

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

**CONSTITUENCY PUBLIC HEARINGS, KITUI SOUTH CONSTITUENCY
AT MUTOMO C.N.C.A CHURCH HALL**

ON

FRIDAY MAY, 17TH 2002.

FINAL COPY

CONSTITUENCY PUBLIC HEARINGS, KITUI SOUTH CONSTITUENCY
HELD AT MUTUMO C.N.C.A CHURCH HALL

Present

1. Com. Paul Msili Wambua
2. Com. Dr. K. Mosonic Arap Korir
3. Com. Riunga Raiji

Secretariat in Attendance

- | | |
|------------------------|-----------------------------|
| 1. Mr. Irungu Ndirangu | Programme Officer |
| 2. Mr. Rotic | Assistant Programme Officer |
| 3. Mary Babu | Verbatim Recorder |

The meeting started with 10.55 am with Com. Paul Musili Wambua in chair

Com. Paul Wambua: Kwa hiki kikao cha Tume tungalipenda kuanza sasa maanake muda umekwisha. Kawaida tunafanya tunamuuliza mtu moja anatupatia maombi halafu tunaendelea. Kwa hivyo tupate maombi kwanza.

Pastor Kapukwa: Ebu na tuombe. Baba katika jina la Yesu Kristo ambaye ni Mwokozi wetu, tunakushukuru kwa vile umetuongoza kutuleta hapa, na katika shughuli tutakuwa nayo hapa, tunaomba ili uweze kutuongoza. Ni katika jina la Yesu Kristo tumeomba na kuamini. Amina.

Com. Paul Wambua: Kwanza ningelipenda kuwajulisha nyinyi kwa ma-comissioner ambao wako hapa kwa kikao hiki. Mimi naitwa Paul Msili Wambua, natoka sehemu ya Matinyani, na upande wangu wa kushoto, tuko na Dr. K. Msonic Arap Korir, Commissioner na mbali na kuwa Commissioner, yeye hufunza huko Ergeton University, Department ya History. Upande huu mwingine niko na Commissioner Riunga Raiji. Yeye ni wakili, anayefanya kazi ya uwakili huko Nairobi kwa miaka mingi amekuwa wakili. Yeye anatoka upande wa Meru. Tuko na ma-officer wengine ambao tumekuja nao kutoka kwa Commission. Tuko ma Irungu Ndirangu, Press Officer, tuko na Babu, tuko na Kiptoo na Mtia. Hapo tuko na Coordinator ambaye manamjua, Elizabeth Mumbii, District Coordinator. Hao ndio wale ambao wamekuja upande wa Commission. Kwa hivyo ningetaka kuwajulisha taratibu ambazo tutafwata. Ukiwa uko na maandishi ama Memorandum, ambayo unataka kutupatia, tutakupatia muda wa dakika tano, na huo muda ni kupitia tu yale muhimu. Maanake tutachukua maandishi yako, tutaenda nayo Nairobi na kuyakagua na kuyasoma. Ikiwa una memorandum ama maandishi, tutakupatia muda wa dakika kumi. Useme yale yote ambayo ungalipenda kusema. Na lugha ambayo tutakayotumia hapa, unaweza kuzungumza kwa Kingereza, Kiswahi ama unaweza kutumia Kikamba, halafu tutatafsiri. Kwa hivyo tutafwata orodha ya majina ambayo yameandikwa hapa, na nikikuita utakuja hapa mbele, utazungumzia kwa microphone, useme jina lako halafu utoe maoni yako.

Kwa hivyo tuanze na yule wa kwanza ambaye amejiandikisha hapa ni `Aston K. Nguli. Bwana Nguli kama nilivyosema nitakupa muda wa dakika kumi kama uko na memorandum, you have five minutes. Kwa hivyo kazi sina hapo, tafadhali anza kutupatia maoni yako.

Aston K. Nguli: The Chairman of the Constitution Review of Kenya, distinguished guests, fellow religious leaders, ladies and gentleman, I am a representative of The Seventh day Adventist Church, Iganga District. I feel honoured to contribute our views towards the Constitutional Review process in Kenya, Kitui. From the Biblical point of view, the task of Jesus was to set men and women and the entire creation free from all kind of oppression from the slavery of sin and equip them with truth the of God.

Which can be found Job Chapter 4:18, Roman 18:20. To enjoy the freedom, God gave us the power of choice. God respects that power and it should be respected by everybody else. That is Joshua chapter 24, verse 14,15 and so forth. In these views we are going to present the following for correction and adoption.

Freedom of Worship: We Adventists advocate for freedom of worship and respect of human dignity. For as Adventists we believe that equality and basic human freedom should be guaranteed to all. Religious freedom should be accorded to all without a due restriction.

National Events: Activities are conducted on Saturday the Lords day, that is Sabbath the day when we honor our Lord God, hence are denied the right to participate in the various events. For example election days are set on Saturdays, Sports, games and competitions are set on Saturdays, interviews, national health days, national celebration days, national distribution of relief food and materials, graduation ceremonies day in schools and tertiary institutions. We feel we will be honored if the present Constitution that is going to be drawn will give us that right so that we will attend such events.

Public events and activities: That is currently in Secondary schools, B.O.G and Teachers meetings, Sports and Games in schools, graduation ceremony days and tertiary, weddings and burial and harambee fund raisings, distribution of relief food materials, we also want to attend the harambees because we are part and parcel of all Kenyans. But many time you find we are denied these privilege because we are at the worship on Saturdays, of which we want to attend. We also want to develop our country.

Education: Children should not be forced to learn or study on Saturdays, the Lord's day. No examinations should be done on Saturday, the Lord's Day in primary and tertiary institutions. There should be respect a child belief as opposed in the Education Act article, that is Act third eighth article twenty six, section one and two of the education Act. The C.R.E. syllabus should have common or compatible dominical teachings and as contained in the Bible as opposed in the present syllabus.

Employment: The Employer should respect one's day of worship towards Adventist and Saturday, the Lords Day as it is in learning institutions. Health, parastatals bodies, companies as well as private institutions. Bribery and corruption

Services should be rendered justly in government institutions, parastatals bodies because Central Government is stipulated in the bible as well as in our present Constitution. You can make a reference in Exodus Chapter 23 verse 8. Deuteronomy 18:19. Isaiah 33:18.

Property: No man, no human being or institution should be denied the right to own property

Abuse: Widows and widowers should have the rights to own their husbands or wife's property and the rights to make their decisions on how to live as opposed to the present system where the clan is are the mandatory decision maker.

Girls and boys should have equal rights in education and in owning property from their parents. No child labour as well as molesting children should be carried out in Kenya. For a child born outside marriage, the biological father should be responsible in caring for the child up the age of 18 years.

Governance: Provincial administration officers should be elected such as assistant chief, and chiefs and these will help in eradicating corruption, bribery and injustice in the entire Kenya.

On the other issue, we have political parties: Political parties should mobilize the public in carrying out the initial activities and duties geared towards educating the poor children, dam construction, educating the public on government policies. This is as opposed to the present system whereby we only hear the political parties in the media as well as in the press.

Political parties should be two so that tax payers money can be used in developing the rural areas which have been marginalized by the current political system.

The Legislature: Qualities for a member of Parliament should be: able to speak Kiswahili and English fluently, should be 25 years and above, should be elected for five years, must keep close conduct with the electorate, failures to which the electorate should have power to have by election. These will force the elected MP's to meet the promises made during the campaign and those made by the public should not be amended by the Parliament. The elected MP should have a schedule for weekly functions, that is, be in Parliament for three day and meet his people or other people within the course of two days within the week.

Com. Paul Wambua: Bwana Nguli, tafadhali, wind up please. Because you have ten minutes and I said if you have memorandum, please summarize.

Ashton K. Nguli: Thank you, I thought I was the first, I had to do something, but now, can't you grand me something so that I can finish please. Please.

Com. Paul Wambua: One minute more.

Ashton K. Nguli: One minute more, thank you very much. The Executive: Qualification for a President must be able to fluently speak Kiswahili and English, should be 35 years and above, must have a stable family, must be a graduate, tenure of office ten years. But these will be determined by his conduct. Must be under the law not above the law as it is in the present system. I am about to wind up, just some seconds. The President should not nominate MP's, He/she should not dissolve the Parliaments but the Speaker. The President should have one post as the President but not be both President and the MP as it is in the present current system. With that I wind up. Thank you very much for giving me more time.

Com. Paul Wambua: Thank you very much, I can sure you we will read that memo, please register yourself on that side. We will read thoroughly. Have noted your views. Kaloki Mulumbi.

Kaloki Mulumbi: Commissioners, distinguished guest, ladies and gentlemen,

Com. Paul Wambua: Taja jina, mention your name to the microphone so that we record it.

Kaloki Mulumbi: Okey, my name is Kaloki Mulumbi and I am presenting a memorandum of Kasoki Welfare Association which is in Swazi village, Kiangwa Sub-location, Ikanga Location. The Kasoki Welfare Association has a total of 120 members, there are 70 men and 50 women. Format of the Preamble: The Constitution of Kenya should have a format consisting the Kenyans tribes as well as the customary laws. In the current Constitution, nothing as been shown.

Citizenship: In order to be an automatic Kenyan, the following issues have to be taken in the consideration.

1. Both parents to a born child to be Kenyans by birth
2. A foreign woman married by a Kenyan should be given citizenship and their children to be born to remain purely Kenyan Citizens.

Other ways of acquiring Kenyan citizenship are as follows: A foreigner can be a Kenyan by registration if the said person is beneficial to the country.

Rights of a citizen should be as follows: Such a person should be made free to own property anywhere in the country without discrimination of gender.

He or she should be provided with security at all cost by the state. But the rights of a registered citizen should not be as the same as those of a Kenyan Citizen by birth. Example a citizen by registration is a foreigner and should not at all participate in electoral process in Kenya, or be elected to represent Kenyans in Parliament.

Dual Citizenship: Kenyan Economy has been so poor for along time and these as been as a result of some Kenyans who enjoy this type of citizenship by a way of corrupting public funds and banking the money in foreign accounts in foreign countries. The Kasuki Welfare Association calls upon the immediate establishments and abolishment of dual citizenship in Kenya.

Identity cards currently used in Kenya as evidence of citizen should continue being issued to all Kenyans who attain the age acquired by the State.

Electoral Systems: The members of Kasuki Welfare Association have come up with the following views regarding the electoral system in Kenya. In order for an MP to be announced over air as a winner in any constituency, he or she should have a majority votes of 50% of votes cast in each location of the Constituency.

MP's and Councillors should have a minimum votes of 60% of the votes cast. For example councillors to have a minimum of 60% win of the votes casted in their wards. MP's to have a minimum of 60% votes in their constituency. President to have a

minimum of 50% in all the provinces. But not 25% win in five provinces as it is currently. Candidates who fail in nomination should not be allowed to defect to any other party.

Defections: MP's are elected by people to represent them hence they defect and when they defect from one party to another, even without the people's consent, they solicit money from the parties and these why should not be allowed in future. Therefore there should be no defection, and if it happens, then that person should not be allowed.

Religious groups and non-governmental organizations are not represented in Parliament and in future, some seats should be reserved for them.

Demarcation of Constituencies: Some Constituencies are too big for easier reach of the MP's and further divisions are needed. For example Kitui South Constituency. We should retain the current geographical Constituencies system but let the boundaries be marked by this Constitution or elevate structures on the boundaries.

Electoral Commissioners: This Kasuki Welfare Association Members have suggested the following qualification to be adhered to, when considering someone for an Electoral Commissioner position.

1. He/She should be conversant with Kenya laws
2. Be professional with at least five years experience in a law firm.
3. He/She should be a Kenyan by birth.
4. He/she should not be associated in with political party
5. Electoral Commissioners should not be appointed by the President, but should be elected by people through conducting elections in all the districts throughout the country.
6. Electoral Commission should comprise a representative from each province and the remaining vacancies be filled by the church and non governmental organizations

This report as been compiled and prepared by Kaloki Mulombi on behalf of Kasuki Welfare Association. Thank you.

Com. Paul Wambua: Asante sana, ngojea kidogo tafadhali. Pengine niwajulishe kwamba Commissioner akiwa anataka kuuuliza swali, ambalo ni la kufafanua. Ako na haki. Kitu kimoja ulisema citizenship should be given to those who are born of Kenyan parents and if the foreign women are married to a Kenyans, then they should acquire citizenship. What happens to the man, a foreigner man, who marries a Kenyan woman. Should he be able to get that citizenship or not?

Kaloki Mulumbi: Well if a man marries a foreign woman, the other way round?

Com. Paul Wambua: If a foreigner who is a man marries a Kenyan Citizen, can he become a citizen of Kenya?

Kaloki Mulumbi: Oh yes,

Com. Paul Wambua: He can.

Kaloki Mulumbi: Yes

Com. Paul Wambua: Okey, jilandikishe hapo tafadhali. I want to recognize the presence of the are DO Bwana Wahome. I think we will take it that you have welcomed US but at the end we will ask you to say something as the area DO. I think I should also mention that we have Prof. Mtungi here who I must say he is a colleague in the profession and a teacher, he has taught some us. So I think I want to recognize him, and also he is the chairman of the Kenya Human Rights Commission, you are welcome professor. I think we are going benefit from your presence today. Thank you. As he said I would like to tell you we will have to excuse Com. Mosonic who is required actually in Nairobi but we will remain and continue with my colleague Com. Riunga Raiji. So asante sana. So tumwite Julius Masaki.

Julius Masaki: My name is Julius Masaki, presenting the views of Kasambwe B youth groups in Ikanga Location and I am starting with the:-

Executive: Presidential qualifications should be as follows, for one person to be considered as a President, should have the following qualifications:-

1. He should be a university graduate with at least a degree.
2. He should only be in power for only two terms each of five years. Which in case of any misconduct, while in office, this should result to a vote no confidence by the members of Parliament and there after be charged in a court of law.

Provincial administration including a chief and assistant chiefs should be replaced by village elders who used to solve disputes during the colonial days. By so doing, the Government will spend the money, which is, used for paying them by improving other sectors, such as Ministry of Health which of late needs much attention.

In the case of Judiciary: All the Judiciary officers should be appointed by the Chief Justice. Judiciary and Parliament each should be independent. The Judicial Officers should bear the following minimum qualifications:

1. He or she should be a university graduate, having done law at the university.
2. He/she should be a judge, aged 30 years and above

3. He/She must be a Kenyan by birth or citizen by registration.

Basic rights: Since the current Constitution guarantees the rights to life, the death penalty should be abolished in Kenya and other criminal offence charges be introduced. E.g. Life sentence. As basic rights of all Kenyans, the Constitution should protect security, health care, water, shelter food, employment, which today is a dream to many Kenyans.

The Constitution should provide for compulsory, and free education at the primary level as used to be in the year 1970's.

And to wind up my report, this report was compiled and prepared by Kasambwe Youth Group which comprises of forty people through the civic education provider Juliet. Thank you.

Com. Paul Wambua: Asante sana, please register yourself there. Rose K. Musyoka

Rose K. Musyoka: Kwa majina naitwa Rose Musyoka from Ikanga. Niko hapa kwa niaba ya wamama wa Kisutu CKRC, Ikanga Ithumula. Kathungu Sub-Location.

1. When women are put in the police cells, the policemen later take them as their wives, which is not good. Such police men should be sacked. And women are not supposed to stay in the police cell. They should be taken straight to court to be judged or be set free.
2. The children from poor families should be educated freely by the government. Also these should be free feeding and clothing for them.
3. We need to have women as MP's to represent women in Parliament to fight for us because we women, we are not recognized in our society as human beings. We are being left behind. We want to be recognized like men.

Thank you.

Com. Paul Wambua: Thank you very much Rose Musyoka. Can we have Peter Kalungu.

Peter Kalungu: I am Peter Kalungu Munyoto, I am presenting the views from Kathamangi Group or Villages, Ikanga location. They Started with:-

Constitutional Supremacy: Since the current Constitution allows Parliament to amend any parts of the Constitution by a 65% majority votes, this procedure should not be retained instead let the people themselves be involved through their views to a set Commission just like this one under Yash Pal Ghai.

Political Parties: Political Parties should not only mobilize people during political rallies but should also be involved in several project development countrywide. There should be no limited number of political parties, but they should be financed by the government in power with the public funds.

Legislature: The functions of the Parliament should be expanded such as, criminal cases which currently have to be taken to the Attorney general for approval. Instead such cases should be taken to Parliament for debate and the outcome forwarded to the court for action.

Members of Parliament occupation should be strictly part time, but there should be a Commission set comprising the representative from each location of the constituency to foresee each development for the first two year. And if found unsuitable for the position, the Commission have to know other alternative but to rewind to the Speaker of National Assembly to declare the seat vacant.

In order to be a member of Parliament, one should be of the maximum age of 30 years. The MP's salary should be reduced and this should be done by a formed Parliamentary Service Commission comprising a representative of each district who is a non member of Parliament. The concept of nominated MP's should remain the as it is by the party according to the percentage of the votes.

The Parliament power to remove the Executive through a vote of confidence should remain as it is in the former Constitution. The dissolution of the Parliament should always be done by the Parliament business leader. And let the speaker of National Assembly issue rights to the Electoral Commission to set dates for election.

The current system of multipartyism should remain in our government but a coalition government be introduced having members of all political parties in the Executive arm of the government.

Executive: The Kenyan President should be able to speak fluent national languages: English and Kiswahili, and be a graduate. Presidential terms should be fixed to five years for two terms. And he should not be given more terms to contest for the Presidency. The Constitution should limit Presidential powers, such as: not allowed to appoint the heads of Parastatal bodies, Attorney General Speaker, Vice President, Judiciary head of armed forces and so on. He should not be above the law. If is involved in misconduct he should face the law. He should not appoint workers or sack them. He should not de dissolve the Parliament which is the work of the leader of business. The Constitution should provide the removal of the President when he misbehaves in the office, when he is approved guilty, should be in for it.

Ministry Commerce and Industries should retain the powers of national control of the prices of commodities and services in every district of Kenya.

Local Government: People should directly elect mayors and council chairmen. Councillors should have a minimum education of four level and if there occurs failure to in their duties the Locational leaders should excess each performance for the first two years.

The rights of vulnerable groups: Women should fully enjoy their rights and freedom without any mistreatments from their husbands due to cases of misconduct. They Should try to steak to solve the problem without violence. Both the girls and boys should have equal rights to own property from their parents. Thank you.

Com. Paul Wambua: Asante sana. No question. Jedidah

Jedida Mbithi: Ladies and Gentlemen, in front of you is Jedidah Mbith and I ask Malonza to come and help me.

Malonza: And I do not have glasses I am not sure I will be able to read. I can read what I have but not what you have given

Com. Paul Wambua: Let us ask somebody else to read that memo, just mention your name and say you are reading for and on behalf of Jeddah Mbithi.

Peter Mwangi: I am Peter Mwangangi I am reading on her behalf. Memorandum an individual.

Land and property rights: The government should not have the power to compulsorily acquire private land for any purpose. The state government or local authority should not have the power to control the use of land by the owners or occupiers. Transfer and inheritance should depend on the owner of the past person or heir

There should be a ceiling on land ownership by an individual. These should be guarded by the issuing of facilities or the common title deed. In the new Constitution, there should be restrictions on ownership of land by the citizen. And non-citizen should own land in Kenya through buying. Men and women should have equal access to land. In each case women and me should be given access to land but the issue of women should be addressed in a way then. Their ownership of land should not be certified to avoid the lease of ownership when married in future. The pre independent land treaty and governance involving certain communities such as the Maasai, Mazrui and coastal treaty should not be retained. This is because such treaties were made during the colonial era and extra tax was prohibitive

Multy-Citizen: Registered Kenyans by birth should own land anywhere in the country without restriction. This is because they are living in an independent Kenya where there should be equal distribution of National Resources.

