

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS,

MWINGI SOUTH CONSTITUENCY, HELD

AT MIGWANI SEC. SCHOOL,

ON

3RD June, 2002

**CONSTITUENCY PUBLIC HEARINGS, MWINGI CONSTITUENCY, HELD AT MIGWANI SECONDARY
SCHOOL, ON 3RD JUNE 2002**

Present:

1. Com. Paul Wambua
2. Com. Idha Salim
3. Com. John Kangu
4. Com. Pastor Ayonga

Secretariat Staff in Attendance:

- | | | |
|---------------------|---|-------------------------|
| 1. Teresia Apondi | - | Programme Officer |
| 2. Metrine Wakhungu | - | Asst. Programme Officer |
| 3. Lydia Moraa | - | Verbatim Recorder |

The meeting started at 10.12 A.M. with Com. Salim Chairing.

Com. Salim. Hallo, hallo. Sasa nafikiri tuko tayari kuanza shughuli zetu. Ma commissioners wako tayari, na nyinyi wanainchi mko tayari. Kwa hivyo tutaanza tu, kwanza na maombi. Mtu mmoja tafadhali, ule ako na roho, aje mbele atuombee. Tafadhali mtu mmoja. Kuja utuombee.

Joseph Musyoka Muthangya: Na tuombe; Asante Mungu Baba, tazama siku ya leo Mfalme wa wafalme. Ni siku ingine njema ambayo Mfalme wa wafalme, umeipanga kabla sisi kuipanga. Tazama tunaenda kuanza kazi yetu ile ambaye ilikutusanyisha hapa, Mfalme wa wafalme. Tunaomba kila mmoja mkabithi mikononi mwako. Nenda Yesu Kristo ukatubariki katika mapenzi yako. Enda ata wale watatoa maoni Mfalme ukawabariki. Tazama ata ma commissioners walio mbele ukawabariki Mfalme wa wafalme. Enda ukabariki ata inchi yetu. Enda ata ukabariki hata Mfalme wa wafalme, enda ukabariki ata raisi aliye katika kiti Mfalme. Enda ukabariki kila kiongozi, na uwongozi wake Mfalme wa wafalme, tazama tukianza Mfalme, tunajiweka mikononi mwako. Enda Yesu Kristo tukamalize vyema, na tukiona tumemaliza Mfalme, hatutasahau na kukurudishia asante. Enda Yesu Kristo ukawa nasi. Na nikatika jina la Yesu Kristo tunaomba. Amen.

Speaker: Asante kwa maongozi haya ya maombi. Sasa, nitampatia chairman wa kikao hiki, ili aendeshe mkutano, Professor Salim. Awajulishe commissioners, na wale officials wengine wa commission amekuja na wao, alafu (Interjection, Inaudible) Haya, nimeambiwa kwanza, nifanye introduction. Kwa wale members wa 3Cs wamekuja hapa, tafadhali msimame, pahali mlipo. Pande hii ya kushoto kwangu, tuko na Bw. Benjami Kithonga, member wa 3Cs, inua mkono wakuone. Huyo anamfuata ni Franci Nyango, member wa 3Cs. Na pande, ule mwingine wa kulia, tuna mama mmoja ambaye ni Lena Kianda, ni member wa 3Cs. Ni hawa. Wale wengine nataka ku introduce ni Bwana D.O wetu. Asimame Bwana D.O, Bw. Sigei simama, asante. Na nafikiri Chief pia yuko hapa, Bw. Musyoki. Nafikiri pia hapa tuna ma councilors wa kadha, wasimame tafadhali, councilors muonekane. Councilor Muli, inua mkono, Coucilor Mbosio, asante sana kwa wale mmefika.

Basi viongozi, mheshimiwa nilikuwa nataka aje mbele lakini. Sasa, kama vile mnajua, tuko na bahati mweshimiwa wetu Bw. David Musila, pia amejiunga na sisi kwa kikao hiki na kwa hivyo ningemuuliza tu akaribishe wageni wetu, ambao wamekuja hapa. Bwana Mheshimiwa Musila, tafadhali kuja karibisha wageni.

Mheshimiwa Bw. Musila: Bwana mwenye kiti wa kikao hiki, ma commissioners wetu, ma coordinators, Bwana D.O, ma Chief wetu, ma diwani, mabibi na mabwana, mmesikia, nimepewa jukumu ambayo ni rahisi sana. Kwanza nafikiri ni historia, kwamba tuko hapa ili kuweza kutoa maoni yetu juu ya katiba ambayo tunatarajia irekebishwe. Kwa hivyo, nafikiri kwanza ningependa kushukuru, ya kwamba commissioners, wameona ya kwamba inafaaa, kutupatia fursa ya kuwa na kikao hapa Migwani, kwa sababu nafikiri tangu dunia iumbwe, hatujakuwa na mambo kama haya. Pia ninajua ya kwamba commissioners wamepanga kufanya kazi kubwa katika wilaya yetu ya Mwingi, kwani watakuwa hapa leo, na wako upande wa Seikuru pia. Kesho watakuwa Mwingi, na watakuwa Mui, wakakuwa Kyuso, na watakuwa Nuu. Kwa hivyo, yenyewe ni kuonyesha vile serikali imejitolea ya kwamba maoni ya wanainchi yakusanywe, ili kuhakikisha kwamba katiba ambao itaandikwa, inaandikwa katiba ya vizazi viko, ambao viko na vizazi vijao. Kwa hivyo nitatoa heko sana, kwa jambo hili.

Kama mjumbe wa Mwingi South, ambao hii ni moja wapo ya tarafa ambazo ni za constituency yangu, na pia ni karibu na nyumbani kwangu, ningependa pia kuchukua nafasi hii kusema karibuni sana kwa wazee hawa, ambao ni wazee wamejitolea sana, kuhakikisha ya kwamba tunapata katiba. Ambayo inaweza kufaa inchi hii kwa siku zijazo. Kwa hivyo sasa mimi niko

hapa kama raia, tutakuwa pamoja na watu wangu hapa, Mungu akipenda, nitajaribu pia kuenda Mwingi kesho, kujaribu kusikia vile wanainchi wanasema. Ikiwa nitapata nafasi pia, nitakuwa na maoni yangu baadaye, lakini zaidi nafikiri tuko hapa kusikia. Na mimi najua, nimeona nikija, watu ni wengi ambao wanakuja hapa, kwa hivyo nataka kuhakikishia ma commissioners kwamba tukiendelea, wanainchi watakuja kwa wingi kwa sababu wana hamu sana, kutoa maoni yao.

Kwa hivyo sisi tuko hapa, tunataka kuwakaribisha ki Africa, kwa sababu mila nikuwakaribisha nyumbani, mjisikie mko nyumbani. Na tunashukuru sana, na licha ya mambo mengi ambayo inasemwa kuhusu commission, ningependa mjuwe ya kwamba tuna imani sana na commission hii. Na tuna shukuru sana, tunajua kazi ni ngumu sana, ambayo mnafanya. Kwa hivyo muwe na moyo, msivunjike moyo, msemi; hawa, unajua sisi kazi yetu tumeandikwa kuzungumza mambo hivi na hivi. Lakini kwa jumla nataka kuwahakikishia kwamba we are appreciating, we appreciate your work and we have confidence that in the end, you will lead this country to the constitution. Thank you very much.

Speaker: Asante mheshimiwa Musila. Sasa nitarudisha microphone kwa mwenye kiti. Lakini kabla sijafanya hivyo, wale wanaojiandikisha nafikiria watatoa maoni. Huku nyuma kuna administration, kwa hivyo pitia pale upeane jina lako, na kama utazungumza ama hivyo utazungumza na huko na maoni yako imeandikwa, uandikishe hivyo tafadhali. Kwa hivyo, usije ukakaa hapa, kabla ujaandikisha kule. Kwa hivyo fanya hivyo tafadhali.

Com. Salim: Hamjamboni tena?

Crowd: Hatujambo.

Com. Salim: Kwa niaba ya wenzangu hapa, ningependa kumshukuru mheshimiwa David Musila, kwa ukaribisho wake mzuri. Na, kama alivyosema, ingawa kuna misukosuko hapa na pale, na maelezo juuya commission na tume, hapa na pale kwenye magazeti na kadhalika. Kama alivyosema, tutakuhakikishia kwamba kazi hii tutaifanya kwa nia halisi, kwa moyo wa kiungwana, kwa uwezo wetu tukiwa ni wanainchi kama nyinyi. Tumepewa kazi hii ya kurekebisha katiba, tungetaka kuwahakikishia kwamba kazi hii tutaifanya kwa moyo wetu halisi kabisa, kama ambavyo tuliapa kuwa tutafanya hivyo, basi sote tutafanya hivyo.

Ningependa kuanza kwa kuwajulisha sisi ni nani. Kwa upande wangu wa kulia, tunaye Commissioner Paul Musili Wambua. Mimi naitwa Ahmed Salim. Kwa upande wangu wa kushoto, ninaye Pastor Ayonga, ambaye ni commissioner. Na mwisho kule, tunaye mwenzetu, commissioner John Kangu.

Mimi naitwa Ahmed Ida Salim, pia ni commissioner, na naibu wa mwenyekiti. Kwa upande huu tunao ma officer wetu kutoka ofisini kule Kencom House, kikao chetu kikubwa cha commission. Kazi yao kama unavyoona, nikuhakikisha kwamba kila neno, kila maoni au onyo litakalo tolewa hapa, litaandikwa pale. Sisi wenyewe pia, tutaandika, na zaidi ya hivyo, kila neno litanaswa kwenye machine ya kunasa maneno. Hii ni ya kuhakikisha kwamba maoni yetu zote hapa leo, yatashikwa, na

yatapelekwa Nairobi, ambapo kuna vikundi maalum cha visayansi, cha maarifa ya kisanyansi, ambao wataanza ku analyze yale maoni. Kazi hii imekuwa ikifanywa kitambo, kila tukipata maoni katika constituency yeyote, tunapeleka headquarters na headquarters wanaendelea na kazi yao.

Kwa hivyo, tunawahakikishia kwamba kazi hii tutaifanya kikamilivu, kwa kila njia. Maoni yenu, mnaweza kutupa kwa njia moja kati ya njia mbili. Ama kwa njia ya maneno au kikauli, au mdomo, au kwa kuandika maoni. Na nafikiri wengi kati yenu, au wengine kati yenu, mmekuja na memorandum, maoni yaliyo kwisha andikishwa. Wale ambao watatoa maoni yao kimdomo, kiulimi, tutawapa kwa mwanzo dakika kumi. Kwa kiasi cha juu kabisa, si zaidi ya hiyo. Na kama mwonavyo, na kama mheshimiwa alivyosema, tutaradhi wanainchi wengi watafika kutoa maoni yao. Na ni siku ni leo tu. Kwa hivyo tutaanza kwa kumpa yule mwanainchi ambaye amejitayarisha kutoa maoni kimdomo, maximum dakika kumi. Yuke ambaye ana memorandum yake, tutampa dakika tano, kwa sababu, memorandum yake tutaichukuwa na kuisoma. Kwa hivyo kazi yake itakuwa ni kutueleza yale yaliyomo katika memorandum. Mini katika memorandum hii, nimegusia mambo matano, mimi katika memorandum hii nimegusia mambo sita, nayo ifuatavyo. Jambo hili linasema hivi, jambo lile limetoa onyo hili, jambo hili la tatu, pendekozo langu ni hivi.

Na tujaribu kadhiri tuwezavyo, tuwe focused, zaidi kwenye tungependa mapendekezo. Tunajua shida zetu, sote ni wakenya. Tunajua matatizo yetu ya kiuchumi, ya kijamii, ya kisiasa pia, kwa hivyo tusingapane maelezo marefu juu ya matatizo yenyewe, tuseme tu. Kuhusu jambo hili, kuhusu elimu mimi ningependa jambo ili lifanywe. Kuhusu ardhi ama shamba, mimi naona kuna tatizo ili kwa ufupi lakini ningependelea tatizo ilo liondolewe kwa kufanya hivi na vile. Kwa njia hii, mapendekezo yenu na maoni yenu yatakuwa ni wazi na kwa point kwa point, itakuwa rahisi pia kwetu sisi kuyafuata.

Na mtu anaweza kutumia lugha ya Kiswahili, Kingereza au Kikamba akitaka. Tutafanya matayarisho kutafsiri ikiwa ni lazima. Lakini tutasave time ikiwa tutasema Kiswahili, lakini sitaki kumzuia mtu kusema Kikamba akitaka pia, au Kingereza. Njia yeyote, muhimu ni kwamba mtu, apate nafasi kutoa maoni yake kikamilivu. Nafikiri tumefahamiana, na tumekubaliana kwamba hii ni njia ambayo sote tutaifuata. Kwa maelezo hayo mafupi, sina la kufanya sasa, ila labda kumwita mwenzetu ndugu wetu wa kwanza aliye jandikisha hapa. Maana tutaifuata utaratibu ulioko kwenye registration forms. Yule aliyekuja kwanza ndiye atakayetoa maoni yake kwanza. Na pia ningekumbusha kwamba maoni yenu ni muhimu, lakini kwa vile ambavyo tumefahamishwa kufanya kazi hii, tungependa kuwe na diversity. Utafauti ulioko katika inchi yetu, nataka tuupate katika vikao kama hivi. Kwa mfano hivi sasa naona, hakuna dada au mama yeyote aliyefika kutoa maoni yake. Wako, vizuri. Kila wakiwa wengi zaidi, tungefurahi zaidi. Tungependa vijana, akina mama, wazee, walemavu pia, naona mwenzetu mmoja labda, na tungependa maoni yawe ni diverse. Hivi ndivyo tulivyo amrishwa. Kuhakikisha kwamba tusichukuwe maoni ya watu wazima peke yao. Pia kuna vikundi vingine ambavyo tutahitaji kupata maoni yao, lakini tuombe kwamba wakati ukipita, wenzetu hawa wengine watafika tupate hiyo diversity.

Kwa hivyo nisipoteze wakati. Pia mwenzangu Pastor Ayonga amenikumbusha, kwamba tunaye kati yetu, officer ambaye

anaweza kutafsiri kwa wale wenzetu ambao wana shida ya kusikia. Hawasikii vizuri au hawasikii kabisa. Tunaweza kupata maoni yao, na pia wao wanaweza kufuata yote yanayosemwa hivi leo akitaka tumsaidie. Kwa hivyo akiwa yuko, tafadhali aiunue mkono wake, tuhakikishe kwamba yule mwenzetu hapa, mfanyi kazi mwenzetu atakuwa tayari kumsaidia. Yuko mwenye shida ya kusikia? Hayuko? Hata hivyo hebu tujulishe mwenye sign language ni nani.

Pastor Ayonga: Kuna Christopher and Mutia, I think they have registered. Okay, this letters will just be kept for record because we have their names here and we will call them.

Com. Salim: Kwa hivyo bila kupoteza wakati, ningependa kumwita mwenzetu wa kwanza kabisa, aliyejiandikisha kuto maoni yake, Nduna Advocate. Na tafadhali, Bwana Nduna ukimaliza utaelekea kwenye desk pale, ambapo utajiandikisha kuwa umetoa maoni yako na memorandum yako itawekwa pale. Kwa hivyo baada ya kumaliza mtu atabakia pale, uenda mwenzangu mmoja hapa, angependa ufafanue kidogo, umweleze jambo ambalo si wazi wazi. Labda mtaulizwa maswala ili tupate maoni yenu wazi kabisa. Kwa hivyo mtabakia pale mpaka tuwambie asanteni, na mrudi kwenye viti vyenu. So, Bwana Nduna over to you.

Nduna Advocate/ James Musee Nduna: Asante sana ma commissioners kwa kunipatia huu muda wa kuwa mtu wa kwanza kupeana maoni. So, I am very grateful to be the curtain raiser here and what I have is a memorandum, but I will ask to be given enough time for, even those who are presenting oral views so that I can briefly just erase what I have.

Juzi tuliweza kufika kule Kencom House na tukapeana maoni. (**Interjection**)

Pastor Ayonga: Please give us your full names, start with your names.

James Musee Nduna: Asante. Majina yangu yote, majina kamili ni James Musee Nduna. Mimi ni wakili katika taifa ili letu la Kenya. Asante. Haya, kwa kifupi vile ningependa kusema ni kwamba maoni kuhusu vyama vya kisiasa nimeweza kuyapeana mbeleni, na hivyo basi sababu ya muda sitaweza kupitia pale. Lakini kwa kijuu juu ni kusema ya kwamba, Kenya yetu siku ya leo imekuwa na vyama mingi, karibu arubaini na mbili na tungependa katiba iangaliwe, ihakikishe kwamba utakuwa mwelekeo ambao tutaweza kuwa na registrar of political parties pale. Ikuwe chama isikuwe cha watu wawili, tatu pale. Iwe, watu lazima wakuwe karibu million mzima. Na ile million mzima ikuwe inatoka ktika Province zote za Kenya. Tuseme 20% from every province. Na zile chama ziwe, isikuwe ni chama ya mtu binafsi, ikawa hata wenye kutaka kuchangia hawawezi kuchangia, hakuna recruitment yoyote inafanywa mahali popote. Registrar of political parties, anahakikisha ya kwamba parties only finance their activities from the contributions of those one million members. Sasa chama ikiwa na million moja, na kila mwezi ikuwe ni shilingi kumi kumi, basi tutakuwa tunawapatia million kumi kila mwezi? Basi hiyo million kumi, watafanya kazi yao, na tutaweza kuwauliza, mlipoleka pesa yetu wapi. Lakini kwa leo, utaona ma commission kwamba, chama ziko na wenyewe na ziko na makabila zile ambazo zimewa support. Kwa hivyo inakuwa pollification of very many parties, na

inaongeza hii tribalism ambayo inaendelea. Hiyo maoni imeandikwa na mtaweza kuyachukuwa , mkifika kule muweke kwa katiba.

Jambo ambalo ningependa kuangalia siku ya leo, hio dakika tatu, nne zimebaki. Ni tuangalie maneno ya bunge ya Kenya. Tukiwa hapa tunasema, kwamba Kenya ikuwe bunge ndio juu ya president, isikuwe president ndio mkubwa wa bunge. Sababu ni mmoja wapo wa wale wabunge pale. Ikuwe this, what we are proposing is a parliamentary system, where the parliament is supreme, rather than a presidential system. Kwa sasa mmeelewa kwamba nguvu ambazo zimepewa raisi na katiba yetu zimezidi ajabu. Wengi wenu mtajua ya kwamba ata sote ambao tuko hapa makazi zetu nini zote, tumezikalia kwa mapenze ya raisi wetu. Hivyo basi inakuwa, sote basi ni lazima, saa ile unafanya kazi yako ni lazima uangalie kama unakanyaga pande gani. Sio, sasa inakuwa ni gumu watu wangu wetu, kufanya kazi zetu bila kuwa influenced by that kind of a system.

Nikigusia hapa, siku ya leo, nafikiri mnaelewa kwamba bunge yetu ya leo, iko na mabunge mia mbili na ishiri na mbili. Lakini forum pale, imeelezwa section ya section ya katiba inasema, watu wakiwa mbali mbali wanaendelea na biashara ya bunge. Wapi wale wengine mia moja na ngapi? Mia moja sijui na sabini wale, wanatember tu kule, wanafanya biashara tu lakini bunge inaendelea, 35. I think this should be corrected today. That when this constitution was written, I think parliament had about 30, 40, 50,60 members. So 35 could have been 50 percent by then. Ile number ikuwe improved, si utuseve 70%. Ikuwe bunge ikitransact business, it is (Inaudible). Lakini wale watu 35 wale, wanafanya business, wanapitisha mswada (Interjection)

Com. Salim: Tafadhali uta reduce maelezo, utupe mapendekezo

James Musee Nduna: Asante. Haya

Com. Salim: Pendekezo lako juu ya forum, ungependelea aje?

James Musee Nduna: Asante mwenyekiti. On forum, ningependekeza hivi. Iwe forum out of 220, iwe ni 180, sawa sawa? 180. Ningependekeza tena, biashara ya bunge isifanywe kuwa ni part time, ati pale ni kuingia pale Tuesday unarudi Thursday. Ifanye kazi kama ile ingine. Unafika pale Monday mpaka Friday, unateremka weekend na wale wafanyi kazi wengine. Sababu ile mshahara imekuwa kubwa, iwe basi ifanyiwe kazi. Ndio ikuwe hakuna kufanya part time.

Haya, sessions za bunge, ningependa ile section inasema eti ukiingia pale mara nane tu, usiporuka mara nane bado uko bunge. Iyo upunguzwe ikuwe mara mbili, ukiruka mara mbili bila sababu mzuri, bila kuelezea speaker, basi ujapotesa kiti yako. Sababu kuna wengi wanangojea wawe pale kila siku, na sasa ikawa wewe nawe, uko inje, uko wapi, you know? Alafu ukiingia pale, sio ile technical. I would have proposed, ukiingia you do a session. Tuseme kama ni afternoon or a morning session, si unaingia pale ma saa moja, unaambia speaker, si umeniona alafu unatoka inje. Hiyo itakuwa mbaya, hatuendelei

vizuri.

Commissioners kwa kumaliza tu, ningependa kuzungumzia mambo ya basic rights, chapter five. The right to life. Inasemekama imepeanwa katika katiba. Lakini ile iko ni kwamba, we have life but we have empty lifes. Tunaishi maisha ya upweke kabisa. Sasa ile kunipatia maisha peke yake, haujanipatia chakula bwana, haujanipatia tuseme matibabu, mimi niko na maisha? Katiba iandikwe kusema kwamba maisha yanapeanwa na Mungu, lakini ile hali ya kuishi maisha ya quality life, meaningful life, ndio tuweze kuona kama, mwanainchi akilipa ile kodi yake, akiobey zile sheria ziko zote, alafu akipiga kura yake mwisho wa miaka tano, si apewe haki yake iwe sasa yule pale anapewa ile basic rights. Tuseme kama health, education, social security, vitu kama zile, ziwe pale. Ikuwe, si ati ni bahati, serikali imeonelea iwasaidie, ni pesa yenu mmepeana, na basi iwe basi kama umepeana pesa yako basi, urudishiwe kile ulikuwa unapeania pesa yako. Otherwise I am proposing that the constitution be amended accordingly. To provide that the citizen may withhold even payment of taxes, if satisfactory public services are not provided by the government. And, this can be done by a decision, which can be a vote of no confidence in the government, passed by a clear majority in parliament. Ikuwa isikuwe ni pale, ni kama msaada wale wanapewa. Madawa pale hospitali ni msaada na umeshatoa kodi yako. Hiyo itakuwa mbaya sana, na haitakuwa mzuri. Kwa hivyo basi ningependa kushukuru hiyo wakati mdogo nimepewa na niseme ni vizuri kabisa na Mungu awabariki.

Com. Salim: Asante Nduna. Tafadhali utabakia hapo, kuna mwenzangu commissioner Wambua ana swala ya kutaka ufafanue, lakini kwa ufupi pia utafafanua.

Com. Wambua: Ningependa, swala moja ambao tunatakiwa sisi kama ma commissioner kujaribu kupokea maoni kutoka kwa wanainchi ni kuhusu, kama tunaweza kuweka kiasi cha vyama vya kisiasa. Ukutaja hivyo, ungependa kuwe na vyama vingapi vya kisiasa. Pili, should they be financed, zipewe pesa na serikali? Tatu, ulisema unataka ile seatings zipunguzwe ziwe mbili, kuna ile shida ya technical appearance. Are we concerned about the seatings or the contribution. How do we go about that?

Peter Musee Nduna: Asante, nitajaribu kwa muda uliopo, Professor anaonekana anasema muda wake haupo tena, lakini nitajaribu tu nijibu kwa dakika moja aongee.

Maneno ya vyama, ambayo nimekuwa nikiguzia maneno yake. Ni kwamba, tukipitisha ule mswada, ambao unasema, vyama viwe na nambari fulani ya wenyeji. Ile number yenyewe itapunguza vile vyama vingi ambavyo vimetokea, sababu hazina zile following, national following. So, I think in itself, will bring some control as to how far you can go around registering political parties. Hiyo peke yake kusema, lazima, you have to go through out the country. Physically connecting registration, unatoa kadi, kama ile ilikuwa, sijui ilikuwa ya jogoo. Pale ulikuwa unachapa ile shilingi kumi mwisho wa mwezi. Ikuwe hiyo ndio kadi yako ya kuonyesha wewe ni mwana chama wa chama fulani. Basi kwa hiyo, kwa kifupi tu, naonelea kwamba, ikiwa ile number itakuwa increased, minimum nikisema million moja commissioner, nasema ikiwezekana iwe chama moja. Kama watu wote

wangependelea tu chama moja, lakini a million ikuwe minimum.

Sasa kwa hivyo basi mimi naonelea, kama wale watu ambao wako na above 18 years, ni kama million, about out of a population of 30 million in this country. I think we have about 14 to 15 million, who are above 18 years. Wale 14 to 15 million, wakikujiwa na hawa watu wa vyama, waambiwe, can you register. The maximum we can have is 15 political parties, and those 15 political parties will definitely die out. Because I don't see a point of 15, the chance is that we are going to have 3,4,5, which are going to have a national hope all over the country.(Interjection)

Com. Salim: Asante

Peter Musee Nduna: Kwa hiyo hiyo, nimeulizwa nani ata finance political parties. Na vile nimesema ni kwamba, mwanainchi wa kawaida ambaye ndio member, ndio ata finance political party. Kupitia kwa recruitment drive, ile inafanywe. Kila mwezi ukipeana shilingi kumi, kama mko million moja, mmepea chama million kuma kwa mwezi. Na chama inafaa kuendelea. Singependelea wakati ambapo inakuwa ni mtu mmoja tu anatoa million zake hamsini, na wale watu wengine mnaambiwa mukae kando, mtakuja kuelezewa vile maneno inaendelea ya chama. The people have to be involved, the members.

Maneno ya technical appearance uko bungeni. Hiyo kupingana nayo, enyewe kila mtu anaweza kuenda parliament the whole day lakini si ati ilikuwa usingizi. Mnaelewa siku hizi bunge imejaa, viti zimekuwa chache, ndio kwa sababu we are being told the seats, I think they are slightly less. I think the most important thing here, is that when you go there, there will be my proposal, a parliamentary entry testing examination council. Kabla uingie pale, ikuwe, you are also the material which can participate in debate. Isikuwe pale tunaongea maneno ya katiba, and then about 70 of Members of Parliament have not even seen the constitution with their eyes. Sasa itageuzwa aje na wale, kama hata kuiona wajaiona, wacha ata kuisoma bwana. Sasa itakuwa pale kuna shida, ikuwe ukiingia pale, ndio uweze kuwa una contribute kwa mijadala pale. Uwe umefikia kiwango fulani, sitaki kusema form four, university, hapana. Iwe mtihani ule unaangaliwa na committee fulani. Isemwe ukipita hii mtihani umefaulu, ukienda pale inaonekana hautakuwa mtu wa kulala lala pale. Ni asante sana.

Com. Salim: Thank you very much. Asante Bw. Nduna. Na ofisa wetu pale, Teresia Apondi, atakuwa akigonga juu ya meza, kumweleza mwanainchi ya kwamba wakati wake umekwisha. She will be our timekeeper. Tukiendelea mbele tunamwita Clete, is it Clete of clete or Nzili Advocates? Please start with your name of the name of your company.

Christopher Nzili: My name is Christopher Nzili. I am a programmer's Officer, with community legal education and advisory trust, based in Mwingi. For the last 9 months, we have been doing legal Aid services and legal awareness campaigns in Mwingi district. And I stand here today to give views from our percespective as legal Aid presenters in this district. We have had an opportunity to give our views before this commission of Thursday last week, and briefly I will run through the contents of our memorandum. Our Executive Director is Mr. William Musyoka, he is appearing before your panel in Mwingi, giving a similar

but different views.

Firstly Mr. Chairman, we are saying that let the preamble in this country recognize that we are a large ethnic and in our view there is nothing wrong with being a Kamba, there is nothing wrong with being a Luo. We also said that, once that party is recognized, then it means that our unique cultural, economic, social and political rights should also be recognized.

Secondly, we are saying that the labour laws in this country; the constitution should recognize the right to employment. Mr. Chairman it is a fact that, we inherited our labour laws from the colonial state we had in Kenya. It has not been updated to serve the interest of Kenyans. We are saying that some jobs our people are doing, are degrading, and are inhuman. We are saying that, this laws, employment laws in this country were created during the industrial revolution in Europe, about 300 years ago, and we are still going by the same laws. So those ones should be taken care of in the constitution.

Thirdly Mr. Chairman, environmental rights; we are saying that, even though the environmental and management Act was passed by parliament, our constitution does not recognize environmental rights. Not only, for those of us who are living now, also for those of us who come inwards, many have said the future generation to come.

Mr. Chairman, we are also saying that the police powers in this country, are abusive. The police themselves are operation in very degrading and inhuman working conditions. So, how would you expect them to be Utumishi kwa wote, when their rights are also not being taken care of. (**Interjection**)

Com. Salim: So, what is your proposal?

Christopher Nzili: My proposal is that, security rights for the police themselves. Salary rights for the police themselves. I am also proposing that, we have community policy, in which case, the locals will be involved in recruiting the police themselves.

Mr. Chairman, on the media rights; we are saying that the media in this country and elsewhere plays a very important role, to enlighten the society. They also package technical information in a form, which is consumable by the society. We are saying that, the bill that was passed by parliament the other day, is sending the wrong signals. Particularly in a situation whereby we need our Kenyans, our citizens should be informed. My proposal is that, in this age of information communication technology, we should have libraries, we should have local libraries. We should also have our statues, this country we have close to 800 statues, they are not written in Kiswahili, they are in English. We are proposing that the constitution be written in not only Kiswahili, but also other vernacular languages.

Mr Chairman, we are also proposing that printing and distribution of statues be decentralized. Mr. Chairman we only have the government printer in this country. It is not very common to the common mwanainchi as it were. We would propose that we have liberalization; we have privatization of that office, so that statues can be printed and also no reports can be printed by other

Kenyans, the private sector.

Mr. Chairman, on the reforming of the judiciary; we are saying that our people, our people do not understand their rights when they go to court. Mr. Chairman, when they are told, Unaweza kupeana malilio, mitigation. They start saying 'I never did it', the court has already founded the fact that you are guilty, so you are supposed to give reasons why there should be leniency. We are proposing that we have constitutional law, we have bill of rights being taught as a subject in our schools. We are also proposing that government officers to undertake a compulsory paper on human rights, on constitutional law, at least once per year. It is not as it is now, when they do it when they are being trained to be D.Cs, P.Cs and so on and so forth. Let it be on a regular basis.

Mr. Chairman, on the civil service; we are saying that the civil service is very complex, it is very remote from the people, and it is not understandable by the local mwanainchi. Mr. Chairman we are proposing that we have a more simpler civil service. Sometimes it takes, two, three days for a decision to be made. I am just saying that, that should be simplified.

Mr. Chairman, about the economy and economic rights; we are saying that livestock has not, most of the people in Mwingi keep cattle. Livestock has not been taken as part of Agriculture. Mr. Chairman we have had stable funds, stabilization funds are only being applicable to coffee and tea. We are saying that livestock should also be taken as part and parcel of agriculture. Then lastly; we are talking of globalization (Interjection)

Com. Salim: You should sum up because we have your memorandum to refer to, you should give us your memorandum.

