

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

**CONSTITUENCY PUBLIC HEARINGS, MBOONI CONSTITUENCY,
HELD AT KALAWA, AT AIC MAKINYA**

ON

6TH JUNE 2002

**CONSTITUENCY PUBLIC HEARINGS, MBOONI CONSTITUENCY, HELD AT KALAWA, AIC MAKINYA
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Commissioners Present

1. Mr. Lumumba – Secretary
2. Com. Paul Wambua
3. Com. Pastor Zablon Ayonga

Secretariat in Attendance

1. Collins Mukewa – Program Officer
2. Elizabeth Nderitu – Assistant Program Officer
3. Zipporah Wambua – Verbatim
4. Eric Mativo – Co-ordinator

Eric Mativo; Na nitauliza Reverend Muindi atuongoze na maombi ndio tuweze kuendelea, Reverend Muindi.

Rev. Muindi: Na tuombe pamoja.

Our dear loving Father, we thank you this morning because you have given us the opportunity in our country Kenya, to review our Constitution.

We glorify thee because you are the author of human Constitution, whereby God you planned with the first man in the Garden, how men should behave how men should be doing and, even you gave the providence of human basic rights, by providing food in the Garden. But Father now we regret because the great opposer - the devil, opposed your rights and men fell. This is why we are now in a position, globally and every country they are sitting down to re-collect - make their own Constitution, whereby they will understand how they are being governed.

We thank you for the Commissioner who has come, Mr. Lumumba and others who are on their way. Oh God we pray for all,

safe traveling mercies as they are coming up this way. That this day will be a successful day because of your own doings. Father we humbly beseech you for the whole day in Kalawa – Mbooni Constituency that may it be successful.

Asa nitwakuviya nundu niwe mwambi iya way micelle way mundu, walanyo wa mundu, na miuo ya mundu. Yaya muundani way Eden ni mundu waile kwikalaa na way.

Museuvisya atanamba kuka indi nikana ekalae vo na waamuseuvisya kya kuisaa vo no la, muthuku satani useo usu wonthe aombo kwanzia ya kwikia umaitha kati waa mundu.

Naku nanikyo kitumi umuuthi syonthe sya ndunia, iendee na umantha mikalile yoo na kwaalania na kumathitha Katiba ila yimatongoeasye tondu umunthi tukwika kuu kalawa Na indi nundu way athukumi ala wanyuvie na Lumumba ula wavika na athukumi ala angi. Nitakuvoya nikana umuteithye na kutongoesya andu ma kalawa kumenya mawoni Na mawoni, aa mwiai Ngai ma yithwa ni mawaoni maile kusii na kwika nthi yaitu mwaka ila yukite nesa. Nundu nitwisi undu twakuvoya ndukaema kutwiasisya.

We trust believing that all whatever we ask thee God you will provide unto us for we pray trusting in Jesus' name, Amen.

Mr. Eric Mativo: Asante sana Reverend, nitachukua nafasi hii kuwakaribisha wageni wetu kutoka Nairobi to Makueni, Mbooni constituency, Kalawa center, na nitasema majina yangu. Naitwa Eric Mativo nikiwa mshiriki wa Kenya kurekebisha Katiba ya Kenya katika wilaya ya Makueni. Pia nataka kuchukua nafasi hii kuwajulisha kwenu members wa committee ya constituency hii ambao wako hapa. Nitawauliza wasimame ndio niweze kuwajulisha kwa wale wako hapa kwa mkutano.

Members wa “3C”, Mary nimeona umeketi na wale wengine wamesimama; karibu na mimi hapa ni Munilla Mutiso ambaye ni member wa committee, Reverend Solomon Muindi ndiye member wa committee na ndiye ametuongoza kwa maombi, pale nyuma tuna Mary Kilinza ambaye pia ni member wa committee, na pale nje tuna Joyce Musau ambae yeye ndiye ana register watu wakifika. Asanteni. Hawa ndio wameweza kufika kwa sasa.

Pia nitachukua nafasi hii ku-introduce ama kuwajulisheni kwenu wale watu ambao watakuwa wakintranslate, kwa wale watakuwa wanaongea kwa Kikamba - kwa lugha ile nyingine. Mr. Joshua Kithiu ambaye anasimama pale nje, yule ndiye atatusaidia kufanya translation. Kwa hayo nawashukuru sana kwenyu nyote pia kufika, na nitachukua nafasi hii kumpa Commissioner aendeshe programme kutoka hapo. Asante.

Mr. Lumumba: Asante sana Bwana Mativo sasa tutaanzisha kikao rasmi jinsi alivyoeleza mwanachama wa kamati Rev. Muindi. Kuna wenzangu ambao wangali wanasafiri kutoka Nairobi wamechelewa kidogo, lakini kwa kuhakikisha hatutapoteza wakati tutaendelea bila kupoteza wakati. Kabla sijawapa utaratibu wa upokezi wa maoni nitaomba wenzangu ambao watanasa maoni yetu katika vikanda wajijulisheni kwenu kwa kujitambua kwa majina.

Introduction

Zipporah – Habari yenu, naitwa Zipporah mimi ndiye na-record.

Elizabeth – Naitwa Elizabeth Nderitu, nitakuwa niki-record.

Mukewa Collins – Kwa majina naitwa Mukewa Collins Matanda, Asante.

Mr. Lumumba: Asante sana, najua nikiwa hapa Ukambani nasema “mbaito nimuseo?” “Nimuseo?”

Response: Nikuseo

Kwa hivyo kile ambacho kimetuleta hapa nikuwahusisha wananchi wa Kenya katika harakati za kutoa maoni kwa minajili ya kurekebisha Katiba. Utaratibu tulionao ni kwamba: wale lengo lao ni kutupa maoni yao kupitia kwa njia ya kumbukumbu ao kile munachokiita kwa Kiingereza “memorandum”

Tutapata dakika tano kwa minajili ya kutilia mkazo yale ambayo mnaeleza na yote yatanaswa katika ukanda; na wale ambao watatoa maoni yao moja kwa moja bila kuwa na kumbukumbu, pia tutawapa dakika kama hizo tano. Kwa hivyo, kile ninawaombeni wenzangu tuwe ni watu wenye kueleza vitu ambavyo tunavieleza kwa mukhtasari ndio kila mtu apate fursa ya kujieleza. Asanteni sana.

Tutaanza kikao chetu kwa kumuuliza Nicholas Mutuku kukuja mbele na kutoa maoni yake. Karibu.

Nicholas Mutuku: Kwa majina ni Nicholas Mutuku. Nataka kutoa maoni yangu na vile vile niko na memorandum.

Kwanza nataka kuongea juu ya mambo muhimu ambayo inahusisha jamii yetu. Kama vile clans: clans should be given power to rule over their people by their Constitution. Also, they should be given power to check whether their people are obeying their own laws. Also I will go over to the traditional beer, it should be banned after conditions. There are some ceremonies in traditional Kamba society whereby you need the traditional beer, like the customary marriage of the Akamba, so traditional beer should be allowed in ceremonies.

Written letters from the chiefs (as permits) should be given to those who need that one. Traditional beer should also be brewed in clubs. There should be checking by health officers whether it is in good conditions. So if it is brewed, it should be in the market and in club, not at home.

About the youth, the youth should be given or there should be a law, which enables all the youth when they finish school to be

employed. Polytechnics, which provide skills to the youth, should be Government sponsored and if possible education should be free for the Polytechnics.

I will also touch on provincial Administration. Provincial Administration is very important. It should be there. From the Assistant Chief to the PC, they should be transferred. They should also have power to initiate development in their areas. The Constitution should also give them power to enforce or to change those who don't want to develop their areas. Village elders are part of the provincial administration and they should be employed by the Government and paid like provincial administrators. With those few views, the others are written in the memorandum.

Mr. Lumumba: Asante sana Bwana Nicholas Mutuku kwa maoni. Ukishamaliza utaenda kwa ndugu zangu waandike kumbu kumbu uliyoleta.

Florence Kivuva: My name is Florence Kivuva.

I'm going to talk about the Local Government. Mayors and council chairmen should be elected directly by the people. The Central Government should be more powerful. The minimum education for councilors should be form four and there should be a language test for councilors. There should be moral and ethical qualifications for local authority seats. People should have a right to re-call their councilors if they feel they are non-performing. Nominated councilors should be there. Councilors in multi-party seats should assist the people without considering the party they belong to. About hospitals: All public hospitals and health centers should be free.

About education: there should be free education from nursery school to form four. Pre-school teachers should be employed by the TSC. Children from poor families should get free education from nursery to University. Orphans should get free education from nursery to university.

Provincial Administration should be there. Chiefs have to be retained which has been done before. Village elders should be paid by the Government. I am through.

Mr. Lumumba: Thank you very much Florence Kivuva for those views. I now invite Mary Mboya. Mary Mboya, kama uko tafadhali njoo.

Mary Mboya: I am Mrs. Mary Mboya.

I have the following views: my first point is that there should be set a permanent office or institution to teach the citizens more about the Constitution. Constitution should be written in the simplest language possible which the citizens may understand well.

Constitution should put stress on offices to fight against corruption, which is bringing our country back to zero level. Laws are

made to guide people, therefore, no one is above the law.

The Constitution should include cultures, and be given the chance to be assessed by the people concerned. Equality should be stressed in our Constitution so that we as citizens feel that we are in a democratic country. The Constitution should put stress on checks and balances to avoid dominance of some aspects in our country.

Constitution should stress on education so that no Kenyan citizen can go without education, if possible the Government should take the opportunity to educate those who are not able, that is, financially. In the part of political parties, our Government should allow multi-parties, that is many parties in our country and these parties should work together to develop our country. During campaign, these parties should be financed by the Government equally. I only have those to say, the rest are written. Thank you.

Mr. Lumumba: Asante sana Mary, baada ya Mary nitamuuliza Rael Mutinda. Rael Mutinda kama yutayari Karibu. Mama karibu. Kabla mama Rael hajatoa maoni nitawatangazia ya kuwa mwenzangu Commissioner Paul Musilu Waambua yutayari amekuja amakaa upande wangu wa jushoto. Mama endelea.

Rael Mutinda: Spoke in Kikamba

Translation: She says her names are Rael Mutinda.

Her views are that the church is like the Government, and the latter should assist the church financially if they have problems in buildings and other activities. The other point was between man and woman, that no one marries the other. They marry one another, so they should stay as if they are married and assist one another.

Mr. Lumumba: Asante sana mama Rael, ulipokuwa ukitoa maoni yako, mwenzangu pastor Ayonga ambaye amekaa mkono wangu wa kulia amewasili, na hivi sasa tuko sisi watatu, mlivyotangaziwa. Baada ya mama Rael nitamuuliza Isaac Muteto aje mbele na atoe maoni yake. Isaac Muteto.

Isaac Muteto: My names are Isaac Muteto, my views are as follows;

Employment: Job opportunities should be created for the youth. Secondly, education should be provided to the Kenyans, who are unable to sponsor themselves like the orphans. Public hospitals should be free for Kenyans.

Churches should be given the freedom to express their powers and also to provide the views to the Government. Corruption in the Government should be eradicated, in order to help those ones who are unable to fight for their rights.

Youths should be given more power in the Government issues because they are more energetic than their elders. Salaries, in some cases, some work harder or more than others whereas the pay is very little.

Nepotism and tribalism should be eradicated because some innocent people are suffering a lot. Equalities: there should be equality in the Government ministries.

Marriage: in some cases, marriage should not be forced, because forced marriages are not successful enough. My issues are those. Thanks a lot.

Mr. Lumumba: So first Pastor. Ayonga has a question and then Commissioner Wambua will ask a question.

Com. Ayonga: Na mtoto you said youth should be given more powers because they are energetic, what do you mean? Another question you said also that there should be equality in Government ministries, what equality is that you are thinking of?

Com. Wambua: I think one of the questions has been asked by pastor but I would want you to give us specific proposal on the question of salaries, it is not very clear. What is your proposal on salaries? Secondly, please let us have your views on one of the issues we are asked to address, that is whether education should be free, and if so up to what level? All you said is that education should be provided to those who are unable to pay but can you give us your views on whether education should be free and up to what level? That is a specific issue we are supposed to take views on.

Isaac Muteto: Sir in some cases you see some people like local leaders in the village we do a lot, while we are given very little salary. If the youth, some youth, have a lot to serve in our Government and they are not being given the chance to serve the Government, while their opportunities are being held by old men who have been there for so long.

Education: in the case of education, it should be free for those people who are unable or also it should be free to the secondary level. Equalities: sir you see men are being given power, being empowered more than the women, so women should be given freedom to exercise their powers.

Mr. Lumumba: Okay asante sana Isaac sasa nitamuuliza John Mwambu. Mzee John Karibu

John Mwambu: My name is John Mwambu. I have written a memorandum.

I start with the local Government; mayors, councilors and chairmen should be directly elected by the people. Councilors should continue to operate with the Government. The minimum education for councilors should be form four. There should be a language test for councilors, that is, they should be able to serve the community in the language that can be understood. Nominated councilors should not be there because they don't know the duties they are assigned, for they interfere with the other officers when they are working. So we suggest that they are useless, because we elect councilors to serve us. People should have the right to call the elected councilors and advise them when they go wrong in order to perform their duties.

Hospitals: all hospitals and health centers, that is Government hospitals, should be free because when a person is asked for money - maybe an orphan because they have many orphans, that person, if orphaned or poor, she or he will die automatically because there is no money, so hospitals should be free.

Education; there should be free education from nursery schools to primary schools, free colleges as they were before. I talked about the colleges because most poor people, when they pass form four most of them don't go to colleges because they are very expensive, even they don't know very clever children when they pass to go to universities. Most of the people who go there are the people who belong to the rich families. I don't think whether a poor person, as a clever child from a poor family will change his family line up if it means money. I recommend free education for higher education.

Also orphans: orphans also get free education as I have recommended. There should be free education for disabled children, and the Government should also take care of them because most of them are okay here in the plains, but they don't get education because some people don't understand their importance. When a person is disabled and nobody cares; if the Government is not caring and the parents are poor, nobody will care.

Land and Ownership – an individual should own Land, which should own land, which should be acquired by buying or as an inheritance from parents. I also recommend when a person buys land, the land board should go up to the lowest level. This is because the cases which are done at the board most of the times are being done by the people you do not know, so those people who know the area should do the land case; because nowadays money is used to judge the right. So I request the boards to start from the office of the Assistant Chief, the Chief and so forth because they are so high at the District level, and you find the elders you don't know. That is all I have on land.

Provincial Administration – Provincial Administration should be there because they play a lot of role in the community that is security, initiate development and so forth. I also recommend chiefs act should be returned, it should remain as it was before the IPPG. It has been interfered with such that you cannot control the younger people, and you cannot initiate development to a person who you cannot call to a baraza: Where do you think you can tell or inform or initiate development to a person who cannot listen to you. If the act is reduced to that extent and we have seen a change, development has retarded.

Village elders should be paid like the other civil servants because they also play a very important role to settle disputes and maintain peace, law and order. There should be no transfers of chiefs and assistant chiefs because they are required like fathers, of the area. A new person or a newcomer does not understand the conduct of anybody so he is there to know the characters. A new person cannot know whether a person is a thief or has good character, so they should remain in their areas to connect the community and the Government. Thank you.

I also request that the chief's act should contain, that is in addition children's rights, because many of the parents just throw them at the school and they don't mind the development of the school. All the time children are on the road going home here

and there, so that parent should be answerable for that child he or she has brought to the world.

Payment of salaries – there should be nobody to have a right to decide their salary, that is like MPs. They have decided for themselves a lot of money while other people are starving down here, and many of them civil servants, are suffering being underpaid. So there should be a special commission for salary decision. That is all I have thank you very much.

Comm: Thank you very much Mr. Chairman. Bwana Mwambu I have some clarifications which might help us, because we want to be specific in our recommendation. According to your proposals, one, you have talked about councilors, there should be a language test for councilors and councilors should have ‘O’ level education as a minimum. We would like to hear about MPs and the President, do you have any recommendations for the education of the MPs and the President, because those are also elected leaders? When you elect people, as when you go for elections, you elect a councilor, an MP, and a President. Your views are only concentrated on the President, so please if you have any views regarding those give us.

And then one of the issues which has also arisen out of the questionnaires we gave is the right to recall. You have talked of the rights of the citizens to advise the councilor when he goes wrong, but where the councilor is advised and does not listen should the citizens have a right to recall that person, and if so in what form? I think you should give us your views on those two issues.

(Inaudible interjection) Pastor

Mr. Lumumba: And that calling of the councilor, is this the only person who should be recalled when he goes wrong? How about your MPs? It is the same question but he didn’t add that because you recall, he emphasized on councilors. Language he emphasized on councilors how about MPs?

Interjection (Just one more question).

Mr. Lumumba: You have talked about language when you talk about language, do you mean English and Kiswahili, or if he is a councilor in a Kamba speaking area the knowledge of Kamba should be sufficient?

John Mwambu: Now I start with the councilors as you have requested. I start with your question on language. I mean national language that is English and Kiswahili. A person who can communicate in our languages. The other question of the President, a President of a country, because we have the need of education, we need a person who is learned who can understand everything: that is a person with a degree. Yes they are recalling when communities complain, we need to have a by- election when a person is not working and is doing nothing - both for the MP and councilors. Yes.

