

**CONSTITUTION OF KENYA REVIEW COMMISSION**

**(CKRC)**

**VERBATIM REPORT OF**

**CONSTITUENCY PUBLIC HEARINGS,**

**BUMULA CONSTITUENCY, HELD AT KIMAITI SECONDARY  
SCHOOL**

**ON**

**6<sup>TH</sup> AUGUST 2002**

**CONSTITUECY PUBLIC HEARINGS, BUMULA CONSTITUENCY, HELD AT KIMAITI SECONDARY SCHOOL, ON 6<sup>TH</sup> AUGUST 2002**

**Present:**

Com. Bishop Bernard Njoroge  
Com. Lethome Ibrahim

**Secretariat Staff in Attendance**

Triza Apondi	- Programme Officer
James Macharia	- Asst. Programme Officer
Lydia Moraa	- Verbatim Recorder

The meeting started at 9.30 a.m. with Comm. Lethome being in chair.

Bw Commissioners who have arrived to our school today, and your associates who have also come with you, members of the public, ladies and gentlemen, before we start this particularly occasion, I would like to call upon Father Ikeya to say the opening prayer for us before I present my opening speech. Father you are welcome.

**Father Ikeya:** Since we are all the people we could stand and begin prayer; in the name of the Father, the Son and the Holy spirit Amen. God our Father, we thank you for all you have done for us. We thank you for bringing us safely to this long awaited day, whereby we your people have come together to present views on how we would like to be governed. All authority come from you Lord, but you exercise the true authority to rule human beings.

We pray that you will be with us today, touch our hearts and minds so that we give constructive views, views that will be of benefit to the Constitution that will benefit us and our children for many more years to come. We pray all this in the name of Christ the Lord Amen. In the name of the Father, the Son and the Holy Spirit. Amen. Thank you.

**Kennedy Makanda:** Thank you very much Father Ekeya. My names are Kennedy Makanda. I am the Headmaster of this particular school. I would like to recognize the presence of our commissioners to our school. Feel welcome. We believe that at the end of the day, the kind of views which you will have got, will be a representation of what the whole of Kenya is saying that we require to change our Constitution for good governance. Otherwise our Commissioners you are welcome; the

members of the public you are also welcome to this particular school and feel free. In case of a problem, we have toilets which are somewhere down there which are mainly used for the teachers; may be for short call there are also some other places down here. For the ladies may be we will still use the other place which is mainly used by the teachers. In case of any particularly problem I would like that you approach me personally and we are going to assist. May be Bw. Commissioner you would like to say something.

**Com. Lethome:** Thank you very much Mwalimu. May be later on if you want to present your views, we will give you an opportunity, later on.

Ladies and gentlemen, mulembe (response). Before I introduce my colleague Commissioner Bishop Njoroge, I would like to call upon Petronela Maye to just say a word and introduce your colleagues. If there are any other members of the 3Cs, introduce them and then just one word or two words, then hand over to me.

**Petronela Wangila:** Commissioners and the team and members, our Father, our Parish Priest I welcome you to my area of operation that is Napara location, Kimaiti location and West Bukusu. I am happy and I feel that at long last we have had the day to come so that you give your views, the long awaited for. We are in opposition area and we have been having a hard time. This is the right time to give your right views so that we also get governed properly.

I would like to call upon Mr Masafu as my colleague in this area also to say a word briefly.

**Mr Francis Masafu:** Our Commissioners, we welcome you here in Bumula Division, Kimaiti location. We here represent five locations. I represent Muko location and Siboti location. So we welcome you here and also we have some small memorandum which we will hand over to your. Thank you. My names are Francis Masafu.

**Petronela:** I am Peteronela Wangila and I say you are all welcome, feel free and do not panick; I mean to express this those who are giving views. Musiwe na wasiwasi. Hawa wamekuja kuchukua maoni yetu, maoni yenu na msiwe na wasiwasi hati nitasema hivi pengine nitakuwa quoted. Si hivyo. Na watum-guide. Asante.

**Com. Lethome:** Asante sana Petronela. Kama alivyosema huyi mwanakamati wa 3Cs committee, Petronela, tumekuja hapa kuwasikiza nyinyi leo na kabla sijaendelea ningependa kuwajulisha mwenzangu ambaye ndiyo Chairman wa Panel yetu ambaye imekuja hapa Bungoma District. Ningependa yeye mwenyewe awakue na awambie yeye ni nani.

**Com. Bishop Njoroge:** Habari za asubuhi. Jina langu naitwa Com. Bishop Benard Njoroge.

Asante sana Bishop. Mimi naitwa Ibrahim Lethome, ni Commissioner. Na tuna wenzetu ambao wanasaidiana na sisi katika

idara ya Tume ya Marekebisho ya Katiba. Tunaye Programme Officer ambaye anaitwa Triza Apondi, yeye ndiyo msimamizi wa Idara, kasha tunaye msaidizi wake ambaye anaitwa James Macharia, na watatu ni Lydia Moraa. Kazi yake ni ku-record; kama unavyoona mbele yake ana tape recorder, ana cassettes. Kila neno ambalo utazungumza, litachukuliwa; hata ukikohoa ata-record itaenda Nairobi. Itasikizwa, watu wa Bumula, Kimaiti location walisema kitu gani. Na sitaki kupoteza wakati kwa sababu leo sio siku yetu ya kuzungumza, wakati wetu wa kuzungumza umeisha. Leo ni siku yetu ya kusikiza. Ningependa tu kutoa muongozo kuhusu namna ya kuzungumza au tunavyofanya kazi.

Ya kwanza, kama alivyosema, Petroneela Ongila, usiwe na wasi wasi, usiogope. Hata kama DO akija hapa, wacha hata DO, PC akiwa ameketi hapa, au hata President mwenyewe, isiwe ni jambo la kukubaisha wewe ukose kutoa maoni yako hati unaogopa nikisema kitu Fulani, nitafuatwa. Sheria ambayo imebuni Tume ya Marekebisho ya Katiba imesema, kila mwananchi wa Kenya ana uhuru wa kusema anavyotaka kuhukumiwa. Tumengoja hii nafasi miaka 36, from independence to date, we have been waiting for this day. Imekuja leo sheria imesema, sema unavyotaka, bora usimtukane mtu na usiingilie siasa, hakuja hapa kikao cha siasa. Vikao vya siasa ni mahali pengine. Itafika wakati wake, iko karibu, nyote mnajua iko karibu. Karibu hapa usiingilie mambo ya siasa au kumtukana mtu yeyote, au kutaja jina la mtu. Toa maoni yako useme unataka vipi. Kama ni ofisi ya president unaona haiendeshi kazi vizuri, sema ninataka ofisi ya President iwe hivi na hivi. Kama ni ofisi ya DO hautaki sema sitaki DO, sitaki Chief, nataka hivi na hivi. Uko na uhuru. Na mtu yoyote akikufuata baada ya hapo, sheria itakuwa upande wako, haitakuwa upande wake.

Mbili, zungumza lugha unayotaka wewe mwenyewe. Ikiwa unataka kuzungumza Kibukusu, Kiteso, tutajaribu namna ya kufasiri pia, Kiswahili, Kingereza, una uhuru wa kuzungumza ile lugha ambao unajisikia wewe mwenyewe uko na raha nayo. Nitakupatia dakika tano ukija hapa mbele, utuweleze maoni yako.

Si umesikia tumekaribishwa na Headmaster, tumekaribishwa na Petronela, tumekaribishwa na mwenzake, sasa nafiri tuko nyumbani, kwa hivyo, usije kutukaribisha tena. Tushaifika kabisa, tumefika, tuko nyumbani.

Ukija hapa, anza kuingia katika points zako. Tunataka recommendations, hatutaki uanze kutueleze habari ya matatizo. Sijui barabara ya kutoka Bungoma kuja mpaka hapa sio nzuri, tunajua. Unataka nini? Recommend. Chief anatusumbua hakubali tukunyue busaa, tunajua, unataka nini kuhusu busaa na chang'aa. Wamama waseme wazee wanatupiga. Tunajua Wazee wanawapiga, unataka kitu gani. Kwa hivyo tunataka recommendations, mapendekezo. Hiyo tumefahamikiana? Mapendekezo, recommendations. Ifikika wakati wako nitakuambia, wakati umekwisha tafadhali tupatie mtu mwingine nafasi.

Kuna watu wengine wana memorandum, maandishi. Kama alivyosema, wale wako na memorandum ukija hapa usisome memorandum yote, tutaisomea Nairobi. Ukija hapa, ufanye ile inaitwa kwa kingereza highlight; angaza sehemu zile ambazo ni muhimu. Chukuwa point moja moja, utueleze, details tuwachie sisi wenyewe tutakwenda kusoma. Hata kama umeandika kwa brailes, kuna watu watakwenda kusoma hiyo brail, watatujulisha imesema nini. Kwa hivyo, usije kusoma yote, tunataka tu

highlights. Halafu kitu kingine, mtu akija hapa kutoa maoni yake na pengine haya maoni hayakukupendeza, haina maana kuwa uanze kumpigia kelele, no heckling; uanze kumsomea kwa nini amesema hivyo. Hiyo ni nafasi yake, ana huru wa kusema vile anataka. Tuheshimu maoni yake, wewe nafasi yako ikifika, na wewe utasema vile unataka. Kwa hivyo tuheshimu maoni ya watu wengine, na mimi ndiyo referee, nikiona unavuka mpaka referee anapiga firimbi au anatoa kadi, yellow card ama red card, nitazitoa, ziko hapa mfukoni zote. Kwa hivyo tuheshimu maoni ya watu wengine. Tumeelewana sasa? Ukija hapa, kitu cha kwanza, nitakuwa nimekuita jina, kwa hivyo jina lako tunajua, lakini tunataka urudie jina lako tena, useme mimi ninaitwa Fulani wa Fulani. Mimi naitwa Patrick Wafula wa Munyinye ama chochote. Halafu uanze kueleza maoni yako. Ukimaliza, utakuja kwa Programme Officer, utaandika jina lako – kuna mahali utaweka sahihi na kuna bahadhi ya mambo atakuuliza, utampa, halafu utarudi. Una uhuru wa kukaa au una uhuru wa kuenda zako. Kama una shuguli zingine, unaweza kwenda.

Nitafuata utaratibu ambao uko hapa, lakini pengine tukiona mtu hajisikii vizuri, kama kuna mtu ambaye nitaanza na yeye, yeye sio namba moja hapa lakini nitaanza na yeye. Au pengine mama amekuja hapa ana huguru Fulani, au mwalimu anataka kurudi kwenda kushugulikia wanafunzi au kazi zingine, nitampatia nafasi, ama Kiongozi yoyote, nitampatia nafasi aweze kuenda kuzungumza.

Nafikiri bila kupoteza wakati tutaanza, na nitaanza na huyu mtu ambaye ndiyo wa mwisho katika list yangu lakini nimeelezwa na Programme Officer kuwa anaudhuru Fulani; Wafula Joseph ndiyo atakuwa mtu wa kwanza kuzungumza. Wafula Joseph, hajisikii vizuri anataka kwenda kutafuta matibabu. Welcome Joseph.

**Wafula Joseph:** Asante sana Commissioner (inaudible talk) Thank you very much our Commissioners who are visitors in our location today. I have got a few things I want also to say about this Constitutional Review Process in Kenya. First the Constitution being Supreme document, must capture the National Philosophy and guiding Principles for all of us.

The Constitutional Supreme; only parliament should have the power to amend the constitution though the checks, should be introduced to avoid abuse by parliament as has happened in the past. Referendum should be carried out where there is a statement in the final document and all citizens must be involved in making the final decision. However the voices of the minority should also be considered.

Citizenship; the previous way of acquiring Kenyan citizenship should be maintained, that is naturalization birth and registration. Nevertheless special consideration should be given to children whose one parent is a Kenyan regardless of the parent's gender.

Political parties; political parties should only play the role of political mobilization, but should also be involved in other issues affecting the public, that is farming, health, education, etc.

The Constitution should clearly regulate parties to avoid indiscipline among politicians. There should be only three political parties, which can easily be financed by the public funds beside their own sources.

Structures of government; it is necessary at this stage in history of Kenya, to maintain a Unitary System of Government. Since it is still undeveloped State, it is required a strong Central Government which must also curb against abuses.

National leadership should be given to people with integrity who will not run down the State.

Legislature; all Presidential appointees should be scrutinized by the parliament to ensure that they are both well qualified and capable of meeting seat challenges. It may be practical to have a full time MP since elections always do away with some of them. All aspiring MPs should be fluent in both the two national languages and should always be well learned. MPs should always act in consultation with their constituencies which when they have a contract under certain circumstances, they can act on their own if they believe it is to be the best interest of their people. If an MP does not measure to the required standard, the Constituents can recall him through a Constituency referendum and by-election held. This will encourage competence among the MPs.

The Executive; the current qualification for Presidential candidate should remain and a President should serve a maximum of two five years term and then retire. The President should not entirely be immune from being used. Otherwise they may become complacent and they can destroy the country at will. The Provincial Administration is still necessary if the government goals are to be effectively achieved. We can maintain the current electoral system, affirmative action is not very necessary since women have come out of age and now competing effectively with men.

Anybody defecting or crossing parliament floor, should automatically seek a fresh mandate from his Constituency beside being made to pay a certain sum possibly to the Electoral Commission as punishment. As for now, there is a big ..... (inaudible) in a population in some constituencies and wards. This should be based on population and not geographical basis.

**Interjection:** Repeat again the same sentence. ....(inaudible)

**Mr Wafula:** Demarcation should thus be based on population and not geographical basis. Election dates should be fixed constitutionally and direct election for a smooth running of State.

Basic Right; death penalties has outlived it's usefulness and should be abolished to give the offenders time to reform. There should be free compulsory education up to standard 8. All workers have a right to be in one Trade Union or another.

Succession and Transfer of power; during Presidential election, the Speaker of the National Assembly should take charge of

Executive as a neutral person. The Constitution should provide for one month handing over period for the new President to take over. Retiring former president should be catered for in terms of security and welfare. Thank you very much.

**Com. Lethome:** Please hand over your memorandum and register with our Program Officer up here. Now can I have Dismus Wamalwa.

**Dismus Wamalwa:** Asante sana Bw Commissioner. Yangu ni machache. Naenda kuongea juu ya wasiojiweza. Kwanza ninanza na wale bubu. Bubu (*interjection*). Ninaona hapa kwetu haswa Bungoma, hawa watu Bubu, mashule hakuna. Na tunataka serikali, ile ambaye inaenda kuchaguliwa, ione ya kwamba watu kama hawa pia wanapatiwa maendeleo mazuri hasa elimu. Mpaka pia waelemishwe, na wakiwa kwa shule, ukianza kuzungumza na watu hawa, hakuna vitu vya kuwazeshesha kuzungumuza na wananchi. Msaada kama ear hearing (hearing aid). Pia ni ngumu sana na mimi na mtoto kama yule.

Nikienda kwa upande wa walemavu, watu kama kiwete, hapa wako wengi, na hawana viombo ambao zina wezesha hawa watu kutembea, kwa mfano, msaada kama wheel chairs na crutches hawa watu hakuna, na hakuna mtu anaweza kuona hawa watu pia ni sawa sawa kama watu wengine. Na tena msaada ambao unatakiwa kwa watu hawa hakuna, vitu kama nguo, vyakula, elimu. Kwanza, mashule, ni vizuri watu hawa pia wajengewe mashule vitu kama training centers, free education, kwa mfano wale ambao, mashule kama huko Mumias, huko deaf school, lakini sisi wengi hatuwezi kupeleka watoto kama hao na ukienda uko, I mean fees iko ngumu sana kupata na vitu kama hivyo. Nataka serikali yetu ilete vitu kama kwa mfano, free education inaweza kuwa kwa watoto kama hawa pia wawe kama watoto wengine. Wanatupwa, hawawezi kuona ya kwamba ni watoto, kama watoto wengine. Lakini wakimpatiwa msaada kama huo, pia wanaweza kuwa kama viongozi wa wale siku zijazo. Na hawa pia wanaweza kupata kazi kama watu wengine.

Nikiendelea mbele, ninaona kama Mashamba. Hapa tunataka hali ya mashamba, ushuru wa mashamba uondolewe kabisa. Kwa mfano, ukitaka kupata title deed hapa ni ngumu, hata watu wengi wanaweza kupoteza mashamba kwa shauri ya garama ya kwenda kuchukua title deed. Pesa ni mingi sana na tunataka serikali, vitu kama hivyo viondolewe, kwa mfano, mimi na watoto na nina shamba na kwa bahati mbaya, Mungu akinichukua, hawa watoto wako kwa taabu, wakitaka kugawanya shamba wanaambiwa ya kwamba, mpaka washtake kaburi. Na kaburi ni ngumu. Mimi sitatoka hapo niende mbele ya Church, hati mpaka, nitasimama namna gani? Nikiwa nimewacha shamba, ikiwa watoto hawa hapana sikizana, kuna Chief, kuna Assistant Chief, hata Mukasa ndiyo wanajua mimi nilikuwa naishi namna gani. Lakini kuona ya kwamba hati waende huko Nairobi, hati washtaki kaburi, hiyo iondolewe kabisa, kwa maoni yangu.

Haya nikija tena vitu kama kimila, kama unavyona watoto sasa wakati huu wanaendelea, kimila hii, mimi kwa maoni yangu naona ya kwamba lazima iendelee bila kutolewa, iendelee. Na yule ambao anaona ya kwamba hawezi, hapana lasimishwa, pia anaweza kufanya. Akitaka kupeleka mtoto kwa hospitali ana uhuru, lakini mimi nikiona nifanye kimila, kama inavyotaka, kama unavyo ona wanazunguka wakati huu, anaendelea.

Kwa mfano, tena, nafasi ingine, Katibu Mkuu, Vice President na Prime Minister, kwa maoni yangu naona watu hawa mpaka wachaguliwe na Members of Parliament, not the President. Tena nafasi ingine, upande wa Bunge, mimi naonelea ya kwamba, Bunge vichague Ministers hawa wakikaa wachague ministers hawa wenyewe, lakini kusema ya kwamba President achague ministers ni vitu vizuri. Akichaguliwa atakuwa na uoga. Sasa akitaka kupinga hawezi kupinga, nikikupa kazi, wewe huwezi kunipinga. Mpaka utaendelea ufuata masharti yangu. Na tena kitu ingine, watu kama DC, Chief, Assistant Chief, hawa pia, kwa maoni yangu wangelichaguliwa na wananchi wenyewe, kwa sababu hawa ndiyo wanajua hao watu. Na nafasi ingine, Bunge mpya ambao likuwako, mimi naonelea kwamba Bunge lichaguliwe na Katiba mpya, sikusema ya kwamba ichaguliwe na wale ambao, kama Katiba hii bado kwisha, mpaka wangoje Katiba mpya ikiendelea na ndipo wachague Bunge.

**Interjection:** Kwa hivyo unasema usifanyike uchaguzi mpaka Katiba itengenezwe.

**Bw. Wamalwa:** Mpaka Katiba mpya itengenezwe ndipo tuendeleo na kuchagua Bunge mpya.

**Interjection:** Kwa mfano, isipokuwa tayari kabla mwisho wa mwaka, wewe unapendelea iongeza muda wa parliament?

**Bw. Wamalwa:** Iongeze muda wake.

Na nikienda kwa kitu hatari sana, kitu kama hii pombe mnaona, hii pombe tuseme kwamba, police wanatumia njia ya kupata pesa, kutoka kwa pombe. Na pombe ilianza zamani hata sisi tunavyo kaa, akina Babu zetu walikuwa wana ..... Kwa hivyo mimi naonelea kwa maoni ya kwamba hii pombe iwe free bila vikwaso mbele yake.

Na tena Mbunge Maalum, kuna Wabunge Maalum. Mbunge Maalum pia achaguliwe na wananchi, si President kuchagua Mbunge Maalum. Tena President awe chini ya sheria kama mwananchi mwingine, si kusema lazima President awe above the law. Hiyo si vizuri sana. Kosa likikuwako, mpaka ashtakiwe kama mwananchi mwingine afanyavyo, akiwa na kosa.

Tena mwenye kosa si vizuri kuweka kwa cell kwa siku tatu, nne na kuendelea. Siku mbili, kama yeye anakosa, polisi amemkamata, awekwe kwa cell siku mbili, siku ya tatu, mpaka apelekwe mbele ya Judge. Ikiwa anakosa, ni heri apigwe fine, au atolewe, au ikiwa ameshinda na hakimu. Na si vizuri sana kuweka wau kama hao kwa cell. Hiyo ni mbaya sana.

Mimi naona Bw. Commissioner, sitachukua muda nimalizie watu wengine nafasi, hayo ndiyo mimi naona inaweza kuendelea namna hivyo. Hiyo ndiyo maoni yangu. Thank you very much. I am Dismas Wamalwa.

**Com. Lethome:** (*inaudible*)

**Bw. Wamalwa:** Mimi nina umri wa miaka 72 sasa.

**Com. Lethome:** Ungependa Rais wa nchi hii awe na umri gani? Umri wa chini ama umri wa juu, kwa maoni yako?



**Bw. Wamalwa:** Kulingana na oni yangu, awe na kutoka 48 years kuendelea

**Com. Lethome:** Mpaka ngapi?

**Bwa Wamalwa :** Akifikisha miaka kama 60 awachie watu wengine.

**Com. Lethome:** Kwa hivyo kama wewe huwezi pigania Presidency?

**Bw. Wamalwa:** No.

**Com. Lethome:** (inaudible)

**Bw. Wamalwa:** Kuna kijana?

**Com. Lethome:** Hebu nikulize, (inaudible) ungependa mamlaka kutoka kwake kuenda kwa mwingine iwe namna gani?

**Bw. Wamalwa:** Aachie wananchi ndiyo wachague yule ambaye anatakiwa kuwa President, si yeye kuchagua.

**Com. Lethome:** Asante sana Bw Dismas. Nimeshukuru sana kwa maoni yako mzuri sana. Asante. Mwalimu if you don't mind may be you can introduce the Chiefs so that at least we know them. Karibu Machief.

**Mwalimu:** With us we have the area Chief Mr Lawlifa, then we have Mr Ishakho, who is the Assistant Minister. He is accompanying him from Nakhwana.

**Interjection:** Assistant Chief

**Mwalimu:** Assistant Chief (*Not Assistant Minister*)

**Com. Lethome:** Karibuni Machief, pole, tulikuwa tunataka tuanze na nyinyi lakini kwa vile watu walikuja mapema tukaona tuendeleo. Na tumekuja katika area yenu tumekaribishwa na Mwalimu hapa. Thank you very much. Gilbert W Manyasi, SDA Church.

Gilbert W Manyasi: Thank you Commissioners. I made the following recommendations to the Constitution Review of Kenya:

- i) About the Constitutional Supremacy; we feel that any amendment of the Constitution should be done through a referendum which should be headed by a Commissioner, Chairman. The Kenya citizen should be enlightened before they enter into any amendment of the Constitution.
- ii) Citizenship; all indigenous and native Kenyans should automatically become Kenyan citizen and any person who may stay in Kenya for more than ten years, should acquire citizenship regardless of gender. Rights and Obligations of the citizen should be: food, clothing, health, education at any level. Dual citizenship should not be encouraged because it can encourage certain criminal activities, thus endangering our country. In Kenya citizens should be identified by a national identity card.
- iii) Defence and National security; the Kenya security commission should be established by the Constitution to deal with:

- a) Employment
  - b) Discipline
  - c) Appointment
  - d) Promotion
  - e) Security and defence of the country
- iv) there should be a maximum of three political and a minimum of two political parties which should not be formed on tribal line, religious lines, regional lines. The political parties should be financed from the Central Government and be responsible for economic growth, peace and unity in the country and its neighbours.
- v) Structures and Systems of Government; we should retain a Unitary government for the preservation of our peace, unity and easy management of our natural resources.
- vi) The Executive; the Constitution should be specified the qualification of a president and thus we suggest that he/she should at least have a university degree of education in political science and sociology. The President should have limited powers particularly when we come to the appointment to the government and Parastatal bodies, e.g. the Parliamentary Commission should be formed to receive application and credentials of members of parliament who would like to be ministers in the government. The Permanent Secretary should be appointed by the Public Service Commission after he/she has presented their credentials and qualifications. The Parastatal Commission should be formed to oversee all parastatals and be charged with the responsibility of employing and deploying its employees. Two the President should first be a member of parliament and then if he contests for Presidential election and wins, he/she should relinquish his Membership and other election to be done in that Constituency. This will ensure that he serves the nation at large, not the Constituency.
- vii) The Judiciary; needs a Supreme Court to head all other Courts. The Jury Commission of Kenya should be the one and the only one to appoint discipline and take any other measures and condition of service to be practiced in Kenya. The Judicial Officer should be serving in the office up to 7 years.
- viii) Basic Rights; the Constitution should provide adequate basic human rights with special regard to children, disabilities and women. The commission should provide the basic rights free to all Kenyan Citizens:
- a) health for all
  - b) water for all
  - c) free education for all at any level and we recommend primary level education be free, and then university education to be free.
  - d) Food & security should be guaranteed for all citizens.
  - e) Land and shelter – that all Kenyans should own land and have shelter.
  - f) Freedom of worship to the true God
- The Constitution should provide the disabled people with free movement in the country by paying for them fares.
  - Any disabled person who has achieved something in life as any normal person, for example he is employed or he can

pilot an aero plane or he can teach then the Constitution should honor him by paying him double salary of the normal person.

- Social amenities should be built for the disabled e.g. toilets, public vehicles, and bills they should cater for these people who have special disabilities.

The elderly should be given special security on food, clothing and housing. They should also enjoy free transportation in their own country, because they are the ones who have brought us up to where we are.

Children should be provided with free education, clothing and food. No Kenyan citizen, no Kenyan child should lack education, walk naked, and lack a home.

Land and Property Rights; all Kenyans are called Kenyans because the land of Kenya belongs to them by nature, so all Kenyans should own land.

Interjection:

**Mr Manyasi:** Thank you very much. Then let me go to culture and ethic and religious diversity. For the purpose of unity and peaceful co-existence, our culture should be preserved. On this matter we made the following recommendation that,

- Kenya should have a National Dress for men and women.
- Kenya should have a minimum of three languages, i.e. mother tongue, Kiswahili and English

**Interjection:** Where, in school ...

**Mr Manyasi:** No just any Kenyan citizen. He first all learn his mother tongue, followed by Kiswahili, then learn English. That will be enough for peaceful existence in the country.

I now come to what is called Police arrest; the Constitution should have good guidelines on how police should arrest people with dignity; when they are arresting suspected criminals, especially those who are in the police cells, and they are merely suspected. When police are arresting any disabled person, we suggest that these people should not be handicapped, may be the hands are the ones they use for walking and then you handicap the hands, how do you expect him to move?

Two, when they are detained they should be detained in a separate cell from normal people and given special treatment.

