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**CONSTITUENCY PUBLIC HEARINGS, KIBWEZI  
CONSTITUENCY, HELD AT KAMBU CATHOLIC HALL**





[REDACTED]

[REDACTED]

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ON

**MAY 13, 2002**

**CONSTITUENCY PUBLIC HEARINGS, KIBWEZI CONSTITUENCY, ON FRIDAY, MAY 13, 2002 AT  
KAMBU CATHOLIC CHURCH**

**Present:**

1. Com. Abida Ali Aroni
2. Com. Prof. Wanjiku Kabira
3. Com. Isaack Hassan

**Secretariat Staff in Attendance:**

- |                            |   |                   |
|----------------------------|---|-------------------|
| 1. Programme Officer       | - | Maimuna Mwindau   |
| 2. Asst. Programme Officer | - | Rosemary Mwanzia  |
| 3. Josephine Ndung'u       | - | Verbatim Reporter |

The meeting started at 10.00 a.m. with Com. Abida Ali-Aroni in the Chair.

**Com. Kabira:** Good morning? Tunataka kuanza mkutano. Mko tayari? Nitamuuliza chairman wa committee. Chairman tutakuuliza uje tuanze mkutano.

**Chairman:** (Kikamba) Hii ni mara ya kwanza tumekusanyika hapa, tutoe maoni yetu kuhusu Katiba ambayo tungependa iwe inatumika. Na tunashukuru Mungu asubuhi ya leo kwanza kwa Commissioners wale ambao wamekuja hapa ili tuwe nao, pamoja nanyi ambao mumekuja ili tutoe mawaidha na kila mtu achangia katika Katiba. Si kila siku tunachangia Katiba. Hii ni mara ya kwanza tangu tujipatie uhuru miaka kama arobaini imepita na hata wengine ambao watachagia, pengine wengi wetu hatutakuweco, tutakuwa tumeondoka kwenda nchi yetu nyingine. (Kikamba), lazima iwe pahali. Kwanza asubuhi ya leo ningetaka tumuulize mhubiri atuombee. Pastor Mwema amekuja? Tuna Pastor hapa, Pastor Boniface Ngele, tuongoze kwa maombi.

**Pastor Boniface Ngele:** Hebu na tuombeni sote. Baba wetu uliye mbinguni, tunakushukuru kwa wakati huu ambao umetupa. Tunakushukuru kwa vile umetuongoza asubuhi hii ya leo, na kutuleta mahali hapa ambapo Mwenyezi Mungu tumekusanyika kwa ajili ya kutengeza na kutoa maoni ya Katiba.

Tunakushukuru kwa viongozi wale ambao umewatoa mjini Nairobi na ukawaongoza katika njia zote. Siku hizi tunajua ni siku

ambazo kuna watu watukutu katika barabara na umewaongoza viongozi wetu na umewaleta hapa tunakushukuru sana wakati huu. Tunaomba wale pengine wako njiani na wanajua mkutano huu na wanakuja, tia mioyo yao moto ama nguvu ili waweze kufika mahali hapa tuweze kuchangia sote tukiwa pamoja kwa sababu hii ni kazi ya nchi nzima yetu ya Kenya.

Tunakuomba ili uwe pamoja nasi na kwa kila mtu atakayetoa maoni yake. Mpe kupanua akili na mawazo kuona miaka mingi ijayo ambayo Mwenyezi Mungu hii Katiba italinda Kenya yetu kwa miaka mingi na pia kwa watu wako. Tunakuomba ili uwe pamoja nasi, bariki kila mmoja wetu, wabariki Ma-Commissioners wale ambao Mwenyezi Mungu wamekuja ili waweze kutusaidia kutoa maoni yetu. Bariki kila mmoja wetu na ni katika jina la Yesu Kristo Bwana wetu tunaomba. Amen.

**Chairman 3 C's:** Kabla ya kuendelea, ningependa Commisioners, niwajulishe kwa 3Cs, wale members ambao tunasaidiana nao katika eneo hili la Kibwezi. Na tumefanikiwa kuwa na watatu leo, na wanne. Hebu tuanza na Christine. Huyu anaitwa Christine Muteti ni one of the 3-Cs, na tunafanya kazi pamoja. Tuko tisa, tukiwekwa na mheshimiwa wa eneo hili. Bwana Richard Muhindi pia ni mmoja wetu, 3Cs Mweu ni mmoja wa 3Cs, na kama mjuavyo ni Katibu wa Gender Affairs katika chama kilicho na nguvu cha KANU. Inasemekana hiyo kina nguvu, kwa hivyo hatujui nguvu iko wapi lakini kinasemekana kiko na nguvu. Na huyu ni Bi Alice Nthambo Musyimi ni mwenyenji hapa na ndiye sasa atakuwa akiangalia mambo ya uandikishaji hapa. Asante.

Kwa wale mliofika tulikuwa na civic education providers na ninaweza kuona wawili au watatu na ningetaka kuwatambua. Bwana B.M. Mutiso akiongozwa na Committee Resources Chief Bwana John kiwanza, akiongozwa na Christina Partners Development Agency. Kuna mwingine ambaye alikuwa mwalimu, na amewahi kufunza? Yule msichana Mutheu pia wanakuwa pamoja. Hapa ni eneo la Kibwezi, Mtito Wa Ndei Division. Ma-Commissioners, tunaanza na wale ambao mnajua. Tunaanza na yako kwanza.

**Maimuna:** Hamjambo.

**Chairman:** Hamjambo. Huyu ni the Senior Recorder wa proceedings, atatuambia jina. (clapping).

**Josephine:** Habari zenu? Naitwa Josephine Ndung'u.

**Chairman:** Nilikuwa nime-skip this one, which is not good.

**Rosemary:** Habari zenu, naitwa Rosemary. (clapping)

**Chairman:** Na unajua huyu tumekuwa naye juzi, kwa hivyo nita-skip niseme, sijui Vice Chairman, nienda kwa Vice Chairman kwanza, Bi Abida.



**Com Abida:** Ninaitwa Abida Ali Aroni. Hamjambo. (clapping)

**Chairman:** Sasa wacha niende kwa Professor mwenyewe ambaye tulikuwa naye ile siku tulikaa hapa kutoka asubuhi hadi saa kumi na mbili na hakuna mtu alichoka maana yeye alikuwa na maneno tamutamu. Na leo tumekuwa naye tena Professor Kabira.

**Prof. Kabira:** Hamjamboni?

**Audience:** Hatujambo. (clapping)

**Chairman:** Kutoka hapo, nita-hand over, nitawapatia wakati huu ili waendeleze program.

**Com. Abida:** Tungependa kuwakaribisha tena ingawa chairman amewakaribisha katika hiki kikao cha kwanza katika constituency ya Kibwezi, na matumaini yetu ni kwamba, saa zikiendelea hii hall itajaa mpaka watu wawe pale nje, ili tuweze kupata maoni ya kutosha, kutoka Division yenu. Na utaratibu ambao tutafuata siku ya leo, ni kwamba tuna list ambayo watu wamejiandikisha kulingana na vile wamekuja. tunaona mna list yenu lakini tutawaomba msamaha hatuwezi kuufuata sababu tuna utaratibu wetu rasmi ambapo tunasema first come, first served.

Lakini, wakati mwingine tutafanya kitu kinaitwa Affirmative Action, siyo kwa wamama, kwa kila mtu. Tukiona wamama ni wengi, tunawaweka kando tuna wasikiza wazee, ama wazee wakizidi, tunawasikiza akina mama au vijana. Na kwa watu ambao wana written memorandum au nakala zimeandikwa, tutawapatia dakika tano pekee yake kufanya highlights kwa sababu tutaweza kusoma baadaye.

Wale ambao wanataka kuzungumza tutawapa dakika kumi pekee yake. Kwa hivyo, baada ya kuzungumza kuna register pale, ambapo mtakwenda na ku-register tena kwa sababu ile ndiyo record rasmi na wakati mwingi tunaona watu wengine wanajiandikisha kama attendants hapa. Kwa hivyo hatuwezi kujua kama kila mtu hapa atazungumza. Kwa hivyo, tuna register ya watu watakao zungumza pale, na watu ambao wana memorandum, watampatia mwenzetu hapa ili ziweze kuwekkwa kwa file na kuhakikisha hakuna ile imepotea. Na kuanzia tutaanza na Mrs. Mwangangi ambaye ana written memorandum. Tafadhali kuja hapa dakika tano, na ufanye highlight ya mambo ambayo ungetaka kuisisitiza.

**Mrs. Mwangangi:** I am a teacher from Nzui Primary school, and I have some pupils to represent the

**Com Abida:** Jina lako, anza jina lako. Lazima utupatie jina, kwa sababu ya record.

**Com. Kabira:** Nafikiria Mwangangi uje hapa, uje hapa karibu halafu uwaangalie watu, ndio wasikie vile unavyosema.

Uwaangalie watu na sisi.

**Mrs Mwangangi:** My name is Mrs Mwangangi from Nzui Primary School. I have come with my pupils, two of them, a girl and a boy. They are here to represent the views of orphans, and they will talk what is there. Thank you.

**Com. Abida:** Where are they? Wako wapi?

**Mercy Mutuku:**

Kibwezi Constituency,

Mtito wa Ndei,

P.O. Box 1

Ngwata.

13th May 2002.

The Chairman,

Constitution of Kenya Review Commission,

Nairobi.

Dear Sir,

**Memorandum on orphans.**

Commissioners of the Constitution of Kenya Reveiw Commission, ladies and gentlemen, my name is Mercy Mutuku an orphan at Nzui Primary School. We want to present views on behalf of orphans in this division of Kibwezi Constituency.

Orphans should receive and have access to free education upto the highest level. Those orphans who don't get far in formal education, the state should find alternative training facilities so that they may be self-sufficient and able to fend for themselves.

The state should build, equip and run orphanage homes in every constituency. Where an orphan has relatives who may care for him or her, the state should make inspection from time to time to make sure the orphan doesn't get mistreated e.g. by making him or her a house boy or a house girl.

**Com. Abida:** Tafadhali mnyamaze tuweze kusikiza maoni. We are having a problem There is too much talking. Tafadhali, if you must talk please go outside. Tafadhali.

**Mercy:** Orphans need health care. The state should provide health facilities in every constituency, access to health care.

Orphans need employment after their formal education. The state should give assurance that employment opportunities are available at the end of formal education and or training. Thank you very much.

**Shadrack Nzimbi:**

Kibwezi Constituency, Mtito Wa Ndei,

P.O. Box 1

Ngwata.

13th May 2002.

The Chairman,  
Constitution of Kenya  
Review Commission  
Nairobi.

Dear Sir,

Memorandum on Orphans

My name is Shadrack Nzimbi. Commissioners of the Constitution of Kenya Review Commission, Ladies and Gentlemen, I want to present views on behalf of orphans in this division of Kibwezi Constituency.

Orphans should receive and have access to free education upto the highest level. Those orphans who don't get far in formal education, the state should find alternative training facilities, so that they may be self-sufficient and able to fend for themselves.

The state should build, equip and run orphanage homes in every constituency. Where an orphan has relatives who may care for him or her, the state should make inspection from time to time to make sure the orphan doesn't get mistreated making him or her a house boy or a house girl.

Orphans need health care. The state should provide health facilities in every constituency access to health care. Orphans need employment after the formal education. The state should give assurance that employment opportunities are available at the end of formal education, and/or training. Thank you very much.

**Com. Abida:** Asante. Halafu upitie hapo ujiandikishe. Thank you. Mercy Mutuku? Kavuli Noti? Hayuko? Kavuli Noti? We may need a translator. Chairman, tafadhali.

**Kavuli Noti:** My name is Kavuli Noti. I have a lot of problems because my husband died. Since the war of liberation, the Mau Mau days, I have never been assisted. We who suffered and our families that suffered during the struggle for independence, that is the Mau Mau war, have never received any assistance from the government. I recall we were promised assistance in form of land, but that never materialized and we really have nothing. That is our main problem. We have been told again and again that we will be taken to the Head of State for him to listen to our problems but that has never materialized. Because of the struggle for independence our property was destroyed. We suffered greatly, and it's very very painful because nobody seems to care for us. We were not only beaten, imprisoned, tortured and suffered but we also left behind our property such as livestock, our food, our grains and whatever we had in our homesteads. When we returned home we found nothing, we started from zero, and the land we were promised at independence, that one promise was never honoured. We lost everything and we got nothing. We would like this Constitution to recognize our suffering and do what it can in any possible manner to assist us we, the victims of Mau mau, because we feel we did this nation a service, which should be recognized by this country. Thank you very much. God bless you.

**Com. Abida:** Asante mama. David Mutokaa?

**David:** Hamjambo?

**Audience:** Hatujambo.

**David:** My names as you have heard, I am David Mutokaa. Niko na kitu kidogo hapa nataka kuwapa hawa, halafu nitaongea kitu kingine kidogo na mdomo. Kwa niaba ya wachuuzi wa mitaani, ningependa kuambia. Tume ya Marekebisho ya Katiba kwamba, one, Katiba itutambue kama watu wanao mahitaji ya kila siku. Number two. nauliza serikali itupatie viwanja, maalum ambako bidhaa zetu tutakuwa tukiuzwa bila kusumbuliwa na askari wa wilaya za mitaa.

Kitu kile kingine ningependa kuongeza ni kwamba, hawa watu wa marekebisho ya Katiba ningewaomba kama ingewezekana, kwa sababu sasa tunaelekea wakati wa election, watengeneze mpango watu wote wale wa mashambani wafundishwe namna gani wanaweza kutambua au kutofuatisha watu wale watakao kuja kuomba kura, wanaotaka kazi, na viongozi. Wawe wanaweza kutofautisha watu kama hao, ndio wawe wanaweza kusaidika.

Kitu kingine ni kwamba katika Katiba yetu isipokuwa sijaifahamu vizuri sana, kuna mambo kadha wa kadha ningesema lakini kwa sasa nitasema moja. Kuna kifungu katika Katiba yetu inasema ya kwamba, kama mimi nikichukua msichana wa madam hapa, nimuweke, ile inaitwa kwa kingereza concubine, nikifikiria kuacha huyo msichana ama kuachana na yeye nianze mambo yangu, atanipeleka kortini na hapo nitapata taabu kwa sababu kuna Katiba inasema nipatiwe adhabu kwa njia kama ile. Lakini huyo msichana wa mama akiniwacha kwa hiari yake, pengine niwe bado ningependa kukaa na yeye, na yeye mwenyewe hataki

kukaa na mimi, halafu aniache, yeye mwenyewe, hakuna Katiba pale itanisaidia. Sijui maneno kama hayo yatatengenezwa kiviipi.

Kitu kingine ningependa kusema ni kwamba, hii area ya chini, upande huu wa Kibwezi kuna taabu nyingi sana, especially kwa watu wale hawana kitu cha aina fulani ziweze kuangaliwa namna gani zinaweza kupatiwa usaidizi na serikali kama ni pesa ziweze kuendeleza miradi kama hiyo. Asanteni.

**Com. Abida:** Asante Simon Nguu. Somebody to help him please. But we can give him a mic to speak where he is.

**Simon:** My name is Simon Moveti Nguu, Chairman of Mtito wa Ndei Division for the Disabled Persons. Views to be given, views of the disabled people are as follows.

We the disabled persons want our views and problems to appear in the next Constitution which is being formed now. That is number one. Two. The education which is being given to all the public by the government, the people with disabilities must also be included. Three. The discrimination which has been shown to the people with disabilities must be put away and not to be included in the forth-coming Constitution. For example, if I, being a disabled person make an application for employment with a person who is seeing, his application will be favoured and mine won't be favoured. Why? Because they do think that we, certain people, can't do anything. For example, I myself, can say that I worked with the government for about 27 years since the year 1961 upto 1987 when I came to retire from government service and I did my work successfully and very well. The other is this. We also want a law to be put into that Constitution which will be authorizing the government parastals beginning with the office of the assistant chief to be employing all the disabled because we can do the work like any person who is seeing.

Know this, there are so many kinds of disabled. There are people who don't hear, who are not seeing like me, there are people well, with some other handicap, something and so we want that one to be included so that when I go to the government, or anyone who will go to the government, may be recognized that he is having needs like any other person. Well, now then, we want also to be given some loans like any person because we can try our best. For example, I being a disabled person, am a pastor in the Ebenezer Mission Church, and not only that, I am also an advisor of our clan, because they appointed me by saying that they see that I was gifted by the Lord with understanding and wisdom. There are a lot of things which I can say but for the time being, I am going to give the others time. I've spoken this on behalf of the Mtito wa Ndei Division for the Disabled Persons, of the persons and not Mtito wa Ndei alone but all the parts of Kenya. In order to finish this so that I may give the others, I've got to present a paper which will say alot but when I go home, I shall make sure that I write some others down and then I will be shown the number where I'll give them to be read. Thank you very much indeed.

**Com. Abida:** Thank you Simon. Christine Mutiti? She's the one recording. Do you want to speak? Okay, thank you. Richard Muidi, Simon M. Kivati. Thank you.

**Simon:** Jina ni Simoni Musyoki Kivati natoka constituency ya Kibwezi, Kibwezi constituency. Nami ningetaka kuchangia mambo haya. Commissioners wote ambao walitutembelea wakati wa leo, nina kitu ambacho ningeweza kuchangia lakini siwezi kusoma kwa sababu miwani yangu haioni sawa sawa nikiwa kama hapa. Nadhani nitauliza Pastor asome na nitaeleza kidogo.

**Com. Abida.:** Nakupatia dakika tano tu. Five minutes.

**Pastor:** Hii, anasema hivi,

Kibwezi Constituency,  
P.O. Box 75,  
Ngwata.

13th May 2002

The Chairman  
C.K.R.C.,  
Nairobi.

Dear Sir,

**Memorandum on Environment and Natural Resources. Cultural, Ethnic and Regional Diversity and Communal rights, and the Electoral Elderly.**

Commissioners wa marekebisho ya Katiba, viongozi wa kitaifa mbali mbali, mabibi na mabwana.

Kwanza kabisa ni kutoa shukrani kwa nyinyi kwa kuja leo ili tuje kuwa pamoja nanyi hapa siku hii ya muhimu ya leo. Kuja kwenu kumetia moyo wa kutaka kuchangia juu ya marekebisho ya Katiba. Niko na mambo matatu ambayo ningetaka kuchangia.

Moja. Mazingara na Mlima, mali ya asli. Kwanza. Mlima wa chyulu ungetangazwa na kufanywa kama Mlima wa msitu (national forest). kwa kitaifa, lakini, si mbuga la wanyama. Kila aina ya mti humea na hukua katika chyulu. Tatu, msitu huu

ungeanzia kutoka fiti elfu nne above sea level na kuendelea hadi kilele chake etc. Nne. Mlima wa Chyulu ukifanywa msitu wa kitaifa utaweza kuvutia mvua na kunyeshha katika sehemu hiyo yote hata chini ya mlima wenyewe. Tano. Ukiwa mlima wa msitu wa kitaifa, watu wataweza kupata mbao na miti ya ujenzi karibu na hata serikali kuuza nje ya Kibwezi na kujipatia mapato makubwa. Sita. Mlima wa Chyulu ni kama urefu wa kilometre sitini, 60km long na hii hufanya mlima wa chyulu kufaa kwa kupandwa miti aina mbali mbali. Saba. Mlima mdogo wa Nokaa unafaa kwa kupunguzwa maji, kwa sababu una jiwe ambalo linafaa. Haya maji yanaweza kusambazwa katika sehemu nyingi kama vile Kambu, Thange, Mtito wa Ndei na etc.

Pili. Haki za wanajamii na tofauti za kitamaduni, kikabila na kieneo. Tamaduni zile ambazo hazidhuru haki za kibinadamu, na haziingiliani na uhuru wa mtu binafsi ziendeleo. Pili. Tamaduni kama za Kikamba kupeleka mahari mbuzi tatu ili uhusiano wa nyumba hizi mbili na kuoana kwa watoto hawa wawili kuwa kunatambuliwa na wote. Tatu. Tamaduni kama vile ukoo, clan kuingila katika mzozo, katikati ya mtu wao na ukoo mwingine, ili watatue huo mzozo bila kwenda kortini.

Tatu wazee (the elderly). Mtu yeyote ambaye anazeeka na ajimudu kimaisha, na pia kama watu wa ukoo wake (family members) angepaswa kuangaliwa na serikali katika nyumba ya wazee. Nyumba za wazee zingeweza inaweza kujegwa katika mikoa, na makao hayo yanaweza kujengwa na mashirika yasiyo ya kiserikali (NGO's). Asante sana kwa kunisikiliza.

**Simon:** Kama dakika zangu hazijaisha, ningeweza kutaja machache tu kuhusu mlima wa Chyulu. Mlima wa Chyulu,

**Com. Abida:** Mzee tafadhali zimeisha kuwa hivyo nitakuongezea dakika moja.

**Simon:** Asante. Mlima wa Chyulu nimesema unaweza kumea miti ya kila aina na hata vile vile uingesaidia kuongezea mvua, maji ama kuzuia momonyoko wa udogo ukipadwa miti. Lakini ukiwa ni mbuga ya wanyama haitakuwa na faida yoyote. Ina milima, milima kama visukuu ambavyo mlima ukiwa wa faida hapa na mnyama upande ule, mtalii hawezi kuona mnyama. Kwa hivyo utakuwa wa faida kubwa kuliko kuwa wa wanyama, iwe ni mlima ya kupanda mti. Asante sana Ma-commissioners.

**Com. Abida:** Tafadhali mzee jiandikishe pale. Asante. D.M. Mutiso?

**D.M. Mutiso:** Asante sana Commissioners. Mimi ningetaka Katiba iongeze uwezo katika institutions zetu ili ziwe na independence. In other words, independence of all institutions should be enhanced. At the same time those institutions should be accountable to the citizens so that the actions of these institutions are reasonable. By independence, I don't mean they should go ballistic. I don't think if we tell the A.G. he is independent, he makes unreasonable decisions. I don't want to go to the institutions but institutions such as the judiciary, the Attorney-General, the legislature, the Controller and Auditor General, should tell us how our funds are used.

I would like this Constitution to recognize and create an environment where citizens of this country will like to work. Attitude

towards work, productivity should be the key role for the citizen of this country. I think we can do this from the home front. I think we can do this through the churches and religious organizations. I think we can do this through barazas, the political parties, so that we can produce goods and services where our economy can improve. I would like this Constitution to recognize senior citizens of this land. Citizens who have paid their taxes in one way or another over the years, when they grow old, they should be taken care. It should not all be in the homes for the aged because they are limited, but if the government could raise funds and assist them in their own homes. Thank you very much.

**Com. Abida:** Asante. John Kiwanza.

**John:** Commissioners, wananchi, I've just a few things to say and I will start topic by topic and I hope because we are addressing the Commissioners the rest will probably get the interpretation later on. I want to start with basic rights. I am requesting the Commissioners, let it be Constitutional for every mwananchi, let it be basic right for every mwananchi to have free education, clean water, shelter, employment, food and of course quality products, because you know we have been having in-equality products. By quality products, I mean things like cosmetics. Let us have quality things when we are having these. On the side of land, I would ask the Commissioners let it be Constitutional that each and every piece of land belonging to the community to be trust land. For example our area, let Kibwezi area be trust land, that is my request. On the side of women, because they have been complaining that they are not given enough seats in Parliament. Let it be Constitutional for each and every political party to have a certain percentage that is preserved for women.

Side B

(not clear) of public funds. About the executive, what I would like to say is, can we have power in such a way that much of the power is given to the Parliament. About our economy. Can it be Constitutional that our economy is not run by the executive. Can it be run by an independent body? Is my time over?

**Com. Abida:** (Not clear).

**John:** Thank you very much. About Parliament. About Constitutional changes whenever they want Constitutional amendments, my suggestion is, let the number increase from 65% to 80% so that these people might not be messing with the Constitution whenever they want when they are in Parliament. And, at the same time, when there is need for Constitutional amendment, can it be Constitutional that a referendum must be conducted so that we might avoid this Constitutional amendments every time or every now and then. In the same token about Parliament when our M.P. or councillor is not serving us adequately can we have the powers, wananchi, to recall the person? If the government is not serving us adequately, can the citizens have the powers also to reject that government? About citizens and citizenship, let there be no discrimination. Let it be, if you are a Kenyan, whether you are a girl or man, if you have a child whether that woman is married, a foreigner, let that child be a Kenyan, because currently it is only the father who can make the child to automatically become a Kenyan citizen. So if my



daughter is married to an American, or a Ugandan, for that matter and she happens to give birth to a child, let that child automatically be a Kenyan because my daughter is a Kenyan. Why discriminate? I think you are getting me Commissioners, about our complaints we have a lot of complaints which are not taken into account. Can there be an office of a Commissioner of Ombudsman, so that whenever people are complaining about this and that, can look into their complaints. We have nowhere to take our complaints these days. There are a lot of complaints around and we have nowhere to take them.