Mr. Lumumba: Okay Bwana Mwambu asante sana nitamwita Judy Ngeki ukiwa hapa tafadhali njoo. Lazima tukumbuke ni dakika tano ili tuwape wengine fursa ya kutoa maoni tafadhali Judy karibu.

Judy Ngeki: My name is Judy Ngeki.

My points are on health: hospitals, health centers and dispensaries should give free service, this is because you know medical services are very expensive and many people's lives are lost because of poverty.

Education, in primary and nursery education: the Government is supposed to provide free and also provide exercise books and textbooks as before. Bursaries are supposed to be given to orphans, children from poor families - but not to say for bright children because they can be from well off families.

Loans: Loans, which are given to university students, only are also supposed to be given to students in universities and all other colleges. All students who are trained in colleges and universities and any other institutions: the Government is supposed to provide for them employment. This is because parents use a lot of money and properties and after that, their children start suffering and yet they are educated.

All political people should have good language with which to address the wananchi, not to use abusive language. Relief food which is provided by the Government to wananchi they are not supposed to work first so as to be given the food but since it is relief, it is supposed to be given free. All old leaders who are above 50 years should be given time to go home and rest and give the young people a chance to rule the country this is because as they are old their views are also old. They concentrate more on their views than other people.

Sub – Chiefs and Chiefs play a big role in the community, such that some officers like DO's have no work so they are supposed to be terminated and we remain with sub – Chiefs, chiefs, DC's ascending order.

Mr. Lumumba: Remain there we may have one or two questions for you please. No questions from Commissioners? Judy thank you very much. Mary Kiminza tafadhali njoo.

Mary Kiminza: My names are Mary Kaleli Kiminza.

Mine are both verbal and written (memorandum).

Un-wanted pregnancies: men responsible for unwanted pregnancies should be forced to cater for that child's welfare up to 18 years of age.

Education should be free and compulsory for every child from nursery school to form four. Orphans and disabled should be given free education from pre-school to university. Special fees should be provided in Parliament for the disabled people.

Pre-School teachers should be employed by the Government.

Licensed clubs for traditional beer should be introduced in the towns, and be inspected by the public health workers. Public health workers should be provided with facilities for doing the examination. (inaudible interjection)

Rape of an old woman should earn one a life imprisonment, while defiling a child who is under 14 years also should carry a sentence of life imprisonment.

The qualification for the presidency should be specified by the Constitution. This qualifications are: he should be a Kenyan citizen of 35 years that is the minimum age, he should be registered as a voter, he should be married, he should be of sound mind- that is of good health. He should be stable financially and should be fluent in English and Kiswahili. The President's tenure of the office should be 2 terms of 5 years each. The Constitution should limit Presidential powers. The following power should be removed from him: appointing and dismissing Government officials. He should not be above the law he should not be declaring war. The President should consult the Parliament when performing his duty. The President should not be a member of Parliament.

Judiciary: the judges should be appointed by the Judicial Service Commission. There should be an efficient and un-corrupt judiciary. The Judiciary should ensure courts are efficient. The Judiciary Commission should ensure fairness in the court.

Local Government: there should be direct election of mayors and chairmen of council. The two year term of office for them is enough. Council must work together with the Central Government. The minimum education for councilors should be O-level.

Basic right: the Constitution should guarantee basic human rights. Commissions should be established to ensure that basic rights are provided to everybody. Land and property: the Government can take private land for development projects and compensate the owners of the land. I think I have to stop there because of the time limit. Thank you.

Com. Ayonga – Mary you just said that traditional beer should be banned completely. I have been now for some time in Akambaland, and I am told or we have been told that some traditional beer is required during marriages: Wazees need to have that as part of their marriage negotiation besides the he goats. Now are you saying that even the marriage beer should be banned completely? Another question: you said that the

Presidents powers should be cut down, and one of those things you don't want the President to do, is that he should not declare war; but you did not tell us who will declare war; in the absence of the President?

Comment: When they are performing "binge" don't they drink Kuki?

Com. Wambua – I would have asked about the traditional beer but that one has been asked. You said that any man who rapes an old woman - life imprisonment; any man who rapes a child - life imprisonment; what about a man who rapes a woman who is not a child and not old? Does he go free?

Com. Ayonga – That was the second question, and another issue that also arose else where - and I think you should give us your views - what about a woman who rapes a man, an old man?

Mary Kiminza – Concerning the traditional beer, I meant the beer that is brewed at home and sold. Concerning that beer of ceremonies like marriages and burial, a letter should be obtained from the area chiefs. Area chiefs should be given that power to be giving the permit of brewing that beer. Concerning rape; everyman who rapes should be imprisoned for life, and the same thing to that old woman raping a child, she should also be imprisoned for life.

About the war: there should be set a body to be declaring war- which should agree with the Parliament and the President, but not President alone.

Mr. Lumumba: Thank you very much Kaleli. I now kindly ask the Rev. Solomon Muindi to give his views, Reverend.

Reverend Solomon Muindi: My names are Solomon Mwanza Muindi.

I am starting with worship. The Constitution of this nation should define well - good worship which will please God, because for now it has only the statement of freedom of worship whereby our nation in the future might fall into Satanism. God's ministry: it is my point of view that our Constitution should give the provision of assistance to promote God's ministries in all denominations as Jesus commanded us in Mathew 28 as from verse 19 - to go into the world and preach to all nations, for God's kingdom to be established well.

Adequate education and a maximum education should be a prerogative to our MPs, Presidents, councilors where they can communicate well with the public, and so that member of the public can be in line to understand that all these elected members are communicating. Services for them: it is my point that it should be full time work but not part time as we used to hear.

Communication: all roads be properly maintained both tarmacked or earth as hard roads so that our nation has got good communication for its citizens.

Health should be entirely free because nowadays it is so expensive that the poor people may even die because of the expenses.

Education: In point of view should be free from nursery school to university level to enable those who cannot manage from poor families to shoulder and promote this nation in future.

Citizenship: It is my point of view that one should be given probation for at least two years and then be given full citizenship for foreigners who marry our girls, and automatic citizenship to foreigners who are married to by our male Kenyans. With those few remarks I hand over.

Mr. Lumumba – Your colleague in the ministry of God will ask you a question, pastor.

Com. Ayonga: Bwana Reverend Muindi you said freedom of worship is enshrined in our Constitution, our present Constitution, but as you know and as I know, we have so many religious groups that have come up and some have come up in the form of dinking, shouting and some beat drums through out the night. Under the guise of freedom of worship they keep other people awake in residential areas. What do you say about these freedom? Must they be curtailed? Must people worship at certain places and not everywhere inconveniencing others or must people be left as these are as of now - that there is peace disturbance in the name of worship?

Mr. Lumumba: I don't know whether Commissioner Wambua has a question just a moment Reverend.

Com. Wambua: Reverend I think you gave us some proposals for education on elected leaders but they were not very specific I think we would be a lot more happier if you would tell us specific qualifications which a councilor should have, which an MP should have, and which a Presidential candidate should have. I think that would help us a little bit more.

Rev. Solomon Muindi: Thank you very much Commissioners. My dear colleagues. I would like to elaborate: when I was talking about the freedom of worship, my major point was that there should be, if possible, in our Government as in our Constitution, a ministry whereby there are clergy people who can define very well what we mean by the freedom worshippers. Two, I must be very clear on the point that this freedom of worship when it goes to a notorious level then this team should check what sort of worship it is: This is what I meant when I talked of God's ministry, and if possible in our Government, if their might be Godly ministers to check all these things like the other ministries.

Education for elected members, councilors - form four with at least C+ and above, the MP and the President should acquire a minimum - basic degree. Thank you.

Mr. Lumumba: Thank you very much Reverend. I now call upon Daniel Mutwiwa, Bwana Daniel Mutwiwa fursa ni yako Mzee.

Daniel Mutwilwa: Spoke in Kikamba.

Translation: Daniel Mutwiwa says there should be free education for all Kenyans from standard one to university, also that medical services should be free for all Kenyans. There should be water for all dry areas in Kenya. There should be no beer brewing in Kenya.

Mr. Lumumba: Asante sana mzee asante sana kwa maoni yako. Sasa nitampa fursa mwenzangu Commissioner Wambua aendeshe sehemu ilio salia kuita wananchi kutoa maoni yao. Na asanteni sana kwa kunisikiliza.

Com. Wambua: Basi tutaendelea na tutafanya haraka haraka kidogo kwa sababu watu ni wengi. Natarajia wengine watakuja, na ukija hapa tupatie maoni yako na usieleze zaidi kwa sababu sisi kama ma Commissioner tunaelewa haraka sana. Kwa hivyo kama ni points - taja moja, mbili, tatu, ndio tuinase na tuiandike. Paul Mutunga, ako wapi paul mutunga huko?

Paul Mutunga: Today I have got very few points to move. I am Paul Mutunga even you have called me Paul Mutunga, it seems like you might have known. So I am Paul Mutunga and I have very few points to move.

One is about the plots: When survey department finishes its work, we should be given our title deeds without taking a very long time.

About our crops: We suffer very much here, especially in Ukambani, because we have maize and we have nowhere to sell, we have no marketing board here. So, we should be given opportunity to sell our crop as it is done in Kitale.

About retirement: When people retire they stay for a very long time without getting their pension. And also, when the other Government servants are given their increments' the retired people should be given the same because their strength has been finished. Let me check something here please.

About provinces, we find some provinces are very okay with the Government because the roads are okay. They have tarmac roads that some areas are not equalized the same as those who are in those categories. I think it should be the end of my points.

Com.Wambua: Asante sana Bwana Mutunga, kuna maswali kwa Bwana Mutunga kutoka kwa Commissioners?
Commissioners! Hakuna.

Com. Wambua: Okay asante sana jiandikishe hapo Bwana Mutunga asante kwa maoni yako. Dominic Mutisya? Na

tukikwambia utaje majina sio ati kwakua tumeyasahau - tunataka wewe mwenyewe utaje majina ndio yaingie kwa tape, kwa hivyo tukikuuliza utaje majina sio ati tumesahau lakini taja majina yako halafu utupatie maoni yako asante.

Dominic Mutisya: Majina yangu ni Dominic Musila Mutisya ningependa kusema machache tu kuhusu Katiba yetu.

Nitaanza na office kuu yaani Rais, kwa maoni yangu ni kwamba Rais awe mtu ako na umri wa katikati awe amekamilika kimawazo, kifamilia, na mwenye nyumba iliosimama vyema, ilikwamba aweze kutuongoza vyema taifa nzima.

Neno ambalo liko kwa Katiba sasa ni Rais awe juu ya sheria - ningependa litolewe kabisa katika Katiba yetu kwa sababu yeye ni binadamu kama vile mimi na wewe, ambaye anaweza kujaribiwa na chuki, hasira na majaribu ya kawaida yanayomjaribu mwanadamu.

Lakini kwa sababu ni mkubwa kuliko sisi awe juu yetu, bado sheria iwe juu yake ambapo tunaweza kutumia kumuuliza ajirekebishe, hata kumshtaki anapokua na makosa. Mamlaka yake ya kuajiri na ya kufuta kazi yapunguzwe. Iwe kwamba anapochagua, kuna tume nyingine ya kupitisha, ambapo wakisema huyu ana makosa fulani hafai kuwa ofisini mwetu, inakua hivo. Na pale akitaka kufuta vile vile habari inapitia kwa ile tume, vile vile wakipitisha a-vote huyu au la. Na ningesema pia asishiriki katika uovu wa aina yoyote - kuvunja sheria, kufisadi au uovu wowote mwengine:

Kuhusu utawala wa local administration: ningesema kwamba maofisa, Chiefs, assistant chief na wazee wa vijiji - wawe wakichaguliwa na wananchi ambao ndio wanawatumikia. Maana ni watumishi ambao wanakua karibu na sisi hata na mali yetu na watoto wetu. Kwa hivyo ni vizuri tuwe tukiwachagua sisi wenyewe. Pia polisi nao wange fundishwa kidogo ili kwamba wasionekane kama adui wetu vile ilivyo sasa, maana yake, wakati mwingine unaweza kuwa na matatizo na tunaogopa kuwaambia. Na pia ningesema walipwe vizuri wasiombe kitu kidogo kwa wananchi.

Kuhusu uchumi: ningependa Katiba yetu ingekuwa inajali wananchi sana kuliko ilivyo sasa, ili kwamba iweze kuwasaidia kupata soko kwanza kuboresha kilimo chetu na ufungaji wetu, na kupata soko ya mazao hayo karibu na mazao ambayo yatamulipa mwananchi au mkulima kulingana na kazi yake. Na kwa sababu ni Serikali itaonekana kuwa ni mali ya wananchi kwa sababu wakati huu huwa wakati mwingine inaonekana kwamba ni mali ya watu fulani. Ninasema hivi kwa sababu kama kuajiri wale maofisaa nimesema kama Chief na assistant chief wanao ajiriwa mbali na tunaletewa, hata wazee wa kijiji. Kwa hivyo kwa sababu ikiwa yetu tutakua sisi wenyewe tukihusika moja kwa moja.

Pia ningependa Katiba iongoze Serikali kutusaidia kupata maji ya kunyunyuzia mashamba yetu karibu sana na kwa kuwa hii njia ni kufanya kila mwananchi kuwa na kazi ya kufanya, na kwa sababu nafikiri itawaongezea ushuru, na hata kuwapunguzia

wananchi mzigo kubwa wa kodi kwa sababu ya kutoa mali katika nchi. Asante sana.

Com. Wambua: Asante sana Bwana Mutisya sijui kama Commissioner wako na maswali? Ngojea Pastor Ayonga aulize swali.

Com. Ayonga: Sikuelewa ukisema Rais awe na nyumba iliosimama. Umemaanisha nini? Nyumba iliosimama?

Dominic Mutisya: Asante sana nimemaanisha awe ameo, ako na watoto na wanaendelea vizuri, maana hata assistant chief katika sehemu ya chini, ama utawala wa chini hawezi kuajiliwa kama hana bibi. Sijui kama umenielewa?

Com. Ayonga: Nimeelewa, na ikiwa ya kwamba hana watoto?

Dominic Mutisya: Nilipoanza kusema nilisema awe mwenye umri wa katikati ambapo kama ana umri huo anaweza kuwa amepata watoto. Na kama hajakata watoto, basi itakua ni tasa na Mungu hakumjalia.

Com. Ayonga: Kwa hivyo kama hana hawezi kuwa Rais?

Dominic Mutisya: Hapana hiyo sijasema.

Com. Wambui: Asante sana Bwana Dominic Mutisya, nitamuita Lydia Kuole halafu nitampatia mwalimu mmoja nafasi ambaye anataka kuzungumza kabla hajarudi shule kwa hivyo kwanza tumskilize huyo. Kwa kuwa nimewaramba tafadhali utafutisha maneno gusia yale ile ya muhimu manaake memorandum utatuachia tuende tusome. Nataka kuchukua nafasi hii kwanza kumtambua Hon. Joseph Munyao nominated MP wa SDP ambaye sasa amefika hapa oh DP sorry. "S" has been cancelled it is DP sorry. Sorry for that mistake kwa hivyo Bwana Munyao karibu tumeanza na tunaendelea. Ikiwa unataka nafasi ya kuzungumza, ukiwa tayari utatujulisha halafu tukupe nafasi, asante sana. Kwa hivyo mwalimu endelea.

Mutuku Francis (Mwalimu): Some of this am just about to read are not squarely personal some belong to other members of staff but we are together, so but I was sent to represent them because we cannot all come here. The first point is that we would wish that the appointment of the ministers in Kenya to be based on merit and qualification - that is if a person is the minister of lets say labor.

Audience – What is your name?

Mutuku – Mutuku Francis.

Okay, I was saying for example if someone is the minister for labor, he should be a person who is well versed with matters to do with labor organizations both in the country, in other countries, and in the world.

Now the second point is that freedom of worship in Kenya should be set with certain limitations. That is basic limitations that is when we talk about freedom of worship it should just not be let free there should be some condition or definition of what is freedom of worship. Based on cultural practices there are cases where a spouse as well as children are not supposed to choose for themselves what or where to worship, so I think it is good that spouses as well as children who attain a certain age should be allowed to choose where to worship with some guidance.

Okay, the other thing concerns the qualification of Members of Parliament I would wish that every person who is eligible to become a Member of Parliament, should be a person who has at least acquired a degree from a recognized university.

Okay, the Government must ensure that every Kenyan is well fed alongside that I would wish that all graduates should be employed so that the Government is able to reduce the funds that they have used to educate these fellows. Not only the graduates, there are other institutions where the Government remits its funds to educate these people once these people are left without employment then the Government loses the money. These are people that are so resourceful if they would be put on the mechanism of nation building.

There has been a suggestion that the Constitution be made available to every Kenyan. We are roughly around 30 million Kenyans, given that 80% are people who perhaps are illiterate. I would wish that instead of the Government be giving photocopies of the Constitution to every Kenyan, that they instead supply such to learning institutions such as primary schools, secondary schools and even colleges. Again they could also present them in the provincial Government. That is we have it from the province to the local areas - like in the chief's office we could have a copy of the same translated in languages, as it shall be deemed right for the respective community that it shall be provided to.

