

CONSTITUTION OF KENYA REVIEW COMMISSION

CKRC

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS

MASINGA CONSTITUENCY, PUBLIC HEARINGS

HELD AT MASINGA CATHOLIC CHURCH HALL ON

23RD MAY 2002

**CONSTITUENCY PUBLIC HEARINGS, MASINGA CONSTITUENCY, PUBLIC HEARINGS HELD AT
MASINGA CATHOLIC CHURCH , ON 23RD MAY 2002**

Commissioners Present

1. Com. Pastor Zablon Ayonga
2. Com. Mrs. Phoebe Asiyó

3. Com. Dr. Charles Maranga
4. Com. Mutakha Kangu

Secretariat Staff in Attendance

1. Mr. Peter Kanyi - Programme Officer
2. Lydia Manyoni - Assistant Programme Officer
3. Jackie Nyumoo - Verbatim Recorder
4. Rose Ngina Kimeu - District Co-ordinator

Meeting started at 9.30 a.m. with Com. Pastor Zablon Ayonga in the Chair.

Chairman of 3C's: Ningetaka tuanze mukutano wetu wa leo, na kwanza ningemuuliza Pastor Mulandi atufungulie Mukutano kwa maombi.

Prayer

Pastor Mulandi: Baba, katika jina la Yesu Christo Mwokozi wa maisha yetu, U-tegemeo letu . Na asubuhi ya leo Mwenyezi Mungu Baba umetuamusha na umetuleta hapa Masinga kwa ajili ya jambo ambalo nchi yetu ya Kenya tukufu, Mwenyezi Mungu Baba lina jambo la kuangalia na kutengeneza katiba.

Mwenyezi Mungu Baba watumishi wako Commissioners wameingia na tunakushukuru kwa kuwajalia na kuwaleta salama. Pia tunawaomba wale ambao ni wa constituency na wale ambao wameingia na wale ambao wanakuja, ili Mwenyezi Mungu Baba kutaniko letu hapa, liwe baraka kwako na maoni yote ambayo yatatolewa, Mwenyezi Mungu Baba ujalie watumishi wako Commissioners, wakiunganisha yote, Mwenyezi Mungu Baba baadaye, tuone mkono wako na kuona katiba ambayo itakuwa ikijali masilahi ya nchi yetu ya Kenya yote. Mwenyezi Mungu Baba asante kwa kila jambo. Kuwa pamoja na sisi, tumeanza pamoja na wewe, twaomba ili utuongoze, utubariki, na tukiona mwisho wa siku ya leo, hatutasahau kusema ni asante. Asante kwa kila jambo na ni katika jina la Yesu Christo Mwokozi wetu tunaomba, Amen.

Chairman of 3C's: Na sasa ningependa kuwajulisha members wa Constituency Committee, wenye wako hapa, na tafadhali wenye wamefika mukasimame Commissioners waweze kuwaona. Na members wa Constituency Committee, members wa Constituency Committee pekee yao. Na kwa upande wangu wa kulia, niko naye Mr. John Kasia, huyo ndiye Chairman wa Constituency Committee ya Masinga, na karibu na yeye kuna Pastor Mulandi. Pastor Mulandi is our Secretary wa the 3C's, na pale kuna Mrs. Jane Kilonzo, Jane Kilonzo pia ni member wa ile Constituency Committee ya Masinga. Shukurani.

Sasa tutawapatia Commissioners nafasi, nao tuweze kuwajua, na tukaweza kuanza Mukutano wetu wa leo, asanteni.

Com. Pastor Zablon Ayonga: Nataka, kabla hatujaanza, Commissioners kujijulisha kwenyu. Katika mkono wangu wa kulia mwisho,

Mimi ni Mama Phoebe Asiyo, Commissioner wa hii mambo ya kubadilisha katiba ya Kenya.

Com. Pastor Zablon Ayonga: Na karibu nami hapa mkono wa kulia bado;

Naitwa Dr. Charles Maranga, mimi ni Commissioner.

Com. Pastor Zablon Ayonga: Na mkono wangu wa kushoto, mwisho.

Mimi naitwa Mutakha Kangu, ni moja wa ma-Commissioners.

Com. Pastor Zablon Ayonga: Na mimi ni Pastor Zablon Ayonga, Commissioner. Sasa chukuwa microphone na tua majina yako - - - Na tutampa dakika tano za kuweza kutoa maoni yake. Inawezekana mtu amekuja, ana maandishi, memorandum. Na kama ana memorandum, tutataka atumulikiye maneno yale makubwa makubwa ambaye ametaka, hiyo itakuwa ni uchaguzi wake. Lakini asipotaka pia kufanya hivyo, anaweza kutoa memorandum yake pila kusema kitu chochote. Sisi tutaichukuwa hiyo memorandum pamoja nasi tukirudi Nairobi, na tutaenda kuisoma kuona maoni yake.

Mwingine anaweza kuwa ni yule ambaye anataka kutoa maoni yake ambayo hakuandika, verbal submission, na anaruhusa ya kufanya hivyo, na pia kama Commissioners watataka kumuuliza maswali watamuuliza, na kama hataulizwa maswali, atajiandikisha. Kila moja ambaye atatoa maoni lazima ajiandikishe. Tuna register hapo, utajiandikisha, utaweka sahihi kwamba umetoa maoni. Lakini kila wakati, ambao mtu ameitwa hapa mbele kwa kutoa maoni, tunataka utunze saa.

Leo si siku ya kutuuliza sisi maswali, leo ni siku yako kutuambia maoni, na unapo tuambia maoni, tunataka kusikia ni vitu gani unavyotaka vifanyike. Ni vitu gani unataka vibadilishwe? Na kama vinabadilishwa, unataka vibadilishwe namna gani? Si kwamba unasema sasa mwende muangalie hayo maneno. Tumefikiri na tumekupa time ya kujua kwamba by now, umejua ni nini unachokitaka, na kile unachokitaka ndiyo tunataka utuambie, tunataka hapa, hii ifanywe hivi na hivi, hayo ndiyo maoni.

Na lugha. Una uhuru wa kutumia lugha tatu. Tatu ikiwa hivi. Ikiwa umejitayarisha na maoni yako kwa kingereza utatupa maoni yako kwa kingereza. Ukiwa umejitayarisha na maoni yako kwa Kiswahili, utatupa maoni yako kwa Kiswahili. Ikiwa, umetayarisha maoni yako kwa lugha ya mama, utatoa maoni hayo kwa lugha ya mama. Na kwa hivyo una uhuru wa kufanya upendavyo kufuatana na uwezo wako ambao unaweza kutoa maoni yako. Kwa hiyo tungependa useme maneno yakiwa sawa sawa, maneno ambayo yamelinga yale ambaye yamewaleta hapa.

Kitu kingine, tuliwatumia kile kijitabu cha rangi ya uthurungi, ambacho ni Questions na mambo ya namna hiyo. Tafadhali hapa hatukuwaleta kama class room, ambayo leo utakuja hapa mbele, na kuanza kutuambia hivi.

Swali number moja, uliuliza hivi hivi hivi, jibu ni hivi, hivi, vile na vile. La! Kile kitabu kilikuwa kinakupa muongozo, wa kuchanga mtu katika mawazo yako uanze kufikiri kuna mambo ya namna hii, kuna mambo ya namna hii, na uanze kufikiri jinsi ambayo unaweza kutoa maoni yako. Kwa hivyo tafadhali msije kutujibu na hicho kitabu, kwa maana kama ni hicho kitabu ambacho kimetuleta hapa, ni mtu moja tu anaweza kuanza kutusomea hiyo maswali, na atupe majibu na maneno iishe. La! Si hivyo ingekuwa. Tungetaka mtupe maoni yenu ya namna zote ambayo inahusu uchumi wa nchi yetu, utawala wa nchi yetu, maisha tunayoishi, matumizi ya land, ardhi tuliyonayo, tungependa kuitumia namna gani? Mali tuliyo nayo. Vitu vya namna mbali mbali kwa maana kila moja anawazo lake. Na jinsi ya kuishi katika nyumba na vile na vile. Kwa hivyo niko tayari kuita majina, na ukiitwa jina, tafadhali unakuja unakaa hapa.

Basi tuko tayari na nitaanza kuita majina. Stephen Ndavi Muthembwa. Tafadhali uje mzee. Dakika tano. Stephen Muthembwa unapoanza unasema majina yako jinsi yalivyo ili yaiingie kwa kanda.

Stephen Ndavi Muthembwa: Bwana Commissioner, niliyaandika maoni ya kikundi changu. Mimi Naitwa Stephen Ndavi Muthembwa. Nimeleta maoni ya kikundi changu katika Sub-Location ya Kikumeni, na ndiyo mimi nataka kuwapea saa hii.

Com. Pastor Zablon Ayonga: Unaweza kumulika hayo mawazo au unataka kusoma?

Stephen Ndavi Muthembwa: Kusoma naweza soma nisome?

Com. Pastor Zablon Ayonga: Ah, Ah. Hatutaki utosomee, unaweza kutuambia maneno makubwa makubwa.

Stephen Ndavi Muthembwa: Kikundi changu kinaonelea katika muongozo wa serikali, kwanza utangulize tuwe na maombi. Tukianza kitu na kuheshimiana kwa kila mtu na kuheshimu mjadala tunao. Kama sisi tunajadiliana kitu, kuheshimu hiyo mpango. Na kuheshimu katiba ya Kenya, na Mwenyezi Mungu, na serikali yetu.

Haki za watoto wa Kenya ziheshimiwe. Kama inawezekana tuwe na elimu ya bure katika Kenya. Maoni mengine, iwe ni lazima Kanisa kuongoza sera ya dola. Iwe lazima President atawale katika miaka mitano, na asirudie tena. Na kwenye katiba, kanuni za democracia ziwe ni President, Vice President, Prime Minister, Mkuu wa Sheria na Mawaziri. Wakenya wana maadhili muhimu yanayo paswa kuwekwa kwenye katiba kama sheria za kitamaduni katika Kenya. Haki za kila mtu wa Kenya ziheshimiwe. Haki idumishwe, ufisadi umalizike Kenya.

Com. Pastor Zablon Ayonga: Asante sana. Unaweza kungoja kidogo kama Commissioner yeyote ana swali. Hakuna swali,

kitu ambacho ufanye sasa, utoe hayo maandishe kule na ujiandikishe uweke sahihi. Asante sana mzee. Next ni Titus Ndonge. Titus ninaona una memorandum? Kwa hivyo hiyo memorandum tafadhali umulike yale makubwa ambayo yaliyo katika hiyo memorandum. Unaweza kumulika utuambie yale makubwa makubwa. Na unaweza kuketi au unaweza kuongea ukisimama.

Titus Ndonge: Asante sana waheshimiwa Commissioners. Umesema naweza kuongea na kizungu kama nataka, siyo? Thank you very much. My name is Titus Theo Ndonge and I represent a group called Agape Community Initiative. I am going to present to you our memorandum, but as you said, I am just going to summarize just what we said and in connection to this, I would like to talk about two issues that we talked about because the rest are reflected in our memorandum.

I will talk about the issue first and then the suggested solution we gave. Now, the first issue is this. That brewing and drinking of traditional liquor is legal under the Traditional Legal Act, Cap. 122. However, whenever one brews this traditional liquor, especially the Kamba liquor by the name Uki, which is not harmless at all because it is made from just honey, sugar and fermented by the German Sausage fruit. Now, whenever one brews this liquor, the administration, namely Chiefs, Assistant Chiefs, and the Administration Police come and demand money, least they take you to police station. Now, that is the problem. The solution we gave is that brewing of this harmless liquor which has being sited as harmless in the various constituencies should be explicitly made legal by telling everybody so that this harassment of innocent people by the administration because of doing what their fathers and their grandfathers have being doing for long is stopped.

The law should be serious on the administrators who harass people because of drinking or brewing this liquor because like in the Kamba customary law, it is categorical imperative that this liquor should be present in matrimonial bond. When marrying, it is one of the requirement. So, that is the solution to our first problem. Should I go to our second problem or should I welcome questions from the Commissioners as you say? Thank you.

Our second problem is this. We have looked at the offices related to the Attorney General in our country and it apparently looks as though the office of the Attorney General and that of the Director of Public Prosecution are more or less the same. I will support this with quotations from our constitution.

By virtue of Section 26 (2) of the Constitution of Kenya which states as follows: 'That the Attorney General shall be the principle legal advisor to the Government of Kenya' and Section 26 (3) that 'The Attorney General shall have power to interfere with any case that he considers desirable and (a), to institute and take criminal proceedings against any person before any court other than a court martial. I will not read all this because you as learned people are well acquainted with this. You are not laymen and if I just tell you will you understand.

Now, the question is this. Under what provision in the constitution was the 1997 office of the Director of Public Prosecution established? Because if we assume that it was established under Section 24 which states that the power to establish all the

offices and that of scrapping them is vested on the President. It is assumed that this office was established under that law, then there would be an actual or apparent constitutional conflict either in letter or in conflict to use the language you understand better. The solution we suggested was this and I will also need your advice because we are lay-men. Our suggested solution was this. That this two offices should be thoroughly investigated by people who know law like yourself. If it is a duplicate, then the office of the Director of Public Prosecution should be scrapped because according to us, it doesn't look any different from that of the Attorney General. Thank you very much.

Com. Pastor Zablon Ayonga: Thank you Bwana Ndonye. You can give us your copy. Turn around to the other side. Thank you for your contribution. Next is Joseph Mulandi, or you belong to that group? Thank you so much Joseph. Mutua Munyasia? Does he belong to the group? Daniel Ngati, time is yours. You have a memorandum? Please give us some highlights. First say your names then give us the highlights.

Daniel Ngati: Thank you for the Commissioners who have given me this chance to present my views. My name is Daniel Ngao Ngati, and I have just a few views. The first one to start is on the side of the Rights of Vulnerable Groups like those disabled groups. I can say that the interest of those people who are disabled, they seem not to be taken care of. For example when there are intakes like police intakes. You find that they are not called for the interviews, whereby we are sure that if they can be called in the interviews, they can be given some work like in the offices and I think they can work in those offices in the side of the police.

The other thing I could say as a part of my views, is the side of cultural, ethnic and regional diversity and communal rights like cultural and ethnicity, I say that they should be protected and especially in our Kamba area, and also be empowered. For example, in our Kamba tribe you will find that we have things like Masia and Ngata.

Another thing as a part of views, we should have two national languages e.g. Kiswahili and English and those are just my few views I had. Thank you.

Com. Pastor Zablon Ayonga: Thank you Daniel, we have a small question for you.

Com. Kangu: Now, can you explain what Masia and Ngata means in Ukambani?

Daniel Ngati: In Ukambani, it means that it is a kind of cleansing, or it is a type of healing those superstitions according to Kamba, concerning things like witchcraft.

Com. Pastor Zablon Ayonga: Thank you. You may give your memo there and sign our register. Thank you so much. Jane Musau?

Jane Musau: Majina yangu ni Jane Mutua Musau. Niko na maoni kidogo, ile nilikuwa nataka kutoa. Ya kwanza. Sisi wanawake, tumekuwa tukinyanyaswa kidogo katika nchi hii. Kwanza tukija kwa mashamba, na properties za nyumbani. Ningependelea, tukiwa huko na Bwanagu, pahali ya mashamba, hiyo title deed tunapewa, isiandikwe yeye peke yake, tuandikwe sisi wote, Bwana na bibi. Sababu yangu, akiwa peke yake, anaenda kuuza shamba, anuzia watu wa pesa nyingi, halafu asubuhi moja anaamuka nakuta mama nikiambiwa “ondoka hii ni mali yangu”. Kwa hivyo nikiwa mmoja wao, nitaulizwa “Mama tunauza hii?” Nisema ndiyo au hapana.

Ingingine ya pili. Kama ni plot tumenunua, tuandikwe majina yetu wote, asiandikwe yeye peke yake. Sababu hii mali nimetafuta mimi na yeye. Tunaingia pahali ingine. Bwana yangu ameo mwanake mwingine, na bibi ya kwanza anakuja kuambiwa sasa wewe huyu ni mama mwenzako, muta-share hii kitu, na mimi ndiye niling’angana, kumutoa kwa mama yake, nikatafuta mali na yeye. Sasa mimi ningependelea, huyu mama mwingine akija, apate plot yake, apart from hiyo yangu niling’angana kutafuta, na waanze kutafuta na huyo Bwana, sikatai akija, sababu ni mila ya kikwetu. Asipatiwe hii mali yangu. Aende aanze kutafuta yake. Hiyo ni maoni moja.

Tena, niko naingine ile nataka kutoa. Kama Bwana yangu amefariki, imekuwa tendency ya wanawake tunafukuzwa. Ndungu zake wanasema hii mali ni yetu, mama anasema sisi hatukutaki, yule alikuwa anakujua ameondoka. Sasa mimi nafukuzwa. Ningependelea, hiyo ikuwe sheria, Bwana yangu akiaga, au akiniacha, nikae pale kwa mali ile tulitafuta na yeye, na ndungu zake ama brothers ama relatives wasikuje kuniingilia. Ikae hapo kwa hiyo mali nitunze watoto na kitu ingine yote. Hiyo ndiyo nilikuwa nayo Commissioners.

Com. Pastor Zablon Ayonga: Asante mama kwa maoni yako.

Com. Phoebe Asiyo: Mama hii katiba tunatengeneza, itakuja kukaa na nchi hii ya Kenya kwa mwiaka mingi hata kama ni miaka mia moja. Na wewe unataka tuandike kwa katiba kwamba Bwana akileta Bibi ya pili, ajengee yeye mji yake mwenye aanze mpya. Je huoni ingekuwa vizuri tukisema kwamba hakuna polygamy tena katika nchi hii? Kwa maana si ya hawa wazee. Hii ni ya wale vijukuu ambao vinakuja miaka hamsini, mia moja inakuja na ni heri kuanza kurekebisha mambo haya kwa maana wale wasichana wa miaka hizo zingine, hawatataka mtu kuja kuleta bibi mwingine kwa nyumba yake. Watakubali kweli? We unaweza kukubali na mimi naweza kukubali. Lakini wale wasichana, watakubali kuingizwa na bibi mwingine ndani ya nyumba?

Jane Musau: Nafikiri hawataweza kukubali madam Commissioner.

Com. Phoebe Asiyo: Kwa hivyo tuwafanyie mipango tu, kila mzee aoe bibi moja. Wale wameoa sasa hatuwezi kufanya kitu, lakini wale hawajaoa - -

Jane Musau: Tusema kama hiyo itawezekana, hiyo ndiyo inge kuwa best katika hii nchi yetu. Mtu akuwe tu na bibi moja.

Com. Phoebe Asiyo: Eh, hata mimi nakubaliana na wewe, maana Mungu ameumba Mtu na bibi. Ndiyo, lakini unajua wazee pengine hawatpendelea hii.

Jane Musau: Nafikiri wengi kama tribe moja moja hawatapendelea.

Com. Phoebe Asiyo: Eh, lakini tunataka kutengeneza katiba itakaa miaka mia moja, sasa tuseme wale wazee wameoa wakae namna hiyo, na wale miaka ingine inakuja - - Maana Tanzania hakuna polygamy tena. Walikataza kabisa. Na wazee wanaishi tu na wanafurahi.

Jane Musau: Hiyo ningependelea sana.

Com. Pastor Zablon Ayonga: Asante mama, lakini lazima pia nikukumbushe kwamba Waisilamu wanaruhusiwa kuwa na wanawake wanne. Na hiyo si shida yako, shida ni ile ya hawa watu wengine, Wakristo. Thank you. Anayefuata ni Mutuku Wambua. Mutuku toa maoni yako, sema majina yako na aanza.

Mutuku Wambua: Thank you Commissioners. Mine is just a statement I just want to make. My name is Richard Mutuku Wambua. I just wanted to talk about employment. Here in Kenya, we see there are so many people who are educated and those who don't have jobs. So, I want to request if in our constitution we can put that anybody who has never been employed and has attained 45 years of age, to be pensionable.

Another statement is, which I wanted to make. We live in different areas where we have different environment, different climate and if people can be helped, in the climate they suit, what can be provided there, or what can be got from the area by the government. I see this country would be moving ahead. Mine is on that, thank you.

Com. Pastor Zablon Ayonga: Asante Bwana Mutuku lakini ngoja kidogo.

Com. Kangu: Now, Bwana Mutuku, what would be your definition of employment? Kwa sababu kuna wale wako on salary employment, kuna wale wako self-employed wanafanya biashara yao, kuna wale wanalima. In terms of what you have proposed, how do we define employment ndiyo tuweze kujua who has being unemployed for 45 years?

Mutuku Wambua: Kuna watu ambao wamejaribu should I say self-employemnt? Lakini wameshindwa, sababu mahali wanakaa hakuna kitu ya kufanya and they are Kenyan citizens. Kuna wengine pia, ambao ni Wakenya na pengine walikuwa wameadhiriwa na Muhindi na amefutwa kazi halafu anakuja huku nyumbani. Hatuwezi kusema kama huyo ameadhiriwa, ndiyo

nilionelea kuwa kuna hawa watu, hawa watu wakiatain hiyo miaka arobaini na tano, wangukuwa pensionable kidogo tu.

Com. Pastor Zablon Ayonga: Una mean kidogo ni pesa ngapi?

Mutuku Wambua: Si maanishi ni pesa ngapi sababu inalingana - -

Com. Pastor Zablon Ayonga: Hapana, tunataka hiyo utuambie. Kwa maana ulipofikiria watu wakiwa miaka arobanne na mitano na wajuakuwa employed wakati wowote wapewe pension, lazima uwe umefikiria pension kama nini.

Mutuku Wambua: Ndiyo lakini unajua hii ni kitu inaendelea, na ikiendelea, miaka inasonga tu.

Com. Charles Maranga: Bwana Mutuku wacha ni kuulize. Hii group ya watu unaosema wawe pensionable, ni wale watu ambao, katika ile ili ya kimaumbile ndiyo wanatakiwa kufanya kazi kabisa. Yaani the most productive age group. Na sasa unataka kuwaambia hawa watu wakae nyumbani walipwe. Kweli serikali ya aina gani inaweza kulipa watu kama hawa wanakaa hivyo tu? Huwezi ukatoa maoni ni nini wanatakiwa wafanye? Kama sasa wewe, vile uko namna hii, you are in the age group of 30 to 45 years. Sasa wewe unataka kusema wewe uende ukae nyumbani na mzee wako ako miaka sitini na angali anafanya kazi?

Mutuku Wambua: Kuna wale wako na kazi, na wengine wamejaribu kazi wameshindwa kupata.

Com. Charles Maranga: Si ungesema pengine serikali itafute kazi ya aina mbali mbali? Kuna kazi ya kilimo, kuna kazi ya biashara, kuna kazi ya manamba, kuna kazi mingi. Si hiyo yote ni kazi?

Mutuku Wambua: na ndiyo hivyo, nimesema katika statement yangu ya pili nimesema: Mbali watu wanakaa, wasaidiwe.

Com. Hon. Phoebe Asiyo: Bwana Mutuku, nataka utuambie kwa maana hii ni katiba itakaa miaka mingi. Wewe utuambie kwamba umependekeza serikali ilete mitambo katika area hii, na maji. Hapa kuna mbuzi wengi, na kuna ngombe wengi na wakiwa na maji, munaweza kuwa na ile meat commission ijengwe hapa factory, watu hapa wafanye kazi, na wazee walio nyumbani waweke mbuzi na ngombe, walete hapa wachinjwe na wapate pesa. Lakini kusema, serikali ipeane mshahara, hiyo ni fikira kidogo, haitasaidia katiba mpya. Tuambie kile unataka serikali ifanye kwa nchi hii, watu wote wa nchi hii waweze kufaidika.

Mutuku Wambua: Hivyo ndio nilikuwa nikijaribu kusema kwa sababu kama hapa kwetu tuna maji mengi sana, hii iko hapa. Lakini unatufaidi na kitu moja tu, kuliwa na mamba, hakuna kitu ingine.

Com. Pastor Zablon Ayonga: Asante Bwana Mutuku, unaweza kwenda hapo ujiandikishe. Thank you. Tungejaribu kiasi tuwezavyo, kuongea katika lugha ambayo kila mtu ange-elewa. Si ingetusaidia? Na ninajua nyinyi kweli mtu hawezi kusema hawezi kuongea kiswahili. Kila moja wenu anaweza. Ila isipokuwa kama una shida sana, ndiyo tuende kwa mambo mengine kama Kingereza lakini uhuru ni wako. Mtu mwingine ni James Mwasia, na wakati ambao James Mwasia anakuja, nataka list ingine niletewe.

James Mwasia: Honourable Commissioners thank you very much for awarding me this opportunity. I will be as brief as possible. Mutaniwia radhi sababu nikingea kwa Kiswahili - nitajaribu lakini itakuwa kama Ki-kamba.

I would like to point the problem of the road carnage. We are losing a lot of people everyday on our Kenyan roads and as a Kenyan, I feel very much concerned and it seems as if nothing is happening. I would suggest - actually, the causes are many, like roads managed by irresponsible youth. Wale vijana wamesoma, pengine wakashindwa, mzazi akasema labdha tumpeleke awe driver, a-anze hiyo road transport. Na at the same time we have trained youth, disciplined youth in the National Youth Service. If we could get our young drivers from the National Youth Service, I hope we would minimize the road carnage.

The other thing is our roads. Not much improvement has being achieved over thirty five years after independence.

To Western Kenya. To Nakuru, Kitale by the main – I had not travelled before. The road is very narrow, catering for the whole of Western province. Very narrow, and in our new government I would think that some roads should be given first priority like roads from Nairobi to lets say Western. Kisumu and Nakuru, that road. Otherwise. It is deadly. I have had personal experience.

Again, if we will succeed in the year 2020, to be industrialized, we should prepare, our infrastructure. I also went as far as Mwingi. A place know as Mutito, Sombe. I was to be introduced as a tourist to the roads because with my big lorry, my local driver would tell me, this is the road! He could see the road but I could not see it. There was no road. So, I would highly recommend, infrastructure to be given priority.

The other thing is about poverty. Alleviation of poverty. According to me, water is the answer. Water will sum up everything, employment, what, what, what in Kenya. We have wonderful land. As a resident in Manyatta, I reside in Kithimani and I have visited National Youth Service. They are doing wonderful jobs. Big bananas, wheat. National Youth Service are producing better banana's than Kisii, Kisii country which is famous for bananas. Which means, we need water. The question of unemployment, you know, the crying , raging because our youth have no employment, the answer can be water. Water all over and God has blessed us with our good rivers. Of we give that priority, Kenya would be a wonderful country.

