

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS,

NAIVASHA CONSTITUENCY,

HELD AT

ST. FRANCIS XAVIER CATHOLIC CHURCH

ON

MONDAY, 15th July 2002

**CONSTITUENCY PUBLIC HEARINGS, NAIVASHA CONSTITUENCY HELD AT ST.
FRANCIS XAVIER CATHOLIC CHURCH
ON MONDAY, 15th JULY 2002**

Present

Com. Githu Muigai
Com. Bishop Bernard Njoroge
Com. Ibrahim Lethome

Secretariat In attendance

Joash Aminga - Program officer
Ambani Osogo - Assistant program officer
Alice Thuo - Verbatim recorder

The meeting was called to order at 9.50 a.m. with Com. Githu Muigai on chair.

Com. Muigai: Tafadhali wale mlio nje tafadhali mkaribie ndio tuanze. Kwa niaba ya Tume ya marekebisha ya Katiba ya Kenya, ningependa kuwashukuru sana kwa kufika hapa asubuhi hii ya leo. Hata ikiwa nyinyi wenyeji wetu, tungependa kuwakaribisha kwa kikao hiki kwa sababu kikao hiki ni kikao cha Tume. Kwanza ningetaka kuwajulisha majina yetu tulio hapa, mimi jina langu ni Githu Muigai na ni mmoja wa Commissioner wa Tume. Na kwa hivi leo mimi ndio nitakuwa mwenyekiti wa kikao hiki.

Kwa upande wangu wa kushoto ni Commissioner Bishop Bernard ambaye ni Commissioner wa Tume hii. Kwa upande wangu wa kulia, ni Commissioner Lethome ambaye pia ni Commissioner wa Tume hii na ni mzaliwa wa hapa kwenu Naivasha. Kwa hivyo watu wa Naivasha, mjisikie kwamba mnazungumzia mtu au watu ambao wanaelewa mazingara yenu. Kitu cha pili ningependa kusema ni kwamba, mmejiandikisha majina yenu hapa na tuko na karatasi ambayo kila mtu alivyoingia jina lake lilichukuliwa, tutajaribu sana kufuata orodha iliyoko kwenye karatasi hizi. Kwa hivyo ikiwa hujaitwa, uwe mtulivu. Nikusema jina lako bado halijafikiwa.

Jambo la tatu ningependa kusema ni kwamba hiki ni kikao huru. Tume ya kurekebisha Katiba ya Kenya ni Tume huru. Kwa hivyo wewe kama mwananchi wa Kenya, ujisikie huru kusema yale yote ambayo ungelipenda Tume ichukue. Tuna vyombo vya kunasa yale mnayosema ndio tape recorder iko hapa chini. Kuna watu hapa, maafisa wa Commission wanaandika yale yote

mnayoyasema. Kwa hivyo usiwe na wasiwasi kwamba kuna mambo ambayo pengine utayasema ambayo hayatafika katika makao ya Tume Nairobi. Yote yataingia kwenye vyombo hivi. Kwa sababu hiyo, ina maana sana sisi wananchi tunaosikiliza tuwe watulivu. Kwa sababu mtu akiwa anazungumza na sisi tunapiga makelele nyuma yake, basi hizi kanda za kunasa sauti hazitachukua sauti vilivyo. Kwa hivyo mtu akisimama kuzungumza, sisi tuwe kimya.

Jambo lingine hiki ni kikao cha kidemocracia, yule mtu anazungumza hata akisema mambo ambayo wewe unaonelea ni ya upuzi. Ni lazima uheshimu yale anayosema. Tunakubaliana? Sisi Wanakenya ni watu tunapenda uhuru, tunapenda haki, tunapenda democracia na tuna heshima ya wengine. Tayari naona kuna mzee mmoja anazungumza. Mzee, tuwe na mkutano mmoja tafadhali. Kwa hivyo mtu akiwa anazungumza, tuiseme anyamaze au atolewe nje. Wewe ngojea yako ikifika, utasema yako.

La mwisho ni hili, sisi wote ni wananchi wa nchi hii. Tunajua shida za nchi yetu. Shida za shule, shida za hospitali, shida za kisiasa na vinginevyo. Ukisimama hapa ndio tutumie wakati wetu vizuri, usihadithi sana. Usihadithi sana. Ati mwaka fulani kukatokea na vinginevyo. Tufanye hivi, ukisimama hapa, unachukua hichi chombo, unapeana jina lako. Unasema mimi naitwa fulani wa fulani, kwetu ni fulani, na nataka kuchangia mambo yafuatao. Moja elimu, mbili afya, tatu barabara. La kwanza la elimu mimi napendekeza hivi; elimu iwe bure. Usiongeze chumvi. Tumeelewa tumeandika. Barabara. Sisi wakaaji wa Naivasha tutengenezewe barabara. Usiongeze chumvi. Ng'ombe zetu. Ng'ombe zetu tuletewe kichinjio karibu na pahali tunavuga ng'ombe. Basi. Usiongeze chumvi. Tunaelewana? Kwa sababu tukiongeza chumvi, wakati utapotea na wananchi wengine hawatapata nafasi ya kuongea. Kuna mtu ana swali? Hakuna. Basi sasa nitamuita mtu mmoja atuombee.

Nimekumbushwa na wenzangu hapa kwamba niwajulishe ya kwamba kwenye hiki kikao, unaweza kuzungumza lugha yoyote ya Kenya. Ukizungumza ya Uganda, pengine itatuweka wasiwasi, hatutakuwa na mtu wa kutafsiri. Ukitaka kuzungumza Kikikuyu, Kimasai, Kisomali, Kizungu, Kiswahili, tuko tayari kukusikiza lakini ukifika, utupatie jina halafu useme 'mimi nataka lugha fulani.' Ndio tulate mtu wa kutafsiri.

Tungelipenda kuita mzee mmoja au mama ambaye ataanzisha hiki kikao kwa maombi ndio Mungu abariki kikao hiki. Kuna mtu yeyote ambaye anajitolea?

Pastor Jacob Kaeche: Simameni tuombe. Tufunge macho basi na tuombe.

Papa lo sotua, Olaitoriani Enkai, kinjo iyie enashe, oo enkisisa, oo enkanyit, tengaraki ena rishata ninjoo iyiook, oo tenkipoto nitoripo iyiook inkolongi pookin, oo metabaiiki enae rishata nikitii. Enkai e shumata kirita enkarna ino, nikilepunye Olaitoriani Yesu, kitejo ashe tenkaraki eripoto, enkingasia ninjoo ildauja lang, ashe sii tenkaraki nidabawua iyiook too looto nikietuo. Ashe amu itaa Enkai ang too ilbaribarani, too nkoitoo pookin, ashe sii amu kinyaakita atumo kulo pookin. Olaitoriani kiata eseriani tenkaraki enkarna ino. Kimayian iyie nikirrita enkarna ino

sinyati. Tareto kulo tunganak ninjo oltau lino meeu shumata ninje, pee iripoo too nkoitai pookin naayieu, neisul tenarishata taata nagirae aaimaki enkibelekenyata oo nkitanapat e Kenya. Taretu ninje te nkolon o sarge le Yesu, ninjo nduat naingua enitii Olaitoriani. Ninjo sii metaa iltunganak loltau obo, iltunganak ooishaakinore neitashe te dukuya iyie Enkai. Naai ore te nkaraaki igiyangita pookin torok, oo engolon, oo emilano ooltauja loo loiriruani, nai kishomo aen pookin te nkarna e Yesu. Meeu enkiri shumata kulo tunganak, nidumo niret ninje te nkarna e Yesu. Kore te nkaraki larikok otii te dukuya iyiook, njoo ninje eseriani e nkingasia, ninjo metorikoo iyiook too ngoitai naayieu Olaitorinai. Tamayiani loopuo tenarishata Enkai, tareto ninje nidumu te nkoitai enkingasia Olaitoriani. Kiiyieu iyie pee irikoo tena tumo nintodol iyiook imbaa enkingasia neitu akata gidol. Kitejo ashe te pooki bae. Naa tenkarna e Yesu Kristo kiomon iyie. Amen.

Com. Muigai: We are now heading to start and I am reminded that we have a sign reader here. Ikiwa kuna mtu yeyote angependa...kuna mtu yeyote angependa. Madam, can you give your sign so that they know?

Com. Lethome: They can't hear you, you have to ask them in sign language. Okey. That means there isn't. Could you put a question whether there is any person needing your services? Not yet.

So, you relax madam, thank you very much. Can we start with Victor Mugaki? Followed by John Kimani Mugo. Wewe Mzee utangoja Bwana...wewe ni John Kimani Mugo? Utawekewa kiti hapa kwa sababu wewe ndio namba ya pili.

Victor Mugaki: Thank you. My name is Victor Mugaki and I am here on behalf of the Presbyterian Church of East Africa, Naivasha Parish. I am the Chairman of the Peace Justice and Reconciliation Committee. Honourable Commissioners on behalf of the P.C.E.A. Peace Justice and Reconciliation Committee Naivasha Parish, I would like to take this opportunity to thank you for finding time to listen to our proposals to this eminent Commission on Constitution Reform. The presentation of our memorandum, I would like some areas where my committee feels more emphasis and perhaps where we feel we need for an open public debate.

1. The Legislature: With the benefit of its side, we are aware that elected representatives both in Parliament and Local Authorities have always shortchanged the people. There is therefore a need to empower the people, to recall their Members of Parliament mid-term as well as making representation in Parliament full time occupation. Towards this end, my committee feels the more practical way to do this is to at least require first term MPs to face elections mid-term for the people to confirm to serve the entire term. Should one be re-elected into the second term in the same constituency, then one serves through the entire term without being subjected to mid-term elections.
2. Separation of powers: Separation of powers between the Legislature, the Executive and Judiciary is of paramount importance. There is no other area where this principle is more abused than in the Legislature and it can be said to be one of the pillars on which corruption thrives. It is the calculated view of my committee that in order to have a

Legislature truly independent of the Executive, Cabinet Ministers need not be Members of Parliament but civil servants. This is the only way that Parliament could be said to be impartial when getting for suitability before confirmation. Again, it is the only way that Ministers could be loyal to the Head of the Government who is answerable to Parliament. In addition to this, Judicial officers should not be Members of Parliament and where Judicial officer opts to join the Legislature, it should be required that one resigns his Judicial position before elections. On this particular score Mr. Chairman, my committee had on focus the increased number of lawyers who continue practicing law while serving a parliamentary term, making nonsense of this principle of separation of powers.

3. Constitutional Commissions Mr. Chairman, in addition to entrenching Commissions under the Constitution and in order to ensure that reports are published and implemented, my committee holds the view that three more Commissions are formed on permanent basis.

- Land Reform Commission: In view of the rising population and dynamics of economy, there is a permanent need to keep reviewing our land policy in relation to ownership and food productions.
- Commercial and Industrial Commission: Again, my committee weighed and found the enormity of the need to industrialize to increase handled foods. The rate in which our population is increasing, the need to embark on an aggressive industrialization campaign cannot be over emphasized. We have in the past entered into regional treaties like P.T.A., COMESA, East African Communities and are in fact at the verge of entering NEPAS. On some instances, we have in the past entered some of these treaties without sound economic policy. As a result of which we have at times thumbed our fingers. We have also entered into some bilateral and multilateral agreements in areas like mining, oil exploration and some scientific research rather casually. Only to wake up one morning to find ourselves leaked clean.
- Agrarian Reform Commission: Mr. Chairman, cognizance of the fact that only 20% of Kenya is arable and therefore support thirty million Kenyans with food, my committee find the need to embark on a serious Agrarian Revolution in march of the 80% arid and semi-arid landmass of paramount importance. This green revolution would enhance transfer of national value and equity to the people to provide potentiality to map out a new corridor with access to mass employment. Through integrated farming and urban resettlement convert public interdependency into a formidable market. The national resources endowed upon us by God, we are in a position to do God's will and obeying his command to mass, that we multiply, fill the earth and subdue it. With our national resources, we are able to turn the entire N. Eastern into a bread basket not only for Kenya but for Mediterranean region as well. These are more of the proposals which my committee felt need constitutional enhancement and with others ought to trigger appropriate debate from our memorandum which I hereby present to this eminent Commission. Thank you.

Com. Muigai: Thank you very much. Could you just hold on for a moment my colleague would like to put a question to you.

Com. Bishop Njoroge: You have expressed the view that MPs should be recalled, but the way you want to do it is by having a mid-term elections. In that re-correct, can Kenya really afford to have two elections within five years? Noting that we are a poor country. Isn't there another way where we can make sure the Members of Parliament perform than holding another elections before the end of five years term?

Victor Mugaki: It is true that this would mean that we call freshmen MPs back to elections mid-term. But regardless of the cost, whether it will cost this country to carry designations. We seriously feel that we have been shortchanged for so long and it won't matter how much money this country is going to spend to ensure that the people have got right representation in the Parliament. So, the cost to me or to my committee does not arise. What we should do is to ensure that our people are properly represented.

Com. Muigai: My colleague has another question.

Com. Lethome: May be a clarification. I don't know whether I got you right when you said that, for us to have separation of power between the three Arms of Government, then lawyers should not be allowed to contest. Do you mean free practicing lawyers who are not members of the Judiciary or all lawyers including Magistrates, fiscals? They are also lawyers by training. Because the way I understand it is that, we have lawyers. Like I am a lawyer but I am not a Judicial officer. I don't work with the Judiciary. So why should I be burred from contesting a Parliamentary seat or any political seat just because of my profession? I don't work with any of the three Arms of the Government.

Victor Mugaki: Thank you. It is true that we are talking about lawyers who are practicing now and they are members of Parliament. One, when they go to courts, there are chances of intimidating the Magistrates because they are MPs. Two, they might be in Parliament and legislate something which is favourable to their own trade.

So, to have proper separation of powers, if one is a lawyer and also becomes an MP, first of all he should be required to resign whatever his position was in practicing the law. Then he goes to Parliament full term without practicing any law until he leaves the Parliament. On that score Mr. Chairman, I would suggest that they resign before nomination. So that if they go for nomination when they go for nomination when they are out, they stay out for five years or we have some other measures of giving them subject of their profession.

Com. Muigai: I think we have understood you Mr. Mugaki on that one. Let me ask you one last question on something you didn't raise but has been raised in other places. Freedom of worship. You know under the old Constitution, in this country, we recognize, respect and defend the right of people to worship any God that they want. We have been to many places where we

are told that the freedom of worship has been abused and that there are too many churches and too many preacher men. Too many people making noises in the streets and at night and that freedom of worship should be restricted. Do you have any views on that?

Victor Mugaki: Yes. It is covered in our memorandum and I didn't highlight. In our view, freedom of worship is not abused by those people who are worshipping the true God. Freedom of worship is abused by those people who worship devils and we know it in Kenya. That we have got devil worshippers. We would like a philosophy in our Constitution to put it straight that we worship the true God, not the devil. In that score, I don't see why we should be worried about the freedom of worship because we are worshipping the right point.

Com. Muigai: Except for this Mr.Mugaki, that you must write into the Constitution the criteria for determining the true God from false God and from the devil. Do you have any suggestion?

Victor Mugaki: God the creator is the true God. God the creator. There is no way or any religion in the world where we know devil as the creator. So, God the creator is the living God and is the one who should be worshipped in Kenya and be shown truly in our Constitution.

Com. Muigai: Thank you very much. Pass on your memorandum. Mzee, John Kimani Mugo. Tumekufikia. Sasa utapanda hapa kwa jukwaa. Ungependa kuzungumza kwa lugha gani. Utazungumza kwa Kikikuyu. Haya keti chini. Wacha tulete mtu wa kutafsiri. Mzee hebu kuja hapa mbele uketi hapo. Mzee John Kimani Mugo. Unaweza kuanza sasa.

John Kimani Mugo: Nii njitagwo John Kimani Mugo.

Translator: My name is John Kimani Mugo.

John Kimani Mugo: Na ndi wa area ya guku.

Translator: I live at Karati, Naivasha area.

John Kimani Mugo: Ndi wa Box 235 Naivasha.

Translator: My address is 235 Naivasha.

John Kimani Mugo: Na ndirenda kwaria uhoro ukonie kanitha itu.

Translator: I want to speak about my church.

John Kimani Mugo: Wa East Africa Holy Ghost Church.

Translator: Of East Africa Holy Ghost Church.

John Kimani Mugo: Thiini wa kanitha witu nitukoragwo turi na watho.

Translator: In my church we have rules or laws.

John Kimani Mugo: Naguo ni watho wa Ngai. Ati tutikae guthecwo cindano kana kunyua ndawa.

Translator: They have a rule that comes from God that they should not take medicine or injections.

John Kimani Mugo: Guthecwo kana kunyua ndawa.

Translator: To be injected, swallow or drink medicine.

John Kimani Mugo: Na uhoro ucio niututangite ihinda ini riri muno niundu wa kwirwo ciana citu ithecwo cindano.

Translator: That is what has given us a lot of problems because our children have been forced to take medicines.

John Kimani Mugo: Na ciaga guthecwo ithii micii.

Translator: If they don't take that medicine, they are expelled from school or told to go home.

John Kimani Mugo: Okinya mwana ucio agathii na marua maria ahetwo ni ndagitari.

Translator: Until they go to the school with a certificate or a letter from the doctor.

John Kimani Mugo: Undu ucio niugituikirite hinya muno o kinyagia nii ndi muthuri wa Chief area ya karate, ngoka niundu wa kanitha ucio witu wa Akurino.

Translator: It has given us a lot of problems and that is why I have been forced to come and talk about that church of mine.

John Kimani Mugo: Ngukienda ati, kanitha ucio witu, ciana citu ciitikirio guthoma citekuheo ndawa kana cindano.

Translator: They want their children to be allowed in schools and not be forced to take medicine or injections because they are not allowed. That is the first thing.

John Kimani Mugo: Undu wa keru uria uratutanga ni uhoro wa kiremba.

Translator: The second thing is about the turban.

John Kimani Mugo: Nitwitikiritio, kuria Nairobi ni twari na copy twahetwo ya gukoragwo ciana citu igithoma cina iremba.

Translator: He says that at Nairobi, we were allowed to take our children to school with their head squares and the boys with turbans.

John Kimani Mugo: Na uniform itagiria ciana icio ciike P.E.

Translator: And a uniform that would not destruct or stop our children from doing P.E.

John Kimani Mugo: Undu ucio niguu uria ndirendaga tuteithio niguu ni thirikari ya Commission.

Translator: That is what we are requesting the Commission to make sure that we are allowed to continue in that trend.

John Kimani Mugo: Niwega muno.

Translator: Thank you.

Com. Muigai: Thank you very much Mzee. Ngoja kidogo tujue kama kuna swali. Okey. Ameenlewa. Alikuwa na swali lakini ameenlewa. Asante sana Mzee.

Translator: Niuguu muthee. Niwaheo rutha. Nimaigua uhoro waku. Thank you.

Com. Muigai: Pius Langat.

Pius Langat: Jina langu ni Pius Manyua Langat. Natoka sehemu za Mundabi location, hapa Naivasha. Ningependa kupeana mawazo yangu kwa Kiingereza.

1. Type of Governance I would like to have in Kenya. I am a proponent of federal system of Government with federalized powers in the region. The regions with their own regional assembly. Regions to run their own affairs. e.g. schools, hospitals, roads, taxation, police e.t.c. Regions to have elected governance, history governance, e.t.c.
2. Type of representation: I recommend direct participation of all citizens in electing their leaders from the President, Member of Parliament, Regional Assembly, District and the locational level. In this case the present Provincial Commissioners, District Commissioners, District Officers, Chiefs, Assistant Chiefs is very colonial, they are not answerable to the people but to an individual.
3. Appointments: Appointments be done on merits. National positions be verified by the National Assembly.
4. Land and land use: All idle land should be heavily taxed. No citizen should own land more than he or she needs. Public land meant for allocation should be openly and transparently allocated. All land transactions should be decentralized to the regions. Kenyans should be free to own land anywhere in the country. No foreigners should own land in Kenya. No absentee land laws. No execution of (inaudible) forest land.
5. Bill of rights: All Kenyans should be equal before the law. Tribes should be positively recognized as equal in this country.
6. Taxation: No taxation without representation. Taxation systems should be decentralized. Taxes should be used directly for community benefits. Taxes should be localized to provide for schools, hospitals, roads, security and agriculture.
7. Court Justice: All court Judges should be elective posts for atleast five years. Kenya should have Justice Ministry. All Kenyans should be equal before the law, including the President. If the President breaks the law, he or she should be prosecuted while in office.
8. Corruption: An anti-corruption organization should be formed in Kenya. A complaint office especially on corruption should be set up in every police station. All Kenyan leadership officials should account for their wealth before and after leadership. People prosecuted and found guilty should not occupy any public office. Harambees should be banned.
9. Retirement and benefits: Retirement age should be raised to sixty-five years of age, both in public and private sectors. No Kenyan citizen should occupy more than one position of employment. Retirement benefits should be liberalized and should be able to sustain beneficiaries in their return. Guaranteed happy retirements for civil servants should be properly worked out in order to discourage corruption while in office.

10. Security and firearms: All Kenyan citizens should be guaranteed total safety of their lives and property by the State. The citizens should have all legal right to sue the State for reparation for loss of life or property.
11. All citizens should be allowed by law of the land to automatically own fire arms for personal protection.
12. Education: All Kenyan citizens should receive free education from Pre-primary to University even if it means payment of education tax.
13. Illicit brews: All breweries should be properly licenced after frequent and regular testing of their products by expert Government and private organizations. All brewers whose products are dubious should be automatically closed by the Local public health officer, police officers, district magistrates. Citizens should have ultimate right of admitting self of local groups in their locality. (inaudible) petitions on any rules should cause automatic intervention by the local police Chief, public health officer and the local council. An offender citizen should be able to seek a Government case analysis and prosecution of the brews.
14. Police roadblocks: There are too many police roadblocks, therefore a lot of wasted manpower. Those roadblocks are just meant to enrich the police officers. Therefore, there should be no more than one roadblock in a route. In order to countercheck police exercise, the charged traffic offenders should be displayed at the local courts not (inaudible)
15. A route with less than twenty charges per day should be abolished. Traffic department should be computerized and decentralized. Offenders should be charged there and there.
16. Environment: All offenders against the environment should be prosecuted. Stakeholders should be co-owners of their environment. Have equal power to sue the destroyers of environment. All forests, rivers, wet lands, lakes and national parks should be protected by an Act of law that gives power to all stakeholders.
17. Charcoal burning should be banned immediately. Thank you Mr. Chairman.

Com. Muigai: Hold on, I want to find out whether anybody has a question, there is one question.

Com. Lethome: Mr. Langat, you are proposing that, you first said that all Kenyans should be assured security by the Government. You also said that all Kenyans should be licenced to own firearms. What for if the Government is going to ensure security for every Kenyan? That's one. Number two, We have got foreigners owning land in Kenya. Do you know that right now as we are speaking here, we have so many foreigners who own large chunks of land in Kenya. So what do we do? Do we

go the Zimbabwe way? Or how do we make sure that they no longer own that land in Kenya?

Pius Langat: On fire-arms, I still believe the Government doesn't have full capacity to give a hundred percentage protection to every citizen in this land. Government cannot protect everyone. The only way to do that, is to allow all Kenyan citizens to own arms. At least small arms. History tells us even our neighbors like Sudan and other countries, there are no burglaries, there are no thugs. Because thugs will not go away as they don't know what you have.

On land foreigners. What I meant is, foreigners should not own land permanently. They can lease land but not own land permanently. We should enact a law that will allow the foreigners to leave our country peacefully after some time. Because we cannot be running around chasing for land for Kenyan citizens when we have foreigners having land. If they have a free hand to buy land, therefore it means anybody can come in with money and buy you off.

Com. Muigai: I have a question relating to elected Judges. As you know there is a big debate on whether elected Judges offer more independence for the Judiciary or are more compromise. You are saying that in Kenya we should elect Judges to five year term and I don't know whether you have thought about the question of their independence. If a man stood as a Judge here in Naivasha, first he has to campaign so that people know him and as he is campaigning, he must give certain promises. If he gives those promises, once he is on the bench. He has to keep them because he has to be elected. Do you feel that, that is consistent with good Judicial independence?

Pius Langat: Yes, Mr. Chairman, this spoilt has come about because in Kenya for quite sometime now, we have not been able to achieve independent judgment. The Judiciary has been heavily politicized. They are only loyal to those powers that are put on in Kenya. I think if Judges will be more loyal with the system more fairly.

Com. Muigai: Thank you very much for your views. Please hand over your memorandum. Shall we have Mzee Joseph Ole Kishau. Ukipenda kuzungumza kwa lugha gani ndugu? Kwa Kiswahili. Utafuatwa na Silas Ole Kaire. Silas yuko. Halafu atafutwa na Mheshimiwa J.K. Wagara. Okey, twendelee Bwana.

Joseph Ole Kishau: Ningependa kuja kutoa maoni mbele ya Tume yetu. Hasa nataka kuomba nyinyi kidogo kama Watume, ya kwamba mwananchi ako na shida mbele yake. Hasa jamii ya Wamasai. Mambo yao hayajaingilia upande wa kujua kama Serikali inafanya kazi ama haifanyi. Isipokuwa tunajua Serikali iko. Hakuna kabisa. Kutoka Serikali ile tunatumikia, mwaka wa 1952, jamii ya Wamasai imekuwa nje ya Serikali. Lakini wako na uhuru wa kutoa shuka na kutembea.

Clapping from the audience.

Kitu cha kwanza, sababu ya kupigania uhuru, nia na sababu yake ni kusaidia watu wa Kenya kwa elimu yaani wapewe hiyo.

Na kupatikana yale mashamba Wazungu walikuwa wamenyakua na kupewa jamii ya wale watu walikuwa frontline ya kupigania uhuru. Kila area yote irudishiwe mashamba yao. Kila jamii irudishiwe mashamba yao. Sisi Wamasai kulingana na vile tumetengwa na ukoloni, tunakaa pande ya Narok, pande ya Kajiado. Iko hata saa hii, kuonekana Mmasai ni kosa, huyu anaenda wapi? Kwa sababu ni kama.....

Clapping from the audience.

Kwa hivyo sisi Wamasai, mimi naongea kwa niaba ya Maasai, na sana sana nataka kuwaeleza nyinyi kitu kile kinakuapo na kitakuwapo na kitadumu kama hata tukifa wakati huu, kwa sababu tunataka mashamba yale ya Wazungu yagawanyiwe sisi kama watu wa Kenya. Yauziwe mashirika ya kununua mashamba na mengine yanunuliwe na hiyo jamii ya area hiyo. Kwa hivyo sisi tunapendekeza ya kwamba tunataka Serikali ya Majimbo. Ndio tuone tena kama Serikali ya Majimbo itatupeleka na njia gani. Lakini kwa wakati huu tunataka Serikali ya Majimbo. Hilo ni swali langu la kwanza. Tunataka Serikali ya Majimbo.

Ya pili, mambo ya elimu: Watoto wanafanya mtihani moja katika Kenya. Huko pande ya sehemu zile tunakaa Umasaini, huweziaweke kiwango fulani, kila shule kama ni Secondary school, iruhusiwe Serikali iwe inaweka stima, inaweka ma-computer. Iwe sawa na zile za mijini.

Ya tatu, mambo ya elimu. Elimu ya Primary school. Kwanzia Primary school mpaka Standard eight, iwe ya bure katika Kenya yote. Iwe ya bure. Sio eti kama mzazi ameshindwa kusomesha, mtoto, amejua number plate ya gari inayokanyanga mtoto mdogo?

Clapping from the audience.

Kitu kingine nitazungumzia ni mambo ya kutengenezewa, yaani iwekwe Wizara ambayo itashughulikia mifugo. Kama vile iko Wizara ya kutumikia mimea ingine na inaendanga hivyo. Unasikia tu ho ho. Korocho, sijui kahawa, majani chai, yaani tumetengeneza tumefungua. Lakini ng'ombe, hata wewe saa hii unaweza kumwambia mtu unauzaje kilo? Hawezi kuwa wametangaziwa ya kwamba iko ya nyama kiasi fulani, bei kama hii. Hapa (inaudible). Kwa hivyo kama ni kiangazi tunakufa ovyo ovyo. Kwa hivyo itengenezewe Wizara na wale wote watakuwa katika hiyo Wizara ni wale watu wanatoka kwa uuzaji. Sababu wale watu wengine kama wanaenda kuleta mtu inakuanga kazi yake kabisa ama ya (inaudible) kahawa. Hata hawezi kujua shida ya misitu.

Clapping from the audience.

Midomo tu ndio tunasikia tu, ooh, huyu fulani ni doctor na anaenda kuchunga mambo ya kahawa. Na ni doctor wa watu. Hiyo hata itakuwa kombo. Itakuwapo tu hiyo lakini itakuwa pombe. Iwe tu, wale watu wataakilisha mambo ya mifugo, wawe ni wale

watu wa ufugaji. Kila jamii iko na wafugaji. Hakuna jamii eti haina ufugaji. Wako wafugaji wa jamii ile ya Wamasai wa kilimo. Hapana wa ufugaji. Na wale watu wa agriculture wazingatie upande wa ufugaji. Serikali itutengenezee mahali pa kuchungia ng'ombe. Hakuna pahali. Tunasahaulika. Mashamba hakuna hata mpaka Kampuni ikafungwa ya mifugo.

Halafu nyinyi mnasema tutatengeneza Serikali ya umoja. Watu wengine hawana mashamba na tunaona ndio hizi na wale Wazungu waliofukuzwa, wale wengine weusi wanakalia ile map tu. Tutakuwa sisi wenyewe tumepigania uhuru wa bure. Kwa hivyo Katiba iwe ikipewa kwa kila Mkenya. Kwa upande wa ardhi, hii ndio kitu mbaya zaidi katika Kenya hii. Hakuna kitu kingine isipokuwa mashamba kukaliwa bila mipango. Inasemekana imenyakuliwa, imenyakuliwa. Na huko kunyakuliwa.....

Com. Muigai: Hiyo tumeelewa sasa. Hiyo kesi umezungumza vizuri, nenda pointi ingine.

Tunajua saa ingine unasikia watu wengine wanasema tutatengeneza sheria ya kutotahirisha wasichana. Hiyo mimi napendekeza iwe free kwa mtu anayetaka. Mtu (inaudible)

Clapping from the audience.

Isiwe ati ni kitu tunaweza kudhulumu mwingine kwa sababu hiyo ni mila ya mtu na hiyo mimi ndio nasemanga eti ni uhifadhi wa binadamu.

Ya pili, kitu kinachoitwa utamaduni, mila. Mila ya Wamasai tunataka idumishwe katika Katiba yetu. Isiigwe na Mzungu kama yule. Hata kama anakuja kununua shamba, anunue na aende kwao. Kama amenunua. Lakini sio yeye akae kama Masai, na sio Masai, ni kujifanya. Ndio kama ni ujinga tunafanya, uwe huo ujinga hauwezi kuenea. Kwa hivyo Katiba iwekwe mila na desturi yeyote. Iwekwe katika Katiba. Utamaduni wetu usiigwe na makabila zingine. Hata hawa Wakamba wanachonga chonga Masai kwa miti ile. Hawezi kuwa anachonga... Katiba iseme hiyo ni hatia. Wawe wanatoa ruhusa kwenu. Kwa hivyo, kitu kingine nazungumzia hapo ni hizi mashamba ilikuwa imebaki. Tuko na mashamba iko hapa, iko na (inaudible). Hiyo inakuanga na watu (inaudible). Iwe agreement iwe kama maisha. Hayo mashamba yarudishiwe wale jamii yao. Kama ni Wamasai wakati huo ndio hiyo agreement, hizo mashamba warudishiwe Wamasai.

Kwa hivyo hayo ndio nilikuwa nayo kwa wakati huu.

Clapping from the audience.

Com. Muigai: Ngoja kidogo. Umezungumza mazuri. Wacha kwanza tuangalie kama kuna swali. Ndio tuelewe zaidi.

Com. Lethome: Mimi nina swali kidogo tu. Ulisema unapendekeza Serikali ya Majimbo Ningependa tu, utufanulie hilo jimbo ungependa liwe katika daraja gani? Ni daraja la Mkoa, au ni daraja la Wilaya au ni daraja la Tarafa? Wataka kwa mfano jimbo moja liwe kiwango gani?

Joseph Ole Kishau: Mambo ya Majimbo, nataka jimbo kama la Rift Valley. Jimbo la Rift Valley lipate mahali pao. Iwe na North, iwe na South, iwe na Central. Iwe ni jimbo la Wamasai, atoke hapo. Jimbo la Rift Valley liko na jimbo zaidi ya tisa. Jimbo la Wamasai peke yao. Watu wale wanazungumza lugha moja. Sio tu Kimasai.

Clapping from the audience.

Wale watu wa Transmara, Kajiado na Narok wawe na majimbo. Iwe kitu kimoja. Hilo ni jimbo la Wamasai ni watu wanazungumza lugha moja. Hata kama tuko na mashemeji wetu.

Clapping from the audience.

Com. Muigai: Iko swali moja tu ya mwisho. Hii tumezungumzia, hii kutahirisha wasichana. Wewe umesema katika sheria ya Kenya, watu waheshimiwe. Wale wanataka waendele. Wale hawataki, wakae. Iwe free. Na mimi nataka kukuuliza, wale wanataka kutahirisha wasichana, sheria ikisema wangojee wafikishe miaka kumi na nane, ndio wawe wanaweza wenyewe. Wasichana wenyewe wanaweza kusema, mimi nataka au mimi sitaki. Hiyo ungeona ina ubaya?

Joseph Ole Kishau: Kuweka sheria ya kwanza kuhitimu ndio waamue, ni sawa na kusema hata wakati ule itakuwa wale watu watatawala wengine na kudhulumu wengine. Hiyo ni kama maneno ya (inaudible) ya mtu. Kusema ya kuwa hii mifugo yako, isikule leo, ikule kesho. Hayo ni yale mambo ya ..