I would also wish that the new Constitution reflect that when commissions such as this one are put in place or when commissions are formed to touch on matters that deal with a national outcome and outlook, those who are chosen there should be qualified members who are elected or appointed by Members of Parliament, not the President or not a certain person.

Okay, you realize that the security system in Kenya is failing. I don't know whether it is supposed to be a cost - sharing business when it comes to security matters, because when you go to many of the police stations or where we have "Utumishi kwa Wote" you really need to give them something to be assisted. I would wish that there is nothing like cost sharing when it comes to the security of the citizens. Funds should be set aside to provide this arm with enough money to take care of the needs of the citizens. Alongside that, machinery should be put in place to ensure that those funds are well accounted for and I would wish, if like for example we have problems with the police force - the same arm should not be given to investigate

themselves. We should have a private, perhaps organization or another arm, going to investigate those who have been found faulty.

Yeah, Okay now I'm just summarizing when it comes to issues like taxation - you realize that when people are taking goods to other districts they are supposed to pay some tax before they are sent their goods. It was my opinion that instead of them being taxed they could get licences which will allow them to take their goods anywhere in the country. Instead of being taxed by every local Government officers they find in the market they go to they have one cumulative licence that will take care of their needs.

Okay, the Government should also ensure that people are taught their rights - because now due to lack of knowledge many of the ignorant citizens are exploited by the go - betweens when it comes to like getting a place in a college or police force. You really need a go - between and you end up even losing your money. I would wish that in the new Constitution that members of the public are taught on their rights so that when they are exercising them they really know what is done. Thank you that is all I had to give.

Com. Wambua – Asante sana Bwana Mutuku Francis kuna swali kwa Mutuku? Hakuna maswali, kwa hivyo tuna kushukuru kwa maoni yako. Yes, there is one comment.

Comment: Yes there is just one issue - you have talked about taxation, what kind of taxation are you talking about because what I hear you to be saying is that these levies that are....?

Mutuku: The levies at the market.

Response: That is what you are talking about, the levies at the market? Okay.

Com. Wambua: Asante sana Mutuku. Tutamuita Lydia Kuole, Lydia Kuole huko? Lydia not there. Rhoda Mutisya?

Rhoda Mutisya: My names as you have heard are Rhoda Mutisya from Kalawa DEB primary school. Here I am only representing my fellow teachers and I will be very short and clear.

Number one is about education. Education should be free and to all regardless of the level.

Number two, health: Health care should be free and more so to the aged, the poor and the orphans. Number three is about the backbone of our economy here in Kenya- that is Agriculture: I hereby recommend that planting materials should be provided to farmers to all areas in the country, and also they should also be provided with free pesticides because like in the course of the last season, that is last year - around this place, we had a lot of harvest but it was so destroyed by the Osama

grain borer you all know about it.

The other point is about water, there should be piped water in all the areas in the country and more so to our dry areas where we belong.

The other point is about the sentence should be life imprisonment for all the cases whether aged, whether young all that.

The other point is about the presidency tenure, there should be set a period whether it is one term it should be just one term and nothing else. About the President: the President of this country should have a given age and also a retirement age and I recommend 65 years. Then the same President should be a married man with a stable family.

The other point is about the MPs we have these days: some have low education levels and I recommend that at least they should have a minimum, basic education. They should have a degree from a recognized university.

Then on the same, there are MPs who are professionals. I hereby recommend that they can be allowed to work part time, and then that other time when they are not in Parliament they be allowed to exercise or practice. If he is a doctor and such like, they be allowed to go and work. Then the same MPs should be elites - that is what I meant by holding a degree from a recognized university. Then again on the same side of the MPs, we have the President who is also usually an MP of his home area. Now I tend to think that the President should let the MP position of his area to be taken by another person who also deserves - because we know that our country is very poor, and if the chance can be given to someone else then I think that such a person would also promote his family. The case of the President - he is always busy traveling outside, very busy going to other parts of the country. So I have to say that on that point.

Then the other point is about the political parties. I recommend a multi-party because in the multi-party, different views are given when it comes to the time of when such a time arises, by so doing it promotes the development of our country.

Then on the other side on the election date, I recommend that it should be set in advance not like now we know that the election will be held at the end of the year, but we do not know the date in advance for us to know and prepare in time.

Then the other point is about national and natural resources on these, I recommend everybody in the country should have a say or share in the same.

The other one is about the councilors, which I think that they should also have a minimum qualification of 'O' level and also those who need to be elected are those who have been educated in such related ethics in the same. And then on the side of who should appoint a mayor, I recommend that there should be a body set aside to appoint the Mayor. On the same line, I

think it was 2 or 3 weeks ago, there was a very expensive chain for the mayor which got lost some time back, which I think was last year and it was recovered somewhere in France, and then we discovered it was very expensive, why so expensive a chain? The money could be used for other projects in the country. That's a point.

On the other side of citizenship, we have dual citizenship or single, I recommend only single citizenship because in case of dual, it will bring crime, if single it will reduce the rate of crime in one country to another.

Then the other point is about torture in police cells, we find that sometime when someone is arrested as a suspect he or she may be made to make a statement which is not the right one through torture, like using a needle, a sharp instrument to make you consent to something which you have not really done. Here I recommend such police officers should be dealt with accordingly.

The last point here is about the civil servants salaries. They should be reviewed and probably be paid enough to cope with the high cost of living. That is a good way of curbing bribery and robbery with or without violence. And lastly, about land ownership and rights, that is if one owns a piece of land, a title deed should be given without a long procedure. The last of all is about civic education; it should be done to all in all the parts of the country. And lastly all the citizens of Kenya should be educated about all their rights. That's all. Thank you.

Com. Wambua: Thank you Rhoda, kuna maswali hapa, just wait for clarification from Commissioners.

Com. Ayonga: Mama Rhoda, you said the President should be married and with a stable family. Now I do know there are some countries where they have Presidents who are not married, are you limiting the people in Kenya? That unless you are married you cannot be a President? Say for example, tomorrow Mwana Anzeki wants to be President would you say he should not be, even though he has got qualities for leading this country? I can give you more examples, you know Archbishop Makarios, he has led his country for many years, he is the President of Cyprus, he has led his country and yet he has no wife. Down in South Africa, Mandela has led his country with no stable family.

My other question is, you have said that nominated MPs should not have equal rights with other members of Parliament? Why would you think so, because when a person is nominated into Parliament, it is because he or she has qualities of contributing in Parliament?

Com. Wambua: I hope Rhoda you have noted those two questions, I think few clarifications which will help us, I think: You talked of farmers being helped to have input, to help in agriculture, should this be free, provided by the Government? Is that was your proposal, just clarify?

Secondly, you talked about the Presidential tenure, should be one term but if we agree this be one term or 2 terms, it should not

be changed. What is your proposal, is it one term or 2 terms, and how many years?

Thirdly, you talked of the maximum age of a President to serve, and should retire at 65, we could appreciate if you could tell us the minimum, the maximum is 65 so what should be the minimum age which that if you are not that age you cannot run for presidency? That is one of the issues we are supposed to solicit your views on.

Then, I have another, you said that national resources should be shared, I think we need to know what should be the unit of sharing these resources, is it the individual, is it the district, is it the location, is it the constituency? I think that would be of help to us, how should they be shared equally? What is the unit?

And lastly, on the question of mayors you said that a special body should appoint mayors and chairmen of councils, we would like to know whether these mayors should be elected from or should be elected from or appointed by these bodies from elected councilors, or it should be anybody who resides in that town, or city.

Rhoda Mutisya: Let me clarify, about the planting materials, I meant they should be free, free planting materials and pesticides to all the farmers in the country. Then on the mayor, I meant that the body which is appointed is the one to appoint the mayor but not the individuals – (interjection) from the elected councilor. About the basic age for the President, it should be 35 (thirty-five) years and above. Then on the national and natural resources, I meant, individual.(Inaudible interjection) Which is the other one?

This one it's like I thought that, all Presidents, are usually married, so I've also learnt from I don't know whether he is a Reverend or who he is(inaudible interjection) and a Commissioner. Good. Any other?

(Interjection) - on nominated MPs?

On this one, I said it should be less because all other MPs have gone through a screening and to him it is just very easy, it has just come very easily, that is why I recommend that. On this one, I mean that the salary should be lesser for the nominated ones.

Com. Wambua: Thank you very much Rhoda for your views very good news. We will call Betty Karanja, Betty Karanja is she around, she was represented, thank you very much. Betty Karanja. What about Paul Mutua? Paul Mutua come forward, give us your names and tell us your views.

Paul Mutua: My names are Paul Mutua, I am a student.

I have the following views to give on the Constitution that you have been given the opportunities to form for us. First of all, I

think Presidential powers should be trimmed, I think the President should not be above the law. In any case, because if he is above the law, he might come and breach my freedoms or rights and then I don't have anything to do to him. He should not be above the law he should be like anybody else.

There should also be division of powers, I mean there should be created a post of a Prime Minister, because if we give the President the power to do everything then he might misuse those powers or use his powers to do other things rather than do the things he is elected to do. The President should also have some qualifications. According to his way of life, if he is a married man, he should have a stable family, if he is not maybe a bachelor like lets say Ndingi Mwana Anzeki, who is not married and who cannot marry, then he should be faithful to his way of life. He should also be a holder of a degree from a recognized university, because if he doesn't have any respect for knowledge, then he will chose people for ministerial posts who don't have respect, and he will nominate MPs people who cannot offer much in their posts. And then he should be 35years and above and not more than 70.

The MPs should also have a degree from the university, councilors should have a minimum education of 'O' levels and not only 'O' levels because some are going to get certificates with very low grades, there should be a minimum grade. I give a minimum grade of 'C' constant. The chiefs should also be form four leavers, but for the sub-chiefs and elders, I can't give any recommendations for their education level.

There should also be a system whereby MPs visit their constituency, those people that they represent for example this constituency. We don't know, like I have never seen my MP and I live in Nairobi, and I don't even know his face. He doesn't even come to this area. There should be rules that enable the MP to visit all the areas that they represent. Failure to which I recommend, in six months, the MP should, from January to June, he comes. And if he doesn't come within that time a period of six months, you don't see him around then there should be a provision whereby we bring an action against him to court. If he doesn't bring enough evidence then we throw him out, we get another MP. Trade union powers should be increased, because nowadays, most of the workers are being dismissed with no reason, the trade unions don't have any powers to help their members to find employment again. So I think their powers should be increased, enable them to fight for the rights of their members.

The police force, I understand that if you run fast you become a policeman. I don't think this is the right thing, because these people carry with them very dangerous weapons, and if the person is not well learned, then he might decide to use that weapon unnecessarily. So, I think they should have a minimum level of education of 'O' level and a minimum of 'C' plain. Their salaries should also be Raised, I'm saying the minimum education of 'O' level, because if for example the Commissioners employ me a Std. 2 leaver, you would not be ashamed to give me two hundred shillings at the end of the month, but it would be a shame to give a form four leaver, one thousand shillings at the end of the month: That form four leaver, if you give him one thousand shillings more than the std 2 drop out, he will feel notivated to work, so their salary should be Raised and then the minimum

requirement of education.

Seats should be provided for specific interest groups, for example, university students representatives, representatives from the disabled people because, I don't know any MP who is disabled yet there are so many disabled people. They should also be represented.

Salaries for MPs should not be set by the MPs themselves, because if anyone is given the opportunity to settle salaried for themselves I don't think anyone would set a low salary for themselves. There should be formed a committee that should deal with the settle salaries, not the MPs themselves.

On the issue of beer, the local brew, this is something that has become a great problem. It seems like there is no way to curb it, so, what I would recommend is for people to be licensed to brew the beer and then some specific qualifications for those who brew. For example it should be, the person who is brewing it should meet some requirements of health standards. There should also be specialists to deal with such food-stuffs, and then licensing. That will help reduce it, because if we say that we call off the beer issue completely, i.e ban beer, most people earn their living from that beer and it would be bad on the economy.

On rape: I would say that the sentence for raping of an infant or a person below 18 years should be life sentence. For adults it will depend on the circumstances of the case: because ladies these days dress in a manner that suggests that they need to be raped. For the aged, I think it should be life sentence automatically. In the case of us men being raped, it will also depend on the circumstances - and also for the infant boy, it should be life. A woman raping a boy child - should serve a life sentence. I think that is all I had, thank you.

Com. Wambua: Thank you very much Bwana Paul Mutua just hold on please there are some clarifications from Commissioners, Pastor Ayonga.

Com. Ayonga: Paul you are a student, you are still in school, and am sure you have got ambition: I want you to clarify to us why you said a President must be a degreed person. What magic is in a degree, because my experience tells me that there was a person who you have read in European history called Winston Churchill. Have you heard of that? Winston Churchill never saw the doors of a university and yet this man led his country during crucial time, and in a very successful time during the Second World War. England is a place where we have institutions of higher learning if a person tells you that he is a graduate of Oxford University you begin to think twice in his presence, if he tells you he comes from Cambridge, well you have something.

Now Churchill had led that country which had developed professors and all kinds of educated people without himself being a holder of a university degree.

And more recently in Great Britain you may have heard of someone called John Major. John Major doesn't have a degree? What magic is in a degree that would help our country to say a President must have a degree. We have parastatals that are falling which are being led by degree people. Would you like to expand on your proposition? Don't feel that this is a debate if that is your position just state it.

Paul Mutua – Okay for Churchill I think that was then that was history I don't think England has got an unlearned President right now, but a degree holder. If you are learned: for example the work that you are doing right now wouldn't be given to any one. A person who is learned has got high thinking capacity, that is a person who has met many problems, who has met many people who has read about many Governments many societies that have been led for example you are telling me about Churchill if you had not read about Churchill you could not know about tactics that he used to lead England that would help us to lead Kenya.

Com. Wambua: We have taken that as your view thank you very much, but I wanted just want very brief clarification from you on the question of police. Do you have any proposal on the question of training or are you happy with the kind of training they get or you would want to suggest any improvement in the training? That is number one.

Then you talked about salaries of MPs that should not be set by MPs but by another body. Are we specific about MPs salaries or are you saying any person who has an interest in a salary should not set that salary, another different body should set it? So that we don't just make specific references to MPs.

Paul Mutua: For the training of police: I think in some of the training camps the police I understand are treated so badly. When you are in training you should not be trained harshly because that is why they are being so harsh on citizens. The training should be if it is physical, its physicals. Its not like when we were going to school in form one you were molested by the people you find there, that should cease. It should be a peaceful training not a training whereby you fear everybody because if I feared you I would not stand here to face you and tell you all these things that I am saying. So training should be a good training.

For salaries, I talked about MPs because recently they gave themselves a bonus they added themselves some salary and the teachers are starving in schools. So I thought salaries for everybody should not be set by the same people but by different people.

Commissioner Wambua: Asante sana thank you very much for your views. Please register yourself. We want to call S. Mulila Mutiso.

Response: He is not willing to give views.

Com. Wambua: He is not willing to give his views okay, he is a member of the 3 'C's. Okay Joyce Musau is also a member, does she want to give views, Joyce? Joyce Musau? She is also not here she is a member of the 3 C 's. Fine. David Ngumbi? Yeah please take your seat, tell us your name, and give us your views.

David Ngumbi: Kwa jina naitwa David Ngumbi.

Nataka kutoa maoni yangu nikianza na elimu, kuna taabu ya elimu hasa tukianza primary level. Kwa sababu hakuna waalimu wa kutosha, hakuna school equipment, na hiyo ni shida kubwa kwa sababu watoto wanatumwa na waalimu waende wakaleta vitabu na kalamu na hakuna. Na ningenelea ingekuwa vizuri kwa sababu watoto hawatakuwa wakisumbuliwa, vile hapo zamani ilikuwa nzuri sana lakini kwa wakati huu iko na shida.

Vile vile hospitali, ile cost sharing itolewe. Mtu akienda hospitali awe halipi chochote kwa sababu wengine wanakuwa wagonjwa na wanakuwa hawana pesa na hiyo ni shida. Na pesa hiyo ya cost sharing ikitolewa mambo yatakuwa mazuri sana.

Lile lingine ni hali ya uchaguzi: Naona kwanza tuanze na President, Rais wetu awe akuwe na makamu na awe akiendesha kwa 2 terms. President awe na mamlaka ya kusema hii na hii ifanywe na inafanywa.

Na tuingie hali ya wabunge, wabunge wawe watu walioelimika na elimu ya kutosha. Kwa sababu kuna wengine ambao ni wa primary na ni shida mtu wa primary kuwa bunge. Na hawa wabunge wawe mshahara yao sio ya kujisemea ati tunapeana pesa hii kwetu sisi.

Lile lingine ni macouncilor: ile nomination ya ma councilor itolewe. Councilor awe anachaguliwa na wananchi. Tuingie upande wa utawala: Kuanzia mzee wa kijiji awe akichaguliwa na wananchi. Assistant chief ni sawa kuchaguliwa na chief kwa sababu wanakaa hapa na sisi, na wapewe transfer. Naona ni vizuri iwe sisi ndio tunawachagua.

