

**CONSTITUTION OF KENYA REVIEW COMMISSION**

**(CRKC)**

**VERBATIM REPORT OF**

**CONSTITUENCY PUBLIC HEARINGS, KITUI WEST  
CONSTITUENCY HELD AT A.I.C**

**KYUSYANI CHURCH**

**22<sup>ND</sup> MAY 2002**

**CONSTITUENCY PUBLIC HEARINGS, KITUI WEST CONSTITUENCY HELD**  
**AT A.I.C. KYUSYANI CHURCH ON 22<sup>ND</sup> MAY, 2002**

**Present:**

Com. P.M. Wambua  
Com. Dr. Mosonic arap Korir  
Com. A. Yano

**Secretariat:**

Mr. Irungu - Programme Officer  
Mr. K. Kiptoo - Assistant Programme Officer  
M. Babu - Verbatim Recorder  
E. Mumbi - District Coordinator

**Meeting was called to order at 10:35am with Com. P.M. Wambua in the chair.**

**Com. Wambua:** Sasa tutamuita yule mzee ambaye ataja kutupatia maombi.

**Mzee:** Nafikiri tutatoa kofia zetu ndio sasa tuweze kuomba, tumpatie Mungu heshima yake.

**Maombi:** Bwana Mwenyezi Mungu muumba nchi na vitu vyote vilivyombwa vinavyoonekana na visivyoonekana, tunakushukuru kwa vile ambavyo umetuleta hapa nyumbani hii ambao imejengwa kwa sababu ya kuomba na ndiposa tujadiliane na kupanga mambo ya kutufaidi watu wa Kenya wakati ujao. Tunakushukuru Baba. Tunakushukuru kwa vile umewalete wakubwa ambao wanaongoza hayo mambo, kuwatoa Nairobi ama Kitui ama mahali popote ambao umewatoa, kwa kusafiri na vitu ambavyo vimetengezwa kwa mkono na ukawafikisha salama, tunakushukuru. Na hata sisi ambao tumetoka mahali mbali mbali, umetuleta hapa tunakushukuru. Mungu ninasema ni asante sana na nikisema kwamba mambo yote yalio mbele yetu tunayaweka mikononi mwako. Tukimaliza tukiwa pamoja na wewe, tutakushuru. Tunataka kusema Bwana yale ambao tunayatengeza unayajua, na tunataka yale ambao itawezesha jina lako kusifiwa katika Katiba ambao tunatengeza, ipitishie mambo ya haki kwa kila mtu. Na tunasema Mungu hayo, utafanya. Ninasema kama kuna jambo lolote ambaye ingeweza usitubarikie Baba, ninatubu dhambi ya wote walioko hapa kwa niaba yao Mungu nasema, utusamehe, uwe pamoja nasi. Tunakushuru kwa hayo yote jina lako Yesu Kristo Mkombozi wetu, Amina.

**Com. Wambua:** Asante sana kwa maombi. Sasa nitawajulisha kwa ma-commissioner ambao wako hapa kwa niaba ya tume. Kwanza kwa upande wangu wa kushoto, niko na commissioner K. Mosonic arap Korir. Mosonic arap Korir kawaida ni mwalimu anasomesha huko Egerton University kwa miaka mingi, historia na, title yake ni Doctor. Na ni mmoja wa wale ma-commissioner wanne ambao tulikuja nao pande hii, lakini mmoja ameenda kwa shughuli huko Nairobi. Kwa upande huu niko na mama Mrs. Alice Yano. Alice Yano ni wakili na anatoka sehemu za Rift Valley na ni mmoja wa wale tuliokua nao upande hii ya Kitui for seatings. Nami naitwa Paul Musili Wambua. Mimi natoka Kitui, Matinyani specifically Kitui West kwa hivyo niko nyumbani.

Ningependa kuwaeleza ratiba ambazo tutatumia. Wale ambao watasikizwa kutoa maoni ni wale wamejiandikisha kwa hii form. Na tutafuata hiyo orodha vile ilivyo, first come first served, aliyefika kwanza ndie atasikilizwa kwanza. Pili, tutakupatia mda wa dakika kumi tu utoe maoni, kama hauna maandishi. Ikiwa umetengeneza memorandum ama kuna maandishi utatupatia, basi tutakupatia dakika tano tu ugusie yale ya muhimu maanake memorandum tutaibeba tutaenda nayo Nairobi, tutaesoma huko. Kwa hivyo usije ukatusomea yale umeandika maanake tutaenda kuyasoma. Utagusia tu yale ambao umetaja ya muhimu within five minutes ama dakika tano.

Lugha unaweza kutumia kingereza, unaweza kutumia kiswahili, ukiwa uko na shida na kingereza na kiswahili, pengine unaweza kuongea kwa kikamba ikiwa sasa hiyo ndio lugha ambayo umeelewa, halafu itatafsiriwa. Ukianza kuzungumza usiharibu wakati, sisi huelewa haraka. We understand very fast. Ukitaja shida hiyo tumepata na tumeiandika kwa hivyo usirudie point after point. Ukisema ni ya muhimu, this is an important point, tumeshashika kwa hivyo usiirudie. Taja points of issues kulingana na vile unavyotaka halafu tupatiwe proposals. Usituambie shida, tupatie proposals. In regard to this, this is my proposal. Kulingana na jambo hili, mapendekezo yangu ni haya halafu unatupatia maanake that is what we want, proposals.

Ukifika hapa mbele, utataja jina lako maanake tunataka iwe recorded iingie kwa mtambo kwa hivyo taja jina lako, halafu

utupatie maoni. Ukitaja jambo fulani, unataja maoni yako, mapendekezo yako, halafu tutaandika. Halafu ukisha maliza utaenda pale kwa recorders wetu uweke sahihi ya kwamba umezungumza na umetoa maoni ama umetupatia memorandum ama maadishi. Ukisha maliza kutoa maoni yako, commissioners wako na haki ya kuuliza maswali kama kuna mambo ambayo hayakueleweka, kufafanua tu. Kwa hivyo ukiulizwa usianze long stories ama mambo mengi jibu, maanake kuna jambo pengine hawakuelewa wanataka kuelewa sawa sawa ama iwe recorded vizuri. Kwa hivyo ukiulizwa maswali, ujibu tu kwa kifupi. Basi kulingana na orodha ambayo tumepewa hapa, kuna jambo lingine ambalo nimekumbushwa hapa, kuna sign interpretor ama kuna mtu hapa ambaye hawezi kuelewa ile lugha ya kawaida lazima atumie ile nyingine. Tuko na sign interpretor kama kuna mtu mnajua wa aina hiyo, please tujulishe. Na kama ameingia baada ya kuanza pia tujulishe. Lakina kama huyu yuko pengine aonyeshe ishara tuone kama kuna mtu ambaye atahitaji huduma hio. Just find out whether there is somebody with that problem. Find out with your own language sign whether there is somebody of that. Haya kwa hivyo mwisho mwisho nitawajulisha wale wengine ambao tumekuja nao baadhi na commissioners tuko na Mr. Ndirangu Irungu, huyo ni press officer huko kwa commission, tuko na Kiptoo Mutia hao nao ni wa commission. Mary saa ingine anasahaulika Mary Babu, yeye ndiye anahusika na mambo recording huko. Kwa hivyo wale wengine wa 3c's tutawajuwa baadaye baada ya kufanya kazi.

**Interjection:** (inaudible)

**Com. Wambua:** We have a discretion. The questions come at the end so they are not within your ten minutes. They are normally after you have completed so that is not you ten minutes. So you will use your ten minutes, we have a way of compensating, I'm the timekeeper so we always ask questions at the end not before. So tutaanza na yule kwanza kujiandikisha hapa ni Ezekiel M. Musava. Mzee tafadhali karibia, taja jina lako, tupatie maoni yako. Ukitaka kuketi, unaweza kuketi halafu dakika ni kumi tu. Kwa kifupi tupatie maoni yako halafu kama kuna memorandum, utatuachia.

**Ezekiel Musava:** Asante sana Bwana chairman.

**Legislature:** Life of Parliament that is, duration of 5 years should remain as it is at present. Life of the President in Parliament should not be extended. Ministries should be decreased inefficiency originates with Ministries. Every time we hear that Parliament has adjourned earlier because of lack of quorum, honorable members are highly paid but they should work hard to justify what they earn and to be an example to other citizens.

**Judicial:** Many cases are kept for too long pending and special kept offences. We hear from the press that criminals, criminals tried and convicted and sentenced to run was done in 1987. What happened to those criminals who have been convicted and sentenced or condemned to death? It is not a pleasure to hear that someone has been hanged, but when other hardcore criminals see that nothing happens to this people, who murdered, robbed and raped. Others are encouraged to keep on committing these dangerous crimes. Cases should not be kept for too long. Justice should seen to be done.

**Executive:** Status of President and vice President should be retained, as they are 34 just as we started when we become a republic. Question of having prime minister, deputies, ceremonial President those are experiments and are not good for Kenya. This is our country, they cannot afford these many accumulated offices.

**Controller and auditor general:** We often hear of misappropriation of the public funds reported. Constitution should have a vigorous law that those who tamper with public funds, immediate action is taken and remedial action be firm besides convicting and sentencing him or her. Property of the offender be frozen or confiscated.

**Administration police:** To avoid wastage and deterioration and performance of police department, it should be amalgamated with its counterpart, that is regular police and hence efficiency and more saving of public funds.

**Forest:** There is here and cry because of destruction of our forests. Strong laws should be made to protect our forests to stop this mass destruction and other resources such as rivers, wildlife e.t.c.

Finally, I thank you for coming to this constituency to get these views. God bless you. (inaudible)

**Com. Wambua:** Asante sana mzee. Tafadhali tupatie memorandum na ujiandikishe hapa, lakini kuna swali kidogo kutoka kwa commissioner.

**Com. Mosonik:** Just a very short question mzee we should not delay justice and talk about death sentences. We want to hear your view whether death sentence should be retained or abolished, death sentence.

**Ezekiel Musava:** In my views I think that in Kenya we have got very (inaudible) and I see at present crimes increasing we are yet we should keep this punishment of death sentence should remain (inaudible).

**Com. Wambua.** Asante sana mzee, tafadhali jandikishe hapa. Tutamuita George Kililiku. Kililiku tafadhali gusia ya muhimu na utupatie memorandum dakika ni kumi tu.

**George Kililiku:** Asante. Honourable commissioners, other division leaders my name is Councillor George Kililiku and I'm going to read the important parts so as to save time. The following is my contribution to Constitutional change.

The present procedure of Parliament amending the Constitution, should be retained but the number of MP's voting to enable the change should be 75%. This will not make it easy to amend the Constitution should somebody decide at a given time.

The other important part is that Parliament should vet the following appointments:- at the CJ, at judges appointment, the

parastatal chairman and senior officer's appointments, permanent secretaries, controller and auditor general appointment and all other constitutional offices.

Those contesting for Presidential seats should be 40 years and above and should not be above 70 years old. Parliamentary test should not be necessary if at all we put the level of those contesting to have O'level pass and should have passed in Kiswahili and English. So we "inaudible..."very necessary.

People should have a right to recall their councillor or MP only if 75% of the voters side for the same to be recalled. There should be a commission to look into the welfare of MP so as to reduce the powers of the MP's bringing in emotions raise their allowances, without considering the economy as of now it's ailing and we have heard of the recent implements met.

The Constitution should (inaudible) coalition government. That is multi-party system in the executive. This will facilitate those able composition members with ability in terms of knowledge to participate in the nation building.

We don't need the Provincial Administration that is the provincial offices. The districts commissioners officers, the DO's offices are (inaudible) The village elders should be considered for pay because they give a lot of services, they do a lot of work. The provincial offices as I had earlier said bringing about a lot of delay on matters affecting districts. For example something is taken to Embu, you find that a letter may take even a week there, and then sometimes these things are over taken by events. You may go to Nairobi and then the problem is solved but the letter is in Embu.

I'm not satisfied with the demarcation of constituencies e.g. Kitui West Constituency, should be demarcated to four key Kitui North constituencies, then you find that this is where the East is the West. I propose that Kitui West can take a small part of Kitui South and take allocation like (inaudible) and add to the existing (inaudible)division (inaudible) while you can take part of the Kitui East add to the other part of lets say Matinyani (inaudible) that way you can help.

Civic elections should be done 2 years after the Parliamentary elections. The Constitution should protect right of education, health, water, food and the government should build classrooms, supply books to teachers, to schools free. All children should be taken to school and parents who deny to do this should be charged with denying their children their right of education. Education then should be free at university level.

**Com. Wambua** One minute left. Dakika moja tu. Wewe malizia tafadhali.

**George Kililiku:** Government should effectively supply drugs to health centers, dispensaries, public hospitals and government should construct the same. Government should be ready to supply and survey to supply water to all divisions. The pay plans should be prepared and kept ready and this should lead ownership of land in terms of (inaudible)the land proper

decision should be done. There should be no restriction (inaudible) charged on executive power and Presidential election. The results should be read by the speaker national assembly, and incoming Presidential should assume office immediately. The Chief Justice should swear in the incoming President. The retired President should have provision for security and welfare benefits. Thank you.

**Com. Wambua:** Asante sana councilor kuna swali kidogo hapa.

**Com. Yano:** Mr. Kililiku you have just said that you would want this constituency to be maybe divided into two or that is you would want maybe more constituency in this place. You know very well that right now what falls, the constituency fall, the criteria used to come up with a constituency is the number of people, the population you know that and you know very well if we have use the current rules, it will have to be in the population. If you don't meet that criteria, how else would you ensure that you get another constituency?

**George Kililiku:** In fact according to what I had explained if we put those facts I had read, to be added to the other divisions, we will definitely get criteria we will, the population we will after bringing in those (inaudible)

**Com. Wambua:** Asante sana councilor. Felix K. Kivoo.

**Felix Kivoo:** Thank you very much commissioners. The presentation belongs to (inaudible) sublocation of Yatta Location, Kitui West Constituency

**Com. Wambua:** I can see Bwana Kivoo the memorandum is very long. I think the best thing is just summarize in 10 minutes, because we will have to go and thoroughly read it. Spend a lot of time so there will be no need of reading it so highlight the key issues, emphasize the ones of importance so that we still have a long list here we finish with everybody.

**Felix Kivoo:** You see here in fact so with the constitutional supremacy (inaudible) that the present procedure of 65% of the constitutional amendment, should be retained and the Parliament should not have any limited powers in constitutional amendment.

**Citizenship:** Automatic Kenyan citizen we have seen that every person born in Kenya at the time of his or her birth, his or her parents, this are the people whose citizenship is automatic. On the other way round, every person born outside Kenya at the time of his birth and her parents, if they are citizens of Kenya he should qualify to become an automatic Kenyan. And also a Kenyan citizenship may also be required through application or by a provision of parliament..

**National Security:** Discipline forces and all paramilitary (inaudible) should be established in the Constitution and

Armed Forces should be disciplined through court martial laws.

Political Parties: Other than mobilization of democracy, political parties should sensitize public on government activities. Advise the government on governing issues and politics and also they can mobilize donors on development issues. Also political parties should be financed by the government through public funds and these should be conditions. Maybe they are given grant, and if they are given grant, the grant that the money used should be checked and accounted by the public accounts committee of Parliament. And in case of the loans from the government, the loan should be paid properly.

Structure and system of government: We should retain the Presidential system of government we have today and then we should have a Prime Minister appointed from the majority party and in that case, the President will be the head of state while the Prime Minister will be the head of the government. And in the sharing of powers the President will give consent to (inaudible) laws while the Prime Minister to Parliament will approve (inaudible)

Legislature: Appointments which should be vetted by the Parliament should include the office of the Attorney General, Chief Justice, audit general, speaker of the national assembly.

People should be given right to recall their MP's if they do not perform satisfactorily and there should be a procedure one, being personal vote of no confidence, two, introduction of constituency monitoring team or committee composed of 2 members gender sensitive from every location. And all the members of the Parliament should act on the confidence of the constituency and the electors.

There is also the conduct of elected MP's to the head of state: All MP's whatever party should not abuse the head of state. They should also observe discipline among themselves as national leaders. And at the same time should continue with one chamber of the house but not two chambers of the house.

Disolution of Parliament should be done in consultation with the cabinet and the Parliament, when we have emergencies such as taking government straight or at the end of a Parliamentary term.

Executive: The Presidential qualification should have a master's degree and age limit should be between 35 to 70 years. The Presidential candidate should have at least curriculum vitae, wealth declaration, marital status, Kenyan citizen by birth, good health, moral and ethical qualifications. And then the Presidential tenure of office should be two terms of 5 years and his functions should be defined as the head of state giving consent to the (inaudible) Commander-in-Chief of the Armed Forces and (inaudible) The President also can be removed through mis-conduct, dictatorship, authoritarianism, corrupt deals and abuse of office.



Provincial Administration: This is a colonial legacy and should be re-structured by:-

- a) Region of village, elders through election;
- b) Do away with all Assistant Chiefs.
- c) Retain the chiefs by election method.
- d) Do away with all district officers
- e) Retain district commissioners as public servants by public service commission.
- f) Do away with all provincial commissioners.

Judiciary should be restructured by introducing a supreme court and a constitutional court.

Local government: Mayors and county council chairmen should be elected by the vote of people and two years term of the mayor or chairman of the county council should be reviewed to 5 years. Minimum qualification for councilors should be of O' level education and they also should be of a moral and ethical qualification and people should have right to recall him back....

**Com. Wambua:** You have one minute.

**Felix Kivoo:** The Electoral Commission: (inaudible) and we also retain the single majority rule and also the current geographical constituency system should be abolished and perfected with a population based (inaudible)

Civic and Parliamentary election should be held at the same time, while the presidential election should be held separately and later.

2002 Election should be conducted as follows:- Presidential candidate should be neutral, not from any party. Civic and Parliamentary elections should be held simultaneously and Presidential elections should be held later freedom election should be fair and free. Nullification of election in the areas with violence and animosity, votes to be counted at the same polling station. Videos and cameras be provided in all polling stations to ensure transparency. The executive should retain the powers and the appointment of managers (inaudible)

**Com. Wambua:** Your time is up. I think we'll read the rest thoroughly. Let us have Peter K. Kitungai. Sorry (inaudible)

**Com. Mosonik:** On citizenship did you say both parents maybe outside Kenya and they are Kenyans and the child becomes a citizen. How about the children of a Kenyan woman married to a foreigner?

**Felix Kivoo:** If the child is born, the child who is born in Kenya and his father is a foreigner...

**Com. Mosonik:** Outside Kenya a Kenyan woman married overseas and gets a child, we are talking about that.

**Felix Kivoo:** If they are in overseas, the parents are Kenyan citizen, the child automatically becomes.

**Com. Mosonik:** One is Kenyan, the other one is not.

**Felix Kivoo:** That one should apply for the relationship.

**Com. Mosonik:** Not automatic. Secondly very quickly please. Political parties you have said to be funded by the government through public rules. Any political party or are there any criteria, for identifying those parties?

**Felix Kivoo:** Because I could not read my memorandum, we should have only 4 political parties. Not more.

**Com. Mosonik:** Which ones? Which ones are those four.

**Felix Kivoo:** No, they will be determined by the people.

**Com. Mosonik:** You are not the people today? Now just one more please. And then you said retain, we don't have a Presidential system in Kenya we have what is called a high breed system and makes through the Presidential and the Parliamentary. So when you have a President and a Prime Minister that is a high breed system. Are you for the Presidential system like in America or Parliamentary system like in the UK or we continue as we are?

**Felix Kivoo:** We continue as we are.

**Com. Mosonik:** Okay, another one. The President has to have a master's degree. In any particular subject or in anything?

**Felix Kivoo:** In political science.

**Com. Mosonik:** Last one. You said we follow the geographical population as opposed to geography. But you know population is number one now, and then geography is number two. And the plea that there should be another constituency here called Kitui North curved out of Kitui West, plus south and so on is based on geography first and foremost. If we go by population, I will not necessarily create another constituency here because the population may be higher somewhere in Nairobi than here. So do we go by geography or population or both?