Clapping from the audience.

Com. Lethome: Hapo ni kusema kuwa mtu awe na uhuru wa kuamua yeye mwenyewe. Kwa sasa uhuru ni mzazi. Mzazi ndio amepatiwa uhuru. Sio ule msichana amepatiwa uhuru? Sasa swali la Commissioner ni hili, unaona huo uhuru tutoe kwa mzazi, kisha tupatie msichana, akifikisha miaka ile kumi na nane, yeye mwenyewe aamue? Isiwe ni mzazi tumepatia uhuru. Msichana mwenyewe akitaka, afanyiwe. Kama hataki, asilazimishwe na mtu. Tupatiwe hiyo freedom kutoka kwa mzazi, tupeleke kwa mtoto mwenyewe. Unaonaje?

Joseph Ole Kishau: Unajua kuna kitu kinaitwa Primary school, Secondary school na jamii zingine zingali ziko katika Primary na wengine wako Secondary. Wengine wako University. Unaona? Kwa hivyo saa ingine wale wanaweza fikiria kusema hivyo, wangeheshimu (inaudible) na kupea watu freedom ya kwenda nje ama kwenda siasa, ama kwenda (inaudible). Ama kuangaliana kama wametahiri ama bado. Wengine hawana hiyo kivuli. Wengine shughuli yao ni kutafuta chakula ya kila siku na pahali ya kuishi, na maji, na barabara. Wewe unasema Kenya nchi yetu umepata uhuru. Anza hapa kwenda Samburu, ndio mrudi sehemu hii yetu inaitwa ya Wakikuyu. Hapo ndio rami inafika. Hii district ambayo imejengwa since 1975, juzi tu ndio imewekwa

Kajiado. Kwa hivyo mpaka.....

Com. Githu: Tumekuelewa na tunakushukuru sana kwa sababu...

Joseph Ole Kishau: Hiyo chungu sana.

Com. Muigai: Itachungwa.

Joseph Ole Kishau: Kama wakati huu hakuna (inaudible). Sasa unaenda kujipaka *thiriga* hiyo. Hiyo inaonyesha ni ya vijana, hapana ya wasichana. Sasa ooh, ako na dalili ya kuua watu. Sasa anazunguka kuanza kupatiwa ile mambo ya utamaduni mpaka kiwango ya kusemekana ya kwamba hawa ni wa umri ya kutahiriwa. Na atakuwa anaitwa wa rika fulani. Unaona? Sasa hao watu pamoja na wasichana wa area hiyo, wote wanatahirishwa. Kwa hivyo tunataka utaratibu wa jamii. Lakini wako Wamasai saa hii hawatahiri wasichana na ilikuwa kupitia kwa hiyo jamii. Yeye ni mtu msomi, baba yake ni mtu msomi, yeye ni Mkanisa, saa ingine yeye ni Pastor ama ni Padre, na hatahiri na hatujamfukuza na hatujasumbua yeye.

Com. Muigai: Tumekuelewa vizuri, tunakushukuru sana vile umetueleza mambo ya maana sana. Lakini sasa nitakupatia nusu dakika.

Joseph Ole Kishau: Ni moja tu. Elimu kunakuanga na elimu mara tatu katika Ma-District. Ziko mashule kama hizi za national schools. National schools: Iwekwe kwa Katiba, iwe ni kila District ijengwe national school. Hapa ingali kwa Mkoa. National schools na ile quarter system ya mashule iwe ya Secondary schools ya district. Isiwe ya ma-private. Hadi Secondary kwa sababu yatatumaliza. Hao watu ndio wanachukua hiyo nafasi ya quarter system. Kwa hivyo naona hapo itaweza kuwa vizuri sana. Kila district kuwa na national school badala ya private.

Com. Muigai: Asante Joseph Ole Kishau. Tumpigie kofi amesema maneno mazuri. Jiandikishe hapa. We would like to recognize the presence here of the District Officer 1 Naivasha, Mr. Samoi. Karibu Bwana D.O. Feel free. Ukitaka kuzungumza, zungumza. Salimia watu wako. Asanteni sana.

Mr. Samoi: Nashukuru Ma-Commissioners ambao wako pamoja nasi siku ya leo. Nashukuru Mungu kwamba ametuwezesha tupate nafasi kama hii ili nasi tupate kushughulikia mambo ya Katiba. Vile mnavyojua na vile mmeanza, yangu tafadhali ningependa niwaombe, kila mtu ajisikie huru. Ukitaka kusema neno lolote ambalo linahusu Katiba yetu, usiende ikawa umeketi na kukimya hapo. Ama umeketi karibu na mimi, tafadhali ningependa niseme sisi sote tuko chini ya Katiba, kwa hivyo chochote maoni yako, usione kama baada ya hii, utaulizwa ulisema nini? Hapana tafadhali. I am also cautioning the Chiefs and I am instructing the Chiefs, whatever remarks any individual will make, must be respected, must be honoured and there should be no query after here. Tafadhali kwa hivyo, tusingaliane, kusema 'nitesamaje na D.O. leo yuko hapo. No. Tuwe huru. Tukae

pamoja, tutulie vile tulivyo, mpaka baada ya mkutano wetu wa leo. Asanteni and God bless you all. Thank you.

Com. Muigai: Thank you very much Bwana D.O. Sasa tuko na Silas Ole Kilao. Uwanja ni wako.

Silas Ole Kilao: Basi mimi kwa jina naitwa Silas ole Koilel na ninatoka pande ya hapa Ole ngurai, Division ya Naivasha. Kwa hivyo napenda sana kuzungumza lugha ya Kimasai kwa sababu ninataka kuzungumza mambo.

Silas Ole Kilao: Neaku ore entoki najioto naa kajoito ashe oleng tengaraki eno olong naishoo iyiook Enkai.

Translator: Mimi nasema leo ni siku ya asante sana kwa kuwa Mungu ametupatia nafasi tukuje tuonane.

Silas Ole Kilao: Kietuo aatumo taata tena olong eimakini mbaa e katiba.

Translator: Tukikuja kuzungumza hali ya Katiba.

Silas Ole Kilao: Amu ore taata duo tena rishata te njoto oo Ilmaasai,

Translator: Kwa sababu kwa wakati huu upande wa Wamasai,

Silas Ole Kilao: Ore apa sheria naatae te dukuya,

Translator: Ile sheria iliyokuwako hapo mbeleni,

Silas Ole Kilao: Neitu kidol iyiook anaa ketareto ninje iyiook kira Ilmaasai.

Translator: Tumeona kama hajasaidia sisi jamii ya Wamasai.

Silas Ole Kilao: Kingora ana ake entoki apa nikitinja iyiook oriong ina sheria anaa enaironya iyiook oleng.

Translator: Tunaona kama tumeingia chini ya ile sheria ama wametufinya sana.

Silas Ole Kilao: Amu meeta oshi entoki naibungita ninje Ilmaasai neme ngishu.

Translator: Kwa sababu Wamasai hawana vitu vingine isipokuwa ni ufugaji wa ng'ombe.

Silas Ole Kilao: Ninje oshi oljamba lenye oirem ninje,

Translator: Ndio mashamba yao wanaolima,

Silas Ole Kilao: Neikidolta ajo ore apa tena sheria nemegira airita ngishu oleng.

Translator: Na tunaona ile sheria ilikuwako hapo mbeleni haichungi mambo ya ng'ombe.

Silas Ole Kilao: Amu aikidol oshi too ngatitin kumok oleng,

Translator: Kwa sababu tunaona kwa wakati mwingi sana,

Silas Ole Kilao: Eikidol serkali elo ainguraa enkop,

Translator: Tunaona Serikali ikiangalia ardhi.

Silas Ole Kilao: Neilainguraa wuejitin naajing indaiki aitobiraki,

Translator: Inaenda kuangalia ukulima na hata kutunza vizuri.

Silas Ole Kilao: Naaikidol eirorie lelo tunganak aajo pee eishoyo nene wuejitin eiremi.

Translator: Na tunaona ikizungumza na watu wa pande hiyo na wanapewa walime.

Silas Ole Kilao: Kake iuto aikata kidol eishugulika too ngishu ajo ore ene weuji naa kenyor ingishu, neaku enjoo ngishu ena rishata pee eiritarieki ngishu amu ewuii oo ngishu.

Translator: Na tumeona ya kwamba hakuna hata siku moja Serikali imefanya ziara ya kuja kukagua sehemu ya kuchunga mifugo.

Silas Ole Kilao: Nikidol naa ajo tenaa sheria apa naitawuo ina toki,

Translator: Na tunaona kama ni sheria ndiyo imetunga hiyo.

Silas Ole Kilao: Eitu neitobir ninje iyiook kira enkaji oo Ilmaasai.

Translator: Hajatengeneza sisi tukiwa jamii ya Wamasai.

Silas Ole Kilao: Ore sii enkae toki,

Translator: Kile kitu kingine,

Silas Ole Kilao: Teina siai ake oo ngishu,

Translator: Kwa ile kazi ya ng'ombe,

Silas Ole Kilao: Eikidol oshi ajo ore ngishu naa keigenakino sii ninje enjoto oo nguesi.

Translator: Tunaona ng'ombe ikihesabiwa upande wa wanyama.

Silas Ole Kilao: Nikitodua etudungoki weujitin sapukin laleta loo nguesi.

Translator: Tumeona wanyama wa misituni wametengenezewa ma national parks.

Silas Ole Kilao: Naa ore pee ejo ngishu maape,

Translator: Na ng'ombe kuingia kwa national parks,

Silas Ole Kilao: Neibungi tenkata pookin meishori aikata enkolong nabo metororua.

Translator: Zinapigwa na zinafungiwa na game wardens.

Silas Ole Kilao: Neikingasia oshi teneari Ilmaasai tenene wuejitin,

Translator: Na tunashangaa kama tunaona Wamasai...

Silas Ole Kilao: Amu ore sii ninje eya neikinakino enjoto oo nguesin.

Translator: Kwa sababu hata ng'ombe na wanyama wanahesabiwa pamoja.

Silas Ole Kilao: Neaku ore entoki najoito,

Translator: Kile kitu anasema,

Silas Ole Kilao: Ore oshi ina sheria neitanyamal iyiook oleng.

Translator: Hiyo sheria ya uchungaji ng'ombe umetusumbua sana.

Silas Ole Kilao: Amu keyieu naai naa tena ore apa sii ninje ngishu,

Translator: Kwa sababu tunataka kama hata ng'ombe,

Silas Ole Kilao: Netum sii ninje aajing lelaleta oo nguesin.

Translator: Tunapenda hata ng'ombe waruhusiwe kukula nyasi kwa upande wa...

Silas Ole Kilao: Hasa ninye anaa noshi olongi oo lameyu amu idoltata eponunui aaituny ingishu ang tene weueji too ilbaribarani.

Translator: Hasa kwa wakati ule wa kiangazi ile kubwa.

Silas Ole Kilao: Netii ngujit nene wuejitin e National Park.

Translator: Na nyasi inajaa upande huo wa National Parks.

Silas Ole Kilao: Kainyoo oshi pee emitikini ngishu pee epuo aanya neibungi loopeny aapek ene wueji aitesa?

Translator: Kwa nini wenye ng'ombe wanashikwa na kufungiwa na nyasi iko huko kwa National Parks?

Silas Ole Kilao: Naa tenikidoli,.....

Com. Muigai: Tumelewa sasa. Hiyo pointi umetoa vizuri ya kuhifadhi wanyama na kuwakubalia watumie mali ambayo iko kwa National Parks. Tumelewa. Tusonge mbele sasa.

Silas Ole Kilao: Neaku ore entoki nayieu najo teine wueji,

Translator: Ile kitu anataka kuongeza hapo kidogo,

Silas Ole Kilao: Aomon intae engurai ine wueji pee etum sii ninje ngishu aatum ewueji nejing.

Translator: Waangalie ng'ombe kama vile wanaangaliwa pahali mahindi inaingia.

Silas Ole Kilao: Kore sii enkae toki,

Translator: Hicho kitu kingine,

Silas Ole Kilao: Kagira ai-support enatoi bae najoito ele payian ole Kishau njere,

Translator: Kile kitu kingine wamezungumza na Mzee mmoja hapa,

Silas Ole Kilao: Ore te njoto oo Ilmaasai,

Translator: Kwa upande wa Wamasai,

Silas Ole Kilao: Ore apa pee elotu enapa serkali oo Loibor

Translator: Ile Serikali ya ukoloni imeingia.

Silas Ole Kilao: Newaita dii apa enkop nalulunga.

Translator: Na wamemalizia sisi wote watu wa Kenya mashamba.

Silas Ole Kilao: Naa kerish apa amu nkuapi oo Ilmaasai apa eirag enkumoyuo oleng.

Translator: Ardhi kubwa iliyochukuliwa na Waingereza ilikuwa ya upande wa Wamasai.

Silas Ole Kilao: Naa ore pee eponu lelo Ashumba aapuo,

Translator: Kwa hivyo wangeweza kuja kuondoka,

Silas Ole Kilao: Eitu aikata kidol ewueji nebo netushugoki Ilmaasai nee ewueji apa enye ine wueji netooruoki.

Translator: Hatujaona hapa angalao ardhi imerudishiwa Wamasai kama jamii wamenyang'anywa mashamba.

Silas Ole Kilao: Neentoki naitanyamala ninje iyiook kira Ilmaasai naa anu kigira ajo, kama naa ena serkali tena enaang sii ninje iyiook nikira iyiook le Kenya,

Translator: Na hilo swali ilikuwa nyeti kwetu kwa sababu tunauliza...

Silas Ole Kilao: Ainyoo naa pee meisho naji iyiook endungot,

Translator: Kwa nini hatujapatiwa sisi kipande kidogo ya ardhi?

Silas Ole Kilao: Naitodolu sii ninje iyiook ajo eigira iltunganak le Kenya.

Translator: Na ndio sisi nasi tuwe tukihesabu kama imepatikana uhuru.

Silas Ole Kilao: Nenotoki naa wuejitin sapukin olen.

Translator: Na wanapatikana ardhi yote ya Kenya.

Silas Ole Kilao: Naa ore apa te sapuko, naa enkop oo Ilmaasai.

Translator: Na robo ya Kenya ilikuwa yetu.

Silas Ole Kilao: Naa iltunganak sii ninje ooyie enkop.

Translator: Na hawa ni watu naye anataka...

Silas Ole Kilao: Neaku aikiyieu nikijoki ntae taat kulo oibungita ena sheria, kulo oibelekenyita,

Translator: Tunapenda sana kuwaambia nyinyi watu wa Tume,

Silas Ole Kilao: Engurai ine wueji amu eitanyamala iyiook oleng.

Translator: muangalie sana upande wa umiliki wa ardhi kwa sababu ndio nyeti kubwa sana kwa upande wa Wamasai.

Silas Ole Kilao: Ore enkae bae

Translator: Kile kitu kingine,

Silas Ole Kilao: Naa ena siai taata naihusu etiu taata anaa groups

Translator: Yanahusu ma-groups.

Silas Ole Kilao: Aikidol oshi taata ore te njoto oo groupi nai ninye nai tenetwa nai group ake,

Translator: Tunaona mambo ya ma-groups.

Silas Ole Kilao: Neikidol eitauni naai iltunganak anaa kulo taata ootoni te ardhi house nepunu aajo kulo tunganak ninje ilmembai le ina morua naa ninje iegeri.

Translator: Nyaaki siie torinyokinotiu,

Silas Ole Kilao: Kagira ajo enaa taata olapa tungani naaji oji njere ele tungani olotu ainguraa ilmembai oigeroki teine wueji, neany oltungani ashu epik, loo UNEP, yaani kulo tunganak duo le ewuji oo ngulukuok.

Translator: Anazungumzia hali ya mambo ya ma-groups wale wanakuja ku-survey, pahali pa land.

Silas Ole Kilao: Aa ore entoki najoito tene wueji,

Translator: Ile kitu anazungumzia hapo,

Silas Ole Kilao: Etii naa ore iltunganak ooponu naa ine wueji oo ngulukuok.

Translator: Tunataka wale watu wanaokuja kukata ardhi,

Silas Ole Kilao: Naa keyieu naa oltungani oiyiolo lel tunganak leina moruaak.

Translator: Tunataka iwe ni tuseme hiyo makampuni yanakuja kukata ardhi, wawe ni watu wa area hiyo.

Silas Ole Kilao: Amu eikidol oshi eya tiai kati neitauni iltunganak liioopeny ewueji,

Translator: Kwa sababu ndio tunaona wengine wananunua shamba huko Nairobi, wanakuja kutoa wale wako huko.

Silas Ole Kilao: Nepiki iltunganak lemee loopeny.

Translator: Wanaletwa wengine kutoka mbali, wanaondolewa wale walikuwa wanakaa huko.

Silas Ole Kilao: Yaani naa teneyauni oltungani naaji tenakata te Nairobi.

Translator: Na kama analetwa mtu kutoka Nairobi,

Silas Ole Kilao: Keidim atayiolo iltunganak ootii enaiposho, oltungani lene wueji?

Translator: Hawawezi jua wale watu wa Naivasha.

Silas Ole Kilao: Naikidol apa ajo eitanyamala iltunganak ina toki amu keya neoruni iltunganak e nkop, nepiki iltunganak lemee loopeny.

Translator: Na tunaona hapo ndio inaleta matatizo ya squatters.

Com. Muigai: Hiyo tumeelewa vizuri mambo ya mashamba na vile angependa ilainishwe, tumeweka chini. Tusonge mbele.

Silas Ole Kilao: Ore enkae toki najoito,

Translator: Kile kitu kingine anasema,

Silas Ole Kilao: Naa kayieu najo inje njere,

Translator: Anataka kusema hivi,

Silas Ole Kilao: Ore taata tenikira iltunganak le Kenya,

Translator: Tukiwa watu wa Kenya,

Silas Ole Kilao: Keishaakino naa na ore ena sheria nikintobir nelotu aitoris iyiook.

Translator: Tunasema hii Katiba ambayo mnatengeneza, iweke kiusawa.

Silas Ole Kilao: Metaa tenaa korbaribara, nepiki sii ninje enkop oo Ilmaasai ilbaribarani sidain.

Translator: Kama ni mabarabara, itengeneze Kenya mzima.

Silas Ole Kilao: Naa tenaa sukul, nepeki sukuluni sidain.

Translator: Kama ni mashule itawanyishwe kila Kenya kwa shule yote.

Silas Ole Kilao: Naa tena kositima, nepiki sii ninye enkop oo Ilmaasai ositima.

Translator: Kama stima iwekwe hata kwetu.

Silas Ole Kilao: Amu tenijo kaa taata te Kenya nalulunga,

Translator: Kwa sababu ukizunguka hapa Kenya mzima,

Silas Ole Kilao: Naa neno kuapi ake oo Ilmaasai milaadolie nena tokitin.

Translator: Huko Umasaini tu ndio huwezi ona.

Silas Ole Kilao: Nekiyieu nikiomon intae kulo oibelekeny katiba,

Translator: Na tunataka kuwaomba nyinyi watu wa Katiba,

Silas Ole Kilao: Engurai sii ninje iyiook teine wueji pee kiyaku sii iyiook iltunganak ooti atua Kenya.

Translator: Mtuangalilie sisi rasilimali ya nchi ndio nasi tujihesabu kama watu wa Kenya.

Silas Ole Kilao: Neikiyieu naaji nikijoki intae ore entoki sidai oleng,

Translator: Tungependa kusema kitu moja mzuri.

Silas Ole Kilao: Naisaidia iyiook ashu enayau iyiook ewueji nebo,

Translator: Ile inaweza kusaidia sisi wote.

Silas Ole Kilao: Kidolta ajo ore duo te Kenya nikira nkabilatin artam aare.

Translator: Tunaona watu wa Kenya ni wengi, wako makabila arobaini na mbili.

Silas Ole Kilao: Naa tenelo sii duo neaku enkabila nabo naitasheiki lelo tunganak pookin,

Translator: Na tungeomba kama kabila moja inaweza kusimamia hii...

Silas Ole Kilao: Neidol ake ajo ketii iltunganak oinguari.

Translator: Na lazima uone ya kwamba wako watu fulani ambao....

Silas Ole Kilao: Naa kaomonu sii naai nanu pee eishori iyiook serkali oo nkutot.

Silas Ole Kilao: Neaku kagira ajo ore entoki sidai,

Translator: Naona ile kitu mzuri,

Silas Ole Kilao: Pee eishori iyiook serkali oo nkutot.

Translator: Tupatiwe sisi Serikali ya Majimbo.

Silas Ole Kilao: Pee kitum naa aetu aatorisioto

Translator: Ndio tuone kama Serikali itakuwa karibu na sisi.

Silas Ole Kilao: Ashu aa pemeitokini aata iltunganak ooriki mwisho.

Translator: Hiyo ndio tunaweza kukumbuka wale watu wengine anayefundisha huko msituni basi.

Silas Ole Kilao: Amu inakata ake eidim iltunganak pookin ailepu nepuo tenebo.

Translator: Kwa sababu hiyo ndio inaweza kuinua watu wote wa Kenya, hiyo (inaudible)

Silas Ole Kilao: Naa ina kata etum iltunganak engolon pookin narisio.

Translator: Na watu wote watapata usawa.

Silas Ole Kilao: Neaku aomon nanu ntae njoo iyiook serkali e mabjimbo.

Translator: Naomba sana Serikali ya Majimbo.

Silas Ole Kilao: Amu ninye ake naidim aisidi iyiook kuna ngabilaritin artama oo naaudo, oo are.

Translator: Kwa sababu ndio itaweza kusaidia haya makabila yote arobaini na mbili.

Silas Ole Kilao: Ashe oleng.

Translator: Amemaliza. Thank you.

Com. Muigai: Asante sana Mzee. Mwenzangu hana swali. Sasa tutamuita Bwana J.K. Wagara Mheshimiwa. Afuatwe na Pastor Jacob Kaete. Pastor yuko wapi? Pastor ndio utafuata. Halafu utafuatwa na Peter Kishia. Peter Kishia? Yuko hapa Peter? Basi atafuatwa na Udate Osobo.

Mheshimiwa J. K. Wagara: Mr. Chairman and the other Commissioners, I would like to take this chance first of all to thank you all for the timetable of work which is ahead of you and I hope God will help you, guide you to come out with a proper Constitution of Kenya. My name is J.K. Wagara, former Member of Parliament for Nakuru East, currently Naivasha Constituency. I have divided my memorandum into three sections:

The first subject deals with preamble. I find it, it is of great facility that the new Constitution of Kenya should have a preamble. The preamble should in general declare a Kenya stand on democracy and in particular liberal democracy. Whereby the human rights are entrenched in the Consitution. The Freedom of Association, a right to the living should also among many other necessities define the national flag. We have got the colours of our national flag which deal with red, white, black and so on. There should be a definition in the Constitution telling us what that colour stands for. We know it here, green stands for our

country, white for peace, red for the blood spilt during the struggle but it is not entrenched in the Constitution. It should be there to make us feel proud of our flag. The Constitution should have detailed Government issue. So that we have a definition in the preamble of our Constitution.

Second subject Mr. Chairman is about independence of Parliament. I fully recognize the vital role of the three organs of the Government. That is the Legislature, Judiciary and the Executive. I re-affirm the need to maintain clear and definite boundaries in the separation of powers to avoid the conflict of interests between the Parliament and the Judiciary. I recommend the following; if matters which Parliament, before they are presenting to the Courts, Parliament should continue to debate the matter and Judiciary shall stop proceeding of the same. On the other hand, if a question is put before Parliament Mr. Chairman and it sounds out of that matter, there before court, the rule shall prevail. The Parliament shall then give the Judiciary ninety days to deal with the matter and the end of which, Parliament may proceed with the deliberations on it. Despite the fact that it is before the courts.

Point number one, Parliament should create a number of Ministries of the Government of Kenya. As it were today, you find the President just increasing the number of Ministries he wants to have. We would like this to be Constitutionally entrenched by Parliament that it is the right of the Parliament to create the Ministries of the Government. Parliament should vet appointment of Ministers, Permanent Secretaries, Diplomats, Judges and members of the Electoral Commission. I am giving the right to appoint to the President that before they are confirmed, they should be vetted to see their qualifications. Their professional qualifications, their morals, their backgrounds and so forth.

Point number three, Parliament should have power to impeach the President in the event of abuse of office. As it were today, the Parliament has no power and that means the people have no power. Whatever behaviour the Presidency will have, he will continue. But we would like to have Parliament's power to impeach the President.

In order to acquire the Presidency, point number four, the dignity it deserves, President should be sworn to office in presence of Members of Parliament, Judges and the public on specific date, place and time. Through experience, we have noticed, we don't even sometimes know when the President has been sworn in. We just hear on the news, the President was sworn this morning at that and that place. It can be anywhere. But we would like to define it in the Constitution that the President should only be sworn at a certain date, at a certain time in presence of who. So that we can witness because this is a very high post. A very important post Mr. Chairman that it should not be treated like a Chairman of a school. Like Naivasha Boarding school appointed so and so, he is the Chairman and we don't even know when it was done. So we would like the President to be an open public thing.

Number five, Parliament should make the necessary law to accord the retiring President, immunity privileges such as houses,

security and so on.

Point number six, Parliament should appoint its own staff and under Parliamentary Service Commission. The Parliamentary Service Commission should include professionals and other dignified and morally upright Kenyans to moderate excesses in budget.

Parliament should set its own calendar with specific adjournment dates, specific dates for desolution. I would like to explain here abt Mr. Chairman. As it is were in the current Constitution, it is the secret weapon of the President to call the elections, to dissolve the elections, to say when the Parliament will convene. So we would like this to be outside the power of the President and be given to Parliament to decide its own calendar.

Number nine, Parliament should be involved in budget making process. As it were currently, you find that the Parliament only is given by a Bill of budget. It doesn't even know where it is prepared. They just come in and pass the Bill of the budget. They have almost become a rubber stamp and we would like the Members elected to have the authority and power and access to making and defining what is a budget.

Number twenty, harambees. Yes, I am not saying harambees have not done anything in Kenya. There is a lot of things harambee has done. But it has been misused. In the past, before even multi-party elections, we used to get Chiefs particularly in the Western Province, if you don't go for a harambee, they come around your home, they collect your kuku, they collect your anything and it became like attacks. So, we would like the harambees to be supplementary and regulated in the law.

Point number twenty, Parliament should comprise of the Lower House and the Upper House. When we had our independence, we had the bicarmel Legislature. But this was changed and the Upper House was abolished or dismantled and we were left with the Lower House. I would recommend Mr. Chairman, that in the Constitution we are going to have, to have a Lower House and Upper House. President should have Executive power with checks and balances established by Parliament. Mr. Chairman, it is not easy and to govern is not an easy exercise and if you just make the President somebody who is so weak, he is like a Chairman of a school committee, nobody is going to listen to him. So, we have got to have an Executive Chairman, Executive President. But we should not leave it there, we should have a committee to regulate his powers. To vet some of the powers of the President. Parliament should set up a mechanism to implement these decisions, resolution in the Constitution. Mr. Chairman here, you find that the Parliament we have got currently, is more or less an useless body. Because it passes the Bill, it passes the motion but the implementation of these motion and the Bills is subject to the Executive.

So, they can pass a Bill today, for example of the land should be like this, and it is passed by Parliament. But it will never be implemented. Because the implementation side of it is with the Executive. So, we would like the Parliament to have the power and a committee of making sure that their decisions, their Bills, their motions are implemented for the benefit of who they were

passed in the first instant.

Mr. Chairman, I recommend that President should not be a Member of National Assembly and should be an Executive President. Like the present format or system of the Government. There should be a Vice President elected directly by the voters. I am here saying Mr. Chairman, that the President should not be a Member of the National Assembly but he should be a Member of Parliament. I would like that to be clear. That, I am recommending that the President should not be a Member of National Assembly but he should be a Member of Parliament. Members of Parliament should not increase their salaries or allowances except through an independent tribunal. I think I will leave it there. Because it is quite long.

Com. Muigai: I think it is quite self-explanatory.

It is self-explanatory that one. In order to resolve the outstanding national issues, Parliament should appoint a national truth and reconciliation commission. Parliament Committees should have Constitutional powers to implement their recommendation. Now, I am going to subject three on Structure of the Government. The kind of Government I would like to see. The Government of Kenya should comprise of the Lower House, House of Representative and Upper House. That will be (inaudible). The Constitution should create a Senate with a detailed role entrenched in the Constitution. Each district should have one Senator. A fraction of the Senator should be secured in the Constitution with clear demarcations from the functions of the Lower House.

The election of the Senators should be stagnated with a term of six years. The Senate should have veto powers to all Bills except financial matters passed by the Lower House by a simple majority except for the Constitution Bills which will require two thirds votes. The Constitution Mr. Chairman, should establish County Councils, Municipal Councils to replace Provincial Administration. The Provincial and District Administration should be abolished. This Mr. Chairman, is a colonial format of ruling the country and if you go to Britain where this system originated, there are no Chiefs, there are no D.Os, there are no District Commissioners, there are no P.C.s, there are no what. Because these people, the country is independent. It is a sovereign State. Why should we continue having the colonial system which was established by the Queen. He had a Governor to represent him here, he had a P.C. to represent him. He had a D.C. to represent him and a D.O and a Chief. We are no longer colonial institutions.

We are independent and we should have our own elected masters. Elected people to govern us. Elected people to whom we will listen. All what you need to do is to give power. You devolve power to the County Council, you devolve power to Municipal Council. Mr. Chairman, I will go ahead and say that devolution of power to Councils and their factions should be provided for and be in the Constitution. We don't want it to be in the Act of Parliament that this devotion is passed in Parliament. We want it to be in the Constitution. It should be constitutionalized so that nobody will come around and say, 'these powers of the Municipal Council, these powers of the District Council are not there, they can be done away with.' They should

be in the Constitution.

Com. Muigai: You have two minutes Sir. So, you must summarize.

Mheshimiwa J.K. Wagara: I will be fast Mr. Chairman. I will leave some because I will send it over. The Constitution should benow I will deal with the last thing Mr. Chairman, about the right to representation in Parliament. Fair and free elections. It should be seriously noted that the elections held over years have not always been free and fair and various cases of mul-practices and rigging have been evident. The right of representation.

The Constitution should provide a clause proclaiming that Kenya is a multi-party democratic republic. To be absolutely clear in the Constitution. The right to vote should be enshrined in the Constitution and every Kenyan shall have the right to vote as per independence Charter. The Constitution should provide the protection of all children. I am glad that one of my colleagues here was talking about girls and so on and so on. But they should be in the Constitution provided for their protection. The Constitution should provide for transparent clear guidelines on election procedure. The Constitution should (inaudible) election rigging. The Constitution should provide legal power to the Electoral Commission to ensure that the register of voters is continuously updated. The election petition should have a maximum of six months to be resolved.

Here Mr. Chairman, is vital to explain what I mean. In the previous experiences we had, you see somebody making a petitioning in the Court of law and it is resolved, when the Parliament has ended or even after four years. Somebody who rigged you, he stays in the Parliament for four years and then the judgment comes when he has served the whole term. There is no purpose in this. So, we should have in the Constitution mandates or giving power that any election petition should not take more than six months. The Electoral Commission should establish Electoral tribunal to dissolve election complains.

Com. Muigai: You are on your last half a minute please.

I will try to pull up. The Electoral Commission should provide nomination of candidates through secret ballots and so on. Lastly Mr. Chairman, it is a conclusion. The Constitution should balance the integrities of national unity. With ethnic diversity, it should result to ally the acetates of minorities. Particularly in relation to the land.

This thing has been emphasized very much and I support that we should be clear on the land point. We should protect civil and political rights to establish independent institution to ensure fair elections, a neutral and qualified civil service and police force with a substantial operational autonomy. The history of other historical events and experience has taught us that a country may come out, or may have the best Constitution but if there is no political will and commitment, this Katiba will be nothing. It will be malicious, it will be anything. It is so important that above all, have the Katiba, we should have committed political will, committed leaders to see that the implementation of the Katiba is followed.

Lastly, Mr. Chairman, but not least in importance, a word about security. It is so important that we have a stable security because one of the duties of the Government is to protect its citizens and their property. We should feel secure.....

Com. Muigai: Tell us how. We all agree, we need security. Take your recommendation on how. How the Government should do that. What do you propose? Do you want to strengthen the Police, the Army, the G.S.U to arm local people like one of us said here earlier. That we should all have a right to bear arms. Go to the solution.

Mheshimiwa J.K. Wagara: I don't agree with the right of every citizen having an arm. Because that itself is a danger. It is danger. You are putting that danger. What I recommend is that the Government should be committed to security. They should not just play around with the people. The mechanism of security, the way they apply, the way they implement it. It will be left to the officers who are of high integrity and who are not immoral, then they will be able to protect us.

Com. Muigai: Thank you very much Mheshimiwa. Thank you for taking time off and having a lengthy memorandum. Please deposit it here. Pastor Jacob Kaeche. Wapi Peter Kishia? Uko. Wewe ndio utafuata Peter. Na wapi Bwana Udate Ambori. Yuko? Uko. Na wewe ndio utafuata ukiwa wa tatu. Tafadhali. Bwana Pastor Jac-ob Kaeche, utusaidie sana kwa kujaribu kusema tu kwa mukhatasari.

Pastor Jacob Kaete: Ninaitwa Pastor Jacob,

Translator: Mimi naitwa Pastor Jacob Kaeche.

Pastor Jacob Kaeche: Nanyor airoro Kimaasai.

Translator: Na angependa kuzungumza Kimasai.

Pastor Jacob Kaeche: Aingu enwui nejo Namwenja.

Translator: Anatoka sehemu moja inaitwa Namweja.

Pastor Jacob Kaeche: Division e Naiposho

Translator: Division ya Naivasha.

