

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

**CONSTITUENCY PUBLIC HEARINGS, YATTA CONSTITUENCY, HELD AT
MATUU CATHOLIC CHURCH HALL**

ON

CONSTITUENCY PUBLIC HEARINGS, YATTA CONSTITUENCY, HELD AT MATUU CATHOLIC CHURCH HALL ON 21ST MAY, 2002.

Present:

1. Com. Phoebe Asiyo
2. Com. Mutakha Kangu
3. Com. Charles Maranga
4. Com. Pastor Zablon Ayonga

Secretariat Staff in Attendance:

1. Peter Kanyi – Programme Officer
2. Lydia Manyoni – Assistant Programme Officer
3. Jacqueline Nyumoo – Verbatim Recorder

The meeting was called to order at 10.00 a.m with Com. Phoebe Asiyo in chair.

Rose Kimeu: Sasa tungependa kuanzisha mkutano wetu wa leo. Kama ilivyo desturi yetu sisi huanza kwa maombi. Na nitamuuliza mmoja wetu mwenye ataongoza aweze kutuomba tuanze mkutano wetu wa leo. Tafadhali tuombeni.

Speaker: Ee baba Mwenyezi Mungu Mtakatifu uliye juu Mbinguni, Muumba Mbingu na vyote vijazavyo ulimwengu huu vilifanyika kwa uwezo wako, tunajua kabla yako na mbele zako hakutakuwa na mwingine kama wewe. Hakika Mwenyezi Mungu tunanyenyekea mbele zako, tukilisujudu na kulihimidi jina lako lililo takatifu, na ambalo lafaa kuinuliwa katika kila hali. Tumekusanyika mahali hapa tukiwa na lengo moja na kusudi ambalo ni kutoa maoni, ili kila moja ashiriki kwa ajili ya kuwa na maendeleo yanayostahili. Hasa kwa sababu ya kujenga ulimwengu huu na nchi yetu kwa ajili ya utukufu wako. Hebu Jehova utupatie wakati mwema tunaposhiriki mahali hapa tukaweze kuyaelekeza macho yetu katika siku za usoni kwa ajili ya maendeleo ya taifa letu. Walio mbele zetu Mwenyezi Mungu ukaweze kuwapatia hekima ili tukaone wakati ulio bora siku ya leo. Bariki walio njiani ili tukaweze kujumuika nao, na kuona tumekamilisha jambo hili kwa wakati unaofaa. Hayo yote ninaomba nikiamini yatawezekama kupitia kwa jina safi la mwanao Yesu, Amen.

Rose Kimeu: Asante sana. Ijapokuwa jana tulifanya introduction ya wale members wa Constituency Committee, leo nitaweza kuwa-introduce tena kwa manufaa ya members of public wenye wako hapa. Kwa hivyo nitaita wale members of the Constituency, Constitution Committee mukaweze kusimama tuwajulishe. Karibu na mimi hapa kunaye Elizabeth Mokola, Elizabeth ndiye Secretary ama Katibu wa ile Committee. Mbele yake kuna Mr. John Kemuya, who is the Chairman of the

Constitution Committee. Pale kuna Mr Joseph Mukunzu ambaye pia ni member. Mbele ya Mukunzu niko na Pauline Chonda, aliye pia member wa Constituency Committee. Anayeingia sasa ni Augustine Manyi, ambaye pia ni member wa ile Kamati. Kwa hivyo hawa ndio members wa ile Kamati yenye imeshughulikia marekebisho ya Katiba katika eneo hili la ubunge. Mimi ninaitwa Rose Ngina Kemeu, mimi ni District Coordinator wa Constitution of Kenya Review Commission, Machakos. Asanteni. Kwa upande ule mwingine tuko na wale Secretariat Members wenye wametoka Nairobi na pia tuko nao Commissioners ambao wamekuja leo kusikiza maoni yetu. Wao watajitambulisha kwenu. Asanteni.

Com. Phoebe Asiyu: Asante sana District Coordinator wetu kwa kuwajulisha wale walio hudhuria Kamati hii ya leo ya kuongea mambo ya Katiba kwa wale ambao wametusaia sana kuongoza mwendo huu tangu ulipoanzishwa. Pale kando upande wangu wa kushoto ni wale waliokuja nasi kusaidia kusikiliza na kuandika kila kitu kwa mkono na pia kwa machine ili tusije tukasahau wakati wa kujadiliana na kuandika Katiba mpya mambo yale ambayo yatatolewa hapa leo. Hapa juu tuko maCommissioners wa Commission. Upande huu ni Mr. Mutakha Kangu, ambaye ni advocate of of the High Court na pia ni mkufunzi katika University ya Moi kule Eldoret. Upande wangu wa kushoto ni Pastor Zablon Ayonga ambaye pia ni Mwana Kamati wa hii Commission. Mimi ni mama Phoebe Asiyu, pia Commissioner wa kutayarisha Katiba mpya ya Kenya. Tumeshukuru sana nyinyi kufika hapa. Ningependa kuwapatia maCommissioner wenzangu nafasi ya kuwasalimia kabla hatujaanza mkutano.

Com. Pastor Ayonga: Hamjambo?

Audience: Hatujambo.

Com. Pastor Ayonga: Karibu sana

Commissioner: Nawasalimu, hamjambo.

Audience: Hatujambo.

Commissioner: Nawashukuru mumekuja, na tunafikiria tutashinda na nyinyi kwa njia sawa. Asanteni.

Com. Phoebe Asiyu: Asante. Nitakuwa Mwenyekiti wa hiki kikao kwa muda mchana huu wa leo. Tuna mpango wa vile tutaendesha kikao hiki hapa Matuu. Wale ambao wamejiandikisha majina hapa ni watu kumi, na tutaanza kuwasikisa kwa maana tunatumaini watu wengi sana wa matuu watakuja kutoa maoni yao. Vile mnavyojua, sisi kama Commission hatuko na maoni yetu, na hatutaandika maoni yetu. Yale ambayo nyinyi mtatueleza ndiyo tutachunga na tutaandika na italinganishwa na maoni ya watu wote wa Kenya. Kwa hivyo ni kazi ngumu sana. Tutaweka sauti ya kila mtu kwa mashini, tutaandika kila kitu verbatim vile inafanywa kwa Bunge, na sisi wenyewe tutachukua notes zetu yale mambo ya maana ambayo ni lazima tujadilie na tuandike ili Katiba ya Kenya ionyeshe mahitaji ya wanaKenya.

Nitoe historia fupi ya Katiba hii: mnajua watu wa Kenya kwa miaka kumi wametaka sana kupata Katiba mpya. Bahati nzuri watu wa Ufungamano na wa Parliament walisikilizana wakaweka Commission moja ambayo sasa inazunguka Kenya nzima kutafuta maoni ya watu. Tuliwatumia fikira zingine ili mpate kusoma juu ya maKatiba za nchi zingine na nchi hii, na mahitaji ya watu wa Kenya vile wamekuwa wakizungumza tangu miaka kumi iliyopita. Mambo yalio kwa hicho kitabu chekundu na maswali siyo mwisho wa fikira zenu. Hiyo ni kuwaongoza tu vile mtafikiria, lakini tunajua mnaweza kuwa na maoni na hekima ilio hata tofauti na yale ambayo sisi tuliwaletea kama muongozo ili muanze kufikiria mambo ya Katiba mpya. Kwa maoni yetu tunataka tumalize Katiba hii haraka, na hatungependa kufanywe election kabla hatujakuwa na Katiba mpya. Kwa maana tunaona vikwazo ambazo zitakuwa hapo mbele maana watu wamekuwa na hitaji kubwa sana ya kuwa na Katiba Mpya na watasikia uchungu sana kwa mioyo yao wakiambiwa watafanya uchaguzi tena mwaka huu bila kuwa na Katiba mpya. Jana tuliko mpaka karibu usiku. Katangi kule ambako tulikuwa jana. Leo pia tutakaa mpaka tutasikiliza mtu wa mwisho kama watu watakubali kuja, ili tuweze kuweka mambo pamoja na tufanye kwa haraka iwezekanavyo. Pia vile mnajua tulichukua miezi tisa kabla hatujaanza kazi hii, tuingojea masikilizano yaweko katikati ya Bunge na Ufungamano. Imekuwa kazi ngumu lakini tumejaribu na tunaona kama tutashinda. Tunataka maoni yenu yawe sawa sawa ili itusaidie kufanya kazi kwa haraka. Nyinyi pia mufahamu ile shida ambayo Commission hii iko nayo. Mnajua this is a very highly political process, na ni wananchi tu watasaidia. Tunajua nyinyi muko pamoja na sisi, mtatusaidia kuweka Katiba mpya kabla ya uchaguzi ujao. Kama itakuwa ni lazima iongezwe siku mwezi moja miezi mbili haitauwa waKenya lakini heri uchaguzi ifanywe kwa Katiba mpya. Hiyo ni fikira yetu sisi.

Kwa sasa niko na hawa watu ambao wako tayari kuongea ni maBwana Simon Ntaya na Paul Mkulima, Joseph Katiko, Muli Ntolu, Ruth Betty, Gladys Kinyanjui, Daniel Mutisia, Tabitha Mathews, Patrick Nzioka na Elisabeth Muasha. Bwana Simon tafadhali ukiwa tayari uje ukae hapa, tutakupatia mashini uonge kutoka hapo.

Simon Ntaya: Labda tuna njia fulani, ambayo tutatumia kuyajubu maswali ama tu ni vile nimekuja nimejitayarisha? Lazima nifuate muongozo ama nikiholela holela tu?

Com. Phoebe Asiyo: Vile tutafanya, utakuja hapa, na wewe ni Bwana Simon? Kuja tu ukae hapo, halafu kama una swali ambalo linakusumbua kabla hujaongea utatueleza. Lakini kama una kitu umeandika tayari na utatuachia, hiyo itakuwa mali yetu, ukitoka hapa utatuachia. Kwa hivyo utapata dakika tano za kutaja tu mambo yale ya muhimu kutoka kwa hiyo karatasi yako, karatasi tutabaki nayo tutaweka kwa computer yetu. Kama haujaandika, pia tutakusikiliza oral na tataandika kile kitu ambacho unasema.

Nilisema hapo mbele hiyo mambo ya maswali na issues zile tulileta ilikuwa ni ya kuwasaidia tu, tafadhali usifuatane na hiyo. Wewe sema ile mambo inatoka kwa roho ambayo ina inakuhusu, juu ya serikali, ile system ya serikali ambayo ingefaa watu wa Kenya, juu ya mambo tumesema kwa separation of powers, juu ya mahitaji ya wananchi, juu ya political parties, lakini iwe ni

fikira yako tu siyo fikira ya hiyo kitabu. Asante.

Com. Pastor Ayonga: Isije iwe kana kwamba kile kitabu mlio tumiwa ni text book, na leo ni siku ya kujibu maswali ya hicho kitabu. Sisi hatukuja kujibiwa hiyo, kwa maana tunajua majibu ya hiyo. Tumekuja mtupe maoni yenu, usije ukatuendesha useme swali number one, muliuliza hivi na hivi na hivi, jibu ni hii. Hatutaki hayo, tunataka maoni yenu. Munataka Kenya ya namna gani? Katiba ya namna gani? Tumeelewana? Kwa hivyo musahau kile kitabu for now, tuambie maoni. Hatukuja hapa ili mutuulize maswali. Leo hatukuja hapa tuulizwe swali tujibu, leo ni wewe unayetupa maoni jinzi unavyo fikiria. Maoni yako tutayaheshimu jinsi ambavyo unayatoa.

Com. Phoebe Asiyu: Utakumbuka kwamba hapa tulipo, mahitaji ya nchi hii ni tofauti na mahitaji ya Central au ya Coast au ya Nyanza au Western. Kuna mambo fulani ambayo pengine kama maji, wale wanakaa Lake Victoria hawana shida ya maji, si ndio hivyo? Kwa hivyo yale mahitaji ya upande huu tukijua ni vizuri zaidi, pamoja na yale ambayo mutaongea juu ya Katiba mpya. Asante.

Simon Ntaya: Yangu Bwana Mwenyekiti Madam Mwenyekiti,

Interjection. Com. Phoebe Asiyu: Utasema jina lako.

Simon Ntaya: Jina ni Simon Ntaya, Simon Ntaya nimetoka Ndalani. Madam Mwenyekiti mimi nitatoa maoni juu ya role of the armed forces. Wanajeshi wetu, namaanisha Kenya Army, Air Force na Navy, raia hatuelewi waajibu wao katika utekelezaji wa maendeleo ya nchi yetu. Ningaliomba Katiba yetu mpya wawe karibu nasi, wasiwe ni watu kama wanatoka mwezini, tunawaona tu wakati wa sherehe na wa parades. Kwa mfano, nchi zingine huwa majeshi yao inasaidia tuseme paa la shule limetolewa na upepo. Hapa sisi kama raia tunaona wakifanya kazi. Tunasikia kuna engineers battalions wanafanya drilling of bore holes, lakini hatujawahi kuona wakituzaidia. Huku kwetu Yatta shida ya maji imezidi, tumejaribu kama vikundi kupata contractor na tunaelewa kwamba wanafanya lakini hatuelewi kazi yao ni gani. Tungeomba ishirikishwe katika Katiba yetu.

Wanajeshi wanapokosea huadhibiwa. Kuna court marshals, na hiyo court marshals ni siri hivi kwamba hata raia wengi hawajui kitu marshals kwa kiKamba ni kitu gani. Hatukatai ni siri yao, lakini huwa inakuwa abused, ili kwamba wakikosea kwa sababu hakuna press mambo yao ni mwisho. Yule askari anaumia bure.

Kingine ni radio communication kwa police, mara nyingi tumesikia police wanatumia one channel; wale wa traffic wale wa nini. Nikifungua radio nikiwa kwangu nyumbani naweza kunasa mazungumzo ya polisi wakifukuza wezi. Police wawe na channels tofauti, kwa mfano wale wanekimbiza wezi wasiwe wanasikizwa na wale wengine wako barabarani.

Kuna shida nyingine imekuwa kwa Katiba yetu hasa Education Act. Education Act ilioko ni ya wakati wa zamani serikali

ilipokuwa inatoa grants, siku hizi ni wazazi, kwa ile cost-sharing. Tumekuwa na PTA ambayo haiko kwa vitabu, PTA ambayo ni toothless bull-dog, na hawa ndiyo wenye kutoa pesa. Kwa hivyo Katiba mpya tunaomba wazazi na pia PTA washirikishwe. Iwe kwamba the whole of the Education Act iwe over hauled kwa sababu ukiitazama vizuri, ni ya wakati serikali ilikuwa inatoa pesa. Kumekuwa na mwomngozo fulani kwa mfano, ambapo unakuta kama Ministry of Education, mambo ya tendering boards/committees mwongozo ni wa Ministry of Finance. Wazazi ndio wanatoa, wanakuwa dictated to na mtu ambaye hatoi. Asante.

Com. Pastor Ayonga: Bwana Simon sikuelewa ulitaka aje katika hii court marshals ungependelea nini?

Simon Ntaya: Ningalipendelea kuwe na namna ya ku-counter...

Interjection. Com. Pastor Ayonga: Sema kwa Kingereza kama expression inaweza toka vizuri.

Simon Ntaya: Tuwe na jinsi ya, hatitaki raia ati waende huko wakasikize, iwe ni open court. Lakini tuwe na mechanism ambayo tunaweza counter any under-dealings.

Com. Phoebe Asiyu: Okay, mimi ningependa kujua umeleta fikira tofauti kabisa. Ningependa ufafanue zaidi juu ya kazi ya Armed Forces, you are saying that we don't know them, that in fact we don't even know what they are doing because we are not at war with anybody, and they are there getting salaries. You want them involved in the development of this nation. Because as you have said wako na maingeneers, na wana machinery na wamaweza kuchimba dams. Tafadhali ningependa ufafanue zaidi kazi ambayo unafikiria watu wa Armed Forces wakifanya, nchi hii ya Kenya inaweza kupata development haraka zaidi.

Simon Ntaya: Nilikuwa, Asante Madam. Nimetoa mifano miwili ya kwamba wengi hawajui kwamba kuchimba visima vya maji, wako na machine za kisasa hata tunapozungumza. Tungeomba kwa sababu ziko na hutumika na wachache walio na uwezo, niseme ni politically connected, nitasema hivo kwa sababu hivo ndiyo trend ilioko. Kama ni shule ama kanisa ama kikundi chochote kile, mukiwaandikia watajibu kwanza mupitie Department of Defence na itachukua miaka kumi hata labda hautajibiwa. Kwa sababau wako na mashine, watumie njia inayofaa. Wasiingiliwe na siasa, wahudumie raia. Kama ni shule imeng'olewa mabati na upepo, hiyo kazi wanaweza kusaidia. Nchi zingine kama India wako na kile wanaita National Cadet Course. Utakuta kwamba wao hata wanatangaza kwa bill boards, for an exiting career join the Kenya Air Force. Juzi liniona wamejaribu, lakini hapo zamani haikuwa hivo. Ndio watoto wetu wakienda jeshi, huwa hawaelewi ni kitu gani, wanaenda kufanya nini. Huwa wanafikiria tu askari ni kupigana. Umeuliza kama hakuna vita watakuwa wakifanya nini. Hiyo miradi kama kujenga bridges, walifanya kazi nzuri kule Mombasa, lakini wakati mwingine tunaona ni kama siri hatuelewi na wako na kila kitu. Hiyo,

Commissioner: Unatuambia, badala tuweke watu kwa Armerd Forces kuka bure, na sana sana wanachukua wale watu wa

nguvu kabisa, When they have identified, they look for tough men and women, badala ya kuwaweka wakae bure huko, we should find a way of involving them in the building of the economy, that is what you are telling us?

Simon Ntaya: Partly

Com. Phoebe Asiyo: Ya pili ni kwamba there has been this tendency of our people, unajua wanangoja war which might never come because you people are always in churches praying that we should not have war and God hears us any way, they don't do anything. These days kitu tunasikia wameenda "peace-keeping". Swala nataka kukuuliza hapo hii "peace-keeping" wakienda, they go to vey many countries. They only earn personal allowances. Can we start thinking as a country of asking for some payment, we cannot just be "keeping-peace" for nothing? Or what do you say?

Simon Ntaya: Correct, na kabla sijajibu swali lako nilikuwa nikisema utaona kwamba tunaelezwa kwamba Kenyans tuko na tabia ya ku-react and we are supposed to be pro active. Tunangojea tu maneno itendeke ndio tuanze kurakaruka. Hiyo peace-keeping troops kama askari wetu hawa, national disasters, tukiwa na strategies ya ku-focus na tuko na hawa askari wetu, wako kutusaidia kwa hizo. Vile wanavyoenda nje kama ni peace-keeping troops, na ni sisi tumetoa vile amesema wanapatiwa mishahara yao which is idea ya kibinafsi. Kama nchi hatufaidiki. Sisi ndio tumewafanyia training, kila kitu ni pesa yetu ya raia, ni kodi yetu, lakini wanaporudi hatuna faida. Hata wakirudi wana resign hawatufanyi kazi. Unasikia fulani ako na ujuzu, ameenda Sierra Leon, ameenda wapi na wapi, lakini huo ujuzi wao hatutumii, hata faida wanazopata huko hatusipati. We want them to plough back.

Com..... At the international level, we should negotiate.

Simon Ntaya: Correct.

Com..... That negotiating with the UN that we have given free services for far too long, now we want to be paid.

Simon Ntaya: Correct.

Com..... Well thank you, maybe I have one question, are you happy with the kind of the Armed Forces we have, you want it increased or decreased, have you ever thought about that?

Simon Ntaya: It is to big for no apparent reason I should say. Kuna jambo la madaraka kama Generals wetu. Wakati mmoja nilikuwa mahali na yule mwalimu alikuwa ni rika moja na Mulinge alipokuwa Chief of General Staff Kenya. Yeye alikuwa ni Major Promotions mean money, hata kwa head teachers. Huwezi kuwa in one school na three Headmasters or Principals. The Generals are too many, over-taxing the tax fair. They are too many, the establishments are harphazardly done. Labda

nimekujibu. The strength of the force should determine the number of Generals. Wakati mwingine unakuta a floating General, ni kama reliever in a martanety case. Have I answered you?

Com..... Yes what I was thinking the actual numbers.

Simon Ntaya: Is too big for no apparent reason.

Com..... Okay

Simon Ntaya: Thank you.

Com.Phoebe Asiyo: Sasa tafadhali uweke register yetu jina lako ili ukipata mambo ulisema haikuandikwa sawa sawa, tunaweza kukutafuta tukupate na wewe pia uje utuambie mambo yangu haikuandikwa vizuri. Ningependa kumuuliza Bwana Pauline Mkulima ambaye ni business-man hapa Matuu aje aongee na sisi. Tafadhali ukianza useme jina lako unaswe na hii mashini halafu uanze kuongea.

Paul Mkulima: Kwanza nashukuru kabisa kwa nafasi ambayo nimepewa. Nawashukuri maCommissioner kwa kupata nafasi ya kutembelela upande hii ya Yata. Jina langu naitwa Paul Moya, au kwa jina lingine Mkulima. Mimi ni mfanyi biashara hapa Matuu, na mimi ndio Mwenyekiti wa chama cha National Party of Kenya NPK, hapa Yata na Katangi division mbili.

Bila kupoteza wakati nitaenda moja kwa moja, niseme ambayo nilikuwa nimetayarisha ili nao wengine wapate nafasi ya kuja hapa na kesema yao. Kwanza kabisa ni maoni yangu uchaguzi wa hapa Kenya uchukue miaka minne na siyo mitano. Kwa sababu miaka mitano ni mingi zaidi. Kama uongozi hi mbaya watu wanasumbuka wakiangalia miaka mitano itakwisha lini. Kwa hivyo kama miaka ingekuwa minne badala ya mitano ni maoni yangu hiyo ingekuwa sawa. That includes Presidential, elementary and civic.

Ni maoni yangu ya kwamba there should be an impeachment of a President who doesn't deliver that in Kenya. Kama miaka mitano hijakwisha na rais ambaye amechaguliwa hajafanya kazi vizuri kupigwe kura ya maoni, referendum ya kumuondoa na iwe katika Katiba. If there is a referendum na watu wanaonelea maoni yao yote huyu rais hawapeleki vizuri, aondolewe, lakini kupitia kwa kura ya maoni ndio nchi ikaweze kuwa na amani. I am suggesting notice to referendum of about six months and them we go to it.

I am suggesting if an MP is elected to lead the country kama rais/President, yule ambaye alikuwa namba mbili au runner up, kule alikuwa anagombea kiti, awe ndiye mjumbe wa sehemu hiyo. Kwa sababu tumeonelea rais hawezi kutimiza mahitaji ya watu wa sehemu yake kwa sababu anaangalia nchi yote kwa uzima, na anakwenda mbali nchi za inje, akijaribu kuomba pesa ya kuzaidia nchi na mambo mengine kama hayo. Kwa hivyo ningependelea kuwe na mjumbe hapo rais ametoka, yule jama

alikuwa namba mbili aende Bungeni kama mjumbe.

Naonelea Mjumbe akichaguliwa mchache hafanyi kazi vizuri na kuna malalamiko ya Constituency mengi, baada ya miaka miwili, pia kuwe na referendum katika Constituency level. Kama hiyo haiwezekani, wananchi wenyewe wa sehemu hiyo wampeleke kotini waeleze maelezo yao huko ni kwa nini wameonelea hawasaidiki kutokana na services za Mjumbe wao. That is within the next two years, lakini ikipita hapo mwaka wa tatu, aachwe amalize wakati wake.

Mimi naonelea Mayors na Chairman wachaguliwe na raia. Hayo yamekuwa maoni ya watu wengi lakini inafaa ikitoka mdomoni mwangu, kwa sababu Waswahili wanasema “walio wengi wape, ukiwanyima, watajinyakulia kwa wingi wa mikono yao”. Kwa hivyo mimi nasema kama hawa wengine Mayors na Chairmen wachaguliwe na raia, ndio County Councils ziendeshe vyema.

President, MPs, Concilors, Chairman and Directors of Parastatals must have a stable family. Kama mtu ni Mjumbe, ni Councillor, President, lazima awe na bibi au na bwana. Kama mtu hana bibi au bwana asichaguliwe kwa kiti chochote kwa sababu uongozi unatoka nyumbani. Natumai nchi ya Kenya wengi ni Wakristo na kuna Waislamu. Na kama wewe ni Mkristo au Muislamu, unajua maandiko ya kitabu chenu yanaweka nguvu hayo.

Kama kiongozi ako na mabibi wawili ameshawahi kuowa tayari mimi ni maoni yangu kusikubaliwe afanye harusi na bibi mmoja. Afanye na hawa mabibi wawili tayari, kwa sababu asha waowa. Hata kama atafanya na moja huyu mwingine awe hapo pembeni n apewe cheti chake cha marriage. Kwasababu watu wengi wametumia marriage certificate kusumbua watu sana. Mtu anafanya harasi na bibi mmoja anaowa wengine watano na sheria nayo inaangalia cheti cha harusi. Hiangali hawa wengine, and the Christian Marriage Act says, that if you have wedded only one person, hawa wengine wote are not recognized by law. Kwa hivyo ni maoni yangu at least mtu apatiwe marriage certificate ya mabibi maximum wawili kama ashawahi kuowa tayari.

Kama mtu ni kiongozi kama President au Waziri, in every official function, awe accompanied by the wife. It has been rumoured here in Kenya that the Ministers cannot go to public functions with their wives because of, I don't know what but there must be a reason. Maybe it looks like they are embarrassing somebody. We don't want that, that is why we are saying a leader should have a stable family,

Com. Phoebe Asiyu: Why don't you just talk and finish now...

Paul Mkulima: Yes I am saying kama hapa Kenya, inasemekama waziri akienda katika state function na bibi yake ataaibisha rais, kwa sababu rais hana bibi. Mimi nimesema sasa nikitokea vile ulisema nikitumaini sitashikwa nikitika hapa hivi.

Com. Phoebe Asiyu: Huku (inaudible)-----vikao vyetu hakuna mtu anashikwa.

Paul Mkulima: Basi umesema nitoke kabisa niwache kujifungiafungia pale. Kwa hivyo hapa Kenya ndio unaona hakuna Waziri anaweza kwenda ka state function akiwa na bibi yake kwa sababu nilisikia waliambiwa yule anakuja na wake anataka kuembarass the President who may- be he doesn't have one or something like that. Kwa hivyo iwe ni sheria wakitokea, wanatokea na mabibi zao ndio waonyeshe young generation a good example.

And if a public leader is divorced he should cease holding public office,

Com. Phoebe Asiyu: If?

Paul Mkulima: If a public leader is divorced, he should cease heading a public office. I think that is prominent in America although we are not trying to copy the Americans. If you divorce, you are no longer a minister, you are no longer a congressman, you are no longer in Parliament, you are no longer holding any public office. Ukisukuma bibi yako akwende kwao, na wewe kile cheo chako unacho kinakwenda mara moja.

I am insisting there should be medical examination for public leaders. President, Members of Parliament, Councillors wafanyiwe uchunguzi wa kiafya and particularly terminal diseases, yale magonjwa hayana dawa ndio tuweze kusaidia uchumi wa Kenya and avoid going for a by- election because it is very expensive. Kama rais au mjumbe anafanyiwa medical examination na anapatikana he is not fit especially, and I mean especially terminal diseases, akipatikana yuko healthy, then let him forge ahead.

I am insisting also even in future, people like, kama nyinyi watu wa Katiba sasa mnachukua maoni yetu, hata nyinyi lazima uwe na good background even from the family. Kwa sababu hutachukua maoni ya mtu mwingine ukiwa huna back-ground nzuri kutoka hapo kwako nyumbani, ofisini na kwa kijiji chako. Uwe na recordi nzuri. Okay

Com. Interjection: (inaudible)-----

Paul Mkulima: Okay, I did not talk about medical examination for you because yours is shortlived it can take a year or so. But I am talking about a public leader who is taking about four, five years in the office. Yours is about a year or less that was my point.

I am insisting Presidential aspirants should be given TV public contest like we have in America, waeleze wananchi wanataka hiki kitu kwa nini kupitia kwa runinga. Kama ilivyo Germany, England and America. Kama kuna channel ya serikali, ikubaliwe kutumika na kila mtu hata kama ni wa upinzani. We do not want an atmosphere like the one we have in Kenya, you only hear the opposition in KBC when they are fighting, when they have done good things they don't appear any-where. That is a thing we want rectified in our Constitution.

Com. Phoebe Asiyo: Time is running, let's...

Paul Mkulima: I am just, give me two minutes I will finish up. I am just mentioning, I am insisting the President, MPs, Councillors and what have you, must have minimum education of form four, and pass for that matter.

The powers of the President must be reduced to appoint parastatal heads, forces heads, administration, security, and what have you.

Any leader who is found to practice nepotism and tribalism by virtue of his position should be taken to court, and there should be a channel of reporting this leader to the public.

There should be an allowance to criticise the court proceedings without being taken to court na kushitakiwa kwa contempt of court. The courts look to be super-naturally so high nobody can talk about them, ni kwa sababu wanaogopa kushtakiwa, kwa contempt of court, and they have misused that.

There should be Presidential elections alone and parliamentary together with civic in a different stage. All of them ziachane na miezi sita.

There should be no burial to day kama hakuna maelezo ya huyu tunayezika ameuawa na nini, kwa sababu hiyo imesababisha Ukimwi ukose kuisha. Kutaja huyu tunayezika ameuawa na Ukimwi, inakuwa ni taboo, ni makosa, lakini ikiwa ni lazima kutajwe, yule ambaye ameachwa na huyo hakuna watu wataenda kuchukua Ukimwi kwake, na maafa yatapunguka. Kama itakuwa ni lazima administration itaje the cause of the death as one of the most important things to be mentioned in funerals.

There should be Divisional Orphans Fund for the AIDS victims: Kuna watoto wengi wameachwa na wazazi ambao wamekufa kwa Ukimwi. Tukiweka fund kwa constituency level ya kuwazaidia itakuwa ni vizuri. I am finishing just let me say the last one as I finish. Give me two minutes sorry, sorry for that.

Com. Phoebe Asiyo: No, no, no not two minutes just half a minute.

Paul mkulima: Half a minute kwa sababu utaniuliza maswali. I am insisting the Police, the Prison and all that should have their union ya kuwapigania kwa sababu wananyanyaswa sana, kuna ukabila mwingi katika Kenya Army, Kenya Police, na hakuna hata mmoja anasimama kuongea kwa sababu hawana chama chao cha kuwatetea. Jeshi na Police imejaa ukabila, kuandikwa huko ni ukabila, promotion ni ukabila. Kwa hivyo I am insisting there should be a trade union covering the forces. Sorry.

Com. Phoebe Asiyo: Asante sana kwa maoni yako, sasa tuta.....

Com. Now Bwana Mkulima I have some questions for you. You are saying that if an MP is elected President, the second best candidate in the Constituency should become the MP. Our experience shows that in most cases those who become Presidents are never opposed in their constituencies, who will take over in such circumstances? Number two, you are saying that leaders should be allowed to celebrate marriages with a maximum of two wives. Our experience shows that Muslims allow up to four wives. What are we going to do about that?

Com. Phoebe Asiyo: Before you respond, there is a question that I wanted to put to you which is connected to...

Com... Three, you are saying that leaders must be accompanied to all public functions by their spouses. If my wife has her own profession and we know our public functions are too many, is she going to stop her job, and are you going to put her on salary as a wife of a leader or what are you going to do? And finally, you are saying that leaders who divorce should cease having those offices. We know that one of the most respected African leaders Nelson Mandela divorced his wife, while he was still President, in fact he attended court proceedings and gave evidence, and the whole world is so happy that is one of the best leaders Africa has ever produced. I will tell you that in fact what Mandela did in South Africa is a reflection of that society. Very many people you meet are either in their second or third marriages after they have divorced several times. The America you have referred to very many people are in their fifth, seventh marriages after they have divorced several times. What is so special about this, because you will lose your leadership position...

