

CONSTITUTION OF KENYA REVIEW COMMISSION

CKRC

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARING,

BUTERE CONSTIUENCY

BUTERE GIRLS HIGH SCHOOL

ON

1ST AUGUST 2002.

**CONSTITUENCY PUBLIC HEARING, BUTERE CONSTITUENCY,
BUTERE GIRLS HIGH SCHOOL ON 01.08.02.**

Present.

Com: Dr. Mohamed Swazuri – Chair

Com: Salome Muigai.

Secretariat Staff in attendance

Mr. John Watibini - Programme Officer
Ms. Gladys Gichuki - Asst. Programme Officer
Asha Boru - Verbatim recorder

The meeting started at 9:30 am.

Com: Mohamed Swazuri: Huyu ni Com: Salome Muigai na mimi naitwa Mohamed Swazuri, jina langu pengine ni ngumu kuitamuka. Kwa hivyo sheria ina kuruhusu kueleza. Haya wewe kwa jina unaitwa nani kwanza.

Charles Akala: Mimi Charles Akala natoka Shianda location Mavori sub- location. Nina maoni yangu mimi mwenyewe kibinafsi na unga mkono Katiba iongezewe muda zaidi kwa sababu zifuatazo:

- Haturekebishi ila tunaunda: Ukweli ni kwamba Kenya haikuwa na Katiba sababu ni. Kama Katiba ingekuweko ndio ingetangulia na kila kiongozi halafu viongozi waifute. Viongozi wetu wanaongoza

Interjection: Com: Swazuri: Haraka pendekeza. Kile unataka uongezewe Katiba.

Charles Akala: Ningependekeza ya kwamba Katiba iki kamilika kuundwa mahakama ya Katiba iwepo iweze kushughulikia kikamilifu.

- Siasa: siasa na wanasiaya wetu hapa Kenya hii yetu ni mbaya sana, na tena haina imani hata kidogo na mwananchi, hajjali kabisa mwananchi. Badala yake nikushinda wakinufaisha wawo tu. Mimi ningependekeza mwanasiasa anapo uhamasisha wananchi pamoja na kuwaambia hivi na vile, ikiwa ata shindwa au ashindwe, wananchi wapewe uwezo wakumshtaki mwanasiasa huyu, kama hata kamilisha aliokuwa akiwa ahidi.
- Muundo wa Serikali wa urais sio mbaya, ni mzuri lakini izingatie tu Katiba kukamilifu, kidini, kimakini bila kuhepa moja

wapo yaliekwa kwa Katiba. Akisha chaguliwa ana kuwa na mamlaka zaidi ya chochote kilicho katika Kenya. Raisi ambaye tunae ana fuata tu yaliyo yake kwa sababu zifuatazu.

- 1) Madawa kwa sipitali za umma haziko.
- 2) Masomo kwa shule zetu ni mbaya sana, kiwango cha kwamba mtu ambaye hana uwezo mtoto wake hawezi kuenda shule.
- 3) Wabunge wa Kenya kwa sasa hawana muelekeo kwa sababu, miswaada wanayo wasilisha bungeni sio maoni ya wananchi, baali ni maoni yao ya kibinafsi. Mimi ningependekeza mbunge awe na ofisi sehumu yake ya uwakilishi, ili imsaidiye kupokea maoni ya mwananchi.
- 4) Hao viongozi ndio wanatesa sana mwananchi anapo mwajiri pale kwake. Kumlipa inakuwa ni shida matusi kwa sana anakkuambia uende mahali popote. Mimi ningependekeza wali wanao ajiriwa na viongozi watambuliwe na Serikali ili wapate kulipwa kama wafanyi kazi wengine na hao viongozi walazimishwe kuwaajiri wafanyi kazi, ili hao ndio wawe wa kwanza kupunguza idadi ya watafutaji wa kazi, pia misaada ya sehemu zao iwe lazima ndipo wadai mishahara mizito.
- 5) Usalama wa taifa na ya wananchi unastahili kulindwa. Lakini kwa sasa kuna wananchi wengine wameuthika sana kutoka kwa baathi ya maafisa fulani wa ulinzi. Badala ya kulinda ni kumaliza, mwananchi ambaye hana silaha ame malizwa kabisa na ofisa wa Kenya. Sasa nina shangaa sana ofisa huyo akipatikana na hatia awe ana hamishwa kutoka kwenye hilo kambi kwa lingine.

Interjection: Com: Swazuri: Pendekeza hii tutabakii nayo.

Charles Akolo: Sawa okey. Niukweli bila kusema uwongo wananchi wamemamalizwa kabisa kabisa. Ajabu ni kwamba hawo maafisa bado wako kwenye kambi. Mimi naona hivi ofisa ambaye anapatikana na hatia ya kua pia naye auwawe, kumtoa kazi hakusaidi chochote badala yake; yeye atajihusisha tu na uhuni sababu ana ujuzi wa kutumia bunduki na maarifa ya Serikali hata kumfunga ni bure. Unapo mweka jela anapata nafasi ya kujuana na wale wahuni sugu ambapo akitoka kule visa vinaanza kuendelea.

Ya mwisho, mahakama zetu zina kazi kwa mpango yawo, hivi sasa tunahitaji kuwa na mahakama ya kiKatiba ndio iwe na iwezo wa kushughulikia uteuzi wa maafisa wa mahakama zote, ndogo na kubwa. Maofisa hao wawe na nidhamu na elimu mzuri asiwe na tabia mbaya na awe na maadili mwema kwa mwananchi, asiwe wa kupenda kula rushwa, miaka thelathini na tano kuenda juu. Asante.

Com: Swazuri: Sasa utatuachia hiyo. Wananchi habari za asubuhi kwanza tunataka mmoja atuombee.

Speaker: Mwenyezi Mungu baba tumeleta shukurani zetu kwako kwa sababu umekuwa mchungaji mwema, ni asante kwa siku ya leo ambaye tumekuwa tuombea kila wakati, na Bwana wetu tunajiona wazima na wachangamfu kwa sababu umekuwa pamoja na sisi hata ni asante kwa wageni wetu ambawo wametoka mbali kwa shuguli nyinyi tunawakabili kwa mikono yako wanapoendelea na shughuli wakati huu, baba wetu pamoja na wawo na sisi utuongoze kwa amani tuone utukufu wako na ni

kwa jina la Yesu Kristo nimeomba.

Com: Swazuri: Karibuni kwa kikao chetu leo. We have to tape them. Kwa hivyo nilikuwa na sema huu ni mkutano wa Tume ya Katiba, kwa hivyo sheria inatupatia uhuru wa kuongea kama tunavyo taka na tuzungumze maneno yale tunafikiria yataendeleza nchi yetu ya Kenya bila ya uwoga, bila ya kutukanana. na bila ya kuuthi wengine.

Tukona ma-Commissioner wawili hapa Bi. Salome Muigai nafikiri ungewasalimia.

Com: Salome Muigai: Hamujambo wananchi.

Com: Swazuri: Na mimi naitwa Mohamed Swazuri leo ndio nitakuwa mwenyekiti katika kikao hiki. Tukona Commissioner mwingine Bw. Riunga Rajji lakini ameitwa Nairobi kwa sababu leo kuna seminar ya Human Rights, na yeye ni mmoja wawo lazima ahutubie.

Tutakuwa na njia tatu za kutoa maoni:

- 1) Njia ya kwanza ni wale ambao wameandika memorandum, mswada na hawange penda kusoma ama kuzungumzia wamaweza wakatupatia na wakisha tupatia aitha wanaweza kukaa kusikiza wengine, au wanaweza kuenda kufanya shughuli zao. Kama kuna mtu namna hiyo ambaye hataki kuzungumzia ile memorandum yake. atakuja hapa kwa maofisa wetu watakuja ku-register hiyo. Hiyo ni njia ya kwanza.
- 2) Njia ya pili, kuna wale ambao wameandika memorandum na wangependa kuisoma, kuipitia hatuta waruhusu kuisoma kila neno kwa sababu ya time, tunataka kuwa sikiliza watu walio jiandikisha kwa hivyo tutawapatia dakika tano. Tunataka watu watuambie mapendekezo au proposals au resolutions au recommendations; hatuta waruhusu msome neno kwa neno kwa sababu baada ya hapa tutazichukuwa ta tutaenda kuzisoma tena. Hapo tuelewane sana watu huwa hawatuelewi hapo. Wale ambao wameandika memorandum na wanataka kuzisoma tutawapatia dakika tano watusomee mapendekezo recommendations au proposals, kwa sababu baada ya hapa tutaenda tena na kila memorandum itapewa kila Commissioner asome kutoka mwanzo mpaka mwisho. kwa hivyo haina haja uisome yote tupatie mapendekezo dakika tano.
- 3) Halafu njia ya tatu niwale hawoana memorandum, wanakuja kuzungumza kwa mdomo tu hata hawo tutawapatia dakika tano watupatie mapendekezo yawo. Hayo ndio yatatusaidia katika kurekebisha au kuandika Katiba yetu.

Halafu tena pia tutaendela kwa lugha yeyote unayotaka Kiswahili, Kingereza, Kiluhya, Kijaluo lugha yoyote ambayo unafikiria ukiongea tukuwa umeeleza vizuri na tukona na watu watafsiri hapa. tutuenda kulingana na orotha tulionayo hapa, first come first serve wale waliokuja kwanza tutawaita waje kwanza na ukija hapa itabidi kwanza useme jina lako, maanake tuna- record katika hii kanda hapa, naukimaliza kutoa maoni yako utaenda hapo juu ukajiandishe tena hapo juu tukona na Programme Officer wetu Bwana Watibini, tukona mwandishi wetu Bi. Gladys na upande ule tukona recorder wetu Bi. Asha Boru hawoa wote nikuhakikisha kwamba kile mnalilosema lazima linanaswa kusitokee wasi wasi wowote. Na kabla ya kuendelea ningependa hapa tunakona co-ordinator wetu hapa Bi. Anne atujulishe wale wanakamati wake wa Katiba katika Constituency

hii ya Butere. Please use this.

Co-ordinator Anne: Thank you Commissioner wale ambao wote wamefika leo hamjambo! nitawajulisha kwa kamati ambaye kiekwa imeshughulikia maneno ya Katiba Butere Constituency. Tafadhali wanakamati tutusimama. Nitaomba kuaanza na mwenye ako karibu na mimi jina na kama ukona cheo kwa kamati utasema na kupunga mkono kwa Commissioner ili wakujuwe. Thank you.

Richard Ongonde Okoth: Mgeni wetu wa heshima mimi ni mwana committee ya CCC ya Butere constituency nikiwakilisha waliostaafu.

Speaker: Jina lako.

Mary Otari Wandati: Hamjambo wote acting chairlady wa CCC nawakilisha Marama central Maendeleo ya Wanawake.

Judys Hakasa: Commissioners wetu wa leo, na mabibi na mabwana hamjambo, kwa majina naitwa Judys Hakasa na mimi ni mmoja wao wa Constitutional Constituency Committee mimi ni member tu.

Ruth Otieno: Wageni wetu wa leo na wale wenzangu wote ambao mume fika hamjambo! Jina langu ni Ruth Otieno mimi ndio secretary wa CCC.

Com: Swazuri: Haya tutaanza na mtu wa kwanza Harry Wamubei. No, no you have to come here please.

Harry Wambuei: Commissioners, officials of the Commission and my fellow citizens of Kenya. My name is Harry Wamubei I m a retired public servant having retired from public service at the end of 1998 holding the rank of Senior District Commissioner and my views are as follows:

- **President:** I recommend that we have an Executive President with powers limited by Parliament. The president should be made accountable for good governance and management of the economy, and the buck should end at his desk and he should not give any excuses for the buck not ending at his desk. He should have a 2 five-year term, and he should be responsible for poor governance and corruption.
- **Our Parliament** to have powers to impeach our President like the system we have in the US.
- **Ministers:** Ministers should be vetted by either Parliament or a body established for that purpose and taking into consideration the level of education, ability, training and experience. And we should have Ministers who are clean with a good record an they should be appointed on merit. They should be forced to resign when they mess and when they resign they should be investigated and punished according to our laws.
- **Key positions in the public service:** the holders should be vetted in the same way I have recommended that Ministers be

vetted. They should be considered according to qualifications and experience.

- Stealing and looting and misappropriation of public resources: Countries should be dismissed investigated their bank account frozen, property impounded, pending investigations. And after investigations they should be prosecuted if there are facts to that effect and they should be made to pay back whatever was looted.
- Economic sabotage crimes: we have had problems people importing sugar, maize people importing things without paying taxes. Importations of certain commodities the evasion of tax. We also have a big problem of counter feiting and the perpetrators should have their imported property confiscated by the government their account frozen and prosecuted, and heavy fines imposed to curb the menace. We should also at this juncture learn from what is happening in the US where we have economic crimes like false accounting and auditing, and our Constitution should be able to cater for that for our future.
- Separations of powers: there should be separation of powers between the Executive, Legislature and the Judiciary. Parliamentary Committee should be given powers to prosecute those who have misappropriated public resources.
- We should have provision for a coalition government. The Electoral Commission should have powers to prosecute those who perpetrate election violence and irregularities.
- Basic rights of citizens: rights of citizens to be adequately catered for in terms of disasters like floods, land slides, road accident, drought, lightening, bomb attack and so on.
- We should have free primary education also our country is sliding back to illiteracy.
- Party matters should never be mixed with State matters and the President should only concentrate on State matters when he is a Head of State.
- Commissions of inquiry must have their documents released to the public.
- Citizenship: Kenyans should be allowed to have dual citizenship like it happens in other countries so that we have a Kenyan citizen and American, Germany and so on.
- Illicitly brews: all our local brews have been made illicit and time has come when we should learn from our neighbor like Uganda, carry out research see what we can legalize or commercialize and produce for our people. Thank you.

Com: Swazuri: Okay thank you very Sir. There is one(inaudible) and we are allowed to ask for clarifications. We are going to take away and we are going to read it.

Com: Salome: Thank you very much Mr. Chairman I have one question for you which you did not talk on but because of your background and information we have got from other people, I would like to pick your brains on something. Most of the wananchi are saying that we should do away with Provincial Administration, that it has no time for now, in one sentence what is your view on that?

Harry Wambuei: I have said we should retain Provincial Administration and police and the force the way they are because they are very useful tools in assisting the government to implement its programs.

Com: Salome: Thank you very much.....(inaudible)

Com: Swazuri: Morris Omukala.

Morris Omukala: My names are Morris Omukala, Im the head teacher of the Bulanda AC primary school and also the Chairman of the West Zone Heads Association. I have the following to present to the Commissioners.

- On Constitutional Supremacy: I'm saying that the Parliament should not amend any part of the Constitution, this should be brought back to the people who will decide on that part which they want to amend, it should not be solely to the Parliamentarians.
- On citizenship: I m saying that the Constitution should not allow for dual citizenship because culprits would be difficult to apprehend, and also the loyalty will be divided. And Kenyans should carry ID for identification.
- On defense and National security: I m saying that the Executive should not have powers to declare war, Parliament should.
- Political parties: I m saying that the Constitution should regulate the management and conduct of political parties. And Parliament should be used to form this, and the numbers of the political parties should be limited to two (2) and offcourse be financed, if they are limited to 2 they should be financed by the government; terms and conditions to finance political parties should be based on whether the party is serving and articulating national issues, as opposed to ethnicity tribe or religion.
- Legislature: Appointments to be vetted by the Parliament should be Permanent Secretary, Ministerial appointment, Parastatal appointments and Provincial Administration.
- Age requirements for voting and contesting Parliamentary seats should be put in place.
- I'm strongly advocating that the people should have a right to recall the MP who is not functioning. If an MP is not living to the expectations of the people, he should be recalled and within the law there should be a provision to recall MP. Or even a Councillor who is not performing all of them should be recalled. And I m saying that salaries of the MP should be determined by the public through referendums. And how should be done? It can be done by having someone collecting signatures to declare a vote of no confidence in that particular MP.
- Structure and systems of Government: If a government cannot create jobs the economic growth is below 5% and the person at the helm is seen to be promoting a tribal agenda, civic groups should conduct referendums where people can declare a vote of no confidence in that particular government.
- On the Executive: Qualifications for the President: the President should at least have a university education with a degree at least in economics that should be mandatory. A president should only serve for 2 terms of 5 years each. Powers of the President should be defined in the Constitution. The powers which should be taken away from the President should be like presiding over graduation ceremonies this wastes a lot of time waiting for the President, the Vice-Chancellors should do that. Appointments e.g. Permanent Secretaries should not be the prerogative of the President, it should go back to the Parliament to be vetted, those people should be vetted. The Constitution should provide for removal of the President for misconduct while in office in other words he should be impeached.
- Judiciary: the Constitution should ensure that all people have access to court; the government should also set aside funds for

that purpose. There should be a consignal legal right to legal aid especially for the poor who cannot raise the legal fees. Because of the time I will hurry.

- The teaching profession: the head teachers feel that they should only be involved in administrative duties only, they should not go to class to teach, they should only be there to administer the affairs of the school; because there are so many things involved in which a head teacher is supposed to do like inspection and so on. So he should only be involved in administrative duties.
- On promotion: promotion should be automatic after 3 or 5 years, the promotion of teachers should be automatic.
- Lastly, office of Ombudsman: It should be created and it should be given powers so that when people go there to present their views, those views should reach the right place where they can be executed. Thank you very much.

Com: Salome: Thank you very much Mr. Chairman I have I few questions for. One, on the head teachers to be promoted automatically, you already gave us the...

Interjection: Morris Omukala: No, that one is all the teachers.

Com: Salome: Agreed,

Morris Omukala: Yes.

Com: Salome: You have already told us what the President has to perform, if there is no creation of jobs, if it is tribal we can have a vote of no confidence. So are there parameters of what should be achieved in a school for people to be promoted, or they are just promoted whether they are non-performers that is one of my questions.

My second question you said there should be an age issue on people who should be standing for Parliament, you said age for MP should be a consideration, no voting age. Could you please give us a concrete proposal on the age also.

Morris Omukala: The age...

Interjection: Com: Salome: Voting Age, what ever you mentioned.

Com: Swazuri:(inaudible)

Morris Omukala: No I didn't mention that Sir. Okay..

Com: Swazuri: But if it is not there we will get in your memorandum.

Morris Omukala: But I will respond to the issue of the automatic promotion, there should be criteria to look at whether they are performing very well and then after 3 years then the promotion should be automatic. Yes.

Com: Swazuri: Petronila.

Petronila: Mimi kwa jina naitwa Petronila Omwaka natoka Shianda sub location. Widows.

- Kurithi : Pesa za marehemu zikusanywe zote kwa mwezi mmoja halafu mama apatiwe.
- Upande wa pesa za pension mama apate mpaka kifo chake. Akifa haraka wachukuwe mtoto mmoja aendelee kupata pesa hizo kuendeleza wenzake.
- Elimu : elimu iwe bure kwa watoto yatima nchini Kenya, watoto yatima wakimaliza elimu yao wapate kazi ya kujisaidia.
- Matibabu: hospitali ya Serikali ziwe bure nchini Kenya.
- Bungeni : Raisi na Wabunge wengine wachaguliwe baada ya miaka tano, hata wamama wajane wanatakikana wagombee viti hizo Bungeni.
- Hata ma- diwani wakimaliza miaka mitano wachaguliwe tena na wamama wajane wanatakikana wagombee viti vya u-diwani. Nominated Councillor wawe wamama wajane. Tena Raisi achukuwe jukumu kwa wamama wajane na awapatie kazi ambayo inaweza kuwasaidia kimaishani.
- Ufisadi : shamba la marehemu itengenezwe bure, mtu akipatikana na mali isiyo ya halali atiwe mbaroni.
- Mkuu wa wilaya: Mkuu wa wilaya achaguliwe kwa miaka kumi, na baada ya miaka kumi wachague tena. Watoto yatima na wamama wajane wagombee vit hivyo.

Com: Swazuri: Asante sana mama nenda pale ujiandikishe. Henry Asira.

Henry Asira: My name si Henry William Asira of box 90, Butere. I m a retired civil servant and I come from Mabore sub location. I have a few points which I would like to bring to your attention or for consideration but because of time I will speak on a few and leave the rest for your perusal when you get back to your places.

First I represent family enrichment organization which is an NGO that under took the civil education in Mabole sub location. We had a few problems for the public to understand what our role was, but it was important because we thought we were doing a good job by ethylating the public understand the current Constitution before they think of review. The short comings are well presented in my paper and you will read later.

On to structure and system of government: history depicted unitary system of government, I refer this to ethnic groups that ever existed before and they had a form of government within themselves. We never had and we don't hear of Majimbo or regionalism but they had a unitary sort of government where they had only one ruler with elders to support and advice.

My proposal is our current Parliamentary system falls short of that kind of system, which was there before, and we should go back to unitary system. We are in a unitary system I will say few things, which off course make our current unitary system fall short of what it, should have achieved if it was carried on, as it was initially.

Interjection: Com: Swazuri:(inaudible)

Henry Asira: Yes, the current Presidential government almost achirved the same saved too much power was vested in the institution of Presidency. The institutional Presidency was made immune of legal suits while in power. Checks and balances installed are ineffective as long as the President has veto powers. The recommended unitary system of government would curve

in authorities from Parliament before President makes final decisions. The President to seek advice from representatives before taking final decisions especially on National and International matters.

The position of the Prime Minister is recommended from the winning party to run the executive arm of government in consultation with the President. To deal with the day to day matters and leave national and international issues to the President.

Provincial Administration should be trimmed down most of the offices are a duplication.

On Executive: the qualifications for a Presidential should be specified in the Constitution and should include among others, age not less than 50 years between 50years and above. Good education preferably a graduate of a recognized university. Have stable marriage and family. Financially stable. Hold office for only 2 terms of 5 years. Have no criminal record. Not declared bankrupt at anytime in life. Must be indigenous Kenyan; popular in at least 5 provinces capable of polling 25% and above in 5 provinces of the votes cast. Have track record of leadership in other spheres, be of sound mind. I will spare that and go local government.

Local government: Was suppose to be administration of services for the people by the people, the essence of local government has got lost, we no longer have local government providing services for which they were made. They have instead become puppets of political parties and even used for personal gains or by the.

Interjection:Com: Swazuri: Recommendations.

Henry Asira: Recommendations Councillors should be qualified and the following are the qualifications required for a Councillor.

- Must be of 40 years of age and above.
- Have high integrity.
- Have recorded track of leadership in other spheres.
- Have a stable family. Be a resident of the area and have property in that area.
- The ministry to determine the remuneration of the Councillors. The election ward should have a right to recall a Councillor who does not deliver the goods.
- Nominated Councillors should be retained for special interests.
- Councillors should be detached from political parties.
- The Minister should have powers to dissolve any Council that have failed to deliver services.

Com: Swazuri: Thank you very much; I think we will take the rest of the matter from your memo. Thank very much register there. Rose Masinde karibu mama dakika tano.

Rose Masinde: Mimi jina langu Rose Masinde kutoka Shianda sub location. Maoni yangu ni mimi nikona upande ya akina mama wale wako na wazee. Wakina mama wa shianda sub location wameonelea hivi:

- Wanakenya wachangiwe asilimia ishirini kwa uchumi wote Wakenya, lakini kupata faida ni ndogo kwa hivyo tumeona wapewe mikopo kwa Serikali waanzishe biashara ndogo ndogo kwa mwaka moja, halafu walipe pole pole.
- Upande wakinamama, upande ya shamba: sisi kina mama wazee wa baba ama wandugu wametusahau. Tunataka sheria ichukuliwe hivi: yule anagawiya kijana shamba hata pia kina mama ama wasichana vile vile hata maziishi iwe pia hivyo hata watoto wake wote.
- Wakenya wote wawe na shamba yaani sisi mama hata tunatakiwa tuwe na mashamba zaidi ya 50 acres. Wamama wanaona mtu akiwa na 50 acre afathali hiyo shamba iuziwe Serikali halafu Serikali nawe wauzie wale hawoana shamba na malipo yao iwe pole pole. Kwa vile ni wakenya wote nahawana makao na hawoo ndio wale wanakuwa wezi kwa vile hawana mahali pa kulala na kujenga nyumba na ni Wakenya.
- Upande ya elimu : wakina mama wakona shida sana kwa upande ya watoto wazee hawana shida upande ya watoto si wamama tu ndio tunaumia. Kuna yule mmoja tu ambaye anaweza kuhusika na mambo ya elimu ya watoto kwa nyumba. Kwa hivyo tunaonelea serikali tafadhali itufanyie masomo kutoka primary mpaka form four iwe bure. tunaonelea yaani hiyo bure si mambo ya malipo ya school fees mambo ya vitabu imetusumbua sana.
- Wamama vile vile tunataka tupewe uhuru kwa watoto wetu, kwa maana wale matajiri wakubwa wa magari wanapatia watoto wetu mimba halafu wanawatupa hapo. Tunaona sisi akina mama mtu akipatia msichana yako mimba achukuwe huyu mtoto ama alishe huyu mtoto mpaka afike wakati ana weza kuenda kwa boma yake. Kwa maana tukisema huyu tajiri achukuwe msichana wako anaenda kumtesa ili amwache ndio arudi nyumbani.

Interjection:Com: Swazuri: Neno la mwisho mama.

Rose Masinde: Upande wa kinamama wanaona muwapatie uhuru wakuwe na mamlaka kwa nyumba kwa maana mama ndio ana beba mimba anasikia chungu na ikifika wakati wa mali mzee ana katalia hiyo mali anaenda kuleta bibi mwingine anakuwacha bila mali na mali ni ya mtoto wako. Tunaonelea kina mama tafadhali tupewe uhuru saa ya mahari ya msichana inatolewa pia sisi tukuwe hapo karibu na mali ikuwe ya mama kwa maana uzito ya mtoto ni mama.

Com: Swazuri: Haya asante sana mama nenda pale ujiandikisha. Karibu sana mama na ujinadikeshi jina lako hapa and we recognize the presence of the Member of Parliament and please welcome we have just began, when you are ready to give your views you tell us. Are ready.....(inaudible) okay. Nasib George.

Nasib George: I'm a teacher, I teach here at Butere Girls school, I m also the Chairman of (inaudible) teachers self help group and we have the following to say:

structure and system of government: we should have adopted a federal system of government as it was when we got independence which Executive and Legislative authority is split between central government and the regions, this are the reasons we have. services Will be moved close to the people it will stimulate the developmental competition amongst the regions of the regional government and every region we want to be seen to be ahead of infrastructure, educational institutions, health institutions, financial institutions and even Non-governmental organizations. Most of the revenue collected in region will be used there, this means that people can see a reflection of their work at close range and decide even to work harder. The President of federal(inaudible) reported together in competition though some regions confuse(inaudible)..... (inaudible) yet there will be at the time sharing they will take larger quarter than whoever got more. It can attract for foreign investment at very region will come up with ways to attract foreign investors, good security of the country can encourage good investment. We also cited some things like this railway.(Inaudible) in Butere in 1931 and got to Kisumu in 19100 that is about 30 years come to Butere but we were unable to take it Bungoma about 72 years and this are things we could have done for our investment if we are allowed to have regional government us other things.

in Legislation: Moral and ethical qualifications should be introduced through a Parliamentary code of conduct and for ethics so that have morally upright MPs being elected to represent us and make upright decisions for an upright Nation. We should be given the right to recall an MP, because some MPs lose vision for the Constituency on the way and the sooner as they are recalled the better before they do more harm than good. The procedure should be the Constituency sends a delegation to the nearest Electoral Commission where they fill a recall form and it should be prepared by the Electoral Commission. The recall form is forwarded to the Electoral Commission Chairman who become informs of this:

The Chairman directs that branch to conduct a search through opinion polls Constituency in that and this search can be done through public hearing like this where there attendance to be taken and people sign that they want to recall their MP.

once it is fully proved that most Constituents would like to recall their MP then the Electoral Commission should be informed, and inform the MP through a letter copied to the Attorney General, the Parliamentary Service Commission and any other relevant authority. This may call upon the Electoral Commission and Parliamentary Service Commission to create(inaudible) for this allowed Members of Parliament. Thank you.

