

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

Verbatim Report of

**CONSTITUENCY PUBLIC HEARINGS, MUTITU CONSTITUENCY,
AT MUTITU SOCIAL HALL KITUI**

15 MAY 2002

Final copy

**CONSTITUENCY PUBLIC HEARINGS OF MUTITU CONSTITUENCY AT MUTITU SOCIAL HALL IN
KITUI ON 15 MAY 2002**

Present

Paul Wambua – Commissioner
Dr Mosonik Arap Korir – Commissioner
Riunga Raiji – Commissioner

Secretariat

Mr. Irungu Ndirangu – Programme Officer
Mr. Kiptoo – Assistant Programme Officer
Ms Mary Babu – Verbatim Recorder

(Prayers) **Rev Kiluni:** Baba wa Mwokozi wetu Yesu Kristo, asubuhi ya leo tunakushukuru sisi wa Mutitu kwa kutuunganisha hapa na wageni wetu Commissioners ambao umewatoa safari ndefu, na wote ambao ni wananchi wa Mutitu tumekusanyika hapa Bwana kwa kusudi na lengo kuu kwa ajili ya Kenya yetu. Tunajikabidhi mikononi mwako na kazi yote ya siku nzima. Mambo tutakayofanya hapa, maongeo yote, maoni tutakayotoa na kila jambo, Bwana tukaongozwe na Roho wako Mtakatifu na tuonapofika mwisho wa kila jambo Baba tutakushukuru. Kwa hivyo anza nasi na ukamalize nasi. Kwa utukufu wa jina lako ni kwa Yesu Kristo Mwokozi wetu tunaomba, Amen.

Rev Musili: Nafikiri vile tutafanya tutasema karibuni. Kila mtu amekaribishwa, Commissioners wetu wamekaribishwa, kwa jina ni Reverend Musili na ni mimi nimekua Chairman wa Constituency Committee. Kwa hivyo nitapatia Mheshimiwa atukaribishe halafu tuendelee.

Hon Kitonga: Hamjamboni nyote.

Response from the audience: Hatujambo.

Hon Kitonga: Nadhania yangu nitasema machache. Kwanza ni kuwakaribisha wageni wetu ambao wamefika hapa, na pia kusema shukurani sana kwa watu wa Mutitu ambao waliofika hapa. Nadhania munajua ni jawabu lenu hili. Hawa wazee wamekuja hapa kuchukua maoni yenu. So what you are required... *kile kikwendekana mono*, utoe maoni yako kabisa. Bila kuogopa, bila kuficha au kupendelea na Mungu awabariki.

Rev Musili: Asante. Nafikiri sasa we are handing over to the Commissioners. Ni wakati wenu. Asante.

Com Wambua: Jamaa wa Mutitu ando mwee aseoo?

Response from the audience: *Twee aseoo.*

Com Wambua: *Mwee aseoo inge?*

Response from the audience: *Twee aseoo*

Com Wambua: Nitaanza kwanza kwa kuwajulisha majina ya wale ma-Commissioner ambao watakuwa nami kwa hiki kikao. Tuko pande hii na Dr K Mosonik Arap Korir. Yeye ni Commissioner na kawaida huwa anasomesha huko Egerton University. Pande hii ingine ya kulia niko na Riunga Raiji, Commissioner, na mbali kuwa ni Commissioner, yeye ni wakili mashuhuri huko Nairobi wa miaka mingi. Ameifanya hiyo kazi ya uwakili over twenty years ama zaidi ya miaka ishirini if I am right. Kwa hivyo hawa ndio tuko nao na mimi ninaitwa Paul Musili Wambua. Nami pia ni wakili na mbali na kuwa wakili ninatoka Kitui, Matinyani, hapa hapa tu Kitui West. Kwa hivyo hawa ndio sasa tutaendesha kikao nao.

Na tuko na secretariat staff pande ile, wale wanasaidia. Tuko na Mr. Irungu ambaye ni Press Officer huko kwa Commission. Kiptoo, pia anafanya na Commission na (?), pia anafanya na Commission. Munajua District coordinator, hawa ndio watasaidia ku-recordi na kuandika kuhakikisha kwamba... she is sitting different from the other group so... Mary Babu pia ako nasi kwa Commission. I didn't see... I didn't know where she was seated. So those are the people we came with. Hawa ndio tulikuja nao na sasa nitawaeleza kwa kifupi tu jinsi mutakavyo toa maoni ndipo tuanze.

Kwanza, unatakiwa ikiwa umeandika maandishi yako, ama written memorandum, tutakupa muda wa dakika tano tu, uyaguzie yale ya muhimu katika hiyo memorandum. Maanake ukitusomea itachukua muda na bado tutaenda kusoma sisi wenyewe kwa hivyo usisome memorandum yako. Vile utafanya ni kuguzia tu yale ya muhimu halafu unatupatia tutaenda kusoma.

Halafu, ikiwa hutoi, huandiki ama hautupaitii maandishi, unataka kuzungumza tu, hiyo pia inaruhusiwa. Lakini tutakupa dakika

kumi, ueleze yale yote ambayo unataka kuyaguzia. Kwa hivyo huo muda ambao utapewa ni juu yako uhakikishe yale maneno yote ambayo unataka kuyazungumza, au kuyasema na maoni yako yote utayaweka kwa dakika kumi. Zikifika, tutasimamisha. Huo ndio utaratibu tutakao tumia.

Basi, kwa lugha, unaweza kuzungumuza tu kwa Kiswahili, unaweza kuzungumuza kwa Kiingereza, if you are comfortable with English, speak in English. Unaweza kuzungumza kwa Kikamba maanake ninafikiria wengi hapa ni Wakamba. Karibu kila mtu hapa ni Mkamba. Halafu... kuna wengine ambao sio Wakamba? Lakini wataelewa either English or Kiswahili. Kama hawaelewi hawawezi kuwa wanaishi hapa. So I know that as a fact. Kwa hivyo utaelewa either English or Swahili and we allow those who are comfortable with kiKamba to speak in Kikamba halafu we will translate for recording purposes. Sasa hivyo ndivyo tutafanya.

Na wale ambao watapewa nafasi kuzungumuza, ningependa kuwasihi wasirudie maneno. Maneno ukishayasema yameingia kwa tape, yamekuwa recorded na ukisema “ninataka kuongezea, na kuhimiza hivi”, basi imeingia. Usirudie tena. Just touch on the key issues, halafu sisi tukiandika tunaandika, maoni kulingana na issues. Kwa hivyo usiharibu muda wako kusemea kitu kimoja tu, halafu mwisho mwisho ndipo unanza kusema yale mengine halafu hatutaelewa sawa sawa.

Com Wambua: (In vernacular). There is one of them there. So we need...

(Interjection) **from the audience:** (inaudible).

Com Wambua: Is he deaf?

Response from the audience: No not deaf, not really (Inaudible)

Com Wambua: How can you say he is deaf?

Response from the audience: He has a problem... (Inaudible).

Com Wambua: He has a problem of hearing?

Response from the audience: Yes (inaudible).

Com Wambua: So then that is a different disability. He has to come in front and listen. Okay. Tuanze sasa na nitafuata orodha. First come, first served. Yule aliyefika kwanza ndiye ataoa maoni kwanza. Kwa sasa tumepewa orodha ya watu

kumi, na yule wa kwanza ni Ndunda wa Wambua - individual. Kwa hivyo tutakupatia muda... kuna memorandum Bwana Ndunda?

Ndunda wa Wambua: Ni kuzungumza.

Com Wambua: So uko na dakika kumi. Utatumia lugha gani?

Ndunda wa Wambua: English.

Com Wambua: Okay, that makes our work easy but we need a translator... where is the gentleman? So what you do please do not translate sentences, pick the idea/the concept and communicate the idea. So that once he has explained one full idea, you explain it in Kikamba so that... I think you understand what I am saying. Because if you translate sentence by sentence it will take us the whole day. So Ndunda.

Ndunda wa Wambua: The Commissioners of CKRC, Dr Korir, Mr. Raiji, Paul Wambua Musili...

(Interjection) **Com Wambua:** Okay, just a minute. I think we do not need that translation. The translation will come only when somebody speaks in Kikamba or when... for recording purposes. So, that translation is not necessary because it will become a waste of time.

Ndunda wa Wambua: The secretariat, the people of Mutitu, and not leaving behind I would like to notice the presence of our D.O and my member of Parliament, Hon Kitonga. Mine is to give my views on very different issues and pertaining issues, mostly five of them. This is in connection with the Constitution.

The Constitution being the mother of all laws are some sub-sections. I am going to talk on those sub-sections especially, the institution of presidency. When we talk about the President and the President elect, or the people intend to elect the president. The current scenario today is, parties nominate their own candidates and the President has the prerogative to appoint the Vice President amongst the elected MPs.

Comparatively, my views are different. I would like to see a scenario whereby, parties nominate their own Presidential candidate, the Presidential candidates nominate their running mates and go for the elections as Presidential candidates. Immediately they go for the elections, and they loose, a President should have only one constituency. The constituency should be the republic of Kenya. A President should not be a Member of Parliament.

If he looses, he should lose together with his running mate. The scenario today is, we have quite a number of them who were

competing to be Presidents of this country and because they lost the seat of the Presidency they went to parliament through the window. That is, they went to parliament, as MPs and they are becoming a bother to this country.

So, in my view, I would like a President to be nominated by his party of choice and he nominates his running mate. Presidential elections should be delinked from the Presidential and Parliamentary Elections Act. Presidential elections should be separate, not together with parliamentary or civic. Parliamentary elections and civic elections should be held together. Presidential elections should come later.

I support the Pal Ghai Commission. On their own request of having asked for an extension of their term so as to collect views and give us a good Constitution. But, I would like it noted that the life of parliament should not be extended. If need be, and Moi would want to do this, he can extend his time by five months as requested by the Commission and if the Commission completes its work, a new Constitution is put in place, Presidential candidates will come up and compete for the Presidential office. If they lose, they go home and rest. They should not come back to parliament through the window. That is one.

Two; about how parliament should be represented. Representation in parliament is not equitable. Some constituencies are so big, such that members of parliament trek distances that are not actually incompatible with the population and the people, they represent. I would like to see a situation whereby, members of parliament are given constituencies equal by acreage, kilometers, square miles and probably population.

Three; Institutional offices. When I say institutional offices, that is Constitutional offices that is the A.G., judges of the High Court, Court of Appeal, Permanent Secretaries, those government officers, who hold Constitutional offices are appointed at the mercy of the sitting President. The scenario today has really brought a lot of problems in this country. We need to reshape this scenario in our new Constitution, whereby the appointees of those offices are vetted by parliament before they get to those offices, because we are getting a lot of unscrupulous people who have been rejected, retirees who really messed up their own offices, yet they come and mess our country. That scenario should change all together.

Next; This is in regard to how our own country affairs should be managed. The institution of Presidency, should not be the prerogative of everybody's insinuation, because that office... the holder of that office is respected by the people of this Republic. And when I say that, I am talking about the appointment of cabinet ministers. When it comes to the appointment of cabinet ministers, once the President is elected according to my view, he should nominate men of sense, men of equity, men of high intelligence who are not Members of Parliament from our civil society, to join the cabinet in order to run the government and be answerable to Members of Parliament. Because as it is today, those officers are more or less senior than Members of Parliament yet National Assembly is an institution in accordance to the Constitution.

Mr. Commissioners, the people of Mutitu as I am talking now, in reference to the Constitution, Kenyans in general, the

Constitution is just a word to them. None of the Kenyans know about the Constitution other than Paul Wambua Musili who is a renown lawyer, Mr. Raiji, Dr Korir and Honourable Kitonga who are lawyers. Laymen like Ndunda wa Wambua do not know what is the Constitution.

The Constitution is a document that should be interpreted in all our forty-two languages, because people would talk about the Constitution. And if I asked our people here today, none of them would tell us what a Constitution is in Kikamba. As a matter of fact Mr. Commissioners, if you go to Nairobi and sit down and make it up, and come up with a new Constitution, please I would request you to at least interpret the Constitution in a language that people would understand.

If I elaborate and talk more about so many other things, I have actually talked about the Constitution. Because Constitution is actually governance of this country. All we are looking for is the way to be governed, because it is the supreme law that would give this country the way forward, the way to be governed. Everybody would be entrenched, he would be within that Constitution itself, and governance would be very easy.

The President shall have his own term very easily. Why I have said all this, there are these kombos, like we have now, His excellency, Mr. President said the other day he is going to retire. People are talking about who is going to be the heir apparent.

Are we a monarchy? We are not a monarchy; we have a Constitution in place. Though, it is the prerogative of the President to appoint the Vice President, now there is a scenario where everybody is more or less confused. I, Mkamba would like to have a Mkamba President. Every other person would like to have that scenario.

If it would have been very easy that we knew who Moi's Vice Presidential running mate was, we would know automatically in case Moi vacates the office, that man would switch directly to the office. But now the scenario is, who is going to come in and that is why people are almost fighting their heads. So I am asking you the Commissioners to come up with a very, very eloquent Constitution that would give Kenyans... that would erase that memory of who the heir apparent in our next government would be. The next President should come up with a running mate and elections of the President should be separated from that of the parliamentary and civic elections. Thank you very much.

(Clapping from the audience)

Com Wambua: Asante Ndunda. Just a minute please. Commissioners have a right to seek clarifications on issues which may not have emerged very clearly. So we would be... Commissioners definitely would be asking where they are not very clear and it is your duty to please clarify. Maybe before we go to the Commissioners, this is a point and I believe it is in the minds of these two Commissioners.

Since you have touched on the question of the Commission's life, that we should get sufficient time to complete our work and

we have already indicated that we cannot complete our work. We would want to hear your views on have you thought about what minimum reforms could be put in place, to ensure that we hold successful elections and proceed with our work as a Commission? Since you have mentioned that it is our responsibility to seek your view. If you have not thought about it, you are not bound to tell us anything, you can just think about it and later write to us through a memo.

Ndunda wa Wambua: Thank you Mr. Commissioners. I gave my view on the regard of extension of your Commission's life, and the issue of minimum reforms, I touched on it though I didn't mention about it, because I said parliamentary and local authority elections should go a head.

When I say that, is if they are put in place, some minimal Constitutional amendments to give the President and the Commission time to expound the Constitutional frame that they would want to put into place and at least extend the life of the President for the period that you are going to complete your work so as to separate the Presidential elections and parliamentary elections. Because this is where our problem today lies in Kenya, and that is why most of our people, I inclusive, because I remember when I was in Ford Asili, we started agitating for this issue of "let us change the Constitution", together with this gentlemen.

Why we said this, we wanted to separate the powers between the President and Parliament. We wanted to separate the Presidential elections and that of Parliament, because that was a nagging problem and Kenyans are really, really bothered about it.

To expound on what you have said, minimal Constitutional reforms should be put into place and your term extended for the period that you have suggested. Then get the view and make a good Constitution that would enable our new President come into office together with his running mate and then Parliament should continue with its work, this Nation continues. Thank you.

Com Wambua: Thank you very much. Now, you give... we will ask Commissioners to clarify other issues and Dr Mosonik wants to seek clarification.

Com Arap Mosonik: Just on the issue of constituencies, you are saying that they should as much as possible be equal in area and population but, that is precisely where the problem is. That when there is the area and then you consider the population, the two do not go together. Quite often there are constituencies that are extensive in area and the population is sparse and vice versa. How do you reconcile the two positions?

Ndunda wa Wambua: Dr Korir, Mr. Commissioner Sir, what I was almost talking about is actually demographic. When you talk of demographic, I am talking about the area concerned especially, some constituencies like the constituency that Dr Bonaya Godana represents. It is equivalent to Kitui District by itself. If you consider the constituency that Honourable Kitonga represents, it is five times equivalent to Starehe, and if you come all the way from where you came from Kitui up to Tana River,

you will see a lot of problems and especially the terrain, it is so imbalanced.

Some of the constituencies were not actually demographically divided for constitutional purposes, they were actually political sort of boundaries made to suit some people. We would like to see an equity, where people are represented and the constituencies are almost equal either by population, demographic, geographical but not to suit individuals. That is what I meant Mr. Commissioner.

Com Wambua: Thank you very much please record your name on that side.

(Interjection) **Ndunda wa Wambua:** My name is...

(Interjection) **Com Wambua:** No just proceed there now and record... sign that you have presented your views. Asante sana Bwana Ndunda. (*Clapping from the audience*) Next, Joseph Kiema. Bwana Kiema endelea hapo. Tujulishe majina yako yaingie kwa machine and tell us what language are you using?

Joseph Kiema: I can use Kiswahili and even English...

(Interjection) **Com Wambua:** That is easier.

Joseph Kiema: But most of the time I would use English.

Com Wambua: Sawa, that is okay.

Joseph Kiema: Sometimes I can refer to Kiswahili...

(Interjection) **Com Wambua:** Please start by telling us your name and proceed.

Joseph Kiema: My name is...

(Interjection) **Com Wambua:** Do you have a memorandum?

Joseph Kiema: I have. But I wanted to seek some kind of clarification before I begin. I have a memorandum and at the same time it is representing a group, it is not individual. But, at the same time I also have a few other items that I would wish to present orally. So I do not know whether I can be confined in the ten minutes that you...

(Interjection) **Com Wambua:** You have to do that in the ten minutes and please it is your business to manage your time that way, make sure that you use it economically. You highlight the key issues.

Joseph Kiema: Thank you sir. First of all I want to present...

(Interjection) **Com Wambua:** You will take it there after you finish for recording. Carry on please. You can also sit.

Joseph Kiema: I am a teacher by profession.

(Interjection) **Com Wambua:** Carry on, carry on please.

Joseph Kiema: I am a teacher by profession and most of the time we do our work while standing, it is very unfortunate. Your honour, Mr. Chairman Sir, your honours the Commissioners and the general public and the honourable MP, Mr. D.O and all those that are in attendance, hamjambo?

Response from the audience: Hatujambo.

Joseph Kiema: I wish to welcome you to Mutitu Constituency and wish you a happy stay and God's mercies. We regard you Commissioners as an SOS team in a rescue operation, and so we want to request you to bear with us as we empty our wounded hearts to you. We therefore, have the pleasure to present our views and since they are in the memorandum I do not wish to read all of them, I will only highlight a few points.

Like, we have handled the issue of preamble. We have put some recommendations on the preamble because we have said we need one on the Constitution, since the one that exists now does not have. It just begins like a story. Even a storybook is better, because it has an introduction.

We also have handled the issue of directive principles of State policy; you are going to read that. I do not want to read everything. We have handled the issue of Constitutional Supremacy, you will also read that. We have handled the issue of citizenship. I think you can also be able to decipher the information. In fact, we do not want to pretend that we have exhausted everything or that we are professionals in this matter. If you find that we have had, here and there in our language and maybe presentation of ideas, I am sure that is why you are there you will be able to put it right.

We have handled the issue of defence and national security. We have handled the issue of political parties and also the issue of structures and systems of government. We have handled the issue of the legislature.

(Interjection) **Com Wambua:** Excuse me, why don't you tell us the key highlights of...

Joseph Kiema: Okay.

Com Wambua: For example if you say citizenship, I do not want to interrupt you, but if it is citizenship, just give us the key recommendations of that area so that we can know what it is and if there is any need for clarification then we can seek. Therefore, do not read it, just highlight on these issue, this is what we propose, on this issue this is what we propose.

Joseph Kiema: Thank you. I hope the timekeeper has taken note of the Chairman's interruption...

(Interjection) **Com Wambua:** No, I am the one keeping time so...

Joseph Kiema: I am sorry Mr. Chairman. Thank you. So, on the issue of citizenship, we have talked about how a person can become a citizen of this country. One of the points, maybe is that... we have said, we have suggested that every person on the Kenyan soil irrespective of race, or where the parents come from should become an automatic citizen of this country.

Citizenship would also be acquired through other ways. Like for instance, we have said, any person wishing to become a citizen of Kenya may apply to become one as long as, that person is not a criminal, a devil worshiper, a lesbian or a homosexual. Those are some of the points we have seen and we have said that every Kenyan citizen should be accorded full rights of a citizen. Maybe we have not highlighted what these rights and obligations are, but we did not want to pretend that we are exhausting everything.

On National defence: Defence and national security, as much as possible, we want the status quo to remain. But we have suggested that there should be a code of conduct or standing orders to be established by an Act of parliament to detail the promotions and discipline of the Armed Forces with a special feature on corruption. So much for that.

Political parties: We have seen that we have so many parties, I do not know how many they are now, another one maybe might have been formed without my knowledge. But, we have said that political parties apart from playing their role of political mobilization, we have also suggested that they should be used as vehicles for political mobilization... instruments of development apart from political mobilization. And any party that promotes animosity, war-like activities and tribal alliances should not be registered. They should be reduced to about five of them, at the ratio of one party to around six million people (6,000,000) of this country because, we are told that the population of Kenya is about thirty million people (30,000,000).

On structures and systems of government: We have advocated a system, which is hybrid where the executive authority is shared between the President and the Prime Minister. The Prime Minister to be in charge of government and the President to

be in charge of the State.

Something special we have come up with is, the power should be given to districts to draw development plans and access budgetary allocations for the implementation of the same. The current arrangement is only a smoke screen. It appears to do so but it does not.

The legislature: We have said the legislature, the chamber should still continue to be one. Parliament should control its own business and timetable. We have said that MPs are fond of increasing their salaries when they want and they give themselves too big at the detriment of teachers. So we have agreed that...

(Laughing from the audience)

Joseph Kiema: So, we have said that a committee should be appointed by a Public Service Commission or whatever appointing authority would be agreed upon to oversee the remuneration of MPs when the need arises, MPs should be full time workers of the Public Service Commission and they should write monthly work programs to give to the Speaker. Write monthly reports and give to the Speaker, so that they can account for the time they are supposed to be in parliament. Some of them are just having a joy ride there.

On gender: We have said, anybody wishing to become an MP, let that person compete on equal basis irrespective of gender, the issue of women being 'weaker vessels', we do not advocate that.

The executive: A special point on the executive, we have recommended the Provincial Administration. We have recommended that, the assistant chief should remain, the chief remain and the D.C and then the Permanent Secretary. The D.O and the P.C. we have not really seen them very openly in development. Actually we may not be able to say exactly what they do, but we see them because they are there, the government has said that they must be there.

Judiciary; we require a truly independent judiciary. The one that is there is said to be independent but it is not, because the Chief Justice is appointed by the President. So, 'he who's bread you eat, he who's song you sing.'

Then we have general points, which I do not want to read because you will read them. The only point I want to mention on that is that, the winning Presidential candidate, apart from getting the 25% in the five provinces should also get 51% of all the votes cast. Because we realize that we may be ruled by a President who has actually received the minority votes and therefore, he cannot be effective because most of the people would not like him.

In conclusion Sir, we believe our presentation contained in this memorandum, the one I am going to present there, will serve as

a research instrument, by this phenomena of Constitutional Review and that it will go a long way into making a robust post-independence Constitution. Thank you for that bit.

The other bit that I said I was going to add, I hope I am still in my ten minutes.

Com Wambua: It is exhausted, but I took one minute, which I am giving you now.

Joseph Kiema: Okay, thank you.

(Laughing from the audience)

Joseph Kiema: We have also noted that MPs should not be entitled to pension, but they can be entitled to gratuity, a lump some gratuity which should take care of the remaining part of their lives. We have also said the quota system in all sectors be abolished. People should be given opportunities according to competence and not quota system.

Recruitment by public service should be done at the divisional level. NHIF (National Hospital Insurance Fund) should reimburse contributions to workers who have not used the funds in their active service when they have retired. Village elders should be included in the provincial administration or abolished if they cannot be absorbed. The mandatory retirement age should be increased from fifty-five (55) years to sixty (60) years and voluntarily be made fifty-five (55) years. Thank you very much.

(Clapping from the audience)

Com Wambua: Thank you very much; I must congratulate you for keeping time. Let us give a chance to the Commissioners to seek clarifications.

(Clarification) **Com Raiji:** Just a point of clarification, Mwalimu. You mentioned something about the D.Os and the P.Cs, but I think you were a little shy. Are you proposing that we abolish those positions?

Joseph Kiema: We are saying that those positions, notwithstanding the fact my D.O is here, because we are making a Constitution; we are saying that those positions should be abolished.

(Clapping from the audience)

Com Arap Mosonik: Another very small clarification. You said that the political parties should be involved in mobilization and

development. One of the issues which we have heard elsewhere and which we have included in the issues and questions is the question of funding. Should they be funded from the Central government or from the ex-chequer after they undertake this development, of what is your view on that?

Joseph Kiema: The funding is only to facilitate their on-going activities, their mobilization and even their programs, but it should be done,.... I do not know when you say the ex-chequer, you mean the Consolidated fund. If you mean so, yes.

Com Arap Mosonik: Thank you very much.

Com Wambua: Asante sana Mwalimu, please register yourself there. We move on to the third speaker that is Peninah Kithome.

(Interjection) **from the audience:** Are the clarifications coming from only the Commissioners?

Com Wambua: It is only the Commissioners because... the thing is, we cannot open a debate. What you do is that you can sit there, register yourself or we give you an opportunity and you can give your views on the issues which you do not agree. Because if we open the debate we will take very long. So, mama endelea tafadhali Peninah.

Peninah Kithome: Asante sana Mr. Chairman, I think I am also somehow a teacher by profession, kwa hivyo nitasimama. Nitatumia lugha ya Kiswahili ingawa nimeandika kwa lugha ya Kiingereza lakini nita... I will only clarify some points. Na nimesimama hapa individually, but some how representing maendeleo ya wanawake.