About judiciary, can each and every Kenyan be given automatic legal assistance? Can each and every Kenyan be provided with an advocate by the state, because majority of our people are jailed because they can't speak for themselves yet they are not guilty. The current structure of the judiciary is not adequate. Can it be extended to locational level, so that people may take complaints from chiefs and DO's who are not experts of these things? If a youth goes to the campaign platform, he will not be given a hearing. Can it be possible for some seats to be reserved in Parliament for the youth?

I don't know, but can it be Constitutional? Anyway that's my request. About the elderly, I think I won't contribute, for it has been said. So Commissioners, my name is John Kiwanza Mtito wa Ndei division, Divisional Facilitator. Thank you very much, God bless you and I hope our views will be taken into account, and we shall see them at a later stage. Thank you very much.

**Com. Abida:** Thank You. Paul Mayoli? Paul Mayoli since you have written a memorandum tutakupatia dakika tano kwa sababu ingine tutasoma baadaye.

**Paul:** Nafikiri mimi nitaongea kwa lugha ya Kiswahili kidogo kidogo tu. Yangu nawashukuru Commissioners kwa kuingia hapa. Na nyinyi wanainchi kuingia. Siku ya leo ni ya muhimu sana kwa sisi kuingia hapa. Kile twazungumza ni kitu cha kwenda mbele, kikangaliwe. Yangu ya kwanza ningeomba Commissioners muweke kwenye Katiba mpya hii tunayotengeneza, mtu akitaka kuwa Rais, asiwe mbunge popote, atoke kwa chama lakini sio mbunge.

La pili, hivi vyama vya utetezi ni vyetu, nchi ni yetu, viwe vikipatiwa pesa kutoka kwa serikali equally. Shares of our money for political cause. Kusiwe kuna chama ambacho hakipatiwi pesa na kingine kinatumia pesa yetu. Na hivi vyama hama viwe vikifanya development sivo kupiga kelele. Kuwe na projects, kama ni KANU kwa mfano, daraja, iweke barabara, kama ni SDP, kama ni DP, watuonyeshe wamefanya nini kwa wananchi. Hiyo ndiyo nasema development kwa vyama vyetu.

La tatu, naonelea hii ku-appoint watu kama ma-chairmen, wa masharika ama wa hiki na kile isifanywe na mtu mmoja. Ifanywe na commission. Fulani. Commission itengenezwe ya ku-appoint hawa Commissioners, wa kuangalia haya mashirika. Haya mashirika ndio yameporomoshwa huu uchumi wetu wa Kenya. Kwa hivyo waangalie, kuwe na commission ya kuandika hawa watu.

Ya nne, ningeomba Commissioners muweke katika Katiba yetu mambo ya kupunguza uwezo; upunguzwe kwenye Katiba yetu. Huu uwezo wa president umekuwa mwingi sana, upunguzwe, Nikisema upunguzwe mnajua naandika nini, uko mwingi.

La tano. Ningependa katika Katiba yetu, hii Parliament ambayo itakuja miaka ile ambayo hatujui, wawe wana calendar iliwanjue watafungua Parliament siku fulani na watafungua siku fulani. Sio mtu kuamka asubuhi na kusema nimevunja bunge. Kuwe na calendar.

Na la mwisho, Commissioners na mwenye kuweka saa ukunikubali, ni ya kwamba, katika hii serikali ambayo tutaunda, wazee wa vijiji waangaliwe kama wanaweza kupata mshahara kidogo. Na hawa administration wapunguzwe. Mimi sioni maana ya senior chief katika kazi ambayo anafanya. Apunguzwe kuwekwe wazee wa vijiji.

La mwisho ni mambo ya akina mama. Yule mama anataka kuingia katika utetezi wa Kenya, ama kuwa kiongozi, ajitokeze. Awe akizungumza mambo ya mendeleo, tumuone, lakini sio kuchukua mtu ambaye yuko nyumbani, tuseme we have got some special chairs kwa wanawake. Hapana. Ajitokeze awe akifanya kazi, akizungumza kwa serikali, ndipo tutamchagua. Lakini tukiweka sehemu ya wanawake na ya wanaume kutakuwa na vita. Na vile vita vitakavyokuweco, mnajua wanawake siku hizi wakiungana waseme watachagua mbunge mwanamke wataamchagua kwa sababu ndio wengi? So we don't want to create enmity between men and women. Hapana; Lakini kama ni daktari mwanamke tunajua yeye anatibu sawa sawa. Yule daktari hajui kutibu sio daktari. Kwa hivyo kila mtu ajitengeneze, akoroge uji wake vile utakuwa na tuonje.

Na lile ingine ni habari ya ma divisions za Kenya. Kutenga division ya fulani, division ya Kitui, division ya Kambuu, division ya huko, isifanywe na mtu mmoja. It should go to Parliament, because this is one of the projects that makes us not to get enough money to develop our country, because mtu akinuka kisiasa anasema kambuu ni division, anasema Thangoni ni division, anasema Bura ni division and money is not allocated for that. Asante kwa hayo.

If we are given an opportunity in terms of funds, in terms of extension services and, research services, we think this particular part of Kenya hasa the potentiality, just like the high potential areas. So we would request the Constitution to recognize our suffering, and probably look into means and ways of assisting us even if it is something similar to the minimum guaranteed returns.

When our youth leave various institutions of learning they don't find jobs. This makes them idlers and this attracts them into drugs, and we think they are a potential resource of productivity. So the government should do something about the youth.

We used to get services from the government such as free dipping services, but later on the government pulled out and it was left to wanainchi to carry out those services, and because of poverty we can't afford to pay for those services. Is it possible that the Constitution can reinstate those possible services? I am very grateful but I am saying if only we can be assisted it will go a long way in improving our welfare. Asante sana.

**Com. Abida:** Asante. Alice Mwange, Alice.

**Alice:** I am very very grateful to be here, more so because in the past women were never given an opportunity to talk. We small time traders who stay in the towns, sell our wares in very un-palatable situations, like we keep our wares on stones, and it's our request that the Constitution recognizes us as an important part and parcel of development, and construct some sheds for us. We pay the council four times a week, but when it rains, it rains on us when it's hot we really suffer, and we don't seem to be getting any services. Thank you very much. God bless you.

**Com. Abida:** Asante mama. Teresia Lukas?

**Teresia:** I am speaking on behalf of women groups. Women groups are formed every other day and they are falling like a house of cards. They crash because they don't have funds, and since they are formed for the improvement of the welfare of those particular people, it is our wish that the Constitution should recognize them as viable instruments of development and give them funds. The women groups would help their children in terms of education, so that they can improve their status and standards of living I am very grateful. Asante.

**Com. Abida:** Asante. Cecilia Ndonga, Cecilia. Mau Mau Group Wapi Cecilia?

**Cecilia:** My husband was a freedom fighter. He is no more, but before he departed from this world he told me freedom fighters were promised some assistance, and I should follow and get the results. But upto date we have not received anything. If we are given something it will assist us and our families and we would be very grateful. Asante sana. I am very grateful. We look forward to the assistance.

**Com. Abida:** Asante. John M. Maigi, John Maingi amerudi? Yuko wapi? Sorry, Job Maingi. Ni wewe? Tulikuwa tumekuruka, sijui kama una maoni? Later may not be easier, because we may forget. If you have your views just present them. Thank you. Jackson Chai?

**Jackson:** Kwa Ma-commissioner wote ambao wametoka Nairobi ama sehemu zozote ambazo wametoka, asante sana kwa kufika kwenu. Mimi nina maoni kidogo ambayo, ni maoni yangu si maoni ya wananchi. Lakini wakisikiza na wakiona ni mzuri wafurahi pamoja na marafiki. Kwanza, the position of a headman should be done away with, and in its place, elders be appointed to assist the assistant chief and chief (commotion)

**Interjection:** Hajasema hivyo.

**Com. Abida:** Please let us have one meeting na wewe bwana translator tu-translatie sawa sawa tusiandike makosa. Tafadhali

ikiwa unaelewa Kiswahili, kwa sababu unajua akitranslate pengine anateleza, ongea na Kiwahili. Pale huelewi ata-kusaidia tu ili tupunguze shida, tafadhali.

**Jackson:** Kiti cha Assistant Chief maoni yangu ni kwamba kiondolewe na badala yake wazee wa vijiji wawe na mamlaka wakisaidiana na Chief.

La pili. He is saying nobody in this country should be above the law. Chairman ama mwalimu yeyote ambaye atakula pesa za shule, inafaa afungwe bila hata kushtakiwa (kicheko).

La nne the institution of the family should be recognized and the head of the family should be recognized as the man. Watoto wa maskini ambao wamepita vizuri wanafaa kusaidiwa na serikali bila bursary. Wasaidiwe direct moja kwa moja, bila kuletewa hii bursary kwa sababu bursary haisaidii inasaida kitu kidogo.

Sita. Mwanamke awe na haki ya kurithi mali ya bwana yake anapokufa. Wanyama wasipewe jukumu kubwa kuliko wananchi, wanyama wapewe mashamba kidogo na wananchi wapewe kubwa wafaidike. Wale watu waliopigania uhuru wapewe heshima na serikali na ikiwezekana wasaidiwe na pia wapewe mashamba. Watu waletewe matibabu karibu ikiwezekana. Asante.

**Com. Abida:** Asanti kwa maoni yako. Pastor Jackson Mwema.

**Pastor:** Asante kwa Ma-commisioner, asante kwa wananchi. Nitazungumza kwa lugha ya Kiswahili ili sote hata wale wengine mniskie. Mimi yangu ni maoni.

Katika nchi yetu kumekuwa na mambo mengi yanaohusu ufidadi, na nimekuwa nikisikia viongozi na watu kila pahali wanaaddress the issue of corruption Maoni yangu ni haya. Kenya being a Christian nation, ninaonelea, if the state can work hand in hand with the Church, mambo ya ufidadi yanaweza kuisha.

Lingine ambalo nataka kuchangia ni kwamba tangu Kenya tupate uhuru, tumekuwa na haya mambo ya watu kuwa bado hawajapata haki ya mashamba yao. na hiyo ni miaka mingi mwanainchi wa Kenya kuwa hana haki ya shamba lake. Kwa hivyo katika Katiba hii mpya, ni maoni yangu kila MwanaKenya awe na haki ya shamba lake. Na anapopata haki ya shamba lake awe na title deed na ataweza kuwa na uwezo wa kupata loans to develop au kujieneza yeye mwenyewe. Asanteni.

**Com:** Asante. Alice Mwoyo. Alice.

**Alice:** Hamjambo nyote?

**Audience:** Hatujambo.

**Alice:** Hata mini sijambo. Nataka kusaidiwa kwa sababu nimeandika kwa Kikamba. Yangu ni group ya wanawake. I was picked on behalf of the women groups and I would like to say the present Constitution doesn't even take care of women groups. The Constitution should recognize the rights of women groups to own land and Married women should also have a right to joint ownership of property with their husbands, and also all the property they acquire together. Those who don't get married should inherit equal shares with their brothers. If somebody wants to marry a lady, there should be a minimum of one year of staying together before the official ceremony is recognized by paying what Kambas call "Ntheo" which is really a token of three she-goats and a he goat which is slaughtered on that occasion. If that ceremony is not conducted within a year, the parents should take appropriate action so that appropriate compensation is effected.

**Alice Moyo:** This would enhance the refund of the properties and services she rendered in that home. If for one reason or another the lady is returned to her parents, the elders should look into that matter and arbitrate as is appropriate. She says that we should recognize the important role the house-wives play. The house wife is a worker. She's the one who takes care of the family, she takes care of the goats, chicken, the children and everybody. So if the husband is in formal employment, they should sit down, do their budget and the surplus funds should be used or shared equally.

The womenfolk, especially the house-wives, have suffered for too long because they depend on handouts from their husbands and sometimes, these are not enough. So, we want the Constitution to recognize their important role, and come up with a recommendation that, the husband should recognize that role and appropriate funds be apportioned accordingly. Sometimes housewives are not even given a lee way for an extra cent. The budget is so tight that even for their personal use they can't have anything. It is recognized some parents are wealthy, and since love knows no borders their daughters might be married in homes which are fairly poor. It's important the Constitution should have a clause whereby the father of that daughter, should be able to chip in to assist the poor daughter who is married in the poor family.

We should have two languages in this country, English and Kiswahili.

The President's powers should be reduced and not only that, he should be able to answer to the citizens of this country in Parliament, not in public rallies. Citizens give their rights to their leaders including Members of Parliament, and we want to give Members of Parliament and other leaders limited rights so that we still hold that power to ourselves. We don't abdicate our powers to individuals. In other words she is saying we shouldn't have hero worshippers.

Each party should reserve 30% seats for women. She says we should have no room for nominated Members of Parliament, we should have only members who are elected. A Member of Parliament should have minimum education of Form 4 level. She says a Member of Parliament should be answerable to the people, not the party which he stood on, and then he should have a

minimum education level of form four and he should have passed very well.

The Court should be at our locational level. The Constitution should provide for legal assistance to the accused, so that people have access to legal assistance. There should be funds set aside for Aids. We should have provision for an office of an Ombudsman, so that people can get fair justice. As we speak now children of poor people don't get jobs, job opportunities just to the children of the rich and this should not happen. Thank you very much.

**Interjection** : Mwambie asiondoke.

**Com. Abida**: Asante mama lakini kuna swali moja. Hatukuelewa kitu tunataka utuelezee. Professor Kabira atakuuliza swali.

**Professor Kabira**: Mapema ulisema unataka kijana na bibi yake wakae mwaka mmoja bila kufanya ile ceremonies. Ulisema hivyo?

**Interpreter**: Maximum, she said, if I took this lady without paying the

**Professor Kabira**: Dowry?

**Interpreter**: Dowry. No, the dowry. This is not dowry among the Kambas. Dowry is a different stuff, but to recognize a marriage in Kikamba you pay what we call "Gozia Mbeo" (goats for, say, tradition), and that traditionally is a wife.

If I take 3 goats and one is slaughtered, that is a ceremony for a wife. The idea behind this was that, wives were not reserved for the rich. The Kambas realized that a poor man needed a wife too, and therefore they said a man interested in for a wife cannot miss three goats and one to slaughter a he-goat. So that ceremony is a wife. So she said in case I talk to her, I should not be allowed to stay with her for more than a year without paying those goats.

**Professor**: Okay. What about if you, so if you don't, what happens after the one year?

**Interpreter**: She said since the Kambas don't recognize "come we stay affair", after the one year the elders should meet, arbitrate and if they find the man is not serious, they should take the lady back home to her parents.

**Professor Kabira**: Na mtoto? Kwa sababu mwaka mmoja, si atakuwa na mtoto?

**Interpreter**: She says since this lady was working in that home, she was provided all kinds of services, that man should be made to compensate as appropriate with wazees also discussing, and the child would go with the mother. So long as she is

compensated adequately then she can take up the upkeep of the kid.

**Com. Abida:** Tafadhali tungewaomba, mtu akizungumza, we are not in a public rally. Hiki ni kikao muhimu sana, tuko na record. Mkiendelea kupiga makelele, tutakwenda na record ambayo ina makelele huko kwa commission. Hatutapata mawazo na fikira za watu wa sehemu hii. Akizungumza mheshimu maoni yake na kunyamaza. Ukiwa na maneno sisi tutakaa hapa mpaka usiku tuwasikize, tafadhali. Speak here si pahali umekaa. Tukiendelea hivi basi tutafunga mkutano turudi. Kwa sababu hatutaweza kuafikiana. We cannot communicate with noise. Please. And if there is anything direct it to the commissioners here. Na msiiinue mikono kwa sababu hatuna debate. Hatutawapatia nafasi ya ku-debate. Ukiwa na jambo kuja hapa uuongee. Tutasikiza kila mtu ambaye anataka kuongea. Asanteni. James Mwigai, James Ngugi Muigai?

**James:** Na pesa zisiwe na picha ya Rais kwa maana watu wa kabila la Rais wamejifanya kama watu wenye mamlaka zaidi kama Rais mwenyewe.

Kwa upande wa biashara tunaomba zipewe heshima na serikali kwa maana. Mana kila mara wafanya biashara huitwa walanguzi.

Kwa upande wa elimu, tungetaka iwe bure kama tulivyo-ahidiwa na serikali kutokana na ukosefu mwingi wa mvua sehemu hii. Tungetaka askari ambao wanatulinda watuheshimu sisi wananchi.

Kwa upande wa matibabu. Tungetaka matibabu yawe ya bure, yakitolewa na serikali, kwa sababu watu wengi wanakufa kutokana na ukosefu wa pesa za hospitali.

Upande wa maji. Serikali itupe maji safi sana Kibwezi division, maana asilimia tisini na tano ya watu wa Kibwezi huwa na midudu inayotokana na maji. Asanteni.

**Com. Abida:** Josephat Mutunga? Yuko? Josephat?

**Josephat:** Shukrani kwa nafasi hii. Ma-Commissioners, niko na maoni yangu na ninge-omba yule translator aje anitranslatie maana mengine nitatumia Kikamba.

The first thing is about the judiciary. The appointments of the Attorney-General and the Chief Justice are done is by the Head of the State and those powers shouldn't be vested there. the appointment should be through the Parliament. Approval for the appointment of ministers and assistant ministers should also be done through the President so that we don't have people who don't qualify appointed to those position on friendship basis.

Before ministers and assistant ministers travel out of this country for whatever reason, Parliament should be informed, and

wananchi should also be informed as to why they are travelling out.

Chiefs should be transferable to other areas. If a chief has got a personal vendetta with an individual, that person would suffer until the chief departs from this world. I recommend that the chiefs be appointed by the people. They should, that is, be elected by the people according to their qualifications.

The Head of State, if he commits crimes, should be charged in a court of law just like any other citizen. Citizens should have a right to recall their elected leaders whether Members of Parliament or councillors if they don't perform as expected. Prices should be controlled because prices of commodities have been increased without due regard to income levels, and people are really suffering. Thank you. Asante.

**Com. Abida:** Joseph Mweke? Yuko? Joseph Boniface Nzekele? Hauna maoni? Asante. Onesmus Mwindi.

**Onsmus:** Asante sana kwa Ma-Commissioners mabibi na mabwana, hamjambo?

**Audience:** Hatujambo.

**Onesmus:** Mimi ningependa kuchangia hali ya mashamba. Mimi ningependa niseme habari ya mashamba, mashamba yale ya serikali ambayo yako katika area hii yawe yakigawiwa na tume ambayo imechaguliwa katika constituency hii.

Pili ningependa nizungumze juu ya hali ya watoto. Ningependa serikali isomeshe watoto wa kila Mkenya, watoto wanne kwa kila Mkenya from nursery to university. Pia upande wa siasa ningependa nizungumze. Kuwe na vyama vitano vikizidi, lakini si vizidi zaidi ya hapo. Pia ningependa mjumbe awe mtu wa degree and onwards.

Nne, ningependa kuwe na tume ambayo mjumbe au councillor akifanya makosa awe anaweza kuripotiwa pale na kuondolewa kwa kiti. Pia ningependa kuwe na uhuru wa kuajiri hawa ma-judge. Wawe wakiappointiwa na Rais na wapitishwe au wa-vettiwe kwa bunge ili wawe ni watu wazuri. Wakionekana si sawa warudishwe.

Ile ingine ningependa nizungumze ni ya akina mama hawa widows. Ningependa mambo ya families yawe yakiangaliwa mabibi ambao mabwana wao wamekufa, wawe wakiangaliwa na watu wa families pamoja na shida zao, na ikonekana inazidi ndiyo ipelekwe kwa serikali. Na kwa hayo nimesema ni asante.

**Com. Abida:** Francis Mwanja?

**Francis:** Commissioners, viongozi, na wananchi, hamjambo?



**Audience:** Hatujambo.

**Francis:** Kwa majina ninaitwa Francis Mulu Mwania, not Mwaniki. Ningependa kusema tu machache lakini nimeandika kwa Kizungu.

Parliamentary representation should be based on the number of registered voters, and the population size of that constituency not on area size, or based on individual interest, saying, I want to set a constituency for myself. Then there must be an abolition of this quota system. Let's say, people have to join a national school, there must be a quota system for Makueni, Garissa, no. We want people to be selected to join those schools on merit. Even recruitment to the military, let's say the army and police should be based on merit. If they want to say it's form four, it's form four. Form four B+ form four B+, If it's form four D+, D+ all over the country. Also the issue of land in Kibwezi is so volatile. I would suggest, if you squat on a piece of land for around five years, hiyo ardhi ikuwe yako.

Again, if the harambee system of pulling resources together has to continue in the next Constitution, there must be some guidelines to show us, it must go this way. Alternatively, there must be a monitoring system to say, we raised this amount of money, it did this much, because this money we don't know how it goes. Again, we have to strengthen the local authorities (not clear) citizens of this country live. Councillors should be given autonomous authority from the central government. Not a matter of local authority minister being overall of all council activities, and minimum education should be form four. University education loans should be made blanke for every student who joins university. Every student must be provided with that government loan. There must be no vetting authority to say you'll get 40,000/-, other people get 25,000/=, no. Every student should get equal share.

Again people under investigation or mentioned by the Parliamentary select Committee should not hold any public office. That is all I had. Thank you.

**Com. Abida:** Mutuku Kaloki?

**Mutuku:** Asante. Ever since we fought for this independence, from the time we were in Machakos district and now we are in Makueni district we haven't seen anything. Are we going to wait until we die? Is it also true that other freedom fighters from other parts of this country never got anything? Or is it us who were neglected for whatever reason? Since our independence from the British government, we have not received anything, and we would like to be given something. The late Tom Mboya promised us oil. He told us he would puncture the tank with oil, and we would be merry, and happy, but we never saw that. We the people of Mutito, including Machakos, have a lot of problems. Because of suffering, people have migrated to Tanzania, to Taveta because they can't get anything to eat. Is that not a problem? What kinds of problems were solved for us? We are saying land should go back to their rightful owners. We fought for this land which belonged to our fore-fathers, and we would

like that land to be returned to the rightful owners. Our borders were shifted from this sides. They were brought closer here nearer is side, and we were driven to the arid land below here and we think that is exceedingly unfair. We would like the original border to be returned to where it was. We would like to go back to the original land and the president told us we should stay a kilometre below the hill. I am saying this because of the suffering we are experiencing.

I am going to talk about parenthood, because everybody likes children. We are all parents and it looks like women too, are coming to champion their interest. If for example my son brings a lady to my house and I don't know the character of this lady, the same night do I get goats and take to the parents of that girl? These days my daughter will get married to somebody I don't know, my son will marry somebody I don't know, and therefore, before we take any action the elders should look into the matter properly. I don't know if what I am saying is proper or not, but I want to say this: diseases such as HIV/AIDS are rampant because of these illegal, illicit, cohabitation.

When we make the Constitution we should be careful. Some of the things which we might take outside there, as though jokes, when they come back in the form of a Constitution, they might be a problem to us. As I conclude I want to say this Constitution we are making should be made in a level headed manner so that we don't make recommendations which are not proper because they will be hazardous to us. Thank you.

**Com. Abid:** Tell him thank you for the advice, we have heard. Wilson Kamolo? David Chuma?

**David:** I am very grateful to you Commissioners. I am grateful that the government and the citizens of the country find it only appropriate that we contribute to this Constitution Review Commission. When we fought for independence, we were promised some things, but we never got them. In the Kikamba customary way, if somebody takes your property, or doesn't honour a pledge you take an oath. Why is it that freedom fighters were never given what was promised to them? I fought for this independence when I had teeth, and now I am toothless. I even stopped having children and I have not seen what we fought for. Let us be given some benefits.

