

**CONSTITUTION OF KENYA REVIEW COMMISSION**

**(CKRC)**

**VERBATIM REPORT OF**

**CONSTITUENCY REPUBLIC HEARING**

**KIBWEZI CONSTITUENCY**

**AT P.C.E.A CHURCH**

**ON**

**14<sup>TH</sup> May 2002**

**CONSTITUENCY PUBLIC HEARING – KIBWEZI CONSTITUENCY ON 14<sup>TH</sup> MAY 2002 AT P.C.E.A  
CHURCH**

**Present:**

Com. Kabira  
Com. Zein Abubakar  
Com. Ahmed I.Hassan  
Com. Abida Ali

**Secretariat Staff in Attendance:**

Bi. Mwaimuna - Programme Officer  
- Asst. Programme Officer  
- Verbatim Reporter

**The meeting started at**

**Speaker:** Tarafa hii ya Kibwezi na Makindu. Kwa hivyo ningepomba Reverend wa hapa atuongoze kwa maombi, Reverend. Na aombe wale ambao wangali wanakuja.

**Reverend:** Ningetaka kwanza nawakaribishe katika kikao hiki chetu, hii inaitwa P.C.E.A Kibwezi. Tunafuraha sana tukiwahost leo na mkiwa wageni wetu. Unajua ya kwamba jukumu lile tunafanya ni msaada mkubwa wa taifa letu. Kwa hivyo karibuni nyote kabisa na tuombe.

Baba Mwenyezi Mungu mwenye rehema, ambaye ulianza sheria za ulimwengu, tunakuita asubuhi hii njema, hasa tukinyenyekea sana na tukitubu dhambi zetu mblele zako. Tukijua ya kwamba Bwana sisi hatustahili mblele zako, bali kwa msaada na nehema yako Mungu, utaweza kusikia maombi yetu. Kikao hiki Bwana, tunataka kujiweka mbele zako, wakati huu wakufungua na

kujadiliana, na kuongea mambo ya katiba yetu. Mwenyezi Mungu Baba wetu wa Binguni, tunaomba ukatuongoze, katika kila hatua, katika kila unenaji, katika kila jambo ambalo tutaliongea Mungu, likaweze kuwa na masaada wa taifa ili letu Kenya, wala si msaada wa mtu mmoja, bali kwa wote ambao wanaishi, nakutukuza jina lako, hapa ulimwenguni. Tusaidia siku hii ya leo, wala ukawatawale mawazo ya wale wote wataongoza kipindi hiki, ukatawale mawazo ya wote ambao wataongea, ukatawale mawazo ya wendeshaji wa shughuli hizi zote, ili Mungu tukaweze kubarikiwa na kubarikisha taifa ili letu. Tungetaka kukabidi wale wote ambao bwana wanakuja, wako safarini, Bwana ukawape safari yenye neema, ukawafikishe salama ile Bwana zote tukashikanishwe zote pamoja, katika neema na upendo wako Bwana. Hasa Mungu kuwa nasi kutoka mwanzo mpka mwisho, tunaomba hayo tukiamini Bwana, wewe ndiwe utatusaidia sana sana katika kutengeneza katiba yetu ya Kenya. Katika jina la Baba na la Mwana, na la Roho Mtakatifu tumeomba. Amen.

**Speaker:** Kwanza commissioners mkitukubalia, ningetaka kuwajulisha kwa three Cs wale ambao wamefika leo. Na leo tuko na mkalimani mpya, si ule wa jana. Maanake tunabadilisha badilisha. Kwa hivyo the three C's wale ambao walifika leo, hebu simameni muonekane, tuwatambue. Hawa tulikuwa nao jana, ni Bw. Richard Mhindi, ambaye anatoka sehemu hii, na Christine Mteti, pia anatoka sehemu hii. Hao ndio wamefika lakini kuna mwingine ametoka inje. Bw. Mulei George, ndio atakuwa Mkalimani wa leo, kwa kikao hiki chetu.

Basi, wale ambao mmeudhuria, ketini pahali popote, wale ambao mmeudhuria kikao cha leo, na wakaribisha nyote kwa P.C.E.A. Kibwezi, na kwa kutoa maoni, mbele ya macommissioners. Tukianza na Bi. Mwaimuna, huyo ndio Programme Officer, ndiye anaangalia hiyo mambo ile yatendeke vizuri. Na tuna Secretaries, huyu ndio Mkuza sauti, hata chombo chake tayari ameshatengeneza, na yule ni msaidizi. Tukija upande huu ni Prof. Kabira, tulikuwa naye, mkikumbuka, tulikuwa hapa naye. Mmekumbuka? Prof. Kabira. Na Vice-chairman ama Vice Chairperson, wa Constitution of Kenya Review Commission, yaani hii team ya kurekebisha katiba, ni Bi. Abida-Ali, ndiye Vice Chair Person. Kwa hivyo kutoka hapo, nawapatia programme, ile waendelehe.

**Com. Abida Ali:** Habari zenu, tungependa kuwakaribisha tena, baada ya kukaribishwa na Chairman, katika hiki kikao cha pili, katika hii sehemu ya uwakilishi bungeni. Na, kwa sababu, leo si siku yetu ya kuzungumza ni yenu, tungetaka kuanza na shughuli za siku ya leo. Kwa watu ambao wana memorandums, tutawapatia dakika tano, kusummarise, ama kueleza kwa kifupi, kwa sababu baadaye tutapata nafasi ya kusoma memorandum, hizo ambazo mtatupatia. Watu ambao wanataka kuzungumza, kwa sababu tungependa kusikiliza watu wote watakaofika leo, tutawapa dakika kumi, kuzungumza na baaada ya kuzungumza, kuna register yetu pale, kila atakayezungumza anatakiwa, ingawa mmeandika hapa, kuna wengine pengine wako hapa na hawana maoni. Kwa hivyo tuna register ambayo mtakwenda pale, kujiandikisha na kuna mambo ambayo muhimu tungetaka, kwa sababu ni record rasmi, na watu ambao wana nakala zao, watampatia mwenzetu yule yuko pale, ili tuweze kupata nafasi ya kusoma, wakati mwingine. Tutatumia forms ambazo mmejaza pale inje, kulingana na vile ambavyo mmefika, kwa sababu hatutaki mtu atakayechelewa, kupata nafasi ya kuzungumza mbele yenu, ambao mmefika mapema, ingawa wakati mwingine, itatubidi pengine, tukiona wazee wamezidi na akina mama wamechelewa kwa sababu ya mashughuli nyingi nyumbani,

pengine itatubidi tuwasaidie, ile warudi kuwapikia, mkifika nyumbani mkute kuna chakula. Tutafanya affirmative action. Sawa?

Kwa sababu naona akina mama mpaka warudi nyumbani mapema, nyinyi mkikaa hata mpaka saa kumi, hakuna neno, si ukweli? Asante.

Basi kwa kuanzia, na ikiwa kuna mtu yeyote ambaye ana shida ya kufika mpaka hapa, kwenye microphone ataeleza, tumpelekee microphone mpaka pale ameketi, akiwa kuna mtu aelewi Kiswahi, tuna mwenzetu pale amekubali kuwa translator, nasikia anaelewea Kizungu sana, kwa hivyo atatutafsiria kwa Kizungu ama Kiswahili, kwa sababu sisi ataelewi sana Kikamba. Tusije tukakosea, tunasikia juu juu, kwa hivyo atatusaidia ili tuweze kuwasiliana. Kwa hivyo tutaanza na Bw. Peter Ndambuki. Peter Ndambuki tutakupatia datika tano kusummarise.

**Peter Ndambuki:** Thank you very much. My presentation is in English, so I don't know whether this is acceptable. My presentation is in English.

**Com. Abida Ali:** Go ahead, unaongea na lugha yoyote ile unapenda.

**Peter Ndambuki:** Madam Commissioner, ladies and gentlemen, I am speaking on behalf of the disabled persons of Makindu division. In recognition of the fact that the disabled people are a vulnerable group, we recommend in the new constitution to address the following issues, which pertain to disabled people in Kenya.

1. The issues are accessibility
2. Another issue is communication
3. Education
4. Representation
5. The rights of the individual
6. Employment

I would like to now elaborate on these issues.

The first one accessibility; we would like to see all public service vehicles, with climbing rumps (?) during national conventions or assemblies, and space provided for parking, the assistive devices like wheelchairs.

We would also like to see that roads have, like we have pavements for pedestrians, we would also like to have space provided in our roads to cater for the wheelchairs and arms put on such roads.

We would also like to see, now I am talking about education. If a child has learning difficulties, we would like to see that he is given free and compulsory education and he should be taught by competent and skilled teachers.

On employment; we would like the constitution to address the issue that the employers in the private and government sector to reserve at least 5% of all the jobs available to disabled people.

On the rights; we would like the abortion to remain illegal, because if a lady discovers that the foetus she is carrying is of a disabled child, she can commit abortion. So, we would like abortion to remain illegal.

On representation; we would like each Province to have at least a disabled person in parliament. In local government representation, we would like at least 5% of all local government seats to be reserved for disabled people. Still on the rights; I have talked about abortion and I am now talking about the currency, the Kenya currency. We would like it to have special marks, so that people who are visually handicapped can identify these coins. I think that is all what I have, and now I have a memorandum here.

**Com. Abida Ali:** Asante sana. Paul Kitonga? Tutakupa dakika kumi.

**Paul Kitonga:** Asante sana, commissioners, mabibi na mabwana. Mimi

Ningependa kusema, uraia wa Kenya, hasa kwa maoni yangu yangu nitaanzia na uraia wa Kenya. ningeonona yule angekuwa mkenya kamili, awe ni yule babu wa babu yake, yaani mababu wake wamezaliwa hapa Kenya. Hasa kuanzia wakati ule wa ukoloni, na ile mipaka iliwekwa. Huyu wazazi wake waliokuwa hapa, huyo ndio kwa maoni yangu naona anafaa ahesabiwa, ndio mkenya hasili, kwa uwandikishaji wa wakenya.

Ukenya wa pili, au mtu kuwa mkenya pili; kuna wale wanaokuja, kwa maoni yangu naona mtu akija kama mgeni katika Kenya, akae kama miaka karibu tano, akiangaliwa hali yake, na pawekwe masharti kulingana na sheria zetu za Kenya, zile anafaa atimize ndio awe mwanainchi wa Kenya. Lakini, awe, yale anayofanyiwa mwanainchi wa Kenya kwa kuzaliwa, mengine kama mali hasili, awe awezi kuhusishwa. Lakini sheria za Kenya, awe anafuata ipasavyo. Akivunja sheria, atahukumiwa kama mwana Kenya wa kawaida, yule amezaliwa hapa, kutoka mababu. Huu nimeongea ni uraia.

Pili, ningeeongea katika haki za mwanainchi wa Kenya na kazi zao; kwa maoni yangu naona, mkenya ana haki katika mali zetu za haki. Kama, mchanga au land kwa lugha ingine. Tuwe tunagawiwa mashamba. Kama mwanaume anapata heka ishirini, mwanamke naye awe anapata heka ishirini, zote katika Kenya. Na, hiyo mashamba, maana inchi yetu ni kubwa, inaweka katika katiba hii tunayotengeneza mpya, ikatafutiwa namna kwa wale wataalamu, ikawa kila mtu anaweza kupata shamba. Hiyo ni haki moja ya mwanainchi wa Kenya, kwa maoni yangu naona, anafaa apate, mkenya yeyote.

Haki ya pili, naona kwa mkenya kupatiwa haki ya kama maji masafi ya kunywa na kufanya mambo yote ya nyumbani, na ikiwezekana, kama pesa zitakuwepo, na zitakuwepo kama serikali itakuwepo nzuri, kulingana na katiba tunayotengeneza,

ambayo itakuwa ni ya mambo yote yafanywe sawa, kulingana na sheria zilioko. Awe anawesa kupower hata maji ya kunyunyizia mashamba, tuwe na chakula cha kutosha. Kila mtu awe asumbuki.

Katika haki za kikazi; kwa maoni yangu ningeona kila mkenya, wale wako na umri wa kufanya kazi, kuanzia miaka kumi na nane kuenda juu. Awe akipatiwa kazi moja, na akifanya akifika miaka hamsini anatoka kazi, ana retire, anaingia mwingine. Na mtu mmoja awe na kazi moja, kama ni mfanyi biashara, ni mfanyi biashara, kama ni mwalimu ni mwalimu, na hana tukazi twingine twake twa pembeni. Hiyo ni maoni yangu. Naona kila mkenya awe na kazi moja.

Ile ingine ni mambo ya matibabu; Kwa maoni yangu ningeona, kila sub location, pawe na ata kama ni health centre, na pawe na dawa za kutosha, na daktari ata at least ni clinical officer, qualified, anayelipwa na serikali. Na dawa ziwe za bure, ziko za kutosha na kama kuna mmoja atapotoka, kama ni daktari, ashtakiwe kulingana na sheria zilioko. Lakini, mwanainchi apate dawa bure, maana ni kodi ikisimamiwa uzuri kulingana na sheria, itakuwa tunalipa, na tunalipa hata hivi sasa, kodi ya kutosha, ya kununuliwa madawa, tukanywa bure.

Kile kingine ni elimu; elimu kwa maoni yangu, naona watoto wangesoma kwa fees kiasi, ya primary education, lakini majengo yawe yanajengwa na serikali na kodi yetu, ile tunao toa. Na kamati ya shule iwe inasimamia hiyo shule, na vifaa vyote vya shule visiachiwe mzazi, viwekwe na serikali, kwa kodi yetu ile tunatota. Vitabu vyote, ata ruler, ata geometrical set. Kila kitu, kwanzia standard one, mapaka standard seven au eight, itakavyo kuwa, na mwalimu alipwe na serikali kwa kodi yetu. Na kutoka hapo, ningeomba kulingana na vile itakavyo kuwa, maana naona tutaweka katiba mzuri. Elimu iwe ya bure kuanzia secondary school mpaka universities, mtu agraduate, na aje atumikie inchi hii.

Nafikiri nimeongea mambo ya mchanga, sasa nitaongea mambo ya uwongozi; Bunge, mimi naonelea katika bunge yetu, iwe kama inavyo kuwa na constituencies zilioka, maana naona tuna wajumbe, kulingana ninavyo fahamu, mia mbili na kumi. Pawe na wanawake, wale watakao kuwa nominated, ata wakiwa nusu, wale nominated na wakipigiwa kura, wakipita pia si neno, maana ni viongozi. Lakini wawe wanakuwa nominated, wanawake wakutosha, katika vyama hata mbalimbali, ata kama ni kimoja, lakini wanawake wawepo number ya kutosha kuwakilisha wanawake. Kwa hivyo, wabunge wawe, kama vile walivyo sasa.

Lakini, mtu kuchaguliwa mbunge, kwa maoni yangu naona, yeye angekuwe ni mtu ameeelimika, maana kuwakilisha watu, mpaka uwe ni mtu ana ufahamu mzuri katika mambo yaliyoko, katika siku hizi. Awe ni mtu at least ako na university education, na awe kidogo ana fahamu sheria, sio awe constitutional lawyer lakini at least, awe ana fahamu mambo ya sheria, na awe ni mtu wa university level.

Kama ni president; ningeomba huyo awe ni mtu constitutionally ako sawa, yaani katiba ana ifahamu kuanzia mwanzo mpaka mwisho na awe ni mtu wa kiwango hicho cha university. Na awe na umri ule ule unaokuwa, naona sio mbaya, wa miaka

thelathini na tano, lakini awe ni mtu wa elimu ya university.

Nitakuja kwa hawa wakitoka katiza kazi zao, kama president. Awe akipower kiasi fulani cha pension na akae kama raia wale wengine. Hakuna malindikizo ati ma security na nini, kwani aliuwa. Akae tu kama mwanainchi wa kawaida, lakini kwa kurudishiwa asante, kwa kuwa alifanya kazi mzuri, ata kama ilikuwa mbaya. Akishamaliza wakati wake wa miaka kumi, maana tuna vipindi viwili na ninaona ni vizuri hivyo, akae na kama ni pension ya karobo ama ka third, whatever it is, ya ile mshahara alikuwa akipata, atosheke na hako, maana katika account yake, nafikiri apakosi kitu. Na Members of Parliament, wawe wakifanyiwa ivyo ivyo. Kwa hivyo, kwa maoni yangu, sioni hapo pakiwa pazuri, mtu akilundikiwa kila kitu awe ni yeye.

### **Councilors. (Interruption)**

**Com. Abida Ali:** Mzee fupisha saa yako imeisha, fupisha tafadhali.

**Paul Kitonga:** Asante. Councilors wawe ni watu wa secondary level, na awe ni mtu anaweza kujielesha kwa lugha vizuri na walipwe kisawasawa.

Administrationwise, au kimkoa au vile tunavyosimamiwa kimkoa. Ningeomba badala ya kuchukuliwa mtu na watu, au na mtu mmoja, tuwe kama P.C anakuwa governor na anakuwa elected na watu. Na D.C, na D.O, na Chief, na Sub-chief waondolewe, sioni wana aja. Na awekwe mzee wa kijiji na awe akilipwa, hiyo ndio administration. Naona katika appointments, pasiwekwe mtu mmoja, kama president anavyofanya siku hizi. Iwe kama ni Chief Justice, awe appointed in the parliament, kama ni ma commissioners, wawe wanachukuliwa na let's say, members of parliament, ambao wao wamepower within au mandate na sisi wanainchi. Wawe ni commissioners wamewekwa, kama ni Electoral Commissioners, hao wakutufanyia mambo ya uchaguzi, au ni commissioner ata kama hawa sasa, wanatufanyia mambo ya katiba, na mwingine yeyote asiwe appointed awe mtu wa mtu. Awe ni mtu wetu ako na idhini. Na hata mbunge, ningeomba, kama amekosea katika kile kipindi cha miaka tano, asiachwe, atafutiwe namna ya kuondolewa na wanainchi, awekwe mwingine, maana ataturibia wakati. Ni hayo tu, asanteni.

**Com. Abida Ali:** Asante sana mzee. Kanini Ngumbi? Kanini Ngumbi dakika tano, kwa sababu una memorandum.

### **Kanini Ngumbi:**

**Translator:** Nashukuru kwa kukatibishwa kunena hapa. Ninashukuru kwa wageni wetu ambao wamefika hapa. Nashukuru wamekuja na vitu vimetengenezwa na mikono na hawajaumia.

Nitaanza kunena maoni, ambaye ni single mothers. Maoni tumeona moja ni tusomeshe watoto wetu.

Ya pili ni kutafutiwa mashamba.

Ya tatu ni kutafutiwa pesa, ambayo tunaweza kuanza small businesses. Asante.

**Com. Abida Ali:** Asante sana, tumeambiwa mheshimiwa amefika, sijui kama nimeona akitoka ama yuko ndani? Haya, mheshimiwa would you like to say something.

**Mheshimiwa:** Thank you all commissioners. Since I gave my views yesterday. I want to add a little.

As I said yesterday, on presidential election; he must have one constituency called Kenya. He should not be a member of a constituency, as that will upgrade his responsibilities. He would have a shared responsibility as a Member of Parliament and the president of the country. That president when elected, the current constitution gives him, only 25% votes for five Provinces. We should wish to have a president who has a command majority and he should with the votes casted, he should not attain less than 51% of the total votes. His running mate, would be assured to be the Vice president for the entire period. Members of his cabinet, should not come from the Members of Parliament elected. We should have people who have no other responsibilities to run this government, and let the responsibilities of Members of Parliament be their constituencies only.

Those members of cabinet, who shall be appointed, let them be vetted by the National Assembly. To see their records, their performance and ability to perform. Equally the Attorney General and all judges of High Court, to be vetted by parliament.

On land issues; this issue of land, any land, which is in existence, now, is formation of this constituency, shall any land belong to the government and where people are living now, shall no longer be a Crown land or State land. It will be entrusted to the people who live on it without any other condition. Because, the constitution we have, gave protection to those people who used to own land before our independence. That was May 1963, only those people who were living on their own land, were given Titles, but those who acquired land after independence were not given Titles and became squatters on their own land. This is something, which must be revoked by this constitution we are now making.

People living alongside, National Parks, or conservation areas of the wildlife; the County Council, who are occupying the National Parks, should be given the full mandate of running the National Parks, within their area of jurisdiction. This question of a body running from Nairobi, and the people who are living near the Parks, when their crops are destroyed, nobody cares about their compensation, should be abolished, let the County Council run the National Parks. Let the people who live in the National Parks be compensated fully for any food destroyed by the animals, let the people who are maimed on or killed by the wildlife, let the compensation not be less than 3 million per person. And, this is what parliament has agreed. Therefore, let this new constitution, because the government has been unwilling to bring the Bill, now let this constitution review put that



recommendation, any compensation must not be less than 3 million, there is no limit.

On issue of land; as I said, let the natural wealth, on any portion of land owned by a Kenyan, if there is gold, diamond, oil on that part of land, let it be so owned by the owner of that portion of land. The question of somebody coming and claiming to own that area which is his, should not arise, let the land be owned by the person, and the natural wealth within be owned by the same person.

As I said on the issue of Provincial Administration; this is an office issue be scrapped. This was a tool of the colonial government to suppress Africans, and not that we are free people, and we have got an elective procedure, the question of Chiefs, Assistant Chiefs, D.Os, D.Cs and the P.Cs should be abolished. It is because; there is a conflict of interest because when I am elected a Member of Parliament for Kibwezi, I have got other people running side by side, called District Officers, and they try to come and give a wrong image to the elected people who have the mandate of the people in that constituency. Therefore, the question of D.Os, Chiefs should be done away with, and if it is the wish of the people of Kenya, and we may want to have the Province retained that, that man to head the Province should be an elected person by the people of that Province.

Commissioners; On the education, this is mandatory and this is a big part of the government. It should be given for free, we are paying a lot of taxes, and I said yesterday, Kenyans are tired of Harambee business, every year, Harambee Harambee. We are paying taxes and we are again paying direct taxes to the Dual development. It is either the two. Let the government remove the taxes of V.A.T Income Tax all together, and let people do their own constructions of schools and dispensaries, or we stop Harambees and we pay taxes. It is paid to ceasar what belongs to ceasar and to God what belongs to God. So, we have been paying our dues to the government and the same government, when we want to put up a primary school, you construct a primary school, you put up the furniture, you put up the books and whatever. And to date we are now paying the teachers, what about the government. So, if they cannot account for our taxes, then mwanainchi should not be taxed again on Harambee business.

People with disabilities; people with disabilities should be looked upon, those people must be given specialized training and in parliament there must be a portion, a percentage for the people with disabilities to occupy, some percentage of seats, in the National Assembly. And since most of my things, I talked yesterday, I just wanted to tell the people we give our proposals, because this is the only chance, you and me, your chance to say what you want in the constitution, because if you don't do it, you have nobody to blame and I tell you what we say here is what the parliament will pass. There will be referendum to agree on this. Thank you.

**Com. Abida Ali:** Asante sana mheshimiwa, Wayua Peter, Wayua Peter, hauna maoni? Okay, Jackson Kavenya? It is okay we will bring the microphone there, it is okay.

**Jackson Kavenya:** Sina maoni, isipokuwa ni machache tu. Sisi watu kama mimi walemavu, shida yetu ambayo tunapata, ni kusafiri mahali, tunapata taabu sana, sababu hakuna kitu ya kusafiria, tunaona watu wanaenda, wakikuja. Basi, sasa tukiwauliza mliona nini? Hawatuelezi sawasaw, kama serikali yetu ikiwa inaweza kutupatia kama vitu vya kutembelea, kama wheelchair, inakuwa sawasawa. Kwa hivyo, hata, hatuwezi kuwa tumesoma sana, sababu shule iko mbali. Na tukienda kwa shule, hata mwalimu, akikuangalia hivi anaona aah, huyu mtu, mlemavu huyu aah, wengine wanatufukuza tu. Kwa hivyo tunataka serikali iwe inatuangalia, kwa sababu, walemavu, hata serikali ile ambayo iko, tunaona hatujulikani. Sababu ukienda kwa office, unakaa inje, wenzangu wanaingia wanaingia, karani akija akikuona akuambie aah kuja kesho. Sababu hatujui kama, hawajui kama tumetoka mbali. Kwa hivyo, hata tukifika ma office zingine, tunakuta ile vitu ya kuingia ndani, ni juu sana, hauwezi kuingia. Sasa tunataka matajiri wakijenga nyumba, wajenge sawasawa, tuwe tunapita, hata tunaingia kule ndani. Kwa hivyo, hat serikali ambayo inaundwa, tunaomba mlemavu wowote, mwenye miaka kumi na nane, awe anaweza kupatiwa, hata kitu kidogo, sababu tukienda kwa ma hoteli ama nini, tunaona wenzetu wanakula, sina ndururu, sina kazi. Sasa serikali ikinipatia kila mwezi, shilingi ata mia tano, ningeingia na wenzangu tunakula, sababu nina kitu. Lakini kwa sasa, kama ukiwa namna hii, mpaka ukae nyumbani tu, ukae tu, kwa sababu maomb yetu ilikuwa imeandikwa na mwenzangu mimi nilikuwa tu nikuongezea tu, sina mengi ni hayo tu.

**Com. Abida Ali:** Nauliza, kabla haujamaliza, watu wengi hapa tunasikia wakiongea kuhusu serikali, na haki zingine. Baada ya kutuambia vitu zile ungetaka kuona kama mtu ambaye ni mlemavu, kuna mambo mengine ungetaka kuona, katika kwa mfano, serikali, ama mambo ya mashamba, kama wanavyoongea watu wengine?

**Jackson Kavenya:** Eeh sababu, walemavu wahesabiwe, wapatiwe mashamba. Ukiona mlemavu unaona, saa huyu mlemavu apatiwe shamba na hana kitu, awezi kulima, awezi nini. Serikali aipangi mlemavu kama ni mtu wa kupewa shamba. Hata wengine, walemaavu tunakaa vile, hakuna wake, hakuna nini? Sababu wanawake hawakutaki, kwa hivyo sasa, shida ni nyingi sisi. Kwa hivyo, mambo inakuwa kwetu, ni ngumu, serikali ituangalie.

**Com. Abida Ali:** Asante sana, Richard Mhindi, Umesema Political Parties, sijui kama ni chama gani, kwa sababu Political Parties is too general

**Richard Mhindi:** S.D.P

**Com. Abida Ali:** S.D.P Okay.

**Richard Mhindi:** Asante. Nitaanza na utangulizi wa katiba. Katika katiba ilioko sasa, katika utangulizi, mwanainchi wa Kenya hajatajwa kamwe katika katiba, na ningaliomba katika katiba, mwanainchi wa Kenya awe katika utangulizi wa katiba, kwamba sisi wanainchi wa Kenya hiyo ianze katika katiba kama utangulizi.

La pili, ni ukuu wa katiba. Hii katiba ningeliomba, iwe ndio katiba kuu, kushinda katiba zote katika inchi, iwe ndio inasimamia kila kitu, ndio iko juu ya kila kitu.

La tatu ni juu ya uraia. Vile katiba ilioko, vile imesema kwamba mtu ambaye alizaliwa mwaka 63, ndio inaruhusu awe mwanainchi wa Kenya. Kwa hivyo ningelitoa maoni yangu kwamba, yule alizaliwa baadaye ya mwaka 63 na kabla ya mwaka 63, aandikishwe kama raia wa Kenya. Na kama ni msichana, ambaye ameolowe, na mtu kutoka inchi za inje, na wamekaa hapa Kenya na wanaishi hapa, kama baada ya miaka mitano, waandikishwe kama raia wa Kenya. Na kama ni mwanamke wa Kenya, ameolewa inje ya Kenya, na anaishi hapa Kenya, na mwanaume wake ama mme wake, na wameishi kwa miaka mitano, waandikishwe kama raia wa Kenya.

La nne ni juu ya usalama wa taifa. Kuna haya mambo kama tribal clashes, mambo kama kayambombo. Ningeliomba katika katiba yetu, mwanainchi wa Kenya, alindwe vilivyo na katiba, na kusiwe na tashishi ama kuuliwa kwa raia wa Kenya kupitia kwa mambo ya tribal clashes, kwa hivyo usalama wa taifa, uimarishwe.

Vyama vya kisiasa; Ningeliomba ama maoni yangu juu ya katiba, kwamba vyama vya siasa viwe kama institutions ambazo nizakuleta maendeleo katika inchi ya Kenya, sio tu siasa peke yake. Wawe wakifanya mambo kama ya maendeleo ya kujenga mashule, miradi kama ya maji, na vile vilve vyama vya kisiasa vipewe haki, katika mambo yote, kifedha, zipewe pesa na serikali. Katika media, utangazaji, viruhusiwe, viwe vyote vinashiriki katika kila jambo.

Ilo lingine ni juu ya miundo ya serikali; ningelitoa maoni yangu kwamba tuwe na muundo wa serikali ya mseto katika serikali yetu. Tuwe na serikali ya mseto na chama ambacho kimepata viti vingi bungeni, kiunde serikali, lakini vyama vyote vihusishwe katika kuunda serikali.

Lingine, ningelizungumzia juu ya tanzu tatu za serikali. Tanzu ya bunge, tanzu ya raisi na ya sheria. Zitengamane, kila moja iwe, iwe na uhuru wake, kama ni tanzu ya sheria, ijisimimamie vilivyo, bila kuingiliwa na tanzu lingine lolote. Kama ni tanzu la raisi zile nguvu zipunguzwe kwa kuwa ni nyingi sana. Zipunguzwe, raisi asiwe ndio wa kuaajili, ndio wakuvuta, awe na zile nguvu zake, ambazo zinamfaa. Vile vile bunge, ipewe zile nguvu zake, ambazo zinasimamia bunge.

Ile lingine ningelizungumzia ni juu ya serikali za mtaa; serikali za mtaa zipewe uhuru wa kuwaajiri wafanyi kazi wake na ma officer kama clerk town council, awe akiajiriwa na serikali ya mtaa, ikiwa uhuru. Sio atoke katika local government. Vile vile zile pesa ambazo zimetoka katika County Council, zisaidie lile eneo ambalo, ile Municipal, ama ile council inawakilisha, zile pesa zitumike pale, vile vile, County Council ipewe nguvu kama ni Mayors, kama ni chairman wa County Councils, ama Mayors wa Municipals. Ma mayor na wenye viti, wawe wakichaguliwa na wanainchi. Wakichaguliwa na wanainchi, mahali ambapo Mayor amesimama kama ni Makueni, achaguliwe na wanainchi, kama ni chairman wa County Council. Na kama ni maendeleo

ya wilaya, Mayor ama mwenyekiti wa hizo wilaya awe ndio mwenyekiti wa maendeleo.

Ile ingine ni muundo na utaratibu wa uchaguzi. Ningelitoa maoni yangu kwamba, Electoral Commission, iwe independent, iwe free and fair na iwe kama wale commissioners, ishirini na mbili walioko sasa, wapunguzwe. Wawe ni kama commissioners kumi na tano na wasiwe wanatoka kwa vyama vyovyote, wachaguliwe na wabunge, lakini wasichaliwe kulingana na vyama. Vile vile, Electoral Commission ipewe uhuru wa ku prosecute, electoral offenses ikiwa uhuru. Vile vile, upande wa uchaguzi, ingelikuwa maoni yangu kwamba, kuwe na uchaguzi na uraisi, achaguliwe peke yake, kuwe na uchaguzi ya wabunge, wachaguliwe peke yao siku yao, kuwe na uchaguzi wa councilors na chairman wa County Councils ama Mayors wa Municipal ama wa miji nao wachaguliwe siku yao, ndio kuwe na nafasi ya uchaguzi.

Vile vile ingekuwa ma qualifications za uchaguzi. Mtu kama amesimama uraisi, awe ingekuwa pendekezo langu, awe ni mtu wa degree level, na awe ametoka kwenye chuo ambacho kinatambulika. Kama ni mbunge, awe ni wa form 4 na kuenda juu, na awe amefuzu ama amepita vizuri katika mtihani. Kama ni raisi awe mwanainchi wa Kenya, awe ameowa ama ameolewa, awe na akili timamu, awe amejieleza kama pengine alipata mali kwa njia ambayo haifai, ajieleze vile alipat mali yake, ndio aweze kukubaliwa kuwa raisi wa inchi. Vile vile, raisi awe ni mtu ambaye agombe kiti cha ubunge.

La mwisho, ni juu ya haki za kimsingi. Basic rights; kila mwanainchi wa Kenya, ingekuwa maoni yangu, apewe haki ya elimu, haki ya matibabu, haki ya mashamba, haki ya maji, apewe na serikali. Lakini, katika hizo haki, kuna moja ningeliomba ichunguzwe, haki ya kuabudu. Imekuwa na tashwishi sana. Haki ya kuabudu, ningaliomba iletwe huku chine, locational level, ndio kama ni kanisa inajengwa, viongozi wa locational level, wawe na kamati ya kuchunguza ile kanisa ambayo inajengwa ni kanisa aina gani? Hapo ningaliomba hiyo haki ya kuabudu ichunguzwe na viongozi kutoka locational level.

Ile ingine ningeliongezea ni juu ya makundi madogo madogo kama ya akina mama, kama akina vijana, walemavu, kabila ndogo ndogo, kama watu wa North Eastern, haki zao ziangaliwe, wahusishwe katika kila ktu, kama ni bungeni, kama ni administration, kama ni maendeleo ya kijiji, wahusishwe katika kila jambo.

Nikiongezea vile mwenzangu, mlemavu hapa amesema, kama ni manyumba ijengwe, mlemavu akikumbukwa, kuwe na mahali pa kupitia zile gari zao. Kama ni bus iundwe ikiwa kuna nafasi yao ya kuweka gari zao ama kuingia kwa njia inayofaa. Kama ni simu, unakuta wana shida ya simu. Wawe na call box fupi, ambazo wanaweza kupiga simu kama wale wanainchi wengine wote wale.