Pastor Jacob Kaeche: District Nakuru.

Translator: District ya Nakuru.

Pastor Jacob Kaeche: Kayiolo ajo ore oleng Ilmaasai naa meikenakino uhuru.

Translator: Anajua ya kwamba Wamasai hawajahesabiwa upande wa uhuru.

Pastor Jacob Kaeche: Eidimi ake aatejo Ilmaasai le Kajiado ashu Ilmaasai le Narok.

Translator: Ameanza (inaudible) Wamasai, huko upande wa Nakuru na Narok na Kajiado.

Pastor Jacob Kaeche: Negiri le Naikuru pi.

Translator: Na Wamasai wa Nakuru hawajatambulikana.

Pastor Jacob Kaeche: Kalo airo too ndorobu ntokitin kuti.

Translator: Anaenda kuzungumza kwa ma-churches.

Pastor Jacob Kaeche: Ore entoki e dukuya,

Translator: Ile kitu ya mbele.

Pastor Jacob Kaeche: Naa ekinjo Enkai enashe oleng te nkaraki nikietu ena olong kiimagi katiba.

Translator: Angetaka kutoa shukrani kwa sababu ya kuwezesha kukuja hapa mbele ya watu.

Pastor Jacob Kaeche: Neaku anyor airoro ntokitin ndorobu.

Translator: Atazungumza kwa kifupi,

Pastor Jacob Kaeche: Aomon larik le tume,

Translator: Naomba viongonzi wetu wa Tume.

Pastor Jacob Kaeche: Pee inguraa ninye kwanza esiai oo sikarini.

Translator: Wachunguze sana upande wa Wamasai.

Pastor Jacob Kaeche: Ore entoki naimisa iyiook oleng too sikarini,

Translator: Askari vile wametuumiza.

Pastor Jacob Kaeche: Ore enkop,pooki nemeeta enetii lapurok

Translator: Kila pahali kuko na wezi.

Pastor Jacob Kaeche: Naa ore pee epurisho oltungani loo ilmaasai, peyie eim ine wueji neinepuni ilkulikae,

Translator: Kwa wizi wa ng'ombe, wapatikane wengine sio wale wezi.

Pastor Jacob Kaeche: Neidongi neisilisili.

Translator: Inasumbuliwa na kuteswa.

Pastor Jacob Kaeche: Naa tenakeetae oshi ina sheria neiwuangieki kabisa.

Translator: Kama hiyo sheria inakuanga kwa Katiba, hiyo ni moja ya sheria yanayostahili kutolewa.

Pastor Jacob Kaeche: Amu kadol ninye ajo, tena keetwa naa Ilmaasai oshi ake,

Translator: Kwa sababu vile naona kama iko, labda inakuanga upande wa Umasaini lakini upande mwingine hakuna.

Pastor Jacob Kaeche: Neaku ore pee epuoi nepurisho iltunganak neibungi oregie,

Translator: Mimi ningependekeza kama wezi wanapotokea,

Pastor Jacob Kaeche: Nesuji olapuroni mpaka neinepuni.

Translator: Afuatwe mpaka mwizi hasa mwenyewe apatikane.

Pastor Jacob Kaeche: Naa tenelai neinguari irkulikai.

Translator: Na kama amekosekana, badala ya wazazi kusumbuliwa ama jamii yake, awachwe.

Pastor Jacob Kaeche: Neaku pee eitauni ina sheria kabisa.

Translator: Hiyo sheria iondolewe kabisa.

Pastor Jacob Kaeche: Ore enake sheria ang,

Translator: Sheria ingine,

Pastor Jacob Kaeche: Naa pee eingori ene wueji oleng oo ngishu.

Translator: Tuangalie upande wa ufugaji.

Pastor Jacob Kaeche: Amu adol oshi aa ore kila olari pee eisumi budget, pee ielipieki kulei tokitin, nemeisumi aikata budget oo ngishu.

Translator: Naona kila mwaka inasomwa budget ya kila kitu ya Kenya, lakini budget ya mobile haipatikani.

Pastor Jacob Kaeche: Ayie naai neaku naa teneitobiri sheria, neaku eneisumi budget, neisumi sii ninye enoo ngishu pee eji eilepa bei.

Translator: Angependelea pia mambo ya mifugo, iwekwe katika budget ya Kenya.

Pastor Jacob Kaeche: Neaku bei sii ninye, teneilep enkurma, teneilep esukari, neilepieki sii ninye bei oo ngishu.

Translator: Wakati sukari itapanda na majani chai na kila kitu ile inatumika, hata nyama inapanda kama ni kupanda.

Pastor Jacob Kaeche: Amu ore mabatini tenakata meinyangayu, simitini, kegol bei, neitu aikata kidol serkali enyamalieki ailepie bei oo ngishu.

Translator: Zingine zote naona vile anapanda lakini mambo ya mifugo haijawekwa kwa orodha ya zile vitu zinapandishwa.

Pastor Jacob Kaeche: Ore enkae toki e uni,

Translator: Kile kitu kingine cha tatu,

Pastor Jacob Kaeche: Naa ene wueji e majimbo.

Translator: Kile kitu nazungumzia ni Serikali ya Majimbo.

Pastor Jacob Kaeche: Pee eishori iltunganak larikok lenye.

Translator: Halafu watu wapate kujitawala kwa area zao.

Pastor Jacob Kaeche: Amu ata ninye teniisum oleng to Bibilia, naa kejo pee egelu iltunganak larikok lenye.

Neaku naa, pee eishori iltunganak larikok lenye.

Translator: Kwa hivyo watu wapewe majimbo.

Pastor Jacob Kaeche: Amu ore peyie eaku keetae majimbo, na ketum iltunganak usaidisi too nkoitoi kumok.

Translator: Kwa sababu naona kama Majimbo itapatikana, itasaidia kidogo.

Pastor Jacob Kaeche: Neaku naa kadol ajo ore naai peyie kingunari nejja,

Translator: Naona kama tutaenda namna hiyo.

Pastor Jacob Kaeche: Pee kitum sii iyiook intokitin naaret iyiook.

Translator: Tutaweza kupata usaidizi kwa upande huo.

Pastor Jacob Kaeche: Ore sii Ilmaasai nemeituangari orkuak lenye.

Translator: Na pia jamii isiache culture yao.

Pastor Jacob Kaeche: Amu adol taata ninye ajo eponu iltunganak aamir orkuak taata orkuak loo irkulikai tunganak.

Translator: Kwa sababu tunaona, tuseme mila ya jamii zingine zinaanza kutuiga ili kujifaidi.

Pastor Jacob Kaeche: Naa kelo ninye neitauni kimasarao neguetuni meeta ngilani, neaku ina taata bishara oo irkulikae orere, biashara oo Ilmaasai.

Translator: Hata tunaona saa ingine anaenda ku-act kwa njia ya madharau. Kwa hivyo hiyo iwekwe kwa Katiba, iwe ni yetu peke yetu.

Pastor Jacob Kaeche: Peaku pee kianyu katiba e Kenya nikirisioyu, pee kiyiolou ajo, keishaakino nikitii pookin ewueji nabo.

Translator: Tuheshimiane sisi watu wa jamii yetu ya Kenya, tushirikiane na tupendane na tupeane heshima.

Pastor Jacob Kaeche: Ore sii ene wueji e sukul, na peyie kitum enkisomu e pesho kutok nursery mpaka nkilasini eisiet.

Translator: Anapendekeza upande wa elimu, kwanzia nursery mpaka Standard eight iwe free.

Pastor Jacob Kaeche: Amu ina kataka etumoki iltunganak aisomu nkera enye nepuo sii ninje dukuya.

Ore ene wueji, enkae duo apa ae naata, naa kayieu neingurari ene wueji e sipitali oleng.

Translator: Yale maoni mengine yake, anayeona ama maoni yake anataka waangalie upande wa hospitali.

Pastor Jacob Kaeche: Nayieu naai naa tenakeidimayu, pee itadouni bei too sipitalini amu etoponi newueji iltunganak, megure ebaiki iltunganak.

Translator: Angependelea mahospitali yapunguzwe mambo ya bei kwa sababu zimepanda sana.

Pastor Jacob Kaeche: Amu ninye otangasa ayau asara sapuk nagira alotu Kenya.

Translator: Kwa sababu hapo pande ingine ni hasara kubwa sana.

Pastor Jacob Kaeche: Pee iltunganak tenkaraki nimeidim iltunganak aatabak iltunganak lenye.

Translator: Kwa sababu wengine wanakufa hawezi kulipa hospitali.

Pastor Jacob Kaeche: Neaku ine wueji aitabaiki,.

Translator: Anafikisha hapo.

Pastor Jacob Kaeche: Metamayiana ntae Enkae

Translator: Na Mungu awabariki.

Com. Lethome: (kimasai). Itabidi sasa tufanye haraka haraka. Usije hapa kutuambia mambo mengi. Pendekeza. Just come here and recommend. What would you want? We know the problems that we are having as Kenyans. Tunajua mashida yetu. Kwa hivyo ukija hapa, usianze kutupea habari ya matatizo. Pendekeza. Unapendekeza elimu ya bure, health services ya bure, mabarabara yatengenezwe, Wamasai waangaliliwe mambo ya culture yao. That is what we call recommendations. Usilete mambo mengi. We have almost two hundred people who want to speak. Peter Kishia. Endelea. Anza kupendekeza. Exactly five minutes. Twendelea.

Peter Kishia: Ashe oleng, eshipakino ena siai e katiba nikietuo tenaa olong. Nashipakino ine nikigira aajing naaduo pee kiningokino nikiyieu oo nimikiyieu.

Translator: Asante sana. Napenda sana, tukiwa tumekuja kukutania hapa ndio tupendekeze kile tunapendekeza.

Peter Kishia: Neaku ore naai entoki sapuk oleng najo nanu oleng naa pee eshukokini iyiook enkop ang.

Translator: Yeye anapendelea warudishiwe ardhi yao.

Peter Kishia: Iljambai apa oowaki etii looibor enkop neararieki iyiook ina katukul.

Translator: Yale mashamba Wazungu wametukalia wakati ule wa Ukoloni na bado wanakalia mpaka wa leo.

Peter Kishia: Nanyor sii neingurari esiai e ramatare ang oo ngishu amu eiturayioki oleng.

Translator: Napendelea sana tuangalie upande wa ufugaji wa ng'ombe kwa sababu ufugaji wa ng'ombe ndio umesahaulika kabisa.

Peter Kishia: Neaku pee eshukokini iyiook nena tokitin oo sukuluni pee kitum sii iyiook usaidisi tenaa alo oormalimuni oo sipitalini.

Translator: Anapendelea mambo ya shule na hospitali, hiyo yote irekebishwe na iangaliwe nasi tupate hizo.

Peter Kishia: Amu tenagira aingor naa kore ena sheria ang nikitubulutua iyiook etii neiumisa iyiook oleng, eikitu kishipakino iyiook eitu kiramatare sidai.

Translator: Anasema ile sheria tumezaliwa ikiwepo, hatujaona kama imetufaidi hata kidogo.

Peter Kishia: Eiumisa iyiook aishoyo enkop ang neiumisa sii aishoyo metaa eitu kitum ntokitin nikitaramatishore ti atua ilmarita.

Translator: Hatujapata chochote. Tumeanza kujijengea kama jamii.

Peter Kishia: Ore sii orkuak lang loo Ilmaasai naa sidai ake tenepali iyiook matotoni, nikimuratisho, orkuak lang, nikitoni sii iyiook kiata orkuak lang, netoni irkulikai tunganak nikinjoro enkanyit, nikilama.

Translator: Anasema anapenda iwe huru kwa mila zao kupata kutahirisha kile anataka kutahirisha kupaka upande wa warani, aendelee namna hiyo na akae hivyo.

Peter Kishia: Netumi ilmuran te nkop ang, ajo naa sii nanu nemeitokini aatum masumbuaa ti atu iyiook Ilmaasai, aita iyiook lapurok mikira. Kimbaitie ina oleng.

Translator: Warani hiyo yetu iwekwe huru, ikiwa kama umeiba, atafutwe kama wengine lakini apewe free. Iwe nao ni watu wakae kwao bila kusumbulia kusemekana ni group ya wagaidi.

Peter Kishia: Eyieu sii naa ore ena katiba nikijingita, naa ore ewueji nemanya oltungani, etobi larin esiana natobiko, neinguari ilo tungani metotona teini amu etaa enenye ine amu etaa enenye ine weuji katukul.

Translator: Anapendelea yeye, wewe bila kuhamisha watu, ati yule ni nani, yule ni nani, yule mtu ako anafaa akae hapo.

Peter Kishia: Amu mekure tenakata eshipakino Ilmaasai ena siai enaidura oleng, tenkaraki etayieutua sii ninje, mekure iyieu nerumori aarumoo, ena siai naji enedungoto enkop.

Translator: Anasema yeye anajua wakati Masai walikuwa wanahama, siku hizi hahami hahami* akae mahali anakaa.

Peter Kishia: Neku ajo nanu ine wueji aitibaiki.

Translator: Na yeye anamalizia hapo.

Peter Kishia: Tenkaraki nadol ajo mekure kiata saai.

Translator: Kulingana na vile anaona masaa yameenda sana.

Com. Lethome: Asante sana. Udate Amboni? Jiandikishe pale tafadhali. Can you please go and register?

Udate Amboni: Angas airoroki Chairman lena siai, nairoroki ntae pookin.

Translator: Nasalimu kwanza Chairman na wenzake.

Udate Amboni: Naitoki ajoki ilo Chairman tadamu ake ele fikir ajo ninje oshi leramati.

Translator: Mkumbukeni nyinyi kama watu wa Tume ya kwamba nyinyi ndio mko na jukumu la watu wote wa Kenya. Kwa hivyo wekeni maanani maneno yale tunatoa.

Udate Amboni: Naa toningo oleng enikijoki amu esipat kiro.

Translator: Usikilize kabisa kwa sababu wanaongea vile vitu viko moyoni mwao.

Udate Amboni: Etii iltunganak ooti ene otii enkop naa sirkon enapunyieki iltunganak tenenya lowuarak.

Translator: Hapa Kenya, iko sehemu zingine ambapo watu wanabebwa na punda kupelekwa mahospitali kama anakuliwa na fisi ama simba.

Udate Amboni: Ijo menare naai ina kop naa kadamuni pee epiki orbaribara, nepiki lam nayau lelo tunganak meitoki anya enkop?

Translator: Area kama hizo ingekuwa mzuri kutengewa maendeleo, iwekwe barabara na iwekwe rami.

Udate Amboni: Ore lelo tunganak naa enkop natii enkure etii.

Translator: Na hiyo jamii ni watu wa Masai wako na shida hiyo na hakuna maji.

Udate Amboni: Kai naji eiko te lelo tunganak teneramatisho entoki meeta pookin enkare?

Translator: Haingeweza kuendeleza mambo ya maendeleo kwa sababu hana maji.

Udate Amboni: Neaku tenaira orkitok lena siai, tadamu ake iltunganak teneponu enkaji airo lelo omon.

Translator: Kama nyinyi watu wa Tume, matatizo hayo ndio angekuwa mzuri kuweka maanani kwa sababu ndio ya wananchi.

Udate Amboni: Kake maata enkabila ajo kabila naje ena, tadamu oltungani likinjira te siai enye torono.

Translator: Hatazungumza kwa mazungumzo ya kabila, anasema matatizo hayo yote iko katika jamii yote ya Kenya.

Udate Amboni: Kake eishirita enkabila oo Ilmaasai oleng. (inaudible)

Translator: Lakini kwa kuangalia hata kwa macho ama kusikia, Wamasai ndio wako na matatizo hayo yote.

Udate Amboni: Aishirita teina toki naji orbaribara.

Translator: Kwa sababu hawana mabarabara.

Udate Amboni: Aishirita teina toki naji enkare.

Translator: Kwa sababu hawana hiyo maji.

Udate Amboni: Aishirita too iljambai lenye(inaudible) ai kata.

Translator: Analia kwa sababu ya mashamba, hajapata mpaka sasa.

Udate Amboni: Naa keyieu naai netum iltunganak lenye oitore sii ninje pee etum aishoo nena tokitin.

Translator: Ingekuwa mzuri kama hizo vitu zote angekuwa nazo.

Udate Amboni: Taata dorobu lomom aitabaiki ine, nemayian intai Olaitoriani.

Translator: Amemaliza.

Com. Lethome: Jackson Muluti, afuatwe na Harun Thuku.

Jackson Muluti: So my names are Jackson Muti. I am from El-ruai location, Naivasha Division. My proposals to the Constitution of Kenya are as follows:

- I would like only to summarize what the other fellows have said and these are my proposals now. So, when we come to the land proposal, I do propose that Land Control Board are replaced with Community Land Control Boards consisting of reputable elders elected by the community and also all land matters should be localized. Administration of all Masai land should be to the interests of the Masai as a community and as Kenyans.
- Secondly, indigenous land use system of the Masai within their customs and way of life should be formally recognized by law and as such be enshrined in the Constitution.
- Thirdly, all the Masai land should not be alienated and as such be protected and in case of public use, the community itself to unite, what land to allocate and for what purpose.
- Fourthly, the Natural Resources with the Masai land should be owned by the community as part of land and enjoy its benefits. Any economic opportunities arising from such resources, the indigenous people should be given priority in all forms of benefits.
- Fifth, all forests and forests reserved within the indigenous people land should be owned by the community who should protect and manage it. In accordance to their cultures and traditions.
- Sixth, all Masai land should be owned communally.
- Seven, any land of the Masai that was previously allocated to outsiders or foreigners should be returned back to the Masai.

- Eight, land registration should be challengeable in court, especially if it was fraud.
- Second part I come now to the cultural identity and Human Rights of the Masai. First, protect the identity of the Masai and encourage conditions for the promotion of these identities so as to enable them to participate effectively in cultural, religious, social, economic and public rights.
- Number two, safeguard our culture and cultural practices against commercial agents. Copying of our cultural materials. Place any advert whatsoever through certain laws.
- Ensure the promotion of the Masai culture and education in schools. The teachings and development of the Masai language and protection of religious beliefs and practices.
- Recognize Masai customary law that does not allow any form of land trade.
- All of Masai land bought or acquired illegally should be returned to the Masai.
- I would like now to come to circumcision of girls. As the Masai, we support that girls should be circumcised and there should be no law that restricts the age of circumcision. One, because as the Masai, pregnancy before circumcision is illegal and sometimes girls who get pregnant in our community are taken as rejects. So, our proposal is that girls circumcision should be a communal decision provided they do it accordingly by use of good equipment. That is sterilized materials.

Com. Lethome: Should the concept of the girl be considered or she has no option?

Jackson Muluti: That is a must, to our community it is a must.

Com. Lethome: That means she has no option?

Jackson Muluti: She has no option. Because me am not going to marry any uncircumcised girl so that one is a must in our community. So, when you come now to wildlife and livestock. We do understand that our livestock are not protected by the law. Why? Many at times we have this wildlife. We know that there are laws that protect crops in shambas, so here there are no laws that protect our livestock. Wildlife are running out of their reserves. They come out and go out to our land.

Com. Lethome: Can I ask you question? What do you recommend when let's say wildlife destroys crops or livestock? What are you recommending?

Jackson Muluti: I am recommending something like this. I am saying this, compensation, there must be compensation.

Com. Lethome: For damages to livestock or property?

Jackson Muluti: Yes. To livestock or property.

Com. Lethome: That is the way we want to move. You highlight.

Jackson Muluti: To the Government, it is thus our proposal that the boundaries be redrawn taking cultural homogeneity into considering in the following manner. Rift valley be divided into three regions. One, the North Rift taking the current Turkana, Pokot, Samburu, Tranzoia among others in the area. Secondly, we have now the Central Rift, which includes the Kalenjin district of Nandi, Kericho, Bomet, Koibatek and Baringo. Third, we need this South Rift Jimbo, which now includes all mass speaking groups of Narok, Kajiado, Transmara, Laikipia, Samburu and the entire areas occupied by the Ilchamus and other mass speakers of Baringo district. That is in order to allow good representation in the Government. Those are my proposals.

Com. Lethome: Thank you very much. Handle over your proposals to our program officer. Harun Tupi. Harun? Daniel Sayo, ukae tayari. Tunataka kufanya haraka haraka.

Harun Tupi: Langu la kwanza ni kuongea juu ya shule. Jina langu ni Harun Tupi. Mambo ninayochangia kwanza ni mambo ya shule. Inatakiwa ikiwezekana, watoto kuanzia nursery mpaka kumaliza shule ya msingi wawe wakisoma bure kwa sababu wale watu hawajiwezi, ndio watoto wao wanaweza kupata masomo.

Jambo la pili ni juu ya maji. Kuna areas nyingi katika Kenya ambazo hazina maji sasa kwa watu. Na unajua kwa maisha ya binadamu, maji ndio kitu muhimu sana. Na inatakiwa ikiwezekana maji isambazwe katika Kenya mzima watu wapate maji ya kutosha.

Kitu cha tatu ni kuongea juu ya mazingira, misitu na mito. Misitu imemalizwa kabisa, hata tunaanza kukosa mvua.

Com. Lethome: Unapendekeza nini?

Harun Tupi: Misitu ichungwe kabisa na kukatazwa ukataji wa miti, kwa makaa na kwa mbao kwa sababu ya kumaliza misitu kabisa na kuchunga kwa mahali karibu na mito, chemi chemi zisikauke na tena uchafu umekwisha kuwa mwingi sana kwa mito. Maji ya kukunywa kwa wale watu ambao wanakaa upande wa chini, inakuwa shida. Tena kwa upande wa mito, si kwa watu wengine wanazuia maji. Na unajua mito imetolewa na Mungu kwa kila kiumbe kilicho hai na hiyo haiwezekani. Inatakiwa maji

ya mito iwe inaendelea tu kutiririka vile imewekwa na Mungu. Kitu kingine ni juu ya, katika area zingine kama sisi nchi yetu ya Wamasai, kuna machifu wengine ambao hawana elimu. Inatakiwa katika Kenya mzima, iwe machifu wote wawe na elimu.

Com. Lethome: Kiwango gani?

Harun Tupi: Kiwango cha form four. Jambo lingine ni huduma ya hospitali. Sasa hospitali mingi Kenya zimekuwa za private na nataka mahospitali yaangaliwe sana maana yameenda juu sana.

Com. Lethome: Unapendekeza nini?

Harun Tupi: Ninapendekeza kwa kutumikia watu. Watu wengine hawajimudu.

Com. Lethome: Sisi tunajua ile shida iko. Unapendekeza nini?

Harun Tupi: Zinatakiwa mahospitali za Serikali ziwe zikiendelea kuhudumia watu.

Com. Lethome: Bure?

Harun Tupi: Bure. Vitu vingine ni juu ya barabara. Kuna mahali kwingine, barabara ni mbovu kabisa hata hazipitiki. Na madaraja.

Com. Lethome: Unapendekeza nini?

Harun Tupi: Wakati wa mvua wako watu wengine ambao hawawezi kupata mawasiliano kwa mahali ingine.

Com. Lethome: Unapendekeza nini?

Harun Tupi: Napendekeza mabarabara yatengenezwe. Kila mahali katika Kenya. Ili watu wapate huduma na wapate maafikiano. Ili waweze kuafikiana au kupeleka mazao yao sokoni. Tena juu ya wanyama, wanyama wamekuwa matatizo kwetu kwanza Wamasaini, maana sisi ni wafugaji na tunafuga pamoja na wanyama na ukiuua mnyama unashikwa. Inakuwa mnyama ndio yuko na value zaidi kushinda mtu.

Com. Muigai: Unapendekeza nini?

Harun Tupi: Tena tukilima mashamba, inamalizwa na wanyama.

Com. Muigai: Unapendekeza nini?

Harun Tupi: Napendekeza kama wanyama hawawezi kuwekwa kwa National Parks, imalizwe.

Laughter from the audience.

Harun Tupi: Kwa hivyo mambo kama hiyo inataka kuchunguzwa maana wanyama wameleta shida sana.

Com. Lethome: Ya mwisho.

Harun Tupi: Ya mwisho ni juu ya siasa. Sisi tunapendelea hii siasa ya majimbo. Asante.

Com. Lethome: Daniel Ole Sayo. Yuko? Afuatwe na Musa Kabaa. Kama hayuko, tumpate Joseph Kabaa. Hawako. Julius Kiboi. Hayuko? Lazayo Paremei. Paramei yuko? Paul Kabaa. Isaya Ole Kisitu. Philip Ole Kisau. James Lepei. William Koleil. Twendelee.

Daniel Ole Sayo: Kwa majina yangu mimi naitwa Daniel Ole Sayo. Natoka sehemu inaitwa Namja, wilaya ya Nakuru, division ya Naivasha, Satellite sub-location. Mimi nina jambo moja ambalo ninaenda kuzungumzia kwa sababu yale mengine nilikuwa nayo, wenzangu wale walikuwa mbele wameongea. Kwa hivyo mimi nina jambo moja.

Com. Lethome: Tukae kimya tafadhali kwa sababu kelele zitarecordiwa hapa. Tukaeni kimya. Endelea.

Daniel Ole Sayo: Jambo hilo ni kama hivi; sisi tukiwa watu wa Masai, tuna sheria moja ambayo tunaona inatunyanyasa au ambayo inatufinya. Kwa sababu tuseme wezi wa ng'ombe wakiiba ng'ombe hapa Naivasha, ifike sehemu yetu ya Mai Mahiu na uipite usiku ukiwa wewe unalala. Hawa askari wenye wanafuata ng'ombe wakifuata nyayo kesho, wakikuta au nyayo za ng'ombe zimepita karibu na kwako, wewe unapigwa bure na hukuwa na hao wezi wale wa ng'ombe. Na tena ng'ombe zako zinafungiwa na mbuzi zako zinachinjwa bure na zinachinjwa kwa lazima.

Com. Lethome: Sasa unapendekeza nini?

Daniel Ole Sayo: Napendekeza hiyo sheria itupwe mbali kama iko kwa sheria za Kenya itupiliwe mbali kabisa. Kwa hivyo jambo langu ni hilo tu.

Com. Lethome: Haya asante sana. Ole Siala. Ndio huyu Mzee Ole Siala.

Mzee Ole Siala: Habari nyote. Hamjambo.

Translator: Mimi sina mengi.

Mzee Ole Siala:

Translator: Kwa sababu mimi ni nyagusi na sina maneno mengi.

Mzee Ole Siala:

Translator: Nasema asante.

Mzee Ole Siala:

Translator: Watoto wapewe nafasi sasa waende shule.

Mzee Ole Siala:

Translator: Watengewe kazi kwa sababu watoto wanatoka shule na hawapati kazi.

Mzee Ole Siala:

Translator: Katiba iangalie wale watoto wanamaliza shule.

Mzee Ole Siala:

Translator: Hiyo ni moja ya yale maswali niko nayo.

Mzee Ole Siala:

Translator: Na yake yanafika hapo.

Mzee Ole Siala:

Com. Lethome: Kama hayuko. John Taiko. Samwel Kalite. Simon Kaite. Josephine N. Ngegu. Karibu. Na Joachim Wamugunda. Samuel Ole Kita. Haya twendelee.

Josephine Nyambura: Thank you Mr. Chairman, my names are Josephine Nyambura Ngegu. Naishi Naivasha. Nitachukua muda kidogo na nitamuuliza muniwie radhi kusudi nichanganye lugha zote mbili. Na kule nitaweka Kikikuyu, tafadhali pia muniwie radhi.

Com. Lethome: Kwa sababu ya wakati. Why don't you choose one language. What you are presenting is for us, not for them. Please use one language.

Josephine Nyambura: Thank you Sir. I will use English. The Constitution declares Kenya to be a sovereign republic and the structure of the Government is provided in the Constitution. Mr. Chairman, I have opted to take the conservative view because I thought it is necessary for me to start here, possible look very briefly at the past and where are we heading. That is the approach of my presentation. It is not very well ordered because we had very short time. Some of us were just learning about this Commission's arrival last evening. So, even the notes that I will be giving over there are not in very good presentation but I hope I will be understood. Mr. Chairman, the Executive has too many extensive powers as those under the summation of Public Security Act and this as we have seen before, can abrogate the Constitution rights.

We are aware that we have been told in the Constitution that, most people strive or our rights are already entrenched and so on and so on. But I could give you instances if I had the time to show you how much trouble we have undergone. So, I am recommending certain changes to the current Constitution and possibly others that will then help us to get out, not just under the Constitution because the Constitution is a chief law. We are thinking of the other laws that are supposed to come after the Constitution or to be empowered through the Constitution. So, we are saying, the Executive Arm of the Government, controls finance law making e.g. the budget.

We have our representative the parliamentary elected people have not got a lot of say in that. We as the people being represented by the parliamentarians would like to see a lot of change there. We would like to see the parliamentarians coming to us and asking what we would like to have to be done in the budget. So, we are recommending that the Legislature be empowered even more. It is infact the least empowered as it is now.

The Executive, Mr. Chairman, by virtue of making appointments to Judiciary, dismissals and appointments and disappointments as it were, subject to certain procedures of code, this is what waters down the concept of separation of powers. It leaves the whole set up with very few checks and balances and I am recommending that there should be change to reflect the fact that the Executive should be where it is supposed to be. The Judiciary should be what it is supposed to be or what you know and of

course the Legislature should be left on its own. At this junction Mr. Chairman, let me point out that the Parliamentary standing rules also do not assist the Parliament's powers as it were.

We know that we have got a multi-party system of law just now because of the changed Section 2 A of the Constitution, nevertheless we have not seen this being effected properly in Parliament because once they allowed or once our people suggested and it was accepted that we come up with a multiparty. Nevertheless, nothing much was done about the standing rules and regulations in Parliament so that the debate still looks to me like it's one sided kind of debate. It is still one party.

So, I am recommending again that we come up with proper standing rules and regulation to effectualize the real change in Parliament. I am still on the point Mr. Chairman, that Parliament should be really strengthened. I have noted in the current Kenya Constitution that Section 59, Parliament has vowed to declared a vote of no confidence in the Government. This Mr. Chairman is almost nonsensical when you think about the procedure that you have to use. I am recommending instead of just the vote of no confidence, in the Government that is in the Executive, I am recommending that Parliament be empowered to impeach the Presidency. At this stage, I also want to recommend that we have a proper prescription of what kind of person we want for Presidency. We want a prescription like the one we get when we go to a Chemist Mr. Chairman. I am recommending that the President should not be older than seventy years of age. Be a person of integrity.

Com. Lethome: Minimum age?

Josephine Nyambura: I had not thought about it Mr. Chairman, I am thinking of grown ups. I am maintaining the eighteen year rule.

Com. Lethome: Maximum is seventy?

Josephine Nyambura: Seventy. No more than that. The person should be of high moral integrity and character and one who is totally committed to the rule of law and to human right.

Mr. Chairman currently, the President is a Member of Parliament. I am still on the issue that the Executive is too powerful. He is a Member of Parliament and he enjoys certain privileges e.g. addressing the National Assembly at any time. Infact, via Section 30 of the current Constitution, the Presidency holds the powers of assent to the Bills. You all know that he can prorogue and call in Parliament and dissolve Parliament at any time.

I am recommending that we get schedules. When should this happen and so on and so forth. It should not be left to an individual's distinction. Under Section 127, Mr. Chairman, of the same Constitution, the President can by a gazette notice temporarily modify laws. That beats the whole purpose of having Parliament, the elected people to come up with the proper laws. I am recommending that you do away with Section 127 of the Constitution, remove it completely.

The Constitution in my view, should be amended to emphasize the independence of Parliament, Judiciary, Executive and give better meanings to the concept of separation of powers. I have said that before, sorry.

Chapter Five Mr. Chairman of the current Constitution, the Bill of rights. This is where we have things like individuals being guaranteed by the Constitution. Not given the rights. By the way Mr. Chairman, these rights one has already got them by virtue of being a human being. So, the Constitution simply guarantees but nevertheless there is a lot of trouble there about designing or for that matter, coming up with who is to put the mark. Who is to pass, what is public order? What is public welfare? Public security and so on and so forth. Who is to do that? I think the current Constitution is not well defined. It should come up with proper and definite definitions about what is public order like where one is supposed to be put in by an askari or a Chief because you have done the wrong thing out there. But that is only the Chief's concept of what is wrong and what is right. He or she may not be necessarily be right.

So I am saying that something ought to be done, nevertheless about those guarantee. I have recommended that either we remove that or define completely. Get down to the definition properly. I think also that we are...think about the right to protection of private property. My colleague has been discussing private property and the need to continue guaranteeing, the Constitution to continue guaranteeing that. We are also aware that private property cannot be compulsorily acquired by the State, except for a public purpose. A fair and prompt compensation must be given. Prompt compensation. Mr. Chairman, you are aware that this is not happening. I would rather that somebody comes up in that Constitution, the current Commission comes up with, what is the proper definition of what is public purpose.

For which my land can be taken away from me or for that matter my property can be confiscated by the Government even if I am going to get the compensation. For that matter, I would like to recommend again that this current Constitution comes up with....setting up a workable challenging mechanism to start acquisition of such property. What I mean here is that, if my property is to be taken for the good of the public as it is now currently. I should not just be seen to be *poa-ring* there, ati 'ninapoa halafu wananipa ile kitu wanataka. I think I should be left to come up with some argument and challenge that public acquisition order. Mr. Chairman,

Com. Lethome: One more minute, Madam.

Josephine Nyambura: The current parliamentary composition and procedure should be changed to reflect the multi-partyism (inaudible). Amend Section 84 of the current Constitution to avoid insistence on the form of application. To allow one to challenge violation of fundamental rights by simple memorandum still on Bill of Rights. Opposition parties should be obligated to develop a party culture and ideology. Currently, Mr. Chairman, the opposition parties are just there and I think they are having a free right in Parliament. Because once you get in under the ticket of the opposition, it is like you just listen to what the

Government has to say and you don't come up with anything.