Com. Phoebe Asiyo: There is a question that is connected one of which he is asking and I want you to answer it at the same time. On the election of President leaving the seat for the next most popular person. You are representing the national party of Kenya?

Paul Mkulima. Yes

Com. Phoebe Asiyo: If today you are elected or your party leader was elected, the MP for the area, and also the President and the next most popular candidate was a Kanu candidate, would you still prefer that the National Party of Kenya President accepts the Kanu candidate in the area, although most of the voters in that area are members of the National Party of Kenya? Number two, you are talking about all leaders must have stable families,

Paul Mkulima: Sorry let me have a biro to write my points

Com. Phoebe Asiyo: You can take mine because we need your help. You are saying that every leader must have a stable family and must have a wife that accompany them everywhere, or a wife who is accompanied by the husband. Now where a wife dies and the man does not want to have another wife or where there is a divorce like in the case of Mandela or even where

a husband dies like in the case of Nyiva Mwendwa, are you telling us that these people cannot lead this nation, that they cannot even participate in the leadership of their own constituencies or even their County Council? Thank you.

Com.... There are still many more.

Paul Mkulima: Yes, no problem, I will respond.

Com. Phoebe Asiyo: You can respond to those two.

Paul Mkulima: I can even respond to the others, there is no problem.

Interjection. Com. Then we will give you the other part.

Paul Mkulima: Okay, let me talk about a case involving Nelson Mandela. I would say we cannot use Mandela as a mirror for the whole of Africa because Mandela is one person as such. Secondly Mandela is a person we were giving sympathy support having been jailed for so long. So, much of our support to Mandela was sympathetic (inaudible)----- as such, if I may say so.

Com..... Neither can we use Moi as the example for Africa because we don't know

Paul Mkulima: Well,

Com. Phoebe Asiyo: In any case let us give a bit of sympathy to Mandela's wife, she is still very powerful in that country.

Paul Mkulima: That is very true, that is very true. What I was saying, my dear brother, is generally. Now we are quoting Moi and Mandela, but I was talking generally, I am not so much on the Moi issue, neither on the Mandela issue because I have said we were giving Mandela sympathetic support for having been jailed for so long. Okay on the other side of Kenya, I am not talking so much about Moi, I just imagined. It is my view, if somebody is widowed, that is a different case. There are so many people who when they go to parliament, they divorce because they want to get dot-com ladies, they don't want their old women. These are the kind of people I am talking about. There are so many other ladies who want to dispose their old husbands simply because they are MPs or they are Chairmen of parastatals. This is the kind of thing I am trying to safe-guard. However if somebody surely is divorced I am not on that. Personal social discipline permeating leadership in the society. Widowing is a different issue and I believe about Mandela I have answered to the best of my ability.

Interjection Com.... There is also a fourth one; if a woman leader were to divorce the husband because the husband is

battering her everyday, will you blame her?

Paul Mkulima: (inaudible)-----procedures to take to court because that is allowed in our Constitutional

Com... (Inaudible)----- aman who is battering her everyday and tell her now you cannot hold public office?

Paul Mkulima: Okay, even in mathematic when you are calculating, there are what we call reverse extremes. Those are extremes. Battering a wife running away, you are running for your dear life. That is something else and you can take that person to court. But I was insisting on the social circles, if you have to get into that.

Com. Phoebe Asiyu: But they are also social circle. Let me give you an example: the other day the vice President of Uganda admitted that the husband had been beating her, and the man said only twice, but he had really beaten her bad. Are you telling us that Kazibwe should be sacked from being vice President because she is now divorced?

Paul Mkulima: Alright it is not the vice President that people who was beating the husband. So she has no problem, infact she was getting beaten. So she is not the one who was fighting. She divorced but the divorced did not...

Com. Phoebe Asiyu: She should now leave the vice President,

Interjectin Paul Mkulima: That is what I am trying to answer; the divorce was not caused by her. We have to look at the basis, the root of everything. You see, if it was her who divorced and ran away from the husband, well, then that can be understood. It will fall in this case what I am trying to express.

Com. Phoebe Asiyu: Okay but I thing you also appreciate that we are not making this Katiba for this generation, oh yes it is for this generation, but if it is a good Katiba it should last this country another one hundred years. The American one has lasted over two hundred years and it is still good, it has only been reviewed like fourteen times or may be a litle more than that, but it is still a very steady constitution. I would beg you that you think for the future generations when you make your recommendations.

Paul Mkulima: And I think that is my recommendation. Okay let me touch on the MP becoming the President of the country. If really I am contesting for a parliamentary seat and I have announced that after that, I have an interest to go to the State House, and there is a provision in law which says that the second best candidate will be the MP, and definitely you see the possibility of me going to the State House, then definately you will contest along-side me because you want to be number two. So when you want say the President is never opposed here in Kenya, guys and ladies will start doing so if they see a person has the possibility of going to State House. And I want to say clearly they have been wanting to contest but they have been

harassed to avoid embarrassment to the President. There are so many, you saw what happened to Kandie in Baringo, he was harassed, beaten, he could not sleep at home. Everywhere the police were on his heels, the whole army was taken to his home, he couldn't sleep, the mother, the children, they were all harassed simply because they were opposing Moi and Moi is above the law. That is another point I wish to have mentioned, nobody should be above the law in Kenya because that has been... yes. So what I am trying to say is that these people are barred from contesting and if there is a free atmosphere, you see many people contesting.

Interjection Com... I think we can assume the atmosphere is very free. You are on NPK candidate, you have won the presidency, the second best is a KANU candidate, or SDP, and those people voted for you from your area are actually NPK. So are you being fair for allowing a Member of Parliament from another party?

Paul Mkulima: Okay it is,

Interjection Com... I think that is the question?

Paul mkuilim: Yes it is the people who have got the power to elect, to choose. So it doesn't matter which party, but the second best, whether it is from Shirikisho, Safina, I suggest the second best from any party not necessarily the party which has taken the President to State House. That is what I mean.

Com. Phoebe Asiyo: So you actually deny you President one candidate?

Paul Mkulima: Not really

Com. Phoebe Asiyo: One political...

Paul Mkulima: Not really I am sounding more democratic by taking the second best,

Com. Phoebe Asiyo: Okay, thank you.

Com.. My question there are others okay

Paul Mkulima: Ask me I will try my best I have recorded three questions here which you asked and I have answered. If you ask another one I will go ahead.

Com. Phoebe Asiyo: And you have answered that, because I have been a Member of Parliament for very many years and my

husband was too busy to accompany me to those functions some times he comes sometimes he did come. Are you suggesting I should lose to be a member of parliament because my husbands Mr Asiyo doesnt come with me?

Paul Mkulima: Alright I want to answer that quickly. What we know is that Mrs Asiyo is a stable family woman and we know she has a hold on of her family, and we know she is married. In some occasions, we see your husband with you in state. Some occasions I say. Some occasions. But not all if he is working and engaged in another commitment, or he is leading another, company or something like that. The most important thing is to know that Mrs Phoebe Asiyo is a leader who is leading right from her home, and we know that. Not necessarily, if I may say so. There should be a provision “not necessarily” always, because that will make your husband leave his job to follow you. Any other question?

Com... Yes I have one question. You have talked about the medical examination. What about if somebody is malicious and so decides to falsify the records? Somebody can recommend one is having cancer when you actually don't have. Have you seen the legal cases which are coming up now about even post mortem?

Paul Mkulima: I want to answer that,

Com..... Yes, yes..

Paul Mkulima: We have seen eg pathology report

Com.... No may be the ease is in court, you know once you go for...

Paul Mkulima: Not I am not mentioning names

Com... What we are saying is that have you realized that actually whoever does that medical examination can be malicious?

Paul mkulima: Okay, I wish to say that the test should not be confined to one doctor, because if it is confined to one doctor, then definately he will be manipulated by the ruling party or the people in town.

Com: Before you finish answering that question, you can also have a terminal case like of cancer, even if somebody has cancer it does not mean it wil kill him tomorrow or the next four years, you can go for another twenty years. So why should you deny somebody a chance?

Com. Phoebe Asiyo: And in any case, would it not perhaps become a discrimating policy of denying those who are seffering from an illness but are prepared to still sacrifice for their nation?

Interjection Com: If you go to the International Labour Organization laws they say you can only be retired from your job on medical grounds if because of that disease you can no longer perform. Now if people can still perform, you will be creating another problem in this country of getting people out of employment.

Paul Mkulima: That is where I was coming to. I was saying, any public leader should have medical examination, and if found suffering from a terminal disease which will not, because the medics do understand this which will not and I quote this, 'will not take him for the next four years in Parliament which I am suggesting, then that is the time he should not be allowed. If however it is a slow process thing like cancer which can take him twenty years than I have no objection to that.

Interjection Com. When is this examination taken?

Paul Mkulima: Before and I mean before three months.

Interjection. Com: Before what?

Paul Mkulima: Before elections.

Interjection. Com: Before elections? So are you telling us all people who are aspiring for parliamentary seats must go for medical examination?

Paul Mkulima: That is what I am saying and it is my suggestion. That is what I am saying together with civic, any-body who is going for public office should undergo medical examination and if found to be having terminal disease, he should be disqualified, particularly a terminal disease which cannot last him four years which I am suggesting the parliament should take.

Interjection Com. But let me ask you a question; if somebody is examined and is found to be of sound mind, really what about somebody who is having other diseases in the body which can actually cause termination of, like even malaria is not a terminal disease but it can kill?

Paul Mkulima: But it is treatable. You can treat malaria – you see! I wish to answer any other question you have.

Com. Phoebe Asiyo: You have done very well answering all those questions. Yes Bwana Mkulima. Can we now have... please go and register your name and if you have written anything, it is now our property. Bwana Joseph Katiku, Joseph Katiku please take your seat. We give you five minutes. We want you to give us time for asking you some questions so that we know in details what your recommendations truly are.

Joseph Katiku: Asante sana Mwenyekiti, Commissioner na officials na wananchi. Maoni yangu...

Interjection. Com. Phoebe: Majina yako kwanza.

Joseph Kitiku: Majina yangu ni Joseph Mwithia Mulua Katiku, businessman Matuu. Yangu itakuwa machache sana

Kuhusu political parties, let there as many political parties as needed lakini baada ya election, kutakuwa na ile political party ile itashika usukani, ile itakuwa ruling party, na kutakuwa na ile ingine ambayo itakuwa official opposition party ambayo itakuwa namba mbili ya hiyo. Let other parties be dissolved for that time of parliament ili kuwe na parties mbili.

Ile ingine ni kujiandikisha kuwa candidate katika any political party ama kuenda kwa bunge. Kuwe na wale ambao wanakuwa sponsored by the parties, na kuwe na independent candidates, hata akiwa sio sponsored by any party. Bila ya hiyo nitarudia ile ya kwanza ya kumaliza vile vyama vingine ambavyo havikupata namba mbili ama havikupata official opposition. Wale members wa vile vyama vingine ambavyo vitakuwa dissolved wapewe nafasi ya kuingia either in the ruling party or in the official opposition party.

Interjection Com. Phoebe Asiyu: Those who are elected from other parties

Joseph Kaliku: Those who are elected from other parties wapewe nafasi waingie katika either ruling party or official opposition party.

Political parties viwe vyama vya kushughulikia development ya siasa.

Ile ingine ni kuna Commissions ambazo zimechaguliwa na President wakati ambao anataka kitu fulani kishughulikiwe, kiangaliwe anachagua Commission anasema hawa waangalie kitu fulani. Kama inawezekana, kuwe na independent body ya kuchagua hawa ma-Commissioners, lakini sio President. Kwa upande ya Commissioners nitafika hapo.

Ile ingine ni kwa upande wa corruption, hili neno corruption, imeenda sana hata ikaingia kwa damu, sijui tutatafuta njia gani ya kuiondoa. Nataka kupendekeza kama inawezekana katika kila government office, kuwe na mtu ambaye yuko concerned kwa hiyo office giving any name iwe ya supritendent au what, lakini awe anahusika na yale ambayo yanaendelea kwa hiyo ofisi. Kama ni ku-attend wananchi, unajua wananchi wengine wanatoka hapa katika reserve wanaenda Nairobi, hata pengine hawajafika Nairobi anaonyeshwa ofisi ile ambaye anaenda. Akifika huko ni kuangalia hajui atapita njia gani, hajui ataona nani, hajui ni nani atamshughulikia, na pengine that is where people are ruined. Kwa hivyo kama tutakuwa na huyu mtu ambaye anashughulika juu ya ofisi hiyo, apange mpango, mtu akiingia hata akiwa ni mgeni, hata ikiwa ni kuchukua namba huko achukue

namba na iwe moja tu kwa siku hiyo. Mwishowe aangalie zile namba alipanga asubuhi zote zilikuwa attended, ili kila mtu ashughulikiwe.

Kwa upande wa police, hiyo corruption kwa upande ya polisi, ningeonelea kuwe na kikosi kingine kimoja kinashughulika juu ya corruption. Muweke kikosi kiwe quite independent kisiwe under the Commissioner of the police kiwe independent. Asante sana, maoni yangu itafika hapo.

Com. Pastor Ayonga: Bwana Joseph, umesema hivi vyama kama vile kile kimeshinda ambaye ni ruling party, na kile kingine ambacho kilikaribia opposition party, hivyo viwili viwachwe tu ndiyo, vyama lakini vingine vyote viwe dissolved na parliament?

Joseph Kiliku: Wakati huo

Interjection Com. Pastor Ayonga: Viwe dissolved na parliament wakati huo ili watu hawa wapewe nafasi ya kuingia vyama vingine vyote?

Joseph Kiliku: Hapana vile...

Interjection Com. Waingie kwa ruling.

Joseph Kiliku: Waingie kwa vile vyama viwili vimebaki.

Com. Ruling party.

Joseph Kiliku: Ruling party ama official opposition party.

Com. Au tupewe nini, kwa hivyo vyama viwili? Nani anayewapa hii nafasi ya kufanya hizo je si umeua mawazo ya watu, kuwa na party yao kila chama kina mambo yake? Hii siitakuwa kama ni lazima, unalazimisha watu? Utafanyaje mtu ambaye aliingia parliament as an independent person? Which you have recommended kwamba watu wanaweza kwenda bungeni as independent without going there and pass... sasa hawa watu wakiingia huko tena unawaambia ingia hapa ingia hapa sasa hiyo ni mambo ya namna gani?

Interjection Com. Phoebe Asiyu: Kabla hujajibu hapo, pia mimi niweke yangu, Kama tuandike kwa Katiba vile umesema halafu wale ambao wametoka kwa party ndogo ndogo waingie kwa opposition wote, washinde ile party ilipata ruling party, je hiyo opposition party mara itakuwa na wabunge wengi ndiyo sasa itakuwa ruling party au itakuwa namna gani? Utangoja ingine kabla hujajibu hiyo.

Interjection Com. Infact ile mama unasema, kuna wale wametuambia tuwe na ofisi ya Prime Minister. Huyo Prime Minister achaguliwe na ile chama yenye iko na wabunge wengi. Sasa ukisema ibaki mbili na wale walikuwa kwa vya ingine ndogo ndogo waende kwa hiyo official opposition party hata sasa imekuwa na viti mingi kushinda rulling party itakuwa namna gani? Ya pili vile unasema ni kama baada ya hiyo miaka tano zile parties that were dissolved returned saa zinaweza kuwa ile kura itapingwa tena. Wakenya wanalilia level playing ground. Sasa hapa utakuwa unasema vyama viwili vimekuwa na five years to organize themselves na zingine mulikuwa mumewazuia ku-organise, kura ikifika ndio unaambia okay now you can try to organize. They will complain of discrimination, of lack of level playing ground.

Interjection Com. Phoebe Asiyu: Kuna ile kiwango ambayo President anachaguliwa nayo, yaani ile majority. Unajua President anachaguliwa na ile majority ndio awe the President. Hiyo amesha- pita na tayari ameshakuwa President. Kama ni Prime Minister, ameshachaguliwa. Wakati huu serikali imeingia katika function ndio ninasema vile vyama vingine vyote viwe dissolved, ili serikali ibaki tu na official opposition. Wale wengine ambao wamechaguliwa hata wale wameingia bunge wakiwa independent waingie katika any party they need, hata ikiwa ni official opposition rulling party.

Interjection. Com: Lakini umeulizwa swali kwamba hawa wote wakienda opposition party halafu opposition itakuwa na watu wengi kuliko the rulling party, sasa unafanya aje in that case?

Joseph Kiliku: Si hata sasa iko namna hiyo.

Interjection. Com: Si hiyo umependua?

Joseph Kiliku: Si hata wakati huu iko namna hiyo, kwa sababu tukiangalia zile kura President alienda nazo ni chache, si kama zile za opposition. Kwa hivyo he is governed by the law.

Com. Okay ile ingine niliuliza, about baada ya five years you go back to (inaudible)----- being neglected they were not given time adequate to organize while others have a whole five years.

Joseph Kiliku: After five years or after any time given kuwe na wakati ambao watu wanapewa nafasi ya either to form their parties or waingie katika zile party ziko or waende parliament wakiwa independent.

Com. Phoebe Asiyu: Swali ya mwisho, niulize swali ya mwisho. Umetuambia kwamba kuwe na nafasi ya independent candidate kwa council, kwa parliament na kwa President. Tuseme mimi kama sina enyewe msimamo kama independent candidate ya President, na Wanakenya waangalie na waseme wacheni tuchague huyu mwanamke kwa maana wanawake hawana mambo mengi. Tumetosheka wanichagua na mimi siko na party. Hii ni independent. Nitatengeneza serikali na nani?

Joseph Kiliku: Hapo Bi Mwenyekiti iko mahali niliwachia kidogo, wale independent candidates wasipewe nafasi ya kufight for presidency.

Com. Phoebe Asiyo: Kwa hivyo sasa wanakuwa independent kwa kitu gani?

Joseph Kiliku: Ya parliament.

Com. Phoebe Asiyo: Peke yake?

Joseph Kiliku: Yes

Com. Phoebe Asiyo: Mbona munatoa descrimination kwa upande ya presidency kwa watu wa Kenya na munawapatia wanabunge na ma Councilors?

Joseph Kiliku: Si kuna ile number mtu anapewa akitaka kuwa President. Anapewa awe na supporters kiasi fulani, na ukiwa indepeded hatujui supporters wako ni wangapi.

Com. Phoebe Asiyo: Kwa hivyo hataki independent candidates wenzetu waende atafute surportes wake. (Inaudible)-----

Joseph Kiliku: Hiyo itakuwa tu apewe nafasi ya (inaudible)----- supporters wake, ni wa kumsurport, kusurport the independent nafasi ya kwenda parliament.

Interjection Com: Mimi niko na swali moja, unasema askari watengeneze wa kufight corruption na wasiwe chini ya Commissioner wa police, wawe indepeded sasa kwanini unawaita police na hawatakiwi kuwa chini ya Commissioner wa police?

Joseph Kiliku: Sikuwaita polisi.

Interjection Com: Uliwaita polisi.

Joseph Kiliku: Nilisema ni

Interjection Com: Ulisema, let me quote you, “we should have what we call an independent police but under the Commissioner of police”.

Joseph Kiliku: (inaudible)

Com.... Okay tell me what you want.

Joseph Kiliku: It should be an organization, give it any name.

Interjection Com.... Okay, not police.

Joseph Kiliku: Not police. Thank you.

Com. Phoebe Asiyo: Asante sana Joseph. Sasa Bwana Mulu Njonjo unaweza kuja, lakini Joseph kabla hujaondoka kwa meza, nenda pale uandike register. Muli Njonjo, your name, tafadhali uonge na mashini ishike sauti yako, eleza jina lako hata kama tumeandika.

Morris Muli Ndilo: Mimi naitwa Morris Muli Ndilo. Nimekuja hapa kwa sababu Constitution hii iko ni mbaya, itupwe nje tupate ingine hii ingine itakayokuja nitaingiza kwa njia yangu. Mwaka wa sabini tulikuwa na County Councils ambazo Chairman alisimamia County Council hizi Zote Ukambani.

Barabara zote silikuwa nzuri sana, tulitengeneza wenyewe hapa tukiwa mkubwa wetu ni Chairman wa Council na mdogo wake ni Councillor, na hakukuwa na corruption. Seventy-one, corruption ikaingia kwa sababu serikali ilichukua mamlaka ya Council na ikapeleka Central Government. Wakatoa mfanya-kazi kule nje aletwe Machakos au Baringo au Embu kama ilivyo kuwa, anamulete kuangalia kazi ya County Council na yeye alikuja na corruption. Wale walio- kuwa katika Council hapo mbeleni hawakuwa na corruption, so ukifanya kazi kwao unaogopa.

Interjection. Com. Phoebe Asiyo: Sasa ungependekeza namna gani?

Morris Muli Ndilo: Ninapendekeza county council ijisimamie kabisa kuliko kama ilivyo ambapo Local Authority tumejitenga kutoka Central Government tukae independent kabisa.

Interjection. Com. Phoebe Asiyo: Songa hapa mbele.

Milisi Mulindo: Kwa sababu mimi niliona na macho yangu wakati huo. Kazi ilikuwa ikifanywa kwa barabara na watu walikuwa wakiandikwa evening. Mile kumi munaandikwa watu wa area hiyo munafanya kazi na vijiko unarudisha barabara na unapata kitu. Hivi hivi mpaka barabara zikawa nzuri. Sasa Central Government ilipochukua mamlaka ya County Council

kutumika kwa Central Government Ministry of Works ikaingia (inaudible)---County Council, corruption ikaingia. Wakatoa wale watu wa kufanya kazi ya mkono katika barabara wakaletacontractor

Interjection. Com. Phoebe Asiyu: Kwa hivyo unapendekeza vile umesema ya council...?

Milisi Mulindo: Ndio.

Com. Phoebe Asiyu: Haya kitu ingine mzee.

Milisi Mulindo: Hiyo mume kubali hiyo yangu? Sasa hapana tembea sababu hii corruption haitakuja tena watakuja kuchua, engineer toka Embu anakuja kuangalia kazi ya Machakos kazi ya barabara na anachukua hiyo pesa ambayo ilikuwa katika treasury anakwenda naye. Watu wanabaki bila kitu. Na watu wanaandikwa na Concil wanazaliwa Ukambani hapa, watoto mpaka std eight wanaanguka.

Interjection Com. Phoebe Asiyu: Wanakaa bure

Mulisi Mulindo: Mwaka mwingine wanaanguka wanakaa bure hakuna kazi wafanya ya mkono hakuna kazi mtu mmoja nakuja chukua hiyo contract au pengine anachukua hiyo pesa anakwenda nayo. Rudisha County Council kama ilivyo-kuwa zamani

Com. Phoebe Asiyu: Okay asante.

Mulisi Mulindo: Hiyo ni moja.

Com. Phoebe Asiyu: Hiyo ni moja.

Mulisi Mulindo: Ya pili, (inaudible)----- state iondoke katika land au state land ikae kama ilivyo, si kuwa ya government, sababu government huja na kwenda. Ikiweko hiyo government inachukua ile land inakula.

Hapa tuna sehemu yetu hapa. Kisimani hapa, naitwa kwa Mayouth, hiyo ilikuwa zamani ya state

Interjection Com: Sasa.

Mulisi mulindo: Na sasa ilipochukuliwa na government, government inagawa mmoja mia mbili, mia tano, mia sita, na sisi tunakaa hapa bure hatuna hata...we are too densed. Hapa tunasumbuka na watoto wetu huyu tisa huyo na nane. Wangetoa hawa watoto waongeze wapate sehemu huko eka tano, eka tatu eka, watoto wakae huko. Sasa watoto wanaka bure

(inaudible)----- watu wanakufa (inaudible)----- sisi tunawachwa bila kitu land, upande wetu mimi nasema sizungumzi habari ya huko Nyeri hapa kwetu tumepata taabu hiyo. Kama land inge wachwa tulime huko communal tupate chakula tuweze kujizaidia sababu hapa kuna mito miwili maji (inaudible)-----kwa hivyo hiyo area yote tupate walime communal watu wapate chakula ya kujizaidia upande huu. La sivyo wakatekate vipandepande watoto wapate. Asante sana.

Com. Phoebe Asiyu: Tuko na maswali ambayo tunataka kukuuliza. Hii udongo ambayo ilichuliwa na serikali, ikapeanwa kwa watu wengine, watu hapa wakiachwa bila hiyo mashamba, tufanye naman gani kwa Katiba mpya? Eleza tu, sisi tunataka kujua ukweli iliyo kwa roho yako na roho ya watu hapa, unafikiri wangependekeza namna gani?

Mulisi Mulindo: (inaudible)----- ingekuwa namna hii, hiyo sehemu ingekaa hivyo hivyo ya state. Serikali hii ambayo itakwenda iache hiyo land hapo halafu tuendelee (inaudible)----- kama sivyo, hiyo sehemu ikatwe katwe wape watu wa area hii eka tano tano.

Interjection. Com. Phoebe Asiyu: Na wale walikuwa wamepewa tuwapeleke wapi?

Mulisi Mulindo: Wapewe tano hiyo ingine tupewe sisi. Kwa nini anapewa mia moja, au mia mbili?

Interjection. Com. Phoebe Asiyu: Wanyang'anywe irudishwe kwa wananchi wa..

Mulisi Mulindo: Wanyang'anywe irudishwe kwa sisi halafu tupatiwe kidogo kidogo

Com... Na mzee umeeleza kwamba around nineteen seventy/seventy-one ndio mamlaka ilitolewa kwa Local Authorities ikapelekwa Central Government, ndio ikaleta corruption. Unasema turudi katika ile hali, lakini kuna wengine wanasema, nakubaliana na vile unasema, lakini kuna wengine wanasema wakati walitoa hii nguvu wakarudisha kwa Central Government tena wakaleta kitu ingine ilitwa Ndegwa Commission ikaja kusema wafanyikazi wa serikali wanaweza fanya biashara, ndio walianza kuchukua hizi macontract unasema zinapeanwa na Public Works, ndio corruption ikaendelea kabisa. Hiyo nayo tufanye naman gani?

Mulisi Mulindo: Hiyo Bwana Commissioner itupwe, turudishiwe barabara watoto wetu ambao wamemaliza std eight na hawana kazi wanafanya, warudishwe wafanye kazi hiyo na mkono na kijiko, tutapata faida.

Com. Swali ni kwamba, Ndegwa Commission... unajua kama hatujafika seventy sheria ilikuwa inasema ukiwa mfanyikazi wa serikali, huwezi kuruhusiwa kufanya tena biashara. Lakini walipoleta Ndegwa Commission, na wewe ni mzee nataka ueleze hawa wenye bado hawajakuwa wazee hawajui, Ndegwa Commission, sijui ilikuwa nineteen seventy-two ama seventt -one, ndio ilichunguza maneno ikasema hapana, wafanyi-kazi waruhusiwe tu kufanya biashara. Ndio unapata mtu amekaa kwa ofisi,

yeye ndiye anaitisha tender kutoka kwa contractor, yeye ndiye ataangalia ni tender gani mzuri halafu mwishowe anachagua hii kampuni, na kumbe anachagua kampuni yake. Tena yeye ndiye ataletewa invoice na yeye ndiye ataapprove this bill is okay. Hiyo tufanye namna gani?

Mlisi Mulindo: Hiyo iko upande ya hiyo Constitution yako, na hiyo Constitution tunatafuta itupwe. Hiyo Commission ya Ndegwa hiyo, hiyo ambayo imefanya wewe uwe hapa na mimi niko hapa, tutupe hiyo Ndegwa Commission na hiyo takataka itoke hii yetu iingie. Kama munavyo panga muende huko ikawa hivyo turudiwe tupate County Council yetu watoto wetu wafanye kazi.

Com. Phoebe Asiyo: Weka sahihi kabisa mzee ndio tujue hiyo fikira ni yako. Asante sana asante sana mzee kwa maoni timamu kabisa. Itasaidia sisi kuandika Katiba kamilifu ya Wanakenya. Ruth Betty? Ruth Betty yuko?

Ruth Betty: Ako.

Com. Phoebe Asiyo: Ndiyo tafadhali kaa pale uongee na sisi

Com Phoebe Asiyo: Mtu ataandika jina halafu (inaudible)----- Ruth (?)

END

Ruth Mbeti: Ni hivyo.

Com Phoebe Asiyo: Ni hivyo,

Ruth Mbeti: Eeh.

Com Phoebe Asiyo: Asante.

Ruth Mbeti: *Mwi ase o mbaito?*

Audience: *Twi ase o.*

Ruth Mbeti: *Ninena Kikamba.*

Com Phoebe Asiyo: Lakini useme jina lako, na halafu huyu msichana anakaa karibu na wewe atafsiri. Lakini kwa vile wewe ni mtu wa biashara, ungeongea kwa Kiswahili (inaudible) maana wale watakuja kusikia hii watasikiliza kupitia kwa mdomo wa yule anatafusiri na pengine mambo mengine unataka kuhimiza sana yanaweza kupotea kati kati hapo. Lakini

ukitaka kuongea Kikamba ni sawa tu.

Ruth Mbeti: *Ninena Kikamba. Niasya yakwa ya mbee ni ndaiya kwa atongoi ma chathi kii.*

Com Phoebe Asiyo: Toa jina kwanza.

Ruth Mbeti: Ninaitwa Ruth Mbeti. *Uumisyo wa Aka.*

Translator: Kwa jina ninaitwa Ruth Mbeti, mimi ni mfanyi biashara.

Ruth Mbeti: *Niasya thina ula utwetie vaa kana utukomanetye ni wa kwaka nzia ito.*

Translator: Nafikiria yale yametuleta pamoja siku ya leo ni ya kujenga nchi yetu.

Ruth Mbeti: *Twina thina mwingi muno nthini ya biasala.*

Translator: Tuko na shida nyingi katika biashara zetu.

Ruth Mbeti: *Biasala nisya thukie na tiyese syathukile kuma va, kuma yulu biasala nisyanangekie.*

Translator: Biashara zetu zimekuwa mbaya, hatuelewi, zimekuwa mbaya kwa sababu gani, lakini tunafikiri kutoka juu mpaka chini biashara zote zimeenda chini.

Ruth Mbeti: *Ninena ndolaumu mundu nginena ula wambelelye nundu nai kwo kiambelelya na kuvika umunthi no nene undu kwendete.*

Translator: Nitaongea bila kumlaumu mtu yeyote kwa maana nimeona yalivyoanza na vile tunavyo endelea.

Ruth Mbeti: *Biasala sito nisyathukie nundu wa kuvulanwa mundu ula ukuta sukali nowe ukuta mbemba na mboso.*

Translator: Biashara zimekuwa mbaya kwa maana wale ambao wanauza vitu kama sukari ndio wale wale wanenda kuuza vitu kama mahindi na maharagwe.

Ruth Mbeti: *Tene ninoonaa kwae andu makuthosya sukale na kwai andu ma kuthosya mbemba.*

Translator: Hapo zamani kulikuwa kuna tofauti katika wale walikuwa wanauza bidha mbali mbali.

Ruth Mbeti: *Na ila biasala yavulanilwe niwo yanangekie.*

Translator: Kwa hivyo biashara imeharibiwa ni huu uchanganyaji.

Ruth Mbeti: *Ithye twenda maendeo ma undu kwendete tusovewe muvangu wa mundu wa mbemba ndatontha*

kuthosya ngua na ndatuntha kuthosya sukali.

Translator: Sisi kwa maoni yetu tunataka tuwe na mpango mwema kwanzia sasa iwe ati wale wanauza kwa mfano mahindi, sio hao tena ndio wanauza nguo au sukari.

Ruth Mbeti: *Ningwikwatya kana ivinda yee twe yu kila mundu uu ngunena nukuwewa na niwo kwilye.*

Translator: Ni matumaini yangu kwamba kwa wakati huu, yale ambayo ninaongea mmeyaona na ndivyo kulivyo.

Ruth Mbeti: *Nitukwenda tuvangiwe muvango wa kuvathokania na kuiyekewa selia tondu kwailye tene. Ninonaa kana kwi andu maendaa maisisya ndukani mundu kila ukuthosya.*

Translator: Ningependekeza kuwekwa sheria, kuwe kama vile zamani kulikuwa. Kuna wale inspectors walikuwa wanakuja round wakiangalia kwa maduka kunauzwa vitu gani.