Three, they should be charged in a separate court with a highly psychological judge because some crimes committed by disabled people is merely a defence mechanism, and we pray that these people should not be subjected to normal treatment when they have committed a certain crime. They should be investigated properly to find our the cause of it.

**Interjection:** (inaudible)

Then freedom of worship; I feel that it should be ..... (inaudible) in the belief of the True God, ..... Devil worshipping.

**Interjection:** (inaudible)

**Mr Manyasi:** I have two points to make down there:

- That no Kenyan should be intimidated because of his or her faith.
- No Kenyan should be denied promotion or access to basic rights because of his or her faith.
- No Kenyan should be forced to attend or do anything against his or her faith in any learning institution. Thank you very much. That is what I have.

**Com. Lethome:** Can we now have Charles Waswa.

**Charles Waswa:** Thank you Commissioners. My names are Charles Waswa Singoro and these are my views. First I will present my views on people with disabilities about their rights. I propose that the Constitution should cater for the following for people with disabilities:

- Should be assisted to have shelter, be able to move around freely at home and their surroundings. This should be done through trained community based rehabilitation workers.
- Schooling; they should have access to schooling with non-disabled children and their teachers who are trained in special needs. This means that every school must have a teacher in Special Needs Education and every school must at least set aside facilities for children with disabilities.
- Education and training; they should be given opportunities for education and training needed in order to prepare for work and live independently
- Their training and education must be provided for by the government free of charge.
- Public services; these people with disabilities should have access to all public services and public buildings and you can see commissioners in this building, if somebody came here with a wheel chair, how would he maneuver up to where you are? So every public building must have facilities for these people, designed in such a way that disabled people can move freely and independently in society.
- Association; they should not be denied membership of any association or organization open to all and to be able to form their own associations of disabled people if wished.
- Economic opportunities; they should be given the same opportunities or chance to work and earn money as other people and benefit to make up losses of income caused by disability. This means that the government should exempt them from all the taxes like Trade license for those ones with businesses.
- Participation; they must vote and participate in government activities as other people do and be listened to about disabilities services provided. Sometimes the government plans for services without consulting these people.
- They must have a Minister in charge of disabled and elderly.
- An MP for disabled and elderly from every province and every Municipal Council or County Council to represent those with disabilities.
- Treatment; they should be given free medical treatment and appliances like wheel chairs, hearing aids, and mobility appliances.

- To cater for their problems properly, I propose that every district must have a department of community-based rehabilitation, and we must also have programs or a department in every division, location and sub-location for community based rehabilitation programs.
- The mentally sick; I propose that every district hospital must have a ward for the mentally sick people to admit the now many patients roaming our towns, market centers and villages.
- The Provincial Administration officers should facilitate the patients' admission in those hospitals, because right now we have so many mental patients roaming around. We have nobody to help them. These people should be helped to be admitted so that they can also get access to medical care.
- Women; about domestic violence, this is something which is very common in our community. I propose that the Kenya Police must have a family protection unit and be trained to handle family affairs when there is domestic violence.
- I also propose that there must be training of community-based workers to provide legal education and para-legal services and provision of legal literacy materials.
- Three, we must have sensitization of law enforcement officers dealing with cases of violence.
- The government should also produce training manual for various target groups dealing with violence.
- About women, I propose that we must have a minister for gender and social services who must be a woman, and we must also have in every province a woman MP representing women and every district to have a district women council.
- The Youth; I propose that we also have a minister for Youth affairs and also an MP for the Youth from every province.
- About culture; bride price should be stopped and instead we have exchange of gifts. The reason..

**Interjection:** Don't go to the reason.

- About our traditional circumcision, I also propose that it should be changed.
- About the environment, I propose that before any cash crop is introduced in any part of Kenya, the community should be informed on the following: anticipated crop benefits, anticipated environmental benefits, potential impact of the project, because here we have had BAT or Tobacco and it has really caused so many problems about the environment and other things. Still on environment, the government should ban the use of polythene bags as there is no proper disposal system. The use of paper bags should be encouraged and our Kenyan handicrafts.

- About corruption, our government should form an anti-corruption commission because this is now the major disease eating up our government.

**Interjection:** Charles you have to wind up now.

Freedom of worship; the government should set up a ministry of spiritual affairs to be lead by a spiritual leader. This ministry will register and monitor all religious and spiritual activities in Kenya to guard against the violation of human rights in the name of freedom of worship and religion. Thank you.

**Com. Lethome:** Hand over your papers. Can we have now Fred Wamalwa. I will be more strict with time now because my list is broad. ....(inaudible)

**Fred Wamalwa:** Thank you please. My name is Fred Wamalwa. I am going to talk about political parties in this country. That all political parties be financed by the State. The second point is that the official opposition leader should be given all the priviledges that are given to the president.

**Interjection:** Wamalwa, all political parties be funded by the government; we have 48 and the list is likely to grow, you mean all the existing ones.

**Mr Wamalwa:** Yea, because as far as the formation of political parties is concerned, if I feel that KANU's manifesto is also as the other one, from one so long as I follow what the Constitution says, and I have to be funded by the government.

**Com Lethome:** What will stop people, Kenyans getting into that business of me and my wife we form a political party and draw more money from the government. How will you take care of that?

**Mr Wamalwa:** Yes. So long as you are following what the Constitution ..... (inaudible)

**Com. Lethome:** We should have started by now, because that will be the business of every Kenyan ....(inaudible) so that I go get money from the government.

**Mr Wamalwa:** Okay. Thank you .... To say that the rule of these political parties should be economic, social and cultural ..... It should allow to carry out activities like .... Building. .... In terms of ..... economics, lawful economics. These political parties should also be allowed to hold ..... without any discrimination.

..... talk about the Electoral Commission in this country. The Electoral Commission should be chaired by the chairman and this Chairman should be ..... (inaudible) of the government. This guy here, the so called Chairman of Electoral Commission should not be appointed by the President. Now at the same time, this guy here should satisfy the international community to which Kenya is party to. He should also be satisfied by the UN to which Kenya has signed a lot of convention.

**Interjection:** Why do ..... (inaudible) the UN?

**Mr Wamalwa:** Satisfying the Chairman of the Electoral Commission.

**Com. Lethome:** When you say, the Chairman of the Electoral Commission, the UN must satisfy, you mean that the..... or do you that the rules that govern it, United Nations should be adhered.

Right from the time the UN was formed, Kenya has entered .....(inaudible) convention. We have signed a lot of them in terms of human rights, in terms of how we should carry out our good governance. So the UN should be a ..... (inaudible) so that it can look at how those guys are going to be chosen.

**Com. Lethome:** .....(inaudible) Wamalwa, hold on, have you given your views elsewhere since we came here?

**Mr Wamalwa:** Yes

**Com. Lethome:** Where?

**Mr Wamalwa:** I was at the Kencom House, Nairobi

**Com. Lethome:** What about in Bungoma, have you given elsewhere,

**Mr Wamalwa:** I..... (inaudible)

**Com. Lethome:** And you gave your views?

**Mr Wamalwa:** Yes.

**Com. Lethome:** So don't you think you are being unfair because you are giving your views in various centers. Why don't you allow

**Mr Wamalwa:** I was not given enough time to speak about this.

**Com. Bishop Njoroge:** As the chairman is saying, you see the views that are given, will form the basis of our report and if one will go to different stations giving the same views, it will now be seen as if this view is generating a lot of support. You are not actually supposed to give views in different venues.

**Mr Wamalwa:** Just allow me to say ..

**Com Lethome:** Wamalwa, that will be corrupting the process; because you are giving the same view on different places. So when we write the report we think this view has a lot of support, only to find that it is the same person giving the same views. It is just like photocopying a memorandum. You photocopy a memorandum, you give it in Sirisia, you give it Chwele, you give it Bumula, the other Bumula, that is corrupting the process. So please, our mandate tells us that we should not allow you to speak any further please. Just leave the mic and sit down. Is there any person with hearing disabilities. Kuna mtu anahitaji sign language? We have an interpreter here. Because I could see one old man using his hands. Kuna mtu msiwi anahitaji sign language. Mzee unanifahamu? I saw you using your hands, so I thought you needed sign language interpreter, so we have one here. Please akiingia mtu ambaye anahitaji sign language, utanijulisha kwa sababu hatahisikia. Tuko na specialist hapa wa kuzungumza na hiyo sign language, hatutaki Mkenya yoyote abaki nyuma. Can we have Martin Wanyonyi, hoping you did not speak elsewhere.

**Martin Wanyonyi:** My names are Martin Wanyonyi. I am the Co-ordinator for Centre for Human Rights and Democracy, Western Province. I am representing the organization. That the new Constitution should expressly state that the Citizen is the true source of the power and ..... (inaudible) of the State. That the new Constitution should expressly state that Kenya is one sovereign State in which all citizen are equal. The new Constitution shall upon ..... (inaudible) become the Supreme Law of the Land. It shall take precedence over all other laws and will be binding on all citizens, all corporate bodies and all organs of the state at all level of government. The rights and freedoms provided for states new constitution has been available to all citizen equally. The new Constitution will prohibit all forms of discrimination on the basis of race, ethnicity, sex, age, disability, health status, family background, marital status or religion. There will be representative government at the national and local level, freely elected in regular intervals according to the Principle of one person, one forte and fair representation of all sectors of the society. Under the new Constitution, there will be a clear and appropriate separation of power between the Executive, the Legislative and the Judiciary branches of government. The power of various branches will be limited. There will be appropriate checks and balances to ensure good management, transparency and accountability. Society will be government by the rule of law and the laws will apply equally to everyone. That the new Constitution will contain entrenched provision to ensure that the Judiciary is competent, independent, and impartial and has the power to safeguard and enforce the Constitution and all laws of Kenya that are consistent with the Constitution. The new Constitution will establish a legal system which will ensure equality of all before the law and legal process will be fair, open and straight forward and swift as is consistent with the protection of Citizens rights. The new Constitution will guarantee the right to freedom of information so that there is open accountable, and transparent administration at all level of government. The Citizen's right to form joint of maintain association or common interest for any lawful purposes including political parties, trade unions, and linguistics, cultural, and religious association will be protected absolutely by the new constitution. The right of employers and employees to join or form employer organizations, Trade unions and engage in collective bargaining will be recognized and protected by the new constitution. That the new constitution will protect the right of every person to fair labour practices and rumination of sufficient or a decent life hood. That is to say such income as in provide food, shelter, clothing and very minimum. The Independent and impartiality of the Public Service Commission, the Central Bank, the Attorney General, The Controller and Audit General and other Institutional Offices will be guaranteed under the new constitution. Under the new constitution, there will an efficient, non partisan independent and professional public service, broadly representative of the Kenyan nation operating on the basis of fairness and proving equal access to all service and benefits. That under the new Constitution, every member of the security force, police, military and intelligence will be required to perform their functions and exercise their powers in the national interest and will prohibit from promoting partisan political calls. The new Constitution will provide for an independent, impartial electrical commission with adequate powers and resources to ensure free and fair elections. Any future review and amendment of new constitution will require special procedures involving participation by ordinary citizens and of course drafting and rectifying stages with special majority needed to rectify or pass any amendments into law. That under the new constitution, the holder of the office of the president will be expressly elected by a majority of voters. The President will be subjected to the law of the land impeachment. That the new constitution will establish truly independent Electoral Commission with adequate powers to organize, control and manage elections.



The new Constitution will make provision for independent candidates to contest elections. The new Constitution shall declare that Kenya will always remain a multi-party State with provision for State code, funding for all political parties. That the new constitution will make provision for enactment of electoral laws to allow for fair political competition by removing the Provincial Administration and Police from the electoral process ending the practice of seeking licence to hold rallies and assemblies. Allowing for more equitable access to public funded media and facilitating the use of transparent and lockable ballot boxes. With respect to Presidential powers, the new Constitution will inter ally ensure that the president should be bound by the constitution and the country's laws. The President should not have the power to sermon, prorogue and/or dissolve the parliament. Parliament should have its own time table. As regards presidential elections the new constitution will inter ally ensure that any person above years should be eligible for the Presidency. The successful Presidential candidate in addition to garnering at least 25% of votes cast in at least five provinces be required to get over 50% of total votes cast. Should no clear winner emerge from the first round of polling, then a run-over shall be held within 21 days between the two candidates who garnered the highest votes in the first round and a simple majority should not decide the winner. The new Constitution should ensure that a truly independent and non-partisan Electoral Commission is established members of the Commission should be nominated by all political parties, religious organization, the organizing secretary of the civil society, the new independent and non-partisan electoral Commission should be given adequate powers to organize, control and manage elections. With respect to nominated members of parliament, the new Constitution should provide the following, nominees to come from special interest groups; a person who has contested in a general election and subsequently lost should not be nominated. Nominated MPs should not be nominated into the cabinet to ensure their independence. Nominated MP should not be elected to occupy the post of the Speaker, the Deputy speaker. Their nomination should be vetted and confirmed by 65% of parliament. The date of general election should be established under the new constitution and should be in the 3<sup>rd</sup> week of November of the 5<sup>th</sup> year after the Previous general election. Provision should be made in the new constitution for independent Presidential, Parliamentary and Civic candidates to participate in elections. The current Constitution should be changed into a permanent multiparty constitution with the following provisions: funding of political parties by the government, barring elected leaders who defect in the middle of their terms from running for parliament and civic possible the rest of the term.

Security of all candidates contesting in an election should be guaranteed by the government. In inductions and orientation of newly elected MPs and Civic leaders with a view to familiarize them with their duties and responsibilities as elected leaders.

**Com. Lethome:** I want you to wind up ... (inaudible) I have given you 10 minutes.

The new Constitution should establish and secure the independent, neutrality, and autonomy of the Public Service Commission, Judiciary Service Commission, Police Service Commission and Armed Forces Commission in order to increase metocracy in our national ethics. Reward good performance and sensor incompetence or metocracy. That the new Constitution should guarantee citizens ..... (inaudible) information, secure independence, editorial autonomy of public mass media organization and protection, journalistic independence by inter ally recognizing and securing press and broadcasting rights, making a

provision for a freedom of information Act and removing statutory restriction on freedom of expression and independence of mass media. The new Constitution should establish independence to root out anti-reconciliation to promote national reconciliation, forgiveness, healing and harmonizing existence in dangers or brought about by decades of political dictatorship and .....(inaudible) leadership. That the new Constitution should make provision for deliberate scheme to m.....(inaudible) women in social, political and economic leadership rise from grass root to national level through inter ally affirmative action, inactive posts and employment in the public service. That the new Constitution should make provision for establishment of democratic, elected and governed local authorities and set out the rights, duties and responsibilities of local government by ..... (inaudible) Central Government.

**Interjection:** Martin, ..... (inaudible) you are reading every word in that memorandum which is against the instructions I gave ..... and you can't finish.

**Mr Wanyonyi:** That the new Constitution should obliterate the Central government and decentralize its budgeting process to ensure that grass root population involved in prioritising the development preferences. Strengthen people and human rights by incorporating the universal declaration of human rights of 1948, the Geneva charter on people and human rights, the Geneva and International covenant on Civil, political, social, cultural and economic rights, UN convention on women, children and disabled rights. That be there created the office of the Legislative Council who is a qualified advocate of the high court to advice the Legislatures on legal matters and to assist legislatures to have ..... (inaudible) for legislative processes and enact after ascent. That the new Constitution should establish the independent Judiciary, vetted and approved by parliament which will comprise of the following.

**Interjection:** (inaudible)

**Mr Wanyonyi:** May be I can just finish by not reading anything. I can only add that in the new Constitution the elected leaders ..... (inaudible) is MPs and Councilors should have an annual general meeting every year to account for what they have done for the electorate for that same year and if they have not performed, then the electorates will have the chance either to decide their fate, to warn them and tell them to continue with the management of their affairs or they can recall them and in that process, forward their recommendation to the relevant authorities so that by elections can be done. Thank you very much.

**Com. Lethome:** Okay thank you very much ..... (inaudible) Before I go to mwalimu, there is somebody whose son has also been circumcised and he is busy, he wants to go there. May be perform his duties as a parent. Maurice Mukhwana. Is it your son? Or is it you yourself? I hope the gentleman is ..... (inaudible) giving him special consideration. You have exactly six minutes to go through that .....(inaudible) I want to repeat again, those of you who have memorandum, do not come and read the whole document here, high light, that is what I told those who were here before. Just highlight, make recommendations and then hand it over to us. Because if you read everything, then we will not have an opportunity for other people to present their views; so just highlight if you have a memorandum. And if you have one and you

do not want to address us, quietly come and see our Program Officer and hand over your document, register then you can walk out or continue sitting. It is not compulsory for you to come and sit here and talk. You can hand over and quietly walk out.

Thank you.

Because like the chairman says, we have so many people in Nairobi in our offices waiting for this memorandum to analyze them and put them in the report, so you don't have to read everything. Okay go on Mukhwana.

**Morris Mukhwana:** .....(inaudible)

**Interjection:** Okay your name?

**Mr Mukhwana:** Morris Mukhwana. ....(inaudible) The preamble to the Constitution. It should read that through our ..... Observation... ..... for the welfare of the society in entirety and needs arising from a dynamic force sent by the public to come up with a fair ..... and constitutional paper.

Morris, weka mbali kidogo, ukiweka hapa we can't hear you.

With absolute powers by the people that exists because of people, regretting and satisfying the interest and needs of people in all spheres of human concern. It gives absolute powers to people to supplement or make any amendments to this constitution when there is ..... need.

Two, in case of removal of President from the office the summation or in ability to discharge the powers and duties of the same cause, the same shall be .... On the Vice President and the National Assembly may by law provide for the case of removal then as I mentioned or in ability to discharge powers and duties both of the President and the Vice President, declaring what office shall act accordingly and ..... be removed or President shall be elected in 90 days time.

The President shall be the Commander in Chief of the Armed Forces when called in to actual service of the Republic of Kenya. He may require the opinion in writing of the Principle Officers in each of the Executive Departments upon any subject relating to the duties of their respective offices and shall have power to grant ..... (inaudible) and pattern for offenses against the government except in the cases of impeachment. The President shall have power by and with the advise and consent of the National Assembly to make duties provided 2/3 of the members of the National Assembly present consent and shall nominated and with the advise and consent of the National Assembly, shall appoint Ambassadors, and Public Ministers, Councilors, Judges of the Supreme courts and all other officers which appointments are not herein otherwise provided for and which shall be established by law. The President, Vice president and all Civil Officers of the government of Kenya shall be removed from office on impeachment for and conviction of treason, bribery, misappropriation of public funds, diminishing public confidence or other ..... and miscellaneous.

The provision for establishment of ..... (inaudible) shall be put in the Constitution which shall be vested with power and in

such inferior posts as the National Assembly may from time to time ..... And establish.

The Judges both of Supreme and Inferior posts shall hold their offices during .....(inaudible).

The Judicial powers shall extend to all cases in law and equity arising under this constitution and in cases affecting public office holders and Supreme Courts shall have appeal jurisdiction both as law and facts. No person shall be convicted of treason, unless on the testimony of two witnesses or confession in the open court. No warrant shall be issued but upon protocol cause supported by affirmation and particularly describing the place to be searched, and the persons or things to be seized. No Private property shall be taken for public use without just compensation. In all criminal prosecutions the accused shall enjoy the right to speedy and public trial by an impartial Jury from Judiciary and place wherein the crime shall have been committed and be confronted with witnesses against him or her to have a compulsory process for obtaining witnesses in his and to have the assistance of the city council for his defense. Excessive pay shall not be required nor excessive binds imposed nor cruel and unusual punishments inflicted.

All persons born or naturalized in the Republic of Kenya are citizens with certain minor exceptions and the privilege of citizenship may be and is extended by the Constitutions to persons born in foreign countries who are Kenyan citizens. No law shall be passed which shall breach the privileges or immunities of citizen of the Republic of Kenya nor shall any person be deprived of life, liberty or property without due process of law will deny any persons within the Republic of Kenya the equal protection of laws. No person shall be a representative for the people in the parliament or Councils or hold any office civil or military under the Republic of Kenya who previously taken an orders and may be Councilor or may an officer of the government of Kenya to support the Constitution of Kenya, shall have engaged in insurrection, rebellion against the same or even age or ..... (inaudible) to the enemies thereof. But the National Assembly may by a vote of 2/3 remove such disability.

The rights of the citizen to vote shall not be denied by the government in power on account of Bankruptcy, race, colour or previous condition of substitute and all shall participate.

**Interjection:** Why don't you just hand over that memorandum, you know you are reading every word in that document. You have almost 20 more pages to go.

I hope I shall be brief, there is one thing I would like to put across. This regards public meeting. Any information reaching the public through print and ..... media shall be for natural importance and public good, free from egoism and shall in no words communicate egocentric demands by persons or parties and all political parties, institutions and subjects shall be given equal and fair answers to the public media. Persons wishing to enter a wedlock in this Republic with reasons necessitating, shall do so at the least age of 25 years and above, with the exception of the .....(inaudible) and every ..... Simple, customary or sacred shall be entered on record, whose blood test shall be confirmed free from HIV/AIDS virus infection, of sound mind, able to educate and raise a healthy family upon such permission shall be granted. The Wedlock shall not in disregard give birth to more than two children and shall only make an application to the registrar of births in case this wedlock shall deem it

necessary to bear more than two children, asking for permission in this respect and this regard he requires to account for basic requirements of extra children born in this wedlock.

Locational Land Control Boards shall be re-established under this Constitution to consist of 13 member committee who shall be objective, ..... and vetting land transfers, succession, consolidation, adjudication and intelligence, purchase and lease. It shall be ..... in powers as to handle cases that may arise under this constitution in respect of this provision and their judgment shall be out ruled from land matters.

**Interjection:** There is a question here about ..... The number of children each family can have, you said two ..... (inaudible) and if you want to have more than two you apply. Now are you suggesting a Welfare State whereby four children will be taken care of by the government or each family will be forced to take care of his children.

**Mr Mukhwana:** The suggestion is that parents wishing to enter wedlock shall only be required to have two children in case they are able to raise them. But for those who are able to educate and provide basic family needs for more than two children will be free to ask for or apply

**Com. Lethome:** That apply to the government that I want to have another child?

**Mr Mukhwana:** Yea.

**Com. Lethome:** Those are your views they have to be respected. Thank you very much Mr Mukhwana, I am sure you will be interested in .....(inaudible)

**Mr Mukhwana:** Okay, thank you.

**Com. Lethome:** Hand over the memorandum, that is one document I would like to read. Can we have now Father, I understand he went to conduct the mass, Father Patrick Ekeya.

**Fr. Patrick Ekeya:** Dear Commissioners, my name is Fr Patrick Ekeya. The following are the recommendations I made.

- i) On governance; that at all village levels Council of Elders should be given limited Constitutional powers and should be allowed to govern and handle these seats from grass root level. The Village Elders should be directly elected by the people and governance in this case should always be participatory and communal at all levels. No one person or leader should own absolute powers.
- ii) The family unit; the new Constitution should stipulate that families ..... (inaudible) in society and should accord and should be accorded all the systems for which it should ..... its duty in case of unemployment of the family members ..... (inaudible) offered by the government.
- iii) Respectable way of addressing a fellow Kenyan; all Kenyans are people of Common origin, history and destiny in ..... (inaudible) Currently we have a type of addressing a Kenyan, others say Mzee, Mama, Uncle,

Auntie, Boss, Mjomba, Siste, Chief, wewe, na kadhalika. So I propose that the title “brother” or “ndugu” , “sister” or “Dada” are more respectful and should be stipulated in the new Constitution, except for special cases like children to the parents.

**Interjection:** What about “mheshimiwa”

That is what I call special case, like the president or the leaders .....(inaudible) Kenyans when we go to Kisumu, Mandera, you meet a Kenyan who is not your uncle you should ..... (inaudible)

iv) Freedom of worship of the true God Almighty should be allowed. Freedom of worship of the .....(inaudible) should not be allowed. A Commission be formed to give guidelines on this. Thank you. That is all.

**Com. Lethome:** Okay thank you Father. Father let me ask you this, ..... Freedom of worship should not involve Devil Worship. How are we going to ..... Freedom of worship? And how are we going to define it, because .....(inaudible). How do we know this is devil worship?

**Fr Ekeya:** This is the Worship of God . Actually that is why a Commission should be formed. There was a commission formed sometime back to investigate the devil worship. .... (inaudible) were not the Commission is made often to establish .....(inaudible)

**Com. Lethome:** You as a religious leader, from this ..... (inaudible) how can you help the Commission to define a devil so that when we come up with the Constitution on ..... (inaudible) we know how to guide it.

**Fr Ekeya:** It is that which is contrary to normal ordinary worship right from the beginning, like sacrifice children, human blood, ..... The devil worship is what is negative to what is done normally. It demands sacrifice of children, what have you, ..... (inaudible) of human beings.

**Com. Lethome:** Can we have now Amir Nyongesa Ahmed.

**Amir Nyongesa Ahmed:** Kwa majina naitwa Amir Nyongesa Ahmed. Maoni yangu kwa Katiba mpya ni kuwa kwanza, Katiba is..... na uchaguzi. Ikiwa Katiba hujakamilika, kulingana na uchaguzi vile umepangwa, uchaguzi ufanywe na Katiba pia ifanywe namna gani? Irekebishwe pole pole isiwe imeharikishwa maanake ni sisi ambazo hatutazungumza kwa miaka miwili, mitatu mbele, ni kitu kinaenda kwa vizazi vijaio. Sasa iwapo hatuta fanya muda wa kutosha, basi uchaguzi ifanywe, na Katiba iendelee.

Maoni mwingine ni kuwa kulingana na vile serikali kwa wakati huu, sisi kama Waislamu, huwa inatuchagua viongozi kama Kadhi Mkuu, kwa .....(inaudible) kutokea Kadhi Mkuu mpaka wilaya. Ningependa maoni yangu ichukuliwe kuwa hawa Makadhi ni sisi wenyewe tuwachague; ikiwa ni ulaya atoke katika ulaya yetu yenyewe. Maanake ile kazi atakuja timiza ni ya wananchi, na uma kwa wilaya zake na atajua matatizo yanayo wakumba wa ..... (inaudible) wenzake.

Halafu tena isiwe ni yule tu wa kuchunguza hali za daraza na kusimamia hali za kuoana bali apewe pia kusimami ni nini kitahitajikana, na uma ambayo ameusonea kwa muda huo. Kama ni wilaya ajue wilaya yangu inakosa nini, na pia kitu kama msaada ikikuja, ahuzishe.