Electoral System and Process: We should retain the simple majority rule as the way of winning an election. The Electoral process should be designed in a such a way to increase the participation of women in Parliament and Local Authority election. In this case any woman willing to contest for a seat in the government should be funded by the government to support her during politics. In this way the number of women will increase their participation in the Government. There should be a minimum percentage or a number of votes that a ward or constituency and Presidential candidates must attain in order to be declared a winner. A 25% vote in every field is quite efficient. Candidates who fail to seek nomination is one party should be allowed to switch over and seek nomination from another party, which should retain the rule of 25% representation at least from five provinces for Presidential elections. We should retain that geographical constituency system because some of the constituencies have a large numbers of voter than others.

Com. Paul Wambua: Jedidah, ngojea kidogo, you suggested a ceiling on land ownership, what acreage are you suggesting? What should be the ceiling, do you have an idea.

Jedidah Mbithi: I have an idea of my own land.

Com. Paul Wambua: What ceiling did you suggest? You have said that Kenya should have a ceiling, there should be a ceiling for land ownership. What acreage should be the maximum that one should own.

Jedidah Mbithi: 50 acres

Com. Paul Wambua: 50 acres okey. Nicholas Kavenke

Nicholas Kavenke: To the Commissioners, distinguished guest, ladies and gentle men. My names are Nicholas Mabele Kavenke. I am representing a group of civil servants who are retired from Kiatulo Location, Chaduni Sub-location.

The Executive: The Presidential tenure should be fixed as to be a term of two terms of five years each. Functions of the President should be defined in the Constitution. For example local advisers to the Parliament, to the Prime Minister, Head of the Local Government, head of all NGO's in the country.

The Constitution should limit the Presidential powers. Some of the powers should be taken away and these are:

1. He should no be Commander in Chief of the Armed Forces.
2. He should appoint judges and the Chief Justice.
3. He should appoint the Attorney General.
4. He should not appoint ministers and assistant ministers.
5. He should not have the power to dissolve Parliament and the Local Government.

6. He should not be above the law.

The Constitution should provide for the removal of President for misconduct while in the office. The removal should be done when he/she is found guilty in the involvement public funds. These should be declared and announced by the Parliament. President should be a member of Parliament.

There should be a provincial Administration: Its roles should be to administer all provincial matters in the government. Nominated MP's should be appointed to represent minority groups which include disabled people, women interest and should not be associated to political parties interests.

Thank you very much.

Com. Paul Wambua: Asante sana jiandikishe hapo. Ningelipenda kujua kama kuna walemavu ambao wako hapa, ama wale ambao wanahitaji sign language. Do we have any of the deaf people around. I am asking whether we have a deaf person in the congregation. I think we have to continue doing that after intervals, Okey let's call Joseph M. Musili.

Joseph Musili: They have written my name wrongly. I am Titus Mgala Musili presenting Constitution views for New Apostolic Church. I am going to start with the basic rights.

Basic Rights: The Constitution should guarantee the rights to life and death penalty should be abolished. The Constitution should protect security, health care, water, education, food and employment as basic rights for all Kenyans.

A Prime Minister should have the responsibility of ensuring that all Kenyans enjoy basic rights, such security, health care, water, education, food and employment.

The Constitution should mainly deal with right equipment of the health care as from sub- Locational level up to locational level. Water, education, food and employment.

The Constitution should provide for compulsory and free education up to the degree level.

Kenyans should have the rights of access to information. The Constitution should guarantee all workers the right to seek union representation nation wide. Other basic needs of Kenyans, that the Constitution should guarantee transfer, transport and telecommunication, power and lighting, tarmacked roads in every part of Kenya.

Land and Property Rights: The ultimate ownership of land and property should be the next of kin of the deceased. That is,

children, brothers and sisters. That is all unmarried sisters should enjoy that rights of getting a piece of land. And if there are no people of such character, the clan should take care of that land. The governments should not have the power to compulsorily acquire private land for any person or any property and if so, it should compensate the cost to the person concerned. The state or government, or Local Authority should have the power to control the use of land by occupiers. Issues concerning transfer and inheritance of land, land rights should be that the owner as the right to do so, when he is a live and the remaining land which was not in transfer, the Constitution should go in between and transfer to the right people. There should be no ceiling on the land owned by an individual, if it is owned by that party. There should be no restriction on ownership of land by non-citizen. The procedures for transfer of land should not be simplified. Men and women should have equal access to land owned by the parents give both and only to those unmarried women. Pre independence land treaties and agreements involving certain communities, such as Maasai, Mazrui and the costal strip be retained as it is. Kenyans should own land anywhere in the country.

And the final one, the Constitution should guaranteess excess to land of every Kenyans. And that is all.

Com. Paul Wambua: There is one question, I think even Com. Raiji has a question, we said that the government should not have power to compulsorily acquire land, then you have said again immediately after that if, if it acquires such land to compensations for it, now that sounds contradictory, should that right to acquire land be there, or should it not be there. Because according to these sounds contradictory. What do you want?

Joseph Musili: There I meant that the Government should no acquire land owned by individual, by that I meant if I live here, where we are now, and the government wants to pass the road here, to construct the road, and they have to construct it, if they come to me because I am the person who is living there, they should give me something to compensate my ownership of that piece of land to go and settle somewhere else. And leave that place.

Com. Paul Wambua: So that is the law as it is, so you want to retain it that way?

Joseph Musili: Yes I want it to be that way.

Com. Paul Wambua: So the right to acquire land compulsorily should be retained.

Jseph Musili: Okey thank you.

Com. Paul Wambua: Musyoki Erastus

Musyoki Erastus: Commissioners, fellow Kenyans Ladies and Gentlemen. I am representing Milimani Estate citizens.

The Executive: The President should be a Kenyan aged 35 years and above. He should only appoint ministers and assistant minister. Should remain a Commander in Chief of the Armed Forces of Kenya as the position is the flag bearer of the national unity and authority to all the republic. To remain the chancellor of all the public universities.

The three arms of government. Parliament should appoint commissioner of the three statutory Commissions, and the Commissioners themselves in turn should appoint chairman. on rotary basis and also they should create their office, working schedules and all that.

The Commissioner should have the following qualifications,

1. Should be mature Kenyans, aged forty five years and above
2. Should be a Kenyan of good reputation,
3. Should have Masters degree in the relevant field.

This Commissions should include, Parliamentary Service Commission, Public Service Commission and Judicial Service Commission

Duties of the Parliamentary Service Commission: We find that all the constituencies in Kenya should have an area MP's voting established by Parliamentary Service Commission. The Clerk National Assembly should be appointed by this Commission. Electoral Commission of Kenya should be mandated or constituted by this Parliamentary Service Commission. The same Commission should have full mandate on the election process and logistics. Example if need be for postponement or qualification of election result should be in the market of these commission. The Electorate should have the mandate to fire MP's during the tenure of office if necessary. Otherwise the currently it just have the power to hire the MP. Parliamentary sitting should be a must to all MP's unless hospitalized, overseas serving the country or written permission from the Parliamentary clerk of the National Assembly.

Judicial Service Commission: This Commission is the one which should appoint the Chief Justice, Judges of the High Court and Judges of the court of appeal and the Chief Justice to be appointed from any of the high court Judges or Court of Appeal Judges and term of office should be limited to three years.

Public Service Commission: Commissioners should appoint the Permanent secretary through the normal procedures of interviewing and the like. If the Permanent Secretary should have masters degree and above in the relevant field and should be a Kenyan, should be a suitable Kenyan. These Commission should also appoint the chairman of all life statutory Authorities like K.R.A, K.T.A and all. Relevant qualification should be considered. Public Service Commission should also provide essential services. The Provincial Administration should remain the way it is and Wananchi should be mandated in employment of there

chiefs and assistant chief, in that a chief should have 200 mature Kenyans for his working unit when he is applying to attaché to his application to Public Service Commission or to a due authorized person. The Assistant Chief's to have hundred sponsors from his sub location. All village elders in Kenya should be paid for allowance.

Protection of fundamental rights: Death sentence or capital punishment should be substituted by life imprisonment. No landless citizen should be settled by the government anywhere in Kenya. unmarried daughters should have a share of the parental property. Government votes funds should be for specific projects and for specific areas and should not be diverted. Police and Prisons department should be inline to avoid hospitality and poor living conditions among other.

General: Local Government Act, all payments to local authority should be confirmed to the services provided and specified in the regime.

Com. Paul Wambua: Just hold on if there is a question.

Com Riunga Raiji: Did I hear you right proposing that unmarried daughters to have the right to share their parents property, what of the married daughters.

Musyoki Erastus: No. I have said clearly and unmarried daughters, clearly, those are to have them. Like for now a married daughter, in the customary law we have, if I take three or five goats, and the daughter, the husband gave the three or five goats that is a customary legal wife, and she doesn't have a right to the property of the father, but if she has not been married she has the right to own the property.

Com. Riunga Raiji: So you are proposing that we discriminate between married and un married daughter in regarding inheritance of the parents property.

Musyoki Erastus: Yes we should discriminate, otherwise, it will just be unfair. You go to your in-law they have land, your sisters have land and it will be more confused

Com. Paul Wambua: Okey, asante sana Musyoki , Kingi Mwanzui,

Jonathan Mwanzu: Commissioner, ladies and gentlemen, my name is Jonathan Kingi Mwanzu and stand here to present views of Gathongo Village.

On Elections: All the voting, Local Government, Parliamentary and Presidential should be by secret ballot. In such election, transparent ballot boxes should be used. Counting votes should be at the polling station. The requirement for a Presidential

candidate to get 25% in at least five provinces must remain.

Government Organs: The three government organs, Parliament, the Executive, the Judiciary should be independent from each other as much as possible.

Presidential Appointments: Appointments should be by the President but subject to Parliamentary vetting. Parliament should have power to amend or make through such, an appointment, if the appointee is found to be wanting on any matter. The power to sack Presidential appointees should be with Parliament. And if such an appointee is found to have abused his office, then he/she should be prosecuted in a court of law.

Corrupt civil servants should be persecuted in a court of law and sacked but not transferred.

Security: Security should be provided to all Kenyan irrespective of their colour or creed or race.

Freedom of expression and association: There should be freedom of expression and association and also freedom of movement.

Parliament: Parliamentarians should never decide on what they should be paid as salary or benefits. The President in state should form a Commission to deliberate on the salaries and benefits of the members of Parliament. Such a Commission should include or represent all the sectors of the society. More so the religious leaders, lawyers and others. And should be headed by a religious leader. Who is elected by the selected Commissioner by secret ballot.

Un-employment: There should be a special or quarterly monthly payment to all the un employed Kenyans below the retirement below the retirement age of 55 years and above 18 years.

Development: All services and development should be distributed equally among all the regions of Kenya. These services should include health education, water electricity and tarmacked roads.

On the issue of Gender: Women should be considered for appointments or promotion only if they have the qualifications and are capable holding such offices.

On land: A Person should not acquire land that belongs to another by simply erecting a permanent building. If such land is proved beyond doubts, to belong to another person, then such a building should be destroyed and the land returned to the right owner. That is all I have.

Com. Paul Wambua: Asante sana. Nilisema hapa mwanzoni unaweza kuzungumza kwa Kizungu ama Kiwashili ama Kikamba.

You have that right, so if you have a problem with the language, please don't force yourself to use a language you are not comfortable with. And even if you have a written memorandum you can submit the memorandum in English but explain it in Kikamba. That is also possible.

Com. Paul Wambua: Nienda umwia ethiwa mwooka vaa ala mukwenda kuneena mwina luusa wa kutumia Kisungu, Kiswahili kana Kikamba kila kiukuelea. Na ethiwa ni Memorandum yaku kana maandishi maku wuandike na Kisungu na kwenda kuneena nakikamba no wike uu. Na ethiwa ve syindu twakulya tukwenda ututheesya no ukithia ikisungu nikiuthi kisula no uneene ona kikamba. Nundu nisulaa ilugha tisisu, kwondu wooka vaa neena na lugha ila ukwiwa niyo itonya kuneena nayo kwa rahisi.

Prof. Mtungi: Okey, Mr. Chairman, I think the important thing is not that the presenter of the views cannot or understand English, it is the people who are here also who should also know what views are being presented to the Commission from their area. Because may be I know English, I can present it, but these people don't understand what I am saying. That s important Mr. Chairman, I think you can put it or can I put in Kambaa....

Com. Paul Wambua: I think what is captured the views actually are directed to the Commission. Once we capture what he said, that should be okey because we may be caught in a situation where we can't really we can't satisfy everybody especially where we are talking of mixed crowd. So the most important thing is for us to understand very clearly what the presenter in saying. After the views remain those of the presenter. The comfort should be for the presenter and the Commission. As we are discouraging situations where they address the crowd, the views are meant for us. Let's move on may be Com. Raiji wants to add on something.

Com. Riunga Raiji: Thank you Professor, I think that is the point that has been raising at other venues for purposes of this meeting, these is the formal of Commission hearing and we are recording all the views that we have the facility of interpreting for those who do not understand, who can not communicate correctly with the other language and the views are really directed to the commission no to the audience and if there are many people I think there is quite a good reasons obvious for the purposes of typing it may be easier when people understand English or Kiswahili. We do it so that we can give many more people opportunity, thank. You.

Com. Paul Wambua: So let's move on we see how far we go. Tutamwita Alex Mwongela.

Alex Mwongera: Honourable Commissioner, these are my personal views and I want to present them orally.

I will start with Institution of higher Education. It is may feeling that all Kenyan universities, especially the public Universities

should have independent chancellors. Who are not political personalities. They should not be holding public offices like the President being the Chancellor of all public Universities. My suggestion is that every university should have its own Chancellor to control affairs of the university and they should all be independent, although they are funded by the government. They should left to operate independently through their research and party.

My second view is that: There should be a provision for a second of a round of voting incase there is no 2/3 clear winner in the first round during Presidential election. There should be a second round between the person who is first and number two. So that views or the feelings of the majority can come out clearly because. If there were up to 20 Presidential aspirants and there is no clear majority of two thirds, that means the President who might go in might not be representative of the whole country. That is my second presentation.

My third presentation is that the C.K.R.C information should be entrenched in the Constitution like all other Commissions. We are afraid that the Commission might be disbanded like the others or Commission disbanded pre maturely, so we might see as reassured that my views are going to be taken seriously. I would wish the Constitution to entrench them to the Constitution.

I would also like that all the holders of senior public offices must be vetted by Parliament through a public hearing, because there are people who are crippled by those people may be by morality or this person is of low calibre, when he was in school. You know character usually, people when they grow up, most of them will hide their character and still retain the trace. So we want to know these people since they were in school what they were doing and all that and when they have come to reach where they are now. Because some of them are bad people and they are known by the people, not the person who saw them when they were adults. So we want a public hearing so that any one who has a complain about those people, those appointee should go and air their views. If I was molested by this is person may sexually or something like that, long, long, time ago, I should have the opportunity to go, if I am a lady for example, and should have the opportunity o and say these person of low moral behaviour, so he should not be elected or selected to this office.

My other view is that, it is my feeling that most of the institutes of higher Education are crowded in one Province or two. It is my feeling that, it should be that all provinces should have a right to a university and government should make sure that all provinces should have a public, university, so that people who don't have to travel all the way from Mandera to go to a University in Nairobi when there can be one in Garissa and I think the resources are there. Because if we have been able to establish as many as we have in one or two provinces, there is enough resources to establish them everywhere.

It is also my feeling that the President should be below the law. He should be prosecuted even while in office. Same as the Prime Minister because I am advocating for a majimbo system of government. The Prime Minister should also be able to be prosecuted while still in office same as the President and if found guilty he should be sacked. He doesn't have the morality to resign on his after being implicated in this or that. We have found a case whereby most senior servants and politicians in Kenya

someone is clearly implicated in a scandal and he is still sitting there in office and asking what can you do for me. So in that situation we want these people, if they cannot resign on their own, let them be prosecuted, whether it is the President, the Prime Minister, whether it is a minister anybody who is holding a public office. I would also advocate that there should be no changing of currency whoever a new President comes in. I am sure it is a very expensive undertaking. That Every President who come in he has the echo to say the other President is like, is like he was not as important as he is, the currency should be changed and anew currency produced as if we have all the money to waste. Kenya is touring in poverty. And printing of notes is very expensive. I presume so, so I don't see the reason why we should be changing currencies now and then because simple there is a new President. It is not a big deal.

It is also my view that any Kenyan over 18 years old should be issued with a passport, not an ID. Card. This is the colonial way of controlling movement and all that. It is my view that a Kenyan should be issued with a passport on demand after the age of 18. It should be entrenched in to the Constitution. I should not be going to Nairobi to bribe people there to give me a passport when it is my Constitutional right. I feel it should there in the Constitution that I should get it on demand after 18 and I do not need an ID. to be Kenyan. I should not be arrested for not having and ID. I should be arrested for not being able to identify myself. So if I have a passport, I have a driving licence, I have my card from where I work, that should be enough to satisfy a policeman that I am a Kenyan. It has become a big deal about the ID. And I don't see what is the big deal about it. If I can identify myself, that I am a Kenyan, I don't see the reason why I should always be asked to remove the ID all the time. If I have a passport I have a driving licence, they all documents issued to Kenyans. And there ways of verifying whether they fake or not. So that is my view.

There should also be a minimum education level for all those who are seeking public offices. There should be a minimum education level for any one seeking the Presidency, someone to be appointed a minister, a Permanent Secretary, a Commissioner to the C.K.C.R., you know. There should be a stipulated minimum standard of education. And also this people should be of high morality and integrity.

Any public servant who is implicated in wrong doing and cannot resign on his own, must be prosecuted. And it is not, I don't mean personally, if the office is implicated, the juniors have been implicated in wrong doing and you are the boss, and you are just sitting there, and at the end of the day, you start saying it is my juniors who did that, no, that should not be acceptable. It is my view that if a mess happens in your office, you should resign and if you don't resign you should be sacked and prosecuted. Because you are the one who was responsible for that office. So the excuse someone standing up and saying, it was one of my juniors, should be never and never be acceptable anywhere in Kenya. Anywhere else but not in Kenya, because that is what has encouraged corruption. Passing the back, for some body.

Com. Paul Wambau: Your ten minutes are up, I am giving you a half a minute to wind up please.

Alex Mwangela: Thank you, it is also my view, I will be very brief, it is also my view that the local Government, because we have been having a problem with the police. It should be left to control the police force. So that every region, every local authority should have its own political, so that they can emulate examples from other areas. Because here in Kenya we have no examples from other areas. Because here in Kenya we have no examples to enlighten, we have only our pathetic police to emulate.

Like I said I am for majimbo, decentralization of Presidential powers. Create office of prime Minister to head the Government and have a ceremonial President only to sign bills in to law and he should not be someone who has been elected from a constituency, should be elected by Kenyans.

Attorney Generals Office establish the office of the director of prosecution to avoid delay of cases in court because some of them are the Attorney General has may be vested interest.

There should be set a center of correction instead of jail for delinquent juvenile. Those who are still young and can be later moulded in to better citizens. Rather than throwing them into jail, where they will be contaminated with the hard-core criminals and will just come out as criminals. Examples are the chokora's who have never had an opportunity to get formal education. When they are caught, doing these petty offences and that, I think they should be taken to these correctional centers, like vocational centers, where they should thought some training and I think according to views it is going to help.

The Last view is that there should be a bottom-up system of management in the government. But because you find there are like several servants in the in the city, they know the problems of Mtomo and Mutha than the directors in Nairobi doesn't know. And he keeps on issuing directives from Nairobi. I should do these and do that, but he doesn't know the kind of problems I am facing where I work. So that there should that bottom- up system that that the director should have a way of getting my views from the field, just writing reports that are usually put in the file and they never go very far. There should be that system. Thank you very much.