The tradition of Kikamba is, if you impregnated a girl, you should take care of that child. How come that when a man impregnates a lady, he goes scots-free, and then when he is asked, he says that was just a girl-friend and yet there are expenses. For an old person to take care of those children from clinic, you know, ante-natal care it is not fair.

If a lady dies before that initial ceremony is conducted, where we said 3 goats and one slaughtered, one is made to conduct that ceremony, and also pay some compensation. Why is it that people don't want to follow culture and conduct appropriate ceremonies as in the beginning? Is it better to pay for a dead person, or pay for a living person? Asante sana.

**Com. Abida:** Mzee unasema kwamba mliahidiwa kwamba mtapewa kitu. Ni kitu gani? Halafu, nani aliwaahidi hicho kitu?

**Interpreter:** We were promised land by the government of Kenya after independence.

**Com. Abida:** Asante. Safina Muite. Unaitwa Safina Muite? Mwete.

**Safina:** Mwete. Asante sana kwa hii nafasi. Kwanza nawashukuru viongozi wetu, kutoka mahali mumetoka. Ninamushukuru. Kile naweza kusema, na kama imeongewa na mtu mwingine kwa maana kuridia sio vizuri, kwa maana nimekuja hapa nimechelewa, mtanisamehe. Mimi nachangia Katiba kuhusu watoto wetu. Kuna nchi ambayo watoto na wanawake wanasumbuliwa. Nataka Katiba ya watoto wasichana kutahiriwa ikwishe. Wanaume watahiriwe pekee yao, lakini wanawake na wasichana wasitahiriwe.

Ile ingine ninayosema, kuna wazee wengine wanasema hawasomeshi wasichana. Hii ni kurudisha maendeleo ya Kenya nyuma. Kwanza mimi si-kusoma. Baba yangu alisema hawezi kusomesha msichana. Nikaozwa ng'ombe kumi na tano na mbuzi ishirini. Na sasa nina shida sana. Ukisema msichana hawezi kusomeshwa na hujui mimi sina mvulana, pengine nimezaa wasichana tupu. Utasema wasichana wasisomeshwe, nitasomesha nini? Kwa hivyo Katiba ya kusema ati wasichana wasisomeshwe iishe.

Kwa vile watoto wote ni watoto wasomeshwe wote. Ndipo tuweze kuwa na waakilishi bungeni wanawake. Sisi wanawake tumeenda chini sana. Tunataka maendeleo ya wanawake iwe juu na waume. Si kusema ati iwe juu ya waume. Tunajua mwana mme ndiye kichwa na mwanamke ndiye shingo. Lakini lazima tuwe na maendeleo kwa maana mwanamme hajui mambo ya nyumbani. Akitoka usubuhi akienda huko anakokwenda ambapo sitataja u anakuja usiku. Mwanamke ndiye anajua mtoto ambaye anafukuzwa. Siku hizi wanawake ndio wako na watoto pekee yao. Mtoto akifukuzwa hata kama uko kwa bure ama kwa miguu unaona mtoto anakuja na uniform, na baba yake yuko nyumbani. Ni nini? Baba amesema tuje tukutafute, tumefukuzwa balance ya shule. Wonderful! Kwani yeye hawezi kutoa. Kwa hivyo mjue wanawakee tuko na kazi mingi. Na tunataka wanawake wasome waende bungeni kama wanaume. Sio kusema tuwe kiasi kimoja, lakini kama wewe unasoma na mimi nimesoma maendeleo itakuwa mingi. Kama bwanangu amesoma na mimi nimesoma, kuchungana haitakueko. Wanaume wengine wana wke wao wamezunguka sana wamenunulia chakula, bwana ameenda viake ameenda kufanya kazi watakutana hapa saa ya kazi ikiisha.

Na mtoto wako yuko hivi. Utakuwa saa yote unasikia usiku nyumbani kwa sababu ya kiatu kukatwa kutupwa mahali ambapo si mzuri. Na huyo mzazi kikwetu watu wanasema vita vya usiku haviamuliwi. Na yule mtoto wa watu anapata shida. Kwa hivyo ndugu zangu tusomeshe watoto bila kusema huyu ni mwanamke na huyu ni mvulana. Yangu ninakoma hapo. Thank you very much. (kicheko).

**Com. Abida:** Asante sana Safina. Grace Ndeti?

**Grace:** I am going to talk about the problems of widows. The main problem is children of widows don't go to school. A widow would take a child upto Std. 8 and that becomes the end of the education process for that child. Even if you go to look for the bursary you will not get it because you don't have influence. I am talking of all orphans all over this country. Orphans are suffering. They don't have the funds, they don't have facilities for education. To give an example myself, I am an orphan, I have children and as we speak now I am old and I owe the school more than 20,000/= shillings and I can't raise such kind of money. The circle of poverty of orphans is so bad that to break it will take time, because they are the ones who are employed for these menial jobs for the rich, to look after cattle, to dig and to do these little jobs. Whoever is looking for a house-boy or house-girl will just go to look for those children of widows. A very old man would find it very convenient to look for a daughter of an orphan to marry because she is disadvantaged. We should take care of orphans. We should take care of children of widows, because these are the people who end up being street families and not only that they end up at times being criminals, and also they would harass the rich. If an orphan has just one acre and six children, surely what does the government intend to do with that kind of a person? Could there be no need to assist that person? Thank you very much.

**Com. Abida:** Asante. Wilson Ndonge, Kitela Ndutu.

**Kitela:** Asante sana Commissioners. We came here so that we could give our ideas. Our group is the Mau-Mau group. We came here so that we can share this occasion together. We were promised some things at independence, but when it came to the division of those items or property we were promised, we never got our share. We meet, we have delegations to go to the Head of State. We had been promised some things, and when we come back here we don't see anything being given to us. How come that we in Ukambani these promises are hardly honoured? It looks like there is a form of discrimination. We fought for independence so that we would be independent, and we would all like to enjoy the fruits of freedom together. Most of the people, since independence 1963, have passed away. It also looks like those who are still alive are likely to pass over with age, then what will be the benefits if they are not given now? Land is a God-given right, we fought for it, we were promised land, and there is some land somewhere in this country. Why can't we be given? We would like the promises of land to be honoured and in case there is no land let us be told openly that there is no land. I don't know whether it's because of dirty politics that we have not been given our rightful share, but I wish the pledge be honoured.

We would like to be assisted. I can foresee a lot of problems in this part of Ukambani, and I would like us to be assisted in educational funding. We have no factories. We have no employment opportunities and people spend the time idling, and those people are blamed but that is not their mistake. The Constitution should look into the economic situation of this area. Build appropriate factories, have appropriate investments, so that the people can get job opportunities and then there will be no idling. Thank you very much.

**Com. Abida:** Kaguti Manau? Mikaire Mutambia? Asante. Richard Kioko? James N. Nzeru.

**James:** Nashukuru Ma-Commissioners na wanainchi wako hapa. Mimi yangu ni kuchangia ama kuuliza Katiba. Katika Kenya, sisi tuko Kenya kutoka wapi mpaka wapi, na tunatengeneza Katiba ya Kenya. Katiba ile tunatengeneza ninasema ni ya hali ya haswa watu ambao wako katika sehemu ya Mtito wa Ndei Division ambao hatujapatiwa mashamba kamili. Yangu ni kuuliza ama kuwambia Katiba waende, sisi huku tumewekwa kama wanyama. Maana ya kusema hivi, wakati huu tuko katika area inaitwa game park. Tumepatiwa survey ya uongo ya kupewa namba sisi ambao hatuna mashamba. Wakati huu sisi tunajua tunaweza kuambiwa tuhame wakati wowote. Kwa hivyo vile tunajua wanyama na mtu, mtu ndiye aliye na power. Kama sisi tumenajua hapa ni mambo ya wanyama, tuko sheni ya wanyama, wanyama ndiyo wako juu. Binadamu hayu juu. Tunataka Katiba ipelekwe tupewe mashamba yetu sawa na kama area zingine. Ukikuyuni, whatever, wako na title deeds kwa mashamba yao wanaweza kuchukua loan.

Ya pili ni kuuliza ama ni kusema, sisi hatuna nafasi Kenya mtu kama mimi, kwa mfano, niwe na shamba langu na liwe limegunduliwa na tajiri fulani ama serikali dhahabu. Mtu anatoka juu na pesa na kuniambia hili shamba si lako, ondoka, ili achimbue ile thahabu iko hapo. Kwa hivyo Kenya ama Katiba iangalie vizuri vile ninaweza kuwaambia shamba ni langu na mtu aje kuchimbua asije thahabu iko hapo. Hata nikiwa mwananchi wa upande wa chini, huku nisitolewe kwa shamba hilo nianze kuhangaika.

La mwisho, ni hali ya wafanyi kazi ambao wa-me-retire, retired officers. Naomba Commissioners ama Kenya irekebishe Katiba. Mtu ambaye anapewa pension iwe ikiongezwa wakati wale watu, wakampuni aliyokuwa akifanya wanaongezwa pamoja ili asomeshe watoto. Wengi wanafukuzwa ama wametavel nyumbani hawana pesa na watoto wako. Ninafika hapo.

**Com. Abida:** Asante. Antony Njore?

**Antony:** Thank you very much for this opportunity in order to give our views and mine, I am going to read.

**Com. Abida:** Five minutes to highlights. We you will read your memorandum

Yeah.

Kibwezi Constituency ,  
Mtito wa Ndei Division,  
P.O. Box 1 Ngwata.

13th May 2002.

The Chairman,  
Constitution Review Commission,  
Nairobi.

Dear Sir,

### **Political Parties, Kanu's View.**

The Commissioners, leaders of Kibwezi constituency, ladies and gentlemen. This is a very important occasion in the lives of many Kibwezi people and Kenya in general. It marks a watershed in the political evolution of all states. The occasion also gives a chance to every Kenyan to present their views on the Kenya we want. WE in Kanu, Kenya African National Union (KANU), would like to give our in-put to the making of a new Constitution herein under.

One. Kanu is committed to a just and cohesive society, where different ethnic groups live together in peace, love and unity in pursuit of national prosperity.

Two. Kanu advocates the peaceful co-existence of all political parties, their political ideologies notwithstanding.

Three. All political parties should have a code of conduct.

Four. There should be set up a political institution or watchdog political parties' affairs eg management. Political parties should diversify into other areas of the economy, development eg, in research.

Six. Political parties, therefore, should look and solicit for funding from both within and without, so that they may realize their goals in number five above.

Seven. In order to stabilize politically, political parties should be limited to a maximum of five.

Eight. Public funds should not be used to fund political parties.

On Local Government, one. Those Kenyans who wish to seek and contest for civic posts in our local councils, must have a minimum of form four level of education. Mayors/council chairmen should be elected by the electorate. They should have the required standard of education. Three. Mayors/Council chairmen should serve for a full term of five years, unless the incumbent commits an offence which requires his removal. Four, summaries and other emoluments should be paid from the consolidated fund. Six. Nomination of councillors should continue. Seven. Nobody should be nominated as a nominated councilor or otherwise, if they stood and lost during the election.

And the executive. The post of assistant chiefs should be scrapped, instead, village elders be duly recognized and work under the chiefs, drawing some allowances. Two. The District Commissioner should no longer be the chairman of the land and occasion committee. In his place there should be formed constituency land control boards, whose chairman would be elected by the people. Three. The District development committee should have the powers taken down to constituency level. The Constituency Development Committees will then allocate, and disembark development monies as per development plans of the constituency. District Development committees should therefore supervise monitor, and evaluate the said projects at

constituency level. Four. Provincial administration shouldn't be involved in politics.

On the legislation. One. Any aspirant for a Parliamentary seat should be a university graduate or the equivalent. Two. MPs should continue working part-time as in the case presently. This gives them a chance to list their constraints with a view to finding out their problems and needs. Three. MPs should be between 35 and 70 years of age.

**Com. Abida:** I have given you two minutes to summarize because we will read your memorandum. Please, so that we can give time to other people. Two minutes to summarize.

**James:** I am about to finish. Should be between 35 and 70 years of age when seeking political elective post. MPs should be recalled by the electorate for failing to deliver. We advocate that the 10 seats reserved for nomination be given to the disabled. Nomination should also be equal. Nomination should also be spread country wide. Last One. All nominations should be for one to five years time only. Thank you for your kind patience. Antony Nzole, Kanu Assistant Secretary, Kibwezi Branch.

**Com. Abida:** Asante. James Nguyi. If you have written exactly five minutes because we shall read

**James:** Yangu ni ya kusema tu.

**Com. Abida:** Haya asante.

**James:** Jina langu ni James Mali Nguyi. Mimi ni na maneno kidogo tu nataka kuzungumza. Ya kwanza mimi nataka elimu iwe ya bure, kwa sababu kuna watoto wa maskini ambao elimu tu ya fedha wanashindwa kusoma. Nataka elimu ianze Std 1 mpaka university na mzazi mmoja awe na watoto wanne wa kusomeshwa. Lakini akipata juu ya nne, wa tano ni wake. Ya tatu, kura ziwe zinahesabiwa katika kituo. Si kutransfer kupeleka mahali pengine. Kama ni kwa hall mahali tunapigia kura, ziwe zinahesabiwa hapo. Ya tatu ni MP awe wa degree na awe na good discipline, awe hajafanya kosa lolote la kuiba ama kupiga watu.

Wanaume wawe wakubwa kushinda wanawake kwa sababu hata Mungu alisema wanaume wawe wakubwa kushinda wanawake. Hata Yesu wakati alikuwa huku alichagua watume 12 lakini hakuchagua mwanamke. Kwa hivyo wanawake wawe chini kidogo kushinda wanaume. Lakini kwa elimu wawe sawa, kwa kila kitu wawe sawa. Lakini kwa boma wawe tofauti kidogo.

Ingingine ni watu wanakwenda mkutano inaitwa DDC, kwa DO, DC sasa hiyo mimi nasema itolewe, iwe ni Constituency Development Committee. Kila MP apewe pesa yake ili wafanyishe maendeleo. Lakini si-kupeleka kwa DC, kwa sababu kupeleka kwa D.C. sasa zingine inabiwa. Kwa hivyo yangu ni machache. Asante James Mali Ngui.

**Com. Abida:** Samuel Zongelu. Do you have a memo? Five minutes.

**Samuel:** Kwanza na-shukuru Commission kwa nafasi hii nimepewa. Nitazungumzia kidogo juu ya wakulima. Nina mambo machache tu. Kwanza nasema, kitu cha kwanza kwa sababu tuliishi hapa tangu mwaka wa sitini na tano mpaka sasa hatujapewa title deed kwa hivyo tafadhali mkulima akiishi popote kwa mwaka mmoja, inafaa apewe title deed. kwa sababu akiwa na title deed itamwezesha kupata hata loans. Naomba ya pili. Nchini yetu ina sehemu nyingi zilizo na maji, na aya maji hata sehemu kavu kama hapa ukichimba hata futi arobaini tutapata maji ya kudumu. Tuchimbiwe maji mengi ili tuweze kufanya irrigation. Na njia nyingine, hata kama ni ya kufunika zile mito ziko na maji, kama ule mto wa Kibwezi, Makindu, Kiboko, Upper Thange, Kaburu na Mtito wa Ndei. Hizi mito zikifungwa haya maji yatakuja juu mpaka zikiwekwa terraces yatakuja kwa mashama. Tutafanya irrigation. Kwa hivyo nchi yetu ya Makueni na sehemu kame zitakuwa na chakula cha kutosha, through irrigation.

Naomba ya tatu. Farmers wapewe character loans. Yaani loans ambayo huyu tunamjua ni mkulima na hana uwezo lakini yeye hulima kwa nguvu zake. Apewe character loan kwa sababu hatahama kwa hii nchi yake. Kwa hivyo mkulima yeyote ambaye amejitoa kulima apewe character loan alipe kupitia ile kazi anafanya ya ukulima.

**Ya nne.** Markets au sehemu za kuuzia vitu, hawa nchi za nje na nchi yetu hii ya Kenya, tupewe vibali. Mimi nikitaka kuuza chakula saa hii Tanzania au nchi za Malawi au Zambia inchi za Comesa nipewe kibali nipeleke chakula changu au chochote nimelima bila kuambiwa mpaka upitie mahali fulani, mpaka upitie hivi. Nipewe kibali, kwa sababu mimi ni mkulima, nimelimia hiki chakula kwa gharama zangu, nipewe kibali nipeleke mahali nitauza, nipate faida na nilete hiyo pesa isaidie nchi yangu. Kwa mfano, wakati huu kuna njaa sana nchi ya Malawi, na sisi tunapeleka chakula mpaka hata Taveta. Kufika Taveta hata kupata kibali cha kuuza hapo kwa soko unalipishwa pesa nyingi kwa kile chakula wewe umebeba, na watu wa municipality ya hapo Taveta. Na wakikulipisha hivi, hakuna mahali utaambiwa enda uuzie pale, unaachwa tu wewe ukaende kuuza kwa no man's land, mahali hakuna security, na hiyo chakula, au hiyo gari ikiibiwa hakuna mtu atauliza wewe. Lakini umelipia kodi kila kitu.

Ya tano, kama hii local government ikiwezekana, sababu local zote tunauza vyakula, tuwekewe bei kama ile mtu anaweza. Ukiwa na shilingi kumi uruhusiwe kuingia kwa soko na uuze siku hiyo kwa hiyo bei ya ten shillings. Na ukikosa kuuza, hakuna mtu utadai. Na kwa sababu kesho ukujakuuza utalipa also ten shillings. Kile wanachohitaji kufanya ni waweke kama ni soko fulani, waweke askari na watu wa kuweka ile kodi registered, na yule mtu wa kulipisha shilingi kumi. Ahakikishe kila mtu ameingia sokoni na shilingi kumi. Hata ukienda kuuza ng'ombe shilingi kumi, hata ukienda kuuza gunia ya mahindi shilingi kumi, kwa sababu ukikosa kuuza hakuna mtu atarudishia wewe kitu. Na kesho ukija nayo utalipia tena. Kwa hivyo ile kodi ya (not clear) kama shilingi mia moja, mbuzi thelathini, hii ni kunyanyasa wakulima. Kwa sababu akikosa kununuliwa hakuna kitu anarudishiwa. Kwa hivyo, iwekwe kodi ambayo hata akikosa kuuza hajafinywa sana.



Sita. Wakati tunapanda mbegu zetu wakulima, tunadanganywa tumeletewa certified seeds. Certified seeds ni mbegu ambayo imechungwa na imehakikishiwa kumea kama 100%. Lakini hizi mbegu wale wameruhusiwa na serikali kutuuzia, hata wengine wanafanya kuziweka dawa na kutuwekea kwa mifuko na tunakuja kununua. Na ile gharama tunapata ya ukuzaji iko juu sana. Na kuja kuhakikisha hii sio kile chakula ulikuwa unatarajia, umeharibu mali yako mingi. Umepalilia, umelima, umepiga dawa na kile chakula kinatoka ni chakula ambacho hukutarajia. Kwa hivyo tunataka serikali ile ambayo itakuwa iangalie mkulima na itusimamie juu ya mbegu safi.

Kitu cha saba. Tunauliza kama ni wakati wananchi wamelima vyakula vyao, watafutiwe mbegu au watafutiwe dawa ile ambayo itazuia chakula chao kuharibika. Kwa mfano tuko na cereals board, na tunajua wana sehemu inasimamia madawa. Sasa hivyo wakulima wote wako na chakula, lakini hakuna mmoja ana uhakika ile dawa ameweka ni ya ukweli, kwa sababu serikali haishuguliki na ile mahindi tumelima. Lakini njaa akitokea, utasikia kila mtu asiwe na shida kwa sababu serikali itahakikisha kila mtu hatakufa na njaa. Na hii mwaka mzima au mwezi moja unatoa kilo moja. Hiyo ni haki kweli hatutakufa na njaa? Sikweli, kwa sababu kupimwa kilo moja kwa mwezi moja, na kile chakula ulekuwa nacho kama kingesimamiwa na serikali kiwekwe dawa, kingekaa hata zaidi ya miaka mbili na usaidie wenzako wengi. Kwa hivyo dawa serikali ituhakikishie na kama ni kutafuta pahali patamkaribisha mkulima, tutafutiwe dawa ya kweli ambayo iko na ukweli na itatutuzia.

Kuna hii serikali inasema government national food policy. Haya mambo ya food policy lazima serikali ihakikishe kweli ile imesema ni food policy ni ya kweli. Sio undika ati, hii haki serikali imeamua hivi na tutafanya na si kweli. Lazima ihakikishe ni ya kweli vile imeandikwa. Serikali lazima itusaidie sisi wakulima. Tuwe tunaweza jua ile nchi inahitaji kama ni maharagwe, ile nchi inahitaji kama ni sunflower, and (not clear), ile nchi inahitaji kama maua, ile nchi inahitaji kama maembe. Kwa sababu serikali saa hii, mimi nimon through cereals board. Saa hii magari yanajazana mengi sana kama hawa watu wa cereal board kwa sababu serikali in-order ya kupeleka chakula Malawi. Na hii serikali ingekuja iseme wale watu wako na mahindi hapa saa hii tukutanishwe hapa kwa DO, ichukuliwe na hii tender ipewe wakulima, walete mahindi hapa, ipelekwe Malawi. Kwa sababu hii yetu haijahifadhiwa vizuri kama ile iko cereals board. Ile iko cereals board itunzwe na iongezewe dawa, ndio tukule wakati ile yetu itamalizika. Na kwa sababu hii yetu haina dawa tupeane iende Malawi tusaidie ndugu zetu huko na sisi tupate pesa. Kwa hivyo ingefaa serikali wakati inapata order, ichukue chakula kutoka kwa wakulima. Lakini sio kwa cereals board.

Pia, bei ya chakula kama ile tunanunua hapa, wafanye iwe juu kwa wakulima kwa sababu wanatumia gharama kubwa. Kuna chakula tunakuza na wakati tunakuza chakula, kwa mfano kama mihogo, serikali yetu najua inatumia pesa nyingi kununua starch kutoka South Africa. Na sisi tualima mihogo mingi sana. Lakini serikali haiwezi shugulika na kununua mihogo ya watu wachache au watu wako reserve. Na wakati inahitaji starch inachukua from South Africa, from Nigeria na hii mihogo wanawacha hapa yetu. Kwa hivyo inaonyesha ukulima wetu hauthamini.

Kitu kingine cha muhimu na ambacho kimetusumbua sana, sisi ni watu tunakaa karibu na national park, na tulishangaa sana kusikia ati mtu akiuwawa na simba au mnyama yeyote kama ndovu, ati serikali yetu kupitia kwa mbunge wetu wamekubaliana

mtu awe akilipwa shilingi 30,000/-. Na shilingi 30,000/- mtu mzima kama mimi nilipwe elfu thelathini. Na kwanza kufuatilia zile barua, kutoka hapa kwenda kwa DC, kutoka hapo kwenda kwa chief, kurudishwa tena unachukua zaidi ya 80,000/-. Halafu yule mtu wako uambiwe analipwa elfu thelathini. Tafadhali hiyo iandikwe na ipinduliwe. Mtu awe akilipwa kiwango kama million tano, kwa sababu mtu ako na dhamana. Na kama mtu anakufa kweli kupitia kwa wanyama, wale watu wanahakikisha ni kweli, alipwe, kwa sababu kusemekana ati atalipwa elfu thelathini hiyo hata haifai kusikika kwa watu.

Ninaomba kama serikali itakayokuwepo ikikubali, wale watu wote ambao wanahitaji ukulima wasaidiwe, hata kama ni wale wadogo, kwa sababu wengine wanataka ukulima lakini hawana uwezo wa kulima. Hakuna tractors, hakuna njia ya kupata kitu cha kumsaidia mkulima mdogo aendele mpaka akuwe mkubwa. Kwa hivyo kama inawezekana serikali yetu, mtu akiamua anahitaji ukulima, asaidiwe kwa sababu anashika kazi muhimu ya nchi yetu, kwa sababu ukulima ndio uti wa mgongo nchini Kenya. Sasa mtu akiamua ukulima asaidiwe hata kama ni mdogo, kwa njia ya kupata mbegu, kupata pesa ya kulima, tractor, gharma hizo hata kama sio pesa, serikali itafute tractors. Ziwe zikilimia wakulima wale ambao hawana uwezo, ndipo wawe wakikuze chakula kingi. Nimeshukuru. Asante.