**Interjection:** Sasa hapo umesema hausike na mambo ..... (inaudible) na mambo mengine ya maendeleo ,

**Mr Ahmed:** Naam

**Com. Lethome:** Sasa atakuwa anafanya kazi ya Chief, ya DO ama anafanya kazi ya polisi? Unapendekeza nini?

**Mr Ahmed:** Kwanza ..... Sisi wenyewe tumchague

**Com. Lethome:** Chagua, sawa.....(inaudible)

**Mr Ahmed:** Tukisha mchagua, atakuwa naye na Kamati yake ya kuchunguza niwapo, Kortini, pesa ya kortini itakuwepo, halafu na pia ajiulize huyu Mkanda akija kwanza, ..... Kweli maishani nilikuwa naona hivi ..... (inaudible)

**Com. Lethome:** Na ungependa masomo ya Kadhi iwe masomo gani? Kadhi ana masomo gani? Kiwango chake za masomo.

**Mr Ahmed:** Kulingana na dini ama ..... (inaudible)

**Com. Lethome:** Kulingana na kazi yake, ana.....(inaudible) akae kortini, watu wampelekee kesi .....(inaudible) Ungependa masomo yake iwe namna gani? Awe na masomo ya dini peke yake ama awe masomo ya sheria ya nchi pia.

**Mr Ahmed:** Awe pia na masomo ya nchi pia, masomo yote mbili. Awe ni mtu amesoma kufikia kwango cha university, na awe ni mtu amesomea pia dini, kikamilifu.

**Com. Lethome:** Sasa kuna kitu moja umesema hapo, ukisema ni lazima awe ni mtu wa kutoka hapo mahali, kwa mfano kama ni Bungoma district awe ni Bukusu ama ni mtu wa pale.

**Mr Ahmed:** Watu wa pale mahali vile wanakaa, na ma..... vile inawatunga na pia ajue hii, hawa watu mahitaji yao ni nini, ama udhauifu wao ni nini? Lakini tunataka nini kwao, kitu kama hiyo. Nimemaliza

**Com. Lethome:** Shukran. Jiandikishe pale. Na tupate sasa Patrick Madiwani. Lakini ni Joseph ama Patrick, eh. Kawaida yetu tukienda mahali tumekuta akina mama, sisi watu wa Bungoma hawapendi akina mama wazungumze, wako wachache sana. Mama yoyote ambaye ameajindikisha kuzungumza sasa nawapatia nafasi. Mama? Sisi ... tangu nilipo kuja Bungoma wamama ni wachache sana kwa wazee. Sijui wazee wa Bukusu unawazuia kuzungumza au nini? Mama sema jina lako na uzungumze.

**Rosalia Khisa:** *Mera kange nesie Rosalia Khisa. Jina langu Rosalia Khisa.*

**Mama Rosalia:** *Nzia khulomaloma khulondhana nende bikanda.*

**Translator:** I am going to speak on behalf of Women Groups

**Mama Rosalia:** *Khwekhung'ania mubikanda mana nikhunyola amapesa madidi kwa khwaira mus Standard Bank.*

**Translator:** We organized ourselves into a group and got some little money which we took to Standard Bank

**Mama Rosalia:** *Khwabikha amapesa tsi elfu tsidaru lakini lunyuma khwanyola mbu sindu siali siuma mu bank.*

**Translator:** We deposited Shs 3,000/- but we were shocked to discover that after some time, there was nothing in the account.

**Mama Rosalia:** *Busiri obo bwalumala mwoyo kama bakhaye be bikanda, mana nikhutema khwekhung'ania khubusie amapesa, abakhaye khaba sibali nende mwoyo tawe, khubera bali nende buri.*

**Translator:** That loss killed our morale as women in development and when we tried to organize fellow women to raise funds to such projects, they are no longer willing, because of the fear.

**Mama Rosalia:** *Kho saba Katiba ni itsia khwandikwa, ibe niichunga bunyali bwe ibakanda kama ebo.*

**Translator:** So I would like to urge the Constitution that is going to be written to protect the rights of such groups when they deposit their money so that they ..... and does not disappear.

**Com. Lethome:** How did the money disappear?

**Translator:** *Amapesa ka khora karie?*



**Mama Rosalia:** *Ibank yakhenganga amapesa buli khumwosi mana biola abundu amepesa kecha kabwa.*

**Translator:** The bank was taking a certain amount every month so after some time all the money had been taken by the bank.

**Com. Lethome:** What recommendation does she have as far as the funds are concerned.

**Translator:** *Lano wenyere orio olandokhana nende amapesa ako?*

**Mama Rosalia:** *Nyenyere amapesa ka bakhenganga buli khumwosi karusibwekho.*

**Translator:** She would like to see those monthly deductions on deposits done away with.

**Mama Rosalia:** *Nyenyere khuloma loma loma khuwele abakhaye, khulondekhanana nende ingubo, ya National Dress, koti bakhaye Baganda.*

**Translator:** I am also talking on behalf of Kenyan women, I would like us to have a National Dress, like they do in Uganda, especially for the women.

**Mama Rosalia:** *Khulwa ako, nikhusia mubialo bindi ,khulamanyikhana khuli banakenya.*

**Translator:** So that when we go out to other countries we are instantly recognized as Kenyans.

**Com. Lethome:** Does she have any specific recommendation of a dress, that will really help us?

**Translator:** *Maoni kao ni sina khulondekhanana nende ingubo eyo?*

**Mama Rosalia:** *Likha serikali yaule mushono oko.*

**Translator:** Let the government decide what design of clothes we will have.

**Com. Lethome:** Tunataka wewe mwenyewe uamue, kwa sababu serikali ikiamua mini skirts, je? Ama long'i, wakisema wacha wamama wavae long'i, utakubali?

**Mama Rosalia:** Aaa hapana.

**Com. Lethome:** Wewe utuambiye unapendekeza gani, ama naweza kuambia uvae kama wa Turkana, Turkana ni nusu, Maasai ni nusu, sasa wewe upendekeza pia maono ni zuri kwa akina mama.

**Mama Rosalia:** *Khutsia khwikhala nga bakhaye mana batsie balobole mushono.*

- Translator:** We are going to sit as women and may be decide on the design of the dress.
- Com. Lethome:** Okay, when you decide, let us know.
- Mama Rosalia:** Namba tatu
- Translator:** We would like to see Chiefs and Assistant Chiefs elected by the people.
- Mama Rosalia:** *Balia balobolwanga khurula mu tsi office tsikhongo sibakholanga ikasi bilayi nende bandu balia asi wabwe ta.*
- Translator:** Some that are appointed from higher offices, when they do not actually work well with the people on the ground.
- Mama Rosalia:** *Eindi ni memorandum,*
- Translator:** Ingingine ni memorandum.
- Mama Rosalia:** *Khwanyanya bukasi bwa malwa bwendelee.*
- Translator:** I would like to see the brews of beer continued.
- Com. Lethome:** Mama iko kitu ingine tumesikia hapa, tulisikia Chwele, Mabanga na kwengineko. Unajua kitu inaitwa *usola*, wazee wanapenda iendelee *usola*. Mama .....(inaudible)
- Mama Rosalia:** *Kata mu sipitali babolanga malwa ka chang'a ni musala.*
- Translator:** It is even said that in hospitals that Chang'aa is a cure, and is recommended.
- Mama Rosalia:** *Nyenyere .....*
- Translator:** She would like to be ...
- Mama Rosalia:** *Nyenyere olala bukhuyi bwa bakhasi ni bubwa, khwalongwa khube nikhukhonyana, lakini sikhuli bakholi ba basakhulu tawe.*
- Translator:** I would like to see how wife beating end because we were created as helpers to each other and not maids or servants to the men.
- Mama Rosalia:** *Basakhali balekhe khurulekeresia.*
- Translator:** Men should stop undermining us in the home.

**Com. Lethome:** *Orio mai, orio.* There is a teacher who would like to go back to school. Mandila Tabalia

**Mandila Tabalia:** Kwa majina naitwa Mandila Tabalia, nafunza katika shule ya upili ya Kolanya, lakini ni Mkaaji wa Bumula. I would like to make the following comments on child rights. The first comment is that we have seen many people growing young boys and girls, herdsboys, shamba boys or hired. The law ..... (inaudible) but these people should be prosecuted as they are denying children the right to education. The law should also categorically charge people with responsibilities like the Provincial Administration to ensure that the law is re-enforced and no one is employing a child to work in his shamba or in his home.

**Com. Lethome:** How do you define a child mwalimu? What is your definition of a child?

**Mr Tabalia:** My definition of a child is somebody between five years and fifteen.

Second comment is on higher education. We realize that our government has invested very little in education and it is resulting to poor quality of university education. So I propose that the government should be made to give enough money for Kenyan universities so that they can be able to meet the requirements of the Nation if Kenya is to be industrialised by the year 2025.

The third comment is on the Ministry of Education. We realize that the Ministry has effected so many changes in education for example abolition of the cane in the school. He has also scrapped some subjects and so much investment has gone in the establishment of these. For example teachers have been trained in technical subjects. We also have schools which have constructed Workshops for technical subjects and so many books have been published on the same so if the government abolishes technical subjects in our secondary schools, there should be an alternative for the teachers and the manpower that has been invested in training these teachers, the parents should be compensated for the money they have wasted in building Workshops. The publishers should be compensated for the books published and will not be sold. We would also like the law to stipulate the ministry of education on the cause of taking action or making policies, so that if any policy is .... (inaudible) it should undergo a process where we gather views from all stakeholders like students, teachers and parents to ensure that if they are implementing a policy it should ..... the Kenyan circumstances, the Kenyan situation, so that parents are not overburdened. Now does the government have an alternative on trained teachers, the colleges constructed, and the Workshops constructed in schools? Parents are going to incur a lot of expenses. So the Ministry of Education should rectify the Education Act so that any policy passed by the Ministry of Education should take the interest of hosting holders in education.

Third comment on the Ministry of Education is that currently teachers are being employed through the BOG, they are subjected to another examination. So it is this logic, why a teacher trained, examined and qualified, to undergo another interview? So the Ministry of Education should come up with a new Policy on employing teachers. Many teachers are being humiliated by the Board of Governors; and if the Board of Governors should employ people, then they should have special politics, they should

know what goes on in education.

Another comment on Presidential powers is that after the President appointing the Cabinet, the Cabinet should be scrutinized by the Parliament before it is sworn in so that the Cabinet Ministers including the Vice President, the Attorney General should show their intentions and should be proved before they start working to avoid situations where an incompetent person is appointed to head a ministry. Commission of Enquiries should also be appointed by the Parliament or if appointed by the President they should be certified by the Parliament and its findings should be published and presented to the Kenyans should also know it through the Mass Media like the Newspapers, and the radio; this should avoid some findings of Commissions established that are not acknowledged by the government like the Kiliku report and some findings that are not published like the Akiumi report and the report on devil worshipping.

The President should also not be given powers to appoint people to head parastatals and other government organs because this is leading to psycofans and political patronage where incompetent people are appointed to lead parastatals, like the Presidential Soil and Conversation which is lead by Mulu Mutisya. Nominated MPs should only be ..... (inaudible) like the disabled, the Youth and the women and it should not be just a case where people are appointed to increase the number of MPs from a political party.

I want to talk on Land. You realize in Kenya taking a land Title deed is a long process and is very expensive. So it defeats a local mwananchi to get land title deed because of the procedure. The procedure should be made simpler and less expensive so that every person is able to acquire a land title deed for his piece of land.

Ladies should be given the same rights to inherit property from their parents the same way as boys are given the chance. This will ensure that girls are also competent in building our nation.

**Interjection:** Does marriage ..... (inaudible)

**Mr Tabalia:** Marriage does not affect the rights of inheriting property, because in our African culture, even if you marry, you still have links with your family.

The law should also be formulated to bar politicians from giving money to electorates as this amounts to corruption and unsuspecting citizens end up voting people who are incompetent to represent them because they have been given money. Any person aspiring to be an MP or a President or any elective post should declare his wealth to the Electoral Commission and the Central Bank so that after the elections, his property is examined and determine how much money he has spent during the election to avoid corruption.

All public land in the country should be gazetted and published to be known by many citizens because most public land has been grabbed by individuals and this land very few people have known that it is public land. A good example is that the land earmarked for a public library in Bungoma district has already been developed. The Airstrip, the show ground and the expansion land for the hospital.

The media being published to

**Interjection:** Before you go to the media, what happened to the land that already grabbed; what happened to it?

**Mr Tabalia:** That is where I am making the comment the law should stipulate that this land should be re-possessed by the government and be known to the citizens that this is public land and whoever has developed that public land should go at a loss.

I have finished.

**Com. Lethome:** You don't want to speak about the Media? One minute for the Media.

**Mr Tabalia:** The media should be made free, the current media rules should be abolished so that we can receive information on what is happening in the country. Lack of information will make us not know what is going on and it will taper our economy projects.

**Com. Lethome:** Okay thank you mwalimu, before I call another teacher, let us listen to Patrick Matifari. Patrick Matifari, halafu after that there is another teacher Lucas Mukhamia, unasomesha wapi? (*response*) Utakuja baadaye

**Patrick Matifari:** Thank you Mr Commissioner. I will start with .....(inaudible)

The Supreme Judiciary laws in the government acts and bars and changes the ruling party. Chain exists of the..... (inaudible). In short, all of us, whether opposition or ruling party, be participants in development. National cake should be shared equally, this means the coalition government is better. It should do that to ensure that a political party is not somebody's party or property. Parties are dividing Kenyans on tribal lines. On ..... (inaudible) I prefer this, it is my suggestion, alternatively ..... (inaudible) can operate as a ..... State for the sake of national unity.

The money used on politica parties goes to development. This is one way of making Kenya a ..... Country, but our tribe is Kenya.

Structure and Systems of government; we retain the Presidential system of government, that is to say, we may have two chamber house, adopt a Federal system of government in which existing head of state are governors.

Another point; the Provincial Administration should be done away with and replaced by governors and Civic leaders. I say this

because of corruption in the country.

Legislature; to enter parliament, be it a Councilor, an MP should be at the age of 30 – 55 years. President to be at the age of 40 – 60 years. Education qualification is very necessary. A member of parliament must be of a degree holder likewise to the President. Civic leader should be either a form four or above.

Another point, to be either a President, MP, Councilor first you must declare wealth and how you acquired it. Marital status; he/she must have a family, because you can't just have a person ruling people and has no family. He cannot consider our .....(inaudible) suffering.

**Com. Lethome:** Supposing he is a Priest? A person who is a priest and wants to contest as a President, and according to his religious rules he cannot marry, he is practicing celibacy, do you bar him or her from contesting?

**Mr Matifari:** That is my suggestion. He should have a family, so that he or she ..... (inaudible)

**Com. Lethome:** Do you consider a woman who has a family, who has children but has no husband to be having a family. A single mother, will she be considered as having a family, does she qualify or she is disqualified.

**Mr Matifari:** She cannot qualify.

**Com. Lethome:** So a divorced woman will not qualify, a divorced man will not qualify?

**Mr Matifari:** Yes.

For a President, MP, Councilor if he is ruling very well, terms can be 10 years, same to MP and Councilor.

Another proposal the Vice Chancellor of public universities, Commander in Chief of Armed Forces, because usually the government is the head of office. I suggest that the President governance is above the law. And at the same time he has no powers to dissolve parliament. President must be attending the parliament; there is a ..... In the parliament so that he may answer questions. At the same time, the President should not be a member of parliament. Once a President, he is a President.

Local Government; Mayor, Chairmen must be elected for five years and to elect a Mayor or a Chairman of a Council must be done by voters sensors.

Councilor elections must be a degree holder. Thank you Bw Commissioner.

**Com. Lethome:** Thank you Patrick. Can we have Mr Mukhamia. Mwalimu I hope you did not present in Mabanga, because that would be rigging.

**Mr Matifari:** I am on leave.

**Com. Lethome:** You are on leave?

**Mr Matifari:** But I have some work elsewhere.

Lukas Mukhamia: Asante Commissioners. My names are Lukas Mkhama and I am speaking as Chairman of Gospel Celebration Centre and Church. These are our proposal as church members:

i) Voting should adopt a tick (√) instead of an X because of the following reasons, one

**Interjection:** Don't give the reasons. We know the reasons.

**Mr Mukhamia:** You know the reason?

The X is always associated with 'No' and a tick is for 'Yes'

Second one; ..... (inaudible) elected people. MPs, Councilors, and where possible Assistant Chiefs and Chiefs should have offices financed by the Government for the following reasons,

- to avoid conducting public affairs in people's homes,
- to avoid intruding into private affairs of office bearers,
- to allow Parliamentarians and Councilors to visit their homes. Otherwise most of them stay away from the electorate. Our suggestion is that specified dates or days to be designed for visiting days. Alongside this, it should also be possible for the public to recall a non-performing Councilor or MP.
- The third one is one harambee. The motto of harambee has been abused by mostly elected leaders and civil servants, therefore it should be abolished all together or be restricted. These are the reasons.
- Many times people ..... and are brought by through Harambees and you know God says the left hand should not know what the right hand gives.
- Officers abuse office by getting funds.
- Officers are abused by misappropriation of funds and harambees are used to cover especially in schools and politics.
- Some people conduct harambees to con the public; this has been seen in pre-weddings, projects and such like.
- Harambee donations are used wrongly as campaigning tools and yardsticks and many times they are used to marginalize some areas.

The fourth proposal is on the Kenyan economy. Kenya being an Agriculture based economy, a lot of resources should be martialled by the government towards the support of research, production, marketing and processing, in other words, industrialization and where possible the government should support the Cooperative movement. God gave Kenya this resource

therefore it is good for the government to look for stewardship.

The fifth one is on education, corruption and immoral behaviour is eating every sector and social ..... (inaudible) in our country. The education system should instill discipline and patriotism, instead of concentrating on commercialized education by hungry people. The law enforcers and the Judiciary should be independent and with internal disciplinary mechanism, answerable to the people through the powerful office of Ombudsman. Here Commissioners, it is where the society has gone haywire and many times the law enforcers and the Judiciary their jobs are wanting at the moment. So I feel there should be an office where people should go and complain. Periods should be set for certain offences to be concluded, and even some cases penalized on the spot, like in Uganda some traffic offences, things like illegal brews; such offences should be penalized on the spot. Because even the present policemen are doing it.

**Com. Lethome:** So are you suggesting that it is an offence like having or drinking illicit brews.

**Mr Tabalia:** Yea, if they get somebody with illicit brews, there should be an offence and official receipt.

**Com. Lethome** Give an example of an illicit brew.

**Mr Tabalia:** Those which are gazetted by the government as illicit brews.

**Com. Lethome:** Here in Bungoma which are they?

**Mr Tabalia:** Chang'aa is an illicit brew, a known offence is known by everyone, Kshs 2,000/- so if that be the case, then this policeman should be allowed. Because all the same they coarce this same money from people.

**Com. Lethome:** Should they continue being illicit or should they be legalized, because this is an issue in Bungoma.

**Mr Tabalia:** Our view as a Church is that this should continue being illicit.

Further, we wish to say that national identity cards and any other identification cards is not to indicate the tribe.

Mwalimu, have you checked our national identity card. It does not show the tribe.

Fine but the process and details of acquiring detect tribe, that should be removed where possible.

Finally people without proper credentials be retrenched by a Commission and offices given to deserving people in society.

Salaries for all arms of the government to be done by one independent body and harmonized based on level of education, the tasks people are given, the hours, the nature of job, and productivity comparable to the private sector.

The sixth one is on public servants. Senior Civil servants and heads of the institutions, parastatals or people above a certain job group should not be allowed to work in their places of birth. This is a culture has contributed to low productivity, embezzlement



of funds and intimidation of outsiders in quotes ..... (inaudible). These senior government officers should be answerable to elected persons like in Uganda, to make them productive.

Commissions like this one should be embedded in the Constitution and also be given the time frame of implementation and automatically after concluding their work and where possible passing through parliament. Kenyans have noted that some Commissions have not been useful to the society but time-wasting and buying time to cover misdeeds, misuse of public funds and even they will encourage corruption in the society. Our fear is the Commission like this has sensitized people and if not concluded well may stir the public and lead to a civil war or a strike.

Finally on churches; the church should be represented in parliament and councils to serve the spiritual interest and bring sanity and divinity to the Civic and Parliamentary body; and so to the church. Representatives of the church ..... (*words lost as tape ends*)

Politicians have insulted the church without them having a similar platform to answer or correct the smear leading to animosity within the two institutions.

**Com. Lethome:** Mwalimu by church do you mean religious institution or only the Christian church because church refers to the Christian place of worship, yet we have many other denominations in Kenya.

**Mukhamia:** I think it should cover because we were speaking on behalf of Gospel Celebration Centre but it should just cover all religions.

**Com Lethome:** Assistant Chief do you like to .....(inaudible) Can we have Losanyia Peter. Any other lady who wants to speak? Mama mwingine ambaye anataka kuzungumza. Any other lady who wants to speak, come over here please. Jina lako?

**Brigid Nasambu Wafula:** Kwa majina ni Brigid Nasambu Wafula. Niko hapa kuwakilisha kikundi cha Viyanzi Women Group. Maoni yetu la kwanza, tungependa serikali ihusike kwa kujenga viwanda vya kila wilaya kulingana na mimea wanazopanda, kwa mfano, hapa Bungoma tunalima Tobacco ambao inasafirishwa hadi kule Thika ndipo sigara iundwe.

Pili, kulingana na hiyo sigara, kwa kweli hapa Bungoma tuna shida sana kwa sababu imeweza kuwaribu mashamba yetu na tena, kulingana na vile inavyo tengenezwa na mwananchi ni hatari kwa maisha yake, kwa vile wengi wetu tunapo ichoma, ama kuitengeleza hatujikingi, na ndiposa inatuletea maradhi zaidi kama kifua kikuu. Unapata ya kwamba yule mtu ambaye anaitengeneza kwa kuchoma anakohoa sana na inakuwa ni hatari kwa maisha yetu.

Waso la pili; tungependa ya kwamba serikali yetu ikaweze kutupilia mbali pesa za mihani ya darasa la nane na tena kidato cha nne, kwa sababu wanafunzi wengi ukosa kufanya mihani hizo kwa sababu hawana pesa, hapo wamechukua wakati mwingi, miaka mingi wa kusoma, lakini wakati inapofikia, ..... (inaudible) ama wakati wanapoenda kuketi kwa mihani, wanakosa

pesa na wanakosa kufanya mtihani yao.

Waso la tatu; tungependa serikali yetu ikaweze kugaramia maradhi kama malaria, kuhara na kuhara kwa sababu ni magonjwa ambaye yanatokea kwa gafla; lakini magonjwa kama ya ukimwi ni lazima mtu mwenyewe agaramie kwa sababu ni magonjwa mtu mwenyewe anajitakia.

**Com. Lethome:** Ngoja kidogo, ule mtoto ambaye anazaliwa na hiyo ugonjwa, amejitakia, ama ..... (inaudible)

**Mama Brigid:** La, nilikuwa nimesahau, lakini kuna watu wengi ambao wanatibiwa lakini ni mapato ile – tuseme kama watu wazima, afadhali ugonjwa wa kuhara na kutapika au malaria ilipiwe na serikali. Lakini ile ya ukimwi sioni ni kwa nini walipiwe kwa sababu watu wata..... (inaudible) ataweza kutibiwa. Na ni ugonjwa ambaye Kenya haiwezi tibika. Sasa tukikataliza watu, kwa hakika wengi wataogopa.

**Com. Lethome:** Kwa hivyo mtu akipata awachilie .....(inaudible)

**Mama Brigid:** Awachilie akufe.

Nitaongea upande tunapowachagua Machief, ama Ma sub-chief; si hati watu waende tu wafanye mtihani na wachaguliwe .....Tungependelea ya kwamba waweze kuchaguliwa na watu wenyewe kwa sababu riziki ambayo tunawajua na tunajua kitu .....(inaudible). Tena tukaweze kuwa na ofisi kama hapa kwetu, wawe na ofisi kama sokoni sio kwa maboma zao.

**Com Lethome:** Na kina Ma-chief?

**Mama Brigid:** Ma Sub-chief and Ma-chief.

**Com. Lethome:** Inaudible

**Mama Brigid:** Kuna wengine hawana ofisi, wajengewe ofisi

**Com. Lethome:** Okay.

**Mama Brigid:** Ili ndiposa tunapotaka watutumie, tuwe na wakati mzuri, kwa sababu unaweza enda, ukienda kwa boma la mtu unakuta ako shambani au shuguli zake, lakini akiwa ofisini, utampata baraka, na utaweza kukutumia kwa haraka.

Mavazi; wamama wakaweze kuwa na mavasi ya rasmi. Nguo ambazo zinafaa mbele za watu. Unaona ya kwamba wanawake, hata wamama, tuseme hata si vijana, hata wamama wanavaa nguo fupi sana. Hata anapo ingia kwa gari hata kuinua miguu ni shida. Mengi inafanya hata mwanaume ameketi pale anaangalia, unaona ni aibu sana. Serikali yetu ikaweze ku..... (inaudible) kwa hivyo kuweka sheria ya kwamba, mama anapo patikana ama msichana amevaa ..... (inaudible) ambalo halipendezi, akaweze kumshikilia hatua.

**Com. Lethome:** Na long'i inapendeza kwa wamama.

**Mama Brigid:** Long'i haipendezi kwa hakika hiyo ni vazi la mwaume. Hata kwa upande wa wanaume, kuna wakati wengine hata wanaume wanatu..... (inaudible) nguo ambao zinawakaza sana, kama jeans. Yaani anatafutana ya kwamba imemkaza, hata unapomtazama mwingine atasema ..... (inaudible) na umefanya. Ni aibu hii kwetu. Tena sisi kama wanawake tukaweze kupewa nafasi, kwa sababu hiyo ..... Kwa jamii kwetu wakati wanapopeana maji, tusikavuliwe tuseme wasema juu ya kwamba, mtoto kijana ndiye mtoto, wote wawili, mimi msichana na kijana sisi wote ni watoto. Mali inapogawanywa wasiweze kutupakua kwa sababu sisi wote ni watoto.

**Com. Lethome:** Kama umeolewa, ile msichana ameolewa ..... (inaudible)

**Mama Brigid:** Hata kama nimeolewa, nyumbani ni nyumbani, watahifadhi msaada langu, lazima nipewe. Hayo ndiyo maoni yangu, nasema asante.

**Com. Lethome:** Wanyonyi, Henry Wanyonyi, karibu. Afuatuwe na Vincent Wafula, ako karibu, Vincent Wafula.

**Henry Wanyonyi:** Mimi naitwa Wanyonyi, na ningependa kusema karibu Commissioners. I will start with the Presidency; I feel that the next Constitution separation of powers between Executives, legislation and Judiciary. I believe that doing so is a sure way of actually makes all arms operate independently and will reduce powers especially that of the President. I also feel that the post of a Prime Minister be introduced plus his deputy. They are supposed to share the powers with the President. Unlike the current Constitution where the current President is almost ..... (inaudible) of powers.

Three the government to reconsider terms on fighting against poverty, .....(inaudible) as that was the ..... (inaudible) but as now we do not go by that as they are ..... (inaudible) of counseling. To vie the three aspects in this country, we should be empowered, I mean there are some ministries I feel that there are three ministries in this country that actually I see direct way and deals directly to the common man and those are ministries Agriculture, Education and Health. You will ..... (inaudible) Agriculture. The ministry of agriculture to deal with poverty and by so doing it should provide some distances to farmers. Even those who cannot acquire farm inputs like seeds and fertilizers. We are still used to employ enough extension workers to the field or for Management and take to that ..... (inaudible). As such it can .... Enough and most effective production of food in the country.