Kama ni akina mama, wahusishwe katika maendeleo ya inchi, katika kugombea kila kiti, kulingana na zile qualification zao, ama kwa njia nyingine ningelisema, katika katiba, tuwe na affirmative action. Ndio wote wahusishwe.

Lile la mwisho commissioners, ni juu ya ardhi na mali; ningeliomba ama maoni yangu kwamba, katika katiba hii, hili jambo la

ardhi liangaliwe vilivyo na kama ingeliwezekana, kila mwanainchi wa Kenya, awe na ardhi. Na vile vile ningeliomba, mipaka ya inchi hii iangaliwe vizuri, ndio kila mtu ama kila kabila, kulingana na ule mpaka, ambao uliwekwa na mkoloni, mwaka 1934, uangaliwe vilivyo ndio kila kabila ama kila mtu a retain, ama kila kabila iwe na ule mpaka wake wa kawaida, kulingana na katiba ambayo iliwekwa mwaka 1934, juu ya ardhi. Vile vile, upande wa ardhi, ningeliomba, kila mwanainchi apate Title Deed, akipewa ardhi.

La mwisho commissioners, ningeliomba haki za kitamaduni ama customary law. Kama ni customary law ya wakamba, kuna mambo kama ya 'ndeo; kuna kitu inaitwa 'ndeo' kuna kitu inaitwa 'mbanga', kuna kitu inaitwa 'kithio', hivyo zihusishwe, vya kabila kama ni ya wakamba, vihusishwe katika katiba, kwa kuwa ile mila, waswahili wanasema 'Mwacha mila ni mtumwa' ile mila yetu ya wakamba iuzishwe vilivyo katika katiba, kulingana na vile mila za wakamba huwa ziko.

La mwisho ambalo ningemaliza nalo, ni juu ya transfer of powers and succession. Kama ni raisi anatoka, amemaliza vipindi vyake kama ni viwili, ningeliomba tu kama raia mwingine yeyote yule, sio kusema kwamba apewe askari, apewe magari, apewe ma allowance makubwa, na yeye amefanya kazi kama wafanyi kazi wale wengine wote ambao wana retire baada ya miaka 55. Aende nyumbani vilivyo, akapumzike, na kama ni kupewa, ile allowance, kama mfanyi kazi ule mwingine yeyote, apewe hivyo hivyo, lakini sio apewe tofauti na wale wafanyi kazi wengine. Kwa hayo machache, asanteni.

**Com. Abida Ali:** Asante sana, na tunaambiwa kwamba D.O wa upande huu amefika, tungependa kukukaribisha, na Bwana D.O tunashukuru na pengine ukiwa na maoni, utatujulisha tukupatie nafasi. Ama unataka kusema chochote kwa wakati huu pengine. Asante. Mary Mwangangi?

**Mary Mwangangi:**

**Translator:** Nashukuru kwa kukaribishwa na kukubaliwa kuja kunene hapa. Sina maneno mengi isipokuwa, kile kimetufikisha kwenye mkutano huu ambayo ni mhimu sana ni kwa sababu tunaishi kwa masquatter. Kwas sababu sisi tunaishi kama masquatters. Tunauliza tutafutiwe pahali ya kuishi. Sisi ni masquatter upande wa Masonga, tunalima huku na tunalala pahali pengine, kwa sababu hatuna shamba. Nauliza wale wasichana ambao ni single mothers na wamezalia kwao, wale watoto ambao wamezaa, kuna wengine wamezaa watoto na walikuwa single mothers na wamewacha wale watoto na grand mothers wao, na wao wamekufa, na wazazi wao hawana nguvu. Tunauliza watoto hawa wasomeshwe free na pia watafutiwe pahali pa ku settle.

Sisi tunaviwete nyumbani na hatujajua wanapelekwa wapi kwa masomo na msaada mwingine. Tunauliza wale wanachukua haya majina, wakuje kwetu tuwapae haya majina ili hawa viwete wapate msaada. Asante mimi nafika hapo sina mengine.

**Com. Abida Ali:** Asante mama. John Nguno? We will give you five minutes, since you have a document that we undertake to read.

**John Nguno:** Thank you commissioners. Nachukua fursa hii kwanza nitoe shukrani kwa nafasi hii, niweze kuongea, kutaja ka uchache kwa niaba ya wenzangu retirees, yaani walio staafu ambao walikuwa katika serikali yetu.

La kwanza, ningependa nitaje, retirees wawe wakifikiriwa nyogeza ya kila mwezi. Kwa sababu wakati walikuwa wakifanya kazi kila mwaka, walikuwa wakipata percentage ya nyongeza.

La pili, ningependa serikali yetu, iwe ikifikiria kutuma ma officers, waje ktika constituencies na kufanya mikutano na wale waliostaafu, kuwapa motisha, kuongea na wao, kwa sababu wao ndio wamejenga inchi hadi kiwango kinachoonekana sasa.

La tatu, kuwe wakati wa mikutano, ambayo itapangwa na serikali, wawe hawa retirees au wastaafu wakipatiwa zawadi, encouragement, wawe wakiwa encouraged, wapatiwe ata kama ni taa, kama ni jembe au ni torch, waambiwe waendeleo, kwa sababu wengi wao, wengi wa hawa, wana hata sasa wanafanya kazi hata wakiwa wako nyumbani, wana ujuzi wa kusaidia inchi yetu kuendelea.

La nne, ile mishahara, zile pensions, cheques, zitumwe mapema, kutokea tarehe ishirini na tano zitumwe kwa banks au kwa post banks, ile waliostaafu wawache kunungunika hapa na pale. Ikitumwa kutokea tarehe ishirini na tano, kufika tarehe moja , tarehe mbili, mtu atakuwa amejua atafanya nini na zile pesa. Hiyo tunaona wakicheleweshwa na hiyo, ni jambo naomba iwe reported.

La mwisho kuhusu ile memorandum, ni wakati waliostaafu wako katika public forums, kama mikutano, ni ya D.C, ni ya D.O, ni ya Chief, wawe recognized, hata wakati programme imepangwa , kama ni D.O ama ni Chief, aseme yule officer aliyeretire pale asalimie watu, kwa sababu hii inampa awali kuonekana wako, si ati walikwisha.

Ninaomba kupitia kwa ma commissioners, kwa sababu zile points nilikuwa nazo nimemaliza lakini dakika zangu zingali ziko, ni zungumzie kuhusu Education Act kidogo, asante kwa kuniruhusu. Nataka kuzungumza kuhusu education Act Cap 211 ambayo sasa ndio inshughulikia elimu katika inchi yetu ya Kenya. Ninaomba wazazi, sana sana katika secondary schools, wapewe wajibu mkubwa ku manage shule zao, secondary school zao. Kwa sheria ya sasa, ambayo ina govern education, hawana uwezo, uwezo ule huko pale, umepewa sana ni mwalimu mkuu, headmaster, ndio executive officer. Akikohoa anakohoa, hata akitaka kusukuma shule ikaanguke watu wananyamaza pale.

Ninaomba pia, sababu wazazi wamepewe nafasi yao kama wenye kuunda ile shule ninaomba ma D.E.Os wawe wameelimika kiwango ca degree older, na pia sababu ana simamia shule nyingi pale, secondary na pia anasimamia primary schools, awe ana degree.

District Educational officers, awe ana masters degree, nita elaborate hapo. Master's degree in education. Na District Education Officer, awe ana uwezo, kupitia kwa education Act, ile itakwenda kutengenezwa. Yeh, kukoowa katika district, akinena mambo yote kuhusu elimu, akisikilizwa, na secondary school headmastes na wote na walimu wa primary wamusikize. Akiwa akufikia hiki kiwango cha masters, awezi kuongoza wwalimu wa secondary, kwa sababu wale tuko na wao, wamefikia kiwango cah kuwa D.O on merit. Shauri amefanya kazi siku nyingi. Na akitaka kuongea, akinene, akihutubia wale wa ma principals wa secondary schools, hawamsikizi, wanasema, he is not educated. Na tuko na shida hii, Kenya mzima. Wawe wamepewa mamlaka yote ku control primary and secondary schools.

**Com. Abida Ali:** Asante mzee, time yako imekwisha, pengine u summarise:

**John Nguno:** Ma P.Ds wawe ni Education Cordnators katika Province. Mambo yote yaenda diret katika Jogoo House, lakini ipitie kule kama formality. Ndio apewe uwezo wakumaliza kila kitu, kuhusu mashule yake.

Ile ya mwisho ni kuhusu, secondary schools heads conferences. Si amemaliza kazi, hizo zikwishe, zirudishwe katika district. Kenya mzima wakati wa mwezi wa June, ma principals wote wanaenda kukutanyika mahali fulani, na wanabeba ma pesa ya shule ya wazizi wanaenda kukanyagia hulo. Unaona shule mtu anaondoka na elfu hamsini, anaenda, akirudi anatengeneza cash payment voucher, hiyo amemaliza huko. Hiyo hatutaki, kabisa hatutaki. Kama ni mikutano hiyo, ifanyike katika district levels, na kuwe pinpointed, viongozi wenye ujuzi, kuenda kukaa na wao, ili tujue wanapanga nini, kwa sababu wanatumia pesa zetu. Na zile pesa wanachukua kuenda kutumia huko, ziwe zimekuwa authorized by B.O.G members, sio kubeba tu, mtu anachukuwa one hundred thousands, anarudisha elfu ishirini. Hiyo inaendelea na katiba yetu itutengenezee mipango kamili kuchunguza, kwa sababu wanainchi wanamalizwa kabisa. Thank you very much for listening to me.

**Com. Abida Ali:** Asante sana. Ruth Mativo, dakika tano tafadhali Ruth.

**Ruth Mativo:** Thank you commissioner. Niko hapa nasimamia wanawake, wale widows. Ama wale mabwana zao wamekufa.

Maoni yetu ni kwamba serikali kitu ya kwanza, hawa wanawake wakiwachwa na ma bwana zao, kuna watoto wao, hawawezi kusoma. Twaomba serikali iangalie masoma ya watoto hao.

Kile kingine, tungeomba kuna wanawake wengine wanawachwa wakiwa wadogo sana, wakiwa na watoto wawili, mtoto mmoja, na wako na uwezo wa kufanya kazi. Pia serikali iangalie hao wanawake wanaweza kufanya kazi ama wako na elimu, watafutwe ma kazi ili wasaadie watoto wao.

Inginge ya tatu ni, kuna wengine wanawachwa bila makao. Pia serikali iangalie, kukiwa na ardhi mahali, wapewe makao, na

kukaa na watoto wao.

Ya nne, ningeomba serikali, kuwe na shirika ya wanawake wale wamewachwa na mabwana zao Kenya. Watambulike, ile wajisikie kama wako na wale wengine.

Ile ingine, wakati wa shule, kuna bursaries zinatumiwa huko kwa mashule, na badala watoto wa wale wanawake kuptiwa bursaries, zinapatiwa watoto wale waarefu sana. Na ule mtoto wa ule mmama anakosa fees. Ningeomba serikali iyangalie bursaries kwa hao watoto.

Ile ingine, ningeomba serikali iyangalie, kuna ma kazi ndogo ndogo kama ni ya council, ile ya uko katika health centres, dispensaries. Wanawake hao waingizwe huku, ikwa ni kufagia, wapate mkate wa kila siku. Asante.

**Com. Abida Ali:** Asante sana, Nicodemus Mativo, mbona majina yamefanana?

**Nicodemus Mativo:** No relations at all. Commissioners, ladies and gentlemen. Mine is very straightforward.

One, I will touch on the national resourced.

- (i) Land : In this constituency we have tracts of land this area. Another piece has been extended to university, while you have heard here a lady, saying that they are living as squatters. People were moved from Chulu, settled there with nothing else. Only to be dumped there, construct whatever you can, but still the land is there. It is within here, the same. So land, the question of land, we want a good arithmetic, that is each citizen to have about one to five acres, any other idle land, tax it and we would get a lot of money and that will create finance. With this finance, which of course is one of our resources, we need it to be controlled, we need the finance minister, and we need the auditor general, financial controller to be in charge of the national finance. And by appointing these persons, the parliament should also have power to endorse them, to say yes you are qualified for that job, because it is controlling one of the important national resources.
- (ii) Human resources; at the age of 18 years, each one is given an I.D card. Well, the government should also know that from there, they have certain numbers of Kenyan citizens to look after, to cater for education and also to pay monthly allowance. Why not increase the N.S.SF, why not to move abroad, at least so that N.S.S.F can also pay a person who reaches the age of 21 years.

On succession; yes, after an election, it is good to have all the votes counted at the polling station. This is beat up the results. The president if to be elected, has to be elected by about 60% or over 61% per cent. However comes next becomes an automatic Vice president. After all Kenyan citizens have already taken part in election.



For the M.Ps, with education; minimum form 4, and if the people in the constituency want to recall their M.P, ten thousand people should sign the memorandum to remove him.

On the councilors; education should be O'level, and if the people in that ward want to remove him, well only 2,000 people should sign the memorandum to remove him. So that to create balances. So that no one will sit there doing idle things.

The next one on succession, when there is election of the presidency, then the Attorney General, should take over the office, that period, and then from there, if he is elected within the month, he is sworn by the Chief Justice, and that will mark a new. And then the handing over is done within one month.

On another point of issue, about the H.I.V victims, it is a dangerous disease and it has taken many of the Kenyan citizens. So, those who have been left behind, as a result of such, I think they be given assistance by the government. And with that one, I end up my memorandum.

**Com. Abida Ali:** Now please ngojea mzee kidogo, we want a clarification.

**Speaker:** Mzee Nicodemus, umesema wale wamefika miaka ishirini na moja, wapatiwe pesa na N.S.S.F. Ni kila mtu at wale wameandikwa na wale wajaandikwa

**Nicodemus Mativo:** Hata wale ameandikwa ama hajaandikwa. Yote iwe ni mamoja

**Speaker:** So you are proposing a welfare society.

**Nicodemus Mativo:** That is the way it is.

**Speaker:** Okay thank you.

**Com. Abida Ali:** Asante Professor. Elizabeth Musau. Ugependa kuongea? Mwaisha Munyooki.

**Mwaisha Munyooki:** Thank you Madam commissioner. Mimi nigepele kuongea juu ya haki za wanawake, haki za wanawake.

Jambo la kwanza lile ningependa kuongea juu ya haki za wanawake, kwanza ni security and peace. Unaona hii ikokatika kipengele cha A.23, cha African Charter. Kila mwanainchi ama awe na haki za peace and security.

Ile ingine ningependa nini, kueleza juu ya nini, yaani kutoa maoni juu ya wanawake, ni juu ya wanawake vile wanatumiwa katika familia. Unaona, mwanamke hawezi kuruhusiwa kutumia, ama kuchukuwa vyombo vya nyumbani. Vitu kama ni shamba, kama ni ng'ombe iko kwa hiyo nyumba, ama nini, mwanamke aweze kuruhusiwa kutumia hiyo kitu, pasipo ruhusa ya mwanamme. Kwa hivyo, katiba hapo, yaani iangalie sana juu ya wanawake.

Ile ingine, yaani wanawake katika familia wanatumiwa kama chombo tu, kama kupitia tu kwa wazee wetu, mabwana na wazazi. Wazazi wa kiume I mean. Yaani, fathers and husbands, wanawake tunatumiwa tu kama chombo katika hiyo nyumba. Kwa hivyo katiba, yaani izingatie sana juu ya wanawake.

Ile ingine ningetaka, ni wanawake wawe na rights za kutumia hizo vitu tuseme. Wachukuwe hivyo vitu wavitumie, wawe na haki ya kutumia hivyo vitu pasipo kuchukua mawaidha kutoka kwa wanaume, kwa maana hao wanajitoleshea pia kwa nini. Yaani kwa mmmmmhu.

Haya, ile ingine ni to work in a safe environment. Wapatiwe kufanya kazi katika mazingira yalio safi. Wawe hawaingiliwi yaani I mean. Hawaingiliwi, na kimaumbile, yaani I mean sexual function zao ziwe considered sna, unaona, wasitumiwe vibaya na wanaume, hiyo pia katiba ihusishe wanaume.

Ile ingine ni equality in education na nini, na kama ni colleges ama nini, wawe wako na equality.

Ile ingine ni upande wa politics. Wanawake wausishwe sana katika nini, yaani wahusike sana katika siasa, politics I mean, siasa. Wanawake wapatiwe nafasi sana katika siasa, wawe na percentage iko juu, kwa maana naona ile percentage wamepatiwa katika siasa ni kama one third. Sasa waongezewe iwe ni kama 50%, katika siasa. Wanawake.

Ile ingine ningetaka kuongea juu ya wanawake, ni rights ya kupatiwa heshima na kulindwa, ulinzi, yaani wawe na ulinzi wanawake, waheshimiwe tena walindwe. Hata kufikia katika nini, kiwango cha kule nyumbani, wanawake wale wa chini kabisa wawe na ulinzi, kwa maana tunaona wanawake, saa hizi, mwanamke akipigwa hapa inje, aende polisi, utasikia akiambiwa hizi kesi ni za nyumbani rudi nyumbani. Hapana, wanawake wawe considered.

Ile ingine ningetaka ni right ya enjoyment; unaona, wapatiwe haki katika kufurahia kila kitu chochote hapa inchini. Wawe na haki ya kufurahia kila jambo, wasizuiwe, waambiwe ati kiwango cha wanawake ni fulani, wawe uhuru.

Ile ingine wapatiwe freedom of movement. Wapatiwe uhuru wakutembea na residence, na wakuishi mahali popote.

Ile ingine ningependa katiba itilie manani, ni katiba iwe translated kwa lugha zote za Kenya, kila mkenya yaani awe ameelewa

katiba ni nini. Kwa maana kama ingekuwa ivyo atungekuwa na civic education na nini. Kila mtu angekuwa anajua katiba ni nini.

Ile ingine ni katiba iwe kama subject katika skuli zetu. Ni hiyo tu asante.

**Speaker:** Subiri tafadhali, tafadhali subiri.

**Com. Abida Ali:** Ningependa utufafanulie, unasema kwamba wanawake wanatumiwa kama chombo, na wazazi na waume, na ungetaka katibe iangalie. Sasa ukiongea namna hivyo atuelewi, tunataka utufafanulie. Unataka katiba ifanye nini, kwa sababu ukisema wanatumiwa kama chombo na katiba iangalie, pengine wengine atuelewi

**Mwaisha Munyooki:** Unaona kutumiwa kama chombo ni hivi; unaona wewe ni mwanamke na for example umeolewa na mwanamume, si ndiyo. Sasa ndio umesikia niki sema wanatumiwa kama chombo, to be passed between husbands and fathers, unaona? Sasa unachukuliwa wewe ni kama mbunzi ya nyumba hiyo tu, uchukuliwi kama wewe ni mtoto katika nyumba hiyo

**Com. Abida Ali:** Unataka katiba ifanye nini?

**Mwaisha Munyooki:** Sasa tunataka katiba ipatie wanawake uhuru, katika uwana. Tuseme kama affirmative action.

**Com. Abida Ali:** Zura Hassan? Zura Hassan ni nani? Hauna maoni, okay. Na Asha Zubira una maoni? Okay. Joseph Nzioka?

**Joseph Nzioka:** Asante sana

**Translator:** Ninamshukuru Mwenyezi Mungu, kwa kuniongoza kufika hapa. Kuona waheshimiwa ma commissioners. Mimi nashukuru sana kwa sababu sijawahi kusimama mbele ya watu kama leo, na ninashukuru kwa sababu leo nimeruhusiwa kusimama. Mimi nataka kusema neno juu ya Kenya.

Mimi ni mmoja wao wale walikula kiapo cha maumau. Nilikula kiapo nikitafuta mchanga wa Kenya, na sijauwona. Nina sikitika sana kwa sababu, nikiangalia wale tulitaabika na wao, tutafute uhuru na mchanga wa Kenya pamoja, na hatujaona huo mchanga. Nikikumbuka marehemu mwanzilishi wa taifa ile la Kenya, pamoja na watu wetu wengine walio kufa mbeleni, tulikuwa tunapigania juu ya mchanga, na hatujauona. Nauliza serikali yetu ambaye imetuita leo ili tuje kuandika katiba ya kesho, itutafutie kile tulikuwa tunachotafuta sisi wakenya. Je mtu anaweza kuchokeshwa na kitu na akatae kukila?

Mtu akichinja mbuzi, anatakiwa kula kichwa, mara, kila kitu mpaka hata na mguu, na kila sehemu ya hiyo nyama, kwa sababu amechoka kuchinja. Swali ambalo naweza kuuliza ni hili; Tulipokula kiapo tukitafuta mchanga huu wa Kenya, tulikuwa tunataka

kuutafuta tuupate, na hatujaupata mpaka wa leo. Naomba serikali ambayo tunaanza kuunda sasa, itutafutie sisi, ma ex-freedom fighters, acre hamsini kila mmoja. Nauliza serikali yetu kwa wale waliopigania uhuru wetu, wengine walikufa wakawacha watoto wao na watu wao, na hawajapatiwa chochote, tunaomba watafutiwe kitu, katika kule kupigania uhuru wetu. Naomba katika wale freedom fighters, wengine walikufa, wengine tuko na tuko na shida, na tungeomba hiyo serikali ambayo inakuja, baada ya kuunda hii katiba, kwa sababu ninashukuru, ma commissioners wetu, viongozi wamekuja, ili kila mmoja wao, hao watu waliopigania uhuru wetu, watafutiwe na serikali milioni moja.

Ya tatu, naomba serikali inayokuja itambue ex-freedom fighters katika pre-amble yetu, kwa sababu kama hatungepigania uhuru wetu, uhuru ungepatikana Kenya. Asante. Tunaomba tutafutiwe katika district level au divisional level, tutafutiwe pahali ya kuwa tukikutana wakati ule tunajadiliana mashida yetu sisi watu wa Mau mau, kwa sababu sisi ni masikini hatuna kitu. Asante.

Iko kitu ingine nitasema ya Kikamba; kuna mila ya Kikamba ilikuwa inatumika amani, na ilikuwa inaitwa, 'kithito' kama mtu amechukuwa mali yako au amekataa na mali yako, kuna kitu ilikuwa inaitwa 'kithito' ambayo ilikuwa inakuliwa. Ikiwa mtu amechukuwa mali yako, alikuwa napigiwa hii 'kithito', anakufa yeye na watu wa ukoo wake, kwa sababu amekataa kulipa mali yako. Mtu akikataa na mali ya mwingine, alipopigiwa 'kithito' alikuwa anakufa.

Nimesahau kusema mambo ingine ya wasichana wetu ambao wanacheza na vijana. Msichana alipowekwa mimba na kijana, na huyo msichana akufu na hiyo mimba, zamani, wenye huyu kijana ambaye aliweka mimba msichana, walikuwa wanamlipa, zamani. Alikuwa kabla hajalipwa, hiyo mimba ilikuwa inapasuliwa, ijulikane mtoto ambaye amekufa ndani ya huyu msichana ni msichana au ni kijana. Kama ni msichana alikuwa analipwa ng'ombe sita, kama ni kijana, analipwa ng'ombe saba. Mwanaume alikuwa analipwa ng'ombe kumi na nne, na mwanamke ng'ombe kumi na mbili. Sasa, sisi tunakaa mbali sana na serikali, tunakaa ni kama tumesahauliwa, na tunaomba mfalme ambaye atakalia kiti, akumbuke sisi, na akalie kiti na atawale inchi hii, kama vile Moses alisimamia wana wa Israeli. Tulipo kula Mau mau, tulimwaga damu, ili usalama uonekane, na hatutaki tena kuona damu ikimwagika, na tunaomba atakayetawala atawale vizuri, ili tusione damau ingine ikimwagika. Asante sana.

**Com. Abida Ali:** Kuna swali mzee, subiri tafadhali.

**Speaker:** Unajua hukutuambia tutafanya nini na kithito.

**Joseph Nzioka:** Kithito, mtu kama anakula mali ya watu, kama mimi nakula mali ya mtu na nikatae nayo, nitakwenda kupikiwa kiapo.

**Speaker:** Okay asante. Na ingine. Hii ya mvulana akiweka mimba na ameruka msichana, unataka tuanze ku, tufanye nini

**Joseph Nzioka:** Tufuate mila zetu

**Speaker:** Ooh Wakamba wafanye mila zao

**Joseph Nzioka:** Ndio.

**Speaker:** Na wengine

**Joseph Nzioka:** Wafanye mila zao

**Com. Abida Ali:** Asante's mzee. Mustafa Haji?

**Mustafa Haji:** Okay asante sana. I would like to speak about one issue, and that is about the Chief Kadhi. The Chief Kadhi should be elected by the muslims but not appointed. And it should be seen that all matters that pertain to Islam, should role according to the Islamic Law, and should be well versed with the Islamic sheria.

On qualifications; he should have all the qualifications of other Chief Justice.

Again I will speak about the youth, especially the H.I.V Aids orphans. They have actually been isolated in the society. So we would like to, since we have a ministry that looks into all this issues, like to appeal to them that in the new constitution they should be recognized and given the assistance required. Na youth ambao hawana kazi, we have so many youth who are running up and down. Wengine wamesoma mpaka university. So, katika new governance that we want, kama tuko na chief, for example I will start with the councilors; councilor, I will recommend councilor awe ana degree, because we have so many young people moving up and down with degrees na hawapatiwi hizo chance. M.Ps at least wawe na masters, because hatutaki kuwa na dormant government, itatuingisha kwenye mashimo. So we would like to appeal, all M.Ps should have Masters' degrees.

And the president; the president also should have higher qualifications than the M.P, and there should be separation of powers. The president should have his powers, not the president and again the M.P, and if it is possible, let him hold a PHD, because we are moving with time and people are now educated. Hauwezi ongoza watu na una elimu, that is one.

Again, I don't see the work of the local administration. For example, when you are taking an I.D card, you are going through a very long process. The Sub-chief has to sign, the Chief, the D.O, the D.C, all that procedure. So, we should have one person to sign for all this documents. If it is the D.C, the D.C only. Again, I don't see the work of the Chief and the Sub-chief, afadhali tuwe na mzee wa kijiji ambaye analipwa, and again elected not appointed.

Na la mwisho; the issue of I.D cards. There is a lot of discrimination, especially, I would say, if your name sounds Islamic, it becomes a problem again for you to get an I.D card, or even birth certificates. So, the procedures should be looked into, na mambo yawe rahisi. Thank you very much.

**Com. Abida Ali:** Jackson Wambua? Jackson Wambua? Rhoda Ndungu? Jackson Wambua ungetaka kuongea? Okay.

**Jackson Wambua:**

**Translator:** Mimi nashukuru sana kwa hii tume ya katiba, kupewa hii nafasi ya kusema.

Point yangu ya kuanza kupeana; ni haki yetu kwa kuwa kutoka kwa akina babu zetu, tulikuwa na haki yetu ya mchanga, hata kitambo, kabla mzungu kuja. Na tuna stahili kurudishiwa hiyo haki yetu ya mchanga. Kila mtu awe na pahali pa kuishi, kwa sababu shida mingi katikati yetu sisi hapa ukambani ni mashamba.

Point ya pili ni mambo ya utawala. Maoni yangu ni, kutokea D.O kuteremka mpaka mzee wa kijiji tunastahili kuwachagua na kura. Kwa upande wa utawala, kila mwanainchi anatakiwa kupewa haki yake na hawa watu wa utawala ambaye amewachagua.

Point ya tatu, ni upande wa elimu. Tunastahili kupewa elimu ya bure kutoka kilasi cha kwanza mpaka cha nane. Na serikali isimamie kama vile ilikuwa inafanya mbeleni, ipeane vitu, vyombo vile vinatumika shuleni, na pia mijengo ya shule, yenyewe ijenge. Na Headmaster awe hana uwezo mwingi katika shule, uwezo ubaki na wazazi.

Upande ule mwingine wa nne, ni upande wa kusaidiwa na serikali. Katiba ambayo tunatengeneza ya serikali mpya iangalie, tupewe maji bure na hospitali iwe bure, na iletwe dawa ya kutosha. Kwa sababu mwanainchi wa chini wa kawaida, awezi kujimudu, kuweza kununua dawa ambazo ziko bei kali sasa, wengi wanaumia wakiwa nyumbani kwa sababu hawawezi kununua dawa, ambazo ziko na bei kali.

Upande wa hospitali pia. Inatakiwa kila sub-location iwe na health centre au dispensary. Kwa sababu wakati huu kuna diseases nyingi ambayo ni communicable kwa local people.

Upande ule mwingine ni upande wa councilors, wabunge na president. Councilor awe mtu wa elimu ya chini kiwango cha O' level, asiwe akawa mtu wa degree. Na huyo councilor ambaye anachaguliwa awe mtu wa kuaminika kutoka area yake, na akimaliza miaka mitano, ikiwa ajafanya makosa anaweza kurudishwa tena, au akifanya makosa, wanainchi watafute mwingene.

Upande wa mbunge; awe ni mtu wa kutoka elimu ya kiwango cha kutoka katikati ya form four na degree, na awe mtu

anajulikana katika division yake, pahali anatoka. Na akifanya makosa, wakati yeye yuko, anaendelea na hiyo kazi kipindi chake, mwanainchi anafaa kuruhusiwa atafute mjumbe mwingine. (Interruption)

**Com. Abida Ali:** Tafadhali jaribu kufupisha.

**Jackson Wambua:**

**Translator:** President anafaa kuwa na degree. He should declare his wealth first, na election for the president should be alone, separate from that one of the parliamentarians. Maoni yangu inafika hapo asante.

**Com. Abida Ali:** Asante sana, na nilisahau kuwajulisha kwa commissioner mwingine ambaye ameungana na sisi, ama mnaona ni kijana, pengine hamkujua ni commissioner. Anaitwa Isac Hassan, na kwa wale ambao hawakuwa wakati tulifanya introduction, tulikuwa watu wachache sana. Karibu na Hassan tuko na Prof. Wanjiku Kabira, alafu mimi naitwa Abida Ali-Aroni. Na masharti ni kwamba tukikupatia nafasi, tafadhali ikiwa hauna memorandum, jaribu kuongea chini ya dakika kumi, kwa sababu saa ingine tunaona aibu kuwakataza, kumaliza maoni yenu. Ikiwa una memorandum, tafadhali, dakika tano, ili, tunaona mmezidi, na tungetaka kila mtu aweze kuzungumza. Tumeelewana. Asante. Paul Muthama, Village Elder, watu wametuongua sana habari ya Village Elder, tunakuaribisha uongee. Dakika tano, tafadhali.

**Paul Muthama:** Commissioners na tulio hapa, ni asante kwa hii nafasi ambayo nimepatiwa, nizungumze ijapokuwa nimeambiwa kama habari ya village elder imezungumzwa.

**Com. Abida Ali:** Ongea kabisa vile unataka.

Paul Muthama: Nitaweka point mbili, tatu hivi, zingine zemewekwa, zimezungumzwa. Vile ambavyo nilikaa na wazee wengine, tukaonelea ikiwezekana katika pre-amble hii, vitu viendeleo na kuwekwa, hili village elders wawe wanaonekana ni kama watu viongozi wa msingi. Ni, kwanza wachaguliwe na kura, lakini si kuchaguliwa na Assistant Chief, ama mtu mwingine kwa mapendeleo. Awe akilipwa, wajua yeye ni mfanyi kazi wa serikali kama wale wengine. Awe anajua kusoma, sababu ya kusema awe amesoma, ni kwa vile anatakikana kuenda katika kamati ya shule ya primary, lakini hawaitwi, kwa sababu mtu ambaye ajasoma, atakuja kusema nini katika education. Awapatiwi nafasi ya kuzungumza habari ya wanainchi ama wazazi. Na wapatiwe kitu fulani ambacho kitakuwa kikionyesha akiwako katika wale wengine, kama Assistant Chief ama Chiefs wamepeva uniform, budges, unajua huyu ni Chief, unajua huyu ni nani. Lakini wazee wa vijiji wamewekwa hivi tu, lakini ndio waanzilishi wa utawala katika national. Wapewe heshima ya kutosha, kama vile tunavyo wapatia Provincial Administration wengine, na wakikosa kuheshimiwa kama hivyo nimesema, utaona maendeleo yanadidimia. Tangu utawala, utaona watu waliozaliwa tangu wakati wa utawala, wamesoma na wako karibu ku-retire, sasa kukiwa kama vile zamani, ya mcolony, mzee anachukuliwa ambaye ni mzee wa tobacco kama kikamba, ananyuza. Utaona hata waliosoma, hawampatii nafasi, apewe heshima, lakini kama akiwa amesoma, hata atapewa heshima na wale ambao wamesoma, ambao wanasema wako kazini,

wengine watastaafu. Asante.

**Com. Abida Ali:** Asante. Elizabeth Musau. Angetaka kuongea, Elizabeth Musau, okay. Elijah Kimanthy?

**Elijah Kimanthy:** Asante sana. Kwanza nawashukuru kwa nafasi hii nimepata, ili nitoe maoni kidogo.

Kwanza ningezungumzia juu ya pre-amble. Katiba yetu mpaka iwe na utangulizi. Ionyeshe wapigania vita wetu, tuseme freedom fighters, kama vile Mau Mau, kwa nini iliundwa, na iliundwa na nani, na iliundiwa wapi?

Alafu nitazungumzia juu ya uraia. Raia wa Kenya, awe ni ule amezaliwa Kenya, wazazi wake wamezaliwa Kenya, na wengine kama wametoka inje wanaweza wakajiandikisha kupitia taratibu zinazoitajika, ili wawe raia wa Kenya.

Nitazungumzia juu ya haki za raia. Kila mwanakenya, sababu tulipigania uhuru ile tupate haki hizo, kwanza mchanga. Kila raia wa Kenya awe na mahali pa kuishi, kulingana na sheria, labda apewe hekari ishirini, kila mmoja, mwanamke kwa mwanaume. Tuseme government land, zipunguzwe ziwe zinatimiza wajibu tu, kwa tuseme research, kama National Park, zisipunguzwe ile zitosheleze wanyama wale ambao watatumika tu kwa tourist, peke yake. Sehemu zingine zigawanywe kwa masquatters. Hatutaki pia kusikia jina masquatters inchini Kenya sababu tulipigania uhuru, na tulipigania mashamba, hasa sana, maana tulinyang'anywa mashamba na sheria za ukoloni.