Com. Paula Wambua: Bwana Mwangera you did propose that there should be minimum education of those people in public office, but we have not had the benefit of your views, as to exactly what that level of education is.

Alex Mwangera: Mr. Commissioner I think the reason why I never did that, is because I was looking at it that there is a limitation of time. Because I has said, the President, the Prime minister and if I try to elaborate all that, I might take another twenty minutes. But may if I could be brief I could say, if like the President, we needs someone of above form four.

Com. Paul Wambua: Above form four can mean any thing

Alex Mwangera: That should be the minimum and may be someone who has been in another field of, from O'levels and

above. That should be the minimum, or someone who has been in another field of nation building. He should not just come from nowhere where and come the come and stand up and say I want to be the President, we need someone with a track record.

Com. Paul Wambau: Thank you very much, let us have Muluwa Ngungi. Your views were presented, was that the arrangement? okey thank you. Mutua Mwaili.

Mutua Mweni: Commissioner and fellow Kenyans, Maoni yangu, nilikuwa nimeonelea tungetaka kuwa na wakili mkuu katika serikali yetu na wadogo wake. Na deputy wakili mkuu na Waziri Mkuu na Makamu wa Rais. Na wakuu wa serikali wateuliwe na bunge. Kwa sababu ikiwa ameteua hawa watu yeye mwenyewe atakuwa akifanyiwa kazi huyu President. Ningetaka kuwe na Kamati ya bugeya kuteua watumishi wa Serikali.

Pia elimu tungekuwa tukipatiwa bora kulingana na utaratibu kwa sababu sisi ni walipaji wa koti. Hiyo ndio maoni yangu. Nilikuwa na maoni hayo.

Com. Paul Wambua: Hii elimu itapeanwa bure kuazia kidato cha kwaza mpaka university ama unataka aje.

Mutua Mweni: Tungekuwa tanaweza patiewa elimu kutoka elimu ya msingi na ile pale ya elimu ya huko juu, tungeshirikishwa tu kulipa pesa kidogo, kwa sababu watoto wengi wamekaa chini kwa kukosa elimu.

Com. Paul Wambua: Asante sana Mutua Mweni, jiaandikishe hapa tafadhali. Richard Malonza.

Richard Malonza: The Commissioner, distinguished guest and my colleagues, I am here to present the views of Gathenge Sub location, Kasabwea A, which consists of two hundred and 98 members. Men, women and the youth. First paper I just give you a summary of these views.

One we will touch on the President: In future, the President must be a Kenyan Citizen, must be married. He should have a minimum education of a degree. We said that the President should not be above the law. He should be aged between 35 and 65 years. We said 65 as the retirement age of the President we have in mind or we should have in Kenya.

We touched on our MP's, that they should have minimum education of at least form four, should be of age between 35 and above, and should not exceed 65 years, if you are above 65 years, you don't need to view a parliamentary seat.

Okey, who qualifies to be a citizen of Kenya? We said that to qualify to be a citizen of Kenya, we know the Government has set rules and regulations but we had something else to add that, a woman who is a Kenyan married to a man from another

country, then that man should be allowed to be registered as a Kenyan citizen. If a man marries a woman from other countries, that woman should also be allowed to be registered as a Kenyan citizen. All Kenyan Citizens, we decided must have equal rights.

It is our feeling that the law covers or favours some citizens more than others. Whether that one is true or not was our feeling anyway.

The government must have interest in all parts of the country regardless of their political affiliation. For example I want to give an example here that if the government decides okay, it wants to buy maize from the farmers. Well, it is not good just to buy maize from the farmers in Kericho and forget that we have farmers in other districts. It was our feeling that there is sometimes have some of the citizens more favoured than others.

We also looked at businesses and thought that the government should actually licence Karibu-this is a location because so far they talk of illegal illicit beer but our feeling was Karibu actually----- Karugu brewers should be licenced because we have seen men and women educate their children from the sales of the same to university level actually and if you deny this people with the chance then we are doing them a lot of bad. I think they should be licenced so that police can stop harassing them.

On the side of defence we thought that in addition to having police in every other location we should also have armed forces in every other location just to defend us. You see there are areas like Eastern part of Mutomo where every now and then they are attacked by bandits in fact in fact we have nobody to protect us. We have APs who are sent there they are afraid of those robberies so we need strong forces to come in and assist in such areas.

On the side of defence again we thought the President should not be allowed to be the Commander-in-Chief if he does not have the necessary training what we need to say is well if you have military training, If a President, then you can be allowed to be the Commander in chief otherwise not.

We thought it would be good if we are allowed to elect our own chiefs and assistance chiefs they should not be employed by the government or by the public service Commission of Kenya we should be left alone to vote or to elect them.

Political Parties: We thought Kenya should have a maximum of three Political Parties because it seems the more political parties that we have the more tribalism that we are encouraging so we should have a fixed set number to three not more than that.

We also cited that all Political Parties should be financed by the Central Government not necessarily KANU or NDP. They are all political parties, let them be equally financed.

We thought that the Ministers should be appointed by Public Service Commission not the President. Remember I talked about

Presidents powers should be minimized and then he should not be above the law.

We also talked about the salaries of the MPs and the President himself. We thought their salaries should be discussed by a non-governmental organizations. They should not discuss their salaries themselves. It looks awkward if I have to decide what I have to be paid and therefore they should not actually decide on what they are going to be paid.

Lastly but not the least, we thought retired officers and, that one I repeat retired officers should not actually be allowed to vie for any seat because they have nothing now to give us, they were retired. Thank you very much. Those views are presented by Richard Malanzo prepared by Mrs Winzila.

Com. Paul Wambua: There are some clarifications please just hold on. Bwana Malonzo you proposed that we have a maximum of three Political Parties as you are aware currently we have between 40 and 50 and still they are increasing by the day, how do you propose or what are your opinions on how we are going to select the three parties that you proposed we have?

Richard Malonzo: That one might be a very difficult question to answer, but then I would propose this. That for any political party to be allowed to register it must be examined by the registrar to make sure that this party does not have any tribal interest. Tribal interest should be discouraged as much as possible?

Com. Paul Wambua: Okay another clarification Bwana Malonzo you said that the President should be married, what happens where the President starts off as a married man or a married woman and midway he divorces? Are you suggesting that he should vacate office immediately?

Richard Malonzo: I think no wife whether divorced or not you should not be allowed to lead people. You have failed in the first place, you cannot handle your own affairs so leave the big office, the Presidential office .

Com. Wambua: Okay, and lastly, very last one. You suggested that the ministers be appointed by the Public Service Commission, my question is how long should they serve? Would they serve permanently as Public Servants until they retire or is it going to be for specific term, every time the government is formed.

Richard Malonzo: Yes every time the government is formed that is after five years isn't it? Every other five years we have new ministers appointed by the Public Service Commission.

Com. Paul Wambua: Thank you very much, Bwana Malonzo.

Richard Malonzo: Thank you very much, welcome.

Com. Paul Wambua: I would like to recognize the presence of our MP for Mtomo Samuel Kiminjia who have just joined us. So karibu mheshimiwa I believe you are going to present your views you have listed as one of the speakers, so we will be very happy to benefit from your contribution. So tumuite Joseph Kisilu Musau.

Joseph Kisila: Bwana Commissioner nineenena Kikamba. kielelo kyakwa ni maundu aa

Com. Wambua: Okay we will arrange for translation. Okay we need some translation to translate with.

Joseph Kisila: proposal yakwa ni maundu ala tuuseuvya makekawa ni serikali nundu niyisi Kenya undu yiana.

Translator: My proposals are that we are going to amend today should be done by the government.

Joseph Kisila: kitumi ivinda ya mkoloni

Translator: The reason being during the colonial time

Joseph Kisila: ithye andu ma viasala nitanengawa loan iniita ICBC na KMT

Translator: We mean the Chamber of Commerce were being given loan that were refered as ICBC and KMT.

Joseph Kisila: na yuyu kuvika vuvu nitatililwe teekiwa barrier sya tuina Title deed, miunda yaitu timi-survey ,nayu miaka isu yonthe tuumiite mana

Translator: And for now we have been cut off from that trek of loan because we do not have title deed and we do have the abilities to pay the loan.

Joseph Kisila: na ivinda yiu kwai silikali ya mkoloni na niyalusite tukoosaa loan na tuyika kila kindu, neno yaitu niyo itwise muno kwi isu yaendie thina ni mwau? Nikyo kiutuma nenda kindu kikekawa ni silikali

Translator: The problem is that during the colonial time we were being allowed to get such a loan but our own government have denied us this opportunities.

Joseph Kisila: nikyo kiutuma twenda maundu makekawa ni silikali nundu niyisi Kenya undu yiana. Matwika meikwa ni andu eli no muvaka andu amwe makekiawa barrier thi mukakulye ng'ania kana ng'ania.

Translator: This is why we are proposing that what we were meant should be done by the government and not by two people.

Joseph Kisila: mayikwa ni siskilali yu tutonya kwithia vala Kenya yeekwatilye usumbi twina lami na mwaki

Translator: If this things are done by the government since the time we got the independence we should now have got tarmacked roads and electricity.

Joseph Kisila: nayu nundu watwikie mwisuvano tumai myumbe akeke raia tuisokaa kwisuva mundu twanyivie, usu nawo tyota thina ii?

Translator: And the point now it has turned out to be a matter of pursuing people to do it is now a problem to us.

Joseph Kisila: Na silikali nene niyisi Kitui South nundu mtukufu Rais niwukite kuu matuku maingi kui mwaki, kui lami, yu enda kwikwe undu ungi mwau asyokae kwisuvya?

Joseph Kisila: And the Central government very well knows Kitui South because the President has been here

Com. Paul Wambua: Excuse me explain to him to give us the proposals. Mutumia ii tunenge maoni maku wivendekeza kyau? Nienda muandike katika Katiba muenda kwikwe una, kwikwe una, na kwikwe una proposals – mapendekezo. Ii tunenge isu ikwita uu.

Josephat Kisila: Proposal yakwa niproposo maundu makewa ni silikali nene

Translator: The things that are needful by the citizens should be done by the government.

Josephat Kisila: Kiingi ni uvoo uu undu ukwona muuwano mwingi ulikite, muyuwania mali nikwisa kutwika ethiwa kwina muvango mali ya mutumia ni yake na kivetu kyake na syana syake, yu nao no muvaka withie mali nayo ya kivetu na ya mwana nake mutumia e nthini.

Translator: I propose that the property why there is mass killings because of the property is that the ownership of the property is between the man and the woman and the children are left out. But the man and wife do not have right to their children's property.

Josephat Kisila: Nundu mutumia nunumina mali yake aisomethya syana na ikiwa ni ivetu na vesovika vandu ethinani ethiwa ni kitheka unuuta akikiwa barrier ikithia ndata. Yu nukukw'a nake niwamathie mali? Ethiwa ndeu newa mwanya wa kuthoosya kila ukwenda ni mali yakwa ni yakwa na kivetu kyakwa. Nayo ya kivetu ni yakwa ona kyo. Mwana ethiwa ena share kwakwa malini I yakwa nakwa ninithiwe na share kwa mwana ni kana withie muuwano ndwithiwa.

Translator: I am proposing that my property be clearly defined find as my property, and my wife. And if my children have some share in my property, the parents also to be allowed to have a shared in their children property.

Josephat Kisila: Okay Bwana Kamusina niendaa syindu syiilye uu ni kana musuvie maisha ma andu ala angi mukeke ata – nundu nakwithia ivinda yii nindi tuusomethya no kueka usomethya.

Translator: And these are my Proposal Bwana Commissioner.

Com. Paul Wambua: Asante sana, jilandikishe hapo mzee. Mwani Kithengethe.

Mwani Kithengethe: Distinguished guests, Commissioners, Ladies and gentlemen I am here representing Youth Group Gatundu, sub-location, Gatundu location.

Structures and System of government: We should adopt a Parliamentary system of government in which Prime Minister is appointed by the majority Party in the Parliament and the President remains more or less ceremonial.

Prime Ministers power: Grant security to the public, should be the boss of all forces, should be the head of the foreign affairs.

President: General monitoring of independent Kenya, should act as subordinate staff in the government.

The Executive authority should be shared between the President and the Prime Minister.

Land and Property right: The government should not have the power to compulsorily acquire private land for its own purpose.

The said government all over authorities should not have the power to control the use of land by the owner or occupiers.

There should be a ceiling on land owned by any individual.

There should be restriction on ownership of land by non citizen.

Men and women should have equal access to land they should be given equal portions and certificate or title deed to guarantee this. The independence land and agreement involving certain communities such as Maasai, Mazrui and Coastal strips should not be retained since it is because it was during the colonial era and it ends Majimboism.

Kenyans should own land anywhere in the country without restriction. The Constitution should guarantee access to land for every Kenya.

Local government: Mayors and County Council chairmen should be elected by wananchi directly. Current two year term for mayors, county council, chairman should be abolished and adapt five years term.

The minimum education qualification for Councillors should be form four certificate order. People should have right to recalled their Councilors.

We should not retain nominated Councilors among elections following the majority system. The chances of nominated Councilors should be occupied by opposition to impose ruling election.

The President or minister should not have power to dissolve councils.

Legislature: We should not retain the concept of nominated MPs. He should be elected by wananchi. Salaries of MPs should be determined by the Prime Minister. People should have right to recall their MPs, they should be monitored in the Parliament or in every Constituency to recalled the MP if people wish to.

There should be no charges meant to and requirement to voting and contesting Parliamentary seat or Presidency. Asante.

Com. Paul Wambua: Wait for clarification.

Com. Riunga Raiji: You have proposed that the government should not have the right to compulsorily acquire private land for any reason. We have had a lot of people demanding construction of roads, hospitals, schools and so forth. How are those going to be done? I want you to propose land for such purposes they acquire because the government has no power to take over the land for those public property?

Mwani Kisila: They should be compensated for the land by some agreement the owner and the government.

Com. Riunga Raiji: And if the owner for example refuse the road to be build or the owner from the other side have agreed. What happens the road should not be constructed?

Mwani Kisila: The owners of the other side they have agreed on their own so you have left with own piece.

Com. Paul Wambua: Please jilandikisha hapo tafadhali. Nitamuita Richard Muasya Muli.

Richard Muli: Okay, Constitution of Commissioners, nasema asante kwa kupewa hii chance ndiyo nitoe maoni yangu kwa upande wangu. Na ninatoa maoni yangu kwa upande wa walemavu. Sasa walemavu kama wakati huu na nyakati zimepita chache, walemavu wamekuwa wameendelea na kuhegea katika maendeleo ya kujenga shule, lakini kuna makosa ambayo kuna vitu ambayo walemavu wanataka ipitizwe katika serikali ama katika maendeleo. Mulemavu ni mtu ako na akili na lazima washirikishe katika Katiba pia nao watoa maoni ya kutengeneza Katiba.

Ningeonelea walemavu wamesoma wamekuwa na akili nyingi wawe wamepewa nafasi katika government, Local authority, kama as nominated na kadhalika. Wengine wamekuwa hata wako na wamekuwa na ma-degree. Pia wapewe nafasi katika serikali haki tu walinde serikali kuu kwa sababu wako na akili na wamesoma na wako na akili timamu. Sasa iko jambo lingine kwa upande wa walemavu. Watu wengine wanatumia walemavu kama ni chombo, kama ni watu wasio na akili na watu wasiojua hata vile wanaendelea. Saa zingine unaweza kusikia mtu anasema kiwete. Kiwete is an abusive busive word which of course we cannot even tolerate. We want us to be covered by the Constitution if it is formed and I know it will be formed.

Com. Paul Wambua: Kuna njia gani tunaweza kuhakikisha kwamba walemavu wametumikiwa vilivyo. Just give us proposals tupatie pendekezo. Proposals, we propose the following and disabled one, two, three and four in the new Constitution that will help us now.

Richard Muli: Walemavu waingizwe katika Katiba. Na pia ile ulemavu yao kwa sababu wengine wameona ni kama kizingizio, yaani wanaona kama ni watu minor hiyo ingizwe hapo ndiyo iwazuie mtu kutomujali na kumutuzi. Constitution itafanya

kazi, itamuzuia. Upande mwingine serikali iangalie walemavu wako watu wengi ambao hawatoki huko nchini ama hawatoki town lakini wako na mashida kule na kwa sababu wale wako pale area hata na sub-chiefs wanawapuuza kwa sababu wanaona huyu mtu hata akifanyiwa nini hawezi kusaidia chochote lakini anaweza kusaidia. Serikali Ipange mpango wa wale watu wawe wamepangia njia kadha kadha ambao wanaweza kuwa wanawazaidia ndio wajimudu maisha yao. Ndio wakae na wasikae kama ni watu kama wale wengine ambao hawana any disabilities. Kwa sababu disability is not inability. Kwa hiyo nilikuwa na haya machache, asante.

Com. Paul Wambua: Bwana Muthoka labda una maoni fulani ambayo ungetupatia kuhusu vifaa fulani kama kwa manyumba, na ingine baado unaweza kupendekeza ili sasa ile tunaita access, access, ili walemavu waweza kufaidika kwa sababu kama uko na shida sasa kupanda ngazi huko kukuja hapa.

Muthoka: Kwa kweli vifaa viko lakini wengine hawawezi kuzipata, kwa sababu ya ile umaskini iko kule wametoka, ama kule wamezaliwa. Kama mimi niko na kifaa pale lakini ile ni kubwa. Kuna kingine ile kidogo kidogo ambayo ningepanda pale halafu hiyo inunuliwe na nisikumwe nije hapa. Lakini ile niko nayo ni kubwa. Kuna wengine hata hawezi kuona hata moja, na wamekaa kule, na hata hawajulikani, hawajui kama kuko na serikali. Tunasema, ama inasemakana Kenya imepata huru, lakini wale hawajui kama Uhuru imepatikana kwa sababu wale ndiyo wako katika ile hali mbaya sana. Na wanaonekana kama si watu kama wale wengine. Na wale wengi wanaona namna hiyo wanaenda wanachwa hapo. Kwa hivyo wanastahili wafanyiwe njia itengenezwe hawo wafanywe wawe kama watu wale wengine na wawe wamefurahia matunda ya uhuru wa Kenya.

Com. Paul Wambua: Asante sana Bwana Richard. Nitamuita Kioko Mkala.

Kioko Mkala: My names are as you have heard and I am presenting the views of Community Base organization from Ngweni, Kamutha and Katune sub-location Katume location. .

On finances and expenditure of retired civil servants: They have proposed that pension for widows should continue for the whole of their life time because the widows might be having the children to educate and other stagnant project.

Payment procedures for retired staff: We proposed to made easier at divisional headquarter level because most wazee spend a lot in travelling to district level and after the struggle almost a half of the months salary is already spent.

Freedom of worship: Here on freedom of worship we have seen this part of law has been misused not to increase anything but also other religions like muslims etc.

So many cults have taken the advantage in the name of religions. It is a high time our government should tighten this section of law so that freedom of worship should be to the living God not devil worshippers, Mungiki etc.

Licensing and the registration should be controlled and scrutinize before registration. Otherwise this nation will be in chaos in the near future because even others have taken advantage of making money out it.

Citizenship: To acquire a national of ID to most citizen, all Kenyans it is as if we are still under slavery. Why should our government not intervene and make the process simpler at divisional headquarters level. Actually, it is the right of every Kenyans citizens above 18 years old to have a

National ID card. It is not amazing --- to find somebody at the age of 30 years without an ID. To make the matters worse, it has affected the electoral commission of Kenya voters registration exercise.