I also feel that the country should reactivate the statutes of Kenya Farmers Association (KFA) to cater for farmers in terms of capital as capital is the root source of efficient food production in this country. The only good way of eradicating poverty is if we have to be serious in this country, is only by supporting farmers to produce effectively and maximumly and we should always start .....(inaudible)

I also feel that the government should consider working closely with the Kenya National Farmer's Association (KNFA) and the

same union is the sole representative of farmers in all forums related to farming. I say that because a farmer in this country has no say and has no quorum but; but resolutions made in support of a farmer, is just made from Nairobi and it never reaches the farmer at grass root level and that is the cause of insufficiency and poor supply. We have had a lot of famine and if there is famine in this country we usually spend a lot of money importing food, running here and there looking for food for the assistance of our people. If you stand on the whole place, you start on the grass root; we have always helped, rather minimized the .....(inaudible) the only union that is actually registered in this country is Kenya National Farmers' Union. But unfortunately it was only registered as a lobby, it has no powers, it is almost toothless but it is there. In this case I feel that it should be given powers to negotiate and talk a lot of things in relation to farmers. It is very important that a farmer must have a say in all farming activities and also the farming should also take part in marketing the produce. But after they produce, they come and should be responsible and finally they should also subsidize especially farm inputs like fertilizers and seeds.

Education is one of the ..... (inaudible) that I am just trying to analyse. Education will always cater for ignorance. Under this ministry ignorance can be fought. First, it is by making education for all and compulsory for all.

Government to offer free education and also we have heard international scholarship. We have only heard of it in Nairobi, but it never stretch to the local level. So I feel that International scholarships should be given equally at the district level, not as individuals and especially the rich. We have heard, we have scholarships internationally and search of ..... systems the ministry of health is actually there to cater for that. Health ministry to fight diseases by giving free medical services; otherwise we demand to ..... (inaudible) government hospitals. It cannot be ... to eliminate the economy upcoming diseases in this country especially aids and those other diseases and there are so many of them coming up.

I also feel that ..... getting medical services closer to people and make purchases of drugs. I feel we have to encourage this opening of Chemists by dealers to bring them close to the people and it is a way of fighting poverty, because one cannot run here and there looking for a mere procaine in Bungoma that is so near by a chemist, so I feel that the government should encourage the opening of those chemists so that they also should assist in supervisory skills and inservice course assists in those areas, as long they are properly supervised.

Also I want mention something in lands; the process in which the land title deeds and ..... (inaudible) is a very long process and the only ..... (inaudible) and I see it as a source of encouraging corruption. So, a better method must be established to replace the current system.

I wish to come to local brews. Indeed the new Constitution, should keep caring for all beer takers or rather drinkers in this country just like the way we usually do to commercial drinkers. Those who take Tusker are very comfortable and they only drunkenness. So I feel the law must legalize local brewers and dealers. Local brews were ..... by our president and is covered under our culture. So it has to be respected by our government under normal circumstances. What the government

can only do is to control the brewing and drinking and establish Act but not abolish the process completely. On the side of Chang'aa inviting is a very long ..... (inaudible) technically sir it is prepared under a very advanced level. So I feel the government to ..... under the control of the same established acts and the guy is making a lot of legalized process, they can pack just like the Uganda way, where we have Uganda warrage, Uganda system can part of it control the high rate of drinking it, we can rename ours as Kenya Distilled or Purified Chang'aa so that it is just sold like any other brew and it will control the taking or otherwise the banning of local brews has actually cost a lot of corruption especially by police force and is tantamount even to ..... because slowly it is true that it is taken by the poor.

Finally I feel that the after dissolution of parliament, the president should remain in the office, he should hand over power to the ..... (inaudible) who should either be a Speaker or Attorney General, so long as the same have .....(inaudible). No political party should be allowed to use government vehicles or civil servants for campaign. It is encouraging ..... (inaudible) Finally we decided to ..... we want to make something. We have had a tendency where after making a Council right from Civic upto Presidency. In fact mostly MPs, there should be no defection after one has been nominated by a political party; and should any chance fall .

**Com. Lethome:** Thank you Mr Wanyonyi. Can we have Mr Benard Kasiri.

**Bernard Kasiri:** I have a memorandum that is actually a bit unconventional. My name is Bernard Kasiri. I am representing Weswa Welfare Association and is a women group. We have come proposing the formation of the National Constitutional Council and of course from what we have seen, our experiences in Kenya. We have confident that the National Review Commission now collecting views will come back with a good Constitution. But the problem is that we have seen that the Executive once it has a majority in parliament can easilty amend or twist or do whatever it can in the Constitution. We feel this is unfair. In 1977 at the KIA- Kabete, it was proposed that the office Ombudsman be formed under the Kenya we want National Convention. This office has not been implemented. It has not yet been formed. The Netherlands has such an officer and is where perhaps that office originates.

Are you suggesting that the office

I feel that Ombudsman cannot fit in Kenya because such an officer is an individual who is not supposed to be corrupted, he should not be intimidated, but our Sociopolitical culture cannot allow.

So what are you recommending?

I am recommending the National Constitution of Council to act as Ombudsman as the supreme court which has also been suggested else where. I propose that our new Constitution should have a pre-amble that we for example can say that we, the

people of Kenya, or the Republic of Kenya, join as a nation for our own convenience, security and agrandisement, that we establish a government that we shall choose from among ourselves and our leaders shall be answerable to us, we shall not be answerable to our leaders. Our leaders will be answerable to us

**Com. Bishop Njoroge:** ext one. .... (inaudible). Do not explain, just make recommendations.

I will continue sir. The composition of the Constitution of Council shall have 15 members among them 9 elders 8 of whom are from each one of the 8 provinces of the I seek and then the 10 and other members within the Chief Justice which shall be the secretary of the national constitutional council, the Chairman of the law of or Chair of the Law Society of Kenya, Maendeleo ya wanawake organization chairperson, the head of the Catholic Church in Kenya, the head of the National Council Churches of Kenya and the Chief Kadhi. I have made a supplement on details of selection . The functions of the National Constitutional Council are: that the Council shall be the custodian of the Constitution of Kenya. It shall overrule any amendment to the Constitution that is used as whimsical or experienced. It shall facilitate and conduct referendum and civic education on any important Constitutional changes that may be desired. He shall conf after he or she has been declared the winner by the ECK following general elections. He shall confirm and swear in the Chief justice and members of the bench, those are the judges shall appoint and swear in the chair of the Electoral Commission of Kenya. It shall impeach the president and ask him or her to resign if parliament has voted a vote of no confidence. Shall be mandated to step when the president leaves office or during the terminus especially during general elections. It shall be corunner with the incumbent of the outgoing president when the parliament is dissolved. It shall be mandated to induce or absorb the former president for ..... (inaudible) or crimes committed while in office. He shall convene as the constitutional court (in present we have a constitutional court). He shall be the protector of State lands and mandated to review, reverse and receive any regular allotment of title deeds for individuals on part and parcels of such land. He shall conduct referendum on Constitutional amendments and other issues of national importance. It shall be the guardian the protector of our natural resources, forests, gameparks, game reserves and all the natural resources that we have including ..... (inaudible). Because we have seen that the government presently is not protective enough it shall also be the protector of our environment.

In conclusion, there is such a similar constitution in Italy, it is not identical to the one we are proposing, but it has helped Italy a lot since the 2<sup>nd</sup> world war. That country has gone through so many tribulations but because they have the Constitutional Council, many of us do not even know that Italy is a Federal government. It has put together the nation.

**Com. Njoroge:** Thank you very much. Let me ask you. This Council is on the National level, but you have other levels like locational, divisional, where ....(inaudible) after gaining the interest of the people, now what are we going to do on those levels.

**Mr Kasiri:** At those levels, actually the members of the Council have not gone into details, they will be elected from

the grass roots. From each province there will be one only from one of the Constituencies in the country and the people we chose especially the MP concerned and the Councilors will decide who is of noble character.

**Com. Njoroge:** The question is, they will be able to give at the State up there, some of things that happen against wananchi by public officials are in the villages, locational, divisional, what ..... (inaudible)

**Mr Kasiri:** The Council will also look into this

**Com. Njoroge:** Are they going to have branches.

**Mr Kasiri:** No, no, the National Constitutional Council shall be a kind of sales member of the government. It should be there to activate the checks and balances of the Executive, the Legislature and the Judiciary.

**Com. Njoroge:** Thank you very much. That is a very good suggestion, and give your memorandum and I will try to go through it. In fact in the past we have heard the national .....(inaudible). Can we have Florence Bida, come, come here, unaenda? We need that memorandum and then you register there. Wananchi, mnajua kikao hiki kimepanya katika sheria za Kenya. Na hatutaki watu wanaopiga kelele hapa. Ukiwa una jambo unataka kusema, utoke pale nje, mzungumze, halafu mrudi. Sheria inaotusimamia inasema ni lazima tueshimu kikao hiki. Na yule anaозungumza anahitaji kusikizwa na kila moja wetu. Mmesikia hivyo? Tafadhali ukiwa una neno, la kuzungumza na mwenzako, mtoke pale nje, halafu mkimaliza mnafanya nini? mnarudi. Tuhesimu kikao, kwa sababu kimetangazwa rasmi kama kikao cha kuchukua maoni la kurekebisha Katiba. Tafadhalini.

**Lawrence Beta Webugulu:** The Commissioners from the Constitution Review, there are some points, some rights here; equality in Constituencies. As Constitution makers, you should equalize Constituencies. In Kenya we have 210 Constituencies but some minority tribes have more parliamentary seats than large tribes. For instance in the last general elections, the Kalenjins were 3 million people

**Com. Njoroge:** Mr Lawrence, you are saying that every Constituency must be equal to the other in terms of the number of people who are voting. Is that what you are saying?

**Mr Webugulu:** No.

**Com. Njoroge:** What are you saying?

**Mr Webugulu:** My point is that some places have more Constituencies than others.

**Com. Njoroge:** So you would like equal number?

**Mr Webugulu:** I would like some places also to have equal numbers, or to be given a Constituency because of the largeness of the Tribe.

The Kalenjin were 3.4 million people but they had 31 parliamentary seats in last general elections, while Kambas who were also 3.4 million people had only 18 parliamentary seats. This refers to ..... (inaudible) to a Constitution in Kenya which he said that the white man had to have more votes than an African. If we cater to the minority cases, more parliamentary seats. In addition to that the Luhya community is now 5.940 million but it has only 24 Constituencies. As Constitution makers, you should amend this issue.

Councilors should not necessarily be form four leavers, but should be able to read and write a passage in English. If they use form four certificates, it will not be correct; because many people have forged form four certificates. Councilors whether an old one or a new Councilor should write Kenya qualifying test to verify that he is able to write English.

Your honourable Sir, when making the Constitution, we should not give more powers to the President. If you give more powers to the President than Parliament, then the government will be a weak government. If a Minister does something contrary to the President's wish, he can be sacked at any time. So when making the Constitution, remove some major powers from the President and give it to the Parliament.

Choosing of the Chairman of the County Council; the Councilors should choose the Chairman of the County Council and not necessarily the old people in the County Council, the resident of the County Council.

When choosing a Chairman, it is not necessary that he should be a graduate because those whom he represents are not graduates. Those are my few points and I am Lawrence Beta Webugulu, a former Councilor in North Mateka ward and also a former Intermediate and Primary headmaster.

**Com. Njoroge:** Let me ask you. If your friends make the good point that there are .....(inaudible) We have some of the ..... For instance I was in a place called ..... Where they have a Constituency with only 5,000 people, but they cover like the whole of Bungoma in terms of the land space. So we should not regard the geographical formation of the area but should regard the people who are in there. Is that what .....(inaudible)

**Mr Webugulu:** No, My point is that some areas are, for instance some areas have very many people, for example in Bumula, last general election, we had 40,000 voters for one MP and as I mentioned one of the Constituencies in Baringo Central had 15,000 voters. That is what it means that for Bumula instead of having three when we compare with Baringo, we only have one. That is what I mean, if you are going to make the Constitution and you want them to be 35,000 voters per Constituency, do that and not for instance in North Eastern province, they have Constituencies which has 4,000 voters. Now you consider that with Bumula 40,000 voters. And by that those members of parliament get money from the government to feed their people. If we have such Constituencies having 4,000 voters, comparing to Bumula 40,000 voters, is that right?



Thank you.

**Com. Bishop Njoroge:** Thank you. Can we have Samson Sakwa, to be followed by Gabriel Baraza.

**Samson Sakwa:** Asante sana Bw Commissioner, karibu Bungoma na Bumula Division kwa jumla. Majina yangu ni Samson Sakwa. Proposal yangu nimefanya na Kikundi ya akina mama; Women ..... (inaudible). Sisi hapa Bumula tunashida ambayo serikali anasema nchi yetu ni maskini na umaskini yenyewe inakuja makosa mengine tumefanyiwa na serikali. Kwa sababu sisi hapa ..... (inaudible) mama analima, anapanda, anasaidiwa na watoto wake lakini hatuna ..... ya kutengeneza Unga. Mahindi mpaka iende Eldoret wafanyie .....(inaudible) watu wengine kwa wengine wajaajiriwa kazi, kwa chanzo letu tunaomba serikali ingekuwa itujenge viwanda ya kusaga Unga na kuweka Unga ya hata ikiwa ngano, tuna ..... (inaudible). Hiyo serikali ikilete viwanda ya kutengeneza Unga na kuweka ..... (inaudible) watu wengi wataajiriwa hata kazi hapa, kuliko sisi kugawia mikoa mingine na huko sisi tunaitwa maskini.

Jambo la pili, kuna wamama wanatengeneza Meko na ..... Jiko liners ..... (inaudible) special sana, katika ulimwengu ya mataifa. Hiyo ndiyo major proposal. Tunataka serikali ijaribu sana mfanye utafiki, utufikie; clay yenyewe iko tu hapa, hata mimi tulichungua hii clay mpaka huku Meru, Embu, tukafanyia uko, na vikundi vya akina Mama mimi mwenyewe ..... (inaudible) Sasa hii clay tuko na hasara kuwa naye bila kusaidia sisi. Tunaweza kutengeneza vikombe ya kauli na vitu vingi kama sahani na mambo mengi kama machacha na kila kitu, na .....(inaudible) tungeweza kulipata hapa na kuajiri watoto wetu. Naomba nyinyi ukiwa mnaweza kutusaidia, hiyo jambo muichukue manani na mkufika uko; nilijaribu kuambia wale wanohusika kama MPs na hawakuchukua kitu chochote. Sasa tunaweza laumu serikali na kumbe saa zingine makosa ni viongozi. Kwa sababu nyinyi mnapofika hapa, maoni kama haya ndiyo naweza kuleta hata wakati mwingine pesa kidogo kuliko kuishi maskini.

**Interjection:** Haya endelea ingine.

**Mr Sakwa:** Ya tatu, sisi hapa unapoon, hii nchi yetu ni nchi yenye rutuba na tunaambiwa lakini tunahitaji small industries za kusaidia wananchi kama mdunga, tukilima mdunga hatuna mashini, BAT tunasafirisha mpaka uko Thika watu wa huko ndiyo wanafaidika.

Jambo la nne, tungefurahia uongozi wa kama nyinyi mnataka kutusaidia sisi wananchi, wapiga kura wananyanyaswa na wale tulie chagua. Mtu anachukua kiti ya rahia anaenda kukaa naye miaka mitano haonekani ndiyo aweze kulilia .....(inaudible).

**Interjection:** Kwa hivyo unataka nini, ikiwa mtu amechaguliwa na miaka tano haonekani, tufanyeje?

**Mr Sakwa:** Ikiwa miaka miwili hawezi kuonekana akiwa Diwani ama Mjumbe, hii mataka yetu nyinyi mchukue ni vote of no confidence after two years. Kwa sababu anapochukua hiyo kiti, kumfikia ni shida. Sasa sisi tunajulia nani?

**Com. Lethome:** Mapendekezo yenu tumechukua, baada ya miaka miwili, kama ha-perform unamuita anarudi,

**Mr Sakwa:** Namuita tunawambia kaa nyumbani tupeleke ile anaweza kufanyia sisi kazi.

**Com. Lethome:** Haya endelea

**Mr Sakwa:** Jambo lingine, last election watu walipiga kura kuchagua ..... Nomination papers, na inaletwa jioni. Tungefanye?

**Com. Njoroge:** Wewe tuambie unataka nifanyaje?

**Mr Sakwa:** Sasa hiyo, hii mwaka tena tutakuwa kama hivyo ama hii mambo itakuwa na mabadiliko mengine?

**Com. Njoroge:** Wewe unatakaje. Wajua sasa uko hapa, utuwambie vile unataka.

Sisi kama tunachagua Charles, Charles mwenyewe ndiyo ata-represent hiyo nafasi hiyo. Sasa ofisi ya FORD tulichagua mtu mwingine halafu election, nomination inakuja ..... (inaudible) jioni sana.

**Interjection:** (inaudible)

**Mr Sakwa:** Tungefanya nini Bwana Commissioner?

Sisi tunataka kama wewe ukichukua maoni yetu usije kuwa kama watu wanachoka kwa mtu mwingine yule mzuri halafu tunapata ..... (inaudible) nomination. Lazima hiyo mambo .....(inaudible) sana.

**Com. Njoroge:** Hebu nikusikize, unasema mlipo fanya nomination ya party, mliomchagua si ndiyo aliletwa na party kama candidate kwa election.

**Mr Sakwa:** Ndiyo.

**Com. Njoroge:** Aliletwa mwingine?

**Mr Sakwa:** Akaleta mwingine.

**Com. Lethome:** Kwa sababu ..... wapi?

**Mr Kakwa:** Sasa hatujui. Kwa hivyo ndiyo tunataka kujua hii Commission vile inakuja ili, ina mambo ingine itatokea kama hayo? Mambo kama hayo watu wanachoka. Wanachagua .

**Com. Njoroge:** Tunataka kupendekeza kwamba party ziwe na democrasia ili watu waliochaguliwa na wananchi ndiyo watakwenda kwa uchaguzi.

Ndiyo wale wale kwa sababu wananchi tumechoka, tumempigia wewe na wanatuletea mwingine.

**Com. Njoroge:** Halafu swali moja mzee. Kuna mahali ulienda kulalamika, ama kuna mahali ya kulalamika ikitokea kitu kama hiyo.

**Mr Sakwa:** Mambo yetu, kulalamika, hati ukifika hata wapi, ilikwama kwama ..... (inaudible) na bado wataendelea.

**Com. Lethome:** Haya asante, hiyo tutaandika hiyo.

**Mr Sakwa:** Sisi hii division yetu, tuna jambo mingi upande wa security. Hii security wanayo shika mtu wanamuita ..... (inaudible) Polisi wenyewe wenyewe wanajivalia koti hapa hapa Kimaiti. Bwana Commissioner, sasa hawa mapolisi wakishika m..... (inaudible) muweke hapo cell bila kupiga ..... (inaudible) wanipeleka kotini, wananiweka tu hapo kwa nyumba yao, na wanahitaji wenyewe wa viatu wakuje waambiwe walete Shs2,000/-singe.....(inaudible) kujua hii sheria. Sasa mwandike hiyo.

**Com. Njoroge:** Sasa mzee, Mzee Sakwa, wewe unataka nini, polisi akikushika unataka nini?

**Mzee Sakwa:** Akishika mtu, apelekee koti,

**Com Njoroge:** Asikae kwa hiyo nyumba yake

**Mzee Sakwa:** Asikae kwa hiyo nyumba yake siku mbili

**Com. Njoroge:** Na wasiitishe ile 2,000/-

**Mzee Sakwa:** Hiyo 2,000/-, 5,000/- na koti yenyewe itaitisha nini?

**Com. Njoroge:** Kwa nini wacha nikufahamu. Kwa nini wewe unalipa polisi sio kazi yake, sio Judge; kwa nini unalipa pesa wewe mwenyewe?

**Mr Sakwa:** Kwangu hawajanifanyia lakini watu wengi wanawafanyia hii kwa sababu wakija kwangu mimi nitawafunga. .... (inaudible)

**Com. Njoroge:** Kwa hivyo sawa, unasema mtu akishikwa apelekwe kotini, lakini hamna haki ya kulipa pesa kwa polisi tu kwa sababu polisi sio magistrate na sio judge. Mnahaki ya kukataa, sawa sawa?

Sasa ndiyo sababu lazima tuwambie wajue hawa hawana kazi, kazi yao ni kushika na kupeleka koti.

**Com. Lethome:** Haya sawa, polisi kazi yao ni kushika na kupeleka kortini, basi.

Na upande wa utawala; mambo mengi ya hivi hivi ya .... (inaudible), wasikuje na mambo kama hayo, kusumbua wananchi kwa mambo madogo madogo.

**Com. Njoroge:** Kina nani hawa wanasumbua wananchi?

**Mr Sakwa:** Watawala

**Com. Njoroge:** Kina nani, DO, Chief, assistant Chief

**Mr Sakwa:** Nikisema watawala, watawala kutoka kwa Sub-chief, kwa Chief, kwa DO, Ma DC, hawaendeshi ofisi zao vizuri, kwa sababu kama sub-location itafanya makosa ya upeleka report, na mkubwa yake achukue hatua yoyote, na tunataka Ma sub-Chief na Ma-Chief waende transfer. Wakienda transfer kama huko Embu, huko watajua watu wanafanya mambo namna gani.

**Com. Lethome:** Kwa mfano, Chief ambaye ..... ni Bumula apelekwe transfer mpaka

**Mr Sakwa:** Mpaka Siakago au huko wa mbele uko, au wapelekwe huko Hola.

**Com Lethome:** Chief unataka achaguliwe na nani?

**Mr Sakwa:** Chief achaguliwe na wananchi kuwa tunajua huyu mtu ni mtaratibu na yeye anaweza kulinda watu.

**Com. Lethome:** Kwa hivyo watu wa Bumula mnakaa chini, unakaa location gani hii.

**Mzee Sakwa:** Hii location ya Kimaiti

**Com. Lethome:** Watu wa Kimaiti wanachagua Chief yao. Halafu inafika wakati apigwe transfer apelekwe Siakago, sasa na nyinyi ndiyo umemchagua, watu wa Siakago hawajachagua si, ndiyo, nyinyi Kimaiti ndiyo mnachagua.

**Mzee Sakwa:** Ndiyo, lakini sasa itakuwa Katiba yote ya Kenya.

**Com. Lethome:** Kwa hivyo mnachagua lakini mnapeleka Siakago?

**Mzee Sakwa:** Si DO anatoka huko mbele na anakuja hapa?

**Com. Lethome:** Sasa DO anachaguliwa na nani?

**Mzee Sakwa:** Na ofisi.

**Com. Lethome:** Sio kura

**Mr Sakwa:** Na Chief vile anachaguliwa na ofisi, kwa nini haendi transfer, na DO anaenda transfer?

**Com. Lethome:** Sasa Katiba upya unataka achaguliwe na ofisi, ama achaguliwe na wananchi.

**Mzee Sakwa:** Hata ikiwa Katiba hawa MaDO yote wachaguliwe na wananchi na wawe wakienda transfer.

**Com. Njoroge:** Haya maoni yako hiyo. Maliza sasa, la mwisho kabisa.

**Mzee Sakwa:** Sasa mimi, mwisho nataka mkienda, mjue hiyo mradi wa akina mama

**Com. Lethome:** Hiyo usirudie mambo ..... (inaudible)

**Mzee Sakwa:** Basi mimi nafikiria mambo ya hospitali; kwa nini ukipeleka mgonjwa , unaambiwa hakuna dawa, na watu wanauza dawa hapa, na hii dawa wale hawa wanauza inatokanga wapi? Serikali hawezi kuleta dawa hapa.

**Com. Lethome:** Wewe unapendekeza nini?

**Mzee Sakwa:** Hii ma-clinic ya magendo magendo hii iondolewe. Kwa sababu madawa mengi inapitia njia ingine, kama zamani hatujua tunakosa dawa.

**Com. Lethome:** Unataka hospitali ya pesa au ya bure?

**Mzee Sakwa:** Hospitali watu wengine hawajiwezi, hospitali iwe tu free.

**Com. Lethome:** Asante Mzee Sakwa.

**Mzee Sakwa:** Nafikiri langu imetosha

**Com. Lethome:** Haya Gabriel. Give your name again.

**Gabriel Baraza:** My names are Gabriel Baraza. Honourable Commissioners I have only three proposals to make to you today.

- i) For the sake of eliminating tribalism in this country there should be at most only three political parties with clear manifestos.
- ii) One should not be allowed to seek any elective position if she or he has any criminal record and has accounts in foreign banks. Such a person with accounts in foreign banks has got no interest of this nation at heart and can therefore not contribute to its peace.
- iii) The last one, there should be no fundraising in Government projects or institutions. This has made the government to abandon its responsibilities.

Thank you very much.

**Com. Lethome:** Okay thank you very much Baraza. Kuna Councilor amekuja na viongozi wengine, pia tunawakaribisha. Vincent. Okay kuna mama mwingine ambae amekuja na anataka kuzungumza? Any lady who would like to speak? We are

giving special consideration to ladies because of the small number of women in this meeting. Hakuna mama anataka kuzungumza. Kwa hivyo mama usiseme unaonewa, nimewapa nafasi. David W Mayau. Anataka kuzungumza? Karibu, useme jina lako.

**Lucy Makokha:** Asante sana Commissioners. Kwa majina ni Lucy Makokha, Assistant Chief kutoka kwa sub-location jirani ya hii. Langu la kwanza, ningependa kuongea juu ya may be our Basic Rights, i.e. the Constitution should protect security, healthcare, water, education, shelter and food and employment to all Kenyans .

Secondly women should have a powerful forum to express their aspirations, that is to say, affirmative action for women in leadership e.g. nominate about  $\frac{3}{4}$  in parliament, if they are not elected, or every political to nominate at least one woman representative in parliament.

Thirdly we should also have a general Controller Auditor in checking and handling of Public funds.

Four the MPs should have offices within their constituencies to enable their people to meet them regularly; same to Councilors in their Civic wards. They should also have offices for wananchi to approach them with their needs.

Lastly, the Constituents should guarantee all workers the right to Trade Union Representation. I think that is all. Thank you.

**Com. Lethome:** Madam I have a question. One of them pertains to your work. Do you like Chiefs and Assistant Chiefs to be elected or appointed the way they are. Should they be transferred or not?

**Mama Makokha:** In my view, Administration should not be elected just because there will be no difference between an Administrator and may be that person elected as a Councilor or an MP. Because Administrator, when we talk of the chain of commands, they are to keep the law may be from the grass root level up to the Natinal level and they should portray the image of the government

Concerning transfers, in my opinion it is okay, but at least they should be transferred within their own districts, that is because most of them are very close to the community, they know the culture of those people; because if I can be transferred from here to Hola, in Coast Province, I may not know the culture of these people, and to control them might be very difficult.