Salome: Thank you very much the Chairman for your contribution.(inaudible) you've said that Revenue Commission can generate(inaudible) both of youin the region. What happens if(inaudible) to contribute.....(inaudible)

George: This is what I believe like this time(inaudible) And they think that before you put thatof your life time you must put it(inaudible) and this is how the guide is that if the.....(inaudible) will be defeated then there should be more challenge to bring up morethan if it would just so if this people are given a chance and now they know that they have no one to rely to it is just themselves people will work hard and I know Kenyans will be very hard working, people will work harder

and they will develop their own Constituency and if there will be any assistance(inaudible).

om: Swazuri: Thank you very much. Idris Bare.

Idris Bare: Thank you Commissioner jina langu Idris Bare kutoka sub location. Nilikaa natuka zungumzia na wakaonelea divo nikaja hapa watu wa Shianda sub-location.

Washamba yarekebishwe na land board na sio na wazee wa mitaa. Wazee wa mitaa na makuru wapatiwe training ya kazi yao na alipwe mshahara ita zuia ufisadi.

Watu, mstarafu asirudishwe kazini tena au kuajiriwa kazi ya Serikali.

Wanao, wanao ...mbaka yaani raping wafungwe maisha.

Wanao, the number of political parties to be limited to 2 only.

Wanao, kuchaguliwa kwa Rais inafaa mtu awe na umri wa miaka thelathini na saba kuendelea juu kwani hapo amekoma kinithamu.

Wanao, Rais asiwe mbunge kwa eneo lake nafasi hiyo inafaa awachie mwingine.

Wanao, watoto wanao randa randa mtaani yani chokora wachuliwe hatua ya kinithamu, hawoo watolewe kabisa kwani wanatupa aibu kawa chi yetu.

Wanao, mbunge asiteue diwani au madiwani inafaa wachaguliwe na raia.

Wanao, kazi ya Chief isipewe wanawake.

Interjection: Speaker: Mwacheni ni maoni yake. Ni yake.

Idris Bare: Moja, siku za mimba au akiwa mjamzito ana haribu saa na pesa za raia. Kazi za usiku yaani emergency hawezi hudumia hata kidogo.

om: Swazuri: Asante sana mzee tutasoma zaidi mambo hayo. Mheshimiwa now you can present.

Amukowa Anangwe: Basi nikianza nitawashukuru Constitution Review Commission kwa kuja hapa Butere kuchukuwa maoni watu wa Butere. Mimi naitwa Hon. Amukowa Anangwe MP wa Butere. Jambo ningependa kusema wakati ambao umefika ni

wakati ambao ulikuwa ukitarajiwa sana, na wananchi wa Kenya na wa Butere wako na hamu sana kuona ya kwamba Katiba mpya atengenezwa, na jambo ambalo ningewaomba Commissioners ya Katiba muharakishe hii kazi iishe, ndio wakati wa uchaguzi tuwe Katiba mpya hiyo ni jambo la kwanza.....(inaudible).

limi matatizo ambayo nayaona katiba Katiba ya sasa ni matatu tu.three issues:

Issue ya kwanza, there is need to sort out the contradictions in our current Constitution that embodies that raid Parliamentary system as well as Presidential system of government. I will explain. Parliamentary system is a fusion of Executive and Legislative powers, the Legislative assembly comprising elected Members who perform the Legislative function of the State. There is also the Executive branch with a formal Head of State who remains physically separate from Parliament and in the case of the Queen of England and Prime Minister who is the Head of government and exercises Executive power assisted by the Cabinet. However the Prime Minister and the Ministers sit as Members of Parliament and a a double role in succession of the Executive and the Legislative power.In other words they are in the Executive branch Prime Minister plus the Cabinet Ministers but they are also Members of Parliament.

The Prime Minister relays on continued support of the majority Members of Parliament and therefore also relies on the loyalty of MPs or one or more parties in order to govern thus of necessity its also a party government that needs disciplined Members of Parliament but in practice it is internally a consensual form of government based on reciprocity and mutual accommodation to sustain the parties or coalitions of parties in power. That is the Parliamentary system.

On the other hand a Presidential system as in the American case is characterized by a Chief Executive who is answerable to the people but not the Legislature and Ministers do not seat speech in the Legislature do not sit in Parliament although key political appointments by the President are vetted by the legislature.

The President is also not an MP: in the Kenyan political system we seem to have borrowed characteristics of the American system and also the characteristic of the Parliamentary system as exemplified by the governmental system in England. These are the examples where we seem to have borrowed from both sides.

- 1) The President is the head of State as well as the head of government no more different from the American system and their by rendering it the most portent and dominant institution in the country. That is the first characteristic that shows borrowing from both.
- 2) The President as the Head of State is directly answerable to the people, but as a Head of government he is also under Parliament that is contradiction.
- 3) Resulting in dual accountability and potentially adversarial relationship between the President and Parliament.

Interjection: Com: Swazuri: Mheshimiwa(inaudible) if you came to the proposal on that what do we do to remove that confusion?

Amukowa Anangwe:(inaudible) that question about...

Com: Swazuri: Because the background we are going to read but our interest is maybe what do we do to(inaudible).

Hon. Amukowa Anangwe: We have to choose either we go to the American system or we go to the British system. The American system we have simply saying we have a Chief a Head of State who is the Chief Executive and is directly elected by the people and is directly answerable to of the people. Instead of having this dual accountability and characteristics. The present issue is the one that have been talked about, the devolution of powers between the central government and the periphery or the regional government whether we want to call them Majimbo or any other name.

Much has been said to disparage Majimbo or Federal system but many of this comments and criticism are based on lack of understanding on what centralized government has entails. My suggestion would have been that we have a devolved governmental system where there is division responsibility between the central government; and regional government and this should be entrenched in the Constitution. Unlike the current set up where we have a local government system but it operates under the local government act section 255 and the ministry of Local Government can do any thing.(inaudible) for local Authority.

We want Local Government or Regional government to have powers and these powers must be entrenched in the Constitution. The regional government should have Constitutional powers and functions over agriculture and livestock, education, health, local authority, transport and communication, regional roads, trade and industry, natural resources, culture and social services.

Where the Federal or Central government should have a mandate over defence, internal security, foreign affairs and finance. It should also have supervisory and regulatory powers over the functions of regional government, in other words by supervisory and regulatory powers we are still saying yet we may bestow a regional government some responsibilities over health, education. The central government should be able to standardized set standards even in terms of curriculum in that particularly defense.

The third issue that I will wish the Constitutional Review also to address seriously is: the entrenchment in the Constitution on the formula on the distribution of public resources and opportunities particularly the sharing of public resources; between the central government and the decentralized regional government units. The formula must be under pinned by equity conservations so that population sizes of the regions become the primary criteria in the use population sizes. That is for instance if Western province has 13.1% of the population of Kenya should be entitled to 13.1% of public resources and opportunities.

The Federal or Central government should not control or retain more than 30% of public resources. The rest of the resources should equitably go to the regional government but, all central and regional governments should be involved in tax collections for onward submission to the ministry of finance to be allocated through the National budget. In other words when we have a regional government should be able to collect the taxes. Central government should also be able to collect taxes to be transmitted to the ministry of finance so that allocated in today's formula. The formula we have already said should be stated clearly in this Constitutional Review process. Mr. Chairman the reason as to why we are insisting on this kind of formula it would help us solve many of the problems we have in respect of tribalism. The roots cause of tribalism is not about physical differences or in district differences or cultural differences it is the perception of one community or several communities thinking that they have been left out in the public resource allocated and opportunities and on the other there is one that is seen for several that have been(inaudible) to have. eaten was have allocated themselves then it is perceptions but when we entrench this formula within the Constitution then we don't have the

w to pursue to control the central government or the government in power. Not withstanding who is in control the Constitution has already protected your portion or the share of your cake, the government will want to expose you it may be hostile but so long as your cake is assured you don't need to be beholden to the powers that be to get what is right for you. So this are the few comments that I have, I will not say what my Constituency have said but may I please(inaudible) Constitution Review Commission that you finalize this particular exercise with(inaudible) .Thank you very much.

Speaker: Thank you very much(inaudible)

Member: Salome: Thank you Mr. Chairman thank you Hon. Amukowa Anangwe. My question is on the issue of population as a criteria.(inaudible) that have a background it will be important that you give them more than lets say like a place which has got 20, if the 20 students were 500 miles apart there will be also implications of the resources on the geographical diversity. So since we have been in areas where you have to deal with in a allocation and in planning both for population as well as geographical diversity the terrain I would like to pick your brain on to how you think we could tamper. And balance between those two regions and those 2 differences so that those who have a terrain that is more hostile than the others and therefore there is a population that is less dense than the other can also be taken on board they are also Kenyan.

Hon. Amukowa Anangwe:(inaudible) What do you do in the areas that are not well endowed as opposed to the that are endowed let me begin by saying that development is about people to invest public resources where there are people you don't think is just the process on landmarks to the extent that population in a country may be in one corner that is where we direct our resources but to the extent that some part are sparsely populated like North Eastern province. If you are about to talk about population density may be more than 42 people per square kilometer but coming to Western people is a 1000 people per square kilometer, rightfully when it comes to sharing a larger portion should go to Western, North Eastern province should get what(inaudible) in proportion to the population they have. I know that some people have argued that some areas may not be endowed in terms of resources. My suggestion will be this, if they have a formula and we agree on a formula we shall go to the same(inaudible) that is why today the taxes that are collected go to the ministry of finance, we have a formula where we have said all of the 30% should be controlled by the local governments. We have invaded keys formula on how we are going to allocate the 70% on the basis of population. So we say in Western province are 31.1% of the populations give to its slice it will be allocated to this regional government in proportions to the population it has.

North Eastern province depending on its population size it will get its proportion it will be allocated. Yet the(inaudible) worked out in a very logical manner as a regional government.

Member: Swazuri: Thank you very much we would like to register your presence and deliver to your memo. Thank you very much for speaking to a very short time others have always talked for 1 hour or so but we are happy that you have finished on time.

Hon. Amukowa Anangwe: Thank you I wish also to say that I don't consider this to be a political platform. Thank you very much.

om: Swazuri: Francis Ochenga.

Francis Ochenga: Francis Ochenga Shianda location.(inaudible)disable nimeonelea walemavu tumesahauliwa nyuma sana wa maendeleo. Kwa hivyo kwanza tuwe tukilipa fees nusu kwa shule. Tukienda sokoni tukiuzwa vitu tusilipe fees ya sokoni. Donors akija kutoka ngambo wawe(inaudible) Ndio wapate kuend n' gambo.....(inaudible) nataka mwakilishi wa walemavu kutoka Parliament wa head post wa province, district, division, location na sub location, tujitambue utuko nyuma. shule ikiwekwa kwa walemavu ina somewa na matajiri wale ambao wanajiweza, hii shule ya starehe Nairobi ilikuwa ya watoto wa masikini sasa ni matajiri ndio wanasomesha watoto huko. Kwa hivyo nataka kama tutasaidiwa ikijenga shule ya walemavu iwe wapelekwa wali ambawo hawoajiwezi.(inaudible)watu wamasikini wale waligawa mahindi walikuwa matajiri ndio walimaliza mahindi wale waliambawo walikuwa kule hawoakupata mahindi, kwa hivyo Serikali ichunguze wasiachwe nyuma. tukitembea kwa motorcar unaweza kuona wewe na mtu kipofu anaingia(inaudible) na akikaa atajuwa anakaa upande gani, Serikali iwe inatupatia kitambulisho watu walemavu ili ukuenda kwa gari lolote usilipe pesa.

om: Swazuri: Thomas Makanga, atafatiwa na Olfred Akanda awe tayari.

Thomas Makanga: Asante Ma-Commissioner wetu pamoja na wale wamekuja hapa, majina ni Pastor Thomas Makanga kutoka Shianda location Magore sub laocation divison ya Butere, Maoni yangu kuhusu Katiba. Ngingependelea uhuru wa kuabudu wa kanisa uchunguzwe, sababu ime changia kwa division na makanisa mengi ambayo hata haina kweelekeo na haina chanzo chake. Imechangia hata kulete matumizi mengine ambao imani yao in tofauti wanaabudu hata shetani wanakataza hata wagonjwa kuenda hospitali hiyo inafanya tuone kwamba lazima uhuru wa kuabudu uchunguzwe. Serikali isikilize mashauri ya kanisa, mara kwa mara inatokea ama kubishana kati ya kanisa na Serikali kwa sababu Serikali hawo kais pengine na kanisa ili kushauriana wakati wa maendeleo ya nchi. Kanisa kushirishwa katika mpango mkubwa ama mpango maalum ya Serikali kwa sababu kanisa vile mnafahamu wasiojiweza na watu wachini sana kijijini ziko hata mahali sawa na Serikali.

ne, msaada kutoka kwa donors ama nje: Nimeomba Serikali iweke uhuru kwa ajili ya makanisa lakini iwe ikiangalia wakati(Inaudible)

ano, Serikali iondoe vikwaazo kwa vibali ya makanisa, kama wakati wa mkutano mkubwa ya hathara, matanga na hata(inaudible) wakati mwingine(inaudible) kwa ajili ya kupata vibanda kwa polisi ama mahali popote kwa ofisi yeyote hakuwa ni shida sana.

ita, Serikali za wilaya, wanapotenga viwanja ya idara mbali mbali wakumbuke kutengea makanisa viwanja kwa sababu kanisa

naichaingia katika maendeleo kwa kujenga shule na hata kazi zingine.

aba, wizara ya elimu ikipanga taratibu kwa kufunza wale wakitenga nafasi ya walimu wa dini ili kushauri wanafunzi waweze kujua nani wamesahauliwa mpaka sasa wanafunzi wanakosa imani an mwelekeo ya kanisa.

ane wanasiasa, wasiruhusiwe kutumia makanisa wakati wa siasa kwa sababu hiyo inafanya washiriki wana changanyikiwa mpaka anasahau neno la kiroho na wanaingia katika siasa na wanapoteza njia ya Mungu. Mungu awabariki.

om: Swazuri: Asante, Alfred Okanda na atafatiwa na Wycliff Wameyo awe tayari.

Alfred Okanda: Ma-Commissioner wetu majina ni Alfred Okanda, nikiwakilisha wazee ama makuru kutoka Mabore sublocation nianda location, points zangu ni sita na nitaenda mbio.

wanza wazee wa Maboro sub location wali kaa wakaonelea kwamba wameomba Serikali iwaajiri kama watumishi wa umma, kwa sababu wawo huwa wanafanya kazi kwa muda mrefu kama masaa ishirini na nne bila ya malipo yoyote kwa hivyo ningependa Serikali kugawezakuwa ajiri.

na pili, tungependa Serikali itupe vitambulisho kwa sababu kuna wakati tunapowapata wahalifu na tunampeleka katika polis station na tunajikuta sisi pia tumetupwa ndani kwa sababu polisi huwa hawatatumbui sisi ni nani.

na tatu, tungependa Serikali itupatie vifaa kwa sababu pia sisi hufanya kazi usiku wakati wa mvua na hata matope.

na nne, tungependa tusingiliwe na machifu kwa sababu wanatuingilia wakati hatuja maliza kazi yetu, kwa mfano wewe ndio unafaa kupitana ruhusa kama ngo'mbe kutoka katika village na utapata chifu amesha andika tayari barua ngo'mbe imetoka na yeye hajui hiyo ngo'mbe ni ya halali ama hata ni ya uwizi.

na tano, tungependa Serikali itupatie matibabu kwa sababu wakati tunapo fanya kazi kuna wakati ambao tunakutana na majambazi ambao wanaweza kutujeruhi na wakati huo hatuana pesa ya kuingia katika hospitali, tungependa Serikali itusaidie kwa matibabu ya hospitali.

na sita na mwisho, tumeona wazee wa kijiji wachaguliwe na wazee wenyewe wa kijiji tena wawe wazee ambao wamekomaa. Ni kwamba wazee wote wao tu asanteni.

om: Salome: Asante nina swali moja peke yake nauliza kuwa wazee ni kina mama na baba ama ni kina mama peke yao ama kina baba peke yao wazee ni nani?

Alfred Okanda: Wazee ni wazee wa kijiji ambao wanaweza kuwa wamama au awe wazee.

om: Swazuri: Haya asante sana Wycliff Wameyo. Atafuatiwa na Wilson okanga awe tayari.

Wycliff Wameyo: Sasa napea shukukrani kwa Commissioners kuja hapa Butere ili kusikiza maoni ya raia. Mimi kwanza maoni angu tatembelaea... kwa jina Wycliff Ojera Wameyo natoka sub location ya Magore, Shianda location, address yangu ni 82Butere. Maoni yangu kwanza nitapendelea upande wa boda boda wale wanao safirisha abiria na mizigo kwa njia ya baiskeli. Katiba sijitambua boda boda kama njia mmoja wapo ya kusafiri, kwa hivyo ningependekeza pia hiyo iwe inajulishwa kawa Katiba. Kwa hivyo mipango yoyote wa ujenzi wa barabara ijengwe ikitenga sehemu za boda boda wanaweza kugesha baiskeli na hali ya barabara wale sehemu ina nafasi ya kutosha kwa kusafiri salama pamoja na magari. Kama kazi zingine za jua kali wao pia wawe na uwezo wa kupata mikopo ama masilahi maalum kama vile bima uhuru wa kusafirisha abiria au mizigo pahali popote salama. Hayo ina maanisha kuwa hudhuma ya seminar kuhusu usalama barabarani na kadhalika.

Naomba ulinzi pia kutokana na kukamata kimakosa kwa raia kutokana na makosa asiyo yaelewa vile amehusika. Yaani mara yingi ambamo linalotokea msako kunasa walio kuwa karibu napia makosa mengine hutokea mtu anaposimamishwa na kuamriwa amefanya makosa kama vile kuto heshimu bendera, kupita sehemu isio ruhuswa na kadhalika, tabia kama hiyo naomba mhusika aelezwe na kuonywa badala ya ya kunaswa.

uhusu mashamba: Katiba naomba iwekwe Wakenya wawe na uhuru wa kumiliki ardhi mahali popote nchini lakini vipande vya ardhi kiongezwa pamoja zikusha fika ishirini ziwe mwisho wa ukubwa wa ardhi mtu kustahili kumiliki, zaidi ya hapo azuiwe na kusaidia kinasio na mashamba.

Wageni wanaotoka nchini zingine wasiruhusiwe kumiliki ardhi lakini waruhusiwe kukodi kwa matumizi ya muda fulani haifai kupata ardhi Wakenya akikosa shamba na hali asiye raia akimiliki ardhi.

interjection: speaker: Dakika moja umebakia umalize.

Wycliff Wameyo: Utaratibu wa kura, napendekeza kura ya Wabunge na Udiwani ifanywe pamoja baada ya Wabunge kuchaguliwa, ndipo wale Bunge wa kung'ang'ani kiti cha urais wajitokeze kutoka kwa wale waliochaguliwa. Ndipo kura ya urais ipewe muda wa kuzi mitatu tangu kutoka kwa kura ya ubunge, hiyo itarahisisha kuchaguwa waliopita kiti cha ubunge na kupeana nafasi. Campaign ya bunge iwe tofauti na ya urais.

Wakenya tuwe na utaratibu wa kutoa au kutoweza rais kwa upende kutokana na mikoa, yaani tuweke msingi kwamba ikiwa Rais atetoka mkoa wa Pwani mara ya kwanza halafu amalize miaka mitano, mkoa utafuatia mkoa Mashariki, Kaskazini, Kati na kadhalika.

Kiongozi yeyote awe ameo au kuolewa na awe angalou na mtoto, talaka ikitokea iwe kwa njia ambaye lazima kitendo hicho kidhuru kiongozi wake, nakila kiongozi au na mke au bwana mmoja.

Interjection: speaker: Haya nafikiri utamaliza ya mwisho halafu(inaudible)

Wycliff Wameyo: Mwisho, uchaguzi wowote kule nchini unapaswa uwe wa siri kuepuka lawana kutoka kwa mpinzani. Katiba iruhusu kura ya mlolongo nchini.

Interjection: speaker: Haya Asante sana njo ujiandikishe Asante sana. Wilson Okanga, afuatiwe na Charles Okala awe tayari.

Wilson Okanga: Mimi ni Wilson Okanga Kivai kutoka(inaudible) division yangu inalinaga na umasikini.

na kwanza ndio hii, Katiba ijao isaidie watu waliofiwa mama na baba au ni masikini asio jiweza Serikali isaidiye kusomesha watoto hao.

na pili, unaweza kukopesha mtu shamba baadaye unakufa kabla ya malipo ya muda ukopeshaji anakuja kudanganya amenunua ile shamba na kumbe sivyo, Katiba ijayo iangalie mwenende kama hiyo.

Watoto waliofiwa mayatima ni masikini, masikina wa mwisho kwa hivyo Serikali iangaliye hao watoto kwa Katiba ijao wapate elimu.....(inaudible)

Watu masikini kuchaguwa bunge kama watu wengine na kazi ikitokea hawapewi kwa maana ni wamasikini, kwa Katiba ijao isaidie watoto masikini hata kazi ya kufagia ama hata yoyote ya kujenga msingi. Ni hayo tu.

Om: Swazuri: Asante sana nenda pale uandike majina yako. Geoffrey Owotsi atafuatiwa na Jackson Mwikowe awe tayari.

Geoffrey Owotsi: My names are Geoffrey Owosi from Mabole sub location under the impeachment organization, Im representing the youth both boys and girls,. The first point is that. (*Interjection inudible*).

The employment being a major problem, the Mabole youth has(inaudible) in the Constitution Review body to review on the age of retirement. We saw that once you retire at the age of 55 years. This is to give way for the youth to get chances of employment and once you retire there should no contract idea in one's mind.

Secondly, if the government is serious with its youth they should set up youth budget, this should be done in ministry of for instance the ministry of sports where boys and girls take part in football, choir, netball etc. to promote their talent and by doing this it can be absorbed by the International bodies. This will start from divisional level and it will enable the idle youth to participate.

The third point is that, also the idea of Mabole sub location youth is: government should strictly distribute resources by doing this government should not heap so many industries in one province forgetting other parts of the country, as if there are no youth industry should be equally distributed.

point four, youth also suggested that distribution of land from parents should be done as quickly as possible at the of around 40 years not to be delayed by their parents this will propose progress whereby youth still have more energy to perform their own made.

ast point is that, government should consider youth in the Parliament to represent their matters other than adding other constituencies the country. Youth should be nominated while other bodies like total disability. I think those are the points of the youth that I m presenting.

om: Swazuri: Thank you very much come and register there. Jackson Mwikolwe followed Judith Andika, please be ready Judith.

Jackson Mwikolwe: Asante sana majina ni Jackson Mwikolwe nikiwa natoka Mtonga sub location na ikiwa ni upande wa maguru. Tume ya mageuzi ya Katiba ya Kenya ni vizuri iendelea na asilimia hamsini na tano ukurasa huo, wananchi wachunguze wanza viongozi wa electoral commission. Baba Mkenya na mama awe ni Mkenya. Awe mwanakenya ndio aweze kupewa uraia bila vali.

raia awe na haki majukumu kimila yao. Haki na majukumu ya raia itegemea urais wa Kenya, Katiba yetu ina ruhusu uraisi pamoja wakenya sisi tuwe na ID card, ndio jinsi iundwe na Katiba kuwe na utaratibu kulingana na koti yawo. Rais asiwe amri jeshi mkuu wa majeshi silaha la! Haiwezekani.

Parliament: tukiwa na mzozo lazima wananchi wajulishwe huo ni uwezo wa wananchi. Bunge achaguliwe na wananchi

! vyombo vya usalama kama matawi kort vile nimeongea kwa GSU, police, askari je na kadhalika yaundwe na Katiba.

na vyama vya kisiasa vitekeleze majukumu mengine licha ya kuanzisha wananchi ikiwa ndio yape.

katiba isiruhusu Serikali ya mseto au isionele kufuata muda wa sasa ambapo chama chenye nguvu kiunde Serikali ndio tuendelea na ufumo wa vyama vingi bungeni na chama kimoja katika mamlaka ya nchi haiwezekani. Tusiwe na chamber moja bungeni.

uwezo wa bunge wakuondoa mamlaka ni lazima upitie kwa kurasa badiliko. Raisi awe an iwezo ya kura ya turufu kuzuia sheria opitishwa na bunge. Rais awe na uwezo wa kuvunja bunge na awe na utaratibu wa viote kuacha ndio uchaguzi wa bunge ufanywe katika nyakati mbali mbali ili kila wakati kuwe na bunge wanao fanya kazi. Ndio kuwe na kipinndi maalumu cha raisi kuongoza vipindi ya miaka kumi. Majukumu ya raisi yaelezwe kwenye Katiba ikiwa wananchi astakiwe. Katiba iweke viwango vya uwezo ya Raisi ndio uwezo kama huu:

Usafirishaji wa safari(inaudible)

Interjection: speaker: Ya mwisho.

Jackson Mwikolwe: La mwisho ikiwa Serikali inafahamu utaratibu ama utafahamu “Magurus” ikiwa unajua ama unaelewa ana fanya kazi lazima Serikali Katiba hii iweke na ijuwe wanafanya kazi na malipo iwekwe na wawe an vitambulisho. Asante sana.

Com: Swazuri: Thank you very njoo pale ujiandikishe, tunawaeleza wale ambao wamekuja kuchelewa kwamba ikiwa kuna mtu kona memorandum na hataki kuizungumzia tafadhali na ruhusiwa kuileta hapa na ajiandikishe, ni wale ambao wanaopenda kuizungumzia peke yao ndio tutawapatia nafasi. I recognize the presence of the D.O. welcome please. Judith.

Judith Andika: Kwa majina ni Judith Ayuma Andika, nawakilisha Mabole sub location Shianda location, housewives.

Point ya kwanza nitaanza na wazee kupiga wamama: ingekuwa mzuri mzee yeyote akipiga mke wake ama aki mistreat mama wapelekwe kwa ukoo, ikiwa ni ngumu wapelekwe kwa wazee wa mtaa, ikizidi hapo aende kortini na akifika kortoni alipe wazazi wa msichana, pia alipe wazee wa mitaa na malipo ya kina masichana ikuwe ngo’ mbe mmoja na kwa wazee wa kijiji mbuzi mmoja.

Ya pili,

Interjection: Speaker: Tafadhali tunyamaze kidogo tumwachie mama azungumze, huko nyuma na sikia kuna wazee wana nugunika huko.

Judith Andika: Upande wa divorce: sisi wamama wa nyumba tumeonelea hakuna maana ya mzee kumwacha bibi baada ya kumtumia kwa muda mrefu na amtupe hivo. Instead huyu mzee alazimishwe badala ya ku-divorce huyu mama ampatie share yeyote kwa urithi wao na akae huko na watoto wake, badala ya kumfukuza sababu hana mahali pa kuenda.

Ya tatu, sisi wamama tumeonelea kabla ama baada ya kuolewa inafaa mzee alipe mahari kwa kina bibi, kwa ajili wazee wamekua kutabia ya kuoa bibi na baada ya mda kidogo anamwacha ama hata lipa chochote kwa wazazi wao.

Ya nne, tunakuja ya upande wa mama akizaa watoto wasichana, unakuta mzee amemu-ignore anasema huyu mama hanafaida kwa watoto wake. Ninonelea Serikali ichukuwe mzee huyu na wakatanishe na mama apewe share ili huyu mama anaweza kum-support na kuawo wasiahana wake hapo. Na yeye akitaka kumwoa mwingine mwenye anafikiria ata zaa wale watoto anataka akae kando pia kwa ajili yaye.