Before independence I was mature. I had done my O'levels. I was in Nairobi. I remember how jubilant we were that Uhuru and then when I look back after all that time, it is not good. It is a pity. We are not doing much. So, in future this

should not last forever.

On the side of education, we have excelled. Many schools work that hard and we are not lacking brain power. We have educated people. We have experts. Lets utilize them. Lets utilize them and make our country a better place.

O.K. The other thing is, my last point is about the talented students. We have 8-4-4 system. I have been a teacher, as I told you yesterday. 8-4-4 system. We don not cater for the talented students. They all go like a routine. They all go 8-4-4. I would suggest and recommend in our provinces, to have special schools for specially talented students, because they are there.

In every generation we must have akina Hilary Ngweno and the rest. So, that should be deployed otherwise we frustrate them. I would partly think some of the unruly students are not given enough work. Possibly they are very much privileged and they will finish the work and try other things. So lets monitor our privileged students and cater for them and report to the work that we can have a graduate who has gone through half the required time.

Com. Pastor Zablon Ayonga: Thank you so much.

James Mwasia: O.K. I am grateful, that was my last point. Thank you very much. Wish you every bit of luck.

Com. Pastor Zablon Ayonga: Before you go, we may want to ask you some questions.

Com. Charles Maranga: You said you are a teacher. You have said we have human resource in plenty in this country. Do you think we have excess human resource or we have adequate human resource? And then you have talked about the gifted and talented children. How do you want us to deal with that situation? Who will be responsible in identifying the gift and talented? Do you want us to start a who section of special education?

James Mwasia: Let me start with the second question. I am not suggesting you overhaul the whole system. no! Infact I am saying, we make the teachers , principle and headmasters aware so that they can pin point those children and of course I would suggest they go upto standard eight. Then from form one up to the university level, they can go to special school. From nursery to standard eight, let them all be together, but from form one, those are prileage.

Com. Maranga: You see the question I was asking, when you talk about the gifted and talented child. You can find somebody who has a unique way of seeing things. Not necessarily maybe mathematics or English or whatever. They might be other areas. You find somebody very unique. Even in parcticles, he can be very good and maybe he is not very good in other academic subjects but he is very good in pratical. Have you seen people like those ones?

James Mwasia: I am not taking of such calibre of people. Yes, I have seen that.

Com. Maranga: Now I am giving you. They are boys and girls who can for example very good in artistic whatever. They might not be good in science, they might not be good in maths, they might not be good in English, but they are very good artists. They can be u know, depict things the way you want. So, those are also talents. There are also other talents which you must know. Music, sports, and so on. So you just don't look at that narrow picture. So, I want to give you that broader sense. That they are so many people who are gifted in different things. Are you getting my point? Even sports is a gift.

James Mwasia: I understand. If I am not wrong, I think that is practiced in the U.S., if I am not wrong. Briefly, we don't have provision in Kenya. Let it be introduced.

Com. Pastor Zablun Ayonga: Now, would you like to go write a memorandum as regards to your recommendation? Write a memorandum and give it to us as regards to what Dr. Maranga and what you are planning to want to see done in this country for gifted children? You expand what your thoughts are?

James Mwasia: Is it necessary? I can do it.

Com. Pastor Zablun Ayonga: Please do. You can send to us in our office and one small question.

Com. Kangu: Bwana Mwasia, umesema road carnage kwa upande moja inaletwa by our undisciplined youth, na ukasema afadhali tuchukuwe drivers kutoka kwa National Youth Service and just before you, Mr. Ngata ametuambia there is a lot of unemployment, we should infact start paying pension to people at 45 who are unemployed. What do we do with this undisciplined youth, if we take away the jobs they have and give them to people from the Youth Service? Do we start giving them the pension that has being proposed by Ngata or what do we do with them?

Two, you have said water is the answer to our problems. But the situation in Kenya is that water, its availability or unavailability has being our biggest problem. At one point people are dying of draught. At another point people are dying of water. They are being drowned because there is too much water we don't know what to do with it, we don't know how to handle it. How do you propose that we should be able to harness this water that is going to waste and make it an answer to our problems and how do you relate that to our small scale pieces of land? Because if you embarked on giving water to all these people on their small pieces, 5, 3 acres. You cant afford. What is your programme? What would be your proposal? How do we harness the water in relation to our system of ownership of land?

James Mwasia: Thank you very much. I will start with the first question. I am not talking about the past, where mess has already being done about our irresponsible drivers. I am suggesting something to alleviate, to minimize accidents in future, and I

am not saying let us throw them away, no, no, no. The grain are still holding our cobs. I am talking about the future. To have a good percentage of our drivers from the National Youth Service and of course we can have a National system of transport marked by the State.

Com. Kangu: You are suggesting that we discipline by converting the National Youth Service into a driving school so that before they go on the roads to exercise their madness they first pass through the National Youth Service?

James Mwasia: Thank you for your question. It was the other day the Head of State who announced he would absorb 1000 graduates from National Youth Service Gilgil, and 2000 (inaudible) what about if we utilize such number for example? Let me relate this. We have Yatta, Kiharu. I come from Kithimani where Kiharu is. People in Kithimani when money is been given, they don't waste time from their small 2 acre plots to go and get free food. If we have that one Stream, why don't we continue? That was done during colonial time, way back in 1954 and after Independence we have not done much regards to water.

We have Lake Victoria, we have River Tana here, we have River Athi, we have Nyando and - - (interjections from Com. Kangu).

Com. Pastor Zablon Ayonga: Thank you so much.

James Mwasia: O.K. I am very grateful. Wish you all the best.

Com. Pastor Zablon Ayonga: Mama Ruth Kisusi? Rose unaweza kutoa majina yako, na halafu ujue una dakika tano.

Ruth Kisusi: Asante sana Bwana Mwenyekiti, majina yangu naituwa Ruth Nditho Kisusi. Natoka kwa Mwingi wa Sub Location Masinga kwa kikundi. Nataka kutoa maoni yangu kidogo. Yangu siyo mengi ni kidogo.

Kama ikiwezekana, masomo iwe ya bure bila kulipa. Na President mwenyewe wakati wa kuchaguliwa, achaguliwe na wananchi, na kura. Na akiwa ni mwanamume, makamu awe ni Mwanamke. Sisi wakina mama tunafinywa sana hata huko manyumbani mwetu. Bwana si atoe amri peke yake. Akitoa, na mimi natoa. Na wakati wa makosa, siyo niwe ni mimi peke yangu niko na makosa. Hata yeye saa ingine anashikwa na makosa. Kwa hiyo, ikiwa ni wakati wa kunipiga, labda inaweza tokea tupigane sisi wawili, na sina mengi ni hayo. Asante.

Com. Pastor Zablon Ayonga: Ikiwa akikupiga na wewe umpige?

Ruth Kisusi: Eh, kwa maana mimi ni binadamu kama yeye! Tuchapane!

Com. Pastor Zablon Ayonga: Muchapane?

Ruth Kisusi: Eh!

Com. Pastor Zablon Ayonga: Umemaliza? Huyo ni mama Ruth. Na mama kuna maswali kidogo, pengine mama mwenzako akuulize kwanza.

Com. Phoebe Asiyo: Nina swali moja tu kidogo. Unajua mama Ruth, hawa wanaume walipewe ile nguvu ile ya kinyama mingi. Yaani, siyo nguvu yaani ya kile kina wanawake, au, ile nguvu ya kinyama ile ya mwili. Wanaweza kupiga mtu mpaka waue.

Ruth Kisusi: Si wanaua kwa maana anakua anasema ameshaa peleka mali kwenu.

Com. Phoebe Asiyo: Ndiyo, na hatutaki waue watu. Sasa wewe utupe mawaidha. Kitu gani tunaweza kuandika kwa Katiba maana hatuwezi kusema watu wapigane sawa sawa, maana hapo hakuna equality. Tunaweza kusema katiba isaidiye namna gani mambo ya vita ya nyumbani, yaani domestic violence, ili kusiwe na vita nyumbani?

Ruth Kisusi: Katiba isaidie. Ikiwa ni hiyo mgogoro, tupelekane kortini. Korti iamue. Kwa maana wamezidi na kupiga sisi sana.

Com. Phoebe Asiyo: Lakini Courts haziko kila mahali. Ningependa utuambie, zamani wazee walikuwa na ile mahali yao mtu akiwa wameshindwa kuishi wanaweza kwenda wakalalamika, wazee wa kijiji wakatengeneza hiyo habari. Sasa, maana nchi ime-endelea, pengine ungetuambia tuwe na ofisi ingine, au kitu kingine kama vile watu wa Tanzania wameweka, ambayo Bwana akiwa na shida na mwanamke anaweza kwenda pale aongee, au bibi pia namna hiyo wanaita Ombudsman.

Ruth Kisusi: Kwa mila ya Kikamba tunapelekana kwa Ukoa. Ukoa wenu wanaita.

Com. Phoebe Asiyo: Inaonekana hiyo mambo ya Ukoo haijafauli Ukambani ndiyo hili ukatwambia watu wawe na equality ya kugongana.

Com. Kangu: Mama Ruth, nataka kukueleza jana kule Matuu, msichana wa shule alizungumuza na uchungu sana,

Ruth Kisusi: Kama huo niko nao.

Com. Kangu: Akisema maneno ya wazazi ya kupigana nyumbani mbele ya watoto ni mbaya, na wewe unatwambia wapigane

tu. Unafikiria nini kuhusu haki za watoto wakiangalia munatwangana kila siku?

Ruth Kisusi: Na nyinyi munezidi kutwanga sisi wakina mama. Wewe ukija ukiwa umekunywa ile “Karobo”, hata mimi nikianguka kwa miguu yako nainua mikono juu huwezi kukubali. Unaniambia niko na makosa nitakuua. Nitakuua wakati huu ujue wewe ni wangu nimekuoa. Nilipeleka mali kwenu.

Com. Pastor Zablon Ayonga: Kwa hivyo lazima mchapane? Thank you so much. Hayo ni maoni ya mama Ruth, lakini tungalipenda watu wawe na upande. Ex-Senior Chief, hakutoa jina lake lakini ametoa title. Ex-Senior Chief utoe majina yako kamili.

Simeon Munyoki : Asante sana Commissioners. Majina yangu kamili ni Ex-Senior Chief, Simeon Munyoki Kiminza. Basi maoni yangu katika nchi hii yetu ya Kenya ni taabu ya maji. Kulingana na vile tunaweza ona nchi hii ikiwa nzuri na katiba iwe inabeba kila mwananchi wa chini, tuko na mito ile inatiririka kutoka kwa milima. Kutoka kila sehemu, na tumebarikiwa kuwa na mito. Na ile serikali itakuwako miaka ishirini, miaka arobaini, miaka mia moja, hiyo mito itakuwa huko, na maoni yangu ninaona ni lazima serikali ipange mipango au ipange mipango ya kufungia hiyo mito kama Shilanga, na mvua ikinyesha, hiyo maji ikitiririka kwa hiyo Shilanga, ikiwa ni mto mkubwa iwe na dams karibu tatu. Ikijaa hii inaingia hii ingine, ikijaa hii inaingia hii ingine, na hiyo kwa maana mito ni mingi, maji haitakuwa ikimalizika na kila sehemu itakuwa na green, na kulingana na vile itakuwa mwananchi wa kawaida anaweza tumia hiyo maji kwa kulisha ngombe yake, hata pia kwa kukunywa na pia kwa kulima shamba kidogo ya mboga. Kwa hivi maoni yangu ninaona ni vizuri serikali ile itakuwako katika hii katiba tunatengeneza iwe inaangalia habari ya mito izuie kabisa maji isiwe inaenda kwa bahari.

Com. Pastor Zablon Anyonga: Point ingine.

Simeon Munyoki : Ile ingine kulingana na vile ninaona. Ile katiba tulikuwa tunafuata sana hata wakati huu ni ile ya ki-colony. Na hiyo inatengenezwa na m-colony akiwa ni na sasa ile tunataka tutengeneze kama wananchi wa Kenya ibebe mtoto, ibebe mwanamke, ni ile tunaangalia tuone ikiwa ni mtu anaoa, awe anapatana na family yake. Ikiwa ni bibi, wawe wanasema. Badala wapigane mbele ya watoto wawe wanasema kisiri kwa kikwao. Ikiwa ni mtoto waitwe wao wawili, wakutane na wasuluhishe wakiwa hapo.

Basi mtoto akiwa analemea, kuna ile mila ya ki- - ikiwa ni Mkamba ikiwa na Mkikuyu, ikiwa ni Kalenjin, ikiwa ni Mjalu, kuna watu wao wanaweza kuiita na kuzungumuza na huyu msichana au kijana au mtu mkubwa au bibi, wapange mipango ya mipangilio ya kukaa katika nyumbani.

Com. Pastor Zablon Anyonga: Thank you very much, he is Ex-Senior Chief Simeon ambaye ametupa haya mawazo na wazee hukumbuka. Thank you so much

Com. Phoebe Asiyo: (Inaudible)

Simeon Munyoki : Mimi siwezi kataa kwa maoni ya watu kwa maana wewe kama Chief unachaguliwa na watu uje uwasimamie lakini ujue mtu akiwa anachaguliwa na watu atafanya mambo ile watu wanataka kwa maana akiambiwa, ukikataa sisi hatutakuchagua tena. Kwa hivyo maoni yangu ni pawe commission ya kusimamia na kuangalia ni nani anaweza kuandikwa awe ni fit kwa hiyo kazi.

Com. Pastor Zablon Anyonga: Thank you so much Bwana Chief, unaweza kujiandikisha kule nyuma katika register. Thank you. Next, Musau J.M. J.M. Musau? Edman Thuri? Tafadhali useme majina yako kamili. Na hicho Kiswahili unaongea vizuri tafadhali? Ukisema vizuri sana unajua badala ya zile dakika nakupa tano itakuwa dakika mbili kwa maana yule anaye tafsiri atachukuwa dakika yako mbili. Hapana uchaguzi ni wako. Ukiongea Kiswahili utaongea mengi. Anza kwa majina.

Stanley Muli: Kwa jina mimi naitwa Stanley Muli na hapo niliandikwa . Hayo majina yote mbili ni yangu. Sasa, vile ambayo niliona maoni yangu, kwanza ya mbele. Ni vile ambayo niliona ile milima ambayo imekaa bila kuwekwa miti. Kama milima ingewekwa miti, ingekuwa mzuri shauri ya hewa.

Ya pili, ni vile ambayo niliona, kama ni Headman kama mimi. Headman ni mtu ambaye ni wa chini kabisa. Na ni mtu ambaye anajulikana kabisa. Kwa hiyo, kama ni Headman, lazima apewe pesa maanake ndiye mtu yule wa chini kabisa na ndiyo anamaoni ya watu wale ambaye anasimamia.

Ya tatu. Kama hii katiba mzuri. Katiba lazima ijengwe ni mtu akiwa ni mtu ambaye amesema kama vile mimi nimesema. Ili tuwe na mawasiliano vizuri. tuwe ni mtu ambaye anaona yule mwingini kama rafiki yake, na huo ni ukoo wangu. Si mtu ambaye alionekana akiwa ana wivu ndani ya mtu. Uwe ni mtu ambaye unaona, hawa watu wote waliletwa huko ni Mungu, ni watu wa kueleanwa. Sasa kwa hiyo, sijui hapo itakuwa namna gani.

Com. Pastor Zablon Anyonga: Asante Bwana Headman. Kuna jingine?

Stanley Muli: Kile kingine naweza kutaja kidogo ni ukame ule ambao uko hapa Masinga. Masinga hii tuna taabu ya maji kabisa, na kama maji ingewekwa ikiwa ni ya kuzunguka. Ikiwa inawekwa kama kuna mto ambaye anaitwa Tulimumba. Hiyo tulimumbu kama inge pigiwa koo, maji inaweza kuonekana vizuri. kuna mtu mwingine anaitwa Ngila. Na hiyo Ngila kama ingewekwa koo vile vile. Maji itakuwa ni mingi kwetu. Kwa hiyo mambo yangu ni hayo.

Com. Pastor Zablon Anyonga: Hamuna swali enda hap nyuma ujiandikishe hapo. Na kuna Headman mwingine, Dhamburi. J.K. Mutua? Kama J.K. hayuko. Julius Mutuku? Na Pius Gitonga? Pius unaonekana una memo. Utupe maoni makubwa

makubwa kwa maana hiyo tutaenda kusoma usitusomee hapa, na kwa hiyo toa majina yako.

Pius Gitonga: O.K. Mimi naitwa Pius Gitonga. Yangu ni machache. Secondary schools and primary schools education free. Hawa walimu wa nursery wapatiwe mshahara kutoka (inaudible) waandikwe na serikali. NSSF ilipe wa-member wao kutokana na wakati waliacha kazi, lakini hii kama ile miaka yao wanasema, almost 55 years. Kwa sababu hiyo ni haki ya mtu, na akiwacha kazi anaweza kulipwa hiyo pesa yake. Aende ajisaidie mahali.

Hawa Headmen, wapatiwe mshahara na serikali. Chiefs, Assistant Chiefs, waende transfer kama wafanyi kazi wale wengine. Na wawe wakifanyiwa selection na raia, wananchi. Hii County Council ya Machakos au in general county council for example County Council ya Machakos, inatoa hii wanaita penalty. Wakati wa mwezi wa tisa imeisha. Kwa wale watu wanafanya biashara. County Council ya Machakos, inatoa hii wanaita penalty, wakati ya mwezi wa sita umeisha kwa wanabiashara.

Com. Pastor Zablon Anyonga: Kwa hiyo unataka wafanyeje? Watoe mwezi wa saba?

Stanley Muli: Wafanye collection ya license peke yake, bila kutoa hii penalty. Ni ya nini? Hii County Council ya Machakos, inaweza kuachana na hii rent ya kulipisha maduka wale walijenga na ambao hawana kazi ndani yake. Hii ni plain, to one third, wanalipisha rent lakini hakuna kazi inaendelea hapa. Walipishe rent kwa ile duka inaendelea na biashara. Thank you.

Com. Pastor Zablon Anyonga: Thank you so much. Any questions? Thank you, unaweza kutuachia hayo maandishi hapa na uweke sahini. Raphael Mutua? Now, Mulwa Wambua? Mulwa Wambua get ready na uchukuwe hiyo toa majina yako.

Mulwa Wambua: Mimi naitwa Mulwa Wambua, hasa mimi ni mkaaji wa hapa hapa Masinga. Langu ni kidogo ningetaka kugusia ni kwamba, sisi watu wa Masinga tuna maji ambaye tunaye karibu hapa kwenye dam. Na ile dam yenyewe, ile maji yenyewe haitusaidii sisi tabu tunaye nyingi sana, na ingawa tuna uwezo wa kufanya kazi. Isipokuwa hatuwezi yale maji kuyatoa kule kwenye dam kuyaleta pande hii, kwa hivyo tunge-uliza ikiwezekana serikali itusaidie kuyatoa yale maji kule kwenye dam, kuyasambaza sehemu ya Masinga. Serikali inaweza ikatupa hata kama ni loan, watuwekee maji halafu tutaachwa tukilipa baadaye, ndiyo tuweze kufaidika. Unajua kazi yenyewe inakosa, siku hizi hakuna kazi. Lakini serikali ikitusaidia kwa njia hiyo tunaweza tukajimudu sisi. Kwa hivyo yangu ni hayo hayo.

Com. Pastor Zablon Anyonga: Thank you so much. Hebu jiandikishe kule nyuma. Nicholas Muhonzi? Anaye fuata atakuwa ni Anna Ndinda, na atakaye mfuata Anna atakuwa Abraham Ngatu. Endelea, toa majina yako na endelea.

Nicholas Wambua: Asante sana Commissioners. Majina yangu kamili naitwa Nicholas Wambua Ngozi. Na washukuru nyinyi nyote waliohudhuria kikao hichi. Ningependa kuongea kwa Kingereza kama itawezekana.

First I will talk about individual recognition, vis-a-vis the right to life and that entails; first abortion and contraceptions. We know that truth has no democracy. You cannot line up and you know, you fought for truth. Truth you know always is absolute and it is a common currency that life is sacred and it is a gift from God and no one has a right to take it away. So I don't know the fuss about the government legislating what God has ordained. They are divine laws, so we should not be involved in discussions about whether we are supposed to legalize abortions, contraception and pills. For my own view, I would say that that is a divine law and it is period – there is no question about it and I don't even understand why the government can propose or recommend to buy condoms, and people are suffering. They have no food to eat, they have no basic rights as such.

Com. Pastor Zablon Anyonga: Give us your recommendations Bwana Nicholas.

Nicholas Wambua: My recommendation is that in the constitution we are supposed to be involved all of us, there should not be any clause whatsoever, about you know, abortion and contraception's. Simple. Next I will talk about multi-roles or duplications of jobs. Occupancy of many offices which sometimes leads to inefficiency. If I am to give a solid example, I don't know - -all my life there is a lady, I would presume is Phoebe Asiyu, I don't know her, but I would like to relate with her and feel you know - that touchy feeling because really I should be knowing her and also the other members of the commission. So, in this point of multi-roles, you may find that she may be occupying so many offices, doing so many roles and they are other people who are also qualified. So, this duplicating of roles and jobs. So, I mean equity, fairness in distribution of whatever we have in the country.

Grants, that is Aid. There is unnecessary borrowing by the government and also from other quarters and I would say that it is better to train one to fish than to give him fish. Before we borrow, because it is expedient to borrow. However, let the populacy be given the break down of what it is for. The usage. Because we normally hear that the IMF, the Britonhood, (inaudible). We are also borrowing, yearning, begging, name it, but we do not know how the money is spent, so let the public be involved in this exercise if at all it is worth while, otherwise, a body should be constituted for this purpose. It is not somebody rises and then according to his will he starts borrowing and we have readily available resources at our reach, and for that matter I would also say that they give with the left hand and then they take it away with the right hand. It is a common phenomena I don't have to explain that.

Com. Pastor Zablon Anyonga: Please summarize you have one minute.

Nicholas Wambua: Thank you. Education Act. We are talking about the education me I will talk about the syllabus. You realize that we should be deeply rooted in our cultures and for example now, I turn out to talk fluently in Kiswahili, because some terms I will not be knowing them, so let Kiswahili be our national language. Let not English over ride Kiswahili and then also the usage of the local languages for example the Kikamba language, I will not explain that.

Political parties. In our constitution we should have 43 formidable political parties by the next general elections if it is possible or in future and the last point is about - - we should be having national conferences for these political parties and also conduct referendum. So, thank you very much.

Com. Pastor Zablon Anyonga: Thank you Bwana Nicholas kwa maoni yako. Thank you. You can register there. Next? Anna Ndinda? Anna atafuatwa na Abraham Ngatu.

Hannah Ndinda Mwingi: Kwa majina naitwa Hannah Ndinda Mwingi. Maoni yangu ni juu ya wale watoto wanaranda randa huko mitaani. Ukiwaangalia tu ni kama wenda wazimu, lakini siyo eti ni wenda wazimu, lakini wanavaa tu kama wenda wazimu, wanafanya tu kama wenda wazimu, na siye eti hawana wazazi, wako na wazazi, na unakuta hawa wazazi wenyewe ni wasafi, wanafanya kazi, wanaishi vizuri, lakini watoto ni kama wenda wazimu. Sasa nikuuliza, kwa nini serikali hainagali masilahi ya hawa watoto? Na kuuliza hawa wazazi wao, na kuongea na wao ili waeleze juu ya watoto kwa sababu watoto ni taifa la kesho.

Com. Pastor Zablon Anyonga: Ndiyo lakini mama wewe ungetaka aje? Umesema hao wazazi ni wasafi, na watoto wao wanarandaranda wanaonekana kama wenda wazimu. Wewe ungetaka aje sasa? Toa maoni.

Hannah Ndinda Mwingi: Ningetaka watoto wasaidiwe

Com. Pastor Zablon Anyonga: Wasaidiwe kiviipi?

Hannah Ndinda Mwingi: Wale watoto mahali wanaishi ni kama Town. Hiyo town iko na chifu, iko na wazee wa hiyo town, na wanaona tu huyo mtoto, na wanaona mzazi wake. Sasa huyo mzazi wake ikiwa hawezi kuangalia watoto, kuna kazi labda huyo mtoto anaweza kusema hawezi kusaidia huyo mtoto wake, mahali pa kulala, mahali pa kuishi. Sasa serikali labda ichukuwe huyo mzazi, akieleza hawezi kusaidia, isaidiye hawa wazazi, labda wakati mwingine, labda mzazi anaweza aseme - -

Com. Pastor Zablon Anyonga: Thank you so much. Asante mama kwa maoni yako, enda kule ujiandikishe. Nitachukuwa dakika nusu, dakika kungojea wasichana wetu waketi. The next person ambaye anakuja baada ya mama Hannah ni Abraham Ngatu uko? Abraham Ngatu? La, si yeye. Wewe ni Ngatu? O.K. Take your seat. Na mwingine ambaye atamfuata Abraham ni Stephen Kitulu. Stephen Kitulu yuko? Tafadhali wasichana mchukuwe your seats upesi ili tuendelee. Tuna watu wengi na ningependa yule ambaye anachukuwa microphone afanye maoni yake kwa haraka ili tupatie watu wote nafasi. Endelea sasa.

Abraham Ngatu: Mimi kwa jina naitwa Abraham Ngatu na ningependelea ile maoni yangu nilikuwa naona, hii dam ya Masinga, Masinga dam, ingetolewa maji inje, ili wananchi wawe wanalima nayo na mahali ingine mahali iko dam. Pia, serikali ningependelea kama ingekuwa na uwezo, ikuwe kama inaweza kusaidia wananchi na matinga, ma(inaudible) ya kuchimba maziranga. Kwa maana kuna sehemu zingine ambazo ziko karme sana.

Ile kingine, nchi hii watu wengine tunatumwa nje, na tukishaa tumwa nje, nchi ingine ni kavu na saa zingine huwa tunakosa means of transport. Unakuta mtu ametembea almost twenty kilometers hakuna gari ya kwenda kufanya hiyo kazi, kwa hivyo, hiyo ndiyo maoni nilikuwa nayo.

Kile kingine, ningekuja kwa upande wa education. Education ningeaona yaani kutoka form one up to form four, to university, afadhali hii tungefanyiwe tu-reduce-iwe kidogo, ingawa wazazi wengine ambao hawana uwezo wa kuweza yaani kuona zile pesa yaani zinasomesha siku hizi ambayo kwa term moja unaweza kutoa twenty thousand, wa reduce ikuwe kidogo ndiyo wazazi wengine angalau kama wanajiweza. Yangu ni hayo.