Na lilelingine ni hali ya pombe: Naona pombe ipigwe marufuku kabisa.

Lingine ni juu ya kanisa: sisi wanakanisa tunasumbuliwa tunapakwa matope. Mtu anaambiwa wewe ni mchawi anashikwa.

Tuwe na uhuru wa kuabudu na kanisa wawe na uhuru wa kuabudu. Hayo kwangu yanatosha.

Com. Wambua: Two terms of the President na hukutaja kipindi kiwe cha miaka ngapi?

David Ngumbi: Miaka tano.

Commissioner Wambua: Miaka tano, Okay, sawa. Tosha hiyo. Hukutuambia ungependa mjumbe awe na elimu ya kiwango gani? Ukitwambia tunaweza pengine kuelewa.

David Ngumbi: President awe na elimu ya university na vile vile mjumbe.

Com. Wambua: Asante sana Bwana Ngumbi jiandikishe hapo. Tutamwita David Mutinda Ndeti.

David Mutinda Ndeti: My name is David Ndeti.

Niko na a few points na ya kwanza ni punishment. Punishment should be given by assistant chiefs instead of the police.

Number two when it comes to certain things like during voting or census those people who are not yet aged should be considered first. Title deeds should be given free to land owners without paying any fee to the Government. Councilors should be of form four level of education. No need of nominated councilors because they confuse those who are not elected. Chiefs should be elected by the wananchi. We should have village elders but not assistant chiefs because they do nothing. In Kenya people who do hard work are the ones being paid low salaries, and the ones doing a lot of nothing are paid high salaries like MPs, ministers and Presidents.

Education should be free from standard one to university, because the common man cannot afford to pay school fees. Those are my points are those.

Com. Wambua: Asante sana Bwana Ndeti. Kuna maswali lakini ningependa kukuuliza kitu kimoja. Umetaja mambo ya councilors. Councilors wawe wa O' level na kusiwe na nominated councilors? Je mambo ya MPs namna gani? Umesahau unaweza kutupatia maoni yako? Na ukifanya hivo utatusaidia.

David Ndeti: Mambo ya MPs I think they should be nominated because they are not in low levels like councilors na MP awe na degree because kama hana degree he can say nothing in Parliament.

Com. Wambua: Asante sana Bwana Ndeti. Thank you very much for your views na maoni yako tumeyapokea. Basi mimi

kiwango ambacho nilichopewa nimemaliza kwa hivyo nataka kumpatia nafasi ndugu mwenzangu Pastor Zablon Ayonga ndio aendeshe ile kipindi kilichosalia. Kwa hivyo pastor.

Com. Ayonga: Sijui kama Honourable Munyao umekuwa tayari sasa usalimie watu wako na pia utoe maoni. Basi nafasi hii naataka kukupa ndio utoe maoni na usalimie watu na sisi pia utusalimu. (Inaudible interjection) – laughter. Yale makosa tuliyoifanya ilikuwaa makosa unintentional. Honourable Joseph Munyao is a nominated member of Parliament DP and is also the secretary general of DP in Kenya. Kwa hivyo Bwana Munyao nataka kukuambia hiyo ilikuwa makosa. Kama wengine wote mheshimiwa, utaweza kusema majina yako yote yaingie kwenye recorder, ndipo uendelee.

Hon. Joseph Munyao: I will begin with my names.

My names are Konzolo Munyao secretary general Democratic Party of Kenya and I will thank you Commissioners beginning with Commissioner Wambua, the Commissioner Rev. Ayonga even if you are not there you will be because we are going to grow, and you will grow from a pastor to a Reverend, and then my dear counterpart secretary Patrick Lumumba. I sincerely thank you for getting time to come all the way to Kalawa. I know very well that we have been talking with the secretary Lumumba, because I am aware that you are visiting each constituency in Kenya including Baringo central twice, but this time you had to come here. I made this request purely for one thing, this division is so un-equal geographically, because we have got the upper hills and the lower hills. Particularly the days when 13th when you were in Kikima, 14th you came to Tawa. That area we have a geographical boarder here a river - a very big one - which cannot be crossed. People from here could not go there and I felt that the Constitution we are trying to go and discuss about was done in 1963. The people of Kalawa or even other people of Kenya never saw it or maybe even after this we may take another 100 years before we commit another write-up. Therefore I felt it would be good for me to make a presentation for your panel of Commissioners to come this side of Kalawa and see them and hear them.

I am very grateful that finally you have come and here they are. There might have been a little problem on the civic education and even on the promotion. I remember I told you secretary that the civic educators in this area, they found some uphill task because it was not that free, because some areas they were not allowed to go around. I had even to find out whether the date had been promoted very well - this day. There is a lot of fear because as we finish, by the end of this, you hardly see any Kanu men because they feel that when they come here to talk about the Constitution, they are talking about Moi. That kind of fear cloud of fear is still in this area so it would be good if you finally explain that the Constitution they are drawing is not about a party but about a country - that Kanu included and any other - they are entitled to give their views as they are.

The district Commissioner in this area and myself tried to explain that let the information about your coming be very free, but they found the usual hurdles because the system we have has taken 40 years and it will take 80years to remove it. Ah it's a good thing that at least we have this quick resolve.

Now generally I will be very brief. I have given my views, of my party as secretary general of DP. We have given you the views as National Alliance for change - you have our views there. For today I have got a few points as myself not of any other title, therefore I will be very brief. Let me thank you for taking time to come being with us today, 13th to 14th. I was with you Commissioners from morning to evening and I was very grateful. Today I may not make it due to other commitments elsewhere, so I am happy you have given me time. If you don't see me later I will not have ignored you but I've run for another duty, after all your commission is trying to enhance the commitment to duty.

Now the process going on, of Constitutional drawing is just going to bring us the kind of a society we may bring up. I would be very happy if the country takes the Constitutional drawing as you Commissioners are taking it, because by the end of this I believe it is going to bring up a totally different society. It is unfortunate that we Parliament took long to get the process started, because if we had got the process started on time, there would be no cry of whether the commission is going to increase the time or whatever. By 1999 we had enough time for you to go out and create the civic education, and then later you would have had enough time to put the process in motion. Whatever it is, I hope you will work with the time available.

I for stand to extend your time to beyond the time, beyond the time of October 4th, for that would be too short. Therefore I would be for myself and my party, to extend your time so that after you make a Constitution, then you would have time to put the process to these Kenyans. As I said there is somebody, there is a DC today who or a permanent secretary, who never went to school. You saw that university student, that young man went to school and in his life he has only heard Kanu Kanu juu. That person to be able to understand another method will take 40 years to remove that. Do you have that time? You don't. Therefore what is necessary is for you after documenting whatever you are documenting to get time to create civic education, which the Parliament will budget enough money for you to be able to educate people on the new Constitution which is going to come.

I am sure it would have been your interest to even educate Kenyans on the old Constitution, but we did not have the time because we are running against times. So I, personally, would not like to tie the Constitutional drawing to the current Parliament, because as we have said in the past we would like your growing of the Constitution not be tied to the Parliamentary election. Parliamentary elections should be done on time, which ever time because the current Parliament is going to expire on 3rd January year 2003. Let your life be sorted out for you on the basis of satisfaction and the document, which you are going to draw because the Constitution is a serious document. We would like to have a document which we can regard as a document not a document of convenience as it has happened in the past where like Muslims do, wanahesabu talaka three times, and that is the end of marriage.

We would like to have a Constitution which would be respected by this country, and through the process of what you are doing, and I have seen your level if the process of education is going to be transferred, we are going to form a different form of society, society which can respect, which has got other issues. As I said the current Constitution was drawn pre –

independence, and at that time you know the level of education was about 30 – 40 %. The population was hardly 5 million. Today we are talking about 30 million plus, therefore that Constitution which was drawn up in London some where by hardly six people, and now we are talking about a commission which is in excess of 20 people drawing a Constitution for 30 million, therefore we need double time. - double time to put it in process.

Therefore I would like it to be very good. It is unfortunate that as we are now talking about the new Constitution we are talking about general elections around the corner and we are talking about Moi's succession - all those three are married. At times you are not able to separate, because when people are talking about completing the Constitution a good Katiba for the Kenyans I want to know how I am going to go back to Parliament. So I am not giving you a lot of time because I am out there campaigning (and the person who wants to be) because I want also to create my President. So whatever you are telling me, am telling you the easiest, so that I will know where we can get a President.

Severally, I have said in the past, that unaingia chama cha siasa kwa sababu unaona hiki kiko karibu na Government. Na pia unaingia kanisa this is AIC we have JFCC around here, we have APC, we have catholic you go to the church where you believe God anatokea huko upesi. So it is also like hii mambo ya vyama. All the same, this document you are drawing, we want a document which will generate employment, reduce the so called unemployment, and level all the tribalism - because the kind of tribalism in Kenya, it is as if it is planted, grown watered; because it just started the other day. I am sure Chairman Wambua (I am older than you) but the time I was in school I was mixing with all Luos I never knew they were Luos because I knew they were human beings I never knew they were Kikuyu because I knew they were human beings. Hata Wataita we were all schooling together but today distances begin from your own tribe. why? Because we have planted M and B before, even you Commissioners when we look at you, we look at you through the patrols of our tribes. Is that the right thing to do? Now your processes and mechanisms has got to come out to try and kill that one, try and reduce the poverty.

In Government we are using a very erroneous word "poverty eradication". You cannot eradicate it, because in areas where we say people are rich enough poverty is still found. You go to Britain go to underground, you will find people who sleep down there. You go to America, where we have got all the billionaires, you will see the biggest number poor men, you will find them in those areas. So we should be able to reduce the poverty.

And above all is security this country is endangered with security. It is upon us and through you gentlemen of the commission to think of the best way we can come out of this social decay because the country is dead, and it is through us and through the process of tolerance, of trust (because we must build trust, we must build tolerances and it is through this we are likely to build a nation) because as we are now, we are calling ourselves a nation. Up here how do you begin as a nation so disgruntled into pieces.

We either breakdown to the level beyond which we cannot and then lift up and join alliances, Luyhas, Kambas, all the others so that eventually we shall be a nation; but that one has got to be developed by the philosophy which is going to come out of you.

Therefore the country is looking upon you.

Now at the time when we began we thought the commission has got a Constitution in a briefcase and later you would just put it down and write. Now we are convinced that you take views, whatever you do at the end, at least we know you have taken views from all of us. Because you have now had a lot of presentations from all levels, you can even go back and draw a Constitution. I'm happy because you have stood firm that you must talk to everyone so that eventually even if you take one or two something, else will come up. So let the debate in the papers come out and I am very happy about the kind of freedom you have come with.

I looked around today when I came because I was wondering hii Katiba tunajenga ni ya wanaume na wanawake, at least two have spoken when am here. I would wish nikae kidogo nione akina mama gani ambao wataongea kwa sababu ni vizuri kuongea na wao wajue Katiba ni yao - not in an area unakuta tu ni wanaume tu wanaongea. Let us give the youth hata wao ambao wako hapa wakisema, wale wazee, wanawake wazee, wanaume wazee, vijana - na wao waseme. All age groups to talk so that you will all have a close interest of all the other people.

We have talked of creating one nation and one nation would be more encouraged if we can also recommend to have more strictly a language media. We Kenyans have tried to promote Swahili but I don't think we have done enough kwa sababu ukisema Swahili unakuta mtu pia anaondoka hapa anasema yake. Na that is why mtu akisema Kiswahili leo nitajua huyu ni Mkamba huyu ni Mluhya, huyu ni Mluo anasema catch na ujue kweli huyu ni mtu wetu. So let us develop and promote and at least try and encourage languages.

Commissioners we have talked about Kenyanisation like citizenship. In this country we have some people who have come here wazungu, wahindi and all the others. The qualification of one to be a Kenyan citizen at least let some one be here for at least five years, awe na responsibility ya kupata permit of residency: You don't apply on arrival, you can stay and then apply for residency. After that time you can process the citizenship. Not today, and tomorrow you have applied and already you are a citizen. That is why later they try and throw this thing in the garbage, because they did not get enough experience to stay here.

Although I am going to talk separately on land issues: land should be taken very carefully because I cannot believe that even today there is a mzungu who owns land in Kenya. What are we talking about? Somebody can own a property on land but the soil where that one is should belong to Kenyans not for him. akianza kuondoka awe kama ile molasses. Molasses umenunua lakini sio yako it is floating somewhere there so that could be something. (Laughter)

Now the bill of rights: bill of rights had got a lot of complications and I would like to have a more elaborate law on the bill of rights. There are so many details that have been discussed here and there. You too know the complications in the bill of rights. Lets try and simplify it - ili ikiwa ni ya akina mama wajue rights zao ndio baba na mama wote wawe laini moja. Hata ikiwa ni

ownership ya property ikiwa mama mmewe amekufa, property iende kwa mama directly without a lot of transfers. Today whatever I own today, every cent, if I died today it will go again back to the law so that my wife should own. Why should this be and yet you are the one certified to be married? That kind of transfer should be done automatically to be owned by whoever is there.

Now as I said, women should have equal rights, kwa property equal rights kwa politics - kwa sababu in as area like Ukambani women have no rights. Mwanamke hana shamba. Ikiwa ni mimi niko na watoto watatu, mmoja ni mwanaume na wawili ni wasichana if I am dying, shamba mimi napatia kijana. Wanawake hawana haki ya land - that should be completely out. Ikiwa niko na watoto wa kike na wa kiume, hawa wako na equal rights ya ku- get land from me. I will specifically talk about it later but so far I think that should be the order.

On the issue of Local Authority, I would support devaluation of powers. Sisi tungetaka, I would like ikiwa ni chairmen wa county council wachaguliwa na that area ya district na kila mtu sio kuchaguliwa na councilors watatu - where you go and seat in a room corrupt them, promise them land, and promise them everything. You don't give them heaven you don't even give them a part of it, but they let you and hope next time you find another magic. Now the chairmen of county councils and mayors must be elected by watu - the public - chairman au mayor awe elected by the county and everybody who is around there. And we would like the county council to have a lot of responsibilities.

Infact I would like the provincial Administration to be scrapped out. Ile provincial Administration that part of a problem that is the provincial sector, not the District sector. What I mean is the PCs and that lot, and those who stay there - because as it is those people are just used to be delay decisions.

I will give you an example of one person who at one time was a PC Embu, that person when he was a PC Embu he used to call the DC Machakos kwa simu and tell him, "Bwana DC sir I am told tomorrow you are going to see the PS - office of the President. DC says "Yes I am". PC says "call on my office on your way. Can you imagine, you are in Machakos, and the appointment is 8 o'clock, you drive to Embu and the appointment is in Nairobi? Surely that is a delaying of process of decision making. Therefore that part of the province must be scrapped out.

We still need provincial administration - that is from DC's, Dos and chiefs because they are very important for basic creation of communication, which we need. As it is now a chief is very crucial to his own area and so is the assistant chief because they create that communication, delivery of messages, delivery of instructions and all that thus we need those structures. They might be changed later to operate differently but we need them as structures.

We would like the DC in a district to operate under the chairmanship of the local authority. Let him be under the authority of the local authority. Mechanisms and systems will be laid because those are details, but that is what we would like to see.

Certain services like education to be brought to the district level even local authority level: kwa sababu in an area, councilors ndio wanajua all the other areas na problems za shule. Let the education be under the local authority let the health services be under the local authority, because they know where those services are. We have tried the system or in the KRB when we formed the DRC'S and today we can see the effect. Some of these services must be brought down to the local authority and in that way we will be able to provide much better.

Of course Majimbo - we are saying we don't want majimbo, the reason being that we have not understood the purposes and how to run federalism. It was tried in this country and early in 1963 for about 2 years, it never worked because the areas are not given the same privileges. I imagine Ijara is a full district, Ijara is counted like a district of Makueni, Ijara today, they have got 8,000 voters. Makueni we have got over ½ a million people now would you compare those areas as the same. Services would not be the same. I therefore issues of majimbo have been tried elsewhere they have not worked please let us not put a square peg in a hole round in Kenya, by allowing this kind of thing. (Interjection – inaudible).

Now education: I would like it to be free. Free education can be done even tomorrow, Reverend I am telling you how. If parents are building buildings, tunajenga mashule, waalimu tunalipa through the taxes we pay, because tax now is being paid by every body. We can afford to declare free education to primary schools to whatever other level. Why are we delaying it because we can make it? If the Government today says tomorrow free education, like you know there is law now which became effective about three months ago, that kila mtoto aende shule, ataenda shule namna gani? Some of these persons are born from poor families, therefore a system and mechanism can be put in place so that issues to do with education can be declared free tomorrow.

Then we come to the presidency: the President should have no constituency kwa sababu siku hizi tuna campaign unasema nataka kuwa Rais wa Kenya, na watu wangu, ili wajue watakula ni our time: Kukula now that one should be out. President awe constituency yake ni Kenya, not time for kula, time for mambo mengine. Kwa hivyo we want the President when he retires to have full security so that wakati ambao atakua akiwa hapo he will not steal a lot because he knows later ataturuzwa na state. We would like the position of a Vice President to be that one of a runner up. President achukue runner up wake wakiondoka, wakianguka, waanguke wote wakipita wapite wote. Wakifunga milango wakati huo wafunge waende wote coz I 'm not going to the term because the term is very specific in the law and we would like to retain the two terms.