Christopher Nzili: We are saying that when treaties are being signed. We are proposing that we have referendums. We have the common mwanainchi ascending to that. We are saying that let not the Chief Executive sign on behalf of Kenyans. The common mwanainchi should be consulted whether they want to become part of East African Community or not. With those few remarks, or many remarks, we hope that this constitutional review commission, is going to serve its purpose and Kenya will have a strong constitutional framework in future.

Pastor Ayonga: The governmental rights which should be contained in the constitution, I think we would appreciate if you could just highlight what rights are this you have in mind.

Christopher Nzili: Firstly, I am proposing that we have a right to clean and safe environment. Mr. Chairman that will take care of pollution, that will take care of companies, which are not producing goods which are environmentally friendly. We are also saying that, these rights should not only be for those who are alive, also for the future generations. Mr. Chairman I am saying this in connection to dumping of, we have dumping of consumables in Mwingi. We have cases of cancer rising, we have very many goods which are coming from Somalia and they are finding their way to our people. (Interjection)

Pastor Ayonga: It is your proposal that they should

(Inaudible)

Christopher Nzili: Yes. Then secondly, also right to consumer information.

Then I would also propose that we have citizen centres where information can flow in, particularly on environment mismanagement.

Com. Salim: Thank you Mr. Musili. James Maluki? Please be conscious of time, ili, ndio wanainchi wote walioudhuria wapate nafasi, naona wanazidi.

James Maluki: My names are James Musyoka Maluki, a retired teacher. Now a businessman. Mr. Chairman, I am going to give my views as an individual and I propose that the new constitution, should provide for a coalition government or a prime minister, who should then appoint Ministers, Assistant Ministers, the Attorney General, Permanent Secretaries, Ambassadors and High Commissioners. Then, senior police officers, military police and police officers. Then, this being subject to parliament approval.

Mr. Chairman, a significant trend of post independence constitutional amendments has been to concentrate powers on the executive arms of government. This trend gives more powers to the executive and particularly the president. I propose these powers to be limited.

Number three; I propose the new constitution part being written in English to be written in Kiswahili.

Mr. Chairman, the stamp duty Act, which now exists, has created too many loopholes. I therefore propose that nobody should be exempted from paying taxes in Kenya.

Number five; I will also propose that all councilors to have a minimum education of form four education.

Mr. Chairman, during the debate in parliament, questions got from our ministers in parliament, like when the funds are available, should not be given. And, I propose that they should stick the real dates, when that thing should be done. Mr. Chairman that is all I had. Thank you very much.

Pastor Ayonga: If I may ask you a clarification,. You mentioned that councilors should have a form four education as a minimum. But I don't seem to hear, what did you say about the M.Ps. They should have no education?

James Musyoka Maluki: The M.P? The M.Ps should at least have a diploma in education.

Pastor Ayonga: If you don't have a diploma in Veterinary Science, you can be an M.P?

James Musyoka Maluki: Yes a qualification in fact, and that is the right person then to appoint as a minister in that portfolio.

Pastor Ayonga: What about the president?

James Musyoka Maluki: The president? It seem the president should also be of that category.

Com. Kangu: Now, I did not get you clearly on the issue of the system of government. When you talked about a prime minister, who appears like he has been given almost all the powers the president has been having. And, then you go ahead and say that we should limit the powers of the president. Can you exactly clarify for us, how this two will be sharing the powers.

James Musyoka Maluki: In that case, I think the president should, we should have a parliamentary system of government. Whereby, the president will be neutral to any political party. Then the vice president should be elected by people. Then the prime minister will come from the party with the majority. **(Interjection.**

Com. Salim: Thank you, umemaliza?

Mr. Maluki: Yes

Com. Salim: Thank you Bw. Maluki. We now call upon James Kiliungi.

James Musango Kiliungi: Eeh, kwa majina ni James Musango Kiliungi. Hapa nina maoni matano. Nitaanza na ile naanza nayo.

Kila tarafa iwe na councilor mmoja. Kwa sababu wafanyi biashara wananyanyaswa sana na ma license.

Number two; kila soko iwe na mfanyi kazi wa kufagia. Kwa sababu wafanyi biashara ndio wanafagia na tunatoa license.

La tatu; watu wale ambao wamechaguliwa chama kile ambao kinatawala, wanapaswa wawe wanapewa mshahara, kwa sababu wanafanya kazi nyingi sana.

Number four; wazee wa vijiji wanafaa kulipwa mshahara kwa sababu wanafanya kazi nyingi sana.

Number tano; wakufunzi wa secondary, watolewe karo kwa sababu wazazi wanasumbuliwa sana na hiyo karo ya siku hizi.

Karo iteremushwe kwa wazazi..

Com. Salim: Secondary, umeita secondary eeh?

James Musango Kiliungi: Secondary.

Pastor Ayonga: Nina swali kidogo mzee.

Com. Salim: Umemaliza? Pastor Ayonga?

My Kiliungi: Eeh kabisa

Pastor Ayongao: Sikuelewa unaposema, watu wa chama kinachotawala walipwe mshahara, hiyo umemaanisha nini? Unataka kusema kama sasa K.A.N.U inatawala, kila mtu ambaye anaitwa ni mwana chama wa K.A.N.U alipwe mshahara.

Mr. Kiliungi: Hapana, ma chairmen.

Pastor Ayonga: Okay, ma chairmen wa chama kinachotawala walipwe

Mr. Kiliungi: Ma chairmen na youth

Pastor Ayonga: Walipwe

Com. Salim: Youth wote, vijana wote

Mr. Kiliungi: Sio vijana wote. Si hao wamechaguliwa, mtu ambaye ana kiti, amechaguliwa.

Com. Salim: Okay. Viongozi wa youth?

Pastor Ayonga: Kwa nini wale wa vyama vyenye havitawali wasilipwe mshahara, kwa sababu hata hao wanafanya kazi kwa chama?

Mr. Kiliungi: Chama kila ambacho kinatawala ndio have many, na wale wengine, chama kingine kikitawala hata hao wataendelea hivyo.

Pastor Ayonga: Na watalipwa na chama ama serikali?

Mr. Kiliungi: Watalipwa na chama.

Pastor Ayonga: Watalipwa na chama. Okay kuna swali ingine kidogo hao tu. Umesema secondary school fees, zipunguzwe, na ukutaja ya primary. Ya primary iongezewe, ikae vile ilivyo am aiondolewe, ukusema juu ya primary.

Mr. Kiliungi: Hata nayo ipunguzwe, kwa sababu pesa zile zinatolewa huko ni nyingi sana.

Pastor Ayonga: Na la mwisho, unasema kila tarafa iwe na counsitor mmoja kwa sababu wafanyi biashara wananyanyaswa sana. Maana ni kwamba tuko na ma councilor wengi tupunguze, ama ni nini unamaanisha?

Mr. Kiliungu: Ndio.

Pastor Ayonga: Ndio nini? Wa councilor ni wengi tupunguze?

Mr. Kiliungi: Ndio, kwa sababu hii mshahara ndio inafanya sisi tuendeleo na kuongezewa kutoa license, wakipatiwa hiyo mshahara yao.

Com. Salim: Asante Bw. Kiliungi. Sasa tunamwita Bw. Mutemi Musa.

Mutemi Musa: Asante sana Bwana mwenyekiti na ma commissioners wenzako. Pia wanainchi. Nitachangia katika hoja hii ya katiba ambayo ni muhimu sana kwetu na ambayo nimeipatia jina la Kenya tuitakayo. Majina yangu ni Temi Mutemi Mutia. Nimehitimu shahada ya biashara na uchumi kutoka chuo kikuu cha Nairobi. Mimi ni mmoja wa committee members ama members wa board wa institute of economic affairs of Kenya. Mimi ni mmoja wa board members wa East African Coalition Onagoa, pia ninachangia katika mashirika ya international N.G.Os na local N.G.Os, na pia mimi ndiye mwenyekiti wa ufugaji wa nyuki Kenya.

Katiba yetu, tunataka iwe na ule unaitwa mwanzo ama chanzo, preamble. Twaomba iandikwe kwa lugha baada ya kukusanya maoni yenu. Iandikwe kwa lugha ambayo inaelewa na mwanainchi wa kawaida, wa mtaani, iwe rahisi kusoma, isiandikwe na ile lugha ya wana sheria ambayo inakuwa na vitu vingine hapo uelewi. Iwe ni kijitabu cha wenye inchi wenyewe, iwe inatumika kwa maisha ya kawaida ya kila mkenya. Ifunzwe kwa mashule yote, ya msingi, ya secondary na hata iwe ni moja ya zile subject zinasajiliwa pale, examinable subjects. Iwe hata inafunzwa kwa mashule ya gumbaro, wale hawajapata nafasi ya kuenda shule wafunzwe maneno ya katiba. Iwe inatumika kwa cooperative society, self help groups, na kila kitu. Iwe ni standard reference document. Na mwisho iwe ni kama bibilia ya raia, wanashinda nayo kila mahali. Katiba iandikwe kwa lugha zote za Kenya, which means ikuwe privatized, ndio wale wanaweza waweze ku translate na kuandika kwa zile kabila zote za Kenya. Iwe hakuna taswishi hata kidogo.

Nitachangia katiba na uchumi. Kwa nini tuwe na katiba? Mara nyingi katiba uwa pale ndio isimamie uchumi, economy.

Without economics, hakuna katiba ya kusimamia. Mara nyingi conflict utokeana, ama utokana na maneno ya kiuchumi. Naona katiba yetu iwe imetambua haki ya kila kabila hapa kiuchumi, self-economic determination of the people. Katiba iangalie kwa mfano; wajaluo samaki yao, Kikuyu kahawa yao, wakamba twaomba maneno ya pamba na maneno ya asali especially, asali. Twaomba katiba itupe right ya kutumia maji ya Tana River na Athi River, ndio kunyunyiza mashamba yetu, tuache kupewa komboli moja muolio, in the name of development.

Kwa upande wa uchumi pia, tunaomba katiba itupe authority ama autonomy ya kuweza kuanzisha viwanda katika kila eneo la region, ndio tuweze kuuza vile vitu tunatengeneza hapa ata inchi ya inje. Maana mambo ya uchumi ni kama yote yako Nairobi. Na ile maneno ilikuwa inasemekana kwamba hizi vitu zinaweza kufanyika ati Nairobi peke yake. Kila sehemu ya Kenya, tujaribu tuweke zile zinaitwa herbs, economic herbs, zikipeanwa na katiba.

Twaomba serikali ambayo itakuwa inaundwa, iangalie sana, kwamba serikali ile central government tuwe na aina mbili za serikali, this is now the constitution and governance. The constitution and governance. Serikali ya central government, isimamie foreign affairs, mambo ya inchi za inje, monetary and physical policy, mambo ya kutengeneza maneno ya hela na uchumi, external defense, na isimamie national security intelligence, maneno ya kukusanya mambo ya security ya inchi. Lakini kuwe na serikali nyingine ambayo imekuwa devolved kidogo, imeteremshwa, ambayo iko karibu na wenyeji, maana raia wakisikia serikali, wanasikia utasemea mbele, utasema juu. Sasa hii juu imekuwa too much kwa raia (Interjection)

Com. Salim: Serikali hiyo ya pili itaitwa aje?

Mutemi Mutia: Let it be either a regional government of some upgrading of the local authorities or some kind of a regional set up, ambayo tunaomba isimamie yale mashida ambayo ni ya mwanainchi wa kawaida. Isimamie maneno ya elimu, isimamie maneno ya uchumi investments na hapa Mwingi, hiyo ikifanyika, tutaweka Chipanzee na Soko ya hapa Ikoo, kuna valley moja kubwa sana, ambayo tunaweza kufuga wanyama kama hao. Na watalii wanakuja kuona.

Tunaomba kwa hiyo serikali ya regional, isimamie maneno ya health, isimamie maneno ya infrastructure, communication, isimamie maneno ya elimu. Na, hii ushuru unatozwa kama leseni, iwe ndio inakusanya kulipia yale mambao madogo madogo, ambayo itaweza kulipiwa na ile cheki itatoka kwa central government. Kwa nini nasema hivi, kwa vile kwa sasa tunatumia 30% of our national budget kulipia foreign debts. Na tunatumia 60% ya national budget kulipia recurrent expenditure. Kwa sasa out of the 200 billion tunakusanya kama ushuru, 90% is wasted that way. Ambayo inamaanisha kiwango cha kumi peke yake, 10% ndio inaingia kwa maneno ya development, na hii ndio imefanya mwanainchi wa kawaida kuwa pale yuko. Kwa hivyo constitution itakayo tengenezwa iangalie maneno ya uchumi kabisa.

Na mwisho, katiba hio hio, hizi regions ziwe zina council ambayo pia inaweza kwenda kutafuta, even to go and look for foreign investments directly, bila kupitia the central government. Ikiwa ni region, iko na kind of semi-autonomy on some of this issues.

Ndio sasa kuwe kuna competition. Maana ata nyumba kama hii, hatuwezi kusema ni nyumba bila ya kuangalia zile blocks zimeingia pale. Hizi regions ndizo ziwe blocks ambazo zitajenga taifa letu litakaloitwa Kenya.

Na mwisho kabisa; kuna style of management ambayo tunaita generally accepted principals of management. Ambayo tumekuwa tunaitumia sana hapa, ya top bottom. Top bottom, ambapo mashauri yale yote makubwa yanafanyiwa kule juu, ndio ikuje kwa wanainchi wa kawaida. We want, this system has served us well. Mara nyingi tunasikia mambo inatoka kule, inateremka inateremka ndio inafika kwa wanainchi wa kawaida. Sasa tunataka iwe ni bottom top style of management, bottom top. Na hii itadumishwa kwa kupitia hoja ambayo imechangiwa hapa ya referendum decision, major decisions zipitie kwa njia ya referendum kwa mwanainchi wa kawaida kukuwa consulted. Maana mara nyingi we have real and imagined powers, where we keep on breathing this powers. Mwanainchi wa kawaida awe ndie ako na a lot of say. Thank you very much.

Com. Salim: Thank you very much Bw. Mutia, we have couple of questions from Com. Wambua and Com. Kangu.

Com. Wambua: Ningelipenda, hii jambo la regionalism verses local authorities limetatanisha sana, na sisi kama tume tungelipenda kuchukua maoni ya wanainchi watueleze wangependelea aina gani ya serikali. Kwa hivyo kutuambia kuwe na revolution of some sought, bila kutueleza unependelea iwe ni regional government maanake baadaye umezungumza regions to have councils. My specific question ni, unependelea regional government ama unependelea a kind of devolution which empowers the local authorities? I think that is a specific question we want to hear from you, so that we are clear. Because it is a controversial issue and I think we need to know what are the views of Kenyans.

Mutemi Mutua: So, thank you very much (Interjection)

Com. Kangu: Even before you answer, I have a number of questions related to that. You were telling us we devolve power and we want to know in your arrangements, how many levels of government are we going to have? There are systems that have three levels, they will have local authorities then they have regional levels and then the central government. Other countries have two levels. They have the central government and the lower level. How many levels do you want us to have and how do we structure, how do they relate to each other. So that is the questions, how many levels?

And then two; after we have decided how many levels, what are going to be the units to which we devolve power. When you talk about the regions, should we go to the provinces we have, should we go with the districts we have, or what are we going to call the regions. Or do we sit and draw a new map that will decide we are going to have such a number of regions and we draw new boundaries?

Now, number three; once we have decided that you have given us a little on the sharing of the functions and the powers, that we need a little more details on that, and then of course, related to the question of the sharing of the powers and the functions, is

the question of the sharing of the revenue. Because, we are not going to give a level of government function to perform without giving that level, the necessary revenues to perform those functions. In fact, the problem we have with the independent constitution was that, the regions we given functions, but they never were given the revenues to perform those functions. And that is how after a short while we said; you see they can't do it. So, tell us what are the taxes that will be raised by the central level of government and what are the taxes that are going to be raised by the regional level of government? And even after they have been raised, is there any of the two levels that will be required to give part of what it has raised to the other level, and if so, in what proportions.

And then finally; there is the question of those areas that have already been developed and those that have been left behind, do you have any proposals on how we are going to adjust this past imbalances, and kind of injustices in the arrangements?

Mutemi Mutua: Thank you very very much. I will start with the first question, this one of whether the local authority or the regional government. Nitaanza na ili swala la local authority ama regional government. Na hapa, nataka kuchukua nafasi hii, niseme kwamba South Africa, ni constitution moja ambayo imechangia swala hili very very well, na ambapo nyinyi pia mnaweza kuchukua, kuomba ama to borrow from them, na hiyo ni kwa sababu yenu. The South African constitution imeangalia haya mambo na imeangalia zile regions, na kuhakikisha kila sehemu is given a kind of balance. Kwa hivyo naona, kwa upande wa Kenya ni kweli kuna maneno ya local authorities to be strengthened, regional governments to be drawn. Naona tuchore map mpya, looking at the economic sense of the new economic dispensation. Because, unless we look at that, then we are just going to follow the colonial boundaries, which don't make sense in some cases.

Secondly, this new dispensation; the overriding factor should not political consideration; it should be economic sense, because it is the economic that are going to drive. Where that is going to drive the engines of this country. So, it is not the districts, maana hizi districts zimekuwa too tiny, such that they do not make economic sense, it could be an economic block of some sought. Now, once this new map is drawn, the sharing of the functions should be in two levels, the central government and the regional government. There is no point of going to a third layer, because we are also building over the overhead in this particular case, and this is quite common in Europe, in America and many of the developed world.

Now, sharing of the functions, nimetaja na iko kwa memorandum yangu. What roles need to be taken up by the central government and what roles need to go to the regional government. We need to look at the population trends in this areas, we need to look at the resources available in this areas, and in every region of this country, let me say that there are resources that are exploitable. Ni, kwa vile we have never really tried to look for them.

Now, when we come to the issue of collecting the taxes, there are those areas which are going to give us, taxes to the common baskets, the ex-checker. The 200 billion I am talking about. We would work out a formula based of the population trend, the needs of this areas, the level of marginalisation and we will come up with an index. This would be an area for the economy, and

the expert and the consultant to come and advise us on this. And then now using that index, the weighing, weights, putting weights, then we will know what percentage of the national budget goes where.

Now, those regions which are producing surplus; equally they will be a ratio, a kind of unwaited average of some sought. But now they remitt to the central government. There should be always that kind of balancing. This is working very very well in some of the South East Asian countries, particularly India, it is working well. This kind of balancing. But, those again are areas, where you are better placed to go up to the internet, or get the copies of this constitution.

Now, when we come to the issue of, that one I have addressed, of the sharing of the wealth; when we come to the issue of the areas, which are less developed, for example if we talk of North Eastern, the livestock in North Eastern, I can say is more than the livestock in Botswana, only that it is not developed. If you developed it and put up the slaughter houses and the like, you can export that nini. If you look at the bee keeping potential in ukambani, it can give us the 10 billion annually, it is not exploited. And so forth and so forth. So, if we agree of the constitutionality, then we can bring in the experts to come and work out this things.

Com. Kangu: Just the last. On the situation of the resources, you seem to be saying that the population should be taken into the account, so that we have a waiting system. So that if this particular area has a higher population, it receives a little more, than the one that may have a lesser population. But I am a little concerned with the fact that as we talk, we are also emphasizing the needs to protect the environment. And, there are those who have been saying; oh, some people represent trees and animals, but they forget that, if we are interested in an environment, someone maybe in an area that has a lesser population, but has a higher responsibility to service the environment that benefits the whole country. So, how do we take into account, that aspect of the environment in the weighting system you are talking about?

Mutemi Mutua: Normally we are given the impression that population is the one to be taken into account. It is not the only one that should be taken into account, it is not the only one. We are going to come up again with weights, what should be the weighting scale for the weights, what are the indicators that we should look into? Population will be one of them, the natural resources available in those areas will be another. And, let me also correct this; once we put the regions, any Kenyan would be free to apply for a job anywhere within the country. So, it would be a question of hiring the best, regardless of where they come from in Kenya. Even within the COMESA region, East African region. Let them come from anywhere, let we hire the best to help us do this. Because, once we hire the professionals, then it would be easy to do a lot of these things. There are people who are using very small pieces of land, but who are producing a lot, or who can produce a lot. So, these are areas we are going to look at, once we agree on the constitutional order.

Now, the environment for generations to come is very very important, and we feel very bad when we see that our national resources forests are only accounting for 3%. It is a disaster in waiting. So, we need now to reorganize that, to make sure that

we set a national target, and then we encourage these people in the various regions, including the traditional trees. To come up with a new equation on that.

Com. Salim: Thank you very much for your views Bw. Mutia. Now, we may need to be a bit more strict in terms of time. We are receiving a lot of registration forms, and we may be perhaps a bit more strict. So, tafadhali, kila mtu akipewa time, ajaribu kumpunguza kidogo, ili mwenzake apate nafasi. Karibu.

Joseph Muliungi: Kwa majina, mimi naitwa Joseph Muliungi. Mimi ni mwenyeji wa hapa, mkulima tu wa kawaida, na vilevile mimi huwa kiongozi wa self-help projects katika area ambayo mimi natoka. Na Bwana Chairman, mambo yangu nimeandika, ni mambo kumi na mbili, lakini sitayasema yote. Nitasoma tu machache, na kwa vile yale mengine nimeandika, nafikiri mtanisamehe, lakini nitapitia kidogo kidogo kwa yale ambayo nimeandika.

Ya kwanza maoni yangu, ni kuhusu parliament; yaani ishahara ya parliamentarians, house allowances, na malipo ya motorcar, iwe na commission ambayo inawapangia. Sio wao wenyewe kuenda kukaa chini, na kujipangia mishahara yao.

Com. Salim: Commission gani

Joseph Muliungi: Commission ibuniwe, ya kulipa, kama vile teachers service commission ilivyo. Wao wawe na commission ya kuwalipa mishahara kama watu wengine. Hiyo ni ku avoid parliamentarians kujilipa pesa nyingi, vile wanapendelea hao wenyewe. Kwa sababu hakuna mtu anaweza kujinyima mishahara, kama ni bill inakuja, inasemekana tulipwe mishahara kiasi fulani, wanainua mikono yote kwa sababu wanajua pale. Kwa hivyo iwe commissioner (**Applause**).

Nataka kuongea juu ya senior appointments za serikali, kama vile Mabalozi, Permanent Secretaries, Judiciary na ministers. Wawe wakiwa appointed by the president, lakini wawe satisfied na parliament. Lazima wapitishwe kwa parliament, waonekani ni watu qualified. Hiyo ni ku avoid unqualified personnel kupelekwa ng'ambo.

Nataka kuongea juu ya mashamba. Mashamba, mambo ya transfer ya mashamba na ownership na ma case, zimekuwa too expensive kwa mwanainchi. Na, ningepuliza constitution itengenezwe ambayo wanainchi wenyewe, wazee wa vijiji ndio wanahusika sana na mambo ya mashamba, instead of court of law ambayo inakalisha makesi kotini, miaka na miaka, na mwisho inakuja kutupwa na mwanainchi anaumia. Kwa hivyo, mambo ya land cases iwe na wazee wa vijiji. Na mambo ya kufanya vidaviti, inapelekwa huko Nairobi, inaandikwa katika Kenya gazette. Watu wengine hawajui Kenya Gazette ni nini. Pengine mashamba itapitishwa bila mimi kujua kama iliandikwa kwa Kenya Gazette. Kwa hivyo iwe handled na wale watu wanajua.

Ile ingine; mambo ambayo inahusika na mambo ya president, kama ni ma gharama ile anatomia, iwe inapitishwa na parliament. Hiyo nimemaliza.

Ningesema kwamba, president asiwe mwakilishi wa area yoyote. Awe amechaguliwa na wanainchi na anawakilisha inchi nzima. Kwa sababu akiwakilisha area fulani, ama constituency, analeta maendeleo hapo na mapendeleo.

Na ile ingine naongea juu ya County Council. County Councils wawe wanapewa percentage, kama 60% ya V.A.T, ndio waweze kufanya kazi yao bila kusumbua watu wa maduka ambao hawana vitu, wanawake sokoni, watu wa magari. Wawe wanapewa pesa kutoka kwa V.A.T, kama ni 60%. Hiyo wawe wanaweza kutumia, kwa kuendesha ma barabara, mashule na ma hosipitali.

Ningependekeza ya kwamba, kuwe na free education, masomo ya bure, kwa kila mtu. Watu waende hosipitali, watibiwe bure, kila mtu. Serikali iwe inajua ni njia gani ya kutafuta hizo pesa.

Na barabara (Interjection)

Com. Salim: Samahani, education katika level gani?

Joseph Muliungi: Yote kutoka primary school mpaka secondary school, na hata university.

Ningependekeza kila mtu katika republic, ambaye ni mwenyeji na ni citizen, alipwe mshahara. Kama anafanya kazi au afanyi. Awe na kiwango fulani ambacho analipwa. Kwa sababu inaonekana wale watu hawajaandikwa, wanalipa V.A.T na hawaitumii.

Ningependekeza ya kwamba tuwe na Provincial Administrators, ambao wako na uwezo kiwango fulani. Na uwezo mwingine urudishwe kwa wanainchi wa kawaida, kuwe na kamati ya kawaida. Ambayo kama ni Chief, wakati anafanya kazi, lazima afanye consultation with the local committee.

Mambo ya police; ningependekeza kuwe na private investigators wa ku investigate police na wafanyi kazi wengine wa serikali. Kwa sababu wamekuwa too corrupt. Na kama wakiwa na private investigators, wawe private investigators wako na uwezo. Wapewe uwezo na katiba ya ku arrest na kupeleka straight kotini bila kupitisha police. Kwa sababu ukipitisha police, anawachiliwa.

Jambo lingine, ni juu ya ma accidents ambayo inafanyika kwa barabara yetu. Ambayo magari inauwa watu, na mkipeleka hii mambo kotini, makesi inakaa na mwisho inakuja kutupwa. Iwe na fixed time, kama six months, hiyo kesi imalizike. Gari lolote likiwa limehusika na accidente na iwe alina road license, aina insurance, police officer in charge of that traffic area to be prosecuted in the court of law.

Mikutano ya wanainchi iwe free wakutane, lakini waweke police tu, kuja kushuhudia tunasema nini. Na ni asante kwa commissioners.

Com. Salim: Samahani Bwana Muliungi, kuna swala moja.

Pastor Ayonga: Mzee, kama nilikuelewa vizuri, umesema kila mtu asiye fanya kazi, lazima alipwe mshahara?

Joseph Muliungi: Ndio

Pastor Ayonga: Nataka nikukumbushe kwamba, katika inchi yetu ya Kenya hii, sisi tunasemwa tunalipisha watu kodi ya juu zaidi, si ndio?

Joseph Muliungi: Ndio

Pastor Ayonga: Tunalipa kodi tayari, sisi tuko katika kiwango cha juu zaidi. Na ikiwa serikali italipa kila mtu mshahara, mtu ambaye afanyi kazi, serikali hii inaenda ikatoa pesa hizi wapi? Si ni kwako na mimi yule ambaye tayari tunalia kwamba kodi tunayolipa sasa ni ya juu zaidi. Ungeweza kutuambia pahali serikali itatoa hizi pesa, ili pia iweze kulipa kila mtu asiyefanya kazi. Na pia nataka ufikirie hivi, uwezi pia kuona upande mwingine. Kama watu watujua kuna pesa ya bure itatolewa, hata walioko kazini hawatakwenda kazini. Umeshafikiria ilo? Kwa maana kama serikali itanilipa, ni kwa nini niende kazini.

Joseph Muliungi: Hapo, ningeeleza ya kwamba pesa iko. Wakati ninauliza pesa itatoka wapi, niliongea kwanza kitambo nikasema, kuwe na commission ya ku pick salaries. Na kuna watu ambao wanalipwa mishahara minono minono kabisa, na wengine hawapati chochote. Kwa hivyo iwe wanapunguzwa hiyo mishara inapewa wanainchi wa kawaida, kwa sababu ni kubwa.

Pastor Ayonga: Mzee, ni nani tutasema hafanyi kazi? Na wakati tunasema wale hawafanyi kazi, lazima tuwe na definition ya kazi, yule anafanya kazi, na yule hafanyi kazi. Kuna wengi, ukiwauliza wanasema, mimi ni mkulima. Huyu utasema anafanya kazi, ama hafanyi kazi?

Joseph Muliungi: Nilikuwa nimesema, ni kwa vile sikukuwa na wakati, nilikuwa nimesema wale watu ambao hawajaandikwa. Unakuwa mfanyi kazi, unakuwa mfanyi kazi kwa shamba yako, pengine wakati mwingine hakuna mapato, mvua haiyeshi, lakini unafanya kazi bila mapato. Huyu mtu awe ni mfanyi kazi, kama hajaajiriwa na serikali, awe anapewa mshahara. Na serikali unajua iwezi ikakaa ikilipa mtu mshahara bila kupea yeye kazi? Kwa hivyo, tukisema kila mtu apewe pesa, serikali itatafutia watu kazi, hata kama ni kufanya education, katika area ambazo ni arid, hazina kazi.

Pastor Ayonga: Kwa hivyo mzee, hiyo ingekuwa kama pitisho. Ipitishwe serikali, ilipe kila mtu mshahara. Wakisikia hivyo, wataanza kutupa kazi?

Joseph Muliungi: Kazi itatokea.

Com. Salim: Asante sana. Sasa tutamwita Bw. Bernard Makonge, Bernard Makonge? Kila mtu ajaribu kufupisha views zake.

Bernard Makonge: Asante sana Bwana Chairman wa Commission. My names are Bernard Makonge, I am a retired D.O and I am a civic education provider for Migwani Civic Education Agency. I come from Gutan Location. These are my views;

First of all, I am advocating a unitary system of government, with the president and the parliament that we have today. But with a clear separation of powers. To declare separation of power, because recently, we appear to be seeing over the years, a very heavy presence of executive, on the operation of this other arms of government. And I suggest that if a person becomes a president, he should seize to be a member of parliament, just like we do the speaker. And also in the United States, we understand the president does not belong to the congress. So, we can do with a president who is not a Member of Parliament. Because by being in parliament as well as being the president, that is like belonging to the two arms, and its influence is bound to be undue.

I also recommend that, parliament should have a calendar with fixed dates for elections. And, this one will guard against the president using his powers to have prolongation of parliament or dissolving of parliament and summoning.

With the judiciary; we know that judges are appointed by the president and it is very easy for the executive to interfere with the independence of judiciary. For example in the appointments of the judges on contract terms. As we know some judges are appointed on contract terms. And when they are doing cases, they are told to think of their renewal of their contracts, and that beats the purpose of independence of the judiciary.

On the executive; I (**Interjection**)

Com. Salim: What is your proposal on the judiciary?

Bernard Makonge: On the judiciary, I propose that the judge should not be appointed in contract terms, he should be given full appointment in the specific tenure.

On the executive, I suggest that anybody becoming a president must be educated to at least a level of form four education. He should be between 35 and 75 years. He should not serve beyond 75 years.

We should retain the position that any serving president should serve for two terms, each of five years.

On Provincial Administration, there have been some opinion that the Provincial Administration should be scrapped. I suggest that it should not be scrapped because, over a long term, since the colonial terms, when the country started practicing the structure of the government with written laws. The Provincial Administration has been used as the most assertive organ of mobilization for public policy. And to bring another system where Provincial Administrators should be elected, then it is going to exploit people to the government. Because, for example use a D.O or Chief, who is supposed to maintain law and order, he has something to do with criminals and you cannot prosecute a person, as a criminal and look for votes from him after five years. You will just not get the votes. So, I think that the Provincial Administration should be retained.