**Felix Kivoo:** I was not considering the place. I was considering Kenya as a whole because you will find get example of Kabete. You have electorate are over 75,000 voters, you go to Fafi in North Eastern, you get 15,000 voters. So there are 3 MP's, 5 MP's in one constituency. So if we go by population, we shall be well represented.

**Com. Wambua:** Asante sana Bwana Kivoo, thank you very much please registrar yourself there for those good views. Kitungai. Kitungai I can see you have registered yourself twice. That does not mean you will have 20 minutes. You have to make sure that you squeeze yourself within 10 minutes.

**Peter Kitungai:** With me I have got two categories of views.

**Com. Wambua:** Yes they may be two but I am telling you they must be squeezed in 10 minutes, so please highlight the key issues in respect of each and we'll note them.

**Peter Kitungai:** I am going to read my own views that is Peter Kitungai. Peter Kitungai's views.

Citizenship should be given to everybody born in Kenya or a Kenyan and everybody who is married to a Kenyan irregardless of gender.

The system of kipande for identification is all right.

Parliament should establish a commission which should be in full time operation to man the duties and ethics of all armed forced but not the President. President should be there to preside over passing out of those armed forces as an executive where he is a member of the above mentioned commission.

The emergency situation to be executed by the Parliament only.

In the coming Constitution, political parties should be trimmed to at least two political parties in order to be financed by the central government.

Financing should be involved where political parties should present there manifestos to the people and if bought, it qualifies for funding.

If any Member of Parliament defects or crosses the flow, he or she should seize to be a Member of Parliament and not to be elected for 10 good years.

Kenya should adopt high breed system government.

President to preside over state functions like graduations, armed forces pass out, state sportsman and other international functions.

Prime Minister to be the head of Parliament, appointed by the Parliament and head of all government duties.

Electral Commission can prepare forms like questionnaires and be taken to every polling station after two years for the electors to either recall their MP or confirm his tenure.

A full time commission should be set to see into it that all MP's, ministers, head of parastatals are paid fairly, but not too high.

This Commission should make sure in Kenya nobody holds more than 2 public offices, in order to create vacancies for those competent Kenyans to work here in Kenya.

Powers of executive should be shared between all political parties. One should not necessarily be an MP or politician to be a minister.

A panel should be established which should make sure the right person qualifies to be a minister for this or that.

And again, President should not necessarily be an MP.

The law in the Constitution should govern Presidential decree.

Constitution should specify the qualities in either moral or academic for anybody contesting for President and the Prime Minister to be appointed by the Parliament.

Constitution should state term and period of some cases presented in court, to avoid delays in court. Provincial Administration to the level of headman should be granted power by the Constitution to handle some cases.

O'level certificate should be the minimum qualification for any person contesting civic seat.

Embezzlement and other vices in the council should lead to the minister for local government dissolving it and ordering for investigation.

In Parliament there should be seats reserved for specific groups like religious groups, professionals, retired groups.

Fundamental right should extend to other rights like water, health care, employment, education and security. Again those rights should go through Provincial Administration.

The Constitution in the making should see into it such that disabled children, orphans, widows enjoy their rights through a ministry set to over see those people enjoy their rights.

A citizen should legally or customarily own land anywhere in Kenya.

The dependants of the owner of the land should be the beneficiary of the land in case of inheritance or sharing of the land.

The Constitution in the making should define clearly that in case of land sharing; there is no gender bias. A girl or a boy should inherit or should share.

Land tribunal court members should be elected by the wananchi under the area they work. Maybe if it is location or division and their tenure should be 5 years.

This new Constitution should make sure under the land commission that there is guaranteed access of land to every citizen. Land tribunal court members.....

The Constitution should address clearly and recognize duties and responsibilities of Kamba customs like class, dowry, traditional leader, shrine, a woman marrying another woman that is "maweto", and other beliefs which the community believes going against might bring disaster e.g. a fight in the shamba might bring drought, felling down of trees in the shrines or carrying utensils to the river for cleaning and others. A law should be there to protect those communal rights.

There should be learning of Constitution in Kenyan schools. That is a syllabus. That is learning of Constitution should be introduced to acquaint the learner with the knowledge of the outside from where he is or she is.

As defined there above, the powers of the President should be limited and in case of misuse of power or office, the Parliament should impeach him and the law takes course.

Natural resources right should read squarely on the executive and the community at which the resources are found.

The Constitution should put a law that states the qualities of controller and auditor general and tender assignment to an organization like KASNEB to make sure the right person is there. (KASNEB is there as an accountant body)

The Constitution should provide for the government trustee (government trustee should be there) to make sure proper governing is done. Those trustees should be from all political parties, religious groups, professionals, educationists and other appointed by all donor countries. The same group should be in-charge of executive powers during Presidential and Prime Ministers election. This trustee should not have any influence in the office of the electoral commission.

Thank you.

Those are my views; there are views here for Syomunyu CBO.

**Com. Wambua:** Those other views are since you have 2 minutes, a lot of your 10 minutes is to highlight the key issues. Just mention what you've covered in the memo. The rest we can read when we go to Nairobi.

**Peter Kitungai:**

President should be graduate in political science. Experience of 10 years.

He should be a family man. A known family.

He should be a President for 10 years, 2 terms.

He should not be above the law.

Should only be President and an MP but should not represent any constituency.

Should not be a lover, misuse of office, if he commits the above mentioned, he should leave office and be accused in the courts of law.

There others here written in Kikamba:-

**Peter Kitungai:** *Mwitu ni wailwe kwaiwa kitheka.*

*Mume ndaele kuta kitheka syana iteese. Utwekithwe mwiao.*

*Na mundu ni waile kwakeswa mwana wake that is mwetu.*

*Mundu oana ni waelwe kuwawa*

**Translator:** Death punishment

**Peter Kitungai:** *Selekali ni yaile kutusomethesya syana mana ta right.*

**Translator:** There should be right of education.

**Peter Kitungai:** *Atoi and administration nthini wa kuthengesya andu kuu,*

**Translator:** He is trying to say, courts should go down to the village level, because there are some people in the area who cannot afford to go to court and they are mistreated there at village.

**Peter Kitungai:** *Mbae itiwe kutwaa ithiwe na miayo.*

**Translator:** The Constitution should recognize the work of the clan, Kamba clan and put it as a law.

**Peter Kitungai:** *Wooi wi kwo na yaele kulika Katibani nikana tuithesya ooi, tuithasye ooi ngata*

**Translator:** There are sorcerers and witchcraft in this area and it should be legalized to take a person give oath.

**Peter Kitungai:** *Wooi wi kwo na Katiba ni yaele kwitikithya tuthesye ooi na ngata. Kitheka ni cha musee kuvika akwa niwo kitheka kyaele kwaewa syana. Thank you very much.*

**Peter Kitungai:** These are views by senior adult women.

A girl child should also be counted in the inheritance especially of land from the father.

The father should not sell any piece of land without the knowledge of both the wife and his children.

Dowry should be paid.

“*Kalobo*” or this native brew should be abolished because wazee have squandered family resources.

If a man divorces his wife he should retain the children and and compensate the wife for the years they have lived together.

Education should be free.

Anybody who commits murder should also be hanged.

Anybody wanting or aspiring to become a counselor should be educated up to form four.

On witchcraft (*sentence not completed*)

The property belonging to a deceased man should be shared out between the wife and the children.

In cases natural resources are found in somebody's plot, the government should compensate him and the government should buy that piece of land.

There should be no limit to the amount of land one should own.

**Com. Wambua:** I think that is enough. Thank you very much and I think the best thing is to note what he says as he talks in Kikamba so that we move faster. That would save us a lot of time. So can you register yourself. We call Johnson M. Mwoki. Mwoki utafupisha maneno, tupatie highlights tafadhali, ten minutes.

**Johnson Mwoki:** The views is collected by: This collection of views is coming from Ndongele location, Yatta division, Kitui presented by Johnson Mwoki.

Constitutional surpliment: With 65% of MP's is enough to pass a Constitution or to amend a bill.

Citizenship: Any child been born by the parent of this country he is automatically a citizen. Any other person from outside should be a citizen by registration but if a man in this country marries a wife from England, that woman is automatically a citizen.

Defense and national security: The defense and national security should be the responsibility of the President and also the President should be Commander-in-Chief of the Armed Forces.

Political parties: The role of political parties should be mobilizing the public. Also we are supposed to have only 4 parties in the country and those 4 parties funded by public funds and they should have coalition government.

Structure and system of the government: The structure and the system of the government should be multi-party system.

Legislature: The Parliament should have limited powers to control its' own procedures through standing orders.

Executive: The qualification of an MP should be form four and the term of the President in the office should be 10 years. President should be a Member of Parliament.

We should retain the Provincial Administration, but chiefs should be transferred.

Judiciary: Judiciary should be as usual

(inaudible)

Local government: Mayors and chairman county council should be elected by councillors as they do but they must remain in the office for 5 years. The qualification of a councillor should be a standard 8 and passed in English and Kiswahili. Also we are supposed to retain the nominated councillors.

Cultural ethnic and regional (inaudible) and communal rights: It should be noted and accepted by the Constitution every tribe to have their cultural (inaudible). We should have two national languages also tribal language should be recognized by the Constitution. Also the clans of the tribes must be recognized by the Constitution. All village elders should be paid. Nursery teachers should be paid by the central government those who are trained.

Education should be free from standard one to university level also to colleges. Employment should be according to ones qualifications. After college, the Constitution must promise employment. Also we have groups here and these groups should be financed by the government, functions for the people around a location should be (inaudible)

(Inaudible) there must be a law of (inaudible). Parents should be respected by their children. Also medical should be free and the government should inspect the expiring medicines. Also we are supposed to retain school athletics, sports as we used before and should be recognized by the Constitution.

Roads to be of central government. Unmarried to be given shares like other children.

Freedom of worship: All campaigners should be financed by the central government with public funds. Also the Constitution should be in syllabus in schools.

**Com. Wambua:** Asante sana. One clarification, you said that if a Kenyan man marries a foreign woman, that woman becomes a Kenyan citizen. Is that what you said?

**Johnson Mwoki:** Yes I said so.

**Com. Wambua:** What of if a Kenyan woman marries a foreign man, does that man become a citizen?

**Johnson Mwoki:** That woman is a citizen of that country where she was married.

**Com. Wambua:** So that man does not become a citizen of this country?



**Johnson Mwoki:** Unless he changes to come to this country, and he registers.

**Com. Wambua:** Okay, thank you. Can we have Elijah Gideon.

**Elijah Gideon:** Mimi nitaongea na kiswahili na nataka kuuliza chairman kama watu wengine wanapatiwa dakika kumi, mimi nataka kumi na tano. Kwa sababu mimi nitasoma maandishi yangu na mkono kama mnavyoona, mimi sioni. Kwa hivyo hiyo ndio special request. Mimi kama mlivoona ninaongea kwa niaba ya walemavu, Kitui West yaani Yatta Division, wale ambao nimewai kukutana nao na tukajadiliana mambo yale ambao tutaleta hapa. Na ninafurahi kwa sababu watu walio hapa wengi wao ni wanasheria na nafikiri watatusaidia

Sisi walemavu tunataka kutoka kwa local government mpaka Parliament tuwe na wawakilishi wetu. Hiyo nikusema, walemavu wapewe katika kila hali yaani ninavyosema Parliament ama local government, nasema na councilors, tuwe na watu watatu. Hawa watu watatu mmoja awe ni kipofu, mwingine kiwete, na mwingine ni deaf, wale ambao wanaongea na mkono. Na kwa vile chairman amesema tusieleze ni kwa nini hapo ningetaka kusema lakini nitawachia hapo.

Kwa upande wa walemavu, tunataka kuwacha ama kustaafu ama ku-retire, wawe waki-retire na 65 badala ya 55. Na hapo nitasema kitu kidogo. Mlemavu anapostaafu akiwa na 50 years anarudi nyumbani akiwe mtu mwenye nguvu, na yeye hawezi kurudi kutafuta kazi kama vile watu wazima wanavyofanya wakati ambapo mambo yanamwendea mrama. Kwa hivyo ndio tunasema awe na 65 na hio 65 itawezekana ile kitu amekusanya huko atakula halafu hizo siku zingine atapumzika.

Kitu cha tatu, walemavu tunataka free education. Kwa kweli tunaposema free education tunasema na watu wengi wamesema free education, na kwa walemavu ni zaidi kwa sababu mlemavu akiwa amezaa watoto wanne na mmoja ni mlemavu na hauna pesa, pengine wewe utaelimisha wale wazima na mlemavu atabaki. Kwa hivyo ndio tunasema, hata kama free education haitakuja kwa watu wote lakini kwa walemavu iwekwe. Hiyo tunataka iwe namna hiyo, ikiwezekana katika Katiba ambao inakuja.

Upande mwingine tunataka kuwe na committee katika Katiba, hii committee itakuwa ikizunguka katika ma-factories na government sectors, kuangalia ni kazi gani ambayo inaweza kufanywa na mtu mlemavu. Na hiyo committee ndio itarudi katika mashirika yale ambayo inasomesha walemavu, na kujua huyu tutampeleka mahali fulani na anaenda mahali fulani na ataweza kazi ambayo tuliona huko. Hiyo itatusaidia kwa sababu sisi walemavu tunapokwenda kutafuta kazi, tunaambiwa hamwezi kazi, kazi ilioko hapa wewe hauwezi, wewe hauoni, utaona namna gani. Lakini ile committee itakuwa na watu wenye elimu na ikiwezekana retired men na wanasheria na ambao watajua kwamba hii si kuonea na wakisema hakuna kazi, kweli kutakuwa hakuna kazi. Na ile kazi tukipewa najua tutafanya. Hiyo nayo tunataka iwe namna hiyo kikatiba. Kazi ambao mlemavi, yaani ikiwa ni kazi zote zile zinapeanwa katika Kenya ama tuseme kama ni waalimu nini yote, isiwe ati huyu hawezi kwa sababu yeye

hana miguu au hana macho. Itegemee uwezo wake wa kufanya kazi. Hiyo nayo tunauliza iwe namna hiyo ikiwezekana.

Jambo lili lingine, ni idara ya sheria itusaidie sisi walemavu. Ndivyo ninavyosema, nataka kusema ya kwamba, mlemavu akiwa ana case, kuwe kuna watu ambao wametumwa na serikali ambao wanaweza kututafutia wakili, kwa sababu mlemavu akiwa yeye ako kule nyumbani na pengine jamaa yake ama mtu mwingine amesha kumyang'anya kitu chake, na yeye ana pesa ya kuweka advocate na yule ambaye wanafanya kesi naye ana pesa, mlemavu anapoteza kitu yake kwa sababu yeye hakuwa na pesa. Na hapo nataka kuongeza kitu kidogo kwa sababu huko nyumbani, hata kuna makesi inafanywa na watu wanatoa kitu kinaitwa “usoo”. Sasa hiyo usoo ikiwa mlemavu hana, pengine ataitishwa six thousand, ya usoo ya wazee huko wanaitisha pesa nyingi. Na mlemavu hana, sasa ile kitu ambao ile kesi ambayo ni shamba ama ni ngombe, ikienda kwa mwenye kutoa usoo, na sasa mwenye kutoa usoo ni yule ambaye ana pesa, na mlemavu hana. Ndio tunasema sheria itulinde sisi ambao hatuna nguvu. Upande huo nilikuwa nataka kusema hivyo.

Katika hii vulnerable groups nataka kusema kwa upande wa akina mama. Akina mama wapewe viti zao tuseme kwa mfano kama tunazo vitu mia mbili na mbili katika Parliament ya Kenya, akina mama wapewe 35. Na hiyo pengine akina mama ni wenye huruma. Hata sisi tunaona watatuhurumia wakati wanapokuwa kwa Parliament na tunafurahia akina mama wawekwo, ndio wazazi na ndio wanajua haja ya watoto.

Habari ya watoto, yaani ninasema ninaongea kuhusu wale watu wadhaifu, watoto, mtu ambaye atashikwa akiwa amenajisi mtoto msichana under 15 years badala ya kufungwa 7 years afungwe 20 years na viboko 14 ikiwezekana. Hata hapo nataka kusema nao kuna watu wengine, na hiyo sijui kama iko katika ile Constitution ambayo tunataka kuchangia, mtu ambaye atashika mtoto wake, kuna watu wa aina hiyo, naye huyu badala ya kufungwa auwawe. Sisi tumesema hivyo. Ikiwa atashika mtoto wake na ihakikishwe ni kweli amemshika kwa nguvu, auwawe. Sisi walemavu tumesema hivyo.

Upande ule mwingine nataka kusema kwa kiti cha President, sisi walemavu tuliokaa tulionelea President's office iwe kama ilivyo badala ya Prime Minister ma-President wawili, sijui wengine wa nini tuwe na President mmoja na vice wake na tenure badala ya 10 years iwe 4 years term. Na hiyo ndio tulionelea ni nzuri. Na President tunataka awe kwa elimu, awe mtu wa masters degree na ikiwa hata kama ni political ama ni law lakini awe na masters degree. Huyu ni mtu ambaye amesoma.

Upande wa mashamba: Upande wa mashamba kama ni watoto; Mzee awe na shamba, yaani shamba iwe ya mzee mpaka kufa. Na ikiwa ana watoto wa kike na wakiume, igawe wakiwa pamoja. Yaani hapo nataka kusema, wakitoshana, msichana ambaye hajaolewa na mwaume ambaye ni mtoto wa huyu baba. Kwa hivyo mimi nafika hapo na ningetaka kama kuna swali niulizwe ninafurahia sana kuulizwa maswali.

**Com. Wambua:** Asante sana Bwana Elijah Gideon kuna kidogo swali hapo. Kwanza ningependa utwambie mambo ya “usoo”. Umesema ungelipenda kwanza disabled wako na shida ku-raise hiyo pesa. Maana yake watu wengi wame-complain

hii malipo ambayo wanalipwa chief na assistant chief na wazee kuamua kesi, ungelipenda iwe pale ama iondolewe hayo malipo?

**Elijah Gideon:** Iondolowe.

**Com. Wambua:** Ulisema President atumike kwa miaka mnne lakini haukusema vipindi viwe viwili ama kipindi kimoja.

**Elijah Gideon:** Vipindi viwili

**Com. Wambua:** Vipindi viwili vya miaka nne. Na mwisho hapo ukazungumzia mambo ya mashamba. Ukasema mzee awe ndio mwenye shamba mpaka atakapokufa, akifa kuwe na equal distribution kwa watoto ya kike na wa kiume. Bibi ameachwa wapi?

**Elijah Gideon:** Kwa sababu shamba ni ya mzee, yaani ikiwa itagawa kwa watoto wa kiume na wa kiki, si mama atakua ameshapata ile sehemu kubwa? Mama atapata sehemu kubwa na ile itabaki itagawanywa kwa watoto.

**Com. Wambua:** Kwa hivyo mama pia amehesabika kabla ya watoto? Mwisho tumepata proposals kwamba kuna watu wangependa tuwe na intergration, masomo ya disabled iwe kwa formal education. Ungependa kusema nini? Unataka kuwe na hiyo intergration ya education ama tuwe na special schools for disabled na ile formal schools?

**Elijah Gideon:** Hapo umefanya vizuri ukanikumbusha, ninakushukuru. Hiyo kwa kuchanganya watoto pamoja na wale wengine ni vizuri na tunazo institution tuseme kama school for the blind, Thika, yaani kwa wakati huu, hizo zisiharibiwe. Ziweko kwa vipofu na kwa viwete, kuna shule zao lakini watoto mara nyingi wawe wakichanganywa na wale wengine. Na hapo ndio nilikuwa nataka kusema ya kwamba, zile shule, ama mashirika inayohudumia walemavu, isimamiwe na walemavu. Kwa sababu inaposimamiwa na wale watu wengine, wengine wanakuja wanavuja zile pesa, na wale walemavu wanabaki kama wanyama wa porini.