And the Vice President should be able to be Makamu real makamu because today take for example our President, Moi is in South Africa, Saitoti is left here lakini Moi is still running Kenya akiwa huko. Huyu hana anything he has no authority he is running, he took the powers with him up there ata hii najua watu wengine very small ambao huwezi kuwaona lakini Saitoti sasa ni just an empty vessel hakuna. We want a vice President to be the deputy to be able to deputize the President when he is out and of course we want them to be able to declare their wealth we want nominations and appointments by the President to be vetted by Parliament because Parliament can be able to vet some of these things by 65%. Parliamentary parties Mr.

Commissioners we are now building democracy, democracy is a very expensive thing to grow and for it to grow we have got to have patience. I am therefore suggesting that political parties which would have to be determined by not a single man in Parliament and he calls himself a party. Minimum of a political party and I suggest a party to be a political party or Parliamentary party must have 10 members of Parliament and that will be a Parliamentary party that one should be sponsored, should be funded by the tax payer. The rate and whatever it is will be determined because those are details.

And then issues of defectors, kama wewe umekuwa chama fulani na ukachaguliwa ukifika huko ulipwe na umechaguliwa na watu and you defect you should completely not be allowed to stand for election. During that time, but you can stand another time lakini saa hiyo ambao unauza kura za wengine stay out for the balance of the period during that time.

On land and I thought that would be my last point. Land in Kenya and I talked about land ownership we should minimize because today there are people who own among themselves thousands of acres wengine ni absent landlords wakiwa huko Saudi Arabia they are still owning land in Kenya. Land should be minimum 500 acres let it be 500 and any other land should belong to the Government and should be available for those who can professionally make use of land. Because if we don't do that I think that is why today we are suffering, going without food when we have enough land and have got people who can make use of that land. But because those who have got the ability to use and efficiently to use they do not have the land. And again imagine an area in Central province or Kisii or Luhyaland Maragoli huko where somebody to get even a quarter of an acre is so difficult and that man might be the best agriculturalist in this country. Now where will he go because you cannot go to buy to borrow a million to invest on a ¼ of an acre? We can imagine an earlier Central Province or Kisii, or Luhya-land Maragoli, where somebody even to get a quarter of an acre is so difficult and that man might be the best agriculturist in this country. Now where are we because you cannot go to the bank to borrow a billion to invest on a quarter of an acre. Therefore, to encourage freedom of this kind, let us set a minimum and, do it. For other areas, leave them for those who can manage to grow food for this country.

Land Values: On the issue of value, because you see you've got so many values of land in Kenya. Today you can buy land here of twenty acres and you pay twenty thousand, you cannot get the same thing in Kiambu. A quarter of an acre is half a million. Surely the values of land – the land itself should have no value, and that will also reduce the grabbing. Today you grab because you don't want to use it; because you want to sell to make money. So that issue of land has got to be looked into. Laws that affect land, I'm not a lawyer, but you too can tell me. Today we have got over ten laws, about more than twenty laws, all of them concerning land. Because you will find in Nairobi, we got about eight laws one affecting Karen, nyinyingine Muthaiga, nyinyingine ya BuruBuru, nyinyingine ya Eastleigh – why can't you unify and have one law affecting the land, that will be better and I think it will be okay.

Squatters: I think you Commissioners have got to come up with the solution. Because squatter business has really been horrifying because I would tell you, I've got about four children. Twenty years ago, I had about fifty acres of land here. I

thought I was okay because that land was mine, I didn't know I would become a squatter. Today I've got small children, they have now become squatters on my land, they're there, and I've got other squatters, and all of them are coming to claim land from me. What are we going to do? Because eventually, tugakora all squatters in one little area. Because you can imagine about fifty years, everybody will be doubling, doubling mwishowe where are we going to be?

Identity Cards: Commissioners, ID cards should be a birth right. Infact because that is an identification it must be a birth right, and it should be given automatically as a birth right. And try and encourage this message yakujiandikisha as a voter uchukue ingine kama unakipande. You find that details in kipande and details in the voters card are more or less the same. Why not use even kipande for voting? Instead of duplicating carrying so many figures. Today an old lady would not know the difference between an ID card and a voter's card because, they look the same. I'm saying, let us simplify, look for better ways of voting

Voters Prerogative: I am also saying that once you are a voter, you must be made to vote. Let me give you an example, in 1997 we had about 10 million voters registered lakini 5.2m hawakupiga kura. Mtu anakuja anasimama anangalia, 'oh what is happening? Hawajanipa kitu kwa hivyo I'm not going to vote. What will happen? We are going to have an imbalance. Today if 5.2m people voted for one President, Moi hangekua huko kwa sababu Moi alipita na 2.4m.kwa hivyo5.2m ilikuwa imemkataa, ilikwenda wapi? We want to make sure that once you are registered, come and vote; because it is only through voting that you can elect or reject, but that is fairly important.

Campaign Funds: And we should limit the kind of money one can spend over an election. There was a law one time that you spend 40,000/=, what happened to that law? It was a dead law simply because it was made that a person to certify that I Councilor Munyao has used 40,000/= . It is me and nobody can challenge me because it is the final evidence is me. How can a law be made that way? We must have a law where somebody else can prove because tulikuona hata yesterday ukinunua hata chai na kuchinja mbuzi mbili, bulls tatu. Surely even those three bills are already in excess of 50,000/=. And there are posters, and there is petrol and we know you had a fleet of twenty cars and pickups and others na mwishoe unatuambia ati nimetuia 40,000/=. There must be a method of proving this, so a limit of the expense must be set.

Electoral Timetable: I feel that timetable ya election is very crucial. That is - section 59. We have tried to adjust a law section 58 and 59, so that nijue tukifungua Bunge leo tutafunga mwezi fulani. I'll give you an example. I told you I am a father of some children, watoto wangu wakifunga December tunakutana na mimi tumefunga huko Bunge. Then I ask my daughter, "how are you"? "Fine". "Mmefunga shule?" "Eh, angalia report form dad". Napewa nangalia. Mtafungua lini? January 7th na wewe baba, mtafungua lini? I don't know, Moi ndiye anajua .(laughter) How does my daughter know watafungua lini lakini mimi I don't know, nasema Moi ndiye anajua. Please let us adjust so that period ya Bunge inajulikana.

Counting In Polling Stations: tena tukipiga kura, because most of the stations you get hardly more than 2,000 votes in a polling

station. We know today we have got 14,250 polling stations in Kenya, tuhesabu kura kwa polling station. Hakuna business ya kuchukua, kwa sababu hii ya kuchukua ndio mara nyinyingine unakuta imepotea kwa ule ule mto ulikua na mto ulikua na a lot of water. Mambo hayo tuangalie, let us check on that.

Agriculture: Gentlemen, a lady was there who told you how crucial agriculture is. If we are sure that the agricultural sector is very important, like we are sure education is very important, and we have given it 40% of our national income. We can see the product we have now come up with. If you want to see the kind of product – because people are educated, you go to Treasury you will see the coined language – CRP, Poverty eradication, economic achievement. This is the growth of education. Although we may be doing nothing but only coining languages to give people hope. If we can equally put a lot of money on agriculture, and more so assurance that when a farmer grows something, he has got a market to sell it.

You remember at one time we had GMR in Rift Valley GMR on wheat, maize etc, because you knew. You put so much money to develop your land, even if you don't sell, at least you are assured of getting that one. Why can't the Government give assurances to the farmer. We need the farmer to be supported. I am aware that we have done very good bills on tea, coffee, sugar, and we have very good bills on cotton. I belong to that committee in Parliament - but we need a mechanism of supporting the farmer. To know that if he gets his milk; he will be able to have a place to sell. Not to develop so much on dairy and then you get powder milk from Italy flooding the market. That will be brought by the honesty and decency, which you the Commissioners are bringing. But we've got a lot of hope and wish you good luck.

We know the kind of job you are doing, the pressures you are building. We are not envying you, we know how much it is. Like between now and August when you are cruising all over the country.- Mr Lumumba, you are welcome. In your life, you never thought you would be in Kalawa or anywhere near. Today you are in Kalawa, so we welcome you. Asante sana.

Com. Wambua: Huyo ni mshimiwa Munyao na asante kwa hayo yote ambayo umetuletea. Umetupa insights nzuri, na experiences zako, na sasa kwa hayo umesema, pengine wenzangu wangependa some clarifications. Wacha nimpe rafiki yako Mr.Lumumba nafasi.

Mr Lumumba: Ordinarily, I would not want to ask Mshimiwa any questions but I think I would want to share his views on one or two things. The questions of boys and girls, of sharing out property between boys and girls. We've heard this issue that once a lady has been married, she cannot be able to claim property from the father, but has a right to claim property from where she has been married. You'd help us if you'd give us your views as an elder from this community. What is your view? Should ladies be given authority to inherit whether or not they are married? That is the first point Mshimiwa.

The second point which I wanted you to shed light on is the question of land. You suggested that the minimum acreage be 500 acres, and any other land should belong to the Government. I would want your view whether since land is currently owned, it

would appear that a part from trust land and all this other land, land belongs to some people. These people have these lands and we call them absentee landlords, what method should we use? Do we repossess and if so we compensate them, or do we take it free of charge and give to the landless.

And while on that, maybe, we could talk about the question of commercial ranching. Do we still put a limit or do we allow those activities which generate income and maybe possibly earn foreign exchange into the country so that we don't put a limit.

Then, on the question of voting, the question of voter turnout has been a nightmare as you correctly put it. People take voting cards, they don't come to vote, voter turnout is very poor. In some countries you know the date of voting is declared a holiday. That is part of the mechanism to ensure that people come and vote. What other proposals would you want us to have to ensure that people who take votes actually come and vote? Those are the few clarifications I would want you to make.

(Interjection, Inaudible)

Mheshimiwa Munyao: (Inaudible) I will go to the last point. It must be made very clear even now through the process of civic education that if you register yourself as a voter - you must vote. That must be made very clear and there must be a minimum penalty if you do not. Because there is no other way for reinforcing it to be done. The holiday issue is not a major issue because even now the days of voting is usually given free. So it should be made a free day so that it creates incentives for people to go and vote.

The issue of girls and boys is a fairly, a complicated issue. It is like the one you have been saying, should a President be a degree holder. Leadership is never pegged on academics. We know people in this country who are philosophers - they hold 3 or 4 degrees but they are drunkards and cannot even make a decision. But we know people who have not even been to school in this area who are good leaders. What we need in a presidency is leadership, not paper qualifications because these may not bear fruit. If you have paper qualifications and are a good leader, then fine. You are God given ile ambaye imetokea kwa Mungu. Lakini if you are an empty shell, that will be a difficult thing to do.

I was giving an example and that is why I was saying it is a difficult thing to do. What I was saying is that, if I have got daughters and sons, there is an age - even today with elders, where you know. I mean first land even if it is 50 acres, we should stop this business of splitting. It should not be split, let my people, whoever wants to make use of the land, make use of it but not to segment into small little quarters because I must own. Whatever is owned must be owned in a certain name, an estate - Munyao & family and all the others. Whoever wants to build, till, grow whatever you want to grow there.

The privilege of the girl, she will be on the land and so will my son. I am not encouraging subtitles on top of the main title. When I am not there, they subdivide, that is out. And my daughter and others can build on a quarter of an acre and leave the

rest for dairy farming and everything else. I do not encourage subdivision among children of the family. I think that answers your point.

On the issue of limitation of 500 acres. I know today, if the Government so wishes, there should be no landless people.

If we clear the tribalism menace, there should be no landless people. You fly Mombasa to Nairobi, somewhere here after Kibwezi, all that tract of land is not exploited. Why not get people from Nyanza and settle them where they can settle? Why should I feel that if I am in South Nyanza, I am an outcast? That should not be there we should develop that nationalism. I should be free if I feel I am in Kalowa and it is not suitable for me, I go to Mwingi and settle there freely or even Kakamega, or Taita. That should be the type of freedom we should exercise.

I know land is owned and it is very difficult to bring it to others. But if we say that yours is 500 acres and the rest be taxed if you cannot pay the taxes, it will be repossessed and of course compensation done. We do not want a system of taking other peoples property because that will not be consequential to existing laws, meaning we should harmonize them.

Ranches, these should be kept because after all we are saying, Rift Valley which is a granary of Kenya with tracts of land where people can farm commercially, let it not be minimized. That area should continue that way so that we feed Kenya. We look for those people who can grow dairy, sugarcane in sugar belts, wheat, cotton e.t.c. do so. That segmentism and regionism will create what we want and self sufficiency. It is a shame Mr. Commissioner, for Kenyans to be feed on famine relief, such as maize from America which has been there for 20 years, when we have got all these tracts of land. It should be a shame and I hate to be referred to as a Kenyan at that time when I have to receive famine relief. We are able, capable and willing to till our land. Have I answered?

Interjection: Thank you Mheshima

Comm Wambua: Kwa sasa, ninaona saa zinakwenda mbio mbio na nataka kuokoa watoto wa shule ambao wako hapa kati yetu, ili warudi masomoni. Kuna watoto wawili ambao wangependa kutoa maoni yao na nitawapa nafasi ingawa wamekuja nyuma, sisi wengine tutaendelea baadaye. Wa kwanza ni Ndawu Chengo na Nthenya Mwangangi. Msichana, we would want you to say your names in full and then start giving your views.

Interjection: Endelea say your name.

Ndawu Chengo: My name is Ndanu Chengo from Ngilani Primary School. I would like to read (unclear). What I would like is to read civic education which we had written from standard 6 to 8. Constitution should provide compulsory and free education up to O level

The Government should improve health facilities, and free treatment. That Government should employ those who have completed primary and secondary levels. The Government should provide schools with food and milk but not yellow maize. There is no enough security because of devil worship in churches. There are no enough teachers in the schools. The schools should be provided with boarding facilities from Class 6 – 8.

There must be piped water at the schools and even at the villages. Both girls and boys should not be sexually assaulted. Anyone below 18 years should not be involved in sexuality. If one is caught, there should be a severe punishment. The Government should punish parents who refuse to take their children to school. Parents should practice family planning to minimize children. The Government should care for and educate orphans and street children. Provide schools with enough books and games. The Government should build roads and provide towns with electricity. School members present – 18 pupils. That is the end.

Comm Wambua: Kabla hujaenda please msichana come back. Record your name there on behalf of the 18 pupils. Next, Atakua Nthenya Mwangangi

Nthenya: (Kikamba)

Translator: My names are Nthenya Mwangangi from Ngiluni Primary School. Here I have a paper which was written by Stand 1 – 5 children. They are not very good in English so it is written in Kikamba so please let me read it in Kikamba.

Government provide free education from primary to university level and also in colleges. There should be free health services without cost haring. There should be clean water so that people do not get waterborne diseases such as typhoid. Schools should be provided with chalk, books, writing materials and extra curricula activity a materials by the Government. The Government should employ enough teachers so that the parents are not required to employ them.

Those are our points.

Com. Wambua: Sasa hii list yangu ni namba tatu. Kofi Kyalo. Yuko? Ndugu yangu unasema nipo. Ndugu yangu wewe unanyamaza kabisa?

KOFI KYALO: Jina langu naitwa Kofi Kyalo. Nitaongea kwa Kikamba. (interjection Kikamba)

KOFI KYALO: (Kikamba)

TRANSLATOR: The first thing he talked about is employment. He said children who have gone up to Form 4 level of education to be assured of employment. The other is about permits to hold communal meetings and activities, which have been moved from Assistant Chiefs and taken to the police. He is proposing they go back to the Provincial Administration – from the

Police. The other is on employment of teachers by parents; he proposes that the Government provides enough teachers so that it is not the prerogative of the parents. Those are the points he made.

COM. WAMBUA: Asante sana bwana Kyalo, sasa next atakua Francis Kilonzi, akifuatwa na Mrs Isabella, Reverent Muindi, Pastor Levi. Naona hapa imeandikwa hivyo....

Francis Kilonzo: My names are Francis Mule Kilonzo. These are my points.

Parliament anything passed in the present, i.e. the latter house, should be implemented in the next house. MP's; any point of marriage as a qualification for leadership should be disqualified at all leadership zones. MP's should be of medium education especially O levels; because if we insist on degree holders, they may invent perhaps segregations and separations or may tend to ignore the poor, or those who cannot afford education. At least a Form 4 leaver can have a considerate look at matters concerning land than those who are not. Presidential qualifications; it should not be compulsory that one is a degree holder.

(interjection – not clear)

Francis Kilonzo: Attain the education but being a degree holder should not be compulsory.

(interjection) Not clear.

Francis Kilonzo: The President's powers should be curtailed especially when it comes to jurisdiction. This is because it tends to corrupt and lead to poor leadership.

The President should not be an MP, and President as well. A retired President should be provided with security. There should be swearing in of the new President.

Councilors should have a minimum of Form 4 education. Mayors should be elected by the people but Chairman, by Councilors. The Chairman of the Electoral Commission should be elected by the MP's. A qualifier should garner at least 50% of votes cast or more. For defectors, they should not just utter words, they should have a written document that shows clear defection. Voters should be given a chance to pass a vote of no confidence on MP's and Councilors who are non-performers.

