we will respect time.

Just before the first person makes his views, I would like to see by show of hands, those people who were doing civic education in Kangundo, please raise your hands, civic education providers, there is one civic education provider, there are two, they are three now. Two gentlemen and one lady. May be at a later stage you will tell us who you are, what your organizations has and which areas you have covered in Kangundo, since you started giving civic education. Because when the Member of Parliament and a Minister in this constituency touched cut down about civic education providers, then we from Nairobi really want to know, whether you are indeed doing your work, and whatever obstacle you might have faced. I hope that by the end of this session you will have time to discuss them. I Thank you very much and now am going to invite the first person in the list.
Mr. Anthony Mwanga.

Rose Kimeu: Good morning? May I take this opportunity to invite Antiny Mwanga, from the Kangundo branch.

Com. Hon. Asiyu: Mr. Anthony Mwanga? Mwanga? Okay Mr. Mwanga uko na nafasi sasa ya kuongea, munaweza kumsikia bila microphone? Unaweza hata kuchukua hii. Kwa nini usisonge hapa karibu na kiti? halafu tuweke hiyo kwa meza, karibu na wewe ili uweze kuongea. Weka hapo. Sasa tutaisikia sauti yako vizuri.

Mr. Anthony Mwanga: ... (Inaudible).

Com. Hon. Asiyu: Weka chini kidogo, usiweke karibu na mdomo sana.

Mr. Anthony Mwangi: I am a (Inaudible) Academy of Kangundo parish. I ... (Inaudible) I think that the President and the Vice should be elected directly by people, and should not be MPs or ... (inaudible). the age of the President should have at least ... (Inaudible) the age of forty –five and above. I think that mayors, Councillors, chair persons, should be elected directly by the people.

Number three, I also think that the electoral commissioners should be elected directly by the people.

Number four; I say that each political party should be allowed to elect a representative ... (Inaudible) to the electoral commission by ... (Inaudible).

Number five, ... (Inaudible) should ... (Inaudible).

Number six, I suggest that Constitution to allow free education in every school and university.

Number seven I suggest that the Constitution should allow...

Interjection. Com. Hon. Asiyu: Sema pole pole kidogo.

Mr. Anthony Mwangi: I suggest that the Constitution should allow the ministry health to give free medicine ... (inaudible), also to be ... (Inaudible).

Number eight, I suggest that the Constitution to allow creation of the post of Prime Minister to administer the Government and ... (Inaudible).

Number nine, I suggest that the powers of the President should be reduced to the level of ... (Inaudible).

Number ten, I suggest that the powers of Polical should be reduced to ...

Interjection. Com. Hon. Asiyu: Munaweza kumsikia vizuri.

Audience: Hapana.

Com. Hon. Asiyu: Okay endelea lakini soma pole pole

Anthony Mwangi: number ten I said that the number of Political should be treduced to twenty ... (inaudible). So

...(Inaudible).

Number eleven, I suggest that the Constitution should allow PTA, ...(Inaudible) to amend to allow ...(Inaudible). For the good standard of the school. And headteachers should stay in a school for four years. I suggest that the Constitution should not allow anybody to ...(Inaudible).

Number twelve; Constitution ...(Inaudible) should not allow any ...(Inaudible) of any ...(Inaudible). Let the ...(Inaudible). Any thing with ...(Inaudible) should go ...(Inaudible).

Number thirteen; ...(Inaudible) should go together in ...(inaudible).

Interjection. Com. Hon. Asiyu: Excuse me Sir, you know you have a written memorandum, and if you can just highlight we are going to read that thing and analyze it better, just highlight those areas and let us have the document.

Anthony Mwanga: The last one is ...(inaudible) Thank you.

Com. Hon. Asiyu: Yes, if you can give them that document, go there because we want to ask you some questions. Go back to the microphone and let the Commissioners ask you some questions. Yes, Commissioner Wambua.

Com. Wambua: You have said that ...(inaudible), we want to know, how did they maintain the ...(Inaudible) the office of the Attorney General. I think ...(Inaudible).

Anthony Mwanga: ... (Inaudible).

Com. Hon. Asiyu: Yes, but tell us a little ...go a little further. What do we do with the Attorney General?

Anthony Mwanga: It will be under the Ministry of Justice. ...(Inaudible).

Com. Hon. Asiyu: No, no, no, you have not answered my question. Where do we put the office of the Attorney General?

Anthony Mwanga: (inaudible)

Com. Hon. Asiyu: What will his duties be, the Attorney General?

Anthony Mwanga: ...(inaudible) that is, physically, he is the one dealing with all the matter...

Interjection. Com. Hon. Asiyu: You are actually suggesting that this country should not have an Attorney General?

Anthony Mwanga: It should have.

Com. Idha Salim: How would you relate it to that of the Minister of Justice?

Anthony: ...(Inaudible). And it has a law. That is what I mean.

Com. Hon. Asiyu: No, am not satisfied. You are saying, -because these are your personal views.

Anthony Mwanga: Yeah, these are my personal views.

Com. Hon. Asiyu: You are saying that there will be a Minister of Justice. And under that Ministry of Justice, you are suggesting that the Attorney General who is in fact the Minister of Justice should be what?

Com. Idha Salim: The AG should be the Minister for Justice?

Anthony Mwanga: Yes he should be the minister of justice.

Com. Hon. Asiyu: So, you are saying that the Attorney General should be the Minister for Justice?

Com. Wambua Musili: What is then the purpose of just renaming the Attorney General and calling him Minister for justice?

Anthony Mwanga: Okay. Those were my personal views.

Com. Hon. Asiyu: It is important....

Com. Wambua Musili: What we want to find out is that, this is a good suggestion but we want to find out what you are trying to improve on the efficiency for better performance of that office? We want to find out.

Anthony Mwanga: ...(Inaudible).it is efficient to know...(Inaudible).

Com. Hon. Asiyu: So, in your view, the Attorney General is also the Minister of Justice. Because of efficiency, he should be

both Minister and Attorney General.

Anthony Mwanga: Yeah.

Com. Wambua Musili: Are you aware that the Attorney General is in Parliament and in Cabinet?

Anthony Mwanga: Yeah. I know.

Com. Wambua Musili: You are aware? So, all you are suggesting is that we should change the name?

Com. Hon. Asiyo: Only name?

Anthony Mwanga: Yeah.

Com. Wambua Musili: Okay, fine. That is one question. Another question, must he be elected?

Anthony Mwanga: No, no, no he should not be elected.

Com. Wambua: He should not be elected?

Com. Idha Salim: Is the Minister not going to be originally an MP himself?

Com. Hon. Asiyo: Hebu tusikizeni hii habari ambayo ni ya muhimu sana tafadhali wananchi.

Com. Idha Salim: Ministers are normally appointed from the elected members of Parliament.

Anthony Mwanga: A. G is not supposed to be elected. He is appointed by the President. So ... (Inaudible).

Com. Hon. Asiyo: Next person? What is the name?

Rose: Now let me call upon Jonathan Maingi. If you have your presentation ready, ... (Inaudible).

Com. Hon. Asiyo: Mr. Jonathan Maingi. Tell us if you have a written memorandum or if you just want to talk.

Jonathan Maingi: Mimi nataka kutoa kwa mdomo.

Com. Hon. Asiyu: Zungumza tu vile unataka, hakuna shida. Uko na dakika kumi ya kueleza maoni yako.

Jonathan Maingi: ... (Inaudible), na Commissioners wale wametoka Nairobi, Honorable Minister, na watu wote wa Kangundo Constituency. Mimi ni Jonathan Maingi. Yangu sikuandika karatasi nipeleke pale lakini yale nitasema mtaandika.

Com. Hon. Asiyu: Ndio tutaandika.

Jonathan Maingi: Kwanza ningepuliza commission hii iko hapa kwamba, badala ya kuzungumza kizungu, tuzungumze Kiswahili. Kwa sababu wengine hawasikii kizungu. Na kama hakuna mtu wa kutafsiri Kikamba, ... (Inaudible) atashika usukani wa kutafsiri.

Com. Hon. Asiyu: Hata Bwana Musili yuko hapa.

Jonathan Maingi: Kwa hivyo, mimi nitasema machache. Si machache nina namba tano. Ya kwanza niliambiwa bi Asiyu alisema yuko mtu wa land. Sasa nitakuingilia chief officer. Kwanza, naingilia habari ya 'Survey of Kenya'. Survey of Kenya, katika Kangundo, na as a whole katika Kenya. Ilipokuja huku, kesi za mchanga zilizidi kuwa nyingi. Sababu ya kusema hivyo ni: ikiwa -Bi Asiyu ametoa njia na mimi nimetoa yangu, tuko katikati. Survey anapima hapa. Ile feet ni kumi na nne, na kwa Bi Asiyu kumi na nne. Na District Survey Officer anakaa Machakos. -Na nikisema Machakos ni Kenya-. Anakaa Machakos. Na mimi nangojea Bi Asiyu aweka ile fence ya kuonyesha hapo survey alionyesha njia. Na mimi nataka... *(End of side A tape one)*.

Na hii njia, inakuwa na Map. Sasa akiona nimekataa kutoa ile nafasi imetolewa na Survey, analeta kesi. Tunaenda Machakos. Tukifika Machakos, shida iko huko na tunaumia. Ukifika kule kwa District Survey Officer, unaambiwa, hii gari ya Serikali iko hapa. Petrol, ndio waanze kuangalia hiyo njia yako iko namna gani. Na mzee ametoka, saa ingine ametoka Mbiyuni kuenda Machakos hana pesa zingine. Na petrol kule ameambiwa aweke. Sasa hiyo, inaonekana hiyo njia, huyu mzee anayefuata, hataweza. Na hii ndio wakati Serikali itakuja kuangalia njia. Itaonekana upande mmoja umetolewa, na huo mwingine haukutolewa. Sasa nauliza huyo District survey officer, ikiwa wanapima njia, asimamie kama kazi yake ile ameandikwa. Aone ile njia imepandwa makonge, au pamba upande huu, na upande huu njia ziko straight, na kesi zikatishwa.

Kwa hivyo tumekaa hapa tangu miaka mingi, tangu Survey ije hapa, tumefanya kesi mpaka tumekwisha pesa. Hiyo ni yako Mheshimiwa, yule District Surveyor aone vyema. Na tusiombwe pesa za kuweka motokaa petrol na GK's, Serikali itoe. Ni sawa sawa hapo?

Ile nyingine nazungumza habari ya Cooperative Societies. Cooperative societies nyingi zimesimamiwa na watu wengi ambao wanakuta cooperative ina pesa na kwa muda unasikia hakuna pesa. Members wa co-operative societies wanataka walipwe ile

pesa, lakini wanataka kuleta twenty groups, hakuna pesa. Akiulizwa iko wapi anasema co-operative iko na deni. Na akija ilikuwa haina deni. Na yule District Cooperative officer, akiwa yuko, yeye anaona hapa iko wizi, na hawezi kusimama, asaidie members. Kwa sababu co-operative inaanguka. Kwa hivyo habari ya co-operative society, iko sheria inasema. Mtu yeyote ambaye amechaguliwa asimamie co-operative society, kuna form inajazwa, yeye yuko na mali ngapi? au yuko na title ngapi. Akimaliza pesa ya co-operative hauziwi, hiyo haipati kwa nini. Swali langu kwa Serikali.

Com. Hon. Asiyu: Mzee kama ingewezekana, ungetueleza vile unataka iwe. Nataka umalize kwa kusema ni njia gani wewe ungependelea Katiba isaidie shida hiyo na ufanye kwa kifupi tayari saa yako imekwisha.

Jonathan Maingi: Katiba, kile ingefanya, ni hii Co-operative, -wasimamizi wote wakiingia wajaze hizo form waache kuandikiwa mawakili, wanakula mali yetu na wanaenda. Na co-operative iwe mtu akila pesa ashitakiwe, kwa sababu hawashitakiwi. Wana kula na wanaenda. Hapo tumeenda pamoja?

Haya, ile ingine ni habari ya President. President katika nchi, ikiwa yeye ni President, lazima awe na uwezo, sababu hawezi kuwa hana uwezo. Kwa mfano, kama majeshi, yule jemedari wa majeshi hawezi kuwa ndiye anasimamia yote ya Kenya. President anaweza kuwa Commander in chief of the Armed forces. Kwa sababu, ukileta mtu kwako nyumbani au umwandike watchman na wewe uende zako, utakuja kukuta yeye ndiye tawala kwa nyumba yako.

President tena awe na nguvu katika bunge, ikiwa kuna jambo fulani ameona, awe na nguvu ya kusimamisha kwa muda; ndio wasuluhishe mambo muhimu. Na wakati wa kura, akiwa amekalia kiti, achaguliwe na raia. Asichaguliwe na mtu binafsi, achaguliwe na raia. wampigie kura. Na akipata kura nyingi, awe President wa nchi hii. Na akikalia kiti ikiwa atatawala raia, wakutane kuenda kombo, kwa miaka mitano aondoke. Na akiwa ni mzuri arudishwe tena kwa miaka mingine mitano. Watu waone uzuri wake unaendelea vipi, sababu atainua nchi.

Ile ingine ningesema, ni habari ya Commission hii ya Katiba. Ni asante sana mumekuja huku, lakini ningewauliza nyinyi watu wa Katiba ya Kenya, kwa sababu muko Kangundo, na Kangundo nikisema habari ya Kangundo nasema kile najua. Sababu hapa Bi Asiyu mimi nina miaka sabini na tano, nikiwa hapa Kangundo. Na mimi najua Kangundo wakati wa wabeberu mpaka sasa. Mambo yanaenda yakiteleza. Na ikiwa hapa munakuja kuchukua maoni ya watu, nafikiri Mheshimiwa Bwana Joseph Ngutu alisema mupeane miezi miwili, lakini nataka muongeze iwe miezi mitano, ndio tumalize, kila mtu asikie.

Com. Hon. Asiyu: Asante Sana. Tumeshukuru sana. Kaa pale pale. Utupatie hiyo. Tutakuuliza maswali kwa ile maoni ambayo umetupatia.

Com. Wambua: Umesema ...(inaudible) kwa miaka mitano ...(Inaudible), ikiwa mtu anafanya makosa akae tu hapo, mpaka ...(Inaudible).

Jonathan Maingi: Asante sana kwa swali hilo. Nafikiri President akiwa amechaguliwa na watu, kulingana na kule kuchaguliwa kwake ikiwa amechaguliwa, huchaguliwa wananchi wakiona ni mzuri. Na hawezi kukalia kiti halafu awe mbaya. Ule uzuri ambao alichaguliwa nao, ataulinda mpaka miaka mitano.

Com. Phoebe Asiyo: Halafu miaka ingine tano?

Jonathan Maingi: Na ikiwa kura sasa inaanza kupigwa, ikiwa ni mzuri, watu watamkubali. Wale wale raia, wamchague tena, akalie miaka mitano kwa sababu yeye atakuwa mwalimu wa kufundisha wale watakuja baadaye. .

Com. Keriako Tobiko: Kwa hivyo akiingia asitolewe?

Jonathan Maingi: Akiingia kwa President miaka mitano ikifika (inaudible).....

Com. Hon. Asiyo: Miaka ngapi?

Jonathan Maingi: Tano.

Com. Hon. Asiyo: Na tutajuaje...-unataka kila President wa miaka zijazo za Kenya akae miaka mitano tu kwa kiti?

Maingi: Ndiyo hiyo ni sawa, vile naona.

Com. Hon. Asiyo: Lakini nasema akiwa mzuri?

Maingi: Aendelee tena. Atachaguliwa na hao watu.

Com. Hon. Asiyo: Na hiyo iwe ni ya mwisho?

Jonathan Maingi: Na hiyo ya kuendelea mpaka miaka kumi, itakuwa ya mwisho.

Com. Salim: Akiendelea vizuri sana zaidi?

Jonathan Maingi: Akiwa mzuri zaidi aendelee.

Com. Salim: Mara ya tatu?

Jonathan Maingi: Aendelee. Lakini kwa wakati ni miaka mikumi peke yake.

Com. Salim: Hata akifanya vizuri?

Jonathan Maingi: Hata akifanya vizuri amshinde yule atakuwa.

Com. Wambua : Mara ya tatu hakuna?

Jonathan Maingi: hakuna.

Com. Prof. Idha Salim: Mara ya tatu?

Jonathan: Si vizuri sana.

Com. Salim: Samahani Jambo hilo ni muhimu Bwana Maingi kufahamu vizuri, hasa wale ambao wataandikisha Katiba, lazima wajue jinsi ambavyo watandika maoni kama hayo ikiwa maoni kama yako yatakubaliwa na watu wengine. Tusema katika Katiba, tuandike kwamba, Rais akae miaka mitano. Lakini anaweza kusimama tena. ikiwa Raia wanampenda. Lakini ni vipi tutajua kwamba raia wanampenda aendelee? Tufanye referendum?

Jonathan Maingi: Kwa sababu ya kura.

Com. Prof. Idha Salim: Ya kura. Yaani tuseme katika kuandika hii Katiba. kwamba he can stand again for another five-year term?

Jonathan Maingi: Na apigiwe tena. Ikiwa ni mzuri atapata kura zote.

Com. Prof Idha Salim: Kwa hivyo kila Rais awe term mbili?

Jonathan Maingi: Term mbili.

Com. Prof. Idha Salim: Kama hivi sasa? Five and five.

Com. Hon. Asiyo: Halafu inafika kumi.

