

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS,

NAKURU TOWN CONSTITUENCY,

HELD AT NAKURU OLD TOWN HALL

ON

THURSDAY, 11TH JULY 2002

CONSTITUENCY PUBLIC HEARINGS, NAKURU TOWN CONSTITUENCY
THURSDAY, JULY 11, 2002, AT NAKURU OLD TOWN HALL

Present:

Com. Alice Yano
Com. W. H. O Okoth Ogendo
Com. Isaac Lenaola

Secretariat in attendance:

Pauline Nyamweya	- Programme Officer
Sarah Muriithi	- Asst. Programme Officer
Michael Koome	- Asst. Programme Officer
Hellen Kanyora	- Verbatim Recorder
Mr. Kirui	- District Coordinator

The meeting started at 9.20 a.m. with Commissioner Alice Yano in the Chair.

Prayers: (in Arabic) Ewe kwa jina lako Mwenyezi Mungu ambaye umetuumba, tunakuomba kwa siku ya leo, tuko katika

kutengeneza Katiba yetu, utujalie Mwenyezi Mungu yale tutakayofanya yasidhuru watu wetu. Yale tutakayefanya yawe muhimu kwa watu wetu na nchi yetu. Ewe Mungu Baba jambo ambalo tunakuja kulifanya leo, ni jambo ambalo ni muhimu sana kwa watu wako wa Kenya. Tafadhali tunakuomba Mungu wetu, utujaze neema, na upokee yalio mazuri kwa watu wetu, na yale mabaya pia yatajiondoa. Mwenyezi Mungu wewe ndiye mkubwa na wewe ndiye mlinzi wa watu hawa wote.

Tunakushukuru kwa wageni ambao wamekuja kwa kazi hii, uwape baraka na neema na nguvu za kuweza kupokea mahitaji yetu, ili washirikiane nasi katika kutengeza katiba ya nchi yetu. Mungu mwema Mungu unayependa Kenya, tunakuomba kwa sababu wewe ndiye Baba wa watu na ndiye unatuangalia masilahi yetu. Kwa haya mafupi tunakushukuru kwa jina lako tukufu, ewe Mwenyezi Mungu wa haki na mtume wako Mohammed (Arabic)

Prayer: Oh God our Father, we come before you on this very special occasion to call upon you and even to invite you in the process that is going to begin this morning in this town, Lord. We invite you to guide us mentally Lord, spiritually and even physically, so that even as we begin this process oh Lord, your hand will be seen. We pray this believing and trusting in the name of our Lord and our Savior Jesus Christ.

District Coordinator: Wakati huu napatia Commissioners aite mkutano into order.

Com. Yano: Asante sana Bwana Coordinator, kiongozi wetu mabibi na mabwana na pia vijana wetu hamjamboni.

Audience: Hatujambo

Com. Yano: Leo ni siku ya maana sana kwetu kama Wakenya na hasa kama wakaaji wa Nakuru Town. Leo ni siku yetu ama ni siku yenu ya kutupa maoni yenu ili tutengeze katiba. Kabla hatujaanza kazi yenyewe ningetaka kuwajulisheni wale tuko nao na wale tutafanya hii kazi leo. Kwa kulia kwangu tuko na Bw. Com. Lenaola. Lenaola ni wakili mashuhuri Nairobi na pia amefanya kazi ya pastrolism sana. Tafadhali Lenaola salimiana.

Com. Lenaola: Wananchi wa Nakuru hamjambo?

Audience: Hatujambo.

Na kwa kulia kwangu tuko na Com. Prof. Okoth-Ogendo. Nafikiria wengi wenu munaweza kujua Prof. Okoth Ogendo. Yeye amefanya kazi nyingi sana kuhusu Katiba na pia yeye ni mashuhuri kwa sheria ya ardhi. Tafadhali Prof. Okoth Ogendo salamiana.

Com. Ogendo: Hamjambo?

Audience: Hatujambo.

Com. Yano: Na pia, kule tuko na Bw. Ratanya, Ratanya amefanya kazi ya DO muda mrefu sana Kenya hii. Tafadhali Bw. Ratanya salamiana.

Ratanya: Hamjamboni wananchi wote?

Audience: Hatujambo.

Ratanya: Mimi nilikuwa napitia hapa nikasema niwasalimie kwa sababu tunaandamana na Coordinator tukienda upande wa Rongai, niko katika panel ya Rongai. Kwa hivyo nikasema niwasalamie. Tutakutana na nyinyi tena siku ya tarehe kumi na tano hapa katika town hii. Asante sana.

Com. Yano: Asante sana Bw. Ratanya. Nami naitwa Bi. Alice Yano pia mimi ni Commissioner; pia mimi ni wakili Nairobi. Ningetaka kuwajulisheni wale tumekuja nao kufanya kazi hii. Tuko na programme officers wetu, mmoja ni Pauline Nyamweya, Pauline? Nafikiri wako kule nje wanajaribu kuwaandikisha wenzetu. Na pia tuko na Sara Mureithi, Michael Koome, tafadhali salimiana Michael.

Michael: Hamjambo

Audience: Hatujambo.

Com. Yano: Hellen Kanyora

Hellen: Habari zenu.

Audience: Mzuri.

Com. Yano: Asante sana. Halafu pia tuko na District Coordinator wetu. District Coordinator tafadhali salimiana na pia uwajulishe hawa tuko nao, mko na nani leo.

District Coordinator: Commissioners wetu wote na pia wananchi watukufu nina wasalamia tena hamjambo?

Audience: Hatujambo.

District Coordinator: Hapo tuko na committee moja ambayo tumekuwa tukishughulikia kazi ya 3 Cs na tuko hapa katika hii constituency ya town. Ningeomba kujulisha committee yote wasimame pale wako. Na nitaomba mheshimiwa Mark Waithaka

aje hapa atuambie ni nani na nani. Mark ni chairman wetu wa Nakuru Constituency. Just a minute, ningeomba Wahome, Wahome is our sign writer, akuje hapa. He is our interpreter.

Mark: Commissioners na staff wote kutoka kwa Commission, 3Cs na members of Constituency forum, sisi ni furaha yetu kubwa kwa kuweza jambo hili kufika siku ya leo. Watu wengi wamejiandikisha kule kwa karani na wataendelea kujiandikisha mchana kutwa. Hatutaki kutumia wakati huu kwa jambo lingine lolote isipokuwa kuchukua maoni ya wananchi wa Kenya.

Kazi yangu ni kuwajulisha pahali walipo, kwa 3Cs ambao wamekuwa wakishughulika na jambo hili, kutoka tulipoanzisha kazi hii mwezi wa tatu tarehe tisa. Councillor Valai – huyu ndiye tumepatia kwa kamati yetu, juhudi la kusimamia kazi ya leo ya town hall. Na kule kwa social hall ya manisipaa ya Lanet, tumepatia Bw. Atinga. Bw. Atinga ni member wetu wa 3Cs. Na kule Catholic Church Holy Cross tumepatia Madam Secretary wetu Magdaline. Hawa watakuwa wakisimamia shughuli za kila siku za mahojiano ama kusikiza mambo haya ambayo yametuleta hapa. Wale wengine ni Cllr. Isa Gichangi ambaye amekuwa akishughulikia kazi ya viti, Cllr. Joshua Toroitich alikuwa pia Councillor hapa zamani, hawa watu walikuwa wakubwa hapa town. Nani nimeacha nje? Oh Lucy, Lucy ni member wetu anafanya kazi kule warmemorial- Annex, na hapa tuna Mary Adagala mkubwa wa akina mama wote katika town hii wa KANU, ikiwa wewe ni member wa KANU wakina mama muko chini yake hapa kwa madaraka. Nani mwingine nimeacha nje? Sitaki kuacha mtu nje. Hakuna.

(inaudible) wetu ambayo tumekuwa tukifanya kazi na wao, simameni mahali mliko tafadhali. (inaudible) wote. Tumekuwa na makundi mengi sana Com. Yano na wamekuwa wakifanya kazi, ni wengi, wengine hawajaingia. Wamekuwa wakienda kila kituo, kila ward and tumekuwa tuki-monitor hawa ama kwenda na wao kusaidiana kwa maswali mengi wamekuwa wakiulizwa. Sisi tuna – kaeni chini.

Ningetaka kuwashukuru mbele yenu kwa sababu sasa tunaanza mpango ya ku-wind up ma-hearings kwa kazi ambayo wamefanya katika vituo vyote tumeenda. Niliona jambo la ajabu kwao la kujitolea na pia kusoma. Unajua huwezi kuenda kufundisha hiyo Katiba kama husomi Katiba iliyoko, na historia hiyo ya Katiba na mambo mengine inayohusu mabadiliko ambayo yanatakiwa kufanyika katika Kenya. Na hawa (inaudible) walifanya kazi hiyo vizuri sana na walisafiri na matatu na pahali wanaweza kusaidiwa wanasaidiwa. Na kwa hivyo kazi yao itaoneka pia leo kwa sababu information ambayo wamefanya dissemination huko itafanya watu waweze kuuliza maswali ama kutoa maoni yao.

Mambo yale mengine yote wananchi mtaelezwa na commissioner kwa sababu siku ni yao si yetu sisi. Sisi ni kusikiza pamoja na nyinyi hata sisi tutasema tunayotaka kusema. Pengine mimi nitasema mwisho jioni na mtaniwekea nafasi kwa karatasi zenu kwa sababu nisiwe released nikiwa last. Asante sana.

Com. Yano: Asante sana Hon. Mark Mwithaga. Kama vile Mark Mwithaga amesema leo ni siku yenu ya kupeana maoni yenu. Kuna taratibu tungependa kufuata ili tufanye hii kazi vizuri. Na tafadhali msikize kwa makini kwa sababu hii taratibu

tutaitumia mpaka wakati tutakapomaliza hii kazi yetu. Kabla sijaanza kuwaambia hii taratibu mwenye gari No. KNF 447, Mary nenda ukaitoe ni yako? KNE 447 tafadhali uiondoe. Taratibu ya kwanza ni ya kuwa kabla hujaingia hapa ujiandikishe, na kama uko hapa na hujajiandikisha tafadhali nenda kule nje kuna mtu anawaandikisha. Jiandikishe tafadhali.

Halafu, msienda kwanza msikize taratibu halafu tukimaliza mwende mjiandikishe murudi. Ya pili, ni lugha yenye tutatumia mkitupatia hayo maoni. Uko na huru kutumia lugha yeyote. Waweza kutumia lugha ya kimobo, waweza kutumia Kiswahili, ama ile lugha ya mama, ile lugha unaelewa wewe mwenyewe kama pengine Kikuyu, kama pengine Kalenjin, na ile lugha nyingine yote wewe uko comfortable nayo. Tutulie kidogo tafadhali. Tutulieni kidogo tusikie hii taratibu.

Halafu taratibu nyingine ni ya kuwa, ukipatiwa nafasi ya kupatiana maoni, uko na huru kutupatia maoni yako kwa may be memorandum kama umeandikisha. Kama umeandika maoni yako na hutaki kuongea utupatie hayo maoni umeandika. Hapo utatuambia ya kuwa haya ni maoni yako na pia uende kule ujiandikishe kuwa umepatiana yale maoni yako umeandika. Na pengine ungetaka kupeana hayo maoni umeandika na ungetaka kuongeza kuongea. Unakubaliwa na unapatiwa dakika tano.

Halafu kama hujaandika maoni yoyote na uko na maoni yako unakubaliwa kuja hapa uketi, tutakupatia dakika kumi utupatie hayo maoni. Oral presentation. Na ukishaa tupatia hayo maoni pia utaenda kule kwa Pauline Nyamweya ujiandikishe ili tuchukue rekodi yako.

Halafu taratibu nyingine ni ya kuwa uko na huru kupatiana maoni yako penye wewe unataka. Hakuna kuogopa. Leo ni kikao cha Tume na kwa sheria yetu kikao hiki tumeambiwa ya kuwa uko na huru kupatiana maoni yako mbila kuogopa mtu yeyote. Ila tu tusiwe na mzozo ama chuki kati yetu. Tujaribu tusikataje jina la mtu. Kwa mfano pengine uko na shida na Chief wako. Pengine Chief wako anaitwa Kinuthia. Sio vizuri utuambie huyu chief wetu Kinuthia ikiwezekana ama ingekuwa vizuri sana aende nyumbani ili tumpigie kura. Ungeweza kusema ya kuwa ofisi ya chief tungetaka hivi na hivi. Tafadhali tuwache kutaja majina ya watu ili tuwache mzozano na tuendeleo na kazi yetu vizuri.

Na tukikupatia nafasi ya kuongea tutakuwa tukifuata hii list. Ukijiandikisha tutafuata list yenye umejiandikisha wewe mwenyewe. Hapa hatuna rigging. Leo hakuna rigging. Sasa ukifika wakati wako, wakati wako itaamliwa na hii list iko hapa. Ila tu pengine kuna wenzetu kama waalimu wangependa kuepeana maoni yao haraka haraka warudi wakafundishe watoto wetu, ama watoto wa shule, ama mgonjwa, ama daktari, hiyo tutajaribu nafasi na hivyo tutawaomba radhi nyinyi wenyewe kama watu wa Nakuru mtupatie nafasi tufanyie hawa ile rigging ya kusema wacha watupatie maoni yao ili wakafanye kazi nyingine.

Na pia kwa wale wenzetu hawajabahatika kusikia, the deaf pia tuko na interpreter wao hapa. Na kama munajua kama tuko na mmoja hapa - where is the interpreter for the deaf? Where is she? She was here. Ok na kwa hivyo hatutaki kuchukua muda mrefu tukisemezana zaidi ningetaka kuwapatia hii nafasi ili mtupatie maoni yenu. Na kama kuna shida yeyote ama kama

kuna kitu hatujatatua, tafadhali muulize hiyo swali kabla sijaanza kuita wale wamejiandikisha hapa.. Mmeelewa kila kitu? Sawa sawa tuendelee. Wa kwanza kutupatia maoni ni Zaituni Juma – NCWK (audience: ameenda kuondoa gari.) Wa pili, Biashara Ndogo Ndogo - Nelson Waweru. Karibu.

Nelson: Asante sana wale wote wamefika (interjection)

Com. Ogendo: Taja jina kwanza.

Nelson: Na jina langu ni Nelson Waweru kutoka Biashara Ndogo Ndogo Organization. Sisi tunapendekeza Katiba mpya ilinde masilahi ya wana biashara ndogo kwa sababu hao ndiyo wengi katika miji yote mikubwa kama huu wa Nakuru. Taabu yetu kubwa ni ofisi ya Rais na ofisi ya mkuu wa sheria. Tunapendekeza Rais, na makamu wa Rais wachaguliwe na wananchi wakati wa uchaguzi mkuu. Yaani wawe wametoka chama kimoja. Pia Rais akiwa ni mwanamume makamu wake awe ni mama na apewe uwezo kamili (clapping) wa kikatiba mpya. Hatutaki makamu wa Rais awe akichaguliwa kado ya barabara. Makamu wa Rais asiwe akiondolewa na Rais ila tu wananchi wenyewe ambao wamemchagua. Kama amechaguliwa vile Rais amechaguliwa na awe akiondolewa kama amevunja sheria za nchi.

Uwezo wa ofisi ya Rais pia upewe mkuu wa sheria mamlaka zaidi, asiwe kama sasa kibaraka wa Rais. Tumeona mkuu wa sheria akifutulia mbali kesi za makosa mbaya na hiyo inafanya sheria ya nchi hii iwe mbaya. Uwezo wa kuondoa mkuu wa sheria au kumteua uwe unafanywa na kongamano ya watu na hiyo kongamano ya watu iwe inajumuisha Law Society of Kenya, Medical Board, Youth Congress, Women Congress na pia wananchi wa tabaka mbali mbali.

Kongamano hiyo ninapendekeza, iwe ikipendekeza mawaziri wa Serikali, wakuu wamashirika mbali mbali, majudge wa mahakama kuu, na viongozi wa maparastatals yaani mashirika ya Serikali. Na pia wakuu wa Serikali wenyewe yaani civil servants. Baadaye waithinishwe na Bunge. Pia mwananchi alindwe na Katiba mpya kusiwe na wananchi wako nje ya Katiba au hawako chini ya Katiba.

Hatutaki kuona baraza ya mji kama hii ya Nakuru wakinyanyasa wafanyi biashara ndogo ndogo kama vile juu ya malipo ya nyumba au mambo ya liseni. Pia watoto walindwe wasiwe wakizurura ovyo ovyo, na elimu pia iwe ya bure upto std 8 na iwe ni ya lazima. Nao hawa wamama watapewa mamlaka ya kuongoza, kwa sababu tunapendekeza kile kikundi kama ni Bunge kiwe na 1/3 iwe ni wamama, kama ni council iwe ni 1/3 ya wamama hata ma DC, kila mahali kuwe na 1/3 ya wamama kwa uongozi wote Nao hawa wamama wanapewa mamlaka hayo wasitupe mabwana zao vile tunaona siku hizi. (laughter) Asante sana.

Com. Yano: Asante sana Bw. Waweru wa pili ni Zaituni Juma. Jiandikishe tafadhali.

Zaituni: Kwa majina naitwa Zaituni Juma na ningependa kurepresent memorandum kwa commission siku ya leo ambayo imeandikwa na women in constitution National Council of Women of Kenya, Nakuru town, Nakuru constituency. Nitaongea mawili matatu halafu kuna akina mama watasisitiza kwa hizo point ambazo nitafuata kwa hii memorandum.

Ya kwanza ningependa kuongea juu ya uchaguzi wa mayor na hasa upande wa local authority. Vile mwenzangu amesema hapa nitasisitiza kidogo kwa hii point yetu kwa sababu memorandum imesha andika juu ya Local Govt. Tungependa wale ma mayor ambayo wanachaguliwa ingekuwa wawe na elimu ya kuweza kusoma na kuandika. Wawe na elimu ya O levels kwa sababu utaona mara nyingi Council yetu inaathirika sana kwa upande wa cheque, unakuta mayor amechaguliwa, na ambaye hajui hata kuandika jina lake.

Tena kwa upande wa local government ningesisitiza tuwe na wamama wengi kwa sababu shinda ambayo inatuathiri upande wa Local Government sana ni wamama. Utapata ¾ ambao wako hawkers ni wamama. Na hao wamama wanaadhiriwa sana na askari wa municipal. Lakini kama tungelikuwa wengi kwa municipal council, kama wamama, pengine wamama hawangearithika sana katika municipal council. (clapping) Kwa hivyo Madam Commissioner ningeomba hii memorandum yetu kwa sababu tumeandika kuhusu mambo hayo, yaandikwe katika sheria ya Kenya. Thank you, kuna wamama watafuata na wataeleza zaidi.

Com. Yano: Asante sana Zaituni. tafadhali tuambie jina lako.

Magdalene Chepngetichi: Commissioners ambao wako hapa na wamama wenzangu mimi naitwa Magdalene Chepngetich wa National Council Women of Kenya, na pia niko kwa committee hii ya town hii. Mambo ambayo, imewekwa kwa memorandum yetu ni in skeleton ambayo imeletwa, lakini tutaingiza mambo ingine ndani kwa sababu hatutasema yote. Na nitaongea juu ya affirmative action.

Affirmative Action: the Constitution should make a provision for affirmative action in favour of women and other vulnerable groups. First there exists a legal basis for affirmative action, it is a legal redress for those pushed to the margin of the society where they are left to dwell in discrimination and exclusion. Different theories should explain such corrective actions as a matter of justice and equality and human rights. But critics of affirmative action have still not come to terms with this fact. For them affirmative action is the worst thing that ever happened to the society. Perhaps it is because of the myth and the misconception of the concept.

Kwa hivyo wamama sisi tulionelea ya kwamba Katiba iyone ya kwamba quota ambaye in the employment and education iwe realistic na ii-target wale wamewekwa kwa margin, waangalie ya kwamba kwa education opportunities it is not enough to take quotas for employment if we do not have enough trained and qualified women to meet those quotas. The girl child.

Education: the youth, the disabled need, to be re-invented specifically bursary should be provided for girls, the disabled, and all

those marginalized like the pastoralists to express constitutional provision. The creation of an institution frame work to conduct the affirmative action programmes.

There should be provision for the access to basic rights by the marginalized groups in the Constitution, to support interests such as loans and credit affecting the youth, women, the disabled and marginalised communities. The Constitution should provide for the enactment of the legislation for the objective of the affirmative action by relevant law making persons.

Another point again, the structures and systems of the Government. An effective means of devolution of power should be implemented to ensure that services and resources can be accessed at the grassroots. Kenya will benefit from the devolution of power in the Local Government – we recommend to have a Prime Minister to be the head of the government being a step forward to reduce the powers of the President. Na tuwe na Prime Minister ambaye atakuwa mama na awe na degree, awe aki-advise the President.

Tuna recommend pia $\frac{3}{4}$ ya pesa ambayo inatolewa kwa Local Authority isiende kwa Central Government ikae kwa Local Authority na out of that 75%, 25% iende kwa project ya wamama because ni hawa ndiyo wanaleta revenue kwa Local Authority.

Point ya pili ni basic rights. The Constitution should protect basic rights. And these include health care, water, food, education, shelter, security and employment as basic rights. Gender parity in decision making should become a basic right that is for both genders to have the right to equitable decision making. The right to own property to all Kenyans irrespective of gender or marital status. Tunajua ya kwamba desturi yetu Kiafrika mama hatakiwi kusimamia mali na tunataka hiyo iaangaliwe kwa katiba. (Clapping)

Pia free education, and primary school education should be free. Na tunajua ya kwamba inaimbwa tu kila wakati ya kwamba primary education is free, it is not free. Sisi tunataka iwekwe kwa Katiba na ionyeshe vizuri ya kwamba imekuwa free, si ile tunaambiwa iko free na bado. Ninataka mimi Magadeline ni kizaa mtoto wangu na sijiwezi, mtoto aende shule asome mpaka standard 8, awe na manguo na uniform, asifukuzwe tena ndiyo arudi nyumbani ndiyo anunuliwe vitabu.. Nisiitishwe pesa ya building fund. Kama ni free ikuwe free tusindanywe ati iko free it is not free. Can it go to the Constitution.

Second to last, tunajua ya kwamba sisi Waafrika tuko na utamaduni wetu na ni utamaduni mzuri tujiheshimu. Lakini ule utamaduni ambao unadhuru mama na msichana wake tunasema iyondolewe na iwekwe kamili kwa Katiba, tuache mambo ya kusema kufanya workshop hapa na pale na iwekwe kwa Katiba iwe ni sheria.

Ya mwisho nitaongea juu ya environment, mambo ya environment. Forest: the preservation of our environment is critical for the sake of our future nation to ensure clean and safe environment we are recommending as follows:-

All bodies charged by the constitution or by statute to monitor environment and natural resources must have at least three

women representatives. Issues like degazeting of forests, (inaudible) of other natural resources should be controlled by the Constitution and vetted by the Parliament not one person (clapping) Hatutaki kuona mtu anatoka Mombasa huko hapa Nakuru sisi tunategemea forest. Forests sasa hata hakuna hatupati maji ya kutosha. Na mtu fulani anatokea Mombasa huku anafyeka forest katikati huko na hatufaidiki hata ile pesa imepatikana huko, inaenda pale, hakuna sisi tunafaidika kama watu wa Nakuru.

Mwisho ni Legislature, pahali sheria inatengenezwa. Na hapo ni Local Authority inakuwa Parliament. Tunaomba hivi iwekwe kwa Katiba ya kwamba 1/3 of the women should be in Parliament na sisi pia tutachagua wamama wengine na watakuwa wengi pale. Pia tunaomba ya kwamba kwa hiyo Katiba tuwe na minister sio assistant minister, awe minister wa kusimamia maneno ya wamama pamoja na watoto. (clapping) Pia tunataka Director awe ni mama. Director ya watoto si mwanamume ni siku gani mwanamume analea watoto? (clapping)

Na mwisho ninasema kwa association – mwingine ataongea juu ya hiyo lakini ninataka kutaja juu ya kitu ambacho mimi nimeobserve. Tunajua ya kwamba iko expression ambayo inasema kwa Katiba ya kwamba: you are free hata kama ni kuabundu shetani ama ni kuabundu nini, tunataka hiyo isukumwe mbali. Mambo ya kuabundu shetani iondoke. (clapping) Pia tunaambiwa hata unaweza ku-form kanisa yako, lakini ninasema hivi. Tunajua makanisa ambaye inasaidia Raia, inasaidia watu lakini tunasema ile kanisa ambayo ni ya briefcase ambaye inaconfuse watu, wale wanakuwa confused ni wale hata wako na shida na wakiwa na shida, wanaenda kwa hiyo kanisa wanaombewa pale na pale na wanatoa hizo pesa, the little money that they have ninasema hivi.

Hayo makanisa ya briefcase walipe kodi na wawe taxed properly na pesa hiyo inakuwa kwa tax isimamie wale wako sick na kusaidia wale hawajiwezi. Otherwise it should not be there. Na ninasema ni asante na wamama kwa sababu wengine watakuja kusema mtatupatia nafasi. It is not easy for women to be seen, hata kama nyinyi mumesonga songa mumeona wa mama sio wengi mahali mnaenda. Kwa hivyo (inaudible) (laughter/cheers)

Hellen Wanjiku: Jina ni Hellen Wanjiku kutoka Nakuru Town. Mimi kile kitu ningetaka siku ya leo kuongea kwa kinaganaga ni rights za watoto, kwa sababu rights za watoto zimekuwa hazijulikani katika nchi hii yetu. Zingekuwa zinajulikana watoto kama hawa wanaranda randa kila mahali hawangukwako. Sababu kila kitu kimeonekana katika nchi hii yetu ni watoto. Mama anapata mimba ama anaolewa, na mtu akiolewa anapata watoto ikiwa na watoto watano. Saa nyingine mwanamume amefika kiwango cha kuona mwingine huko nje. Anawacha yule mama na watoto kwa nyumba. Mama anajaribu vile atalea hawa watoto inamshinda (clapping). Ikimshinda hawa watoto mwishowe wanatokea kwa mabarabara sababu hana nguvu. Na hapa nchi hii yetu tunaambiwa masomo ni ya bure. Na ingekuwa ya bure ingekuwa inaangalia wale wamama, single mothers, vile walivyo, wako namna gani na wale watoto wako nao Serikali ichukue jukumu ya kujua hawa watoto watasoma namna gani.

Kile kingine ningeonelea ni hiki wanaume, saa zile mtu anazaa watoto na mwanaume, katika katiba hii yetu ya Kenya iwekwe umuhimu sana, na iwekwe sheria, huyo mwanaume afuatwe kwa sababu walizaa watoto wakiwa wawili walee hawa watoto wakiwa na huyo (clapping)

Com. Yano: Tafadhali, nataka kukwambia kama ni wewe unapatiana maoni wakipiga makofi unanyamaza kwanza wamalize ili uendelee kwa sababu tunafanya recording.

Hellen: Hapo ndipo nilikuwa nataka kusema, saa nyingine ni kweli, saa nyingine wale wanaweza kukosa kusikia. Mama akizaa watoto na mwanamume katika Katiba yetu iwekwe umuhimu sana. Huyo mwanaume ajulikane ni nani kwa sababu walikuwa kwa mapenzi wote wawili na jukumu imerudi kwa mama peke yake, awe akilea mtoto pekee yake. Kwa sababu mwanaume hakubeba mimba hana shida, hana aibu, yeye anajiendea mama anabaki.

Saa ile hata shinda inatokea kwa nchi hii yetu, unarudi kuona hata mwanamume anatoroka na miguu anawacha mama nyuma na watoto wanabaki wakihangaika. Kwa hivyo inafaa iwekwe mhimu kabisa na iwekwe kwa Katiba. Mtu yeyote akizaa mtoto na mwanamke hata ikiwa ni nje, hatakiwa ni wapi, hata ikiwa ni pahali inaitwa ni rafiki awe akifuatwa awe akisaidiana na huyo mama kuwalea hawa watoto na awasaidie.

Com. Yano: Tafadhali jilandikishe.

Betty: My name is Betty Onyancha I also come from National Council of Women of Kenya. I am going to make three points on electoral system and process. Women have made the following vital recommendations. We want the 33% of the total seats in Parliament and Local Government should be held by women. Candidates, particularly women, should have security right from nomination level during campaign and polling day. (clapping)

Votes should be counted at the polling station and the results should be announced immediately. Transparent ballot boxes should be used (clapping) Those are my three recommendations.

Com. Ogendo: Madam, how do you want us to ensure in the constitution that 33% of those seats are indeed held by women? How do we do it?

Hellen: Women should be allowed to participate fully in elections so that they may have enough percentage in Parliament.

Com. Ogendo: You know if that happens, that has been happening all the time and the women still don't get the 33%, so if we are going to make sure that women have 33% what mechanism should we put in place to ensure that it happens?

Hellen: We should be given enough seats women. (interjection)

Com. Yano: Tafadhali ni yeye anaongea. Utapata muda wako uje hapa kuongea. Don't harass her. Yes go on.

Hellen: Yes come again.

Com. Yano: He is asking how do you ensure that women get these 33% in the Local Government and also in Parliament? How do you ensure that these 33% of seats are gotten?

Hellen: We should have a process of ensuring women to participate fully, they should not be harassed.

Com. Yano: Asante sana tumeshukuru, asante sana tafadhali enda ufanye recording. Na tafadhali kama mtu anapatiana maoni hapa, tumpatie muda wake, apatiane maoni yake, na hata kama hukubaliani na hayo maoni, kama hukubaliani na hayo maoni tafadhali tulia ukifika wakati wako we can listen. Tumeelewana hapo? We must tolerate each other. Na pia inafika wakati Commissioners wangetaka kuelewa ni nini mtu anasema ndiyo unaona tunauliza maswali. Tuendelee.

Susan: *Commissooners ak bik tugul che kakobwa ireyu, ko nainenyun kekurenon Susana Tabrobko Maima.*

Translator: Commissioners and everybody who has come to this hall my name is Susana Taproko.

Susan: *Sikobit amwa ng'alechu ko amwae ale amache ang'alal agobo imanit ab chepyosok anan ko kwonyik.*

Translator: I have come here to give my recommendations about women's rights.

Susan: *Amun kikere kele chepyosok ko yoe boisionik che kimen mising ago makere chi kole yae imanit.*

Translator: because women have a lot of work, they are overloaded with a lot of work and they have done a lot for this Government but nobody appreciates them.

Susan: *Kimoche kenai kele kakikochi kwonyik akichek kenai kele mi chito ireyono ne boisie matiny ko kwondo.*

Translator: We would like to ensure that women will be recognized in this country.

Susan: *Amun boisionik che yoe kwonyik ko yechen kerge ak murenik amun ng'omnotet ko agenge.*

Translator: Because what women do is equally to what men do, because they have been given the same brains by God (clapping)

Susan: *Ko ng'olyot age ne komoche kora amwa ne bo aeng' ko kondit, kekonech agechek chepyosok kondit kou ye kikoitoi kikochini murenik kondit.*

Translator: We women of Kenya demand respect from men the way we do respect them

Susan: *Amun miten boisionik che keyoe konyeten ko agoi sang ago sang ago makiko nyitech en boisioni choton.*

Translator: We have a lot of work we do in our homes and even outside our homes and nobody respects us for that.