You said that the local people usually know the person who has been appointed as Chief or assistant Chief, but do they have any say, I guess they have no say at all in the appointment, do they have any say? For example, which is your sub-location? Kasolo. Did the people of Kasolo have a say in your appointment? Were they consulted by whoever appointed you? The answer is No.

**Mama Makokha:** No

**Com. Lethome:** Would you like them to be consulted in future, to elect you. Huyu mama anachaguliwa assistant chief, how is her conduct, how is her track record, na nini? Would you like any vetting?

**Mama Makokha:** With vetting I think there is no problem. It is okay.

**Com. Lethome:** Women and Proper Rights especially in the district, do you like girls to inherit properties of their parents whether married or not?

**Mama Makokha:** Yea with girls, may be what I can comment on girls and ladies is just for them that is endowment and also girls also should be considered when it comes to education because in some communities they don't value education for ladies.

**Com. Lethome:** That is good, education for both. What about inheritance? When it comes to inheriting property from your parents.

**Mama Makokha:** They also have the right to inherit and may be when we talk of land ownership, I think we should also have restriction on land ownership, that when somebody owns land, I think even the mama should have the right to that land.

**Com. Lethome:** So her name should appear in the title deed?

**Mama Makokha:** Yes, may be when it comes to the side of selling, and even pursuing for the title deed, I think it should be genuine for even the mama to appear in the documents. Yes.

**Com. Njoroge:** Now, since all the .....(inaudible) are written in the names of husbands, is it likely now the laws will change ..... (inaudible)

**Mama Makokha:** I think that will be proper, when I say restriction in land ownership, the mama should also have a say because some men are just fond of selling land without even consulting their women, so it should be genuine for her name to appear. So it should be genuine for her name to appear on the title deed.

**Com. Lethome:** Halafu kuna hii mambo ingine, wazee wanasema uko na haki ya ku-discipline wanawake zao kwa kulinda. Unasema nini? Hiyo ni mila, wanasema ni mila ya Kibukusu hiyo.... (inaudible) Unasema nini?

**Mama Makokha:** Domestic violence, at least we should have no that

**Com. Lethome:** Hawa hawasemi domestic violence, wanaitwa ..... (inaudible)

**Mama Makokha:** But that is not human,

**Com. Lethome:** So it should be abolished

**Mama Makokha:** Yes.

**Com. Lethome:** Mzee akipiga bibi achukuliwe hatua

**Mama Makokha:** Hata mama akipiga mzee pia achukuliwe hatua sawa.

**Com Lethome:** Haya asante sana register pale. It is very encouraging to have a woman in ..... (inaudible) Kuna Councilor wa ..... (inaudible) kuja, inapokuwa najua amezungumza Bungoma, yeye ni Vice Chairman wa Bungoma County Council. I am just giving him two minutes to address his people and say what he wants to say but not views because you gave them at the council. Yea. Just have a seat.

**Clr.Chairman:** Hon Commissioners, members of this Ward, my Chiefs, first and foremost I take this opportunity to welcome you in my Ward, Kimaiti. I know the other time when I was giving views, I was giving as the Council Chairman of Bungoma, but not as the Councilor of Kimaiti. But because the law does not allow me to give, which is well understood, I will only say I pledged to work in harmony with my people and I think people who are reasonable and I will urge them to see that they fit in in whatever they try to submit for the Commission, because the much I know this is a golden opportunity which if utilized fully to see that what we are doing is the best in Shuja. Otherwise Bw Commissioners I only stood up to welcome you because I am having a trip to Nairobi which will take off at exactly four. So I say thank you for granting this chance to have a word with you before I leave.

**Com. Lethome:** Thank you very much Councilor, safe journey to Nairobi. Can we David W Oyao. Hauko. Tupate Ibrahim Juma.

**Ibrahim Juma:** Thank you Commissioners. I would like to pass my recommendation to the Team.

- i) Once a bill receives a Presidential accent, then implementation should be done immediately; otherwise there should be a vote of no confidence in the government. For example the bill concerning free education for primary pupils, it has taken long and it has never been implemented.
  - ii) The Electoral Commission of Kenya should provide a channel through which the ordinary citizen take a vote of no confidence in any member of parliament even before the expiry of his/her term in case he/her does not perform to the expectation of the electorate.
  - iii) The head of the public universities should be elected by the University Board Members basing it on academic merit.
- Thank you and I wish you the best of all.

**Com. Lethome:** Thank you very much Ibrahim. Do we have Dennis Wangila. Dennis Wangila? Not there. There is a gentleman who would like to go and offer his prayers, so I don't want to interfere with his freedom of worship. Can you come

and give your views.

**Dennis Wangila:** Mheshimiwa Ma-commissioners, Chief wa area hii,

**Interejection:** Sema jina lako, na uingie kwenye points.

Kwa majina naitwa Ramadham Juma, na ni Imam katika Muskiti ya karibu inaitwa Kimainga. Maoni yangu ilikuwa kuhusu uongozi wa Ki-islamu katika sheria za Kenya. Katiba ya Kenya hii, ingeruhusu Kadhi Mkuu wa Ki-islamu apewe mamlaka zaidi ya kutangaza sheria za Ki-islamu bila kuingiliwa na serikali mpaka wakati wa mfungumuzi, mfungo hasa wa mwezi tukufu wa Ramadhan. Inapo andaa, hao inapo kamilika.

Kutokanana na elimu ya mtoto ya Ki-islam, Katiba impe mtoto wa Ki-islam awe akiingia katika shule za uma azingatie sheria za Ki-islamu, kwa mfano, anapoenda shule za Uma avae mavazi rasmi ya Ki-islamu yanae mfunika mwili yote, hasa mtoto wa kike. Nikiingia katika upande wa hiyo wizara ya elimu, ni vizuri iwasaidii waalimu wa Ki-islam ambao watakuwa kwa vyo vya Ki-islamu na watumwe katika shule za uma.

Na tukiingia katika upande wa vyeti au vitambulisho, Kadhi apeane vieti vya Ki-islamu ama au vya ndoa bila garama yoyote na pia kuwasajiri wale ambao kwamba wame kusiimu wapewe vyeti vya kusiimu bila malipo yoyote.

Tukiingia katika hii Katiba ambaye kwamba ni Katiba ya Kenya, ningependa kuomba ya kwamba serikali au Constitution ya Kenya hii iwako itakuwa imechagua Rais ambaye kwamba ni wakikristo na makamu wake awe ni wa Ki-islamu au wa Kihindi. Kwa hivyo hayo ndiyo alikuwa maoni yangu. Asante sana.

Can we have Protus Waswa, halafu afuatwe na John Situma, yuko, haya utafuata Protus.

**Protus Waswa:** Thank you Commissioner for giving me this chance of giving my views to you. My names are Protus Waswa. My proposal is that Kenya promote poverty alleviation by marketing local Agricultural produce. The government should buy the produce to encourage the farmers – kuwainua kifedha.

About the hospital, we would have to remove what we call cost-sharing, because this cost-sharing whereby you find some people are dying outside here in the forest because they do not have money. On that, we will find that we have a lot of malaria within the country without medicine.

Come to education; this should be free from standard one up to form four with no cost sharing.

We come to election, every MP should be chosen by wananchi and every province should have a parliament for itself, so that



we inherit all that is in a province. After that in that province they should three or four people who can represent them in the overall parliament.

**Com.Lethome:** Are you suggesting that we have two houses in parliament?

**Mr Waswa:** Yes

**Com. Lethome:** So one will be for the elected MPs, house of representatives and the second one for the Provincial representatives, from the Provincial Assembly. For example Western Kenya will have its own parliament then they .....(inaudible). Haya endelea.

**Mr Waswa:** As such every tribe should be allowed to be given a chance of being a president in Kenya.

**Com. Lethome:** We have all 42 tribes so it should be rotating.

**Mr Waswa:** It should rotate, to remove what we call tribalism. Because if one being a President or two tribes you find that there will be a certain squeeze somewhere whereby one's tribe will not be able to speak and a certain tribe will be humiliated, and that causes tribalism.

**Com. Lethome:** But you think rotational presidency will get rid of tribalism.

**Mr Waswa:** Yes

**Com. Lethome:** That is what you think?

**Mr Waswa:** Yes

**Com. Lethome:** That means for example when it is our chance, I am a Maasai myself; sasa tunasema hii ni wakati yetu tuko na mtu wetu sasa. Sasa will that President be serving the whole nation or ama ni wakati wetu anatu-serve.

**Mr Waswa:** We serve the whole nation.

**Com. Lethome:** Aaa Okay. Your views. Sasa waluhya watakuwa number ngapi, tutajuaje taratibu?

**Mr Waswa:** It will depend when your chance will come.

**Com. Lethome:** Number one was Kikuyu, halafu Kalenjin, who will be number three?

**Mr Waswa:** That is when the people themselves will chose, they will decide. Whom we give always.

**Com. Lethome:** Number ..... (inaudible) watapata namba ngapi?

**Mr Waswa:** Sijui that is the decision of people.

**Com. Lethome:** Okay kuna watu watakuja bila kupigiwa

**Mr Waswa:** So that is not all.

**Com. Lethome:** Times how many years, times ten, each president ten year. Four hundred and twenty years (420), four centuries.

**Mr Waswa:** But they will be giving birth, there are people who will become president.

**Com. Lethome:** Haya endelea.

To remove this thing we call tribalism what we do is, from DO, Chief, Sub-chiefs we do voting. Because when we have one to be a Chief, that is what will create tribalism. People will not change their character.

**Com. Lethome:** So the Chief, what is your location?

**Mr Waswa:** Kimaiti.

**Com. Lethome:** Kimaiti. So mnapiga mlolongo mnachagua Chief, ndiyo

**Mr Waswa:** Yes.

**Com. Lethome:** Meaning some people will vote for him and some people will not vote for him, ndiyo. How will he serve those who will not did not vote for him.

**Mr Waswa:** Those ones who will not vote for him, when he has passed, we just take it that may be those people we rule them. We have MPs who have not reported to him but you just take them all.

**Com. Lethome:** Unaniambia Chief wewe sahau kama wewe umepig..... (inaudible)

**Mr Waswa:** Sahau hiyo.

**Com. Lethome:** For a person to be elected, he has to campaign si ndiyo? Kwa hivyo Chief anajua time ya campaign imefika sasa ana-campaign. Do you think when he is campaigning he will be giving you promises, mkunimchagua, ukinichagua nitafanya hii na hii. Ukisha mchagua si utakataka afanye hiyo mambo mlikuwa mnataka? What kind of an Administrator will that be, ambaye anafanya vile alikuwa amewa-promise wakati wa campaign?

**Mr Waswa:** Lakini mpaka afanye ingine, sio hati yote atawacha. Kwa hivyo atadang'anya wakati wa campaign na akichaguliwa anafanya ingine.

**Com. Lethome:** Lakini akichaguliwa .....(inaudible)

**Mr Waswa:** Okay, Kwa hivyo lazima a produce something. Even DCs, they will be removed.

**Com. Lethome:** How do you expect a local person to be neutral administrator. For example DC, DC wa Bungoma district unataka awe kabila gani?

Jamii yoyote, .....(inaudible).

**Com. Lethome:** And you expect that person to be neutral

**Mr Waswa:** Yea, he should be. That is all I have.

**Com. Lethome:** Thank you very much. Can we have the next person. Is it Situma. John Situma? Godfrey Baraza, yuko? Godfrey Baraza. Prof Wakaya? Haya Professor ndiyo unafuata John.

**John Situma:** Bwana Commissioners, kwa majina ni John Situma. Nina mambo mawili ambaye ningependa niongee. Jambo la kwanza ni kuhusu makanisa ambazo zimezidi zimekuwa nyingi sana; ningependa, katika Katiba mpya, kuweko na utaratibu kamili wa kusajili makanisa haya. Kuna mengine ambaye zimeanzishwa kwa msingi ambaye si mzuri, na ningeonelea kwamba lazima utaratibu wao ujulikane; jinsi wanavyo anzisha na jinsi wanavyo endelea.

Jambo lingine ni kuhusu kilimo. Naona kwamba Farmers Training Centre, haitoshelezi mahitaji ya wakulima inavyo faa. Kwa hivyo ningeona field schools zianzishwe katika kila sehemu iwe ni sub-locations kila sehemu tupate ma field schools, ili wananchi wapate elimu kamili ya kuweza kuendelea kilimo. Nafikiri ni hayo tu ambayo nilikuwa nayo.

**Com. Lethome:** Asante sana John. Professor. Professor it is your turn now.

**Prof. Alfred Twahaya:** Mimi ni Prof. Alfred Twahaya, wa Na..... area location, na nakuja kwako leo, hamjambo. Haya, kwa ufupi, neno la kwanza, nilitaka, mimi nitatumia maneno ya kizamani zaidi kwa nyinyi, Ma-chifu wa kisasa tumeandika Ma-chifu wa kisasa watoto, na tunataka Ma-chifu wapewe serikali inaoingia hii iwachukue miaka 60, ndiyo wapate ujuzi, kwa mfano, siku hizi tunaandika mtu, kwa miaka Fulani kama 35, kidogo unasikia ame-retire na yeye bado iko kijana. Ninaweka nakuwa shida.

**Com. Lethome:** Ngoja sijakufahamu. Mtu kama hajafikisha miaka 60 asichaguliwe Chifu

**Prof Alfred:** Aaa, awe anafika miaka 60.

**Com. Lethome:** Aendelee mpaka afikishe miaka 60

**Prof. Alfred:** Mpaka miaka 55.

**Com. Lethome:** (inaudible)

**Prof Alfred:** Yes. Hii inaweza kufanya hawa watu wana ingine wanaweza kuingia kwa hii kazi kwa haraka na tena kidogo unasikia ana-retire, kumbe hajasomesha au saa ingine anajiweza, lakini kupata ujuzi ya kazi, mi miaka mingi, tisa au kumi. Lakini hii wa sasa, hawa watoto hawa wa sasa wakiingia kazini, hawajapata ujuzi mnafuluza, mnasema wewe miaka imefika.

**Prof. Alfred:** Neno la pili, mimi ni Muafrika, na wewe ni Muafrika wa sasa, nimeona serikali ya kisasa, inawapa cheo wanawake ya Kiafrika juu zaidi. Na hao wanawake wangepewa masharti, vile tumeona hawa wanawake wetu hawajui sasa wanaume hao. Hawapi heshima kwa sababu ya cheo ya juu, kama Ma-PC, Ma-jaji, Assistant Chief, hawapi wanaume hao heshima.

**Com. Lethome:** Sasa unapendekeza nini?

**Prof. Alfred:** Ninapendekeza wapewe masharti kama wazungu, na wahindi na waarabu. Hawa wanapewa cheo, mimi naweza kubali wapewe cheo lakini wapewe masharti.

**Com. Lethome:** Masharti kama gani?

**Prof. Alfred:** Kama sheria ya kusema usidharau bwana, ukidharau bwana unashuka cheo.

**Com. Lethome:** Anatolewa madaraka yake.

**Prof Alfred:** Yea. Tumekubaliana hapo? Hao ndiyo inafanya hawa wanawake wengi wanawacha wanaume kwa

sababu ya cheo ya juu zaidi. Wengi sana unaona Ma-jaji nini nini hii nyingi hii wote hawana wanaume. Na wanapewa cheo kwa sababu

**Com. Lethome:** Kuna Ma-chief hawana ..... (inaudible)

**Prof. Alfred:** Ninawaona ni wengi, ni wengi sana na. Hata wewe unaona hawa Ma-DC sasa, ni wengi hawana bwana, maana wanaume hawa. Tena wanawake wa Africa hawajajua sasa mwisho ya nyuma kwa miaka ya uko nyuma, walikuwa wanawake wanajua maana ya bwana, lakini sasa hawa hawajui maana ya Bwana. Nawaomba serikali ya kisasa ya kesho iweke masharti; kama Queen akiingia nyumbani ampe bwana heshima, lakini unataka awape heshima na bwana naye ndiyo ampe heshima.

**Com. Lethome:** Kwa sababu ya kupiga wanawake hii.

**Prof Alfred:** Mimi nitakuja na wewe. Kuna neno lingine lina sumbuwa sisi wazee sasa; habari ya harusi ya kizungu ya ki-missionary. Watu wanaweza kuoana, mimi na huyu tunaoana huko mjini Nairobi, na bila mimi kupewa madaraka, hawawezi kuomba wazazi yake hawezi kuwapa kibari, au hawezi kuambia yeye aende aokope bwana na bwana akope bibi. Wanaoana huko kwa sababu ya Ukristo. Ukristo hii imeingia sana na yeye ndiye atazaa hii. Saa hii wanawake mingi wanawachana na bwana kwa sababu ya midomo ya wazazi.

**Com. Lethome:** Midomo ya zazi kuna nini?

**Prof. Alfred:** Mdomo ya wazazi anaona uchungu kwa sababu amepewa bwana, bwana ya juu, yeye anasahau ana watoto wanadharau mabwana.

**Com. Lethome:** Unapendekeza harusi ifanywe namna gani?

**Prof. Alfred:** Ifanywe na wazazi,

**Com. Lethome:** Ile ya kimila

**Prof. Alfred:** La kimila ndiyo ipitie kwa kanisa.

**Com. Lethome:** Oh kwanza inafanywa ya kimila halafu wanaenda kanisa.

**Prof. Alfred:** Yea, very good. Sababu watoto hawa wengi wameachana na wanaume kwa haraka sana. Wakifanya kanisa huko kama vile hii Padri alikuwa hapa, kesho unaona wanawacha, wanawachana.

**Com. Lethome:** Ndiyo. Haya tuendeleo.

**Prof. Alfred:** Nikifuata tena kidogo, nimetafuta haraka sana, cheo ya PC, wakati ya serikali ya kesho hii, inatakiwa iwachue. PC anaitwa Provincial Commissioner, nataka iwachue; kwa sababu tumetafuta sana chini, kule chini, tukapata haana kazi, kazi hiyo iwe ya DC, akifanya town, akae na Mayor. Na akifanya kwa district kama Bungoma, akae na Chairman.

**Com. Lethome:** Na kwa province, hakuna

**Prof Alfred:** PC hakuna, hatutaki hiyo cheo. Hatuoni kazi yake. Kazi yake ni kidogo sana, lakini vitu vikipitia kwa DC, na vinaenda mpaka kwa headquarter direct. Unaona hiyo, na hii itakuwa mzuri kusikia maneno kwa haraka bila kupitia

huko na komba komba na komba komba, na halafu yeye anakaa huko, anapiga muhuri yeye anasema mimi nishasikia saa hii.

**Com. Lethome:** Hiyo imeisha, ingine?

**Prof. Alfred:** Haya yangu ndiyo huu.

**Com. Lethome:** Ya wanawake ... (inaudible)

**Prof. Alfred:** Kwa wanawake nataka wapewe, sorry, niliruka kidogo. Wanawake waafrica wameshafika pahali wanatakiwa wafanye biashara, popote Kenya, Uganda na Tanzania, hata na wilaya, wameshafika. Hawa sasa wanaanza kufika ya kuweza kujua tabu ya nyumbani, wapewe biashara ikiwa wanaweza kuwapa pesa ya loan, au wanaweza kupewa pesa ya district, au ya kinyumbani, wafanye biashara bila wanaume kuwafuata.

**Com. Lethome:** Wapewe uhuru wa kufanya biashara. Haya sasa hiyo imekwisha. Nataka kuliza mambo mbili, kwanza, msichana ana haki ya kuridhi shamba kutoka kwa baba yake ama angoje atachukua kwa bwana, na kama hajaolewa jee?

**Prof. Alfred:** Na kama anaolewa sisi kwa Abaluhya tunalipanga mahali kidogo, siku mbili, tatu, nne, ng'ombe tatu, nne. Yeye anashakwenda kwa bwana, hawezi kumpa shamba yake.

**Com. Lethome:** Kwa hivyo asichukuwe kwa baba.

**Prf. Alfred:** Na ndito akiwa hajaoleka, hao anakaa tu. (*words lost as tape ends*)

**Com. Lethome:** Na mwenyewe?

**Prof. Alfred:** Mwenyewe atafute kazi huko Nairobi. Anaweza wale hawezi kuwa malaya ..... atapata pesa mingi, ni kazi kidogo sana.

**Com. Lethome:** Asante mzee.

**Prof Alfred:** Asante. Mimi ni Alfred Alizavisna, Professor wa higher wa pili.

**Com. Lethome:** Unasomesha wapi?

**Prof Alfred:** Aaa mimi nimekuwa kazi mingi, siwezi kukuambia. Nimezunguka dunia hii, hata unaniona.

**Com Lethome:** Asante Professor. Can we have now Isaac Wanyama, he is just an observer. Christopher N Fwamba. Haya endelea. Vincent Sakwa. Uliza C M. ametoka. Humphrey Okumu, oh huyu ni observer. Kelas Liambila, Liambilia si ulizungunza jana? Edward Sambura. Yuko? Haya endelea.

**Christopher N Fwamba:** Kwa jina naitwa Christopher N Fwamba na mimi naonelea misemo huku, saa hii naelekea kupata viongozi wake, Kenya yetu hii. Na kwa maoni yangu ningependa niseme hivi, kuna misemo serikali inasema hati watachagua vijana. Na kwa maoni yangu nasema, mchafuko wenye uko saa hii inatokana na kijana. Sasa lazima boma ilindue na mzee. Vijana wako, tuwe tukiwatuma, waingia maofisini, hata ingawa wamepata machuo Fulani, lakini wazee wasimamie; kwa sababu boma inasimamiwa na mzee, halafu ifuatiwe na mama, halafu ifuatiwe na watoto.

**Mzee Fwamba** Tuwambie mzee ni mtu wa miaka mingapi na kijana ni mtu wa miaka mingapi. Mzee kama ni president, anzie kwa miaka 50,

**Com. Lethome:** Kuenda mpaka ngapi,

**Mzee Fwamba:** Hata 70

**Com. Lethome:** Okay, na kijana group?

**Mzee Fwamba:** Kijana anzie kwa amri wake kama miaka 45 naye akija ajingize kwa wazee. Na hao ndiyo itakuwa muelekeo.

**Com. Lethome:** Na upande wa serikali yenye iko saa hii, mimi naona serikali na rahia, serikali hailindi rahia wake.

**Com. Lethome:** Unapendekeza nini?

**Mzee Fwamba:** Rahia wake wako sawa, lakini serikali ni kama mtu umechukua watoto wako, unawapatia kitanda penya iko kunguni.

**Com. Lethome:** Unapendekeza nini?

**Mzee Fwamba:** Ningesema, serikali yenye iko, lazima tuchague watu wenye tumewajua , na ni waaminifu.

**Com. Lethome:** Wakikosa kuwaajibu na ushawachagua kwa sababu kawaida wanadanganya wanapokuja kuchua kura.

**Mzee Fwamba:** Hapana, tutawajua nyumbani.

**Com. Lethome:** Unawajua?

**Mzee Fwamba:** Tutawajua nyumbani

Tutawajua nyumbani, sababu serikali yenye iko saa hii imekoroga maneno imeharibika. Hata saa hii Ukiona kama kwa maoni yangu nikisema serikali yenye iko ilitokea juu mpaka chini, sasa ndiyo nikaonelea hata saa hii, serikali yenye iko ilisema watu hawatoi ushuru, hata siku maiti pia inatoa ushuru. Kwa sababu usipokuwa na pesa huwezi toa maiti kwa mortuary. Na serikali iko inaangalia. Saa hii unajua hata akipeleka, mama akiwa na shida mtoto akigonjeka, akichukua ndizi yake akipeleke sokoni, auze apelike, serikali anakuwa kwa hizo pesa huku ukienda hospitali wanakuwambia lete Shs 2,000/- na wewe unachukua ndizi yako ama kuku yako Shs 400/-

**Com. Lethome:** Ngoja kwanza. Najua sasa umechanganya .....(inaudible). Mambo ya ofisadi mtu akiwa mgonjwa akienda kwa hospitali wanafanywaje, walipe pesa au ..... (inaudible)

**Mzee Fwamba:** Hospitali, sisi tunalipa ushuru.

**Com. Lethome:** Unatakaje sasa?

**Mzee Fwamba:** Mimi nataka watu waende tu watibiwe, free.

**Com. Lethome:** Hospitali iwe free, yaani ya bure.

**Mzee Fwamba:** Si ndiyo

**Com. Lethome:** Na maiti akiwa mortuary?

**Mzee Fwamba:** Akifa hospitalini basi mtu achukuliwe tu na watu wake.

**Com. Lethome:** Haya endelea. Twende hivo, unasema matatizo, na vile unataka.

**Mzee Fwamba:** Sasa hiyo ndiyo ilifanya mimi nikasema wacha nitoe maoni yangu kwa upande wa serikali yenye iko. Tuchague sisi wenyewe rahia, wenyewe sisi tusimame

**Com. Lethome:** Wabunge ama ya serikali.

**Mzee Fwamba:** Si serikali kuanzia ofis ya president mpaka Assistant Chief, ichaguliwe na rahia.

**Com. Lethome:** Kwa hivyo Chief wote wachaguliwe na rahia, na president pia achaguliwe na rahia

**Mzee Fwamba:** Hapo ni maoni yangu.

**Com. Lethome:** Inginge

**Mzee Fwamba:** Na tena upande ya polisi, polisi nao ni watu wetu si wenyewe serikali imetupatia ili watusaidie. Sasa maoni yangu kwa upande wa polisi, wakuwa kama wenye wako hapa Kimaiti, wakitaka kuenda huko kukamata huko mtu, lazima washirikiane na Assistant Chief ama Liguru na Chief, ili waende wakamate huyo Mtu, lakini wasitokee huku kando Chief hajui, Assistant Chief hajui, hata Liguru hajui, wanasikia mtu yao ameenda

**Com. Lethome:** Kuna nini hiyo umesema sifahamu. Kuna Assistant Chief na Chief na Liguru, Mukasa. Mpaka hawa wajue ili polisi aende ashike hawa watu, lakini sio kupitia kando, Mukasa hajajua, anaonekana tu mtu ameenda.

**Com. Lethome:** Haya sawa hiyo imeingia, na ingine?

**Mzee Fwamba:** Sina mambo mengi, hiyo tu ilikuwa maoni yangu.

**Com Lethome:** Liambila , Edward Sangura, Jamin Simiyu. Haya utamfuata. John Kulundu. Halafu Silas Wanyama, Mtafuatana hivyo. Endelea Liambila.

**Liambila Kelas:** Asante sana Commissioner. Kwa majina naitwa Kelas Liambila Nabale, mimi ni chairman wa Tete Self Help Group, hapa Kimaiti. Nina machache nataka kuzungumza hapa kidogo. Sisi hapa serikali yetu yenye iko saa hii iko na shida. Na shida ndiyo hii. Sisi tunataka sheria ikipitwa yoyote lazima itoke kwa wananchi wenyewe, halafu ndiye ingie parliament, ndiyo ipitizwe. Na hapa sheria inapitizwanga tu, rahia hawajui lakini nakuja kuhumiza rahia. Sasa sisi, tunaonelea hapa Kenya.