Nimeandika points kumi na moja lakini I will clarify on just some points. Kwa hivyo, Mr. Chairman Sir, the Commissioners na wananchi wenzangu, nimeandika points nyingi lakini zile ningetaka sana sana kuhimiza ni hizi:-

Moja, ni juu ya the land allocation of Kenya. Kuna system ambayo tunatumia Kenya na the land is categorized into different categories of land, there are reserves, there are crown lands and what we call trust land. Wananchi sana sana nafikiri wamepatiwa hii tunaita trust land, ama ile ilikuwa inaitwa na wakoloni 'native land' and the utilization of that native land, we are not sure how we are supposed to demarcate our lands because sometimes it is best that we should have what we call the demarcation and we are given the title deeds.

Kwa hivyo in some communities, sana sana vile nimesema nitawakilisha wanawake, sisi wanawake wa Kenya we are somehow overlapped by the cultural beliefs that sometimes we do not have our rights to own some pieces of land. Kwa hivyo hata kama kuna hii demarcation, giving of land, sisi wanawake wa Kenya hatujaridhika kwa hiyo system maanake sometimes even married women do not have rights to own a piece of land.

Sana sana, wanawake wengi kama wale wanawake wanamabwana zao, utaona watu wa nyumba hiyo wakikaa na waanze kuvutania ile piece of land huyo mama ameachiwa and they say that traditionally women are not supposed to own land. Kwa hivyo we would have liked something to be done on the land allocation of Kenya. That, all persons are persons and not a woman and a man. Kwa hivyo, hiyo tungetaka iangaliwe sana. maanake wanaweza kuona wanawake, unazaa mvulana, unazaa mtoto wa kike, siku hizi ni bahati kuolewa. Mtoto labda hatabahatika kuolewa na huyo mtoto wa kike, she will just go on producing kids who have no where to go. Kwa hivyo hiyo sana sana iangaliwe. Nimeandika point nyingi nimesema hivyo.

Kuna zingine hapa nimeandika na hii inasema there are some... sijui sasa hiyo nitasema kama nini. Lakini I have said that some rules and regulations should be made on the following issues, education in Kenya.

Hii education, sana, sana in Kenya inapaswa kuwa kwa kila mwananchi, na kwa kila mtoto. Lakini unaona tunaambiwa, education in Kenya is free lakini it seems as if it is not free because, it seems to be for those who have some good amount of wealth and not for the poor. Tumeambiwa ni bure lakini, zile demands tunapatiwa na mwalimu, development, nini nini, utaona watoto wengi na jamii nyingi maskini hawawezi.

Kwa hivyo education in Kenya is not properly equalized. Kwa hivyo something to be done on education so that almost everybody in Kenya should get education. Nafikiri hapo Serikali sana sana imeangalia on some urban areas and the rural areas are suffering. Watoto wamekuwa labour kids. Wanaajiriwa. Mtoto akiwa wa miaka sita ameanza kuajiriwa maanake the parent probably cannot meet the expenses of paying some development fund or what ever is being paid. Kwa hivyo hiyo education iangaliwe sana.

Something should be done on the increase of population. Sijui hiyo nitaita, carelessness of bringing up some unwanted kids. Kenya imekuwa watu wanazaana ovyo ovyo. I do not know who is to blame, sijui ni wanaume sijui ni wanawake, lakini something should be done to restrict that people should bring up kids who are planned for.

Lakini sio kuzaa zaa ovyo ovyo. I would lay the blame on both sexes, to women and men because men are cheating women that "I love you or I do what..." wanazaa, lakini wakizaa the labour is left to one person. Na huyu mtu...Nikiwa mtoto kuna kitu kilikuwa kimehimizwa sana sana kwa waalimu. Nilikuwa ninasikia mwalimu akiweka mtoto wa shule mimba, huyo mwalimu atafutwa kazi ama atalazimishwa kumwoa. Sijui hiyo ilienda wapi. Na kama iko, it has been neglected so, it should be put strictly that unwanted kids in Kenya...

(Interjection) **from the audience:** Hakuna, imeenda.

Peninah Kithome: Imeenda ninambiwa hivyo. Kwa hivyo kama imeenda, there should be something that, unwanted kids in

should be taken care of.

(End of tape)

Peninah Kithome: On single parents utapata mwanamke ameachiwa hiyo labour, watoto ni saba, hawezi kulipa development fund, hawezi kufanya nini na anawaachilia wanaenda matown na mwanamume haonekani yule amezaa na huyo mama. Sijui huyo mama alikuwa anazaa peke yake ama alikiwa anazaa na mtu. Kwa hivyo something should be done and strictly on those issues.

About the disabled; the disabled of Kenya seem to be some how neglected. Kuna ile African culture tulikuwa tunasema mtu ambaye ako na kilema. We modern Kenyans have not yet left that belief. I am teaching some of the disabled or I am dealing with one of the disabled department which is the hearing impaired ama the deaf, and I have seen how these kids are neglected.

They have no rights in our community. They have no rights in our country and even to an extent of I think the government, if I can say, or the present government or the Constitution does not cater for the disabled. Utaona mtu mwenye akili punguani, sana sana wanawake wanaonewa sana. Nafikiri nyote munajua.

Utaona mwanamke mwenye akili punguani anazaa watoto. Huyu mwanamke anazaa na nani? na kwa nini Serikali isiangalie hayo mambo? Na huyo mtoto ataangaliwa na nani? kama mama mwenyewe hana akili nzuri? And the government is looking on these things and they are doing nothing. So something should be done on our Constitution to cater for the disabled apart from their disability and handicaps.

(Clapping from the audience)

(Interjection) **Com Wambua:** Kuna kidogo tu sitaki kuingilia muda wako lakini, give us proposals. Whatever you have thought, tell us this is what the government should do. It will help us, proposals. If you say that “I do not know, something should be done”, you are not helping. Just say, I would recommend this be done.

Peninah Kithome: On the issue of unwanted kids, I have proposed that persons who bring up unwanted kids, should at least be punished or made responsible for whatever they have brought up.

On the side of the disabled: I think in Kenya we have introduced education for the disabled so the government should at least, when it is planning for the rest of the people, they should also plan properly. They have been planning but, I do not think it is properly done. So they should plan for the disabled and cater for them.

There should be a good child department, which can be catering for these people in the rural, and the urban taking note on how they should be taken care of. Kama responsibility itapatiwa watu wake, lakini Serikali ihimize, maanake mwanzo, mwanzo nimesema kuna hii African culture ya kuneglect disabled. So people should be made to learn that, the disabled are just people like the other people and they have their right to live and to enjoy the life God has given them.

I think hizo zingine nilikuwa nimesema the government should also, or the Constitution should cater for the domestic laws whereby, even if it is a married couple, or something to do with the family they have a proper channel to cater for some problems because we have also seen some parents or couples neglecting or mistreating their young ones. So, the youth and the young ones should be catered for properly.

We have children's departments, lakini sana sana, na saa zingine utaona vitu vingi havijawekelewa mkazo sana na vitu vingi havijulikani kama vile mwenzangu amesimama hapa nakusema vitu vingine vya Kenya viko lakini vimefichwa hatuvijui.

Kwa hivyo, why cant the government put on strict domestic laws on some issues that there is no mistreatment of the kids, labour ya watoto, na sana sana kuna hii mistreatment also of women. Women in our Kenyan culture, are believed to be a weaker sex and they are believed to be people... yaani wanaonekana kama watoto. Ni kama hawako. Kwa hivyo domestic laws, Serikali inatakiwa itengeneze cater for, sana sana wanawake on those ethnic group who are left with these beliefs that women should not own anything, ama watoto hawana right kwa jamii ama mtu fulani hana right kwa jamii. Kwa hivyo, with those few, ninafikiri zile zingine nimeandika na... and some of them have been mentioned lakini nilikua ninataka sana sana kuhimiza hizo na asante sana.

Com Wambua: Thank you very much, jiandikishe hapa mama. Peter O Kebero. Utatumia lugha gani Peter?

Peter O Kebero: Hata Kiswahili inafaa. Chairman, Commissioners, Mheshimiwa Bwana D.O. na wenzangu, hamjambo?

Response from the audience: Hatujambo.

Peter O Kebero: Mimi yangu yale ningesema wenzangu wa mbele wamemaliza, kwa hivyo nitaguzia moja tu kuhusu clashes katika Kenya. Mimi ninasikitika sana nikianza kusema habari ya clashes sababu kwa muda mrefu mimi ni mzee sasa nime retire. Kutokea wakati wa campaign kila mwaka, tukikaribia campaign, unaambiwa wewe rudi kwenu. Mfano kama Mombasa, huko Narok, huko Elgeyo Marakwet. Watu huibiwa ng'ombe kama elfu moja.

Mfano ng'ombe elfu moja ni kitu hata mtoto mdogo anaweza kufuata na akazipata, lakini huenda kabisa. Sijui zinaenda Uganda, sijui zinaenda Sudan. Kwa hivyo ninauliza Commissioners, kama kuna njia ya kusimamisha mambo kama hayo hasa mifugo, upande wa Marakwet, Kapenguria na Narok.

Lingine kama Mombasa, kila mwaka tukiingia wakati wa siasa, inasemekana watu wa bara warudi kwao. Baada ya siasa kuisha munaambiawa rudi Mombasa, Mombasa ni pazuri, sijui nini... Kama nimesema mbaya nitaomba radhi, lakini hayo ndiyo yame...*(Clapping from the audience)* yamenikasirisha sana.

Habari ya clashes Kenya. Mimi mambo mengi ningeguzia watangulizi wameongea kwa hivyo mimi sina mengi. Kwa sababu kila mtu amekuja kutoa maoni yake hapa na yale mengine nikigusia... Mmesema wabunge wanajipatia mishahara minono. Je, kama sisi retirees, watu ambao wameretire, hatuna mtu wakutuangalia masilahi yetu? Kwa hivyo ningepuliza Commissioner, kila wakati mambo yanafanyika watu wamestaafu waangaliwe masilahi yao.

(Clapping from the audience)

Kwa hivyo mimi sina mengi, nafikiri hayo yametosha. Asanteni.

(Clapping from the audience)

Com Wambua: Okay asante sana. Tumuite... jilandikishe hapo tafadhali Peter Kebiro. Sammy Kimonde, ako wapi? Okay, let us call the next one, Mutemi Musyoka. Unatumia lugha gani?

Mutemi Musyoka: Nitatumia Kizungu.

Com Wambua: Kizungu, unamemorandum?

Mutemi Musyoka: Kizungu na Kiswahili. Niko na memorandum.

Com Wambua: Tutakupatia dakika tano u-highlight, just highlight the key issues do not waste time reading it out, just touch on the key issues and we will understand.

Mutemi Musyoka: Commissioners...

(Interjection) **Com Wambua:** Sema jina ndio liwe recorded.

Mutemi Musyoka: Majina yangu ni Jeff Mutemi Musyoka. Niko na memorandum which is for a village and I want just to highlight some few things which the group saw that were necessary.

One thing that we desire is that, after we have elected our Members of Parliament...

(Interjection) **Com Wambua:** Give us the particulars of the village.

Mutemi Musyoka: Mungalo village.

Com Wambua: And roughly an idea of how many people discussed the document for recording purposes.

Mutemi Musyoka: We were about thirty people. After we elect Members of Parliament, they are supposed to be in parliament for five years. Whether they are doing good to the community or whether they are not effective.

We desire that, these Members of Parliament be given two years to see whether they are serving us or not. And after two years, if they are not serving us, we want them to be recalled by us through referendums, whereby we might refuse them or re-elect them. We see the views of the people concerning those Members of Parliament.

Another thing that I want to highlight here is that, we want the government to be nominating Members of Parliament. Those are the nominees, just not Members of Parliament of people who are friends of the Head of State or friends of the people of the parties, but we want those nominated Members of Parliament to be people who are skilled. They should be nominated according to their skill, knowledge and qualification. So that when they go to parliament, they will be able to help build the economy of the country. That is to give an example, they should be economists or probably professors in some fields who can help build the economy of the country.

Concerning the issue of the powers of the President on nominating people, especially the appointment of ministers, the Parastatal heads, we want that these powers of the President to be limited because sometimes, it takes such a short time for ministers to be changed. This year the minister for education is this person, next year they are changed, by the time the five-year term is up, you find there have been almost five ministers of education.

We want to see at least a good person chosen when the government takes office and then they be given time to serve us. We want them to serve us for some time, at least probably for the whole of the term. We do not want them to be just appointed and be dismissed anytime. Also for the Parastatal heads.

The other thing that we have seen is on the issue of land. We want the Kenyan government to give people ultimate ownership of the land. Sio wakati ati Serikali inataka inakuja kukutoa hapo and you become landless, unakuwa mtu ambaye hana pahali pa kukaa and sometimes you are not compensated. We want the government to give people their right to own their land. Sio wakati wanataka wanakuja kununua kwa sababu hapo kumepatikana coal au kumepatikana nini. And if the government has to

own that land, people should be compensated and more so they should share on the things that are being mined from that place.

Also concerning the land issue, the group has seen that, when we are giving people title deeds, the title deed should bear two names. That is the name of the wife and the husband so that when a man dies, the wife will not be chased away by the brothers of the deceased husband. The title deeds should bear two names, that of the wife and the husband.

To finish up, we have seen that many of the people of this Nation do not know the law of Kenya. They also do not know the Constitution. These laws and the Constitution should be taught in schools especially from Standard four and Standard eight. So that everybody would be able to know the law of Kenya. Thank you.

(Clapping form the audience)

Com Wambua: Thank you very much Mutemi Musyoka, please register yourself there and leave the memorandum with us. Tutamwita Sammy Kimonde, amekuja? Sammy Kimonde...

Response from the audience: He is disabled he is coming slowly.

Com Wambua: He is coming? Okay, and Francis...na nilisema wale wanataka kuongea kwa Kikamba wako huru kufanya hivyo. Kwa hivyo usije ukaogopa kutoa maoni yako shauri ya lugha. Tutamwita Francis Mutia. Francis Mutia, lugha gani?

Francis Mutia: Wengi wamekuwa wakiongea Kiingereza, (Inaudible)

Com Wambua: Haya endelea.

Francis Mutia: (inaudible)

(Interjection) **Com Wambua:** If you can communicate in English to us, please do so. If you are comfortable with English or Swahili, utuambie, you will save time.

Francis Mutia: Okay, asante sana. Mwenyekiti...

(Interjection) **Com Arap Mosonik:** Ninataka kusema haya, ninaomba Bwana Chairman, kwamba unatoa maoni kwa Tume na ndio sisi tunataka kufahamu na sio hotuba kwa wananchi hapa...

(Interjection) **Francis Mutia:** Sawa sawa, Nitatumia Kiswahili na Kiingereza, English and...

(Interjection) **Com Wambua:** Proceed in English.

Francis Mutia: Mwenyekiti...

(Interjection) **Com Wambua:** Tell us your name and proceed.

Francis Mutia: I am Francis Mutia, na nimesema ya kwamba nitazungumza Kiingereza ama Kiswahili. Maoni yangu ni haya. Kwanza nitaanza na village elders. Watu hawa tukiwaangalia vizuri ndio wanafanya kazi. Bila hao, machiefs na assistant chiefs hawangeweza kufanya hiyo kazi. Kwa hivyo watu hawa nimeonelea ya kwamba, kwa sababu wanafanya kazi, wapatiwe kitu, sio kufanya kazi kama slaves. Hao ni wafanyikazi na wanatambulikana, na kama hawatambulikani, inawezekana wasiingishwe kwa kazi yoyote.

Kitu kingine ambacho ningeweza kuzungumzia ni kuhusu education in Kenya. Hapo mwanzoni ilisemekana ya kwamba, in Kenya education will be free. When we look at it now, it is not offered free. Parents are highly taxed. Therefore, if it is free education, let it be free education, not free education and some charges being passed to parents.

The other thing is retirees. These people, some of them went on retirement long ago and now, what they get is five hundred shillings, imagine five hundred shillings in Kenya nowadays! Will it benefit in anything? I think that these people should also be considered when others are considered for salary increment.

The Electoral Commission: I think that this body is not independent. Therefore, let this body be completely independent to do its work without fearing. The other thing is that, in Kenya we have a country, if I do not know. We have a person who is above the law. I think that a human being is a human being! Therefore one to be above the law, he can be doing things anyhowly without considering others, but if he is under there, he can limit things. Therefore, no one should be above the law.

Judiciary; although this one has been mentioned, I also think that this body should be free when it is doing its work. Why am I saying so? I am saying so because whenever these bodies are doing their work, they do their work in fear, because at anytime things can be changed, and we hear that this has been changed. Therefore, if they are free, they will have proper people to change but not one individual person to sit down and change things.

Medical care: This one, since 1962 or 1963 it was publicly announced that medical care would be free but, this has not been the case here especially the place where I am now. I am now in Mutitu. When I go to the health centers there, just to step in I would be charged twenty shillings. From there the expenses have started. I think that medical care is not free and not all of us have money.

Therefore, I think that if we want justice, the people must be considered. You will see that some people are dying there because they do not have money. Health centers also do not have motorcars to take people to the district hospitals. Even when you go to the D.Os office, you find that there is no vehicle. Therefore, I think that at the D.Os office and the office of the clinical officer, there must be an ambulance that can transport people easily as people have been dying here because of lack of a vehicle to take them to the district hospital. Those are my points. Thank you.

(Clapping from the audience)

Com Wambua: Asante sana, jiandikishe hapo Bwana Mutia. Jonathan M Sambulu, Sambulu.

Jonathan Mwendwa Sambulu: Asante sana Bwana Chairman na maCommissioners wenzako na wale wenzako uliokuja nao. Pia asante sana Bwana D.O wetu hapa kwa kuwa hapa kutukaribisha. Mimi nitaongea kwa Kiswahili na Kizungu. Mimi ninaongea kwa niaba ya Kitoo Village. Jina langu ni Jonathan Mwendwa Sambulu.

Sasa ningependa kuongea on citizenship. Kitoo village wameonelea in order to confirm citizens of Kenya, there should be a certificate, birth certificate confirmed by the area chief. The second one, what should be the rights and obligations of Kenyan citizens? The laws of Kenya should allow citizens to confer citizenship to their spouses. What document should the Kenyans carry as evidence of citizenship? I would like to say that IDs at the present moment is enough. If somebody produces an ID that would be the right document.

Political parties; I think the Constitution should regulate the formation of all parties so that all parties can work together. On the issue of how the political parties will be financed, I think the ruling party should finance the other parties or they should be together.

The other part is legislation. What appointments should be vetted by parliament? I think the appointments should be vetted especially for senior officers not the junior officers. The appointment of senior officers should be vetted. This should maybe be heads of Parastatals or other big departments should be vetted by parliament.

The other thing, who should determine the salaries and benefits of MPs? I think there should be formed a committee of all parties or they should include the Public Service Commission so that they can sit together and determine the salaries of MPs.

The other thing is the judiciary; Should the Chief Kadhis and Kadhis be restricted only to their judicial work like all other judicial officers? If not what other work should they do? The group says that the Kadhis, Chief Kadhis and Kadhis should be restricted to their work only, because nobody from the judiciary crosses to do their work. So they should be restricted to their

work only. With those few items, I think I have completed my presentation.

Com Wambua: Thank you very much Bwana Sambulu, jiandikishe hapa na utuachie memorandum kama umeandika, thank you. Kasinga Mwakavi? Utatumia lugha gani?

Kasinga Mwakavi: Kiswahili.

Com Wambua: Okay.

Kasinga Mwakavi: Hamjamboni nyote?

Response from the audience: Hatujambo.

Kasinga Mwakavi: Sisi group yetu ni ya Katuni Village ambayo tulikuwa ni watu kumi na wawili tukisaidiana kutoa maoni. Maoni yetu, tumetoa kulingana na sehemu mbali mbali za maswali ambao tulikuwa kwa kila sehemu tulikuwa tunatoa swali kama moja, mbili, tatu.

(Interjection) **Com Wambua:** Rudia jina lako ndio liingie kwa machine tafadhali.

Kasinga Mwakavi: Jina langu nimesema ni Kasinga Mwakavi. Swali la kwanza tumeulizwa kwa kitabu cha Katiba kama tunahitaji utangulizi katika Katiba yetu. Sisi wananchi wa Katuni tuliona ndio, tunahitaji utangulizi katika Katiba yetu. Tumeulizwa utangulizi huu utaje mwelekeo upi wa kitaifa? Sisi tuliona ni mwelekeo wa kidemokrasia ambao ndio uko sasa.

Tulipotoka hapo tulienda sehemu ya pili ambayo ni kanuni za kuongoza sera ya dola. Tuliulizwa, tunahitaji kauli kwenye Katiba zinazosheheni falsafa ya taifa na kanuni za uongozi? Tulionelea ndio, tunahitaji kauli.

(Interjection) **Com Wambua:** Ukifuata haya maandishi bila kuenda huko tutaelewa. Hiyo tunajua kwa hivyo wewe taja hivyo vitu ambavyo unasema, continuously ndio tusiharibu wakati.

Kasinga Mwakavi: Okay, tulisema mbunge asipotekeleza wajibu wa wananchi, wananchi wawe na uwezo wa kuitisha uchaguzi kabla ya miaka mitano kuisha. Utawala uchaguliwe pia na wananchi. Utawala ni kama vile machief, ma assistant chiefs, wawe wanachaguliwa na wananchi. Maanake pia mimi nikiongezea kidogo, machief siku hizi pia, wale ambao wanaajiriwa na Serikali huwa wakati mwingine wanawanyanya wananchi, maanake ukienda kupeleka report yako, inabidi wewe utoe kitu kidogo ndio utekelezewe mambo yako. Kwa hivyo pia mimi ningeomba Katiba iangalie hawa machief, pia hao wawe wanachaguliwa.

Jambo la tatu, tulisema pia Wakenya wanamaadili muhimu yanayopaswa kuwekwa kwenye Katiba kama haki za kiraia zifuatwe, masomo, matibabu pia yawe bure. Lazima maadili haya yatekelezwe kisheria.

Ukuu wa Katiba: Tusiendeele kuwa na utaratibu kama huu. Tufuate utaratibu wa Katiba itakayo undwa. Mbunge atoe maoni kwa wananchi kubadilisha Katiba. Uraia, ambaye anayeweza kuwa raia wa Kenya ni ambaye amezaliwa na anakibali cha uraia wa Kenya. Apate kibali cha uraia wa Kenya akifikisha miaka kumi na minane. Utoaji wa uraia wa Kenya uwe na udhamini kama vile kupitia kwa chief, kupitia kwa wazazi na kupitia kwa waalimu.

Ulinzi na usalama wa taifa. Katiba isiunde mambo ya usalama wa majeshi na matawi yake. Utaratibu kama huo, kwanza upitie bungeni na Rais, ili wajadiliane ni vipi majeshi yatapewa nidhamu. Rais awe Amri Jeshi Mkuu, tulikubaliana hapo.

Vyama vya kisiasa: vyama vya kisiasa vitekeleze majukumu mengine licha ya kuhamasisha wananchi. Vyama visivyo na mwelekeo viondolewe. Tuwe na vyama kama viwili. Katiba ielekeze uundaji, uongozi na tabia za vyama vya kisiasa.

Miundo na aina za Serikali: Ndio tuendeele kuwa na Serikali ya urais. La, tusifuate muundo wa Serikali ya bunge. Rais awe na uwezo wa kuongoza Serikali na nchi.

Mamlaka ya nchi, Rais awe raia wa Kenya. Rais awe na umri wa miaka kuanzia thelathini na tano hadi sitini (35 – 60). Rais awe na shahada ya degree. Kuwe na kipindi maalum cha Rais kuongoza. Vipindi kama viwili vya miaka mitano, mitano. Hapo ndio nimefikia mwisho.

(Clapping from the audience)

Com Wambua: Asante sana. Jiandikishe hapo Bwana Mwakavi. Tutamwita Kativa Kathangu. Where is she? Just please say that in the microphone, tell us your name, representing who, and that I have a memorandum so that we record all that and you give it out please.

Celestine Maanzo: Ninaitwa Celestine Maanzo, ninatoka Manyoeni Sub-Location, Kathiku Location Mutitu Constituency. Nina memorandum ya Kativa Kathangu ambaye ni mlemavu, kwa hivyo amenituma na hiyo memorandum, sijui kama nitaisoma ama nitaipeana. It is very short. Amei-address Kativa Kathangu, Kavutei Sub-Location, Kaliku Location, Mutitu Constituency, she is a disabled lady. Mr. Chairman, I would like to present my views as a disabled person.

One, I feel the government should build schools for the handicapped children in all districts and offer, and provide as many workshops as possible. Two, the government should provide wheel-chairs, calipers, callipered shoes, crutches, walking sticks

and motorcycles for disabled people.

Three, I feel the government should provide and support handicapped people materially, e.g. sewing machines, to assist them.

Four, I feel the government should support the handicapped financially so that they can start their own small businesses.

Five, I feel the government should offer job opportunities to the disabled, as equally as to the normal people. Thank you.

Kativa Kathangu.

Com Wambua: Asante sana, just record that memorandum there. Tutamwita Reverend Maanzo.

Reverend Maanzo: Asante sana kwa kunipa nafasi hii. Mimi jina langu ninaitwa John Kula Maanzo, Reverend. Hiki ni kikundi cha kanisa, ndicho ninacho wakilisha. Kanisa linaitwa Kaliku A.I.C. na mimi ni kiongozi wa kanisa hilo. Kwa hivyo ningependa kusema ni mengi yamezungumziwa, yale ambayo tulikuwa tumeyachambua na ni kidogo tu nitaguzia yale ambayo hayajasemwa. Hii ni kuhusu wanawake.

Mama mmoja ameongea kwa ajili ya wanawake lakini, yale sisi tumeongea kwa kanisa, sikusikia akiyaguza. Wanawake wanaonewa, kwa kuwa hawapewi haki zao. Kwa hivyo, upande huu, mwanamke toka akiwa kama ni miezi kadha kuenda juu, anaweza kuchukuliwa na mtu akamfanyia dhihaka ama akamtesa. Na huyo mtu tukiangalia, hatafanyiwa kitu. Sisi kwa kanisa tukasema huyu mtu akipatikana na anyongwe.