Susan: *Amun kimwoe kele ng'alechu kobo kwonyik ago kakeyai che kerge ak murenik agot kosir, koba barak mising kosir chebo murenik.*

Translator: they count that as women's job but we usually do it as men do.

Susan: *Ko kora boisionikyok che kiyoe kemoche kekonech kondit agot en ole kibunoti*

Translator: We demand respect from everybody everywhere we go women should be respected.

Susan: *Kioker ale miten komostwek alage che kibune chepyosok kou ogot ole kilonye karisiek i, komokone chi kondit kou ye kikochin agot murenik.*

Translator: Like even in the bus stages or inside the buses or public means women are not respected.

Susan: *Imuche iker agot manamba konyokolenjin chepyoso tikikyot ile lany ireyu, lany karit ago maname muren.*

Translator: You can even see the touts in the bus stages caressing women or just patting their bums and they do not do the same to men.

Susan: *Amune asi kobit keyai kounoton? Sosisiet anan ka ker nee?*

Why is this done to women? Is it discrimination or hatred or what do they see in us?

Susan: *Ko komoche anyun kinde kou ng'otutiet kekonyitech agechek agot en ole kibendoten, mat konamanamech chi tugul kosapsabech borwekyok.*

Translator: We would like therefore this to be a law in Kenya and be represented in the new Constitution. clapping.

Susan: *Amun ye kakosabsabin chito ko kerin bik alage kole ng'o kwonyin, ile kasobsobi buch chichoni ingen.*

Translator: because when these touts start to touch you or caress you in the stage some other people around us mistake us and see that may be we have bad morals.

Susan: *Ko kit age ne komoche atesyi kora ko kamoche amwa ale kikemwoweche kele miten somanet nebo lagok nebo buch ko kamoche ates kityo.*

Translator: I would also like to add about education of our children.

Susan: *Ko kikemwoweche kele mi somanet nebo buchi, ko mie kekonech somananatet, kot koit kilasit kou ye kikemwa.*

Translator: We have been told that there is free education for our children. We would like this to be enshrined in the constitution and have free education for our children.

Susan: *Ak lagok che bendote en tiriya kokamache amwa ale mie koker serkali lagochotet agot konde sugulisiek che ter agot che kinenet agot lagochon.*

Translator: We would like also the Government to enshrine in the Constitution about the street children, so that they can have special education,

Ak koitya kinde kora ng'olyondonotet kikimit, asi kobit komatemenen bik lagochoton amun kimen akichek kikotemenen bik chechang'

and when it has been enshrined in the Constitution it will be..

kikimit ngo'lyondonotet en government kele lasima kosomoso lagochoton en ole kakinde kele kosomanen.

Ni lazima itekelezwe kama imesemakana watoto wapate elimu ya bure iwekwe katika Katiba yetu na itekelezwe.

Susan: *Ko kates kora chu kobo lagok che bendote en townisiek ale mie kotononchi serkali ak yeito kecheng' chi ole imuche kosomanen lagochotet.*

Translator: What she has said is about the street children and their special education.

Susan: *Ko kongoi mising.*

Translator: Thank you.

Monicah: Kwa majina naitwa Monika Kirochi mimi ni mwalimu, pia nimesimamia wamama waalimu wote wa Nakuru District katika chama chetu cha Kenya National Union Teachers. Bado niko katika National Women Council of Kenya na mimi nitaongea mambo ya citizenship.

Spouses of Kenyan citizens regardless of gender should be entitled to automatic citizenship. Tumeona hapa katika Katiba yetu ya Kenya ambayo inatumika wakati huu, mwanamume akioa bibi wa nje yeye mwanaume anakubaliwa kuwa automatic citizen. Lakini mama nikiolewa na mtu wa nje huyo bwana wangu hawezi kuwa citizen wa Kenya. Sasa tunataka kuweka katika Katiba mpya kuwa hata mimi mama niwe na haki, bwana wangu awe automatic citizen wa Kenya.

A child born of one Kenyan parent regardless of the parent's gender should be entitled to automatic citizenship. Hata mtoto nitapata na huyu mwanaume ambaye si Mkenya, bado huyu mtoto hata kama mimi ni mama, mtoto akubaliwe awe automatic citizen. Wakati huu tumeona wamama wamelaliwa na Katiba hii yetu ya Kenya, tunataka sisi wamama mtoto ambaye nitapata na mwanaume, bwana yangu, awe automatic citizen na pia mtoto wangu au watoto wangu pia wawe automatic citizen's. Asanteni.

Com. Yano: Asante sana Monicah nafikiri tumemaliza na NCWK Wanaofuata sasa ni wakaaji wa Ronda Stima line Lukas Onyongo, Orando Development group, Ndalo Rimwe, Nakuru Youth Group, Jacob Gitangi? Na kama tumekuita na hauko hapa utakuwa wa mwisho. Law Society Mirigwi Kariuki LSK. Lodwar resident Michael Obuya. Children Activitists Eunice Okwaro. John Gakunga, we are following the list please. This is the first list. I told you there is no rigging. Peter Migwi

tafadhali karibia. Halafu Njoroge Macharia ujitayarishe.

Migwi: Thank you for giving me this opportunity. My name is Peter Maina Migwi. I come from OBEST. That means organization of the Bold Environmental Service Tax OBEST.

1. President should not be a Member of Parliament when vying for Presidency. He has to mention his running mate as a Vice President and both of them shall not be Members of Parliament.

People should be given a chance to remove their Member of Parliament and civic leader if they have not given them service. Any person vying for a political seat should not hold any post in the party - presidency, parliamentary or civic. It is not a good picture for a President to leave his office and then hold a party chairmanship. There are people in Kenya known as El molo. Their race in number needs a representative in Parliament. They should be given an automatic seat in Parliament by nomination. The Chief Justice should not serve for 75 years but instead he should serve for 65 years like any other Kenyan citizen. That is all.

Com. Ogendo: Mr. Migwi, when recalling MPs tell us the mechanism that should be used to do it because that process can be abused.

Migwi: If our MP is not rendering service to us by representing us in Parliament we have a way of collecting names from the constituency and the signatures of the electorate by 75% of the votes of the constituents, and then we give it to the speaker of the national assembly who automatically declares the seat vacant (clapping) for the people of Nakuru constituency to vote again, and he will be given a chance to vie for that seat again, for an appeal, so that he won't think that he has been discriminated.

Com. Ogendo: You realise that if I lose and then the very next day I start collecting signatures against the Members of Parliament, now how do you stop that kind of abuse?

Migwi: It is very hard for anybody to manage to collect 70% signatories in a constituency, that one is a very big task.

Com. Ogendo: What are you saying if it is so difficult, why are you suggesting it?

Migwi: I am suggesting it because we have been having Members of Parliament who are not giving services to us.

Com. Ogendo: Thank you.

Migwi: And again I would like to add another one thing, let me just mention this one. I have seen that a Member of

Parliament is earning a very high salary. And by earning that very high amount he is not taxed. He can bring a vehicle from abroad then after reaching Kenya he is not taxed. I as a Kenyan citizen who is a tax payer I am forced to pay tax. This person should be double taxed. That is all.

Com. Yano: Thank you very much, Mr. Migwi Na kama kuna wenye wako Tafadhali jiandikishe. Na kama kuna wenye wako na memorandum tayari na hawana haja ya kuna kuongea muje hapa mjiandikishe mpatiana memorandum zenu. Musikangojee mpaka tumuite tukifuata ile list. Na sasa tuko na watoto wa shule wako hapa? Where are you. Kujeni hapa mbele mpatiane maoni yenu. Na kama wanajitayarisha Njoroge Macharia yuko?

Njoroge: Haya asanteni sana My names are Njoroge Macharia and I come from Ronda. Mine are very brief. I want to talk on presidential elections. To me presidential elections should be held separately from the civic and parliamentary elections. This will enable us to concentrate on the kind of President that we are to elect. Again it will also give us time to look on that.

Secondly, the winner should have a minimum of 51% and above. We have seen previously our President sometimes, they have the kind of people they represent, they are not normally over population of this country. So to me it should be 51% and above.

Secondly, during presidential election, the current President should hand over the seat to an independent and a non-political group, may be preferably three religious leaders, maybe from Catholic, Muslim and Protestant. This group should be a group that should not vie for any presidential seat at anytime. So may be this is the kind of group that can make sure that the presidential elections are free and fair.

Secondly, we should have a coalition Government, through this in presidential elections the number two, who get the number two votes after the number one, should be automatically be made the vice president. Because this is one person who gets the second vote from the top.

Then the other one is about the primary education. I think it should be free and compulsory. That is all for now. Thank you.

Com. Yano: Thank you very much. Halafu hawa watoto wa shule tunawapatia kila mmoja wenu 2 minutes each to give your views. Give us you name, the school you are in, and the class ok?

Njogu: My name is Stephen Njogu from Streams of Life Academy, class 7. What I request the commissioners is to most to look for children's rights, because they are important for future life. First we start with education. Education is very important for every child. We must give every child equal education, both girls and boys. Many children have gone away because of lack of education. They have also gone away because of lack of guidance. Mostly we are looking for guidance and fighting for guidance. When we look at street children, they have lack of guidance. So we request to have guidance from both the public

and the Government.

Third, there is also rehabilitation for street children. Street children nowadays is not because of financial problems in a community. But now if a child likes to be a street child he comes to be a street child. So we also request the Government commission to look on that. Thank you (clapping)

Dorcas: My names are Dorcas Moraa from Streams of Life Academy. I am in Form 2. I have come here to share with you are... children's right's. These are rights which help children to grow emotionally and physically. However, its sad that those one's of children are becoming orphans because parents and guardians are going affected by HIV/AIDS.

The Government should set up rehabilitation centre to counsel these children. Also parents should discuss AIDS with us openly so that to kill the high rate of infection among us. Most parents shy away from this responsibility. Although it is our development right to access the information, I would like parents to stop shying away and discuss these things with us because it's a matter of life or death. The Government should ensure that street children get access to care and proper nutrition. Many suffer from killer diseases and they do not have money to go for medical services. The government should try and establish free medical service for the street children. And also they should consider the feeding centre and it should be set up to cater for the street children and the orphans.

Another factor is education. As we know education is the key to success. Street children lacks support and guidance and that's why they go on sniffing gum and drugs, which are very dangerous to their life, and they end up being robbers and doing other miserable things in our continent. So they end up being burnt into ashes and we have lose our beloved ones just because they didn't have support and guidance to guide them. I would ask the Government to consider this issue very seriously (clapping).

Com. Ogendo: I have a question for you. Do you have any idea why parents are unwilling to discuss HIV/AIDS to their children?

Dorcas: I will start by saying that many parents shy away from their children because when the parents face the child the problem is into the child, because the child won't listen, because she will know that her parent will just start telling her nonsense. But parents should keep their children, keep them together and share with them about AIDS because AIDS is a deadly disease. (clapping)

Com. Yano: Thank you. I think the parents who are there today must have heard that (laughter)

Mwangi: My names are Francis Mwangi from Streams of Life Academy. And to my first point is education. As we know education is the key to success. Many children in our country have no education because they come from poor families.

Nowadays our country is going lower and lower and lower. Where will we be? Where are we going as we go lower and lower. I would like you as a Government to take these street children and educate them. As we know they will become the chiefs of tomorrow, DCs even the President. But if we do not have them educated where will we get these people?

My second point is about drug abuse. You as the Government, you have a part to control this drug abuse (clapping) Because as we know these children do not make their own drugs there must be a person who is supplying these drugs. You as a Government you must take care take that person and jail him. (clapping) But if you do not do that, who will do that? That is your own part to play. (clapping)

These children must be given their rights. If it is feeding, as we know not all people in our country are rich. Some are very poor and they have children. You should take care of these children, feed them and do everything to them. Nowadays we are leaving them idle. No feeding, they do not have clothes, they stay all over, sleeping out. Why don't you take care of these children? (clapping)

Another thing is the punishment. A child should not be jailed and at schools a child should be punished so that he could follow the right way at the right time. But when he is left like that, some say that a child should not be punished but even as we know even God says a child should be punished. (clapping) when you leave them like that you are not showing them the right way but you are risking their life. Why don't you take care on this?

Another thing is about early marriages. You can see a pastor joining two, a man and a woman that they become wife and a husband. But when you look their ages they are below 18 years old (clapping) Why don't you take care of this? A person below 20 years should not marry or be married. Which kind of family can these people make (laughter) It is a child having a child but not a father and a mother having a child. Thank you.

Com. Yano: Thank you very much. Francis register yourself.

Jackline: My names are Jackline Adati. I am in Form 1 at Streams of Life Academy. I am here to talk about children's rights. Children need food, shelter, clothing, education, security, and protection. There are things provided by the parents and other older members of the family. They should respect and obey their parents to back them up in their effort to bring them up. A child develops good habit like looking at his personal things. For example his uniform and books. Commands given by the parents are a means of teaching children what is right and what is wrong. They should learn to serve with a smile. And this is best way of making life pleasant for others. There should be no child labour. Every child should be given equal opportunity. Thank you. (clapping)

Baraza: My names are Stephen Baraza and I am in Streams of Life Academy. I am in form one. My first point is

rehabilitation centres. There should be an increase in the rehabilitation centres so as to decrease the rate of street children in the streets. So the Government should check on that.

My second point is early marriages. Early marriages, those girls affected by early marriages are from poor families. So the Government should look for a way to prevent that to prevent poverty.

My third point. Free education. Most of the street children want to learn but what they are lacking is school fees. So if the Government can provide free education of the primary section that will equip them with some necessary skills.

Ladies' circumcision the third point. Ladies should be given opportunity to choose for themselves if they want to be circumcised or not (clapping) they should not be forced to be circumcised so that they should make their own choice, if they want or not. Thank you.

Com. Lenaola: At what age should they choose. Before a particular age or they can choose when they intend to be circumcised?

Baraza: That is their own choice they can choose even if its in 52 years if they want to be circumcised at that time (laughter)

Emily: My names are Emily Baraza from Streams of Life Academy, in form one. I have come here to talk about the child who has a right. My first point every child has a right to grow both spiritually and physically. A child should not be employed under-age. These includes underage marriages and also early marriages. Every child has a right to be given enough education and also an opportunity to be heard like other people. And also people should not treat a child like an animal. A child is just an angel, a gift from God. We are not supposed to hate it, we should accept it and care for them, and also show love and kindness to them. We should care for them because they are the leaders of today and tomorrow and we should not spoil their coming future. I request the Government to look upon this.

Com. Yano: thank you very much, mwalimu?

Timothy: Thank you very much. First I will talk about...

Com. Ogendo: Your name....?

Timothy: I am Timothy K'owino, a teacher at Streams of Life Academy. What I am going to talk about is parliamentarians and civic leaders. Our civic leaders and parliamentarian should have a set level of education. We should not just take people to such posts because they are popular. Why I am saying this is this, these people are law makers. When they are lawmakers,

we don't need just a quack who doesn't know what he is going to talk about in Parliament.

Com. Yano: What level of it?

Timothy: At least some set of level of education. People like parliamentarian we should have somebody who has gone to tertiary level of education. Somebody who has gone past Form 4 and gone to some college. As a councillor you should be somebody who has reached form 4 and did well. Not somebody who went to form 4 and scooped an E (laughter)

Secondly, I am going to talk about education. As a teacher I have seen a very great problem in education. We are not able to educate our children. Why? The education has become for the rich. So I am trying to tell the Government that mostly the primary education should be made free and if it is not made free it should be subsidized so that the people should be able to afford it. But it should be subsidized and compulsory. Which means our leaders like the chiefs, the assistant chiefs they should not just sit in their offices, but they should go around their locations or sub-locations making sure that the kinds in that sub-location or in that location attend school (clapping) and if kids are not found to be attending school the parents or whoever is responsible or the guardian should be prosecuted in a court of law. Because there is no way we are going to say we want people to be educated in our country and we are not taking our kids to school. So there are two things here, we want the Government to make it subsidized completely or free if they can, which I know they may not be able to.

And the other part is for the parent or the guardians to make sure that kids go to school. If they are not ready to make that, the chiefs or the local leaders should make sure that it is done so effectively by taking action on this parent. If action is taken on about three parents the other parents definitely will take kinds to school.

Ok. I am now going to talk about our prisons. Our prisons have turned to be a death point such that when your relative goes to prison mnasema tutakutana ahera. We will meet in heaven. Our prisons should be rehabilitation centers and correction centers. The criminals, these people are our brothers and sisters, our fathers and mothers they should be corrected so that tomorrow they come and build this Kenya we need them. Some of them did those mistakes while they were not aware so they should be told the right thing to do. But when we take them there to kill them why don't we then pass a death sentence to them straight away. It is very hurting. So I ask the Government to do something on our prisons.

Com. Yano: You have a minute to go.

Timothy: Ok secondly, I want to talk about the Government to look on something about the public smokers. These are people who are irritating us. We cannot have people smoking in public. (clapping) Not everybody is a smoker. Not everybody likes the smell of cigarette. So this policy should also take place. It should put the policy so that those who are publicly smoking and polluting the air for everybody should be prosecuted. Its very irritating (clapping)

Com. Yano: Thank you very much kindly register yourself. Now we are back to our list after the rigging. Alice Towett, Rev Joshua Kamu, Benjamin Wambugu, Pauline Burel, Truphena Owiti, Eunice Mariki, karibu halafu Isaac Gichangi Ombwaki.

Gichangi: Jina langu naitwa Isaa Gichangi - Almumin Community Development Organization vice chairman. Yangu ni kwanza kuwashukuru kwa sababu ni safari ya pili kuwaona wale wale Macommissioners tuko nao hapa. Asante sana. Mimi na community development tumeonelea ya kwamba pamoja na wale tulikuwa nao, tunataka Kenya moja ambayo ina Serikali moja, president mmoja. Na term iwe ni term moja akifanya vizuri aende term ya pili. Kama si mzuri hiyo moja kwaheri.

Vile vile tungetaka katika uchaguzi unapofika wakati wake kuwe kunayo calendar ambayo itakuwa ikionyesha baada ya miaka mitano uchaguzi utakuwa lini. Iwe ikionyesha ili wananchi wa Kenya wawe wakielezwa tarehe ya uchaguzi na mwezi ambayo itakuwa imewekwa katika Katiba. Isiwe ni siri ya mtu kama vile ilivyo sasa. Pia President atakaye chaguliwa achaguliwe kwa wingi wa kura sio mambo ya percentage. Kwa sababu mambo ya 25% hii pia ina hitilafu ndani yake tumechunguza wakati wa uchaguzi ukifika, kuna watu wengine hawaruhusiwi kwenda sehemu, area zingine zinakuwa ni restricted, sasa kwa hivyo tumeona haina haja hiyo. Wacha President awe akichaguliwa kwa wingi wa kura atakayekuwa na kura nyingi apewe muda wa siku thelathini kuapishwa hadharani mbele ya wananchi waone President waliomchagua anapoapishwa mbele yao. Sio mambo ya kisiri sisi huko ndani ya state house na amechaguliwa na wananchi awekwe nje. Aapishwe wananchi wakiona ndio wafurahie kwamba wamemchagua mtu ambaye wanayempenda.

Pia ninashukuru sana na tuanaona ya kwamba katika Katiba hii yetu tungependa pia kuhusisha mambo ya watoto. Serikali ichukue jukumu hili kwa watoto wake ambao wametoka nje ya wazazi wao, na kuweza kutumia taxes ambazo tunatoa sisi wazazi na wakenya kuweza kuwa-rehabilitate hawa watoto. Hapo zamani tulikuwa na shule zao na sasa tumeshaingiliwa mpaka sasa tumekuwa na mashule za matajiri ambazo tulikua tuki rehabilitate watoto kama Starehe Centre kule Nairobi. Sasa ilikuwa ni ya hawa watoto ambao ni ma-parking boys na nini, wale ambao waliokuwa nje ya wazazi wao. Lakini sasa ni ya watu amabao ni matajiri watupu (clapping).

Sasa tungependa mambo kama hayo yarundishwe. Pia tutakapochagua President zile nguvu alizokuwa nazo zipunguzwe na ziingizwe katika mikono mitatu ya Serikali ambayo tunayounda, ya Executive, Parliament na Judiciary. Nguvu nyingi alizo nazo ziwezwe kutawanywa katiaka hizo mikono mitatu ambayo itakuwa katika Serikali hio, Serikali yenyewe iwe ni Serikali ya kidemokrasia.

Com. Yano: You have a minute.

Gichangi: I have a document written here which I will give. Pia ningezungunza kwa mambo ya mazingira. Mambo ya mazingira na mila za kitamaduni za kiafrika zirudishwe. Na watu wasilazimishwe kufanya chochote katika mila zao. Kama vile

ilitajwa hapa na huyu mtoto akaguzia mambo ya circumcision. Vile vile mimi nitahimiza desturi na mila wawachiwe watu desturi yao vile wanafanya. Kama vile watu ambao wanatahili, watahiri na wale wasiotahiri wakae bila kutahiri. Wasilazimishwe. Hiyo ni mila.

Kwa sababu ya kusema hivyo, mambo ya kutahiri hayo ni mambo Mungu alitaja na akamweleza nabii Ebrahim, kama unataka ongoza wale watu ukatahili kwanza. Ndio urudi ueleze watu watahiri ndio wakapewe ufalme huo na Mungu. Kwa hivyo yule ambaye hataki kutahiri atakuwa anakeuka pia sheria za Mungu. (laughter and murmuring) Sasa kwa hivyo alipotumwa yeye kuwaambia hawa watu walikuwa nimchanganyiko wa kiume na kike. Kwa hivyo hatuchagui ni nani isipokuwa mila ndio itakayoangalia. Kwa hivyo sitazungumza mengi kwa sababu yale mengi tumeandika katika Katiba ambayo tumetengeneza vizuri, nafikiria mtapata nakili yangu ya Katiba.....

Com. Lenaola: Asant Bw. Isaa. Ni kweli kwamba culture lazima iheshimiwe. Mambo ya tohara katika Kiislam kuna pahali pameandikwa wanawake watahiri ama ni wanaume peke yao?

Gichangi: Lazima wapate sunna (laughter)

Com. Lenaola: Hayo yako katika Koran ama katika hadithi?

Gichangi: Iko ndani ya Koran.

Com, Lenaola: Wapi sura gani?

Gichangi: siwezi kukuonyesa sura sasa.

Com. Lenaola: Tafadhali tupe jawabu kwamba utatupatia hiyo sura juu ya tohara ya ki Koran.

Gichangi: Iko namna hii nafikiri tutaelewana hapa. Mungu alipomwambia Ibrahim nenda ukawaambie wale watu watahiri kama wewe ndio ni weze kuwaongoza. Hakuchagua male or female. Wote waliwekwa in general na aliweleza (clapping)

Com. Yano: Ok. Asante sana naona hapa wamama wakipiga makofi sawa sawa (laughter) anayefuata Gichangi ni James Omuga. James yuko? Ok Muslim association Abak Kaka? Karen Akinyi, Wycliff Wangesa, Mwangi Muraya. Are you Mwangi Muraya? Yes come here and give us your views.

Mwangi: Ok. Haya maoni ambayonittoa hapa ni ya wanakijiji cha Nyamarutu na vile vile wa Magata ambayo iliweza kufanyika tareha ishirini na ishirini na moja mwezi wa sita mwaka huu. Na itabidi niyasome yote kwa sababu wengi wao

tuliokuwa ...

Com. Yano: (interjection)..... Tafadhali (inaudible)

Mwangi: Tuliokuwa nao ni mama wakongwe na hiyo itabidi niyasome yale yote ambayo tuliongea ikiwa ndiyo uweze kudhibitisha ni kweli tuliweza kuonge nao.

Com. Yano: Na nimekupatia hayo dakika tano kusoma sawa?

Mwangi: Nitasoma haraka. Walisema Katiba itutabue, itusawazishe, na itambue Mwenyezi Mungu. Vile vile wakasema wananchi ndiyo wawe wenye nchi na ndio wenye Katiba. Walisema maamuzi katika Bunge yatokane na wananchi. Na wakasema harambee zitupiliwe mbali kulingana tajiriba, zile harambee za akina mama, vijana, na wasio jiweza. Vile vile kwa vile wananchi ndio haujili viongozi wakasema ya kwamba ikiwa kiongozi amefanya vibaya wasiwe wakiongojea baada ya miaka mitano, iwe kiongozi atangolewa hata kama ni baaada ya mwaka mmoja ama miwili kama hafanyi kama alivyo tarajiwa. Vile vile walisema ukusanyaji wa ushuru hasa wa Serikali ya mtaani, Katiba iweze kuulinda kwa vile huibwa sana. Tuwe na mahakama maalum ya kuwashtaki walioiba hata kama polisi wanaopokea hongo wamepatikana.

Vile vile walisema hongo imalizwe mahakamani na mateso ikomeshwe gerezani. Wakasema wathiriwa wa vita vya kikabila wafidiwe na Serikali na isiwatatize katika biashara zao ndogo ndogo. Pia Katiba isaidie kupabana na umasikini na wala sio kupabana na Umasikini kama ilivyo sasa. Vile vile wakasema kura zinapopigwa ziwe zikihesabiwa hapo papo, na vile vile vita vya kikabila vinapozuka viongozi wa utawala wajiuzulu. Vile vile wakasema Mkenya alindwe na mataperi yaani conmen wakimataifa kama wale wa wakati wa meli walivyofanya. (clapping) Serikali iwe ikizuia mikasa kama vile bomblast ya Nairobi na ikiwa itatokea Serikali ilipe waliohusika.

Vile vile wakaaji wa Nyamarutu na Magata wakasema wao hutishwa kama ma squatter kufukuzwa katika plot zao na watu wanaojiita Estate Providers. Wakasema kama kuna ugawaji wowote unataka kufanyika katika plot zao wawe wakihusiswa wao wenyewe. Vile vile wakasema wanasiasa na matajiri wanaomiliki mashamba mengi makubwa ambayo hayatumiki Katiba ihakikishe inatumiwa kwa manufaa ya wananchi wote. Vile vile wakasema Serikali iwe na mamlaka ya kuchukua title deed ya mashamba yasiotumika. Pia wakasema wananchi wakongwe na wazee wasaidiwe na fedha kila mwisho wa mwezi. Watu matajiri na watoto wanapokufa ambao hawana watoto mali yao igawiwe masikini ama watu wasiojiweza.

Elimu ya shule za msingi, matibabu, na usalama itolewe bure na Serikali. Vile vile kuwe na sheria ya kuzuia matajiri kuingilia biashara ndogo ndogo kama ufugaji wa kuku na uuzaji wa mayai. (laughter) Pia iwezeshe kuwa na ugawaji sawa wa rasilimali. Watu walioacha shule pia watambuliwe na wawe wakipewa vibarua. Serikali iwasaidie mayatima. Wizara ya afya ihakikishe malipo katika mortuary na pia uzikaji sio mzigo tena kwa Mkenya masikini. Ikiwa msichana yuko shule na amepata mimba

akifukuzwa pia mvulana aliyehusika afukuzwe pia. (clapping) ikiwa msichana na mvulana hawana pato familia zao ziwasaide kulea yule mtoto.

Vile vile misaada itumiwe kwa njia iliokusudiwa na wala sio kuwatajirisha watu wachache. Wadhifa wa chief ungolewe na kama utakuweko achaguliwe na raia. Kama vile Wakenya walinyakua uhuru wao kwa silaha kama Wamarikani wanapaswa waulinde kwa silaha. Basi Wakenya wenye zaidi ya miaka ishirini na tano wakubaliwe kumiliki silaha. Sheria hii waliona pia iko Ethiopia na inaonekana uhalifu ulioko Ethiopia sio kama ulio hapa Kenya (interjection)

Com. Yano: Tafadhali jandikishe kwa vile muda wako umepita. Anaofuata ni Kefa Mageni, Kefa yuko? Mama Mbugua, Thomas Mbugua, Fred Owako tafadhali.

Fred (disabled): Madam Chairlady, Commissioners ladies and gentlemen, my names are Fred Owako I am secretary for the association of physically disabled, and I am going to give views on issues pertaining to disabled persons.

I want to state madam in the Preamble that the disabled persons form a fair percentage of population in Kenya, and it cannot just be ignored. There are these issues which pertain to the disabled that the disabled group increases everyday as a result of accidents, as a result of illnesses and even armed conflict. They want to say that these needs should be entrenched in the Constitution so that disabled persons as they encounter the environment and experience short comings, they can be described and seen to be assisted. Prevention of occurrences that might cause impairment must be put in place and provisions have to be made to assist persons with disabilities to attain their full responsibilities as members of their local community.

The Constitution shall also be mindful of and committed to the rights and freedom of the disabled persons, not just to say as it is said that there is what we call human rights, the Bill of rights, but it is not implemented. We would like to see it being implemented.

Thirdly, in policy making and planning, the Government should ensure that our policy making and national planning mechanism, the disability aspects and are included. The Government, therefore, will initiate and plan policies for persons with disabilities at all levels. Therefore, in the Constitution, there should be established a disability bureau with objectives, roles and obligations.

The objectives are to create task forces from time to time to address the emerging specific issues pertaining to the disability, to identify and agree on the main priorities and limited to strategic objectives, by vetting goals. To undertake review of progress towards achieving these set goals because if we do not review the set goals, then people may even forget what is supposed to be done.

It will also provide a policy dialogue and (inaudible) consideration of key issues equity and sustainability of programmes set to

improve life standards of disabled persons. It will also develop effective mechanism for regular joint reviews and collaboration with all stakeholders under the coordination of disability bureau. These laws will provide regular forum for key stakeholders who are involved in major output, and to produce a common programme framework for implementation which shall also be observed periodically.

It shall also produce periodical reports and progress to be assessed by disability bureau at all levels of output. And the obligations will go with the roles also. Because you may have a role, if you do not have an obligation, Madam Chairlady, you may never fulfil it. The obligation will be to ensure that the bureau is consulted for all new programmes it develops, to prepare a report, to reflect progress in each area of operation, and all stake holders like NGOs, churches, community based organizations, private enterprises be actively involved in the relevant issues.

There are specific areas like accessibility that must be considered or we say that a programme must be introduced; a programme of action shall have to be introduced to make physical environment acceptable or Madam Chairlady, the issue of accessibility they are very difficult issues here. Look at all this hall here, that some of us cannot go up here. It becomes very difficult for us. It means our problem here measures must be put in place concerning infrastructure, to enact laws or regulations to ensure that accessibility in various areas is well taken care of. Look at the house we built in town here. The tall buildings we have, there are no structure that can make a disabled person go up stairs.(clapping)

It is not only a disabled person madam, even the abled person tell them to go 5 storeys there I think they will be labouring so hard and they will never be comfortable. So we are saying that roads, buildings, water supply systems, they should be constructed without leaving trenches on the sides of the roads, such that disabled persons can access very easily.

Transport systems: Look at the buses we have, how do we go into the buses? Disabled persons move with wheel chairs there is no way they can access buses. It is like they are already sentenced, madam chairlady. They cannot travel and if they are out to travel they are out to be carried around. In our situation we are saying that we want to give independence to people with disability. And to give them independence there must be something in the Constitution to see to this. Let buses be constructed to suit disabled persons. Even going into the aircraft, madam chairlady, it is very difficult. We cannot easily board an aircraft. Because we are not catered for. Look at school children boarding buses they sit in buses with their legs hanging because buses are not designed to suit them and then imagine if an accident occurred and with those children are caught with legs hanging. I am sure injuries will be reduced if buses were also designed or transport system to suit the needs of children as well.