**Com. Wambua:** Asante sana Elijah. Tutamuita Joshua K. Ikumu. Thank you very much. Jiandikishe hapa tafadhali.

**Joshua Ikumu:** Mimi naitwa Joshua Ikumu na nitaongea maoni yangu. Kwanza nitaanzia na citizenship. Mtoto akizaliwa katika mchanga wa Kenya awe automatic Kenyan.

Ya pili, ikiwa msichana wa Kenya ameolewa nchi ingine, awe na dual passport. Awe hapa akitaka kuja nyumbani ni Mwanakenya. Asifungiwe awe hawezi hata passport hawezi kurudi nyumbani.

Ninaenda sasa kwa political. Political parties nataka ziwe limited to 3 na every Kenyan anataka ku-form party, ajaribu kuingia

kwa hizo ile iko karibu na maoni yake, aingie hiyo. Kwa sababu tutatumia pesa mingi.

Sasa ninaenda katika legislature: Hawa members of Parliament wanaenda huko wakitokatoka na saa ingine tunasikia hakuna quorum wafanye kazi full time, wanalipwa full time. Hiyo nimefikisha hapo.

Sasa ninaenda katika executive: President akifanya mambo mabaya ama misconduct awe impeached.

Ninaenda sasa naruka judicial halafu niende kwa local government. Local government nataka pia wawe elected na wananchi. Halafu sio kufutwa futwa na macouncillor vile wanataka. Nataka councillors wawe na elimu imefika standard 8 mpaka form four. Akiwa chini yako hataweza kusikia. DC anaweza kuwa kabila ingine hawezi ku-express himself. Ikiwa tutachagua councillor au tuchague Member of Parliament, tunataka tumpatie miaka miwili tumjue na ikiwa hafanyi chochote, tufanyiwe another election, tupate mwingine.

Sasa niko katika electoral systems and processes: Nataka President awe elected directly na vice President awe naye elected by the people not be nominated by the President. Asije akaanza kumu-bully hapo

Basic rights: Watoto wote wa Kenya wapatiwe elimu bure kuanzia nursery school up to the PHD level mtu kulingana na nguvu yake ya kusoma maana watu wengi wana elimu na inaonekana mtu akiwa na elimu kwao hakuna pesa. I don't know how it goes like that. Kwa hivyo wasomeshe bure na serikali.

Nimekuja katika land and property rights: Nchi nataka iwe ya mzee na mama. Mzee akikufa mama anachukua usukani kwa hiyo land yote, halafu waandike will wakiwa pamoja, ile shamba fulani itakuwa ya fulani, namna hiyo kwa siri. Halafu, mama akifa ama mzee akifa yule anabaki anashikilia, yote ni yake. Halafu akifa, waende watafute will iko wapi huko kwa benki huko, wajue yake, sehemu ni gani. Wasije wakauza land halafu mzee anaanza kutaabika akiwa hai.

Cultural ethic and regional diversity: Ninataka kwa maoni yangu tuwe na two languages, national languages, Kiswahili and English.

Nimeenda sasa katika environment and natural resources: Nataka mali ya asili au natural resources, ziwe za mwenye land hiyo imepatikana yote, mtu asije kunyaganywa yake.

Tunaenda sasa international relationship. Tunaulizwa hapa kama tunataka treaties na mambo mengine huko nje ikipitishwa. Tunaitaka. Mimi ninasema mambo ya treaties na mambo ingine ya international, ikubaliwe lakini isije hapa iwe subject to check before it is implemented, it needs to be checked otherwise it will be unfit for us.

Succession and transfer of power: Ikiwa President amechaguliwa, ninataka apewe ofisi mara moja hata ikiwa ni after one hour, awe ndie ameketi huko. Mambo yangu imekwisha hapa.

**Com. Mosonik:** Asante sana. Mambo ya treaties kidogo. Nani atachungunza kuhakikisha kwamba (inaudible) Parliament? Swali kidogo tu. Swala moja ni kuhusu mwanamke wa Kenya ambaye ameolewa ng'ambo, umesema awe na haki ya kuwa raia wa ngambo na Kenya, na je bwana wake awe na haki ya kuwa Mwanakenya?

**Joshua Ikumu:** Hata bwana wake ndio. Ameoa mtoto wetu.

**Com. Mosonik:** Swali lingine ulisema, Kiswahili and English to be national languages. The present Kiswahili is the national language and English is the official language. Do you mean to say they should still remain like this or both to become national languages?

**Joshua Ikumu:** What I want to say is that when you stand in Parliament you are deliberating your views you should talk whatever you want or if you stand in Swahili let it be recognized and if it is English let it be recognized.

**Com. Mosonik:** And then how about the other languages, the so-called vernaculars.

**Joshua Ikumu:** No. They are so many.

**Com. Mosonik:** And then finally ukasema kuwe na vyama vitatu vya kisiasa, three political parties. Which three parties are those, there are about fifty now.

**Joshua Ikumu:** I don't want to say but they should just limit them to three because they cost money, and they are just a nuisance now we cannot get, when they want the next President they can't agree, if they were three they would have agreed long time ago.

**Com. Wambua:** Asante sana mzee, jiandikishe hapa tafadhali. Tutamuita Winfred Maingi. Winfred. Onesmus M. yuko, jitayarishe tafadhali.

**Winfred Maingi:** I am Winfred Maingi. I represent the views from Ilika sub location, Yatta location. I start with citizenship. A Kenyan born person should have automatic citizenship but an emigrant should have a renewal citizenship. Kenyan born citizens rights should be unlimited but foreigners be limited and conditioned. The Constitution should allow dual citizenship for either business, education, tourism and others but not politics. Kenyan citizenship should only be evident by a national identity card.

Defence and national security: The Constitution should establish the forces and there should be their special rehabilitation centers to teach rules for technical requirement. The President should remain the Commander-in-Chief of the Armed Forces. State leaders should handle emergency cases and if no action taken, Parliament should have the duty to care.

Political parties: The political parties should play other roles like national development. Political parties should have one role in the Constitutional amendment. The Constitution should allow two political parties to decrease the number of gluttonous competition and waste of a lot of finance. Political parties should be financed equally but not from the public funds. The state and the political parties should work hand-in-hand in considerate formation of any party.

Structure and system of government: We should not retain the current Presidential system of government. We should adopt our Parliamentary system of government, in which a Prime Minister is appointed from the majority party in Parliament, and the President remains more or less ceremonial. The powers of the President will be economically centralized while the Prime Minister be politically centralized. We can divorce powers of village elders increase powers of assistant chief and ommit the chief and the DO vacancies.

Legislature: The Attorney General, top civil servants, Chief Justice, audit general should be vetted by Parliament. A Member of Parliament should be full time during the time of meeting. People should have the right to recall their MP if they have no confidence with him. The independent Parliament committee should be extended to grass root level to give a clear channel to call him back. MP's should not follow their own conscious and convictions but follow directions from their constituents and parties. The commission of the Prime Minister should determine the salaries and benefits of MP's. There should be no nominated MP. No special measures should be imposed on women participation in Parliament for women have a gender issue to share with men. The Parliament power to remove the executive through a vote of no confidence is adequate. The President should not have the power to veto the legislation passed by the Parliament. The President should not have the power to dissolve the Parliament.

The executive: The Constitution should specify qualification for Presidential candidate:-

- 1) He should have economy degree and above
- 2) He should have clear record or leadership.
- 3) The President tenure should be fixed. Two terms of 5 years each.
- 4) The functions of the President should be defined in the Constitution, they include:-

Speech ceremonies.

Street function leading the nation on national holidays.

The Constitution should set limit on Presidential power, they include:

Being above law.

## Appointing chief executive

The Constitution should provide for the removal of a President for misconduct while in office through the portfolio of a vote of no confidence. The President should be a Member of Parliament, should attend almost every seating in Parliament.

**The Local government:** The mayors and councillors chairman should be elected directly by the people. The current 2 year term for mayor and council chairman is not adequate. They should serve for 5 years. People should have right to recall their councillor through the locational development committee. The central government should determine the remuneration of councillors. No nominated councillor. The councillor and parties should have equal rights. The President only is the in-charge of local government should have the power to dissolve the councils that is, when the seat in council fails to undertake their duties accordingly.

**The electoral system and process:** We should retain the current electoral system. We should retain the single majority rule. If you defect don't contest any seat. We should retain the role of the 5% representation but in at least 6 provinces for Presidential elections. We should not retain the current geographical constituency system because we want the fewest constituencies to be divided. The election date should not be specified in the Constitution. The Presidential election should be conducted directly. Constituencies the 2 west be divided Yatta and Ndongoni Ward vote be separate and the votes should be counted at the polling station. Qualifications required for commissioners are:-

Have a degree of political science

Previously worked with other different commission

The parties should seat together and appoint the commissioner. The Electoral Commissioner should enjoy security of tenure and it will depend on their transparency. There should be a ministry to run the Electoral Commission treasury. The number of 22 commissioners be reduced to 12 because the number of parties is reduced.

**Basic rights:** They are not adequate. The other rights are free education, free treatment, unemployed to be paid at least 1000/= per month who are above 18 years. And retain the old system of university that is free education. The government to have the responsibility to ensure all Kenyans enjoy their basic rights. Thank you.

**Com. Wambua:** One more minute. You have exhausted your time but I am giving you one more minute to wind up.

**Winfred Maingi:** Land and property rights: The individuals should have intimate ownership of land. The government should buy private land. There should be free transfer of land. Men and women should have equal access to land, but men should have first priority. All Kenyans should own land in (inaudible).

During Presidential election the Attorney General should be in-charge of the executive if the Attorney General is not nominated

by the President. The in-coming President should take one week that is seven days to assume office. The Chief Justice should give the oath. After seven days the former President should hand over the office to (inaudible). In terms of security, if the former President goes has to be given enough security but if voted no confidence, he needs no security.

Management and use of natural resources: The President should not retain this powers but this should be (inaudible) The public finance can be raised by trying to find the natural resource existing in the remote areas. All the areas in Kenya should get equal distribution of the country's wealth. Thank you.

**Com. Wambua:** Asante. Kuna swali hapa. You could explain what you mean by men to have priority in ownership of land. I think they need to know.

**Winfred Maingi:** I meant that they are equal but men should be the first but after (inaudible)

**Com. Yano:** This is the Ilika sub location. Are you representing a location or are we meant (inaudible)

You are representing Ilika sub location. I think you are aware of this wave that has been going on especially with the illiterate women on issues of affirmative action. Have you been following affirmative action? Where women keep on saying they want to maybe be reserved seats in Parliament or maybe they should be given a percentage of seats in Parliament, in local authorities, have you been following? Are you sympathetic or your not following.

**Winfred Maingi:** I'm not getting.

**Com. Yano:** Your not getting. If I put I'll put it very simple. You remember women went to Beijing sometime back. You're very much aware of that. After they came back there was this issue of women saying now we also want to be given seats in Parliament, we also want to be in the local authorities, we want to be felt, we want to decision makers also in Parliament you remember that. Now my question, the very simple question is this. Do you sympathize with these women or do you agree with them or you don't agree with them.

**Winfred Maingi:** I agree with them.

**Com. Yano:** You agree with them. Also you've raised an issue to do with nomination of MP's to Parliament and you said that there should be no nomination of MP's to Parliament. Most of what we've been hearing from several quarters and especially from the disabled women and other marginalized groups, they keep on saying that if there should be nomination then it should be reserved for women, it should be reserved for disabled and I think we've even heard somebody talking about the same. Do you agree with that or you don't agree with that?

**Winfred Maingi:** I don't agree with it.



**Com. Yano:** You don't agree with it. For marginalized groups you don't agree with nominations for them. And then, there is this issue of that if an MP defects, they should not be reelected or they should not also go for (inaudible). We were with Hon. Nyeze yesterday and what he thought maybe it is anybody's democratic right to defect as they wish and seek for re-election after all at the end of the day, it is you Winfred and other people that will decide whether you are re-electing him or not. Don't you think that you are interfering with that democratic right of that individual?

**Winfred Maingi:** I don't agree with him.

**Com. Yano:** Yes, there is this issue that I realized that is coming up so much from the people of this region that you would want Kitui West constituency be divided but maybe you feel that to be for administration purposes. And you find that, if I can give you some examples we have several constituencies in Nairobi, and they are very small small regions. But what determines the creation of those small region into constituencies are the number of people at a given place. And I keep on saying that as of now what determines the creation of constituencies is not geographical, it's the number of people at a given place. So I was wondering if you really must instead that the population should determine the creation of a constituency, do you think you really targeting that kind of creation of other constituency? Must people be population only? What really make you people of Kitui West want to have another constituency?

**Winfred Maingi:** We looked at the geographical.

**Com. Yano:** You are looking at vastness of the geographical, not the population. Thank you very much

**Com. Wambua:** Jiandikishe hapo. Next, Onesmus S. Mwanga. Tafadhali taja jina na uendelee.

**Onesmus Mwanga:** Thank you. I'm Onesmus S. Mwanga from (inaudible) sub location. Most of the views have been read out and I am not going to repeat myself. What I'm going to add here is on education. We want the old system of education whereby we had 7 years in primary, 4 years in secondary that is O'level, 2 in A'level and 3 in the university. We also want free university education. Also we want an even distribution of universities that is each province to have at least one. Also teachers colleges in each district e.g. we don't have one in Kitui District. Thank you.

**Com. Mosonik:** I just wanted to ask you why you want 7-4-2-3 system, you know that is the old system. And Kenya is supposed to be moving very rapidly into the future and you are kind of reversing the gear. I just want you to relax. You would have to try to give us some reason cause this  $7+4+2+3 = 16$ ,  $8+4+4$  is also 16 and the present 8-4-4 in every respect is abit like system that was there before there was  $7+4+2+3$ , you know that there was a system like that up to just after independence. People used to go up to standard 8, anafanya hesabu ya (inaudible) halafu anaenda four 4

anaenda Makerere. So this context between the systems, what is the issue? Is it the years in which the arrangement or the substance?

**Onesmus Mwanga:** The years and also the age. E.g After completing form 4 these 2 years for A'level were good for enabling pupils to grow, both age and also discipline. When we compare today and this old system, today we have many strikes in colleges. This is due to most of the pupils, these students who go to universities are very young and they don't care.

**Com. Mosonik:** I don't want to conduct a debate with you I just want you to think about it. Because there 8 years in primary, plus 4 is 12 years. There was previously 7+4 was 11. Now you are saying there is one year difference. Supposing the one year was spent say in the national service or something like that to prepare for university training as there was indeed for a short while about in the early 90's or late 80's something like that. But you can see the age difference is not so big but for the 8-4-4, they have 8 years in primary so those who are terminating their education at primary level which is the majority at least have had 8 years as supposed to 7. Now you see that question of age is not here nor there.

**Com. Wambua:** In short, why do you hate the new system apart from years? Do you have any other reason?

**Onesmus Mwanga:** Because of strikes.

**Com. Wambua:** Because of strikes, thank you. Juma Maundu. Taja jina na uendelee. Be brief.

**Juma Maundu:** All honourable commissioners, my name is Juma Maundu. Bringing this memorandum from Masiba Sub-Location. There must equality in land inheritance including both sexes females alike males. If a man dies leaving his wife and children, and the wife finds another man brings forth another children the land their father owned should be equally inherited by all children.

The women and the disabled people should be given seats in the Parliament and the local government.

All councillors in Kenya should be educated at least O'level and above. Mayors and chairmen should be elected by wananchi.

The government should pay the village headman because they do most work in the community and provides services.

The President should be under the law like any other citizen in Kenya.

We want compulsory and free primary education. The community should be given only the maintenance of the building.

We should give the MP's and councillors the 5 years term not to recall them because it might cause many by-elections in the country and a lot of expenditures.

We should have at least 3 parties in the republic, because many political parties might cause instability.

We want this new Constitution to be taught in our primary schools.

Private ballot is the best way of voting and convenient other than open voting.

The Presidential candidate should have 35 years and above and not beyond 60 years. The 2 years term for mayors and chairmen is not enough; we should give them 5 years term in that office. In this 2 years term any mayor or chairman cannot work efficiently as expected. Thank you.

**Com. Wambua:** Asante sana Bwana Juma Maundu. Tumuite Thomas Ndia.

**Thomas Ndia:** My name is Thomas Ndia I represent the views from Catholic Church in (inaudible) parish. When we sat down we saw that the present Constitution has no preamble and so we said that we need a preamble in our Constitution that contains national vision and common spirit of all Kenyans. Elective "inaudible.." of state policy should be included in our Constitution should reflect the visions of constitution maker (inaudible) the importance of cultural values such as religions starts with Kamba customs and law that is *Mathembo* and also *Mbae* ama clan associations and this principles should be enforced into law.

Constitution: For the constitution to be amended this should be supported by 80% majority vote in the Parliament. Parliamentary power to be amended, the constitution should be limited by a allowing issues pertaining to the welfare of the citizens, and then this should be discussed through a referendum.

Citizenship: The natures pertaining citizenship should be as it is in the current constitution.

Natural security: The discipline body should be established by the institution. (inaudible)

The President should not be Commander-in-Chief of the Armed Forces. The Parliament should be given authority to reinforce the emergency powers with majority vote.

Political Parties: There must be two political parties funded by the public or national budget. The state and political parties should have cordial relationships.

Structure and system of government: We should not retain the presidential system of government. We should instead have a Prime Minister and a President. The Prime Minister should be more to the government whereas the President should be just a ceremonial figure with (inaudible). We do not need a Presidential form of government. No, it may bring disunity since we know we have many (inaudible) people in Kenya.

Legislature: (inaudible) Morals and ethical participation should be introduced. People should have a right to recall their MP's at least through an office established by the constitution that we want to make this time. Salaries and allowances for MP's should be determined by a commission that should be set by the people should determine salaries and allowances for MP's.

**Com. Wambua:** You have a minute please to wind out. You should have highlighted the key issues because you have just less than minute to finish what you wanted to say.

**Thomas Ndia:** The concept of the nominated MP's and councillors should be retained but this time be given to special people e.g. handicapped or those people whom we call disabled people and also women. This is Parliament and also in country council.

Executive: The Constitution to specially specified qualifications for Presidential candidate e.g. morally, upright, basic education, at least secondary education but not a drop out. President tenure should be 2 terms of 5 years each. The Constitution should set him on presidential power.

Judiciary: We should maintain the current judiciary but be divided in different structures. Judiciary officers should be appointed by the Parliament in consultation with the Law Society of Kenya. Judicial offices should have security of tenure.

**Com. Wambua:** Time is up please. Tupatie hiyo memorandum tutaisoma, because your time and we have quite a number of people as you can see who want speak. So tutaenda huko tutaisoma, maoni ambayo umeandika hapo tutayapokea na tutafanya analysis. Kwa hivyo tupatie hiyo memorandum tafadhali. Jackson Kioko. Ni nani huyu Mwema Nyamai, Mwema Nyamai yuko wapi? Si wewe ndie unawakilisha akina mama? Are they the ones here ama hawakuja? Hawakuja, okay, thank you, proceed.

**Jackson Kioko:** Asante sana Jackson Kioko kutoka Katakwa ya Nthogoni tarafa ya Yatta. Hapa ninaongea kwa niaba ya shirika moja kutoka Kawongo ya wazee, na ya kwanza ni hii. Hawa wanasema tunao machief na manaibu wao na hawa huandikwa na serikali kupitia kwa DC na machief hufanya kazi nyumbani na watu wenye kuhudumiwa ndio wanajua mtumishi mzuri au mbaya. Kwa hivyo wanaomba machief na manaibu wao wawe wakichaguliwa ni watu wanao wakilisha. Hiyo ni maoni yao.

Ya pili ni huko vijijini kuna wazee wa vijiji wale wanaitwa kwa Kikamba, *atoi*. Hao watu wana kazi nyingi sana vijijini kuliko hata ma-sub chief na machief na kazi wanao fanya wanapelekea ma-sub chief, na hawapewi mshahara hata kidogo na wanaaribu wakati wao sana wakifanya kazi. Kwa hivyo wanauliza hao wazee wa vijiji wawe wakipewa mshahara tafadhali.