(Laughing and Clapping from the audience)

Lingine, kwa hawa wanawake ni hili. Basi tumeonelea watoto kulingana na Bibilia, watoto wa kike, wanatahiriwa kwa kabila zingine, lakini huku kwetu Ukambani, tumeacha hiyo. Kwa hivyo mimi na lile kundi langu tumesema hilo, kutahiriwa kwa wanawake ikomeshwe kabisa.

(Clapping from the audience)

Kuna lingine ambalo ndilo la mwisho, lakini sio la mwisho kabisa. Nimekumbuka lingine, na hilo litachekesha kidogo lakini si kuchekesha, ningetaka liingie. Pengine haiko kwa mpango wenu Commission.

Hili, sisi huku kanisani tuko na kitabu cha Serikali, kama mimi Kasisi ninafunganisha ndoa na ile barua ninairudisha kule kwa Attorney General, tunarudisha kule na hatulipwi chochote. Kwa hivyo sisi, kwa maoni yetu Kasisi, tulipwe kwa ajili ya kazi ya Serikali.

(Clapping from the audience)

Lile lingine, na ndilo la mwisho sasa ni hili. Kuna wazee wa vijiji, wazee wa vijiji wako. Hawa wazee wa vijiji, ikiwa Mheshimiwa wangu yuko hapa, hawa wazee wa vijiji hawalipwi kitu, ndugu zangu, na wako na kazi nyingi kule, mashamba yameliwa na ng'ombe, hivi na hivi... hawa ndio wanawakilisha, wanakuja wanasema, wanawashauri wale lakini hawapewi kitu.

Kwa nini Serikali haiwaangalii wakapewa mshahara? Sisi tumesema wapewe mshahara. Basi ni asante sana kwa kunisikiza.

Com Wambua: Asante sana Kasisi, Rev Maanzo, jiandikishe hapo na utupatie hiyo memorandum, tutaenda kuisoma. Mrs. Celestine Maanzo.

Mrs. Celestine Maanzo: My names are Celestine Maanzo from Manyoeni Sub-Location, Kaliku Location, Mutitu Constituency. I am a member of the 3C's. Through the Chair, I want to recognize the presence of our Commissioners, our Member of Parliament, our D.O and my colleagues. I have issues that are specific and they touch on women and they are very sensitive and I want to go through them very quickly and proposals that we have made.

The first one is marginalization. Two; women's political participation and public life. Three; recognition, accounting and compensation of women labor. Four; provision of adequate health facilities for women and children. Five; property rights. Six; domestic violence. Seven; dowry practice. Eight; bad cultures, legends, taboos and myths. Nine; affirmative action in education. Ten; equity in employment. Eleven; access and control of resources. Twelve; protection of disabled females against rape.

Women have suffered marginalization since childhood, when she has to do all the house chores simply because the baby brother is a man. Since independence, Kenyan women have suffered a serious violation of their Constitutional right to decision making. The current parliament has about 3% women and no woman minister in the twenty-seven ministries and only one assistant minister. We recommend 30% women representation by the year 2002 and 50% by the year 2007.

Women political participation is very low due to many factors. For example, lack of empowerment, motivation, support and even their public life is very insecure since they are looked at as the 'weaker vessels', when in reality they act strongest. We suggest the new Constitution will keenly and positively address this issue in favour of women.

Recognition and compensation of women labour has never been addressed. Since independence, we hear of the freedom fighters and wonder where women fall. Since they supported the men all round, and even kept watch over their homes and children and were there to welcome these men home. We recommend that, such women be recognized and awarded.

(Clapping from the audience)

Women and their children have suffered lack of health facilities for too long even some of them die prematurely. We recommend that these facilities be made available and have as many mobile clinics as possible around and about the women.

It is disgusting to learn that a woman who has been married for the last twenty years owns not even a chicken in that home. Even the clothes she has on, belong to the husband. We recommend that, girls get property alongside their brothers and after marriage, every title deed should read like the marriage certificate and be entitled to fifty-fifty property rights.

(Clapping from the audience)

Women battering has been excessive resulting to deaths, eye gorging and many nasty things. The men have been getting away with it so easily and we feel this is the worst injustice that can be done to the mothers of this Nation. We suggest that the government gets a special court to deal with such cases and accord the highest penalty according to the Kenyan laws and to us, that is the death sentence.

(Laughing from the audience)

Dowry practice has been on and we feel it might be one of the reasons why we are battered to death, since we are some bought property! We recommend that dowry practice be done away with.

Some of our cultures and myths are nasty and have even been borrowed by parliament, the government or any authority for that matter. These cultures have put women down, to be seen and not to be heard, that is why they will not even ask a question in a village meeting, not to be looked at by everyone with suspicion. We recommend such cultures to be done away with right away.

The girl child has been the one to drop out of school in favour of their brother to go on, we therefore recommend fifty-fifty participation in education. We do not know who says that there are some jobs for men and that is why we do not have a woman minister yet some women are smarter than some men. We therefore recommend equity in employment that is fifty-fifty.

Women have no access or control on any resources even what is their own sweat. We recommend that women be given full access and control of resources just as their spouses. Many of our disabled women have been raped and abused even by honourable people. We recommend that such a man be punished by law, by being forced to marry that lady and take care of a child born out of that act.

(Clapping from the audience)

On citizenship, we recommend that spouses and children of our daughters be given automatic citizenship. We recommend that parents be consulted when our sons are going to other countries for peace-keeping and if that son dies while there, the government to support his family throughout.

We recommend a government where, if the President is a man, the Prime Minister or Vice President to be a lady or vice versa. We recommend that a third of the Councilors, a third of Members of Parliament and any other formation of Commissioners be women. We recommend that one disabled woman from each province be nominated to parliament.

We recommend that Kenya be made safe for women to live, work and move without fear of physical violence both in private and public spheres of life. We recommend that justice and fairness for women be promoted in the Kenyan courts, and that the government in office should meet the basic needs of citizens. We also recommend that basic rights of all vulnerable groups including the disabled, elderly, minority, street children, destitutes, orphans and especially of HIV/AIDS be ensured by the government of the day.

We recommend that harmful traditional cultural practices for example women circumcision be eliminated. Last but not least, we recommend that there should be promotion of culture of negotiation by all and in all matters. Thank you.

(Clarification) **Com Wambua:** Kidogo mama, just a minute. You talked of domestic violence and said that this should be punished by death. We take it that it means also that, if the wife beats the husband it should also be the same so that the wife should also be hanged...

Mrs. Celestine Maanzo: Exactly.

Com Wambua: Thank you very much. Please register. (*Laughing from the audience*). Joshua Mwakavi. Taja jina. Utatumia lugha gani?

Joshua Mwakavi: Kwa jina... Nitatumia lugha ya Kiswahili.

Com Wambua: Haya asante. Taja jina halafu toa maoni.

Joshua Mwakavi: Jina langu ninaitwa Joshua Munyoki Mwakavi. Kwa hivyo nitaongea kidogo, nitatoa maoni yangu kidogo, kila dakika maoni moja, kumi iwe ni kumi.

(Interjection) **Com Wambua:** Moja imepotea.

Joshua Mwakavi: Moja imepotea? (*Laughing from the audience*)

Com Wambua: Ndio, endelea.

Joshua Mwakavi: Nitazungumza kuhusu Parliament ambayo ni bunge. Wabunge wapewe ruhusa... yaani, wabunge wawe kikamilifu ili kupitisha mambo ya nchi ya Kenya kikamilifu. Ili ikiwa watapewa nafasi hiyo, kila mbunge atawakilisha sehemu yake sawa sawa. Na ikiwa wakati mwingine kama ambapo kuna wakati utafika unaona Serikali inasema inaenda kuajiri kama polisi, nini, kila kitu. Wabunge wawe wanajua na wapitisha ili kila sehemu yake ikiwa wanakuja kuajiri, kila sehemu yake ipitiwe hata ikiwa atapata mtu mmoja awe anajua kweli amepitisha katika parliament. Lakini sio Commissioner wa polisi kuamua na kwenda kuchukua watu fulani bila wabunge kujua.

Sababu tumewatuma ili kuwakilisha sehemu zao, wapewe nafasi ili ikiwa ni pesa ambazo zinafanya kazi Kenya, ni barabara, ni nini, ni kila kitu, wawe ndio wenyewe kuketi chini na kujadiliana na kusema kila sehemu itapata pesa ngapi. Sio Permanent Secretary kuketi chini na kusema pesa hizi zipelekwe Kajiado, pesa hizi zipelekwe wapi...Sababu MP hayuko pale karibu na sehemu yake itabaki nyuma na ikibaki nyuma tutaanza kulaumu MP wetu lakini sio kupenda kwake.

Maoni yangu ya pili, ikiwa ni Serikali ambayo sasa inakuja iwe ni Serikali ya mseto. Sababu kila chama kishirikishwe katika Serikali. Sio chama kimoja kikiwa kinawabunge wengi kiunde Serikali. Kikiunda Serikali, wao watakuwa wanapendelea watu wao. Na wale wapinzani ambao ni opposition, watakuwa wanakaa kando, mambo yakizungumzwa, ikiwa ni hoja inapitishwa, wale wengi wanapitisha. Huko tunakosa. Tukiendelea hivyo na wabunge wetu wapewe nafasi hiyo itakuwa ni vizuri.

Ikiwa ni habari ya nominated, kama MP, wabunge wapewe nafasi ya kuketi chini ili kujadiliana, ku-point ni nani ambaye ataweza kuwa nominated. Ikiwa sio hivyo, iwe inazunguka, hata ikiwa ni miaka ikifika mia mbili, kila sehemu iwe inafika nominated MP. Na ikiwa si hivyo, hakuna haja ya kuwa na nominated MP.

Na ikiwa kutakuwa kuchaguliwa wabunge kama hawa, nominated MPs, mtu akiwa amesimama katika kiti na wananchi wamemkataa, kwa nini anachukuliwa? Hafai, sababu wananchi wamemkataa. Na awachwe huko huko. Na ikiwa ni kuchukua mwingine, achukue mwingine ambaye hata hakusimama.

Nikija upande wa udiwani au mayor, mayor achaguliwe na wananchi lakini wenye viti watachaguana wenyewe kule ndani. Na madiwani pia, wawapatie maofisa nafasi zao, sababu wamekuwa na ukora, wacha niseme hivyo. Wakienda pale wananyakua kila kitu, kila kitu, wanasema wao ndio wanapeana promotion, ndio wanaajiri watu, chief officers wanakuwa pale kama sanamu. Kwa hivyo Councilors wawe pale kupitisha mambo ambayo mtu akiwa amepeleka shida zake, kama amepeleka agenda zake, waizungumzie waipitisha na waongojee yale ambayo wataletewa na town clerks na chief officers ili wazungumze.

Kama ni promotion, wale ndio wanajua ni nani ambaye anaweza kuwa promoted lakini sio madiwani.

Nikiendelea, na dakika zangu zikikaribia nifanyie hivi, nijue zinakwisha.

(Interjection) **Com Wambua:** Zimebaki tatu.

Joshua Mwakavi: Oh, tatu, nikiendelea hapo sasa hizo zimebaki tatu ni kuhusu biashara. Biashara, Serikali yetu iangalie iwe ina control biashara sababu wananchi wanaumia. Sababu unaambiwa uza kitu chako vile unapenda. Na mtu wa kawaida kabisa anazuiwa vibaya. Kwa hivyo sasa Serikali ambayo tuko nayo ichunguze, na ile ambayo itakuja, iangalie mipango ya kuwa na control ya biashara, ili... kama vile soda munaona, soda huwezi kusema kama umeonewa. Vitu vifanywe hivyo naye mtu wa biashara awe pia anapata kitu chake, mwananchi wa kawaida naye pia anaendelea vizuri.

Kwa hivyo, mimi yale ambayo nilikuwa nikizungumzia ndiyo hayo.

Com Wambua: Asante sana, jiandikishe hapo tafadhali.

Joshua Mwakavi: (to the audience) Si munipigie makofi.

(Clapping from the audience)

Com Wambua: Ulikuwa unataka kutoa maoni mzee?

Speaker: Ndio.

Com Wambua: Jina?

Speaker: Sammy Kimunde.

Com Wambua: Sammy... Sammy Kimunde. Okay, kuja hapa tafadhali uendelee. Sijui ama... haiwezi kufika hiyo wacha tu. Unataka kuzungumuza kwa lugha gani?

Sammy Kimunde: Nitaongea Kiswahili lakini nitasoma memorandum yangu kwa Kizungu.

Com Wambua: Sawa, sawa.

Sammy Kimunde: Kwanza ni asante sana kwenu nyinyi kufika hapa kuchukua maoni yetu. Mimi nilikuwa na mambo niliyokuwa nimeyaandika lakini wakati nimefika, yale ambayo nilikuwa nimeyaandika, mengi yamezungumziwa, sasa sioni haja ya kurudia.

(Interjection) **Com Wambua:** I think uko na haki ya kusema lakini ukumbuke tutakupa dakika kumi. Hata kama yamesemwa, dakika kumi zako ziko. Kwa hivyo yataje yale ya muhimu na kwa haraka haraka ndio...

Sammy Kimunde: Okay, yale ambayo ningetaja sana ni yale yanayohusu wale jamaa zangu ambayo wako katika hali niliyo sasa. Tuko na shida, kwanza katika mijengo ya Serikali, haya mambo kama Posta, kama benki ambayo ni kama Public Service buildings.

Unakuta kwamba mtu kama ni disabled, anaenda kwa benki anakuta kama counter iko juu sana, pahali pa kuandikia pako juu, ni kama hakufikiwa kwamba kuna customer atakayekuwa wa aina hiyo. Kwa hivyo, tunauliza kwamba majengo kama hayo yawe yanafikiwa kama vile wanavyo fikiria njia zile za emergency wakati wanatengeneza majumba. Kwa hivyo wawe wanakumbuka kwamba kuna watu ambao wanahitaji kuwa karibu na meza na kila kitu ndio wahudumiwe vizuri.

Kuna vipofu, na hawa watu ambao ni viziwi. Mtu anahitajika kuzungumuza kama ni account number yake kusema kwa sauti kubwa maanake mpaka aandikiwe. Kwa hivyo hakuna secrecy katika ile account yake, kwa maana hakuna pahali ambapo amewekwa kando ndio aelezwe mambo yake. kwa hivyo, tungeuliza kama kungekuwa na provision ya wings za watu kama sisi.

Wakati tukienda mahospitali, unakuta kuna queuing. Wakati unaenda, wewe mwenyewe huna nguvu, uko mbali huko, na pengine siku nzima usipate matibabu kwa sababu huna nguvu ya kusukumana na wenye nguvu. Kwa hivyo tungeuliza pia hiyo ifikiwi na tuwe na wing yetu katika mambo kama hayo.

Nikizungumzia tena, kuna vitu viwili ambavyo vinatusumbua sisi walemavu ambavyo tunataka Katiba iangaliwe kama inaweza ku-squeeze pahali hivyo vitu. Kwamba, sisi kama walemavu huwa tunaoa na si lazima mlemavu aoe mwenzake. Tunaoa hata mtu ambaye si mlemavu. Kwa hivyo, unakuta kwamba wale watu ambao ni abled wana incite pengine ni bibi au bwana, kunatokea vita kwa nyumba kwa maana bibi sasa anataka kwenda au bwana hamtaki yule. Sasa inakuwa ni vita na hiyo inakuwa ni cruelty imekuwa ndani ya nyumba kwamba hata bwana anaweza kupigwa na bibi kama yeye ndiye mlemavu au bwana anaweza kupiga bibi kama yeye ndiye mlemavu. Kwa hivyo, inakuwa hapo patafutwe kifungo iwe tunasaidika kwa sababu hicho ni kitu kinatokea kwa wakati mwingi.

Walemavu tunashida nyingine, wakati tuko kwa mabasi, katika zile basi ambazo ziko kama za town, unakuta watu wanaketi kwa viti. Kuna hizi basi ambazo zinaenda katika remote areas, hakuna mtu anayejali wewe ni nani, au unaingia hapo, ni kama

huna haki ya kutembea. Kwa hivyo hatupatiwi nafasi ya kutembea kwa kikamilifu maanake, uingie kwa gari, usingie hata kama ulikuwa mgonjwa, hakuna anayekujali. Kwa hivyo, kuwe na maandishi fulani au mwongozo fulani kuhusu njia zetu za kutembea, maanake tuko huru kwenda popote.

Lile lingine, nafikiri ni juu ya nomination. Tuko na watu ambao ni walemavu ambao wameenda shule, wamesoma na kwa sababu ya kitu kimoja au kingine, hatupatiwi nafasi ya kutumia vichwa vyetu kwa kutoa maoni katika nchi. Hii ni kwamba, ingekuwa ni bora priorities za kwanza za nominees ziwe zinapewa walemavu ambao wana hizo qualifications ya kama ni u-Councilor, kama ni Parliament, kama ni Board, Chairmen, anything, provided awe anauwezo kiakili kutimiza hiyo.

Lile lingine, ni kama kwamba mimi maoni yangu, au ile group tuliokaa chini maoni yetu ni kwamba hiki kiti cha President kina uwezo mwingi sana. Kwa hivyo tulionelea vitu kadha hivi viondolewe katika uwezo wa President. Kwanza ni kama ku-appoint ministers na assistant ministers iwe inafanywa na wabunge wenyewe au body ambayo inawezakuwa inashughulikia hiyo.

Permanent Secretaries hivyo hivyo. Attorney General awe hayuko kwa mamlaka ya President, the Chief Justice, judges of the High Court, Public Service Commission na Electoral Commission, iwe iko peke yake. President hawachagui hawa watu. Police, prison na GSU Commissioners wawe hawachaguliwi na President kwa maana hii ndio sababu inafanya President aliyeko kwa mamlaka kuamuru watu wafanye kitu fulani na ni mpaka watu wakubali, kwa maana kesho utafutwa kama hukubaliani na hayo.

(Clapping from the audience)

Tunakubali President awe anaongoza Serikali, lakini sijui tofauti ya State na Serikali lakini Serikali ndio tungeweza kuhimiza aongoze kwa maana tunataka ikiwezekana kuwe kuna creation ya post ya Prime Minister ambaye atakuwa anasimamia tuseme mambo ya Serikali.

Tungependa Katiba yetu iwe ina mwongozo au identity. Pia tungependa iwe na rights za civil rights, social-economic, cultural and special rights. Resources, yaani vile vitu ambavyo ni vya huku ambazo zinapatikana huku kwetu. Tungependa kama ni kodi tumelipa, kama ni kitu kimechukuliwa huku kwetu kama madini, iwe inarudishwa kule kule ilikotoka kwa njia ya services kama vile maji, mahospitali, madawa, vitu vile ambavyo ni vya muhimu katika maisha ya binadamu. Nafikiri vinajulikana.

Mwisho, tulipoketi chini kama walemavu wawili, watatu, wanne, tulionelea kwamba sio ati Katiba ya mbele ni mbaya sana, lakini zile zinaitwa amendments, yale mageuzo yaliyokuwa yakipeanwa katika chapters ndio yamechafua hiyo Katiba na hakuna moja ambayo tunarecommend kuwa iwe inafanya kazi, katika zile amendments thelathini na nane.

Nafikiri ile ambayo ningetaja mwisho ni kwamba, kuwe na uwezekano wa walemavu, ikiwa ni kitu ambacho kinafanyika kama

kwamba ni maoni yanahitajika kwa kufanya kitu fulani, wawe wanahusishwa ndio nao waweze kutoa ile kauli yao kulingana na ule uwezo wao. Nafikiri ni hayo tu. Jina langu sijui kama nilikuwa nimewaambia, ninaitwa Sammy Musyoka Kimonde.

(Clapping from the audience)

Com Wambua: Asante sana Sammy, jiandikishe hapa tafadhali. Tumuite, Kasamba V Maluki.

Kasamba V Maluki: My name is Vincent Kasamba Maluki. I have only three proposals. These are concerning orphans. Some parents have died and you find that the orphans are in trouble. They often go to school and have no one to support them. Nobody is left behind to go to the shamba. You can see them suffering in that they have no food to eat. I urge the government to support them in relief. Even if it is once per week.

Secondly, on behalf of the disabled people, these people have many problems. Since they cannot do manual work they have to be looked upon.

Thirdly, concerning education. Parents have many financial problems so I urge the government to support them in buying books and supporting them by giving them... in promoting them by paying fees. Thank you.

Com Wambua: Thank you very much, asante sana Bwana Kasamba, jiandikishe hapo tafadhali. Reverend Jackson M Kilunda. Reverend taja majina halafu utoe maoni tafadhali. Uko na memorandum?

Rev Jackson M Kilunda: Niko na memorandum yangu. Kwanza nitataja majina yangu, ni Reverend Jackson Kilunda. I am representing a C.O.C that is...

(Interjection) **Com Wambua:** Hakikisha umetumia dakika tano kwa kuwa utatuachia hiyo memorandum tutaisoma. Guzia yale ya muhimu tafadhali Reverend.

Rev Jackson M Kilunda: I am saying that I am representing a C.O.C. that is a Civil Society Organization by the name ECEP that is Ecumenical Civil Education Programme. On behalf of my four facilitators in this parish, tuko na memorandum yetu na many things have been said so, I am just going to touch on some very minor points.

Kwanza, we said that we need a preamble in our new Constitution. On directive principles of state policy, we said that we want democratic principles to be in place such as total separation of powers and respect among the three arms of the government and that the rule of law be adhered to as per the Constitution.

We should have a continuous voter registration and voter education in Kenya be put in place. On Constitutional supremacy, we should retain the system, but it should be raised from 65% to 75%. This is to make our new Constitution rigid so that it is not amended anyhowly.

On citizenship, we said Kenyans should be citizens by birth and on spouses, they should be entitled to automatic citizenship. On defense and national security, we the ECEP said that the President should not be the Commander-In-Chief of the Armed Forces of Kenya. Then on structures and systems of government, we proposed for the parliamentary, whereby we shall have a President who will be ceremonial and the head of state and the Prime Minister who will head the government.

On legislature; We said that appointments should be vetted by parliament e.g. the appointment of the Speaker to the National Assembly, the Attorney General, all national commissions committees and delegates, Permanent Secretaries, ambassadors, university vice chancellors, armed forces heads, nominated MPs, provincial administration should be vetted by parliament.

On the executive; We propose that the President of this country must be a graduate. He or she must have a first degree and above. Thank you for that correction. He or she must be a graduate and must possess the first degree and above and not below that. Then we said that the age factor should be thirty-five years and above. The President, he or she must be morally upright and because this is a Christian group we said he should be a God-fearing person. Not necessarily that this person is a Christian, even if he is a Muslim, but he should be God-fearing. And then we said, the President must have a family and he should be in the office for two terms of five years.

On the judiciary; A lot has been said, and we do not want to repeat ourselves. We propose that the Kenyan judiciary must be totally independent. On some emerging issues, we touched something on freedom of worship in this country, whereby we said, worship must be allowed but should have limits. That devil worshiping and free masons should not be legalized in Kenya. Devil worship and free masons should not be legalized in Kenya and should not be contained in our Constitution.

We touched on something on homosexuality. Homosexuality should not be allowed in Kenya and should be punishable. The last and not the least is on, lesbianism. It should not be allowed in Kenya and should be punishable as well. Thank you very much.

(Clapping from the audience)

Com Wambua: Asante sana Reverend, kuna swali kidogo... you have done well you took five minutes.

(Clarification) **Com Arap Mosonik:** I just wanted to ask you, you said the President must not be the Commander-In-Chief, but you did not tell us who should be the Commander-In-Chief.

Rev Jackson M Kilunda: We said, because we shall have the Prime Minister, we proposed for the parliamentary system, then the one who is heading the government must be the Commander-In-Chief of the Armed Forces.

Com Wambua: Thank you very much, jiandikishe huko. Thank you. Tumuite Francis Kilundu Mukula? Utatumia lugha gani?

Francis Kilundu Mukula: Watu wengi wameongea Kiswahili, wameongea Kizungu, sasa mimi Nitatumia Kikamba.

Com Wambua: Haya keti hapo halafu,...but unaweza kuzungumuza Kiswahili?

Francis Kilundu Mukula: Ninaweza kuzungumuza Kiswahili, lakini sana sana ninataka kutumia Kikamba.

Com Wambua: Haya, endelea Mzee halafu atatafusiri.

Francis Kilundu Mukula: Atatafusiri?

Com Wambua: Atatafusiri sawa.

Francis Kilundu Mukula: Mambo yangu ni mawili. Mwenyekiti na kina mama, wazee wenzangu na vijana wote, hamjambo?

Response from the audience: Hatujambo.

Francis Kilundu Mukula: Nafikiri nitakwenda kuuliza mambo mawili na yatakwenda kuangaliwa kama inawezekana ambayo ninaona yananisumbua na sana sana inasumbua akina mama. Nakuuliza unipatie masikio ili niweze kuongea na nitapenda kuongea kwa lugha... ninaweza kuongea Kiswahili tu lakini nitaongea kwa lugha ya Kikamba.

(Interjection) **Com Wambua:** Ongea kwa Kikamba. Mzee umepoteza dakika mbili na wewe uko na kumi. *Nena kikamba nukwaloliwa, nitwetekelile unene kwou ambea, ndakika syaku niyothela.*

Francis Kilundu Mukula: *Ekai nimukethye inywonthe. Ninimukethisye inywothe, ekai niwete maundu ele ngwenda kuweta, na umwe wa mbee, ni mundu kwandikwa, na akithokoma na akithokoma. Akisya kunegewe thamu itawa retirement. Na enuka retirement, ayoka kwa vaati mbaya kana vaati nthuku, akwata ni mbanga aikwa. Aitia muka ula unamoeya aithokoma. Nake muka akinengwe mbesa sya mume sya retirement, miaka etano na ikethela kiveti kiu na syana kiitiwa mana kiyekala kitekwosa mbesa. Mathena ala manathukumiwa ni mume, ala mume waendie wiane nundu wamo, na Ngai niwamutethisye akwata wia, mathi ku kiveti kee miaka etano yathela, ni mathela mathina ma*

iveti?