On education Madam, people with disability need to have access to free education at all levels. And I am saying that because disabled persons, physically disabled they are also financially disabled. They cannot make it and if nothing is done about it they are just left to doom. Sign language should be introduced in schools as a medium of instruction. Let it be taught in schools. Why do I say this. It is because we have the other parts of the society known as the hearing impaired. How do we

communicate with them? Must we go to special schools to communicate with them. So let there be legislation towards that.

On health Madam chairlady, I want to say that a comprehensive health policy must be put in place for the needs of the disabled because most of them cannot afford the exorbitant fees charged in our hospitals here. And then there is the rehabilitation process. The rehabilitation process should be made fully operational in hospitals and in other areas that can be done.

Insurance covers, insurance medical covers there is a problem because if a disabled person goes to insure himself or herself insurance company does not accept. What do we say therefore? The insurance companies should undertake to understand the difference between handicap and an illness. If they say you cannot be insured because you are ill there is a difference between being ill and being handicapped.

On employment Madam, we say that there is discrimination on the side of employers. They don't want to employ disabled person. We are saying that a law should be there to state clearly that disabled persons have got to be given opportunities like any other persons who have got the qualifications to be employed.

On taxation, we are saying that goods acquired through importation to disabled person should be free of tax totally. Currently, the law that is there only covers a small part that you can import an item of less than five hundred thousand shillings which means if you want to import more than that unfortunately you cannot do it. You have to pay taxes. So we are saying that all other incomes for the disabled be treated in the same way.

Political representation: we are saying that the disabled persons should be left to elect their own representatives because the disabled population comprises 10 to 15% of the population. Therefore, why can't there be a law to allow them to elect their own representatives in civic bodies and as well as parliamentary seats. (interjection)

Com. Yano: You have a minute to go.

Fred: In social security Madam chairlady, we would like a programme developed by the Government and let it be in the laws of Kenya that social security of disabled persons be the Government's responsibility. Let them not just be left, as it is today that the Government does not take the responsibility. It does not know where the disabled persons are, it leaves it to themselves to take care. It becomes very difficult, so a policy should be developed; computerized social security numbers be given and a fund be set aside so that disabled persons can be assisted from time to time using social welfare schemes.

Finally madam, I want to talk about corruption. It has been talked of so much we want to say that there should be a law against corruption but before you set that law, why is there corruption? It is there because even those in employment they are paid very little salaries they cannot meet their needs. So let salaries be enhanced and from there if people are paid well they can meet their regular needs. I believe Madam, that corruption will be reduced. Thank you so much (clapping)

Com. Yano: Thank you for your talk. The next one is Geoffrey Kariuki of building construction. Samuel Kamau Murimbi.

Samuel: Thank you Madam Chair and Commissioners. I will bring my presentation in both English and Kiswahili. Majina yangu ni Samael Kamau Murubi. Mimi ni mshirikishi wa fungu la ACC hapa Nakuru. Kwanza kabisa tulikuwa na fungamano la ACC tarehe kumi na tisa na ishirini pale Lakestar. Na kuna mambo wale waliohudhuria waliaagana na tuko na hiyo memorandum hapa ambayo imeandikwa nitapeana baadaye. Lakini kuna mambo mengine ningetaka kusema yangu binafsi ambayo napenda kuyawelezea.

Katika muundo wa Katiba nitachangia nikielezea kwa mambo saba. Kwanza kabisa ningesema kwamba nataka Katiba mpya – we want the new constitution to have a Preamble. Halafu pia tunataka tuzungumzie uhalali wa Katiba, maelezo kuhusu uongozi, wanachama ama uraia wa nchi, haki za raia, majukumu na wajibu, na rasilimali.

Kwanza kabisa ningesema upande wa Kenya tuna hofu mbili. Hofu ya kwanza ni ya kwamba bado CKRC it has not been entrenched in the Constitution and the fears of Kenyans we are still skeptical about that because of the history of commissions that have come into Kenya. Na tungependa jambo hilo lijadiliwe kabla tufikie wakati wa kuvunja Bunge hii. Na pia tungependa kuelezea ya kwamba bado sisi tumekuwa kwamba civic education inafanywa vizuri naona kwamba civic education haijafanywa kikamilifu kama vile Act ambayo imeansisha CKRC imesema, ya kwamba elimu ya uraia ifanywe kila mahali na tunasema ya kwamba elimu ya uraia haijafanywa ya kutosha.

Kwa vile nilisema jambo la kwanza ni Preamble, ningesema tunataka Preamble ama tadhimini ya Katiba mpya iyandike identity of Kenyans. And then we should also have pride as a nation established in the Preamble. We should also acknowledge, and accept, and respect the diversity of cultures and the economies of the tribes, we have in Kenya and we respect all tribes and also we should pledge to uphold the respect of human rights and the integrity of each individual.

We should also have a collective undertaking in the Preamble of the new Constitution to undertake, to entrench democracy and participation in national building, and we should also have a perpetual undertaking both as a nation, and also as individuals, to respect and uphold the sanctity of the Constitution, entrench constitutionalism in this country, and to abide with the laws of this country.

We should also identify the national philosophy and the guiding principles under which we want to identify ourselves as a nation, and also the national values which should be enforceable in law. Ningependa pengine kwa kuelezea kwa nini nasema mambo ya tadhimini ya Katiba mpya, nisome tu kwa ufupi nimeona Tadhimini ambayo ni ya nchi ya Switzerland ambayo wanasema: kwa jina la Mwenyezi Mungu sisi watu wa Swiss na majimbo yake, kwa kuwa tunajali jukumu letu kwenye ubaaji, tunaazimia kufanya upya muungano wetu ili kupatia uwezo haki na demokrasia, uhuru na amani, tukiwa na umoja na uwazi kwa

ulimwengu, na tukijitolea kuishi na utofauti wetu kwa umoja na kuheshimiana, tukitilia maanani maafanikio yetu ya pamoja na wajibu wetu wa vizazi vijavyo. Tukifahamu kwamba ni wale tu ambao huendelea kuwa uhuru ndiyo hutumia uhuru wao, na ya kwamba uwezo wa watu hupimwa na ustawi wa wale walio wadhaifu kati yao. Kwa sababu hiyo sasa twaikubali hii katiba. Kwa hivyo ndio nasema tunataka hii Katiba hii mpya tuwe na Tadhimi ni kama hiyo inatambulisha sisi kama Wakenya.

Jambo la pili ndilo mimi nasema kuhusu uhalali wa Katiba ambayo iko, na tunaanza na katiba ambayo iko kwa sasa Bunge yasema inataka kuongeza kipindi cha Bunge. Na Wanakenya tunasema vizuri ya kwamba Katiba ambayo iko sasa, sehemu ya hamsini na tisa section 5 na sub section 6 inasema wazi, ya kwamba Bunge inaweza kuongeza tu muda wa Bunge ikiwa kuna vita. Na Kenya hakuna vita. Wabunge wakiongeza kipindi cha bunge kwa sasa tunasema ya kwamba wabunge watakuwa wakitangaza vita vidi ya wananchi ambapo wamewachagua. (clapping) Na kwa hivyo kama wataongeza kipindi cha Bunge wakae bungeni wasikuje katika mahali ambao wamechaguliwa. Sababu watakuwa wametangaza vita vidi ya wananchi, na tuko tayari kupigana na wao. Katiba ya sasa iheshimiwe kwa sababu hata ile nyingine kama itakuja kama hatuheshimu hii ingine iko inamaanisha hatutaheshimu. Kwa hivyo uhalali wa Katiba unabaki mamlaka katika Katiba ya mikono ya wananchi.

Tungependa pia kusema ya kwamba tunataka pia katika Katiba mpya tuwe na leadership qualities ambazo tunaweza tutambua. We want to stress that we want to have leaders who are morally upright na viongozi ambao pia wanatangaza utajiri wao na mahali ambapo wametoa. Na pia tungependa kusema ya kwamba kiongozi kama ni mtu ambaye amekuwa mtumishi wa uma na ameharibu mahali ambapo amefanya kazi asipewe nafasi mahali pengine katika uongozi wa uma.

Na pia tungetaka Katiba mpya ieleze kinaga ubaga wale ambao watakuwa na haki ya uraia. The eligibility of citizenship it is not clear. Na wanawake wengi sana sana wamekuwa wakilalamika kwamba sheria inasema wazi na ikiwa ni mwanamume akioa mwanamke kutoka nchi nyingine huyo mwanamke atapa right of citizenship. Ile hali ya mwanamke akiolewa na mtu wa kutoka nje uule bwana hana haki. Tungependa Katiba mpya ieleze vizuri kabisa haki ya uraia itakuwa vipi.

Na pia tungependa pia kusitiza mambo ya human rights in the Constitution. Katika chapter 5 ya Constitution inaongea mambo ya human rights, lakini tunataka kusema ya kwamba tunataka zielezewe vizuri. They should be clear and they should be enforceable in the law. We should have a mechanism to ensure that the citizens of this country enjoy those human rights and the Government should also undertake to safeguard those human rights. And we should also establish mechanisms for the citizen's to seek redress when their rights are trampled upon. Sababu hata hizo haki wananchi hawajakuwa wakifurahia.

Na ningependa pia kupendekeza ya kwamba section 84, subsection 6 in the Constitution, it gives power to the Chief Justice to establish rules about those people who go to court complaining about the human rights issues. We want that section to clearly to state how Kenyans will seek redress in court. Let it not be given powers to the Chief Justice because the Chief Justice has the appointee of the Executive, and he is manipulated at all times. Na pia tungependa katika hiyo sehemu ya haki za kibinadamu kuongezwe pia haki za kiuchumi – economic rights of Kenyans. Wakenya wapewe nafasi ya kujizatiti kimaisha. Wapewe

nafasi ya kufanya biashara na mambo mengine (interjection)

Com. Yano: (inuadible) You have got a minute to go.

Samuel: Kwa hivyo kama sasa ndiyo Nakuru tunalalamika sana, wachuuzi wanapigwa lakini Katiba inasema kuwa wanatakikana kuwa na haki. Kwa hivyo tungetaka Katiba mpya iwe na economic rights. Na pia tungetaka kusema rasilimali za nchi tuzifurahie wananchi wote. Kama sasa hapa tuna Lake Nakuru ule uchumi unatokana na Lake Nakuru watu wa Nakuru waweze kufurahia pia. Asanteni sana. (clapping)

Com. Ogendo: I assume Mr. Kamau that you are a lawyer.

Samuel: Not yet

Com. Ogendo: You are not yet. I have heard the argument that Kenya is not at war and therefore it would be contrary to the Constitution for Parliament to extend its life. But Parliament also has the power to change that particular provision of the Constitution. What is your response to that?

Samuel: That is what I am saying that Parliament has the right to amend but we are saying that now Parliament in the new Constitution even when it is allowed to amend the Constitution with the 65% majority they should have a provision to ensure that Parliament reverts to the people.

Com. Ogendo: That's alright. Under the present Constitution Parliament can change the Constitution – in fact what we are doing now, we are not going to have a Constitution unless the Parliament enacts the new Constitution, reviewing the whole of the present Constitution. So if the Parliament can review the whole of the present Constitution why can't the Parliament amend the present Constitution and extend its life?

Samuel: Because they have a mandate from the people of 5 years. It is a contract between the electorate and the MPs. Mamlaka ya nchi bado inabaki katika mikono ya wananchi. They are only given the mandate on behalf of the people and the contract is for 5 years.

Com. Ogendo: So the argument is not that Kenya is not at war, the argument is that they should not extend their life because they have a mandate with people.

Samuel: And Kenya is still not at war. That section is clear.

Com. Yano: Thank you very much Mr. Kamau. The next one is Elijah Siatikho, Ponda Mali? Karibu

Elijah: Kwa majina ni Elijah Siatikho, mimi ni mkaaji wa Ponda mali Nitazungumzia uongozi na wanaongozwa. Kitu cha kwanza nitaanza na umilikaji wa silaha. Hapa Kenya imekuwa ni jambo la kawaida kwa mtu ambaye aliye na mali yake au yule ambaye anatafuta mali tunasikia katika viombo vya habari kwamba watu wamemvamia, benki zimevamiwa, matajiri wamenyang'anywa magari na mambo kama hayo. Basi tunaona ya kwamba kama Wakenya watakuwa na haki ya kununua silaha basi hiyo rate ya kuwa na unyang'anyi au wizi wa kimabavu utapungua.

Tunaona ya kwamba hapa Kenya imekuwa ni jambo la kawaida, wakati askari anaposhika bunduki basi hapo amefanya chakula. Lakini ikiwa atakuja kwangu na bunduki na mimi nina bunduki basi tutaheshimiana (laughter)

Tumeona ya kwamba baathi ya Wakenya sehemu fulani wameruhusiwa kuwa na silaha kwa sababu silaha haimaanishi lazima uwe na bunduki. Bunduki ni silaha lakini kuna wengine hapa Kenya pia wameruhusiwa kuwa na bunduki kwa sababu wana mali. Basi hata sisi wakaaji wa Nakuru ambao wanamaduka, biashara, tunastahili tuwe na uhuru wa kununua silaha. Basi nikizungumzia bado upande wa silaha ninaona ya kwamba maaskari wetu kama polisi ni watu ambao wamenyanyaswa sana na wana silaha hiyo pia. Utaona askari analinda benki ambayo ina mamillion ya pesa na mshahara wake labda ni shilingi elfu nane. Huyo askari atakosaje kuwa mwizi si atatumia hiyo bunduki kunyang'anya, basi ninaona ya kwamba ni heri Wakenya katika Katiba ambayo inakuja waruhusiwe kununua au kupewa silaha.

Katika haki wanaoongozwa tunaona ya kwamba Mkenya ni mtu ambaye amefinywa sana katika hali ya kulipa kodi. Na Mkenya kila asubuhi, kila jioni anafanyia kulipa kodi. Huku serikali nayo hakuna kitu inafanyia Mkenya wa kawaida. Mkenya, analipishwa bei kali katika masomo. Katika Katiba inayokuja tunapendekeza ya kwamba, masomo kutoka darasa la kwanza hadi la nane iwe ni bure.

Matibabu katika hospitali zote za Serikali iwe ni bure. Tunaona ya kwamba wakati mgonjwa anapolazwa katika hospitali kuna mambo mawili, anaweza kupona au anaweza kufa. Na wakati anapokufa anapelekwa mortuary na tumechunguza tumeona ya kwamba mortuary hapa Kenya zile ambazo ni za Serikali zinalipisha bei kali sana hata kuliko mahoteli (laughter). Basi tungependekeza ya kwamba badala ya Serikali kulipisha shilingi mia tano mortuary kila siku basi mortuary zote za Serikali ziwe ni bure.

Jambo lingine ni kwamba wakati huyu mtu anapotolewa katika mortuary, Kenya kuna makabila tofauti. Watu wengine wanapeleka nyumbani, wengine wanazika hapa Nakuru tunaona ya kwamba hata kuna wengine wanachoma. Anapotolewa katika mortuary unapoingia ile shamba ambayo ni ya Wakenya, mortuary unalipiswa mbei kali kuanzia elfu mbili hadi elfu kumi. Na tunaona ya kwamba tulipata uhuru, mashamba yote ni yetu, Serikali inafanyia nini Mkenya wa kawaida? Tunapendekeza katika hii sheria ya kwamba makaburi yote ni mali ya uma na iwe ni bure. (clapping)

Katika hali ya uongozi tunaona ya kwamba Rais wa Kenya ana uwezo mkubwa kabisa. Basi katika uwezo huo tunaona ya kwamba upunguzwe, Rais wa Kenya asiwe anaamka asubuhi anasema ya kwamba Bw. Keiyo siku ya leo imekuwa wewe ndiyo Judge Mkuu. Hapana. Bunge lipewe uwezo wa kuteua viongozi. Na majudge nao wawe na uhuru wasifuatwe na mtu yeyote.

Basi nikimalizia ningependekeza ya kwamba Rais wa Kenya rais wa Kenya achaguliwe na watu wengi wanaozidi asilimia 51% na awe mtu mwanamume au mwanamke ambaye ameolewa au ameo aliye na familia. Ni hayo tu. (clapping)

Com. Lenaola: Nimesikia kama hili jambo la President ni jambo la maana, la kuoa, ya President kuwa na bibi au kuwa na bwana. Ndingi mwana N'zeki ambaye ni mkubwa katika dini ya Catholic akatazwe kwa maana hajaoa?

Elijah: Sasa tumeingia katika hali ya dini. Nimesema kwamba Rais au mtu yeyote ambaye anataka kuwa Rais awe mwanamume au mwanamke ambaye ameo. Je Rais wa Kenya ataongozaje Wakenya akiwaambia waende katika njia ambayo imenyooka na yeye mwenyewe hawezi funza familia yake? Umesema Ndingi Mwana N'zeki basi hiyo ni desturi ya kikanisa sisi tunasema hali ya Serikali ya Kenya hatusemi mambo ya kanisa

Com. Lenaola: Sikuwa najua maana Ndingi Mwana N'zeki si ni Mkenya?

Elijah: Hawezi kuwa Rais wa Kenya.

Com. Lenaola: Kwa sababu gani?

Elijah: Hajaoa (laughter) ama hana familia.

Com. Yano: Asante sana Elijah. Tutulie tafadhali, SDA church. Halafu watafuatiwa na Zipporah Kirwa paralegal self help group.

Bernard: Thank you my names are Bernard Oyugi Obuyi. I am an advocate based in Nakuru but I am giving recommendation and comments and views of Seventh Day Adventist Community in Nakuru which numbers about 15,000. I wish to say that the first recommendation as a community we believe the republic of Kenya in the reverse Constitution, should be a religious country but without a state religion. So we strongly recommend that the country be declared a God fearing nation but without necessarily having a state religion. We should not be having any laws or regulations, those which are injunct or in any way hinder people from enjoying their religious freedom.

Recommendation number 2, we wish to recommend that the new Constitution should have regulations to do with the stewardship of our environment and natural resources. Kenyans and other stakeholders must be given rights to enjoy preservation of environment, wildlife, and natural resources, because we believe these are God's gift and must be utilized properly for the use and enjoyment of all Kenyans.

The recommendation which I want to dwell on emphasis is to do with religious liberty. In the provision which are guiding the freedom of worship, it is our believe that a Seventh Day Adventist, as much as Constitution provides for religions libery we have been oppressed and ignored under the current Constitution because we have not been able to enjoy our rights as a community.

Despite the fact that the current Constitution does provides that there should not be discrimination on the grounds of religion belief the Adventist community has continued to suffer a lot of discrimination when it comes to defending their faith or belief in various aspects and other matters which are to do with worship. And the following are our areas of concern, and chairman it is our belief and we want to state that this must be made clear and provided for in the Constitution, more so even if we have to be regarded as part of the minority groups where we want to enjoy rights under the minority groups.

1. Saturday tuition: the adventist pupils and students are forced by schools and colleges to attend Saturday tuition, failure to which they are often subjected to punishment and even expulsion. We have a recent example which took place in Kapsabet Girls whereby 10 students were expelled because they refused to attend classes on Saturday and instead opted to go to church.
2. Civil servants and their public duty: Seventh day Adventist civil servants that is probably DC, PC and PS, police officers, armed forces, prison officers among others are often suppressed and have to attend to public functions on Saturdays because some of these public holidays are designated to take place on Saturday. We have a recent example where a DO was sacked in Western Kenya for failure to attend Madaraka day celebrations which took place on Saturday.
3. Examinations and top interviews are normally done on Sabbath that is on Saturday. So we want in the current Constitution provisions to effect that because we as Adventists we must also benefit from some of this functions which are taking place on Saturday. All Adventists should be exempted or the Seventh Day should not be the day to carry out this functions (interjection)

Com. Yano: One minute

Bernard: and on the other aspect we also want to state that barazas and other important meetings should not take place on Saturday. The other one we want to state that Parliamentary and civic by-elections should also not take place on Saturday which is the day of worship for SDA. We have a recent example where by-elections took place on Saturday that is Taita Taveta and the SDAs went to High Court but the High Court ruled against them that they are a minority group. And that is why we are insisting that we must recognize the current Constitution as part of the minority group.

We also have a limitation as far as giving our pastoral and spiritual services when it comes to those who are combined or in discipline services like those who are in prisons. Even sporting activities for schools and other institutions are always arranged on Saturday. Even employment opportunities. I want to confess here that the Seventh Day Adventist's, we are not able to work in places like banks and other places because you cannot be employed there unless you agree to work on Saturday. So we are praying or asking the commission that in the new Constitution the Seventh Day Adventist's have a right to work for 5 days only or 6 days even if it means working on Sunday but not on Saturday. And we want a Seventh Day to recommend that as NGOs or churches we should be exempted from paying taxes that is for goods which are imported or even land rates we should be exempted from such kind of taxation.

And finally I want to recommend on behalf of Seventh Day Adventist church that children and the aged must be provided for by the Government freely. Street children and those who are aged must get a percentage of our budget packet allocated for their food and shelter. And finally I want to recommend that when it comes to references on Constitutional rights, like reference to High Court, it should be made free of charge. You can bear with me that this is one of the most expensive processes in court and when it comes to (interjection) and when it comes to constitutional amendments like the one that goes to the route of Constitution like now the election of Parliament, should not be done without a referendum being carried out. Thank you. (clapping)

Com. Ogendo: Mr. Oyugi you started by saying Kenya should be a religious country but without a state religion and then you went ahead to tell us that there should be a special place for the SDA. How do you like to reconcile those two?

Bernard: Our argument is that this statement, the first of a religious country but without a state religion, even if it means in the Preamble, but when it comes to the provisions of the fundamental rights, we are saying that as much as the Constitution provides for religious liberty. This religious liberty cannot be enjoyed by all because of their regulations. Regulations like institutions of learning which fall thereafter. So we are saying as Adventists we want when the Constitution comes in for minority rights (interjection)

Com. Ogendo: But Mr. Oyugi you are a lawyer and....

Bernard: Yes, I am a lawyer.

Com. Ogendo: The problem is that of the administration, the problem is not the Constitution, is it?

Bernard: Yes.

Com. Ogendo: So why do you want us to make a simple administrative matter a Constitution issue?

Bernard: Because we realise that there are some regulations which are under administration and yet they injure the Constitution. So to make it easier for those who even administrate we must have clear provisions under the fundamental rights.

Com. Ogendo: Now we have spent time thinking about this matter every day of the week from Monday to Sunday, there is somebody who regards the day as their Sabbath. So what are we going to do with all these other people, so nobody will work in this country, there will be no public rallies on a Monday, on a Tuesday, on a Wednesday, on a Thursday, on a Friday, on a Saturday, on a Sunday?

Bernard: What we may say for those who may worship even on a Monday their rights should be protected.

Com. Ogendo: So the point is, the essence of religious freedom is that you should not be compelled (Bernard: that is the point) not that the public should shut down because it is your Sabbath day.

Bernard: Yes they should be protected. Thank you. (clapping)

Com Yano: Thank you very much. Zipporah Kirwa, Karibu. I can see you are representing two organizations. Is it? Karieta and paralegal?

Zipporah: Karieta is the centre. Thank you Madam Chair. My names are Zipporah Kirwa and I am here to represent our recommendations as women organizations to the CKRC to the paralegal structure in Nakuru. I have some issues here that I may not complete reading I will just pick a few. I will start with the Preamble of the Constitution.

If we look at the current Constitution, now the Preamble that is reflected in the Constitution that we have, states “Kenya is a sovereign country”. And then a full stop. Nothing more. We would like to have more of this, a Preamble that portrays the involvement and ownership of the Constitution of Kenya by all Kenyans. The Preamble should reflect the suffering and humiliation done to our mothers and fathers during the colonial era. It should also reflect the struggle by Kenyan women and men to attain independence. The Constitution should refer to both women and men - this I mean in the Constitution that we have now it was as law there were no woman in Kenya when it was made because it refers to the President as he or him as if a Kenyan women cannot be a President. Anywhere there is a he or him should also have a she or her.

The Preamble should also lay down that every Kenyan is equal before or under the law, and that no one is above the law. It should lay down that everyone has equal right to protection and benefit of the law without discrimination. It should also provide that the Constitution guarantee those rights, equally to men and women, male and female persons.

Another issue I would like to address also is the specific rights of women. Rights to security as contained in the Chapter A23 of the African charter on human rights and peoples rights that provides, and I will report “all people shall have a right to national and international peace and security”.

The new Constitution should also reflect rights to own and use property, commonly violated. Most customary laws and practices do not allow women to own property and women are infact treated as part of property to be passed between fathers and husbands. Rights to walk in a safe environment free from any interference and sexual harassment and with special consideration to their reproductive functions.

Peoples’ rights to education and training opportunities to eliminate inequities where women and girls are discriminated upon in participation. Rights against discrimination as it is stipulated in article 9 of the side?? It must provide also, a right of women to participate in politics and at least attain or have 1/3 of women representation in every Government position and in the Parliament.

Rights to have one’s dignity respected and protected everywhere and including at the domestic level. Rights to full enjoyment of health, peace and instinct and human rights that require Kenya to address the poor status of women. Women’s special health and needs of material health care. It should also reflect freedom of movement for women.

The paralegal also recommends that**End of Tape 2A**

Side B..... Cont... age of 60 years all Kenyans above this exempted from paying taxes especially on medical care. Homes for the elderly should be established to cater for the elderly Kenyans, Kenyan women, and men who have no family members.

On the side of the children, all children of the world, not only Kenya, need protection, proper care and love from both parents. In this respect, the affiliation Act should be enshrined in the new Constitution of Kenya. Kenya being a member of the United Nations there are few confessions on the rights of the children, on the rights of the women, and the confession on elimination of all against discrimination against women which Kenyan Govt. ratified. We should like to see this one implemented and being constitutionalized in the new Constitution.

On the side of children also there is an abusive language that people use as illegitimate children. There is no illegitimate human being because these children were born by the will of God. It is God who gives us children. So the illegitimate human being in the world including Kenya. So this word illegitimate should be removed from every book and everybody’s mouth. The paralegals also recommend that affirmative action should be constitutionalized I think that is all I have.

Com. Yano: Thank you very much. The next one is Kaptel Bondo location female youth Angela Rose, Kenya assistant chief..... tafadhali endelea.

Nelson: Kwa jina ninaitwa Nelson Mwathi Ngoo. Kwanza kabisa ninashukuru kwa kupata hii nafasi nasema asante. Kwanza ningependa ama tunapendekeza ya kwamba ya kwamba Katiba ijayo Wakenya wawe na uwezo wa ku-retrench viongozi wao hata kabla ya miaka mitano. Rais wa Kenya apunguziwe madaraka yake sio kama vile ilivyo sasa. Kwa sababu sehemu moja ya Katiba wakati huu inasema kila mwanakenya ama mfanyi kazi wa serikali anafanya chini ya huruma ya Rais. Kwa hivyo ningependa hicho kifungu kiondolewe mtu aruhusiwe tu kusimama kiti cha Rais mara moja akianguka asiruhusiwe kusimama zaidi ya mara moja kama ilivyo sasa. Wengi wanachokesha watu, mtu amejaribu mara mbili na hata ya tatu na ya nne anataka kuendelea. (laughter)

Serikali ilazimishwe na Katiba ambayo tunaunda wakati huu kutafutia wananchi kazi na pia kutafutia wakulima masoko ya kuuza vitu vyao nje ya nchi hii yetu ya Kenya. Hata wafanyi biashara wakitengeneza vitu vyao. Na pia nikighusia hapo naweza kuona kama upande wa KCC ama upande wa maziwa wale wanakamua unaweza kuona unazuiwa kuuza maziwa yake unaambiwa peleka pahali fulani. Tungetaka Katiba iliyoko itengenezwe ya kwamba mtu akitaka kuuza mali yake apeleke pahali popote anataka.

Chief achaguliwe na wananchi wenyewe. Pia, Kenya Broadcasting Cooperation na Power and lightening utakuja kuona hizo company mbili zimechukua jukumu hata wakati huu KBC ndiyo inalipisha kodi. Kwa hivyo Serikali itengeneze kuwe na pahali wale wanalipa kama ni kutangaza iwe si KBC, kwa sababu hata KBC inafanya biashara pia ni sehemu moja inatangaza kama zile zingine.

Pia kuwekwe sheria kama vile tuko na pipeline tuwe na kama ni stima kupewe company nyingi, na iwe kama ni kuenda kama Subukia kuenda wapi waweke stima mbila mtu kuitisha. Waweke line ipite na barabara ukitaka tu una apply inapitia karibu na kwenu maana kila pahali pana barabara. Unaweka tu kama ilivyo nchi zingine. Utakunja kuona hata gas, gas unaona tu wanaweka mtungi ya gas yaani unawekewa pipeline, line ya gas inapitia hapa ni ku-apply tu na kupewa licence unaunganisha. Isiwe ni kama ilivyo sasa lazima unaenda huko unaenda kununua. Iwe ni jukumu ya Serikali itakuweko sheria hiyo iwe ni ya kwamba mimi tu nadaiwa malipo yake kama ni deposit kama ni nini halafu ninaingiza stima.

Pia vyama vya wafanyi kazi viwe na uwezo ya kushughulikia mambo ya NSSF. Kama sasa unaweza sikia manuguniko Serikali imechukua jukumu inafuta yule anasimamia NSSF na wafanyi kazi wako na imani na yeye anaondolewa kwa sababu wafanyi kazi hawana njia yeyote ya kufuatilia. Kama vile ilivyo na NSSF pia iwe kwa NHIF – ni National Hospital Insurance Fund. Iwe pia wafanyi kazi wana uwezo katika hizo sehemu na ilazimizwe na Katiba yenyewe. Na pia pension department itengenezwe na kuwe ya kwamba wafanyi kazi ama COTU ama vyama vya wafanyi kazi ziwe zina margins ambazo zinaweza kushughulikia. Na hii itiliwe mkazo kabisa kwa sababu kuna watu wengine hapa Kenya wamepuuzwa.

Kila Mkenya awe na shamba hata kama ni hectare mbili. Kwa sababu unaweza kuona kama kwa mfano nimekaa hapa

Nakuru zaidi ya miaka ishirini. Unaona hapa Nakuru kuenda Naivasha ikifuatiliwa utasikia hiyo ni shamba ya mtu mmoja. Bw. Commissioner ningetaka uchukue kama hiyo Mwanakenya mwingine analala kado ya barabara. Kado ya barabara (clapping) na mwingine ame-own acres and acres. Hiki ni kitu ya huzuni. Hata ninayezungumza nikiwa cha huzuni nyingi. Kwa sababu unaona Wakenya wengine wanahangaika. Na tunasema tunapendana. Ningependa sheria iwekwe shamba yeyote haitumiki na hailetei nchi ya Kenya faida yeyote igawiwe wale hawana mashamba. Iwekwe katika sheria. (clapping)

Masomo ionekane ni jambo la lazima na pia passport ama cheti ichukuliwe kama vile kitambulisho. Kila Mwanakenya akitaka kuuliza passport iwe anaweza kupewa na isiwe ni kama biashara. Kwa sababu wakati huu tunalipishwa pesa nyingi.