Com. Pastor Zablou Anyonga: Thank you so much. Unaweza kwenda hapo ujiandikishe. Tafadhali wasichana kuna viti vingi hapa mbele, msifinyane huko nyuma. Kuja hapa mbele kuna viti. Abraham Ngatu ameshamaliza. Stephen Kitulu?

Stephen Kitulu: Thank you for the Commissioners for having visited Masinga constituency. My names are Stephen Kitulu, presenting Kavweya Youth and I have points to make for the constitution which we are making, which will represent Kenya, and will be the supreme law maybe for the 50 or 100 years to come before it is amended or reviewed.

Masinga been a marginal area, as in most of the marginal areas in Kenya, it has been met by a serious problem, which is land degradation which affects the environment and if the environment is not conserved, this area is going to loose the development speed which it has caught up with so far.

The first thing will be land adjudication. In Kenya, the current Constitution allows or has provision such that when a land is surveyed, or adjudicated, people have to wait until all the land disputes are resolved before title deeds can be issued to the owners of the land. This has been a problem because land disputes in these marginal areas tend to emerge every now and then, so if we have to wait until all the disputes are amended, people would never be issued with title deeds especially in these marginal areas. For example, in Masinga, land was surveyed in 1994 or 1993. Up to now, people are still squatters in their own land. So in the current constitution, amendments have to be made

Com. Pastor Zablou Anyonga: Nicholas Maiwia? Hayuko. P.M. Mutua. Na P.M. anapokuja, John Makau ajitayarisha. Na John Makau si alikuwa yule mwalimu? Iko John Makau mwingine? Sawa, hakuna neno. I want to be sure. Sasa tuliye naye ni P.M. Mutua? Endelea. Sema majina yako in full, na endelea.

P.M. Mutua: Thank you Mr. Chairman and the other Commissioners. My full names are Patrick M. Mutua an extension worker in Masinga. I want to start by saying that a certain great man during his days, by name Sir Isaac Newton, said that if you want to see further, you must step on the shoulders of a giant. I want to step on the shoulders of the constitution, so that I can

see further.

I have a few views, which I would like to give forward. The first one is on elections. I would like to see a situation where the Councillor and the Member of Parliament are elected on their own day, the Councillor and the Member of Parliament are elected on their own day, and the President is elected on his own day. That is one.

Two, I would like to see a situation where if the Councillor or Member of Parliament is not delivering as per expectation, the electorate will have powers to sack the same. That is the Councillor and Member of Parliament even before the period allowed by law or by the constitution is over.

My second view is on the national project. I have in mind a project like hydro-electric power generation. I would like to see a situation where the constitution stipulates that where a national project lies, the citizens of that area, the citizens of that area, that division or constituency benefits with a certain percentage of the income accrued from that project. About 3 – 5% of the benefits accrued from that project. This is for their own development in that area.

My third view is on poverty alleviation and this is on the item of marketing and specifically I wanted to talk on marketing for livestock and livestock product. My view here is that I would like the Kenya Meat Commission to be revived and its operations be seen to continue without failing and here I would like to see a situation where maybe the Kenya Meat Commission is able to buy livestock and livestock products from their specific areas directly from the farmers so as to solve the problem of middlemen and more so in the arid and semi-arid areas.

My fourth view is about the unemployed professionals. My view is that they should be licensed so that they can practice privately and lastly, I would like the new constitution to entail a situation where the Executive, the Legislature and the Judiciary play their roles independently, without interference from one another. Thank you.

Com. Kangu: Thank you, sign our book Mr. Mutua and then lets have John Makau.

New Presenter: - - **(Tape begins!)** Zamani ilikuwa wanapeana grants, vitu kama hizo kwa sababu elimu ya shule ya upili imekuwa ngumu sana kwa wazazi.

Tatu. Management and use of natural resources ama vile tutatawala na kuangalia mali asili. Ningependelea mimi katiba mpya iangalie sana vile ingeweza ku-attract competent Kenyans kwa sababu tumesoma kwa magazetti, tumesikia kwa vyumbo vya habari kwamba watu wengi wameondoka nchi hii kwa sababu ya mambo fulani. pesa, nini, namna hiyo. Kwa hiyo mini ningependelekeza kama haya. Katiba mpya ipendekeze better terms and conditions for workers because in Kenya we have the manpower lakini watu wanatoroka kwenda nchi zingine.

Serikali ianzishe mipango ya incentives, ama kupea watu zawadi. Tunasikia tu watu katika national level ndiko tu wanapewa – wanapewa CBS na kama hapa Commissioners mkiuliza hakuna mtu amepatiwa CBS na mambo kama haya. Kwa hivyo kutoka level ya chini kabisa, watu wawe recognized kwa sababu hii itawafanya wafanye kazi vizuri.

Kile kingine ningesema labda economy ikikubali, iongeze retirement age ili watu wale ambao wako na ujuzi wakae pale kwa muda kidogo, wafikie kama 65 years. Pia Katiba mpya iangalie kwamba hakuna patronage ya political patronage kwa sababu wafanyikazi wengine wanafanya kazi kwa sababu they are at the wings of other people. Godfathering is a serious issue in our country. Kwa hivyo merits zimepoteza maana kabisa na ndivyo unaona watu wengine afadhali waende wakafanyie kazi nje. Na lile lingine ni to avail funds or resources near. Kama mwenzangu amesema hapa, wengine hawana transport. Kwa sababu una ambiwa “ nenda you are the extension officer around here” na unaambiwa tembea huko mahali mumetoka na kwingineko. Tumia your own initiative. Hii inaleta corruption na mambo mengine kama hayo. Kwa hivyo kungekuwa na equipment and things like that.

Na malizia kwa kusema, ile ingine ni constitutional commissions and institutions and offices. Mimi ningependekeza creation of office of the Ombudsman. Kwa sababu kwa katiba ya sasa, the hierarchy, vile kufikia mtu kwa sababu kama sasa 2002 is with us na nitaambiwa nichague mtu kama Rais na kumufikia inakuwa ngum sana. Afadhali tutengeneze ofisi ingine ya mtu mwingine, kama Human Rights, Ombudsman, ili tuwe tukienda kupeleka maoni yetu kule, na vitu kama hivyo.

Kile kingine, mimi ninakubaliana na vile gender disparity. Ningependekeza kuwe na mipango kabambe kabisa ambayo itawezesha the girl child, the women to be empowered kwa sababu they are partners. There is no man. The female complements the man and the man does the same. Kile kingine cha mwisho ni, maofficer wetu wakichaguliwa kwa serikali katiba ipeane nafasi, mtu akiwa katika scandal. If you are involved in any scandal. Ukitajwa tajwa majina yako wewe umeiba, umefanya namna hii, umefanya namna hii, utoke kwa ofisi. Someone should resign as a sign of gentlemanship or something like that. Kwa sababu tumeona hata wengine wanangaganwa nao mpaka hata mtu anakatalia kwa ofisi kabisa. Mwishowe mimi my worry is Commissioners mungetwambia vile katiba hii mpya ikitengenezwa, how is it going to be guarded kwa sababu of misuse or abuse of power. Kwa sababu hata tukisema environment imeharibiwa, kwa katiba ile mzee, ama ile kongwe, there is still that provision but people are going ahead and cutting trees because of other people. How are you going to convince us that the new constitution is going to be a super kind of supreme document that will be respected by everybody. This is our worry.

Com. Pastor Zablon Ayonga: Asante, na usitoke.

Com. Kangu: Ndungu umeuliza how are we going to ensure that the new constitution is to be respected? That is why we are here, we want the Kenyans to tell us. We are aware, we have had a constitution in the past, people have not cared about it, Kenyans are tired, and we want you to tell us this time round this is how we want to go about. We do not want to make a

constitution again, and then tomorrow it is interfered with. That is why if you look through that booklet of questions and issues, there is a question we have asked about the supremacy of the constitution. How are we going to protect the constitution we make this time? To avoid whimsical amendments by politicians to serve their personal interests. Because we are not making a constitution for politicians, we are making it for the Kenyans. So Kenyans must be able to tell us.

Two, the reason this time this process has been brought to the people in Masinga, is because we want the people to know that this constitution we are making belongs to them so that they can come up and protect it, when some people want to interfere with it. People must carry it along, they must understand what we are doing, they must know what has gone into the constitution, so that in future, anybody who is trying to interfere with it, would find it difficult because the people are aware, because we know that the independent constitution was easily amended because the Kenyan people did not know it, they did not own it, they did not care when it was being amended and as to following it, tell us. If you want those who infringe the constitution should be punished by death, those will be your views. Tell us.

Speaker: Thank you commissioner for enlightening that.

Com. Pastor Zablon Ayonga: And if you had not taken thought about that, you can still go home, think about it and write an additional memo, send it to us in our offices in Nairobi.

Speaker: I had suggested the separation of the Judiciary, the Legislature and the Executive, because this is where the whole thing now is really pivoting because there is a lot of duplication in that. Somebody talked about duplication and multiple roles and all that. So, if now we have a constitution that is people driven and that is why you are here, we can feel now physiologically safe, that we are really going to make up or to come up with a document.

Com. Maranga: Ya, I wanted to add and say as a Commission we have no views of our own. The views we are going to collect and collate are going to belong to the Kenyans. Infact, that is why we as Commissioners we become very hesitant not to comment on some issues. So we really want the Kenyans to tell us what you want to do.

Com. Phoebe Asiyo: You told us about the gender disparities. The very fact that there are women who do very well in schools and universities but these numbers are not reflected in positions of leadership, political or even in governance. What constitutional arrangements can you recommend so that in future we have what men and women, boys and girls can be debating alongside each other, so that we don't waste the knowledge, wisdom and strength of 52% of this Nation who are women. What are some of the arrangements that you think we should put in place in the new constitution?

Speaker: Asante sana, kama vile umeniuliza. Ili wasichana kwanza waende sambamba na vijana, ninge-propose, - kwa sababu kuna shida katika masomo yao, there is a problem with the curriculum, women tend to relax on the sciences. Ningependekeza serikali iangalie sana vile science subjects towards the women because that would be one way of empowering

them to come up because we find them in several faculties they are not there. The Faculty of Architecture and some other things like that. So if we can now change the attitude, they change the attitude, we equip the schools, definitely the girls will capture that opportunity and they would be empowered.

Kile kingine, ningeuliza wanawake nao, pia, nyinyi wanawake na nyinyi mujikakamue, ili kupigania viti, because you have for a long time assumed a submissive kind of role. Nyinyi mnakaa tu mnasema Bwana zetu. “So long as my husband is there we don’t have to question things.” You come up, give yourselves inspirations na mje mpigania ikiwa ni viti vya udiwani, viti vya nini, namna hiyo. We have even seen in the ministry of education, people uki-appoint mwanamke Headmistress, ama principle, mara anasema hataki kwa sababu ataenda mbali, namna hii. You have to change that attitude so that we can be in the same footing with the men.

Com. Phoebe Asiyo: Asante sana for those explanations. But you know, because of our traditions and where we are coming from, many African governments have recognized this disparity and they have done something about it constitutionally. Like for example our neighbours Uganda and Tanzania, they have special elections, wao wanachagua wanawake kwa District. Kila chama kinatoa candidates halafu wanachaguliwa wanakuwa representatives wa districts, kwa bunge. Na wanafanya namna hiyo kwa ma-locations wakienda kwa county councils. Hata nchi zingine kama Namibia na Ethiopia, Eritrea, they have put in place Affirmative Action, so that they can give women a head start for the next 10, 15 years until we are ready for political leadership because that is where decisions of policies that develop a nation are made, so that if you are telling us and I agree with you women should go to good schools, to be provisions for sciences and so on, this is acceptable but remember also where we are coming from. The fact that parents would prefer if they are poor, to give school fees to their boys and not their daughters. I think these are issues that we cannot ignore as a nation. Thank you.

Com. Pastor Zablon Ayonga: You want to respond?

Speaker: No, I think she has brought - -

Com. Pastor Zablon Ayonga: You have accepted what mama Asiyo said? And I want to add that that is very important what mama Asiyo said. You girls should always work hard and also remember that all subjects are for everybody and change your attitude kwamba nyinyi hamufanyi hesabu, hamufanyi sciences, those subjects girls can excel and do your very best. Now since this hall is full, I would like to briefly introduce the Commissioners in front of you. From my left is Mwalimu Mutakha Kangu. Mutakha Kangu ni mwalimu wa University ya Moi, mwalimu wa sheria, kwa hivyo wale ambao mtakenda huko Moi, kwa kuchukuwa sheria, mtakutana naye kwa classroom. Next to me, nasikia kwamba yeye ni mwalimu mugumu sana kwa hivyo when you are choosing where to go, mjihadhari sana ukichagua huko kwamba kupita ni kazi ngumu. It is an uphill task. Next to me ni Daktari Maranga. Daktari Maranga alikuwa pia mwalimu katika University ya Nairobi, na kwingineko, sasa anafanya kazi ya commission. Huyu pia anafanya kazi ya commission. Kule mwisho, mama wenu wasichana ambaye

mumemuona hapo ni Mrs. Phoebe Asiyu. Phoebe Asiyu mumesikia. Pengine mama zenye wanamjua kwa maana aliserve parliament kwa miaka mingi. Akapigana kura kati ya wanaume. Why can't you do it? Munaweza kupigana na hawa wanaume unawaacha. Kwa hivyo, musije mkakubali weroro wa mipango. Na mimi hapa katikati ni Pastor Ayonga, ndiye Mwenyekiti kwa leo.

Sasa, karibu sana wasichana kwa kuja hapa. Nimetoa nafasi ili hawa watu wengine waongee kwanza ili muweze ku-warm up, na muwe oriented to the programme. Kama wasichana wako tayari, do you have their names? I have a list here but I don't have a list of girls who want to speak. I want to give the girls the first priority, why? Because they are students. Ni watoto wetu. We want them to go and pick up from where they left, na pia mnajua mambo ya shule kengele ikalia ya hii, hata hii, and we don't want to inconvenience them. What I want to say is that we are very grateful, we know you are the Wanakenya wa kesho, na tunataka mtuambie kwamba hii katiba tunayotengeneza, what you would like see in it, ambaye itawasaidia nyinyi, na watoto wenu na vizazi ambavyo vinakuja huko mbeleni. Have you identified those who are going to speak on your behalf?

Now, I notice there is a name here Benedetta Munyoli. Kuna Benedetta Munyali hapa? Basi Benedetta unaweza kusonga hapa mbele, na while Benedetta anakuja ninataka Winifred Irenu naye ajitayarisha. Kwa hivyo Bendetta unaweza kuja hapa mbele, na tunataka utuambie yale ambayo yangewekwa kwa wasichana au kwa Kenya kwa jumla. Jana tulikuwa na msichana wa ajabu huko tulikuwa, wa secondary school moja, alisema mambo. Na hata huyu mwalimu mugumu ambaye nimewambia, mwalimu huyu ni mugumu kwa marks zake, yule alimwambia we are going to meet in class. Upende usipende, I will be there. Kwa hivyo Benedetta, wakati ni wako, tuambie yale ambayo unafikiria.

Bendetta Munyali – Masinga Girls: O.K. I am Bendetta Munyali from Masinga Girls. To my faith, I would like to talk about one thing, that is bribery. O.K. Our country is so corrupt that you find in short, if you want to join a job for example, you have also to bribe. You may find that once a person has performed well in his K.C.S.E. results and another one, for example one has got A, and another one has got E. The one who has got E is from a rich family. You may find that in admission of the job, the one who has got E, she is from a rich family, she is going to get a job and the person who has struggled for more than 12 years, she is not going to get a job. Surely, this is not fair. For a person to struggle for a goal and you may find that somebody was not struggling and you may find the person achieving a goal from a corrupt way, so we ask those who are concerned to check on this because it will determine a lot in our future, for the future generation. Thank you.

Com. Pastor Zablon Ayonga: Asante sana Benedetta, andikisha jina lako hapa. Kuna yule mwingine, Winifred Ithelu? Chukua mic, sema majina yako ndipo unaze.

Winifred Ithelu – Masinga Girls: O.K. Thank you. My names are Windifred Ithelu from Masinga Girls. I would like to talk about two thing and I will start with inheritance of property. You will find that in our families or in our societies, there is no equality in our societies as far as inheritance of property is concerned. You find that when a parent has for example five girls and

five boys, he will only plan for the five boys and do away with the five girls simply because he is saying that these girls will go maybe somewhere away, get married and start maybe having another family or he says that these girls will not be there and they will go somewhere else where they will start another family. So, you will find that boys are valued in our societies more than girls and we are asking for equality as girls we have noted this, and we are asking for equality because nowadays not all girls are planning to get married.

There are girls who are planning in future to stay a single life, and they have to be-if it is property for example land, they have to get their share just like boys do, so if you are a parent here or anywhere else, I am asking that as they plan for their boys, if they have five girls and five boys, they plan for the 10 children because they are there as their children.

The other point is about education. We are also asking for equality in the education sector because as they are taught about boys and girls, we have noted that in our societies, boys are also valued in as far as education is concerned. You find that if you have two children and a boy and a girl, when these two children maybe do their KCPE together, you value the boy and you take this boy maybe to a secondary school, and you leave alone the girl. So we are asking for equality in that sector. On the same sector, we are also worried about those children who come from poor families and they have no money maybe after their primary education to continue with their secondary education and so you find that in the society maybe they are some of the children who performed very well in their primary education but they have got nobody to take them to secondary education simply because the family is not able. So I am asking if possible, for the government to take note on this that they at least provide school fees for those children who come from the poor families that they can continue with their education and on this side I want to say that in our schools we also need equality because you may find that maybe the government is providing grants for the poor students who come from poor families but these grants are given to the friends of maybe the headmaster or friends of the headmistress, and then you find that there are these children who are not able, but they cannot continue with their education, and the grants are there, but they cannot get them, so we are asking for the government to take note on this please. Thank you.

Com. Pastor Zablon Ayonga: You can register there and now, next Winnie Wanjama. Baada ya Winnie, walimu wale wawili wa shule hii muwe tayari. Walimu muwe tayari. Kuna walimu wawili wangetaka kutoa maoni. Nataka nimalize na shule kwanza, ili waweze kuingia kwa programme yao the way you want it. Winnie chukua microphone.

Winnie Wanjama: Thank you. I am Winnie Wanjama and I want to talk about the salary increment for the teachers. We are told that we are the future leaders and there are rumours that on 20th of June there will be a strike, but my question is: They will be a strike yes, and the teachers are the ones who teach us but if they go on strike, what are we going to do especially the form fours who are going to do their exams? Who are waiting to do their KCSE? So I see it better that the government should increase the salaries for the teachers because if they don't increase their salaries, the teachers are going to go on strike and be left without anyone to teach us and we are told that we are the future leaders, so I think it would really be good for the

government to increase these salaries.

I think even the teachers should get more salaries than anybody else. Do you know the reason why? The doctors that we have, even the Commissioners that we have here passed through the teachers. From nursery school to secondary, university and upto their level they passed through the teachers so I think the teachers should get more salaries than anybody else in our country Kenya. It is just good because we can't do without teachers, the doctors, the ministers, everybody, even those who are learned must-then we can say, they pass through the teachers and so the salaries for the teachers should be increased.

Com. Pastor Zablon Ayonga: And I want to tell you, the four of us who are here have been teachers and we are still teachers and we feel your burden and everybody who is here in Kenya who says he/she is educated, must undergo through the tutelage of a teacher. Thank you for your feelings and for your points. Now, you can go there, sign your name. Now, the two teachers; we have two teachers who wanted to speak, Malinge Salesio and after Malinge Salesio, Makau John awe tayari.

Malinge Salesio: Thank you very much. Mine is just two points to highlight on constitution. My name is Malinge Salesio. One of my points on constitution is within the constitution itself. One, we would like to have a fair and firm and a constitution that reflects truth in our currently but presently the constitution that we are likely to have might not be different from the former constitutions.

One, is that the Commissioners and the team of the constitution have a control from somewhere. If possible, we as Kenyans, we would like to have the constitution team or the commission, be delinked from the Parliament. Have a separate body, with its mandates and powers. Recently we had a problem when they wanted to be added time. Funny enough it was taken to politicians. Raila been the chairman of the Select Committee. That means the constitution that we have might serve the interest of the people of the people who are to be seen. Let us have a constitution which is separate, which we will not need to consult a politician. Our Kenyan politicians are all liars. They promise today this, tomorrow they turn the other side, they talk of a different thing. Now, we want a constitution that will be firm and strong, without anyone's interest. Because, if somebody like Raila now finds that he may loose a seat in parliament, the likelihood he would mess with the constitution because he has that power. Now the constitution itself must be separate from political power, the President and which ever government that may come in future, we should have a constitution that will leave for 100 years of constitution, not to be changed, because now it may motivated by KANU. What about if KANU don't come into power next year? Another thing comes, we come back to constitution review again. That will be waste of Kenyan economy and the people's time.

The other point on the constitution is you have become commission members and gone round giving out booklets for people to know what is constitution and interpret so that we can be able to review. Funny enough, if you compare for example the locals, not even 10% could understand what was going on. The booklets were written in English, our population literacy level is very low. Presently, not very many people know about what we are talking about, because they cannot interpret the language. Why

could the commission print some books in Ki-kamba, Ki-meru, Turukana, so that people can understand? That is where we have a loophole now because the constitution will be reviewed by those who know, and we have likelihood for the interest of people to be pushed out and now we have the constitution of the educated not of the Kenyan people

Com. Pastor Zablon Ayonga: Kwa hivyo toa maoni.

Malinge Salesio: The other is the constitution should have a language for everybody. All tribes must be considered when printing the language so that people can understand. The constitution that we wish to have should prevent and take care of our economy. It should reflect the economy and the improvement of the country. For one, the people in power for example the President, the ministers and other people who are given big posts, the constitution should be able to reflect how do they spend Kenyan money or the government economy, the President or the Minister, let us have a constitution that will take care of the economy. Knowing what the person is spending is proportional to the salary you get.

The other point is that the constitution should foresee the economy that people retiring should not be given jobs while we have people in Kenya who have no jobs. One may say that they have experience. But within, if you were for example a Managing Director, you have an assistant, if the assistant is promoted, and we go by ladder promoting, you will be to pay somebody from the outside and enter into job. Therefore, let us have a constitution that reflects one a person has retired to rest, not to hold an office because we are misusing that post of retirement, where for example in Kenya most of the Chairmen of Corporations, Forests and other things are people who are retired and we have people who are professionally trained for those jobs but don't get them. so, constitution should reflect that.

On the same constitution, it should reflect on the appointments. Those appointed must be qualified in their work. My other point is on the local government or the councils.

Com. Pastor Zablon Ayonga: And if you can make that the last one, Mwalimu you know kwamba katika shule tunatumia time. Kengele ikilia, you leave for another teacher to come in please.

Malinge Salesio: The other is just on the local councils. All members put their must be elected. That idea of placing the DC there and member of the council has to favour the government. Another thing is that the councils must be centralized because in Kenya we say we are not Majimbo but our County Council or rather Local Government is Majimbo. So it must be decentralized so that we can have equality and avoid the corruption that is always there.

Com. Pastor Zablon Ayonga: Thank you so much. Mwalimu Makau anangojea kwa hivyo tutakuuliza kaswali kamoja ili Makau aingie.

Com. Maranga: Mwalimu I have only one question for you. You are saying that retired persons should not be given any other job. Do you consider the job of a Member of Parliament as employment?

Malinge Salesio: No, those are people themselves who elect them. There are other appointments.

Com. Maranga: So that is not employment?

Malinge Salesio: It is employment but appointments is the one - -

Com. Kangu: Mwalimu, I did not get you clearly when you talked about Local Government and the Councils been centralized. Can you kindly elaborate on that?

Malinge Salesio: I mean this. For example we have County Council of Machakos who man what comes from the locals. We have for example the Kajiado County Council. You see there is that competition among the Councils. So the Local Government takes care within that District itself and you find that we have one minister for the whole country, but the management or the source of income is from different areas. That is why the government has a loophole, that some Councils or Councillors have ended up misusing funds. For example in Masinga you will see water maybe sold at ten shillings. When you go to Matuu there, because it is a section by itself, it would be sold at a different price.

I am a businessman. I want to transport my goods from here to Makueni. I will pay a taxi from Kanyonyo to Machakos. When I reach the border of Makueni, I will pay another amount. Now, at the Head there, if I had just one government manning that, I think our local people would be saved.

Com. Pastor Zablon Ayonga: Thank you Mwalimu. Mwalimu Makau? Oh, Ngoja. Sorry I didn't see you hand madam.

Com. Phoebe Asiyo: I just wanted to have this assurance. Assurance that it is what you planned into this Commission that you will read. Because we are not supposed to have our own ideas. We might have them, but we don't express them. It is what you tell us that will come out in that new constitution that you want to be proved fair and firm and there is no politician that will influence this particular commission because Parliamentarians like you have done, are also coming and giving us their views. But their views are just like your views. There are no superior views than what you have just given us or what they have given us. All the views are equal and we will reflect upon every contribution. So be assured.

Com. Pastor Zablon Ayonga: Huyo ni Mwalimu John Makau? Mwalimu John Makau toa majina yako ili yaingie kwa machine na get to your points.

John Makau: O.K. My names are John Mwasia Makau, I teach at Masinga Girls. I will just make my recommendations, I will not talk about what has been happening. The first recommendation deals with Presidential powers and especially as concerns the appointment of some people to head various institutions. I would like to have a situation where the constitution is very clear and that the people to be appointed should be vetted by a body so that the body confirms that they are the right persons to head such institutions.

My second contribution involves the institutions themselves. Most of the institutions we have have been run down, their finances are not well looked at properly, we would like to have a situation where the constitution is very clear as to what should be done, looking into the books of such institutions, and people who are found to have mis-managed such institutions, the constitution should be very clear on what should be done to such persons and we should not have a situation where people are just chased from one institution into another one to repeat exactly what they did in the former one.

My third contribution concerns corruption and is related to the gifts that we see people receiving. Most of the times you see companies giving either the Head of the Country- the President. They give him colossal amount of money, they tell him to use in a project of his own choice. This is nothing else but bribery. The constitution should be very clear about this. What kind of gifts are supposed to be given, the justification and it should also be very clear on whether the person giving the gifts can be investigated to find out their motive of giving such gifts.

As relates again to the economy, the constitution should be very clear about the expenditure of our country. We should not have a situation where we have ministers running on very expensive cars and the places they are coming from, the people are walking bare foot. Such a country we cannot really say we have a good constitution if that is not taken care of in the constitution.