(Clapping from the audience)

Com Wambua: *Ni useo nikenda twikalate mutumia, ututavye ula undu ukwenda. Wenda twike ata ee? Utunenge maoni maku wenda twike ata nikenda twikase?*

Francis Kilundu Mukula: *Maoni makwa ni mundu uyu nuunathokumie na anamina miaka yake nesa, na anainoka kuu. Na wethiwa niwenuka kula wenuka kwoo, Kenya, ndionenea kundu kunge. Mundu usu ethiwa nuukwosa mbesa sya retirement, anengwe mbesa ni silikale yake, anengwe mbesa. Na amina kukwa, nake muka aile kwendea mpaka nake akwe.*

(Clapping from the audience)

Translator: He was saying when one has been employed, he has worked for sometime then he retires, after he retires he is supposed to get some kind of pension for some years. But then if he happens to die and the wife gets the pension for five years, after that the pension stops. So he was requesting the Constitution to be amended so that after the husband dies, the wife continues to get the pension until she also dies.

Francis Kilundu Mukula: *Ni muvea. Ikulyo ya keli ni ee. Ve mundu ungi na ni Mwanakenya asyaiwe kuu Kenya nikwo kwake na mundu usu niwaendie kumantha wia na wia wiaoneka. Na niwekala maisha make niwekala atweka musee. Kula unathukumaa ivalua ndatontha kuthukuma ivalua, niwasyoka musye. Je ve nzia silikali itonya kutethya mundu uno ukunthamaa muno wanau e nthi yake? Mundu uu wakua na nde vandu utontha kuthukoma kivalua, ndena vintha vee onsea otontha*
(sentence incomplete)

Com Wambua: *Wenda twike ata? Tutavye ula undu ukwenda twike.*

Francis Kilundu Mukula: *Yu nienda ethiwa ni undu utontheke, mundu usu, kana silikale ni itontha kumwosa vamwe na ala ma muthemba usu ukethiwa niutonya kutethesya vandu akanengawa kaindo kanini ka kutethya nundu ee nzia yake na niwalikie mathinane wene. Ni muvea, niwaa kunena maundu asu.*

(Clapping from the audience)

Translator: He was saying, when one ages, and is not able to work...

(Interjection) **Com Wambua:** *Jiandikishe hapo tafadhali mzee.*

Translator: Maybe this person should be taken to the homes of the aged and be taken care by the government.

Com Wambua: Asante sana. Mrs. Grace M Mutinda. Una memorandum mama?

Mrs. Grace M Mutinda: Lakini unajua it is not photocopied, so I will go with it, and give it to you tomorrow.

Com Wambua: But you are giving a memorandum?

Mrs. Grace M Mutinda: (Inaudible)

Com Wambua: Ni sawa sawa, I will give you five minutes. Highlight the key issues.

Mrs. Grace M Mutinda: Thank you very much. My name is Mrs. Grace Musenya Mutinda, I am a retired teacher. I have been married in this place for thirty-three years and three months. I am a member of the steering council in Ufungamano and I will start. Thank you very much for the Commissioners and my Member of Parliament, I had forgotten, and ladies and gentlemen.

I look at the preamble. The preamble should state that the Constitution is being made by the people of Kenya stating the aspirations for the just, prosperous, peaceful and united nation.

(Interjection) **Com Wambua:** Mama, is this memorandum personal or is it for a group?

Mrs. Grace M Mutinda: Personal.

Com Wambua: It is personal.

(Interjection) **Mrs. Grace M Mutinda:** Although, I have met with many groups and I am also in the church.

Com Wambua: Okay, carry on.

Mrs. Grace M Mutinda: With effective, directive principles of state policy...(end of tape) Bureaucracy will rid us of corruption, spread of HIV, tribalism, illiteracy, declining health standards, poor infrastructure, brain drain, declining business investments, unemployment rising number of street children, incompetent leaders, stagnant government policies, unequal resource allocation, widening gap between the rich and the poor, the general decline in standards of living and the list is endless.

I suggest our principle and motto to be “*God alone, our hope*” and the law should enforce it.

Constitutional supremacy: In the past we have seen very many amendments in the Kenyan Constitution. These have been made to take the power from the people to the Executive. This Constitution we are making should be changed by the people of Kenya only. Parliament is only to endorse it.

Citizenship; Spouses of Kenyan citizens regardless of gender should be entitled to automatic citizenship. Since the Bible says “*the two shall become one...*” and also in Africa we know very many people of extended families, in Kenya and in the countries concerned become united. A child born of one Kenyan parent regardless of the parent’s gender, should also be entitled to automatic citizenship. We should allow dual-citizenship, since it has been said, “*East or west, home is best*” and we know at the end if these citizens, or we get citizenship of rich countries, they will bring wealth back to Kenya at one time.

Defence and the national security; The disciplined forces:- The military and the Para-military police, prisons and so on should be established by the Constitution. The President should be the Commander-In-Chief of the Armed Forces, getting his commanding authority from parliament. The people of Kenya through parliament should have the authority to declare war.

Political parties; The political parties in Kenya are too many. If I wanted to form a political party with my family, I would do so. I suggest that those political parties with similar manifestos should merge and maybe reduced to twenty political parties and the government should fund all of them.

Structure and system of government; To me a coalition government or a federal system would be okay, if:- number one, the coalition government allows the citizens to choose good leaders with integrity irrespective of the parties they are coming from. Here in Kitui we do not elect good leaders, we elect parties.

Even if a woman or a man is known to be a thief amesimama na masaa, tunapiga masaa matatu, MP saa, President saa, Councilor saa. Kama ni jogoo, inakuwa ni jogoo tatu, hata kama anayesimama ni mrogi au anaua watu it does not matter, ni jogoo tatu na damu kabisa. If we could allow all parties represented in parliament, jogoo, ya Ngilu, ya Wamalwa, ya Kibaki ya Nyachae and so on, to run our government together kama vile sasa tunaona KANU na NDP together as new KANU, we are going to end up with good government. Watu wakichagua mtu mbaya asiye na elimu au uwezo, ni shauri yao. Hata kuwa kitu na anaenda hapo kwa uwezo wako na si wa chama chako.

On the federal system of government, *ila itawa* majimbo. This majimbo is the best but number one, all ethnic groups in Kenya which have freedom of movement and settlement in the current Constitution would be fully... if they would be fully accepted in whatever region in Kenya, if this region is not a region of bias. For example watu wa Pwani wakubali Wakamba walioko Shimba hills without killing them. But we know that this is impossible according to our past experiences with tribal clashes. So

we might accept this very good system of government and it becomes a sure way of starting a civil war.

Number three, we have seen in Kenya one region being prepared being prepared to be self-sufficient even with construction of international airports in that region and also leaders taking money abroad, at one time we were told Kshs 76 billion is in foreign banks. It could be, this is why they want regions *kana majimbo*, so that they can bring this money to these well of regions to live lavishly while other regions *ta kuu kwito* they live in absolute poverty.

Legislature; The appointments that should be vetted by Parliament are:- ambassadors, High Commissioners, ministers, assistant ministers, members of Public Service Commission, Electoral Commission, Judicial Commission, Human Rights, gender and Anti-Corruption, Land, devil worship commission and so on...

(Interjection) **Com Wambua:** Mama, weka hiyo nini chini kidogo, it is making a lot of noise, just put it down a bit.

Mrs. Grace M Mutinda: Okay.

Com Wambua: Weka hapa hivi.

Mrs. Grace M Mutinda: Unajua saa yangu inaenda. Hivi? We in the rural areas, we are not used to these things.

(Interjection) **Com:** (inaudible)

Com Wambua: Shika hiyo nini sawa sawa, halafu zungumuza.

Mrs. Grace M Mutinda: *Ithie tuiyamanthia.* Okay, I have said human Rights, gender, Anti-corruption, land, devil worship commissions and so on, all of these, heads of Parastatals etc, Members of Parliament. The language test is not important, what we require is maybe like if it is parliament, a university degree from a recognized university. Moral and ethical qualifications should be introduced for parliamentary candidates to elect people of integrity who are not alcoholics, God-fearing and morally upright. If an MP is elected to parliament, a kind of committee should be formed (in vernacular).

Sasa kama tunachagua mtu anaenda katika bunge, tunataka kuketi kama constituency tuseme huyu Mbunge wetu tunataka afanye hiki na hiki na hiki na hiki. Na hiyo kamati iweke watu wa kanisa, hawa watu wa dini kwa sababu ni wengi hapa Kenya.

Na tukimwambia hivyo akikosa kufanya, tunakutana tunapitisha ile inaitwa vote of no confidence halafu anatoka, ikiwa hafuati ile tulimpangia. Lakini tukimwacha yeye na Mungu wake afanye vile anapenda, si anafanya vile anapenda, anajenga nyumba yake na anaondoka miaka mitano ikimalizika.

(Laughing and clapping from the audience)

Sijui kama nimetafusiri... if a member... okay, hiyo nitaacha.

(Interjection) **Com Wambua:** Address us and carry on.

Mrs. Grace M Mutinda: The salaries of MPs should be determined by the Public Service Commission, this one which has been selected, the fifteen people should be elected maybe by Parliament so that they can be vetted to be the proper people. We should retain the concept of nominated MPs but, they should meet full qualifications as of MPs. People should not be nominated when they are unqualified in the name of being nominated.

The provinces should nominate women; this is affirmative action I am talking about, according to population. Maybe now, I am giving my own example, Rift valley six, Eastern six, central province... this includes the disabled also and the minority groups and the youth, I am talking about all of them. We have thirty people in parliament to take those seats. I had said if Central province five and the next province four, the next one three, the next one three, the next one two and the North Eastern, where we have less than half a million people and they also get equal number of nominees, they get one.

We should have a coalition government and not let the prominent party form the government. The President should not veto legislation passed by parliament. If there is cause of alarm, the citizens will. Elections should not stagger unless there is war.

The executive; The President should be thirty years and above. He should have two terms of five years each. The Presidential decree should be based on the Constitution. The Constitution should provide for impeachment to remove the President for misconduct to the nation but not family affairs, while in office.

We should not at all, have provincial administration. The district fund should come straight to the District Commissioner who should be... hapo ninasema District Commissioner, sisi tumchague.

The Judiciary; in Kenya, we need to have a Supreme Court and also a Constitutional Court. The judicial officers should be appointed by Judicial Commission. Parliament should be used to pass a vote of no confidence to corrupt judges and other officers enjoying security of tenure.

There should be a constitutional right to legal aid, in case of young orphans whose property is being taken away from them by the extended members of the family. Also the widows, whose husband's property is being taken away by members of the extended family.

Local government; Mayors, Chairmen of County Councils should be elected directly by the people for five years. Terms of reference should be written. Hapo kwa Councilors nimesema ni kama MPs tu. Councilor akichaguliwa, tuketi, tumwambie Councilor, tunataka ufanye hii na hii na hii, mpaka number ishirini. Sasa Councilor tukiona anafanya mambo yake, si yale tulipanga, tukutane sisi sote halafu tuseme huyu tumemkataa, na hiyo inakuwa mwisho.

Electoral system process; We should retain the simple majority rule for this is the only one, which is people-driven. We should not introduce anything else for this will deprive the people of their rights. A candidate should have his democratic right of going to another party, should the party throw him out. This is also true to the voters being disappointed with a party that throws their candidate out as is commonly experienced in Kenya.

We should not retain the 25% of the provinces. For Presidential candidates who get a simple majority must be popular in every province. I will give an example of our President Moi, who always gets a simple majority and as a result gets 25% from even more than five provinces. We should have at least thirty seats preserved for women, that one I have touched on earlier.

The current geographical constituency system is not fair. We do not know, hapa kama ningekuwa Mswahili ningeeleza Kiswahili. We do not know who makes the demarcation line. The chairman of the Electoral Commissioner, hebu niseme Kiswahili kile ninajua.

Justice Chesoni alifika hapa Kitui, mimi nilizungumza naye nikamweleza mambo ya constituency pahali tulikua, ilikuwa inaitwa Central. Tukamweleza vile iko kubwa inahitaji kukatwa. Baadaye tulisikia Nzambani imewekwa Mutitu, tukasikia sub-Location mbili za Nzambani, ambazo ni ndogo sana zimekuwa location halafu nikaona kwa D.D.C. hata proposal imekuja ya (?) ziwe location mbili. Hiyo ndio ilifanyika na sisi hatukusema hivyo. So we are saying we do not know where the demarcation lines are drawn.

Nzambani Location which starts from the D.C's office himself, was put in Mutitu where we are now and beyond. Those small sub-locations of Nzambani that is, Kaluba and Kanduti with about five thousand people were made a location. There was also a proposal in the D.D.C. I have already said that. Kyanika, which had over eight thousand people with thirty-four villages, is still a sub-location up to this day. The demarcation of constituencies and wards should be done with the population and area being looked into. Masaa yangu yamekwisha?

Com Wambua: Half a minute, you wind up.

Mrs. Grace M Mutinda: Nitasema hii halafu I wind up. If I give an example of old Kitui and Mwingi, hapa nilikuwa nikisema, ile constituency inatakikana iwe, inataka kuangaliwa watu waliondani na ukubwa. Kama ile ilikuwa Kitui na Mwingi, sasa ukiichukua area yake, Central province inaweza kuingia hapa mara mbili na nusu. Na sasa unaona Central Province

imejaa constituencies na hapa tuko na chache. Mimi sitaki kuendelea. Ngingezungumuza basic rights lakini nitapeana karatasi.

Com Wambua: Thank you very much. Tutaisoma hiyo memorandum, lakini ngojea kidogo, kuna swali hapa.

Com Mosonik: We would like you to clarify this issue of constituencies and demarcation. The issue of the relationship between population and area. You are saying, three Central provinces could fit here...

(Interjection) **Mrs. Grace M Mutinda:** I was saying...

Com Mosonik: Excuse me, but... please, just calm down. But at the same time the population of Central province is extremely high. So can you tell us how to balance between the area and the population? You know what the present Constitution says; it says you take other factors into consideration like geography and so on. Can you be very calm about it and tell us how we demarcate.

Mrs. Grace M Mutinda: Ilikuwa wakati hata mimi nikiambuka hiyo, ninakasirika sana. Kwa sababu alikuja hapa, Justice Chesoni na akatuambia sasa wanaongeza twenty-two constituencies. Sasa mimi I am not very happy with Kitui and Mwingi, because even at the moment we had Meru District. Meru has now been divided into four districts and Kitui and Mwingi is very large. I have said, that one I know, because I am a person of population.

I have said central province can get into Kitui and Mwingi two and a half times but I know that Central province is the third largest province in Kenya. But I am saying... now if Meru can be divided into four districts, maybe Kitui now, Mutomo should be a district and then by that we get more constituencies.

Again, ninalalamika juu ya Northeastern which has less than half a million. Yaani huku kunaitwa Northeastern, watu hawajafika hata million moja na sisi tuko wengi. Kwa hivyo mahali kama Mutomo ingekuwa ni district, zile zinasemekana zifutiliwe, lakini hata wakifutilia si wamekula kwa hivyo that is what they wanted...

Com Wambua: So, mama vile unasema you want uniformity and equity, throughout.

Mrs. Grace M Mutinda: Yes, thank you very much bwana Commissioner.

(Clapping from the audience)

Com Wambua: Tumuite Munyamasi Katungu, hiyo itakuwa ni translation. *Munyamase yu neokite? Ndwikase ndwikase. Aamina ayatewa ni Mulwa Matiko. Tutavye masietwa, kwateya kaindo kau nesa ututavye maseitwa na uitutavya*

maoni maku. Na ndakika syaku

Munyamasi Katungu: *Ninena kikamba kila cha choni. Nitawa Munyamsya wa Katungu. Undu umwe ngunenea ni kisomo. Kisomo chauma kilasi cha moonza ni chaie wia. Nundu vau nivo ve athukumi maingi, alimu mevua na mapresidenti na DO. Oyu twavika kilasi cha nthantha nitwathenie.*

Com Wambua: *Waina kunenea nikenda withiwe nitwaeleanwa, sisya vaa ninye ngunena naku. Niwiae twenda utunenge maoni maku undu ukwenda kwikwe. Kindu kiu wa keesilelya undu usuanei unaethiwa wesililye ata tutavye. Utwiea ati, kisomo chasomwa cha vika vangu vana twenda mundu eke undu una kana chavika vau andu maandikwe. Wise kwithiwa watutavya kimwe kimwe na uituminia mituke.*

Munyamasi Katungu: *Aya, wika nesa. Chavika kilasi cha monza (inaudible)*

Translator: She is saying the former Standard seven system should be reverted to.

Munyamasi Katungu: *Nina wooni unge. Woni uu unge ni wa sivitale tene nitwanegawa kadi. Nayu andu ainge nitwathenekie. Niuma musye, nioka sivitale niwaitye, mundu wakwa ethelela vau (inaudible) Yu silikali nichoka oo vau yai tene nja nundu ithyonthe teekewe sivitale ni Kenyatta tene, na twakiwa sivitali ni Kenyatta tene, yai ya mana na ngali syae kwo, wawasya muwau waku, ndwina mbesa, nuuthina. Yu selikali thitungwe undu kwai nikethiwa nitweka mathina asu.*

(Clapping from the audience)

Translator: She is saying that in the old days, the government used to construct hospitals, it used to provide medicine. There were even vehicles for transporting the sick and cards were issued when you get to the hospital. But these days you have to buy a book; you might even miss treatment because you left the book at home.

Munyamasi Katungu: *Undu unge, katika sivitali vee syindo ingi sye save, ila syitawa atoi. Ndiene ni atoi ma kwovanea kana ni atoi ma silikali. Mbona atoi ma silikali lakini nituukulasya, ethiwa nikutontheke, mutoi twoo athee na niwe mwambeleya wa undu ta nusale na skulu ee (inaudible)*

Translator: She is saying that village elders should be paid by the government, because they are the start of the administrative system in the country.

Munyamasi Katungu: *Ni muvea.*

(Clapping from the audience)

Com Wambua: In fact I think I jumped. Beatrice... Njoga kidogo. Beatrice Tivui?

Beatrice Tivui: *Ninena Kikamba.*

Translator: I will speak in Kikamba.

Munyamasi Katungu: *Vata wakwa, eke nambe kwitavania. Kwa esietwa nitawa Beatrice Tivui kuma Katikula Location, Kawala Sub-location. Na ninena mavata kuma kikundine kikwetwa Moble Women Group. Thina ula wevo kana uneniwe ni aka nikwesila miondani. Nimekunenea mionda. Miasya mo kwanana na undu mavata mamu kuu itheo makwata isamu kwisila miondane, vena thina wevo na silikali esisye kana niikulelya kiu . Kila munda wakua we wi kivetu na niwese ekwani ndiewa mbesa ilye uwau , kwethi kwa mutoi uithi kukuna lipoti na uketwa silingi mana atatu naku we kivetu. Na wetwa silingi mana atatu ukwithiwa ndwi nasyo na ikwani yeu thiteya. Na niitontha kutia kwa suo na une usu ngombe ikasyoka miondani. Na indi wasiona, wathi kukwata mbui wata woka wasyona, vandu va kutuwa ukwetwa mana monza, ikwani ikwongeleka. Na ethiwa ndwinasyo, ikwani yeu nitontha kusua nundu we kivetu. Navo vu nivo tikumya, niutontha kwima ukaumya mbesa usomethya mwana, na ukavweka nguo na ukaumya mavata ma musye. Kwou masisya ni vatontheka silikale esisye athukumi ma yo withiwe nomasisya ni kwithiwa kivetu chatwawa kitasya munda na kikwetya thumba, nayu uvititi usu wa muthanga nuthokwani.*

(Clapping from the audience)

Translator: She is saying land is the basis or it is where most of the women earn their income from and most of the time they have a problem especially when people, neighbours, animals or things like that stray to their land and eat their crop. When they report to the elders, they are asked to pay money, to the tune of three hundred. When they manage to acquire the three hundred, it shoots again to seven hundred. They are asking whether there is a system where there would be a more fluent dispensation of justice as far as that is concerned.

Munyamasi Katungu: *Namba ile nemanenee uvo wa kukwatana. Silikali niyatovaisye nikenda ithye aka tukwatane twike maendeo. Indi ve vandu vaie kivindu. Ivinda ile tukumbania tuvesa twito, eithiwa ni vatothekana nimatuthengesye account kuu kukuve nikwithia tukwata mbesa, tuvesa kwa unini. Koo kwitu kwie mavatu tutontha kumbania mbesa mbingi nikwithiwa noo kalila nutesaa, kana kakuku. Na indi mwombania mbesa kuthi kula kwi accounti ni kwasa na ivinda ya kwosa vaimesya thina. Na mwekalanga muiyewa niinalekile inathela.*

(Clapping from the audience)

Translator: She is talking about banking facilities. She is saying that banking facilities should be brought closer to the people because the way they gather their income or earn their money is in small, small measures and by the time they accumulate enough to be able to access a facility where they can have it banked, most of it has already been utilized.

Munyamasi Katungu: *Muisyoka oo vala munai ingi muiyambeya kwou yatwekie ta ithao. Undu uu unge nituukulya nikwithia nitiwaa Kenya ila ingi ula andu aka mekwewa, na tetele tuke naito tusekwika ou. Tukwetela kindu kithelera vaa kati kati na tuiyese chanangekea va. Kwou masisyee tondo silikali yanthuvie mutuo ethiwe metho kuya nthi. Withiwe metho make ni methiwa ngale syonthe onaito aka nitwoneka kuya itheo nikwithia nikwaia vaa kati.*

(Clapping from the audience)

Translator: She is saying that the rural woman, especially here never gets to benefit from most of the grants from the government. She is claiming they seem to disappear from somewhere in between, they never reach the person they were meant for,

Munyamasi Katungu: *Undu unge niutambethya witu wa iveti. Nitukulya silikali nikenda withie niyasisya. Ethia niyona wailitwe kwika undu, uithi kuta tutindi, uuta nguku syaku ili na uithi kuthowa tutindi sya silingi mana ele. Weithiwa ukita wakitwa ni kanzo withiwa no vandu unakie, ukitwe mana thantha, nawo wia uu uthukuma ni wa mana eli.*

(Clapping and ululation from the audience)

Translator: She is saying the charges by the Local Council for any business even when your total profit is two hundred shillings, you are expected to pay eight hundred shillings. That should be looked at and addressed.

Munyamasi Katungu: *Nawaitia ndwinasyo, uvenwa esilia ila ukua chei nacho na ingalsi siithi.*

Translator: If you do not have the money, the tools for whatever you are doing, if it is a hotel, the cups the sufurias are taken by the Council people and you have got nothing to earn your livelihood on.

Munyamasi Katungu: *Kwo u silikali esisyee thina usu, tweak ata twei na kisomo*

Translator: We have children we want to take to school, we are told to look for jobs, the government should address this

problem.

Munyamasi Katungu: *Oo unge ni wa syana situ ila itanavikea kisomo ni kwithiwa ithye twinavika vandu va kusomethya syana ikwate kisomo kinene. Nisyovaluka na kuma kilasi cha monza vakuve nita sye musye. Nayu niseinie kwitya balance nundu wa kwaiwa ni mbesa. Ziani nikwenda kwitya balance nundu wa kwaiwa ni mbesa. Ethiwa silikale nifatonthea esisye muika usu munini emamanthea kosi nikenda withiwe nimacosiwa na ikimamanthia mawia. Withie mainatutwe balance.*

(Clapping from the audience)

Translator: The Standard seven and eight dropouts, they have nothing to do. They are no jobs...

(Interjection) **Com Wambua:** Hatuko kwa political rally. Kwa hivyo mambo ya kupiga makofi tafadhali wacheni. *Tukite kwithukesya maoni na tuiyokuna mbeu. Ikei kwithukesya undu ukwasya.*

Translator: School drop outs in our villages especially Standard seven and eight have nothing to do. So they are requesting the government at least to address that problem by either creating some training of some sort so they can avoid them turning into robbers and things like that.

Munyamasi Katungu: *Yi ingi ni ikolyo. Twikulya niki andu ma silikale monthe nimakunawa transfer na chief na sub-chief maikunawa transfer?*

Translator: My last issue is a question...

(Interjection) **Com Wambua:** *Twenda ututavye undu ukwenda. Wenda mekwe ata?*

Munyamasi Katungu: *Nenda makunwe transfer.*

Translator: She is suggesting that chiefs and sub-chiefs should be taken on transfer just like all the other civil servants.

Com Wambua: *Niwamina?*

Munyamasi Katungu: *Ii ninamina.*

Com Wambua: *Aya iyandikithye vaa. Mulwa Matiko.*

Mulwa Matiko: Chairman...

Com Wambua: Unatumia lugha gani?

Mulwa Matiko: Ya Kiswahili.

Com Wambua: Ya Kiswahili, okay, memorandum?

Mulwa Matiko: Memorandum niko nayo.

Com Wambua: Utatupatia memorandum, chukua dakika chache tu, five minutes.

Mulwa Matiko: Okay, sawa. Watu wote ninaona nyote muko sawa mmesalimiwa sana, kwa hivyo hakuna maana ya kurudia kwa sababu saa imeenda. Yale yangu ninataka kusema ni machache tu. Ya kwanza, ninasema, a body should be formed to add MPs salaries kwa sababu mimi nikiambiwa saa hii... watu wote wanataka pesa. Nikiambiwa saa hii, ukiketi hapa wewe vile unataka tekeleza na mshahara wako uitengeneze, nitajiongezea. Waalimu wanendelea kulia wanataka waongezewe pesa na wanakatazwa, na MPs they are increasing their salaries.