Kila Mkenya kuanzia miaka kumi na sita aweze kuruhusiwa kupiga kura. Kwa sababu ukiangalia huyu mtu wa miaka kumi na sita ana shida na ana mahitaji yale ya yule mwingine ambaye ni wa umri mkubwa.

Pia nikimalizia hata kama umeniambia ningependa nipendekeze kwa sababu hata Biblia hiki kitabu kitakatifu kinasema ya kwamba umri ya mwanadamu Mungu amepa kila mtu 70 years na kama utapata zaidi ya miaka sabini hiyo ni bakshishi. Hiyo ni bibilia vile inasema. Ikiwa itakuwa ni bakshishi basi wale ambao wamefikia ama wamepita 70 ama 71, 71 iwe ni jukumu ya Serikali kwa sababu hiyo ni bakshishi. Serikali ichukue jukumu kulisha hawa wakongwe. (clapping) Kwa sababu tunasema Kenya ni nchi inaabudu Mungu, na ikiwa inaabudu Mungu, bibilia inasema umri wa kila mtu ukiona kila mwenye kiti ujue ya kwamba miaka 70, mtu akipitisha 70 mipango ya family gathering yeye haitwi hata hajadiliani. Wanapanga mipango na ako pale wanajadiliana tu na unaona wako pale. Kwa hivyo iwe ni jukumu ya Serikali kuchukua hiyo ambaye ni ya Katiba ambayo inakuja.

Com. Yano: Asante sana Nelson tafadhali nenda ukajiandikishe.

Nelson: Asante, (clapping)

Com. Yano: Anayefuata ni Protas Otieno, Protas tafadhali karibu.

Protas: Asante sana majina yangu ni Protas N. Otieno ni mfanyi kazi wa Municipal Council Nakuru. Nimekuwa nimeandika points zangu nafikiri nilituma sijui kama ilifika ama la. Lakini nilikuwa nimeandika juu ya embezzlement of public funds, Legislature, powers of the president, and Judiciary. I cannot remember what I wrote but I think I had written properly. Now, kuna kitu ya kuongeza. Kitu nataka kuongeza ni no.1 ni retirement age- miaka ya kustaafu na malipo. Bw. Chairman wafanyi kazi wa Kenya siku hizi pamoja na Katiba iliyoka sasa iko shida kubwa sana kwa wafanyi kazi wale wame-retire. Kwa sababu mtu anaweza retire anapewa barua ya notice na anadai pesa yake, haki yake ya kawaida from 2 years to 10 years I can remember that. Kwa hivyo nilikuwa naomba katika Katiba hii mpya iyaangalie mambo ya retirement na malipo ya wale wame-retire.

Ya pili mwaka wa ku-retire katiba ya sasa inasema mtu awache kazi kama ako 55 years, miaka hamsini na tano. Hii miaka hamsini na tano kama mtu alikuwa amemaliza shule ameenda kwa training anakaa huko miaka ishirini sasa anabakisha miaka ngapi? Anabakisha miaka kidogo sana. Huyu mtu bado ako na watoto wandogo ambao wanataka kusomeshwa na sasa anapewa ana-retire, sasa mtu kama huyu atakuwa namna gani na watoto wake watakua namna gani? (interjection. Com. Yano Pendekeza) Pendekezo yangu ni iwe retirement age 65 years. Mapendekezo yangu ya mwenye ku-retire malipo yake itengenezwe kabla hajaacha kazi na wakati anawacha kazi awache kama amepewa vitu vyake hapo, sio kurudi miaka tano miaka kumi kutafuta pesa hiyo. Ningependekeza alipwe kabla hajaacha kazi.

Lengine Bw. Chairman ni kuhusu discipline ya watoto wetu wa shule. Nikilinganisha wakati wetu tulikuwa tunasoma na wakati huu wototo wetu hawana adabu katika shule kwa sababu wazazi wao wameweka watoto kama yai, ati waalimu wasi-discipline watoto kwa shule. Hii ni jambo ya mhimu zaidi na inarundisha Kenya chini. Bw Chairman wakati huu hata ukitembea hapa ukikutana na watoto wa shule barabarani mtoto hawezi kuwachila wewe kwa sababu hana discipline, na hii inatokana na wazazi wale matajiri wanapeleka watoto na mercedes benz, anasema mtoto wake asiguzwe na mwalimu. Ningependelea ile sheria ya zamani ya kuchapa watoto kwa shule irudi. (clapping)

Ya tatu ndiyo ya mwisho kwa sababu time is short, ya tatu, ni kuhusu traditional liquor yaani pombe ya kawaida ile ya wazee busaa. (laughter) Bw. Chairman ningependelea pombe ya busaa ya wazee irudi kama ilivyokuwa zamani (laughter/ laughing) (interjection)

Com. Yano: Tafadhalini ni maoni yake na ako na haki kusema maoni yake. Wewe ukija hapa kutoa maoni yako hutapata mtu wa kukupigia kelele. Mpatie muda wake.

Protas: Ningependekeza pombe ya busaa iwe huru kwa Wakenya, wazee wakunywe pombe yao pole pole na wamama wale wamefiwa na mabwana wao wanaweza kupata nafasi ya kupata pesa na hio pombe kusomesha watoto wao. Kwa sababu busaa hakuna kudhuru yeyote. Pombe ile mimi nasema isiwekwe ni chang'aa. Chang'aa ni mbaya lakini busaa wazee waendeleo nayo.

Basi ya mwisho ni kuhusu polisi. Polisi ningeomba Serikali na Katiba mpya ambayo tunatengeza sasa iangalie mambo ya training of police. Kwa sababu wananchi wanahagaishwa na polisi kwa njia nyingine ambayo haifai hata kidogo. Ukitembea nyumbani kwako, ni hapo utakaa tu, ukikutwa hapo saa mbili eti unaranda randa. Kuingia hapo kwa court lazima usema ndio. Sasa hapo nilikuwa naonelea mambo ya polisi katika katiba hii mpya tuangalie polisi wetu awe properly trained ambaye anaheshimu wananchi. Na hayo machache bwana chairman nasema asante.

Com. Ogendo: Bw. Otieno, (Protas: Yes, Sir) Many countries do not have retirement age because that is discrimination

against the elderly. Why do you want us to still have a retirement age in this country?

Protas: Bw. Chairman, vile saa hii tunaongea watu wa Kenya wanaretire wakifikisha miaka hamsini na tano. Si wana retire?

Com. Ogendo: (inaudible)

Protas: Oh yeah, I can withdraw that. If it can be abolished let it be abolished. (laughter) that is a good idea, that is an alternative, if it can be abolished let it be abolished. But if it is there it should press from 55 to 65 years.

Com. Yano: Asante sana sasa tutafanya rigging tena kuna watoto wa shule wako hapa Bernard Odour and Joyce Kimani. Njooi hapa mbele. Halafu tuko na the deaf, Joseph Wanyoike.

Bernard Oduor: Honourable Commissioners and my fellow Kenyans, I greet you all good morning? Ok we are students from St. Saviour's and we had the following recommendations. My names are Bernard Oduour, Form 4 students. We form 4 students of St. Saviours Secondary School on behalf of the entire students community do hereby submit our recommendations as follows:-

The first recommendation, education. That every young Kenyan should enjoy the right to education thus the new Constitution should stipulate education to be provided free from primary to secondary level. This institutionalizing of free education will enable Kenya meet one of our post independence goals to fight illiteracy and ignorance. In essence it is our view that educational capacity building Kenya's most effective means of poverty eradication.

That the position of Chancellor of our public university should be held by other persons rather than the sitting President of our country. The second recommendation is going to be pointed out by my fellow student. (clapping)

Joyce: My name is Joyce Kimani from St. Saviors High School and I am in Form 4. I am going to talk about gender equality. That every Kenyan individual should enjoy protection against discrimination of any kind especially gender related. Each sex should be accorded equal opportunity to achieve self fulfillment in all matters such as political, social and economic faucets of life.

It is our view that the entrenching the empowerment of one gender in the Constitution entrenches the disempowerment of the other leading to a Wangu wa Makeri situation, gender disparity. Instead, the new Constitution should focus not on the empowerment or the disempowerment but on mechanism of enforcing the fundamental rights of the individuals, young and old, male and female, and/or neutral. We believe you will give a recommendation with its due correct consideration as you go about your task of reviewing our constitution. Thank you. (clapping)

Com. Yano: Wanyoike, Joseph Wanyoike.

Wanyoike: Sign speaker (interpreter: Kwa majina zangu naitwa Joseph Wanyoike na mimi ni Secretary wa Southern Sign for the Deaf na niko na shirikisho ya Katiba ya Kenya na maoni ya deaf people. Ya kwanza, the Constitution of Kenya must be remain (inaudible) and fundamental right and freedom of deaf Kenyans regardless of sex tribe or religion.

Ya pili, deaf people have the same rights as other Kenyans to own property, inheritance and marriage. Kenyan sign language and braille should be recognized as national and official language alongside English and Kiswahili. Kenya sign language should be recognized as the language for the deaf, that is children and adult to be used for communication, instruction, in court etc.

Kenya sign language should be recognized as the deaf child's first language and form the basis of the communication at home and school. Every deaf child has a right to education and his or her right language, that is the Kenya's sign language research and development of Kenya unique culture. No other language should be imposed from other country. Deaf blind and physically disabled should be nominated to Parliament and local councils to represent people with disability.

Representatives to national associations should nominate the candidate. All local producers at television programmes must have sub-titles and interpreting services to ensure that all information access to the deaf people.

Ya mwisho, ya kuongezea ni kama sisi viziwi tuko na shida kwa Serikali ya Kenya kama polisi tukitembea kwa barabara kuna wakati anakusimamisha, na kwa sababu sisi hatusikii anafikiria sisi tuko na ignorance na ile ya kwanza anachukua nikuchukua bunduki na kutupiga risasi.

Nao drivers wa Kenya wamekuwa ukipita kwa barabara na ni kwa vile unapita haraka sisi tukipita wakipiga horn kwa sababu sisi hatusikii akisikia mimi sipinduki nyuma ama kuangalia yeye anapita tu na mimi ananiua Asante. (clapping)

Com. Yano: Asante sana. Halafu afutwe ni J.M. Ontiri

Ontiri: Distinguished Commissioners, guests and my fellow residents of Nakuru town I have the honour and pleasure representing to you my proposal on the constitutional review of Kenya. (interjection: inaudible) Jeri Maaga Ontiri. I am a resident of this town.

Parliament should be allowed to amend constitution after the referendum has been done. The Constitution should be allowed to be amended by at least 75% majority members of Parliament not 65%. We should have 3 political parties in our country. This will enable the diversity of the community to have a cohesive society of at least forming 3 parties not like now we have I

think 49.

We should adopt the parliamentary system of the Government in which a Prime Minister should be appointed from the majority party. We should retain the unitary system of the Government. Because in Kenya we have at least 42 tribes, we should have this unitary which makes us as a nation. I also propose that there is also this Ogiek community which should be regarded as a 43rd tribe because they have been asking for their rights for many years.

We need to establish local authorities which will enable the locals to get their services. All the chief officers in the Government must be appointed by President but they have to be vetted by Parliament. Parliament should have unlimited powers to control its own procedures, who stand in orders. Being a Member of Parliament should be a full time occupation to avoid a situation where a civil servants works he accumulates wealth and says now after retirement of 55 years he wants to venture into politics.

Age requirement of voting should remain as 18. For parliamentary candidates we should raise that age from 21 to 30 to enable this young people who have completed school to come up at least experienced in life. For presidential we should raise that age from 35 to 40, and we should have a limit of presidential candidate up to the level upto 74 years. Whoever is above 75 should not be eligible to seek presidential office. The salary of MP, should be determined by a committee which is selected by Parliament and its members should not be Members of Parliament.

We need to have a coalition Government incase the winning party does not master enough MPs in Parliament. The President should not have to lay a veto registration. This I can give an example of the Donde Bill. It was a good bill which was meant to assist the common mwananchi but now the presidency decided to veto after it has been passed through Parliament.

Parliament should be supreme. The President should not have power to dissolve Parliament at will. The President must be a married person over 40 years. (laughter) We should be led by a stable family in Kenya. We have seen in some areas when a president does not have a wife who sometimes assist in giving advice from the house. We should have a stable man who can lead us. And that President should not be taking alcohol he might... (interjection: inaudible) thank you thank you. Once a President has been elected to the office of the president he has to vacate his parliamentary seat. He has to vacate his parliamentary seat, and that seat he has to nominate a person from that constituency, he takes that name to the Parliament or at his station.

We must do away with provincial administration. We can remain with chiefs, assistants chiefs who can be elected so that they can take care of the locals. Mayors can be elected directly by wananchi and council chairmen. While an MP has defected while in office he should not be allowed to go and seek another term. You know sometimes he defects and says he will move into another party. Once he has defected he should be barred from contesting the by- election. (interjection)

Com. Yano: Thank you very much Mr Ontiri.

Ontiri: Lastly Madam, freedom of worship. The Seventh Day Adventist should have full time freedom of worship without any coercion. If he is a Seventh Day Adventist and is working he should be given one day of worship even as any other members.

Com. Lenaola: and as the central govt. do you propose structure in its system?

Ontiri: After we have done away with the provincial administration these chiefs should be answerable to the elected local authorities.

Com. Yano: Asante sana Bw. Ontiri go and register yourself. The next one is Odhiambo Suwa McAduor. Tafadhali ukipatiwa muda wako tumia vizuri kama uko na memorandum yaghusie yale ungetaka tuyajue ili ufanye registration. Tena tutaenda kusoma hiyo memorandum. Asante

Mc Aduor: Asante sana the honourable Commissioners mine will be very fast.... I am Mr. Odhiambo Suwa Mc Aduor the Executive Director of the welfare of accidents victims center in Kenya.

My first recommendation goes to what we call the locus standi in the country. There is a law called the locus standi. The locus standi has burried Kenyans alive to seek for the protection and safe-guard their life. This is a law that has killed democracy and development, all the rights per se in this country, and we are saying it be repealed. Why do I say so? One of the participants here has said that at times wakati wa by election at Makueni, they raised the issue to the court that the SDAs right on Sabbath to worship on Saturday be recognized by the law, but they were disqualified that is why they had no locus standi. The FIDA who fight for the protection of women today cannot go to court and is frustrated even in the cell, even at police station which we have encountered because the law states that they don't have a locus standi to represent a victim in this country. (clapping) This is an out-dated law. This is a colonial law. The LSK went to court recently to fight for the protection the Eldoret in the law court land which was grabbed. The High Court dismissed the LSK Kenya, it is in the record that they don't have the locus standi to vie for the protection of that land for their future protection.

Now I go to the second issue. The issue is under fundamental rights. We want a constitution which gives fundamental protection to rights of the community and the individual. Why do I say so? In Kenya today most of the people suffer from insurance companies and other organizations. How do they suffer? When a company has come under receivership, the parties or the clients for instance the insurance, the clients to that insurance who took the policy cover, the victims who got injured and are reclaiming, and even the workers who took for medical protection cover, when the insurance company is put under receivership these people or parties, they are denied their rights to get catered for or the policy which they took to pay them their money. So what we are saying we want a constitution whereby there will be what we call compensation scheme rights.

Whereby every insurance company have to re-insure themselves with the Government, that at any time there is receivership, there is dissolution, all the affected parties have to get their rights catered for. That is when we shall have a Constitution which caters for the welfare rights of the citizen.

The other thing is the customary courts: we are looking under the new Constitution to have what we call the customary courts. A customary court will deal with cultural rights because we want a Constitution where there is provision of cultural rights. And customary courts will cater for those rights, and right now in Kenya we do not have those ones. So we are seeking for their protection in our Constitution.

When it comes to political rights there are very capable candidates in this country in politics but when it comes to election these people are kicked out from their parties because may be they are a friend to a certain candidate who have certain lure to the party leaders. So let the Constitution not deny any politician a right to contest when the people who elect people have the interest in this person so that this person should be going to represent these people and fight for their rights. So we are looking for a Constitution whereby there will be an independent candidate. (interjection)

Com. Yano: You have a minute to go.

Mc Adour: Thanks a lot Madam. Another point comes in it is the protection of the Constitution. The Constitution is a living body, it is a living person, it is us, it should be protected so what protection is this? The people here who are making the Constitution right now but nobody is trusted in this world. Human beings are like tortoise that when its time keeps his head inside when there is a chance to move makes his own things around him. Now we want a Constitution that if in any case it is to be amended it has to be taken back to the people so that the people participate in the amendment of that Constitution, because may be a certain party somewhere wants to influence certain rights of certain people somewhere in the country. But if the Constitution is taken back, the people will detect all those ones.

Last but not least, we are fighting for the establishment of a constituency assembly provision in our Constitution. What is this body? This body will enshrine enemies like the DOs as the eye of their Government, all political parties registered official members, all the Non-governmental organizations, and the church representatives, to look and cater so that they check and balance the activities of the elected parliamentarians and civic candidates of how they are delivering the goods to the electorate, so that when they fail it is this constituency assembly in this country which will go back to the people and demand the idea or the solutions of the people, and if the people pass a vote of no confidence to an elected MP or Councillor. This is the body to write a letter on behalf of the electorate to the speaker of the national assembly for a vote of no confidence. Thanks a lot Madam. (clapping)

Com. Yano: The next one is Onesmus Muiruri tafadhali njoo.

Francis: Thank you Commissioners. I am Francis Muthumbi Kang'arua yeah Muiruri was there to represent me because I had a problem somewhere. I am from Catholic Peace and Justice Mission Nakuru and we have prepared a memorandum and this memorandum covers all the areas that you gave guidelines sometimes in the year 2001. And I would like the commission to just let me highlight a few of the issues we feel we would like to emphasise. Otherwise our memorandum covers all those areas which I would like to recommend our new Constitution.

If we can talk about the executive we say the qualification of the President should be a citizen of Kenya by origin not by registration, minimum qualification should have a degree or equivalent, mentally stable, a family man, his or her business if any should be run by trustees. His age should be between 35 and 60 years because if we say we run upto 70 he will be having another 10 years to run when he is still very senior. He must be an elected MP, should not hold any other office that is a private office, must also declare his wealth by the time he is being nominated as a candidate must not have any foreign banks that is do not have any money **End of tape 2 B**

Tape 3 Cont..... any money kept somewhere in a foreign land. Terms of service: minimum 2 terms of 5 years. Duties: Head of Government, commander in chief of armed forces, that is an Executive President. He should appoint ministers but they should be constitutionally created by Parliament i.e. the his ministries should be under the Constitution. There should be a permanent commission to oversee the intergrity and diligence of ministers, and I recommend sacking where necessary. Removal of the President: abuse of office, i.e. if he has misconduct -serious misconduct, failure to uphold the Constitution, or a vote of no confidence in parliament by 2/3 majority, or deterioration in moral and ethic values.

Relationship with Parliament: an the elected MP may attend Parliament sittings through, though not mandatory. And here we may also say we don't need the provincial administration and we can vest those powers in the local authorities which we should also have guards to stem out corruption and lack of accountability.

The other is about the electoral system. Electoral system should be proportional and representative so that we can take into account the population and also the people from the marginalized areas because of the distances. Defections: MPs and Councillors should release seat on defection. Presidential, parliamentary, and civic election should not be held simultaneously. Parliamentary and civic elections should be held 2 months ahead of Presidential elections. Elections: Expenditure should be limited, they should be enforced by electoral commission. Election dates should be specified in the Constitution. (interjection: inaudible)

Environment this is an important issue that has been badly misused. It should however be proposed here that state forests, water catchment, wildlife habitat, should be accorded maximum protection by the Govt.

Com. Lenaola: Just a clarification I presume that when you say that the President must be a family man it means she cannot be a woman?

Francis: She should also be a woman but when you talk of a man we also talk about woman. I know this days women are sensitive to wording like “a man” but I meant man or woman.

Com. Lenaola: Thank you very much. That is clear. Two, it means also although you are from a catholic church your arch bishop can never be a President of this country?

Francis: Well, I think he can. What we are talking of here, we are talking about lay people but if he is a bishop that could be another matter. Thank you.

Com. Yano: Thank you very much Michael Mahugu. Michael atafuatiwa na Moses Wambugu.

Michael: My name is Michael Danson Mahugu. I am representing JPRC yaani Justice Peace and Reconciliation Committee of Presbyterian Church of East Africa and other parishes. My memorandum reads so,

The Constitution of a state is a supreme set of laws by which the citizen agree to govern themselves and conduct the affairs of their state. The general frame work and function of the Government is defined by the Constitution. The Constitution therefore is the mother of all the laws the embodiment of the state’s legitimacy and sovereignty.

Once a bill is passed in Parliament and made a law, the President must sign because we have seen so many laws the Parliament has passed and the President does not sign.

Two, it should be stated in that once Parliament has passed law it should be signed by the President. When Parliament is dissolved for election the Government must be left either to the Attorney General or speaker of General Assembly because if the President is a candidate he cannot be in the Government and then he goes to campaign.

Four, election commission is not fairly elected, they to support the ruling party which had elected them. Any change to the constitution must be changed by referendum.

Political parties should be limited to six. Political parties must be financed from the public fund. Any political party which has at least three MPs should be financed because if one party has no member of the Parliament, it should not be recognized as a national party. So if a party has got at least 3 Members of Parliament, it should be financed by the Government.

The state should have good relations with those parties because the members of those parties are tax payers.

We should have a parliamentary system of Government in which a Prime Minister is appointed from the majority party in the Parliament, and the President remains ceremonial.

The power of a minister as the Government representative or the Government's day to day running. The President will be opening Parliament and swearing in the Prime Minister.

We should retain our unitary system of Government in which all affairs of the state are controlled by the central Government

We should retain nominated councillors and MPs but they must be nominated from the disabled people, women and youth, if they are not represented, this should be the same in Parliament.

President or Prime Minister should not dissolve council.

Electoral: the minimum percentage of a number of voters by which constitutionally the president should be voted, the president must attain at least 51% of registered votes in the republic so as to be a President. For any candidate who fails to seek nomination from another party should not be nominated by any other party, and that must be stated in the Constitution, because we have seen problems when somebody comes to KANU he goes to another party and those people are not loyal to that party he goes to, so it should be stated clearly if somebody is nominated and fails to be nominated by his party he should not go to other parties to be nominated. And also I say it is not good for somebody nominated, if somebody fails to be elected then the President or the Prime Minister nominate him to the Parliament and then he is made a Minister that is abuse of the people who had denied him votes because they knew he was not able, and it is very bad for somebody to come and elect him and then name him a leader.

Com. Yano: Thank you very much Mr. Mahugu.

Michael: Let me read only the last one.

Com. Yano: We are going to read it. That is why I was telling you if you have a memorandum there is not need of reading from the memorandum what you do is you start from the summary. Can you register yourself. Wambugu Welcome.

Wambugu: Majina yangu ni Moses Wambugu mimi ni mkaaji wa eneo hili la Nakuru. Jambo la kwanza pendekezo langu, nitapendekeza ya kwamba elimu kwa watoto wote ambao hawajafikisha umri wa miaka kumi na minane iwe ni ya bure. Pia kuwe na matibabu kwa ambao hawajafikisha umri huo wa miaka kumi na minane.

Jambo lingine kuambatana na hayo ningepia pia watoto kama hao Serikali ijaribu iwezekanavyo iwape chakula cha mchana mashuleni. Kwani kuna shinda nyingi sana ambazo zinawakuba watu wa nchi hii. There is a lot of poverty and I think there is those families from semi arid areas they need to be assisted.

Jambo la pili Serikali ningepia iwe katika Constitution ya kwamba kutengwe kiwango cha pesa cha kuwasaidia watoto wa

mijini, mitaani, street children na wazazi wa hawa watoto sababu wengi wa hawa watoto wana wazazi. Lakini wazazi wameshindwa na jukumu yao wamewachilia hivi na wanateseka kwa kutopenda kwao. Kwa hivyo ningependa pia hii constitution hatua ichukuliwe kali kwa wazazi kama hao na kama ni kifungo cha jela au fine ili wazazi wawe they become responsible parents. Kwa sababu hawa watoto hawakujileta ulimwenguni. Hali ilikuwa ni mipango ya wazazi wawili. Kwa hivyo jukumu liwe lao.

Pia nikiwa upande huo huo ningependa ya kwamba katika constitution it be entrenched such that medical services are heavily subsidized to favour the poor. We are told currently the poverty level is above 55% and most people are losing their lives out of no wish of theirs sababu wamekosa. Na sababu pesa si za serikali pesa ni za wananchi. Let medical services be heavily subsidized in favour of the poor people.

Now on the political side ningependa ya kwamba cheo cha Rais the presidency should be a ceremonial post. Instead we should have a very strong CEO – a sort of a prime minister vetted by parliament who will run the country more automatically without influence from politicians or from whoever. Such a person should be of high moral integrity and vetted by parliament accordingly.

Secondly on the political side, I would request that the parliamentarians all parliamentarians candidates receive a minimum of Form 4 education. (interjection: inaudible) So because when we say that a person should have a degree kuna watu ambao wana kipawa cha uongozi lakini hawakuenda shuleni and they can lead. Iangaliwe upande huo.

Pia separation of parliamentary and civic elections there should be a space of like 2 weeks such that the presidential election should be held separate. From the parliamentary and civic elections. Civil servants and teachers and other cadre of workers they should also be allowed to participate in elections more freely without having being told to resign. And the confiscation of the property illegally acquired also promoting economy by incentives, low taxation, licensing, red-tape be eliminated. Thank you.

Com. Yano: Thank you very much Wambugu. Ben Gathogo followed by Norman Maigwa ajitayarishe. . (inaudible) memorandum...

Gathogo: Its only two pages I am going to make it short. Commissioners, ladies and gentlemen, I begin my proposal I wont read through the proposal but I begin with the things I intend to propose and that is the Constitution. The Kenyan Constitution should have a Preamble and that Preamble should be able to tell us where we came from and where we are going, and should be able to define what Kenya is all about.

The second thing that I would like the Constitution to have is its principles of state policy. As it is at the moment we don't know

what the government is there for, that is why I would get the examples of the past whereby a minister comes and says that Kenyans have been conned of jobs and nothing happens because we don't have a directive principle of state policy. It should be enshrined in the Constitution so that at the end of 5 years the wananchi will know whether that Government lived to its expectation of the contract they had with the people.

Then thirdly we should have a review of all the electoral laws as it is at the moment, what happens is that we have a mockery of peoples mandate and we have enshrined the tyranny of the minority, and at no given time has a Kenyan enjoyed a situation whereby the rule of the majority rules. So therefore, the Kenyan Constitution at the moment is a constitutional dictatorship, where the rights of the minority to dictate the tyranny of that minority to dictate the affairs of the Kenyan public, is enshrined. We should have a constitution whereby the electoral laws are clear and definite. Whereby unless you win 51% of the electorate you cannot be sworn in as the President of this country. A situation whereby we only say 25% of every province is not enough. That as I said earlier is the tyranny of the minority.

We should also have a Constitution that is sensitive to gender. If women constitute about say 53% of the Kenyan population then Parliament should have, half of the Parliament should constitute of that gender. So that their issues are well articulated by the people affected.

If again the Kenyan population is constituted of 62% by the youth then we should have a significant representation at Parliament by the same youth. I am against the idea of a majimbo system in Kenya. Because previously we have seen we residents of Rift Valley ama kwa Kkiswahili bonde la ufa, we have seen proponents of majimbo what they had done within the short time they tried to propagate majimboism here. They have done this bonde la ufa to bonde la kufa. We don't want that.(clapping)

We are saying in one loud voice such that those who harbour such hatred, because it has been propagated by politicians who have a lot of hatred with them, live in a world that is coloured by bigotry, shaded by conspiracy, and framed by ignorance. We are saying Kenya is one and we should proceed as one. We are also saying in the same note that any Kenyan should be allowed to own property anywhere without fear or favour.

The budget should be read in a language that the common mwananchi should understand. We are saying that since Kenya should be run like a company then there is no need of calling a budget that nobody understands except a few people who are basically not affected by the same budget. (interjection)

Com. Yano: You have a minute.

Gathogo: Ok we are saying that the airwaves or our rights to receive and disseminate information should be enshrined in the Constitution, so if I want to set up a radio station or a TV station the same should be enshrined in the Constitution, so that I

don't need to apply to the Government. What basically happens at the moment is that we have KBC which we pay taxes to and which propagates the policies or the propaganda of the Government of the day. So it is my right as a Kenyan to receive information or to disseminate information to a station that I want to subscribe to.

And lastly but not the least, I want to comment on the constitutionality. There is no need of having a Constitution that will not be respected by people. There is no need of having it written because it will not be worthy of the ink we write on that paper. We are saying that the constitutionality should be endorsed in Kenyans' hearts and by this I say it should not be a foreign something that comes from outside. We should integrate a system whereby constitutionality is respected and I want to end by a quote that says that "any unconstitutional law should be null and void" and the general principle it should follow is that it is supposed to impose no law, is that it is supposed to impose no duty, confers no rights, it is not supposed to empower this people to run the country the way the present regime has done. By that, I want to say that any attempt by the present regime to extend Parliament is unconstitutional, and therefore in case that happens the President of this country, the Parliament of this country will cease to have the respect that the wananchi have on them. Be it president Moi (interjection: Com. Lenaola: no, we said...) it is a personal statement.

Com. Lenaola: Yes, that is personal.

Ok if the present President extends Parliament or extends the presidency then the same shall cease to have all the honour that these offices hold, and therefore, we are appealing to the people concerned that the terms of the Parliament should end on 3rd February 2003, the terms of presidency should end at 3rd January 2003, and no attempt should be made to extend parliament or presidency nonesoever and that the Constitution like Kenya Review commission and electionaring have nothing to (inuadible). Thank you very much.

Com. Lenaola: I have a question for you. You are saying that you fear that what we have is the tenure of the minority.

Gathogo: Yes it is a tyranny of the minority.

Com.Lenaola: And then you are almost proposing a tenure of the majority. How do we then also protect the minorities from the majorities?

Gathogo: What I would say is that the present Constitution is whereby the President is just expected to (interjection)

Com. Lenaola: Answer the question directly.

Gathogo: That is what I am saying if the President is expected to ganner only 25% of the votes in 5 provinces to be elected

the President, we are saying 75% rejected that President, and if it is a situation whereby the current set up whereby the President just got 33% of the electorate (interjection)

Com. Lenaola: I think you are giving me too many stories; my question is how do you protect the minorities from the majorities just go straight to the point?

Gathogo: By not allowing the minority to ride over the majority.

Com. Lenaola: Thank you very much please come and register.

Com. Yano: thank you very much Gathogo. For the benefit on those ones who came late tulikuwa tumesema hapo awali kabla hatujaanza kuwa tafadhalini tuache majina ya watu ili isikuwe na mzozo, mbona wakati huu tunaanza kupigania makelele hio si mzuri. Kama ni ofisi ya President tunasema ofisi ya President, kama ni ya chief ofisi ya chief tuachane na majina. Halafu mwenye atakaye fuata ni Maigwa, ako tayari halaru Truphena.