Electoral Commission of Kenya: The registration exercise should be continuous until it is three months to election in order to enable all Kenyans to exercise their voting right. Funds provision should also be flowing continuously at district treasury. Election days are proposed to be fixed in advance to avoid any party taking the advantage, especially the ruling party when they are ready for elections.

Electoral areas should be looked into because some are quite big and geographically no communication for example Katune.

On property issues, women have said enough is enough our government should intervene in passing a law whereby we women should not be discriminated from owning property especially when our spouses are not a live. We should be given inheritance. Our government should also look into the matter of our normal denied that is after maternity leave, because actually it is God's plan that women should give birth when they should do when they should. The question is why should we be denied our normal leave.

Judiciary: This arm should be completely independent so that justice is done in the country. It is a pity that a mwananchi from Muda or Kanjuku will travel all the way to Kitui to attend a court summon, actually court should be near at divisional level. That is all what I had.

Com. Paul Wambua: Thank you very much Kioko Mukala. Benedins munzilah:

Benedins Munsilar: The Commissioner and my fellow Kenyans I am Benedins Munzilah; I am presenting my personal views as I am starting with education.

Education: On the side of education, education should favour every Kenyan whether being a girl or a boy. There are some parents who are unable to educate their children but the children are Kenyan citizens and they lack education because of fees and the government is there. I propose that the government should stand for the parents who have no money to educate the

children.

We talk about the chokoras in town but in the rural areas there are chokoras too. This is because if our parents cannot make it to educate the child, this child is going to be spoiled and when he is spoiled the child will grow up to be somebody who is not reliable in the family. And it is not the problem of our parents, so the government should see that even not up to form four level just the primary education, they should support some parents who are not able to educate their children.

The other issue is about the these people who are disabled, like the one who was here and said that they are not supposed to be called viwete. These people are there. They are born and they are Kenyans. They also need education and some parents just ignore and they don't think if these people they can help in a way. So according to my views the government should provide some activities for them even if they are going to school they should do some activities in order to benefit them.

The other hand I will talk about also in the education, there are very many youth. These people who are educated, they are learned, but they don't have any job and parents have struggled to educate them. Can the government see to it that if a child is educated and is learned to provide a job for those who are educated and are idle at home, because if our parents have struggled to educate us and we are doing nothing actually it is not fair. And in the government there are job opportunities, but the problem is that these people who are to retire are not ready to retire for us occupy those places. So can these officers in the offices, who are about 55 years, let them retire for us to occupy those places.

The other side I will talk is about hospital, and these are government hospitals. We have government hospital. The problem with government hospital I will say that the government hospital, doctors should not operate their own private clinic especially in the area they are working. We have nurses and doctors who are not working but they are operating their own clinics, and we suffer, because we cannot afford to attend those clinics and they are expensive and there is government hospital whereby we can get services. You go there you are told there is medicine go somewhere else. You go there and you will just meet the nurse from the government hospital. So can the government try to supervise their hospital and know that the doctors are working and they attend their station.

The other thing is about employment: About employment I will talk about these business people. You find like where here we are. Let these county council people work from where there were born. In a location you just find there are people who have gone there, and those who work in that market are from a very far place nobody from that location is worthy in that market just even to see that these people from their area have this problem or these problems, and the councillor is there. We need to see that our youth need to work and because there is no this opportunity let every location according to my view county council, people work from where they are born.

If they are from they are from Mutomo let people from Mutomo work in that market as the county council. But not people from

Kitui coming to work in Mutomo and Mutomo there are people.

The other thing is about days of voting: According to the new Constituency I would like to say that days of voting should be known and should not only be known by one person. Because like this year there will be election. There are people to be elected, we are to vote but we don't know the days for this voting. Could we know. So that it can enable those who are campaigning to prepare themselves, but not you are prepared then you are told it is next year. So from today onwards let publically the days of voting be known.

I will also talk about the disabled: In Kenya the government does not recognize these people. Now we have seen one here. If they are educated if not learned, but those people will one time mean to just go if he has a relative in a very far place to go in a telephone if he wants or she wants to call for his people. But the person if there is nobody to assist him, he cannot make it. Can the government make sure that everybody is helped the way he is or the way she is. If she cannot, just make himself or herself enter in a vehicle can they make a modern buses or the vehicle made in a modern way. You find that if he wants to climb and enter the vehicle there is no problem, because these people are suffering and they are part of us and they are Kenyans. Thank you.

Com. Paul Wambua: One short clarification. You have not covered a very clearly on the question of education, and one of the issues we are supposed to get views on this rather education should be free and up to what level. Can you come out more clearly that should it be free or not free and up to what level. Secondly ,can you confirm whether it is only in respect of job which has been offered by the county council whereby the local people should be employed or any other job.

Benedines Munzilah: Okay, Thank you. The one is about county council jobs provided. I will say that they have to provide is job and the other thing is that they have to make sure that in the market people they are serving are comfortable with them. I don't know whetherI have answered you.

Com. Paul Wambua: Okay my question was very simple. When you talk of jobs be given to the people of Mutomo is this only the county council of all jobs.

Benedines Munzilar: Not only the county council jobs

Com. Wambua: All jobs

Benedines Munzilah: Yes.

Com. Paul Wambua: Kioko Mukala, I think you have spoken and you are supposed to speak on behalf of the Women

group. Give us memorandum as you read it out, please taja jina lako, mention the group of which you are reading, it so that it can be recorded.

Kioko Mukala: My names are Kioko Mukala. I am presenting memorandum for women group from Katunde Location Katume sub-location. We have said that we need introduction in our Kenyan Constitution introducing us as we Kenyans and including the different tribes.

Every citizen of Kenya should not be discriminated but be granted adequate resources and security.

A person born in Kenya married in Kenya by a Kenya is a citizen of Kenya and there should be no dual citizenship.

A Kenyan should have a citizenship identification card.

The President should not be above the law. His powers should be minimized and be left at the offices at work.

Provincial Administration should be appointed by the public and not the President himself.

The President should have an age limit of between 30 and 70 years and be limited for two five year terms.

The Vice President should be appointed by the Parliament and not the President.

People should have a right to recall their MPs and be given mandate of disqualifying him or her in case of un-development and corruption.

The Constituents should be given powers to instruct their MPs.

There should be no nominated MP.

Women are completely unrepresented in political issues. It is good that 40% of all Parliamentary people to set a side for women.

Rights of life should be pronounced well. We need free Primary education which should be marked all Kenyan citizens. It should be free from primary to secondary level.

A new Constitution should contain environmental rights to all Kenyans and their cultural diversity.

Women should have a right to marriage and in case of inheritance every child should inherit from the parents.

In case of Aids victims, they should not be discriminated at work or be eliminated in case one is looking for job opportunity.

People with disability be nominated in Parliament and local councils to represent persons with disability and they should be nominated for the MP.

There should be a continued enjoyment of pension benefit of either spouse in case of death. This should be made a life time facility.

We need Constitutional Commission and offices that is human right commission to deal with people's rights.

Land commission to deal with land issues and anti-corruption commission to deal with activities leading to corruption and sort them out. That is all what I had.

Com. Wambua: Thank you very much. Let us have Peter Mwangi.

Peter Mwangi: My names are Peter Mwangi and I will give an oral views from GNCA(Good News Church of Africa) Kitui region.

We are proposing that the Kenyan Constitution should have the preamble telling the Kenya where we have come from and where we are heading.

We advocate for freedom of worship. There should be freedom of worship.

Rev, Pastors should represent the churches in their local areas in matters of development and here we are saying where the location or sub-location is doing some development plan, pastors should be involved because these are the people who stay with the majority of the people and they have some spiritual understanding of what the people need.

Appointment of persons into government: We are proposing that the Public Service Commission employ all Public Civil Servants, but where we have appointment like Chairman of Board, Directors, Commissioners and their Chairman let the political party with at least 10 MPs be involved in the appointment of this person such that the appointment doesn't look political. We are saying political because if the appointment is done by one party their appointees would have to please the party that gave him employment.

Government services to the citizens: This should be equally distributed, we are saying those hospitals, roads, water supply and electricity should all be seen to be run at the same level. That is, if there are schools in the Eastern let those in the Western resemble the schools in the Western in terms of facilities, services and equipment. If it is a road, let the development of roads be done on people equal basis but not some areas to be properly developed while others are neglected.

The President: The term of office for the President should be two terms. He should be of 35 years and above. If after election there has not been a clear winning between the first and the second one that is if the first candidate for the office of the President does not get 35%, let there be at least of the voting such that the President represent the majority of Kenya and not a representative of the minority.

Parliament: We are proposing that the Parliament should be dissolved by the government and not the Parliament dissolving itself. This is because we will not judge ourselves but if we say it is going to be dissolved by the government we are saying it dissolve announcement for the voting day is done and Kenyans are aware when this Parliament should end and when the new Parliament should start.

The budget (the government budget): We are proposing a committee be set up to prepare the Kenya government, account to the Kenyans work project it has taken for the present year and the projection it has for the country. This will enable the Kenyans to understand properly if the budget that you read the previous year was properly prepared adhered to. Otherwise, we are ending with a budget that great to the Kenyans but end up with some areas not properly performed.

Education: We are proposing that primary education for Kenyans should be free. The secondary education be covered by the government, that is the government should give grants to the students in the secondary schools and the bursary as is the case in the university. We are saying the public university should be independent and each to have its own Chancellor.

Elections: We are saying for this issue of counting and determining whose is the winner, let the ballot boxes be transparent. We are saying that counting should be done at the polling station, and the announcement of the Swearing of the candidate be known from that particular station. That is all what regards from GNCA.

Com. Paul Wambau: Thank you very much. Let us have I think we keep on repeating, he presented or he spoke here. He was presenting another group. That is double registration. You want to represent women now. Dakika tano mama.

Jeddidah Mbiti: Nimesimama kwa upande wa wakina mama. Sisi wakina mama kuna maoni yetu ya kuona tupatiwe uhuru. Kwa sababu kila kitu ikitendeka vibaya hata kama ni mtoto nimesomesha akiwa amesoma vizuri na ako na tabia nzuri hiyo mtoto ni wa baba. Babake ndiye anafuata mtoto. Lakini wakati ule mtoto wangu anakuwa na tabia mbaya utasikia akiambiwa uko na tabia mbaya kama ile ya mama yako na watu hawaoni kama mama anafanya kazi nzuri. Mama analea mtoto anabeba

mtoto ndani ya tumbo yako hadi miezi tisa unakuja kuzaa. Kwani nitataka huyu mtoto wangu akuwe na tabia mbaya ndivyo hivyo wakina mama wanasema ikiwa mtoto ako na tabia mbaya mtoto wa wazazi --- lakini siyo kusema huyu mtoto ako na tabia mbaya kama ya mama.

Sasa wakati ule mtoto anakuwa na tabia nzuri ni wa baba, lakini wakati ule ako na tabia mbaya anachukuliwa mimi na mimi ndiyo nimemubeba miezi tisa alikuwa ndani ya tumbo yangu lodging miezi tisa na nikamuzaa kwa hivyo wakina mama wanasema mtoto akiwa ana tabia mbaya hiyo ni mfano arekebishwe

Ile kitu ingine tunasema ni, kama ardhi watoto igaiwe watoto wote sawa. Kwa sababu siku hizi ata wasichana wakienda shuleni wanafanya vizuri hata kushinda hawa vijana. Na wasichana wengine siku hizi hawaolewi lakini kwa mila ya Kikamba inaonekana mtoto wa mwanamke atajua agaiwe ardhi kama yule wa wasichana. Wanapatia muvulana na mwanamke anaambiwa ataenda kuelewa. Na siku hizi watu wakuoa wasichana hakuna. Sasa mimi nitaweka mtoto wangu kamba kwa shingo nimmepeleke sokoni ndiyo aolewe apate ardhi. Ndiyo mimi nasema wazee wakigawa ardhi wakumbuke wasichana na vijana wote ni sawa. Kwa maana hata kuna wasichana wengine wakipata kazi wanazidia family hata kushinda hao vijana hao wana ardhi, Kwa hivyo watoto wote ni sawa tunatikiwa zote tupatiwe ardhi sawa kijana na mwanamuke. Ukizaa musichana ujue hata kama uko na heka kumi mbili ni ya msichana mbili ni ya mvulana kwa sababu wasichana siku hizi hawataki kuolewa na siwezi kuweka mtoto kamba niende nikauze pale sokoni mtoto ndiyo apate bwana apate mali ya --. Yangu ni hiyo kwa upande ya wamama wazee wakigawa ardhi wajue watoto wote siku hizi wote ni sawa.

Com. Paul Wambua: Asante sana, Thank you very much jandikishe uko kwa women group. Professor Ouko Mutungi.

Mutungu Onesmus: Thank you very much Commissioners. I want first of all to start my name is Professor Mutungi and I want state where I am coming from so that you know where I am going to.

I am the chairperson of the Standing Commission on Human Rights Kenya. That should state exactly what it is for my stand all people be it women, be it men, disabled, children, they are equal and are entitle to an equal future.

I didn't say that the Chairman of the Chair has given me ten minutes and I have about nine point I want to give each point one minute so I am going to keep your time.

Com. Wambua: Well, let us see how you fare within the time, I can always consider the extension.

Mutungu Onesmus: Thank you Mr. Chairman. Now the first point I want to mention or propose is that Kenyans should make up their mind and decide whether we want Constitutional supremacy or a Parliamentary supremacy. This is very important and Kenyans are confused since they disagree about it. The Constitution if it is supreme, then nobody tamper with

that Constitution. We talk about being protected by the Constitution, but before we are given that protection by the Constitution we must protect our Constitution itself. Siyo tu wajumbe 65, 55 kwa mia wanabadilisha Katiba whenever they reach there and they say we have changed then we have no security in Kenya not even our life which is in the Constitution. It can be amended by 65% on Members of Parliament. We should Mr. Chairman, provide the Constitution that Parliament shall pass no law amending the Kenyans Constitution without a referendum of the people themselves. That is what I would like to propose in this new Constitution. It is not every time that we review our Constitution Mr. Chairman and it must never happen in our life time.

The second point, the Chairman, is equitable sharing of national resource. This is very important. In this country and this area in Mutomo the problem we are facing what we are talking about tribalism, we are talking about rights and land clashes because resources are not equitable shared. This is why, Mr. Chairman, you hear some of us, being very strong on regional government, federal government. Why? Because only federal government a government which is taking care of what we call it Eastern Province or whatever you are going to call it is going to take into account the priority of that. As we see Mr. Chairman, electricity is just here about a half kilometers and we don't have it here. And these generated in the Eastern Province Masinga, Kindaruma, and what have you, and we don't use it. It is utilised by others. As we sit here much livestock stock come from Eastern Province, Mandera, Garissa all over the places, and Wajir. And yet Kenya Meat Commission is just near Nairobi. If we had arranged in terms of where do you put your resources and a regional government with authority (devolution power) will determine our priority.

And we are told sometimes you can't work on of your own because of whatever that is not true Mr. Chairman we would like a situation where the national resources are equitable shared we are not saying equally, we are talking about equitable. If the Garissa people, the Wajir people if their livestock or they are farmers, they should be given that kind of facilities to develop what they have.

The third point Mr. Chairman is that no public positions should be filled using any system other than an open transparent system on merit. Every public office should be filled through a merit and nobody, we are talking about the head of government, the head of state, should appoint any person to any office without a vetting system to ensure that, that office which is national is filled by the right person with the right qualification. Not just anybody from nowhere, and yet we are told because he has appointed by so and so we respect him. The person can't even read, can't even write doesn't even have given up the right morals.

The issue of land Mr. Chairman is very important and nobody in this country or any other country should be allowed as an individual to distribute of dish land. The consent of Commission of land is outdated you cannot give the powers to dish land to an individual land from the smallest level to highest level should be allocated and given out by an institution which is transparently appointed and which is also rotational.

Economic, social and cultural rights: We talk about the rights Mr. Chairman, which are a civil and political rights. The right to choose our own leader, right to choose who is going to be our governor, who is going to be our councilor, who is going to be the Member of Parliament, who is going to be the President. That is civil and political rights. But I want to recommend Mr. Chairman that new Constitution, the Kenyan Constitution should provide for economic, social and cultural rights as a Constitution matter. These rights Mr. Chairman are the right to deal with the right to education which has been mentioned here, the right to health care, the right to employment, the right to shelter or houses. All these rights should be put in our Constitution so that they justiciable. You can go to court and say, this is my right and has been violated by the county council of Kitui or the Kenyan government. These rights right now they are seem as if they are a luxury and people have no right. You go to hospital you are told you cannot get medical Mr. Chairman I want to make this point clear so that (inaudible) because this document is going to be very important may be for the next hundred years. We are not talking about free education, free housing, free employment. We are saying the government of the day should facilitate access to basic rights. That has to be clearly and understood Mr. Chairman we have been accused sometimes of being (Marxist) communists and advocating for free things. We are are not saying that we want free things, but we want a system where these rights are acceptable. That means cost effective or anything you want from the government Mr Chairman.

We talk about the right of housing. Take our building like this one. Before the county council can approve my building plan in Nairobi or any city, they say you must have six by four of nine block stones. Those building ---who need the nine by six by ten block in this tropical—so by the time you finish a building it is so expensive nobody can afford to rent nobody can afford to buy. So when you talk about the right to housing we are not saying give us houses. But we are saying relax these laws so that we can now build houses which are within our economic means.

The office of the President and the issue of Members of Parliament and Party no other – and we need to put this in our Constitution when it comes to write upon being declared President no person should be a member of Parliament to anybody, no should such person be a leader of any political party. The President is the President of the State, not of the government. The government is government of the day, today is KANU, tomorrow is maybe another party. The Government come and go. Kenya is here to stay and the President is the Head of the State not the head of government. We would like to separate this – the government is led by a different person Prime Ministers who appoints whichever the assitant he wants to appoint. But when you talk of the President, if we must retain the issue of the campaigning and election of the President leader, same time as a Member of Parliament, upon being declared a winner of the Presidential seat that seat becomes vacant immediately and you are not a leader of that party nor an MP for that area. You are now the leader of the State. Mr. Chairman, the confusion when we say today the President has announced this, the Chairman of KANU has announced this, is he announcing as the Chairman of KANU or is he the President. And you get confusion people are confused. Do you disobey the orders a head of the government or a head of the state, which one are you now talking about? There should be a clear distinction between the Presidency and the political system which could be controlled by the party. That is another issue.

There is an issue of importance Mr. Chairman. We should put in our Constitution a provision dealing with a treaty or convention, certification or implication. Right now, Kenya is party or signatory to so many treaties so many conventions. But none of this is applicable to the Kenyan. For example, the provision about the right or human right, right to food, right to health, these are all in conventions which Kenya has signed. But under our system, these are not available. They have not been domesticated. We must pass a new law in Kenya to bring those provisions into operation, that I can go to court and pursue my right. If it is the Constitution, I would propose that the Constitution provide that the laws of Kenya shall be treaties all executive and conventions which Kenya, not the government, Kenya has ratified. That Mr. Chairman will bring immediately into place, the provision of conventions and they are applicable for the benefit of the Kenyans.

The Chairman, the Constitution should provide within the committee which I am referring to as father of economic social and cultural rights. A comprehensive social security for all. Comprehensive social security for all. This should be guaranteed in the Constitution and this provision Mr. Chairman, will cover everybody and all the needs whether they are for the disabled, for the children, women, men and for the aged. Everybody will be covered so that when you leave the job, when you retire, there is some provision, financial, where you will be given medical treatment, you get some kind of allowance. It will mean more to the tax payer, and that is the essence of being in charge of a country and saying the government of the day, as I said, shall take care of the welfare of the people. If that one will be done by having a guaranteed comprehensive social security.