Now, nilisikia kwa B.B.C., mimi ninasikiliza hiyo sana. Nikasikia wanataka mswada utaenda mwezi huu wa tano. Wanataka mwezi wa sita ukifika, hiyo ipitishwe. Wanatakiwa walipwe nine hundred thousand, na ikiwa ninasema uongo, si kitu cha kweli, Mheshimiwa ako hapa atajibu.

Na yule anaitwa Speaker of the National Assembly...

(Interjection) **Com Wambua:** Tafadhali, you are addressing us, sisi... angalia huku, sisi ndio unaeleza matatizo, you are not making a speech kwa umati, give us your views.

Mulwa Matiko: Okay, okay, thank you for correction. Ile ingine inatakiwa Speaker, ule mswada uko bungeni sasa na utapitishwa, nilisikia kwa B.B.C., Speaker awe anapewa one point two, milioni moja na elfu mia mbili (Kshs 1.2 million), na hiyo itapitishwa, mutaisikia. Ninawaambia kabla hamjaisikia kwa bunge. Hiyo iko namna hiyo.

A body should be formed ya kuangalia mishahara ya MPs, si huyu atakaa, na ule mwingine, ninasema hata wewe, hata mimi ninaweza kuwa na yule mwingine namna hiyo sio huyu peke yake. Musione ameanza kuingilia Muthusi kwa siasa. Hakuna siasa tuko nayo, ni maoni tunatoa.

MPs, kutoka every constituency wanatakiwa waongezewe pesa za kuangalia mambo ya barabara, ma hospitali...instead of ile five million wanapewa kwa kila constituency. Wanatakiwa wapewe thirty or more iwe ni ya maintenance of roads na mambo yale mengine. Kwa sababu, barabara munaona vile ziko mbaya na sasa hiyo milioni tano kwa constituency moja haitoshi na hiyo ninaona pengine inaweza kuwa ukweli. Ikiwa sio ukweli iwekwe mahali itawekwa.

Lingine, all Kenyans should share their cake equally. Na mimi nikiongea hiyo ni ukweli. Kuna mahali kama tuseme kama Kikiyuland na mahali pengine kama huko Nakuru na mahali pengine. Mahali wakubwa, wakubwa huwa. Huko barabara zinaanikwa mahindi na sisi barabara zetu munaona vile ziko, na mimi ninaongea mahali nimetembea, sio kuongea mambo mahali sijatembea. Kwa hivyo tuangaliwe, barabara zote ziwekwe uniform, Kenya nzima. Si ati kusema kwa sababu mkubwa fulani ametoka pale, hapo ndipo tutatengeneza. Misaada yote ikija kwa sababu mkubwa ni wa kutoka pale, iwekwe hapo ndio mkubwa akiona atunue juu. Hiyo mambo inatakiwa tushare equally, sisi ni Wanakenya wote, hakuna kusema huyu na huyu. Okay, asante kwa hiyo.

Lile lingine, all defectors, mtu kama yuko chama fulani na anadefect anaenda kile kingine, huyu mtu hatafikani achaguliwe, kwa maoni yangu, si ya watu. Kwa sababu ikiwa amekataa hiyo, hiyo nyingine uzuri ule uko, uko wapi? Wewe unatakiwa uende, ugame kabisa. Kwa sababu ukienda huko ninataka, ninasikia fulani ndio mzuri, ninatoka ninaenda pale, ule mwingine ninaenda pale. Utakuwa unahangaisha watu. Pengine watu wanataka fulani, mahali fulani. Sasa hakuna haja ya kusema ninaenda hii, ninaenda hii. Unakimbiza watu mpaka wanapotea. Hiyo ninaona upande wangu sio sawa.

Hiyo nyingine, cost-sharing katika mahospitali, hiyo inatakiwa, kwa Kenya hii tuko, umasikini vile umeingia wananchi, hiyo inatakiwa iwe stopped totally. Hiyo pengine... munaelewa vile ninaongea hapa. Cost-sharing hiyo imalizwe na Serikali itafute mambo mengine ya kupeleka pesa kwa hospitali kwa sababu wananchi wanaumia. Mtu anaenda huko, ni mgonjwa sana, hana chochote, hajakula nyumbani na anakuja hospitalini anaambiwa bila kutoa twenty shillings, hapa hautatibiwa, na anaenda anakufa. Watu wengi wamekufa, I have witnessed them. Hiyo, iwe stopped kabisa. Hata ikiwa ni mahali juu juu sana, hiyo iwekwe mbali.

Kile kingine ninasema, unasikia wabunge wanasema pesa zao ziongezwe, kile kinatakikana ni waangalie wenzao, wale Councilors. Councilors mshahara yao iangaliwe hata iwe juu ndio wawe pia wanafanya maendeleo. Pesa zile Councilors wanapata ni kidogo sana. Saa zingine munaweza kuona mtu anatoa shilingi mbili au shilingi tano au shilingi kumi, kamshahara ni kubwa. Ukipata mshahara, lazima watu wako wakule ndio ile ingine itoke kwa wananchi. Bila hiyo wewe... tunaanza kusema huyu hana chochote. Hatoi chochote... hayo mambo tunatumia Councilor vibaya. Si hapa Mutitu peke yake, ni Kenya as a whole. Councilor saa zingine ikiwa hauna mali nyingine yako ya kando, unakuwa katika shida sana na unaumia. Na ile wakati mwingine wanasema tutakufanyia hii, na hana kitu. Unamfanyia afanye nini? Aende auze ng'ombe na hiyo hajanunua na hiyo pesa ya u-Councilor? Hiyo mambo wananchi tuangalie hapo sana. Na sisemi hivyo kwa sababu...

(Interjection) **Com Wambua:** Tafadhali, sikiza...

Mulwa Matiko: Okay asante. Hilo lingine ni number saba.

Com Wambua: Sikiza kwanza, sikiza tafadhali. Uko na dakika mbili, na pili tupatie maoni. Just give us your proposals, it will help. Tupatie maoni yako, ninapendekeza hii, ninapendekeza hii, ninapendekeza hii, hiyo itatusaidia.

Mulwa Matiko: Okay, hilo lingine la mwisho, ni licenses zile tunapewa na Councils. Hiyo imeumiza wananchi kabisa, kupita kiasi. Kwa sababu vile iko, ni hiyo ma-licenses zimekuwa ghali sana. Kama hapa Mutitu tunatakiwa watu wa mabutchery, wamaduka, nini, tunatakiwa tulipe four thousand, two hundred (Kshs 4,200). Na mia mbili (Kshs 200) unaambiwa ni ya kuweka kwa shimo, hapo si elewi. Na saa zingine wanaweka na saa zingine wanasema application fee. Hayo mambo, Serikali ile itakuja, wacha niseme namna hiyo, iangalia mambo kama hayo.

Kwa sababu ikiwa huangali watu wale umeenda kutetea unanza kuwaumiza kuna maana gani? Hakuna maana. Kwa hivyo tunataka at least Council iwe iko kiwango kile tunapeana. Kama huko kwetu hakuna kahawa, hakuna nini. Inatakiwa iwe between one thousand five hundred to two thousand hapo katikati. Lakini si kuwekwa number eighteen. Tuliwekwa number eighteen? Kwa hivyo kwa hayo machache ninasema asante.

Com Mosonik: Ningependa kukuuliza, just one second. Unasema unapendekeza kwa Serikali inakuja ama ni Katiba tunaandika?

Mulwa Matiko: Katiba, the new Constitution.

Com Mosonik: Ni Katiba? Kwa ajili kama ni Serikali, hatuhusiani na Serikali.

Mulwa Matiko: Nilimaanisha ni Katiba, ni correction. Thank you very much.

Com Wambua: Patrick Juma Mutie. He is not there? Ben K Muyanga? Utatumia lugha gani mzee?

Ben K Muyanga: Mimi nitatumia lugha ya Kikamba...

Com Wambua: Haya keti...

Ben K Muyanga: Nitatumia Kiswahili.

Com Wambua: Kiswahili? Haya majina na utoe maoni.

Ben K Muyanga: Mimi ninaitwa Ben Kioko Muyanga na ninatoa maoni yangu binafsi. Mimi ninaongea kuhusu employment. Mimi ninashangaa, hapo mbeleni katika Serikali yetu ilivyo kuwa zamani, employment ya army walikuwa wanatembea kila division na kuchukua watu wao. Either kutoka kwa chief's office au kutoka kwa sub-chief's office. Lakini siku hizi unasikia kulikuwa watu wanaandikana lakini ukiangalia, ukienda katika vijiji vingine unakuta village ya watu wa army pande hii, polisi pande hii, katika kijiji kimoja. Unasikia hawa watu ni watu wa army, ni kama camp. Lakini unaenda sehemu nyingine kama Eastern, ukiulizwa watu wa army ni wangapi, utaona watu wawili. Ningeomba Serikali wakati itaanza kuandika watu tafadhali ninaomba, ijaribu zaidi kuingilia sehemu ambazo hazina watu wa army. Kwa maana army ni security, police ni security, administration police ni security.

La pili, ninaongea kuhusu barabara za kwetu ambapo mwezi wa sita watu watafanya kitu kinaitwa budget. Na kila sehemu huwa imetengewa pesa za kwao, either ni Kitui District au ni Mwingi District, lakini pahali zinapotelea hizo pesa hatuwezi kujua. Sijui zinarudishwa kwa sababu hazina kazi au zinafanyiwa nini? Kwa hivyo mimi ninaomba hii Katiba iongeze kwamba uniformity ya barabara za sehemu zote iangaliwe.

La tatu ni divisional headquarters sehemu zote katika nchi ya Kenya. Kuna divisions za zamani ambazo zilitengenezwa tangu ukoloni na watu wengine huzihamisha wanaacha building ya Serikali ina-hang, inaanza kulala popo. Nyumba zingine safi zinajengwa, zinaachiliwa, watu wanenda kuanza kukaa katika vijiji. Ikiwa ni ofisi ya D.O. inakuwa ni kijiji; ikiwa ni ofisi ya chief inakuwa ni sehemu ya mjengo ya duka ya mtu hapo nje. Kwa hivyo ninaomba Serikali, badala ya kuhamisha ma-division, itengeneze, ifanye renovation katika hizo nyumba kwa maana inagharimu Serikali pesa nyingi kuhamisha watu.

Lingine, ikiwa ni mfanyikazi wa idara ya Serikali au ni maidara mengine ambapo Serikali ina department kadhaa. Zile departments ninaomba Serikali isije ikaunganisha department kama tatu. Kwa mfano, K.R.A., VAT, Income Tax, Customs, zimeunganishwa pamoja zikawa ni department moja na ma-officers wanakuwa ni kama watatu wanne hivi. Mimi ningeomba divisional departments zisije zikaingiliwa ikuwe imekosea department hiyo peke yake ina-dealiwa nayo peke yake badala ya kuchanganya vitu. Ikiwa Serikali inaweza kuangalia vitu kama hivyo ingekuwa ni kitu cha maana sana.

Retirement; watu wanapokwenda retirement, wananyanyaswa sana. Unaongojea pesa mpaka unakufa. Na ukifa hizo pesa bibi hatapata. Kwa hivyo ningeomba Serikali, ukipata barua ya retirement, unapata pamoja na cheque yako utajua vile ambavyo utakwenda kufanya huko mbele. La pili hapo kwa retirement, unakuta mtu anapewa retirement, shilingi forty thousand na unaambiwa nenda. Sasa ukipewa forty thousand na mtu anapata mshahara elfu mia nane, elfu mia saba, milioni moja na huyo mtu ni mmoja na ni mwananchi wa Kenya na kuna masikini ako pale ana watoto wake ikiwa ni wawili au watatu; amewasomesha wamepata shahada, degree au diploma na anakaa nao pale nyumbani tu, baba mimi sina underwear... Yeye

ananunuliwa underwear na mama na huyu mama anauza nyanya, baba anauza tumbako.

Mimi ningeomba Serikali itumie ofisi ya D.O. ku-list katika division yake ni watoto wangapi ambao wana degree ambao hawana kazi, ni watoto wangapi ambao wana diploma katika hii area yangu ambao hawana kazi. Processing ya D.O. anachukua karatasi anapelekea D.C. Ikiwa kuna any employment ambayo iko karibu, hicho kitu kinachukuliwa hatua na binadamu kwa maana unajua sisi kusomesha mtu hapa apate degree au diploma au Form IV au Form VI, tunafanya kazi nyingi.

Tunauza ng'ombe, mbuzi, tunabaki mimi na bibi tukiwa wawili. Yaani, hii sheria tunatengeneza, Katiba ambayo tunatengeneza iangalie pande zote isije ikaelekeza macho pande moja tu.

Lingine ni kuhusu mikopo ambapo Serikali ya Kenya tunakopa pesa nje:- India, America, Germany, wapi zinaletwa hapa. Wakikopa wanasema kwamba ni za kutengeneza barabara. Zikija hapa zinageuzwa zinakuwa ni za kuchimba kisima, Kirinyaga, Kapenguria, Kisumu, wapi, lakini ile kazi ilikuwa inasema kwamba tunataka ku-share wealth katika Serikali haifanyi hivyo. Hiyo ofisi ina-deal na hicho kitu ninaiomba iangalie, iwe na macho kama vile ambavyo province ziko katika Kenya, iangalie province, iangalie division iangalie districts halafu irudi kuangalia locations, ndio sisi pia tufikiwe na huo mwangaza.

Kwa mfano, ukiangalia kama hapa kwetu, sisi tunapata taabu ya kunywa maji. Tunakunywa pamoja na ng'ombe na mbuzi wetu. Na hayo maji sio permanent yanakauka mwezi wa sita. Na yakikauka mwezi wa sita zamani, wakati wa ukoloni, nilikuwa ninaona kuna vitu vilikuwa vinachimbwa vinatiwa 'silanga', ilikuwa inatengenezwa, ng'ombe wanakunywa na watu wanakunywa na watu wanaoga. Hawa watu munawaona wako hapa, kwa kweli Commissioners, ni wasafi kwa sababu ya kufanya bidii yao. Labda mtu amechota maji kutoka kilometer kama mia moja na kitu. Anatembea siku mbili, anatembea na kondoo pamoja na punda zinambebea maji, zinaleta pale nyumbani.

Kuna sehemu mwezi wa nane unaweza ukaenda ukauliza maji watoto wote wakalia, wakalia kilio mpaka wewe ukaona haya, ni nini? Unaambiwa nyamaza, watoto hawa walikuwa wamesahau maji sasa wewe umesema maji. *Kana ni uvungu indi?* Na kwa kweli, mimi nikiangalia Serikali tangu tupate uhuru, watoto wengine wanaelezwa uhuru wanafikiria ni mnyama anafugwa Nairobi. Kwa maana ule uhuru hawajauona kwa macho. Kwa hivyo Serikali ituletee uhuru sisi pia watu wapande hii tuupate. Tusije tukaanza kusikia kwa masikio tu. Hapa ukiwauliza nani anajua uhuru? Atakuambia ni mtoto wa Kenyatta. Basi, hakuna kitu kingine. Mimi Commissioners ninaomba nifike hapo nipatie wenzangu nafasi. Asante sana.

Com Wambua: Asante sana, jilandikishe hapa tafadhali. Bernard Munza. Uko na memorandum? Utatumia lugha gani? Haya sawa sawa, endelea mzee.

Bernard Munza: Okay, may I thank you Mr. Commissioner, our MP, our D.O. for coming to this area. I have my suggestions as follows. One, I would like to request the Constitutional Review to allow the essential goods to be sold at a controlled price for the sake of the common person. Why? Because in some areas like this one, to get money for some people

is a big problem. So whenever you go to a shop, wherever our MP is buying goods is where that common person is buying at the same price. So I am requesting the Commission to see to it that, these essential goods are sold at a controlled price like in the 1960's and 1970's.

Two, to abolish the mini budget. I am saying this because, like now we are heading to June and the national budget is going to be read. Actually between six and twelve months you will hear very many mini budgets. So I am requesting the Commission to see to it that such things are being controlled.

Three, in order to create more vacancies for our youth, ministries should be reduced to sixteen (16) as well as the ministers, because there are some ministries that are doing services that are totally unproductive to wananchi. For instance there are some ministries, which have been merged together, and the same ministers are there, so there is no need.

Four, instead of creating many districts, I suggest that they are reduced from forty two (42) to thirty (30) as well as the D.C's and the D.Os. And this administration line up should be looked into and this procedure will improve our country's economy because this has created poverty in our country.

Five, the Constitution should consider absorbing the yearly school-leavers to avoid rural congestion of idle youth as they result to being bhang smokers, thugs, law breakers and other evil doers. Six, due to selfishness and 'who is who', very many qualified Kenyans have missed chances to get employment and those who are in the service are paid a lot of money an equivalent of what ten people earn. How will our country improve economically if this situation continues? I request the Constitution to look into this.

Number seven, although our MPs are our country's advocates, they are paid a lot of money together with hefty benefits, sitting allowances, free benefits... and these MPs are paid almost four hundred thousand shilling (Kshs. 400,000) per month. A salary for about one division's population. Can the Constitution actually look into this acute situation to save the school-leavers?

Eight, our country's population goes up every year. I suggest that the value of our money to be considered to make it useful, like in the 60s and 70s and this has to start by reducing the price of commodities. That is my suggestion. Nine, actually, there is no need for the national budget because if between six and twelve months essential goods go up in price, more than six time... this has to be controlled. Otherwise, the common person will get it hard and poverty will continue.

Ten, I am requesting the Constitutional Review to consider village elders. These village elders work a lot on behalf of the assistant chiefs and they should be put into the civil service or the P.S.C. (Public Service Commission). Otherwise, the assistant chiefs do not do anything. These wazees work for the assistant chiefs and the assistant chiefs work for the chiefs and the chiefs

for the D.Os. So, this group should be considered as grass roots that easily communicate to the common mwananchi. Thank you very much.

Com Wambua: Just a small clarification. You requested that the districts... it is not a clarification, it is a correction, be reduced from forty two (42) to thirty (30), I think we have seventy four (74) districts, what we have as forty two are tribes, just for your information. Let us have David Makau Mutua? Hayuko. Mwangangi Musee, kuja hapa. Utatumia lugha gani?

Mwangangi Musee: Kiswahili.

Com Wambua: Kiswahili, asante endelea. Taja majina kwa microphone, halafu utupatie maoni yako.

Mwangangi Musee: Kwa majina mimi ni Mwangangi Musee. Kwanza ninawashukuru maCommissioners, Mheshimiwa Mbunge wetu kwa ajili ya hiki kikao. Ninatoa maoni yangu binafsi. Kwanza, ningependa kuguzia kuhusu mtukufu Rais. Mtukufu Rais amepewa mamlaka mengi sana ambayo yanampa uwezo, na jinsi nionavyo mimi tunavyo endelea tutakuja kupata Rais ambaye ni mpenzi sana wa wanawake na atakuja kunyakua mke wa mtu na asifanyiwe kitu. Ningependekeza, uwezo wa Mtukufu Rais upunguzwe. Awe yuko chini ya sheria na wala sio juu ya sheria, ndiposa akimkosea mwananchi mwenzake apate kushtakiwa mahakamani.

Pili, hapo hapo kwa Rais, amepewa uwezo mkubwa kwa vile yeye ndiye mwamuzi wa kuwachagua mawaziri, makamu wa Rais, wabunge wateule, hilo ni kulingana na maoni yangu. Pendekezo langu ni kwamba vile tunavyo mchagua Rais, hata makamu wa Rais tumchague pia sisi wananchi, asichaguliwe na Rais mwenyewe.

Vile vile, kwa upande wa wabunge wateule, wananchi wenyewe wapewe nafasi ya kuchagua wawakilishi wao wa bunge. Vile, vile wanavyomchagua mbunge wao mwakilishi. Mbunge mteule ateuliwe na wananchi wenyewe. Kwa kifupi, haya ndiyo yalikuwa mapendekezo yangu.

Com Wambua: Asante, lakini kidogo, kuna haja gani sasa kuwa na wabunge wateule kama watachaguliwa na watu, kuna haja gani? Unasema wachaguliwe wale wa kawaida halafu wananchi tena wachague nominated, kuna haja?

Mwangangi Musee: Naona kama kuna haja kwa vile, tunaweza kuchaguliwa kigogo cha mtu ambacho hakitatufaa kule mbele.

Com Wambua: Kwa hivyo unataja wawe wa special interest?

Mwangangi Musee: Ndio.

Com Wambua: Haya asante. Jiandikishe huko. Honourable Muthusi, it is your turn now.

Hon Muthusi: Asante sana Commissioners. Maoni yangu mengi yamesemwa na wananchi na ninawashukuru sana, kwa hivyo nitaenda tu kwa haraka haraka kurudia. Kwanza ningependa kusema juu ya extension ya parliament. Sisi tunasema, Katiba iongezwe muda ifanye kazi pole pole kwa sababu hii ni Katiba tunayoitaka itumike kwa miaka mingi na hakuna haja ya kuharakisha kazi yenu. Kile kiko tu, mambo ya Katiba yasilinganishwe na muda wa bunge. Ikiwa bunge ni miaka mitano, wananchi wapatiwe jukumu la kufanya uchaguzi tena baada ya miaka mitano, ndio ikiwa wamechoka na wewe kama mbunge ama kama Councilor, wawe na uwezo wa kukuondoa. Kwa hivyo ninasema extension of parliament hatutaki.

Pili, ningependa kusema muda wa Rais ubaki ukiwa two terms. Ninakubaliana na wale wote waliotoa hayo maoni. Lingine tena ningependa kusema, pendekezo langu, pia muda wa wabunge ufanywe uwe two terms. Mbunge akiingia, asipotolewa akiingia mara nyingine hafai kugombea tena. Awapatie wengine nafasi pia nao wapate kuwahudumia wananchi, *ti kwikala vau mbaka ile wekwea vo*.

La tatu, ningependa kutoa maoni ya kusema ya kwamba, ni vizuri kabla ya uchaguzi wa Rais, iwe wale ambao wanaogombea urais waangaliwe akili zao. *Mukesa kusakua mundu wa nduuka*. Mtakuja kumchagua mtu na iwe kichwa chake si kizuri. So the sanity of the President is very, very important before we go for any Presidential elections. Hiyo ni safeguard.

Hayo mengine ni yale waliosema. Mambo ya masomo, tunataka Serikali itupatie free education. Kama vile tunavyojua sana sana pande za huku kwetu Ukambani, wazazi wengi wanataka kuwasomesha watoto na watoto wanataka kusoma lakini hatuna uwezo. Na ikiwa education ni free, ifanywe ya bure, ya bure kabisa. Si kusema ni ya bure halafu mzazi anaitishwa mia mbili yelo, sijui mia moja ya nini, tatu sijui ya kulia chakula. Hiyo haiwezekani. Ikiwa ni bure, ni bure. Ikiwa ni fees tuambiwe. *Yethiwa ni iana imwe*, tujue ni mia moja tutakuwa tukilipa.

Lile lingine ningependa kusema ni juu ya medication. Tupatiwe huduma za hospitali. Tuko na mahospitali mengi sana huku za Serikali lakini, zile pesa unazoitishwa ndio upate huo huduma, hatuwezi kuzipata. Na pili, hata katika hizo hospitali, hata madawa hakuna. Kwa hivyo Serikali iangalie health ya binadamu ama ya wananchi, iwe priority.

Lile lingine ningependa kusema ni juu ya constituencies, kule tunakowakilisha. Kuna constituencies zingine kubwa sana. Kama hii yangu ya Mutitu, ni kubwa sana, kubwa hata kushinda the Republic of Djibouti. Kwa sababu unaanza kutoka kule kwa lami mpaka kule Tana River. Tafadhali, tunataka constituencies zigawanywe ndio hata mbunge iwe yuko na uwezo wa ku-represent wale watu waliomtuma bunge lakini si kupatiwa pahali pakubwa ambapo maybe hautaweza kuwatumikia.

Katiba hii tunayoitengeneza, tafadhali iandikwe kwa lugha zote ndipo wananchi wapate kuijua. Kama vile tulivyo hapa, wengine

hawajui Katiba, wengine hawajaona Katiba na wengine hata hawajui Katiba inasema nini. Kwa hivyo Katiba iwe available na ipeanwe bure.

Lile lingine ningependa kusema ni huduma za machiefs. Napongeza yule mama alikuwa anasema machief wapigwe transfer. Ninakubaliana naye, lakini ningependa kuongezea. Hawa machief pia tupatiwe uwezo wa kuwapigia kura, wafanyiwe election. Kwa sababu machief wengine wanaingia hapo na wanaanza kutunyanyasa. Na wanatunyayansa kwa sababu wanajua hakuna njia ya kuwatoa. Lakini wakijua miaka ni mitano, tutawakaanga wasipotengeneza tabia. Kwa hivyo tunasema machief pia wachaguliwe.

Minimum election reforms. Mimi ninaona hiyo haifai. Ati tutengeneze sheria zingine za kuja kupiga kura, hapana. Kile tunataka, kwa sababu tunajua Rais Moi anaweza kugomea katika hiki kiti na kile tumesema ni two terms, aondoke, aondoke kabisa, *na athi yu*, kwa sababu tukisema hii Katiba iendeleo kucheleweshwa utaona mtu amekwamia hapo. Kwa hivyo vile Katiba inasema two terms na zake zimekwisha, iwe hivyo. Mambo ya minimum reforms hatutaki. Tumewakubalia sisi kama Wakenya mfanye kazi yenu na mtufanyie kazi mzuri na ya uaminifu. Vile munavyo tuamini na sisi tuwaamini.

Decentralization ya government funds. Pesa zinatoka kwa Serikali, tunapitisha kule bunge, lakini hizi pesa vile zinavyoteremka, zinaingia mifuko mingi sana ya watu. Zinaibiwa hapa kati kati. Tunataka pesa zinazopeanwa kwa Serikali, ziletwe mpaka kwa division. Watu wa division wakae chini, wapange vile wanataka kufanya na pesa zao. Sio wilaya zingine za Koibatek, zinapatiwa fifty million na zingine za Kitui zinapatiwa ten million. No! Zipeanwe kama zinatoshana na ziletwe huku chini wananchi pamoja na mbunge wao, pamoja na development committee wapange mipango yao.