The forth time I would like to talk about concerns our Armed Forces and it concerns utilizing the resources that we have. We know that most of the time we are not at war, but we have experts in the Armed Forces. We have Engineers, we have doctors, we have all kinds of professionals in the Armed Forces. We would want to have a constitution which is very clear about what role our Armed Forces should play. Like now when we have poor roads and they are doing nothing. We have

Battalion at Thika, we have others, the constitution should be very clear on what other role, other than defending our country, that the Armed Forces can be put into, because every year the government must spend a lot of money on the budget of the Armed Forces.

Lastly I would want to talk about the NGOs, and the idea of politics. Majority of the NGO's are genuine on what they want to do, but because a politician somewhere is not keen to see what they are doing, they are so politicized the people who are supposed to be helped by the NGOs come up in arms against them, and we know that when an NGO has contributed to a project to an area, it is the development of the country and as I sum up I want to talk about employment, retirement and

appointments to several jobs.

They are several Kenyans who are holding so many offices and we have so many of other Kenyans who are jobless. For this country to run harmoniously then it would be better if the constitution is clear on how many jobs an individual can hold, so that we create more jobs for the Kenyans who are unemployed. The retirement age again, some one talked about increasing the retirement age. I would really want to see a situation where the constitutor does not increase this because other Kenyans are being born every day and jobs are scarce. Thank you.

Com. Pastor Zablon Ayonga: Thank you Mwalimu. There is one small question.

Com. Kangu: Now, Mwalimu, this question of retirement, someone has proposed we increase the age. In other places people have told us that we in fact reduce the age and I suspect that that is your view, or you fall on the side of not increasing. But the point is that whether you retire them or not, these are people who still need to also eat, to have health services. Are we ready with some social welfare allowances for those who have been retired or what do we do with them when we retire them or should we be thinking about how do we create employment? I don't think it is creating employment by retiring those who are in employment. It is no different from the retrenchment the Kenyans have been talking about. How do we create employment to cover more people than merely reducing the people in employment?

John Makau: Specifically to respond to what you have said, what I would just say is this. We are all Kenyans. The cake we have today is just what we have. So, you retire, go and eat what you have collected so far and you let another Kenyan who has not had a chance to eat from this cake, at least have something.

Com. Pastor Zablon Ayonga: Thank you Mwalimu. You can go. Don't go, register your name before you leave. Now, I want to call another teacher by the name of Njeru Mwerikia. Bwana Njeru Mwerikia, unaweza kuchukua microphone, na tafadhali utupe maoni yako ili niite wanafunzi wengine wawili, ndipo tunaweza kuwa-release.

Njeru Mwerikia: Thank you very much the Chairman and Commissioners. I have my views for the Constitution Review,

Com. Pastor Zablon Ayonga: You have a memo it seems?

Njeru Mwerikia: But I will just talk generally. First of all is the structure of government. It is my proposal that we should have a strong Executive President who would share some powers with the Prime Minister. No doubt I would like some offices like Vice President and then the Deputy Prime Minister for Foreign Affairs and Deputy Prime Minister for Finance. My proposal is because now the current situation is that we have to have a coalition government because it is very difficult to find one individual getting enough votes because of our ethnic sort of politics. Therefore it is my proposal generally, that we should have these

constitutional offices, so that there is some sort of harmony.

There is a Tanzanian example, we have the President who is very strong, we have a Prime Minister, we have a Vice President and those offices in Tanzania and given our political development we have to go in that form. Basically we had a very strong President. The idea was the President is like the father at home and therefore caters for everybody, but for some reasons we are growing, we are aware, and therefore we need some sharing of powers because of the political situation.

I would also to talk something about Provincial Administration. It is my proposal that we should have the Present structure of Provincial Administration because they are the engine of the government. That means I am proposing a unitary form of government where we have centralized authority, where we have this Provincial Administration. Most of the problem with the local people is normally solved by these Provincial officers and therefore they are also the centre of other government departments. What I would not like them to do is to actually be involved in collection of revenue. Actually the corruption comes in. Second I would not like them to be involved in arresting people and locking them in their small rooms, chief's room, I don't know what – this is too much and that is where the problem ends.

On land, I am of the idea that we should have the normal willing buyer, willing seller principle, i.e. those who have money they can still buy, but at the same time, I would like the wife, or the sons or the children of that owner of that land to be consulted. Therefore I propose a kind of land board at locational level so that should there be a question of selling the land, the wife should be contacted and other children so that there is no case where you find a father selling land, using another wife or somebody who is purporting to be a wife, or somebody who is purporting to be a child and here we have a lot of landlessness and therefore problem of security. So I think we should be more tight on land and selling in terms of consultations.

On economic and social rights, it is my proposal that we should have a free basic primary education and also free primary health care. Most of the Kenyans are very poor, you realize that about 60% of Kenyans are actually under poverty level. If we use the UN definition of 80 dollars per month, so I think we should have free primary education and basic health.

Com. Pastor Zablon Ayonga: Mwalimu kama unaweza fungua ili wanafunzi pia wapate tena nafasi. Time is against us.

Njeru Mwerikia: O.K. Lastly on length of Constitutional Review Commission, it is my proposal that the length should be the way it is, that is that they should finish within the time before we have elections because if we don't finish this process, then we shall have a constitution where it will not reflect the feelings of the people. if we cannot have a complete constitution, we should have an interim kind of a constitution to be made. The principles I propose should be liberal philosophy, and consider African customs as well as ethnic balance in our constitution. Thank you very very much.

Com. Pastor Zablon Ayonga: Thank you.

Com. Kangu: Mwalimu Njeru, you propose a strong Executive President with a Prime Minister. Could you kindly tell us what kind of Prime Minister, what would be the functions of the Prime Minister and in terms of recruitment of both the President and Prime Minister, how should they be recruited? Should they be by direct election by the people or by parliament and so on.

Njeru Mwerikia: Concerning the Prime Minister, it is my proposal that he should share some powers for example, he appoints the cabinet and he is supposed to be responsible to the Parliament. Whenever questions are raised in Parliament, it is the Prime Minister who should answer so that the President is left in office as the overall Head of State.

Com. Kangu: But if we have such a strong Executive President, why should again ministers be appointed by a Prime Minister because an Executive President, that means he is the one who is in control of the cabinet. Who produces the cabinet. Why should the Prime Minister appoint ministers?

Njeru Mwerikia: My concern was that we need a strong President because he is the unified factor in the country and the Prime Minister to be concerned with mostly the economic affairs of the country because that is the real problem we have at present. So whatever questions are asked in Parliament he can answer so that they do not subject our President to all manner of questions, all manner of interruptions and make him just a useless person. So we need some kind of a cover sort of for the President.

Com. Pastor Zablon Ayonga: Mwalimu maybe you need to do some more homework on that particular question and give it thought for the pros and cons, how you are going to divide these powers, because the Prime Minister should be running the government, and if the President is so strong, well there is some conflict there. You need to do some little homework and then you can write and sent to us a well done memorandum. Thank you. If you can hand over that, and register your name. Now, those students, I want to read your names so that you get ready. Lucy Annah? Grace Mutua? Isabella Olesambu? And last but not least, Veronicah Musyoka.

Now, if Lucy Ng'an'ga could be here? Is she there? Now, Grace Mutua? Get a sit closer here so that we can save time. Where is Grace? You sit there, chukua mic and sema majina yako the way they are.

Lucy Ng'an'ga : O.K. I am Lucy Nganga, and here I want to talk two points. One is about child abuse and the other one is about high crimes in our country. About child abuse, I may want to talk about rape. O.K. this as you know rapes is an act when you're not aware that it will happen, so in our country we see that - - we take an example of a girl who is in school and she is raped by a man. How do you feel when you are at school and you have not completed your education? Thus, we see that the girls are affected very much. Because there comes a point when they are supposed to leave the schools because they are supposed to care for the baby. So here, we want the constitution to take some that when the boy is

favoured here because the girl is made to leave the school and the boy continues with his studies, so what I can just pray from you is that you take an action to those people.

Also, to add on what I have said, we see that there is a point where that boy or the parent of the boy forces the girl to take care of the child and we see that the boy is the one who made that action who raped the girl. So, there is no fairness about that act.

About my second point is the high crimes. O.K. Here in Kenya we see that the high crimes have gone on increasing. For example, we can see that in our area like in Dandora, we have a lot of problems there because there is insecurity. Because you will find that there are some people who work at night and they leave at 7.30 p.m. to 8.30 p.m. The policemen are just greedy for money. Imagine a person is leaving work at 7.30 p.m. headed for home. You have not committed any crime and the police come here telling you that you have guns yet you don't have anything. They just want you to give them money and if you don't have that money they take you to the police station where you are accused of something you have not done. We see that the people of our country are been frustrated. Also, I want to add on employment. I am in form four and I know that I am going to complete my study. On the point of retirement age I would like to add more on that because those people who are in their jobs they have done their jobs until that age of retirement. As we know, as time goes on, the technology also increases, so those people who are still ongoing with their studies, also have more technology and should be given a chance also to develop their technology more. So, those people who have stayed more in Parliament where others want to go, they should retire and give others a chance.

About employment, we see that there is a university leaver, who maybe has studied more about biology and wants to become a doctor and there is this other person who has studied pathology. We see that if you don't have money to bribe and you have passed well, because nowadays we see there is nothing you can get except you bribe.

Com. Pastor Zablon Ayonga: So what do you want to say about this bribing?

Lucy Ng'an'ga : We want you to take an action and the bribing to be stopped.

Com. Pastor Zablon Ayonga: And would you tell us the way of stopping it?

Lucy Ng'an'ga : O.K.

Com. Pastor Zablon Ayonga: Because that is what we call maoni. What do you want to see done? Si kwamba iwe stopped. Inakua stopped namna gani?

Lucy Ng'an'ga : O.K. If you are the person who has being asked to bribe so that you can get the job, you should go and

report and say that the people only want to be bribed in order to get the job.

Com. Pastor Zablon Ayonga: Thank you very much Lucy Ng'ang'a. Unaweza kujiandikisha kule, next namuita Grace Mutua. Na Grace Mutua anapokuja ninataka Isabella na halafu mwishowe Veronica.

Grace Mutua: My names are Grace Muli Mutua from Masinga Girls Secondary School. First, I am going to talk briefly. My first point is on teacher's salary. I think the government doesn't care about students at all. If it did care then there would be nothing like strikes. You see when the teachers strike, students get discouraged to work hard because they feel there is no future ahead of them.

My second point is on street children. When you go around anywhere in the country, you will find street children everywhere and when you see these street children, some of them have parents and some don't have parents. Some are just orphans and those who are orphans, you find that they have nowhere to go and those who have parents maybe their parents are so poor that they cannot be able to support them, to provide them with their basic needs, so they are just forced to go and look for a means of living there outside. So I would just like the government to provide homes for these children. Thank you.

Com. Pastor Zablon Ayonga: Thank you very much. That was Grace. Grace you can write your name there and next is Isabella.

Isabella Roisambu: O.K. My names are Isabella Roisambu and I would like to talk about grabbing. There is this act of grabbing in the Kenyan government. Those who are in power are misusing the Kenyan resources. You get somebody is grabbing a lot of government money and no action is taken concerning him or her. For example, you find somebody is grabbing money and instead of been taking any action, after a year or two, he is been promoted. So I would like the constitution to take this action. If anybody is caught grabbing, let him be sacked or kicked out of the office.

The other thing is about us girls. We girls are suffering very much for example. In schools. If a girl gets pregnant, nobody will go ahead looking for the boy or who did the act. I suffer alone. I will be told I am a mother by now so I go home and the boy I wonder if he is not a father and he is just left there to continue with his study. So, in the constitution, he should also take that act. If it is to chase us out of school, I and the boy should go home not having been left there and again us girl e.g. in Maasai, you get those girls are being forced to be married early, so the constitution should also take action on those parents who force their girls to be married. Thank you.

Com. Pastor Zablon Ayonga: Just a moment, before you start. The Assistant Chief here is wanted outside. Assistant Chief, you know where you are and who you are. You are needed outside there. Go ahead Veronica. Say your names loud.

Veronica Musyoka: Thank you. My names are Veronica Musyoka from Masinga Girls. I wanted to talk about education. On education, I wanted to talk about this. We have heard that our economy is not good but even though it is not, I would like that fees in secondary school be reduced because if it will not be reduced, free primary education will be of no use because even those who have been given that free education, some of their parents who are very poor will not be able to take their children to secondary schools and that will be not good because the child will not continue with the education.

Also, I want to talk about improvement and distribution of social amenities in rural areas. For example, if you go to some rural areas, you find that the roads are very poor, there are no hospitals and many other social amenities, so that is one of the most important. For example in areas where the means of transport is very poor and also health care, you will find that somebody is sick and he may stay sick for about two days before he is taken for proper medical care, so I would like in our constitution that one to be included so that we may have a healthy nation which will be productive. Thank you.

Com. Pastor Zablun Ayonga: Thank you very much Veronica. The last girl I am going to call upon is Sharon Meroka. Say your names and start off.

Sharon Meroka: My names are Sharon Meroka. For my first point. Health protection. O.K. We feel that some children are forced to go and work as House Maids and then they suffer there, they are battered. When the case goes in front, you will see somebody is there for five years or nothing happens and some children are raped, those people are jailed for say three years, ten years. Why can't they be jailed for life because the children are the future, so they have to be protected by the government.

To my second point. We may say we have free education. You go to school, there are no facilities. What is the help of that free education? First, the government should ensure that schools have the facilities. The town schools are favoured most than the local schools. The people who learn in local schools do not have the facilities, so why should we have free education without the facilities in schools?

To my other point. Kenya receives a lot of aid from foreign countries. We are not told how that aid is used. Yet people are continuing to suffer. Poverty is going on, people are dying daily and we receive aid from out country. How is that aid being used? We Kenyans should be told how that aid which comes to the country is being used.

Fourthly, we see Kenya is a very fertile land. Yet the government is doing nothing to help those farmers to improve their agriculture. We feel that the government should form a policy of giving the farmers who cannot help themselves the fertilizers, the manure, so that Kenya can be a country which depends on itself, because for a long Kenya has been receiving aid from outside. We want a country which is dependent on its own. Not receive aid from outside.

To my last point. Power. O.K. for the President. We want a country where the President can also be charged, not the President is above the power. Thank you.

Com. Pastor Zablon Ayonga: Thank you very much Sharon. Don't go, register there. Thank you for your contribution. Let me take this opportunity to thank all of you ladies who have come here to give your views. I am sure that everyone of you has something that she would like say, but since that is not possible you are representatives have said perhaps what you had in mind, I would like to thank you all, and your teachers who have graciously left their classes and allowed you to come. I am sure what you have said will be reflected in one way or the other in the new constitution. You may wish to stay longer here with us, but I want to tell you that if you have some other pressing things, you can leave at your own discretion.

Now I want to go back to the list. I am sure that on my right people have been waiting for long, but it has been good that we have heard our young girls also express their views. Now I go back to the list as it was. Nicholas - - if you want to leave, then I don't want to hear shoveling of feet getting to the microphone, leave first and then we continue.

John Makau: Asante sana kwa Commissioners. Jina langu naitwa John Makau Mwasia. Ningetaka kuongea juu ya corruption. Ufisadi. Ufisadi ningeomba muangalie vile unaweza kuangaliwa. Kwa sababu, nikiwa na mtoto siku hizi na ninataka aingie katika Police Force, lazima awe na shilingi elfu thelathini na wengine hatupati hizo. Ukiwa ni teachers training, vile vile ni thelathini ama zaidi. Hata Army vile vile ni thelathini ama zaidi. Kwa hivyo ufisadi muangalie vile unaweza kumalizwa. Hata una ona wengine wanaiba mali ya uma mali nyingi, ma-millioni ya pesa, na kwa sababu ya ufisadi, badala ya kufungua ama kufanyiwa case haraka, inachukua hata miaka mitano, hata miaka kumi. Hata wengine kwa sababu ya ufisadi na wamekua wameiba pesa nyingi wanaachiliwa. Wanaachiliwa tu, na walikua wameharibu pesa nyingi nyingi ambazo zinaweza kusaidia katika nchi hii.

Kile kingine ningeweza kusema ni kwamba, mambo ya ma-chief. Ma-chief kuna amri yao ambayo iliondolewa ile 2A, na hiyo iliondolewa sijui kwa kimakosa sababu bila mnyapara kazi haiwezi kuendelea. Ma-chifu ndiyo wanyapara ya wananchi. Kwa mfano. Tulipokuwa tunajenga mashule, chief alikua anaweka nguo zake, na anakusanya watu, tunajenga shule, tunajenga dispensary, na hiyo sababu hii amri iliondolewa sasa chifu hana uwezo. Vile vile, ukiangalia katika hii 'karobo'. Ma-chief hawana uwezo siku hizi. Unaona watu wanapika pombe kila pahali, hata akikuta mwingine amekunywa ameanzuka chini, hana uwezo wake, kwa hivyo hio 2A,- si kicolony, lakini ni amri ambayo ilikua inasaidia zaidi. Iangaliwe tena.

Kile kingine ningeweza kusema ni kwamba, habari ya maji. Sisi Ukambani-Ukambani ni nchi kavu ambao haina mapato, na wakati mwingi tunakua na njaa. Na sisi tumezungukwa na mito miwili. Kuna Mto Athi, kuna Mto Thika, na hata vile vile tuna ile dam ya Masinga. Serikali inauwezo. Mimi siwezi kusema serikali haina uwezo ama niseme kama ingeweza, la! Inaweza. Sababu saa ingine inaomba mkopo kutoka nje. Na inapata. Kwa hivyo ningeomba serikali kama ingetaka kumaliza njaa katika Ukambani, badala ya kupatiwa ile relief food, tuwekewe maji kila pahali ili tuwe tunakuza mahaindi ama vyakula vya kutosha. Hiyo nitawachia hapo.

Jambo lingine ningetaka kusema ni kwamba, kuna hii ukoo. Mimi ni Mkamba, na sisi Wakamba tuna Ukoo wetu. Kuna hawa wanaitwa Ombe, Makitondo, na walikua wana sheria zao. Kwa mfano, mtu akiua mwingine kwa makosa, mtu akiua mwingine kwa makosa, na mtu wa Ukoo hii na hii, wao hukutana na kuzungumuza ju ya makosa ambayo yameigia bila kutarajia. Kwa hivyo ningeliza hii Commission iweke nguvu hii sheria yetu ya Ukoo iwe na nguvu zaidi, sababu sasa ikiondolewa ama idhoofishwe hatutakua na uwezo. Kuna jambo lingine la Kikamba vile vile. Munajua kuna uchawi? Kuna warogi ambao wanaroga wengine, na huu Ukoo, yule mkubwa wa Ukoo, anachukua watu ambao wanaroga wengine, anatengeneza ile inaitwa *Kithitu* ama *Ngata*, halafu ikiwa ni mwanamke, mambo yake ina angamishwa hawezi kuwadhuru wengine. Kwa hivyo hata hiyo iangaliwe sababu inasaidia ukoo wetu ama inasaidia wananchi.

Jambo lingine ningetaka kusema ni kwamba, katika serikali yetu, kuna title deeds. title deed inaweza kuchukua hata miaka ishirini ama thelathini, sababu wanasema, wengine wana ma-case wana hii, kwa hivyo tungeomba serikali, ikiwa mtu ana case yake, awe anaendelea na case yake na wengine wawe wakipatiwa title deed mara moja.

Com. Pastor Zablon Ayonga: Asante sana mzee. Sema la mwisho sasa.

John Makau: Kitu kingine ningetaka kusema ni kwamba, kuna hii inaitwa free education. Free education tulikua tunaambiwa ama sheria, tutakua tukisoma bure, na kuna hii ingine ama ikiwa ni mahospitali, tutatengenezwa bure, lakini sheria ningepomba itengenezwe, sababu sasa kusema free education, sasa ndio tunalipa zaidi hata kuliko wakati tulikuwa tunalipa fees.

Com. Pastor Zablon Ayonga: Kwa hivyo unataka aje?

John Makau: Kwa hivyo ninataka serikali itengeneze free education badala ya kusema free education na sisi tunahangaishwa kwa primary tunatoa pesa nyingi, kwa secondary ndio mambo imeharibikia. Kwa hivyo free education iwe free education.

Com. Pastor Zablon Ayonga: Thank you so much. Ngoja kuna swali.

Com. Maranga: Mzee Makau. Nina swali fupi sana kuhusu ufisadi. Umesema mtu anashikwa, anachukuliwa mahakamani anawachiliwa ama anachukuliwa polisi anawachiliwa. Hii ni kumaanasha, kila mtu Kenya hii anafanya ufisadi. Sasa tutafanya aje kama hata were Makau una ufisadi wako? Chief –ufisadi, police-ufisadi, judge-ufisadi. Tufanye aje?

John Makau: Mungefanya namna hii sasa tumekuwa na watu ambao wanahusika na sheria. Muangalie hiyo sana. Muone ni njia gani ambayo hii ufisadi inaweza kumalizwa. Ingekuwa namna hii. Mtu akipatikana na ufisadi, ikiwa ni karani, ondoa mara moja. Ikiwa ni mtu wa polisi anakamatwa na ufisadi, ondoa mara moja.

Com. Maranga: Mzee, mimi ninakwambia hivi. Umesema vizuri sana hiyo ufisadi. Mtu anashikwa, anatoa hongo, anashikwa

na police. Police naye anapewa hongo anawachilia yule mtu. Ama kama police haachilii akifikishwa kortini Magistrate anapewa hongo ana achilia huyo mtu. Sasa hii ufisadi unaona iko kila mahali. Tutafanya aje?

John Makau: Hiyo ufisadi ndiyo nyinyi wanasheria, mtengeneze ile sheria ambayo itakuwa inashika hawa wote.

Com. Pastor Zablon Ayonga: O.K. Asante Mzee. Asante. Sasa unaweza kwenda kule ujiandikishe jina na uweke sahihi. Now, kuna jambo nataka kufanya kabla hatujaendelea. Nataka kuona kwa nyinyi ambao mumekeki, ni wangapi ambao wanataka kutoa maoni kwa mambo ambayo yanawasukuma? Na isiwe unataka kutoa maoni ya yale ambayo yamesemwa. Ni wangapi? Hebu nione mikono? Maana yake ya kuuliza hayo, ni wangapi katika mulio inua mikono ni Councillors wale ambao wametupa majina hapa? Nataka wale ambao wanaenda kuongea kuja hapa mbele. Nina kitu nataka fanya. Kama wale ambao mumeongea, keti nyuma. Nataka hao. Wale ambao mumeshaa ongea na ambao pengine mumekuja kusikiza hebu musongea nyuma hao wakao hapo mbele. Tafadhali mfanye hivyo ili tuendeleo haraka.

Sasa, nimeona kuna mama moja kule. Mama kuja hapa kwa maana wewe unaenda kuangalia maneno ya watoto, iko constitution ingine inakungoja, na hawa wazee wakitoka wanaanza kuuliza wapi chakula? Na hali mulikuwa naye hapa mkutano. Sema jina lako.

Joyce Mumbua: Jina langu ni Joyce Mumbua.

Com. Pastor Zablon Ayonga: Hebu sema na sauti mama.

Joyce Mumbua: Jina langu ni Joyce Mumbua.

Com. Pastor Zablon Ayonga: Endelea Mama.

Joyce Mumbua: Maoni yangu, ningependelea wale watu tunachagua kama Councillors na na MP, badala ya kuweka sisi na shida, kwa muda wa miaka mitano, mahali pale wananchi tunaonelea anatumokosea, tutengenezewe mahali pale tutakua tukienda kuongea vile alitukosea, halafu aitwe hapo tumwambie amekosea hivi na hivi, hatumutaki atoke, tuweke mwingine.

Com. Pastor Zablon Ayonga: Neno lingine?

Joyce Mumbua: Lile jambo lingine, ningelipenda sisi akina mama wakongwe tuangaliwe sana. Sabau wakati wa m-colony, mzungu alikuwa na na ile kazi ilenyepesi alikuwa anachagulia wakina mama wakongwe wawe wakifanya ili wajione chumvi, kasabuni, na wengine wanapata hela ya kununua tumbaku. Lakini siku hizi akina mama wakongwe, hawana kazi na hawana

haja na mtu. Wanakaa tu.

Com. Pastor Zablon Ayonga: Kwa hivyo hawapati tumbaku.

Joyce Mumbua: Hawapati tumbaku wanapatiwa ile kazi ngumu zaidi. Ile ingine, nigelitaka yule officer ambaye ameenda retire, asiletwe ati tumuchaguwe kazi fulani awe akitusimamia. Tuna taka wale wapia wametoka shule, wengine hawajafanya kazi, tuletwe hawa.

Com. Pastor Zablon Ayonga: Tena ingine? Ni hiyo tu.

Joyce Mumbua: Ile ingine, tuna hii women groups, and self-help groups. Kuna ile tunaenda kujiandikisha kwa social services. Tunatoa pesa ya mwaka mzima halafu mwaka ukiisha tunatoa zingine. Na hizo pesa tunatoa kujiandikisha kwa social services kama kikundi, hatuoni usaidizi inatusaidia naye. Kwa sababu kikundi ukiingia shida, ama ikitolewa kama harambee hivi, na hizo pesa zichukuliwe na wale wakubwa wakubwa, hawaendi kutuuliza hizo pesa zilienda wapi. Sasa hatuoni haja ya hiyo.

Com. Pastor Zablon Ayonga: Kwa hivyo unataka urudishiwe pesa?

Joyce Mumbua: Tunataka hiyo social services ikatwe. Haina haja kwetu.

Com. Pastor Zablon Ayonga: Asante sana mama. Si umemaliza?

Joyce Mumbua: Bado.

Com. Pastor Zablon Ayonga: Si sema basi!

Joyce Mumbua: Ile ingine, tungetaka wakati wa - sasa kama vile demarcation au Masinga iliingia 1990, na tukapatiwa mashamba yetu, title hatujapata mpaka sasa. Iwe wakati wa kufanyiwa demarcation, tupatiwe title hapo hapo. Sasa tunaishi tu kama ma-squatters sisi hatuna kwetu. Ile shamba huwezi kusema ati ni yako, hata uki-develop hujui kama ni kwako ama ni kwa nani.

Com. Pastor Zablon Ayonga: Asante sana mama. Unaweza kujiandikisha hapo. Sasa ambayo nimemaliza mama, nataka kuona mzee zaidi hapa. Kulikuweco Councillors? Ndiyo wewe? Wewe ndiyo unaona ni mzee kuliko hao wengine? Kuja. Mzee dakika mbili. Sema lile neno tu moja linalokusukuma. Kwanza sema majina yako yote.