**Com.** Asante sana. Christopher Musyoki? Ama tukuletee hapo microphone? Asante.

**Christopher:** Nina maoni. Mimi ni mmoja wa walemavu ambao chairman wa division ya Mtito wa Ndei ameongea Bwana Simon Nguu. Lakini ningengezea kama vice wake. Tuko na group kadha. Ndugu wangu wengine wako hapo nyuma, wamechelewa kidogo, lakini nafikiri tuko na mpangilio ule tulikuwa tumeandika na tutaongeze.

Mambo yetu ya walemavu, mimi nikiongea kama Vice wa D..D.O Mtito wa Ndei. Walemavu nchini Kenya na nasikitika sana nikisema ya kwamba hatuungaliwi kihalali. Hata ingawaje serikali yetu inatuambia, inatulinganisha na wale wengine, lakini ubaguzi uko. Kwa sababu kwa mfano, mlemavu akiwa ametoka kazi hana njia ingine ya kufanya, hawezi kukata makaa ama nini na nini. Lakini ningepuliza kukiwa kuna uwezekano sheria ziwe, mlemavu apewe uwezo wa kazi ambayo anaifahamu. Ikiwa amesomea kazi fulani na hana nguvu ya fedha ya kuiendesha ile kazi yake, aangaliwe kwa njia ambayo ni ya kibinadamu. Apewe nguvu ya kufanya kama wenzake.

Na ile ingine ningesema ni, akiwa hana kazi, akiwa hajui kazi, pia aangaliwe. Kwa hivyo nikisema walemavu waangaliwe kwa uzuri, mimi siwi ninaingilia sehemu fulani. Lakini, kama mimi nilikuwa mfanyi kazi na haki yangu ile ningepewa na kuja kukaa chini ikaendewa kinyongo na waliokuwa wakuu. Lakini ningetaka kuuliza, sheria iko tunataka kuiunda ya mbele naona kama inatuchukua kama sio watu. Nikisema hiyo na-sema kwa niaba ya walemavu wenzangu, yaani tuangaliwe kwa njia ile inayo-faa kwa vyovyote kulingana na vile tu binadamu na vile Mungu alituumba. Hawa ikiwa ni watoto, nikiazia kwa watoto, watoto wadogo walemavu, tuko na watoto aina mbali mbali ambayo hawana mahali pa kupelekwa, haswa Kibwezi division. Tuko na watoto wengi ambao hawana wazazi wao huko nyumbani, na mzazi hajui vile anaweza kufanya na huyu mtoto wake. Na watu wengine wanachukua ulemavu kuwa kama laana. Lakini mtu ambaye amesomea Bible kama mimi, ninajua ulemavu sio laana.

Kwa hivyo, serikali tungeuliza iangalie masilahi ya walemavu. Watoto wetu walemavu wakaribishiwe masomo. Mtoto akiwa hatembei, aangaliwe njia ya kujisaidia nayo ile ya kutembea, na masomo. Ikiwa haongei apelekwe shule ile ambayo inafaa. Akiwa ni mtoto hasikii, apelekwe mahali pa watoto na mashule yakaribishe. Kwa hivyo ninanuliza, tunauliza kwa uwezekano, ikiwa kunawezekana watoto wote walemavu shuleni wapelekwe. Ulemavu uko na mambo mengi. Ikiwa ni kukosa kujua kufanya kazi na mikoni yake, na ule ugonjwa wa kifafa. Hiyo ni ulemavu, na inafaa matibabu yaletwe karibu na mtoto na aangaliwe vile inawezekana kwa njia yoyote. Kwa hivyo mtu wa chini, nchini Kenya, mlemavu ni vizuri ajisikie kama wale wengine.

Ikiwa ni sehemu ya kwenda Parliament, tukiwa na mtu ambaye ana uwezo huo, awe na fursa ya kuingia kule.

**Christopher Musyoki:** Tukiwa na watu ambao wana uwezo huo wawe na fursa ya kuingia kule. Ikiwa ni mahali popote pa serikali, ama kazi yoyote, ikiwa ni shirika fulani limetokea pia aangaliwe. Kwa sababu mashirika yakitokea yanasema pia yasaidia walemavu lakini, kama kwa mfano funds ambazo zimechagwa kwa pesa mingi na serikali yetu tukufu. Ukienda kule Rehema House utashangaa sana, kwa sababu kule wakuu wote ni wale watu ambao na miili yao yote iko sawa sawa. Lakini mlemavu ambaye amepata bahati kupata kazi huko ni mtu au ni watu kidogo sana na hawana uwezo. Kwa hivyo kama sheria ikiwekwa, fedha kama ile ilitolewa ya walemavu. Pesa iliyoshua ulimwengu hiyo pesa inafaidisha wengine. Nikisema namna hiyo naweza kusema kama mimi nilijaza form mwaka wa 1991. Na nikienda kwa Rehema House naambiwa mambo yangu bado, ati yanaangaliwa. Lakini vile watu wanasema hivyo, hawasikii taabu ya mlevavu kwa sababu mimi kile nilitengeneza cha kunisaidia niliangalia maisha yangu ya kazi ilikuwa mbaya, na nikaona nikipata mashini ya kusaga mahindi itanisaidia, na pesa kweli zilikuwako. Lakini naambiwa hiyo haiwezekani na haifai, tunaangalia kile kitu kidogo. Kwa hivyo Rehema House mimi naweza kulaani kwa ofisi hiyo kwa sababu inaangalia masilahi ya pesa ya chini sana kwa sababu huwezi kupewa msaada wa chini ya elfu, ishirini kuteremka chini. Kwa sababu ya juu, unaambiwa hiki kiwango hakifai mtu kama wewe. Ni kama uko na madharau ya kuonesha mlemavu hana akili za kutunza mali yake, na hiyo nikiangalia, hayo ni makosa makubwa sana. Naona tunabaguliwa kwa sababu inafanya mlemavu awe hana. Mungu akimnyima ikiwa ni macho, ama miguu, ni kama akili amekosa. Lakini si vile. Na mlemavu mmoja wakifanya makosa na kama watu wazima wale wako na viungo vyote akifanya makosa, mlemavu ndiye anaangaliwa inasemekana angalia hali ya walemavu. Yaani mtu mmoja anaweza kufanya wale wengine wachafuliwe. Lakini tukiangalia wale watu wengine wazima, tunaona ndio wako na makosa mengi, na wakifanya makosa, ama mtu mwingine mzima akitaka kufanya kitu, haisemekani kama yule mwingine amefanya makosa na ni mzima. Kwa hivyo ndiyo tunasema kuko na makosa, na kuko na huo ubaguzi wa rangi.

Kwa hivyo ningeliza, Commissioners ambayo mko hapa, mahali popote mukikusanyisha kitu, maoni ya watu ya Kenya wote, muangalie mlemavu, anaangaliwe kwa njia yoyote, kwa kuinuliwa, kwa sababu bila kuwa na msingi wa kuanzisha biashara, yenyewe hata yule ambaye ana nguvu na hata anafanya kazi unasikia anasema maisha ni ngumu. Sasa ukisema maisha ni ngumu na wewe unapata mshahara mimi siwezi kukata makaa, siwezi kuchimba mtaro, hata nikipewa futi moja nipewe elfu kumi, ama

elfu mia moja nichimbe mtaro siwezi. Kwa hivyo ningepewa mimi ile haki yangu, kusema kweli, niliyofanyia miaka kama ishiriri. Lakini kesi yangu hata leo inasemekana iko kortini, na hata waziri wa labour niko na barua ambayo alisema tulipwe, lakini imekanyangiwa chini na walio na uwezo. Lakini kungekuwa na sheria ya haki yangu kulingana na vile najulia kwa Bible, kusema kweli ningesikia kama wale wengine. Kwa hivyo ningepewa kwa wale wako nyuma yangu, watakaokuja baadaye maisha yao yaisikie wakiwa ni kama wale wengine. Na ni mabaya sana kwa mwenzangu mweusi MwanaKenya kukosa kusikia shida yangu. Na mtu mweupe anatoka mbali anakuja anangalia masilahi ya mtu kama mimi, kwa sababu anaongezwa na Mungu na anajua hiyo sio taabu yake. Lakini kwa ile taabu yetu tuko nayo hapa, tuko na madharau ya kuwa hawapendi kusikiza mambo ya mnyonge. Hata muimbaji mmoja alisema mnyonge hana sauti na kwelinikiangalia kwa sisi naona iko namna hiyo. Lakini Bible inanijenga. Mimi ninakula Christo kwa ile roho yangu kwa sababu imani yangu najua, bible imeniambia wewe usililie. Kwa hivyo, kwa vile ningeshtuka kwa kile kitu nilifanyiwa kwa ile miaka ishirini imefanyika

**Com. Abida:** Asante sana, Bwana Christopher. Asante.

**Christopher Musyoki:** Asante, nimeshukuru hata mimi.

**Com. Abida:** Phylis Mwema. Mko na maoni au muko na poem. Watu ambao wametoka shule? Do you have views or you just have a poem?

**Com. Abida:** Asante.

**John:** My name is (not clear) John. I am in Std 6 in (not clear) Primary School. Every child has a right to good education. Education should be made compulsory from primary school to Std. 8. This will at least reduce child labour. Every child has a basic right to health care. The state should provide health care to all the young ones so that they may be a healthy nation. Every child should get protection from all those who may intend to harm or commit any offence against the child. Above all, the child has a right to live. This is precious. Pregnant mothers should therefore be given medical treatment against diseases eg sexually transmitted infections and HIV, so that the unborn child does not get infected. This is the responsibility of the state to take care of the pregnant mother. Thank you for giving me a chance to speak and to present this memorandum before you.

**Com. Kabira:** Asante sana John, na tutamuuliza Peter Musila.

**Peter Musila:** On behalf of the Commissioners who are here with us today, I am glad to present my views to you. I think many have been highlighted by those who have already spoken. Mine is that let the Constitution provide for a coalition government. That is to mean any party that wins the general elections, let it consider all other parties in forming the government. In this issue, I think we will have a better, transparent and accountable government which will consider all issues from all people from

different areas.

The second thing is that, let the government cater for employment of all. Let the government give a good environment for investors, so as to come and invest in our country. When they invest, actually most of those who don't have work, will have something to support themselves with. When the issue when the government is transparent, those donors from outside will have to bring aid. These aids will assist those who are in problems, and if the government is not transparent, actually we are not going to get anything from them and our economy will fall daily.

The third thing is on our local government. Our local government authority really gives the wananchi some problems. You get a local government like a councillor representing the people in a certain market. They actually have some Kangaroo courts. If you make a mistake in that town, they take you to a room, they get somebody who is not trained, somebody who does not know what the law says. That person is brought to you, tortures you and you are threatened, and because that person doesn't know what the law says you just keep quiet. What I say is that, let our Constitution give room to those people who are torturing their colleagues.

The other thing is on the administration. Let the administration be people of respect, let them first respect themselves. Actually now-a-days, police when you met them, they take you in and away. They seem to be arrogant to the people they serve. Let them actually show respect to us. They are paid our money. The money the government is paying them, that revenue is collected from us. So for anyone to qualify to be a police, let that person be someone who is educated somebody who can know the wishes of the other people, and someone who is honest, but not somebody who is ready to take what you have and leave you with nothing.

On that issue, actually what I can comment is that, let us abolish this post of sub-chiefs in its place we have our village heads whom we do respect them, and we know their status, let us be given that one, and let the government see what they can do to promote them in their daily survival. For the post of chiefs actually, let the people be given the mandate of appointing them. That is let the chiefs be elected by the people whom they serve. In this issue we will not face chiefs who are not ready to listen our points. If you go to a chief today, that chief will give you a card there. He tells you I have got a harambee which I have been invited. So if you want me to give you a letter for that thing you want to host in your area, you must write something for me here. That chief is corrupt, and we know our chiefs is corrupt and if his period elapses, we are not going to choose such a corrupt person. So let the Constitution provide for chiefs to be elected by the people in that locality.

The other thing is on the elections. Actually in times of elections, we really see wonders. An MP comes, gives us what he has for that period, and after we give him that post he disappears. Actually we need to pace off and in time of elections sort out those who know what the law says and devise those who are not elites, to know the stand and the qualifications of persons whom they should elect. On elections actually I am for the stand that, let us be doing separate elections. The first one we have is

for the civic that is those who are vying for the wards and the Parliamentary seats. We have already completed that one we go for the presidential one and that will give fair, transparent and accountable elections.

The other thing is on the government. We really face problems. I don't know whether the current government is seeing that one. We get surprised when we hear somebody has been retired and after being retired the same man tomorrow you hear that person has been given a higher job. If already you have gone for retire and you have been given a very fat package, you have been given money. Instead of giving that person room to go and start a business somewhere so as to promote those who don't have businesses, that person is used again. He is given another post, and we have so many people who don't have capital for starting even a very minor business. So in case somebody goes for retire, we don't expect that person to serve in any office of the government again any other thing is on the fate of the administration. Actually we are in problems. You find somebody has done a mistake somewhere, you go and report it to the authorities nearest. You either see the chief or the DO. If you have reported your problem there and the DO is supposed to give you an askari to go and investigate your problem, what you are told is not satisfying. You might be told you go and wait. When you go and wait that person will not come. So you need to go from time and time. Later on, in future, you realize you must do something for these people to be brought to book. We need the Constitution to provide means and ways on how we can crop corruption in this state, and what I think, if we are to trim it off, we should start doing it from top to down. So if those in high offices are not corrupt. I do not see how a subchief is going to be corrupt. So if we start from top then down it will become automatic.

**Com Kabira:** Peter you are winding up?

**Peter:** Yah.

**Com Kabira:** Okay.

**Peter:** So I am glad for that chance my comments to the Review Commission.

**Com Kabira:** Okay. Thank you Peter, Thank you very much, and I can read here, John Munyoki?

**John:** The Kenya Constitution Review Commission, the 3C's, leaders, ladies and gentlemen. I'm pleased to have this opportunity to present my before the Commission today. My views are in written form and I am going to mention only a few and then I leave you with the memorandum, may-be to read the others. My views are itemized in terms of topics. The first topic is on political parties. There I am only going to comment on only one issue. It's my view that the number of political parties should be regulated and they should be remitted to be only four if they are said to be functional.

Legislature. The legislature should have the powers to veto the following: All top government officers appointed by the head of

the executive should be vetted by the legislature. It should also have the powers to veto the number of ministries formed at any given time. In that one I mean the number of ministries should not be formed by the executive only but the legislature should also have the power to say what number of ministries should be formed. The legislature should also have the power to see that production of reports made by different Commissions are made public. In that case I mean, in Kenya we have had so many commissions, and reports are not made public. So I am suggesting such reports should be made public, because those commissions use government money and in most cases don't benefit the government. And on that point of the legislature, I suggest MPs should be people who have, who are educated upto an ordinary level certificate and may be above.

The executive. The presidential tenure of office should be well defined, and here I suggest only two terms of five years each. A president who attains the age of 70 before the second term starts, that is the second term of office starts, should voluntarily resign. In this case I mean a president should serve upto the age of 70. That is my suggestion and may be not above that. The president should not be above the law, but should work within the Constitution.

The Judiciary. Corruption in the judiciary should be limited or should stop. The judiciary also should be restructured to avoid delayance of cases. We have cases which started in 1993, others started in the 80's and still they are in court, and their rulings have not been made public. So, I think the judiciary should be restructured so that cases don't get delayed so much in Parliament. I am just going to read a few points so that I can finish up.

The Local Government. The power given to town clerks should be minimized or reduced. Nowadays they are so powerful than even the councillors we elect, and it's my suggestion that their powers be limited. Mayors of different councils should be elected by the wanaichi and their tenure of office increased to five years. That means from the current 2 years to about 5 years. A councillor should be a holder of ordinary level of education and above. Councillors on the other hand should have a code of conduct.

The electoral system and process. The system of election I suggest should remain secret ballot, though it has been said by many. Parties who defect or cross the floor should have their seats. Their sitting councillors and MPs seeking to be re-elected. The constituency boundaries should be reviewed time after time, and this time I suggest they should be based on population, and also area.

Basic rights. All citizens regardless of their sex, regardless or whatever, regardless of their gender, should enjoy free medical care and free basic education.

The rise of vulnerable groups. Women should be encouraged to participate in nation building, but not to remain dormant, and may be to think that they will be offered free seats in Parliament or elsewhere. They should participate like anybody else, because they are able. The disabled, it's my suggestion that they be given free education by the government, because they are



lacking something one thing or the other, and it's my suggestion they be given free education. Then those who are totally unable, because some of them can be so disabled that you cannot amend them. They should be given free basic needs. And then the disabled, according to me, should be allocated about 8 seats in Parliament.

**Com.** Are you near the end?

**John:** I am coming to the end I had written a lot, but because of final factor the others you will read them. Let me end by saying something about the civil service, and that will be my final submission. Civil servants should be trained by the government as in the past. That is those people going to MTCs, going to different ministries, training centres, they should be given free training just like in the past. Civil servants' salaries and allowances should be reviewed within a period of not less than five years and the recommendation implemented. With those few, although I had a lot, let me thank the Commissioners for listening to me and even the rest. Thank you.

**Com. Kabira:** Thank you very much Peter and we shall read all and everything else that you have not read to us. Thank you. James Musembi?

**James:** Nachukua nafasi hii kuwasalimu nyote ambao mumehudhuria kikao cha leo, hamjambo?

**Audience:** Hatujambo.

**James:** Kwa majina ni James Musembi na mimi naongea kwa niaba ya walemavu. Wale wameongea mbeleni wamezungumza vizuri lakini nataka kuongezea. Kweli Katiba iliyoko ni kama imetutoa kwa nchi ambayo tunaishi. Kwa nini niseme hivi? Ukiingia ofisi nyingi ambazo zinahusu mambo ya serikali utakuta hakuna mlemavu hata mmoja. Ni kama tulizaliwa bahati tu katika hii dunia tunaishi. Tukiingia kwa mambo, hata mambo ya majeshi, polices hata kwa local assistant chief hautakuta mlemavu mmoja, maana serikali imeona ni kama walemavu wamezaliwa katika hii nchi kwa makosa.

Nikiingia upande wa uchaguzi wa council na wa MP, ningomba Katiba ikirekebishwa mwangalie mambo ya walemavu. Ile ingine nitazungumzia ni juu ya elimu ya watoto ambao ni walemavu. Kama ingewezekana Katiba inayoundwa sasa, mrekebishe mambo kuwe na shule ambazo zimetengwa kwa ajili ya watoto walemavu. Tukisema hatutaelimisha watoto walemavu, na mlemavu atafikia wakati atahitaji kuoa, au atahitaji kuolewa, itambidi ikiwa ni mjinga aowe mjinga na wazae wajinga. Na tutazidi kuwa na nchi ambayo ina umaskini.

Ile ingine nitaizungumzia ni wale wametoka hapa ambao ni wazazi wetu, waliopigania uhuru wa nchi ya Kenya. Wakati walikuwa wanapigana walikuwa wanapigania tupate mashamba. Na badala ya kupata mashamba, sasa kama wale tuko katika sehemu ya Mtito wa Ndei Division, sote tuko katika nchi ya serikali ambayo hatuna ruhusa ya kumiliki mashamba yetu. Sheria



inayotungwa iangalie wale waliokuwa wanapigania mashamba wapewe mashamba.

Na langu la mwisho nitazungumzia juu ya kitu kinaitwa Wildlife Services. Wale wazazi wetu walipigania nchi ndio tupate uhuru kutoka kwa mkoloni, ni kama wanyama ndio walipata uhuru zaidi maana kwa wakati huu kwa mfano, ndovu wakiingia shambani mwa menyewe hapa na iharibu mimea, hakuna malipo yatakayolipwa kwa mwenye shamba. Na mwananchi mmoja akipatikana pale Mlima Chyulu maana siku hizi imesemekana ni game reserve, ni pahali ya game, akichuma miraa pale, utamuona amechukuliwa saa hii na land rover ya KWS anapelekwa kortini, maana ameingia sehemu isiyo yao. Lakini hao wanyama wakiingia sehemu zetu, tunastahili kukimya na kukimya. Kwa hivyo Katiba inayoundwa iangalie wakati Mungu aliumba binadamu, hakuumba wanyama kwanza. Alisema wanyama waweko, halafu akasema mtu awe ndiye ana mamlaka yote. Na nchi nyingi sana ukiangalia na katika Kenya especially, Eastern Province, na Coast Province, na sehemu za Moyale, zile sehemu zinaishi wananchi wachache kuliko wanyama. Kwa hivyo muangalie walie hiyo.

Ya mwisho ingawa-aje imezungumzwa na mwingine. Upande wa County Council. Kweli uwe uwezo ambao umepewa clerks wa county council upunguzwe. Sioni vile tunaweza watu elfu kumi na tano tuchague councillor, na councillor akienda katika mkutano awe ni lazima apewe ruhusa na clerk ndiye anayajua mambo ya pesa na ndio anaweka pesa. Sioni vile mtu anaweza kuwa ndiye secretary na ndiye treasurer katika county council. Kwa hivyo hivyo iangaaliwe mkiunda Katiba mpya. Asante.

**Com. Kabira:** Na Bwana James Musembi asante. Joyce Mainge? Yuko? Ametoka, okay. Janet Kimweli, Janet?

**Janet:** Thank you Commissioners na wananchi, hamjambo?

**Audience:** Hatujambo.

**Janet:** Mimi yangu nitachangia upande wa matibabu kwa sababu mimi ni mtu wa matibabu. Kile nitachangia sana sana nitazungumza kwa Kizungu.

Moja, nitaanza kwa namba moja. We have so many patients who cannot afford treatment. Can we have free treatment especially now with HIV, and can we have enough drugs in the hospitals? Because some of the patients cannot afford the expensive drugs which are in use. Also can we have enough drugs in the hospital pharmacies, which can be affordable or can be given free. Number three. Institutions in the hospitals. These are no more the institutions we knew. No linen, places are filling etc. Nobody seems to be in charge of all these. Why are private hospitals up to date while our government hospitals are just, what do I say. No adequate staff. The relatives are not trained and they are looking after the patients in the hospitals. Why should they be involved in the care of patients? while we have staff who can look after the patients?

Number four. There is a fee which patients are paying. It's called cost-sharing. This is no longer cost-sharing and the government of planning bribes, private practices are done on corridors of the so called public hospitals, because if I don't pay

kitu kidogo I won't get proper treatment. On the side of private practice licensing of private practitioners has doubled. Why? We are given licenses in the government institutions as well as the councils. We are paying a lot of money. Councils are asking for licenses which we have already paid in the government. How many governments have we? We have only one government and I don't see why we are supposed to pay two licenses in one government. Again we are professionals and I understand when we are going for our licenses, we are told we are going to be deleted from our registry, because we are supposed to attend 20 hours of up-dating our knowledge, of which we are not refusing. But, this is supposed to be paid. We are supposed to pay 10,000/= for 20 hours in a year. We want permanent registration to be done. We have no such money to attend up-dating courses, much as we would like to attend them.

The government should start planning of generic institutions and terminally ill patients like HIV/AIDs and let's say like cancer, because we don't have such institutions. The government should absorb the nurses who have been trained and they have nowhere to go. So we have so many who are just loitering around and have nowhere to go. So they should be absorbed. The training of nurses, doctors, and whatever, should be made free if possible so that we can have some people who can look after us.

Nikiongea kidogo, hayo nilikuwa nimeandika nimealiza. Nafikiri tuko na shida kwa institutions zetu. Na kama vile mnajua, si wale wengi ambao wamekwenda kwa ma-hospitali. Mnaenda mna-pewa, mnaambiwa wewe enda ukaangalie mgonjwa wako. Na sijui kama nasema uwongo? Na nafikiri serikali ingeangalia kwa sababu watu wenyewe, relatives, ndio wamekuwa ma-daktari. I am challenging any medical personnel here, but I am talking from experience. Relatives ndio wamekuwa nurses, pia hata kutandika vitanda, wanatandika. Pia ndio wana-feed wagonjwa, ndio wanawaosha. Ma-nurses, na daktari hawajali. Kwa hivyo nafikiri hiyo itaangaliwa, tafadhali. Asante.