Ya tatu ni ma-hospitali ya serikali. Mahospitali ya serikali wakati huu yamekuwa na gharama mingi zaidi kama dawa, vyakula hospitalini, vitanda wanalala kwa shida. Kwa hivyo wanauliza serikali iangalie hiyo shida kwa mahospitalini.

Ile ingine ni juu ya mashule ya msingi: Mashule ya msingi yamekuwa na pesa mingi zaidi. Kila kitu yote inapitia kwa pesa kama vitu ya kusoma, kuandika na chokaa ya mwalimu na zingine na zingine yeyote ni juu ya mzazi. Kwa hiyo wanauliza ikiwezekana, serikali irudishe shule ya msingi iwe ni ya bure kwa sababu wazazi wana shida mingi hata mijengo ya mashule ni juu mzazi waondolewe huo mzigo.

Mabunge na maCouncillor huchaguliwa na wananchi kwa hivyo wanasema, bunge na councillor awe ni mtu wa kutoka umri wa miaka hamsini na tano kurudi chini. Wakipita hapo juu huyo ni mzee kabisa na wawe ni mtu wa kutoka kidato cha o'level kuendelea, awe mfanyi kazi si ovyo ovyo.

Ile ingine ni pay ya mazao yetu kama mashambani mnalima maharagwe, maindi na kadhalika na huwa unalisha hiyo vitu yetu tukipeleka sokoni, haina bei hata kidogo, haina pesa, na tukirudi katika maduka tunaona watu wa duka wanauza vitu vile wanataka lakini tuseme hivi hatusikiki kabisa kwa hivyo serikali iangalie hii shida kama ni (inaudible)

Kitu ingine, kuna watu ambao wamekuwa sijui namna gani. Kuna wazee wazazi na wazee wanamtindo wa kutongoza wasichana wao na kufanya uasherati nao. Kwa hivyo hao watu ni kama wanyama. Wanauliza mtu kama huyu akipatikana apelekwe kotini na hukumu yake iwe ni kutolewa makende ili asahau uasherati kabisa.

**Com. Wambua:** Order order please. Kama unataka kucheka tafadhali enda nje. We are recording the proceedings kwa hivyo mkipiga kelele, hizi proceedings zitapotea. Wacha tuchukue maoni yake kabisa na kamili, endelea.

**Jackson Kioko:** Kunao mchezo mwingine umetolewa na waalimu wa shule. Waalimu wengi wanadunga wasichana mimba na ni watoto wa shule, kwa hivyo ikiwezekana, serikali ichukulie hao waalimu hatua la kufutwa kazi sababu ni waalimu.

Kunao mashamba huwa imetengwa na serikali na (inaudible) wakati wa kutaka kupea wananchi. Wale wanaopewa hiyo mashamba sana sana ni wale watu wana mali ambao hawana shida na wanasahau kama mtu hana shamba hata kidogo ama mlemavu, ama kipofu badala ya kupea hao watu hawajiwezi wanawapa wale watu wanajiweza. Kwa hivyo, kwa hayo machache, yako namna hiyo na yametolewa na watu hao wametoka (inaudible) Asante.

**Com. Wambua:** Asante. Kitu kimoja, ulisema councillor akifikisha miaka hasini na tano, huyu ni mzee hawezi kazi kwa hivyo.....

**Jackson Kioko:** Yaani nilisema wale councillor wanaonekana ni mtu ana umri wa kutoka miaka hamsini na tano kurudi nyuma lakini sio mbele.

**Com. Wambua:** Haya, kwa MP na President ni hivyo hivyo?

**Jackson Kioko:** Kwa MP namna hiyo President hutegemea vile (inaudible)

**Com. Wambua:** Kwa hivyo MP pia akifikisha 55

**Kioko:** Hamsini na tano, atoke

**Com. Wambua:** Okay mzee. Asante sana, jiandikishe hapa. Kwa hivyo tumuite Mwema Nyamae kwa niaba ya Kanya Women Group.

**Mwema Nyamae:** I am Bwana Nyamae from Kanya representing the Kanya Women Group.

It is my view that widows and orphans, disabled should be education in order to work for themselves.

**Com. Wambua:** Nyamae, repeat this are the views of the women group.

**Mwema Nyamae:** Sorry, views from women. They should be given finance to educate this young people they have. Women should be entitled to own land after they divorce with their men to keep these young children somewhere to settle, because we see many cases where the man divorces his wife and she has no place to go. She should be given assets which they have made.

After they marry, women should be given certificates after 3 months to enable them to have somewhere where they can be entitled to go and start (inaudible) Girls should have right to be educated by his father and should also have right to own land because she is equal like the other boys in the family.

When we come to politics, we Kenyans to reject our MP's who are not promising their strategies like for example if they promise they will build bridges, roads, schools. The MP should promise what he will do after we elect him or her. After one year, I'll do this. When they fail to do that we have to right to recall them and call by-election.

In every country, every person has to the right to fight for a seat in Parliament or to for seats so there is no vacancy for men which there are rumours saying men should be served first, no.

In the side of chief, councillors and mayor should be elected. Because out there they accept dictators and others are harsh to people. They mistreat people because they have power as they are given power by the government. That is all.

**Com. Mosonik:** Thank you Bwana Nyamae. This issue of women to get certificates after 3 months, I didn't understand it. What is it exactly? Certificates for what?

**Mwema Nyamae:** Certificates for marriage that they have wedded. Something to show they are married.

**Com. Mosonik:** So certificates should be issued after marriage after 3 months?

**Mwema Nyamae:** After 3 months.

**Com. Mosonik:** Immediately marriage takes place after 3 months there should be a certificate?

**Mwema Nyamae:** Yes.

**Com. Mosonik:** I don't know. I'm not very clear but is it the traditional marriages you are talking about?

**Nyamae:** Customary marriage.

**Com. Mosonik:** Customary marriage. So where there is a customary marriage, there should be a certificate issued after 3 months? Who is to issue it? Is it the chief or do you have to go to Kitui or where do you get it?

**Mwema Nyamae:** I think you take it from the chief.

**Com. Mosonik:** The chief should issue the certificate. You said that you should have the right to recall MP's. What about councillors and the President.

**Mwema Nyamae:** We should have a vote of no confidence.

**Com. Mosonik:** On all of them?

**Mwema Nyamae:** Yes.

**Com. Mosonik:** MP's, councillor, President?

**Mwema Nyamae:** Yes.

**Com. Mosonik:** Not just the MP?

**Mwema Nyamae:** No

**Com. Mosonik:** Thank you very much.

**Com. Wambua:** Asante sana Bwana Nyamae. Let us have Councillor Maurice Kiema. Tafadhali. Na maneno yafupishwe maana yake tunaelewa haraka haraka sisi.

**Councillor Kiema:** Nitaanza na transfer of power. On the first question I am saying the chairman of the Electoral Commission should be in-charge when there is election. The contestant should declare election after a thorough count and a signed consent. The new President should assume power not sooner than three months after election. Former President should be provided for except immunity from legal processes.

We should have a commission of religion to registrar, regulate and even check the functions of religious groups. This will ensure that dangerous homes are not practiced in our institutions like schools in the pretend of freedom of worship.

International law and regulation and convention that Kenya is a signatory should be included in our domestic laws.

Women, PWD that is People With Disabilities, youths, minority groups and elderly people, labour organizations should have a preserved seat in Parliament and local authorities. Women court should to split and to have two seats each of those mentioned.

One for widow and the other one for ordinary women, either married or not married. Parliament and local authority should have committee to look after the needs of the marginalized groups.

The local authorities should own natural resources. Water grooves from natural resources, Game Park, game resources e.t.c. Should go to the local community through the local authority.

People looking for public offices should declare their asset.

Ethnic cultural diversity should form our national culture. E.g. Kamba customary law concerning marriage, *ntheo* that stands for marriage certificate. *Ntheo* is our way of giving a certificate to a married man and woman regarding that they are married,



should be recognized and accepted and provided for in our Constitution. The rights of co-wives, the marriage of *maweto*, our practical way of checking sterility, barrenness. Where *mzungu* will have an adopted child, *mkamba* barren woman would marry another woman and have the children with a mother, not a child with a bottle feeding on milk. So the Swahili's culture of *talaka* can also be intergrated. Our community can also borrow that. If you are sending away your wife, give something. The inheritance laws, the rights of either of the spouse from inherit each other that is the current Consitution is a man cannot inherit from his wife. The wife always inherits the man. It should be vice versa. If my wife is wealthy and she has died and she will inherit. That is our culture. Kamba law you inherit both. Each can inherit the other. We should institute cultural centers to promote various cultural aspects including indigenous languages. Every society should have a cultural center where we can learn about our community and ourselves. Indigenous languages to be studied in all levels and make examnable but optional. The minister of culture and social services to open cultural centers in every district for preservation and promotion of ethnic culture.

The stateman and the local authority. The common good of the government should have the power to private land and compensate the owner. That is on the question of whether the government should take private land if they have a need of it but if it is for common and the owener of that land should be compensated 3 folds. (3 times). The government should also check on the abuses of land rights. Transfer inheritance laws and rights. The consent of all family members and the member council of elders should be involved, if land is to be transferred from one person, the family members should be involved. The council of elders, according to our system of governance here in the country in the Kamba land, and by extention the chief, should ensure that the family, which is selling land, has an alternative land somewhere. Wife or wives should be the first hiers of their husband's lands. Other relatives should lay the (inaudible) In the event of sharing land to the children the man and or his wife should keep a portion for themselves. Unmarried daughters should have as much rights to their fathers land at as the sons. Any person having over 100 acres of land, whether under use of not, should pay levies to the local authority where the land is.

**Interjection:** And the last one.

People with bigger land should also have heavier levies e.g. like 10 shillings every extra acre land that people are having, that is an over 100 acres. Every Kenya citizen should have at least 5 acres of land. Every citizen should have at least 5 acres of land somewhere in the republic. A settlement scheme should be formed to coordinate and provide loans to buy land for the landless.

Non-citizens should leeg land from the local community or local authority. Widows and orphans they should be catered for by the state as unfortunate members of the giant family Kenya. Marginalized groups are like in the Akamba community we have *angulya*, *waliangulu* in Kiswahili. This people are settled between kambas and taveta and they are hardly known.

On capital punishment. I'm saying this one should be abolished. Primary education should be compulsory and free.

In the case of the President, current rules must play and add 51% rule or a run off so not just simple majority. Candidates

seeking nomination can be left free to browse over the parties but once elected, they should stick with their parties, defectors should be barred from by law from contesting any elections for 10 years so that they would make up their minds properly. Parties crossing floor should forth rightly be de-registered. There should be a by-election but the orphaned members should be barred from receiving rewards from the parties they have gone to 25% plus 51% in the overall votes.

Constituents are too big like in Kitui West is too big. They should be smaller and manageable. We should have elections every 3 years but elect half of the team. This will avoid, election fever that gets ourselves to the man. That is we should have, if he is the county council as 40 councillors, we should have election for 20, this year, after three years we elect the other one and this ones will help the confusion that is there now, that guys feel their we are going syndrome in every council now and Parliament so let us show gentlemen that we are going, we never know whether they are coming back. Also it will avoid the vaccum that is created during election period and this time council chief takes up on themselves to (*sentence incomplete*)

**Com. Wambua:** Councillor, ten minutes are up. I think I've told you to summarize but you are still reading your lengthy memo. We may have to read it ourselves and we have to get it so that whatever is left out we can read.

**Councillor Kiema:** Okay, okay, okay, National Identity Card is becoming a big issue. I finish with that one and something should be done about it. We should allow people to register as voters with birth certificates, baptismal cards and even letters of testimonial from the chief. And with that I end there. Thank you very much.

**Com. Wambua:** This consent for contestants, which you are recommending in respect of vote counting. You do not think it will have a problem because if I suspect that you are likely to beat me, I can withdraw my consent or deny give it and in that case hold the results forever?

**Councillor Kiema:** I would just go on (inaudible)

**Com. Wambua:** Well, this is your own statement, I do not know.....

**Councillor Kiema:** (inaudible)

**Com. Wambua:** Consent of contestants after you count the votes...

**Councillor Kiema:** Oh yes.

**Com. Wambua:** You now remember?

**Councillor Kiema:** Yes, yes.

**Com. Wambua:** You said that the heard consent must be there?

**Councillor Kiema:** Yeah.

**Com. Wambua:** And I am saying that do you find there will be problem because if I suspect they will loose I will deny the percent and that means the results will never be announced?

**Councillor Kiema:** Yeah. But I think it will also serve the better good of not having somebody who just changes the counting very fast and sworn in the afternoon and the time we are complaining, he is already a President or he is already an MP. After all I have recommended that if you are declared the winner today, you will take office in May (I mean three months). So in between you take over, whoever is complaining can complain. The gentleman way is to go slowly not just to run. Nigeria did their election last year, the man came in May.

**Com. Wambua:** Point noted, listen to another question.

**Com. Mosonik:** Just on this indigenous languages you said they should be taught examinable but optional. Now what do we do in places like Nairobi where there is a mchaganyiko of all the languages? How would you teach these indigenous languages?

**Councillor Kiema:** One thing I have said these should be optional. They should not be forced to any child but if I want to be a professor in your own language, I'll go to school and learn it because I intend to work there. If I want to be a translator of bible, kikamba bible, I should go somewhere and read. If a mzungu is coming to work with kamba's he should have somewhere to go and learn our culture, our language everything not to be just mentioning things that are abusive.

**Com. Yano:** (inaudible)

**Councillor Kiema:** Okay fine, no problem.

**Com. Yano:** (inaudible)

**Councillor Kiema:** Fine

**Com. Yano:** (inaudible)

**Councillor Kiema:** Yes

**Com. Yano:** (inaudible)

**Councillor Kiema:** No. Yeah. It is supposed to be like this. You know it is a nominal marriage. It is just marriage by name. A man is somewhere. But today they are let free to browse around.

**Com. Yano:** (inaudible)

**Councillor Kiema:** Are called... Yeah, that man or a name like today they are just taking any name and the children will go by that name a man's name. Other cases are taking the name of the woman, no problem.

**Com. Wambua:** Thank you very much. Can we have Elija Mutisya, to be followed by Joseph Kimaile, is he there? Yeah utafuata Elija. Na hawa akina mama wamejiandikisha na wanataka kutoa maoni? Akina mama. I have only a few names here Josephine Kimuli, I have, niko na, Elizabeth Mutisya na niko na Jackline Kathini Musava. Oh they are many they are here Jennifer, Dominic, Rebecca, Eunice. Kwa hivyo tukimaliza na huyu tutawapatia akina mama nafasi tusikie mambo yao. Na kama wako shida ya kuzungumza wazee wakiwa hapa, pia tuko na haki ya kupatia nyinyi nafasi kuzungumza kwa commissioners pekee yenu, kwa hivyo, fikirieni kwanza. Kama mnafikiria maneno hayawezi kuzungumzwa hawa wazee wakiwa hapa, tutawauliza watoke kidogo halafu mtwambie. Kama mnafikiria mtazungumza wakiwa hapa, muendeleo tu hakuna shida. Mfikirie na kama mkishaamua vile mnataka, mjulishe coordinator yule mama anaitwa Elizabeth Mumbe ama one of the committee members hawa wako hapa, okay. Tuendeleo.

**Elija Mutisya:** Asante sana Bwana mwenye kiti na ma-officer wengine wa Tume na wenzangu tuliokuja hivi kutoa maoni yetu. Maoni haya ni yangu binafsi na ninapendeleo hivi.

Katiba ingefaa kuwe na mda wa kuirekebisha. Kama ni baada ni miaka ishirini. Na Tume ya kurekebisha Katiba iwe Tume ya kudumu.

Wafanyi kazi waliostaafu, yafaa kuwe na tume ya kuchunguza yale malipo ya uzeeni, yaani pension iwe baada ya miaka mitatu inayoongeza malipo ya yule mlipwa, yaani pensioner, akifariki yule bibiye au mumewe apokee yale malipo mpaka naye afe. Na akifa, yule mrithi naye ayapokee malipo kwa mda wa miaka kumi.

Ile cost sharing ndio imekuwa mwanzo wa rushwa. Na sasa haifai kabisa. Iondolewe na serikali ifanye budget yake kibinafsi.

Bunge isiwe na uwezo wa kuongeza mda wa kufanya uchaguzi mkuu. Mda ubaki miaka mitano tu. Bunge isiwe na uwezo wa kujiongezea mishahara na marupurupu mengine. Kuwe na tume iliyo na wawakilishi kutoka:-

Kenya mkoa.

Chama cha COTU.

Chama cha KNUT

Treasury

NCCK

Tume ya kurekebisha Katiba ya Kenya

Wananchi wawe na uwezo wa kura ya kutokuwa na imani na councillor au MP na pia Raisi. Makamu wa Raisi awe amechaguliwa na raia. Uraia wa Kenya ni kwa kuzaliwa, kuolewa au kuoia na kujiandikisha. Katika vitu maalum yaani nomination seats, yawe na mwakilishi wa disabled, wa mabibi na youth. Shamba ni ya yule mwenye kibali yaani title deed na mwingine yeyote asihusike isipokuwa yule mrithi wake.

Na kwa kumaliza, elimu iwe ya bure, na dawa pia iwe ya bure. Asanteni.

**Com. Wambua:** Hatutaki Bwana Elija kufanya campaign, pengine upendekeza Commission ya Constitutional Review iwe permanent. Ungelipenda ingine iundwe ama hii iliyoko iendelee na na campaign?

**Elija Mutisya:** Asante sana. Namaanisha hivi. Nikisema tume iwe ya kudumu, ni kuwe na mda wa kubadilisha wale macommissioner. Wakibadilishwa waingie wengine, tume isivunjwe ati kwa maana hatuna mda wa kufanya review ingine huko baada ya miaka kadhaa? Lakini iwe inadumu hii na ile ingine. Asante

**Com. Mosonik:** Tene kwa tume ya mshahara, unasema kuwe na mwakilishi wa kila mkoa, COTU, KNUT, Tume ya kurekebisha Katiba, na NCCK na makanisa mengine na waislamu, kwa ajili gani umesema tu NCCK?

**Elija Mutisya:** Nimesema machache tu. Wale wengine ambao sikutaja, wanaweza kuingizwa. Na fikiri maneno yangu sio ya mwisho. Asante.

**Com. Wambua:** Tutawaita akina mama. Tutaanza na yule ambaye nilimtaja kwanza, na huyu ni Josephine Kimuli. Josephine yuko hapa? There is another man. What is happening, why not the ladies? Kumefanyika nini huko? No they cant be cowards. I think if they are cowards, they have to tell us whether they want to speak in camera. How can they be cowards? Mama are you a coward?

**Josephine Kimuli:** I'm not at all. I am Josephine Kimuli representing (inaudible)

The executive: A President should be a graduate aged 35 years and up to 75 years. Presidential tenure should be 2 terms of 5 years. President should be the head of the state and leader of national (inaudible).

Cabinet minister should be appointed by Parliament not President. The Attorney General and controller and auditor general should be appointed by Parliament. The vice President should be appointed by the Parliament. The judicial service commission but not the President should declare Chief Justice. The Parliament should be above the President, in that he should seek advice from the Parliament. Constitution should remove the President from the office for (inaudible) misuse of government funds or (inaudible).

For a Presidential candidate to be declared a President he should have majority votes of 81%. The President should be a Member of Parliament after he is declared as a President his constituency should do a by-election for the MP. The President should not be above the law that he should be nominated while in office. Provincial commissioners, District Officers and Assistant Chief should be done away, that office should be abolished. Chiefs should be elected by people. The headmen should be paid because they are (inaudible) to the government.