The other thing I will look at is anti-corruption. We have seen a lot of corruption practices and especially in the recruitment of officers in the armed forces. Like the police, army, prisons and administration police. (**Interjection**)

Com. Salim: Give us your proposal.

Bernard Makonge: My proposal is that the selection committees or the recruiting bodies, should be formed by District Commissioner, from people. Appointed from every division and should not be told this, many days in advance. They should be told about the recruitment day, about two days in advance. And, they should be presided over by an assistant commissioner, just to provide the professional bit of it. And a doctor, assistant commissioner of police in the case of police, and colonels incase of armed forces. And this should be, the vacancy present should be given to them on the recruitment day, and these vacancies also should be distributed fairly across the districts and divisions. And, no recruitment of these offices should be done outside this procedure. For example, we know of people, police officers and prison officers who are recruited at Kiganjo and even at headquarters. You hear, certain senior officers have been given some place reserved for them to recruit. This should not be done in future.

There is another thing I would like to talk about, and that is public service commission and other related commissions for recruitment of public officers. The officers in this commission should be appointed by the president, but should be ratified by the parliament. Because it is very likely for a president to appoint people from his ethnic group, so that he can reduce the retrenchment system.

And something else, appointment to this places which have been left vacant should be filled at district level.

In relation to political parties; if a person defects from his party, for example a member of parliament defects from his party, he

should be banned from contesting the by-election. And also it would be bad for re-electing for one term. I think that is all I have, because I can hear my friend, she rung the table to show it is the end of my time. Thank you very much.

Com. Salim: Thank you very much Bwana Musango for your views. Bw. Ben Githonga?

Ben Githonga: Mr. Chairman Sir, my name is Ben Githonga. And, in my experience I am a retired civil servant, therefore a senior citizen. I started working in 1952 January, I was in the government payroll. Mr Chairman, I have only four points to make, which I had in my individual memorandum. Let me read them as they were, because they also contain my recommendations.

One is trust land; Mr. Chairman Sir, the current constitution of Kenya has stipulates that, parliament can give a County Council an authority to set apart trust land, in according with the requirements for public use, for public utilization. But Mr. Chairmans Sir, when such luch has been made available to the County Council, it has generally become a corrupt, practice with county councils, that the councilors sit down and in disregard of the landless people, they divide the entire given trust land between themselves and the friends. Mr. Chairman, to avoid this daylight corruption, the government must constitute a special land, adjudicators of elders, in the district to supervise the allocations in a justifiable manner, and not the county council alone.

Now, secondly, another point Mr. Chairman is the Kenya currency. MR. Chairman Sir, the pride of our independent Kenya, and the national dignity of our economic development must be depicted by having a traditional and authentic name of the national currency. The word shilling, which we seem to honour so much is foreign and unafican. It gives more concrete imagination, the imaginary interpretation of African value, of anything known to us. Mr. Chairman, from the English dictionary, the word shilling is explained as British silver coin, worth twelve pennies. It also means, when you say cut me the someone with a shilling, it means, disinherit him, leave property when you die to somebody. This is all british. It also, when you say, check the king's shilling, it means just join the army. So it has nothing African to us, it is a british origin and must be discarded from our currency, the word shilling. Mr. Chairman Sir, the names of our coins, in Kiswahili as they were, we don't know how the word shilling squeezed itself in the currency, because we had, for instance, we had hela, ndururu, kenyatore and the sumuni. Those are our Kiswahili names; we know them, but shilingi we don't know. Mr. Chairman, in consideration of what I have said, in this memorandum, the foreign word shilingi, in this memorandum Mr. Chairman, recommending the word shilingi to be removed from our currency and be substituted with the word Harambee. You can speak of Harambee, one Harambee, millions Harambees and we have them in our imaginations. Prestigiously, the shilling is the pride and the Harambee is the pride of Kenya, and the national dignity of our economy.

Com. Salim: How many points are there in your memorandum.

Ben Githonga: I am now going to my third point and then I finish.

The third one is pension; Mr. Chairman Sir, the current constitution of Kenya, mildly speaks precisely very little about the welfares of the pensioners. And, from experience we have seen very old income pensioners, being told from their pension to go and see their director of pension to sought out their problems. They can't go there. Some of them are seen and then what I am recommending in this memorandum Mr. Chairman is that we have an establishment of a welfare officer, eleven districts, who will be nursing pensioners to their graves. And the same welfare officer will tell the government when a pensioner has died and how to transfer the pension from the deceased to the family.

Lastly Mr. Chairman is, I am speaking of the transfers of Chiefs and the Assistant chiefs. Mr. Chairman Sir, Chiefs and Assistant Chiefs are civil servants, and like other civil servants, their transfers must be made practical. It must be made practically transferable to any part of Kenya, to avoid the following;

- Turning their homes to public offices, where they have to be seen officially.
- To avoid doing their private work, during office hours at their homes
- To avoid practically nepotism closely to their relatives and clansmen.
- To protect the Chiefs, from becoming socially monotonous in one area, which is likely to loom and gradually resort to their personality assassination through social cult. Thank you Mr. Chairman.

Com. Salim. Thank you very much Bw. Githonga for your views. I now call upon Joseph Kasina to come forward, to give his views.

Joseph Kasina: Jina langu ni Joseph Kasina, mimi ni mwana siasa. Kwanza maoni yangu ni raisi awe na umri wa miaka 45, kuanzia hapo. Kwa maana hatutaki a young person, ambaye tutasikia first lady ako huko maternity, anajifungua, itakuwa mbaya sana.

Asiwe juu ya sheria, raisi asiwe juu ya sheria. Awe anaweza kushtakiwa akifanya makosa kama mtu wa kawaida, yule mwingine.

Com. Wangu: Maximum age itakuwa ngapi?

Joseph Kasina: 45 up to 75. Okay, awe na clean record, ajafungwa, hajafikishwa kotini hata siku moja. Awe hajachukua ata inch ya ardhi ya serikali. Kama mtu anataka hii kiti na anachukua ardhi, awe banned. Asiwe anasimama.

Awe asipeane pesa. Kama raisi akipea watu pesa, hiyo iwe treason, ashtakiwe. Nasema, raisi akiwa kwa kiti, asiwe akienda akipeana pesa njiani kwa watu. Hii nikufanya watu kuona kama ni(**Interjection**)

Com. Salim: Endelea.

Joseph Kasina: Okay, iwe ni treason kupeana pesa.

Ile uwezo wa raisi, ati kila kitu ni yeye, upunguzwe kabisa. Uwe ni ule uwezo tu wa kawaida. Si ati yeye ndiye ana fire, ndie anaandika, ndie anafanya nini, ndie anaseman Nairobi ifagiliwe. Hiyo iishe.

Asiwe anaabudiwa. Kuabudu mtu, wewe ndio wewe tu, ni nini, kila kitu. Hiyo maneno iishe. Delegates za kuenda kwa raisi, zikumeshwe kabisa. Kuenda kuomba huko, hiyo ni corruption. Tofouti ionyeshwe wakati raisi anafanya kazi ya serikali na wakati anafanya kazi ya chama, siwe defined.

Functions of the party and the functions of a government should be defined. Sio unakwenda huko kwa kazi ya serikali, unakwenda kutoa maneno ya chama huko. Hiyo iwe defined. Na kama raisi anakwenda maneno ya chama atumie pesa ya chama, kama anakwenda maneno ya serikali, atumie maneno ya serikali. Si ati anatumia pesa ya serikali na mambo ya chama yake.

Habari ya prime minister; kuwe na prime minister hii ofisi ingine. We are creating another office to pay another office na hii ya raisi hiko. Kwa hivyo hakuna prime minister, tuwe na president. Kwa maana tutakuwa na prime minister, deputy, na nini na nini. Na mnasema hakuna pesa, hiyo atalipwa na nani. Hiyo pesa ya kulipa prime minister na nini, ipewe wale watu hawana kazi.

Na raisi afanye, two terms. Two terms, unaenda nyumbani hata kama watu wanakupenda kama chumvi. Na siyo raisi peke yake, hata wabunge. Wabunge na wao wafanye mara mbili tu. Hata ukifanya mara mbili (**Interjection**)

Com. Salim: Terms of how many years?

Joseph Kasina: Five years na waende nyumbani. Wengine waje. Mtu asikae pale.

Na ile mishahara yao nayo, ipunguzwe. Shiling sabini na tano, 75,000 kwa mbunge, hiyo inatosha. Yule hataki hiyo, asiulize kazi. (**Applause**) We are paying them.

Vice president achaguliwe na watu wote, awe elected throughout the country. Siyo mtu, sio hiyo kupewa jukumu ya raisi, mnakaa tu, tunaongojea mpaka raisi ata name vice president. Tunakaa miaka kumi, miezi kumi na nne, hakuna vice president.

There should be no minute passed without a V.P, kwa maana atakuwa anachaguliwa na watu. (**Interjection**)

Com. Salim: Utahakikisha namna gani hivo?

Joseph Kasina: Kwa maana atachaguliwa na watu, watu watachagua. Si ati tunangoja raisi ndio achaguwe. Kama vile tumeongojea miezi kumi na nne, na hakuna V.P. Kama kitu kingetokea hapo kati kati, tungekuwa aje. A vice president awe na kazi, na asiwe anangaishwa, kwa maana if you are at the mercy of somebody, he will do whatever he wants with you.

Na hawa wajumbe na wao, wakati wa campaign, hakuna kutoa pesa. Ukitoa pesa, treason. Treason, kwa maana hii pesa ndio inafanya watu kuwa masikini kabisa.

Katiba iseme kuwe na independent candidate. Kama mimi ningetaka niweze kusimama kama chama kilinifanya hivi, mimi naenda zangu, kusimama. Nijisimamishwe mimi mwenyewe, si lazima nisimamishwe na chama. Independent candidate.

Na mtu akihama chama, yule anahama chama awe barred for life. Atasimama maisha tena. Kwa maana hiyo ndio inaitwa political corruption or political prostitute, unakuwa Malaya wa siasa.

Com. Kangu: Bwana Kasina, there is a word you are using which I am not sure, is it buried or barred?

Joseph Kasina: Barred. Nimatamushi yangu kwa maana mimi si mzungu. Ukihama, yaani defection, ukidefect, kusiwe to minimize by-election. Ukidefect, utasimama tena, lakini yule alikuwa karibu na wewe ndiye atachukuliwa. Kama president (**Interjection – knocking of the table to show his time is up**) Sijamaliza.

Minister should be

Com. Salim: Bwana Kasina, wakati umeisha, tupatie memorandum

Joseph Kasina: Sina memorandum.

Com. Salim: Basi maliza maliza.

Joseph Kasina: Nitamiliza. Kwa ufupi, ministers wakati bunge inavunjwa, ma ministers wote wanatoka kwa viti, wasitumie mamlaka wakati wa campaign, kama vile tuliona huko Kilembe. Wanakwenda na flags, wanacampaign huko, Hiyo wapunguze.

Chairman of the electoral commission should be chosen by the members themselves. Kuwe na committee ya parastal bodies ya

ku appoint na ku fire.

Public service commission ipewe jukumu ya kuajili watu. The president should not be left to appoint people.

Pesa, hii noti; Itolew hiyo picha ya Moi na iwekwe ile ya Kenyatta. Kwa maana kila president atakuja nini, itakuwa haina maana.

Harambee zitolewe kabisa, hazina maana.

Na ya mwisho kwa maana sasa nimemaliza; Kenyatta Day, iitwe Freedom Fighter's Day. Kenyatta akufungwa peke yake, walikuwa na wengine.

Na ile haina maana kabisa ni Moi Day. Ionvolewe kabisa. Haina maana kabisa. Hiyo iondelewe kabisa kwa katiba.

Com. Salim: Tafadhali tuwe kidogo watulivu, ili kwamba tusikilize maoni vizuri. Sasa Bw. S. Musyoki, Bwana Chief?

Alexandra Musyoki: Mwenyekiti wa mkutano huu, ambaye ni commissioner. Kwa majina naitwa Alexandra Musyoki, na mimi ni Chief wa location ya Migwani. Niko na memorandum yangu ambayo nimetengeneza, na nitaenda kwa heading peke yake, nikiguzaguza main topics.

Moja ni separation of duties of the three arms of the government. Executive, parliament na judiciary. Hiyo mwenyekiti, kumekuwa na overlap of duties. Zingine zinakuliwa na departments zingine. Na sana sana ningetaka kuwe na judiciary.

Kuna ile wa Kenya wanaita Kangaroo courts. Hii inatokana na tatizo ya kuwa hatuna mahakama ya chini kabisa. Mwanainchi yule ako na matatizo awezi kuenda kwenye koti ambayo iko mbali sana, kwa hivyo ningependekeza mahakama iwe katika locational level ile ndogo. Na, hizo za Appeal Courts, ziwe za district level, na the main Appeal Court iwe Nairobi.

Distribution of national wealth; kwa wakati huu, million thelathini na tano za wanakenya, tunaambiwa wengi wetu ni wamasikini na hiyo ni ukweli. Lakini wale matajiri wachache wako na pesa nyingi sana. Ningependekeza constitution iangalie hiyo maneno sana. Kuwe kuna kiwango kile cha juu cha mshahara, na ule mtu wa chini na yeye apewe kiwango ambacho kinaweza kumhudumu awe anaishi vyema, anasomesha, na anaweza kupata nyumba na basic requirements of life.

Na ya mwisho nitatajia ni juu ya constituencies; hizo mwenyekiti zimekuwa matatizo. Kila area ikitaka constituencies nyingi, ningetaka; Kenya yetu tuko na vitu viwili ambayo ni za maana, tuko na ardhi na tuko na watu. Ikiwa tuko na constituencies mia mbili na kumi, ningependekeza tuigawanye mara mbili. Mara ya kwanza iwe tuseme ni mia moja na tano, hizo zigawanywe

kulingana na area ya Kenya. Na hiyo nusu ingine, ilinganishwe na population. Na ukiongeza A and B, utapata common denominator ambayo itatupatia how we should divide our constituencies. Na ni hayo Bwana mwenyekiti. Nilikuwa na hayo mapendekezo matatu, na nimeandika memorandum yangu.

Com. Salim: Asante sana kwa maoni yako Bwana Chief, sasa namwita Bw. Francis Mkasi, hayuko? Unakuja? Okay. Karibu Bw. Francis.

Francis Mkasi: Asante Bwana mwenyekiti. Kwa majina mimi naitwa Francis Katumo Mkasi, a retired teacher na pia Chairman wa Amtei clan, katika division hii, na group zingine, civic provider. I have just seven points to make, Mr. Chairman here.

The first one is African cultures and their rights, it must be recognized by the Kenyan constitution. The constitution we are to make, it should emphasis and recognize the cultures we have. African cultures; tribal cultures and their rights. How they are like, they should be analyzed how they are like, because we are build in African way, so the African cultures must be emphasized and recognized.

Two, their languages. African languages should be taught in the school curriculum to prepare children for readiness in learning, that is vernaculars. For pupils from standard one to standard four.

Three; the constitution should have a space for cultural courts, and this courts should be dealt by the people who are aged and specialist. Because, we Africans, we have some things to deal with in natural forms. So, courts for cultures must be there. (

Interjection)

Com. Salim: What will they deal with, what sort of cases or issues?

Francis Mkasi: Issues such as marriages, family affairs. Brother and his uncle, brother and his brother, wife and the father of the husband, that way.

Now, I will talk about the government, that is four. The constitution should specify the ruling government, that is the government should care for the aged women and men who are above 60. These people should be given free pension scheme. Whether you have worked and retired or not worked. These people have suffered much plus their land. So, they should get pensions and they are paid a lot taxes for years and years. And, to the current life, you find a woman has educated his son or daughter to the highest level, and he leaves him or her. So, the man is left poor without anything to do. So, these people should be given pensions.

Now, we come to number five.. (**Interjection)**

Com. Salim: How many have you got?

Francis Mkasi: Seven.

Com. Salim: Carry on.

Francis Mkasi: There should be a president who is non-party president. He should be elected by everybody. And, the prime minister who is of a party, and nobody should be above law among them. They can be prosecuted if they make a mess, either in the office or outside, during their working days.

Now, six; the post of Chiefs and their assistants should be posts, not Kings. Because, a Chief is a king and an Assistant A Chief is a king, they should be posts. That is, you apply as an educational officer or sub-locational officers, and they should be transferred since they get money from the treasury. So, nobody should leave in houses, in their own houses. So, and their duties should be specified clearly, how they should work.

Now, last; the Village Elders, Headmen, those peoples should be recognized by our new constitution, they should be given salaries because these people are the ones who know door-to-door families. They know families very well, so they should be given salaries. Thank you Mr. Chairman.

Com. Wambua: You said that men and women who are above 60 years should be paid a pension, because they have contributed. In this category do we include those who are above 60 but they are very wealthy, should they be also paid some allowance by the government because they are old.

Francis Mkasi: Okay, yes. They are very wealthy people, but Mr. Chairman, wealth must be now categorized. Now, in Kenya, in the new constitution, there must be a certain commission to look into how the person got the wealth. So, if you are very wealthy you should not be given anything and you should be sensitized and be known how you got your wealth.

Com. Wambua: So, those who have money should not be paid.

Francis Mkasi: No.

Pastor Ayonga: Another clarification. You kept on saying African cultural rights, did you mean, and also you said African languages be taught in school. Now you know how big Africa is, and we are not going to teach in our schools African languages, otherwise our students won't cope with that kind of programme. Did you mean to say, tribal languages should be

taught in school.

Francis Mkasi: In the government sir.

Pastor Ayonga: Then say so.

Com. Salim: Thank you very much Mwalimu Francis Mkasi. Sasa namwita Bw. Eric Musee, Eric Musee?

Eric Musee: Majina yangu ni Eric Musee, nawakilisha kanisa la Anglican katika Migwani division, na nafanya hapo kwa kusomesha African Metagical Worship. Maneno yangu yatakuwa mafupi sana.

Na ya kwanza Bwana mwenyekiti ningetaka kuzungumzia juu ya kuabudu. Katiba ya Kenya imepatia watu frusta kubwa ya kuabudu, na tumeenda tukawa hata wengine wanaabudu miungu mingine. Na hiyo kuabudu miungu mingine, hata inatishia, ina utata katika maisha ya wanadamu. Kwa hivyo ningependelea hii uhuru wa kuabudu, iwe na kiwango , na ukianza kanisa lako, kuwe na uchunguzi mkubwa sana kuhusu njia zako za kuabudu. Pia, wale international evangelist, wale wanatoka inje, wakija kwa inchi ya Kenya, wawe senered na njia zao za kuabudu na nguvu zao zile wanatumia za kuabudu zijulikane wazi. Kwa hivyo hiyo imekuwa mkasa mkubwa sana. Watu wengi wanaabudu nyani, nyuki, na ile nyuki ikikosa asali kule nyumbani
.....(End of side A tape, no straight connection with side B)

Mahakama wakati huu inatumia lugha ambayo wale watu hawajasoma, hawawezi kuelewa sana. Ninaenda kotini, na kesi inamalizika kabla ya kujua ni kitu gani kinaendelea. Ningetaka watu wa Kenya wasomeshe katika shule, vile mahakami inaendeshwa. Na hata mawakili, wawe na kiwango cha ile lugha wanatumia, kwa sababu lugha yao ni tofauti na ile tunatumia.

Number ya tatu, ni land ownership; ardhi yetu tuliipata kwa mababu zetu, na hii transfer ya ownership kutoka kwa uzazi kwenda kwa mtoto wake imekuwa very expensive. Na pia, hasa kama upande huu wetu wa Mwingi, our land is unproductive, ni arid, na it is charged very highly when we obtain Title Deeds and transfers. Kwa hivyo ningependelea, katiba iangalie na ipunguze hii gharama ya ku transfer na kupeana Title Deeds.

Number four, ni hii kazi ya police. Ningependelea katika katiba, katibaya sasa iguzie, wakati afisa wa police ama askari amefanya kosa, kuwe na kamati teule ya kuchunguza makosa yake na kupeleka kotini. Ashtakiwe na police mwenzake.

Number tano ni juu ya Provincial Administration. Wakati kama huu tuna ma Chief na ma Sub-chiefs, na wengi hata wajui kusoma na kuandika. Ningependelea sana katiba ya sasa iguzie, mtu akitaka kuajiriwa kama Sub-chief ama Chief, aonyeshe vyeti vyake, amesoma akahitimu darasa la nne, form four, amepata pass ya Kingereza na lugha ya Kiswahili. Kwa sababu huyu mtu huwa ana sell government policies na lazima awe mtu amesoma na anaweza kujieleza.

Number sita, ni retirement age. Kile kiwango kiliwekwa zamani na katiba ya zamani ni kizuri. Na ni lazima sasa tuangalie katiba, nikimalizia, iweze kumpa huyo mtu pension, na akirudi nyumbani asiye kuuliza any public office. Kwa sababu, there are unemployed people loitering around na wanatafuta kuajiriwa.

Pastor Ayonga: What is the retirement age?

Eric Musee: Retirement age ile imewekwa na katiba ya zamani

Pastor Ayonga: Ngapi?

Eric Musee: Mtu akifikisha miaka hamsini na tano, aende nyumbani. Na akienda nyumbani asiulize kazi ingine.

Na ya mwisho Bwana Mwenyekiti ni; wale watu wameajiriwa kama ma daktari, magistrates. Katiba sasa sijui kama, na ningeliza mapendekezo yangu ni hii; katiba iwanyime fursa na mamlaka ya kufungua private firms, kama clinics, law firms et cetera. Na nitamalizia hapo Bwana Mwenyekiti. Asante.

Pastor Ayonga: Nina swali la kukuuliza au unifafanulie. Umesema kwamba kiwemo kiwango cha freedom of worship, na ukutuambia hiki kiwango, kwa maana siku hizi kumetokea kuna watu ambao wanaweza kuomba kuabudu the whole night. Unasikia wanapiga drums, drums na nini na nini, usiku wote, katika vijiji pahali watu wanakaa. Watu wengine hawalali, watoto wengine hawalali. Sasa unaposema kuangaliwe kiwango, kiwango hiki tunataka wewe ukiangalie utwambie, kwamba ningalipenda kuona hivi na hivi. Na pia kuna watu tunasikia kwamba, kuna watu wanaomba mashetani, watu wa namna hii, pia ujatuambia, waendele kuomba mashetani, waendele kufanya hivi na vile. Na kuna wengine pia ambao wanaambia watu, mtu akiwa mgonjwa, hakuna haja ya kuenda kutibiwa hosipitali.

Hayo yote ni mambo yalioko kwa ajili ya freedom of worship. Sasa wewe tufafanulie, tupe mapendekezo.

Eric Musee: Tuwe na mwelekeo wa kuabudu katika inchi yetu ya Kenya. Tunapaswa tuwe na uniformity of worship. Wale wataalamu kama wa sayansi, wale wataalamu wa tuseme wa kidini, wapewe fursa ya kuketi, na kutengeneza njia moja, uniform way of worship in the country. Ili tuwe na mfano mwema wa kuabudu. Sijui kama umenielewa?

Pastor Ayonga: Lakini ujatoa mapendekezo.

Eric Musee: Mapendekezo yangu inasema hivi. Tukipata hiyo kambati teule, ile itachunguza na ipange njia za kuabudu, kuwe na wakati, ule unaweza kuenda kuabudu. Iwe ni kanisa ama ni msikiti.

Com. Wambua: Leo ni wakati wako kutupa mawazo, si yale ya kuzungumzia wengine kwamba kamati iende iteuliwe, kamati aindi kuteuliwa, leo umejiteu wewe mwenyew. Tuambie unataka nini?

Eric Musee: Lawazo langu ni hili; ningetaka katiba iguzie ili swala umeniuliza ya kuabudu. Tuwe tunaabudu Mungu mmoja.

Com. Salim: Ndiye yupi?

Eric Musee: Yule Mungu wa Musa, Mungu wa Abrahamu, ni yule yule. Huyu ndio Mungu anapaswa tuabudu.

Com. Kangu: Unajua ndugu, msingi wa uhuru wa kuabudu, ni kwamba binadamu anasema, nikiamua ninaabudu Mungu wa mwenye anaangalia upande huu, kusiwe na yule atakuja kuniambia abudu yule anaangalia upande huu. That is the basis of freedom of worship. Kila mtu aruhusiwe to believe the way he would like. Of course nakubaliana na wengine, kuna kiwango ingine wengine wanaanza kuabudu vitu vingene vyenye aiambatani na usalama wa watu wetu na maaisha. Tunaweza ku limit. Lakini swali unaulizwa na mzee ni kwamba, tulimit kiwango gani? Na mimi nitakuongezea, kuna wale wanatuambia, hata political parties zimekuwa nyingi, tupunguze, makanisa hata nayo siku hizi imekuwa nyingi. Kuna haja ukisema tu limit, tupunguze tuseme kuna limit, ama tuwache tu, ukikosana na Reverend hapa, unaenda unaanza yako pale?

Eric Musee: Nasema, tupunguze idadi ya makanisa na kuwe na mwelekeo. Ukienda registration ya kanisa yako, uwe umeandika njia zako zile unatumia za kuabudu, na kuwe unaangaliwa wakati unaabudu kama hizo njia ndizo unatumia.

Com. Salim: Asante Bwana Eric Musee kwa maoni yako, na sasa tutamwita Bwana Patrick Mutua.

Patrick Mutua: Asante sana Bwana Mwenyekiti. Jina langu ni Patrick Mutua, I am a social worker, and I am presenting views from St. Patrick's' Catholic Church.

First point.. (**Interjection**)

Pastor Ayonga: Are those your personal views or the views of the group?

Patrick Mutua: Group views.

Pastor Ayonga: You are mandated to speak for other people?

Patrick Mutua: Of course yes.

Pastor Ayonga: You are registered too?

Patrick Mutua: Yes

Pastor Ayonga: What is your position in the group.

Patrick Mutua: I am a chairman.

Pastor Ayonga: Endelea.

Patrick Mutua: First point was, shifting from a party; the group felt that there is no law which is protecting members from shifting from a party. Therefore they said, there should be a clear declaration of shifting from a party. That is, there should be steps to be taken, to prove that one has shifted from one party of the other.

Another point was, prosecutor in the court of law; members felt that, the current constitution allows a police to be a prosecutor.

So they said, a police should not be used as a prosecutor in the court of law, but instead, use lawyers. Simply because, you cannot be arrested by a police and prosecuted by a police. That point was on protection from inhuman treatment.

Member felt that the current constitution do not protect these members, so they said no torture or degrading of a person. And if it is done, there should be a penalty to the police who is doing it. **(Interjection)**

Com. Salim: What should be done about torture?

Patrick Mutua: Sometimes police do a lot of torturing to a person. So, members felt that there should be no such thing.

Fourth point is about appointment of judges, P.S, ministers, parastatals managers. Members felt that the current constitution allows the president to appoint the said above. So they said, this should not be done by the president in power. To avoid it being done for the president's interest. So, they said there should be a certain body to do this job e.g. parliament.

Fifth point is about budgeting proposals and implementations. Members said that budget should be written and first discussed or debated in the parliament. Agreed upon by the floor, then later be read to the citizens. This will avoid unnecessary changes.

Sixth point is about natural resources protection. Members said that there should be a law to protect a natural resources like water, sand, forest, e.t.c. To avoid it being misused.

The seventh point is the using of the bible as evidence. In the current constitution, it allows the bible to be used in the court of law, and members said it should not. It should not be used to prove what one is saying is true. There should be something else instead. E.g. a certain law.(**Interjection**)

Com. Kangu: What law is that?

Wakamba wengine walitambua tutumie kithitu. Watu wanabeba bibilia lakini wanamaliza kusema nitasema ukweli wanaanza kusema uwongo. Lakini ikiwa kithitu wanasema ukweli. Wewe unasema kitu ingine iwe gani? Mbona unaita kitu ingine.

Patrick Mutua: I would say kitu ingine to be, to come up with a law.

Com. Kangu: Hapana tunasema useme hiyo kitu ingine. Nikitu gani, mbona ulisema Bibilia isitumike, kama bibilia itumiki sema kile kitatumika badala yake. Unaniogopa?

Com. Wambua: Na je hiyo unasema kawaida kwa koti tunatumia bibilia, lakini hata kotini pia kuna Koran, si bibilia peke yake. Kwa hivyo unasema tuondoe hivi vitabu vya Mungu, ama unasema ni bibilia peke yake

Patrick Mutua: Ninasema tuondoe vitabu vya Mungu.

Com. Wambua: Alafu?

Patrick Mutua: Alafu tutumie let's say kithito.

Com. Salim: Na wewe unatoka kwenye Catholic group, watu wa dini. Kisha unataka bibilia iondolewe.

Patrick Mutua: Bibilia inasema kwa sababu, if it is not honoured in the court, people just raise the bible and say that; what I am saying the truth and so at the (Interjection)

Com.Wambua: They are not sincere with the bible

Patrick Mutua: They are not, because they say they are saying the true thing, but they don't say it.

Com. Salim: So, you want Kithito instead?

Patrick Mutua: I want something else, which I think ,since the members have not given me that something else.

Pastor Ayonga: You are telling us, there is something wrong with Christianity in our country. It is all but pretend, we must do

something about it. How do we get our people prophesying charge, the word of God, and then actually believing in it, instead of cheating people, wanasema ni watu wa kanisa, wanainua bibilia na kusema uwongo. That is one issue you are raising when you tell us that. That there is something wrong, people say ni watu wa kanisa but si watu wa kuaminiwa.

Patrick Mutua: Yes, I am saying that and also I am saying, I don't know how the court came up with using the bible.

Pastor Ayonga: Because they were preaching.

Com. Salim: Anyway endelea tu.

Patrick Mutua: Ninth point is about salary increment.(Interjection)

Com. Salim: You need to wind up now. You are going to give us the memorandum.

Patrick Mutua: Yes.

Com. Salim: Very good, then just wind up now, because your time is up.

Patrick Mutua: Salary increment; there should be a law to govern salary increment yearly. To avoid too many unnecessary strikes from workers, and also to avoid of sufferings due to political issued. The law should come up with a certain percentage, for example 30%. We should be upgraded accordingly with price increases.

Tenth point is law of terms of services; law of the (**Interjection**)

Com. Salim: Is this the last one?

Patrick Mutua: No,

Com. Salim: You need to wind up. Time is up.

Patrick Wambua: Law of term of services.

The other one is constitution document. I think you should allow me to read this one. Constitution should be in one written document and be kept free for everyone to buy. And, organizations should be mandated to keep it. Amendments should not be due to personal interest.(**Interjection**)

Com. Wambua: How would you like it to be amended?

Pastor Ayonga: Can I just say this; it is easy to say this is bad. But what we want is what we want instead of it.

Patrick Mutua: Amendments should be done by members of the public.

Public holidays; the constitution should state, where the public holiday fund should come from. E.g. Headmen have been collecting it for holiday use, with wrong approaches, and only used by the officers in the dais.

Com. Kangu: What is the right approach?

Patrick Wambua: The right approach is to get it from the revenue.

Com. Salim: Thank you very much Patrick Mutua for your views. Please hand over your document to our people there, to register it. Johnson M. Nzuki?

Johnson M. Nzuki: Thank you Mr. Chairman. My name is Johnson Mutemi Nzuki; I am a retired teacher and a civic provider, under the organization of Migwani Civic Education Agency. My Chairman Sir, my recommendations are as follows;

On preamble, we need a preamble to our constitution. The preamble should reflect national aspiration, and the need to have a non flexible constitution. Hence, the efforts made by Kenyans to develop a national constitution.