Musau Kisusia: Jina langu ni Musau Kisusia kutoka hapa Masinga. Basi yangu ni kufanya tu biashara kidogo kidogo

kutafuta chakula. Sasa ile kitu mimi ninasema, asante sana kwa chairman wa mkutano huu, Commissioner wetu. Ile kitu mimi nina sema ni moja, kwanza. Unajua sisi hapa Kenya, mimi siongei mambo ya hapa kwangu peke yake, mimi naongea Kenya mzima. Hapa Kenya kwetu taabu ile iko, mama ya taabu ni njaa. Hata kama wewe una lala na unakosa chakula ya kukula, hulali. Una lala na nja. Una lala na taabu. Ile kitu mimi natuma nyinyi sababu mimi ninajua yale mambo tunaongea hapa munapeleka mahali inatoshea, ni kutafuta njia ya kumaliza njaa katika Kenya. Hiyo ndio njia ya kwanza. Na kutafuta njia ya kumaliza njaa katika Kenya, Kenya ina maji kila mahali, lakini hakuna mtu mmoja anaweza kujaribu kwenda kutoa maji apeleke kama kutoka hapa hii Tana mpaka Kangonde. Hawezi. Kajubu serikali inaweza.

Mimi ninaomba serikali yangu, siwezi kusema iko makosa kwa serikali lakini lazima tueleze ile taabu tunaona iko nje. Hii maji ikitolewa iwekwe Kangonde, itaenda Kitui, ita enda hata wapi. Ile ingine inapitia mito ingine ikitoa, ita kwenda kama milima ya juu huko, na itasaidia wale watu wako pande hiyo. Hata kutoka Kisumu mimi nasikianga mahali iko nja na maji iko hapo. Maji itolewe ipelekwe kwa mlima halafu irudi kwa watu. Na hiyo mambo serikali ndiyo inaweza, nayo raia ifanye kazi. Hapa kungojea kupewa chakula kwa usaidizi. Tufanye kazi sisi wote kwa mikono yetu, ili njaa iondolewe katika Kenya. Hii aibu ni kubwa sana kila wakati President wetu tunasikia anaenda kuomba chakula America. Anaenda kila mahali kuomba chakula, na kivua yetu iko, na maji yako mengi, kwa nini sisi hapana wekewa maji kila mahali? Mimi sisemi hapa Masinga, nasema kila mahali iwekwe juu, na hii maji ikiwekwa juu, hata tutapelekea hawa watu tunaenda kuomba chakula. Tutapeleka matunda, tutapeleka kila kitu, na watu wote, kina mama kama huyo alikuwa anaongea hapa, atakuwa na shamba yake kama hii nyumba. Na anatoa mboga, anapeleka kwa wanunuzi hapo hapo karibu. Na hii wanunuzi wananutua wanapeleka Ngambo. Mpaka Kenya inauwawa na chakula!

Com. Pastor Zablon Ayonga: Asante hiyo point mzee tumeisikia kabisa.

Musau Kisusia: Sasa ile ingine mimi nataka kuongea ni hii. Kila Division katika Kenya ikuwe na uongozi kutoka kwa serikali ambaye kama hii yetu ama ingine, hakuna barabara. Barabara ni mabonde, mabonde mabonde. Mimi naongea Division yote. Ikuwe ikiangaliliwa na serikali. Ione barabara imeingia kila mahali wananchi wanaenda pamoja. Sembaba. Hakuna mtu anabaki nyuma. Lakini ikiwa Division hii yetu inawekwa kila kitu, inawekwa hii, na Divisions zingine zinakaa kavu, hii ni taabu ya kibinadamu. Sababu wewe unataabika, na hujui ni kwa nini unataabika. Na serikali ndiyo macho. Sababu serikali ikiweka kila kitu kwa Division, inakusaidia wewe utakuwa na kila kitu kama ni shule, kama ni nini, kila kitu inakuwa tayari. Mambo yangu tu ni kuomba serikali ikuwe ikiangalia kila Division, watu wasiwe watu wa kupatiwa chakula na wengine wanafanya kazi sawa sawa, na wengine wanalala.

Com. Pastor Zablon Ayonga: Asante Mzee umetoa points za maana sana. Una ya tatu?

Musau Kisusia: Iko. Iko ya tatu. Ya tatu.

Com. Pastor Zablon Ayonga: Hebu toa.

Musau Kisusia: Kuna watoto hawana usaidizi, na watoto hawa wanakosa usaidizi kutokana labda mama yake hayuko, baba yake hayuko, lakini akiangaliwa, kama mimi Musau, nina mtoto na mimi ninalipa shule sawa sawa, lakini huyu halipi shule sawa sawa, na mtoto wake ndio mzuri kuliko yule wangu. Mimi ninaomba serikali ichague kamati, ambayo itaangalia watoto kama hawa, kama wako watoto katika Division hii, wawe pamoja na DO na Chief. Wakiangalia mtoto wa fulani, hakuna mtu wakumusaidia na ni mzuri. Anaweza kuongoza nchi hii kwa miaka ingine tunaenda, hapa hii. Tunaangalia mambo ya miaka ingine, tunaenda. Lakini watoto hawa wanapotea bure wanakaa huko nyumbani. Tukienda nitakwambia huyu hana. Huyu hana, na alikuwa hata anapita watoto wangu wananiambia alikuwa anaenda mbele yao kabisa lakini anapotelea nyumbani.

Com. Pastor Zablon Ayonga: Mzee time yako imekwisha.

Musau Kisusia: Sasa mimi ninasema, mimi sina maneno mengi. Maneno yale niko nayo ni hiyo, serikali iangalie habari ya chakula. Asante sana.

Com. Pastor Zablon Ayonga: Jamani nyote mumesikia mzee amesema maneno ya maana. Ila ingawa munasema maneno ya maana nataka muwe brief. Ili kila mmoja apate nafasi. Could you take your place. Sema majina yako, na toa points zako tu. Dakika ni tatu.

Joseph M. Ngui: Kwa majina, mimi naitwa Jospeh M. Ngui. Mimi ni chief na mengine ninatoa hapa, ni yale tulikubaliana kama ma-chief, tukatumwa hapa sisi wawili, tuje tupeane maoni ya wale wengine. Kwa hivyo Bwana Chairman, mimi kitu cha kwanza nataka kuzungumuzia ni land. Tunakubaliana zote ya kwamba land ni natural resource ya kila Mkenya. Na kuna Wakenya walipata bahati kwanza wakati walipata uhuru na mwingereza akaondoka, wakanyakua land yote, na tunaendelea kuzaa watoto, na hao watoto wakizaliwa ile land haipanuki. Kwa hivyo ni kusema kuna watu ambao hawana shamba kwa sababu hawakuweco wakati wa zamani.

Vile mimi nataka niseme hapa ni kwamba, tunataka tutoe limitation ya shamba ile mtu anaweza ku-own. Na mimi ninataka ni toe kwa mfano, acre mia moja. Either ni individual, ama ni corporate iwe ni shamba ambayo unaweza ku-own bure, lakini acre nyingine yeyote ambayo imefika hapo, ilipiwe kodi, ili wale watu ambao hawana kazi na hawana shamba, waweze kutegemea hii kodi. Kwa mfano tuko na chokora Nairobi na hawana nafasi ya kupata shamba, lakini ikiwa hekari ya mia moja na moja umelipia kodi, serikali itapata pesa ya kuweza kulisha hawa machokora.

Mambo ya pili, nataka kuongea mambo ya Mbunge. Bwana Chairman mambo ya condition ya kutengeneza Mbunge mishahara pale Parliament, ambayo inaongozwa na Parliamentarians wenyewe, hiyo si kitu mzuri. Kila mtu enyewe akipewa nafasi ya kujichukulia pesa katika kofa ya serikali, atachukua nyingi. Kwa hivyo tunataka mambo ya commission ya

kutengeneza mishahara ya wabunge ambaye inaongozwa na wabunge ikwishe. Vile mimi nataka ku-propose, na pia hii intasema kwa pahali pengine, tunataka tuwe na Constituency Referendum Committee ambayo hii committee itahusisha viongozi, katika kila location wana-form committee katika Division. Na MP asikuweko, na Councillor asikuweko. Kwa sababu hii committee ni yao, na wakati kuna maswala ya kuhusu mishahara sababu sisi ndiyo tunaandika hawa watu, hii wacha iletwe katika Referendum Committee, tunakaa chini, tunapitisha. Tukipitisha tunachagua mtu mmoja ambaye anaenda kutengeneza ile National Referendum Committee, anaenda kusoma maoni ya watu ambayo ilipitishwa katika constituency. na mimi nafikiri tukifuata namna hiyo, tutakuwa tunaweza hata kuangalia maswala yale mengine. Kwa kweli Wabunge walisimea, Parliament imetengewa pesa nyingi, lakini imetengewa pesa nyingi kwa sababu hakuna pahali pengine pa kuweka pesa. Watu wako na shida.

Kitu kingine ningependa kusema hapo, imesemwa. Kama mbunge hawezi kazi, wananchi wakubaliwe kumurudisha. Ya tatu, ni vizuri tuwe na Chamber ya pili katika Kenya. Kwa sababu tukitegemea Parliament peke yake tu, sisi tunaona wabunge wale tuko nao ni reckless sana. Hii Parliament ya pili tunataka iwe inatoka katika hii constituency, hii Committee ya Constituency, panachaguliwa mtu. Na ina enda hiyo mpaka katika kila Province, inakua na representatives ambao wakienda, wana-form Committee, inaweza kuitwa vyovyote vile itaitwa kule juu. Na iwe ni ya wale watu experienced, wale watu wamewahi kushikilia nafasi kubwa, wale watu wako na experience hata na mambo ya nje, ile kama ni kitu ya kubadilishwa kama katiba, isikuwe inabadilishwa tu ovyo ovyo, inaweza kupelekwa kwa hii ya chini, wanapendekeza, halafu wanapelekea ile ya juu, na inaangaliwa vizuri, ili mwananchi asiathirike.

Com. Pastor Zablon Ayonga: Ya mwisho? Kwa maana utatupa memorandum - -

Musau Kisusia: Sija andika lakini nimedraft tu. Nataka kuongea mambo ya Local Authority, briefly, nitaharakisha. Nataka kuharakisha. Mambo ya local Authority, tuko na ma-Councillors hapa, na ile namna tuko nayo ya council, haifaidi sana. Mimi ninaona tunachagua Councillor hapa katika ward, na anaenda Machakos. Hakuna kitu ya hii Ward iko Machokos. Kwa hivyo badala ya kuchagua council hapa na kupeleka Machakos tunataka tukachukuwe Councillor, na awe na committee katika hiyo Ward, na wakae chini wamanage resources za hiyo ward, bila kupeleka Machakos, sababu zikienda Machakos hazirudi. Hiyo nasema namna hiyo. Awe ni Chairman, halafu achaguliwe viongozi wengine katika hiyo Ward, na watafute hata ni namna gani, wanaweza ku-manage resources katika hiyo Ward bila kupeleka Machakos.

Provincial Administration. Wacha niseme- sisemi sasa kama chief lakini nasema kama Mkenya. Hata Ma-company kuna Executive Managers na tukisema hatutaki kuwa na viongozi hawa, mimi naona,- hata tukifanya nini tutaweza mwingine, ingawaje achukuwe jina tofauti. Kwa hivyo hakuna haja ya kukata kushoto na kuweka kulia. Kile kitu inatakiwa, na ningependekeza, ma0-case zingine hapa ndogo ndogo, tu-case tundo tundo ma-ase ya pombe ma-case ya mtu amelisha shamba ya mwingine, imekwamia huko kortini kwa miaka na miaka na miaka. Hii ma-case irudishwe hapa chini. Na chief akitengeneza sheria yake, anapeleka kwa magistrate. Tuko na Magistrate katika kila division. Magistrate atapitia hiyo Act

ana-angalia kama ina ambatana na sheria za Kenya halafu ana ratify. Na aki-ratify hapa chini chief anakuwa na board ya wazee ambao wanakaa chini, wanapitisha hii hukumu hapa chini badala ya kutumia gharama nyingi. Na kama mtu hatosheki, anaenda ku-appeal kortini. Na nafikiri hiyo itatupunguzia mzigo mkubwa ambao uko huko Kortini.

Bwana Chairman nitazungumzia tu mambo ya culture, kidogo sana. Culture na religion. Kwanza tukiendelea na mtindo ambao tuko wa kuandikisha makanisa na madini. Tutakuwa na makanisa hata ya kukula watu. Pale tumefika. Tunataka kanisa iandikishwe pale inaendesha kazi yake. Siyo denomination. Ati tume-register Catholic, na ikienda chini inazaa ingine inaitwa Hot Water, ikiwa inazaa ingine inaitwa hii, hii inazaa ingine inaitwa hii. Ukienda masoko yote Kenya utakuta sasa hakuna amani kwa sababu ya kelele, na hawa watu ukiwauliza wanakwambia sisi sote ni Pentacostal Church.

Tungependa sana tuwe na uhuru wa kuabudu, lakini wakati inakuwa haphazard namna hii, tunaona inaenda, hata juzi nimesoma mwingine anaitwa E-NGAI WE MUOYO. Na huyo mtu ana-ambia wasichana wakuwe circumsized. Kweli hiyo ni dini? Na ikuwe vetted. Kanisa ita-apply kwa Registrar, kama ni kwa Registrar of companies inakuwa vetted. Mko na room pale munaombea ama kama ni chini ya miti muko na pahali munaongea mitini lakini siyo kusumbua watoto wakati ni wagonjwa na wanalala na munapiga kelele huko nje ama kuna harambee ya mtoto masikini wanasema "Hatuwezi kusimamisha". Kwa hivyo tunataka kanisa zikuwe zikiregistiwa kama tu company vile company inaregistiwa.

Muko na kanisa kwenu? Ndiyo. Form inaweka. Ombeni hapo. Na kama munaenda kuomba nje, basi kuwe na special arrangement kama harambee.

Com. Pastor Zablon Ayonga: Sema sasa ya mwisho.

Musau Kisusia: Ya mwisho nitasema mambo ya Judiciary. Bwana Chairman, tuliona sheria ni kitu ya maana sana. Justice. Lakini justice ilivyo sasa ni ngumu sana kwa mwananchi wa kawaida. Kwa sababu sasa ukifanyiwa makosa hapa, unatakiwa uende kortini mahali inaitwa Kithimani. Ni mbali sana. hapa ni lazima unagalie hali ya pesa. Kwa hivyo kama huna pesa, wewe utaridhika tu na makosa ile unafanyiwa. Hiyo ni kama kuuziwa justice. Na nyinyi munasema vizuri, justice delay is justice denie muna sema. Je, na justice sold, si ni zaidi. Kwa hivyo tunataka kuwe na mpango wa kuteremusha korti chini kabisa hata kama ni kwa kijiji na iwe legalized. Isitwe Kangaroo Court. Iwe legalized na kuwe na mpangilio mzuri ili mwananchi akiathiriwa pale karibu, ana-angalia usaidizi hapo karibu na anapata na anarithika. Kwa hayo machache Bwana Chairman- tu ile ningesema haikuwekwa katika orodha yetu. Kuna iyo vitu yote muliandika. Kuna kitu mulibakisha. Wakenya tumekosa patriotism. Na si kuona kitu mumeweka katika hiyo maswali yenu yote ya kuhusu patriotism. Ukisikiza pahali popote Kenyans wanakaa, anakwambia vile America wanafanya, anakwambia vile Great Britain wanafanya. Pale alipatia degree yake. Ni kitu gani tunaweza kufanya kama Wakenya, tupende nchi yetu? Kwa sababu kutopenda nchi yetu ni hatari sana. Kwa hivyo mimi

naonelea kuwe na mpangilio mzuri, hata katika system ya shule, ya kuhimiza mambo ya patriotism katika nchi yetu. Tuwe na mpango huo, kwa sababu si kuona hiyo inaweka pahali popote. Ili wananchi wapende nchi yao. Thank you very much.

Com. Pastor Zablon Ayonga: Asante Chief, lakini kabla hujaenda, hiyo makaratasi yako, mimi naona yatatusaidia. Uyatoe kule, na uandikishe jina, uweke kidole ya chief, lakini tukikuuliza swali hatutakosea.

Com. Kangu: Bwana Chifu kuna wengi wametwambia kuhusu maneno ya ma-case nyumbani. Wakasema kama Ukambani, kuna ile system ambaye inatumika, na wanataka irudishwe, na iwe recognized ndiyo wakichukuwa hatua wasisiwe wanapelekwa Kortini. Na wewe unatwambia nguvu za chief ziongezwe, wawe wanaweza kufanya ma-case ndogo ndogo kinyumbani. Sasa sijui haya mawili unaweza jaribu kutusaidia ni namna gani tunaweza unganisha

Musau Kisusia: Asante. Nimeelewa swali yako. Vile ningesema Bwana Commissioner. Hii mambo ambaye unasikia hapa chini, tunafanya pamoja na chifu. Huwa tunashirikiana. Kwa hivyo chifu anajua sheria za clans zake zote, na tunafanya mikutano hata ya ma-chairman ya hii clan. Kuna vitu zingine clan inaenda inazidi, na wananchi unasikia wanalalamika. So tunaita ma-chairman na tunakuja tunaongea. Kama juzi watu walikua wanalala wanapigwa viboko, lakini siku hizi tuliwaambia sasa hii, inazidi. Jaribuni kuona mtafanya namna gani.

Clan haina shida ni sawa sawa. Lakini unajua kuna yule mtu atakosea huyu ni wa clan hii na yule ni wa clan hii. Hawa sasa lazima wawe pia na pahali ya kwenda. Na ndiyo tunaema waende kwa chief. Lakini unajua clan ni ya - mimi ni wa clan moja na huyo, hiyo tutaenda kwa clan. Lakini kama hatuko clan moja, ama mimi siamini clan. Na siku hizi kuna watu wamesoma hawataki kwenda kwa clan. So, wanataka kwenda mahali serikali ina-recognize. Wapewe hiyo nafasi. Ya clan, wanaweza kutumia, na pia kwa chief, iko hiyo nafasi. Mimi naamini mtu asiyesikia amrithika na case yake, hata kama ni kwa kanisa, ni sawa sawa.

Com. Kangu: Kwa sababu ikiwa tutaweka kwa Katiba, hatutasema ni optional, yule amesoma anaweza amua aende huko. Sisi tungependa tuseme mambo kiwango fulani, in our system of administration of justice, mambo kiwango fulani, mwanzo ifanyiwe kwa fulani. Ikitoka hapondiyo iende maybe kwa chief ama Magistrate's court namna hiyo. So wewe unaona mambo ya "mbai" should it be recognized kwa Katiba ama namna gani?

Musau Kisusia: Hiyo ndiyo kitu nilikuwa nakujia lakini sababu wakati umepita, nitasema hivi. Mambo ambayo ni ka culture ya wananchi, na iwe sio against sheria, inapaswa kukubaliwa.

Com. Pastor Zablon Ayonga: Thank you chief, thank you. Sasa wale ambao mumebaki sitawapa nafasi kama ile tumempa chief kwa maana ameongea kwa niamba ya ma-chief. Kwa hivyo dakika mbili mbili munaweza kusema maneno? Chukuwa

microphone. Sema jina lako.

Boniface Jonzu: Asante Mwenye Kiti na Ma-Commissioners wako. Kwa jina naitwa Boniface Jonzu, Chief wa hii location, Masinga. Yangu naonega mawili tu. Chief mwenzangu amewacha wakati alipo present hapa, lakini yangu itakuwa chini sana ki-locationa level, ilikuwa national level. Mawili tu. Moja, ni free education ya Primary. Ikiwezekana iwe. Kwa sababu ku-appoint watu ambao hawajasoma in future. Ile ingine, ni free health care, tupewe mambo ya hospitali free, na ikiwa haiwezekani, tujaribu tuchukuwe mtoto wa siku moja to five years. Huyu awe ana-angaliwa mambo yake free. Kile kingine ni kuhusu hii manjaa inatusumbua sana. ukipewa ma-officers wa Ministry of Agriculture hawa Ma-officers wanatusaidia kutonyesha vile tunalima, kuongeza ile maji unasikia ikiitishwa, na hawa ma-officers wawe na means of transport wanapigia mkulima, wata-educate vizuri na mambo ya chai itarudisha.

Kile kingine ni hii mambo ya domestic problems. Mambo ya domestic problems haswa kama mimi Chief inanisumbua sana, na nikipeleka kwa “mbai”naona hichukuliwi vizuri. Tuje tufikie kiwango ya –hii kamtoto kamewachana-huyu mama amewachana na Bwana wake na wako na watoto. Iwe ni lazima walee hawa watoto mpaka wafikie kiwango ya kujimudu, 18 years and above.

Politically tuwe na vyama vitatu tu vya siasa, ziko na nguvu. Wachena na hii mambo mtu anatengeneza hii yake chini ya miti huyu mwingine- inakuwa kama hii makanisa iko hapa, na haitusaadii yoyote maanake tunaenda kufikia kiwango ya ukabila. Asante sana.

Com. Pastor Zablon Ayonga: Thank you very much chief, unaweza kujiandikisha kule.

Boniface Chonzu Cheru: My name is Boniface Chonzu Cheru.

Com. Pastor Zablon Ayonga: Sasa uache microphone hapo, huyo mzee achukuwe nafasi.

Clr. Paul Kielu: Asante Honourable Commissioners, na wananchi wa Masinga. Mimi naanza kwa kusema hii ni fursa kubwa kwa watu wetu wa hapa - Majina ni Councillor Paul Kielu, kutoka Ward ya Kivaa, hapa Masinga. Hii ni wakati wetu wa maana sana kwa maisha yetu kama binaadamu. Mimi niko na miaka isiyo pungua miaka hamsini, na sijawahi kupata nafasi ya kukaa na kuzungumuzia juu ya Katiba.

Honourable Commissioners nilikua naona, hii mambo ya kuharakisha sana, pengine haitakua kwa manufaa kwetu, sababu hatutakuwa na nafasi ingine. Tushaa maliza kuongea hapa leo, pengine tutakaa miaka ingine hamsini, kabla ya kuja kuzungumuzia mambo ya katiba. Lakini ningewasihi, mtukubalie kidogo, hatuta haribu mda mrefu, lakini mturuhusie.

Com. Pastor Zablon Ayonga: Toa maoni Councillor.

Clr. Paul Kielu: Asante, hiyo ilikuwa ya kwanza. Ya pili, ni mambo ya education. Hii katiba bila watu kuwa wamesoma hawawezi kuielewa. Mimi nilikuwa naona ile katiba iwe ya maana kwetu, free education hata isifikie kiwango ya primary education. iende mpaka secondary education, ndiyo hawa watu wanatoka huko wawe wanaweza kuelewa katiba, wawe wanaweza kuifuata, wawe wanaweza kujua mahali wanaweza kuikosea.

La pili ni hii inaitwa Poverty Alleviation or Reduction. Ili nchi yetu iweze kua inaonekana inahudumia watu wake. Hawa watu baada ya kupata elimu ya bure, mimi nilikuwa nafikiria hawa watu hawafai kukaa bure. Wanapatiwa baada ya kumaliza education yao, wapewe kazi za kufanya. Hata kwa community level, wachimbe masiraza, wafanye kazi ingine ile inaweza kuinua maisha, na hawa watu ni wale hawajapata employment, wafanye hiyo kazi, na kila mtu alioko na miaka kumi na nane, mpaka mahali popote mbele ya kufa kwake apewe mshahara. Apewe mshahara ile italingana na maisiha vile yalivyo, hata kama ni shilingi elfu mbili, hata kama ni elfu tano, ile itakuwa inaonekana inafaa kwa wakati huo, every unemployed person be paid some wages. Na apewe kazi ya kufanya, ili ainue maisha yake, na ainue mambo ya economical development.

Jambo la tatu Commissioners, ni juu ya land tenure. Umilikaji wa ardhi. Niko karibu vile Steve amesema lakini kuwa tofauti kidogo naye. Hakuna haja ya mtu mmoja kuwa na acre juu ya mia moja, na mimi nilikuwa naona, on top of ile tax Bwana chief amepropose, hiyo land iko juu ya acre mia moja wale wako naye, serikali ingenunua hizo lands, na iwape wale watu ambao hawana land, because they are so many landless people in our country, na wao ni wananchi wanahitaji. Na inawapasa kuwa na land.

Wakiwa distributed hata kama ni acre mbili, au moja, they will be in a better economical position na wao wanaweza kuendesha maisha yao. Jambo ingine ni juu ya - nataka kuja kidogo juu ya siasa kidogo. Mambo ya uchaguzi wetu Commissioners, nilikuwa naona tunahitaji tuwe na President, na huyu President aitishe kura kutoka kwa wananchi wenyewe, na yeye awe na yule mdogo wake wanaita running mate, waende wakaitishe kura kwa wanachi, na wakipata huyo running mate anakuwa automatic Vice President wa nchi, na ikiwa iko na maana ya kuchagua Vice President wingine, achaguliwe pengine ata handle mambo ya administration na huyo mwingine ata handle mambo ya politics.

Baada ya hiyo, mimi nilikuwa naona President Head of State lakini kuwe na Prime Minister. Prime Minister awe ndiye Head of the Government, na yeye awe appointed na huyu President anachaguliwa na wananchi, lakini akiwa vetted by the Parliament. Parliament I-vet, na I-recommend appointments za huyo Prime Minister hata pamoja na Ministers na wale wengine wakuu wa serikali, Senior Military People, Ma-judges, na wengineo wote wawe vetted before appointments by the President.

Jambo lile lingine ni juu ya natural resources, ni kama land tu of course. Nilikosea nilisahau kitu kidogo. All the natural

resources zile zinapatika kwa area fulani kama maji, kama changarawe, kama ni misitu, ilikuwa ni maoni yangu, hii vitu, sababu maji ndiyo inatoka nguvu za umeme, inatoka hao, tuichukuwe pia kama natural resource, na kabla ya kupelekwa mahli kwingine, ipewe wale watu the local people within any given area mahali hizo vitu zinatoka.

Bwana Chairman, na wale wengine nilikuwa nataka zungumua juu ya political parties. Political parties zile zimejiandikisha tunajua tuko na freedom of association, freedom tunaweza andikisha vyama hata mia moja, lakini nilikua naona ni lazima tuwe na control kama watu wa Kenya kama tunaonekana ni watu tunajua vile tunafanya. Kama tunakuja uchaguzi, na watu wamejiandikisha na chama cha mtu au watu kikose kupata hata mtu mmoja kwa bunge, hicho chama kinapigwa marufuku, maybe haiwezi ikasimama tena kuitisha kiti for the next two general elections ndiyo iwe ina-control kidogo. Ikiwa hakuna mtu anaingia Parliament, isisimame kwa mara ingine hata kama ni KANU.