Education should be free from primary to university levels and also free medical facilities. MP's allowances should be reduced.

Land ownership should be on personal basis. Government should negotiate with owners of land that they want to use. Death penalty should be upheld on the condition that it is not applied with unrealistic, worthless and wrong judgment.

COM. WAMBUA: Next Mrs. Isabella Muindi

ISABELLA: My names are Isabella Reverend Solomon Muindi and these are my points. God's word should be paramount in this country if we want to prosper. The Government should be respected and feared according to Romans Chapter 13 Vs 1 and the following verses. Churches should participate in national holidays e.g. Madaraka day, Moi day – by choirs being invited to sing. Schools should participate by singing, mashairi and debates on the national days. Roads and hospitals should be in working order. Those in leadership should be proficient in English and Swahili. Water should be supplied to dry lands. Ban local liquors. Our President should be God fearing. Thank you.

Com. Wambua: Next ambaye namwita ni huyo mtoto wa shule Mwikali Mule yuko wapi? (Inaudible) watoto wa shule, mkitoa presentation yenu, mnaweza kurudi shule. Sasa tusikie Mwikali Muti.

Mwikali: My names are Mwikali Muli na nataka kutoa maoni yangu kwa Kingereza na Kiswahili.

(Kikamba)

Translator:

There should be free education for all with exercise & Textbooks. Schools should provide for children with disabilities such that they can accommodate those with wheelchairs. The Government should look into the welfare of people with disabilities; provide wheelchairs, spectacles e.t.c

Doors should be wide enough to accommodate the wheelchairs and reduce staircases or provide alternatives. Provide equal opportunities for jobs / employment for those with disabilities.

(Inaudible)

Daniel Mutungi: My names are Daniel Mutungi. Kama vile umeniuliza, nitakujibu and nitaenda kwa upesi and I will be mixing English & Swahili. Parliament should be empowered to make amendments but with a majority of 65% participation. The Peoples referendum does not reflect the many wishes of the millions of Kenyans and the common man. This is because you will only find important people who will either be opposing the sitting Parliamentarians or fronting their personal interests. M.P's should be given a chance to present any changes. If the common man must participate, this should be done via questionnaires that are trickled down to the village level. Spouses should not be granted automatic citizenship but must fulfill some conditionalities before being granted. A citizen should be entitled to settlement, employment, business and marriage. Dual citizenship must not be allowed since it will contradict the others' as the Constitution of a different country might differ from the other one. The only thing to identify one's citizenship should be an identity card – the usual one we have today.

To some extent, a country is just like a home where there is a father, a wife and children. It does not look wise to try and make the father powerless. It is important so have some consultative forums but the father must retain the final word, if he is accepted as the head of the family. By this, I want to say, the President of a country is even better placed; he is like a father but incase he does not serve the purpose, family members who are Kenyans, should have the right to remove him during the election. So during hia tenure, he should be given a chance to rule the country.

Defence and Security: The disciplined forces like the military, paramilitary police or prisons must remain under the control of the father who is the President. There should be the laid down procedures of discipline but finally the hire and fire power must apply, where there is law breaking. The law must be given space to operate.

(Interjection – audible)

Political parties should not be financed because this will make everyone try to form a party so that they get money.

Structures of Government – We should adopt the federal Government because this will avoid marginalization of some areas. This will ensure equitable distribution of available resource like universities, water and infrastructure.

Legislature: Parliament should remain part time. The present age being followed now is okay. Language tests applied today are sufficient. We should not go for the standards very much because the country is not the same. There are some areas you cannot get someone with a form 4 to qualify to go to Parliament and it will mean such areas will never be represented in Parliament.

(Interjection inaudible)

With your permission Mr. Commissioner. Sir, I would like to go to Lands. For Land Ownership, the state must give an ultimatum to land owners that individuals should own up to 500 acres. Anyone needing land in excess of 500 acres, he should prove that he can make use of it, and then rent it from the state and pay a certain amount for a period. If he does not produce what is required, then he should give back the land. The Government should supply inputs, technical and marketing support. This will enable us get good markets.

We must have free education from nursery to primary levels. College and university fees can be cost shared. The cost sharing should not be uniform but depend on the economic ability of a given area. There must be compulsory education for every child in Kenya and where a parent is negligent, he is taken to court. Chiefs and Assistant Chiefs should be empowered to monitor this so that every child goes to school. Chiefs and Assistant Chiefs administration be strengthened to deal with lawbreakers in any given area. Police should also be given a parallel body to supervise and monitor their activities. There must be an independent body to investigate crimes. Some of the criminals are police officers and it is difficult for one to investigate him/herself. All bodies charged with maintenance of law and order must have the power to take the law breakers to court.

(interjection)

Com. Wambua: Since you have the memorandum can you conclude by highlighting the issues given in the memorandum.

Daniel: Yes. I will finish with Worship. The terms 'Free worship' should be given a clear definition to prevent the insecurity groups who also pretend to be evangelists. Thank you.

Com. Wambua: The next person should be Chief John Quickly onto the mike Chief you have your memorandum.

Jones Ngumbu: I will be very brief. My names Jones K. Ngumbu. Mine is verbal.

Education: This should be offered free from primary school to university levels.

Medication: Must be absolutely free with no cost sharing.

Chiefs Act: This Act has been reviewed severally since we attained independence, reducing the powers of Chiefs and Assistant Chiefs. This has made the working system of those administrators every difficult. I propose the Chiefs act to remain the way it was at independence.

The IPPG has reduced these powers and empowered the Police with the same. I propose the powers of Chiefs and Assistant Chiefs to be reinstated.

Community and Clan gatherings: Permits are now issued by the Police. I propose them to be issued by the Chiefs and Assistant Chiefs since they are closer to the common mwananchi and therefore very conversant with their agendas.

Illicit brews: Should be banned and if this is not possible, then it must be licensed and sold like the bottled liquor.

Village Elders should be paid by the Government.

Retirement age: Civil servants retirement age should be reduced from 55 years to 50 years and pension raised to 50% basic salary.

Parliamentary terms: restricted to 2 terms of 5 years for each MP.

Rape cases should be handled with very punitive sentences of not less than 5 years.

Corruption: This should cease and the culprits taken to court and imprisoned.

Land grabbers: Such land should be seized by the Government and distributed to the poor or squatters.

Research institutions: If the Government is doing all it can to find a cure of HIV/AIDS, it should put similar efforts to find a dawa for a certain weevil which causes Ukambani people not to store maize leading to severe famine.

Freedom of worship: The Government should protect the citizens from devil worshippers.

Mr. Lumumba: Thank you very much. Now we call on Jeremiah Kaminda

Jeremiah: I am Jeremiah Kaminda and I am here to present my views. These are my views on what kind of Government we want. I propose a Coalition Government composed of all political parties. It should be headed by an executive President elected by the people. The President should be aged between 35 years and 75 years. He should be assisted by a Vice President who should also be elected by the people. The President's powers should be reduced so that he is not above the law. There should be a legislative assembly headed by a Prime Minister from the party with majority MP's. He should be assisted by two deputies.

MP's: Their qualifications should be O' Level and above. This is because in some areas you may find that there are people who are not interested in politics and if they are, they are not talented. Cabinet Ministers should be people conversant with the areas in which they are appointed. E.g. if a Minister is to serve in education, he must be an educationist.

Local Authorities: To vie for a ward, in Local Authority, a candidate should be at least O' Level and above. This depends on the areas where the candidates come from. In some, they may not have that type of candidate, they should be allowed one who is literate because in the councils, meetings are conducted in English and not vernacular.

Mayors and Chairmen should be elected directly by the people. While on Local Authorities, let me touch on Cap. 265; This Act should be amended to give Councilors power to manage their council affairs, but not Chief Officers.

Property ownership and land ownership: Where parents die, both sons and unmarried daughters should be allowed to share land equally. This is because, the married ones have moved away from their families and have land in their new homes. They should not interfere with those left with the parents. If one is divorced, she should also get a share or somewhere to settle.

Widows – where the husband dies, she should take up all the property without interference from the deceased relatives.

There is one last contribution I would like to make in which most people have gone against. I am for it. Traditional beer: As regards Kamba customary law, no marriage can be conducted without beer. I propose that it is legalized and licensed to be sold in market centers like other drinks.

Police Force: They should be given adequate training with at least a minimum of two years and not six months as it is at present.

Mr. Lumumba: Now we have Joseph Mulandi

Joseph: I want to thank you Commissioners for coming here. I am sure you wanted to come and do something, so you will be patient with us. The President, Councilor and MP should have a minimum of a degree or equivalent qualification. Presidential terms should be limited to two terms of 7yrs each after which he should quit whether he was good or not. Senior Government officials should not be appointed by one person as this promotes selfishness in distribution of power to people. This should be done by Parliament to ensure every tribe is considered in these appointments.

We should want proper distribution of revenues and taxes available to be used properly as every tribe will be represented but not have one tribe filling all positions of PS and other and high offices. This will eliminate corruption.

The Government should support efforts by local people. The local people work very hard but there is no board to market their produce, maize. A lots is destroyed by weevils because no one cares about that. Where there are boards, they do not have any money to purchase. That's the reason we are always asking for relief. We do not need relief, what we need is support of our efforts to ensure we are rich. We have Tana and Athi Rivers that can be developed for irrigation instead of wasting money importing yellow maize from England, we should have support in development not relief.

Education: Free education should be given to all from nursery to university level including private schools. Where this is not possible, then bursaries should be available so that every one can attain their level best education.

Hospitals should have adequate medical supplies so that those who go ther are treated, and we will not have hospitals with many clinical officers who sit there and do nothing.

Equal distribution of Government funding to ensure a balanced Governance by being sensitive to the needs of all areas of the country. For instances some areas experience famine yearly, others have no electricity, water, no roads, hospitals, colleges and universities while some other areas are packed with all these amenities. This should be avoided and amenities evenly distributed since we are all Kenyans.

President should not be an MP. Experience has shown us that Presidents' we've had focus on their areas neglecting others. They initiate development projects in those areas which are not useful for the residents of that area, yet all people in Kenya pay taxes.

Senior Government officials and MP's including village elders should resign if they are involved in perpetrating public evil like rape, corruption, misuse of power and offices. They should all resign like in developed nations.

Local liquor – this should be banned because it has destroyed our youth, families and wasted resources where there are customary celebrations like marriage. We should have other solutions to replace the role of the traditional liquor in the ceremony.

Budget – the Minister concerned should prioritize the needs but not make arbitrary budgets. The ministry of education being a major player in development, should be allocated adequate finance. Ministry of Agriculture should also be accorded adequate funds especially to support local production and sales of commodities. The Ministry of Transport and telecommunication should also have more fund to support rural infrastructure like telephone and communication. At the moment, there are mobile phones facilities in town while we lack the normal landlines. Major Ministries should therefore be given adequate funds to support the local mwananchi.

Inheritance of land; all children should be treated equally be they male or female. Let the estate not be subdivided. Those who can base after divorce find nothing belongs to them and this raises quarrels among siblings.

Thank you

Mr. Lumumba: We now invite Priscilla Mulandi to give her views. Priscilla? May I invite Pastor David Mulinge. If you are in, Samson Munuve? Are you in this afternoon? I believe you will be brief to go and conduct your business.

Samson Munuve: I'm Samson Munuve here to give my views. I start with

Education: My wish is for free education from nursery to University level with adequate facilities i.e. textbooks, chalk, teachers e.t.c. Medical treatment should be free to all.

Parliament: The President should not be an MP of any constituency. During elections, as the incumbent President leaves office, the Chief Justice should assume the position of Acting President, until the election is over. The President's present power to close and open Parliament at his wish should be curtailed, and he should not be above the law.

Chiefs and Assistant Chiefs: My wish is that they should be elected by wananchi from their respective areas. There should be no transfer but they should remain in their designated areas.

Local Government: Councilors should not be nominated. There should only be those Councilors elected by mwananchi.

Presidential qualifications: Be above 35 years of age, married with children, degree level of education or its equivalent and must be physically alright and a social person.

Thank you.

Mr. Lumumba: Asante sana Nitamwalika Mwendwa Kyale. kama hayuko tutamwita Wambua Ndambuki, Benson Kiema, Stephen Mutie. Labda amenda kula. Mutia Muthama (interjection). Salim Kamila Councillor

(interjection)

Councillor Salim: My names are Salim Kamula, Councillor Kivaa Location and these are my proposals:- Coalition Government should be established with the President being neither an MP nor representing any specific party. This is because when we look at the prevailing conditions in the country today, the President only supports areas loyal to his party and neglects those belonging to opposition. Little or no development therefore takes place in such areas. These people who do not benefit are also tax payers but because they do not belong to the ruling party KANU or whatever, they are sidelined.

The President should not be above the law and where this happens, there should be a provision of impeachment and removal from office incase of misconduct. He should be party-less and constituency-less as he is the custodian of the Constitution. There should be an office of the Prime Minister so that when the sitting Government contravenes the Constitution it can be dissolved and a new one put in place. President should have a Vice President as his deputy and the Prime Minister should have 2 deputies with one being incharge of daily administration affairs of the country, and other incharge of finance.

Electoral commission should be independent when it is not, you find like in the last elections, the dates were extended by the same person who was a candidate then. This gave him an upper hand over the other candidates. The commission should be free to ensure a level playing ground for the election of MP's, Councilors and the President.

Votes should be counted and results recorded and announced at polling stations to avoid interference of any nature on transit and manipulation. Ballot boxes should be transparent. I do not see they reason they are black in color. Black ones are not any cheaper.

If any funding is to be given to political parties, the funds should be equally distributed to all the parties to enhance their political activities.

Leadership; academic tests to enable us select those with good qualities able to deliver whatever we require of them.

Key appointments and nominations should be vetted by Parliament. This is because at present, some selected to head Government parastatals and Ministries have no competence to head the organizations. This has resulted in failures and collapse of some institutions due to mismanagement.

Local Authorities should be given some autonomy. CAP 265 to be done away with and Councilors be given power to run their Local Authorities to dismiss and hire errant Chief Officers.

Independence of the Judiciary and Parliament: There should be separation of functions of Parliament and judiciary. A commission should be appointed to review salaries of all elected politicians and civil servants. This commission should be independent and be able to harmonize salaries. At the moment, there is the Teachers Service Commission and the Public Service Commission that handles these matters. This is a duplication of work – there should only be one.

We should not have a Majimbo system of Government. There should be free education for all as stated in the KANU Katiba, and free medical services. Agriculture is the backbone of this country. The Government should put a lot of emphasis on this and more so look for markets for our products.

Transport: the road network is in very poor shape. We need the people to man certain sections of all roads – classified and not classified - on daily basis so that they advise on deterioration and have something done before they become impassable.

Security: should be strengthened and equitably distributed. For instance when an individual reports a disorder, the police claim they have no fuel to attend to the matter. But when they need to break up political gatherings, they have all the petrol and adequate officers to attend to such issues.

... And now to finish – defections should be made illegal and the person taken to court. Irrigation of land should be made mandatory where it is viable.

Ahsante sana!

Mr. Lumumba: Please, don't stay like Councilor Kamula. I know you are going to class. Thank you.

Peter Maundu: Thank you. My names are Peter Maundu and I present my views to this commission. Education: I am a teacher and I know our system is purely academic and not based on talents of those pursuing education. Some people with talents are not qualified academically, so they get wasted in the villages. There are talented musicians, athletes, artists, and we have no machinery to identify this talent and absorb them in the system. Could we devise a system to identify and develop these talents.

Schools discipline: recent banning of corporal punishment did not give an alternative. We were asked to start counseling the

students but sometimes the magnitude of the problem is so colossal that counseling can not help. For instance students involved in drugs or who burn dormitories cannot surely just be counseled. The Government should give a guideline on how to deal with such misconduct.

Teacher transfer: there is a problem of random transfers for no reason at all. E.g., a couple is separated, this causes trouble in the family. The Government should device formula that respects the family as the first institution created by God.

Corruption: The traffic police are seriously involved and you find those who are averse to bribery are framed for dubious traffic offence while those who offer bribes are set scot-free. The manning of our roads should be by individuals who are not corrupt.

Job creation: Recently there was mass retrenchment of young people even at age 40. Those who undertake the exercise earned millions from consultants. This is unfair, the Government should formulate a method of creating jobs and not destroying them. There should be a fair distribution of our wealth. They should come up with a method where they create jobs from the grass roots to the top, not retrenching others. With those few remarks, I hope this commission will consider my views.

(Interjection)

My proposal is that there should not be retrenched unless it is a must. Soothe economy should be looked into so that those in employment remain there and then we create jobs for the upcoming citizens. Who doesn't want a job anyway?

Mr. Lumumba: Thank you very much Mr. Maundu and now I give the chair to my colleague Bwana Wambua aendeshe sehemu iliyosalia.