Nitazungumzia juu ya utawala. Sioni kama pana haja ya kukuwa na Provincial Administration, maana tulichagua watu kutoka councilors, M.Ps, na tuseme president. Hatuoni haja ya hawa wengine, maana wamechaguliwa na mtu tu, hatujui wameandikwa kupitia njia gani? Labda waliletwa na mzungu akiwa anataka kutumia ile amri yake ya divide attitude.

Ningependa kuzungumzia zaidi, juu ya elimu. Elimu ipewe free kwa wote. Kama ni maji, maji ipatikane kwa wote, saa hii nimezungumzia haki. Haya, kama ni mambo ya madawa, hospitali ziwe kila mahali kwa location levels, tuseme. Dawa zakutosha, madaktari wa kutosha wapatikane, maana tumechanga, yaani tumetowa kodi.

Kile kingine ningetaka kuzungumzia ni succession of powers. Wakati wa uchaguzi, president, kama president ame retire, hana haja ya kupewe chochote. Enyewe apewe security na awe anaweza kupata, tuseme pension kidogo tu. Security kama bodyguard wawili, gari na pension. Lakini wakati wa uchaguzi, Attorney General ashikilie kiti. Si ati awe amekaa kando na huku wanataka kuchaguliwa. Ni hayo tu, sina zaidi.

**Com. Abida Ali:** Asante. Gichuri Karanja Kabono.

**Gichuri Karanja Kabono:** Thank you. Thank you commissioners and other distinguished guests and ladies and gentlemen. I



have about three things to talk about to the commission.

One; it is about the commission of lands; the other is about the president. The third one is the government make-up, and the fourth one is education.

Commission of lands should be scrapped off. They created no lands, but inherited from the colonial rules, and because of that they have been able to dish lands anyhowly regardless of the poverty within the local people. How the commission of lands in Nairobi understands the problem at Mtito wa Ndei, Wangaitethia, he does not understand anything, and as a result this question of land, should be brought down to the owners. Commission of land is the creator, is the father and the mother of squatters, and it should be replaced with elected officials within the divisions and any land dispute should not go beyond the district level. On the mean time in order to cut the land grabbing, excess land, depending on the area, should be taxed, and the revenue be returned and counted for by the local authority.

Having cleared with the commission of lands, I will talk about the office of the president. For the 37 years, we have been independent; all this periods have been utilized by the commissions, and should have been not utilized if we never had excess of power by our past two presidents. Our first two presidents are only answerable or have been answerable to only two powers. One, God. The second power is another president of another nation in case of war. Other words, they have never been answerable to either the parliament or to the wanainchi, and the constitution we are talking about, it should be set in such a way that the president will be countable, will be answerable and would be punishable by the law. There is another view that the president should run for only one term. That is, if we have the right parliament, then we do not need the president to run for various terms, simply because for the first term, he runs how to handle the office, and when he comes to the second term, he prepares himself for life presidency, and the future generation will be happy to see five to ten retired presidents. Mmoja ameenda, amerudi kwa chang'aa, anakunywa huko, mwingine amekuwa sales man, mwingine amefilisika ni mlevi na wengine ni watu wa maana. Utamu wa hii kitu ndio imefanya inchi yetu iharibike, na president akijua ya kwamba akimaliza miaka mitano ni out, taabu yetu inapunguka. Papo hapo ndipo nitaongeza, one man one job. Tukichukuwa kama president wetu, yeye ni mbunge, ni President, Prime Minister, Commander in chief, Chancellor of all universities, this is too much.

In civil service, that is local na ingine ya juu, one man one job. Pamoja na hayo ni, kama president anawacha kiti kwa kuwa disabled au kwa kitu fulani, yule ambaye atafikiria ili kipate mwenyewe asiwe candidate ya hiyo kiti kinakuja. Otherwise, ata wewe ukiwa unakwenda kushikilia ni kwa nini ukubali mwingine akalie na umesikia utamu?

Ya tatu. Ni mhubiri wa serikali. Kwa mfano ikiwa tunachaguliwa na watu kumi na sisi ni wawili, tano kwa tano tuko sawa, mmoja apunguke upande wa kwangu, upate sita na mwingine apate nne. Umemshinda na mtu mmoja tu, ni kwa nini hawa wa nne wasifikiriwe. In other words, wewe unapata watu sita uwe president, na wewe ambaye umeshika watu wanne uwe ni vice president, na vile vile watu wako wapatiwe viti kulingana na proportion za kura, simply because, we should start thinking in

terms of doing this for the better of Kenya, not for certain regions or certain people, good for the Kenyans.

Ya nne na ndio ya mwisho, ni elimu. There should be only two categories of school; government and private. Kama mahali tuko, P.C wameanza shule yao, kutoka nursery mpaka university, ni yao na ni private. Mugoya vile vile, hata mimi individual nikitaka yangu private, niaanze kutoka mwanzo mpaka mwisho, lakini si nikifika katikati, serikali ingaingia ati inaleta walimu na kadhalika. Nayo serikali iwe na shule zao. Hapa mimi ninalinga hii kitu ambaye kilirudi juzijuzi inaitwa sponsorship. Ikiwa shule ni ya P.C.E.A, they are the sponsors, it is their property. Serikali ijenge yake ingine kando mahali pengine, ili iwe inashindana na hii. Na pamoja na hiyo, pawe shule za kuhudumia walemavu. Ziwe za serikali na vile vile, hata private, sababu hata wao wako na walemavu. In other words, shule iwe ya serikali ni private. Ma commissioners, nimemaliza hapo, asanteni sana.

**Com. Abida Ali:** John Kilonzo?

**John Kilonzo:**

**Translator:** Nami nawashukuru nyinyi ma commissioners ambao mnashikilia huu mpango wa katiba. Nitasema maoni ambayo niko nayo kuhusu mashamba.

Tangu tujitawale, vile serikali ilikuwa inashikilia mambo ya mashamba, hata sasa baada ya kujitawala ni hivyo vivyo. Sisi wanainchi wa kawaida, hatuna uwezo wa kuingia kwa hiyo mashamba, lakini serikali inachukuwa hao watu wakubwa, wanaingizwa kwa hizi mashamba. Na mwenye inchi ambaye ni squatter, anakosa pahali pa kuishi. Naona inafaa kila mwanainchi ambaye alipigania, ambaye yuko Kenya, pahali tulipigania uhuru, apewe sehemu ya inchi, ambaye inafanana na yule mwingine. Hata Mungu aliweka mpaka ya kikabila vile kila kabila inaishi. Kuna mpaka hapa ukambani, inasumbua sisi katikati ya kabila ya wakamba na wamasai. Kwa sababu Maasai wanasema mpaka wetu na wao ni railway line, na sisi wakamba tunasema na tunaamini kwamba mpaka ni mto inaitwa 'Kwa Katue'. Katue alikuwa mkamba, huyo mto sehemu hiyo ilitwa, mto uliutwa Kwa Katue, kwa sababu aliyekuwa anaishi uko, alikuwa mkamba alikuwa anaitwa Katue.

Nitasema kidogo juu ya elimu. Tunatakiwa kutengeneza mpango wa elimu vizuri, watoto wa kike na wa kiume, wote wasome bila kubaguliwa. Kisomo kinaleta shida kwa sababu ya umasikini ulioko. Kuna watoto wengi ambao hawako masomoni sasa kwa sababu ya kukosa fees. Ningetaka hii katiba iangalie hao watoto wanaweza soma namna gani kwa sababu wazazi hawana nguvu.

Huku Kibwezi, hatuna Title Deed, lakini tuna makaratasi yanaandikwa number ya hiyo mashamba, na tungeomba tupatiwe Title Deeds, ili tuwe na uwezo wa kuenda kukopa pesa kwa serikali.

Ile nitasema ni kuhusu administration, kutoka juu mpaka chini. Kufikia wazee wa vijiji. Village elders ndio wanafanya kazi

nyingi, na ni wa kiwango cha chini, na ndio wako na

raia na hawalipwi. Naomba village elders waangaliwe, Kenya mzima, si hapa Kibwezi peke yake. Mimi nashangaa sana, wajumbe wanazungumza kwenye parliament na wanaonekana hawafikii vizuri juu ya mshahara wa village elders. Nao village elders ndio wana mambolise raia ili wajumbe waweze kuchaguliwa na waweze kufikia hiyo raia. Na wajumbe sasa wanaanza kupigania mshahara kubwa, yao wenyewe, wakisahau village elders. Nashukuru asanteni sana.

**Com. Abida Ali:** Asante. Mbindyo Mutu? Mbindyo?

**Mbindyo Mutu:**

**Translator:** Mimi nashukuru sana kwa sababu, sijasimama mbele ya watu kama vile tulivyo leo, tangu tujitawale, kwa hivyo nashukuru sana.

Mimi nitasema juu ya Maumau kwa sababu mimi ni mtu wa Maumau. Tulipo kula kiapo ya Maumau tulikuwa tukitafuta mchanga, na mchanga ndio huu nashika. Na, tulipokuwa tukikula kiapo, tulikuwa tunashika mchanga hivi tunavyo shika sana. Tangu tufukuze Mwingereza Kenya, tangu tutawale, hakuna mtu amewai kujali masilahi yetu sisi watu wa Maumau, na sisi ndio tulipigania hii uhuru. Na matunda yanayo kuliwa Kenya, ni sisi tulitafuta. Kwa hivyo serikali ilioko sasa imesahau habari yetu kabisa, na tukabaki huku kwa milima. Na tulipo pigania uhuru tufukuze mbeberu, sasa tena Kenya kumerudia mbeberu mwingine amekalia viti. Sasa, tunaomba sisi watu wa Maumau, tutafutiwe our reward, ambaye itatutosha kwa ile kazi tulifanya, kutetea uhuru. Mimi sitasema sana, kwa sababu wakati ninaposema, kichwa yangu inawaka moto na ninaweza sema maneno mabaya. Lakini nasema tukumbukwe pale bungeni. Asante, mimi nafika hapo.

**Com. Abida Ali:** Asante sana mzee. Joshua Kavivya?

**Joshua Kavivya:**

**Translator:** Leo nina furaha kubwa sana siku ya leo. Kwa sababu katiba inayotutawa ilitengenezwa kule Lancaster House, na leo serikali yetu imekubali katiba tuje kuunda hapa hapa kwetu, na ikatengeneza tume. Commissioners ambaye wako hapa, nafurahi sana kwa sababu yenu nyinyi. Kitu ya kwanza tulichokuwa tunataka, ni serikali. Kile kingine tulikuwa tunataka, ni mchanga. Kile tulicho nacho ni what we call in English gardens not the pieces of land. Kwa hivyo mchanga wetu uliochukuliwa na mzungu, ndio tunataka, kwa serikali inayo kuja. Vile tulikuwa tunapakana, mipaka ilikuwa inakaa, kutoka mlima wa Chulu hills mpaka Tsavo, hiyo ni inchi ya mkamba. Na ilie umasikini tuko nayo ya mkamba, kwa sababu mkamba hana pahali ya kufanyia kazi. Watu wako hapa, walinyang'anywa inchi kabisa, inchi ikawa ya watu fulani. Watu wengine wa acre kumi, na wengine wa acre mia mbili, na tunataka tuwe equal. Tunataka kuwa equal. Kwa sababu hii inchi yetu ni ya jua, na kunanyesha one season, na inchi ni mbaya. Tunataka kila mtu apewe kama acre hamsini, ili ukilima mvua ikosekane, uchungu mbuzi, upate mali. Na hatutaki hii acre hamsini tuwe masquatter, tunataka hii katiba tunayounda kwa serikali itakayo kuja, mambo ya masquatter ikwishe kabisa, ikwishe kabisa.

Nakujia sasa kitu ingine kinaitwa kisomo. In Eastern Province, we have no university. Na watu leo wanashibishwa na university. Watu hawana university hawana elimu, na tuko na shamba hapa, ilichukuliwa watu wakanyang'anywa, wakaambiwa ni university, lakini ni ya uwongo. Ikiwa ni ya kweli, we want a full university here, tunataka university hapa.

Kingine mimi ninataka kuongeza ni; na mnivumilie sijui nitaona nyinyi tena wapi. Kitu nataka kusema ni hii, hapa hakuna hosipitali. Hosipitali iliyoko hapa iko Makindu, na kilichoko hapa ni Dispensary. Na hapa tunataka hosipitali iliyo na kitanda mia mbili, ward ambayo iko na kitanda ya kulala wagonjwa mia mbili na arubaini. Na ile shambe iko hapa ni acre mbili, kwa nini na inchi ni yetu? Kwa nini hapana jenga hosipitali mbili na inchi ni yetu? Tunataka tupewe shamba ya kutosha, tujenge hosipitali. Hapa hakuna kaburi ya kuzika watu wakikufa, na kama nadanganya watu wa Kibwezi wako hapa. Ni kweli ama si kweli?

**Crowd:** Ni kweli.

**Joshua Kavivya:**

**Translator:** Hakuna pahali pa kuzika, hakuna kaburi ya kuzika watu wamekufa. Tunataka tukimaliza kutengeneza hii katiba mpya, serikali itakayo kuja, county council yetu, ikate kiwanja kinatosha kujenga hosipitali na ingine ya kuweka kaburi.

Mjumbe wa parliament; mtu wa parliament anatakiwa kuwa mtu ako na degree, hapana form four. Wengine ata ni form four failures. Tunataka mjumbe university mtu yuko na degree. Atatengeneza katiba na sheria zitengenezwe na mtu anajua sheria. Haiwezi kutengenezwa na mtu wa form four, hivyo ndivyo naona.

County Council, Councilors, tunataka mtu anaweza kuchaguliwa kuwa mayor, atachaguliwa na watu, uchaguzi wake uwe wa kila mtu. Mtu yuko na knowledge. Hiyo ni maoni yangu. Wacha ni geuke pali pengine.

Mambo ya kutawalwa; kutoka kwa president, kwa sababu president ni mtu wa high level, akae hapo peke yake, na achaguliwe na watu wote. Na, si yeye atakayechagua his Vice. Vice president achaguliwe na watu wote, kwa sababu akiwa ni mtu wake, atakuwa akumfanyia yeye kazi. Tunataka Vice president awe anatumikia watu na achaguliwe na watu. Hapo nitafika hapo.

Ngoja nigeuke kwa disabled, kwa sababu mimi ni mlemavu. Mimi ni mwenyekiti wa Kibwezi ya walemavu. Tunataka kitu ya kwanza, serikali ijenge shule ya visiwi, wale watu ambao hawakisii, deaf. Kwa sababu watoto ambao ni deaf, hawafunzwi vizuri. Na waletwe walimu ambao wanaelewa hii lugha ya deaf. Nilikuwa Mombasa, na kule Mombasa niliona shule ya blind, watu ambao hawaoni. Na niliona mwalimu anajua kufunza hao watu hawaoni. Huyu mwalimu ni shwari kabisa. Na kwa sababu kutoka hapa mpaka Mombasa ni mbali, tunataka pia ya vipofu ijengwe hapa karibu, ili watoto wetu vipofu wasomee karibu. Na hao watoto ambao hawasemi, shule ya dumb iko Mwingi, tunataka moja iwe hapa Makueni district. Ili watoto

wetu wafunzwe na hao watu waliosoma hicho kisomo cha dumb.

Kingine naona kiko na shida hapo, ni habari ya bursary fund. Tunataka serikali itakayokuja baada ya kuunda hii katiba, iwe ikipeana bursary fund vizuri. Kwa sababu watoto wako Mtito Division, Kibwezi Division na Makindu Division, hawapewi bursary fund vizuri. Na bursary fund inagawa na ma councilors, na hakuna councilor anafikiria hao watoto. Na tunataka wale ma councilor wataenda kwa councils, kwa council zetu, wajue kwamba hawa walemavu wote, wawe viziwi, wawe vipofu, wawe dumb, ni watu kama wale wengine.

Ya nne katika walemavu, nataka ichukuliwe censors ionekane ni wangapi. Kwa sababu hata wanyama wa mzituni, hawa wa K.W.S wanajulikana ni wangapi, lakini viwete hawajulikani. Hata nyani wanajulikana ni wangapi, hata katumbili wanajulikana ni wangapi, lakini walemavu hawajulikani ni wangapi. Tunataka tuwe classified, tuwe pahali pamoja na tujulikane. Wakati wa councilors wanao chaguliwa sasa, na ma Members of Parliament. Tuna 210 Members of Parliament in Kenya, na tuna Province nane. Tunataka watu wanane, Members of Parliament, hiyo viti iwe wazi, iwe ya walemavu, iwe anaingia unopposed. Iwe hakuna shida. Hiyo ndio maoni yangu mimi.

Na katika council, nyinyi wanaume ambao mnaishi huko councils, Kavivya awe akipambana na wao, akichaguliwa councilors. Na tunataka tuchaguliwe councilor mmoja kama mimi katika council so that wakati tunagawa vitu vya council, igawe, walemavu wapate haki yao na hao watu wengine wapate haki yao.

Iko shida ingine ya disabled; iko watu wakubwa walemavu, na hawana njia mzuri ya kufanyia haja zao hiyo ya kitandani, tunataka serikali itenge pesa ya vitu vya kusukuma hao watu, wakati wana haja waende haja vizuri. Kwa sababu sio mapenzi yao walizaliwa hivyo, hawakutuma application kwa Mungu wazaliwe walemavu. Hiyo ni maumbile. Tunataka hii kitu iwe sawa.

Iko kitu ingine nataka kusema. Mambo ya akina mama.

Unajua sasa kuko na ukimwi, hao watu ambao ni wazima wanakimbia kwa viwete, watimilize haja zao za sex, na unajua mlemavu asema sana, tunataka ulinzi wa walemavu uwe mzuri. Mtu mlemavu akishikwa na mtu ambaye ni mzima, akiletwe polisi, iwe hakuna corner. Na mimi nikifika hapo naona kama ni vizuri, kwa sababu naona mambo hayawezi kuisha hapa. Unisamehe commissioner, unipe dakika moja tu niseme moja ya kisomo.

Ile primary schools ambazo tuko nazo hapa, uwanja ni wa serikali na kama ni shule ilijengwa pahali, hatutaki iwe ni kama bahati mbaya ilijenga hapa. Ilijengwa na shule ni ya serikali. Na ikiwa ni shamba ya mtu ambaye shule imejengwa aende akatafutiwe pahali pengine. Shule aiamehwi, na wazazi hawana pesa ya kulipa pesa. Nikifika hapo ni sawa kabisa nasikia raha. Asante.

**Com. Abida Ali:** Asante sana. Jonathan Munuve? Yuko? Usipitishie dakika kumi tafadhali. Kama ukifanya saba itakuwa afadhali.

Jonathan Munuve:

Intepretor: Mimi naitwa Mbalu Munuve. Mimi nina miaka sitini na nne, 64 years. Mimi nashukuru kwa Mungu na serikali ya Kenya. Kutoka tulipojitawala wakati wa mzee Kenyatta na Paul Ngei, hawa ndio waliwafukuza mbeberu hapa, na wakachukua kifagio wakafagia hii, na wazungu wakaenda. Na wakati huo tulikuwa bado tuko squatter, na sasa tuko squatter. Hii ikiwa ni katiba ya kweli, naomba mambo ya squatter ikwishe kabisa. Sasa nikiambiwa mzee kama mimi ni squatter, hii ni kama kuni decolonise.

Ingingine sasa hiyo imekwisha, sisi tunataka mashamba, shamba tu tunalia shamba. Wengine wana acre tatu na una watoto sita ama kumi, tupewe mashamba ya kutosha, ilui tumalize umasikini ukambani.

Kile kitu ingine nataka, ikiwa hii katiba ni ya kweli. Tangu Kenyatta alipokuwa mtawala, watu wanakanyagwa hapa na magari, watu karibu waishe. Kwa nini hawalipwi? Kwa nini hawalipwi? Watu wanakanyagwa na gari na hawalipwi. Ikiwa hii katiba ni ya kweli, hii magari inaitwa wa Coast Holias, mwenyewe anaitwa Kosla, Kosla akikanyaga mtu alipe. Ikiwa ni gari yako bus nimeingia na imeniuwa unilipe kwa sababu sikuwa nikiingia uniuwe. Mimi ni mzee wa kijiji, na mbwa ya matajiri ikiuma mtu, alipwi, tunataka alipwe kama kizamani.

Mimi narudi kwa nyinyi wanaume sasa. Wanaume wenzangu kama mimi. Mwanaume anaoa mwanamke, mimi nikimpa wewe mtoto wangu awe mke wako, wewe ukienda kunywa pombe, unakuja kuuwa jioni tu kama mbuzi. Nilikuwa nampa wewe uuwe. Hiyo katiba ikaangaliwe sana, sisi wanaume tunazoea sana kuuwa. Wewe unakuja nyumbani, mtoto nimekupa, nikulipa mthito yangu, unakwenda kugombana kidogo tu unauwa, na mimi ukilia peke yako, mimi nalia mimi na bibi yangu. Sasa utakiwi kuuwa mtoto wangu. (Interruption, Inaudible)

The question is huyu alisema kiswahi na mimi nikasema kikamba, okay. The question ni; when I was giving you my daughter as a mzee, I was not giving you my daughter to come and kill, I was giving you my daughter to care for you and you care for her also.

Tutarudia kikamba customary law, kama vile ule mzee amesema. Itawezekenaje, sasa mimi mzee nimempa wewe msichana wangu, kama nyinyi vile mnang'ara, na nikimpa wewe utaki kunilipa mahari, utaki kunilipa mahari. Inatakiwa ukichukuwa msichana ya mzee unalipa kabisa kama zamani vile tulikuwa tunalipa. Ya mzee ni hayo, basi asante.

**Com. Abida Ali:** Asante, na Wilson Ndulu, Wilson Ndulu, na jaribu kufupisha watu wamezidi sana.

**Wilson Ndulu:** Asante sana. Yangu ni mafupi kwa sababu mengi yamesemwa. Yale nilikuwa nafikiria imesemwa na wenzangu, wazee wale walitoka hapa, sisi wale watu tulikuwa kiapo ya Maumau. Nataka kufafanulia ma commissioners, vile

ilivyo. Mbeleni sisi watu wa Kenya, kitu cha kwanza tulikuwa tunatamani sana ni mchanga. Na yale mengine baadaye. Na wakati tulipochukuwa uwongozi wa Kenya, hatujapata hiyo. Ilifanyika hivi, ndio nataka kuwaeleze mkabadilishwe. Tunataka mabadiliko.

Wakati tulikuwa tunafukuza mzungu huko, tulikuwa tunataka mzungu aende, kwa sababu alikuwa amechukua haki yetu yote, ile imenona, ile mzuri. Na tukafukuzwa, tukapelekwe huko kwa milima kwenye mawe. Na wakati tulipochukuwa uwongozi, ikabadilishwa, matajiri ni watu wa serikali, basi tukakaliwa mara ingine. Ikawa acolony wengine, na ndipo ukaona sasa ukitembea huku, utakuta masikini wengi, kwa sababu hakuna ardhi ya kulima. Ardhi ile ilikuwa mzuri ya kulima, inakaliwa na marajiri. Kwa hivyo tunataka ibadilishwe.

Kile kingine, kuna mashamba mengine huko, na tunajua tunaelewa lease, wanapewa lease ya miaka 95 kalipokwishi, 95. Kwa hivyo tunataka hiyo ibadilishwe, wasipewe ingine, tugawiwe hiyo mashamba.

Kile kingine hapo hapo, kuna sheria ingine inatusumbua sana, inaitwa commissioner. Commissioner anawekwa mmoja Nairobi.

Kwa nini commissioner asiletwe district, watu wawe wakimwona. Sasa anawekwa huko, sawasawa yule mfalme alikuwa pale Mombasa, alikuwa anakwenda kuonekana huko, kwa sababu watu wanataka kuuza vitu huko na hawawezi kumwona. Kwa hivyo commissioners, ukiwauliza hawa watu wengi, awawezi kujua commissioner yuko wapi. Na huyo ana uwezo nzingi, nataka ipungunguzwe.

Wanainchi wawe wakipata mashambe rahisi, kwa sababu inchi hii ni yao.

Kile kingine nataka, wanainchi wote waliumbwa na Mungu, na wana Kenya wako hapa wa kiumbwa kila mtu na Mungu, apate kitu ya Kenya. Kwa nini watu wengine huko wanapewa acre tano, kwa nini watu wengine wanapewa acre mia moja na mia tano, kwa nini na sisi tumezaliwa hapa Kenya? Tumekuwa kuna watu wamezaliwa hapa Kenya, na wanaonekana labda wametoka inchi nyingine. Tunataka serikali ikijua watu wa Kenya aina moja, wakipewa kitu aina moja, isipokuwa elimu, unajua elimu iko tofauti na utajiri iko tofauti. Lakini mchanga yenyewe, kwa sababu ni wa inchi hiyo na sisi ni watu wa inchi hiyo, tunataka tupewe haki yetu ya mashamba.

Kile kingine, ni ya pili hiyo; tunataka mipaka ile ilikuwa imekaa mbeleni iangaliwe, iwekwe vile ilikuwa mbeleni. Kwa sababu ninajua mpaka wa ukambani na Maasai ulikuwa unatoka Embakasi, ukapita, ukienda mahali panaitwa Seinya, Seinya wakati wa Maumau, 1952 na 1953, wale watu wetu walikuwa wanafungiwa pale, walikuwa wanajulikana, wanafungiwa Machakos. Siku moja mimi nilienda uko, wakati wa Maumau, wale walikuwa wamefungiwa pale, na nikwauliza hapa ni wapi, ni umaasaini ama ni ukambani, ikawa ni Machakos. Ninamaanisha, ule mpaka ulisikia mzee mwenzangu alisema hapa Kwa Katue, ile mpaka ilikuwa kule, na tukasukumwa, mapaka sasa tukaanza kuambiwa ni barabara, iwe reli ya gari. Kwa hivyo mipaka iangaliwe, kama kila mtu apewe haki yake.

Tukitoka huko tunapitia mlima wa Chulu. Maovu iko sasa, ata mpaka uko pale. Na unakwenda mpaka mahali kunaitwa Ngulia, inashika ile mto. Tunataka mpaka wetu urudishwe hivi.

Kuna zingine.

**Com. Abida Ali:** Mzee jaribu ku summarise.

**Wilson Ndulu:** Kuna kingine, sisi tunataka katiba itengenezwe, ile ardhi ya serikali, ardhi ya serikali yote mahalu ilipo Kenya, ikipeanwa, wacha kupeanwa. Ni D.O na Chief. Wazee wahusishwe. Na upande huu, sisi tunasikia mahali fulani kunaitwa National Park, Forest, wazee wapewe nafasi ya kujua ni kitu gani kinaendelea huko. Kwa hivyo ninauliza commissioners, tafadhali nimalize imebakia kidogo. Nauliza sasa hii mpaka ikiwekwa, mpaka yetu na K.W.S, tuwe wazee na viongozi wenigne, tuwe tukijua, kwa sababu tunajua tukipeana National Park, tutapeana na condition. Kwa hivyo sisi hatuna condition na hao, tumewekana na hao.

Wacha niangalie kitu ingine.....

**Com. Abida Ali:** Asante mzee, wacha tupatie mtu mwingine nafasi. Chris Odhiambo? I will give you five minutes.

Chris Odhiambo: Asante sana. Jambo la kwanza nitaongea ni juu ya retirement. Naona ya kwamba ni vizuri kuwe na retirement ata kwa upande wa kisiasa, iwe mtu akifika umri ya miaka fulani asiwe anaweza gombea kiti yoyote ya kisiasa. Tuseme kama president, akifika umri wa miaka sitini, asiwe anaweza gombea kiti hiyo. Na pia tuseme ya kwamba naonelea wale ambao wame retire, civil servants ambao wameretire, wasigombee kiti yoyote ya kisiasa, maanake vijana wamesoma, hawana nafasi, ya kupata kazi kama hiyo. Kwa hivyo hawa wameretire waende nyumbani, waanze maendeleo ingine.

Kitu ingine ni juu ya citizenship. Hii uraia naona ya kwamba, inabaguwa wakina mama sana. Inabaguwa wakina mama kwa njia hii; tunakuta ya kwamba, mama akiolewa na mwanaume wa Kenya, huyu mama anakuwa raia, akitoka inchi ingine, anakuwa raia wa hapa Kenya. Lakini mwanaume, akioa mwanamke, akioa, I mean it is the other way round, I hope you understand. Inakuwa mwanamke (Interruption)

We understand what do you want to see in the constitution, we understand, what do you want to see?

Naona ya kwamba wapewe usawa. Mwanaume apewe uraia vile mwanamke pia anaweza pewa uraia upande wa kuowana.

Jambo lingine ni kuhusu mayors; hawa mayors wawe elected na raia, maanake ni viongozi wa raia.



Kitu ingine ni nomination; badala ya nomination, hawa wabunge kumi ambao wanakuwa nominated, kuwe na representation. Watu ambao ni walemavu, akina mama saa zingine, na vijana. Such cases, kuwe na representation badala ya nomination.

Nafikiri yangu ya mwisho ni president baada ya election. Kuwe na enough time ya kuapishwe, kusiwe president anachaguliwa, wiki moja ama siku tatu anaapishwa. Kuwe na kitu kama three months, kuwe na kitu kama three months, baada ya kuelektiwa ndio aapishwe. Hii ni muda ambao mtu kama alifanya magendo katika uchaguzi rigging, vitu kama hizo, huyo anawezakushtakiwa na asiwe president. Kwa hivyo kwa hayo, wacha ni malizie mwisho kwa wale wanaajiriwa. Waajiri naonna wanapatia watu saa zingine mshahara wa chini sana, bila kujali, huyu ni mtu wa familia na labda ni yeye peke yake ako kazini, ako na watoto watano, na anapewa below one dollar. Hii ni pesa kidogo ambayo iwezi tosheleza labda ata watu wawili.

Kwa hivyo kuwe na salary basic, chini kidogo, minimal iwe ni kitu kama three dollars ama kitu kama ambayo inaweza tosheleza familiy, ata kama ana mtoto mmoja. Kwa hivyo ni hayo tu, asanteni.

**Com. Abida Ali:** Felix Mataka.

**Felix Mataka:** The commissioners, ladies and gentlemen. I am first going to talk about the pension, the pension Act. I think the present pension, which only allows the pensioner to get the pension, and after he dies the widow doesn't get the pension.. I think that one should be abolished, so that when the pensioner dies, the widow or the widower should continue getting pension , because, he or she has not died.

The next thing is about education. Presently we have many children on the streets and also in the rural areas, who have finished primary education and they have no where to go, and the number is still growing. So, I would like to request you commissioners to take note that we would like the constitution to provide for those children who are jobless. Because they are very many and the number is also increasing. And, the education given to our children should also be free, in the government institute. That is, universities and also when they finish the education, the training, the courses should also be free because many of our children are finishing form four with problems of fees and then when they apply for courses, you find these courses are so expensive. So, I think if they cannot be free courses, let them be given loans, like the universities, so that the children of the poor should get loans to attend this courses.

The other one is this land problem. It is a sensitive problem and for one thing I would suggest that; there should be no any nothing like squatters. Because where there is land, government land, and there are people called squatters, why can't they be given that land. What is this land being reserved for? I think such a land is likely to be grabbed by the able person, and I also think in distribution of land, those who are able to buy land and all that have bought land and are able should not be given land. Sometimes civil servants who are big bosses are rewarded with land, and they have land and they are able to buy land. They are given land and a poor person without land is being called a squatter. He fails to understand why he is not given land and why are the others, why are civil servants, who have been getting salaries are on top given free land.

Now, the next thing is about election. The election commission should be independent, so that it can prosecute those who violate the regulation immediately.

About presidential election; I think as somebody suggested, it should be in the calendar so that we know such and such a date, is when election is there, so that it is not used as a secret weapon.

**Com. Abida Ali:** Please summarize.

**Felix Mataka:** And, the last thing I would say is the Attorney General, the Chief Justice should be elected by the parliament. Names should be presented to parliament who will get them and present them to the appointing authority. Thank you.

**Com. Abida Ali:** Thank you very much. Joseph Kiamba. Five minutes please.

**Joseph Kiamba:**

**Translator:** Mimi nitasema Kikamba kwa sababu mimi ni mkamba. Mimi nitasema juu ya shamba ambayo ninayokanyaga. Nimesikia point nyingi ambazo zimetolewa na watu wakitafuta mashamba. Lakini ile shamba ambayo tunauliza habari yake bado haijafikiwa kulingana na maoni yangu. Kwa sababu hapa kwetu mtu akikufa, kuna mchanga ingine hapa chini unachukulia permit ya kuzika. Nauliza shamba tupewe yote, kutoka hapa top mbaka chini, underground. Na tupewe in the atmosphere, pahali mimi napakana na Mungu. Ikiwa mimi ni mwanakenya wa kweli. Na hiyo sehemu iwe yangu na yangu kabisa. Ikiwa kutakuja kupatikana kitu chochote ambacho kitatajikana na serikali hapo ndani, ninatakiwa niombwe, niuze hiyo sehemu ya inchi yangu kulingana na market value of the land by then. Na nikisha uzia serikali hiyo sehemu, wao wanibadilishie na kunijengea sehemu ingine mzuri, nyumba kama ile yangu, na sehemu ingine mzuri kama yangu. Ikiwa hii shamba ni yangu kweli.