Ruth Mbeti: *Niasya kwaendea uu kukembwa kwii kuseo.*

Translator: Ni matumaini yangu kukiwa hivyo, maisha itakuwa afadhali.

Ruth Mbeti: *Muiyandika Katiba muiandika Katiba kekwasya ithye rais ivinda yee twiavinthiea na nitukwenda utethyo kuma kwa silikale.*

Translator: Mkiandika Katiba, muandike ile inasema kwamba sisi kama raia tumefinyiliwana tunataka usaidizi kutoka kwa Serikali.

Ruth Mbeti: *Niasya vala vangi ndontha kunena yulu wa ngali,*

Translator: Yale mengine ambayo ningependa kusema ni kuhusu magari...

Ruth Mbeti: *Ithye ando a biasala nitwawinthewe na ngaliko ikweitwa andu ala aini nimanengiwe vintha wesa kwithiwa nimo mena mitokaa ila itontha kuthukuma kuu kwito naito twikale nthi.*

Translator: Sisi kama wafanyibiahsara tumefinyiliwa na kuona kwamba wageni, yaani wale watu wametoka nje ndio wamekuja na ni kama ndio wamepewa ruhusa au nafasi ya kufanya biashara, wakawa kwamba ndio wako na magari ambayo sisi hutumia kufanyia biashara zetu.

Ruth Mbeti: *Niasya ndinena oo ta raia nimwewa ula ngunena. Ninisi kana ou nimwesi kana ni wo na kava kuweta kuliko kuvindya.*

Translator: Natumaini kwamba nkiongea hivi, sisi kama raia, mnajua na mnayaona na mnaelewa, ni afadhali tuseme kuliko tunyamaze.

Ruth Mbeti: *Niasya vala vangi ndotha kuelelya embwa ni tulandi voti twaumela vandu, mwatiliko ula twathukumaa*

undu twathukumaa tene, nitwasiewe mawia moswa ni andu asu aini.

Translator: anasema kwamba biashara ama kazi nyingi zimechukuliwa na wageni, watu kutoka nje ya Kenya.

Ruth Mbeti: *Niasya ona andu ala ma masini ala mathia mitu yu, mimwavindisye. Maitontha kwimbwa nakwatia miao. Matheasya leu wito oo ila menda.*

Translator: Kuna ile shida ya watu wenye machines kama wale millers, wanatunyanya ni kama wananunua bidhaa zetu kwa ikle bei hao wenyewe hufikiria.

Ruth Mbeti: *Kila kingi ndontha kuweta,*

Translator: Lile lingine ningependa kusema,

Ruth Mbeti: *Ni yulu wa tavia ya Kikamba.*

Translator: Ni juu ya mila na destri za Wakamba.

Ruth Mbeti: *Mwitu ni wendeka ni mwanake,*

Translator: Kwamba msichana na kijana wakitaka kuoana...

Ruth Mbeti: *Nikwaendawa kwa ithe.*

Translator: Wazazi walikuwa wanatembelea boma ya msichana.

Ruth Mbeti: *Na makai makewana.*

Translator: Na wakasikilizana na wale wazazi.

Ruth Mbeti: *Na makatwa mbui itatu.*

Translator: ndipo walipokuwa wakipelekwa mbuzi tatu.

Ruth Mbeti: *Na isu mbui itatu syatwawa kuyuawa imwe.*

Translator: Moja ilikuwa ni ya kuliwa ama ilikuwa ina chinjwa.

Ruth Mbeti: *Niyo yai mbete ya Kikamba.*

Translator: Hiyo ndiyo ilikuwa the sign of marriage. Ishara ya ndoa ya Kikamba.

Ruth Mbeti: *Noomunthi, syindo isu nisyekiwe ithika.*

Translator: Na kwa leo mambo yale yametupiliwa mbali

Ruth Mbeti: *Mekiana mbete metiania nziani kula makomaneieye.*

Translator: Watu wanapooana wanaachania tu kwa njia kule walikutana.

Ruth Mbeti: *Nikukwenda ka mwiao.*

Translator: Kuna hitajika sheria.

Ruth Mbeti: *Embwa niwatheiwe na niwasya syana,*

Translator: Kama msichana ameolewa na amezaa watoto,

Ruth Mbeti: *ni sya musye usu.*

Translator: Hao watoto ni wa ile boma.

Ruth Mbeti: *Unawatanisya na mukau syana isu ni sya musye usu.*

Translator: Hata kama atakuwa ameachana na bwana yake, watoto wamezaliwa na ni wa ile boma ya bwana.

Ruth Mbeti: *Na isu niyo selia ya Kikamba.*

Translator: Na hiyo ndio sheria ya Kikamba.

Ruth Mbeti: *Niasya nginena ou ninenea ngaliko ya iveti na etu onenyu aume nimwatwekie kwiyaiyawa ni iveti ati nundu nimusomu mundu ula utemusomu ndewiani.*

Translator: Na nikiongea vile, ni matumaini yangu kwamba ninaongea kwa niaba ya wanawake, wasichana kwa wanawake wakubwa, na pia kwa wanaume. Kwa maana shida zimetokea nyingi katika maboma.

Ruth Mbeti: *Ndeto syakwa niasya nye sye sya kunena undu Katiba itontha kuseovwa nikana tukekala mwikalele ula tweekalaa.*

Translator: Maoni yangu yalikuwa yanalenga kutengeneza Katiba inayoweza kutukalisha kama vile tulikuwa tunakaa hapo zamani.

Ruth Mbeti: *Ni vika vau, ndina ndeto nthingi embwa ni iswali ngukulwa nikulwe nikana nisungea.*

Translator: Nitakomea hapo, sina maneno mengi na kama ni maswali niko tayari.

Com Phoebe Asiyu: Asante sana mama kwa maoni yako juu ya utengenezaji wa Katiba mpya, nitauliza ma-Commissioners kama wana maswali wanataka kukuuliza kabla hajajiandikisha kwa register.

Com Mutakha Kangu: Mama unasema watu wa nje wameruhusiwa kuchukua biashara kutoka kwa watu wetu, hiyo

unasema tufanye namna gani?

Ruth Mbeti: *Nenda andu ma kanzo ma nchi ino ma Kenya manengwe uwezo, kava andu asu eu makaumasya uwezo kuu kwa mundu mwio.*

Translator: Ningependa wananchi wa Kenya wapewe nafasi ya kwanza. Wawe na uwezo wa kushughulikia biashara.

Com Pastor Zablon Ayonga: uliposema watu wa nje, ulimaanisha nini mama?

Ruth Mbeti: *Ndinena uu ninenaa andu ma nza ni andu aa anene ma kuma nza matema ma kuu kwito.*

Translator: Anaongea juu ya Wahindi na Waarabu.

Com Dr. Maranga: Swali langu ni kuhusu ndoa ya Kikamba. Walikuwa wanatoa mbuzi tatu na unajua siku hizi kuna hizi ndoa za kikanisa. Sasa ninauliza, tutafanyaje? Unataka watu wawe wanafanya ndoa ya Kikamba watupilie mbali ndoa za kikanisa ama ninnamna gani unasema?

Com Phoebe Asiyo: Na kabla huja jibu hilo, ningependa kuongeza swali lingine linafanana na hilo tena. Je ungependekeza kwamba marriages zote kwa maana Waafrika wengi wanaolewa kama vile Wakamba wanaoa, sio wengi sana wanaenda kanisani. Wanafanya tu ile ya kienyeji halafau inaishia hapo, lakini hakuna barua ya kuonyesha kama mtu ameolewa. Pengine hizo mbuzi tatu zinaweza kuonyesha. Je ingekuwa vizuri kwa wakati huu, kwa vizazi vijavyo kwamba tungepeana certificate ya registration of marriage kwa kila mtu Kenya ambaye anaolewa hata kama ni ya kienyeji?

Ruth Mbeti: *Niasya (iaudible) niweta isu niyo kithio kila cha Kikamba na Kikamba ni muAfrika yote. Lakini memina kwika uu na maithi kanisane.*

Translator: Amekubaliana na Com Asiyo kwamba, kama ni ndoa hata kama zimefanywa na mila za Kiafrika watu waweze kupewa certificates za kuonyesha kwamba hizo ndoa ni halali.

Com Phoebe Asiyo: Asante sana mama, tumeshukuru. Sasa tunamwita Gladys Kinyanjui, hebu fika hapa mbele ukae. Gladys yuko? Tafadhali sasa tupate Bwana Daniel Mutisya, uje hapa mbele uongee na sisi kwa dakika tano, na ueleze dhahiri vile ungependa Katiba mpya ya Kenya iandikwe.

Daniel Mutisya: Kwanza ningependa kuwashukuru wageni na wote waliofika. Kwa majina ni Daniel Mutisya, mimi ni Mkulima. Maoni yangu ni kuhusu survey. Mara nyingi survey inakuja halafu inaenda. Tuseme shamba lako limefanyiwa survey, unakaa muda mrefu, halafu pengine wewe ni mzee na hilo shamba liko kwa jina lako. Baada ya miaka kumi hivi unapata kuwa uko na watoto watano hivi wamekuwa wazima na sasa unataka kuwagawia shamba na kila mmoja anataka umpatie number yake. Inakuwa ni shida, unapata inakugharimu pesa nyingi sana kenda kuwachukua watu wa survey kutoka

mbali, waje kugawanya hilo shamba.

Kwa hivyo ningenelea, baada ya miaka kama mitano au kumi kwa sababu itagharimu Serikali kitu kikubwa, baada ya miaka kama kumi tuwe tunafanyiwa survey tena kila mahali, ili tupunguze hasara mingi. Kwa sababu unapata kwenda kuwachukuwa hao watu wa survey inagharimu pesa nyingi kuliko ile unaweza kwenda kununua shamba lingine.

Lile lingine ni wakati wa uchaguzi. Maoni yangu ni kuwa, ningenelea uchaguzi uwe unafanywa siku tofauti. Siku ya kumchagua Rais iwe tofauti na siku ya kumchagua aitha Mbunge au Councillor kwa sababu, unapata kama Rais ako na nguvu nyingi na ni wa chama fulani, anafanya achukue Councillor anaingia kwa hiyo na pengine Councillor ni wa chama kingine. Kwa mfano tuseme Rais ni wa chama cha KANU, unapata kuwa huyo Rais, ndio hapa kwetu ana nguvu na anapendwa sana, naye Councillor yule tunayeona anafaa ni wa chama kingine.

Huo uchaguzi ukifanywa siku moja, tunaona kuwa huyu Rais atachukua Councillor kutoka kwa chama chake, na hiyo haingii vizuri. Yangu ni hayo tu.

Com Phoebe Asiyu: Asante Bwana Daniel, enda upande ule uandikishe majina yako. Ningependa kumuuliza Tabitha Mathiu aje. Tabitha yuko? Kama hayuko tutamgojea. Ni wewe? Haya njoo Tabitha utupatie maoni yako. Kaa hapo halafu ueleze majina yako tena kikamilifu halafu tuanze.

Tabitha Mathiu: Kwa majina ninaitwa Tabitha Mathiu na ningependa kuzungumza Kikamba.

Com Phoebe Asiyu: Sawa, Rose unaweza kutafsiri?

Tabitha Mathiu: *Maoni makwa niasya no mathina ma kuu kwito Yatta.*

Translator (Speaking on behalf of Tabitha Mathiu): Maoni yangu mengi ni kuhusu shinda za area hii.

Tabitha Mathiu: *Mathina ma kuu Yatta kwitu ni kiwo*

Translator: Shida yetu kubwa hapa Yatta ni maji.

Tabitha Mathiu: *Silikale Katiba ikethwe ivitokithya kiwo tusovewe tutunga muvea.*

Translator: Katiba ikiwezekana iwezeshe Serikali itutengenezee maji na tutashukuru.

Tabitha Mathiu: *Kila kingi kitu no thina wa kusakuana nundu saa ingi twithiwa tutees undu tukwika.*

Translator: Shida nyingine yetu kubwa ni juu ya uchaguzi kwa maana wakati mwingi hatujui tunavyo hitajika kufanya.

Tabitha Mathiu: *Na thina ula wivo sana sana ni syama mbingi nisyokie na iyauka na andu.*

Translator: Na shida ile kubwa iko ni juu ya vyama vingi ambavyo vimetokea ni vingine havina watu hata kidogo.

Tabitha Mathiu: *Kwonderu wa uu ithye wananchi nithye twaelwe nikwasya ee, kuhusu chama tusakuae mundu ula utontha kututethya.*

Translator: Anapendekeza kwamba sisi kama mananachi tuweze kuwa tunachagua watuu ambao wanaweza kutusaidia.

Tabitha Mathiu: *Yaani andu ala tutontha usakuawa wananchi ni mundu ula utontha kututethye na sana sana tumumanthe kuma anduni ti kuma chamani.*

Translator: Sana, sana wasiwe ni watu ambao ni watu wametoka kwa vyama vya kisiasa. She is proposing for independent candidates.

Tabitha Mathiu: *Tumanthe mundu ula museo na ethiwa nde chamani kila tukwona na tuimutunga ii chamani.*

Translator: Tumfatute yule mtu ambaye ni mzuri hata kama hana chama cha kisiasa.

Tabitha Mathiu: *Na tumutunge chamani kila kimata.*

Translator: Ndipo tuweze kumweka kwa chama kile tunakiona kuwa kizuri.

Tabitha Mathiu: *Silikale nitwise no ila ina musumbe,*

Translator: Serikali tunajua ni ile iko na Rais,

Tabitha Mathiu: *na nengi naito tweke kumena chama nundu chama ti mundu, mundu niwe unenaa chama kinenaa. Yaani chama kithoka. Yu wananchi onamo mathuche mundu ula mesi ni muthuku. Ethywa ni Tabitha, Tabitha niwe muthoku na tweke kwasya KANU ni nthuku nundu KANU ndinena, KANU ni chama, ethywa ni Tabitha athukisye chama niavetangwe u Tabitha na chama kiitiwa.*

Translator: Kama kwa mfano mtu mwenyewe ni mbaya aweze kutolewa kwa chama fulani lakini watu wasiseme chama ni kibaya kama pengine kina mtu ambaye hawamtaki.

Tabitha Mathiu: *Kwou nye ndi na undunge kila kingi aka, ila makwetwa ivela, sana sana ve ivela syaele iveti Katiba kaisovwa kasovwe ve ivela ila mbololo itontha kunewa iveti. Nundu iveti ni iveti sya musye na ta ivela ta ii sya macouncillor sana sana, tyo syailwe kuvotwa iveti nundu ni maundu ma nthumba.*

Translator: Anapendekeza Katiba ikiundwa, wanawake waweze kupewa nafasi za kushiriki katika siasa. Wapewe kama ni viti fulani kwa Councils na kwa Parliament.

Tabitha Mathiu: *Namo nengi aka kwa Katiba o matavwe iveti nisyaiyawa ni aume tweke kwenda kuvituka aume*

muno sana.

Translator: Na wanawake hata kama tunatengeneza Katiba, waambiwe, wanawake wako chini ya wanaume kwa hivyo wasiweze kuwa wamepita upande huo mwingine.

Tabitha Mathiu: *Nundu aume nomo matutethasya, aume matekwo twikwo, na ningi ona Mbibo nikwasya kana kiveti mume wa kiveti niwe munene kwi kiveti. Kwou aka tunenge aume maito ndaiya o Katiba kayikiwa.*

Translator: Anapendekeza wanawake wawape waume wao heshima kwa maana hata Biblia inasema wanawake wako chini ya wanaume.

Tabitha Mathiu: *Undu ula ungi ninawo tyo uu wa kuthosya etu ula kiveti kila kii vaa chasya. Kiveti sana sana mbeti ila ya mbee ya mundu muka amanthike ni atwawa nikuthewa na mbui Kikamba.*

Translator: Anaongea tena juu ya zile mila na desturi za Wakamba especially juu ya ndoa.

Tabitha Mathiu: *Kwambia mbui itatu na kuma vau aithi kanisani akekiwe mbete. Usu niwe ethiwa atwawa nesa pio undu kwaelite. Kwou mutwano usu mwitu ula ukwenda utwae museo naende athewe mbui na aisyoka aende kanisani ekiwe mbete, kanisani ya asyai na kanisa ya Ngai. Mbete isu syele nisyo syithiwa sye nzeo.*

Translator: Anapendekeza kwamba kama watu wanataka kufunga ndoa, lazima kwanza wapitie kwenya mila za Kikamba walipe kama mbuzi tatu halafu waweze kupatiwa ruhusa na wazazi ya kwenda kanisa, ndipo ndoa itakuwa imekamilika.

Tabitha Mathiu: *Kwou nivika vau.*

Translator: Na hayo ndio maoni yangu.

Com Phoebe Asiyo: Haya mama. Tafadhali andika jina lako pale. Sasa tutamuuliza Bwana Patrick Nzioka, tafadhali uje hapa mbele uongee na kwanza utueleze jina lako halafu uanze maoni yako.

Patrick Nzioka: Majina yangu ni Patrick Kyalo Nzioka. Mimi ni mfanyi biashara hapa Matuu. Maoni yangu nitayatoa kwa kifupi.

Kwanza nitaanza na Presidency. Ni maoni yangu tuwe tunachagua President directly na sio lazima President awe MP wa mahali fulani. Kwa sababu ile Constitution tuko nayo kwa sasa, inasema ndio uwe President, lazima uwe MP mahali fulani. Sasa ukiangalia wale watu kama ni President ametoka mahali fulani, hao wananchi hata hawana saa za kumfikia huyo President na hawawakilishwi vizuri, yaani they are not well represented.

So nina suggest, President, kama ninasimama kiti cha President niwe ninasimama na sio lazima niwe MP. Nisimame President na nikianguka niende nikalime huko.

Lile lingine ni nomination of MPs na Councillors. Ninapendekeze kama mimi nimesimama kama MP, halafu wananchi wakose kunichagua, ninapendekeza tuwe na Constitution... kama nilikuwa ninasimama na nimeanguka, and there is nomination, nisiwe nominated kwa sababu saa ile unachukuwa yule mtu ambaye tumemkataa hapa, yaani yule mtu tumemwangusha ndiye anakuwa nominated na anenda tena kuwa cabinet minister. Na hapa chini hakuchaguliwa na wananchi, and the same case applies to Councillors.

Councillors mtu akisimama ninapendekeza mtu kama ameanguka hapa chini, if there is nomination, afadhali nomination ifanyiwe kwa mtu mwingine lakini sio kwa yule mtu aliyekuwa amesimama na ameanguka ati anakuwa nominated.

Kwa President tena, zile powers President wakati huu amepewa ni nyingi sana, so I suggest hizo powers zikuwe reduced. Awe akifanya makosa anaweza kupelekwa kortini.

Ninakuja kwa Local Authorities tena, Councillors. Ninapendekeza ma-Councillors wawe na qualifications. atleast awe amefika O-level, kwa sababu ninaamini ministry of Local Government kama ni zile circular wanatuma kwa Councils, ile Constitution tuko nayo hapa inakubalia hawa ma-Councillor hata kama hawajasoma wanakuwa pale ndio unasikia vita kwa ma Councils, kwa sababu tuko na watu hawajasoma hawaelewi. So ile circular inatoka kwa ministry wanapatiwa directives, mtu hawezi kuchukua asome, mpaka aambiwe na clerk inasema namna hii hata clerk akimdanganya yeye hawezi kujua kwa vile hajui kusoma. So nina-suggest Councillors wawe na O-level atleast na hata MPs. Kwa sababu tunajua kuna MPs ambao sio wa A level kwa hivyo hata MPs, sio Councillors peke yao. Hata MPs wawe wa O-level.

Judiciary: Judiciary nina-suggest iwe independent, isiwe na command kutoka kwa President. Kwa hivyo nina-suggest judiciary iwe independent.

Nina-suggest wakati wa uchaguzi, all registered parties ziwe zinakuwa supported by the government, from the Central Government kwa sababu sisi wote ni tax payers. Kwa hivyo wakati wa uchaguzi, nina-suggest all parties, registered parties, kama ni candidates, Councillors, MPs wawe wanakuwa supported by the government lakini sio Serikali iwe ina support chama kile kinatawala kama vile KANU. Saa hii uchaguzi ukiwa unafanyika, kwa sababu KANU ndio inatawala ati wale Councillors na MPs wanasimama kwa KANU wanakuwa supported by the government, No! I am suggesting hiyo Serikali iwe ina support hao watu wote.

La mwisho ni upande wa land. tunajua tuna land utilities kama vile kuna sehemu fulani zimetengwa na Serikali na ni za Serikali. For example tuko na Youth Service pale, hizi lands zinaitwa za Serikali. Kamaq Serikali inaona ni vizuri ipatie watu, these land utilities, nina-suggest iwekwe katika Constitution hii mpya kuwa hiyo ardhi ipatiwe wale locals na sana, sana ni the needy people, sio wale watu wakubwa ati ndio wanaenda kupatiwa land kama pale kwa Youth. Inapatiwa the needy people and if

possible, pengine wale watu hawana mahali pa kukaa hiyo land inaweza kuwa sub-divided into small acres. Thank you.

Com Phoebe Asiyu: Inaonekana hakuna maswali, basi inaonekana unaweza kwenda kujiandikisha kwa register, halafu uende kukaa. Sasa nitajaribu kutoa mapendekezo tu ili tupate kuwasikiza watu wote kwa sababu tuko na watu hamsini ambao wanataka kutoa maoni yao. Na tunataka kumsikiliza kila mtu lakini isifike usiku kabla kila mtu hajapewa nafasi. Mama Elizabeth Mukola, hayuko? Okay, tutamgojea, akifika atakuja. Sasa ni Pastor Samson Musyoka. Kama pastor hayuko, ametoka kidogo, tutamsikiza Joseph Gakuru, wa C.C.B.E.D. Joseph pia hayuko, Benard Mulami, assistant Chief, yuko? Haya tutamsikiliza Hon Gideon Mutiso.

Hon Gideon Mutiso: Thank you honourable Commissioners. First of all let me take this opportunity to welcome you to Yatta for having come so that you can afford the people of Yatta with this opportunity to give their Constitutional Review views.

Now I start...

(Interjection) **Com Phoebe Asiyu:** By your name,

Hon Gideon Mutiso: By my name?

Com Phoebe Asiyu: Again, just for the sake of the recording.

Hon Gideon Mutiso: Yes, I am Hon. Gideon Mutiso, former Member of Parliament for Yatta. I begin with the:

Structure and System of Government: It is my view that we should adopt a parliamentary system of government, which a Prime Minister is appointed from the majority party in parliament and the President remains more or less ceremonial.

Legislature: The Parliament should vet for or against the Presidential appointments in posts like Parastatal heads, Chief Justice, head of Civil Service and Secretary to the Cabinet. Chief of general staff and the Commissioner of Police. This is to ensure that only competent deserving people are given this very important responsibilities.

Being a Member of Parliament should be a full time occupation. This will ensure that all MPs are in Parliament most of the time to discuss all issues concerning the welfare of the community/society.

The language test required for parliamentary elections should be tightened. This will ensure that only competent persons qualify as MPs, public figures whose views in conferences are taken to be the views of Kenyans. If incompetent persons are elected, chances of ridiculous statements from them are very high. This will bring shame to our beloved country and nation.

There should be a code of conduct to be followed by all Members of Parliament regardless of the party they come from. The

President should not have powers to vet legislations passed by parliament unless they contradict issues like national security.

The Executive: There should be specified qualifications for Presidential candidates. He/she should be well educated to clearly understand the effects of the many policies he/she passes on behalf of the nation.

The functions of the President should be clearly defined in the Constitution. This will ensure that he/she does not interfere with the professional fields, which require professional decisions. The Constitution should provide for the removal of a President for misconduct while in office. The relationship between the President and Parliament should be that of a comradeship. There should be respect from both sides but not fear and suspicion.

The Judiciary: The judiciary should be independent of the Executive and Legislature. This will ensure that justice is done to all regardless of how high or low a person is in the society.

Local Government: The Mayors and Council chairpersons should be elected directly by the people. This will ensure that they serve the interests of the people who elected them and not the group of Councillors who voted for them. The Councils should operate autonomously with the Ministry of Local Government acting as a supervisory body. This is with the condition that reasonable level of education for Councillors and Mayors and chairperson is set. That is, they should have management and policy making skills necessary to run the Councils.

The Electoral System and Process: There should be a minimum percentage or number of votes that a Presidential candidate must attain in order to be declared the winner. He should have atleast 25% of votes from all the provinces. The election dates should be spelt out in the Constitution. It should not remain the prerogative of the President.

The Life of Parliament: Parliament should have its calendar showing the recesses, breaks and dissolution. This will ensure that the House business is not left unfinished due to the surprises which take place.

Now I come to a very important point here concerning Yatta. The Yatta Irrigation Canal. The Ministry of Environment and Natural Resources should ensure that natural resources of the country are exploited in such a way that all the parties involved reap equal benefits.

Soon after the completion of the Ndakaini Dam, the Yatta Canal has been experiencing severe water shortages. To add insult to the injury some large-scale commercial farms, legally or illegally pump water from the Canal without minding the fate of the people down stream who solely depend on supply of water from the Canal for their livelihood and their livestock. This is a very hopeless situation for people whose livelihood is fully dependent on Agriculture.

Also, the fact that farm in-puts used by these farmers down stream are bought using meagre resources which are earned in very hard ways magnify the problem even more.

On the account of the above, there should be a mechanism entrenched in the Constitution to ensure equitable distribution of natural resources and particularly water. This will ensure that the plight of the majority is considered and not powerful influential individuals as is the case currently.

Cultural, Ethnic and Regional Diversity and Communal Rights: The clan organization should be given recognition Constitutionally and be empowered sovereign matters relating to the community or clan. It should also be empowered to set some punitive measures to deviance of norms as spelt out in the discipline of a particular community.

Human Rights: The ordinary mwananchi should be protected by law from harassment by law enforcers. This can only be achieved by educating the ordinary mwananchi on his basic rights. He should know when he is acting against the law and when he is not who should carry on any punitive measures if convicted of any felony.

Right of veterans: The Constitution should address the plight of veteran politicians who played a very vital role during the struggle for independence. If as suggested the pension for parliamentarians should cater for veterans who are now languishing in poverty and their places being reserved for in national days celebrations and recognized as senior citizens.

Corruption: Persons involved in corrupt deals should face the full force of the law. The Constitution should clearly define punitive measures against any corrupt person regardless of the rank or power vested on him and unconditional resignation if he is found guilty. Such a person should not hold any public portfolio, may it be elected or appointed. In case of economic crimes, the person should be forced to forfeit all the wealth acquired through such economic crimes.

Planning and Towns: Town planners should only plan for the empty spaces and not the already built areas. These plans should accommodate facilities like water and sewage, pavements, loading zones, power and communication lines. These lines should be followed strictly.

And finally, Madam Chairperson, transport. Any civilized society cannot ignore transport and acquire any meaningful development. However, we have experienced time wastage in modern times due to disorder in the transport industry.

TLBs with routes and time schedules should be introduced in all routes and enforced to reduce (?) interference we have nowadays especially from touts. I thank you.

Com Phoebe Asiyu: Thank you very much Mheshimiwa, I believe the other Commissioners would like to ask you some

questions. There is this point that I wanted to know who manages the Ndakaini Dam, who is the manager? Is it the community or is it somebody else? And why should people upstream use all the water that would naturally flow into the dam so that people in this area also make use of the water?

Hon Gideon Mutiso: Thank you. I cannot say exactly who manages the Ndakaini Dam but I believe, Ndakaini Dam was built as one of the water storages for Nairobi and also for the people downstream where Thika River is flowing.

But I think, I cannot tell you exactly who are the managers. But I know for certain that many well-to-do business people and well placed individuals in the society take a lot of water from the flow of Ndakaini water which comes through this way for their own usages. But I cannot tell you who manages it.

Com Phoebe Asiyu: Je, kama tungesema kwa Katiba mpya kwamba wananchi wapewe uwezo wa kuangalia mitambo kama hii ili watu matajiri wasijitajirishe kushinda wale ambao hawana sauti au uwezo. Ingekuwa vipi na tungeandika namna gani kwa Katiba kitu kama hicho? Wewe Umekuwa mjumbe kwa miaka mingi na unafahamu shida za maskini.

Hon Gideon Mutiso: Thank you very much. First of all let me answer your first question on who manages the Ndakaini Dam.
(Inaudible) indicating that the City Council of Nairobi manages it.

Now regarding your question, I think the government in power should take serious view on the people who take out water from the river or from the dam for their own personal needs in consideration to the people who actually use that water downstream. Because currently you find water is taken upstream regardless of how much amount of water is there, how much, how much is flowing along the river and how many people depend on that water downstream. So you find that most of the cases even Thika River goes dry, and this is what we depend on.

Com Phoebe Asiyu: But Mheshimiwa, in these days people do not get what they deserve, they get what they negotiate for. Maybe some of these big people you are referring to are also the decision makers, the same people who take away that water. Would you think that they would be in a position to deny themselves water if there are in that position of deciding where the water would go? Would they not close their eyes to the poor and engage themselves with that same water which should have helped many more people? How can the people negotiate in order to have the (?) share of their resources?

Hon Gideon Mutiso: Madam Chairperson, I would like in answer to that question refer you to the fact that even the water in Lake Victoria, we cannot use it the way we want without listening to what the Egyptians say. They have a lot of say in the amount of water taken out of that Lake because it is the life of Egypt. (*end of side A*)

They should regulate and ration the water to those who want to take the water for their farming and other activities to consider

people downstream so that after calculating the amount of cubic volumes of water that flow along the river, then they consider the people using that same water downstream whether it is sufficient for them or not and then ration the people upstream.

Com Mutakha Kangu: Mheshimiwa the government has said that, that is why this Review Process is there for people to negotiate and decide if under this arrangement we have not been getting the water, we want a new arrangement that will allow us. What new arrangement are you proposing to us? Because the reality is that the arrangement we have is such that they take it and they do not care about you, you are just by-standers, nobody bothers with you. Now here is the opportunity for you people to say we no longer want to be by-standers, this is how we want this thing done. How do you want us to go about it?

Com Phoebe Asiyo: Kwa maana ukisema tuseme Serikali ifanye na Serikali imeanguka haigaweza, sasa nawe unataka tuandike Katiba ambayo itasaidia watu miaka mia moja kutoka lea, wafanye vile vile na ile machinery ile, ile ambayo haijaweza kutekeleza mahitaji ya wananchi?

Hon Gideon Mutiso: Our government would have taken an effective action on that and if it cannot, then I think the only way open is to organize the people who actually need that water, get them organized and register themselves into an organization which will effectively put the demand, maybe through the government to those concerned and say we depend on this water and this is the amount we need to be flowing along that river all the time.

Com Dr Maranga: Maybe Mheshimiwa if I ask you a question. Do you see any role of the local County Council, do you see any role they can play in maybe ensuring that there is equitable distribution of that water, between maybe the Nairobi City Council and themselves? Because you see if you are saying you are organizing people, we have individual farmers who want to be in organizations. But how about an individual who does not want to join that organization? Should that individual be denied his/her right of using the water simply because he is not in an organization?

Com Phoebe Asiyo: Can we entrust this for example in the hands of Masaku County Council?

Com Dr Maranga: Yeah, that is what I was asking.

Hon Gideon Mutiso: I think that is a point worth considering and it should be noted that this matter can now be placed on behalf of this area to Masaku County Council.

Com Pastor Zablon Ayonga: But Mheshimiwa, if this intends to be taken also to Masaku County Council you know time is of essence and if it takes long time, it would not be in this Constitution and we want something that will save people from their sufferings. How soon can it be done, if this was done two months ago?

Com Phoebe Asiyu: Can we recommend that this is what the people of this District want? Yatta?

Hon. Gideon Mutiso: Yes. I am saying, Madam Chairperson, let the recommendation be that, even when the new Constitution is written, that it is the wish of the people of Yatta, that Masaku County Council takes up this water issue with Nairobi City Council.