Lile lingine ningependa kusema ni juu ya mambo tu ya elimu, ile bursary fund. Serikali huwa inapeana pesa za bursary, lakini wazazi wengi hawajui pale zinaenda. Tunasikia hizi pesa zinakuja tu katika mashule. Tunataka hizi pesa tuwe tukiambiwa, pesa zilizopeanwa zinapata kiwango fulani na committee ikae chini ijue watoto wale wa masikini wanaofaa kusaidiwa ni kina nani. Kwa sababu iko magendo nyingi sana. Pesa zinakuja za bursary na mshemiwa anaandika majina ya watoto wake, ama mwalimu anaandika majina ya watoto wake. Hiyo hatutaki. Lazima katika Board wawe wanajua ni pesa ngapi na zisaidie wale ambao hawajiwezi.

Domestic violence. Hii ni mambo ya kutwanga kina mama. Mambo hii ya bill ya kupigana hata tulikuwa nayo bunge lakini makosa watu wanadhania ni kama kina mama ndio upigwa tu. Hapa kuna wanaume wamenyamaza pia hutwangwa, *ukwa ni kuweta tutawetaa. Ve aume vaa makunawa muno ni iveti syo.* Kwa hivyo tukisema domestic violence tunasema violence, either kwa mama ama kwa baba. Na kuna violence ya aina nyingi. Kuna vitu kama rape, *tikukindana, kikamba.* Mama ama msichana anashikwa kwa nguvu na akienda police station anasikia haya. Kwanza, kitu cha kwanza askari anakuuliza *wekindawa ukeka ata?* Si unaona utaogopa? Na kuna magonjwa, labda huyo mtu amekupatia nini... hata ugonjwa mbaya. Kwa hivyo tungependa pendekezo la, tuwe na special police desk ya kina mama ama ya wanaume ya

kupeana mambo yao private, si pale katika counter, kama mtu ame najisiwa.

Lile lingine ni kupeana pesa kwa vyama vya kisiasa, political parties. Pendekezo langu, political parties zipatiwe pesa baada ya uchaguzi, sio kabla. Ndio, ikiwa muko na 5% ya viti vya bunge mpatiwe. Tukisema tupatiwe kabla, kila mtu ataanza political party yake na bibi yake, *na akyasa ndunenge mbesa*, kwa sababu niko na nini, niko na chama. Kwa hivyo zipeanwe kwa uwezo ama nguvu, the strength in parliament na katika percentage ya vile walivyoingia.

Village elders, wale *atoi*. Tunapendekeza, hawa *watoi* wanasaidia D.O. na ndio wanasaidia chief, ndio wanasaidia assistant chiefs. Hawa 'watoi' wachukuliwe na Serikali, wawe wakilipwa mishahara. Kwa sababu bila kulipwa mishahara ndio wanatugonga sana na kutuitisha *usoo*. Na hiyo *usoo* inakuwa nyingi sana. Kwa hivyo tunataka wawe wakipatiwa mishahara, ndio tuwe tukijua vile tutakuwa tuki-deal na hiyo mambo yao ya *usoo*.

Defection, kuhama chama kuenda chama kingine. Hii inagharimu Serikali pesa nyingi sana kufanya uchaguzi. Mimi ninapendekeza, ikiwa hauwezi kuvumilia miaka mitano katika kile chama kilichokupeleka bunge na unataka kwenda hapa katikati, iwe kuna fine ama pesa kiwango fulani kimewekwa upeane kwa Serikali. Serikali, hatuwezi kubali iwe ati leo umepigiwa kura, unaenda unauza kura za watu, unaruka chama chako halafu Serikali inatukia pesa tena kufanya uchaguzi. It is very costly. Kwa hivyo lazima tutafute sheria ile itaweza, ya kusimamisha hayo mambo ya kumangamanga, kwa kisiasa.

Serikali ya mseto, kama vile ilivyosemekana. Serikali ya mseto itatusaidia sana kwa sababu, saa zile watu wanapigania uongozi, wanataka kusaidia nchi yetu ya Kenya, na ikiwa chama fulani kimeingiza wabunge fulani na kingine wabunge fulani, ni lazima Serikali ijue hawa wabunge wamepatiwa mamlaka na wananchi. Na ikiwa wanagawanya wizara, pia hao wawe-considered kupatiwa wizara ndio wafanye kazi tuinue nchi yetu ya Jamuhuri ya Kenya.

Nguvu za Rais, mtukufu Rais. Nguvu za mtukufu Rais, yeyote atakaye kuwa, Daniel Moi ama Muthusi Kitonga. Ni lazima nguvu za Rais zikatwe, kwa sababu hata siku hizi tunasema Rais anapatiwa mamlaka ya kuwachagua mabalozi, ya kuwachagua ma-judge. Hivi vitu tunataka pawe... if it is the Parliamentary Commission or Judicial Service Commission ifanye recommendation, recommendation iletwe parliament, parliament ikubali, President atangaze, lakini sio kitu mtu kufanya kienyeji na ati peke yake.

Ningependa kuuliza, Katiba inasema Rais akifariki makamu wa Rais anashikilia kwa muda wa ninety days. Hiyo ninaona ikiwa na shaka kidogo. Kwa sababu ukipatiwa ninety days ushikilie, kukutoa hapo ni ngumu sana. Ukinipatia ninety days, hauwezi kuning'oa. Sasa, pendekezo langu, ningependa Speaker wa bunge ashikilie baada ya kifo cha Rais, na wakati wa muda huo wa ninety days, uchaguzi uitwe wa Rais na Speaker asiwe mgobeaji, ndio iwe fair play.

La mwisho ningependa kuuliza, Katiba yetu iangalie hizi korti, makorti ya kusikiliza cases. Kama huku pande ya kwetu korti

iko tu Kitui. Ukitoka hapa kuenda kortini lazima utoke leo ikiwa kesi yako ni ya kesho, na ikiisha kesho utarudi kesho kutwa. Kwa hivyo tungependa, hata ikiwa korti haziwezi kujengwa, tuwe na mobile courts. Iwe mkuu wa sheria na Chief Justice wameangalia mobile courts ya kutembelea pahali fulani na kusikiliza maswala ya wananchi juu ya kesi zao, ndio kuwapunguzia gharama.

La mwisho kabisa, ningependa wakati wa uchaguzi, vyama vyote ama wote wanaogomebea viti vya u-president ama bunge wapatiwe fair ground. Hakuna kutumia State machinery. Ati wewe unakuja na gari za G.K. kuomba kura. Ikiwa kura zimeitanwa, vile Charity Ngilu ataenda na gari yake, na wewe tumia yako. Vile Kibaki ataenda na gari yake, Moi atumie yake, lakini si kutumia mafuta ya Serikali, D.O. wa Serikali, ndege ya Serikali na *mwolio* wa Serikali. *Mwolio* ni ile mahindi tunapatiwa bure wakati wa kura. Kwa hivyo tupatiwe fair playing ground. Na la mwisho kabisa ndio Councilor tusigombane naye, muwaongeze macouncilor mshahara, haki wanaumia sana. Asante sana.

(Clarification) **Com Wambua:** Just a... Mheshimiwa tafadhali kidogo. I think some clarifications. Mine is very short. You talked of two terms, two terms, two term. MPs to have two terms, the President two terms but you never said for how long. Is it five years, four years two years?

Hon Muthusi: I meant two terms of five years each.

Com Wambua: Of five years, okay, for record purposes.

Com Mosonik: Mheshimiwa ukasema kuhusu hizo defections. Ukasema wale wanataka kuhama chama wapigwe faini lakini ningependa kuuliza kuhusu wale ambao wamekihama chama kifikara na kwa kusema wazi lakini wanasema wanakaa tu kwa kile chama cha zamani, technically ndio wasipigwe faini ama kupigiwa kura tena. The ones who are in a different party practically but they are technically remaining in the old parties to avoid what you are suggesting.

Hon Muthusi: Hiyo itakuwa ngumu, kwa sababu hivyo ulivyo sema ni penzi la roho, na penzi la roho si kutenda. Lakini kuandika barua ya kujiuzulu umetenda. Saa hii labda sitasimama na SDP, lakini hiyo si kusema nimekihama kwa sababu hakuna uchaguzi utafanywa juu ya kusema hivyo.

Com Wambua: Asante sana mheshimiwa, nafikiria maoni yako tumeyapokea na tutayaangalia tutayachunguza tuya...

Hon Muthusi: Asante sana.

Com Wambua: Asante sana, thank you very much. Tafadhali jandikishe huko. Beatrice Kalenga, tafadhali. Lugha, utatumia gani?

Beatrice Kalenga: Kiswahili.

Com Wambua: Kiswahili, haya endelea mama.

Beatrice Kalenga: Asante sana, hiyo ni maajabu sana kwa vile hayo yote nilikuwa nimepanga ni kama yamesemwa lakini... Hiyo ya kwanza nilikuwa na maoni juu ya maombi ama worship. Siku hizi tunaona kuna makanisa ama dini nyingi zinazoendelea. Lakini kwa vile kuna mwenzangu mwingine aliongea juu ya hiyo, mimi yangu ni kusema kama inawezekana hiyo worship iwe allowed lakini hiyo ya devil worshippers... kwa sababu hata tukiangalia sana hiyo ndio inaleta corruption, inaleta tofauti tofauti katika watu wa Kenya hiyo iwe banned kabisa.

La pili ni, tulikuwa tunasikia mambo ya rape cases in Mutitu. Lakini siku hizi tume-witness hiyo. Sasa hiyo nilikuwa ninasema, hata kuna mwingine amesema, huyo mtu ama the rapist akipatika apatiwe life sentence. Asiuwawe ndio akisikie. Kwa hivyo akifungwa maisha ndipo atajua amefanya makosa ana hiyo ndio ninaomba Katiba kama watapitisha, wapitisha hiyo iwe ni life sentence.

Lile lingine ni, vile tunasikia watoto wetu. Siku hizi marriage imekuwa sio marriage, imekuwa ni tukae, 'come-we stay'. Nilikuwa ninaomba kama kuna njia inawezekana mwanamke na mwanamume wakikaa pamoja angalao wawe na kitu cha kuwatambulisha ati sisi tumeona lakini sio kukaa hivyo hivyo kwa sababu, atakaa siku mbili tatu ama miaka kumi na baada ya mwanamume kuona mwanamke ako na watoto ishirini anamtoroka, anamwachia huo mzigo. Sasa ningeomba kama hiyo Katiba itakayotengenezwa, itatengeneza at least kitu cha kuonyesha, hawa watu wawe na kibali cha kuonyesha kuwa wameoana lakini sio kuachwa hivyo. Kwa sababu wanawake ndio wataumia, mtu anaachiwa mzigo na hana baba, watoto hawana baba au nani mwingine wa kumsaidia. Na ndio unaona kuna watoto wengi yaani hawa street children. Na hayo ndio yalikuwa maoni yangu. Kwa majina ni Beatrice Kalenga.

Com Wambua: Asante sana mama, jiandikishe hapa tafadhali. Tunataka kumwita Gideon Mwakavi.

Gideon Mwakavi: Asante sana Bwana Chairman wa Commission, group yako na MP, D.O., chief na wazee wengine. Ninajua nyote mko wazima. Maoni yangu ni kama matatu hivi. La kwanza ninachangia maoni yangu kuhusu mashirika kadha ya kiserikali.

Kwanza, nitaanza na National Social Security Fund, hilo shirika bwana Commissioner, nimeona imewasumbua wafanyikazi sana. Kuna mapesa ya watu yamekwamia kwa hiyo shirika ya National Social Security Fund. Ningeomba hilo shirika lenu ama Commission hii, ichunguze juu ya kwamba kuna hii sheria iliyowekwa kama hujamaliza miaka kama hamsini na tano huwezi kulipwa hiyo pesa. Kuna watu wengine wameretire, wengine wameachishwa kazi na ukienda kwa hilo shirika unaambiwa

huwezi kupatiwa pesa kabla ya kufikisha hiyo miaka hamsini na tano. Kwa hivyo ningeliza, hilo shirika tafadhali commission mpunguze hiyo miaka na iwekwe kama mtu aki-retire apatiwe pesa yake kwa sababu ikikaa pale hakuna kazi inamfanyia.

Pia, kuna wengine wanakufa kabla hawajapatiwa hiyo pesa. Unamwacha mke wako, pia naye anakufa, anawaacha watoto lakini ni wadogo hawajafikisha miaka ya ku-claim. Ningeliza huo mswada upunguzwe kidogo, iwe kama ni mtoto na ana-guardian, huyu guardian awe anaweza kufuata hiyo pesa ya huyu mzee ambaye alikufa halafu huyu mtoto apatiwe kitu cha kumsaidia.

Bado kwa hiyo hiyo National Social Security fund. Kuna huyo employer ambaye amekuandika na anakata mshahara wako anaupoleka kwa National Social Security Fund, lakini haufiki, hizo pesa haziendi huko. Utakuta mtu ame-claim, na pia akipelekwa hiyo statement utakuta miezi kadhaa hakuna ama miaka fulani hakuna hiyo pesa. Ningeliza hiyo Commission iangalie, hiyo nimeona ni kweli. Hiyo pesa ambayo tajiri hakupeleka zilienda wapi na mtu ame-claim anaambiwa utapatiwa hiki na kile kingine utaongojea. Kwa hivyo tumeona mwananchi anataabika akiwa ame-retire na ikiwezekana hiyo shirika ipunguze sheria zake.

La pili, ninaenda kwa national Hospital Insurance Fund. National Hospital Insurance Fund, imekuwa kama watu wengine wamekuwa wakitoa pesa kwa hilo shirika na wakaambiwa labda utapatiwa kibali cha kuenda hospitalini utibiwe bure, wakulipe bure nini... Lakini hadi wa leo hizo pesa zinaenda kwa hilo shirika, hakuna chochote mtu akiwa mgonjwa analipiwa. Hizo pesa zinakaa pale kama miaka ishirini... ningeliza hii Commission iangalia, hizo pesa ambazo mtu amekatawa kwa miaka hii yote, kama anaweza kurudishiwa kwa sababu hakuna kazi zimefanya huko. Zinakaa tu, zinarudikwa kule. Wengine wanafaidika na wengine hawafaidiki. Kwa hivyo ningeliza Commission iangalie hiyo kwa sababu watu wengine wanaumia sana.

La tatu na la mwisho ni mishahara. Watu wengi wanaumia sana, bwana Commissioner kwa hiyo mishahara. Mtu anaanza kwa kupata elfu mbili, mwingine anaanza na elfu moja mia tano na ukiwangalia ana watoto, kama ni wazee wana bibi, na kumbe huo mshahara, duka ile tunaenda na mtu wa elfu ishirini ndipo huyu mtu anaenda kununua chakula pale.

Kwa hivyo ninaonelea ya kwamba, the Review Commission ifanye mshahara wa chini kama shilingi elfu kumi, ili mwananchi ambaye atapata kazi awe angaa anaweza kuwalea watoto wake na pia jamaa wake kwa njia mzuri. Anaweza kununua nguo, kuwapatia mahitaji ya kutosha badala ya kupatiwa shilingi elfu moja au elfu mbili ambazo haziwezi kumsaidia na duka ni ile ile tu ambayo inauzwa vile vitu vya thamana.

Na kwa hayo machache Review Commission chairman, nimesema asante sana na hayo ndio maoni yangu.

Com Wambua: Asante sana Bwana Gideon, ujiandikishe huko. Tumwite Joram Kamuli, halafu atafuatwa na Councilor Joseph Siengo, kama yuko.

Joram Kamuli: Kwa majina ningetaka kusema ni kama vile tu mumeyasikia ni Joram Musavi Kamuli. I would like to talk more about the disabled people as far as this Constitution is concerned.

First, we are asked in this Constitution changing that, the mechanism of the government... There is a question asking whether there is any mechanism that the government should put into place to ensure maximum participation in the governance by the persons with disabilities. I would like to answer that question and then forward my grievance s to the new Constitution.

The government should create job opportunities for the educated lame people. Why? For example, like myself I think everybody can see that I am lame or rather that I am disabled. I have tried to secure employment in those big towns like Nairobi, Mombasa, and whenever I go anywhere that there are employment opportunities we assemble with so many other men. Whenever the Personnel manager checks me and he notices that I am disabled and that the heavy duties done there I cannot do, that automatically renders me unsuitable and I am disqualified from that work.

My plea is, may the government or the new Constitution that we are looking forward to, look into the lame people and create salaried job opportunities for them to be absorbed into, maybe in the offices. Because for example, you may find somebody is educated, he can do the office work and although he is able to do such work there are no vacancies for him/her to work.

The nomination of councilors should also include those people with disabilities. With the present Constitution, we could hear that some people are being nominated, some MPs are being nominated but we have not seen anybody with disabilities being nominated.

Schools for the physically or the mentally handicapped should be started for them to be educated like the other people, so as to meet the cost of all the human needs. Loans should be given to the handicapped or the priority to get loans from banks to continue with our businesses like the way other people do.

Mobility, the lame people either physically or mentally should be given the priority to move from one place to another either by being given a certain card by the government or by being introduced or by the public notice to the vehicle owners from the government nationwide, so as for them to move from the place they come from to the place they would like to cater for their needs.

The income per capita as we have seen, the lame people, we have said that whenever we talk of the income per capita in every budget reading, we should be given or the income per capita should allow everybody working or non-working to get at least 5% of Kenya's money when it comes to the time of budgeting.

Judiciary; All Kenyans should be educated more about all the laws of Kenya so as not to suffer the consequences of not knowing. That is to mean that, there is no need for me to walk during the night time only to meet a policeman who tells me that I am not walking at the right time and I have not seen anywhere written that I should not be walking at a certain time. So, we should be given all the laws or rather the law should be taught to everybody so that we can be knowing what is wrong and what is not wrong. It is quoted that “*Where there is no law, there is no mistake...*” Unless I know the law, I think there is no mistake for me to be told I am doing something wrong.

There is this other thing, whenever we are trying to uplift our lives... For example I can become a hawker in a market and you find these Council people coming to collect all the goods that I am selling there. You find that I am left... I went to that market to sell my goods so that I can get at least something to cater for my needs and then you find that those goods have been taken. Now, where am I to go? Now, it means that I should go the offices of the Council so that I can get back my goods and when I go there, I may be told to give at least Kshs 4,000, of which is very unfair to me and I remain without my goods that I got through very difficult circumstances.

We have heard a lot about the geographical constituencies that they should remain the way they were before. To us, we find this not to be good. For example, if we could talk more about this constituency of Kitui Eastern. We have said that the constituency should have the common characteristics, socialism and communication. Why? Because you cannot imagine somebody from Kitui ginnery bearing the same constituency with somebody from Malalani. Whenever that person will be talking or will be forwarding his grievances to the government or to his delegates about the scarcity of water that person from ginnery. When somebody from Malalani is telling the delegate that we lack water, somebody from...

(Interjection) **Com Wambua:** Kamuli tafadhali malizia malizia...

Joram Kamuli: Nitamaliza maliza, kidogo tu.

Com Wambua: Umemaliza dakika kumi lakini nitakuongeza ingine moja.

Joram Kamuli: Moja, tafadhali asanti sana. Sasa tungetaka hii constituency iwe inagawanywa na iwe ni kidogo, iwe ni ya watu ambao wanaelewana na wana shida moja si kama vile ilivyo. Asanteni sana.

Com Wambua: Thank you very much Bwana Joram, tafadhali jilandikishe pale. Councilor Joseph Siengo. Councilor tutakupa dakika kumi kama wale wazee wengine mbele yako kwa hivyo mulika tu yale ya muhimu halafu utuambie, utatumia lugha gani?

Cllr Joseph Siengo: English.

Com Wambua: English, okay carry on please.

Cllr Joseph Siengo: My name is Joseph Siengo, Councilor Mutitu ward, Kitui County Council. I wish to take this opportunity to present my following views. I will start with the issue of land. I would like to state that all title deeds issued by the Commissioner of Lands should be freehold rather than on lease. We know currently we have both, the lease and the freehold. This should only apply in cases where a third party utilizes the land on agreement with the owner and the agreement signed before a lawyer.

(End of tape)

Should the government or any other party want to utilize such a freehold land for activities such as conservation of animals or mining, compensation of the land should be based on the value of the activity being undertaken, rather than the government value of the land in the district. If the activity is for example, mining of gold, the value of the land should be higher than when soda ash is being mined.

Due to the importance attached to land in this country, let there be established a Land Law Court of Appeal to deal with the last stages of land cases rather than the present situation where their views are made to the minister of lands. Anybody handling land cases at any stage should have some knowledge of the Land Act.

The Commissioner of Lands should be appointed by parliament and be given security tenure of office for a period not exceeding ten years and be answerable to the same parliament that has appointed him.

My next item is on remuneration of parliamentary and civic leaders. I am very happy Honourable Commissioners that my Member of Parliament has hinted on this. I would like to say that all the parliamentary and civic leaders are elected by the public and are both responsible in developing their electors, in one way or the other. Although the parliamentarians represent the public in a larger area called the constituency and are more responsible than the civic leaders who represent a ward that does not warrant the big gap between their monthly remuneration.

It is pathetic, Commissioners that what a Councilor earns in his total five years term is equivalent to what a member of parliament earns in one month. To make matters worse, their paymasters are different despite the fact that the two serve the same people. While the parliamentarians are paid through the Central government budget, the civic leaders are paid by their Local Authorities and at rates given by the Central government based on the financial strength of the individual Local Authority.

Commissioners, almost 90% of the Local Authorities in Kenya are basically poor and pay between Kshs 7,000 and Kshs. 10,000 per month as compared to the payment of almost a million paid to the members of parliament monthly.

In order to narrow this gap, I propose that the civic leaders be paid from the Central government budget like the members of parliament or from the consolidated fund. I also propose that a body of Commission be established or the current electoral Commission of Kenya be given the responsibility of paying both leaders at reasonable difference. This will encourage professionals and better-educated people to join civic leadership, bringing quality leadership both to the Council and their wards of representation.

Honourable Commissioners, yesterday or the day before yesterday I did give views on behalf of the Council. I feel... that was in Central and the views held here in the Eastern Kitui. I wish just to touch a bit on what we said as a Council.

We said we should have a government where we have a President as the Head of State and a Prime Minister as the Head of the Government. We should have a Central Government with autonomous Local Government system as the basis of decentralization. There should be established a District Council in every district.

The District Council should be headed by a chairman who should be elected by inhabitants of district council through a secret ballot. To be eligible for elections, as chairman, one should be thirty-five years of age, the standard of education be ordinary level that is Form IV and above. A local resident of the district and a person of high integrity. There should be a code of conduct for all civic leaders and officers of the Local Government.

There should be an established national Local Government assembly to oversee the operations and formulate policy guidelines for Local Government. The National Local Government Assembly should be composed of all the District Council chairmen.

We should have an established Local Government Service Commission which shall have power to appoint Local Government officers. For one to qualify for elections as a Councilor, he should be of acceptable level of education. Nomination of Councilors should be limited to special interest groups.

No person should be a chairman for more than two, five-year terms and the Council should only be dissolved after the expiry of the five years term. And here I would clarify that the District Council we are talking of has the same boundaries as the County Councils we have currently. With that Commissioner, ladies and gentlemen I wish to stop there.

(Clarification) **Com Wambua:** Thank you very much Councilor Siengo but there is one question from the Commissioner.

Com Raiji: Councilor Siengo, you have touched on an issue that 90% of the Local Authorities do not have sufficient funds to remunerate Councilors. Isn't it also a fact that they also do not have resources to develop the areas of their jurisdiction, and what would you say as to the common criticism that some of these institutions, wards and districts are unviable and that in fact

they should be abolished because they have become a burden to the people as we have heard people claiming that cesses are too high.

As a Councilor what would you say to that, because that is one of the issues that was raised here that you are charging too much to the locals because obviously there you do not have sufficient revenue pays to meet even the salaries of the Councilors leave alone the development of the areas under your jurisdiction?

Cllr Siengo: Honourable Commissioner, my suggestion that the Councils should have an overload of the payment of the Councilors that is the government should take care of the payment of the councilors. That will enable the Council retain some amount of money and possibly it would be possible to lower the rates or the cesses.

I have also pointed out that all land be freehold. By that I if a member of the public has a piece of land here or a plot and it is freehold, he owns it so there would be no rates paid for it. But if it is a lease like it is today, you will be required to pay some rates to the Council or to a body like... or even to the government. My suggestion is, the Councils should have an offload of part of their activities, part of their expenses like paying the councilors.

Com Wambua: Asante sana Councilor Siengo, tumepokea maoni yako kwa hivyo jiandikishe hapo, halafu tumuite John Mauta Tama, atafuatwa na Livai Kilonzo. Livai Kilonzo awetayari. Tafadhali Mauta, tutakupatia muda wa dakika kumi utupatie maoni yako. Taja jina kwanza halafu uendelee.

John Mauta Tama: Jina langu ninaitwa John Mauta Tama na niko hapa nikiwa kama mzee wa miaka yote nikiwa hapa. Ninataka niseme maneno ya miaka karibu nane hivi iliyokwisha. Kunacho kitu kimoja tuna taabu nacho, hiki ni kazi. Kazi zinatusumbua sana watu wengine. Tuna watoto lakini hawapati kazi, tunaambiwa hakuna kazi. Serikali ikituambia hakuna kazi, tunaenda wapi? Hiyo ni neno moja.