Maigwa: Yes, Constitution Commissioners and my fellow Kenyans my names are Norman Maigwa of the said group, secretary. Haya ni maoni yale wamesema na yale wangetaka yafanyike.

It should be noted that every year scores of young men, women finish school, colleges university and others drop out of school. Civil servants have been retrenched, industries have shut down and therefore there are no employment opportunities for them. This being the case they have found no option but to hawk on street, trading in order to earn a living. Their being in the street is none of their fault if their working conditions are not properly in the Constitution, chaos and anarchy might ensue. Proper mechanisms should be put in place in order for them to earn a decent living in a free and fair environment. These are recommendations.

The Local Government Act cap.265 should allow the local authority to independently make by-laws concerning street trading and hawking and issuing of licenses and no interference should come from the central Government. The fines imposed on street traders should not be grouped together as those of other big businesses as in the case right now. The fines should not exceed the value of goods as is currently the case. Hawking, street trading within the CBD that is Central Business District should be made legal as is the case in developed countries like New York and USA.

Katika uongozi wa nchi. Permanent Secretaries and Heads of Government Parastals ought to be appointed by Parliament according to their professions. Mambo ya hospitali na shule hiyo pia tungependekeza iwe ni free kwa sababu sisi wananchi ndiye tunaetoa ushuru kwa kusimamia mambo yale hata tukilipiwa ni kama bonus yetu. Ni hayo tu.

Com. Ogendo: Mr. Maigwa, we are trying very hard to separate the functions of the three arms of government, Parliament to legislate, the Executive to execute, the Judiciary to hear cases. Why do you want parliament to perform executive functions by appointing public officers?

Maigwa: Kwa sababu ningependa nguvu zote zirudi Parliament na wala si President wa nchi.

Com. Ogendo: So you want parliament to be both executive and legislative?

Maigwa: No, Parliament iwe ni kado lakini iwe ikitoa majina ya wale ambao, iwe ikitolewa majina inapelekewa President naye President anachagua mmoja kati ya yale majina.

Com. Ogendo: Ok

Com. Yano: Asante sana.

Truphena: Kwa majina yangu ninaitwa Truphena Awour nakaa hapa Nakuru. Mimi ni chairwoman wa deaf union group hapa Nakuru (interjection not audible) I am a chairlady. These children should be given education just like the hearing because the current education system does not give equal opportunity to deaf children in terms of education.

The deaf women should be given equal opportunity to own property such as land without discrimination. Kenya sign language should be recognized as the deaf child's first language to form the basis of communication at home and school education (inaudible)

All local producers television programmes must have duties and all interpreters services with deaf women and men to mark the deaf to the interpreters. Deaf women have a right to contest and hold public offices from local and national level without discrimination on the ground of language in the Government, deaf the people of Kenya. Thank you.

Com. Yano: Asante sana Truphena. Anayefuata sasa ni John Bossi halafu after John Joseph Ndirangu ujitayarishe.

Bossi: Madam Commissioner kwa majina naitwa John Bossi na ningeanza mjadala wangu kama ifuatavyo.

Local Government: all councillors who want to stand in the local authority should have a minimum of qualification of form 4 and other extra curriculum apart from being a form 4 only. Either a clinical officer, or a mechanic or something like that so that they can assist in areas where they are appointed as chairmen in various committee there knowledge in what they are supposed to do.

Secondly Parliament should dissolve local authority in cases of corruption but not a minister whereby he just wakes up one morning and says I have dissolved Nakuru Municipal council so and so. So it should be Parliament to dissolve people in local authority in case they have embezzled public funds.

Cultural ethics: cultural ethics and diversity should be protected and promoted in the Constitution for all communities living in Kenya.

Environment and natural resources: the natural resources which should be protected by the Constitution should include among others water, forest, mineral, ranch land, and wildlife. Appointment of parastatal heads or Government institutions. Office of the Attorney General, Auditor General, Chief Justice and parastatal heads should be approved for appointment by the Parliament. And when such posts are vacant the public service commission should advertise for those posts and interested candidates should apply for and then they attend and interview, and then their names should be taken to Parliament and the Parliament after they have approved they give now consent to the president to appoint them.

The structure and system of Government: we should adopt a central system and split of power between the central Government and the regional authority. The powers of the central Govt. or the areas which the central Govt. should cater for are the central bank, Parliament, foreign affairs and defence. And then the regional Government should be incharge of the following areas: tradition, culture and political development.

Finally, succession and transfer of power. As we are now we know the current Parliament is almost going and we are saying that for any Executive who holds that office - I just want to read as follows: where the President ceases to hold office he shall be entitled to receive attention, gratitude and other allowances together, such as other benefits and facilities including adequate security, office staff and travel allowance as may be described or under an act of parliament. Thank you.

Com. Yano: Joseph Ndirangu halafu Orweni Onyango jitayarishe.

Ndirangu: Thank you Commissioners I will read my points they are inform of points My name is Joseph Mwangi Ndirangu and I will start with the first one.

1. It is my recommendation that Kenya should remain a unitary type of Government as it is now, no to federalism.
2. The current President and any future President should serve a maximum of two terms 5 years each, if be reelected. This should not be changed.
3. Parliamentary life should not be extended by parliamentarians beyond the 5 years contract between them and the Kenyan

citizens. They must come back to us for another contract. It is very clear in the current Constitution. There is no more.

4. Constitution making or writing should not be linked to the life of a Parliament. Elections should therefore not be affected by it. It is not provided for in the current constitution and it should not be.
5. KANU as a party should have its presidential candidate. The current President therefore, should not choose his heir for Kenyans. Ours is not a monarch state. The post is elective and he has one vote like any other eligible Kenyan or voter.
6. The Constitution Commission of Kenya should have been entrenched in the Constitution to give it autonomy. I fear we may end up with its findings being treated like the many others before it passed. Remember we had the Saitoti commission, the devil worship, tribal clashes and most recently the Kenya Anti-Corruption Authority, which was ruled ultra vires by our court.
7. The view of parliamentary boundaries should not be done during the current parliament. See, they have a lot of self vested interests being the eve of an election. The Constitution should be clear on this that it should always be done in ten years. However, when it is due, population density more than geographical areas should be the emphasis. This is because we talk of people representation. Remember the slogan in taxation – no taxation without representation. It is therefore numbers we need to balance.
8. Appointments of senior public officers like Attorney General Judges, Chief Justice, Permanent Secretary, Head of Parastatals etc should be done on merit and be vetted by parliament. They should have a security of tenure. (interjection)

Com. Yano: Time is up

Ndirangu: Just one minute. Parliamentarians should not be reviewing their salaries and allowances. A very independent body should be put in place. After all you cannot be a judge in your own case. The Constitution should be very clear and specific about handing over of the office of the President with all the instruments of power, an incumbent President to the incoming President direct.

The Electoral Commission of Kenya should be made independent of executive and the voter registration should be a continuous exercise.

Com. Yano: The next one is Charles Onyango.

Ndirangu: Just one Madam.

Com. Yano: No no, you have a memorandum. Just register. We will read it. That is the importance of a memorandum. The next one is Lony Onyango, Ochodho Charles.

Ochodho: My names are Odhodho Charles from Kiamunyi Catholic Church. My proposal on the election. During the elections, the president, ministers, the assistant ministers should relinquish their positions. The speaker of the National Assembly shall assume the powers of the president while permanent secretary to run ministry. The handing over or taking over of the president should take place after 30 days following elections. Petitions on presidential, parliamentary and civic elections must all be heard and determined before the winners are sworn in. To source in good leaders with adequate professionalism and necessary work experience the constitution should provide a 3 month prior to a general election. Civil servants, parastatal employees, private sector employees also or any other person in employment intending to contest be accorded political leave from work to go and contest. In the event on a successful contest the employee shall resign his or her position. If unsuccessful he or she can return to his position in employment.

On the legislature moral and ethical qualifications are very important and must apply to all parliamentary candidates. This will eliminate corruption and improve governance. Nominated MPs should comprise 10% elected MPs and should represent special interest groups.

On the judiciary, judicial powers of the state should not be vetted exclusive in court. Elder courts may handle simple social and boundary disputes in their respective localities. And also the government should have a legal office which will ensure that everybody gets legal aides. The legal office shall decide who qualifies for free legal aides.

Structures and systems of government: power should be devolved from central govt. to restructure viable local authority. The government may retain, the central govt may retain defense foreign affairs, treasury, trade, agriculture and education among others.

On constitutional supremacy parliament should only be able to amend the constitution by a 75% majority vote and not 65% as of today. Constitution is a very important document. Parliament power to amend the constitution also should be limited. Certain sections of the constitution should only be amended through referendum. This include the section stating that Kenya shall be a multi-party state and the system of government. A referendum shall be conducted by the electoral commission.

The political parties: the constitution should regulate formation, management and conduct of political parties we should have 4 of them in number, one of which should be of independent candidates.

On cultural and ethnic rights: the constitution should stipulate that no more than 20% of one ethnic group are employed in any public organization. That is no more than 20% of one ethnic community should be employed for example in the civil service

military, police or postal services. This will ensure a homogenous ethnic make which will promote the ethnic understanding and the security of the person and property. Thank you.

Kuria: Thank you Madam Commissioner I would like to present my views and they are as follows. First on our constitution... My full names are James Ng'ang'a Kuria. On our constitution we must first design our boundaries which should specify the Kenyan, the catholic from the west to the east south and north.

We should also design, designate who is a Kenyan. Anybody residing within the boundaries by birth should be designated as a Kenyan. Kenya should be ruled by unitary government that should be headed by the president. We should also have a Prime Minister who will be the head of the government.

The president age should be this is my recommendation 45 and 75years should be there between. The president should be elected on a 51% vote on the registered voters and the term should be 5 years each. The president should make known to the Kenyans who will be the running mate – vice. Appointment of the ministers should be among the elected MPs and should be on a professional line. The appointee should also have an approval of the parliament. This should apply also to the deputy minister – I would like to suggest there not to have assistant ministers but deputy ministers.

The PS and the heads of government organs or property, parastatals in this case should also be appointed on professional basis End of Tape 3 Side A

Side B Cont... of the custodian the constitution. The constitution should also be clear on when one parliament commences and when it ends. MP should not be allowed to alter or amend the constitution in any way but can propose.

The people of Kenya should be consulted first and an opinion full done if need be (interjection: inaudible) No I am not) 65% of Kenyans who are above 18 or 51% of eligible voters should vote for the amendment of the opinion poll. Constitution should on how a sitting MP can be voted out by voters when he or she does not perform or defect from the nominating party found guilty of corruption or grabbing of the public property.

On judiciary we should have a judiciary that is corrupt free. Judiciary in this case should have should be delinked should be defended and should be delinked from the executive. Judges and magistrates must be appointed by a commission formed or vetted by the parliament and also they should be approved by the parliament.

Laws: Laws of Kenya should apply to all and not selectively.

Com. Yano: Your time is up Mr. Kuria, can you go and register yourself.

Kuria: Please I have one important one.

Com. Yano: No, no, Mr. Kuria first of all you know that you rigged ...

Kuria: For police let them not torture anybody.

Com. Yano: No no go and register thank you. Kavengo Matundu, Philimenon Ochieng, George Nyambiri- Kenya retrenchees, Yusuf Asmani- Muslim Association, Peter Nyambando- Kenya retrenchees, Njoroge Macharia,. Karibu halafu atafuatwa na Ngali Valai.

Valai: Thank you Commisioners my memorandum will try and touch on a number of issues:-

1. Preamble 2. Directive principles of state policy, 3. Constitutional supremacy
2. President and presidency, 5. Legislature and Parliament 6. Judiciary 7. Local Government 8. Electoral system and process 9. The basic rights 10. The rights of vulnerable groups, 11. land and property rights 12. Culture and ethnic and regional diversity and communal rights 14. International relations 15. Political parties.

I don't think I will be able to to cover this one within two minutes which are allocated here but what I would like to say here, to highlight a little bit, we need a Preamble in our Constitution. Here the present Constitution gives no motto other than harambee which is shown in a code of acts. I would like to say a little bit of the court of arms. If anybody has got a coin, look at it you will find that we have got a court of arms embodied in the coin. This court of arms it shows two lions holding spears, it shows a crocodile, it shows a shield and then the motto harambee is written there, and then we have got the republic of Kenya. Well, this little thing or this valuable thing should call the people to realise what they are, their destiny and who does what. What I was suggesting is that the court of arms should embody what we are and we should retain the spears for defense we should retain the shield for defense of the nation and of our country and of our people. We should remove the lions because they are wild beasts. One side we put a woman the other side we put a man holding the spears to defend our nation. And then the centre instead of the crocodile which is shown there. A cockreal is a sign of political party in this country. We should have a miniature of Kenya written in there to show every Kenyan that they defend their own country. That is what I mean by the court of arms it should be changed.

We should also show that we are going to be a multiparty democracy throughout our country, free of corruption, violence, discrimination, anarchy, all should adopt the rule of law.

When it comes to supremacy of the Constitution (interjection: inaudible) the Constitution is the document which is supreme to every other document and where our laws come from. Anything, any law , any Act of parliament, any regulation, any policy

paper which contravenes any particular part of the Constitution should null and void. In other words the Constitution should be on the top. This is our Constitution and it should be written as such that it is a Constitution of the people.

The Constitution should not be changed by Members of the Parliament at will although they are the ones who have been given responsibility of legislating, the Constitution is a contract between the people and the leaders that is Members of Parliament, the President and whatever. Therefore, since it is the peoples contract between them and the people who are leading them it should not be altered without a referendum or a presbytise. So the debate which is going on about changing the Constitution should be null and void.

The Constitution also should be clear in other words, if there is any law which contravenes the Constitution or the spirit of the Constitution then it should not be allowed to prevail. For example the freedom and rights of people which are contained in section 70 of our present constitution to 84, they are watered down by section 85 of the same Constitution which provides for detention without trial. Surely that one takes away that that we have done with the freedoms of the persons for such a section should not exist in our laws.

Then finally about the land because I have no time here, there is a lot of fallow land living with some people who are living far out of this country particularly in Arabian countries. They came and took our land at a cost and then they went back to there own country and they sit there and collect rents and rates from the people of Kenya. Land belongs to Kenya. It belongs to the people of Kenya. Anybody who bought land and planted it here can have it. But at least these people never brought any land to this particular geographical area of Kenya. They should not own that land, that land should be repossessed by the Government and then given to the indigenous people who are living as squatters in that particular land. Thank you.

Com. Yano: Thank you very much Mr. Valai. Anne Akoth. Ann? Karibu.

Akoth: Thank you. My name is Ann Akoth from Kiamunyi Catholic Church. First of all I would like to say something about the legislature, about membership of Parliament. We believe that Membership of Parliament should be a full time occupation. Professionals in Parliament for example lawyers, doctors and so on must suspend their professional duties while serving as MPs. After all those in civil service have to leave the civil service and join Parliament. So this should apply to all other people.

Then I would like to move on to rights of vulnerable groups. These are according to us women, children, the elderly, the disabled and a few others. Interests of women are not fully guaranteed in the Constitution but this can be done as follows. This may be addressed as follows:-

In marriage, after staying together in marriage for 3 years or more both man and woman should have equal share in their property in the event of a divorce. Where they already have a child or children whoever wins custody of children should

receive 2/3 of the property. This measure should apply where both parties have in one way or the other contributed to the divorce. Where one party deliberately precipitates a divorce he or she will receive a third of the property and automatically lose the custody of the children. Property distribution in marriages which end before the expiry of three years should be left at the discretion of the court.

Secondly, in leadership for example in civic parliamentary, cooperative, community leadership and etc., 30% of the seats should be reserved for women. For example in parliamentary election, one woman should be elected by the district to represent that district. Similarly in civic election, every 3 wards after electing their representatives may come together to elect one woman representative. In employment, 30% of the opportunities in public employment and even in private employment should be reserved for women.

Thirdly, children born out of wedlock both parents should be responsible for their upkeep. This will promote the morality in society and reduce the population of street children. Such responsibility shall continue even when the other parent is married to a different partner.

The Constitution may guarantee and protect the rights of children by ensuring that they have the rights of education, each child has a right to education. That child labour is abolished but freedom from oppression, exploitation, and intimidation are given to the children, and that they have access to adequate shelter food and clothing. We also have the aged as the disadvantaged group. Anybody who is above 65 years old, should have

1. free access to medical care in Government hospitals
2. free and adequate food, shelter and clothing where lacking and this should be enshrined in the Constitution so that the Government does provide this services.
3. Thirdly, specific service counters in the bank, postal offices, power offices etc so that they do have first priority.
4. Orphans should be given free education up to the highest level possible and free care such as shelter, food, clothing etc and specifically disabled should receive free or heavily subsidized attention for their respective disabilities.

All public and private institutions should put in place compulsory user friendly facilities for the disabled for example special lifts, telephone booths, special public transport etc.

Com. Yano: You have a well detailed memorandum you can register that we are going to read it. Thank you very much.
Godfrey Njuguna. Followed by Mumia Joseph

Njuguna: Thank you Commissioners. I am Godfrey Njuguna Githuru, Secretary General Kenya National Hawkers Association.

The hawkers are school leavers, university graduates, retrenchees, the golden handshake and common man in the rural areas. Therefore, the Constitution should establish a common fund to cater for the social sector, secular welfare of all members of hawkers fraternity. The nominated MPs and civil leaders should be taken either from hawkers, disabled and Maendeleo ya Wanawake. 78% of unemployed are hawkers. Hawkers have always been victims of harassment by law enforcing officers. Hawkers should be provided with sites and stalls and other density populated areas for them to sell their wares and if not they should be given their own towns or their own sectors.

City askaris or Council Askaris should be trained and if not so hawkers can be trained how to handle askaris. Lawyers and judges are the most corrupt cadres in our country today so it should be looked upon by the Government. Public officers should be required to declare their assets because that is why we have a lot of hawking in our country a lot of hawkers let me say.

The Constitution should recognize and promote indigenous language especially in the rural areas. Also the Government should irrigate – irrigation should be done by the Government so that hawking cannot be done in town.

The Constitution should guarantee the right of life, the death penalty should be abolished and converted into life imprisonment. Our prisons in Kenya today are for the poor and so the Government should see that a prison is for the wrong doers.

Free education should reach to university level. Mayor and chairmen should be elected directly by the people and should stay the same period as other councillors. So the 2 year period term should be off. Chiefs, PCs, DCs are not more than councillors because they are not elected. Councillors are elected, MPs are elected. So they should not have more powers and the whoever, the councillors and the MPs.

Political parties should be financed by the public funds. Also police powers should be pruned because they arrest, they book, they prosecute and they take you to jail. The corrupt officers should be probed by an independent body like the selected committee by the Parliament.

Hawkers are not for parliamentary extension, instead Constitution Review Commission should be given enough time to complete their work. Watoto, children should be punished in school as well as our ladies. Most of our wives are running from our houses because no punishment is being done by men (laughter) so even if they don't like it I will say that.

The last one is the languages used in courts by our lawyers and judges is not known to the common man. Thank you.

Com. Ogendo: Mr. Njuguna, you have some very harsh words for lawyers. The three Commissioners in front of you are all lawyers. Are we the most corrupt people ever. You don't have to answer that question.

Com. Yano: You don't have to answer that. There is a question for you here, you said that women should be punished what about men?

Njuguna: To this one I am taking to the community how they used to punish their ladies so that they can know they are women. If we go back to the Bible we learn about Sarah who used to even kneel before her husband. Thank you. (heckling)

Com. Yano: Mumia

Mumia: Mimi ningependa kuongea juu ya elimu ambapo wazazi wetu wanatufunza hadi university, college mpaka tunamaliza form 4, tunaenda college asante. (interjection: inaudible) Majina ni Mumia Joseph ningependa kuongea juu ya elimu ambapo wazazi wetu wanatufunza kuanzia primary, secondary, college hata wengine mpaka university ambapo tunaenda tunasomea course fulani na hakuna kazi. Ukienda kutafuta kazi unaambiwa unajua nani katika hii ofisi na ni kwa nini? Kwa hivyo sijui elimu ni ya nini basi. (interjection)

Com. Yano: Ukisema jambo pendekeza.

Mumia: Ningependa Serikali iaangalie hapo mahali ya kuajiriwa kazi ambako tuna courses mzuri ambazo hazitusaidii sasa haja gani tusomee hizo course na hatupewi ile kazi tunataka?

Inginge ni kuwa badala ya sasa kupewa kazi, wabunge wanatumia sisi vijana ili wapate kura ambapo tunapewa vyeo vikuu kuwa nendeni mkiwaambia wenzenu wampigie fulani kura na ambapo tunafanya hivyo. Halafu wanatupatia kitu kidogo kuwa ni hivyo ili wapite wakitundanganya tutapewa kazi wakipita. Hapo ningependa wakome kwa maana hawatusaidii chochote. Kwa hivyo ningependa kuwambia vijana wenzangu tuangalie ni nani kiongozi tutayemchagua ili kutusaidia sio kuwangualia huyu ni Mkikuyu wacha tumpigie huyu Mkikuyu wetu, huyu ni Mluyia ama huyu ni Mjaluio tumpigie ili atusaidie in future. Ni hayo tu.

Com. Yano: Asante sana na kwa wakati huu tungependa kuenda break kidogo turudi saa nane na nusu. Na kabla tujaenda break ningetaka niwape majina ya wale tungetalajia wawe hapa tukirudi ili tuendelee na .. Mathew Ochieng tukirudi saa nane ni wewe wa kwanza na pia tuko na Elijah Omambia, James Omollo, Salim Nyagah na Jane Gathogo tafadhali saa nane unusu muwe memejitayarisha kuanza kutupa maoni yenu. Asanteni

(After break)

Com. Yano: Hamjamboni tena, tuanze sasa tena kuendelea na kuchukua maoni yenu na nilikuwa nimesema wakati huu tutaanza na Mathew Ochieng. Mathew yuko? Elijah Omwambia, James Omollo tafadhali njoo utupatie maoni yako.

Omollo: Thank you Madam Chairlady, ladies and gentlemen, my names are James Omollo Kadiri. I am a resident in Nakuru

and I have come to represent my views on Constitution Review of Kenya. First I want to start with moral standards of those who should be holding public positions. I would like this to be embodied in the Constitution that those who have been convicted in the courts of law on fraud or in any criminal offences must not be allowed to hold any public offices whether elective or by appointment. I also want to say here that all those citizens of this country who have been holding senior positions in the Government, in the parastatals and other sectors and whose conduct has not been good and has managed these companies should also not be allowed to be elected into Parliament or in the civic positions.

I also want this to be included in the Constitution that we have had so many enquiries of commissions but these commissions we have not had outcome being made public. I would like to propose that this should be in the Constitution, that all the enquiries which have been made and the findings given by the commissioners must be made public and debated in the Parliament, and actions taken appropriately where necessary.

I would also like to propose that there should be sharing of powers between the central Government and the civic authorities, and there should be some responsibilities in central Government and some responsibilities for example the income generated within the locality must be retained within those localities to be utilized for the development of the localities concerned.

In the Constitution, I would also like this to be in the Constitution that we have seen that there has been a lot of embezzlement of public funds mainly in the parastatals and even in the ministries. And Auditor General has always done splendid work and given out on the report, and these reports have never been taken seriously. We would like these reports to be taken seriously and those who are found to be guilty on embezzlement of public funds to be charged and where possible to refund whatever funds they have mismanaged. There are some of the citizens in this country who are privileged to have big tracts of land whereas some of the citizens here don't even have portions where they can build their houses. We would like those lands that are idle and those with huge amounts of land the government should buy them back and distribute them to the landless or for those who are ready to buy them.

I would also like to talk about the trade movements in this country. The trade unions have not had access into the income of parastatals or into the income of the companies that they represent and in these it becomes difficult for them to represent the views of the members. We would like them to have access because they are partners in progress and in business. They should have access income of these companies so that they can argue their cases properly on behalf of those they represent.

I would also like the elections of trade unions to be supervised by the ministry concerned, and the ministry concerned should be acting as the returning officer because you will find most of these unions are interested parties they also conduct these elections and they act as a training officers and this is unfair to the to the other parties who would also like to participate. (interjection)

Com. Yano: One minute left.

Omollo: One minute eeh... I have also noted here in the importation of vehicles particularly those abled, those people who are financially able, economically able are given some remission that they can import vehicles without paying the customs duty. And yet the poor people are not given this privilege. I would like the poor people to be given this privilege.

There have been problem with hawkers and small business traders in the country wide. Some of them are paying ten shillings in order for them to be able to trade and when the authorities come around they harass them, they close their businesses, arrest them and even the goods are confiscated. So we would like them to be taken care of once they are issued with that receipt they should not be harassed any more.

Com. Yano: Thank you very much kindly now go and register yourself we are grateful for you views. Edward Kings Maina.

Edward: Thank you Commissioner, Lady. My name is Edward Kings Maina. I am going to cover first Preamble, the presidency, the legislature, the judiciary and then the executive after which I will deal with sub sections of the executive. (interjection)

Com. Yano: Tafadhali kimya..... (inaudible)

Edward: Thank you. Our Constitution should have a Preamble dedicated to blessings of God, dedicated to the citizens of the Republic of Kenya, dedicated to the celebration of the attainment of the republic of Kenya in particular our struggle for independence and lastly dedicated to good equitable and transparent governance of the just welfare of the peoples of the republic of Kenya.

Now the President. The President of Kenya should be the head of the state. He should be elected on a universal franchise and should not belong to Parliament. The President should have a running mate as a Vice President that should delete section 15 of the current Constitution where the current president nominates a Vice President.

Now I will go into the issue of the Legislature. Only people elected on the universal franchise should be members of the national assembly. The Legislature should be on bicameral basis, in other words we have a national assembly and we have the senate. The national assembly should be comprising of such persons elected from each constituency, with a maximum of 30,000 registered voters so that there is equitable representation and equitable remuneration. This will address the issue of today where we have a constituency whereby we have a constituency with 115,000 voters and another constituency with less than 8,000 voters and yet they are paid on equal terms. There should be no nomination on the any of the two houses.

The senate should comprise of at least a representatives of all the administrative districts units in the country. All political

parties should be subject to the strict rule of law and they should make their annual returns every year.

Now I will go to the Judiciary. We should have an independent Judiciary, independent from all other arms of the state. Appointment to the Judiciary should be on merit and vetted by the Parliament. I am proposing we have a Supreme Court of law to supervise the high court. This Supreme Court of law to be vested with jurisdiction to determine and hear constitutional issues, determine and hear appeals from the court of appeal on issues of law only. The Judicial Service Commission should be repealed forthwith. It creates a functional confusion of employee and employer within one establishment.

The structure of our court is already defined in the Constitution, but there is one misnomer of the commission of a (inaudible) court, which is not in the Constitution, nor in the judicature act. This is a fraud in the national pass because it draws from the consolidated fund. It should be repealed forthwith. It is a misnomer in the jurisdiction.

The Executive should be comprised of ministers who should not be Members of Parliament. They should be appointed across the breadth and the length of the nation from people who are competent and have a good public record.

The Prime Minister should be the head of the Government and should belong to the political party with the majority in the Government.

Now the Public Service Commission should be the final authority of employing the public service. All other service commissions should be diffused and their positions taken by the Public Service Commission, whose members should be appointed upon vetting by parliament.

Now I will go into the issue of land. Before I do land I want to deal with citizenship. Now citizenship should be granted to persons subject to public vetting by such applicants being gazetted, and his application or applications published in the dailies to elicit objections from the public against people with suspect character.

Public funds and the national debt. Our National debt should be detailed so that we know its origin, content, and how it is being addressed. Now in the international budget we should have farming subsidy to stem up our farming economy and it is happening in other developed countries.

Land issue. The issue of tribal lands should be restored and fully protected. This will protect scarce land ownership tribal descendants. War: the President should declare war upon consultation with the Prime Minister but not exclusive of the Prime Minister. (I am finishing).

Now universal fundamental basic human rights: Section 9 sub 2 of the Constitution offends section 79 and 80 of current Constitution. It limits the rights in section 79 and the 80 it should be repelled. Our Constitution should come clear; when a citizen is taken to criminal court and the case is one in his favour, it should be automatically be compensated in the same court file. The last one is amendment should belong to the citizens. Thank you very much Commissioners.

Com. Ogendo: Mr. Maina, constituency sizes the average size of a constituency in Nairobi is 8 square miles, the average size of a constituency in Marsabit is 14 thousand square miles, should that make a difference?

Maina: It should not feature at all because representation is for human beings not area of land.

Com. Yano: Thank you very much Mr. Maina. The next one is Salim Nyagah, Jane Gathogo, just come and give your views.

Jane: Honorable Commissioners, Chairperson and public. My names are Jane Gathogo, a women mobilizer, and a civic education provider, and the memorandum here that I am going to represent today is from different women organizations in Nakuru District. It is talking on Land laws system in Kenya. I will just give the highlights and later I will give out the whole memorandum.

Land is the key and the source of this country and it should have a Preamble. The land act should have a Preamble and a guarantee equality of Kenyan citizens before the law regardless of gender or status.

Access and ownership of land: the new Constitution should guarantee access to and ownership and control of land regardless of gender. Review and discourage cultural practices that limit women access and control of land to achieve maximum food production and security.

In allocating Govt. land or any other trust land ensures that at least 30% is allocated to women. The issuing of title deeds should be decentralized to enable women farmers access credit to improve their agricultural production and ensure security of tenure. There should be a permanent sitting land board to the divisional level with 50% women representation to ensure that access at any time to those in need and there should be transparent and accountability on all matters pertaining to land.

Marriage – recommendation and the way forward. The amendment of Act Cap160 in section 3subside 5 should be revoked, because many women 85% don't know their rights. Under married women's property Act, we are recommending this life interest should continue even if she remarries under customary law. Polygamy marriage should be documented to avoid uncertain and wrangles if the husband dies leaving civil customary married wife.

There is a presidential directive land, that land control board should sanction the sale of land only with the approval of family

members especially the wife. Furthermore, women should be included in the land control board and such other bodies dealing with land control.

Formulate an increment policy to ensure married women have land ownership rights by ensuring that land is registered under both the husband and wife's name. There is a direct need to sensitize, educate women on their property, and the need to be registered jointly in property acquired jointly during marriage.

Indirect contribution non-monetary e.g. domestic work should be identified and taken into account when assessing the wife's contribution in the acquisition of property purposely belonging to the husband. It is recommended that even a wife who is not salaried employed is taken to have contributed to the acquisition of the matrimonial property as she does not contribute directly to the acquisition of family assets.

Natural resources: review and increment and environment act to prevent the destruction of water catchment areas. The community should get profit, local community should get 60% and Govt. should get 15%, and 25% the company carrying out mining and drilling exercise there.

Com. Yano: The last one.

Jane: Yes, please. Disposal of waste management. A waste management Act be drafted and passed in Parliament, and enforced. Environmental protection should be enshrined in the Constitution. Have a law protecting the environment and against pollution and destruction. Put in a place government mechanism, and educate people, and local community.

Lastly, a policy on afforestation and rehabilitation of earth where mining and sand harvesting has taken place. And then on the AOB, Parliament should not extend and women are the majority voters 51% should be given the top seat and we are happy to see you as the chair person today. Thank you.