Com. Dr Maranga: I have a question, you are saying that a winning Presidential candidate should be able to garner 25% of all the provinces. Is that what you said?

Hon. Gideon Mutiso: Yes.

Com. Kangu: Is it really feasible? What if somebody does not get 25% from a given province, and maybe he gets 6 or 7 out of 8?

Hon. Gideon Mutiso: Maybe the one who would be nearest to that percentage...

Com Dr Maranga: So nearest?

Hon Gideon Mutiso: Nearest, if (?)

Com Dr Maranga: But nearest can vary from 4 to even 8?

Hon Gideon Mutiso: But he or she would be the most popular person within the country, having more votes.

Com Dr Maranga: So you should not have put all provinces, then maybe you say anybody who can get a simple majority rather than the 25%. Because I do not see how it would apply and you know very well that it is possible that some candidates may not get a single vote from a given Constituency.

Com. Phoebe Asiyu: Na unajua hii Sheria isikudanganye, kuna makabila wanakaa kwa provinces tofauti tofauti na wanachangua tu yule mtu wao ambao ametoka kwa tribe yao. Na kama huyu mtu ni mzuri kweli, watu wakwao wamempigia kura kuonyesha anaweza kuchaguliwa na amepate province zingine tatu au nne, kwa nini asiendele? Kwa nini tusimkataze kuendelea na tunajua nchi ya Kenya ina mambo ya ukabila mingi?

Hon. Gideon Mutiso: If we were to have the real (inaudible) representative, this is what should be, 25% but the alternative then can come in.

Com Dr Maranga: Yeah, because we know you have been a noble person and you are now provoked. Sometimes people vote for (inaudible) so what would happen where in a province people are shut out? They know very well technically you take one province (?) whoever who got even 7 out of 8 will have lost if (?)

Hon. Gideon Mutiso: What I have said is what should be the ideal, but in case it is unattainable, then we can settle on the alternative.

Com Phoebe Asiyo: Thank you very much Mheshimiwa, tumeshukuru sana. Kama una mambo mengine zaidi unaweza kutuandikia Nairobi kutueleza yale ambayo hatujasema kwa hiyo karatasi ambayo tunataka sasa ni property yetu utapeana pale nyuma na kujiandikisha kwa register.

Hon Gideon Mutiso: Thank you.

Com Phoebe Asiyo: Tunamuuliza Reuben Ndunda (inaudible). Na kama sasa Reuben Ndunda hajaingia, kuna John Muthaka (Mwalimu), kama hayuko Grace Malezi ambaye pia ni Mkulima. Kama Grace hajaingia tuko na Bwana Samuel Mwanzia? Bwana Anthony Kanyumwa? Daniel Mwangi?

(Interjection) **from the audience:** Bwana Mwanzia yuko.

Com Phoebe Asiyo: Mwanzia yuko? Samuel Mwanzia? Yuko wapi? Na mbona umekaa na mimi ninakuuliza uje mbele uongee na sisi? Bwana Samuel Mwanzia wewe ukiwa number kumi na nane, kuja uongee tafadhali. Utafuatwa na Athony Kanyumwa kama yuko, kama huyo hayuko, atakuwa Bwana Mwangi na kama Mwangi hayuko atakayefuata ni Colonel (Retired) (?)

Samuel Mwanzia: Nitaanza. Kwa majina ni Samuel Mwanzia Makau, mimi ni mkulima, sina kazi. Mimi sitazungumza mengi lakini kwanza kuwashukuru nyinyi kwa sababu mlikuja hapa Yatta. Hatujawahi kuona watu kama nyinyi tangu Kenya hii ianze, ma-Commissioner.

Maoni yangu ni haya: Sisi watu wa Yatta hatuna tegemeo lingine ila (in vernacular). Ningependekeza hivi, Serikali kwa mwaka iwe inatoa pesa, kiwango fulani cha kusaidia huu mtaro kwa sababu bila maji ya mtaro hii, hata haiwezi ikawa na watu.

Lile lingine ni kuhusu County Councils. Sisi watu wa Kenya tumetaabika sana. Tunalipishwa kodi na watu wa Council bila kutufanyia chochote. Tumeshuhudia mengi sana, kuona watu wakichukua pesa kwa maduka kwa nini na bila usaidizi wowote. Wengine hawapatiwi. Kwa hivyo ninaonlea hivi, sheria ichungwe. Hawa watu wanaochukua pesa bila (?) wale

wengine wastakiwe.

Lile lingine ningependa kusema juu yake ni kuhusu President. President achaguliwe na watu wote lakini asiwe juu ya sheria. Asiwe mtu wa kuchagua ma-ministers ama Attorney General au ma-P.S. kwa sababu akiruhusiwa kufanya hivyo hao watu hawatafanya kazi zao vizuri kwa sababu watakuwa wanamwogopa yeye.

(Interjection) **Phoebe Asiyu:** Nani atawachagua?

Samuel Mwanzia: Kuwe na Kamati maalum ya kuwachagua watu wa Serikali.

Com Phoebe Asiyu: Unaweza kusema Parliament iwachague?

Samuel Mwanzia: Bunge yenyewe ipewe uwezo, kwa sababu Wabunge wanatoka kila pahali. Ningependa kuzungumza kidogo, nizungumze kidogo, niseme la mwisho.

Lile lingine ningependa kusema ni hawa watu wansomea udaktari. Wengine wanuwa watu, mtu ambaye ni mwanafunzi anaambiwa achinje mtu na mtu anakufa. Hawa watu wapewe insurance, wakifanya hivyo, huyo mtu alipwe.

La mwisho, wafanyikazi waangaliwe sana kwa sababu nilisikia juzi mtu mmoja akisema watu wakigoma watafutwa kazi. Hiyo ni kama kunyanyasa watu, hiyo ni makosa kam ni haki yao. Lakini mgomo usiruhusiwe bila sheria, na mtu apewe uwezo wake na atoe maoni yake. Nikisema niongezewe mshahara, nisiambiwe niki goma nitafutwa kazi, hiyo ni makosa, hiyo sio demokrasi. Ningependa kukomea hapo.

Phoebe Asiyu: Na mpaka sasa bado sijawaeleza Commissioner yule amekaa mwisho, niliwaeleza hawa wengine walikuwa hapa, kwa maana aliingia amechelewa kidogo. Dr Charles Maranga ni Commissioner na alikuwa mwalimu katika Chuo Kikuu cha Kenyatta kabla hajaitwa hapa kuja hapa kufanya kazi ya hii Commission. Dr Maranga.

Com Dr Maranga: Asante. Sasa ninauliza Bwana Samuel, niko na maswali mawili. Umeona hii njia mnapatia Bunge nguvu nyingi isana, kila kitu mnasema Bunge, kila kitu Bunge. Sasa, si mtaona tena Bunge itakuwa kama Rais ambaye iko above the law? Hiyo ni kitu kimoja.

La pili ninauliza juu ya hii right to strike. Unataka tuweke kwa Katiba ati wafanyikazi wanahaki ya kwenda kufanya mgomo? Ningependa unieleze hayo.

Samuel Mwanzia: Nitakwelezea. Mimi sisemi watu wagome, lakini ninataka au ninapendekeza maombi yao yawe

yakisikilizwa. Kwa sababu mtu akisema aongezwe mshahara, sio lazima aongezwe saa hiyo lakini aambiwe ataongezwa lini. Na akiambiwa ni kesho, kesho ikifika apewe hiyo mshahara. Kwa sababu tukiendelea hivi tutakuwa watu wakubwa waongo.

Com Mutakha Kangu: Na umelalamika kwamba unalipa ushuru kwa County Council na hamwoni services. Wamerika walisema, no taxation without representation. You are represented. You, I bet you to be saying no taxation without services. Si ni kweli?

Response: (inaudible)

Com. Mutakha Kangu: Sasa wewe umejaribu kuzungumza. Kuna idhilafu gani inafanya munalipa pesa kwa council, na hawapeani services? Ndio hiyo ithilafu iwe tunaangilia. Tutatutua hiyo namna gani? Kwa sababu, kwa saa hii, wengi wanatuambia, toa nguvu mingi kwa Central Government, peleka kwa Local Government to strengthen Local Government. But you are complaining even the Local Government, they are no better than the Central Government. What is the problem we must address to get these people to deliver services?

Com. Pr. Ayonga:(inaudible) ujui Katiba ni nini. Councils, kuna councillors ambao muliowachagua. Hawa wapo, na unasema munatoa kodi, munaona watu wanakusanya pesa na services haifiki. Je, hawa ma-councillors muliochagua, ndiko shida iko au shida iko wapi? Hau ni nyinyi ndio shida?

Samuel Mwanzia: Sikiza, hiyo

(Interjection) Com. Phoebe Asiyu: Wacha hata mimi nikuongeze ingine kabla haujajibu Bwana Samuel. Nitaongeza ingine kabla haujajibu. Jambo kubwa ambao wana-Kenya wanatuambia ni kwamba, wale walio kule Nairobi (wale wakubwa wa Nairobi), wanaweza kuambiwa kuna njia hapa Yatta inatakikana itengenezwe, au kuna hii maji inatakikana irrigation. Na pesa inatolewa kwa hii irrigation. Na Permanent Secretary au wale walio pale kwa Finance Ministry, wanatoa, wanapeleka kwao. Na kwa vile hamna njia ya kufanya. Hata MP hana nguvu kama imefanyiwa hapo juu, na ndio sasa unalia ma-county councils pia hawafanyi vile. Tukisema kwa Katiba mpya, pesa itolewe kule, iletwe hapa karibu ndio nyinyi sasa muone vile hiyo pesa itafanya kazi hapa. Leo unatuambia hata hapa Machakos, haitafanya kazi. Itaenda kwa nani Wananchi wapate kufaidika kwa ile kazi ambaye wanafanya?

Samuel Mwanzia: (inaudible) afadhali, kama ni msheshimiwa ama ni ma-councillors yule anasimamia aseme, tukipewa million mbili ama tatu za kujenga njia, ili ikipotewa, wale ma-councillors wako ndani kwa councils, siku ingine tusije tukawachagua. Kwa sababu maneno inakuja kinyume, bila sisi kujua.

Na kuna njia ingine, sisi wananchi hatuna njia ingine ya kujitetea, kwa sababu, kama hapa Matuu, kuna vitu mingi ambazo

haziko. Na tuliuliza councillor, naye councillor ni mgeni, hawezi kujua, kwa sababu anasema sheria iko wapi. Tunataka ile sheria ya county council iondolewe, tufuate hii ya siku hizi. Kwa sababu, hiyo sheria ndio inafanya mambo ingine iwe

(Interjection) Com. Phoebe Asiyo: (inaudible)

Samuel Mwanzia: Eeh, sio yote, irekebishwe ile mbaya, wananchi wapewe uwezo wa kusema hapa, tunataka kwanza tupewe Magistrate.

Com. Maranga: Wacha niulize, ungetaka (inaudible). Uko sehemu za marekani, watu wana haki, wakati fulani, kuhudhuria mikutano ya ma-councillors wasikie vile wanaongea. Mungetaka wakati kama huu, wananchi wa Matuu, munaenda munasikia budget ya council inafanya namna gani?

Samuel Mwanzia: Sawa, sawa.

Com. Maranga: Hiyo itakuwa sawa?

Samuel Mwanzia: Hiyo sawa.

Com. Maranga: Okay. Asante.

Com. Phoebe Asiyo: Nafikiri tumetosheka na maoni yako Bwana Samuel. Sasa Bwana Anthony Kanyumu kama uko hapa uje, kama hauko, nitamwita Bwana Daniel Mwange. Nilikuwa nimuite hapo mbele, inaoneka bado hayuko, basi Bwana Mativo – Rtd. Col., kama uko hapa, karibu. Nadhani uje uongee na sisi. Asante. (inaudible).

Col. Rtd. Elijah Mativo: My name is Col. Rtd. Elijah Mativo.

In my Preamble, I would request the Honourable Commissioners, to give us an interim Constitution for elections this year.

In my opinion, what I would recommend to the Commission, on development issues, the Constituency to be a made a focus for development. Hence, for the development of socio-economic facilities and infrastructure should be allocated directly by the Constitution. This will address and enhance the much talked about equitable distribution of wealth. It will also eliminate or minimize the apparent favours to the politically correct areas.

On employment, I would recommend that in order to avoid the current doubt on the integrity of the members of Public Service Commission, the approval of such members be vested on Parliament.

And, like, the Hon. Mrs. Asiyo mentioned earlier, tribal inclinations are still existing in our nation. And therefore, the recruitment and employment of the public service officers, at all levels, should be on District quota basis.

The appointment of key officers like Permanent Secretaries and ambassadors, should be left to the President, but the approvals to be done by Parliament. Ambassadors to display thorough knowledge of their country's (inaudible), and if possible, make presentation in Parliament. This will avoid appointment of people who actually did not know what they are doing. We have witnessed ambassadors really, from their (inaudible), go to their countries, and they don't know what they are doing, they don't know to recommend, they don't know what sort of co-operation they should be promoting between Kenya and those countries of (inaudible).

I would touch on the Armed Forces and the Police: Honourable Commissioners you know, that these are very vital ingredients of our national peace, and should therefore..... the Constitution should therefore integrate or make some (inaudible) that compels the authorities to integrate all tribes on District quota basis.

All public training institutions should also admit students from Districts on quota basis.

I have a recommendation on land issue: public land should be Constitutionally protected with powers for allocation vested on a Public Land Commission, and individuals benefiting from public land should pay at the market rates.

I am sure, Honourable Members know that public forest lands have been allocated (inaudible). This should not be done, unless approval is given by Parliament.

I am currently a pensioner, and I would like to recommend that the Constitution puts it in place that, pensioners' pay be Reviewed from time to time to enable them maintain an acceptable standard of living. Currently, most of them like the ones you have seen here, live in (inaudible) poverty.

I have (inaudible) two more points that I have for you, but I have to expound on your questions.

Com. Pr. Ayonga: Bwana Elijah Mativo, if I heard you correctly, you said, there should be an interim Constitution this year?

Col. Rtd. Elijah Mativo: Yes.

Com. Pr. Ayonga: Why do you say so and yet we are aiming at a (inaudible) Constitution?

Co. Rtd. Elijah Mativo: My opinion is that, we should not put a Constitution in place that is not complete. You have already indicated to the nation that you are not able to complete by 4th October, 2002. If this is the case, give out an interim Constitution to enable us go to elections, and then, continue with the whole matter. Apparently I am concerned, how long it will take, so long as, it will be a good Constitution, that will not require amendments immediately.

I know the American Constitution has been there for almost three hundred years. They made amendments, but very few. When I was hearing about people, now I heard you saying, they have now made about fourteen. Let us not have a Constitution that will change every now and then. If we do it haphazardly now, it will mean, every other time, we are thinking to make amendments, and we know that, it is out of poor Constitution that countries have gone to war. So, let us be serious about, save time, but should not limit us not to go to elections with a new interim Constitution.

Com. Mutakha Kangu: Now, you say the constituents should decide for development or budget allocation should be to the constituencies. I would you to elaborate to us, what factors should be taken into account. Because in other places, there are those who at a political level, not necessarily at an economic and development level, has been telling us, let the constituencies be equal on the basis of population. And they have said, we don't want one person representing fifty thousand people, while another one is representing three thousand people. We have been asking, some of the constituencies that have three thousand people, are so vast, you will need a whole week to campaign to get just a hundred votes, while another one may get two thousand votes in one day. Now, what factors do you take into account when allocating funds to constituencies? Because, as I have said, some don't have an infrastructure, they are so large, they may be having small population. Others may be too small but have large population.

Col. Rtd. Elijah Mativo: That is one of the problems. Let me first before I answer that question. I am an aspiring candidate to the Yatta Parliamentary seat. Tracing from end to the other is quite hectic. Because, the infrastructure is so poor, the road network is so poor. When I said the Constituency should be focus for the allocation of funds, I have in mind, like what the Parliament has already done. They have made recommendations that money for the maintenance of roads and for to check on aid, be channelled to the constituencies. If that works and it works properly, we are likely to see an improvement related – when you (inaudible) about our Yatta Constituency, since independence, we have this road running from here to Katanga. It is not even a single (inaudible). If money was allocated earlier on to the Constituency, definitely we would have (inaudible), if not tarmacked. Well, because you would be knowing what our problem is, when we talk of things like water, because that is a big issue here, if we had the little money allocated to the Ministry of Water for development given to us, we would not mean irrigating the whole of Yatta, but we would go and isolate areas, a borehole is just 2.5 million, and on the higher side. So, we would go this time, when we get value for money, and isolate an area, dig the borehole, let us have indeed another area. That way, we would actually be developing every Constituency.

Com. Mutakha Kangu: Yes, but (inaudible), I do not know how they share out those little monies which is given to constituencies. Whether it is on equal basis or there are varieties, because, if you say, 5 million for every Constituency, you are still not equitably distributing resources. Because, we know, women are telling us, we want affirmative action, because they have been left behind. They want to be brought forward. We now have constituencies under the current Constitution, the system which allowed one person to take resources to his area ignoring others, which are already ahead of others. Do we apply affirmative action in this distribution?

If you go to Germany when they unified East and West, they have taken a deliberate move to put more investment in each (inaudible). How do we deal with the fact that some constituencies are way ahead in terms of infrastructure, some of you have good schools, some already have hospitals, others don't have, some have roads, some don't have roads. How do we distribute these ...

(Interjection) Com. Phoebe Asiyu: Utueleze kabisa kabisa, Mheshimiwa niongeze hapo kidogo, kwa maana hatutaki kuandika Katiba mbaya. Kama kwa kweli kuna Districts zingine zimeendelea sana, zimepata njia, zimepata hospitali, zimepata shule ile permanent, na ingine, hata barabara ya lami. Wengine hawajapata na wewe unatuambia, wengine wanatuambia ati tupeane usawa. Usawa utakuwa namna gani na kuna wengine wako nayo tayari! Ukiwapa five million, tuseme kama Kiambu District na unapeana hapa Machakos tena five million, kwa kweli kuna usawa?

Col. Rtd. Elijah Mativo: I did not mean you get that bottle I get the same bottle. If there was honesty in the government maybe then with this sought of recommendation in the Constitution there would be a Commission that would come out and identify which area requires what. But because there is no honesty, what happens? It is only the areas that are politically correct, areas that have individuals who are recognized that money is pumped to and it is my feeling that that can be corrected in the future.

Com Dr Maranga: I have got some two questions and one is on the Armed Forces. Being in the armed forces until you retired because now you are a pensioner. Are you satisfied the way we utilize our Armed Forces as it is now or do you have any other recommendation you want to make to us? do we continue in the same way or are there any drastic changes you want us to make to the Armed Forces? That is question number one.

Number two, you have talked about admission of students and employees on quota basis. Don't you think you are going to increase tribalism or ethnicity rather than reducing it? because I find that when we went through the old system where somebody was choosing a High School somewhere in Kirinyaga and I come from those sides of Nyanza wherever. Didn't you find it an easier way of mixing rather than giving the quota system?

Col. Rtd. Elijah Mativo: Let me start by answering your second question. We are not going to divorce ourselves from

tribes. Tribalism is there, it exists. We cannot say people are not talking about tribes.

Previously, merit was the issue, then some years later, things changed. Merit was no longer, instead the tribal, what was called the tribal balances is what took place. That was a very bad cancer that was introduced. And because it is there, and we have no cure for it, the only remedy now is to base whatever we are doing, whatever recruitment we are making on the Districts. Look at a District, take its population and see the qualifications of the students then you put them into training colleges on quota basis, based on population. That can work, it used to work and it can work.

The first question, the utilization of the Armed Forces. The Armed forces right now we are doing extremely very well, but there is an arm of the Armed Forces that we are not utilizing properly. We have qualified engineers, doctors, disaster managers, I happen to be one of them; I attended a course in Disaster Management. But when it comes to utilization of these knowledge, very little is done. For example we are talking of water, we have water bore holes needing improvement, lying in Thika. It is public money, some of that was donated by the American Government and surely with proper allocation of these resources, some areas can be assisted. But what are we seeing? (??) not utilized fully.

When it comes to doctors and other areas of training of the members of the Armed Forces, we see for example we have disasters, we have floods or any other form of disaster taking place in this country and only uphazard Committees are formed whereas disaster management should have been institutionalized. What is there now today is not... you find people are not qualified, yet there are people who have spent public money on training them.

Com Dr Maranga: Colonel why I am asking that question, I normally see you when there is a visiting army or force for example the Americans. You go to some place, you build a school, you start digging bore-holes... only that period. So I am asking cant it be a culture? You get my point? I mean this is my issue. I find that you go to some areas, North Eastern, Marsabit, to dig boreholes, you set up a school within a week, it is ready... sincerely we can utilize you and have two hundred schools in a year...

Com Phoebe Asiyu: And very good roads.

Col. Rtd. Elijah Mativo: The members of the public do not know the capabilities of their Armed Forces, they do not know. And the (??) to come out and inform the public what the Armed Forces can actually do because they can do, they can do all this without being given any task for example preparing airstrips, they do it very well. When asked to prepare roads, they prepare them, bridges the same and they can do this in collaboration with the Ministry of Public Works. But somebody goes wrong somewhere. That is what you Commissioners should (??).

Com Phoebe Asiyu: Wewe unajua vile Daktari...Tunahitaji vernacular speaker from there, we need your help. Because only

what you tell us will go in this document. We cannot come up with our own ideas. If you feel that Kenya as a developing Nation has very little resources, it should therefore not give them to the Indian Contractors to make roads or the multi-national groups that come with very big (?) proposals. If the Army has this capacity, can we instead inject this money to the army which would be less than what we are giving the Indians which that lady talked about. So that we keep our monies within this nation, we get the army to do all these roads, which you say would be cheaper, better done and build our capacity.

Col. Rtd. Elijah Mativo: That is exactly what I am saying. You need to go further and identify their abilities because somewhere I talked about disaster management. When there was this Taveta Disaster which was so bad, instead of somebody somewhere mobilizing the Armed Forces to get down there because they have the doctors, they have the helicopters, they have the (?) they have the manpower, just in the barracks. Somebody decides he is going to tell the Commissioner of Police so that the Commissioner of Police flies to where the disaster is to come and tell the President this has happened, so what? Instead of getting to those who should actually work and help and copy the developed countries. We should know, excuse me, even the developed countries like the United States who always utilize their Armed Forces to manage their disasters.

Com Mutakha Kangu: I would like you to tell us, maybe enlighten us. Are there any countries that do not have a permanent army the way we do with the Armed Forces instead they have them doing other things on standby when the need for war arises they are called and if there are, how are they organized? Because I am a bit worried about our maintaining a permanent Armed Forces, which we never use. I keep telling people, Kenyans are so religious and they have always prayed and God listens tot hem, we never get war. Why should we keep people sitting there waiting for a war that would never come?

Col. Rtd. Elijah Mativo: Let me first of all answer Mheshimiwa number one. The Armed Forces does not stay idle, they are always training, they are always doing useful jobs. Coming to what you are saying, Switzerland does not have a standing Army but what they do, they maintain the headquarters. The Brigade headquarters, that is maintained in the form of a ... the command is there. These people working in factories, they are members of the Armed forces, or whichever area of specialization. But then after every three or six months, they get back to the barracks, do some formal training. When they get new weapons they get familiarized and they continue with their normal jobs.

But, from what sometime back I discussed with somebody from Switzerland and they indicated to me that they are likely to change the Constitution so that they have some form of Standing military. For us in Kenya, we cannot do that. we need the boys are they are. We need the Armed Forces as it is.

First of all as I said, it is an ingredient of our nationhood, just like we have the judiciary and the other arms of the government like the parliament, the executive, the armed forces is an entity which we cannot do without. It is the pride of our nation.

Com Mutakha Kangu: The problem we have Colonel is that we must engage our government in production. I think the problem you have heard in our country is that, when we want to create employment we do not look at the production aspect of that employment. Tunachukua mtu tunamwambia wewe kaa hapa tu uwe unakulia hapa. it doesn't matter whether the person produces anything or not. And so we are trying to find out, is it possible for us to have an army that can also contribute to our revenue collection instead of simply consuming from the revenue. Are there ways we can devise through this new Constitutional arrangement we are talking about to ensure that we have an army yes, a standing one, we have the pride of having an army but we can make them produce something that goes to add to our GDP?

Col. Rtd. Elijah Mativo: I thought I talked about that. I said we can do that, we can utilize it and we actually do. We have talked of the engineers who can prepare roads airstrips and buildings. We have talked of the doctors, we have talked of the (?) who can also get out there and they do these jobs cheaply so long as the government allocates that money to the Armed Forces, they will be able to do it. so long as they are given whatever assignment, the military will do it. We have all these skills but then they are not utilized.

Com Pastor Zablon Ayonga: Bwana Colonel, pengine unaweza kuwa una maoni mengi which you may not feel free to tell us. There is a provision also that you can write a memo which you enlighten us or talk to us in camera because I do not think that we would put you in on spot to answer A, B, C, D. There are certain things really you would not feel free to answer and I want to save you from that embarrassment. But if you feel there are certain things that you would enlighten us in privacy, that provision is there.

Col. Rtd. Elijah Mativo: (Inaudible). Okay I am available.

Col Phoebe Asiyo: I have one final question before you leave, I am sorry we are grilling you too much but we need to know certain things. You know you made a recommendation that we will have to think about and I would like you to expound on it.

Many countries of the World especially Africa, never rewrite their Constitution or even overhaul them. Unless there is a war or a crisis or some real bad times, armed conflict and so on. Kenya is writing a Constitution in times of peace. We have a President at this stage who has said he is going. You are now telling us that we should write, we should write...(end of tape side B)

(Yatta Tape 3)

To facilitate the elections but there are many institutions that if the recommendations of everybody here is taken seriously will need to put in place before elections / before this Commission is disbanded and you also know that when the new elections is held there are those people in this country who have for a long a very long time wanted the status quo to remain. What

assurance are you giving us that if there is just an interim Constitution to facilitate for elections that after elections, that Parliament will see the need to change the Constitution.

Colonel: What I mean to as is an interim Constitution for elections, Kenyans would want to know whether we are going to have a President, a Vice President who are ceremonial and an Executive Prime Minister because right now, the talk has been there from the ruling party and from the opposition, so the general public is left in a dilemma whether that is going to happen. So, why can't you make it clear? Kenyans would also want to know whether different parties, there would be a coalition government so that if certain parties come together they can form a government, you see that cannot happen unless you give us that Constitution so we just want something that touches on the election only.

Speaker: (inaudible)

Colonel: Yes so that you come out clearly.

Com. Phoebe Asiyo: Then there is alternative for elections?

Com. Kangu: But you see Colonel, we have a problem some of them will be very fundamental changes because they are going to go into the real structure of government so if you altering the structure of government fundamentally then you are not making kind of interim changes, you are actually making major major changers.

Col. : We know that a lot of people are not very comfortable with the Lancaster House Constitution that is existing today, so now that we know that why should you and you have been mandated by the wananchi to make a Constitution. Why should you let them go to elections with that sort of doubt? Probably because they are not comfortable with the Lancaster House Constitution, give them something interim and then continue but it should not go one forever.

Com. Phoebe Asiyo: Tumeshukuru sana pengine tutakuuliza maswali mengine in camera kabla hatujatoka hapa Yatta. Mweshimiwa you have asked if you can speak now.

Mweshimiwa: Yes, because (Inaudible)

Com. Phoebe Asiyo: We will let you to speak again.

Mweshimiwa:In a form of memorandum and I can add some few points.

Com. Phoebe Asiyo: Very good, because you have this, just highlight the important areas do not read it because we have

already heard the last part and then I believe ladies and gentlemen, after this we can have a very quick break just to have a soda and then we continue or would you rather we just go on up to five without a quick break for kitu kidogo tunywe halafu turudi. How would you like us to do it but do not disappear after the break because we need you help, we need your brains into this new thing.

Hon. Philip Wambua: Dear Commissioners let me take this opportunity again to welcome you again in this part of Yatta Constituency in Yatta Division. My points according to.

(Interjection) Inaudible.

Hon. Philip Wambua: I am Honorable Francis Philip Wambua, MP for Yatta. I think my points I have put them very briefly because many things have been said by members and I do not want to keep on repeating so I will just read them because they are only 3 points and that is the end of it.

1. First of all, I said that of course the government of the day should be responsible for free medical and education for all its citizens.
2. Education should be free to all students in all forms.
3. Judiciary, Judges, Magistrates should be appointed by an independent Commission but not the President so that they can act independently.
- 4 Kenyan law must be Reviewed to determine the sentence according to the weight of the crime and that one of course I highlighted when I said that somebody may just steal on cow and he goes for 10 years and another person maypublic funds like hundred millions then he goes for 6 months, this is not adequate really because this person has caused a lot of damage to the country and he has gone free for a few months and still he will come back to enjoy the money hefrom the public so he should at least have a sentence which will compel him to pay for that money for that money that he has taken from the public.
5. All government officers, ministers should be compelled to automatic resignation when they are charged in court of law for corruption, misuse of public funds or misuse of office. We have seen that of course some of the government officers prior to having been charged in court of law they are still keeping their offices, if they are Ministers they are still having their flag on and they are still being paid and they are charge of stealing government's money, they should automatically resign.
6. All bills and motions passed by Parliament must be implemented by the government of the day immediately we know that of

course some of the bills which of course are being passed in Parliament which of course assist the public, private motions or private bills but because of the government of the day is not willing to give that service to the public they ignore those bills and then they put them in safes and then they bring their own bills. So, they should be compelled by the Constitution to implement that because the Parliament has passed it.

7. The government of the day should be entitled to build schools, health centers in the who country and equip them equally and not to leave them to public to convene harambees because they are collecting fees from the schools and they are also being paid the tax by all people so, they should take that responsibility. It has been an attitude that of course all these has been left to MP's and the elected leaders to develop their areas while of course the government is still collecting money so that government should be compelled to carry out all those development activities in all parts of the country.

8. The country's wealth must be distributed equally for development but those areas which were ignored before should be given much consideration. We know that some areas are well developed as we stand today and others have been ignored so, those of course which have been ignored should be given higher consideration for the distribution of the public wealth.

9. Administration of all stages which I mean from DC, DO, Chiefs should be replaced by elected development officers whose terms should be revealed as per terms of the Parliament. We know that some of the administration offices are not development conscious to their respective areas where they have been taken. If of course they are the DC's or the Chief Executives who look after treasury of that District, they may at least mess with the development, they may not develop that area because they are going to be transferred and they will not mind because they will go but if we have development officers who are elected within the said areas, if it is a District I think that person will make sure that all the funds within the said area will be utilized perfectly.

10. All internal security will be left to the Police Force and the Police Stations should be built in all locations, we have seen cases where by orders of the security have been coming sometimes from administration and others from the Police and this has brought a lot of conflict because a DO may just give an order while an OCS in a station my also given another order and that is why there is a lot of conflict between the Office of the President and the Police. So, all the security matters must be given to the Police and the OP should pull out of it because, I gave an example yesterday that, we have seen cases where by a Minister in the Officer of the President gives an order for the demolition of kioks while the minister in the Local government does not have any idea, that is whey they hide. Although they are in the same government, we know they know each other but let them be left on their own so that incase of blame it should be directed to one ministry.

11. We would like a government of national unity where by the power to rule will be distributed to many bodies or people and not to be left to one person or one political party. That is why we are suffering in Kenya now because we know that the government we have having has its powers let to the head of state and the others are being distributed through the ruling party.

We should not have that type of government, we should have a government whereby powers are distributed from different sectors so that people can be served perfectly.

12. Last but not least, all government funds should be distributed equally and disbursed directly to all Constituencies so that the people of any said Constituency can consider their own priorities, we know that of course probably when we have a central poll in the District or in the region money from the exchequer should go direct when we are just doing the budget at least we should have a provision which is of course is taking some of the money directly to the Constituencies because it is the place where the people are. So that they can at least that with the money that we have, we want to dig boreholes, we want to build schools etc and that of course will make the taxpayers development in the said areas to be equal. For instance in Yatta, we may not need telephone, our problem is water so if we get more money we can at least utilize it in water resource rather than having electricity or other things, although these are also essential but of course we give them another priority and not the first one. That is what I mean by saying that distribution of public funds should be directed to constituencies.