Nitarudia mambo ya election. Ile election ambayo itakuja, na ikiwa tutapata serikali ingine mpya, wacha hii tuko nayo sasa. Mwanainchi aangaliwe vizuri na serikali kwa sababu mwanainchi bado hajatambuliwa na serikali vizuri. Kwa sababu nasika kuna sehemu inaitwa private land, kwa sababu duwa ni private land. Ukipitia, ukifika hapa kwa shule inaitwa St. Joseph, kufikia gate ya dua, kuna kibao inaandikwa 'No Entry bila permit' na uwezi pitisha mtu wako hapo bila kuwa na permit. Ikiwa unatoka Masonga, mpaka uzunguke Kitui road. Hii inchi nauliza ndio yangu? Tunaomba pia hii neno inaitwa 'Trespass' iondolewe katika Kenya. Kwa sababu Kenya ni yetu na there should be no one better person than the other in this country.

Ile ingine nitasema ni juu ya Kenya's Wealth Division. Sisis tunaishi katika settlement scheme na sisi tunalipa one acre, 2,500/=.

Na sisi ni wale tulifukuzwa kwa milima ya Chulu hills na wengine Kalembwani. Na hatujapewa compensation, what are we really paying for? Niliwacha shamba kubwa sana kule Chulu Hills, hapa nimepewa ka shamba kadogo, ka acre tano, sasa mimi nalipa 25,000, na niliwacha shamba kubwa nikafukuzwa.

Tuliwacha shule, makanisa, mashamba yetu, kila kitu ambayo uwa owned by a normal citizen tuliwacha Chulu Hills. Naomba watu walifukuzwa Kalembwani, Chulu Hills, serikali itakayokuja baada ya kutengeneza hii katiba, ifikirie kupatia sisi compensation, kwa sababu tuliwacha kila kitu.

The last view, nitasema juu ya Provincial Administration. Nitasema kiwango kufikia District level, kwa sababu mimi ufika hapo.

Nilipokuwa nikiangalia habari ya wilaya, sijaona kazi ya D.C. Sioni kazi ya D.O hata I don't know his work. Mtu mimi najua kazi yake ni Chief na Assistant Chief. Sasa tena nikiangalia kwa ndani zaidi, hawa ma Assistant Chiefs wamekuwa very senior kabisa, Village Elders ndio wafanyi kazi wa serikali. Assistant Chief amekuwa mkubwa, anakaanga kwake nyumbani, wazee wa Village Elders wanaleta repoti kwake, as if yeye ni governer. The Village Elder is neve counted as a useful person for his duties that he does. Na most of the work done on the line of adminstration is done by the Village Elder. We are always on the low level with Village Elders, it being a funeral, it being development, school construction, anything, we are always low with Village Elders. I would like after this constitution we are making, A village Elder to be put on salary and let his salary come from the consolidated fund. Mimi Kiamba, thank you very much.

**Com. Abida Ali:** Asante sana. Francis Maina? George Mulei? Oh ni wewe asante. Lakini ongea na Kiswahili.

**George Mulei:** Mimi kama wengine, commissioners nashukuru sana. I have written my report but I would give some highlights.

I will start with a preamble. It is my humble request that there be a preamble in kenya's constitution, and let it remember our freedom fighters. Let it also mention something to do with our time. When we moved from the colonial time up to independence.

My second point is about direct principles on state policy. Kenya's economy has been eaten away by professionals failing to adhere to their professional ethics, for example, doctors, engineers, on roads and so forth. It is my view that if a professionalist fails to go to his professional ethics, he be made to pay for the damages cost by negligence and this should go down to the law so that such professionalist should be prosecuted.

My third point is no constitutional supremacy. It is my humble submission that the kenya's constitution be below the people, the people should be above the constitution.

The other thing is about, defence and the national security. We should have what we call, a National Security Council to discipline the armed forces, and when there is emergency or war or national disaster, let it be declared by the parliament not by the president alone.

Political parties; There is a very big confusion between political parties or a political party, and the government. We would like the new constitution to make it clear, let a political party be there, let the government be there. There is a lot of confusion, we are being told the D.Os, the police are employed by K.A.N.U. K.A.N.U has no funds to employ civil servants. Civil servants should remain as civil servants; the ruling party should remain as a ruling party. There should be a distinct separation.

The other thing is about legislature. Our parliament should vet all the public appointments, all the judicial appointments and maybe the constitutional appointments. We should also have a very strong parliamentary commission, which is running the affair. We should at least have some women representatives, representing women, disabled, children, the aged and so forth. And, at least we need to have a coalition government.

The president; most of the powers that are invested to the president now should be removed and separated equally. Let the executive, the judiciary and the legislature operate independently from one another. We need to have a president who is a degree holder, a Kenyan of a well standing, a Kenyan by birth and at least his age should be limited to between 40 and 70 years. In the bible it says, a normal human being should go up to 70 years and he dies, then why should we have presidents going beyond that. The presidential term should only be two five years terms, and then he retires and goes away. We should also have a president who should be impeachable. If he commits an offence when he is in the office, he should also be taken to court, apart from being impeached. And the president should not at all be above the law as it is now, this country has suffered a lot because, one man is above the law, he can do anything and we have suffered enough. This should be changed. If possible now.

The judiciary; we have enough courts but we are lacking one court which is very vital in Kenya. We need our judiciary to have, a what we call, and a constitutional court. We don't need a high court or a supreme court. The high court and the Supreme Court are equal in powers.

Our judges in Kenya should have their own security of tenure, which was removed in 1986.

The Kadhis, somebody talked about them, should not be only there to handle Islamic matters and divorces and so forth. They should be first of all be educated, like other magistrates and judges, and then they should be handling other judiciary matters, because they are paid salaries by the common man, that is through our tax. They should not only handle Muslim matters and they stay alone.

I want to talk about the electoral system. At least to avoid a lot of corruption in counting votes, votes during election of councilors, parliamentaries and the president, should be counted at the polling stations. Hii itamaliza mambo ya kuiba kura. Maneno ingine itaangaliwa mbele.

I want now to talk about the rights of vulnerable groups, like women, single mothers, widows, widowers, aged men and women; they should be recognized in the constitution like other citizens and at least over aged, because nobody has come here to talk about the aged. We need to built Nyumba Za Wazee for the aged.

Something about the cultural and ethnic; Our cultural rights should be observed in the constitution according to each clan in Kenya, although we are very many, but each clan has its own rights.

Reminiscement and the use of national resources; the constitution should give the parliament power to divide national resources equally in all the constituencies or in all the districts, regardless of who comes from where and who is who.

I now want to talk about constitutional commissions and institution and offices. At least we need independent public service commissions, teachers service commission, electoral commission, high education board, parliamentary commission, police service commission, national security, social whatever, and they be independent. Human rights commission should also be established in Kenya. Maybe for gender, we don't know how much it will appear, but if could be there although it is sounding a lot of manenos.

I want now to talk about successions and transfer of power. We need at least 90 days, between the day of voting and the day the new president will be sworn in. To enable one of the candidates, whoever, if there is a candidate who wants to appeal to get enough time to appeal and prepare after the appeal is done, to enable him to take over. A t least 90 days are enough.

And then, we need this man who is known as the Ombudsman, to be checking on our cheques and balances, where some of us might not know how to go about with them. We also need a minister for justice and constitutional affairs and let the current Attorney General only prosecute. Because now he is doing two jobs, he is prosecuting and also defending. Let him only prosecute, and let the minister for justice and constitutional affairs deal with that office.

There are things which are known as presidential transfer of powers, things like bodyguards, the national flag, things like presidential motor cars and so forth. This should be given to the new incoming president, by the old president when the new man has been sworn in already. And the swearing ceremony should be done by the Chief Justice assisted by the registrar of the high court.

The retiring president should have no immunity from legal process. If he made any mess, he should be answerable and carry his own cross.

Civic education should be taught at all levels, from primary to university in our country to enable our Kenyans to know their rights as they grow from one level to another.

The constitution should also put in cheques and balances, to be invoked at all levels of governance to avoid things like now parliament increasing their salaries, before even the teachers have theirs. They now want to move from half a million to 800,000. There should be cheques and balances in the new constitution.

Lastly, land division to children should be equal to both, a boy and a girl. Thank you very much.

**Com. Abida Ali:** Thank you very much. Rhoda Nduku?

Rhoda Nduku:

Translator: Kwanza ninashukuru Mungu sana sana.

Yangu ya kwanza ya kusema, nitasema juu ya mchanga huyu tunao kanyaga. Watu wa Kibwezi sisi, tuna shida nyingi shauri ya mashamba. Wale watu tulifukuzwa Chulu, tukaletwa Masonga, tulipewa shamba ndogo, na mtu ako na family kubwa, na hakuna pahali ya kuchunga mbunzi. Na hakuna pahali ya kulima, ili kumaliza umasikini ulioko hapa. Nauliza ile serikali inakuja baada ya kutengeneza hii katiba, tutakuwa nayo, ituangalie watu wa Kibwezi na Makueni kwa ufupi. Tuko na shida na mtuanguilie akina mama, ni sisi tunakuwanga na shida nyingi. Wakati tulikuwa tunafukuzwa Chulu, ulikuwa na watato sita, na mmoja anafuata mwingine, na huko na mtu disabled kama Kavivya, na ndio bwana yako, na umefukuzwa ukiwa na hao watoto, na unaambiwa kesho usipatikane pale. Na ufikirie hao watoto ungebebaje wewe mama? Na haujui pahali unakwenda, sisi tuko Kenya kivipi? Kwa hivyo serikali inayokuja, tuangaliwe. Tulipo pahali tumepewa, tunaambiwe tulipe 10% na wewe hauna kitu, wale ma boss tunao wao wamepewa huko, wale wan vitu, wanalipa na wewe ambaye hauna kitu utafanya nini? Na unaambiwa utakuja kufukuzwa kabisa. Sasa utafukuzwa uende wapi na uko Kenya. Tuangaliwe sana. Hii serikali tunakubaliana itakuja sasa. Asante sana.

**Com. Abida Ali:** Alice Mukubu? Moreen Mutuku? Elizabeth Mukami?

**Moreen Mutuku:** To the commissioners, the distinguished guest, ladies and gentlemen. I am here today to present my views as pertain to the constitutional review on behalf of the St. Joseph's community.

First I would like to start on the education view. The government should pay school fees for the student whose background is not so stable. Such as they come from poor families. The government should provide free textbooks and other amenities to help public schools in Kenya. Also, people who are going to study abroad should come back to the country after their studies. This is to bring back the knowledge they have gained to their home country.

Counselling forums should be introduces in all schools.

There should be compulsory free education for the disabled, where all necessities are to be provided by the government.

On the political views; there should be equal rights for all genders. The opposition leaders should be given tight security same as their colleagues from the ruling party.

There should be no torture, harassment, or mistreatment to civilians during their peaceful demonstration.

Every Kenyan citizen, both the leaders and the common man should campaign against explicitness, nepotism and tribalism.

The president should not be above the law. He should be reliable to answer charges, brought against him in any court.

There is also this principle of 'one man one job', it should be campaigned for.

Public lands in the country should not be issued to private developers.

Also, there should be equal funds for candidates campaigning for presidency regardless of the party one is running for.

Women should have equal representation chances in the parliament, in the East African parliament.

Corrupt leaders, who vandalise public funds and property should be sacked and be made to compensate for the loss.

Incorporation of foreigners to run public and government offices should be ceased. We believe in our country we have qualified professionals who can manage these offices.

Kenyan students who are abroad, should be given maximum protection.

Leadership should be left for the young turks.

On the social views; prostitution should be banned countrywide. There should be abolition of the so called religious sect, e.g the Mungiki that have led to a mass killing of people.

Aids and H.I.V and also family planning campaign should be intensified countrywide.

On the justice; There should be heavy sentences for rapist in all corners countrywide, regardless of the position of the people.

Domestic violence for all genders should be abolished. With those, thank you.

Thank you. Elizabeth Mukami?

Elizabeth Mukami: To the commissioners, distinguished guests, gentlemen and ladies. I am here to present my views of behalf of St. Joseph's Girls community. Welcome.

First on political views; the terms of service of members of parliament should be reviewed. E.g their salary is too high and there expenses are draining the economy.

Key boss in the government like the judiciary, the Attorney General and the Chief Justice should be appointed by the parliament.

The electoral commissioners should be appointed in collaboration with the parliament and should be answerable to the parliament.

Taxation is too high for the Kenyan citizens, therefore the stated should look for other sources of getting income.

There should be reduction of civic ward to avoid draining of funds from the local council and instead use the money to pay other workers in the councils.

And then there is development views; there should be improvement of the country's infrastructure, that is transport and communication.

There should also be equal distribution of resources countrywide, because presently we see that our raw areas are so economically declined.

The government should provide market for locally produced goods and services.

All Kenya Commercial Banks should decrease their interest rates on loans, because these high rates are draining the little money that the public has. And with those few, I thank all of you for listening, thank you.

**Com. Abida Ali:** Thank you. In the morning, we said we will do affirmative action, that is what I am doing, I am not skipping anybody. Women have come in late, and we are under an obligation to make sure that they present their views, so we are looking for them. Winfred Musyoka?



Winfred Musyoka: Asante. Changu naongea juu ya mchanga. Ukiangalia karibu na Chulu, utapata, iko kitu inaitwa Mkumboni, na hao watu wanaishi Mkumboni wako Kenya. Ni Kenya yao ipi hiyo ambayo wanaishi wa hawana makao. Kama vile raisi anatangaza, tumemteuwa fulani fulani, mara moja, na hao watafutuiwe kichaka mara moja, kwa sababu wako Kenya. Hay, ukiangalia wale walipata kichaka, walipata Masonga Lane Scheme, wanalipa na wengi wao ni masikini. Matajiri walivamia huko, wakatoa hongo. Hiyo kitu inaitwa hongo Kenya, iishe mara moja.

Ya mwisho, wanawake tuko tusaidiane na mabwana kwa nyumba. Kwa nini hao wanawake wanaonekana ni wa makofi wakikosa, na wanaume wakikosa ni kuelewana. Kwa nini wanawake wanapigwa kama watoto na mabwana zao. Hiyo kitu iishe mara moja.

Haya, ya mwisho kabisa, nitaongea juu ya tax. Hii Kenya wanaotoza katika ma company, parastatals. Ukiangalia company nyingi, zimefungwa kwa sababu Kenya inatoza tax kubwa, hivyo wao wanashindwa watatoa hii pesa, na wahudumishe vitu vyao namna gani? Bei inakuwa juu, wanafunga, na wakifunga watoto wetu na sisi pia tunakosa kazi, kwa nini hiyo tax isianganaliwe ipunguzwe, ndiposa company nyingi zijimudu, tupate kazi sisi wanakenya, ambao tunaishi nyumbani bila kazi. La pili, hapo hapo kwa tax, sisi wanakenya ambao tuko chini kabisa, tunashindwa kununua bidhaa za dukani, kwa sababu hizo company wanatuuzia bidha gali, kwa vile wanatozwa tax kubwa. Kwa hivyo wakipunguza hizo tax, sisi wanakenya wa chini, tutaweza kununua, kama ni madawa za mahindi, tutunze mahindi zetu, kama ni dawa ya kulima mboga. Mimi ni mkulima, lakini nashindwa kupanda mboga, kwa sababu, kama ni dawa ya mboga, for example, ukiangalia iko dawa inaitwa, hizi za mboga tu, utapata zinazwa bei gali, 500, 600 na hauna hiyo pesa. Na sukuma unauza shilingi tano, utauza hii sukuma shilingi tano, uje kununua dawa ya 600/-, fertilizer kilo moja ni 30/- ile nyeupe. Unaona hiyo vitu inauzwa gali, mpaka wewe mwenyewe unashindwa kupanda iloe mboga, hivo unashindwa unakaa chini. Ile umasikini inazidi kabisa, hata mtoto hawezi kusoma shule. Kwa hivyo ile tax ya hii vitu ipunguzwe, ndiposa hata sisi tuweze kuinuka katika maisha yetu. Asante.

**Com. Abida Ali:** Kamene Mutua? Kamene Mutua?

**Kamene Mutua:** Kitu cha kwanza, mimi namshukuru Mungu. Na kwa hii kamati ilikusanyishwa ni kwa mapenzi ya bwana (Interruption)

**Com. Abida Ali:** Sema jina lako kwanza, tafadhali kabla ujaongea, kwa sababu ya ku record.

Kamene Mutua: Mimi naitwa Kamene Mutua, na nimeokoka kwanza. Na nina furahi sana kwa sababu niko hapa kwa ajili ya yesu na kwa ajili ya Kenya yetu. Kwa hivyo mpendwa wacha nikuambie kitu, sio mapenzi ya Mungu watu wawe wanataabika. Hiyo ni mapenzi ya shetani, kwa sababu shetani hawezi akakubali uwe na kitu kizuri.

Mimi nazungumza kwa juu ya hii mchanga, kwa sababu siku ile Mungu aliumba mtu, alimuumba na akamweka ndani ya shamba, na akamwambia hiyo shamba ni yako. Na kwa sababu tunazungumza kwa juu ya mchanga, ni lazima tuzungumze. Kitu cha kwanza, tunataka sisi wakamba, Mungu anatufunulia macho yetu, tuone mbele, kwa sababu sisi wakamba ndio tuko na shida, kwa sababu hatuna mahali. Unaona wakamba wengi, ukienda huko kikuyu, unakuta wakikuyu wanakaa, wanapanda vitu zao na hakuna mtu anaweza kuharibu. Ukienda huko mahali pengine, unakuta watu wengine wana furaha kwa sababu wako kwao. Na sisi watu wa Kibwezi, ndio tuko na shida. Na tunataka hii kamati inafunguliwa, kwa sababu sio mapenzi ya Mungu, hiyo kamati iwe inaangalia sana juu ya mchanga wetu. Kwa sababu, mchanga ndio kitu Mungu alikuambia cha maana sana, na hakuna kitu kingine unaweza kupata bila mchanga. Tukiangalia sana, watu wa Kibwezi, tuko na shida, kwa sababu ukiwa unasema hapa ni kwangu, unakuja kufukuzwa. Mimi naweza kusema, afadhali hii kamati ilichaguliwa, waangalie sana, waangalie sana kwa sababu ya mkamba, awe ako na shamba yake, awe ana mahali pa kukaa. Na yeye anasikia kama vile wale wengine wanasikia.

Mimi tulikuwa tunafukuzwa, mimi nazungumzia kibanda, kama wewe unajua kibanda, mimi ni mmoja kati ya wale watu wanafukuzwa huko. Ukienda huko kwetu, unakuta vitu vingine vinawekwa hivi, na tunaingia kwa shida. Na hiyo shida ndio tunataka iishe, kwa sababu sio kitu kizuri, mtu anaambiwa uko kwako, na hapo si kwako.

Watu wanitwa ma squatter, ma squatter hana pake, kwa sababu ukiambiwa kesho toka hapa, unatoka. Sasa tufanye nini, ndio tusikie sisi tuko kwetu. Kwa sababu tunataka, turudishie ile mchanga yetu, iwe ni yetu. Na tukiwa tunakaa kwa mchanga wetu, hakuna mtu anaweza kuwa na maneno, kila mtu atakuwa akisikia huru, kwa sababu uhuru tumea mbiwa tumepata, na tukiangalia, hakuna uhuru. Mimi naweza kuzungumza mengi. Tukipelekwa huko, tukiambiwa tutoke, tulitoka, na tuliona taabu nyingi. Kwa sababu tulibeba mtoto amekufa na mgongo, na siku hiyo ni kabeba hivi, nikaanza kufikiria, kwanza, kitu cha kwanza, kweli Mungu ndio aliumba sisi kama wale wengine? Tunabeba mtoto amekufa, tunabeba na mgongo na nikiangalia na macho yangu. Na kile kitu mimi naweza kuomba, Mungu atusaidie sana. Hii kamati inafunguliwa, iwe kamati ya kusimamia ukweli, kwa sababu ikisimamia ukweli, sisi hatutaitika, na tutakuwa tukikaa kama vile inawezekana. Kwa hivyo, mwangalie sana, hiyo kitu iishe, turudishiwe michanga yetu, tukae kama wale wengine, tufurahi, kwa sababu hata watoto wetu, hawakusoma. Ni kwa sababu ya hiyo shida. Na mimi nauliza, kweli ni mkamba gani, saa yote unaweza kusema wale wako na degree, hao ndio wataandikwa, wale wa form four, hao hawatapata kazi. Kama mtoto wangu asomi, ni kwa sababu anasoma na shida, akiwa na hiyo class form four, atapata kazi na wewe ni mkamba, na wewe huko kwa shida, kweli hiyo shida itaisha? Hiyo haitaisha, tutakuwa watu wa shida. Shamba ni kidogo, mimi sina shamba, kwa sababu nilifukuzwa, na ninaomba Mungu anisaidie hiyo kamati iendele, iweze kuangalia, mimi nipate mahali pa kukaa. Na, ninasema, kwa sababu watoto wetu wako na shida, hawana mahali pa kukaa, wakasikia vizuri, wanaendelea kuwa na shida. Kwa hivyo mpendwa, tuangalie sana, hiyo shida iishe katika dunia yetu. Mungu awabariki.

**Com. Abida Ali:** Asante sana. Okay, na leo tunamwita Peter Musau, Peter Musau ako? Kwa hivyo Peter Musau hayuko. Beth Wairimu? Hayuko, okay Jimmy R.M Nzuve? Ni wewe? Okay?

**Jimmy Nzuve:** Thank you very much commissioners for taking time out of your very busy schedule to be with us in this constituency. I want to start my contribution by recommending the type of government that in my view, should be seen in the new constitution that we are all writing here today. In view of the fact that since independence and in the eras of the two different presidents that we have had, our country has been divided along ethnicity lines. Kikuyus have been able to tell things like Kikuyus, Kambas have been able to think like Kambas, the Luos, the Luhyas. I am therefore recommending here today that in the new constitution to provide for the necessary healing, I recommend that we have a government of national unity.

In terms of representation, in this government of national unity. I am proposing that we adopt a system in this constitution, a system called member proportionate representation in the national assembly. And what do I mean by this? We should increase the number of seats that are reserved for nominated Members of Parliament to accommodate the numeral, the minority, the chance, you get they have stayed in the forest since the time they were born, out of ignorance. They should have somebody in parliament to say about their land rights, to fight for their rights. We should have a member of parliament representing the giant Kenya National Union of Teachers. To speak on behalf of teachers. We should have a Member of Parliament, representing organizations like K.O.T.U, and other professionals.

I want to talk about the national cake. Once we have the government of national unity, it will go along to ensure that we have an equitable distribution of the national cake. That is paramount, it is our taxes, even if we receive some grants from the various donor countries, it is our sons and daughters who will go along to pay for those loans in time to come. So, we should see an equitable distribution of the national cake.

And the new constitution should also look at areas that have been manualised, since independence. We should look at areas like North Eastern; we should look at areas like Eastern Province, at Ukambani. We have not had, the fruits of independence in certain areas. So the new constitution should address that. If the Kenyatta regime favoured certain areas of Central Province, if the present regime favoured certain areas of Rift Valley, the new constitution should address the various disparities of development in our country.

In terms of members proportion representation, I would like to support earlier speakers before you commissioners, that even in councils, even in County Councils, we should have people nominated to represent various interest groups. Na ikiwa, somebody is supposed to represent the disabled, he must be a disabled person. It is who puts on the shoe, who knows where it pinches most.

On disabled people again, in a recently concluded survey in this constituency, in one division. In only one zone, which is about 50 primary schools, some research to address perfolders, perfolders are children with various disabilities, either hearing defects or seeing defects or ulemavu wa aina ingine. We found out that out of about 50 primary schools, about 300 children have various disabilities. That is only in one division. I am also in support of earlier speaker that the areas of disabilities and perfolders should be done a census, so that the government can plan with a given number, you cannot plan for any particular

part of the society without numbers. At the same time, we also want to recommend this schools for the disabled, the current institution we have in this country in this country for disabled people are very expensive. There is no common man who can afford to take her children to Machakos school for the deaf. I was there last month, I took a child for a friend. And, in one term, this is somebody who needs a lot of attention, a lot of equipment. In one term, my friend is paying about 50,000, and he is only running a retail shop. In this country we should have mores institution for people with various disabilities and the governments should subsidise.

I want to talk about, after writing this constitution, it is very clear in the eyes of Kenyans, that our current Members of Parliament do not serve the interest of the people in the national assembly.

Bwana commissioner, I want the attention of the professor. No no you are not listening, finish first. Yes thank you very much. I want to talk about the various representation that the people of Kenya have in the last and the present government. It is obvious that our Members of Parliament do not vote by concience, they don't vote with the wishes of people they represent at heart. So, I am recommending that in future after writing this constitution, if we are to make any amendments in the new constitution, if the Members of Parliament vote, two third per cent, it should be taken back to the people for debate and taken back again to parliament for passing, as a bill. So, I am recommending that, after a motion has attained two third percent majority in parliament, particularly if it is something, which has to do with constitutional making or amendments. The same bill should be taken back to the people for redebate, then we take it back to parliament.

I want to talk about political parties. We have had political parties in this country, which are formed with people's interest. Political parties that does not address areas that intergration of youth and women in their leadership. Before a political party is registered in this country, that should come out in the new constitution, should address key areas, on women and youth intergration. In terms of leadership and the constitution of tha political party should be looked at so that power is not vested within certain political party office bearers. There should be decentralization of power within political parties.

I want to talk about one very critical aspect in this constituency, and this is land. Professor you will allow me to spend a little bit of some time on the land issue. And, because different places where you are going, people have different priorities, our priority in this constituency is land, and I am going to tell you how land is a priority in this constituency. It is historically known, it is written, before the year 1850, there is no land in this country which was under the government. Theres is no land in this country which was under the colonials by the year 1850. But in 1860, there was scramble for Africa, and wazungu started coming, it is a long story. I am going to specifically start showing you where the problems of land in this constituency have started.

**Com. Abida Ali:** But you know you have to give us the recommendations.

**Jimmy Nzuve:** The recommendations yes. In 1915, 1910, that is when Kenyan land, all of it became stinct land, and the colonist out of the Imperial British East Africa, they started settling Africans into various lettuces.

You know, I am sorry because you have taken ten minutes instead of five, now if you begin 1915, by the time you come to 2002 it will be six O'clock, you have to give us the

There were only two native blocks in this constituency, that is Boinzauneti block and Salemeti block. What I am asking is, this constituency all the way from Kiboko River, up to where you were yesterday, Mito wa Ndei division, 95% of this constituency there are people living under settlement scheme. This people most of them have been born here, their grandfathers are buried here, their great grand fathers, were even entering various agreements with crafts, even as we passed in Kibwezi. This people own this land, this is our ancestral land, professor, that is the point I am trying to drive. This is our ancestral land. How it became government land or crown land, we do not know. The colonial government and the post-colonial government took advantage of the ignorance of this people. We only have a small section as a state land, as people with Title Deeds, and it is very difficult to explain how an old man who lives in Boinzau has a Title Deed, and an old man who lives only two kilometers away, is under settlement scheme. Basically what I am asking for is, we should revert, I am recommending that the land tenure system which is applied particularly in this constituency reverts from state land to state land, and that will facilitate the issuance of Title Deeds.

I want to talk about settlement schemes, conversional settlement schemes, because I come from Masongaleli Conversional Settlement Schemes. I come from Masongaleli and Masongaleli umeambiwa na speakers wengine, watu walitolewa Chulu, watu wakatolewa Kasaani, to create way for a Sec University Institute, watu wakatolewa Kalemwani. Professor, what I want to appear in the new constitution is that, before the government decides to resettle people, there should be physical planning where there are going to be taken, which facilitates for roads, which facilities for school, hospitals and even food and shelter. So that those people can have some food to eat, before they get their first harvest. Anybody who dies in the process evicting any citizens, I want to talk like president Bush. The American constitution says that the interest of one lies his paramount. Any one who dies within that process of eviction should be paid by the government.

I want to talk about the eviction also. When you are being evicted from point A to B, Bwana commissioner, I also want to recommend that one should be compensated, for any physical development of the entire land, as you go to settle in another area.

Finally professor, there has been a lot of, naturally the African man by definition is a polygamy, and we have seen issue like leaders. We have seen an issue where by today we are burying Mr. John Kamau, and we know the dear wife of John Kamau, and in the same burial there comes another woman with Rasta, anasema hata huyu ni wangu. That kind of thing. To avoid this conflict of interest and I am doing that in reference to the fact that the African man whether we like it is born a polygamy. To

avoid this kind of conflict of interest, of distribution of wealth and land.

**Com. Kabira:** Can I correct you, the African man is not polygamy, the African man is socialized.

**Jimmy Nzuve:** Thank you professor for the correction that is why you are a professor. What I am trying to say is that in terms of a land distribution or inheritance of property, particularly land, because land is economic basis of all citizens. We should see a registration in the new constitution where by, kama mimi naitwa Jimmy and my wife anaitwa Munyiva, we should have a Title Deed written Jimmy stroke Munyiva, to lock out any other entrance into the same investment of that old man. And, basically, I think joint ownership of land, I have said about that. I would have wished to continue Bw. Commissioner, but I am sure there are other speakers who want to come in front of you and give our different views of the new constitutional making. Thank you very much again for coming and thanks for your patience.

**Com. Kabira:** Thank you, you were so passionate about land, that I gave you three times as much time as the other people. So thank you. Do we have Christine Muteti?

**Christine Muteti:** Kwa commissioners na wageni wengine ambao mmetutembelea na wazalendo wenzangu, hamjambo?

**Crowd:** Hatujambo

Christine Muteti: Kwa jina naitwa Christine Muteti. Ningependa kutoa maoni yangu, kuhusu utangulizi wa katiba yetu, kwanza. Kwa maoni yangu ningependa kama utangulizi wa katiba yetu, kama sisi wazalendo wa Kenya, ningetambua mashujaa wa uhuru, waliopigania uhuru, the freedom fighters. Na pia ningetambua mapambano ya akina mama katika katiba hii ya pili pia, kwa sababu tumechangia, ya kwanza hatukuchangia. Hiyo ingewekwa kama utangulizi pia, akina mama wawe recognized kwa sababu tumechangia.

Ya pili ningependa kuhusu executive. Mimi kwa maoni yangu ningesema, raisi asiwe above the law, the president should not be above the law. Na kwa vice president, raisi asimchague, achaguliwe na wabunge, sio wanainchi. Wabunge ambao tutakuwa tumewachagua wameenda bungeni, wapewe hiyo fursa ya kuchagua makamu wa raisi.

Ya tatu ningependa habari ya gender, akina mama. Katiba tunayo kalia wakati huu, madam professor, haitutambui hasa wakina mama. Na, tumepata unyanyasi, tumenyanyaswa, kwingi, wakina mama. Tumetumiwa kama vyombo vya kukaa tu nyumbani na akina baba mtanisamehe. Enzi za wamama kuwa kama vifaa vya kukaa nyumbani nafikiri zimeisha, kwa sababu tumesema tusomeshe wanaume na wanawake. Kwa hivyo, kama ni kazi, isisemekane, ati kazi fulani siwezi, nikiwa mama. Kama ulinipeleka shuleni nitaweza. Kama sasa si tuna professor na si mambo ni sawa. Yaani, nafasi za kazi tupewe zikiwa usawa, akina mama. Hiyo ndio ningependa.

Ya pili ningependa kuongea kuhusu, kubakwa kwa akina mama, watoto pia. Sheria tunayokalia wakati huu, haitambui ile tunaita, child divine. Mimi nikiwa mama, na yaani nikiwa through experience, najua vile mwanamke anaweza kusikia ikiwa umebakwa, na mtoto mdogo. Utaona mwanaume amepata mtoto wa miaka sita, siku mbili, tatu uanona amewachiliwa youko mtaani, nashindwa ni sheria ya aina gani. Mimi maoni yangu kama mzazi na mama, mwanaume yeyote atakayebaka mtoto mdogo, asiwe mwanaume tena, wabakaji asiwe mwanaume tena. Asiwe mwanaume tena, mtajimalizia kwa wale wanaobaka. Na pia ningependa kuongea katika katiba hii, tunayochangia wakati huu, katika vituo vya polisi, sisi wamama tunanyanyaswa, kwa sababu hawaandika wanawake wengi kwa police station. Kama sisi majuzi, kulikuwa na recruitment ya maaskari wa polisi, wilaya nzima ya makueni, waliandika mwanamke mmoja kutoka Emali. Na, tunarapiwa hapa usiku na mchana, ukienda police station uwezi, sasa utaeleza mwanaume umerapiwa aje, anaanza kukuenjoy, hata wengine wanakuongezea juu ya ile ulikuwa umefanyiwa, which is very unfair.

Na tungeomba, katika mahakama, kesi za rape, defile, zipelekwe katika chamber court, where we can speak and express ile tumepitia, tukiwa uhuru na aisikiwi na kila mtu. Unajua mambo mengine ni ya aibu, na tunateseka. Na pia hapo, nikiongea katika huo kubakwa, ningengeze pia, kwa wale wanaume wanaobaka wanawake wale wenye disabled, kwa sababu wanawake wengi vile mwenzangu aliye simama hapa, aliye ongea mbele yangu, aliongea kuhusu wanawake, wale disabled na vile wanvyotumiwa vibaya na wanaume wa kawaida sasa. Kama janga lipo la Ukimwi, wanasema wakisongea kwa mwanamke wa kawaida, labada anawezakuwa ana vidudu. Wanakimbia kwa wale wenzetu wa dada ambao hawajiwezi. Na pia hiyo ningependa maoni yangu, kama katiba ingepitishwa, mwanaume yeyote atakayebaka mwanamke ambaye ni mlemavu na apate mimba, na iende ipimwe hiyo mimba ijulikane kweli ni ya ule mwanamme, awe ni nani ama awe ni nani, apate jukumu ya kuchukua huyo mtoto tangu siku ile amemweka mimba mpaka huyo mtoto asome mpaka university.