I want to mention, on these aspects Mr. Chairman, if the human rights are now embedded in the Constitution, the human rights meaning, social, economic, cultural and civil and political then it will be easy for us now to write a charter, and provide, for example equal treatment for all to provide for the disabled. We have now provided for our children but not in the Constitution it is now that every act of Parliament that can be amended tomorrow, Mr. Chairman, by the MP. But even the Constitution, we are saying that, Parliament shall make no law to amend that Constitution, then we know that our children are safe, the disabled persons are safe, the elderly people are safe, women are safe. Do you know Mr. Chairman that no building, no telecommunication system and facility provide for disabled person?

Transport: You go to aircrafts craft there is no aircraft, any airline that I know which provides for that they have to be carried by steward and air hostess to be taken up and yet you know that they operate and they carry and should carry everything. These are facilities which will have to come as a matter of force Mr. Chairman. This we are saying that, these rights are in the Constitution and Constitution will not be changed by the Parliament at all.

La mwisho, without wasting your time Mr. Chairman American Constitution has been there for 227 years, and that Constitution which has led the richest and most powerful country in this world has been amended fourteen times in two 227 years. In Kenya within 38 years 69 times we have amended our Constitution, because MPs are free, they go and sit there, we pay ourselves this, we will be there for five years we want to extend our term of tenure, we want to do what have you, Mr.

Chairman, the Constitution is a very important document the one you are working towards today, nobody should be allowed to tamper with it..

Thank you Mr. Chairman, this is a final copy

Citizens: All persons falling on this categories, one of this category should be Kenyan citizens.

- (a) All persons who were born in Kenya irrespective of their parents. If you are born in Kenya that should qualify you to be a Kenyan even if your parents are American, your parents are Germany, you were born here.
- (b) All persons married to Kenyan spouses should become Kenya citizens, and there I am talking about whether you are a man and married a Kenyan woman or a Kenyan woman that was whatever you become a Kenyan.
- (c) All persons whose parents or any one of them is a Kenyan. That means if you were not born in Kenya but your parents, either father or mother is a Kenyan you are quality to be a Kenyan citizen. Mr Chairman, the committee which I am heading now we have 86, cases very pathetic cases where a Kenyan girl married to a Germany they have children in Germany and then they quarreled there and they divorced. The Kenyan woman was thrown out by the Germany man and she had small kids of three and four years. Under the law as you know, is that the person joined the mother. The mother is a Kenyan she came back to Kenya. At Jomo Kenyatta she is told you can come in Kenya but these children cannot come in here. They have no father there and they have no mother there, where do they go? The Chairman, this is an issue of great concern to everybody. Every human being, you cannot have a secret person like that one simply because of things which are not within his or her control
- (d) All persons who apply for citizenship after living within Kenya for ten years subject to issues of state security. Mr. Chairman Thank you.

Com. Riunga Raiji: Professor I think you wait for some clarification and that was a well good presentation. You have done well on time. Professor, thank you very much for your very focused presentation, these ones are very useful suggestions. Now I just want the clarification, you did mention in passing about the regional of government, the need for devolving power, that kind of system, but you didn't give us even at least some details of how it is going work at the local level. As you know the suggestion that the district be the focus of devolution. Others Provinces, and so forth, perhaps if you would have explain something on this.

Com. Paul Wambua: Just on the same point, what I wanted to find out from you is whether you are really concerned about the form the government should take, or just devolution, such that a system whether unitary will ensure that there is equitable

distribution of all national resources, will be sufficient. Must it be christened by name, so maybe while you are commenting on that you could and I have two other clarifications when you are through with them.

Professor Mutungi: Chairman Thank you very much. One of the reasons of my suggesting the devolution of power is at least we are now not only free, but I think emancipated I am from mental process.

If you look at development since independence and I have statistics in areas which have been declared like semi-arid, poor, what have you, are the areas with most potential. During the Kenyan car project Mr. Chairman when we made the first Kenyan car we invited some Japanese to come Mitsubishi we asked them, how do we start now producing cars enmass. They asked do you have a steel industry? Do you have Iron Ore? We don't know, and that group which I was a consultant for up to now. We led people eight geologists, they went round the a whole country. And we found that in places like Motha, like Mutitu we have not only iron Ore, we have uranium, we have Diamond and we have coal at six feet here in this book. But nobody has bothered to develop that. We are told this is a poor region we don't support the government we are going to starve. Arabs have never had any rain in their place and they live better than we do, because they have developed what they have, oil. Why can't these areas be developed. In other words Mr. Chairman I am saying, it is true one can have a system of devolution of power where it is shared from there. But today Mr. Chairman if you look at the budget and a plan which is approved every June, they talked about so many billions shillings for road Maintenance that is, how much will go to Mutomo, how much will Garrissa, how much will go Kwale. And as long as that money is paid for road maintenance it can go to just Central Province or it can go just around Kajiado. That's road maintainance, that is why how we are saying we want a national resources to be controlled by the people who can take their priority. Mr. Chairman I hope I am not saying that you leave the system, but I am saying the system which will come up and identify what region is endowed with what work and developing it. This cannot be done Mr. Chairman from a Central Government I have watched for the last 38 year it does not work.

Com. Paul Wambua: On the question of the basic rights you said that it should be justiciable then I heard you say that you were insisting that the government should facilitate that. I didn't understand that because if it is justiciable able I think there have to be, in my own understanding, it has to be such that its compulsory that the government must meet this, I didn't understand you quite correctly you may have to clarify that one. Then together with that, Professor let seek your views on the question of, you said the President should not be a leader of any party or elected MP. Now what I wanted to know is that should he be after he is elected because is time that in most of the situation those who are seeking presidential position are actually leaders of party or are you insisting that they necessity be independent candidate when they are running. Just comment on that sir, and then thirdly, on the question of treaty making, very interesting proposal. I would want to seek your views yours, on you said that we should ratify those treaties which are signed by Kenya and not the government I think I wanted your confirmation on the difference between the Kenya and the government something like that.

Lastly on the question of views one of the issues we are taking views on is whether or we should allow dual citizenship and from the list of the categories you have given us it appears to me is that the third one the one of the parents the one of the Kenyan girl

married to a Germany. It would mean that these children should be German. so should we allow dual citizenship?

Professor Mutungi: Thank you Mr.Chairman let me start from the bottom. The only reason for a country saying we don't allow dual citizenship is for the territorial control. And to be allowed citizenship certificate when he or she in that particular territory or country obeying those laws that are there by not concerned what Israel do, what American so I am saying dual citizenships is and should be permitted. Americans have done it and they have never had any problems.

For the second point, I think it was the to introduce treaties. You know Mr. Chairman when you talk about treaties we are saying that a treaty by the very nature creates obligations for those who states, not government. Now if that is the case, at what point should law provision in that treaty come into to force and become available a consumers for the citizens and should be the case when the state it is not KANU which signs any treaty it is Kenya. The government of the day as we have said will come and go but the treaties are signed by Kenya. That is the geographical boundary. The government doesn't matter. It will to come and go but Kenya is bound by that. Therefore I am saying that there should be a system the government should facilitate. They will take the provisions to Parliament to be presented there. Once has been gone through the Parliament then the Executive and will then sign on behalf of Kenyans that is what I meant Mr. Chairman.

What I had in mind and what I have in mind is this I am not advocating for independent candidate that is a right which of course every Kenyan has and we should be allowed as Kenyans to register and have independent candidates. But I am saying, for example, the current system where you have all the people who aspirants Presidential post are leaders of political parties. Upon being elected or being declared winner that person should immediately, by law cease being the Member of Parliament for that area, cease being the leader of any political party. He is now the Head of State not Head of government. That is why I said Mr. Chairman then we need a system where we have a government now with the Prime Minister. The Prime Minister must be the leader of the winning party, the majority party in the Parliament. That makes sense. But I don't want again Mr. Chairman, let me tell you, people are still holding on the office or whatever it is, to go to the person who tells me, you go and do this. If I don't obey that, that's the rule, am I disobeying the command or of the armed forces, the President or leader of government? You get even confused Mr. Chairman.

That is why a person will go and issue directly directive on his own as head of a party, and he says I am the head of this country. Which country? It is about the government or Kenya I am declaring? Which party are you talking about? And you cannot go and ask him were you saying so as the Chairman of KANU, or Chairman of DP or Chairman of ND, or were you saying so as the President. This is what we want, Mr. Chairman of the Constitution. Talk about the exact authority of the government being vetted in the Presidency not the head of the party. The President of the country. The Chairman should follow this. Thank you very much for being listening.

Com. Paul Wambua: Thank you very much Professor, you can register yourself there for those good views. In fact I would

suggest, Professors that you give us the notes. All the notes that they are. Councillor Thinja Nguna.

Professor Mtungi: This views I am presenting here will be views will would come from me as Chairman of my Commission on Human Rights. These are views from a Kenyan coming from here at Mutomo. But the Constitution that I recommend I was not talking of federal government, I am talking now as a Kenyan. I have come all the way from Nairobi to talk from here. Thank you.

Com. Paul Wambua : Thank you very much Professor. Concillor D.M Ngunda.

Councillor Ngunda: Commissioners, kwa majina mimi naitwa Councillor Thinja Nguna kutoka ward ambayo tunakaa tukipeana views. Niko na maoni ningetaka kupeana na kwanza ningetaka nianzie na mambo ya elections.

Elections: Ningetaka Katiba kama inawezekana Rais wa nchi hii na Makamu wake wawe wanachaguliwa na wananchi direct from the grassroot.

Wabunge na Madiwani wawe na kiwango kile cha chini kabisa ili wa-qualify kusimama kwa uchaguzi ni “O” level, mambo ya uchaguzi nimefika hapo.

Na ningetaka niongea ya nomination kama nimemaliza uchaguzi. Katiba ya sasa inakubali vyama vi-nominate ma-Councillors ama wabunge. Ningetaka Katiba mpya ambayo inakataza vyama vyote vya kisiasa ku-nominate ma- Councillors ama wabunge, kwa sababu hao watu wanalipwa na pesa ya wananchi na kama mimi ni Councillor wa Mutomo ward na nimechaguliwa ticket tusema ya KANU, kama sasa, chama ya wacha tusema Ford people tungetaka in-nominate mtu hapa Mutomo awe diwani. Huyu analipwa na pesa ya wananchi na ukiangalia kabisa hakuna ile kazi ambayo anahitaji kufanya yeye hakuchaliwa na wananchi yake ni kuwa na nominated na chama na hiyo ni kuharibu pesa ya wananchi.

Katika elections pia ningetaka niongee mambo ya allowances ile inapatiwa Wabunge na ma-diwani hiyo siyo mshahara. Ningetaka kuwe na Katiba inaruhusu hao wanasiasa wawili, wabunge na madiwani wawe wanalipwa kutoka Central Government na tax payers money. Na hii pesa ambayo ni allowance. Diwani awe anachukua 3/8 ya three over eight of the MPs allowance. Kwa mfano kama mbunge analipwa shilling elfu mia nne diwani naye apate elfu mia moja na hamsini. Hii itatuzadia councils na pia wananchi kupata huduma ya kutosha. Kwa ajili sasa ile revenue ambayo inachukuliwa kwa wananchi na councils inabidi ilinde madiwani na ukiangalia kindani ndani kabisa mwananchi ambaye unamwakilisha kumutetee apate huduma, badala ya ile pesa ambayo inachukuliwa kwake na councils imurudie afanye kazi inaenda kukulipa mshahara wa madiwani. Na katika Central Government kuna pesa ambayo ingetakikana ilipe madiwani kutoka kwa hiyo Central Pool.

Nimemaliza mambo ya uchaguzi. Wacha nikuje katika mambo ya set up ya serikali. Ningeonelea ikiwezekani ile Provincial Administration set up iliyo sasa iendelea na kuwa katika Katiba mahali DC anakuwa nominated ama anakuwa appointed by

the Executive, DC anakuwa appointed by the Executive lakini iwekwe kwa sheria hao ni lazima wapitie kwa kamati ambayo itachunguza kama their probability ina uwezo wao wa kuwasimamia hiyo nafasi wamepatiwa.

Pia ningetaka ma-chiefs waendelea na kuandikwa na serikali waendelea na kuwa employees of the government lakini siyo kuchaguliwa na wananchi. La mwisho ninataka kuongea mambo ya sheria. Ningependelea Katiba mpya ambayo judge wote, ma-Judge wote wa nchi hii, wanakuwa appointed lakini wanapitia kwa kamati ambayo pia tachunguza ione hao wanathibiti kuwa Judges wa nchi hii.

Ya pili, tangu ukoloni, sheria ambayo nimeona ambayo inaendelea sasa tuko na district law courts. Ningetaka sheria iwekwe ambayo hiyo district law courts inakuwa decentralized ifike katika division ili mambo ya prisoners wamekuwa wengi katika District, mambo ya wananchi kutembea mbali kwenda kusikiza kesi zao iletwe karibu na wananchi kama inawezekana. Kuna sheria ingine ambayo inaendelea na bado iko. Iko sheria mtu akiwa anakupeleka kotini if you are proved guilty either you are sentenced to death or unapatiwa kifungo ya manslaughter. Wanasheria wanajua hiyo. Na hiyo iko katika sheria na pia ni mzuri maana yake kama ni mmoja akiua na wewe ukipatikana na makosa na wewe uwawe – no problem. Kuna ingine ambayo inanitisha sana. Hao wanajisi, case hao watu wanaenda wanashika watoto pengine wanashika watu wakubwa na ukisikia sentence yao kotini inakuwa ni very lenient. Miaka tano, miaka saba na viboko. Ningetaka sheria iwekwe hao rapist, hao wanajisi hao, ikiwezekana akiwa proved katika court of law, na akiwa guilty badala ya kufungwa apalekwe hospitali atolewe hiyo machine ambayo inamfanya afanye hiyo kazi. Na arudi wananchi akae a useless person in a community ambaye havezi kufanya chochote badala ya kufungwa.

Ya mwisho ni mambo ya ardhi. Imesemwa na watu na sitaki kurudia lakini ningetaka iwekwe ka Katiba ikiwezekana. Mwenye nyumba nafikiria baba ndiyo ana jukumu ya mali ya boma yake. Ningetaka iwekwe kwa Katiba hii mali ambayo baba anaridhi igaiwe watu wa hiyo nyumba ikiwa ni msichana ikiwa ni mvulana, wawe na equal share. Na pengine iwekwe cross hata mama awe na share yake katika hiyo distribution ya resources katika hiyo boma. Kwa hayo machache Bwana Commissioners asante.

Com. Riunga Raiji: Hebu ngoja kidogo. Bwana Councillor asante sana ningetaka labda kusikia maoni yako kwa sababu tumesikia mapendekezo mengi kwamba wananchi wengine wangetaka tuwachaguwe ma-mayor na ma-chairman wa county council. Je unakubaliana na hayo mambo?

Ya pili ningetaka pia kusikia maoni yako kuhusu pendekezo ya ni nani labda ingepaswa amue na group ya ma-Councillor amu sasa watalipwa marupurup gani. Ni hao wenyewe au kamati ya hao wenyewe ni akina nani?

Councillor D.M Ngunda: Asante, kuna proposals ambazo zimepeanwa kuhusu ma-wenye kiti wa councils, Chairman wa councils na ukilinganisha ile uwezo ambayo anapatiwa na Councillors, unajua Councillors wanachaguliwa kwanza wakifika kwa Chamber wanachagua chairman. Lakini kwa sasa wanataka kubadilisha chairman achaguliwe nje ya hao ambao wamechaguliwa tayari.

Itakuwa ni very expensive maana yake huyu chairman lazima azunguke constituencies zote akitafuta kura na chairman wa district,

Com. Paul Wambua: Toa pendekezo yako

Councillor D.M. Ngunda: Pendekezo yangu ni hii ile system ambayo inaendelea kwa sasa achaguliwe katika chamber na ma-councillors ambao wamechaguliwa na wamechukuliwa na wananchi wanaweza waenda wa-present hao huko.

Lile ingine la pili ni allowance ya councillors mkiangalia cap 65, cap 65 ndiyo iliharibu hiyo maneno unaniliuza ya mshahara maana yake ninasema local councils ichukuwe allowance yako kutoka kwa revenue ambayo wanapata. Hiyo ikitolewa tutang' ang' ania huko kwa Parliament tupate allowance pamoja na hao. We will change the cap 65 and things will be okey. Asante.

Com. Paul Wambua: Asante sana Councilor wacha tumuite Queen Makao ama Queen. Your second name is Makao? Endelea .

Queen Makao: Kwa majina naitwa Queen Makao Iam one the members of the three CCCs I am going to talk on the issues concerning the rights of children and rights of women.

I would suggest that the new Constitution should give children protection and abolish labour.

Also people who father children outside wedlock should be made to take care of those children and educate them if they are able to do that.

Rapists should be given a life sentenced because some of them go and cry to the courts of law and allowed to come back after five years and they keep on raping children, even their mothers.

Mothers should be given protection at their home regarding domestic violence because so many mothers have been battered by their husband and they have been killed. They should be given protection. If a man decides to divorce a wife then they should share the property equally regardless of whether the woman was working or she was a house wife. Because even when she is housewife she is contributing to the welfare of that family.

Regarding succession: All children must be given equal rights. If a father died the properties should be shared equally, boys and girls because they are children of that father.

And also regarding men a little bit. Some mothers are arrogant they even end up battering their husbands so I think men should be given for protection if it was not there.

Education should be free for all children up to form four level, and then the university level bursaries should be given equally, because there are some people in other places who are given bursaries a hundred percent and others are given little

Com. Paul Wambua: Just a minute please. You said that those who father children out of wedlock should take care of them if they are able to do so.

Queen Makao: Yes, because some of them their daddies are working and are running big business and they spoil our girls and they don't take care of those children.

Com. Paul Wambau: So the question of either one takes care of or not is a question of their ability? Whether you are able to take care?

Queen Makao: Yes.

Com. Paul Wambua: Okay thank you. Geoffrey Muthoka.

Geoffrey Muthoka: My name is Geoffrey Muthoka I am the Chairman of the 3Cs.

I think I have a few statement to make and I have analysed my proposals.

The Judiciary: I will propose that the Attorney General should be elected by a panel of Judges vetted by the Parliament but not the President. Judges should be appointed and vetted by the Parliament. Promotion of the above should be on performance and service but not merit.

Provincial Administration: Elders should be elected by the people and paid by the government.

Local government: A mayor should be elected by the electorate and not the councillors he or she should have a university degree.

Councillors should have a form four certificate or an equivalent or maybe above.

Life of the MPs or raise of the revenue should be regulated by they Parliament.

Government: We should allow for of coalition with the President coming from the winning party.

The DC should be replaced with a governor who will be elected by the people and answerable to the central government.

Parliament: The Electorate should be empowered to recall a non performing MP by vote of no confidence with 2/3 of majority vote.

We should not have a nominated MPs or councillors.

Political Parties: We should have a minimum of two and a maximum of three to avoid tribally affiliated party. They should be equally funded and covered by the press.

Defence: The Commander- in -Chief of Armed forces should be the Chief of General Staff to make the Armed forces independent and not the President.

Natural resources: There should be equal distribution of natural resources all over the country.

National jobs for example Police, Army, Navy and Police – recruitment should be done at the location level but not the district level.

The Government: Government should provide most of businessmen with loans. The government should help or protect the farmers by marketing their produce. The price of national food stuff like maize and beans should be subsidized.

Civil servant salaries should be harmonized.

Ensure automatic employment to graduates to raise –domestic products of this country.

Ownership of properties by daughters: All the married or unmarried daughters has a right to land. You might abscond if you wish and if un married. If married then the land is preserved incase of a divorce. The land should not be sold at any one time. Honourable Commissioners those are my points.

Com. Riunga Raiji: Just a question I am not quite sure the cost of clearance regarding the right of the unmarried daughters to inherit some land. You seem suggest that if my daughter is married she is not entitled to anything.