**Com Kabira.** Asante sana Janet. Teresia Mwilu yuko? Ametoka? Okay Rose Mbaluka.

**Rose:** Kwa Commissioner wetu, wageni wetu, waheshimiwa, karibu. Hatongoi mwaseo? Mimi kama naingilia wazee ninachangia hivi. Kwanza mimi nauliza kama inawezekana, mzee akiowa wamama tano, ama wattu, wote wapewe marriage certificate kwa, sababu shida iko hapo. Mzee akifa na alioa mama wa kwanza wengine wanapata shida. Kwa hivyo kama inawezekana wapewe marriage certificates wote. Maoni yangu tena ni wazee wa kijiji. Wazee wa kijiji tangu opposition ianze ya vyama vingi, wamepata shida nyingi Wao ndio kila kitu. Hata wanafanya kazi nyingi mbele ya machiefs. Kwa hivyo ninge uliza kama inawezekana at least hata kama wanalipwa mia tano waone wanalipwa, wasijikie wako kazini.

Maoni yangu tena ni juu ya wakulima. Wakulima wana shida. Tunatumia gharama kubwa sana kulima, kununua dawa, na chakula chetu hakinunuliwi vizuri. Na mimi nachangia nikiwa na ushahidi. Mimi ni mfanyi biashara wa chakula. Mahindi yetu inasemekana na watu wa millers ati haina unga. Sasa kama haina unga si watupe mbegu zile zinazoweza kuwa na unga ndiyo tuwe tunafanya kazi ile itatusaidia. Tusiwe tunalimia ile scania. Ikiwezekana hiyo riporti mtupelekee vizuri.

Kitu kingine na-changia ni hivi sisi wa mama wenye wanagombea kiti kama mimi, kwanza tuwe na heshima kwa wazee wetu. Bila wazee mambo iwezi kuwa nzuri. No wazee watuheshimu. Si ati waew ndio kila kitu. Ukifanya heshima kwa mwenzako, atakufanyia heshima. Kwa hivyo tafadhali wazee tupeane heshima kama inawezekana. Kitu kingine na changia ni watoto wetu. Kuna wazazi wanafurahia watoto wakifanya kazi. Mtoto mdogo, mtoto wa miaka kumi, mimi ningeomba, ningeuliza, ikiwezekana hao wazazi washtakiwe, hawafai kuchwa hivyo. Kitu kingine ni hivi tunaka saa yote tukiambiwa au Rais akisema tufukuwe umaskini, umaskini ni kufanya kazi na mikono yako. Ningeuliza kama inawezekana, serikali yetu itusaidie. Kama ni mahali hakuna maji, watusaidie watutobolee kisima tuwe na maji. Kutoka hapo sisi wenyewe tutajisaidia na kazi ya mkono. Ikiwezekana hiyo report mtupelekee.

Kitu kingine ni hivi. Ikiwezekana wamama wa Kenya ni wawe wengi sana katika kugomba kile kiti kinakuja. Msiachie wanaume pekee yao. Mungu akipanga mtu azaliwe, hupanga mtu azaliwe akiwa na talent yake, na usiweke mwenzako nyuma. Mzee kama umeshindwa na kazi mpishe mama tu ongoze na usione umbaya kwa, sababu hata yeye ni kiumbe kama wewe, na siyo mapenzi yake. Mungu ndiye alipanga hivyo. Hiyo report mtufikishie.

Kitu kingine ni Rais wetu. Wacha nitoe shukrani kwake kwa sababu juzi imesemekana Ngai Ndeithia, na sijui kama ni Ngai Ndeithia, ama ni Ukambani yote, ati survey itaenda. Wataweka waya ya stima. Sijui kama ni sisi wote, ama ni namna gani? Ofisi mtufikishie hayo maneno. Ikiwezekana tupewe report, na ikiwa iko tutafurahia.

Ingingine nachangia ni vilema. Kweli wengi wanahangaika na huwa hatuwajali, ni kama, hata huwa tunasikia kuwapiga teke. Fikiria wewe hakuna kitu ulipea Mungu akakuumba. Huyu ni mtu kama wewe. Naomba ikiwezekana tuwe na huruma, nayo serikali itusaidie na hawa vilema. Ikiwezekana kama kuna msaada wao wapewe kama inawezekana. Mim niatwa Rose Wavila Mbaluka, mimi ni Chairlady wa Maendeleo Rural, Mtito wa Ndei. Asante.

**Com:** Asante sana Rose. Mailu Maingi Onesmus. Are you there? Mailu Maingi Onesmus. Hayuko? Okay. David Mutuko? Zacharia Gitomaya, Sorry Zacharia Gitomange. Okay. Samuel Kituma, okay?

**Samuel:** I am very grateful to the Commissioners. Ne kwa Chairman, Dear Sir, Memorandum Kikundi Maalum Mau-Mau. Wale wakenya ambao walipigania uhuru wetu wangetambuliwa katika utangulize wa Katiba mpya. The preamble of the new Constitution. Tungependa pia, katika Katiba kuweko na si kuya Mau-Mau Mau Mau Freedom Fighters Day. Wakenya wale ambao walipigania uhuru na wako hai, wangepewa zawadi na serikali iliyo mamlakani. Hii ingetambua juhudi zao, za kupigania nchi yetu ya Kenya kutoka wakoloni. Weyu Samuel Nthei. Asante.

**Samuel Kituma:** the radio that says, look, people with certain qualifications should report to the respective administrative centres. But to our dismay it comes to us that already people had been selected for those positions.

Since we the freedom fighters were promised by the Held of State it looks like that promise has never been honoured and it might not be honoured especially in Ukambani.

It looks like our leaders might also not be interested in assisting us. We don't know whether the freedom which we fought so hard for and brought, we can't really see why they don't realize our efforts and give us something. We thought we were doing a noble task, but at the end of the day it looks like everything was in vain. We want to tell you if we are all going to pass away, depart from this world and those pledges are not honoured we pray for you, for God to lead you and we don't know whether the gods will be happy with you. Asante sana.

**Com. Kabira:** Thank you very much Mzee Samuel Kituma. Asante. Nafikiri hiyo mambo ni ya serikali, si ndiyo?

**Audience:** Ndio.

**Com.:** Okay, now Councillor Francis Kioko.

**Cllr. Francis:** Kwa Ma-commissioners wetu, yangu ni furaha kuu kusimama hapa mbele yenu, kusema machache kuhusu Katiba ambayo ni ya Kenya ijayo. Yangu yaitakuwa ni machache, ya kwamba mtu yeyote ambaye amezaliwa na wazazi wote wawili Kenya, huyo awe automatically citizen. Na yule mtu ambaye amezaliwa na baba aliye Mkenya hata kama mama sio Mkenya, pia huyo awe qualified to be a Kenyan citizen. Na pia huyo mke ambaye ameolewa kutoka nje na ameolewa kihalali anaweza kuwa Kenyan citizen. Upande huo nitakoma hapo.

Upande wa political parties. Ningependekeza ya kwamba, vyama vya kisiasa viwe vitatu, kama vitafanya kazi mzuri. Na ikiwezekana viwe vinasimamiwa kifedha na serikali yaani financed by the government. Pia ningependekeza ya kwamba, vyama vya kisiasa visihusikane na serikali. They should be independent from the government. Ningependekeza serikali yetu iwe serikali ambayo inasimamiwa na Prime Minister, ambaye atakuwa ndiye mwenye serikali. Halafu Rais awe ceremonial president, ambaye kazi yake itakuwa kusimamia au kuwa Commander-in-Chief wa armed forces. Na akiwa hapo wakati wa appointments za majeshi, inakuwa appointed by the heads of para-military forces, then Rais anakuja kufanya the formal appointments. Kwa hivyo inasimamiwa na wale wakubwa wa vikosi. Sio yeye tu ndiye anafanya appointments huko.

Three arms of the government that is executive, judiciary and the legislative, should be separated kwa sababu tuanshuhudia upande wa ofisi ya Rais kuingilia mambo ya court, na mambo ya ubunge. Kwa njia gani? Unaweza kuona case fulani, mtu fulani amefanya corruption mahali fulani, na ni mkubwa katika serikali. Unakuta kwamba ile case haitaendelea vizuri, utakuta kwamba jaji mwenyewe ameamrisha vile atataka ile case. Kwa hivyo tunonelea kuna uingiliaji mwingi kutoka kwa executive kwa arms zile zingine kama judiciary. Na upande wa legislature, inakuwa pia wabunge wanaamrisha wapitisha miswaada fulani kutoka juu, na wengine wanafanyiwa mambo mengine kama kuhongwa hivi na hivi. Kwa hivyo tungetaka kuona kila area

inafanya kazi yake vizuri bila muingiliano.

Sita, ni education for all. Watoto wote kutoka Std 1 upto Form 4, hiyo elimu iwe ni ya bure. Iwe free. Mambo ya cost-sharing katika upande wa matibabu haiwezekani, kwa sababu kama mnavyoshuhudia, economy ya siku hizi hata haimruhusu mtu kwenda hospitali. Na kwa hivyo ukiwa ushare na serikali wewe huna pesa utashare na serikali namna gani? Kwa hivyo tungesema wananchi wapate matibabu ya bure kwote.

Land acquisition. Ningependekeza kila mtu katika nchi hii awe at least na 2 acres. Na yule ambaye ako na acres mingi ziwe ni mia moja. Na wale wanyama wa pori ambao wamepewa nafasi au kipaumbele upande hii hayo mashamba yakatwe yapewe wananchi ambao hawana mashamba. Ndio sababu unasikia hata wazee wa Mau Mau hapa wanalia, wanakufia huko na kule bila njia ya kupata livelihood, kwa sababu mashamba makubwa yameachiwa wanyama wa pori ili wazungu waje kuona wanyama na pesa ipatikane, lakini nao wananchi wamesahaulika. Kwa hivyo tungependekeza, hayo yote yakiwa yametiliwa maanani, mwananchi apate kipaumbele, sio mnyama.

Okay. Nitakuja sasa upande ule wa council ambako nafanya kazi. Mimi naona wakati unaenda Commissioner lakini naomba unisamehe kidogo niongee juu ya hiyo. Cap 2 (65) ambayo ndiyo inasimamia local authorities Kenya, ni Cap ambayo imenyanyasa, na imefinya, haki za mwananchi, kwa sababu mwananchi anachaguliwa kwenda kufanyia wananchi. kazi. Lakini anakwenda kukuta kwamba chief officers katika council, wao ndio wako na uwezo wa kila kitu. Wanakuwa wao tu wanamrisha

kufanya hivi, fanya hivi. Hata wakipitisha resolutions saa zingine unaweza kuta kwamba zimekuwa votted by the minister. Na kwa hivyo zinaitwa local authorities kwa sababu ni za wananchi. Kwa hivyo powers, lazima ziwe kwa wale ambao wamechaguliwa na wananchi, halafu hao chief officers wawe ni watu ambao wanaweza kuamrisha na council chini yamayor au chini ya mwenye kiti.

Uchaguzi wa mayor ama mwenye kiti lazima uwe ni direct. Ningependekeza kusiwe na nomination kwa MPs ama councillors. Councillors' allowances zitoke kwa consolidated funds. Education level iwe Form 4 and above. Ningependekeza wakati wa uchaguzi, kuna lugha nyingi watu wanachafuana majina. Ningependekeza constitution isimamie lugha ambazo zitatumiwa. Lugha za matusi ziishe.

Ningependekeza maendeleo yafanywe equality kulingana na matakwa ya kila wilaya na kila kabila. Kwa mfano hapa Kenya, hapa Ukambani, shida yetu kubwa tangu tupate uhuru ilikuwa ukosefu wa maji. Tungepata maji, umaskini ambao ulikuwa umesemekana uondolewe, hata kusomesha watoto wetu, na mengine mengi, tungefanya kwa sababu tungelikuwa na mali ya kuweza kusomesha hawa watotok. Kwa hivyo kama tungepata maji katika areas ambazo ni dry serikali ikipatia watu wa ukambani na area ambazo ni semi arid maji, sasa tutakuwa katika barabara ya kuondoa umaskini. Kwa hivyo ningependekeza areas zipewe maendeleo kulingana na matakwa ya kila area bila ubaguzi. Na hiyo itaongezea mambo ya kazi na kila kitu.

Wafanyi biashara wadogo wadogo, ningependekeza wawe wakipata loans from the government, na wakulima vile vile, ili waweze ku-boost kazi zao, ndio mambo ya employment yawe mazuri. Criminal suspects.

**Com. Kabira:** Wewe Councillor you will have to wind up. You have spent time for three people now.

**Councillor:** Pole pole. Ninasema wale criminals ambayo wanawekwa rumande wakati mrefu sana wafanyiwe case mara moja. Kwa hivyo kwa hayo machache, ningesema asante sana, Mungu awabariki sana.

**Com. Kabira:** Asante Councillor Francis Kioko. Asante sana. Thomas Kasenge? Yuko?

**Thomas Kasenge:** Thank you for coming. I will be fairly brief. Since I was born, the police force was very effective. If a murder was committed and the murderer disappeared, wherever he went, the police looked for him and arrested him. But now that is not the case. These days suspects are put in remand prisons for overly undue long times, and until sometimes they even pass away while in prison before they are sentenced. It is such a sad situation that when a robbery is committed, and one reports to the police station the police have the guts to tell the person, go and look for the suspects and bring him to us. Until you bring him there is nothing much we can do. It's a very sad situation. Asante.

**Com. Kabira:** Thank you very much Mzee Thomas. Councillor David Maluti?

**Councillor David:** Mimi ningependa kutoa maoni yangu juu ya vitu mbali mbali. Kwanza ningetaka kuongea juu ya provincial administration boundaries. Katika Katiba ya sasa, tunasema ukabila katika nchi yetu umalizike. Lakini tunapotazama vile provincial boundaries ziliwekwa, zinatilia mkazo mambo ya ukabila. Kwa sababu siku hizi, hata watoto wa wakati nipokuwa nikiku, wazazi wetu walikuwa wanatambia, hii mipaka ambayo iliwekwa juzi tu, baada ya uhuru, inaonyesha ardhi yetu imechukuliwa. Kwa hivyo nilikuwa nataka kutoa maoni yangu kwamba provincial boundaries vile ziko, ziwe abolished, na ziangaliwe kwa njia ingine, in another perception ambayo itasaidia kumaliza ukabila katika nchi yetu. Hiyo nilikuwa ninakoma hapo.

On the side of economy, uchumi, mimi naona ile Katiba tuko nayo sasa, haitetei na hailindi masilahi ya Mwafrika. In Kenya we have several ethnic groups na sana sana ningetaka kutaja juu ya Wazungu, wahindi, na Waarabu. Ukiangalia those little ethnic groups wanacontrol the economy. Na si ati wao ndio wamesoma sana. Na si ati wao ndio wanafanya kazi kwa bidii kuliko Wafrika wenzao, lakini economically you find they are more powerful. They control at least 90% of our economy. Kwa hivyo sasa ni lazima kuwe na loophole mahali katika Katiba. Tungependa kuona kwamba uchumi wa nchi hii umesimamiwa vilivyo ndio wenzetu wasije wakatufinya sana, because there is that feeling that we are being oppressed by a few people. Kwa hivyo Katiba itetee na ilinde masilahi ya wengi. At the moment mimi naona hiyo haiko.

Katiba ya sasa pia, ningependa kuchangia kidogo juu ya science and technology. Nikiangalia the current Constitution hailii maanani mambo ya ki-science, na mambo ya IT na that is why everybody here, ukisikia watu wakiongea we have been badly hit by poverty. Lakini sisemi namna hiyo kwa sababu I have other experiences from other countries, lakini, with science tukiweka pesa mingi kwa science and technology, a lot of research itafanywa na billions of unutilized resources itakuwa established na tutapata pesa mingi na kazi zitapatikana na umaskini utaisha. So the current Constitution ile ambayo tunatazamia, tungependa seriousness ya kuweka input nyingi sana kwa hiyo aspect of life, ili tung'ang'ane na hiyo shida.

Local authorities. Ukiangalia vile local authorities zetu ziko, it is purely colonial. Kwa sababu zile machinery zinatumiwa pale ukizitazama ziko na colonial mentalities na zinapatia few people powers za kunyanyasa interest za watu wengi. Nilikuwa nataka kusema hivi. Kama ni councillor ambaye amechaguliwa na wananchi, to represent the interest of the majority, Katiba iwe imempatia accountability iwe yake. Kwa sasa councillors ni policy makers. They are not accountable. Lakini councillors wakiwa accountable, wawe ni policy makers and at the same time they are the accountable officers of the local authorities, basi ile representation, ile meaning ya watu kuwa na councils itakuwa realized.

Mambo ya kisomo. Ukiangalia many people, ukienda kwa councils, utakuta most of the councillors ni watu ambao hawajaenda shule. Ama hata kama wamesoma, wamesoma Std. 1, Std. 2, Std. 3. Pia hii inachangia kutokuwa na good management of the institution. My proposal ni kwamba, tukiangalia for the last ten years wale watoto wametoka primary schools, wale wamefanya mtihani wa Std. 8, na wale wamepata nafasi ya Form 1 in the entire country, utakuta the number is 50 –50. Utakuta 300,000 wamepata nafasi ya kwenda Form One. Na wengine hata wengi zaidi 350,000 ambao wamefanya darasa la nane hawakupata nafasi ya kwenda Form One. Kwa sababu gani? Maybe because of hakuna nafasi, hakuna shule. Now, this population hii hawa watu sasa ambao hawawezi kupata nafasi ya kwenda form 1 even in private, they are innocent citizens and through evolution, na kutoka hapo, wengi wao wanakuwa na potentiality ya kuchangia maendeleo ya kujenga nchi yetu. Kwa hivyo ningependekeza, civic election minimum education iwe Std. 8 so that we can give these other people who didn't get an opportunity to join Form 1 a chance also to participate in national development. Hiyo ni maoni yangu.

Katika Parliament nasikia watu wanasema, degree level, but it is not so. You may have a degree person, elected to Parliament and yet he will not deliver anything. Lakini hatuwezi kupeleka mtu ambaye hawezi kujua hiki na kile. I would like to suggest in the new Constitution, Form 4 level iwe ndio minimum education level for a person who is going to be elected as a Member of Parliament. Thank you.

**Com.Kabira:** Asante sana Councillor David Musyoki. John Nzioka ako? John Nzioka.

**John Nzioka:** First and foremost I would like to talk in English by which I can better express myself and what I want to talk to you. First of all I want to say that the enormity or the importance of what you have done is to deliver this opportunity to us you



Commissioners who are dealing with the new Constitution.

It is so tremendous that it surpasses all the gratitude that can be expressed in human languages. Why do I say so? This is because, during the legacy of the late father and the founder of our nation, Mzee Jomo Kenyatta, I as one of the office bearers of the unions of the blind, at the time, approached the government of the day to see as to whether a way could be found to deliver goods and services which should meet the needs of the disabled. We were so discouraged, because the response was, it was not possible because there was no provision of such from the present Constitution. I will try to plead with the government to try and find a way. It seemed as if it was impossible. Infact I wondered, there was a time I wondered as to whether the disabled were considered as non-existence in this country.

Therefore I am very grateful, I am sure all the disabled persons are very grateful for this opportunity. What we have is a memorandum in which we have tried to seek a way in which such goods and services could be delivered to the disabled effectively. What I have here in my memorandum is the permanent establishment of an institution called the Statutory Authority or the Statutory Board.

This is an institution which should take all the responsibility and the related, and discharge its duties without being hampered or confused in its discharge of such duties. I would like to point out that in that board we should expect many duties to be carried out as defined in our memorandum, but let me point out two of the others. First and foremost, we feel that besides that provision for Statutory Board, there ought to be another Constitutional provision that would allow or give us an employment, I mean an employment quota.

There ought to be 10% employment allocated to the disabled in this country, and which should be mandated Constitutionally. I also point out that the above-mentioned statutory board should be given the authority to pursue and to make sure that such percentage of employment is adhered to by every firm that is likely to employ any persons. In the event that any firms refuse to do so and give some funny excuses, we should not be discouraged, but find another way of getting the salaries for such percentage of the disabled being utilized for the benefit of the disabled. Hence there should be a levy stipulated in the Constitution which should be appropriated into the fund run by the Statutory Board Management. Again I would like to say that, there ought to be and I think this has been mentioned by somebody, but let me repeat it, Parliamentary and civic representation allocated to the disabled. This is to give them chance to participate in the national decision-making, and also do so in the event of anything being passed by the council by-laws, or in the legislature. There could come up some laws which might negatively affect the disabled.

That could be corrected by our representation in both the institutions. Now these could be either availed to civic or Parliamentary assemblies, shall I say, through the normal process of vying for a seat, or through nomination when any nominated members could become practicable because they will be available in these institutions, it will be easier whether they be



nominated or they be there in through the normal procedure it will be possible for them to fight for the interest of the disabled. I also mentioned that, below in our memorandum, there are many duties which ought to be taken into account by the Statutory Board, but here let me point out one specific important fact.

**Com. Kabira:** Sorry Mzee Nzioka, because we have the memorandum.

**Nzioka:** Let me finish here.

**Com. Kabira:** Okay.

**Nzioka:** This Board should be autonomous so as to be able to exercise its duties and functions without being hindered by other governmental or any other pressure groups. Thank you very much, and now I am going to give you the memorandum.

**Com Kabira.** Thank you very much Mzee Nzioka. Thank you very much. Can we have Mr. Lombo Simba?

**Lombo:** Kwa Ma-Commissioners na Wanakibwezi wenzangu, hamjambo?

**Audience:** Hatujambo.

**Lombo:** Yangu ni kuchangia hapa na one thing I want to talk about is the structure of the government. The structure as it is now, is top heavy. We need a flat structure. Why do I say it's top heavy? It's top heavy because we begin with the minister, then we go to assistant minister, then we go to PS, then deputies who are several, then we go to the secretaries, who are several, and you find they are so many, and then after that we have ministries which are of course represented in the provincial administration and we wonder, what are they doing? And so we are suggesting a flat structure

And Commissioners, I want to propose an abolition of provincial administration. We don't think it serves the interests of the people. We think and we know, that it was started by the merge between KANU and KADU, and it was a compromise in which we were going to have what they called governors for provinces. That didn't work out well, and what has remained today is that provincial administration serves only the executives. And if we ask what they are doing for us, we may not be able to ascertain any usefulness of that group. I would propose then that we do what we are calling devolution of power, ama kupatia wananchi mamlaka. Tuwe na county councils ambazo ni accountable to the Ministry of Local Authority. Na hayo mambo mengine ya DC and yale mengine, tuche kuwa na duplication which is currently there. We also would entrust our security to the police and we empower the police bosses in the district to be in charge of that.

Commissioners, naendela na kusema appointments za cabinet ministers na senior positions za serikali, hizo ziwe vettoed by the

Parliament. Tunajua ya kwamba wale ni watu wanachaguliwa ama wanakuwa appointed watu ambao wameibia nchi hii yetu mali nyingi na wanapewa kazi kubwa na wako hapo wakiwa wanaji-enrich themselves. Lakini tunasema watu wa aina hiyo hawapaswi kamwe kuwa wanaongoza nchi hii yetu. Na kwa hivyo, Parliament ikipatiwa hizo veto powers, basi itakuwa watu wa aina hiyo hawawezi kupata mamlaka kwenye nchi hii yetu.

Kitu kingine ni kwamba tuko na public holidays nyingi in our country. Kuna what we call Labour holiday, na of course we know we must respect Christmas. Lakini nchi nyingi they don't recognize Boxing Day ukiwauliza wananchi wengi hapa Boxing Day ni nini wanafikiria ni siku ambayo watu wanakutana na kupigana mangumi. Lakini sio hivyo. Hiyo ni tradition ambayo inatoka Uingereza na ni wakati ambao watu walikuwa wanafungua ma-box, zawadi. Kwa hivyo hatuna haja na vitu kama Boxing Day. Kitu kingine Ma-Commissioners, ni kitu kama Kenyatta Day. With all due respect, Kenyatta pekee yake siyo yeye alipigania uhuru wa nchi hii. Hapa tumeona watu wengine ambao wanasema, wao ni-wana Mau Mau ambao walipigiana hii nchi yetu. Napendekeza ya kwamba, hiyo siku ibadilishwe jina na iitwe either Heroes Day, ama Liberation Day. Lakini kuwe na jina ambalo lina incorporate watu wengi wala sio mtu mmoja tu. Na ninasema zingine zinaweza kuwa merged. Mtukufu Rais alituambia ya kwamba hatutakuwa na ile ambayo tunaita Moi Day hivi karibuni. Hiyo pia ningesema iwe abolished because it doesn't serve the interests of our people, and I say again with all due respect.