Com. Phoebe Asiyo: Okay, Mweshimiwa can I just put a question to you, which I did yesterday. I would like you to tell me what any other government with a new arrangement like a government of national unity will do about the motions or bills that are passed in parliament if that government does not have the money. How else would you like us to recommend that way these bills by Member of Parliament because you know sometime it is genuinely true that a government does not have the funds for what the member of parliament is asking for, so you tell us what recommendation do we make?

Number two, you have also talked about money being brought to the Constituency and you Mweshimiwa you know, when the money was brought to the Constituency some Members of Parliament instead of appoint these people that you are calling development conscious people, they employ their own relatives put them on the Committee or their own supporters therefore the thing just failed and now Kenya is not getting much support from the international community because of the failure at the Constituency level. What machinery do we put in place so that the people even at the Constituency level get the best to do the work instead of just telling us because the AIDs has taught us very big lessons, the MP's did not do it right so who will do it right?

Hon. Philip Wambua: One thing Madam Commissioner, I would like to assure you as we stand today, the AIDS money has not been disbursed to the constituencies myself, as an MP in the area, we just opened with our own money and we were told that we would be paid back. We were not paid, even today I owe them Kshs. 5,000/= which they have not yet paid me and they have never given us any other thing.

Com. Phoebe Asiyo: *(Inaudible)*.

Hon. Philip Wambua: I understand what you have asked me, it is true and we know that of course some of the people even in

the Constituency may not be able to use funds if given to them but probably to my opinion it will enlighten because this will be near to the people and for instance, when money is brought here like this road levy which was given to every Constituency, we came here when we had the leaders meeting and I told them that of course we are having these fund which has come and let them see. For instance, Members of Parliament they do not touch the money but they supervise the money which is meant for their area and that is what we are doing so in that case if the money is brought here, I do not say that it should be brought in cash but it is allocated and we are given the responsibility not even members of Parliament, even the Churches, other leaders to look at it that money is utilized in that particular area. I think it will have an impact than the way the system is using now.

Com. Phoebe Asiyo: Mweshimiwa what machinery do you recommend should be in place for your recommendation 13 to work?

Hon. Philip Wambua: I would recommend that of course a Committee of probably a Committee composed of either Church leaders / religious leader, elected leaders and business people be informed because in that Committee, probably it will be very difficult for individual people at least to manage the funds.

Com. Maranga: Mweshimiwa I want to add a question on that. I am foreseeing that for a Constituency if we are going to have a government and we do really have a government, if we have a government whether it is national unity or coalition government there will be several ministries who will want to bring some specific developments. If it is the Ministry of Education it will be there, if it is the Ministry of Health it will be there, if it is the Ministry for Public and roads, it is there, whatever ministry, so to say. How do you coordinate the activities of these ministries to ensure that each service they want to offer the Kenyan people reaches the Constituency? I think that is the question.

Hon. Philip Wambua: There are so many ministries within the government but some of the ministries in certain particular constituencies do not reflect much because of some reasons. For instance, we have education which of course if there is money every Constituency will benefit out of that but there are some ministries like the Ministry of Planning and other ministries which of course for instance even if they have funds and then they bring to our Constituency probably we would use them to better facilities and priorities which of course is affecting our people because the problems are not equal in all the places. There are some other people who of course will have minerals, the ministry concerning with that if they had money they would dig those mines but where we are now, like we are in Yatta our problems are different from whatever is in Western Province so I say that if the money is given even if all the ministries channel the money equally to the constituencies but the Constituency Committees will prioritize the needs of their people with that money.

Com. Maranga: Mweshimiwa, you will agree with me that the government officials that you can find in the constituencies, the government workers are the MP, the Chief, the DO and the Sub Chief. Ministries do not have departments and offices in the constituencies and that is why the question of the structures for the implementation is coming. Is the Constituency going to

employ its own engineers, going to employ its own doctors or how are we going to go about this?

Two, if we allow this the government officers who are in other positions at higher levels what is going to their work, we do away with them.

Three, listening to you and other speakers who have talked, all you are saying and you are not coming out clearly about is that there is need to decentralize power but we need to identify the correct units to which we are going to decentralize this power because in the arrangements you are giving us, we are going to have the central government, there are those who are saying strengthen the local authorities and now you are saying the Constituency should also become a unit in this process of decentralizing power. What is going to be the relationship between the Constituency, the local authority and the central government? You are talking about decentralization of finances but you are not telling us about the sharing of the functions what functions are going to remain for the central government, what functions are going to be given to the local authorities and what functions are going to be given to the constituencies. Because we are not going to take all the functions of the government and give to the Constituency. We must know what will remain where and which will go where because we cannot bring everything here. Your Constituency cannot make its main road, they can make this road to Katanji because this is within your Constituency but the main roads cuts across so many Constituency and that is something that may have to be handled by higher level of government. How do you plan or envisage this distribution of functions and once you have decided that is when you will know how much money should be taken to what level of government depending on the functions that particular level of government has been given.

Hon. Philip Wambua: Thank you, I got your question and for one there are some government officers for instance, in every division there are divisional health officers, there are agricultural officers, veterinary officers so those ones let us say that of course with the Central government we do not say that we take all the funds to the Constituency but when there is the allocation in the budget of a certain amount of money, if of course we just say that we take such money to make essential things like water, road, health facilities, that is why we are having a cry and that is why everybody is talking of bringing the funds to the local people because for instance, the health facilities are not equal in our country but people are some areas rather than others. So, because the central government is there and they have their own budget which of course they centralize for paying of these offices and for giving advice to the local authorities or to the Constituency leaders. At least most of the areas we feel that we have been so much left behind so some of the money at least for every budget there should be something to be taken to each area for instance, let me take an example of this road levy, if this started during our own independence, we have just gone for more than 35 years, if we were getting 2 Million not even the 5 Million that the parliament has passed, if we were getting the 2 Million that we are getting now from all our roads because within the last 35 years would have been 60 – 60 Million and at least most of our roads would be tarmacked. In that case we would have reached somewhere, so we do not say that we centralize all the funds to be distributed completely, some of it has to be left with the central government because they are the ones to advice, they are the ones to train, they are the ones to bring the technical people.

Com. Kangu: Which functions should be for the Constituency and which ones should remain at the central because you are not going to build your university in Yatta and then the people in Masinga put up their own university...

Hon. Philip Wambua: We even do not need it

Com. Kangu: The people in Kadhiani put up their own university, we must know what can be left at a higher level and what will come to the lower level?

Hon. Philip Wambua: For instance, if we just touch the part of education we in Yatta at least at by this time we do not even need a University but our local schools are not equivalent to those one in the cities. Our secondary schools are not equipped like the ones in some other areas but our children are just doing one exam whereby our schools have got no laboratories, they have not facilities. That is why we are saying, some of these local facilities and local aspects within the areas like the lower learning funds should at least be channeled to us because we will know what factor we are going to use that money.

Com. Pheobe Asiyo: Mweshimiwa can I help you a little, are you now recommending to us that certain aspects of health services should be provided at the local level that education for example, up to say secondary schools can also be administered locally and that rural access roads can actually be funded from this level and it does not have to take the central government to come down here and do it and many other social service areas that the people themselves together with the government can do at this level but leave the bigger things for the big government to take care of.

Hon. Philip Wambua: Madam Commissioner I think you are very much aware where our problems are. You have been a Member of Parliament you have even seen things happen because for instance, why we are crying that we should at least get a token. Sometimes we are having this donor money which of course are coming and this money does not reach some areas but when we come to payment we all pay. So, why should we pay for something that we have never received?

Com. Pheobe Asiyo: You just want machinery.

Hon. Philip Wambua: Yes.

Com. Kangu: For development purposes don't you think that the Constituency will prefer a small unit than say may be a District so that when the budget is done in Nairobi allocations are put to say Machakos District, then the Machakos people can sit in Machakos and see how they make their allocations to lower levels than saying let the allocations from Nairobi be put for the Constituency?

Hon. Philip Wambua: You know (Inaudible) because I am a representative of a Constituency but I accept a loophole for the Commissioners because I have said that. This administration sectors or administration officers like the DC's at least we should replace them with development elected officers.

Com. Kangu: Someone who would be elected(*Incompetete*).

Hon. Philip Wambua: For the whole District like Machakos, in that case even if of course the fund is brought there probably it will reach the local areas but of course if we have a District Commissioner who comes from Western and probably some of the funds come for roads and other things, he can still get it and this is something that we have proved and they do not care because that is not his area and then the next time he is transferred so, we need people who are conscious of the areas which they represent.

Com. Dr Maranga: One more question, you have suggested a government of national unity, how long do you want this feature to remain in the Constitution because they feel a government of national unity is king of a transition rather than a permanence in the Constitution.

Hon. Philip Wambua: You know, when people are trying to fish around they at least try to find something which of course may be very adequate and helpful to them. Kenyans, we have been in type of government system since independence and in this case we are trying at least to find out, it may be that this government of national unity may not be very helpful but of course it will give us a change for sometime. We do not say that we do it and then next time we go for another Constitution but it is just a sort of a government where the powers will be distributed and not centralized to either an individual or one particular political party, that is our problem.

Com. Phoebe Asiyo: Are we talking about power being given to parliamentarians or power being distributed to Kenyan people in their own Districts?

Hon. Philip Wambua: I mean power being distributed to people because parliament is there only to vet most of the things from the government and by this time even our Kenya parliament some things which are happening and the way you have heard some people saying the parliament of Kenya has not power in some sectors because for one they do not determine their terms of period in the house. The public is just accusing Members of Parliament but the Members of Parliament when they go in and probably something happens and the government is not willing to hear that being debated, we are told to go home for a month or for two months.

Com. Kangu: This concept of a government of national unity so many Kenyans mention but they do not seem to come out clearly what they mean by that for instance, what happened in South Africa, when they went to elections in 1994, the interim

Constitution said because they are coming from a state of war, state of apartheid they want to heal the wounds of the past, they do not want a situation of the winner takes all, they want a situation where more parties will be involved in the government and they did not go to elections under the system of Constituencies which they had, they went for what was called proportional representation. People were not standing in Constituencies, a party prepares a list and presents if they are 210 constituencies you give a list of two hundred and ten people and you are saying, if as a party we win a hundred percent of the votes we will be entitled to all the seats in Parliament. If we win 60% of the votes we will be entitled to 60% of the seats in Parliament so we take the first 60% people on our list they become Members of Parliament, then they went further and said, even the formation of the cabinet would be one the basis of the percentage of the seats a party has won in Parliament and when they went to election I think in 1994 the ANC won about 62%, so they became entitled to 62% of the seats in the cabinet and then the other participating parties were the National Party which won a certain percentage and the Inkatha Freedom Party which won a certain percentage and that is how Mangasutu Burete and D. Clerk became Ministers in Mandela's Parliament. What do you people mean by a government of national unity is it something like that or what do you talk about?

Hon. Philip Wambua: To me because the peoples ideas are different but to me when I talk of a government of national unity it is the parties even before the elections, they seat down and say that of course we want to build our country and we want to have one government no matter which party or which tribe forms that party and we say that of course, let us share the distribution of the leadership on the table before we go for the real elections because if we go for real election probably some people when they have a large number of elected leaders probably they may change, we just build it on the table before we go for elections.

Com. Kangu: But that has happened Raila negotiated with Moi and he got into the cabinet even before they merged so, we do not need a Constitutional provision to do that and that is why Madam asked. Are we trying to get leaders share power or are we trying to get power taken from the people so that the people see the fruits of It is not just a question of creating room for leaders?

Com. Phoebe Asiyo: But Mweshimiwa, are you really serious when you say that all the parties will sit together and decide, because are you going to sit with SDP, National Political Party, the new KANU, DP. The others have sat together, SDP and the rest but are you going to bring KANU into this, will they accept your..?

Hon. Philip Wambua: We know that of course they are not going to accept.

Com. Phoebe Asiyo: So how can you now be talking about all the parties sitting together to decide?

Hon. Philip Wambua: You know Madam Commission what problem we are having in Kenya that is why of course we are here and that is why you are there.

Com. Phoebe Asiyu: You want me to help you?

Hon. Philip Wambua: Yes, we are just trying we are not finishing the whole problem and you are also going to try yourselves at least to bring Kenya to somewhere. The problem we are having is that Kenya has been divided to tribal faces and that is why of course even the parties have been so many that of course it has become very difficult but if we have something in law which says, probably the government which of course is required is the parties or we minimize the parties according to what people have been saying we minimize the parties to a certain number and then we put a provision in the Constitution. That the government which will be there will not be determined by the ruling party but a system of a government. You know in some other countries you find that the ruling party does not control the executive because the executive should be there just for the country but you know we have a problem in these party systems and because we are a growing country that is why we are murmuring that way to get to the correct road. We are trying to say that if there is any provision which of course will bring us together at least for a certain particular system which will lead us to a government where the powers will be determined not by individual persons or by individual party but as an institution for good governance for all the people rather than leaving this thing to be determined by whoever because now that is why some people are not coming together because everybody would like to go to State House and it will be very difficult and to remove those who are there is also a problem but if we have a provision like the one which was put by the IPPG which made the terms of the President for two terms. That one at least will bring us some light, we do not say that even now when we give you our views whether the Kenyan problem will end by this term we are only trying to reach a better place whereby from there probably we may just think of jumping to a better place.

Com. Phoebe Asiyu: Thank you very much Mweshimia.

Com. Pastor Ayonga: What I have been saying is this, I have been listening to you Mweshimiwa and I think you have tried your very best and each one of us is entitled to his own view. What you are thinking is possible or may not be possible elsewhere and we should give you credit for what you have said and also if there are some thoughts that you are going to give to what you have said you can write it again to us and give us a new memo, a revised memo. I think you have done a good job.

Hon. Philip Wambua: I will do that.

Com. Phoebe Asiyu: Thank you very much Mweshimiwa, I just want to thank everybody. Nataka kusema asante sana kwa wale wote ambao walikuja na ambao wamesikiliza kwa makini sana, kuna kijana moja anaitwa Katiyo hawezi kuongea saa hii lakini yeye ni tout, tunataka kusikia fikira ya touts. Hebu Katiya simama tukuone, Katiyo yuko wapi? Kama alienda mmtafute arudi, anaitwa Zakayo Katiyo, arudi ili tusikie fikira yake maana kila mtu anaona hawa vijana wanasumbua watu sana kwa matatu, kwa markets, kila mahali tusikia fikira yao na tupate njia ya kurekebisha hii mwenendo na hii taabu na hii shida ambayo watu wanaona juu ya hawa vijana. Sasa nawasii sana mrudi saa nane, sasa ni saa saba na nusu. Je, mngpenda dakika ngapi

ya kupata soda na kurudi. Okay, tunaweza rudi hapa 2.15 p.m. tutakuwa tumekunjwa soda tumekuwa tayari ili kili mtu ambaye amefika kwa kituo hiki apate kuzungumza na tumuulise maswali na Katiba iwe mzuri kwa kila mtu safari hii katika Kenya. Asanteni sana.

(Lunch Break)

Akina mama hawajapata nafasi sana na mimi ni mama niko hapa nitawapatia nafasi kama wanataka kuongea lakini kwanza wasikilize vile wazee wanavyosema ndio watajua wanaanzia wapi. Tuko na huyu zakaria Katiyo ambaye hajafika yule tout kwa hivyo tutamngojea lakini kuna Maurice Matiku ambaye ningependa.

(Interjection)

Com. Pastor Ayonga: Nauliza kama tout ameonekana.

Com. Phoebe Asiyo: Hayuko bada.....(inaudible). Kama Bwana Matiku anaweza kujitayarisha na kuja hapa mbele akae, Bwana Matiku una dakika tatu ili kila mtu apate nafasi ya kuongea, kama Bwana Matiku hayuko, Raphael Wambua yuko? Raphael hajaingia, Bwana Moses Kithome, Bwana Peter Kioko, Esther Mwanza, Onesmus Musola. Esther yuko? Haya Esther kuja uongee halafu yule Peter Kioko na Moses Kithome, muwe tayari na kama hawako tutaenda kwa Onesmus Musola, Francis Macharia na atafuatiwa na Jonathan Ndonge na Peter Ivuli. Okay, you are now ready to talk to us unaweza kuendelea Mama Esther, kwanza sema jina lako na utachukua dakika tano.

Ether Mwanza: Majina yangu ni Esther Mwanza, mimi ni business woman na nilikuwa nataka kuonjea juu ya family law our customary law on marriage.

Sana sana akina mama wa upande huu wa Machakos au hapa kwetu Yattaa tulionelea muende mupindue mkazo wa customary marriage ili msichana akiolewa kabla ya miezi sita wanampelekea mahari yake.(inaudible). Tunataka hiyo iwe inafika kwa Chief kwa DO na pia kwa DC na pia tuone kwa Kenya Gazette tuwe tukisoma uko kama huyo mwanamke na mwanamume wameoana kimila. Pia tunataka ifanywe matangazo kwa area ile ametoka na pia kama kuna makanisa yako karibu itangazwe ndio watu wajue huyo msichana ameolewa kimila kwa hiyo jumuhia ya hao watu. Pia tunaona kwenya Katika muende muweke mkazo kwa akina mama kwa maana akina mama wengi wanaume wao wakifa mali za mabwana zao zinachukuliwa na madungu zao au relatives na mama anawachwa bila chochote. Kwa hivyo tunataka muende mkapinduwe ili bwana na bibi wakiwa uai katika certificate yao iandikwe iwe ni yao wakiwa wawili maanake mtu akifa, for example tunaende kushtaki kifo, tumeonelea mpinduwe kwa Katiba ya hivi majuzi ndio tusiwe tunapata kazi mingi ya kupinduwa kifo ati alikufa na tulikuwa na yeye.

Kile kingine, kuna watoto wale orphans and widows tumeonelea jamii ya boma iwashugulikie pamoja na serikali yetu, muende mpinduwe kwa Katiba, watoto na akina mama wale mabwan wao wamekufa wawe wakiwasaida sana na hiyo iwe kwa State.

Tumeonelea tena muende mkapinduwe Katiba ya street children hawa watoto wote kwa street wachukuliwe na warudishwe kwa maboma yao kwa maana hawa watoto wamezaliwa na wanaume na wanawake na wangali tu nyumbani kwao na wameachiliwa. Hiyo iwekwe mkazo na ipitishwe kwa Chief na Assistant Chief mpaka irudishwe kwa serikali yetu na hawa watoto wachukuliwe wote wapelekwe kwa shule. Pia tumeona muende muweka kama ni mkazo kila mtu apelekwe kwa shule akasome kwa maana tangu tupate uhuru wetu miaka hizo zote, mlisema ati tutamaliza ujinga na hiyo ujinga haijakwisha kwa hivyo ata watu wazima hawajasoma. Watu wazima na watoto wote waende shule kwa hivyo muende mkapinduwe iwe ni lazima kila mtu asome, ata mtu mzima akisoma anaweza kufikisha “O” Level na certificate zao ziwe zinaonyesha kwamba alisoma akiwa mtu mzima.

Pia tungetaka muende mkapinduwe syllabus muweke masomo ya Civic Education kuanzia Nursery School mpaka University na ata wale wako nyumbani pia wasomeshe juu ya Civic Education maana yake watu wengi hawajui kuhusu Civic Education na hiyo ndio inaleta shida nyingi zile zinatukabidhi kwa maana hatujasoma vizuri Pia wakati ule wato wanaenda kusoma iwe ni amri kupitia kwa Chief na Assistant, watu wote wawe wakienda kusoma kwa maana wakisoma hatutakuwa na shida nyingi sana.

Pia kuna human life, kwa community hiyo civic education ikisomeshwa watu wote wasomeshe nchini na pia wawe wakionyeshwa uzuri wa hiyo civic education. Pia tunaona muende mka-reduce children abuse kwa wazazi kwa school fees tunaonelea muende mkapinduwe Katiba ili watoto wasiambiwe watoke kwa shule, warudi nyumbani na wazazi wanawaambia wakae nyumbani kwa hivyo mpinduwe hiyo kwa Katiba, mtoto asifukuzwe kwa shule. Hapo tumeona kila mtoto kuanzia Nursery School apate free education from Standard One to Secondary School, kwa University mtoto anaweza jua vile mtoto wake yuko kwa hivyo mkapinduwe hiyo, tumeonelea ujinga mwingi umefanya tuwe maskini.

Kile kingine ne free medical care, watu wengi wanakufa kwa maradhi maanake tuliambiwa ati tutakuwa na free medical care na sasa imekuwa ni kulipa kwa hivyo mpinduwe iridi kama mbeleni vile ilivyokuwa (free medical care).

Kile kingine ni government iongeze kuajiri wafanyikazi ili watoto wetu waajiriwe kwa maana wale wamewacha shule hawana la kufanya, wamefanya mpaka University na hatujui vile wanafanya, tumeonelea kuna pesa lakini hizo pesa zinatumiwa na wengine kwa labour. Wengine wanajilipa pesa nyingi na wengine wanapewa pesa kidogo na ndio sababu serikali yetu haina pesa wengine wamechukua nyingi na wengine hawana pesa kwa maana wengine wameangalia masilahi yao wenyewe.

Kuna kitu ingine kama gender violence. Wanaume waangaliwe sana kuwachapa wake wao kwa maana wameharibu boma nyingi juu ya vita. Pia tungeangalia gender iangaliwe kwa maana watu wengine kama wanawaki wakiwa kwenye cheo fulani wanaume wanamwonea tu wanataka awe chini yao ata kama mliajiriwa pamoja, saa ya promotion, mwanamme anapewa promotion na wanawake wanawachwa nyuma. That is all I had.

Com. Phoebe Asiyo: Asante sana mama Esther umeongea vizuri, tumeshukuru. Inaonekana tumetosheka na maoni yako kwa hivyo huna swali la kujibu. Yale uliandika sasa ni mali yetu utuwekee hapo ndio tuweze kuangalia zaidi zile uliandika. Sasa Bwana Onesmus Musola kama yuko? Kama hayuko tuna Francis Macharia, kama amechelewa tuwe na Jonathan Ndonge au Peter Muli, Bwana Peter Muli yuko hebu tafadhali kuja ukae pale ili uanze kuongea na sisi na ingekuwa vizuri kama ungepata loud speaker kama hii yangu.

Jonathan Ndonge: Kwa jina naitwa Jonathan Mutunga Ndonge. Kwa upande wangu nilikuwa nataka kuongea juu ya ugawaji wa mali ya Kenya au mali ya uma katika hii nchi yetu. Mali ya uma katika nchi yetu kama sisi tunavyojua ni ule ukusanyaji wa kodi amabo unadumia nchi hii, kodi inasanywa kwa njia nyingi na hizo pesa za kodi ndizo zinafanya serilali iendeshe mipango ya maendeleo katika nchi yetu ya Kenya.

(Interjection) Inaudible.

Com. Phoebe Asiyo: Je unaweza kutusikiliza bila kutumia hizi vitambo?

Jonathan Ndonge: Okay, tusikilizane, nilikuwa nimesema ya kwamba mali ya uma ndio ile kodi ambayo inasanywe na nchi hii kwa njia nyingi ndio inaletea serikali mali nyingi ambayo unaweza kugawiwa katika nchi yetu ya Kenya. Kugawa ni ikiwa katika District, ikiwa ni katika Province ili hizo pesa ziweze kusaidia mambo kama barabara, hospitali, mashule na mambo mengine na hizo pesa ni za uma si za mtu binafsi, si ati mtu atumie kwa kazi yake binafsi ni za uma na ikiwa ni za uma zingewanywe katika kila sehemu ili kila watu wapate kiasi fulani za pesa hizo. Nikiongea kwa ufupi ukitoka hapa utembelee provinces zote za Kenya au katika Districts zote za Kenya, utashangaa kuona maendeleo ambayo yanafanywe na serikali na pesa hizo ni tofauti sana na hii tunaona haiwezi kuwa tofauti namna gani maana serikali ni moja na nchi ni moja na hii inatokana na ugawanyaji mbaya wa mali hiyo. Mimi kwa maoni yangu nilikuwa napendekeza, ikiwa ni kutengeneza Katiba katika nchi hii, ije iguzu ule ugawaji wa pesa za serikali ili zisiwe zinatumiwa upande mmoja, mahali kwingine ukienda utakuta bababara lami inakwenda mpaka shambani inakwenda ata karibu chooni, inakwenda ata karibu mashambani na mahali kwingine ukitembelea utakuta kuna watoto ambao hawajaona lami na hii najua inajulikana. Hii inatokana na ule ugawaji mbaya wa mali, kwa maoni yangu nilikuwa napendekeza, yule mkaguzi wa pesa za serikali ambaye anasimamia pesa za serikali asiwe partisan, asiwe mtu wa upande mmoja ati ameajiriwa na chama hiki maana ndich kinatengeneza serikali, achaguliwe na Bunge maana Wabunge wote wa upinzani na wa kila aina wako pale ili akitunza zile pesa za serikali awe anajua yeye apendezi mtu fulani anatumia pesa za serikali. Hiyo ndio kitu kimoja ambayo nimependekeza.

Kitu kingine ambacho napendekeza kuna sehemu ingine ambayo inawezesha serikali kutumia pesa zake kwa wananchi, kiongozi wa nchi wakati ambao anatembelea mahali fulani tunajua anatumia pesa nyingi sana maana ikiwa ni kiongozi wa nchi anapitia hapa aende Karakara ijapokuwa Karakara njia ni mbaya sana lakini mahala atatembelea utaona njia imetengenezwa na hawa watu wame..... (Inaudible).

Kiongozi ikiwa ni mahali ambayo anatembelea hatujui sisi wananchi ni kitu gani kinafanyika maana badala ya kiongozi kupitia mahali kwenye watu, atoko ikiwa ni Nairobi aone watu ambao wako hapa njiani kule ambako hakuna lami aone, mashamba yako namna gani, hiki kiko namna gani, ni kama anaambiwa hapa barabarani hakuna usalama pitia juu uka-land uko unakokwenda. Tunashangaa na tunataka ikiwa ni Katiba itengenezwe ili ikiwa ni kiongozi wa nchi anaotembelea watu wake aone maendelea aone kila kitu ambacho kinafanywa na watu wake, wakati mwingine aende na bila kuambiwa hapa hakuna usalama, tena huu usalama tunashangaa kusikia, ikiwa ni kiongozi wa nchi anakwenda Kirinyaga anakwenda na barabara, anapokwenda Kiambu, barabara, anapokwenda Kisumu, pengine barabara, anapokwenda mahali kama Yatta hapa barabarani hakuna usalama aende na Ndege. Hii Katiba itengenezwe tujue ugawaji wa mali ya uma ambayo inatumukima katika nchi yetu ya Kenya inagawwa sawa sawa ili kila mwananchi afaidike na mali ya serikali ya Kenya.

Kwa hivyo haya mambo mawili ndio nilikuwa napendekeza, nimependeza ukaguzi wa mali ya serikali asiwe partisan, asiwe mtu wa upande fulani awe na mtu wa kuchaguliwa na Bunge mzima na vile vile Katiba iguze ule mwenendo wa kiongozi wa nchi anapotembelea watu wake awe anaweza kuenda na kuona maendelea ambayo yanafanywa na watu wake jinsi yalivyo, ili aweze apate kufahamu. Asante.

Com. Phoebe Asiyo: Asante sana mzee Jonathan(Inaudible). Na akimaliza(Inaudible).

Peter Muli: Mimi naitwa Peter Kivuli Muli nitaongea kuhusu viwete. Ningetaka Katiba ya nchi iangalie sana jinsi, ni njia gani mtu kiweta angesaidiwa hasa kwa vile mtu kiwete kama mimi kama hajasoma na pengine ako kwa nyumba ama pengine ata kama amesoma amefundishwa kazi fulani na pengine hii kazi kama vile mimi kazi yangu ni kutengeneza viatu na haitasemekana at kwa vile mimi nilizaliwa kiwete sirusiwi kuo ni lazima nitaoa na nikioa ni lazima nitazaa na nikizaa kwanza mimi ni mwanchi wa Kenya na yule nitazaa pia ni mzalendo wa nchi na kwa vile kazi ambayo ninafanya haiwezi ata kulisha hawa watoto ata kama ni mmoja, hapo ndipo ninasema serikali ama Katiba ya nchi iangalie sana njia ya kusaidia huyu kiwete pamoja na jamii yake either asomeshe watoto na serikali na wapate chochote kile ambacho watoto hawa wanapata wakiwa wamezaliwa na mtu ambaye ni kimama.

Katiba pia ingefaa iangalie sana kuusu huyu mtu kiwete kwa vile huyu akiwa mzee twangalie kama vile mama sasa, uzimi ama nguvu ambazo niko nazo sasa ni kuwa mimi sio mzee sana lakini wakati utafiki mimi nitakuwa mzee na sitakuwa naweza ata kushona viatu, kazi yangu ni kushona viatu. Wakati huo pengine hawa watoto watakuwa hawana kazi sasa kila mmoja atakuwa anafuta chake cha kukula, kwa hivyo ningependekeza kiwete kama huyu akifikisha miaka kama 60 ama 55 kwa vile si kupenda kwake apewe pia pension. (*Applause*). Ili hii pension imsaidie yeye mwenyewe na pengine pamoja na watoto na jamii yake.

Kitu kingine cha pili ni kuusu President, kwa maoni yangu ama kwa Katika ningetaka President akishachaguliwa kile kiti chake

ambacho alitoka yaani tuseme kwa mfano, umechaguliwa President na unatoka hapa Yatta sioni maana hiyo kiti ikiwa unaikalia na ule unakalia kile cha u-President yafaa uwache hiki cha MP ili mtu mwingine achaguliwe na uwe umechaguliwa kama President ama Mbuge wa nchi yote. Kwa hivyo ukiwa uwe umechaguliwa President uwache hicho kite mtu mwingine achaguliwe na uwe President wa nchi nzima. Pia mambo kuhusu chama kama umechaguliwa kama President, umechaguliwa President wa nchi na uko juu ya yoyote yule ata kama ni wa chama ile ilikuchagua ama ata kama ni wa chama kingine, wewe ni President wa nchi na yoyote yule ata si wa chama chako, wewe ni kiongozi wa huyu mtu kwa hivyo hufai kuzungumza mambo ya kisiasa wakati uko katika hicho kiti cha President haufai kuzungumza mambo ya kisiasa.

Kile anafaa kuzungumza kuhusu ni maendelea, taabu za nchi na kuwakilisha nchi yako katika nchi za ngambo namna hiyo. Pia katika Office of the President, President lazima awe na kazi mbili tu, ofisi mbili hapo kwake, ofisi ya kwanza ni ili ya kuwa yeye ni kiongozi wa nchi, ofisi ya pili iwe ni ile ya majeshi. Zile zingine, ministries zote zingine zipewe Mawaziri, kama ni Judiciary ipewe waziri wake, kama ni administration by this I mean PC, DC, DO nayo iwe na waziri wake. Hapa pia naongeze kitu kingine katika powers za President, mimi kwa maoni yangu sioni kama ni kwa maana yoyote Mbunge amechaguliwa na uma na ameenda pale anapewe cheo kingine na President anakuwa Minister na hapo ukijua wazi kwamba anapokuwa Minister anakalia pesa zote za hiyo Ministry na kama anakalia hizo pesa na pengine President anahitaji kiasi fulani ya hizo pesa, huyu Minister atakuwa na powers za kukataa hizo pesa za Ministry yake ziende mahali pengine. Kwa vile hatakataa atalala tu mpaka ichukuliwe ziende zifanye kazi mahali pengine na pengine hizo pesa zilikuwa zifanye kazi hapa Yatta na kwa vile yeye ni Minister na President anahitaji kiasi fulani cha pesa sasa huyu Minister hatakuwa na jukumu la kukataa, atakimya tu kwa vile ataogopa nikikataa na hizo pesa President ataninyanganya hiki cheo cha kuwa Minister na haitakiwi hizo pesa ziende zifanye kazi mahali pengine na sehemu yake inapabai tu bila kufanyiwa kazi na serikali. Kwa hivyo kwa vile MP anachaguliwa na watu kama macho, msemaji wa sehemu hiyo, ikiwa atachaguliwa Minister hatakuwa na uwezo wa kufuata zile pesa zimetengewa kufanya kazi katika sehemu yake, atakimya tu kwa vile hataki kunyanganywa hiyo kiti. Kwa hivyo hapo ningependekeza kwamba President akichaguliwa atafute watu wale ambao ni wachuuzi katika kazi ambayo atawapatia kama ni Ministry of Health wati wa Kenya wamesoma sana kuna madaktari, atafute daktari mmoja ampeleke kwa Parliament, Parliament imuedhinishwe kwamba huyu mtu anaweza hiyo kazi basi huyu ndio atakuwa Minister wa health na kama ni juu ya maji pia atafute wale watu ambao wanajua wako na ujuzi wa maji, wamlete mbele wa Parliament aidhinishwe awe Minister. Pia ata President mwenyewe akichagua watu kama ni Attorney General huyo Attorney General awe na security of tenure kwa kazi ambayo alipewa asiwe mtu wa kuvutwa vutwa ovyo kwa sababu amekosea yule, President anamwambia wewe kwenda hiyo ikatazwe. Katiba hapa ikatae kabisa akishamchagua awe amemchagua kwa sababu anajua hiyo kazi na hawezi kumfuta mpaka pengine aende kinyume na sheria ambayo atakuta katika ofisi hiyo.