Ya tano, wazee husumbua wamama wengine sababu wasichana wamepata mimba nje ya ndoa, ama mtoto aliyekuwa shule unakuta kutawafukuza pamoja na msichana wake ,sasa sisi tumeonelea badala ya mzee kufukuza mama, yule kijana ama mwanaume yoyote mwenye amepoa mtoto wa mwenyewe mimba apewe huyo mtoto hata kama ni mwiezi mitatu akuwe recognized kwa familia ya kina kijana, ili sasa atunzwe kama mmoja wa hiyo jamii.

Ya mwisho, sisi wamama wakati tumechukuliwa ama tumeshikwa na kosa kidogo kidogo tukipelekwa cell, polisi wanatumia

namalaka hiyo kunyanyasa wamama wengine kimapenzi. Sasa wamama huwa wanaogopa hatakataza huyu polisi; na hii ninaonelea ukona wamama wenye wanafanya kwa body ya polisi; na inafaa polisi waweke mama moja asimamie upande ya wamama ndio ili wamama wasinyanyaswe na kupata hii marathii hii ya ukimwi. Asante.

Com: Swazuri: Njoo pale mama, asante sana mama. Zablon Indakwa.

Zablon Indakwa: My name is Zablon Indakwa, and I m from central Marama, Mutoma sub location I work with poverty Africa Kenya, Im divisional facilitator for national civic education programme. I have about 4 issues to present and I will begin with the way out to tame corruption. The growing image of Kenya as a Nation depicts a sharp contrast and expectations and realities especially to see its servants who earn peanuts but many big officers millionaires curtesy of their positions. Troubles begin in 1970s when Parliament passed a bill that allows civil servant.

Interjection: Speaker: Please Zablon don't read word to word I have said that give us proposals say there is corruption we propose this.

Zablon Indakwa: Okay therefore, for better management of public resources public and private institutions I recommend the following to there form process:

-) Enhancement of code of ethics to all civil servant and yearly censor ship of their wealth acquisition.
-) Create tender boards that are explicitly independent with little authority interference from senior civil servants e.g., the DCs chair most of the licening boards and subsequently end up awarding in themselves chunks of land and share proceeds from tenders allocated to their friends and relatives, such boards will also deal with loans and funds intended for common mwananchi.
-) All senior public and private institutions to pay wages totheir servants in relation to their personal input to the gross income. Like the President will be salariedas per his achievements towards the gross national product.

I also got some recommendations on disadvantaged status of women, youth and disabled persons. I recommend affirmative action on enhanced representations of women and other marginalized groups, like the youth and disabled in local authorities, Parliament and other decision-making bodies e.g. Development committees, parastatal, land boards and other related institutions.

Promote development programmes for the disabled to ensure their good participation in development and promote youth development programmes that involves young people in decision-making and facilitate effective application of their energies.

On land: there is complete disregard of indigenou knowledge and techniques that help Kenyans to survive hostile conditions such as drought and floods. Forests are used for political partronage leaving land exposed to riskof floods, I therefore strongly recommend heavy taxation to chunks of lands owned by rich people whom food production is not a priority. Review land done documentation such that one does not have extreme powers to use land as per how he desires because this has subjected lands

to uses that are in opened conflict to ecological conditions draw a Land policy that will limit land fragmentation up to about 1 acre and check repeated exhaustive cultivation on those lands.

Then on persistent dependency hand out culture and leadership that cannot deliver, I recommend a jail term of ten years plus ten strokes of the cane and ten million shilling fine to those public and private leadership contenders who perpetuate the culture of hand outs and dependency to simply buy their way through. This I strongly plead Hon. Commissioners will capture the element of resource misappropriation and misallocations instilling a sense of ownership and remove a don't care attitude.

Finally to the Members of Parliament: I will recommend that the electorate be guaranteed full mandate to hire and fire MPs who are not accountable, this will include MPs who keep quite in Parliament for 5 years; those who speak their minds without prior consultations with the electorate and those who cross to other political parties without electorates consent. With those few remarks thank you.

Com: Swazuri: Thank you very much. Vincent Owino followed by Caroline Mukanda.

Vincent Owino: Thank you very much Commissioners for coming to Butere. My name is Vincent Frank Owino, I come from Mabile sub location Shianda location. I speak on behalf of retrenchment and retirement I am retired police officer from Mabile location and we have a few points to say:

The law should be enacted to allow those who retire(inaudible) with specialties to be co-opted to assist in advancing their communities through the assistance of the local Chiefs to create financial generating projects within their areas.

Point two; the retirees should be assisted by the government to construct or form in each constituency..(Inaudible) where they can consult one another and plan various projects within their communities.

The retirees should be assisted and given respect whenever they go in offices or to attend.(Inaudible) functions. In order to stop losing qualified and experienced personnel from our countries to the foreigners.

On the government: the government should.(Inaudible) should stop frustrating them by under paying them and employing them on other managers who doesn't know what they do. As a result of the above you have seen cases where they opted to go on retrenchment. The government should find a way of creating employment rather than mistreating its citizens which have led to insecurity on our guns such as Nairobi where you find ex- AP or District Officer they are using guns to shoot people. I hope those are the points I had, thank you.

Com: Swazuri: Thank you very much. Caroline to be followed by Harrison Omusula be ready please Harrison.

Caroline Mukanda: I'm Caroline Mukanda from Shianda sub location. Among the points that I have written I would like talk

about only four.

First the Constitution: I would like to request that the Constitution of Kenya that will be formed it should be taught in primary schools, I said so because almost all Kenyans do not know about the Constitution and that is why most of us fall in mistakes or rather we find our selves in courts without knowing what we committed to be wrong or how to defend our selves we are not able.

Also I would like to talk about the department of defence: all officers being recruited in this department should have a technical skill, which should be putt in practice, otherwise sitting in the barracks and waiting for war, you will find that this officers apart from keeping bills somewhere else or may be if war arises in Kenya we will be.(Inaudible) that up to this time we will not really had that and our officers are not anything to build the country.

On corruption, I would say that road blocks should be abolished, because you find that. this is a corruption center where by our boys or girls being there as the police you find that, that vehicle drugs and unwanted items just pass the road blocks after they handle the police with some little money. So I don't see the need of roadblocks being there if at all this cannot be avoided.

On schools: I want to say that the excises books maybe supplied in schools like earlier years that is on 1980s and so on.

Also technical skills may be made compulsory, as we hope for Kenya being an industrial country in the near future, let the technical institutes whether private or not be promoted and the instructors be paid a good salary. I said so because we find that the instructors in the youth polytechnics are paid very low salaries which are not even referred to salaries but.(Inaudible).

Lastly, I would like to mention that the village elders maybe employed by the government, I fell that even the Ass. Chiefs and the Chiefs may be given some other work to, and you that the village elders do most of the work. Most reports in the DCs offices are brought by the village elders, so you find that the Chiefs and their Assistant work is only to assess those reports but really don't know what happen in the villages. Thank you.

Com: Swazuri: Thank you very much Caroline..(Inaudible) register there please; we will listen to Harrison followed by Zack Momanyi. Harrison.

Harrison Musula: Kwa jina ni Harrison Musula natoka Shrenda sub location. Mimi upande wangu nina mapendekezo kadha amabayo ningetaka ingie katika muundo wa Katiba.

Neno la kwanza, upande wa urithi wa mali sioni kama ni vizuri mtoto msichana kurithi mali kama shamba, kwa maana anaenda kuoleka anakuta shamba ambayo anaweza kurithi, kwa hivyo shamba linatakiwa lirithiwe na watoto wanaume labda kama kuna mali ingine ambaye baba anaweza kumsaidia tu, lakini sio huo wa shamba.

La pili, kuhusu urithi huo wakati mtu anataka kubadilisha namba ya shamba hapa Kenya imekua ni ngumu sana. Kwa hivyo ningetaka ubadilishaji wa shamba kama baba amekufa isiwe wa kupelekwa kortini yaani kumshtaki babako kortini. Lakini

inatakiwa ishughulikiwe na wazee wa kijiji na wazee wa jamii, pamoja na wizara ya land hawa ndio wanafaa washughulikie upande wa urithi wa shamba.

La tatu, ningependa muundo wa Serikali ya Kenya vile ulivyo kuendelea yaani President awe mamlaka juu ya nchi na juu ya Serikali yote. Lakini President asiwe juu ya sheria, na ikiwa amekosea ashtakiwe kama mtu yeyote au anaweza kufutwa kazi kama vile mtu yeyote angefutwa kazi.

Number 4, ningependelea ya kwamba, Katiba ijayo Raisi asiwe mkuu wa majeshi lakini wizara ya ulinzi iwekwe chini ya waziri ya ulinzi. Maana kitu kikotekea kama vita vya wenyewe kwa wenyewe Raisi anaweza tumikia nafasi kukandamiza makabila mengine.

Ningependa sheria iwekwe ya kuzuua uvunjukaji wa ndoa, ndoa nyingi zimevunjika kwa maana mtu anaweza kuoia msichana anaishi na yeye mwaka moja na kumfukuza anaoa tena mwingine mwaka moja anamfukuza na hakuna kitu kinatendeka. Halafu watoto ambao watoto hao wanazaa wanakuwa chokora. Kwa hivyo ningependelea kwamba kama mtu ameoia, sheria iweko lazima aripoti kwa ass. Chief ya kwamba ameoia kama wamewachana tena Ass. Chief ajue au ndoa hii ipelekwe kortoni. Bila kufukuza msichana hivi hivi wasichana wengi wanazurura Nairobi wamejaa kule Nairobi kama kuku kwa ajili ya kufukuzwa ovyo ovyo.

Point ya sita, Rasilimali za nchi zigawiwe sasa mikoa yote kwa maana kuna mikoa mingine masikini sana, na kuna mingine ambayo ni tajiri, hasa mikoa ile ambaye wanatoka watawala wa nchi, zina tajirika sana kwa maana watawala wanachukuwa mali yote ya Kenya na kupeleka huko. Na mikoa mengine inabaki masikini. Kwa hivyo ningependelea mikoa yote igawiwe mali sawa, sawa na ile ambaye ina mali mingi inaonekana ya kwamba maendeleo yasimamishwe huko mikoa ishirini... (inaudible)

Interjection: Speaker: Point ya mwisho.

Harrison Musula: Point ya mwisho. Ikiwa chama cha kisasa chochote ni cha kikabila yaani kina kabila moja tu, hicho chama kipigwe marufuku, kwa maana inachangia ukabila katika Kenya. Tunataka chama chochote cha kisiasa, kiwe kina jumuisha wananchi wote wa Kenya; lakini ikiwa ni kabila moja tu, hicho chama kipigwe marufuku. Asanteni.

Com: Salome: Nina swali moja kwako. Umesema kuwa kusikubaliwe chama chenye kuhususisha kabila moja, umesema kuwa mikoa yote ipatiwe rasilimali kikamilifu ili kila mtu afaidike kisawa. Ni ukweli?

Harrison Musula: Ndio.

Com: Salome: Halafu ukasema wasichana wasipatiwe shamba, unaona kwako upinganizi juu ya vile unavyosema pahali moja upande wa kulia na vile unavyosema kwa mkono wa kushoto. Na sema watu wote wafaidike hapo, halafu unasema wasichana wasifaidike inawezaje kuwa? Unasema makabila yote ifaidike halafu unasema wanawake wasifaidike, kwa hivyo wanawake sio wa Kenya?

Harrison Musula: Hapo kuna tofauti kidogo, kwa maana wanawake hapa Kenya kama sio ngambo wanaoleka na mtu. Na mtu huyo ana shamba, kwa hivyo ikiwa watagawia huko na tena huku, itaonekana ya kwamba wana mashamba mara mbili na hapo watakuwa wameshinda watu wengine.

Interjection: Com: Salome: Na hawo ni Wakenya?

Harrison Musula: Ndio ya Wakenya.

Com: Swazuri: Okay, hayo ni maoni yake. Tutamsikiliza mama hapa kidogo.

Edna Apili: Ya kwanza(Inaudible) jina naitwa Edna Apili. Kitu ya kwanza Katiba ni muundo ya sheria ya Kenya.

Ya pili, kurekebisha Katiba ni kubadilisha muundo ya msingi wa Katiba ya sasa.

Haki na jukumu la kurekebisha Katiba nila watu wote katika jamii, wake kwa waume na vijana kwa wazee. Tume ya kurekebisha katika muungano baraza la Katiba uandikishaji katika Bunge wake.

Ya sita, mkutano wa mataifa wa Katiba inawajenga watu wake.

Ya sita, wakilishaji wa Bunge nikuwakilisha Wakenya wote.

Ya Saba, Bunge la kubadilisha Katiba uwe makutano wa kitaifa utakaofanywa kutoa maandishi, maamuzi na mapendekezo kuhusu ripoti utachaguliwa waziri watatu ida ya mjini huu.

Ya tisa, wabunge wanapendekezwa kuwa pamoja kwa kanisani na lazima wa fuata sheria. Wale wanataka kutendewa na wakijini lazima walingane na sheria itakuwepo.

Ya kumi, washiriki watateuliwa kulinngana na sheria ya Katiba ya Kenya.

Kumi na moja, ninataka walemavu msaada ikitoka huko ng'ambo utaratibu vile itakuwepo.

Kumi na mbili, kwa ajili walemavu wametengwa kando, hata kazi yeyote waweze kupatiwa. Ningeonelea hata karani wangeweza kupatia walemavu pengine waweze kufanya hata kupanguza wanaweza kufanya. Ni hayo tu Mungu awabariki.

Com: Swazuri: Haya asante sana nenda pale ujiandikishe. Issack Momanyi followed by John Makokha.

Issack Momanyi: My name is Issack Momanyi rural(Inaudible) network. The Commissioners and lady and gentlemen the following that I want maybe taken in a serious consideration. I will not read all of them but I will read on Legislature.

(Interjection inaudible).

The President should not be above law.

The Parliament should have limited powers e.g. they should not determine their salaries. MPs should not be a full time occupation so

that they can be able to visit their Constituencies. They should also reduce the age of vieing for Presidency to 25 years. People should have a right to recall their MPs. There is no need for Nominated MPs. We should have Parliament into 2 chambers that is the upper one and the lower one. The Parliament should have the right to remove either the President or the victim through a vote of no confidence.

Executive: wisdom is enough for leadership are be able that there is no need for one to have a degree for him to become the President. The President functions should be clearly defined e.g. ensuring the development of the Nation. The President powers should be reduced e.g. He should not be the one to appoint the Chairman of Electoral Commission. He should not be the Chairman of all universities. He should not be able to appoint the senior police and becoming in charge of Armed Forces.

Constitution should provide removal of the President incase of mis-conduct. The President should not be an MP; we should have an MP representing that area. President should not be the party nominee so that he can serve all Kenyans but not the interest of the party. President on retirement should not be given a lot of money while other Kenyans are suffering.

Taxes: the government should sell the big vehicles that consume a lot of fuel and have simple vehicle for us to able to express for our tournament.

At the age of 60 years Kenyans have been getting taxes through out their lives and it now the time for them to have their pension since they have been(inaudible) for the Nation and this moment they are not able to work.

Local government: Mayors and Council Chairmen should be elected by people. Councils should be independent. Councillors should at least be a form four. People should have right to recall their Councillor through barazas. They should be paid at least half of the MPs salaries because they are people who are the grassroots with the mwananchi not like who MP's stay at Nairobi. Nomination should only at be done, be given to those who are in the race and perform the data. Minister for Local government should not be in a position to dissolve the Council.

Electoral system and process: We should have different election days for civic and Parliamentary and Presidential seats. Electoral Commission should limit electoral expenditure for the campaign, so that money factor cannot determine the leader but his policies. Electoral Commission of Kenya should specify the electoral date.

The President should never choose or appoint the Electoral Commission that one I had said. The President should never fire the Ministers before the Parliament and should never have that power again to appoint the Vice President, but should be done through Parliament.

Security and freedom: We shall find that may be we should have another body which can(inaudible) the police in that maybe incase of any harassment by the police, you should not go and report to the police but to go to that body. Ladies and gentlemen we have more but I cannot read at this moment. Thank you very much.

Com: Swazuri: Thank you very much we shall read it later. John Makokha atafuatiwa na Gerald Orembe awe tayari.

John Makokha: Ningependa kuchukuwa nafasi hii kuwashukuru kuja hapa na jina langu ni John Makokha natoka Kibanda sub location nawakilsha(inaudible).

Nitaongea tu kwa yale ambaye nitaweza kuyakumbuka lakini yote mtayasoma tu.

Tungependa tuwe na centers ya walemavu: Serikali iwe ina conduct centers ama ku-consult walemavu kila baada ya dakika kumi, ili makadirio ya pesa na kusoma walemavu pia watengewe pesa zao.

Ningependa pia kuongea kuhusu elimu: elimu ningependa kuomba tafadhali ikiwa inawezekana walemavu wapewe nafasi sawa ya elimu, na vile vile Serikali itenge pesa za kujenga na kupanua mashule ambayo ni ya walemavu, katika angalau kila mkoa ama wilaya.

Juu ya mambo ya kusayati: ningependa kuwa omba ma-Commissioners ikiwezekana mupige marufuku mambo ya kuloni, kuloni pia ni njia moja ya kuchangia walemavu ambawo itatupa sisi na kuongezea zaidi.

Mambo ya abortion: laws which should have abortion iwe restricted kabisa, abortion isikubalike hapa, sababu munafahamu watu wakipamabana tumekuwa na wanawake wengine wetu ambao wame kufa na kutokana na mambo ya abortion.

Kuhusu mambo ya lugha iliotumika: tafadhali Katiba naiomba iweke na kumulika.(end of the tape) lugha ikubaliwe na iwekwe.

Kuhusu uchaguzi na siasa: Naomba Katiba ikirekebisha Katiba iweke kifungo ambacho kitamwezesha mlemavu yeyote kuongozwa na yule mtu anayependa hadi katika chumba cha kupiga kura na akisha piga kura yake aongozwe tena au aje kusiwe na kupanga laini.

Kuhusu wasiona kama mimi: ikubaliwe angalau Serikali ianzishe mtindo wa(inaudible) system ambayo itaniwezesha mimi kupiga kura yangu bila wasiwasi, kwa sababu inaweza kuenda na mtu na yule mtu aibe kura yangu pia, kwa sababu nina uteuzi wangu na yeye anauteuzi wake. Kwa hivyo ningependekeza kwamba tafadhali Katiba tume iangalie jambo hilo.

Nikimaliza tu ningependa kusema hivi tafadhali: kwamba nawashukuru ma-Commissioners wa Katiba kwa kutambua sisi kwa kuweka Marehemu Ombaka kutuwakilisha sisi katika tume yenu. Tumekuwa sensitive hata kuliko.....(inaudible)yeyote kwa hivyo ningependa kuwaomba tafadhali kwamba sehemu hiyo naomba wale wote wametoa wito ya kuweka mlemavu ili akamilishe hiyo kazi ya Daktari Ombaka. Asanteni.

Com: Swazuri: Asante sana, Gerald Orembe.

Gerald Orembe: Habari zenu ndugu zangu na dada zangu. My names are Gerald Orembe from Shinamwinuri youth group, which actually activities in Shinamwinuri sub location Mutoma sub location. There is a memorandum for this group and I will read so there are too many points but *Interjection (inaudible)*.

There too many points that I would like to raise here that the group observed that they have been a very low level able of civilization amongst African leaders and by extension Kenyan leaders in which case they have been observed serious economic conflicts of interest in national resources distribution as a result of an Executive President being a party nominee.

And for an elceted Members of Parliament, we suggest that Presidential candidates should not be party nominee, or elected Members of Parliament. This will ensure, non-partisan and compromised national resource management Presidential Candidates should be vetted and cleared by the Electoral Commission. This will help also stop the common tendency of the President raiding national resources into parties that nominated them, or into the Constituencies that elected them at the expense of political parties and other constituencies.

Another thing is about land: Kenya being a capitalist state in which government business and partnership investment has done so poorly; and that sole ownership enterprises which are being properly managed and assisted in province and this evidence to the fact that in a capitalist state profitable entrepreneur ship investment are..

Interjection: Speaker: Recommendation please...(inaudible).

Gerald Orembe: Okay, about land we are proposing that in order for Kenyans to be able to capitalize their property that is land, there should be no limits to land subdivision. Thank you.

Com: Swazuri: Johnson Were you have given your memo thank you. Washington Kulati.

Washington Kulati: Jina langu ni Washington Kulati Oudo Magore sublocation.P.O Box 82 Butere. Comments zangu(Inaudible) Kamati kama hii iendele ikifundusha watu kazi yao na ikaguwe kutoka sub location kufukia Kamati kuu Nairobi. Kwa transport chakula cha mchana ikae mara kwa mwezi kwa sababu watu ile Kamati ndogo tulio kuwa nazo katika sub location ingefaa sana kufundisha watu, namna ya kujuwa haki zao ya Katiba na yote ya kupiga kura.

...(inaudible) wazee wa miaka hamsini na kuendelea wasimamiwe na Serikali na wapewe mshahara kila mwezi.

Watoto wasome bure kutoka nursery mpaka form four, na kutoka form four-kuendelea na kuwe na mgawo wa Serikali na wazazi Serikali igharamie 30% na wazazi 15%.

Fedha ya kusimamia mambo hii yote tatu itatoka kwa watoto wenyewe Kenya, kama mtu yeyote akiandika mfanyikazi hata siku

moja na kuendelea miaka yote akiwa kwa kazi yake alipe 5% ya kila mia naye pia tayari alipe kiasi kama hicho na kamati ichaguliwe kutoka kwa wazee wa mitaa kufika kwa ofisi ya President iwe ikipokea na kulipa.

Tano, kiongozi achaguliwe na watu wa kwao kuanzia kijiji yao ndio awe Mbunge na kura iwe ya kufuata mgongo, na awe na umri wa miaka arubaini na tano kuendelea. Ikiwa Katiba inatakiwa kubadilishwa Wabunge warudi kwao kuwauliza wapiga kura wakubali kwanza hiyo warudi Bunge na kubadilisha ni haki Commission kulinda Katiba na Katiba.

Sita, vyama vya siasa visipite vyama tatu na vifanye kazi pamoja kwa maendeleo ya nchi hii.

Mjumbe akiagiza watu wake kuwafanyia kitu au kitu fulani na akose kufanya hivyo tuwe na kura ya kutokuwa na imani kwake baada ya miaka mitatu. Ni hayo tu Mungu awabariki.

Com: Swazuri: Asante sana mzee Washington njoo pale uandike majina yako. Tuko na wanafunzi ambao wanafanya mtihani lakini wako na break kidogo lakini tutawapatia kiongozi wao aje awasilishe maoni yao. What is her name Mbone, please we are giving you preference so that you can go back for your exams.

Mbone. P. Gardener: Im Mbone P. Gardener I m in form four Butere Girls High School.

- 1) Women should be allowed in the Army.
- 2) We want a girls school like Starehe Boys school to promote the boys from poor families so we also want a girls school which will promote girls from poor families. Again when we looked at the children's cabinet its made of children from rich families; and children from rich families do not know the problems that children encounter. We want children who are from poor families because they've encountered problems and they will know how to fight for children's rights. So we think that children from all backgrounds should be included the rich, middle and poor families.
- 3) Incase of rape cases men should be castrated because

Interjection: Speaker: Please lets have silence those are the views of girls let us respect them.

Mbone. P. Gardener: As a girl if you are raped that memory may haunt you for the rest of your life so the man should also be punished.

Identity cards should be provided for all school children even in primary school ID cards so that incase anything happens to a kid he/she is able to be identified by the ..(Inaudible).

Women police men are the ones who should be in charge of interrogating raped girls because if you go to a police station and a male police man is interrogating you won't be able to tell him what happened.

The President should be below or within the law.

Ladies should be allowed to inherit land.

We want open boy and girl relationship in that if you have a boy friend he should just come and visit you at your place, so that if anything happens your parents know who should be responsible.

Nominated MPs: six of them should be women and six of them should be men.

High school students should be allowed to vote for whom they want to be their President because we think we know the MPs well and we can vote them.

Parents and children should practice a free way of life, because in these generations there many things happening and there need to be free discussion.

Identity should be continuous for ladies even after marriage, we as ladies we don't want to use our husband's name we want to retain our name, because using your husband's name is like he possesses you.

Dowry should be a gift not a trade. Because men assume that if they pay dowry they possess a woman but then dowry should be made a gift not a trade.

Rehabilitation of prisoners should be done in a human manner because these prisoners are normally tortured very much.

There should be no wife inheritance.

Friends should support women as they move up the ladder.

Women should be considered in decision-making.

The number of the political parties should be reduced to reduce tribalism.

There should be a witness protection unit introduced, in that if there is witness to a certain crime, and he or she has to come out the witness protection unit can do it.

MPs should not be deaf to be seen and heard but they should implement the wishes of their people.

Com: Swazuri: Thank you very much for those views. Alice Angehele.

Alice Angehele: My names are Alice Angehele from Butere Persons Development Agency Together with Kenya Women Political caucus and we are gender sensitive.

- 1) Under citizenship we discovered that anybody born by a Kenya man or woman should be regarded as an automatic citizen of Kenya.
- 2) Kenyan women and men should be able to confer citizenship to their foreign husbands and wives.
- 3) Any child born of one Kenyan citizen should be granted automatic citizenship regardless of parents gender.
- 4) Kenyans should have their identification cards, birth certificates and passports as evidence of citizenship.

Legislature:

- 1) Being a Member of Parliament should be a full time job. Age requirement for MPs should be 35 to 70 years. Age required for President should be 40 to 70years.
- 2) Both English and Kiswahili should be tested. A Parliamentary candidate should be KCSE level and above.
- 3) Moral and ethical qualifications for Parliamentary candidate should be done.
- 4) Then people should have powers to recall their MP by petitioning through the Electoral Commission.
- 5) MP's should act on the instructions from their constituencies.
- 6) An MP who defects should lose his Parliamentary seat.

On Executive: the relationship between the President and the Parliament should be courteous with. Then we need a Provincial Administration; only that the structure should be improved and their role should be:

- 1) Maintain law and order.
- 2) Security.
- 3) In charge of development.

Interjection: speaker: You are trying to read very fast and we don't that; we want you to give us the main highlights slowly. We will read the details very fast on our own. We want to take the main points we will read details and every thing.

Alice Angehele: So on Executive: we said that a village elder should be employed by the government and should be put on payroll.

Then Administration should be elected directly by the people themselves.

Judiciary: there are three points:

- 1) Legal Aid should be provided as a right for persons unable to afford service of lawyers especially in serious cases.
- 2) Minimum qualifications for Judiciary officers should be a degree in law.
- 3) Khadhi's court should have qualifications similar to other Magistrates

Lastly on land and property: the right to own and inherit land and other property by women should be in the Constitution. Then land tenure should focus on gender equality. Then lastly a spouses (Inaudible) approval regarding any disposals acquisition mortgaging etc should be mandatory and included in the Constitution.

Com: Swazuri: Thank you very much. Harrison M. Were. Highlight please.

Harrison M. Were: Mr. Chairman and the Commission members who have come to(Inaudible) us my names are Harrison M.Were from Imanga sub location Marama location.(inaudible)

On land: land in Kenya should be owned by individuals so that it can help them us to have prompt development of agricultural products. The government should not use compulsory measures to own land or get land from anywhere but to discuss with the owners so that they can make them to understand why they want that land for the government.

If the state will have the powers to control land local authority then the public will guide, wananchi will bribe because of saying the government not doing anything for us.

The Constitution should allow the land that will..... They are trying to have both spouses to have their names on the title deeds; so that when one passes away we should not have problems of inheritance from time to time where we find people running up and down and we don't have any having the name of that land and some people chasing away the wife that he left behind that she was not properly married to that man when the husband passes away.

We should use this land that will be so that our children should have to get either loans to make development in our requirement for

crop production. The transfer of land should be simplified by the village elders so that the land board can make the decision and give out the to when it has been approved by the village elders. Because this people when it comes to animal inheritance especially women suffer because they cannot express themselves before the land board; and they cannot express themselves in court. Since Kenya is an independnt country then the Constitution should be made reclaim our land back from the Mazrui since they got it through colonosation.