Ma-Commissioners wacha nichangie kidogo kuhusu kisomo. Nchi hii yetu imetumia pesa nyingi, raslimali nyingi, yetu imeenda kwenye kisomo. Na tunaona ya kwamba Wakenya wamesoma. Lakini tukianza kuagalia watu ambao wanapewa kazi tunaona mtu ambaye hajasoma, na kwa sababu ako na right connections anapewa hiyo kazi. Basi tunasema ya kwamba, kwa kuwa tunafuata qualifications, watu waangalie qualifications wanapopatia kazi. Na hapa nitachangia kama wenzangu walivyochangia ya kwamba, MPs should be able to understand the social, political, economical and cultural issues that are affecting our people. And for them to be able to do that their educational status is paramount. I don't think with all due respect a Form 4 is able to interact with social, political, economical issues and be able to represent his people adequately. Therefore, I propose a degree level of education as the bare minimum for our MPs all over the country.

The other thing is about our universities. We see our president running from university to university during graduation days, and I want to propose that the president has got a lot of duties to carry out. Therefore, he should not be bothered by graduations and appointments of vice-chancellors and all that. I would propose, one, that graduation ceremonies be taken care by the university councils I would also say that appointments of vice-chancellors shouldn't be made by the president because some of vice-chancellors who have been appointed don't know anything. They don't have the ABCs of management and therefore, we have problems in our universities because of poor management. I would suggest that these positions be advertised and qualified people be given those jobs.

**Com. Kabira:** We want to recognize the presence of the Member of Parliament for this Constituency and he will soon be giving his views to you. Unless you want to greet them. Okay. Thank you. Joseph Muya?

**Joseph:** Asante sana kwa nafasi mlionipatia, lakini nilikua nimerukwa, kwa hivyo basi mnisamehe. Yangu nimeandika Memorandum.

Kibwezi Constituency,

The Chairman,

Re: Memorandum - Retired Servants

On behalf of the retired servants from this division, I wish to make the following points for the inclusion in the new Constitution. One, before an employee retires, they should be given adequate notice to prepare themselves psychologically. In addition, the letters of retirement should indicate the total retirement package. Second. Three thirds of the retirement benefits packages should be paid in lump sums. The Retired Benefits Authority (RBA) should make sure that one and two above are adhered to before an employee retires. Pensions should be adjusted upwards to the account of the inflation rate that erodes the purchasing power of the shilling.

Ok nitazungumza kidogo Kiswahili. Ndugu-zanguni nafikiri kila mtu anaelewa ya kwamba mtu aki-retire ama ameandikwa ameajiriwa na company kule Nairobi ama popote, wakati wake ukiwadia wa ku-retire, nauliza hao waheshimiwa wamefika hapa, company iwe inaadika barua three months earlier, inapeana kule kwa National Social Security Fund halafu National Social Security Funds, kabla wakati wa huyu mtu kwenda nyumbani, company inawapatia account yule mtu ambaye anaenda nyumbani. Basi, wakati wa yule mtu ukifika kama ni ata-retire mwisho wa mwezi huu, basi wale walio kwenye commission ambayo imeundwa kule National Social Security Fund wanatengeneza mshahara wake kabisa, wote, na wanapeleka kule kwa account yake, kuliko huyu mtu kwa sababu anahangaika, anaenda huko, kuja kesho, na file yake imeondolewa pahali ilikua, inafichwa, anaambiwa, wewe mzee unatoka huko Lodwar, rudi mwisho wa mwezi, na uwe unabeba pesa sawa sawa sababu yule mkubwa wangu mbaya sana.

Kwa hivyo unakuta kwamba huyu mtu kweli kutoka kwenda Lodwar hiyo benefit itaishia to and fro. Kwa hivyo nauliza hawa wana Commissioners tafadhali mtu awe pesa zake zinatengenezwa earlier. Anapatiwa barua kutoka kule kwa National Social Security Funds inarudi huko kwa company, wanasema Mr. Muya, zile pesa zake zilikuwa zake kule kwa National Social Security Fund, tumeshapeleka bank million moja na nusu. Kwa hivyo mkimuachilia aende nyumbani kwa sababu imefika siku yake ya kwenda, basi hatakuwa na taabu, kwa sababu company wakati wako unawadia, unaisha, unaambiwa “you go home”.

Unafukuzwa kwa nyumba. Kwa hivyo kutoka Lodwar kuja hapa kuja kuangalia mshahara ati pesa zako, ujue ya kwamba huna pahali pa kulala.

Kwa hivyo nachangia ya kwamba, pesa za yule mtu ambaye alikuwa ameachiliwa na company, zipeanwe na ziende kwa bank, ile account yake alipeana kule. Kwa hivyo I am sure huyu mtu akienda nyumbeo akipewa jembe, kwa sababu unapewa kitu cha ukifa, unapewa jembe, na mwiko na wheelbarrow. Basi hivyo vitu vya kwenda kuzikwa navyo, Kampuni inakuacha

unaenda kabisa. Kwa hivyo, pesa zako zikienda kule hutakuwa na taabu. Asante.

**Com. Kabira:** Thank you very much Bwana Muya. Jiadikishe tafadhali. Cllr. Wavuu.

**Cllr Wavuu:** Kwa Commissioners, viongozi wale wengine ambao wameingia, nawasalimu aduhuri ya leo, hamjambo?

**Audience:** Hatujambo.

**Cllr. Wavuu:** Yangu yatakuwa machache sana kwa sababu sisi watu wa local authority tulikuwa hatujajulisha ili tupate kuketi na kuandika yale mambo au views tungepeana leo. Na ninataka kusema hivi, Commissioners, kwamba, wakati ambao umepeanwa kwa watu wa division hii ya Mtito wa Ndei ulikuwa mchache sana. Wale wamehudhuria hapa ni wachache. Na hakuna watu wamefunzwa hii elimu ya Katiba vizuri. Ukienda kule ndani ndani kule interior, unapata watu

**Com. Abida:** Bwana Councillor tafadhali una dakika chache sana. Matangazo ya kufika hapa yalifanywa kwa gazeti na kwenye radio. Kwa hivyo kila mwanachi wa sehemu hii anayesoma gazeti na anasikiza radio ameelezwa. Kwa hivyo, please get down to the point, we have alot of work and a lot of people to attend to. Thank you.

**Cllr:** It was by request that tupewe muda wa kuendelea kufunzwa kule chini mashinani ndio watu wapate kuelewa Katiba.

**Com. Kabira:** Asante, civic education itaendelea mpaka tumalize. Asante sana. Nzuki? I cant read your first name. Nzuki Ikiwa unaitwa Ravasco Nzuki, kuna mtu kama huyo? Lakini, hakuna Nzuki? Akiwa hayuko, Onesmus Mwindi? (interjection) Ok, asante. Simon Musli? Hayuko? Bernadict Ndululu yuko? Jones Mugoti, yuko?

**Jones:** I am thankful to the Commission, our MP and the leaders as a whole. Yangu ni kuchangia, ninaona nitaongea kwa Kiswahili. Nitaanzia na mahakama. Nasema kuwe na mahakama za kuhudumia watu hata wale maskini. Mahakama za siku hizi hazina huduma kwa maskini. Ya pili Mkuu wa Sheria nikionelea ateuliwe kutoka bungeni. kuhusu, kura zihesabiwe pahali pale pale ambapo kura zimefanyika. Uteuzi, kama kutakuwa na maana ya uteuzi, hata kama ni kwa chama, ifanywe na wananchi kwanza ndio wapatiane huyo mtu aende juu kama ameteuliwa na wanainchi. Wakati wa kura kuna aspirants wengi hapa, kuna wale wako kwa viti walindwe wasiuwawe na Katiba yetu, ningomba hivyo. Sijui kama mumenipata. Huwa kuna mikora, na ningomba Katiba ilinde hao watu wa kupigiwa kura, wale wanaomba viti na wale wako wasithuluminiwe na watu wengine, pengine kwa kuuwawa ama mambo mengine.

Kuhusu elimu, watu wengi wameongea kuwe na elimu ya bure. Lakini ningetia mkazo kwamba mzazi yule hatapeleka mtoto kwa shule achukuliwe hatua kulingana na Katiba.

Nitaongezea juu ya mamlaka ya nchi. Rais asiwe juu ya sheria, yaani 'not to be above the law' Katiba iangalie mishahara ya MPs, Rais na hata ma-councillors. Councillors naona wanafanya kazi mingi na ule mishahara wanapata ni kidogo na wengine hata hawapati kwa ule muda ufaao. Kuhusu haki za kimsingi, wananchi waandike proposals zao, na Katiba ikubali hizo proposals ziende kwa serikali halafu serikali itende yale maombi yameombwa na wananchi. Na pia, Katiba ilinde huduma na afya, maji na makaazi pamoja na chakula, ajira kwa wakenya wote. Wakenya wawe na haki ya kumiliki ardhi kwa kupatiwa title deeds. Tuwe na lugha moja ya taifa. Kwa maoni maoni yangu maana ya majimbo katika nchi yetu. Katiba iangalie kama kutakuwa na madhara yoyote. Kwa mali ya watu kutokana na wanyama, serikali ilipe. Kama wakatu huu, kuna ndovu pande hizi za chini, wameharibu mimea ya watu, hawana chakula, tujalipwa, hayo mambo yaangaliwe na Katiba.

Pia kuna trespassing, ningependa Katiba hii iweke hayo mambo ya trespassing yaishe. There is the freedom of movement, lakini ukiangalia kwa undani hiyo freedom hakuna. Pia ningependa ID cards zipatiwe kwa Wakenya wote bila malipo yoyote. Hatutaki kusikia kitu cha transport na cost sharing, hiyo mimi sijawahi sikia. Police pia waache kuhangaisha binadamu. Kama mtu amepatikana asipigwe kabla ya hukumu. Katiba pia ilinde wafanyi kazi. Kama mtu anafutwa, alipwe ile pesa yake. Siku hizi ukienda kule kunaposhughulikiwa mambo ya wafanyi kazi, unahangaishwa huko, hata miezi mbili inaisha bila kulipwa. Pia ningependa, dispensaries ambazo tuko nazo huku, ziongezewe ma-daktari kwa vile watu ni wengi, na unaweza kupata daktari mmoja kwa dispensary moja. Pia madawa yaongezwe, please. KWS ningependa pia kwa Katiba waambiwe kwamba, wakuwe wanatoa huduma fulani kama social amenities to the immediate society. With these few I say thanks.

**Com. Kabira:** Thank you very much Bwana Jones. Margaret Kimeu yuko? Margaret Kimeu, hayuko? Ok, Pastor Daniel Mwindi?

**Pastor:** Asante sana. Ningependa kuwasalimu, hamjambo? Nashukuru sana kwa Mwenyezi Mungu kutupatia nafasi hii ili tuweze kuangalia ni jinsi gani ya kuunda Katiba ambayo itaongoza nchi yetu. Yangu ni machache na kwa sababu nimeandika memorandum, nitaipeana lakini niongee jambo moja tu ambalo haliko katika memorandum. Tukiangalia katika hali ya wafanyi kazi wote, sasa sana wale wa serikali katika ma-ofisi kadha wa kadha ni kwamba hawatambuliki. Yaani, kama ninaenda ofisini ili niweze kumuona mkubwa fulani, sitaweza kumjua ni nani, kwa sababu sijawai kumuona. Kwa hivyo ningependa Katiba ya sasa iweze kuwaangalia wale wafanyi kazi wawe na uniform ili watambulikane kwa haraka. Kwa sababu naweza nikafika nikakuta mtu si mfanyi kazi wa pale, halafu anaaza kunihangaisha na kuniitisha kitu kidogo. Ama nikipeana stakabadhi zangu anaweza akaniambia mambo yako tutaangalia maana ninafanya katika ofisi hii, na akienda kwa choo anararua zile karatasi na anatumbukiza pale. Kwa hivyo tunaona, tunaweza tukaumia.

Upande mwingine ni upande wa matatu ambazo zina-hudumu katika serikali yetu. Tunaona manamba wamekuwa wengi na wanahangaisha raia wetu, kwa sababu huwezi ukajua huyu ndiye anafanya kwa hii matatu, na huwezi ukamtambua na wewe ni abiria, na huwezi ukajua ni gari gani utaingia kwa sababu ina nani. Kwa hivyo ningependa nao pia waweze kuwa na mavasi rasmi kwa ajili ya hiyo kazi yao. Ili nikitaka kujua huyu ndiye nitampatia shida zangu, kwa sababu nataka kusafiri, nisije

nikahangaishwa na wale wengine ambao si wa lile gari. Na wengine wanataka walipwe kwanza, na nikimplima na nikiingia kwa hilo gari, nikiwa njiani naambiwa, “wewe ulipe” Nikisema nishalipa naambiwa wewe hukuongea nami. Kwa hivyo tunaona ya kwamba manaba wanachangia upande wa kuleta abiria, lakini wakati wa kusafiri wanaachwa. Nikiwa katika gari wanaanza kunisumbua wale ambao ni wenye gari. Kwa hivyo ningeomba wawe na mavazi rasmi ili watambulike kwa haraka.

Sawa sawa na vile tunaona katika County Council, wafanyi kazi kwa ile council sana sana huwa wako na uniform. Kwa hivyo ile uniform inatutambulisha ya kwamba akija kuniitisha pesa ili niendeshe biashara yangu, ninamjua ni nani na anafanya nini katika nini. Kwa hivyo wale wengine, naomba iwe hivyo, na asante sana.

**Com. Kabira:** Asante sana bwana, sorry, Pastor Daniel Mwindi. Hanna Matenge, Hanna hako? Hanna Matege, hayuko? Regina Ndote? Regina? Jina ni Hanna? Hanna is there? Nyinyi wawili mnaitwa Regina? I’ve read Regina Ndote and there is Rhoda Malika. Regina Ndote is who?

**Interjection:** Huyu ni Regina Ndunge

**Com. Kabira:** Ndunge, ok tutaanza kwa Regina Ndote halafu twende kwa Regina Ndunge. Regina, si utafanya highlights bila kusoma?

**Regina Ndote:** Eeh.

**Com. Kabira:** Instead of reading can you highlight. You highlight the points.

**Interpreter:** Anasema ownership of lands should belong to the local community. The government should not have any power to acquire any land either private or communal. The government should make agreement with the owners of the land or the community incase they want to acquire it. Transfer on heritage of land rights should be addressed in the Constitution. Non-citizens should not own land at all. Men and women should have equal access to land by having joint title deeds for both husband and wife. Kenyans should own land anywhere in the country without any restrictions. The Constitution should guarantee access to land for every Kenyan. Then she says that, the government should ensure there is security, food, clean water, health, education, employment and shelter. Food must be made available at all times to the citizens. The rights to life should be respected. The death penalty should be abolished. Capital sentence (interjection) death penalty should be abolished. There should be a Constitutional Commission to ensure that all Kenyans enjoy basic rights. The Constitution should provide compulsory and free education up to the highest possible level somebody can reach, hata akiwa anaenda kuwa professor. The Constitution should guarantee all workers to be members of trade unions. Every political party should have a 30% representation by women. Judiciary should be brought to the locational level. Mayors and Councils chairperson should be elected directly by the people. People should have the right to recall their councillors and MPs through conventional means if they don’t perform. The Provincial Administration should be scrapped off. The powers of the President should be reduced then

controlled by the government or rather be transferred to the Parliament. All children should have equal rights boys and girls, both in education and land inheritance . Asante.

**Com. Kabira:** Thank you very much. Lakini Regina unataka kusema chochote, tusikie sauti yako kwa machine.

**Regina:** There has been a raw deal for the disabled and they would request that a certain percentage be reserved for Parliamentary seats for the disabled. Maybe about 30% of all the seats be reserved for women in Parliament. Thank you.

**Com. Abida:** Asante sana mama Regina. Na nitauliza huyo Regina mwingine. Regina Ndunge?

**Regina Ndunge:** Thank you very much, Commissioners, my colleagues here, my dear people. I think most of the things have been said here and I am just repeating what has been said. What I would maybe say is to add a few things because we have heard it all over now and then. I am talking on behalf of women groups and self-help groups. Our problems have been listed in this memorandum which I am going to give it now, but there are a few points which have not been said. Number one was right. When we talk of right life versus women, you might wonder why we are talking of life versus women because everybody is entitled to life. When we talk of life versus women, we know and we have seen and we read everywhere the violence and the deaths which have been caused in the families by the husbands and/or by the relatives. Our fear is our culture, our law seems to be very shallow about these things. There is no line between the law under the culture, and that's where are caught up. I am asking this commission, whether it is possible to put clear lines in the law, because in our cultural traditions, a woman is a property of the husband and he has got a right to do whatever he wants to do with that wife. And the many times we have seen, a whole family is wiped out by a husband who has been enraged because there was a lover somewhere. And that man goes scott-free because he has been enraged, or his sentence or is reduced to manslaughter which I think, it's high time things changed. We are overdue.

The other thing which has not been mentioned here, which I want to stress very much, is about rape and defilement. Here the culture and the law are both not very clear about this issue which I think is even maybe second to murder or higher than murder, because once a child is defiled, that child is like she has been murdered. And what do we see in the law, what do we see in the culture? We see in the law like what is going on in the papers, this person is given probation for three years for defiling a child of four years. That is, I don't know what to call that. We come to our culture and we see a father is supposed to be compensated for that child, and the father gets whatever goats, whatever money and the child is left hanging somewhere. And I feel that is very very bad for us women, it is an insult. And those of us who may say something are rendered helpless because you come and say, here there is a law, and the culture will say, the wazees have sat down and they said this is clear and somebody will go nowhere. And maybe even when you go to that law, nothing is going to be done. So I think that should be clearly straightened in the Constitution because the law is there but it is not pointed there. As a case which is going on right now, we don't know where we stand.



Maybe when I come to development, we know very well that women are the backbone of the economy here and a few men here have cited that they don't want to be surpassed by women in the homes. Many times when we hear a man is being surpassed by a woman we know what is happening. We know there is a goat there that the man wants to go and sell; we know there is a piece of land this man wants to sell. And that is where the head of the family comes in. We know the culture and the law also does not cater for that. Can we have the Constitution which says inheritance as we are talking now should be for everybody. A married woman, an unmarried girl, we should all have equal rights for inheritance. Many women in the cities here, they have been rendered helpless because in their father's will they have no share and they are married. If her husband dies and she is chased away she has nothing, and that woman ends up being the poorest of the poor. The children become chokora. So can we have something defined that we should have proper inheritance of our father's wealth and our parents inheritance.

May be if I come to talk of something we have left behind, as I am also a medical person. Quacks, we have problems here especially in the rural areas where you find people are sick and as you know what is happening now with HIV. You go to a person who is calling himself a doctor, and you get a jab there or you get anything and end up getting all sorts of infections and all sorts of sicknesses. So, can that be abolished? And any medical person should be given a proper licence and the rest should be scrapped away. I think because most of the things have been said, and the memorandum is here, I am going to hand it over, and say thank you very much indeed for listening to me.

**Com. Kabira:** Thank you very much Regina. Do we have Sina Mbadi? Yuko? Hayuko? David Muthieni? Hayuko? Regina Ndote has spoken, Peter Munyai.

**Peter Munyai:** Thank you very much Hon. Commissioners, Hon Mboko, Hon. leaders of Kibwezi Constituency. I want to begin by saying that our current Constitution is not completely useless. There are some sections in this Constitution which have beautiful provisions for our citizens. The problem is that this Constitution does not seem to address any problem in particular because that should have been stated in a preamble. So first we lack a Preamble in our Constitution which should set out the objectives or the kind of problems that we are trying to solve through our Constitutional document. I strongly believe that any law made must be made for a certain purpose. It should not just be a law to fill the books of law for judges to appear to have things to work with. They must be laws to either solve some certain problems or enhance some certain public good.

And in this document, Kenya for example, has had problems with tribalism. And every politician, including the president is talking of national harmony, racial harmony, tribal harmony but this Constitution does not seem to have a way of solving that problem. I am suggesting, because you will hear of most of us Kenyans talking about, wanting to sponsor one of our own to state house. The reason is because in State House, there is power. Power to solve the people's problems. So, I am suggesting that we move part of that power from State House to the constituencies, nearest to the people. Because if this power is brought nearest to the people in the constituencies, then you find that we have no reason to wish to back one of our own to State House



because our problems can be solved locally. By so doing we are not establishing sub-presidents, all around the country, but we are trying to make every region, every area of this country feel like they are part and parcel of the government system.

For example, for the president, and I propose that he remains executive. I propose that he remains executive, and I propose that the vice-president remains ceremonial. Just in a stand-by position, just in case of the death of the president we should have no power vacuum. So he should step in and take care of the situation. But we shouldn't have Prime Ministers and the rest of these to just to appease tribes. It will be too expensive for us, our economy is weak, and so we really need to devour some of that power found in State House to the constituencies. If Hon. Mboko had the power to solve some of the local problems, then he would not be hiring vehicles to take delegations to State House to discuss some small small problems that would have otherwise been sorted out at the constituency level. So, I propose the major problem in this country is power. Bring it near to the people. Give the councillors some limited powers but also as we do that, have some safeguards so that people do not abuse those powers.

There must be separation of powers even at constituency level. And I am proposing that when you talk of provision of the provincial, being scrapped, yes I propose that we scrap the provincial administration and replace them with departments of Permanent Secretaries at this level. We have the Permanent Secretary in charge of the Ministry of Education. He is the Accounting Officer at national level. Let us have an Assistant Secretary at this level who is the Accounting Officer at this level just to ensure there are checks and balances. Let us have a department of the Ministry of Finance, an extension of the Permanent Secretary in the Ministry of Finance at the constituency level so that he can be the overall authority in so far as money matters are concerned. Let's bring the power down here, let's see all the departments of the government being endowed with operational at the constituency level. We have seen councillors currently being indulging some funds to manage in the provision. Some of the councillors have misappropriated those funds. So as we devolve the power and bring it closer to the people, let us safeguard against misuse of the same power by ensuring that there is strong departmental checks and balances. Let the judiciary, let the police also operate independently at this level again, for checks and balances reasons. Let us have the department of the Auditor General have some of its branches down here so that they can easily audit public funds at constituency and locational levels.

But I want to, I can see the Commissioner is looking at me regularly that is an indication that I may be running short of time. In fact I am not going to say everything because tomorrow I'll seek to say the rest of what I have to say. So, let me say this, this Constitution which I said is not very bad, has some very abhorrent sections and I think our new Constitution should have nothing of this sort. For example, concerning land, there is a section on trust land. The description on what a trust land is, is that, it is land which is in the special areas, meaning the areas of land, the boundaries of which were specified in the first schedule to the Trust Land Act as in force on May 31st 1963, were we independent then?

**Audience:** No

**Peter Munyai:** Whose interest was being safeguarded in this? So in our new Constitution we should have nothing, absolutely nothing, to guard any other person's interest who is not part of us. I mean the Constitution should ensure that whatever provisions there are for the benefit of Kenyans and not anyone else elsewhere.

I want to say that, there are some abhorrent inclusions, Bwana Commissioner ukinihuhu, nitamke kwamba, concerning property, this Constitution, and I'm holding are boarding our current Constitution, provides that, hakuna mtu ambaye atapokonywa mali yake bila yeye mwenyewe kutaka. And the provision of the current Constitution exerts, should this happen, there will be adequate compensation for that deprivation of the property so taken away from the citizen. Now in this constituency, Kibwezi, we have people who had been settled in Chyulu Hills, people settled in a place called Mikululo and when the government evicted them from those areas, there was no compensation at all. And the lands that they were allocated, they are being charged. Its totally unfair. The government takes the people's property free of charge, and expects to sell to the people what they give to them. This is totally unfair. And this Constitution, I think, should have a provision that, if we say that people's properties are protected under the law, let this protection be absolute let there be no negotiation as to whether the protection should be there or not.