I think it is important that the Constitution must insist, now that we are multi-party, these opposition parties come up with culture and ideology. They must have leaders of integrity who play above votes. They must develop a sound manifesto. I am recommending that we create new Constitutional bodies and offices. I know there are various bodies currently but I am thinking of an Electoral Court now that we have also gone Regional. We should have an Electoral Court which should be a permanent feature based on the model of the current High Court and things like those. We should also have in effect an Office of the Ombudsman, we have talked about this for too long. I think it should now be made a reality.

A Human Rights Commission should be there to oversee the reservation of the Constitutional Bill of Rights. Possibly a Supreme Court to tower over the High Court e.t.c. and to uphold and thrive Constitutional aspirations. Mr. Chairman, I do not know who is to police the Constitution as it is now. Apparently, even this Constitution we are all writing and we are going to come up with, nobody knows whether it will ever be effected?

What kind of body do we have up there? I wouldn't want to forget my sisters because we are all supposed to be equal. But I am also aware that this same law we are talking about, the Constitution provides for non-discriminatory by any law in the basis of race, tribe, place of origin and culture. But the provital to that Section Mr. Chairman is what is worrying me and the definition of description in that provital may lead to discrimination. It may be my interpretation, I may not be right Mr. Chairman, but I feel it should be reject and possibly do away with that provital. Because apparently it has got the innuendo of discrimination. Especially where personal laws are concerned, we are talking about marriage, divorce, burial, property succession and so on. Mr. Chairman, I am wondering in the last instance whether this is not a recommendation.

But, I think it is a recommendation in this guide, after this Commission, your Commission Mr. Chairman has forwarded all these things, how much longer are we going to have to wait? Because I think that it is a big issue. How much longer are we going to have to wait for laws to be done when we have been having things like the Law Reform Commission and so on and so forth and all these years we have not seen what they have done. Yet, I think we need this more urgently than anything else. Mr. Chairman, I would like to recommend that your Commission goes ahead and puts a deadline to those other organizations. The person to whom you are recommending this Constitutional Review to, that they also must act within a certain period. Then, please recommend for a policeman to look after those recommendations.

Com. Lethome: Why not a policewoman?

Josephine Nyambura: Police person Mr. Chairman.

Com. Lethome: Thank you very much. Andrew Karimi? Martha Lekoilel. Martha? Hayuko. Kariuki Gitonga. Karibu hapa.

Peter Kamau. James Kigamba. Benson Mbugua. Baada ya huyu, utamfuata mbio mbio. Endelea Kariuki.

Kariuki Gitonga: I am Kariuki wa Gitonga. First Mr. Chairman, I want... and I don't know how this is going to be done, but I think they can (inaudible) for that. A National Constitutional Conference must be constituted so that it can make interim Constitution Reform to oversee the elections. Because now the country is in apostrophe. We don't know what is going to happen after these elections. May be the Constitution will come up with a new structure and we do not know how that structure will be established. So, I think there is a necessity for a National Constitution Conference which include all the interested groups.

Second, there must be the affirmative action for the people with disabilities. Here, I want to say that people with disabilities should be employed according to their abilities.

Third, I want to say that local resources must be in the hands of the local people and the Local Municipality. I cannot understand how a person can come from Netherlands and come to say that a land in Naivasha is his. So this land must be in the hands of the local people and the Local Municipal Council must have the right to tax those foreign investors.

Another thing, all the posts for nomination. All nomination posts elective in the Parliament, Municipality and the Local Authority must be assigned and reserved for those people who are marginalized, the disabled, the communities have been marginalized like the Masai, the Ogiek, the women and the youth. Another thing is that Government should establish and fund all orphans. You can see that many people these days are dying of Aids. Parents are dying of Aids but these children are then left out to frustration and misery. So, I think it is a must that the Government should establish and fund the private and public orphanages.

Last is that mass action must be legalized. Mass action demonstration so that if the Government will not implement these recommendations, we can go to the streets and force the Government to do that. Asanteni.

Com. Lethome: Peaceful mass action?

Kariuki Gitonga: Peaceful mass action. Peaceful and if forced to be cruel, we should do that.

Clapping from the audience.

Com. Lethome: Thank you Mr. Kariuki. Mbugua, it is your turn now. Followed by Stanley Chege. Stanley Chege yuko? Chiuri Baragu? Joseph Ngunjiri. Isaac Kahasho. Haya utamfuata huyu. Endelea.

Michael Mbugua: Kwanza nikuwashukuru wanakamati wa Commission kwa kututembelea hapa area yetu ya Naivasha.

Mimi sina mengi kwa ajili muda umekaribia kukwisha. Yangu ni mawili tu: Ningeomba hii Commission wasimamishe haya mambo ya export. Export kama ya mahindi, maziwa, hiyo ndio imeharibu hii uchumi.

Com. Lethome: Imports ama exports?

Michael Mbugua: Ile inaingia.

Com. Lethome: Ile inaingia.

Michael Mbugua: Hiyo ndiyo imeharibu hii nchi. Kwa mfano kuna magunia mingi za mahindi zinaingia hapa Kenya na wakulima wetu wanakosa mahali pa kuuza. Kama juzi juzi mliona tu maziwa inaingia Kenya. Wakulima wetu hawapati mahali pa kuuza maziwa yao. Vitu mingi ukienda hata saa hii kwa Supermarket utakuta Mchele mwingi umekuja. Hapa tuna Mchele mwingi na huuzwi. Ningeomba Tume hii iangalie hayo mambo.

La pili ni kuhusu mishahara ya Wabunge. Wananchi ndio wanabidi kuongezea hii mishahara ya Wabunge. Juzi wamesema wameongezewa elfu mia sita na walimu wanatetea elfu moja na hawapei. Sasa ningeliza Serikali, haya mambo ya mishahara iondolewe kwa Serikali. Wananchi ndio watakuwa wakiongeza mishahara. Juu wakiendelea namna hiyo watakuwa wakisema milioni kumi kila mwezi.

Com. Lethome: Pendekezo lako ni nini kuhusu nani watasimamia mishahara ya wabunge?

Michael Mbugua: Wenye wako saa hii lakini wasiongeze ingine, iwekwe kwa wananchi. Huo mjadala uwekwe kwa wananchi. Ikiendelea, Wabunge watakuwa wakipata milioni ishirini kila mwezi. Sasa ningeomba hiyo tu.

Ya tatu na ya kumalizia ni hii kutahiriwa kwa wasichana. Hii ningeomba Serikali isimamishe kabisa.

Com. Lethome: Kabila yeyote?

Michael Mbugua: Kila mtu anastahili kujua vile wasichana wake watakaa. Hii Serikali iwache kuingilia kimila. Waswahili walisema 'mwacha mila ni mtumwa.' Sasa siwezi kupangia vile watoto wako watakaa.

Com. Lethome: Unataka wako wakae vipi? Vile unataka wewe.

Michael Mbugua: Mwacha mila ni mtumwa.

Com. Lethome: Kwa hivyo unatakaje?

Michael Mbugua: Kama mama yangu alitahiriwa, hata wangu atatahiriwa.

Laughter from the audience.

Michael Mbugua: Ndio mimi naomba Serikali isimamisha haya mambo.

Com. Muigai: Lakini wewe unaheshimu haki za wengine. Hii ni kusema, hutatoka kwako nyumbani ukataharishe mtoto wa jirani.

Michael Mbugua: Hiyo ni home affairs ya nyumba ingine.

Com. Muigai: Kwa hivyo hiyo mtu asiingilie?

Michael Mbugua: Mtu asiingilie. Asante sana. Sina mengi.

Com. Lethome: Mbugua wewe ni Mwalimu?

Michael Mbugua: Mimi ni mwanasiasa.

Com. Lethome: Isaac Kahasho.

Isaac Kahasho: I am Isaac Kahasho. I am a student at the University and I would like to recommend on a number of things.

Com. Lethome: Isaac, we are very anxious to hear your voice so speak to the microphone so that we can hear you loud and clear.

Isaac Kahasho: I want to recommend on a number of issues or I want to speak on a number of issues. One of the issues I want to address is regarding the Commission or the many taskforces that have been formed everyday. One of the the things I would like to address is regarding the many Commissions that have been formed everyday. I have realized that over the years, there are many Commissions that have been formed ama taskforces. Like we had earlier on the IPPG, we had something like Akiwumi Commission. We have been having many taskforces that have been coming up and one of the things that has been frustrating is that every time we have been forming these Commissions, we have not been having the report. Ama we have not been getting the final report. Because there have been no laws that have been guiding these Commissions.

So, one thing I recommend is that there should be laws that should be guiding these Commissions and that should be guaranteeing these Commissions that when they start, they will eventually end up and give us the report. We are not even very sure whether the CKRC will give us the final report. Because there are no laws in the old Constitution that are guiding these Commissions. So, I will recommend that in future we should have laws in the new Constitution that will give us a guarantee that when a Commission or a taskforce is formed, will give us the final report. That's one of my recommendations.

The other recommendation we should be having...us Kenyans actually we are confused because we are not very sure who is the spokesman within the Commission. Every time we are getting contradiction reports. Somebody is saying this, the other one is saying this. Like in the Review Commission now, the CKRC. We are hearing some saying, we shall finish up, we need extra time, some are saying we shall not finish up. The Chairman is saying that.

We recommend that we should have a spokesman in every Commission. A spokesman in every Commission. I think that one is regarding the Commission. I would like to speak something to do with employment. When we come to Kenya today, we realize that we don't have a minimum wage rate. I would recommend that there should be a minimum wage body. We are not expecting graduates in Kenya to be getting three thousand, four thousand. We should be having a minimum wage rate so that at least we can be able to rejoice and be glad.

The other thing I would like to say, there is a lot of exploitation actually in the working like in the flowers companies around Naivasha. There is a lot of exploitation because there are no rules that are guiding the workers. Workers are working from day one to day thirty without even having a leave, without even having an outing, so this means there is overworking. So, I recommend that there should be laws guiding the employees within the working areas.

Still there is so much exploitation regarding sexual abuse and all these things. We should be having laws that shall state clearly how the workers and employees should be treated in their working places. That is regarding the working condition.

There is another thing that I will still speak about employment. There is insecurity or there is no job guarantee. Every time you hear sacking everywhere, somebody is not having a job security. I recommend that there should be laws as regarding the job security. That is my recommendation as regarding the working conditions. There should be even trade unions within the firms because like now even in the firms, they do not allow trade unions. I recommend that there should be trade unions that should be recognized even by the Government.

I want to come to something I am calling the sovereignty of the three Arms of the Government. I believe my colleague earlier on has stated many things regarding the Executive, the Judiciary and the Legislature. One thing you will realize today is that our President has a lot of powers. He is above the law. I recommend that we should have a President who is under the law. My

recommendation is that the President or the Executive should be free from the Judiciary, there should be something we call the separation of powers. When you speak of the Judiciary, if at all today our President does something wrong, he should be impeached. So, there should be a very clear separation of power. That if at all the President in other Western countries, if at all he does something wrong, he should be impeached. So, I recommend clear separation of powers.

The Judiciary from the appointment of senior men in the Judiciary and in other sectors like the University Vice Chancellors, and all these, they should be chosen by a special body. Not the President, they should be chosen by a special body that has been set. Allow me to speak my last point as regarding the Local Government, I have been observing and seeing that our Local Government like the Mayors and the Councillors, actually when they come to office, they are very very sure that nobody can move them from their offices. So, there is a lot of work that has been neglected. Around you can be able to see all over, no work has been done.

I recommend that, if at all we should judge people by efficiency, if at all the field is concerned, there should be a body from which they should be dissolved. These people should be removed out of office. That is what I recommend. So, I think in the new Constitution, we should be able to get a body that will be able to look at the efficiency of these people. If at all they do not perform within a very articulated time, they should be removed out of office and we should bring people who shall be able to perform. Thank you.

Com. Lethome: May be your teacher has a question for you?

Com. Muigai: No, thank you. He is very eloquent.

Com. Lethome: Just because your teacher won't ask you, I will ask you. You are talking of a Vice Chancellor of the University. Would you like the status quo to be maintained that we have one Councillor for all the public Universities and then in each of the Universities we only have Vice-Chancellors. As a student in one of those institutions of higher learning, what do you recommend?

Isaac Kahasho: I think that one can be better. Not only get one Chancellor. A Chancellor who will be ruling all these public Universities. I think it can work better.

Com. Lethome: How do we put it into place? Through elections, through appointments or.....

Isaac Kahasho: I think that should be done by some of our senior men who should have moral integrity and uprightness.

Com. Lethome: Patrick Ngana. Raphael Gitau. Kuna mobile ambayo iko on. Put it off please. It is affecting our recording.

Jackson Kuta. Jeremiah Tunkoi. Haya endelea.

Jeremiah Tunkoi: Asanteni Bwana Commissioners na wananchi wote kwa jumla. Ninapokaa hapa mbele yenu.

Com. Lethome: Jina?

Jeremiah Tunkoi: Jina ni Jeremiah Tunkoi. Nikiwa hapa mbeleni yenu, nimetoka tu hapa sehemu ya Naivasha, Satellite. Na nimekuja hapa kuchangia Constitution ingawa sasa Serikali iliyoko mbeleni, we have to say that it is the same as a cup without a handle. That is the same as the Constitution that we were having before. Kwa hivyo sasa ningependekeza kuongea juu ya Constitution ambayo tutaenda kuunda mahali tuko sasa.

Ningependa Serikali yetu ile tulikuwa naye, nguvu yake yote imeelekea kwa Urais. Ndipo basi hata viongozi wale wengine wako maidara tofauti tofauti hawana nguvu yaani kulingana na kazi yao. Na ndipo basi hata ufisadi umeingia ndani ya Serikali yetu. Kwa hivyo mimi napendelea ya kwamba tuwe na nyumba mbili, yaani Senate na hiyo nyumba ingine. Ili tupate mahali pa kuingia tunapona kuna makosa pande ile.

Ya pili, ninatoka kuongea juu ya mali ya asili. Nchi yetu tuko na mali mingi, ingawa Serikali ile tuko nayo sasa, haiangalii wananchi vilivyo. Mali tuko na mali mingi. Kwa mfano kwa ufupi. Hata mahali tunaishi hapa Naivasha. Yaani tuko na hiyo ziwa, mnajua ya kwamba hata samaki ziko. Hata Wazungu walikuja kufuruga huko ndio wanachagua wale watakuwa wakitoa samaki. Kwa nini? And we are the Africans.

Com. Lethome: Unapendekeza nini?

Jeremiah Tunkoi: Mimi napendekeza hivi, there are enough Africans to look after fishing in this lake. Wachaguliwe badala ya Wazungu kusimamia hiyo kazi.

Com. Lethome: Kwa hivyo Natural Resources zisimamiliwe na wenyeji.

Jeremiah Tunkoi: Yes. That is true. Halafu tena mimi nataka kuingilia upande wa ardhi. Tuko na ardhi ya kutosha mahali tuko hapa Nakuru. Isipokuwa watu wanakalia kwa mawazo yao wenyewe. Sasa vile mimi nataka kusema, Wakoloni wametoka kwa ajili tumepata uhuru. Kwa mfano kwa ufupi, sisi Wamasai hatujauona uhuru wa ardhi. Unless kama wazee wa babu zetu wameona, lakini sisi hatujawahi kuona uhuru wa ardhi.

Com. Lethome: Pendekezo lako ni gani?

Jeremiah Tunkoi: Kwa sababu hii, watu kama wa Delamere, wale wengine walihama Satellite, bado hatujapatiwa mashamba.

Com. Lethome: Pendekeza.

Jeremiah Tunkoi: Kwa hivyo sasa mahali tulikuwa nao hapo mbeleni, awapatie wenyewe. Wale wanakaa mahali hapo. Ile ingine mimi nataka kuingia ni utamaduni. Utamaduni wetu mnajua ya kwamba, hata kama unavaliwa Nyanza ama Nyeri ama Kajiado, utamaduni uko. Mtoto huzaliwa na utamaduni wake na hulelewa na utamaduni wake. Sisi Wamasai tunaona aibu kubwa sana. Watu wanaingia kwa utamaduni wetu. Watu wengine wanasonga sisi bila nguo. Watu wengine wanafanya vitendo mbaya sana.

Tunataka kuanzia Katiba ya sasa, yaani ile Wizara inayosimamia utamaduni, ichague kwa kila mahali yule mtu anaelewa utamaduni wao. Kama ni mtu anakaa Nyeri, yaani ichaguliwe Mkikuyu asimamiwe Nyeri kwa vile anaelewa Wakikuyu. Kama ni mtu anakaa Narok, achaguliwe kutoka huko. Ili tuheshimu kila mtu utamaduni ya wengine. Waluo wanasema tusitahirishe wasichana. Sisi tunakataa hiyo ni dhambi, na ni kweli kwetu. Kwa vile ninasema ya kwamba sisi tuko na desturi ya mwanzo na tunaonyesha hiyo kutahirishwa kwa msichana au kijana, umeingia sasa stage ya mtu mzima. Sasa hiyo ni desturi yetu. Sisi tutahirishe wasichana wetu. Nyinyi Wakikuyu muache, wengine Waluo muache, Wakamba ni vile vile. Lakini hiyo sasa ni desturi yetu. Utamaduni wetu.

Com. Lethome: Kila mila iheshimiwe na utamaduni wake.

Jeremiah Tunkoi: Sawa. Ile ingine ambayo nataka kumaliza yaani my last point.

Clapping from the audience.

Jeremiah Tunkoi: Mimi nataka kusema hivi. Yaani vile tuko sasa, Serikali imetugawanya na nyinyi ndio Ma-Commissioners wetu mkiwa watu aina mbali mbali. Sasa ni jukumu lenu nyinyi Wakenya, kama mtatuweka kwa njia inayostahili ama nyinyi mtafanya kama hiyo Serikali iliyopita. Mimi nimemaliza.

Com. Lethome: Ngoja. In your last point, umesema kuwa Serikali imewagawanya. Unakusudia nyinyi kama Wamasai ama Wakenya wote?

Jeremiah Tunkoi: Wakenya wote kwa jumla.

Com. Lethome: Unapendekeza kitu gani?

Jeremiah Tunkoi: Mimi napendekeza nyinyi Ma-Commissioners wetu mjaribu kutusikiza sisi ili mpate kitu ambacho kitatuweka sisi pamoja.

Com. Lethome: Sasa unapendekeza *Majimbo* ama Serikali ya...

Jeremiah Tunkoi: Mimi napendekeza *Majimbo*, kila mtu akae kwake.

Clapping from the audience.

Com. Lethome: Tumsikizeni mwingine sasa. Sema jina lako na uanze.

Catechist Bernadette Makori: Asante. Majina yangu ni Catechist Bernadette Likona Makori. Kwanza nachukua nafasi hii kushukuru Commission yetu na hasa kwa kutupa hii siku ili tuweze kutoa maoni yetu. Nafikiria sehemu yangu nitagusia kidogo hasa juu ya wafanyikazi na nina mapendekezo kadha. Ya kwanza kwa wafanyikazi. Katika Katiba yetu kuwe na sheria ya kuwa mfanyikazi awe na uhuru wa kuweza kuongea anapofinywa na kusikilizwa.

Pili, kuwe na sheria ya kuwa mfanyikazi afundishwe juu ya hatari iliyoko katika sehemu yake ya kufanya kazi na njia ya kuepukana na hatari hiyo. Kwa mfano kama kume kumepigwa madawa kwa mimea, lazima ijulikane ama yule mfanyikazi ajulishwe imalize masaa kumi na mawili kabla ya yule mfanyikazi hajaingia sehemu ile ya kufanya kazi.

Tatu, kuwe na sheria ya kuwa kila mfanyikazi awe wa mashamba, awe mfanyikazi wa kanisa, lazima awe mwanachama wa N.S.S.F. na wa Union. Iwe sheria. Katika Katiba yetu, sheria hiyo iwekwe ya kwamba mfanyikazi yeyote awe ni wa kanisa awe ni wa kampuni awe mwanachama wa N.S.S.F na mwanachama wa Union.

Nne, kuwe na sheria ya kuwa mfanyakazi kama amekuwa mgonjwa na ametibiwa kwa company zile ziko na mahospitali, na hajasikia vizuri. Apewe uhuru wa kuweza kuenda hospitali anayotaka mwenyewe na kampuni ama kanisa igharamie matibabu yake.

Kama mfanyikazi huyu amelemaa kwa kazi, labda amepata ajali kwa kazi amelemaa, ama amepata madhara fulani kwa kazi, kuwe na sheria ya kwamba lazima company ile igharamie mahitaji yake. Kama amelemaa kabisa basi maisha yake yote, company ile ijue ataishi namna gani.

Kuwe na sheria ya kuwa mfanyikazi kwa zile company ambazo zinapeana manyumba, mfanyikazi apewe nyumba moja. Sio kuwekwa kwa nyumba watu watatu ama wawili. Na kama mtu ako na watoto basi aruhusiwe kukodisha nyumba nje na apewe house allowance na traveling allowance.

Sita, kuwe na sheria ya kuwa hii Commission ya Human Rights iwe ikifundisha wafanyikazi na wananchi wote kwa jumla juu ya haki sawa inapohitajika. Wasiwe wakizuiwa, Human Rights Commission. Iwe ni sheria ya kwamba wawe wakifundisha wananchi, wawe wakifundisha wafanyikazi juu ya haki sawa.

Seven, kuwe na sheria, kila Mkenya ambaye ako na miaka kumi na nane na zaidi, lazima awe na kazi. Awe amepewa kazi. Kama hana kazi, then Serikali impatie mshahara kidogo wa kuweza kuendeleza maisha yake.

Clapping from the audience

Eight, ningependa kuzungumza juu ya Wabunge. Kuwe na sheria kwamba, kama Mbunge amechaguliwa na anaonekana katika sehemu yake ile anawakilisha, afanye kazi vizuri. Basi wale wananchi wanaweza kupiga kelele na uchaguzi ufanywe hata kama muhula hujafika. Kuwe na sheria hiyo.

Clapping from the audience.

Juu ya Katiba. Kuwe na sheria ya kwamba Katiba ya Kenya iandikwe kwa Kiingereza na Kiswahili. Pia iwe ya bei chini eti mwananchi wa chini kabisa anaweza kununua.

Ten, kuwe na sheria ya kuwa Katiba ya Kenya iwe inafundishwa katika shule. Kwanzia Primary mpaka Secondary ili watu wakiendelea kuishi wawe wanajua maisha yao iko namna gani.

Clapping from the audience.

Eleven, kuwe na sheria ya kuwa mwaka wa uchaguzi, katika Katiba yetu iwekwe hiyo. Mwaka wa Uchaguzi kwanzia January, watu wawe huru kwendelea kuchukua kura mpaka ile wiki moja ya mwisho ya Uchaguzi. Na pia hapa tuwe tumejua mwaka mmoja nyuma ya kwamba Uchaguzi utafanywa tarehe fulani, siku fulani, mwezi fulani.

Twelve, katika Katiba yetu ya Kenya kuwe na sheria ya kwamba, madaktari wa Serikali walipwe mishahara mizuri na wapewe magari mazuri. I underline this. Wapewe magari mazuri, sio magari kuu kuu. Na kuwe na sheria ya kwamba daktari ama bibi yake asiwe na private hospital. Kwa sababu akiwa na private hospitali hatajali kuchukua madawa upande ule mwingine.

Thirteen ambayo ni ya mwisho. Kuwe na sheria kuwa, Kanisa liwe na uhuru wa kukosoa Serikali inapokosea na Kanisa lisiwe likidhulumiwa ama kuuawa kwa ajili ya kukosoa Serikali. Asante sana.

Com. Lethome: Asante sana Catechist. Karibu huku. Edward Nzovu. Karibu. Afuatwe na J. Limuire. Yuko? A. Maliachi. Maliachi yuko? Moses Njoroge. Utamfuata huyu.

Edward Nzovu : My names are Edward Nzovu. I am a correspondent, I report with the local dailies. My presentation will be based on three factors. I want to talk about land and powers of the President and the coming general elections. In a country where the bulk of population is agricultural based, a comprehensive policy on land ownership and land laws should be factors as part of the process. The Mau Mau war of independence was fought on the land issue. In 1992, ethnic clashes saw land being used as an excuse to execute the clashes. In my view, the Commission should recommend the setting up of a tribunal to audit allotment of public land including forest land.

Clapping from the audience.

Over the years and especially the last two decades, certain levels of abuse of power by the President. (inaudible) down to the works of the Local Authorities in adjusting the way of (inaudible) for individuals through allotment of public land including Government houses in urban areas. The President and the Government should retain all public land in substitute for Kenyan people. The extent in which that clause has been bleached to buy political patronage and put wealth in to the pockets of a few people, must be established by tribunal or that be opened (inaudible). All those who have been treated unjustly must return the land or pay the market equivalent in value as at the time of acquisition. Justice must be done to the public as legal beneficiaries of the public properties.

Two, Human and Economic Rights: The armpit of Human Rights or Bill of Rights in the new Constitution should be widened to include as part of the Constitutional right of the Citizen, the right to decent housing, adequate food, housing, access to equitable health, education, security, jobs and the right to live in dignity. Free from want of any basic necessities. Such puddles of Economic Rights which make life bearable should be included in the Constitution provision relating to Human Rights.

Now the critical issue at the moment is the elections and Kenyans want elections. I am proposing that an interim Constitution addressing Constitutional and Electoral reforms which will enable us to have free and fair elections on time and which will close the loopholes for stealing of elections by those in power is what is needed. Such a Constitution and Electoral Reforms would include the following:

1. That the winning Presidential candidate, garners more than fifty per cent of the votes cast in addition to twenty five percent in five provinces requirement. If no winner emerges in the first round, a run off be held between the two top candidates, in which event a simple majority will decide the issue.
2. That there be more equitable distribution of Electoral constituencies combined with a mixed proportional

representation. This will accommodate Affirmative Action for disadvantaged groups like the physically challenged, minority groups, women and special interests.

3. That the Electoral Commission be re-structured and professionalized consisting of not more than nine members vetted by two third majority of Parliament. The restructured Commission be vested with the Executive powers to enable it to oversee the holding of free and fair elections independent of the Executive. Thank you.

Com. Lethome: A question for you.

Com. Bishop Njoroge: You are suggesting that we come up with an interim Constitution. Who is going to work out on this interim Constitution? Is it the Commission or Parliament?

Edward Nzovu : Infact, Kenyans are questioning the competence of the Commission that may come up with a fully independent proposals to level the ground for the elections. I am also proposing that may be the elections should not be connected to the Review Process.

Com. Lethome: Thank you Edward. Njoroge? Afuatwe na Moses Makiondo. Moses yuko? David Kikashi? Johana Gitau? Kibaya P. Muchoki. Ndio Mzee ule? Haya endelea.

Moses Njoroge: Thank you Mr. Chairman and before I start on my recommendation, there is one issue may be I would have liked to be clarified by the Commission. Since as you are seated there you look very serious on the issue and as things have been going by, there was a time that we had been told that all that we were doing cannot be completed by September and the Commission required more time upto May. Now again we are told that this work can be done upto September. To some of us, there seems to be a kind of political game and this is the kind of an assurance may be we would have liked so that the things that we are contributing, we know that we are doing a serious issue to our nation.

Com. Muigai: There are two separate issues that the public is confused in, probably because it is confused in the press. Drafting the proposals of the Constitution is one job, with it will go the report of the process that we are now engaged in. But different from that, is the process of taking that draft to a National Conference where it will be discussed by six hundred and ninety delegates. Two hundred and thirty of those are MPs. Twenty nine of those are Commissioners. The others are elected by representatives of Civic groups, trade unions, churches, workers organizations and so on. After the National Constituency Conference, if there is no agreement on the format of the Constitution, there will be a referendum. Then, the final agreement is which the Constitution will go to Parliament. So, when sometimes it is said that the work of the Commission can finish in September. That is the draft of the Constitution. Let me explain in Kiswahili.

Kuna swali muhimu sana ambalo limeulizwa na huyu ndugu ambaye anangojea kutoa maoni yake. Na nimeonelea ni vizuri

nizungumze kwa Kiswahili ndio kila mtu aelewe. Ameuliza, ni kwa nini magazeti na redio na Wabunge wanasema kwamba hii Katiba itatengenezwa na kumalizika mwezi wa September mwaka huu na wengine wanasema haiwezi kumalizika mpaka ingojee mwaka ujao? Kitu cha kwanza ningependa mjue ni kwamba; hii kazi ya kuandika Katiba haiendelei kulingana na vile sisi Ma-Commissioner tunataka au vile Wabunge wanataka. Kuna sheria ambayo ilipitishwa na Bunge. Hiyo sheria inaitwa Constitution of Kenya Review Act. Kwa hivyo sisi tunafuata yale maagizo ya sheria hiyo. Hiyo sheria inasema, wakati Tume ya Katiba itamaliza kuzunguka Kenya yote, na kwenda katika constituencies zote, itaketi chini na kuchora Katiba mpya na kutengeneza ripoti itakayoonyesha Naivasha watu walisema hivi, Kisumu watu walisema hivi, Nakuru watu walisema vile. Hiyo kazi ndio inatakiwa imalizwe katika mwezi wa tisa. Na hiyo ndio gazeti inasema na mwenyekiti wa Tume amesema kuna draft na itakuwa imemalizwa mwezi wa tisa.

Wiki ijao ndio wiki ya mwisho sisi kama Tume kutembea nchini. Wiki ijao tutaenda kule Western Province na tutaketi huko wiki moja. Tukirudi Nairobi, tutaketi chini na tuanze kazi ya kuandika. Walakini, huo sio mwisho wa hii kazi kwa sababu tukitengeneza Katiba sheria inasema, tutawarudishia nyinyi wananchi na tuwapatie siku sitini. Katiba iletwe hapa Naivasha, iwekwe kwa Kizungu na kwa Kiswahili na ripoti yake halafu mpewe siku sitini msome.

Katika siku hizo sitini, sisi tutarudi hapa na kuzungumza na nyinyi juu ya yale yaliyoko kwa Katiba. Kwa mfano wale watu watakuwa wanataka Majimbo, watauliza, 'hebu tueleze vile mmeandika hapa kisheria kama hii inasimamia Majimbo au haisimamii.' Mnaelewa? Tutafanya hivyo kwa siku sitini. Ndio tutakutana Nairobi, watu mia sita, wale nimesema hapo mbele. Na ile Katiba sasa itapelekwa kwa hiyo Tume tunaita National Constitutional Conference. Wabunge watakuwako, watu ambao watatumwa na County Council watakuwako. Watu wa vyama vya siasa watakuwako, akina mama watakuwako, vijana watakuwako na wengineo. Watu mia ngapi? Mia sita. Sasa hao watu ndio wataangalia ile Katiba waseme, 'tunakubali, au hatukubali' au ondoa hii, weka hii na vinginevyo.

Wakisikizana, hiyo Katiba itaenda moja kwa moja Bunge na ipitishwe. Na itakuwa Katiba ya Kenya. Tukiketi huko na tukose kusikizana, Katiba itarudishwa kwenu wananchi kwa ile tunaita kura ya maoni 'referendum'. Itarudi kwenu na mtaitwa pahali huwa mnapigia kura na mtaambiwa hii ndio Katiba mpya ya Kenya na maswali ambayo hawakubaliana ni yafuatayo. Tuondoe Ma DO, na Ma Chief, tuondoe President tulete Prime Minister, tuweke Majimbo na mengineyo. Halafu watasema weka ndio au la. Hiyo Katiba ikishindwa kwa kura ya maoni, itaangamia na ile kazi yote tumefanya miaka miwili itakwisha. Nyinyi ndio mtasema ndio au la. Unaelewa?

Nyinyi mkisema ndio tumekubali, itaenda Bunge, itapitishwa halafu itakuwa Katiba ya Kenya. Sasa nyinyi wenyewe mnaona kama hiyo ni kazi ya wiki mbili au ni ya wiki tatu, au ni ya miezi tatu au ni ya miezi sita. Mnaelewa? Kwa hivi sasa, Tume yetu imesema sisi tunaonelea ya kwamba itakuwa ni vingumu sana, si kutengeneza draft. Mnaelewa? Kutengeneza draft hakuna shida. Si kutengeneza draft. Draft itakuwa tayari mwezi wa tisa. Ile kitu sisi tumesema itakuwa ngumu ni kazi ya kuchagua wale watu wote ambao watakuja National Conference. Halafu tukishafanya kazi ya kuwakusanya wote, tumesema ni vingumu

kusema kama kwa National Conference, tutakuwako wiki moja, au wiki mbili, au wiki nne au mwezi mmoja au miezi mitatu. Mmeelewa? Sisi wenyewe tukasema tunafikiria tukiongezwa muda mpaka May next year, hiyo kazi pengine itakuwa imekwisha.

Lakini si kazi ya Tume kujiongeza muda, ni kazi ya Bunge. Bunge ikisema ‘hapana, hatutaki hiyo kazi mnapoteza, leteni ripoti yenu, tutaendelea naye.’ Tutafanya nini? Si tutapeleka ripoti. Bunge ikisema tunataka kuwaongeza muda lakini hata sisi tunataka kujiongeza. Tutafanya nini? Mmeelewa? Kwa hivyo ningependa wananchi mjue kazi ya kumaliza, kuandika maoni yenu itakamilika mwisho wa mwezi wa tisa. Na hiyo Katiba mtakuja hapa hapa, na muitishe na muione. Ie kazi ambayo hatuwezi kuwaambia itaisha kwa sababu hatujui ni kazi ambayo inawahusu wanasiasa. Umeelewa ndugu? Kuna mtu ambaye hakuelewa? Umeelewa? Kwa hivyo swali kama, Kenya itaenda kwa kufanya....tutafanya kura ya mwaka huu kwa Constitution mpya au ya zamani. Hiyo sisi hatujui.