Jonathan Maingi: Ya kwanza tano ya pili tano. Asante.

Com. Hon. Asiyu: Kuna jambo ambalo umesema juu ya wafanyi kazi wa Serikali, wa uma kama wa survey na watu wa co-operatives. Unasema wanafanya makosa fulani na wanatumia pesa ya wananchi. Tunajua unataka ngari ya Serikali iwekwe petroli ya Serikali. Lakini unasema wakiiba pesa warudishe. Umesema hivyo? Kama unataka warudishe, unataka pia wapelekwe kortini wafungwe? au warudishe tu halafu mambo inakwisha?

Jonathan Maingi: Hiyo kwa sababu ni makosa, ile nimesema. ikiwa mimi ni Chairman wa Cooperative; na nimekula pesa za members, kabla sijakalia ile kiti, kuna zile form tujaze, ionekane nina mali ngapi. Ikiwa niko na title deed niipeane. Nikila, ile mali yangu iko ikuwe auctioned, irudishe ile mali.

Com. Hon. Asiyu: Unasema mambo ya guarantee? Okay, tumefahamu. Na kama ni mwizi?

Jonathan Maingi: Kama ni mwizi apelekwe kortini ashtakiwe bila kuhurumiwa

Com. Hon. Asiyu: Afungwe na asilipe kitu kwa....

Jonathan Maingi: Alipe.

Com. Hon. Asiyu: Alipe? Na afungwe pia? ...(Inaudible). Okay tumefahamu. Asante sana. Asante sana tunashukuru. Unaweza kukaa.

Jonathan Maingi: Kuna ingine hapa.

Com. Hon. Asiyu: Lakini dakika yako imeisha.

Jonathan Maingi: ...(Inaudible) kiti cha President, awe mwenyekiti wa chama pia. Kinachotawala cha Kanu.

Com. Hon. Asiyu: Okay, sasa tuendeleo haraka. Kuna mwingine pia ambaye ana habari, anaitwa...

Rose: Wilson Musau.

Com. Hon. Asiyu: Wilson?

Rose: Wilson Musau.

Com. Hon. Asiyu: Wilson Musau tafadhali kuja. Kama umeandika tupatie na uongee tu dakika tano, highlight. Kama haujaandika, tutakupatia dakika kumi. Lakini ujaribu uangalie saa kwa maana kuna watu wengi wanataka kuongea. Haya Bwana Wilson.

Wilson Musau: Nashukuru sana. ... (Inaudible).

Com. Hon. Asiyu: Bwana Musau tuliulizwa tujaribu kuongea kwa Kiswahili. Utakuwa na shida kuongea kwa Kiswahili?

Wilson Musau: Wacha nichanganye.

Com. Hon. Asiyu: Changanya tafadhali.

Wilson Musau: Mtu akichukua loan itakuwa ni ngumu sana kuilipa. Kwa sababu ya (Inaudible) ambayo inatakiwa kuwekwa. Kwa hivyo, at least Serikali ambayo ina (Inaudible). Kwa sababu 15% is high. At least 10% itakuwa nzuri.

So issue ya mwisho ni ile ya AIDS

Com Asiyu: Mambo ya?

Wilson: AIDS. Ugonjwa wa ukimwi. Wakati watu wanaoana, wapitisha sheria ambayo ita –a provision for those who are married, and those who have marriage certificates, ... (Inaudible). kwa sababu watu wanatambaza hii kitu deliberately, na ni vibaya. Na watoe adhabu kwa mtu ambaye ameshikwa akifanya hii mambo akijua. The death rate is too high. So that hata at least 15 years mtu wafungwe na wawekwe ndani. hata kama (Inaudible) iko sawa. And... (Inaudible).

Com. Salim: Hiyo point number tatu?

Com. Hon. Asiyu: Ungependa iwe namna gani?

Wilson: Yeah. At least the rate should be... (Inaudible). Hata kama hatasikiza. Apatiwe adhabu kali.

Com. Hon. Asiyu: Kama adhabu gani? Achapwe viboko, afungwe miaka ngapi?

Wilson: Awe remanded na achapwe viboko.

Com. Hon. Asiyu: Na afungwe miaka ngapi?

Wilson: Afungwe kama miaka (Inaudible) of ten years. Na afundishwe kazi huko ndani.because ...(Inaudible) to those ...(Inaudible).

So, my third issue is on voter registration. The current Constitution allows (Inaudible) to take the registration of voters. This time will be very very strict. At least the (Inaudible) is supposed to issue, whereby each year, people are being registered, for at least three months. Because if people will be left here, and we wait for five years, the accumulation is too high. We may not have them beating that date. It is very short. Some will be left also. So, angalau kila mwaka, -three months registration.

So, the last issue is on the President. Mwongozo wa President. At least tuwe na Prime Minister na Rais. Na zile power za president ziko saa hii, zigawanywe mara mbili. But, the Prime Minister should be the head of Government.

Com. Hon. Asiyu: And then the President?

Wilson: The President ...(Inaudible) lesser duties which are ...(Inaudible). We understand he has the duties. But some of them are minor in Parliament. So, let the President take these parts, and the Prime take the major ones.

So, my last point is on the (Inaudible) unit but touching on loans again. If you are declared bankrupt, on a loan you have taken, it is your (Inaudible) to petition the person you took money from. So that you can have a debt (Inaudible) solution to pay back. These loans are at least nowadays killing some people politically and otherwise. So there should be a law to allow that you are debt is, (Inaudible) again, once you have no money to pay at any given time. So, my views were those.

Com. Hon. Asiyu: Thank you. Now we want to ask you a question. (To the Commissioners) any question?

Com. Wambua: Umesema kwamba ungependelea, kwa sheria hii mpya tufanye kila mwaka kuwe na kama taratibu fulani, kujiandikihisa kama hatuja ...(Inaudible). Ungependelea iwe Constitutional? Bila kusema miezi mitatu, wengine wanasema iwe continuous, unaweza kuji-register kuanzia mwezi ama December in any year?

Wilson: No, no no. ...(Inaudible), because hata hii kitu ni expensive sana. So that in three months kwa mwaka halafu isimamishwe. Maanake kila wakati, - hata saa ingine unazapata clerk amekaa na hiyo register na hakuna mtu amekuja. Sasa wanakuja kila siku, watu wanasema wanakuja na hawakuji. Ndio tunasema three months ni sawa.

Com. Hon. Asiyo: Na kama kijana amefikisha miaka kumi na nane kabla ya hiyo miezi, nyuma ya hiyo miezi mitatu ikifika, na anataka kuenda kutafuta kazi au kuenda University. Itambidi akae, miezi hiyo sita yote ndio arudi apate kitambulisho chake, au itakuwaje?

Wilson: nilikuwa nasema ya voter registration tu.

Com. Hon. Asiyo: Oh, okay. Voter registration? Okay, Salim.

Com. Salim: Just one question, Prime Minister, how is he or she to be appointed or elected?

Wilson: No, no, no. he has to be elected by the people.

Com. Salim: The Prime Minister?

Wilson: The Prime minister yeah.

Com. Salim: That is direct election? How about the President?

Wilson: The President? The President now it can be a personal affair in the (Inaudible). He can be appointed, ...(Inaudible).

Com. Hon. Asiyu: Who would appoint him?

Wilson: The ...(Inaudible). The MPs and the ...

Com. Hon. Asiyu: MPs to elect the President?

Wilson: Yeah.

Com. Hon. Asiyu: But the Prime Minister to be voted for?

Wilson: By the people, yeah.

Com. Hon. Asiyu: Okay, at the time, for now we have this provision. That any head of state, -like you are now suggesting the Prime minister, that would have 25% from five Provinces, before he can be declared the winner of that seat. What do you say about that position?

Wilson: That position, I think we look for the winning President to have 53% of votes in the whole country.

Com. Hon. Asiyu: The President or the Prime Minister?

Wilson: The Prime Minister. 53% of the total votes.

Com. Hon. Asiyu: 50% of total votes?

Wilson: 53% of total votes.

Com. Hon. Asiyu: Why do you say 53? I would like to know.

Wilson: Because out of a hundred, 53 is bigger, 47 is less.

Com. Wambua: Why not 51?

Wilson: So that it is a (Inaudible) towards other candidates.

Com. Hon. Asiyu: So, if they are for example five Presidential candidates, and nobody is reaches 53, what happens?

Wilson: In that case? One of them will be (Inaudible). but if he doesn't attain that 53% take (Inaudible).

Com. Hon. Asiyu: So you want Kenya to have two elections?

Wilson: The problem of such a President is that he is not popular. A President who is giving 46% or 30%, is not Popular anywhere. So let them do that thing and solicit more (Inaudible). so that we can have a future President.

Com. Hon. Asiyu: Any More questions?

Com. Salim: Does he, does the President have to come from any political party or he can be also one political appointee?

Wilson Musau: In this case, if he comes from an alliance, he can come from any party. But I was suggesting, if the comes from any alliance (inaudible), at least he can come from one party, and remain (Inaudible) from one party.

Com. Hon. Asiyu: can be a neutral person?

Wilson: A neutral person (Inaudible). he should have a political party.

Com Asiyu: So you want the Prime Minister to come from one political party and the President to come from another political party?

Wilson Musau: The (inaudible) Political Party to produce the Prime Minister.

Com. Hon. Asiyu: No, no you have told us that the Prime Minister must be elected by the people. Okay? So, he might not be coming from a very strong political party, but if he is liked by Kenyans, he will be appointed. What happens then?

Wilson Musau: (Inaudible) Is 53%. So, it means that person is popular, to be elected. So that if he is elected, and he wants to take a President from his own party, he will still do that. If he has (Inaudible) or something of the sort, then he can have a President from another party. Even if it is a (Inaudible) party.

Com. Keriako Tobiko: Does he or she have to be an MP? He or she.

Wilson Musau: The President?

Com. Keriako Tobiko: Yes.

Wilson Musau: He does not have to be an MP.

Com. Keriako Tobiko: How about the Prime Minister?

Wilson Musau: The Prime Minister should be an MP, an appointment MP.

Com. Hon. Asiyu: I think it would be very good if there was Civic education because we haven't done it here. It would really help to just clarify some of the political (Inaudible). We will note that thank you very much. Next person?

Rose I am calling upon Bwana Nicholas Mweu, and then ... (Inaudible).

Com. Hon. Asiyu: Haya, Bwana Nicholas, una karatasi umeandika, hautaongea sana, utatupatia karatasi. Lakini utuambie jina lako na yale mambo yanakuchoma roho sana sana. Halafu sisi tutasoma hiyo ingine.

Nicholas Mweu: ... (Inaudible) To air my views on Constitutional (Inaudible).

Com. Salim: Start with your name please.

Nicholas: I am Nicholas Mweu

Com. Hon. Asiyu: Nicholas?

Nicholas: Mweu.

Com. Wambua: Mweu.

Com. Hon. Asiyu: Yes, Nicholas, endelea.

Nicholas: As I said, let us review our Constitution for better, so that, if that one came, it also will wait. ...(Inaudible) around the whole country, ...(Inaudible) therefore we can replace major and follow our ...(Inaudible), in order to serve our Constitution.

In the last thirteen years or so, Kenyans have been governed through the Federal system of Government, which has made time change, such as corruption, nepotism, ...(Inaudible) and other viles. Therefore, in order to deny those viles of Kenya, and achieve fair (Inaudible) in all parts of the country, let us now seek for better review of the Constitution, based on the Federal system of Government. I hereby end my, - the points I wanted to relay.

Five, the future President should be elected by the Members of Parliament. Because any other method will be forced to ...(Inaudible). let him also...(Inaudible).

Number two, political powers to be shared equally in all districts, or Provinces by either Prime Minister, governor or any other rank.

Number three, Parliament not be regarded as a new job opportunity employer by the next MPs. All MPs should be given sitting allowances only, or salaries.

Number four, all MPs who fail to honor their pledges should be voted out within a given period, may be one year, or another two years, so that wananchi can be...(Inaudible).

Number five, individual districts should be having their own police force. And those district with division of two, wawe additional from other districts.

Number six, to maintain oneness, togetherness and harmony comprising of all people of all tribes.

Number seven, to apply the proper methods of ...(Inaudible) the rich and the poor.

Number eight: to apply better methods of utilizing the land and other resources.

Number nine, all individual bank accounts should be monitored by the Government in order to approve the individual income.

Number ten, any Kenyan can buy land anywhere in the country and be able to settle there.

Number eleven, to be purely...(Inaudible) or African sphere for that matter, so as to be viewed hygienically, and ...(Inaudible), throughout day secondary and high schools in all parts of the country.

Also the consideration, because Kenyans themselves reconcile, and the (Inaudible) is coming from too much time. There are some ... (Inaudible), that means there is urban Rich, urban poor Rural poor, and the rural rich. That should be taken into consideration.

As a developing nation, we must prepare to protect our environment, by dividing a ... (Inaudible) from the interviews.

Finally, ...(Inaudible) newly introduced terms. Such as political and economic terms. Such as ...(Inaudible) real market, economy, evaluation of salaries, inflation, multi partism, ...(Inaudible) taxing of goods, and privatization, liberalization, and all those terms which have come to Kenya without (Inaudible) we had not done before. Because these are the ones which are confusing most of us. Therefore (Inaudible) has got ...(Inaudible). And we know that this country should take equal ...(Inaudible) in every district. Let us ...(Inaudible) to review our Constitution based on Federal system of Government. And this will be to change for the better. Thank you.

Com. Wambua: Thank you.

Com. Hon. Asiyo: Thank you very much Nicholas. Do we have any questions for Nicholas? You don't have any question. Okay, do let us have your paper, put it there. Next?

Rose: ...(Inaudible). (*End of tape one*).

(*Beginning of tape two*). Nina Phillip Nthei kutoka ...(Inaudible).

Com. Hon. Asiyo: Bwana Phillip karibu.

Rose: Phillip Nthei karibu.

Com. Hon. Asiyu: Phillip nani?

People: Nthei.

Com. Hon. Asiyu: Nthei? Haya umekaribishwa sana. Naona huna karatasi kwa hivyo utaongea.

Phillip: Niko nayo. Mimi, Bwana Minister, Commissioners wenzetu habari zenu?

People: Nzuri.

Phillip: Sitaongea sana, nitaongea kwa ufupi sana, na mambo ambayo nitaongea ni mambo yako na tabu katika sehemu yetu hii. Hasa, nitaongea juu ya Ushirika,-cooperatives. Cooperative imejaa watu juu zaidi. Hata ikawa tunachaguliwa leo, miezi mitatu minee, mtu huyo huwa anatajirika anakuwa tajiri. Anakuwa tajiri. Na watu wetu hapa wanalalamika sana, kwa sababu ya utajiri wa upesi, ...(Inaudible) na huanza kukatisha mikutano ...(Inaudible), ya wakulima.

Na kwa mambo hayo mengine, mukienda kortini, hiyo mkutano hupelekwa kwa tribunal. Cooperate tribunal courts. Na hiyo cooperate tribunal courts, imejaa zaidi, officers ambao wame- retire, na wanajua corruption zaidi. Tena hiyo tribunal hukaa zaidi ya miaka mitatu, miaka minne, kabla wakulima hawaja... (Inaudible). Kwa hivyo napendekeza, hiyo tribunal court itolewe kabisa, ivunjwe. Na jambo la wakulima na ...(Inaudible) iende kwa Chief inspector. Hiyo sitarudia kwa sababu nimeongea kwa urefu.

Com. Hon. Asiyu: Usirudie kwa maana hata ndugu yako ameongea juu yake.

Phillip: Sasa nitaingia kwa clan. Clan kwa Wakamba, Wameru, Wajaluo, hiyo iwekwe maanani katika Constitution, kila kabila, mila na desturi ziwekwe katika Constitution. Hata sisi Wakamba tuwekewe into ...(Inaudible).

Wasichana ambao hawajaolewa wawe huru kupatiwa mashamba. Kwa sababu mtawapeleka wapi? Ni mwanaume gani ambaye ataku ...(Inaudible), wapatiwe mashamba katika Katiba. Hiyo, na ...(Inaudible), na wasichana hao, kwa hakika mumewanyima. Mimi nitaenda mbele.

Sasa naendelea na utawala, administration. Haina maana kabisa, katika Katiba yetu, kuwa na Assistant Chiefs. Au ...(Inaudible) hawa watu wanaongeza kuchochea kesi ziendelee mbele ndio wapate...(Inaudible). Wanaongeza zaidi. Kwa hivyo mimi mapendekezo yangu ni ya kwamba, tubaki na chief mwenyewe, lakini wawe wa maana, na jambo ambalo analitaka, akiamua, aamue na Councillor, aamue na Mpwa sehemu hiyo, wa sehemu hiyo. Chief akiwa ame ...(Inaudible) pale,

itapelekwa kwa D.C. najua wakati umeisha, hakuna haja nirudie. Haya hapo kwa Chief nimwondoa assistand Chief, nimewa ... (Inaudible).

Sasa naingilia mikutano ya siasa. mikutano ya siasa. Na nikome hapo. Katika halaiki, na katika vikao vya mingine, haina maana watetezi wengine waanze kutukanana. kama mimi niko adui ya mtu fulani, nisiende katika halaiki, nimtukane. Kwa sababu ningenda ... (Inaudible), na hii iwekwe kwa Katiba ya kwamba, hakuna matukanano baina ya mtu fulani yeyote, atakayepatikana basi apelekwe kortini. Yote ... (Inaudible) hatutaki kabisa. Hiyo ninamaliza hivyo.