And finally I want to touch on a small matter that did some rounds around here concerning education. It's being proposed that leaders have some certain basic educational qualifications. I totally agree, absolutely, but I also don't want to be selfish in that. As one councillor put it, there is quite a percentage of our population which has not been put in an advantageous position to be able to compete at that level when education becomes an issue. I don't think we should fear competition. It's like I have a car, you don't have a car, I will say, anybody who does not have car should not take soda at Ngulia Lodge. So, in other words we are preserving Ngulia Lodge for only those that can drive. I think let's not be segregative, let us look for quality. But if education becomes an issue, let us ensure that every Member of Parliament for example, has completed secondary education as evidenced by passing the Kenya National Examination Council exams. Let us see, if he is of my age, we are not of 8-4-4- system, let that person produce prove that he's been to Form 6 and cleared with that level then, moved to acquire a degree certificate and so on and so forth. Because there are also some of those that have acquired degrees by short-cuts, Yeah? Are you aware?

**Audience:** Yes

**Peter Munyae:** It has happened that there are people who have fake degrees, and we want something with some fool-proof evidence that that person has really gone through our education system and acquired those certificates they claim to have. Therefore let us see the Form 6 certificates for that level. For 8-4-4 students, let us see a good performance at Form 4 level, for 8-4-4. But, there must be evidence that one person belongs to this era or the other.

And finally, I don't think at all citizens should be segregated. This Constitution should totally ensure that we all enjoy equal rights. And to do that, I propose that the Trust Land Act under this Constitution state that "Trust lands are all lands that are inhabited by Kenyans". Wherever you find Kenyans, those are Trust Lands. And in Kibwezi Constituency, we settle all over this place, Ngai Ndethia, wherever, all those should be trust lands because therein live our people. Let there be no government lands' trust lands, after all the people are older than the government. The government came and found the people here. So people should own land and the government can be given land by the people. Thank you.

**Com. Kabira:** Thank you very much Peter. And now we shall give a chance to Hon. Mbogo.

**Hon Mbogo:** Thank you Commissioners and wananchi in general. I'll be very brief because we have common problems Kenyans want to govern themselves in a better Constitution. I was studying the presidency. The president of Kenya should not represent any constituency. Let his constituency be Kenya. (clapping) Because you cannot have a good presidency when he is still representing his own people and he is the president of this country. Let his running mate who is the vice president also not represent any constituency. That is what I propose. Let the winning president form his government outside the Members of Parliament, because we are having Members of Parliament representing some constituencies and when they go to Parliament, they become cabinet ministers and they become be it a Permanent Secretary.

These people will have adequate time to serve this nation adequately without fear of being dropped or not being re-elected at his area of representation.

Commissioners, on the issue of land which my immediate speaker has just elaborated. Kenya's prime fight for independence was because of land. Any land which any Kenyan occupied and whose boundaries are now gazetted at to where people should live and where wildlife should live, that land should no longer be government land. That is what I propose because we have seen people in some certain areas and more so in Kibwezi, who are still landless even though they are said to own land in their own motherland. On land, let no foreigner whether investor or otherwise own any land in this country. If you want to become an investor, come invest but let a Kenyan give you land and become a partners in the investment.

Agriculture. As a sovereign state, agriculture of Kenyan farmers must be fully financed by the government. Infrastructure of any kind, roads, water, electricity- should be the mandate of the government to do so to its own citizens. That is to ensure enough food production for the entire nation and we shall fight hunger and poverty.

Natural wealth. In certain areas, where individuals of this country own land and there is natural wealth on that particular parcel of land let that natural will, belong to the land owner. The question of any other person pegging the area and coming to excavate what belongs to that owner of that land should not arise. And if there is any such statute in place currently, let it be reviewed to conform with the new requirement.

Health. Let every Kenyan be guaranteed good health care by the government. Harambees. Kenyans are doing everything through harambees. Construction of schools, police stations, administrative centres, education institutes, and yet these Kenyans are paying taxes. The government should not have its own cake and eat it at the same time. They either abolish taxation in form of VAT Income Tax, and for the people to continue contributing to their own development or else, the government guarantees development in every sphere and Kenyans are stopped from harambee business. Those are the only things.

The other last thing, the final one, is what many speakers have spoken about provisional administration. Kenyans do not require provincial administration. Let the Local Authorities in each council be the governance of the local areas they represent. If we must maintain the geographical provincial boundaries which are in existence, let the top man in the province be an elected person. Thank you.

**Com. Kabira:** Thank you very much Hon. Mbogo for your views. Capt. Kang'ara? Sorry you were left out by mistake. The name was skipped, it is my apology.

**Cap. Kang'ara:** I am going to speak in Kiswahili maybe to enable some of us to understand what I am going to drive at. Nataka kuongea mambo mawili tu, au matatu. Katika upande wa makanisa. Tuna Mission-sponsored schools ambazo huwa tuna tunashughulikia sana. Kwa sababu utakuta kwamba kuna some secondary schools ambazo ziko fully sponsored by the mission. Utakuta kwamba tangu mwanzo kumekuwa na that tag of war, maybe between the Ministry of Education and the sponsors. Sponsors huwa wakati mwingine wanataka ku-control the management of these sponsored schools. Where else also the Ministry of Education in emphasize kwamba ni lazima wao pia waweze ku-manage shule zile. Na utakuta kwamba, there are some schools, secondary schools, ambazo utakuta almost 90% of the buildings, they were constructed by the sponsor. Na, ile conflict ambayo imeweza kuweco ni the sponsors have been requesting the Ministry of Education to be submitting the boarding fees element, maybe to the Mission account. Kwa sababu the sponsor, they claim that the buildings belong to them. Kwa hivyo what we should strongly propose is this, that boarding element, it should be remitted to the sponsor kwa sababu, the buildings belong to the sponsors na hizi shule ni za sponsors.

Na pia utakuta wakati mwingine, Ministry of Education inaweza kutransfer teachers without the knowledge of the sponsor. Na utaona kwamba wakati mwingine inaleta conflict. They do that before they consult the sponsor. Kwa hivyo, we are advocating for two things. Where the schools are fully sponsored by the sponsor, the boarding fees element should be submitted to the mission account i.e. the sponsor's account, and also wakati wa this transferring of teachers also the sponsor should be incorporated in that process of maybe transferring of head teachers.

The other thing is about the school chaplains. Utakuta kwamba most of the schools kuna a lot of strikes and mambo mengi mabaya. Mambo ya drugs na kadhalika. We should also propose that, the Ministry of Education ifanye kwamba kuwe na

school chaplains katika mashule yetu yote. Kwa sababu watakuwa wanaangalia mambo ya kiroho ya watoto na kuweza kuwatengeneza katika njia nzuri. Kwa sababu utakuta ya kwamba, most of the strikes na mambo ya school unrest huwa zinatokana kwa sababu watoto hawana watu wa kidini ambao wanaweza kuwasaidia katika hali ya kiroho na kuonyesha mambo mazuri. Kwa hivyo school chaplains, tunasema ni vizuri waweze kuwekwa katika mashule yetu ndio watoto wetu waweze kutengenezwa katika hali ya kiroho.

Jambo la mwisho ni juu ya this. Kuna makanisa mengi ambayo yamekuja, new religious movements ambazo zimekuja. Utakuta kwamba they are mushrooming sana, zimeanza kuja sana. Na utakuta kwamba hatuna ile panel ambayo maybe ina-control makanisa haya. Kwa hivyo, what we should propose is this. Kuwe na panel, ambayo wakati maybe haya makanisa wakati wanataka kufanyiwa registration, kuwe labda na these national Bishops, ambao maybe they are the head of the churches, wawe katika ile panel. Na maybe, makanisa wanapotaka kuregister yanapitia katika ile panel na ni ndiposa yana-submit their doctrines, their beliefs na mambo mengi, kwa sababu mengine yanakuja katika hali nyingine ya kuweza kupoteza watu. Kwa hivyo lazima wana-submit their doctrines katika ile panel halafu yanakuwa endorsed ili yaweze kuonekana kama malengo yao ni gani katika community na katika Jesu anavyotaka.

Na pia ukiangalia wakati mwingine ukizunguka humu humu, utakuta mtu analala usiku, asubuhi anaamkia kutengeneza kanisa pale. Kwa hivyo naona katika ile locational level kuwe na panel fulani ambayo itakuwa ina-control makanisa katika ile location. In case ukija kanisa pale lazima iweze kupitia katika ile panel ya location, labda chief na watu fulani wa makanisa na leaders fulani ndiposa waweze kutia kwa ile pannel, ndiposa waweze kuwa endorsed, ndiposa waweze kuanza kanisa yao. Sababu utakuta kwamba yamekuwa makanisa mengi na yanachafua mambo mengi sana.

Na pia wakati mwingine utakuta makanisa haya ambayo yametokea na mambo mengine. Unakuta wakati mwingine mtu anahubiri anaaza kutukana watu wengine.

Na badala ya kuhubiri the gospel, anaanza, he starts preaching people. Kwa hivyo inatakikana pia katika ile sheria yetu iwekwe, hata kanisa likitukana lingine, kuweze kuwa na sheria kwamba wanaweza kushtakiwa. Na inaweza kupunguza vita vya makanisa na mambo yale mengine. Asante.

**Com. Kabira:** Thank you very much Capt. Kang'ara. Anne Muthiani? Are you there? Anne Muthiani? Theresia Kisembi, Cllr. Paul Musau? Ameenda? Regina. Amezungumza, o.k. Muli Kioko? Cllr. Mutiso Kiengo? Ameenda? John Nzore Nzugu?

**John:** Asante kwa Commission na viongozi wote wale walioko hapa. Nawasalimia kwa adhuhuri ya leo, hamjambo?

**Audience:** Hatujambo.

**John:** Asante. Yangu ni maoni tu kidogo, sio mengi. Naolea ya kwamba zamani ma-chief tulikuwa tukichagua sisi wenyewe.

Palikuwa hakuna kuandika application. Na ma-chief walikuwa wakichaguliwa na raia, na walikuwa wakitumikia raia kwa heshima, vile niliona. Lakini siku hizi ma-chief wale wanaandika application wanaandikwa kazi, wengi wao wanafanya kazi kimadharau hata wakiwa katika ofisi. Wanakuja kama saa nne, saa tano, na wakikuta watu wamekaa pale, wanapita wanaangalia hivi, wanauliza “na hawa watu wote wanataka nini hapa?” Sasa huo ni mpango? na wanatumikia wananchi? Kwa kuwa wengi ni wa umri mdogo na wanaajiriwa kwa masamo, lakini kule kutunza raia hawajui. Naonelea ya kwamba raia wachague ma-chief na kama wanaandika application na waandikwe na serikari, wawe wakipigwa transfer kama ma-DO, si hawa ni watu wa govenment? Wawe wakipigwa transfer, wanaenda area ingine. Si waalimu wanapigwa transfer? Kwa nini ma-cheif hawaendi transfer? Moja hiyo.

Ingingine mimi nauliza, watu wengi katika ma-hospitali wanaaga. Hawaagi kwa kuwa hakuna madawa. Dawa ziko. Lakini wakifikishwa ndani ya hospitali, sheria iwekwe tafadhali, wale wa-uuguzi wako pale ndani, wanakaa tu kimya. Mtu anaweza maliza masaa tano na huku anavuja damu, anaumia, na wakipita pale wanamwangalia tu, wanacheka. Huku wengine, hata serikali inapata hasara kubwa sana, kulipa simu, maanake wengine wakikaa pale ndani wanapigiana simu tu, pahali walikuwa wanashinda jana, wanakunywa vizuri, wanakula kuku vizuri, huku wagonjwa wanaumia. Hiyo nimeonelea na nimeona hayo mengi sana yametendeka. Wengi wanakufa kwa njaa wakiwa ndani ya ward. Chakula kinaletwa, wale wanaleta chakula hawahudumii hawa na hawa hurumii. Wanaweka tu chai na chakula pale, wanaaza kushona sweater\*\*, usipochukua chakula, shauri yako. Sasa ukiinua kichwa, huwezi kufikia pahali pa chakula, wewe unakufa na hujauwawa na ugonjwa, unauwawa na njaa. Hiyo sheria hakuna, hawatembelewi. Hospitali pia ni chafu. Unapolala unalalia kitanda watu wa watu wanne, wengine wanalala chini. Hayo tushaonelea.

Ya tatu, ukifika hospitali, unaandikiwa dawa, unakwenda kununua dawa kwa duka, na hiyo duka labda ni ya mkubwa wa hospitali hapo. Madawa amepora amepeleka kule, unakwenda unanua dawa kwake unakuja tu kutibiwa mgonjwa wako pale hospitali.

Ya nne, ukienda ofisi kwa DO, ama kwa polisi kama una shida kutoka kule reserve, unaambiwa “weka gari mafuta” elfu moja, na umekuja na baisikili. Na ile baisikili umekuja ukipuliza, hata hauna pesa ya kuweka kiraka. Hiyo elfu moja itatoka wapi? Usipoweka gari diesel hautahudumiwa, na wakikatana na panga, pawe maiti, utaona gari mara moja. Commission tafadhali, wale ambao hatujiwezi tuhudumiwe kwa njia ifaayo. Na iwekwe sheria, watu wale wadogo wahudumiwe, watu wale hawajiwezi wahudumiwe Asante sana, yangu ni hayo.

**Com. Abida:** Asante sana Bwana Nzole. Vitalis Were?

**Vitalis:** Thank you very much, Hon. Commissioners, honourable. members and of the public. Today I am here to talk about issues of those with disabilities. Note their issues today because I think have raised that in other forums, but I want to raise our issues, our views on pertinent national issues for Constitutional review. That is as persons with versus disabilities we also have

views on the presidency, we also have views on what kind of government systems we want to have and see, we also want to have our views on how public resources are mobilized and used because they affect us as well. But before that I want to raise something, I'm sure there was a group of those with disabilities here, and they raised their issues. But one of the issues I want to add before I go to this, for this I have already written memorandum I'll give you, is the issue of proportional representation. I am sure they have raised that they need to go to Parliament, they have raised that they need to be Councillors, and I am raising here that in the new Constitution, we must have a clause which gives special interest group, power to represent themselves. Not just to represent them, but also to elect their own leaders. We want a chance, like other countries and I can cite a country like Uganda here, South Africa and others, where the issue of proportional representation has been taken into Constitutional dispensation.

That is the only way we are going to have, because at the moment, when we ask to be considered for nomination, we can be given anything. You see wanavyosema wahenga, mkata hachagui. If you are a poor man if you come to my house and you ask for ugali with some liver, I can also give you porridge because, if you are begging, you have no choice. So what we are saying is that the Electoral Commission, the Electoral law of this country should be amended to give room so that during election time, there should be a day set aside for special interest groups like women, people with disabilities, workers, to elect their own representatives. That is the only way you can say, you want liver and you'll eat liver, so if we'll eat liver, then that is what we'll eat, if we like potatoes, that is what we'll eat. But if we say the government should give us or, they should sympathize with us and elect for us leaders, they will give us bones and we want to have some meat. So please allow us in the Constitution to elect our councillor, with disabilities, to elect our MPs with disabilities to go to Parliament. And during the general election day, we should also allow people like me and others who want to compete on equal footing to compete. Because as you know, the electoral law in this country currently has a lot of violence, the level of the playing ground is tilted and so people like women and people with disabilities have not been able to fairly compete on equal basis. So, we want an election day set aside for special interest groups to elect their leaders so that in the next general election day we can also join like anybody else. That is one.

That, I think, is one of the issues that I thought was not raised in the memorandum. But now I want to go to our views as disabled people; what kind of government we want to see, what kind of country we want to see.

1. Type of Government. I propose that in view of past mistakes we have had in this country: people have mentioned tribal clashes, people have mentioned a lot of disparities, women have never been represented adequately, pastorlists have been complaining, very many interest groups have been left out. There are a lot of exclusions, disparities in the social. I am proposing that to help this country heal and get over this kind of problems, we should be able to talk about the government of national unity in the new Constitution. Future governments of this country should not be allowed room where only a few people can be represented in the government. We want a government that lives truly for every Kenyan and I mean every Kenyan in the true sense of the word. The orgieks are Kenyans people with disabilities are Kenyans, women are Kenyans, pastorlists are



Kenyans. So a government should be seen to be broad-based, should be seen to be representing those diversities. Anything short of that is exclusive and we do not want to see any more exclusion in this country. We have had enough that.

The issue of democracy. While we accept and acknowledge that democracy should be for the majority democracy can not make sense if it does not also protect minority groups. So minority groups must be taken care of in any future government of this country if it is to be seen to be for all Kenyans.

Devolution of power and distribution of natural resources. Hon. Commissioners, I am for the opinion and people with disabilities have also gone around but not like as Commissioners, but they have also consulted widely. And they've told me that they want strong functional and autonomous local authorities with a unitary system of government. We want a central government, but with power devolved to the local authorities. We want local authorities that are functional and that have money and we are proposing that 80% of taxes from local authorities of regions should be spent for local development in those areas, and only 20% of taxes should go to central government. I find it difficult that for example in this region, people are able to produce a lot of things, but the taxes are remitted to the central government and it doesn't come back to the people. So people are impoverished here and when the money goes to central government, all the rates, we do not see commensurate services down to the people. Other countries have done this, go to Uganda here for example, 80% of taxes levied to the people go back to the local authorities. What they are calling Local Assistance councils and it does a lot of things to spur rural developments. This country is basically an agriculturally-based economy, and you are not going to develop if resources go to Nairobi and we do not see it coming back to the local authorities.

I propose that equity and social justice should be the determining factor or criteria for distribution of land resources and wealth. I have noticed that in the past, Hon. Commissioners. I'm sure you've read about the current report, the just-released Human Development Report for Kenya. In that report are very disturbing statistics about the disparities in resource distribution; it has a lot of disturbing reports about how some communities have not accessed anything in the dispensation of resources.

I am proposing that the new Constitution should be very clear on how we mobilize resources and how we utilize the same. And the basis for distribution should be the principle of equity and social justice. Where there is more need let's see more resources. Sometime back I am sure you read about the Pokot as a community had produced the in first lawyer in this country. And I was asking myself, how can the Pokot produce the first lawyer after 33 years of independence? Is it because the Pokots are stupid? In my own view, they are as intelligent as any other Kenyan, but at the time of independence, resources were dispensed in a way that some people were just there to watch, to the extent that issues like education, issues like that were left out, and therefore you can imagine that for the first time we are producing a Pokot lawyer in this particular time in the new century. It's a shame for this country, and this kind of shame should not be seen in the new Constitutional dispensation.

**Com. Kabira:** I think because of time.

**Vitalis:** I summarize. Thank you Commissioner. The presidency, I propose that we have a ceremonial Head of State who does



not double in partisan politics. And we have a head of government that will run a government that is answerable to Parliament. And I propose that to be able to restore some kind of sanity in public management in this country someone talked about educational level. Education plays a very important role. A Head of State must have in my own view some at least first degree of education and some track record of public finance management and public affairs management, experience in that. Because now we are talking about the global world which has become very complex and if we have a Head of State probably who might not understand had these things, he takes the country backwards. To be able to move forward like others we must have something like that.

Appointment to public office. I want to say that the Head of State will have the power to appoint any Kenyan or remit any Kenyan to public office. However, that appointment must be vetted and approved by Parliament. The approval of whoever is appointed to be ambassador, to be a minister, to be a Permanent Secretary must be approved by two thirds of the Members of the Parliament. That is the only way we are going to guard against thieves being appointed to public office. That is the only way we are going to guard against anybody, because at the moment the president can appoint even a dog to be a minister. And at the moment it's mara moja, you cannot veto it. This mambo ya mara moja is stupid, it should be done away with in the new Constitution. We want like you can nominate like it's done in America or any other place. But the public through the Members of Parliament must say, Who is the right person to be a Member of Parliament because his level of education is commensurable with the office, his moral probity, integrity these are facts or which to be considered.

We are talking about un-employment in this country and it's rampant, yet some Kenyans have ten jobs, twenty jobs. He can be the Director of Kenya Commercial Bank, the Director of Serials Board, the Permanent Secretary, he is also the Minister, he is also the MP and some people do not have anything. In the new Constitution we are proposing that if possible, no public officer should be holding two public offices at the same time.

Major Constitutional Amendments. That is another issue Commissioner, I am just winding up now. No major Constitutional Amendments or Constitutional change or amendment should be undertaken without two thirds majority of Parliamentarians approving it. As somebody talked about here, our Constitution as it is, probably the independence Constitution was not very badly off, but it has undergone a lot of amendments. Our Constitution has become like a toilet/tissue paper you can use any time. You amend when you like. When you are drunk and you want to be taken care of, you go and amend; when you want your wife to be appointed, you can go and amend it. We want to say that the new Constitution should not be just that easy to wake up tomorrow and change the way you want. 2/3 of the Members of Parliament, not just a simple majority should approve. And, if there are major decisions, major national decisions to be made, these should not just be left to the member of Parliament alone. It should go back to the public via a memorandum. Issues like, for example, if we want to go to war shouldn't just be left to the Members of Parliament to decide. Issues, for example like there is a serious national problem, these should be for the people to decide; succession etc, If we are not clear, we should have a very clear clause giving a referendum as a way where people can say, we approve that, therefore it can go ahead.

Office of Ombudsman. We have seen that many Kenyans cannot obtain justice because the three arms of government sometimes is the problem. As one Mzee was talking here, he went to the DO or anybody else and he could not obtain justice. Where is the (not clear). Where can he go? Is there an office in this country where he you can go seek legal redress or complain and say, (not clear) I am disabled, my land was taken away by my neighbour, but I went to the DC and I didn't get justice. I went to the Attorney-General he's not willing to prosecute. Who am I supposed to go to? To be able to help Kenyans complain and obtain justice from public servants, I'm suggesting the new Constitution must have an office of Ombudsman.

Public resources. I am now finishing Commissioner. Public resources, for example the national budget. I am proposing that there should be no national budget unless the public has been involved in generating that budget. That means, the general public through the Members of Parliament must be involved in the generation of national budget. For example now, next month we'll read the national budget, but we don't know who have been consulted. Some people sit in the treasury and decide that in Eastern province, this is the problem, in Central Province this is the problem. We want to not only be involved in the generation of the budget, but also implementation. And in this view, I am suggesting that the Public Investment and Public Accounts Committees be given more powers to act in case of misappropriation of public resources. The Constitution must give all Parliamentary committees more teeth so that the supremacy of Parliament can be restored as the people's voice. At the moment our Public Committees and Public Accounts Committee are toothless bulldogs. They only complain to say these things have been misappropriated yet they read about the public auditors accounts and nothing happens, because he can only talk but he cannot act. We want Parliament as people's organ, people's voice to act on those things.

The last one is education system. We should adopt an education system that appeals to universal standards. Practical, pro-proof and one that takes cognizance of the special needs of all Kenyan children. In view of these, serious review of the current 8-4-4- system of education should be done. Primary education must be free and compulsory, I am talking about this because I am going to go back to the current Human Development Report which says we have a lot disparities in the way our system of education is right now. If a Kenyan student goes through the 8-4-4- system education, when you go to some countries they ask you to do another exam. Before that when we had the prior system nobody was being asked. If I went to America and to University of Nairobi I will still be a university student, but now if I went to certain country they say you have come from Kenya "Yes" 8-4-4 , "Yes". Can you sit for another test, tertiary or whatever it is? Some kind of bridging course. Why should a country like Kenya have a system where we have to go to another bridging course? This is an embarrassment to the nation. We want a system of education that is not just willing to be pleasing politicians, but one that subscribes to international standards, and which takes care of issues, because, don't just generalize. Children with disabilities have special education needs and financing of that at the moment is not doing very well. We need more finances for special education. Thank you very much.

**Com. Kabira:** Thank you very much Vitalis. Please make sure you sign our, register and you give us the memorandum.

**Speaker:** The preamble is to recognize that, before the declaration of Kenya as a protectorate and a colony, there were over 40 communities with distinct social, cultural, economic and governance structures, and the people recognized them, and they were proud to identify themselves with the languages, families, sub-clans, clans and ethnic communities.

Wakati huo watu waliishi wakiwa chini ya amri za kikabila, that is customary laws, na hawakuwa na shida, wala umaskini, na tofauti za hali na mali. Then the Constitution should recognize the people having controlled and jointly helped themselves to responsible for the utilization of natural resources, land, water, minerals, wild life, and protection of human life as well as human rights. “Land belonged to no one, but the fruits of the same were for us all”.