Kwa sababu hali ya kuita elections ni kazi ya President. Anaweza kuita elections kesho. Akiita elections kesho, sisi tutaendelea na kazi yetu. Lakini hatuwezi kuwa na National Conference kwa sababu wale watu mia sita nimesema lazima wawe kwa National Conference, watu mia mbili ni Wabunge. Ikiwa hakuna Bunge, unaweza kuwa na National Conference? Hapana. Hata tukitengeneza Katiba leo usiku na iwe tayari, na twende National Conference na tusikizane, halafu Bunge ivunjwe, nani atapitisha Katiba? Mnaelewa? Kwa hivyo tuko pamoja. Kwa hivyo ile kazi yetu.....kuna Mzee ana swali ndio tuendelee na huyu ndugu.

Moses Gitonga: Wana-Commissioners tuko na imani na kazi mnayofanya lakini haya maswali ya kugonganisha baina ya Uchaguzi na Katiba, hii inasumbua watu sana. Umesema ile Constitution Review Act ambayo imeleta nyinyi hapa, ndani ya hiyo Constitution Act, iko pahali ilisema, kama hii kazi haitakwisha, haiwezi (inaudible). Kwa sababu umesema hapa, Bunge ikivunjwa hakuna mapya katika Katiba. I believe hata ikivunjwa, mkiendelea na kazi yenu, tunachaguana and the next Parliament to proceed on.

Clapping from the audience.

Com. Muigai: Huo ni ukweli. Hakuna mtu ako na shida na hiyo. Hiyo ni ukweli kabisa. Kwa hivyo tufanye hivi Mzee vile tumesikizana, tumesikia yale umeyasema na sisi tunakubaliana na wewe. Sisi tulichaguliwa kuandika Katiba mpya, tunaendelea na hiyo kazi. Hatukuandikwa na Bunge hii au ile au ingine. Lakini hayo maneno yote sasa ni nyinyi Wananchi na Wabunge wenu. Tumeelewana? Kwa hivyo kwa hivi sasa tuendelee na kutoa maoni ambayo yatatusaidia sisi kutengeneza ile draft ndio ikifika kati ya September, nyinyi mje kwa ofisi yetu hapa Naivasha, msemi ‘tupatieni ile draft tuangalie maneno yake.’ In the meantime, mnaweza kuita Mbunge wenu mumwambie, ‘wewe hatutaki mambo ya haya au yale ama mengineyo.’ Tumeelewana? Ndio tuwache mambo ya Katiba iwe kando na mambo ya Uchaguzi yawe kando. Asanteni sana kwa uvumilifu wenu. Sasa endelea.

Moses Njoroge: Asante sana kwa hayo maelezo. Langu la kwanza lilikuwa juu ya elimu. Jina ni Moses Njoroge. Kama ilivyopitishwa kwenye Bunge katika sheria kuhusu watoto, ni lazima kila mtoto katika jamhuri ya Kenya apate elimu. Hili haliwezekani kwa hivyo ningependekeza, kama hakuna pesa za kuelimisha ama Serikali haiwezi kupata hizi pesa, iuze mashirika iliyonayo pamoja na miradi ambayo haina maana katika nchi hii. Nikipa kwa mfano pengine uwanja wa ndege ambao ulijengwa na pengine hutumiki kikamilifu. Yale mabillioni ya pesa yakiuzwa yataweza kujenga shule mingi katika sehemu ambazo hazina shule. Kwa sababu ni afadhali kuwa na watoto wengi waliosoma bila kazi badala ya watoto wengi ambao hawajasoma na hawana kazi.

Lingine sehemu za uakilishi Bungeni, zingine ni ndogo sana na wale Wabunge kwa sababu ya kazi kuwa chache ndio kunakuwa na vita vya kisiasa. Na ningependekeza ya kwamba zile sehemu za Ubunge ama constituencies zikuwe reduced ili Wabunge wawe na sehemu kubwa za uakilishi Bungeni ili wawe na kazi mingi. Ili vile vita vya kisiasa vipungue na zile pesa zitakazosalia zitaweza kupelekwa katika Wizara ya Elimu, watoto wengi wataweza kuwa shuleni. Tutapunguza watoto walioko barabarani na nchi ikiwa na wale walioelimika, pia itaendelea.

Pia katika upande wa Wizara, kuwe na fixed number of Ministries ambazo zinaweza ongezwa peke yake na Bunge. Zisije zikaongezwa na mtu ama Rais. Iwe ni Bunge ambayo inaweza ongeza idara za Serikali. Katika kuitisha Uchaguzi kuwe chini ya Electoral Commission of Kenya. Kusikuwe.....hiyo sheria ya kuitisha Uchaguzi, iondolewe kutoka kwa Rais, iwekwe katika Electoral Commission of Kenya. Pia hiyo iwe ndio inaweza kumaliza Bunge ama kuitisha Bunge. Kwa sababu hapa yaonekana ya kwamba ikiwa vile, mambo mengi kisiasa hayaendi vizuri.

La mwisho, Serikali ambayo iko kwenye mamlaka, wananchi wapewe jukumu la ku-censor. Kwa mfano, ikiwa Serikali imeweka policy ambayo haiwezi implement ama imesema jambo ambalo ni la uwongo. Jambo ambalo haikutimiza, iondolewe kwa njia yeyote ile inayowezekana. Kwa mfano; walivyoahidia pesa ambazo walijua hawatazipata, hiyo Serikali haingepewa muda baada ya kusema haingeweza kutimiza lile. Ingetimuliwa kwa njia zozote ziwezekanavyo.

Clapping from the audience.

Ili kuwe na Serikali ambayo ni accountable and which makes policies that are implementable.

La mwisho, since the Constitution ni moja ya symbol za National Unity, plus education and other things, I would also recommend a Government of National Unity where Majimbo is not given a place kwa sababu itagawanya wananchi. Na tutakosa kuwa kitu kimoja. Tutaanza kusema mimi ni wa jimbo hili, jimbo lile lingine na Ukenya utaisha. Kwa hayo asante.

Com. Lethome: Asante sana Moses. Ningependa tu kuwaambia msione ajabu Commissioners wengine wametoka, tumepata

msiba sasa hivi. One of the Commissioners has passed away, we've just received a call. Mmoja wetu, the first Vice-Chairperson, Doctor Ooki Ombaka has just passed away. Ndio unaona kidogo tumeshughulishwa na habari za huzuni sana kwetu sisi. Tuendeleeni. Muchoki Kibaya? Henry Kamau. Joseph Murimi? Karibu. Clement Kimani yuko? Haya utamfuata huyu.

Joseph Murimi: My names are Joseph Murimi Muire. I live at Longonot. I have come here just for one thing. The reduction as I had stated at Mai Mahiu of the Presidential powers. I had said and I repeat that the Parliament should be Supreme and if the President makes a mistake, the Parliament should have power to impeach the President. He should not be above the law. Section 11 of the Constitution of Kenya should be scrapped. The National Resources should be shared equitably. That is those people lying idle should be taken by the Government and be re-distributed to the poor. Nobody should die of hunger. We should have a Government that is responsible and accountable and should see to it that anybody who goes hungry, it is the responsibility of the Government to feed its population.

Com. Lethome: Thank you Murimi. Clement? Afuatwe na Peter Moshu.

Clement Kimani: Honourable Commissioner, my name is Clement Kimani from Longonot. I have come all this way to come and contribute my views towards our Constitution making.

1. Kenya should have a Unitary type of Government with an Executive President who should not be above the law and who can be impeached.
2. Kenya should have an independent Judicial system, independent Electoral Commission, Judges and Electoral Commissioners should be appointed by the President and approved by the Parliament through majority votes. In that I mean two thirds majority votes.
3. All appointees, Heads of departments and Parastatal bodies, their names should be gazetted and taken to Parliament for Legislator's approval.
4. Kenya is a poor country and it should not have the position of a Prime Minister. Today in Kenya we have domestic problems and issues to be addressed, example poverty eradication, poor infrastructure, epidemic H.I.V. Aids, education and our society's main disease corruption.
5. From the Assistant Chiefs to the rank of a PC, those offices should be elective.
6. Smaller tribes in Kenya, the disabled persons and Kenyans of European and Asian origins should be given a special

chance to elect their own representatives.

7. All Kenyans from all walks of life should declare their wealth and show record of how they obtained their billions in just a short period. Mostly it should affect politicians and civil servants. Back in 1963, we didn't have billionaires in Kenya neither very poor people or street children.
8. Property belonging to the State, acquired through fishy* deals should be returned to the State and to its former use.
9. In the ethnic clashes issue, through my perception, it was political to (inaudible) some tribes not to vote in some specified areas. Now, it is ten years since the first attacks, the perpetrators of these hideous behaviours are still enjoying life undisturbed. Akiwumi Commission findings were withheld. Why? There is a prohibitive between tribes affected. No matter how we write the new Constitution and these psychopathic killers are not put to justice, Kenya will never be the same again. Bad picture will never come out from those affected, their friends and relatives.
10. Cattle rustling should be punished by death. Rustlers use modern weapons, they kill, maim, rape women and female children. If today we are hanging a robber who has robbed a wristwatch, why not the ones who are armed with arrows, rungas, spears and guns?
11. In the question of President's education. It is not hesitant for the latter to have a University degree. We know people the like of James Gared, John Major, even the great (inaudible) Churchill and the many others who never held a University degree and they ruled effectively. What we need is ability to lead but not a selfish leader with degrees. Can we compare Kenya with Britain in education? Kenya belongs to all people regardless of their academic backgrounds.
12. In education issue, the Government should reduce school fees in Secondary schools and give those bright children from poor family a chance to education.
13. Domestic violence committed against women and children should be punished severely. Rape should be punished by death. In security matters, police officers who are between eighteen years and thirty five should be retrained by experts. Mostly concerning the use of fire arms and corruption. Those over thirty five years should be (inaudible)
14. Administration policemen should not carry guns for their bad records in using their guns.
15. Police officers dealing with hardcore criminals should use minimum force which doesnot harm or kill the suspect. ‘
16. Kenya should have a very small army and all Kenyan youths from the age of eighteen years should serve a compulsory

two year time in the army. Thank you Commissioners.

Com. Lethome: Peter Moshu. Afuatwe na Francis Mureithi. Father Francis Mureithi. Moshu endelea. Maina Kung'u.

Peter Moshu Karanja: Mimi naitwa Peter Moshu Karanja na mimi ni mkaaji wa hapa town Naivasha. Mimi nitaongea juu ya uongozi wa President. Nitaongea juu ya Wajumbe na vile vile Commissioner wa ardhi kwa sababu yeye ndiye anaharibu kila kitu katika hii Kenya. Nataka kusema maoni yangu juu ya President, awe ni mtu anaweza shtakiwa wakati wowote. Sio kungojea wakati mambo imeharibika na ametoka kwa kiti, sasa ndio mnajaribu kum-chase. Mambo ya wajumbe, ni mara mingi sana tunasikia kwa redio, Bunge iliahilishwa kwa sababu hakukuwa na Wabunge wa kutosha katika Bunge. Wabunge wawe ni watu wa kukaa Bungeni na isiwe ni watu ambao wako na kazi zingine. Wawe wakiingia kwa Bunge saa mbili asubuhi, wanaenda lunch, wanarudi kwa Bunge, wanafanya ile kazi tuliwatuma. Sio saa yote unakuta Mbunge ni Wakili, Mbunge ni mfanyibiashara awe ni mtu wa kazi ambayo ameuliza atumikie raia.

Clapping from the audience.

Mambo ya Commissioner wa ardhi. Commissioner wa ardhi awe ni mtu ameuliza kazi kupitia Bunge. Sio mtu wa kuteuliwa na mtu. Kwa sababu akiteuliwa na mtu, huwa hakuna mtu mwingine yeyote anaweza kuuliza yeye swali. Iwe ni kitu inakuwa advertised, watu wana-apply, yule anakuwa qualified, anakuwa interviewed na Bunge, anapatikana anaweza fanya ile kazi. Akishapatiwa kazi inakuwa ni contract. Na akiharibu kazi yake kabla hajamaliza kipindi chake, anafutwa na anashtakiwa. Si kupatiana misitu yetu vile anataka kwa sababu hakuna mtu anamuuliza swali.

Clapping from the audience.

Mambo ya mazingira: Katika misitu yetu tukitembea kila pahali zamani watu walikuwa wanapanda miti na walimia hiyo miti na wanakaa kwa ile kichaka. Kwa hivyo hakukuwa na ukosefu wa miti, sasa Serikali ilifukuza watu kutoka kwa misitu na hawaipandi miti. Watu waruhusiwe walime misitu, wapate chakula, wakati ule hakukuwa na shida ya chakula. Wapate chakula na miti haitakosekana na miti itapatikana kwa wingi.

Mambo ya utawala wa mikoja: Ma-Chief na Ma-DO, hiyo ni kitu inaweza sahaulika. Kwa sababu sasa DC hawana kazi tena. Tuwe tukichagua wazee ambao si Ma-Chief. Wazee ambao wameajiriwa na community. Ndio wanaweza kukalia ile kiti ya Chief mpaka kwa PC. Isiwe ni PC ambaye ametoka pande ya Nyanza, ndiye anaenda kujua mambo ya Central Province. Na mambo ya Majimbo hilo si swali inaweza ongewa juu ya Majimbo kwa sababu kila mtu anastahili kukaa pahali popote Kenya kutoka Kisumu mpaka wapi.

Clapping from the audience.

Vile vile nitaongea juu ya mishahara. Wabunge wasiwe ni watu wanajiongezea mishahara vile wanataka. Mtu akilala akifikiria kesho tunastahili kuongezwa mishahara anaweka hiyo motion kwa Bunge, kuwe na Tume ya kukagua mishahara ya Wabunge na vile vile ya wafanyikazi wote wa Serikali. Kama mishahara inaongezwa iongezwe kwa kila mtu.

Mambo ya Auditor Mkuu wa Serikali. Auditor Mkuu wa Serikali, imekuwa ni desturi yetu ni kuweka hesabu kwa meza, mlilula bilioni na hakuna mtu anafuata. Kama mtu ameshakula mali ya Serikali, Auditor....

Clapping from the audience.

Mambo ya budget: Imekuwa ni desturi, Wabunge wanaingia kwa Bunge wanapitisha kitu na sisi sote tuko na share katika Kenya. Kenya ni yetu na sisi ni shareholder. Tunasomewa budget ambayo hatujui Kenya iko na pesa gapi kwa consolidated funds. Waziri wa Fedha anastahili kutuambia, mwaka huu Kenya tulipata bilioni mia tano. Na tutazitumia hivi na hivi. Lakini sisi hatuomewi zile tumetumia na zile hatujui ziko wapi na hata zingine zimeibwa ama zimepelekwa ng'ambo. Mambo ya....kuna moja nasahau kidogo na ndiyo ya mwisho.

Mambo ya barabara, mambo ya maji kwa sababu hiyo ndio mali asili yetu. Mambo ya barabara, unakuta tunatoa tax kubwa sana na katika dunia inasemekana sisi ndio tunalipa ile tax ya juu sana na huwezi kuuliza barabara imetengeneza namna gani. Si mambo ya Wabunge kuja kututengenezea barabara. Mbunge kazi yake ni kuenda kwa Bunge, anauliza barabara kwa nini haijatengenezwa. Akisha uliza, ni kazi ya Serikali kufuatilia ione ile barabara imetengenezwa. Kama haijatengenezwa, tunaweza stahili kushtaki Mkuu wa Sheria ama Waziri anayehusika. Kwa sababu si barabara ipate mashimo na sisi tunalipa tax na tunalipa yeye mishahara.

Mambo ya maji: Maji ukienda upande wa Nandi hills, maji yote imeenda L. Victoria, inaenda kukuza Mchele Misri halafu tunauziwa hiyo Mchele. Mbona ile maji na ni mali ya asili yetu, tusiitumie hapa nchini, tukuze Mchele, tukuze kila kitu na pamba ili tuweze kuendeleza na kutengeneza kazi hapa katika nchi hii. Nchi hii tuna mali nyingi na hatuhitaji ku-import vitu kutoka ng'ambo ama ku-import kila kitu. Kila kitu kama ni yetu kwanza tuitumie. Tusi-import kile tunacho hapa katika Kenya. Ndio tutakuwa tukifanya kazi na tunaajiri watu na tuna-create kazi nyingi. Asanteni.

Ningependa tu kuwaambia kuhusu maji ya Lake Victoria, hata tulipokuwa Kisumu, watu wanauliza hilo swali, kwa nini hatutumii maji ya L.Victoria kwa irrigation? Kuna watu wanaojua lakini kwa wale hawajui, ningependa kuwaambia ya kuwa kabla hatujapata uhuru, kuna mkataba, treaty ambao ulifanywa baina ya the British Government, the Egyptians and the Sudanese. Ukigusa tu drop ya maji ya L. Victoria ati unamwagilia shamba, umevunja hiyo treaty. We are not allowed to use that water for irrigation because of a treaty that was signed before most of us were born and before Kenya was independent. Kwa hivyo lazima mjue kuna treaty hiyo. Can we now have.....

Peter Moshu Karanja: Excuse me Sir. May be some of us don't understand...(inaudible)

Com. Lethome: That was just for your information.

Peter Moshu Karanja: My point is that if we could cancel some of those treaties that were written before independence. e.g. Lake Victoria and others.

Com. Lethome: Kenyans should think of that now. Agnetta Bwire? Karibu. Afuatwe na Lawrence Odiana. Lawrence yuko? Utamfuata mama.

Agnetta Bwire: Thank you Chairman. My names are Agnetta Bwire. I am a member of a CBO formed by a section of women and I am representing their memorandum. Our introduction, while communities surround the world in the struggle trying to change the political and economic situation, women have never been given the mantle at their personal level of ability. The biggest problem seem to be that women at their capacity have not taken the incentive to push their rights to enable them before run off. Therefore, women seek and are advocating for the inclusion of their Basic Rights in the Constitution and a Government that will practice the rule of law. Constitution framework should have a preamble and this is what the preamble should look like. The preamble will enable to bind the citizens of a particular country and their destiny. It will also describe the values and goals of the country. The following factors should be considered as the guideline for writing a democratic Constitution.

Identity: Who are we? What are our goals, values and principles? Legitimacy even if the citizens have taken part in writing the Constitution. It is important that they know the contents of the final version, understand its rules and apply it in practice.

Institutional framework: A Constitution states out the guideline for establishing the structures of the organizations for a country. It also states the structures and the mechanisms to ensure good relations between the member, ruler and the rule.

Membership: It defines who is a member and who may become a member citizen.

Rights of a member: Member citizens rights are clearly described and understood. An important first step to making sure that the members are able to enjoy their rights.

Duties and responsibilities for members: It has to state down the duties and responsibilities each member has to adhere to and the other membership citizens and to the special ethics covered by the Constitution.

Resource mobilization and utilization: A Constitution also states how the organization shall raise funds and how accurate records

can be kept of these funds as they are used.

Conflicts resolutions: It should provide how conflicts should be resolved.

Resolution: It describes the way of closing down the organization, should it be necessary.

Amendment: A Constitution should enable the organization or a country to change the same Constitution in an efficient and friendly way by providing a set of clear rules for Constitutional amendments.

I am now reading the documents of proof as a Kenyan citizen. What a Kenyan citizen should have as a document of proof. Should have a birth certificate which should be automatic and which should be issued either through the hospital. Such that if a child is born immediately, the hospital or the section concerned processes this document and gets it to the child. Instead of us waiting for our children when they are about to go out, may be they want a passport, then that is the time they are told bring a birth certificate. Or the child is going to Standard one, bring a birth certificate. This should be processed through at birth, once the child is born the hospital should be responsible or the Chief.

National ID cards, the child gets at eighteen. That should also be automatic. Kenyan passports also, we should not wait until we are traveling and immigration permits to have it. Marriage certificates also should be automatic. That should also prove. There should be a way or mechanism to prove that these things are genuine or these documents are genuine. People come here, may be marriage convenience, they say they are married and they have these things.

Basic Rights which is education: In education, the Constitution should make a provision that the Government should establish community libraries and fully equipped libraries in each office school. Libraries should be fully equipped. Free Primary education. You know we are paying a lot of things like activity fee, building fund, maintenance, it is more expensive than when it used to be free. It is not free any more. Equal and adequate number of teachers. You find that there is a school that is favoured, it has more teachers than another school in the rural place because may be a teacher is in good terms with the Education Officer or the Provincial Education Officer.

Have accessibility to schools and community health centers. Near schools there should be health centers where children can be taken whenever they fall sick. Ensure that all schools are upto reasonable standards and also national schools and boardings. In a Province we should have at least three national schools so that we have equal distribution of such kind of schools. Girl-child education or child education should be mandatory and should be a must. There are certain areas in Kenya as it has already been mentioned by some of our members of the community where children don't go to school. This is not because the Government has not put schools there. However few they are, these people want either their children to go and graze or they want their children to get married off. Our Constitution should make sure that every parent takes a child to school regardless of

their culture.

Vulnerable groups: Women, we should have equal participation in matters of importance like national development. Have equal and (inaudible) representation in Constitutional matters which the current doesn't have. I don't know because I have not seen any woman Commissioner here. May be today there are so many Commissioners speaking elsewhere. We would also have had a woman here so that we feel...

Com. Lethome: We have six women and they are scattered...

Agnetta Bwire: Can that number be increased please?

Com. Lethome: In the next Commissions?

Yes. The autonomous in which direction to take during a particular circumstance. Be free to contest and vote in any capacity. Free to contest and vote. We don't want to be intimidated by men. Men or anybody should see a woman as a human being who has the brains and has the capacity also to come out and represent them.

Have Rights enshrined in the Constitution. One-third automatic representation in the Local Authority but I insist that women should come out and contest. They should come out. But whereby a woman has been elected, there should be one third representation.

ID cards should be taken at their own pleasure. When this woman attains the age of eighteen. I should have my ID in my own name. If I am getting married, I should not be forced to use my husband's name. There is a marriage document, that is a marriage certificate. That one should have the name of my husband. But not my ID card. That is my personal identification. Customary marriage should also be witnessed and documented. Because...

Com. Lethome: Wazee nafikiria mnaudhika. Mnaudhika lakini hiyo ni maoni yake.

Agnetta Bwire: Hayo ni maoni yangu wazee. Customary marriage should be witnessed. There are cultures whereby a woman is married, may be has not gone to the church but had a traditional marriage. When the husband dies is disowned in that family and his things are taken away or the property. I therefore recommend that this kind of marriage, traditional or in the church. It should be documented and recognized by the village elders. Disabled persons, women and their Basic Rights. Stigmatization should be abolished to those suffering from any physical impairment and disability. Equal employment opportunities and reservation of some political positions at all ranks. The Constitution should provide for a biliously environment.

The disabled person should be allowed equal access to disabled friends in building elevators, staircases and escalators. Means of transportation and communication should be made accessible to these disabled persons. Voting facilities should also be made comfortable for these persons. Indiscriminate issue of national identification cards. This person though he is able to reach there but we should make also things easy for this person. If he came first, don't look at him like he should be the last person.

Com. Lethome: Two minutes remaining.

Compulsory Kenya sign language instructions and instructors at Primary level, teachers training colleges should then get education teachers. A Braille for the blind is compulsory in schools and legal protection and representation.

Affirmative action should be constitutionalized in political parties and Legislature. The Constitution should support formation of parties with a national outlook in the sense that the party formed and registered should not have less than twenty five representation in all the eight Provinces. Also the number of registered political parties should be limited to three. Limited to three because this is where the tribal linkings come. Twenty parties and twenty languages. But if we are free, people will have to belong to a party and that means that we shall have a mixture of tribes in three parties. Women should also constitute at least one third of each political party representation.

Local Government: Local Government, we should have a Mayor being elected by the people because the people know exactly who has been with the people, who has been close to the people and who knows the problems of the people.

In nomination system, there should be gender balance, when nominating candidates for election and other public offices.

Constitutional Commission: A Constitutional Commission should be in place to oversee and implement the policies of women. There should be reservation in presentation of women and gender development. That means after this Commission, there should be a Commission to oversee and see that what was discussed by the people has been implemented.

I want to say thank you to the Commission and I don't want to forget to say that civic education has not reached many women in Naivasha and I think the Commission should look into it. As long as it still lasts, we need more extension to these people. Thank you.

Com. Lethome: Thank you very much. Peter Thuo. Peter K. Thuo? Yuko? Afuatwe na Moses Gitonga. Nilikuwa nimekuita? Just come. Obiero Lawrence. Watafuatana hivyo hivyo nimewaita. Hakuna shida. Peter atamfuata Obiero.

Obiero Lawrence: Thank you very much Commissioner. Succession and transfer of power. A good Constitution should guarantee for a clear, dignified and orderly process of the transfer of power.

Com. Lethome: We would like you to mention your name because we are recording.

Obiero Lawrence: Thank you very much for that. I had just forgotten. Just because may be seemingly there is no time. I am Obiero Lawrence a resident of Naivasha and working in Naivasha for CIDI International. A good Constitution should guarantee for a clear dignified and orderly process for the transfer of power particularly when elections are being conducted.

During the General Elections, in my view, I would like to propose that it is better for somebody who is not interested in political positions or who is not interested in Presidency; or Vice-Presidency; or any political position, should be acting as President. Preferably, the Speaker of the National Assembly. If that one cannot work with the Speaker of the National Assembly, we have dignified retired Judges. They should be put in place to emphasize their powers during this exercise. When it comes to the security of the previous President, I would like that they be secured and given a pension salaries and staff.

If possible, they represent the country like in organizations like African Union. If possible, the Commission dispense to come with a country of States where he can also be a member. Still we need him to at least advise those who are in power. With that experience we would not like to eliminate him. When it comes to be immune to Law process or in Court processes, deals with previous conduct, this one should be treated with a high questionable standard in that if they fail to defend the rule of the law during their tenure in office. That is up to them, they must be defect the law.

I would like the Constitution to contend the preamble. In the preamble I would like this one to be reflected. Constitution should institute the system of the Government in this case referred to 'Parliamentary Head of a Republic.' With the Republican form of Government to the Regional State should be based on perfect national unity in citizens, should reflect justice without pressure deeds and show domestic tranquility. That is; should provide for common security or defence. Promotion of the welfare of the people, to ensure liberty and prosperity of the electorate. The system of the Government should be secular democratic of State raised upon the rule of the law and the sovereignty of the people. (inaudible) fundamental rights, freedom of expression as citizens. The Constitution should guarantee separation and interdependence of power aimed at achieving social, economic, cultural and satisfactory governance.

I would like to go to the conduct of political parties. The Constitution should regulate the formation, management and conduct of political parties.

- a) The political parties should be free to participate in setting political interests of the people.
- b) To disseminate political ideas, social and economic problems of the national character and sponsor candidates for elections to public offices.

- c) The internal structure of the political party should be democratically principled and should not contravene the Constitution.
- d) A political party must have a founding member in the Executive. A person who qualifies to be elected as a Member of Parliament or to hold any public office. The members of the Executive committee of the political party should be derived from all over Kenya. For nationality reasons and membership shall not be based on ethnic, religious or other sectional divisions.
- e) Political parties may source for their own funds from any source as long as such funds are basically meant to minimize economic poverty by creating income generating activities for the people. The activities must have been approved by the three fourth of the National Assembly.
- f) In law, political party should declare to the public their revenues and assets. The sources of the revenues and assets to public annually. Their audited accounts to the public. To qualify for registration the political party should (inaudible) the Electoral Commission of Kenya with a copy of the Constitution, the name and address of it's national offices and suatisfy the Commission that; the parties name, emblem, colour, motto or any other symbol has no ethnic, regional, religious, influence that give connotations* that confine its activities to only one region of Kenya.

Com. Lethome: I can see you have a thick memorandum. There is no way I can allow you to read that memorandum. Why don't you highlight the recommendations? Don't go into details as we will have that memorandum.

Obiero Lawrence: All Presidential candidates should be given equal airtime and space on the media to reach the people. The Constitution should provide and limit the number of political parties to preferably three. The ruling party, the opposition and an independent party. The parties should be funded from the public funds approved by two thirds of the National Assembly. But, must also submit their audited accounts.

Land and Property Rights: The Constitution should guarantee land to every citizen and should own it anywhere in the country depending on the persuading capacity without restrictions. But a limited number of acres should be allocated by the Constitution to each person. Preferably, eleven acres. Should anyone attain more than eleven acres during the process of this new Constitution, he or she should surrender the rest to the Government or community. Such land can be leased to the private developers at a fee to the Government.

Foreigners or companies in which foreigners have interest should not be allowed to buy land but only to lease them for a period specified under agreement at a fee with the Government or indigineous community at any interval of five years renewable. All

former agreements to such effect should be revoked. For example, I have just heard that there are some agreements with the foreigners, like L. Victoria we have heard. Like Delamere issue in Naivasha. That agreement has been there, land owned by Delamere should be owned by Delamere for nine hundred and ninety nine years since 1963. This of course should now be revoked because it is inconsistent with the face of development and the interests of the modern Kenya.

Clapping from the audience.

The Land Title Deed acquisition should be brought upto divisional level to minimize transport expenses and workload at the headquarters. In issues concerning the transfer of land and inheritance, the customary law should prevail unless explained by a will. The Government may have authority to acquire private land for development reasons incase the land is not being used by the owner or the community. On condition that, the owner shall be compensated an equivalent amount, the affected family or community shall be engaged in form of employment or as a security for some facilities like water or education or medical services. In all cases of illegal allocation of public land, the people and the State should have the power and the right to repossess the land with all the developments thereon. Anybody before, who has more than required land should not be eligible to any public office. Any money related to State Resources owned by politicians or any other person should be returned to consolidated funds. Incase this one cannot happen, such people should not be eligible for any public office.

Management and use of National Resources: (inaudible) revenues use and management of National Resources in the work and should be controlled by the Executive under the supervisory of Parliament and the public at large. But in cases of funds, parliamentary audit team appointed for the responsibility should be in place to investigate at interval of time. Preferably, after every six months, report to the Parliament. Parliament should hold the mandate to otherwise the raising and appropriation of funds.

State Resources should be distributed equally and proportionally in accordance to the population aggregate and in their local procedure. Apart from taxes, Parastatal remittance, Judicial fines, domestic loans, foreign loans at the source of raising funds for the public, the Government should also look at qualities that intensifies the management of the National Parks for tourism attraction. It is also advisable for the Government to involve in the business rather than taxing businessmen. They can even run and manage passenger and cargo aeroplanes, fleets of transport and passenger vehicles across the country or across Africa at large. To make sure that they also generate funds. The Government should find out in case there is any public or private not being developed, so that they can lease them at a fee. So that they can also raise funds through such instinctive instincts. Thank you very much Mr. Commissioner. I think I have just finished.

Com. Lethome: Peter. Afuatwe na Moses Gitonga. Are they here? Are you going to present? Both of you or one of you? Both of you. Okey. You are next the two of you.

Peter K. Thuo: Kwa majina mimi naitwa Peter Thuo kutoka hapa Naivasha. Proposal yangu number moja, that the new Constitution should create a mechanism to guarantee free medical services to under-privileged inpatients and outpatients and affordable consultation fee and (inaudible) for citizens of low income or economical strains.

Number two, that the new Constitution should prohibit nomination of any person rejected by the electorate as a Member of Parliament or a Councilor.

Number three, the Vice President should be elected directly by the people.

Point four, the new Constitution should impose heavy financial penalties on MPs, wishing to defect between general election.

Number five, the new Constitution should establish an Electoral Commission. That is independent politically, neutral and enjoy the confidence of all the political parties and people of Kenya.

Number six, to establish a Human Rights Commission.

Com. Lethome: Gitonga and Mukundi.

Brigadier Mukundi Ndaiga: Mimi jina langu ni Brigadier Mukundi Ndaiga. Na mimi ni Chairman wa district ya Nakuru Ex-freedom fighters. Sasa kwa sababu niko na homa kidogo. Mimi nilikuja hapa Bwana Chairman taarifa yangu isomwe hapa na huyu Gitonga.

Gitonga reading on behalf of Brigadier Mukundi Ndaiga:

Thank you. Kama vile mmesikia jina langu ni Moses Gitonga. Nasoma yale maandishi maneno ninaelezwa na Brigadier Wandaiga. Huyu ni Mzee mmoja wa wale walipigania uhuru. Alikuwa kwa forest na yeye ndiye alikuwa bodyguard wa Dedan Kimathi.

Yangu ni maswali Bwana Commissioner ambayo nataka iwe-recorded na niko na resolution ama answers ambazo ziko hapa. Kwanza, Katiba: Mnapoongea hapa, tunapoongea hapa, tunasema hii ni nchi ya Kenya. Je mnajua nchi ya Kenya ilitoka wapi? Katiba mnayozungumza hapa, mnajua iliandikwa na nani? Uhuru, tunasema tulipata uhuru, uhuru ulitoka wapi/? Ni akina nana waliopigania? Yale nataka kufafanua hapa ni kwamba Katiba yetu haina kielelezo. Mnaposoma Bibilia mnaambiwa sijui ulimwengu ulikuwa namna gani? Mpaka wana Waisraeli. Katiba yetu haina kielelezo. Ituambie ni akina nani walipigania uhuru. Saa hii tunaongea hapa, kama ya Mau Mau, it is a banned society. Wapiganiaji wa uhuru ni wakora mpaka saa hii kulingana na

sheria. Na mimi nashangaa Bwana Commissioner, sheria imekuja na huyu Mzee, he is a terrorist. Serikali haifanyi kazi yake, anastahili kuwa ako ndani ya jela as per the law. Brigadier Wandaiga ako na miaka sabini na sita.

Com. Lethome: Don't mention the problems. After you mention the problem, go to the recommendations in point form. For the purpose of time, for example unasema habari ya Mau Mau, they have been facing problems, what do you recommend?