Com. Yano: Thank you very much Jane, a moment there is a question.

Com. Ogendo: I hope you are not expelling me from this session. Now many people are telling us a lot of awful things about land control boards. But nobody is telling us that they should be abolished. Why should we keep them?

Jane: Come up again.

Com Ogendo: Land control boards, everyone is telling us how they are being used to take away family land and all kinds of terrible things but nobody is saying we should abolish them. Why should we keep them?

Jane: We should abolish them. I accept what you are saying.

Com. Ogendo: We should abolish them. (Jane: yeah) but why don't you say so?

Jane: Yeah that is now what I am saying (laughter) you know 5 minutes....

Com. Yano: Thank you very much. Fredrick Rono. Then Fredrick will be followed by Dr. Kirubi he has requested

Rono: Thank you very much the commissioners. Mine is on education policy (interjection) Rono K Fredrick. I want to propose on the following. School curriculum should be changed involving the stakeholders directly, and the head of schools at least after every 3 years. Not the way they are doing day in day out, parents are being told to buy book A book B abcd..

1. Bursaries should be given through heads or principles of colleges who know their people better other than the current system where a councillor is given to use the bursaries (inaudible)
2. Urban schools, due to physical facilities they have they should also be given their chances to manage their own affairs financially especially when it comes to community water, telephone bills, watchmen salaries, and other essentials to man them unlike other schools in other areas.
3. Any policy implementation pertaining to education should be tabled by the Government and given funding in all institutions other than just mere papers printed to schools or any other educational centres which are meaningless. Schools should also be well staffed to take care of the current children right other than instead of the current status of one teacher per a hundred pupil, and you expect discipline there and no caning. The Government should also put a budget for every children right at birth so that these Kenyan children can be taken care of.

Another point I was proposing is that a law should be enacted whereby mother should name the father's name at birth. To control the current birth rate which is very high and giving us a lot of hopeless children in the street. So since somebody is responsible the mother should name the father. And then the other point is that rehabilitation schools should be built in every locality to avoid none education to street children and to curb ellitracy at large.

Other recommendations: Tenure of office of Members of Parliament should be reviewed after 2½ years, to allow room for none productive parliamentarians' by-elections. If it is possible they should be given 2½ years if an MP is not productive we kick him out.

Also the chiefs should be elected directly by the citizens within that locality, other than the current system of imposing chiefs on people and they are harassed here and there. The other point I was thinking is about the majimbo system. It should be introduced to allow room for employment, development and financial control over a given area other than the central point at

the moment.

Finally elections should be carried out indiscriminatorily such that one can resign his post after winning to pave way for competent leaders. Thank you very much.

Com. Yano: Thank you very much Rono. Daktari. And then he will be followed by Dr.Kemoi.

Dr. Kirubi: Thank you commissioners for giving me time to express my views to the commission. My name is Dr. Kirubi I am a private medical practitioner, I have been a Mayor here for some time in the early 70s, 69, and now for the last 40 years I have been a medical practitioner.

One area I would like to address is that the date of elections should not be a secret of someone. We should have a fixed date after 5 years that the elections will come after a certain period like they have in the US. We should also have strict laws on the people who should stand for elections. We should not have people who have been involved in fraud. Who have been mentioned their by the controller standing for elections. It is even worse, the commissioner, when someone is in court and he is a minister and he doesn't have the guts to resign or retire, something like that. We should have a system to control such people.

Also in the case of constituencies, the number of constituencies we should not have one power man. Power to create districts or constituencies. We should have constituencies preferably having equal number of population so that if we have anomalies like we have now, I am sorry Mr. Commissioner, if I can mention one constituency or two. We have a case whereby we have a constituency with 7,000 people, 8,000 people you know N.Eastern, Nakuru town a constituency with about 105,000 registered voters we should not have such a number it is not fair. The vote of 1000 people is not equal to a vote of say 10,000 people.

The President: the President should at ganner at least 50% of the whole cast votes and we should also remove the clause whereby we have the 25% of the 5 provinces. I think this is not fair especially when you have some of the provinces having about 200,000 voters, others having about 2 million people. I think it is not fair.

Also the clause where the President serves only the term of 5 years for 2 consecutive terms I think that should remain. It is reasonable I think also any job where you keep for 10 years you get tired, and I think it is not fair to have a President being tired because he doesn't go on holidays, he doesn't have rest and all that.

Com. Yano: You have a minute.

Dr. Kirubi: A minute... Now AG we should remove the clause where the AG can terminate the case in court. He must give the reason why he is terminating those cases and those reasons must satisfy the court. Otherwise we are going to have some rich people going to the AG or to the political power that be and then the cases are withdrawn. Asante.

Com. Yano: Dr. Kemoi he will be followed by Mwangi Muraya is he here now? And then John Okari, is John there?

Dr. Kemoi: Asante kwa kukaribishwa mimi naongea lugha ya mama. Jina ni Dr. Kemoi na jina lingine ni Marta Leiro kutoka Kibungur self help group.

Dr. Kemoi: *Kit nebo tai ne amache amwa,*

Translator: Jambo ya kwanza nataka kusema,

Dr. Kemoi: *Amache amwa kongoi agobo agwek, agobo boisionik che oya.*

Translator: anasema ni asante kwa kazi ya commissioners wanafanya

Amu kookurech konyo kekas tugul ak kekuiyegei

kwa vile mmetuita tumpe maoni yetu.

Dr. Kemoi: *Ngunon amache amwa ale, kit ne amache amwa ne bo tai ko agobo imbarenik.*

Translator: Anasema anataka kuzungumzia juu ya ardhi- shamba.

Amu emoni komi bik che nyolildos mising,

Kwa sababu nchi hii kuna watu ambao hawana shamba

Mito bik chenyalidtos kabisa ne ingiker agot aginye irotchi huruma amami kit ne ikochini.

ambao ukiona unawahurumia lakini huna jambo unaweza kufanyia kwa vile hawana ardhi.

Dr. Kemoi: *Kokomoche en katiba nebo ra, kochob agobo bik che nyalildos.*

Translator: Anataka katiba ya wakati huu ielekezwe kwa wale ambao hawana shamba. **Dr. Kemoi:** *Amun tukchu bo nwoyuni ko mekoamu chi. Maimuchi kwomu chito agot indomoche chechang, ko komoche amwa agobo bichoto ale konyolu ketoben is bicho e, chon nyolitsot. Amun biten bik chetinye agot acre mia tatu ndo ko elfu,*

Translator: Kwa sababu dunia hii kuna mambo ambayo binadamu hawezi. Kuna wengine wako na nyingi kuliko vile wanaweza kujisaidia nao kuliko kuwa na mtu ako nao zaidi ya shamba wale ambao hawana wangeangaliwa. Kwa mfano wengine wako na shamba hata ya acre elfu moja na wengine hawana hata nusu acre.

Dr. Kemoi: *kolya makitoben bichu e. Amu ager ane agere ale tukchu tugul komelen tun kesut en ing'wenyuni. Amun*

ndoseku Jeiso saa hii, kebistoi tugul. Kokomoche amwa agobo agot serkali, kokochi bichoton imbarenik.

Translator: Kwa nini Katiba haiangalii watu kama hawa. Kwa sababu tunajua dunia hatuwezi kumaliza kila kitu kwa sababu Yesu akirudi leo pengine wataacha yale mambo. Nataka kuuliza Serikali wapewe wale hawana shamba (interjection)

Com. Yano: Sema jambo lingine (inaudible)

Dr. Kemoi: *Ko nebo aeng' i, kok oche amwa agobo boisiet.*

Translator: Ya pili ni juu ya kuandikwa kazi.

Dr. Kemoi: *Kitinye vijana che kitar masomo, kitar college, ako kikotyem boisionik koba kocheng, kesib kesire bik ak ketongosonji, korok ketangasan buch. Kikokoito kasit. Ko ngunon komoche amwa ale kaigai kokerkeit bik tugul en Kenya. Amun tinye chitugul imandanyin en Kenya ini.*

Translator: Hapa nchini kuna vijana wengi wamemaliza masomo na hawana kazi na wamemaliza college lakini wakifanya interview hawachukuliwi, kwa sababu wakati kazi inakuwa advertised kuna wengine wamekwisha chukuliwa mapema na wanatangaza tu kwa gazette eti kuna kazi lakini hali kuna wengine wamekwisha chukuliwa mapema. Kazi imekwisha peanwa kwa wengine. Tunataka haki ya kila mtu iwe sawa. Kwa sababu kila mtu ni mwananchi wa Kenya na kuna haki ya kupata kazi mahali popote.

Dr. Kemoi: *Ko komoche amwa kole, amun achoktoeni, kwa amache ale bichu ra chu sirei bik ago kakotangasanji bik ko matinye agot huruma kabisa?*

Ko kamoche amwa kogeny anyun amun sait age katuron lughait anan nee, kokamache amwa ale ye u no is kokakitebi kunoi agoi tun anan metun kotago wolokis ng'alechu.

Kot ketebi kunoi ko wendi let Kenya.

Translator: Basi mama anashangaa tutaenaendelea hivi tukitarajia, wale wanatarajia usaindizi kwa mambo ya kazi, lakini watakaa hivi tu bali wakiendelea na huyo mtindo wakuandika wengine wakia-advertise kazi kwa magazetti, lakini mwishowe wale wana-deserve zile kazi hawapati lakini wale wanajulikana ndio wanapewa. Ni siku gani haki ya kila mtu iweze kupatikana? Jambo kama hilo litarudisha maendeleo nyuma hapa Kenya

Dr. Kemoi: *Nebo somok, ko amache amwa agobo kerichek ab gaa. Amun kerichek chebo gaa ko kakotok kele karoron. Kingen kele kisor chumbindet ak konyo ko ng'alek, ko ikikicham iman akakini kikebokeker kele ka kerichek chueb tuguchuto tu.*

Translator: Yeye anataka kuzungumzia dawa ya kienyenji. Kwa sababu wakati huu tumeona dawa ya kienyenji inatumika. Tunajua wazungu walikuja hapa wakatuonyesha ile dawa ya hospitali na watu wetu wakaacha ile dawa ilikuwa ya kienyeji na kukibilia yale yametoka nchi za kigeni)

Dr. Kemoi: *A chi agenge ne ikoitoi kerichek ab gaa, ko amache amwowok alenchok kerichek ko kororon. Ko chi ne meiyoni ko metun iro kityo. Ko amache anyun ale kimoche kositab lagok, kisomesan lagok. Amun ye kiyosegitu achek, ko mokimoche tun kionai lakwet boisioniki? Ko choton anyun. Kongoi.*

Translator: Yeye ni mmoja wa daktari ya kinyumbani na anasifu, anasema dawa hiyo ya kinyumbani inasaidia kwa magonjwa. Anasema yule mtu haamini; anasema amekwisha ponya watu wengi. Anasema hata hivyo kwa dawa hii ya kinyumbani kwa wototo hata vijana wanaeza kuelemeshwa waende training juu ya traditional medicine. Kwa sababu anasema wazee wakizeeka... Asante sana). clapping)

Com. Yano: Mwangi atafuatiwa na John Okari ameonekana, Samuel Kamau Murubi

Mwangi: Sasa ni maoni yangu mwenyewe yale ya kwanza yalikuwa ni ya makundi ambayo nilikuwa nawakilisha.

Com. Yano: No no kama unaongea..... (inaudible)

Mwangi: Hii ni yangu sasa hiyo ilikuwa ni ya kikundi.

Com. Yano: Tafadhali patia wenzako nafasi. So, nenda tuchukue mwingine. Ruth Cheptaruss. Tafadhali kama umepatiwa nafasi tumia nafasi na pia upatie mwenzako si vile uende uketi urudi mwenzako hajasikizwa tangu asubuhi.

Cheptaruss: Kwa majina naitwa Ruth Cheptaruss Sang na ningetaka kutoa maoni. Wakati tulisikia ya kwamba mnakuja, tena tulikaa chini na watu wa Barut location na tukatoa maoni yetu. Na kwa sababu sisi wote wakati tulikuwa tumekaa pale wote ni kabila moja na hatukuwa tunajua Kiswahili tukaandika kwa Kikalenjin. Na nitasoma kwa Kikalenjin.

Cheptaruss: *Ng'olyo ne kiking'alal, ko kiking'alale ng'alekab lewenisiet. Ng'alek che kiking'alalen mising ko nga' lekab serkalit ne kimoche amun ki keker kele serkalit ne kimoche kemoche achek majimbo. Amun kiking'alal ako kikichang' ago kikicham tugul ng'alekab majimbo. Kikiro kele kikobois eng emotinwek chechang' kou Germany, India na nyinginezo.*

Translator: Neno ambalo anataka kusema ni jambo la kuchaguana. Wameonelea ile Serikali inayoweza faa ni Serikali ya Federal system. Wale wamezungumzia mambo ya Katiba ya Serikali ya federal system. Anasema Serikali kama hiyo inatumika katika nchi nyingi ya ulimwengu kama Germany hata India na nyinginezo.

Cheptaruss: *Ribe anyun meng'ikab yoton malikwak. Ako anyun kito ne kikiro mising ko kemoche kerib agot boundaries chechoket achek. Agot kasisiek ingomong' ko seventy per cent kesire en yu, ko sosom, thirty per cent kesiren Jimboisiek alak. Kimoche anyun kiwotet kotounen nyandarua ole kimi kong'eten komi chumindet.*

Translator: Anasema Serikali kama hiyo inawapa uwezo wananchi wa hapo wachunge mali yao. Anaonelea hiyo itachunga sehemu yao mipaka na mambo ingine inatokea, resources ya sehemu hiyo. Hata mambo ya kuajiriwa kwa kazi, vijana wa sehemu hiyo wanaweza kuajiriwa kama sabini kwa mia, na wengine wanaweza kutoa wale wamesoma mpaka sehemu zingine. Anasema kwa mfano region nyingi ya Rift Valley iwe mipaka yake ile ilikuweco wakati wa uhuru)

Cheptaruss: *Kimoche anyun agot bik alak che kikonyikomeng'is en Rift Valley, ako si kemach ku noton non, kemwa kele kimoche kakwoutisiek chebo mwisho, kemoche kele kimoche kerib culture nenyon.*

Translator: Kwa sababu ya hiyo anataka utamaduni wa wakaaji wa sehemu yake udumishwe na uheshimiwe, na kila mwananchi anayekaa sehemu, region, hiyo wawe wanakaa na kuheshimu desturi na mila zao.

Cheptaruss: *Amache amwa agobo lewenisietab Bunge. Kimoche anyun kelewen Upper House ak Lower House. Kimoche anyun konyor tugul yaani, kotebi koayechin tugul.*

Amache anyun amwa kongoi amu kimuchi kicherun chepyosok ng'alekab katiba, ki at kinye ko kikisir ne kimokomi chepyosok.

Translator: Anazungumzia mambo ya uchaguzi wa Bunge. Anapendekeza kuwe na Bunge ya Upper House na Lower house. Anasema Upper House na Lower House iwe na mamlaka sawa ili wanaweza kuwa wanafanya kazi pamoja. Anazungumzia katiba tunayotengeneza sasa imewapa sisi wamama jukumu la kuchangia kuliko ile katiba ilikuwako ambapo wakina mama hawakuhusishwa.

Cheptaruss: *Kimoche anyun 1/3 chebo chepyosok eng' kila party kokochi chepyosok nafasisiechoto. Kemoche agot eng' kansolisiachu, kemoche agot amu che oldoisie, che oldo ingwek ko chepyosok ago choton che ketokseni mising, kemoche rabisiek che komong' kikochi kurubisiekab chepyosok che kikutestai. Kimoche anyun serkali koker chepyosok mising akot en sirisietab kasisiek.*

Translator: Anapendekeza thelathini kwa mia wamama waangaliwe katika vyeo ama madaraka mbali mbali. Ikiwa ni Local Government anazungumzia kwamba wa mama ndio wanachangia maendeleo kubwa kutoka mashinani na kwa hivyo ule ushuru inayopatikana iaangaliwe katika sehemu projects za wamama hapa nchini. Anasema wamama waangaliwe sana hata kwa kuajiriwa kazi wamama wepewe nafasi kubwa.

Cheptaruss: *Nebo chepyosok nebo mwisho ko amache ale kikong'et chepyosok ko kiko nyalilso en murenik che sikyin lagok ak kometo. Kimoche anyun korib bichoton lagochoton.*

Translator: Anasema kuna wakati wasichana kuwa na uhusiano na vijana na wamepata watoto kwa mapenzi lakini wanaachwa, watoto wakizaliwa wanaachwa. Tungependelea kama mama wa watoto wale wamezaliwa kwa vijana na wasichana nje ya kuolewa, yule mwanaume achukue jukumu ya kusimamia mtoto huyo kwa masomo na mambo mengine.

Cheptaruss: *Age kokeny kimuchi ketebi ak chito ang' ye kakome kewirtan amun konendet ne koribon, koboiwon lagok, kolibonwon kot. Amache ngunon ko kaketebi koit arawek lo, kiit kele malikab chichin kepcheiwo amun kokitebyei tuwan, ko inendet ne koboyon. Kimoche anyun kinde sheria ngo kaketebi arawek lo ko a neng'ung'.*

Translator: Anasema wakati mwingine wamama huwa wanauhusiano na mwanamume na wamekaa kwa nyumba kwa miezi

sita, lakini mbila contract yeyote ya kuoana. Lakini mwanaume kwa bahati mbaya akufe hakuna mtu anashughulikia watoto na huyo mama wakati kifo imetokea kwa bwana. Anasema sheria itungwe ya kuwa kama mtu amekaa na cohabit for 6 months sheria iwe mali ya huyo mtu ipewe kwa huyo mama.

Cheptarus: *Ko kamache anyun ale keleweni President kemoche konyor 25%.*

Amache anyun ng'alekab osnet ale ki at kinye kele kikitil osnet kikobek ago kityechin bik chito nin age ak kikochin imbarenik kele chu ko widows ako ngaa ki mo ko widows. Ko tebi bikab Rift Valley che monyor imbarenik. Ko kitil oin ko ng'wanit nee?

Ko noton anyun amache amwa ale ngorib kap chitugul forest nenyuan. Amun nde tebenech ilenchinech miano korik che kiketegen ketik ago kikobek forest ko momi.

Abwati ale kakoyamam chuto.

Translator: Anadhibitisha the current Constitution whereby the President is elected by 25% from 5 provinces. Anasema hivi katika sehemu ya natural resource ma forest yamekuwa yakibadilishwa na kuwa shamba yaani settlement scheme, ndiyo yamekuwa yakitolewa kutoka kwa forests na wakati huu watu wanapiga kelele sana lakini hii ni jambo ambalo limekuwa likiendelea tangu tunyakue uhuru. Anapendekeza kuwa kila jamii ambayo wanaishi karibu na msitu wapewe mamlaka ya kuchunga msitu huo kama ni mali ya community ya sehemu hiyo Anasema amemaliza.

Com. Yano: Asante sana Rasugu Odero, Francis Macharia, John Gichuru, A. Mirie, National Chairman UNYPP Johnson Mbimu. **End of Tape 4 Side 4A**

Tape 4 Side 4B

Johnson: Nikiwakilisha wafanyi biashara ndogo ndogo, wakiwa ni wazee, na wakiwa ni akina wamama, ningekuwa na mashauri haya ambayo ningetaka iwe reflected katika Constitution mpya ambaye inayoundwa. Nikianza, katika kitabu ambacho kiliweza kutolewa na commission ya constitutional reform, imesema Constitution itakeyeundwa itaundwa kwa maadili na matarajio ya watu wa Kenya wote. Ikiwapo mambo hayo yaatiliwa, mambo ambayo nitakayosema hapa ni matarajio na maadili ya watu ambao ni watu masikini.

Katika nchi yetu ta Kenya kumekosa vile mwanachi wa kawaida anaweza kupata mikopo kwa njia ya urahisi na ndiyo hivyo ningeluliza katika commission hii iweze kutilia maanani kabisa, kwa kuundwa kwa special development borrowing development fund. Development fund, hazina hii kuu, itaweza kusaidia kuwekwa pahali pamoja ama kubuniwa kwa shirika kubwa ambalo mwananchi wa kawaida akiwa mama akiwa mzee, akiwa kijana, anaweza kupata mikopo kwa njia ya urahisi. Jambo hili nimeweza kuiuliza kwa sababu His Excellency aliweza kuunda National Youth Development Programme na ile ambayo ni ya akina mama, lakini jambo hilo halikuweza kufaulu maanaake haikuwa katika Constitution. Kwa hivyo jambo hilo lingeweza

kuwekwa kwa kutilia maanani katika Constitution.

Ya pili ningesema pia, katika legal representation wale watu ambao ni maskini wangeweza kuwa na mawakili ambao wanawasimamia katika korti wakiwa na kesi katika korti, maanake mwananchi wa kawaida anaumia kabisa vilivyo hana kesi lakini mwishowe anafungwa kwa kukosa representation kwa sababu hana fedha.

Pia ningepuliza katika local authorities kuwe na charge ile inalipishwa maskini iwe ni ya hali ya chini sana iwekwe katika Constitution. Katika hawkers the small scale traders ambao wanalipa licences iwekwe kiwango ya chini kabisa ambacho mwananchi wa kawaida anaweza kulipa kodi hiyo.

Ile ingine ni kuhusu prisoners. The prisoners welfare to be enhanced. Inaweza kuimarishwe kwa kuwa wengi wanapata magonjwa wanapatiwa kutoka prison na pia, wakitoka hawana njia ya matibabu kwa hali ya maisha inakuwa ni ngumu. Kwa hivyo ikimarishwa hali ya gerezani itakuwa ni bora zaidi.

Ingingine naweza kusema ni vyombo vya habari kama KBC inafaa kuimarishwa iwe mwananchi wa kawaida akiweza kutoa maoni yake iweze kuonekana katika nchi yote ya Kenya. Ikiwa ni groups za akina mama, ikiwa ni groups za wazee zote zinaweza kushilikishwa kuonekana katika vile jamii inaoneka katika mkoa wa pwani, Nairobi na mkoa wa magharibi zote wanaweza kuona jinsi ambaye wamama wamejitolea.

Com. Yano: You have a minute.

Johnson: Yes, much thanks. Ile ingine ni kusema Parliament inaweza kuwa extended iwapo kuna hii commission haiwezi kumaliza kazi yake, maanake ikiharakishwa haitatoa Katiba ambaye italinda wananchi wote, hasa wale watu masikini. (clapping) Kwa hivyo ningesema jambo hilo litiliwe maanani sana kwa kuwa sijui tunaharakisha commission kwa sababu gani? Tuko na miaka mingi ya kuishi katika dunia. Kwa hivyo ingefanywa kwa njia ya pole pole na ionekane ya kwamba maandalizi na matarajio ya wananchi wa kawaida itashirikishwa kwa watu wote. Kwa hivyo kama watu hawa wako mbele yetu wako na maoni tofauti tofauti na saa ingine hawatapa nafasi ya kutoa maoni hayo.

Ile ingine ni kusema wale ambao wataretire kama President wafaa kupewa honour kubwa katika nchi hii na wale hata kama ni Vice President, hata kama ni Waziri Mkuu wapewe honour kubwa katika nchi hii wakishaa maliza, ndio wataweka moyo sana wale ambao wataweza kuchukua uchungaji sasa na siku zijazo.

Ile ingine ni kusema idara ya polisi na idara ya provincial administration, na district administration yafaa kuimarishwa ndio iweze kuwahudumia wale watu ambao ni masikini katika nchi hii ipasavyo. Kwa maana wengi utakuta magari ya serikali imetoka miguu ama imeisha na haiwezi kuhudumia ipasavyo.

Wakuu wa Serikali pia wafaa kupewa mishahara mizuri ndio waweze kuhudumia wale masikini kwa jukumu ambayo wamepatiwa.

Com. Yano: Thank you very much Johnson. Penye umebakisha tafadhali jiandikishe tutaenda kusoma.

Johnson: Asante sana nimeshukuru sana

Com. Yano: Njuguna, J M Njuguna, Gideon Kirima, Tom Karama karibia; John Bett
Endelea tafadhali

Tom: I had already presented my memorandum but I had some verbal oral

Com. Yano: If you are not decided we can give somebody else for the time being.

Tom: No let me just give oral immediately. First and foremost .. My name is Tom Mkarama (Com. Yano: Endelea) First and foremost, was on this NSSF fund. The NSSF it has an Act (pause) I go on? This NSSF has put an age limit of 50 years before somebody qualifies for a refund but now we have this issue of retrenchment. Some people have been retrenched below 50 years. Now these people were expecting when they were retrenched they were supposed to get this money. Now I propose that this NSSF the age limit should not be an issue. Once somebody is removed from a service that somebody should qualify to receive his contribution.

Number two, this money has been put to projects, projects which do not even involve the members. What I am saying here when such projects are proposed because these funds are from members they should consult the contributors so that they know where their money is invested.

Three, these days when you go for a refund of NSSF you are not even paid your interest. It appears you are paid only your capital money which is invested there. Where does the interest go? We propose that earlier on this interest was accompanying the capital. The money you had already contributed. This interest should be re-instated.

2. We have economic subbortagiers. Now these people if they have subbortaged the economy of the country, these people are supposed to be prosecuted and be brought to book. We have some people who have walked out free and they have made the economy of this country to collapse.
3. Me I am opposed to the extension of the period of Parliament. We should have this parliament dissolved and elections held not beyond 31st December of this year.

Com. Yano: A minute.

Tom: One minute remaining? Third one, the MPs should not just sit and add themselves a salary. They should consult the constituents if they are entitled for any salary increase. Last and foremost, if an MP does not perform well I recommend that this MP should be recalled back and be asked by his constituents to say what he has done since he was elected, and if he cannot prove worthy of being in that house, that MP should be recalled back and that seat be declared vacant so that we have a by-election. Because we don't want joyriders to go and seat in that house.

Com. Yano Thank you very much Mkarama. E. M. Karanja Karibu Bw. Karanja. Halafu Bw. Karanja atafuatiwa na Karanja (inaudible)

Muturi: Jina yangu naitwa Elijah Muturi Karanja mimi ni mkaaji wa hapa Nakuru na nina mambo matatu ningependa kuwapa katika hiki kikao cha Constitution Review. Jambo la kwanza ningependekeza kuwe na Rais ambaye hawezi kuwa mbunge. Nchi ya Kenya iwe ikichagua Rais moja hata kama ni chama fulani kinashinda yule Rais anawakilisha kile chama kimekuwa – kama nchi zingine kama Bangladesh na India na mahali pengine.

Jambo lingine ningependa kupendekeza ni upande wa kortini. Mambo ya succession ya mambo ya kifo imetusubua sana. Kwa sababu mtu akifariki leo jamii ambayo kama ni baba anachukua miaka mitatu kabla ya kupokea mali ya hiyo mzee. Kwa hivyo hiyo mambo imetusubua sana zaidi ya miaka kumi. Ningependekeza kutoka mzee succession ilipokuwa registration katika kortini iwe ule mama awe akipokea hiyo mali kwa mwaka moja tu peke yake. Kwa sababu barua ikienda Nairobi inachukua siku thelathini, baadaye miezi sita inaweza kuchukua hata miaka tatu. Kwa hivyo watoto wanasubuka sana wengine walikuwa hawasomi na yule mzee ama yule mama alikuwa na mali. Nimependekeza iwe mwaka moja ya administration kama court (inuadible)

Jambo ingine ya tatu ni upande wa kazi ambao tuko naye sisi kama watu ambao wanafanya kazi commercial agency. Tunakuwa na shida sana kakika Kenya kwa sababu kama tajiri tukiiuza mali yake hatuoni namna ya kupata hiyo commission yetu imekuwa ngumu sana. kwa hivyo ningependekeza serikali iwe ikiingilia jambo hili sana ili na sisi kwa sababu tuna jamii yetu tuwe tukifaidika.

Jambo lingine ningesema juu ya watu wale wako ngerezani wawe wakipata mswaada zaidi ya watu ambao wako naye. Inginge ni kama mtu ameweza kufungwa mwaka kutoka mwaka moja awe akifungwa nje badala ya kufungwa gerezani.

Point ingine ni habari ya kifo. Watoto wakiachwa wengi sana, katika Kenya tuko na watoto wengi sana ambao hawana watu wa kuwasaidia. Kuwe na vikundi vingi (inaudible) ili watoto wale wawe wakisaidiwa. Ningependekeza Serikali nayo iwe ikichukua hayo jambo ambayo ni Constitution ilikuwa ikichukua. Na ni hayo tu.

Com. Yano: Grace Nasoi, Samuel Onyango Owino

Samuel: Ningependa kuwasalimu nyote. Kwa majina najulikana kama Samuel Onyango haya ndiyo maoni yangu ambayo ningependelea kama ingewezekana yawe yame... haya ndiyo maoni yangu kuhusu Constitution.

Ya kwanza ningependa kuongea kuhusu lile pengo lililoko kuhusu matajiri na masikini. The gap between the rich and the poor. Hapa Kenya tumeona ya kwamba ile pengo ambalo liko kuhusu matajari na maskini ni kubwa sana – It is very wide. The current constitution haitetei yaani ina ignore that gap. Maoni yangu ningependelea kama ingewezekana tuwe na ile constitution ambayo itajaribu kuzimba ile gap between the poor and the rich.

Ya pili ni kuhusu wale ambao wameajiriwa na wasioajiriwa. Utapata ya kwamba katika nchi hii kuna sheria ya kuajiri watu na hii sheria utapata ya kwamba haitetei watu upande mwingine kama tuseme utapata ya kwamba kwa mfano muajiriwa ama mtu ambaye anaajiri watu anataka kama zile qualification za miaka fulani kutoka miaka kumi na nane hadi 25 ndio waajiriwe. Na ndio hali utakuja kupata ya kwamba wale ambao wako juu ya hiyo miaka ishirini na tano hawana room there. (interjection)

Com. Yano:Sasa unapenda nini

Samuel: Sasa mapendekezo yangu kwanza na uliza je hao watu umri wao umezindi ishirini na tano serikali inawajali kwa namna gani? Kwa sababu hata wao pia wanataka ku-enjoy the rights of employment.

Kuna hii jambo ambalo linahusu the currency of the country. Sasa kama the Constitution to come, maoni yangu Serikali inaweza establish one permanent currency. Pendekezo yangu ya hii currency of the country ni kuwa utakuja kupata ya kwamba serikali inapobadilika the currency nayo inabalika day after day. Sasa Constitution inaweza tekeleza haya mambo to establish one permanent currency kama vile America wametoa hiyo one permanent currency.

Ya mwisho, ni kuhusu umilikaji wa silaha. Ningependa kutetea sana kuhusu those who need the arm. Ama umilikaji wa silaha. Sababu yangu mimi kusema umilikaji wa silaha ni nzuri hasa kwa wananchi wa kawaida hasa hata nchi ambayo tunaishi kwa sasa. Sababu ya kwanza ni kwamba tutapunguzia polisi kazi sababu sasa badala ya polisi kuja kukulinda utakuwa unajilinda wewe mwenyewe. Sasa haitakuwa ya manufaa ya polisi kuja kukulinda wewe kwa sababu unaweza kujilinda.