Kitu kingine ambacho ni ya mwisho, ningependekeza iwe coalition Government au, Serikali ya mseto. Kwa sababu, kama kuna vyama vitatu au vine, chama ambacho kilipata nyingi, kingekuwa ... (Inaudible), lakini wale wapinzani wale wawe ni wengi, na kwa sababu hawakushinda, iwekwe maanani ya kwamba atakayeshinda kwa uchache, achukue wajumbe wengine kutoka kwa vyama vingine, coalition Government. ... (Inaudible) ikiwekwa maanani, hii ya cooperate ikiwekwa maanani, (Inaudible), watayarishiwe hizo pesa wapelekwe kortini, na wakalipe, itakuwa balaa. Hii ingine habari ya clan, iwekwe maanani ya kwamba, iwekwe kwa Katiba. Kama kungekuwa na kupiga mtu, kama wale ... (Inaudible) iwekwe maanani. Na assistant chief nimewafukuza, na kutukanana kwa wenzetu zetu wengine, kwa mazishi kwa mikutano, iwekwe Katibani hakuna maana. Asanteni.

Com. Hon. Asiyu: Asante sana, inaonekana hakuna maswali, tunaweza kupata mwingine. Kama unafika kuongea, na hapo mbele mwenzako ametaja jambo ambalo pia ulitaka kutaja, ni heri utaje tu, lakini usikalie, kwa maana tumefahamu tayari; ndio watu wengi wapate nafasi ya kuongea leo. Asante.

Rose: Kwa sasa tutamwita Councillor J.K Mumo, aje atupatie maoni yake.

Com. Hon. Asiyu: Haya coucillor Mumo tunakukaribisha.

Cllr. Mumo: Kwa mwenyekiti, Waziri wetu, na Commissioners wote ambao wamekuja hapa, langu ni kuzungumzia juu ya kuchaguliwa kwa Rais wa Republic ya Kenya.

Com. Hon. Asiyu: Kuchaguliwa?

Cllr. Mumo: Kwa Rais, wa nchi yetu. Rais wa nchi yetu anaweza kuchaguliwa, akiwa na elimu ya kutoka form four, na kuendelea. Na apatiwe uwezo awe musimamizi wa majeshi yote katika Kenya. Na pia awe na uwezo wa kuamuru bunge, ... (Inaudible) anaweza kuamua, apatiwe uwezo huo.

Nitaendelea kuzungumzia juu ya wabunge maalum. Mbunge maalum anaweza kuamuliwa kuchaguliwa na Rais, kwa uwezo wa

Rais, kwa vile anaishi katika ...(Inaudible) za hapa Kenya, na uwezo wake. Hatutafuata ya elimu, ila awe ana muongozo, na amepewa baraka na wananchi. Pia, mayor au mwenyekiti wa council, apate kuchaguliwa na wananchi, na awe na cheti cha uongozi, na awe akielewa kuongoza wananchi, kwa maana ndio wamempeana. Councillor hana haja ya kuwa na cheti cha form four isipokuwa birth certificate. Lakini awe anapeanwa, anapeanwa na wananchi; kwa vile anaelewa matakwa yao na pia awe akielewa ni kitu gani kinachotakiwa katika council.

Kulipwa kwa wanawake wasichana, wasichana mama, -amezaa wasichana, vijana-, ule anatoka pahali ameolewa, hana urithi kwa shamba ya babake, kwa maana iko mahali pengine anatakiwa kurithi. Lakini yule bado hajaolewa, ni kama huyo kijana wako tu. Apatiwe urithi equal na vijana wale wengine. Kati ya kesi za mashamba, sioni kitu gani ambacho kilizitoa kwa sheria za Kenya na kuzi...(Inaudible). Kama ...(Inaudible) amri ya kiapo, kama hapa kwetu Machakos, Ukambani, iwe imewekwa ...(Inaudible) ndio unaamua. Nafika hapo, asanteni.

Com. Hon. Asiyu: Haya asante sana, asante sana Bwana Mumo. Mimi nina swali moja tu. Unasema ile amri ya kiapo iendelee?

Cllr.Mumo: Iendelee.

Com. Hon. Asiyu: Na kwa makabila wale wasio nayo itakuwaje?

Cllr. Mumo: Kila kabila wana mila zao, zile wanaendelea nazo.

Rose: Afuataye ni Bwana Joseph Mbithi kutoka Muvuti, kama uko tayari uje.

Com. Hon. Asiyu: Karibu, karibu mheshimiwa utuongeshe. ...(Inaudible).

Joseph Mbithi Mwaura: Yangu mwenyekiti nitasema habari ya clan. Majina yangu ni Joseph Mbithi Mwaura.

Com. Hon. Asiyu: Yes, Bwana Mwaura, tueleze.

Mwaura: Yangu ni kusema watoe clans, kwa sababu clan zimepunguzwa nguvu, sasa haina nguvu.

Com.Hon.Asiyu: Clan?

Mwaura: Yeah, haina nguvu. Imepunguzwa nguvu kwa sababu mukienda mukae tena muongee, mpaka Serikali itaingia. Munakuwa na mambo ...(Inaudible). Watoto wetu wamekuwa pengine wanasukuma wazazi, hakuna njia nyinyi

munawezafanya, isipokuwa kushtakiwa. Na sisi clans zingetaka tu, watu wawe wanakaa chini wanasuluhisha vile walikuwa wakisuluhisha zamani. Lakini siku hizi, zimepungua hizo nguvu, ndio tunataka ipewe nguvu. Clans ziwe zinasuluhisha habari ya wazee, habaari ya watoto, kati ya nyumba. Kuna wake wanawachwa na maBwana zao, na clans ndio walikuwa wakiangalia ... (Inaudible). Lakini siku hizi, hiyo haiko. Tunajaribu kuona hiyo, tunaambiwa kuna sheria. Sasa tukiingia katika clan, inakuwa haina uwezo. Kwa hivyo tulikuwa tukiomba, ipewe uwezo. Iwe clan wanaweza kukaa chini, kusuluhisha maneno yao.

Ile ingine, nataka kusema maneno ya President. President anakaa kama mwongozi. Kwa sababu huwezi kuongoza watu ikiwa huna nguvu. Nguvu za President haitakiwi ipunguzwe, kwa maana itapunguzwaje ikiwa ana ... (Inaudible). Inatakiwa mtu ... (Inaudible).

Com. Hon. Asiyu: Haya tumefahamu.

Mwaura: Haya, ile ingine, ni hii mambo ya, wakati anaenda anaenda safari President, nilionelea vizuri aende pale watu wanaweza kuwa wanahitajika kufanya kazi hapo. Pengine wanaelewa wanaangusha wengine, anawaambia ... (Inaudible) nje. Ikiwa ni ni wale tu, wawe wanahusika, hiyo ndio itakuwa nzuri. Yangu ni hayo.

Com. Hon. Asiyu: Haya asante. Asante sana, asante sana. Kuna swali kabla hujakaa.

Com. Wambua: Umesema ungependa President awe na nguvu zaidi?

Mwaura: Awe na nguvu. Au sheria impatie nguvu, ...

Com. Wambua: Ungependa akae na nguvu ambazo ako nazo kisheria, ama unataka aongezewe hata zaidi? Ama ile ambayo ako nayo inatosha?

Mwaura: Nataka zile ako nazo zipunguzwe.

Com. Hon. Asiyu: Okay, nafikiri tunafahamu. Asante sana Bwana Muiruri. Next is – you can take the...

Rose: Anayefuata ni Bwana Willie Mwengi.

Com. Hon. Asiyu: Bwana Willie Mwengi? Tafadhali fika mbele utuongeshe, na ujaribu kwa kifupi sana kwa vile kuna watu wengi ambao wanataka kuongea.

Willie Mwengi: Asante sana, ... (Inaudible) ya ma-Commission, na ma-Commissioners, nimefurahi kwa sababu wamechukua

wakati wao na wamefika hapa, na hiyo ni vizuri. Yangu nitakayosema, ina-touch mambo mengi. Na katika pendekezo moja, lakini ningepomba Commissioners hapa, wanikubalie niwafuatishie mema. Maanake niweze ... (Inaudible). Mambo ambayo ...

Com. Hon. Asiyo: Jaribu ufanye kifupi, ndio watu wengine waongee. Ukitaka kutuandikia memorandum baadaye utaandika halafu utatuletea. Utapeleka kwa District coordinator.

Willie: Okay, haya asante sana. Yangu ina-touch civic education. Ya pili ina-touch Parliament. Ya tatu ina-touch President, ama Presidential office. Ya nne, ina-touch Prime Minister. Ya tano ina-touch Legislature, na ya sita ina-touch Judicial. Sasa hii ni maoni yangu mwenyewe, lakini nimeongea na history ya ile ingine, ya huku kwetu. Kuchagua mbunge wa Parliament, ama wa local Government, sio kitu rahisi. Na ugumu wake, unakuwa juu ya leadership. Maanake, ukimchagua mtu ambaye unataka awe leader wa kikundi fulani, either kwa Government ama cooperatives, ni lazima ujue kama yule mtu, ana quality ya kusimamia hiyo group ambayo unataka awe leader. Ni mtu awe ana knowledge ya watu, ni mtu – ni lazima awe ana knowledge ya kwamba ... (Inaudible) economic, social na political. Na ni lazima awe mtu ambaye anapendelea mambo ya watu.

Kwa hivyo, civic education mimi na-recommend, iendelee. Na iwe attached to ministry of social services. Na object yake iwe ni kuwafundisha watu meaning ya leadership. Ikiwa wewe umekuwa leader, leader ni yule ambaye anaweza kupindua mambo yakiwa mabaya, yakawa mazuri. Nitawapa example kubwa ... (Inaudible).

Com. Hon. Asiyo: Na lakini tafadhali usitaje yale ambayo haya ... (Inaudible).

Willie: Okay, okay. Kasisi mmoja wa ... (Inaudible), aliwaambia watu tumbako nimbaya sana, sana, mpaka jasho likatoka, na yeye akatoa kitambara apanguze, kile kibuyu cha tumbako kikaanguka ... (Inaudible). Nyinyi nyote mutoke. Huyu alikuwa leader maanake alipendua kitu kibaya, kikawa kizuri, hao ndio leaders tunataka.

Habari ya leader, elimu yake, ni lazima awe mtu wa O-Level. Huku, nyinyi munaona wetu ni, -amesoma. Hiyo ndio 'O,' origin, mwanzo. Na kila leader awe ... (Inaudible).

That group inaitwa Parliament, Parliament za Africa, zilianzishwa kwa sababu ya kung'ang'ania hiyo cheo cha juu. Cheo cha juu na utajiri. Na kwa hivyo, tumekuwa na experience ya hiyo miaka yote ambayo tumekuwa na (Inaudible). Kwa hakika, kila Government inafuata democracy lakini inabakisha roho tu iwe complete democracy. Na hiyo roho ndio nataka nitaje. Roho yake ni ku-balance. How, Powers za President, powers za Government. Na *ita-balanciwa* kwa njia hii: ni vizuri tuwe na two houses, Upper House, na Lower House. Members wa Upper house, watakuwa automatic. Wakitaka kuweka ... (Inaudible) sawa, lakini Kenya wasikizane kwa sababu, tunapoteza brains nyingi hapa Kenya. Watu waki-retire, sasa kama hawa, -najua yule alikuwa member of Parliament, tumemtaka tena na tukamleta. Je, ni wapi ambapo tunaweza kumweka tuwe tunampata kila saa? Kwa hivyo nina-recommend, hii Upper house iwe ya wale watu wana qualities special. From retired Professors, lecturers,

watu wa ... (Inaudible) retired, ma-General, ma-... mtu ambaye ni very true factor katika Kenya. Awe, positions hizo tunapomuweka, awe member wa Upper house. Na functions za upper House ni, itakuwa (Inaudible) consecutive house. House of Consultatives. Bills zikitoka katika Lower house, zipelekwe huko, zitafutwe wale (Inaudible). na A.G, awe member wa hiyo Upper house. Kwa hivyo bills zikija kutoka katika Lower house, zipelekwe Upper house, kwa consultation. Halafu wale wakimaliza wateremushe chini. Kuna step nyingi, - kupeleka juu, kuteremsha, kuleta juu, lakini ikifika mara tatu, wale wako juu watapitisha.

Haya, ...

Interjection. Com. Hon. Asiyu: Karibu saa inakwisha mzee hebu harakisha.

Willie: Haya asante. Katika hiyo Upper house, ndio President atakuwa chairman. Na huyu President atakuwa ni mtu ambaye anaweza kuwa ni member wa Party fulani, au anaweza kuwa Private. Lakini atachaguliwa na watu wote katika Kenya. Na watasimama wengi, lakini yule ambaye atapata kura nyingi, awe stright, President. Na power za Preasident ni foreign policies. Powers zake ni bills, na foreign policies. Hiyo juu ya foreign office, iwe ni maneno yake. Ningeleza zaidi lakini naafikiri munasikia vile ninasema.

Haya, Prime Minister achaguliwe kutoka kwa Parliament. Parliament wao wenyewe wachague Prime Minister wao, wachague Prime ... (Inaudible) wao. Na huyu Prime Minister atakuwa na power ya kuchagua mawaziri wake. tukija katika Executive. Executive ndio yule mkubwa wa civil servants. Kuna kitu ambacho kinaweza kumaliza ufisadi wa civil servants, one week inakwisha. Nacho kinaitwa monthly returns. Monthly returns zikiwa kila ofisi inapeleka monthly returns to the next office, na ingine, arising matters kutoka katika monthly returns zinakuwanga, hakutakuwa na ufisadi katika Government. Maanake zile returns zina relate. Kwa mfano, customs duty, ... (Inaudible), department nyingi zikipeleka returns, hiyo returns zinakuwa relative. customs duty atasema mwaka fulani imefika hapa. Ile ya kodi, inaitwa, sijui munaita nini, sijui mnatoa kodi, inaitwa K-what? Jina something. Wataandika jina lako wakichukua. ... (Inaudible) wataandika returns zimekuja, na hazijakuja kwa sababu gani. Na hii yote ina-report to one office. Kwa hivyo hakutakuwa na na ufisadi. Hiyo nita- expand wakati nitawaletee memo, nita-expand.

Com. Hon. Asiyu: Asante sana...

Willie: Judicial, kuna vitu vya ... (Inaudible). Judicial ninaomba judicial itumie approved schools. Judicial inge- return approved schools kwa vijana. Na hii habari ya watoto wawe other departments ya approved schools. Watoto wanaranda randa, watoto wanafanya makosa. Na tena ibuniwe department ambayo wanawekwa for special service. ikiwa wana-need special service sijui, nitapewa nafasi niwaeleze, ama mumefahamu.

People: Imejulikana.

Com. Hon. Asiyu: Tunajua. Tunajua.

Willie: Hawa wanajua?

Com. Hon. Asiyu: Hebu ngojea, ngojea una swali hapa. Commissioner atakuuliza swali.

Com. Wambua: Ningependa kujua, hii man made ...(Inaudible). maanake wale wenye kuingiza hizo ndio wamefurahi, maanake ndio walitengeneza hiyo ...(Inaudible).

Willie: Okay, hii kwa mfano, yule alisema habari ya ma-Chief, assistant Chiefs, ma-Chief, maoni yangu inasema hawa waondoke. Halafu, kila Councillor katika ward yake, a-take position ya Chief. Maripoti yote iwe inapelekwa ofisini kwake, na ndio tunataka hawa ma-Councillor, wawe ni watu ambao ni watu educated. Ni watu experienced. Kwa hivyo, hiyo Councillor, kila head of department katika ward hiyo. Atapeleka monthly report katika hiyo Committee. Na hiyo Committee, wao watapeleka monthly report yao katika Division. Hiyo ni kama ofisi ya Chief, na ofisi important ambayo inakwenda ofisi ya D.O. ...

Com. Hon. Asiyu: Ngojea kidogo.

Com. Wambua: Mimi nauliza hivi, tuseme mimi ni mfanyikazi wa Serikali. Unakuja kwangu, na mimi nakuambia unipatie hongo ndio nikusaidie vile unataka. Nikifanya monthly returns, hiyo itanisaidia namna gani juu ya corruption?

Willie: Okay, hii, nikiwa tuseme kwa mfano, nafanya kwa ofisi ya –lets say ofisi ya Chief. Ofisi ya Chief, ataandika huo mwezi amefikisha kesi ngapi. Na huo mwezi ameamua kesi ngapi. Na zimebaki ngapi. Hata pia hii, itakuja kwa Judicial.

Interjection. Com. Hon. Asiyu: Nafikiri hapo tumefahamu. Nataka kujua...

Interjection. Willie: Sijui kama nimejibu sawa sawa? Lakini I will expand it in the memorandum.

Com. Hon. Asiyu: Itakuwa vizuri. Hii sasa hata hao tunasema Professional za senior people nani atawachagua?

Willie: Hii itakuja kwa ...(Inaudible).

Com Hon. Asiyu: By who? Hiyo condition itaandikwa na nani?

Willie: Hiyo condition? Nyinyi.

Com. Hon. Asiyu: Halafu hiyo tukishaandika?

Willie: Itawekwa katika Constitution.

Com. Wambua: Na watakuwa wangapi?

Com. Hon. Asiyu: Watakuwa wangapi hawa watu?

Willie: Hao hawana hesabu, ni wale qualified.