Halafu la pili, sisi rahia tuna umia. Sisi hatukai kwa uhuru kwa uhuru kwa sababu rahia sisi tukifanya kitu kidogo, hata kama biashara tuna shida, sababu ukitembeza kitu yako, tuko na ma-road blocks nyingi. Unaulizwa hii kitu unapeleka wapi? Sisi hatuko free. Sisi tunaomba serikali ijao ibadilishe hiyo bill.

La tatu, nakuja kwa chakula, hapa sisi Kenya. Rahia tunalipanga mahindi na wimbi na mtama lakini anaweza kutengeneza chakula yake nyumbani kwake, ugali, ama Busaa, nini, ako na mgeni yake. Halafu unaona polisi wanapiga mlango, hodi, wakifika, unaona wanahaibisha wewe, wanasema unafanya nini? Na hii chakula inalimwa na mwananchi mwenyewe, kwa shamba lake na yeye ametengeneza tu kama ni chakula ya nyumbani.

**Com. Lethome:** Unapendekeza kuhusu uzao?

**Mr Liambila:** Inatakiwa watu wawe free, kwa sababu wakitengeneza busaa hiyo ni chakula yake ya nyumbani,

**Interjection:** Yake na watoto wake

**Mr Liambila:** Yake na family yake kwa sababu ya sisi tuko hapa Kenya na bar. Iko vodka, iko Whisky, na hiyo pombe ni kali, watu wanalewa. Lakini wananchi wengi hawana pesa ya kununua hiyo.

**Com. Lethome:** Na hiyo si chakula, hiyo si chakula.

**Mr Liambila:** Hiyo ni chakula kwa sababu inatengenezwa kutoka kwa chakula. Kwa sababu sisi tuko hapa, tulitawaliwa na Mbritish Kenya, Uganda na Tanzania, lakini watu wa Uganda wako free sana na Tanzania, na kwa nini sisi hapa hatukai free.

**Com. Lethome:** Kwa hivyo unapendekeza uwe free.

**Mr Liambila:** Lazima tukuwe free kwa sababu tulipata uhuru.

**Com. Lethome:** Lakini unajua uhuru ikiwa freedom sana, inaaribu.

**Mr Liambila:** Freedom iko kwa sababu mtu akikosa ndiyo, lakini mtu bado kukosa, wewe ukamatwe, upelekwe kufungwa, hiyo inaonekana sisi hatuko free.

**Com. Lethome:** Hiyo nimechukua hiyo point. Busaa ikamilishe, haya tuendelee.

**Mr Liambila:** Si ndiyo hiyo machache mimi nachangia hapa kwa sababu sisi hapana iko free katika Kenya.

**Com. Lethome:** Sasa unataka hiyo freedom ya chakula.

**Mr Liambila:** Asante sana. Jamin Simiyu.

**Jamin Simiyu:** Asante sana Bw. Commissioners. Jina langu naitwa Jamin Simiyu. I represent Ikama Women Group kutoka Mukwo location. Kwanza nitaanza na citizenship.

- We should have automatic citizenship of a Kenyan of both parents.
- Kenyan citizenship may also be acquired by naturalization for those who meet the set up criteria.
- Lives of Kenyan citizens who relinquish their previous citizenship shall be accorded Kenyan citizenship.
- The child of a Kenyan father shall be accorded an automatic Kenya citizenship if born in Kenya.
- The child of a Kenyan mother but whose father is a foreigner, shall be accorded citizenship if it is proved that the child was born out of wedlock and there is no claimant to the child other than the mother.
- Dual citizenship should not be allowed. Kenyans shall carry identity cards and passport must be issued on demand by any Kenyan without any condition.

Political parties should not be limited, they should be as many as they can but at least any political party should have 2.5% seats in parliament and also have members of parliament in two different provinces in the country to avoid tribalism.

Presidential system of government should continue but some services should be decentralized to allow people access to it, without having to go to Nairobi for payments particularly for pensioners. Because somebody can go to Nairobi looking for money years and years and not get it, such a thing should therefore be centralized.

Ambassadors, Provincial Commissioners, Permanent Secretaries, Public Service Commissioners, Police Commissioners,



Prisons Commissioners, and general staff if appointed by the President, must be vetted by Parliament before they are confirmed.

Parliament should not have unlimited powers for the sake of checks and balances in government. His powers should not be expanded but the supplement and be reinforced by the ..... (inaudible) Members of parliament should have offices.

There should be a provision that members of parliament have offices in their Constituencies and even Councilors in their wards so that they can meet their electorates whenever they are required.

The Controller and Auditor General should be independent; wawe kama Judges, ili wakienda kufanya auditing vitabu ya serikali, lazima mtu ambaye amekuwa involved ashtakiwe. Si kwamba inakuwa vetted by parliament and president wakifanya auditing na kupata mko na makosa, hakuna mtu anashtakiwa. Kwa hivyo Controller and Audit General, his office must be independent.

Nominated MPs should be retained only on expert and exclusive particularly on special cases. We should nominate probably the disabled, the blind, to represent special interests in parliament.

Because of multi-partyism the Constitution should also provide coalition government.

The President should not have a veto over parliament and he should be holding elections as per now. There is no matter of staggering or postponing elections.

The Chiefs and Assistant Chiefs should be elected by people to minimize corruption and ..... (inaudible) of government. Because we find the Chiefs have been appointed, people have no say over them, and whenever anybody goes to him, anataka kitu kidogo, and this happens. Kwa hivyo kama wanakuwa elected, ataogopa kwamba next time hatakuwa elected, kwa sababu akihongwa, hatakuwa elected next time. Kwa hivyo he would be serving people effectively.

**Interjection:** Should he belong to a certain political party?

**Mr Simiyu:** No. Like long time ago, Chiefs were being elected by people; they should not have any designated political party. Lakini wachaguliwe tu kama vile zamani ilikuwa inafanywa. Kwa hivyo huyo mtu ijulikana na watu kwamba huyu ni mzuri, of good character lakini akiwa appointed, hatujui kama ako namna gani. I have seen an example in my own place they appointed who had previously ..... records na akaanza kufanya maovu mpaka baadaye akafutwa. If such people were elected, we should not have that. The DO should work in various places before they are appointed to be D.Os because wakija kwa division kama hii, hajafanya kazi ya agriculture, haja fanya kazi yoyote, haja fanya kazi chochote, anashindwa vile tu-handle these people because you know the D.O represents the President in a particular division. Kwa hivyo he should serve in other

places and he must be a married man of 35 years and other.

**Com. Lethome:** He should serve in other places.

**Mr Simiyu:** No, in various fields. Kama anaweza kuwa Social Worker...

**Com. Lethome:** Okay, he should not be appointed directly to be a D.O.

**Mr Simiyu:** From the university, appointed a D.O without experience. Anaenda kufanyia kazi wa MaChiefs ambao wako older than him, ambao hata hawalewi ku-handle cases, he is unmarried. Kwa hivyo lazima awe 35 years and above na hiyo ambao amefanya kazi pahali pengine on different fields, particularly kama ametoka kwa university.

Judiciary, we need a Supreme Court and a jury, and the rights of legal aid in cases where accused probably charged for murder should continue, should be maintained. Death sentence should be retained; kwa sababu ukitoa death sentence mtu anaweza kuuwa mwingine na anasema after all sitanyongwa. Kwa hivyo kuuwana itakuwa kwingi.

Candidates who fail nominations in one party should not be allowed to switch to another party for nomination. This has continued particularly Bumula Constituency, where we have people akianguka kwa KANU leo kesho unasikia ako kwa FORD Kenya, akianguka FORD Kenya unasikia ameenda kwa Ford People. The Constitution should discourage that. Our group is not favoured in the present location of Constituencies. Talk about Bumula where we are today, it is a very large constituency but we have only one member of parliament, so I think a Constituency like this one as a former speaker said, we should have a limit of particular number of people – registered voters, so that he is able to reach at least every body.

**Interjection:** When you talk about Bumula as a big Constituency, are you referring to the geographical vastness or to the population.

**Mr Simiyu:** Both population and geographical vastness.

**Com. Lethome:** So what is ..... (inaudible) demarcation; what should it be based on, on population or geographical vastness.

**Mr Simiyu:** On population.

**Com. Lethome:** Okay.

**Mr Simiyu:** Land ownership; land and transfers and inheritance should be reduced to enable people to get title deeds. There are people here who have lived very many years in their father's land and their parents are dead. They have no title deeds because they cannot afford that fee ya kwenda kulipa kuwa apewe title deed.

**Com. Lethome:** Na ile mambo ya kushtaki kifo unakuwaje?

**Mr Simiyu:** Hiyo, hata Machiefs na D.Os hata Village elders, they have got access to that particular family, they know who they are; there is no point of hati enda utangaze kwa Kenya Gazette. Hiyo Kenya Gazette hakuna watu wengine wanasoma hiyo gazette. Mtu akiwa mwizi, anaweza kuiba shamba ya mtu, kwa ..... (inaudible) na hakuna mtu anasoma hiyo gazette.

**Com. Lethome:** So we should bring it closer to the people

**Mr Simiyu:** To the people, na hiyo pesa hata saa zingine iondolewe. .... Fee, maanake it is too exorbitant. Mtu hawezi kubadilisha shamba. Tena hii njia ya kupata hiyo title inatakikana iwe simplified. Kwenda kila pahali, maanake sisi tunaalewa hiyo ..... (inaudible) It should be simplified to enable people to .. to your information kuna watu wengi hata wamakaa hapa, wana shamba lakini hawana matitle deeds, kwa sababu wanashindwa vile wanapata pesa.

**Interjection:** (inaudible)

**Mr Simiyu:** Kitu ya pili, no shilling on land ownership but an individual should not have land in more than one locality. You can help somebody, let give an example of myself, I may have a farm here, I have a farm in Kitale, I have a farm in Mombasa, I have .. you know such a thing should be limited, kwa sababu kuna watu wengine hawana mashamba, unapata mtu ako na shamba Uasin Gishu, ako na shamba Kitale, na ako na shamba acre kama 5,000, 10,000. Kuna wengine hata kuna acre kama 20,000 ya shamba na kuna watu wengine wako landless, particularly squatters in schemes. So somebody who owns land should not have more than one piece of land in various localities. They should have a piece of land in one locality.

About national borders, you know parliament should ratify any treaties and agreements the Executive makes with foreign powers before they come into force. For example, we know it, we must be involved to have these treaties and to be announced by the Executive to be ratified before it is made in force.

Gender equity; we should not encourage inheritance of property for our daughters, because these daughters of our are married, and parents or their husbands own land there. Two, if we encourage that our daughters will have land, marriages will be very scarce, because they can say come and we stay. They get children and eventually they are sent away; anakuja kutafuta ile shamba yake. We shall encourage prostitution, because this child akipewa shamba haana kazi, anawacha watoto hapo anaenda kutafuta ..... Alikuwa amelala. So if we encourage that a daughter must get land, we would be encouraging broken families. Because watasema afterall nitaenda nyumbani nipate shamba.

Kama kwa mfano ameolewa, na halafu wamekosana na mume wake, because it happens, where does she go back to.

No she comes to me but the children she owns, ..... children, she will claim that from me.

I am talking of that daughter of yours who has may be quarreled with the husband and she has come back home .....(inaudible)

If genuinely, kama yeye amefukuzwa na bwana na kuna, kwa sababu kuna cases, you know there are steps in the families kama sisi kwetu Bukusu, kabla msichana hajakubaliwa kukaa nyumbani, itakuwa kwa kesi nyumbani, kwa Chiefs, kwa elders,

waki-confirm kwamba yeye hana kabisa pahali pa kwenda, I don't see why she can't be given. Lakini kuna wengine ambao anachokoza Bwana tu kwa saabu anajua baba yake atampa shamba, na anaenda huko. Kwa hivyo we should not encourage kwamba wasichana wetu wapewe shamba. Kwa sababu the moment we do that we shall be encouraging a lot of prostitution.

Child rights; we believe that caning a child, saa zingine inategemea vile unampiga, lakini wazungu wanasema, sparing the rod will spoil a child. Hii mambo ya kukosa ku-discipline watoto shule, I think should not be encouraged, kwa sababu watoto lazima wawe disciplined.

**Com. Lethome:** What are you recommending?

**Mr Simiyu:** That corporal punishment in school should be maintained, because mtoto hawaheshimu, kwa sababu nimeona watoto hapana heshimu walimu.

**Com. Lethome:** Umemaliza dakika kumi, nakuongezea mbili umalize.

**Mr Simiyu:** I'm sorry nilikuwa .....(inaudible) sikujuu. Hii busaa, this is the last one. Mimi nafikiria busaa lazima iwe legalized. Kuna watu wanakunyua pombe, hawezi kwenda kwa Hilton in Bungoma aende akunywe Beer. Na ukinywa beer hiyo, na kunywa busaa utalewa, kulewa ni sawa sawa. Mambo ya chini hii

**Com. Lethome:** Everybody has a right kulewa.

**Mr Simiyu:** Kwa sababu kila mtu analewa. Watu wenye wanakunyua pombe, usipotaka kulewa, usinywe, lakini ukunywa whether whisky, busaa utalewa, whether chang'aa utalewa tu.

**Interjection:** ...(inaudible) endelea.

Lastly, hii Chang'aa lazima, kwa sababu in Nairobi kuna busaa, iko busaa binafsi in Nairobi. Na kwa nini sisi hatuwezi kupewa hiyo, hapa kwetu. Chang'aa hii ifanywe kama Uganda, for that matter; mtu atengeneze chang'aa nyumbani, lakini apeane kwa factory, factory itengenezwe, you know ipimwe. Hii Nairobi Bureau of Standards, ichunge kama hii chang'aa if it is harmful or it is not harmful to a human being. Kwa sababu whether we refuse or not, .....(inaudible) lakini kama serikali inakubali watengeneze hiyo changaa na wauzie factory, kwanza it would earn them a living, kwa sababu watapata pesa.

**Com. Lethome:** Sasa wind up.

**Mr Simiyu:** Kwa hayo tu, asante sana,

**Com. Lethome:** Kuna mama yoyote ambaye hajazungumza anataka kuzungumza. Any lady who would like to speak. A lady, nasema mama, hakuna mama anataka kuzungumza? Naona wamama hawataki kusema, kwanza hawataki kuja, halafu wale wamekuja hawataki kusema. John Kulundu, haya jaribu, afuatwe na Nobert.

**John Kulundu:** Jina langu ni John Kulundu Inyonyi.

**Mzee Kulundu:** *Elira liange nesie John Kulundu Inyonyi. Asante.*

**Translator:** Thank you.

**Mr Kulundu** *Esie ndiranga.*

**Translator:** This old man is crying

**Mr Kulundu** *Khubera serikali si irulingana ta.*

**Translator:** Because the government is not looking after us.

**Mr Kulundu** *Ngandi esie,*

**Translator:** Kama mimi

**Mr Kulundu** *Tsi sheria tsindi khaba sinetsindayi, kori, musieni wefwe niyeola amapesa khurula khu khumundu ne akhaywa khurunga, serikali eletsa ne ibukula bindu biange. Ni isheria sina eyo.*

**Translator:** Some laws are not fair that if my brother takes money from somebody else and he is unable to pay, the government comes and grabs my property, what law is that?

**Mr Kulundu** *Ndakharukwa nende serikali tsine.*

**Translator:** I have been ruled by four governments.

**Mr Kulundu** *Abandu balabukule tawe amadeni, lakini bali nende bindu, khulondakhana nende lwikho, bakhoyere bakhole sina.*

**Translator:** People who have not taken debts and they have properties attached because of relations, what are they supposed to do.

**Mr Kulundu** *Nosiri khubakanana nende Judge, okhoyere omanyembu mundu we bindu biaye biabukulwa ali nende makosa.*

**Translator:** Before I meet the Judge there should be a clear record that the person whose property is being taken has committed a crime.

**Mr Kulundu** *Bwiyango bwo khubukula bindu khubera mwikho wao ali nende ekobi, nasi mulumu, akhoyere anyulwe mwene, ne,.*

**Translator:** Instead of grabbing our property because our relative has taken a debt and failed to pay, if he is alive, he should be pursued in his own name but if

**Mr Kulundu** *Maoni kange kabwera awo.*

**Translator:** That is the end of my contribution.

**Mr Kulundu**            *Sina siobola?*

**Com. Lethome:**    What is he saying?

**Translator:**        People are stealing our properties.

**Nobert Sangura:**    My name is Nobert Sangura. I am the Chief, Mukwa location and I am also the member of United Nations Civic Society Forum and my presentation majorly featured on various issues on the Constitutional review; first is citizenship; to me anybody born in Kenya or born by any Kenyan parent whether in our outside Kenya, whether even on transit, should be considered a Kenyan citizen, not necessarily through application, and so on. The Kenya citizenship could also be acquired through marriage or application after staying in Kenya for a period of five (5) years. Spouses of Kenyan citizens should get automatic citizenship.

Parliament should not have powers to amend any of the constitution, instead the Constitution should be reviewed at this level if need arises, but not just having few people called MPs to review and sometimes these same people I have seen are not very strategic when it reaches crucial moments.

**Com. Lethome:**    So it means ..... (inaudible)

**Mr Sangura:**        Yea the public should be consulted if there is any review of .....(inaudible)

**Com. Lethome:**    So by referendum?

**Mr Sangura:**        Yea.

On political parties, any political party that is unable to raise a political representative whether a Councilor or a member of parliament in period of five years, should be deleted from the number of political parties, because it is representing nobody. Once a political party wins any political representation seat, its function should be funded by the central government. Not to raise funds through well wishers or sometimes through corrupt means from foreigners.

I recommend that the parliament should have the powers to vet the appointment of Permanent Secretaries, Ambassadors, heads of parastatals, governor of the Central Bank, Auditor General, the Attorney General, Commissioner of Lands and nominated MPs.

The voters should have the powers to recall their Member of Parliament at the period of two years if he has failed to fulfil his promises or he is unable to deliver. Members of Parliament just like any other public servant should not decide on their salaries, or terms of service but this should have a body which should look in terms of service for all workers right from cleaners,

councilors and MPs and all including Chiefs. Nominated MPs and Councilors should not be gifts of Political parties or former political failures, or friends of sitting MPs, but should come from vulnerable groups e.g. disabled persons, we should have a nominated MP to represent Authorities in Parliament, Trade Unions, Farmers, Business People or Investors, or religious bodies, etc and these should also have special talents; we don't just pick, sometimes we have ended up with nominated people who are almost illiterate or semi-illiterate and have no role to assist the community. MPs and Councilors should remain politicians whose duty should include monitoring and evaluating the development projects in their places of representations, and not implementers at the same time because you cannot have an Auditor who is also an Accountant of the same firm. This, I give an example of the current latvive funds which are being spent by the Councilors, we have these road funds and the Constituency Aids Fund which are being run by the MPs and actually there is nothing on the ground. There is nothing touchable and there is no way you can follow up these funds.

I do not agree with the idea of giving special places like Councilors, and parliament for women because women themselves are the majority voters, they should be educated to vote for their fellow women instead of waiting for sympathy from men whom the same women have elected. So I suggest that the women should have good vote education to identify performers within themselves and vote them in Parliament and Local Authorities.

I also recommend that MPs should have minimum education of Ordinary Level at least form four and at least be available to the people. The President should not have power to dissolve the Parliament instead election should be an event done every after five years. If for an example ministers have developed misconduct like the case of 1983, that given Minister should just be dismissed and parliament goes on and by election be held in that Constituency and not the whole country to be involved, which is cost-effective. As far as I am concerned there was no budget for election in 1983, which was called just because Njonjo had developed some misconduct.

In the event of the future Presidents being unable to retain their parliament he should tender a resignation himself.

The President to be declared a president, I recommend that he should have 51% win of the general vote, not just 25% in five provinces. A president should be at least a graduate from a recognized university. On number of Electoral Commissioners which is currently very high, I recommend that we should form clusters or regions where we should have a representative of one commissioner, and my proposal is that at least 25 constituencies should be run by one commissioner of the elections.

On gender roles, currently women are not fully access to issues like land, marriage; news media has not covered women well in fact there are times we have heard very fine news like a vehicle overturned on the road and seven people with two women died.

You wonder if a woman is not a person, so I feel they should be catered for well.

For people with disabilities, e.g. the blind, should have most issues, like news in popular papers, have special cover on brail,

and including bank notes. It is very bad for a blind man who goes to buy a litre of water to drink asks what type of money is being given by the one selling, getting the change, so I feel like bank notes should also have brail language printed on money. The hearing impaired, or the deaf, should have a translator on TV news. The physically handicapped, the lame, should have all houses, or government public institutions a ..... designed to suit their pre-movement. The gifted and talented children should get special education. Other groups I call as vulnerables are the aged, educated but not employed, the destitute widows, the orphans and abandoned children.

**Interjection:** (inaudible)

**Mr Sangura:** I think I should beg for an extra one. I should now go the Chiefs where I happen to be one and I give the whole memorandum. I recommend that Chiefs should not be elected but appointed. If I am elcted I would be duplicating the duties of the Counsilor in the area and we also have what we call dictatorship of the majority. He can have one clan which does not have somebody qualified to be a Chief, but because they make majority in that location, they will appoint their own to be the Chief who might not be performing and lastly, he should not be transferred, because I run my location here is not the way another location is being run. What I feel is, we should just improve and these Chiefs should be trained on time. Sometimes some trainings have trainings have come too late and the syllabus of the training of the Chiefs be improved and modernized.

**Com. Lethome:** Let me ask you, there are people who have told us that Chiefs are not being considered in that a DO can become a DC, a DC can become a PC, but the only rank the Chief can become is Senior Chief, that they should be considered for higher ranks.

**Mr Sangura:** Yea, they should be that openness with Chiefs who are willing to go further to be promoted.

**Com. Lethome:** What would it take for them to be promoted, like a Chief, will they .....(inaudible)

**Mr Sangura:** We have so many Chiefs who are not graduates at the moment, what we should recommend is one; at least a good training on job, should be done. Most Chiefs now are now form fours, we have some form six and some graduates who are now Chiefs, I know we are having about four (4) Chiefs who are graduates. These people should have an open highway even to switch to other Ministries, like Ministry of Social Services, Ministry of Agriculture they are able to deliver; on Personnel issues, and so on.

And lastly sir, I would like to talk on Code of Arms. I think that Code of Arms should not be poached by political parties; and all those appearances on the Code of Arms should remain national property and a result I recommend that the ruling party should surrender the Cockerel, Ford Kenya should surrender the Lions and leave it totally for the National use, not for their respective parties. I think I have written most of the other things, like Agriculture, on education, which I whole heartedly due to time I will not be able to consider to go through.

**Com. Lethome:** Let me have a look at your memorandum .....(inaudible).



**Mr Sangura:** Yes.

**Com. Lethome:** You must be brilliant ..... (inaudible) Thank you very much.

**Mr Sangura:** Thank you.

**Com. Lethome:** You are a Chief from where?

**Mr Sangura:** ..... (inaudible)

**Com. Lethome:** What is your ..... (inaudible)

**Mr Sangura:** Academically I reached form four but I have done correspondence courses in various fields.

**Com Lethome:** How long have you been ..... (inaudible)

**Mr Sangura:** It is now eight (8) years.

**Com. Lethome:** Can we have Ramadhan Juma. Oh amezungumza. Chrispinus. Okay Vincent Wekesa.

Vincent Wekesa: Mimi naitwa Vincent Wekesa, Kimaiti area, sub-location ni Kimaiti. Maoni yangu, mimi naomba nyinyi, tuna shida mingi. Neno la kwanza, mimi nasema kwa utawala; tunawatawala wa nyumbani, mtu anaitwa Liguru, Mukasa, unamjua?

**Com. Lethome:** Ninamjua, mzee wa mitaa.

**Mzee Wekesa:** Haya huyo, huyo ndiyo tunatangulianga kuona yeye kama iko makosa. Tunamjua sana, tena tunampigia kura; akipita kabisa na roho yetu. Sasa huyo mtu anafanyanga kazi ya bure, hakuna kitu anapata. Sasa maoni yangu, kama Katiba ya saa hii iko sawa huyo mtu apatiwe mshahara, na serikali. Na kupata hata arrears yake akimaliza kazi.

**Com Lethome:** Na uniform?

**Mzee Wekesa:** Uniform apate. Iko tofauti na ya Sub-chief hii yake.

Halafu, maneno ya pili tunanyanyaswa hii Kenya mzima na watu wanaitwa wezi; hata siku hizi wako na kipindi Nairobi. Ukiteja radio unasikia, ndiyo wanatangulia kusema, waliuwa huko, walinyang'anya, sawa hiyo ndiyo mimi nauliza serikali hawa watu wezi na watu serikali, nani anashinda mwingine? Sasa ..... (inaudible) ya hawa watu tunataka tafuta; si mlileta sisi tutafute, haya, mimi natafuta yangu, ikiwa mbaya, mbaya, ikiwa nzuri, nzuri. Hawa waizi wanafanya maendeleo kurudi nyuma. Mtu anaweza na mali yake kama mtokaa, unaweka nje, unakuja asubuhi hakuna mtokaa imeenda. Sasa hiyo mtu akipatiwa na serikali kukamata yeye atakapoishi, huyo mtu utaona kufika kwa sheria, kwa korti, unamona anarudi wanasema, alikamatiwa ..... (inaudible) na watu wake amerudi nyumbani, na yeye akishauwa mtu mwenye mali, ako na pesa ya huyo, mwenye alikufa, anawacha watoto wake bure, wananyanyaswa na huyo mtu sasa ndiyo mali hiyo, anagawanya uko sijui na serikali kwa sababu anarudi nyumbani.

**Com. Lethome:** Ungependa Katiba ifanye nini?

Katiba yangu iko, mimi nataka sema ukweli, kama sheria ingekuweko, sisi iko hapa na chakula tunapanda maindi, miti, huyo miti kama dudu inakuja kula miti yangu, mimi nikipata dawa naweka ndani ya miti, hiyo miti imekufa? Inaweza kuwa kweli, imekufa hafau miti ingine yenye kubaki inakuwa sawa. Na kama iko sheria ya kujua hiyo, sisi tunatoa dawa ya kuenda kumaliza uwizi, kama ya kuuwa, iwue, kama ya kimaisha, mwizi wa kamili kabisa.

**Com. Lethome:** Afungwe au auwawe,

**Mzee Wekesa:** Eh, si ndiyo, na hii itakwisha namna gani?

**Com. Lethome:** Tupate Zech Makokha. Karibu. Na Patrick Wanjala yuko? Karibu mzee na utuambie jina lako na ujaribu kama hiyo microphone inafanya kazi.

**Zech Makokha:** My names are Zech Makokha, and I have these views; the first one being that in my opinion the President's head should be erased from the face of the Kenya currency.