Constitutional supremacy; to amend a constitution, a mechanism should be developed to get people's opinion. The parliament should approve that amendment with a 75% majority vote.

Defense and national security; the discipline forces should be independent. The defense and the national security should be the security of every Kenyan, regardless of the political affiliation.

Political parties should finance themselves.

Defectors of political parties should not be allowed to contest any seat, once they defect, they are the worst of our economy. The country should not have more that ten political parties.

Structures and systems of government; Kenya should have parliamentary system of government.

The parliament should appoint the president.

The president shall appoint his cabinet with the approval of the parliament.

All senior appointments should seek the approval of the parliament before gazettment.

The electorate shall have power to recall elected officers whenever they fail to perform as required.

Parliament should not adjourn due to lack of parliamentarians.

Legislation shall be the prime responsibility of the national assembly.

M.Ps should act on the basis of instructions from their contituence.

We should have a national salary commission to guide on all types of salaries in the land.

The constitution should specify qualifications for presidential candidates. It should consider education and moral conduct, among others.

Parliament shall have power to pass a vote of no confidence against a non performing president.

The new consitution should address seriously the issue of corruption. We need a constitutional court.

Judicial officers shall be appointed by a judiciary commission headed by a qualified judge and elected by the judges.

Since non performing elected officers shall be recalled, I propose the local government officers to have a term of five years.

English and Kiswahili shall be the official and national languages respectively.

A president shall be appointed and endorsed by parliament, from a party that means election with the majority votes in parliament.

The president shall not be a member of parliament.

The local government should take the responsibility of providing education, health facilities, roads, employment, et cetera.

The central government shall receive certain quotas from the income received by the local government to cater for defense and national security.

The states should empower and individual the right to own land. Every Kenyans has a right to own land and property.

National hood should be promoted in the constitution instead of cultural and ethic diversity.

Management and use of national resources has brought a lot suffering in this country. I appeal to the experts to see al the loopholes and ensure equitable distribution mechanism of our national resources.

The constitution shall provide powers of prosecution to the Controller and Auditor General.

The president shall appoint the controller and auditor general, subject to the parliament approval of 75% or above.

The local government should have powers to enforce laws on the protection to the environment.

Non-governmental organizations should have a role in governance in terms of developments.

The constitution shall provide an individual with the basic rights, including the rights to protection of ones rights.

Parliament shall have foreign affairs committee.

Education from primary to secondary be free.

People have suffered in the hands of doctors, when treatment is said to be free. I propose that medical treatment be paid for, it shall create competition and low the medical expenses.

Sir, last and not the least, is on the electoral process. I propose that in Mwingi, we have four constituencies instead of the present two. Mwingi North, Mwingi South, Central Mwingi and Mwingi East. Thank you.

Pastor Ayonga: I want to ask you some clarification. You said the constitution should provide for the vote of no confidence on a non-performing president. But you didn't tell us about the non-performing members of parliament. I am sure it is not only the president who could be found non-performing.

Johnson Nzuki: The non-performing M.Ps should be recalled.

Pastor Ayonga: Thank you, thank you, I didn't get that.

Com. Ayonga: Now, you said we need a preamble, which should reflect our national aspiration. In your view, what should be our national aspiration?

Johnson Nzuki: In fact, there are efforts that have been made by the Kenyans in preparation for the constitution. Efforts like, we have a displit with the Mfungamano and the parliamentary select committee. Now, with national aspirations, I think with the struggles that we have had, it should be among the national aspirations. Because we have struggled so much to get this constitution and therefore, it has caused the nation a lot.

Com. Ayonga: Now, especially you were telling us, the preamble should state what the Kenyans people, as a people are aspiring to, where we want to go. So, that guides how our government is run, how our affairs are run. That is why I am asking you what I am asking you. What should be some of the things, the Kenyans should be saying this is the direction we want to go to, what are some of the aspirations of the Kenyan people.

Johnson Nzuki: Sir, some of these aspirations, we go as far as economic, because currently we tend, or the present constitution tends not to look seriously on the economic side of the Kenyans. So, I propose that our preamble should reflect the aspirations of the economy.

Com. Ayonga: The things you have not talked about, clearly on the problem, you can go and think about it. You can write it in a memorandum and hand it to us later. If you have not thought about it let it rest. You can go and think about it and then write to us.

Com. Salim: Thank you very much for your view Bw. Nzuki. Now we call C.J.P.C representative, Mwina? Oh, you are the same person? Okay. Fine Raymond Katua? Or you want to do that, on behalf of C.J.P.E although we has somebody coming earlier.

Pastor Ayonga: I think what you should do, is just to mention his name and say he is handing it. We go and read it, we don't have time.

Com. Salim: So, I am saying you are presenting the organization now.

Johnson Nzuki: I am presenting the Bishop, Catholic Bishop.

Com. Salim: Read your name and then say you are representing who.

Johnson Nzuki: My name is Johnson Mutemi Nzuki, representing Catholic Diocese of Kitu, Mwingi Denary, and I have presented the memorandum.

Com. Salim: Thank you very much Mr. Nzuki. Raymond Katua?

Raymond Katua: My names are Raymond Katua of Post Office Box,34 Migwani. Here are my proposals.

The new constitution should have preamble.

The new constitution should expressly recognize and declare a consultative powers emanate from the people and that, under no circumstances can parliament, the executive, or any other state organ arrogate and depict itself those powers.

The Provincial Administration be over hauled in its entirety at it's colonial, comprehensive and unaccountable to the people of the province.

Com. Ayonga: What should replace it? We said earlier it is easy to say we don't want , but what do you want instead.

Raymond Katua: Naendelea tu kusoma. The new constitution should establish an elected an administrative system to take over the administration goal from the local to the provincial level.

Parliament should elect electoral commission or commissioners.

The new constitution should ensure that appointment of police commissioner be approved by parliament and deforc'd to be constitutionally accountable, transparent and responsible.

The citizens can impeach the president, prime minister, ministers and public officials, if they engage in any wrong doing.

Education should be free, fair and universal for every Kenyan in the new constitution.

Com. Salim: The education should be fair or free?

Raymond Katua: Free and universal.

Nobody should be above the law, everybody should be subject to the law equally.

The president should be subject to the laws of the land.

In order to curb high courts of by elections and political machandalism, the new should be impose heavy financial penalty to M.Ps willing to defect between general election.

The powers of the Attorney General can meet private prosecution should be done away with.

The new constitution should provide for a coalition government to allow for proper coalitions and power sharing among political parties in future.

The councilors, M.Ps and the president, must by law and the constitution be made accountable to the people.’

The mayors, the chairperson and the civic authorities of the civic authority should be directly elected by the electorate rather than the councilors, to make this heads directly accountable to the people or to the electorates.

The judiciary should be over hold to return credibility and public confidence to otherwise disgraced institution.

The new constitution should oblige in the central government to decentralize (**Interjection**)

Com. Salim: Can we take you back to the judiciary; you haven’t given us a proposal.

Raymond Katua: The judiciary should be appointed by the parliament.

The new constitution should oblige the central government to decentralize its budgeting process to ensure that grassroots population are involve in prioritizing their development recurrences.

The new constitution should create mechanisms to ensure that, leadership at all levels is based on patriotism, meritocracy an moral uprightness.

The government should be prohibited by the new constitutional law from propagating republic funded media organizations.

The new constitution should prohibit the nomination of any person rejected by electorate as an M.P or a councilor.

Code of conduct should be enacted to govern the conduct of order or political and public offices.

The fundamental amendments of the constitution be subjected to the national referendum

The new constitution should make provision for creating mechanism to enable greater participation of the citizen in identification of development project, utilization of natural resources and monitoring of public funded projects.

Parliament should have powers to vet the executive and prosecute corrupt officers.

The new constitution should make provision for a comprehensive and integrated health policy and ensure availability of primary health care to all under privileged people.

We must have (**Interjection**)

Pastor Ayonga: Sorry, on the health issue; to just provide health, should that be paid, should it be cost sharing or free?

Raymond Katua: Free.

We must have united Kenya, without regard to tribe, race, sex, religion or age.

Com. Salim: Thank you very much Bw. Raymond Katua. Those are very specific, clear proposals; we thank you for presenting your views. And, now I think it is about time, we had a woman's view. As I said right at the beginning, we want diverse view, and by diverse we mean views from all sections of Kenyan society. And, if you don't mind, I am going to even jump the queues of the speak or allow a lady to jump the queue and come and present her view before the men. We have heard a lot from the men, so I will use my discretion. Not my executive powers but my discretion to hear a lady, and I am sure my colleagues will like me to do that. So, let me call the first lady I see listed. Grace Musyoki? I think she is the first lady who registered, is she hear? Karibu Grace. And, then we will hear from Josephine Mulu. Juliana Nzeva is she here? In that order.

Grace Musyoki: Thank you commissioners for this (**Interjection**)

Com. Salim: You will start with your name?

Grace Musyoki: My names are Grace Musyoki. Former administrative officer of Kenya Times, and now a businesswoman and farmer in Migwani. I hold several positions in the community. I would like to present my views on the review process on the new constitution.

I want to start on property in the community. I would like the government to work of water, because when we have water we will be able to plant, we would be able to irrigate our crops. **(Interjection)**

Com. Salim: Sorry, you are linking water to property, to shamba?

Grace Musyoki: Yes, on our farms. So that we are able to irrigate our farms and grow crops, which can make money, you sell the crops and be able to make money to educate our children. That is one.

Also, I have written something on salaries; salaries should be spread over. E.g. a nurse and a doctor, the gap should not be very big. Because we are all living on the same country, we buy the same things from the same shop, and if say; a nurse earns 10,000, a doctor earns 70,000, that is fair. We should hve some fair or uniform kind of salary stucture. Also this should affect all the ministries and all the private firms, and even the parliament. Because they should not earn all the money, when the common man and woman is suffering.

Another point; there should be no retrenching for young people, because, under the age of 40 years. Because when this is done, it creates a lot of problems. You will retrench a man of 30 years and the children are in secondary school and he is not able to raise money to educate his children. So, if you don't educate those children, you are going to have thieves in the community. **(Interjection)**

Com. Salim: So what is your proposal Grace?

Grace Musyoki: My proposal is that you should not retrench people at the early age. You know? Then they can educate their children and support their family. They should be able to work up to the age of 55, then after that, you can go for retirement.

Com. Salim: Do you want to use age as an indicator? (Inaudible)

Grace Musyoki: After 50.

Com. Salim: Retrenchment of retirement?

Grace Musyoki: I am talking on retrenching.

Com. Wambua: You have been asked by the chairman, at what level do you recommend retrenchment? And you said 55.

The question is, should people ever be retrenchment so that they should be allowed to retire once they get to age 55, or you advocate for retrenchment

Grace Musyoki: I am saying this; they can be retrenched at 50 years

Com. Wambua: They can be retrenched?

Grace Musyoki: Yes after 50, because at that age, at least they have educated their children. Because somebody at 40, his children are in Primary schools.

Com. Wambua: In other words, nobody should be retrenched unless he or she is 50 years and not before that.

Grace Musyoki: Yes. What I am saying is, I have got an experience. Some people who have retrenched right now, the men have become drunkards because they have nothing else to do.

(Interjection but Inaudible)

Grace Musyoki: Perhaps he married late.

Com. Kangu: May be the point you are arriving at is,; why should we retrench people, because we have been unable to create employment. So, why don't we just create employment for everybody, we wont have to retrench people.

Grace Musyoki: If you create employment **(Inaudible)**

Com. Wambua: The question I was asking madam is; should retrenchment ever be there for anybody?

Grace Musyoki: No,

Com. Wambua: It should not be there?

Grace Musyoki: It should not be there.

Com. Wambua: Okay.

Grace Musyoki: If the government can manage the people there should be no retrenchment.

Com. Wambua: There should be no retrenchment?

Grace Musyoki: Yes.

Com. Wambua: And that would be your recommendation?

Grace Musyoki: Yes. Should I continue?

Com. Salim: Go ahead.

Grace Musyoki: Okay. Something should be found to help the common man and woman, who have nothing to depend on. And especially the old men and women. Some kind of Social Security Fund, should be set up for them. Because you will find that they are left by their children and there is nobody to take care of the, and they are not even able to go to the shamba to cultivate. So , the government should do something about that.

Another point; proper justice should be done on all people. E.g. why should a rich man who has mishandled fund for the family go free? (**Interjection**)

Com. Salim: Tell us what you want done.

Grace Musyoki: He must be prosecuted just like any other man.

This T.K.K must stop. I am talking about the bribery.

Com. Wambua: How do we stop it, tell us how. That is a recommendation

Com. Kangu: We also know that it has changed meaning. T.K.K now is Toa Kitu Kikubwa.

Pastor Ayonga: We have upgraded it.

Grace Musyoki: This bribery, If I am bribed I should be sent to prison

Both of you should be taken to prison

Yes, so that the other people can be careful.

And about the justice. The cases in court, some of them take too long, for even more that three years. They should try to make them at least six months. Because if it is an accident case and it goes for even more than two years, and you have been bedridden, then it means that you are not being helped enough by that case.

Another point, government officers who are posted in the rural areas should supervise the government projects properly. E.g. on education; the educational officers should be able to supervise the schools properly, the parents money which they give in the school, they have been misappropriated by some teachers and maybe some committee people. So, the educational officers should be able to supervise that.

On the ministry of health also; some nurses and doctors sell drugs and whatever, and then the people go without medicine. They are told to go and buy from the chemist and they have no money. So, if the government is giving out drugs for the poor man and woman, it should be supervised properly.

And also, on agriculture; the officers should be able to educate wanainchi on how to use their shambas properly. If it is giving the trenches and benches, they should also be enlightened on this. If it is planting oranges or cash crops which can make money for the people, they should also be educated, because I know the government has such projects for the common man and woman.

On livestock; the officers should also teach the wanainchi on how to take care of their dairy cows. Because right now, the dairy cows are also helping people on milk and such things. When you sell your milk, you make money, you educate your children and you also take care of your needs.

And also the minister of works; the officers should be able to supervise the roads, because there so much money being spent on road construction and after six months the roads become impassible. I am talking on experience; we have one road from Bondoni going to Kabati, when it rains, the road becomes completely impassible. Even our Mheshimiwa was here; he has been talking about that, asking the road supervisors why they are not supervising our roads properly. So, I am saying the government officers in the district, division and locational level should be able to supervise the projects properly. So that whatever the government teach to the public is done in a proper manner, so that people don't keep complaining up that the government is not doing its work. **(Interjection)**

Com. Salim: And if they are not supervising the roads properly

Grace Musyoki: You suck them and employ some more people.

Pastor Ayonga: Mama, you know there was a time, when we had what used to be called Public Works department and those people had comes all over, and when roads were made, they were on the road. Until some time in between, then and now, we started giving contracts to individual companies to do our roads, would you like to say, maybe, do you sense of reverting back what used to be done, so that our roads could be maintained and give work to the local people. Because in those camps, you would get people from that local location to work on the road.

Grace Musyoki: I think we should revert to that.

Com. Salim: Thank you Madam, are you about to finish?

Grace Musyoki: Yes I am about to finish.

And also, the N.G.Os should be supervised by the government, so that they can do proper projects which can be seen and can help the common man and woman, and stop doing unnecessary seminars. We need some more actions more than the seminars.

Universities must be spread all over the Provinces. Even in Ukambani, we don't even have one, and there are places like Rift Valley, which have several universities. So, they should be spread all over the country, so that even here in Kamba land, we can have a university of our own. **(Interjection)**

Com. Salim: Will it admit only the Kambas?

Grace Musyoki: No, it will admit all the people from Kenya.

Com. Salim: So, at least Kambas can have one.

Grace Musyoki: I am saying that because, in ukambani, we will also be proud to have a university. Okay, I am just about to finish.

Women in the rural areas should also be remembered, when appointments in the government are done. The jobs even in the commission.

Pastor Ayonga: Why only women in rural areas, what about women in the urban area?

Grace Musyoki: I am talking of the rural woman because I am in the rural area.

Com. Salim: Okay thank you very much.

Grace Musyoki: One more thing please. Schools children should be cained, but with limit. Because, if we don't cain our children or discipline then, we are going to have a corrupt nation.

Com. Kangu: I think there are those who are against it, they say it is very cruel, those who say it has to be there. So, it has been a lot of debate around the issue of school discipline, and what to do and how far to go. How far do you think we should go in terms of discipline of school children?

Grace Musyoki: We should not beat them to an extend of harming them. There has been cases where some teachers beat them; even making them bleed.(**Interjection**)

Com. Kangu: But in some schools, teachers are not allowed to cain them. They are told to sent for the parents to come and cain his or her child, which sometimes is a very expensive thing. Couldn't you suggest a better way of caining, I mean, a caining by such and such?

Grace Musyoki: But the teacher is the one who knows the mistake the child has done, so he should be able to weigh what kind of a punishment he is going to give to that child. And then, afterward he can call the parent and come cain him.

Com. Kangu: So, you are in favour of the caining as long as it doesn't do any serious or cause any harm?

Grace Musyoki: Yes.

Com. Salim: Thank you very much Grace, we appreciate your views. There is another question for you.

Com. Kangu: You say universities should be spread in all the provinces. Do you want us to restrict that to just universities or are there other things we can spread. Because at the moment, it is like we have put everything in Nairobi, and that has its own economic implication. Do, you want just only the universities or you can address other things?

Grace Musyoki: Right now maybe, the university is the one, which is not common in the Province.

Com. Salim: Thank you very much. Josephine Mwilu, I think it is Mwilu right?

Josephine Mwilu: It is Mwilu. Mimi nakuja hapa, kwanza nashukuru tume kwa kuone mwite akina mama. Kusema ukweli

hatungeitwa kama ingelikuwa ni kufuata ile laini. Sababu akina mama kila wakati wanabaki nyumbani wakipikia watoto. Tukija tunakuta mabwana wamefika zamani, kwa hivyo nashukuru hapo.

Hii maoni natoa hapa, ni maoni ya baadhi ya wakina mama wa hapa Migwani. Mimi nimwakilishi wa akina mama, Mwingi South, na mimi ni nominated councilor. Wamenitume nije kusema hii; kwa sababu hao akina mama ni wale wa huku rural areas, hawajui hata katiba inasema nini. Lakini wakasema wanataka hii inatengenezwa hii maneno iingie ndani. Wakasema hivi;

Akina mama wale wameolewa na wamekaa kama miaka kumi na mabwana zao. Na hawa mabwana, wakita kuowa, wanaanza kuchokoza hawa na kuwafukuza waende kwao, wapewe pension na hawa mabwana. Yes, iwe kama wale watu wengine wanaenda kwa kazi kufanya na kurudi kwao wakiretire, kwa hivyo nao wapewe pension. Sababu maisha yao imeishia hapo, na hakuna pahali wanaweza kupata kitu. Hiyo ni maoni number one.

Ya pili, wakasema hapo mbeleni, ilikuwa kijana akimtia msichana mimba wakiwa shule, wanafukuzwa wote. Kwa hivyo ata leo hiyo irudishw, ndio vijana waogope wasichana, na sio vijana peke yao, ma sugar daddy wameingilia watoto wa kike sana. Ili akimtia mimba, alee huyu mtoto, iwekwe kama sheria.

Number ya tatu, wakasema; corruption imeingia sana katika Kenya, yaani mambo ya hongo. Kama mtoto akitaka kwenda police, akitaka kwenda jeshi, ata kazi yoyote ile, bila kuwa na elfu salasini, ama arubaini, mtoto wako awezi chukuliwa. Kwa hivyo wale watu, ambao hawana chochote, watoto wao ndio wako kuhu, hawaandikwi kazi. Ukiangalia sana wale watoto wanaandikwa ni wa matajiri tu. Watoto wa wale hawana kitu, hawaandikwi. Kwa hivyo katiba iangalie hili jambo, kwa wale hawana chochote.

Wakarudi number nne wakasema; wale watoto ambao hawana wazazi kamili wa kuwalea, sababu unaweza kuwa kama hawa sasa wanapewa mimba na vijana, na unawachwa hivyo. Serikali iangalie hawa watoto watasoma namna gani.

Number tano wakasema, bursary iongezwe kwa mashule kwa sababu ya hawa watu ambao hawana chochote. Ili watoto wao waweze kusoma.

Wakarudi wakasema, kama bibi umeolewa, wewe umekuwa wa hiyo family. Kwa hivyo, hakuna mambo ya kusema huyu bibi hana share kwa hii land, kwa sababu uliwacha land ya baba yako ukakuja hapo. Na ikigawanwa, kule kweni ukugawiwa sababu ulikuwa hapa. Kwa hivyo bwana akitaka kuuza shamba, wakae chini na family yake, bibi na watoto. Waangalie kama kuna haja ya kuuza, sababu wazee wengine wanauza mashamba tu, wakienda kunywa. Kwa hivyo hiyo iangaliwe na family yote, watoto na akina mama.

Number saba wanasema; kuna baadhi ya watoto wengine. Unaona wazazi wanasomesha watoto, ata utauza land ili usomeshe,

unabaki na kidogo. Na baada ya hawa watoto kufanikiwa kupata kazi, wengine wanasahau wazazi, inakuwa hata wawezi kuwaletea chochote. Kwa hivyo hii katiba, ihakikishe watoto kama hawa, wale hawasaidii wazazi, wawe wakikatwa pesa ikiletewa hawa wazazi.

Number eight; kuna hawa wazee, na sio wazee peke yao, hata akina mama wamekuwepo. Hawa wanaitwa Village Elders, wanafanya kazi nyingi sana kwa serikali. Tukaonelea, watafutiwe mshahara wawe wakilipwa, sababu hata sisi akina mama tumeingia huko.

Number tisa; mambo ya kupiga akina mama, iwachwe kabisa. Tuwe tukijadiliana mdomo kwa mdomo, sababu hakuna mtu hana akili. Unaona bwana anaenda anakosea bibi, na badala ya kuulizwa na bibi sasa kwa nini unanikosea, unatandikwa na yeye ndiye amekukoea. Sisi hatuna nguvu ya kutandikana na wao. Kwa hivyo, kutafutwe sheria, iongezwe, ile iko itoshi. Iongezwe, mambo ya mabibi kupigwa, iwachwe kabisa.

Number kumi; inasema, ni mambo ya mabibi na nitasema yote, akina mama wa reserve wanajua hiyo tu, ile mtasikia. Inasema, akina mama na baba wakikaa kwa respect nyumbani na watoto wao, hata utaweza kuona kuvunjika kwa hizi ndoa. Kwa hivyo watu wakae wakiheshimiana.

Number kumi na moja inasema; badala ya mtu mwizi ama mtu tu muuwaji, badala ya kwenda kuhukumiwa kunyongwa, ahukumiwe kufungwa maisha. Awe yuko tu kwa hiyo jela lakini akiuwawe, akae hapo.

Wakarudi wakasema, kama msichana hajaolewa, apewe land sawa sawa na kijana. Sababu unakuta kuingine anakatiwa ka kitu kadogo, kama yeye afai kupata kitu hapo. Kwa hivyo tunasema wapewe sama, kama hajaolewa.

Number kumi na nne ni kuhusu wafanyi kazi wa serikali. Tunasema, wawekewe kiwango ya juu ya mishahara. Kiwango ambayo, akifanya ata kwa miaka mitano, hii pesa inatosha kwa family yake. Ili waweze kufanya kazi kwa miaka kumi na mitano. Atoke kazi, kijana mwingine aingie kwa kazi, sababu watu wamekuwa wengi. Na wakipewa mishahara kubwa namna hiyo, na ajue atafanya kazi kwa miaka kumi na tano, pesa yake atakuwa akipeleka kwa ulevi, atakuwa aki bank, kwa sababu ako karibu ku retire na bado ako na watoto wengine wako shule.

Number kumi na tano, mambo ya kuuza vitu, siku hizi imewachwa bila control. Na hiyo inatatiza, irudishwe kwa control.

Number kumi na sita, inaongea kuhusu Assistant Chief na ma Chief, D.Os, D.C, wote kuendelea juu. Wamesema, hata kama ni D.C, aanze kwa Assistant Chief, sababu ukianza kwa Assistant Chief uje Chief, uende D.O, utakuwa unajua kuishi na hawa watu. Sababu kuna wengine wanachukuliwa tu kutoka shule, na kuja kusimamia watu wanashindwa. Kwa hivyo, waandikwe Assistant Chief wamesoma, ili wapewe promotion, kama upande wa education, unakuta mtu alikuwa mwalimu, anakuja Deputy Head teacher mpaka mwisho. Hata hapo tumeseme ikuwe namna hiyo. Na yangu imeisha, Mungu awabariki.

Com. Salim: Samahani kidogo, ungojee Josephine, kuna swali moja mbili. Bwana Wambua, Pastor Ayonga ndio?

Com. Wambua: Nitakurudisha kwa pension, hii pension ya akina mama. Umesema wapewe baada ya miaka kumi, wapewe pension kama mwanaume anataka kuowa tena. Na ikiwa watawachana after five years na hakuna mtoto, hakuna pension, hiyo ikae namna hiyo? Hiyo ndio swali la kwanza.

Swali la pili ni kwa kina mama, umesema domestic violence. Wanaume wanapiga wakina mama sana, na hiyo unaseme aiondolewe. Tunataka utaje, maanake unajua akina mama wanapiga akina baba vibaya, utaje hiyo tufanye nini?

Josephine Mwilu: Hii ya kwanza, nimesema baada maybe ya ten years. Ni kwa kuwa, maybe ukiwa na five years kwa huyu bwana na akufukuze bado unaonekana young, unaweza kupata bwana mwingine. Lakini baada ya kukaa miaka kumi, uko kama mimi sasa, nani atanikubali saa hii kuniowa? Unajua siku hizi tunazaa kwa majira, unaweza kuwa uko na mtoto mmoja, huyo ni wako sababu yeye ndio anakufukuza, na akusaidie kulea. Ndio tunasema mtu apewe pension kidogo.

Com. Wambua: Na mkirudiana, kama umeshalipwa pension? Unaweza pata kuna watu wamegombana wamesema hawataki kuonana tena, but after few weeks, you will find them courting again saying darling come back, atake over?

Josephine Mwilu: Hivo itakuwa hivi; huyu bwana anaweza kuwa aone amelipa pension ya kutosha. Akija anibembeleze vile tulianza, tutarudiana na tutakaa.

Com. Wambua: Hiyo pension ujaseme iko katika form gani. Ni pesa, ni ng'ombe, ni udongo?

Josephine Mwilu: Unajua kama hapo awali nimese, wakati umeolewa, kule kwenu land imegawanwa na wale wako huko. Sasa huna chochote. Kwa hivyo pension ndio nilikuwa nasema serikali iangalie tunaweza pewa nini. Sababu hauna land.(Interjection)

Com. Wambua: Ni wewe unatuambia.

Josephine Mwilu: Pension ni, badala ya nitoke hapo sababu nimeishi hapo. Nikatiwe land kwake, na anijengee. Na awe akiendelea kuniangalia nikiwa tu kwa hiyo boma yake. Nanma hiyo.

Pasor Ayonga: Swali lingine ni juu ya domestic violence. Ile domestic violence mama ambayo umeulizwa, ujajibu. Nataka ujue hivi, hawa wanaume waliyomo hapa, siwezi kusema hawa pengine inawezekana. Lakini wacha nikupe experience ya pahali pengine. Kuna wanawake wanapiga wanaume, na wanaume wanapigwa. Na wanaume hawa wana aibu. Hawawezi kuja akaambia mwanaume mwingine hapa kwamba, huyu bibi ananipiga kila wakati. Kule kwetu, kulikuweco mwanamke

ambaye mimi nilijua nikiwa mtoto, anapompiga bwana wake, bibi ndiye analia. Analia kabisa mpaka watu wa kijiji wanakimbia, huu bwana atauwa bibi. Siku moja, it was too much, mpaka watu wakasema, huu mlango lazima tuuvunje, kwa maana huyu bibi kabla ajaanza huyu bwana wake, she makes sure amefunga mlango, ameweka chapi. Na akisha kumpiga, sasa yeye ndiye analia. Anampiga na bwana awezi kulia, linakufa kuho tu, linapigwa na linaendelea. Sasa walipovunja mlango na kuingia, walipata nani chini? Mwanaume, mwanamke juu, na aliliswaga ili limwanaume lake. Na huku analia, unaona?

Mimi nadhani mama, pengine kitu ambacho ungetuambia, kwamba kusingekuwemo violence kwa mtu yeyote. Hii ndio ingekuwa dawa. Lakini, nyinyi wanawake kuendelea tu kusema, domestic violence ina mean kupiga wanawake. Domestic violence ina mean pia, kupiga silent wanaume, ambao wana aibu ya kutosema. Jambo tu suluisho, pendekezo lingekuwa tusipigane, tuongee, na tusuluishe mambo yetu at a round table, whatever whatever.

Josephine Mwilu: Yes, iko namna hiyo.

Com. Salim: Josephine asante sana. Unaweza kutupa memorandum yako pale, ukatia sign pia. Sasa tumwite Juliana Nzetha.

Juliana Nzetha: Asante kwa mwenyekiti, mimi naitwa Juliana Nzetha na hii ndio maoni yangu pamoja na wanainchi. Mimi ni Women Link wa Ngutan.

Ya kwanza ni hii; wale watu wote wanachaguliwa na wanainchi, kutoka kwa national mpaka kwa sub-locational wote wapewe mshahara. Kama vile councilor, M.P wanapewe, kwa sababu hawa watu wanachaguliwa na wanainchi na wanainchi wanatarajia wafanye maendeleo pamoja na wale viongozi ambao walichagua. Na hawana pesa, sasa hayo maendeleo watafanya na nini (**Interjection**)

Com. Salim: Samahani, umesema wale watu ambao wamechaguliwa wapewe mshahara, kama wabunge, kama councilor, lakini hawa wanapata mishahara.

Josephine Mwilu: Yaani nasema, kwa mfano tuseme kama Maendeleo ya wanawake, wanachukiliwa kutoka kwa national mpaka kwa grassroots na hakuna mishahara. Tuseme kila chama ambacho kinatawala kiko na chairman, women leader, na hakuna mishahara. Mmeelewa hapo?

Ile point ingine; tuseme hii katiba ambayo tuaandika, iandikwe kwa kila lugha ambayo kila mtu anaweza kuelewa, yaani tuseme iandikwe na mother tongue, Kingereza, Kiswahili na lugha ya kila mtu. Hili kila mtu awe akielewa.

Kile kingine ni, tuseme huko kotini kuwe kukizungumzwa na Kiswahili.

Kile kingine ni; retire ambayo inapewa watu na serikali. Watu wanapewa retire, waende nyumbani wakapumzike na kukitokea kitu, tuseme kama ni watu wanaandikwa wale ambao watepea wale wengine kura ama vitu vingine kam hivyo. Wale retired men and women wanaenda huko kulolonga, alafu waandikwe. Na, wale watoto ambao wamesoma wako huko. Hapo paangaliwe sana, hapo tuandikiwe hivyo.

Kile kingine ni mjumbe. Tuseme mjumbe akiwa anaongoza watu wake vizuri, yeye akae, na akikosa apelekwe kotini kama mwanainchi yule mwingine ako huko chini, kwa sababu yeye amefanya makosa. Na akiwa yeye anaendelea vizuri, yeye hana makosa, yeye andeleo mpaka ashindwe na kuzungumza ama pengine Mungu amuchukuwe. Hiyo ni yangu wewe utaandika yako.