Moses Gitonga: Unfortunately, I have grouped them together. I am headed for there. Exactly. Thank you. Asante Bwana Commissioner kwa kunirudisha kwa njia. Yale maombi ambayo watu wa Mau Mau wanaomba ni moja. Chama cha Mau Mau to be declared a legal society in recognition na ile kazi waliofanyia nchi hii. So that, people in exile kama General Mathenge...ihalalishwe ili mtu kama General Mathenge ambaye alitorokea Ethiopia mpaka siku ya leo, aweze kurudi kwa nchi yake, akaukanyanga mchanga aliopigania kabla ya kufa. He is there and he is alive but unfortunately anaishi nchi ya Ethiopia kwa sababu hawezi kurudi Kenya. Kwa sababu anasemekana yeye ni mkora.

Yale malilio ambayo hawa watu wanalilia Bwana Commissioner ni haya, nimesema kwanza, ya pili, wanauliza their personal contribution to be rewarded by (inaudible).

Wanauliza watambuliwe kwa kuandikwa kwa ile orodha ya mashujaa peke yake.

Three, wapiganiaji wa uhuru wanauliza, kuwe na uwanja ambao utatambuliwa hapa ndio kumbukumbu ya mashujaa waliopigania uhuru. That is a hero square. Na hero square Bwana Commissioner, wanauliza ziwe kwa zile town kubwa ili wale watu waliopigania uhuru pale, majina yao iandikwe pale iwe ni kumbukumbu.

Four, wale waliokuwa wakubwa wa kupigania uhuru, the freedom fighter leaders watambuliwe kwa kupatiwa angalao medal. Just a medal. Wale wako hai na wale waliokufa wapatiwe medals post (inaudible) yaani waliobaki wapatie watoto wao.

Five, wanauliza, field marshall mpaka wa leo ako kwa jela, aachiliwe na Serikali hii, kutoka kwa jela aliyowekwa na Mzungu mpaka wa leo ako kwa jela. Field Marshal Dedan Kimathi aliyefungwa na Wazungu na mpaka wa leo ako kwa jela, wanauliza awachiliwe huru na Serikali ya Kenya ili mashujaa wa uhuru wamzike na heshima anayostahili.

Seven, General Mathenge ambaye alikuwa deputy wa Dedan Kimathi ambaye yuko Ethiopia, mmesoma kwa magazeti mwaka huu. Arudishwe nchi ya Kenya kama shujaa na atambuliwe na Wanakenya wakiwa na watu waliopigania uhuru.

Nine, Serikali ya Uingereza ambao waliuua watu wetu hapa, wakachukua mashamba yetu hapa, wapelekwe kortini in International Court of Law ili walipe zile damages walifanyia nchi hii. Kama tutaendelea kujiita a big nation na walipe hiyo hasara yote.

Ten, Serikali ya Kenya ifuatilie ili yale malipo yatatoka, iweze kuwalipa waliopigania uhuru ama wale watoto wao wako hai.

Mpaka wa leo waliopigania uhuru na huyu Mzee akiwa mmoja hapa na wengine wao na watoto wao, we are appealing to the Government, humbly, tunaomba Serikali kwa unyenyekevu, wengi wao watakufa wakiwa ni maskini na watoto wao. Anagalao wapatiwe wawe settled. Tuko na wakubwa waliopigania uhuru na nitawataja with your permission Bwana Commissioner. Mtu kama Major Ndongorongi alijinyonga kwa sababu ya umaskini. Tuko na mwingine anaitwa Major Mahugu Gichure. Akajinyonga kwa sababu ya umaskini. We are trying to appeal to the Government, when you write the Constitution that these people need to be recognized. Their efforts to be rewarded with whatever little that there is.

Finally, Bwana Commissioner, wanauliza hivi: Haya nasoma ni yale maneno ambayo nimepewa na huyu Mzee. Kama Katiba mtaandika haitatambua hawa Wazee, kwa sababu sheria imekataa imewapiga marufuku, basi ipitishwe na ihalalishwe jina ya Mau Mau kamwe ama Freedom fighters isije ikatajwa kwa historia ya nchi hii, if they cannot be recognized. I feel it is important.

Com. Lethome: Unajua kila mahali tunakwenda, unakuta kuna watu ambao wanadai kuwa....not that I am doubting him, I want him to throw light on this issue. Je wao wana namna ya kuwatambua, the genuine freedom fighters who are still alive and those who are masquerading as freedom fighters, yet wengine hata ukichunguza they were nowhere near the struggle for independence. Is there a way of recognizing the genuine ones and those who are fake freedom fighters? Wacha ajaribu kuzungumza, wajukuu wataweza kusikiza. Tunataka sauti yako hata kama ina homa kidogo. Turenda mugambo waku.

Brigadier Mukundi: Wale walipigania uhuru wakiongozwa na Dedan Kimathi, Mathenge Mbiruri, Thungu Gitugu, na mwingine anaitwa Gategwa na mwingine anaitwa Muiruri.

Com. Lethome: Nasema kwa sasa, wewe uko na njia ya kujua wale wa kweli na wale wa uwongo?

Brigadier Mukundi: Hiyo tunajua yote. Hakuna mtu bado kujua kwa sababu tuliingia 1952 na tukatoka 1956. Kwa sababu tunajuana sisi sote, kwa sababu miaka hiyo sita tunajuana. Miaka sita hakuna mtu mnaweza kukaa naye bila kumuelewa na kumjua. Tukaona ya kwamba sisi tulikufa kama maskini na ni kama watu wageni walikuja nchi ya watu wengine. Na sasa tukawa na mvua kubwa na chakula ikakosa na tukaumia mpaka tukapata uhuru na hakuna nchi tulikopa msaada. America, Uingereza, Uganda, Tanzania, Rwanda, Burundi. Tulipigana sisi wenyewe. Hakuna mtu mwingine aliyetusaidia.

Moses Gitonga: Yale maoni nitatoa saa hii ni yangu binafsi. Yale nitagusia hapa nitauliza Bwana Commissioner. Bwana Commissioner nitaomba wenzangu ambao wamekuja hapa, kama jambo limetajwa and you are not opposed to it, we save time by not repeating. Therefore, mimi nitagusia tu, yalioletajwa hapa. Saa hii tumekuwa na Brigadier Wandaiga hapa. Nimesikia watu

wengine wakisema hapa wanataka Majimbo. Nimeuliza yeye mwenyewe tukiwa na yeye, wakati walikuwa wanapigania uhuru, walikuwa wanapigania uhuru jimbo la Central ama ni Kenya. Ameniambia ni Kenya. So he has said na nimesema ya kwamba hatutaki Majimbo, Serikali tukae namna tuko.

Com. Lethome: Is that your view?

Moses Gitonga: It is my view as well.

Two, nitazungumzia kuhusu mashamba and I will restrict myself to Naivasha Constituency. Bwana Commissioner hapa tumesikia ukitaja mambo ya treaties za Mzungu. Kenya is a free nation na kama sisi kabisa tuko huru, hatuna budi kufuata sheria ambayo tuliachiwa na Wakoloni. Nasema hivyo kwa sababu siku ya leo, ukikanyanga shamba ya Marura iko hapa, wale Wamasai wanachunga ng'ombe kule, wanakamatwa everyday sababu ya kanyanga. These are laws that should be removed from the statutes of the law kwa nchi hii. Ama hapana namna hiyo?

Audience: Sawa. **Clapping.**

Two, tumesikia uhuru ulipiganiwa. Bwana Commissioner we have got a Natural Resource here, Bahari ya Naivasha. There is not a square foot, raia hawa unaona hapa, hawawezi kuyagusa yale maji na mkono. Kwa sababu imezingirwa na Wazungu, wananyunyisa maji huko na Mwafrika pengine ni aibe akatege samaki. But there is nowhere unaweza kwenda na watoto wako, mkafurahie ni bahari tuliwachia na Mungu ni ya Wazungu. We are saying hawa Wazungu, kupigania uhuru hapa, the nine hundred and ninety nine years ambayo tumesikia hapa, ipigwe marufuku, huu mchanga ni wetu. Tuwapatie pesa, sisi hatutaki mambo ya Zimbabwe, waende kwao tuchukue haya mashamba.

Clapping from the audience.

Moses Gitonga: Three, Serikali yetu. We are censoring the Government. Serikali yetu imekuwa na makosa kubwa sana. Wamechukua Government funds ambayo watu wanafanyia utafiti, tuwe na mbegu nzuri, tuwe na ng'ombe nzuri. So we are accusing the Government of mis-management of this country in broad daylight. Kwa nini? It is very strange, hapa tuko na shamba inaitwa Moindabi. Ilikuwa ni ya Serikali. Lakini wale watu waliletwa wakagawiwa yale mashamba. Wamasai wako hapo next, wengine wako pale next. Walitoa watu other districts wakawaleta hapa and that is wrong. What we are recommending, kama iko mchanga iko pahali, wale wazee wako area hiyo ni Wanakenya. Wakae chini, iangaliwe ni nani anastahili na anapatiwe shamba bila kusema alitoka Kisumu, alitoka Nyeri, ametoka Mombasa. They are all Kenyans Bwana Commissioner.

Four, there is a sensitive issue ambayo iko hapa nitagusia. People are avoiding it. Iko mashamba ilikuwa pia ya ADC. Hapa Oljorai na Kiambogo. Ni jambo la kushangaza, a full Commissioner kwa sababu ametoka ukoo fulani akasema, 'wewe mtu wa

kutoka ukoo wa kwake, chukua acre elfu tatu, chukua acre elfu mbili, ugawie watu wako.’ That means that the Government ambayo tuko nayo that I am censoring here. Imecha mamlaka yake, inaachia mtu binafsi. That is wrong. We are recommending that kama iko mchanga pahali popote that is earmount* for resettlement. Wale watu wako pale, the local people kupitia kwa Serikali kwa sababu wako na machinery, wawe consulted lakini isipatiwe an individual. That is wrong. The Government must be seen to be scrutinizing whatever is being done on the ground.

Ingingine nitarudia hapa ni mambo ya kuoana. Marriages. Bwana Commissioner, we are a polygamous society. Hata kama tunaenda kwa kanisa na kwingine. Because sijaona sheria inasema it is illegal. Lakini it is illegal kama umeoa hapa, kuoana mtu mwingine. It is unfortunate, saa ile mzee ameaga na ako na bibi watatu, kunakuwa na vita, mzee anakaa kwa mortuary miezi mitatu, people discussing that issue. So, what I am saying is that all marriages hata kama ni polygamous wanapatiwe certificates, huyo mama asije kufukuzwa na yule mwingine ati wewe ulikuja juzi. Ama hamtaki namna hiyo?

Clapping from the audience.

Ya mwisho, kuhusu mambo ya nchi hii. Ni kusema Kenya is a free State but we Kenyans, tunaona hatujapata uhuru bado. Why? Sheria ambayo tuliachiwa na Mzungu, inatuonyesha ya kwamba sisi hatuko huru. One, in the statute ya sheria za nchi hii, iko utafungwa kizuizini ukiongea sana Gitonga. That is a wrong detention. They should be executed expelled from the statutes in this country. Sheria ya kusema trespass ziondolewe zote ili tujisikie sisi tuko huru. Nikifunga kitabu changu, niko na maswali sio maswali haswa. Commissioners tuko na confidence with the Commissioners and the work you are doing. Lakini tungependa Serikali ya Kanu, tungependa kuuliza watu wa opposition wote, wanasiasa, to stop playing rulect with the Kenyans. Maana yake tunawauliza waache kucheza kamali na maisha ya Wanakenya wakati tunaandika Katiba. Watenge mambo ya siasa kando. The Commission ifanye kazi yake hata kama itakwisha next year August. Sababu if we do not politics from this Commission, it is all in vain. Sijui mnasemaje watu wa Kenya.

Clapping from the audience.

So, Bwana Commissioners, we are very sorry tumesikia tuko na maafa saa hizi. Na yule Bwana Ombaka ameaga. Tumesema ni pole sana kwenu lakini mkifanya kazi mjue hawa Wanakenya not only here, we are behind you totally. We do not want to be pushed the Uganda way. Hawa baba zetu walienda kwa forest kupigana. We are a civilized society. We did not want to be pushed that way. Ndio tumekubali tuje hapa tujadiliane but we are telling the Government in broad daylight to let the Commissioners do their work. We have had enough and enough is enough.

Clapping from the audience.

Tupate Teresa Wahito. We have very few women who have registered and then the few who have registered are not even

there. Kidogo hiyo inavunja moyo akina mama. George Nakholi. Afuatwe na huyu Ex-Chief Daniel Ngugi, hayuko? Grace Mumbi Kimani. Akina mama kidogo mnatu...yuko hapa? Ndung'u Kang'oru. Karibu.

Ndung'u Kang'oru: I am Ndung'u Kang'oru from this Constituency. First and foremost I wish to express my sympathy to the Commission and the family of Dr. Ooki Ombaka. The death has really made this country lose a very able man. But the good thing is that he has made his mark. Very many views that I had, have been expressed here.

Therefore, I will try to omit those ones that have been mentioned. I will start with the preamble. We need to have a preamble because we don't have it in the Constitution and this preamble should state that Kenya is made up of the forty two indigenous communities that have agreed to live as one indivisible unit. Also, this preamble should state that we the people of Kenya are the source of power. The preamble should also try to define the location of Kenya and I think it should indicate Nairobi is the capital of the Republic of Kenya. That will clearly show where Kenya is and also state that this country is made up of eight Provinces.

I also want to say some few things on the Citizenship. The Constitution of Kenya that you are making should regard the following as automatic conditions for one to become a citizen of this country. A person born in Kenya by parents belonging to these forty-two indigenous communities. A person born to one of the parents belonging to the forty-two indigenous communities, that means, if an American is married to a Kikuyu, then that child becomes a citizen of this country.

On defence and national security: I want to say that the Constitution should continue saying, the President of the Republic of Kenya should be the Commander-in-Chief and the Parliament by a majority of seventy percent should declare war. Also, another point here is that, the regular and administration police should not carry firearms in public gatherings and meetings. Because they have been misusing this. So, what should happen in those occasions, they should only carry (inaudible) because I tend to think the people in gatherings are peaceful people.

I also want to say something on political parties: Any political party in Kenya should have its national officials and members drawn from at least the forty-two indigenous communities living in this country. Any political party which is going to be financed from the public funds, should have at least one hundred thousand registered members from this community and should have attained more than three hundred thousand votes in a general election and have more than eight elected Members of Parliament. We should also allow independent candidates to contest in all elections.

Another point under that is that the opposition parties, unlike what is happening today, should offer constructive citizens. I think the Constitution should outlaw those opposition parties that just offer contributions for the sake of it. I also want to mention some few things on the structure and system of the Government. I am in favour of a Parliamentary system of Government, in which the Prime Minister is appointed from the party with majority in the Parliament. This Prime Minister should be the Head of

the Government and should have the power to appoint Ministers from amongst Members of Parliament. Or, and here there is emphasis, from outside Parliament, in case there is lack of qualification and competency among Members of Parliament. Because some of these people if they are given the position and they have no qualification then they might mislead us.

Something else I want to point there. The President of this country should offer access to all the Bills as he is doing today, but the Constitution should bar the President from refusing to assent* to any Bill. If he refuses, then the seventy percent of the Members of the Parliament can overrule him.

On Electoral system and process: Here I have very many points but I would not read all of them, because I also want other Kenyans to say something. But, I am saying at least that special seat in Parliament should be reserved for women, twenty for the youth and ten for those disabilities. To ensure equitable representation in Parliament, parliamentary constituencies should be established on population basis and I am suggesting forty thousand registered voters for one MP. Not like what we have today whereby it seems as if some people are representing the livestock but not people. Also, something very important Mr. Chairman, for so many years, I have actually never voted personally because, may be I have been lucky to participate as an election official. Therefore, I am suggesting Kenyans in overseas countries including those physically incorporated or unable to vote in person because of their nature of work. Like police officers, election officials, even prison wardens should be allowed to vote by post or proxy. So that we can also give our preferences.

There is also another point here. Winning candidates in Presidential, Parliamentary and civic elections should win, for Presidential fifty one percent, for Parliament forty percent and for civic twenty-five.

On Legislature: As most of my colleagues have said, salaries of the Members of Parliament should be determined by the public debate and collection of views from the public.

The Parliament should also vet the appointment of Ministers, the PS, Judges and the Members of the Electoral Commission. The President should continue having powers to dissolve the Parliament, however I suggest that it can be overridden by eighty percent of the Members of Parliament. The Prime Minister and his Government can be removed by a vote of no confidence supported by seventy percent of the Members of Parliament.

On Executive, the qualifications of the President are many but I want to emphasize on, he should be married and his age should lie from thirty five to eighty years. The President should be above party politics and should not be a Member of Parliament so that he can have more time to concentrate on national issues.

On Judiciary: The Chief Justice should be a graduate in law and should have practiced for not less than fifteen years. Five of which, he should have been a Judge of the High Court. The Chief Justice should be appointed by the President but subject to

approval of the two thirds of the Members of the Parliament. The Chief Kadhi should be a practicing muslim graduate specialized in sheria and who has practiced law for not less than ten years. He should be appointed by the President in consultation with the Islamic Council of Kenya and the Imam Council of Kenya.

Basic Rights: Admission of this on the quarter system in schools and colleges should be scrapped. People with disabilities should be given free education upto the University level and the death penalty should be abolished. We should promote regional and vernacular registrations and newspapers so as to provide access to information to the people in the rural areas.

Law: The law against rape as it stands today is very weak. It should be strengthened to give harsh punishment to offenders. I suggest not less than fifteen years. Rape cases should also be held in camera and the rape victims identity should be protected.

On land and property rights: No Kenyan should be allowed to own more than five hundred acres of land. There is a colleague of mine who mentioned and I am not against his view, that eleven acres. But I think eleven acres are too few for people with livestock or something like that.

All Kenyans aged eighteen years irrespective of their sex, religion or tribe should be allowed to have equal access to land and they should own land anywhere in Kenya without restriction and all the children regardless of their sex, they should have the right to inherit their parent's property.

I am going to end with cultural and ethnic rights. There are some customs. I call them retrogressive customs and traditions like female circumcision, wife inheritance and burying of relatives only in a sensitial riot. This one should be clearly scrapped by our laws.

In conclusion, I want to say that you Commissioners and we all Kenyans here, we should assist in coming up with a Constitution that will serve our motherland partially, adequately and for many years. So, I am praying God that He will assist you the Commissioners, to come up with a Constitution that will be our shield and defender and that will promote peace and liberty in this country. Thank you

Com. Muigai: Thank you very much. Please let us have the memorandum for safe keeping. Peter Njoroge. Followed by Joseph Maina. Wapi Joseph Maina? Joseph Maina, hapana iko. Peter Ng'ang'a, hapana iko. Benjamin Cheserek? M.O. Auma. Auma uko? Bwana Cheserek? Keti hapo wewe ndio utafuata huyu Mzee. Asante.

Peter Njoroge: My name is Peter Njoroge. I want to bring my contribution to this Review Commission and this is in the guard of decentralization. I will not talk about our, because there are those who are experts and they are talking about it. I will talk about the financial management of the local resources. The local people should be empowered to manage their local resources.

I mean like for example here in our Constitution we have private investors.

When they come to invest in every region, they come and dictate terms for example, the employees in the firms around the lakes. You just need to visit these people and see the kind of poverty they are in, the kind of salary they are paid and these private investors they squander and get a lot of money from these resources. Like the land around the lake, there are productive flowers, they produce flowers and this is an arm that is producing a lot of money. I hear sixty percent of Kenyan foreign income comes from Naivasha, these flower firms.

But, the salaries are not regulated. They are paid very little and there need to be in the Constitution the stated salaries depending on the income of these private investors, the production. Again, the local people should not be left without resources. For example, the Lake at this time it is becoming smaller and smaller. If these people continue irrigating their farms with this water, at the end we will be without Lake Naivasha. We, people of Naivasha who are supposed to live with that natural resource, will be without nothing to raise our standards.

So, I propose today that there will be some money taxed from the income of these private sectors and given to development of the local area. Wherein, even after the use of a land, the people can continue living. What I mean is, for example here in Naivasha, we have heard that one, we can blame also the people we have elected. I am proposing that the local people should be given power by the Constitution to propose the development project they have locally.

Com. Muigai: That point is well taken, move on to the next point please.

Peter Njoroge: Also, to the protection of the environment. They will be able to protect the environment because they will live with it for a long time so the local people should be empowered to manage the local resources.

Let me talk then of the Government. This is my proposal. The people, even the Councillors who will be elected, they should be subject to scrutiny by the people who chose them. Because we take them there but we didn't know they have ulterior motives. So, when they go there they don't represent our views. So, we feel when they are there they are not protecting us.

So, we should be empowered to be able to raise our grievances even against the same people we elected when we feel they are not representing us. By so saying, I possibly propose that mass action be allowed so that people can air their views as local people. Peaceful demonstration for them to air their views against those leaders they have elected according to the Government issue. The President, the Prime Minister according to the structure of the Government, should not only appoint Ministers from his party, they should also appoint Ministers from other parties. Because there are Ministers and people in other parties who are able to run issues. The political differences should not be seen in these High offices like the Office of the Prime Minister and the Office of the President.

The other proposal is the integrity of the leaders elected in the posts whichever post it be. They should be men of integrity. Their family status should be clearly stated. We have people who mismanage their own lives but because they have money and so on, they are able to manipulate the people and they are elected. But we need a right to scrutinize the leaders because if they have living rights which are not worthy, they are not worthy to hold any public office. So, the integrity of the leaders should be put open and we should be able to read through them so that we may be able to elect them even in any post. Thank you.

Com. Muigai: Thank you very much. Bwana Cheserek?

Benjamin Cheserek: Mimi naitwa Benjamin Cheserek and I have come here to present my views to this Commission. In the CAP therefore, we have what we call, labour laws review which I want to be represented in the Constitution. These labour laws in Kenya have become a problem to our workers all over the country. Because let's say now, if it is Employment Act, Cap. 226 ziwe amended to suit the employee because the outdated laws were for the colonial Government at that particular time. So, a worker at that time had a problem. Right now when we talk of the Employment Act, there is a lot of discrimination inside.

So, when we talk now of all of the labour laws to be amended to suit the current multiparty era. So that for those who will enjoy this in the current multi-party will come now with a clean plate of all the Kenya Constitution which is to be reviewed as we are being told to give out our comments. So, as I am one of the workers also suffering on this issue, we have also what we call the (inaudible) Cap. 234, these people must be given mandate to represent their workers without any intimidation from any quarter from the Government side. So, therefore Union should be represented fully in Parliament and at the same time those who are representing workers in the grassroots level, should be given mandate to represent and to purchase their worker's sweat without any intimidation or being put in as the way to put it to convene in.

When they demand their legal rights through their employer. So, we have what we call the Workman Compensation Act, Cap236. This one also is a problem because workers have been suffering industrialization of this country. Whereby even one gets his arm ejected off by the machine and is ended up being paid peanuts because of the law which is in power. They are paid peanuts. Because in the Act of Parliament, it could have been enacted properly that to have a person become destitute and he was employed when he was okey but now he has become a destitute and he is limping going home with nothing and will be now a poor person and his family. Therefore,

Audience: Songesha hiyo microphone kidogo. Unakula hiyo kitu sana.

Com. Muigai: Weka tu, kama hapo. Usiwe karibu sana na usiwe mbali sana.

Benjamin Cheserek: Therefore we can now say, this is the Act which willI can now speak. When we talk of this Workman compensation, it is a very bad thing anyway in workers side of employment. So, if you re(inaudible), we talk of ‘ these laws should be reviewed fully and all things should come to a clean plate under this Review of multi-party of peace.

Com. Muigai: That point Sir is now well taken, you want all labour laws to be reviewed so that they do not in way undermine the integrity of the workers. Next point.

Benjamin Cheserek: So, when we talk of workers, let me now speak of, Land Distribution Act, Cap. 296 which now governs the landlord and the landlady.

Com. Muigai: What do you want amended there? Don’t tell us its problems we know. Tell us the solutions. What do you want done to improve the enforcement of rent control registration.

Benjamin Cheserek: What I want to say is that the fees should not be hiked without the consent of the tenant. Any time even having a specific time. Every month a landlord can wake up and say, ‘I want this one to be reviewed without any authority at all. ,

Com. Muigai: I think what you mean Mr. Cheserek is that no rent should be increased without the consent of the rent court. The Rent Control Court. Otherwise, no tenant will ever agree to let this increased. Next point Sir, we have taken that one.

Benjamin Cheserek: Next point we have what we call Law Succession Act. Law Succession Act, this one is where we have problems of mothers getting problems when the husband dies in the family. It is now when the matter is settled in a dispute manner. You cannot even safeguard the property. The in-laws or whatever they are, they come in and they take everything.

Com. Muigai: Proposal? The law should be reviewed. Go ahead now, you are on the right track. Law of succession should be reviewed? What are your proposals about the review?

Benjamin Cheserek: My proposal is that the bereaved widows should be given powers to have that Act as a weapon to protect himself and the law should see to it that, that one should not be oppressed.

Com. Muigai: Okey, point taken. Next.

Benjamin Cheserek: Next, I come on the side of the Law of the Government which is now....we have been told here that the laws should be strictly either from the Head of the State, coming down to the Chiefs to the whatever. All these laws sometimes I

say, these laws should be reviewed properly because may be we may say to scrap all and then whoever will be ...like the Chiefs, if we talk of the Chiefs to restrict all these powers. Then now whoever will be, like now when the Chief is going to deal with land arbitrators and has been given those powers not to do anything. Then, those who will be there, they will go to do nothing. Because the Chief has no powers even to speak. So, let us say to suit these things, either the law should go to the land tribunals of the elders, to give powers that the authority comes from the land tribunals or those people who are just law class group.

Com. Muigai: Point taken, that we should review all administrative laws including those governing that. Next.

Benjamin Cheserek: Here, I can stop now and say, since we are starting from here and we have written any copy of the laws of Kenya and we are here being told that the list is going to be taken. May be we don't even have a (inaudible) to request from the book that we are going to amend. We are only talking because we are being told to talk and this is where the (inaudible) even during the Masai of 1900 agreement was to be held. Because the British Government wanted to misuse the law because the Masai could not understand the law by that time. So, now when it comes here, we have some years to keep an amendment whereby we are not conversant with the law and we are not lawyers.

We are just laymen from the grassroots and we need the Government to protect this because we may come here, only to aid those who know what they are doing. But we want to know the law which also governs us because we are also parts and parcel of the law and we need to be heard as from what is inside. So, these Laws should come to us. We read it so that I know my right. Because most of the people are being driven by their own rights because they don't know. They sit on their rights but they do not know how to argue on it.

Com. Muigai: Point is similarly well made Mr. Cheserek. Next.

Benjamin Cheserek: From there now, I say, I finish my points.

Com. Muigai: Thank you very much. Please presen your memorandum. M.O. Auma? J.K. Muhu? Joseph Ndung'u? J.K. Kiilu? Kiarie wa Njoroge? Karanja Mutitu? Watu wameenda kukula lunch. Kanyora K? Joseph M. Kamau? Eliud Kiruga? Mary Ndung'u? Andrew Gathu? Nahashon Oriema? Okey karibu Bwana Oriema. Frank Njoroge? Ngoja kidogo. Hussein Nguyo? James Ndegwa? Mbugua G. John Gichaga? John Mwaura? James Mwangi? Okey endelea hapo Bwana Nahashon Oriema.

Nahashon Oriema: Asante sana Chairman. Mimi jina langu ni Nahashon Isaac Oriema. Nimekuja mbele ya Tume, nitoe maoni yangu kama Mkenya. Kwanza nikianza na citizenship, hapa ndio iko na shida sana kulingana na maoni yangu. Shida iko

hapa mara mbili ama mara tatu. Wakati mtoto amekuwa inatakikana achukue kitambulisho, saa ingine inakuwa rahisi, saa ingine inakuwa ngumu. Kwa hivyo ID card, marriage certificate na death, nafikiri hizo zinaenda pamoja. Wakati wa kitambulisho inakuwa rahisi mtu apate kitambulisho. Wakati wa marriage inakuwa ngumu sana ambayo inabidi wenye wanahusika waende mpaka Nairobi. Kwa mfano mtu anatoka sehemu ya Mandera, Turkana, Isibania, Busia, si rahisi. Mtoto akipita sasa inatakikana akienda broad, inakuwa ngumu, kuna wengine unakuta wamekosa. Kwa hivyo maoni yangu nasema hivi vitu kama ID card, Marriage certificate na Death zirudishwe kwa location level ambayo inaweza wafanya wazazi ama mtoto ama mwenye anahusika apate nafasi rahisi ya kufika na apate.

Nikikuja kwa upande wa political parties. Kenya tuko kabila karibu arobaini na mbili. Tukikubali kila mtu awe na chama chake au kila kabila iwe na chama chake ama kila kabila iwe na chama chao, tutakuwa na vyama arobaini na mbili. Kwa hivyo maoni yangu, ninapendekeza tuwe na political parties nne peke yake.

Namba tatu ni upande wa Structure and System of Government: Mimi maoni yangu ninasema Rais awe na Makamu wake wawili. Prime Minister pia tuwe naye na Makamu wake wawe wawili. Nikikuja kwa Local Government. Hapa ndio raia wanaumia sana kwa sababu raia si rahisi afike kwa Mbunge ama kwa Rais, lakini mwenye wako naye area ni Councillor. Mimi ningependekeza Mayor na Chariman wa Councils wachaguliwe direct na wananchi. Direct votes. Wachaguliwe direct na wananchi kwa maana Mayor tuingoja aende achaguliwe na Ma-Councillors anaenda anahonga Ma-Councillors ambao tulichagua na good faith. Kwa hivyo..

Com. Muigai: Bwana Amunga. Kwa sababu tuko na watu wengi. Watu mia mbili na kumi na bado hatujafika huko. Wewe pendekeza. Ukiona kitu ambacho unasema hiki, si kizuri, enda mara moja kwa mapendekezo. Ukisema ni kwa nini Mayor ako na mambo mengine mabaya tutakaa sana.

Nahashon Oriema: Sitarudia hapo. Nikirudi kwa upande wa Councillor, kuna qualifications ambazo Councillor anafaa awe naye. Kwa upande wa masomo mimi nasema hivi, Councillor awe mtu amesoma mpaka C.P.E., Standard eight, form four kuenda mbele. Kwa sababu tukiweka ni form four, kuna some areas Kenya ni kubwa, ambaye kupata form four ni taabu.

Com. Muigai: Already umerudi tena kupeana reasons why. Usipeane reasons why. Wewe sema wewe unaona elimu ya from Standard Eight inatosha Councillor usonge mbele.

Nahashon Oriema: Nasema nafasi ipewe wamama kama Ma-Councillor awe nominated in the area kama ni Municipality tuwe na... tusaidie wamama nafasi kama moja wale Councillors. Ninasema kuira zihesabiwe pahali zitapigwa.ingine ambayo haina security kwa sababu majeshi ya Kenya ama batallion yote imekuwa in some areas. Some areas hawana. Kwa hivyo Serikali, Katiba mpya itaangalia Kenya kila corner waweke batallion kwa kila border.

Land transfer ama Land Titles: Kuna watu wengine wazazi wao hawakujua mahali wanaweza pata Title Deed. Kwa hivyo hizi Title Deeds zirudishwe kwa divisional level. Title Deed ipatiwe mwananchi pale Nairobi. Sio ichapishwe Nairobi. Kwa upande wa shamba, mini nasema ukiwa na shamba na uko na watoto, mtoto msichana apewe shamba kwa sababu amekosa....

Com. Muigai: Hilo tunakubaliana msichana arithi shamba basi. Sababu yake inajulikana na kila mtu.

Nahashon Oriema: Pia nasema Bwana Chairman, Wabunge wawe na special offices in their constituencies. Kwa maana.....(sababu ulikataa)

Com. Muigai: Sikukataa. Tunaelewa. Kwa sababu amejiriwa na wananchi awe na ofisi huko. Tusonge mbele.

Nahashon Oriema: Councillor pia awe na ofisi katika ward. Serikali iangalie hali ya polisi. Kwa maana polisi ndio baada ya kuchukua watu, wanaenda wanafunga watu tena. Upande wa Wabunge wetu, inafaa T.V. iwaonyeshe moja kwa moja vile wanaongea ndani ya Bunge kwa sababu wengine wanalala tu huko.

Laughter from the audience.

Com. Muigai: Endelea.

Nahashon Oriema: Leave maternity, wakati mama amejifungua, waende na bwana yake. Waende maternity. Kwa maana mama akienda peke yake. Nani atampikia mama na mama angali mgonjwa.

Clapping from the audience.

Com. Muigai: Lakini Bwana Amunga. Tulienda pahali pengine huko Kisii tukaambiwa, Wazee tusiwapatie leave kwa sababu watoto wengine watazaliwa hapo hapo baadaye.

Laughter from the audience.

Nahashon Oriema: Majimbo: Nimekataa majimbo, nasema majimbo inagawa Wakenya.

Com. Muigai: Umekataa?

Nahashon Oriema: Nimekataa majimbo kwa maana itawagawa Wakenya.

Com. Muigai: Twende mbele.

Nahashon Oriema: Napendekeza Tume ya Uchaguzi in future watenge one seat kwa wafanyikazi wa mashamba. Kwa maana kutoka Ramisi, Kisumu, Naivasha, Kiambu, wawe na Mbunge. Kama watasimama watatu, Wabunge wasimame watatu, wafanyakazi wachague. Kwa maana wafanyakazi they are not represented well in Parliament.

Com. Muigai: Tusonge mbele.

Nahashon Oriema: Mshahara wa wafanyikazi wa mashamba iko chini sana kwa hivyo Serikali ama Katiba mpya waangalie watalipwa mshahara sawasawa. Nafikiri ni hayo tu.