Com. Wambua: Tutaendelea na kama ile iliyoambua, tutawa tukipima wakati, naona tuko an watu wengi sana hapa. Tuko na kama watu sabini waliojiandikisha na kila mtu lazima apewe nafasi, maanake nafasi ni hii tu kwa hivyo ukija hapa pima maneno ndiyo kila mtu apewe nafasi kwa anayozungumza kwa maana haya ni mambo tunayasikiza kwa siku nyingi. Kwa hivyo usione kama tunakusukuma. Ukiona kama timekuharakisha ujue tunaelewa maneno unayozungumza kwa maana haya ni mambo tunayasikiza siku nyingi. Kwa hivyo usione kama tunakusukuma. Pima maneno ndoyoy tuendeleo. Mr. Mutuku Francis..... He has submitted his memorandum so that is okay. Phillip Mnyao..... Tafadhali Mnyao pima maneno.

Phillip: Thank you Commissioners. Presentation yangu ni kutoka Kalowe ABC, African Brotherhood Church. These are our views: The President should not be above the law. Education must be free up to university level. There should be compulsory education. Teachers must be recognized by all to give what is necessary. Free treatment for all and we suggest every location to have a dispensary which has to have a dispensing unit with adequate medical facilities and free treatment. The Government

must provide food for all but this should be supplied by all parties to avoid incidents where some parties are the only ones providing free food to gain political mileage. Those citizens above 70yrs of age should be under Government care.

Widows must be taken care of by the Government. For instance, in Ukambani, there is a lot of poverty and we find it difficult to meet the needs of these people. The Government should supply piped water to everyone. Jobs should be created for all those who complete secondary schools and universities. It should be a basic right for all and should be on merit. Police should not harass or beat any mwananchi even in the case of suspects. The election dates should be fixed and vote counting should be conducted at polling stations. Administration – PC's, DC' up to sub-Chiefs should not be used by the President to kunyanyasa mwananchi. Parliament should not be extended even for a day. The President should not use the administration and police during the elections or Government utilities to frustrate other parties.

Defectors should be banned from using their positions in consequent by-elections. They should wait for the next by election to enter the race in the new parties. Political parties should have power to dismiss anyone who goes against other members of the party. Agricultural outputs should be marketed by Government agents. For instance in Ukambani, there is a cotton as a cash crop. In other areas, there is coffee, tea, maize and horticultural crops.

These are my views. Thank you.

Com. Wambua: Asante sana kwa maoni yako Phillip. Namwita Mwangangi Mwoki, Hayuko, John Muthee, Hayuko, Peter Katiku, Paul Nzuki, Loise Mwambi, Pius yuko, Nzangi Mitie hayuko, Gideon Mutiso.

Gideon: My names are Gideon Wambua Mutiso. Respect kwa mwananchi. Kitu cha kwanza ni relationship between administration and politics. Hapa ni kusema, naona kama mwanasiasa anaposimama mbele ya wanachi na kuwaitisha kura.... Anapoongea, anamushitumu mtu wa Serikali. Proposal ni watu wa siasia wapeani heshima kwa watu wa Serikali, si kuwatukana kama watoto. Wakati wa employment, kwa mfano ya Chief au Assistant Chief saa ile kuna recruitment, wengine kama waalimu au polisi, wanatoka kwa kazi zao, na kuwa candidates wa hizo positions. Hii ni kupoteza wakati wa Serikali. Proposal yangu ni kwamba kama mtu ako na kazi nyinyingine, asiende kuuliza kazi nyinyingine.

Wakati kama wa census, ikiwa unakuta wale watu wako na kazi kama waalimu ndiyo wanaajiriwa hizo kazi. Proposal ni kwamba kwa sababu kuna watoto wengi sana hawana kazi, wapewe hizo kazi wafanye.

Kama wale ambao wanafanya kazi nyingi wapewe mshahara wa kutosha. For example, waalimu wa nursery schools wanafanya kazi nyingi and they are not considered. Kuna wazee wa vijiji – Serikali iangalie iwapee kitu. Hata Assistant Chiefs and Chiefs should also be considered. Wanapewa mshahara kidogo.

Misuse of finances – wakati wa siasa, watu wanatupa pesa bure kwa kuwanunua watu wawapigie kura. Hii ni badala ya kujenga mabarabara, kuweka daraja, na vitu vnyonyingineo. Hiyo pesa tafadhali itumiwe kwa mambo kama hayo lakini si kununua watu wapewe kura.

Thank you.

Com. Wambua: Asante kwa maoni yako. Sasa tutamuita Makau Musau, na kidogo hapo, wacha nijue James Kimeu yuko? Bwana Odago, utafuata Bwana Musau akimaliza.

Makau: Jina langu ni Makau Musau na yangu nitaanza kwa grassroots.

Mzee wa kijiji: Huyu anafanya kazi nyingi ya kukutana na watu. Proposal ni alipwe kwa hiyo kazi yake nyingi. Wazee wa kijiji wote Kenya wawe wakilipwa.

Assistant Chiefs na Chiefs: Hawa watu wanaandikwa na Serikali. Proposal ni kwamba tupewe nafasi ya kuwachagua sisi wenyewe shauri sisi ndiyo tunakaa na hawa watu na tunajua yule mzuri ni nani. Hii maneno ya interviews..... lakini kama ni Do's, hawa ni vizuri kuandikwa.

(Interjection...) yangu ni hayo tu.

Com. Wambua: Bwana D.O Odago. Fupisha maneno manake watu ni wengi na tunataka kufupisha maneno.

Odago: Thank you Commissioners. Yes I am the D.O that is why I did not want to speak lakini nitasema wacha niwasalimie, since mumekuja kusikiza maoni ya watu wangu. Mine ni moja tu.

I was suggesting that the current Parliament ends its term the way it is because that is Constitutional. Also Kenyans peg this review of the Constitution to the general elections. The Constitution should be reviewed very independently. We are not in a Constitutional crisis, and so I think this is a very important document that you are dealing with. It is a document that is actually holding Kenya together. When this documents is ready, all Kenyans without exception should have access to it. Civic education should continue even after the review of this Constitution.

Free education from nursery to form 4 if possible . At the university level, there should be cost sharing because education at that level is very expensive.

Health facilities likewise should be very accessible and actually cost sharing in the health sector should be minimal. Health is not a luxury but a necessity and should therefore be accessible even to those who are very poor.

Land ownership. there should be a limitation to what actually one should own regardless of his capacity to develop it - others need it. We invest in land- everything is on land, there is nothing in the air. Even the very aged grandparent should have something. There should be a maximum that should be owned by a Kenyan at least. I propose 1,000 acres

Com. Wambua: The minimum D.O. I think the minimum should be enough to sustain a household.

Odago: Liberalization – We have over liberalized the economy. The market is just too open. We know what we produce. Comparatively cannot sell like those in other developed countries certain backbone sectors such as agriculture should be protected. There is need to have control on certain important sectors of the economy. At the moment our products are not selling. These institutions Parliament, The Executive are the pillars of democracy. Let them be very independent of each other and therefore have separation of power. We do not need majimbo system of Government because some areas can not sustain themselves .Thank you.

Com. Wambua: Sorry I should have acknowledged you. I did not know there was a DO present. Your views are quite enlightening but there is a subject you have just avoided and we would be happy to have you comment on it;

Your own department –that has been quite controversial. There has been advocation that we scrap it because it has no role to play and should go to elected leader like Councilors and so on and so forth. And specifically what is your view on that .You are the man in the field of course you are an interested party.

We expect you to give us an objective proposal. On the election of Chiefs, what in your view has any merit and what would be the complications if we were to elect Chief? What is your proposal on that? I am asking you this specifically as a provincial Administrator.

DO: Yes Bwana Wambua,

Mr. Odago: I am happy you have noted that I avoided this topic deliberately, but the position is that yes there has been clamor that the provincial administration are very vital. We are a very major link between the Government - whichever Government may be in power, and the public. Not all undertakings, however democratic we may want to be, certain things may need a degree of bureaucracy for implementation of services or projects to take place. Decision making in a group is not easy. We need direction in decision making and this is the kind of link that the provincial administration is playing as opposed to what they want. They want Councilor's / Local Authorities to stand in for it. When we want to implement decisions, it is very different between the Local Authorities way of implementing their projects and the way the govt. administration does it. We have a channel which is very accountable and very official because it is interconnected with the districts. Provincial

administration is I believe very vital: to whichever Government is in place.

Mr. Lumumba: On the election of Chiefs. I do not understand the election of Chiefs because the Councilors are also elected in the same area. Both operate at the same ward level. Do we do away with the Councilor or Chief. Do we need Local Authorities to take over or we elect the Chief's? With the rationalization of the the electoral wards, it is no longer a location. Therefore with that historical background, in the views that have been presented, you are considered to be at the heart of the sphere.

Odago: That takes me back to one point, if a Chief is elected, there is a certain number of electorate that will want to vote for him and those who will not in such a scenario, delivery of services will be sabotage from those in the opposition. But where a Chief is appointed, there is a certain authority that is unifying that everyone is answerable to.

But so when we vest that authority in the Chief, everyone whether Mwenje angeoppose yeye kama angesimama ama nini, therefore he delivers. But when we elect him, sioni vile kazi itaendelea, it will be siasa all through.

(interjection inaudible) Laughter.

Comm Wambua: Asante sana Bwana DO, thank you for your contribution. I think the following did not want to present their views unless we are mistaken, Jennifer Muteti, na nikitaja jina kama wewe unataka kutoa maoni useme hata kama hapa wameandika hukutaka kutoa maoni. Jennifer Muteti, Kitua Munyoki, Dominic Nzau, Julius Nzulu, Grace Munyao, Rogers Kingoka utaka kutoa. Kuja hapa tafadhali na ufupishe maneno tungelipenda kupatia kila mtu nafasi amalize.

Rogers Kingoki: My names are Rogers Kingoki from Nziluni Primary School.

(Interjection inaudible)

Constitutional Supremacy: M.P.s should consult the entire electorate before any key amendment is done in Parliament.
(Interjection)

Political parties – should be minimized so there are not at least not more than 5 each political party should fund its own activities but not use public funds.

Structures & systems of Government: Abolish the Presidential system of Government and adopt a Parliamentary system.

Legislature – There should be a maximum age limit because it is not there; both for Parliamentary and Presidential positions

around 45 – 60 years (Interjection) Academic qualifications should be at least '0' level with a C+ grade for either positions of equivalent. Good moral & ethical requirements also considered. The electorate should have a right to recall their M.P. s through the electoral commission with a majority vote.

(interjection inaudible).

Salaries & benefits of M.P. s should be determined by the public service commission. Gender equality should be considered by political parties when nominating M.P's. The .Constitution should permit a Coalition Government.

Terms for Parliamentarians should be defined clearly by the Constitution, whereby the President should have powers no powers to dissolve Parliament.

The Executive: The Presidential tenure should be two 5 year terms. The functions of the President should be well defined and limited. There should be a provision for removal from office for misconduct. Councilors should have a minimum academic qualification of '0' Level – C grade or equivalent. Moral and ethical requirements should be enforced. The public should have a right to recall their Councilors through the electoral commission. Abolish nominated Councilors. Electoral systems & process should be the simple majority rule of winning an election which should reflect a specified percentage age of voters in the area. E.g. at least 65% of voters.

Com. Wambua: There should be reserved seats for specific interest groups in Parliament – like the disabled, religious and NGO's.

Odago: Land & property rights: Procedure for transfer of land should be simplified e.g. establishes a land registrar's office which is restricted but free of change. Management & use of natural resource: There should be equal distribution of resources and public officers required declaring their assets. Establish a code of ethics for public office holders for instance academic and professional qualifications considered. To attract competent Kenyans to work in public service the Government should offer a good remuneration for their posts

(interjection, inaudible)

Education: There should be free education for all at all possible levels. The Ministry of education should consult teacher and parents before making any major changes in the Ministry. Teachers should be promoted on merit. Teachers should also be provided with easy and conducive terms for further studies while in service. The ministry of education should be the direct employees of teacher and not the TSC. The code of regulation for teachers should be reviewed at least once every 5 years. Civic Education should be incorporated in the educational curriculum at all levels in order to produce well informed citizens who know their basic human rights and love for their country. Thank you.

Com Wambua: If one is 57 years and runs for presidency and wins, you are saying that at 60 yrs, he should not qualify. Are you suggesting that when he acquires that age, he should vacate the office immediately and there be another election? Have you considered this? If you have not thought about it forget it because it seems you have well thought out your issues. And as you think about it, Peter Muthama, Is he here?

Mr. Lumumba: You can actually think about it and add it to the memorandum.

Com. Wambua: Peter Muthama? He has presented on your behalf. Thank you very much for that. According to our list, Benjamin Nguli was not presenting. Marietta Waita was also part of that Muli Kiandiko and you part of that.

Muli: I have a memorandum.

Comm Wambua: Are they written? Please submit them there, they will be recorded. Thank you very much Mwikali Mule, presented. I think she is a pupil Mbula Munure a student. John Maluko .teacher must have submitted a written memorandum We tick as such. Onesmus N'thekani, written cum verbal. Do what to submit or to speak?

(interjection)

Com. Wambua: Okay, please, sit but let's have it very brief.

Onesmus: I'll try to be brief. I am Onesmus N'thekani , an adult education teacher. On Leadership : I propose to have a President who should be form a constituency.

(interjection)

The President should be elected by majority voters within Kenya, but not by Parliament. He should be above 40 years of age as he will be mature. He should have a minimum qualification of a degree. He should have two 5-year terms and either gender should be given an opportunity to lead a Government. The President should have the powers of the present office retained.

(Interjection inaudible)

He should not be ceremonial but an executive President.

Chiefs & Provincial Administration: It is my opinion that Chiefs should be elected because when elected the question of

rejecting Chiefs in their areas will be minimized. They should not be transferred to others, as this would bring the problems if we have to get another Chief who does not know the people of the area. Administration Police should be integrated into the normal police force. The term AP, Administration police is very confusing to the Mwananchi.

(Interjection inaudible)

They should be integrated and be only differentiated by their job groups.

Culture and customs – These should be honored because we adopt western cultures, they do not fit into ours,. A culture of the Wakamba like ‘mbeo’ (Marriage custom) It is my opinion that it should be preserved and honor ‘mbeo’ means before you marry a wife, you give the family a he goat & she goat and be accompanied by some drinks.

Mr Lumumba: I think this is essential because it marks that you have married so and so.

Odago: For children out of wedlock, I propose the woman should bring up the child alone if he/she was conceived as a result of a commercial sex liaison. Where a child is conceived on a friendly relations, both parties should bring up the child, even when not married. For rape cases, the rapist should be imprisoned and forced to bring up the child.

Mr Lumumba: What about the child, because the woman may not want to keep the child?

Odago: I am not of the opinion to destroy the life of that person because it is very important to our Kenyan Society. So, I concur with the Bible which says ‘walifanya wakikusudia maovu na mimi nikabadili yakawa mazuri’

(Interjection, inaudible, laughter).

Where a mother dies during delivery, the matter should be handled according to Akamba customary law.

Divorce should be dealt with according to customary laws of Akamba or any other tribe where it happens where divorce is passed, the ‘mbeo’ should then be returned to the husband’s family.

Interjection, inaudible) No I’m still on Majimboism – I am against it, as it limits Kenyans freedom of association with other tribesmen in other regions of the country. We should not therefore have a majimbo system of Government. We have free worship and this should remain. My proposal is that different denominations should be encouraged to unite but they should not increase the number of different denominations from what we already have. They have become a nuisance everywhere and we can see so let them be limited very much.

Education – This should be free from primary to university level. The use of English as the official language should remain. French language and computer training should be initiated at primary levels so that pupils are conversant with the computer era. Cost Sharing in hospitals should be abolished since most patients seeking treatment in Government hospitals are very poor. All employees should swear an affidavit against corruption where one is found guilty of the offence, he should be sentenced to imprisonment and forced to pay double the value of whatever he received corruptly.

Human Rights – This should be especially enforced in prisons where we find people are maltreated and some even die there from lack of food and health facilities.

(Interjection laughter)

Special consideration given to treatment and handling of animals especially donkeys. Thank you.

(Interjection, Inaudible)

Com. Wambua: Where this ‘Mbeo’ is not paid and a man cohabits with the wife for a long time before he has paid ‘mbeo’ and it happens that the wife dies; ordinarily, what has been happening is that there is a big row between the deceased’ family and the other family as to where she should be buried some arguing that she was not married at all as ‘Mbeo’ had not been paid, according to tradition. What is your view? In some places, it was argued that the husband should be allowed to bury the wife and given a specific time to pay the ‘mbeo’ In other places, it was said ‘no’, there was no marriage so he cannot bury. Think about it. If you have a proposal, include it in the memorandum ad we will consider it. Otherwise thank you very much
Onesmus

We want now to find out who is here so that we can allocate numbers. I know there was one James, Esther Makhanga, Wanza Mulei was not to give written memorandum. She is not here she must have given, umber 9 Sammy Mbindyo was not to give, Paul Mbolosia, Joshua Mweke. Not there, Onesmus Kabebo Nambani yako itakua ya kwanza; Mutisya Kingu’ta hayuko. Peter Maundu this one spoke. Said Mulinge Beatrice Kalondu was not speaking, Paul Mwatu hayuko. Michael Karanja, you will be numebr 2. Songea karibu. Phillip Mutie .he’s not there. Betty Kitilo Not there. Willie Ndunga, wewe ndio number 3 halafu kuna James yule alikua ametoroka number 4. Last question; kuna mtu ambaye yuko hapa ambaye amejiandikisha na jina lake haikuitwa na anataka kutoa maoni? Mama, jina liko wapi? What is your name? Jane Peter you will be number 5 Utakija karibu. Kunamwnyningine? Kuna mama ambaye amefikiria maneno yaliyosemwa na anataka kusemakitu? Hawa wako hapa? Wee witawaatia?