**Com. Lethome:** The President's portrait should not be on the Kenya currency. What should be there.

**Mr Makokha:** Like the example of Uganda, .....(inaudible) because in the first place the President ..... (inaudible) on the Kenya currency. In any case, I suppose it can only cause confusion for some ignorant Kenyans, they might like in event of election some ignorant Kenyan might take it that if they do not select the man or woman he/she might take with him all the money because it belongs to him.

**Com. Lethome:** So what should be on the portrait?.

**Mr Makokha:** Any other symbol.

**Com. Lethome:** Speak into the microphone so that we can hear.

The second point is that the President should not represent any constituency in the country, he should represent the entire nation. By representing a particular Constituency will of course make him not be impartial

**Com. Lethome:** The President should not be an MP.

**Mr Makokha:** Yea.

Number three, any nomination of leaders should be abolished, it should be done away with completely.

**Com. Lethome:** Can you repeat that?

**Mr Makokha:** Nomination of leaders like MPs and Councilors should be done away with, because a nominated member does not really speak for any one., and haing him or her there, would be like imposing leaders on people, they will be representing themselves.

**Mr Makokha:** Number four, there should a ..... land ownership

**Com. Lethome:** How much?

**Mr Makokha:** Like 100 acres per individual instead of landlessness. And the last point is that, for adequate representation in parliament, there should be equal opportunity for all categories of people, like women, youth and physically disabled. A given percentage of seats should be reserved for each group.

**Com. Lethome:** And the youth, and women.

**Mr Makokha:** For women, youth and even the physically disabled. I think that is all there is.

**Com. Lethome:** Thank you very much. Can you suggest how many for each category?

**Mr Makokha:** I think that one should be, I mean there should be a way of.

**Com. Lethome:** Thank you very much. Yule mwingine niliita? Wewe ni M ..... Karibu. Cleophas Opara. Lucy Makokha. Kiburi Joel, njoo karibu hapa, utamfuata huyu. Baraza Ann. Morris Daky Maurice Makide, yuko, unataka kulete memorandum? Njoo ulete hapa basi. Okay, endelea

**Patrick Wanjala:** Asante sana Bw Commissioner, lengo langu nilikuja kwa maoni yangu, mimi naonelea wakazi katika nchi yetu hii ya Kenya wafanya kazi kusaidia na serikali lakini naomba serikali iwapee mshara, ya pili serikali iwapee kitambulisho ya kuonyesha hawa ni wafanya kazi wa serikali au awape uniform.

Ya tatu, naomba wananchi wapewe heshima kwa serikali kuliko kuendelea namna hivyo. Naomba serikali ambaye itakujao mwaka ingine, wananchi wapewe heshima. Ni hayo tu.

**Baraza Mark:** Honourable Commissioners, my name is Mark Barasa, I am a headteacher of Napara Secondary School. There is something I have said here on Preamble on our Constitution. Thus, we need a preamble to state the need for a workable and rational constitution to be put in place and be applied accordingly and fairly to all the citizens of this country. The Preamble should be in form of a preface or a foreword which should be a summary of the constitution, and we are also saying that when you set a target you work towards achieving the same and so we are saying we should have a motto and we are proposing that like this one of ours we said “for God and my country and a vision to have an upright citizen of this country and our mission should be to produce a God-fearing and well guided citizen”.

We have said something about citizenship that we can one automatic citizen and this should be one born of both parents who are citizens of this country. Secondly one can be a citizen by naturalization, thirdly one can also be regarded as a citizen even when only one parent is a citizen of this country. The Constitution should not allow dual citizenship. And lastly that Kenyans should carry identity cards as evidence of citizenship.

On political parties we are recommending that the number of political parties should be limited to two to avoid affiliation to tribal parties.

Structures and systems of government; we are saying that we should adopt a system where we have a president, Prime Minister and a Vice President and that the power between the President and the Prime Minister should be shared equally.

About Local Government we are saying that Mayors and Council Chairmen should be elected directly by the people and they should serve for a period of five years in office and they should have a minimum academic qualification of university graduates, thus particularly the two; the Council Chairmen and Mayor. The Councilor should be of minimum qualification of ‘O’ level. On basic rights we are saying the Constitution should provide for bursary and free education up to at least standard eight and also provide bursary to the needy especially orphans to be able to continue with further studies or pursue vocational training to assist them in their future lives. And we are saying that because of insecurity on our streets, we are recommending that homes should be set up for street children so that they are cleaned off all the streets in this country. And that anybody found loitering on the streets should be punished by law.

We are also talking of unity of our people and we are looking at language as a uniting factor. We are saying that we should adopt a first language for everybody in this country to be Kiswahili, so that with this one now, it will unite people of different ethnic backgrounds. So is a national dress can make people to know each other’s brothers and sisters. This is done elsewhere like in Uganda and also Nigeria.

We are also recommending that drugs should be availed in our hospitals; we should have a provision in the Constitution whereby a patient can petition the hospital authority to get drugs for them. If one is sick the first thing is to get medicine for him

or her and then payments to be pursued later.

On the President we are also recommending that the President should have a minimum education of university graduate at least first degree, and should serve for two terms of five years each and should be elected directly by citizens of this country. The President once elected in office, should cease being an MP since his constituency now is the whole country; another MP should be elected in that particular constituency so that the President can serve the interest of all the citizens of this country but not a particular Constituency. The President's private functions like going for church service should not be aired on public media as news and he should not be a Chancellor of all universities.

We are also recommending that the D.Os should be appointed from where they are born and brought up because they understand the culture of the people whom they will be ruling; and Chiefs also should be elected by the people.

On land ownership we are saying that the Constitution should provide a clause where land ownership should be reviewed in at least every after five years. This will solve the problem of many cases of lack of title deeds which make people to be squatters on their own land and lack of title deeds has lowered food and livestock production because one is not sure whether they will be evicted the next minute.

Lastly we are also recommending that on nominations to parliament and Civic seats, we should consider special groups like the disabled, e.g the deaf, crippled and so on or people with special interest like if we look around in parliament we find there is no Engineer, or there is no Doctor or there is no Lawyer, there is no Surveyor or a University don or young people so that nominations are based on that kind of backgrounds. Or even women, if for example we find there are very few women so that we have the number of women increased or gender equity. Thank you very much.

**Com. Lethome:** Thank you very much. Christopher Mwamba. Lucy Makokha. Ni yule Assistant Chief. Can we have now Joel Tunduli halafu Morris Daf, utakuja. Halafu sasa unajua kuna mambo mengi ambo imezungumzwa, usirudie mambo ambao imezungumzwa, kama una mambo mapya, .....(inaudible) mambo ambao uko nayo, tafadhali.

**Joel Tunduli:** I am Joel Tunduli by names and I have this to put across. My first point is that the President of Kenya must be under law. The word MUST is underlined. You see this is a situation whereby in the past we have had it called political expedience. It is a situation whereby the President has been raping the Constitution of Kenya to make him stay in power. So in this situation if we are going to have a President who is going to be under the law like in US, definitely when he makes a mistake, he will be taken to the Courts of Law and he will be judged.

My second point is that we should have in the next government what is called power devolution, this is a situation whereby power should be shared equally among people.

**Interjection:** Speak in the microphone.

The second point is that we should have what we call power devolution in the next government. This is a situation whereby power should be shared equally among people because you find that the President has decentralized power in his office and in that connection he is making Kenyans to suffer. In any case if the next government is going to be formed, then we should share power among these people. For instance we should have the Prime Minister and many other people, so that power is shared.

My third point is that the head of public universities must be the most learned people in the land; because you find that in Kenya the President is Chancellor of universities which is quite impossible, we should have a situation whereby people Professors with very good degrees should lead our universities.

My fourth point is that the Constitution of Kenya should be translated in many languages, for example in a country like Uganda, the Constitution of Uganda is in many languages so that even a Bukusu in Kimaitia should be able to know the Constitution and be able to actually interpret and do exactly what the Constitution says, so it should be in many languages for all Kenyans to benefit.

My fifth point is that promotion of civil servants must be under merit because currently we have got what we call mediocre performance, people in positions who can not be able to perform we should not entertain them any more. So in this case, we should have what you call people on merit.

Then my sixth point is that when it comes to the Judiciary it should be under Professors of law. We should have what is called jurisprudence. These are people who have the urge of law and they will be able to govern our law and .. ... Constitution will be able to protect it well, because currently we have got people who are leading in the Constitution and people who are in Judiciary they are not performing, they are mediocre performers. So next time we need a change.

Then my seventh point is that I suggest that we should have a member of parliament for Youth in every district because I will refer myself to Uganda because it is the nearest country to us; they have got what we call Members of Parliament who .... (inaudible) Youths from every district, so if Youths have got a problem, they will be able to get to the parliament to give their views through a single person.

Then my last point is that I imagine children should be given their rights because we have got parents who are so crude and they handle their children so badly. In any case we should have what we call a law that governs the parents and they must make sure that they provide for their children. Otherwise that is what I had. Thank you.

**Com. Lethome:** Thank you very much. Morris Daf. Tunduli register there thank you.

**Morris Daf Kufu:** *Ngalusia orio muno khu serikali ya Kenya.*

**Translator:** narudisha asante kwa serikali ya Kenya.

**Mzee Kufu:** *Khulwo khufikirira khubukula maliro kefwe hano, khushira khutsia ale.*

**Translator:** Kwa kubali kupokea malio yetu hapa ambayo hatujiwezi kuenda mbali.

**Mzee Kufu:** *Maliro kange.*

**Translator:** Malio yangu,

**Mzee Kufu:** *Niko akakira nzitsire ano.*

**Translator:** Ndiyo sababu inafanya nikuje hapa

**Mzee Kufu:** *Makhuwa kabiri,*

**Translator:** Maneno mawili

**Mzee Kufu:** *Elia mberi*

**Translator:** Jambo la kwanza

**Mzee Kufu:** *Nyenya serikali yefwe,*

**Translator:** Nataka serikali yetu

**Mzee Kufu:** *Ikabukhanie*

**Translator:** Tumewatawanyisha

**Mzee Kufu:** *Yabukula omwona mukhana*

**Translator:** Amechukua mtoto msichana

**Mzee Kufu:** *Omwana mukhana uno,*

**Translator:** Mtoto msichana huyu

**Mzee Kufu:** *Khulondokhana nende babukusu, omwana mukhana na adekha akhoyere atsire lala eyo.*

**Translator:** Kimila ya wa Bukusu mtoto msichana akiwa mkubwa akiolewa anaenda kabisa huko.

**Mzee Kufu:** *Siajamirwa akalukhe arebe eloba yinga ta.*

**Translator:** Harusiwi kurudi aulize shamba nyumbani

**Mzee Kufu:** *Bulano abana bakhana benya khukalukha ingo khwenya khubukula eloba nende khunyasia abana bali engo.*

**Translator:** Wakati huu watoto wasichana wanataka kurudi nyumbani na kutaka kuchukua mashamba na kuwasumbua watoto ambao wamebaki vijana.

**Mzee Kufu:** *Khuyanza khwa serikali, ibukule buli ikabila nende milukha kiaye bekhale shingabali ni bekhala khale.*

**Translator:** Kwa mapenzi ya serikali ichukue kila kabila na desturi yake na wakae vile walikuwa wanakaa zamani.

**Mzee Kufu:** *Eliokhubiri,*

**Translator:** Jambo la pili,

**Mzee Kufu:** *Khunyola mukhasi yetsa sa mudala kama wetsa omenya.*

**Translator:** Tunapata mwanamke amekuja tu kwa boma kama anakuja kuishi

**Mzee Kufu:** *Yadekha*

**Translator:** Ameolewa

**Mzee Kufu:** *Omukhasi oyo yadekha abandu ewe yakhekhala khulwe miaka kibiri ne omusatsa afwa.*

**Translator:** Huyo mwanamke ameolewa ametoa mahali amelala miaka miwili bwana amekufa

**Mzee Kufu:** *Ne mukhasi uno akhayira khu eloba lia musatsa wae.*

**Translator:** Na hii mwanamke anakatalia kwa hiyo shamba ya bwana yake

**Mzee Kufu:** *Abana baberesibwa,*

**Translator:** Watoto wanampea

**Mzee Kufu:** *Bakhongo bamweresia,*

**Translator:** Watawala wanampea

**Mzee Kufu:** *Bakhongo nibetsa khumurusia mu eloba elo ni akusia eloba ero liosi ne ayira ewabwe.*

**Translator:** Watawala wakija kumtoa ile shamba, anauza hayo shamba yote anapeleka kwao.



- Mzee Kufu:** *Lano nga bano banyala khukusia liloba, barurusia khu kimila ye babukusu.*
- Translator:** Sasa kwa ajili ya hawa wanaweza kuuza mashamba wanatutawanyisha kwa sheria ya ki Bukusu.
- Mzee Kufu:** *Ekhuwa lindi,*
- Translator:** Jambo lingine
- Mzee Kufu:** *Omukhasi yedekha abundu andi, ni yebula abana bataru.*
- Translator:** Mwanamke ameolewa pahali pengine amezaa huko watoto watatu
- Mzee Kufu:** *Omusatsa waye afwire eyo*
- Translator:** Bwana yake amekufa huko.
- Mzee Kufu:** *Arula eyo yetsa onyola mundu we endalo,*
- Translator:** Anatoka huko anakuja kupata mtu wa shamba
- Mzee Kufu:** *Niyetsa yanyola we eloba yalamenya ninaye.*
- Translator:** Akija apata wa shamba ataishi na yeye.
- Mzee Kufu:** *Inyuma ewe miaka kidaru ni yera musatsa ulia.*
- Translator:** Baada ya miaka mitatu anamua ile bwana.
- Mzee Kufu:** *Ne achaka olira mbu musatsa wange yandekhera ekoba lino.*
- Translator:** Anaanza kulia hati bwana yangu ameniachia hii mashamba.
- Mzee Kufu:** *Nabukula eloba elo ne atema khunyola tite deed, akusia ne atsia khukula abana balali bo musatsa oyo.*
- Translator:** Anapochukua hiyo shamba anajaribu anapata tite deed anauza anaenda kununulia wale watoto wasiokuwa ya huyu bwana.
- Mzee Kufu:** *Khulwe isaa ino, khwenya ochunga eloba liefwe.*
- Translator:** Wakati huu tunataka tuchunge mashamba yetu
- Mzee Kufu:** *Lidong'e eyo.*
- Translator:** Ibaki kwa uko

**Mzee Kufu:** *Banyale khubakabania.*

**Translator:** Wapate kuwatawanyisa

**Mzee Kufu:** *Khulwe isaa inoefwe babukusu khwenya khube nende kimila yefwe iyekhale iya ba kuka kefwe.*

**Translator:** Kwa wakati huu sisi Wabukusu tunataka tuwe na desturi yetu ya kizamani ya ile mababu yetu.

**Mzee Kufu:** *Orio muno.*

**Translator:** Asante.

**Com. Lethome:** Orio Mno mzee. Asante. Njoo ujiandikishe mzee. Cleophas Mutaya Mugo, halafu kuna Douglas Nyongesa.

**Cleophas Nyataya:** Asante Commissioner. Jina langu ni Cleophas Nyataya, mkaaji wa location ya Napara, ..... Sub-location. Kwa maoni yangu, niko na maoni hapa kama sita hivi. Nazungumza kwa upande wa watoto ambayo wana choma choma shule hawa. Watoto hawa walipewa mamlaka mabaya kutoka kwa serikali. Hati mtoto akikosa hapana pigwa.

**Com. Lethome:** Unapendekeza nini kwa huyu mtoto?

**Mzee Cleophas:** Wachapue.

**Com. Lethome:** Haya, endelea ingine.

**Mzee Cleophas:** Nazungumza upande wa wasichana wetu ambae kama niko na msichana asiolewa. Akiolewa kwa sisi Wabukusu, si keshira hati arudi tena adaye udongo. Wewe uko na watoto wako wanaume wako, wale ambao wanakudai wewe ni wanaume si msichana.

**Com. Lethome:** Kwa hivyo msichana hana haki ya kudai udongo

**Mzee Cleophas:** Kutoka zamani si leo, hatuwezi kurudi kwa kabila ingine tuingize hiyo kwetu.

**Com. Lethome:** Haya ingine.

**Mzee Cleophas:** Nazungumza upande wa wanawake. Kisheria hata Mungu mwenyewe halani wanawake. Wanawake haitakiwi wapate kazi kubwa kubwa. Ya pawa ya wanawake wafanye kazi kama kwa hospitali, walimu, au nini, hapana kupatiwa kazi kama DO, DC, Chifu, nini hapana. Yaani hawa walifanya mabaya kutoka kwa Mungu.

**Com. Lethome:** Na hii kazi wanaandika andika.

**Mzee Cleophas:** Hiyo inaandikwa ni sawa sawa lakini kuliko kusimama mbele hati yeye ni DC, hiyo hatajikani.

**Com. Njoroge:** Una msichana wako nyumbani?

- Mzee Cleophas:** Niko nayo
- Com. Lethome:** Umemsomesha?
- Mzee Cleophas:** Nimemsomesha yeye.
- Com. Lethome:** Ungependa awe DC?
- Mzee Cleophas:** Yeye iko anafanya kazi ingine uko ..... (inaudible) kama kwa majeshi hivi hivi tu. Lakini hapana fanya kama DC, au DO hapana, kusimama mbele ya watu.
- Com. Lethome:** Kwa Mbuge, hutaki waende Bunge.
- Mzee Cleophas:** Hiyo kufanya kama sheria ya Waafrika.
- Com. Lethome:** Sio ya Wabukusu?
- Mzee Cleophas:** Aaa.
- Com. Lethome:** Wabukusu si Waafrika,
- Mzee Cleophas:** Wabukusu ni Waafrika lakini iko sheria ingine wanawake hawatakikani kuwa mbele ya wanaume.
- Com. Lethome:** Wamelaniwa na Mungu
- Mzee Cleophas:** Mungu aliwalani mwenyewe, hata ukisoma kitabu. Walikosea Mungu sana.

Upande wa korti kama sawa sawa huko kwa korti, hapa wananchi tunaumia sana. Kuumia kwako ni kuimia kwao ndiyo namna hii. Unaweza shtakiwa huko, ukienda wanafanya mention, ukienda wanasema hati mention, hawajui unatoka wapi. Labda umetoka maili ngapi, wanasema mention.

- Com. Lethome:** Unataka kesi ikiwa kortini ifanywe namna gani?
- Mzee Cleophas:** Kesi ikiwa kortini saa ile ambao waliletewa iende ifanywe.
- Com. Lethome:** Sawa, kesi imalizwe haraka.
- Mzee Cleophas:** Imalizwe haraka.
- Com. Lethome:** Endelea, ingine.

Upande wa polisi, polisi wanaweza kuchukua kama mtu akishauwawa hata na gun ama mtu akisha pata ajali polisi anaweza kuja kuchukua yeye, kumpeleka kama Webuye, yaani sasa mortuary huko Webuye, na analazimisha wewe huna mali, huna nini sasa ufanye nini? Uende uchukue huyu, na hawa police walipeleka na tena wanasema kwenda chukua.

- Com. Lethome:** Sasa unataka wakichukua warudishe.
- Mzee Cleophas:** Wenyewe walipeleka, tena warudishe.
- Com. Lethome:** Haya ingine,
- Mzee Cleophas:** Neno la sita, kama ingefaa, serikali irudishe class ya form five na form six.
- Com. Lethome:** Haya ingine.
- Mzee Cleophas:** Asante kwa hao.
- Com. Lethome:** Asante sana jiandikishe. Douglas. Ann Barasa.

**Douglas Moses Nyongesa:** Asante sana Ma-commissioner wa siku ya leo. Mimi mwenyewe kwa majina naitwa Douglas Moses Nyongesa. Natoka sehemu ya Mihanga. Mimi kwa maoni yangu ningesema hivi, Katiba ya kesho tukienda au kwanzia saa hizi kama tunaenda kupiga kura lazima viongozi viyenye tutachagua waheshimu nafasi zao vile inafuatana na Katiba. Ya kwanza, tukienda upande kama wa Urais, Urais lazima aitimu sehemu zile zinatakikana kuanzia kwa Constituency yake halafu kwa kitaifa aitimu maagizo hayo yote, ndipo tunaweza kumuita yeye kama Rais. Sio tu mtu kutokea msituni na anasimma anasema mimi nataka Urais, wa haraka haraka. Hiyo nikiangalia kwa maoni yangu, inakuja kutauziri kwa upande mwingine kwa vizazi vyenye vina kuja. Mtu kama rais, afaa ajue mazingara yale vile anatakikana aipeleke hasa upande wa Kiuchumi. Upande wa Kiuchumi lazima aweke balance sawa nchi yote kwa jumla, sio kupendelea upande mwingine. Ukienda kimaendeleo unaona mradi Fulani wanasema Rais ataenda kugavua maendeleo.

**Com. Lethome:** Sasa niambie vile inatakikana, kuwa nchi yote na yeye hawezi (*not audible*)

**Mr Nyongesa:** Kwa upande wa mamlaka, akiwa Rais, awe tu na cheo moja cha Urais, kama ni function ingine yenye inaweza kutokezea, aende huko kiserikali lakini sio kibinafsi, au kujitakia. Na kuchagua uongozi, sisi kama wana Kenya, tunatakiwa kuwe na nafasi yetu ya kuchagua viongozi kwanzia kwa Rais hadi kwa Councilors. Sasa ningepomba hivi, kufuatana na Katiba President awe na cheo moja,

**Com. Lethome:** Umetuambia.

**Mr Nyongesa:** No I'm making analysis.

**Com. Lethome:** Okay.

**Mr Nyongesa:** Awe na cheo moja, mfuasi wake pia awe na cheo moja, sio leo hapa, ni minister wa Industry na haja-qualify, pengine alifanya medical, na wanamweka kwa industry hiyo ni kufanya Uchumi kuharibika kabisa.

Haya nikiendelea upande wa upangiliaji kazi ya serikali, pengine nchi Fulani imetoa msaada kusaidia hii nchi yetu ya Kenya, msaada ikitoka inatakikana ifuatue na department vile imetolewa. Sio jukumu ya serikali kufuata; kwa maana serikali ikifuata, inataka ikate robo uoko, ndiyo unapate upande kiwango chenye kimepewa hakiwezi kufina kwa wale watu wenye wanatakikana wapate.

Haya tukienda upande wa Judiciary, Majaji na Magistrates, kama wamehitimu kazi yao na kiwango chao, wafae wachukue muda yao kufanya kazi yao vile inatakikana. Sio kujichukulia tu mambo tu vile anawaza huyu Fulani atanitolea 2,000/- nimfanyie kesi yake. Hiyo ndiyo inaanza kwa ....

**Com. Lethome:** Wafanye kwa uhuru, independence.

**Mr Nyongesa:** Yes,

Haya, point ingine

**Mr Nyongesa:** Tukija kwa upande wa Administration kama Chiefs na Assistant Chiefs, inatakikana wawe na nafasi moja.

Kama amejiriwa kama Assistant audumie wananchi kama Assistant Chief. Kama ni Chief ahudumie wananchi kama Chief, asichanganye mambo ya kuingia pengine ndani. Makosa ikitokezea tukienda kwa idara kama ya police, police ya utawala washirikiane pamoja, na assistant Chief, Mukasa, wajue chanzo za walifu vile umetokezea, kwa maana nikiendelea zaidi naona utawala umechukua kila kitu. Mtu akiwa kama afisi wa utawala anafanya tu vile yeye ana-feel kwa roho yake.

**Com. Lethome:** Sasa wafanye kazi kulingana na sheria.

**Mr Nyongesa:** Wafanye kazi kisheria, tena kwa muda ile inatakikana. Unapatikana tu pengine uko njiani, umefungwa na mambo mengine ya Kijamii, unapata unashikwa tu we, ututolee hii, mambo ya hongo. Hiyo tafadhali ndiyo imeanza kuharibu kuleta uchumi ya Kenya kurudi nyuma, maskini anabaki nyuma kabisa, tajiri anaendelea mbele.

Idari nyingine ambao ningependa kuguza, serikali ihalilishie Wakenya wenye wamejitokezea na unafsi wao wa kuweka viwanda au na mradi wowote wenye unaweza kusaidia Wakenya, ihalalishie halafu aua watumie kwa njia ifaayo.

**Com. Lethome:** Mradi gani wa..... (inaudible) You know you are being vague, you are not clear, what are you trying to say.

**Mr Nyongesa:** Mradi moja kama mtu anaweza kuwa anajitoshelesha kwa njia Fulani, halafu anaweka mradi kama chuo, yaani tuseme shule ya binafsi, aendeshe bila kufuatwa, bora afanye clearance ya registration na kila kitu.

**Com. Lethome:** Sasa umetoka kwa kiwanda umeingia katika shule. Hii kiwanda ulikuwa kusema ni gani?

**Mr Nyongesa:** Kwa mfano, wacha nirudi tu ni-specify. Kwa shule, mtu kama ana nguvu zake za kuendesha,

**Com. Lethome:** Hakubaliwi kuweka shule hiyo tumesikia. Saa ile ulikuwa unazungumza habari ya kiwanda, kiwanda gani?

**Mr Nyongesa:** Viwanda kama ya KCC kidogo kidogo, yaani kuifadi, maziwa au nini. Kama anamarifa, wampe licence halafu aendeshe bila mtatizo.

Tukija upande wa masoko

**Com. Lethome:** Please you are taking a lot of time because you are using so many words to say one thing.

**Mr Nyongesa:** Upande wa masoko, yatakikana itengenezwe kupitia chini ya mikono ya County Council kwa nafasi ifayo, kwa ajili zaidi masoko nyingi uwa zina chukuliwa kwa binafsi ya mkono ya viongozi wengine wenye tumechagua kama Councilors.

**Mr Nyongesa:** Halafu mwisho kabisa, ningependa kuguzia miradi, ambao zimepewa minister Fulani kufanywa, haswa kama wakati mwingine hapo nyuma tulikuwa na mradi wa maji kutoka Lwakhaha hadi Busia, lakini huo mradi ulikufa, na kiongozi mwenye alikweko kama MP

**Com. Lethome:** Wewe pendekeza. Mradi ukiwa chini ya serikali unapendekeza nini.

**Mr Nyongesa:** Napendekeza ukamilishwe.

**Com. Lethome:** Thank you.

**Mr Nyongesa:** Nadhani yangu ni machache hayo.

**Com. Lethome:** John Mukinisi. Tafadhili if you want to say something, use few words, go direct to the point, sio watu kuzunguka. Unasema point moja kwa moja. Halafu Boniface. Halafu Onyango. Utafuata huyu. John is the next.

**John Mukinisi:** I am John Mukinisi by names and I have his to say, one I want to talk of taxation in our country. You can see that there is a lot of poverty or imbalance problem in the country just because of poor taxation. Somebody earning a lot of money, he is taxed a low rate than somebody who earns small money. I therefore recommend that the new Constitution should have fair taxation. (*words lost as tape ends*)

Every Kenyan citizen should not have more than one position in the country;

**Com. Lethome:** One man one job.

**Mr Mukinisi:** One man one job.

Three, people have been talking of illegal brews especially chang'aa. I recommend that for this problem to be eradicated in our society, this artificial brews to be reduced in their prices, because people have been unable to buy these brews, because of high prices and therefore decide to hold on these other illegal brews.