The legislature: Members of Parliament should be a full time occupation. A person who is eligible for contesting Parliament seat should be of 30 to 35 years and not above 55 years. MP's should act from the (inaudible) from the constituencies. People should have a right to re-call their MP's and councillors and let another to represent them if the former ones are not serving them well. Benefits of MP's and salaries should be determined by the Public Service Commission. Dominant political parties should form the government. The nominated MP's should be retained and should have nominated women MP's women in the increase as participant in Parliament, and others from military group and people with disability. They should continue with the current multi-party system in the legislature and one party in the executive. MP's should have office in the constituency. The President should not have power to dissolve Parliament but the Constitution (inaudible). Parliament should have unlimited power to control and dissolve (inaudible).

Fundamental rights: The Constitution of Kenya should entrench freedom of dressing and also (inaudible) entrench cultural practices like use of traditional beer in marriage, payment of dowry. Council of elders should be given power to set minor disputes and simple cases before they are presented to court.

Kenyans should enjoy free health care but not gain from cost sharing in medical services. Kenyans should be provided with water and food provided (inaudible). Basic education should be provided free to all Kenyans up to secondary level. They should follow the old system of education, not the 8-4-4 system. All Kenyans should be entitled to employment or be provided with facilities which can cater for self employment. Kenyans should enjoy equal level of development. Constitution should guarantee all workers the right to trade union representation. Individuals should have a right to own land. Government should not have power to acquire private land from the owner. Polygamy should be abolished due to property and misuse of wealth. The Constitution should state the (inaudible) or restrictions of ownership of land by land (inaudible). Title deed for the couple should have both names of the couple. Men and women should have equal access to

land, all of them should have title deeds. Constitution should guarantee access to land, for every Kenyan and Kenyans should have rights to own land anywhere in the country.

**Citizenship:** The Constitution should state Kenyan citizen should be in one (inaudible) born of one parent citizen of Kenyan. The Constitution should state that Kenyan citizenship should be acquired by only married (inaudible) The Constitution should not allow dual citizenship.

**Com. Wambua:** You have exhausted the ten minutes I don't know how long.

**Josephine Kimuli:** General views: The President should be the Commander-in-Chief of the Armed Forces. He should have limited powers to declare war. Political parties should be financed from the government funds. In Kenya we should have at least 6 political parties. Executive President should not control the management (inaudible) revenue and distribution of funds and management of (inaudible)

**Com. Mosonik:** Please question number 1. When you say we abolish the assistant chief and the DO and the PC, are you saying that we abolish the sub-location and the division and the province?

**Josephine Kimuli:** No. We meant we should abolish the chief because the headman can do their work.

**Com. Mosonik:** So we have a headman for the sub location?

**Josephine Kimuli:** For the village, then from the village to the chief.

**Com. Mosonik:** So there is no sub location?

**Josephine Kimuli:** Yes

**Com. Mosonik:** And then the division? The DO

**Josephine Kimuli:** Division will be there.

**Com. Mosonik:** Who will run it?

**Josephine Kimuli:** The senior chief.

**Com. Mosonik:** Senior chief to run the division. And the province like now we are Eastern Province. You know the PC takes care of the Province. So who will take care of the Province can you just advise us?

**Josephine Kimuli:** The sub chief's work is the one to be done by the headman but the other administration  
(inaudible)

**Com. Mosonik:** Now secondly, you have said that Parliament is to appoint the cabinet. You know the Parliament is where different political parties meet and you have recommended at the same time that the majority party in Parliament is the one that presumably forms the government. How can opponents appoint your cabinet you know the cabinet, is supposed to be people who work with you. Now you have beaten them in the elections and then you give them the rights to appoint ministers for you.

**Josephine Kimuli:** We appoint them and when they go there to the Parliament they appoint the cabinet, but not the President.

**Com. Mosonik:** Did you say that the Parliament is to be above the President?

**Josephine Kimuli:** Yes.

**Com. Mosonik:** In which kind of way?

**Josephine Kimuli:** The President should be governed by the Parliament.

**Com. Mosonik:** Okay let me just give you some information. The object and the purpose of the review, this review we are doing, I think this is important for everybody, is among other things and it is in the law to recognize and demarcate divisions of responsibility among the various state organs including the executive, the legislature that is Parliament and the judiciary, so as to create checks and balances between them, and to ensure accountability of the government and its' officers to the people of Kenya. And the functions of the commission are to examine and to recommend the composition functions or organs of state, including those three and their operations, aiming to maximize the mutual checks and balances. That is what the law requires. We are saying e.g. part of the problem is that the executive has been too strong and now you are turning it around and saying that Parliament should be strong, you are supposed to be making recommendations on how to balance it. Finally when you said that you want one party system in the executive and the multi-party system in the legislature or in Parliament. I take it that you mean you do not like the concept of a coalition government. Is that what you are saying?

**Josephine Kimuli:** That's true.

**Com. Mosonik:** The coalition government. You know when there is a coalition government it is several parties together



forming the government. But you have said you want one party in the executive and then multi-party in the legislature – bunge. Hiyo nikusema hutaki ile serikali ya mseto.

**Josephine Kimuli:** Yes.

**Com. Wambua:** Sasa tutamwita mama mwingine mmoja halafu tuta-break kidogo kwa dakika thelathini. Halafu tuje tuendeleo, na huyu mama atakuwa ni Elizabeth Mutisya.

**Elizabeth Mutisya:** *Nasya ningumwalulya seve nikwithiwa nisoma na kikamba. Kikundu kitawa Kithitu mombanite ni manonie atoi ni mailletwe kunengwa musaala. Na mbae ile kuma kilasi cha nurserly kufika form four syana isomae mana. Sivitale ando maitwe mana na fee yake ethiwa ndakitali niwona niwaile kwithiwa na kiliniki chake ni wailiwe kutia wia akathi kwikia wake. Ndailewe kwithiwa na kiliniki chake ee nthini wa selikali. Numba intha. Assistant chief na chief manengawe transfer ta atumea ala ange ma selikali. Numba itano. Ivande ne syailwe kwosawa mana vate kwiva mbesa. Numba thanthato. Ethywa syana si kutethya asyai masyo, asyai ni maele kunewa muthei wa kuthoosya vandu ikana metethye. Nitotontha kwasya syana siethewe na mukwatano na musyai na ikalea na iyomutethya. Numba monza. Makwani masilawe mana nikana selikali ikona sila wa kate. Numba nthantha. Numba sito sya itheka tunengawe mana not with a title deed, tunengawe mana nikwethiwa mundu ula utenakindu ndavikia kukwata numba ya kitheka chake onomonthi. Kithyomo cha kinengawe ndaia. Numba ikomi. Kenya yithewe na syama itano itingeva.*

**Com. Wambua:** *Makwani aa ukwasa masilawe mana ni meva? Makotine kana ala maatoi?*

**Elizabeth Mutisya:** *Aa maatoi kwa chief.*

**Com. Wambua:** *Maikambile kweva usoo?*

**Elizabeth Mutisya:** *Eeeh.*

**Com. Wambua:** *Uu niwo ukwasya?*

**Elizabeth Mutisya:** *Eeeh.*

**Com. Wambua:** *Kindu cha keli, wasya syana syaema kuthethya asyai, asyai manengwe mwantha wa kuta vandu metethye. Vau mooto ni kwao? Kwa syana kana kwoo?*

**Elizabeth Mutisya:** *Ni kwoo.*

**Com. Wambua:** *Kwa asyai?*

**Elizabeth Mutisya:** *Eeh ni kwithiwa ni kutweka nenda kuta kitheka chakwa, nithewe na ngwatano na syana syakwa vamwe na mutumea. Lakini syana niitontha kulea. Mama na tata methosya matethye wia mwao? Nundu maikwona twina vata wa mbesa lakini ni mese maikindu motunenga vu.*

**Translator:** Elizabeth was representing her group and the group advocates that elders should be paid. They should be receiving wages. They are advocating free education and free health services. They advocate that doctors working in government hospitals should not be allowed to operate clinics and private hospitals. They also advocate that chief should also be transferable just like other government workers. In case parents cannot receive support from their children, they should be allowed to sell property especially pieces of land without the consent of those children. Cases that are being heard by village elders should not be charged. In other words, they should be heard free of charge without paying what they call in Kikamba *usuu*. Then they advocate a free issue of title deed against the current practise where as you pay a lot of money. And then indigenous languages should be accorded respect.

**Com. Yano:** There are some few issues I am going to ask her. First this group she is representing is a womens' organization, that's what she has said. What is their position when it comes to inheritance and supporting the girl? What is also the best position when it comes to the issue of a family (inaudible) and how do they view this issue of, I think had several when we were in other places where women were saying that (inaudible) What is there stand (inaudible)

**Translator:** *We kulwa kwa kikundi kii chenyu, etu mai na utiwo. Na wasoka wakulwa, ve ikundi ikwasya manengwe (inaudible) kuya bungeni ni kwithewa kawaida makanisa maendanga vau. Naende (inaudible)*

**Elizabeth Mutisya:** *Tuinenania ni tunaisye kana ethewa musili ena etu mate atwae ivinda ya kwanya mali yake mbui ona ngombe kuvikea kitheka, syana syonthe ni syana ni syaelwe ni kukwata mali ya ithe. Tukinenania ni tunaonie ethiwa kivetu ni kyekala na mutumea wacho na mathi kuvikia kutanisya, mali ila mamanthete me imwe miaka ila mamanthete me imwe mali isu ni yoo me ele ni maele kukawanya nikenda kila mundu akatumia ila yake. Na nitunanenansye tunoona o takethewa ni vatontheka ivindani yee, President aelwe kwithiwa ni wa mundu muka ni kwithiwa aka ni aumeu muno.*

**Translator:** In answer to the commissioner's question, they are of the opinion that girls should also be considered for inheritance along with the sons. And then for representation they even feel that men have had their share so this time around, the President should be a woman. And then in case of separation between a husband and wife, whatever they have a way of property, should be split, should be divided equally between them.

**Com. Wambua:** Okay jiandikishe hapa. Asante sana. Sasa tutapumzika kidogo kwa dakika thelathini hivi halafu turudi saa nane na robo ndio tuendelee. Bado tuko na watu wengi kwa hivyo tutakaporudi, bado tutawasikiza akina mama, tutamwita Jackline Kathini Musava awe tayari, Rebecca Katebe awe tayari. Halafu tutamwita Eunice Munywoki halafu atafwatiwa na Jennifer Francis halafu afwatiwe na Joseph Kimaile, Duncan Mwenzi Munyao na Sammy Maondo. Hawa wawe hapa saa nane na robo tukianza kamili. Asanteni.

Tulisema tutaanza na Jackline Kathini Musava yuko?

**Jackline Kathini:** Kwa jina naitwa Jackline Kathini Musava kutoka Kwa Konza Location niko hapa mbele yenu nikileta maoni ya kikundi kinaitwa Kwenda na Kwika Women Group. Numbari ya kwanza. Nitasoma in English.

The candidate to be elected should note give people money. People should elect the chief. The elders should be paid. Elders should be uniformed. While they are in the meeting. E.g. Baraza. Mayors should be elected directly by people.

We want free medicine in the hospital

We want primary schools to be free.

The clans' power should be followed.

The President should be a member of the Parliament. The Presidential tenure should be fixed. The President power should be limited. Kenyans should own land anywhere in the country without problem. The councillor should be a form four leaver. The MP should have 30 years and above. The prices for items should be checked. Civic education should start in primary schools up to university. We want to retain the Presidential system of government. Hatutaki majimbo.

In case of divorce between a man and a woman, the man should not interfere with the land, or piece of land for the women, so we want the government to be strict with that case.

The items, which we got from our village, should be checked because of the prize. The mayors should be elected directly. And that is all.

**Com. Mosonik:** I had you say that the Kenyans should own land anywhere. Je, na mtu yeyote

Amewakataza Wakenya wamiliki ardhi sehemu yeyote? Na second question. Are you talking about Kitui saying that pengine Wakenya wengine wamechoka mahali wanaishi waje waishi hapa ama ni nini anywhere kwa ajili hakuna mtu amefungia mtu

ku-own land anywhere? Unajua ukitoa mapendekezo, ni kwa ajili kuna shida. Lakini nikiulize, kusema kwamba kuna ardhi Kitui ndio Wanakenya wote wahame hapa?

**Jackline Kanini:** Hapana. Ninasema mtu akiwa anataka kutoka hapa, unaenda tuseme Mombasa na unataka kwenda kukaa hapo. Si lazma ati ukatazwe kukaa hapo, lakini ukae hapo na uendelee na vile watu wa hapo wanaendelea.

**Com. Mosonik:** Lakini nimekuuliza sasa umesema kutaka hapa kuelekea Mombasa. Lakini tutoke bara ile sehemu yetu ya Bomet tukuje Kitui?

**Jackline Kanini:** Ni sawa sawa lakini ufuate maagizo ya wale umekuta hapo. Mimi naongea juu ya hiyo.

**Com: Wambua:** Asante sana Jackline. Sasa tutamuita mama mwingine, Rebecca Kateve, yuko? Taja jina na uendelee. Unatumia lugha gani?

**Rebecca Kateve:** *Masietwa makwa ni Rebecca Kateve Nyunyi na numetwe utoine wetawa Kinakoli, na sub-location Makusya na ni chairman wa sub-location Maendeleo ya Wanawake na Location ni Yatta. Kila kunene ni nena mawoni makwa mwene ti vandu numisye kana vandu tweekalili twasoanea. Ni nena mawoni makwa mwene. Na mawoni aa namba imwe ni mutwaano wa Kenya. Na aka ma Kenya na aume ma Kenya niwo kuneenea. Na ninenea kitumi ni kwithiwa mitwaano ni isete kuthuka. Mundu ume etwaa mundu muka na masyaa kele, katatu mundu ume usu akie akimantha iveti kungi aitina kusyaa na syo, aitina kusyaa na syo. Nayu asyaa na iveti isu inge ukethie yu kila uthukumaa mahoteli etwaa kundu kwingi. Na indi kii cha mbee waomisye kwa ithe niwoolilwe ni cho, na indi undu unge, niwaimie kua ithe, asyaa onacho mana na atomea o mana. Na ni kwithiea mundu muka usu mwitu usu ni mwee ni ithe na akasomethwa na ithe ethi kwitya kindu akulya mwitu wake eya ki? Na niwo mawoni makwa meokulasya, we mwitu usu kowatwaawa vu ni kuya? Kwoo no waesaa? Na ngesyoka ngulye ati, andu asu mekweka u ni maekie kusomethya syana nondo syana si tianewa na kiveti. Na akulya mutumia aimwea wenda kusomethya syana syaku somethya. Na ethiwa ndusomethya nye ndiosomethya syana nake niwe asyaei. Nenda tweke ati, ethiwa mundu ume niwatwaa kiveti ni anenge kiveti ndaiya, nundu aumisye kwa ethe na mavatano. Na mundu ume masyaa syana na muka asomethye. Asomethye syana isu. Na mundu ume asyoka auwe mwitu usu nundu mwitu usu ni mwee na akasovewa. Kwithia aendie kumwoso vandu analekwa nthi ta ala mekwoswa choone, ndaba umutwekithya kiveti.*

*Undu ula ungi ngunenea, ninenea mwitu atwawa. We nukutwawa na maisya na mayuka maimane na mume, na maimanwa na mume, mundu usu kila waisye chonthe ethi kukulya ithe mekale nthi matale. Matale kika waisye chonthe onethewa ni ndululu.*

*(inaudible) mundu muka we niwatwaiwe na atumika musye usu na aika kila undu, na we akithi o mana vaiye kindu ukanegwe. Niona vyu ve na ngalama nene muno vyo. Twenda mundu ume uu eithiwa niwatwaie kiveti kii na masyaa imwe, na mundu ume uu ni wakolana na kiveti kii, mundu muka uu athi kwoo*

*mathi makaane male ithe ndakaive mali yonthe. Maanile katekate, matale ngombe ethiwa ni ikumi, mwitu atiwe na ikumu nake mwanake aithi na ikumi. Nikwithiwa we mbee niwamutumeiye mana, na niwamutunga na ese etwawa ni mume.*

*Undu ula unge ningoneenea etu ala mothi na maikomania na aume ku ma Kenya, na takwa nye ninasyaiye namina masyaa, na indi mwitu athi kuu akiete kana. Aindiea aisyoa aiyete kana kange. Niasya aume aso moosya syana Kenya mundu ume asyaeya mwitu kana, mundu ume usu naaiye kana kau na aisomethya. Ni kwithiwa ni weetie yulu wa nthi. Nagesyoka naasye nake mundu ula ukwaeka aka Kenya, eke kukosa. Etu mayaelwe kwaikwa nundu aume ni mailwe kwaika. Nagesyoka naasya ngenenea uvoa wa mayumbe ala tuunyua makei Parliament, muyumbe athokuma myaka ile ethiwa ndoo kwetea wananchi itunda ya Kenya, mundu ume usu ni kwandeka valua vaa tukatwaa, tukaasya ni aumwe wiane nundu aendia kutumanthia matunda Kenya na vaiye kindu utweetea. Nagesyoka naasya syama nthinge ila sye Kenya, syama isu nisyoya syanaangie na syana situ syaewa ni wia nundu makampani on the ni mavingiwe nundu wa syama nthingi kwingiva. Nundu kila mundu asya wasya wake, enda waatewe. Unge wasya o wake akienda watiwe. Na twenda Kenya ithiwe na chyama kimwe kila kikwathia andu, na makambani monthi maitongiwa ala twaveniwe nundu syana ni syaete mawea. Nayu syasyokie ndethya, na kuima naingi itatontha kuima nundu inae sukulu. Nayu itweka musyai niwe otweka ata, ukwemea syana isu. Nayu makaenda mainywa mabake kuu naku niwaminie mali uisomethya kana. Uuu ni undu umwe twesite kwona we na mweisyo Kenya. Nikwithiwa ni mwoaiye mindo ati syonthe, makambani monthe.*

*Undunge ula ngunenea Kenya, musumbe wa nthi atwika muundu ume, makamu ni atweke mundu muka, na aka mailika Parliament tuthokume. Na ndonar syouma kuuya ikuma ikyeka kunengwa andu asu me kuuya ulu, ndonar syoka sya ngulupu, syuke kuu nguluphuni imanthe masyetwa ma gulupu na eithiwa ni kindu syetie siinenga kila ngulupu kasomo ikyoma itunda ya Kenya. Yu ni twakilile kunyuwa mana. Nundu yu andu asu maasya natinda o ta mbili nakwa ninye nimutindisye kuu. Niwewa. Yu undu ula tukwenda ni uu tumathika kana twi andu ma Kenya nundu ona ula ukwethya ni mundu wa Kenya. Ona ula usimbaa ni mundu wa Kenya asame itunda ya Kenya. Tiekwenda ikeewa kuya yulu ni maanangie.*

*Yu undu ula unge ngwasya, niasya veo ndeto yii mbulete nundu aume aa namo nimo mathi machanganga kuu maiteye ukimwi wasuwa kuu yulu wa nthi. Wethiwa iveti syakwie ni ukimwe, etu makwie ni ukimwi na aume asu nomo mekumya kuuya maitwetee kuya na tikiwa nitiwaa ukimwi. Maendaa kuu kulatya wake? Mundu ndeyumbe na muka wake noo ate muka akyekala. Niania uu.*

**Com. Wambua:** *Nikenda atavie ala matakwea lugha isu wanenae, nende uthesye syindu ile nikenda aina kwalyola alyole emwe. Kindu cha mbee, waasya kana aume nimothi kusyaa na aka matwanete. Kitheo cha kikamba nitwaelwe kwithiwa na iveti mbinge. We wenda kivetu kimwe kana ni isu mbingi syetekelwe. Yu ni ikulyo ya mbee, ya kele,*

wanenea kambani na wanenea chama. Wasya chama kyaeletwe kwithewa kimwe, chama kimwe lakini wasyika waasya makampani ni mavigiwe. Chama kila uweta ni cha kisiasa kila ukwasya kithiwe kimwe?