Jambo la mwisho Bwana Chairman, kwa hivi vyama wakati vinaendelea mambo ya uchaguzi, ingekua ni bora kama wote wanapewa pesa kutoka mahali zinatokaga kwa serikali. Vyama vyote vile vinangombea viti, zinapewa equitable funding by the Treasury.

Com. Pastor Zablon Ayonga: Asante, ulisema hiyo ndiyo ya mwisho na nilazima nipatie wengine pia nafasi.

Cllr. Paul Kielu: La mwisho ni skuli. Hii constitution wakati inaendelea Bwana Chairman, constitution hii ili iwe ya maana kwetu, nilikuwa naonelea kama inaweza kuingizwa kwa school curriculum, iwe inasoma. Ile inafaa kwa watoto hata kutoka standard one, whatever, mpaka form four, ile free education ili wawe wanajua hiyo constitution ni nini. Sababu naona tunazungumuza vitu hata hatujui ni nini

Com. Pastor Zablon Ayonga: Kwanza usitoke kwa maana tunataka kukuuliza maswali.

Com. Maranga: Swali la kwanza. Umesema natural resource found in a given area must be utilized by the people in that area. You know very well the water which comes from Masinga does not originate from Masinga area. How do you say about the people who are up-stream? What about if they also decide, to dam that water up-stream and you have no water in Masinga?

Cllr. Paul Kielu: On that particular issue, where the source is, they should also be beneficiaries of these water, when it comes, for example where we have got this big reserve here, then we deserve it more than those people who are at the source. Kwa hivyo nafikiria ni kwa wote wapewe uhuru kwa hiyo.

Com. Pastor Zablon Ayonga: Thank you.

Com. Kangu: Na umesema tuwe na President as Head of State and Prime Minister as Head of Government, na ukasema

baada ya President kuchaguliwa na running mate who becomes the Vice President, President ndiye atachagua the Prime Minister. Now, hii itatusaidia kwa njia gani? Kwa sababu if we are trying to reduce the powers of the President, and you are introducing a Prime Minister who is appointed by the President, he will have no powers, because if I am the one who has appointed him, he will be answerable to me. What purpose is he going to be?

Na ikiwa mimi ndiyo nimeomba kura kwa watu kama President nimechaguliwa, why should I give the powers of government to someone else and I just remain a mere ceremonial Head of State.

Clr. Paul Kielu: Thank you very much Mr. Commissioner, according to my own views, huyu President amechaguliwa na wananchi ako na powers and he should have powers, lakini kazi yake itakuwa ameondolewa kidogo na day to day running of the government which should be given to the Prime Minister, na huyu President itakuwa ni kama –he is not above the law, lakini hatakuwa na ile mambo ya kurun huku eti watu wamekuwa na ufisadi namna gani. Huyu Prime Minister ataeleza na huyu President because he is answerable to the people, mimi nafikiria pia ataona nafasi ya kuangalia kazi awe Prime Minister.

Com. Pastor Zablon Ayonga: Hayo ni mawazo ya Councillor, na you are entitled to your mawazo lakini bado utaulizwa swali.

Com. Phoebe Asiyo: Councillor, umelia sana kwa watu wapande hii hawapati usaidizi kutoka kwa serikali kuu, kwa hiyo kuna kuwa na njaa, ukosefu wa maji, na mambo kama hayo. Na bado unarudia kutuambia tuwe na President aliye na nguvu yote, na Prime Minister aliye na nguvu yote. Wewe hutaki wananchi wa hapa wawe pia na nguvu ya kusema pesa hii iletwe kwetu, tuitumie, vile tunajua inaweza kutusaidia zaidi kumaliza njaa na kuwa na maji ya kutosha?

Clr. Paul Kielu: Madam Commissioner nafikiria wazo langu pengine ni kama vile umesema lakini what I know, au vile ninafikiria, hii umasikini yetu haiwezi kumalizwa na mdomo peke yake, lazima kuwe na actions. Lazima kama kungetakikana umasikini ikwishe, nafikira serikali ingefanya kitu ile umasikini ikwishe. Itupe kila kitu. Hata President hawezi itisha kura kama anakuwa powerless. Yeye ataendesha kuitisha kura ya nana kama hata baada ya kupata kura atakuwa powerless? Mimi nafikiria ni lazima awe na powers, na huyu Prime Minister atuletee maji na economical factors za kuendesha maisha yetu.

Com. Pastor Zablon Ayonga: Ndiyo Bwana Councillor unahitaji kufanya some more research- - ukatutumia memorandum yako ofisini Nairobi, na tunashukuru sana kwa yale ambayo umeyasema. Lakini kwa sasa, unatuachia hii, na ujiandikishe.

Clr. Paul Kielu: Inshallha! Asante Commissioners.

Councillor Pius Kimoni: Asante sana kwa Commissioners wetu wa Constitution, jina langu naitwa Councillor Pius Kimoni. Mahali mumekaa mimi ndiye Councillor wa hapa, na Bwana Chairman, I think I will structure my presentation as guided by

your questionnaire. First of all I will go to Preamble. I have an interest there where you have the national vision

Com. Pastor Zablon Ayonga: Kabla hujaendelea, hii questionnaire tuliwatumie ili muamushe mawazo, ili mawazo yenu ianze kufikiria vitu mbali mbali. Tafadhali usitupeleke kwa questionnaire kwa maana tunajua. Kwa maana hiyo itakuwa question-answer. Na hiyo siyo kweli ambayo imetuleta. Sasa tungetaka yale mawazo ambayo unafikiria, ambayo unataka kuona nini ifanywe.

Councillor Pius Kimoni: Mr. Chairman I think what I have said is that I will be guided by your questionnaire. I did not mention that I am going to answer your questionnaire. Bwana Chairman, ile katiba ambayo tunataka tutengeneze saa hii, ni maoni yangu kwamba it has to protect itself first. Lazima iwe katiba ambayo ina sehemu ambayo inasema haiwezi kuguswa ovyo ovyo, anytime, watu fulani wamekaa wamefikiria lazima iguzwe.

Mr. Chairman, katika katiba yetu, hakuna mahali tumesema sisi kama Wakenya ama makabila wengi wa Kenya, ati tutakaa pamoja na tukae na unity, na tukae na peace. Nafikiri kwa introduction ama preamble of our constitution, there is nowhere mentioned that we have agreed that we shall form a nation. Kwa hivyo naonelea ile katiba ambayo inakuja, lazima kwanza sisi kama makabila wa Kenya, tuseme tumekubali kukaa pamoja, to be united and to co-exist as human beings in this Nation.

Bwana Chairman, mimi ningetaka kuzungumuzia after that, mambo ya Presidency. I would like to see a constitution whereby Bwana Chairman, there is separation of President as a person. Tunajua Rais kama mtu. Halafu kuna separation ya President na Chairman, halafu the Presidency itself, Bwana Chairman, hiyo lazima hata iwe chini kwa Councillor, hata kwa Mbunge. Kama kwamba, kama President atakua akienda mipango ya chama ya siasa, he should not utilize state properties. Aonekane anaenda na government vehicles, hiyo tunasema kama ni function ya chama, lazima atumie budget ya chama, na atumie facilities za chama lakini siyo za State.

Hata kama ni Councillor anaenda mkutano, asitumie gari ya council. Aende achukue gari yake, aende mkutano lakini si ile ya council. Hata mbunge hiyo hiyo. Bwana Chairman, katika hii mambo ya present Kenya, mimi nafikiria we should have the current system, ile tuko naye. Kwa nini, maanake watu wengi wametoa maoni wakasema wanataka free education, free medical care and so many free things. Sasa Bwana Chairman tukiweka Prime Minister, Ma-deputy, Ma-vice, na wanatembea na magari kubwa kubwa inakunywa mafuta, na huku tunasema free education, free whatever, how shall we finance that kind of a system? kwa hivyo mimi maoni yangu ningenelea tuwe na a simple system, that our finances can cater for. Maanake Bwana Chairman, ile ufisadi ambaye inasemekana hapa, it has come as a result of disrespect to the laws existing, and even the constitution that is there. Na ni hii mambo ya excessive powers, because tukipatia Rais so many powers, definitely things will be bad. Not even the President, even you Commissioners, you should also have limited powers.

Mambo ya political parites. Mr. Chairman I will not agree with anybody suggesting that we should have three parties. Parties

ziandikishwe, hata zikifika elfu mbili ziandikishwe, because we want a competitive democratic environment prevailing in this country. Maanake tukianza tusema tatu, nobody is giving us a solution. How will you arrive at the three? Kuna kitu Chairman Kenya inaitwa waves. Chama nyingi zinaenda Bunge kwa waves. Kwa hivyo, wacha chama zikae mingi, tuwe na a competitive environment.

Mr. Chairman, on these governance and administration, ningonelea vitu nyingi ambayo serikali imejiwekelea, central government imeiwekelea, they should be shared down to local government, so that the burden which the central government carries today, can be shared maybe fifty, fifty by the local government and while I am there Mr. Chairman, tungesema Local Government zimeharibika Kenya sababu ya kuwa controlled by an Act of Parliament. Tungesema Local Government ziwe established by the Constitution, but they should not exist at the mercy of maybe the Parliament, the Minister and so on and so forth. So Bwana Chairman, kama Local Government itakuwa autonomous, halafu some of the duties given to the central government are shared to the Local Government, I think the burden would be less, hata hii mambo ya ufasidi inasemekana is going to reduce.

The other thing Mr. Chairman is mambo ya hii resources kama vile wengine wametoa maoni. Kama hii area yetu ya Masinga Chairman, tuko na Changarawe. Hata hiyo maji ya Masinga Dam. Lakini hii Changarawe is a mineral itself. Mungu ananyesha mvua changarawe inaenda mtoni. We want it to benefit, all the residence of these Masinga place and other places of Ukambani, lakini siyo kutengenezwe some cartels ya kuchota changarawe kwenda kuuza and they pocket the money unde these guys of Co-operatives.

Com. Pastor Zablou Ayonga: La mwisho?

Councillor Pius Kimoni: La mwisho Bwana Chairman ni hii mambo tumesema mambo ya katiba yetu. We want the African culture, the decency of our culture, to appear to be respected by this constitution. Kuna vitu vingi tunaona zinaendelea. Even in America and elsewhere, we don't want these American things. Mwanamke anatembea uchi mbele ya watu. The constitution must give the society some decency. Unaenda unakuta magazetti imedundikwa kwa barabara. Mwanamke uchi, mwanamume uchi. We think this is something evil to African culture.

Com. Pastor Zablou Ayonga: Thankyou very much Bwana Councilor na kama ungependa kutuandikia memorandum utoe mawazi yako yote, please go ahead and do that. Thank you for your contribution na unaweza kujiandikisha kule.

Gideon Keilu: Asante sana Bwana Commissioners na wale wegine. Mimi naitwa Gideon Keilu, ni Councillor kutoka Kangonde. Ningetaka kuona katiba ambaye itakuwa inakataa na mashamba ya public. Mashamba ya public inamaanisha kama vile tunamashamba ya Yatta, unakuta mtu akitaka political milage, inaita kikundi ya watu ama mawaziri wake, anawapatia shamba na kuna watu ambao hawana shamba. Hiyo ningetaka iwe protected.

Ile kitu ingine Bwana Commissioner, ningetaka kuona Local Authorities, nguvu imepewa councils, siyo waziri ambaye anaketi Nairobi, anatoa amri, ati sasa kumaliza council anasema nime-abolish council na hakuna mtu ame-consult. Ameongea tu peke yake, na watu wake wawili wanataka kula pesa.

Ile kitu ingine ningetaka kuona ni hii ma-case ya mashamba, irudi chini. Itoke kwa court, iwe kwa wazee ndiyo mambo iende sembamba na African culture. Ile mambo ingine ningetaka kuongea juu yake ni “Mbai” ipewe uwezo. Ile kitu ingine tunapata shida ni customary law. Kama mwanamke anaolewa kwa kimila, siyo lazima mtu aende-iwe inakubaliwa kama ikionekana ni kitu ya sheria, mwanamke akiolewa kimila, kama anataka ID, hakuna maneno umeolewa na nani, babayake akisema huyu ameolewa na huyu, ni Mkenya apewe uwezo wa kuwa kitambulisho inaitana Bwana yule amemuoa, sababu saa zingine unakuta tuko na shida ya hiyo.

I will be very brief. Ile kitu ingine ningetaka katiba iwe, ni kuruhusu kama ni Mkenya ameo Mnigeria anapewa kitambulisho inasema yeye ni Mkenya kama yule mwingine, na watoto wake wanakua citizens of this country.

Com. Pastor Zablon Ayonga: Hiyo ndiyo ya mwisho?

Gideon Keilu: Wacha iwe ya mwisho nimesema nitakuwa very brief, nafikiri hiyo ukipeleka mbele itatosha.

Com. Pastor Zablon Ayonga: Asante sana. unaweza kujiandikisha kule?

Robert Mboya Mbuva : Asante. Kwa majina naitwa Robert Mboya Mbuva. Langu ningependa kutoa mawazo yangu kuhusi hii mambo ya ufisadi. Ufisadi mimi nafikiria, haitawezekana kwa hii tume kama tutaitafuta kila pahali. Mimi ningependelea kama ni president ameomba kiti ya president, awe na nguvu ya kutosha kwa Ma-MPs wake, na Bunge lake, halafu ikiwa hao watu wako na hiyo Bunge, awe Mbunge akipatikana na makosa, kuwe anatoshwa kiasi fulani ndiyo wawe na nidhamu. Kwa vile ikiwe imeanzia huko juu, hata huko chini tutakua tumeathirika zaidi. Hii nataka kupeana mfano moja kama hii mambo umeona imetuathiri kwa mambo ya retrenchment. Vitu kama hizo. Mara mingi munaona ma-company yanatoa misada fulani, na unaona hiyo misaada kama ni million tano, million sitini, imepewa kama president peke yake. Haijulikana ameenda kwa kweli kufanya kitu gani na hiyo pesa, halafu hayo ma-compuni ndiyo unaona baadaye wanakuja tena wanarudi kufanya retrenchment na hao ma-compuni bado ndiyo wanaangalia yule Mwafrika wameandika. Wanaona hafai kuwa pale, na sheria ziko, zinasimamia huyo mtu, huyo mfanyikazi. Huyo either kama ni Mhindi, ataenda India, alete Mhindi mwenzake, of which ile kazi huyo Mhindi anakuja kufanya wewe mwenyewe ndiye umemfunza na usipende usipende utaenda, uache yule Mhindi.

Com. Pastor Zablon Ayonga: Kwa hivyo unatakaje?

Robert Mboya Mbuva: Na hana experience. Nimepeana mfano ya namna ufisadi tunaweza wacha. Jambo lingine ni kama vile mumeona Masinga Dam wakati lilituadhiri na kukosa power. Vitu ni kama hizo, kwa vile hii mambo yote tukifuata sana unapata inatoka kwa Bunge zetu.

Ya tatu, kuko na pahali moja ninaona Kenya yetu, na ninafikiri ni kila pahali, kuko na watu, wameathirika sana na ni kwama wame sahaulika, hawa Headmen. Tuko nao huko vijini. Hao watu ningeomba serkali iwalipe.

Com. Pastor Zablon Ayonga: Thank you so much. Unaweza kwenda ujiandikishe kule, halafu – Sema majina mzee.

Paul Kioko Kisulu: Jina langu ni Paul Kioko Kisulu, na ninamshukuru Mungu kwamba nimepata hii nafasi kukaa mbele yenu, nyinyi Commissioners kutoa mawazo yangu kuhusu nchi yangu na kuhusu watu wangu mahali mimi mimi ninatoka. Mimi ninashukuru tena kuona hii nafasi nimeipata nikiwa mkongwe sasa. Na Mungu anipe nguvu niongee mbele yenu munisikize. Mimi kuhusu President, nashukuru kwamba Mungu ametutunukia president anaye mabudu Mungu, na kwa sababu hiyo Kenya tumetunukia Imani miaka ya arobanne sasa maana tangu emergency, hatujapata kuona hadhiri ya kuchafuka kwa nchi.

Kitu cha muhimu sana-watu wanakuja hapa mbele yenu, wanataja njaa, na mimi nataja amani. Amani tuliyonayo, na tumushukuru Mungu kwa hiyo. Kisha tunajua jinsi gani Mungu alipeana utawala. Maana watoto wa kwanza – nashukuru nyinyi Commissioners kwamba nimesikia kuna Pastor mbele yenu, na ningependa niseme utawala ulianza wakati watoto wa Samuel walipokuwa wafisadi, kisha watu wakapewa jinsi wataongoza sasa na Mfalme, sasa jinsi hiyo-mimi siingii maneno ya president, ningeomba awe ni President mwenye nguvu, jinsi Mungu anavyo pangilia, na jinsi munavyoona na nyinyi. Kitu sasa ninge penda kutoa maoni juu yake ni ufisadi. Kama kunawafisadi, kama kuna watu waliyoweza kushuhudia jinsi ya ufisadi, mimi sitakua mbali. Na ninajua hawa watu nikisema hiyo wanajua ni nini mimi ninasema, lakini ningetaka mjue, ufisadi ni kati ya nani? Nani bwana ya ufisadi? Bwana ya ufisadi ni ibilisi. Ningependa kama munaulizwa swali ni namna gani mtamaliza ufisadi, ningeomba kuwekwe watu ambao wana uroho wa Ukristo ndani wapigane na watu wenye roho ya ufisadi. Maana sasa ukiweka mtu ambaye ni mfiisadi akachunge mfiisadi, hata kama mumemkomboa nje, ni kazi bure. Wako hapa wale wanaweza maliza kwa sababu kama-unavyo jua sasa Pastor, Mkristo ataogopa Mungu, na ata-truck mfiisadi akiogopa aliye juu. Na maoni yangu ni kwamba, ufisadi hakuna njia ingine ya kumaliza isipokuwa tu wachukuliwe wale ambao wanaona nguvu ya Mungu mbele, na watamaliza ufisadi.

Maana sasa Kenya ni nchi ya ‘man-eat-man’ community. Na ukiangalia, hata ukitaka kusema ni nani ambaye hajahusika na ufisadi, mimi najua hutasema fulani ndiyo hajahusika. Wengi wamehusika.

Juzi ilikuweco commission moja, ya kwamba ichunguze kwamba kuna waabudu wa shetani. Na ninajua matokeo ilitokea tu ni kwamba iko. Na kama iko, huyu ndiye baba ya ufisadi. Kitu kingine, watu wamekuja hapa kuongea maneno ya natural

resource. Mimi najua tuna natural resource ile ambaye ingemaliza umasikini tuko naye na hii ni changarawe. Changarawe imeenda kwa mto na inaenda kwa bahari hindi bure. Watu wanataka changarawe na kitu tumeona, watu wamechukuwa shilingi mia nane kwa lorry, hiyo ni council wanaenda naye Machakos, hakuna kitu wanabakisha hapa. Shilingi elfu moja mia nne, inabaki kwa society, ile society ni ya watu wanne tu.

Hii kama ingeweza kuwa utilized, igeuzwe iingie kwa division yetu, tutavuruta nayo maji kutoka huko Kiambeere tulete hapa, na nchi yetu ingekuwa na irrigation na –location moja kama ingepata irrigation ingeandika watu wote katika hii division, na ingetoa chakula kwa watu wote.

Kitu kingine, tunapewa chakula ya msaada ile ambaye ni millions and millions. Kwa nini chakula haiwezi kugeuzwa ikaleta maji Kangonde na watu wakapewa kwa mashamba, watu hawa hata kama ni location moja, itatosha kulisha sisi na kuandika sisi kazi.

Com. Pastor Zablon Ayonga: Asante sana mzee, na mzee umesema jambo la muhimu sana, kwamba ufiisadi unaletwa na shetani, ikiwa tutamfuata Mungu tutaogopa kufanya mambo ya ufiisadi. Sasa toa majina yako, na tafadhali, lets be brief and to the point.

Stephen Ndambuki : My names are Stephen Ndambuki, mimi ni mwalimu. I have a number of things I want to mention briefly, some will concern schools. Bwana Chairman vile nimeona, the parents have not being given a lot of power especially in secondary schools to control their schools, and we have had cases whereby all the BOG members do not have students in that school. So as a result of that they overburden the parents with a lot of fees payment, and with projects which the parents are not able to commit so what I would suggest is that let the Executive Board, all the members of the BOG be people with students in that school, so that they know the pinch of paying money and even they will control the finances of that school well.

The other thing I would say is that me as a teacher I am completely opposed to the abolishment of canning in our schools and what I would suggest is that because Kenya is a Christian country, the Act of Education should also be enacted we uphold these biblical principles and one of them is canning. For example I would not understand how a standard one child would be counselled, who needs to be given one cane and then tomorrow he will not steal his colleagues pen.

The other thing about education is the examination. We have had cases whereby children have been in school for eight years, then after the eight year they are only tested within 3 days. So my comments is that, let us have a system like it is in America whereby the teachers course work will also be included in the final exam, so that we have a case whereby the students performance is tested from standard one upto eight, but not a case whereby within 3 days somebody has been tested for work which has been covered within eight years and even in form four it will be the same and this will also make the student to be more disciplined now that canning is not there, because they will know that the teacher will have a say in their final grades.

When it comes to the President and the MPs I would just suggest that let their term be restricted to two terms of five years each, whether you are good or your bad, two terms whether you are president or an MP and let the level of education be at least a University graduate so that education is popularized, and on this case let me suggested that let their age be limited upto 65 years and anybody who is above that should be considered not fit to hold even a public post.

As it concerns to the Mayors and Chairmen of City Councils, my suggestion is that they should be graduates in the level of education and they should serve for two terms of five years each and they should be elected by the people but not the councilors. I would also suggest that let all the Heads of Parastatal organizations, be chosen by the president, but authorized or approved by parliament and if the parliament sees somebody not fit, let the parliament be given the power to vote that parastatal Head out of government work.

On this let me also suggest that we have had some civil servants who can contest but they fear that because the constitution says one has to resign his civil service post, so my suggestion is let there be an act which will enable what we assume is work, if he contests and then loses the seat, so that he will be able to go back-for example I might be a teacher and I might fear to contest because I know maybe if I lose I will not go back to teaching again because I have resigned. So my suggestion is that let all civil servants wishing to contest be allowed and if they lose be also allowed to resume their work again.

I would also suggest that the money in the consolidated funds be made public so that all Kenyans know what is at stake in such a way that we shall be able now to budget. Like now- the teachers like me we are complaining about the salary award, but maybe there is some money in the consolidated funds which can also be brought to serve our cases and emergency thing. But because it is not known, even if the government says there is no money, there is no money, we shall not know because we do not know even the little which is there.

I would also suggest that let the Chief Justice and Chairmen of all permanent commissions like the Public Service, the Teachers Service be chosen by the President but also appointed by Parliament. As concerns Parliamentary representation, I would suggest that Bishops of Churches which have at least 500 branches be appointed as MPs so that they serve the interest of their members in Parliament. I would also suggest that our roads because the government cannot maintain all the roads, let the roads be given to private entrepreneurs who will manage them but charge a little fee as approved by the Parliament.

As concerning water service, I would also suggest that because the government might not have money to give water to all the semi arid areas, I would suggest that there be a provision whereby private people would invest in water, then they would charge the people who are using the water as it was agreed by the government authorities, so that waters like those of Tana River and Athi River should not go to waste.

Finally let me say that let all property which has been acquired before marriage be shared equally incase there is a divorce in that family. Thank you.

Com. Pastor Zablon Ayonga: Ngoja kidogo mwalimu.

Com. Maranga: Thank you Mwalimu. You have raised the question of continuous assessment. I have a problem because if we do agree that continued assessment tests are going to count in the final examination, then it will only be fair that those continued assessment tests be set by a central body and every school, every teacher, every class should be able to undertake the same. But don't you realize it will be a very expensive exercise?

Stephen Ndambuki : It will not be expensive because we should invest a lot in education if we will have proper testing and if it is happening in other countries, then I have no problem I think it can also happen in Kenya and it will be effective because the students will be tested for work-I have seen a case whereby a student can be given exam and today he fails and tomorrow he gets another exam and he passes, because it depends with how much he had covered in that area which was tested. So today what we have is a situation whereby students will only pass if they are lucky to have revised on that part where the exam was set. Thank you.

Com. Pastor Zablon Ayonga: Asante Mwalimu your time is up, could you please sign the register.

Nicholas Musyoka Kiminza: Thank you very much ma-commissioners wanao simamia kubadilisha katiba.

Com. Pastor Zablon Ayonga: Majina kwanza.

Nicholas Musyoka Kiminza: I am Nicholas Musyoka Kiminza from this area. I am coming from this area. Yangu na zungumuza juu ya area hii, na wanyama wanakaa area hii. Sisi tukiwa watu wa Masinga, tunakaa karibu na dam ya Masinga, na hiyo dam ya Masinga iko na wanyama na hatuoni, na sisi tunakaa nje. Ni lazima sisi wote watoto na watu wazima twende kwa huo mto. Siyo ya ajabu kuona mtoto anaenda pale, wakiwa watoto wanne, watatu wanaenda, moja anabaki huko. Unasikia anachukuliwa ni mamba. Kama mzazi ama mtu yeyote anaenda ku-report kwa wale watu wanasimamia wildlife ama hapa kwa Chief ama DO, watu wa game wanakuja, wanakuja wana-angalia yule mnyama aliyekula yule mtoto, wanaua. Wakiua, wanaenda na yule mnyama nusu yake na mtoto, nusu ya ile imekuliwa na baba yake ama wazazi. Akienda pale, anaambiwa uwe ukikuja ku-report kutuambia vile mambo ilivyo.

Com. Pastor Zablon Ayonga: Kwa hivyo unataka aje?

Nicholas Musyoka Kiminza: Kwa hivyo ninataka kama ikiwezekana, mtu akikuliwa na mnyama, sheria inasema kama

mnyama inakula mtu, mtu alipwe pesa nyingi kushinda ile inalipwa wakati huu. Hata saa ingine hailipwi. Unasikia mtu amekuliwa ni mamba na amepotea kabisa, na pengine yule mama ama yule mzazi, huyu mtoto ndiyo ako peke yake. Sasa akiliwa na mamba, na hakuna kitu amelipwa ama amelipwa pesa kidogo, atakuwa anakaa hii nchi akifikiria mwisho yake itakuaje.

Com. Pastor Zablon Ayonga: Point yako tumeisikia kabisa, unataka compensation wanyama wakiua watu. Lazima watu walipwe.