Kenyan fought for land when they we fighting for independence, they should be allowed to own land anywhere in Kenya provided they are Kenyan. Let us pray to our Almighty God to lead the Commission being guided and bring out their Constitution which will make our(inaudible) and live happy Kenya. Long live Kenya and long live the Commission.

Com: Swazuri: *Amin.* Thank you very much Margaret Wesonga followed by Lina Ateo(inaudible) if she is ready.

Magaret Wesonga: I m Wesonnga Magaret from Bishop Women group, these are the group for district.(Inaudible).

On citizenship: people who can trace their history or developing in Kenya ethnic groups in Kenya will be termed automatically Kenyan citizens.

Political parties: we want only two political parties, so as to encourage good performance in the republic. Many parties bring confusion to Kenyans. Political parties should be funded from the consolidated fund then given a responsibility to perform.

Basic rights: women should have the rights in acquiring property from their parents, so that they have the freedom, if it is land they can build a house at their home; and then when they have a function they can bring it there especially for the girls who never get married. If she doesn't want the property she can give it to brothers.

We need free education and then a tax should be started to cater for that. Any job in Kenya priority number one, is to be given to the Kenyans those who trace their originality in Kenya.

I have two papers that is part of vision but on the civil servant part I will also read something. Salaries, benefits and terms of service for all civil servants should be harmonized to make all sectors that draw from the consolidated funds enjoy same benefits. It is currently very sad that civil service has been so much messed up with such that subordinate staff in the same government organization like the Judiciary, intelligence they earn a higher salary than the senior officers elsewhere. All public officers should be therefore be made equal and no creation of other departments with special salaries.

Salary allowances should have different grades, and should be minimized if we all stay in the same country and face similar conditions.

We have a lot of security agencies in the country but doing specific assignments e.g. GSU, AP and traffic police, all these security agency should work as one unit and enforce law and order in all areas e.g. an AP should be able to charge a traffic offender on the spot. The rest of the proposals you will get from the papers. Thank you.

Com: Swazuri: Thank you very much Eldina, Eldina(inaudible) Eunice Nyongesa hayuko, Doreen, Judith Pesa, karibu mama.

Judith Pesa: Asante sana Commissioner wetu wa leo, mimi kwa majina naitwa Rose Judith Pesa nitazungumzia kwa upande ya wajane natoka Magole sub location.

Wajane wengi sana wanakuwa na shida sana wakati wanapoenda kudai pesa kwa mahali bwana yake alipokuwa akifanya kazi. Kwa hivyo ningependekeza ya kwamba mjane akibaki awe akilipwa pesa ya mumuwe baada ya miezi michache, na asiende kudai kama deni.

Tena jamii ya marehemu pia ni shida kwetu, ningependelea kwamba mjane anapobaki nyuma yeye na watoto wake wawe wardhi wa mali ya mume wake. Wajane wengi pia wanashida ya kunyang'anywa mali na shemeji yao. Wanashida wakati wanapotaka kugawanya mali ya ukoo, tungependekeza ya kwamba kijana akishabaki nyuma, apewe mali sawa sawa na wale wenye wamefiwa wasigawanywe.

Wajane wengi huwa wana wachwa kama mabwana zao hawa kuwahi kufanya kazi, na hao wajane wanashida sana kwa hivyo tumeonelea kwamba Katiba inaporekebishwa wajane kama hawa ambaye mabwana zao hawoa kufanya kazi yeyote' kuanzia waoane hao watoto wao wawe wakifundishwa bure wakisaidiwa. Na misaada za hawa watoto ziwe zikipitia kwa maofisi ya DO na DC, siyo kwa ma-councillor ma- chief hapana. Na kama ni chakula wajane wawe wakiitwa wenyewe wachukue vyakula vyao.

Watoto wa wajane na yatima pia wanashida, kwa hivyo tungeonelea ya kwamba Serikali yetu inaporekebisha Katiba shule za watoto wajane ijengwe mbali na za watoto ambao wana wazazi wao, maana wakati watoto hao wanapochanganywa, pengine mtoto huyu alienda kwa shule kama ni mwerevu; na wakati anapofukuzwa hapa na pale elimu yake inarudi chini. Kwa hivyo tumeonelea kwamba Serikali inaporekebisha Katiba shule za hawoa ziwe kuanzia wilaya ndogo mpaka kwa mkoa.

Wajane pia wanashida ya kupata msaada, kwa hivyo tungeonelea kwamba Serikali inaporekebisha Katiba tuwe na Ministry ya kusimamia vitu kama hizi kwa maana siku hizi wajane ni wengi sana katika nchi yetu ya Kenya. Na hiyo ministry isimamiwe na wajane ama waliofiwa. Wajane pia wana matatizo sana wakati wamefiwa na wapendwa wao, kwa hivyo tungeona ya kwamba tunapo rekebisha Katiba iwekwe sheria kali ya kulinda sisi kwa maana huwa tunayang'anywa mali nyingi sana.

Mara nyingi wajane wengi huwa wanashtakiwa baada ya kufiwa na mabwana zao wanapelekwa kortini kwa madeni ya kwamba pengine labda bwana alikuwa amenunua shamba ama plot pahali Fulani; na aliona ya kwamba alimaliza hiyo deni. Hatutaki kuona anafungwa ama unakuta wajane kama hao wanapelekwa kortini kila mara hapa na pale na wanatumia pesa nyingi. Kwa hivyo tumeona ya kwamba Serikali inapo rekebisha Katiba yetu; mjane yeyote asipelekwe kortini kwenda kushtakiwa kwa mali hile bwanake alinunua kwa maana bwana yake alishakufa.

La mwisho, kuna wajane wengi kama ambao hata kama wana miaka ishirini kama siku hizi; ishirini na tano na wakisha fiwa namna

hiyo; mashemeji zao wanaanza kuwasumbua na kunyang'anya wao mali ambaye mabwana zao walifanyia kazi, na waanza kuwa fukuza na kukula hiyo pesa. Tunaonelea kwamba Serikali inapo rekebisha Katiba, mashemeji kama hao wawe wakifungwa na wakipewa adabu kubwa.

Com: Swazuri: Asante sana mama nenda pale ujiandikishe na uwakilishe wenzako vizuri. Margaret Odibo hayuko, Elizabeth Anziya.

Elizabeth Anziya: Mimi naitwa Elizabeth Anziya nina wakilisha Maendeleo ya Wanawake katika wilaya ya Butere Mumias; mimi mwenyewe ndio mwenyekiti. Nikina na point ishirini na tano lakini nitasoma chache kulingana na saa;

Nita anza na utangulizi, preamble: the women of Butere Mumias propose that the preamble of the new Constitution should address the following issues.

Vision and values: gender equality patriotism and sense of national identity, equality of all citizens regardless of the race ethnicity, gender, class, creed or political affiliation.

Values; respect for the human rights and dignity, respect for the rule of law.

Affirmative action.

Participatory governance.

Number sita, political parties: the women of Butere recommend that Kenyan shall be a multi party state, and the number of active political parties should be limited not less than 2 and not more than 5. That every political party shall have a national out look allow for 35% elective positions reserved for women.

Raise its own funds that a system be put in place to control and discourage defection by elected MP's.

Number 11, local government: the women of Butere recommend that affirmative action shall be applied to allow for 35% representation by women in the Local Authority. That the Local Authority will be independent of their Executive and answerable to the electorate a grassroot let level.

The Chairperson of the County Council and the Mayor shall be elected by the people to hold office for a minimum period of 5 years, renewable only once. The Chairpersons of County Councils and Mayors need not to be elected Councillors.

Gender balance in the Electoral Commission be enforced not less than 35 percent women representation. That electoral

violence be outlawed.

Security for the election process shall be Constitutionally recognized and be made entirely accountable to the Electoral Commission.

Affirmative action for people with disability participating in elections, be institutionalized. That it is population per constituency that shall determine the constituency boundaries.

Number 13, strategic objectives: that to increase and promote participation of men in reproductive health care.....(inaudible)

Natural

Interjection: Speaker: Please keep the microphone near your mouth.

Elizabeth Anziya: National action plan on reproductive health and rights.

Strategic action: provide reproductive health education to men, initiate reproductive health programmes that specifically address men and concern.(Inaudible) At adopts for gender sensitive reproductive health programme and policies. Certain men are useful for improving post-natal care of women. Ensure that the medical sector promotes the involvement of men and all.

On issue of sexuality(Inaudible) equitable gender and general responsibility.

Interjection: Speaker: I will give you one more minute.....(inaudible).

Elizabeth Anziya: No.15, the girl child and education: to promote girls and continue in participating in education Develop programmes to promote women literacy in terms of acquisition. To achieve food, security and improve income through agricultural production.

No 17, the women of Butere district recommend national employment: the proper land owner system aand policies can be put in place to accommodate the needs and recommendation commitments and persons.....(inaudible) .if it was right to left ownership for both men and women.....of a family.

Poverty and Women; women are affected and afflicted with poverty, war(inaudible). The women of Butere district recommend the Constitution of Kenya should make adequate provision to women. Youth, children, persons with disabilities and persons of age with programmes and systems, which promote and sustainable poverty alleviation.

Interjection: Speaker: Last point please madam, last point.

Elizabeth Anziya: The women of Butere Mumias District note that, women rights are human rights and this rights can be observed and protected through entrenchment in the Kenya Constitution. The women of Butere recommend that any abuse of

the rights of women be promptly dealt with by the law. That any form of violence and abuse of women right shall be documented as criminal(inaudible) violence and defilement of minors be.....(inaudible) no.1 rape of rape of minor and

Interjection: Speaker: Madam we are going to read that please.

Elizabeth Anziya:(inaudible)

Interjection: Speaker: Please thank you very much. Richard Okoth.

Richard Okoth: Thank you Commissioner and all our countrymen that have come here today for the public hearing, my names are Richard Ongode Okoth, I come from Manyala location in a small Sub location called..(Inaudible). Here I' m concerned with only 1 point or issue, which concerns the retired people. Being a member of the committee I also was asked to do something about the retirees; and I continue with the issues of retiree only 1 point from (inaudible)to 10 or 11 and I stop. And it will only be less than 5 minutes. Thank you.

Retiree have putted forward their views as follows from Butere area:

- 1) The retirees as other payees: should be considered for medical allowances to help them survive a little longer.
 - 2) Whenever there is a salary rise for the civil servants and teachers, pensioners should be considered as for pension increase, so as to march with others in the cost of living which confronts all people.
 - 3) Many retirees survive below the standards of living which shortens their lives. So monthly pensions should be increased in accordance with the cost of living affecting all people.
 - 4) Review of pensions for pensioners should be thought of at the intervals of every 3 years.
 - 5) Pension payment for pensioners should be done in time with other payees.
- 6)Retirees should be allowed to organize themselves in the form of societies which will help them create ways to get them pass their knowledge and skills(Inaudible) to on coming employees.
- 7) The Constitution Review of Kenya should create a plan up ways(inaudible) they could help those who retire from Cabinet, Parastatal bodies, other public firms and those that are retrenched so as to get them march with others in the usual difficult cost of living affecting people.
 - 8) The next of kins time for pension payment should be increased from 5 years to 10 years.
 - 9) Retiring age should be moved from the 55 years to 60 years.
 - 10) Retirees with knowledge and experience of the past should be included among those civil education providers, so as to help getting in points that were good in the old Constitution and remove those that were not helping mwananchi or wananchi.
 - 11) When the economy of the country become stable, retrenchments should be discouraged, because those who get retrenched merely increase the number of unemployed in the country. Thank you very much.

Com: Swazuri: Thank you very much mzee. Amos.

Amos S. Wajikumo: Dear Commissioners my name is Amos S.Wajukumo, Im the KNUT secretary in the Mumias particularly Western province. I have few points to observe in the Constitution.

Preamble: it is important that our Constitution should have a preamble. Power should rest in the hands of people and not leaders, this has led to dictatorship and misuse and abuse of power.

Civil disobedience should be enshrined. Citizens should be allowed to express their discontent by demonstrations: previous experience have shown that leaders be pretend to be liberal at the start of their leadership, as they advance they become corrupt and dictatorial so we need checks and balances.

The Constitution should remain supreme and at no time should the Presidential decrees overpower the Constitution. The Constitution should be made acceptable to the citizens, so that it serves like a Bible.

Culture: gender equity to be given prominence. The protection of minorities should be given prominence so that some citizens are not treated as second hand citizens.

Freedom of speech and association should come out clear as proposed by IPPG.

Apart from first generation rights we want second generation rights considered e.g. citizens should be guaranteed on employment, ownership of land, business, free education, health and housing. We also need freedom from unfair trade.

Government structure:

The Executive should not overpower the Legislature and judiciary may that should the Legislature and Judiciary receives instructions from the Executive.

Appointment of judges should not be under Executive but Parliament.

Judiciary should be autonomous.

For one to vie for Presidency, he should steer a clear of constituency seats, this narrows him to a tribal President. Tenure of office preferably one term of Presidency that is 5 years.

I support the federal system for the sake of equitable distribution of resources and services being closer to the people.

Day to day activities should be run by the Prime Minister: we want a Parliamentary system where the Prime Minister is the Head of Government and Head of State is ceremonial. This will cater for divergent ethnic technicalities eating this country.

Provincial Administration should be replaced by elected bodies. This will make them democratic and answerable to people who elected them.

The President should be elected and attain 25% from the five provinces and also have the highest number of votes. The

President should not be above the law, coalition government is better because it integrative and caters for divergent views. The Vice President should be elected and not appointed to give him authority and not pose like a puppet of the President. Powers of the Attorney General to be trimmed, he should not have powers to discontinue private prosecutions.

The number of Ministries should be pegged to avoid personal interests, which strain the economy.

Interjection: Speaker: One minute more please.

Amos S. Waikoloa: Yes I m finalizing. We do not need Assistant Ministers.

The electoral Commission should not be appointed by the President, but a body comprising of dignified lawyers,(inaudible) and a board of people(inaudible) this will prevent rigging.

Nomination to Parliament should be through special talent. Stakeholders terms and interest groups. Appointment of Ministers should exploit their talent. And finally I want to appeal that once an agreement entered is between the government and any other organization; like the teaching fraternity and is gazetted. It should be honored because it has been gazetted and accepted.

We want teachers to be protected from undue harassment from the parents who at times come to schools when the are rowdy. And finally Dear Commissioners, I want to appeal to you, that if its possible you had better complete this exercise before our next election; so that we avoid the succession battle that is threatening this country.

Com: Swazuri: Thank you very. Hamza Wasumwa followed by Peter Abonyo awe tayari.

Hamza Wasumwa: My names are Hamza Wasumwa from Muslim Aid. Muslims community in Butere have a feeling that in the. Constitution Khadis court should be straight up to the level of court of appeal; and like the former Constitution whereby the Khadis court was limited in overseeing marriage and succession, the new Constitution should cover all areas that deal with the new Constitution in the republic. Why? Muslim community like any other citizen in Kenya need justice at least 9 in the court matter to pertain in the Constitution.

Chief Khadi: should the new Constitution contribute chief Khadis powers to talk for on behalf of Muslim community? Muslim community in Butere have said no. The next Constitution should be limit the powers of the chief Khadi to only interpreting law who should take law on behalf of the Muslim community .

The new Constitution should create an office of chief sheikh and chief, sheikh this is an office that will be solely administrative hence working in collaboration with the Provincial Administration. This is to say every province; district, location and sub-location should be represented by this office.

Interjection: Speaker:..... (Inaudible)

Hamza Wasumwa: SUPKEM and other Muslim bodies should be answerable to the office of Chief Sheikh.

Role of the office of Chief Sheikh:

- He should play Administrative role among Muslim community and between the same community and the government.
- Specific objectives: also Chief Sheikh shall be in a position to(Inaudible) Muslim community who are giving(inaudible) criminal courts in the new Constitution:
 - 1) Freedom of worship among Muslim(inaudible). In government prison.
 - 2) Compulsory wearing of hijab among muslim students and pupils.
 - 3) Recognition of Muslim. (Inaudible) card and registration of person center.
 - 4) Towards the public..(Inaudible) should be observed here in(inaudible).
 - 5) The government be deploy at least one Muslim teacher in every learning center to teach Islamic religion and other administrative mothers can arrive.

Appointment of Khadis office: Muslim community in Butere has another(inaudible) that Khadis should be appointed by Muslim scholars. This organ will advantage to the public service Commission and other(inaudible) to Chief sheikh.

Appointments of Chief Sheikhs: Chief Sheikhs should be elected by Muslim delegate of grassroots using.(Inaudible) system. The winner to be strongly made by chief Khadi. The Khadis term should be 5 years interval.

Both offices of Khadi and Chief Sheikhs should be standardized on leaders and paid by Public Service Commission. Thank you.

Interjection: Speaker: Peter Amongo followed by Anne Mwanza. Anne Mwanza to be ready.

Peter Amongo: Majina yangu ni Peter Amongo kutoka Shianda location, maoni yangu ni kuhusu kanisa.

Serikali yetu intakikana ichunguze kanisa kuhusu mpangilio ya kanisa; kwa sababu makanisa yametoka mengi, hata makanisa mengine yametoka ya devil worshippers na mengine. Lazima Serikali iangalie muundo wa kanisa vile kanisa inaanza Serikali ichunguze inanzia wapi na inamalizia wapi.

La pili, mikutano ya injili: kuna mikutano ya injili ya kufanyika sokoni, Serikali isistowe leseni lakini iangalie hii mikutano vile itafanyika.

Ya tatu, shamba katika kanisa iwekwe kwa sababu unawakuta viongozi wengine wa kisiasa kama MPs na Councillors wanaenda kwa kanisa kufanyia mikutano kanisani. Hiyo iondolewe.

Ya nne, kanisa ikijengwa iwe inanzisha shule, lakini saa ingine unakuta Serikali yetu ikiwa shule imeanza inafika darasa la nane, unakuta Serikali ina ambia kanisa iondoke. Sasa Serikali iangalie hapo ijenge mahali kanisa itawekwa, au inunue kiwanja cha kanisa itawekwa.

Ya tano, kulikuwa na mradi wa maji shuleni, hata kwa kanisa ulikuwa unaitwa maji ya kisimbo haiko saa hii, naomba Serikali yetu iangalie hiyo jambo. Asanteni.

Com: Swazuri: Asante sana bwana Peter nenda pale, Anne Mwanza halafu Jared Nandwa awe tayari.

Anne Mwanza: Kwa majina naitwa vile umesema Anne Mwanza, na nikona yanayofuata. Jambo la kwanza mimi naonelea kwamba, sisi kama Wakenya wanaojua kule tunaelekea, lazima Katiba yetu iwe na utangulizi, maanake preamble. Na hiyo preamble nina wasihi kwamba tutakuwa nayo; ama tutaipata baada ya kukamilisha marekebisho yetu ya Katiba ili tupatie maneno yanayo faa kuongeza hapo.

Jambo la pili, ninapendekeza kwamba Katiba yetu ya iwe inafanyiwa reviewing, ama ina rudiwa kila baada ya miaka thelathini labda jambo hili likifanyika litatu saidia kutatua shida kama hii tukonayo wakati huu ya kufanya marekebisho ya Katiba haraka haraka na labda hatutafanya vizuri. Kwa hivyo baada ya Katiba hii kufanyiwa marekebisho kila baada ya miaka thelathini kila Mkenya aweze kupewa copy yake ya Katiba hiyo.

Jambo la tatu, ningependa kuzungumzia upande wa succession: I just wish to say that it should be included in the Constitution that Kenyans be given freedom of choice. As we all know Kenya is a democratic state. Mambo ya viongozi wetu wengine kuja kusimama hadharani na kupendekeza wale wanaofaa na kutushurutisha wengine kwa sababu baadhi yao wako juu ya Katiba; above the law should not be there. This is because when somebody I pledge loyalty to, and who has employed me who might do what you want; say I have to go right and I go left I m in danger. Kwa hivyo wasi tulazimishe watu wache kuchagua viongozi tunao wataka wakati unaofaa.

Jambo lingine la nne, ningependa kuzungumzia ni kitu ambacho kina itwa public trustee; sijui kama hiki kitu kiko katika Katiba yetu ya Kenya ama la. Na ikiwa hakiko ningependa kiwekwe, na ikiwa kitawekwa hayo yanayofatwa yaangaliwe. Njia yake ya kufanya kazi ichunguzwe sana naiwekwe katika Katiba. Kwa sababu hiyo kiti kinachoitwa public trustee is no longer trustee; in fact ni kitu cha kutu adhibu sisi ambayo inafaa kuwa inatumikia waache kuharibu wakati mwingi sana kwa kuingisha vitu ambavyo hata haziko. Kwa mfano wanapoinziza kitu kama ID, and we know very well you give out an ID to get a death certificate. So 5 years later somebody wants you to bring the ID of somebody who is deceased from where God knows.

Jambo lingine huwa wanataka pesa nyingi sana, this public trustee and the bank. Public trustee itakukata pesa Fulani, ukienda kwa bank wanakata pesa Fulani; baadaye utakuja kupata kwamba you only get a third of what you deserve or even less. Na pesa hizi wakati zinakaa kwa public trustee wakikusumbua hivi muda mrefu sana, naunakuja kugundua kuwa hata baada ya miaka kumi wanakwambia there is no interest earned. If this money has to stay with them for some time then it must earn some interest.

Jambo lingine ningependa kulizungumzia ni upande wa mishahara: ningependa tuwe na kamati moja ya kuzungumzia mambo ya mishara katika nchi yetu; ili tuweze kutatua matatizo ya hiyo ya kuonyesha wengine wako kwa maisha ya hali ya juu, na wengine ni masikini hohe hahe.

Jambo la sita, women participation in the government: inaonekana kwamba sehemu zetu za uwakilishi bungeni wakati huu ni kubwa sana na hawa wabunge wetu wanapata mishahara mikubwa sana. Mimi napendekeza kuwa, kila constituency iwe na mabunge mwanamume na mwanamke. Na kwa hivyo hii itawawezesha hao wabunge kuwafikia kila mmoja wa mtu aliye katika constituency yake. Kwa sababu kuna watu wengine katika hizi constituency zetu wenye hawajawahi kuona mbunge wao hata siku moja.

Jambo la mwisho lile ningependa kuzungumzia, tunapo zungumzia Wakenya wote waweze kupata equal rights, tuweze kutoshana; najua wanawake na wanaume hatuwezi kutoshana, kwa njia yoyote, lakini tunaweza kuwa na uweza unao toshana sehemu zinazofaa wakati wowote. Kwa hivyo mimi naonelea kwamba wanawake waweze kupewa mashamba na wanapopewa mashamba, wawe na uhuru wa kuchaguwa mahali pa kuishi. Na hiyo ninafuatia pia tuwe na uhuru hata wa kuoja wanaume na kukaa nao mahali penye tunataka. Asanteni.

Com: Swazuri: Tusikizani tafadhali Jared Nandwa. Tusikizani sijui mnaona raha kwamba wanaume watachukuliwa sijui mna raha. Haya hayo ni maoni yako.

Speaker: Chukuwa hiyo microphone.

Com: Swazuri: Tafadhali tunyamaze, ngoja mzee kidogo tunyamaze maanake tunanasa sauti zote zinazotokea hapa, kama kuna mjadala kuhusu kama wanaume wataenda kuisha kwa kina mama, au la; hiyo ni baadaye. Lakini saa hii ebu tusikilize hata mimi ningependa kuonja hiyo. Tumsikilize mzee hapa anaposema tafadhali.

Jared Nadwa:(inaudible)

Speaker: Mzee tafadhali ongea karibu na microphone hapo tusikilize sauti yako vizuri.

Jared Nadwa: Neno langu la kwanza ninaonelea.....

Interjection: Speaker: Majina tafadhali.

Jared Nadwa: Majina yangu ni Jared Nandwa, kutoka Shrenda sub location Shianda location. Neno langu la kwanza ninaonelea kwamba: mwizi akishikwa anapatikina na hatia aangojee kushinda au ashindwe. Asiende kuchukuwa bond. Sababu

kufanya namna hiyo ndio inafanya wahalifu kuongezeka. Pia neno hilo matajiri katika Kenya wajaribu Serikali ya Kenya kumaliza, tangu tunyakulie uhuru waziri akiiba haja fungwa hata safari moja, mbunge akiiba hajafungwa, matajiri wa kubwa wakiiba hawafungwi; na mini nikienda nikate kama kitu kwa shamba ya ndugu yangu, nitapelekwa polisi naenda kotoni mwaka moja hapo sisi watu wadogo wadogo tunasikia mbaya.

Neno la pili, sisi kama jamii ya luhya haturuhusu msichana kirithi shamba. Vitu vingine anaweza, lakini shamba haiwezekani, sababu ukiishi na mtoto ya dada yako watoto wako watakua wabaya sababu ya watoto ya dada yako akilete kisirani kwa hivyo haturuhusu hiyo maneno.

Neno la tatu, sisi jama ya Baluhya tulikuwa na sherehe kubwa tulikuwa tunatumia pombe ya kienyeji; na hiyo pombe haina madhara yoyote. Kwa hivyo naomba ikiwezekana, pombe ya Kiluyha vile inaenda na mirija iruhusiwe.

Neno la nne,

Interjection: Speaker: Tupunguze kidogo tafadhali, tunajua mna furahia lakini tuwache mzee aendele.

Jared Nadwa: Neno la nne, wafanyi kazi wa Serikali wengine wanajingiza kwa siasa kwa hivyo naonelea sheria ipitishwe ya kutoza mfanyi kazi wa Serikali akiwa anaendelea na siasa awekwe kando akuje kazi sababu anasema anafanya kazi ya bure naye sasa anawacha mshahara anaingilia siasa awache kazi ya mshahara aendele na siasa.

Neno langu la tano, vyama vya siasa linafaa ikuwe ya vyama tatu peke yake, sababu hata ukienda Uingereza wana vyama vitatu, ukienda America wana vyama viwili, kwa hivyo vyama vingi haina maana.

Neno langu la kumalizia na ni la shida, shamba kama baba yangu amekufa Serikali inaweka pesa nyingi sana; kwa hivyo sisi watu wengine hata hawawezi kupata shilingi mia moja kwa mwezi. Kwa itakuwa shida watu kubadilisha mashamba yao. Kwa hivyo ninaomba Serikali iwe inapatia watu hiyo bure. Asanteni.

Com: Swazuri: Asante sana nenda pande huu mzee, mzee Jared pande huu mzee. Kila mtu anaye zungumza hapa tafadhali lazima aende ajiandikishe wale ambao wamekuja wamechelewa tunawaeleza kwamba; ikiwa mtu ana memorandum na hange penda kuizungumzia tafadhali aje ajiandikishe hapa na anaweza kuenda kwake, au kusikiliza wengine. Harrison Omusula, amepeana, Protus Mwanda pia amepeana, Joseph Shikwanyai.

Joseph Shikwanyai: My names are Joseph Shikwanyai.....(inaudible) kutoka Bais.

1) There should be an introduction in our Constitution which should begin ‘we Kenyans or we the people and we Kenyans made up of 42 tribes of African origin are peace makers and loving people.