Inginge pia ningependelea kuongea, mambo ya gender nimemaliza. Ngingengeze juu ya gender kuhusu umilikaji wa mali. Tumesoma, tumesomesha na pia tumewasomesha, na wale waliotusomesha wako, lakini pia imekuwa ni shida. Kuna, watoto, labda uko na watoto wawili wa kike, uko na wanne wa vijana, na huyu msichana hajaolewa. Ngingependa maoni yangu, kama ni mtoto, uridhi uwe sawa, usawa wa uridhi, awe wa kike awe wa kiume. Kama ni mali uwagawanishe wote, wakiwa, yaani the same value ya mali, kwa sababu wote ni wan wako. Kama hiyo ingepitishwe kwenye katiba pia.

Na pia ningependa kuchangia kwa wamama ambao pia mabwana zao wamekufa. Kuna hii injaitwa family succession Act, ambao imeweka tu huyo mama, ambaye mmewacha akakufa kama tu chombo cha kulinda ile mali, lakini ana ile haki ya kumiliki mali ya mme wake. Ngingependa pia hiyo family succession Act, ifikiriwe na mama awe na mamlaka ya mali yake na bwana yake.

Katika ile ingine vile katiba imeongea, uridhi kama ni mali, yaani rights to property. Kama mimi ni Christine, ningependa mali ya Mteti iandikwe Joseph Mteti stroke Christine, kwa sababu akienda kuchukua kale kengine ka pili, waanze kutafuta ingine lakini yangu iwe iko sealed. Kwa sababu wamama tunateseka.



Habari ya ardhi, mchanga ambao naamini professor, tangu tukiwa na nyinyi jana, imekuwa ni wimbo katika Kibwezi. Pia nazidi kuimba wimbo wa mchanga, nikiwa Vice chairlady wa squatters za Kivanda, ambao umesikia habari yake. Na siamini hata hiyo jina kuitwa squatter. Ningeuliza katika hii katiba mpya, kwa sababu nasikia tukisema sisi ni wakaaji na tulizaliwa na mababu zetu wako hapa, na makaburi za mababu babu zetu ziko hapa. Kwa sababu hii ancestral land yetu, vile ilikuwa changed to crown land, nikupitia kwa katiba. Kama vile sasa tunaandika hii. Ningeomba katika hiyo katiba mpya, Kibwezi kusiwe squatters tena, itolewe vile waliandika kwa katiba ikawa state land, wakavute, iwe ni trust land, Kibwezi yote, kwa sababu tuna shida. Na mambo ya squatters itaisha. Na tutachangia kwa masomo na kila kitu, mambo yetu itakuwa ni sawa, kwa sababu tukiwa tuna mchanga, yale mengine tutajitegemea na tutatafuta, kwa sababu kusema kweli, professor sisi watu wa Kibwezi tukiongea kuhusu katiba, sisi hatujapta uhuru, kwa sababu we are all squatters. 95% of Kibwezi are squatters, tunakaa kwa settlement scheme. Kwa hivyo pia hiyo ifikiriwe katika katiba mpya ndio tuungane na wakenya wengine wetu na kujenga taifa. Asanteni.

**Com. Kabira:** Asante sana Bi. Mteti. Nitauliza Mzumbi Kamia, ako Mzumbi? Sorry he was't speaking. Joseda Mbuvi? Ako?

**Josiah Mbuvi:** Asante sana kwa hii nafasi. Mimi nasema asante sana kwa Mungu, kwa kunipa hii nafasi ya leo nizingumze mbele ya kamati na wanainchi kuhusu katiba yetu, ile ambao tunataka tugeuze iwe nzuri ya kupendeza wanainchi.

Mimi kwanza nitaanza na preamble. Vile tumeelezwa na tunajua kwamba katiba yetu ile tunao sasa haina preamble, tungependa sasa tuwe na katiba iko na preamble, ambo inaonyesha vile watu wa Zuia walipigania uhuru, walio pigania uhuru na walikuwa wanataka nini. Vile vile iongeze nao wale wanaochangia hii katiba wa leo, wanainchi nao wahusishwe wawekwe katika preamble, na ielezwe, ielezee katiba ni nini.

Ya pili ni citizenship. Ningependa mwanainchi wowote wa Kenya akifika umri wa miaka kumi na nane, awe akipewa kipande, na kipande isiwe za kuwekwa ofisi fulani. Iwe ikipelekwa kama ni kwa mashule, mahali popote inawezakupatikana karibu, kwa sababu hii kutembea sana, ofisi moja inawekwa kwa division ama kwa district, hiyo ni mbaya na ndio inaleta hii unyanyasaji. Na pia mtu akifika umri wa miaka kumi na nane, awe anawezakuwa anapewa shamba, yake mwenyewe binafsi, wacha ile ya baba yake. Kwa sababu baba yake anaweza kuwa na shamba acre mbili. Vile vile nawe unakuwa mwanainchi, unakuwa tu pale pale kwa babaka. Iwe ni shamba yake ya kuendesha maisha yake.

Basic rights; ningependa haki za mtu, vile tumezungumza mtu akizaliwa, Mungu alimuumba na akampa haki zake. Kwanza ni shamba, maji, health care and so forth, inajulikana. Si iwekwe kwa katiba, iwe mwanainchi wa kawaida, hki zake zinaangaliwa sana na katiba, ndivyo ya leo hakuna mahali inaangalia basic rights za mtu.

Land; land ni jambo limezungumziwa sana. Tukiangalia kama vile wengine wamezungumza hapa nyuma. Tukiangalia kwa



bibilia kitabu cha mwanzo. Mungu alimuumba binadamu, Adam na Hawa na akawapatie Eden wachunge, hiyo ni mali yao. Hatuoni mahli ambao walisema mtu akae bila makao. Kwa hivyo, nayo sioni vile mkenya, ikiwa tunasema preamble ikumbuke washujaa wale walipigania uhuru, Maumau. Nia yao ilikuwa nini? Ilikuwa ni shamba. Hii jina squatter ni abusive language kwa wakenya, kwa sababu squatte ni mtu ambao amewekwa mahali kama slave na mwingine. Tulikuwa tunaweka hiyo jina na nimbaya, kwa hivyo hii squatter jina, ningependa ivutwe, na kila mwanainchi wa Kenya, awe na shamba na mali pa kuishi.

Ile kitu hapo inatakiwe iangaliwe sana, ni zile sheria mzungu aliweka katika katiba yetu. Chapter 9 ya hiyo katiba ifutwe yote na iandikwe vile kulingana na matakwa ya wanainchi wa Kenya. Vile wanataka mashamba yao iwe ikigawa, na vile inatakiwa ikae. Iwe kama ni kugawa shamba, kuna kamati kule chine, grassroot, kutoka kwa location ilwe na kamati ya kuangalia mtu amepewa shamba kama amefikisha miaka kumi na nane, sio kuenda kule kwa commissioner, vitu kama hizo. Kwa sababu hiyo sheria aliweka ya kuweka private land, crown land, hizi zote, ndio zina, katiba yetu ni katiba na ndio ina mashamba yetu. Kwa hivyo igeuzwe, sheria iwe moja trust land, katika Kenya, kuwe hakuna hii ma crown land, and so forth. Na zile, kuna zingine za mashirika, kama zile za gari so forth. Wawe na sehemu ambayo inawatoshea kufanya utabithi wao, lakini sio kukaa na kuchukua dunia mzima inakuwa ni ya gari, na so forth. Iwe organisations zipewe kiaso ndogo, zile ambao zinaweza kutoshea.

Upande wa wanyama, nitatoka kwa land, kwa kila kitu. Upande wa wanyama; ingekuwa ni mzuri kama wanyama wangetengewa mahali, yaani ma hekari fulani, shamba fulani, mahali fulani, ijulikane ni kiasi gani. Na wawe fenced na watunzwe, iwe ni mali, wakiwa pande hii wako nyumba yetu, wako mbele yetu kila mahali, na hiyo itakuwa mzuri, kama uko ukambani, kama ni hekari elfu mia moja, ama elfu hamsini. Zintengewe na zifensiwe. Ziwe zinakaa hapo, mzungu akija anakuaja kuziona hapo, kila aina ya mnyama, itakuwa ni mzuri, kuliko kuwa kila mahali kila mahali. Hiyo nayo ikuwe namna hiyo.

Administration; upande wa administration, hii ni kitu mzungu aliweka ya ku divide and rule. Na hata wa leo, tunaonekana tuko chini ya mkoloni. Kwa sababu sisi wakati tulipata uhuru, atukufikiria huyu mzungu alikuwa anaweka nini, na ilikuwa ni njia ingine yake vile mimi uona, kama ya kupata information. Tusiwe tukamsengenya kule tumwondoe. Yeye aliweka kutoka, yeye ndio anateuwa P.C, D.C, D.O, Chief, Assistant Chief, ndio awe ni kama simu. Tukiongea hapa mzungu aende, mara moja unachukuliwa. Mama ukitaka kulipiwa kitu ale anatusikie sawa sawa. Kwa hivyo mimi ningependa hivi; hii ofisi ya P.C, kwa sababu ilikuwa kama governor alikuwa anawekwa hapo na D.C, si aondolewe, na ingekuwa vizuri kwa vile, M.P ana operate katika contituece, kukiwa na division ambaye inakaliwa na mtu professional kama D.O, na awe na Chief, na wazee wa mitaa. Kufikia hiyo maofisi yote, ingerudishwa chini, kwa hapo kwa common man, itakuwa ni vizuri, na itakuwa ni vizuri kuendesha maisha yetu, na itakuwa unyanyasi imekwisha. Na kutoka kwa divisional level, wanaenda moja kwa moja mpaka kwa central government, kama ni kupeleka mambo yote, inapelekwa bila kupitia corner corner nyingi ya D.O, ya D.C, nini mpaka huku. Hiyo nido mambo inaharibikia. Kwa hivyo ningesema, tubaki na ofisi ya D.O, na awe mtu professiona, na Chief, Assistant Chief, na wazee wa mitaa wawe wakilipwa, ndio wanafanya kazi nyingi. Na hiyo vitu zingine zirudishwe, hata kama ni administration

(Inaudible). Ukiangalia uko juu, P.C amewekewa magari yote ya mapolisi, kila kitu, ma finance, nini, na uko grassroot, mahali kuna common man kunabaki bila. Kama hiyo uwezo yote na hizo powers zingepewa kwa katika division level, hakutakuwa na mambo mbaya, kwa sababu Chief angekuwa na mamlaka ya kuona town namna gani, anakuwa na publicity ya kutosha, finance ya kila kitu na awe na kamati, teule ambaye ni ya development, ile ambayo ni ya kuchunga ile mali ya wanainchi inakaa na vile hiyo nini itakaa, itakuwa ni mzuri. Kwa hivyo hiyo, kama itakuwa namna hiyo naonelea kwangu itakuwa vizuri. P.C na D.C, hao ndio wanafanya kazi gani? Walikuwa watu walikuwa walikuwanga na mkoloni kwa sababu tunakula ile katiba mbaya. Kwa hivyo hao ni watu wake aliweka tu, hii maanake, alikuwa anajua maanake. Kwa hivyo iendelewe? Mimi naonelea namna hiyo.

Ile ingine ya tatu ni executive; ukiangalia upande wa executive, zile mikono tatu ya serikali, kwanza chapter 2 yake, section 14, one yake na two yake, hiyo ni mbaya ifutwe kabisa. Kwa sababu ukiangalia inasema mtu awezu akashtakiwa akifanya maovu na ni mwanainchi, ni sisi tunachagua raisi, tutachagua na hawa wengine wafanyi kazi wetu. Naongelea vile inaandikwe, section 14, one yake na two yake sio mzuri. Kwa hivyo tunataka executive iwe independent, isiwe ikaingiliwa na mikono ingine na zile sehemu zingine. Iwe tu ni ya kuangalia wanainchi, wanatumikiwa namna gani. Na iwe inaweza kuangalia mwanainchi kule chini.

Si ya kuingia hapa na pale na pale. Na akikosa anashtakiwa. Na vile vile, hapo ningeona ni vizuri kungekuwa na kamati fulani ya kuchunguza ni akina nani wale wana, kwa sababu hapo ndio nguvu ya raisi. Kuwa na kamati mzuri, kuwe na kanisa, NGOs, watu mashirika mengi mengi ya kuangalia, hawa watu wanakaa pale, kuchunguza hao watu.

**Com. Kabira:** Jaribu kumali, wind up.

**Josiah Mbuvi:** Kwa hivyo hiyo, naoni ni mzuri.

Upande ya elimu, ningesema, ningependa tuwe na free education.

Upande wa president asiwe juu ya sheria, wanainchi wawe juu ya sheria, wanainchi wawe juu ya katiba.

Vile vile upande wa ministers, ministry zipunguzwe.

**Com. Kabira:** Unasema wanainchi wawe juu ya sheria?

**Josiah Mbuvi:** Ya katiba

**Com. Kabira:** Ohh ya katiba.

**Josiah Mbuvi:** Ya katiba si ya sheria. Na ministers wakati wanateuliwa, kuwe na tume fulani ya kuwateuwa kulingana na

professional yao, sio mtu kupewa ministry na hiyo ministry anapewe kwanza hata ajui maana yake. Unapewa ministry ya health, na hata ujasoma, uji dawa ya Quinin iko aina gani, ajui Malariaquin. Kwa hivyo kuwe mtu akiwekwa ministry, hiyo ministry huyo mtu ana, province inakuja kwa hiyo ministry na achunguzwe sana. Na akiaribu anafungwa ama anazuiliwa.

Kwa hivyo ile ingine ni gender. Wanawake tunawasikia tumezaa watoto wetu, wasichana wetu wanasoma sana, wapewe nafasi kama wanaume. Kama ni kazini, sio ati ukiwa Headmaster, wewe ndio headmaster, ata msichana ambaye amesoma sana, hawezi kupata hio cheo. Ikiwa ni D.O, tunaona ma D.O ni wanaume tu peke yake, ni kama hata ma Chief.

(Inaudible) Kwa hivyo tuwe na gender, wasichana siku hizi ni wengi na ni wetu. Na upande wa ardhi wa mali, nao wagawiwe kama nyinyi. Ukiwa na watoto watano, wasichana watatu na wavulana wawili, wagawiwe mali kawaida. Usiseme huyu ni mvulana na mambo kama hayo. Kwa hivyo vile mengi imeongelewa, mimi naongea kama tu wale waliongea, lakini upande wa mashamba sana, iwe free, irudishwe kule kule kwa mwanainchi.

**Com. Kabira:** Eeh asante sana. Asante sana Bw. Josiah. Joel Kyengo. Sorry Joseph Musyoki ako?

**Joel Kyengo:**

**Translator:** Mimi nashukuru kwa Mungu, na nyinyi ma commissioners ambao mnakuja kusikia shida yetu. Kwa sababu tumekuwa tukitumia sheria zilizo tengenezwa na mkoloni, na sasa tumekuwa kutengeneza sheria zetu. Kwa sababu ya kutunza masaa, nitaanza na mambo ya mashamba ambyo imenenwa sana hapa. Mzungu alipokuja alikuta mkamba hapa, alipokuja akakuta mkamba, mkamba anapata taabu sana. Kwa mfano ukiangalia in Maasai lands, hii kitu mnaita crown land, state land, maasaini hakuna hiyo kitu. Sasa, mkamba alikuwa na shamba kubwa ya kuchunga ng'ombe, ingine ya kuenda kuwinda, na pengine pa kuweka hii bee hives na sasa mzungu alipokuja alichota hiyo shamba ikaisha. Sasa mimi nauliza hii commission iseme hii mashamba ilyochotewa mkamba irudishwe.

Number mbili ni upande wa National Parks; hii National Park ni yetu hii, wanyama wa mweituni ni wetu. Sasa tumewekewa mpaka, katikati yetu sisi na wanyama. Sisi hatuendi huko, lakini wakati wanyama wanafuka wanakuja kwetu atupewi compensation, hakuna mtu anatuangalia, lakini sisi atuendi kwao. Tukienda huko tunakamatwa.

Sasa kuna shamba hapa inaitwa dua, imefanya kazi nyinigi ya kutaabisha mkamba hapa, na hatujui hii katiba inatakiwa iangalie vizuri, tusitaabishwe. Kama watu wamekomboa pahali na watu wengine nao wawachane nao, sisi tunaishi kama watu wanakimbia. Naoumba hii tume iangalie mwanainchi wa kawaida kwa sababu tunapakana na wao. Sasa ile ushuru inayotoka pale, inaenda juu kwa serikali, local man apati chochote, local community ipati chochote, na wanatoka kwao, wanaruka kwetu, tunapata taabu.

Naomba hii commission iangalie mkulima na mwalimu, kwa sababu ikiwa hakuna mkulima na mwalimu, hakuna professor na hakuna pilot. Hii inchi yetu ya ukambani iko maji mengi, hii maji tukikubaliwa tuweke irrigation, tatalima mboga, ambayo

itasupport sisi wenyewe na watu wetu. Kibwezi constituency inatoa mboga ambayo zinapelekwa ng'ambo export, fruits na vegetables. Na nikisema hivyo sina uwoga. Hii company imepiga mimea yetu dawa ya 5.6 million, sasa tunauliza tuko Kenya gani, kwa sababu tukisema ni kama serikali inasikia, mara saa ingine ni kama haisiki, now where are we, why should we be tossed left and right.

Tumeambiwa na tulilaunch watu wa special education, walilaunch katika Kibwezi primary school, wale watu watoto walemavu na imefunguliwa na kuna walimu, na ni kama nilisikia watu hapa hawaelewi kama hiyo iko. Kama kuna watoto walemavu hapa wapelekwe hapo na waweke mawasiliano hapo waendeleo, inaendelea sasa.

Ya mwisho, sasa habari ya Provincial Administration, maoni yangu ni kwamba, Chief na Assistant Chief wawe wakichaguliwa na wanainchi, na baada ya kuchaguliwa wawe wakienda transfer, wasikae pahali pamoja. Thank you nafika hapo.

**Com. Kabira:** Nitamuuliza swali. Asante sana Bw. Kyengo. Waweza kumchagua Chief na baadaye um-transfer, umpatie transfer. Utamtransfer kwa nani, kwa sababu hao wengine watakuwa na Chief wao wamechagua.

**Bw. Kyengo:** Hapo, unajua hatuna ujuzi mwingi, lakini hao watu wakikaa, wakae miaka mitano, so ku-transfer. Akae miaka mitano kama M.P na nini na nini, hiyo ikiisha, kama ni mzuri tumregeshe.

**Com. Kabira:** Sawa. Asante sana Bw. Kyengo. Joseph Musyoki uko?

**Joseph Musyoki:** Asante kwa commissioners kwa kupata hii nafasi ya kuto maoni yangu. Nitaanza katika utangulizi. Katiba yetu haina utangulizi na inafaa kuwa na utangulizi ya kuonyesha wale ambao walipigania uhuru, that is Maumau. Na kuonyesha vile waliteseka, wale ambao walikufa wakati wa kupigania uhuru. Pia serikali ingetililia maanani hao watu, freedom fighters kwa sababu ndio walifanya tuewe na uhuru tulio nao wakati Kama huu, na kama mtu anafanya kazi, kama mtu anafanya kazi kwa serikali na aki retire anapewa pension, nafikiria hao Maumau pia walifanya kazi ambao pia inahitaji pension, kwa hivyo serikali inafaa kuwa kutenga kiti ya aina fulani kwa ku-finance, kusupport hao Maumau freedom fighters to solve their financial problems. Pia katika sheria za Kenya, zile ziko, kuna ka verse inasema 'ignorance of the law is no defence' kutojua sheria zio kizuizi. Wakati wa kikoloni walizieka katiba katika Kenya, na watu wakakaa bila kujua katiba ya kwanya inasema nini, kwa hivyo watu wengine wanashtukia tu wameingia polisi ama wameenda kotini bila kujua. Kwa maoni yangu naona,, naonelea ya kwamba hii katiba iwe ni subject katika shule zetu, kuanzia shule ya msingi, secondary na hata university, ndio watu wasome katiba, wajue zile sheria zinawasimamia.

Ile ingine, katika katiba yetu, hii ambayo tunatengeneza sasa, itengenezwe kwa njia ambayo hakuna sheria ambayo inaweza ku contradict ile ingine. Kwa mfano, ile sheria ziko leo chapter five, section 71, inasema; somebody has got the right to life, kila mtu ako na haki ya kuishi, alafu ukifanya makosa kama murder, ukienda kotini unashitakiwa murder, ukienda kotini sentence inakuwa death sentence. Alafu sheria inasema ufai kufa, alafu kotini unaambiwa uko na death sentence according to your case.

Naona hiyo sheria inacontradict ile ingine. Badala ya death sentence ni maoni yangu, tureplace na life imprisonment.

Ile ingine ni juu ya executive; executive iko na powers nyingi. Powers especially za president ako na kazi nyingi ambazo zingefanywa na watu wengine ambao wamesomea. Apewe kazi moja na president pia awe ile nomination anaweza pewa ni ya kuchagua tu ambassador wakuenda inje, lakini mambo ya kuchagua Attorney General, Ministers, Ministers na their assistance wachaguliwe bungeni, na mambo ya kuchagua Attorney General, pawe na commission of judges wale ambao watakuwa wanachagua the Chief Justice katika mambo ya kodi.

During elections, the president should not be in office. Wakati wa uchaguzi uwezi kuwa referee na pia uwe ni player. Saa zile nakalia kiti cha upresident na mimim nasimami upresident na yeye, fakikiri atatumia tax payers money kwa ku campaign ambayo hiyo ni added advantage, hiyo election iwezi kuwa free and fair. Kwa hivyo kwa maoni yangu the Attorney General ashikilie kiti wakati wa general election and then yule mtua ambaye alikuwa president na anagombea kiti awe ako ani moja na wale wengine, ndio iwe free and fair. Alafu the Attorney General will hand over to the person who will win the seat.

Ile ingine ni juu ya, anyway before I move from executive, president anafaa kuwa kutoka miaka 35 mpaka 60. Nafikiria hii mambo ya mtu kuitisha u-president akiwa na miaka sabini, hiyo it is outdated na pia sheria inasema mtu akifikisha miaka 55 aende retire, na yule anasimamia inchi ako na 70 na anataka u president, naona it is not fair.

Ile ingine ni juu ya local government, local government inasimamiwa na tax payers money, hii pesa inaokotwa na local, na councils ndio inaunda serikali ya mtaa. Katika serikali ya mtaa, wale ambao wanatoa kodi ya wauzishi, kwa sababu nafikiria vile tuko hapa ni wachache sana wanajua ile pesa inaitwa ya lative. Local transfer funds, lative ni pesa ambayo inatoka kwa, tuseme kwa mfano hapa Kibwezi, inatoka Makueni, inapewa Kikumbulio, ije kufanya development. Na wanapatiana 5%. Tangu general election mpaka sasa wametoa more than 400,000 Kikumbulio, peke yake, nafikiri watu wahusishwi. Hiyo pesa ikipeanwa inapewa ma councilors, ndio wanaenda kusimamia miradi ya maendeleo ya hiyo pesa, ndio ma auditors, ndi everything. Naona kutengenezwe Locational Development Committee, ile ambayo inaweka kuwa inahusika kwa kusimamia pesa kama hizo.

Ile ingine, Central Local Government iwe delete from the Central Government, ndio iwe huru iweze kutumikia wanainchi bila interference from the Central Government.

**Com. Kabira:** You are winding up?

**Joseph Musyoki:** Yes I am winding up. Ile ingine ni juu ya environment. Ata kama tunasema tunataka kuwe na environment mzuri katika inchi yetu, katiba iliopo imevalue mnyama kuliko mtu. Kwa sababu sheria inasema ukiuwawa na ndovu pale compensation ya serikali ni 30,000 per person, nafikiri hata hiyo ndovo ni pesa nyingi kuliko 30,000. Kwa hivyo inamaanisha

mnayama ndi muhimu kuliko mtu. Compensation ya askari yule ambaye yuko pale msituni, akiuwawa naye analipwa 1.5 million, nafikiri it is not fair, kama serikali inataka kuchunga environment, ifence wanyama wao, alafu kama mtu anauwawa kwa bahati mbaya na ndovu, compensation isiwe chini ya 3 million ama 2 million.

Ilw ingine ni juu ya Provincial Administration. Provincial Administration according to my view should be scrapped except sub-chief and chiefs, those ones can be elected by people, wakae muda wa miaka mitano kama ma councilors and after that wa kombee viti tena, kama walikuwa wametumikia wanainchi vizuri.

Ile ingine ni juu ya land, juu ya land. Nguvu za kusimamia land irudishwe kwa mwanainchi. Wakati wa kikoloni, babu zetu ndio walikuwa wanamaliza makesi ya land, sasa imekuwa kuna Land Control Board, makueni district. Kuna Commissioner of Land, Nairobi. Nafikiria yule ambaye anajua mambo ya land, ni the Village Elders. Kwa hivyo kama ni board ya kusimamia mambo ya mashamba, iwe ni wale village elders ndio wanahusika na kila kitu, mpaka Title Deeds and everything kwa maoni yangu.

Ile ingine ni Identification. Isiwe tu I.D ndio identification ya kuonyesha wewe ni mwanakenya, kwa sababu watu wengine wanasumbuka sana. Kwa mfano, unapoteza kitambulisho kwa bahati mbaya, ukitembea hivi unakutana na askari. Wewe unaitwa nani? Unatoka wapi? Wapi kitambulisho? Sasa wewe unasema unaitwa Mutuko, alafu anakufuata tena, kwani Uganda kuna Mutuko. Si Mutuko ni wa Kenya, akisikia tribe, kwa hivyo identification of tribe, iwe tu ni njia moja ya kutambulisha mtu. Kwa sababu hata ukimwambia hivyo anataka ile kitambulisho, kwa bahati mbaya huna. Let me wind up, asnate.

**Com. Kabira:** Thank you very much Bw. Joseph Musyoki, na mwingine Musau Nganga:

**Speaker:** Interpretor is not in, I will get somebody else to translate.

**Musau Nganga:**

**Interpreter:** Namshukuru Mungu kwa siku ya leo, kunifikisha siku ya leo. Tena shukurani kwani ma commissioners kwa kutupatia nafasi ya marekebisho ya katiba. Shukurani kwa wote ambao wamekuja kuchangia mjadala huu wa marekebisho ya katiba. Asante.

Nataka kuchangia juu kuhusu Maumau. Moja wapo wa wale walikula kiapo cha Maumau, walio pigania uhuru wa inchi hii kwa shida kubwa. Yeye alikuwa mmoja wao, ni mmoja wao. Kala kiapo, nikaanza kudai inchi hii kwa shida kubwa sana. Walitaabika sana, mpka hata chakula walikuwa wanakipata kwa kuiba, kutumia njia ya kunyanganya watu mbuzi huko, ndio wapate chakula cha kula. Basi wakahidiwa wakimaliza vita, watapewa haki ya kumiliki mchanga huu. Kenyatta ndio akawahidi hivyo. Mdogo wake Ngei. Hawa wawili ndio waliwashawishi hawa wakawacha mambo ya kupigana kwa sababu

waliwahidi, kwa vile mzungu ataondoka, sasa mashamba mtapata, wacha mambo ya kupigana. Wamengojea, bado wanangojea. Sasa imekuwa ata afadhali siku za mbeberu mwenyewe kwa sababu hapa kuna ahadi ya mtapata ardhi, hawapati.

Wanangojea, wanangojea, hata siku za mbeberu ndio kulikuwa afadhali, walikuwa wanapata chakula, sasa taabu.

Waliokalia vita vya mamlaka basi wakaanza kuvitumia kwa ajili yao wenyewe, hata washugulikii wanainchi, hata wawatambui wanainchi kama wanastahili. Kama hii ndio katiba ile itakuja sasa kutuokoa, ndio tuwe ndani ya serikali ijao, nawauliza muwe na mapenzi kwa wanainchi, kwa wanainchi, kuwasaidia kwa mambo yote ambayo yana shida. Wale ambao walichukua atamu za uwongozi, wakawahidi ata watoto wao watakuja kupata kazi, wacha mambo ya kupigana watoto watakuja kuandikwa kazi, alafu hao wakakalia huko viti, hawataki kutoka, watoto huku wanataabika, hakuna kazi. Shida kubwa. Serikali ikatengeneza nji ingine ya kibandia, mtu akienda retire basi anarudishwa kazi, hapo nadhani amaanisha vile wale parastals chiefs wanapata appointments, wakiwa ni retired, wanaappointiwa, anaenda tena kuongoza katika parastals. Huko kukiwa kuna watoto ambao wamemaliza masomo na hawana kazi, hiyo serikali aina gani. Na kwa upande wa Maumau nitakoma hapo.

Sasa hii katiba mkienda kuiunda, muiunde itambu sawasawa nafasi ya wapiganiaji uhuru, wakina Maumau, yaani wapewe their prominence, their due prominence in the new constitution. Hata kuna wengine huku wanasema ati kunaweza kukawa na umwagikaji wa damu tena, hiyo mambo ni upuzi, damu tulimwaga ya kutosha wakati wa Maumau, sasa tunataka kuanza kufurahia matunda ya uhuru, sio kuambiwa kuna damu ingine itakuja kumwagika. Waliuwa wale ambao walistahili kuuliwa, tukanyakuwa uhuru, basi tutumie uhuru kwa njia ifaayo. Kinachokosekana ni uwongozo bora. Tukioongozwa vizuri, tutaendela mbele vizuri bila kutishwa tishwa kwamba ati kutakuwa na umwagikaji wa damu tena.

Nitaongeza. (**Interjection**)

**Com Kabira:** Mzee uko karibu kumaliza?

**Musau Nganga:**

**Interpreter:** Eeh yuko karibu kumaliza. Maneno ambayo anzungumza yaho tamu, sasa mpatie nafasi ya dakika mbili tatu, endelea. Anachosema, sisi watu wa Kibwezi tuna shida ya ardhi. Ardhi yetu imefanyiwa survey na bado hatujapata hadi za umilikaji. Ikiwezekana tupewe, tupewe hadi za umilikaji wa mashamba. The Chulu border is another issue in dispute.

This border was set by Kasanda Mula, when he was the area Member of Parliament and Kenyatta by then was the president. Sasa tumeambiwa kwamba hiyo ardhi ambayo walikuwa tumetengewa na Kasanga na Kenyetta imekuwa Game Reserve. Hatujui kwa nini wamaasai wakiingia Chulu ambayo ni Game Reserve, wanaweka mifugo yao huko, hawana shida, wakamba wakikaribia, kupigwa kule wanapigwa huko hakuna kifani.

Ya mwisho, wakati wakifwega mahali wameambiwa wawe wanachukua barua kwa sub-chief. Wakipewa barua waende kufyega huko kwenye Game Reserve, wakikutwa huko na Game Wardens wanapigwa sana. Kuna taabu kubwa sana,



maanake wanao weza kufanyia kazi hio wanatengeneza makaa ya kuuza lakini hao jamaa wa Game wakija wanawapokonya hata makaa ambayo wamekuwa wametengeneza. Asema kwamba hayo atosha kwa sasa. Asante.

**Speaker:** Asante sana mzee. Agnes Musambi. Iko?

**Agnes Musambi:** Asante sana kwa commissioners kwa kunipatia hii nafasi ya kufika hapa. Mimi ningependa mambo ya mwanamke mlemavu. Kama mnaniona mimi ni mwanamke mlemavu. Na tukiangalia mambo ya mwanamkw mlemavu, mwanamkw mlemavu ako na shida mara mbili; kwanza yeye ni mwanamke na mnajua zile shida za mwanamke, na tena yeye ni mlemavu. Sasa mkiangalia hiyo maneno inakuwa two in one. Sasa hiyo sisi wanawake walemavu tunasema, sheria inaweza kupitishwa kwa katiba ijayo, wanawake walemavu wawe sawa na wanawake wale wengine.

Ile ingine ningependa kuzungumzia juu ya hayo, ni masomo ya huyo mwanamke mlemavu. Nyumbani kwetu tukiwa na wanawake au tuseme wale watoto walemavu wasichana, awaendi shuleni. Wazazi wanawaficha huko, hata serikali ijui kama kuna wanawake walemavu ama kuna wasichana walemavu, na ukiangalia shida zao ni tofauti. Tunaomba kama sheria inaweza kupitishwa, hao watoto wanawake walemavu, wapate masomo sawasawa na wale wengine.

Tukiangalia upande ule mwingine ni wa medical services. Ukienda hosipitali ambayo kuna mwanamke mlemavu na wanaume mtanisameha. Kama mwanamke mlemavu amepata mimba saa hii, alafu aende hapo Kibwezi Health Centre, ataulizwa nani amekutia hii mimba, kwani mimba inatiwa na nani? Si inawekwa na mwanaume. Sisi wanawake walemavu tunataka equal opportunity, hata tukienda hosipitali, tumepata mimba, tukiulizwa mimba ni ya nani, watu wanajua vile mimba watu wanapata.

Ile ingine ningengea ni imagine, yaani sisi wanawake walemavu atuonekani kama sisi ni watu. Mwanaume anakutaka tu ile five minutes na kisha basi. Lakini ukisema mwende nyumbani uwe bibi, kwa maana anasema hii ni shida juu ya shida na siwezi kuongezea mzigo. Jamani si watu wakiowana, si ni mapenzi ti? Na kitandani kuna shida? Hakuna shida. Sisi tunataka equal rights za marriage.

Ile ingine ningengea ni accessibility, juu ya wamama walemavu. Mkiangalia kwa hii kanisa, hata wamama walemavu tunataka kuja kuhubiri. Wanawake walemavu tunataka kuingia kwa hall public building, tunataka kuingia kwa transport. Lakini ukiangalia vile vimeumbwa, vimewekwa stairs. Sasa hata mguu wangu uwezi kufikia, jamani dunia hii ni yale watu wako sawa. Sisi wanawake walemavu tunataka kuhusishwa, tunataka kuwa inclusive, kwa ile katiba itakuwa kesho.