Marriage: Mungu alipoumba dunia na akaumba mwanadamu akawapa wengine ngozi nyeupe, wengine ngozi nyekundu na wengine ngozi nyeusi sio kwamba ati alinyanyanya wengine akili ya kifikiria na kujiamulia wenyewe, sisi Waafrika tulikuwa na jia yetu ya kuoa. Kama msichana ataitajika na kijana pengine kijana anaenda anaambia baba yake kuhusu huyu msichana anapenda halafu baba yake pia anaenda huko kwa baba wa msichana wanaongea na wanakubaliana. Kwa hivyo

wakikubaliana basi msichana anaolewa na kijana, Katiba lazima iandike kwamba sio ukutanie na msichana wa mtu hapa mkubaliane hapo na muishi pale kwa town kwa muda wa kumi ama miaka ngapi ati umeolewa naya baba yake msichana na baba yake msichana hajui kwamba ameolewa. Katika muda hiyo yote hawa watu watazaa na baadaye hawa watu watakuja kukosana kwa sababu wamechukuliana hapo town tu watakosania hapo hapo na wakichukuliana hapo hapo sasa itakuwa matata, itakuwa question nani sasa ataenda na watoto? Kwa hivyo marriage tuanzie hapo, niendeleo ama, kwa hivyo muda umekwisha kabisa? Thank you very much kwa kunipatia hiyo dakika asante sana.

Com. Phoebe Asiyo: Asante sana sasa andika jina lako na uweke sahihi kwa register yetu. Ningependa kuita Mativo David na kufuatiwa na, are you Mativo?

Michael Muzio: I was before him.

Com. Phoebe Asiyo: You were before you him, no it is Colonel Mativo that was before him.

Michael Muzio: I had gone somewhere.

Com. Phoebe Asiyo: No he has already talked.

Michael Muzio: No he had gone somewhere he has not a talked.

Com. Phoebe Asiyo: There is another Colonel Mativo?

Michael Muzio: There is Colonel Mativo and Michael.....(*Inaudible*)

Com. Phoebe Asiyo: Wewe ni Michael who?

Michael Muzio: (*Inaudible*)

Com. Phoebe Asiyo: Okay, since you are here please go ahead.

Michael Muzio:(*Inaudible*). I would like to talk about the local government act, because we had gotten this from you regardingand pensions and I looked at them and I would like to make few recommendations which should be incorporated in the Local government act as you make your Constitution.

The creation of Local Authorities, in the past it has been a procedure or a kind of system where by few leaders stand up and

gather by laws of the especially of the Local Government andChairmen and Mayors and where by come from is just a market they are lucky to become an Urban Council or a Town Council but what I would suggest is that when this council is to be created, the stake holders that is the community because they are going to pay tax when the area becomes under the Local Authority for example in Matuu now, the stake holders should be consulted and this should not be done hurriedly. When it comes to employment, the current situation whereby chief officers or certain grades or employees of the local authorities are employed through the Public Service Commission infact I was one of those people who sometimes in 1981 – 1882 tried to amend what is called Local Government regulations to become an act of Parliament but our suggestion that time was, instead of chief officers being employed by the council themselves because we were being frustrated andwe should have formed what we call Local Government Staff Commission like we have the TSC which will oversee employment of chief officers of the council. This creates a lot of problems because you get people being transferred and you know it very well Commissiones that we have got rangles in councils whereby Town Clerks are taken from either Kisumu they are brough to Matuu and when they come here we do not want him he is not from our tribe, there is always a problem because the wananchi suffer so that should be put in place.

Election of Mayors, Chairmen and so forth, yes I agree they should be elected by the public but I suggest it should be put that before you are elected as a Chairman you should also be elected as a Councillor from a ward and if he comes to a council like this Council of Matuu has got 4 Wards now, you will have to solicit votes from the other 3 wards so that whoever is elected is acceptable by the electorate of that council. The criteria should be put in place because they would have a lot of powers, we should not look at the system, a Commission or an organization should be set under the Ministry of Local Government to see that if he does not perform, he should be removed. There should be a system to set in the creation of Local government so that if the Chairmen abuses office or becomes corrupt he can be removed.

The tenure I would suggest to be 5 years for the Chairmen or Mayor this will give him ample time to run the affaris of the council together with the Councillors and then we restore, this was said earlier. Restoration of services which were removed from the Town Councils particurlary the County Councils by the tranfer of services Act in 1971 whereby education, water, public workers were removed from the central government that is why we have got a lot of problems with our roads because the council does not have that money and the man power but if these are taken back to them there is an.....they will ask to pay a certain fee to ensure that the services are rendered to them, I am sure they will not refuse.

Remuneration of Councillors: The problem we have with the current councils like Matuu, the remunerations are set country wide they are uniform by the Minister of Local Government or through the Parliament. Some council which have been created are not able to pay the Councillors those allowances so actually the payment of the Councillor should be based on the financial ability of each Local Authority.

When we come to the level of education, I would suggest the minimum qualification of a Councillor since now we have got

Standard Eight and we use to have Standard Eight people and at least the minimum age should be 30 years, we should not elect toddlers to lead the councils.

When we come to the last one on page 13, should be President of Minister.....(*incomplete*). Actually the President should not have the powers to deal with the councils because we have got a specific Minister for Local Government he is the one who should deal with the affairs of the Council, if the Council does not perform it should be dissolved and I think that is provided in the Act unless it more weight is put on it.

What rules should govern the conduct of Councillors in a multy party state: I would suggest there should be a system whereby if a Councillor whether he is of a different party if the Council becomes a problem he has elected by wananchi there should be a way of removing the Councillor who is inefficient or corrupt because probably because they are not jailed and they steal continue doing the service of the council. Those are the few points I wanted to talk about on the Local Government Act are there any questions?

Com. Kangu: Bwana Michael unasema the function zenye Local Authorities zilikuwa nazo mpaka 1971 zirudishwe na tunajua kweli walikuwa wanasimamia barabara, wanasimamia mahospitali, shule, they were even giving burseries but you have not addressed us about the resources, the revenues that the councils used to have then.

(Interjection) (Inaudible)

Com. Phoebe Asiyo: (Inaudible)

Com. Kangu: Haujatueleza zile revenue, zile pesa councils zilikuwa zinapata wakati huo turudi kwa wakati huo ama namna gani kwa sababu wakati huo councils zilikuwa zinaruhusishwa kulipisha out-patient fees kwa hospitali zake, zilikuwa zinaruhusiwa kulipisha ili ilikuwa inaitwa Graduated Personal Tax na umesikia watu wengi hapa wanasema wanataka free education, wanatake free health care sasa do we go back, turudi kwa hizi taxes wakati tunarudisha hizi nguzu ma tuwapatie kazi bila kuwapatia pesa?

Michael Muzio: In fact I would like (Incomplete)

Com. Phoebe Asiyo: General just before you answer that one let us go together.

Com. Maranga: Bwana Michael Muzio niko na swala moja, umesema Mayor ama Chairman wa County Council kwanza kabisa achaguliwe kama Councillor ndio tena achaguliwe kama Mayor ni sababu gani kwa sababu hawa wale watu

wanachagua Councillor ni wale wale tu na wale ambao wanataka kuchagua Mayor watakuwa wale wale tu. Kwa sababu gani unataka achaguliwe Councillor kwanza tena ndio awe Chairman ama Mayor?

Michael Muzio: Yangu ni ya question like now Matuu we have got 4 wards right. Kama Matuu tuko na Ward nne ambao kila Ward inachagua Councillor wake hawa ma-Councillor kama wakati huu ndio wanaketi wanachagua Chairman wao kama tulivyofanya kama wakati huu na kunakuwa na fracas nyingi katika Councillors akichaguliwa tusema wa Ward fulani, hiyo ward is a different entity from othe Wards may be it is not know in other Wards, he has to solicit votes from those other wards if he want to become the Chairman.

Com. Maranga: (Inaudible)

Michael Muzio: Ninakuelewa.

Com. Maranga: Ninauliza hivi, kwanza watu wengi wamesema Wamayor wachaguliwe moja kwa moja, moja kwa moja na wananchi one by one sio ati ma-Councillors waende kukaa kuchagua huyo Chairman unanielewa? Ama huyu Mayor, ni watu wenyewe na wewe sasa maoni yako ilikuwa ati wachaguliwe kwanza kama Councillor kabla tena hajagombea kiti cha Mayor ama Chairman. Sasa nikauliza, kama mtu anasimama pande yote si asimame tu aseme mimi nataka Mayor wa upande wa Matuu, mimi nichaguliwe moja kwa moja sasa ni sababu gani tena awe Councillor na tena ndio achaguliwe tena baadaye kama Mayor si utaona itakuwa kazi ngumu?

Michael Muzio: Maoni yangu ni kama tuseme kwa wakati huu kama President wetu kulingana na Katiba yetu kwanza lazima MP wa re-apply ndio awe appointed even as a President.

Com. Maranga: (Inaudible)

Michael Muzio: Swali lako even today wananchi do pay taxes even I think it is higher than even that in other..... (Inaudible) and they are getting some more token from the government like last time in the Local Government Act they are getting LATIF they are also getting LAPDEF for development in their areas. So, there should be a system to see how the Central Government will assit the local authorities because we have no system like now most of the tax is paid through VAP.

Com. Kangu: Hiyo mambo ya tax, kwa sababu juzi uko Kagundo tuliambiwa.....

Speaker: sababu ni kwamba, tume-rely sana kwa indirect tax. Ile yakuwekwa, oh, umenunua kitu fulani imeongezwa. So Kenyans do not realize, kwa hivyo hawapati ata, hawaoni haja ya kuwa strict with leaders kusema sisi ndio tunalipa hii pesa, you cannot play around with it. So, do we do something kuhusu hii mambo ya tax? Tutoke kwa indirect tax, tuenda to direct tax, ndio hawa wananchi wajue, they are the ones who are paying they cannot allow nonsense to go on, ama tufanye namna gani? Kwa sababu ukienda Uganda, that is what Museveni has done. Amerudisha ile ilikuwa inaitwa siku za ukoloni poll tax uwe, una kazi, hauna kazi, you have to pay once you are over a certain age. Na ndio wananchi wanajua. Now they don't just get a police officer playing around, they tell him we are the ones who are paying you. Kwa sababu they feel the pinch, but when it is indirect, they never know. Tufanye namna gani?

You see the problem we have with our wananchi, in the (inaudible) to rob their rights. For example now, if the council here wants to construct roads, who are supposed to pay for those charges? They are what we call four charges, whose shops which hold a road they are supposed to be a tax so that (inaudible). But if they pay, and that money does not have a purpose, wananchi will think nothing is happening. So they will be only reluctant to be Tax. So, I will agree with you the tax should be even if we come to the construction of roads, wananchi should bear a cost to maintain these roads. You are paying, you are paying indirectly through VAT or tax.

Asante sana, asante sana Michael, tumesikiliza maoni yako, naona Pastor Yonga angependa kusema.

Com. Pastor Ayonga: Kabla mwingine, yule wa pili kumfuata huyu hajaitwa, nimetaka kufanya general observation kwa wale haswa ambale mumetu-join saa hizi za afternoon. Ni kwamba, hicho kitabu chekundu ambacho tuliyowatumia, sicho kitabu ambacho ni lazima muje kukijibu, yaani mtu anakuja kama mtu anaenda siku ya mtihani, kuja kutusomea maswali, na majibu, maswali na majibu. Kitabu hicho kilikuwa muongozo wa kuamusha mawazo yako. Na baada ya kuamushwa mawazo yako, ili uwanze kujiandaa, kwa kutoa maoni. Kwa hivyo tafadhali, wale ambao mutaintwa, musije, mukaja hapa na kusema page hii, swali hili, jibu ni hili, page hii, swali hili, jibu ni hili. La, tunataka maoni yenu, tumeeleana? Kwa hivyo tusifuate huo mtindo, mutuletee maoni yale ambayo kitabu kimekufanya uwanze kufikiria. Asante.

Com. Phoebe Asiyo: Asante sana Commissioner Pastor Ayonga, sasa ningependa wale watoto wa shule kama walikuwa wamefanya mpango wa kusikilizwa, yule mmoja wao ambao angeongea kwa niaba yao, aje hapa mbele aongee. Na kama bado hawajafikiria, nitamuita Bwana Charles Kaviti, ambaye atafuatwa na Bernard Mutuku, Francis Munyao, Elijah Wambua. Lakini kama msichana ama Amekuja mbele msichana, ukae pale, utoe maoni yako, na ya wanafunzi wenzako, lakini una dakika tatu tu, yakufanya hivyo. Karibu sana.

Violet Anyango Okello: My name is Violet Anyango Okello from Matuu Memorial Girls High School. I am eighteen years old. These are the various points I have collected from different students from Matuu Memorial Girls.

The first point was, free education to each and every student in Kenya. Most of the students drop out of school some have never gone to school because they don't have enough school fees and it is the duty of the parents and the government to ensure that the child is educated. Nor should the child go home for school fees. Why, she never applied to be born in this world.

Our second was, street kids. Most of the children in our streets have homes but in these homes, there is no enough provided. The only solution they have is to go to the streets, to beg for food, for shelter. Why? Don't we have a Government, that can ensure that all children are protected and given the basic needs?

Rape cases in Kenya are increasing day and night. Most children who are raped are under the age of 18. While when these cases go to the court, we don't hear any conclusion. The Judges just continue postponing the cases more than 10 years, some cases have not been solved. We wait to hear the results, the judgement from the Judges.

People turning to drugs in Kenya. Many people in each and every area in Kenya turning on to drugs, because there is no care that is taken. The police are doing nothing, they are together with the people, they are being bribed to share the drugs. And who are being affected? The future generation. The generation that will lead this nation.

Lack of water in most the areas in Kenya, let us take for example in Yatta. We do not get enough water, a student in school because we lack water to wash for our basic needs. While there are dams like Masinga Dam or the Seven Posts have enough water, but students cannot get water in the school. These are some of the things that lead to poor performance in our academics.

Why, at the age of 18 years old, should I bribe or pay to be given an ID Card? Should I, in Kenya, should I apply to be a citizen? This is my motherland. I need to get the ID, to walk free and get each and everything that I need in this nation. The government should look into that – clapping.

Murder cases that are going on in our country, are not taken seriously. Not everybody is aware of the answers that are given to the government. The government is hiding some information from the nation. Cases like Ouko, Pinto, those people who were murdered years and years ago. What happens? Was the judgement made? We are still waiting. The future generation wants answers to those cases. Clapping.

I go back to the government, why should the government appoint FBI ? People to come from different nations come to our country, to look at the affairs of our nation. This is our privacy, this is our country. Let people who want are taken out of our country. Let them discuss the affairs that are taking place in their country. Why should FBI come from all the way from America, to come and look at corruption in Kenya, and being given millions and millions of money? Mmm! there is a need. Is that part of corruption? That is part of corruption. These people are corrupt who ati, are coming to look at

corruption. We need people, qualified, in the Universities in Kenya to look at corruption. There are so many people who have learnt scientific knowledge, who have enough scientific knowledge, to look at various things that affect our country. Clapping.

Violence at home. We, the young people suffer, and I repeat, suffer the most in the society. While our parents fight at home, when we see them we get psychologically affected. We have nobody to go to, nobody to help us, to listen to our cry. There should be no best foot in the marriage. If people have to be wife and husband and if they can't, they have decided not to be wife and husband, let there be divorce. Let them not be living together and by the end of the day, they keep on fighting, fighting, fighting and the child suffers.

I go back to environment. Let us take, for example the of Matuu. We have a council, city council are enough in this place and why is Matuu town so dirty that way? Are those councils doing their work? Are those toilets supposed to be public or private toilets? Why should I pay going to a toilet? There are some things that if we don't take seriously, the common mwananchi is the one who is suffering. There are some things that if we don't be serious, we will pay tax but not get the service. The government should look upon those things that go on, to ensure that if I pay tax, let me get the service. I should go to that toilet, anytime I need it because it is a public toilet.

The forest in Kenya, everybody is claiming, this was my land, this was my land. Who owns the forest? These are situations that have been put by the government, to various They are (inaudible) to our country, and why should people be grabbing the forest? As at this age, we need trees. We need rains and if we don't have enough trees, the future of Kenya is under a very critical phase. We need the government to come together, to solve the conditions that are taking place or the conflicts happening in those forests. People claim that this is part of my land, this land I bought it at this time. No! That forest does not belong to anybody but is government property and let them stay there and if anybody says this is part of my land, then measures should be taken to ensure that, each and everything is at the right hand. Let people come together in Kenya and solve cases.

My last point

Interjection: (inaudible)

Violet Anyango Okello: My last point goes to leadership. Why, in Kenya should leaders old ages, where are the young people who want to be leaders? People like me want to shine in future and become future leaders. Why we only select the old who don't understand, the ??shoes of the common mwananchi? Leadership depends with the quality but not the age, if I mean the quality of a leader but not the age a leader. You can be a two-years old, but have the qualities of a leader inside your blood. But you can be 50 or 70, but you lack the qualities and that one stops you from being a leader, (clapping and laughter).

Also, I give praise to the Constitution people who are preparing the Constitution, after you have finished the Constitution, ensure that each and every person in Kenya knows what is right for her or him. Do not concentrate only with the elite people and forget that there are people in the local area, who do not know their rights. They should get the be aware of each and everything that happens in their country. Thank you.

Interjection: Laughter and clapping.

Com. Pastor Ayonga: Anyango, you have said very many good things. But I want to ask you some clarification, I notice you touched on street children, and that the children who have come out into this world was not their choice. Now, are you considering also the fact that parents have become irresponsible of their children and that something should be done to the parents who do not bring these children up properly? In some countries of the world, people have been told to have a certain number of children, whom they can bring up in such a way that the children would be happy and also be such children that would become an asset to this nation, rather than just having so many children that they cannot handle. Have you given thought about that also?

Violet Anyango Okello: Yes.

Com. Pastor Ayonga: And what would be done to these parents, who leave their children just scatter out and go and influence others for bad actions that otherwise could not have taken place?

Violet Anyango Okello: Thank you for your question. It is a matter of education. Educate the parents about the rights of the children, educate them that this and this is irresponsible. It leads to bad, it leads to at this age we educate the people who are living now at this current stage, that social behaviour will lead to unwanted pregnancy. The people will live to know that these things will affect our nation, but if you only tell people, don't do this, the person doesn't understand why, he should not do the sex. Educate me, clapping .. tell me, the problems concerning sex.

Com. Pastor Ayonga: Thank you.

Violet Anyango Okello: Thank you.

Interjection: Clapping, laughter.

Com. Pastor Ayonga: Just hold on, hold on.

Com. Anyango, I have 3 quick questions. The first one, you did not give us a recommendation on what you want us to do with people who rape, or the rapists. You didn't give us a recommendation. The second point, you did not tell us what kind of information you want people of Kenya to know about the late Ouko, Pinto and the rest, I think you were talking about people, prominent Kenyans who were killed under mysterious circumstances. You have not given the recommendation. Then the last question is about the environment, you have mentioned Matuu Urban Council, and you said is very dirt, what do you want us to do as the Review Commission, so that Matuu can be cleaner and nicer to you?

Violet Anyango Okello: Okey, I will start with the rape cases. People who rape girls, that is the worst crime I have every heard of. If there is something that should be done to those people, they should change that thinking. Raping a girl under 18 is not something even pleasing in front of God. God even does not allow that way. When you rape somebody, what is the difference with committing murder, you can give this girl AIDS, we know AIDS, pregnancy, death sentence to people.

These people who are killed, not everybody in Kenya has the information of what the judgement was. These cases have been there in the courts for moiré than 10 years, I can't remember when Ouko was killed I was, I don't in Std. 2. Now I am in Form Four, 18 years old, I have never heard who killed Ouko, why was Ouko killed? Those are the questions? But how did Ouko die? Those are the questions that I always remain unanswered. I want the newspaper, if possible tomorrow, to give a clear format

Interjection: Clapping and laughter.

Violet Anyango Okello: Yes, I need to know, Ouko was killed because of if Ouko died, he died of a certain disease, let me know that way. But not just hear Ouko died, why did Ouko die?

Okey, the Council of Matuu. I am sure, I am very very sure if the Council is here you pay those people to do the work. If the Council is here maybe they can tell us, they pays the people to do the work. But do those people do the work? Eh? Do those people do the work? I recommend, and if somebody is paid to do something, let the person do the search, and if we say we should not have the council let the people be removed, students in always give a hand in cleaning the town and that is not our work, there are people appointed to od the work. If they won't do their work, let them be sacked, there are people who want jobs, you give them the jobs.

Interjection: Clapping. Laughter.

Com. Prof. Ayonga: One last question for you Anyango, you talked very passionately about the psychological trauma, children suffer when parents fight at home and so on. You have told us you are in Form four. Have you learnt anything up to where you have reached in school about family life and child upbringing? Is there any subject in school that addresses those

issues?

Violet Anyango Okello: Yes, social education, and those violence, some people before they get married are taught the way to live when they are married. Then I think there should be no fighting at home. children, are the ones who suffer not the parents, the great percentage of suffering goes to the children.

Com. Pastor Ayonga: In your view what you learn in that course, Social Ethics, is it sufficient, and if it is, why do parents continue fighting if they went through this course? Is it sufficient in your view?

Violet Anyango Okello: No. Let us look at marriage like this, if two people love each other and come together to get married, these people are doomed that they live together forever, let death separate them. If these people want to fight, let them not fight and go out with anger, remove their clothes, show the whole estate, that this one has done this way so we have to fight outside here. Why? Who will suffer the children, everybody, the neighbours will laugh at those children, that I saw your Dad and Mum fighting outside. How will you feel even if I ask you? How will you feel, that is what we feel. We are children, and that time, let all are marrying in church, let the Pastor or the Bishop, ensure that these people have gone through lessons to ensure that, even if it is a conflict, let them discuss it in their room, not going outside and showing everybody.

Com. Pastor Ayonga: Very happy, I just want to assure you that in the past, Africans never fought in front of their children, this is a very new thing and may be those who are teaching civic education to adults, the churches, the civic need to start doing something about our own moral values, the values that we pass onto our children, so that they don't end up speaking so passionately about the shame that the parents bestow upon them.

Interjection: inaudible

Com. Pastor Ayonga: Yes sir,

Interjection: inaudible.

Com. Pastor Ayonga: Oh, you want to follow-up,

Com. Pastor Ayonga: Yeah, but only 3 minutes. I know they want to get back to school. Okey, you can round it up for all of them and then they can go back to class. But we are very happy, and was there any other girl who wanted to talk?

Interjection: inaudible.

Com. Pastor Ayonga: Okey, or they are many, okey, okey, so you can represent them. Tell us why they are taking drugs because they have pushed that question that there is drug taking in schools, tells us why this thing is happening and how you think we can deal with drugs at

Okey okey, little girl, come, come for 1 minute and tell us what you think the teacher might not tell us when he comes over to talk. Give us your name and just 1 minute please.

Celestine Omuse: My names are Celestine Omuse. I am in Form Three. Okey yeah. Okey, thank you very much for giving us this opportunity, okey my first point just want to talk about schools, I mean teachers salaries. You have heard rumours that teachers are going to strike. We are wondering why teachers want to strike. Some years back teachers have been striking, striking, striking. We don't know if the money being added to them or not. We are really worried. Some of us, some people are Form Four and if teachers go striking, what will happen to these people surely?

Interjection: What do you recommend?

Celestine Omuse: Okey, teachers to be added salary at once that they stop striking. They feel good like other people, like other people are feeling. Clapping.

Com. Pastor Ayonga: Yes, next one.

Celestine Omuse: Another point is about Doctors selling medicine. We have heard many cases that there is no medicine in some hospitals and this is just because Doctors who sell medicines. We have doctors here, is it not true? It is true people sell medicine and I would like the government to do this, anybody got stealing and selling medicine should just be sacked, there is no point of excuses or what because we have people suffering.

I only have that. Thank you very much.

Com. Pastor Ayonga: Thank you very much Celestine, now we have your teacher who will round it up for us and he will tell us why school children are taking drugs and alcohol. Thank you sir, you can join us and give us your full name. Sit on that Chair there. Thank you.

Kimathi Kilistulu: Tulipanga tuongee kwa kiswahili kwa hivyo nitatumia kiswahili. Majina yangu kamili naitwa Kimathi Kilistulu.

Injterjection: Kimathi

Kimathi Kilistulu: Kimathi Kilistulu, yeah. I have around four areas to recommend on. Niko na mambo kama manne ambayo ningetaka. Hii Committee amerekebisha Katiba ya mbeleni. Na ya kwanza ni kuhusu Elimu Educational Act. I would recommend that the leaders of education should be professionals. Tungetaka wale wanansimamia elimu, wawe ni watu ambao wamesoma kuhusu elimu. Wacha tusipate mtu ambaye hakufanya elimu pahali popote, alienda University akafanya BNC awe ndiye mkubwa wangu ambaye nimefany masomo. Ni mimi naelewa akili ya mtoto, lakini yule mtu ambaye anakuja kuniambia vile nitafanya kazi, hajasomea ile kazi ambayo mimi ninafanya. Clapping. That is why we didn't have activities in Primary school for example because, the people who are in-charge of education are not educationalists. They don't know the education needs of children. They are probably the politically correct fellows who are planted there to be dictating. Watu wanafanya sela za kielimu wakiwa ofisini. Elimu ni kufunza mtoto. Kwa ninin mtu akiw ofisini kwa ghorofa anakaa na anasema, na hili litendeke. Hajui vile mambo yameendelea on the ground. I wonder by the way. Laughter. What causes, ningetaka kujua labda, Minister for Education alifanya nini, whoever is in-charge of education, Minister for Education qualified in what? Graduated in what? So that we can nowbeing in-charge of education.

Interjection: What are you recommending?

Kimathi Kilistulu: I am recommending education leaders should be education professionals.

Interjection: Okey.

Kimathi Kilistulu: Second point, still on Educational Act. We withdrew the cane from the school as form of punishment. Kwa sababu walisema watoto wasichapwe. Mimi na-recommend namna hii, na ninakubaliana na vile walisema, mimi ninasema mtoto akikosa mwalimu akiona mtoto anapaswa kuchapwa apigie mzazi simu nyumbani, akuje, achape mtoto wake shuleni. Clapping and laughter. Wale ambao hawana simu, walipe ticket ya mwalimu, awaendee nyumbani, wakuje shuleni wachape watoto, na wawa-advice, na wawapatie discipline. Bado discipline ya watoto, because they can no longer, our leaders can no longer trust the teacher with the discipline of our kids because our kids are so delicate. Therefore, they should take charge, mimi niwe tu naenda pale darasani kufunza tu the contents and the syllabus, kutoka pale, mzazi na watchman waangalie nini, mtoto, kwa sababu nikiguza mtoto inaweza kua balaa.

..... third point, 3rd recommendation on Educational Act. Due to high drop-out met in the current system of education 8-4-4, ningetaka ku-recommend Ministry of Education irudie system ambayo sii ile ya zamani ya 7-4-2-3, warudie system ambayo it is in-between 8-4-4 because it is politically a correct system, na ile ya zamani, lakini stages za kufanya mitihani ziwe nyingi, kama vile zilikuwa zamani. Zamani kulikuwa na Std. 4, Std. 8, Form Two, Form Four, Form Six and finally University. Therefore, I would recommend. Kwa sababu kuna watoto wanakuja wakifika 4 wametoka because of the current poverty, wale wamefanya mitihani angalao mmoja waende eight (8), wale watafika eight wafanye mwingine, kuna

wanaingia Secondary akifika Form Two ametoka

Interjection: 2 only.

Kimathi Kilistulu: Alright, wafanye mtihani mwingine. Alright, so I recommend many stages, I recommend many stages of exam still on Educational Act.

Kimathi Kilistulu: Because I have no time I will ask to election of MPs,.....

Interjection: inaudible

Kimathi Kilistulu: I will answer that, najaribu kukimbia tu nimebakisha kidogo. Laughter. In Kenyan politics, there should be no more than one Members of the same nuclear family as Members of Parliament. Tusiwe Baba ni MP, mtoto wake ule mkuba ni MP na wa pili ni MP. These fellows will collude when they are taking supper and when we have motions they will vote on one side. I will not give an example of political security.

Injterjection: You are very secure people. Say what you have to say, don't care (inaudible).

Kimathi Kilistulu: Alright,

Injterjection: Laughter.

Kimathi Kilistulu: MPs, MPs who fail to fulfil what they promise electorates should be prosecuted at the end of the tenure. They promise many things and they don't do. When they don't do at the end of the tenure they should be prosecuted. We are encouraging manners.

My third point, I am rushing is to cut tribalism ili mtu akichaguliwa akiitwa Mushioka tujue ni Mukamba, akiitwa Kimathi tujue ni Mkikuyu, akiitwa Otieno tujue ni Mjalu, we should Tribal names so that we have John Joseph, we have George Frederick and by the end of the day,

Interjection: Laughter

Kimathi Kilistulu: By the end of the day, we don't know where these fellows come from, or they are Kenyans because the current system is not able to contain tribalism.

We proceed, on marriage, we are solving the problems we have in the economy, I am talking of poverty, blaming everybody for nothing, then I think population of Kenya is also becoming a problem, we should thank parents, the government should state the minimum number of children a parent should have, and if

Interjection: inaudible

Kimathi Kilistulu: Three (3), that's my views, purely my views. If you exceed that you must pay for the citizenship of the country and then, you also pay for everything that child requires in terms of material needs. Because I believe if the rate of population we are moving in, and the poverty strategy we have will not work because of population.

Why students are taking drugs, I want to answer your question(inaudible). It is the problem with the parents. Wazazi wamechukulia watoto kama mayai, zamani sisi tulikuwa tunapigwa zaidi na wazazi wetu, tunaambiwa, that is bad. But today, a father and a mother of a certain girl called Lucy, will not even pronounce the name Lucy, will start calling the girl Mami, Lucy, don't do that Mami, by the end of the day, the girl grows so delicate, that even when the girl makes a mistake, there is no immediate solution to that. So this girl comes to school, knowing that she is so precious to the parents and by the way, who is a teacher to tell me not to do this? If my Dad allows me and gives money to go to the disco, who is the teacher, who is Mr. Kimathi to tell me now to go to the disco? Common, mzazi wangu analipa pesa, na gari na dereva ananipeleka huko. Kwa nini huyu mwalimu aje kutuletea hapa? So you are giving us problems, right from home. May be the reason why before there was no drug taking in school. Parents used to be the first teachers, but today, parents are first entertainers of

Interjection: Thank you very much. Clapping.

Com. Pastor Ayonga: One question which ties up with what you have just said at the end and what you have said at the beginning. That since we have done away with corporal punishment, mtoto akikosa, mwalimu aite mzazi ndio amchape.