Com. Hon. Asiyu: Lakini Kenya ina watu qualified one million.

Willie: Hapana. Na pale, anatskiwa.....(Inaudible) watakuwa halipwi, itakuwa wanalipwa allowances.

Com. Hon. Asiyu: Okay, asante.

Willie: Watakuwa wanalipwa allowances, na hata mtu anaweza kukaa bila ku-attend hiyo nyumba. Lakini siku ile ... (Inaudible) yake itapatikana, atasimama na ndugu yake.

Com. Hon. Asiyu: Haya, asante sana, asante sana. Next?

Rose: So, the next person ni Gabriel Nzomo.

Com. Hon. Asiyu: Wewe unaitwa? Sema tena.

Gabriel Nzomo: Gabriel Nzomo.

Com. Hon. Asiyu: Bwana Gabriel Nzomo, ninaona umeandika maoni yako. Tafadhali usipoteze wakati kusoma. Eleza tu dakika chache sana halafu utupatie karatasi. Na wewe pia ni civic education provider. Na mimi ninashangaa kama ulikuwa ukisomesha watu, kwa nini watu hawajui kabisa, kabisa juu ya Katiba hii? Umesomesha mambo gani Bwana Gabriel?

Gabriel: Hatjafikia mbali. Tulikuwa tumeanza tu.

Com. Hon. Asiyo: Kwa hivyo munahitaji muda mwingine ndio turudi?

Gabriel: Eee, tuwachiwe ndio tuwe(Inaudible).

Com. Hon. Asiyo: Kwa maana hakuna chochote ambacho wametueleza zaidi sana juu ya mambo ya Katiba. Haya endelea.

Gabriel:(Inaudible) na Honorable minister, ...

Com. Hon. Asiyo: Gabriel Nzomo?

Gabriel Nzomo: Yes. Honorable Minister Ngutu, na ... (Inaudible).

Com. Hon. Asiyo: Hebu tunyamaze tumsikilize Bwana nzomo.

Gabriel: Kwanza kuna jambo ... (Inaudible) Constituency yetu ya Kangundo ni kubwa kidogo. Na kulingana na vile Civic education Providers, wale wametoka Eastern... (Inaudible). Tuko watu saba. Tuko wasaba. Na ingekuwa vizuri sana kusikia ... (Inaudible) Constituency yetu. Na kwa sasa hivi, tumefikia ... (Inaudible).

Com. Wambua: Muko wasaba tu?

Gabriel Nzomo: Tuko saba. ... (Inaudible). Na ni my request, kama nyinyi ... (Inaudible). Kwa sababu tuko divisions mbili katika Location yetu. Tuko na wa- (Inaudible), na tuko na (Inaudible). Sijui kama tungetaka ... (Inaudible), tungeletewa another Constituency.

Kwa upande wa maoni ambayo tulikuwa tumetaja ni...

Interjection. Com. Salim: Samahani, nifahamu, mutasaidiwa vipi?

Gabriel: Ningependa, kama tungetakiwa kusaidiwa, kidogo tungegawanya Constituency ... (Inaudible) wavunje ziwe mbili, badala ya kuwa moja. Badala ya kuwa na Kangundo Constituency, two divisionstungefaa kuongezewa ... (Inaudible).

Interjection. Com. Wambua: Kuna kitu umesema Bwana Nzomo, one thing is very clear. Wewe ni civic education Provider, tayari vile unasema, ni kama mumechukua position, yaani mumeamua juu ya swala fulani, ambayo tumekuja kuchukua kama maoni.

Gabriel: Hapana, mimi nimezungumzia tu...

Interjection. Com. Hon. Asiyu: Nyamaza, nyamaza kidogo Commissioner amalize.

Com. Wambua: Umeelewa? Ni kama umechukua position fulani kuhusu ile maneno ambayo tunataka kuchukulia, maoni ya wananchi. Sasa umesema umezungumza na watu na umekusanya maoni, umekuja hapa kusema maoni yako, au ni ya wale watu ambao umezungumza na wao?

Gabriel: Mimi, nimesema kwamba ninatoa kama maoni yangu ya kwanza, lakini hapa niko na maoni ya watu.

Interjection. Audince: (Inaudible)

Com. Hon. Asiyu: Bwana Nzomo, -tafadhali tunyamaze tusikizane, tukisikizana ni vizuri-. Wewe ni mtu wa ICEP. Ile National civic education ile kubwa. Ya ...(Inaudible). Au anaitwa nani yule mkubwa wenu? Yule Mzungu alishika hiyo kazi ya pesa.

Gabriel: Ya ICEP.

Com. Hon. Asiyu: Ndio. Sasa tunataka ukisimama hapo, usituambie mambo ya watu wa Kangundo. Sema mambo yako mwenyewe. Kwa maana tumefika hapa kusikiliza maoni ya watu wa Kangundo. Na pia, usifanye advocate. Usieleze watu wa Kangundo kwamba mukikija huko, ndio hii museme. Kwa maana kila mtu ana akili yake, na fikira yake. Tunaelewana? Haya endelea.

Gabriel: Okay, kitu imenifanya niseme hiovyo, hii karatasi ...(Inaudible). Na nyingi zimetoka kwa wale civic providers hapa, ndio walikuwa wakisema ...(Inaudible).

Interjection. Audience making noise.

Com. Hon. Asiyu: Lete hiyo karatasi tafadhali. Haya, wewe ni civic education provider, haya ni mambo umekuwa ukifundisha watu.

Interjection. (Inaudible).

Gabriel: ...(Inaudible).

Com. Wambua: What we can do is that we will take and...

Com. Hon. Asiyo: Leave it with us.

Com. Wambua: Leave it with us. Give your views, if you have your own views.

Com. Hon. Asiyo: Give your own views, whatever little. ... (Inaudible).

Gabriel: All these are providers? So, you want to have your own views. But we have to ... they have their own views?

Com. Hon. Asiyo: We cannot have civic education providers ... (Inaudible). I mean it is fundamentally wrong; they are civic education providers, but not all of them.

Com. Wambua: Let us accept the document, let us. ... (Inaudible) They have already made it?

Com. Hon. Asiyo: Can you please give this! Then you are not educating the people. But this is, - Nzomo, if you go out there as a civic education provider, and tell the people that... - tafadhali tunyamaze-, ...kwamba Kenya lazima iwe a multiparty state, hiyo number yako ya sitini na nane. Ni Wakenya wakae pamoja wasiwezwe kwa majimbo, -point yako ya kumi na saba. Umeeleza hii mambo yote ni ya civic education, ni kusema you are advocating for these issues.

Interjection. (Inaudible)

Com. Hon. Asiyo: As a civic education provider. And this is not right. We want to hear the views of the people of Kangundo.

Gabriel: You see, being a civic education provider ... (Inaudible).

Com. Hon. Asiyo: But are you our civic education provider?

Gabriel: ... (Inaudible).

Com. Hon. Asiyo: You are not? Okay, thank you.

Com. Wambua: Have you signed a memo of the Commission?

Com. Hon. Asiyo: No, he has not.

Interjection. (Noise from the people).

Com. Wambua: Give us a minute.

Com. Hon. Asiyo: Hebu tupatie nafasi kidogo. (Pause). Okay, I think since Mr. Nzomo had already come, he has given us some of his personal views. I think we should give him like three to five minutes. Because he is already here, we can't turn him away. Let him tell us his own views about the new Constitution. Just three minutes only, Bwana Nzomo tafadhala.

Gabriel Nzomo: Okay, asante. Kitu cha kwanza ningetataka kusema juu ya ...(Inaudible). Siku hizi ...(Inaudible). Na tumeonelea hivi, tunatizama Kenya ambayo tuko...(Inaudible). Sasa haina kazi ya ...(Inaudible). Hawa vijana wengine wamesoma, kama ingewezekana wasaidiwe, na wapewe pesa za kuenda nje wafanye kazi, ingelifaa sana.

Ile ingine ni kuhusu corruption. Corruption ni kitu tumepiga kelele sana, na tukitaka kufahamu corruption, ingefaa sana viongozi ambao tuko na wao raia ambao tuko Kenya, tuonyeshe ni wapi tumekuwa ...(Inaudible). Kwa sababu mtu akipewa kazi, akifanya ...(Inaudible) akiiba pesa ...(Inaudible). Hatuwezi kujua kwa sababu hatujajua mali yake ...(Inaudible).

Kile kingine ni kuhusu sittings katika election. Ningeonelea sana, katika election, kunatokea ...(*End of side A of tape two*).

...Ihesabiwe na hao watu wako na hiyo mzigo, na ...(Inaudible) kutokana na ...(Inaudible). iende kwa Commission, na ...(Inaudible) za Serikali, kama unatoa kitu, unatoa kwa ...(Inaudible). Na hiyo ...(Inaudible) ikihesabiwa, ipelekwe kwa central court, ambao wata-charge, atachukua ...(Inaudible) yote kutoka kwa kila station, na afanye ...(Inaudible) ni nani.

Kile kingine ni kuhusu mambo ya ukulima hapa kwetu. Tumeonelea, au mimi nimeonelea kwa hakika, - na sana sana, kama sasa mukiangalia mambo ya ile cereal boards, tumekuwa na sehemu kidogo sana inabaki mkulima anafaidika. Tungeuliza Serikali, kama itawezekana, hiyo mambo ichukuliwe cereal boards ziwe kila mahali. Na pesa zitolewe za kununua mazao ya watu, ndio farmers wapate mapato mema.

...(Inaudible) we go to Nomination, katika chama na katika local councils. Hakuna umuhimu sana wa kufanya nomination, kwa sababu kama electorate ndio ...(Inaudible), inatakiwa, kama tungechagua Councillors hapa kwetu, wale tumechagua waende wafanye hiyo kazi ...(Inaudible). Yule atakuwa nominated, ndio representative wa ...(Inaudible). Kwa hivyo sioni kama kuna shida, ...(Inaudible).

Na ya mwisho kabisa ni kuhusu mambo ya maji na stima. Area hii ni kubwa, na sana sana tukieonelea sehemu zingine zinakaa kando bila kupata usaidizi wa maji ama stima. Iwe ...(Inaudible) na kila mtu tupate. Asanteni.

Com. Hon. Asiyu: Asante. *(To the Commissioners):* Kuna swali mungependa kuuliza Bwana Nzomo? Haya, kuna wale watu civic education providers ambao wameweka majina yao hapo, kabla Bwana Nzomo yuko pale pale, ningependa kuita Bwana Anthony Muteti, kama yuko asimame, mama Jane Katule, Mzee Bernerd Mutheka tafadhali musimame; Anthony Mbusia, Josephat Madina. Simameni wote tafadhali. Nyinyi ni civic education providers. Hebu muje hapa mbele mutueleze maoni yenu pamoja kwa maana mumeandika kikaratasi kimoja, halafu sasa hapo ndipo tuendelee na wale wengine. Wewe ni Bwana ...

Anthony: Anthony Mbusia.

Com. Hon. Asiyu: Anthony Muteti...

Anthony Mbusia: Mbusia. Muteti na hao wengine wameenda Machakos, hawako.

Com. Hon. Asiyu: Anthony Mbusia. Bwana Mutheka hayuko? Na Muteti?

Mbusia: Machakos.

Com. Hon. Asiyu: Kufanya nini?

Mbusia: Kulikuwa na mambo ya ofisi ...(Inaudible).

Com. Hon. Asiyu: Na nyinyi munafanya kazi hapa Kangundo pekee yake, na munaenda kufanya nini Machakos?

Mbusia: Kuna coordination huko Machakos.

Com. Hon. Asiyu: Haya, Bwana Anthony, tueleze maoni yako. Nataka kujua je, maana umeweka sahihi kwa hii karatasi, haya ni maoni yako. Sindio? Na kwa hivyo huna haja ya kusema mambo mengine?

Anthony: Nitasema kidogo ...(Inaudible).

Com. Hon. Asiyu: Kama umezungunza tayari kwa hii karatasi, sioni kwa nini uongee tena, uchukue nafasi ya watu wengine, lakini chukua dakika moja na utuambie, - na usituambi kitu ambacho umeandika hapa.

Mbusia: Sitafanya. Mheshimiwa, waziri wetu, Commissioners, na watu wa hapa waliofika, hamjambo? Mimi sijambo. Majina ni Anthony Mbusia, ...(Inaudible), na kitu cha kwanza ni kusema kwamba kuna jambo moja ...(Inaudible) civic education. Ya

kwamba ni kwamba watu hawaelewi kabisa kabisa Katiba hii. ... (Inaudible). Kuna bad ... (Inaudible). Kuna watu ambao ... (Inaudible) na kama inawezekani iundwe, iwe translated kwa lugha nyingi kama vile ... (Inaudible) na lugha zao.

Kuna ... (Inaudible) kwa Katiba, clan. Lakini sitazungumza kwa maana imezungumziwa pale mbele kutoka ... (Inaudible). Kwa sababu clan, kwa kila Katiba iko hapo na maoni yao, na ni wazee, sasa ... (Inaudible). Kama wanaamua, wameamua ... (Inaudible) wanajua.

Halafu ya mwisho, iwekwe kwa sheria ... (Inaudible). ya mwisho ni kuomba Mungu awabariki.

Com. Hon. Asiyu: Haya asante sana, Commissioner Wambua angependa kukuuliza swali moja.

Com. Wambua: Unasema wananchi hawaelewi ... (Inaudible).

Mbusia: Nimeelewa swali lako. Kama ... (Inaudible) munafanya ... (Inaudible) kama hao ... (Inaudible).

Com. Hon. Asiyu: Wewe rudisha tu swali.

Mbusia: Ukiuliza ... (Inaudible).

Com. Wambua: ... (Inaudible), na wanaishi sehemu hii? ... (Inaudible). Okay, na mukienda kuzungumza, munatumia curriculum gani? nyinyi kama ...

Mbusia: Tuko na ... (Inaudible) Leonard Mambo. Yeye na hawa watu wa ... (Inaudible), national na ... (Inaudible), we have Constitutional and ... (Inaudible), and ... (Inaudible).

Com. Wambua: Mumewahi kuona ile ya CKRC, ile ya Commission, curriculum ambayo wanatumia?

Mbusia: Aa aa.

Com. Wambua: Muko nayo?

Mbusia: tuko tu na hiyo ya sheria ya ... (Inaudible).

Com. Wambua: Hamjapata?

Mbusia: La.

Com. Wambua: Na hamjatumia hata siku moja?

Mbusia: La.

Com. Tiobiko: Ndugu kuna swali moja...

Com. Hon Asiyu: Ngojea, ngojea ngojea.

Com. Tobiko: Haya maoni yako kwenye hii karatasi, haya ndio munafundisha watu?

Mbusia: No. These are personal view za Civic education providers. Watu tunawafunza, na ...(Inaudible).

Tobiko: But this is what you prefer?

Com. Hon. Asiyu: Because these are your views kama Mwalimu? Kwa hivyo munataka Serikali ya aina hii? Okay.

Mbusia: Nimetoa maoni yangu.

Com. Hon. Asiyu: Okay, tumeshukuru sana, nafikiri sasa tutaendelea. Asante sana kwa maelezo hayo, tutaendelea na yule mwingine ambaye, - na tafadhali ujaribu kwa kifupi sana sana.

Rose: Kwa hivi sasa nitamwita Anna Ngungu, yule ...(Inaudible).

Com. Hon. Asiyu: Jina la pili la Anna ni nani?

Anna: Ngungu. Jina ni Anna Ngungu.

Com. Hon. Asiyu: Anna N-G-U-N-G-U. Okay Anna endelea tafadhali.

Anna: Nilikuwa nasema kwamba, ...(Inaudible), nimesema mambo kama Kangundo Constituency. Ya kwa nza nitazungumza juu ya urithi. Sisi wamama tunataka kuwe na sheria ambao itatulinda kwa kutuzuia kurithi mali, ambao kama vijana ...(Inaudible) hiyo mali ikusanywe kwa watu wao wanaleta ...(Inaudible). Tunataka ...(Inaudible) kila district.

Interjection. Cheering from the Audience.

Anna: Ya pili, ni msichana, mtoto awe ni mtoto. Kwa sababu hawa watoto ...(Inaudible) kuzaa kijana ni kuzaa mvulana. Na huyo msichana akose pa kuenda ...(Inaudible). Apatiwe urithi kama mvulana, kwa sababu mtoto no mtoto.

Ya tatu, ni raping. Kuko na raping nyingi, na kama wakati huu kuko na ukimwi. Na wakati wanapata wana Ukimwi, wanaenda wakisambaza ugonjwa. Kuwe na sheria, mtyu ambaye anapatikana ali-rape mtu, afungwe maisha. Na kuna ingine ya kupiga bibi. Wanaume wanachapa wanawake ovyo ovyo. Mtu akipatikana kama amepiga bibi ovyo ovyo, akamatwe afungwe. Na kuna kule kupigwa kwa mtu ambaye amekosa, na kuna wengine, mtu anakuja kama amelewa, anakuja ati ...(Inaudible) na kuanza kupiga bibi.

Com. Wambua: Na ikiwa Bwana amepigwa na bibi?

Anna: Hata yeye afungwe.

Interjection. Laughter.

Anna: ...(Inaudible), kupoozwa kwa wasichana wakiwa wadogo. Na ...(Inaudible), watoto hawa waache kupelekwa kwa ...(Inaudible).