- 2) The purpose of this Constitution is to safeguard and protect our human right in our country equally, whether President or who.
- 3) In our Constitution we should have laws to guide our state government.
- 4) The state government should always work under the guidelines of our Kenyan Constitution.
- 5) The Kenyan Constitution should be of the people.
- 6) Inorder to amend or change any law or part in our Constitution, people should be consulted before it takes place.
- 7) Inorder to change or amend any section in our Constitution, there should be 85% of the votes in the lower and upper houses.
- 8) There should be some parts in our Constitution, which cannot be amended by the Parliament.
- 9) Those sections that cannot be amended by the Parliament are as follows: Land tenure, amendment of the Constitution, Judicial part or sections.
- 10) Citizens should be involved in the amendements of any section of the Constitution through referendums.
- 11) There should be a permanent.(inaudible) Commission to stand for our amendment views in Kenya.
- 12) The Kenyan citizen should be by birth and by origin.
- 13) Any person who would like to become a Kenyan should always accept to follow and respect the Kenyan culture and traditions.
- 14) There should be no adult registration of citizenship in Kenya.
- 15) Registration should be by:
 - a) birth certificate.
 - b) Education certificate
 - c) Immunization cards.
 - d) Kenyan identification card.
- 16) Any Kenyan citizen should be registered in the fathers name in accordance with the African culture.
- 17) A) If the father is a Kenyan the child shall automatically become a Kenyan citizen.
- 18) B) If the mother is a Kenyan the child shall not be entitled to Kenyan citizenship, and they must look for the father.
- 19) The Kenyan citizen should have a right to own land, citizenship, ID card and the right to be involved and participate in all the decisions in Kenya.
- 20) The defencce and national security must be established by the Constitution.
- 21) There should be a special body on the defence and national security discipline in Kenya.
- 22) There should be a defence Minister in Kenya.
- 23) There should be a Commander in Chief of the Armed Forces in Kenya, but not the President.
- 24) The Executive should have exclusive power to declare war depending on the circumstances or situation.
- 25) Parliament should have a role to declare war with the consultation of the Executive.
- 26) There should be a President as a ceremonial in Kenya.

Com: Swazuri: Last point please, last point.

Joseph Shikwanyi: There should be a President as the ceremonial held only in Kenya.

27) Lastly, there should be Prime Minister in Kenya. The rest you shall get from my book. Thank you.

Com: Swazuri: Thank you; there is a question please.

Com: Salome: Thank you, you have said that we have human rights should be part of our preamble. We have also been told that human rights are womens right, then you have said that a man can give citizenship to his child but not the woman, so do we have human rights here or we don't?

Joseph Shikwanyi: It's so because the woman always has no permanent residence in her life and then if she is married.

Com: Swazuri: Okay, we have Aggrey Iganga hayuko, haya mama Aggrey no! wewe ni nani?

Speaker:(Inaudible)

Com: Swazuri: No this one Aggrey is under KANU, Aggrey Inganga ameenda, haya Gabriel Nyakanga is that the one? Are you in the same organization?

FR.Paul Ndasiganwa: In our Constitution we need a preamble that should constitute patriotism and should be of the concern of the common man. Then interpret communication after(inaudible) of the changed policies or state policy. We

Interjection: Speaker: Please can we have silence at the back please, Father is talking here please.

Fr.Paul Ndasiganwa: We need a statement in our Constitution captured in the national philosophy and guiding principles without which you can be blinded by Constitution and be a country of blind people without direction.

We should differentiate between state policy from political party policies or principles.(Inaudible) the ruling party policies are the ones that govern the state, so we need state policies enacted by the Parliament.

In Kenya we have got more than 42 ethnic groups and each ethnic group has its own traditional values and morals that are innate for instance: here in Western Kenya there is circumcision of boys which is a heritage of most Luhya people which should be protected Constitutionally. We have traditional patriotic songs that enhance peoples heritage and should be protected Constitutionally.

Then there is mother tongue and vernacular, these languages should be enhanced by establishing bodies whereby studies could be made about these vernacular languages to enhance patriotism. And this should be enforced in law.

Then on the Constitutional supremacy the procedure for amendment: since the Constitution is a people-driven Constitution, amendments should be done by the people themselves, through referendums.

On citizenship: Kenya is a patrilineal society, so any one who traces an origin from the patrilineal lineage should automatically be a Kenya citizen. And if by virtue of marriage one is to be a Kenyan citizen, a time should be given to check the intention of this particular person becoming a Kenyan citizen.

On political parties: in Kenya we may say we have very many mushrooming political parties, a check should be put in place whereby we should have a limited number of political parties, which are not funded by the state, so that we may check their up coming.

Then lastly on the educational sector: there is a problem here in Kenya especially on the side of students. Students have been stressed by learning from Monday to Sunday. Constitutionally students should be protected so that the rest days should be a must for the students to check their mental abilities and leisure times. Thank you.

Com: Swazuri: Thank you very much brother can we have your memo.....(inaudible) from there.

Alice Wamukoya: Jina langu Alice Wamukoya kutoka Imare, lakini kazi nafanyia hapa na ninashona pia. Ninasena hivi, kila mwaka mimi ninachukua form za kuenda Nairobi, na hiyo maform na peleka huko Nairobi wanasema wanasaidia watu kama sisi. Lakini miaka yote sija pata hiyo kitu. Na kwa redio na sikia wanasaida watu nasioni hiyo mahitaji, hata hiyo viatu nashona inajua mpya lakini material yenyewe hakuna ya kutumia, kila kitu hakuna kwa kazi hiyo. Sasa natumia tu kwa repair na nimeshona huko(inaudible) sasa sijui nitafanya namna gani ndio ni rekebisha hiyo mambo kwa maana kila siku napelekanga na sipati.

Com: Swazuri: Kuna association ya Disabled muko na branch hapa au Kakamega ya Western. Hakuna branch hapa?

Alice Wamukoya: Hakuna.

Com: Swazuri: Kuna mtu anajua kama kuna branch.

Speaker: Yes it is there.

Com: Swazuri: It's there, the branch is there, so kuna branch ya hiyo chama wale wanasaidia wale wasiojiweza, na ninafikiri

maombi kama hayo inapelekwa kwa chama kama hicho.

Alice Wamukoya: Kwa chama kama hicho.

Com: Swazuri: Sisi tunaweza kusaidia tu kuandika kwamba haki za wale wasiojiweza lazima zingaliliwe kwa katika Katiba lazima tuandike. Lakini kwa msaada immediate kama huo wako, chama ndiyo itasaidia.

Alice Wamukoya: Asante.

Com: Swazuri: Okay Asante. Can you help going to the(inaudible) person please nenda pale mama. Livingstone Makuro, alikuwa amesha andika mama hajaandika haya. Emily Ongare amepeana, Peris Adhiambo.

Peris Adhiambo: My names are Peris Mildred Adhiambo, I m here to represent Butere Women Development Organisation, it is an NGO. Our NGO we have believed in social development from below, should start at the village level and the document we have done at that level eventually collapses because we don't have constant staff who encourages what has been started. So we are trying to recommend that we may hire the staff posted to village level where people are. Those who will.....(inaudible) we have started. We have different project which are supposed to reduce poverty our major aim is to reduce poverty.

The 2nd point is that, in a developed country like ours, we cannot have all major problems like equipment like crime like property and others and we need to solve them because they interfere with the development we have in mind. And we have also a group of workers who have specialised for those problems. This workers are called social workers, this social worker are in groups, social health workers one, group workers is another group, community development is another group, and social organization is another group. These ones are professionally trained people. We cannot have them unless we train them. We had a school of social workers started in 1962 October, it was at Kenya instutute of school of social workers at Machakos, moved to K.I.A. lower Kabete, moved GTI Maseno; eventually I really don't know where it went because I was a trainer and I had retired. Im recommending that school to come back, because we cannot solve those problems t.....(inaudible) who are suppose to solve those problems.

The(inaudible)workers are professional officers, family, medical workers. And we don't have them.

Interjection: Com: Swazuri: We've got that point any other point.

Peris Adhiambo: Another point is the problem that is not making prosper and we want it is changaa and busaa. The methods that have been used since I know them are being used. Fine, Im prisonment and there is no change. Im suggesting a new way that this changaa and busaa science should come in, rectify is wrong with them build a factory like beer that cameand it is now an organization for employment. Let us adjust so that we don't remain and those method of punishing them

imprisoning them or fighting them will just disappear.

Com: Swazuri: Last point Mama your time is up.

Peris Adhiambo: The last point is the school children standard 8 and form four they have a major problem of poverty in this country, because they are too many the.....(end of the tape) in primary school and learn in better school those who need to go a head will get training and get skills for for self employment and government will give them grants or loans to invest in self employment projects and let us kill that part of poverty brought by those children they are just too many. Take research and count them you will be surprised and we are still adding them.

Com: Swazuri: Thank you very much. Erick Odongo, enda pale mama Erick Odongo, Rhoda, Rhoda Tewa amepeana. Emily Were, ni wewe karibu.

Emily Were: Kwa majina naitwa Emily Were nawakilisha kikundi cha wamama kutoka Emotoni Sukuma Women Group; ambapo inatoka katika sub location ya Shirambe location ya Butere township. Wamama kutoka Sukuma Women Group waliona shida wakati wanapohitaji msaada, kwa sababu muda ambao wanapewa kulipa mkopa wao ni kodigo. Ningependekeza Serikali itupatie muda wakati tunapo chukua mkopo angalau hata kama ni mwaka mmoja kama tushafaidika, ndio tuwalipe mkopo huo, kuliko kwa kuanza kulipa mkopo baada ya mwezi mmoja.

Jambo la pili, tunaoana shida kwa hospitali za Serikali, kwa mfano: naweza kuwa mgonjwa na labda ukona shilingi mia mbili tu, una kwenda hospitali unaambiwa ununue form, ulipe reciti ndio uende kuona daktari. Wakati unapo enda kuona daktari anakuandikia madawa, unaamrisha kulipa kwanza kabla ya kuenda kutibawa. Wakati unapofika kwa matibabu unapata unaambiwa hii dawa daktari amaeandika hakuna kwa hiyo hospitali. Sasa una shindwa utafanya namna gani, na hiyo pesa ulikuwa nayo ushalipa. Kwa hivyo Serikali ingetusaidia hapo, ikiwa mgonjwa ameandikiwa dawa ikuwe jukumu ya hiyo hospitali watafute hiyo dawa, hata kama ni kununua kwa chemist wenyewe wanunue wakuje wakutibu.

Jambo lingine, sisi wamama huwa tunapata shida kwa sababu saa zingine unaweza kukosa vitu vingine kwa nyumba kama sabuni, chumvi na labda una mboga kidogo. Wakati unapo enda sokoni kuuza hiyo mboga, unapata mtu wa County Council naye anakupea riciti, labda ya shilingi arubaini na mboga ukonayo ni shilingi hamsini tu. Sasa ningependekeza Serikali itusaidiye sisi wamama, wale wana biashara ndogo, ndogo tusiwe tunalipa kodi kubwa, wawe wakilipisha wale wenye wakona magunia, lakini sisi watu lipishe ndogo.

Jambi lingine upande wa wamama wajane: tunapata kila mara wanasema kuna msaada ambaye inakuja kutoka ng'ambo kwa wamama wajane; lakini hiyo msaada haionekani. Ingekuwa vizuri kama hiyo msaada kutoka ng'ambo majina ya wamama wajane wote iandikwe na ipelekwe kwa mkuu wa wilaya ama mkuu wa tarafa. Halafu mkuu wa tarafa huyo ajuwe kwa area yangu nikona wamama wajane arubaini, na msaada imekuja magunia mia nne. Kwa hivyo yeye mwenyewe ndio atajua vile atagawa hao wamama. Kuliko kupata mama mmoja anapata goro goro moja na wengine wanapata gunia moja.

Jambo lingine, tunasikia kila mara shule za msingi watoto wanasoma bure walitangaza hivo. Sisi wamama tukafurahia halafu tukanunua uniform peke yake. Lakini hiyo haijaenda hivyo na tunapata watoto wanafukuzwa kila mara, pesa ya mtihani pesa ya michezo hiyo tunaona shida. Serikali ingegharamia tu watoto wasome bure na sisi wazazi tununue uniform, badala ya mtihani Serikali yenyewe isimamie.

Jambo lingine, tunapata kuna ufisadi sana, na hiyo ufisadi inaazia kwa ofisi za Serikali. Kwanza inanzia kwa polisi wenyewe. Unaweza kuwa na mfungwa wako kwa polisi, pengine ako kwa cell ukipeleka soda polisi ana kuambia nipatie soda yangu polisi na kama soda kwanza ndio tumpatie mfungwa soda yake. Sasa tunapendekeza Serikali iangali mahali hapo sana, ikiwa mtu wa Serikali mwenye ana tabia kama hiyo, afutwe kazi na hata afungwe.

Wakati mwingine tunaona tena uchumi wa Kenya uko juu zaidi. Vitu zinaongezeka kila mara na mara, unapata duka la mchele inauza bei tofauti duka la viazi bei tofauti, kama ni sukari. Tungependelea Serikali iangalie bei ya bidha katika maduka, iwe standard.

Jambo lingine, kuna kazi inapatikana area hii unapata kama mkuu wa ofisi ni Mkikuyu, unapata amelete Wakikuyu wanafanya kazi kwa hiyo area lakini wenye mnaisha hapo hakuna kazi na mume soma. Kwa hivyo tunapendekeza kazi ikipatikana wenye wanaishi karibu wapate nafasi ya kwanza.

Ya mwisho, sisi kama wamama tunaona shida kwa sababu sisi ndio tualinda maboma na tualinda hata mabwana na mali zao na hao mabwana hawo tuchukulii kuwa kitu hawa furahishi wazazi wetu. Kwa hivyo tunaona Serikali ichukue jukumu ya wazee wale wenye hawajalipa mahari vizuri wachukuliwe hatua kali.

Com: Swazuri: Wazee nafikiri mlisikia vizuri. Haya kwa hivyo Emily umezungumzia hao wenzako wote,ndio. Judith Akasa hayuko, we are calling Nelly Ayuma au umepeana? haya karibu.

Nelly Ayuma: Kwa majina ni Nelly Ayuma sub location Mabole location Shianda.

Nazungumza juu ya kikundi, tumeanzisha vikunda na iandikika tunapata certificate na sasa tumeona ya kwamba tuungane pengine halafu tujisaidie. Na tumelima shamba tunapata kitu ya kuuza. Lakini shida ni tukiingia sokoni, malipo ya sokoni tunafanya sisi tunakufa moyo. Uki bebe kitu kidogo kwa paper bag, unalipa shilingi ishirini, uki bebe kwa gunia kidogo ya sukari unalipa shilingi arubaini. Sasa na pengine hiyo gunia ulikua unauza shilingi arubaini sasa kulipa unamaliza yote. Sasa tunashindwa hapo tunataka hiyo malipo ya sokoni irekebishwe kidogo. Kwa maana sisi hatuko pamoja na wengine, kuna wengine wana mali nyingi sasa tunawekwa pamoja.

Sasa wakina mama ndogo ndogo hivi, unajua hata sisi hatuja soma, hata watoto wetu tumeshindwa kuwa somesha sasa tukipeleka hiyo kitu, ndio tunataka itusaidie kununulia mtoto hata kitabu. Sasa malipo ya sokoni irekebishwe.

Shida nyingine ni mabarabara zetu ya Butere, tunasikia Serikali inapesa ya kutengeneza barabara, lakini hapa Butere tangu ni zaliwe sijaona barabara hata moja imeshatengenezwa. Sasa tukiwa hapa vitu tunapeleka mahali inakuwa shida, kwa hiyo barabara. Tunashindwa tutafaidika namna gani.

Jambo lingine, sisi wamama tuna watoto wengine huko kazini na maneno ya labour.....(silence) yaani kama mtoto anakosana na tajiri yake anataka usaidizi kwa labour; akienda huko anapatiwa barua kupitia mtajiri sasa mtajiri huyu naye anachukuwa polisi na shika huyu na kumpeleka ndani. Unaweza kuangalia mtoto na asirudi. Na huyu polisi anapatiwa pesa, na mtu wa labour akisha lete anangoja huyu na hawezi kumwona. Sasa hiyo kesi ina sumbukana namna hiyo, huyu mtu hawezi kupata kitu sababu ya huyu mtu wa labour.

Com: Swazuri: Haya asante sana nenda pale uandike majina yako. William Namzo, Judith amekuja, Ngolo Fred, Stanley Anatoni.

Stanley Anatchoyi: Kwa majina mimi ni Stanley Aswani Anatoni. I would like to make my proposal for the recommendation to the Constitution of Kenya Review Commission.

- 1) First, I will start with the currency: the Constitution should be able to describe how our currency should look like, that is if possible we have the potrait of our founding Father of the Nation; and the Court of Arms or both.
- 2) The Constitution should bar the police from harassing citizens for not possessing ID cards because they usually compare the lack of ID card to be criminal.
- 3) On political parties: the Constitution should be able to increase some discipline in political parties.
- 4) The issue of defection or merger we do not want these things of merger people should go back to electorate and face the ballot.
- 5) Also the Constitution should be able to reduce the number of political parties, and if possible we should have a maximum of 3 parties.
- 6) The Constitution should also encourage the issue of an independent candidate, so that when we have 3 political parties, if you are not satisfied then we shall have an independent candidate.
- 7) On Parliament: Parliament should be able to approve the appointment of all heads of public offices this include: Attorney General, Chief Justice, the Head of civil of servants and the head of Parastatals. This will have to check where the President appoint people who are incompetent.
- 8) On Provincial Administration.

Interjection: Speaker: Wamama mwondoke pole pole tafadhalini.

Stanley Anatoni: On Provincial Administrations: we recommend that this should one be done away with, and instead

replaced with powerful Local Government where the Mayor should be elected by the people. If possible we should have Chiefs who should be retained but elected by the people.

On local government I have said the Mayor and Councillors should face the ballot. Mayors should have a period of 5 years and should only serve for 2 terms. This people to have at least form four certificate. We should have a special provision dealing with salaries and ranking of Councillors and Mayors. I will also recommend that nomination of Councillors should be done away with.

On elections: the President should have 51% of the total vote cast. 51 will serve as a majority. We should have election date enshrined in the Constitution. Members of Electoral Commission should be appointed by parties on equal votes, and they should serve a term of 5 years. They should be able to appoint a Chairman among themselves.

On education: we should have free and compulsory primary education for all.

On land: the Constitution should specify the amount of land somebody should own, lets not have a case where somebody is owning maybe 500 acres of land.

We should also have a commission that deals with salaries and allowances of MPs. We should scrap the death penalty.

Speaker should be incharge of the country during the election season from the time the Parliament is dissolved upto when new President is being sworn in.

We should have date when a new President is to be sworn in.

MPs should serve a maximum of 3 terms.

Local brew that is “changaa”and so on should legalized and licensed. This will improve the economy, increase tax to the government, have checks and balances hence we shall have good brew. Then the tax, which has been found from that, should be able to provide free health care and if possible primary education.

I will also propose that the winning parties should be able to nominate party MP’s and the winning number should be 8 based on the provinces. And also rules of nomination should be able to be laid out.

As well as the Constitution said that there is an age limit of the President it also has age limit of 75 years, because when it goes beyond we might have a President who is senile.

The Constitution should also fix by the number of ministries, we should have ministries in the Constitution.

Lastly, I would like to thank those people who vote for Wanjiku constitution because or what we call people driven constitution because it feels that have made me to speak.

Finally it is my wish that Commission should be able to speed up this exercise so that we can go to the election with a new Constitution. Thank you.

Speaker: How many Ministries do you suggest?

Stanley Anaton: I will suggest 15 Ministries.

Speaker: 15 Ministries. Thank you very much. Dan Tongola.

Dan Tangolo: Majina yangu ni Dano Tongolo. Upande wangu nitatoa maoni kutokana na Constitution.

Kuhusu President: President tunataka tuwe na rotational Presidency. President ikiwa alikuwa Mjalu next time President awe Mluhya, ikiwa family imeongoza tayari iwachie ile familia bado haijawahi ongoza.

Interjection: Speaker: Hii President ni kwa mkoa ama kabila.

Dano Tongolo: Ni rotational kwa ki kabila?

Jambo lingine ni, powers za President: ikiwa Mbunge kama tunachagua kutoka Butere aende awakilishe wakazi wa Butere na amesomea medical, apewe Ministry of health kuliko Minister of Health apewe waziri wa kiwanda. Hiyo ni kuimarisha yule President atakuwaweko experience ya kugawanya kazi itakuwa amekosea.

Local Administration: upande wa Butere jumla, maoni ya Local Administration nafikiri mmepata kwa uwingi na mimi na onela hivi:

Upande wa kuwa na Chief na Ass. Chief, hiyo mishahara ya council region hiyo sehemu iondelewe na hiyo pesa irudushwe kwa hospitali. Watu wagonjwa na wana AIDS na wagonjwa kama syphilis hiyo pesa inatosha kuwatibu bure na hao Chiefs waondelewe. Unaweza kupata kwa ofisi ya DC unapata DO1,2,3 hiyo ina maanisha nini? Sio DO ni DO tu hiyo kazi ni useless.

Interjection: Speaker: Tumsikize hayo ni maoni yake.

Dan Tangolo: Upande wa Bunge: Bunge yeyote atakaye patikana na hatia ya watu wakipiga wengine, ama Wabunge wenzake aondolewe mara moja na ashtakiwe.

Mimi ninaonelea hivi, mimi ni Mkenya na nikitoka hapa ni ngie Uganda utapata kuna waragi na hapa Kenya kwa nini hatuwezi kuwa na Kenya “changaa”iwe.(Inaudible) kuliko kuchukuwa wananchi wa Kenya wale wamefungwa wengi kwa jela ni

wale watu wa changaa na busaa kwa nini? hiyo inamaanisha nchi Kenya mwananchi haina uhuru.

Upande wa msaada: misaada ikiingia hapa Kenya itumiliwe kama ni misaada ya walemavu walemavu wapewe; kuliko kuingiza kitu ingine kati kati. Ikiwa ni wagonjwa wanatakinana wapewe msaada wajongwa wapewe hizo pesa kuliko wengine kuwasimamia. Kwa sababu mtu kipofu hawezi kusimamia ule mtu anaona, kwa sababu kipofu anasimamia kipofu mwenzake.

Mwisho mimi ninaonelea upande wa korti: ninaonela hao Magistrate akimaliza course aende ndani jela kama miezi miwili na aone hiyo uchungu wengine wanapata wakiwa jela(inaudible) laughing.

Interjection: Speaker: Haya ni maoni yake tumsikize, mnyamaze tafadhali.

Dano Tongolo: Nina malizia hivi, upande wa hapa Kenya kusema ukweli wananchi wanaumia sana; mashamba ya rudiwe kila mwanakenya apate acre tano tano, inaweza kuwa kuwa mtu mmoja hapa ana acre ya 100 na 200? Uongozi ukiwa mahali hapo ndio utapata taramac roads utapata kondoo nyingi, barabara inatengenezwa, mbuzi ina lala tu kwa barabara. Kwa hivyo hiyo sisi ina maanisha tukipata uongozi rotational President akitoka kwa kabila aende kwa kabila nyingine. Tena President hule atakuwa anamalizia asiwe anatembea na mtu apewe power ya kutembea na mtu ya kusema akiwacha kazi atawachia fulani hapana. Asante sana.

Com: Swazuri: Asante nenda pale ujiandikishe asante sana kwa maoni yako. Catherine Nandwa ndio wewe mama? Haya Catherine.

Catherine Nandwa: Kwa majina ni Catherine Nandwa kutoka Shrenda sub location. Sisi watu wache tulianza biashara upande wa kina mama tuko na ulemavu wa kusomesha watoto wetu. Tunafanya biashara, tunasaidia na school fees kwa watoto wetu; kwa hivyo tunaomba Serikali itusaidie tuepuke. Asante.

Com: Swazuri: Doreen Mwonda, Benson Tongola, haya.

Benson Tongola: Im Benson Tongola from(inudible).

- 1) First, we should have only 3 political parties, political parties should be financed from public funds.
- 2) We should have a Prime minister and President sharing powers.
- 3) We should have a federal system of government in which powers are shared between the central and regional government.
- 4) There should be one-man one job.

- 5) MP's should be full time job. An MP should have a university degree.
- 6) Retiring age should be 55 years.
- 7) Changaa, busaa should be allowed and up graded so that it can be exported.
- 8) We should have a coalition government.

Interjection: Speaker: Try to have silence please.

Benson Tongola: We should have two(2) chambers of Parliament, one to consist of Bishops.

President qualifications should be: be an MP. President powers should be defined in the Constitution and it should be removed from office for misconduct.

Mayors, Councillors should be elected by people. A Councillor should have a degree.

An MP or Councillor should be recalled.

If an MP defects he/she should receive fresh mandate from the people.

We should retain the 25% representational in at least 5 provinces.

We should have compulsory and free primary education.

Every Kenyan should own land. The State should buy land from those who own big land and be given to those who have none.

An individual should not own more than 25 acres of land. Kenyans should own land anywhere.

Public officers should declare their assets.

Every body should be a member of National Hospital Insurance Fund (NHIF) by donating 20 shillings monthly and therefore medical services should be free.

Chiefs and Assistant Chiefs should be elected by the people.

Village elders or Liguru should be paid by the government.

We should have homes for the aged.

Rapists should be jailed for life because of AIDS infections. And that's is the end. Thank you.

Com: Swazuri: Thank you very much, Mary Otembo.

Mary Otembo: Kwa majina ni Mary Otembo nina wakilisha wamama kutoka Musoma sub location Marama location. Niko na mapendekezo nyingi ya kuongea lakini nitaongea machache kulingana na:

Uraia: tunaona sisi wamama tunaona ya kwamba yule mwenye atakaye kuwa raia wa Kenya ni yule mwenye kuzaliwa Kenya. Ili kuwa uraia lazima mtu ajiandikishe na aombe uraia wa Kenya katika tume la uhamiaji. Apewe kitambulisho cha Kenya na tena apewe ruhusu ya umulikaji wa udongo na vingine vyo katika nchi yake. Mtoto aliye zaliwa nje ya ndoa aitwe mwana Kenya awe wa baba au wa mama. Hapo nitaongea hivi kuna baba ameo mama wamekaa naye ikifika pengine wamekosana kidogo, mama ataenda baba amesema sikutaki. Atakaa huko kama muda wa miaka miwili hivi, pengine akiwa amepata mpenzi wake mwingine na amepata mtoto, hapo baba tena atasema mama nataka urudi nyumbani. Mama akirudi ako na mtoto baba naye mama amemkuta naye amezaa mtoto, hapo huyo mtoto baba atataka wewe ulee mtoto wake umlinde kabisa na umsomeshe. Lakini huyu wako anona ya kwamba sio mtoto wake. Kwa hivyo wamama huwa tunakuwa na shida na watoto kama hao. Kama Katiba inaweza kutisaidia na watoto kama hao ukija na mtoto baba amchukue kama wake na ikiwa na shamba ampatie.

Raia ana haki ya kutembea mahali popote katika Kenya: tuwe na haki ya kuongea bila kupingwa katika nchi yetu. Tuwe na uhuru wa kuishi. Tuwe na vitambulisho za kitaifa kama ushahidi wa uraia wetu. Sasa nchi yetu ya Kenya inatakiwa ituruhusu kuwa na uraia wa nchi.

Nitaongea upande wa muundo wa utaratibu wa uchaguzi: Wamama tunaona ya kwamba tuwe na mfumo wa siri katika uchaguzi ujao. Tuendeleo na mfumo kwamba "mwenye kura nyingi ndiye atakaye kuwa mshindi".

Tufuate utaratibu upangwe kuwa namna ambaye ina ruhusu kushiriki zaidi kwa wanawake katika Bunge na Serikali za mitaa kwa njia ifuatayo:

- Mwanamke akiwa mwenye kiti makamu wake awe mwanamme.
- Tuwe na viti vilivyo tengwa kwa makundi maalum kama kiti cha walemavu, kiti cha wamama, kiti cha youth group, na vipofu.
-

Interjection: speaker: Dakika moja.

Mary Otembo: Nitaongea juu ya haki ya makundi yanoweza kuthulumiwa: Katiba haija hakikisha kamilifu haki za wamama.

Kwanza tunataka Katiba yetu itilie maanani kabisa wamama watengewe viti katika bunge. Wapewe wakati mwafaka ya kutowa pendekezo yao, wapewe mamlaka ya kurithi shamba na mali ya bwana zao.

Na maslahi ya walemavu haijalindwa kikamilifu na Katiba. Sisi wamama tunaona kwamba walemavu wapewe mamlaka ya kuongea na kusema shida zao. Watengewe viti zao bungeni, wapewe uhuru kwa kazi, nchi, polisi, usalama wao uwe wa kutosha na wapewe ruhusa ya kuunda vyama vya kuwapigania katika Bunge.