Nicholas Musyoka Kiminza: Kuna point ingine. Point ingine ni mfanyikazi. Yaani tuseme serikali. Siku za kazi kwa serikali ni five days. Lakini unakuta wafanyikazi wengi wanafanya mpaka seven days na malipo ni ile ile tu. Ningeuliza ma-commissioners, wangepeleka hii malalamiko kwa wafanyikazi. Kama mtu anazidi kufanya siku ya sita ama ya saba, ilipwe kama public holiday, kwa sababu inafaa, mtu kama ni weekend aende akapumzike badala badala ya -

Com. Pastor Zablon Ayonga: Ungependa watu wafanye kazi kwa siku ngapi?

Nicholas Musyoka Kiminza: Wafanye five days kama watu wa serikali.

Com. Pastor Zablon Ayonga: Five days?

Nicholas Musyoka Kiminza: Five days. Lakini ikizidi

Com. Pastor Zablon Ayonga: Walipwe juu yake.

Nicholas Musyoka Kiminza: Walipwe hiyo kama overtime.

Com. Pastor Zablon Ayonga: Asante sana your point is well made. Asante sana

Nicholas Musyoka Kiminza: Thank you very much.

Com. Pastor Zablon Ayonga: Ujiandikishe kule kwanza.

Josiah Kimeu: Thank you the commissioners, I wanted to talk about the structure and the system of governance. I am Josiah Kimeu from Elmarakara. I will just go in summary. I suggest that we should retain the Presidential system of government with a Prime Minister from the majority in the Parliament. The party that has the majority in the Parliament. We are tackled. There is somebody who had suggested that the Presidential powers be divided with the Prime Ministers powers. Yes, in the side of the

President, he should ensure the internal and external security and force the law, conduct foreign relationship and appointing of the Ministers but on the side of the Prime Minister who should be appointed by the majority party in the parliament, he should facilitate the operations of the economy, carry out the work of the government, make and implement policies and provide the services.

Com. Pastor Zablon Ayonga: Bwana Josiah, ningelipenda umulike points badala ya kutosomea neno kwa neno. Mulikia points zile kubwa kubwa.

Josiah Kimeu: That one will ensure that the powers of the president will not be misusing the funds of the country, but he will be superior. He will be the superior. The Prime Minister should also be submissive to the president. He should not be superior to the President. The President should be superior, but the Prime Minister should manage the funds and provide the services of the country.

I want also to talk about the duties of a citizen and feel like one defending the Constitution, engaging in gainful work. Everyone should work and they are people who are talking about free education, free medical services, there should be nothing which should be free. Everything should be paid. If you have to take your children to the primary school, you have to pay for everything, nothing should be free because this free is what is bringing about badness and the spirit of laziness. Everybody should work. If you are learned you should practice to work, you should know how you can have some resources even if it means kulea kuku ama kuchunga kondoo huko nyumbani. Siyo unakataa kufanya kazi halafu unakuja hapa kuzaa watoto kumi.

There is also one thing that I want the commission to do during the amendments. It is to erase our present to protect our future. Everything should be regulated. You have to have not more than four children. If anybody wants to have more than four children, he should report to the government the reason behind it. So after four children you are supposed to go to the hospital, by the law and everything should be worked out. Because if we says that uzae wale waoto unafikiria, utaona mtu tu kwa kuwa ni mjinga, na bado hatujafikia wakati wa cloning ambao tutaletewa watoto werevu. Ataendelea tu kuzaa halafu hapa anasema apatiwe vitu vya bure, kila kitu bure, wacha ikuwe ni at least three or four children. Na bibi mmoja na bwana mmoja.

Other duties of citizens should include paying taxes and obeying the law and respect of rights and culture and others. Kuhusu kanisa, kuhusu kanisa ati watu wanataka dini zi-regulate-iwe. Nimekuwa nikisomea mambo ya kiroho kwa mda mrefu, na nimekuja kugundua ya kwamba, ni watu wachache ambao wanaelewa na hii mambo ya kiroho sana na ndiposa wale wanaweza kufika mbinguni wafike na wale wengine wasikose au wanaweza kufika. Wacha kuabudu iwe at a personal level katika mipangilio ya kuabudu. Ukitaka kuabudu hata uabudu nini enda ukaabudu peke yako, ukiwa mmoja, mkiwa wawili, hata mkiwa group, hata makanisa ikifika million moja. Wacha kila mtu aweze kuabudu. Kwa kuwa tuki-regulate, tutachukuwa pengine kanisa kama Waislamu na Wa-catholic na pengine ukikuta hiyo ilikuwa tu vitu vya kujitengenezea vya watu, then you start suffering again. Because everybody believes there is God. Let everybody believe-wacha kila mtu aabudu Miungu atakayo

abudu. Akitaka kuabudu ya Wakristo, aabudu ya Wakristo. Akitaka kuingia kwa Waindi, aende akaabudu vile anataka. Kwa kuwa nikisema ati kila mtu pengine aoko, hiyo wokofu haitatambulikana.

Nitamaliza na Chiefs, Sub-chiefs na Administration Police, nikizingatia the most poor areas in the country, especially in the Ghettos and the slums and the community. Kumekuwa abuse of power na sasa ukiingia mahali kama hapa Masinga, utakunywa karobo, utauziwa bhangi, na utapata mambo mabaya mengi, na hiyo chief, sub-chief na the police. Utakuta ya kwamba kuna kile kitu wanapta pale. Tunataka kuweka sheria hivi, kama chief anajua mambo inaendelea kwa location yake, na kila location iko na chief, kwa hivyo tuweke chief, na administration police na other administrators. Kama kuna ubaya unaendelea pale kama kuuza madawa ya kulevyu, kuuza vitu hazipendezi za kuharibu watu akili na zinazolete addiction, tukipata washahidi watutu wampeleke kortini, anafaa kutoka kazini kabisa na paingie mwingine, ndiposa tuweze ku-control karobo, changaa, na vitu kama hizo. Kwa hivyo mamalaka yapelekwe kwa mwananchi wa kawaida.

Com. Pastor Zablon Ayonga: Asante Bwana Josiah, na ninaswali nataka kukuuliza. Josiah unajina nzuri kwa maana Mfalme Josiah alianza kutawala akiwa na miaka minane. Na umetupa mawazo hapa, vitu ambavyo pengine hakuna mtu amesema, hii maneno ya free things, handouts whatever whatever, kwamba kila mtu afanye kazi na kila mtu anaweza kufanya kazi, which is very good. Lakini sasa, umesema kitu kingine juu ya freedom of worship. Kila mtu aombe jinsi anavyotaka. Ambayo ni kweli. Lakini kuna shida moja ambayo inaanza kuonekana. Kuna watu ambao wanapiga kelele usiku, in the name of kuabudu, na wanazuia watu wengine kulala, na wanapiga drums, wanapiga whatever that there is and they use microphones na sasa freedom moja hii ambayo imeingilia freedom ya wengine. Tungeweza kui-control namna gani? Na tena kama watu wataomba chochote, hudhani tunaingilia confusion? Tena umesema siku zilizopita hivi karibuni umekuwa una-angalia sana mambo ya kiroho. Unaweza kutoa maoni?

Josiah Kimeu: There should be a code of conduct. Kama ile freedom of worship inakuwa kwa sheria ambayo imewekwa, kama kupigia watu kelele, ama ku-create disturbances, hiyo inaweza kusimamishwa. Wanaweza ku-advice-iwa wasije wakapigia watu kelele, na wakitaka kupiga kelele waende mahali ambapo hawatapigia watu kelele, kama huko kwa milima, ama mahali huko hakuna watu.

Com. Pastor Zablon Ayonga: Na Bwana Josiah, umesema kila mtu lazima afanye kazi. Na hawa watu ambao wanakesha usiku wote kupiga kelele hata iwe ni huko milimani, ni lini wataenda kufanya kazi ili waweze pia kuchangia mali ya taifa hili?

Josiah Kimeu: Sasa ukiongea kuhusu hawa watu isipokuwa mimi sikua naongea kuhusu watu ambao-sijaweka kuabudu pamoja na kazi. Kuna wengine wanapiga kelele, na asubuhi wako kazini. Hawa watu huwa ni ma-professionals. Wengine ni walimu, wengine ni watu wa biashara. Kwa hivyo hii moja nikuabudu, hii ingine ni responsibility. Kama mtu ameshikanisha kuabudu, anajipanga katika timetable yake ataabudu kutoka saa moja, mpaka saa tatu na ataenda kazini masaa yaliobaki. Kwa hivyo mtu ndiyo atajichagulia vile atafanya.

Com. Maranga: Bwana Kimeu, mimi niko na maswali mawili. La kwanza kabisa, unasema eti tusipatie wananchi free education, tusipatie wananchi free medi-care na unazidi unasema, wakubaliwe watoto wanne tu. Sasa ya nini kuwafungia, na hiyo vitu wanagharamia wao wenyewe. What is the point? Is there any logic of limiting them, na vile vile wewe umewafungia hutaki kuwapa free medi-care, no free education. hilo ni question la kwanza.

La pili, unasema wananchi walipe kodi. Walipe kodi kwa serikali, hata inawafanyia kazi ama haiwafanyii kazi. Wananchi tu wakae hivi wakilipa kodi bila kuuliza kodi yao inatumika namna gani?

Josiah Kimeu: Kodi yao haitasaidia kulete hizo vitu za free, free, free. Sasa ile kitu nilikuwa nina-regulate kuzaa kwao, hapa Kenya, tukiangalia katika ukweli wa mambo, watu sio mature. Wengine sio watu werefu vile. Na hata ukichukuwa group kama hii wakitoa maoni utakuta hata wengine hawajui ni nini. Kwa hivyo ukiwaachilia mambo wafanye vile wanataka, mwishowe mtu atajikwaza zaidi kuliko vile ungem-regulate. Kwa hivyo katiba kama ita-regulate katika werefu, mambo ya watu, utakuta mtu ndiyo ni millionaire, na ako na watoto wawili, lakini mwingine ni m-poor kabisa na ako na watoto ishirini, sasa huyu ndiyo anashindwa kulea. Kama wanaweza ku-regulate-iwa, wange-improve so much.

Com. Pastor Zablon Ayonga: Thankyou so much Bwana Josiah. Next.

John Kilonzo: Kwa majina naitwa John Kilonzo. Kwanza nitaguzia mambo mawili. Moja ni elimu na la pili kuabudu. Kwa elimu, ninaguzia juu ya – tunasikianga kweli, watoto wanafanya mtihani wa darasa la nane ama la form four na wanakataliwa kwa sababu wameonyeshwa, na hii kwa wazazi tunaona ni aibu sana, kwa sababu mzazi anatoa pesa nyingi, kuelimisha mtoto na final years mtoto anaambiwa results hatapewa kwa sababu ameonyeshwa mtihani.

Kwanza, maoni yangu ni kwamba, wale walikuwa wakisimia huo mtihani na wale wale waalimu ambao walihusikana na hiyo mambo, wote wafukuzwe kabisa, wafutwe na wafungiwe. Na watoto wale ambao wanaonekana wameonyesha, Kenya Examinational Council iwapatie mtihani mwingine, kwa sababu sio kosa lao, kwa sababu kosa ni wale waliwaacha waonyeshane mtihani kwa sababu mzazi ndiye anaumia.

On freedom of worship, ni kweli neno ni lazima lienezwe. Na litaenezewa watu, na ni kwa sababu ya kuenezewa watu, mimi ningenelea kila kanisa itafute plot, a piece of land, lijenge huko, liwe likienezea mambo ya Mungu hapo, badala ya kwenda kwa soko, mtu ni mgonjwa, na kuanza kulia wakitumia machines ambazo zina sauti kubwa sana. Mimi naonelea hiyo si vizuri, wakae kwao kama kila mtu anatoka nyumbani kwake, waenezee neno la Mungu badala ya kwenda kwa soko ama kwa streets, kulia huko na kuwa na tabia ambayo siyo nzuri. Ni hayo tu.

Com. Pastor Zablon Ayonga: Asante sana, tafadhali ujiandikishe kule.

Joel Kiboya: Kwa jina ni Joel Kiboya, on behalf of Kisangani Kaboya Self Help Group kutoka Kangonde. Kwanza ningependelea-let me use English please. I need the present constitution to recognize Kenyan citizens. The other thing is, the present constitution should have equal rights to all members. The next thing is the present constitution should preserve justice and peace for all parents.

The other point is, the present constitution should allow all children born by all Kenyans regardless of gender. The other point is all Kenyan citizens should be allowed by the constitution to have identity cards, birth certificate, passports and if possible be given in divisional levels. The other thing is and this is one the side of land cases. You find especially here in Masinga, you find that you have a case, which has been entered by law courts since 1974 and one demarcation gets into Masinga, you find the same case in Sambai Committees. So, we need a constitution whereby these cases which have been entered by Law Courts should not be taken back to any other committee cases. We also need a constitution whereby traditional oaths be allowed. If somebody is not satisfied in a law court judgement, or in any committee cases, he can be allowed to have a traditional oath.

The other point is whereby we should need a Parliamentary system. whereby President is the Head of State and Prime Minister is Head of Government. The other thing we need, we need a constitution which allows parliament to have roles in power of emergencies. Now, the other thing we need in the present constitution is to have limited political parties. The other point I have, I need the present constitution to allow all parties to be launched by government.

Com. Pastor Zablon Ayonga: Thankyou very much, na hiyo limited political parties zinakuwa ngapi?

Joel Kiboya: I propose to be according to the number of our provinces in our country.

Com. Pastor Zablon Ayonga: You mean each province to have a party?

Joel Kiboya: To have a party ya.

Com. Pastor Zablon Ayonga: Thank you, those are your views. Utuachie hayo maandishi but isn't that increasing the tribalism if we are going to go provincial political parties?

Tabitha Nzoka: Asante sana Chairman of the Constitution. Kwa jina mimi naitwa Tabitha Nzoka. Mimi nataka kuongea juu ya wanawake. Mimi ningependelea ya kwamba, hii katiba ingeinua wanawake kama vile kuna nomination ya MP, nomination ya councilors, hiyo ningetaka iweko kwa katiba iwe watu wa ku-nominate-iwa ni wanawake. Kwa sababu wanawake hawana uwezo wa kupigana na wanamume. Kwa vile kama ni mbuzi iko kwa boma, ngombe iko kwa boma, shamba iko kwa boma ni ya mwanamume. Mwanamume hana pesa ya kutosha ambaye anaweza kungagana na wanaume.

Ile ingine, ni wazazi kama sisi. Unazaa msichana na manamume. Huyu msichana, inafaa agawiwe ardhi kama yule mtoto mwingine mwanamume, akikosa kuolewa tuseme. Lakini wazazi wengine, wanachukuwa wanawake kama sio watu. Inasemekana wanaanza kukwambia enda uolewe hivi na hivi, mwanamke anakosa rights zake kwa mzazi wake. Ile ingine, ni wasichana wetu wanaolewa. Kijana anakuja anaoa msichana, anaenda anakaa na yeye. Tuseme kwa mfano, kama miezi tano au sita. Saa ingine wanakuja wanakosana, au msichana anafariki. Akifariki, msichana anarudishwa kwa wazazi wake na wewe umemuoa. Kwa hivyo ningetaka kama constitution inaweza kuweka katiba msichana akiolewa na amalize miezi sita kwako, awe ni wako. Ukiwa umelipa dowry au hujalipa, awe ni wako na property yako iwe pia ni yake.

Ya nne, education ningetaka iwe free. Primary, na secondary. Kama vile mahali kwingine kama ngambo masomo inakua free. Watu wengine hawana uwezo wa kusomesha hao watoto. Ndiyo, tunaweza kufanya kazi, lakini tutafanya wapi Kenya hii? Nafasi za kazi ndio hakuna. Munaweza kuweka iwe secondary inasomwa free na primary, ndiyo kila mtu awe anakaribia maisha au anaweza kupata kazi. Medical naye, ningepomba iwe free. Or hospitali.

Com. Pastor Zablon Ayonga: Asante sana mama. Umebakisha ingine?

Tabitha Nzoka: Eh moja. Ile ingine naye, ni property ya mwanamume na mwanamke. Kama wewe umeoa bibi mmoja, hata kama ni plot, muandikwe nyinyi wawili. Kwa sababu, yote ikiwa ni yako, unaweza kunifukuza hata nikiwa mzee. Na nime enda na nimeharibu wakati kwako. Unaenda bila chochote. Kwa hivyo tunataka iwe ni ya watu wote wawili. Hata kama unaoa bibi watatu, wote wawe na majina ya property yako. Asante sana, mimi nafika hapa.

Com. Pastor Zablon Ayonga: Asante mama na ninaomba usifukuzwe ukiwa mzee, kwamba muishi na huyo mtu mpaka mauti tu ndiyo itawatenganishe.

Grace Wayua Nzioka: Asante sana kwa mwenyekiti, commissioner na watu wote. Mimi ni Grace Wayua Nzioka. Kwa kikazi ni community development assistant within the Masinga division. Yangu ni machache na nitaanzia na hii ya government workers. Ninataka government workers hata wafanyikazi wote wa serikali, wawe wakiona ni wa serikali wote. Hakuna wakubwa na wadogo, kwa sababu tukiangalia sana, ile department hii ya administration, wakati mwingine ilikuwa ikiona hii department ingine, si kama watu wa serikali hata akimkuta kwa kazi, anamuita tu saa ile anataka. Hata akiwa anafanya kazi na watu. Kwa hivyo, hiyo administration na department ile ingine ilizalishwa pamoja iwe ni watu wa government wanafanya pamoja.

Kitu ingine, government ya Kenya, iko na corner nne, na hii corner nne, tuna Eastern na West na South na North. Iwe wakati wa uwongozi, ikiwa kiongozi yule mkubwa anatoka upande fulani, mdogo wake atoke pande mwingine, kwa sababu viongozi wote wakienda upande mmoja, wale wengine wanakaa tu kimya hawajui wako wapi. Na labda kitu ingine inaenda upande

mmoja, haiendi pande zote kama vile watu wanakaa wakenya, na Kenya country ni kubwa.

Kitu ingine, nitaenda kwa uvuvi. Ile kitu ingine, kuna adult education ama masomo ya watu wazima, na hii masomo ya watu wazima, ikianza ilikuwa na moto, na ilikuwa kama mashule ile ingine na ilikuwa inapangiwa hata AEOs, DEOs, na kila siku. Lakini wakati huu inakua mchezo. Inakua mchezo namna gani, wanasikia hiyo masomo iko na kuna watu wanafanya hiyo kazi. Wako wapi? Na hao wasomi wako hapi? Na wanasoma wapi? Hakuna. Ni kitu kama mchezo. Ikiwa hii adult education iko, iwe ni kama ile makazi ingine, ionekane wazi, na watu wasome wazi, na waelewe wanasoma nini na yule anafunza, qualifications zake ni nini? Ni mtu anataka kufunzwa ama ni mtu anaweza kufunza? Ile kitu ingine, ni wachokora. Hapa Kenya, tunaanzia mchezo wa kusema chokora chokora, na hawa watu kwa country yetu tukiangalia na ukienda mahali popote kwa cities ama Municipals, ama markets zile kubwa, unakuta wale watu ni wengi. Tunaelekea wapi?

Hao watu tafadhali serikali ikiundwa, iangaliwe hao watu afadhali wajengwe miji ya chokora ya hao watu, tuwe hao watu ikiwa ni watu wako, ama ikiwa ni guardian wake, uwe ukienda kumuangalia huko, kwa sababu hawa watu wakati huu wanaendelea na kufanya vibaya sana hata wanatubia watu vinywezi.

Com. Pastor Zablon Ayonga: Ni ukweli. Ya mwisho?

Grace Wayua Nzioka : Ile kitu ingine ni katiba. Katiba tufanye wakati huu, kuna msemu mwingine wa itafanywa wakati mwingine, tutapiga kura mbele ya katiba, kwa nini hatufanyi wakati huu, tufanye wakati huu tumalize. Kitu kingine, wanawake. Wanawake wapatiwe nafasi ya kila kitu. Wa-participate kila kitu, na wanaweza wakipatiwa kwa katiba yetu. Ya mwisho, ninauliza wafungwa, wafungwa wa jela, ikiwezekana, majeshi wetu ama katiba yetu iseme wasinyongwe. Instead of kunyongwa, wawe wakifanyiwa kitu ingine na mtu awe hai. Asante sana.

Com. Pastor Zablon Ayonga: Thank you mama. Na unaweza kujiandikisha kule. Katika hawa ambao mumekaa, ni nani ambaye anakwenda mbali zaidi ambaye atakuja kosa gari? Kwa maana wengine wenyu mnaweza kuwa ni watu wa hapa karibu karibu, tungalipenda kufikiria masilahi ya watu wengine ambao wanaweza kosa magari ya kwenda kwao. Wewe endelea na majina yako na toa maneno yako kwa ufupi.

Francis Mbithi Wambua : My names are Francis Mbithi Wambua from Kagonde. Now I support the education in Primary, Secondary to be free. The education in university level, 50% to be paid by the government and the rest to be paid by the parents.

Concerning the dowry payment. I support that each and every community should be given a system or rather there should be a fixed dowry payment for each and every community. Concerning the other services, I support that in secondary level and in primary, or rather the students in Primary and Secondary, should be given the treatment free of charge. Concerning the pay of

the Head Men, I support this because they do a lot of work.

To the government, the education of the grown ups, I urge the government to support it because if the grown ups were learned, they could be here, so the reason why they are not here is because they don't know what is going on, and they have suspicious minds that this thing is going nowhere. Now, I support that the government has to organize for the pay of those aged above 65 years because they have done a lot of work in this country. To the destruction of the natural resources like the Ozone Layer, like for example in our Sub-location like Kangonde or rather lets say Masinga, the major Airlines pass through here, so due to this destruction which has been done, I think that and I support that this Ozone Layer contributes a lot as pertains the rains and compensation for those who are there, all those who are living within Masinga and the major airlines where they pass, should be compensated.

Concerning the political parties, I am going to support three. President on the other hand should not be above the law. Chiefs and Assistant Chiefs they have to be elected by the people.

Com. Pastor Zablon Ayonga: And finally,

Francis Mbithi Wambua : Finally, concerning the children abuse, if it happens that the girl gets pregnant and the boy was in school and the girl was in school, then the two of them should be suspended for a while.

Com. Pastor Zablon Ayonga: Thank you so much Wambua. Unaweza kutoa karatasi yako hapo na ukajiandikisha. Be brief to the points, say your names.

Anthony Ndolo: My names are Anthony Ndolo and I am a civil servant. My first point concerning the clarity of language used in writing our laws and our constitution. You find that our laws and constitution are written in what you call meandering languages. We would wish that our constitution or the laws be written in direct and interpretable language to avoid this kind of business ambaye imekuja siku hizi ya lawyers. When the lawyer wants to interpret the law for you, unakua charged a lot of money. So we want –tunataka sheria iandikwe kwa lugha rahisi ambayo inaeleweka na watu.

The other point is the freedom of expression. Currently we have that kind of freedom but it is not fully entrenched. I would wish kwamba if you want to criticize the government or your system of administration, the community should be given powers and more likely centres be established whereby any individual can come out to criticize the government, criticize the administration, and correct where things have gone wrong, even at the local levels. So we would wish to have democratic centres whereby people can express their own views about the governance.

Point number three, I would wish the constitution to address the issue of poverty reduction in our country. Former members

who gave out their submissions talk about it very much, so I would wish that the gap between the rich and the poor is currently widening. We would wish if possible the constitution address this gap and if it cannot be closed or could be reduced, from that big margin, let the poor be given maybe commodities, free health care, free education and could be their basic necessities be lowered from the current high level to some standard whereby they can afford.

Point number four. It is the issue of separation of powers. We have the Executive, we have the Legislature and Judiciary. Currently we are seeing the Legislature taking up all the duties of the Executive and the Judiciary. In this I mean that, if the Legislature is made to make laws, the Executive is made to implement those laws or policies and the Judiciary is made to check excessive powers of the Executive.

Currently we have shadow powers from our Legislature, that you find when policies are made in Parliament, the same same people moved out to implement them, so you find there is a lot of confusion in between. How should the government implement this policies, yet the legislature is also there trying to implement the same. I am talking in terms of could be a good example is the Road Control Boards, you find where those people are, things normally don't move.

Point number four. We would wish that our constitution addresses this problem. Instead of policies been made from above, downwards to the community, we would wish to have what we call the bottom-up approach. That policies when delayed on the common man, all the way to the Headquarters, whereby the community has a say on what is supposed to be done on level.

Thank you very much.

Com. Pastor Zablon Ayonga: Thank you very much, if you can submit that and have your name written there then sign. Mzee kuwa brief. Keti ukitaka lakini ukitaka simama pia simama.

Patrick Kimone Kituna: Asante sana kwa Mwenyekiti wa hii wa kupanga habari ya katiba. Mimi ninafikiri – Jina langu naitwa Patrick Kimone Kituna, mkaaji wa Masinga pande ya Ngukemu huko dam. Sasa kile nataka kuongeza, mambo yale tunasikia mambo mengi, na watu wengine wanazungumuza. Sasa hii ni kitu ya kutufanyia katiba yetu ya Kenya vile tunataka tuendelee tukiwa watu wa Kenya. Kile ninataka kusema, sisi saa ile tumepata uhuru, ile katiba tulifuata ilikuwa ya M-kolony lakini saa ile tunakuja hapa katikati, tayari Kenyatta akituongoza, sasa tumeelekea mwelekeo kama mwelekeo mzuri. Lakini tukikuja hapa, katiba yetu tukaona inaelekea wazee kwa maana machifu siku hizo walikuwa na uwezo na mambo yetu inaelekea vizuri, lakini hapa tukifika hapa, mambo ya katiba ikakuwa inaelekea chini kabisa. Sasa tukaona hata chief hana uwezo hata kidogo. Na chifu hapo mbeleni, anatuambia. Kwa maana ile miradi inatoka mahali pa plan na tunaletewa tufanye na mikono yetu. Sasa chief akituita tufanye hii mradhi, na ni mradhi unatufanyia vizuri kwa maana unalete vitu huko kwetu, watu wakaanza kukataa. Sasa tunataka mkitengeneza katiba mpya, muangalie machifu wapewe madaraka kidogo.

Kile kingine nataka kusema, ni habari ya ukoo. Mimi ni Mkamba na saa ile nimezaliwa, nimefuata kama ile baba yangu nimeona wakiwa na mama. Sasa, tunaona sisi wazazi kama wazee kama mimi, hii miaka yangu ni kama miaka sabini sasa, kuzaliwa

kwangu, na wale watu tuko nao sasa, hawana heshima kwa wazazi. Kwa maana nikimwambia ni mzazi na yeye anasoma sana ako na ma-degree, sasa nikimwambia, akiwa na mke wake kama huyu, “Haya mambo nunakaa ni mbaya sasa, si mambo ya Mafrika”. Sasa wanafuata yale mambo ya kutoka London na mahali pengine. Sisi Wakamba ukoo wote tunaanguka.