Ile ingine, ni executive. Tuwache kuhubiriwa hapa vurugu kwa mambo yoyote. Bwana akiwa nyumbani, kuwe na sheria ya kuzuia, tuketi chini tuzungunze mambo, ...(Inaudible) awache kusema mimi ...(Inaudible) kwa sababu hapa ni kwangu, lazima kuwe na sheria. Tunaambiwa tuwe na sheria, tukiwa kwa ...(Inaudible), wamama wale wakipewa nafasi ya kuongea na watoto wao. Kwa sababu kama hawa wametufungia; tangu asubuhi, ma-Bwana ndio wamekuwa wakiongea, wakitoa maoni

Interjection. Cheers from the audience.

Anna: Tuwe tukikataa; tuwe tukiingia kwa mikutano, kukiwekwa kwa ma bwana wawili, mama aingie katikati ya watu hao. Pia kwa mikutano kama za ...(Inaudible). kukiwa na mikutano, kuwe na wamama kuenda hiyo mikutano. Tungependelea, Serikali iangalie habari ya ...(Inaudible). kama wanaajiri ...(Inaudible). Na kama ni mama, nikiwa na kazi ya ngazi ya juu, kama ...(Inaudible), na iwe ...(Inaudible). Kina mama wawe wako upande huu wa mto ambapo hawataweza ...(Inaudible). Kwa hivyo iangaliwe habari ya hiyo ...(Inaudible) uwache kuwa mbali na kina mama.

Ile ingine tumeonelea upande wa sheria ya wamama kufukuzwa ovyo ovyo. Ikiwa nimewekwa na nimezaa hapo, usifikirie wale

wote nitaweza kufukuza ovyo, nioe bibi mwingine. Kwa sababu nimemaliza wakati wangu, nimezaa watoto, hata hao ukinifukuza na wao, nitawapeleka wapi? pia nimeonelea, viti viwe vikipewa one third ya viti kwenye county council, wamama wote one third hapo.

Ile ingine ni ya Mayor. Mayor awe akichaguliwa na raia, na awe akikaa kwa miaka tano. Kwa sababu, vile tumeonelea, hasa wakati huu, tungependelea sisi tuwe tukichagua mayor, na akienda akae hapo. Kwa sababu wakienda hapa...(Inaudible) watatuletea madhara mengine ya kutugawanyisha na kutuchagua mtu ambaye hatutaki. Hiyo tumeonelea mtu akichaguliwa, akiwekwa hapo amalize miaka tano, na akiwa kazi yake ni mbaya, arudishwe kwa wananchi wamchague tena. Kwa hayo machache, mengi mutayapata kwa memorandum.

Com. Hon. Asiyu: Asante sana Anna, umefanya vizuri, kama kuna maswali yeyote, tuta...- utarudi pale uulizwe na ma-Commissioner.

Wambua: Unasema Mayors wawe, - wachaguliwe directly na watu, - na wananchi. Kwa hivyo ungependelea wasiwe Councillors?

Anna: Wawe Councillors, na pia wachaguliwe, huyo mayor atachaguliwa kwa hao Councillors.

Com. Wambua: Kwa hivyo unasema kuwe na uchaguzi mara mbili, kuwe na ile –kwanza Councillors wawe elected...

Interjection. Anna: Ama tupewe nafasi ya kuchagua vile tunachagua ...(Inaudible).

Com. Hon. Asiyu: Okay, unasema kwamba kwanza watu wachague councillor? Wakishachaguliwa, wale wanataka kuombea kiti cha Mayor, sasa wasimame na wachaguliwe tena na wananchi?

Anna: Ikiwa sivyo, tupewe ...(Inaudible) ule atachagua President MP, Mayor, ...(Inaudible).

Com. Hon. Asiyu: Oh, namna hiyo? Okay.

Com. Tobiko: Na chairman of council? Only Mayor?

Com. Hon. Asiyu: Only Mayor ama hata wale Chairmen wa council, wa county council?

Anna: Kama hapa kwetu, chairman ndio mkubwa wa hii...(Inaudible).

Com. Hon. Asiyu: Lakini pale kuna Mayor, iwe hivyo?

Anna: Eee eee.

Com. Hon. Asiyu: Okay, na hapa umesema wanawake, -wakiwa wanaume wawili wameongea, mwanamke wa tatu, mwanamke aongee.

Anna: Eee akkuwe kitu cha maana.

Com. Hon. Asiyu: Au kama kuna uchaguzi wa bunge na council iwe mwanamke mmoja katika kila watu tatu? Iwe ni one third? Na hawa wanawake wanapatikana wapi wakati huu?

Anna: Watajitokeza.

Com. Hon. Asiyu: Watajitokeza? Asante.

Rose: Sasa nitamwita Pascal Musilla. Tafahdali kama uko tayari ...

Com. Hon. Asiyu: Na mzee, kama umeandika usisome. Ongea tu kama vile mama aliongea. Halafu unawacha karatasi hapa.

Pascal: I will highlight. ...(Inaudible).

Com. Hon. Asiyu: your name?

Pascal: I am Pascal ...(Inaudible) Musilla. Pascal ...(Inaudible) Musilla. Yeah, ...(Inaudible) Chairman Review Commission, and honorable MP, ...(Inaudible). I would like to present my views to these Commissioners and many letters of application have been ...(Inaudible). in the first place, the Constitution should put in place a Commission that will go through the salary increment.

Com. Hon. Asiyu: Into?

Pascal: Salary increment. That is, the Constitution should put in place a Commission, which will look into the welfare of the civil servants in ...(Inaudible) salary increment. In case the Government thinks that it ...(Inaudible), and it fails to implement what it has given civil servants, this Commission will be in a position to take the Government to the court. Yaani nasema, Serikali ikiongeza wafanyikazi mshahara, na ikose kuwalipa, wawe na Tume ambayo inaweza kushtaki Serikali, kuipeleka kortini na

kulazimisha kutoa. Kwa mfano walimu waliongezwa mshahara miaka mitano iliyopita, na Serikali haikuwalipa.

Secondly, the Government should put in place that all Kenyans are all ... (Inaudible) than they get.

Thirdly, our Members of Parliament should be educated people. We should not just have a set of people in charge, who, some of them, those are going to say no, in the 'know how to read and write.' (Inaudible). So, if the ... (Inaudible) MPs C+, or they could as well have ... (Inaudible) of the proper education system.

Now, the Councillors, we should not have a Councillor who will may go half the time of ... (Inaudible). Councillors ... (Inaudible). Because ... (Inaudible) and that is why they have to cause these problems... (Inaudible) and some are illeterate. Therefore, the Constitution should ensure that all ... (Inaudible), are all educated. My points are that the Mayor of ... (Inaudible), should be elected directly by the followers. They should be elected directly by the followers, ... (Inaudible) by a few people, those who elect them. And we have them ... (Inaudible), in orer to remain ... (Inaudible) who elected them to be mayors or chairmen of the council.

The other is that the Provincial administration, have proposed that let this remain the way it is, and proposed that Sub-Chiefs work the way they were. But, the Government should ensure that the Provincial administration is not so bad. That we hold a ... (Inaudible), to ensure that these provincial administration workers, are not corrupt.

The other issue is that, Provincial and civil servants, be it the Doctors, teachers and what have you, they are administrators. Being administrators, like the same job group. We do amartuers, our dear doctors in the world. If you are ... (Inaudible) hospital it should be put to the higher job group. So that we can create the ... (Inaudible). So that the ... (Inaudible) the whole sector can be seen to bring in a ... (Inaudible). So that, in case of a ... (Inaudible) those people should be pushed to the next job group. If it is an ... (Inaudible) why not ... (Inaudible). A President has job group A (Inaudible) headmaster, the deputy headmaster, ... (Inaudible). There should be a job group at (Inaudible). meaning there should be ... (Inaudible), so that they are encouraged to work hard.

The other issue is that we need to think ... (Inaudible). All civil servants should be treated the same, and there should be no day when, there should be no day when a civil servant like Police force, ... (Inaudible) like ... (Inaudible). should be treated and if failed, such should be taken to a court of law. No one in Kenya should be treated ... (Inaudible) by a senior civil servant. Be it a ... (Inaudible) or police force, can be no threat. Now, that for that, there is a lot of ... (Inaudible), should be treated and ... (Inaudible).

Now, if you look straighter there is a lot of ... (Inaudible) here. We have it ... (Inaudible) the Government land has been grabbed. Be it by Councillors, by mayors, and all these ... (Inaudible). the land has been grabbed. Nasema kwamba kama mali

ile ...(Inaudible), kama ni land ya Serikali imenyakuliwa na watu kama councilors, na watu ...(Inaudible), hao watu wachukuliwe wapelekwe kortini, na washtakiwe. So that we know that land has no ...(Inaudible) registered, it has been grabbed by the people from Ukambani, by the top cream of the leaders. So start early to be ...(Inaudible) at you are Okay.

Promoting of the ...(Inaudible), should mean wrong ...(Inaudible). There are people ...(Inaudible) and they think like they would any how protect the Constitutional, that the groups who are running that are colonial or made to have their ...(Inaudible) towards more.

Now, Political journey the Government takes, of the cost sharing of the Nationa cake rather, there has been a ...(Inaudible) that the cake for every Constitution has been eaten. This fact should be set for ...(Inaudible) like a rural but not crooked politician. There should be a test for ...(Inaudible) that will foresee the Government, and development of Constitutional things, and it should rather support, ...(Inaudible) to set a code to take care of ...(Inaudible) that particular part. ...(Inaudible) development Community institutions. According to ...(Inaudible), it is a point; all Communities are not as ...(Inaudible) as we go to gradual ...(Inaudible) continually, and we take provision fot the Government, which will have(Inaudible). As we could resume political ...(Inaudible), we could resume ...(Inaudible) compared to draw such a draft Constitution. ...(Inaudible) you find that there are areas without a single ...(Inaudible). As soon as those people are still in Kenya, therefore, ...(Inaudible).

I want to ...(Inaudible), every Kenyan should be under law and not above the law. Kila mtu nchini Kenya, apaswa kuwa chini ya sheria na anaongozwa na sheria. Sio kutoka kwa mtu mmoja mama wawili ama watatu, wawe above the law. Therefore, we should be governed by the rule of law. Every citizen should be governed by the rule of law. For instance, you find that people have ...(Inaudible) those people should be ...(Inaudible) that is what they mean by every Kenyan should be governed by law.

The judiciary should be independent. As we talk of now, our courts look like they are not independent. They look like they act like as per ...(Inaudible). Therefore, ...(Inaudible) our courts being independent. Now, ...

Com. Hon. Asiyu: Sasa saa yako imekwisha

Pascal: Now, we have, -excuse me, the last one here-. Now, I said that we have a Prime Minister. I would suggest that we have a Prime Minister in Kenya. Thank you very much.

Com. Hon. Asiyu: Thank you. We want to ask you some questions,

Com. Salim: It would be of help to us, if you can tell us how to make the judiciary. Maybe just make proposals to us, so that we, as Commissioners can take those proposals to the Commission, just to say that the Judiciary should be independent. I think

that is what I have been... what proposals do you have to make to us, to make the judiciary be independent?

Musila: Yes, My proposals to make the Judiciary independent is that, Judiciary should suit all Kenyans equally. For instance, some people even if we take them to court, does not mean much to them. And we have seen the ...(Inaudible). We have even seen there people if you take them to court. For instance if a person can ...(Inaudible).

Com. Hon. Asiyu: So, we are asking you to tell us, how can we make the judiciary to be independent?

Musila: We can make the judiciary independent by considering that everybody who commits a crime, be it a Minister, be it a Councillor, be it a top civil servant, he is treated the same as any other Mwananchi. Any other?

Com. Salim: If you – your last word was the Prime Minister should be appointed. How would you want the Prime Minister to be appointed?

Musila: The Prime Minister should be ... -The Prime Minister will have to be ...(Inudible) a President, a President elected by the common man. And the President should win by simple majority. The President should win simply by simple majority. Then the Prime Minister ...(Inaudible) by simple majority, and should be elected by people.

Com. Hon. Asiyu: As prime Minister?

Musila: Yes.

Com. Hon. Asiyu: Not a Member of Parliament?

Musila: Both. Being a Member of Parliament and Prime Minister.

Com. Salim: You want there to be two elections.

Musila: No. No, no, no.

Commissioners: ...(Inaudible).

Musila: We will have one election, and ...(Inaudible). We elect President and the Members of Parliament, and we elect the Members of the Cabinet and the ...(Inaudible). We ...(Inaudible) and also a Prime Miniaster.

Com. Salim: But how do we elect the Prime Minister? In the by-election?

Musila: No, we should not elect a Prime Minister in the same month in which, the President is elected. ...*(Inaudible)*, that is why, those people who are ...*(Inaudible)*, are elected, are elected by people.

Com. Salim: So, the Prime Minister be elected by people?

Musila: Yes.

Com. Salim: So, through two prime elections? One for Prime Minister, one for President?

Musila: No. No. I think that the Government, the way it is, that we ...*(Inaudible)* for Prime Minister, those who are vying for Presidency, but conducted the same time the same hour. Thank you.

Com. Hon. Asiyo: Okay, tumeshukuru sana, sana. Tafadhali peana karatasi yako pale mbele, na tumeshukuru maoni yako, tutayaandika, -tumeandika tayari, ni kupeleka huko juu. Halafu tukianza collection, hata hayo maoni yako na ya wale wote ambao wameongea, yatapata nafasi kwa hiyo ripoti yetu. Imefika saa nane sasa, pengine ingefaa tuwe na break kidogo ya kunywa chai au soda, na turudi hapa a quarter to three. Tupate forty-five minutes ya kupata lunch ndio turudi kwa mkutano. Asanteni sana wale waliongea, ...*(Inaudible)*. Thank you.*(End of tape two)*.

Com. Salim: Hamjambo tena? Karibuni tena katika session ya pili ya leo ya baada ya aduhuri. Na tunafuraha kuwa nanyi tena, kuendelea na kupata maoni kutoka area hii ya Kangundo. Na ningependa kusema kwamba nimefikiria sana, mengi yalioelezwa hivi leo, yakiwemo maoni ya mheshimiwa Waziri wetu; kwamba watu wa Kamngundo wana haja sana ya kupatiwa civic education kamili; ili wawe na uwezo bora, wa kutoa maoni kuhusu mambo mengi sana, ambayo yako ...*(Inaudible)* katika Katiba. na ambayo yametakwa ...*(Inaudible)* kuelezwa wazi wazi, ili kwamba tukija mara ya pili, wawe na uwezo wa kutupa maoni yaliyo na msingi. yaani ukiwa na maoni, ni bora kuwa na maoni baada ya kuelimishwa. Kwa mfano, aina gani ya Serikali tungependa kuwa nayo? na kabla Mwananchi kupata kugezwa kuna aina ngapi ya Serikali? Hawezi kukuambia aina hii, ndio ya napendelea, kwa sababu hii, na hii na hii. Huo ni mfano tu.

Kwa hivyo tunaafikiana sana, na Bwana Phillip, na jamaa wengine ...*(Inaudible)*. mwenyekiti wa kamati pia, alisema maneno kama hayo. Kwa hivyo tumefikiria kwamba kati ya sasa mpaka saa kumi tu, tutaweza kusikiza maoni fulani, kiasi fulani. Lakini hapo saa kumi, tungependa kwa hakika kumaliza session hii kabisa. Ili kuwapa watu wa Kangundo time, wakati wa kutosha kuelezwa zaidi, kuhakishwa na ...*(Inaudible)*, wanachama wa ...*(Inaudible)*, na vivyo hivyo, kupata nafasi ya civic education. Hapa kuongea wapate ...*(Inaudible)*, au civic education providers. Na tunataka kuhakikisha kwamba maelezo yamekamilika kwa muda wa kutosha. Kisha tuje tena, na kukaa na nyinyi kwa muda mrefu zaidi, ili tupate maoni ambao ...*(Inaudible)* kama

wanavyosema waingereza. Maoni ambayo yamewekwa kwenye misingi wa maarifa na elimu. Sijui kama tumekubaliana?

Audience: Hiyo ni sawa.

Com. Salim: Kwa hivyo tuendeleo hivi sasa, kati ya saa, - sasa tuna dakika mne saa tisa na dakika ishirini, tumalize hiki kiasi cha saa kumi na dakika kumi. Na hapo tutaagana kwa kwaheri ya kuonana. Si kwa heri kabisa. Ni kwa heri ya kuonana. Na tutawaombea, na tutajaribu, lau tutajaribu, katu tuwezavyo kuhakikisha kwamba kila anaye...(Inaudible) mutakao kusaidiwa kupata hiyo elimu ambayo muastahili kupata. It is a people driven Constitution. Ni Katiba ambayo twataka iandikwe kufuatana na maoni ya Wananchi wenyewe. Sisi tuko kijuu juu tu, tuna ...(Inaudible) muda wa saa moja masaa mawili, tunarudi kule ofisini kwetu tunaanza kuandika. Kisha tutasema kwamba hii ni Katiba ya wananchi. Asanteni. Sasa ningependa District coordinator atueleze ni nani anayefuata.

Rose: Sasa nitamwita Petronilla Nduku, aje atueleze maoni yake. Na kama una maoni yenye imeandikwa na mtu anataka kuyatoa, afadhali ulete zile memoranda, zitaangaliwa na Ma-Commissioners ndio waweze kujua kama mutaweza kuongea nyinyi wote, ama tutafanya namna gani. Kwa hivyo kama yako umeandika, ilete mbele.