The other thing is to state that, let the Constitution recognize the protectorate regimes and the colonial regimes for having first sought to introduce laws of British Constitutional theory in order first to acquire and control land, labour, and the various natural resources above and below the ground. Secondly, they sought to destroy the existing structures of governance and civil society, and generally to divide and attain overall control over the people of all the communities in Kenya.

That the outcome of such was an excessive exploitation of land from the communities, and such land was then referred to as crown land, and there was also another product, that is squatters, displaced persons living within crowded natural reserves, and these were living under restricted conditions of movement and associations.

Let the Constitution also recognize that the creation of crown land, natural reserves, as well as the subsequent creation of the concept of squatters and displaced persons, these were the base or the basis of Kenyans’ resistance to the colonial oppression and the struggle for independence. However, we would like also to point out that, such a struggle did not involve one set of communities or men, rather all communities. Children, women and men played complimentary roles. The colonial government suffered very heavy losses, and we would like to admit that it’s out of suffering those losses, not just the fight for independence, that Kenya was granted independence before attainment of historical status.

**Com:** Mr. Jacobus if you could please kindly give us the recommendations.

**Speaker:** I am just stating them within the Preamble what has to be recognized. That finally then, I would like to ask that within the Preamble, we recognize the fact that when Kenyans acquired their independence, what they got was a right to govern themselves, but much of the land, remained outside the control of the poor people and in particular, because it was either state land or private land mostly registered as freehold and in some cases 999 years of lease. Therefore, even the president of Kenya today is unable to issue and access land to the Kenyans themselves.

Therefore going to the rights of Kenyans, I would like to state that the first right should be a right to learn, a right to life and liberty. Another right would be a right to access and meet, as well as enjoy basic needs of life: food, shelter, education, water, energy, clothing, information at all times, in all places. Then a right and freedom of thought, belief, expression and association, movement, social assemblies and the right to communicate further and transport within and outside the country, irrespective of land ownership.

Again going to lands. My recommendation is that, we should start with the fact that all land in Kenya shall be referred to as Kenya Peoples' Land. Not trust land. Not government land and that all land in Kenya shall absolutely and shall solely be owned by citizens of Kenya, and all Kenyans shall remain equal in ownership of land in the eyes of the Constitution and the legislation there-of. Hakuna mkubwa, hakuna mdogo. Tusiwe na mkubwa wala mdogo katika macho ya Constitution as far as land ownership is concerned.

Then non-citizens, I recommend they may, and they shall only occupy and use land provided that, their application shall be granted and registered by the citizens, to the local authority or any other, and uphold their interest as long as they do not conflict or abolish the title, right, and interest of the local citizens.

Then finally within the land, I said that, no Kenyan should be evicted or displaced from a land in any manner likely to cause loss of access and enjoyment of the basic rights to land and associated basic rights to life. And that land ownership, planning, utilization, and registration should be regulated by People's Land Committees and Boards from villages to divisional level, with all records and machinery to be centralized to such level. (Clapping).

The institution of the Commissioner of Lands should be abolished and instead retain Registrar of Land at divisional up to district levels, and the services to be rendered at village, sub-locational, locational and Land Committee and Land Committees and Boards should include a secretariat reporting to an elected Peoples Land chairperson.

On the part of the lands that have been registered as freeholds and leases before and after independence, within that, essentially after trust land, we propose that the current Constitution abolishes the rights, the interests and the titles, so as to avail the same land afresh to the citizens of Kenya, because we are saying presently, even the president cannot apparently, allow Kenyans to own land that is currently occupied by fellow Africans and whites, and for it to be registered as freehold or the long leases, and with all that

**Com.:** I hope you are winding up.

**Speaker:** Yeah. I am winding up.

**Com.** Time is out for you.

**Speaker:** I am proposing then that, the current status of trust land become dominant in the country that, all land in Kenya be converted to what is now referred to as trust land and subsequently be named People's Land, not trust land. And that under such, shall include all the wildlife, all the water, all the marine and such should be utilized and managed by committees elected by the people. Thank you. (clapping).

**Com.:** Job M. Maingi. Yuko? Okay. Pastor Peter (not clear), yuko? Pastor Peter, what's the second name?

**Pastor Peter Kihanywa:** Kihanywa. Asante, nitatumia Kiswahili lugha ya taifa. Nashukuru kwa nafasi hii, na nitatoa maoni mara mbili. Maoni kama Pastor wa SDA, na maoni kama mwananchi wa Kenya. Mengine yatakuwa personal, mengine yatakuwa kwa niaba ya kanisa langu. Katika Constitution mpya ambayo tungependa iweko, kuna mambo yafuatayo ambayo tungependa yafanywe. Uhuru wa kuwabudu ijapokuwa imeandikwa katika Katiba yetu, uweze kuweko katika matendo. Kwa mfano, kuna uhuru wa kuabudu lakini sisi ambao tunaabudu siku ya saba ya juma ya Sabato katika mashule haifanywi ama sheria hiyo haifanyi kazi. Kuwe na uhuru wa kuabudu katika sehemu za kazi ziwe either ni za serikali ama private sector. Michezo na michezo wa kuigiza ambayo inafanywa siku ya ibada. Inawafanya washiriki wetu wakose nafasi ya kuhudhuria ibada kwa sababu inawekwa siku hiyo pekee yake.

Uchaguzi. Electoral Commission isiweke uchaguzi katika siku yoyote ya ibada. Iwe ni Ijumaa kwa ndugu zetu waislamu. Iwe ni Jumamosi kwa Adventists wa Sabato, ama jumapili kwa madhehebu yale mengine. Iweze kuwekwa siku ya kazi. Siku za shule, education days, kama prize giving days, ziwewe siku za kazi, that is kuanzia Jumatatu mpaka Ijumaa. Public holidays ambazo zinaangukia siku ya Saturday washiriki wetu wananyimwa uhuru wa kupumzika kama wengine, kwa sababu public holidays zikiwa siku ya Jumapili, Jumatatu hao watu wengine wanaruhusiwa kukaa manyumbani. Kwa hivyo kukiwa siku ya public holiday kama hii inayokuja ya Madaraka Day itakuwa siku ya Sabato jumamosi, washiriki wetu jumatatu wasiende kazini.

Ningependa kuongea mambo ya (not clear) hapa hapa kwetu. Jambo la kwanza, ni shamba ambalo linaitwa duwa. Washiriki wetu wanaofanya kazi pale waruhusiwe kupumzika siku ya Sabato na wasinyimwe kazi kwa sababu hiyo. Nasema hiyo na nitaeleza kidogo. Juzi nilikwenda kuhutubia washiriki wangu kule tukakatazwa kuingia kwenye gate. Tukaambiwa twende na baisikeli na tulikuwa na pasaka. Washiriki wakaumia pale. Na dini ya SDA sio Mungiki, imekuwa registered with the government na kwa sababu imekuwa registered with the government, mimi kama Pastor, nikiambiwa niende Pasaka na baisikeli kilometer sita, niliona hiyo ni ukoloni mambo leo.

Makindu sikh Temple tuna washiriki wetu wanaofanya kazi katika sikh temple ya Makindu, na hawaruhusiwi kuja kanisani siku ya Sabato. Wapewe uhuru wa kuja kanisa siku ya Sabato, na wakishindwa wasinyimwe kazi kwa sababu ya ibada, kwa sababu huyo mshiriki and uhuru wa kuabudu na ana uhuru wa kufanya kazi, maana ana right to live. Police station, that is Kibwezi Police Station, Mtito wa Ndei Police Station, Makindu Police Post, Makidu Traffic Base, na Kiboko Police Post, washiriki wetu ambao ni ma-officer wa polisi ambao wanafanya kazi kule waruhusiwe kuja kanisani hata kukiwa na emergency.

Kukiwa na emergency wale ambao wanaenda kanisani siku ya Jumapili, waende wa-attend emergency ambayo imeamua ku call on Saturday.

Kenya Wildlife service, railway station (not clear) freedom of worship katika sehemu hiyo iweze kuwoko. Hii ni kusema KWS, hata kama ni ndovu wamevamia nje, na washiriki wetu ndio wako karibu wasichukuliwe kwenda kulinda hao ndovu. Hao wengine waende wawinde na ikifall on Sunday wanaweza kwenda ku-attend emergency kama hiyo.

Social ammenities, nyingi nazo zinapangwa siku ya Sabato, kwa sababu siku ya Jumapili watu wengine wanaenda kanisani. Zinapangwa siku ya Sabato maana Jumapili hayuko kazini na hayuko kanisani. Zipangwe siku hiyo. Zipangwe siku za kazi ama wakati mwingine wowote ule. Na wanao-organize vitu hama hivyo watambue uhuru wa kuabudu. Hayo Commissioners yanahusu kanisa la SDA.

Nataka kusema yangu mwenyewe, na ni machache. Jambo la kwanza. Wale watu ambao wanaajiriwa na wana virusi vya ukimwi, wanaojiriwa na wanalisha mayatima, na waweze kufanyiwa mambo yafuatayo. Jambo la kwanza. Religious organs, kama ma-kanisa, misikiti, na temples, waweze kupewe shares ya pesa ambazo serikali inatoa za kupigana na janga hili.

Jambo la pili. Viogosi wa dini ambao ndio walio na hao washiriki walio na virusi vile, ama walioadhiriwa na jambo hilo, waweze kuhusishwa katika mijadala ya serikali ambayo inaitwa ili ipigane na jambo hilo. Jambo la tano. Ya kwamba wale wanapewa kibarua ya kupeana vyeti vya ndoa, marriage Licensing Officers kama Attorney- General, the DC and religious leaders, iwekwe sheria ya kwamba kabla siku ya kuunganisha ndoa yoyote, wale ambao wanataka kuunganishwa katika ndoa. Wapewe barua ya daktari ya kuonyesha kwamba hawana viini. Namaanisha hivi, makanisa mengi tunafanya crusade tunaleta waumini, lakini hatupimi hayo maneno. Muumini mpya akiingia kanisani na virusi, na muumini mwingine ameshinda muda huo wote kuwavalisha ndoa. Kwa hivyo mimi nikiwa Pastor ambaye nawavalisha ndoa nimesababisha kifo cha muumini ambaye amejitunza miaka hiyo yote. Kwa hivyo iweze kuwekwa kwa sheria ya kwamba kabla hujaunganisha ndoa yoyote uitishe certificate kutoka kwa daktari ya kuonyesha kwamba wote wawili wako HIV negative.

Na la mwisho, mambo ya wakulima. Katika nchi ya Kenya mkulima amenyanyaswa sana. Mimi si mzaliwa wa Kibwezi, lakini nashangaa kuona wakulima wakilima mahidi kasha wanauza shiling tano kwa kilo moja. Ninaumia moyoni nikiona washiriki wangu wanataabika na baadaye wanauza mahindi kama kwamba ni kupoteza. Serikali ifanye kama nchi zingine. Ikiwa chakula kimekuwa kingi zaidi, kingine kiuzwe ama kipelekwe misaada kwa nchi zingine. Na msaada inayotoka nchi za ng'ambo, isije katika nchi ya Kenya wakati kuna chakula cha kutosha, kwa sababu Cereal Board inajaa chakula cha msaada na wakulima wana chakula kinaharibikia shambani, chakula cha misaada kinafanya chakula chao kiweze kuwa cha bei ya chini. Hayo ndio niliyokuwa nayo. Asante. (makofi).

**Com.** Thank you very much Pastor Peter. Thomas (not clear)

**Thomas:** Thank you Commissioners. I'll be brief. First issue is on the Preamble. I would like to propose recognition of freedom fighters in the preamble. He is going to address land issues. He recommends that any Kenyan approaching 21 years old should be given land by the government. He shouldn't be dependent upon his parents' land, he should be given his own. It amazes that there are Kenyans who are called squatters. What then will happen if you happen to be out of your country in a country like Tanzania, what will you be called there? If you are called a squatter in your own country?

As you are given an ID, that same time you should be given a copy of the national Constitution. I am going to address the issue of the disabled. Our disabled are totally neglected. They are well educated but they are not given jobs commensurate to their academic qualification.

The facilities available to them, for example a hall like this has no smooth entrance for them, and in some of the areas there stairs thus making it difficult for them to use these facilities. So there should be a smooth facilitation for their entrance in facilities like this. He says he is addressing the problems of the disabled all over the country, and the constitution should make it suitable for each of the disabled to enjoy life as ordinary citizens. There should be an allocation of some seats in Parliament for the disabled.

About youth. There should be a seat reserved for the youth in Parliament to represent the youths interests in the National Assembly. He recommends that there should be another seat reserved in Parliament for women, to take care of women interests in the House. He ends his participation by giving his written memorandum to us. Thank you.

**Com.** Thank you very much. Next is David Kathiaka.

**David:** I thank God, and our government. Thanks to God for enabling each one of you to be here. Thanks to the government for making us to be here in this cool atmosphere. My agenda is one. About churches. Churches must be well recognized in our current Constitution. The Church has enormous responsibility of converting even the most wicked to useful nationalists, by preaching to them to change their behaviours. So the role of the Church in society is very important. He is asking for the new Constitution to provide for the spreading of the gospel even in prisons. The church has to be allowed to preach the gospel to every corner of the country. It's very important to have the Word of God, enforced in our nation to ensure we don't get cut off by God. He proposes that with that freedom of worship the government should be keen to see some of the denominations that have suspicious tendencies of preaching errant gospel which leads some of the youth to call their parents names which may invite a curse. So let's have clean religion, not some dubious denominations preaching funny gospel. Thank you.

**Com.** Thank you very much. Can we have Councilor Julius Juma. Councillor Julius Juma yuko?

**Concillor Juma:** Asante sana. Nami nitatoa maoni yangu, na nitaanzia kwanza katika zile rasilimali ambazo tunazo katika hii



nchi, and actually I'll be talking on issues or aspects of the Kenya Wildlife Services. What we have especially in this particular area we know very well that there have been between our wild animals and man, conflict. Sometimes the conflict is normally injurious and result to even death.

**Com. Kabira:** Make sure you sign our register. You give us the memorandum and sign our books. You have? Okay, thank you very much for coming. Now Connie Wambua.

**Connie Wambua:** Honourable Commissioners, Honourable wananchi wa Kibwezi, Hamjambo?

**Response:** Hatujambo.

**Connie Wambua:** I am not going to take long because everything has been exhausted. I just want to put some input in the education sector, because I am here representing the teachers. I am a KNUT official. Let me start, Honourable Commissioners, to put some input in what the current speaker has been saying, and it is in a view on education system. It is our proposal that, at least we have, in every district, a teacher representative in Parliament, in every district and in every civic locality. So that when they are discussing about issues concerning education, they have somebody to enlighten them. So it is our proposal that we have a representative. There was also another speaker here who was not very much enlightened about what he was talking about.

It is our proposal that the education act should be reviewed and revised, because it is here where we will see fully the responsibilities of sponsors, because we have church schools sponsored by churches, we have D.E.B. sponsors. So it is here whereby the Act will spell well the duties of the sponsors because they can talk about employer and sponsor and this person was talking about sponsor being permission when the teachers are being transferred. The problem or the issue of transfer of teachers is for the employers. It is for the employers but not for the sponsors. So it is my view that the Education Act be revived.

Also, on that note, we want the current system of grading the quota system, to be abolished. We teachers and more especially the primary sector, have been very much discouraged by the way we share all the choosing of the schools, because we have national schools and in most cases as it is in some districts like our districts here, we are badly off. So let the mode of selection be the marks only, not quota system. This district should have this, this district should have that. I think that one should be looked upon and should be abolished. And on that note I would also say, we need more money to be allocated to the education sector, because education sector has more people rendering services.

Third, the tax payers are very many. So I think that one should also be reviewed and also we want or it is our suggestion that the government should support fully



co-curriculum like games and other things, because this one has been left and left to the parent and it is like the government is doing nothing. It is our request that the government should support fully.

Generally, the kind of government we teachers want is, the government that can honour agreements. The type of government that we are having now is a government that has been not honouring most of the agreements. Also the kind of government we want, is a government that has a president who should have some limitations, because the kind of government we have is a government whose president is supreme, and it is the mistake that we have been getting and more especially in appointing the Ministers. I think in appointing the Ministers, the approval should come from the Parliament, because it is where they will talk about some of the ministries which need people who are professionals, like the Ministry of Health and the Ministry of Education, and with those few remarks because I said I will just embark on education sector, I say thank you.

**Com. Kabira:** Thank you very much Connie. The last person we have on the list is Councillor Mutiso Kyengo.

**Councillor Mutiso Kyengo:** Thank you Commissioners, Kibwezi Constitutional Review Team and members of Kibwezi. I am not going to greet you because you have had a lot of greetings before. Maoni yangu machache ni haya. Nigependelea Rais asiwe mwenye kudissolve Parliament. Lakini Parliament yenyewe inaamrisha. La pili, nigependelea vile ilivyo Rais awe mwenye mamlaka kama chief, Commander-in-Chief. La tatu nigependelea vyama vyovyote vya kisiasa vipewe pesa kutoka fund ya serikali.

La nne, Chairmen/Mayor wawe wanachaguliwa kama wanavyochaguliwa. Na nigependa kuchambua hapo tafadhali Commissioner ukiniruhusu. I am very brief with my points, Sir. I am a Councillor from Makeni County Council. It includes five constituencies, and I really wonder how would it be for a Mayor or rather a Chairman to campaign in five constituencies because in the Constitution we are not shown, even if you will be elected by the people how powerful you will be. This will be mysteriously more than the Members of Parliament. So I propose the chairmen to be elected by the councillors themselves.

Number five, non-citizens should not be given title deeds in our country, or rather wapewe muda. Wapewe shamba isiyopungua acre 10, kwa lease ya miaka kumi, na iwe namna hiyo.

The bill. Kwa sababu tumeona vile Katiba yetu imeundwa, tunashangaa maanake tunapeana wajumbe, wanapitisha mswada unaenda kwa bunge, inasemekana ni bill lazima Mzee aweke sahihi. That one should be finished on the spot in the Parliament.

No extending to anybody to sign for finals with these few remarks, thank you very much.

**Com. Kabira:** Thank you Councillor Kyengo. Na huyo alikuwa wa mwisho, lakini nauliza kama kuna mtu yeyote ako hapa na alikuwa wa kusema chochote na hajapatiwa wakati? Okay Mzee. Hakuna mwingine? Okay Mzee, kwa sababu ulizungumza, si utazungumza kwa dakika moja tu, abit. Okay, ni sawa tu, ongeza.

**Kivati:** Ningetaka kuchangia kwa Kikamba na ningeuliza Bwana Mutiso aje anisaidie kwa kutafsiri. Nitafanya haraka niwezavyo. I would like to talk about land. My name is Councillor Kivati, ex-Councillor Kivati. This land has belonged to the Kambas since 1936 and many years backwards the year 1936 the Kambas were chased away from the current site of Ngulia Lodge. We the Kambas recognize and we would like the Constitution to recognize that from Nguria lodge up to this side, is Eastern Province, and it is not Coast as in the current Constitution. If you go to the border where the line of division between the Masaai area Wakamba is called the squatter area. Since we are in the same country, we would like the lake stepping on the Kajiado side to be known as trust land, and the lake stepping in Makueni District be also trust land. Suppose you ask me for a plain field, and I told you to go ahead and play football in that land, and then I come back. That land should still be mine, not yours just because you are playing football on my land. Since I did not sell that land to you or to anybody, that land should refer to me, and in our land here we are recommending that it should be known as trust land.

One of the differences we are realizing is that, when we are given these as a settlement area, we are supposed to pay some charges and sometimes we are being told to pay about Kshs 2,500 per acre. If it is in the upper zone like Vitini, I am required to pay 600/- because it is trust land. The colonial government displaced rightful owners of this land who are the Kambas. It is not the present government, but is it that the current independent government of the Africans is also hoping the colonial government will chase away the citizens? (clapping).

Kilakuni, which the colonials coined it and called Kilanguni. 25% of that income instead of coming to Makueni District, it goes to Coast Provinc. If the boundaries revert as they were and as they should be, the 25% of the income should go to Makueni District. I would request the new Constitution to recognize the 1935 boundaries as the legitimate boundaries, so that we owners of this land can have a fair deal. Thank you very much.

**Com. Kabira:** Thank you very much for your additional comments now the last one the chair.

**Job Molan Maingi:** Thank you Commissioners na wana wa Kibwezi. Job Maingi is my name. Job Molan Maingi. I would like to touch on a few issues, starting with basic rights. Once the present Constitution recognizes some basic rights, I would like to stress that some of the rights that are enshrined in the present Constitution are not adhered to, and I want to very much emphasize that they be looked into in the new Constitution and be practicable. One all citizens regardless of sex, colour, or creed must have a right to a free bond when they are arrested by the police. Free bond. Once they have been questioned they must be released on free bond until, they are called again to may be verify one or two things. Two. If they do not have travel fare, the OCS at that station should give them appropriate fare. Number three. All classes of basic rights should be properly documented in the Constitution. For example, first generation, second generation, third generation of the basic rights.

Fourth. Every Kenyan citizen should have a right to have a passport besides an ID card. Fifth. Health care must go hand in hand, as a basic right, with life and education. Pregnant mothers must get first priority in treatment in public hospitals so that the

diseases they may carry should not be passed on to the new or unborn babies, such as AIDS, STI . They should be prevented from that.

On wild animals. I think the law that exists should be repealed and Kenyans must be compensated when wild-life destroys their crops and their property, and the compensation should be I think a (not clear) of people should have a look evaluate the damage and give the appropriate amount due for compensation. Something else. When somebody is trampled upon or is killed by wildlife, they should be paid 1 million plus, not thirty thousand. 1 million.

Since we have many problems, the office of ombudsman should be established where we can take our problems and appropriate redress is given. I would like to stop there and say thank you very much for listening to me and to those few remarks.

**Com. Kabira:** Thank you very much Chairman, and I will hand over to the Vice-chair, Abida Ali.

**Com. Abida:** Thank you my Professor. Tungependa sana kuwashukuru wakaazi wa eneo hili, kwa vile mumejitokeza kwa wingi na kutupatia maoni. Tunatarajia tutakuwa upande mwingine kesho ili tukamilishe kuchukua maoni kwa eneo hili lenu. Na ningetaka pia kuwashukuru sana wanakamati wa eneo hili kwa kuweza kuhakikisha kwamba tumeweza kupata maoni kwa njia iliyo nzuri, na kwa vile mumejitokeza kwa wingi. Kabla hatujafunga mkutano tungeomba tupate mtu ajitokeze kama asubuhi kufunga mkutano huu kwa maombi. Na-dhania tunahitaji maombi mengi, kama ndugu yetu alivyotuelezea asubuhi hapa, ili tuweze kuwa na maoni ya sawa sawa, na hatimaye Katiba ambayo itatufaa sote kama wananchi wa Kenya. Sijui tutapata nani , Pastor tafadhali.

**Pastor:** Tunaweza kusimama na tuombe. Mungu Baba katika jina la Yesu Kristo, tunakushukuru kwa siku ya leo ambayo umetupatia kuwa mahali hapa. Asante kwa amani ambayo tumekuwa nayo, na ni asante hata kwa kufungua akili za wengi, na kuwapa hekima kupata kuchangia mambo ambayo wameyaichangia kwa wema wa taifa letu.

Nashukuru Mungu wetu kwa maana kuwa kwetu mahali hapa kutaenda kuleta matumaini makubwa katika siku zijazo katika nchi yetu. Nashukuru kwa ajili ya Commissioners wetu ambao tumekuwa nao siku ya leo. Najua wana jukumu kubwa katika kutembea katika pembe zote za nchi yetu wakichukua maoni ya watu ili wayalete pamoja na kuweza kutengeneza Katiba iliyo nzuri. Mungu wetu na Baba yetu, tunajua hekima iliyo nzuri hutokana na wewe. Jehova nakuomba ukawape hekima ya kutosha, ukawape ujuzi wa kutosha, ili kile ambacho wataenda kuleta pamoja, kiweze kuleta tumaini kwa kila Mwana Kenya katika nchi hii. Utubariki sote pamoja tunapoenda kufungukana, tulinde safarini, utuongoze na uwe nasi kwa kila jambo. Neema yako Mungu na itutoshe. Naomba yote katika jina la Yesu Kristo aliye Bwana na Mwokozi wetu, naomba na kuamini. Amina.