Kwa kulinda haki za watoto kwanza wapewe masoma ya lazima matibabu, mashirika ya welfare ya kutetea haki za watoto, na Katiba ipinge child labour. Ni hayo tu.

Com: Swazuri: Asanta sana mama nenda pale ujiandikishe hapo. Eric Etemesi, haya Elizabeth Omany.

Elizabeth Omany: Kwa majina naitwa Elizabeth Omany kutoka Maendeleo ya Wanawake na natoa maoni kiv yangu.

Ya kwanza, mtu aki ajiriwa kazi na Serikali halafu apewe cheo, akikalia hicho cheo hataki mdogo wake ama kumwonyesha hiyo kazi kwa njia yoyote. Wakati yeye atatoka hiyo kazi kupatikana mdogo wake ama mwingine kufanya hiyo kazi vizuri ndio unaona tena ana rudishwa kwa contract, sasa mtu mmoja anataka pesa ya Serikali hata kama hamutaki. Ukiwa mdogo kwa ofisi yeyote lazima ujaribiwe uwachwe kwa ofisi, ujaribiwe kama unaweza hiyo kazi ukipata promotion.

Mtoto msichana: mtoto msichana akiwa shuleni akipata mimba yake yameisha. Lakini kijana anaendelea. Wakati nilikuwa mdogo nikisoma nilikua nikifikiria kuna shule ilikuwa inaitwa Kerengeti ambayo mtoto msichana akipata mimba alikuwa akitunzwa kule na masisters anaendelea kusoma, lakini ilikuwa ni shule ambaye ilikuwa ikipelekwa watoto ambao wamepata shida ya kupata mimba. Napendekeza kwamba Serikali itafute shule kama hiyo, mtoto msichana akipata mimba, aende akae kule aendelea na masomo yake akizaa wazizi wowete wa kijana ama msichana wakubaliane ni nani atabaki na mtoto msichana aendelea na masomo.

Kuna hii mambo ya kuolewa: vijana siku hizi wanamchukuwa msichana leo kesho wanamtupa, ningependa Serikali iwe na cheti ambacho kita saidia mtoto msichana, akiolewa na kuanza kuishi na mume, lazima wawe wamesign hicho cheti kwamba wameoana; na akimwacha atamtunza kwa maisha yake yote mahali huyu msichana atakuwa.

Kuna mambo mengine ambapo bwana na bibi wanakosana, wameoana wanakosana bibi anaenda kuiishi kivyake na bwana anabaki anaoa bibi mwingine. Saa wakati huyu bwana anakufa huyu mama amekaa kule hata karibu ya miaka kumi na tano lakini kwa sababu alikuwa amoelewa na ana watoto hapo lazima anataka kurithi mali ya huyu bwana kwa sababu ana watoto. Na hii mali ilipatikana na yule bibi mdogo alikuweko ndio alitafuta na huyo bwana, lakini imekua ni lazima wagawane, unataka kugawia kwa kitu ambacho hauja fanyia kazi. Sasa ningesema kwamba bibi akiwachana na bwannake akikaa nje ya marriage more than 6 years sasa ajue yeye si bibi yake.

Kuna shida hii ya watoto kuzaliwa nje ya ndoa: watoto wale wamezaliwa nje ya ndoa sana sana ndio unapata wanakua chokora. Kwa sababu yule mama ameolewa hapo hamtaki hata kidogo na hata huyu mtoto akiwa mwerevu shuleni, na watoto wa yule mama ako sio werevu, huyu mama atafanya means yote kuona huyu mtoto ametoka shule. Napendekeza ya kwamba bwana akizaa mtoto nje ya ndoa atunze huyo mtoto vile kama yule mtoto amezaliwa mtoto asome amalize kusoma ndio arudi kwa boma.

Mwisho na sema juu ya kurithi shamba: tunaona ya kwamba mtu yule anatumia shamba ni mwanamke. Kwa muda mrefu muda wa mwanamke wote duniani anatumia shamba. Lakini wakati wa urithi hana ruhusa ya kurithi shamba. Ningependekeza ya kwamba, shamba iwe ikirithiwa na kina mama. Mama ndio atajua kupeana shamba kwa mtoto, baba atataka kupatia watoto hata wale ameletewa ambao sio wake.

Com: Swazuri: Asante sana mama. Morris Omusumbi, atafuatiwa na James Othongo awe tayari James.

Morris Omusumbi: Asante sana ma-Commissioners mimi ni Morris Omusumbi na sita ongea mengi kwa maana wengine tayari wameshaaongea nataka ku-save time.

Nitaanza na upande wa President: inatakikana yule President tutamchagua kutumia Katiba hii awe President wa kuangalia kila pahali hadi Kenya iwe kama kwa boma yake. Ikiwa hivyo appointment yoyeto akitaka ku- appoint iwe imekua approved na Parliament kwa maana vile history imeonnyesha unaona kama vile ikiwa mimi ndio President Chairman yote ya kutoka Parastatal na ma- Ambassador wanaenda huko ng'ambo na watu wanatoka sehemu hii, sehemu hii, na hatutaki kitu kama hiyo.

Kitu cha pili, maendeleo: ningependelea Serikali iko mamlakani ichunguze maendeleo kama inatakinana mahali fulani, maendeleo gani inatakinana mahali fulani

Tuku.....(inaudible) tumepata mambo kiongozi akiwa mahali fulani, anatumia wanatumia step(inaudible) eti ana siasa mbaya na sehemu yake haiwezi kufanyiwa maendeleo. Tuseme kama huku msemaji mmoja alisema siwezi kumtaja, yeye hajui kazi nini lakini ukiangalia Kenya si masiki ni haiwezi kuweka dawa ya Butere iko tu mambo ya kisiasa. Basi ikiwa ni kuteketeleza mambo ya maendeleo ni kila pahali ikiwa vile mambo ilivyo saahi wamekusha(inaudible) na financial year hiyo damu iwekwe na ikiwa factory sehemu zingine factories hiko na siwezi kusema kila mahali pastoral iwe kwa maana kila mahali kuna suitability wa mahali.

Kwa hivyo kitu ya nne, tuseme kama hii hydro power stations iwe ina nangalia rivers kama hapa Western tukona roads Kisumu mambo ianaendelea wao wanaweka hivyo. Sio kama ilikuwa 1981 stima ilipotea kwa ajili mvua ilikosa kunya sehemu waliweka hydropower extensions peke yake, ingi kuwa ingine iwe upande huu hatunge kuwa na hiyo shida. Hata sasa vile

tunazungumza nilikua.....(inaudible) kwa ajili ya hiyo na stima imekosekana si kwa makosa.

Nyingine upande wa Provincial Administration: hatuwezi kukata iende lakini pengine vile inafanyika, ikiwa vacancy tusema kama hapa itangazwe wale wameshafanya advertisement kulingana na advertise ina takinana DC yule anafanya interview kwa hao watu ni wale huo wanafasi tatu sasa hao watu watatu wapelekwe kwa hiyo sehemu inatakinana hiyo wananchi wenyewe kuwa..(inaudible) hqalafu wachukuwe mmoja ndio hapa tutapata ukweli. Siwezi kuongeza sana nikisema nitaongea mengine.

Com: Swazuri: James Othomo ameenda, Edna Apei amenda, Joel Osonga ameshatoa aejiandikisha mara mbili, Chrispine Kusinyo.

Chrispine Kusinyo: My name is Chrispine Kusinyo Im representing st. Agnes Parish

- Citizens should not be exploited by the police and taken to court and being forced to accept the offence they have not committed.
- There should be free primary education to ensure that at least every citizen has knowledge and he is aware of his rights.
- There should be maximum individual land owning and not the rich to possess 1000 acres of land while the poor no less to give. There should be reduced expenses of land transfer from one person to another, in this way those people who are unable will get the opportunity to bare a land.
- Government money for building the country should be divided equally in every section of the country.
- Most of the educated citizens waste their knowledge because of lack of job opportunities; therefore there should be a guarantee to all professions of getting employment after their studies.
- MPs should be full time occupation and no MP should be allowed to miss any Parliamentary sitting without a proper reason, and at the same time no MP should just be in the Parliament to warm the seat but should also give his views.
- President should not be above the law but the law should work on every individual in Kenya on the same without considering the status of Individual.
- MPs should have offices within their constituency to enable them meet their people and learn more about their problems.
- Once the President dissolves the Parliament he should also use his powers and go for the campaign just like any other citizen somewhere in the country campaigning.
- The Attorney General should lead the country upto the time a new President is elected.
- 210 Members of Parliament elected are enough to plan for the country and thus there is no need of having Nominated MPs because this gives the President a chance to pull his freinds in Parliament who may not be possessing the quality of leadership.
- There should be a Prime Minister who can share the duties of leadership, with this the President will get enough time to visit all parts of the country, and by this he will learn the problems of all citizens as the Prime Minister assists him Internationally.
- The idea of land being auctioned to pay credit should not exist, because where do you expect the person to go after taking all his land? Paying a richman somewhere with more than enough land.

- The police should take immediate action on any reported crime and not to relax when getting information on robbery cases and yet when they hear of there being a local brew such as changaa, they will rush to the scene pick the victim beat him and demand for kitu kidogo or whatever they prefer.
- Women who are fond of getting married and after the dowry is paid she shifts to another place, and there she get married after dowry she continues the same game, should be taken to court and pay the dowry to all men she had married to towards what.(inaudible). Thank you.

Com: Swazuri: Are there such woman really? Okay lets listen to Timwana Sandey kama hayuko, Welud Okwaru, Teresia Wasua Teresa, Wilshan Nasare hayuko, oo please to be follwed by Salim Juma.

Wishan Nasare: Kwa majina mimi naitwa Wilshan Nasare Mahero, natoka sehemu ya Mutoma Marama central. Nikiwakilisha vijana katika kanisa.

Hapa nchini Kenya kuna uhuru wa kuabudu katika makanisa pia kuna makanisa, mengi sana ambayo yameundwa na kujengwa nchini lakini hayana msingi kabisa. Kuna chuki na ufidadi hii ina maanisha ya kwamba makanisa mengine hayana proper visions ama headquarters ambayo yana ingia kwa sababu Kenya kuna uhuru wa kuabudu.

Interjection: Speaker: Sasa tufanye nini tuambie proposal tu urekebishe vipi?

Wishan Nasare: Nataka Katiba iwekwe ya kuangalia makanisa hasa yana ingia wapi na yana maendeleo gani.

Watu wakikosa maelewano katika kanisa fulani, mtu yuko uhuru kuanzisha kanisa lake la kifamilia ili ajinufaishe kwa kupata pesa. Katiba yafaa iwekwe kupunguza makanisa ambayo hayana msingi kamili. Hapa kuna watu ambawo wanaabudu miungu tumesikia visa vya feeding kunyonya watu damu, kukatwa sehemu fulani za mwili wa binadamu, kupotea kwa watoto wengi wa shule, hata wakati wanapoenda makanisani. Katiba yafaa ichukulie maanani mambo kama hayo. Katiba iwekwe na kuchunguza makanisa aina hiyo maana hiyo sio uhuru wa kuabudu.....

Interjection: Speaker: Kidogo tu kwanza umesema kwamba Katiba ichunguze makanisa hayo.

Wishan Nasare: Ndio.

Speaker: Halafu pili nimesikia ukisema watu waruhusiwe kuunda makanisa hata ya kifamilia?

Wishan Nasare: Hapana sija sema waruhusiwe, waruhusiwe kuwa na kanisa ambalo limeithinishwa na Serikali.

Speaker: Okay.

Wishan Nasare: Mikutano ya injili iidhinishwe na Wabunge au Ma- councillors kwa maana wao ndio watu huleta maendeleo

katika makanisa. Maendeleo hayo hufanya makanisa mengi kuanzisha nursery school, kuanzisha shule za msingi au shule za upili. Pia Katiba inatakina kuwekwa kuangalia kanisa fulani lina mwamini nani na watu hao huokolewa kwa jina la nani. Maana kuna baathi ya watu wanaoabudu miungu wengine shetani, wengine wataabudu kuamini na kuabudu hata paka na mbwa.

Ningependa kueleza pia point nyengine nimeandika kwa Kingereza kama mnaweza kunipa fursa na niweze kuendelea.

Speaker:(inaudible) dakika moja tu.

Wishan Nasare: Asante. I am going to talk on citizenship. Anybody born in Kenya after 1963 and whose parents are born Kenyan citizen should automatically be a Kenyan citizen. A child born of one Kenyan parent regardless of gender should be given equal status of a Kenyan citizen; until the child is 18 years old after which she /he will be required to choose his/her citizenship. Spouses of Kenya citizens regardless of gender should be entitled to automatic citizenship. After 7 years of marriage he/ she would have been continually be a resident in Kenya for all this period of course the spouse goes to abroad for scholarship or work purposes he/ she will still be considered as being a resident in Kenya.

Speaker: Thank you very much(Inaudible) Salim Juma.atafuatiwa na Ogoti Henry awetayari.

Salim Juma: Mimi ni Salim Juma Manya, Sheikh wa Butere. Kwanza nashukuru hii tume ya kurekebisha Katiba ya Kenya kwa vile imekuja hapa Butere. Na sisi kama Wakenya wengine tutoe maoni yetu, na tunaona kwamba yale ambayo tunayazungumza ijaribu kuwajumlisha wengine ili tutengeneze Katiba ambayo ita husu kila Mkenya kwa sababu ile tuliokuwa nayo haiwezi kuita Katiba. Kwa sababu hatukuhusika wala hatuijui.

Kwanza ningeanza kuzungumzia na kiongozi wa kiislamu: sisi kama wakenya waislamu tumewekwa mbali kabisa hatuna kiongozi yeyote ambaye anasimamia maslahi ya kiislamu hapa Kenya. Wakati mathehebu mengine wako na viongozi wa aina hiyo. Kwa hivyo tunaomba ile Katiba ambayo inakuja itupe ruhusa ya kupata Sheikh na mkuu ambaye atashughulikia maslahi ya Waislamu na Uislamu nchini Kenya. Ambaye ataitwa Sheikh na kwa kiarabu tunamwita *Amir* ni bila shaka hili jambo nila muhimu sana kwa sababu hata hapo tuko hatuna kiongozi na hatuwezi kuwa Wakenya wamejiunga na Kiisalamu na tukose kiongozi. Hapo(inaudible).

Jambo la pili, nazungumzia chama: tunaomba tupate chama cha Kiislamu, nikisema sipendekezi chama cha siasa bali napendekeza chama cha Kiislamu kama vile katika ukristo kuna NCCK. Hiki chama kitashughulikia na kuweka kumbu kumbu za Kiislamu na hazina kuu ya Waislamu ambaye tunaita kwa kiarabu *Bey-tul- mali*. Na chochote ambacho kitawekwa pale kitakuwa kinashughulikiwa na watoto waliofiwa na wazazi wao mayatima, wajane , wasiojiweza, masikini, kusimamia madarasa, malipo ya ustadhi na ma Imam.

Jambo la tatu, Kadhi: hapa kwetu Kenya tunaolewa ya kwamba Khadi ndiye kiongozi wa Kiislamu lakini Kadhi ni lugha ya Kiarabu ambayo watu hawaelewi. Kadhi sio kiongozi wa Waislamu bali Kadhi kwa Kiswahili ni hakimu. Na Htuwezi kuchukuwa maswala yetu ya Kiislamu tumpe hakimu kortini iko mahala pake. Kwa hivyo ndio sababu tunahitaji Sheikh. Na Kadhi ambaye tunahitaji tuwe naye tunaomba waislamu wote wakutane na halafu wachague Khadi ambaye atakuwa Kadhi mkuu na wala kusiwe na kile kitu cha ukoo na ubwana kwa sababu Makadhi wote ambao tuko nao wanatoka Mombasa. Na pia sisi ni Waislamu na tumesoma. Kwa hivyo Katiba ambayo tunataka, tunataka Katiba ambayo iko macho sio Katiba ni nusu.

Mavazi: watoto Wakiislamu mahala popote pale walipo hususan shuleni naomba Katiba iwa ruhusu kuvaa hijab na mavazi ya Kiislamu lakustiri mwili yao. Na hili vazi tunaomba Katiba vazi lolote la thehebu kama vile tumeona Father amekua hapa na vazi lake, mimi siwezi kulivaa nikienda kwenye dansi ama kwenye bar ama kwenye pombe. Na utakuta sisi Waiislamu watu wanaiga na kununua hizi kofia za kiislamu na kuingia nazo kwenye mabar. Tunaomba sheria ambayo inakuja ichunguze jambo kama hili, kila kitu kipewe haki yake.

Pombe:kusiwe na pombe halali wala pombe haramu, kama tunavyoelewe masetla wale jamaa walijua kwamba tukiwacha hii pombe ya kienyeji hatutapata mtu wakufagia nyumba yetu na kuosha nguo zetu. Sasa wakawacha hii pombe ya bia na nini sijui vile wanavyoziita ili ziwe ni za watu wakubwa na Wakenya ambao wamewaandika ule mshahara ambao wanaopewa hawawezi wakanunua hiyo pombe. Sasa ikabaki ni hao wakubwa na hao wadogo wabakie kunywa pombe hii ya haramu. Sasa sisi tunapendekeza ya kwamba kusiwe na pombe ya halali wala pombe haramu. Kwa sababu yote ni drug abuse na inapatikana katika vitu ambazo vina sababisha majanga kupatikana katika nchi yetu, na vile vile sipendekezi kuwa na rest place.

Speaker: Neno la mwisho dakika tano(inaudible)

Salim Juma: Hizo dakika moja nitajaribu kusoma moja mawili, matatu usharati.....

(inaudible) uhasharati kusiwe na vibali vya kuwaruhusu wanawake kuuza miili yao mjini ama kijijini. Hili jambo lina sababisha madhara na hususan wakati huu ambao kuna maradhi ambao haina mikomo. Kwa hivyo hatupendekezi Katiba kuruhusu mambo kama haya.

Raisi: mamlaka ya Raisi ipungizwe na hali kadhalika Raisi asiwe juu ya mamlaka ama sheria kwa sababu atakapo kosa hatuna mahala pa kumweka; ndio kwa sababu mambo inaendelea kuharibika kwa ajili raisi yuko juu ya sheria.

Tuwe na waziri mkuu, na waziri mkuu achaguliwe na wabunge wakati wanapo kutana bungeni, na aunde Serikali ya mseto, itakayokuwa na mawaziri kumi na nane; sio mawaziri thelathini kuvunja pesa za umma na huku masikini wana lala njaa. Mbunge anapo chaguliwa kwa kuwa sasa mishahara yao ni mingi sana pesa ziwe zikikatwa kule Bungeni halafu ziwe zinawekwa mahala zijenge hospitali wakati wa miaka mitano kumalizika na hio hospitali pia iki imararisha room tatu za wagonjwa kulala. Kwa sababu wamejiongezea pesa nyingi sana. Natunapendekeza Bunge linalo kuja baada ya Katiba

kutengenezwa mishahara ya Wabunge ipunguzwe.

Speaker: Haya asante sana kuna swala kidogo.

Com: Salome: Asante sana Mwenyekiti, asante sana Sheikh. Umesema wanawake wasikubalishwe kuuza miili yao, na wenye kununua pia wakubalishwe ama hiyo biashara ipiinge wenye kuuza na kununua?

Salim Juma: Mwanamke kama ningekuwa na fursa ningeeleza sana lakini sana wanaanzia kuuza miili kwa mavazi. Na huyu wakununua anaanza kuwa attracted wakati anapo ona vile amevaa, sasa hiyo inamfanya ana kwenda kununua. Lakini anapoficha mwili wake na ajiheshimu, basi hakuta kuwa na wakununua na atakuwa anakuwa ni mke wa mtu na atakua anajiheshimu.

Speaker: Asante sana Sheikh njoo ujiandikisha asante. Ogoti Henry hayuko, Jesse Iganga you ARE Ogoti no Ogoti Henry okay, Jesse Inganga, Eda Luta,Ernset Akwera atafuatiwa na Musila Amulundu.

Ernest Akwera: Kwa majina ni Enerst Akwera representing Butere Mumias cane cutters, Soweta cane cutters youth group. Urithi na ukoganzaji wa uwezo: anaye kuwa na mamlaka ya nchi wakati wa uchaguzi wa Raisi ni mkuu wa sheria na mkuu wa majeshi. Matokeo ya uchaguzi wa urais ya tangazwe kwa kupitia mikoa wa wilaya.

Haki za ki msingi: mimi kama mtu wa kibarua ikiwa kama mimi mkataji wa mwiwa. Kitu cha kwanza na teseka nacho. Ninatoka nyumbani kwangu saa kumi ya usiku,na nikitoka sa kumi kurudi ni saa mbili ya usiku, sijue Serikali ina maasa ya mtu kufanya kazi, ama kampuni hii ina masaa yake binafsi?

Kampuni hii hairuhusi mkatagi kununua sukari kwa staff price nasijui ni kitu gani kinafanya mtu wa kibarua asije akanunua sukari kwa hii price na ni staff mmoja wao wa wafanya kazi. Mkataji lazima awe permanently employed.

Anaye kuwa Rais lazima awe Mkenya, awe na miaka arubaini mpaka hamsini na tano, awe na afya mzuri, awe na cheti cha chuo kikuu, awe na barua ya school of law. Sio eti mtu anatoka kulinda ngombe awe Rais. Awe na bibi ambaye ana julikana nchini kote, awe na watoto.

Health : kuna mdudu ambaye umetuingilia unaitwa ukimwi, madaktari waangalie vyema vizuri ikiwa kipimo chao kinaonesha mtu ana ukimwi, apatiwe alama kwa uso. Mimi nikiwa na ukimwi nikipata msichana ambaye ana alama ni fanye naye mapenzi. Sio tu mtu kwenda akiambukiza wengine ukimwi.

Speaker: Tumsikize tafadhali, haya endelea.

Ernest Akwera: Raisi asiwe na mamlaka ya ku-appoint Attorney General, sababu aki kosa atashtakiwa na nani? Ni hayo tu.

Speaker: Asante sana, nafikiri tukiweka hizo alama wengine hata hawatatembea, nimesema Musila Amulundu, Fredrick Ochomo afuatiwe na Francis Okoma.

Fredrick Ochomo: My names are Fredrick Ochomo and I m glad to present the following to the Constitution Review Commission. My main points are eduction and health.

- 1) Kenya is a very good country and to have such a country it must have healthy people. I have realized that the death rate in Kenya is every high. Very high because most people cannot afford treatment like fansida and so on; and therefore, the new Constitution should allow free treatment in all government hospitals. This will reduce thwe death rate, which is affecting all Kenyans.
- 2) The new Constitution should give assurance of employment to any successful student after job training. These will alleviate high unemployment in the country.
- 3) The new Constitution should allow a good education system, which at present seeing current and future problems of pupils, whereby textbooks are not changed from time to time. You will get to educate a child that(inaudible) now, tomorrow. The new Constitution should also assure free education in all primary school, not saying free education today and DDCcomes and says no.....(inaudible). Affordable fees in secondary schools and training institutions. I m a teacher and I feel that problem.
- 4) Equal distribution of scholarship: you get that because of poor division of duties to get like a Permanent Secretary comes from one community, Minister, in that community and in such way equal disribution of scholarship most.....(Inaudible).

Interjection: Speaker: We are not getting what you are saying.....(inaudible).

Fredrick Ochomo: Thank you Sir. I said that there should be a free education in primary schoool, whereby that thing should be free, we don't want to say there is free education tomorrow the DEB says give this and that and that. This contradicts Parliament and(inaudible).

Equal distribution of scholarship: I have said that there is no equal distribution of scholarship, many people are getting scholarships while others are not getting.

Form six should be reintroduced, this will prepare mature entrants to university, also it will avoid bridge and bridging courses at external universities. Because a form 4 leaver here goes to Uganda to join Makerere university, will be given a bridging course for one year and therefore form 6 should be reintroduced.

Education system also should be premanent not changing time to time due to politic.

- 4) The new Constitution should allow free medical treatment(inaudible) there is also this thing called NSSF and NHIF, I don't know how it works but I would like the Constitution to address it. Because it is helping senior people, or these senior politicians and I would propose that NSSF should be handled as a co- operative society whereby contributors can get

dividend and also loans. This will help such people rather than wait for such a people to die or retire.

Lastly, I will say: the Constitution of this country should allow Presidency to rotate. Last time it was in central if you go central province like Kagumo there are so many things in Central Province and Nairobi. Come to Rift Valley talk to universities, colleges, tarmac roads which vehicle are not there instead goats are lying on them. And in Butere here or else there is nothing like such and if the President of this country can rotate, say today it goes to Western province we can have that influence in Western province and it goes to Nyanza we shall have that influence and then it goes to Coast province, we shall have that influence. And this could also help equal distribution of wealth development due to Presidential influence.

Speaker: Thank you very much, just hold on Mwalimu just hold on there.

Com: Salome: Thank you very much Mr. Ochoyo, my question is we do need to rotate the Presidency or we need to put a government that looks into all aspects of this country in spite of where the Presidents comes from. The reason I'm saying is that it is important to(inaudible) even if the President went for ten years and you multiply that by 42, some people will have to wait for 420 years in order to get the Presidency. Does the Constitution have to institutionalize that type, or do we need to address the issue and say each part of this country has a right to development?

Fredrick Ochoyo: If I had powers I would allow this Constitution to be like that of America. But because I don't have powers to do so, and in Kenya it seems historically or tradition that since this one has been a President this one must come from that particular person. And if the Parliament can say because this one has benefited so much this one should also benefit so much like this person standing here and there, and this person should be each to be a leader or cohe.....(inaudible).

Com: Swazuri: Hayo ni maoni yako asante sana, nenda ujiandikishe hapa. Francis Okoma.

Francis Okoma: Kwa majina ni Francis Okoma, Butere. Ningependa kutoa maoni ifuatayo:

Kwanza ningependa kuongea juu ya mkuu wa sheria: ningependekeza kwamba tungekuwa na sheria ambaye ingesema mkuu wa sheria asichaguliwe na Raisi. Attorney General should not be appointment by the President, kwa nini? Tunajua kazi ya Attorney General ni nyingi kulinda nchi yetu. Kazi ya Attorney General alikuwa amesha chaguliwa na raisi it is possible for President pocketing him halafu mambo iharibike. Kwa hivyo ningependekeza, he should be appointed by the Law Society of Kenya.

Upande wa President tena: President awachishwe kazi ikiwa kutakuwa na mambo yafuatayo:

Kwanza, ikiwa usalama wa nchi inaweza kuwa mbaya kama civil war. Ikiwa tunaweza kuwa na watu na tunaweza kuwa na civil war halafu watu wakufe zaidi ya mia mmoja kwa place moja tena mwezi ujao wakufe zaidi ya mia moja; tena mwezi ufuatao wakufe zaidi ya mia moja. Hapo ningependekeza kwamba Raisi anastahili ku-resign awache kazi kwa sababu atakuwa

ameshindwa kulinda usalama wa wananchi.

Ningependekeza tena hivi, we should have prisons kwa district levels. Tuwe na magereza katika district levels. Hii ni kwa sababu kuna wenzetu amabao wako kwa magereza shauri hizi magereza ni ndogo na wafungwa ni wengi. In fact tungekuwa na magereza kwa district levels hatuta kuwa na shida watu wanakufa kila wakati.

Kenya should have only one opposition party.

Ya sita ni hii mambo ya case kwa kortini: ningependekeza case kwa kortini zifanywe kama muda mrefu ichukue miezi mitatu sababu, hii zimekwa kama ndoano za wana sheria wetu the only Judges and Magistrate kkupata riziki yao hapo kwa upande wa hongo. Kwa hivyo napendekeza mtu zaidi ziwe miezi mitatu.