Com. Muigai: Tunakushukuru sana Bwana Amunga. Umesema mambo mengi lakini yote ya maana. Asante sana. Councillor Thomas Amuga. What is your name? Mbugua. Okey. Ngoja Councillor.

Mbugua G. : Thank you very much Mr. Chairman and we regret for the sudden death of one of the Commissioners, Dr. Ombaka. Dr. Ombaka is well known by everybody. His name is like a household name and we love him because he has never been guided by his stomach. He has always been guided by his conscience. We request God to rest his sould in eternal tranquility. My name is Mbugua G. from Naivasha. Here are some of the recommendations that I have and I wish to read them because there are so many people who want to bring their proposals to you.

Com. Muigai: I would request you Mr. Mbugua, to just highlight because we are going to read the memorandum. Just highlight a few then give us a memorandum. Please.

Mbugua G. : So, my first one is that capital punishment should be abolished forthwith and to be substituted with life imprisonment. Any kind of discrimination should be terminated because we know in our country, discrimination is very clear, it is there. For example, when we come to security, I can say on security, a class of people is licensed to hold guns where other areas aren't. We are currently experiencing poradic carjacks, robberies, not forgetting rapes at gunpoint. It is logic that empty hands cannot defend a person against gun ambush and no devil can dare rape a unarmed female. No robber can dare reach his (inaudible). There is a parochial notion that licensing people to own guns would increase crimes, rather it would decrease it.

On health, medical, house and committal allowances should be harmonized for all civil servants and a minimum of each to be set. Civil servants should not be compelled to resign before vying for a Council or a Parliamentary or a Presidential seat. Businessmen are never compelled to abandon their business. Therefore, this one is a clear discrimination. The current 8-4-4 system of education should be scrapped and reverted to 7-4-3-2 system due to the status quo in marketability. To curb nepotism, corruption, tribalism and inability to administrate justice, the President should not appoint judicial officers instead, an Act of Parliament should form a Judicial Service Commission where the Chairman, Secretary, to be selected by two thirds

simple majority of the Parliament.

Chief Justice should be selected by two thirds simple majority. Chief Justices to appoint Judges and Magistrates. There should be created a Ministry of Justice, Legal and Parliamentary affairs. Mr. Chairman, Naivasha Constituency is flagged with flower and dairy farms. We would like a minimum wage for the labourers to be established and facilities like education, health to be of paramount requirement.

The Kenya currency Mr. Chairman, should not carry the portrait of the incumbent President. It should be substituted with any of the freedom fighters. Presidential elections should be delinked with Parliamentary ones and the President ought not to be necessarily an MP. Thank you very much Mr. Chairman.

Com. Muigai: Thank you very much. Councillor Amunga? Please hand over your memorandum here. Thank you. Sammy Gichigi? Michael Mwangi? Michael kuja hapa mbele tafadhali. James Kepha Ng'ng'a? Mututa Kamau? Kuja hapa mbele Bwana Mututa. Gladys Githara? Kuja hapa mbele Gladys. Gakunga Kamau? Yes, karibia. Joe Kamau? Joe Kamau yuko? Chief Joe Kamau, hayuko. Wacha tuanze na wewe Councillor.

Councillor Amunga: Bwana Commissioners na watu wa Naivasha hamjamboni. Yangu ni machache sana kwa vile mengi nafikiri imeshaongelewa na ningependekeza zile pointi kidogo kidogo vile nimeonelea. On the side of Presidential candidate, I would like anybody who is elected or who is going to be a Presidential candidate, must be a clean person. What I mean is that; huyu mtu lazima awe si mtu ambaye amepitia katika njia ya corruption au katika njia ya udanganyifu wowote. He must be a straightforward person. Awe kwanzia kwa President, MP, Mayor na Ma-Chairmen, hata Ma-Directors kwa vile kuna Ma-Directors wale wamechaguliwa na labda amekosa mahali fulani kwa kampuni fulani. Na akienda kwa ile analeta the same problem. So, lazima awe ni mtu hajapitia katika any corruption. A clean person.

Ya pili ni about education. Ningependelea Katiba katika Kenya iweke education iwe free kutoka Standard one mpaka form four ili Mwanakenya wote apate kusoma. Hiyo ndio ningependelea.

Ya tatu, I would like medical services also to be free for every Kenyan so that this disease we call the Ukimwi, can also be cured before it reaches that stage because it is part of magonjwa hii ingine ndio inaelekea kwa ukimwi. So, kukiwa na free medical services, tutapata njia ya vile tunaweza kutibu watu wetu mapema wasije wakaingiliwa katika hiyo magonjwa mengine.

Ya nne, maji ningependelea maji ipitie Mwanakenya katika every five hundred metres in a home, must have water. Kwa vile tunajua maji ndio maisha. So, hiyo ningependelea. Mwanakenya every five hundred metres awe na maji.

Nikienda upande wa General Elections, ningependelea vile tunafanyanga General Elections kwa vile tunafanya katika mwezi wa

December wakati Wakenya wengi wameenda Christmas. Ningependelea ifanywe kabla ya December. Hiyo ni kuwe either mwisho wa November ama early December.

Lingine ningependelea katika Naivasha, tumesema hili ni ziwa letu na hatupati access ya hili ziwa. Yaani hatupati tax inayotoka katika maua au katika ziwa hatupati. Tungependelea ipitishwe ile municipality iwe ikipata benefits za hii lake ili tupate vile tunaweza kukuza katika Naivasha. Or Ma-Councillors wakiwa hapa wapate salary yao kutoka katika hili ziwa.

Ya sita ningependelea kila Mwanakenya. We have got a problem with ID. Kila Mwanakenya akifikisha eighteen, hakuna mambo ya kuambiwa rudini kwenu nyumbani. Apatiwe ID, ndio ajulikane yes, he is a Kenyan citizen na iwe ni lazima. Si lazima uwaambiwe wewe rudi kwa mpaka wa Uganda au rudi katika mpaka wa Tanzania. Kwa sababu ulizaliwa mpakani.

Ya saba, ningependa workers kila mahali kama vile wa kanisa, wa nini wa nini. Tungependelea workers wote automatically akishalipwa, he is a member of the Union.

Ya nane, ningependelea marriage certificate ingawa imeongelewa kidogo. Siku hizi tunajiita kwa Kiingereza, tunaweza kuoa mabibi wengi. Bibi wa kwanza, wa pili, apatiwe marriage certificate. Wa tatu tunaweza fikiria baadaye. Lakini wa kwanza na wa pili apate marriage certificate ili awe certified physically married.

Ya tisa, ningependelea vile mmesema hapa Wakenya tusiwe na Majimbo. Kama hakuna Majimbo, Mkenya unatakiwa kuishi mahali popote unaenda. Usiulizwe wewe ni mgeni hapa. You can stay anywhere you want na uwe recognized.

Ya mwisho, tungependelea kwa vile watu sasa hawana representative mzuri katika Parliament, inakuwa ni elected Minister yule wa labour na (inaudible) Serikali. Tungependelea General Secretary wa COTU, au isiwe kama Attorney General ahudhurie kikao cha Parliament. Awe katika Parliament so that a-represent the workers in a proper way. Kwa sababu wale watu anashikilia ni wengi. Kwa hayo machache naomba Mungu awabariki, Commissioners muendele na kazi yenu na mpatiwe muda mfanye hii, isije iingie katika mambo ya General Election. General Election tufanye kawaida lakini nyinyi muendele na mambo yenu ya kufanya Constitution. Iwe cleared kwa Kenya na iwe kila kitu. Hata neno moja lisife. Even if it is one year, two years, we don't mind.

Com. Muigai: Asante Councillor. Asante sana. Sasa ni Bwana Michael Mwangi. Bwana Mwangi, uangalie mkono wa Chairman, akifanya hivi, nikusema wewe ile point yako tumeishika na iko chini, usonge pointi ingine. Tafadhali. Ndio tufikie kila mtu.

Michael Mwangi: I am Michael Mwangi kutoka hapa Naivasha. I will be very short and brief.

The Constitution should be simplified in all ethnical backgrounds for easy understanding.

Presence of Presidential overall power should be scrapped and also the appointments and disappointments to people should also be scrapped. Bill of Rights should be enhanced e.g.cattle rustling, security for all and if people are mistreated, the Government should compensate. If they are killed, they ought to be compensated for.

Public Service Commission should consider applicants on merit but not on quarter system. Jobs should be available when one has finished course of studies, either in College or University. Parliament should not be used to determine their fate. But a selected panel of all over District and also the Province should decide their fate according to ethical background and national resources in the country. Some professionals who are paid more than anybody else, e.g. P.S., Permanent Secretaries, Expatriates and also the current Commissioners in this Review, their pay should be compared to the rest of the Kenyans.

About Naivasha, Naivasha I think it is one of the biggest division in the country with large quantity of national resources. Workers should first of all be looked at. Those who work in those areas should be looked at like the workers in the flower farms. The workers in the flower farms, they do a lot of job but they are just paid peanuts. So, the Government is against the (inaudible). Farmers, they are in the largest part of the country and also they are almost the (inaudible). But during the harvesting time, one Kilogram of maize costs seven shillings while the packed maize, one Kilogram costs twelve shillings. So, the Government should consider their production.

Com. Muigai: Thank you very much Mwangi. Next, Mututa Kamau.

Mututa Kamau: My name is Mututa Kamau, I am a teacher by profession. To avoid people re-investing themselves, no one should ever be a President, then at another time become a Prime Minister. The two should hold two term of five years each in Kenya and the Constitution should always be read in this respect only for this crown. Further, MPs term should be for five years each. There have been talk about federalism and for this I am for Unitary Government but should the federal people carry the day, there should be equal compensation. Our country outclearly is not capable.

Preamble for the new Constitution: The Constitution establish the Executive, the Judiciary and the Legislature. So, the three are creatures of the Constitution. Therefore, no creature should ever be above the creator.

The Executive: Whether headed by a President or a Prime Minister as for the Government assigned to the President who will not give him or her personal powers. Real power will be vested with the Ministers. The President shall emphasize his powers through the Ministers. He shall not be answerable for his actions when executing official functions but the Minister will. Therefore, a sitting President should not always be dragged to go for official functions but for personal conduct like enrobing with people's wives the Clinton way, he should be dragged. We saw it with the most powerful President in the world.

Resolutions passed by the Cabinet shall be signed by the President and the relevant Minister shall countersign that resolution. He will automatically then be responsible for the resolution. Any Kenyan then can impeach such Minister. For instance, we have heard of appointments of illiterate KANU or party functionalists. Specifically oriented offices like soil conservation. Such appointments should be contestable in courts. A sitting President should be impeachable for his private conduct.

Legislature: It's official name to be changed to look African.

Com. Muigai: I would ask you to give us a...

Mututa Kamau: Bunge.

Com. Muigai: Bunge?

Mututa Kamau: Civil and public servants should contest seats without resigning from their positions. They can be active members of any registered party or sympathizing outsiders. However, when conducting official functions, he must implement the Cabinet policy. To avoid outsiders influencing our political oxygen, registered parties with atleast ten percent of parliamentary representative should be funded by the Ex-checker. Note, today Osama can own a party in Kenya. So, outside funding should lead to automatic out ruin of such a party. To change or amend the Constitution, there must be two thirds majority of votes from members followed by a referendum.

The change can be invalidated by thirty percent of the electorate in the previous election who vote against him. Sheer numbers will not bulldoze us like some people want to do now. They can come up with two thirds and at the end of the end, declare that they will be in that Parliament forever. Even those who can lean on their Ministries. Sheer numbers willnot do. No Kenyan should ever determine his pay package, however senior. MPs do not represent acres of land, camels or acacia bushes, they represent people. Therefore, there could be almost equal number of voters in all the Constituencies. We have some constituencies in Kenya where voter's power are higher than others.

Judiciary: Members of the Judiciary shall be appointed by Judicial Service Commission. Chief Justice shall be appointed by the President and be vetted by Parliament through votes and at least two third majority. Laymen should participate in criminal proceedings like it happened in some countries.

Com. Muigai: Jury?

Mututa Kamau: The jury. Though the penal code should be translated in all the languages. Otherwise, in Russia, (inaudible) make nonsense to us. Courts should be open even on weekends. A person arrested must be taken to court within twenty four

hours. All (inaudible) automatically will win one aboard. The nonsense of sending everybody to custody is done so that the Magistrate can be divined. Except for capital.....

Com. Muigai: Please propose. You can propose, you can say all offences should be bailable.

Mututa Kamau: No. Except for capital offences, the Judge shall within three days decide on detention or other trial measures. Civil servants should be bounded automatically by the police and the Judge for all bailable offences since they can't run away. Otherwise, many people are detained only to be released later, having eaten Government food and their (inaudible).

Basic Rights: Any Kenyan citizen of sound mind and holding responsible position should legally acquire a gun. Provided that he has no criminal record for the last five years and has an estimate valued not less than one million shillings. It will depend. Otherwise, these are the people who are targeted by criminals. If the target are armed, the criminals will not have a jolly day. Where the Government is suspected to have violated any Kenyan his rights, the aggrieved person should be entitled to free legal representation by a ballister of his choice. When the Government is convicted, the fine should be what the Judge has decided multiplied by two.

Natural resources: This include land, forest, water, manpower and (inaudible). Every Kenyan should be accorded an opportunity to utilize the natural resources mentioned earlier. Those holding chunks of land for speculation should have the same expropriated and compensation should be at cost price. To the extent that such furrows fellows exceed five hundred acres.

No single person should have at the same time more than one official job however experienced. No national days should be set for an individual regardless of their situation in life. Any day set aside should be for approval of people. e.g. Like what Ndaiga said here, Heroes day. Whoever feels that he doesnot fit in that heroes day, then he should go home. Today we have been ruled by two Kenyans and two days have been set aside. By the time we will be ruled by three hundred and sixty five people, ours will be a holiday camp.

Meritocracy*: No one should hold an office which he doesnot merit on account of expertise, education and experience. In the Public Service, no junior individual should lead seniors whatever his strength. Assignments given to Public Servants should be paid for. We have one body called T.S.C that is so notorious for assigning people jobs which it doesnot pay. For instance, in Kenya today people called Heads of Departments are never paid. Their juniors have been promoted, they are all in the same job group and they are expected to do some extra work.

Two persons doing the same job should be paid equally. T.S.C here again is so notorious on this. That is teachers with the same education, experience and the same job group are paid differently. This one depends on the subject they teach. Though serious is the issue that a person today teaching eight subjects is paid less. A person teaching Kiswahili in Kenya Secondary

Schools, has three credit increments over that who is teaching eight.

Freedom square: The ranks and (inaudible) should be accorded everywhere in every Municipality. Where they should hear their expedients over any matter under the (inaudible). They should enjoy amenities from prosecution like the MPs do in Parliament. Uniformed police should be on standby to give security and maintain order in sessions which will be held in the afternoon of every public holiday.

Parastatals: They should be headed by Directors appointed by the Minister and vetted by Parliament.

Liberalization: All sectors except military should be liberalized. Example we have a body called Pyrethrum Board of Kenya which enjoys a monopoly which it has abused directly. Kenya doesnot need Pyrethrum..

Com. Muigai: Move on.

Mutua Kamau: Farmers have stayed for five months without pay.

Com. Muigai: Stay with the principle Mwalimu, if you say all parastatals they will cover, then we move on.

Com. Muigai: The Government should never be allowed to come in between the farmer and the buyer if it's role is parasitic.

Ombudsman: He should be appointed by the Minister and be vetted by Parliament. He should have powers to prosecute the Government.

Vote of no confidence: If a President or an MP gets a vote of no confidence, he should vacate office within two weeks unless a General Election is due within three months.

Constitutional change: I have already mentioned that. That an acrorilistic sections of the Constitution can be changed only after acquiring two thirds, followed by a referendum which can be invalidated by thirty percent of the voters in the previous General Election.

Corruption: Police found collecting bribe should be sacked, arrested and be liable for life imprisonment. Because by allowing vehicles that are inspected to just pass, they are sending people to early graves. They should be imprisoned for life. If traffic police for instance, refuse to take bribes and inspect vehicles, deaths will be reduced by ten percent.

It should be mandatory for Government to explain in writing the reason why one has failed an interview. Otherwise, in some

occasions, the interviewing panel, just check your physique and you never know and you cannot change this. They should be explaining the reasons in writing.

Clapping from the audience.

Com. Muigai: Thank you Mwalimu. Please give us your memorandum, it's well spoken. Gladys Githara. Mr. Kamau is standingby. Thank you.

Gladys Githara: Thank you Mr. Chairman. Before I give my contribution, I give my personal condolences for you loosing one of your colleagues and I say may God rest his soul in peace.

Most of the things I had have been said. But I will just point a few that have not been said and may be stress on some that have been said. Now about land, in Kenya we have more than half of the population landless and my proposal or my recommendation is that nobody should own land more than three hundred acres. If there is somebody who has more, he should surrender it to the Government. On the same issue about land, we have Naivasha, a very fertile place with very good land and a lot of flowers are grown here in Naivasha. All these flowers are exported and we don't benefit anything we as the residents. So, my recommendation is that all the flower growers do pay cess to the Local Authority so that, the Local Authority can develop the town.

About the elections, we normally have a lot of abuses and a lot of fighting during campaigns. To reduce this, I would recommend, if there are a group of supporters of a specific candidate behaving in this manner, all these supporters should be prosecuted. I would recommend that the candidate of these supporters is disqualified to vie for the particular post, he was vying for.

My recommendation, President or Member of Parliament, Councillor or Mayor, all these people should not exceed two years term at any time. About Review, we have had reviews and Commissions have been set to review salaries of particular organizations. My recommendation here is on Parliament. The Parliamentarians should never at any time review their own allowances or salaries. A Commission should be set aside to review their salaries or allowances.

Nomination: Where I happen to be a victim. A nomination of a Member of Parliament or a Councillor by any party should not be withdrawn at any time until that candidate finishes the term he or she was nominated for.

Education: About education, my recommendation is; any candidate vying for Councillor's seat, should attain the education standard of C.P.E and those vying for parliamentary should attain O' level education and above. I have a recommendation here that may touch most of you. Whereby if a man rapes a child or a woman, my recommendation here is that it should be a death

sentence to reduce this.

Clapping from the audience.

Security during campaigns. I would recommend that all vying candidates are given security whether opposition or KANU.

Registration of voters: My recommendation here is, the registration of voters should be a continuous exercise in the particular year that elections are being held. e.g. it should be continuous now, from January upto December since the registration of ID is also continuous. I think that is all because most of the points have been presented to you.

Com. Muigai: Thank you. But why did you say Gladys that your proposal would affect some of us. Do we look like people who would commit that offence?

Gladys Githara: No. Not that you look like people...but it is usually committed by people like you.

Com. Muigai: Okey. I understand. Thank you very much. Mr. Kamau?

Gakange Kamau: Thank you Mr. Chairman. Let me first register my personal condolence for that sudden death for one of the Members of the Commission. My name is Gakange Kamau. I will be very short and brief. First, I would like to recommend that a law should be put there to prevent the sitting President to hold more than one seat. That is, the President should only have that seat of the President. Also, a law should be there which should prevent the President from making public decrees. I would also like a law to touch the area of the National Social Security Fund, where the members of the National Social Security Fund should be allowed to be withdrawing their money after a certain period of time. That is, after the person has been employed and is a member of that, can be allowed to withdraw may be after ten years, twenty years and not to get his dues just at the end of the service.

The other area I would like to recommend is the area of education, where we have got the Ministry Education e.g teaching materials which do not pass through the professionals and teachers, parents and students are imposed to use them. I would recommend that the Ministry of Education should have a pilot school in every Division where all these materials could pass through this school and they be recommended. In the same area, I would like to recommend that the Higher Education Loans Board should be abolished and another board be looked at which will be regulated by the Kenya Revenue Authority. In this area, I would like also a law to be made which should where all the students admitted to Universities, qualify for the loan but not few students to qualify for the loan. That means we should go back to where we were, that a student admitted to the University, automatically qualifies for the loans.

The other area of the Ministry of Agriculture. You know the Ministry of Agriculture is mostly the one that sustains the country. I would recommend that the services given to the Ministry of Agriculture should be privatized. Therefore, having not to be controlled by the Ministry.

The area of the Electoral Commission: The members of the Electoral Commission should not be the Presidential appointees. The other area I would like to touch on is the area of National Hospital Insurance Fund. I would like to commend that the money paid to the patients should be harmonized. i.e. If a patient is admitted at Kenyatta National Hospital or Naivasha District Hospital, the money paid there should be the same and I think that is what I had Mr. Chairman.

Com. Muigai: Thank you very much. You are very brief and very fast. Asante sana. Musa Okiyo. Alex Sola. Dominic Mwangi. Councillor Amunga amezungumza. Karobia Karatu. Macharia Charles. John Njoroge. Hayuko. Allan Kamau. Nathan Gichana. Francis Maina. Philip Rukwaro. Lazima uzungumze my friend Mr. Rukwaro, kuja. Robert Kibe Gitau. Freshiah Wambui. What a pity? Ladies, why don't you want to speak. Okey. Ngoja kidogo. Terry Hiuhu. Tabitha Njeri. James Kimani. Veronicah Wanjiru. Pauline Wairimu. Okey endelea sasa.

Philip Rukwaro: Asante. Kwanza nawapeni pole kwa kumpoteza mmoja wenu. Yangu yatakuwa machache maana mengi yamesemwa na nitasema kwa lugha ya Kiswahili. Kwanza ningeliza maana katika ofisi nyingi za Serikali kumekuwa na shida kila wakati, unasikia mtu akienda kutafuta labda ni kitu kinamhusu yeye, unasikia file imepotea. Hata kortini unasikia file imepotea na haijulikani ilienda wapi. So, katika Katiba ijayo tungependa kuwe na njia ya kujua ilienda wapi kila wakati.

La pili, hivi karibuni kumekuwa na mauaji ya polisi. Polisi wamekuwa wakiuwa watu kila wakati. Sitaki kuwalaumu lakini naonelea heri ingekuwa vizuri kabla ya kuua, yule mtu ashikwe maana kila wakati watu wanakufa, wanakufa na hakuna hata mmoja wao anabaki kubaki kusema kweli tulifanya kile kitendo ama hakutufanya, wanauawa wote. Kwa hivyo wakati mwingine watu wanalia.

La tatu ni kuhusu Uchaguzi maana Uchaguzi tunaamini ya kuwa kila wakati imekuwa ni silaha ambayo inatumiwa na labda chama kile kinachotawala. Ningependekeza siku ama tarehe ya uchaguzi tuwe tukipewa immeditely tukifanya Uchaguzi, tujue baada ya miaka mitano, tarehe fulani, ama mwezi fulani tutafanya Uchaguzi na isiwe ni siri ya mtu yeyote. Awe ni Rais ama nani. Iwe ni kitu kitatangazwa na Tume ama Bunge mara moja. Kwa hivyo mwezi usipite.

Lugha kortini: Mara nyingi utaona mtu akienda kortini labda anawakilishwa na wakili, ile lugha inatumika pale labda ni Kiingereza na Judge na Wakili wanawasiliana kwa lugha ya Kiingereza. Na yule mwenye kusaidiwa ama yule mwenye amelipa yule Wakili pesa kwenda kumsaidia pale, itabidi kwanza baadaye waende nje akaelezwe na Wakili ni nini Judge alipitisha juu ya yeye. Kwa hivyo ningeliza kortini kama mtu anaelewa Kiswahili, siku ile anawakilishwa na Wakili wake, Kiswahili inatumika.

Mambo ya vitambulisho imesemwa. Walimu kwa wale ambao hawajajiweza. Mara mingi mimi siamini ya kwamba ile bursary fund inayotolewa na Serikali inasaidia maskini. Kwa hivyo ingekuwa kazi ya community kuchagua ni mtoto wa nani na nani atakayesaidiwa na zile pesa. Sio ofisi zile ziko juu mnasikia fulani anasaidiwa na bursary na hamjui alitolewa wapi.

Lingine ningesema ni juu ya makanisa. Makanisa yamekuwa mengi wakati huu kama vyama. Sisemi yavunjwe yale yako yaendelee lakini kuwe na sheria kusiwe na mengine. Maana wengine wakipata labda ukubwa mahali ako, anaenda anaunda yake. Imekuwa kama vyama sasa.

Lingine ni juu ya ile Katiba tunazungumzia wakati huu. Labda ningewakosoa kidogo niseme ya kuwa, si heri kwanza labda nafikiri mngetuelimisha kwanza tujue ile Katiba iliyoko inasema nini. Maana hatuijui yenyewe. Sasa tunakuja kwa nyingine na iliyokuweco hatuijui. Kwa hivyo ningepuliza ile Tume iliyoko sasa hata baada ya kutengeneza hii Katiba iendelee kuwako, iendelee kuelimisha Wakenya mpaka mwisho. Maana kwa mfano watu wa Naivasha, tulipoitwa Naivasha wamekuja wachache. Ni wachache sana watajua juu ya Katiba yao. Kwa hivyo itakuwa vizuri, kila mtu aendelee kuelimishwa na kujua Katiba yake inasema nini.

Jambo lingine ningepuliza ni wale watu ambao walifukuzwa kwa mashamba yao wakati wa vita vya kikabila na vya kisiasa pia. Ningepuliza hawa wote warudishiwe shamba lake maana lilikuwa lake. Na kusiwe na ubaguzi maana kuna mashamba mengine ambayo yaliachwa yakapewa wengine. Kwa hivyo sioni sababu gani iwe ni vita ilitokea na baadaye mwingine aende agawie. Kwa hivyo kila mtu arudishiwe shamba lake.

Clapping from the audience.

Chokora ama parking boys. Nafikiri baada ya miaka mingine mitano itakayokuja, mji kama wa Nairobi utakuwa shida sana kukaa. Sasa pale kwa upande wa chokora ningepuliza, kila mtoto ashikwe, aeleze wazazi wake wako wapi. Mzazi afikishwe kortini aeleze sababu gani amemuachilia yule mtoto. Kama ni uwezo hawana, Serikali iwe na aina ya pesa fulani ya kusaidia. Yule ambaye ameachilia, maana kuna wengine wameachilia watoto wao makusudi, mzazi achukuliwe hatua na Serikali. Kwa njia ile najua kwamba watapungua.

Lingine ni juu usalama wa kila mtu. Usalama wakati mwingine kwa mfano kama hapa mahali tunaishi, inatubidi kuwaajiri askari kwa estates tunazokaa maana hakuna usalama. Na kila mwaka naona kuwa polisi wanaalikwa wengi, wanaajiriwa wengi kazini, ingekuwa heri tupewe askari tujue ya kuwa wakiweco kama polisi, Serikali haina pesa ya kulipa hawa, tupewe tuambiwe ya kuwa, kama ni estate fulani tumepea askari fulani, kiasi fulani muwalipe. Kuliko wawe wengi na baadaye tunaajiri askari wengine hapa kwa mitaa.

Clapping from the audience.

Ningeuliza iwe, maana kila wakati, kila mwaka tunaona ya kuwa polisi wanaajiriwa. Imesemwa mara nyingi kila wakati, kazi moja kwa mtu mmoja. Ningeuliza ile itimizwe maana utapata kuna wengine wako na kazi zaidi ya kumi na wanaendelea kupata mishahara. Na mwingine hana kazi, hana la kufanya.

La mwisho ningeuliza wale ambao wanaiba, tuseme kwa mfano mtu anaiba kitu fulani, anapelekwa kortini ama anachukuliwa hatua aina fulani. Wacha tuseme aliiba mali yangu mimi ama ya mwingine, na baada ya kupelekwa pale kortini, anafungwa ama anapigwa fine, ile fine anayopigwa inaenda kwa Serikali na huku mimi na wengine nabaki nikiumia. Kwa hivyo sasa nafikiri kile kilichoibiwa kwa yule mtu anashtaki hata kama ni fine, iende kwa mwenye kuibiwa sio kwa Serikali.

La mwisho tu ningeuliza ya kuwa, iwe kama ni wakati tunaendeleza, mara nyingi utaona ya kuwa zile sehemu zinazoendelezwa ni zile ambazo ni regions za kile chama kinachoongoza. Na nafikiri Kenya ni yetu yote kwa hivyo kila sehemu isichukuliwe hatua ambayo ni njia moja bila kuchagua nyinyi Mbunge wenu anaongoza ama haongozi. So, kwa hayo machache nashukuru sana kwa kunipa hiyo nafasi.

Com. Bishop Njoroge: Thank you very much for those views. Can you sit down please? Ulikuw umeitwa. Jina lako ni nani? Njoo hapa. Hebu kwanza nione wale hawajazungumza. Mikono juu. Can you come in front here? Can all of you come in front here? Wale wamezungumza waondoke. Have you talked? Wewe una sweater ya blue, umezungumza? You haven't talked. Okey. Nasema mkae chini. Wewe umezungumza? Bado. Sasa nitawaonyesha vile tutafanya. Mketi chini. Tutaanza hapo, tutaenda hivi, tutaenda hivi, mpaka mwisho. Sawa sawa? Hawa ndio sasa watakuwa wa mwisho.

Allan Kamau: Jina langu ni Allan Kamau. Mimi nina jambo ningependa kupendekeza kwa wakulima wa pareto. Wakulima wa pareto wapatiwe nafasi ya kuuza mazao yao wenyewe. Sheria zinazokataza wao kuwa na mauzo yao ya pekee iondolewe. Tena ningependekeza, vijana wa nchi hii walindwe. Kwa mfano kama watoto mayatima. Tena ningependekeza sheria za customary laws ziheshimiwe. Tena ningependekeza haki ya wakulima ilindwe. Tena ningependekeza elimu ya haki ya mtoto wa Kenya. Tena ningependekeza vijana wa Secondary schools wapatiwe vyeti vyao bila masharti yeyote.

Tena ningependekeza, Kenya iwe nchi ya kidemocracia. Na ningependa tuwe na mvumo wa Serikali tulio nayo sasa. Lakini (inaudible). Wananchi wapewe haki ya maandamano ya usalama kupinga jambo wasilokubali. Ningependekeza lingine, Katiba iwanyime Wabunge haki ya kubadilisha Katiba bila maoni ya Wananchi. Ndio bado ninaendelea.

Com. Bishop Njoroge: Hapana. Sikia. We are not going to be here...there are many people who want to talk. Can you give us your last point?

Allan Kamau: Uchaguzi uwe wa huru na haki.

Com. Bishop Njoroge: Hiyo ni kusema nini?

Allan Kamau: Yaani usiwe ukivurugwa.

Com. Bishop Njoroge: Kama violence. Njoo hapa. Five minutes. Tafadhali zungumza kama huyu Mzee, points, points.

Wilson K. Chege: Thank you Bwana Chairman. My points are very brief because most of them have been said. My names are Wilson K. Chege.

1. Presidential powers should be trimmed and the President should not be above the law.
2. Judicial Commission should be independent.
3. Public Commission also should be independent. Legislative also should not be answerable to any President.
4. Health: All citizens should have access to free medical services. Cost-sharing should be abolished.
5. Public servants should be well paid to minimize mushrooming of private hospitals.
6. Education: The Government should emphasize on free education upto primary level and should be compulsory. Also, it should avail low interest loans for all those going for further education from Secondary level.
7. Security: The Government should improve security to all Kenyans and have competent police force who are well paid to avoid corruption.
8. About the land: All big ranches of land should be repossessed and Kenyans should be given at least a plot for shelter. Grabbed land should be repossessed by the Government for public utility.
9. Infrastructures: Roads should be improved especially from the productive areas especially agriculture areas and tourism areas.
10. Telephone services should be liberalized and affordable to all citizens. Electricity should also be liberalized, accessible and affordable to all citizens.
11. Water: The Government should give lean water to all citizens. The Government should also tap water from natural

resources and create dams, digging boreholes for agricultural purposes.

12. Public offices: All officers serving in the Government and elected public officials should declare their wealth before any appointment or given any election.
13. Councillors, MPs, Judicial officers, P.S., Composition of the Executive and President should declare their wealth before any...
14. Local Authority: Funds should be transferred to local people. i.e. Planning for the Council should be direct from the people. Direct of election for Mayor, should be done by the people. The Mayor should be answerable to any national Local Authority supervisory body whereby the Mayor should be answerable to it.

Com Bishop Njoroge: One more minute.

15. Mayor should be answerable to national Local Authority supervisory body, should be created by the Commission.
16. The Local Authority should take al related matters especially the issue of stretchchildren. Whereby the Local Authority should give shelter, food, free education and medical care to those children.
17. National Resources: All citizens should have an access to national resources anywhere in the Republic. E.g. Lake Naivasha whereby the local people do not have a say to the lake. Only because the surrounding land is being owned by the whites (private people) and you cannot even try to pass to the water. Thank you very much.

Com. Bishop Njoroge: Thank you very much. Njoo.

Richard Kinyanjui: Jina langu ni Richard Kinyanjui.

Com. Bishop Njoroge: Wewe. Kwa nini unaenda hapo. Utarudi mahali ulikuwa. Can you go back to where you were? Umekuja umechelewa. Katiba ilianza asubuhi. Kwanza keti hapo.

Richard Kinyanjui: Jina langu ni Richard Kinyanjui na mimi kwanza ningetaka kusema kuhusu mkutano ulioko kati ya nyinyi Commissioners, Serikali pamoja na Wabunge. Kwa sababu kuna mvurutano wa nyinyi. Wengine wanasema uchaguzi ni mwaka huu, wengine wanasema tutangojea mwaka mwingine. Hata hivyo hivyo hapa wakubwa wetu vile wanasema. Mimi kama

ningekuwa na uwezo ningesema tufanye Uchaguzi mwaka huu, sio mwaka kesho kwa sababu wengine wanafurahia hiyo unga wanakula. Tungetaka ufanywe mwaka huu huu.