Kile kingine ni zile pesa ambayo serikali inapeana, za bursary. Zikifika huko kwa mashule, kunasemekana ati ukiwa ujafikia kiwango fulani, tuseme wewe sio mwerevu sana, utapewa hizo. Na wewe mahali unatoka na kwa a poor family. Hizo pesa zipewe kila mtoto. Akiangaliwa kama yeye anatoka kwa poor family, hata ikiwa yeye ako na D, apewe kwa sababu anaweza kuwa amewezeshwe kuchukua hiyo D, kwa kuwa hapa kwa barabara, yeye anafukuzwa fukuzwa. Hiyo inaweza kumwezesha apate hiyo grade ya D, badala ya kupata A ama B. Kwa hivyo hizo pesa zipewe watoto wote, hiyo kiwango iwachwe.

Kile kingine ni corruption. Yaani corruption iwachwe kabisa kwa sababu, tunapewa misaada sisi wanakenya, na ile misaada badala ya kufikia yule mtu ambaye amepewa msaada, mwenye pesa ndiye anachukua hiyo misaada, anongezea pesa kwa pesa.

Kwa hivyo tunataka misaada ikipeanwa, ifikie yule mtu. Ikiwa ni kilima, ipekekwe kwa kilema, ikiwa ni ya akina mama, ipelekwe mpaka kwa yule mama ako chini kabisa.

Na tena, hapo nikiongezea kwa hiyo corruption. Wale matajiri wako na pesa, ndio watoto wao, hata ikiwa yeye alikuwa ameanguka kabisa, ata ikiwa akufikia kiwango cha Form four, yeye yuko kazini. Na yule mtoto ambaye ni wa mtu ambaye ni masikini, ako na B ama ametoka university na yeye hana kazi, na mtu ambaye ajafika katika secondary, ako kazini kwa sababu baba yake alipeana pesa mtoto wake aandikwa, na yeye hana qualification za kuandikwa. Kwa hivyo hiyo corruption iwachwe, ama iyo kimtu iwache kabisa.

Kile kingine hapo ni hiyo kimtu, pengine wewe una present yule mtu ako chini kabisa. Akienda, tuseme akienda kwa office fulani, na akiangaliwa aonekane hata, anangaliwa mpaka kwake, vile yeye yuko, hata akuna heshima. Sisi tunataka tuheshimiwe sisi wote kama wana Kenya.

Com. Salim: Na hilo neno unatumia kimtu maana yake ni nini?

Josephine Mwilu: Hiyo kimtu ni, ikiwa wewe ndio mkubwa wa army, tuseme na mimi ni mtoto wako, unanichukua ama unapewa pesa na mtu mwingine fulani, kwa sababu mnajuana, hiyo ndio kimtu.

Com. Salim: Yaani ni mtu ambaye below mtu?

Josephine Mwilu: Hapana siyo mtu below mtu. Ni, tuseme wewe (Interjection)

Com. Salim: Ni mtu mbaya kwa sababu ako corrupt.

Josephine Mwilu: Ah ndio hiyo.

Kile kingine ni; ile katiba ambayo tunaiandika hapa, ifuatiwe na mtu akikosa ashtakiwe na hiyo katiba. Sio katiba, ati tunaaribu masaa hapa tunaandika katiba na itafuatwa. Kwa hivyo ile katiba tunaandika sasa, ifuatiwe, kwa sababu ile ingine ilikuwa, haikuwa ikifuatiwa na mtu. Na mimi nitakomea hapo, na asante sana.

Com. Salim: Asante sana Juliana kwa maoni yako. Na sasa ningependa kumwita Philip Mbuvi, yeye ni mlemavu na kama tulivyosema hapo awali, tungependa diversity, kenya's diversity in terms of population must also be represented in the views given by wanainchi. Karibu.

Philip Mbuvi: Asante sana mwenyekiti, kwa kunipa fursa hii.

First of all in the new constitution. (**Interjection**)

Com. Salim: Sema majina yako.

Philip Mbuvi: My full names are Philip Mbuvi and I come from Migwani area.

First of all in the new constitution, we want to have a coalition government, hii serikali ya mseto. Ambavyo vyama vyote vinastahili kuwa na hours equal.

Point number two; we need to have a president and a prime minister.

Number three, we should have five national parties. Because we have many national parties which are becoming monotonous, huyu anataka hii, huyu anataka hii. Kwa hivyo, at least five.

Com. Wangu: At least au at most.

Philip Mbuvi: At most.

Chief Justices na Attorney General should serve only for ten years.

Kitu ile ingine ningengea kwa urefu sana ni juu ya walemavu. Kwa muda mrefu, tumechukuliwa kama watu ambao hawafai. Kwa hivyo wakati huu tunataka katiba mpya itushugulikie kwa upana.

Kwanza tupatiwe elimu ya bure.

Tupatiwe first priority in all the jobs which are available for the person who has the right education for that job.

At the national level, we want somebody to be employed by the government to cater for the needs of the disabled. Huyo mtu tujuwe office yake, mahali tutakuwa tunamtembelea, lakini this time, mtu wa serikali.

Com. Salim: What sought of level, awe ni Director(**Inaudilbe**)

Phili Mbuvi: Cheo chake kikiwe cha waziri, waziri fulani.

Alafu, kutoka hapo, kukuwe at least serikali ina pesa nyingi sana. Itutengee mtu yeyote ambaye ni mlemavu, amefika form four, atengewe a certain amount. Akuwe anaenda ata kama ni kwa Chief, anapatiwa, hata kama ni kwa Chief, anapatiwa ata kama ni elfu mbili. Kuna walemavu wamefika ata form four na hawajawai pata noti ya elf moja, maishani mwao. Kwa hivyo mtu ambaye ni mlemavu amefika form four, na labda hajapata kazi, atengewe kiwango fulani cha sehemu fulani ya pesa ya serikali. Iwe labda, kama ni mwisho wa mwezi, unaenda hapo unapatiwa kakitu cha kujisaidia.

Kitu ile ingine. Tuangaliwe kwa upande wa health. Tupatiwe uduma ya matibabu ambayo ni ya bure. Kuna mtu ambaye mguu wake, labda umeenda kando, na amekaa muda mrefu, na hajapata mtu wakumpatia matibabu. Nastahili kuwa nikifika Kenyatta Hospital, naona Physiotherapist, ananiangalia. Kwa hivyo kukuwe free health service for the disabled.

Kitu ile ingine, naweza ongea juu ya youth kidogo. Youth wameteseka sana. So, hii vikundi vikundi, serikali iwachungulie sana, ikuwe kuna mpangilio fulani wa kila youth. Vikundi yao itakuwa inaangaliwa na wanashughulikiwa kwa upana.

Ile ingine ni retiring age. Hiyo nigecomment 50 years. Nafikiti ningekomea hapo kwa leo.

Ngojea kidogo, upatiwe maswala moja, mawili. Pastor na commissioner Wambua.

Pastor Ayonga: Bwana Philip, umeongea vizuri sana, na umeguzia juu ya elimu na juu ya mambo ya matibabu. Ninaweza

kuona sentiments zako, jinzi ambavyo unafikiria juu ya walemavu. Usingelifikiria mambo haya mawili juu ya elimu ya bure, na free health services, zingekuwa ni zile basic rights ambazo kila mkenya angepatiwa. Awe ni mlemavu, awe asiwe ni mlemavu?

Philip Mbuvi: Hiyo inastahili kuwa kwa mlemavu.

Pastor Ayonga: Only?

Philp Mbuvi: Mlemavu. Kwa vile nikisema ni kwa kila mkenya, hapo italeta shida. Daktari atataka kulipwa, unaona? Nikisema ni kwa kila mkenya, itaingia shida, kwa hivyo wacha ni specify. Unajua sasa nataka kwa hiyo constitution mna review, pakuwe na section yetu, unaona? Kwa hivyo ndio sababu nimespecify, kukuwe na free education, free health services.

Com. Wambua: Umesema Bw. Philip, ungelipenda Attorney General na Chief Justice atumike kwa kipindi cha miaka kumi, lakini haukutaja aretire akifika miaka mingapi. Maanake miaka kumi inaweza kuanzia ukiwa 90. Kwa hivyo ingefaa utuambia, yes ten years, lakini retirement age iwe hii. Umeelewa hapo?

Philip Mbuvi: Kwa vile hii ni profession, huy mtu anastahili a-retire kwa miaka sabini.

Com. Wambua: Ata Attorney General

Philip Mbuvi: Ata Attorney General, lakini akuwe kwa office kwa miaka kumi. Kwa hiyo cheo. Umenielewa? Unajua judge hata akiwa na miaka sabini anaweza perform akuna shida.

Com. Wambua: Na ukazungumzia mambo ya free medical services, lakini tulisikia walemavu wakitaja hivi vyombo ambavyo mnatumia, kuhusu ushuru, jee unatosheka mlipie ushuru kwa hivi vitu mnavyotumia? Haukutaja hivo, ama unatosheka vile mambo yalivyo sasa?

Philip Mbuvi: Ushuru ambayo tunalipiwa ni sawa. Lakini zaidi ya hayo, hiyo mipango ingine ishughulikiwe. Hii ushuru, sawa, vitu vyetu, calipers , zozote zikuwe ushuru umepunguzwa, hapo ni sawa sawa. Kwa hivyo hiyo ushuruya tax, ikuwe almost nothing. Asante.

Com. Salim: Asante sana Philip Mbuvi kwa maoni yako. Namwita Bwana Jonathan:

Jonathan Kimanzi: Thank you very much Mr. Chairman, my full names are Jonathan Kimanzi Mutambo, yeah those are my full names. I am the K.N.U.T executive secretary, Mwingi branch, Provincial secretary, K.N.U.T council Eastern Province, a professionally trained teacher, with a B.A honour from Nairobi university, and a Post Graduate Diploma from Kenyatta University. I have already written a memorandum, therefore I will just go very quickly on a few issues, in total I have six issues

that I wish to comment on.

The first issue is on the language of the document, which is the Kenya constitution. The present constitution is indeed spiced, with linguistic, that is not understandable to the majority of the Kenyans. I indeed propose that the document that we are going to write, should have a very simple and clear language. And, it should be translated into Kiswahili. So that is about the language.

Number two, I wish to comment on political parties that we have in this country. I propose that we should have a maximum of three political parties. As opposed to the present system, where our constitution allows us to register as many parties as possible. This has indeed gone a long way to make our political parties, tribal conflicts and people in multi cases have their allegates to their tribe. I propose further, that this political parties, should be notational and should be funded from the national copper, that is from the treasury.

Mr. Chairman, nuber three, I would wish to comment on education, and I propose that education should be free and compulsory, up to form four level. And, in view of our invesent ambitious plan of achieving a newly industrilised country status, I propose that more emphasis than it is being done, be put in science and technology, with a creation of a national body on science and technology. I further propose in this line Mr. Chairman, that strengthening of the Teachers Service Commission. I would propose that T.S.C should be named a constitutional body which is completely independet headed by a director of teaching, who shall indeed have a security of tenure of office, to make it operate in a free atmosphere and to discharge its duties without fear or favour. In the same Mr. Chairman, I would like to propose that we should have an independent director of education, to be in charge of all the administrative duties in the Ministry of Education.

Further on education Mr. Chairman, I would like to propose that the Minister for Education, should be a man first with the teaching, or rather with the teaching training and with matters pertaining the teacher. Thus, I propose that the Minister for Education should be a trained and a qualified teacher.

Number four; I wish to comment on the legislature. And the area that I would like to talk about is on nominations. Mr. Chairman, on nominations, I would propose that people to be nominated to our national assembly and to the local councils, should be men and women with special talents and people who can represent special interest. For example, I would like to see a situation whereby, nominated M.Ps represent organized groups such as C.O.T.U, that is Central Organisation of Trade Unions.

K.N.U.T (Kenya National Union of Teachers), F.K.E (Federation of Kenya Employers), minority such as the handicapped, such as the Europeans, Asians, et cetera. Presently people are nominated to the national assemble and the people nominated to the local councils represent only the interest of the nominating body.

Number five; the executive. I would propose Mr. Chairman, that the president of this country should not be a member of the

national assembly. He should or she should have a national constituency, he should represent us, he should be the epitome of this country. I further propose that, like presently he should have executive powers and be directly elected by the people, and on top of getting 25% in each province in this country, he should gather 51% of the total votes cast in this country.

On the Vice president, I would propose that this man or this lady, should be elected directly by the people of Kenya, and on top of that, he should have defined functions.

Number six and the last one Mr. Chairman, is on local government. I am almost finishing. I propose Mr. Chairman that Mayors and Council Chairmen should be elected directly by the president. They should be educated up to form four level of education. Councilors should be literate enough to provide services to wanainchi, without hinderance and the pay for councilors should be improved to commensurate with their roles and responsibilities. Thank you Mr. Chairman, that is all.

Com. Kangu: What do you mean by literate enough, because standard two could be literate enough, standard three could be literate enough. What is literate enough, can we have a specific proposal?

Jonathan Kimanzi: I propose that they should be four.

Com. Salim: Thank you very much Bw. Mutambo. John Kataka, hayuko? Nimeona John Katana. John Mwendwa?

John Mwendwa: Nina mambo manne kuhusu (**Interjection**)

Com. Salim: Tafadhali anza na jina.

John Mwendwa: Jina yangu naitwa John Mwendwa. Mimi ni mkulima.

Kwanza, nataka katiba ya Kenya ikianza, iangalie mipaka ya Province. Sababu, kuna Province zingine ambayo hazijulikani mipaka yao iko wapi. Ili tuanza katiba yetu Mwingi.

Ingingine, tukitoka hapo tuje katika ma Provinces. Tukijua ma Province ya Kenya ni kama saba, ama sita. Province ile ambayo ilikalika kiti ya uraisi isirrudie kugombea kiti ya uraisi tena, iwachie Province zile zingine, ambayo nazo zinataka kukula hiyo kiti. Zikule, zijenge katika Province zao. Kwa sababu tukiendelea na Province ingine, kuna Province zingine zimejienga zikajengeka, kuna zingine ambao bado haijajengeka, zilisaulika kabisa. (**Interjection**)

Com. Salim: Mzee umemake point yako, kwamba kila Province ipate raisi ikibadilishana namna hivi hivi, basi endelea na nyingine.

John Mwendwa: Mahali ingine katika hiyo, nakuja kwa ufisadi, hongo. Katika hongo, imekuwa nyingi sana. (**Interjection**)

Com. Salim: Tufanye nini mzee?

John Mwendwa: Ndio nakuja kuongea hapo tufanye. Kwanza, naongea habari ya recruitment, ama kujiandikisha. Ili ku avoid hongo, kujiandikisha kwa watu kuwe ni siku moja, saa moja. Kama kuandikisha kutakwisha saa nni katika ministry zote za Kenya, watu wote wa Kenya, waende ku line up. Kama ni katika police force, Yule anataka kuingia katika police force aende kwa police force, yule anataka kuingia kwa jeshi aingie kwa jeshi, yule anataka kuingi kwa prison kwa prison, yule anataka kuingia kwa G.S.U kwa G.S.U, ili watu waandikwe safari moja. Na kila mtu ataenda kwa mahali ya career yake, na atafanya kazi vizuri sana, na ataogopa. Sababu, police akiandikwa leo, police akiandikwa kesho, yule ambaye hana career ya polisi ataenda kwa prison, na ataandikwa na ataandikwa vizuri

Com. Salim: Bw. Mwendwa ukitupa maelezo marefu, utakula saa yako yote. Endelea na point.

John Mwendwa: Haya ndio. Point ingine ya tatu ni kuchagua ma Chief na ma Assistant Chief. Ma Assistant Chief wanataka wachaguliwe na wanainchi ili watumikie wanainchi kwa njia mzuri. Kwa sababu wakati wanaandikwa, mnaandikiwa mta ambaye byiyi hamtaki, mtu ambaye atafanya vizuri, kwa sababu anaandikwa na mlango wa nyuma. Hiyo inatendeka namna hiyo.

Jambo ingine la tano ni; wazee wa kijiji wapewe mshahara. Kwa sababu hawa wazee wa kijiji ndio wanafanya kazi kubwa sana kuliko president. Yangu ni hayo Bwana commissioner.

Com. Salim: Asante sana Bw. Mwendwa. Silas Muli. Sasa itabidi tuende kidogo haraka, maana tunaona wamebakia jamaa wengi sana bado hawajapata nafasi, na siku ni mja tu. Kwa hivyo Bw. Silas umemwona mwenzako Bw. Mwendwa ametoa point by point, ikafahamika kabisa.

Silas Muli: Mimi ni diwani wa Kitane, Daana ward, Mwingi County Council. Maoni niliyoko nayo ni machache pia.

Cha kwanza ni separation of powers, kwa parliament, judiciary and executive.

Ile ingine ni katiba ionyeshe kiwango cha elimu cha chini, kwa wale wanaoweza kuwa raisi, kama vile form four and above. Raisi asiwe chini ya miaka selasini na tano, na asizidi seventy five.

Ile ingine Bw. Chairman ni; raisi awe akikaa kwa vipingi viwili vya miaka mitano mitano.

Upande wa elimu; kuwe na elimu ya bure, ya msingi kwa watoto wote wa Kenya. Vifaa pia viwe vikipeanwe vya elimu, isipokuwa mijengo.

Kwa shule za upili, wazazi pia wawe wakishirikishwa kwa kutengeneza viwango vya karo.

Upande wa afya; serikali ifanye mipango mizuri ya matibabu kwa wanainchi wote, isiwe ngumu kwa mtu kupata matibabu kwa sababu ya kukosa pesa. **(Interjection)**

Com. Salim: Samahani, iwe vipi?

Silas Muli: Iwe imepangwa vizuri, iwe kila mtu anaweza kupata matibabu. **(Intejection)**

Com. Salim: **Inaudible.**

Silas Muli: Upande wa serikali ya mitaa; pesa za kuwalipa ma diwani zitoke kwa consolidated fund. Hii ni kupunguzia wanainchi mizigo ya kuombwa walipe pesa nyingi.

Kuwe na viwango vya chini vya elimu, kwa madiwani na wenye viti wa mabarasa.

Com. Salim: Viwango gani?

Silas Muli: Kama form four education.

Ile ingine Bwana Mwenyekiti ni juu ya kuondoa uamasikini. Inafaa kuwe na food policy, ambayo inaweza kusaidia wanainchi kama kwa ukusaji, ununuzi na uwekaji wa chakula. Ndio chakula kingi hata kikivunwa huku kwetu, kama huku kwetu kinaaribikia tu kwa mwanainchi, na wakati wa njaa na pahali ya kununua huwa kimearibika. Kwa hivyo kuwe na a better food policy. Ni hayo tu Mwenyekiti.

Com. Salim: Asante sana Bw. Councilor Silas Muli. David Mbosio?

David Mbosio: Asante Bwana Mwenyekiti, kwa majina naitwa David Kalundu Mbosio. Mimi ni diwani wa ward ya Migwani, yaani hapa tuko. Ni nayo mapendekezo yangu.

Pendekezo la kwanza ni; tuwe na elimu ya bure kwa watoto walemavu na pia watoto ambao hawana wazazi wao. Na pia

ningependekeza kuwe na elimu ya bure pia, kwa wale watoto ambao wazazi wao ni walemavu, kwa sababu hawana njia za kutafuta fedha.

Na, ningependekeza pia, hao watoto walemavu ambao wamesoma na wamehitimu vizuri, wakati wa kuajiriwa wapewe nafasi za kwanza.

Jambo la pili, ningependekeza ya kwamba, serikali isiwe na uwezo wa kushukua ardhi ya mtu binafsi kwa lengo lolote vile. Kwa mfano, katiba ya sasa inaipa serikali uwezo , kama kutapatikana na rasilimali yoyote, kama vile petrol ama vitu vingine, serikali pengine inachukua ile ardhi na mtu pengine anapelekwa mahali pengine. Kwa hivyo ningesema mambo kama haya yasifanyike.

Pendekezo la tatu ni kuhusu uchaguzi wa ma mayor na wenyekiti wa County Council. Ningependekeza ya kwamba, councilor ambaye atachaguliwa kwa kura nyingi zaidi katika kila baraza, automatically akuwe mayor ama akuwe mwenyekiti wa hiyo council. Pia ningependekeza ya kwamba mayor au mwenyekiti akae akiwa mayor ama mwenyekiti kwa kipindi cha miaka mitano, badala ya miaka miwili kama ilivyo sasa.

Pia ningependekeza ya kwamba, elimu ya chini ya madiwani, iwe ni form four with a minimum grade of D+ ama division tatu. Hii ni sababu, tukisema tu awe na minimum education ya form four, kuna wengine tu wanaweza kuenda kujiandikisha privately na pengine wanapate grade E na wanasema tu walimaliza form four.

Upande wa mishahara ya madiwani; hii ningependekeza pesa yao itoke kutoka kwa central government, badala ya ile pesa zinakusanywa, ushuru huku. Sababu yake ni kwamba, kama pesa ya mishahara itatoka kwa zile pesa, zinaposanywa ushuru, utaona ya kwamba, mwanainchi wa kawaida atanyanyaswa sana, ili hizo pesa ziweze kupatikana, na vitu vingine kama vile vyakula/ mazao kutoka nyumbani vitakuwa vinalipishwa pesa ya juu, ambaye hatapengine mwanainchi wa kawaida hakuna ile faida anapata. Kwa hivyo, hiyo ningependekeza mishahara itoke kutoka kwa central government. Na pengine kitu kingine ningesema hapo ni; kuwe na balancing ya hii mishahara, at least ikuwe na kiwango cha juu, cha mishahara ambaye mtu anapata.

Na pia kiwe na kiwango cha chini. Kwa sababu utapata wakati mwingine kuna mtu anapata, sio ati ni vile wamewachana sana, lakini pengine anapata mishahara wa juu ama pengine elfu mia sita, kuna mwingine hako hapa chini, anapata pengine mia moja, kuna mwingine hako hapo anapata elfu tano. Na si ati kuna ile tofauti kubwa. Kwa hivyo ningependekeza hiyo ingaliwe sana ili mishahara iwe inalingana kulingana na vile watu wanafuatana. Kwa hivyo hilo ni jambo lingine ambalo ningetaka kupendekeza.

Na mwisho kabisa, ningependekeza ya kwamba ma ministers na assistant ministers wa parliament, wachaguliwe na president mwenyewe, lakini wapelekwe kwa parliament for approval. Na pia kama kuna dismissal inataka kufanywa, president aamuwe na pia ipelekwa kwa parliament, kama hawata approve minister anaendelea. Nasema hii kwa sababu, mtu anaweza kuwa hajakosea lakini kwa sababu wameitilafiana pengine na president wa inchi, anaondolewa lakini sio kwa vile ako na makosa. Kwa hivyo nafikkiri hayo tu ndio maoni yangu.

Com. Salim: Asante Councilor. Bw. Kiambi Mungania?

Kiambi Mungania: My names are Jackson Kiambi Mungai, I represent Kiome Secondary School Community and I have a written memorandum. So, I will just be very brief.

Mr. Chairman, the constitution of Kenya should bear a preamble, which stresses the need for the Kenyan people to pursue goals or economic development and prosperity for themselves and for prosperity.

Number two, the constitutions should allow for independent presidential parliamentary and local authority candidates.

All parties should be financed equally from the public funds and the (?) should be opened on an equal on an equal basis for all the distant political parties, the licensing and the operation of parties should not be discriminated.

We also recommend, that the system of governments should be put in place whereby there is an executive prime minister from the majority party in parliament, answerable to parliament, and subject to impeachment or removal owing to;

- abuse of office
- corruption
- failure to perform his duties well.

We also recommend, that there should be a ceremonial president who is directly elected by the public, and above party politics.

Whose duties should include, presiding national functions, presiding militaries, serving as a symbol of national unity and appointing senior civil servants, who must be vetted by parliament.

All presidential appointees must be professionals in the jobs they are hired to perform.

We also proposed, that the presidential candidates should have acquired at least tertiary education and serve for two, five year terms.

We also proposed, that in order to safeguard national unity and harmony, we should retain the unitary system of government with local authorities performing localized services and government control.

We also recommend, that members of parliament should be full time workers, to adequately deal with issued of national and constituency interests.

We also proposed that; members of parliament and councilors should have a minimum of O'level school certificates in addition

to moral and ethical qualifications.

We also proposed that the mechanism for removal of elected leaders, should be put in place to recall those who fail to deliver their services to directorates. For instance, collection of signatures, making 50% of those who elected a councilor or a member of parliament.

We also proposed that; the use of money or material things during political campaigns should be illegalised to avoid buying and bribing of voters. Those who breach this rule should be disallowed in the poll and punished accordingly.

Next we proposed that; the code of ethics for members of parliaments should be put in law. A notice should be put for those who fight in parliament and those who miss.

The eight days of missing parliament should be reduced to at most three.

The salaries and benefits of members of parliament should be put under an independent committee and be harmonized with other public workers.

Nominated members of parliament should represent special groups or interest, for example, the handicapped, the environment, et cetera.

The government or the next constitution, should be compelled to provide legal assistance to those who cannot afford legal fees and vulnerable groups like children.

To avoid the use of the election date as a secret weapon by the in campaigns, the election date should be specified and fixed. Education should be free and compulsory up to ordinary school certificates.

The next constitution should offer all facilities, shelter and education to people with disabilities, street people and the elderly people without families.

Assiling of land ownership, assiling on land owned by an individual should be established and all unused land repossessed.

The constitution should initiate relevant development projects in marginal lands, and compel citizen to develop the land resource through assistance programmes. For example, fishing and cotton growing in sour areas.

The next constitution should address the issue of our foreign heroes and an immediate recognition of the already retrenched.

By, for example establishing an heroes acre and giving material support to their families.

The constitution should specify the time limits in which retirerees should be paid their dues, to avoid frustration which is currently the order of the day.

To abstract competent professional in the public service, remuneration should be made a attractive, and political interference and influence should be removed from public service.

The code of ethics for holders of public service should be published, who should declare their assets and their moral and ethical records scrutinized.

The constitution should provide for the return of money illegally banked abroad, which should be surrendered to the states and such individual punished accordingly.

To avoid political interference and influence in the higher institutions of learning, and to enhance free academic environment, the president should not be the Chancellor of the universities, nor should he appoint the Vice Chancellor. The respective senates should be left with this law.

Presidential handour of cash or material items to institution of learning or community groups, or students should be illegalised.

Hiring and firing of public servants should be done officially in a defined manner, and not impromptly as of now.

The constitution should provide for the public revelation of all political assasinationation since independence.

All reports of presidential commission should be made public.

Political interference in school should be illegalized, and teachers should be protected from student's holiganism, and the
(?) parents.

Th excessive powers of heads of schools should be reduced.

Lawyers should be compelled to use ordinary language in court rooms, to avoid disadvantaging others. (**Interjection**)

Com. Salim: You are going to give us that memorandum, right?

Kiambi Mungania: Yes.

Com. Salim: So perhaps you could add one or two points and then we take your memorandum.

Kiambi Mungania: The provincial administration should stop collecting money from wanainchi, for building offices for Chiefs, D.Os and to facilitate national celebrations.

Finally; a law should be put into place to regulate the matatu sector, to make it a respectable business enterprise, and eradicate bribery and malice. The right and dignity of the passengers should be safeguarded and upheld. Thank you.

Com. Salim: Thank you very much. James Munuve Mutisya.

James Munuve Mutisya: Mr. Chairman Sir, kwa majina yangu ni James Munuve Mutisya. Yangu ni machache kabisa.

Nikianza na upigaji wa kura; mimi nauliza katiba hii mpya, tukipiga kura kwa vituo vyetu, kura zihesabiwe hapo hapo. Hiyo ni mjadala wa kwanza wangu.

Ya pili, term of office of the president. Two terms, five years each.

Ya tatu, Vice president, achaguliwe na wanainchi.

Ya nne, detention camp; nauliza hii katiba, watu wale wanaopelekwa katika detention camp na kukaa huko miaka na kukufia huko, iondolewe kabisa.

Ya tano, maadamano; wanainchi kama wamechoshwa na raisi, ametumia office yake na njia isiyo faa, wanainchi wote wa inchi, kama ya Kenya wote, waandamane kumkataa raisi. Hata mbunge.

Ya mwisho yangu Bwana Chairman, nauliza kwa vinywaji vya kienyeji; hii katiba ikubalie wenye kutengeza muratina, karobo, wapatiwe lisenca kama watu wa beer. Ni hayo tu waheshimiwa.

Com. Salim: Asante Bw. Mutisya, hayo yakikuwa ni maoni wazi wazi, moja baada ya moja. Na ndivyo ambavyo tungependa zote tufanye, ili tumalize jamaa wote waliojiandikisha. Peter Mutua Musee.

Peter Mutua Musee: Na mimi Kiswahili yangu si mzuri sana lakini mtakuwa mkisikia tu. Mimi naitwa Peter Mutua Wa Musee.

Na yangu nikusema; hii pesa ambayo, sarafu tunatumia, mimi ninaonelea kwa maoni yangu, kwa sababu hata ukiwa president, uwezi kuwa milele, wewe sio Mungu. Ipigwe picha ya vitu vya Kenya, ikiwa ni ndovu, ikiwa ni ng'ombe, ikiwa ni nini. Namna hii, lakini iwe pesa yetu tunatumia, sababu tunatumia mali ya watu wa Kenya wote. Hiyo moja.

Yangu ingine ni mambo ya ardhi. Hii ardhi ni yetu, ni ya mtu, na unaambiwa ati ukipatiwa Title Deed, lazima utoe elfu kumi. Sasa unarudishwa kununua ile ardhi yako, kama sio mali yako. Ardhi inakuwa kama ya serikali. Na kama sisi, ambao watu hatujaandikwa na tunatoa kodi kupitia kwa sukari, kwa majani, hiyo Title tupewe free, only. Sababu sisi atufanyi kazi yoyote, na tunatoa kodi tu, kwa vile vitu tunanunua.

Ingingine ni hii inaitwa retire. Kama mtu anafanya retire, ati kama wewe unakufa ata kama unakuwa unamaliza sijui miaka miwili nyumbani ama tatu, unakufa, bibi anapewa retire miaka mitano. Mimi pendekezo langu, sababu huyu bibi ndia alikuwa anapikia huyu mtu wakati alikuwa hai, hata akiwa wapi, yeye anakwenda kule, anapikia yeye chakula. Hiyo pension, hiyo mwanamke atumie, mpaka naye akufa. Hiyo ndio kawaida ninaonelea.

Na yangu ingine ambayo ninataka kutoa maoni, nii hiii; kama hii serikali yetu, ukubwa wote uko kwa office ya raisi, uwezi kusikia minister wa defence, ile minister anataka, anachukua anaweka pahali yake. Hiyo, ukubwa ya aina hii, kama mali ya mtu, mimi sitaki. Katiba itengenezwe good, iwe barabara. Hata nikiwa ni mtu sasaa mimi ni mzee, sijawai ajiriwa, tangu kuzaliwa mimi sijaandikwa, lakini nijue ni mapato ya Kenya vizuri, bila kukaa huko juu. (**Interjection**)

Com. Salim: Ungependa nani achague mawaziri

Peter Mutua Musee: Nataka hao mawaziri wachaguliwe na watu kama nyinyi, commissioners. Ambao hawako concerned na president au bunge au nini. Achakuliwe na commission yenyewe, ndio kitu iwe barabara, atafanyia wanainchi kazi.