Com. Salim: How many people have written memoranda, ambao wako hapa? Those with written memoranda.

Com. Hon. Asiyu: one-two, ni wawili tu.

Com Salim: Who else has a written memorandum?

(Interjection. Talks from the background).

Com. Wambua: Kama hujui Kizungu au Kiingereza, unaweza kuongea kwa Kikamba, ...(Inaudible).

Com. Salim: Wale ambao mumepeana hiyo written memoranda, tafadhali muende muweke kidole, meweke sahihi kwa hiki kitabu. Wale ambao wamepeana memoranda.

Com. Hon. Asiyu: Muende muweke signature kwa register hapo.

Com. Salim: ...(Inaudible) absent, you can give us your full name, again, for the record, we have it there, but we need it also in tape. Carry on.

Petronilla: Yangu, yale nitaongea, nitasema hapa ni machache ...

Com. Salim: Tafadhali jina lako kwanza.

Petronilla: Kwanza jina langu, mimi ninaitwa Petronilla Nduku. Kitu changu cha kwanza, zile points niko nazo, niko na points kama sita hivi, lakini point ya kwanza ile nitaongea juu yake, kwanza ningeeongea juu ya hawa watu wakubwa, tusema watu wakubwa katika Government, ama watu wakubwa katika Kenya hii yetu. Kwa mfano, kama Ministers, MPs, na wale Government officials wale ambao ni wakubwa.

Juu ya watu hao ningesema, -na kabisa hii Constitution yetu iwe imetengenezwa, ni juu ya hawa watu. Powers zao, au uwezo wao uwe reviewed. Kwa sababu, kuko na wengine ambao wanaoneka kama wako na powers kubwa, na wanatupatia tabu juu ya hiyo. Kwa mfano, hawa watu, ndio wakati mwingine tuko na shamba ama tusema ma-plot ama land which has been set aside for the Government, for the work of Government, to set or build an institution, a Government institution, ama vitu vingine vya aina hii. Mashamba kama hayo yanachukuliwa na hawa watu wakubwa. Kama Ministers, MPs, na hawa watu wakubwa nimesema. Na vile wamepatiwa hiyo shamba, utaweza kupata mtu ako na shamba ya one thousand acres, na ukirudi hapa nyumbani, kuko na watu ambao hata acre moja hawana. Watoto wana tabu. Hatuna mahali pa kulima, hatuna mahali pa kujenga nyumba. Na hawa watu mmoja ako na a thousand acres, ama four hundred acres, ama one hundred acres. Na vile wamepata mashamba kama hayo sisi hatujui. Hatujui kama ni kuuziwa, ama ni kupatiwa bure. Na kama ni kupatiwa bure, walipatiwa bure kwa nini? ni kitu gani walifanya, ndio wakatuzwa hivyo? Asipate kitu kile hakufanya.

Kisha ningetaka, ningetaka mambo yatengenezwa, kama ni nini, ni Wanakenya wote kwa mashamba yako sawa. Kama ni mashamba haya ya Serikali, na hayana kazi, yapatiwe watu masikini wajenge manyumba huko, ndio walee watoto wao vizuri.

Juu ya hao watu tena, hao watu wakubwa, wametutaabisha, na hatutaki hii tabu, tungetaka sisi sote tuwe pamoja. Watoto wa hao watu ndio wanaleta taabu, na relatives wao ndio wanatuletea tabu. Tuseme kama ni kitu Serikali imekataa, inasemekana ukifanya hiki, umefanya(Inaudible). Hawa watoto wa hawa watu wakubwa ndio wanafanya. Tuseme kama mfano, drug trafficking, inafanywa na watoto wa watu wakubwa. Na kama mtoto wa masikini kama mimi au mtu mwingine hapa, akifanya kitu kama hicho, anashikwa na anafungwa, na huyu mtoto wa mkubwa anatekwa. Sisi tungetaka tu wafuate, kama ni watoto wa hawa wakubwa, na watoto wa masikini wawe ni sawa. Hatutaki watu wepelekwe juu na wale wengine chini.

Na sijui kama Kenyan laws were made for poor people. Sijui kama hiyo imekuwa namna hiyo. Kwa sababu mtu masikini akifanya mambo mabaya, anafungwa na huyu mkubwa akifanya hafungwi. Anazuiwa, anawekewa nini, ndio asishikwe na hayo mambo. Inaonekana ni kama hawa watu hawaonekani. Kwa hivyo, hao, -powers za hao watu ziwe reviewed. Tuwe kwa level moja. Kama ni law, tuwe tunafuata chanel moja, sio kimoja kiwe cha wengine, na kingine kiwe cha watu wakubwa.

Com. Salim: Mama, point hiyo tushaifahamu kamilifu. Uendelea na point ya pili sasa. Hiyo point ya kwanza, tumeifahamu.

Endelea na ya pili.

Petronilla: Okay, kile kingine ningeongea juu yake ni, hii sehemu ya President, kama mimi ningeulizwa ningesema, na nimeulizwa na nitasema hiyo, President, tuwe na President mmoja ambaye ako na uwezo. Na awe ndiye mkubwa wa majeshi. Na juu ya President tena, ningesema President akichaguliwa, awe anachaguliwa na watu. Na sio kutolewa huo U-President upatiwe mtu mwingine kwa mkono. Tuwe tuko, -kama ni President awekwe hapa kwa meza, yule mwingine awekwe hapa kwa meza, tumchague. Na tukimchagua, akiendelea vibaya, kabla ya ile miaka mitano, aondolewe tuchague mwingine. Kama akiendelea vizuri, amalize miaka mitano. Haya tufanye kura tena. Tukimpatia kura tena, tumchague tena mara ya pili, iwe ni miaka mitano, hiyo yote iwe ni mika kumi kama ni mtu mzuri. Ikifika miaka kumi basi atoke, na angojee tena miaka ingine ijayo tumapatie mtu mwingine.

Huyo President katika hiyo miaka akiwa na makosa alikuwa amefanya, akimaliza session yake, akiwa na maokosa, ashtakiwe kama wale wengine, kama vile watu wengine wanafanya. Kwa sababu akiachailiwa namna hiyo, President mwingine aje na makosa namna hiyo Kenya hatutatoka hapo, tutakuwa na tabu, na tutakuwa nchi ya corruption.

Kile kingine ningeongea juu ya, haya mambo ya watu watatu katika Kenya. Na hao watu watatu, ni watu ambao mimi ninaona ni watu muhimu sana katika Kenya. na wakati mwingine naona ni kama watambuliwe kama ni watu wakubwa, na ni watu important. Now, ningeguza kwanza, Police Force. Police Force, hao vijana wanafanya kazi ya police, wakati mwingine wanatukanwa wakisemekana hao ni wezi. Wakisemekana wanahongwa, na mambo mengi sana ambayo wanafanyiwa, wanashuhudiwa. Na hao watu, bila hao watu hakuna kitu kizuri. Wewe huwezi kukaa na television yako nzuri, huwezi kukaa na gari yako nzuri, huwezi kukaa na usalama nyumbani kwako bila mimi police.

Na hao watu, ninaona kama wanapuuzwa wakati wanapatiwa mshahara, na ndio unaona wako na wizi. Uangalie vizuri, ukiona policeman, uone payslip yake, unaona ako na four thousand shillings per month. Na huyu policeman ako na watoto kumi, au watoto watatu au watano. Anawezaje kusaidia watoto na pesa hii? Na tena ukiangalia huko, kuna watu wengine ambao wako na elimu hiyo iko na policemen, na wanapatiwa mshahara mkubwa. Nikiona kama policemen waache kuomba na waache mambo mabaya, wakipatiwa mshahara mnono, kama wale wengine, mambo yatakuwa mazuri, na kutakuwa na ulinzi mzuri.

Kile kitu kingine nitaongea juu yake ni, madaktari wetu. Ninaona madaktari wetu wako na tabu. Kwa sababu mimi nimesoma kwa gazeti, nimesikia kwa radio, tunaona madaktari wetu wanatoroka kwetu, wanaenda South Africa kuajiriwa kazi. Na wanafanya hivyo kwa sababu hapa kwetu hawapatiwi mshahara mnono. Hawapatiwi msahara wakutosha. Na hakuna mtu muhimu kama daktari. Wewe uwe Minister, uwe MP, uwe nani, uwe magistrate, uwe nani, ukiwa mgonjwa, ugonjwa mbaya, huu ugonjwa unatibiwa na daktari. Tuseme uko na ugonjwa wa kupooza, na unataka kupasuliwa, Minister hawezi kukupasua, ni daktari ataitwa akupasue. Na wewe Minister ukiwa na huo ugonjwa wa akili, daktari ndio atakupasua, wewe huwezi huwezi kujipasua.

Interjection. Com. Salim: Tafadhali, point zako tumezifahamu, usitupe details, tupe mapendekezo yako tu kwa ufupi.

Petronilla: Kwa hivyo, mapendekezo yangu, ni daktari wapatiwe mshahara waache kutuwacha, na kuenda kufanya kazi nchi zingine.

Com. Salim: Haya, endelea mbele.

Petronilla: Haya, kile kingine, ni juu ya walimu. Walimu ni watu wengine muhimu. Kwa sababu, pasipo na walimu hatuwezi kupata watu ambao wako na elimu.

Interjection. Com. Hon. Asiyu: Eleza maoni yako juu ya walimu.

Petronilla: Maoni yangu juu ya walimu, walimu wapatiwe mshahara ndio wapate kufanya kazi vizuri.

Com. Salim: Asante.

Petronilla: Haya, kile kingine ningeegea juu ya walimu...

Com. Salim: Lakini kwa ufupi mama, kwa ufupi maana watu hapa wamejaa.

Petronilla: Walimu walindwe. Kwa sababu tumeona walimu wakati mwingine wanapigwa na wazazi kwa mashule. Na ni kwa sababu mwalimu amemuadhibu mtoto. Na kwa sababu kumesemekana kuadhibu mtoto, -akiadhibiwa asipigwe, nao watoto wakawa watukutu. Wakaanza kupiga walimu na mawe. Wakaanza kuwatukana. Kwa hivyo, ningeeuliza Serikali wakisema hivi, nao walimu watafutiwe njia ya kulindwa. Na kama mtoto amekosa, apatiwe corporal punishment na headmaster, kama mwalimu mwingine hawezi kumpatia. Lakini headmaster awe on the right kumpatia corporal punishment. Asiachwe hivyo.

Kile kingine ningesema ni juu ya wanawake, -kurithi kwa wanawake.

Com. Salim: Kwa ufupi sana, maana wakati wako umekwisha. Twataka kuwasikiza na wengine pia.

Petronilla: Juu ya urithi wa wanawake, ningesema wanawake wapatiwe urithi hasa kwa mashamba ya baba zao, ama tuseme ya wazazi wao. Lakini sasa bibi ambaye ameolewa, ako na bahati kwa sababu amepata Bwana wake. Aende akapatiwe urithi wake na Bwana, lakini kama bado hajaolewa, apatiwe urithi na babake na mamake, ndio alee watoto wake kama ako na watoto, ama yeye haishi maisha mema kama brothers wake.

Kile kingine ningeonea juu yake ni juu ya MPs wale wamechaguliwa. Tuwachague ma-Mp wetu, kama vile zamani tulikuwa tunafanya, lakini iwe secret ballot. Na MP akichaguliwa aende kufanya Parliament, na awe hana nidhamu, au hafanyi kazi katika Constituency yake, hawasaidii watu wake, huyo aitwe nyumbani na tumpatie mtu mwingine nafasi hiyo, sisi ambao tumemchagua.

Kile kingine ningeonga juu yake ni Councillors, juu ya Councillors. Kulingana na maoni yangu, kama Councillors wakati wanachaguliwa, wachaguliwe na watu kama vile MPs wanachaguliwa. Halafu academic qualification ziwe kutoka form four na kuenda juu. Ndio tuwe na watu ambao wanaelewa na wanafanya kazi vile inatakikana.

Kile kingine na cha mwisho, ni juu ya nini, nimeanza, -ninasikia, na ninasoma, na ninasikia katika radio, kuna kitu kinaitwa Majimbo. Na vile nimeelewa na Majimbo, ni kupasuana, kama ni Province hiyo pekee yake, hiyo Province ingine iwe pekee yake. Kitu kama hicho, mimi ningesema, Kenya iwe Kenya moja ya watu wa mama mmoja, baba mmoja, na tusigawanye. Mambo ya Majimbo yaambuliwe, kwa sababu Province zote si sawa. Kuna Provinces ambazo zimepigwa na ukame sana. Zingine zinapata mvua. Zingine ziko na natural resources, zingine hazina. Na kugawanyika namna hiyo, tutakuwa na madharau, na fitina, na vita wakati mwingine kwa sababu wale masikini wanauliwa. Kwa hivyo mambo ya Majimbo, mimi ningependa hiyo iachwe, na kama inatumiwa, iwe ni kifua tunatumiwa sisi hatutaki hiyo.

Kile kingine, ni juu ya...

Com. Salim: tulisikia kwamba hilo ni oni la mwisho.

Petronilla: Oni la mwisho. Ni Ccommissions. Commissions za Kenya yetu zinakuwa nyingi sana. Unasikia wamekuwa na a Commission set for a certain purpose. Ichunguze kitu fulani. Na hizo Commissions nyingi nyingi zikiwekwa, hatupati, -sisi wana raia hatupati ni ... (Inaudible) zinaitwa Commissions. Wakati mwingine tunasikia kumekuwa na Commission ya aina hii, na hatujui itatoa nini. Tungeuliza kama ni Commission, -na kwa sababu hiyo Commission itatumia pesa za Serikali, na pesa za Serikali ni za raia, tungetaka, Commission ikiwa set, tupatiwe riporti tujue ni kitu gani kinaendelea Kenya. Na sio Commission kama hii iwekwe kama tumeandika vitu vingi tukija hapa kutengeneza hii mambo, halafu hii kazi iwe ni ya bure. Hatutakuwa na Constitution ile tulikuwa tunataka. Mambo yangu ni hayo tu. sina mengine.

Com. Salim: Asante sana Bi. Petronilla. Tafadhali hebu rudi, ... (Inaudible). Kuna maswali mawili matatu, tutauliza.

Com. Wambua: Umesema Rais achaguliwe kwa kipindi cha miaka mitano. Na ukasema akitumia mamlaka yake vibaya aweze kushtakiwa. Je, unapendekeza kushtakiwa akiwa kwa ofisi, ama angojee atoke kwa ofisi ndio mashtaka yawekwe, ama umesema namna gani?

Petronilla: Mimi ningependekeza, hata akiwa nini, ako kwa ofisi, ashtakiwe ndio tupate mtu mwingine aendeshe kipindi hicho kimebaki.

Com. Wambua: Lakini Commissions, umesema hungenda ...(Inaudible) ya Commissions, Tume inapeleka kwa wananchi. Unapendekeza Commissions ziweko, na kama unataka ziweko, ni nani inatakiwa ...(Inaudible)?

Petronilla: Kama ni kuchaguliwa kwa nini, kwa Commissions hizo, hapo sina uwezo sana, na sina maarifa sana juu ya uwezo wa kuchagua commissions kama hizi; lakini kama tuseme kama ni Rais amezichagua, na tumetangaziwa, na tumeweka kwa akili zetu kwamba kuko na Commission ambayo imekuwa set, hiyo ripoti ikija tujulishwa kama vile tumejulishwa hayo mambo yakitendeka. Hata ikiwa imesetiwa na nani.

Com. Salim: Asante sana Bibiye, nafikiri maswali yamekwisha, tunashukuru kwa maoni yako. Tukiendelea mbele, sasa tunaye nani Rose?

Rose: Okaya Ndegwa.

Com. Salim: Okaya Ndegi?

From the background: Ndegwa.

Mukaya Ndegwa: Thanks a lot Commissioners, and I would like to make my presentation straight away. One, is that...

Com. Salim: Please give your name again for the records ...(Inaudible).

Ndegwa: David Mukaya. I am a professional teacher and a trained journalist. Thank you. So, I am going to make my presentation regarding today's visit. One is that I start by saying that in the new Constitution, that is in the pipeline, I wish to see a situation where the media is also catered for. For many many days now, this country has literally ...(Inaudible), which has been our greatest undoing. I therefore look forward to that time when media freedom will be fully entrenched in the Constitution. The time when journalists shall no longer be slapped, (Inaudible), insulted, discriminated against, embarrassed, harassed, despised and even belittled with impunity, by Police, Politicians and other elements of democracy.

I also look forward to the time when at least the media shall be allowed to thrive in the country. A kind of atmosphere where both the journalists and the public shall have freedom of assembly, freedom of expression, without undue harassment from very many ...(Inaudible). It is ironical that the very people that tend to muscle the press, the media, those that club the journalists,

are the very people that will go and demand or even request for the media coverage. It is very ironical. I don't know whether, when they are being covered, even outside their official functions, they are thinking, that one time this person that I slapped, is the person that is giving me publicity. And therefore, I also wish that at one given time, we shall have at least some commitment, particularly on the part of the journalists, they should be responsible enough, because we know that at times the journalists have been their own worst enemies, particularly where they invade other people's privacy. A point where they mis-report issues. A point where they do not actually regulate their own operations. And therefore, like a ... (Inaudible) some journalists will injure other people's reputation, or even invade their privacy.