**Rebecca Kateve:** *Ee ni cha kisiasa.*

**Com. Wambua:** *Kithiwe kimwe?*

**Rebecca Kateve:** *Ee kitweke kimwa nundu muvea wa andu ainge (sentence incomplete)*

**Com. Wambua:** *Nzungie yee yinge ya iveti.*

**Rebecca Kateve:** *Yee ya iveti. Nienda kiveti kitweke kimwe. Iveti ii nyinge ne syanangie.*

**Com. Wambua:** *O kimwe ouu?*

**Rebecca Kateve:** *O kimwe ouu.*

**Com. Wambua:** *Na o yekala nao?f*

**Rebecca Kateve:** *Na syana imwe. Asometheye mutumea usu syana siye matunda ma Kenya.*

**Translator:** I am Rebecca Kateve from Kinakodi. Personal views.

Marriage should be honoured and men should not desert homes and default on their responsibilities, that is the care of home and family. Dowry should be paid. Property should be shared equally between the two, a husband and a wife. Men who impregnant girls should bear full responsibility over the care and up bringing of such children. She advocates no female circumcision. She also advocates the right to recall the MP for non-performing Member of Parliament. She advocates that there should be a limit to political parties. Actually she says one party would perform a lot better than all this many parties. She also advocates that if the President is a man, the vice President should be a woman. Donor funds should serve the intended purposes. And last she advocates that there should be a change in sexual habits to curb HIV (AIDS).

And then the commissioner also wanted to sollicite her views on marriage whether she advocates polygamy or monogamy. She advocates monogamy and over the parties, the parties when she was talking of limiting the political parties she says there should just be a single party in the country. Thank you.

**Com. Wambua:** *Niuseo muno. Iyandekethye vaya nitwaminana naku.*

**Com. Wambua:** Sasa tutamuita, there is one councillor who had asked for permission to give his views. Benjamin Kalii.

**Interjection:**

(inaudible)

**Com. Wambua:** What you do, come and mention your name and submit the memorandum on his behalf. You can say I am so and so presenting the memorandum on behalf of councillor so and so and then registers it there. Proceed.

**Interjection:** I am Peter Mutiso from Yatta presenting the memorandum of councillor Benjamin Kalii from Kisauni.

**Com. Wambua:** Leave it there and sign on his behalf. Tutamsikia mama mwingine mmoja, Eunice Munywoki halafu atafuatiwa na Jennifer Francis tumalize na akina mama.

**Eunice Munywoki:** *Nakwa nitawa Eunice N. Munywoki, numete utoe witawa Nyanya Village Kalima. Vando vetawa Mando utoi wa Mando ni vo nuumete. Woni wakwa ula ngunenea nonaa Kenya twendete nai na tuvinyiawa nundu woni wa mbee, ninenea machief na sub chief. Ando asu niona woni nimaele kukunewa kura ti kwandekewa kuya. Kwewa nimathi nimeka interview, nimaandikwa na muchetewa andu. Na indi twenda makunewe kura ni kwithiwa matuthukuma nae, ni twailete mathukuma vandu va miaka ile, twona maiyototwaa nesa twisyoka tuchalamukanya, tuchandika ungi. Ula ungi nikwithwa macouncillor nimakunewaa kura na matuthukuma nae, tuisyoka tuimavuta tuchandika angi.*

*Ula ungi ninenea yu kisomo: Kana nikoosoma na kasoma kachoka kayaiwa ni feesi wa kusoma na kana kau nikevetetee na numba nzeo na kakyikala nthi na kisomo cha kana kau kiyaa o ila katontha kutethesya Kenya. Yu kwou eithiwa ni vatonthekana Kenya kisomo kisomwe mana, kuvika form four tukamatha uvoo wa fees, university. Uu niwo nwona wailete.*

*Undu ula ungi, ni twisiwe kunyamaa ni ndakitali. Ndakitali ethiwa me sivitale, ui na maana kwikia kiliniki choo na mundu nukuthukuma. Nukuthukuma serikalini akitweka niwekia kiliniki chake na vo vou nigwona vyo vataele. Na vyaa mbee kwe Moi ethiwe ni mundu ume twatwaa vyau nundu asu nitukunea kula, meeka light, tuimakunea kula na vici wake ula umumete etina akithiwa ni mundu muka nikwethiwa indi ingi nimoosa mavata na aka ni mese thina ula tuthenawa ni aume. Aume mwe thina mwingi na noithye tumusyaete. Mututhinasya.*

*Undu ula ungi, kana kalea kutwawa, kana kaka na nikasyoka kwoo, kanegwe kitheka kwoo katwelwe ta kana kaume ni kwithiwa kana kau kekie kusyawa o undu ula kau kange kasyaiwe. Vaiye kana kailewe kulechwa mana ta ngite, kwa Ngai ni ivetyo na keetiwe ni Ngai. Mundu ni maingi ni kwithiwa ndiese kusoma indi nikiite kusyimya kyongo.*

*Ula ungi. Mbesa sya kusila makwani. Maekane na mo nikwithiwa nitunyamaa twikwatanya makwani na athui na muthui akwethukeswa ni kwithiwa ni akumya mbesa na nye nja ndivenwa vando ve kwaka ni kwithiwa ndie mbesa.*

*Undu ungi itheka ii sikosavewa ni survey tunegwe title deedi patee mbesa nikwithiwa nitusavewa, na ichaa nthi ketheka ni chaku niwakisavewe, na ndungwa valua witwa, ite mbesa nikenda tukunenge valua ee. Nayu witwa nachu chongelekaa, chongelekaa, kikatweka chaku endee? Ndukakwa utie syana thinane kana choswe. Niasya tunegwe vate kindu tukumya.*

*Undu ungi ula kuasya ni ati, kusyaa syana ii. Kana kethi koneke ni kange. Kainavika va kana va. Kambwe ivu ti. Kana kau kasyawe kaetwe vaa. Asyoke akilamukania amwe ivu ti, kana kau kaetwe vaa na uu mosyaa imwe ndakaueya kana kaa taolo, ndakakasyomethya, ndakavyovesya inya wa kana kaa, siendo isu ninye naitewe na kana kaa gwata kuthenania nako nyoka, nayu nake uu mwetu nasyaie imwe ndakamwona ta mundu, ni mothi matianie enge nakuu. Yue niwo ngwasya ati, musisye selikali ni isisye muno kativa kuya. Yumye mweao, mundu ume uu ukusya na mwana uu kana kaa matonya kuysaa maisyaa inge, na twaneneva aeye mwana uu na aisomethya kana kaa. Ee muka ate muka nikwethiwa niwamwetekelile masyaa kana kaa. Mai o imwe.*

*Ula ungi ni mbui sya ntheo syongelwe. Akani ni kwithiwa mundu ume etwaa mundu muka, nayu ni mafenzi vaa, ni mafenzai vaa, ni mafenzi maiye na kindu, nayuyu oikolya utoi ninge we mutumea mwana ndinatwaiye oyu. Nayu kwveshe ithuku mundu aikwa. Nayu vau nitekukusanya. Ndaboiya kindu nikwenda syana ii sya mwana wakwa. Ukenenge mbui ile mwana wakwa niwangamikia naatumea nemekalite nthi makatwa mwitu thowa, nawe ila waumya mbui ii ile ndukasyoka kumbuea inge. Uu ni waveta, mwana wakwa we niwekwia nawe watiwa na musye mwita (inaudible) mwana wakwa. Unenge mbui ino nikwate syo ikumi na itato na yu we nekwatya syo, tunkamenda vu wasunko tuithi kavola, tukimanya oundo tukweka.*

**Com. Wambua:** *Ila ndatika niwa ta sya thela naku. Aya theysya kindu kimwe nikenda tunenge mutumia usu atutavye undu wasya, kimwe kwenda kukukulya no uvoo wa wasia kana aume me makosa me maundo mengi, na mundu atwika niwe President, munini wake ethiwe ni kivetu. Nachokivetu chethewa kimbee?*

**Eunice Munywoki:** *Ni sawa, nikwithiwae ona kimbee no sawa.*

**Com. Wambua:** *Ndinamina. Kivetu chethewa mbee no ula munini wake aletwe kwithewa ni mundu ume?*

**Eunice Munywoki:** *Ai munini wake alitwe kwithiwa mundu ume?*

**Com. Wambua:** *Wambea ati, mundu ume ethiwa mbee, kivetu kithiwe munini wake. Na kivetu kikesa kithiwa*



*muthenya umwe mbee, nao vaa vange vailetwe kwithiwa mundu ume?*

**Eunice Munywoki:** *Ehh. Ni sawa sawa.*

**Translator:** Eunice Munywoki advocates these personal views.

Chiefs and the assistant chiefs should be elected to render them more accountable to the people just like the councillor. She advocates free education up to form four level, then after that if the child goes to university they would cope. Doctors on public payroll should not be allowed to operate private hospitals or clinics. If we have a male President, the vice President should be a female. Girl child should also have a right to inheritance just like the son. Cases that are heard at the village elder level should be heard without charges because when they are charged, people with something, those with the property are advantaged and they take this advantage over those who are poor. There should be a free issue of title deeds. Men responsible for impregnating girls should carry the responsibility of bringing up the children so born. Bride prize especially *ntheo* should be increased to 13 instead of the normal 3 or 5 or 7.

**Interjection:** Address the chair please, please. Do not interfere with the nini. *Vee vandu vange*

The commissioner wanted to have some clarification on the Presidency so that in case the President happens to be a woman, should a vice President be automatically a man.

**Com. Wambua:** Okay, thank you. I think that sasa tutamuita Jennifer Francis. Jennifer Francis yuko? Kuja tafadhali.

**Jennifer Francis:** *Isitwa yakwa nitawa Jennifer Francis. Otoi wakwa ni wa Ndungune. Uneni wakwa wee yulu wa education. Mundu muka nukuka aitwa ni mundu ume, maisyaa syana kuvika syana itano, na syana isu syonthe vaie kana kamwe katwawa sukulu, kwou nyenye nikulasya mwiao wikiwe katika bungene wise kithia mundu ume atweke ndatwaa kana nasale, akekawa ata we? Ee nye ndie na undu unge. Ou tu.*

**Com. Wambua:** Order, order, order please. *Wenda twike ata we. Yu tutafye undu ukwenda tweke. Nenda kwikawe ona na ona mwiao wikiwe ukwasya una. Uu niwo tukwenda kwewa.*

**Jennifer Francis:** *Nenda mundu muka akethiea ena uhuru wa kuthi kusikata mundu ume usu makasila ni kitumi chao meotuma masyaa na mundu muka usu na ndamusomethesya syana. Na niwamwanangeiye maisha make kuma witune kuvika vau ena syana itano, nde vandu uthi ekwake na syana syake ndakwenda kuisomethya. Nawe ni musomu nake muka ni musomu, lakini ila syana syake ndenda kusomethya. Nenda asikatwe akisila ikwani kuhusu syana isu syake.*

**Interjection:** (inaudible)

**Jennifer Francis:** *Ninenee on the. Aume on the nundu thina usu twenawo mwingi mautoini. Ukithewa mundu ni wasiaiye (sentence incomplete)*

**Com. Wambua:** *Wakulwa na nenda ututheesye na uinena kwa mituke nundu twenda kwelewa. Ve mundu ukusya syana e mutwae na ailea kuisomethya na wasya vethiwe miao atwawe kotine. Na ve mundu ukusya syana atatwaete kivetu. Ukwethiwa ena kivetu chake na ena kinge na aisia syana. Mwiao wenda wikilwe va na wenda wasye ata?*

**Jennifer Francis:** *Mwiao wakwa nienda wikilwe kwa ula muka waku, nimwasyaa imwe na ndumusomethya. Nenda usu.*

**Translator:** Jennifer is expressing her concern over husbands who help in bringing children to the world, but they don't take the responsibility of education and she seek the Constitution to provide that Jennifer should take her husband to court so that he may be made to bear his responsibility.

**Com. Yano:** I'm just going to ask her is she aware that there is a childrens' department where she can report?

**Translator:** *Wekulwa kana ni wisee kana ona yu, ve vando utonya kutwa mwemeu munomuno maovisi aa ma syana nikenda uwete thina usu?*

**Com. Wambua:** Is this personal experience? Thina wo we kwaku musye?

**Eunice Musyoki:** *Ti kwaka musyi? Ninenea o kiatoi nundu o nakwa nokwisa kwithiwa na thina usu.*

**Com. Wambua:** *Aya basi. Nitukutavya undu ukweka indi. Wika ati, anyway, ona coordinator ni tumwelesya nikenda akuelesye ethiwa kwe, nundu ve miao na ve maovisi. Nimweilitwe ni kumamantha lakini nitukwandika kila waweta nikenda wisekwithia nitwakisovya tui. Ikiandithia vayaa.*

**Translator:** Jennifer says that the problem she is now voicing is not personal rather it is something that she could perhaps expect. For people like Jennifer, the coordinator will be asked to tell Jennifer and other person who might be interested on how to go about such problems because, already there is a law providing for all that.

**Com. Wambua:** Asante. Tutamuita Joseph Kimaile. Tumemaliza na akina mama sasa turudi kwa our list, Joseph Kimaile. Tafadhali ufupishe maneno, ya-highlight maanake watu bado ni wengi na tunataka kumaliza mapema. Highlight only usisome hio memorandum, tutaenda kuisoma Nairobi.

**Joseph Kimaile:** My name is Joseph Kimaile. The following are my own views.

Constitutional supremacy: Parliaments power to amend the Constitution should be limited. Some sections of the Constitution

should only be enacted after a referendum e.g. those dealing with the land, defense, security and the basic rights. An independent Electoral Commission should construct the referendum.

**Citizenship:** All those born in Kenya by Kenyan parents should be regarded as automatic citizens. Kenyan citizenship should be acquired through marriage application, adoption, spouses of Kenyan citizens regardless of gender should be regarded as automatic citizens after a period of about 10 years and enshrined in the Constitution. All citizens regardless on the manner in which citizenship was acquired should enjoy equal rights. The documents Kenyans should carry as evidence of citizenship should include identity cards, passport, birth certificate or driving licence.

**Defence and national security:** The district forces should be established by the Constitution. The Armed Forces should be disciplined through structure of judiciary but not the court martial. The President should be Commander-in-Chief. The executive should consult Parliament before declaring war. Extra ordinary powers in emergency situations should only be permitted in cases of civil war. The President in consultation with the Parliament can invoke emergency powers.

**Political parties:** The Constitution should regulate formation, management and conduct of political parties. Political parties should be limited to 3 but independent candidates should be allowed to vie for civic Parliamentary and Presidential positions. All Parliamentary political parties should be financed by the state. The conditions to be imposed on financing of political parties should include, Parliamentary party, that is a party that has members of Parliament, should sign a political party code of conduct to ensure members are of good behaviour. Then political parties can mobilize the public on developments.

**The structure and systems of government:** We should have in place; the Parliamentary system of government should have a Prime Minister and a President becomes ceremonial. The Prime Minister to play a greatest role in the government machinery, should retain the unitary system due to unseparable balance of resources from different regions. Should retain the DC and the Chief to minimize the duplication of powers.

**Legislature:** Appointments like the high commissions, the ambassadors, the chairpersons of parastatals, state operations, Attorney General, Chief Justice, auditor general should be vetted by the Parliament. MP's should be a full time occupation. Age requirements should remain the same. Parliamentary contestors should have a minimum qualification of O' level certificate and above. MP's should be recalled back after 2 years for re-assessment and subsequently a vote of no confidence, given at the constituency level. MP's should do as per the interests of their people and the Public Service Commission should determine their salary. Positions of nominated MP's should be scrapped. Coalition government should be allowed. Multi-party representation at both levels of the government, Parliament should be dissolved at a given date to be enacted in the Constitution.

**Com. Wambua:** (inaudible)

The executive: Presidential candidates should have minimum of O'level certificate and above. The President should go for 2 terms of 5 years each, a total of 10 years. The President should be Commander-in-Chief of the Armed Forces, head of state, and the President should not be above the law, or appoint ambassadors, chairpersons of parastatals, state operation and like that. Presidential mis-conduct should be censored by the Parliament. The President should approve what has been passed by the Parliament and he should not be necessarily an MP. Retain DC and Chiefs to appoint duplication of responsibilities and powers.

The Judiciary: There is need for (*sentence not complete*)

**Com. Wambua:** You will have to give us the memo to read because time is up and I told you to summarize because you are giving us a written memorandum. From the way you talk, I know you are able to summarize but you want to still read. What I suggest is give it to us, we will read it thoroughly, we'll analyse those views and we have already picked all that you have said. The is a question here.

**Com. Mosonik:** Just one question. On the issue of citizenship you said the ID, a document to prove citizenship, then you said passport, birth certificate and also driving license. Sasa umesikia haya maneno ya Nyayo House. Hapo watu wanapata driving license ya magendo. Sasa ukitumia driving license kuonyesha mtu ni raia wa Kenya, utahakikisha kwa njia gani kwamba the bogus driving licenses are not used?

**Joseph Kimaile:** Here is a very simple issue that is the driving license will be given in such a manner that it is given to the citizen.

**Com. Mosonik:** You know that mtu akienda hata akiwa ngambo na akijifunza kuendesha gari anapewa driving license? Na kuna wageni hapa wengi na watapata driving license hapa. Lakini vile tunasema ni kwamba, kuna driving licenses nyingi za magendo. Mtu hajue kuendesha gari ana driving license. Ukitumia driving license kusema mtu huyu ni Mkenya, tahakikisha kwa njia gani sio ya magendo?

**Joseph Kimaile:** Hapo ndio kupea nafasi, mambo ya license inangaliwe vizuri maana iwe inaweza kukubalika kuwa kama njia mmoja ya kujitambulisha kama Mkenya.

**Com. Wambua:** Thank you very much Bwana Kimaile, jilandikishe huku. Duncan Munyao.

**Duncan Munyao:** Thank you honourable commissioners. Mine is just to read out some views from different people from Kwavonza Location. Political parties should conduct referendums to educate the public on their rights, values and democratic process. The number of political parties should not be limited because limiting means violating our freedom of association. The

term of an MP should be 5 years and not full time for people to gauge his performance. The Constitution should provide a provision to allow people to recall their MP in case he or she fails to fulfill the demands of the electorate. There should be a commission to determine the salaries and other remunerations of MP's. There should be nominated MP's, who possess special qualifications to serve in a specific field or to represent a special group of people like light, deaf, disabled. Rules to govern the conduct of parliamentarians. These are the rules which we intend to be followed:-

No defection ones one has been elected.

Ones one fails he or she should not be elected at all.

Ones one defects he or she should pay to the party in the sort nomination to parliament.

Parliamentarians and the President should retire at the age of 55 years.

The Constitution should specify qualifications for Presidential candidate that is:-

Attain O'level certificate with credit in languages and mathematics.

He should be 35 years and above.

He should be Kenyan citizen by birth.

The Presidential should be fixed to 5 year term and a President should not serve for more than 2 terms. The President should not be a Member of Parliament; he should be an executive rather than legislature. The Provincial Administration should be there but changed. How? From assistant chief we go to chief then to DOI, DC to PC. The position of district officer be scrapped. Mayor and council chairman should be elected directly by the people to whom they will be answerable other than to few councillors. This will also reduce corruption. Councillors should possess O'level certificates as their minimum educational qualification.

Also he should have good family state, not declared bankrupt and one with poverty. Civic Parliamentary and Presidential elections should not be held simultaneously. Civic and Parliamentary should be conducted at the same time and then Presidential after some time. Election expenditure by each candidate should be limited to reduce corruption. Election day should be fixed and specified in the Constitution. Election sign should be changed from x to  $\gamma$

This is because 75% of the electorate is illiterate and all they know an x means no or against a right means yes. So most of them end up voting for candidates they are against. The Electoral Commission should have a term of office for 3 years and a commission should not serve for more than 2 terms.