Com. Salim: Na, ni mawaziri peke yao, ama tuseme na watu wengine kama Attorney General?

Peter Mutua Musee: Ndio, ndio ata Attorney General, wale watu wakubwa wote.

Com. Salim: Kuwe na chama maalum ya kuchagua.

Peter Mutua Musee: Ndio. Hata ingine kwa maoni ambayo mimi nataka kutoa; hii mambo ya tuseme koti, kwa sababu sasaa mimi ni mkamba, na koti inapelekwe Mwingi, na mwingine hatuna uwezo wa kuenda kule Mwingi kufanya koti huko, na sisi ni wakamba tunajua mambo ya wakamba. Koti ikiwa kwa division, wale ambao ni wenyeji ya hapo, wataamua. Na ikitoka hapa ende Mwingi, ikitoka hapa badala ya kuenda Nairobi, iende ndani ya Province, kwa sababu hawa watu wako karibu, sasa unasukuma Nairobi, na wewe hauna kitu.

Com. Salim: Inaudible.

Peter Mutua Musee: Hiyo ya mbali *nongonena*, nitasema tu.

Na hii katiba, kwa vile sisi sana sana tunafuata mambo ya wazungu, mzungu vile anapenda, tunafuata tu. Na ukienda kwao, wanafuata mambo yao, na ni haki yao, kwa sababu hiyo ndio utu, Mungu alitumba kama sisi watu weuze, na ni lazima tufuate ile mambo yetu. Kama ni mkamba, afanye mambo ya wakamba, hii inaitwa clan. Haiko ndani ya katiba, iwekwe, iwe sheria, ya wakamba walikuwa wanafanya, kama wewe unakosea wakamba, utengenezwe kama vile watu wengine watatengenezwa. Kwa sababu hiyo ndio utu ya wati binafsi. Sasa tunakuwa ni watu wa kuiga mambo ya wageni tu. *Ienenda ukika mzungu, hi korokoro*. Iko mambo ingine.

Tuseme, kama Vice president, sasa ule ako, raisi yuko Rift Valley, na mdogo wake yuko Rift Valley. Hiyo sasa tukipatiwa sisi, hata uwezi kusikia utamu kidogo, hata ukionja kidogo usikie. Kama anawekwa Mombasa, huyo awekwe sasaa hapa Eastern, hiyo very good, itakuwa mzuri. Sasa ni kama hiyo kazi ni ya mtu pale. (**Intejction**)

Com. Salim: Yaani unasema Vice president atoke kwenye mkoa tofauti na raisi?

Peter Mutua Musee: Ndio, ndio hata watu watakuwa wanasikia vizuri ata akisema.

Peter Mutua Musee: Mambo ya councilor,

Com. Salim: Ya mwisho tafadhali.

Peter Mutua Musee: Mambo ya councilor, kwangu ni kusema; kama ile chairman awe ni mtu wa form four. Lakini, hawa watu wengine, sababu sisi ni wakamba, ni wakikuyu, ni meru, hata akiwa anajua Swahili kama nini, na anajua kuandika jina yake, ni vizuri, sababu wengine hawana kipawa. Ndio yuko form form, educated, lakini you are nothing. Awezi kusema kitu, iletwe ikakuja. Ni education tu peke yake, na kama anafika kule anasema yes tu, yes tu. Hiyo ninaonelea, sababu yeye ni councilor wa wakamba, mtu anajua kuandika na kusoma, yeye asiwe chairman. Chairman awe mtu wa form four, lakini hao wengine, kama najua kuandika na kusoma, aingie, aseme mambo, alete kitu. Na hiyo council iwe inalipwa na government. *Ni mveo*.

Com. Salim: Asante mzee kwa maoni yako ya busara sana, tunakushukuru. Bw. Stephen Komoi?

Stephen Komoi: Thank you Mr. Chairman and the commissioners. I have my own personal views concerning this constitutional review process.

I am requesting the government to be, the government to be made should be able to create employment opportunities, to reduce survival for the fittest. Because, you know, people are getting educated, and as they finish their education, they end up being not employed and that has been reducing the will for the education. So, the government should be caring for all the people, and the whole country resources should be shared equally.

The constitutional review process, ama katiba, to be taught in the school's syllabus, both primary and secondary schools and be translated into all communicable languages.

Number three; the government should be independent without interfering with any other organization and should be given power to impeach the president in case of offenses. Because, the president has been given that power, and he has been misusing the powers because he is above the law by law. And for me, I say it is better to reduce that power, and be given to the other parts which are responsible for the maintenance and regulation of the laws.

Number four; the chairman of any political party must not be always the president of the party, and that can reduce selfishness. Because, some leaders are forming their parties for their own benefits and not the benefit for the country.

The powers of land transfer should be dissolved, because they are very far from us. Powers be brought nearer to the district level, where the common man can reach.

Number six; I propose, coalition government, whereby the president is ceremonial and we have a prime minister.

Government to be formed should try to improve the standards of education, especially in the rural area. By building colleges, especially primary colleges. Because we are facing problems when we want to enter into the colleges.

Many of our children here have qualified in form four, but they kind find a place to join a college, why? Reason; because those colleges are far from the rural areas and the people who are benefiting from them are just from Western or from Coast. (

Interjection)

Com. Salim: So, what is your proposal on that?

Stephen Komoi: I propose, the primary colleges mostly, at least we should be given one or one can be built in the rural areas like Mwingi districts. We expect to have one.

Com. Salim: Endelea, you have finished?

Stephen Komoi: The commission should find a way in which, voting should be a must to every citizen above 18 years.

Com. Salim: What should be a must, voting?

Stephen Komoi: Yes. I am saying, the commission should find a way in which voting should be a must to every citizen above 18 years. Because, those who are above 18 years are less in number than those who are below 18 years in population. And you will find that, although those who can vote are very few, some are neglecting, they cannot vote, and they are neglecting their duty. So, I request the commission, to put emphasis on those things, which I have mentioned. Thank you.

Com. Salim: Thank you Bw. Komoi. And now, I would like to call Mheshimiwa David Musila to come and give his views. Sorry Mheshimiwa, I got the impression from your welcoming address that you will be with us tomorrow, where you will be giving your views, but you are more than welcome to do it today also.

Mheshimiwa David Musila: Asante Bwana Mwenyekiti. Jina langu ni David Musila, mimi ni mbunge wa sehemu ya Mwingi kusini. Na, ningependa tena kusema asante kwa tume, kupata fursa ya kuja sehemu hii, na nitasema tu mambo ambaye ni yangu binafsi kwa vile, ingawaje mimi ni mwenyekiti wa chama cha K.A.N.U katika branch ya Mwingi South, sitazungumza kwa niaba ya chama, nitazungumza kwa niaba yangu mwenyewe.

Kwanza ni mambo ya katiba; katiba yenyewe, ninaunga mkono wenzangu wale walisema ya kwamba, katiba ya Kenya iwe ni katiba ambayo ni ya kueleweka, hasa na wanainchi wote. Nafikiri kulingana na vile maoni imekuwa leo, ni watu wanaongea juu ya katiba, lakini nikiwauliza wengi, kama si civic education ilifanywa juzi, wengine hata hawaona katiba yenyewe na macho yao.

Kwa hivyo napendekeza ya kwamba katiba ikiandikwa iwe ya kueleweka na pia iwe katika lugha zote za taifa, Swahili na Kingereza.

Pia, kuna maoni ilisemwe ya kwamba katiba iwe inaweza kusomwa katika mashule. Naunga mkono hayo, kwa sababu ni jambo la maana wanainchi wakikuwa wakiwa watoto, wawe wanaelewa katiba yao, inasema nini.

Katika katiba hii ambayo tunayo sasa Bwana Mwenyekiti, imebadilishwa zaidi ya mara arubaini na mawili tangu iandikwe. Kwa hivyo napendekeza ya kwamba, katiba ambayo inaandikwa sasa, iwe si rahisi kuibadiliha. Katiba imekuwe ikibadilishwa kwa sababu ya masilahi ya vikundi, au ya watu. Na kwa hivyo iwe ni ngumu sana, kubadilisha katiba. Napendekeza ya kwamba, badala ya hivi sasa, ambayo tunasema, turudi mbili kwa tatu, ama two third, iwe ndio inabadilisha katiba katika bunge, kiwango cha juu zaidi, kiwekwe kama three quarters. Hii itamaanisha kwamba, haitakuwa rahisi, kubadilisha katiba kila mara.

Nitataja kwa ufupi mambo ambayo yanahusu serikali. Kwanza nikianza na raisi wa inchi ya Kenya. Maoni yangu ni kwamba, raisi wa inchi ya Kenya siku zijazo, atatakiwa kuwa executive president. Awe akichaguliwa pamoja na makamu wa raisi. Kwa hivyo naunga mkono, wazo kwamba raisi awe akichaguliwa direct na wanainchi, pamoja na Vice president.

Com. Salim: As a running mate?

Mheshimiwa David Musila: Kama running mate. Hii nikuweka kiti cha makamu wa raisi kuwa secure, kwa sababu katiba ilivyo sasa, section 15, six, inasema ya kwamba makamu wa raisi ataondoka ofisini, raisi akipenda. Kwa hivyo, ili kuhakikisha kwamba makamu wa raisi ako katika kiti hicho, ili kukaa iwe ni vigumu sana ku, awe anachaguliwa na wanainchi pamoja na raisi.

Pia wazo ya prime minister, ninaunga mkono sana. Kwa sababu, hii itawezesha katika bunge, prime minister awe ndiye anawakilisha serikali, na awe anachaguliwa na raisi kutoka kwa chama, ambacho kina wajumbe wengi zaidi katika bunge.

Bwana Mwenyekiti nakubaliana na katiba iliopo sasa, juu ya uchaguzi wa raisi, isipokuwa section tatu, F. Ambayo inakubali, mtu yeyote ambaye amepata kura nyingi kushinda wengine, awe ndiye raisi. Hii nikusema, kama candidates ni kumi na watano, kwa mfano, yule atakaye para kura zaidi katika hao, awe raisi, ndio iko sasa. Hivi ni kuonyesha, mwingine anaweza kuchaguliwa na kura kidogo sana. Kwa hivyo, kulingana na masilahi ya inchi hii, ningependekeza ya kwamba, yule ambaye atapata kura zaidi ya asili mia hamsini, au 50%, zaidi, awe ndiye anakuwa declared raisi. Hivi ni kusema, wale watacao simama wote, na wawe hakuna mmoja amefikisha 50% na above, warudie wale wawili wanaokaribiana. Na yule ambaye atapata 51%, ama more than 50% awe ndiye atakuwa declared raisi. Na huyu atakuwa sasa ni majority president ambaye amechaguliwa na wanaichi wote.

Pia mambo ya Provinces; Inasemekana, asili mia ishirini na tano, yule atakaye fikisha kiwango cha asili mia ishirini na tano, katika Provinces tano, ndiye atakuwa raisi. Ningependa kupunguza hilo jambo, ijapokuwa linafaa, lakini iwe ni Province nne kwa nane, au nusu ya Provinces zile ambazo zitakuwako wakati wowote.

Pia naona Bwana Mwenyekiti, wakati tunachagua raisi, na tunachagua parliament, M.Ps alafu Councilors, siku moja, inatatiza sana. Kwa hivyo napendekeza ya kwamba, uchaguzi wa raisi na makamu wake uwe tofauti, usichanganishwe na uchaguzi wa mbunge na uchaguzi wa madiwani.

Bwana Mwenyekiti naunga mkono kifungu cha katiba ambayo iko sasa, tisa, mbili; ambacho kinasema, mtu asiwe raisi kwa zaidi ya miaka kumi, vipindi viwili vya miaka kumi. Hii, iwe katika katiba yetu, iwe ni kitu cha kudumu, kwa sababu inalingana na duniani kote. Katiba ya inchi nyingi za dunia hii, ma raisi wanaruhusiwa kiwango hicho hicho, mbili kwa miaka tano tano au nne. Lakini yetu ni tano kwa nne.

Bwana Mwenyekiti ningependa kutaja kidogo kuhusu ma waziri. Katika katiba ilioko sasa, ma waziri au wizara zinachaguliwa kulingana na vile bunge itapanga, au kulingana na mambo vile raisi atasema. Hii imewezesha inchi hii, kuwa na mzigo mkubwa wa mawaziri na manabu wa waziri. Pamoja na hao, kumekuwa na duplication of functions, kama vile ilivyo sasa.

Na pia, mali ya uma ambayo ni chache kidogo, imekuwa ikitumika kwa upande huo. Kwa hivyo ninapendekeza ya kwamba, katiba ambayo tunatengeneza iweke kiwango ambacho wizara zitakuwa, kwa mfano kumi na tano, naona zinafaa. Na pia, kama kutakuwa lazima ziongezwe kutoka kumi na tano, ziongezwe kupitia ruhusa ya bunge. Na hivyo hivyo iwe inahusu manabu wa waziri, ambayo napendekeza badala ya kuwa Assistant Ministers, waitwe Deputy Ministers. Hii itawezesha kuwa na nguvu za kufanya kazi.

Napendekeza pia ya kwamba, kama sasa iko zaidi ya ministers sitini, napendekeza wasizidi ishirini. Hiyo ni kusema, kila wizara mmoja mmoja, na pengine, ingine tano itengwe ya wizara zile ambazo, raisi ataona ya kwamba zinapaswa kuwa na wawili.

Wanainchi wenzangu wametaja juu ya kazi za serikali. Na mimi pia naungana na wao ya kwamba, kazi nyingi kama ma waziri, permanent secretaries, ziwe ni lazima parliament ivett. Na hii inawezesha parliament kuchunguza kuona ya kwamba wale ambao wanaingia ndani ya serikali ni watu ambao wana integrity ya kutosha katika inchi.

Bwana Mwenyekiti ningependa sasa kutaja juu ya bunge; section 42 ya constitution au ya katiba inasema ya kwamba Electoral Commission of Kenya kulingana na constitution ndio itatengeneza mipanga ya constituencies, na iwe ya kwamba ina watu kiasi ambacho kinalingana pamoja. Nearly equal number of inhabitants, as they appears the commission to be reasonably practical. Na commission pia, inapewa nafasi ya kufikiria mambo mengine kama population, geographical features et cetera. Bwana Mwenyekiti, vile navyosema ni kwamba kama vile wenzangu walisema, vile constituency ziko sasa, haziko sawa hata kidogo, hata ukiangalia population au ukiangalia geographical. Ningepende kuomba ya kwamba, commission hii yako, Bwana Chairman irekebishe jambo hili mara moja, kwa sababu kumekuwa kuundwa kwa constituency sio kutegemea sheria zile zimewekwa kwa katiba, lakini nikutengeza zingine ili kusaidia watu fulani, ili wapate kipande kidogo cha constituency.

Bwana Mwenyekiti kama ungezunguka (**Interjection**)

Com. Salim: Tungefuatia njia gani?

Mheshimiwa David Musila: Tungefuatia vitu viwili tu, idadi ya watu na geographical area. Na iwe strictly enforced, kwa sababu hivi sasa, ili jambo alishuguliki ndio sababu uwezi kutembea Mwingi South kwa wiki mzima, ata ukipenda. Lakini kuna wabunge wengine wanaweza kuzunguka constituency za na bicycle, kwa hivyo kuna shida kubwa sana.

Pia, naunga mikono ya kwamba ziwe reviewed every ten years. Kama kuna fairness katika kuzianzisha, hakutakuwa na haja ya

kuwa manunguniko.

Bwana Mwenyekiti jambo lingine linahusu election date. Kwa sasa, watu hawajui watachaguana siku gani, na katika inchi nyingi sana, watu wanajua uchaguzi itakuwa siku fulani. Ningependa kupendekeza ya kwamba, katiba iweke siku ya uchaguzi, kama kwa mfano, Jumaa tatu ya mwezi ambao unatangulia mwisho wa bunge. Na ijulikane ya kwamba, ikifika Jumaa tatu hiyo ndio kutakuwa na uchaguzi, mwezi moja kabla ya uchaguzi, ya kuisha kwa bunge. Kwa hivyo, hiyo itasaidia sana kuweka stability katika inchi na ku avoid politicizing and speculation.

Bwana Mwenyekiti, Electoral Commission ya sasa, is blotted. There are too many members wa Electoral Commission. Again ni drain katika resources zetu. Napendekeza ya kwamba, kusiwe na commissioners zaidi ya kumi, katika Electoral Commission. Wachaguliwe na raisi, lakini ili kuhakikisha ya kwamba ni watu wa integrity, pia wawe subjected to confirmation by parliament.

Com. Salim: Mheshimiwa, that thing regardless of the (Inaudible)

It makes sense Bwana Chairman to consider. Some of the consideration when appointing commissioners, should be geographica, where they come from, so that we do not get commissioners coming from one side, and also in addition, political affiliations.

Again Bwana Chairman, section 59, 1, inampa raisi nguvu ya kuvunja bunge wakati wowote anapotaka, na nafikiri katiba ijayo pia, kuweka stability katika nation, tuhakikishe ya kwamba bunge ina calender yake. Wanajua, kila mbunge amechaguliwa anajua muda wake utakwisha siku fulani. Kwa sasa tumekuwa na stability, lakini ni kwa sababu ya mapenzi ya mtu. Tunataka katiba iwe inasema wazi, bunge inaweza kuvunjwe namna gani.

Naenda haraka Bw.Chairman, mambo ya koti; napendekeza tuwe na supreme court of Kenya, badala ya court of appeal. Na pia utaratibu uwekwe katika judicial system. Kuhakikisha ya kwamba kama tuna Supreme Court, tuna High Court na Magistrate's Court. Na, Bwana Mwenyekiti, Magistrate Court, zifike kiwango cha location, kwa sababu hivi tuko hapa, Magistrate's Court ziko katika district headquarters' and very rarely in some districts. Na watu kwa hivyo hawawezi kufikia haki, na ndio sababu tuna shida nyingi, watu wengin wana shida, kesi zao vile umesikia zimekaa sana na awezi kupata justice.

Na pia, mambo ya corruption imetajwa; hii ni jambo ambalo linahuzunisha sana. Corruption imetoka kutoka kwa High Court Bw. Chairman, kama vile unavyojua, mpaka hata kwa zile za wazee, huko vijijini ambayo wanafanya. Na imekuwa ni kama instututionalised. Wazee wanaona ni sawa wachukue hongo kwa sababu magistrates, judges wanachukua. Kwa hivyo, inaonekana ya kwamba ni lazima katiba hii mpya ambayo tunatengeneza, iweze kutoa mzigo mkubwa ambao unalemea wanainchi, kwa kununua justice, kwa sababu ni lazima wanainchi wanunue justice na hivyo hivyo wanataabika.

Pia Mwenyekiti tumezungumza mamba ya judges na tumesahau na upande mmoja, lawyers. Mawakili, Bw. Mwenyekiti wamenyanyasa wanainchi kushinda hata judges. Watu wanapewa pesa yao pengine na insurance, mawakili wanakula, na ile ambayo iko tu ni kushtaki kwa chama cha ma wakili. Na hii haifiki popote, kwa sababu ni kama vile ilisemekana, police wana investigate themselves. Hivyo hivyo, L.S.K inainvestigate themselves, kwa hivyo mara nyingi, wakili wamekula pesa za wanainchi, hasa wanainchi wa mashambani ambao hawajui kusoma na kuandika, na hawana integrity ya kutosha. Kwa hivyo tuweke ya kwamba, wakili ambaye anakula pesa ya wanainchi, tujue ni hatua gani inachukuliwa, lakini sio kwamba ati Law Society iamua ni kitu gani ambacho kitafanyika.

Bwana Mwenyekiti, chapter 5 ya constitution yetu, inazungumza kuhusu protection of fundamental rights and freedom of the people, yaani haki za wanainchi ya uhuru wao. Nafikiri hii ni kifungu kimoja katika katiba yetu, ambayo kwa sababu ambazo sijui, akifwatwi sana. Kwa mfano, ningetaka kusema mambo ya protection from deprivation of poverty such as 75, haifwatwi sana katika Kenya. Kwa mfano, watu ambao pengine ni matajiri, ambao wana uwezo, wanachukua mali ya wale ambao wajiwezi, kwa sababu tu ni matajiri. Hii inadhihirishwa wazi na jinsi vile, grabbing ya government properties inaendelea na mambo mengine ambayo inajulikana inaendelea katika inchi hii ya Kenya. Ata katika tarafa hii, kuna watu ambao waliingia katika shamba ya community na wanachukua kwa nguvu, na hakuna chochote ambacho kinafanyika ingawaje sheria ziko. Kwa hivyo katiba ambayo iko, inapaswa ku address hii issue, Unprevailing Justice on Property Ownership, particularly land. Kuweka safeguards, kuhakikisha ya kwamba private property is respected.

Pia, popote ambapo tuko, kwa mfano katika majela yetu, prisons, ukienda kule Bw. Mwenyekiti kuona vile watu wanaishi, uwezi kusema ya kwamba, watu wanakaa wanatunzwa kama wanadamu katika sehemu hizo.

Mambo ya elimu Bw. Mwenyekiti, nakubaliana na pendekezo kwamba tuwe na free primary and secondary education katika inchi yetu ya Kenya. Nafikiri hili ni jambo ambalo ni haki ya kila mwanainchi kupata. Na hii inadhihirishwa wazi katika sehemu kama hii.

Com. Kangu: Free primary and secondary education?

Mheshimiwa David Musila: And secondary education. Drop rates ya watoto ni nyingi sana, wengine wanatoka tu kwa sababu ya shilingi mia mbili, building fund katika primary school, kwa sababu wazazi hawana. Katika secondary hivo hivo. Kwa hivyo, ikiwa tunataka kuendelea mbele, katiba ihakikishe ya kwamba, kila mtoto anasoma kutoka darasa la kwanza mpaka la form four bila malip yoyote. Na pia ifanywe ni compulsory, kwa sababu sasa ni free, mzazi atakuwa na sababu ya kusema mtoto wangu aendi shule. Iwe compulsory na hivyo taifa litaendelea na kuwa na watu ambao ni wenye kusoma.

Pia napendekeza mambo ya afya. Kwa sasa wanainchi wamelemewa na magonjwa, na ningependa kutoa mfano Bw. Chairman ya magonjwa rahisi kama malaria kutibu. Katika sehemu kama hii, tumelemewa na malaria, kwa sababu tu, watu hawana fedha

ya kununua dawa ambazo ni za kutosha. Ukienda dukani, unasikia unaumwa na kichwa, unatetemeka kidogo, unachukua tablets mbili kwa sababu pesa zile ambazo unao mfuko zinatoshana na hiyo. Kulingana na hiyo, malaria imekuwa resistance katika inchi hii, na malaria tu ni example, kuna typhoid, kuna magonjwa mengi ambayo imelelea watu kwa sababu tu, hawawezi kupata pesa za kununua dawa. Kwa hivyo naomba ya kwamba, free health iwe katika inchi hii, hasa iwe inaweza kuwa treated kama basic treatment. Iwe ni free katika dispensaries, katika health centres, katika district hospitals. Ikifika specialized treatment ni mambo mengine.

Nafikiri Bw. Chairman, unajua, it is very degrading for the people to be detained in public hospitals, kwa sababu hawawezi kulipa pesa. Na katika hizo hospitali kubwa, tuweke kiwango ya kwamba, watoto mapaka miaka mitano, hawalipi chochote, katika hospitali kubwa. Nimesema iwe free katika hii local hospitals, lakini zile specialized hospitals watoto mpaka wa miaka mitano, watibiwe bure, wazee ambao wamefika kiwango cha miaka sitini, watibiwe bure, na pia wanainchi ambao wako na disabilities, ambao hawajiwezi.

Bw. Chairman ningependa kutaja juu ya public service. Wazee wamesema hapa kwa njia nyingi kuhusu public service. In my view Bw. Chairman, public service yetu, lacks one of the most important ingredients of an efficient public service, namely merit. Katika njia ile ambayo watu wanachukuliwa kazi, iwe ni National Youth Service, iwe ni jeshi, iwe ni institutions kama training institutions, kama Teacher's Training or Medical or yeyote ambayo iko kwa serikali. Kuna mambo ya ukabila na mambo ya corruption, ndio pengine nilisikia mzee mmoja akisema tunataka uraisi uzunguke ili na sisi tukule hiyo kiti, kwa sababu hakuna merit ambayo inatumika ndani ya uajiri. Na, nafikiri institution moja tu ambayo imebaki katika Kenya inatumia merit, ni public universitie. Kwa sababu majina inawekwa kwa computer ikiwe kiwango imechorwa hapo, watu wanachaguliwa namna hivyo. Nafikiri kama tungekuwa namna hiyo, tungeendelea mbele sana. Kwa hivyo, ile discipline ambayo imekosa katika public service, na lousy performance ambayo iko sasa, ni kwa sababu tumeajiri watu bila kufuata merit.

Kwa hivyo Bw. Mwenyekiti napendekeza ya kwamba, katiba ambayo inawekwa sasa, iweke mechanisms, to ensure that in all public areas, including training institutions, people are strictly selected on merit and on merit alone. Nafikiri ule mama alisema kimtu, alikuwa aki mean hivyo bwana chairman.

Ningependa kusema jambo la pensions, na si ile pension ambaye ilisemeka na Councilor Mwikali, ni pension ile ya public servants. Public servants wakimaliza kazi, wengine wamemaliza kazi, maisha yao yote imekwishia katika public service. Na Bw. Chairman, kutoka wakati nimekuwa mbunge, shida moja ambayo nimepata ni ulipaji wa pension kwa public officers. The rights to pensions by retired public officers, are grossly violated by the government. Watu wanachukua miaka nyingi sana kabla hawajapata malipo yao baada ya kustaafu. Na Bw. Mwenyekiti si vigumu kupata watu wengi wamefariki dunia kabla hawajapata pesa zao, na hii ni jamo ambalo ni la kuhuzunisha sana. Kwa hivyo napendekeza ya kwamba, katiba mpya iweke kabisa kabisa haja ya kulipa retired public officers their pensions promptly. Na nime emphasise promptly kwa sababu wakati mwingine, inalipwe lakini baada ya miaka tano, miaka hivi.

Napendekeza siku ambazo hazizidi tisaini, not more than 90 days, mtu alipwe pesa yake. Na pia hiyo ilingane na survivors benefits, kwa sababu Bw. Mwenyekiti, watu ambao walikuwa wakifanya kwa serikali wakifariki, ili sasa jamii ianze kupata pesa inachukua miaka mingine mitano. Kwa hivyo, hivo hivo hiyo speed, mtu akifariki within 90 days, dependants wake, waanze kupokea pesa ambazo, kwa sababu najua kuna legal technicalities za public facilities na kadhalika.

Pia ya tatu Bw. Chairman, ni ku review pensions rate whenever government increases salaries. Kwa sababu unasikia serikali imeongeza watumishi wake pesa, lakini wale ambao wame retire miakak ishirini iliyopita wengine wanapata shilingi mia mbili. Utasikitika Bw. Chairman kujua kuna watu ambao wanapata shilingi mia mbili. Kutoka hapa kuenda Mwingi ni shilingi mia moja na kurudi ni mia moja, sasa ukienda kuchukua pension kwa D.C, umetumia pesa yote ya pension yako kwa transport. Lakini kama ingekuwa tumeweka kwa katiba ya kwamba, wakati una review salaries, automatic, una review pensions. Watu ambao wame retire wataishi maisha ambayo ni ya kibinadamu, lakini kwa sasa it is a shame the way it is.

Bw. Chairman nitaguzia kidogo local authorities. Kuna watu ambo wamekuwa wakizungumza juu ya majimbo, ambayo kwao wanasema majimbo watu kama ni pwani watoke pwani, kama ni Nyanza wato Nyanza, Eastern watoke Eastern. I think those leaders are very selfish. Nasema they are selfish people who are calling on majimbo, because they know katika sehemu ambazo wako, wamedevelop to a certain extend, they have resources that they can sustain thei jimbos. Na wanataka hivyo, ili wale ambao hawajafikia kiwango fulani cha maendeleo, waendeleo kuwa chini. Kwa hivyo, mimi nasema ya kwamba hatujafikia kiwango cha kutenganisha inchi yetu kimajimbo kusudi tuwe tunatawa namna hiyo, na resources ziwe zinakuwa restricted katika sehemu hizo. Lakini napendekeza ya kwamba, tuwe na strengthened local authorities, local authorities ambazo, vile imesekana kwanza, wawe empowered. Wawe empowered by esuring that they are financed by the central government. Kwa sasa inatendeka hivyo hivyo kwa sababu latif, which is local government transfer fund, inatoka kwa central government. Na kulingana na sheria, itaendelea kuongezwa, lakini nafikiri, local authorities ikiwa tunataka zi attract the proper employees na qualified councilors, kwa sababu hili jambo limetajwa, ni lazima tuweke fedha ambazo zita strengthen local authorities. Kama ni District Council, iwe ni strong, inaweza kuandika watu, inaweza kufanya mambo local kama dispensaries na tu barabara tule tudogo na wana fedha za kufanya hivi.

Tukiendelea namna hiyo, pengince siku zijazo, na pengine nikipata nafasi nitasema mambo juu ya njia ya kuhakikisha regions zinapata development ili tukifika kiwango fulani, pengine tunaweza kusema mambo ya majimbo, lakini kwa sasa, I submit we are not ready for majimbo.

Pia Bw. Mwenyekiti, election of mayora na chairmen, napendekeza pia ziwe zinafanywa na wanainchi. Kwa sasa wanachaguana, ma councilors wanaenda wanaketi pahali moja, yule anatoa pesa nyingi kwa ma diwani wenzake ndio anakuwa mwenyekiti, lakini wanainchi wakichagua direct, tutahakikisha tuna watu ambao wana power. Wanainchi wengine wamesema tuwe na qualification za councilors up to form four, na mimi naunga mkono, kwa sababu tuna ma diwani wengi hawawezi kusoma au kuandika, hata ma chairman. Kwa hivyo, tusiseme tu form four, nataka kukubaliana na yule alisema, kiwango fulani

cha form four. Kama ni tuseme D+ inasemek ana kama ni kupita, iwe ndio lazima mtu awe na D+, kuwa councilor. Na hivyo hivyo tukiweka hivyo viwango vya bunge pia, vipandishwe juu, ili kwamba kama ni, na mimi sitaki kuleta vitu huku, kupendekeza kitu, kwa sababu sikuwa nimejiuarisha kwa hiyo, lakini nilikuwa nimetemsha kwa local authority. Kwa hivyo ningependa kusimama hapo kwa qualification za councilors.

Mambo ya shamba Bw. Mwenyekiti yametajwa, ni mambo muhimu sana, lakini ningependa kusema tu ya kwamba, katika sehemu hizi zetu, tumeonewa sana, ki education. Kwa hivyo katika chapter section 116, one of this constitution ambayo ina provide some registration of individual titles as trust land. Katika sehemu zetu, hatuna Title Deeds, na hii imewezesha wanainchi wengi, katika sehemu zetu tuwe nyuma sana kimaendeleo kwa sababu wanainchi hawana Title za kuenda kukopa mikopo. Kwa hivyo ningeaona ya kwamba, katiba mpya I recognize ya kwamba kuna haja ya kuandikisha mashamba yote katika inchi hii ili kila mtu awe na title ya ardhi yake. Hii itawezesha, hata kumaliza shida nyingi za makesi ambazo zinaendelea, na itawezesha wanainchi kuweza kuwa empowered economically, kwa sababu kwa sasa kuna shida sana katika upande huo.