Na, ile ingine ningengea ni juu ya representation ama kuwakilishwa. Sisi wanawake walemavu tunataka kuwakilishwa. Kwa maana wanasema; asiyekuwepo na lake alipo. Ukiangalia katika stage za planning, wanawake walemavu sisi tunawachwa nyuma. Hata atuonekani kama ni watu, hatuonekani kama tuna views, kama tuna issues za kuongea. Sasa kama mimi hapa nikiongea, mnasikia kama hiyo sauti yangu iko na ulemavu? Si naongea kama wanawake wengine? Si naongea kama



professor? Sisi tunataka kuhusishwa kwa ile katiba ingine, sisi wanawake walemavu.

Na ile ingine ningeongea ni retirement age. Ukiangalia sisi wanawake walemavu, sasa sisi tunapata shida ukiwa mtoto mdogo msichana. Unakuwa, ukienda primary school, unakuwa na 11 years, ukienda primary school unakuwa na 14 years ndio unakuwa standard 1. Sasa just imagine, kutoka standard one mpaka form four, na hii ni 8.4.4, utakuwa na miaka mingapi, almost 25 years, aah 35 years. Na hiyo 35 years utatafuta kazi ama uende university about 10 years, that is 45 years. Na hapo unaenda kutafuta kazi two years. Ukipata kazi, utafanya miaka mingapi? 7 years alafu retirement. Tungeomba kwa hiyo katiba ingine, kwa maana sisi tukiwa na walemavu tunakuwa na shida, tuongezwe retirement age, iwe kama 70 years.

Na zaidi ya hayo, sasa nitapenduka upande mwingine. Nikiongea hapa, I am representing The Makueni District Disabled People with Disability, sasa si wakina mama. Naongea sasa kwa jumla. Ukiangalia vile sisi tuko na katika hizo nimesema hizo planning zote na wote a view. Hakuna mlemavu angalao ama amesoma, na hiyo yote mlikuwa mnasema juu ya land issues, ukiangalia sisi atuachiwi chochote, land atupati kwa maana sisi atuonekani kama ni watu. Sasa tunataka mtoto wako kama anaweza kuachiwa property, ata kama ni mlemavu ama si mlemavu. Awachiwe na hiyo iwe kwa hiyo katiba ingine. Kama vile ule mama amesema mara moja.

Ile ingine ningeongea, tunataka wote wasome, walemavu wote wasome. Kwa mfano, na ningepeana life story hapa. Hapa, hata hapa saa hii tunaongea kuna mmoja wetu ako na degree, na ni wangapi wako hapa wako na degree, except the commissioners, wako? Lakini si wengi sana, sasa ukiangalia ata huyo wetu, ametafuta kazi almost six years tangu atoke university. Kwa nini ubaguzi. Nimesema, nataka kwa hiyo katiba ingine ya kesho, kuwe hakuna ubaguzi wa rangi, kwa maana chapter five inasema nini, hakuna ubaguzi wa rangi, hakuna ubaguzi wa nini, hakuna ubaguzi wa gende. Lakini hakuna ubaguzi wa disability. Naomba kwa hiyo commissioner ingine iwekwe hakuna ubaguzi wa disability. Sasa kama mtu amesoma, anainquire masomo, ako na right recommendation, anaweza kuingia kama yule mwingine. We want to be inclusive, ile mimi mwenyewe Agnes nikiingia hapo, niseme hii personnel mimi siwezi, lakini usiniambie siwezi shauri ya ulemavu wangu. Hiyo tunataka, disability is not inability, lakini ni nyinyi, ile tunasema environment inafanay tunakuwa handicapped, we are not handicapped but we are persons with disability. Tunataka kwa hiyo sheria ingine, sisi tuwe recognized kama watu, huma being, and the second time, a human being with a disability. Because it is the sho wearer who knows where it pinches and we say nothing for me without me. Thank you very much.

**Com. Abubakar:** Thank you very much Agnes. Can we have Jacobus Kiilu?

**Jacobas Kiilu:** Kwanza commissioner, jina langu ni Jacobus Kiilu, na ningetaka kuongea kama member of the civil society from an organization called Mico Suit. Na vile vile nikiongea kama mzaliwa na mtu ambaye amekulia katika hii sehemu ya Kibwezi.

Na jambo ambalo nitaongea juu yake ni la ardhi. Kuna vipengele vitatu ambavyo vina uhusiano kabisa kwa ardhi. Ya kwanza ni preamble, ambayo ningetaka kuchangia. Section ya pili ni basic right ambayo iko na jambo la ardhi. Na ya tatu itakuwa ni land and property ambapo kuna ardhi.

Katika sehemu ya preamble ningetaka mambo ambayo tutaingiza yawe kwanza ni kusema sisi wanainchi wa Kenya, tunaandika katiba hii ili kurekebisha mambo ambayo yamekuweco tangu mababu zetu na shida ambazo zilitokea wakati wa kikoloni na zingine ambazo zilitokea baada ya uhuru wetu. Na hizo shida zimekuja kuleta hali ambayo ni ya watu wengine kuwa chini sana, na wengine juu sana katika hali na mali. Na mambo ambayo ningetaka ku recommend yawe included katika preamble, is to recognize that before the declaration of Kenya's protectorate and economy, there were over 40 communities with distinct social, cultural economic and governing structures, and the people recognized them and they were proud to identify themselves with the language, 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 umasikini na tofauti za hali na mali. That, then the constitution should recognize the people as having controlled and jointly help themselves responsible for the utilization of natural resources, land, water, minerals, wildlife and protection of human life as well as human rights. Land belongs, I quote "to no one or land belong to no one but all who ate the fruits, or we will say 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 pretocorate regines and the colonial regines as 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. And 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 extensive expogression of land from the communities and such land was then referred as crown land, and there was also another product that is; squatters, displace persons living within crowded native reserves and this were living under restricted conditions of movement and association. Let the constitution also recognize that the creation og crown lands, native reserves, as well as the subsequent creation of the concept of squatters and displaced persons. These were the base or the basis of the 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 is out of suffering those losses, not just the fight for indepence that Kenya was granted independence before attainment of imperical statehood. (**Interjection**)

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

**Mr Jacobus:** I am just stating them within the preamble, what has to be recognized.

**Com. Abubakar:** Okay fine.

**Mr Jacobus:** 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 is 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 with 999 years of lease, and 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 land, a right to life and liberty. Another right would be a right to access and meet as well and 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, beliefs, expression and association movement as well as assembly and the right to communicate, travel and transport within and outside the country, irrespective of land ownership. Again going to lands, I would like to state that my recommendation, that we should start with the fact that all land in Kenya 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 thereof. Hakuna mkubwa, hakuna mdogo katika match, kusiwe na mkubwa wala mdogo katika match ya constitution as far as land ownership is concerned. Then non citizens, I recommed that they may and shall only occupy and use land, provided that their application shall be granted and registered by the citizens, through their local authority or any other and uphold their interest as long as they do not conflict or abolish the title, the rights and interest of the local citizens.

Then, finally within land, I state 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 right 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 both from village to divisional level, with all records and machinery decentralized to such levels. The institution of the cimmission of lands should be abolished and instead retained registrar of lands at divisional up to district level and the services to be rendered at sub-locational, and that is at village, sub-locational and locational levels. And land committees enbrought should include a secretariat reporting to an elected people's land chairperson. On the part of the lands that have been registered as fields and leases before or after independence, within land that essentially were outside trustland. We propose that the current constitution abolishes the rights, the interest and the titles, so as to avail the same land a fresh 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, you know, fellow Africans and whites, and already registered as field or the long leases. And with all that (**Interjection**)

**Com. Abubakar:** I hope you are winding up. Your time is up.

**Mr. Jacobus:** Yes I am winding up. 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 refered to as the 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 marines and such should be utilized and

managed by committees elected by the people. Thanks.

**Com. Abubakar:** Thank you very much. Job M. Maingi? Iko? Pastor Peter from S.D.A, Iko? Pastor Peter, what is the second name?

**Pator Peter Ndiroka:** Ndiroka Kihanya. Asante nitatumia Kiswahili lugha ya taifa. Nashukuru kwa nafasi hii na nitatoa maoni mara mbili. Maoni kama Pastor wa S.D.A na maoni kama mwanainchi wa Kenya. Mengine itakuwa personal, mengine itakuwa kwa niaba ya kanisa langu.

Katika constitution mpya ambayo tungependa iweko, kuna mambo yafuatayo ambayo tungependa yafanywe. Uhuru wa kuabudu ijapokuwa umeandikwa katika katiba yetu, uwezo kuweko katika matendo. Kwa mfano, kuna uhuru wa kuabudu lakini sisi ambao tunaabudu siku ya saba ya Juma ya Sabato katika mashule, aifanywi ama sheria aifanyi kazi. Kuwe na uhuru wa kuabudu katika sehemu za kazi, either ni zaserikali au ni private sector. Michezo na michezo ya kuigiza ambayo inafanywa siku ya Ibada inawafanya washiriki wetu wakose nafasi ya kuhudhuria Ibada kwa sababu inawekwa siku hiyo peke yake.

Uchaguzi; electoral commission isiweke uchaguzi katika siku yeyote ya Ibada, iwe ni Ijuma kwa ndugu zetu waislamu, iwe Juma Mosi kwa sisi wa advntista wa Sabato, ama Jumapili kwa madhehebu haya mengine. Iweze kuwekwa siku ya kazi. Siku za shule, education days, kama prize giving days, ziwekwe siku za kazi, that is kuanzia Juma tatu mpaka Ijumaa. Public holidays, ambazo zinaangukia siku ya Saturday, washiriki wetu wanajimwa uhuru wa kupumzika kama wengine, kwa sababu public holiday ikiwa siku ya Juma Pili, siku ya Jumatatu hao watu wengine wanaruhusiwa kukaa manyumbani. Kwa hivyo ikiwa siku ya public holiday, kama inayokuja ya Madaraka day itakuwa siku ya Sabato Juma mosi, washiriki wetu Juma tatu wasiende kazini.

Ningependa kuongea mambo yanayo tuadhiri hapa hapa kwetu. Jambo la kwanza ni shamba ambalo linaitwa dua. Washiriki wetu wanofanya kazi pale, waruhusiwe kupumzika siku ya Sabato na wasinyimwe kazi kwa sababu hiyo. Nasema hiyo na nitaeleza kidogo. Juzi nilikuwa naenda kuhudumia washirika wangu kule, tukakatazwa kuingia kwenye gate, tuakambiwa tuende na baskeli na tulikuwa na pasaka, washiriki wakaumia pale. Na dini ya S.D.A si Mungiki, imekuwa registered in the government, na kwa sababu imekuwa registered in the government, mimi kama pastor nikiambiwa nibebe pasaka na baskeli, kilometre sita, niliona hiyo ni ukoloni mambo leo. Makindu Sigh Temple; kuna washiriki wetu wanafanya kazi katika Sigh Temple ya Makindu na waruhusiwi kuja kanisani siku ya Sabato. Wapewe uhuru, wakuje kanisa siku ya Sabato, na wakishindwa, wasinyimwe kazi kwa sababu ya Ibada, kwa sababu huyu mshiriki ana uhuru wa kuabudu na ana uhuru wakufanya kazi, maana ana right to live. Police stations that is Kibwezi Police Station, Mtito wa Ndei Police Station, Makindu Police Post, Makindu Traffic Force na Kiboko Police Post, washiriki wetu ambao ni ma afisa wa polisi, ambao wanafanya kazi kule, waruhusiwe kuja kanisani hata kukiwa na emergency. Kukiwa na emergency. Kukiwa na emergency wale ambao wanaenda kanisa siku ya Jumapili, waende wa attend emergency ambayo imeamua kufall on Saturday. Kenya Wildlife Service, Railway Stations, enforcement ya freedom of worship, katika sehemu hiyo iweze kuweko. Hii ni kusema K.W.S, ata kama ni

ndovu amevamia inje na washiriki wetu ndio wako karibu, wasichukuliwe kuenda kuwinda hao ndovu, hao wengine waende wawinde, na ikifall on Sunday, wanaweza kuenda kuattend emergency kama hiyo.

Social amenities ambazo zina, nyingi zao zinapangwa siku ya Sabato, kwa sababu siku ya Juma pili watu wengi wanaenda kanisani, zinapangwa siku ya Sabato maana ndio mtu hayuko kazini na hayuko kanisani. Zisipangwe siku hiyo, zipangwe siku za kazi ama wakati wengine wowote ule, na wanao organize vitu kama hivyo watambue uhuru wa kuabudu. Hayo commissioners yanhusu kanisa ya S.D.A.

Nataka kusema yangu mwenyewe na ni machache. Jambo la kwanza, wale watu ambao wanahadhiriwa na wana virusi vya ukimwi. Wanaoadhiriwa na maanishi mayatima, na waweze kufanyiwa mambo ya fuatayo. Jambo la kwanza; religious organs kama makanisa ya misikiti na temples, waweze kupewa share ya pesa ambzo serikali inatoa za kupigana na changa ili. Jambo la pili; viongozi wa dini ambao ndio walio na hawa washiriki walio na virusi vile ama walioadhiriwa na jambo ilo, waweze kuhusishwa katika mijadala ya serikali, ambayo inaitwa ili ipigane na jambo ilo.

Jambo la tano, ni ya kwamba wale ambao wanapewa barua ya kupeana vyeti vya ndo. Marriage Licenses Officers, kama the Attorney General, the D.C and religious leaders, iwekwe sheria ya kwamba kabla zijaunganisha ndoa yoyote, wlae ambayo wanataka kuunganishwa katika ndoa, watoe barua ya daktari, ya kuonyesha ya kwamba, hawana viini. Nina maanisha hivi, makanisa mengi tunafanya crusade, tunaleta waumini, lakini hatupimi hayo maneno. Mhumini mpya akiingia akingia kanisani na ana virusi, na mhumini mwingine amejitunza muda huo wote, tunaunganisha ndoa. Kwa hivyo mimi nikiwa pastor ambaye naunganisha ndoa, nimesababisha kifo cha mhumini ambaye amejitunza miaka hiyo yote. Kwa hivyo iweze kuwekwa kwa sheria, ya kwamba kabla ujaunganisha ndoa yeyote, uitishe certificate kutoka kwa daktari ya kuonyesha ya kwamba wote wawili wako H.I.V negative.

Na la mwisho, mambo ya wakulima. Katika inchi ya Kenya, mkulima ananyanyaswa sana, mimi si mzaliwa wa Kibwezi, lakini nimeshangaa kuona wakulima wakilima mahindi kisha wanauza shilingi tano kwa kilo moja. Ninaumia moyoni nikiona washiriki wangu wanataabika na baadaye wanauza mahindi kana kwamba ni kupoteza. Serikali ifanye kama inchi zingine. Ikiwa chakula kimekuwa kingi zaidi, kingine kiuzwe ama kipelekwa misaada kwa inchi zingine. Na misaada inayotoka inchi za ng'ambo, isije katika inchi ya Kenya, wakati kuna chakula cha kutosha, kwa sabau cereal board inajaa chakuka cha misaada na wakulima wana chakula kinaharibikia shambani. Inafanya chakula chao kiweze kua cha bei ya chini. Hayo ndio niliokuwa nayo, asanteni.

**Com. Abubakar:** Asante, thank you very much Pastor Peter. Thomas Silu?

**Thomas Silu:**

**Translator:** Thank you commissioners. I will be brief. First issue is on preamble. We would like to propose recognition of freedom fighters in the preamble.

He is going to address land issues. He recommends that any Kenyan, 21 years old should be given land by the government, should not depending upon his parents' land, he should be given his own land. Because it amazes that there are Kenyans who are called squatters and what 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 land.

If you qualify for a national identity card, as you are given the I.D, that same time be given a copy of the national constitution.

He is 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 qualifications. You look at the facilities available to them, they are very different in that, a hall like this has not smooth entrance for them, while they are in some of the areas, there are stairs making it difficult for them to walk into those facilities. So, there should be a smooth facilitation for their entrance into facilities like this. He is saying he is addressing the problem of the disabled, all over the country. That the constitution should make it suitable for each of the disabled to enjoy life, as an ordinary citizen. There should be 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 youth interest in the national assembly.

He recommends that there should be another seat in parliament reserved for women, to take care of women interests in the house. He ends his participation by giving his written memorandum to your clerks.

**Com. Abubakar:** Next is David Katheka.

**David Katheka:**

**Translator:** I thank God and our government. Thanks God for enabling each one of you to be here. He thanks the government for enabling us to be here in a peaceful atmosphere.

My agenda is one, about churches. Churches must be well recognized in our current constitution but in the constitution we are starting now. The church has enormous responsibility of converting even the most wicked to useful nationalist by preaching to them, until they change their behaviors and become useful citizens. So the role of the church in society is very important. He is asking for the new constitution to provide for free spreading of the gospel, even in prisons. Preachers should be allowed to preach the gospel in every corner of the country. It is very important to have the word of God, have a free course in our nation to ensure we don't get cursed by God, like it was in the case of King Nebuchadnezzar. He proposes that with that freedom of worship, the government should be keen, to see some of the denomination, that have suspicious tendencies of preaching errand gospel, which leads some of the youths to call their parents' names which may invite a curse. So, let's have clean religion not

some of those dubious denominations preaching funny gospel. Thank you.

**Com. Abubakar:** Can we have councilor Julius Kiema? Yuko?

**Councilor Julius Kiema:** Asante sana. Nami nitatoa maoni yangu, na nitaanzia kwanza, katika zile rasilmali ambazo tunazo katika inchi, and actually I will be talking or raise my issues on certain aspects of the Kenya Wildlife Services.

What we have, especially in this particular area, we know very well that there has been since the memorial been a word animal and man conflict. Sometimes resulting in permanent injuries and even death, so as to co-exist peacefully, I thought some measures were supposed to be put in place so that we can have a good consistence. And, I was thinking of putting an opinion like this one; K.W.S should put perimeter, electric fencing around national parks and game reserves, to confine wild animals into their natural, in their natural habitat.

Secondly, it is touching on the compensation which the K.W.S is not doing at the moment. Na, B, I will suggest that adequate compensation for victims of wild animals be paid promptly. C, I would suggest that adequate compensation for crops destroyed by wild animals also be provided for, and D, that compensation which is also adequate be paid for livestock killed of mimed by wild animals.

I would also like to touch a bit on the Chief Act or the Provincial Administration. My opinion on the above is that; the Chiefs Act and the Provincial Administration should be abolished. If they are to be retained, I submit that Chiefs and Assistant chiefs should be elected, since they permanently work in their home location and sub-location repectively. Altenatively, they should be transferred from one station to another, just like any other government employee. D, is that Chiefs and Assistant Chiefs who perform well in their duties should be awarded a promotion, maybe to a D.O and maybe to Assistant Chiefs to Chiefs.

On the question of political parties, I feel that the constitution should regulate the number of political parties. In my opinion, I belief, I would think that a mimimum of three and a maximum of five is a good number, and that this political parties should be funded by the government. And that the State funded media, that is both T.V and radio should give equal air time to these poltical parties and also give them same prominence in their news.

I will again touch on the issue of or rather Cup 85, this is the Administration Police Act. In my opinion, the Administrative Police is just a notorious troop, which is used by the Provincial Administration as such. They do not investigate any cases, but rather harass citizens. They also do not prosecute the people they arrest, but rather torture them. As such the force should be abolished and intergrated, or absorped in the Kenyan, the Kenya Police to avoid duplication of work and save this country of some revenue.



On our education policy. My personal feeling is that primary education must be made free for all Kenyans and made compulsory to all. Secondly, is that the Kenyans system of education should revert to the old system education, that is 7.4.2.3, so that we can have an internationally accepted standard of education. C, is that secondary education must also be affordable to most of our people. I have also another thing to add on that, and this touches on the public holidays. I believe that Kenyans have too many uncelebrated public holidays. I was thinking that we should do away with Moi Day, and Madaraka Day and Kenyatta Day should be intergrated together and celebrated as Heroes of Liberation Day and celebrated on the first of June. Boxing Day should also be done away with as most of the citizens do not understand what it is all about. Labour Day has also lost meaning, in that most of the workers, actually spent their time indoors, since they, just stay indoor pondering what, where they will get their next meal.

On the question of leadership, both civic, parliamentary and presidential. My personal feelings are that leadership cannot be an exclusive club for those who have degrees and the rich people only. Leadership affects the people, it has never been shown anywhere that it is only those people who have university degrees who care and know the problems of their people. The question of university degrees again has been advanced, I think by fear for majority who are afraid of defeat by the majority. At the same time, the question tha comes to my mind, when discussing this issue is whether the university degrees are accessible to most of the citizens. Again we know many of us here in this particular hall, who miss a chance to attend a university course, because they could not afford it. These people were better in class, than those who have their degrees, maybe through back doors. I was looking today at our Daily Nation, I think it is on page 28, and they are talking about, it is about a job advertisement, and they are saying that they want somebody who has a degree from a recognized and a reputable university. So, for those who do not have degrees from recongnised and reputable universities, should we also recognize them as leaders, or should university education really measure the kind of leader that you are.

Again in politics, it reminds me again of one statement for Russia, known as Nikita Crushel, he said that politics was too important a matter to be left to politicianana only. Like Nikita also, I would like to say that leadership is too important a game to be left to people with degrees and a few millionaires. Again, there was man known as Abraham Lincon, and in the 1840s there was debate in America in the state on noise, it was about how long a man's leg should be in proportion to his body. This matter could not be solved in a matter of hours, but at the end of the day, lincon summed up everything and said that a man's leg should be long enough to reach the ground. In this particular case, as far as contrasance, the qualities or education standards of our leaders. Our leaders should have enough education so as to understand the appeals. If it is a councilor, he should have enough education to know what council matters are all about. If it is a member of parliament, then he should have enough education so as to understand parliamentary business. **(Interjection)**

**Com. Abubakar:** Councilor, please try and summarise that now.

**Councilor Julius Kiema:** Thank you. I wish again to come to the local authority. My personal feeling is that councilors



should be paid from the consolidated fund.

Secondly is that, councilors should also be the chairman of the allocational development committees, since they are the people, who sit in the council and discuss development in their locations. Local authorities should also hire and fire their county clerks and treasurers. I again submit that council should use their revenue, collected for service delivery and not paying councilors allowances.

I sum up by briefly talking about the kind of Kenya that we want to see next year. I believe that the best government that we ever have is the coalition government. Whereby, every party feels that it has been included in the government because for the last five years of ten years, our country has not been able to grow because of infighting. People have been advancing their political opinions as opposed to our national unity. So, I feel that a coalition government will be best suited for us. And again, as far as it concerns the presidential election, that the president of this country should at least master 51% of all votes cast. Secondly the Vice president should also be directly elected by the members or by voters.

On the electoral laws, I suggest that votes be counted in the polling station and not to be transferred to any other place.

Again the most pressing issue in this constituency is the squatter issue. Since 1991, we have people who have lived without land.

Land has been dished to the minority rich. We are asking ourselves, what kind of country we are living in, mahali ambapo tuko sasa, na sijui kama kuna mahali pengine katika hii inchi ya Kenya, ambapo tumekuwa na so many settlements. We have so many squatters, who have been evicted by the government, at the same time, the government has also set land aside to be allocated to the landless na serikali hiyo yenyewe, inasettle wale watu ambao wakubwa katika serikali, ma P.C, ministers na wale watu ambao walifukuzwa Chulu, bado wako pale pale wakiwa katika camp, na hawajakuwa settled. So, we are asking ourselves, what kind of Kenya, should we seek next year. Kwa hivyo ningetaka kusema kwamba maneno ya ardhi ya angaliwe, na, ile settlement ambayo itafanywa sasa hivi, ambayo iko Kiboko C, wale watu ambao hawana ardhi, na ambao walikuwa wamefukuzwa na serikali wawe settled kwanza. Asante.

**Com. Abubakar:** Thank you very much councilor, can we have Mr William Kavetsa.

**William Kavetsa:**

**Translator:** Asante kwa tume, ambayo wamekuja kusikiliza mawaidha yetu watu wa Kibwezi. He says he has no problem with the current government, he is going to give his views and this does not mean he has any hostility against anybody, including the current government.

The problem we have as country, we started fighting for independence. We wanted to be free, to lead ourselves, and freedom to take care of our land, but we won our independence. What amazes me, or what amazes us citizens of this country, surprising,

the foreigners from abroad will come and acquire land and they are given Title Deeds, and they are taken care of. Why is it that we citizens and in the constitution be true, give us our lands. If there are some Title Deeds that were for the foreigners, take them back to them and give us our original Title Deeds. So that the Kenyans can enjoy ownership of their land that we can work on our farms and go by what the first president said. He ordered us back to the shambas, and because we don't have the shambas, this constitution that has been governing this country for the last 40 years, should come to an end today, in this constituency. So that we may have the new constitution, so that we Kibwezi people may have ownership of our land.

He says that, even so land in our place, here in Kibwezi has been allocated unfairly, with some people having more land than others. We should be given our land, they should not be given to a few, or privileged ones. An example is the Dua farm. Some of them have been allocated lands, they don't even need like the Dua Sisal Estate, there are large parts of their land, which is not used, and so robbers, thugs take refuge in those unused areas so they become dangerous to us as we travel. This other piece of land, allocated to the university is so big, we are yet to see the university. All we have seen there are camels, goats, we are yet to see the university. If it is a university, let's see university structure come up, so that our kids begin to benefit from it, not to keep camels in that land that is not part of education. Providing haven for thieves. We are asking the government to reallocate that land to the citizens because it is our land. We are asking the government and because we know people cannot be equal, if there are those that are acquiring larger chunks of land than others, the simplest of the citizen should be given at least 50 acres. When the senior citizens get 200 acres, the junior citizen should get at least 50 acres so that we are comfortable.

About schools or education; we are asking the government to provide free education from primary to university level.

Concerning civil servants like the Chiefs, they should be elected by the people. We propose the sub-chiefs to be also elected by the people. Village Elders should be put on some pay roll.

**Com. Abubakar:** Try and summarise

**William Kavetsa:**

**Translator:** I propose that there should be gender consideration, that women be given as much advantage as men, in public service or in a public life, or in all aspects of life.

He is proposing that there should be not law on trespass again. Thank you.

**Com. Abubakar:** Kuna mama yeyote ambaye ako tayari kutoa maono? Mama yeyote, nimesema mama. Kuja.

**Tabitha Nzomo:** Asante kwa kupewa nafasi hii. Kwa majina naitwa Tabitha Nzomo, nawakilisha N.C.C, women

representative Eastern Province. Nilizaliwa Kibwezi na nimzalendo wa Kenya. Yangu ninaanza na kushukuru the commissioners kutupea nafasi hii ya kutoa maoni, na kuchangia katiba ya Kenya, baada ya kuwa na katiba kwa miaka arobaini.

Tunafurahi kwa sababu hii ni katiba itatumika zaidi ya miaka mia moja ijayo.

Ninaanza na preamble. Preamble yetu ya katiba, katiba yetu ya Kenya aina preamble. Nataka ile itaandikwa ihusishe the freedom fighters na sana sana naongea kuhusu sababu ya gender. Tukitambulisha, tukuhusisha the freedom fighter, wapiganaji wa uhuru, pia wamama wale walihusika watambulishwe kwa preamble ya katiba yetu. Na pia katiba yetu, sababu katiba ni kitu inaongoza inchi yetu ya Kenya. Kama hii sasa ni katiba ile tuko nayo, iwe ni katiba na kitabu iwe na, at least ni kitabu inaweza kudumu kwa muda mrefu, sababu hii ni makaratasi imeunganishwa tu na pin, na nikatiba inaongoza inchi mzima. Ukiangalia katiba ya Uganda, ni kitabu yenyewe ata ukiangalia hivi, ni kitabu cha maana. Hii iwezi kaa muda mrefu ndio unaona mpaka imewekwa ata celotape. Iwe ni katiba na ni kitabu inaweza kudumu. Sababu ni kitu inaongoza Kenya mzima.

Nikiongea tena kwa citizenship. Katiba yetu ya Kenya, upande wa citizenship, sisiw wamama imetulalia. Kwa sababu wakati huu mwanainchi wa Kenya, akiowa mwanamke foreigner anakuwa mwanainchi wa Kenya, anakuwa citizen automatically. Lakini mwanamke wa Kenya akiolewa na foreigner, huyo mwanaume atapata nafasi ya kuwa mwanainchi wa Kenya. Nataka kama ni mwanamke ameolewa na foreigner, pia akikuja Kenya kama anataka kuishi inchi yetu ya Kenya, huyo mwanaume awe Kenyan citizen. Hapo pia upande wa citizenship, kuna watoto wanakuwa na single parent. Mwanamke amepata mtoto na foreigner ama kijana amepata mtoto na mwanamke foreigner na mwanamke amemwachia mtoto. Huyo mtoto pia awe mwanainchi wa Kenya, sababu the parent is a Kenyan citizen. Huyo mtoto pia apewe nafai, akuwe mwanainchi wa Kenya. Pia mtu akifikisha miaka kumi na nane, wakati atapewa kitambulisho, apewe pamoja na copy ya katiba ya Kenya, ndio kila mwanainchi pia awe anajua sheria za Kenya, sababu hata siku hizi, kupata hiyo copy ya katiba ni shida. Kama sisi tunapata huku kupitia kwa workshops. Na ukienda kununua lazima ununue copies hamsini. Kwa hivyo kila mwanainchi wa Kenya akipewa kitambulisho apewe pamoja na copy ya katiba.

On gender; kuhusu gender, mimi nitaongea tu kidogo. Kuna traditional practices, zimeumiza sisi wamama. Ukiangalia kwa kabila nyingi sana, pamoja na hapa ukambani kwetu. Mwanamke bwana wake akikufa, kuna kimila kinasema ati ni mpaka apewe kama ako na monthly periods za wanawake, bwana wake awezi kuzikwa ni lazima alale na mwanaume ndio hiyo mazishi iendeshwe na inakuwa ni lazima. Hiyo ni torture. Na ukiangalia sana sana wanachukua wale wanaume wako mentally handicapped. Pia hapo disabled wanaumizwa. Mwanamke anamourn, she is mourning bwana yake amekufa, na analazimishwa kufanya mapenzi na mwanaume. Mimi nataka hiyo sheria ya Kenya, hiyo iwekwe maanani na hiyo itupiliwe mbali. Wale watalazimisha mwanamke kufanya hivyo wachukuliwa hatua ya kisheria. ]

Pia hapo kwa gender tena, wanaume wetu wazee, wamegeuka, wamekuwa mabwana za ma binti zao. Mwanaume anageuka bibi hako hapo, ata ajaenda mbali, anageukia msichana wake, anamfanya bibi. Msichana kwa sababu ya poverty in our country, huyo msichana awezi ku resist sana, sababu baba baba atamwambia kama unanikubali ni lale na wewe sitakupatia

school fees, na maana msichana anataka kusoma atakubali na afiche mama. Mzee kama huyo akipatikana, mimi nasema kabisa, hiyo uume wake uishe, kwa sababu ana tamaa ya zaidi. Hapo tena nasema kuhusu defilement. Wanaume, wanarape wasichana wadogo, hata wamezidi, wameanza at kunajizi wanaume wenzao. Mtu akipatikana, sheria kama hiyo, mimi naona hakuna aja ya kurudishwa tena, huyo ni mtu wa kunyongwa sababu ni mtu anadhulumu. Kama wakati huu wa ukimwi, unarape mtu unammaliza, hiyo ni kama kumua. Kwa hivyo hakuna aja ya huyo mtu kukaa tena.

Kuhusu elimu; education of girls and boys. Wasichana wetu wamenyimwa nafasi ya kusoma. Unakuta kwa familia msichana ndio anapewa duties zote za kitchen. Mama amerelax pale na bwana wake. Ako standard 8 ama tuseme form 4, na ako na brother yake the same class. Hao watoto watafanya mtihani moja, msichana anapewa kazi za jikoni, kazi ya nyumbani yote, na wakati wa mtihani msichana anakuja kufanya mbaya kwa mtihani. Watoto wote wapewe elimu sawa na iwe ya lazima. Wakimaliza standard eight, ukiangalia kwa records vizuri, wanaume wengi ndio wanaenda secondary school. Ule mtu msichana wake amefanya vizuri na amekosa kumpeleka shule achukuliwa hatua ya kisheria. Wasichana wote wasome.

Hapo nikiongea hapo nitaguzia pia upande wa walemavu. Watoto wale disabled, ukisikia kama kimila yetu ya Kikamba, kuna watu wanasema ati kupata mtoto mlemavu ama akili pungwani inakuwa ni laana. Hiyo nikufanya hao watoto wasikie wako discriminated na mtoto kama tuseme msichana, msichana ata kama atakuwa amesoma, mlemavu, wanaume hawana dhuluma sana kama wanawake. Huyo msichana anaweza kupata mtoto. Lakini kama kijana ni mlemavu na ajasoma, ataoa nani? Wasomeshwe, ndio wanawake, ataoa ule mwanamke best, sababu amesoma. Kwa hivyo elimu ya walemavu iwekwe lazima.

Na pia wanaume kuna wale wanarape walemavu. Hiyo nayo pia iwekwe restriction sana, na sana sana wale walemavu wa kike. Police station zetu ziongezwe ma afisa wa kike sana, ndio waweze kuchunguza, sababu kama mwanamke ni bubu na amenajiziwa, atakuja ku report namna gani? Lakini akiwa na afisa mwanamke, wataongea na wawasiliane vizuri mpaka wapate mwenye hiyo makosa na achukuliwa hatua kali zaidi.

Administration; Mimi maoni yangu ningeona administraion I-scarappiwe ibakie P.C, Chiefs na Village Elders. Sabau hiyo mlolongo ingine mkisema economy ni mbaya, wanazidisha economy yetu. Ukiangalia sub-chief hakuna kazi anafanya. Village elder ndio anafanya kila kazi yote na anaweza kuwasiliana vizuri sana na the area chief. Na pia kuna ile Kikamba tunaita 'kimee', kitu kidogo baada ya kusikiliza kesi na wazee, elders. Inalazimika waitishe ata pesa nyingi kwa sababu hawapati ata mshahara jamani. Chief ako afisini na sub-chief na mshahara wanapa, lakini village elders ndio anafanya kazi nyingi zaidi na hana mshahara. Mimi katiba inaowekwa sasa napendekeza wapewe mshahara pia. Village Elders, Chiefs, hao nao pia wachaguliwe na wanainchi na wakaea kwa muda wa five years. Lakinihapo pawachwe nafasi, vote of no confidence Mtu akifanya kazi vibaya, vote of no confidence tunachagua mwingine ndio tuweze kuwa na viongozi wazuri.