Three, I want to talk on election for the coming election to be changed. First we have election of the President then followed by the election of the MPs. With this we are going to have equal balanced development in the country because most local wananchi have been unable to select because you choose to elect the president, you know the president is going to come from this party, hoping that whoever you are choosing to be the MP will also be in that ruling party, but at the end you fail. Therefore when you have a president known, then people will be in a position of knowing who to choose because he is going in the ruling party.

Then the President of Kenya should not have power over the infant industries of the country. I have been hearing cases whereby a President just decides to take some money from an industry for its private use. Therefore,

**Com. Lethome:** Make your recommendations. The President should not have control over industries.

**Mr Mukinisi:** Yes,

**Com. Lethome:** Go on.

**Mr Mukinisi:** Others have been said and therefore what I want to say is that the benefits to be given to the President should be trimmed as it has been announced.

And lastly as the former speakers have said, the MPs should have their offices in their local constituencies.

**Com. Lethome:** Thank you very much. Can we have the local Chief, followed by Rashid Undu, is he here. Rashid, ameshaenda? Okay John Lufaula, yea after the Chief.

**Henry Wekesa:** My names are Henry Wekesa and I have just a few points here to put across to you;

- i) Being a Chief, I am of the opinion that Chiefs should be appointed by the office of the President but should enjoy the immunity of their offices like Judges and retire and retire at the age of 65. If possible, because they have no schemes of service, their salaries should at least be one part of the MPs salary. Chiefs should be approachable; the person to be a Chief should be someone friendly, approachable and with good PR. .... (inaudible) These are my wishes.
- ii) Should have one common item on their payslip and that is medical allowance with a common amount given that the disease that kills a King or a Minister is the same disease that will kill a sweeper or a watchman. Therefore the medical allowance after a public worker retires, should be retained on his pay slip and enjoys the same medical allowance even after retirement.
- iii) Then it is my prayer that the new constitution should assess the value of human life so that in loss of human of the same life, the next of kin is paid the amount or in some areas of Maasai land, herds of cattle that are the worth of the Kenya shillings indicated or inscribed in the new Constitution. Because this thing has been left loose for so many years.
- iv) There should be free education for all right from primary school to university level.
- v) All Unions to be registered with the authority of parliament and be registered by the same Institution. We have this money called .... (inaudible) money from the Local Authorities. This money should reach the intended projects through DCCs and not Councilors.
- vi) Chiefs should be in position to issue Land title deeds with the assistance of District Land Registrars because they are the people on the ground but not through D.Os.
- vii) Land Control Boards should be at locational level to reduce this menace of corruption and cheating.
- viii) Another prayer is that let the lowest paid public worker earn at least Kshs. 10,000/- and be promoted every after three years.
- ix) Lastly I pray that the local brews in Kenya, not only in Bukusu land; we have Muratina amongst the Kikuyus, our brothers down there, and we the Mnasi at the Coast; and we have the Busaa down here. I pray that these brews be legalized because it has always played a great part in our African Socialism.

**Com. Lethome:** What about Chang'aa?

**Chief Wekesa:** Chang'aa, no please. It is serious, that one we forget. It is only Busaa, Mnasi and Muratina. I think that is all I have for the day.

Thank you very much Bwana Chief. Can we have Gabriel Onyango.

**Gabriel Wafula Onyango:** Asante sana. Mimi kwa majina naitwa Gabriel Wafula Onyango. Maoni yangu ni kwamba, mimi nataka serikali ya kesho, iwe tofauti kidogo na serikali ya leo. Kitu kibwa sana, mimi nataka serikali itoe hawa watu wanaitwa Advocates. Kwa sababu mtu anakukosea, pengine mumekosana, amekupiga, ama saa ingine ameiba pesa yako. Unashugulika unaenda kwa polisi, huyu mtu anaswe, halafu mnaingia kotini, unafika huko huyu mtu amechukua nusu ya pesa yako, amepeleka kwa advocate. Siku ya kesi wewe unaongea na huyu advocate, na huyu advocate ni mtu ambaye pengine alikuwa mtu wa serikali ameacha kazi, labda alikuwa Judge.

**Com. Lethome:** Hiyo tumefahamu. Mambo ya advocate na kortini hakuna tena.

**Mzee Onyango:** Kortini iendelee, lakini advocates watoe.

**Com. Lethome:** Korti inaendelea, hakuna mambo ya advocate. Wote wafutwe kazi, waache kazi.

**Mzee Onyango:** Mimi nataka watu wa advocate waache hiyo kazi, maana hawa advocate sio serikali.

**Com. Lethome:** Haya, sawa. Ingingine.

Ingingine ni mambo ya nyumbani. Wazazi wengi mimi naona wanaumia sana. Unapata mzazi moja anaelemisha mtoto wake, mtoto aendelee na masomo, halafu mwishowe pengine anafanikiwa anapata kazi kwa serikali. Na unapata mama watoto anaanza kuwa na ..... (inaudible) kupindwa hawa watoto watoke kwa baba. Mtoto anapata kazi, ananunua shamba mahali Fulani na anahamisha mama yake wanaenda kuishi huko. Wewe unabaki bure.

**Com. Lethome:** Wewe unapendekeza nini?

**Mzee Onyango:** Mimi nataka serikali iwe na watu nyumbani karibu karibu wasimamia hii maneno.

**Com. Lethome:** Mama asichukue watoto ..... (inaudible) kazi.

**Mzee Onyango:** Hiyo ni mbaya mama kuhama na watoto wake. Mama ni wangu sio mama wa watoto. Hiyo itolewe. Neno la mwisho mimi naonelea hii mambo ya mali ya maheremu, unapata mtu anakufa, anawacha bibi. Bibi huyu kisheria ya Wabukusu anatakiwa alindwe na hawa wandugu ya maheremu. Lakini unapata Bibi anajuana na mtu wa nje anakuwa bwana yake. Sasa badaba ya kuenda kwa shamba yake anamlete.

**Com. Lethome:** Sasa unataka atafute bwana wapi?

**Mzee Onyango:** Huyu bibi? Kama bwana anakubali kuwa na ndugu ya marehemu, kama yeye ako na bwana yake mwingine aende, awachane na shamba ya marehemu, hawa watu wasimamie.

**Com. Lethome:** Kwa hivyo akitaka kukaa hapa akubali aridhiwe.

**Mzee Onyango:** Anakubali aridhiwe. Lakini hii mambo ya nini

**Com. Lethome:** Hiyo tumepata kabisa. Ingingine.



**Mzee Onyango:** Yangu ilikuwa tu maneno matatu.

**Com. Lethome:** Basi wataridhiwa, jiandikishe hapo. John. Njoo mzee, jiandikishe hapo.

**John Faula:** My name is John Faula. I am here on behalf Safina Ya Noe Women Group. These are the suggestions from that group:

- i) Is on President; there should be Executive President and this person should be he leader of a party that gets the highest votes in general elections. The president should also be voted in during general elections. He should be responsible to parliament and form a government of national unity. He will appoint ministers and assistant ministers to various ministries, and we are suggesting that there should be no two ministers to head one ministry. One ministry, one minister.
- ii) Member of Parliament should be voted in during general elections which should be held every after five years, and these members should have offices in their constituencies. The person to be elected should be mature, that is around 30 years, educated to a reasonable level, that is upto 'O' level. He should be somebody married and has stayed in that particular Constituency for at least one year.

Any candidate rejected by people through voting should not be nominated to hold that elective post or office.

**Com. Lethome:** ..... (inaudible) point. Once somebody has been rejected, he should not be nominated. Go to another point, don't go there.

On quorum in parliament, we are saying that to reaise a quorum there should be 2/3 of total number of members in the house.

When it comes to land we are saying that parents with land should allocate land to their children who have been initiated into manhood and married to have social and economic development. This could discourage or children moving from rural areas to urban areas.

In order to do away with broken homes and plight of children, ..... (inaudible) should be restricted as much as possible.

No one should be allowed to divorce more than twice and at any rate as long as the couple has children, divorce should never be allowed by any law. Adultery should not be a ground for divorce. Anybody who elopes with a married woman commits felony and should be punished by law.

- ix) Since there are no lost locations or divisions we are suggesting that people should not claim some parts of other locations, divisions or even districts. So the issue of locations, divisions, we are saying even districts should be a creation of parliament, not just an individual.
- x) Voters should have a right to recall their MP or Councilor who will not add any value to their living.

- xi) Women or Social Groups registered with governments should be assisted in their efforts to improve their standards of living in order for them also to assist the government by employing those not catered for by the government. That will reduce unemployment in the country.
- xii) The retirees in their old age or illness should be assisted, that is giving them free medical services.
- xiii) The Mayors, and Chairmen of County Councils should be voted in by the general public, not a few Councilors.
- xiv) The nomination of Minister and assistant ministers should be for those with special interests or experience or from minority groups or tribes.

**Interjection:** Come again.

Nomination of Ministers and assistant ministers should be for those with special interest or experience in certain fields, not just picking on somebody ..... (inaudible) doctor and is given something else.

**Com. Lethome:** That point is not clear, is it nomination of ministers or assistant ministers will be for special interest group.

Yes. Also we should also look at the experience and so on. The no confidence vote in the government shall be passed by 65% of the total number of members in the parliament and then the current parliament will resign within three days and will hand over the office to the Speaker of the National Assembly. The Speaker will hold the office for 90 days and call for general elections. Electoral Commission shall remain in office to prepare for general elections. As soon as the general elections are over, or held, the winning party should take the office and form the government within three days.

- xv) The government should subsidize farm inputs so that food production is increased and its price be as cheap as imported.
- xvi) Industrial development programme should be spread to provinces more evenly than Centralising everything in the urban areas and where possible we should have these industries where we have the raw materials, for example we have tobacco doing very well in this place, but when it comes to Industries, they are nowhere to be found here. They are either in Thika or Nairobi.
- xvii) Every tribe or clan writes down a code of conduct which law courts should base their decision in case of Conflicts and that there should be petty cases council to deal with family affairs.
- xviii) Last but not least, that every Chief should have a community recreation home equipped with all relevant facilities for promoting adult education games, library and so on. This will reduce idleness.

Finally we are saying a corporal punishment by headteachers should be reinstated. Thank you very much.

**Com. Lethome:** Thank you John. Can we have Rashid Kundu, halafu George Wekesa yuko hapa. That will be the last person on the list.

**Rashid Kundu:** Asante sana. Kwa majina naitwa Rashid Kundu, natoka Napara location, ..... sub-location, niko Bumula division. Maoni yangu sio mingi sana, haijapokuwa nitaanza upande wa kitamaduni kidogo ya Kiafrica. Nafikiri utamaduni unaweza kuendelea na kwa vile inaweza kuendelea na iko na uwezo, na wananchi wenyewe wa Kenya. Na inafaa hiyo uwezo

uwe na serikali; watu wa Katiba wajaribu kuiweka sheria ndani. Mtu akivunja sheria ya kitamaduni ya Kiafrica nafikiri achukuliwe hatua.

**Com. Lethome:** Hiyo ya kitamaduni imeisha, ingine.

**Mr Kundu:** Ingingine, kwa upande wa Land Registrar; Land Registrar hawana nguvu ya kurepair kazi yao kama unaweza ku-repair nyumba ikipasuka. Tangu mwaka ambao waliingia nchi hii ya Kenya kufanya kazi yao, hawajarudi nyuma kutengeneza tena upande wa mashamba. Nafikiri wananchi wa Kenya wanakaa tu, wengi wao wanakaa squatter.

**Com. Lethome:** Unapendekeza nini?

**Mr Kundu:** Napendekeza wawe wakirudi wakifanya registration kila location, au kila division.

**Com. Lethome:** Haya endelea.

**Mr Kundu:** Nafikiri kwa upande nyingine kama ya utawala, nitaanza na Assistant Chief. Kutoka kwa assistant chief mpaka kwa Chief, inafaa wawe wakipigiwa kura na mwananchi. Mwananchi awe akijua ya kuwa akipiga kura amechagua mtu ambao anaweza kuongoza watu kwa njia ya amani.

**Com. Lethome:** Hiyo imeingia, ingine.

**Mr Kundu:** Ingingine ni kwa upande ya uchaguzi ya President, nafikiri serikali yetu ingependelea tukubaliane ya kuwa tutengeneze serikali ya mseto; tuwe na President, Vice President, Prime Minister, na Mawaziri wawe wanatoka kwa kila chama.

**Com. Lethome:** Asante ingine.

**Mr Kundu:** Nafikiri mimi nitakuwa na mingi sana nikipita hapa.

**Com Lethome:** .....(inaudible)Kuna watu wangapi wamekuja wakichelewa. Reuben Nyongesa. Reuben Nyongesa amejiandikia mara mbili. Moja kama observer na ingine kama speaker. Haya njoo. Felix Muriuku. Baraza Morris. Hawa ndiyo tunafunga nayo. Na sasa mambo mengi yamesemwa, watu wanarudishia tu ilivyo semwa, wanarudia, wanarudia. Kila mtu na dakika mbili mbili.

Reuben Nyongesa: Kwa majina mimi naitwa Reuben Nyongesa. Langu neno la kwanza ni kuhusu mashule yetu ya secondary.

**Com. Lethome:** Nyimyi kujeni hapa. Richard tell them to come over here. Kuja ukae hapa mbele. Mtazungumza wote. Mtafuatana hivo, pahali ya mwisho na nyinyi wawili.

**Mr Nyongesa:** Yangu ni kuhusu mashule yetu masecondary. Serikali yetu ilioko sasa imeachia mwalimu mkuu na wazazi.

**Com. Lethome:** Unapendekeza nini?

**Mr Nyongesa:** Napendekeza serikali irudie msaada kama ilivyo zamani kwa sababu watoto uwa wanaingilia nafasi hiyo ndiyo wanaleta ..... (inaudible) zaidi ya shule.

**Interjection:** ..... (inaudible) ingine.

**Mr Nyongesa:** Yea, ingine la pili ni wafanya kazi wa mashule wa secondary.

**Com. Lethome:** Unapendekeza nini?

**Mr Nyongesa:** Napendekeza serikali iwapatie mshaara kama zamani. Yangu ni hayo tu yamekwisha.

**Com. Lethome:** Unafanya kazi katika ..... gani.

**Mr Nyongesa:** Nafanya kazi katika secondary school

**Com. Lethome:** Hii hapa

**Mr Nyongesa:** Hapa hivi.

**Com. Lethome:** Asante sana. Wewe ndiyo Felix.

**Felix Munuku:** Kwa majina naitwa Felix Munuku. Ombi langu la kwanza ni kwamba ikiwa kuna mtu ambaye ameenda kutoa damu kwa mgonjwa wake hospitalini, wawe wakifanywa uchunguzi wa furusi ya Ukimwi ndiyo mtu atoe damu.

Pili, kuna watu hao ambao wanaitwa Court Brokers. Mtu ana deni la Shs 2,000/- lakini wakienda wanachota mali zaidi ya Shs 50,000/-

**Com. Lethome:** Unapendekeza nini?

**Mr Munuku:** Napendekeza kwamba watolewe.

Tatu kuna shida ya mashamba. Mtu akifa akiwacha familia, pengine title inasoma marehemu, na watoto wake wakitafuta title deed lazima waende washtaki marehemu.

**Com. Lethome:** Sasa unapendekeza nini?

**Mr Munuku:** Napendekeza kwamba wawe free kutafuta title deeds.

**Com Lethome:** Haya, Barasa Morris. Halafu hawa wazee wawili ..... (inaudible)

**Baraza Morris Murege:** Kwanza jina langu kama ilivyoandikwa mimi naitwa Morris Baraza Murege. Mimi naishi hapa Kimaiti. Jambo langu la kwanza, niko na maneno karibu sita. Jambo langu la kwanza, mimi ninapendekeza powers za President zirudishwe chini. Yeye iko na powers nyingi sana.

Pili, Vice President wa nchi hii achaguliwe na wale Wabunge ambao sisi tumechagua, si President. Yeye akimchagua, ana haki ya kumvuta wakati wowote.

**Com. Lethome:** Achaguliwe na wengine. Ingine

**Mzee Baraza:** Jambo la tatu, Harambee, iondolewe; serikali ichukue ile jukumu kwa sababu wananchi ni watu ya serikali na siwezi kuona sababu gani watu waumizwe, toa pesa, na hali ingine, serikali ndiyo anaangalia welfare ya watu.

**Com. Lethome:** Haya ya nne. Ya nne

**Mzee Baraza:** Ya nne, police wasikuwe na mamlaka nyingi sana kuingia katika sehemu ambapo Administration Officer wako; wakiwa wataenda huko, wajulishe tuko na MaD.Os, Machiefs, Maassisant Chiefs, waapitua kwa sababu hawa ndiyo wanaishi na watu wanajua tabia za watu.

**Com. Lethome:** Ya tano.

**Mzee Baraza:** Ya tano, mila za watu haswa wa Kenya ziheshimiwe. Kwa sababu kila kabila, kama haswa sisi waluhya tuko na mila yetu, tukienda Wateso, wako nayo, Wakikuyu nao, mila ya kila Mkenya iheshimiwe.

**Com. Lethome:** Ya sita.

**Mzee Baraza:** Ya sita, corruption nyingi katika Kenya inakuja kwa sababu ya police.

**Com. Lethome:** Unapendekeza nini?

**Mzee Baraza:** Ninapendekeza polisi wasikae pahali station moja zaidi ya mwaka moja; wakijuana na watu wananchi hao wanaleta urafiki mwingi na hawatimishi kazi yao.

**Com. Lethome:** Haya asante.

**Mzee Baraza:** Mimi nachukua nafasi hii kumrudishia shukran nyinyi kwenu kukuja kwa kusikiza yale ambao nimekuwa nao.

**Com. Lethome:** Wale ambao wawili kujeni wote baada ya mwingine. Nani mzee kuliko mwingine. Wewe ni mzee kuliko huyu?

**Ignasius Imakhero:** Kwa majina naitwa Ignasius Imakhero. Mimi mkaaji wa hapa, nafanya hapa Kimaiti school hapa. Kwa upande yangu, nitatendekeza maoni yangu juu ya hospitali. Ningependeza ya kwamba sheria iwekwe kwa sababu tuna matatiso kwa hospitali kuhusu dawa. Na mimi nimeonelea kwamba sheria iwekwe, daktari na Manurses wa serikali wasipewe kibali ya kufungua clinic na chemist, kwa sababu dawa mingi inapotea kwa hospitali kwa sababu ya hiyo. Wanyimwe kibali.

Ya tatu, nitaongea juu ya hospitali tena. Dispensary, na health center na district hospital madaktari hawa wafanye kazi masaa yoyote ime.....(inaudible). Day and Night, kwa sababu kwa health centers kama hapa kwetu, wanafunga saa kumi na moja

**Com. Lethome:** Mahospitali zifanye kazi 24 hours

**Mzee Ignasius:** Yes.

**Com. Lethome:** Ingine.

**Mzee Ignasius:** Nimeruka sasa maneno ya hospitali nimekuja maneno ya uko. Kwa uko imeonelea kila ukoo kwa kabila inakuwanga na mila yao na maneno yao ya kiukoo. Sasa nimeonelea, mtu mwenye angefaa kupewa nguvu sana au mandate ni Clan Elders, yaani Chairman wa Ukoo, kwa sababu hawa ndiyo wanajua shida za Ukoo zote, kuliko hata hii Maliguru na MaChief.

**Com. Lethome:** Hawa ni workers?

**Mzee Ignasius:** Hapana, Clan Elders, wazee wa .. kwa sababu hawa ndiyo wanajua maneno ya ukoo yote, mpaka na history yao na kila kitu. Yangu ni haya tu asante.

**Com. Lethome:** Ignasius .....(inaudible) mzee wa mwisho kuzungumza.

**Tobias Wanyonyi:** Thank you. I am Tobias Wanyonyi. I am a resident of this area; I am just a Peasant Farmer. First the Local Village leaders, or Liguru should be considered in terms of salary.

**Com. Lethome:** Mukasa should be paid.

**Mr Wanyonyi:** Should be paid.

**Com. Lethome:** Continue.

**Mr Wanyonyi:** Free basic education from nursery to class eight and be compulsory among the Kenyan Citizen.

Wananchi should be given mandate or power to make a delegation ..... (inaudible) if their elected representative like Councilor or MP is bound with ..... (inaudible). For any time even if his ..... (inaudible) is not terminated.

Fourth, the suspected ..... (inaudible) should not be jailed or tortured before he is justified guilty.

The Kenya Policemen, or police officers should be resident of the given area, for they know the historical background, social behaviour, the Culture or tradition of that area, or people.

So policemen in Bungoma should be Bukusu.

Should be Bukusu. Because they harass people because they don't know their culture, tradition.

The sixth; the Electoral Commission should be appointed by parliament and should be independent.

**Interjection:** (inaudible)

Seventh, the local Administration Officers like Chiefs or Sub chiefs should be denied the opportunity or chance of listening to

cases of local wananchi; because some of them are not lawyers or law professionals.

Eighth, the handicapped people, for any advertised purpose should be given the ..... (inaudible) of priority. Thank you.

**Com. Lethome:** Thank you very much ..... (inaudible)

**Com. Bishop Njoroge:** Nafikiri kufikia hapo, tumefika mwisho wa kikao zetu kwa leo na tumeweza kupatia kila mtu ambaye alifika, (is this thing working? I think I better use my voice). Tunashukuru kuwa tumeweza kufika mwisho ya kikao chetu kwa siku ya leo, na tumeweza kadiri ya uwezo wetu kumpatia kila mmoja nafasi ya kutoa maoni yake. Tunawashukuru kwa yale maoni ambao tumepata hapa. Tunawashukuru wale wote wamejiusisha na kutukaribisha hapa bila kumsahau mwalimu ambaye ni Principal wa shule hii, Bwana Kennedy kwa makaribisho aliyetupa na vile ametuangalia even in the absence of our District Co-ordinator, ametuangalia vizuri sana, najua walikuwa wamepanga na yeye, lakini amefanya vizuri sana na tunakushukuru sana mwalimu. Na walimu wako wengine ambao hawako hapa, utawapa shukran zetu; tutawakumbuka siku zote mahali popote ambapo tutakapokuwa. Nafikiri hakuna mengi ya kusema isipokuwa ninamwachia mwalimu atoe vote of thanks halafu tunampa District Co-ordinator dakika moja na Mzee moja atufunga kwa maombi tuweze kufunga kikao chetu.

Nimekumbushwa, ..... unasema nini Mzee? Haya utoe point yako ukiwa hapo hapo, simama utoe.

**Mzee:** (inaudible)

**Com. Bishop Njoroge:** Sasa unataka nini?

**Mzee:** (inaudible)

**Com. Bishop Njoroge:** Tutoe KANU

**Mzee:** (inaudible)

**Com. Bishop Njoroge:** Wasisumbue kimila?

**Mzee:** (inaudible)

**Com. Bishop Njoroge:** Watoe kimila namna gani?

**Mzee:** (inaudible)

**Com. Bishop Njoroge:** Haya asante. Watatoa kimila

**Mzee:** (inaudible)

**Com. Bishop Njoroge:** Haya asante sana, Orio msakhulu orio.



Nimekumbushwa hapa na Chairman wa kikao hiki chetu, kuwa leo ndiyo siku yetu wa mwisho katika District ya Bungoma. Na tangu tulipokuja hapa tumekaribishwa vizuri sana na watu wa Bungoma; wameshirikiana na sisi katika kazi yetu. (**interjection:** sasa nimekupatia nafasi uzungumze, nipatie nafasi na mimi nizungumze)

Kwa hivyo tunawashukuru sana watu wa Bungoma kwa makaribisho ambao mmetupatia. Na kwa hayo machache ninampatia mwalimu nafasi azungumze halafu District Co-ordinator atufungie kwa sababu watu wamechoka.

**Mwalimu Kennedy:** Naenda kusema machache. One, I would like to thank the members of the Electoral Commission, Constitution Review Commission for having availed themselves to our school, and being the last day I think it is actually great for us, because we are the last center in Bungoma who have had this opportunity. I would also like to say thank you for the people who presented their views, and other people who are around, who assisted in one way or another for this occasion to be a success. With those particular remarks may be tusimame tuwapatie makofi ya Cup Chai. Tafadhali tusimame, mzee, up. (claps)

**Com. Bishop Njoroge:** Mzee umekataa kutupigia makofu wewe.

**District Co-ordinator:** Ma-commissioners kutoka CKRC, Mafisa ambao umetembe nao kutoka Nairobi, mwalimu msimamizi, Bw Makanda, Bw Wekesa kutoka CKRC office, Bungoma, na nyinyi ambao mmekaa mkishudia siku ya mwisho ya kutoa mawazo yenu Bungoma, ningependa kusema asante sana. Sisi Bungoma Bwana Commissioners tumefurahi sana. Nasema hivi kwa sababu natoka Ndivisi ambayo pia ni Centre ya mwisho. Watu hawakuja wengi, lakini kitu moja ambao ninafurahia, unajua wazungu walisema huwezi kujipigia mwenyewe trumpet na u-dance, lakini mimi nimefurahi because all my hearings, katika all my centers have been incident free. Watu wamekuja wakatoa maoni yao, na wale ambao hawakuja wametuletea makaratasi tutatumana CKRC. Na sisi tumefurahi, umechukua muda mrefu vile mmeona district yetu ni kubwa. Tuna watu milioni moja, nusu ya hiyo ikiwa ni wanawake. Na wote wangependa kuona Constitution mpya. Bungoma Bwana Commissioners imekuwa district ambayo hata wakati wa Civic Education hatujasumbuka sana. Ni district ambayo hata Provincial Administration wametusaidia sana. Macouncilors wametusaidia sana, Wabunge, sio wote, lakini  $\frac{3}{4}$  of them were supporting us. So tunaona kwamba mkirudi Nairobi, mkianza kutengeneza report yenu, hawa watu ambo mnaona wanangojea kuona yale ambao mtaweka pamoja ili Katiba yetu itengenezwe. Sina kitu ya kumpa; nafikiri tumefurahi sana. Mkienda mahali mwendapo mweneze mambo ya Bungoma vile mmeona. Sisi tunafikiri, sisi wa Bungoma wakati delegates watakuja mtufikirie kwa sababu sisi ni wa District kubwa. Na tunaweza kusaidia kwa sababu kuna watu wengi ambao wamesoma hapa ambao wangependa wasaidie kutengeneza hii Katiba. Siwezi kumaliza wakati, ningependa muende mpumzike kwa sababu kesho mnaendelea na kazi ingine. Lakini kwa sisi tunasema asante, kwa sababu mambo imeendelea vizuri. Asante sana. Mtu moja atuombe, halafu tueleke. Committee member, mama utaomba.