Interjection Loise

Com. Wambua: Loise uu

(Interjection) Mwanthi

Com. Wambua: Loise Mwanthi. Kuna mundu ungi ukwwendfa kuongela. Eka. Namba yako ni 6 Loise. Tutaanza sasa na Mzee Onesmus. Fupisha maneno. Tayari tumesikia mengi. Ukitwambia kitu, sisi tunashika kama computer.

Onesmus: Asante sana. Mimi ni Onesmus kapepo Ngula. Yangu ni machache unajua watu ambaye hatukusoma, hatuna story nyingi.

Interjection: Hio sio hoja endelea

Onesmus: Maoni yangu ni kizingatia masilihi ya wazee na watoto katika afya. Hii ni kwa saabu ukienda hospitali, unaulizwa mzee wewe uko na miaka mingapi? Unapatiwa huduma hivyo hivyo kiolela. Magonjwa inauwa wazee na watoto kwa kuwa ni maskini hawa ni maskini hawana chochote. Napendekeza Serikali itilie maanani watu kama hawa.

Com. Wambua: Kwa hivyo cost sharing iweko aman isiweko?.

Onesmus: Cost sharing iweko na ukweli ufanye kazi ikiwa cost sharing, ikiwezekana ni vizuri. Sehemu kame – Serikali ingetuwekea mabwawa ya maji kwa sababu saa ya ukame, mifugo wetu watakufa na unakosa maji. Kwa wale wanaotupa watoto wanaozaliwa wangekamatwa na kuhukumiwa kwa hilo kosa. Family planning – hii inatakikaha ipimwe kwa sababu sasa kuna ukimwi, unakuta hakuna watoto wanaozaliwa. Serikali itaweza kujikuta hawana watu kwa sababu ya hii family planning.

Interjection – Kwa hivyo unataka nini? Tuowe wanawake wengi au nini?

Onesmus: Hapana tupunguze utumizi wa family planning. Sio tuowe wanawake kumi.

Kuajiriwa – saa ile kuna mipango ya kutengeneza mabarabara, ningetaka watu wakkujisaidia kama madereva na watu wa mikono waajiliwe kutoka hapa. Agricultural officers waonyeshe watu wa hapa mbegu za kustahimili ukame kwa sababu wako. Lazima watembelee watu wote na wa waonyeshe bila kubagua. Asante sana.

Com. Wambua: Mzee, kidogo tu ulisema, ungelipenda Serikali iwangalie wazee. Na jee, wale ambao ni wazee lakini ni matajiri sana, pia watunzwe na Serikali?

Onesmus: Nilipoongea juu ya mzee, ni yule hana chochote au lolote.

Com. Wambua: Nambari 2 Taja jina halafu toa maoni na uyafupishe.

Michael Karanja: I am Michael Karanja, a teacher at Kaloe Secondary.

Presidential elections should be conducted before the General elections. To qualify as a President, one should garner at least 50% of total votes cast. Village Elders should be retired professionals who are in a position to advice the Chief on the development issues of the village.

Electoral qualifications: The President and MP's should be degree holders and Councilors at least Form 4 leavers. MP's who defect should resign from their positions. Directors appointments – this should not be sole prerogative of the President but other bodies should be incorporated in the exercise. This should also apply to electoral Commissioners, who should be appointed by independent bodies.

(Interjection)

Election dates should be set in advance so that it does not remain the President's secret weapon. They should be clearly stated and known to all.

MP's salary and allowances: should be reviewed by independent bodies just as it is the case for civil servant, to stop the issue of awarding themselves huge increment. I should have done the same in similar circumstances. MP's should not be pensionable since they work on contract terms. Constituency boundaries should be uniform in size and all other features.

(Interjection, inaudible)

I am considering for example Kaiti and Mbooni, Mbooni has a bigger population than Kaiti. That is why in some areas you do not see an MP.

(Interjection, inaudible)

In an area that has a high population, then limit the size of constituency to the population. Rights of the Accused: Those who are very poor and cannot afford bonds stay in remand for a very long time. The Government to seek alternatives for such to alleviate their suffering like free bonds. Civil servant Retirement – benefits should be processed one year before retirement just as they issue the letters. Some people stay for a years before they can get their benefits. Thank you very much.

Com. Wambua: Who was number 3

Willy Ndiku Ndunga: My names are Willy Ndiku Ndunga. These are my views.

Judiciary- to avoid manipulation by The Executive, we require the AG, Chief Justice and judges to be appointed by a commission and not the President.

Land tenure system. – Limit the acreage of land that can be owned by an individual to avoid some people owning large utilized tracks while other stay without and suffer poverty. There should be a maximum of 1,000/= acres. Local Government:- Clerks to county councils should be elected by the Councilors and not civil servants. This will avoid the clerk misusing council funds and then he is transferred. Administrative police:- Should be integrated with the Kenya police. Their purpose was to assist the colonial Government and that is no longer tenable. Electoral commission:- The chairman of the commission should be appointed by the sitting Parliament but not the President. Co-operatives:- Those who embezzle funds should be prosecuted and have their property attached to recover the funds. This will stem the collapse of the societies.

Thank you.

Com. Wambua: Tutamuita James

James: My name are James Kimeu.

Electoral Systems – Defectors should not have a right to seek office until after 5 years. This should apply to candidates who fail to get nominated in a party of their choice initially and therefore shop for another. Constituencies:- Some of the large constituencies like Mbooni should be sub-dividend so that there is an equitable representation of the people there in Parliament.

Local Authorities:- Every location should have a Councilor since the Local Authority is the most basic level of Government making them closest to the people. There should be no requirement for language test as long as one is literate to qualify to be a Councilor.

Parliament – Nominated M.P.s should be recent school leavers

(Interjection, inaudible)

I propose the age of 35 years.

Permits – clan and customary gatherings permits should be issued by the Chiefs and not the police.

Employment:- M.Ps & Commissioners and others should not hold more than one job / position – one man one job. Thank you.

Com. Wambua: Thank you very much James. Mama Ketu hapo na ufupishe maneno. Utatumia Lugha gani? English

Jennifer: Excellent, Jennifer

Jennifer Kamande: My names are Jennifer Kamande Peter. The names are all mine.

Peter: Peter. I am interested with games in schools.

At present, children do not have games facilities in schools I propose the reestablishment of games in schools as it was before. The reason for this is to promote sport talents which are now recognizes that they can make those gifted successful. We provide 80% of produce in the rural areas but the Government does not seem to care about the farmers. Our produce is sold at very low prices. My proposal is that small scale farmers be given due consideration by the Government.

Parliament – there is unequal gender representation in Parliament. During campaigns, ladies have a very difficult time. My proposal is that we should have more nominations in Parliament to reduce the gender disparity.

Thank you.

(Interjection – inaudible)

Jennifer: 4 is a good number

Comm. Wambua: 4 out of 210? Why not a 1/3 or 1/4? Do you want to think about it? Just do it. Jiandikishe hapo Jane. Loise Manthi. Na Loise atajitayarisha, sasa hapa naona tuna list imeletwa hata kama tulikua tumefunga. Kama uko na written memorandum, peana memorandum pale naujiandikishe. Faith N. Nzioka – student peana memorandum na ujiandikishe. Thomas Kamau, Stanley Mbaluka, Isaac Mwange – student, David Luchacha – peana memorandum na ujiandikishe. Jecinta David, Francis Malonzo, wote students wako na memorandum wapeane. Kuna waalimu ambao hawataki kuzungumza – Damaris Kyalo, Janet Wambua, Ann Fredrick. Kuna wale wanataka kuzungumza, Joma Katuli... yuko sasa wewe ndio number 7, kuna David Chengo yuko – Number. 8, halafu wewe ndio wa mwisho. Tungetaka kufunga sasa. Number 9 ndio wa mwisho. Sasa mama,..... utaongea kwa lugha gani?

Loise Mwanzi: Mimi naitwa Loise Mwanzi. Maneno ya leo nilikuwa sikumbuki lakini sasa maoni yangu ni shida za hospitali. Nimesikiliza nikiwa hapa, mengine nakumbuka na mengine nimesahau. Medical care – tunaumia kwa sababu mtoto au mtu akigonjeka na tunampeleka hospitali, tunaambiwa tutoe pesa. Hiyo pesa sina, wka hivyo inabidi nimrudishe huyo mgonjwa nyumbani. Na yeye atakufa hapo nyumbani

Com. Wambua: (Interjection) Pendekeza

Mseme tupunguziwe.... Tusilipe kitu chochote kwa hospitali. Tunataka tutibiwe bure.

Education – mimi ninawajukuu. Ninaonelea tupewe nafasi ya kuwasomesha watoto wetu bure. Hiyo ndiyo ilikua maneno yangu.

Asante sana.

Com. Wambua: Nambari 7 na ufupishe manano.

Nzomo Katuli: Naitwa Nzomo Katu na yangu ni machache.

Ulinzi – Bila ulinzi, mwananchi hawezi kua a njia nzuri ya kutafuta mali.

Mashule – kuna maskini wengi hapa kwa hivo tungependa Serikali iangalie elimu kwa watoto maskini.

(Interjection)

Ukame – ni misimu nyingi tunalima na tusipate chochote kuwa sababu ya ukame. Serikali ituangalie kwa upande wa mabawa, ama bore hole ili tupate kulima na maji. Tukilima na maji, hata wakati wa kiangazi, tutapata chakula. Nimemaliza.

Comm. Wambua: Number 8 ni David Kyengo. Fupisha maneno hata mshinde yule aliyekuwa hapa.

David Kyengo:

Mashamba: Napendekeza ikiwa inawezekana, masharti ya kupwea title deed ni magumu sana. Manake kama mimi, baba yangu hayuko, kwa kufuatilia hiyo shamba, imesakana niende nishtaki, na pesa sina. Inafaa niendikiwe na Chief na yeye adhibiti kwamba sisi ndio watoto wa huyo mzee ili isitubidi twende kortini.

Elimu – inafaa irudi vile ilikua zamani iwe ya bure. Hata mimi nilisoma bila wazazi kuitishwa chochote. Uniform pekee ndio tulikuwa tunanunuliwa. Hata waalimu walikuwa wanaajiriwa na Serikali. Hta kama sasa wanasema elimu ni ya bure, siyo ya bure manake sasa tunachangia kama 90%. Kama haitawezekana, ninapendekeza mchango wa wazazi ukua kama 20%.

Matibabu – Haya ni magumu. Nikienda kama Machakos Hospital nalazimiska nilipe kadri 50/=, matibabu naitishwa pesa na halafu inanibidi ninunue dawa. Pendekezo langu ni kwamba, hospitali ziwe za bure.

Ndoa – sasa nasikia kuchapa bibi ni makosa. Sisemi ni mzuri lakini ikiwa hatunzwi pengine na kofi moja hivi, (laughter) itakua nimekaliwa mimi.

(Interjection - laughter)

Watoto: Kuna sheria imetolewa ati mwalimu hana mamlaka ya kuwachapa watoto wakiwa shule. Hii imeleta shida kwa sababu hata wakiwa parade, unakuta mtoto anangalia upande mwnyinyingine. Ukiuliza mtoto ametumwa nini, hajui; inanilazimu mimi niende shule kumuliza mwalimu. Adhabu itolewe hata kama sikubwa – kiboko moja hivi. Yangu ni hayo.

Com. Wambua: Asante kwa maoni yako mafupi na mazuri. Jiandikishe hapo. Huyu mzee ndiye atakua wa mwisho, na taja jina lako na utoe maoni yako kwa ufupi manake mimi naona wewe ni mtu wa maneno mafupi.

Muthoka Mutunga: Naitwa Muthoka Mutunga.

Uchaguzi wa MP: Napendekeza wananchi wapewe full mandate ya kumuondoa MP kama hafanyi kazi. Vice President – achaguliwe pamoja na wajumbe wale wengine ili awe na nguvu akiwa Parliament. Waalimu- shirika la waalimu – napendekeza waalimu wawe na uhuru wa kuchagua mjumbe mmoja kuwaakilisha katika Parliament.

Mishahara – Serikali iwe na tume moja ya kuangalia mishahara ya Civil Servants, MP's, employees an watu wote iwe uniform. Councillors – tunawachagua lakini tunaona wanataabika kwa sababu hawalipwi vizuri. Napendeza wawe wanalipwa na Central Government.

Cost sharing – as long as parents pay tax, sioni kwa nini wanaitishwa pesa katika shule. Napendekeza cost sharing itolewe kwa sababu we pay taxes. Appointment of Ministers – napendekeza kila wizara ipewe professional wa hiyo kazi kuwa Minister. Nominated MP/Councillors – Napendekeza hii itupiliwe mbali kabisa

Com. Wambua: Bwana Muthoka Mutunga, asante tumefika mwisho wa kikao hiki kama kuna mtu ambaye kwa kweli alitaka kuzungumza, na aliandika jina azungumuze, na yuko hapa, anaweza kusema. Wale walisema watapeana, written memorandum, tayari walipewa nafasi na watu wametoa. Kwa hivyo kama hakuna tumefika mwisho wa kikao hiki hapa kalawa. Sijui mama unakikaribia wataka nini? Peana memorandum huko. Ningelipenda kuwashukuru wote a mlifika hapa kutoa maoni. Sisi kwa niaba ya tuma, na wenzangu ambao tuko nao hapa; Pastor Zablon Ayonga, commissioner na katibu wetu Bwana Patrick Lumumba Otieno, na kwa mimi Paul Musili Wambua na wote tulikuja nao kutoka tume – Collins Mukewa, Nderitu na

Wambua, ningelipenda kuwashukuru wote.

Maoni ambao mlitoa ni mazuri na ya kufaa. Tutahakikisha ya kwamba yataingia kwa ile ripoti tutatengeneza hiyo ripoti itawafikia ndio muisome mhakkikishe ya kwamba ile maoni kweli mliyoitoa iliingia kwa repoti. Kwa hivyo hatujamaliza hii process, ingali iko. Tutarudi hapa kwenu tukiwa tayari tumeitengeza hiyo ripoti na halafu mtaichunguza. Kama kuna mapoendekezo zaidi ningependa kutoa, mtayatoa. Kwa sasa kikao tutafunga na sasa namkaribisha mwenzetu hapa Pastor Zablon afunge kikao kwa maombi. Anaweza kutoa maneno chache kabla ya hiyo. Kama mkumbwa wetu ambaye ni katibu anataka kutoa maneno machache, hata yeye mtamkaribisha.

Pastor Zablon: Sina la kusema. Nawashukuru nyote ikwa vile tumeshiriki. Tulipoanza asubuhi, tulimuomba mwenyezi Mungu atulinde kwa hiki kikao ili tutoe maoni kwa njia iliyofaa Mungu ametimiza hayo. Sasa tunapofunga mkutano, tunataka tumshukuru na tumuombe kwamba atubariki, ili turudi nyumbani salama salamini. Ningewaomba nyote tusimame ili tuombe.

“Mungu Baba wetu uliye juu mbinguni, tunakushukuru kwamba umetimiza ahadi ambayo tulipoomba katika maombi yetu ya asubuhi umetuleta hapa salama salimini, na tumefanya kazi ambayo ilitufaa tufanye siku ya leo. Tunakushukuru kwa hawa wote ambao wamakuja siku ya leo na tunaomba kwamba haya maoni ambayo wametoa, Mungu wetu unayangalia na unaona shida za watu wako. Tunaomba kwamba utasaidie sisi wote na haswa hili tume ambayo imetawanyika kote nchini kwamba maoni wakusanya kutoka kwa wananchi, yawezo kufikiria na kutimiza lile tengo lao.

Sasa tunapotengana hapa na ndugu zetu na dada, wema wako uende na kila mmoja wetu, mpaka siku nyinyingine, tutakapo weka ile Katiba katika mikono yetu, zote tuweze kusema, hii ndio ili Katiba yetu na kila mmoja wetu aliichangia na tunaweza kuitunza ili iweze kutuhifadhi na kututunza katika nchi yetu. Sasa tuende na wema wako, na amani yako ibaki kwa wale wanaobaki hapa na tumejitia mikononi mwaka na malaika wako watatu tunza njiani kote na kutoa ulikwazo vyote vile ambavyo vingeletwa na yule muovu. Maisha yetu tumeweka mikononi mwako na mapenzi yako yatendeke kwani twaomba kwa jina la Yesu ambaye ni Bwana wetu – Amen.

Hebu kuna neno moja.

Com. Wambua: Wapi Co-ordinator?

Members wa 3 c's. I hope you accept our gratitude for having facilitated the work of the commission in this district also having done a good job to mobilise people to come and give their views to the commission. On behalf of the commission, please accept our thanks and gratitude. Asanteni sana. Na pia kanisa. Tungelipenda kushukuru kanisa kwa kutupatia nafasi na kuhakikisha kwamba kikao kinafaulu. Please accept and communicate our gratitude as a commission.