Ya pili itapunguza ule ugaindi kwa sababu itakuwa vigumu sana mkora, ama mtu yule anakuja kukuvamia akijua ya kwamba umeji-arm na silaha.

Com. Yano: Asante sana tumeshukuru sana, Onyango kwa hayo maoni tafadhali jiandikishe. Anaefuata ni George ole

Kipanga, David Kuria Karibu halafu Milfedek Nyanduaru.

Kuria: Thank you very much Chairlady and other Commissioners and also the public. I would like to touch the police, the crimes. My name is David Kuria and I here on behalf of information centre for torture victims. So I would like to go straight to the issue of the police crimes which have been going on in this country. We have been having so many cases of police whereby they have been implicated in torturing suspects to police cells, and we have also been having cases of police shooting innocent people, and as long as there is no justice which is seen after the cases are being done. I would like to make a recommendation that there should be an independent body to be formed whereby it will be investigating our police officers who are being implicated in crime. Also the body will be able to be investigating and implicating these police officers the reason why I say so is after these police start shooting a suspect torture, no money the increase are being opened and the same police officers are being told to investigate and as I can say the police officers have become so good in covering up their own crime and at long run these inquest are just there to cover up everything.

The other issue I would like to comment is about Government, there should be a legal form of body whereby poor people who are facing charges in court can have legal representation. This hiring of lawyers in this country for a common mwananchi have been very expensive and I think this is the high time the Government should be able to provide legal representation in such poor people who face cases in court of law.

Most of the people who are being arrested by police sometimes although they agree with the cases they are preferred in court normally they agree to such cases because of fear of going to remand. And in such cases because they do not have money they agree to the charges because they don't know how they can argue with their cases in this court of laws.

To finish I would also like to say about elections the issue which is at hand about elections I am opposing the extension of Parliament, and I am telling the system which is in power to honour the current Constitution which is there. I think when our President got into the office its that Constitution that was in office, and he promised Kenyans that he is going to protect the Constitution. He was not going to protect the constitution which was coming, but the current one which is in force. (clapping)

With the Constitution commission, I am also saying that I am not opposing for the time to be extended but the two issues the elections and the Constitution commission should be delinked. We are expecting you to come up with a good document for the Kenyans because before we reached this stage so many people have died and it has been a struggle to reach this stage whereby we are now sitting here saying what we want and that's why I am saying we want a good document at long last.

Com. Yano: Thank you very much Mr. Kuria.

Kuria: Thank you very much also.

Com. Yano: Faith Muigai, Milsadik, Brian Gichuru, Mary Oringo, Fredrick Nyamora, Joseph Mwai. Karibu.

Mwai: Bw. Commissioners, fellow Kenyans my names are Joseph Mwai I am a councillor here at Shauri and I am a mental health worker. I would like to present my views on organizational views and behaviour and especially that concerns drug abuse. Drug abuse has been identified as one of the national problem and it has been making it difficult for most families to live together.

I would wish to ask this Constitution to ensure that the drug abuse is being a big problems for the families and it is being introduced to the poor by the rich. It is unfortunate and it is very unfair for the Government spending a lot of money setting up organizations to deal with drug abuse and yet they are not respecting the organization. That is, you find that an organization like Kona Koda which is the national campaign against drug abuse once they have found ways and means of campaigning against drug abuse, drugs are held and nobody is taken to court for this organization has not been given power to arrest and prosecute.

Most of our youth has been misused by people who are trafficking these drugs and especially when it comes during campaign like where we are looking forward to that political campaign. So this should be put in law that any politicians who is found misusing our youth through drug abuse should be properly dealt with by the Constitution, and if possible because this is a part of morality he should be seen not to earn the title of an Honourable MP. This should be done for about 6 months; he is no longer so he should be reduced to be called honorable and to be withdrawn all the privileges that he is supposed to enjoy when is he a Member of Parliament.

Counseling in schools has been introduced but there is conflict between the counsellor and counselee. That is a counsellor in school is giving guidance and counseling should be made to have normal responsibilities in school and the ministry of education appoints education officers. This counselors should be left to do guiding and counseling without interfering with their teaching lessons. That is the counsellor shall be able to be able to talk to students and the students shall be able to talk to their teachers without associating them with the subject they are teaching. As the counseling teacher his or her duties well because counseling is a long process and it takes more than a minimum of 45 minutes and since the teacher wont do the teaching lessons that he will be assessed with them he just doesn't have enough time to do counseling. (interjection: inaudible) And also when we do that we shall be able to have counselors who will mould our youth. Also the old generation should make themselves good role models so that our youth can be able to copy us.

And also about the current campaign on extension of Parliament and the electoral commission, these two arms of Government should be seen not to be one. The electoral commission should be divorced from parliament because parliament is there prescribed for a time but change of constitution can be done any time and at what length. So the politician did play a game

which was a political game bringing the two issues together at the same period and therefore I suggest that the, or I am of the opinion that current Constitution should be respected and honoured for the constitutional review not be tied with the election.

About the property and the family, at least the Constitution should see to it that if a son or daughter is 40 years and the father want to dispose property, the son should not stop the father from disposing his property because suppose he wants to inherit what the parent had left but not making the life of the old generation unable to live their worthwhile old age because they are restraining them from disposing the properties they have, and yet sometimes they may have very needy issues like hospital bills and others.

The only person supposed to stop a parent from disposing off a property should only be the minors. The older people are supposed to have worked using their own sweat and own their own property. So I may suggest that we should allow the old people to enjoy their sweat and not being restricted from disposing them for their own upkeep.

Com. Yano: Thank you very much Councillor we are very happy with you views. Oshwal Kibue then he will be followed by Francis Kinuthia

Kibue: Kwa majina naitwa Oshwal Kibue Wahome. Mimi ni mkaaji wa Nakuru. Kitu cha kwanza kile ningeonelea ni upande wa pesa. Kenya President yule ako na yule alikuwa na wale watakuwa, wanachukua mkopo kutoka nje bila ushauri wa Parliament, bila mashauri ya wananchi, na hiyo pesa tena itakuja kulipwa na wananchi. Tungetaka sheria mpya itakayokuja, pesa ikikopwa kwa ajili ya wananchi iwe inapitia Parliament isipitie kwa mtu binafsi. Ndio Parliament ijue hiyo mkopo inaletwa kwa kazi gani na hiyo wananchi tuwe tukijua, ndiyo tukiongezwa kodi tuwe tukijua tunaongezwa kodi ya nini na hiyo pesa tujue inafanya nini.

Ya pili kuna kitu kibaya sana na ndio unaona kazi haifanywi. Wafanyi kazi wote wa Serikali hawafanyii wananchi kazi wanafanyia wakubwa wao kwa maana anajua akikataa kufanyia mkubwa wake kazi atafutwa kazi. Sasa hii ya kuandika na kufukuza imesubua sisi Wanakenya. Kwa maana unaona kama ni minister, ukipewa ministry ukatae kufanya vile wanafanya kesho unafukuzwa. Hata saa ile unaenda lunch unaweza kukutana na radio huko ukienda nyumbani. Tungetaka yule anaandika asiwe ni yeye atafuta ndio kazi wananchi wafanyiwe. Kwa maana hapa Kenya mwananchi wa kawaida hafanyiwi kazi.

Kama for example ukienda hapa Nakuru ukikuta ni officer ni yule ako anakwambi a from above, hii above ni wapi? Eti hii maneno inatoka juu hii juu ni wapi? Tunajua juu ni kwa Mungu, hiki kitu tungetaka kwa Constitution iandikwe hakuna mtu atakuwa juu ya Constitution hii mpya tutafanya, hakuna mtu atakuwa juu ya Constitution. Hatutaki mtu aseme ati mimi hii Constitution eti wewe ukifanya hivi, huu ni fulani amefanya wewe ukighuswa huku .. tunataka hii Constitution iwe ya Kenya. Ya kila Mkenya awe President, awe maskini, tajiri kwa maana wakati hii nimekueleza hata ukiwa tajiri na kwambia hakuna mahali utaenda na maskini akiua atauwawa.

Kitu lingine ningesema mimi naona wanawake siku hizi wamekuja juu zaidi (laughter) eeh wanataka hata sisi kutulalia. Kuna kitu kimoja nataka sisi hatukatai watulalie wacha kuwe sawa kama nchi zile zingine tungetaka kuwe sawa naye tufanye kama America na mimi hakuna kitu nitalipa kwao. Yeye akuje na mali yake na mimi nikuje na mali yangu tuweke pamoja tuendeleo, lakini kama mimi nitatoa kitu lazima awe chini yangu. (laughter) Tunataka sheria mpange hivyo.

Ingingine nataka kuongea hapo mnaona hizi ma-insurance munaona kwa magari kwa matatu unakuta mwenye unaenda kulipa insurance anaenda na mercedez na wewe hata kwenda kwake kulipa unaenda kwa mguu. Sasa kitu ningesema na ukilia useme imeongezwa unaambiwa fanya vile unataka. Utake usitake, polisi naye inakungoja. Tungeomba hii Constitution, insurance iwe kwa Serikali isiwe kwa makampuni itolewe kwa makampuni, ndiyo tuwe tunapata mahali ya kuuliza maswali. Kwa maana wakati huu huwezi kuuliza maswali kwa insurance. Sisi wananchi wa Kenya tuko na shida moja yule atatekeleza hii Constitution tunashida sana. Kwa maana Constitution inatengenezwa mzuri ni kama vile huwezi kupea mtoto wako mbuzi akachunge. Tungetaka hii Constitution tunaweka wakati huu asiye mtu yeyote awe President awe Parliament aka amend hii Constitution mpaka. Itiwe commission kama hii tena kwa maana tunakaa kama constitution ilikuwako unasikia imechangiwa imefanya hivi ukikuta (inaudible) tumeanguka njiani kwa Constitution ile tulitengeneza hata haitekelezwi. Kwa hiyo machache nime kwama hapo.

Com. Yano: Asante sana Francis Kimani Kariuki. Tafadhali kuja upatiane maoni yako.

Halafu atafuatwa na Haron Ondimu mabeta.

Francis: Thank you Commissioners and my dear fellow Kenyans. My names are as follows. Francis Kimani Kariuki I will read to the Commission my views. Some have been read by my dear friends so some I have to skip them I will read the ones that have not.

The powers of the office of the President of the republic of Kenya should all be trimmed to a level that the occupier will be below the law of the land and not above the law of the land.

The other one is that all the aspirants of the presidential seat and civic seat must declare their wealth before contesting any seat.

The administration police be abolished and we have one force of police under one commissioner appointed by the parliament.

The post of district commissioner, provincial commissioners and their juniors be abolished and we have the people represented in those provinces and offices.

The law must separate 3 arms of the Government namely Judiciary, Legislature and Executive.

The disabled need to be nominated to the local authority as well as Parliament at least two from every district to Parliament.

All the parastatal heads should be appointed by the parliament under the minister concerned and not the office of the President.

Land act should be abolished and we have an Act produce more good for the nation and not having big acreage which does not

produce enough food for the country.

The biggest size of the land that each person owns should not exceed more than 500 acres and ????? should be removed from the office of the President to the Minister of Agriculture.

The monopoly of Kenya Gazette should be abolished and all Kenyans can have access to them in our book shops and also street vendors.

All insurance companies should limit there 50% of the money collected from the public and put the Attorney General office for the interest of motor vehicle victims and the compensation Act should be abolished from private protesting lawyer.

Taxation: taxation of this country should be channeled to agriculture at least 50% of the money collected in the country and we can rescue our economy.

The last one, the Government must ban all importations of what we produce in our country, and what we don't produce we remain without.

Com. Yano: Thank you very much. Kindly go and register yourself. Haron Ondimu karibia halafu utafuatiwa na Mrs Bomett. Cllr.Bomet.

Hassan: Commissioners, jina yangu ni Harun Ondimu Magata nami yangu ni haya.

Mtu mmoja kazi moja. Mtu asiwe na kazi zaidi ya mbili. Ndiyo sababu umeona sababu ya kwamba eti watu wanadai majimbo. Hiyo ndiyo kitu inafanya watu wanadai majimbo. Majimbo haitakikani kabisa kabisa kwa sababu italeta ukabila, italeta vita, italeta kugongana, hiyo italeta shinda. Majimbo ikatazwe kabisa.

Nchi kavu: iwe sheria nchi kavu kwa sababu kuna nchi kavu kama Egypt inatumia maji yetu hapa tena wanatengeneza chakula wanakuja kuuzia sisi upande huu. Ni heri for example North Eastern, ukambani na mahali pengine ambapo inafaa ni nchi kavu watengeneza mpango wa kulete maji kutoka mahali popote, kwa sababu maji kwetu hapa ni tele, ni mengi. Wachukue maji kutoka mahali popote, walime mashamba ya yana lala bure na wale watu wakomeshwe hata kuomba misaada ya chakula na kila kitu. Badala ya kupelekewa chakula wapelekewe maji ili walime chakula kiwe kingi upande ule. Hiyo iwe sheria.

Ingingine ni Land Board. Land board iwe moja. Kama ni land board iwe land board na tena tusiwe na land board nyingine eti President amesign consent kwa sababu mkora mwingine ataenda kwa President, ata-signiwa na mwingine anaenda kwa land board. Kwa hivyo hapa inakuja kugongana. Tuwe ni sheria iwe ni land board moja mashinani kwa serikali. Serikali ndiyo iko na mashinani. Mkiona watu wanadai wapewe bunduki, nini, what not, Serikali inatosha kuchunga mali ya mwananchi. Ikiwa inashindwa kuchunga mali ya mwananchi mali yoyote ikiharibiwa, kama ni kuchomewa manyumba, kama ni kunyang'anywa mali ya mtu. For example kama ninaona maskini hapa hawkers wananyang'anywa mali yao inaletwa hapa inagawiwa watu wanachukua ila maskini hakuna mtu anaenda kudai. Iwe sheria ya kwamba Serikali ikiwa inakosa kulinda mali ya mtu ilipe hiyo mali.

Sheria idhibitishwe ya kwamba Serikali ilipe hiyo mali. Maua, chai and so on, zikienda ng'ambo pesa ikuje kwa mwananchi hapana kwenda kulipa pesa hapa halafu pesa inaenda kuwekwa huko ng'ambo kwa banki zao, kwa banki yeyote ile, na watu warundishe pesa kutoka ng'ambo. Mtu yeyote ambaye amechukua pesa kutoka Kenya arudishe hizo pesa katika Kenya. Sina mengi nilikuwa nayo . Asante sana

Com. Yano: Asante sana Bw. Magata tafadhali jilandikishe. Cllr. Bomet? Halafu atafuatiwa na Joseph Koogi,yuko?

Cllr. Bomet: Commissioners wakili, mmefanya vizuri sana kufika kwetu na nina mambo mawili pekee yake. Ingawa ni mengi sana sitaendelea kusema mengi, mengi yamesemwa. Jina langu ni Cllr. Alice Bomet tena Chairman Maendeleo Ya Wanawake Nakuru District.

Nitazungumzia mambo mawili, ya kwanza ni shule ya wasichana. Kwa kweli kama inawezekana, wasichana wengi wamepotea mbila kusoma, na ningepomba Serikali iingilie hapo. Zamani watoto wa shule iliingilia na ninaomba Serikali iangalie juu ya wasichana kwamba wasome. Kwa ajili ingawa tunafundisha vijana wetu na wapate wapumbafu wale hawakusoma hakuna maendeleo hapo. Tunataka wasichana wasome, vijana wasome waoane ndiyo, maendeleo. Lakini wakisoma upande moja si maendeleo hiyo ni kupoteza.

Ya pili ni juu ya urithi. Urithi wa nyumba ikiwa baba ameaaga na mama abaki, mama naye apate mali yake na watoto wapate, na wasibaguliwe, hata watoto wasichana wapate kitu. Kwa sababu gani? Kwa maana wanaume nao wasichana wetu wakiolewa wengine wanarudi nyumbani na wakirudi nyumbani, wanakuta vijana wameoa na hawataki hata kuona sura zao. Wanasema uliolewa, uliolewa na uende kabisa. Kwa hivyo ninaomba kama inawezekana Serikali isimamie wasichana, nao wapate urithi nyumbani ili waweze kupata mahali pa kukaa. Naye mama apate yake. Vijana wapate yao. Kwa ajili vijana wakioa hawatapatia wengine ama kuona mama kukaribisha wasichana wake, ama pengine vijana hawa wengine hawatabahatika na hakuna mahali mama atawashikilia hawa. Ikiwa shamba yote imepeanwa kwa watoto wengine na mama hakupata.

Kwa hivyo mambo yangu ilikuwa chache sana isipokuwa nitaongeza moja juu ya wamama wale kwa ajili ninafanya kazi ya Maendeleo ya Wanawake, naona kama ingekuwa na graph. Iwe wale wamama wako na bidii sana kwa kazi zao wawe wakisaidiwa ku-boost kazi zao. Kwa maana hiyo kazi sana hasa sio ya wamama ni ya nchi. Kila mahali wakiwa wanafanya kitu kizuri kusaidia nchi tutakuwa tukisema maendeleo iko nchi fulani. Kwa hivyo ni hayo tu na Mungu awabariki.

Com. Yano: Asante sana Councillor jilandikishe tafadhali. J. K Wallace, Ruth Chebet, John Kahato (Saba Saba Asili), Maina Johana, Fredrick Langat karibu na Fredrick atafuatiwa na Anne Mwema. Ann jitayarishe kama yuko.

Langat: Thank you the Commissioners, my name is Fredrick Langat and I have a proposal or rather a recommendation on

amendment to the Constitution to have a fourth arm of the Government. The Government should form a fourth arm to be composed by the volunteer citizens or residents from every district in the country. That kind of recommendation or the name of the proposal should be, "Government citizen ideal governance and development audit or evaluation service" because we have the Executive, the Judiciary and then the Legislature.

So I am proposing this one to be the fourth one. The composition to this thing: the members will be drawn from interested parties in Kenya resident in a particular district. They must possess at least an "O" level education and be professionals especially of the following disciplines. Agriculture that is in both crop and animal science, educationalists, engineers from civil, mechanical and electrical, social scientists, accountants, lawyers, surveyors and foresters.

How do we recruit these people? The person to be recruited can either be practicing or retired but be a person of high integrity. They have to be recruited through the help of District Development Committees.

How do we get this people? The availability of vacancies advertised by the DDC secretary, the DDC committee will adjudicate, select qualified candidates based on the district necessities. That is on area basis and population parameter. Upon selection they can then select 3 executive members that is chairman, secretary and treasurer and then from the three they will meet at the national level and then may be a committee of about 24 members can be obtained.

What are their duties? 1. To be a link between the Governmental arms and the populace.

2. to receive reports, obtain reports themselves from the districts, and then channel them bottom-up, that is from the ordinary wananchi up, and at times from up-down from their secretariat in the district for disbursement to the general citizens. Those who want, the affected people.

Who are they answerable to? They are answerable to the President, parliamentary house committee, KACA, Public Service Commission, Judicial Service Commission. When they have the report, it should be (inaudible) among others bad governance by the government agents, corruption occurrences and their perpetrators, reports on project costing, workmanship, scheduling and payment and its impact on citizens. And then, any other advice the citizen may wish the Government to undertake for them.

Also another thing they can recommend prosecution of public servants where necessary through the AG or other bodies.

Protocol: once the committee is in office they will have the security of tenure for around 3 years, they will be paid sitting and travelling allowances using direct consolidated fund. The meeting at the district level can be held once a month whereas the national one can be held quarterly. They should be offered offices by the District Commissioners. Their employees can be hired directly by them or the recognised bodies.

Conclusion: I propose this as a guide but it can be polished further using the available constitutional committee if accepted. I believe my proposal will go along way to improve further the services offered by the Government and the Kenyan citizen. With this the citizens will have a bottom up way channel of communication and actions unlike currently where there is up bottom; up down way of communication. Currently the Government is not fully answerable to its citizens complaints. Complaints are not adequately addressed either if at all. Audits of the governmental issues and governance performance can be discussed and shortcomings noted, and correct measures are taken appropriately.

Com. Yano: Thank you very much. Give us the memorandum we will read the rest. Thank you very much. Allan Kungu Mwangi. Allan Kungu karibu Ann Mwema

Allan: Asante sana Commissioner. Maoni yangu ni machache. Ya kwanza ningependelea tuwe na ofisi ambayo itajaribu kuangalia udicator ule ambao wabunge wanatutend wakati huu. We want to suggest that we have an office which is going to check on the excesses of the Parliament.

Two, the traffic police; we have seen that this department of police is the one that is more corrupt and it is not discharging its duties as required. Ningependelea ya kwamba hawa askari polisi kama inawezekana waondolewe barabarani katika Constitution hii yetu mpya, na kuwe ofisi zao ziwe karibu na centre zile ziko karibu na barabara

Third, in order to have a good economy, na ili tuweze kuendeleza uchumi wetu na kila hali, ningependelea wajumbe ambao tumewachagua who actually are enjoying tax free money they should also be included in being taxed.

Taxation: jambo ambalo linahusu taxation should be taken seriously especially kwa wale watu ambao wanahepa tax. Tumeona ya kwamba those people who are salaried na ambao huwa heavily taxed hao ndio huwa wanalipa tax kila wakati na watu maskini.

Socialization: hapa Kenya imekuwa ni jambo ya kawaida kuona ya kwamba watu maskini hawana njia ambayo wanaweza kusocialize. It is normal kuonekana kitu kama saa tatu mtu akitoka shughuli zake anashikwa ili hali tajiri aliye na gari saa tatu ya usiku hawezi kusimashwa na askari, bali maskini ambaye anatembea na mguu anaulizwa unatoka wapi unaenda wapi. (clapping)

Civil servants: ningependelea 'the Ndegwa' recommendation ile ambayo iliipa waajiriwa Serikali kuwa na biashara mbali mbali ifutiliwe mbali. This is because we have seen that wamekuwa na interest ya biashara bali bali hata inafikia kiwango ya kuweza ku-threaten foreign investors kama wanalete a competitive business to theirs. Imekuwa ni kawaida wao kujipa tenders wanawacha even the lowest tenders.

Development and infrastructure: hasa sisi wakaaji wa Nakuru na wengi wanajua wale wanaishi Mwariki; Bondeni. Council imekuwa imefanya infrastructures na pesa wamekopa bila kuarifu wakaaji ama landlords. And whatever they use on that project they don't inform or kuhusisha wananchi, baadaye wanakuja kuambia this was a grant or it was a loan na mnatakiwa kulipa. Tunataka infrastructure or any development which wananchi watakuwa wanatakiwa kulipa, if they are going to pay for the same they should be included in the negotiation and the agreement should be clear.

Com. Yano: The last one.

Allan: Thank you. The civil servant should be independent of any Government of the day. Isiwe kama sasa vile tunaona maofisa wa Serikali ndiyo wanafuatafuata tu wanasiasa hapa na pale.

Foreign investors: our Constitution should be very very friendly to foreign investors. Haya maneno ya kuwa na red-tapes na kuwa na bottlenecks ya kuzuia hawa watu kuja hapa tunataka iondolewe kabisa.

Finally on education. We should have a clear system of education ambaye ni ile ya zamani ya 7-4-2-3 system, na sio kazi ya kubandilisha kila wakati kuambia wazazi nunua vitabu hivi hivi, kubalisha kila wakati. We should have a system which is accepted internationally. (clapping)

Com. Yano: Thank you very much Mr. Kung'u kindly thank you, memorandum... No, no thank you go and register yourself. Anayefuata wakati huu ni Jeremiah Ndirangu, Gilbert Kabage, Modekere, Dubson Warubego karibu.

Dubson: Thank you very much Commissioners, Me I would like to ama ningependekeze ya kwamba kuna mambo madogo madogo ambayo tumewachilia sana na imetuumiza sana. Ya kwanza utaona ya kwamba mtu wa hapa Kenya anashikwa na polisi anasemwa ama trespass. Vitu kama hio vya unashikwa unatupwa ndani na unaumia huko bure, saa nyingine unaweza kufa huko na hiyo mambo ilikuwa ya kikoloni ya zamani. Tungependekeza vitu ama hizo ziondolewe kabisa. (clapping)

Ya pili, loitering. Unaona polisi anashika mtu anasema he is loitering na hii mambo ni ya zamani sana. Hii ni nchi yetu tulizaliwa hapa na labda wewe unatoka shughuli ama unatoka shift ya usiku unashikwa eti loitering, mwishowe unapoteza hiyo kazi. Hicho kitu tunataka kiondolewe kabisa.

Ya tatu, unapata kwamba unashikwa saa mbaya. Tunataka Serikali itwambie saa mzuri ni gani hapa Kenya. (laughter/clapping)

Jambo la nne ni suspects. Polisi wana mtindo mbaya kwa sababu wanashika mtu suspect wekwe ndani ndiyo waende watafute exhibit. Na saa ingine hiyo exhibit watalete sio yako wanaenda kutafuta tu wakuekelee. Hiyo mambo iondolewe kabisa washike mtu na exhibit ndio wampeleke ndani.

Ya tano na ya mwisho, tukiangalia policemen wetu hawa watu wamefanya mambo mabaya kuliko mazuri, kwa sababu hawa hawa ndiyo wana-violate human rights kwa kutesa watu wetu na kuwafunga bure. Nasitoshe hawa watu mimi ningependekeza ya kwamba, polisi wa sasa arudi Kiganjo afundishwe sheria nzuri ya kudeal na community (clapping) au society. Na wa-include human rights ndiyo wakuje ku-deal na community. We don't want harassment. Ni hayo tu nimemaliza. (clapping)

Com. Yano: Anayefuata ni Kariuki Gikung'a. Karibu mzee halafu George Otieno jitayarishe.

Kariuki: Asante sana jina yangu Kariuki Gikung'a na tunafanya kazi ya amani katika Nakuru town au Kenya elders peace unit support camp. Iko shida moja kubwa sana. Shida kubwa watu wanaweza kupatiwa title deed tano kwa shamba moja. Inatokana kwa Serikali, au inatoka kwa mkora. Basi huyu mtu akikutanisha watu wawili ananipa kazi ngumu ya kuleta amani kwa sababu amewaweka kiwaja wapigane. Kwa hivyo achukuliwe hatua. Achukuliwe hatua huyo mtu mwenye kuandika title deed kwa sababu yeye ni binadamu sio ..

Ya pili, wamama wanaajiriwa kazi ni idara yote anaweza kupigwa transfer awe Kitale na bwana yake awe Naivasha sasa huyu mama hapana leta ugonjwa wa AIDS huko? (laughter) au bwana yake? (clapping) Basi ya faa mama akiwa haruhusiwi kufanya kazi ofisi moja apelekwe division kama Njoro hapa au Bahati, jioni wanakutana na bwana yake. (clapping) Kwa hivyo tumerekebisha ugonjwa wa AIDS au hatuvunji nyumba ya wengine.

Ya tatu, tuna taabu kubwa ya watoto wetu hapa hawana kazi. Huku industrial area machine zote zinalala bure zile zinaweza kuamushwa na kufanya kazi na watoto waende huko wakafanye. Kwa hivyo tunataka au ninataka ni maoni yangu kama inawezekana, tunaweza tafuta millionaire moja na anachanganywa na Waafrika kumi. Akiwa ni Mzungu moja anachanganywa na Waafrika kumi. Kwa sababu gani? Waafrika nyinyi ni wezi munapewa pesa munakula (clapping) Basi watu hayo tunatoa pale pale wanaweza kuenda kutafutia sisi soko huko nje na watu wengine wafanye kazi. Hivi hapana mengi.

Number ya nne. Masomo ya bure hayakuwa ya Wakikuyu ama ya Wakalenjin ama ya mtu mmoja ni ya dunia Kenya mzima. Kwa hivyo watoto wako na haki kusoma miaka saba. Ukizaa mtoto anasoma. Ukizaa mtoto anasoma. Kwa sababu taabu tunayo nyingi hapa nikutawala watu wajinga, shetani anakuja anawandangaya mara moja. (clapping)

Ya tano, ya mwisho tunataka watu wote Wakenya akiwa maskini, tajiri awe na plot yake (clapping) (wait a minute) hatutaki watu kukaa kama game park kama swara inakaa unaweza jua pahali inalala. (clapping)

Com. Yano: Asante sana Mzee tafadhali jiandikishe asante sana Alex Maina George Otieno

Maina: Ninatoa shukurani, mimi ni Alex Maina mimi ni mkaaji wa hapa Nakuru. Na natoa shukurani ka Chief Chairman na Commissioners wengine wote na wananchi wote. Maoni yangu ya kwanza, kwanza tumekuwa na Maendeleo ya Wanawake

kwa nini katika Kenya hatuna Maendeleo ya Wanaume? (laughter) na wanaume ndiyo vichwa vya nchi? Maoni yangu ni tuanze chama cha Maendeleo ya Wanaume ambao watakaoendesha nchi hii. Hiyo ndiyo ya kwanza.

Ya pili kumekuwa na shida sana kuhusu habari za tohara, tohara ya wanawake. Kweli kama vile kume kuwa na constitution wamekubali tohara ya wanaume. Hii iwe ni ... kama kuletwe clinic ambayo ni mzuri kabisa mwanamke angetahiriwa vile kulingana na mapenzi yake kwa sababu hapa ni demokrasia, kwa sababu kumekuwa na shida nyingi sana (interjection)

Com. Yano: Wewe ni aje maoni yako endelea.

Maina: Haya maoni yangu ya tatu na ya mwisho. Maoni yangu ya tatu ni juu ya mambo hii ya 8-4-4. Mimi nilisoma wakati huyu Carl Francis walipokuwa wakisoma, akifundisha kwa nini hatuwezi kurudisha haya mambo ya 8-4-4 iondolewe na ile system ya zamani irudishwe.

Com. Yano: Na ningetaka kukuuliza jambo moja. Umesema ungetaka Maendeleo ya Wanaume. Umejaribu kutunga chama kama hiyo na ukashindwa?

Maina: Mimi ni mfuasi wa huko nini... mimi nimeokoka na ninampenda Yesu kama mwokozi wa maisha yangu (laughter) na jambo ambalo liko sisi tumeanza kuanza mambo ya counseling ya wanaume vile anaweza endesha nyumba yake (interjection)

Com. Yano: Asante sana.

Maina: Na jambo moja ningekuomba “mummy witu” nilikuwa nauliza hivi vile sasa tuna hiyo maendeleo ya wanawake pengine hatuwezi kuwa na hiyo maendeleo ya wanaume.

Com. Yano: Asante sana nenda ukajiandikishe. Tumeshukuru, George Otieno, Dennis Okome M.K. Kirungia halafu atafuatwa na Raphael Mutisya. Mutisya jitayarisha kama uko.

Kariuki: Kwa jina naitwa Michael Kariuki Kiruingia, mimi ni Organizing Secretary Mau Mau Harambee Jamhuri ya Kenya. Kwanza kabisa ningetaka Katiba hii ambayo tunatengeneza tunataka ifikirie sana waliopigania uhuru kwa sababu walifanya kazi kubwa na mpaka sasa bado wanaendelea kutengwa na Katiba ya sasa. Kwa sababu sheria ambazo zilikuwa zinatumika ambazo zilikuwa zimepitishwa 1950, legal notice ambayo ni 913 of 1950 mpaka sasa ingali inaendelea. Na wakati huo walikuwa wanaambiwa Mau Mau ni a dangerous society to the good Government of the colonial protectorate na wakati huu inasemekana Mau Mau is a dangerous society to the good Government of the republic of Kenya.