Geoffrey Muthoka: No, I was saying that every child and this is the daughters and the sons. Let's say for example a parent has ten acres and he has maybe five daughters. He has no son, let us assume, and he has five daughters. The ten acres should be divided maybe equally then the two acres to each daughter if one is married incase of a divorce then this daughter will come back and start cultivating the land. If she is married we maybe sell the land, there might be a divorce, then should come and continue with life.

Com. Paul Wambua: Asante sana hebu jiandikishe tafadhali. Let us have Moses Changa Loka.

Moses Kyanga Loka : Mwiaseo nineena Kikamba.

Translator: Hamjambo, mimi nitazungumza kwa lugha ya Kikamba. My names are moses Changa Loka.

Moses Kyanga Loka: na kwitu ni Mutomo location, Mwala sub-location.

Translator: Nataka location ya Mutomo Mwala sub-location.

Moses Kyanga: nineena uvoa wa kuandikithya itheka, niwo withia ututhinitye muno.

Translator: Nitazungumza kuhusu mambo ya kuandikisha land.

Moses Kyanga: Mbee niambia na andu ala withia makuitwe ni Kamati isu ningwenda Katiba isisye undu itheka syandikithasywa ni kwithia twathi kabisa twithi kwithia asumali na meneena kisomali. Twithia bomet maineena kibomet.

Translator: Napendekeza wale watu wanachaguliwa kusimamia uandikishaji wa land wabadilishwe

Moses Kyanga: maanake ithiwa ni ukambani eewa neethia ayitwa Musyoka ngimwita Musyoka.

Com. Paul Wambua: Excuse gentleman, let him complete an idea and translate it. This will help to move faster. Let him express himself completely.

Moses Kyanga: yaani niweta kitheka kyu yaani yu nzia isu yakuandikithya itheka nienda withie niyabadilishwa wise kwithia mundu ethiwa ni ukambani kana ni twithi Meru tutwae mundu ula wisi lugha, athi akwatie lugha isu nesa ndikise kuua. Nundu kueleke utwika isyitwa yaku nithuku. Iko uu, ika uu, kitheka kiyavikithwa miaka ikumi otwetele miaka ikumi otwetele Title deed. Miaka ikumi twetele Title deed basi. Na tuendele, tuendele miaka ishirini na tuyaosa Title deed. Na itheka ii nisyo twokitia tukwate uhuru tusyone. Kila kina vata nye ngwenda Katiba ithi isisye ni itheka syandikithwa kwa andu withie miaka itatu yathela mundu niwakwata Title deed imuteetheesya.

Translator: I am proposing that those land officers adjudicating land at various places to be in the locals. If it is in Kitui it should be a Kamba, because we have had problem in names being wrongly spelt and this has delayed the issuing of title deeds.

Moses Kyanga: undu ungi uu wa ninisi iveti syienda tumanengee syana itheka. Nyie kila nguwendekesa vu ni kana kala kataatwawa kanengwe kitheka lakini ula wookilile athi – nundu mtuku aa tene mwiitu ekaa utwawa kuma vala ve ithe nake aithi ve mundu museo ni kana ndakathi usyaia vu ndakatuendee syana. Lakini matuku nimo meuthi ulukia ngali, atie mundu vaa amwia mbesa vaa nisaemie. Anengwe mbesa nake athi akithi usyaa nakuetee syana akwie niwakola mbesa usu nake inengwe kitheka ata? nyie nikwona kwailite uu. Twaile unungwe mundu ula usyaie kwaku na ndena vandu va uthi usu anengwe kitheka.

Translator: My proposal is that only non married daughters should have a right to own their father's or parent's land. Those

who are married have to stay at their husband's she will be given land where she has married.

Moses Kyanga: Katiba ya Kenya ila ituaa vo, niasya tuyukitia uhuru twendaa ni kana withie kila vandu nivasiswa withie kila vandu - nitweiwe tusakuwe ajumbe kila vandu, withie nitwasakua nateeka uu. Lakini ila Katiba twasomete tukyenda musungu athi tuetewe silikali itonya ututeetheesya vooka ila ukutwita. Yu ila yikwo niya kutwita na nineena uu, niyakutwitaa oo. Ethiwa ni valua yakwa natupa va ngyenda majibu vaa ilovi nundu headquarter yi ilovi – ndalikite ngali ingi ngatia u valua (interjections iadible) navika kwo ngutavye witinda kwo kuma kioko ethiwa ukie saa ili mbaka saa muonza, saa yila wiwa kingola kikiyaa. Niwo ukuka kwiwa mzee unajua shida yako haipatikani na ukitaka kusadiwa toa kitu. (inaudible) ukuka saa nyanya uthia nimaekie ususya nake ukalani ukimwona akwie mzee kuja kesho. Kuna kazi nyingi nangikwia thi oo we (iaudible). Nyie tiwo ngukulasya kuma kuya Katiba ila ikuka ithiowe yi nzeo yike ta ila ya mkoloni na ---.

Translator: He is saying when we were fighting the colonial government we wanted to get services from our government, but it seems that our government is oppressing us especially when we have some issues to be handled in Nairobi, where some clerks are demanding some bribe and his proposal is that let our government in the new Constitution prepare to serve us better as it was in the time of the colonial government.

Moses Kyanga: Vaa vangi ivinda ya mkoloni course yai vaa Mutomo – ivinda ya mkoloni course yai vaa Mtomo ya mundu aelea nguku alea ithai kusukusu uu. Na kwanza tuyaenda polisi tuina polisi yi vaa Mutomo. Citizenship nasyo niwo iutewa - ithye Katiba ila ikuka kwitu naitu tuyatiisya. Kakoti kaa kotwia ikoani ya ngukua vava yikisyoka vaa ----. Noou.

Translator: The other proposal is that the law court at the district level be decentralised to the divisional level so that people. Citizens can get services at a lower cost. That is all what I had.

Com. Paul Wambua: Asante sana jandikishe hapo. Tumuite Daniel Mbeo.

Daniel Mbeo: Hata mimi Commissioners nina proposal kama wenzangu na proposal yangu ya kwanzia ni kwamba, jina ni Daniel Mbeo kama vile ulivyosema.

Kuna mashirika ambayo yana ma-chairman na watu ambao wanandikwa kutoka juu. My proposal is that, kama ma-chairman wa mashirika na ma- university chancellors wawe wakichaguliwa kutoka bungeni. Sababu ya kusema namna hiyo ni kwamba wabunge wanajua watu wengi na wanajua wao na representative wa watu na wanaacha kufunya mambo mazuri ya kuchaguliwa mtu ambaye kama ni Chancellor wa university fulani anaweza kuwa mtu a very useful person atajua mtoto ambaye ana haja. Sababu ya kusema namna hiyo Bwana Commissioner ni kwamba, tumeona watoto wametoka huko chuoni na kuja kuketi chini bila kupata bursary, ama kupata msaada wowote na they are needy people. Na unaweza kuona mtoto mwingine wa mtu mkubwa amepata full bursary. Na hii inakuwa na tatizo kubwa sana lakini kukiwa na mtu ambaye ni mwema na amechaguliwa kutoka bungeni na wale watu, na wanajua background zake, tuna hakika atafanya vizuri. Kwa hivyo watoto wetu wamepata shida na wengi wamepotea kwa sababu ya kuwa na watu ambao hawaangilii shida za watoto na wengi

wamekosa elimu kwa njia hiyo.

Hii proposal ingine ni ya education: Bwana Commissioner, tungependa elimu yetu, ikiwezekana, primary education iwe free. Na ikiwezekana kama ni secondary education, kutoka secondary mpaka university, tuwe na kamati nzuri imechaguliwa na Bunge ambazo zinaweza kujua bursary imepewa nani na amepewa. Kwa njia gani kwa mfano sasa unaweza kwenda kuona headmaster ndiye anaona yule mtoto anastihili kupewa hii ni nani. Lakini kama kungekuwa na kamati ambayo inaweza kujua background za watoto na vile shida zilivyo unaweza kuona mtoto ametoka primary ametoka secondary na kwenda kuketi chini kwa sababu there is no money na imepewa mwingine ambaye yeye anajiweza. Kwa hivyo tungependa kamati ambayo ina watu wazima, watu ambao wamechaguliwa na bunge wawe – kwa sababu tofauti ya kusema Bunge ni nini kwa sababu mbunge ni mtumishi wetu – kuchagua mtu ambaye anafaa. Kwa hivyo ningependa wale kamati wanachagua wale watu ambao wanaweza kuangalia mtoto yule ana shida wawe ni watu wamechaguliwa na watu wa bunge.

Bwana Commissioner ninge-propose kuna kuandikwa, kuandikana. Kuna kuandikwa watoto, wetu wanaandikwa. Ngoja niseme mambo mawili. Kuna watu wanaandikwa kwa army, wengine wanaandikwa police. Kwa mfano watoto wakiwa watachukuliwa katika district level tunatoa watoto hapa tunapeleka district I am sorry to say this, hata watoto akimbie awache wale wengine na aende akaketi chini awangonjee, akiwa hakufanya yale mambo yanatikiwa na wale wanahusika, atakuja hapa atarudi nyumbani. Kwa hivyo kungekuwa na kamati nzuri ambayo inaangalia ukweli, na inaweza kwenda ku-act in the divisional level, tungekuwa na watoto—I am telling you kama hapa Division hii hakuna askari wa Army, they are very few kwa sababu tukienda huko wanachukuliwa na brothers zao na wanakwenda na tunabaki. Mimi nasema Katiba ibadilishwe na ione kama kuna kamati inaangalia kila division imechukuliwa watu wangapi.

Na watoto wamechukuliwa wangapi kila Division kwa sababu hata tukienda Kitui hatuchukuliwe watoto wetu na wanakaa hapa nyumbani hawana kazi nasema kazi itoke hata kama ni mwalimu. Tuwe kuna watu representing our people, wale wanafanya kazi nzuri nao wawe wamechaguliwa na Bunge walio na majina mazuri kwa sababu mtu akiwa na mwema afanye mambo mema.

Ile ingine ninge-propose Bwana Commissioner ni kwamba I am sorry mimi si singwi bia sijakunywa, lakini nataka ku-propose kwamba ninaona kuna uonevu. Mtu anaweza kwenda bar akanywa mpaka akaanguka. Lakini ukionekana unanuka karibu tu unachishwa kazi. Hii si uonevu? Hii si kuonewa? Ningepanda sheria iwekwe ya karibu tuwe na condition ambayo kama unataka kuuza karibu you have to do this and this and that. Ili tuwe tunaweza tu unaweza kujizaidia mimi naona tu nyinyi mnaogopa wale wenye pesa nying na wale watu ambao hawezi kunywa bar anataka kwenda kunywa kidogo tu ya barabarani na hawezi mmeweka sheria karobo ni mbaya ubaya wake ni nini? Na Bia ni karibu zote zinangusha watu chini na ninawaona. Kwa hivyo tungependa hizi sheria ziwapende watu wote ziwe na haki kwa kila mtu. Yule ambaye hana pesa anaweza kunywa karobo na yule ana pesa nyingi aende bar. Hiyo sheria tafadhali andikeni na mwende mbadilishwe. Hii inatuonea. Na hii ni mkuu alikuwa na mambo hayo ya kuchukua tribe yetu na nimengilia kwako.

Ningependa mambo ya wasiojiweza ikiwezekana, katika activity zote za serikali zikifanywa wawe wanakumbukwa. Kwa sababu hata ukienda katika call box pale ukiona vile imetengenezwa utajua wale watu hawakuwa na mafikira ya wasiojiweza. Ukienda uone shule huyu kijana hapa ameshinda anaweza kuitwa na akawa hawezi kwenda kusomea pale kwa sababu ni ya gorofa na njia ya kupanda ni shida hawezi kwenda huku na amesoma na ana haki kama binadamu mwingine. Kwa hivyo ningependa sheria ziwe zinabadilishwa hata na maumbile ya nchi. Kama ni barabara itengenezwe ikijulikana wasiojiweza, waweko kama ni nyumba zinajengwe mashule zinajengwa kama ni gari inatengezwe tujue kwamba kuna wasiojiweza ili wawe wakionekana katika kila activity kwa sababu ukimwalia huyu kuna pale ambapo hawezi kwenda -- kwa sababu hii maumbile yake haimuruhusu. Kwa hivyo tungependa mambo yao yakifanyika kulingana na vile mambo yalivyo na vile sisi tulivyo.

Ile ingine, na nimesikia kama pengine ni sawa ningependa ile Chiefs Acts iondelewe, ile ma-chief act hiyo ikiwa ikifanyika iondolewe kabisa, kwa sababu tuna watu wa sheria wale wanaweza kutu shinda. Kwa sababu sasa kama mtu hajui sheria na anachukuwa mambo yake sheria anasema ni lazima --- hii is not fair. Kwa hivyo hiyo iondolewe. Na kuna njia za sheria na tuwe na hizo tu, mtu akikosa apelekwe pale, akikosa anapelekwa. Hiyo hapana kwa hivyo hiyo iondolewe kwa sababu tumepewa uhuru. Kuna kijana mmoja ningepanda ku-propose kwamba hii ID tunasema ID, hiyo ni kadi ilipeanwa na mzungu. Hatuwezi kubadilisha mambo yetu? Lazima tuwe na vitu vingine, vitambulisho vyetu ambavyo vinaweza kuwa ni usefu na vinaweza kuwa ni sawasawa. Lakini mambo ya kusema ni lazima tuwe na ID na ukiwa huna, ni kama wewe ni mgeni katika dunia, hii tungependa tuwe na utaratibu unaotulinda katika Katiba na Katiba ikitulinda namna hiyo tutakuwa pahala, pema kwa sababu tuko kwetu, na hatutaenda pahala pengine. Yenye nataka kusema tu ni hayo tu Bwana Commissioner.

Com. Paul Wambua: Kidogo tu, umesema Chiefs Acts iondolewe je na-Chief aondolewe ama awe pale pale tu kama vile alivyo.

Daniel Mbeo : Yangu hapo itakuwa marefu na pengine itakuwa mambo makubwa sana

Com. Paul Wambua: Fupisha tu unataka tuwe na Provincial Administration, ama hukana ama chief aweko ama asiweko? Hiyo utajibu tu one sentence.

Daniel Mbeo: Maoni yangu ni kwamba administration laini, kuna mambo inawezwa na Councillor ma-councillor wanaweza kufanya mambo haya na ikawa haina shida kwa sababu Councillor ni mtu amechaguliwa na ni mtu ambaye anaweza kuulizwa maswali. Lakini ukiangalia mambo ya administration na wao wakinisikia nitakuwa pahala pabaya, lakini hiyo ninaona kama inaweza kuondolewa yote itakuwa bora sana, bora sana. Na kama ni mambo ya pale kama ni katika district level, ama divisional level, ma-councillor wanafanya kuna, makarani kuna watu wale wanafanya kazi na mambo ya Judiciary inaendelea na wale wana sheria na – ukiangalia hizo pesa zile zinapeanwa na wale wanalipwa (interjection)

Com. Paul Wambua: Asante sana tumesikia maoni yako ni hayo ndiyo tulikuwa tunataka na usiogope, haya ni maoni yako. Kwa hivyo usiwe na shaka, kwa hivyo jiandikishe hapo. Tutamuita Richard Ndege. Elijah Ndenge hayuko, Denis Mukumu Ngui.

Denis Mukumu Ngui: Nitasema kwa Kikamba language. Kwa proposal yakwa ninonaa polisi kuu yakwata andu ni ikikwata na nzia itaile. Na andu asu nikuwaa na nthi isumbikite te ino ya Kenya. Kundu kuisumbikite andu maikwatawa ni silikali makivuwa

Translator: I am proposing that here when one is arrested by the police we should not be held in a cell for a long time.

Denis Mukumu: Na nthi yisumbikite na ino andu mayailwe ni kuvuwa. Kwou yakeli ethiwa mundu muusilikali yoyote kuma sub-chief na chief akwata mundu atwaa ipolisi, ethiwa ni Katiba niko tukasevye twikale ta nthi ila yisumbikite. Mundu akwatwa atawa polisi na akitheesywa vala utonya uvika akoka kotini. Ikoani yasisywa yeethiwa ti sawa mundu usu alekwa niwanie matuku ala wikalite kati ka lumande akivua ni musikali ula wamukwatie amutwaaaa.

Translator: I am proposing that the beating in the police cells should not continue and if one is arrested and taken to court and proved not guilty, the police who are arrested that person should compensate for the wasted time.

Denis Mukumu: nundu nthi ila yisumbikite. Mundu ndakwatawa ovyo ovyo aathiuvingiwa. Akwatwa ni musikali atena haita yi koani asindwa mundu usu numuivaa.

Translator: Because in another country of which are independent if you are arrested set and taken to court and proved not guilty, you are compensated. Asante sana.

Com Paul Wambua: Asante sana for those views that you have presented. Rev. Nguve Mulu

Rev. Munuve: Nyie nitawa Reverend Munuve.

Translator: My names are Rev. Munuve.

Rev. Munuve: Kwou undu ngwenda kuneena yiulu wa Katiba ii yukite. Nitukwenda Katiba ntheu

Translator: We need a clean Constitution.

Rev. Munuve: na niweta undu wa yu mambunge ala manyuvitwe

Translator: I am talking about the MPs who are elected.

Rev. Munuve: mambunge nimaile nundu nitukwenda katiba nzeo maile mamina kusakuwa nimaile kuvutwa ni wananchi aa

Translator: The elected MPs once elected the Constituents they need to be given power to recall them.

Rev. Munuve: Nundu ve andu amwe tuunyuva na mainina miaka itano mateka undu

Translator: Because there are some MPs who are elected and stayed for five years doing nothing.

Com. Paul Wambua: I suggest you explain to him to explain the whole idea then translate.

Rev. Munuve: tuenda masakuwe, mavutawe ni wananchi. Ila ingi nikwithia andu ma silikali mekaa kuandikwa na mauvutwa me masilikali mo mateuvutwa ni wananchi iya na niyo imaandikite niki? Tukasevya vandu va miaka itatu ithiwa ndaneka undu akuvutwa.

Translator: For three years if one has not done anything he should be recalled.

Rev. Munuve: uu niwo ngwenda ethiwa niwitikilya. Withiwa ni useo

Translator: niwitikilwa.

Com. Wambua: Jiandikisha Mzee, tafadhali jiandikisha hapo. Nichodemus

Nichodemus: I am representing the views of – Youth club and groups. Nominated MPs should represent disabled and disadvantaged people like youth. They should not be elected or appointed to represent their party. That is if he is on the side of the youth there should be a nominated MPs to represent the youth and he should range from 21 years to 35.

President should not appoint the Attorney General, Chief Justice and other important officials there should be a different body to elect those people.

There should be majimbo system of government and there should be a Prime Minister and the President to remain ceremonial.

The citizens should be given the power to recall their MP if he or she fails to work for a period of one year.

The President should not be the Chairman of any Political Party after he or she becomes a President he or she should vacate from his her Political Party. The age of the President and MPs should range from 35 years to 65 years anybody above that age should remain at home.

Let there be a fixed date of election, that is after the general election whoever becomes the President should announce the day of the next general election and those who move from their Political party or they or they defect let them not be financed by the government to campaign again after one debate he should or she should look for his or her own finance.

The DO DC's and PC: DO should be selected from their division, not a person from another division coming to become the DO of another division, when we have other people who fit in administration office, able of that division.

DC should not be appointed by anybody to come and represent the province or the office of the Province. That is what I had.

Com. Paul Wambua: When you said those who are above 65 year should remain at home you mean they should retire?

Nichodemus: If you want to be a President or if you are above 65 years you should not campaign to become a President at that age.

Com. Paul Wambua: I am just asking you they should be disqualified from running for a position.

Nichodemus: Yes.