Kenyans should own land anywhere in Kenya, provided it is acquired in the right manner. The Constitution should guarantee access to land for every Kenyan as a basic right. A commission should appoint the controller and auditor general not the President. The Parliament should appoint members for Public Service Commission on merit and not on political line. The Parliament should appoint the members of the Public Service Commission. Competent Kenyans should be attracted to a public service by a good package. That is by e.g. promotion, or rewards, and presents in honor of the good work done. There should be a code of regulation to govern the conduct of orders in public offices. Elders should not only be emulated but also be uniformed to distinguish them from other people in case they are in gathering. The 5 year term should be reduced to 3 year term from council

level to Presidential level. For a person to become a President he should attain the age of 40 years. Clans should be recognized and given certain powers and this should be specified within Constitution. Laws should be imposed such that any candidate bribes the electorate during campaign is automatically disqualified. Those are views from people. Now I want to give out my own views my personal standings.

**Com. Wambua:** No you cannot do that. We have given you 10 minutes. You are supposed to utilize your 10 minutes to give us the views you have, whether representative or yours, so unfortunately and regretively. Since you are pleading I will give you 1 minute to make that one point.

**Duncan Munyao:** My view is this. You are talking of gender equality each and every time, but in my opinion when like when you talk of you see, there should be some seats set for women, I say no because we are talking of equality. And when we talk of equality this people, like women they tend to complain that they are in a position to defeat men or they can beat men isn't it? So my point is they should be allowed to campaign and try to defeat men in their own, way but not to say, because when we do like that, we mean they are weak at the same time they complain that they are in a position, they have the capability. So my wish is that they are just left to campaign like what men do. In that way we practise what we call fair and (*sentence incomplete*)

**Com. Wambua:** That is the point isn't it. That women should campaign equally with men.

**Duncan Munyao:** Yes, that is (*sentence incomplete*)

**Com. Wambua:** No I don't want you to elaborate. I want you to clarify. You said those who are elected councillors should be morally, socially and economically up right. I'm concerned with the work economically, what is this economically up right? Are you talking of money?

**Duncan Munyao:** No you know sometimes you can't elect somebody just like that. Maybe he doesn't have anything, he could be bankrupt.

**Com. Wambua:** In short are you talking about money? So when you say economically up right is somebody who has money?

**Duncan Munyao:** Economically I don't think that, (inaudible) no I was just (*sentence incomplete*)

**Com. Wambua:** What do you mean with economically up right? Who is an economically up right man who should seek election?

**Duncan Munyao:** Somebody who for example holds property and things like that, that's my point.

**Com. Mosonik:** Umesema, yaani umesisitiza, you have emphasized that there should be no defection I think that is what you were saying. Now if it a serious issue like that ukasema wasiruhusiwe tena kusimama. Utafanyaje na wale watu ambao wanasema, ingawa mimi ni mwanachama wa chama hiki, lakini nimekihama, I have defected but I am only waiting ndio bunge invujwe ndio nitangaze, lakini kwa hakika ameenda kwa chama kingine. Tufanye nini?

**Duncan Munyao:** That's why I say, if at all you defect, you should not be allowed to be elected at any other time because that's just like trial and error method that why people are (inaudible)

**Com. Mosonik:** Kwa hivyo mtu akizaliwa kwa chama aendele mpaka ku (*sentence incomplete*)

**Duncan Munyao:** Yes. Because there are some reasons that made you join that party. Why are you running back again? It means that you don't (*sentence incomplete*)

**Com. Wambua:** Tafadhali jiandikishe hapa Bwana Duncan. Yuko wapi Sammy Maundu, Sammy. Ningelipenda kumjulisha ya kwamba mimi sasa nitapatiana wenye kiti kwa Mrs. Alice Yano maanake natakiwa kuondoka kukimbia Kitui kidogo, juu ya matayarisho ya kesho huko Machakos maanake kutoka hapa kesho tuko Machokos. Kwa hivyo nitaondoka sasa nitamwachia mama commissioner Yano aendele. Watu tungali tuko na watu karibu kumi na, zaidi ya kumi, kwa hivyo mkifupisha maneno nafikiria nyote mtasikizwa ndio maoni yenu yachukuliwe. Bwana Maundu endelea.

**Sammy Maundu:** Kwa jina mimi naitwa Sammy Maundu kutoka location ya Kanyongonyo nikiwaletea maoni ya watu wa kutoka hiyo sub-location ya Kanyongonyo. Na wamegusia tu kitu kimoja ni juu ya haki ya ardhi na mali. Maoni yao inasema, mtu wa mwisho kuridhi ardhi awe ni mtu binafsi. Serikali iwe na haki ya kunyakua ardhi ya mtu kama, nitarudia hapo kidogo. Serikali iwe na haki ya kuchukua ardhi ya mtu kama kuna umuhimu kwa kuitumia. Mwanaume asiwe mtu wa mwisho kugawa ardhi kwa watoto. Mwanamke asigawiwe ardhi sawa na mwanaume. Mtu ambaye si raia wa kuzaliwa hapa Kenya asiwe na haki ya kumiliki ardhi.

**Com. Mosonik:** Tafadhali tungependa ufanye mapendekezo unajua hatuwezi kuandika sheria ambayo inasema, mtu haruhusiwi kufanya hivi, tunataka ile positive way of doing it. Do you understand? Sio unasema mtu asiruhusiwe, asifanye hivi, anaweza kufanya nini? Mapendekezo ni kitu unapenda.

**Sammy Maundu:** Ndio. Tuseme kama hii ya mwanaume asiwe mtu wa mwisho kugawa ardhi. Hiyo ingekuwa, mwanaume agawe hiyo ardhi kama amekuwa mzee lakini si agawe akiwa bado ana uwezo wa kuzaa na kama si hivyo amwachie mama. Mama awe mtu wa mwisho kugawia watoto hiyo ardhi.

Na hii elimu ya kuelimisha watu kutumia ardhi iendelee, yaani vile wanaweza kutumia ardhi yao, iendelee. Sijui kama mmeandika hii ya, mtu ambaye si raia wa Kenya asiwe na uwezo wowote wa kumiliki ardhi. Mimi nimemaliza.

**Com. Yano:** Tumeshukuru sana tafadhali nenda huko ujiandikishe. Asante sana. Anayefuata ni Thomas. Alikuwa ameongea ama? Alikuwa amesema. Phillip Mulei. Joel Mateli. Tunakupatia sasa dakika tano tu ili tuweze pia kusikia wenzako.

**Joel Mateli:** I am Joel Mateli kutoka sub location (inaudible), na nitaongea kitu kidogo juu ya basic rights.

The fundamental rights are not adequate because,

leading standards of the people which means support from the government.

Cultural rights were violated like customary (inaudible)

This from age group to another, that is interference by the western life style. Therefore this rights should be respected.

The death penalty should be considered whether it is deliberate or accidental, and if it is deliberate it will result to death penalty. The current Constitution does not fully protect security, health care, education, shelter, food and employment so that Constitution should place more effort on this, to ensure that the common man feels that he or she is under the government, that is protected by the Constitution. The government should ensure that all Kenyans enjoy the basic rights. The Constitution should deal with specific issues like security, health care, employment. The Constitution should provide compulsory and free education from nursery to form four.

**Com. Yano:** Thank you very much. Tafadhali jandikishe. James Kilume.

**James Kilume:** I am James Kilume from Kathome village...locaion. I am giving my personal views. The Constitutional supremacy: The President should keep away from Parliamentary proceedings if he does, he should have a vote of no confidence. Constitutional amendments should consist of three quarters of the number should be MP's.

Citizenship: The automatic citizenship should be acquired by a Kenyan by birth. A Kenyan should not apply for dual citizenship he might commit an offence here in Kenya and escape to another country. The documents a Kenyan should carry to identify that he is a Kenyan should be, a passport, an identity card, a driving license and a birth certificate.

Political parties: The political parties should be limited to 3 parties so that there can be an agreeable atmosphere. They should be financed by control government including the ruling party. Political party and the state should work together to attain political maturity.

Structure and system of the government: We should have Prime Minister and the President should be ceremonial. The Prime Minister should bear political powers and the President should be ceremonial. Prime Minister should do the appointments.



Members of Parliament should work full time because they get full payment. The age for Presidential candidate should be 35 years. There should be requirement of language test. We should introduce social and ethnic qualification. People should recall their MP's by the vote of no confidence. The salaries of MP's should be determined by the director of personnel or the Public Service Commission and special measure put in place to increase women's participation in Parliament by reserving seats for them, in contesting and nominations. Our Constitution should permit coalition government and should not retain the present system in which the government and political party forms the government. By doing this we will avoid misuse of power.

The executive: The Constitution should specify the qualification for Presidential candidate. Academic qualification should be a degree certificate, good conduct and development policies. The Presidential tenure should be fixed, should be limited to 2 terms for 5 years. The functions of the President be verified, be defined in the Constitution and they should be ceremonial duties. The Constitution should set limits on Presidential powers. He should not be above the law, he should not be Commander-in-Chief of the Armed Forces, he should not be the chancellor of the universities, he should not appoint judges. The Constitution should provide for the removal of President for mis conduct while in office by vote of no confidence. And here I say we do not need the Provincial Administration. We can do without them. Thank you.

**Com. Yano:** Thank you very much. At this juncture we recognized the presence the MP for this place. Karibu Mheshimiwa and also the DO. Mheshimiwa I think you'll also have views to give us so prepare. The last one is David Kithuku.

**David Kithuku:** Mimi naitwa David Kithuku. Nina maoni yangu ya kuchangia. Ya kwanza nazungumzia katika Kenya kuwe na lugha mbili. Pili nachangia watu wanao retire wawe na committee, ikiwa pale alikuwa akifanya kazi serikali inaongeza watu mishahara, nao waongezwe kitu sio kuachwa hivi hivi. Naongea wazee ambao wana miaka hamsini na sita walio huku mashambani nao wasiwachwe na serikali, watafutiwe namna wasife bure. Nachangia upande wa councillors ambao wanachagua mayor. Mayor awe akichaguliwa na wananchi. Nachangia hao watoto wetu ambao tunagawia mashamba, na kisha mzee anataka kuuza, baada anaambiwa hawezi kuuza, na yeye hampi chochote. Pale naona panataka kuwe na right ya mzee akiwa hapati msaada, amemsomesha na kila kitu na yeye anataka kuuza kusudi ajisaidie, kusiwe kuna kikwazo mzee akitaka kuuza pahali pake mtoto akatae. Nachangia wakati bunge inavunjwa yule ambaye atasimamia ile kazi ya sheria na nini, awe ni mtu wa sheria. Nachangia auditor wa serikali asichaguliwe, achaguliwe na Parliament. Nachangia pia judge mkuu achaguliwe na Parliament.

Tukija huku kwetu rural, watoto ambao wanapewa mimba na wanaume na wanawachwa, huyo aliyempa mimba ni yule mtoto kuwe na sheria alazimishwe kulea yule mtoto. Hata akiwa na bibi wengine.

**Com. Yano:** Asante sana Bwana Kithuku na anayefuata Bwana Kithuku ni Alfred Nzako.

**Alfred Nzako:** I'm Alfred Nzako and I'm representing a memorandum from St. Peters Catholic Church Ilika. Because most

of the points have been mentioned, I'll just point very few points here.

On political parties we have just said that they should be limited to a minimum of 3. The structures of government, we have said that we should adopt a Parliamentary system of government in which the majority of parties in Parliament appoints a Prime Minister and the President should remain more always ceremonial.

In case of legislature, appointments of Attorney General, senior civil servants and so on, they should be appointed and vetted in the Parliament. They should be an independent auditor and controller and the Parliament should limited powers to control its own procedures through standing orders. People should be allowed to recall their MP's back in case of non-performance. The MP should act on the basis of instructions from their constituency and special groups should be recognized for nominations. Parliamentaries na Parliamentarians na Multi-party state should be treated equally. On elections the opinion was it should be standard for Parliament so that there is no time when there are no sitting in MP's.

In the executive: The President should be on a recognized university and an economist. The President's tenure be fixed to a term of 5 years, 2 terms of 5 years each. President powers to appoints and fire people should be removed. Set and solve commissions before the results are out should also be removed. He should not be above the law. On the Provincial Administration, they advocate that, anybody to be appointed to run the provincial office, he should have a minimum qualification of form four and he should be a person who is able to interpret and implement government policies. He should be able to initiate development areas, and he should be transferred like any other civil servant. People should also elect him.

On judiciary: The right to legal aid be granted to people who may be victimized unjustly by either people who are economically up right. On local government mayors and counsel chairpersons be appointed by people and should also have the power to recall a councillor back in case of non-performance. On Electoral Commission, at least half of the votes should enable somebody to be declared a winner. All people having reached the age of 18 years should be made to vote compulsorily. Interests groups like the handicapped should be spared some seats in Parliament and even in the local government. And current geographical demarcation should be retained. Our election process should be simple to allow voters registration go along with identity cards registration and allowing voters to use various documents like identity cards, birth certificates and passports.

Basic rights: I'll touch on education and say that the current cost sharing education be removed and children be allowed free education up to form four level. All government offices set in education should be run by the government instead of having parents participate and contributing money towards the offices. Enough water for all people, shelter, food and employment be guaranteed in our Constitution. The death penalty should be replaced with life imprisonment. On land issues, they have recommended that people should not own more than 30 acres of land while some people are landless.

On cultural, ethnic and regional diversity and communal rights, they say ethnicity should be dealt with in the Constitution to ensure unity and security of the person and property. All discriminative cultures and practices should be abolished and they said Kiswahili and English should be made national languages, and there should be a body to deal with AID(HIV) cases. On

management of resources I see most of the points have been mentioned only that there is one here which touches on public servants and they say they should be given attractive salaries and doctors or nurses who are in employment should not own private clinics. There should also be a free media and all political parties should be given equal and indiscriminate services by the media. And that is all I have otherwise most of the points have been mentioned.

**Com. Yano:** Thank you very much Mr. Nzako. Please go and register yourself. We have Bernard Mumo.

**Bernard Mumo:** I'm Bernard Mumo. These are the views from Ndunguni Sub-Location.

The Kenya Broadcasting Corporation and other broadcasting and the media in general should be independent. Parliament should not have powers to determine its member's salaries. The government should do this. The electorate should be allowed vote of no confidence both to the councillors and Member of Parliament. The President should not be above the law. All the government appointees should be done by the Parliament. During the time of election, the counting of votes should be done at the polling centers. Councillors and Members of Parliament seeking to be elected should be above form four. The new Constitution should be taught in schools and written in all languages. The headmen have a great role to play in the society, they should be paid wages. There should be control of goods (inaudible). Dowry payment should be scrapped. There should free and compulsory education from nursery school to form four. The youth should be given leadership priorities in the society e.g. leadership in organizations, in schools, in government bodies and in cooperatives. Under customary law girls should be allowed to inherit their fathers wealth. Teachers should be given pay rise with other government officials, that is, they should be under civil service. Thank you.

**Com. Yano:** Thank you very much. Kindly register yourself. Jeremiah Mulu.

**Jeremiah Mulu:** Mine is oral. My name is Jeremiah Mulu and these are my personal views. Much has been said about politics, administration, the role of the power maybe of the President and the rest but I'm going to emphasize much on the disabled persons, because they are regarded as a social or cursed persons whatever.

I do state here that education should be made free for disabled persons to enable them compete fully with so called able people. Disability is not inability. When it comes to the nomination of MP's, 5 seats should be reserved for the disabled persons so as to compete and prove the ability to do things as in parliament, people use their minds and brains and not legs in contributing to the necessary matrons.

Instead of dishing land to secure political support to the abled, such government land should be reserved for the less disadvantaged including the disabled persons. All buildings that consist of first floor upwards should have lifts to cater for the disabled people who can't climb stairs upwards. Any person found co-habiting with a disabled person should be forced to take care of the siblings until the age of 18 years, and also take care of the person caught in the act, failure to which one should

be jailed without an option of a fine. Disabled persons should be financed by the government to enable them start small businesses and councils including Nairobi City Council should desist from embarrassing disabled persons while looking for their livelihood as the community at large does not recognize the rights of the disabled persons.

On the matter of judiciary: To avoid a lot of congestion in cases in courts, clans that is *mbae* should be empowered to handle cases unless they are above their mandate, warranting going to court. As many issues that are lying within court are as a result of human nature and cultural abuse, due to neglect of the culture of the onces hiding in education. That is you tend to think that you are so much learned, you abuse yourself, at the end of the day you end up committing a felony. Some of this things is a question of instilling discipline within a person e.g. I don't need to remove my underwears and start devacating there outside. Just knowingly for sure I have to be taken to court and answer for devacating outside the office so that is not even warranting. So clans should be empowered to deal with cases including even the petty crimes, even stealing. Civil matters like cases of theft they should be settled by the clans. If not so somebody should be taken to court now to be punnishable by law. Courts should not handle land cases as this will end up favouring the rich people only because they are able to meet court fees and e.t.c. I will touch to a more sensitive issue.

Now people are talking about federal government. We have had views about majimbo. I am opposed to that. I would suggest for a coalition government, which involves the amalgamation of all political parties so that Kenya can be one, talking one, making one. Such properties like this white elephants projects like *okai*. Okai started when I was in standard four. Now I have finished school I am having a family. Nothing has come out of it. The government should go into it and if possible elavate the project to the level of a university or a teachers college but since we were promised a teachers college, it is not even there. And if majimbos come, our leaders have used a lot of time fighting in Parliament to enrich them as of the past, or trying to be in this camp or that camp for 5 years fighting just for personal issues. Thus ending with wananchi suffering. So if it would be possible it should be recognized as a university because in case the majimbo people out power the people who are claiming about coalition government or a government of unity, it means that Ukambani you don't have a university, you don't have industries, you don't have anything to depend on. So when majimbo come the ukambani people will end up being poor unless Jesus comes to save them.

Organisations like JIKA and KEFRI, these should be changed to educational instituties e.g. the one we have in Kitui they are living in September, we are happy even to have our minister maybe together with the commissioners you add weight on it, for it at least to be given a status of a university or another institute like that can benefit the people of Kitui.

The question of street boys: Every child has a father and a mother. So what I suggest is this, street boys should be flashed out of town, made to tell their origin and the government should look for the respective parents and make them take the burden of taking care of the childred. And if they fail to do so, they should be liable to prosecution. We should in fact borrow a leaf from Dar-es-Salaam, we don't have chokora and I don't belief somebody came out from streets. That person should have be

mothered or fathered by the individual.

The other thing, I'm talking about the Constitutional Review Commission. It should be a permanent Constitutional Review Commission and it should not be hurried by politicians simply because they want to suit their own suites to gain political advantage over the people's right and now to be governed in the future. With that I say, thank you.

**Com. Yano:** Thank you very much. We are very grateful Jeremiah. Now we move on to Councillor Phillip Nyumba.

**Councillor Phillip:** Former Senior Councillor Phillip Nyumba from Kwavonza Location, Kitui West Constituency. My first point is this; I strongly oppose the majimbo government. We had it previously and we know it. If it comes, we people from Eastern Province will suffer a lot. We don't have any sources of money, we don't have industries, we've have nothing and we are always stricken by famine because we face drought from time to time that's why I don't like this type of government, if we have it it seems that we'll be (inaudible) out of the country and we'll suffer.

Second point: We know that we have so many political parties in Kenya and if we want to stand to contest a seat as a councillor or parliamentary seat, we should be sponsored by one political party. But I would like this Commission to allow the independent candidate to be allowed to stand on his own feet and to get kura's from mwananchi from his own expenses. We know that Kenya was colonized by British government, which is one part of the western people and we adopted western civilization. Now we hear that in Kenya, the government is going to allow this group of women known as commercial sex workers to be recognized and liberalized by our government which I strongly oppose. That will increase ukimwi na ukimwi. Je mambo kama hayo? Hatutaki mambo ya kutoa (inaudible). There are some people who employ our younger girls in school. They employ them for that business. They put them in their house, they sell them they get money by that because they have permit from the government I don't know. We oppose this, we don't like that practise.