Upande wa pesa kwa wale matijiri wetu: kuna wale matajiri wetu ambao wako na uwezo wako na pesa nyingi, ningependekeza ikiwa hizi pesa zingekuwa pesa nyingi sana ambazo(inaudible) mbele ya ziko mtu mkenya asiruhusiwe kuweka kwa benki. Nafikiri tungekuwa na sheria na hiyo ingewafanya wa anze kutumia hizo pesa kwa mradi ingine ambazo watu watanufaika nazo.

Ningemalizia hivi, wale dormant MPs: dormant MPs should be rejected, na watu waanze ku- resign. Ikiwa Mbunge ako kwa Bunge na hafanyi kazi vizuri wale walimchagua wapeleke ujumbe kwa DC. Na if the population wanaweza kuwa more than sixty or 55 and above then, DC na wale wengine wakubali na huyu mbunge a force wekuwacha kazi na ku- appoint mtu mwingine.

Com: Swazuri: Asante sana kwa maoni yako nenda pale ujiandikishe. Margaret Otota.

Margaret Otota: Kwa majina ni Margaret Otota na simamia kikundi cha vijana ni

wasiojiweza na vipovu na wasiojiweza kabisa. Hao ni watu wa zima na watoto kwa jumla, wanawake na wanaume. Hao ni watu ambao wanajiweza kidogo na wasiojiweza kabisa. Nia yetu tume kuja pamoja kama kikundi kutafuta mahitaji ya wale watu wasiojiweza.(inaudible) ili kupata hayo mahitaji.

Speaker:(inaudible) tuwafanyie nyinyi hao watu.

Magret Otota: Nani atapeana hayo mahitaji?

- 1) Serikali.
- 2) Serikali ya wilaya.
- 3) Mashirika ya isio ya Serikali.

Shida inayotokea hapo: hatuna ofisi ambayo imehitimu ilio tunukiwa na Serikali ya wilaya na mashirika yasio ya Serikali.

Wanaweza kutupatia mwongozo wa kutosha kwa mahitaji yetu kuwa na kwenenda.

Kwa kupewa mwongozo na kusaidiwa kupata mahitaji: wafanyi kazi wanao hudumia mambo yote yanayo husika na matibabu ya hospitali ambao wamehitimu na kuandikwa na Serikali.na Serikali ya wilaya na mashirika yasio ya Serikali.

Katika kila hospitali: leo tunahitaji kuishi maisha ya kujitegemea, tunahitaji kuhitimu kulingana na hali yetu. Tunahitaji kupata

Mtanisaidia kidogo kwa sababu macho ndio huwa inani sumbua.

Speaker: Sasa basi soma ile ambao unaweza na zingine tutaenda kusoma.

Margaret Otota: Wale wasiojiweza kabisa wanahitaji huduma za kuimarisha hali ya maisha yao na pia wanahitaji wahudumiwe na maisha yao yote. Kwa(inaudible) ya maisha yao.

Tafadhali hata macho haioni.

Speaker: Haya Asante sana tutaenda tusome vizuri, mama nenda pale ujiandikishe. Gideon Mutuli.ni wewe haya karibu dakika tatu tafadhali.

Gideon Mutuli: kutoka Marenyo location. I present the issue of political on the following to the Constitution Review. I would like to talk about(inaudible) that to many points that is political and on the economical(inaudible)

First, the post of Prime Minister and two deputies should be created with ceremonial President in the office.

The Prime Minister should act as the Executive but his/ her powers should be checked so as to avoid dictatorial Parliament. In connection to that Vice President post should be scrapped. The Prime Minister his/ her deputy must be elected directly by wananchi.

For one to be declared as a Prime Minister he/ she must gain at least 50% of toatal votes cast, if the winner does not make the requirement then there must be a run off between the first two candidates; the winner will be candidate with a majority votes.

On the side for elective post must declare their wealth inorder to curb massive corruption. All senior personalities appointed by the Prime Minister must be voted by the Parliament, This includes Parastatals, Permanent secretaries Police Commissioner, Attorney General and the Chief of General staff. Academic and professional qualifications must be considered so as to avoid situations whereby only politically correct individuals are given senior posts where they perform badly.

All those implicated in massive corruption must not be given amnesty and must not hold posts in both private and government

sector. Those implicated in corruption must resign their posts immediately to pave way for investigation.

All the aspring Councillors must have a minimum education or academic qualifications of at least O'level. This will make them more efficient in their running of their councils.

Mayors, County Council Chairmen and Municipal Chairmen should be elected directly by wananchi.

Members of of Parliament should be elected to Parliament for two limited terms of 5 years.

The Prime Minister should not be a Member of Parliament but must attend Parliament sessions once a week to answer questions of national importance.

There should be a coalition government made up of most competitive broad political parties.

On economic importance: I said that it should be a criminal offence for anyone to import goods that can be locally produced in this country this includes sugar, tea, coffee and more. This will help to improve the collapse of our local factories it all reduces the level of unemployment in our country. to the Commission.

Speaker: Thank you very much can you register here, Eric Inzai, William Onyango akifuatiwa na Joseph M Wasumwa.

William Onyango: Mimi kwa majina naitwa William Onyango kutoka katika sub location ya Masaba. Lengo langu kuhusu ubadilishaji ya Katiba ni kuhusu mambo ya: mtu anapo kufa hospitali iwe wapi iwe Nakuru popote pale heri Serikali isaidiane na mwenye maiti ili wamsaidiye upande wa uchukuzi. Wamtumie gari yeye mwenyewe alipe mortuary kwa maana mtu ni mali ya Serikali sasa anapokufa wamwachie mtu binafsi.

Ingingine ni, polisi ikimchukua maiti ya mtu kupeleka hospitali kufanya uchunguzi, tuseme mtu amekufa kwa njia ambayo sio halali; heri tena wamrudishe kwa maana watu hatuko pamoja kwenye pale kumtoa maiti kwenye hospitali kumrudisha ni kazi ngumu.

La nne, kesi ya mashamba ifanywe na wazee wa kijiji hicho, kwa maana wazee ndio wanajua hilo shamba. La sivyo Serikali itoe kundi ya kuweza kumsaidia yule mtu ambaye amelemewa kwa maana kesi inaweza kufanya na mtu tajiri na mtu asiye jiweza na kesi inapoenda mbali mtu asiejiweza atafikaje kule?

Ya tatu, upande ya mahospitali nimeonelea hivi: matibabu Serikali waangalie na wakadiriye ushuru ambayo tunanunua nazo vitu wakadiriye wakati kodi yetu malipo ambaye tunaweza kulipa kwa hospitali wakati kwenye kodi ya bidha. Kwa maana sisi waraia wengi wetu hatuna pesa kila wakati na unapoenda hospitali wakati hauna pesa utakuwa mgeni wa nani? Kwa hivyo vile tunavyo ona sisi ni mali ya Serikali, Serikali ichukue jukumu hio ya sisi kupata matibabu ya bure na kama ni malipo, wakate kwenye kodi za vitu kwa maana hatuwezi kukaa na pesa wakati yoyote mkononi. Asanteni. Yangu ni hayo tu.

Speaker: Asante sana mzee wangu, nenda pale ukajiandikishe. Joseph Musumo haya. Nenda hapo mzee.

Joseph Wasumwa: Kwa majina Joseph Momanyi Wasumwa kutoka Muyundi sub location. Yangu ni mafupi nitasema mafupi sana.

Kwa equal distribution of wealth in Kenya: wafanyi kazi wa Serikali civil servants. Katiba ijao sisi ruhusu mfanyi kazi yoyote wa Serikali afungue biashara yake mwenyewe inayo fanana na hiyo ambayo anafanyia Serikali. Kwa mfano:

Daktari akiwa na clinic yake anaishiwa na madawa kama ya malaria hawoezi kujizuia kuchukua dawa kutoka anapofanya kazi au afikire biashara yake. Tena daktari akiwa katika kazi na simu inamwita ati mgonjwa katika clinic yake; ma mtu anakaribia kufa atalazimishwa aweke makasi na nyele za kupasua akili akimbilie mgonjwa wake katika clinic yake.

Speaker:(inaudible)

Joseph Wasumwa: Na mfano wa pili: akiwa daktari yake na mumpoteza mswada fulani kama.(inaudible) hata ogopa kuchukua hiyo(inaudible) anapofanya kazi lakini hapo maneno yanangu yote mtu mmoja kazi moja. Hapa kila director wa kiti fulani na tena manager wa kampuni fulani hii ni kuzidisha ufasadi na kozorotesha uchumi Kenya. Kwa sasa kuna watu wengi wamesoma na wanapendelea kufanya hizo kazi.

La mwisho nataka niseme lingine ambalo hili naomba makamishana wakienda round hapa wasichukue wasichana waweza kurithi shamba. Hiyo ni sentive issue kabisa kwa maana msichana akiwa hapa huwa anaenda kupata shamba kwake kule ambako ameolewa. Asanteni.

Speaker: Asante sana mzee nenda pale ukajiandikishe. Kuna wanafunzi hapa wanao pia la kusema, ni wewe? From Mukolo school haya wakilisha maoni yao.

Simon:(inaudible) Simon from Mukolo secondary school history department. And I would like to air my views under the following headings:

- 1) Distribution of National wealth: the Parliament should ensure through their work that each and every district in Kenya has been given adequate finance to develop by itself.
- 2) Security: in order for good security of the State the government should give first priority to soldiers who are responsible. This are good salaries this will tear off corruption among the department. The criminals who are caught have gone discipline and(inaudible) so that their riots should be plucked off.
- 3) Provincial Administration: Village headmen should also be among the list of civil servants who are paid salary. PC, DC and DO should be elected.
- 4) Elections: those MPs who promise wananchi a lot of things of which they don't do during campaign should be accounted by the court of law if they don't do it.

- 5) Poverty eradication: every division should be given funds by the government in order to assist those people who are poor. The government should supply seeds to the farmers at a cheaper price and things such as sitting allowances should not be there. For these persons who are given sitting allowances and as it can be used to help the poor.
- 6) Traditional practices: Female circumcision should be abolished completely for it is miserable and can cause the life of these ladies. Some practices that have been done in the past part should also be done away, like women inheritance.
- 7) Education: free education to all Kenyans.
- 8) Lastly, Parliament: MPs salaries should be reduced. The act of nominating MPs should be abolished since the voters have made their one decision regarding their behaviour.
- 9) Attorney General should be a Member of Parliament elected by people holding a position in government chief lawyer. Then mamlaka ya Raisi the President should only be Head of State and government not of other institutions in Parliament and Judiciary since he gives opinion he can't explain for them. Powers of the President to be reduced. Universities Chancellor should be extended in the next Constitution. that is what they have.

Speaker: Which class are you in?

Simon: I'm in form four.

Speaker: Thank you very much, Stephen. come here please Stephen Jalenga, Simon Bnaji, Fridah C. and we called her name sometimes back.

Frida C. Ombuko: I am Frida C. Ombuko, I am representing Butetero group and I come from Butere central. Haki ya makundi yanayoweza kudhulumiwa:

Watoto chini ya 18 years of age:

- 1) Rapist: given death sentence if found guilty.
- 2) Circumcision :(inaudible) circumcision of girls and women should cut off.
- 3) Early marriages: strictly or heavy punishment be given or imprisonment.
- 4) Away from parents: stop children under age to stay away from parents, that is in boarding schools, maids head boys that should be stopped if possible.
- 5) Uongozi na matumizi ya mali asili: hapo awali tulikua na kitu ambacho kinaitwa East African Community(EAC) if it is possible make the condition forced into consideration for it(inaudible)and it is operational.

Speaker:(inaudible)

Frida C. Wambuko:.....(inaudible) thank you.

Managers: managers have given jobs at random that is on friendship or on relationships if it is possible check on specific

qualifications and experience.

Taxes: I m not going to talk much about taxes but, impose punishment or imprisonment on mismanagement of public money. If money is collected let it be distributed equally to the whole country. the rest you will rea from the paper.

Minister for Finance: let his papers give him his job, let the rightful people of this qualification help in choosing in ideal man or woman. This region should be announced before he starts the job there after 6 months they should be announced also. Let all auditors from all the provinces check on his records as they wish.

Exported money and riches: we have many people who have a lot of riches outside the country, they have money outside the country, I would like the government to be very serious on that so that all these riches and money comes back to the country. Money generating areas I know that one(inaudible) and introducing a lot of industries factories, banks, co-operative, societies to create a lot of employment around the country.

Water : lake water to be given free.

Education: let agriculture be taught in all primary schools upto university level for it is the backbone of the country as far as it riches is concerned.

Last, Commissioners Chairman: the Commissioners Chairman is not a black African and if he has a citizenship he is not a black African and so he/ she should be a black Kenyan who understands Kenyans very well; and can understand them in Kenyan languages and speak them well. If it possible we should have and know the original of their cultures. Thank you.

Speaker: Thank you go and register there please. Samuel Sumba not there, Peter Lubanga be followed by Solomon Olutenyo.

Samuel Sumba: My names are Peter Sumba from Pokot. Ningependekeza:

There should be 8 political parties as per provinces where province iki rule tunajua vile ingeinda if it Western the next will be Coast or so on.

Justice, lawyers, Magistrates should be voted to reduce corruption.

One job one opportunity.

Government should be honest and fulfill the promises to normal wananchi, because last time walisema tumefanya education free bu I m not seeing it.

Shambas or wealth should be divided at the age of 20 years or after marriage. Succesation should be about 30 years or 70 years.

A fraction of parents salary or wages should be set apart for education or for use in the boma. You may find somebody having big cheo in the government but he has no home. there should na tetea haki za wanaume waendelea na kurithi na waendelea kuwa wakubwa wa home.

Com: Swazuri: Asante sana Solomon Olutenyo, Johnstone Epinge amepeana, Peter Shirongo.

Peter Shirongo: Kwa majina Peter Shirongo kutoka Bushenyi sub location. Mimi maoni yangu ningependelea kuweka mbele ya tume ya Katiba. Kulikuwa na Katiba mwaka wa sitini na tatu ambaye ilitoka Lancaster House; na hiyo Katiba haikufanya kazi. Hii Katiba ambaye inaendelea ni Katiba ya mtu mmoja, kwa hivyo sisi Wakenya tunaonelea hii Katiba ya mtu moja inatufinya. Na tungepedelea kulikuwa na wazee ambao walitoka Lancaster House wanalii wako taa. Hao wazee wangepewa nafasi ya kurekebisha Katiba yetu ya Kenya, kwa sababu sisi wananchi hakuna vile tunaweza kutengeneza Katiba.

Com: Swazuri: Tunataka kumjulisha Bwana Peter Shirongo kwamba wale wazee wa Katiba ya mwaka sitini na mbili, sitini na tatu tumekua nao kwa seminar zaidi ya tano, wakitusaidia: kwa hivyo sio kwamba tunawadharau lakini tumekua nao seminar mara mbili Mombasa na tumekua nao seminar Nairobi mara mbili. Na wako huko wakati wowote kuja kwenye tume na kutupatia maoni yao ilitusaidiane nao.

Tuko na Jane Omosula hayuko, Stanley Nikiko hayuko, Joris Asiko amepeana, Amukole Mboni hayuko, Habil Ogoma, Kasi Maina, Bernard Makhokha jua kali group haya karibu mzee Makhoha.

Bernard Makhokha: Ninashukuru kwa nafasi hii na nina pendekezo ambaye nitapeana kwa Tume ya Katiba. Kaba sijaendelea ninawashukuru kwa wote na zaidi ya nyote tuko hapa kwa sababu tuko uhuru isipokua jambo la kushangaaza ninkitazama nyuma ninavyoona hatuja waheshimu watangulizi wetu ambawo wametufanya tuwe uhuru. Vile ninakumbuka kuna mtu tunaita Dedan Kimathi ninapotazama picha yake hutokwa na machozi na ninaposoma gazeti ni kwamba familia ya huyu shujaa ni fukara kama mimi. Basi kusudi ya wananchi wa Kenya kupugania uhuru yalikuwa mambo machache ninavyo kumbuka maana uhuru imepatikana kama nikiwa mtu mzima.

Interjection: Speaker: Unataka tufanyaje.....(inaudible) pendekeza.

Bernard Makhoha: Mashujaa wa uhuru nimepeana Dedan Kimathi kama mfano, mashujaa wa uhuru wananchi wakenya nasema tuwaheshimu. Kwa mfano: Dedan Kimathi alishikwa Kamiti na ningependekeza kama heshima ingepewa ni mifupa kuchukuliwa na izikwe na jamaa zake na wengine pia. Makusudi ya uhuru ilikuwa tutoe mali yetu ambaye ni ardh ya Kenya

kwa wakoloni. Mwishowe wananchi wa Kenya wagawane hii mali, yaani National cake, na hii ilikuwa mambo matatu makubwa shamba ambaye ni udongo, afya na elimu.

Kwa upande ya mashamba wananchi wa Kenya wengi hata hapa tulipo tuko rezervuni ndio, lakini tunamasikwa. Ningependekeza kila mwananchi wa Kenya at least angalau apewe na Serikali ka shamba acre tano.

Upande wa afya: ninashangaa mahali cost sharing ilitoka, tulipata uhuru tukiwa watu milioni nane, tulikua tunapata afya bure, na wakati huo siku ya retirement...

Interjection: Speaker: We eleza tu katika health, afya unataka iwe namna gani?

Bernard Makhoha: Hautatosheka bila mimi kukuelezea namna gani.

Speaker: Tunajua kule imetokea.

Bernard Makhoha: Vile ilivyo tokea unajua?

Speaker: Tunajua ndio maana Serikali ikasema nendeni mukasikilize maoni watu wanafanya nini kurekebisha Katiba.

Bernard Makhoha: Basi mtasaidiana na mimi kwamba ukirudi kwa record saa hizi watu wanakufia nyumbani wengi kwa sababu ya cost sharing.

Speaker: Ndio sasa tufanye nini?

Bernard Makhoha: Nikupe mfano ndio utatosheka: sababu sisi vile ninajua kodi ya wananchi wa Kenya iko kwa purchases na Kibaki ndio alileta hiyo kitu. Tunalipishwa kodi kupitia purchases, any purchase, you make ndio taxes. Hilo mambo ya requirement kitu 55 years wazee tulikuwa hatulipi kodi, leo hii tunaendela kulipa, wababa walikuwa hawalipishwi kodi leo hii wananlipa, mtoto akiingia kwa tumbo ya mama ananaza kulipa hio kodi na familia ikienda hospitali tena cost sharing iko huko.

Speaker: Sasa tufanye nini mzee wangu?

Bernard Makhoha: Tukiwa 30 million people, hii kodi tunalipishwa through purchases inafaa nitume wananchi ambayo hatuwezi kulipishwa tena services ya government.

Speaker: Kwa hivyo nikama unasema health iwe bure.

Bernard Makhoha: Ni kama ninasema health iwe bure, kwa sababu mwananchi tayari analipia.

Speaker: Tunajua tutayeuka namna gani.lakini wewe....

Bernard Makhoha: Na nimeshaa waambia watu wakifaa millions ni za nini kwa sababu, wameshindwa kutowa pesa za kununa blade na.....(inaudible) nimehudhuria na macho yangu.

Speaker: Haya endelea na Elimu na usema tufanye nini kwa nyingine?

Bernard Makhoha: Kwa upande wa elimu: kulingana na cost sharing ile tumedanganywa elimu ni bure, tumeshuhudia midomo ikipigwa elimu bure lakini vitendo vika fukuza watoto shuleni na kurudi nyumbani.

Speaker: Kwa hivyo pendekezo.

Bernard Makhoha: Pendekezo ni elimu hiyo inatajwa ni bure iwe bure.

Speaker: Haya nyingine, ya mwisho.

Bernard Makhoha: Nyingine ni taxes ambaye nimesema kila mahali watu wa ushuru huku na kule, hiyo tumekubaliana.

Halafu retiree's: retiree's wanapewa pesa zao za retire na watajua watazitemia namna gani. Ningependekeza Serikali iwatayarishie na itoe hizo pesa kwa jumla kwa wakati moja.

Kama inawezakana huku nyumbani kuna vyama kama vya co-operative na vingine vingeni wajiunge navyo kwa sababu watapata mwelekeo mzuri.

Speaker: Haya tuambie la mwisho mzee zingine tutasoma.

Bernard Makhokha: La mwisho ni mambo ya viama vya siasa na umasikini, ni mambo mawili hayo. Mimi ningependekeza viama vya siasa viwe nane kila mkoa inasemekana ni ukabila lakini ni sawa.

Na uongozi wa kile kiti kikuu kiwe rotational, sababu vita mingi vinatokana na kiti hiki na kama Katiba itasema ni rotational kila kabila itafaa kujua wakati ule watapewa.

Halafu umasikini:

Speaker: Halafu ya mwisho tafadhali.

Bernard Makhokha: Ndio hiyo. Umasikini tunalia sana upande wa njaa, kama ma- holidays mengi ambaye tunatumia wakati wake mwingi bila kupenda.

Speaker: Kwa hivyo tupunguze siku za holidays?

Bernard Makhoha: Kuna zingine ambazo si lazima.

Speaker: Kama ipi?

Bernard Makhoha: Holiday kama ya January mimi ninaona kwangu haina maana.

Speaker: Ni juu ya?

Bernard Makhoha:(inaudible)

Speaker: Nyingine.

Bernard Makhoha: Holiday nyingine ya tarehe ishirini na tano, mimi ni mhuburi upande mwingine kitabu cha Bibilia hamsini na mbili, inatuambia ilikua mfalme akisherekea na mfalme mwenzake baada ya kumtoa gereza. Kwa hivyo hii sheria haina maana kwa nchi yetu.

Speaker: Asante sana mzee umechukua zaidi ya dakika saba.

Bernard Makhokha: Na makanisa yako elfu mia tisa yapunguzwe yawe elfu sita.

Speaker: Haya Asante sana, makanisa hapa Kenya?

Bernard Makhoha: Ndio yapunguzwe.

Speaker: Yako elfu mia tisa.

Bernard Makhoha: Ndio, yako elfu mia tisa na ndio kumetokea hata makanisa ya kuabudu shetani na kufanya wizi huku.

Speaker: Kwa hivyo tuite yawe elfu sita.

Bernard Makhoha: Eifu sita.

Speaker: Haya asante sana Mzee nenda pale uandikishe jina lako.

Bernard Makhoha: Lakini umeniharakisha.

Speaker: Nimekuongezea muda zaidi.

Bernard Makhoha: Nipe succession tu.

Speaker: Hapana mzee wangu tafadhali, tadadhali tuko na watu wengi tafadhali hiyo imetosha. Edna Nyetega, Charles Lutta, Edwin Wabari naye awe tayari.

Charles Lutta: I'm Charles Lutta a Kenyan man aged 35 years old Manda sublocation, Butere Constituency. I wish to make my submissions to the honorable Commission with a view of laying a concrete foundation for our beloved Kenya. I come from Bimanda youth and I wish to propose the youth in this government. Be allocated a Ministry or national kitty that caters for the wishes of the youth in Kenya. For instances we've got cases of employment where are made and youth is expected to be mat be above 35 years, some of the youth have not had employment for quite along time and when the age comes to 35 years, some of the youth are ruled out making them not very easy to get employment in this country.

Interjection: Speaker: Your next point.

Charles Lutta: My next point is, dismissal from jobs whether parastatal, public sector at least there should be a contract between the employer and employee, so that dismissals can only be done after a notice has been served to the employee.

Ownership of land and property I have got a feeling that at past the child does not choose parents but when a child is born property and land should be allocated not by favour because birth is not by favour.

Our youth should not be used in political rivalry, say using youth to go against your political rivals especially as we've got elections in Kenya.

In terms of employment: for one to get employment we should not have god fathers, because we all believe that we've got AIDS and may be the god fathers have died very soon we should have god sons where youths can also use god sons instead of god fathers.

On AIDS and HIV: the government should order for drugs that fights AIDS and HIV so that our Kenyan population can get drugs easily, rather than the poor dying of AIDS and maybe the rich is being able to push for some time.

On succession: the government should recognize the evidence who should succeed the property of the late and not using huge sums of money for one to benefit after the father has died. Because I want to believe that the birth certificate and may be ID card is not prove enough for one to have ownership from the father. (*Interjection inaudible*)

The government should introduce some other document that is able to prove, because.. ..(inaudible)

On land tenure: weve got examples of vast land in the North Eastern Province where big land lies fallow. I've got a feeling that if anybody has got over 35 acres of land and maybe his got one son or two children, such land should be given to the government so that investors can deposit money in this farm the farm will be paying the government and pay the owner of this land, for income generation.

Lastly, children born out of wedlock: I ve got a feeling this should be considered in government property. So that the government will be able to see about their school, employment and may be any ownership if there is need.

To end, ladies and gentlemen I wish to thank the honorable Commission for coming to Butere to listen to our views and I want to wish you all the best. Thank you Sir.

Com: Swazuri: Thank you very much, God bless you. Edwin Wamai he is not there, Ernest Okutoyi karibu.

Ernest Okutoyi: Majina yangu naitwa Ernest Okutayi natoka Renyuo location Butere division hapa nawakilisha kikundi cha Muongeze youth group.

Kitu cha kwanza wamependekeza hivi: urithi ibaki tu kama zamani, wasichana wakioolewa warithi mali za bwana zao, lakini wawe kama wameoleka kwa muda wa miaka kumi chini ya hapo haruhusiwi ama kama ameolowa amenda haruhusiwi kurithi mali yeyote. Mali ya baba ibaki kwa vijana.

Pendekezo la pili, utawala: "liguru" mzee wa mji achaguliwe na raia wenyewe na Serikali iangalie na imlipe kitu kidogo.

Naibu wa Chief, Ass. Chief: wamependekeza wote wachaguliwe na raia ni kama vile wanaambia Serikali wapate transfers wawe wanatoka area moja na kwenda ingine kama wafanyi kazi wa Serikali. Hata Chief wafanyiwe hivyo vile manaibu wawo wanafanyiwa.

Elimu: Wamependekeza hivi, shule zote za msingi wapatiwe masoma ya bure, sio bure kwa kusema lakini bure ya kutenda.

Kama zamani shule wanafunzi walikuwa wakipata vitabu, kalamu na hata vitu zingine kama madawati. Lakini walikuwa wanalipa karo tu sasa kama wamesema masoma itakuwa ya bure, mzazi agharhamia mavazi ya shule peke yake. Kila shule

Serikali iwaajiri walimu kulingana na madarasa ya shule na walimu wote wawe wakifundisha. Na headmaster na deputy wawe kando kama sa hii tuna standard one mpaka darasa la nane tuwe na walimu nane kulingana na hizo darasa na sasa kwa jumla wata kuwa kumi, chini ya hapo wanafunzi wanasumbuka na na masoma.

Serikali: President achaguliwe na raia na asiwe Mbunge. Umri, President anatakina awe kati ya miaka arubaini na tano hadi sitini, chini ya hapo ama zaidi ya hapo sio mzuri.

Interjection: Speaker: Ya mwisho

Ernest Ntoi: Awe na Makamu wa Rais wawili na Prime Minister mmoja.

Ya mwisho, hospitali tupate matibabu ya bure kutoka kwa Government na maiti tupelekwe kwa hospitali post mortem ifanywe bure.

Na a mwisho kabisa government igawanye katika nchi yetu yote sawa bila kuchagua hapa na pale.

Com: Swazuri: Asante sana Ernest, Mika Nabo, Beatrice Namunga karibu mama.

Beatrice Namunga: Majina yangu Beatrice Namunga kutoka Manda central

(Inaudible) sub location Butere. Maoni yangu ni:

Ikiwa mtu anaweza ku-rape mtoto wake, ni Iziwa afungwe maisha, ama anyongwe hiyo ni kitendo mbaya sana katika Kenya. Mtoto ambaye amemwua mwenzake na mchana anaonekana ni mtu fulani ameua, huyu mtu anatakika apelekwe ndani maisha; kwa ajili hiyo ni kitendo mbaya mbele ya Mungu. Kila wakati mtu akiua mwenzake anapelekwa kortini anafungwa kidogo anarudushwa nyumbani hiyo ni makosa sana mbele ya Serikali.