Bunge; wabunge wetu tunataka tuchague mbunge ako na elimu ya kutosha, ndio akienda ku represent mambo yetu, aweze kuongea na hiyo lugha iko huko. Tunapeleka wengine lakini anatupenda na ni kiongozi mzuri lakini awezi kuenda kusema,

maana elimu yake aimuruhusu. Inabidi hata apite chamber, ndio aweze kutuma mbunge mwenzake. Tunataka ule mtu amesoma, kama amemaliza form four, awe ako na elimu ingine ameenda kusoma, ameadvance education. Awe at least na diploma ama degree. Hatutaki mbunge ajasoma.

Kwa civic; pia tuwe na councilor amemaliza form four level, na pia awe na pass. Sio kuwa form four na awe akuwa na kitu anasikia. Form level na awe na pass. Hapo nikingea na kuzia tena kwa parliament na civic. Nomination. Sioni aja ya nomination, sababu wakati huu, ma M.P wetu wanapata mshahara wa 600,000. Wale ma nominees wako hapo kumi wanapata pesa ngapi ya Kenya, hiyo ni kuharibu economy. Nomination ipewe walemavu. Hata pia kwa councilors, hatutaki councilor mtu anaweza kujiombea kura kwa wanainchi. Ule mtu nominated awezi kuomba kura apewe hiyo nomination.

**Com. Abubakar:** Jaribu ku summarise, wakati wako umeisha.(**Interjection**)

**Tabitha Nzomo:** Pia nikingea on, wacha nimalizie hapo. Thank you.

**Com. Abubakar:** Asante sana Tabitha. Willy Mwanza? Iko? Okay not there. Francis Kairu? Francis Kairu?

**Francis Kairu:** Natoa shukurani zangu kwa commissioners wetu, ka kuwa nasi siku ya leo. Jina langu naitwa Francis Kairu. Tunataka kuchangia juu ya ulemavu na walemavu wenyewe.

Sana sana ni elimu ya walemavu, watoto walemavu kwa jumla. Ijapokuwa imeongewa zaidi, lakini ukitazama kuna aina tofauti za ulemavu ambazo zinataka viwa mbali mbali kulingana na ule utalam wa elimu yenyewe. Kwa bahati mbaya hatuna walimu wakutosha inchini, ambao wanaweza kushgulikia elimu za walemavu kama wasiona, wasiosikia, wasiosema, pia na walio na akili pungwani. Kila namna ya ulemavu hasa, inahitaji walimu ambao washahitimu na ambao wan ujuzi wa kufunza hawa watoto. Na hali kadhalika, kulingana na vile yaani ulemavu ulivyo, ndivyo garama za kuwaelemisha watoto wetu walemavu zilivyo. Kwa hivyo ningeliza katiba yetu ipeane nafais juu ya serikali, iwe inahudumia elimu ya bure katika hao watoto wote walio walemavu. Kwa sababu tikiwawach hivi, basi watakuwa wameangamia, na itakuwa ni ulemavu kuongezea umasikini, na hivyo ni kusema walemavu wote watakao zaliwa ni kuangamia kwa vile mtoto huyu awezi kufanya kibarua kidogo, akajipatia angalao mkate wa kila siku, wala analolote awezalo kufanya na pia kama ni mtoto wa kike, ule ubaguzi wa hali ya maumbile awezi kuona bwana wa kumuoa, kwa hivyo itakuwa ni shida.

Kwa upande mwingine, nigependa kuchangia katika hali ya mobility apparatus, hizi uwa ni shida maanake kuna wheel chairs, viti vya kutembelea, pia kuna crutches, na vile vile huwa kuna hearing apparatus na vitu vingine. Na kwa hakika vyote kwa jumla kuvinunua katika bei yake ya halisi huwa ni gali sana. Mtoto mlemavu pamoja na mzazi wake ni shida sana yaani kumudu. Kama kiti cha kutembelea, kiti cha magurudumu ambacho ni kama elfu kumi na tano kufikia ishirini. Hivi ningeliza, serikali pia isaidie ktika upande huo, Ndipo iwezekane. Hao watoto waweze kujimudu katika kutembea, vile vile kama ni

kusoma, waweze kusikia na hali, walio na uwezo hapa ya kuona waweze pia kuona, na hali ya kutembea pia. Kwa hivyo hizo ni shida ambazo huwa zinawakabidi watoto walemavu vile vile na watu wazima.

Vile niliyo sasa, mlemavu wakutokuona, pia huwa ni shida. Ni lazima katika kila safari niendao niwe na msaidizi wa kunisaidia katika mwendo. Maanake siwesi kujiongoza, nikajipeleka kwa stage ya bus. Siwezi hata yaani kujua nikifika bus stage, kujiongoza nikajileta hapa P.C.E.A, mpaka niwe na mtu wakiniongoza. Tukifika katika stage ya matatu, yeye conductor wa matatu hajui kama huyu yaani ana shida na pua ana msaidizi wake. Tukiingia tutahesabiwa sisi zote ni abiria. Kila mmoja anahitajika nauli, na ni mimi tu nitalipa. Sasa kama ni safari yangu kutoka Makindu kuja hapa, nitalipia watu wawili kuja na kurudi ni watu wawili. Na hivo hivo kila mahali niendapo itakuwa ni hivyo. Je kama ningekuwa mlemavu wakuendea na ki gari kile cah kusukuma, itakuwa mlemavu mwenzangu alipie dereva wake wa kumsukuma, ajilipea yeye mwenyewe na alipie ile gari ikipandishwa juu ya rack. Kwa hivyo ningeluliza serikali pia yaani itoe nafasi , paptishwe sheria ya kwamba, kama ni mlemavu uwa na ki-gari chake na ana msaidizi wake ambaye anamsuma, akubaliwe alipe nauli ya abiria mmoja. Kama ule mtu ambaye hana ulemavu, atakapo ingia vizuri katika matatu, ajikalie na mfuko wake, na alipe nauli ya mtu mmoja. Hali mlemavu, atalipa yake, alipe ya ki gari na alipe ya dereva anayosukuma. Hapo pia ni dhuluma.

Kwa upande mwingine, kuna hizi tinazoziita iinfrastructures ambazo mwenzangu mwingine nilimsikia akichangia na alifanya vizuri. Uwa ni shida sana kupanda ngazi. Inamaanisha kama kuna uduma fulani, natakikana katika afisi fulani jijini kubwa kama Nairobi, Mombasa ama Kisumu, mimi mlemavu ambaye sijiwezi, kutembea ua siwezi kupanda ngai. Kama ni permanent secretary ama ni minister sitamfikia. Kama ni application au ni interview ambayo nafanya, hata kama nilikuw nimeshaitwa niende nikaifanye, basi mimi nitasare, maanake sitaweza kupanda ile ngazi. Hivo itakuwa pia ni mateso juu ya mateso. Kwa hivyo tafadhali katiba yetu inapasa katika ile mijengo, katika miundo misingi vile ilivyo jengwa, katika wale wataalamu wa ujenzi, wawe kama ni planning, wawe wanaweka njia nzuri ambaye kama ni mlemavu aliye na kigari ama naenda kwa migogonjo anaweza kupanda vizuri akafikikia ile afisi kama wanainchi wenzagu.(**Interjection**)

**Com. Abubakar:** Tafadhali mzee jaribu kumaliza.

Asante hivi basi namaliza hivi. Pale pengine pamepaki ni katika retirement ages. Mfanyi kazi wa kawaida akifikisha miaka 55 ni due, inampasa sasa yaani awache kazi. Mlemabu mwenzake akiwa miaka 55 atakuwa pia ni entitled kuwacha kazi. Sasa mlemavu tangu aingie shule, uingia akiwa na umri wa miaka kumi na tano. Kusoma mpaka arudie rudie darasa kwa sababu ya shida za ulemavu hapa na pale. Sasa yeye mwenyewe akija kuajiriwa huajiriwa akiwa katika umri wa 35, kufikia 40. Sasa kama pia atawachishwa kazi, ataretire akiwa katika umri wa miaka 55, itamaanisha atakuwa amefanya kazi katika baina ya miaka 10 na 15. Kwa hivyo ningeluliza tafadhali tuongezewe katika katiba yetu, iongezwe retirement age ya mlemavu iwe 65. Asante.

**Com. Abubakar:** Tafadhali tunawaomba wale wamebaki kuongea mjaribu ku summarise kwa dakika tano, kwa sababu

tunataka kufunga kikao hii saa kumi na moja, na tuko na karibu watu ishirini wamebaki. Kwa hivyo tunawaomba tafadhali, mjaribu kuangalia time, na mmalizie kwa dakika tano. Willy Mwanza? Nichola Nzomo? Okay Bowas Ochieng? I hope you observe the time limit I have given you, five minutes.

**Bowas Ochieng:** Five minutes yes. Naongea kwa niaba ya wafanyi kazi wa serikali kutoka Makindu division na sitarudia zile watu wamesema.

Tungependa constitution amendment ikifanywa ipitie through referendum, before it goes to parliament.

Tungependa pia identification ya Kenyan citizens, tutumie kipande, the National I.D card. Na hiyo space ya tribe isikuwe.

Tungependa Kenya ikuwe na three political parties na their formation management and conduct be governed by the constitution.

And then, tungependa political parties baada ya kumobilise watu, baada ya kuitisha kura, hizo miaka nne inabaki wakuwe wanafanya mambo ya maendeleo. Development activities kama N.G.Os. Ingekuwa vizuri tungsikia kama hii barabara kutoka Kibwezi mpaka Kitui imepigwa lami na D.P, ama K.A.NU, ama N.DP, ama S.D.P. Kwa hivyo political parties wa play role in development activities.

Tungependa all public appointments, that is position appointees, ikuwe vetted by the parliament.

The voting age should remain 18 years, and a Member of Parliament can be as young as 18 up to 70 years of age, and should be a graduate or equivalent.

For president, tungependa akuwe umri wa 40 to 70 years, na akuwe M.P ambaye ameserve for at least two terms in parliament. So we don't want a new M.P becoming a president.

Tungependa wanainchi wakuwe na uwezo ya ku recall their M.P. Most of the M.Ps we have currently, wanaitisha kura alafu wanapotea Nairobi. Wakija nyumbani mnaenda kuwaona hao kwao mahali wanakaa. Saa ile wanaitisha kura, wanakuja kwetu. Kwa hivyo tungependa, kama M.P baada ya one year or two years is not performing, tukuwe recalled na tufanye uchaguzi ingine.

Nominated M.Ps should not be party representatives, they should represent marginalized overall groups.

Nimesema the president should not veto things back by parliament.

Na powers ya president ikuwe limited in areas of appointment of public servants, controlling parliamentary calendar and election, creation of districts, giving our public utilities like land, creation of ministries, and decision of civil servants. Powers of the president should be limited in those areas. And, the president should not be above the law.

Tungependa kwamba, after election of the president, mut akichaguliwa akuwe raisi, awache ile kiti chake cha bunge, ya M.P, like the National Assemble, ndio akuwe anaongoza the whole country. There is too much role to be an M.P of a constituency and a president of a state.

In the local authority, tungependa ikuwe autonomous na all councilors wakuwe of O'level education. We say there is no need of nomination of councilors.

In the electoral process, tulisema kwamba, in the current parliament, most of them while they are there by minority vote. Tugnependa in the election, if somebody is not able to gather more than 50% of all the votes cast, tukuwe na rerun. A rerun election. Both for M.Ps and for presidential candidates. Because currently we are being led by people with minority votes.

Tungependa, the boundaries of the constituencies to be reviewed in terms of population and traditional boundaries.

When it comes to the day of the polling, we agreed that the votes should be counted at the polling station and they should use transparent ballot boxes.





The electoral commission or the commissioners should serve for seven years, conducting only one election. That one election should have new commissioners, so that they don't learn the act of rigging.

We said that the constitution should take care of the interest of marginalized groups, in terms of access to services and property.

And here you have to be reminded of civil people, those living with chronic illnesses like A.I.D.S, Diabetes, Asthma. The aged, the mentally ill, children and women.

We request that civil servants who work in marginalized groups be paid special duty allowance.

Tangu asubuhi mmesikia kwamba wafanyi kazi wa serikali wako na shida na wanaichi. Na in our group we had all, we had Provincial Administration, watu from Ministry of Health, all public civil servants, the police. And, the problem we have is because of the changes, which were made in 1966. Currently all public servants, all civil servants are holding their offices at the pleasure of the president. So we can be sacked on a public rally like here. So, we are requesting that the Public Service Commission be independent and should not be under the control of the executive. At least now, tunajua kwamba uwezi kuuma kidole ile inakupatia chakula. Na tunaambiwe, tmeajiriwa na serikali, na serikali imeundwa na chama ile ina rule, kwa hivyo saa hii ni K.A.N.U. Kwa hivyo hata wanainchi wakilalamika namna gani, mimi singependa nipoteze kazi yangu. Nikiambiwa na mtu wa K.A.N.U ama ile serikali fanya hivi, ama twanga huyu ni opposition, nitafanya nini? Lakini if we have a strong public service commission which is independent and not under the control of the executive, I will do my duties as I was trained to do it.

Tungependa the state should not regulate the conduct of the civil society, and parliament should determine the country's foreign policy.

**Com. Abubakar:** Your time is up please, so wind up.

**Bowas Ochieng:** Thank you very much. Last but not least, our group said, that the retiring presidents in Kenya should be given services in terms of security and welfare. But not immunity from prosecution. Thank you very much. **(Interjection)**

**Com. Abubakar:** Bowas Ochieng, you have a written submission

**Bowas Ochieng:** I have just given it out.

**Com. Abubakar:** Okay fine thank you. Thank you very much for that. Reverend Philip Muthoka.

**Rev. Philip Muthoka:** Asante sana commissioners na wanainchi. Nitaongea machache juu ya yale, ambayo kama kanisa tunarecommend yawe katika constitution.

Kwanza ninaanza na freedom of worship. Kuna shida kubwa kwa sababu kila mtu amepewa ku worship ile anataka. Kwa hivyo there should be limit. Maana wengine hata wanaabudu sijui namna gani, na imekuwa confusion kubwa katika Kenyan society, juu ya mambo ya freedom of worship. Who is to be worshiped? That should also be included.

Jambo la pili ni value. In the preamble we need to address to the issue of value of Kenyans. For example, kukiwa na mtaliano mmoja apotee hapa Kibwezi, kila nyumba, they will make sure that kila nyumba ako wapi. Lakini mwanainchi wa Kenya akipotea, au akianguka mahali, nobody minds. So we should want the issue of the value of Kenyans to be addressed.

Jambo lingine ni juu ya basic rights of Kenyans. Kama hatuwezi mambo ya free market, why should we go there. Maana tunaenda huko kuumiza wanainchi. Ndio sababu mahindi inanunuliwa for five shillings, ata mboga inanuliwa kwa shilingi hamsini tangu miaka kumi iliyopita. If we can't free market, why should we do it. We should do what we are supposed to do to protect wanainchi.

Jambo lingine ni system of government. Nafikiri the present system of government, at least kidogo wanainchi wameelewa, I recommend that the present system of government iendelee, lakini president asiwe na constituency. Na Vice president awe ni ule running mate wake. Ule ambaye wanapingana na pengine amemfuata karibu. Ikiwa kunatokea jambo fulani achukuwe uongozi wa inchi, maana pia alikuwa amechaguliwa na wanainchi. Na hawa wawili wasiwe na constituency.

The constitution of Kenya, should be written in the mother tongue. Katika kila lugha ndio kila mtu aweze kusoma. Na iwe in the bookshops, sijui inafichwa kwa nini. If it is our document, why should it be hidden. Tena, bibilia ndio kubwa na imeandikwa kwa lugha zote, na ukienda unaweza kuipata anywhere. Why should the constitution not be written languages, which Kenyan people could read.

Jambo lingine ni juu ya disable people au people with disability. Mimi naona police wanabebwa na matatu na wanabebwa bure.

Naona makanga wanabebwa, wanabebwa bure. Na hao watu wanafanya kazi na wanapata pesa. Nao watu ambao wana shida nyingi, hata wanaitaji kusaidiwa, nafikiri sheria inatakiwa hawa watu waweze kubebwa na magari free. Maana sioni kama Kenya, wale watu wa biashara wanaweza kupata hasara, kwa sababu ya kusaidia mtu mmoja. They should be given that opportunity.

Mambo ya civic education, inatakiwa iendelee na serikali iwe na wajibu wakufundisha wanainchi, yale mambo hawayajui.

Kama sasa unasikia wengine wanasema Majimbo, unasikia wengine wanasema sijui nini, na watu hawajafunzwa. It is the responsibility of the government to teach the Kenyans. Kama ni kitu inataka kuwe introduced, ikiwe introduced, wao wanajua vizuri, na wawe wanaweza kuchagua wanataka nini au nini.

Jambo lingine ni juu ya freedom fighters. Ninauliza kama inawezekana, freedom fighters wawe pia wanaangaliwa. Maana hata wale watu wanafanya siasa, wale ambao ni campaigners, kama mimi ni mjumbe, nina compesante hao watu. Hata wengine wamepewa ministries, hata akianguka namna gani, anakuwa ndio minister. He is compensated. Kwa nini hao watu wasifikiriwe? Kama walipigania uhuru, kama walipoteza hata maisha ya wengine, watoto wanalia kwa sababu walipoteza wazazi, they should be compensated by the government.

Pia ninarudi kusema ya kwamba there should be if possible, two chamber of parliament. Maana moja, iwe ni those minority groups, wale ambao watapata nafasi katika parliament, kunatakiwa kuwa parliament ingine ndogo ambaye katika kila province, wataangalia watu. Kama ni wawili wawili, waweze kutumwa huko, ili mambo ingine yakipitishwa na parliament, yapitishwe kwa hawa. Ili kila mkenya awe amewakilishwa katika parliament. Maana wengine ndio wanasema hawajui kama wako Kenya au wako wapi, they have been left out, na penigine kila mtu wa Kenya anahitaji kuwa valued.

Jambo lingine, na ni ya mwisho; Ni juu ya mambo ya administration. Administration, tuna propose ya kwamba, tuwe na D.C. tuwe na Chiefs na Assistant Chiefs. Na D.C. awe direct to the central government. Badala ya kupitia kutoka hapa, upitie Makueni, uende Nairobi, uende Embu, alafu urudishwe tena huku. I think we need to address that issue, the constitution should address that issue. Tuwe tunaweza kuenda kwa D.C. na D.C. awa anaweza kutumaliza mambo yetu badala ya kutumwa huko.

Thank you.

**Com. Abubakar:** Thank you very much Reverend. Joseph Njakai? Iko?

**Joseph Njakai:** Asante commissioners. I have a few points to make.

And the first one is on the legislature. It is my feeling that the constitution of Kenya should permit, coalition government, where by two or three parties, that is political parties, with majority of M.Ps should form the government. On the same, the president should not have power to settle it ration powers by parliament. Otherwise parliament should be supreme as far as legislation is concerned. The president should not have the power to dissolve parliament. The parliament itself should have a schedule of its sittings, for the five years, and it should be strictly be followed. That is the schedule should strictly be followed. It should even have the date set for the election. That is after their term is over.

For the executive; I suggest that the president should not be above the law of the rank. He or she should not be the Commander in Chief of the Armed Force. Nor should he or she be the Chancellor of the public university. The public universities should be autonomous, so that whenever they are making decisions, they make independent decisions. As for the Commander in Chief, it is my feeling that somebody from the armed forces should be heading that department and should be answerable to the minister of defence.

On elections, I want to give a suggestion on defection by M.Ps. Defections from one party to another should be discouraged. Most defectors do so for their own benefits but not for the benefit of their constituency. And, we are all aware that by-elections are quite expensive. So whenever we have defector, they should be banned, or banned by the constitution from standing in the by-election that will take place in that constituency since they have already broken the contract, which they had signed with electorates. Constituencies and wards should be based on population and not geographical boundaries. It is my feeling that the wards should have a minimum of 10,000 presidents, or voters, or the constituencies should have a minimum of 50,00 voters. This will mean that we will not have M.Ps representing as few as 3,000 people, when another M.P in a different constituency is representing a hundred or so constituents.

On environment and natural resources, I want to comment on those communities bordering the National Parks, where our Kibwezi happens to be one of them. There should be a clear policy in the constitution on how the communities neighbouring the National Parks should benefit from the wildlife. What should be done, when their properties are damaged by wildlife or when a life is lost. Otherwise as things are today, it is very clear on what should happen if an animal is killed by a mwanainchi. But when a mwanaichi is killed or the property is destroyed, if life is lost, the charge is very low or whatever is paid is very low. If it is crops damaged, which is happening a lot in our division here. **(Interjection)**

**Com. Abubakar:** Please try and sum up.

Okay I am summarizing. I have one comment on the review commission itself. It is my feeling that there work should be through by December 2002, to enable Kenyans to go to the elections with a new constitution. It is also my feeling that instead of maybe the three commissioners visiting the constituency, if they could be reduced to two, I feel they can cover the

constituencies in Kenya in a shorter time, and by so doing we will have a new constitution before going to the elections. Thank you.

**Com. Abubakar:** Kilviana Muloi, hayuko? Timothy Kioko? Hayuko? Timothy.

**Timothy Kioko:** Okay. I will start with the constitution itself. The constitution, in the new constitution should have something like a time period which we can oftenly review it. Let's say maybe after ten years, we sit down, if there are new things we want to intruduce, we introduce to our constitution.

Okay, the presidential powers; we want to see a situation whereby the president whatever his appointments are, they should be, I mean they should go through parliament and at least a two third majority should vote for it.

Then a situation whereby we have M.Ps who are not really serving wanainchi; we want to have a situation whereby we can have an M.P being called back. We want to see a situation whereby, if the people have no faith in an M.P, maybe by raising through signatures, or finger prints, we can come with a list around, if it si something to do with the registered voters are, let's say 5,000 and 2000 have no faith in this M.P, they can bring their finger prints, I.D numbers, plus the voters card number. It can be used as a system of checking whether this M.P is really performing.

Then nominations; we want to have a constitution which at least should say nominations should be reserved for the minorities. Let's say maybe, if it is the youth, the disabled, and let's say women. Then, there is, in the new constitution I would want to see something like 'sheng', ile lugha tunaongea kila siku, lugha ya mtaani, is made a national language, because majority of the youth don't speak fluent Kiswahili, which is thought to be the national language. Including sign language, I think it is something which should be included as a language whichi is acceptable in each and every office.

Then there are, in times of elections; I would rather live in a situation whereby, I don't need to be affiliated to a political party for me to go to parliament. So, should I say Timothy Kioko Mhindi today wants to be the M.P, I will start on my own, without any political affiliation and be an independent candidate and go to parliament if I win.

Then, something to do with education; in the constitution to be, if it is the will of the people and my will, I would want to see a situation whereby it is stipulated that parent, I mean it is something which is passed, it is a law, that you have to educate your children. You have to see that your children attain the minimum universal accepted education. Primary education to say, and it should be compulsory. So, it is a law it you are not taking your kids to school, it should be followed up by a law.

Then, there is this argument about an M.P's type of education, a councilor's education. If I would recommend I would say, a basic form four education is enough for anybody to holds any public or elected office. Since, all what will matter is somebody

who is able to understand the issues. Because, we will demand a degree and most of this people who have degrees in B.A, Anthropology and he is not issue oriented, or he cannot reflect on our troubles down in the constituency. So, we don't have to peg, if we have to peg, let us peg it to a minimum of form four education. For the councilor, M.P and even the president. Thank you.

**Com. Abubakar:** Thank you very much Mr. Timothy Kioko for keeping to your time. Daniel Kavuti Nduku? Please also stick to your time of five minutes.

**Daniel Kavuti Nduku:** Asante sana kwa commissioners, kwa nafasi hii nimepata. Yangu ni machache.

Nitachangia kuhusu preamble. Hasa sana kuhusu utawala. Utawala ambao tuko nao haujapatia mwanainchi wa Kenya, kujitambua kama anajitawala mwenyewe. Kwa hivyo kwa maoni yangu ningesema kwamba, hii katiba ipendekeze ya kwamba, mwanainchi ajitawale mwenyewe. Hili akitembea, akuzungumza, akifanya jambo ana uhuru wa kutosha. Kwa mfano ukienda katika kituo cha polisi kupeana repoti fulani, utakuwa wakati umefika, umepata yule ofisa yuko pale mbele kwa counter. Ukijaribu kuanza kumweleza, huna ule uhuru wa kumweleza maanake ana maswali magumu na nikama hataki kuchukua repoti yako. Na kwa njia hiyo, mwanainchi anajisikia ya kwamba, hajapewe ule uhuru wa kujitolea na kuzungumza kwa haki. Na si hata kwa maafisi ya kama polisi, ata maafisi yale mengine ya kiserikali, unataka kumwona mkubwa. Kumekuwa na viziwi vingi katikati ya mkubwa na wadogo wake. Na, kwa hivyo ningependekeza katika katiba ya leo, ikiwa ninataka kumuona mkubwa kama P.S, nisizanze kuulizwa maswali ama kuzuiwa na askari pale au yeyote yule. Niwe na uhuru wa kusema ninataka kuzungumza na P.S wa ministry fulani, na ninapewa nafasi hiyo bila kuulizwa kwa nini namtaka.

Wacha nitoke pande hiyo. Kuna jambo ambalo ni nguzo katika kila inchi, na hili ni uchumi. Uchumi ikiwa ni nguzo kwa kila inchi, mwanainchi anafaa kuwa anaelewa uchumi wa inchi yake unaenda namna gani, na iwe ni jukumu katika katiba hili ya serikali kuonyesha ya kwamba uchumi unaenda chini au unaenda juu. Na kama unaenda chini, serikali iwe inaweza kuelezea mwanainchi ni kwa nini uchumi wa inchi yake unaenda chini. Ikiwa unaenda juu, hapo sitazungumzia sana maanake hata sisi tutashukuru. Sababu tunajua uchumi wa inchi ukienda hyy hata wafanyi biashara, wafanyi kazi wa serikali na wale wengine, mishahara itaenda juu. Kwa hivyo hilo jambo kuhusu uchumi ni jambo la kusisitishiwa sana, kuhusu katiba hii tunayo changia leo. Maanake uchumi wa kila inchi ndio msingi wa maisha ya binadamu.

Kuhusu mambo ya biashara; kumekuwa na utolezi wa ushuru mkubwa, kwani kumekuwa na shida ya wafanyi biashara kufanya vizuri katika biashara zao. Kwa sababu ushuru ambao pengine serikali inachukua, ni kubwa. Na kwa hivyo wafanyi biashara wamekuwa na shida na wengi wao wameangamia kwa sababu ya ushuru. Kwa hivyo katika katiba ya leo, hii tunayotengeneza, ningeliza ama ningependekeza ya kwamba ushuru kama unatengenezwa na serikali, mwanainchi hausishwe. Mahali pale unatengenezewe, yule mfanyi biashara kuwe na kamati ambao inahusishwa. Wanaenda wanakaa pamoja na wale watu wanapanga mambo ya ushuru na wanachangia pia, kama huo ushuru unatozwa kutolewa kulingana na viwango vya ushuru.

Maanake kawaida viwango kama hizo zinafanywa viwango. Kwa mfano, katika County Council na City Councils na Municipalities, kuna ushuru, ushuru wa sehemu hizo umekuwa wa juu sana, na mwanainchi amekuwa yeye mwenyewe awezi akafikia kile kiwango, ama hizo viwango vya ushuru na akawa anafinyika, ata biashara inamshinda. Kwa hivyo kukiwa na kamati ya wanainchi wanahusishwa kama wakati County Councils, Councilors wanaketi chini na kuenda kuzungumzia kuhusu vile ushuru utapandishwa, mwanainchi mwenyewe anahusishwa, anachangia. Illi asiwe anapigwa na uwamuzi wa ma councilors.

Ile ingine ni kuhusu katiba hili. Katiba hili, ni sehemu ya kila mwanainchi wetu Kenya. Na ninachangia ya kwamba kila mwanainchi awe anajua kusoma, awe hajui kusoma, ipitishwe ya kwamba, kila mwanaichi awe anaweza kuelewa document hii ya katiba. (**Interjection**)

**Com. Abubakar:** Thank you very much, your time is up now, I hope you have finished. Umemaliza?

**Daniel Kavuti Nduku:** Asante, thank you very much

**Com. Abubakar:** Asante. Bwana Kithanze Kimwele? He is not there. Were Kitalis Masakhale? But we had you yesterday in, I hope you don't intend to repeat what you told us yesterday.

**Were Kitalis Masakhale:** No I won't repeat anything.

**Com. Abubakar:** Please try and summarise in five minutes.

**Were Kitalis Masakhale:** Thank you, I hope it is clear. Asante sana commissioner once again. Kwanza nataka kutoa observation. I want to observe that, this is a message to you commissioners, professor and your colleagues. That in future public hearings of this nature, the commission reviewing the laws of Kenya, should employ a sign language interpreter. I have observed that we have got about six people in this hall who are deaf, and who from morning have not been hearing what you are doing here. This in itself is a violation of their basic human rights. If we are talking about Kenya, we should be talking about Kenya for each and everybody. I think the commission can afford to employ a sign language interpreter. (**Interjection**)

**Com. Abubakar:** Just hold, let her explain that point before you go on.

**Com. Kabira:** I want to accept that, that was an oversight, because I know that in every other session we have actually carried a sign interpreter. And, for this particular team, we still have to get an explanation as to why we did not get one. Because I know at the Coast Province and in Central Province, we always had a sign interpreter. So it must be, I don't know, do you know Mainuna? I think it should be raised in public before the, okay it was a problem with administration (**Interjection**)



**Were Kitalis Masakhale** So please before you come down always let them know that is is a must we have one. Thank you very much professor.

Secondly is the preamble. The preamble of the new constitution should reflect the diversity of the Kenyan nation. It should have a vision for this country, because as the bible says “a nation or a people without a vision perishes” so I don’t know what vision this county have, if the new constitution does not know anything like that. It should also, in parts of the diversities, it should incorporate, as a third national language, sign language. Because, that is what I am now complaining about here. The issue of disability being not an area for non-discrimination, it should also be included, other than gender, sex, religion and other things. Disability should in no ambiguous terms, be part of the areas of for non-discrimination in the future constitution dispensation.

The other one is, we accepted 1992, that we shall never go back to the era of one party system. To be able to impress and enhance multi-partism in this country, I propose that the new future dispensation, political parties with more than 10 Members of Parliament must be funded by the state. The current situation whereby only one party is funded, has tilted the political scenario to favour the ruling party. This kind of thing, should be a thing of the past.

Parliament must have its own calender and parliament must have the power to impeach a president, if in the opinion of the parliament, the president has gone against the law of the countries. The issue of above the law, should be a thing of the past in the new constitution. And, at no given time should we allow one person to have the date of election as a secret weapon. That has been misused and we are now saying that we should have a national parliament, which has the calender for starting and a calender for ending, and nobody should interfere that.

Interest groups, we are talking about new commissions, constitution commissions. I propose, the new constitution to have an equal opportunity commission. Equal opportunity commission will allow interest groups like people with disabilities, women and other minorities to be able to have recalls, incase they feel that their issues and interests have not been adequately catered for.

Participatory governance; I propose that in the new constitution dispensation, the government should take N.G.Os and civil societies as serious partners in development. They should not be seen as a threat, because what they are doing is suplimenting government efforts and in any case, they actually helping what the government should be doing. So, in future governments, N.G.Os and civil societies organization should be regarded as important partners and not be seen as enemies by the state.

Parliament and international relations. We have seen in this country and from independence, some national, some serious decisions are taken by the executives without recalls to parliament. In this particular situation, I want to propose that in future, the new constitution of this country should say, that no government, no president, should be allowed to sign an international law, whether it is regional corporation, whether it is new partner of development, whether it is tribunal union or

(Inaudible), without the government preparing a white paper to be submitted to parliament for approval. In this case, I am saying that parliamentary committee of foreign affairs must be consulted anytime we are talking about, entering agreement or discussion with anything that is foreign.

Number of public ministers. I want to propose that in future, the president or the head of government. Yesterday I talked about suppression between the head of government and the president. Ceremonial president, head of government. While we may allow the head of government to appoint ministers, we are proposing that parliament should have another role of saying how many ministers we need. Because we have seen, that as a fragile and poor economy like Kenya, having a number of ministers who don't even know what they are doing, is a burden to the state. We are now saying, that parliament should say, in my view that we have the following ministries only,;

1. The ministry of foreign affairs
2. Ministry of finance
3. Ministry of education
4. Ministry of health

and if there is need for any other ministry, then the parliament should discuss and approve, before they are just made. Because at the moment, and even the number of ministers. A government with poor economy like ours cannot afford to have about 66 ministers, or how many P.S. So that should be part of government

The last one if you allow me, is the issue of electoral commission and parliamentary election. One of my colleagues here talked about, that during election time, all political parties should have access to the media. Should have access to every Kenya area. Because at the moment, we have what is called zonny. Now, we are going to very soon have some people being told, you can't come to this zone because this is a D.P zone, this one will say, this is a K.A.N.U zone. This is actually rigging in advance. What we are saying now and in future is that a public funded utility like the Kenya Broadcasting Corporation should be accessible to all political parties. And, all political zones, if it is a constituency or ward, should be accessible by anybody who feels that he want to be a politician, and should have access. And, if they are interfered with, that should be looked up in the law.