La pili, miaka karibu tano au kumi hivi tumekuwa na chief mmoja anaitwa Monyo. Amechukua watu hapa Mutitu Location akawaandikisha askari tano polisi, akawaandikisha askari tano wa military kwa division sita. Je, Serikali hiyo ilienda wapi? Okay, tunataka kujua ya kwamba kama inawezekana kuandika watu military, police, Kenya Army GSU kama iko kuandikwa tupeane authority kutoka Mutitu Location, kwa sababu huku ni msituni. Hii nyumba ni sisi tunajenga, kwa sababu huku ni msituni na chief hawako karibu na sisi. Na tunaambiwa sisi ni watu wa Mutitu wa Kitui, Kitui ni wapi?

Hiyo kazi ikija kupeanwa hapa hatumtaki MP hapa, hatutaki Councilor hapa kwa sababu ataendewa usiku aambiwe maneno mengine, mengine, mengine aje achukue mtu asiye faa kazi awache yule anafaa kazi kwa nini? Hapa, hawa wawe mbali. Akiwa hapa ni shauri yake tu atajua vile atakaa na watu wake sio ninamwambia aondoke hapa kwake.

Kitu kingine, tunaambiwa hakuna kazi na tuna mahali sana ya kazi. Tupewe ‘malakita’ sita, watupatie misitu ya kulima mashamba ya kulima mashamba ya Serikali. Serikali itaenda kutuuzia hii chakula sisi wale watu tunashugulikia hiyo shamba. Hata Kiambu si kuna mashamba? Kwani kwetu hakuwezi kuwa mashamba ya Serikali? Kwani tuna nini na mchanga ni moja? Hakuna mchanga ingine. Kwa hivyo tafadhali ikiwa Serikali inaangalia taabu za watu.

Kuna nafasi zingine tunanyimwa zikiwa ni zetu. Kuna mtu anaweza kukosa kazi kwa kuwa hajui kusoma. Kuna watoto ambao tuko nao na wanajua kusoma lakini kazi zimewakosa na mtu akiwa na degree ati anakosa kazi. Sasa atasoma aende wapi? Tunashindwa hapo kabisa na ni watoto wetu. Watoto wa watu wengine kama Kitui town, unajua ni watu wako karibu na D.C. na D.C anauwezo, wakienda wanasema andika huyu, andika huyu, kwanza ile kazi iko... anaandikwa saa hii hii tu. Mimi ni mfanyikazi ninajua mambo ya sheria ya kikazi.

Kwa hivyo sasa tafadhali, tusaidiwe kwa njia iliyofaa. Tuletewe polisi hapa. Tilitangaziwa polisi waletwe hapa na ni mimi nimeongea na Chief Kitonga na akanipa chupa nne, (Inaudible) tukinywa pombe. Nikamuuliza wewe wale watoto wetu ambao ni wangwana watandikwa kazi ya polisi wakitoka wapi na wewe uko hapa... iko watu wanaandikwa Kitui, iko watu wanaandikwa Kitui. Kitui, D.C. analala na wale watu, walikuwa ni watoto wao. Wakitaka kazi basi... Na D.C asubuhi yake ni kupeana kazi, enda uandike huyu. Na wale watu wakuandikana wale wanatoka (inaudible) wako na watu wao kufika huku wako na ndugu zao walipokeana nao wakanywa pombe mpaka asubuhi. Asubuhi hakuna kuandika watu, ni kuitwa majina tu kwa sababu yaliandikwa usiku wakinywa pombe.

Sasa mambo kama hayo, tusaidiwe tafadhali, tusaidiwe na Serikali. Si ati tusaidiwe na mtu, tusaidiwe na Serikali ikiwa ni yetu. Mtu ukipeanwa yuko hapo, akiitishwa yuko hapo. Tafadhali, mimi ninaitwa John Mauta Tama, musikaninsahau mimi.

Com Wambua: Tumesikia mzee tunakuhakikishia maneno yako tumeyapokea tutayapeleka Nairobi, kwa hivyo kama huna cha kuongezea, tumpe mwingine nafasi.

John Mauta Tama: Kwa hivyo, kwa kuongezea, kuhusu polisi tukazaniwe ndio...

Com Wambua: Hiyo ya polisi imeingia tayari.

John Mauta Tama: Imeingia tayari. kuna nyingine moja tafadhali. Hospitali. Mimi nimelala njiani nikija huku Mutitu na hospitali iko hapa Mutitu juu, nayo kuikanyaja ni shilingi ishirini. Sina pesa, nitaikanyaga namna gani? Na kutibiwa ule ugonjwa ninao ninatakiwa nilipe shilingi mia moja. Kama sina shilingi ishirini, mia moja nitapata wapi?

Kwa hivyo sasa, tusongeshewe hospitali ya kutusaidia. Tukiumwa na nyoka, tutakufia huko huko, hakuna dawa. Asante.

Com Wambua: Asante sana Mzee Tama, jiandikishe hapa tafadhali. Livai Kilonzo.

Speaker (from the audience): (inaudible).

Com Wambua: Utamsomea memorandum? Kwa hivyo ufanye vile vile ulivyofanya. Taja jina lako na utaje unamsomea nani memorandum.

Celestine Maanzo (reading on behalf of Mr. Livai): Asante, ninaitwa Celestine Maanzo, ninasoma memorandum ya Mr. Livai ambaye ni elder, Mutui, Kaayo Village, Manyoeni sub-Location in Kaliku Location. Their recommendations are as follows:-

They recommend that women remain under men because that is what God said. Two, they recommend that the Constitution be translated in all languages for everyone to know what it says. Three, they recommend that the President's powers be reduced and he should not be above the law.

Four, they recommend that the President should have only one term of five year, no more no less. Five, they recommend that the government should take care of the aged, either in a home or finance their up-keep from wherever they are. Thank you.

Com Wambua: Asante sana, tafadhali jiandikishe hapa kwa niaba ya Kilonzo Livai. Tumuite Michael Kasanga.

Michael Kasanga: Hamjambo. Mimi nina mambo kadha. Kwanza...

(Interjection) **Com Wambua:** Taja jina kwanza liingie kwa microphone.

Michael Kasanga: Mimi ninaitwa Michael Kiima Kasamba.

Com Wambua: Kasamba.

Michael Kasamba: Ningependa kuanza na quota system. Quota system ni motion ambayo iliwekwa na Martin Shikuku karibu miaka kumi iliyopita. Na hii quota system ni uandikaji wa watu katika kazi za Serikali na Parastatal bodies. Lakini ina walakini. Iianza vizuri lakini sasa ikawa inageuzwa kama biashara.

Kwa mfano hapa kwetu Kitui, wakati watu wanapoandikwa kazi kama waalimu ama watoto kuchukuliwa kwenda university maana yake hiyo unapata katika quota system. Watoto wetu wengi wanaachwa kwenda university, kwa sababu wanachukuliwa watoto wengine kutoka nje, wanajaza nafasi zao kwa sababu ya pesa. Yule aliye na pesa nyingi, mtoto wake

ndiye atachukuliwa. Na kwa uhakika hata mjumbe wa area hii anajua watoto wetu ambao wako katika university kutoka constituency hii ni wachache sana. Na hii inakuja through quota system.

Kwa hivyo, mimi ninaomba kwamba, hii quota system ipigwe marufuku na isifanye kazi tena. Turudie mtindo ule wa zamani. Yule ambaye anasoma vizuri, anapita vizuri, aende university bila kuwa na matatizo yoyote.

Kuandikwa kazi, watu waandikwe katika tarafa sio katika district. Kwa sababu ikiwa kama ni kazi ya polisi ama army ama kazi nyingine yoyote, watu wanaandikiwa katika Kitui district kama hapa kwetu. Na hapa watu kama kutoka kule Malalani amabao unasikia (?), pesa ni kidogo. Si siri, mapato yetu yako chini sana. Watu wale ambao walio na uwezo waweze kufika Kitui na matangazo yanakuja kama siku mbili namna hiyo kwa sababu inafunikwa watoto wa wenyewe waandikwe.

La pili ni retirement kwa member wa parliament. Watu ambao tunawachagua kwa kura, wanatufanya sisi ni kama tuwaabudu kama ni sisi waliotuandika na hii ningependa iondolewe. Iwe wajumbe wanajua kuwa watu walio wachajua kwa kura ndio mabwana wao. Kwa sababu ikiwa mtu anaingia katika bunge, yeye hakuandikwa na Serikali, alichaguliwa na wananchi. Alichaguliwa na wananchi kwa kura na hakuandikwa katika kipande na haifai apewe pension.

Pension iondolewe kwa wajumbe, kwa sababu wanapata mishahara mikubwa sana halafu wakishafanya kazi kwa miaka mitano, ile proposal yao waliweka katika parliament walipwe pension, hata sio miaka kumi, miaka tano, na wewe hukuandikwa, amefanya kazi gani kwa wananchi? Amewafanyia watu nini na yeye anaenda kule kupata pesa? Hiyo kwa maoni yangu ninaona, iondolewe wasipate pension. Ya pili hapo hapo, yaani (b) yake, mishahara yao ni mikubwa sana ipunguzwe.

Majimbo; Unajua hapa kuna sehemu mbili ya watu ambao wanataka majimbo na wengine wanataka Central government moja. Mimi kwa upande wangu, ninapinga majimbo. Iwe ni Serikali moja, na President mmoja.

La nne limesemwa na mimi nitalisema tena, ni NHIF (National Hospital Insurance Fund). Watu wengine wamefanya kazi kama miaka hamsini na haja enda hospitali hata siku moja, na bibi yake ama watoto wake. Na amepewa retire na ile pesa inapotea kwa Serikali, kwa nini? Hii pesa inafaa irudishiwe mwenyewe akitoka ikiwa hajazitumia. Hiyo ni mali yake.

Elimu; kwa wajumbe. Elimu kwa mjumbe iwe ni Form IV mzuri ama awe amejijenga na ni mwanasiasa mzuri ambaye anaweza kuchaguliwa kuenda bunge. Na President, elimu yake iwe ni ana degree yaani ni graduate.

La tano, watu walio-retire kutoka kwa Serikali na Parastatal bodies, ile pension wakati watu wanaongezewa kwa Serikali ama wakati President anapenda ama bunge inapooonelea kama watu hawa inafaa waongezewe, watu wote, na wao vile vile

waongezewe mishahara, waongezewe mishahara yao, waongezewe katika pension yao.

La sita ni juu ya ma-Councilors. Elimu ya ma-Councilor nimesikia inakuja Form IV, na mimi nina swali. Je, kuna watu ambao wamefika Standard Eight ambao ni wazuri sana katika County Council na nchi yetu haijaendelea sana bado iko nyuma sana. Mimi ninaonelea ma-Councilor elimu yao iwe ni Standard Eight. Na hayo ndio maoni yangu, wananchi na ma-Commissioner, asante sana.

Com Wambua: Asante sana mzee, tafadhali jiandikishe pale. John Mutemi, halafu atafuatwa na Joseph Kiteme.

John Mutemi: Thank you very much Mr. Commissioner. I am going to talk about the issue of the Electoral process in this country. The issuance of voter's cards and the IDs, to me they mean one and the same thing. Every Kenyan today over the age of eighteen is eligible to have a voter's card, is eligible to have an ID. If you have an ID, to me you are eligible to vote. The issue of voter's cards is just to manipulate the electoral process. You are a Kenyan citizen, you have the ID, you have to vote.

President's powers over the EC, the Electoral Commission. The Chairman of the Electoral Commission is appointed by the President, I think we are all well aware of that, and all its members. This means that the President elect or the President who appointed the Chairman has powers over the Chairman and can sack him, so the Chairman would play to the tune of the President.

Kenyan living abroad... point number three, we are very much aware that they do not vote. I do not know why and they are Kenyans. I do not know why the government is scared to let them vote, they sell them their franchise... this is somewhere I would propose that the government should be very keen on. Majority of these votes from outside can change the election results in this country. We believe most of the people who reside outside are well educated, they still have ties with their families and I do not see any reason why they should be denied that Constitutional right.

On the issue of education, I would beg to differ with most of the speakers here, who said that MPs, Councilors, the President, maybe should have attained a certain amount of education. It is not mandatory that if you are intelligent or if you have education you have wisdom, no. Education should not bar. Leadership comes from God. Winston Churchill, the most celebrated Prime Minister of Britain, never had a university degree but he led Britain to prosperity.

About the system of government, I propose the parliamentary system of government whereby, the Prime Minister is the Head of the Government and the President, head of State. I propose a cabinet, which shall be responsible to the legislature. I propose that the appointment which shall be done by the President, who is just the Head of State to be vetted by parliament. I concur with a speaker who said that the ministers should not only be members of parliament, but they can be members from the public who are skilled in particular fields.

Lastly, but not the least of course. I would propose for an independent judicial system in Kenya. A system whereby judges who are appointed and vetted by parliament are not responsible to any other person apart from parliament and they can work and execute what they have been appointed to do without fear. Thank you very much.

Com Wambua: Bwana Mutemi, what do you do with yourself?

John Mutemi: I am a lawyer.

Com Wambua: A lawyer, there is a question.

Com Raiji: Did I get you right that you are proposing that there be no academic qualification for candidates for any of the posts of Councilor, President and MPs? If so, are you advocating even total illiteracy, and if that be the case how will these candidates be able to read the Constitution, Standing Orders or even newspapers?

John Mutemi: Thank you Mr. Commissioner. I say this because I believe that I am in a democratic State where we are not going to vet somebody just because of his intelligence academically. This is a free society, where a person should elect a person of his choice regardless of ethnicity, creed or whatsoever or even education.

I do not advocate for illiteracy, Sir, but I would like to see democracy being exercised at its fullest. We are not going to treat education as a disability or inability to perform. Thank you.

Com Wambua: We do not want to debate, but these two concepts are contradictory. If you do not advocate for illiteracy, then you definitely advocate for a minimum education, which you are also saying, should not be there. So, anyway, we do not want to open a debate, but it would appear to us that there is an element of contradiction.

John Mutemi: Thank you.

Com Mosonik: There is one on the ID being adequate for voting purposes, I wanted to ask whether it matters where an individual votes, whether it is in a ward or in a constituency or not? And if it does, how do you identify voters in terms of their area?

John Mutemi: Okay, thank you very much. I previously talked about the IDs. I prefer that if a Kenyan has an identity card, the card stipulates where you have been born, your division, your whatever. That is the only area where you should vote. Only that.

Com Wambua: I would thank you because you have avoided to comment on the other issue, but thank you very much for your contributions Bwana Mutemi. Please register yourself there. Let us have Joseph N Kiteme.

Joseph N Kiteme: Thank you. I am Joseph Nzula Kiteme and these are my views as far as the Constitutional Review process is concerned. Since Kenyans or rather citizens of Kenya have been given this responsibility to give out their views, I do propose that our Constitution should have an identity or what we call the Preamble.

As far as the three arms of the government are concerned, I do propose that parliament, the executive and the judiciary to be independent of each other. This is because when we look at the executive it is as if it controls the other arms of the State.

On the powers of the executive, I do propose that they should be limited. For example you cannot, under the current Constitution prosecute the President for any criminal or civil offences and yet he is just a person or a citizen like us.

Since Kenya is a signatory of the Universal Declaration of Human Rights, the Constitution, which we have, does not clearly show the structure for implementing the Bill of rights. Therefore, I do propose that the Constitution to show clearly how the Bill of Rights will be implemented.

The current Constitution does not also address the socio-economic human rights and the environmental and development rights. Therefore, I do propose that those issues of socio-economic human rights and the environmental and development right to be looked at.

I also propose that a Constitutional office for the Ombudsman to be established. Since in Kenya there are some people who are not able financially and since they cannot fend for themselves they need some people or an office where they can forward their problems and get help. I propose for a special office to be established to look into Constitutional issues. For example, right now in front of us, we have a Commission, which has been established for the Constitutional Review Process.

Since we have contributed towards this process of making a new Constitution, I also propose that when there is need for amendment, the citizens should be consulted. With those few points I wish to stop there.

Com Wambua: Thank you very much for your views, please register yourself there. Let us have Justus Musyoka. Taja jina lako mzee na uendelee. Utatumia lugha gani?

Justus Musyoka: Kiswahili, lakini nita-mix na Kiingereza.

Com Wambua: Uta mix na Kiingereza?

Justus Musyoka: Ndio.

Com Wambua: Haya sawa endelea.

Justus Musyoka: Asante sana. Jina langu ninaitwa Justus Muthengi Musyoka. Kwa maoni yangu kama mzee ni kwamba...

(Interjection) **Com Wambua:** Is it Justus or Joseph?

Justus Musyoka: Justus.

Com Wambua: Justus...

Justus Musyoka: Justus Muthengi Musyoka.

Com Wambua: Okay.

Justus Musyoka: Ikiwa tunataka kuwa na Serikali ambayo ni very strong na very effective, mimi nina-propose ya kwamba lazima tuwe na head of State ambaye ni President wa hiyo Serikali na pia tuwe na Prime Minister, kwa maoni yangu, sio Vice President lakini Prime Minister.

President atakuwa na mamlaka yake tofauti na yale ya Prime Minister. Prime Minister, mimi ninafikiria kwa maoni yangu ya kwamba, atakuwa aki-run the affairs of parliament na policies of the government. Na ikiwa kuna swali lolote ambalo lina ugumu kwake awe aki consult the President ili watafute suluhisho.

Pia, lazima kwa maoni yangu, ninaona ya kwamba Speaker wa bunge achaguliwe na wanabunge lakini kutoka ile party ruling party ambayo imezidi kwa kutengeneza Serikali. Na huyu Speaker wa bunge awe impartial, asiwe akipendelea wanabunge kwa sababu ametoka kwa chama hiki na hataki wanabunge wa chama kile. Awe impartial kabisa.

Pamoja na hayo, opposition parties in any given country, ikiwa kama mfano hapa Kenya tuko na opposition parties na ruling party. Wale ambao ni sitting, ambao ni... kwa mfano kama Speaker wa bunge awe akiwaona wote ni sawa. Sio awaone kama wa opposition parties ni enemies. Kwa jumla ni kusema ya kwamba, wa opposition parties wawe wakionekana kama ni watu ambao wamechaguliwa na wananchi, waende wakatengeneze sheria huko na wanahitaji heshima. Kwa hivyo ni lazima waheshimiwe, wasionekane kama enemies.

Pia na kwa upande wa opposition parties nao, pia wao wasione kama sitting government ambayo ni the sitting ruling party, wawewakiwaona kama ni enemies, hapana. Wawe wakiwaona kama hao ni brothers and sisters kwa kutengeneza sheria za nchi, ili wakiona mambo au policies za government zingine wasizipinge kama ni kwa sababu ni wao wabunge wanapinga, wanapinga, wanapinga, ili waone failure ya sitting ruling party, hapana. Wawaunge mkono kwa policies zile ambazo zinaenda sambamba vizuri na wananchi.

Kwa sababu wakiziheshimu zile policies za sitting government although ni wapinzani, wataenedelea na kuuza ule upinzani wao kwa raia na eventually raia watakuja kuwapenda na pengine next time wataweza kuchukua nafasi ya userikali.

Kwa hivyo, maoni yangu ni kwamba, wa opposition in any given country kama hapa Kenya lazima wawe wakiheshimiwa na wao waheshimu ile sitting government. Na kwa hayo machache Bwana Chairman, ninakomea hapo. Asante sana.

(Clarification) **Com Wambua:** Kidogo tafadhali Bwana Justus...

Justus Musyoka: Yes...

Com Wambua: Mimi ninaona kuna shida kidogo. Ulisema Speaker awe elected by MPs kutoka kwa...

(Interjection) **Justus Musyoka:** Parliament, kutoka kwa the ruling party, ile ambayo...

Com Wambua: The ruling party?

Justus Musyoka: Ndio, ile ambayo imekuja kwa power...

Com Wambua: Haya, halafu ukaendelea ukasema awe impartial...

Justus Musyoka: Yes, akiwa Speaker sasa, a-vacate kile kiti chake kama MP, sababu akiwa hapo, anything that comes there, atakuwa akipendelea kwa upande ule wake. Lakini akiwa impartial, atakuwa akifanya kama huku Mutitu ataona kama kwa Bwana Muthusi, kunahitajika kitu fulani anapeana kwa Muthusi, anapeana kwa yule mwingine, if possible. Lakini sio kusema kwa sababu yeye anapendelea pande moja, ya kule ametoka.

Com Wambua: Okay, kwa hivyo atachaguliwa from sitting MPs but to vacate his seat as soon as he is...

Justus Musyoka: Yes. The same thing like what happened to Speaker Fred Martin...

Com Wambua: Sawa, sawa. Asante sana, jiandikishe hapa tafadhali. Tutamwita Rebecca Kamonde, halafu atafuatwa na Steven Makau. Mama utatumia lugha gani? (in vernacular).

Rebecca Kamonde: Ma-officers wa Serikali, kutoka kwa MP wetu, D.O wetu, councilor wetu, mabibi na mabwana hamjambo?

Response from the audience: Hatujambo.

Rebecca Kamonde: Ningependa kusema ya kwamba, Serikali hii tumeweka Katiba siku ya leo, Katiba ya nchi yetu ya Kenya na kutoka mwaka wa 1978, 1979, Serikali, Katiba ya Kenya ilikuwa inaendesha Serikali vizuri sana. na wakati huu tumefika mwaka wa 1996, mabadiliko yakaanza kutokea katika nchi yetu ya Kenya. kwa sababu tuliona watu wanaanza kuambiwa waache kazi. Watu wengi wa Kenya wakaacha kazi na wakaondoka wakaambiwa mtapatiwa shilingi elfu mia moja na hizi pesa walizitumia zikamalika, na hawa watoto wana watoto shuleni. Na haya mabadiliko yakaleta wivu sana hapa katika nchi hii ya Kenya.

Jambo lingine ni kwamba hii hospitali yetu haina pahali pa kuweka dawa ya nyoka karibu na watu. Kutoka hospitali ya karibu hapa Mutitu hata nyinyi ma-officer wa Serikali munapitia hiyo njia munaona matope mengi huko njiani. Kwanza hii njia gari ikiondoka hapa asubuhi saa kumi, mtu akiwa mgonjwa hawezi kuenda Kitui. Hatuna gari ya hospitali hii yetu, hata mtu anaweza kufia hapo hapo.

Watu waliotoka kazi mwaka wa 1996, hawajapokea mapato yao, hiyo pesa yao ya NSSF mpaka sasa. Waliambiwa wamalize miaka hamsini na tukifika mwaka wa elfu mbili, watoto wengine wakaandikwa kama hawa. Na mwaka huu ukimalizika hawa watoto watafukuzwa. Unaambiwa wanafukuzwa na mzungu anayeitwa Leakey. Je hiyo kamati yetu ya Kenya itatutuma tumchague President ambaye haendeshi nchi hii yetu vizuri. Tunataka maendeleo mazuri hapa nchini Kenya.

Lingine ni kuhusu hapa Mutitu. Hapa Mutitu kuna mlima ambao unafaida kubwa sana. una maji na tuliambiwa kuwa huo mlima wa Mutitu umeuzwa, umeuzwa na nani? Hatujui ni nani ameuzwa. Kwanza ninataka huyo MP wetu au Serikali yetu ambayo ni kamati yetu tuliyochagua tuende tuandike, tuungane na Serikali yetu kujenga huo mlima tuzuie maji mengi ili tupande mboga, na tuone ndege zimetoka London zimekuja kuchukua mboga hapa kwetu Mutitu. Ndio tuone mapato ya watoto wetu. Ni hayo tu, nimeshukuru sana.

Com Wambua: Na huu mlima, nani ameuzwa, umenunuliwa na nani? Unajua?

Rebecca Kamonde: Tumesikia kuwa huu mlima unauzwa, kutoka kwa watu hapa Mutomo, kutoka kwa watu wanaopiga

piga midomo hapa bure wakisema mlima umeuzwa na wakati wa zamani huo mlima ulikuwa unafanyiwa kazi na watu hamsini na sasa hawa watu wamefukuzwa wakaenda. Sasa huo mlima hauna wafanyikazi sasa. Basi simwaandike watoto wetu ambao wamemaliza form IV, mtu wa class cha nane waanze kufanya hii kazi kama miaka ya 1990.

Com Wambua: Kwa hivyo wewe hujui na huna hakika, unasikia tu.

Rebecca Kamondi: Ninaona tu muendele kufanya tu hiyo kamati yetu ya Kenya tuanze kuandika watoto wetu.

Com Wambua: Asante sana mama, jiandikishe hapo tafadhali. Steven Makau yuko wapi? Na sasa bwana Makau ndiye atakuwa wetu wa mwisho.

Steven Makau: Honourable Commissioners, my name is Steven Makau and I am presenting my personal views based on some points in the Constitution. Number one, I propose that our government should have a way of assisting the young and especially the orphans, the very aged and the destitutes who are always in problems and have nobody to assist them in the country, and also those who are physically impaired.

I also propose that our government should have very strict anti corruption laws where those involved in corruption are severely punished. We should also have fair and unified national distribution of resources where, development in all districts and in all divisions takes place almost at the same range. You will not be surprised in our country to find out that some of our provinces or districts being very much advanced while others lag behind and lack very essential facilities. My proposal is that national, development should be unified and especially as concerns facilities of essence.

I also propose that the President should not have powers over the judiciary and over parliament. He should not be the one appointing senior officers in these lines, there should be Boards to do that. Presidential powers to dissolve parliament and even to give pardon in cases that have been decided in court should be cancelled, as this shows that he has powers over parliament and even powers over our courts.

There should be constitutionally formed commissions and Boards that should appoint and dismiss senior government officers and not the President. These boards, should include the clergy and other people of high integrity in the country.

I also propose that government salary scales should not be as they are today, where some people are getting millions when others are suffering. I propose that, the difference between the highest salary and the lowest should not be more than two hundred times as is the case today. The difference between the lowest and the highest is more than a thousand times. It should be something between... something less than two hundred times. I also propose one man, one job in the civil service.

The Constitution should also be set to control the misuse of public funds. As is the case today, some funds in the government are misused and nothing or nobody takes action about it. I also propose that, remuneration of parliamentarians should be recommended by a separate and independent body and not the same people discussing and recommending their salaries.