Com. Paul Wambua: That's what you mean by to remain at home?

Nichodemus: Yes

Com. Paul Wambua: Thank you. John Katunga Musyoka

John Katunga: Mimi naitwa John Katunga Musyoka from Kubeya location Mutomo location Kabwere sub-location. Nina maoni yangu hapa lakini nilikuwa sijui kama nitakuja lakini nilijaribu kidogo kidogo tu.

Mimi ni mwananchi wa Kenya, mzaliwa. Mimi nataka kuzungumza ya kwamba serikali ya kikoloni katika licence ilikuwa iko na tofauti kwa sababu mapato ya kila mkoa yalikuwa tu sawa sawa na mkoa ule mwingine. Kwa hivyo tunataka ma-licence yapunguzwe, kila mkoa ule huwa wanangalia District yake mapato yake.

Serikali, kama inataka kupanua town ni lazima kusikizana na wananchi wale ambayo wana mashamba hapo, na ijengwe ili ipanuke na mali ya kila mtu katika Kenya Yote. Mali kama vile Mzee Kenyatta alitengeneza, hiyo ikiwa ukiwa na mali yako katika Kenya iwe ni yako tu kila mahali iwe mali yako katika Kenya nzima, yaani ukiwa na mali hapo katika Kenya.

Serikali ipunguze karo ya secondary. Shule ya university iwe wanalipa kitu kidogo na wazazi wao wanapatiwa bursary ya kutosha.

Ukichagua mtu katika Bunge ile miaka tano. Kama wananchi wanaona hakuna kazi anawafanyia wapewe nafasi wa kuchagua mtu mwingine katika Kenya.

Bunge ni President tu anaweza kuvunja lakini si wabunge. Kwa sababu wakiachia wabunge wataendelea tu kwa sababu kila mwezi wanapaka elfu mia tano.

Mvumo wa vyama vingi mimi naonelea Kenya iwe na vyama vitatu lakini siyo 45.

President awe hapana yuko juu sana. Serikali inaweza kuona yuko na makosa kama watu wale wengine wa Kenya.

Kila mahali katika Kenya tuwe tunapata maji na hapo nikipanua sasa hivi kama hapa Mutomo sisi tunanunua maji kila mtungi shilling tano tano tangu wakati tulipata uhuru mwaka wa 63. Yaani ile kabila mbayi, nafikiri nyinyi mnajua mbayi, uwezo ipatiwe, kwa sababu kama ni mtu wao anafanya makosa ya kuua mtu na alimuua kwa ajali huyo mtu akishikwa apelekwe kwa court wale, wakienda uko waseme huyu mtu wetu atoke tutakwenda kulipa wapatiwe nafasi namna hiyo.

Serikali yetu ya Kenya iwe kwa sababu mimi naweza kuwa na shamba, na nina watoto wangu wa kike hawakuolewa. Sasa ikiwa wanakuja kukaa hapo na nataka kuwagawia shamba wale watoto wa kiume wanasema nyinyi hamna shamba iko hapa. Serikali itie sheria ya kwamba kama mtu ako na watoto wake wa kiki na wanarudi hapa hawakuolewe wawe wanapata land kama wale wengine.

Com. Paul Wambua: Saa zako zimeisha sasa uharakishe maliza.

John Katunga: Mamba yangu ni mingi...

Com. Paul Wambua: Fupisha maneno na umalize.

John Katunga: Namaliza. Ile ingine ya kumi na tano ni kusema ya kwamba wale wako na watu wazee wa kiume na kike serikali ifanye mpango ya wao ya kwamba watakuwa wakiwasaidia na kitu, kwa sababu mtu anaweza kusomesha watoto na wakawa wampatie kitu na yeye amefika kuwa mzee.

Serikali iwe inawapatia ma-chief allowance na ma-assitant chief kwa sababu hao ni watu wanafanyia wananchi kazi nyingi, serikali yetu ya Kenya.

Kwa hivyo, kwa hayo machache yangu asanteni kwa kunizikiza.

Com. Paul Wambau: Kidogo mzee kidogo tu, ulisema kuwe hiyo fees ile karo tunayolipa ya secondary ipunguzwe na ukasema bursary zepeanwa kwa wale ambao wako university lakini hukutaja primary school, primary schools unasema tufanye nini.

John Katunga: Primary schools iwe free.

Com. Paul Wambua: Pili ulisema MP akichaguliwa kama afanyi kazi kulingana na mapenzi ya watu waliomchagua wawe na haki ya kurudisha ama kumupokonya hiki kiti, je Councillor na President tumfanyaje? Wote ni elected wamechaguliwa na wananchi kwa nini.

John Katunga: Hawo warudishe wote, watolewe

Com. Paul Wambua: Asante sana mzee asante sana.

John Katunga: Asante sana kwa kunizikiza

Com. Pual Wambua: Jiandikishe hapa tafadhali. Tumuite Suzana Mutungi.

Suzana Mutungi: Commissioners, and my dear presenters, I have just few points which I want to recommend. My names are Suzana Mutungi and I am speaking on behalf of Women Forward of Kenya. I am going to start with the issues of the children or the right of the children.

I am recommending that the government should design and develop a national fund for bright children in each Constituency so that those children are able to complete their secondary and university education. I am saying this because even from this our location you find children who pass and is no system which can forward those children or give their name to the authority so that we can have their schools fees paid or even be identified we had a certain parent whose child passed very well was, number two in a school and that child was lots. So there should be a system by Minister of education to identify those children from each Constituency so that they can have their school fees is paid.

I am also recommending that the government should protect or control the media so that it can protect all the citizens and particularly have in mind the children and those who are living in urban towns. We have some Televisions programme, we have some Video cassettes we have magazines which find their way to this country, and they are not suitable to our children. And even some of the programmes we watch, even the Kenya Broadcasting Co-operation which is government run they air some programme which as a parent you will watch and you get concerned if you have a another child, a child whose under 18 years and that is why we are having a lot of problems with our children they are showing nonsense. They are getting to a lot of things because they think when they watch they don't think this a picture nor this is just a show they think they can they can also do that. So the government should have a law to protect our children. At the same time especially often in urban towns. I am sure even here the government should also declare the country of the street family now they have become street family not street children anymore. In Nairobi recently we had a street wedding. Those boys and girls they have grown and now they are getting married in the street and that having a bad effect, especially when our foreigners the tourists come. And those people if you are street family and you have nothing and you have to go and searching the necklaces and earrings of those tourists.

My second one is on the rights of women. The government should put in place a law that protects women from sexual harassment. We know in other countries this is done where a woman is harassed sexually, she can go to court and she can present her case and the first even if it was my boss he can be prosecuted, but here we don't have that kind of law and women are not protected.

At the same time there should be a law to protect women so that they are seen as human being they enjoy the human right which the men do. We are all seen as sex symbols. If a woman want to stand as an MP or a Councillor, the first thing she's told is this woman cannot keep marriage. This must be a prostitute this must be a woman who has run away from her marriage. She is not given the same respect as the male counterpart. So the government should be able to put in place a system which protects all people. If they are candidates you are a candidate whether you are a man or a woman.

I am also suggesting the government to develop or design a law which gives the women the power to administer the estates of their dead husband. If a husband dies today or if a woman dies today nobody hears anything about that family or the property. Things continue as usual. But if the man dies and the woman is left, that is when you have all the relative coming demanding introducing themselves as either a cousin or a brother and they want to beat the woman and the woman is not able, even the little she was left with, she cannot educate the children so the government should protect the widows.

The other one on women is on raping. The current maximum jailed term for raping I think is 14 years. And we know that rape is violent, is a violent act. People who rob banks they are hanged under the evidence bill. Whatever you call it, because they call it robbery. How more violent can rape be? I am suggesting that rapist should sentenced to death. They die because they reduce the woman to nothing. They bring them to an act which they will never forget in the whole life to be raped they should die for it.

The victims also should be encouraged and be protected to come out and say I was raped so that we can help the system to identify the rapist so that it can be brought to book. Because I know a lot of people especially even here, people keep quite. *Ata kama ni mtoto wangu akiwa raped ninambiwa tuende huko nyumbani mama tukaongee, kwa nini unapelekea hayo mambo huko nje.* They should be protected to talk, especially the raping person so that they can be identify the rapist.

The other thing I am talking about on health aspect: The government should exhibit a positive attitude towards people suffering from HIV/Aids and these big people should not be harassed in employment or in job. Any organization any person denying me an opportunity to work because I have got HIV or sacks me because I have got Aids but I am able to perform my job, should be able to be prosecuted. At the same time the government should provide services to such people because it is a very traumatic illness to have AIDs to have HIV because we know you will die although all of us will die. I am proposing that the government should provide free medical services to people who are suffering from AIDs, especially if that person is not working

and also for the widowers/widows. The woman who are left by the husbands who died of AIDs maybe he is the one who was working and even the children. Some of the people are dying very young and they are leaving very young families. The wife was working and he turned blind eye against those children. She could be doing very well but they all of them drop out of schools and they go to their village.

The other thing I am talking about is the handicapped. As it has been said they are no things in this country to facilitates for the handcaped children, or the handicapped people. The government should encourage through the relevant Ministry for the parents, I am not talking about the already grown up person, I am talking about the parent of handicapped child, to come out and say I have a handcapped child. So can that child be helped in school? Because a lot of children don't even come out. They are hidden because we believe a handicapped child either he must have been gotten out of wedlock or she must have gone out with somebody else, or I committed a sin, that is why I have got a handicapped child. So they should be encouraged to bring out those children say I have handicapped child and that should be a policy that if I have a handicapped child just like now they are saying if I have a child and don't go to school I am punished. If I have handicapped child and I don't bring it forward, I don't take that child for necessary services like treatment or education, I should be prosecuted by the law. The handicapped people should also have equal opportunity and I know there are people who have called and they have written their CVs and application and they go and they qualify by the minute I show up for the interview and they see that I am handicapped I am not given that job such organizations should be prosecuted.

The other area I am covering is the on the public office: In order to eliminate kitu kidogo or corruption as we call It, the citizens of this country should be educated to know that anybody in a public office is my servant. Those people are paid from government money government gets money from treasury, treasury gets money from people from you and me, when you say you are taxed when you pay your licences, when you go to the city council to pay for your services and things like that. People should be able to get services and like we heard, if a public servant is not able to deliver the people of the area should be able to tell him to go because they are the ones who are employing that person. When it comes to the MPs or people with those civic education I think it stress be straight more, that if you are elected by the people and you are not able to deliver, people should have the mandate should have the power to go back and say we told you to go and do this, and you are not giving us. We want to take you out of that office and give it somebody else They should have that authority to remove that person.

Civic education should be a continuous exercise just as giving out of electoral cards or voting card to be a continuous. Not one six months, or three months before the General Election. Because people are maturing all the time. They are acquiring 21 years or 18 years all the time, and that is why we are having some areas you find like here in Mutomo people say while we don't have people giving out the voting cards because the person who wants to stand here we don't like him so the people of Mutomo we will not be able to vote for that person. But if the electoral Commission can have hire a clerks to give out voting cards throughout the year, I think that will avoid and will give everybody ample time to go for their voting card and for their ID card which is important. Those are my points, thank you very much.

Com. Paul Wambua: Thank you very much Suzana Mutungi. Tumuite Mika Mutali.

Mike Mutali: The Commissioners, the presenters also the listeners, these are my views based for the Constitutional Review.

First thing, all Kenyan government officials e.g Ministers, permanent Secretary be appointed an by the act of Parliament for the quality effectiveness.

The budget should have an approval at the Parliament or rather a budget the regulating committee and Parliament to have a content or appoint a clerk during budget at a location. Reasons the reasons is to have transparency in budget allocation. For enhancing transparency in Judiciary which is helped by the Chief Justice, in our chambers the judge well as the margistrate should work as a team with the church leaders as appointed by the church organization. As they rule out a certain case, there should be a clearly Ministry or a number of posts all discussed it at the Parliament. The reason is to avoid disfavour and political insurgencies. For responsible appointing body or individual.

The President should not sucure himself herself more than two votes which include the Presidential votes or Parliament, otherwise he or she should work as a team with the cabinet as well as Parliament.

The cabinet should constitute all and equally in number members of the ruling party as well from the opposition. All is to guarantees unity in the national building.

Any government officer who plays any game of corruption should be punished to pay for the crime he or she has committed. Detention without trial should be abolished because, it will alter in a sense of person protecting a right and the freedom an individual not to criticize the government. Also we should encourage people to cticize the government without any victimization.

It should be made clear to the public that any drunk police officer should not conduct arrest or any criminal investigation to anybody who is suspected or who is either commanded by his boss or his or her wish.

There should be equitable and equl development aspects over a region wherety a group of special body of the government officials as well as church officials to be sent out to find out which region is richer than the other and why. All industries to be set as from next year, should be localized all due to economic advantage which will be realized.

All government assets like vehicles which are broken down or not in use should be sold to the

Individuals when valued and the money used to suppliment the budget. Peaceful demonstrations should be allowed by the Then no police force should be against that. On these same issue victimization should be dealt with as a criminal offence by anybody who does that.

The Electoral Commission should constitute all the party consultations of competent accounting system. No link should be established between the ruling party and the government notwithstanding cases of government using public money, misuse of office against opposition party which shows absence of democratic rule. That is what I had.

Com. Paul Wambua: Thank you very much. The next is Hon. Kiminza, karibu.

Hon. Kimanza: Thank you Mr. Chairman I would like to say my names are Samuel Kiminza I am the MP of Kitui South. This is the headquarter of Mutomo Constituency. Mr. Chairman I would like to say my presentation is oral on major political issues.

I propose that in the new Constitution the Chairman we have a vice presidential running mate nominated but at the respective parties presidential candidates and the same should not be a Member of Parliament. Therefore if a particular party has nominated presidential candidate that Presidential candidate nominated with vice presidential running mate in one card and he should not contest Parliamentary seat.

Therefore by extension I mean the President and the Vice Presidential should not be Members of Parliament. The President must garner at least 25% of votes cast in at least five Provinces in Kenya and win by a simple majority of the vote cast and the President also remain Commander-in-Chief of the armed forces.

The President should appoint the Prime Minister, ministers constitutional office bearer, and ministries with approval of Parliament.

Mr. Chairman, that I present that this Commission establish the office of the Prime Minister and the office of the Deputy Prime Minister, and continue Civil servants heading the public service. Therefore I mean the Prime Minister should be leader of government business in Parliament, Secretary to the cabinet and head of Public Service.

The people, Chairman, is that, we are giving too much power to an individual who is not directly answerable to the people. Therefore I want that position the head of the government should be a Prime Minister whose answerable to people in Parliament.

The President should not be above the law and immune from prosecution while in office. The incoming President should take over the office within a specified period of time by the Constitution from the day of announcement of election results. For example it may be thirty days after the Presidential elections, there are some of the results which have been announced not like in the case where the President leaves early in the morning.

There should be a fixed five years Parliamentary term whose date of commencement and dissolution is predetermined in the

Constitution. That is Parliament should have a fixed five-year term and be specifically defined in the Constitution when the Parliament commenced and when the Parliament shall be stopped.

Provincial Administration: I propose that we abolish the office of the chief, and the office of the Provincial Commissioner and we do away Mr. Chairman with the whole idea of province. So Districts will go directly to Nairobi.

Chief: I propose that the power to the Chief be taken over by the elected representative of the people from that area whose is the Councillor, and therefore the Councillor be paid from the consolidated fund as the chief is paid in the current situation.

Economic Resources and their distribution. I propose small decentralization of employment in the Provincial Administration, that is, the Assistant Chiefs, DO and DC such that the government comes out with the following in the Constitution, that there shall be this number of DO's in the Republic of Kenya and those DO's shall be elected or employed from non effective division even if they are being posted outside the country. (I mean out of the areas where they are born) but the recruitment bases be per the division for example we have in Mutome recruitment is done here three DO's from Kitui South. But they could be posted elsewhere so that we have quarees of jobs, in this case Mr, Chairman I have three divisions for example, and one and a sub district. So I am supposed to have three DO'S and and one DO I and there is no child from Kitui South who is a DO anywhere in Kenya. That is great imbalance of what I think you adjust in the Constitution.

This also goes into other areas other areas like agriculture, Police force, recruitment and and village government office. We limit a certain importance in the other areas so that the people of the area feel that this is their government and they have a say in it. As opposed to the case now, somebody comes from wherever and you have no control over what he does. He can come and misuse your resources and the only thing the government can do is transfer him. What don't want to continue.

Number two, on the economic resources and employment is we need more decentralization of the natural resources. For example we have the Kenya Road board which distributes 15% of all money made from tours and that there should be guarantee that people have control over and therefore can guarantee their people that this roads blocks will be done. We need it in the Constitution so that in the sector of energy, electricity, there is a certain quota guaranteed in the Constitution.

Health education and protection: I propose that education should be compulsory and free for all up to secondary level.

Lastly the access to health, sanitation and water be guaranteed in the Constitution and therefore government failing to provide these things would be constitute to mean that the government is violating human right or provision of human rights. Thank you very much Mr. Chairman.

Com. Paul Wambua: Wait for clarification Mheshimiwa.

Com. Riunga Raiji: Mheshimiwa thank you very much for those very focused propositions. I have one issue that I want the clarification. You have proposed that the President be above the law and immune from prosecution. What of where there is an abuse of office or violation of the Constitution itself? How do we bring him to account, or what do you propose we do to the person who occupy the office? Lets take for example violation of the Constitution or gross a buse of the Constituion?

Hon. Kimanza: Thank you Mr. Chairman. What I have in my mind is that we want an act protecting the President of that he has been defeated in election or he is constituionally out of the the office, and the one who takes over out of personal grudges pushes Parliament for example, to pass a resolution by 2/3 majority, that is a President committed a Constitutional offence, I mean violating Constition in some office. So the determining procedure that a President committed an offence we have at the moment not got a mechanism to know which is right and which is wrong. Therefore for the time (being and that is why democracy involved in a such level that we become responsiblecitizens) it will be too dangerous to vet that power of prosecuting the President at office through to Parliament unless if there is some mechanism of referendum to determine that the President violetted the Constitution. As it is now I propose there should be a new Constitution.

Com. Paul Wambua: Thank you very much Mheshimiwa I think you can register there. You have given your views. Agness Kiminza, we shall call her later, Pius Munyalo.

Pius Munyalo: Mr. Chairman I want to give my suggestions.

Com. Paul Wambua: Tuko na watu wengi ambao wamebaki. Tumejadili ya kwamba tutapunguza mda sasa. Kwa hivyo ndiyo kila mtu apewe nafasi utachukua mda tu wa dakika tano, kujua yale ya mhimu halafu kila mtu apewe nafasi.

Pius Munyalo: Thank you very much Mr. Chairman tafadhali I am going to be very brief as you say. My suggestion refers to land matters in Kenya, especially in those areas where land is not registered. Mr. Chairman you will find that those areas where land is not registered, matters are handled by the Land Dispute Tribunal, which was set by Parliament in the 1990. My suggestion Mr. Chairman is that at the moment there are some members of the Tribunal which is not actually from that particular location. So we are asking in the new Constitution that the members of the Tribunal (we don't want to do away with them because they are doing a very important job) but should be entirely from that location. They should be appointed by the people, but not the government because I understand they are being appointed by the provincial administration.

The other point on the same matter is that after registration, the land actually is a wared to one of the parties. I am suggesting that when this land is awarded to a particular party and has been read and adopted as judgement in a court of law, that person automatically gets a title deed instead of now waiting for the suryvers to come and deal with it as a new case.

Still on land matters, I also suggest that if, for example we cases where if someone has been living on that land for about 60 years, he had inherited that particular from maybe the grandfather and he has never been evicted but all of a sudden that person is evicted from that piece of land for that long period he has stayed, he has automatically become the owner final owner of that particular land.