Com. Pastor Zablon Ayonga: Kwa hivyo unataka wafanye aje?

Patrick Kimone Kituna: Sasa mkifanya katiba, muangalie katiba, muangalie vile tunakaa, masomo iwekwe mbele lakini kila Mafrika anakaa. Tuna Kikuyu, tuna Wakamba tuna wa kila aina, lakini kila watu wana Ukoo wao ule wanakuta wazazi wao wanaendelea.

Com. Pastor Zablon Ayonga: Ili watoto waheshimu wazazi wao?

Patrick Kimone Kituna: Watoto waheshimu wazazi na wake waheshimu mabwana yao kwa maana wote wakikua, Marais wawili hawawezi kuendesha mji. Mji utaanguka. Ya kumaliza mzee ni hii. Kitu ingine tunasikia watu wakisema. Mashule, yanafinya watu sana. secondary. Mkitengeneza katiba, mtengeneza habari ya kufukuza watoto katika shule. Watoto wengine wanatoka mbali, na wakikuja wengine wanakuje na ile pesa nauli ya tikiti ya gari. Wengine wanatoka Kisumu, wengine wanatoka kila mahali. Na akifika shule, siku mbili ile pesa amekuja naye, na bado baba yake labda anatafuta pesa, mtoto akiambiwa na mwalimu, enda urudishe pesa nyumbani, na hapa kwa njia, hana tikiti au nini. Tunaona watoto wengi katika njia wakitaabika na mizigo yao inapokonywa na wale makanga.

Com. Pastor Zablon Ayonga: Kwa hivyo kwa kifupi unasema watoto wasifukuzwe kwa maana inaleta shida?

Patrick Kimone Kituna: Inaleta shida wasifukuzwe. Mzazi na aitishwe pesa. Kwa hivyo ninamalizia hapo, na mtengeneze katiba ikiwa na heshima.

Com. Pastor Zablon Ayonga: Asante. Haya jandikishe hapo

Chancellor Makau Nzioki: Asante Bwana Chairman pamoja na team yako. Yangu ni machahe tu. Majina ni Chancellor Makau Nzioki. O.K. yangu shauri nimeshaa changanyikiwa tu nitaguzua point point nikiruka ruka hivi lakini. Katiba mimi naitaka ielezee haki ya mwananchi. Katiba hii tunaunda ielezee haki ya mwananchi vile inamfaa. Kama ID card, kama ni passport, kama ni birth certificate, na hiyo kitu badala ya kutolewa huko Machakos, ifanyiwe chini, mahali anaweza kupatiwa kama ni kwa chief. Hizo zile zinamwezesha kama ni kwenda mbali. Kwa hivyo hiyo utangulizi iingie kwa katiba yetu.

Ile ingine naguzia ni education. mimi naoni hii katiba kulingana na vile mambo imekua. Naona serikali yenyewe, ikuwe kama boma ya mzee na mama. Boma ya mzee na mama, ni yeye anapanga watu wake wanalishwa nini. Kwa hiyo naona hii katiba,

ingie, ijue boma kama Kenya, Kenya ni wote. Kwa hivyo, isiwe ati kuna watu wanaandikwa, na wengine hawaandikwi. Na hiyo ni pesa ya State. Ile naoni, kama wamefanya hii job group, wangepanyia Kenya yote. Job group cards, na mimi kama kiwangu yangu ni shilingi ishirini, nanunua sukari shilingi tano na MP kama ni elfu moja, mwenyewe ananunua na kama elfu moja. Kama ataangalia, ataninunulia, kwa hivyo ni kiwa kwa hiyo kiwango, inaonyesha hakutakua kitu ya bure. Mimi nitakua nikinunua sukari, hata kama ni shilingi tano na hakuna kitu ya bure. Kwa hiyo naonelea, serikali yenyewe ione kila mtu akue kwa kazi.

Point ingine, hii pesa inakusanywa, kama ni County Council ya hapa, ikue na Board ile kama ni kidogo inalipa kwa Machakos, ile pesa ingine ya hiyo sehemu ikue na Board na I-regulate activities zile zinaweza zikaendelezwa kwa hiyo area. Kama ni barabara, wanaangalia ni wakina nani watafanya kazi kwa hiyo barabara. Hiyo pesa itumike kwa hiyo. A half iende huko. Ile ingine, ni tuseme tu kama power, hii line inapita. Mahali inagusia, kama ni survey inapita, hawa ni wanafanya trading. Mahali inaguzia, inaguzia shamba ya mtu na kama rent hii ya council, nasikia kila rent unalipa, ninaonelea, mahali inaguzia, yaani taa yenyewe, kama huyu anafanya business. Sasa huyo mkulima, ikuwe ni rent, wafanye agreement akuwe analipwa.

Ya mwisho ni hali ya Assistant Chief na Sub-Chief, hawa watu wawe wanafanyiwa transfer kama civil servants kwa hii area yao na Head Men kama vile tumesema elimu ndiyo chanzo ya kila kitu, na Head Men naye alipwe kwa vile ndiye anakusanya kila kitu anapelekea Sub-Chief, kwa hivyo Head Man alipwe. Pia mwalimu wa Nursery ndiye kwanza analipwa na wazazi. Wazazi wanapewa mzigo mzito. Kwa hiyo alipwe.

Com. Pastor Zablon Ayonga: Asante sana, toa kikaratasi hicho. O.K. Jiandikishe, weka kidole. Mama songa hapo karibu. Endelea, tupe majina.

Jackson Mulandi: My names are Jackson Mulandi. I would suggest that the current system of government, that is the elections of the president, the term of his tenure in office which should start at the age of 35, I would suggest that he be a president at the age of 45 so that after his two terms of office or tenure, he may retire at 55, like other civil servants. 45 years to 55 years and about those who should elect the people in the Parliament, currently people are doing it at 18 years. I would suggest that electors should get an ID card at the age of 21 years so that as they do the elections they should know what to do, otherwise some of the people who elect do it under the expense of the other people, they are just pulled here and there, and they do something which is very important unknowingly.

For one to become an MP, because it is said that one should be at least 21 years. I would suggest that for one to become and MP, he should be 30 years instead of the current years.

Com. Pastor Zablon Ayonga: Ya mwisho?

Jackson Mulandi: On the side of we Kamba people, as per our customary law, it is said that the sons or the children belong to the mum and in case of divorce, mama anaenda na watoto wote, I would suggest that let the children be apportioned, if it can work, mama aachwe na some na wale wengine, and the last one is about the salaries. About the salaries, there is no employee can decide what he should be given. That is to say for example last term, the parliamentarians just increased themselves quite a number of money or a great percentage which was more than 400%, I would suggest that a commission should be set to decide the salary of any group of people but not the employees themselves to do it.

Com. Pastor Zablon Ayonga: Thank you so much.

Jackson Mulandi: Thank you commissioners and for you, this current commission we have, previous commissioners have been there and the MP whatever the judges sat down and discussed haven't been deliberated well, I would suggest that as we are doing it now and I hope it is going to work, let all the commissioners whatever they sit down and decide should be forwarded and should be communicated to the wananchi to know the results.

Com. Pastor Zablon Ayonga: Thank you so much, I can assure you you will see it and if you can sign there. Mama sema majina yako na uanze mara moja.

Catherine Nzioka Muthemi: Kwa majina naitwa Catherine Nzioka Muthemi. Ningetaka kuwashukuru kwanza commissioners muliokuja kuchukua maoni yetu. Na niko na machache ya kuchangia urekebishaji wa katiba. First point, political parties should look for their own ways on how to fund their parties but not the government. Otherwise they in most time exploit our government by taking money for their own use.

Second point. Men and women should have equal rights on land and other property. Third one, Members of Parliament should not decide their own salary and should also not be pensionable. The fourth one, civic education should be a continuous exercise for Kenyans to know their rights. Asante.

Com. Pastor Zablon Ayonga: Thank you so much. Nataka muwe as brief as this mama. Go there, write. Go as brief if not briefer. Do you have a document you want to give us? O.K. then just give us the main points and then you submit your document.

Charles Muthiani Matia: My names are Charles Muthiani Matia. I would like to talk about succession. In Kenya, employees are highly taxed and this should be reduced and also it should be taxed on salaries alone. The retirement benefits should not be taxed. It is like there is double taxation. Another point is about the political parties. Their number should be regulated and these parties should be involved in other development projects other than only mobilizing people for their political gain. They should assist Kenya to develop economically and socially.

The rights of vulnerable groups especially the women groups and the children. The children should be given their rights and also the constitution should reflect and show how these children when they grow up they will protect their aged parents otherwise we may give them their rights and they don't give the parents their rights. The children should also support their parents when they become old and this should be provided in the constitution. The women should also be given their rights especially in the areas of education, leadership and property ownership but this should not interfere with the cultural values of Africans. We are Africans and we cannot allow the European culture to interfere with our culture.

Com. Pastor Zablon Ayonga: Thank you so much. Please submit your memo and sign your name. You have done very well. Mzee wewe songa.

John Mutua : Asante sana Bwana Chairman. Mimi nataka kuzungumuzia kitu kidogo tu. Kwa sababu mengi yangu yamesemwa-jina yangu mimi naitwa John Mutua kutoka hapa Masinga.

Com. Pastor Zablon Ayonga: Na kama unatoa maneno usiwe unarudia yale, tunataka point ile ambayo wewe mwenyewe unakaza.

John Mutua : Ndiyo. Ya kwanza mimi nataka kusema, ni tangu Mzee Kenyatta alipokalia kiti, alituambia hakuna kitu cha bure katika Kenya. Na hiyo ndiyo sababu nimekuja hapa kusema serikali yaweza kutoa nafasi nyinyi za kazi ili watu wengi wapate nafasi ya kujiendeleza wenyewe.

Mambo ya pili, serikali inaweza kutupatia, kwa sababu kila mtu hata kila mtoto akiwa kwa tumbo ya mama yake, anatoa huduma si vile kwa sababu analipa kodi, anaweza kupatia serikali kitu na mbali serikali inaweza kutoa huduma za bure katika secondary school hata primary school.

Ya pili, serikali kwa sababu kila mtu anatoa huduma, inaweza kutupatia huduma za bure katika hospitali zetu. Hayo ndiyo mambo ambayo mimi nilikuwa nikitaka kuyasema.

Com. Pastor Zablon Ayonga: Asante sana, unaweza kwenda kule ujiandikishe. Sema majina yako.

Timothy Mutua Musembi: Thank you Mr. Chairman na Ma-commissioners. Majina yangu ni Timothy Mutua Musembi, mfanyi biashara hapa Masinga. I want also to contribute something to this constitution. Kitu ya kwanza ningependelea, judiciary should be an independent body in order to do their work bila uoga, bila kipendeleo. My friends have talked about Members of Parliament salaries, I also contribute that the increase or reduction of their salaries should not be their work because they can rise it to any amount that can affect our economy. Kwa mfano, tukiangalia sehemu zingine, ma MPs, kama unaweza kuhesabu ile mshahara yao ya miezi mitano ama miaka mitano tuseme miaka mitano, you will find that what they have got as their salaries

is more than what they have contributed for that period-- They have talked that Chief's Act irudishwe as if they cannot work without it na ikiwa itatolewa, mimi naonelea itolewe pamoja na ma-chiefs. Tuwe hatuna ma-chiefs kwa sababu inaonekana chief Act ndiyo ile ilikuwa inawalinda sana ama ndiyo ile kazi walikuwa wanafanya. Na, I want also to talk about the corruption in our country. Kuanzia mashinani huko kwa HeadMen. Ningependelea ma Head Men wapatiwe mishahara ama allowances ndiyo hata wao wafanye kazi without break.

Ningetaka hata hii katiba yetu tunafanya kwa sababu tunataka kuunda katiba ambayo itakaa miaka mingi. Therefore, ningependelea tuwe na future plans in our constitution. Things which will be implemented maybe after 20 years or 30 years. For example, tuseme the qualifications for the Member of Parliament, atakuwa graduate. Our national language should be English after maybe 10 to 20years to come. Thank you Mr. Chairman.

Com. Pastor Zablon Ayonga: Thank you, unaweza kujiandikisha kule.

Benson Kanyolo : My names are Benson Kanyolo. Mine concerns freedom of worship. In the reserves we Pastors, have got problems because Christianity is now having problems with the cultural ways of living. For example when it comes to the period or the clans when they want to give some oath, they want to force Christians also to take and when they refuse, you find there is something going on. So you find that the Christians who want to live the way the Bible states, are in problems, so what I would like to say is that the freedom of worship should also be extended in the reserves and the cultural laws should be defined in such a manner that they should be know by everyone, because when it comes to everything, people say according to the culture, cultural law which is not written. I say it is good that it is written and defined and also as far as the worship of Kambas is concerned, it doesn't give room to Christianity, so you find that some pastors are beaten, some Christians are beaten when they are forced to do some things which they feel it is against the Bible, so I only wanted to just put that if it can be put so that they will be more freedom of worship and practice.

Com. Pastor Zablon Ayonga: Thank you Pastor, but before you go,

Com. Kangu: Pastor, kule Mwala, kuna mama alituambia huko, watu wetu hata wakiinua Bibilia kuchukua Oath, they never take it seriously. Na akasema tuachane na hayo mambo turudi kwa Kivitu, kwa sababu anasema hiyo ndiyo inawezesha watu kufuata maneno vile inatakikana ifanywe, mtu anaiba kitu ya mtu, akisikia kwitu, anarudisha lakini ukimwambia Bibilia atainua asema sikuiba na kumbe aliiba. How do you want us to reconcile that issue of traditional values and the bible or Christian values which some of our people are saying are not serving us to improve the welfare of our people?

Benson Kanyolo : Really as you have said there is a problem and this has been brought by people who say that they are Christians and they are not. Because as a person who is a Christian should not take somebody to be a thief because the bible itself says that people should not reach Heaven. So Christianity is spiritual, something that has been done spiritually by the

(inaudible). So more people say they can say what they are not.

Com. Kangu: Many people are saying they are many who hide behind Christianity and they are not serious. That is why the rest of the people are saying we would rather go back to what they take seriously called Kivitu.

Benson Kanyolo : Ya, you know Christianity was something that was for us as Kambas, it is something that came from other nations and we have accepted it to be ours and not all of us who have accepted it. So I don't know, actually, it is now we and others to define which way to identify who are the true and who are not.

Com. Maranga: Pastor I want to add into that same question. Now, with the experience in the field, which is the easier way, does it mean what the Kamba community is practicing is un-Christian or does not conform to the laws of God, because if you are taking an Oath using the Bible, you can also tak an Oath using another method. What is wrong with that?

Benson Kanyolo : Now, you take Oath on something which you trust.

Com. Maranga: When you go to court, you will be asked if you are Christian, you will swear by the Bible, are you a Muslim, you will use the Koran. Isn't it? It is only the Quakers who raise up their hands, who affirm that whatever they will say will be the truth and truth alone. Now what I am asking, if the traditional Akamba community, does it mean that any person behind there who maybe has been taking the Oath is not conforming to the laws of God? Because what they are asking is where somebody has said they did not do something and they have a method of proving that point, so they are saying, let us use that because people fear that, because they know actually it acts it is effective and the results are seen by the people. So, I am asking, this is just an oath, does it matter whether the oath is been taken using the bible or using Kivitu? Whatever the case.

Benson Kanyolo : To answer you Mr. Commisioner, somebody fears what they belief. So if you belief in Kivitu you will fear it very much and you know there is a difference, when I say I am a Christian I don't believe whether the Bible is true. If I just take it just that way. You know the problem comes where you believe. You might decide to belief in this and you don't inside you.

Com. Pastor Zablun Ayonga: Thank you pastor, next. Sign jina lako kule.

Boniface Muthiani Kivetu: To the commissioners and the rest.

Com. Pastor Zablun Ayonga: Sema majina yako.

Boniface Muthiani Kivetu: I am Boniface Muthiani Kivetu. Mine on review commission, mine is first the equality in families

of female and male. Mostly, when caring and educating. The other thing I am talking on is on the side of NSSF funds which we contribute when working. It is not serving us as the new system. The period and the timeserving should be increased

Com. Pastor Zablon Ayonga: Mzee endelea, na tafadhali, utupe maneno makubwa makubwa usitusomee neno kwa neno kwa maana hayo tutaenda kusoma ofisini.

Boniface Muthiani Kivetu: The NSSF should decrease the period of time when you want your benefits, to be decreased from 55 years to 45 years. The waiting period when somebody is to be served, to receive their benefits, if possible to be one month or some days and nowadays they are saying they can help big members. Parents, members and children to be helped by free medical care because of the high cost of living. There is a lot of complaints of forms, collection of contributions. To rectify the complains forms in advance.

On the side of N.H.I.F funds, there is still problems mostly to the reserve members. We want if possible according to what they said, to be given to the members and the wives and even children.

Com. Pastor Zablon Ayonga: Ya mwisho?

Boniface Muthiani Kivetu: The other thing is to the union. Union workers fund. They are not registered. It needs to be registered and be given enough respect when serving workers. The salaries problems when working, should be considered increment according to cost of life. Thank you.

Com. Pastor Zablon Ayonga: Thank you so much. Unaweza kutoa hiyo memo yako. Next, kuja karibu.

Gideon Mutiso Mutuko: Asante sana. Kwa majina yangu naitwa Gideon Mutiso Mutuko. Ningetaka kuchangia kidogo kutoa maoni yangu juu ya misaada hii tunaomba kutoka nje. Iwe na good monitoring, iwe inafikia mpaka mwananchi yule wa kawaida. Kwa sababu inakuja na inakwamia kwa mifuko ya watu wengine na tunalipa sisi wote nafikiri.

Haya, ile ingine ningetaka kuchangia ni juu ya polisi hawa wetu. Watafute njia, kama wanashika watu, wanashika watu na wanawaambia wewe ni suspect. Na hawana ile uwaze au haki kabisa eti wewe ni suspect. Unapigwa na mwishowe hutapatikana na case yoyote. Watafute njia ingine ya kuchunguza wajue huyu mtu ni mwizi, huyu ni nini, badala ya kushika wote suspect mtu anapigwa mpaka unawachiliwa ukienda nyumbani huwa hujiwezi.

Ile ingine ni wafungwa. Wafungwa wale wa makosa madogo, ningepomba kwa katiba yetu tuweke kama wangerudishwa manyumbani wawe wanafanyia kazi kwa community. Asante sanan.

Com. Pastor Zablon Ayonga: Asante sana. Asante sana. Lakini nilidhani hiyo watu kupewa kazi nyumbani imeanza tayari. Endelea.

Father John Muli : Kwa jina ni Father John Muli.

Com. Pastor Zablon Ayonga: John endelea.

Father John Muli : Yangu ni juu ya President. Ningependelea awe a graduate. To be a graduate. To be a minister but he should also qualify to be a graduate. On retirement and appointment to new offices. When a civil servant has reached a retirement age, he should retire and pave a way for the others also to test the cake of this nation. But not when you have retired from being a police commissioner, for example, and you are applying to be the Chairman of Coffee Board of Kenya again. You have been retired. Go home and rest, give others a chance also to work.

The other one is on our Chiefs and Assistant. To be elected by the people, not appointment. Communication. To take care of our roads, electricity and telephone to the rural areas. The question of grinding and murraming, I would think is very expensive. They do it only once a year and by next year, roads are washed away, so if they can work out for a shorter distance, at 30 kilometers this year, they grind and they tarmac, next year another short distance. I think with time, we will be able to have good roads in our local areas.

Electricity the same. It has become a very expensive business to install electricity. Like in this area now, we have electricity in this market but we have no home around this market where they have the electricity. Things should be simplified so that once we have the market here, every other home, household around, could be able to have access to that. The other one is on commissions. Like the one you are now. That there is fear that in our country there will be few commissions appointed to deal with such areas and we hear only of the appointments of commissions, to enquire such an accident or something like a disaster that has happened but most of the time you will never hear what they came out with, and whether their recommendations have been put into considerations.

Again on the area also of appointments. Like the one that was organizing this day's function in this area now in the Division here, the election of that commission, I would wish if it could be sent to the local community to elect those people to organize such a day like this, but not to be appointed from where it was appointed-actually I do not know where this one was appointed from.

Again, since our economy is not very beautiful, I would also suggest on a controlled salary. If I may quote the so called dream team, I think it is no longer there and their salaries that they were getting in what they were doing, compared to a teacher who is working in school or any other civil servant somewhere, I think we should have a controlled salary to every team that is put in a position to carry out a certain duty. Again on our civil servants, like the area where we are now. Our teachers are getting

hardship allowances, but there is no other civil servant in this area who is getting hardship allowance. This thing I would suggest that it would be for all, or not for all.

Com. Pastor Zablon Ayonga: Thank you John, umeacha point moja?

Father John Muli : Ya, I want to – just one more.

Com. Pastor Zablon Ayonga: O.K. Sema hiyo one more.

Father John Muli : The management of our natural resources and the use of them. Again, I am actually not attacking you but this one I am saying- I just want a clarification. I don't know how much the government is using to fund this activity which is very good and if the government has no money actually, like the cars I quote, the cars you are using, the ones you have come with; five cars let me say, if I were in the committee, I would suggest that we use one car that can ferry the whole team to Masinga. We would spare a bit of money from the government on the petrol the four cars, five cars are using and with that, I am through with my suggestions.

Com. Pastor Zablon Ayonga: Thank you John for your contribution, we will take it seriously. If you can register and sign your name. Mzee sema majina yako,

Bernard Mungai : Jina langu ni Bernard Njuguna Mungai.

Com. Pastor Zablon Ayonga:

Com. Pastor Zablon Ayonga: Endelea Bwana Njuguna.

Father John Muli : Na mimi ni mkulima. Yangu nikusema machache na kiswahili. Ningependelea Katiba hii yetu ipinduliwe namna hii. Kwa maoni yangu, ningependelea, kama ni ma-case ya kutatua mipaka, itatuliwe na wazee wa vijiji, wakisaidiwa na ukoo na villagers, ndiyo wanajua kianzilishi –kama mwenye shamba ndiye huyu, mpaka ndio huu, sasa ndiyo wanajua. Siyo maneno ikaanza huko juu kortini iteremuke. Inaanzwa mashinani.

Ya pili, ningeonelea, maana hiyo kupeleka ma-case kortini haiwezi kutatua, lakini kiazilishi cha 'Atoi', hawa ndio wanaweza kutatua na wao ndio wanajua. Ya pili, ningeonelea, kwa upande wa Administration kwa utawala wa mikoa, uanze mashinani, inaitwa mijini, Head Men, ianze hapo, maana yeye ndiye anajua watu walilala namna gani, waliamuka namna gani, halafu yeye anapelekea chief report. Ningeonelea, hawa wawe wakiangaliwa kwa upande wa mshahara. Maana ndiyo wanafanya kazi sana. Kwa sababu ndio wanajua maneno, iendelee mpaka inakwenda kortini.

Haya, ya tatu, nimeonelea ma-chief wakuweko, na Ma-sub-chief na Ma-DC, na upande wa President, awe anachaguliwa na wananchi. Anafanya kazi miaka tano. Akifanya kazi miaka tano akiwa mzuri, anaongezwa ingine miaka tano. Hiyo ni upande ya President.

Com. Pastor Zablon Ayonga: Ndiyo, na ile ya mwisho?

Father John Muli : Ya mwisho, ningeonelea mzuri hii serikali ipatie raia maji sababu ya watu. Kwa kila boma wapande miti, maana miti inalete mvua. Sababu hii nchi yetu inakua jangwa sana sababu ya kukosa miti ya kuvuta mvua. Hiyo ni maoni yangu.

Com. Pastor Zablon Ayonga: Asante sana mzee Njuguna, sasa unaweza kwenda kule ujiandikishe. Je kuna yeyote ambaye si kusema jina lake?

(Inaudible conversation between Commissioner Ayonga and a speaker from the audience.)

Com. Pastor Zablon Ayonga: Asante, tafadhali kama huyu? Utoe kule ujiandikishe uweke sahihi. Kuna mwingine kama John? Ningependa kuwaalika msonge hapa karibu, na nitawaambia kitu tutafanya. Ninataka kuongea kwa niaba ya commission. Tunawashukuru nyote kwa kazi ambayo –mumewacha kazi zenyu nyumbani mkaja hapa kwa maana nyinyi ni Wanakenya munao taka kuona kwamba Kenya yetu imekua na Katiba nzuri. Mumetupa maoni yenu, maoni yaliyo ya maana, mumetuambia sehemu zile ambazo mungependa katiba irekebishwe, kila mmoja aliyependa kusema amesema, na wale ambao wameandika mumeandika, na tulipoanza mkutano huu wakati wa asubuhi, tuliomba Mwenyezi Mungu ili atulinde. Nataka kuwashukuru kwa uvumilivu wenu, kwa maana tumekaa hapa toka asubuhi hata bila ya kwenda kula. Kuna mtu hapa ambaye amekula? Tumevumilia, ili tuone kwamba kazi tunayofanya kila jambo limefanyika, na Mungu ametuwezesha. Wamama tumepata maneno yenu, wazee tumepata maneno yenu, vijana tumepata maneno yenu, na kwa niamba ya commissioners ambao nilionao hapa, na hawa staff wetu wa commission, tunataka kuwashukuru sana sana, na mambo ambayo mumetupa, hayatapotea. Tumeyaandika, mumeongea, na kunaki-machine hapa ambacho kimechukua sauti ya kila mmoja. Maneno uliosema, yote yamechukuliwa. Ukiwa ulikohoa, kikohozi kimechukuliwa. Kwa hiyo hakuna jambo ambalo halikuenda, na hakuna hofu. Wengi wenu wamesema tunaona commission zinakuja zinakwenda, lakini hata reporti hatu sikii. Hii report mutaisikia. Hii ni commission ya namna ya peke, na mutuombee, na muombee commission yetu na katiba yetu. Yule ambaye analeta katiba ya kamili ambayo itafaa kila mtu ni nani? Mungu mwenyewe. Kwa hivyo muombe nchi yetu ya Kenya, muombee watawala, tujiombee sisi wenyewe, tuombee mashamba yetu ambayo yamepandwa vyakula, Mungu alete mvua. Na wakati mwingine ikiwa ni majaliwa yake Mwenyezi Mungu, kuwemo maji hapa Masinga ya kuweza kunyunyiza mashamba. Si ndivyo? Kwa hivyo tusimame sasa, na kuna moja ambaye angependa kutuongoza kwa maombi? Kama hakuna, hebu tufunge macho, tuinamishe vichwa na tuombe.