Ya pili, mfanyikazi: tumeanza kuona watu wanafanya kazi ngumu sana sana na wanalipwa malipo ya chini sana, for example watchman, watchman ni mtu wakuuza maisha yake na tunapata anafanyia shilingi mia saba peke kwa mwezi. Hapo nimbaya sana na haikuwa makosa yake yeye kutosoma; kwa hivyo alipwe haki zake kwa njia ya ukamilifu. Na hawo watu wenye wanajenga mjengo walipwe haki yao kwa pesa ya juu sana kwa ajili hiyo ni kazi ngumu sana.

Ya tatu, mashamba yasiuzwe katika Kenya mzima, hiyo ipigwe marufuku sana kwa ajili wazee wengi wananyeta sana katika boma na wakigombana kidogo na watoto yao hapo inaonekana wanaanza kuweka shamba yao kwa market, iwe sasa akifariki hao watoto waanze kuteseka sana. Kwa hivyo sisi hatuna shamba katika Kenya na ningeliza Serikali ipige marufuku badala ya kuuza shamba kwayajili wazee wanatesa watoto.

Jambo langu lingine ni, polisi ukienda kuwaita wakuje washike pombe wanakiimbia sana, na ukiita polisi wakuje abebe yule mtu amepata road accident, hawashuguliki watachukua mda mrefu mpaka mtu akae njia ni na hata anza kufa na hata hao polisi

hawajaingia. Lakini wakati wa pombe wanakimbika sana sana kuja kushika mwenya ametengeneza pombe na hiyo ni mbaya sana na Katiba ipitishwe.

Nyingine ni: mimi niko kwa hospitali na tayari nimekufa itabidi watu wangu wapeane bill ya juu sana kama ni elfu thelathini lazima ilipwe ndio nienda kuzikwa. Lakini mwenye ametoka hospitalini na angalau hai pia ni elfu thelathini, kwa nini? Mimi mwenye kufa tayari watu wangu wa jamii wamepata hasara tena madawa ya hospitali imepatwa na hasara. Kwa nini wasiweke bill chini, Mimi mwenye kufa ni lipe hata elfu saba, na mwenye ametoka hai kwa hospitali alipe pesa kwa ajili yeye anatembea. Tafadhalini hiyo ipungzwe.

Ya mwisho, polisi wamenipeleka kule hospitali kwa chumba cha maiti na mimi nimefariki. Kwa nini hawawezi kunisaidia mpaka dakika ya mwisho, kunipeleka watanipeleka huko na wataniwacha hivyo, na mimi ni masikini sana ama jamii zangu ni masikini. Kwa nini wanipeleke tena wanirudishe? Hapo watatusaidia sana kwa hivyo wanipeleke pia wanirudishe. Ni hayo tu Asante.

Com: Swazuri: Asante sana mama, mwenyine ni Okoth Wycliff, Wycliff.

Wycliff Okoth: Constitution Review Chairman na Members nawasalimia, na jina langu ni Wycliff Okoth nikiwa Secretary Unoin of Kenya Civil Servants Butere Mumias. I have a few recommendations to put across following this Review and I will start with:

- 1) Kenya Legislature: the Parliament should vet the appointment of Attorney General, Chairman Electoral Commission, Permanent Secretaries and all Ambassadors.
- 2) There should be no Nomination of MPs, it is not a necessity since wananchi have already elected people who should represent their interests in the House.
- 3) We should continue with multi-partism or multi-party system of government but after the election we should form a coalition government, since all MPs in the House represent our interests respective of their party diversity.
- 4) The President should dissolve the Parliament: it shouldn't be the duty of the Parliament. The Constitution should set the procedure the Parliament will follow to dissolve itself and that period should be specified and if possible the date. The powers of the President should be limited and he should not be above the law. There should be a post of Prime Minister who should appoint Ministers and Assistants.
- 5) On citizenship: when foreign women get married to Kenyans they should automatically become citizens, subject to recognition of the contract of marriage.
- 6) On Constitutional Commissions and Corruption Commission, should have the powers to probe inquiry, investigate, accuse the culprit and retrieve back the assets so involved in the corruption charges.
- 7) On human rights: the Commission should have powers to supervise and ensure all Kenyans access themselves to their rights. They should as well provide lawyers for Kenyans who need legal services and cannot afford.

- 8) On Local Authority: Mayors and Councillors and Council Chairmen should be elected directly by wananchi for a term of 5 years.
- 9) Basic rights: a) there should be no death penalty in Kenya since it denies Kenyans their right to life, but otherwise other penalties should be put in place to check these areas.
- 10) Income less Kenyans should receive free medical services and those employed should be covered under NHIF scheme, which should cater for 100% of medical bills for such employees. Right now the scheme is only catering for a very minor percentage, but we want civil servants and other employees in private sector to be covered by NHIF 100%. But the non-employed Kenyans should receive free medical services.
- 11) The Constitution should reflect provision for free primary education all over Kenya.
- 12) The Constitution should guarantee all workers the right to trade unions representation.
- 13) The power to dissolve a trade union should be vested with the Parliament especially when it becomes clear that some trade union is acting contrary to the Constitution of Kenya. An example, the union of civil servants was banned some years back in Kenya this has led civil servants to suffers so we encourage that next time the new Constitution should provide for such dissolutions through money and after discussion.
- 14) Other basic rights: the government should not interfere with wananchi during their day to day social interaction i.e. traditional ceremonies and Africans should be allowed to brew and consume local brews, that have been tested and approved by the Kenya Bureau of Standards (KBS).
- 15) Wananchi should be accessed to free and clean water because water is a natural gift of God. Otherwise a very minimal fee of 20% can be charged for maintainance and costs.
- 16) No Kenyan should be landless, all Kenyans must posses land. Those who possessing over 50 acres should donate at least 10 acres to fellow landless Kenyans. The land should belong to the community.

Com: Swazuri: Last point we will read the memorandum.

Wycliff Okoth: Okay. Then finally, haki za wanaume pia tunaomba sana Katiba ijayo ijaribu kuangalia na kuhakikisha ya kwamba wamama hawoatunyanyasi. Kwa sababu wamama watunyanyasa kwa njia nyingi unapata mumea na pigwa ovyo anaumizwa akilalamika hakuna mtu anataka kusikia, halafu baadaye unasikia ni haki za wamama kwa hivyo wazee pia Katiba inangalie haki zao. Asante.

Com: Swazuri: Asante sana natumaini ni wachache wakina baba wa Mumias. James Ouna ni wewe? Haya karibu haraka haraka pamoja na mwengine atakuja ni Francis Shiraku, ako karibu, Francis yuko haya uwe karibu hapa.

James Ouna: Jina langu ni James Ouna hapa ndio kwangu.

Com: Swazuri: Hapa kwa hall. (Laughing)

James Ouna: Hapa Butere na mimi nina machache tu. Neno langu la kwanza hapa kama wengine wamezungumza nilikuwa nimesha andika zama ni neno kama la kupaka au kunajisi .Ningechukua mtu huyu akishikwa afungwe maisha kwa maana mmoja wa wauaji.

Neno la pili, wazee wasibaguliwe pia nao wanaweza kuendeleza hata kama wanaweza kuendeleza pamoja na vijana, kwa maana kusipo kuwa na mzee kijana atakua dictator.

Maneno kama hii ya ufisadi inafaa huyo mtu anyang'anywe hiyo mali na afungwe tena.

Upande wa education: inafaa form 5/6 irudishwe. Ni hayo tu.

Com: Swazuri: Asante sana, karibu Francis.

Francis Shiraku: Mimi jina naitwa Francis Shiraku kutoka Marenjo location. Katiba iko kutoa kawaida ya Katiba viletunafinywa na Serikali ya(inaudible). Katiba ya siku hizi sio Katiba sasa nataka Serikali ijao, hatuka mtu akipitishwa Urais sababu makosa itapatikana kama ya siku hizi.

Ya pili,

Com: Swazuri: Kwanza maliza hiyo.

Francis Shiraku: Hatutaki kusukumwa na Rais tunataka mtu fulani hiyo hatutaki.

Halafu tunataka Katiba ijayo, tunataka turuhusiwe busaa sababu hatuna busaa na hiyo ndio kimila ya watu wa Magharibi.

Jigine, polisi akitoka hapa kwa station akuwe na warrant ya kushika mtu, awe na warrant ya kupelekea yule anatakikana kwa ukora hiyo. Ni hayo tu.

Com: Swazuri: Asante sana nenda pale ujiandikishe, asante sana mzee kwa maoni yako. Benson Mandula hayuko, Suleiman Oluteya.

Suleiman Oluteyo: Kwa majina naitwa Suleiman Oluteyo mimi ni Chairman wa(inaudible) katika divison.

Nitazungumzia kwa upande wa uwongozi katika Kenya mimi na zungumza: Rais awe anachaguliwa kutoka kwa mkoa hadi mkoa mwingine na akichaguliwa kutoka kwa mkoa hadi mkoa mwingine kwanza achaguliwe na raia wa mkoa huo ndio a present kwa mkoa zingine atafute kura kule. Raisi achukue vipindi viwili.

Na kwa nyingine nitazungumzia kwa point ya rasilimali yetu ya Kenya: rasilimali yetu katika Kenya nasema namna hii tuko na na Ministers ambao wanasimamia ministries katika Kenya, mali yote ambaye itakuja igawanywe iende katika province sawa sawa na igawanywe vizuri katika district, katika division hadi location na sub location ikiwa ilipelekwa kwa reserve Western province. Na wasimamizi watakuwa watasimamia namna hii:

Wanakamati watengenezwa kutoka kwa sub location, location, district, division upto province level wawe wanasimamia hii mali kuwa angalia imetengenezwa sawa sawa ikiwa barabara ikiwa shule, ikiwa pesa sisi tunaweza kutengeneza mali ama(inaudible) yaani kila jambo ambaye aitakuwa na wakifika kwa mkoa huo isamiwe na hiyo community wenyewe ndio wakuwe wenye ku- monitor na kufanya evaluation na kufanya kesi kuangali hiyo malia imelipwa sawa sawa imetengenezwa sawa sawa itakuwa inaangaliwa na community wenyewe na...

Com: Swazuri: Tumelewa sema point nyingine.

Suleiman Oluteyo: Ni hii tu mbili.

Com: Swazuri: Haya asante sana bwana Suleiman. Joseph Ndukwe, Joseph.

Joseph Ndukwe: My name is Joseph Ndukwe from Mareno location in Butere division, I present my venue.

.....(Inaudible) and also I present Shikunga water project. My points to present before you are as follows.

- 1) The benefits of the retired people should be reviewed when or after serving and when other officers who finished the services salaries are being considered. This will(inaudible) the life of this people and leave as other people in other countries properly.
- 2) MPs are to be promoted to Cabinet Ministers in accordance to their performance in their constituencies such as developing the areas they come from in their constituency, building some hospitals, building schools through the way of harambee like wise to Councillors.
- 3) The deaf people should be given some priorities where ever they go to government officers seeking for some assistance, so this people are unable to assist themselves. And as such they should be given some assistance and serve diligently to places where they came from.
- 4) The period of succession of deceased land should be reduced to three months for the longer period it takes. Creates confusions for other people of the next of kin may again die and as such the follow up of the matter maybe complicated.
- 5) Inorder to reduce the killer disease HIV Ukimwi, before any man or any women get together or seeks for marriage they should report before the medical officer for examination and after such a examination it will satisfy whether positive or not positive then from that end they should be given a certificate simultaneously when it is allowed this people they are free from HIV or one of them is not free. Thank you very much I wish the Commission to present the point's diligently.

Com: Swazuri: Thank you very much. Paskalia.

Paskalia Makocho: First of all I want to thank the Commissioners for coming to listen our views. My names are Paskalia Makocho. I will start like this:

- 1) Women should be given first priority in inheritance e.g. land and some other properties at their parent's home.
 - 2) The government should consider all orphan girls give them free education.
 - 3) Wife inheritance must stop and the wife should be left to remarry a man she loves after her husband dies.
 - 4) All school leavers should be given a percentage of a salary for at least 1 year to enable them go on to avoid idleness.
 - 5) Women should be considered in the government decision-making.
 - 6) All retirees should be given equal percentage of their previous salary e.g. If a teacher gets 50% of his salary a President should also be given 50% not more.
 - 7) A half of the heads of the department should be women.
 - 8) Any government senior personnel should be procedural that according to his/ her merit and not by being appointed by the President. Like the Commissioner of police, Ambassadors etc.
 - 9) Any National leader should be through election not appointment.
 - 10) The government should monitor its properties like the ministry of health, example. You go to the hospital and there is no medicine but a doctor describes where you are going to buy the medicine from his own clinic, which is wrong.
 - 11) A woman should always be allowed to inherit her husband's properties incase of death and not in-laws.
 - 12) Then if a man goes on marrying a second wife embarrassing the woman he has, then a woman should go and marry a second husband.
 - 13) A President being a head of State should not campaign for any other politician or leader but serve all Kenyans in unity.
- Thank you.

Com: Swazuri: Thank you very much have your name recorded there. Now we want to listen to Stanley Sakwa, Rashid Kei not there, Yotiba, she handed in her name then we want to listen to Kevin Orutoyo, Josphat hayuko, Councillor Wanjiriton Councillor yuko wapi ameenda, Enerst Oraile, Charles Wandati.

Charles Wandati: My names are Charles Wandati I'm here to present the views of Patini teachers of Bokolo primary school in Butere division. There(inaudible) and single fathers(Inaudible).

- 1) Constitutional supremacy: major amendments in the Constitution should only be done by Kenyans through a free referendum. Sick MPs are sometimes to vote.
- 2) Political parties: that Kenya shall be a one party State and only afew political parties of national outlook should be registered and the government should sponsor their operations.

Interjection: Speaker: Are saying that we are going to have one party or many parties they cannot be both.

Charles Wandati: A few.

Speaker: No, no few is more than one, so it cannot be a one party state with a few political parties. So do you want a state with one party or a state with many parties like 2,3,4, 5.

Charles Wandati: Many.

Speaker: Many okay, multi- party.

Charles Wandati: Next point is: secret ballot system should be maintained.

MPs and Councillors: if they are winners of simple majority cards.

Nomination of MPs or Councillors being dealt on professional contribution from individuals and distributed among the winning party considering the degree of success in the vote.

Presidential elections: in order to avoid a sketch of a few big tribes to dominate the political field or law, the Presidential winner should achieve 25 % votes in 5 provinces and a random selections being undertaken in case a candidate with 25% in 5 provinces and not less than simple majority compared with?yet have less than 5 provinces. And in this situation in case arises the winning candidate can be determined by simple majority vote of 51%.

Local Authority should be strengthened in management and by nation donation from central government. That mature and educated Councillors be elected.

Proper development plan and budget to improve the local areas be encouraged.

Distribution and increase of constituencies and wards should strictly be on the population ratio.

Speaker: Last point.

Charles Wandati:(Inaudible) Education: universal free education should be stated out very clearly. The states to allocate funds that can meet school budgets.

Existing schools be developed and discourage many mushrooming schools. Compulsory enrolment of pupils in nursery and

standard one is encourage be compulsory.

A ban on cost sharing policy as it contradicts and makes free universal education be just security.

Speaker: Last point please.

Charles Wandati: Every child should learn up to class 8.

Speaker: We are going to read the rest, thank you very much. AA Wanda hayuko, Harrison Angucha, Francis Mukoko welcome bwana Francis to sikize maoni yako.

Francis Mukoko: I'm here to represent Toma Parish youth group and I m Francis Mpaka Mukoko.

- 1) Liguru, sub Chief and Chief should be elected by people and liguru should be paid by the government.
- 2) Any Kenyan citizen aged from 18 either male or female should be given chances to be chosen as a leaders e.g. MPs, President, Councillor and so on.
- 3) The President is not supposed to be an MP. He is only to be a leader of state. President is not supposed to be Chancellor of all universities in Kenya, that is every university should have its own Chancellor. Thank you.

Speaker: Songa Alph hayuko, Joel Eshiko hayuko, Aggrey Masikili, Martin Akwenda, Julius Obongo.

Julius Obongo: Asante sana Ma-commissioner, mimi kwa majina naitwa Julius Obongo Okiro, mimi natoka Shrenda sub location Butere township location, mfanyi biashara. Mimi nitaongea mawili ama matatu.

Ya kwanza, naona ya kwamba education kwa watoto wetu iwe ya bure, Serikali isaidie kwa njia yoyete kuonekana kuwa watoto wetu wamelimishwa.

Ya pili, upande wa kazi, naonelea kwamba kazi iwe ikipatikana kwa watoto baada ya kuelimishwa sababu ndio chanzo, ndio sababu tunaelimisha watoto. Nikirudi hapa naona ya kwamba wale wamefanya kazi kwa masektor tofauti ama kwa Serikali kwa muda mrefu wakiwa wamesha retire wangali wanarudi na kuendelea na kazi. Na wale watoto wamesoma wamemaliza shule wamekua wamekosa kazi, hiyo haistahili. Unakuta retiree bado anarudi ndio Chairman mahali fulani, ndio nini na nini hiyo haistahili.

Nikiwacha hapo narudi kwa upande wa politics kidogo: mimi kwa maoni yangu binafsi naona ya kwamba tuwe uhuru natuwe free na tukose kukuwa na ukabila ambaye inasumbua Kenya kwa wakati huu, tupeane nafasi kwa hi makabila ambaye tukonayo Kenya na mnajua ya kwamba hayo makabila wanatoka kwa provinces ambaye tuko na na province nane. Hii ma-province kila province iko na kabila fulani ambaye inawakilisha hiyo province kwa mfano: Western tunajua Baluhya ndio majority ndio wenye hii province, tukienda Nyanza the same hata Central. Kwa maoni yangu nilikuwa naona ya kwamba kama

Commission wange onelea kwamba hii mamlaka ya utawala ambaye sasa imepamba moto saa hii ya succession ya President, wangepeana nafasi hii. Kila province wapewe nafasi...(end of tape). Yao inakamilika wakati huu mbona wasipewe hiyo nafasi kwa province hiyo ingine ambaye itakua wana province Presidential candidate. Hatuka kuwa na mavurugano na ya kwamba tukifanya hivyo hata hii ukabila itaisha, sababu ninajua ya kwamba kama leo ni yangu nitafanya vizuri nikijua kesho itakua ya mwingine sita dhulumu watu wengine na nitafanya vizuri ndio ikifika ya watu fulani nifanyiwa vizuri.

Tukumaliza hayo turudi hata hivyo kwa vye vingine kama Cabinet Ministers, DO mpaka DC, PC natugawe sawa sawa tukifika tuone ya kwamba Central province watu wana Ministers ngapi kama Kenya as a whole tuna Minister kama thelatini ama ishirini tugawe kwa hizi provinces nane tujue kila province ita-produce Cabinet Ministers ngapi. Nafikiri tukigawa hivi sawa sawa hatutakuwa na mvurugano, ukabila, kung'angania uongozi ama succession ya President ingine inaendelea kwa wakati huu.

Interjection: Speaker: Haya asante sana umemaliza.

Julius Obongo: Nimemaliza.

Interjection: Speaker: Ngoja kuna swali.

Com: Salome: Asante sana kwa maoni yako Bwana Obongo na nina maswali mawili. La kwanza, ni kuwa.....(inaudible) mkoa umetaja mikoa tunayajua makabila wanaishi uko nje tukienda Eastern tutapatia nani kama ni ukabila tunafuata? hiyo ni swali la kwanza. Swali la pili, tumezungumzia kutoka asubuhi kuwa tukipata mipango yetu tupate kwa uwinngi wa watu, mikoa yetu haina watu waliotoshana kwa hivyo tukiendelea na mambo kama hayo kwa Katiba tutafanya nini juu ya watu wako wengi kwa mkoa moja kuliko watu wa mkoa mwingine? Hiyo imekuwa maoni leo tumepatiwa kwa hii hall.

Julius Obongo: Mimi nilikua naona ya kwamba, tuenda kwa mkoa mmoja ambaye ina kabila tofauti, tukishatupa mpira kwa hiyo mkoa, hao wengine wata-reorganise na wachaguane na waone proposal yao ni nani wamepitisha huko, na ndio wataleta hao Presidential kwa country mzima.

Ya pili, tukiwa tunagawa tusingalie wale matajiri ndio wanastahili kuongoza Kenya, ama wale watu wengi ama wadogo ndio wataonngoza. Tupeane tu according to provinces na tugawe equally bila kujali hao ni wengi ama hao ni kidogo, hawo ni namna gani. Hiyo ndio maoni yangu.

Com: Swazuri: Asante sana kwa maoni yako njoo upande huu. Rosia Shiteti yuko huyu, John Maupache hawako, Daniel Okoko, Simon Anguba. Kuna mtu ambaye hajaandikishwa na angependa kutoa maoni yake? Au aliandikishwa na hakusikia Jina Lake. Mzee ulizungumza na unataka kuzungumza? Sawa karibu, kila mwananchi tumpatie nafasi.

Apollo Anyangu: Kwa majina naitwa Apollo Anyangu, ninakaa Kubana sub location Shianda location na mimi ni mzaliwa.

Interjection: Speaker: Jina lako.

Apollo Anyangu: Apollo Anyango. Na mimi maoni yangu ni hii:

Upande wa Chief na ma- sub Chief: hao nataka wapigiwe kura, basi tuwekwe kule nje mwingine anaweza tuma application yake naye(inaudible) achukue kile kinamchukulia huko atakuja kutawala. Na watu watakuja kutawala hao na yeye(audible) ni ya huku. Sasa akija huku anaanza kukoroga watu, ndio tunataka yeye asimame pale pale na mwingine tumpigie kura. Kama si sawa kama akitaka kurudi kwa kazi yake arudi. Hiyo ndio ina kuwa.(*interjection inaudible*).

Ya pili, sisi hatuwezi kuwaambia mrudishie wanawake mashamba, hiyo wata fukuza wazee kama mimi hawezi kukaa na wewe. Sisi kama nishakufa mimi achukue shamba, na mimi kama ni kijana bado asichukue shamba tukae nayo. Lakini akiruhusiwa aende akuwe msichana wangu apate shamba, yeye atanifukuza pengine anachukua bwana yake huko amlete hapa na wewe kama mzazi unakaa chini ya msichana yako hiyo ngumu.

Speaker: Haya nyingine.

Apollo Anyangu: Sisi hapa Waluhya tulikuwa na mtawala wetu wa zamani alikua anaitwa Mumia. Na huyu ndio alikuwa natawala sisi sasa alipokufa hata Mulama amekufa na utawala huu leo sisi tunaka Waluhya leo tupatiwe kama wazee mkitupatia sisi tutawacha Majimbo, maana ukikula chakula ni hii mambo ya siasa tena ikule. Wewe peke yako ndio unakula na mimi njaa inaniuma, wewe unakula na njaa inaniuma. Shujaa wetu mimi naanguka chini, inafaa wewe ukule na uniwachie kidogo na mimi vile vile nikule. Adabu hiyo ndio umoja wa nchi, na wewe moja unarudia, moja unarudia na mimi nakuangalia hiyo tunaona hataki. Zamani mtu walikuwa wanapigiwa kura wanaona mtu yule anapeana kitu ndio alikuwa anachaguliwa na yule mchoyo hapana chaguliwa. Yule najuana Anaenda kunyima watu kitu ama kuwa na busara. Basi

Speaker: Haya tumelewa nyingine.

Apollo Anyangu: Ndio hiyo tunaona watu wa Butere na Mumias tulikuwa na Nabongo Mumia.....(inaudible) tupate.

Speaker: Haya sawa nyingine.

Apollo Anyangu: Imekwisha, tupate sasa utawala kama hapana pata sisi leo Majimbo.

Speaker: Haya hebu kaa mzee kidogo kuna swali, kaa.

Com: Salome: Asante sana mzee kwa maoni yako, umesema ya kuwa watu wale wamepata utawala miaka mingi, wasipate tena mtu mwingine apate ndio vile ulivyokuwa unasema? Mzee wangu unanisikiza?

Apollo Anyangu: Ndio.

Com: Salome: Umesema kuwa watu wale wamepata utawala wasipate tena watu wengine wapatiwe? Ndio vile umesema?

Apollo Anyangu:(inaudible)

Com: Salome: Sasa naye akina mama wanasema kina baba wamekua na ardhi kwa wakati mwingi sasa ni wakati wao, sasa hiyo umeelewa. Kama vile Waluhya wanataka utawala, nao kina mama wanataka kuwa na ardhi.hiyo unaelewa?

Apollo Anyangu: Hiyo ardhi ukiwa hakuna watu wakimchukua hapana mbaya, lakini sisi tumeona kwa maoni yetu kama mwanamke akirudishiwa shamba na wewe ni mzima ana kufukuza ndani ya shamba.

Com: Salome: Lakini wewe unaona ni vizuri Waluhya wakubalishwe kukosa utawala wakati wowote.

Apollo Anyangu: Tunataka Waluhya, maana kutoka zamani Waluhya hawajatawala hata kidogo.

Com: Salome: But sasa watawale.

Apollo Anyangu:(inaudible)

Com: Salome: Na hawo kina wamama wanataka ardh wapewe kwa sababu wanaume wamekua nayo miaka hiyo yote.

Apollo Anyangu:(Inaudible)

Com: Swazuri: Asante mume kubaliana na mama. Hayo maoni yako hatuta yabadilisha kwa hivyo nenda pale uandike majina yako. Madam sorry.

Mary Otari Wandati: I'm Mary Otari Wandati. Many issues have been said and therefore I will just have I few issues here and there:

- 1) Preamble: the issue of gender equality of all citizens regardless of race, ethnicity ways.....(Inaudible) gender, class or political aspiration should be put into consideration.
- 2) Principal of State policy: I feel that equal distribution of power to enable active participation, management and control of

resources by the citizens.

- 3) I also feel that 50% of women representation in Parliament and all leadership and policy representation.
- 4) Citizenship: all Kenyans men or women must have an automatic citizenship.
- 5) Political parties: I feel that, political parties in Kenya to be two: the ruling party and the opposing party. Every party should allow 50% women representation
- 6) Structure and system of governance: I feel the current system of government has failed to pass the questions and economic requirement of most Kenyans in particular women. I therefore recommend that, there should be devolution of power to bring power back to the people.
- 7) Electoral system and process: I recommend that gender balance in the Electoral Commission be imposed to no less than than 35 % representation.
- 8) Rights, child rights: I recommend that all children shall have a free and compulsory primary education just as others said.
- 9) Girl child and education: I recommend that mothers should consider a girl child rights just like a boy child by developing progress to promote women literacy.
- 10) Employment: there should be free compulsory and quality education for all the citizens of the country up to and of primary education. There should be guarantee of full employment for all citizens depending on their education level.
- 11) Poverty and women: the women are affected with poverty more than severely than men in the same community since they are found in homes regularly. Therefore the Constitution of Kenya should make adequate provision to crucial women, youth, child, persons with disabilities, and persons of age with systems, which promote sustainable poverty reduction.
- 12) Violence against women: I recommend that any abuse of rights of women be promptly dealt with by the law.
- 13) Violence and defilement of a minor shall be subject to ca....(inaudible) e.g. castration. Others you will read in my memorandum. Thank you.

Com: Swazuri: We have come to the end.....(inaudible) thank you very much wale wamekuja kusikiza ingawaje wote wameondoka, Asante sana mama na nina shukuru sana kwa kuwa na si. Madam(inaudible) we really appreciate your mobilization. (Inaudible) in mobilization and they had a very nice discussion today and we thank you for that.

Speaker:(Inaudible)

Com: Swazuri: Tunataka mmoja wenu atuombee. Councillor.

Councillor: Haya asante.....(inaudible) thank you Father(Inaudible) ma- Commissioners ambaye wamechukua maoni yetu kuhusu Katiba yetu mpya. Baba(inaudible) tena ni asante kwa wale ambawo.....(inaudible).

Meeting ended at 5.30 p.m.

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