Ningependa kuzungumza juu ya maintenance of law and order. Kuna mama mmoja, alizungumza juu ya kuto heshimu sheria. Nafikiri ndio alikuwa akitajia kwamba, mtu anafanya kile anaona anataka kufanya. Inchi yetu Bw. Chairman mpaka sasa ina sheria nyingi ambazo ziko katika vitabu, lakini kusema kweli watu sasa wanaonekana ya kwamba hawajali mambo ya sheria. Na tuna sheria vile nimesema, lakini nafikiri enforcement ya law, imekwama sana, kwa sababu tuseme kutoka driver wa matatu ambaye anaendesha gari yake vile anapenda, anafungia watu vile anapenda, mpaka wealth developers, ule ana pesa nyingi anaenda anakata vichaka vile anataka, hata kama ni forest land, sababu ana pesa anajenga. Hiyo nikuonyesha ya kwamba watu hawatii sheria, wanafanya vile wanataka. Hii imewezesha kuwa na low laziness, there are a lot of killing in this country, watu wengi wanauwawa lakini wanajua, hakuna mtua atakuja ku investigate.

So, the new constitution, must spell out the responsibilities of citizens to the maintenance of law and order. If this country is to attract investment, both local and foreign, for prosperity of the country.

Finally Bw. Chairman, ningependa kuzungumza juu ya uneven development. Vile tunajua inchi hii inautajiri mkubwa, sasa tuko karibu miaka arubaini tangu tupate uhuru. Utaenda sehemu zingine utakuta si kama huko Kenya, sehemu zingine zimeendelea sana, sehemu zingine hazijaendelea sana. Nataka kufikiria ya kwamba, sehemu yetu ni moja ya zile ambazo hazijaendelea sana.

Lakini ukienda katika budget ile ambayo waziri wa fedha anafanya, anafanya bila kujali, ya kwamba kuna sehemu nyingine ambazo hazijaendelea. Kwa hivyo ningependekeza ya kwamba, tuwe na constitutional provision, ya kwamba, wakati budget inatengenezwa ya inchi hii, consideration be held, to ensure that Kenyans receive a fair distribution of the national cake. Kwa sababu kwa sasa, hatuko bunge ndio, lakini tunasomewa budget, uwezi kutoa budget hii katika programme hii ukapeleka ingine. Lakini kama wale ambao wanatengeneza budget, wakiketi chini kuanza kufikiria budget wanajua, formulae ya budget hii tunayo ni lazima North Eastern Province watapata this percentage of our budget, Eastern watapata this percentage and then go direct to the district.

At least in another ten, twenty years, tutahakikisha ya kwamba inchi sasa imefikia maendeleo kiwango, ya kwamba tunaweza kuzungumza juu ya majimbo. Ambao wale wanfikiria jimbo ni kwamba, kila jimbo ijitegemee, kwa sababu kuna majimbo ambayo tukisema kila jimbo ijitegemee, wataendelea kuwa masikini zaidi. Kwa hivyo nafikiria mambo ya majimbo, vile nafikiria ni kwanza tuweke constitutional resources kwa zile sehemu ambazo tumewacha nyumba, na hivyo itawezesha kuhakikisha ya kwamba tumefika kiwango cha maendeleo sawa.

Bw. Mwenyekiti ningependa kukwama hapa, najua ni mambo mengi, lakini ili nitoe ruhusa kwa wengine na hao pia waendeleo, ningependa kukwama hapo. Asante.

Com. Kangu: So, are you telling us that budget allocations should not be to the ministries, but instead to regions. Because currently, if I am not wrong, the allocation goes to ministries, most of which are controlled from Nairobi. In many cases, it becomes very easy for the finances to be diverted in fact to a particular place, the entire budget allocation to a ministry, to one particular place. If say, an allocation for school, someone can easily say, this should be for schools in my area. Do we abandon that and start making allocations to regions, so that watu wa Mwingi, wakiangalia budget ikisomwa, wanasikiwa, Mwingi we have been allocated so much, and they can follow it up and ask pesa yetu imeenda wapi?

Mheshimiwa David Musila: Nashukuru kwa swali hiyo. Sisemi ya kwamba allocation ziwe kwa districts as such. Ziwe kwa ministries tu, lakini ziwe kwa specific project, in specific areas, hiyo itawezesha kuhakikisha kama ni mpango wa maji, Mwingi district imepewa 20 million money for water, we know that money will come here, but the ministry of water will manage. But the resources would be directed to a specific project in a specific district.

Com. Salim: Mheshimiwa, how can you tell in advance, that there is an equitable distribution of budgetary money. Should perhaps the budget be known by parliamentarians in advance. Do they tend to be sure that for example each and every area is taken care of. How would you know in advance or you want to wait for supply list later?

Mheshimiwa David Musila: I am assuming that if there is a provision in the constitution, that the money must be distributed in such a manner, there will be a mechanism say of economies, or people to sit down initially, to determine which area requires what percentage of the budget. And then the minister will know have the task of making sure that, that money goes to those areas.

Of course Bwana Chairman you are aware, we are also discussing about parliament being involved in budgeting. But, even before then, there must be a formula which is acceptable nationally, that North Eastern is least developed, it requires a certain percent, maybe the biggest per cent of the budget, then going on like that and then it is agreed. And it is known national ya kwamba, ile budget inakuja sasa, or whichever budget, the biggest portion goes to North Eastern, it is followed by Eastern, it is

followed by Rift Valley, like that. So, that is agreed, not only for every year, but for quite a long period, until that level of development that we call equitable is presented.

Com. Wambua: I know I need quite of useful contribution Mheshimiwa; I want to pick your views on one issue. You have said that we should devolve to the, I mean we should strengthen local authorities and you did not mention about how we should handle the resource, because some of the views we received were that, even when you strengthen the local authority there must be a mechanism of ensuring that a certain percentage of the resources or revenue collected should be retained to this regions. I do not know whether you have addressed that issue and what your view will be.

And then the second one I wanted you to comment on is the question of electing the mayors and the chairmen. One, must they be councilors, so that they are first elected as councilors and then they vie for seats as mayors and then they are elected by the residents. Or, we forget about councilors, you are elected as a councilor from a ward, but then those who want to be mayors, actually contest as mayors without being councilors.

And the thirdly; and that is the last question I want you to clarify. The question of who then elects the councilors, I mean the mayors and the chairmen. In most of the situation, we would say it is the extend of the residents of the town, as opposed to just anybody, those who are paying rates as they were, because they are the ones whose interests will be catered for. I do not know if you have thought of those issue, we would be very glad to share with you, if you have proposals of them. (End of tape, not consistence)

Mheshimiwa David Musila: 7% should go to the local authority, I do not agree with that because you must centralize tax collection. But there are certain local, those who were saying that they were assuming that then there will be no taxes, local taxes. But we must tax people; people must be taxed at local level, taxes that will go to the councils. Now, the central government money should only be to supplement what local authorities have collected. So, the revenue should be from central to supplement the local taxes, which must be levied to shopkeepers and all those people who generate income within their areas.

As far as the election of mayors and chairmen, they will be elected by those voters elected in the areas. Not to say, only tax payers. For example, if it is a municipality, they should be elected by everybody who is registered, a voter in that area. Because, whether you pay rates or not, you will have an interest in your local area and you must participate in selecting the leaders of that area.

As far as, whether one should be elected directly; I suppose the best way will be first to elect councilors and then from among the elected councilors, we can now have candidates for chairmanship, just as it is done now. Because we first elect the councilors, then they sit down. The councilors now sit down and elect their chairman. Instead of they sitting down, we would like to see a situation where now, we have another election now for the local authority leaders, chairmen, particularly chairmen

where now, someone has to start campaigning may be for two, three weeks to be elected chairman or mayor, after he has already qualified as a councilor. I do not know whether I have covered your question?

Com. Wambua: Yes, I think it is okay. I heard that ; a situation where for one reason or the other, the councilor loses his seat, because that definitely will pose an erroral election. And maybe be through a conviction or something like that. So, that is the only reason why I was saying, must he be direct or whatever, but I think your view is quite okay.

Mheshimiwa David Musila: If a mayor is convicted or dies, we go again to the election of a mayor, but not to do some internal arrangements. That way, the mayor will have the mandate of the citizens of the city, the chairman will have the mandate as a citizen of the council.

Com. Salim: Mheshimiwa asante sana kwa maoni yako, tunashukuru.

Com. Wambua: Tutaendelea na nitamwita James Kasia Mbaya.? Yuko? OH, kuja hapa tafadhali mzee.

James Kasia Mbaya: Kwa majina mimi naitwa James Kasia Mbaya, na hapa ningependa kutoa maoni yangu kidogo. (**Interjection**)

Com. Salim: Tafadhali tumpatie, kuna kelele, tumpatie nafasi mzee atoe maoni yake tafadhali. Endelea mzee.

James Kasia Mbaya: Ningependa kutoa maoni yangu na ni machache sana. Jambo la kwanza, ningetaka kuzungumzia jambo la madawa ya hosipitali. Kuna shida nyingi katika hosipitali zetu, ukiwa mgonjwa uuende hosipitali especially hizi za serikali, unaenda kukuta hakuna dawa. Unaandikiwa lakini unaambiwe uwende ukanunue kutoka mahali pengine. Kwa hivyo jambo hilo uchunguze sana. Pendekezo langu, ni kama tulivyo ahidiwa ya kwamba tutapata free medical services, iwe hivyo.

Na, jambo la pili ningetaka kuzungumzia maneno ya mashamba; Title Deeds, hasa ata kama sub-location ninatoka mimi, juu sasa ni zaidi ya miaka ishirini tangu mashamba yaliandikishwa na hatujapat Title Deeds.(**Interjection**)

Com. Wambua: Unapendekeza nini?

James Kasia Mbaya: Ninapendekeza, hizo Titles zipeanwa mara moja. Kwa tena, sipeanwe free bila kuambiwa ati hapa lazima kwanza ulipe hiki na kile. Na ikiwa ni kodi, kodi inaweza kutolewa baadaye, lakini sio wakati wa kuenda kuchukua uwambiwe kwanza utoe pesa hizo.

Jambo lingine ningependa kusema, nataka kuzungumzia juu ya raisi; asiwe above the law, asiwe mtu ambaye awezi kushtakiwa

kama amefanya makosa. Awe law iko juu yake. Hiyo ni kwa kifupi.

Na ya nne ni price contro ya vyakula; unaona mkulima hapa, akilima mahindi yake au mbegu yake yoyote ya mtama, kwa wanunuzi, wananunua vile wanapenda. Shilingi tatu, shilingi nne, lakini baada ya wiki mbii, tatu, ukirudi kule kwa kununua hiyo bidhaa yako uliyomuuzia, atakuuzia vile anataka. Bei ya juu zaidi. Kwa hivyo contro price, nauliza (**Interjection**)

Com. Wambua: Control price ya mavuno ama hata hiyo vitu ambayo vinuazwa kwa duka?

James Kasia Mbaya: Vyote.

Com. Wambua: Vyote?

James Kasia Mbaya: Eeh, yangu ni hayo.

Com. Wambua: Asante sana. Tumwite Mulewa Wanee.

Com. Salim: Ningetaka kuwajulisha, sisi tunaelewa maneno haraka haraka, ukitueleza kwa kifupi tunashika, kwa hivyo endelea mzee.

Mulewa Wanee: Mimi ni Mulewa Wanee, kutoka Kitulani. Kwanza kabisa nigesema kutoka wizara ya utawala. Nitaanza na atoi, atoi ni wale wazee wa kijiji. Kutoka mwanzo mwanzo 1953, kulikuwa na Assitant Chief, na wakati huo alikuwa anaitw Headman.

Na leo, tuna hawa ma Sub-chief na Chief, na mimi ningeuliza au kwa maoni yangu, maoni yangu ni Assistant chief, Chief, wachaguliwe na wanainchi. Ili atoi, wale mimi nasema ni wazee wa vijiji, hawa ndio ufanya kazi nyingi hata kuliko Chief na hawapati kitu. Ningeuliza kwa maoni yangu, katiba hii iwekwe, hawa wazee wawe wakipewa mshahara.

Tatu, raisi asiwe na nguvu ya kuvuta mbunge ama kumteuwa kuwa waziri. Raisi asiwe na nguvu ya kumteuwa, kama ni mbunge, kumweka kama minister.(**Interjection**)

Com. Wambua: Nani atamweka?

Mulewa Wanee: Wanainchi au bunge. Waketi pale bungeni wazungumze, wapige kura waone huyu mtu anafaa kuwa minister, achaguliwe. Lakini si raisi, raisi upendelea.

Tatu, raisi akikosa, apekekwe kotini kwa sababu yeye sio judge, apekekwe kotini.

Nne, bunge ikifungwa kama sasa, ikifungwa, wabunge, ma ministers wanafaa kurudi huku ma nyumbani wazungumze na wanainchi, kuwasaidia kwa miradi yeyote. Sababu wakifunga bunge, bunge kama sasa inafungwa, uwese kujua mbunge anaenda wapi, na hatuwezi kujua yuko wapi. Na watu wengine wote hawa wanafanya kazi katika jeshi au kwa police au kwa nini, akipata leave anakuja nyumbani, kushughulika na watu wa nyumbani. Lakini wabunge, kama sasa ikifungwa, uwezi kumwona, wanaingilia kwa ma office yao, kufanya kazi yake, lakini ikikaribia uchaguzi wanatembea. Nataka, bunge ikifungwa kule, waregee nyumbani, wazungumze na watu, wanainchi, kutembea tembea kuona (Inaudible) wanatengeneza mahali fulani au ni unga fulani, wanasaidia kwa njia hiyo. Hiyo ni ngapi? Nne.

Kumaliza, mbunge akikosea kule bungeni, akikosa, afanye makosa kule, si tunatangaziwa, hapasi kufutwa na raisi. Mbunge akikosa kama kule bungeni hakufanyi makosa, unajua anaweza na anachukuliwa kama mkubwa na wanainchi, na kule mbungeni anaweza kuenda afanye makosa. Raisi asipewe uwezo na katiba ya kumfuta, kama viel anatangaza, fulani nimemfuta mara moja. Hii iondolewe, hakuna cha kuvuta pande moja. Afadhali akifanya nini aambiwe, wewe ukiwa na kosa rudi nyumbani, uwende ukapigiwe kura mara ingine urudi bungeni.

Com. Salim: Kabla ujatoka, kuna swali kidogo lakini

Pastor Ayonga: Kuna swali kidogo nataka nikuulize. Ulisema kwamba wabunge ndio wawe na uwezo wa kuchagua ministers. Sasa nataka uweke katika picha, uanze kuona hawa ni wabunge wako hapa, nyote ni wabunge. Na, uwezi kuona kila mmoja atataka awe minister. Kwani kuna mbunge ambaye yuko parliament, ambaye asingependa kuwa minister. Na, ukiwaambia wachaguane, unoni kwamba itakuwa kazi ngumu, na hali hapa toka asubuhi nimesikia watu wakisema, ministers wanapochaguliwa, wachaguliwe kufwatana na uwezo na uchuzi wa kuongoza ministry. Uwezi kuona watu hao wakiwa na vita ya bunge na hali iwe mbaya kuliko ilivyo sasa. Kwamba kungekuwa kama ni uchaguzi, ufanywe na watu wengine, lakini si wao wenyewe kuchaguana.

Mulewa Wanee: Hii nitasema hivi; sasa tuko hapa, wakati tunapochagua wabunge, kuna wengine ambayo wanataka wachaguliwe pia, na kule bungeni, ikiwa wewe ni mtu mzuri kwa watu kama hawa, watu wote wanajua wewe ni mzuri, pale bungeni pana mwenyekiti, wanajuana ya kwamba. Na hata sisi wenyewe tunajua huyo ni mtu ambaye anafaa kuongoja kila kiti. Kuteuwa pale ministers, raisi awe ndio anachagua kama kupandisha mtu fulani kama minister kama hii nikupendelea. Lakini wabunge, hata ikiwa wowote wanataka kuwa, wachaguliwe wawe ministers, wenyewe pale wanajuana, si hata saa ingine mimi nasikia wanapiga kura pale kwa hoja fulani. Mtu akitoa hoja yake ipigiwe kura, inapigiwa kura tunasikia oh kitu fulani kilipendekezwa. Ni kama hii katiba tunapanga hapa. Hii katiba tunapanga hapa, yale mambo yatakuwa mengi, maoni yale yatakuwa mengi ndio itaunda katiba, kwa hivyo hata pale bungeni panawezekana kupiga kura pale, hata ikiwa mimi nataka kuwa minister, huyu anataka. Lakini kuna mmoja au wawili wale ambao wanajulikana na wale wengine kama ni wazuri. Hii iko

nanma hiyo.

Com. Wambua: Asante sana mzee kwa maoni yako. Jiandikishe hapo tafadhali, nitamwita Maluki Muiku.

Maluki Muiku: Mimi naitwa Maluki wa Muiku farmer hapa Migwani.

Naanza na ma daktari; wasiwe wakiwalipisha watu wakiweka damu. Na ikiwa ni lazima, nao wale wanatoa damu walipwe pesa.

Kuwe na kamati ya kupanga safari za raisi. Pahali anataka kwenda kuwe kuna wale watu wanapanga. Raisi aende London, aende America, si yeye kurandaranda pahali anataka, anatumia pesa ya wanainchi. Hata ma ministers, iwe namna hiyo.

Mtu yeyote ana pesa outside this coutry, arudishe hapa. Aweke kwa bank ya Kenya.

Kipande na kura, ziwe zikipeanwa kila wakati, mtu akifikisha umris wa kipande, awe akipatiwa. Si kungoja wakati mwingine, ati uwa wanapangiwa, kupangia hiyo hapana mzuri.

M.P, Councilor, Raisi, ambaye hana mke asichaugliwe na raisi. Na kwa bahati mbaya wakiwachana, naye aondoke kwa office.

Mtu yeyote ambaye alikuwa ameandikwa na serikali na ame retire, na anapewa pension, asingie katika ofisi ya uma tena, alipwe pesa. Ndio tupunguze ukosaji wa kazi, vijana nao wapate kazi.

Wakati wa kupiga kura, tukipiga kura, ikiwa tumepiga hapa, tusibebe. Ihesabiwe hapo hapo. Tosha.

Com Wambua: Unasema vitu viwili; unasema M.P, councilor, President lazima awe na mke?

Mulewa Wanee: Yes.

Com. Wambua: Na wakiwachana aondoke, hakuna nafasi ya kupewa atafute mwingine, ni immediate.

Mulewa Wanee: Ndio, kwa maana awezi kuongoza watu bila bibi.

Com. Wambua: Haya kitu cha pili; unasema wale ambao wametumikia uma ama public servant. Wakishatoka kwa kazi, wakishastaafu wasipewe kazi nyingine, hiyo kazi ni unamaanisha hata kazi ya kuchaguliwa asichaguliwe?

Mulewa Wanee: Na maanisha, popote kutakao pewa mshahara, government office asiandikwe.

Com Wambua: Hata kama ni kuchaguliwa pia?

Mulewa Wanee: Asichaguliwe, aondoke na aende nyumbani.

Com. Wambua: Ngoja swali ingine

Pastor Ayonga: Ngoja kidogo. Unaposema raisi awe M.P au Councilor, ikiwa wameachana na bibi yake, kwa mambo ambayo ni sawa kabisa, unataka kuniambia huyu mtu au huyu mke asiendelee na kazi?

Mulewa Wanee: Ile nasema, ikiwa wamewachana in the correct way, waende kotini wakubaliwe yule anamakosa ni fulani. Kwa mfano iwe ni bibi, atakuwa kweli yeye ana bahati mbaya, kwa maana huyo bibi ndio hataingia kwa office. Mwanaume anaweza kuruhusiwa, aendelee na apewe muda, withing this perion, unless you get married, utawacha office.

Pastor Ayonga: Na unataka kutuambia kwamba mtu asiye na mke awezi kutawala?

Mulewa Wanee: Hapana.

Pastor Ayonga: Au bibi asiye na bwana awezi kutawala?

Mulewa Wanee: Lakini, hatatawilia nani?

Nataka ujibu maswali ninayo kuuliza. Je, umeisha sikia Cuba, na pengine unaichora kwa map. Kiongozi wa Cuba ni nani? Ni nani anatawala Cuba?

Mulewa Wanee: Its (Inaudible)

Pastor Ayonga: Ana bibi?

Mulewa Wanee: Hiyo ni katiba yao huko.

Pastor Ayonga: Hiyo ni katiba yao. (Laughter)

Com. Wambua: Asante sana Maluki.

Pastor Ayonga: Na katiba hii katiba yetu, nikuulize swali la mwisho ambalo uende kufikiri?

Mulewa Wanee: Ndio.

Pastor Ayonga: Ikiwa, tuseme kwa mfano, kama Mwana Wa Nzeki angependa kusimama kwa kura achaguliwe kama president, ungemkataa kwa maana (**Interjection**)

Mulewa Wanee: Ningemkataaa kwa maana (Interjection)

Pastor Ayonga: Wewe ungemkataa?

Mulewa Wanee: Ndio, hakataliwe.

Pastor Ayonga: Haya, kwanza ngojea. Una uhuru wa kuchagua, kila mtu ana uhuru wa kuchagua. Akisimama hapa na tufanye mlolongo na amepata watu, utamkana kwa njia gani.

Mulewa Wanee: Mimi nitamwepa.

Pastor Ayonga: Basi, kuna uhuru wa kuchagua, na mtu akichaguliwa na watu, tusije tukaingilia na vitu vingine ambavyo ni vya kindani.

Mulewa Wanee: Hivi si vya kindani. Kila mtu kuwa na mji wake, mtu aongozi mji wako, ataongozaje watu wengine, na yeye hana mji.

Com. Wambua: Nafikiria Bw. Maluki, tutayachukua kama maoni yako, kwa hivyo tumeandika (Interjection)

Mulewa Wanee: Na yameingia hapa katika hicho ki machine?

Com. Wambua: Ndio. Asante sana, wacha tukuite Muvea Mutua. Muvea yuko wapi, haya endelea hapo Muvea.

Muvea Mutua: Asante sana kwa Mwenyekiti, kwa majina ni Muvea Mutua, yangu ni machache.

Kwanza, ni mashamba, ahadi za mashamba; ahadi za kumiliki mashamba zipeanwe bure na serikali.

Ili kesi zote za mashamba zitatuliwe na wazee wa vijiji, isipelekwe kotini.

Tatu, huduma zote za matibabu zipeanwe bure katika hospitali zote za serikali, kutoka local mpaka national hospital.

Next, elimu yote kutoka pre-primary school to secondary school iwe ya bure.

Assistant Chiefs na Chiefs, wawe wanachaguliwa na wanainchi. Kama ma councilors na ma M.Ps.

Ya tano, kiti ya president iwe inagawanywa kwa makabila, kama Kenya tuko 42 tribes, sasa mbili tayari imechukua, Kikuyu Kalenjins. Sasa tunataka hao wengine, hizo zingine arubaini nao wajaribu bahati yao.

Com. Kangu: Baada ya muda gani?

Muvea Mutua: Five years.

Com. Kangu: After five years ndio irotate?

Muvea Mutua: Hii ten years yaani inawekwa, mtu akikaa, kabila ikichukua uwongozi atumikie ile miaka mimi nakubaliana na ile miaka kumi, hatumikie, lakini kwa muda mwingine, wakati mwingine, hiyo tribe isiingie kwa kugombea kiti ya uraisi. Kama sasa Kikuyu na Kalenjins, wasichoke wakijaribu. Maoni yangu. Nitakomea hapo.

Com. Wambua: Asante sana. Fred Katanga, Fred Katanga, yuko? Fred M. Katanga. Ameondoka. Haya James M. Katuta. Wametoroka? Jospert Kaviti? Amechoka? Silvester M. Kitheka. Basi, kama kuna mtu ambaye anataka kuenda na ako na maandishi ama memorandum, ako na memorandum na anataka kuondoka maanaka anafikiria awezi kungojea. Maanake nitafuata tu hii orodha. Basi anaweza kuiandikisha pale, atuachie tutaenda kuisoma. Maanake tutaendelea tu kufuata orodha tu ile majina yako hapa. Kwa hivyo kama uko na haraka na umeandika, tuwachie maandishi hapa, ama memorandum, tutaenda Nairobi tutaisoma, na tutachukua proposals zako.

Silvester M. Kitheka yuko? Kitheka hayuko, William Koki? Williama I. Koki? Hayuko. Rapahel Mbuvi? Haya kuja hapa Mbuvi. Na maneno yafupishe, tunayaelewa haraka haraka sisi.

Raphael Mbuvi: Thank you commissioners. The proposals I have here are not mine alone. It is a group of church goers. Migwani Catholic Church goers. My names are Raphael Maluki Mbuvi. Professionally I am a teacher and I wish to propose what has been proposed by the group.

The group has proposed that the Provincial Administration should be done away with, since the I.P.P has rendered it useless. And, should be substituted by the departmental heads.

The president should not be an M.P of any constituency. He should represent the whole country.

There should be room for independent candidates.

They proposed that, the government should consult the governed in this sense; they talked about the Donde Bill, where the bill's thought to reduce the bank weight. This was for the benefit of the common mwanainchi and it was rejected about the bank.

They proposed also that, the people who are going to be appointed in parastals, ministers, should be skilled people, in respect to the positions they are going to manage, the government.

Com. Wambua: Because I can see you have a memo, give us specific proposals on this issues, this is our proposal , on this issue this is our proposal. That will help us move very fast, and we understand things very quickly.

Raphael Mbuvi: Okay. On taxation, they proposed that nobody should be exempted from tax.

Cultural rights; they said the customary law should not be subjected to morality or justice, unless this morality and justice is well defined in the line, with the subject of the land.

Education; there should be free education upto class eight and the government should finance the running of schools.

Economic rights; resourceful areas should be rewarded by a certain percentage of the proceeding of whatever comes from those areas.

Here they also talked about, investment of the low income earners; they proposed that the front office in the co-operative society should be allowed to conduct function services

Land rights; every Kenyans should own land and should be given a Title Deed. This land they proposed that, those people who have a lot of acres, there should be a limited number of acres that an individual should own in this country.

Com. Salim: Tell us, what is the maximum figure?

Raphael Mbuvi: They did not propose.

Com. Salim: You will leave it to us.

Raphael Mbuvi: Let me leave it to you.

The land that was given through political favours, they said should be given back to the state and should be shared to the landless.

Parliament; they suggested that nominated M.Ps do not serve anybody, and therefore M.Ps should only be elected.

The Attorney General should be appointed by the parliament.

The number of ministries should be determined by the parliament and not the president.

Quorum for M.Ps in parliament, they said should be raised from 30 to 100.

They said M.Ps work for only twelve days per month, and therefore they said, they should work five days every week.

When recess, they said this should be determined by the president but the M.Ps themselves.

Salaries for M.Ps; we said that these salaries should be determined by an independent body rather than the M.Ps themselves.

Laws; they said the government should provide advocates for the poor people.

Chief Justice to be appointed by the parliament or rather recommended by the parliament.

They said the police are living under degraded conditions, that the outfit decide for three policemen in one cube and they have their wives. This is embarrassing and frustrating them, the community when they meet with people, because of embarrassment. So, their welfare should be looked into.

The government should get involved in the peasant, farmers agriculture. This, they can do it by providing tractors to the County Councils, which should be subsidised by the government.

Com Salim: You are leaving us that memorandum isn't it?

Raphael Mbuvi: Or shift hire. Yes.

Com. Salim: Can you summarise.

Raphael Mbuvi: I am just about to finish.

Corruption; they said, there should be a body to deal with corruption and it should be headed by a person appointed by the parliament.

Impeachment; if any president appoints a commission that does not bear a group, he should be asked to pay back the money spent by the commission.

Pastor Ayonga: I have a small question for you. Mr. Raphael Mbuvi, you said the land given through favourism.

Raphael Mbuvi: Yes political favours

Pastor Ayonga: Political favourism, which should be in quotes because we do not know whether it was political favourism but that is the way you see it. That is should be returned back to the state for reallocation.

Raphael Mbuvi: Yes.

Pastor Ayonga: What happens if this land that was given has been developed? This person has invested on that land and for him, it was rightly given to him but as far as you are concerned, it was a favour done to him.

Raphael Mbuvi: It can not be land given to you, if there was nothing done you had given in return , and therefore we cannot said something is right, you bought a goad rightfully if it was stolen. If you have it, you are possessing stolen goods and they should be confiscated and brought back.

Com. Wambua: Suppose I am given land irregularly, and I sell that land to a third party, who pays me for that money. Are you saying that the state should repossesses that land, directly from the third party to whom I have paid, and if so, what are your views on compensation. Is there any compensation for that kind of situation?

Raphael Mbuvi: Yes, the compensation should be done by the people you talked to, the grabbers.

Com. Wambua: Okay. Obadia Kimanzi? Asante sana, jilandikishe hapo w. Raphael. Obadiah Kimanzi? Justus Ngui, Justus tafadhali kuja hapa, utuambie jina na ufupishe maneno, maanake bado tuko na majina mingi hapa.

Justus Ngui: Kupitia kwa mwenyekiki ni asante, na hapa niko na memorandum ya mtu mwingine ambaye nita present huko baadaye, siyo yangu hiyo.

Com. Salim: Aanza na hiyo, taja jina lako and tell us on whose behalf you are presenting, tumalizane na hio.

Justus Ngui: Jina langu ni Justus Ngui. (**Interjection**)

Com. Salim: Give us that memorandum.

Justus Ngui: Na hii memorandum na present on behalf of (**Interjection**)

Com. Salim: Just put it there, on behalf of who?

Justus Ngui: On behalf of Joseph Ethuli Fungo, who is an advocate of High Court of Kenya.

Com. Salim: Can you now do on with yours. Do you have any other memorandum

Justus Ngui: Yes

Com. Salim: You have yours now.

Justus Ngui: Na mimi niko ya yangu binafsi

Com. Salim: Haya sema yako sasa.

Justus Ngui: Na yangu binafsi naongea mambo ya parliament; nasema hawa wajumbe wetu wanatapata pesa nyingi sana kama mishahara. Na, vile wanapata pesa nyingi kama mishahara, inatakiwa nao wafanye kazi kwa siku tano, ndio wawe wa ki break Saturday kama wale watu wengine wa civil service. Na ikiwezekana, wawe wakienda break ya miezi mitatu, vile walimu wanafanya.

Upande mwingine, nasema, huu ni upande wa ministers; nasema ministers wasipewe mileage allowance. Sababu wanapewa gari ambazo zimewekwa mafuta na serikali. Gari ambazo wanatumia, already zinaweka mafuta na serikali, wa hivyo wasipewe mileage allowance.

Jambo lingine ni kuhusu uchaguzi; siku ya uchaguzi inafaa iwe inajulikana na mwanainchi wa kawaida, na isiwe kama secret weapon ya mtu mmoja binafsi. Na ikiwezekana, iwe inatangazwa, ama iwe inaprintiwa kama zile national days zingine. Ndio kila mtu ajue tukifika hiyo tarehe, tuko na elections.

Jambo lingine (**Interjection**)

Com. Wambua: The day of the election should be made holidays.

Justus Ngui: Hapana zisiwe holidays, lakini ziwe published, ziwe zinajulikana kama vile sisi ufanya na holidays, published.

Jambo lingine, judges wasiwe appointed na mtu mmoja. Ikiwezekana kuwe na committee independent ya ku appoint judges, na hiyo itawafanya watekeleze kazi yao, bila uwoga. Sababu..(**Interjection**)

Com. Salim: Samahani, wanachama wa committee hiy ni nani?