In the new Constitution, I propose the media outlet and the journoirlists at last to be compelled, so that they can self-regulate themselves, without of course denying the public their rights to know. Media ownership also has not been covered in the Constitution, of course for very obvious reasons. You know, much as I do, that media ... (Inaudible) in the world over, has been a brief ... (Inaudible) of the rain. I used to say that this is not a welcome friend. In Kenya, for instance, we should not propose, restore this very important responsibility, to only three. But, if someone has the money to start a media enterprise, then he should be regulated by the Constitution, in such a way that the person should for example, be of the highest supposable, good draft record morally, the person should be of repute, and dignified person, the person should have good academic background, at least with a degree holder and with good experience in Institutional and multinational management. He should also be corruption free, and in addition, if he is a politician, then, he must have had a Good Political record in the past, and not a dictator. And not someone ... (Inaudible) also to pass in mussling the media.

Finally, the media should also be managed in such a way that of course, in terms of ownership, in such a way that the owner is regulated. So that he does not serve the interests of a single Political party. We have seen or even a ... (Inaudible) or a religion. Like it happened in Rwanda, Yugoslavia and other places. That is all in as far as media is concerned.

Com. Salim: I thought you were finishing because time is up. You are supposed to have only five minutes. If you have a memorandum, which you have, yes and we have already...

Interjection. Ndegwa: I will just want to make one statement.

Com. Salim: Summary please.

Ndegwa: In summary, I also add that we should – although this has been said, free education, and land to the poor. Because we have seen schools where very bright students drop out of school, people must spread at the ... (Inaudible) and they don't collect anything for them, and they don't donate anything for them to be drawn back to school. and of course we should also have a Constitution that regulates the road users for example, so as to curb road accidents. So, we need that, and that way I think through the Constitution we shall make it. Thank you.

Com. Salim: Thank you very much Bwana David Okayo for your views, have you handed in your...

Ndegwa: Yes.

Com. Salim: Where did you put them? Oh we have one here, sorry. We have a copy of it. Is that the one?

Ndegwa: Yes.

Com. Salim: Commissioners any question for Bwana David? Just asking my colleagues whether they have any questions for you. May be one, very quick one. You said something about the media owners have to be regulated, and they must not be seen to be favoring anybody ...(Inaudible). You know in so-called democratic countries, anyone can own a newspaper and propagate the views in the media, as the owner. If the conservative, he has conservery news. If it is the liberal, that ...(Inaudible) will propagate liberal views. Do you think Kenya can have individuals like that? And also propagate the views of their part?

Ndegwa: Yes, I agree with you. But the ...(Inaudible) democracy. in Africa, what we are fragile democracy, that are beginning to crawl. Because of that, we need a more dilapidated system of controlling these people. Because in Rwanda, if we had the same, then we could not have had the media to propagate the general ...(Inaudible). So we need a system which can control particularly this is an African country, and we know we have weaknesses here and there.

Com. Salim: Thank you. The other question is this one, you said that media tend to be owned by rich people?

Ndegwa: Yes.

Com. Salim: And you are against them?

Ndegwa: Yeah.

Com. Salim: It is a very expensive invest in the media. How can an average person or poor person, break the monopoly of rich people in the media?

Ndegwa: In my paper, I have written that of course we are not going to allow or it is not going to be possible for someone who does not even have a salary, to put his life on a media enterprise. Because it is a very expensive exercise. But then, those that are rich, and are going to own it, or if we are going to own it, I say it should be regulated in such a way that they have to have

the academic credential, they have to have credible management. They have to have – I think the ... (Inaudible) for example, that is my view.

Com. Salim: Thank you very much. Now the next presenter.

Rose: Now let me take the opportunity to call upon Peter Nyumbe, to come forward and present your views. Peter Nyumbe.

Peter Nyumbe: Waziri na Commissioner wote, na wananchi kwa jumla. Hamjambo? Maoni yangu ni machache na ni ya kusema juu ya Katiba. Maoni yangu ni kuhusu clan ambayo vita vinatokea pande kwa pande, ... (Inaudible). Maoni yangu ni haya, kama ikiwezekana, tuwekewe kwa Katiba maanani. Wakati mtu ambaye anaishi kama Mombasa, mtu alienda huko, - baba yake, akazaa watoto, wakazaa wengine, wengine wakazaana, na siku moja akakuja ambiwa wale watoto ni wabara, na mtu akaja ... (Inaudible) nisiokote, nisiokote ... (Inaudible) nikate kati. Na nikipitwa, bibi yangu mmoja atapelekwa kortini, aje kuingojea, hii mambo ya kungojea, inatakiwa iwekwe, hata sijui ingine kama iliandikwa ama iliachwa hapo kwa ... (Inaudible). Kwa sababu tukiamuriwa, tukiwa raia wa kufikiria Kenya ya kesho, -kwa sababu tunataka united Kenya-. Uwe unaishi wapi, ukiwa na title, uwe unaitwa ukiwa unajua una... (Inaudible). Hata na wenzako, mtu aki... (Inaudible) nikiwa nimetoka ... (Inaudible). Mwingine ... (Inaudible) huyu mtu anasema nini? Na huyu ni mgeni, ni mtu anatoka nje. Kwa hivyo, hivi vita kama ... (Inaudible) watu wetu wapigane, iletwe hapa kwa ... (Inaudible). Tuwe tunaweka maanani katika Katiba, ... (Inaudible) za viongozi ama co-incillors kutoka county, yule atakaye ... (Inaudible) kitu kama ya kuchochea, wewe ni mtu wa bara, ama wewe si mtu wa mahali fulani, huyo mtu achukuliwe hatua, apelekwe kortini. Hata ikiwezekana afungwe miaka ishirini.

Kwa hivyo, ile ingine ni ma-sub-chiefs. Nimesikia imetajwa hapa. Sub-chief, hatuwezi kukaa bila administration, lakini hii administration, ile inatakiwa kufanywa, ni sub-chief awe akichaguliwe na wananchi. Awe lakini achaguliwe na wananchi. Badala ya kuenda tuletewe mtu ambaye anatoka huko kwa police, anakuja anawekwa ati ni sub-chief. Sub-chief akichaguliwa, Serikali ... (Inaudible). Apelekwe training six months. Ili awe na ... (Inaudible) akiwa anajua kuongoza watu. Kwa sababu sasa, ukimsukuma yule polisi huko, atatoka huko kwenye huo mshahara wao, anajuta kufuatana na wananchi. Anaenda kwa chang'aa badala ya kushikwa wale ... (Inaudible). Hii inafanyiwa kuwa sub-chief na wale wapelezi wake, hawafanyi kazi kwa njia ile inatakiwa.

Hata wanatusumbua, D.O ndio wanachukuliwa. Kwa hivyo inatakiwa D.O ... (Inaudible). Lakini yule sub-chief, chief, achaguliwe na watu wa kijiji. Na hivyo ndio iwekwe maanani. Isitoshe, ... (Inaudible). Hii ya kusema habari ya cash crops, nimesema hiyo. Sasa, nitakuja kwa bunge. Wabunge. Munashangaa, mtu akichaguliwa, tunachagua bunge. Tunamchagua akiwa anachaguliwa na ... (Inaudible). Na kama hafanyi kazi, hiyo ... (Inaudible). Kila mtu aliye chaguliwa, awe akiambiwa ya kwamba aone wale watu ambao wanaandika kwa gazeti. Lakini si kukuja tu kukaa kule, kama ... (Inaudible). Wengine wanasema yaani tulimchagua ... (Inaudible)? Tuwe ni ... (Inaudible) lakini ni ... (Inaudible). na hiyo iwekwe maanani. Na mtu

ambaye anaweza kuweka ...(Inaudible) hapo, Kenya nzima pia inasema. Na akiwa anaenda kwa mkutano kama(Inaudible), sijui ...(Inaudible) na ni wananchi wamemchagua.

Ile ingine ni hii, watoto wetu wamekuwa very ...(Inaudible). Wamekuwa (Inaudible) kwa nini? Kwa sababu ukienda kwa ofisi, utakuta hiyo ofisi ni ya kuchagua. Anaambiwa ...(Inaudible) chungu nzima hapo mbele yake. Ukienda kwa mfano, ...(Inaudible).(inaudible) ama viongozi hawa wa dini wanatembelea watu wao. Kwa hivyo tumeonelea iingie kwa Katiba, mtu kama huyo akipatikana ...(inaudible), anaachishwa there and then. Mkono wake...(Inaudible). ...(Inaudible) wakati waziri wetu alipokuwa kwa Kanu, ...(Inaudible) Kanu, nikapeleka watu wa Kanu akaajiri. Nikampelekea ...(Inaudible) akaajiri. Nikampeleka ...(Inaudible), sasa, mimi nashangaa, ni kwanini sisi wakenya tudhulumiane. Ikiwekwa maanani ...(Inaudible) apelekewe kortini aeleze ni kwa nini anaajiri watu wake, awe ... ni corrupt ...(Inaudible). na hii tabia, ikiwa hatutatupa hiyo, iwekwe kwa Katiba. Mtu yeyote ambaye atapendelea ama ...(Inaudible) ambayo raia wakitambua, huyu apelekwe kortini kwa kutuumiza. Na mambo yangu sitaongeza sana, nawachia hapo.

Com. Salim: Asante sana Bwana Peter. Kuna swali Commission?

Com. Wambua: Umesema unataka ma-Chief wawe excemted, na kulingana na mipango ya sasa, huwa wanakuwa excemted kutoka kwa ...(Inaudible). Je, Chief akiwa elected, inamaanisha Councillor wasikue elected, waondolewe kabisa, ama watachaguliwa wafanye kazi kama ...(Inaudible)?

Peter: Nimesema -na hukunisikiza sawa sawa. Nimesema...

Interjection. Com. Wambua: Kidogo. Why we are asking is that ...(Inaudible). That is why we are asking this to clarify. The second question I want you to clarify is ukiwa umeandikwa kazi, umeajiriwa kazi, unamaanisha ukufika hapo ni kuondoa watu wote ambao ni wa kabila lako, na ikiwa wame-apply kazi na untaka kuajiriwa nao, kwa kuwa...(Inaudible)?

Peter: Wakati wa kufunguliwa kwa ofisi, ...(Inaudible). Kwa sababu hata wa sasa Sub- chief anafanya kazi na D.o, wakiwa wameajiriwa na Serikali. Ninasema hivi, yule sub-chief wa area, awe akichaguliwa kutoka kwa wananchi, na achaguliwe na wananchi. Kama vile wakati ...(Inaudible), na wa sasa ma-chief wako. Tena, huyo ...(Inaudible) ambao uko, ukiwa ...(Inaudible). Iwekwe kwa Katiba, na juu yake ...(Inaudible), badala ya kumuelezea kuwachiwa awe ndugu yako, umekosea tena. Inatakiwa utetee ndugu yako, si mbaya kuendelea...(Inaudible), hata ukija ufukuzwe, ...(Inaudible) kwa haki. Lakini(End of side A of tape three).

... **Rose:** At this moment, let me call Stephen Mutua Muviu. Stephen Mutua, *uka utunenge memorandum yaku.*

Audience: Amepeana memorandum.

Com. Hon. Asiyo: Alilieleza kwa Kikamba akasema ataongea kidogo. Tulimkubalia aseme kitu kimoja au mawili.

Com. Salim: Uko tayari kutupa maelezo kidogo?

Stephen Mutua: Eee.

Com. Salim: Dakika tano tu.

Stephen: *Swali yagwa ya mbee ne ushirika*

Translator: Anapenda kwanza kuanza na swala la shirika.

Stephen: *Ushirika ne wethetwe utheyia muemini na kwazia ya ukuvive uketheia yuyu mwataa male yethunu kwa ushilika pathe sheria ikulinda*

Translator: Ushirika ulikuwa unawasumbua wakulima sana. Na anasema ni kama sheria yenye inalinda wakulima haitumiki sawa sawa.

Stephen: *Na mtu ula wi kwa ushika ndi vandu ekomziea*

Translator: Katika vyama vya ushirika, wenye wako kwa hivyo vyama hawalindwi na sheria.

Stephen: *Ona ithekawa masavu*

Translator: Anasema hakuna account yenye ina. ... (Inaudible) hivyo vyama vya ushirika kama Cooperative.

Stephen: *Ivuku yiazia tukiite na uucha tu kokita na uucha hata*

Translator: Katiba inasema inafaa kupigana na umasikini. Sasa anashindwa tutawezaje kumaliza umasikini kama mwananchi wa kawaida halindwi kutokana na ...

Stephen: *Thunye thini ya kulaluela Katiba uashika ne kindu kimwe cha vaata mno nundu necho ukwati waandu mudu ula weuyaa*

Com. Wambua: *Tutajie proposal, Eka hatee tutavye proposal yako ela ukwenda wenda kutwea twengea ata*

Stephen: *Kwatotheka mudu ula ukutumea maale ya mweimi hatwawe thini ya Mahakama ne kana wezeithyai mudu huusu ndeuthukuma wayai wa maana*

Translator: Anataka, yeyote mwenye ataiba pesa za vyama vya ushirika apelikwe kwa ofisi ashtakiwe.

Stephen: *Na thini wa ushirika kwethywe na ofisi wa internal auditor*

Translator: Na kila shirika liw na internal auditors.

Stephen: *Ne ngoka nyuu kwa President yaane thine nudu twina thina muuno*

Translator: Nataka kuongea juu ya Urais, ama kiti cha Rais.

Stephen: *Thini wa Kenya twina syiama bingina mwitana syiama bingi rais ethewe eh vaaya uulu lakini wethewe we mudu wekuna maaundu wa kitaifa*

Translator: Anataka kuwe na Prime Minister.

Stephen: *Rais azaguliwe lakini wethewe ndina uwewzo taula wenawyo yuyu*

Translator: Anataka powers ama uwezo wa Rais upunguzwe, awe anaweza kukaa akiwa Rais kwa kipindi cha miaka kumi.

Stephen: *Na ndesyoka kusyagulewa enge*

Translator: Na asichaguliwe tena.

Srephen: *Na theni wa Rais vinyai waake ndukethuwe taula weekwo yuu*

Translator: Anataka Rais asikuwe juu ya mamalaka ya korti ama sheria.

Stephen: *Na theni wa syama thinge syethewe na usuru wethee nudu kimwe*

Translator: Anapendekeza kuwe na coalition Government.

Stephen: *Thuyu nunge theni ya education kisomo nacho kinathena thini ya primary schools thueHeadmaster nemomwitiwe makwtiee miao ya shule wetheyia syiana hisoma wiithyia ssiyana hiisoma itiinda itugwa nuusyi*

Translator: Ma-Headmaser, amesema, ndio watu ambao wanashikilia mambo ya shule, na watoto wamekuwa wakifukuzwa mara kwa mara.

Stephen: *Kamate ela evoo eneewe maiao wisithitheya ethiwa masavu na ekwegwa uchuguzi wa mavuuku*

Translator: Anasema mashule yaweze kuwa na internal audit, ma-headmaster waende ... (Inaudible).

Stephen: *Thu ne guunga enge thene ya mahakama theni ya mwaani mtu amina kuwaa mtu avyou maisha Katiba ethiwe ne ethekwa eliye yuu nudu mudu ni waoeye mudu una ovwya thayu wa mudu ndwesyoaka ovyu maisha*

Translator: Anasema kusiwe na hukumu ya kifo, mtu akipatikana na makosa yenye anastahili kuhukumiwa kifo, afungwe maisha.

Stephen: *Ne guuka hinga ngalekono ya utaati wa eviiti kil amtu ena kula emwe ethukwa ve mudu ukweata kivila one vote on vote thu wagategwe eviiti uthiea one*

Translator: Amependekeza, wanawake wakiwa wamepewa ile nafasi, yaani tuweke quarters kwa wanawake ama affirmative action. Kila mtu mwenye anataka kura, awe mwanaume au mwanamke, aweze kupigana na yule mwingine vilivyo.

Stephen: *Thu thene wa maendeo ma Kenya ne tuende kwitalwa na kela kelungu keenewe budget ya cho, lakiine chyo enemwe uuthisya ethethiya ne tasyauulile ne tukwenda Katiba wenye ne kooga ka syauvya siundi hii wasyitheo mudu ndeuthi ukululekwa ni waziri kana chayoo twiwungu wa meao na kele mudu ena haki theni ya Kenya*

Translator: Anapendekeza, wananchi wote wa Kenya wawe wako kwa sehemu fulani ya nchi ama gani, wawe wanauwezo wa kushiriki katika ile hali ya ku-share national resources.

Stephen: Asante.

Com. Salim: Asante sana. Very good.

Stephen: Thank you.

Com. Salim: Asante sana Bwana Stephen Mutua kwa kuongea hayo mawi muhimu sana. Tumeyapokea iko hapa, na ingawa umeandika kwa lugha ya Kikamba, muhakikishia kwamba maoni hayo yatatufikia sote. Na sijui kama kuna swali kutoka kwa Commissioners? Sasa kama tulivyosikizana watamaliza lakini tutamsikia mtu mmoja tu wa mwisho. Na nafikiri ...

Interjection. (Inaudible).

Rose: Let me call upon Mueni kasyoka, ...(Inaudible).

Mueni Kasyoka: ...(Inaudible).

Com. Salim: Please give your name again.

Mueni: Mueni Kasyoka, ...Mueni Kasyoka. Civic education, ...(Inaudible)

Com. Salim: Ongea Kiswahili wakuelewe na wao pia, vile unasema.

Mueni: Sorry?