Jambo lingine tungetaka uchaguzi wa Bunge na Councillor ufanywe siku moja. Usifanywe wakati mmoja na wa President. Kwa hivyo wa President uwe siku ingine peke yake.

Ya nne ningetaka, Wakenya tuishi kama ndugu lakini sio mtu ni Mkikuyu, Kabila, Mjalu au Mkamba, tukae kama Wa-Tanzania, twaitana ndugu. Lakini haya mambo ya ukabila, Kikuyu, Kalenjin inaleta ukabila mwingi.

Ya tano: Upande wa viongozi wetu wa nchi yetu ndio wameleta ukabila. Kwa sababu kama anaandika watu wa kikwao. Hiyo ndio inaharibu watu ambao wengi wetu watoto wamesoma na wanakosa kazi. Kwa sababu ukienda pahali pengine unaitishwa mlungula.

Jambo lingine, upande wa development: Kumekuwa na tabia ya kunyimwa maendeleo sehemu zingine sababu mlischagua Councillor ama MP wa chama kingine. Lakini kwa kawaida tunasema, dume ikishapigana, moja ishindwe, inakubali kushindwa.

Mzee, umekuja saa hii? Hebu mwambie nazungumza na yeye. Unakuja saa hii? Hebu keti kwa form hii nyingine tafadhali.

Tupewe maendeleo kila mahali hata kama nilichagua mtu wa chama gani lakini bora mimi ni mwananchi wa kawaida. Hayo mambo ya maisha mbaya, siasa mbaya, hiyo tuache kabisa.

Jambo lingine kuna shida ya stima kama vile mimi nilivyo hapa nimesimama, nimesimamia mradi wa stima. Tukishalipa 10 % tafadhali Serikali ituekee stima. 10%, 90% Serikali yetu ituekee.

Jambo lingine mkulima siku hizi anafinywa kama mimi ni mkulima vile vile. Maziwa imekuwa hohe hahe. Hata juzi mliona mahali pengine kulichomwa huko 'milk powder.' Inaumiza sisi wakulima, maua yetu hainunuliwi, maziwa, viazi, mahindi, ni shida.

Com. Bishop Njoroge: Can you recommend please? Unajua kuna soko huru, kwa hivyo ifungwe.

Richard Kinyanjui: Ifungwe, isije hapa. Kwa sababu inaumiza mkulima. Maziwa tunanunuliwa shilingi tatu kama kama (inaudible). Kitu iliyoko hatutaki majimbo katika nchi yetu ya Kenya. Majimbo kuna sehemu zingine ni kavu sana. Tutafika huko saa ngapi? Nilikuwa nimezaliwa wakati wa Mkoloni. Mimi si kijana. Na niliona shida, nilikuwa nakaa hapa Kiambu Karura. Ilikuwa shida kwenda Kiambu. Wengine waniona kama kijana, mimi si kijana. Kwa hivyo majimbo hatutaki Kenya.

Jambo lingine: Wazazi, wakiwa wazee kama vile nilivyo mzee sasa, baba yangu, nikishakufa leo, nikiaga dunia. Sio kusema naweza kufa leo nikisema hivyo. Lakini watoto wangu watapata shida kupata Title Deed ya shamba langu. Hiyo iahilishwe kwa sababu imekuwa mkutano, ukienda kwa Chief, D.O. nini? Mara muende kortini. Wengine hawana pesa ya kushtaki haya mambo kortini, inakuja kupotea na mwenye pesa.

Jambo lengine la mwisho, Wabunge wetu wamekuwa taabu sana hwa Ma-Councillor wetu. Maana wana-defect chama chake na wanakwenda chama kingine. Yeye hana msimamo. Inatakiwa akihama chama chake, constituency yake irudie uchaguzi, igombanie mara ya pili. Asante sana.

Com. Bishop Njoroge: Next person. Tuambie jina lako.

Peter Otieno: My name is Peter Otieno. My point is; The Parliament, the Ministers should not be appointed by the President but a council to do the selection. Vice President should not (inaudible) into the office, incase of death of the President or anything else. Instead the Speaker should hold that office and should not contest the elections to that post. Labour laws should be reviewed.

Medicine facilities should be free so that we can curb the death rates in the country. Investors investing in the country should be vetted properly in order to avoid investors who run away and leave their workers unpaid.

Chiefs should be transferred as any other civil servant. The Government should provide water to rural areas where water is not available so that people do not suffer for lack of water. I think those are my points.

Com. Bishop Njoroge: Thank you very much. Next. Njoo hapa ujiandikishe. Wale wako nyuma wakae hapa mbele. (inaudible)

Otumba Adero James: Thank you Commissioners, first let me say that; it is not only you who may be has lost one amongst you but I can say us as Kenyans we have lost a very valuable son of us, who infact in him God give blessings.

I will start by first of all saying that our Constitution, we must own it. Therefore,...my names are James Otumba Adero. I propose that our Constitution have a preamble which infact should give us ownership. Then, in this preamble, it ought to have our philosophy, the guiding principles and it should also have the pillory. For example, we should have within the Constitution, the power be given to people. Emphasis should be on the rule of law and equality should be some of the pillars which infact uphold that Constitution.

Secondly, I would like to say that we would like a very detailed Constitution. One which is not actually perceptible to alteration as now currently we have sixty five percent. This one infact was lowered in 1965 for some other reasons which infact we were

not told. I would recommend seventy five percent, other than sixty five percent.

Thirdly, I would like an Executive with power but power which is well checked and balanced. The balancing should actually be done by the following: We should ensure total independence of Parliament by it having to draw its own timetable and the committees of this Parliament should actually be constitutionalized and even spread constitutionally, so that infact they can even take legal matters to court. They can prosecute like the (inaudible) if they find victims to be sued.

I would also recommend as a way of ensuring this balance that there should be security of tenure, to both the Auditor and Controller General. The contract Judges should actually not be there. Currently, because we believe that we have got enough sons and daughters who can actually do this work.

I would also prefer if the Electoral Commission, the Public Service Commission and the Judicial Commission be vetted by Parliament after recommendation by the Head of State. They should actually be vetted by Parliamne.

Now, on nomination of parliamentarians: These parliamentary nomination, the purpose for which infact these nominations was established is no longer there. It was actually as a result of may be certain people who are required to play certain roles, not succeeding in having been elected.

Com. Bishop Njoroge: Tafadhali, hii kitu itachukua hiyo kukohoa na hii haitasikika. Labda utaenda nje kidogo umalize. Halafu urudi. Now, already you have four minutes, so you have one more.

Otumba Adero James: Thank you. I am very fast and I am glad that you are seeing that I am fast and you will allow to finish. What I want to say; is that nomination, the parliamentarians should no longer be nominated as such. We should not have nominations based on may be psycho fans but we would like nominations to represent interest groups. Certain particular groups like may be the disabled and the like. In declaration of a state of emergency by the President, this one should only be done with the Parliamentary vote of sixty five percent. The Provincial Administration should be totally scrapped except for the Chiefs and the Assistant Chiefs, who infact should be elective posts.

We should ensure that within our Constitution we have economic democracy because this is something which we find to be lacking. Gender sensitive Constitution where our women that is the female, have got equal rights in inheritance and the like.

Com. Bishop Njoroge: One more minute.

In education, I propose basic education should be free and compulsory upto form four level. After the University level, I propose that all University qualifiers ought to automatically secure loans and these loans should only cater for certain other

aspects and not feeding. The feeding infact, is really degrading the students and therefore their academic....

Com. Bishop Njoroge: You have only one minute, why can't you go to the other point?

Freedom of expression should be restricted by the liberal. Liberal law infact should be upheld so that it is practiced. Freedom of expression is also abused as you have seen it being done by the media. There should be legal recognition of the unwritten customary practices which we call conventions within our Constitution and as long as they are not repugnant to morality and justice.

Com. Bishop Njoroge: Last point

The last point is that; I propose that we have a Ceremonial President and an Executive Prime Minister who infact during the polls should run as poll mate.

Last, all agricultural products imported into this country should be done by farmers cooperative. Who infact import to fill the deficit and not any other organization. Thank you.

Clapping from the audience.

Com. Bishop Njoroge: Thank you. Those are very good points. Karibu Mzee ujiandikishe hapa tafadhali.

Robert Kibe Gitau: My name is Robert Kibe Gitau and I come from Longonot. I would like to talk on terrorism. Kenya is terrorist filled country now and all the people are culprits because the Government has failed completely to control terrorism. Terrorism should be defined by this Constitution so as to take all the people in their villages. We cannot afford all of us to go and live in the urban areas where there is enough security. I would ask this Commission to define cattle rustling, armed gangsters, (inaudible), shifter movement of any kind or mungiki of any kind be terrorist. Declare them to be terrorist and be dealt with not by the police but the Armed Forces.

Clapping from the audience.

I would like also to ask this Commission to deal squarely with moranhood. Moranhood should be by now declared as terrorism. They should now be whipped out of the face of this country. Because when they come, they kill the people, they rape the women and children and get people's livestock. As a result, create poverty and hopelessness among many people. I would also like to talk on another point; religious hooligans. By now this Commission should come up with a given solution to take to court or to prosecute any religious person who go about cheating people of their wealth or burglary action of any form.

Clapping from the audience.

Com. Bishop Njoroge: You know you are telling us Commissioners so that we can look at it. Unajua wakipiga makofi unaona kama inaingia, umesema maneno mazuri. Endelea.

Concerning resources and corruption, I would like to talk of two things. This we saw when the Government was given independence and how corruption doubled and the way they doubled it. Corruption in Kenya was brought about by the learned people of this country and corruption has roots. To wipe out corruption, I ask this Commission to take serious the following things:

First, is to open again all the closed shops. Everything in Kenya should be open and advertised to all people of this country. Closed shop is the true source of corruption. No person should be employed anywhere. No bank loan should be given to anybody without public advertisement. What D.C created should also be abolished according to the law of this country if we are to get rid of corruption.

All public servants whether in company or in Government should not be allowed to own and possess savings and credit societies. They should bank their money in the commercial banks that will be accessible to everybody but not the savings and credit society where they calculate their money the way they want and take the money to go to the taxpayers of the nation.

I would also ask all Kenyans and public services should be open to all Kenyans and should be advertised in the media, internet and the newspaper to everybody to a competitive market. No person shall be allowed to have access to dependants on his own. That summarizes the total points I had.

Clapping from the audience

Com. Bishop Njoroge: Njoo upande huu ujiandikishe. You have really thought about it. Hata ndio ulikohoa kwa sababu ulikuwa na mambo magumu. Next person.

Francis Kagunyi: Kwa majina naitwa Francis Kagunyi Kagwe na ninao maoni lakini mengine yameshazungumziwa na ndugu na dada zangu.

Ya kwanza vyeti vya vitambulisho na passport na vyeti ambavyo vinafanya Mkenya kuwa citizen halisi anatakikana kuzipata akiwa na umri wa miaka kumi na nane. Lakini sio kusumbuka hapa na pale baadaye.

Ya pili ni kuhusu Ministers, Ministers katika ofisi zote za Serikali wanatakikana kuwa wamesoma kulingana yaani in respect with the Ministry they are serving. Kama ni mtu kama Minister of Health, awe ni mtu mwenye ako na degree kulingana na hiyo Ministry ana-serve. Anatakikana kuwa ako solely responsible for the areas in the Ministry. Lakini kwa wakati huu tunaona ya kwamba wengine sio responsible sababu wanajua kesho pengine itafanyika reshuffle na atoke kwa hiyo Ministry.

President and his powers: Lazima President akuwe under the power. Hakuna mtu ambaye anatakikana kuwa juu ya sheria ya Kenya. Tunatakikana tuwe tukisomewa budget ya zile pesa ambazo President ametumia wakati wa muda wa matumizi ya pesa za Serikali. Kwa sababu wengine wana mis-use the resources that we have.

Ya nne inahusu masomo. Every Kenyan citizen should have free education. Hii education lazima ikuwe na value. Kwa sababu tumeona ya kwamba tukipata elimu saa ingine haitusaidii sana. Ya pili kuhusiana na masomo, mtu anatakikana kuwa compensated na ile elimu amesoma. Yaani awe akilipwa kitu kidogo kulingana na ile elimu amesoma.

Ingingine ni kuhusiana na sheria za kazi. Sheria za kazi zinatakikana kuwa reviewed. Hii ni kumaanisha ya kwamba, sana sana hii inahusiana na private developers ambao pengine wanakuja katika nchi yetu ku-develop yaani ku-invest. Wanatakikana kuwa waki-work under the conditions set by the Government. Not by the conditions they set by themselves. Ili kulinda mwananchi wa Kenya.

Ya saba ilikuwa imesemwa lakini nitagusia kidogo freedom fighters should be compensated.

Ya nane, Commission should be made to make people be informed about the availability of jobs. Yaani Commission iundwe ili kuweza kuwaajiri watu wote ambao hawana kazi. Na yangu imeishia hapo. Asanteni.

Com. Muigai: Mzee kuja. Ukimaliza unasonga nyuma. Tusonge hivi. Tusonge hivi.

Bernard Amuchizi Mkaizi: I have a few proposals here. Number one is about inheritance. I am proposing that in our Constitution in case of ...and children makes the other third.

Com. Muigai: In circumstances where the parents were dependent?

Bernard Amuchizi Mkaizi: In all circumstances.

Com. Muigai: Supposing my father is a millionaire, what would he want to do with a third of my money.

Bernard Amuchizi Mkaizi: It is okey. It doesn't matter, he will add on his million shillings.

Number two, devil worshipping in Kenya should be abolished by the Constitution Bwana Chairman. Devil worshipping should be abolished in Kenya. Devil worshipping should be abolished by the Constitution in Kenya.

Elected or nominated Councillors and MPs should only be allowed to absent themselves with valid reasons for two sittings only. The third time should result to a warning letter and in case of the fourth time, the seat should be declared vacant and a by-election or a nomination conducted.

The fourth one is that the Constitution should provide for a Ministry of Sports, Music and Culture. A Ministry of Sports, Music and Culture to be created to cater for our musicians and postmen people who are languishing in our country here.

Number five, education fee or cost of our children from nursery school to O' level should be free and catered for by the Government. We should follow that motto of finishing ujinga in our society.

Number six, every registered Kenyan citizen above eighteen years that is, who are unemployed should be given a monthly payment which should be established by the Parliament to enable them meet their basic needs. That is food, shelter and health. Because people have to live anyway.

Number seven, the Local Authorities should be given mandate or autonomy to levy for any of the natural resources within their area of jurisdiction. Without seeking approval from the Minister who has got interest in this area.

Number eight, retirement benefits should be paid to the victim immediately the victim leaves his or her place of work at least one day before his last day of service.

Number nine, if a President or a Minister or a P.S. or Director of energy in a corporation is mentioned in any scandal, he should be compelled to resign by this Constitution.

Clapping from the audience.

The ID cards, identification cards should be issued on the same day of application. Birth certificate should be issued from anywhere in our country, not necessarily at your place of birth. That is discrimination.

Number twelve, if a person dies in hospital, whether private or Government, this we know is the negligence of the doctor, therefore the rest should not be compelled to pay any money as medical bill. Because that person did not get healed. So they don't need to pay anything.

Com. Muigai: Hang on. This will cover all persons who die in the hospital or all persons who die in circumstances of medical

negligence?

Bernard Amuchizi Mkaizi: In circumstances of medical negligence and the Constitution should provide for guideline of certain circumstances. Thank you.

Com. Muigai: Thank you very much. Mzee.

Joachim Wamugunda: Asante kwa Katiba kunikaribisha hapa. Jina langu ni Joachim Wamugunda Catechist. Kwanza natoa rambi rambi zangu kwa nyinyi mmefiwa na mwenzenu na baadaye ni na haya ya kusema hapa. Ninalotaka kusema ni juu ya magari ya uchukuzi na hasa uchukuzi wa abiria. Tukitembea katika nchi yetu tunaona magari mengi yanabeba watu sana na hii mara nyingine watu wanaumia na maisha yanapotea. Hapa naona ya kwamba pia kuna lile jambo la gari inaingia hapa, polisi wako barabarani, wanawacha magari yapite na yamejaza watu. Hapa napendekeza kama kuna sheria katika Katiba iliyopita kama haiko, Commission hii iweze kuweka sheria hii. Ikiwa ni mimi ambao ninabebwa basi nimejikosea heshima kama nitaingia lile gari. Kama ni sheria mwenye kuingia hilo gari. Ndio mara ingine unaona tunapoteza maisha.

Nikichangia upande wa elimu. Nitasema juu ya elimu kama wengi walivyosema ya kwamba iwe free education. Pia katika Secondary zetu za umma, tusiwe na ile moja ya kuambia kwamba kuna National, Provincial kuna district levels. Hizo ziondolewe na pengine ziundwe public Secondary schools kote niendapo niweze kupata elimu.

Jambo lingine nililotaka kuchangia ni yale mambo ya free market, ilivyokuja wauze vitu vyake. Hii nayo ilileta shida kwa mwananchi wa kawaida. Maana sasa kama Serikali haisimamii bei za bidhaa. Kila mtu anauza apendavyo. Utashangaa kiberiti kutoka S. Africa ni shilingi tatu na cha hapa ni shilingi tatu. Hata uchumi wa nchi yetu pia unakwenda chini kwa sababu wale wanauza rahisi hata kushinda wa hap. Kwa hivyo hiyo ningependekeza ya kwamba, pengine Serikali irudie katika Katiba yetu tuwe na hiyo price control. Ili mambo mengine yaweze kuendelea sawa. Ni hayo tu.

Com. Muigai: Asante sana. Jiandikishe pale Mzee. Next. Kuna mtu amebaki huko ambaye bado sijampatia ruhusa kukaribia. Hakuna.

Joseph Ng'ang'a: My name is Joseph Ng'ang'a, I am going to talk about the separation of powers in regard to the Executive, the Judiciary and the Legislature. I am saying that for there to be true separation of power, the Executive should not have any role in appointment of Judges and Magistrates. Set Judicial Service Commission to propose names of the would be holders of the office to Parliament which will either approve or reject. Still for Parliament to be independent, Parliament should be completely independent of the Executive in terms of funds and terms. So, the Parliamentary Commission recently formed should have its own staff and they should not be seconded from the Civil Service.

Number two is the appointment of officers to the Public offices. I propose that this to be done by a Commission which will be solely responsible for the appointments and senior officers from Permanent Secretaries and above should be proposed by the Commission and ratified by Parliament. Also, State Corporations, Parastatal Heads and select committee officials should also be proposed by a Parliamentary Select Committee and the Parliament should ratify. For appointments of a Select Committee like this one which is reviewing the Constitution, it should be done by Parliament, by Civil Society and other knowledgeable people like religious groups for it to be impartial and to continue doing its work independent of the Executive.

Number three, the Civil Service: The Civil Service, I propose that there be a multivated disciplined Civil Service. They should have a mandatory service term of only five years. At the expiry of which they should be allowed either to voluntarily retire, resign and be paid full gratuity of the time they have served. Also, they should be allowed to join the Service again if they so wish after retiring or resignation. Civil servants to be at (inaudible) to either remain in service or leave at leisure. That is what I meant to tell you. A competitive package for civil service to be there in place in order to attract qualified, competent and experienced persons. Top posts, all these posts should be occupied by qualified and competent people. Discipline of the civil service, any officer found to be frustrating the junior ones, should either be told to resign or interdicted so that we can retain a good civil service. A body to be set to listen and solve problems within the civil service. That is within the Public Civil Servants.

Number four, the relationship between the Governors and the Governor. I propose that a body be set to look at the complains of the Governed by either the Governor or their agents officers the Public officers. The body to be reporting regularly to the governed about actions taken against those found to be (inaudible).

Number five, I want to talk about the Government and the State. Right now, there is no clear demarcation within the Government and the State and I propose that there could be a clear demarcation in who is the Head of the Government or who is the Head of State. The Head of Government, I propose not to be necessarily the Head of State. All public officers to be answerable to the Head of State and not to the Head of the Government. The Head of State could be non-partisan and even if he or she might be elected through politics or through party, he should leave the party post upon elevation to that post. The Head of Government therefore should not belong to any party. I propose that the kind of Government that Kenya should have is that one of Unitary where the Head of State does not hold any political post.

Number six the constituencies. I propose that constituencies be based on population and not geographical so that our Parliament should have equal representation. Thank you.

Com. Muigai: Thank you very much. Next one.

Com. Lethome: I have one question. You advocate for constituencies demarcation. How do we (inaudible)

Joseph Ng'ang'a: My view is that such areas where the geographical representation is so big and the population is very small, rather those isolated cases. Because what we are representing in Parliament is not the geographical aspect of Parliament, it is actually the population. It is the (inaudible) that we are going to give to the public and to serve the country. So, if we present the geographical for example and probably most of the areas is either desert now if I go there to represent only five thousand ama two thousand, then the other people who are being represented like Mathare which has got around one twenty thousand and have only one MP, those people are under-represented and you see the majority then will not be represented.

Com. Muigai: Gentlemen and the lady. (inaudible). Please state your full names.

Haman Mukuria: Thank you very much. I am called Haman Mukuria and I come from Naivasha. My views, I will start first of all with what I am calling morality and characters of our leaders. On top of all the qualifications of our leaders, I propose that anybody vying for any leadership in this country should be morally upright. One thing, he should be married and have a proper home and the public can demand to know the background of his home. This will minimize some of our night meetings which we had been having, people going to visit our leaders and because they don't have families to take care of them or to take care of the family. They should have meetings.

Com. Muigai: That point is taken. Move on.

Haman Mukuria: The other point is about the farming and agriculture. Agriculture is the backbone of our economy and in that matter, the Government should be empowered by the coming Constitution of taking care of the farmers and some of these things which are happening.

One, importation of sub-standard goods should be abolished and to avoid that, heavy taxation should be imposed to those people who are importing goods or products that we locally produce. That will help the Government by getting the tax and it will also avoid a lot of importation. I also suggest that although we don't have the raw materials required for the production of something, I propose that the Government gives conditions to the investors. The investors should be given conditions to take care of the local community. I give an example of, we have investors around this L. Naivasha who are forty years of age and they have never built even a school or a hospital for the local community.

The other point is that agricultural inputs like fertilizers and the rest and whatever is used for agriculture should be tax-free. Should be exempted from tax so that it will take care of the farmers. The market should be provided. The Government should come in to take care of the market. Importation of goods produced here, an example of milk, an example of coffee sugar, and others which are locally produced should be banned.

Com. Muigai: Point made, move on.

Haman Mukuria: I also propose that the Government views properly the natural resources that God has provided us with. An example we have school leavers, taking water from a mountain here and taking the water all the way to the Indian Ocean for wastage and the Government cannot even put to use the water for irrigation.

Com. Muigai: You have one more minute. You have made your point Sir that local resources should be harnessed for the benefit of the local people. Next.

Haman Mukuria: I also propose that this new Constitution should look into the waters of L. Victoria which have been benefiting the Egyptians more than the Kenyans. Thank you.

Com. Muigai: Thank you very much. I hope you do not feel too rushed but we want to cover everybody because all these good people came.

Peter G. Karimi: I am Peter G. Karimi. I have a few points to present to the Commission. It is my feeling and the feeling of my colleague as my workmate, that all civil servants should be treated equally as per their level of education and experience. Regardless of the Ministry, department or the Parastatal they come from. We should not have an animal farm kind of citizens. Like in George Owen's novel.

Two, Kenyans should continue to have freedom of worship but to the right directions. One of my colleagues has already stated that we should not have devil worshipping permitted to take place in Kenya. That's the same feeling I have that whoever is going to worship in Kenya, let him or her do it the right way. Go to Heaven, you will not find the opposite there, because immediately he tries he is noticed.

Three, we should have Commissions elected within the nation for various activities but we should not overstress that and feel like we are being ruled by Commissions. It is my feeling that we can have a limit may be to five Commissions at a time or less.

Four, we are living in a liberalized market and we are punishing our farmers by giving them some restrictions through some various bodies. One of the most serious one is the so-called Kenya Dairy Board who bother our farmers rather than assisting them. If the farmer is not being assisted on attaining the right inputs and all that at the right time. Why should he or she be bothered when selling his or her commodities.

Number five, the Commissioners when are we coming together again for such? Are we having a tangible material that will take us for a longer period? Or are we here next year for the same?

Thank you very much. Please don't make any editorial comment. Usiweke chumvi au sukari au pilipili, sema hii tu shida ni hii, suluhisho ni hii.

Francis Ngumo: My name is Francis Ngumo. I would prefer the Unitary Government with a reason of indigeneous Kenyans to have a right of their national resources e.g. Lakes, land.

Ownership of land: The outdated colony of pre-independence agreement of ownership of land Act Cap. 283 should be abolished completely in the new Constitution. Leasehold Title Deeds should also be abolished in the new Constitution. With reasons that, ninety nine years, the land will be owned again by the Government. That is Act Cap. 284. Instead we should have freehold Title Deeds to citizens of Kenya only.

Com. Muigai: Thank you.

Muikamba Kimani: I am Muikamba Kimani. I have the following recommendations to make about the election of the President. The President should have Executive power. He should not be an elected Member of Parliament to represent a constituency. He must be morally upright. Must be a family person, that means he must be married. He must not operate a foreign account. Serving President must be prosecuted for offences committed while in office and must not be above the law. Minimum qualifications of a President, O' level.

Ministers must be employees of the Government who must apply for the ministerial job. Their contract expires with the life of current Parliament. Must be vetted by Parliament. Must declare wealth. Must be subject to civil servants' code of ethics and must be morally upright. Minimum qualifications is University degree. We have the Member of Parliament, they must possess the same qualifications as the President and they must be elected members to represent constituencies. Their salaries and salaries should be set and reviewed by a Remuneration Commission outside Parliament. They may however send their recommendations for consideration. Nominated Members of Parliament must be abolished.

Civil servants: Senior Government officers e.g. Permanent Secretary e.t.c should be interviewed for the job by Public Service Commission and not appointed by President and must be vetted by Parliament. Ambassadors and High Commissioners contracts must expire with the life of current Parliament. Directors of Chairmen of Public institutions must be employees of Public Service Commission.

Parliament: I recommend that the Parliament should have two houses, Lower House composed of elected Members of Parliament, representing all constituencies in Kenya. We also have Upper House composed of members representing all districts in Kenya. Districts should be represented by one member elected on popular vote. For a Bill to become law or an amendment in the Constitution must be supported by seventy five percent vote in the Lower House and hundred percent vote

on the Upper House.

Attorney General must be a Minister whose contract expires with the life of the current Parliament. Mayors and Council Chairmen should be elected on a popular vote but not be a Councillor. Minimum qualifications of a Mayor must be the same as that of an MP.

Other recommendations include, ID and passports should be issued to Kenyans without any tribal element, e.g. clan or tribe. Kiswahili should be made official language. Those involved in high level corruption e.g. bribery by multi-national company or foreign countries or packaging and manufacturing of fake goods or sub-standard items for example (inaudible) should be improved for life and their property confiscated to the State. Property that has been acquired as a result of this manufacturing.

Customary laws should be abolished. Large scale farms should not be sub-divided. Education should be free at all levels. No cost-sharing and no uniform. Medical healthcare services must be provided free and no cost-sharing in Government offices. Torture by police and prison wardens should be (inaudible). Freedom of expression and association should be respected. MPs who are absent from Parliament should lose their day salaries like any other worker. The Government should take care of the reckless and jobless. Teaching of the Constitution should be incorporated in the syllabus. One man must do one job. All the wealth that is not declared by any leader who is supposed to declare his wealth, should be taken over by the State. Thank you.

Muikamba Kimani: Thank you very much Muikamba.

Councillor Jacinta Wangui: I am Councillor Jacinta Wangui. Women should be given equal opportunities in politics and employment.

Number two, education should be free for all Kenyans regardless of the passes. Roads should be maintained without reservation. The life of Parliament should not be extended. Divide and rule policy should be abolished. The powers of the President should be minimized. The Government should address issues of (inaudible) children and parents. Increase Councillors salaries. Revive all KCC. factories. Empower freedom of speech to the citizens. Thank you.

Com.Muigai: We have heard many views about whether the Mayor should be elected by Councillors or by the people. What are your thoughts of that?

Councillor Jacinta Wangui: The Mayor should be elected by the people. So as not to encourage many camps in the Council.

Edmond Kuria: My names are Edmond Kuria. I want to present my views. One is about the youth and their brain drain. You find that many youths are going outside the country abroad because of lack of clear Government amenities or the Government

lacks to give employment. So, I propose that the Government should give a payable compulsory service to this youth either in the army or Government institutions.

Secondly, I want to speak about statutory corporations which are run by boards. You see that the Government is discriminating these people by not regarding them or giving them right to be civil servants. Their salaries are begged from the Ministry. So, I propose that statutory corporations either be abolished or there be a Commission which is looking into their salaries. But not all the time saying that the Ministry refused to give increment.

The other issue is on N.H.I.F whereby we see it is catering mostly for the employed people but it is not catering for the general public. I propose that it be a national orientated Medicare whereby it is catering for every citizen.

The other thing is on immigration. Those people who are migrating to Kenya, there should be a clear Government policy on foreigners coming to our country and a way to trap them. Then they refuse to come out of the country according to their agreement. They pass criminal (inaudible). So, the Government should track them down and take them to their own country. Most of them come and hide in our country and take advantage. Thank you very much.

Edward Cheserek: My names are Edward Cheserek and I have the following proposals to make. The first one is that the Government should ensure security to all people and cattle rustlers should be charged with robbery with violence. In case of losses, the Government should be able to compensate those losses in case of cattle rustling.

Secondly, there should be no freedom of worship in Kenya. The State should take may be one of those big religions. So, freedom of worship should not be allowed.

Three, all land owners should be given Title Deeds on individual basis. The parent's land, the children should be given unconditionally.

Number four, the President to share powers with the Prime Minister and there should be no Presidential appointments in Kenya. Only a Board should be selected to choose or to appoint persons in relevant positions in the Government.

Number five, one man one job should be (inaudible). Multiple appointments should be abolished. We have cases where somebody is a Chairman, he is a Director, this one should be abolished immediately. One man should take one job.

Number six, we should blacklist all those people who have led to the collapse of Parastatals, Government bodies and companies. Such people should not be allowed to take any office in this country. They should be prosecuted.

Number seven, because of the political turmoil's, and race opportunities in this country and the multi-parties, I propose that there should be a majimbo kind of Government.

Number eight, natural resources to be exploited by the local community under the supervision of the Government and allow for private exploitation of resources. The Government should also take certain percentage. If you have gold or anything in your firm, you should be able to exploit it out without any restriction. To ensure adequate distribution of resources in terms of education, I propose that all first borns in this country should be given free education from Primary upto University level.

Number nine, all professionals working in the public sector should have no private business related to their profession. e.g. Doctors, Engineers or the like. This will ensure that these people have full-time support at their places of work. We have cases where doctors leave the hospitals, they go to attend to their own private clinics and the like. This should be stopped and these people should be given better salaries.

Ten, I wish also that the Constitution should state the minimum cost of the vehicles which are being driven in this country. We have expensive cars, this should be stopped. There should be a limit, say the most expensive car should be three million, all the rest, somebody having a car of ten million should not be the case. The money should be channeled to revive projects or to support the economy of the country.

Finally, a Presidential candidate should have a running mate who in case the person wins, should be the Vice President. This will avoid the case where the President sometimes has a problem in choosing the Vice President. Finally, no person who loses in elections, should be nominated to Parliament and all nominated Members of Parliament should be professionals. Such that if there is no doctor in the Parliament, they should nominate a doctor to be the Minister for Health. If there is no engineer, they should nominate an Engineer to be the Minister of Roads and the like. With this, I think I have come to the end.

Com. Muigai: Thank you very much. Anybody else who wants to speak who wasn't in the original list. Okey. So, you will be the last man for the day.

Abdi Hamisi: My name is Abdi Hamisi. I have a few comments or presentation to make to the Constitution. Basically the land ownership in Kenya has been abused by people in power. So, we recommend that Kenyan land above one hundred acres should be taxed heavily so as to avoid corruption. Land above five hundred acres should be surrendered to the Government for re-distribution to those who do not have land in this country.

Com.Muigai: If it is in use or if it is not in use?

Abdi Hamisi: If it is not in use.

Birth certificates: Birth certificates should be issued to children on birth so as to avoid marginalization of some groups when they seek to be issued with an identity card. MPs, Ministers and President together with senior civil servants, as representatives should not be involved in any business at all.

Street children: The number of children in Kenya is increasing and in Kenya we have several tribes which have different customary laws. I would request that we make a law which will protect these children so as they belong to a particular parent. You know, like...I will elaborate abit.

Com. Muigai: We have just made a law. It is called the Children's Act. It is less than six months old. The ink is not dry. So, I think what you want to suggest is that it should be enforced more strictly and more legally.

Abdi Hamisi: Also, the Government should know on how to treat the current street children who are now old men.

Labour laws: The labour laws as per now is protecting the employer and particularly the foreign employers who have come to the country. Because of unemployment, the Government tends to lean on the side of the employer at the expense of the employee. So, we request that the employees to be given an upper hand during employment whereby when they are employed they should also have some law protecting them from being sacked anyhow. Because the employer knows he will get another employee.

Corruption: From when the country attained independence, that is where we first went wrong because majority of the people who took over senior civil service positions, were children of the homeguards and they translated the English Colonial system to African system which....

Com. Muigai: Make a proposal. Your history may be correct but I want you now to make are proposals.

Abdi Hamisi: Which has overtaken corruption to this country. I am requesting that the current law should insist on prosecuting all those who have been mentioned and involved in public looting. On the side of leaders in this country, people who have been in elective leadership from independence to date, they should declare their wealth and those who are coming to seek for leadership, should also declare their wealth before they seek for public office. Mayoral elections should be by the people. Thank you.

Com. Muigai: That should include Commissioners of the Commission?

Abdi Hamisi: Yes.