I also propose that our national President should not be a party President and should love and cover all political parties in his speeches and not only his party because his journeys, his allowances and his expenses as a President are met by the consolidated fund.

I also propose that, there is no need for nominated MPs as they only come there to serve those who nominated them and not the interests of the nation. I also propose that misuse of land and the environment should be punishable by law. There should be laws to enforce and to check on things like soil-erosion controls, and provision of health facilities and misuse of environment, especially pollution. These should be checked through the Constitutional laws as they spread diseases to the citizens.

I also propose that there should be compulsory, free primary education and free medical services to all people of Kenya. Lastly, I propose that there should be occupation accountability, a kind of report for every mature citizen whereby every citizen is issued with the kind of Identity Card or certificate to show what he does in the country and what he produces in a year. There should be some kind of a check to make sure that everyone is involved in doing something beneficial, something productive and this has to be recorded and be reported every year. This one will minimize vagrancy, thuggery, idleness and poverty in the country where people just sit idle, idling about throughout yet they eat/consume food daily. Everyone should be productive in the country. With that, I would like to say thank you.

Com Wambua: Asante sana, there is one clarification, just hold on.

(Clarification) **Com Mosonik:** It is on the question of this Commission on appointments and dismissals and you said you involve the clergy I would like to ask you the question, how do you relate that to the idea, that the State and the church should be separate that “you give unto Caesar the things that are Caesar’s and to God those which are His” secondly, whether also the State should be involved in hiring and firing in the church?

Steven Makau: Thank you. The State has always been involved in the church because it has been interfering with the churchmen when they mess about. They are fired and even taken out of the country. The State has always been having power over the clergy, controlling them and even firing some priests and some clergymen when maybe they say things that do not please them. The State has always been having power over the clergy. But what I am saying is this...

Com Mosonik: Let me not argue with you. You know what, we are making proposals...

Steven Makau: Yes, I am proposing this...

Com Mosonik: Just listen, please, about a new Constitutional dispensation okay. We are saying let us write a Constitution which will guide us to live in the future and to live better. So we do not say since the State has been interfering with the church all this time, we give up or we say therefore the church must interfere with the State.

I was just asking, the question of the secular and the sacred, the church and the State being separate, how do you address that in the light of your recommendation and secondly whether we should also write it in the Constitution, the right of the State to interfere in the church or church affairs?

Steven Makau: Thank you. First I wanted to say that the right of the State is there interfering with the church, the right is there, because we belong to the State and the State is ours and the church gets permission to come and preach to the people of Kenya from the State.

What I was proposing and I am proposing is that, for important and very important commissions that should appoint senior officers like the Attorney General, the Chief Justice, the Auditor General, the Chairman of your Commission and these senior people, they should not be appointed by an individual, seated at a desk and saying I appoint Mr. Makau, I appoint Mr. Cheriyot, no. It should be appointed by a board and I am proposing that this board should be composed of people with integrity.

Like the Board can consist of a Bishop from CPK, a senior man in the government, a person from a non-governmental organization, these high ranking people that are people of integrity. But not just one person seated at a desk and when he is annoyed by someone or at someone who made a remark the other day, he is fired the following day.

I mean, I am saying that somebody should not be given all those powers to behave, as he wants. People of integrity should do the work.

Com Wambua: We have noted the point so thank you very much for your contribution, please register yourself on that desk. Mary Nzinga?

Celestine Maanzo: I have a memorandum.

Com Wambua: Come and read it in the usual way. Give us your name and indicate whom you are reading it for.

Celestine Maanzo: Thank you I am reading a... I am Celestine Maanzo, I am reading a memorandum for Ushirika Wa

Wanawake Wa Kristo, A.I.C Manyoeni in Kaliku Location, Mutitu Constituency. The issues they have highlighted are domestic violence, property rights, bad culture, rape against girls, women and disabled women.

For the first one, they recommend that domestic violence should end forthwith. The second one, they have recommended that they should have equal property rights with or as their spouses. Three, they have recommended that the Constitution should do away with bad cultures, for example, circumcision of women. Four, they have recommended that rape against girls, women and disabled women should carry the highest penalty that is death. Thank you.

Com Wambua: Asante sana kwa hiyo memorandum ya Mary Nzinga. Tutamwita Kituku Kasea, halafu atafuatwa na Raphael Mwakavi. Kituku Kasea, lugha gani?

Kituko Kasea: Ya Kiswahili.

Com Wambua: Haya. Taja majina na uendeleo.

Kituko Kasea: Jina langu ni John Kituku Kasea. Mimi nimezaliwa hapa Kitoo Sub-Location, Kitoo Village, Mutitu Location, Mutitu Division. Mimi, hata na baba yangu wamezaliwa hapa. Lakini ninasikitika sana kwa vile mambo yakitoka juu, yakija chini huwa yame-change. Kwa mfano, ningependa kabisa, sheria, kila mtu awe chini ya sheria lakini sio sheria iwe chini ya mtu. Kwa mfano, kama vile tulivyo sasa kuna majeshi yako mikononi mwa mtu mmoja, korti iko mikononi mwa mtu mmoja na hata mahali popote hapo tukisema kweli ni mikononi mwa mtu mmoja.

Yaani ninaposema mikononi mwa mtu mmoja nina maana kwamba kila mtu hata kutoka President, yaani Rais mpaka hata na mtoto mdogo wawe chini ya sheria lakini sio mmoja apite mbele ya sheria.

La pili kama vile inasemekana ya kwamba ati land iwe mikononi mwa mtu fulani ambaye yeye ametoka. Nikitumia hiyo neno hata kama kuna mtu wa Mombasa hapa asije akanikasirikia. Ametoka Mombasa kuja hapa. Ukipambana na yeye kweli, ukiwa uko na vitu vinono, yaani pesa, bila shaka shamba litakuwa lako na huyu hata aseme nini, hatakubaliwa hiyo shamba na hiyo korti ndio ninauliza kama ingetolewa kwa Land Commission na iletwe kwa ukoo yaani 'mbai', hiyo ingekuwa bora.

Kitu kingine ni, wakati Serikali ilipokuwa ikiundwa, I mean, tukinyakuwa uhuru wetu, tulikuwa tukiambiwa umasikini utakwisha, ujinga utakwisha, magonjwa yatakwisha. Sasa, hayo mambo yote, kila kitu kinazidi kunona, kutumaliza sisi. Ujinga, unatoa pesa. Hata kama mwalimu anapata mshahara lakini kuna ile inaitwa tuition. Sasa hiyo ati anataka hiyo ndio watoto wapite sawa sawa. Na hii inatokana na akitaka promotion, atakwenda huko juu, sijui ni wapi, sio mbinguni lakini atakwenda kuwaona boss wake wale wakubwa wako huko juu. Na hii promotion upende usipende ataipata.

Haya mambo ya ujinga sasa hii inaanza kuja, watoto chokoraa wanaanza kuwa wengi. Hiyo ndiyo njia moja ya kujaza chokoraa huku. Na pia, ikiwa mimi ni mzee na niko na shamba na nikiambiwa shamba si langu na nimenyanganywa na pesa, nikifukuzwa, pengine niko na watoto ishirini. Sasa hiyo ina-support chokoraa wazidi kuwa wengi.

Kitu kingine, ni hili jambo wanasema ati magonjwa yamalizike. Yatamalizika namna gani na ukienda huko hospitali, unaambiwa kwanza kukanyaga hayo mawe yenyewe ya hospitali, kuyakanyaga namna hiyo, toa pesa, shilingi ishirini. Kukanyaga tu, peke yake, na ukishindwa na hiyo ishirini wewe uende nyumbani. Sasa tunamaliza magonjwa ama tunayaongeza? Hiyo sheria nayo inazidi.

Lingine ni haya mambo ya kusema...

(Interjection) **Com Wambua:** Mzee tupatie mapendekezo pia. Unataka tufanyeje? Ndio tuandike yale mapendekezo yale unataka tu.

Kituko Kasea: Kama vile mapendekezo yangu ni kwamba, ningependa tu, kila mtu, Mkenya yeyote awe chini ya sheria. Land Board iwe kwa ukoo, lakini si kupea uwezo mtu mwingine, hiyo ndio pendekezo langu. Lingine ni haya mambo ya hospitali, kwa maana mtu anaweza kuwa akifa na ukakosa shilingi ishirini unafukuzwa, anakwenda na anakufia njiani. Hata hiyo statement sijui utaandika namna gani. Sasa hiyo, ningependa ukiingia hospitali basi umeokoka. Kama bahati yako ni mbaya huyu mtu atapona, kama ni bahati yako mbaya atakwenda mbinguni. Hicho ni kitu kingine kimoja.

Kuhusu hii habari ya maskini, inaonyesha kuwa hawa masikini wameanza kuzaa sana. Kwa maoni yangu, vile mimi ninaona, watu wa nje, ninafanya kusikia na redio tu na pengine Kiswahili kina ponyoka ponyoka, lakini ninasikia ati parliament, parliament... ajabu! Parliament yenyewe, mjumbe anapata nusu million. Na akipata nusu million, mimi sina kitu, sina kazi, watoto wangu hawana kazi, wengine wako na degree, hawana kazi. Sasa hii yote wewe unayakua, na nyingine inaongezwa traveling allowance and so forth...

Ningependa hiyo mishahara ya wabunge iwe kama, afadhali iwe kama kitu kama elfu mia moja, afadhali hiyo kidogo. Lakini sio kunyakua hizo pesa zote. (*Laughing from the audience*) Sasa wakinyakua, wanaanza ku-blame Serikali, Serikali haina kitu... Wewe uko na ngapi? Wacha Serikali, umanyakua ngapi? Sasa haya mambo, kwa maoni yangu ninaona kama ni kupora tu. Wanapora Serikali inakuwa haina kitu. Basi hapo ndipo nilikuwa ninasema kwamba wakati mwingine mimi ninaona pengine member of parliament hapana zunguka, zunguka hivi, hapa hatumwoni.

Ningeuliza kama ingewezekana hafanyi kazi kutosheka yaani wananchi hawatosheki, angalao akae miaka mitatu tu, na baadaye tupewe nafasi ya kumchagua mwingine. Akimaliza hii tano, sisi tunaumia, hata nyinyi mumeona barabara hapa iko namna gani? Mumeumia. Kwa hivyo, ninauliza nafasi tupewe ya mjumbe akimaliza miaka miwili ya tatu anakwenda.

Com Wambua: Haya Mzee asante sana. tumeyasikia maoni yako kwa hivyo jiadikishe hapo tafadhali. Mwakavi? Haya kuja hapa tafadhali, lugha?

Raphael Mwakavi: Asante sana Bwana Mwenyekiti, asante sana, kwa kunipatia hii nafasi, na asante sana kwenu kwa kuja kwetu kuyachukua maoni kuhusu utekelezaji wa Katiba ya sasa ambayo itatekelezwa kutoka kwa maoni ya wananchi. Mmefanya vizuri sana. Maneno yangu ambayo ninataka kusema ni machache, ambayo wakati huu nimekaa hapa tangu asubuhi nimejaribu kusikiliza lakini kuna mambo yamerukwa ambayo ni shida kwa wananchi.

Jambo la kwanza ningependa kuzungumza ni juu ya ofisi ya D.O. Ofisi ya D.O. kwa mfano, sisi hapa Mutitu tunapakana na Wasomali na wanaweza kutuvamia wakati wowote, na hata hivi sasa wanaweza kutuvamia, kwa sababu wako hapa karibu Endau. Lakini Bwana D.O. wetu hana simu, hana gari, hata sanduku la posta hakuna. Tukivamiwa sasa, sisi sote tutakimbilia milimani kujificha. Kwa hivyo, iwe sheria, popote Kenya ambapo kuna D.O. awe na gari, simu yake isiwe ikiharibika, na hata awe na Sanduku la Posta. Hiyo iwe sheria. Na mimi ninajua hiyo ni sheria ijapokuwa imevunjwa.

La pili, hospitali. Jambo hili limezungumziwa sana lakini kuna shida ya hospitali ambayo haikuguzwa. Hapo zamani, hospitali zilikuwa na magari, kulikuwa na dereva wa kuwapeleka wagonjwa katika hospitali kuu. Lakini kwa sasa kuna magonjwa mengine yanasababishwa na wadudu, kwa mfano, kuumwa na nyoka, mbwa wa kichaa. Unapowapeleka hospitalini ambayo ni health center hapa Mutitu, unaambiwa uwapeleke Kitui na magari yetu hapa Mutitu yanaondoka saa kumi na moja. Sasa ukiambiwa uwapeleke Kitui utawapeleka na nini? Inabidi ungoje mpaka kesho, na huyu mtu anakufa. Mimi ninajua hiyo ilikuwa sheria na imevunjwa. Kwa hivyo popote ambapo pana hospitali inayoitwa Health Center, magari hayo yarudishwe, yarudishwe na yakae kama sheria na ni sheria.

La tatu ni title deeds; Sasa hivi hapa Mutitu, tunaendelea na mambo ya mashamba na ndio nilikuwa ninataka kuzungumzia ya kwamba yule ambaye atamenyeka kufikia apate huo uwanja ama hiyo shamba, akija kupatiwa title deed, iwe ni forever. Hapana ati kumaliza miaka fulani na iwe sasa si yako tena. Ni forever, hiyo ni yako, kwisha! Hata wajukuu na wajukuu na wajukuu wataikuta ikiwa yako. Hakuna kutolewa pale. Na hata ikipatikana mali hapa chini, itakuwa ni yako, hapana kunyanganywa.

Na nne, chief awe na askari, wezi wamezidi na pengine wamezidi kwa sababu D.O. hana gari ya kuwapeleka Kitui. Wezi wamezidi, na chief hana askari, D.O. hana gari, sasa ukiibiwa mbuzi, ukiibiwa shamba, ukiibiwa nini, unatangatanga hapa na wewe huna mali. Hiyo inapotea unaachilia kwa sababu huyu mtu ni lazima umpeleka wewe kwa tikiti yako, chakula ni yako, ya mahabusu, na ya askari na ya kila kitu. Kwa hivyo chief awe na askari. Kama ni mtu ameiba, akipelekewa repoti, amtume askari atamkamata yule mtu. Na ikiwa D.O. ana gari, huyo atafikishwa Kitui.

La tano ni, vyama. Viwe vitatu tu. Kwa sababu vyama, wengine wanaandikisha chama kikisajiliwa baada ya uchaguzi, kwa sababu wanajua watakuja kupatiwa kitu na Serikali, hata kama chama chake kikuanguka, hakitapeleka mjumbe bunge, mwenyewe amenyakua pesa na amekwenda nyumbani. Kwa hivyo, vyama vikae vitatu. Hiyo inatosha. Kwa nini viwe mingi hivyo?

La sita ni kiapo kwa askari. Wakati askari wakimaliza masomo yao Kiganjo, siku ile watatoka pale, kiapo chenyewe kwa ajili ya rushwa, alishwe kiapo. Kama ni Mkamba, alishwe kiapo cha mbuzi, kama ni kabila nyingine vivyo hivyo. Mimi ninajua kila kabila huku Kenya inakiapo chake, alishwe hapo hapo kwa sababu tumechoka na corruption. Akija kupokea bribes anakufa. Kwa hivyo, hiyo ningependelea iandikwe kama sheria. Asanteni sana, hayo ndiyo yalikuwa maoni yangu kwa sababu tangu nianze kusikiliza, sikuyasikia yakitajwa. Asante sana.

Com Wambua: Asante sana Bwana Mwakavi, tafadhali jiandikishe hapo. Sasa ningependa kuwajulisha kwamba tumefikia mwisho wa kikao hiki, huyo ndiye alikuwa wa mwisho kuzungumuza kulingana na orodha ambayo tulipewa hapa. Kwa hivyo, ningelipenda tufanye tu vile tulivyo fanya huko Kitui Central, Chairman ama coordinator wa 3C's yuko wapi? Kazi hapa ilikuwa nzuri na tunataka utuonyeshe hawa mliofanya kazi pamoja kama wako hapa wanakamati wa 3C's, tuwajue.

Chairperson 3C's, Rev Kilumi: Wako watatu tu ambao wako hapa. Tuko na Celestina, Amolo na Mheshimiwa, mimi na Coordinator, ambao tuko hapa. Wale wengine tutakutana kesho, wako huko (?) tutakutana huko.

Com Wambua: Vizuri, sisi tumefurahia kazi ambayo imefanywa hapa Ndoa, kwa maana hata Kizungu, kidogo wametushinda pande hii. Lakini, maoni tumeyapokea na kunaonekana kulikuwa na matayarisho ya kutosha. Kwa hivyo, kwa niaba ya Commission, Com Dr Mosonik, Com Riunga Raiji, ningependa kuwashukuru nyote kwa mipango ambayo ilipangwa na maoni ambayo mmetoa. Maoni yote tutayapeleka kule ofisini Nairobi. Tukimaliza kuyapokea maoni yenu, kawaida tutayarisha report ambayo tutarudisha hapa, hapa kisheria. Sheria inasema tuje hapa na hiyo report. Report mutaichunguza muhakikishe ya kwamba, maneno yote na maoni yote ambayo mliyoyatoa yako kwa report. Na kama kutakuwa na recommendations zingine kutoka kwenu, basi tutazipokea tena. Kwa hivyo hatujamalizana nanyi, tutarudi hapa hapa tena. Mwishowe, tukishakubaliana na hiyo report, basi hiyo draft Bill ama draft Constitution, tutaiandika na tuipeleke bunge halafu itapitishwa kawaida.

Kwa hivyo, ningependa kuwashukuru nyote kwa kazi njema. Pia ningependa kumshukuru Bwana D.O. ambaye ameketi nasi tangu asubuhi, alitupokea hapa, hata alifika mapema kutuliko sisi. Na sehemu hii ya Kitui, provincial administration imetusaidia, imesaidia Commission, hiyo ni fact. Hata coordinator hapa anasaidiwa sana kupitia kwa ofisi ya D.C., kwa hivyo tunataka kumshukuru bwana D.O. kwa kazi yake njema pia na generally the provincial administration kwa maana wamesaidia. Kwa hivyo ningependa kufika hapo na sijui kama tulianza na maombi?

Response from the audience: Ndio.

Com Wambua: Basi lazima tumalize na maombi. Nilisikia kuna Reverend pahali, yuko bado? Hata moja yuko hapa, kwa hivyo huyo ndiye atatuomba, lakini kabla ya hayo, Bwana D.O. ulitukaribisha hapa kwako, tafadhali utazungumza kidogo, utupatie nafasi ya kuondoka, vile, vile mlifanya na Mheshimiwa, mtupatie nafasi ndio tufunge kikao rasmi halafu tuondoke.

D.O.: Thank you very much Com Musili na Commissioners wenzako, MP, Coordinators, na wananchi wote wa Mutitu. Nafikiri tumekaa kwa muda mrefu kwa hiki kiti na imefaa sana, sana, sana. Ninasema nyote mjue kwamba, ni shukurani, (?)kwa sababu mumechangia na hiyo ndio (?) ametupatia. I am very sure Bwana Commissioners mukienda huko juu (?) because we have done our best. Kwa hivyo ninawatakia safari njema na murudi tena wakati mwingine.

(Clapping from the audience)

Hon Kitonga: Nadhania nitasema machache, na yangu ni kusema kwa niaba ya watu wa Mutitu Constituency. Sisi tumesema shukurani sana, kwa kuja kwenu kuyachukua maoni yetu, hakuna yeyote atakayeenda akilalamika ati alikuwako na maoni na hakupatiwa nafasi. Kila mtu amepatiwa nafasi, amesikilizwa sasa mtu akisema maneno yake kule sokoni, yeye ndiye anajua. Nafasi ilikuweco hapa, na ilikuwa hadharani na ilikuwa mchana, kile kiko tu ningependa kuwa uliza nyinyi Commission kitu kimoja. Please, do your work honestly, for the betterment of your country. isije ikawa haya maoni yote tunafanya, labda kuna Katiba nyingine imefichwa pahali, iwe tu munachukua maoni yetu lakini kumefichwa Katiba. Be honest to your work and God will help you. Thank you.

(Clapping from the audience)

Com Wambua: Nafikiria lazima nitaje kitu kimoja kwa maana Mheshimiwa ametoa maoni kidogo. Sisi kama Tume, tunafanya kazi yetu kwa uaminifu na kwa kweli mkiangalia vile tumefanya kazi hapa, hakuna kazi ambayo tumefanya chini chini. Maoni yenu yamekuwa recorded na yako hapa kwa mitambo, na tumechukua kiapo, and I talk on behalf of all Commissioners. Na nimi nimefanya kazi nao karibu miaka miwili sasa na hakuna Commissioner kati ya wale wako hapo nafikiri anaweza kukubali kuwa ati, ataleta Katiba ambayo iliandikwa zamani na ndio tulete, tuseme ni ya wananchi, hakuna. Ninaweza kusema hayo, nikisema hayo ninasema on behalf of the other Commissioners.

Kwa hivyo, muwe na hakika ya kwamba maoni ambayo mmeyatoa yataingia kwa report, na ndio tunasema tutaleta hiyo report hapa muichunguze kweli muhakikishe yes, hivi ndivyo tulivyosema. Na kama mnasema kuna maneno ambayo yameongezwa ama yameachwa, tutakuja hapa msemi haya hayako, halafu tutaenda tuyaandike hayo tena. Kwa hivyo hiyo ni hakikisho tunataka kuwapatia. Hiyo haitakuwa kama ni kazi bure, lazima itazaa matunda na muwe na hakika mtapata Katiba ambayo iko na maoni yenu.

Kwa hivyo Bwana Mheshimiwa, I am telling you on behalf of the Commission and the Commissioners that we do not have a draft Constitution. I know there is a lot of talk of draft Constitutions existing... we do not have a document of that caliber, in fact as I talk to you now, there are people analyzing views which we have already collected from other provinces, in Nairobi, not even the Commissioners, analyzing and categorizing them. And we are yet to see it and I don't think any of the Commissioners will accept that arrangement where we come with a draft Constitution. And if it were there, we would have circulated it, so that you can give us views on it. So, if we have not given it, it is not there. So, kama wenzangu wanataka kuongezea kitu niwape nafasi halafu tufunge kikao rasmi.

Com Raiji: Just to say that, nimeshukuru sana. Nilikuwa hapa hivi karibuni, tumekaribishwa vilivyo na tumeona Mheshimiwa na kamati ya hapa na Bwana D.O. wamefanya kazi nzuri, nimesema asante sana.

Com Mosonik: Na mimi niseme kwamba, kama Commissioner, nimefurahi kuwatembelea. Sisi husikia kwa radio tu kuhusu Ukambani hasa sehemu hii. Mmesikia mimi nimetoka pande za Rift Valley, sehemu za Bomet, pengine wengi wenye hamjafika kwetu lakini sisi wote tuliteuliwa kuwafanyia kazi. Na tukiwa pamoja vile tuko, tuko kama balance, mnajua. Watu wengi hapa wamependekeza kwamba kuwe na checks and balances. Tuseme ofisi ya Rais iwe ina chekiwa na bunge na bunge i-check korti na vitu kama hivyo.

Tukiwa kwa tume hii yetu, tumechanganyika kabisa, mchanganyiko maalum wa Wakenya wote. Commissioner huyu ni wa Eastern province lakini yeye ametoka Meru, huyu ni wa Eastern province, ametoka sehemu hii, wako wa Rift Valley, wako Waislamu, WaKristo, wanaume kwa wanawake, sisi ni mchanganyiko maalum, ule wa Kenya ambayo tunataka, ile iko mbele. Na ningependa kuwahakikishia kwamba, tutafanya vile tulikula kile kiapo, ambacho mzee amekitaja hapa, sisi tulikula hicho tayari, asanteni sana.

(Clapping from the audience)

Com Wambua: Kwa hivyo Bwana Chairman, pia reverend, unaweza sasa kutuombea ndio tufunge kikao, halafu tutakutana tena. Endelea.

Rev Kiluni: Asante. Kabla ya kuomba ningesema hata sisi watu wa 3C's, the members, tumeshukuru sana, watu wa Mutitu. Hii ni Location ya Mutitu, maCommissioners, wamekuja kwa wingi vile mnavyo ona na sisi tunashukuru sana kwa kuwa mmekuja. Hata hatukufikiri mngefika kwa wingi hivyo. Kwa hivyo Bwana D.O., Mheshimiwa na wale wengine ambao tumesaidiana, na wale wengine wa Civic education providers, mmetufanyia vizuri sana, na mmetusaidia sisi watu wa 3C's, hatungefanya hiyo peke yetu. Hata yale tumepata leo, Commissioners, hatungefikiria kama ingetoka, lakini hata sisi tumekuwa na moyo sana na tumesikia furaha nyingi sana. Kwa hivyo, watu wa Mutitu kama vile mmekuja nafikiri tutajenga hii

constituency kwa moyo huo mmoja na Mungu awabariki sana, tuombe.

Prayers: Baba tunakushukuru sana, Mwenyezi Mungu kwa ajili wewe ni Mungu, na kwa ajili ya wakati umetupatia kuwa pamoja, Bwana tunakushukuru sana. Tena tunashukurani nyingi kwa ajili ya kutupatia maCommissioners, kwa ajili ya uongozi ambao Bwana tunategemea na tunaongojea ili vile tutaendesha hii Kenya yetu. Na tunaizungumzia siku hii ya leo, na tutaendelea kuzungumzia. Tunawaomba maCommissioners wetu, Bwana ukawaongoze ndivyo wakatutolee mambo mazuri ambayo yanaweza kutuongoza katika nchi hii yetu. Na sisi pamoja Bwana tukiungana ukawe pamoja nasi. Neema na utukufu, na rehema zako Bwana zikatulinde na zikawe pamoja nasi. Na ni katika jina la Yesu Kristo tunaomba, Amen.

Meeting ended at 5.30 p.m.

&&&&&&&&&&&&&&&&&&&&&&&&&