The other point which is very important. We have people who go round in our country mostly Kenya, rapping our girls and our women. Those people should be punished very severely. If possible they should be in a group of capital punishment because when they transmit this diseases to women, to our girls na bibi zetu hatutaki wapate ukimwi kwa sababu hao watu

(inaudible) wapewe punishment kubwa kabisa. Wafungwe maisha au wapigwe viboko na wanyongwe. Hii ndio yangu ya mwisho. Nimemaliza.

**Com. Yano:** Asante sana Councillor Phillip Nyumba. Tumeshukuru sana Councillor. Jiandikishe kule (Record yourself). Anayefuata ni Dominic Kibondo.

**Dominic Kibondo:** Thank you. I am not a councilor like my brother. I only giving my personal views on Constitutional Review. First point: Fighting corruption. I'm called Dominic Kibondo. Fighting corruption: The leadership of this republic

must lead the fight by not buying public support with money. Anyone using money to buy votes directly should be disqualified.

Point number 2: Tribalism, nepotism and favouritism: These must be attacked from all angles. Public offices must be offered using the criterion of ability not the origin of the beneficiary. All districts must be considered equally and equitably. If for example there is a necessity to consider a Kamba for a senior public appointment, all the districts in ukambani must be given equal consideration. This has not been the case. To assist in this manpower data banks should be held in all districts headquarters to enhance this recommended fair practice. To reduce tribalism on land matters, once a letter of allotment is issued it should not be changed. It should be considered as one of the letters of title.

Point number 3: Central and local government: As far as it is practicable, these should be amalgamated to avoid duplication and conflict. If you see the department of Provincial Administration, the ministry of local government, these do the same duties of solving problems of wananchi and so that is duplication and it must lead to conflict because two people are doing the same thing. At least chiefs should be recommended for appointment by the public for accountability purposes. They should not be elected but they should be recommended, a way of recommending them should be found. They should be transferable between locations as far as the public interest demands and village elders should be paid an appropriate salary or allowances since they also work for the government. There should be allocational council or a council of elders to deal with locational matters because this does not exist. Justice and fairness. A proper mechanism should be instituted from grass root level to ensure fairness. Interested parties should not be allowed to participate in decision panels. Money must not be used to influence decisions and judgements. Appeals must lie with other separate and independent parties. For example, appeals on decision of the Public Service Commission must lie elsewhere and not as per the current practice, where you dismissed by the public service commission, you appeal to the same Public Service Commission the first appeal, then you are allowed another appeal to the same Public Service Commission. There cannot be fairness at all because it is the same people who gave the first decision. Thank you.

**Com. Yano:** Thank you very much Mr. Kibondo. We move to Nzungua Musyoki. Nzungua Musyoki. Pastor Peter N. Mutiso. Karibu.

**Pastor Peter Mutiso:** My names are Peter Mutiso from Yatta Location. I am giving my own views.

Constitution supremacy: Bunge ikubaliwe kutengeneza laws but when we come to Constitution, any amendments made for Constitution be taken back to the people.

Citizenship: All people belonging to Kenya that is 42 ethnic groups are automatic citizens of Kenya. Any other group coming to Kenya should seek for registration. A child born abroad by Kenyan citizen should also be allowed to be a citizen of Kenya. Any married woman to Kenya should also become a citizen to Kenya because a citizen of Kenya marries her. Documents to carry as evidence of citizenship should be ID that is Identity Card, Birth Certificate and Marriage Certificate and also we can

include voter's card. The rights of citizens should be free and democratic without any discrimination.

Armed Forces that is the country should have a defence with Armed Forces and be disciplined in a Court Martial. There should be use of ordinary powers in emergency such as when we have national disasters and also when we have wars.

Political parties: A minimum of 4 parties should be established and be (inaudible) MP's be given support by the government through the public funds and this amount should be 40,000/= if you reduce bribery and corruption and feedback should be received after elections.

Nomination in the parliament. There can be nomination but not a person who has failed in contesting.

Government: We should retain the Presidential system of government but the power of the President should be reduced so that appointments of either ministers, Attorney General and others be done by a constituted commission.

All developments should be divided to the districts that is DDC given power to account for spending of the money.

Legislature: Parliament should have a limited powers to control its own procedures through standing orders. A Member of Parliament to be elected or to stand for election should have attained 35 years of age. They are to be given 5 years term and if it exceeds, 10 years term subject to not having a vote of no confidence, if they don't do well. Age for a Member of Parliament I've said is 35 age for a President to be 45 and the President should be married whether she is a woman or a man. Votes for local government should be 18 years. The voters also should be 18 years.

Languages to examine these people should be English and Kiswahili. They should be able to read and write in both languages.

A system should be formalized where the winning party has the majority ministers but each other party be represented by both government and other government project. That is each party to give up an (inaudible). The President should have power to dissolve a government but with consultation with the Parliament.

Education: Education I will say let us have free education from nursery to university. Teachers colleges to be distributed to all districts in the country. At least there should be a university in every province. Orphaned children should be taken care of by the government without questioning. Those children who are born outside wedlock should be taken care of by the man who impregnated the woman and there should be law to that effect wanaume ambao wanazaa na wanawake. There should not be divorce but I would accept separation. Hiyo itazui kutokuwa na watoto ambao hawana elimu ama hawana mapato mazuri. And if there is separation, the two have to share the children. Thank you.

**Com. Yano:** Thank you very much. Pastor kuna swali moja nataka nikuulize. There is a point you brought up here about the

President must be married and I think it's something almost (inaudible) across the people of Kitui. I look back and see there is a time Mandela, the President of South Africa had divorced and for some time he was the President of South Africa and he didn't have a wife and for that time, I don't really think there was a hugh and cry about leadership in South Africa. Secondly I look at Arch Bishop Makarios of Cyprus. He was a priest and he was not married and in his tenure the Presidency or leadership was quite okay and third; also looking at our kind of country, we have different denominations and one of them being the Catholic Church. You find that their Priests don't get married, does it mean that they may not be able to become President.

**Pastor Peter Mutiso:** To Christians I would say if somebody is married and the wife dies, that's a different case but if President marries and divorces his wife, that means he cannot lead a country, so he has to remain with his wife. Now to Priests 'iko ile sheria ya Priest kama ni hawa wa Catholic Church, they are allowed to lead without having married because its their own belief.

**Interjection:** (inaudible)

**Pastor Peter Mutiso:** No he cannot be a priest. If he wants to be priest he has to get married so as to know how to deal with both women and men.

**Com. Yano:** Thank you very much Pastor Peter Mutiso. Kindly register yourself. And lastly now I'll invite Hon. Francis Nyenze to give his views. Unfortunately you are the last one.

**Hon. Nyenze:** Thank you very much madam chair. I don't want to take my constituency's time. First I want to apologize because I was to join you in the morning because I promised that yesterday, but we had a ceremony of giving the flag to the President in the morning but I delayed, but thank God that I have this time and I don't have much to say because I did not contribute yesterday but I have some observations to make on a few things that my constituents have expressed. First I'm impressed by the few I have heard talk, they have spoken very well and even did'nt know people like Phillip Nyumba knows English that much. I was very surprised and they spoke very fluently so I am very encouraged, and I can see my constituents are quite educated. Now I just wanted to say something about what Peter Mutiso said about a President must have a wife. If in this Constitution we are making, if we say that, now we'll cut-off so many people who are qualified to lead this country like madam chair you've said the priests who are not supposed to marry yet their rights should be protected so that they can get the highest seat on the line.

But now to go straight to a few things that I noted cause I talked about most of the other things yesterday, I wanted to say that first I was impressed by Kithuku, he talked without notes and he talked on so many things. I wish I had that kind of memory. And if I were to pick one or two things that the man representing the Catholic Church said about whatever, the doctors and



nurses who are in government employment, should not run private clinics in the areas where they operate. I think I do support that person very much because in place where doctors and nurses are allowed to run their clinics, they become like referral hospitals and whenever the patients go the general hospitals, they are referred to those clinics which charge exorbitantly so the local people end up suffering because most are poor they end up having very big debts with them and it has become like a way of making money.

Just to highlight a few, what Jeremiah Mulu said, and I do concur with very many things that my constituents have said, I am of the opinion that JIKA and KEFRI premises should be turned, their status should be changed so that they are colleges of higher learning or a university because we lack a university and we've been struggling so much to revive this one, but the cost is very much. This are already build up areas and instead of lying idle, I'm sure we can follow that. And the other point he raised which I want to also support is about street children. The economy is in a position whereby it cannot support such large numbers of street children. And some come from well known families which are not so poor. I think before we start rehabilitation, we should try to locate the parents and take these children there and even if the parents do not exist, the guardians, because in the African way, there is that care for the people who are left behind.

Let me just talk on two things that Dominic Kivondo raised. And not all of them but two where I feel I should commend. Allotment letters. The reason why we have so many land cases even here in Yatta, even anywhere else, is because of double ownership and that kind of thing and I feel even in urban centers, allotment letters should be treated as legal documents they are next to a title deed and they should not be changed because that is what causes a lot of cases and I do concur with him that it should be. The other one is, he talked about chiefs being transferable and I think to some extent, you know a chief is employed from the area where they are born, if they had enemies and they have been given power, they may now start punishing those people, but if they are transferable to a neighbouring location, I think it would be good so that after some time they are changed because they can put people in a lot of hardship if they are not transferable. I think that point I do concur with Dominic Kivondo that something should done like transferring chiefs like the other civil servants.

The last but not least Pastor Peter Mutiso, no no, that one I recommended. Now on my own. I must say that what Mulu that is my last point, what Jeremiah Mulu said disability is not inability. If you are disabled does not mean that you are unable to perform. In Parliament we have a lady by the name Sinyo who doesn't see and we have other disabled people and disability comes in many forms. But one point that I wanted to say, though the government may in the Constitution, we may say free education for all the disabled people, I would say free education to the disabled people who are not able to meet that cost because if its for all of them, I'm afraid it may put a burden into this or any government that will come in place. But I do concur and agree with you that buildings which have storied should have some kind of design whereby the disabled can go up because most of these buildings, they don't have lifts they have the staircase and now you have to carry someone up there, but if something was done of their design it could improve very much on those.

Madam chair I don't want to waste your time and my constituents time, I'll talk with them out here after we finish but those are the few things that I wanted to add and I still support the idea that instead of rushing the Constitutional Review process, let's have time because these views expressed by these people are very important, these people have never seen people sitting here taking their views and I'm sure there are so many other places where you could go, and I wish time for this review process should be extended even if we don't extend Parliament time, but for the Review Constitutional making, that time should be extended so that many Kenyans get freedom to contribute to the type of government they want, so that they can protect their interest. But if we rush, first it's a very expensive exercise, secondly you are to combine and get all ideas from all Kenyans it's tedious and it takes time, and that's why let's give it time so that we sample, we get as much information from Kenyans as possible.

We don't have to tie it to the election. Election can come in December or any time but let the Constitutional Review process take as much time as the commissioners require so that Kenyans give their views. Thank you very much.

**Com. Yano:** Thank you very much Hon. Nyenze. Also kindly record put your hand in our register. Before I give a close in the mark, I would want Mumbi, where is Mumbi? Mumbi kindly come here and do the usual ritual.

**Mumbi:** Thank you very much Commissioner Alice Yano. Wananchi wote hamjambo?

**Wananchi:** Hatujambo.

**Mumbi:** Hamjambo tena?

**Wananchi:** Hatujambo.

**Mumbi:** Kama mlivyosikia naitwa Mumbi Samwel nimekuwa hapa. Tumekuwa tukishirikiana nanyi na nimefurahi siku ya leo juu tuliwahidi ya kwamba maoni yatakuja kuchukuliwa. Si yamechukuliwa?

**Wananchi:** Ndio.

**Mumbi Samwel:** Mumeshukuru?

**Wananchi:** Ndio.

**Mumbi Samwel:** Kwa commissioners tumeshukuru kwa vile mmekuwa nasi kutoka asubuhi ya leo mpaka saa hizi, na sasa ningependa kuwauliza wanakamati wote wasimame ili niwajulishe kwa wananchi wote. Simameni wanakamati. Mwanakamati

numbari moja ni Mheshimiwa Nyenze ndie mwanakamati number moja, tumekuwa naye amekuwa akitupatia a lot of support na tunasema asante mheshimiwa. Hapa tuko na the chairman, anaitwa Jeremiah Mulu, hapa tuko na Peninah Kimanthi, Bibiana Mulwa huyu ndie vice chairman, Francis Ndingo. Hapa tuko na Justus Mutweti huyu ndie secretary, na hapa tuko na Erastus Mutuku. Hao tumekuwa tukishirikiana nao sana katika hii kazi ya civic education na mambo yote ya Katiba. Ningependa tena kutoa shukrani kwa chief wote, the Provincial Administration na ninafuraha leo juu the acting DO Bwana Paul yuko nasi, pengine nitampatia wakati through the chair atasema neno moja. Na kwa hayo, Asante. Karibu. Karibu Bwana DO.

**Paul Cheruiyot:** Waaziri, Commissioners na wananchi, hamjambo?

**Wananchi:** Hatujambo

**Paul Cheruiyot:** Kama vile mmesikia naitwa Paul Cheruiyot, DO wa Matinyani lakini hapa huwa nashikilia kidogo kidogo. Nitachukua nafasi hii kuwashukuru wananchi kwa kujitokeza kwa wingi na kwa kupatiana maoni mengi. Si imesikilizwa vizuri?

**Wananchi:** Ndio.

**Paul Cheruiyot:** Na nafikiri hata nyinyi mtafuharihia wakati Katiba itarudishwa halafu uone ile point ulikuwa umeisema iko ndani. Utasikiwa mzuri sana?

**Wananchi:** Ndio.

**Paul Cheruiyot:** Ukiona ile point ulisema ndio hii sasa iko kwa Katiba. Na maoni mengi ambayo umesema ni ya Kikatiba? Unajua watu wengine wanazungumza wanafikiri pengine wamepiga out of the point, lakini mengi mambo ya mashamba, election ya chairman, mayor, hizo zote ni za Kikatiba na mambo mengine mengi. Hata jana niliona mzee mwingine wa upande wa Kabati. Yeye alikuja akakaa chini. Akaambiwa na commissioner sasa mzee tuambie mambo ya Katiba ambayo ulikuwa unataka ibadilishwe. Mzee akasema anataka tu kuona Raisi na apelekwe kwa Raisi. Unajua watu wengine walifikiria anataka kumwona a-constituonal issue. Wajua mzee alikuwa anamaanisha, anataka Presidency iwe accessible kwa mwananchi wa kawaida. Unaona hiyo. Hivyo ndivyo mimi nilielewa. So tunawashukuru kwa hayo maoni ambayo mmetupatia. Mmepatia commissioners, na pia nitashukuru commissioners na through them wa-select committee ya bunge, ambayo iliwaruhusu watembe mpaka kwa constituencies. Kwa maana kama ingekuwa tunakutana kwa districts, ingekuwa ngumu. Ndio mnaona sasa watu wengi wamepata nafasi ya kuzungumza kwa sababu tunatembea mpaka kwa constituencies na mkaona constituency yenyewe iko namna gani. Vile resources imegwanywa katika nchi. Utakuta constituency zingine hazina stima, hakuna barabara, hakuna maji hiyo nyinyi mmejionea wenyewe. Nafikiri sikuwa na mengi tutaombea commissioners waende salama kwa sababu tunajua wako na kazi mingi. Kesho nafikiria mko upande wa Machakos. So mwende salama. Asanteni.

**Com. Yano:** Asante sana Bwana DO, na pia wakati huu ni wakati wetu sisi kama wanatume kutoka Nairobi kusema tunashukuru sana kuwa nanyi. Tumeshukuru sana kusemezana nanyi na pia tumeshukuru kwa yale maoni mmetupatia. Niongeze tu kusema yakuwa yenye maoni yenye mmetupatia ni maoni ya maana sana, na vyenye Bwana DO amesema ni yakuwa kila jambo lenye nyinyi wananchi mmegusia ama kuyasema, hayo yote ni maneno ya Katiba. Hakuna jambo yenye mmesema yenye haiwezi kusemekana haiwezi kuingiana kikatiba. Na pia nimeshukuru kwa sababu mmetupatia very organized views karibu hata niulize Mumbi, kwani mlikuwa mmekeki mahali mkaongea? They were very organized and we are very grateful. Tutawahakikishia ya kuwa kutoka hapa tutachukua maoni yenu vyenye mmetupatia, tume-record yote na pia mmeona recorders wetu hapa. Pia mliona huyu mama Mary aki-record upande huu, sasa tutashika hayo maoni yote tuyapeleke Nairobi ili tuitengeze ama tuyatengeze iwe reporti. Sheria yetu inatumbia ya kuwa, sio tu tutengeneze hiyo reporti lazima pia tukisha itengeneza hiyo reporti, tuwaletee nyinyi wananchi kwa mda wa miezi miwili. Muiangalie, munitatue, mujijulishe wenyewe kwa wenyewe, kama yale maneno mliopatia wanatume ni yale maneno yako hapo hapo, imeongezewa ama haikuongezewa, kuna zingine zimeondolewa ama la ili ijulikane ya kuwa, mchango yenye itaingia ya kikatiba, ni yale maneno nyinyi wenyewe kwa wenyewe mulichangia na sio watu wengine.

Pia baada ya hiyo tutakuwa na National Constitutional Conference vyenye tutakuwa na mkutano mkuu wa kitaifa na hapo ndio pengine mtachukua waakilishi wenu, wabunge wenu watukuweco kule, pia representatives ya wamama, district representative nyote mtakuwa huko halafu mjadiliane yale maneno magumu yenye yanatakikana kuonekana kikatiba. Pia nasikia Mumbi ashanielezea kuwa amefaidika sana kutumia Provincial Administration na tunashukuru sana kwa vile mmesaidia district coordinator wetu kwa maneno ya gari pia maneno ya kutumia baraza zenu kufanya kazi ya commission. Na sitasahau kushukuru Minister wetu hapa, MP wenu hapa kwa vile yeye ni mmoja wao mtetezi kusema ya kuwa, ingefaa sana wanatume waongezewe wakati waendeleo kufanya kazi ya wananchi.

Hasa sasa viongozi, wananchi wote tumefika mwisho wa mkutano huu, na tungeomba tupate mtu wa kutufanyia maombi ili tuondoke. Asante.

**Maombi:** Tuombe. Baba tumeshukuru kwa wakati wote ambao tumekaa pahali hapa. Umekuwa nasi Mungu wetu, umetuongoza na ukatulinda, ukatupatia mawaidha mema na mazuri wakati wa kujenga na kutengeneza Katiba ya nchi yetu. Tena tunawakabidhi maommisioners mikononi mwako ili wakirudi Baba, wakawe na wewe uwalinde na uwawezeshe kufika salama salimin. Mungu wetu kwa wale ambao walitoa maoni, hao pia uwabariki na uwape nguvu zaidi ya kuendelea na kutenda yale ambayo wametenda kwa kujitoa, kujinyima wakati, hata na fedha zao wakajinyima kusafiri mpaka pahali hapa. Na wale ambao walikuja Mungu wetu twasema ni asante kwa vile na hao walikuja kushuhudia kwa yale walisema wakiwa pamoja wasikie vile ipo. Mungu wetu tusaidie katika maisha yetu. Tunahitaji afya njema na kila magonjwa Baba sasa tunayakataa katika jina ya Yesu Kristo. Na maongozi yako na kila njia ndio Baba tunataka kufuata. Tuongoze, hatutasahau mheshimiwa wetu Nyenze Baba wetu naye mlinde wakati huu ambao nao wa kuongoza constituency yake. Baba wetu mpatie mawaidha na uwerefu Baba na kujitoa katika kazi hii akiwa mnyenyekevu na mwenye huruma. Asante Baba kwa wote. Nashukuru na kusema tukikutana tena tutafurahi. Maono yetu Baba yazingatiwe na yatiliwe maanani na uwasaidie wale ambao