Something else I would like to touch different from land matters is the crime in Kenya. This one is escalating because we hear cases of robberies cases of so many crimes are being committed and we would like to eliminate it once and for all. So in this case, I am suggesting that we have a community policing process. where the police will work with the community, be it now in a location for example we have a locational development committee where cases will be taken to them and they will be give to the community so that now they can take the right measures. Because because we live with criminals and we are people who can volunteer information when they are hide outs and by that I think we shall be able to eliminate this. Thank you Mr. Chairman.

Com. Paul Wambua: Asante sana Jiandikishe hapa tafadhali. Tutamuita Robert Munyao. Peter Kinyunzu. Tafadhali endelea na mda wa dakika tano. Patia yeye mapendekezo ambayo unataka kuyatoa uyatoe ndiyo utumie mda kidogo.

Peter Kinyunzu: Mr. Chairman na wote ambao wamehudhuria, maoni yangu mimi nataka kuyatoa katika Katiba ambayo inandikwa hivi sasa tunataka Katiba inajali masilahi ya mwananchi yeyote. Akiwa ni mlemavu, akiwa ni kiziwi, akiwa ni mwanaume au ni mwanamke. Katika uchaguzi tunataka Tume iwe na uhuru ambao haningiliwi na mtu yeyote. Inatoa mamusi ya uchaguzi bila kuingiliwa na mtu yeyote tunataka mwananchi apewe uhuru wa kumchagua mtu ambaye anataka bila kuambiwa huyu ndiye anapendwa huku juu. Tunataka mtu yule ambaye anapendwa huku chini ndiyo mara mingi awe na party ya kumchagua na kufuta yule ambaye hafanyi yale mwananchi anataka. Njia ya kumfuta Councillor au MP ni kutumia maoni au manadamano au referendum.

Yale mengine tunataka Katiba ambayo haimpatie mtu mmoja mamlaka yote. Tunataka mikono mitatu ya serikali iwe kila mkono unafanya kazi kando na yule mwingine bila kuingiliwa. Serikali kuu, Mahakama, na Bunge. Tunataka uchaguzi wa Bunge uwe ni uchaguzi huru. Tunataka sisi wananchi tunataka katika Bunge ikiwa kuna nomination sauti ya wanawake isikike. Siyo kundi la watu au mtu mmoja anasema mimi nitamteua fulani, nitamteua fulani Bunge ipatiwe mamlaka ya kuteua ikiwa kuna wabunge wakuteuliwa. Ndiyo wateuwe wanawake wale ambao hawatateuliwa ndiyo huko maana yake sauti ya wanawake haisikiki katika Bunge sauti ya walemavu haisikiki katika Bunge. Ikiwa kuna nomination, wale wachaguliwe, wale ambao hawakuingia katika Bunge. Tunataka Raisi awe ni Raisi wa serikali. Lakini siyo Rais wa kila kitu ambaye anasimamia kila kitu ndiyo anateua Waziri Mkuu anateua ministers nateua assistant ministers, anateua kila mtu. Ni lazima kuwe na kamati za kuteua kila wizara. Tunataka serikali ambaye ina waziri mkuu ambao anateuliwa na Bunge awe kwanza ni mbunge ndiyo ateuliwe na Bunge akifanya kazi vibaya aondolewe na Bunge. Tunataka ministers, assistant ministers wateuliwe na Bunge wakiwa wamechaguliwa kutoka kule chini mpaka juu. wateuliwe huko, President, uchaguzi wake uwe mbali na uchaguzi wa Bunge,

ndiyo watu watofautishi maanake watu hawatofautishi na leo serikali na chama tawala. Inatikiwa tuone tofauti ya chama tawala na serikali. maanake huwezi ukasema sasa assistant chief usifanye siasa. Chief usifanye siasa. Maanake chama tawala kimesema tunataka fulani sasa Chief atafanya siasa maana yake hataki kumwaga unga? Kwa hivyo tunataka chama kando, serikali kando. Tunataka haki za wanawake ziangaliwe maana yake kuna shida sana na wanawake. Wanawake wakienda hapa (Interjection)

Com. Paul Wambua: Tafadhali umebakisha dakika moja. Tafadhali usirudie maneno yale ambayo tumeyasikia. Imeingia kwa machine kwa hivyo tupatie mapya.

Peter Kinyunzu: Okay, kwa hivyo tunataka, watoto wapatiwe haki sawa akiwa ni mwanaume, akiwa ni mwanamke, wapatiwe uridhi sawa, ikiwa ni mwanamke hakuolewa asante.

Com. Paul Wambua: Jiandikishe hapa. John Mbulu, Rebecca David, Erastus Mutuka, Joseph Ngovi Ngundu.

Joseph Ngovi Ngundu: (talking in Kikamba)

Translator: My names is Ngovi Ngundu

Joseph Ngovi Ngundu:

Translator: I am proposing that in our place here Mutomo we are short of water and this is the place where we live. so I am proposing the government should supply us with water.

Joseph Ngovi:

Translator: I am proposing that the government should improve our roads and create employment for our boys and girls. That is the much I had.

Com. Paul Wambua: Asante sana Mzee jiandikishe hapa tafadhali. Stephen M. Mulinge.

Stephen Mulinge: Asante sana kwa Bwana Chairman kwa wakiti huu umenipa mzuri. Ninayo machache ya kuzungumza. Jina langu ni Stephen Mulinge from Mutomo Bible Ministry.

Ya kwanza nazungumzia juu ya bursary: Bursary nasema serikali ipatie shule za bibilia bursary kama vile university wanapewa.

Nasema serikali ilipe pastors ili tupunguze hii hali ya kila mtu akitaka kuwa pastor anafungua kanisa lake na inakuwa ni biashara.

Pombe ya kienyeji: Serikali itie mkazo pombe ya kienyeji isitengenezwe pia pombe ya pia nayo isitengenezwe kwa kuwa

serikali ikipeana nafasi kwa pombe ya bia pia hii ya kienyeji wale wanatengeneza hawatawacha.

Vitambulisho vipeaNwe kama vile vilikuwa vinapeanwa mbeleni. Tulikuwa tunapewa tukilipa pesa ya picha lakini sasa ukingia kwa kila office lazima ulipe pesa.

Pesa za Kenya: Pesa za Kenya ziwe na picha ya Rais wa kwanza Mzee Jomo Kenyatta, kwa maana ikiwa kila Rais akisimama pesa inabadilishwa picha pesa za Kenya zitakuwa hazina thamani.

Mtu akishikwa na madawa ya kulevya shart ahukumiwe kinyonga. Pia mtu akifanya raping ni sharti ahukumiwe kinyonga na hayo tu. Asanteni.

Com. Paul Wambua: Thank you very much register yourself there Joseph Kamala: Pauline Musango, Pauline Musango haya utafuata.

Joseph Kamala: The Commissioner and our dear friends here. Mine is on land issue.

I will make them briefly.

Land Reserve should be reviewed. Game reserve boundary especially in Kitui town here are so near with the people and we are getting some harrasment from the wild animals and the wild animals themselves should be protected by those who are concerned.

The other thing is on squaratter we should abolish this name 'the squarter' since we are independent since 1963 and we are still having squartters in our country. This should no longer be existing and we are as least if we are in the colonial law and colonial system. Most of our people do not have land and they are being called squartters. So this is a republic now and we should not have such thing.

The other thing is on Kitui town boundary with the reserve. The game reserve has to be defined clearly because they are so close with our people as from a place called mtu wanyama, Kasala kwa Kingweli, Mtekilawa. Those boundaries are all few matters from people and the issue should be defined clearly so as we may not be having some interruption by the wild animals.

And on may ending of this views of mine. Compensation on this wild animals were they have injured or killed anybody, should be made immediately. We had a case here last of two moths ago of a baffallo which entered our area here and it was taken as if the animal is more important than the people. People have been beaten by the game warden asking for their buffallos, but they could even ask for man who was injured. Even though he was taken to the hospital, but they had beaten the whole village acting for a buffalo. So this should be made clearly, especially the boundary they should be pushed further from this region.

These are my own reviews.

Com. Paul Wambua: Thank you very much. Pauline halafu utafuatiwa na Titus, Titus yuko.

Pauline: Maoni yangu ya kwanza ningezungumzia kuhusu wafanyi biashara. Wamekuwa wakinyanyazwa na watu wa county council. Hawa watu wa county council hawapeani sheria za kutosha kuhusu kazi zao. Mimi ningeonelea maoni yangu kwa vile hao wafanyi biashara wanafanya biashara na pesa zao, ningeonelea hao watu wa county council wafuate sheria zile za kikazi. Kuhusu katika ofisi ya labour ningeonelea wa-protect hao wafanyi kazi wa nyumbani na house boy kwa vile wamekuwa wakinyanyazwa pia wao wanatenda maovu kulingana na hakuna mtu wakuwatetea.

MPs na ma-councillors wale tunachagua: Ningetaka hao wabunge wanataka kuchaguliwa badala ya kukutana na watu huko manyumbani kwao ama kwa hao waimbaji wa nyimbo za kitamaduni kwa vile wanaongea ukweli wanatuhakikisha wakienda mbele watatuzaidia, wakuje kanisani wakutane na watu wao hapo awambia kitu cha ukweli akiogopa Mungu, kulingana na maoni yangu. Kwa vile tumekuwa tukichagua ma_councillors and MPs tunawachagua lakini baadaye wanapeana pesa, wanapeana bribe. Baadaye wakija mara ya kwanza wanasema walitununulia kura zetu kwa hivyo tunataka tukutane nao pahali wataweza kuogopa Mungu bila kutuogopa sisi Aongee kitu cha ukweli na hivyo ndiyo wao wanasikizana na nominated MP, ama Councillors kwa vile hata mbunge maalum akija naye anasema mimi nilichaguliwa kutoka huko mbele. Kwa vile kwa maoni yangu mimi naona waongee kitu cha ukweli.

Usafiri: Tumekuwa tukipata shida nyingi juu ya usafari katika matatu. Tutaweza kuingia mtu na baba yake tunasukumana tukiuliza tunambiwa ukitaka sitarehe nunua gari yako. Hapo tungetaka serikali itulinde kuhusu usafiri.

Tunataka pia Councillors na MPs wapatie wananchi heshima. Na tunataka katika kazi zote za serikali hatutaka mtu ako below 55 years awe retrenched kwa vile mtu ataweza ameo juzi, amepata retrenchment, na hana mahali pa kwenda kwa hivyo kwa maoni yangu ningetaka wale wako above 55 wawe retrenched.

Kuhusu pombe ya chang'aa kama karibu kwa maoni yangu ningetaka serikali iondewe mitambo yote ya kutengeneza nguru ama sukari ndiyo hizi vitu nazo zikome. Kwa vile hizo nguvu ndizo zinatengeneza chang'aa.

Na tunataka lugha nzuri kwa wale watu wote tumechagua. Kama ma MPs mara nyingine wanaleta tribal clashes. Mtu wa Eastern Provinces anaweza kupelekw kazi Nyanza Province, na kulingana na yale maongeo ya Ma MPs kwa Parliament utaweza "kusikia ukiambiwa na mtu wa Nyanza, ulisikia vile MP wenu alifanyia MP wetu katika bunge?" Kwa hivyo wewe ni lazima uadhibiwe.

Com. Paul Wambua: Asante sana mama jilandikishe hapo. Titus? Stephen Mbuvi?

Stephen Mbuvi: Education should be free including primary schools. Pre-school teachers should be paid salaries by the government like other teachers.

Parliamentary and civic candidates should have a limit in terms of years that is between 30 and 60 years but we should not find others exceeding from 75.

Presidential powers should be reduced, that is, the Chief Justice and the High Courts judges should not be appointed by the President, but a body consisting of Parliamentary members.

Electoral Commission should not be appointed by the President for bear election.

Chiefs like other government employees should be transferred to other parts a part from their home areas.

The government expenditure should be audited by an independent body appointed by the Parliamentary in case of mismanagement the concerned will be prosecuted and made to pay the amount.

Any person holding a government office should make it well known for the public. The salaries of the MPs should be reviewed by an independent body and not the Parliament. That is when they review their salary, they give themselves large sums in terms of money.

Development by the government should be distributed equally to all constituencies. You find some areas have electricity power, water and others where others have none of these and it is the same country. There should be no majimbo in Kenya's. We are all brothers and sisters.

Then the last point is, our culture must be conserved. Thank you Mr. Chairman.

Com. Paul Wambua: Stephen Mbuvi.

Stephen Mbuvi: My views are as follows: Cost sharing: In our government we have come to be double taxed. We are being taxed twice. We are being taxed is the normal taxation, but when you go to a hospital you have to pay a cost sharing. When you go to another office you have also to pay as cost sharing. So the taxes should be maintained at the only level which we were paying and cost sharing should be abolished.

Education: In Primary and secondary education all the levies should be abolished and the government to support fully. Because if the government does not support the local mwananchi is going to suffer.

The preamble of the Constitution: The Constitution of Kenya in order to be for all Kenyans should start by stating. “We Kenyans” because the one we have does not even state who it is talking for.

Parliament: Our Constitution previously and separation of powers, security of tenure of all the public offices but eventually it was changed from between 1957 and 1959. My opinion is that the Parliament should not have powers to change such sections unless there a National Conference.

We should also have constitutional offices at the Constituency level for our MPs because it will be difficult even to carry out their work.

The Parliament should have its own calender to determine seessins and other activities within the Parliament.

The Provincial Administration should continue and elders should be also be paid by the government. And the other officers from the assistant chiefs and the above and mostly assistant chiefs and chiefs, in order for us to be out of the hand of corruption their pay should be raised. And those are my views, thank you.

Com. Paul Wambua: Thank you very much: Mutitu Musango:

Mutitu Musango: Okay my proposals are as follows: Death sentences should be abolished and the culprits sentenced for life imprisonment instead. Rape of men by women or for instance if a woman rapes a man, she should be given the same treatment as woman who has been raped by men should.

Incase of a divorce, the property you had acquired before marriage should not be attached.

When dividing of the properties, there should be a provision that we should look into consideration of the contribution of members for the family properties.

The President should not be a bove the power: He should be accountable for what he does when in office and he should also be impeached if he is found quality of any offence.

Voter registration and the issuing of the ID cards: They should be issued concurrently, that is, when you take the ID you immediately receive a voters card.

There should be an independent body whereby if you are grilled by the police, you should go and report there. There should not

be a case whereby if you are beaten by the police you report to the same police.

Com. Paul Wambua: Thank you very much. Jackson Kamanda:

Jackson Kamanda: Thank you very much for this opportunity I am Jackson Kamanda, my views are as follows. The President should be the head of the state and there should be also the office of the Prime Minister who should be the head of the government. The Prime Minister should be elected by the winning party, and he should be elected by two thirds of the votes in Parliament. The Head of State powers should be reduced as has been expressed .

Concerning the local government, the mayors should be elected by the people, and the local government should also provide services to its members especially which the local taxes should be able be withheld maybe to a given time until when the services have been resumed.

The town clerk should be a professional divorced from politics and he should not be subjected political patronage.

We are also saying concerning the MPs they should be educated at least to four level and their salary should be pegged to their attendance in Parliament and compulsory meetings in the constituency.

I am also proposing that the Parliamentary session should be increased at least per week, and the salary should not again be determine the MPs themselves. For the MPs who have been elected, I am proposing that there should be an in- service or an induction, that is, training so that at least they participate in Parliamentary debate. In the past we have been seeing where the Parliamentary MPs have not been participating fully or do not understand maybe the Parliamentary budget procedure.

The nominated MPs should not be appointed as a result of political patronage but should be appointed as a results of meeting the relevant expertise in Parliament. If we have a field which does not have maybe professional expertise we should nominate such a person, and he should be approved by Parliament by at least two thirds of the votes.

Concerning education: There a disciplinary lapse within the education system after the abolishment of canning and if we don't address these issues we are going to see what is happening in the Western world like Britain and America. Therefore, as a matters of agency I am proposing that there should be a guidance and counseling department within the Ministry of education which should coordinate all the matters within the education system. I am proposing also within each educational divisional area there should be a professional counsellor who should deal with all the schools for disciplinary matters. At least to restore in school discipline Otherwise if we do that we are going to experience very bad things.

The B.O.G again as in the Education Act should be educated at least to form four level and they should be people without any political affiliation. The education system should also streghten the vocatinal training in each region, because we have atendency

where most of the people do not go to secondary schools. So we should be address this issue by strengthening the vocational training within the country. Concerning fair distribution of resources, we have some marginalized areas area these are areas that they do not have proper production of resources. So I am proposing that there should be equal distribution of resources within the country and not according to the political parties for example there should be loan, bursary, they should all distributed equally.

Concerning the police, there have been cases of police torture and all other the evils. So I am proposing that there be independent police investigators just like we have military police within the military, who are concerned with the police. So I am also proposing a unit, an independent unit from police which investigates the police in case there are is an issue that the public are complaining.

The issue of community policing should also encouraged even within the training of the police and I am proposing that the training of the police should be lengthened so that at least they are sensitised on women issues, human rights and other important issues.

Concerning women rights, well in fact they have marginalized but as much as we are doing that we should not endanger the males. All that should be done is that the issues should be addressed but not as expense of the name.

Concerning the government institutions like NSSF and NHIF, I am proposing that there be a structural adjustment where, for example, like NSSF people who have suffered disability should be able to benefit. For example those people who have lost the job, they should also be able to benefit from NSSF and somebody should not just do anything after reaching at the age of 50 or 55. There should be a re-structuring.

Concerning about NSSF, it should also, restructured so that it will become representative. It should have a human face so that they should take care of the out-patient and they should provide free house services to the community.

Concerning to the Provincial administration I am proposing that instead of the PC there should be Provincial governors that are elected by the people and the elected mayors maybe should be incharge of the district.

Concerning election I am proposing that the presidential elections should be separated from Parliamentary so that we can avoid the politics of succession dispute instead of dealing with national issues and economic issues.

The President again should be elected at least by at least 25% from at least five Provinces.

In case of death of the President, I am proposing that the Chief Justice should be in power until when the next President is appointed.

The Presidential aspirant should also be given security. The President should not be above the law. He should be able to be impeached after any wrong doing but this should be done within the Constitution, for example, the appointment of five judges who should hear the case, and after is that maybe a case, should be started to impeach the President.

The President and all public office bearers should be able to declare their wealth in public. And anybody who has any criminal offence or any illegal acquisition of wealth of health should not hold any national office.

The office of the Auditor General should only investigate, but it should be able to be given powers to prosecute and enforce its decisions.

Concerning the civil service and the teachers: I am proposing that there should be a proper machinery of disciplinary so that at least there should not be cases where, the boss can to just harass the civil servants or the teacher. So that at least the civil servant should be able to provide services without any fear of intimidation. And in communication, for example, in the office of the above, instead of serving a letter through the office, the immediate boss involved should be served with a copy.

Concerning about the chiefs: I am proposing they be empowered to bring the government, the local government maybe the schools and all the quasi-government to court and this should be free of charge if there is at least a pre-mature evidence.

The cost of justice should be lowered because it is very expensive to afford.

The Parliamentary committee should also be given powers to enforce their declaration after the approval in the Parliament.

K.A.C.A should be entrusted and entrenched in the Constitution and it should train its own police, its own Executive Officers, and the head of K.A.C.A should have a Constitutional tenure of office.

Environmental conservation should also be entrenched within the Constitution so that we don't have people (interjection)

Another thing in summary. There should be no taxation without representation and therefore the budgetary process should be able to be participated by the MP.

On business, liberalization, at least the government should be able to restrict things like dumping.

On Kenya Bureau of Standards it should be expanded and given powers to enforce its laws because of liberalization and dumping of food. Thank you.