The last one is the issue of funding. During political parties election time, Kenyans who are poor but have brains, have good ideas for this country cannot stand, because they have no money. But a thief, and anybody else who has a lot of money can bribe and get anybody. In this case, you have gotten people, who and in my own opinion should not have been in public domain, but they have (Inaudible) because yesterday he stole the parastatal, he stole on the other side. So, we want some public promity, public intergrity to restore this. I propose in the new constitution, the issue of the code of ethics and conduct to civil servants and public servants. And, if you want to become an M.P, declare your wealth. Let us know

where you got your wealth and how you will use it, and how much you spend in election should also be shown. In my view, that is my amble opinion, in my views. Thank you.

**Com. Abubakar:** Thank you. Mr. Mwanja Francis, Mwanja Francis? He is not in. Mwanja Mulwa? He is not in. Mutua Kibanda? John M. Mutia? Five minutes.

**John M. Mutua:** Kwa ma commissioners na wanainchi watukufu, mimi naitwa John Muthiani Mutua na ni herbalist. Nataka kusema mambo ya uherbalist peke yake.

Sisi herbalist, tunakuwanga na taabu sana. Tukiingia katika forest, kwa mfano katika Kibwezi tuna forest, na kuna National Park. Tukikutwa kule tunashikwa, na kazi ile tunachangia ni muhimu sana. Tunachangia kazi muhimu ya kutibu watu magonjwa mengi, tumefanya utafiti tukapata miti mingi ya aina ya magonjwa. Kwa hivyo tunauliza serikalie ijayo itukubali, tukiingia ndani ya forest, hizi forest zetu, tuwe hatushikwi na kustakiwa katika koti. Vile vile madawa yetu, kuna madawa inatibu magonjwa yasiyo tibika, kama diabetes, skin rashes na mambo mengine. Chango, UNVAT (?) na mambo mengine. Kwa hivyo, madawa yetu ichunguzwe, inaweza kuwa ikipelekwa kwa factory na itolewe kwa njia nzuri. Itatibu hawa watu wetu na kwa bei rahisi, na miti hiyo inapatika katika Kenya na humuhumu kwetu. Kwa hivyo mimi sina mengi nauliza serikali ijayo.

**Com. Abubakar:** Asante sana mzee. Tabitha Nzomo, nafikiri umetoa maoni, Agnes Wambua pia ametoa, Agnes Wambua, Umetoa maoni? Huyu alikuwa Agnes mwingine

**Agnes Wambua:** Some of my views have been said, so I am going to go through them very fast.

The constitution should guarantee free and compulsory education at all levels.

The government should be responsible for ensuring that all Kenyans enjoy their basic rights of security, health care, water, education, shelter, food and employment freely, Today very few Kenyans have access to water in their household, especially in the urban areas. Let the government ensure that every household has water especially in arid and semi arid areas.

When we got independence, we were prospecting that by the year 2000, we would have water in every household. But, very few people at the moment have water in their households. So, I am proposing that, it should be made constitutionally, that every household should have access to water.

Kenyans should have the right to access information in possession of the state or any other agency or organ of the state, whenever they wish so.

The constitution should guarantee access to land to all Kenyans and do away with customary laws that discriminate against women on issues of land acquisition and inheritance.

Those who own large chunks of idle land, should be taxed depending on the size of the land.

The president should not be above the law.

Job opportunities should be distributed fairly and nobody should hold more than one job post, even the president.

The administration force of Chiefs is unnecessary and should be abolished.

The president should not be particularly be the Chancellor of the university, and the presidential powers of appointing and dismissing civil servants as he so wishes should be tamed. Let civil servants bodies and bodies such as the sub chiefs, such as the public service commission be given those powers instead.

Let the constitution adapt the government of national unity, where every party contributes in making the government. Especially in making the executive, depending on the strength of the party.

The age at which a person can become a president should have an end limit. Say age 35 – 65 years. And for the Members of Parliament, let the age be 21 – 65 years.

Also, the constitution should embrace affirmative action, to ensure that marginalized groups are well represented in the parliament. This include women, youth, the disabled, the minority groups and the elderly.

Let it be tagged at 33% of the total population of each group. Also, let it be made by law, let it be by law that every foreign investor, non-governmental organization, the government and other employment agencies should employ a fair percentage of the marginalized groups, including women, youth, the disabled and the minority groups.

The language required for parliamentary elections are not sufficient. Let them go by their certificates. Anybody without a college certificate should be out. Let them also go through some interviews to measure their competence.

The president should be at least a first degree holder.

Members of parliament should not decide on their salaries, benefits and allowances. A commission should be set to do this instead, and at the moment there should be such a commission to cut down the heavy allowances and benefits they now enjoy.

The people should have the right to recall their M.Ps who do not perform according to their expectations. Where the need

arises, let the constituency committees collect votes of no confidence, on the M.Ps from at least 60% of the electorate from that area.

Then, lastly there should be the ombudsman office. These offices should be established, which is independent and where the public can report offences by the government and its officers. Thank you.

**Com. Abubakar:** Thank you, thank you vry much. Dominic Kingoo.

**Domic Kingoo:** Good evening ladies and gentlemen. Now today, in fact, in our constitutional review, I would like to suggest several things which the constitution should be able to take care of.

First, we must look at the infant. This child who is born, that is as the person who would build the future of this country. Therefore, there should be several rules which are established to take care of such people. For example, you will find that, from conception to birth, most of the children die in the process of uncarelessness. This comes to appoint whereby we need the state to intervine, by coming with a rule which says that, for example, each child should be registered from the time of conception, as property of the government, upon which any carelessness, exposing the child to future disability of inability to grow up normally, should lead to prosecution of either the parent who is irresponsible. And, in this case, the parent may be the husband causing stress to the wife, or the wife attempts to terminated that kid.

Second, we have lobbies who have emerged to make sure that people go on aborting, or people make sure that they kill their kids. If it is media it should be taken care of by the government because the government needs those people in future as resources.

Thirdly, we have child resulting from rape, incest, and single parenthood, should not at any time be termed by society as an illegal identity. Which may mean this; in this case you will find that, that child is looked down upon and in duer process is denied the resources of this country, because either he doesn't have a parent. There should come a legal framework, in which this kids are taken care of and intimidation is also taken care of.

We have, the government also should enact a law giving fit and clinical officer to inspect homes, especially where infants are and advice accordingly, of which if they don't do their duties as stipulated in the law, they are supposed to also be prosecuted.

We have the other one is supposed to be, death of infants, not unless clinically certified to be from natural cause, an incident should not be excused. Either the parent or any other person who has caused such problem.

We have from there; we have maternity leave. The constitution should also look into women's welfare by coming up with a maternity leave which should exactly start at almost beyond 7 months age of that child after conception and roughly about two

months after. This is because most of the women are coming up with kids, whether you are bringing up kids who are disabled, simply because of stress due to work.

There is also overloading of duties in the family, which we feel that they should be shared equally during such periods, or women should get less duties.

Now, the other one is; if the child is born from that age around two years. There should be a constitution, which will take care of the kid. For example we have finally, there should be compulsory children count down in bitria, in terms of age groups to establish of resources apportioned by constitution for welfare in this government. You will find that in our government, they don't know how many kids at a particular time, who are there. That is why you will find that most of the kids, either in Nairobi, or another town and marginalized areas, they don't have access to their rights as resources. Therefore we need a constitution, which should take care of count down of those people.

We also should have a government, they should present environment, which should not be able to harm children in future. The environment either at home, in school or wherever. Therefore, there should be rules, which govern which type of environment is viable for growing up of a kid. You will find that in schools we have polythene papers, in just schools, which are around. For example we have Kindergaten schools, you will find some papers around. Kids can suffocate on such and those are who are usually to be able reliable for any death of a kid due to carelessness (Interjection)

**Com. Abubakar:** Thank you very much, I hope you are going to summarise now.

Now I am going to summarise, excuse me. And I request also the commission to make sure that, if we have another constitution review, they should give people enough time to talk their views. Because I feel that, they are also being looked down upon, by not being given the chance, even if it is three days to talk their views. Thank you for summarizing at a short distance.

**Com. Abubakar:** Thank you very much. We have to try and save on time, because we want a new constitution before the elections. Now can we have Councilor Kamau" He is not in. Francis Mutie.

**Francis Mutie:** Thank you commissioners and my colleagues here. I have the following to settle contribute, to our Kenyans constitution building.

One, I would say one of my, although I have six of them I will start with the first point which is independence of the following. That is of the organ of making the of the government, organs for making the government.

One is on election commission. Usually sort of treat the disease when it is has caught. I mean the election commission should be made by the parliament immediately it arrives there for the next half a season, not theirs, so that we have independence. I

don't know whether I am understood. I only said, for a commission to be powerful, it will be powerful if it is not seeking mandate from the current parliament. So the parliament, which enters, should prepare the commission which should come for the next term of parliament, so that we have some neutrality, of who comes to be electoral commission. I am actually assuming that it is not now going to be in the powers of the president, which becomes very individualistic. So that is independence of electoral commission.

The other one is public commission. Those would be the early duties to get who will be the commissioner of public when the parliament arrives in the house. As they do so, as they elect their speaker. They should for all the business which has been there, including the big people, those big organs. And public commission, should, that is my opinion, should be elected by the incoming parliament as early as possible so that there is no mess for their time, as they do with the speaker. So, they would do the same, also for the Attorney General, since we are assuming that the powers are going not to be based on the president. Attorney General and also the parliament itself should be autonomous and that is, it should have its calendar not dictated by a person, single the way it is in the country now. Dictatorship or right, which we are hiding, most of us hide it. So, in this case, I have said, the calendar should be the power of the parliament. Immediately it enters, it should say, we start now, we lend this time and the election will be that time. So, they have a calendar, until they go out. The way a meeting starts, when are we starting when are we going to go home, that is what I mean.

Now, the other thing which I wanted to talk about, which is a mess in the country is voting, it is a mess. Can I tell you that the people who vote for the Members we have in parliament are illiterate, to surprise you the nation or you the commissioners. Some of the most popular illiterates are the teachers. We usually take them to the exercise of voting, and I tell you very few teachers vote in this country, which is not happening in other countries like America and others, I don't want to mention. So the teachers who are section of illiterates are denying intelligently, the powers of voting or the time of voting, I don't know what we call, the chance of voting. What if we had, I suggest, a voting box, so that every electoral commission unit has a box to vote before they go out to see the field, very early in the morning. I think it will be protected because I know if we say early postage like in America, we are going to mess. So, what if we voted very early as a unit, where we stay, where we are being trained or we are being set to work, just in every constituency, we may have one electoral commissioner or box, which should be opened there and maybe we have a presiding officer for the same. Because these are the people who are very clever, if they were selected to preside, they should be very clever in the law also, so we over, I don't know what we can say, we ignore them, the intellect. I don't know whether it is intended. In other countries there is postage earlier, but since we are a developing country so we can't allow that.

No, the other one is the election of the vice president. Can I assure you many people here were coming here, forcing what we have in the country. That you get a vice president elected by the people. Can I tell you, when he also decides to go against the president that is in power, he will throw him away. I wish you assumed you were the president of this country, and you are in fear, the other person is also having the power, mandate of the people like you, will you ever rule well. So, I would wish, this

person came from a direct choice of the president, since we saw him good, let his work also be good. So, I think he should be the one to choose. He can even not be having a part of the electoral exercise, might be appointed, maybe somebody but should not be a close relative, but somebody who has the power to become him.

The other one, I have to hurry because I have seen some signs. It is that the Parks are good but are a torture to the nation. I think it should be established that when we set a Park, it should meet some conditions of security to the people of Kenya. That it should be fenced. The way we start a school, you send something for registration, so it should have some qualifications. That, that Park is protected from the people, if it has lions, crocodiles. So that to open it, there should be a very strong fence, either electric fence or cement concrete sought of works. So protection. Fencing before registration of a Park. I don't know whether I am understood, because I am talking because Kibwezi now we are suffering, you die and you never know. These commissioners, you don't know how many people die in Kibwezi because of animals which attack us. We have no security for because we neighbour some unmaintained Parks, I will call them.

The other point, we should have four political parties. Three of which will be organized parties, and one called owned, I don't know some countries what they call it. That you can go through an organization or you can say my people want me. You don't need to go to a party, but you can be allowed to go to campaign, so it is called owned. I will say the fourth one to be an independent party so that the people who want to join K.A.N.U, D.P, whatever whatever, they register can go. But you also can say me, and I think that point was said here by another Tom, I don't know.

**Com. Abubakar:** Thank you

**Francis Mutie:** Sorry I have to say the last one. There should be a suggestion box in all ministries. We actually suffer, we have no voice. People have worked as persons, so if at every office, they should have a suggestion box to be free.

And, just to talk about something happening in Kiwezi, is that when we get some people elected by people here to run some organization, they are allowed to run and to run and they make that their family affair. Is there no law following this elections, which are done by the people where they live? I am wondering you people who are the leaders of the country, do you know that we are suffering. A certain organization where they elect, and the people stay here in power, even more than the D.O, they stay for years, and there is no one who says your time is over. I would wish that if they overstay, they for all the expenditure they so put without the mandate of people. Thank you.

**Com. Abubakar:** Thank you very much. Esther Matundu, tafadhali Esther tumia dakika tano, wakati umedidimia.

**Esther Matundu:** Sawa. Asante kwa hiyo nafasi. Kwa majina naitwa Esther Wayua Matundu, kutka hapa Kibwezi.



Mimi nazungumzia juu ya watoto wale walemavu, na mimi sitaguza ndani sana, kwa sababu wengi wao wameguza. Mimi nazungumzia hapa kwa sababu mimi ni mzazi mwenyewe. Wale mlikuwa mkiona wakizungumza hapa, wamepitia mahali niko, kwa sababu nimewalea. Ninazungumzia upande huu. Kuna mama amesema huyo mtoto akizaliwa anakuwa ni kama laana, hakueleza ni kama laana vipi. Huyo mama akizaa mtoto mlemavu, kwa mume anaambiwa hiyo laana ni ya kutoka kwa. Kwa hivyo nataka kuzungumzia hapo sana kwa wanaume, na watanisameha. Na hiyo kama ni nini inaweza kupitishwa. Kuna shida sana kwa akina mama, mtu akizaa huyo mtoto mlemavu, unasikia huyo ni wa ukoo wa kwenu na unapaswa umpeleke huko kwenu. Sasa nataka kujua, kuna damu inatoka kwa akina mama, hao si inachanganyika pahali pamoja. Kwa hivyo kama ni nini hiyo ipitishwe. Mimi nazungumzia hapo tena, hata huyo mama akiwa ni mgumu kuondoka kwa hiyo nyumba, huyo mzee anaweza kuondoka aende zake na wewe uwachwe na wale watoto wengine. Kwa hivyo hiyo ipitishwe iwe ni kama sheria, mtu huyo akienda, iwe ni kitu inaweza kumfuatilia nyuma.

Upande ule mwingine, nasikia ati, wakina mama wamepitishwa mahali, wamepewa nafasi. Saa ingine inakuwa ni kama kutana, sababu kuna wakina mama wengine wako kazini, kuna wakina mama wengine wako kwa biashara. Na yule mama akifanye ile biashara akiingia nyumbani anaambiwa na bwana yake alete zile pesa. Unaweza kuleta hizo pesa, ndio mimi najua mahitaji ya nyumba na mahitaji ya hiki, inakuwa mama ni kama yuko jela, na sio ile ya serikali. Kwa hivyo kama kuna kitu inaweza kupitishwa hapo, iwe mtu anaweza kuchuliwa hatua, hiyo ipitishwe.

Upande ule mwingine, kwa sababu saa zimeisha; ni kama hivi, vile tunazungumzia, kwa sababu najua tunazungumza juu ya ule uchaguzi uko mbele yetu. Akina mama wanaambiwa, haya tuko pahali pamoja na wanaume, na tunafuka misitari, na hata sisi ndio tunakuwa wengi sana, na tukishamaliza ile uchaguzi, wale akina mama watapigwa kando. Hata, ikiwa kuna mambo imetokea, hawahusishwi. Kwa hivyo iwe ni kitu, tusiwe tunaharibu wakati wa bure. Siku ya leo isiwe inaharibika bure, iwe ni kitu inaendelea na kama kuna mtu ataenda kando ya hiyo neno, awe anachukuliwa hatua.

Ile ingine, nimesema ni juu ya akina mama kweli, niko tu hapo. Wakina mama hawana uhuru kwa waume wao. Wengi, unaweza kuzungumzia hapa, mtu awe lakini ukienda nyumbani, ukienda nyumbanin, ikiwa wewe sio mgumu, huyo bwana ndio ataondoka na akuwachie hiyo pombe. Kwa hivyo, please kama inawezekana ipitishwe, na hata upande wa kusoma, kuna akina mama wengine, hawana uwezo na hawana jukumu ya kupeleka mtoto wake skuli, na bwana wake hataki huyo mtoto aende shule. Sasa ni watoto wale ambao wa kawaida, na yule mama hana uwezo, na ukipeleka yule mtoto skuli, utakuja kuchapwa makofi. Mahali unaona hao watoto wamesoma, ukiangalia ni yule mama amejikaza kabisa kama mwanaume, sasa anachukua kidogo ndio watoto wake wasilaliwe kabisa, waendeshe maisha kama wale wengine. Lakini wale ambao sio hivyo, kwa sababu nikisema hivyo ninaweza kutoa ushuhuda sana, kwa sababu kuna watoto wengine kijijini kwangu, nikiambai mzee kwa nini upeleki huyu mtoto skuli, ananiambia huyo ndio wa kuchunga ng'ombe, ndio wa kufanya hivi, na nikiangalia, ile msaada inaambiwa ilipitishwa kwa serikali kama wale ma sub-chief, hawachukui nafasi hiyo. Na unaweza kuanzisha hiyo kitu, iwe ni yako, uchukuliwe hatua. Kwa hivyo kama kamati hii ya leo, ipitishwe kabisa, uwe hata kama ni mtu kando na hiyo, uwe unaweza kuchukulia huyo mtu hatua. Kwa sababu niko na watoto wengi sana, najua, wako nyumbani. Lakini hata nikipeleka

repoti kwa sub-chief, hachukui hatua. Hata kuna wengine walemavu, na nikipeleka kwa sub-chief, hiyo nini haichukuliwi. Kwa hivyo, yangu ni kusema hiyo nafasi ihimizwe kabisa, iwe ni kitu inafuatiliwe, sio kumaliza wakati.

**Com. Abubakar:** Asante sana, asante. Tafadhali piga signature kwa register. Emmanuel Maundu? Wewe ndio utakuwa wa mwisho, ndio tufunge kikao.

**Emmanuel Maundu:** Thank you commissioners, ladies and gentlemen. I am going directly to my point quickly because there is no time.

We should have an executive president, not a ceremonial president. The president before nomination for elections, should declare his running mate, for that political party, and of course all parties will have to declare their, the president will have to declare their running mates, so that Kenyans can know in advance who are the candidates for presidential elections and their running mates. So, when we elect the president, it will be dimmed that we have also elected the vice president, but we don't elect him directly. I think I am understood, when you elect the president by voting, it will be dimmed (**Interjection**)

**Com. Abubakar:** We have understood you.

**Emmanuel Maundu:** It will be dimmed that you have elected the vice president.

**Com. Abubakar:** Excuse me, don't take more time on trying to explain, we have understood you. Make the point and move on.

**Emmanuel Maundu:** Okay, I would say that, let us vet the powers of the, we trim the powers of the president. The president should be impeachable.

We should also vet powers to the local authorities, so that services that we are getting at the central government, we can get them at our district headquarters and if possible, let them be brought nearer to the people, at the D.Os office.

We should have a unitary system of government. I oppose the system of government of Majimbo, because, Majimbo will, may decentrate our country. Like you are seeing in some countries, like China, like Russia, it broke up and they started fighting. In Yugoslavia, they broke up and started fighting, that was because of Majimbo. So to evade or to avoid such a situation occurring in this country of ours which we love, and because we want peace, love and unity. Let us maintain a central government, a unitary state, where the country remains one.

I am coming to the side of land in ukambani, or the problems of our land basically. There are some government officers and

what I am saying is that, the land laws in Kenya should be made in such a way that all Kenyans are getting land equally. You will see that in our Kibwezi constituency, at Masongaleni Scheme, there are some government officers, who are holding 100 acres, 200 acres and some politicians are holding 1,000 acres and 3,000 acres. While some people are living at Mikumboni. We want a good constitution, that can provide a, a good constitution will provide food. A bad constitution will bring hunger. We want a good constitution, where Mutua and Kamende will have their tummies full of food. And that will be by di-subdividing the extra land that has been given to the big people at Masongaleni Scheme, to the rest. The minimum they should hold is 50 acres.

But the rest, that 100 acres or 1,000 or 3,000, which is being held by some politicians, should be sub-divided to the people who are landless. If we do not do that, we will be courting a time bomb, in future.

I am coming to the issue of M.Ps being recalled. Some sentiments have been advanced that, once you elect an M.P or maybe a councilor, you should recall him if he is not performing. I am saying, we should maintain our system, whereby, when we elect a member of parliament or a councilor, let him finish his term. Because, if you say you are going to recall a Member of Parliament, which hunting will start. After one or two years, the signatures we have said, they will be collected. Because a Member of Parliament is elected politically, there are people opposing him everywhere. But through thick and thin, he manages to win. Now it is up to do his job. Nowhere have I heard in the world, for an M.P being recalled. Let's say in Britain or United States. I have not heard a Member of Parliament from Britain being recalled for not performing. I have not heard a Congressman or a Senator in the U.S being recalled because of not performing. But at the end of their term, they go for elections, some are elected and some are defeated. Those who did not perform are normally defeated in an election. So, let us avoid this issue of recalling Members of Parliament.

Regarding political parties (**Interjection**)

**Com. Abubakar:** Mr Maundu, just listen to me, don't do a lot of explanation. Just make the point please and move on, because we know these things, we have been hearing them the whole of today. Just make the point

**Emmanuel Maundu:** There should be an independent body (Interjection)

**Com. Abubakar:** No, do you understand what I have told now, do you understand.

**Emmanuel Maundu:** I understand, I understand. There should be an independent body to manage political parties, not the registrar of societies and trade unions. Because, he is biased. There should be a separate body.

Also, independent candidates, who are not affiliated to any party, should be allowed to stand in the coming general elections.

The civil servants, that is the P.Cs, the D.Cs and the D.Os, should not be allowed to attend political rallies or political parties.

Thank you.

**Com. Abubakar:** Thank you very much Mr. Emmanuel. Now I understand that there are two gentlemen who were listed here but it appears that they have changed their minds. They did not want to talk first, but now they want to talk. Peter Munyao, we are going to give you three minutes each now. Please be brief.

**Peter Munyao:** In the interest of fairness, let us be equal with the rest of the contributors, but I will keep to the (Interjection)

**Com. Abubakar:** No Mr. Munyao, number one you talked yesterday at length in the other place, so if there is fairness, you should not be talking even today. We are only giving you three more minutes extra time.

**Peter Munyao:** I am here for Masongoleni and Kukumbuli people. There is something they said should be registered in the constitution regarding survey. They said, from the day a survey is carried out, for their lands, it should not take more than a year, before they get their Title Deeds. In the one year, if there are any complaints or any disputes, they should be, that enough time to settle those disputes and ensure that the Title Deeds are with the land owners.

There is also a view that, distribution of national wealth. The budget should no longer be prepared by the minister and his team alone. Because of that practice, there is no equitable distribution of our national wealth. You find some areas are more developed than others. So, the proposal is that, we are having the constitution, the Minister of Finance, in his preparation of the budget, particularly on spending, he will take cognizance of the needs that the various villages have. These needs from the villages will be brought together at locational level and from locational level to constituency level. And then, the area Member of Parliament will take those needs to the Minister of Finance, so that when he reads the budget, he takes into consideration, he takes into account the needs of that constituency. Currently, the budget is read, and those guys are just signing for things they were not involved in the preparation. So, we should not have that kind of budget system.

Finally, they talked about abuse of office. When the government abuses, its various responsibilities like 1963 or there about, this country was promised water, piped water in every home. And, the government by the year 2000 was supposed to fulfil that promise. That is a long and a big lie. Any government that lies to its citizens should cease to be in power immediately. So, the current government should have come to an end, by the year 2000, when we were not able to get water. In this constitution, let's say, let the government take its citizens seriously. In 1997, the government cheated teachers in this country that they would look into their salary increment. Up to today, they are still struggling. Teachers were in churches the other day, to pray to God, so that a miracle can intervene from heaven for their salaries to be paid. This government is not serious with its people, it should be put in the constitution, that if the government does not tell the truth, a lie, should be strong enough to compel a government to resign. And, that should be in the constitution.

We should ensure that there is racial harmony in the country, by not allowing a minister to issue inflammatory statements like we hear from the Coast. Immediately after those statements we hear of tribal clashes. This country, unless we put very strong

constitutional requirements, that there is collective responsibility for the ministers to maintain nationhood, by ensuring that tribes live together in harmony and peace, then soon we are not going to have a nation. Therefore any minister, on account of collective responsibility. Because, unless the president dismisses such a minister, it means the president condons that kind of utterance and his government should face the same wrath of the constitution, of calling for an end to that government or its action. That should save the government. Thank you very much, because I can see the (Interjection)

**Com. Abubakar:** Thank you very much, our last speaker. You still took five minutes, although I gave you three minutes Peter. Our last speaker will now be Rajam Mutuku. Please try and also sum up yourself.

**Rajam Mutuku:** Jina yangu mimi naitwa Rajam Mutukui, na nimeingia upande wa Chulu mwaka wa 1967. Na tumefukuzwa Chulu, mbele. Na mimi upande wangu, wakati sisi tulipelekwa upande wa scheme, tungali masikini ile ya mwisho kabisa. Na mimi naomba kama hii katiba ya leo, ambayo inajali masilahi ya wanainchi, ambao ikienda kutengenezwa, mahali inaenda kutengenezwa, ambao tuangaliwe wale watu ambao tunaketi upande wa Misongaleni. Kwa sababu, tunalipa pesa hatujui inaenda wapi, maana yake tumelipa pesa nyingi. Na mimi sitasema mengi kwa sababu watu wangu wote wale tunaishi pamoja, ambao tuko jangwani upande wa shida, wamezungumza mengi. Mwangalie masilahi ya sisi wote, wale ambao tuko upande wa kule Misongaleni.

Maji ile tunapata, tumeweka maji, lakini haitoshelezi. Maana yake, tunaangaliwe na upande wa kulipishwa zile pesa, ambazo tumelipa elfu moja na mia tano. Naomba upande wa katiba, ikienda kutengenezwa, mwangalie shida zetu. Na mimi sitazungumza mengi, kwa sababu watu wameongea. Mimi nafika hapo tu, shukrani.

**Com. Abubakar:** Aanza wewe ni nani?

**Jackson N. Gichuru:** Kwa jina ni Jackson N. Gichuru. My views are just two, which should be maybe taken care of in the constitution. And, this goes to basic rights. In this particular case, I have in mind employment. It is of very big concern, that this country has very high rate of unemployment, of which I in particular, and I hope I am not alone, is almost the whole lot of Kenyans. We have M.Ps, we have also very many other educated Kenyans, who should see some of these things which are happening. For example, I might ask a question like; why do this country allow finished goods to come to this country? I would encourage a case whereby, finished goods, not expired, finished. That is they have been manufactured up to where they are ready to be used. For example, I would use a case of; if there are vehicles, why don't we have parts coming to Kenya, so as in the finishing process, Kenyans should be employed to do that particular bit of finishing up. If it is shoes, let's have, maybe if at all we have those shoes, let us have soles and the upper bit separate, or maybe skin. They should be encouraged but not a case whereby we are getting finished shoes from Japan, we are getting finished shirts like this one from Europe, whereas our local people who we are training in our local colleges, should be doing this particular work. In this particular case, I would request in the constitution, the government should encourage a case whereby; the industries should come in here and be set up

here. If it is an investor, let them be encouraged and come, set up the industry here, let them employ our people, but not the people being employed in Europe and the Kenyans are taking the product. I think maybe the point is clear.

Then, in the case of education to some extent, let us have the educated lot, the university students and also maybe, the lowly educated that is, maybe this colleges like Polytechnics. Let the government, I can say, up to now like right no, I am very surprised that the government is quiet about the Donde Bill. I am very surprised. Because, what is eating our people is that we cannot get very low interest loans. And, if this low interest loans are got by our local people, they can be able to do most of this things which you are seeing coming from Europe. It is not, it is not very good, that we should have everything from elsewhere. So, low interest loans should be provided for by the government, to the skilled and knowledgeable people in various fields. So, if they can set up industries, where possible, so that they can set locat industries where possible.

And last but not least, let us have piracy being discouraged at all extend. This should be ingrinned in the constitution. It should be there in the constitution, whereby, we should not have people, where I produce my own make of shoe, and tomorrow I am finding 200 of them outside and it is not me who is making them. I think we should have protection, that is, what do we call it (**Interjection**)

**Com. Abubakar:** We understand that point, copyright and patterns.

**Jackson N. Gichuru:** Last but not least, on the issue of land; it was talked about a little bit and I would add again that, let's have people having land which they are using. And, this particular land, if it is in excess by whichever number of acres, let them be taxed, let them contribute to the countries welfare. Thank you very much.

**Com. Abubakar:** Well thank you very much Jackson, for those comments. I think that will be the end of this session and we are very grateful to the people of Kibwezi for this presentation. I think Pofessor will agree that this is the highest number of people we have heard in this venue. 64 people and they have very good presentations and we are very grateful for those very very good, well- thought -out memorandums, which we have received. We also want to thank the members of the committees for the hard work they have done, even without the presence of the district co-ordinator, who is away, I am told in Mbooni. But I think the committee members have been very good. But I think the committee members have been able to handle the meeting very well and we are very grateful for that.

Now, perhaps you would like to close the session with a word or prayer.

**Speaker:** Thank you commissioners, and before we formally close the meeting, I would like to make a few remarks.

First and foremost, we people of Kibwezi are very very proud and very happy that you have been very very patient, you

commissioners. Listening to everybody's contribution without interruption. That is point number one. It has been wonderful and I thank you commissioners for your patience, on behalf of Kibwezi residents.

Secondly, watu wa Kibwezi, ambao mlikuja uko Kambu, na hapa kutoa maoni yenu, hakika mmechangia vizuri katika katiba ijayo, na nawashukuru nyote, wale ambao mlikuja. Kwa sababu mliwacha makazi zenu kule, mkaja kwa hii kazi ngumu, ya siku moja tu, lakini itakuwa tofauti katiba itakapo undwa na nyinyi ambao mmeunda leo. Shukrani kwa nyinyi wote.

Kwa co-ordinator wetu Bw. Mativo, na kwambia ingawaje ulikuwa na taabu huko pahali, lakini hapa tulishikilia nyumba, na ukuanguka, umefaulu, Bw. Mativo. Kwa hivyo ni shukrani, na tunakuomba Mungu uendelee na sisi, na tunaomba bwana commissioners, tukishamaliza haya mambo, continuation of civic education iendelee. Kwa sababu kuna pahali pengine ambapo hatukufunza. Bi. Maimuna asante sana kwa uwongozi wako, wa kuangalia kwamba, sehemu hii mambe mengi tumepewa. Na ningepomba vile vitabu vya civic education, tuwachiwe hapa, ili tugawanye, ikiwezekana tafadhali. Kwa hivyo wacha ni, kabla ya Reverend kutuomba, niulize Bw. Mativo, ambaye ni District Co-ordinator wetu, azungumze tu jambo moja mbili. Bwana Mativo, just say one or two things.

**Bw. Mativo:** Thank you very much, I think I am really tired. We have stayed longer than most of the people who came here. I think to the commissioners and the officers from Nairobi na wanainchi wa Kibwezi hamjambo? Nimejaribu sana kuwa hapa siku ya leo. Tulikuwa Mbooni na hapa, for the hearings of yesterday and today. Unfortunately, hatukuweza kufika hapa, vile mnajua Mbooni iko mwisho ule mwingine na Kibwezi iko mwisho huu mwingine. Lakini tumefika tumechelewa. Lakini nafurahi kwamba mmeweza kutoa maoni yenu kwa njia inayofaa, labda tutajua kutoka kwa commissioners, lakini naelewa kwamba mmeweza kushiriki na kutoa maoni yenu, vile mnapendelea katiba iweze kuandikwa. Na ninasema hivi, huu sio mwisho, wale ambao labda hawajafikiwa na wana mambo ambayo wangependelea iwe katika katiba, wanaweza kuandika, wapatie committee members, ama ofisi yangu, tupatie commission Nairobi. Kwa sababu labda ukupata nafasi leo ya kufika hapa, hiyo nafasi bado iko, unaweza kupeana Nairobi kama umeandika, na uandika kama inatoka Kibwezi. Kwa hayo, nasema, nashukuru sana commissioners kwa kufika hapa, kuchukua maoni ya wanainchi wa Kibwezi, na ninasema pia Mbooni tulikuwa na Mikutano, ambayo haikuwa mbaya, na nitasema ya kwamba, nimeshukuru pia kujua ya kwamba Kibwezi, uko Mbooni wanawake walikuwa wachache, lakini hapa nimeambiwa wanawake wamefika kwa wingi, kwa sababu station moja, tuliweza kupata tu watatu ambao walitoa maoni. Lakini hapa nimeambiwa ni wengi. Which shows that, women have also learned the importance of participating in national issues. And, therefore, I also thank the civic educators who have really done a lot of work in the biggest constituency in the district, to make people ready, to prepare people to make their presentations. And, with those few, because I don't know, what has happened throughout yesterday and today, then I say I am very thankful to everybody who has participated in this exercise, yesterday and today. And, I hope that our views will make a big impact in the national document, thank you very much.

**Reverend:** Tuombe; Baba wetu ulie binguni, Tungeomba mapezi yako yakatimike. Hasa wakati huu tunapoendelea kuchangia na kubadilisha katiba. Tumejua ya kwamba committee nyingi zimetengenezwa katika hii inchi yetu na maoni yao