Kimathi Kilistulu: Ndio.

Com. Pastor Ayonga: We want you to tell us as a teacher, did we make a mistake of doing away with corporal punishment, so that we should re-introduce it, or was it the right thing we have done, because they say, spare the rod and spoil the child. Have we spoiled these children? And we are not here to do a Constitution as just a window-dressing, we want to streamline this society. We are not going to bring up thugs for children, we want to bring up our children properly. Did we make a mistake?

Interjection: inaudible.

Kimathi Kilistulu: Another one, I finish that one, or I wait.

Com. Mwalimu I agree with you that you are in a very difficult situation, but I am asking you as a professional, does it mean that caning is the only way of disciplining a child?

Kimathi Kilistulu: Of course no.

Interjection: Let me finish with him. (inaudible).

Kimathi Kilistulu: Alright, okey

Speaker: But you also know that there are teachers who have given corporal punishment to children until the children have died. I think you have read about these cases. When caning results in death, what do we do?

Kimathi Kilistulu: (inaudible) Now, nitaanza moja, moja. Kwanza tulifanya makosa kusema watoto wasichapwe, kwa sababu, kumbe kuchapa, how do you handle a boy who is stronger than you and has knocked bhangi already? You are a teacher, you are on duty, the boy has knocked bhangi, he is on you with a knife, and you can't control. Na usipige mtoto, hata usimshtue kwa ngumi, usimuonyeshe kiboko, it is against the law. How do you do that? What we needed was responsible caning, not killing, responsible caning, just two or three to make sure that there is a difference between mwalimu na mwanafunzi. Si ile ya kupiga, ya kungoa meno. No! We are not asking for that, just one cane or two and telling Jane, please you are doing wrong go back, next time I will give you six, today I will give you one, if I get you, I will give you six, na unarekebisha maneno. Lakini ukiambiwa usichape, my friend, yale mambo tuko nayo huku ni magumu zaidi. When caning goes to killing, I will not defend a teacher who kills by caning, let law take its cause, lakini at the same time, I also believe those reports of mwalimu amechapa mtoto mpaka akakufa, there is some Of exaggeration. Na ninataka kukuuliza swali wewe uliniuliza swali hilo. Daktari akienda na mgonjwa theatre halafu akufe, anafanyiwa nini?

Interjection: Laughter.

Kimathi Kilistulu: Alright, on your question, caning is not the only solution in discipline. We have a system of keeping discipline in schools. We have guidance and counseling, we have Matrons and we have Housemaster and Housemistresses. Hii inakuja mwisho ya kustua tu, ya kukata pembe, unajua pembe ikimea sana, ya kukata ile pembe isikundunge, ndio unachapa. Alright? That is understood. Thank you very much.

Com. Phoebe Asiyo: Thank you very much, can we have Mr. Charles Kavisi, kama bado hajajitayarisha, ningependa Bernard, kama nayeye Bernard hayuko, tuingie kwa Francis Munyao. Munyao yuko? Elija Wambua yuko? Elija Wambua, how about Lillian Muli? Lillian Muli yuko? Okey ladies, we are very happy (inaudible)

Interjection: inaudible.

Com. Phoebe Asiyu: Okey tunaendelea sasa, wasichana wakishatoka, na ninajua nyote, mumefurahi kusikia maoni ya wasichana wenu na mumefurahi pia kujua kwamba kuna masikitizo sana kwa mioyo ya watoto wakiona wazazi wanapigan, na Mwafrika alikuwa hawezi piga bibi yake mchana au hata kama ni usiku, watoto wakiona. Hiyo hapana desturi ya Mwafrika hata kidogo. Natumaini nyuma ya hii kazi yetu, mambo haya, yatarekebiswa. Elija Wambua hayuko, Julius Muli hayuko, John Bosco Muyanga, how about Samson Ndolo? Kulikuwa na mzee sana hapa alikuja, na hatuukutaka atoke kable hajaongea,

Interjection: inaudible

Com. Phoebe Asiyu: eh, maoni ya wazee, Oh uko hapa, mzee?

Mzee: inaudible

Com. Phoebe Asiyu: Uliandika? Sisi tutakusikia tu mzee. Wewe unaitwa,

Peter Kioko: Peter Kioko.

Com. Phoebe Asiyu: Ah uko karibu tu Bwana Kioko utaongea lakini kwa, ningependa kumuita Bwana Albert Musyoki. Bwana Albert Musyoki yuko? Kama hayuko, Bwana Martin Muteti, Martin Muteti karibu, karibu uongee. Martin Muteti chukua microphone, uanze kuongea.

Martin Muteti: Ni shukrani. Jambo la kwanza ambalo ningependa kupendekeza linahusu elimu. Mimi naitwa Bwana Martin Muteti. Nimesema jambo la kwanza ambalo nitapendekeza lina kuhusu elimu na katika elimu, ningependekeza kuweko, elimu ya msingi iwe ya bure na ya lazima. Elimu y msingi na nikimaanisha kwanzia pengine shule ya chekejea, nursery mpaka darasa la nane iwe ya lazima na ya bure. Ile tuwe tualenga yaani lile ono la taifa pale tulipokuwa tukipata uhuru, kwamba tunataka kuondosha ujinga. Mfumo wa elimu pia ambao tutakuwa tukiufuata, uwe ni mfumo ambao tutakua tukiutazama mara kwa mara.

Tuseme baada ya miaka kumi tukajiuliza, je mfumo huu umetupatia nini? Na kama umelenga, kile ambacho tulikuwa tukikusudia pale mwanzoni, je twapaswa kusonga mbele na kuweka maazimio mapya katika mafumo ya elimu?

Na katika elimu jambo la tatu ambalo ningependa kupendekeza, ni kuhusu elimu muendelezo, distance education, open learning.

Pawepo baraza kama itawezekana, paundwe baraza litakalo kua likishugulikia maswala ya elimu mwendelezo. Kwa maana kuna watu ambao pengine ni mwanafunzi amemaliza kidato cha nne na hana uwezo ama tuseme pia ni mzee ambaye ni wa makamu na angependa kusoma pengine mpaka apate degree fulani, na kuna baadhi ya degree ambazo zinaweza zikasomewa

nyumbani. Kwa sasa kuna degree moja tu ambayo huwa ya funzo kwa elimu mwendelezo na Chuo Kikuu cha Kenyatta ambao ni Bachelor of Education. Lakini kuna baadhi ya courses na degree ambazo zaweza zikasomewa nyumbani, kama vile Bachelor of Commerce, ambayo huhusu biashara. Na ikifika wakati wa attachment, atapelekwa tusema kama ni katika eneo kama hili, katika sehemu ambayo pana shughuli za kibiashara atafanya attachment yake pale akafanyiwa, mitihani yake pale kuhusu attachment yake na mitihani ya elimu mwendelezo ikawa inaidhinishwa, na baraza la mitihani, Kenya National Exams Council, kabla ya kupeanwa, ili pasiweko walaghai ambao watajitokeza na kuanza kudai kwamba wapewe ruhusa ya kupeana elimu mwendelezo hali hawajafikia kile kiwango. Kwa hivyo mitihani yake, mitihani ya elimu mwendelezo ikawa imetazamwa na kuidhinishwa na baraza la mitihani.

Swali lingine ambalo ningependa kupendekeza, lahusu rasilimali. Katika nchi yetu napata kwamba kuna sehemu fulani ambazo zimetunukiwa rasilimali za aina mbali mbali. Na rasilimali hizi zinaenda kufaidi taifa na wakati mwingine unapata eneo ambalo linatoa rasilimali hizo halijafaidika. Nikichukua mfano wa katika taifa letu sehemu kama ya Magadi ambapo tunapata Soda Ash.

Ukienda pale utapata kwamba kuna watu ambao pengine hawajafaidika na chochote kutokana na ile harnessing ya rasilimali hizo. Ukiichukua mfano wa mkoa wa Mashariki, unapata kwamba zaidi ya asili mia amsini tunayopata nchini yatoka mkoa huu. Na kutokana na harnessing ya rasilimali hizo, unapata kwamba kuna magonjwa ambayo yanawadhuru watu wa eneo hili la mkoa wa Mashariki. Magonjwa ambavyo yanaletwa na maji, kuwekwa katika bawa kama vile malaria. Tunaomba kama ingewezeke katika Katiba wale wawekezaji (investors), wawe wamewekewa sheria kwamba iwapo unaenda kushughulikia maswali ya kutoa rasilimali mahala fulani au maligase kutoka mahala fulani, awajibike kwa kiasi fulani kushughulikia madhara yanayotokana na rasilimali hizo, utozo wa rasilimali hizo. Kwa mfano, kama ni mfano wa stima, kuna magonjwa yanazuka kama vile malaria, wawajibishwe kisheria na kiKatiba kujenga idadi fulani ya zahanati au hospitali. Iwapo pengine hata ni wale wanaosiaga mawe wakitumia baruti, shule na nyumba zilizokuwa karibu unapata kwamba zimepasuliwa na hilo ni tetemeka linatokana na zile baruti. Kwa hivyo walazimishwe na waidhinishwe kupitia kwa Katiba, wawajibike kuchua jukumu. Iwapo ni nyumba ya mtu imepasuka kutokana na mtetemeko ulitokana na baruti hiyo, basi akawalazimisha kupitia kwa Katiba kumjengea au kulipa mtu huyo.

Swala lingine ni kuhusu Katiba, wenyewe pahali ambapo utapata kwamba, hiki ni chombo muhimu sana kwa kila Mkenya. Na pendekezo langu ni kwamba tutakapomaliza, kusanya maoni ni kuwa tumeshaandika Katiba, mafunzo kuhusu Katiba yakaweza kuendelea kila wakati, ili mwananchi akaweza kujua ni yapi anayohitajika kufanya kulingana na Katiba. Ni yapi anayohitaji kufanyiwa kulingana na Katiba? Ni haki zipi ambazo zinapaswa kuitwa haki zake kulingana na Katiba? Na papo hapo ni kitua katika mwendelezo wa kuwafunza, wananchi nikaomba pia, kama itawezekana nikapendekeza Katiba ikaweza kuandikwa katika lugha nyingi iwezekanavyo zilizo hapa nchini. Kusudi, kila mwananchi aweze kuisoma na kuelewa kwa maana ni wengi sana miongoni mwetu ambao wanasikia Katiba, na wengi wapata kwamba pengine Katiba tulio nayo imeandikwa katika lugha moja ya kiingereza. Na pale ambapo hata watu hawajui kusoma japo Katiba hii imeandikwa katika lugha pengine zao sababu wale wafunzaji wa kuwaelekeza na kuwaeleza katika mikutano, hili ndilo unapaswa kufanya, wahitaji kuwa na hili.

Kuna swala la uongozi, ambalo limekuwa likitatiza Wakenya, limekuwa likizungumzwa kwa muda mwingi, mapendekezo yangu ni kwamba tuwe na unitary faith. **(end of Side A)**

(Beginning of side B) Tujaribu kwa njia mbali mbali tuone jinzi ambavyo tunaweza kutoa nguvu hizi za rais na njia mojawapo nikuwa na Waziri Mkuu, hiyo ni njia moja ambapo tutakuwa tumemuweshwa awe kama jinzi ilivyo kama mataifa ya kigeni awe Secretary of State. Masiala ya nchi na sera za nchi na siala ya nchi, awe wakati huo ndio anayesimulia maswali ya nchi za kigeni na masiala ya nchi, sera za nchi nchi, foreign policy (Kenyan foreign policy). Wakati huo tuwe na rais huyo huyo, ambaye atakuwa kama kiunganishi cha taifa, na umoja wa nchi hapa ndani uwe umewekezwa alipo. Na pia hapo hapo tukitoka nguvu alipo na rais, naomba pawepo na 2 houses. House of Representatives, pahali ambapo tutakuwa na MPs. Wale ambao wamechaguliwa kutoka constituencies na pili pawepo na House of Regional Leaders. Pale ambapo takuwa kama ni Province, tuchukue kwa mfano kila Province tukaipa idadi fulani ya viti, si kiti kimoja. Kwa maana tukiwa na kiti kimoja tutakuwa na political takuwa na political godfathers, ni vitu kama hivyo. Kwa hivyo na idadi Fulani ya viti, asilimia Fulani ya viti hivyo ikiwa imetengewa wanawake. Na hawa wawe ni watu ambao kiwango chao cha kuhitimu si kile cha MPs, kiko juu ya kile cha MPs, kusudi wawe kama:

1. Ni waelekezi na washauri wa serikali. Waelekezi na washauri wa rais. Na wawe kama watu ambao pale ambapo bunge kwa maana tumekuwa tukisema turudishe nguvu kwa bunge, tukirudisha zote, basi na checks and balances mahala pengine tutakuwa tukilia vile vile tu kwamba, bunge imekuwa na nguvu imekuwa na kadhalika. Hawa sasa kitengo hiki kitakuwa cha viongozi wenyewe hekima. Ndion watakaokua pengine kama bunge itakuwa kwa njia moja imeshinikizwa kwa ku..... eh pengine tumeseme kwamba kwa sababu hawataki kuonekana kama wanaasi chama chaoi wakaunga mkono sheria ambayo si nzuri kwa Wakenya, inawadhuru Wakenya. Tuchukue mfano kama sheria inayodhuru press freedom, kabla haijatiwa sahihi na rais, iwe inapitia kwa kitengo hiki cha washauri wakaitazama, wakawaelekeza, wakawaambia ndungu zetu mwafanya makosa, sheria hii itatudhuru hivi, itadhuru saiba hili na hayo ndiyo yatakuwa madhara kwa hivyo tunawaomba, kama itawezekana, murekebishe hapa na hapa na hapa. Kwa hivyo tutakuwa tumejaribu kuondosha nguvu nyingi kutoka kwa rais. Say katika nyumba zote mbili, those two houses, wote wawe wamechaguliwa. Na iwapo wamechaguliwa katika nyumba hii ya pili hawaelekezi watu wenye busara hatukupata idadi ile asilimia ile asilimia tuliyotaka ya wanawake, basi kwa hivyo provision, kwamba tutaweza ku-nominate wanawake wajalize ile percentage ambayo tulikuwa tukitaka.

Jambo lingine ambalo ningependa kuzugumzia ni kuhusu haki za kimsingi za kibinadam, ambazo nitazipendekeza zitiliwe mkazo sana katika Katiba yetu mpya. Kila mtu aheshimiwe katika hali yake iwe ni ya nguvu na ya udhaifu hata watu ambao ni wa halifu. Tumekuwa katika hali ambapo mtu akiwa ni mhalifu ametenda kosa hata kabla hajadhibitishwa na mahakama, tunaona kwamba kama ni polisi wamemchapa, wamemuuniza, wamemuua, na inachukuliwa kwamba hana haki. Kwa hivyo haki hizi za kibinadam za kimsingi, zitiliwe mkazo sana. Haki za wahalifu, za watoto, za wazee, za akina mama, za kila mtu katika kile kiwango chake, haki zake zijitokeze moja kwa moja, pasina kufichwa.

Na jambo la mwisho ni kwamba mtu yeyote ambaye atakuwa amechukua nafasi ya kuwa rais akishamaliza kipindi chake ambacho nitapendekeza kiwe vipindi viwili vya miaka mitano, basi akangutuka akaenda kupumzika, asichukuwe wadhifa mwingine wowote katika nchi, asiende kurudi tena katika siasa baadaye. Hiyo anaenda kupumzika, kama watu wanataka kwenda kupata mashauri kutoka kwake, wanaenda kwake wanapata mashauri lakini haonekani tena kama kiongozi. Shukrani.

Com. Phoebe Asiyo: Asante sana Bwana Martin Muteti. Do we have any questions?

Speaker: (inaudible) tumesema House of Regional Leaders. Sasa mimi ningekuuliza, je unakubaliana na vile pengine tumegawa Regions nchini Kenya, kwa sababu kuna wengine wamezugumzia kuwa, ma-Regions haikagawiwa vizuri. Kuna ma-provinces ambayo ni kubwa zingine ni ndogo, zingine zinahitaje. Je, ungekubaliana na hiyo maneno tuendelee hivo na hii majimbo nane ama ma-regions nane ama una mawazo gani? Ni ni wangapi ungepetaka kutoka kwa kila region?

Martin Muteti: Kwa sasa kile ambacho ningeweza kila region, pasiwe na region ambayo ina kabila moja. Tujaribu kuchanganya hizi regions hata kama tutazichangaya kupitia investment uwekezaji, pasiwe region ambayo ina kabila moja peke yake. Zikiwa nane, inategemea jinzi ambavyo tunazitazama, wengine walisema ni kubwa lakini(inaudible) ile population inatoshanaje katika hiyo region? Je mahitaji yao yanawawezesha kutengwa kuwa regions mbili au tatu? Na kama, tumekuja katika representation sasa. Kile ambacho tungefanya ni pasiweko na mmoja Regional Representative. Ni kwamba tutakuwa tunaondosha ule uhasama ambao tungekuwa tukisema, tuchukukue kwa mfano Region ya Eastern Province, pahili ambapo palikuwa na mapigano wakati fulan, huyu Kalonzo akichaguliwa si wetu na wa Wakamba, Nyanza akichaguliwa si wetu, kwa hivyo tutakuwa tumefunguwa nafasi kwa wale ambao wanahisi kwamba pia wanaweza kutoa mtu mwenye busara na hekima ambaye kiwango chake kiko juu uhitimu wao uko juu ya wale wabunge, atakuwa pia watakuwa na nafasi ya kuja ataondosho ule uhakama, pia tutaondosha zile feelings isia za kikabila kwamba kabila letu ndilo kubwa limetengwa, basi hawa ndio wamechaguliwa kwa hivyo, hivo ndivo nimependekeza.

Com.: Umesema tusiwe na majimbo, tuendelee na unitary system. Na wengi wenye wametwambia hawataki majimbo, ukiuliza sababu yao ni moja tu, italeta ukabila, itagawanya nchi. Na ikiwa ma-regions vile unasema zitagawa, bila kuchukulia maneno ya ukabila kuhakikisha hakuna ile iko na kabila moja, kwa nini tusikubali tu federalism na tugawe, tu regions tukiwachana na maneno ya ukabila, then we run the country on a federal system if the fear is the country will go tribal.

Martin Muteti: Shukaran, jambo la kwanza nitakurudisha pale pale ulipo tupeleka mwanzani wewe ukatuanbia yakwamba, chukua mfano wa Africa ya Kusini ujipate katika hali fulani ambayo iliwalazimisha kuunda Katiba ambayo ingeshughulikia matatizo ya wakati ule. Tunajipata katika hali ambapo tukianza kusema tuwe na majimbo, kuna majimbo ambayo hayatakuwa na chochote, yatakuwa hayana, hayana chochote, na hao ni ndugu zetu. Katika hali zingine, tunajipata tunaendeleza ule

uhakama. Kile ambacho kimenifanya niseme kwamba lazima tujaribu kuondosha uu uhakama, ni kwa sababu tukubali kwamba swala ama tatizo la ukabila liko na sisi. Na njia ya kulikwepa, ndio njia ya kutatia tatizo hili sii kulikwepa na kusema kwamba basi kwa sababu tatizo lipo, basi kaeni katika jimbo lenu kama makabila. Tuwaite, katika kule kuwaita tukiwa pamoja, pengine tutawaeleza na tuwaonyeshe kwamba kuwa na msimamo kama hii hujiona kama kabila bora au lisilo bora au lilitengwa si vizuri, tuko hapo kwa kusudi la taifa letu. Twapenda taifa letu ndiyo maana tumewaleta pamoja katika kikao hiki cha regional leaders watu ambo wameheshimaka, japo pengine hata mwatoka kwenye eneo la upinzani na kadhalika mushauri serikali tuwe kitu kimoja.

Com. Lakini umesema kuna regions zenye bado ziko juu, haziwezi kujisimamia, lakini ukifanaya analysis ya serikali tumekuwa nayo tangu uhuru mtapata sababu hizo regions ziko nyuma, ndiyo sababu ya hii aina ya serikali tuko nayo hii centralized government yenye mtu mmoja anachukua power yote, ananyima sehemu zingine, anachukua kila kitu. It is that unitary system yenye umetufanya with regions that are not moving. How will we get them move if we continue with this system ile yenye munasema it our turn vile tumepata, tunyakuwe kila kitu tuwache wengine bure wangojee their turn. Wengine watangoja up to when, we are forty two tribes. They are going to wait for how long?

Martin Muteti: Shukrani sana. Tatizo lililoko ni la kimtazamo kwa upande mkubwa jinzi ambazo tungetazama eneo Fulani, tunasema kwamba kwa kweli tume-neglect tumewachilia maeneo fulani. Lakini tukiweka sera ambazo zitaweza ku-address problems za hao watu, tutapata kwamba hata hayo maeneo ambayo tumeyatenga yanaweza yakaibuka, yakaamka. Tatizo lililoko ni kwamba kuna hatari ya kusambaratisha taifa tukisema kila jimbo lijitenge, kuna wale ambao watasema la. Basi nasisi tuwe kama nini, tuwe kama Urusi, kila jimbo limoja liseme basi kwa sababu mumetutenga, sisi tutafanya nini, tutakuwa taifa na tuanze nini, mzoano katika nchi, kwa hivyo hicho ndicho tunazuia. Twataka taifa liwe pamoja, wakati tuna-address problem na negligence ile ambao imekuepo, kile ambao tumefanya si kurudi na kuanza kulaumu, tuanze upya. Tuanze upya kwa ku-address hiyo na kama nikupitia budget, to-account tumesaidia jimbo hilo likaweza kuinuka, ijapo halitafikia hayo mengine. Kulingana na population ambao ipo tumewasaidia kwa hiki na hiki, wameinuka si vile walivyokuwa. Tusiweze kurusha nchi kwa hali ambao inaweza kusambaratika, kugawa kila jimbo, kwa sababu ya chuki ambazo zimekuwepo na madhara ambao jimbo fulani limetendewa au kabila fulani limetendewa tunaweza kusema sisi tutakuwa taifa na lianze kujisimamia, tutakuwa tumesambaratisha nchi. Hilo ndiyo mazuia.

Com. Asante sana, Bwana Martin, nina swali moja tu. Umesema kama viti vyote vya ile House of Regional Leaders imewekwa na kukabaki kiti ingine moja au mbili, wanawake wanaweza kupewa. Pia wale ambao walikuwa wanapewa hiyo viti, walikuwa ni nani? Ambao sasa unakumbuka tu wanawake kama kiti haina mtu, mwanamke apewe.

Martin Muteti: Kama ulinipokea vizuri nilisema, mwanzo pawe na percentage fulani imetengwa to the Regional Representation ya wanawake. Na iwapo kwa njia moja au nyingine tumewachagua na haijatoshea, pawe provision kwamba itajalishwa ili ibaki imejaa. Uchaguzi upo tumewachagua, kama wamejaa sawa, lakini kama hawajajaa, lazima tuwajulishe

kwamba kama ni 20% tumeijaliza. Kama uchaguzi umetupatia 18%, basi nomination iko ya 2%, tuwajalize. Hivo ndivyo nilivyosema.

Com. Asante, kama ungeangalia nchi zingine vile wamefanya, pengine ungependela kufanya hivyo. Na umesema mambo ya Criminals, tutafanya nini wale wanaua watu wao husema polisi, lakini kuna mob justice. Watu wanaua tu mtu amefanya kitu kidogo wanamuua pale pale. What do you think?

Martin Muteti: Pia huyo ni muuwaji, sheria ifanye kazi yake. Yule ambaye atapatikana, anadhibitishwa na sheria, kisheria kwamba ndiye aliyehusika kwa njia moja au nyingine katika kutenda ule uhalifu, basi achukuliwe hatua.

Com. Phoebe Asiyu: Asanate sana, asante sana Bwana Muteti. Sasa ningeita Patricia kama yuko aje aongee. Patricia Kivuitu kama hayuko tutamuuliza Veronica David, Veronica, kama hayuko tutamuuliza Boniface Mweu. Asante mzee, karibu uongee.

Boniface Mweu: Asante. Kwa majina naitwa Boniface Mweu.

Interjection: Endelea tunakungojea.

Boniface Mweu: Poleni. Ile yangu ningependa kuzungumzia kwa hasa kuona vile tumekuwa na umaskini, na hatujui huu umaskini kama ni sisi tumeleta ama ni serikali imeleta. Lakini tukigusia kwa kinaganaga, naona pia serikali it has a role to play. We have seen so many chief executive offices who have been appointed and I thought an appointment is supposed to last about five years, and over the years they have been there and most of those organizations have been falling, ama the organization is heading, inakwisha, anachukuliwa hapo anapelekwa pengine. Na wale watu alikuwa anasimamia, wenyewe wanafutwa anaenda nyumbani.

Interjection: Mapendekezo sasa.

Boniface Mweu: Sasa mimi ningeonelea hivi, if a chief executive is appointed and he has not fulfilled what he is supposed to do in two years' time, can you just sack him and let him go home, instead of making the 3000 people under him go home without nothing. Although tumeonelea wakati mwingine wale the so-called the chief executive officers, ameenda mashirka ya parastatal imeharibika, na the same person anakuwa nominated, anaenda parliament, anakuwa appointed as a Minister. Surely, are we serious? Are we serious?kama tutaendelea hivo, tume-induce so much powers in the current ndio mambo inaendelea kuwa mbaya. Na mini naonelea kama ni hivo, mtu akishaharibu, hatakiwi hata kamwe kupewa kiti mahali popote. Kama polisi, ukitaka sasa kuandika watchman ama kuandika driver, unaambiwa can you come with a certificate of good conduct? Such a mere job. Why, when you are trying to get a chief executive officer of a

....., why can't you also have a certificate of good conduct? You know what he has been doing for the last so many years. Or just, anaharibu hapa, tunampeleka pengine, anaenda anaharibu, mwishowe anaenda anasimama kiti ya parlimanet, akija parliament, anakuwa Minsiter, and is that the same person we are going to trust with our funds? With our Minsitry? And are we going to expect that person to be an honourable member ama anakuwa honourable thief? Mimi mapendekezo yangu and that is my wish and that is my thinking, if somebody has been appointed somewhere as a parastatal head and he misused his chance, we should make sure that person does not get any other chance to be in a public office.

Lile lingine, ningegusia mambo ya maji kwa vile mimi ni mkulima, na hii maji yetu ya Yatta canal imetuletea shida, na recently serikali ikaja ikatunjegea cold storage pale Sofia. But come last year, maji canal ikaja ikatweya. Now, how are we expected to serve if there is no water? There is a multi-million complex here but if there is no water, what are we expected to do? Na mimi nilikuwa nafikiria nyumba kama hiyo, kitambo imalizike kutakuwa kumechimbwa ma-boreholes, kitambo imalizike, itakuwa imekwa stima, what after is completion, but the top six managers have looted more than 41 million. Now, when you come and tell us release us, this money has been looted and these people cannot be taken to court, are we really genuine? These people are supposed to be serving a jail-term instead of being left to kutoka nje, unaenda unapata amenunua a six million vehicle, ameenda akaanza biashara, those people are supposed to be behind Kamiti. Why should we let those people mix with normal mwanahci and most of those people wale wanabaki hapo nje hawana chakula, unapata mama hana chakula ya watoto wake, yeye mwenyewe hawezi lala kwa nyumba, sasa unaambia huyu mtu afanye kazi gani? So serikali kweli iko? Inaangalia maisha ya hawa watu? Because at times you tend to wonder, do we have a government in place?

Because mambo imekuwa ni kama sisi tumeachiwa Mungu, kila mtu for himself, God for us all. It is a high time we saw government coming in and try to rescue its normal citizens.

Com. Phoebe Asiyo: Maoni yako Bwana Boniface, sasa tunataka Mama is it Odinda Eve Ndunda, Social Worker? Mama Ndunda Social Worker. Kama hayuko, kuna mutu hapa anajiita Lab. Technician, anaitwa Owino Bernard. Okey hayuko, Bwana Denis Wambua, Bwana Titus Mulwa. Karibu Bwana Mulwa.

Titus Mulwa: Kwa jina, Titus Mulwa. Titus Mulwa Manyeki. Yangu tu napendekeza kwa sababu shida ya kuelewa na mambo ya Katiba watu wengi katika nchi yetu ya Kenya wamekuwa na shida sana ya kuelewa ni kitu gani kilifanya ata Commission ipangwe, yakuchukua maoni ya wananchi, tunaomba tu ile Katiba mpya itatengenezwa iweka hata muda wa kufunza ama wakurudisha wananchi mengi juu ya masomo ya Katiba. That is civi education iongezewe muda hata kabla ya uchaguzi iendele kufunzwa.

Ile ingine tu ningeaona kidogo nipendekeze, ilikuwa imesemwa na mheshimiwa Wambua, lakini I will just stress it. Ni mambo ya administration kumekuwa na shida katika maofisi za serikali. Na napendekeza Chiefs and ma-DOs wawe elected na wananchi, so that the loyalty to mwananchi would be strong. Second the bribery itakuwa wamelegeza, that is bribery will be reduced. Ile ingine ya mwisho ni the determination in the work will be strong because they will be subjected to elections, watakuwa

watachungu kazi, kwa sababu wakiharibu, watakuja kuchaguliwa.

Interjection: inaudible

Ee, kwa sababu wakifanya vibaya, watakuja kutolewa na uchaguzi. Asante.

Com. Phoebe Asiyo: Asante sana Bwana Titus, kama hakuna maswali nitamuuliza Elizabeth, andika jina lako pale kwanza Titus, Elizabeth Tomorrow Women's Representative? Kama hayuko kuna Seth Tula, kama Seth hayuko kuna Councillor James Mutisa, yes karibu Bwana Councillor.

James Mutie Mutisa: Kwa majina naitwa Councillor James Mutie Mutisa. Yale mambo ambayo ningependa kuzugumzia, ni kuhusu serikali. Ningependa, au mawazo yangu ningependa tuwe na serikali kuu kama vile tulivyo, na hii serikali kuu, ikuwe tena na Local Authority ambayo iko na mamlaka ya kutosha, kwa sababu wakati huu Local Authority haina mamlaka. Tuna katika serikali kuu, kwa vile mwito wetu tangu zamani ilikuwa ni tupate elimu ya bure, matibabu ya bure, ningependekeza hivi, katika serikali kuu, tuwahudumie University zote katika nchi, pamoja na Colleges. Na hospitali zote kuu kuu, pia barabara zile kubwa kubwa, na wawe in-charge ya Armed Forces i.e. Police na wale wengine.

Na tukiteremka katika Local Authority, ambao wamepewa mamlaka ya kutosha, wawe wanatumikia elimu kutoka Primary mpaka Secondary, Dispensary zote ambazo ziko katika hiyo wilaya, barabara zile ndogo ndogo, na pia rasilmali kama vile maji, iwe mikononi mwa Local Authority. Ile ingine upande wa kugawa rasilmali, kwa sababu tukisema tunataka Regional Government, kuna ma-region mengine ambao hawana rasilmali. Na wakati huu, tunajua Central Government ndiyo inakusanya uchumi wote katika Kenya, kwa hivyo ni lazima kiasi fulani igawiwe ma-Local Authorities kupitia katika DDC Committees, yaani hiyo ni kumaanisha District Development Committees, ambao mwenyekiti wake au huyo Committee boss, itakuwa ni all elected leaders, Chairman, Mayor na Finance Chairmen. Na tuwe na church leaders, na tuwe na CBOs kutoka katika kila Constituency, wawe ndio wenye hiyo board ambao ndiyo watakuwe wakiangalia maendeleo ya hiyo District yao, na watakuwa wakipata pesa kutoka Central Government. Wakati huu tunajua pesa zinapitia mikononi mwa DC, na kama vile wenzangu wamesema hapo mbeleni, DC anaweza kutunyima pesa, kumpa Constituency zingine, au aziweke pahali pengine manake hakuna check-in balances, kutoka upande wa DC. Kwa hivyo tukiwa tuko na either awe Chairman ni Mayor au ni Chairman wa any Local Authority, atakuwa katika katika District, ikiwa atatumia pesa vibaya.