Justus Ngui: Kuwe na independent committee.

Com. Salim: Wanachama wake ni nani?

Justus Ngui: Wawe ni mawakili.

Com. Salim: Na ni nani ambaye atachagua committee?

Justus Ngui: Hiyo committee ichaguliwe na bunge.

Constitution ya Kenya, iwe inafunzwa kuanzia primary na secondary. Hii ni sababu, sasa tunaeleza tugeuze mambo ya katiba, na hata hatujui hiyo katiba inasema nini.

Mambo ya Permanent Secretaries; wasiwe accounting officers kwa ministries zao. Kuwe na watu wengine professionals, kama accountants na whatever.

Na hapo hapo, hii jina la Permanent Secretary liondolewe, sababu wakishaandikwa kama Permanent Secretary, hao wanafikiria they are indispensable. Kwa hivyo tuwe tunatumia majina kama Secretary for Foreign Affairs, Secretary for Agriculture, Secretary for Defence, na kadhalika.

Ile ingine ni ; ile katiba ambayo itatokea sasa, ijaribu sehemu zingine za inje, zimepata maendeleo makubwa, kutokana na pesa

za serikali. Na sehemu zingine, hazina chochote. Na hii katiba iangalie, zile sehemu ambayo hazikuwa na maendeleo, kwanza zifikiriwe na zipewe pesa ndio ziweze kufikia zile zingine pahali zimefika. Sababu zile zimetajirika kutoka pesa ya serikali na kila sehemu ingine iko na haki.

Kile kingine, ni hii katiba inatokea sasa, hii tunajaribu kuunda; iwe na mwelekeo, ili kwamba tukichagua M.P ama tuchaguwe president na tuone hafanyi kazi vile tunataka, kuwe na njia ambayo tunaweza kuwachisha kazi, na hiyo iwe wazi ni jia gani.

Na ile ingine, katika inchi ya Kenya, hakuna mtu anatakiwa awe juu ya sheria. Zote tuwe equal katika macho ya sheria.

Na ile ingine ningesema ni kwamba, hii mambo ya constituency, zile tuko nazo wakati huu, sioni kama zina reflect vile wanainchi wanataka. Zingine ziko na watu wengi sana, zingine ziko na watu wachache sana. Na, ingekuwa vizuri kama, ile commissin inadeal na hii mambo ya demarcation, mbele ya ku register constituency, iangalie idadi ya watu iwe sawa. Na ikiwa haitakuwa sawa, iwe karibu sawa, yaani kusiwe na tofauti kubwa.. (Interjection, Inaudible) Na ni hayo tu.

Com. Wambua: Wacha tuone nani hayuko hapa, ndio tupangie wale waliosalia. Paul Githia yuko? Hayuko. Joseph M. Kituke, Johnson M. Munyalo, nakuja number one, ngoja hap mzee, wewe ndio utafauata hapo. Ngojea kidogo hapo tuone Kituke, keti to hapo. Mwikya Ngindu? Hayuko. Nzunguli Ngangi. Haya wewe ni number two utafwata huyu. Mutmi Milai? Hayuko. James Mwendwa? Hayuko. Stephen Mutua? Hayuko. Henry Maliti? Hayuko. Rogers Kavyo? Hayuko. Frederick Kawewa, haya number three ngoja hapo. Mtafwatano hivyo. Mutiko Nzili? Mutiko Nzili? Hayuko. Joseria Mutua, mama, ni wewe? Number four please. Fuata hapo number four. John Ngao? Hayuko. Ngala Musyoka, wewe ndio number five, utafuatana, kuja ungojee hapo ndio tumalize haraka. Reverend Mutemi nimemwona amerudi? Kwa hivyo ameandikisha memorandum. Haman Katitu? Kwa hivyo hata Katitu ameenda.

Do we have another list from there? Bring it here. Tafadhali haraka haraka, endelea mzee, taja jina na utoe maoni yako.

Johnson Mhindi Munyalo: Asante sana Bw. Chairman, jina langu ni Johnson Mhindi Munyalo. Yangu Bw. Chairman ni machache sana. (Interjection)

Com. Wambua: Jelina Mkinya? Ngoja kidogo mzee, just hold on. Jelina Mkinya? Ameandikisha. Kitonyo Kalikanda, wewe ndio number six. Please remember your name, I am starting number one and I will be calling two, three, you come tell us your name, give us your views, so that we close. Sawa endelea mzee.

Johnson Mhindi Munyalo: Yangu ni machache sana. (Interjection)

Com. Wambua: Anza na jina tafadhali.

Johnson Mhindi Munyalo: Jina langu ni Johnson Mhindi Munyalo. Na Bw. Chairman yangu ni machache sana kuhusu katiba hii yetu ya Kenya. Ile kitu naonelea kimimi, kama mawazo ile naona; jambo ile imetufinya sana Kenya ni health. Kwa hivyo, mimi naomba katiba ikitengenezwa tupewe dawa ya bure.

Jambo la pili, ni kuhusu elimu. Watoto wetu wamekuwa wakirandaranda ovyo, kwa hivyo naomba kutoka darasa la kwanza au pre-nursery mpaka form four, elimu ikiwezekana iwekwe iwe ya bure.

Jambo la tatu ni kuhusu mashamba. Shamba tunayo, tunalinganishwa na wazungu. Wazungu waliweka Title Deed, kwa sababu walijua tunang'ang'ania uhuru, na hiyo kifungu imetusumbua sana Bw. Chairman kama wanainchi. Kwa sababu Title Deed ilikuwa ya mzungu, akienda, wale wana mashamba makubwa wabaki wakimiliki, na hii ndio sababu sisi wanainchi tumeumia sana, wakenya. Kwa hivyo tunaonelea ya kwamba, kama kutahitajika kodi, sio kuuuziwa mashamba ya babu zetu, kama vile inapimwa na acres. Kama ni shilingi ishirini per Title Deed, tutoe na upewe. Lakini ikiwezekana, katiba iwekwe kama free, tutafaidika.

Jambo ya nne ni upande wa utawala. Tunaona katika utawala, una nguvu zaidi. Sababu ukienda kwa D.C, utakuta pesa za kotini, polisi, zote zinakwenda kwa D.C. Lakini hapa katikati kuna mchanganiko maalum. Utaona Chief anafanya kazi yake, lakini mkifika kwa D.C, yote inakuwa ni hapo. Na ukienda hata upande wa masomo, D.E.O hawezi kupata pesa, mpaka D.C haweke sahihi ndio Bwana wa elimu apate pesa. Kwa hivyo naona, serikali ijaribu kugawia kila wizara ijisimamie. Nasina mengi Bwana Chairman, ni hayo, asante.

Com. Salim: Thank you very much Bw. Munyalo. Number two, taja jina tafadhali na jilandikishe huko. Tupatie maoni.

Zunguli Ngadi Kiluti: Bwana Chairman, kwa jina naitwa Zunguli Ngadi Kiluti. Ambaye pia ni diwani mteule katika Mwingi district, makao ni Mwingi Kusini. Mambo mengi yalisemwa na sana sana kuhusu juu ya ardhi.

Nami ningependa katiba ya wakati huu ikitengezwa, iangalia kifungu fulani ambacho kinaumiza wanainchi wote katika Kenya hii nzima. Na hicho kifungu, kinatokana na sheria number mia mbili, themanini na nne, non Act. Huko katikati kinasema kwamba pahali popote pakitangazwa kuwa uwandikishaji wa mashamba, mashamba ya kiwa elfu moja, na ma kesi ama makwani yawe matatu. Title Deeds, haziwezi peanwa kwa yale mashamba mengine ambayo hayana makesi. Hio ndio inafunga utajiri wa Kenya, kwa sababu section yenyewe ikiwa na makesi matatu katika mashamba elfu moja, hayawezi kukabidiwa cheti cha kumiliki ardhi. Ile section yote inafungwa, na hicho kifungu. Ningependa katiba ikitekelezwa, iondoe hicho kifungu na iweke; wale ambao wana makesi, wakiwa ni watano, ni watatu waendeleo. Na yale mashamba mengine ambayo hayana makesi, ipate Title Deed, ndiposa tupate kuendelea wote. Hiyo inaumiza.

Na kile kingini ni; ukoo upatiwe uwezo wa kuangalia mambo ya kikwao. Zamani kuna watu walikuwa wakiitwa ing'endili, lakini walikuwa wakiangaliwa na chairman au mwenyekiti wa ukoo. Alafu, akiwa ni mwanaume anaangaliwa na macho yote ya ukoo, alafu anatuliza uwovu wake. Au katiba ikitengenezwa, ukoo upewe uwezo na mila zao. (**Interjection, Inaudible**)

Com. Salim: Inaudible.

Zunguli Ngadi Kiluti: Yaani ukoo, ukoo kama ni clana, yaani walikuwa wakifanya mambo; ikiwa ni kijana wao anafanya maovu, anaitwa mbele ya wazee wa kwao, akisimamiwa na mwenyekiti wa mji, alafu anaambiwa usirudie hii. Ikiwa ni mambo ambayo inaweza kunyoroshwa sawa sawa, akiwa ni mkatili sana, analiwa mbuzi. Na hiyo ni kimila, lakini anarudishwa njiani. Hiyo ndio ukoo upewe uwezo wa kuangalia mambo ya kikwao.

Jambo lingine ni, katiba ya Kenya, inawapatia wanainchi kuchagua kiongozi wanayopenda. Ile jambo ya kuweka muda, ni kama kuwapokonya wenye kura uwezo wao wa kuchagua kiongozi wanayopenda, na ni kama ku overlook. Sababu kiongozi yeyote anatokana na mambo ya Mungu, na anapewa uwongozi na pia anapewa uwezo. Lakini kusema kiongozi atoke mwaka mmoja hadi miaka mitano, afutiliwe kikatiba, ni kunyima wenye kura uwezo wa kuandika au wa kuwajiri kiongozi wanaye taka.

Com. Salim: Pendekezo lako ni lipi?

Zunguli Ngadi Kiluti: Pendekezo langu ni; wanainchi kama katiba vile inavyo walenga, na wanapatiwa kura, wapatiwe nafasi pasipo full stop ya kusema, mfike kiwango fulani. Yeyote atakayetaka kusimama, asimame, hata wakiwa wakumi, Mungu atachagua na ataambia wanainchi usiku huu kucha mpaka asubuhi yake, kiongozi ni fulani. Na kura zikihesabiwa, mtapata kiongozi kutoka kwa Mungu. Lakini ikiwa nikutoka kwa katiba, tutachukua kiongozi ambaye hana uwezo, na mambo yatakuja kuyoyoma. Basi sina mambo mengine.

Com. Wambua: Thank you very much. Asante sana Bwana Mzee Zunguli, jiandikishe hapa tafadhali. Number three, tutajie jina na utoe maoni.

Fredrick Kawewa: My names are Fredrick Kawewa, and I am a teacher. Now, these are what I would propose to be in the new constitution of Kenya.

First of all I would propose that the constitution should be able to protect itself from abuse, by providing very clearly and specifically how it should be altered. And I would suggest, it should be altered only by a vote of not less than 75% of Members of Parliament.

Com. Salim: 75?

Fredrick Kawewa: 75%.

Two; separation of powers of the three arms of the government; each arm should operate independently with full mandate and no interference from the others.

Three, all departments of the government should be manned by people who are appointed on professional merit only. That is, the best qualified takes the job.

Three, the constitution belong to the people of Kenya and therefore it should be available to all members. I would suggest, to start with it should be available in all schools, offices of the Assistant Chiefs and it should be written in a language simple to be understood by majority of Kenyans. And, I recommend; it is not possible to be written in local language, that is vernacular, it should be written at least in Kiswahili. So that, majority could understand it.

I would also suggest that Kenya follow a unitary government, with an executive president. Whereby the president should not be elected by only majority but majority of all the people who are casting their votes during that election. That is, more than 50%.

I would also propose that; the vice president should also be elected directly. Now, as you are aware, education is the department in our government which is taking a lot of our resources and we are not rewarding it. For this I would propose that, all appointments, be it political, be it military, be it any department. Professional background be put into consideration, and I think this would even reduce the corruption we have in recruitment of pre-service training. Because, like specifically stating the qualifications, we would be able to know who qualifies and therefore there will be no reason for bribing, for somebody to be admitted in a college.

So, education I think, we need no people who are not educated actually taking votes. Because it would be an effort in futility. We are spending so much money, and yet the people who have knowledge about what is current are not getting the job. Where we have uneducated people manning those places.

The other thing, which I think is posing a great problem to our society and which needs to be reviewed is, the freedom of worship. I think the freedom of worship should be reviewed such that, the churches or the time of worship is specified and the days. Not a case whereby we have people setting churches in estates, anytime, and also in the market. I think that one is causing some disturbance.

Lastly, I would also like our constitution to be written in such a way that it also takes into account other institutions of governing law, especially the Geneva Convention. Because I think, we should have a constitution for our own interest, not for the

outsiders. And a case like in the Ministry of Education, whereby we are being told that we should not discipline our students. I think that one may not take us in the right way. So, that one needs to be reviewed. We punish our student, for our benefits, not for the benefits of other people.

Com. Wambua: Inaudible.

Fredrick Kawewa: A particular one in this case.

Com. Wambua: Not all of them

Fredrick Kawewa: Not all of them. Of course there are those which are universally acceptable and which we have signed.

Com. Wambua: Inaudible.

Fredrick Kawewa: I think that signing may bring a problem but because it is like, we sign some of the conventions, without looking at the implications they will have on us.

Com. Wambua: Thank you very much. Asante sana Bw. Kawewa Fredrick. Next atakaye fuata. That was number four or number five.

Joseki Mutua: Number four.

Com. Wambua: Number four. So, please give us your names and give us your proposals.

Joseki Mutua: Kwa majina naitwa Joseki Mwethia Mutua, na haya ndio maoni yangu.

Uridhi; uridhi kwa wanawake, kuridhi mali ya baba zao ama wazazi iwe tu, mwanamke anaweza ku ridhi akishatimisha miaka 45, na awe kuna uhakika hataolewa.

Pili; katiba itambue uwezo wa bwana wa mke, kama ilivyo tabiriwa na Mungu katika kitabu cha bibilia Mwanzo 3.16. kwamba, 'mapenzi ya mwanamke itaambatana na mapenzi ya bwana yake, na bwana yake atamtawalia.'

Pastor Ayonga: Hiyo inamaanisha nini?

Joseki Mutua: Hiyo ni ule usawa. Inamaanisha, hii inapinga kule kurudisha bibi kwa njia, kama akikosea iwe anaweza

fukuzwa na bwana wake.

Com. Wambua: Unasema bwana awe ndio kiongozi, mama afuate?

Joseki Mutua: Ndio.

Com. Wambua: Na mama afanye kile bwana anasema, maanake bibilia inasema hivyo.

Joseki Mutua: Ndio.

Com. Wambua: Endelea mzee.

Joseki Mutua: Na akikosa anaweza kuadhibiwa.

Com. Wambua: Na bwana?

Com. Kangu: Na mzee akikosa, yule mama anaweza kuza yeye kidogo?

Joseki Mutua: Ndio anaweza kumuadhibi ile asizidi sana amuumize.

Com. Wambua: Commissioner anakuuliza bwana huyu ambaye anaongoza bibi, akikosa, naye mama anaweza kuza yeye kidogo?

Joseki Mutua: Hapana.

Pastor Ayonga: Bibilia imekana au ni wewe unasema hapana?

Joseki Mutua: Ni bibilia inasema.

Pastor Ayonga: Inasema kwamba bibi asi mrule bwana wake?

Joseki Mutua: Sio hivyo, inasema atatawaliwa, na yule anatawala awezi kuguzwa na yule anatawalia.

Pastor Ayonga: Na bibilia inasema nikwambie, bibilia inasema atawale kwa upendo. Unasemaje juu ya hiyo?

Joseki Mutua: Hiyo ninasema, naye inasema kwa hii Warumi 13, kwamba huyu anatawala, ashiki fimbo bure, kuna sababu.

Pastor Ayonga: Na Waefeso 6 inasema, 'Mabwana, muwapende bibi zenu kama bwana alivyoipenda kanisa', I quote.

Joseki Mutua: Hiyo ni kweli, lakini kwa vile hapa ni pale ambapo upendo umepungua ama kuna madharau, si maanishi wasipendane, kwa vile waliowana wakipendana. Na makosa inatokea huko, pia wanapendana.

Pastor Ayonga: Haya endelea.

Joseki Mutua: Ubadilishanaji wa mashamba; uwe katika kiwango cha huko chini, wazee au jamii iwe ndio inahusika na kusema ni nani ana haki ya hii shamba. Bali, isiwe kwa koti.

Katiba iruhusu elimu ya bure kwa walemavu wote hadi chuo kikuu. Na hata, kama ni course wanafaa iwe inagharamiwa na serikali.

Mayatima wote wakiwa chini ya miaka kumi na nane, washugulikiwe na serikali kimaisha. Kwa kila hali kwa vile, wale wanawachiwa haya mayatima, wana mzigo wa familia zao. Na mayatima hawa huwa wanateseka sana.

Katiba iruhusu ndoa za kikabila kupewa cheki cha walali, ikiwa masharti ya kikabila imetimizwa.

Serikali; (**Interjection**)

Com. Wambua: Ni watu wa gani watapeana cheti, kwa sababu kawaida ndoa hizo ufanyika kule jijini, ni nani atapeana hiyo certificate?

Joseki Mutua: Itapitia kwa administration kama vile D.C pia anaruhusiwa kufanyisha arusi.

Com. Wambua: Endelea.

Joseki Mutua: Mbunge akifanya makosa, kama vile kupigana adharani ama kwa bunge, kuiba, ama unyakuzi, awachishwe ubunge na kiti chake kitangazwe wazi.

Mbunge akihukumiwa kufungwa, awachishwe kazi na kiti kiwe wazi. Ni hayo tu bwana ma commissioners.

Com Wambua: Asante sana kwa maoni yako Bw. Joseki Mutua, tafadhali jilandikishe hapo. Tumwite wa mwisho, ambaye nafikiria ni Kali Kanda, bado? Huyu ni nani? Oh Ngala Musyoka. Haya endelea Ngala Musyoka.

My names are Ngala Musyoka, an agriculturist by profession, na niko na mambo mawili au matatu ya kuchangia kwa kuunda hii katiba yetu.

Mwanzo kabisa, I would like to say that; to the welfare of the civil servants, in terms of medical allowances, I would like to propose that, we should have, all the civil servants should have equal flat rate of medical allowances. Because, the kind of disease has never been (?) ile ugonjwa inampata, the person at high rank, ni ile ugonjwa itapata yule mfanyi kazi ambaye yuko kwa kiwango ya chini. So, ningependekeza ya kwamba tuwe na a flat rate of medical allowance.

Ile ingine ningependekeza ni kwamba, kama pahali kwingine kama hapa Mwingi, we hear that it has been gazetted, and it has been gazetted as an hardship zone. Na of late, some people have started benefiting like the teachers, unlike other civil servants.

Kwa hivyo tungeuliza, the kind of tool that was used to bring the commission that was given that mandate to see to it that the teachers should be given hardship allowance, the same same tool should be used to get, and then should be applied to make a resolution on whether the other sectors should be given allowance. Simply because, we are working under the same, same environmental conditions.

Ile ingine ningetaka kuzungumzia ni mambo ya uuzaji wa mali ya uma. I am talking particularly addressing myself to the bonding procedures of some government items. These are items like manyumba. Sana sana the D.C officers, ningependekeza ya kwamba hiyo management, hiyo powers ziwe kwa upande wa district level, sio kufuatilia kutoka kwa P.S mpaka a confirm ya kwamba, this commodities, this items should be bonded. Na kama, if district officers are in power or rather, kama kunaweza kubuniwa, akamate bila kuangalia kama ni vehicles, kama ni manyumba imezeeka, kama ni viwanja vya serikali wanataka kuuza, iangalie ya kwamba hiyo charges ziwe zinapatiwa the local people, because of the past. Kama hiyo bond ifanyi, wakati mwingine ndio inaenda na the whole lot, all the items. Kama ni vehicles, unakuta mtu anaenda na kama tano, alafu akizitengeneza, anarudi anauzia wale wengine. Kwa hivyo ningependekeza, mtu awe na only one chance ya kuchukua kitu kimoja, alafu anawamwachia mwingine.

Com. Wambua: Inaudible.

Ngala Musyoka: Ndio wanachukuanga.

Com. Wambua: Na mimi nakuuliza, proposal yako ungesema nini?

Ngala Musyoka: Yangu kwanza ni, those charges should be given to the people from that ministry, the local people.

Com. Wambua: What about the members of the panel.

Ngala Musyoka: Those are the members who have to know the powers we want to the market, to purchase such items. They should not be allowed to gain from that.

Ile ingine ningezungumzia ni mambo ya pyrethrum programmes. Tumekuwa na mashirika ambaye already, they either give us, they are in Kenya, they give us grants and they also give us donation. But at the long run, most of whatever they give to us is reciprocated back to their own country. Tungependekeza ya kwamba, since now we have got enough manpower within our country, let them give us the money and then we use the manpower we have to implement the activities, not to have the mzungu here being an expert.

Ile ingine ningependekeza ni kwamba; kuna mambo ya land, ningependekeza ya kwamba, kamati ivuniwe, iangalie, because for this case I am particularly addressing myself to a seller, who is the price maker of the land, and there is a buyer, the industry party. Kamati ivuniwe, ipendekeze mpango ya kwamba, kama ni katika arid areas, acre moja itakuwa inauzwa pesa ngapi. There should be a sealing price, ndio kila mtu awe na uwezo wa kutia hiyo nini. Because at the end of the game, kama you are the price maker, the richer shall always know the buyers, and we want this things to be instituted in an correct manner.

Kwa hivyo ningependekeza, land value ziwe zimetengeneza bu this one should also go alongside the areas we have here. Because you cannot, kama Kipruno nasikia acre moja.

Com. Wambua: You are advocating price on land?

Ngala Musyoka: For land yes.

Com. Wambua: Okay next.

Ngala Musyoka: Hiyo ndio ilikuwa ya mwisho.

Com. Wambua: Thank you very much. Jiandikishe hapo. Tumwite wa mwisho Kitonyo Kalikanda, on behalf of ECEP. Is it your personal views or ECEP's.

Kitonyo Kalikanda: My name is Kitonyo Kalikanda, I am presenting two groups. The first one is justice and peace commission. **(Interjection)**

Com. Wambua: That one I can tell you what you do, say your name, mention that your handing the memorandum on behalf of Justice and Peace Commission, let it be recorded.

Kitonyo Kalikanda: Sure. I am presenting this one on behalf of the Justice and Peace Commission. My name is Kitonyo Kalikanda.

Com. Wambua: Do you have another memorandum.

Kitonyo Kalikanda: For Justice and Peace Commission Gutani Paris.

Com. Wambua: Okay that one has already been recorded.

Kitonyo Kalikanda: This one, is also written but for ECEP, (Interjection)

Com. Wambua: Is it the one you want to present now?

Kitonyo Kalikanda: Yes, and I have my views in this one.

Com. Wambua: What we do is we will give you five minutes to highlight the key issues, because we are going to read that memorandum thoroughly. Carry on.

Kitonyo Kalikanda: Thank you very much. This is historic, thanks be to God.

Preamble; I am not sure whether I know the difference between a preamble and the introduction, but I am sure since you are experts you will clarify. We should have one in our constitution. I have made one, a good one, you will correct it.

We have suffered in the past due to corruption and bad governance, this will never ever happen again.

Direct principles of state policy that is (**Interjection**)

Com. Wambua: What you do, just highlight the thing we need to correct, because if you read it, it will take you so long. It is a long memorandum, just highlight, do not read it through, because time will expire before you are even a quarte. Just tell us the things which you have recommende. In fact what we are interested in Mr. Kalikanda are the proposals for each item.

Kitonyo Kalikanda: Yes. My proposals for the directive or principle state policy, is that the country's economic resources should always be used to promote the said national ethic. That is, the dignity and the quality of all human beings.

The constitution should be supreme, I am proposing. It should be very rigid, like that one of a hear, those one of the Canadian

country's. Very rigid; to change it, 98% of the legislature. And if that is not possible, a referendum should be very rigid.

The president should be the Commander in Chief, he should have emergency powers. But all this, emergency power should have the approval of parliament.

The political parties should provide civic education. That way, they will be able to sell their manifestos or policies. That is what I am proposing.

We should have a mixture of all the presidential system and parliamentary. The way we are, we need a strong president, we need a strong executive, but it should always be controlled by parliament.

We should not have a prime minister, in fact I am pleading with fellow Kenyans. Because the way I see it, it is like we may end up with a prime minister. I am pleading with fellow Kenyans, we should not have a prime minister. The role of a prime minister and that of the president are likely to overlap. We should not have a prime minister. We should have an executive president who is powerful enough but checked by the parliament. Kenyans do not understand, this notion of prime minister sharing powers of this and that, since the colonial period and after independence. We have also to accept the historical reality, Kenyans are known to want a strong leader, someone they can look at.

Com. Wambua: Do not underrate Kenyans; everybody here has a right to decide what he wants.

Kitonyo Kalikanda: Thank you very much, so a prime minister no, we should have a president.

Com. Wambua: You have been given an opportunity to give your views.

Kitonyo Kalikanda: We should not have a prime minister, we should have a president.

Com. Wambua: exactly carry on in that formula.

Kitonyo Kalikanda: The legislature should check the presidential powers, especially presidential appointments.

The constitution should provide for, a government of national unity. Like it is obtained in Indonesia, the one with the second largest political party, becomes the vice president. I understand that is what happens in Indonesia. Government unity, it is the same thing which is obtained in South Africa.

Parliament; the president should not have powers to dissolve the parliament or provoke it. the parliament should have its own timetable programme.

The president should have a two year, five, I mean a two, five year time. That is a maximum of ten years. But if he proves to be good, and then he can always with the approval of parliament, seek for a third term, but not more than that. 15 years is enough.

Parliament should have powers to impeach the president.

Com. Wambua: What about his age?

Kitonyo Kalikanda: Now, that one I really do not mind, he could be 90 but very good, he could be 20 but very good. That one to me is not crucial.

The president should appoint the judges, A.G and all othe senior appointments. But should be vetted by parliament. The way it is obtained in U.S.A, where major appointment should or the parliament vets.

For basic rights; we should have free education, all the way from primary school, that is nursery to the university. This country has got enough resources to provide that. Also, the should be free medical care for all.

The state should have a (?).

As fa as land is concerned, the president should not have powers to allocate land, because this might lead to political opponent. So, he should not be allowed to allocate land.

The controller and the Editor General should have powers to prosecute.

We should have the office of the Ombudisman. I am not very sure if I know what it means, but I think I have some basic idea. I think it is good to minimize corruption and promote justice. Thank you very much and God bless you.

Com. Wambua: Asante sana Bw. Kalikanda, that was a good proposal, and please register the memorandums there.

Kitonyo Kalikanda: There is one in kikamba.

Com. Wambua: Just register for all of them, we will take them with us and we will read them through.

That brings us to the end of this seating. Basi wanainchi ningelipenda kuwajulisha ya kwamba, tumefika mwisho wa kikao hiki, na kwa niaba wa ma commissioner wenzangu ambao wako hapa, yule aliyekuwa mwenyekiti ambaye pia ni mwenyekiti wa tume, Prof. Idha Salim, that is Pastor Ayonga na mwenzangu hapo, mtaa wa K.A.N.U. Ningelipenda kuwashukuru nyote kwa kufika hapa na kutupatia maoni. Maoni ambayo tumeyapata hapa, ninawahakikishia ya kwamba, tutayaweka maanani wakati wa kuandika report yetu, na ikiwe sheria itapenduliwa, tutarudi hapa na hiyo report ha mtaichunguza, mtaisoma, mhakikishe ya kwamba maoni ambayo mliyatoa, kweli yaliandikwa kwa report yetu kama tume.

Ningelipenda kumshukuru Bw. Sigirei- D.O, ambaye amerudi hapa, ako nasi. Alikuwa nasi asubuhi, tunajua kwa hakika idara ya Provincial Administration, imesaidia katika huu mpango wa kuhakikisha kwamba sisi kama tume, tumepokea maoni, na matayarisho ya kutosha yamefanywa kabla hatujafika mahali tumechukulia maoni ya wanainchi. Kwa hivyo Bwana D.O chukua shukrani ya tume, alafu umjulishe Bwana D.C. Pia ningependa kumpatia shukrani maalum, Bwana mheshimiwa wetu hapa Ho. David Musila, amekuwa nasi tangu asubuhi, na kwa maoni yake ambaye ametupatia ya muhimu, hayo pia Bw. Musila mheshimiwa tutayaangalia, tutayachunguza tukayatia maanani. Wewe ni mtu wa ujuzi, kwa hivyo yale yote uliyosema hapa, tutakuhakikishia kwamba tutayasoma na tutayatia maanani wakati wa kuandika report.

Na mwisho kabisa, ningelipenda kuwashukuru wale wanakamati wa 3Cs, nafikiria wako hapa Bw. Elius Musyoka, Mwenyekiti, na wale wengine wawili ambao walitajwa pia. Hata mheshimiwa pia ni mwana chama, na Bw. Kithonza na wale wengine. Tungetaka kuwashukuru sana, maanake tunajua Mwingi kulikuwa na shida, na mipango ilikuwa iko na shida. Kwa hivyo, kupata watu kama hawa, lazima iwe mlitia bidii sana. mimi nilikuwa hapa wakati mwingine, na ikawa Mheshimiwa hakuwa karibu, alikuwa Ng'ambao na hatukuwa na mipango ya kutosha, maanake mipango haikufanywa vilivyo. Lakini kwa sasa, nafikiria kamati yenu ilitia bidii, mpaka tukapata watu wengi, wale ambao walitoa maoni leo ni karibu 45, na ukilinganisha na wale wameregister hapa ni karibu mia moja. Kwa hivyo, ni ile average ambayo kawaida tunapata. Kwa hivyo inaonesha kwamba, kamati ilifanya kazi na bidii. So, kwa niaba ya tume, ningelipenda kuwashukuru sana, na tutarudi hapa. Ikiwa sheria haitapenduliwa vile ilivyo sasa, ninafikiria mheshimiwa hatahakikisha tumerude kuwaletea report, alafu mtainsoma kuhakikisha kwamba yale yote ambayo mliyatoa, yako kwa hiyo report.

Kwa hivyo, ningelipenda tukomee hapo, tufunge hiki kikao. Tulianza kwa maombi, ningelipenda tufunge kwa maombi, ili watu waende nyumbani mapema. Nasi, tutaendelea, kuna ma commissioners wengine watakuwa hapa Mwingi, sehemu ya Nuu, nafikiria mheshimiwa atakuwa na wao. Mimi sitakuwa huko, nafikiria Kangu atakua huko na Professor. Alafu name nia Pastor Ayonga tutaenda sehemu moja iliwachwa huko Kitui West, tutakuwa huko kesho. Kwa hivyo tusipoonana kesho, sisi tunawatakia kila raeli, na tutaonana tena tukirudi hapa. Kwa hivyo tupate mtu mmoja, atuombee ndio tufunge kikao.

Jospeh Musyoka Muthangya: Kwa jina naitwa Joseph Musyoka, mimi ni Chief na vile vile ni mhuduma wa kanisa. Kwa hivyo tufunge macho na tuombe;