Tungetaka sheria ambazo wakati huu tunaunda Katiba; Katiba hii, iliwekwa katika Kenya gazette, the Kenya Independent Order in the Council legal notice of no.718 of 1963. Wakati huu ningetaka tuwe na kubadilisha Katiba lakini sio kurekebisha.

Unajua kuna mambo ya kurekebisha na kuna mambo ya kubadilisha.

Tungetaka Katiba hii ambayo bado ni ya ukoloni, na sheria ambazo zinatumiwa ni za kikoloni, existing colonial laws and existing colonial administration, ziondoke tuwe na Katiba mpya Katiba ambayo itasimamia the Kenya Independent Act 1963 ambayo ilipitishwa 3rd December 1963 katika uingeleza. Halafu tukadanganywa uhuru wetu na the Kenya Independent Order in the Council ambayo inasema mpaka sasa Kenyatta ni kuajiriwa aliajiriwa, na mpaka sasa Serikali yetu inasimamiwa na hao wakoloni ambao dakika hii ni kumi na saba wakiongozwa na Chairman of Public Service Commission.

Na katika Constitution ni sheria kumi na tano section 25 inasema hao watu watakuwa wakiweka upya contract yao, na wao wenyewe ni her majesty of overseas civil service. Tungetaka dakika hii Katiba hii ilenge hao watu na wananchi wote wanjue hata wale wanahitajika kuwa retired sio wafanyi kazi wa Serikali. Kama vile wanapatia retirement wafanyi kazi wa railway. Wale watu wameharibu kazi ni Chairman of Public Service Commission wakiwa na group yake ya watu kumi na saba. Hawa watu waondolewe kwa sababu sheria inasema section 106 wanaweza kuondolewa kwa misbehaviour. Wanahitaji waondolewe na nafasi yao ichukuliwe na wale waliopigania uhuru.

Kiti cha governor kirudi, na kuwe na Prime Minister ambaye atakuwa ndiye president miaka tano na kusiwe na mtu ambaye anasema mtu fulani apingwe asiendelee kwa muda wowote. Sheria ile inasema miaka kumi eti President hataendelee iondolewe ndiyo sasa tukiwa na mtu kama Gichangi anatuongoza vizuri aendelee ndiyo ofisi yenyewe tusinyimwe haki yetu ya yule mtu anatuongoza vizuri. Tuwe na haki na tuwe tunaulizwa vile tunataka.

Kwa upande ule mwingine ningesema tuwe na masomo free, hospitali ziwe free. Kwa sababu dakika hii hospitali zile tuko nazo madaktari mtu anakuwa na hospitali yake na ako bado kwa Serikali. Tunataka hao watu waondolewe kama ni daktari akae kwa hospitali na kama ni dawa Serikali iwe ikitoa mchango wa kusaidia watu, kama vile wanatoa mchango kutoa jeshi wao, watoe mchango wa kusaidia nchi kwa invisible, ndui ambaye haonekani kama ukimwi.

Na tusiambiwe hakuna dawa ya ukimwi. Iko dawa ya ukimwi inajulikana 'interfalon', kuna dawa ingine inajulikana 'Bacteria Page' iletwe tusiwe tunadanywa. Mimi nimesoma nimejua ya kwamba ukimwi ni njia moja ya kupuguza wananchi wa Kenya. It is called colonial Colonial eeh ...inajulikana kama African Colonization Disease. Hii mambo ya kuwawa na Serikali hata dakika hii kwa hospitali hakuna dawa, na sio eti hakuna dawa wao wenyewe wamebadilisha ukienda kule dawa zote wamepeleka kwa mahospitali zao.

Kwa hivyo tungetaka Serikali, Constitution ambayo tutakuwa nayo, tuwe na constitution ambayo ni ya kutusaidia na isiwe ni kama Constitution ya kutupotezea wakati tuwe na constitutional change. Tuwe free from existing laws and orders. Sitaki kuenda sana.

Com. Yano: Asante sana tumeshukuru kwa hayo maoni. Jiandikishe Mutisya yuko? Karibu. Halafu John Atuti kama uko jitayarishe.

Mutisya: Jina Raphael Mutisya. Maoni. Kenya should be a three party democratic state. Whenever Parliament is dissolved, the Attorney General shall act as the President of the country until a new President is elected. No Minister will hold an office then. All candidates for parliamentary or civic election must not have a criminal record and he or she should be servicing debts well.

A President should go on leave. Any elected person can be voted out by the electorates. If there is an election petition no person shall be declared a winner until the dispute is over. All election petition should be heard in the concerned constituencies and should be determined in three months time.

No senior civil servant retired should be elected as a politician. Elected presidential candidate shall be sworn in after same date after he has been declared he winner if there is no petition. The Attorney General shall be appointed by the National Assembly 4 years and will only serve 2 terms. No Members of Parliament shall exercise duties of a minister after dissolution of Parliament.

All ministerial duty to be done by Permanent Secretaries. All public servants shall be responsible and wholly answerable to their duties. Any member of local authority or parliament who defect to another party will not be allowed to contest in the following by-election. If a party withdraws your membership you will cease to serve your elective seat. That means in the next by-election. All watch-dog committees in parliament should have powers to take against MPs in discipline, house business and other areas in the republic to its members. Every person who holds office in the republic of Kenya shall not hold office by the pleasure of the President but by the agreement between him and her and the republic of Kenya.

All criminal cases will be determined by the court of law. No other person will have the power to take over or discontinue any court proceedings. All registered voters shall be accorded time to vote that is in prison, hospitals and on safaris. The electoral commission will have powers to work independently. There will be a parliamentary committee which will watch the electoral commission.

Parliament business and employees will be under a parliamentary committee. Chief Justice can appear before a Law Society of Kenya for a disciplinary action. The Constitution of Kenya should be taught in primary schools. No Kenyan citizen should be..... **End of Tape 5 side A**

Cont. Side 5B

Administration Chiefs will be elected after every 2 years. Post of DOs and PCs will be advertised. If a public servant fails to deliver services as required he or she will be taken to court.

There should be a ministry of corruption. Its minister will be nominated by the opposition parties from the civil society. The Government should take care of the old people from 65 years and above. Natural resources should benefit 60% the local community. Thank you.

Com. Yano: Thank you very much Mutisya. John Atuti, Peter Chebusya, George Owino Muya, Daniel Cheserem, J. K. Kangethe, Dr. Sinoya Nyakuri, Charles Onsamu, Ndirangu Maranga, karibu, Njuguna Njoroge.

Ndirangu: Thank you Commissioners and the public at large. These are my presentations. There should be a law that prohibits employers who force their employees to have more than one family share a single room in their working places as this is against human rights. There should be a penalty which is stiff which should not be not less than 2 years imprisonment. Therefore, the employers should give their employees house allowances on the market rates in order to rent houses that are in the nearby places.

The civil servants who have (inaudible) au taalima kwa Kiswahili should not be allowed to own their private businesses while they are still serving in the Government because this has led to poor provision in their services, and it has led to the loss of the Governments' trust and lack of commitment.

Also our MPs should be full time instead of part-time as this will go on well with their big salaries that they are earning. I am also proposing for the abolition of death penalties. I am proposing abolition of death sentences, as this is only God who has the right to take life nobody else. This is the last one Thank you.

Com. Yano: Kindly go and register yourself. Njuguna.

Njuguna: My names are Njuguna Njoroge. I would like to represent the following proposals to the constitution making body.

The first one is on Legislature. All aspiring candidates for parliamentary seats should be well educated and should represent a satisfactory CV or curriculum vitae in their social, economic and political lifestyle to the electoral commission.

Second, there should be checks and balances to assess the performance of all sitting Members of Parliament, so that if they under-perform a list should be produced by the affected constituents so that they can impeach that Member of Parliament who has failed to perform. Members of Parliament pay packages should be pegged to the economic performance of the state. If the economic performance of our country for example is not doing well or its poor there should be no any increment to the said Member of Parliament. If there should be an increment these Members of Parliament should go back to the people since these people are their employers. And since these people are their employers and these taxes that these people pay come from them, it is fundamental that they should be consulted before Members of Parliament pay themselves hefty sums of money.

The nomination of Members of Parliament should be based on professional and recognized special talents, unlike currently where the Constitution does not say much. It only talks about testing of languages that is Kiswahili and English.

Members of Parliament should be of high moral values. They should not be associated with court cases or extra marital affairs etc. Anybody who has been previously been charged with criminal or have ever been jailed for a period of 6 months and above should not be presented to the electoral commission for nomination to the Parliament.

Com. Yano: You have a minute.

Njuguna: All Kenyans should be allowed to run for civic and parliamentary seats irrespective of what they do whether they are civil servants or parastatal heads and whatever may be the case.

Another point is on the Executive; the President should not be above the law. Another one is that the President should be elected by at least 50% of the votes casted in that election. The 25% votes cast in every province should be sustained. The President should have family values associated to him. The president should not use the national cake for winning favours, or to intimidate, or to marginalize communities which he does not want who have not elected him. Therefore, we propose that a President should not be among the elected Members of Parliament.

Com. Yano: Thank you very much Mr. Njoroge. Kindly register yourself Peter Odong'o Peter will be followed by Esei Aswani.

Odong'o: Thank the Commissioners and the public at large. My names are Peter Odong'o. The following are my proposals. First I propose the next Government should be a coalition Government in which every political party should be included in the Government. This will eliminate for example what we see at the moment which the main party taking advantage of the Government exercises funds to popularise its agendas, of other political parties.

The second point is on the presidency. The President to be elected in his office should have gained at least 50% of the votes cast. In the absence of that the first and the second goes for run up to get the leading voter.

Third, the power to appoint and fire cabinet ministers should not be done by the President. The President should may be nominate and may be propose to the Parliament, and may be the Pembers of the Parliament oppose or put a vote upon may be qualifications of the aspirant concerned.

Lastly the new Constitution should see every individual or citizen should learn every bit as far as Constitution is concerned.

Thank you.

Com. Yano: Thank you very much. Kindly register yourself. Eseri Aswani, James Cheruiyot karibu Eseri sorry. James Cheruiyot pia jitayarishe.

Eseri: Asante sana Commissioner. Kwa majina naitwa Eseri Aswani ni mkaaji wa Nakuru. Ningetaka kutoa maoni yangu na (inaudible) point kadha wa kadha.

Jambo la kwanza ningependa kupendekeza ya kwamba Serikali ingepiga marufuku askari ya manispaa, na badala yake watafute njia zingine za kusaidia manispaa kwa sababu wanaharass wananchi sana.

Jambo la pili, bursaries zingefaa zipewe headmasters wa shule kuliko councillors.

Point ya tatu ikiwa mtu ana ukimwi na anausambaza akijua, ingefaa achukuliwe hatua kama kufungua ama kutengwa.

Point ya nne ni kwamba kuna waalimu wa nursery na wanafanya kazi muhimu sana lakini hawapewi payslips kwa hivyo ingefaa wachukuliwe na wizara inayohusika na elimu ili wawe kama waalimu wengine.

Point ingine ni kwamba wabunge baada ya kuchaguliwa muda wa miaka tano wangepewa muda wa miaka mbili na nusu ili wananchi wanaowachagua wakiridhisha na hao waendeleo. Ikiwa mbunge ameenda huko na amelala ama hafanyi kazi, ama hawakilishi watu vilivyo, baada ya miaka mbili na nusu angetolewa na uchaguzi uitishwe katika sehemu hiyo ili mbunge mwingine achaguliwe. (clapping)

Jambo lingine ni kwamba ikiwa mwanafunzi amepewa mimba na mtu mzima ama mtu ambaye ameajiriwa, yafaa huyo mtu sheria irudishwe huyu mtu achukuliwe sheria afungwe na aharamie huyo mtoto.

Jambo lingine ni kwamba kuna watu wanaitwa secretaries. Unaweza kuenda kwa ofisi unataka kuona DC, DO ama mtu mkubwa kama PC secretary anajifanya anakuwa yeye ndiye DC. (clapping) Unamweleza shida zako na hutamuona DC. Kwa hivyo tungependekeza masecretaries watolewe na badala yake Serikali itafute njia nyingine kama wataweka hapo askari, mtu anaongea na askari ana muingiza kuliko secretary anakuwa DC. Unakuwa na shida, wewe ni maskini, mkubwa akitoka huko ana tumbo kubwa anakuja anaingia wewe unashinda kwa laini miaka saba. (clapping) Kwa hivyo tunapendekeza masecretaries watolewe.

Na jambo lingine ambalo litakuwa ni jambo la mwisho ni kwamba mimi ningependa Serikali Katiba ambayo tunayounda ingetoka councillors. Kwa sababu macouncillors sioni kazi yao. Mtu akienda pale akiwa maskini kama mimi anaanza kujenga

kwake na anasema anawakilisha wananchi wa area yake. Akipewa bursary anasomesha watoto wake, kwa hivyo ingekuwa heri macouncillors watolewe. (clapping)

Na jambo la mwisho na la kumaliza ni kwamba Parliament isiwe extended. Parliament tunatarajia uchaguzi hivi karibuni ili tutoe wafisadi na councillor wengine ambao wanatusubua. Asante sana. (clapping)

Com. Yano: Jiandikishe tafadhali. Cheruiyot karibu.

Cheruiyot: Majina yangu ni Cheruiyot James na ningetaka kutoa maoni yafuatayo. Moja ni kuhusu mambo ya Rais. Ningependekeza kwamba Rais asiwe na miaka, kwamba anaweza tu kuendelea na chama chake akishida aendelee kwa miaka yote ambayo anaweza kushinda.

Ya pili ni kwamba pia Rais awe Member of Parliament, sio kwamba anaweza kutolewa Rais kutoka nje. Na pia provincial administration ningependekeza iwekwe kama vile wako kwa sababu imekuwa ikisaidia wafanyi kazi sana .

Local Government; ma councillors saa nyingine wanajiongezea mishahara mingi na ingekuwa kuwe na sheria katika Constitution wasiwe wakijiongezea mishahara. Pia mambo ya nominated councillors mimi ningependekeza ya kamba iwe abolished kwa sababu naona kwamba mishahara ambao wanapata ingeweza kuenda kwa madaktari ama kwa waalimu. Pia wale macouncillors pengine wananyakua plots tumependekeza kwamba councils zao ziwe dissolved kwa kuwa kazi yao tu wanajinyakulia maplot.

Mambo ya utawala ama uchaguzi tunapendelea kama 25% ambayo imekuwa ikiendelea katika 5 provinces iweze kuendelea kwa uchaguzi wa Rais. Pia ikiwa mwenye kutaka kuchaguliwa pengine akishindwa kwa chama kingine asiruhusiwe kuondoka hicho chama na aende kingine tena na aharibu huko, asikubaliwe hiyo.

Mambo ya uchaguzi wa udiwani, wale wa bunge an pengine President ingeendelea pamoja vile ilikuwa ikiendelea kwamba kusiwe wakati mwingine ni councillors na mwingine ni watu wa Parliament. Pia tungependekeza kwamba electoral commissioners kama nyinyi tungependekeza iwe katika kila kabila tuwe kama tuko na makabila 41 commissioners wawe 41, ili waangalie wanafanya nini katika kila kabila.

Jambo lingine ni kuhusu basic rights. Ningependekeza kwamba hii sheria ya kifo katika korti iondolewe kabisa kwa sababu hakuna haja ya korti kuua mtu.

Jambo lingine ningependelea ya kwamba elimu iwe lazima kwa kila mwanafunzi. Na lazima fees iweko kwa sababu shule na pengine ujenzi wa shule haiwezi kuendelea bila fees. Lakini mtu akikosa kupeleka mtoto shuleni aweze kushtakiwa ama

kufanya kazi kwa community aweze kupata pesa ya kuweza kulipa karo ya mwanfunzi wake ama mtoto wake.

Mambo ya Constitution (Com. Yano: Una dakika moja) tungependekeza kwamba kama kukiwa na kupitishwa kwa Parliament ambayo imekuwa 65%, tungependa kuwa Constitution ipitishwe na makabila. Kuna makabila kama 41 katika Kenya lakini kuwe na moja wakitaka wazungumzie kulingana na vile wanapenda halafu ipitishwe badala ya Parliament.

Mambo ya federal Government tungependelea iweko kwa sababu hii itakuwa inasaidia sana, na nazungumza juu ya majimbo kwamba majimbo iweko kwa sababu inaweza kusaidia jamaa ya wale kila – ikiwa watu wa Turkana wawe na utawala wao kwamba kusiwe na pengine watu walio na elimu wanaenda kule na kunyanyaswa.

Ya kumaliza ni kwamba pia tungetaka mishara ya MPs wananchi waweze kuangalia. Watu wasijiongezee wengine wapate kama million moja kila mwezi na wengine hawawezi kupata mishahara.

Mambo ya shamba ningependelea kwamba kila community ambayo katika kila area wanaokaa waweze kuhusika na mambo ya mashamba, sio kwamba Serikali inasimamie mashamba. Ikiwa kama ni Turkana waangalie vile wanaweza kulinda shamba yao. Ikiwa ni forest wao wanaweza kuchunga vile wanaweza kuchunga forest yao.

Jambo lingine ni kuhusu jambo ya kuongeza muda wa commissioners. Tungependa muda ya commissioners iongezwe tuwe na Constitution safi badala ya kuharakiswa halafu iharibike. Pia tungependa uchaguzi ufanywe katika hii Constitution mpya kwa sababu Constitution mpya inaweza kusaidia wananchi. Ya kuongeza tena ni kwamba

Com. Yano: Jiandikishe tafadhali. Stanley Wahome Gichuhi, James Maina Thiru Karibu. Edwin Kimondo kama uko jitayarishe.

Thiru: Mimi jina naitwa James Maina Thiru. Mimi kwa maoni yangu nilikuwa nataka kutoa maoni moja ya viti ya nominated. Mimi kwa maoni yangu ningependekeza hivi. Kama mtu ameenda kwa wananchi, na amekataliwa na wananchi yeye tena anaenda kupewa kiti – ana nominatiwa na serikali na yeye amekataliwa na watu. Mimi kwa maoni yangu na nipeane pendekezo moja yaani nilikuwa nataka kusema hivi, for example wale watu wamenominatiwa kama Kamotho wale wengine na wengine, wale wamenominatiwa na wamekataliwa na watu wa kwao, mimi nimesema kama mtu amekataliwa na raia asirudi kupewa kiti ya nominated. Hiyo ni moja.

Ya pili, mimi ningependekeza hii, chief upande wa chief, awe ni mtu anachaguliwa na raia. Sio eti wewe unakaa hiki kijiji unakaa hapa, raia wale wanakaa hapo ni lazima wakujue na wajue wewe ni nani na mnakaa na huyo mtu. Lakini sio mtu atolewe Nyanza, atolewe Central, mahali kwingine mletewe mtu na nyinyi hamjui. Hapo nikiongeza nikusema the chief is a very important person na yeye ni lazima awe ni mtu anaheshimiwa sana kwa sababu yeye ndiye anakaa na wananchi wale wako

kijiji, bibi akipigwa ni yeye, kuku ikiibiwa ni yeye kila kitu ikifanywa ni yeye. Na yeye ninaona hapa Kenya ni yeye wakati President anaenda kuongea ni yeye hata hapewi nafasi na ni yeye anakaa na wananchi.

Mapendekezo yangu ningesema maneno ya ma DO, maDC na wengine DO1 DO2 hiyo hatuoni haja kwa sisi. Hatuoni mahali sisi itatusaidia. Sisi tunaona yule mtu tunashirikiana na yeye ni chief. Kwa hivyo hawa wengine hatuoni haja ya wao kuwa eti ni DO, DO1, DO 2, DO3 hiyo si mzuri.

Ya nne ni maneno ya prisoners. Prisoners mimi hapa ninaona ya kwamba wao wananchi hawana kitu na hawana nguvu wanafinyika sana. Kwa sababu saa hii Commissioner ni kisema wewe utalala ndani, utalala ndani hata nikija nikufinye ule mguu niseme utalala ndani, utalala ndani. Kwa sababu nitaenda ni ripoti hapa niseme mama amenifinya, amenigonga, halafu wewe uchukuliwe hapa na saa nyingine wewe huna kitu halafu ukienda hapo uwekwe cell, halafu ukienda pale kortini unaambiwa umegonga yeye au la. Unasema bado kugonga yeye, haya unaabiwa bond ya shiling elfu tano au unaambiwa uweke surety yako na huna. Halafu ukienda huko prisoners, wale watu wamekaa huko saa hii ni wale watu hawana kitu.. kwa sababu walishindwa kulipa hiyo pesa.

Mimi ningependekeza hivi haya maneno ya prison, umekubali au umekataa mimi hapo ningesema Commissioners muangalie sana watu wanafinyika na wale watu hawana kitu. (clapping) Mimi nikimalizia, ni maneno ya Mayor. Mimi kwa maoni yangu ningependekeza mayor awe ni mtu wa kuchaguliwa na raia. Sio mtu wa kuchaguliwa na councillors kumi wanashida na yeye hapo, wanazunguka yeye, wanazunguka yeye eti nitakupea kiti. Hapana. Mimi kwa maoni yangu ningesema mayor aingie kama MP atafute kura vile MP anatafuta. Yeye akipewa na raia apewe.

Nikiongezea kidogo maneno ya vyama niseme kama wewe ni chairman kwa sababu hatuoni tuko na siku Kenya maneno ya vyama itakwisha, itaendelea. Ningependekeza hivi kama wewe umechaguliwa na chama na hicho chama ndiyo kimekupea hiyo tiketi ya kufika mahali wewe unaenda, chama hicho kiwekwe nguvu na kipewe ruhusa kama wewe umeharibu chama chako na umenunuliwa mahali pengine, hicho chama iko na nguvu ya kukutoa na kuweka mtu mwingine. Lakini sio kusema eti mimi nimechaguliwa na raia siwezi kutolewa hapa. Hapo ningesema hivyo.

Com. Yano: Asante Nenda ujiandikishe. Onsomu, halafu Edwin Kimondo yuko? Wewe ni Edwin?

Onsomu: Asante sana Macommissioners kwa kunipa nafasi hii ili nitoe maoni yangu. Nina maoni machache. Jina langu naitwa Charles Onsomu mimi ni mkaaji wa Nakuru. Kwanza no.1. Education system: education system kwa maoni yangu mimi naona hii 8-4-4 iwachwe turudi na ile 7-4-2-3 kwa sababu mtoto akifika hiyo 7-4-2-3 atakuwa amekomaa. Lakini hiyo ya 8-4-4 imeharibu maneno mingi sana watoto, wetu hawaendi vizuri.

Ya pili, chiefs na assistant chiefs, wawe wakichaguliwa na raia ndiyo muhimu.

Ya tatu, mimi naenda haraka haraka, watoto wetu wanatoka university wengi wao wakiwa graduated wanakaa nyumbani. Tunataka Serikali iangalie wawe wakipelekwa mahali kama vile kulikuwa. Kama graduation inakwisha the following week unakuta mtoto ameingia ministry fulani, fulani, lakini wakati huu imekuwa ngumu sana; Tafadhali Serikali iangalie watoto wetu wakimaliza wawe wakiwa posted.

Ya nne na ya mwisho, watu wengi wale wanaenda retire, retirement kuna mtindo ulikuwa zamani mtu akienda retire mshahara yake anakula quarter may be mshahara ulikuwa elfu sita akiambiwa quarter ni elfu moja mia tano. Elfu moja mia tano ukiwa pensionable utanunua nini? Utalipa nyumba, utatolea mtoto school fees ama itakuwa nini? Kwa hivyo maoni yangu naona mtu akienda retire at least mtu anapewe msharaha wake ule alikuwa anakula badala ya kusema quarter, haiwezi kusaidia hata kitu. Ni hayo tu asante sana.

Com. Yano: Asante sana Onsomu , Julius Kamotho, halafu Susan Abugu jitayarishe.

Julius: My Commissioners first I would like to thank this Commission for the efforts you have made (inaudible) I have now and again said and that is my opinion, that this is difficult task of reviewing our constitution, because like now since I sat there I have heard several people are complaining about several laws which are currently in the Consitution of Kenya. So you have a big job to do even after collecting our views, so you have to change a lot of (inuadible) so that the Constitution will remain above other laws. I was trying to put that forward so that incase you do not finish reviewing the Constitution before the time for election, we should be allowed to proceed on and finish it at your own time so that we get a better Constitution than the one we have.

Halafu, the other part, is this Government, the current Government under which we inherited under the colonial Government, has always tended to be against the people. Like now you can see if you are on the front I would like myself a Constitution whereby the Government (inaudible) not always be seeing ideas from above, not to be above the people. So I would like somebody who is to show me the way and not oppress me. So I would like to request (inaudible) and you will have other people to give you opinions with the knowledge of making Constitution, a Constitution whereby to be able to be shown the way, how to prosper and defend my life.

My other submissions are, on life I would like the sanctity of life to be protected from all kinds of invasion, attack or undermination. Each person should be given an opportunity to live fullness of life (interjection)

Com. Yano: Tafadhali kama wewe unataka kuongea nenda nje.

Julius:.... fullness of life and utilize inherent talents to the maximum and to receive support to the Government, to ensure welfare of living persons is reasonable fair and just. And the Government should guarantee livelihood and make adequate

provision for subsequent human rights and development. On that I would say, everybody should be guaranteed shelter not necessarily land and those able to construct their own houses let them be encouraged. Residential house building cost should be reasonable and affordable at reasonable rates.

There also should be a ceiling on land ownership to a single person. All land to be held in trust and supervision for future defination. (inaudible) that for speculative purposes and above, the required minimum should be highly taxed. Those owning land and fail economically to utilize the field should be subjected to enquiry and should not forfeit the same to the Government. Colonial mentality on land use, they said ujamaa was not good now we are going for industrialization by the year 2020. How do we get the agricultural industry? Where do we store them? So we should (those are my suggestions) that we should proof those people who have idle land let the industry be put there where there is idle land. Let the industries not be in town.

On our education system, I would say it should guarantee all basic education to be guaranteed to all. And continued education for both young and old should be provided. Each person should be allowed to self-actualisation and inherent talents in life, and self justice, and community. Let this escapist attitude where these learned people are running away from mashambani wanakuja town, that should be discouraged. Rural urban migration should be cartelled through changing our education system.

Other parts are religious and culture and people should be allowed to benefit from the public land around their places

Com. Yano: Thank you Mr. Kamotho I can see you have a memorandam. Thank you just give it out.

Julius: And lets have an Ombudsman, please.

Com. Yano: Ok. Thank you. Susan Anguku, Moses Masiaga

Moses Masiaga: Majina yangu naitwa Moses Masiaga. Mimi ningependa kughusia juu ya maneno ya ardhi kidogo. Kwa ardhi we have, lets say this ministry of land tuko na deparment kadhaa na kwa hizi departments we find that there is some diplication of duty. Unapata kama department ya adjudication and settlement and department like surveying. Now this department of adjudication I think adjudication ilifanywa kitabo sana. Currently sidhani kama kuna mahali adjudication inaendelea mahali popote. So ningependekeza labda if there is a necessity survey ikuwe abolished tubaki na adjudication na settlement, or settlement and adjudication ikuwe abolished tubaki na surveying, such that there is no conflicting work among the officers in the two departments or zishikanishwe such that hiyo iwe department moja.

Secondy, ningeghusia kidogo kuhusu there are companies kama hizi za BAT, hizi za kulima tobacco. What I have experienced, maneno ya tobacco ina-rely sana kwa miti in curing, wakati wa kuchoma tobacco, wakati wa factories they rely on tobacco. Now it has happened that these companies all that they are interested in ni harvest, production. Wanataka tu to make profit.

Hii miti inakatwa kutengeneza hii kuni ya kutengeneza hii tobacco they don't care about afforestation. Sasa ningependekeza kama ikiwezekana there is some regulation itolewe such that these companies are forced kupatiana wakulima miti bure ndiyo wapande to avoid desertification.

Maneno ingine kuhusu hawa wanafunzi wenye wanagraduate from universities. We find that wakati kazi inatangazwa there is this issue wanasema its age, experience; age ama uwe na experience fulani. I would prefer haya maneno ya kusema experience itolewe because, kama umegraduate currently there are no employment opportunities where do you gain experience from? Umewahi fanya kazi wapi ndiyo upate experience? So ningependekeza maneno ya age experience so long as you have the qualification from college or from anywhere itolewe ndiyo wewe uingizwe kwa kazi.

Kuhusu maneno ya President ningependekeza Head of State age limit yake ii-tally na ya Chief Justice ama Judges. Judges huwa wanakuwa governed, age ikifika fulani una-rotate, so the President should reach that age ambayo judge pia anafikisha, anaenda nyumbani. Age limit ifikie hapo. Asanteni

Com. Yano: Asante sana. Wakati huu tumefika mwisho wa kuchukua maoni na nafikiria kila mtu ameshirikishwa hapa. Na sasa .. there are some announcements here, just a moment.

Speaker: Shukurani kwa wananchi kufika kikao hiki tumefikia mwisho, labda tujipigie makofi kwa sababu tumekaa throughout the day na tumejaribu kulete mawazo yale ambayo ilikuwa inaulizwa. Kitu ambacho ningetaka kuwatangazia ni ya kwamba ukiona katika utaratibu ule tumeweka pale nje, tunao kikao kingine tarehe kumi na tano kule Holy Cross Catholic Church, Shabab na hiyo itaanza saa mbili kamili. Leo tulitazwa kidogo kwa maana Commissioners walienda kusalamia mkuu wa wilaya ili waweze kumwambia wako hapa na ile kazi wanaendelea kufanya, ndio tukachelewa kidogo huko. Lakini tarehe kumi na tano, Jumatatu, tutaanza Holy Cross saa mbili.

Kwa hivyo yule ambaye hakusikika akieleza mambo yake tafadhali fika huko mapema na ueleze wale wengine ya kwamba programme ingali inaendelea. Tarehe kumi na sita, that is, Tuesday tutakuwa na kikao kingine cha mwisho cha Nakuru constituency kule Lanet freehold area katika municipal social hall. Tutaanza vile vile saa mbili. Kwa hivyo wale ambao hawatapata nafasi kule na wakupata nafasi hapa tafadhali mjitayarisha mje upande ule ndiyo muweze kusikizwa. Kwa hivyo asante sana kwa utulivu wenu, memekaa vizuri kuanzia mwanzo mpaka wakati huu na ndiyo nilikuwa nasema ya kwamba tujipigie makofi. Kama hatupiti tujipigie, ama tupige moja, mbili, tatu, Asante sana. Na kwa maana atuliaanza na maombi Commissioner akimaliza tafadhali tutaauliza mmoja wetu atuoombe.

Com. Yano: Kwa niaba ya wenzangu na kwa niaba ya Tume tumeshukuru sana kuwa na nanyi leo na tumefurahi, na tumefurahia yale maoni yote mmetupa. Tutahakikisha ya kuwa tutaenda kuiangalia vizuri tutengeze iwe ripoti halafu hiyo ripoti mrudishiwe kwa muda wa siku sitini mkiangalia. Asanteni sana. Tafadhali tupate mtu wa kutuomba.