Ile ingine, ni uchaguzi. Mimi ningependelea tuwe na vyama viwili, katika Kenya ili tuwe tukishindana. Kwa kazi chama ingine itakuwa ikiangalia makosa ya chama kile ambo kiko katika serikali, na hii italeta mwongozo mingi katika serikali. Ile ingine nominated, ya wajumbe na ma-councillors, ningependekeza ifanywe wakati moja, ili kusiwe na watu kurukaruka kwenda pande ile ingine, pande ile ingine, ikifanywa wakati moja basi itakuwa imeziba nafasi ya watu kurukaruka kwenda kudangaywa. Ni hayo tu ningependa kupendekeza, hayo mengine yamesemwa, hakuna haja ya kurudia.

Com. Phoebe Asiyo: Asante sana Bwana Councillor kwa hayo maoni yako, na kama hakuna maswali tutamuuliza Bwana Dennis Kachia, lakini kama kuna swali.....

James Mutie Mutisa: Na kabla sijaenda, hapa nilikuwa na maoni ya mwenzangu ambao hakufika.

Com. Phoebe Asiyo: Ee utatupatia tutaweke kwa computer, halafu maoni yake yataonekana kabisa kwa ...

James Mutie Mutisa: Asante sana, thank you very much.

Com. Phoebe Asiyo: Tumeshukuru sana Bwana wewe ni Dennis, anasign ni Muindi, Kyui halafu Daniel Kamau, halafu Fred Kiseso.

Dennis Katia: Ee asante sana Commissioner ya Constitutional Review. Yangu ni maono. Kwa jina naitwa Dennis Katia.

Interjection: Endelea tu.

Dennis Katia: Yangu ya kwanza nitaanza na kusema. Kwanza naongea juu ya kuhusu watu wa Kenya. Kulingana na vile sisi tuko tu hapa, wengi kama mimi, na nikiwa exceptional kwa sababu ninaelewa kidogo. Kuna wengi hawajui ni kitu gani kimetuleta hapa isipokuwa tumekuja kwa sababu Commissioner amekuja. Kwa sababu wengine hatuukuhusika kujua ile Katiba ambayo tunarekebisha ni gani, kwa sababu hatuna ile Katiba ya kwanza tulikuwa tunaye, wengi wetu hatujui. Kwa upande huo ningepinduliwa kama ingekuwa hapo mwanzo kabla hatujaanza huu mpango, Commission ingeanza kufundisha ile Katiba ya kwanza, ndiyo tujue Katiba ya Lancaster House kwa sababu ndiyo Katiba ambaye imeleta independence, halafu tujue imepinduliwa wapi, na tukijua imepinduliwa wapi, ndiyo tujue tutarekebisha wapi. Sisi tumeendelea tu na kurekebisha na tutaendelea, tutasidia tu, lakini tuko kwa giza hata mukisikia sometimes tuna makosa au tunarudiarudia, musione ni kwa sababu tunajau. Hatujui completely. Lakini tutajaribu kwa sababu wakati huu umetupata kama vile tulivyo.

Ile Katiba ambaye nilikuwa naonelea kwanza kama saa ile sisi tumeingia hapa, nilikuwa nafikiria ya kwamba tungeingia hapa na mara moja tuchukue ile kitabu nyekundu hii ya Constitutional Review, na tuanza, Commissioner akituuliza, page 1 tukipita hiyo, tukienda ile ingine, tukienda ile ingine mpaka tuende mwisho, sisi wote tukiwa tumeinua mikono na kujibu kila paragraph. Mimi nilikuwa nafikiria hivyo, lakini baadaye nikapata ni vingine. Nikapata kila mtu alikuwa akuje, na Katiba yake, hata karatasi yangu nimetengeneza saa nane wakati nimetoka hapa sikukua prepared, kwa sababu nilikuwa ninakuja tu, niinue mkono nijibu maswali.

Okey, kulingana na maoni yangu, kulingana na Katiba ile mimi nataka Katiba iwe, mimi ninataka tuwe na serikali ya pamoja ya

vyama yote. Na nataka tukiwa na serikali ya vyama yote, nataka vyama vya siasa, Katiba yetu iweke nne, hapana vingi. Na vile vyama ambaye zitakuwa kwa Parliament, hivyo vyama nne zote ziwe zikipata pesa kwa serikali. Na zitakuwa zikipata pesa kwa serikali kulingana na vile chama kiko na wajumbe wangapi kwa parliament. Iwe hiyo ndiyo chama itapewa pesa kulingana na wajumbe wake ambaye wako na parliament. Ikiwa hakina na mjumbe wowote, kinakaa bila.

Na muungano wa hii serikali nataka naye parliament ziwe mbili. Parliamaent ya wale wanaochaguliwa na Parlimanent ya wale wanaamuzi sehemu zininge. Tunataka serikali yetu Katiba iwe tumepeana kutenganisha, ma-department kama Legislature, Executive na Judiciary, ma-electoral Commissioners ambaye anasimamia uchaguzi awe anachaguliwa kutoka kwa bunge lakini si awe appointed by President. Kwa upande wa serikali ya mitaa, ningetaka Councillor awe amechaguliwa na watu, na Chairman wa Country Council awe amechaguliwa na watu. Ningetaka upande wa uchaguzi, Electoral Commissioner, awe amechaguliwa kutoka kwana bunge, na awe akiwa amechaguliwa kila wakati kwa miaka tano. Akisha fanyisha hii election akienda hiyo hapo katika wa wabunge wakiwa bungeni wanamchagua tena wamurudishia kwa ile ingine, au wanamufukuza wanaleta mwingine. Uchaguzi kulingane na ile 25% nilikuwa na maoni haya. Nilikuwa naonelea President wa Kenya awe amechaguliwa na wingi wa watu.

Kwa upande yaningetaka kila Mkenya awe na right ya awe akichungwa na serikali pamoja na mali yake. Akipewa matibabu vilivyo, akisoma bila masharti na iwe ni lazima, kila Mkenya awe amesoma, na maji iwe ni ya lazima kwa kila Mkenya. Makao iwe ni ya lazima kwa kila Mkenya. Chakula, iwe ni lazima kwa kila Mkenya, na wale wanafikia miaka ya kuanchiriwa wawe ni watu ambaye wanapewa kazi bila kuwa na ukabila. Kwa upande ya land, mashamba, serikali yetu iwe ndiye mwenye shamba na mtu binafsi. Kila mwanaume na mwanamke amiliki shamba. Sheria za watoto,

Interjection: Tafadhali hiyo iwe ya mwisho.

Dennis Katia: Serikali itilie maanani sheria za watoto sababu wanateseka sana, na hasa watoto mayatima. Na wawe wakiweka watoto kwa mashule wale ambaye hawana wazazi na hawana baba ambaye ni wazururaji wa miji, wawe wakichungua na serikali. Asante sana.

Com. Pastor Ayong: Thank you so much. Unaweza kutupatia hiyo memo yako hapo na ujiandikishe. Kuna wamama watano hapa, wamama watano ambao wako kikundi cha wamama watano, na ambao transport inaweza kuwaacha. Wako hapa

Interjection: inaudible.

Com. Pastor Ayonga: Oh they have given a memo? Basi tumemaliza na hawa wamama. Sasa ndugu zangu na dada zangu ambao wamebaki, tunazo dakika chache sana. Na kuna watu namna yenu ambao pia watakwenda kupata transport ya

kwenda nyumbani kwao inakuwa ngumu. Kwa hiyo nitawapa kila mmoja dakika moja moja useme lile lililokubwa, na kama una memo upitisha hapa na kama kuna jambo linakuuma kabisa ulitaje tu, na tumalize mambo namna hivyo. Mumekubali tufanye hivyo?

Audience: Ndiyo

Com. Pastor Ayonga: Basi nikikuita ukija hapa, tafadhali fanya vile without being told to stop. Now next atakuwa Davis, ah Simon Muindi Charlie, na anaemfuata huyo Charlie, ni David.

Simon Muindi Charlie: Asante sana kwa Commissioner,.....

Interjection -Com. Pastor Ayonga: David Kamau yuko? Akalie karibu hapo.

Simon Muindi Charlie: Mimi nitasema machache, kwa majina ni Simon

End of tape 4

Mr. Simon Muli Chiule: The Commissioner, mimi nitasema machache, Kwa majina ni Simon Muli Chiule. Nitasema machache kuhusu na nafasi hii nimepatiwa, kwa maana wakati huu, mimi nimeona sana tumeacha nyuma. Sikusikia ati katika Katiba nilizima tuuzishe mambo muhimu sana kuhusu ulimwengu. Maanake kutoka kuzaliwa kwangu, machafu umeenda ikingia katika dunia hii yetu, kuhusu mambo ya kigeni.

Nyuma yetu, ile mambo inayoendelea huko kwetu hata sasa inaenda kupoteza sisi. Tafadhali maoni yangu ningetaka ile mambo ikaweza kuwa, itaweza kuwa tukuwe na wakati mzuri katika mila zetu ile hiyo sheria ilibaki nyuma irekebishwe. Kurekebishwa, ni watu wapewe ile clan.

Clan ilikuwa inasimamia mambo kubwa sana, hata mwizi hata, hata nani, hata nini. Lakini wakati huu, sheria ilikuja ikawekwa kwa ingine mambo ingine imepata kutokea. Watoto wakawa hawasikii, kwa maana baba ni moja, tena baba ile ingine ni kotini, ile ingine ni wakali, ile ingine ni kutoa ukweli na uongo.

Mambo ikakuwa vibaya. Kwa hivyo, Katiba ikirekebishwa watu warudishiwe haki yao. Na ikisha kurudishwa ni lazima warekebishe. Ni mmbaya ataonekana, mzuri atapatikana. Kwa hivyo, ningesema tu machache, hayo tu ile inahusu sisi. Ikiwa Katiba itafanywa rekebisho, watu warudishiwe clan. Asante sana.

Mr. Daniel kamau: Pendekesho langu la kwanza, mimi naona katika hii habari ya Katiba, wale watu watatoa maoni yao

katika hii Katiba ni watu wachache sana. Kwa sababu watu wengi sijui hawaja juwa, sijui hawana elimu, sasa pendekezo langu la kwanza ilikuwa ni watu wa elimishwe habari ya Katiba.

Na watu wakielimishwa habari ya Katiba, watakuja kujuwa haki zao. Kwa sababu ukikata kuelelewa mtu kile kinaendelea hawezi kujuwa ni kitu gani kinaendelea. Kwa hivyo pendekezo langu la kwanza ni, mwangalie sana watu wafundishwe habari ya kutengeneza hiyo Katiba.

Pendekezo la pili, watu wapewe uhuru wa kukaa popote ama kuenda popote kwa sababu tunanyakati nyingi sana tukuwa mtu pengine tuseme ni kwa mkutano, tuseme mkutano wa opposition, na unafinyiwa mambo ambayo siyo mazuri, na ni kwenu kwenu tu.

Na mlikuwa mnaenda pengine kuwaambia watu vile mambo ilivyo, ama vile mngetaka uchaguzi uwe, kwa hivyo, hiyo yote ni mambo ya watu kuelelewa ndiyo wajuwe haki zao. Watu kupatiwa nafasi ya kukaa popote mtu anakopotaka kukaa, hiyo nayo ni mhimu sana, na ile nyingine, ni habari ya kugawa vitu, kugawa mashamba, amakuriithi za watoto kutoka kwa baba zao, najuwa kuriithi ni kitu mhimu sana na ni kitu inatakiwa iwe katika Katiba.

Kuna ile Katiba ya zamani ilikuwa inasema, mtu akiwa na tusema mzee kama mimi, nikiwa na bibi wawili, shamba nitagawa na hawo bibi wawili. Lakini katika ile iko siku hizi, ni nafikiri ni ile ya kugawa mali na watoto. Hiyo nilikuwa napendekeza iangaliwe sana kwa sababu watu wengine wanaweza umia. Thank you very much.

Mr. David Mwoka: Mimi ni David Mwoka. Ningetaka kusungumza, natoa maoni yangu juu ya, nitaanza kwanza, uwezo upelekwe kutoka kwa maafisi upelekewe watu. That poverty should be taken to the people.

Lile jambo, ningependa kusema ni kwamba, Katiba ile iko sasa, mimi sioni ubaya wake, lakini jambo ambalo limeikosea, ni kwamba, ule uwezo umetolewa kwa watu ukapelekwa kwa office.

Namba moja, ningependa kusema kwamba, kama vile sasa serikali iko imepangwa, mpangilio huwo uendeleo. Lakini tukija chini, ile system ya development iloanza katika location, division na District. Kama wale wa kwanza, asubuhi walivyo sema, na hawakuweza kufafanua.

Pesa zigauwe kulingana na Constituency kutoka central government. Lakini zikiletwa katika Constituency, pawe Committee ambayo ni ya maendeleo. Ni hiyo Committee itahuzisha macouncillor wote wa area hiyo, na Mp na citizen wengine mashuhuri. Ambapo matakwa ya wananchi, itarekebishwa hapo

Kwani the development agenda itafanywa hapo. Na ikisha fanywa, watakuwa wanajuwa watafanya maendeleo kwa kiasi gani

kwa sababu watakuwa na pesa ambazo wametengewa. Lakini pesa hizi ambazo zinakuja kwa District zinaharibikia huko. Kwa hivyo ningesema unit namba one iwe Constituency na hapo iwe Kamati ambayo itashugulikia maendeleo ya hiyo Constituency.

Namba mbili, katika local authority, macouncillor waendeleo vile vile walivyo sasa, lakini, wale subject ya wananchi. Hawa macouncillor wasipoperform, tusingojee miaka tano, tumuondoe, by-election.

Ni hiyo itawezekana kwa sababu tupewe nafasi ya kuwa tukiatend hizo deliberations. Badala ya macouncillor kufunga ofisi, nakufanyia bunge yao, mpaka wananchi hawajui, wananchi wapewe nafasi waende wasikilize vile maCouncillor wanasema na waweze kutofautisha ni nani anafanya kazi, ni nani hafanyi kazi.

Namba ya tatu, corrupt officials, zile sheria ziko sasa ndizo zinafanya watu kuwa corrupt. Ni very lenient. Tuweke sheria ambayo tukisema mtu akiwa corrupt akiabuse office anashitakiwa na maali aliyopewa inachukuliwa na anafungwa.

Na appointment: President afanye appointment, sawa, kwa sababu hatutaki President ambaye hanauwezo. Lakini, hizi appointments, ziwe subject ya mbunge. Alternatively, appointments zingine bunge enyewe, ipendekeze na President approve. Hapo nimeenda njia mbili.

Na Commission ya Committees, ninaona kuna hii act of parliament ya education, kama ukienda katika health facilities, kuna Committees ambazo zimefanyiwa huko, lakini hazina nguvu kwa sababu it is not an act of parliament.

Kwa hivyo zile Committees, health facility Committees, ziwe act of parliament ili Chairman wa Committee yake hapa, wakifanya kazi wanauwezo.

Speaker: ...Inaudible.. One, Commissioners, has something lack of medical facility, because, reductions from national hospital insurance fund, they stopped .. inaudible, which means the preparation of the .. senior citizen, ..

Two, Education Act: I would suggest, PEO, with his staff to learn college, and even secondary schools. The inspection is necessary advise. DEO with a given District to learn primary schools, polytechnic, what have you. Why? It is an embarrassment to see an officer in a local area with status of ...inaudible. So I would suggest the PEO to man secondary schools and DEO primary schools.

Three, I would like to visit a city in my country Kenya which is less habitant, like Nairobi, when I went to Nairobi, the first thing I experienced is headache. Because of air pollution, and we have ministry of environment. And we are looking at few our life span is shortage by the ...inaudible. I would suggest, Kenya to stop being a abandon cases for our ...inaudible. Let us borrow less. We have that culture of borrowing, borrowing.

Mr. Titus Muinde: Kwa majina naitwa Titus Muinde, mimi ni mkulima. Kusema kweli Katiba tuliyonayo, iko na dhosari nyingi sana.

Ningependa hii Katiba ya mashamba, irekebishwe kuwe kama shamba imeshafiriwa. Iwe inapewa muda kidogo ili mwenye hiyo shamba awe anawezapata cheti cha kumiliki hiyo shamba. Maana yake tuko na shida nyingi sehemu kama hiyo, hata surveyors wameshalima shemba yetu kwa miaka ishirini iliyopita, na hakuna mmoja ako na title deed, ni kumaanisha sisi watu wa Yatta, tuko squatters. Kwa hivyo ningependa hiyo sheria irekebishwe.

Ya pili, ningependa tuwe na level playground kwa vyama kisiasa. Maana yake, unaona kama huku kwetu, watu wamenyanyaswa zaidi, tunasikia hoo, huyu ni mwana siasa, ni hiyo ndiyo ile kitu kinatumiwa hapa. Serikali yetu, Rais ni wa siasa, Mp ni wa siasa, Councillor ni wa siasa, lakini wenyeji wanafunza siasa ni kitu kibaya. Kwa hivyo tunataka hiyo irekebishwe. Asante.

Mr. Gregory Mulwa: Mimi naitwa Gregory Mulwa, mimi ni chief. Kwanza, napendekeza Katiba hii ikiandikwa na iishe, iandikwe kwa kiswahili ili hii Constitution Commission, baada ya kuandikwa kwa Katiba ipunguzwe idadi ya Commissioners, na wale wengine waendeleo kufunza civic education. Iwe continuous.

Qualifications: Ikiwa councillor awe piya amedefect, mwaka wa kwanza, apoteze mshahara robo, ambao utakuwa deducted, kwa hiyo mwaka mzima, upelekewe wale walimchaguwa, ...inaudible. Ikiwa ni mwaka wa pili, apoteze nusu mshahara, for that period, na uwe unarudishwa kwa wale ambao walimchaguwa.

On the third and fourth years, iwe ni three quarters. Kwa hivyo cha ambacho kimempokea councillor iwe chama hicho kimempokea kinaweza kulipa half a million. To those people who elected him, ikiwa ni Mp, iwe anaweza kulipa a million shillings, to those people who elected him.

On women, kama vile tunasomesha wasichana na wavulana, sawa, na mtihani ni sawa, wasitengewe viti. Ikiwa wanaweza kutengewa viti, nao watengewe maofisi on private sector. Kwa sababu hawatengewi katika private sector, iwe ni on merit of qualifications.

On political parties: Ziwe ni tatu katika nchi, na ziwe zinaweza kuwa funded by the government on equal basis.

Customary law and Marriages: Sioni vile marriages za kanisa na kadhalika zinaweza kupewa umhimu sana kuliko za customary. Ikiwa customary ni marriage imekuwa ikitambulikana, wazazi wote wamekubaliana, certificate ya marriage ipeanwe.

On ID, katika IDs napendekeza kuwa na address ya mwenye ID. Serikali igarimie pesa ya posting ikiokotwa mahali Nairobi, Kisumu, iweze kutumiwa huyo mtu. Kwa sababu ni garama kubwa kuona vipande vimeekwa mahali na mahali, na ni maali ya serikali.

On election of Mayors, iwe ni wananchi wanawachaguwa, na elimu ya councillors na Mps, iwe ni form four. Na iwe kuna compulsory mtihani kwa sababu tunaweza kuona ministers wengine ambao they cannot address themselves, wangali na macertificates, lakini kuwe na mtihani, masomo ipandishwe juu ambao kila mtu anafanya. Asante.

Napendekeza ya kwamba, wale ambao wanatumia maji ya Gakaino, na especially Nairobi City Council, Igaramie kujenga dam kubwa pale juu ambao wale wako down stream wanaweza kuitumia, kwa sababu sasa wakiachiwa kule juu, wale wa huko chini hawata pata chochote.

Mr. Peter Kioko: Jina langu ni Peter Kioko, Madhoroni location. Yangu kuingia hapa kutoa maoni, nasema asante sana kwa commision hii, ambayo inasimamia maoni ya Kenya, tangu tuanze serikali hakujakuwa mambo namna hii ndio siasa zinachafuka.

Pendekeza kwangu ya kwanza, ni kusema commisson hii, hata serikali ikiisha tukifanya uchaguzi, usiondoke kwa viti, ndiyo iwe ikiangalia kila kitu, na kuelewa kama Katiba imeendelea sawa na vile iliokuwa imetungwa.

Two, katika Kenya President wa Kenya, ningependekeza President awe of a role katika Kenya ya kuchaguwa watu waliombelee kama Commission kama hii kuchaguliwa na President.

Sasa upande wa ardhi., ardhi, tufauti iliyoko na taabu, taabu ya serikali. Tangu 1964, ndio nilikuwa mwenyeji wa settlement. Wakati Commission quarters walipokuwa wameombwa, na Jomo kenyatta, mashamba ya kutoka Ndoroni mpaka Mwananza, ni mimi nilikuwa nasimamia kuchukuwa wananchi kwa mashamba ya wazungu kuwaweka hiyo masaa. Nataka sababu tangu shamba hizo zikatwakatwe, serikali ikatekate hiyo mashamba.

1964, 1966 and 1997, hawajapata title deed. Ningeomba serikali na Commission hii, iende ipendekeze ikiwa ni President apange mkutano ya kuja kufungua mkutano wa kuja kufunguwa hiyo title deed, tupatiwe.

Basi, ile ingine ni, upande wa mashamba ninaonelea, hii ilianza kuchafuka wakati wa Kenyatta kulikuwa Commissioners squatters. Wakakuja tukawa, settlement, settlement ilipoingia, Rais Moi naye akasema, "Mashamba isimamiwe na maDC", itoke kwa land. Na hapo sasa, ndiko mchafuko wa mashamba unaingia, kwa sababu maDC ndio chairmen wa mashamba, wa kukata mashamba. Kwa hivyo ningependa hii hali ya mashamba iwe upande wa serikali pake yake, huko serikali kuu, hapana kwaa maDC, maDO na kila watu wengine.

Shule, nilikuwa na mkutano na waalimu. Shida iliyoko ya wananchi, juu ya shule, watoto kila mara wanafukuzwa school, kwa wiki wanasema safari tatu, kila mara wanaambiwa kwenda leta pesa, kwenda leta pesa, sababu pesa hizo ni pesa gani zinaombwa. Pesa za unasikia ati activity, kila mtoto, kutoka std 1 mpaka 8. Kwa hivyo nataka upended wa education, wawache kufukuza watoto shule juu ya pesa na pesa hizi ziangaliwe na serikali.

Waalimu pia waliomba wapewe ile mshahara waliopatiwa na serikali. Waalimu pia waandikwe wengine, school zitoshee.

Mr. Andrew Makau: Mimi naitwa Andrew Makau. Nitaongea juu ya funds. Tukona plantations na company na societies ambazo coffee imekwisha.

Hapa Yatta tuko na plantation kubwa sana ya coffee na imekwisha kwa sababu ya kukosa msaada wa serikali. Kwa nini serikali imetoka nje ya macompany na ikaisha, na ndio asset kubwa sana na maali ya serikali ambayo tunaweza kupata huku. Ndio serikali iingie, isaidie shareholders wachukuwe macompany ya kahawa.

Judgements: Niko na swali kuhusu jambo hilo maana mtu akishikwa tu amekosewa, apeana sababu yake kwa serikali. Msichana amefanyiwa ile makasa ya wanawake, mtu amepigwa, anaambiwa aende akalete mashaidi, na labda alikuwa pekee yake mahali alikuwa akifanyiwa hayo madhara.

Ushaidi unakosa, kwa sababu hakuwa na mtu na ameshikuwa, kufanyiwa unajuzi, ama nimepegwa, polisi wanasema leta shaidi. Hakuna shaidi karibu, hiyo inapotea, ndio sababu jambo hilo limefanya watu wengi wameumia, community wameumia zaidi kwa sababu ya kuambiwa leta shaidi. Kwa hivyo ningepomba special branch ama ile serikali ya ndani, mahali jambo hilo huwa limefanyiwa, huwalienda likaulizwe community polepole, ukkweli mwingine upatikane, badala ya kuwa hiyo case imekuw thrown away.

Hiyo ni kusema, wakili mtu huyu hana nguvu, akiwa nia huyo mwingine amechukuwa wakili, na alikuwa akisoma na judge, anashindwa, mkamba anasema, damu yake haitaisha, anaenda kufanya kienyeji ukristo unapotea na labda yeye ni mtu ambaye anajiita mkristo. Anatafuta family yake. Hiyo ni jambo ambalo linasababishwa na , ..

Jambo lingine ni corruption, corruption inaletwa na mishara kidogo. Ministry inalipwa, hii iingine haiongewi mishahara. Ministry zote zinafaa kuongezwa mishahara sawa sawa maana wote ni wafanyi kazi wa serikali, hata hiyo ministry ifungwe.

Pastor: I thank all the community, we have a membership of approximately 500 people in Yatta and in the nation, we have a membership of 6,000 members, and therefore, the church, we have the following as wishes in the Constitution Review:

We wish to have a Constitution, which guarantee freedom of worship.

We want a Constitution, which protects our church members from harassment at their place of work, because of Sabbath keeping on Saturday.

We wish to have a Constitution, which prohibits school examination, election, games and Sabbath, Saturday. Because this has led to much harassment in the past to our Sabbath keeping students in all education levels.

We want a Constitution, which gives freedom of to our church members to attend worship of Sabbath, Saturday especially those in the armed forces and those who are in government administration, including national youth service and other departments.

These are wishes of the church and we will be very grateful when it is granted in the coming Constitution.

Mr. Jacob Katungu: Thank you. I am Jacob Katungu. Also I would like to contribute, I would have talked about so many things but, since the time is not there, I would like to talk one or two things.

First I would like to start with freedom of worship: As we know in our country, according to the present Constitution, we were given freedom, including freedom of worship.

What I can suggest is that, it has to be given some limit that, you find that if you need to start your church of whatever denomination, there must be a said conditions which has to limit these people, who are starting the denominations there periodically.

So, I think if you can dare me, you witness, there are some other times when you have some people where think, go down by some people jumping in the bush and keep their, watoto walikuwa wananyang'anywa mandimi, na some of the private parts. Hili lilikuwa linajiita ni kanisa tu. Makanisa yamekuwa mengi kiasi kwamba, hatuna ile freedom, we are not exercising this freedom in the right way.

The other thing I wanted to talk about is the fair distribution of government facilities. Kama serikali imetoa mchango mahali fulani, itasaidika sana ni kujenga daraja ama barabara, yule mbunge ametoa hiyo wadhifa anaenda anachukuwa hizo pesa, anaweka kwa account yake, kwanza ana benefit with the money, na wale watu wanaendelea na kufanya kazi huko, wale walichukuliwa huko, huwa wengine hata hawalipwi.

Sasa unasikia ngoja mshahara ngoja mshahara, kumbe mshahara, pesa iko ndani ya account ya mtu inaendelea na kutoa, sasa

ninge suggest serikali kama inafwata mchango kama huwo. Ifwatilie, tujuwe imefika na kila mtu ame benefit kutoka kwa hiyo mchango kama vile inavyo stahili.

Mr. Augustine Manyi: Kwa jina mimi ni Augustine Manyi. Kwanza, ningeomba Katiba mpya iwe na utangulizi unaofaa. Utangulizi ni jambo la maana, kwa maana siyo kama tu Katiba iliyoko, ati ni wimbo wa taifa tu nakwanzia Katiba.

Utangulize ndio unaweza kutufata na kama Katiba za nchi zile zingine, zitatieleza mwongozo, na tena mambo yale yetu ya mhimu ya kitaifa, kama vile mwito wetu wa harambee, ambao ni mwito wa kipekee, duniani, unapaswa kuingizwa katika tangulizi.

Pili, ningetaka kuzungumzi mambo ya ushirika: Ushirika ni jambo moja ambao naona serikali ama Katiba iliyoko kwa sasa, imesahau kabisa mambo ya ushirika. Na nikiangalia mambo ya ushirika, ni kama anaendelea na kufa katika nchi.

Kwa hivyo Katiba ya sasa, hii mpya tunayojenga ingefaa ipate ushirika na itambue jinsi ushirika umejengwa kama ni chama cha ushirika, jambo Fulani kama ni kahawa, kama ni uchongaji, kama ni mambo Fulani tuweke nafasi na tuwe kiweki napewa nafasi na ushirika, uwe ni sawa, ni vile tunaona mambo ya maendeleo ya wanawake, unajuwa kama kwa wakati huu maendeleo ya wanawake inatangulishwa mbele ya ushirika, na juwa kali yanapewa first priorities, na ushirika unasahaulika.

Ya tatu ningetaka kuzungumzia juu ya land transfers. Land transfers ni jambo la maana sana kwa maana kwa wakati huu, unaweze kukuta mtu amenunua shamba tayari, lakini mambo ya kupata mamba, au kupewa title deed inyewe, inakuwa ni ngumu sana. Unakuta mtu imesha nunua shamba lakini ana zaidi ya miaka arobanne na haja pata land title deed yake. Kwa hivyo land transfers ingefaa ianzie kijijini na mwisho wake iishie katika ofisi ya mkuu wa tarafa.

Dollar za Kenya zingefaa, ziwe rahisi ili yule atakaye kuja awe apick picture yake kule. Tungefaa tutwate mtindo kama Amerika, ndio ukiangalia dollar za Amerika unaona akina John Washington, na hawo ndio walikuwa marias wa kwanza wa nchi hiyo. Hivyo ningependekeza pendekezo langu liwe ni Haiti mzee Jomo Kenyatta, kwa maana ndiye alikuwa rahisi wa kwanza wa nchi hii, tuwe tukitumia picha yake katika dollar zetu za kenya. Asante.

Ms. Elizabeth Mukueno: Thank you dear Commissioners, me I have so many points, about twenty, but many have been mentioned. I am Elizabeth Mukueno. I will just pick the main points, which have not been mentioned.

One being, we need a trade in our Constitution and control of irrigation by women.

On election to be made, not to do with who are just by cheating during election.

All employees in all sectors be allowed to have trade unions.

Government money to be allocated to the needy, if it cannot to be rich, and especially the widows.

Gender violence should be stopped. Violation acted to be re-instated.

Women should be pensionable until death when the husband dies.

Bursary to be given fully to the needy.

Women should be elected from every District.

Election should be done in August, so as to increase women participation, and because it is done in during rainy season, women need to go to the shamba. Thank you.

Com. Pastor Ayonga: Kwa kufunga, Chairman una neno ambalo ungependa kusema?

Chairman: ...Inaudible. Sisi tungalipenda Katiba tuliyo shirikia, ibaki maali ya wananchi. Katiba hii isigeuzwe, kabla mwananchi hajauliza,. Hayo kwa kukamilisha, ni maombi yetu iwe imeshugulikia mambo kikamilifu, ndio iweze kuwa ya kudumu miaka nyinigi. Asante.

Com. Pastor Ayonga: Thank you so much. Nataka kuwashukuru nyote kwa kushiriki pamoja nasi na kuvumilia pamoja nasi the whole day. Now we come to the end of our programme and I have my two other Commissioners, Com. Dr. Maranga, Com. Kangu na Com. Pastor Ayonga.

Tunasema tumefika mwisho Mungu awabariki pahali ambapo mnakwenda, kesho programme yety inanda masingi, kujili yeyote aliye na mzigo wa kutupa maoni anaweza kutufata huko, lakini kazi yetu kwa hapa, imekamilika. Na asante kwa usaidizi wote ambao mmetupa. Tungeweza kusimama sisi sote pamoja kwa maombi. Ningemuuliza pastor huyu Kariuki, please take the microphone and ask God's blessings.

Pastor Kariuki: Let us pray, dear loving father in Heaven, we are grateful for the meeting of today, whereby we had come to discuss the Constitution we want. Lord we pray that you bless these servants of thine who have come here to lead us in this deliberation.

We pray that Lord you may help us wherever we go, and others who are coming tomorrow there, so that finally Lord, we get

the Constitution we want which will help to gather in our country in the proper way possible, for the peace to prevail allover. We pray that Lord you may bless those who attended this meeting, bless the Chairman of the meeting, and also the officers who has joined him in this meeting.

We pray that lord as we part from this place, your blessings be with us. And bless our country and our nation; pray that in Jesus name, Amen.

Com. Pastor Ayonga: Kwaheri ya kuonana.

Meeting ended at 5.30 p.m.

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