Com. Wambua: Can you speak in Kiswahili, so that they understand?

Mueni: Ningependa kusema, leo ma-Commissioner wamesikia vile hawajatueleza juu ya civic education, ningependa kusema, civic education ...(Inaudible). Maana yake ni kuelimishwa kwa wananchi kwa rights zao, their duties and responsibilities to the state. Do you know your duties and rights and responsibilities to the state, that has been treated the people are not aware of their rights, duties and responsibilities. Civic educators have to be given ...(Inaudible) by the only (Inaudible), because even though ...(Inaudible).

Audience: (While cheering), yeah, tell them.

Mueni: On that note I want to point a ...(Inaudible), can I mix them out?

Commissioners: Yeah, mix.

Mueni: Offices of the Constitution of Kenya Review Commission are ...(Inaudible) in this country. We need time to look into the Constitution ...(Inaudible) document that is. ...(Inaudible), to have. ...(Inaudible) a clear and meaningful Constitution ...(Inaudible).

Interjection. Cheering.

Mueni: Which has three thousand ...(Inaudible). In that way, ...(Inaudible).

Can we ...(Inaudible). We have to get civic education before, so that we understand what we supposed to come to ...(Inaudible), do you ...(Inaudible). Let us be kind. Let us have the promoters to come and teach people civic education.

Now, let talk on my ...(Inaudible). Land cases, we need a serious land court, ...(Inaudible). What do I do? Have you ever asked ...(Inaudible) street children, street families? Everyone, ...(Inaudible).

...(Inaudible). I would like to point out a few points that ...(Inaudible), in future, corruption, you name it. ...(Inaudible). We need to have informed leaders. If we are to have Kenya Commercial bank manager, ...(Inaudible). Say for ...(Inaudible) qualifications. Why don't we have an ...(Inaudible)? Even if the President of this nation, he needs to have a degree. So, make sure the day of appointed, please make sure that you have selected people who have a degree. Ikiwa ...(Inaudible), who will serve the whole ...(Inaudible). ...(Inaudible) we need people of integrity to lead this country. We need leaders, who have got ...(inaudible) family program. Tunahitaji watu ambao watatuongoza kwa hii nchi yetu ambao wamesoma. Kuna nyumba ambayo haina bibi, na inaweza kuendelea. We need President from ...(Inaudible). ...(Inaudible) is after one or two months, we are ...(Inaudible). Tukifanya hii, wana...(Inaudible). We need Presidents who are...(Inaudible) ako hapa hapa, she has to be corrected, she has to have a follow in ...(Inaudible), so that she can lead us or ...(Inaudible). Women have just ...(Inaudible). If we have a President who has got a wife, that wife will also look into the ...(Inaudible), amuite amu-correct, "don't do this, don't do that." ...(Inaudible), if you have an illeterate President, he ...(Inaudible). Advisers, who are ...(Inaudible). Let us not have ...(Inaudible) we need a President who is surrounded by informed people. ...(Inaudible)

A President should not be above the law. Not to be above the law. If ...(Inaudible) the law, we could not recall our President. ...(Inaudible).

...(Inaudible), tukifanya makosa hapa tunashtakiwa, unangoja wale ...(Inaudible).

Cabinet posts. I am going to talk about the cabinet Ministers. You will find that, ...(Inaudible) heading the Ministry of ...(Inaudible). We blame that in the cabinet ...(Inaudible). Cabinet Ministers, if I am a qualified doctor, and I am an MP, I am in ...(Inaudible) and I am supposed a cabinet post, please ...(Inaudible) ministry of health. Attention on cabinet posts. Cabinet Minister should not be appointed by the ...(Inaudible). Let us(Inaudible).(Inaudible) talk about when you are tired of somebody, can you just go out and say something ...(Inaudible). Mimi niko President, nina Prime Minister, ambaye nikiwa anakaa tu akiniwachia. ...(Inaudible). We need qualified personnel. And he supposed to ...(Inaudible), if the person who ...(Inaudible) institution can be supported by ...(Inaudible) people who are modern ...(Inaudible) and have got integrity. Have

I made a point there?

Audience: (Noisy cheer).

Mueni: ...(Inaudible), can we have ...(Inaudible) separate from Presidential election. So that we have Presidential election kando, and then the ...(Inaudible) are elected kando, because of the ...(Inaudible). ...(Inaudible) I think we should have separate election for President, civic leaders and Parliamentary representatives.

The other thing is the ...(Inaudible). We don't want them to call the President ...(Inaudible) being made use of by the ...(Inaudible) for the ruling ...(Inaudible). We do not know what it actually means and so on, ...(Inaudible) that is what ...(Inaudible). I do not know what it means. So, ...(Inaudible). That is personal ...(Inaudible). ikiwa ana nia ya kufungua ...(Inaudible).

Com. Hon. Asiyu: Can you give us a proposal?

Interjection. (Inaudible).

Mueni: ...(Inaudible). Excuse me ...(Inaudible). There are very many people who...(Inaudible). what happened today? Hapo zamani, kuliwa wanawake waandikwa lakini wanaume wanawachwa. There is a different type of ...(Inaudible) of the same grade with men. We have been woken up from there. It is the same ...(Inaudible). Kenyans may ...(Inaudible). That is why ...(Inaudible) a woman ...(Inaudible) are ... people who are not biased, excuse me, no. Can you imagine men ...(Inaudible) and the political women? So, let us have a ...(Inaudible). So that we can the people about women representation and ...(Inaudible).

Com. Salim: You have ...(Inaudible).

Mueni: No, ...(Inaudible).

Com. Salim: May be Mueni you still for ...(Inaudible). Commissioner Wambua.

Com. Wambua: Thank you can we have order. ...(Inaudible). You said that the President should be a family man?

Mueni: Yes.

Com. Wambua: And I think may be you go on to clarify this. What if it is a woman?

Mueni: ...(Inaudible) but let me just clarify it once more.

Com. Wambua: May I finish, must she be a, –must she have a husband? That one. Number two, you talked about K.B.C. you did not give us a proposal, what proposal are you making regarding what (Inaudible) or the use of the media ...(Inaudible). Give us proposals ...(Inaudible).

Mueni: ...(Inaudible) K.B.C, by way of K.B.C ...(Inaudible) your money. Do you know that? ...(Inaudible), the K.B.C my proposal is that something like takes only ...(Inaudible) and state house. They should cover ...(Inaudible). There should be equal coverage by those reporters

Com. Wambua: We are not a ...(Inaudible) on the station.

Mueni: Okay, ...(Inaudible). Now let us talk about the Prwesident. What I was trying to say is that the only ...(Inaudible) is the ...(Inaudible) of any nation. Any nation needs a family ...(Inaudible), for a woman, a man, and the children ...(Inaudible).

Com. Hon. Asiyo: I wanted to ask you just one question. You have raised a note about the executive and their education. But you did not tell us much about that executive, how it should be appointed, by who, and all that goes with the responsibilities of the executive. So really, you just fell short of making your point. Can you make it?

Mueni: ...(Inaudible) the executive organ?

Com. Hon. Asiyo: The executive, which means the Government. Not the individuals, but the institution.

Mueni: ...(Inaudible).

Com. Hon. Asiyo: I believe you are not just talking about the President; you are talking about the executive.

Mueni: The Executive, the cabinet and the others.

Com. Hon. Asiyo: Yes. So, can you give us ...(Inaudible). What would you like to see in the new Constitution in regard to the executive or organs of the Government. Like their recruitment for example, you need to say something about it. The tenure of office, their qualifications, their relationship between the executive and othe organs of state. Because you dwelt a lot on the executive. And just fell short of telling us these things, which we really need. Can you take like one minute addressing us on that issue?

Mueni: Yes, the executive arms of the Government should be headed by the President.

Com. Hon. Asiyu: The President for now, but it could be headed by any other ...

Mueni: Yes. Like the Prime Minister. The President of course should be elected, he should be ...(Inaudible). And for him to be ...(Inaudible). So that we can have a referee, I think the ...(Inaudible). After the elections, he needs ...(Inaudible) I forgot those.

The cabinet should come out ...(Inaudible) if a cabinet Minister ...(Inaudible).

Com. Hon. Asiyu: Okay, so what checks and balances do we put in place so that all that you have explained do not ...(Inaudible)?

Mueni: Kenyans should be should be ...(Inaudible) after the ...(Inaudible). If they go alongside ...(Inaudible).

Com. Hon. Asiyu: Okay, thank you.

Com. Tobiko: Just one last question, you talked about land ceiling, as I recall. You said it should not be more than hundred acres?

Mueni: It is an example.

Com. Tobiko: It is an example. What would you do to those who already now own more than whatever figure?

Mueni: I think that one ...(Inaudible).

Com. Tobiko: You revoke their titles?

Mueni: We revoke them. ...(Inaudible).

Com. Tobiko: Without Compensation?

Mueni: ...(Inaudible)

Com. Tobiko: So, what are you saying? I am interested in your answer there. Without Compensation?

Mueni: there should be some form of compensation. But if ... (Inaudible). Give it back to the wananchi. To the needy. At least I can find (Inaudible). After all, I think it is more, - it is ... (Inaudible) for a young turk to set the ... (Inaudible) that. Thank you.

Com. Wambua: The issue is the as Asiyo was asking you on the question of the executive. Are you of the idea that the executive should be subject to the Judiciary to some extent? So that the executive does not have too much of power, as a form of checking and balancing?

Mueni: ... (Inaudible).

Com. Wambua: But how does the Judiciary ... (Inaudible) the executive?

Mueni: ... (Inaudible) in the Chief executive or the executive arm of Government does not perform well, we could have professionals who are ... (Inaudible).

Interjection. Com. Hon. Asiyo: I think what Commissioner Wambua is asking you, that issue should be between the executive and the Judiciary. When you talk about, if you mention impeachment or vote no confidence, then we are moving on to the Legislature, which we are not talking about.

Mueni: ... (Inaudible).

Interjection. (Inaudible).

Mueni: Yeah, the Legislature will come in ... (Inaudible). And the judiciary is there in case of any ... (Inaudible). We should have some protection ... (Inaudible).

Com. Hon. Asiyo: Yes, if you could kindly please deposit your memorandum on the table there, we need to scrutinize it further, and to also analyse and make sure that your views are reflected in those recommendations that we have been making, and we have been making alongside all other recommendations from all Kenyans. Ladies and gentlemen, Bwana Minister. I would like to bring this to a close, but also recognize the presence of the former Attorney General, who has very kindly decided to attend this meeting. I cannot resist the presence of our friend, the former Attorney General, and we would like to give him a few minutes to say a few words, because we have been expecting him since morning. Now that he has arrived, we would like to recognize him here, and to give him a few minutes to say a few words ... *(End of tape 3)*.

Guy Muli: Honorable Minister, all the gathering, good afternoon? Thank you madam Commissioner in the chair, for having recognized my presence to behold. Rather too late. They are two re...(Inaudible). The first thing is that you have come to Kangundo, where civilization arrived with missionaries, in the 19th century, to be precise, 1895. We are very close to the center of Muisuni. I must afraid to tell you one; the reputation we should have gained over the years is not there. We are as backward as we were in 1895.

Secondly, because of lack of communication, I think you have come unknown, un-noticed. You must have been welcome by the regionolic people. Kangundo people led by their Minister, to to this area, and must conduct in abstencia, with the invitation ...(Inaudible) to Kangundo. That one is because the review Act does excemp me in attending the high court, to represent my facts, and that is why I am late. Although I knew about this, last Friday from from the district offices. But because of lateness in the funeral I was unable to meet him, although I came ...(Inaudible) thinking that the population increase was below the (Inaudible).

now, I know that your task is very very difficult, and (Inaudible), I do not envy you at all. But I know your ...(Inaudible), you madam chairlady/Commissioner, and you we've been with your colleagues , many of them in Parliament, and me who (Inaudible) of the Attorney General, that you were bent to do what pertains and wants to be done. I congratulate you most heartily although not envily; there is a task ahead of you. For forty years, I have been involved and protected the current Constitution, forty years. That is not a short period. I have recommended amendments, I booked amendments in Parliament to remove the ...(Inaudible) elements, which were drafted and inserted in Lancaster house, where I was also whovering in the corridors, as a young student of law.

I did weep for a few things, to my ...(Inaudible) for that alarm. That is ...(Inaudible). and I think my views, ...(Inaudible), I supposed one or two words in the caluses of the Constitution to be made. It was not perfect; it was approved by the British Parliament. Not by us, not by the Kenya Parliament. It was pounced on us. We were afraid that if we resisted, we would have ...(Inaudible). So, we accepted the little we could accept. Now, what we have therefore, is a Con... -by ...(Inaudible) with very little of the Kenyans. ...(Inaudible), we have come across this, and this way, some have been removed, but we did not clear the ...(Inaudible). I would like to say this, that I have given a thought, and I will not be able to finish in time today. And I am asking you madam Chairlady Commissioner, these people should be there, although, I know that they have got the (Inaudible). They are not ...(Inaudible). Many of them are adults, and many are young, -what I call 'The new Crop.' But we need more time, we need more time to speak to ...(Inaudible), I think, Friday was the only time time I heard of it, a meeting to prepare ...(Inaudible) chairlady meeting. Non-has ...(Inaudible), no other meeting. Well, what are these people going to tell them? Are they going to tell them to do singly, individually, collectively or what? I say it must be a ...(Inaudible) of individualism, ethnically, community-wise, Con...(Inaudible) opinion, and a like. By the end of the day, we would like to see a Constitution of community complexial unit. We do not want ethnal to tribalic ...(Inaudible). Asiyo is from Western,

...(Inaudible).

We want a Constitution that can talk about the unity of community in Kenya, and it protects the people, protect against exploitation by the power. That is to say, anything Attorney General/cum Minister, I exercise very heavy power, to even of almost killing. Why did I have those powers? Such that when I ...(Inaudible) but no one will touch me. Now, we don't want that any more. We do not want that any more wananchi. Therefore, I mix with my people, I can say Nicholas ...(Inaudible) any of those. And so, and many be I can recognize. We need to put our heads together, so that we can give you our individual opinions, our great ethnic opinion, our interaction with other ethnic groupings, because we cannot live in isolation. Kenya can no longer live in isolation. We must have a document that says, if you call yourself a Mukamba, you will be imprisoned for ten years. You must join the other Kenyans and call me Mr. Kenya. I don't know whether Tanzania or Uganda, but never the less, I don't want to heckle but never the less, I am talking the internal affairs of Kenya, who heard the Commissioners talking about Tanzania and Uganda? So, my views is that give us time and you come again. and you invite us...

Inaterjection. Cheering.

Muli: I have given papers and papers, and papers, and papers, some are here. If I were to start now, you won,t go home. So I have given chapter one. I am doing chapter nine. Thank you very much.

Interjection. Cheering.

Com. Hon. Asiyu: I think we got very very great words of wisdom from a great son of Kenya, who has with vision, served this nation so very well, we know that being with time, ...(Inaudible). but, as we had agreed before, that we come back here, we stay ...(Inaudible), that we will have harvested all the views of the Kangundo people, as long as they are brief, presice, and do not repeat unnecessarily what other people will have told us, unless it is there is that importance that they must do so. But I, - on behalf of the Commissioner s, I really want tyo thank you people, you have been wonderful people. There has been no heckling, there has been a lot of friendliness, we have worked through out the day and we now know how you feel, and we have promised that we will come back again, because we really have not harvested enough information from this area.

This perhaps was really more due to the fact that civic education has taken no place, or if it has, it has been very little, and I dare say it has been in the form of advocacy. And not true civic education, in accordance to the curriculum from the Commission that is reviewing this Constitution. So iam promising, tha we will come back, and we will give you time to have access to civic education that has been designed by us, so that you will have informed views, informed opinions, before you can come up here, and give us your views. But you have been a wonderful audience, and I really want to thank you for this on behalf of all of us. Thank you very much.

Com. Salim: Can we ... (Inaudible) please, you can come up ... (Inaudible) and give us a short closing prayer.

Pastor Titus Matolo: Honorable, members of the review Commission, itake this opportunity to have first and foremost thank you very much for the effort you have put, and you know, ... (Inaudible) everywhere all over Kenya, and you have time to reach us in Kangundo. On behalf of the ... (Inaudible), I thank you very much, and we wish you a good and safe journey back to Nairobi to your office. And the other thing I will say, we will discover that we have just although we have a few problems here and there, about this transport, ... (Inaudible) in our area, Kangundo is very ... (Inaudible). So, the ... (Inaudible). (Inaudible). They know ... (Inaudible). This one is very important; ... (Inaudible). And in fact I invite civic educators to try ... (Inaudible) to sensitize them, to come and ... (Inaudible) this part of the Constitution should be given a ... (Inaudible). With those, few remarks I say thank you, and come again.

Pastor Tutus: Baba kama vile tulianza tulijiweka mikononi mwako, tukakuambia, ikiwa tunaanza hii mktuano utuongoze. Ukituongoza tuongoza tuone mwisho wa mkutano, tukumbushe kutuo shukurani. Shukurani nyingio tunatoa kwako, na tunasimama tukiangalia tena mahali tulipotoka. Wengi wetu wanaenda na magari, wengi wetu wataenda kwa miguu. Bwana tunajiweka mikononi mwako, pamoja na wewe. Na kila mtu afiklapo mahali alipotoka, umkumbushe kila mtu kutoa shukurani kwako. Na hapa kwa ofisi ya D.C wapatie ... (Inaudible). Amen.

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